

**CITY OF BROKEN ARROW  
MINUTES OF THE  
REGULAR MEETING OF THE  
PLANNING COMMISSION  
March 12, 2015**

The Planning Commission agenda for this meeting was posted on March 5, 2015, at 2:42 p.m., on the City Hall Bulletin Board, 220 South First Street, Broken Arrow, Oklahoma.

1. The Broken Arrow Planning Commission met on Thursday, March 12, at 5:00 p.m. The meeting was called to order by Chairman Lee Whelpley.

2. **Roll Call:**

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

Absent: None

Staff Present: Lesli Myers, Deputy City Attorney  
Farhad Daroga, City Planner  
Marcae Hilton, Staff Planner  
David Steele, Planning Division Engineer  
Karissa Fischer, Admin. Assistant  
Kristina Penny, Project Coordinator  
Tom Hendrix, Engineering Division Manager

3. **OLD BUSINESS**

- A. Action regarding PUD 79A and BAZ 1927, Rose Creek, 4.62 acres for PUD 79A and 1.99 acres for BAZ 1927, IL to CG, north of Kenosha Street and west of Elm Place, (application withdrawn by applicant).

Marcae Hilton presented the background saying this item was continued to this meeting date and the applicant has withdrawn their application.

Ricky Jones said this item is a conflict of interest and he must recuse himself. Mr. Jones left the Council Chambers at 5:01 p.m.

**Motion** by Fred Dorrell to dismiss item 3A. The motion was seconded by Glenn Shaw.

Yes: Isbell-Carr, Shaw, Dorrell, Whelpley

No: None

Abstain: None

**Motion** approved.

Ricky Jones returned to the Council Chambers at 5:02 p.m.

#### 4. CONSENT AGENDA

Marcae Hilton presented the Consent Agenda.

Ricky Jones said his firm prepared Item 4D, Lynn Lane Terrace Lot Split, and will not be participating on this item; therefore, he would like the item removed from the Consent Agenda.

Farhad Daroga said Item 4E will need to be removed from Consent and discussed.

Lee Whelpley asked if anyone wished to remove any other items from the Consent Agenda. No one responded.

**Motion** by Ricky Jones to approve Items 4A, 4B, 4C and 4F on the Consent Agenda per Staff recommendations. The motion was seconded by Fred Dorrell.

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

No: None

Abstain: None

**Motion** approved.

- A. Minutes, Planning Commission meeting held February 12, 2015. This item was approved as presented.
- B. Consideration and possible action regarding BAL 1067, Lakes at Indian Springs IV, 1 lot, 1.36 acres, R-2/PUD 108D, one-third mile north of Jasper Street, one-quarter mile west of 9th Street. This item was approved as recommended by Staff. The applicant, Lawrence D. Taylor, representing the applicant, was present and in agreement with Staff recommendations.
- C. Consideration and possible action regarding BAL 1068CB, The Estates at Shenandoah Lot Combination, 0.48 acres, one-quarter mile north of Omaha Street, one-third mile west of Elm Place. This item was approved as recommended by Staff. The applicant, Brooks Pittman, with Pittman and Poe was present and in agreement with the Staff report.
- D. Consideration and possible action regarding BAL 1069, Lynn Lane Terrace Amended, 3.80 acres, 2 lots, CH, north of Kenosha Street, one-eighth mile west of 9th Street. This item was removed from the Consent Agenda.
- E. Consideration, and possible action regarding PT15-100, Conditional Final 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 removed from the Consent Agenda.
- F. Consideration, and possible action regarding PT15-104, Preliminary Plat, Hardesty Center for Dance Education at Tulsa Ballet, 2 lots, 13.72 acres, CG, located south and east of the southeast corner of New Orleans and South Aspen. This item was approved, subject to the checklist. The applicant, Nicole Watts, of Kinslow, Keith and Todd was present and in agreement with the checklist.

Lee Whelpley said Item 4A will be heard by City Council on April 7, 2015, at 6:30 p.m.

There were approximately 16 audience members, no one protested.

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

Ricky Jones left the Council Chambers.

- 4D. The Commission considered BAL 1069, Lynn Lane Terrace Amended, 3.80 acres, 2 lots, CH, north of Kenosha Street, one-eighth mile west of 9th Street. This item was approved per Staff recommendations. The applicant, Mark Capron, with Sizemore, Weisz was present and in agreement with the Staff report.

**Motion** by Fred Dorrell to approve Item 4D per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr.

Yes: Isbell-Carr, Shaw, Dorrell, Whelpley

No: None

Abstain: None

**Motion** approved

Ricky Jones returned to the Council Chambers at 5:08 p.m.

Fred Dorrell said he would have to recuse himself from Item 4E, PT15-100, Albany Crossings due to a conflict of interest, since he lives in this area. He left the Council Chambers at 5:08 p.m.

- 4E. The Commission considered PT15-100, Conditional Final 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.

Ricky Jones asked if the issues with the checklist had been worked out with the applicant. Marcae' Hilton said no, the north sidewalk issue needed to be discussed.

Farhad Daroga said during Staff review, and previous reviews, an item was added to the conditions list requiring pedestrian access from the north of the building to the public park by installing a sidewalk. Presently this property has a sidewalk that leads to a drainage channel and the applicant is requesting the Planning Commission to delete the requirement to build the sidewalk.

Lee Whelpley asked if the applicant was present and would like to discuss the sidewalk requirement in the recommendations.

Elliot Reid, with Cochran Engineering, 530A E. Independence Dr., Union, Missouri, representing Wal-Mart, said they are in agreement with the checklist with exception to item 22, the sidewalk requirement on the north side of the property up to Morrow Park. Mr. Reid said they are not opposed to sidewalks; however, are concerned that this sidewalk requirement would be a safety issue.

He said the sidewalk would lead to the drainage ditch and the only option to cross it would be to install an elevated pedestrian bridge across the ditch or traverse down to the ditch itself. Mr. Reid said traversing over the ditch is not feasible because it is in a drainage easement and Staff recommended having a low water crossing. He said there are no good ways to get across the drainage channel and elevating would cause debris and would affect the floodway. The other option would be to come down to the creek itself which would be unsafe.

4E. Ricky Jones asked to see the drawing showing the drainage ditch.

Discussion continued.

Ricky Jones said he is not in favor of allowing kids to go down into a drainage ditch which is an unsafe situation. Mr. Jones said he understands why Staff would want the sidewalk connection and asked Staff what the rationale was for requiring this sidewalk.

Farhad Daroga said Staff was trying to shift Wal-Mart's liability. He said when this store gets built; people will walk there and will walk in the grass. Staff's intent was to remove Wal-Mart's liability by dedicating the sidewalk as a public sidewalk and Wal-Mart would not have liability.

Mr. Daroga said City Staff could not agree on the sidewalk requirement; therefore, the decision to install the sidewalk will be for Wal-Mart to decide. He said half of the sidewalk exists on their property right now and people will walk on the existing sidewalk which is on the north side of the creek.

Discussion continued.

Ricky Jones said Wal-Mart knows their pedestrian traffic better than anyone and if they feel this requirement creates an unsafe condition he would have a hard time enforcing the applicant to install a sidewalk.

Discussion continued.

Lee Whelpley said installing a sidewalk invariably sends a message, "it's ok to use this." Discussion followed.

**Motion** by Ricky Jones to approve Item 4E, Albany Crossings, per Staff recommendations excluding Item 22, requiring the sidewalk to the north, through the drainage channel. The motion was seconded by Glenn Shaw.

Yes: Isbell-Carr, Shaw, Jones, Whelpley

No: None

Abstain: None

**Motion** approved

Lee Whelpley said this item will be considered by the City Council on April 7, 2015, at 6:30 p.m.

Fred Dorrell returned to the Council Chambers at 5:17 p.m.

## 6. PUBLIC HEARINGS

A. The Commission considered PUD 207C, a request for a Minor Amendment to PUD 207B, Hillside Crossings, 1.56 acres, PUD 207B/CH, north of the Broken Arrow Expressway, west of 9th Street.

Marcae' Hilton presented the background saying Planned Unit Development (PUD) No. 207C is a request for a minor amendment to PUD 207B, Hillside Crossings on about 1.56 acres. The

- 6A. property is located north of the Broken Arrow Expressway, west of 9<sup>th</sup> Street. With PUD 207C, applicant is requesting to modify the development regulations to allow light poles in the utility easement adjacent to 9<sup>th</sup> Street.

Ms. Hilton said according to Section 5.6.D.2 of the Zoning Ordinance, light poles are not allowed in a utility easement next to a street. The Zoning Ordinance does not make any references to the width of the utility easement. Lot 1, Block 2 of Hillside Crossings has a 33-foot wide utility easement next to 9<sup>th</sup> Street. The applicant has received approval from all the utility companies to place light poles in the easement. On the conceptual site plan submitted with PUD 207C, two light poles are shown to be located 26 and 28 feet from the right-of-way line next to 9<sup>th</sup> Street.

Marcae' Hilton said based upon the Comprehensive Plan, existing zoning, the location of the property and surrounding land uses, Staff recommends that PUD 207C be approved subject to the following: add the following to the design statement for PUD 207C, "All light poles shall be located at least 25 feet from the right-of-way line along 9<sup>th</sup> Street. In addition, property owner(s) assumes all liability and replacement responsibilities for any damage to light poles placed in the utility easement."

Lee Whelpley asked if the applicant was present.

Jim Beach, Wallace Engineering, 200 East Brady, Tulsa, OK said they are in agreement with the staff report. He said this PUD request is to allow adequate parking on the site. He said there is a wide easement on this site and in order to provide adequate lighting they must install light poles in the landscape islands.

Lee Whelpley opened the public hearing and asked if anyone wished to speak on item 6A, PUD 207C. No one responded. There were about 13 people in the audience.

**Motion** by Glenn Shaw to approve Item 6A, PUD 207C as recommended by Staff. The motion was seconded by Fred Dorrell.

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

No: None

Abstain: None

**Motion** approved

- 6B. The Commission considered PUD 234 and BAZ 1930, Tucson Village, 80.34 acres, A-1 to RS-3, CN, and FD, southwest corner of 23<sup>rd</sup> Street and Tucson Street.

Marcae' Hilton presented the background saying PUD 234 is a request for a commercial and an entry level single family detached residential development on 80.34 acres located on the southwest corner of 23<sup>rd</sup> Street and Tucson Street. The PUD proposes to leave 20.18 acres that are within the 100-year floodplain of Broken Arrow Creek as open space. BAZ 1930, a request to change the zoning on the property from A-1 to RS-3, CN, and FD has been submitted in conjunction with PUD 234.

Ms. Hilton said a similar request, PUD 206 and BAZ 1851, were approved by the City Council on September 21, 2010, subject to the property being platted. The property was never platted within the two year time limit stipulated by the Zoning Ordinance. As a result, PUD 206 and BAZ 1851 expired. According to the applicant, PUD 234 has been modified slightly to allow the

6B. existing creeks and drainage ways to remain largely undisturbed.

Glenn Shaw said he must recuse himself from Item 6B. Mr. Shaw left the Council Chambers at 5:18 p.m.

Lee Whelpley asked if the applicant was present.

Alan Betchan, applicant with AAB Engineering, 17 East 2<sup>nd</sup> Street, Sand Springs, OK, said Staff summarized the project well and this application is largely the project that was submitted about four years ago. He said the lot counts are mostly the same and modifications to the develop areas are due to new floodplain mapping and due to 404 permit changes. He said they are trying to leave more of the existing creeks, water ways and channels in place than what was originally contemplated. The previous PUD expired and since the housing market has improved, they restarted this project.

Lee Whelpley asked if anyone wished to speak on items 6B, PUD 234 and BAZ 1930. There were about 12 people in the audience.

Brenda Nichols, 12422 S. 185<sup>th</sup> E. Avenue; Broken Arrow said her property is to the west of this development and is opposed to this development due to the risk of floods in the area. She said the existing creek floods and she asked what changes, if any, would be made to prevent future flooding.

Ricky Jones said land use must be looked at and one of the requirements before the plat can be filed and before construction may begin is for engineering drawings with hydrology plans be submitted for review. The development cannot increase or make the situation any worse than the existing conditions. The City will have to review the need for detention ponds and will review construction plans.

Brenda Nichols asked if there would be detention ponds or the floodplain left as is.

Alan Betchan said there are two different items. One is the conveyance of the existing creek and the other is a separate detention issue. He said the existing creeks will be maintained and they will be determining if detention will be a positive or negative impact on the existing creek. He said they believe there will not be detention due to the analysis of peak flows.

Discussion continued.

Chase Tanner, 12474 S. 185<sup>th</sup>, Broken Arrow, OK said his property backs up to the existing creek. He said he is concerned that this development will create more runoff and increase the creek flow. He asked if the runoff will be diverted into the creek, and if there are no plans for detention, if the drawings would be available to look at.

Ricky Jones said yes the plans will be available to look at because it is public information. Mr. Jones asked the engineer to work with the neighbors and keep them informed of when drawings are available to look at. He said questions can be asked of Jeff Bigby or Tom Hendrix with any questions about the drawings.

Chase Tanner asked if there will be any other type of infrastructure to support the existing houses and the new development. Ricky Jones said the plans will show the street pattern, water lines,

- 6B. sewer lines and storm sewer lines will be built as part of the plat in the engineering drawings.

Lee Whelpley closed the public hearing.

**Motion** by Fred Dorrell to approve Item 6B as recommended by Staff. The motion was seconded by Carlyne Isbell-Carr.

Yes: Isbell-Carr, Dorrell, Jones, Whelpley

No: None

Abstain: None

**Motion** approved

Lee Whelpley said this item will go before the City Council on April 7, 2015, at 6:30 p.m.

Glenn Shaw returned to the Council Chambers at 5:31 p.m.

- 6C. The Commission considered PUD 151C, a request for a Major Amendment to PUD 151B, Robertson Tire, 1.54 acres, PUD 151B/CH, one-third mile north of Kenosha Street, east of Garnett Road.

Marcae' Hilton presented the background saying Planned Unit Development (PUD) No. 151C is a request for a major amendment to PUD 151B, for Robertson Tire, on 1.54 acres of the 6.37 acres associated with PUD 151. The property is located one-third mile north of Kenosha Street, west of Garnett Road and has been platted as Garnett Commons. With PUD 151C, the applicant is requesting to modify the development regulations to allow a tire store to be constructed on the property.

Ms. Hilton said Robertson Tire Company is proposing to construct a tire store on Lots 1 and 2, Block 1, of Garnett Commons. According to PUD 151, which was approved in 2004, the permitted uses on Lots 1 and 2 are those permitted by right within the C-5 District (previous Zoning Ordinance), with certain stipulations. At the time PUD 151 was adopted, tire stores were classified as "Auto Repair Garage", which were not allowed in the C-5 district.

Marcae' Hilton said when the Zoning Ordinance was updated in 2008, tire stores were placed in a category referenced as "vehicle service and repair, minor", which is allowed in the DM, CG, CH, IL, and IH districts. With PUD 151C, applicant is requesting to change the permitted uses on Lots 1 and 2 from C-5 to CG (Commercial General) with no other changes to PUD 151. Consequently, the applicant is in effect requesting to change the PUD to allow a tire store and maintain other elements of the approved PUD.

Ms. Hilton said based upon the Comprehensive Plan, existing zoning, the location of the property and surrounding land uses, Staff recommends that PUD 151C be approved as requested.

Lee Whelpley asked if the applicant was present.

Brian Lambert, William Buffington Company, 2108 N. Willow Avenue, Broken Arrow, said he is in agreement with the Staff report.

Lee Whelpley opened the public hearing and asked if anyone wished to speak on Item 6C. No one responded. There were approximately 7 people in the audience.

- 6C. Ricky Jones asked if this request, in essence, is to change to all the permitted uses within the CG District. Farhad Daroga said yes. Mr. Jones said sometimes some are excluded and asked if Staff is ok with the uses allowed in CG zoning. Farhad Daroga said yes. Mr. Daroga said some uses that may not be desirable uses are within the CH District.

Lee Whelpley closed the public hearing.

**Motion** by Ricky Jones to approve Item 6C as recommended by Staff. The motion was seconded by Glenn Shaw.

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

No: None

Abstain: None

**Motion** approved

Lee Whelpley said this item will be heard by City Council on April 7<sup>th</sup> at 6:30 p.m.

- 6D. The Commission considered the proposed changes to Section 5.4 of the Zoning Ordinance, regarding commercial vehicle parking in Residential Zoned Districts.

Farhad Daroga said this item has been discussed with the Commission previously. He said the proposal is to change a portion of Section 5.4K of the Zoning Ordinance which relates to commercial vehicle parking in residential zoned districts. He said the proposal primarily states that no more than one commercial vehicle, which does not exceed one and one-half tons in carry capacity nor exceeding two axles, nor exceeding 24 feet in length would be allowed in single-family residential areas. There is more language and is included in the background.

Mr. Daroga said the criteria are the weight of the vehicle, the length of the vehicle and the number of axles. He said the intent of the proposed changes is to provide code enforcement with tools to enforce commercial vehicle parking, and trailers.

Ricky Jones asked if this is a city wide problem or specific to a particular neighborhood. Mr. Daroga said it is not happening in every neighborhood but it is happening in certain areas. Farhad Daroga said this pertains to residential vehicles in driveways as well. Longer vehicles are allowed on residential streets enforcement is handled through the Police Department through a different method.

Lee Whelpley opened the public hearing and asked if anyone wished to speak on Item 6D. There were about 6 people in the audience.

(Fred Dorrell left the Council Chambers at approximately 5:40 p.m. for the remainder of the meeting.)

Richard Pistaturo, 2608 South Gardenia Place, Broken Arrow, said he is with the Homeowner's Association for Wolf Creek Addition and has been working with City Staff for the past year regarding this issue. He said he has observed larger trucks in this neighborhood which are eye sores, carry dangerous chemicals, flat beds have animals on them and tractor trailers park in driveways. He said per City Code things are not supposed to be detrimental to the neighborhood.

- 6D. Mr. Pistaturo said there are setback rules for housing but not in the street and this issue goes beyond his addition. He said he has worked with Staff and spoken to City Council on this issue and made great progress and feels this proposal is necessary.

Lee Whelpley closed the public hearing.

Ricky Jones said the Commission has reviewed the proposed language and discussed the proposal in previous meetings and he sees the need for the change in the Ordinance.

**Motion** by Ricky Jones to approve proposed changes to Section 5.4 of the Zoning Ordinance. The motion was seconded by Carolyn Isbell-Carr.

Yes: Isbell-Carr, Shaw, Jones, Whelpley

No: None

Abstain: None

**Motion** approved

Lee Whelpley said this item will be considered by the City Council on April 7, 2015, at 6:30 p.m.

## 7. APPEALS

- A. None.

## 8. GENERAL COMMISSION BUSINESS

- A. None.

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

None.

## 10. ADJOURNMENT

At 5:44 p.m., motion by Ricky Jones to adjourn. The motion was seconded by Glenn Shaw.

Yes: Isbell-Carr, Shaw, Jones, Whelpley

No: None

**Motion** approved.