

**CITY OF BROKEN ARROW
MINUTES OF THE
REGULAR MEETING OF THE
PLANNING COMMISSION
March 26, 2015**

Approved by Planning
Commission in their
meeting of April 9,
2015

The Planning Commission agenda for this meeting was posted on March 20, 2015, at 10:30 a.m., on the City Hall Bulletin Board, 220 South First Street, Broken Arrow, Oklahoma.

1. The Broken Arrow Planning Commission met on Thursday, March 26, 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: Kim Slinkard, Assistant City Attorney I
Michael Skates, Director of Development Services
Farhad Daroga, City Planner
Brent Murphy, Assistant City Planner
Marcae Hilton, Staff Planner
David Steele, Planning Division Engineer
Karissa Fischer, Admin. Assistant
Kristina Penny, Project Coordinator
Tom Hendrix, Engineering Division Manager
Jeff Bigby, Stormwater Manager

3. **OLD BUSINESS**

A. None.

4. **CONSENT AGENDA**

Marcae Hilton presented the Consent Agenda.

Lee Whelpley explained the Consent Agenda process and asked if there were any items that need removed from the Consent Agenda. There were about 18 people in the audience. No one responded.

Motion by Fred Dorrell to approve the Consent Agenda per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr

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

No: None

Abstain: None

Motion approved.

4. CONSENT AGENDA CONTINUED

- A. Minutes, Planning Commission meeting held March 12, 2015. This item was approved as presented.
- B. Consideration and possible action regarding PT13-104, Revised Conditional Final Plat, CSD Enterprises, 2 lots, 2.74 acres, A-CH to PUD 226 and CH, west of Aspen Avenue, one-third mile south of Omaha Street, one-quarter mile north of Broken Arrow Expressway. The engineer, Brian Casement, Casement Engineering, was present and in agreement with the Staff Report. This item was approved, subject to the checklist.
- C. Consideration and possible action regarding PT15-105, Conditional Final Plat, Rabbit Run, 115 lots, 27.44 acres, A-1 to PUD 235 and RS-3, south and west of the southwest corner of New Orleans Street and Olive Avenue. The applicant, Lou Reynolds, Eller & Detrich was present and in agreement with the checklist. This item was approved, subject to the checklist.
- D. Consideration, and possible action regarding PT15-106, Preliminary Plat, Mullin Plumbing, 1 lot, 19.47 acres, A-1 to PUD 231/IL, east of County Line Road, south of College Street, one-quarter mile north of Houston Street, and west of Old Highway 51. The applicant, Nicole Watts, with Kinslow, Keith and Todd, was present and in agreement with the Staff Report. This item was approved, subject to the checklist.

Lee Whelpley said Items 4A, B and C will be heard by City Council on April 21, 2015, at 6:30 p.m.

5. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

None.

6. PUBLIC HEARINGS

- A. The Commission considered BACP-143, Callaway Office Building, 0.40 acres, R-3 to ON, northeast corner of First Street and Detroit Street.

Brent Murphy presented the background saying BACP 143 is a request to change the Comprehensive Plan designation from Level 2 to Level 5, involving 0.40 acres. The property has been platted and is zoned R-3, along with a Specific Use Permit (SP 137) and a Level 2 Comprehensive Plan designation.

Mr. Murphy said the applicant proposes to build a new office building with a residential theme, approximately 3,600 square feet in size. The proposed use is an investment office with a future option to lease additional space. He said BACP 143 was heard and approved by the Downtown Advisory Board (DAB) on March 10, 2015.

Mr. Murphy said based upon the location of the property, the existing and surrounding land uses, the DAB and Staff recommend approval of BACP-143. He said since this property is not being used for parking (as intended in SP 137), Staff recommends SP 137, on this property be abrogated and platting be waived.

Lee Whelpley asked if the applicant was present.

- 6A. Cody Callaway, 115 W. Broadway, Broken Arrow, OK said he is in agreement with the Staff report. He handed out drawings of the proposed building to the Commission members that were part of the agenda packet. Mr. Callaway said he wishes to stay with the residential theme of the area for his proposed business.

Lee Whelpley opened the public hearing and asked if anyone wished to speak on item 6A, BACP 143. No one responded.

Motion by Ricky Jones to approve Item 6A, BACP 143 Staff per Staff recommendations. The motion was seconded by Fred Dorrell.

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

No: None

Abstain: None

Motion approved

Lee Whelpley said Item 6A will be heard by the City Council on April 21, 2015, at 6:30 p.m.

- 6B. The Commission considered BACP 144 and BAZ 1932, Sutka Property, 5.00 acres, Level 1 to Level 2 and AR-1 to R-2, east of First Place, one-quarter mile south of Washington Street, one-half mile west of 9th Street.

Brent Murphy presented the background saying BACP 144 is a request to change the Comprehensive Plan designation on 5.00 acres from Level 1 to Level 2. He said the applicant is also requesting the zoning on the property be changed from AR-1 to R-2. The property is unplatted and has a single family residence built on the property.

Mr. Murphy said the applicants propose expanding their existing residence by adding approximately 20 feet. He said no other changes are proposed and the use of the property will remain as it is. The existing AR-1 (Annexed residential-1, transitional) zoning was assigned to several properties, at the time this area was annexed into the City and according to the Zoning Ordinance; no additional or new use may be commenced on unplatted property with transitional zoning, without obtaining the appropriate conventional zoning.

Brent Murphy said because of the existing residential structure and its floor plan, the house needs to expand to the south. He said if the property were to be zoned RS-1, which is allowed in the current comprehensive Plan Level 1, a side yard setback of ten feet on one side and 15 feet on the other would be required. The applicants are not able to expand their structure as they desire, and meet the setback requirements of the RS-1 district; as a result they are requesting the zoning on the property be changed from AR-1 to R-2, which has a five foot side yard setback requirement. Currently, this area is designated as Level 1 in the Comprehensive Plan, which does not allow R-2 zoning when it is not adjacent to an arterial street and as a result, the applicants' are also requesting that the Comprehensive Plan designation, be changed from Level 1 to Level 2. R-2 zoning is in conformance with the Comprehensive Plan in Level 2.

Brent Murphy said based upon the location, the surrounding land uses and the applicants' proposal to expand their existing residence, Staff recommends that BACP 144 and BAZ 1932 be approved. He said in 2007, the City Council approved BAZ 1779, south of this property, subject

- 6B. to a 17.5 foot utility easement being provided along First Street; therefore, Staff recommends that platting be waived for BACP 144 and BAZ 1932, subject to a 17.5 foot utility easement being provided along First Place.

Lee Whelpley asked if the applicant was present.

Sue Sutka, 2005 South First Place, Broken Arrow, OK said she is in agreement with the Staff report.

Ricky Jones asked if Ms. Sutka understood the requirement for the utility easement. Sue Sutka said she did.

Lee Whelpley asked if anyone wished to speak on about items 6B, BACP 144 and BAZ 1932. No one responded.

Lee Whelpley closed the public hearing.

Motion by Glenn Shaw to approve Item 6B as recommended by Staff. The motion was seconded by Carolyne Isbell-Carr.

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

No: None

Abstain: None

Motion approved

Lee Whelpley said this item will go before the City Council on April 21, 2015, at 6:30 p.m.

- 6C. The Commission considered BAZ-1933, Imajenus Incorporated, 0.77 acres, R-3 to DM, on the southwest corner of Elgin Street and Main Street.

Brent Murphy presented the background saying rezoning request, BAZ 1933 involves 0.77 acres and has been platted as Lots 1-3 and 17-22, Block 19, Original Town of Broken Arrow. He said this property is zoned R-3, with a Level 5 Comprehensive Plan designation.

Mr. Murphy said this property has been used as an office for an electrical business, which create electrical and architectural designs as well as CAD drawings. He said this office has been in business for years, with no inventory, and no showroom; however, the zoning is R-3 single-family detached residential and the applicant desires to bring the office use into compliance with the Zoning Ordinance.

Brent Murphy said the DM (Down town Mixed-use) zoning request is in compliance with the Comprehensive Plan and in accordance to the Downtown Master Plan. He said there is a temporary storage building on the property and Staff has received several complaints regarding this structure. Due to the location of the property, this zoning request was heard and approved by the Downtown Advisory Board (DAB) on March 10, 2015. The DAB had discussion regarding the temporary storage building, since it is not a compatible use in this area. The applicant has informed Staff, this storage building, which is on a concrete slab shall be removed.

Brent Murphy said based upon the Comprehensive Plan, the location of the property and surrounding land uses, the DAB and Staff recommend approval of BAZ-1933, for DM zoning.

- 6C. Since the property is already platted, Staff recommends platting be waived. If this rezoning request is approved by City Council, Staff recommends the temporary metal storage building be removed within 120 days of this rezoning request approval.

Lee Whelpley asked if the applicant was present.

Stacey Rushing, Imajenus, 322 North Main Street, Broken Arrow, OK said their business has been in business for 15 years, with their primary focus on electrical design. He said the intent of operating their business, from this location, is to build a structure in the back of the property and use the storage building as they construct on the empty lot. He said he is in agreement with the Staff report with exception to the 120 day requirement on the temporary storage building. He said he would like 180 days (6 months) to allow more time to use it while they develop the property to the west, pending purchase and do construction.

Lee Whelpley opened the public hearing and asked if anyone wished to speak on Item 6C.

Kelly Gallardo, 721 Main Street, Broken Arrow, OK asked if this zoning request allows the residential house to be used as commercial and if the code requirements will be different. She said she is in favor of this rezoning request.

Farhad Daroga said this property will be required to follow commercial standards and the applicant met with Staff to review those requirements.

Ricky Jones asked if the DAB recommended the 6 month requirement for removing the temporary building. Lee Whelpley said they thought it was acceptable. Ricky Jones said 180 days (6 months) sounds acceptable and if the applicant needs more time, can request it. He said he could not see a need to creating a hardship on the applicant by requiring less time.

Lee Whelpley closed the public hearing.

Motion by Ricky Jones to approve Item 6C as recommended by Staff with the modification to temporary storage requirement to require removal within 180 days after Council approval. The motion was seconded by Fred Dorrell.

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 21st at 6:30 p.m.

- 6D. The Commission considered PUD 235 and BAZ 1931, Rabbit Run, 27.40 acres, A-1 to RS-3, south and west of the southwest corner of Olive Avenue and New Orleans Street.

Brent Murphy presented the background saying Rabbit Run, PUD 235 is a request for a zero lot line, private street, single family detached residential development on 27.40 acres. BAZ 1931, is a request to change the zoning on this property from A-1 to RS-3 has been submitted in conjunction with PUD 235. He said this property was annexed into the City by the City Council on February 3, 2015.

- 6D. Mr. Murphy said as part of the proposed Rabbit Run PUD 235, this development is for 115 residential lots and 17 Reserve Areas. This development and will be gated and served by private streets. The private streets will be 26 feet in width and will be constructed within a 30-foot wide reserve area. The streets are proposed to have rolled back curbs. Sidewalks are proposed, but they will be only on one side of the street. The development will have two access locations, one each from New Orleans Street and Olive Avenue.

Brent Murphy said PUD 235 will be developed in accordance with the Broken Arrow Zoning Ordinance and the use and development regulations of the RS-3 district, with modifications. He said the minimum lot width is requested to be reduced from 60 feet to 50 feet. In addition, on cul-de-sac and flag shaped lots, the minimum frontage onto the street right-of-way is requested to be reduced from 30 feet to 18 feet. The minimum lot area has been requested to be reduced from 6,000 square feet to 5,200 square feet. Street right-of-way will be reduced from 50 feet to 30 feet. Side yard setback will be 1 foot on one side and the other side will be 9 feet having the effect of a 10 foot separation between the structures and this will be designated on the plat.

Mr. Murphy said the applicant has requested the rear yard setback be reduced from 20 feet to 10 feet on lots that back up to an open space/park area. Along both arterial streets they have asked to increase landscaping from one tree per 50 feet to one tree per 30 lineal feet.

Brent Murphy said based upon the Comprehensive Plan, existing zoning, the location of the property, and surrounding land uses, Staff recommends that PUD 235 and BAZ 1931 be approved, subject to the property being platted in accordance with the City of Broken Arrow subdivision regulations and the 11 modifications made to the design statement per the Staff report.

Mr. Murphy said prior to this Planning Commission meeting, Staff met with the applicant and they are in agreement with the recommendations with exception to Items 5 and 7 on the Staff report. He said they compromised on Item 5, allowing lot frontage to be reduced to less than 30 feet if the applicant can provide, to Staff, drawings that illustrate how the driveway and water meter will adequately fit. Mr. Murphy said the minimum frontage of 30 feet was established to allow room for a driveway, water meter and mailbox; however, the applicant said mail delivery will be at a central location and there will be no need for mailboxes on each lot. He said Staff is ok with modifications to less than 30 feet, if the drawings can prove that a water meter and driveway outside of any concrete area can be adequately provided.

Brent Murphy said they discussed Item 7 and the applicant requested the rear yard setback be reduced on lots that are adjacent to the open space areas from 20 feet to 10 feet. Staff discussed concerns with this request due to engineering issues that may arise; however, as long as drawings are submitted for review by Staff and are adequate with the reduction then Staff can accept this proposed change.

Lee Whelpley asked if the entire square was annexed. Brent Murphy said only the northeast portion.

Lee Whelpley asked if the applicant was present.

Lou Reynolds, Eller and Detrich, 2727 E. 21st Street, Tulsa, OK, representing the property owner said with respect to the forty acres, 27 acres was annexed into the City of Broken Arrow and the

6D. seller retained approximately 13 acres. Mr. Reynolds explained the proposed development for this property. He said the improvements in the reserve areas, private streets and masonry fence will be maintained by a Homeowner Association for this property. He said there will be walking trails throughout the development that will be developed to the City of Broken Arrow's sidewalk standards. He said if feasible, they may try to have water features in the reserve areas.

Mr. Reynolds said they will not stub out and connect to any of the existing neighborhoods and will not create any traffic issues for those neighborhoods. He said they spoke with the residents of the surrounding neighborhoods and they expressed they do not want this development to have access into their neighborhoods.

Lou Reynolds said they are in agreement with the Staff report with the modifications presented by Brent Murphy.

Lee Whelpley opened the public hearing and asked if anyone wished to speak regarding Item D. No one responded. There were about 15 people in the audience.

Motion by Fred Dorrell to approve Item 6D per Staff recommendations and the noted modifications. 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 considered by the City Council on April 21st, 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 5:30 p.m., motion by Carolyn Isbell-Carr to adjourn. The motion was seconded by Glenn Shaw.

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

No: None

Motion approved.