



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Lee Whelpley
Vice Chairperson Ricky Jones
Commission Member Fred Dorrell
Commission Member Mark Jones
Commission Member Jaylee Klempa

Thursday, September 10, 2020

Time 5:00 p.m.

Council Chambers

1. Call to Order

Chairperson Lee Whelpley called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 4 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley
Absent: 1 - Fred Dorrell

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

Staff Planner, Amanda Yamaguchi, presented this Item.

- A. 20-1070** Approval of Planning Commission meeting minutes of August 27, 2020
- B. 20-1119** Approval of Planning Commission meeting minutes of September 1, 2020
- C. 20-1071** Approval of PT11-102A, Conditional Final Plat, SoundMind Behavioral Health, 14.16 acres, 2 Lots, A-1 (Agricultural) to CG (Commercial General)/(Planned Unit Development) PUD-279, one-half mile north of Tucson Street (121st Street) west of Aspen Avenue (145th East Avenue), north of the Creek Turnpike
- D. 20-1073** Approval of BAL-2094CB (Lot Combination), North Rose Block 2 Combination, 2 Lots, 1.33 acres, one-quarter mile north of Kenosha Street (71st Street), one-quarter mile east of Elm Place (161st East Avenue)
- E. 20-1093** Consideration and possible action regarding PT16-100A, Conditional Final Plat, The Villas at Bel Lago II, 43 lots, 13.42 acres, A-1 to RS-3, northwest corner of Houston Street (81st Street) and 51st Street (Evans Road/225th E. Avenue)
- F. 20-1107** Approval of PT19-108, Conditional Final Plat, Harvest Center, 40.03 acres, 1 Lot, A-1 to PUD-289/IL, one-half mile north of Houston Street (81st Street), one-quarter mile west of 23rd Street (County Line Road)

Ms. Yamaguchi indicated Staff asked for Item 4C be removed from the Consent Agenda as it was related to Public Hearing Item 6A. She asked for Item 4C to be considered following the Public Hearing for Item 6A.

Chairperson Whelpley explained the Consent Agenda consisted of routine items, minor in nature, and was approved in its entirety with a single motion and a single vote, unless an item was removed for discussion. He asked if there were any other items to be removed from the Consent Agenda; there were none.

MOTION: A motion was made by Ricky Jones, seconded by Jaylee Klempa.

Move to approve the Consent Agenda Items 4A, 4B, 4D, 4E and 4F per Staff recommendations

The motion carried by the following vote:

Aye: 4 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated Items 4E and 4F would go before City Council on October 6, 2020 at 6:30 p.m.

5. Consideration of Items Removed from Consent Agenda

Item 4C was removed from the Consent Agenda but would be considered later in the Agenda.

6. Public Hearings

- A. 20-1072** Public hearing, consideration, and possible action regarding PUD-279A (Planned Unit Development Minor Amendment), SoundMind, 14.16 acres, A-1 (Agricultural) to CG (Commercial General)(via BAZ-1848)/PUD-279, located one-half mile north of Tucson Street (121st Street), west of Aspen Avenue (145th East Avenue), north of the Creek Turnpike

Ms. Yamaguchi reported Planned Unit Development (PUD) 279A, a minor amendment to

PUD-279, involved a 14.16-acre parcel located one-half mile north of Tucson Street, west of Aspen Avenue, north of the Creek Turnpike. She stated the property was currently unplatted and undeveloped. She stated BAZ-1848, a request to change the zoning from A-1 (Agricultural) to CG (Commercial General) was approved on this property, and the adjacent property, by City Council on July 20, 2010. She indicated PUD-279 was approved by the City Council on August 18, 2018; BAZ-1848 and PUD-279 were approved subject to the property being platted. She stated with the exception of the area platted as Aspen Creek Towne Center I, to the northeast, the remainder of the property remained unplatted. She explained with this minor amendment, the applicant proposed to update the conceptual site design to show the proposed public street to be located to the west side of the proposed development; all other provisions of PUD-279 would remain as previously approved. She stated this property was shown as Level 6 in the Comprehensive Plan and the development associated with PUD-279A was considered to be in accordance with the Comprehensive Plan in Level 6. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended PUD-279A be approved subject to the property being platted.

The Applicant, Mark Capron, address 123 N Martin Luther King JR Blvd., indicated his agreement with Staff's recommendation.

Chairperson Whelpley noted there was no public comment regarding this Item. He asked if there were any questions or comments; there were none

MOTION: A motion was made by Mark Jones, seconded by Jaylee Klempa.

Move to approve Item 6A per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley

B. 20-1074 Public hearing, consideration, and possible action regarding BAZ-2062 (Rezoning), DuPree Home, 0.66 acres, A-RE (Annexed Residential Estate) to RS-1 (Single-Family Residential), one-third mile west of Aspen Avenue (145th East Avenue), one-quarter mile south of Florence Street (111th Street)

Ms. Yamaguchi reported BAZ-2062 was a request to change the zoning designation on a 0.66-acre tract from A-RE (Annexed Residential Estate) to RS-1 (Single-Family Residential). She noted the unplatted and undeveloped property is located one-third mile west of Aspen Avenue (145th East Avenue), one-quarter mile south of Florence Street (111th Street). She stated the applicant was in the process of acquiring the property with the desire to construct a new residential structure. She indicated Ordinance No. 2479 annexed the property into the City of Broken Arrow on August 19, 2002, when it was assigned the transitional zoning designation of A-RE (Annexed Residential Estate). She noted the lot currently did not meet the size and frontage requirements of the RE district and needed to be brought into compliance with current zoning standards. She explained the request for rezoning would bring the property into compliance and would exceed the minimum requirements of the RS-1 zoning district. She stated as part of the rezoning process, the applicant has acknowledged a willingness to dedicate the required utility easement along 139th East Avenue, if the rezoning request was approved. She stated the ultimate right-of-way required by the Subdivision Regulations was already provided. She stated the Future Development Guide of the Comprehensive Plan showed this property to be designated as Level 1; the RS-1 zoning was considered to be in compliance with Level 1. She stated based on the Comprehensive Plan, location of the property, and the surrounding land uses, Staff recommended BAZ-2062 be approved and platting be waived provided a 17.5-foot utility easement be dedicated in accordance with the Subdivision Regulations on 139th E. Ave. She stated the applicant indicated his agreement with the Staff Report via email.

Chairperson Whelpley noted there were no public comments regarding this Item. He asked if there were any questions or discussion.

Vice Chairperson Ricky Jones asked if 139th E. Avenue was a City of Broken Arrow maintained road. Ms. Jill Ferenc responded in the affirmative.

Chairperson Whelpley asked how many annexed residential estates there were in Broken Arrow. Ms. Ferenc responded she was unsure but could do a query and bring the answer back to Chairperson Whelpley.

MOTION: A motion was made by Jaylee Klempa, seconded by Mark Jones.

Move to approve Item 6B per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated this Item would go before City Council on October 6, 2020 at 6:30 p.m.

C. 20-1106 Public hearing, consideration, and possible action regarding PUD-50E (Planned Unit Development), Sparky McGee Medicine in Brentwood Center, 0.53 acres, PUD-50D/CG to PUD-50E/CG, located south of Washington Street (91st Street), west of Aspen Avenue (145th E. Avenue)

Senior Planner Brent Murphy reported Planned Unit Development (PUD)-50E involved a 0.53-acre parcel located south of Washington Street (91st Street), west of Aspen Avenue (145th E. Avenue). He stated the applicant was requesting a major amendment to PUD-50D to allow a medical marijuana dispensary facility to be located on the property. He noted the property was platted as Lot 5, Block 1, Brentwood Center. He reported for Lot 5, Block 1, PUD-50 stated the uses permitted were those allowed in the C-2 district; at the time PUD-50 was approved, medical marijuana dispensary was not recognized as a permitted use in the C-2 district. He indicated Broken Arrow Zoning Code recognized medical marijuana retail sales as a permitted use in the CG District. He noted in order for the applicant to renew the license for this dispensary this PUD Amendment was required. He stated this was the only change being requested to PUD-50D. He indicated based upon the Comprehensive Plan, the location of the property, the unique conditions associated with the property, and the surrounding land uses, Staff recommended PUD-50E be approved as requested. He noted since the property was already platted, Staff recommended platting be waived. He reported the property owner sent an email indicating he was in agreement with the Staff Report.

The Applicant, Albert Hollis, address 25775 E 101 Place South, stated he was in agreement with Staff recommendations.

Chairperson Whelpley indicated there were no public comments for this Item. He asked if there were any questions.

Commissioner Klempa asked how far the Church to the north was from the dispensary. Mr. Murphy responded it was over 1,000 feet from the Church.

MOTION: A motion was made by Ricky Jones, seconded by Mark Jones.

Move to approve Item 6C per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated this Item would go before City Council on October 6, 2020 at 6:30 p.m.

Ms. Amanda Yamaguchi indicated Item 4C which was removed from the Consent Agenda should be considered at this time. She noted Item 4C was removed from the Consent Agenda as it was related to Item 6A; it was the plat for Item 6A. Vice Chairperson Ricky Jones asked if the plat was consistent with the minor amendment approved through Item 6A. Ms. Yamaguchi responded in the affirmative.

MOTION: A motion was made by Jaylee Klempa, seconded by Mark Jones.

Move to approve Item 4C per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated this Item would go before City Council on October 6, 2020 at 6:30 p.m.

7. Appeals

There were no Appeals.

8. General Commission Business

A. 20-1075 Approval of a modification to Section 4.1(n) of the Land Subdivision Code for Glenn Zeiter, 1 lot, 0.66 acres, A-RE (Annexed Residential Estate) to RS-1 (Single-Family Residential), one-third mile west of Aspen Avenue (145th East Avenue), one-quarter mile south of Florence Street (111th Street)

Ms. Yamaguchi reported Joshua & Lindsey DuPree were in the process of purchasing a 0.66-acre unplatted lot from Glenn Zeiter, with the intent to construct a single-family residence. She stated the property was located approximately one-third mile west of Aspen Avenue (145th East Avenue), one-quarter mile south of Florence Street (111th Street). She indicated in conjunction with this request to modify Section 4.1(n) of the Land Subdivision Code, Joshua and Lindsey DuPree requested to rezone the property to RS-1 (Single-Family Residential) to bring the property into conformance with the Zoning Ordinance. She noted upon a building permit being issued for the new structure, sidewalks would be required along the 139th Street frontage; however, the area that this property was located in was semi-rural and no sidewalks existed in the area. She indicated since 2008, four rezoning and four lot splits had been completed in the immediate vicinity resulting in five new homes being constructed and no sidewalks were installed for any of these homes. She stated Joshua and

Lindsey DuPree and Glenn Zeiter requested a modification to Section 4.1(n) of the Land Subdivision Code to waive the sidewalk requirement along the 139th Street frontage of their property. She stated Staff recommended the modification to Section 4.1(n) of the Subdivision Regulations be approved for property located one-third mile west of Aspen Avenue (145th East Avenue) and one quarter mile south of Florence Street (111th Street). She stated the applicant indicated agreement with Staff recommendations via email.

MOTION: A motion was made by Jaylee Klempa, seconded by Ricky Jones.

Move to approve Item 8A per Staff recommendation

The motion carried by the following vote:

Aye: **4 -** Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated this Item would go before City Council on October 6, 2020 at 6:30 p.m.

9. Remarks, Inquiries, and Comments by Planning Commission and Staff (No Action)

There were no remarks, inquiries or comments by Planning Commission and Staff.

10. Adjournment

The meeting adjourned at approximately 5:17 p.m.

MOTION: A motion was made by Ricky Jones, seconded by Jaylee Klempa.

Move to adjourn

The motion carried by the following vote:

Aye: **4 -** Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley