

**CITY OF BROKEN ARROW
MINUTES OF THE
REGULAR MEETING OF THE
PLANNING COMMISSION
May 28, 2015**

The Planning Commission agenda for this meeting was posted on May 22, 2015, at 8:15 a.m., on the City Hall Bulletin Board, 220 South First Street, Broken Arrow, Oklahoma.

1. The Broken Arrow Planning Commission met on Thursday, May 28, at 5:00 p.m. The meeting was called to order by Vice Chairman Ricky Jones.

2. **Roll Call:**

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

Absent: Lee Whelpley, Commission Member

Staff Present: Jeff Jenkins, Assistant City Manager
Lesli Myers, 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 Westfall, Project Engineering, Engineering Division

3. **OLD BUSINESS**

A. None

4. **CONSENT AGENDA**

Marcae Hilton presented the Consent Agenda. She said the applicant for Item 4B, BAL-1075, requested this item to be removed from Consent to discuss Staff recommendations for a sidewalk.

Ricky Jones said Item 4B will be removed from the Consent Agenda and asked if there were any other items to be removed for discussion. No one responded. Mr. Jones explained the Consent Agenda process and asked, again, if there were any items that needed to be removed from the Consent Agenda. There were about 22 people in the audience. Several audience members said they wished to discuss BAZ-1937, Wal-Mart Neighborhood Market. Farhad Daroga said Item 4F is the preliminary plat for the Wal-Mart Neighborhood Market which has been submitted in conjunction with item 6B, zoning request BAZ-1937. Mr. Jones said since there are interested

4. CONSENT AGENDA CONTINUED

parties in the audience Item 4F will be removed from the Consent Agenda and heard after zoning case, BAZ-1937.

Motion by Fred Dorrell to approve Consent Agenda Items 4A, C, D, E and G, per Staff recommendations. The motion was seconded by Glenn Shaw.

Yes: Isbell-Carr, Shaw, Dorrell, Jones

No: None

Abstain: None

Motion approved.

Ricky Jones said Item 4C, D, E and G will be heard by the City Council on June 15, 2015, at 6:30 p.m.

- A. Minutes, Planning Commission meeting held May 14, 2015. This item was approved as presented.
- B. Consideration and possible action regarding BAL 1075, BT Lot Split, 74.78, 2 lots, AG, located on the northwest corner of east Florence and 37th. This item was removed from the Consent Agenda.
- C. Consideration and possible action regarding PT05 106D, Conditional Final Plat, Wellstone III at Forest Ridge, 50 lots, 16.84 acres, R-1/PUD 66, one-quarter mile south of Kenosha Street, one-quarter mile east of Midway Road. The applicant was not at the meeting; however, communicated to Staff they are in agreement with the Staff report. This item was approved, subject to the Staff report.
- D. Consideration and possible action regarding PT13-113, Conditional Final Plat, Washington Lane VII, 54 lots, 14.72 acres, R-2/PUD 135 A-H, one-quarter mile south of Washington Street, west of 9th Street. The applicant, Kevin Vanover, Impact Engineering was present and in agreement with the Staff report. This item was approved, subject to the Staff report.
- E. Consideration and possible action regarding PT15 104, Conditional Final Plat, Hardesty Center for Dance Education at Tulsa Ballet, 1 lot, 3.94 acres, CG to CG/PUD 137, south and east of the southeast corner of New Orleans Street and Aspen Avenue. The applicant, Nicole Watts, Kinslow, Keith & Todd, was present and in agreement with the Staff report. This item was approved, subject to the Staff report.
- F. Consideration and possible action regarding PT15 108, Preliminary Plat, Countyline Crossings, 3 lots, 19.24 acres, A-1 to CG, northeast corner of Dearborn Street and 23rd Street. This item was removed from the Consent agenda to be heard after Public Hearing Item 6B.
- G. Consideration and possible action regarding PT15 109, Conditional Final Plat, La Quinta at Village of Stone Wood Hills, 2 lots, 1.47 acres, CH/PUD 156 to CH/PUD 156F, south of Albany Street, east of Elm Place. The applicant, Kathleen Cook, Cook & Associates Engineering, was not present; however, emailed Staff advising she is in agreement with the Staff report. This item was approved, subject to the Staff report.

5. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

Ricky Jones said the Commission will hear Item 4B, Lot Split BAL-1075.

5. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA CONTINUED

4B. Josh Tietsort, Eller & Detrich, representing the property owner, 2727 East 21st. Street, Ste. 200, Tulsa, OK said this lot split application is a family transaction to split 75 acres into two similar sized lots. He said, if approved, the south lot will have two residential structures on it and the north tract will have none. There is no anticipated plan for development or re-development on this property, nor any platting or rezoning. He said they are in agreement with the Staff report with exception to the sidewalk requirement.

Mr. Tietsort said they have spoken with Staff regarding the recommendation for a sidewalk to be built or money escrowed, prior to the lot split being approved. He said Staff has agreed that the sidewalk can be differed until a later date when the property is rezoned, or developed, and all are in agreement to providing a letter to the City confirming the requirement.

Ricky Jones clarified, asking if the request is to modify item number 3 and Staff is in agreement. He asked if the cost is a fixed fee amount per lineal foot or based on an estimated construction cost. Farhad Daroga said the cost is based on the estimated cost provided by the City's engineering and construction department. Ricky Jones said the cost to construct a sidewalk could be thousands of dollars if they were to escrow the sidewalk.

Ricky Jones opened the public hearing and asked if anyone wished to speak on item 4B, BAL-1075. No one responded. There were about 20 people in the audience.

Motion by Glenn Shaw to approve Item 4B, BAL 1075, per Staff recommendations with the modification that the sidewalk be installed at a later time and a letter being submitted. The motion was seconded by Carolyn Isbell-Carr.

Yes: Isbell-Carr, Shaw, Dorrell, Jones

No: None

Abstain: None

Motion approved.

Ricky Jones said Item 4F will be heard after Item 6B since they are in conjunction with each other.

6. PUBLIC HEARINGS

6A. The Commission considered BAZ 1936, Parker Property, 0.64 acres, R-3 to DM, northwest corner of Main Street and Knoxville Street.

Brent Murphy presented the background saying BAZ 1936 is a request to change the zoning designation on this property from R-3 (Single Family Residential District) to DM (Downtown Mixed Use Core District). There is an existing two-story single family residence on the property. The property is designated as Level 5 (Downtown Area) in the Comprehensive Plan. DM zoning is considered to be in conformance with the Comprehensive Plan in Level 5. On

- 6A. May 12, 2015, the Downtown Advisory Board reviewed this rezoning request and recommended approval.

Mr. Murphy said based upon the Comprehensive Plan, location, and surrounding land uses, Staff recommends that BAZ 1936 be approved as recommended by the Downtown Advisory Board. Since the existing structure was constructed before the residential building code standards were adopted, and commercial use is proposed, Staff recommends that the structure be brought up to commercial building code standards before any type of commercial use commences. The property is platted as part of the Fears Addition; therefore, Staff recommends re-platting be waived.

Ricky Jones asked if the applicant was present.

Nick and Jaime Parker, 924 S. Main, Broken Arrow said they are in agreement with the Staff report. Nick Parker said they revitalize houses and like to keep with the original character of older homes. He said they have lived in the house for over one year and wish to rezone the property to Commercial without losing the character of the home since the house was built in 1910.

Ricky Jones said the item before the Commission is to discuss the use of the land. He said the specific code requirements and changes needed to make the house compatible for commercial use would be a building code issue and to continue meeting with Staff to meet those requirements. Mr. Parker said they brought the house up to current code one year ago for residential use.

Michael Skates said the changes required will primarily be the mechanical, electrical, plumbing and ADA accessibility. He said Staff will look at the structure and see what is required and how to keep the structure much like its original condition.

Nick Parker said the reason they are asking for this rezoning is to sell home décor and architectural salvaged items.

Ricky Jones opened the public hearing. No one responded. There were about 20 people in the audience. Ricky Jones closed the public hearing.

Motion by Carolyne Isbell-Carr to approve Item 6A, BAZ-1936, per Staff recommendations. The motion was seconded by Fred Dorrell.

Yes: Isbell-Carr, Shaw, Dorrell, Jones

No: None

Abstain: None

Motion approved

Ricky Jones said Item 6A will be heard by the City Council on June 15, 2015, at 6:30 p.m.

- 6B. The Commission considered BAZ 1937, Wal-Mart Neighborhood Market, 18.15 acres, A-1 to CG and FD, northeast corner of Dearborn Street and 23rd Street.

- 6B. Brent Murphy presented the background saying BAZ 1937 is a rezoning request for 18.15 acres of unplatted, undeveloped property. The preliminary plat, County Line Crossings, has been submitted in conjunction with this rezoning request. He said this property is designated as Level 4 in the Comprehensive Plan. CG zoning is identified as being in accordance with the Comprehensive Plan in Level 4. The proposal is to build a Wal-Mart Neighborhood grocery store on this property. The plat divides the property into three lots and the store is proposed to go on Lot Two.

Mr. Murphy said based on the Comprehensive Plan, the location of the property, and surrounding land uses, Staff recommends BAZ 1937 be approved subject to the property being platted. After the property is platted, portions that are located within the 100-year floodplain shall be designated as FD (Floodplain district) and portions located outside the 100-year floodplain shall be designated as CG (Commercial General District).

Ricky Jones asked if the applicant was present.

Lou Reynolds, Eller & Detrich, representing Wal-Mart Neighborhood Market, 2727 E. 21st, Ste. 200, Tulsa said they are proposing a Neighborhood Market store; as shown on the zoning map. To the south is CH zoning and there is mini-storage, liquor store and other businesses on the south side of this property. The east side of the property backs up to Steeple Chase Subdivision. He said they have designed this as a two lot subdivision, as shown on the plat. There will be a 50 foot setback on the east boundary adjacent to the neighborhood and there will be a large mix of evergreen trees and deciduous trees that are shown on the site plan. An 8 foot screening fence with the nice side facing the neighborhood will be installed in the back of the property.

Mr. Reynolds said they have looked and analyzed traffic issues and will address these issues through the platting process. He said they propose drive through left turn lanes in the road so people that turn in at the intersections as to not block the traffic. He said they also plan to provide a traffic signal.

Mr. Reynolds said the idea behind this grocery store fits well with the neighborhood. In addition, a new concept is proposed on the west side of the property for grocery home service (GHS). He said GHS is a new concept where patrons call in grocery orders and pull their vehicle under the canopy to pick up their order.

Ricky Jones asked if the turn lanes on the existing streets are going to be constructed by Wal-Mart. Lou Reynolds said yes, at their expense. Mr. Jones asked if the signal will be installed by them as well. Mr. Reynolds said yes, at their expense.

Fred Dorrell asked where the signal light will be installed because Dearborn and County Line have traffic backed up. Lou Reynolds said they will be installed at the intersection of County Line and Dearborn. Mr. Reynolds said they will have intersections, with left turn lanes, into the store to help traffic from backing up and these will be installed at Wal-Mart's cost.

Michael Skates said the traffic study was submitted to Staff and they have not had time to review it yet. He said as a reminder, the property on Dearborn to the east is in the City of Broken Arrow. The signal and street improvements on County Line are between three different entities:

6B. the County, City of Tulsa and City of Broken Arrow. Submittals will need to be made to the different entities. Lou Reynolds said that will not be a problem.

Ricky Jones asked for clarification if there will be a large green area to the east of the residential area and trees used as a landscape buffer, as well as an 8 foot screening fence. Lou Reynolds said yes and the loading dock will be on the north and west, out of sight as much as possible.

Fred Dorrell asked what is planned for the back portion of the property. Lou Reynolds said there are no plans; however, would speculate it would be a small strip center with 8,000 square feet, with room for about three small businesses.

Ricky Jones asked if the anticipated merchants would be service oriented type businesses. Lou Reynolds said yes, businesses of a small size.

Farhad Daroga said Staff received questions from neighbors, to the east, regarding the fence and the use of the property. Mr. Daroga said the plat shows three lots- Wal-Mart's lot, the vacant lot and lot number three to the north. Mr. Daroga asked if the screening fence will be constructed with the first phase or as each lot develops. Mr. Reynolds said he suspects it will be installed when the Wal-Mart is developed. Mr. Daroga said it might require some coordination, as the property owners to the north have different types of fencing and there is a drainage swell that comes in from Steeple Chase that is different what the original maps showed. Mr. Daroga said these issues will have to be coordinated with the City Engineering Department. Mr. Reynolds said they will be willing to address these issues and answer some of them with their landscape submittal.

Fred Dorrell asked how this Wal-Mart Neighborhood Market compares with the one being construction on Albany, in size. Mr. Reynolds said this one is larger and is about 41,000 feet.

Ricky Jones opened the public hearing and asked if anyone wished to speak on this item, 6B, BAZ 1937.

Vanessa Scott, 19602 East 40th, said she is concerned with traffic issues, fencing, and her property depreciating. She said there is no need for another Wal-Mart in this area and if this one is constructed she will move.

Linda Lathrup, 4002 S. 196th East Avenue, said her house will be in direct sight of the Wal-Mart. She said she purchased her home for the greenbelt. Ms. Lathrup handed out pictures to the Commission. Ricky Jones asked her to clarify greenbelt. She said area behind the property is zoned agriculture. She said she is concerned with bright lights caused by the store and loss of scenery.

Mr. Jones asked when she bought the property if she checked with the City as to what the Comprehensive plan said. He said this property has been designated to go to commercial for a number of years. Ms. Lathrup said no.

6B. Clancy Grey, 3822 South 196th East Avenue, said he concerned with the loss of wildlife, depreciation on his home and loss of scenery if this project is constructed. He said if this Wal-Mart is constructed, he will move.

Allen Brokaniky, 3902 S. 196th East Ave., said his property will be within direct eyesight of the east wall of the Wal-Mart. He is concerned with loss of the greenbelt and loss of wildlife that may result if this project develops. Mr. Brokaniky said there are numerous gas stations and Wal-Mart's surrounding this property and a new Neighborhood Market is not needed in this area.

Fred Dorrell asked if Wal-Mart had a meeting with surrounding neighbors. Mr. Brokaniky said not that he is aware of.

Christine Long, 3906 S. 196th East Avenue, said is concerned with the traffic increase this development will cause and does not feel that turn lanes or a light will help reduce traffic. She said there is no need for this Wal-Mart as the surrounding area has many stores. Ms. Long expressed strong opposition to this development.

Otis Dunn, 19909 E. 36th Street, said they built their home 22 years ago and loves his Subdivision. He said Wal-Mart should look at using the existing building located at Kenosha and County Line that was a former Wal-Mart and is not vacant.

Rachel Brouquenique, 3902 S. 196th East Avenue, said there is no need for a Wal-Mart in this area as there are several stores within a 4 mile area of this property. She said she is concerned with losing nature and wildlife as a result of this development and she concurs with previous statements made.

Mrs. Dunn, 19909 E. 36th Street, said there is no need for a Wal-Mart in this area as there is a Dollar General nearby and to consider what this development will do to the surrounding small businesses. She said she is concerned with increased traffic as the traffic is currently backed up and a turning lane will not correct this problem.

Ricky Jones asked if anyone else wished to speak on this item. No one responded.

Lou Reynolds said they are aware of the heavy traffic in the mornings and have done a traffic study showing this. He said with the signals and turn lanes, the traffic flow during the peak flow times should change from levels "E" and "F" to level "C", which will improve traffic. Glenn Shaw asked if "A" is best. Mr. Reynolds said yes.

Mr. Reynolds said it is the law that the privacy fence must be installed. He said they will also install sidewalks, to City Standards, from the neighborhood around the property. Per code, the lights cannot bleed over into his neighborhood. Mr. Reynolds said the City codes do a satisfactory job allowing these types of projects to be next to residential projects and requests this item to be approved.

Fred Dorrell asked what the store hours will be. Mr. Reynolds said 24 hours. Mr. Dorrell asked if there was a homeowners meeting. Lou Reynolds said no.

- 6B. A lady was shouting from the audience. Ricky Jones said the public hearing is closed; however, she may step to the podium to speak.

Christine Long asked for clarification on the lighting, if the lighting will be below the 8 foot privacy fence. Ricky Jones said no and that Broken Arrow has stringent lighting standards and precludes light from spilling over into surrounding neighborhoods.

Farhad Daroga said, as part of the Zoning Ordinance there are several ways to design lighting. He said there is a height standard which sets forth how tall lights can be, or a photometric design, which measures what the light level will be at the edge of the property and they will design lights that will not shine beyond the property.

Fred Dorrell said he shares some of the concerns voiced on infrastructure. He said comments were made as to how the Commission can allow a Wal-Mart to purchase a property and in this country anyone can buy property if they have the money. He said Wal-Mart purchased the property and the zoning is what is before the Commission. The Commission is a recommending body and the final decision is made by City Council.

Mr. Dorrell said he too has concerns about the infrastructure and traffic; however, the property is on a corner and looking at the property from Wal-Mart's perspective, the property makes sense. However, the only way to stop someone from building is to purchase the property yourself. He said this area is going to grow and the Commission's job is to look at the area and see if the development fits in with the area.

Glenn Shaw asked for Staff to confirm that this property is in the master plan to be commercial. Farhad Daroga said yes, it is Level 4. Fred Dorrell asked what the master plan is for the infrastructure, as far as three or four lane roads. Mr. Daroga said County Line Road is a primary arterial street so it will be widened, in the future, to arterial street standards. Dearborn is a secondary arterial street that will be widened, in the future, to a secondary arterial street. Mr. Daroga said through the platting process, the developer will be dedicating the necessary right of way and the road will be built in the right of way currently and in the future.

Discussion continued.

Ricky Jones said the zoning application is for CG zoning. The subject of concern is strictly CG zoning and anything can go on this property that's allowed in the CG district, the applicant here has just shown us what their intention is with this CG zoning.

Discussion Continued.

Motion by Glenn Shaw to approve Item 6B, per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr

Yes: Isbell-Carr, Shaw, Dorrell, Jones

No: None

Abstain: None

Motion approved

Ricky Jones said Item 6B will be heard by the City Council on June 15, 2015, at 6:30 p.m.

- 4F. Consideration and possible action regarding PT15 108, Preliminary Plat, Countyline Crossings, 3 lots, 19.24 acres, A-1 to CG, northeast corner of Dearborn Street and 23rd Street.

Brent Murphy said this Preliminary Plat is for 3 lots, as presented earlier. Staff recommends approval of the Preliminary Plat subject to the checklist. The applicant informed Staff at the Technical Advisory Meeting (TAC) that they were in agreement.

Ricky Jones opened the public hearing and asked if anyone wished to speak on Item 4F, Preliminary Plat, Countyline Crossings. No one responded. Mr. Jones closed the public hearing.

Elliott Reid, Cochran Engineering, 530A East Independence Drive, Union, MO said this plat is for a 3 lot subdivision with Lot 1 being a tenant applicable in the CG zoning district and Lot 2 will be the Wal-Mart Neighborhood Market. Lot 3, the rear lot, a majority of it is in the floodplain so whatever development can be accommodated on that lot for CG zoning will be developed there.

Ricky Jones asked if Mr. Reid is in agreement with TAC and Staff recommendations. Mr. Reid said yes.

Farhad Daroga asked if they are in agreement to submit the traffic study that was done as well as designs for the traffic lanes and traffic signals proposed. Mr. Reid said yes. Mr. Daroga asked if they plan to install the fence for all three lots at one time. Elliott Reid said Lot 2, for certain; however, since Lot 3 is not being developed, it has not been discussed.

Fred Dorrell asked if the signal light at the intersection will be equally spread for all four directions or is it designed just for access into Wal-Mart, to help that traffic flow. He said he is concerned that traffic can enter Wal-Mart but has a hard time exiting. Mr. Reid said the traffic signal will be at the main intersection and the distribution of green time is based on flow. If north/south has 60 percent of the traffic, it will have 60 percent of the green time.

Fred Dorrell asked if the intersection will remain two-lane with the lights and turn lanes installed. Elliott Reid said yes. Michael Skates said the traffic study will be reviewed and provide comments, which can change the proposal Mr. Elliott described.

Discussion continued.

Elliott Reid said the traffic study was done using three scenarios. One was no improvements. Two, evaluating the intersection with no signals and provide left turn lanes. Three, keeping the same configuration and adding a signal, and turn lanes which appeared to be best.

Discussion continued.

Fred Dorrell said he understood that this area would possibly be four lanes. HE said he is concerned with this development being within the authority of four different entities. As for the road, it is for patrons and for everyday traffic so this proposal could be approved by Broken

- 4F. Arrow and not others. Michael Skates said the traffic study will provide detailed information, involving engineering and construction to review and provide review comments. Mr. Skates said when engineering design plans are submitted and coordinated with other entities, the other entities may desire to participate and provide review comments possibly stating that left turn lanes must be installed. Mr. Skates said if Wal-Mart wants to build at this location, a traffic study is required to design the specific project and to account for patrons of the Wal-Mart as well as other traffic. Mr. Skates said this area currently uses a four-way stop and is highly congested; a signal alone will improve traffic, however, a larger picture must be looked at as well. Mr. Skates said they are not at this stage in the project yet and should be better prepared once the Conditional Final Plat has been submitted.

Discussion continued.

Michael Skates said the water and sewer do not belong to the City of Broken Arrow. The developer will be working with the other entities for these utilities, to address the infrastructure improvements.

Motion by Glenn Shaw to approve Item 4F, per Staff recommendations, and that Wal-Mart install the signal light at the intersection. The motion was seconded by Carolyn Isbell-Carr

Yes: Isbell-Carr, Shaw, Jones

No: Dorrell

Abstain: None

Motion approved

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 6:17 p.m., motion by Fred Dorrell to adjourn. The motion was seconded by Carolyn Isbell-Carr.

Yes: Isbell-Carr, Shaw, Dorrell, Jones

No: None

Motion approved.