

**CITY OF BROKEN ARROW  
MINUTES OF THE  
REGULAR MEETING OF THE  
PLANNING COMMISSION  
January 8, 2015**

The Planning Commission agenda for this meeting was posted on December 31, 2014, at 11:24 a.m., on the City Hall Bulletin Board, 220 South First Street, Broken Arrow, Oklahoma.

1. The Broken Arrow Planning Commission met on Thursday, January 8, 2015, at 5:00 p.m. The meeting was called to order by Chairperson, Lee Whelpley.

**2. Roll Call:**

Present: Lee Whelpley, Chairperson  
Ricky Jones, Vice Chairperson  
Glenn Shaw, Commission Member  
Carolyne Isbell-Carr, Commission Member

Absent: Fred Dorrell, Commission Member

Staff Present: Lesli Myers, Deputy City Attorney  
Michael Skates, Dir. of Development Services  
Farhad Daroga, City Planner  
Brent Murphy, Assistant City Planner  
Marcae Hilton, Staff Planner  
David Steele, Planning Division Engineer  
Jeff Westfall, Project Engineer  
Karissa Fischer, Admin. Assistant  
Kristina Penny, Project Coordinator

**3. OLD BUSINESS**

A. None.

**4. CONSENT AGENDA**

Marcae Hilton presented the Consent Agenda. She said the applicant for Item 4D, Conditional Final Plat for 51 Aspen RV Storage, would like this item removed from Consent Agenda for discussion regarding sidewalks.

Lee Whelpley explained the Consent Agenda process and asked if there were any other items that need removed from the Consent Agenda. No one responded.

Ricky Jones asked Lou Reynolds (in the audience) if he understood that his PUD and rezoning application for Wal-Mart Neighborhood Market would be heard after the preliminary plat. He asked Mr. Reynolds if he understood, if the plat were to be approved, and the PUD and rezoning were denied, it is a moot point. Mr. Reynolds said he understood.

4. **Motion** by Ricky Jones to approve the Consent Agenda Items with exception to Item 4D, as recommended by Staff. The motion was seconded by Carolyne Isbell-Carr.

Yes: Whelpley, Jones, Shaw, Isbell-Carr

No: None

Abstain: None

**Motion** approved.

- A. Minutes, Planning Commission meeting held December 18, 2014. This item was approved as presented.
- B. Consideration and possible action regarding BAL 1065CB, Berwick Fairways II (Castlerock) Lot Combination, 0.56 acres, one-half mile north of Florence Street, one-half mile east of Mingo Road. This item was approved as recommended by Staff. The applicant, Steve Wright, was not present; however, per correspondence with Staff, is in agreement with the Staff report.
- C. Consideration and possible action regarding BAL 1066, Bel Lago Phase II, 2 lots, 94.83 acres, A-1 to RS-3, one-quarter mile north of Houston Street, one-quarter mile west of Evans Road. This item was approved as recommended by Staff. The applicant, Jeff Tuttle, Tuttle and Associates was present and in agreement with the Staff report.
- D. Consideration and possible action regarding PT14-108, Conditional Final Plat, 51 Aspen RV Storage, 8.01 acres, 1 lot, A-1 to IL/PUD 227, south of State Highway 51, one-quarter mile west of Evans Road. This item was removed from the Consent Agenda.
- E. Consideration and possible action regarding PT14-110, Conditional Final Plat, Rib Crib Addition, 1.37 acres, 1 lot, R-2, CN, and CH to CN/PUD 232, south of Kenosha Street between Ash Avenue and Main Street. This item was approved, subject to the checklist. The applicant, Ron Fiscus, with PlanScape Partners, was present and in agreement with the checklist.
- F. Consideration, and possible action regarding PT15-100, Preliminary Plat, Albany Crossings (Wal-Mart Neighborhood Market), 1 lot, 11.35 acres, RM and RD to CG/PUD 233, north and east of the northeast corner of 9th Street and Albany Street. This item was approved, subject to the checklist. The applicant, Lou Reynolds, with Eller & Detrich, was present and in agreement with the checklist.
- G. Consideration, and possible action regarding PT15-101, Preliminary Plat, Lot 3a County Line Center (Casey's General Store), 1 lot, 1.49 acres, A-CH to CH, northeast corner of Albany Street and 23rd Street. This item was approved, subject to the checklist. The applicant, Kevin McClafflin, with Morrison Shipley, was not present; however, per correspondence with Staff, is in agreement with the Staff report.

There were approximately 20 audience members, no one protested.

## 5. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

Brent Murphy said the reason the applicant requested this item to be removed from the Consent Agenda is because this property is located adjacent to State Highway 51 and the applicant is requesting the sidewalk requirement, adjacent to Highway 51, be waived. Mr. Murphy said due to the location of this property, the speed and amount of traffic along this property Staff feels this is not an appropriate place for a sidewalk and is in agreement to waive the sidewalk requirement.

Ricky Jones asked if landscaping would be done in lieu of the sidewalk. Mr. Murphy said yes, they will provide landscaping, according to the PUD. He said in addition, they are in mitigation for a 404 permit and must do extra landscaping.

Tim Terrel, Tulsa Engineering and Planning, 9820 East 41<sup>st</sup> Street, Ste. 102, Tulsa, OK said they are in agreement with the Staff report and are requesting a sidewalk waiver. He said they will be adding trees along Highway 51 and are working with Staff to determine the number. Mr. Terrel said there is mitigation regarding the 404 permit and 120 additional trees will be required. The number of trees will aid in screening the property and will be in conformance with the PUD.

Ricky Jones said he concurs with the sidewalk waiver. The landscaping is a good alternative for a sidewalk in this area.

**Motion** by Glenn Shaw to approve the Consent Agenda Item 4D, PT14-108 as amended and recommended by Staff. The motion was seconded by Carolyn Isbell-Carr.

Yes: Whelpley, Jones, Shaw, Isbell-Carr

No: None

Abstain: None.

**Motion** approved.

Lee Whelpley said Items 4D and 4E will be heard by the City Council on February 3, 2015, at 6:30 p.m.

## 6. PUBLIC HEARINGS

- A. The Commission considered PUD 233 and BAZ 1926, Wal-Mart Neighborhood Market, 11.35 acres for PUD 233 and 8.49 acres for BAZ 1926, RM and RD to CG, north and east of the northeast corner of 9th Street and Albany Street.

Brent Murphy presented the background saying Planned Unit Development (PUD) 233 involves 11.35 acres located north and east of the northeast corner of 9<sup>th</sup> Street and Albany Street. BAZ 1926, a request to rezone 8.49 acres of this property from RM (Residential Multi-Family) and RD (Residential Duplex) to CG (Commercial General), has been submitted in conjunction with PUD 233. The property is presently unplatted and undeveloped. A preliminary plat, Albany Crossings, has also been submitted with this rezoning request.

Mr. Murphy said Wal-Mart is proposing to construct a Neighborhood Market grocery store on this property. BACP 116B, a request to change the Comprehensive Plan designation on the property associated with BAZ 1926, from Levels 2 and 3 was approved by the City Council on October 21, 2014, subject to the property being platted and a PUD being submitted that was similar in context to the draft PUD submitted with BACP 116B. The document submitted with PUD 233 is similar to the draft PUD submitted with BACP 116B.

Brent Murphy said development of the property will be in accordance with the Zoning Ordinance and the use regulations of the CG (Commercial General) district. Building height is limited to 28 feet in height and one story. The parking setback next to Albany Street will be increased from 10 feet to 40 feet. In addition, no parking spaces shall abut the 40 foot wide landscape edge next to Albany Street. He said within the 40 feet wide landscape edge, next to Albany Street, at least one tree shall be planted per every 25 feet of frontage. In addition, there will be an 8-foot high masonry wall from the east property line to a point that aligns with the westernmost side of the building. From that point, there will be a berm, at least 60 inches in height above the surface of the parking lot that will extend to the west property line. All the trees on the site will be medium to large trees.

Mr. Murphy said one freestanding sign is allowed per street frontage. The signs will be limited to 10 feet in height with a maximum size of 120 square feet. Light poles, in the parking lot, are limited to 20 feet in height above the surface of the parking lot and a photometric design will be required. No truck loading or unloading will be allowed between 10:00 p.m. to 6:00 a.m. Access is limited to two points on Albany Street and one existing point on to 9<sup>th</sup> Street. He said they will have decel lanes on Albany and 9<sup>th</sup> Street.

Mr. Murphy said, based upon the Comprehensive Plan, the location of the property, and surrounding land uses, Staff recommends that PUD 233 and BAZ 1926 be approved subject to the entire property being platted and one minor change to the Design Statement that has been incorporated into the Staff report.

Lee Whelpley asked if the applicant was present.

Lou Reynolds, Eller & Detrich, 2727 E. 21<sup>st</sup> Street, Ste. 200, Tulsa, OK said they are in agreement with all of Staff's recommendations. He said they amended the comprehensive plan on this 8 ½ acre property and added 3 acres of CG zoned property, to add to the PUD. All the property has been zoned CG.

Mr. Reynolds said this store is not the typical prototype store. He said the floor plates are 20 feet to the roof plate and the building is 28 feet high. Parapet walls will be installed to screen the roof-mounted equipment. He said the northwest corner to southeast corner will have an eight foot masonry wall and the loading facility will be on the east, so most of the work will be away from the residential area. A five foot berm will run along the property until it is a 36 foot berm which is above the parking surface. There will be a 42 inch berm around the front of the building to shield vehicle lights. The store will be 250 feet from the houses due to the setbacks and buffering.

Lou Reynolds said this development should have a positive effect on the surrounding area. The lights will not exceed 20 feet high. One tree will be installed every 20 feet. Signage is limited. He asked the Commission to approve this project.

Ricky Jones asked if the area to the north of the building is a drainage easement. Lou Reynolds said yes, it is a drainage easement. Ricky said most likely this area will never development then. Mr. Reynolds said 60% of the land is green space, with low intensity use.

Lee Whelpley asked who will be responsible for maintenance on the property, north of the tree line. Lou Reynolds said Wal-Mart will maintain the area, they own the land.

Lee Whelpley opened the public hearing.

Pamela Fly, 2517 North 12<sup>th</sup> Street, Broken Arrow, OK said her house will be less than 300 feet from this building. She said the City's Zoning Code has provisions that state the reason for Zoning Ordinances and read portions from the Zoning Ordinance. She said before she purchased her home she did her due diligence and researched the area. At the time, this property was zoned RM and RD which serve as buffers between commercial and residential areas. Ms. Fly asked the Commission to consider limiting the hours of operation for this business to help eliminate more traffic.

Lynn Candy, 2501 N. 15<sup>th</sup>, Broken Arrow, OK said she is concerned about increased traffic that this business will bring, in addition to the current traffic issues. She said she would recommend widening the road before any construction begins.

Michael Skates said Albany is under design and the City's engineering department anticipates completing the design and advertising it, to be ready this time next year. The decel lane will not take away the existing three lanes. He said when the road is widened to five lanes, the westbound lane will have a decel lane, much like a left turn lane, which will take traffic going to the Neighborhood Market away from the traffic traveling to the schools. He said it is imminent that construction will take place and hopefully will be completed in a year or year and one half and will provide a good access point and driving lanes to the school and neighborhoods.

Lynn Candy asked about the construction schedule in conjunction with the street widening. Michael Skates explained the development process and said construction will probably take 18 months. He said the road widening design factors have not been fully developed yet. Mr. Skates said typically, contractors stage a construction entrance and construction will be contained within their property. He said City inspectors will try to stay on top of this project to limit dust blowing, dirt on the street and disruption to the neighborhoods.

Discussion continued.

Lynn Candy asked how long the road construction will last. Michael Skates said approximately nine months due to a bridge having to be expanded with consideration to the schools and the traffic.

Virginia Metrovich, 2408 N. 14<sup>th</sup> Place, Broken Arrow, said she concurs with the previous statements and is concerned with traffic. She said there are two Wal-Marts, one north, one west, a Sprout's and a Reasor's all within two miles of this area, and there is no need for a new Wal-Mart.

Discussion followed.

Lee Whelpley closed the public hearing.

**Motion** by Glenn Shaw to approve Item 6A, PUD 233 & BAZ 1926 per Staff recommendation. The motion was seconded by Ricky Jones.

Yes: Whelpley, Jones, Shaw, Isbell-Carr

No: None

Abstain: None

**Motion** approved.

Lee Whelpley said this item will be heard by the City Council on February 3, 2015, at 6:30 p.m.

## 7. APPEALS

A. None.

## 8. GENERAL COMMISSION BUSINESS

A. Discussion of the proposed changes to Section 5.4 of the Zoning Ordinance regarding commercial vehicle parking in Residential zoned districts.

Michael Skates presented the background saying this item pertains to a code enforcement issue that resides in the Zoning Ordinance. He said the Ordinance verbiage pertaining to commercial vehicles parked in a residential area is somewhat confusing, thus this proposal is to use different language to clarify the Ordinance.

Mr. Skates said the Homeowner's Association (HOA) for Wolf Creek, south of Washington, west of Aspen, has a very active HOA. He said Staff has been working with an individual in the neighborhood for the past two years, regarding commercial vehicles in residential areas, as well as observing these types of issues throughout the City. He said the Ordinance references "one and one-half tons" which can seem confusing when the Ordinance is really referring to the Gross Vehicle Weight (GVW), or towing capacity, rather than the weight of the vehicle itself. Therefore, modifications to the code, with a different set of language are proposed.

Mr. Skates said this item originated at a City Council meeting as a complaint that there was a problem in their (Wolf Creek) neighborhood with parked commercial vehicles. Staff was already working with the complainant and the HOA on this topic, as well as the police department. City Council then directed Staff to look into the matter.

Michael Skates said on October 21, 2014 Staff went back to City Council to present the idea of modifying the language within the Ordinance. Council looked at the proposed changes and changed one of the requirements from 10,000 GVW to 8,000 GVW. The Council also instructed Staff to start the proceedings to have the Ordinance formally changed.

Mr. Skates said Staff met with the Legal Department, City Management and the police department to create the new verbiage. He said this proposed language will go to City Council at the same time as a modification to the traffic code, which has similar language, as far as weight

limit. He said code enforcement handles complaints that pertain to private property, whereas the police handle everything in the street. He said the changed language should help clarify some questions and help resolve issues when complaints are made regarding this issue, as well as how to enforce it.

Lee Whelpley asked if this is strictly for commercial vehicle or trucks with signs, as many people own duly trucks as their personal vehicle, which can be 10,000 GVW. Michael Skates said it could be.

Mr. Skates said sometimes people own a vehicle, with a commercial tag, in which one is the only amount allowed and sometimes people will tag a vehicle for a regular car and use that vehicle for commercial use. He said Staff must look at several things; the type of tag; identification of a business on the side of a truck; the number of axles on the vehicle and the weight limit. Mr. Skates said there are a lot of factors that go into the making the determination if a vehicle is in violation or not, and a vehicle may exceed the 8,000 pounds but won't exceed the axles and it may not exceed the length. He said Staff did a lot of work, measuring various trucks, and seeing what the lengths were. There are some cities that completely ban commercial vehicles in a residential neighborhood.

Ricky Jones said he looked at the language and it appears to be acceptable and something that can be enforced.

Discussion continued.

**Motion** by Ricky Jones directing staff to set a public hearing to consider amending Broken Arrow Comprehensive Zoning Ordinance pertaining to Section 5.4. The motion was seconded by Glenn Shaw.

Yes: Whelpley, Jones, Shaw, Isbell-Carr

No: None

Abstain: None

**Motion** approved.

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

**10. ADJOURNMENT**

At 6:45 p.m. Carolyn Isbell-Carr made motion to adjourn. The motion was seconded by Glenn Shaw.

Yes: Whelpley, Jones, Shaw, Isbell-Carr

No: None

**Motion** approved.