



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Jaylee Klempa
Vice Chairperson Robert Goranson
Commission Member Lee Whelpley
Commission Member Jonathan Townsend

Thursday, June 9, 2022

Time 5:30 p.m.

Council Chambers

1. Call to Order

Chairperson Jaylee Klempa called the meeting to order at approximately 5:30 p.m.

2. Roll Call

Present: 3 - Jonathan Townsend, Jaylee Klempa, Robert Goranson
Absent: 2 - Heather Canard, Lee Whelpley

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

- A. 22-740 Approval of Planning Commission meeting minutes of May 26, 2022**
- B. 22-757 Approval of BAL-2169CB (Lot Consolidation), ALDI Spring Creek Plaza, 1 Proposed Lot, 2.46 acres, CG/PUD-294, southeast corner of West Tucson Street (121st Street) and South Elm Place (161st East Avenue)**
Staff Planner Micah Snyder presented the Consent Agenda.

Chairperson Klempa asked if there were any items to be removed from the Consent Agenda for discussion; there were none. She 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.

MOTION: A motion was made by Jonathan Townsend, seconded by Robert Goranson.

Move to approve the Consent Agenda

The motion carried by the following vote:

Aye: 3 - Jonathan Townsend, Jaylee Klempa, Robert Goranson

5. Consideration of Items Removed from Consent Agenda

No Items were removed from the Consent Agenda; no action was needed or taken.

6. Public Hearings

- A. 22-750 Public hearing, consideration, and possible action regarding BAZ-2110 (Rezoning), New Orleans Plaza, 9.10 acres, A-CN (Annexed Commercial Neighborhood) to CG (Commercial General) located at the southeast corner of New Orleans Street (101st Street) and 23rd Street (County Line Road)**

Planning Section Manager Amanda Yamaguchi reported BAZ-2110 was a request to change the zoning designation on 9.10 acres from A-CN (Annexed Commercial Neighborhood) to CG (Commercial General). She stated the property was located at the southeast corner of New Orleans Street (101st Street) and 23rd Street (County Line Road) and was platted in Wagoner County as Tracts 1-10, Elmwood Estates IV Commercial Property on February 26, 1984. She noted annexation of this property occurred with Ordinance No. 2301 on September 18, 2000; at the time of annexation, the zoning district AC-3 (now A-CN) was assigned to the property. She reported since the time the newspaper and public notices were sent, Staff reviewed the request and found the eastern portion of the property was designated as Level 1 in the Comprehensive Plan. She stated the CG zoning being requested was not permitted in Level 1. She stated due to these findings, Staff recommended only the portion of the property designated as Level 4 be rezoned to CG at this time. She indicated the applicant was aware of the situation and was in agreement to request a change to the comprehensive plan designation and zoning on the eastern portion of the property at a later date.

Ms. Yamaguchi stated the property was designated as Level 1, Level 4, and Greenway/Floodplain in the Comprehensive Plan. She indicated the CG zoning being requested was in accordance with the Comprehensive Plan in Level 4, however Level 1 did not support the requested zoning district. She stated the areas currently platted as 194th East Avenue and Tracts 8, 9, and 10 would not be rezoned as part of BAZ-2110. She reported according to FEMA's National Flood Hazard Layer, a significant portion of the eastern side of the property was located within the 100-year floodplain. She noted this area would be

required to be platted as a reserve area and designated as FD (Flood District) at such a time that the property was rezoned in accordance with the Comprehensive Plan. She stated the applicant was requesting to rezone this property to CG and at a later date replat the property from what was 10 lots into 3 commercial lots. She noted the City had a couple of calls regarding the platted street on the property; the platted street on the property (194th), the right-of-way was dedicated, but the street was never constructed. She stated it was the applicant's intention to vacate the right-of-way, so the street would not go through. She noted this had been the concern of several residents who called. She stated the commercial access would have to be from County Line Road or New Orleans Street, and not through the residential neighborhood. She indicated there could be potential to have emergency access allowing traffic from the neighborhood to go through the commercial area in case of an emergency, but not as access for the commercial properties. She stated based upon the location of the property, annexed zoning designation, and surrounding land uses, Staff recommended BAZ-2110 be approved only for the tracts currently platted as Tracts 1-7, Elmwood Estates IV Commercial Property, which were located in the area designated as Level 4 in the Comprehensive Plan. She stated this change in zoning shall be subject to the property being platted.

Chairperson Klempa explained public hearing procedure.

The applicant, Jason Muller with AAB Engineering, stated he was in agreement with Staff recommendations.

Vice Chairman Robert Goranson asked if Mr. Muller understood the only zoning changes being contemplated this evening were for the Level 4 area of the property.

Mr. Muller responded in the affirmative.

Vice Chairman Goranson asked when Mr. Muller would vacate the right-of-way for 194th Street.

Mr. Muller responded there was a preliminary plat in process; the process of vacancy had been initiated.

Planning and Development Manager Jill Ferenc read two public comments submitted online: 1) Robert Lee was undecided but had concerns about 194th being extended to 101st Street as it would increase traffic through his neighborhood and cause safety issues for children at play. Mr. Lee also had concerns about increased noise. 2) Vance Foster was undecided but also had concerns about 194th being opened to 101st Street; however, he had no problems with a gated emergency access. Mr. Foster was worried about increased traffic through his neighborhood causing safety issues for children at play. He asked for a tree filled buffer to muffle traffic noise. He did not want a marijuana store in the development.

Citizen Cheryl Rainey stated she lived next to this property. She indicated she was undecided as she did not know what was being built on the property. She stated she was worried about increased noise and traffic. She noted her corner had issues with sewer smells and she worried this would worsen with additional development. She stated she wished to see a significant buffer between her property and the commercial development. She asked what would be developed on the property and what the buffer would be.

Citizen Jim Stephens asked if Mr. Muller planned to sell the commercial lots or planned to develop businesses, and if so, what would the businesses be. He noted he was undecided until he heard more information.

Commissioner Goranson noted this property was annexed into the City as commercial property and the applicant was simply trying to bring the property into alignment with City of Broken Arrow zoning codes. He stated as this was simply a zoning hearing, what businesses the development intended to attract was not really being discussed.

Mr. Stephens said it would be nice to know what was planned for these lots going into this.

Chairperson Klempa noted the developer was not that far along in the planning stages yet.

Vice Chairperson Goranson noted when the developer came back with site plans and such this would be discussed.

Citizen Dalton Wortham stated his property bordered the planned rezoned area. He stated he was opposed to the rezoning as he felt this should be rezoned to commercial neighborhood, not commercial general. He read the definition of commercial neighborhood and indicated he believed this property fell within this definition. He stated he had concerns regarding flooding. He discussed the wildlife he has seen in his neighborhood. He stated a strip mall or other commercial general development on this property would not match the surrounding

area and would not service the areas immediate needs. He noted a gas station might serve the immediate needs of the area. He stated he was not opposed to development but would like to see development which benefitted the neighborhood.

Chairperson Klempa stated the developer would not be permitted to white-scape the whole property as zoning codes required greenery, as well as reserves for the floodplain, and no increased water runoff would be permitted.

Mr. Wortham indicated in its current state there was a significant amount of ponding and there was dilapidated erosion control which caused a significant amount of ponding onto his property which has caused him thousands of dollars in septic repair. He noted the development could alleviate this, but it might worsen the situation.

Discussion ensued regarding the FEMA floodplain map of the area and the change in base elevation.

Vice Chairperson Goranson noted as this property was annexed into Broken Arrow, the City now had a little control over how the property would be developed and Mr. Wortham's flooding problems could improve with the development of this property as the developer would be required to create a retention area and would not be able to increase water runoff. He stated in regard to a buffer area, the City required a certain amount of greenspace and landscaping.

Ms. Yamaguchi indicated the setback from any residential district was 30 feet and there were screening and landscaping requirements.

Vice Chairman Goranson asked if it was 30 feet to the building or to parking.

Ms. Yamaguchi responded to the building, so there could be parking in the 30 foot setback area, but there would be landscaping, and fencing required between the properties.

Vice Chairman Goranson noted Broken Arrow had an excellent landscaping requirement.

Jason Muller stated a 17.5 foot UE, and a building setback would be between the two properties. He noted there would be some greenspace along the south side of a future building compliant with code. He stated he anticipated there would be onsite retention. He noted he did not have prospective users for two of the three lots, but in one lot a Dollar General was being considered. He noted he would seek to improve the drainage conditions in the area. He noted at least one third of the property was in a floodplain reserve area, so a lot of greenspace would be preserved.

Vice Chairperson Goranson explained the prospective Dollar General was not guaranteed, but Dollar Generals were often seen backing up to residential areas. He asked about 194th.

Mr. Muller stated he was looking at a preliminary plat stage to plat the entire parcel and put a large piece of the remainder of the property in a reserve area for the flood plain. He stated he did not anticipate needing any additional rezoning of the property in the near future as a vast majority of the Level 1 property would be in the floodplain and reserve area.

Vice Chairperson Goranson stated it was important to understand only the Level 4 area was being contemplated this evening and 194th was included in the Level 1 area.

Mr. Muller stated he was pursuing vacating 194th as this made the most sense for this parcel.

Vice Chairperson Goranson asked if 194th would not go through the parcel and would there be a parking lot drive emergency entrance.

Ms. Yamaguchi explained the preliminary plat submitted showed a mutual access easement going from where the street would connect to the neighborhood, up through to 101st. She stated the area would more than likely go through a parking lot.

Vice Chairperson Goranson stated 194th at 101st (New Orleans) would not have a street sign as it would not be a road for through traffic.

Ms. Yamaguchi agreed; more than likely the road would look like a driveway. She stated since only the zoning for the portion of the property shown in red on the map was being considered today, the surrounding neighbors would receive another public notice for the Comprehensive Plan change and any future rezoning.

Chairperson Klempa closed the public hearing.

Ms. Ferenc stated, regarding the question about a wall being constructed, City Ordinance did

not require a wall, but did require an 8 to 10 foot high opaque screening fence along the property.

MOTION: A motion was made by Robert Goranson, seconded by Jonathan Townsend.

Move to approve Item 6A per Staff recommendations

The motion carried by the following vote:

Aye: 3 - Jonathan Townsend, Jaylee Klempa, Robert Goranson

Chairperson Klempa indicated this Item would go before City Council on July 19, 2022 at 6:30 p.m. She noted if any wished to speak regarding this Item, submission of a Request to Speak form would be required prior to the Meeting's start.

B. 22-754 Public hearing, consideration, and possible action regarding BAZ-2111 (Rezoning) and PUD-126F (Planned Unit Development), Tucson Business Park, 2.38 acres, PUD-126/CG (Commercial General) to PUD-126F/CG (Commercial General) & IL (Industrial Light), located one-quarter mile west of Elm Place (161st E. Avenue), north of Tucson Street (121st Street)

Ms. Yamaguchi reported Planned Unit Development (PUD)-126F and BAZ-2111 involved a 2.38-acre parcel located one-quarter mile west of Elm Place (161st E. Avenue), north of Tucson Street (121st Street). She indicated the applicant was requesting to change the underlying zoning on the property from CG (Commercial General) to CG & IL (Industrial Light), along with a major amendment to PUD-126 to allow office warehouse, warehouse, and mini storage uses on this property. She stated PUD-126 was approved by the City Council on February 19, 2001; the property was undeveloped and was platted as a part of Lot 1, Block 1, Waterloo Way. She explained with this major amendment, the applicant proposed two development areas to allow both Commercial General and Industrial Light uses on the property. She stated any use allowed by the PUD could be located in either development area. She noted allowed uses from Development Area B may be permitted up to 100% of the total land area and uses from Development Area A may comprise a maximum of 33% of the total land area. She reported permitted uses from the Industrial Light district were restricted to office/warehouse, warehouse, and mini storage while permitted uses from the CG district were specifically limited to those listed in the Staff Report. She noted additional changes to PUD-126 were also described in the Staff Report and included a decrease in building height from 40 feet to 25 feet, a reduction in parking for the office and office warehouse, an increase in perimeter landscaping with a reduction in parking lot landscaping, an addition of a freestanding sign not to exceed 20 feet in height and 150 square feet in size, and access to the site would be from a private drive which connected to Tucson Street. She noted at this time there were no other developments on this drive; just south of the lot was a reserve area which would remain an open greenspace.

Vice Chairperson Goranson asked if the private drive would be built to City standards.

Ms. Yamaguchi responded in the affirmative; the road was already constructed to City standards. She stated this PUD had several amendments and the PUD's history was listed in the Staff Report. She reported the property associated with PUD-126F was designated as Level 6 in the Comprehensive Plan and the existing underlying zoning of CG, was in accordance with the Comprehensive Plan in Level 6 and the requested IL zoning was considered possible in Level 6 if the five conditions of the Comprehensive Plan were met. She stated in Staff's opinion these conditions had been met by this development. She noted there were descriptions of these opinions in the Staff Report. She stated according to Section 6.4 of the Zoning Ordinance, the PUD provisions were established for one or more of the purposes outlined in the Staff Report; in Staff's opinion, PUD-126F met Item 1 of the criteria: "The use of this property for office/warehouse, warehouse, and mini storage utilizes a property that has no direct street access and does not have commercial frontage conducive to a traditional retail setting. The landscape provisions proposed, and the enhanced façade required with the major amendment preserve the character of the area."

Ms. Yamaguchi stated based on the Comprehensive Plan, location of the property and surrounding land uses, Staff recommended BAZ-2111 and PUD-126F be approved and platting be waived.

The applicant, Ryan McCarty with Select Design, indicated he was in agreement with Staff recommendations.

Commissioner Townsend asked about the business park vision.

Mr. McCarty responded in the commercial portion of the property, which was closest to Walmart, he was planning small boutique shops such as a bakery, dry cleaning, fitness, or other personal services. He noted tenant spaces were only 2,400 square feet, so no large retail establishments would be in the space.

Commissioner Townsend indicated he saw this information in the packet; he wondered if Mr.

McCarty had any additional information to contribute regarding potential tenants.

Mr. McCarty responded in the negative. He stated one of the owners was present and might be able to provide more information.

Mr. Dustin Hansen, the developer, stated the type of tenants he would look for were small trade companies such as heating and air, plumbers, etc. He noted he understood there were restrictions regarding automotive repair and such. He stated industrial shops were handy for many different types of business owners, even photographers. He discussed the types of businesses who were tenants in his other developments.

Chairperson Klempa stated no citizens signed up to speak regarding this Item.

MOTION: A motion was made by Jonathan Townsend, seconded by Robert Goranson.

Move to approve Item 6B per Staff recommendations

The motion carried by the following vote:

Aye: 3 - Jonathan Townsend, Jaylee Klempa, Robert Goranson

Chairperson Klempa indicated this Item would go before City Council on July 19, 2022 at 6:30 p.m. She noted if any wished to speak regarding this Item, submission of a Request to Speak form would be required prior to the Meeting’s start.

C. 22-753 Public hearing, consideration, and possible action regarding the proposed modifications to Chapter 3 and Chapter 5 of the Downtown Residential Overlay District (DROD)

Ms. Yamaguchi reported Chapter 3 and Chapter 5 of the Downtown Residential Overlay District (DROD) were proposed to be modified to include two-family building forms in Area 5 (duplexes in the Downtown fringe area, Rose District transition area). She reported the DROD was approved by the City Council in December 2017 and was in effect since January 2, 2018. She noted since that time, one modification was made to the document addressing transitional setbacks and other setback and textual changes. She stated with this modification to the DROD, Staff was recommending updating Table 1 in Chapter 3 to include Two-Family (Duplex) as a permitted building form in Area 5, Rose District Transition Area. She noted an additional update to Chapter 5.B, Design Standards by Building Form: Two-Family, would include requirements for Area 5 in the design standards. She stated in Chapter 2 of the DROD, the general description of Area 5, Rose District Transition, stated this area was to serve as a transition which buffers intensive commercial/mixed-use development from interior residential areas. She indicated, as such, new construction and significant renovations should include a variety of building forms ranging from single-family to rowhouses to mixed-use buildings with limited commercial, such as neighborhood-level retail or small offices. She stated in Section 3, Building Forms, the table of permitted building forms included single-family, 3-Plex/4-Plex, rowhouses, and flats; in Staff’s opinion, including two-family building forms in Area 5 met the criteria for the area stated in Chapter 2 of the DROD. She indicated the text changes were listed in the Staff Report. She stated Staff recommended approval of the proposed modifications to Chapter 3 and Chapter 5 of the Downtown Residential Overlay District, as presented, and an Ordinance be drafted for City Council approval.

Vice Chairperson Goranson asked if two-family was the new term for duplex.

Ms. Yamaguchi responded the terms duplex and two-family were interchangeable.

Chairperson Klempa stated no citizens signed up to speak regarding this Item.

MOTION: A motion was made by Robert Goranson, seconded by Jonathan Townsend.

Move to approve Item 6C per Staff recommendations

The motion carried by the following vote:

Aye: 3 - Jonathan Townsend, Jaylee Klempa, Robert Goranson

Chairperson Klempa indicated this Item would go before City Council on June 20, 2022 at 6:30 p.m. She noted if any wished to speak regarding this Item, submission of a Request to Speak form would be required prior to the Meeting’s start.

7. Appeals

There were no Appeals.

8. General Commission Business

There was no General Commission Business.

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 6:14 p.m.

MOTION: A motion was made by Jonathan Townsend, seconded by Robert Goranson.

Move to adjourn

The motion carried by the following vote:

Aye: **3** - Jonathan Townsend, Jaylee Klempa, Robert Goranson