

**CITY OF BROKEN ARROW
MINUTES OF THE
REGULAR MEETING OF THE
PLANNING COMMISSION
September 27, 2012**

The Planning Commission agenda for this meeting was posted on September 19, 2012, at 11:15 a.m., on the City Hall Bulletin Board, 220 South First Street, Broken Arrow, Oklahoma.

1. The Broken Arrow Planning Commission met on Thursday, September 27, 2012, at 5:00 p.m. The meeting was called to order by Chairperson Ricky Jones.

2. Roll Call:

Present: Ricky Jones, Chairperson
Fred Dorrell, Vice Chairperson (seated at 5:15 pm)
Glenn Shaw, Commission Member
Lee Whelpley, Commission Member
Carolyne Isbell-Carr, Commission Member

Absent: None

Staff Present: Lesli Myers, Asst. City Attorney
Farhad K. Daroga, City Planner
Brent Murphy, Asst. City Planner
Joyce Snider, Admin Asst
Tom Hendrix, City Engineer
Marcae' Hilton, Planning Intern

3. **OLD BUSINESS**

None.

4. **CONSENT AGENDA**

The Commission considered the Consent Agenda. Brent Murphy reviewed the Consent Agenda items, saying the applicant has requested that Item Nos. 4D and 6C be withdrawn. Ricky Jones explained the Consent Agenda process and asked if anyone wished to discuss any of these items. A member of the audience asked about one of the public hearing items and was provided with the timing of that item.

Motion by Glenn Shaw to approve Item Nos. 4A, B and C on the Consent Agenda as recommended by Staff. The motion was seconded by Lee Whelpley.

Yes: Isbell-Carr, Whelpley, Shaw, Jones

No: None

Motion Approved

Motion by Lee Whelpley to dismiss Item No. 4D on the Consent Agenda as requested by the applicant. The motion was seconded by Glenn Shaw.

Yes: Isbell-Carr, Whelpley, Shaw, Jones

No: None

Motion Approved

- 6A. the minutes of the Planning Commission meeting held September 13, 2012 were approved as presented.
- 6B. PT06-125A, conditional final Plat, Aspen Pond II, 4 lots, 0.90 acres, RS-3/PUD 158B, east of Aspen Avenue (145th East Avenue), one-half mile south of Washington Street (91st Street). The applicant was present. This item was approved as recommended by Staff and in accordance with the attached checklist..
- 6C. PT12-104, conditional final plat, Aspen Office Park, 2 lots, 4.54 acres, ON/PUD 158B, one-third mile south of Washington Street (91st Street), east of Aspen Avenue (145th East Avenue). The applicant was present. This item was approved as recommended by Staff and in accordance with the attached checklist.
- 6D. BAL 1026, Strawn Lot Split, 5.37 Acres, A-1, one-half mile west of Garnett Road (113th East Avenue), north of Florence Street (111th East Avenue). The applicant was not present. This item was dismissed as requested by the applicant.

5. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

6. PUBLIC HEARINGS

- 6C. The Commission considered PUD 171C, Strawn, minor amendment, 18.2 acres (Area C), 1.2 acres (Area D), one-quarter mile west of South Garnett Road (South 116th East Avenue), North of West Florence Street (East 111th Street South). The applicant was not present.

Motion by Carolyne Isbell Carr to dismiss Item No. 6C as requested by the applicant. The motion was seconded by Glenn Shaw.

Yes: Isbell-Carr, Whelpley, Shaw, Jones

No: None

Motion Approved

Ricky Jones excused himself due to a possible conflict of interest.

- 6A. The Commission considered BACP 116A, Lynn Lane Business Plaza, 7.28 acres, 1 lot, Levels 2 and 3 to Level 4, north of Albany Street (61st Street), one-eighth mile east of 9th Street (Lynn Lane/177th East Avenue). Brent Murphy presented the background, saying BACP 116A is a request to change 7.28 acres from Levels 2 and 3 to Level 4. He said this unplatted vacant property is presently zoned RM and RD and on July 19, 2011, the City Council approved BACP 116, a request to change the Land Use Intensity Level of the Comprehensive Plan on this property from Level 2 and 3 to Level 4, subject to the property being developed through the PUD process.

Mr. Murphy said a draft PUD was submitted with BACP 116 and that the draft PUD was a critical element associated with the request to amend the Comprehensive Plan. He said as part of the approval of BACP 116 back in July, the property was divided into two areas, Development Area A which fronts onto Albany Street, and Development Area B to the north. As part of the approval of BACP 116, the Planning Commission and the City Council had stipulated that the eastern boundary of Development Area A would be align with 12th street that goes into the Charleston neighborhood to the south. He said the property to the east would be office use similar to Development Area B. In addition, the Planning Commission and the City Council also required that a 20-foot wide landscape area be provided along Albany Street, with a berm of at least 36 inches in height.

6A. continued

Mr. Murphy said what is before the Commission is a revised draft PUD, still a part of BACP 116. However, the applicant has indicated that the owner of the property has been approached by a restaurant user to purchase the easternmost lot in Development Area A, north and east of 12th. Street, which is not in Level 4 and is not currently designated for this use. With the revised PUD, the applicant has proposed that the easterly 50 feet of Development Area A be zoned ON to be only for office use, but the restaurant would extend 200 feet further to the east than was previously approved by the Planning Commission and City Council. He said, in addition, instead of having a 20-foot wide landscape area along Albany Street, there would be a ten-foot wide landscape area with a 36-inch high masonry wall. He said there is a limitation in the draft PUD on the hours of operation of the restaurant, there would be a screening fence for at least 125 feet along the northerly boundary that would go from the east boundary.

Mr. Murphy said that is basically the two modifications being requested are a Comprehensive Plan amendment, there is no hearing on the draft PUD, but it is a critical element associated with the Comprehensive Plan request.

Lou Reynolds, 2727 East 21st Street, Tulsa, representing the applicant, said the purpose of this request in Development Area A is the unusual shaped lot on the west side and have been approached twice by barbecue restaurants. He talked about the unusual shape of the lot and said its configuration would be a buffer for the surrounding residential neighborhood and said that is what they are attempting to do with this draft PUD. He said the building would be limited to one-story in height, no more than 35 feet, with a pitched roof with a residential feel. He said the hours of operation would be limited to 11:00 p.m. on Friday and Saturday and 10:00 p.m. the rest of the week. He said the drive-in window would close at 10:00 p.m. all nights. He said they are trying to mitigate the effects of a restaurant in the residential area. He said the dumpster will be screened and gated; it will be on the north side of the building and a screening fence will be erected along 125 feet of the north boundary.

Mr. Reynolds said the ON zoning line will be extended setting up the property to the east for office use. He said the restaurant will be 185 feet from the property line to the south and over 300 feet from the nearest property line to the north. He said this distance, the tight hours and low height make the restaurant a good neighbor. He requested that the Commission approve BACP 116.

Lee Whelpley said the original application was related to apartments and offices. Mr. Reynolds said the original application included commercial as well and it evolved into just office and talked about the responses to their marketing efforts regarding restaurants. Lee Whelpley asked where the new school will be and Staff pointed out the location of Charleston and the new school on the map.

Mr. Reynolds said only the existing access points will be used.

There were no protestants present.

Motion by Lee Whelpley to approve BACP 116A as recommended by Staff. The motion was seconded by Carolyne Isbell-Carr

Yes: Isbell-Carr, Whelpley, Shaw

No: None

Motion Approved

6A. continued

The applicant was informed that BACP 116A will be considered by the City Council in their meeting of October 16, 2012, at 6:30 p.m.

Ricky Jones returned to the meeting.

Fred Dorrell, who arrived at 5:09 p.m., but did not participate in Item No. 6A, took his seat.

6B. The Commission considered BACP 126, PUD 218, and BAZ 1884, 7.04 acres, 2 lots, Level 3 to Level 6, and A-R-1 and A-IL to IL and PUD 218, one-eighth mile east of the northeast corner of 23rd Street (County Line Road/193rd East Avenue) and Washington Street (91st Street). Brent Murphy presented the background, saying BACP 126 is a request to change 7.04 acres from Level 3 (Transition Area) to Level 6 (Regional Employment/Commercial). The property is unplatted and there is an existing building on the property that was constructed in 1978 as part of a manufacturing facility.

Mr. Murphy said the applicant has also submitted BAZ 1884, which is a request to change the zoning on the property from A-R-1 and A-IL to IL, which is Industrial Light.

Mr. Murphy said PUD 218 has also been submitted in conjunction with BAZ 1884. With BACP 126, PUD 218, and BAZ 1884, the applicant is requesting to expand the existing industrial use by 2.93 acres.

Mr. Murphy said the property associated with BACP 126, PUD 218, and BAZ 1884 was annexed into Broken Arrow through two different ordinances with two different zoning classifications. He said the A-R-1 zoning was assigned to the west part of property on November 12, 1984, when the City Council approved Ordinance 1294 for annexation. The A-IL zoning was assigned to the east 310 feet of the property on December 17, 2001, when the City Council approved Ordinance 2410 for annexation. He said as part of the draft PUD 218, a conceptual site plan was also submitted and, as part of their PUD, they have noted the following:

- Operation will take place inside the building between 10:00 pm and 7:00 am.
- Building height limited to 50 feet.
- Along the south boundary adjacent to Washington Street, landscaping is increased to one tree per 30 lineal feet instead of one tree per 50 lineal feet.
- They propose to have a 10-foot wide landscape buffer with at least one medium to large evergreen tree per 30 lineal feet along the east, north, and west boundaries.
- Screening fence will be six feet in height around the perimeter of the property.
- Exterior light poles are limited to 16 feet in height. If outdoor wall pack type lights are used, a photometric shall be submitted that shows foot candles along the east and north property lines to be 0.5 or less.
- Only one free-standing sign is allowed and it is limited to 10 feet in height and 100 square feet. The free-standing sign must be located outside any utility easement and have a masonry, monument type base. No flashing, twinkling, or animated signs will be used as part of the sign.

Mr. Murphy said Staff would not normally be supportive of Level 6 being inserted into an area surrounded by single-family detached residential. However, in this instance, industrial uses have existed on this property for over 30 years. The Industrial Light zoning was assigned to the east half of this property when it was annexed into Broken Arrow in 2001.

6B. continued

Mr. Murphy said IL zoning is considered to be in accordance with the Comprehensive Plan in Level 6 when it is submitted as part of a PUD and the PUD would serve as an important tool to buffer and safeguard the surrounding residential uses and the industrial development. Therefore, based upon the Comprehensive Plan, the past industrial history associated with the property and the PUD, Staff recommends that BACP 126, PUD 218, and BAZ 1884 be approved subject to the property being platted and the following changes incorporated into the Design Statement submitted with PUD 218:

1. There would be exterior on any new construction that takes place to the east, *south*, or west of the existing building ...”
2. The hours of outside operation would be changed from “10:00 PM” to “7:00 PM” with all uses limited to the inside of the building from 7:00 p.m. until 7:00 a.m.
3. The landscape islands next to the entry drives shall be at least 25 feet in width on both sides and that there be a landscape island of at least 15 feet in width placed in the center.
4. The privacy fence, instead of being six feet in height, be increased to eight feet in height but that the construction of the fence could occur in phases, as part of the over-all site plan review process.

Ricky Jones asked about the PUD submittal and Brent Murphy verified that it is a PUD submittal, not a draft, and that three separate applications are being presented.

Kevin Vanover, the applicant, Impact Engineering & Planning, 109 North Birch Street, Owasso, said the facility has been in operation for quite some time and they would like to expand add a 15,000 square foot building to the north. He talked about future expansion and said the property to the east is zoned commercial (CN), providing a little buffer between them and residential property. He said there is parking on the east, which will be reduced and a landscape buffer will be added. He said storm water detention will be on the southwest corner. He said, since the addition will be extended from the existing building, it will not be noticeable from the street. He said the access is difficult and the driveways are being straightened and widened, making it easier for trucks to move in and out of the site.

Ricky Jones asked Mr. Vanover if he was in agreement with the recommendations in the Staff report. Mr. Vanover said the hours of outside operation may be an issue and explained that materials need to be brought in periodically by forklift. Discussion followed regarding resolution of the question.

Don Seibert, 158th Street and 273rd, Coweta, the General Manager of Hi-Tech Industries, talked about the need to bring in materials by forklift which could occur at night. Farhad Daroga said in areas where industrial and business uses are next to residential areas, the complaints the City generally receives are in regard to a vehicle or a truck operating at night and if the doors are left open, that noise travels. He said if a delivery truck shows up and is idling there for quite awhile, the noise is heard by the residents. He said he would recommend that this issue be addressed; that the problems the City hears about from people in other areas is that they hear a machine idling for hours at night and the doors are open. He said diesel engines can be heard for long distances.

6A. continued

Mr. Seibert said their facility is climate-controlled, so they can keep their doors closed. He said their deliveries come in the day time, with few exceptions.

Glenn Shaw asked how wide is the commercial property to the east.

Barbara McGee, 19416 East 91th Street South said she owns the land to the east and it is 150 feet wide. She said she objected to an eight-foot fence being erected next to her property. She reviewed the 30-year history of her ownership of the property to the east and adjacent to this site, saying her property had been annexed into Broken Arrow as A-C-3 and that later she had been told that their property and the property to the north would be zoned for office use. She said she had recently spoken to City Planning staff and had been told that, beginning 2008, her property was zoned CN. She said she would like for her property to be bought out.

Mrs. McGee said she was opposed to the new structures planned for this facility, the fence is going to block their view, as well as the traffic and noise that would be caused, with the big trucks that sit in front of her house with their motor running. She said there is noise over there all hours of the night and as they increase their usage her concern is that it will get worse. She said their employees come at all hours of the day and night, with their boom boxes blasting. She said they are not pleased to be the buffer zone for this use.

Stan Robertson, 9015 South 199th East Avenue, commented that the area as it is being developed, needs wider access for trucks entering the property. He said 18-wheelers have great difficulty negotiating the turns in and out of the driveway. Mr. Robertson asked if this type of facility could operate in Level 3 and Staff said light industrial is only allowed in Level 6 with a PUD and 7.

Mr. Vanover said the drives have been made straight and wider in order to accommodate the large trucks, with a place on the property to wait to unload and load.

There were about seven people present in regard to this application.

Lee Whelpley asked what part of the original property was industrial. Staff responded that the east half was originally industrial. Discussion followed and Mr. Vanover said the initial expansion is in the existing zoned area, but they will plat and get the zoning straight for the entire plot. Trees and fencing were discussed briefly.

Mrs. McGee said a concern is that semi trucks cannot get around the corner either way at 91st and County Line Road. She said most of the trees along the east side are on her property.

Motion by Fred Dorrell to recommend approval of BACP 126, PUD 218, and BAZ 1884 as recommended by Staff. The motion was seconded by Lee Whelpley.

Yes: Isbell-Carr, Whelpley, Shaw, Dorrell, Jones

No: None

Motion Approved

Ricky Jones said BACP 126, PUD 218, and BAZ 1884 will be considered by the City Council in their meeting of October 16, 2012, at 6:30 p.m.

7. APPEALS

None.

8. GENERAL COMMISSION BUSINESS

None.

9. REMARKS, INQUIRIES AND COMMENTS BY PLANNING COMMISSION AND STAFF - (NO ACTION)

- 9A. Farhad Daroga handed out a flyer on the Planning Commission Workshop to be held October 5, 2012 in Glenn Pool. No action was taken.

10. ADJOURNMENT

At 5:50 p.m., **Motion** by Fred Dorrell to adjourn. The motion was seconded by Glenn Shaw.

Yes: Isbell-Carr, Whelpley, Shaw, Dorrell, Jones

No: None

Motion approved.