



# City of Broken Arrow

## Minutes Planning Commission

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

*Chairperson Fred Dorrell (via videoconferencing and/or teleconferencing)*  
*Vice Chairperson Lee Whelpley (via videoconferencing and/or teleconferencing)*  
*Commission Member Ricky Jones (via videoconferencing and/or teleconferencing)*  
*Commission Member Mark Jones (via videoconferencing and/or teleconferencing)*  
*Commission Member Jaylee Klempa (via videoconferencing and/or teleconferencing)*

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**Thursday, May 14, 2020**

**Time 5:00 p.m.**

**Teleconference/Videoconference**

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### 1. Call to Order

Chairperson Fred Dorrell called the meeting to order at approximately 5:00 p.m.

### 2. Roll Call

**Present: 5 -** Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

All Planning Commission Members were present via video conference except for Commissioner Ricky Jones who was present via telephone.

### 3. Old Business

There was no Old Business.

### 4. Consideration of Consent Agenda

Planning and Development Manager Jill Ferenc presented the Consent Agenda. She indicated Staff requested Item 4G be removed from the Consent Agenda for further discussion.

- A. 20-512** Approval of Planning Commission meeting minutes of April 23, 2020
- B. 20-506** Approval of request for use of masonry and metal exterior building materials, ST20-112, Medwise Urgent Care, 1.26 acres, north of the northeast corner of Kenosha Street (71st Street) and Aspen Avenue (145th East Avenue)
- C. 20-507** Approval of PT18-105, Conditional Final Plat, RDS Business Park, 19.70 acres, 8 Lots, A-1 to PUD-287/CN, one-quarter mile north of Kenosha Street, east of 23rd Street
- D. 20-508** Approval of PT18-100, Conditional Final Plat, Tucson Village II, 35.68 acres, 93 Lots, A-1 (Agricultural) to RS-3 (Single-family Residential) and FD (Floodplain District)/PUD-234, south of Tucson Street (121st Street), one-third mile west of 23rd Street (S. 193rd E. Avenue/County Line Road)
- E. 20-509** Approval of PT20-104, Preliminary/Conditional Final plat, Donato, a replat of a part of Lot 12, Block 2 Prairie Dale, 0.60 acres, 1 Lot, A-1 to CN, west of the northwest corner of Oneta Road (241st E. Avenue) and State Highway 51
- F. 20-510** Consideration and possible action regarding PT16-107, Conditional Final Plat, Aspen Meadows a re-plat of Reserve I and a part of Lot 1, Block 4 Aspen Park Village, 18.72 acres, R-3, CH, and PUD 118A to RM/PUD-118E, one-quarter mile north of Kenosha Street (71st Street), one-quarter mile east of Aspen Avenue (145th East Avenue)
- G. 20-522** Approval of PT19-105, Conditional Final Plat, Centennial Crossing, 21.52 acres, 2 Lots, A-1 to PUD 266A/RM, one-quarter mile south of Omaha Street (51st Street), east of Elm Avenue (161st Avenue)

Chairperson Dorrell asked if there were any questions, comments, or any other items to be removed from the Consent Agenda; hearing none, he called for a motion.

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

**Move to approve the Consent Agenda Items 4A, 4B, 4C, 4D, 4E, and 4F as presented by Staff**

The motion carried by the following vote:

**Aye: 5 -** Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

Chairperson Dorrell indicated these Items would go before City Council on June 2, 2020 at 6:30 p.m.

### 5. Consideration of Items Removed from Consent Agenda

Ms. Jill Ferenc reported Item 4G, PT19-105, the conditional final plat for Centennial Crossings, contained 21.52 acres. She explained it was pulled for discussion as it included a checklist of items to be completed before the final plat was recorded and one of these checklist items was related to right-of-way approach for the new street (Kansas Avenue) off of Elm Avenue. She explained the subdivision regulations required a 70-foot right-of-way for the new street close to the intersection to accommodate a median and a 3-lane configuration which would be two

outbound lanes on Kansas and one inbound lane. She indicated the applicant submitted a request for a modification to the subdivision regulations as related to this requirement. She reported she had the request in the form of a letter (public comment). She indicated the applicant proposed two outbound lanes and one inbound land, but no median. She explained Subdivision Regulations required a median which was raised or painted, 4 feet to 10 feet wide. She displayed the request for modification letter and asked Mr. Justin DeBruin to read the request for modification. She noted the proposed configuration met Engineering and Design Criteria, provided for traffic flow off of Kansas onto Elm, and met the requirements for turning radius. She noted there was a break in the median on Elm which allowed stacking room if traveling south on Elm and looking to make a left hand turn to go east on the new road.

Urbanism and Sustainability Manager Justin DeBruin reported the letter was received dated May 12, 2020 from the firm AAB Engineering, LLC., Alan Betchan, direct to Jill Ferenc, AICP, Planning and Development Manager. He read the letter: “Our firm has submitted the Conditional Final Plat for Centennial Crossing, a subdivision located east of Elm and south of Omaha in Broken Arrow. As part of that plat we propose the creation of Kansas Street a new road that will serve Centennial Crossing as well as the school immediately adjacent to it on the north. The subdivision regulations require that 70 feet of ROW be provided for the first 100 feet from the intersection with Elm and that a three-lane paving section with a 4-foot to 10-foot median be provided. We are requesting a waiver of these requirements as part of the Conditional Final Plat approval. In lieu of this configuration we proposed three twelve-foot lanes comprising the same inbound/outbound configuration required by the regulations with no median. This configuration does not require a 70 foot right of way therefore a 60 foot right of way is proposed. This location is unique in that Elm, a divided arterial with a raised median, is built with significant curvature. Kansas Street is anticipated to have a large percentage of bus traffic, which necessitate a large turning movement, due to the adjacent school. The curve necessary for Kansas Street to meet Elm at a perpendicular intersection and the existing curve of Elm Avenue complicate these movements making a raised landscape median impractical. The removal of the landscaped median eliminates the need for a 20-foot inbound lane thus allowing the proposed 36-foot configuration. The original PUD submittal for this project proposed a raised landscape median from the arterial intersection east to the drive connection with the school. After further review, and prior to the PUD approval, this median was eliminated in the PUD documents as well as the construction plans due to the traffic concerns cited above. We feel this modification of the subdivision regulations is warranted at this location and will allow better traffic movements. If you have any questions or need any additional information, please let me know. Respectfully, Alan Betchan.”

Community Development Director Larry Curtis stated in order to have the best sound quality during meetings, all participants were muted unless speaking to prevent feedback. He asked Commission Members to utilize the mute setting unless speaking.

Chairperson Dorrell opened the Public Hearing. He asked if there were any public comments. Ms. Jill Ferenc responded in the negative.

MOTION: A motion was made by Mark Jones, seconded by Jaylee Klempa.  
**Move to approve Item 4G per Staff recommendations and to approve the modifications per the applicant’s letter**

The motion carried by the following vote:  
**Aye: 5 -** Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

The Meeting was briefly paused to wait for Commissioner Ricky Jones, who was experiencing technical difficulties, to rejoin the meeting.

**6. Public Hearings**  
**A. 20-332**

**Public hearing, consideration, and possible action regarding PUD-303 (Planned Unit Development) and BAZ-2048 (Rezoning), Fiesta Mart, 2.32 acres, A-1 to PUD-303/CG, located on the northwest corner of New Orleans Street (101st Street) and 23rd Street (193rd E. Avenue/County Line Road)**  
Senior Planner Brent Murphy reported Planned Unit Development (PUD)-303 involved a 2.32-acre parcel located on the northwest corner of New Orleans Street (101st Street) and 23rd Street (193rd E. Avenue/County Line Road). He stated in conjunction with PUD-303, the applicant submitted BAZ-2048, a request to change the underlying zoning from A-1 (Agricultural District) and A-CN (Annexed Commercial Neighborhood) to CG (Commercial General). He explained part of the property was platted as County Line Food Mart; the plat was recorded in Tulsa County prior to being annexed into the City of Broken Arrow; therefore, the existing plat was not done to City of Broken Arrow standards. He stated a building which was associated with a convenience store previously located on the property remained but had not been used for several years. He indicated the property associated with PUD-303 was proposed to be developed as a single lot subdivision with multiple tenants. He noted according to the design statement, a Fiesta Mart convenience store, along with an accessory car wash, and a Burger King Restaurant, was planned to be located on the property.

He reported two points of access were proposed to 23rd Street and one point of access was proposed to New Orleans Street. He indicated the applicant made slight modifications to what was required by the Zoning Ordinance, but the modifications provided better access to the property and was better than what used to exist on the property. He stated the property associated with PUD-303 was proposed to be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the CG district, except as summarized in the Staff Report. He stated Staff provided a comparison between Zoning Ordinance requirements and what the applicant proposed with PUD-303. He stated the property was in Level 4 of the Comprehensive Plan and CG zoning was considered to be in accordance with the Comprehensive Plan in Level 4. He indicated according to FEMA maps, none of the property was located in a 100-year floodplain area. He noted storm water detention would occur onsite and sanitary sewer service and water service would be provided by the City of Broken Arrow. He stated based upon the Comprehensive Plan, the PUD submitted with BAZ-2048, the location of the property, unique conditions associated with the property, and the surrounding land uses, Staff recommended PUD-303 and BAZ-2048 be approved, subject to the property being replatted.

Chairperson Dorrell asked if there were any comments or questions from the Commission; hearing none, he opened the Public Hearing. He asked if there were any public comments.

Ms. Ferenc responded in the affirmative. Mr. Justin DeBruin indicated there was a letter from the applicant with four exhibits entitled Broken Arrow Planning Commission BAZ-2098, PUD-303, dated May 14, 2020. He read through the attachment which discussed the proposed project to develop a convenience store, fast food restaurant and car wash, the purchase of extra property for stormwater detention, the request to rezone the property from A-1 Agriculture District and A-CN Annexation Commercial Neighborhood District to CG Commercial General, and the Comprehensive Plan and Land Use Intensity System which supported the applicant's request.

Vice Chairperson Whelpley asked if the tanks were filled when the Arnold's was closed in this location. Mr. Brent Murphy responded he was unsure; he indicated he believed the tanks were removed. Vice Chairperson Whelpley noted the tanks were required to be either filled or removed and he did not recall either being done. Mr. Murphy indicated he believed he asked this question during the pre-development meeting and the answer was the tanks were removed; however, he would check this fact prior to this PUD being sent to City Council.

Chairperson Dorrell asked if there were any additional public comments; hearing none, he closed the public hearing.

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

**Move to approve Item 6A per Staff recommendations**

The motion carried by the following vote:

**Aye:**        5 -     Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

**B. 20-436        Public hearing, consideration, and possible action regarding PUD-304 (Planned Unit Development) and BAZ-2049 (Rezoning), Park Place, 80.00 acres, A-1 to PUD-304/RS-3, located one-quarter mile north of Kenosha Street (71st Street), east of 79th Street (257th E. Avenue/Midway Road)**

Mr. Brent Murphy reported Planned Unit Development (PUD)-304 involved an 80-acre parcel located one-quarter mile north of Kenosha Street (71st Street), east of 79th Street (257th E. Avenue/Midway Road). He reported in conjunction with PUD-304, the applicant submitted BAZ-2049, a request to change the underlying zoning from A-1 (Agricultural) to RS-3 (Single-Family Residential). He stated the property was undeveloped and had not been platted. He stated on February 2, 2016 City Council reviewed and denied BAZ-1941, a request to change the zoning on this same property from A-1 to RS-3, by a vote of 2 to 2 with 1 abstention. He indicated City Council expressed concerns about storm water runoff, traffic along Midway Road and the narrowness of the road, the capacity of the lift stations associated with the sanitary sewer system, and this being the first RS-3 zoning in the area. He reported the City Council's decision was appealed to District Court and the court upheld the decision by the City Council. He noted one of the comments made during the February 2, 2016, City Council Meeting was a desire to have a PUD accompany the rezoning request. He stated with PUD-304, the applicant proposed to develop, in four phases over the next five years, a single-family detached residential subdivision with up to 259 housing units. He noted of the 259 lots, at least 79 of the lots would be RS-2 type lots with a minimum lot width of 70 feet and a minimum lot size of 8,000 square feet. He stated the conceptual site plan showed all 31 lots abutting the south boundary next to the Ridgeway Heights addition to be of RS-2 standards. He reported a detailed traffic study, had been submitted by the applicant and was included with this Staff report. He indicated stormwater detention would be provided in accordance with the City of Broken Arrow requirements; stormwater detention would be designed to accommodate this subdivision, as well as the Ridgeway Heights addition to the south. He noted when the Ridgeway Heights subdivision was developed, it was developed in Wagoner County and no stormwater detention was required at that time.

He noted as part of this development a Property Owners Association would be established to provide for the maintenance and upkeep of the reserve areas and the fence along Midway Road. He noted landscaping exceeded the requirements of the Broken Arrow Zoning Ordinance. He explained instead of one tree per 50 feet of frontage along the arterial street, PUD-304 proposed to have one tree per 30 feet of frontage along Midway Road and where reserve areas abutted interior streets. He noted in addition, there would be one tree per lot; all the trees would be large species type trees and at least two inches in caliper at the time of installation. He noted included in the Staff reported was a summary comparison between Zoning Ordinance and what was being proposed. He noted according to Zoning Ordinance, section 6.4, the PUD provisions were established for one or more of five different reasons. He stated the Staff Report indicated Staff believed this PUD satisfied all five conditions associated with section 6.4a of the Zoning Ordinance.

Mr. Murphy stated according to FEMA maps, none of the property was located within a 100-year floodplain; however, there was a blue line drainage swale which passed through the property. He stated the Corps of Engineers would need to review and approve any proposed disruption to this stream. He indicated a Phase 1 Drainage Report was prepared by the applicant and was included with this Staff report. He stated, as part of Staff's recommendation, PUD-304 addressed several unique conditions associated with the property and provided additional amenities than what was required with just conventional zoning. He noted the blue line stream would be placed in an open space reserve. He noted stormwater runoff from the Ridgeway Heights addition to the south would be collected and detained on-site along with the increase in runoff from the proposed addition. He noted right turn lanes would be provided on Midway Road at the three points of access to the subdivision. He noted the existing ditches on the east side of Midway Road would be graded to provide a 5-foot wide shoulder next to the roadway and an improved ditch design with three to one slope. He noted the existing 8-inch sanitary sewer line along Midway Road would be upgraded to a 10-inch line and the existing lift station downstream from PUD-304 and Ridgeway Heights would be upgraded by the developer to provide adequate capacity. He indicated extensive landscaping would be installed in conjunction with the development of this property. He stated based upon the Comprehensive Plan, the location of the property, the unique conditions associated with the property which were being addressed through the PUD, and the surrounding land uses, Staff recommended PUD-304 and BAZ-2049 be approved, subject to the property being platted.

Chairperson Dorrell asked if the applicant had any comments.

Mr. DeBruin responded in the affirmative; the applicant submitted a letter dated May 14, 2020 entitled Broken Arrow Planning Commission, subject BAZ-2049/PUD-304 which discussed the applicants submitted PUD-304 and BAZ-2049 request, as well as what the applicant proposed to develop on the property including 259 single family homes, reserve areas, development amenities including sidewalks and a park, road improvements, and right-of-way; the letter also discussed the traffic report which was conducted for this property, deceleration lanes to be constructed, the stormwater detention system, the Drainage Report, proposed landscaping, and sanitary sewer improvements. He noted the applicant indicated the rezoning in PUD-304 was consistent with the Future Development Guide in the NEXT Comprehensive Plan's Land Use Intensity System (LUIS). He noted the applicant stated the proposed development would have 3.2 homes per acre, while the existing development (Ridgeway Heights) had 3 homes per acre; all homes abutting Ridgeway Heights in the proposed development would meet the RS-2 standards set forth in Zoning Code. He stated, in summary, the applicant, through PUD-304, would provide additional benefits and amenities to ensure compatibility with the adjoining proximity properties by: 1) Providing deceleration lanes and landscaping improvements to and along Midway Road; 2) Providing minimal traffic impact; 3) Detaining previously undetained stormwater runoff from Ridgeway Heights; 4) Reducing volumetric rate of stormwater leaving Park Place; 5) Providing 16 acres of open space and landscaping, much of which would be neighborhood amenities; 6) Providing a mandatory homeowner's association to maintain Midway landscaping and fencing and other project amenities; and 7) Improving sanitary sewer service in the area.

Chairperson Dorrell asked if there were any questions or comments; hearing none, he opened the Public Hearing. He asked if there were any public comments.

Mr. DeBruin responded in the affirmative; there were two comments. He reported one comment was received via email from Citizen Dawn Jenkins at 6626 S. 257<sup>th</sup> East Avenue dated Thursday, May 7 which indicated Ms. Jenkins was protesting development of the property for the following reasons: 1) Flooding problems currently in the area would worsen upon development (pictures and rainwater measurements/tables attached); 2) The proposed detention ponds would not hold enough water to prevent flooding; 3) There were too many proposed houses for the amount of space which would only worsen flooding; 4) There were driveways without culverts which would worsen flooding; and 5) Traffic problems which would arise from this development. Mr. DeBruin noted Ms. Jenkins felt the area was not

ready for this type of development.

Mr. DeBruin reported the second comment received via online form was dated May 11, 2020, from Rhett Finley at 8217 E. Norman Street. He noted Mr. Finley was in opposition of this Item; Mr. Finley wrote: “Was there an environmental and habitat assessment of the subject tract and if so, what were the results from it? The tract itself contains both grassland, forest, and freshwater habitats, that contain a variety of bird, amphibian, fish, mammal, and insect wildlife and has the potential to contain threatened or endangered species. Also, of note freshwater habitats have been in decline or degradation for the past few decades in the country therefore the loss of the freshwater ponds may lead to a further decrease in local biodiversity in the area and affect the groundwater spring that is located beneath the land.”

Chairperson Dorrell closed the Public Hearing. He asked if there were any comments or questions.

Commissioner Klempa asked if the applicant needed to have certain documents approved with DEQ (Department of Environmental Quality) and other entities. Mr. Larry Curtis responded in the affirmative; the applicant was required to provide engineering documents for stormwater and development standards to meet both City and State requirements. He noted DEQ would receive an Impact Analysis associated with permits to ensure any type of sedimentation control was considered. He stated he believed Mr. Finley was concerned with the impact on the fish and wildlife in the area which was typically not considered prior to private development; the impact on fish and wildlife was only required to be considered prior to public land development.

Commissioner Ricky Jones stated the Citizens’ concerns were valid but were not applicable regarding approval of the PUD. He noted the Citizen’s concerns would be addressed in the platting and engineering portion of the process.

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

**Move to approve Item 6B per Staff recommendations**

The motion carried by the following vote:

**Aye: 5 -** Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

**C. 20-463**

**Public hearing, consideration, and possible action regarding PUD-307 (Planned Unit Development), Aspen Creek Village, 116.78 acres, A-1 to PUD-307/CH and RM (BAZ-1902), located one-quarter mile west of Aspen Avenue (145th East Avenue), north of Tucson Street (121st Street)**

Mr. Murphy reported Planned Unit Development (PUD) No. 307 involved 116.78 acres located one-quarter mile west of Aspen Avenue, one-quarter mile east of Olive Avenue, north of Tucson Street, and south of the Creek Turnpike. He stated on February 4, 2014, PUD-224 and BAZ-1902, a request to rezone the same unplatted property associated with PUD-307 from A-1 to RM (Residential Multifamily) and CH (Commercial Heavy), was approved by the City Council, subject to the property being platted. He noted according to Section 6.4.D.11 of the Zoning Ordinance, “If a plat has not been recorded on any portion of the PUD within two years after its approval by the City Council, the PUD shall expire.” He stated it was possible for the PUD to be extended an additional two years with a letter of request from the owner. He noted if this was not done and the property was not platted within the indicated time period, the PUD expired. He noted PUD-224 had expired while BAZ-1902, the request for RM and CH zoning, had not expired. He noted the design statement submitted with PUD-307 was the same exact design statement approved previously with PUD-224. He stated PUD-307 was to be developed in accordance with Zoning Regulations and Use and Development Regulations of the CH and RM districts, except as described in the design statement. He noted the Staff Report included a comparison between Zoning Ordinance requirements and what was requested with PUD-307. He reported on November 5, 2013, the City Council approved BACP-132, a request to change the Level 3 designation on this property to Levels 3 and 6; BACP-132 was approved subject to the property being platted and being developed through the PUD process. He noted the CH zoning approved previously with BAZ-1902 was in accordance with the Comprehensive Plan in Level 6, as well as the RM zoning request that was approved previously. He reported a small portion of the property adjacent to the east boundary, according to FEMA maps, was located in a 100-year floodplain area; according to the design statement, storm water detention would occur onsite. He noted sanitary sewer service and water service would be provided by the City of Broken Arrow. He stated based upon the previous approval of Comprehensive Plan amendment BACP-132 and the previous approval of PUD-224, which was the same exact design statement submitted with PUD-307, Staff recommended PUD-307 be approved, subject to the property being platted. He noted PUD-307 would be based on the Zoning Ordinance in effect in 2020, not that which was in effect in 2014; in addition, BAZ-1902, which the City Council approved previously on February 4, 2004, to have the underlying zoning be changed from A-1 to CH and RM, remained approved, subject to the property being platted.

Chairperson Dorrell asked if the applicant had any comments. Mr. DeBruin responded in the

Chairperson Dorrell opened the Public Hearing. He asked if there were any public comments.

Mr. DeBruin stated the second public comment was received via online form, dated May 11, 2020 from Citizen Richard Irving, address 6601 S. Chestnut Avenue, who was undecided on this Item. Mr. DeBruin read Mr. Irving's comments: "I would to understand the potential impact on downstream housing on Aspen Creek. What will be the potential modifications to Aspen creek as a result of this project? Also, will there be any road modification to Tucson Street as a result of NO.307. Will this be a quality housing and commercial development? What is the impact on wildlife in the area? Any more details about the development other than what was in the mailing? Where will be the ingress and egress to the development?"

Mr. DeBruin noted the fourth public comment was received via a statement dated May 7, 2020 from Citizen Richard Kent Steger, address 2403 W. Tucson Court, who was in favor of the Item. Mr. DeBruin indicated Mr. Steger voiced concerns regarding the unsafe condition on West Tucson on East 121<sup>st</sup> Street South, between Aspen and the east side of the proposed development. Mr. DeBruin indicated Mr. Steger felt there was inadequate side distance on the vertical curve as one was headed west bound on West Tucson and there had been at least one fatality at this locality since 2016; Mr. Steger noted “details on how West Tucson would be modified to address additional traffic generated by the proposed development were not included in the Design Statement. The Planning Commission should also address the increased drainage that will occur from the development and resulting impact on Aspen Creek and the culvert/bridge structure over Aspen Creek on West Tucson Street.”

Chairperson Dorrell asked about Broken Arrow's plans regarding Tucson Street improvements. Ms. Ferenc responded as part of the platting process, which would be the next step, City Staff reviewed the Master Transportation Plan to look at future road widenings and during the platting process the City checked for adequate right-of-way for future expansion. She stated Tucson, being an arterial street required 120 feet of right-of-way be acquired through the plat. She noted the INCOG 2045 plan showed this area was planned for a four-lane road; however, this road widening was not currently funded through a Bond project.

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

The motion carried by the following vote:

Chairperson Dorrell indicated this Item would go before City Council on May 19, 2020 at 6:30 p.m.

**D. 20-504      Public hearing, consideration, and possible action regarding SP 297  
(Specific Use Permit), Foundations Church, 7.5 acres, R-1 (Single-family**

**Residential) to CG (Commercial General), southeast corner of Kenosha Street (71st Street) and Olive Avenue (129th E. Avenue)**

Planner II Jane Wyrick reported SP-297 was a request for a Specific Use Permit for Foundations Church. She reported the property, which contained 7.5 acres, was located at the southeast corner of Kenosha Street (71st Street) and Olive Avenue (129th E. Avenue); the undeveloped property was unplatted. She stated when this property was annexed into the City of Broken Arrow, it was assigned R-1 zoning; in December 1987, the City Council approved BAZ-1079 to rezone the property to C-2 (Planned Shopping Center), subject to the property being platted. She noted with the 2008 Zoning Ordinance update, C-2 was converted to CG (Commercial General). She stated the property was not platted; therefore, the R-1 zoning remained. She stated as part of this Specific Use Permit request, the property needed to be platted and upon platting, the CG zoning would be codified. She indicated with SP-297, a 24,174-square-foot building was proposed for a place of assembly. She noted the exterior building materials included EIFS, metal panel and a stone wainscot. She stated it was anticipated on-site detention would be required and was planned for the east side of the site. She stated the northwest portion of the site was not yet planned but may include a monument sign. She reported two points of access were proposed along Olive Avenue; the north driveway aligned with the Mabrey Bank driveway on the west side of Olive and the second driveway was proposed to be approximately 280 feet to the south of that driveway. She noted both driveways would meet separation requirements. She stated water and sewer were available from the City of Broken Arrow and there was no floodplain on this property. She indicated places of assembly were permitted in residential and commercial districts with a Specific Use Permit by the Zoning Ordinance; SP-297 was therefore in accordance with the Zoning Ordinance. She indicated upon platting the property, the CG zoning designation would be in conformance with the Comprehensive Plan in Level 4. She stated based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended SP-297 be approved, subject to the property being platted.

Chairperson Dorrell asked if the applicant had any comments; there were none. He opened the Public Hearing and asked if there were any public comments.

Mr. DeBruin responded in the affirmative; there was one public comment received May 13, 2020, from Citizen Gloria F. Bistline, address 717 N. Nyssa Avenue, who was undecided regarding this Item. He read Ms. Bistline's comments: "What type of privacy will be provided for homeowners whose property is next to this land? What security will be in place on parking areas at night? Will rainwater be directed to assure there is no drain-off into homeowners' yards?"

Chairperson Dorrell closed the Public Hearing and asked for Staff to respond to Ms. Bistline's questions.

Mr. Ferenc responded regarding privacy, Zoning Ordinance required any use adjacent to residential or agricultural properties to install an 8-foot-high to 10-foot-high fence. She stated she did not believe the church was planning any type of security patrol; however, there would be site lighting installed in accordance with Zoning Ordinance. She indicated it was anticipated onsite detention would take place with a detention pond on the east side of the site; stormwater drainage would be directed to this pond. She noted there was one other inquiry from a Citizen who was curious as to the nature of the development but did not follow up with any comments.

Vice Chairperson Whelpley asked if there was a time restriction for this Specific Use Permit. Mr. Curtis responded typically if a Specific Use Permit was issued for use within a shopping center, a time limit was imposed; however, when a place of assembly was requesting a Specific Use Permit for a permanent location, the City typically did not require a time limit. He stated as this was a Specific Use Permit, the Planning Commission could add a time limitation; however, this was not normal practice.

Ms. Tammy Ewing stated typically if a time limit was not included as a condition in a Specific Use Permit, it was assumed there was no time limit. She noted if the lack of a time limit were a concern, it could be added.

Vice Chairperson Whelpley stated perhaps the word "Permit" should be changed as he felt it was a bit misleading as technically being issued a Specific Use Permit was not quite the same as being issued a permit which almost always had time limitations attached. Mr. Curtis indicated Staff was open to changing the name; as the Planning Commission and City Council had adopted the Comprehensive Plan, Staff would be moving forward with an update to the Zoning Ordinance and would entertain a name change for the Specific Use Permit as a part of the update. Vice Chairperson Whelpley thanked Mr. Curtis.

Chairperson Dorrell asked if there were any additional questions or comments; there were none.

MOTION: A motion was made by Lee Whelpley, seconded by Jaylee Klempa.

**Move to approve Item 6D per Staff recommendations**

The motion carried by the following vote:

**Aye:** 5 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

**E. 20-505**

**Public hearing, consideration, and possible action regarding PUD-47G (Planned Unit Development), Innov8ive Technologies, 0.42 acres, PUD-47/IL to PUD-47G/IL, located one-third mile south of Albany Street (61st Street), one-half mile west of Olive Avenue (129th E. Avenue)**

Mr. Murphy indicated Staff recommended this Item be continued to a Special Meeting of the Planning Commission on May 21, 2020 due to public notice requirements.

MOTION: A motion was made by Jaylee Klempa, seconded by Lee Whelpley.

**Move to continue Item 6G per Staff recommendations**

The motion carried by the following vote:

**Aye:** 5 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

**F. 20-521**

**Public hearing, consideration, and possible action regarding PUD-253B (Planned Unit Development Major Amendment), North Rose Business Park, 13.20 acre, ON (Office Neighborhood), CN (Commercial Neighborhood), IL (Industrial Light) and PUD-253A, north of Kenosha Street (71st Street), one-quarter mile east of Elm Place (161st Avenue)**

Amanda Yamaguchi, Staff Planner, reported Planned Unit Development Major Amendment (PUD) 253B, involved 13.2 acres located north of Kenosha Street and one-quarter mile east of Elm Place. She stated the property plat for North Rose Business Park was recorded in Tulsa County on June 3, 2019; this request for a major amendment was to allow medical marijuana growing and processing facility as a permitted use in Development Area A. She reported PUD-253A, approved by City Council on July 2, 2018, divided the property into Development Areas A, B, and C with a public street being constructed between Development Areas A/C and B. She indicated Development Area A, which was on the west half of the property, had an underlying zoning of IL (Industrial Light) which permitted uses such as warehouse/office, medical offices, business or professional offices, financial institutions without a drive-thru facility, mini-storage with accessory office, and a communications tower (contingent on specific use permit approval). She reported at the time PUD-235A was approved, medical marijuana commercial growing/cultivation was not a permitted use in the IL zoning district. She noted Ordinance No. 3540, adopted by City Council on September 18, 2018, permitted medical marijuana commercial growing/cultivation in the Industrial Light and Industrial Heavy districts. She stated with PUD-253B, the applicant was seeking to allow medical marijuana commercial growing/cultivation in Development Area A, as was currently allowed in the IL district. She noted Development Area B was approved for office use only with an underlying zoning of Office Neighborhood (ON); Development area C was on the west side of North Birch Avenue and south of Development area A. She indicated this area permitted retail use as allowed by the Commercial Neighborhood (CN) District. She noted neither the ON nor CN districts currently permit medical marijuana commercial growing/cultivation. She explained with PUD-253B, the applicant was proposing only Development Area A be updated to include these uses. She reported on September 18, 2018, the City Council adopted Ordinance No. 3542 allowing for retail medical marijuana establishments, commercial marijuana growing facilities, wholesale marijuana facilities, and marijuana storage facilities. She noted the Ordinance allowed for medical marijuana growing/cultivation establishments in industrial zoning districts provided that the establishment was not located within one thousand (1,000) feet of any public or private school entrance. She stated the ordinance also outlined the process an operator must complete in order to obtain the required City of Broken Arrow Medical Marijuana Commercial Grower or Processor Permit. She indicated should this PUD major amendment be approved the business operator would be required to obtain the medical marijuana grower permit. She noted Section 10.D.1.a of the Zoning Ordinance required medical marijuana growing/cultivation to be contained within a building which met the building code adopted by the City of Broken Arrow. She stated the development proposed with PUD-253B was considered to be in compliance with the Comprehensive Plan in Level 6. She stated Staff recommended PUD-253B, major amendment to PUD-253A for North Rose Business Park, be approved, with the understanding that only Development Area A shall permit medical marijuana commercial growing/cultivation.

Chairperson Dorrell asked if there were any questions; there were none. He asked if the applicant had any comments.

Mr. DeBruin responded in the affirmative. He noted the applicant, Abdul Alhlou, address 1813 W. Canton Court, was in favor of this Item and commented: "Good Evening, This is Abdul Alhlou with North Rose Business Park. I would like to take this opportunity to commend the Staff of the Planning Commission and all the City employees for the effort and hard work they did during this pandemic era. Wishing everyone to stay safe and doing well. Regarding the economic factor, I am at North Rose Business Park would like to help keep all revenue and



investments within our beloved city in order to achieve the targeted growth. Since there are several Medical Dispensaries surrounding our area, we are planning to supply all of them through our growing facility. All that will also lead to more jobs within the city. Best regards, Abdul Alhlou”

Chairperson Dorrell opened the Public Hearing. He asked if there were any public comments; there were none. He closed the Public Hearing. He asked if there were any comments or questions from Staff.

Mr. Curtis stated, as Ms. Yamaguchi indicated, there was a requirement for this facility to be located a minimum of 1,000 feet away from any school facility. He noted there was a facility which existed and as such restricted a little over one third of the development area; however, the southern portion of the development area would most likely be a possible location for a growing facility if approved.

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

**Move to approve Item 6F per Staff recommendations**

The motion carried by the following vote:

**Aye:** 4 - Jaylee Klempa, Ricky Jones, Lee Whelpley, Fred Dorrell  
**Nay:** 1 - Mark Jones

Chairperson Dorrell indicated this Item would be go before City Council on June 2, 2020 at 6:30 p.m.

Mr. Curtis asked Commissioner Mark Jones to indicate his reason for voting nay.

Commissioner Mark Jones stated he did not believe a grow facility in this location was a good use for the land, especially being in such close proximity to homes. He noted there was a park very close by, as well as a nursing facility. He stated he believed grow facilities should be located in industrial areas.

**7. Appeals**

There were no Appeals.

**8. General Commission Business**

**A. 20-511 Election of Planning Commission Officers for 2020-2021**

Ms. Yamaguchi stated this Item was for election of the Planning Commission Officers for the 2020-20201 year. She explained this was done annually. She indicated it was time to reelect a new Chairperson and Vice Chairperson.

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

**Move to nominate Lee Whelpley as Chairperson**

The motion carried by the following vote:

**Aye:** 4 - Jaylee Klempa, Mark Jones, Ricky Jones, Fred Dorrell  
**Abstain:** 1 - Lee Whelpley

MOTION: A motion was made by Fred Dorrell, seconded by Lee Whelpley.

**Move to nominate Ricky Jones as Vice Chairperson**

The motion carried by the following vote:

**Aye:** 4 - Jaylee Klempa, Mark Jones, Lee Whelpley, Fred Dorrell  
**Abstain:** 1 - Ricky Jones

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

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

**10. Adjournment**

The meeting adjourned at approximately 6:19 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:** 5 - Jaylee Klempa, Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell