



**City of Broken Arrow**  
**Minutes**  
**Special Meeting Planning Commission**

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

*Chairperson Ricky Jones*  
*Vice Chairperson Lee Whelpley*  
*Commission Member Fred Dorrell*  
*Commission Member Mark Jones*  
*Commission Member Pablo Aguirre*

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**Thursday, August 9, 2018**

**Time 5:00 p.m.**

**Council Chambers**

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**1. Call to Order**

Chairperson Ricky Jones called the meeting to order at approximately 5:00 p.m.

**2. Roll Call**

**Present: 5 -** Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

**3. Old Business**

There was no Old Business.

**4. Consideration of Consent Agenda**

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

**A. 18-881 Approval of CA 18-100, Chase Bank, Lot 1, Block 1, 1.35 acres, CH, one quarter-mile south of Albany Street, east of 9th Street**

Ms. Yamaguchi stated the applicant was in agreement with the Staff Report and planned to attend the meeting. She reported this Item needed to be removed from the Consent Agenda due to modifications to Attachment 4, the license agreement.

**B. 18-912 Approval of BAL-2032, Martha A. Helm Trust Lot Split, 1 Lot, 8.49 acres, one-half mile north of Houston Street, west of Evans Road**

Ms. Yamaguchi stated the applicant was present and in agreement with the Staff Report.

**C. 18-886 Approval of BAL-2033, REIP – Pond, 0.6702 acres, PUD-94/CG, one-half mile east of Aspen Avenue, one-quarter mile north of Albany Street**

Ms. Yamaguchi stated the applicant was present and in agreement with the Staff Report.

**D. 18-914 Approval of PT18-108, Preliminary Plat, The Villages at Seven Oaks South, 13.68 acres, 57 Lots, A-1 to RS-3 (via BAZ-1622) to RS-3 to RS-4/PUD-280 (via BAZ-2010 & PUD-280), one-quarter mile east of 9th Street, south of New Orleans Street**

Ms. Yamaguchi stated the applicant was present and in agreement with the Staff Report.

Chairperson Ricky Jones indicated Item 4D needed to be removed for discussion following Item 6C; both Items were related to the same property.

Chairperson Jones explained the Consent Agenda consisted of routine items, minor in nature, and was approved in its entirety with a single motion and a single vote, unless an item was to be removed for discussion. He asked if there were any other Items to be removed. There were none.

MOTION: A motion was made by Fred Dorrell, seconded by Lee Whelpley.

**Move to approve the Consent Agenda Item 4B and Item 4C per Staff recommendation**

The motion carried by the following vote:

**Aye: 5 -** Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

**5. Consideration of Items Removed from Consent Agenda**

Item 4A and Item 4D were removed from the Consent Agenda; Item 4D to be discussed following Item 6C.

Planner II Jane Wyrick reported Item 4A, CA 18-100, was a request for an access point for lot 1, block 1 of the Hillcrest Lynn Lane Plat by allowing access from the north across the Reno Street right of way to 9<sup>th</sup> Street. She reported currently there was no point of access along the north and west boundaries of the lot. She explained the adjustment in the location of the access point would cause a change in the limits of no access along the north boundary of the plat and along the east side of 9<sup>th</sup> Street. She reported the license agreement, attached to the Staff Report as Attachment 4, was a proposed agreement between the City and Chase Bank who was leasing the property. She stated in discussion with the property owner the license agreement was requested to be modified to show agreement between the City and the

property owner (as opposed to the City and Chase). She stated Staff recommended CA 18-100 be approved subject to City Council approval of PUD-282 and subject to conditions included with the report.

Vice Chairperson Whelpley asked why Item 4A was removed. Ms. Wyrick responded there was a change in the license agreement as described above which was important for the Planning Commission to be aware of.

Chairperson Jones asked if anyone in the audience wished to speak regarding Item 4A.

Ms. Jan McBride stated her address was 1508 East Tacoma Street, Broken Arrow, in Westwind. She stated the access to 10<sup>th</sup> Street with this plan would be a concern to residents of Westwind. She stated it was difficult to exit the subdivision onto Hillside and she worried Chase Bank's access on 10<sup>th</sup> Street would increase congestion.

Ms. Lynn Oliver stated her address was 1708 East Tacoma Court, Broken Arrow, in Westwind. She stated it was very difficult to exit Westwind and turn left and she worried an additional business would increase the traffic and difficulty. She stated without an alternative exit for her neighborhood, access was becoming increasingly problematic. She stated there was a dead end road which backed up against the shopping center near her house and she wondered if this could be converted into another access point. She stated the speed limit along the main road was too high and should be lowered to 25 MPH.

Mr. Thomas Neal stated his address was 1500 East Tacoma Street, Broken Arrow, in Westwind. He stated he approved of Chase Bank; as a business it would operate daytime hours and would not create late night problems. He stated rather than creating an access point on 10<sup>th</sup> Street, which was exclusively a neighborhood road and would direct more traffic into the neighborhood, if access was created onto Hillside, or possibly a one-way flow to direct traffic into the business, but not back out into the neighborhood. He stated he understood there was concern regarding multiple curb cuts too close to each other, but he stated there were many areas throughout Broken Arrow which had close curb cuts which worked well. He stated his concern was the bank access directing business traffic into his neighborhood.

Chairperson Jones asked if Mr. Neal was concerned traffic would exit and turn left into the neighborhood as opposed to turning right. Mr. Neal responded in the affirmative. He stated there were issues with the intersection at 10<sup>th</sup> and Hillside currently, especially at high traffic volume times; traffic would often back up past the 10<sup>th</sup> Street intersection. He stated he did not know exactly how to alleviate the traffic issues in the area, but he did know adding to the traffic by creating the Chase Bank access point on 10<sup>th</sup> Street was a bad decision. He stated putting access on Hillside between the 10<sup>th</sup> and Lynn Lane would be a better choice.

Mr. Brent Murphy mentioned there were two items related to Chase Bank for review at this Planning Commission Meeting: Item 4A, CA 18-100, and Item 6E, PUD-282.

Commissioner Fred Dorrell requested to discuss Item 6E prior to voting on Item 4A. Chairperson Jones suggested Item 4A be heard concurrently with Item 6E.

MOTION: A motion was made by Fred Dorrell, seconded by Pablo Aguirre.

**Move to move Item 4A to be heard concurrent with Item 6E**

The motion carried by the following vote:

**Aye: 5 -** Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

**6. Public Hearings**

**A. 18-851 Public hearing, consideration, and possible action regarding SP-45A (Specific Use Permit Amendment), Trinity Lutheran Church, 4.43 acres, A-1, west of Elm Place, one-half mile south of Florence Street**

Planner II Jane Wyrick stated SP-45A was a request for a specific use permit amendment to replace the existing sign with a proposed LED sign for Trinity Lutheran Church on South Elm Place. She reported the original specific use permit was approved in 1984 and the property was platted in 1985. She stated the existing sign was a manual changeable copy sign, was set back approximately 28 feet from Elm Place, and was outside of the existing utility easement. She stated the proposed LED sign was 7 feet, 6 inches in height and 8 feet wide with a display area of 32 square feet. She stated places of assembly were permitted in any agricultural district with a specific use permit by the Zoning Ordinance. She stated illuminated signs were permitted in agricultural districts as part of an institutional use, such as a place of assembly; therefore, with SP-45A the project was in accordance with the Comprehensive Plan and the Zoning Ordinance. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended SP-45A be approved subject to the condition the sign will be dimmed after dark.

Commissioner Pablo Aguirre asked at what time the sign would be dimmed. Ms. Wyrick responded the sign would be dimmed after dark to prevent the light from being a nuisance to

drivers. She explained the sign had a sensor which would automatically dim the LEDs when necessary. Commissioner Aguirre asked if the sign faced north/south. Ms. Wyrick responded in the affirmative.

Mr. Bruce Bagichkee (ph), with Trinity Lutheran Church, stated his address was 8613 South 5<sup>th</sup> Street, Broken Arrow. He stated the sign in question was the same size as the existing sign, with the same setback and in the same location. He stated the sign had an automatic photosensor which as daylight disappeared would dim the sign.

Chairperson Jones opened up the Public Hearing for Item 6A. He asked if any present wanted to speak regarding Item 6A. Seeing none, he closed the Public Hearing for Item 6A.

MOTION: A motion was made by Mark Jones, seconded by Lee Whelpley.

**Move to approve Item 6A, SP-45A, as per Staff recommendation**

The motion carried by the following vote:

Aye: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6A would go before City Council on September 4, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding Item 6A, said citizen was required to fill out a Request to Appear before City Council form in advance.

**B. 18-883 Public hearing, consideration, and possible action regarding PUD-175D (Planned Unit Development) and BAZ 2009 (Rezoning), Pat's Express Car Wash Broken Arrow, 1.01 acres, PUD-175/CG to PUD-175D/CH, located north of Kenosha Street, west of the Creek Turnpike**

Senior Planner Brent Murphy reported PUD-175D was a request to change zoning from PUD-175/CG commercial general to PUD-175D/CH commercial heavy in order to accommodate an automatic car wash. He stated the property was platted as lot 2, block 3, of Northeast Crossroads. He stated the applicant requested three modifications to PUD-175: 1) Add car wash as a permitted use and delete uses permitted as a matter of right in the O2 plan, office park district. 2) Modify the amount of required parking from 1 space per employee to 1 space per 1,250 square feet of building area. 3) Modify the sign requirement from 15 feet in height with 80 square feet of display area to 25 feet in height with 100 square feet of display area; the sign would contain an LED display of no more than 32 square feet. He stated City Council approved BACP-162, a request to change the Comprehensive Plan designation from Level 4 to Level 6. He stated the change in the Comprehensive Plan was approved subject to a major amendment of PUD-175 coming back to the Planning Commission, and this was what was happening currently. He stated a draft PUD was submitted with the Comprehensive Plan change which included the car wash permit and an adjustment to the parking requirement; however, no reference was made to changing the sign requirements. He reported businesses in the area had been developed in accordance with the sign guidelines in PUD-175 and Staff had met with developers interested in developing another parcel on this property who expressed agreement with the current PUD sign restrictions. He stated the CH zoning which was requested with BAZ-2009 was considered in accordance with the Comprehensive Plan in Level 6. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2009 and PUD-175D be approved subject to the height and size of signage remaining as previously approved with PUD-175 (15 feet in height with 80 square feet of display area).

Commissioner Mark Jones asked if Mr. Murphy knew if the applicant was in agreement with Staff recommendations. Mr. Murphy responded in the affirmative; he understood Mr. Larry Curtis had spoken with the applicant who was in agreement, other than the sign requirement. Vice Chairperson Whelpley asked if Walmart and Murphy USA had signs 15 feet in height with 80 square feet of display area. Mr. Murphy responded in the affirmative.

Mr. Lou Reynolds stated his address was 2727 East 21<sup>st</sup> Street, Tulsa. He stated the PUD was 10 years old. He stated the signage for the car wash was more geared to the expressway, as opposed to regular neighborhood signage. He explained the car wash would be located 180 feet from the expressway exit, and the expressway was elevated 16 feet above the ground level. He stated in straight commercial type zoning a 25 feet in height sign was permitted with up to 300 square feet of signage. He stated he only requested 25 feet in height with 100 square feet of display area including 32 square feet of LED. He stated the signage for Walmart was off of 37<sup>th</sup> Street which was not expressway frontage. He stated he did not feel the request was a major departure; it would only allow expressway signage visibility. He stated he was not trying to take advantage; signage was not mentioned prior to this as signage visibility was a new finding. He respectfully requested Planning Commission approve PUD-175D with all three modifications.

Commissioner Dorrell asked where the sign would be located. Mr. Reynolds responded it would be located in the southeast corner of the property. He stated there was not much visibility of the car wash location from the expressway due to the elevated nature of the expressway in this location. He explained he asked for a higher sign to allow business

visibility from the expressway to enable his business to succeed. Commissioner Dorrell stated he understood Mr. Reynolds’s reasoning.

Mr. Larry Curtis reported in Broken Arrow the maximum height in the commercial zoning district was 20 feet by straight zoning, not 25 feet. He explained the height could increase by setting the sign back additional feet from the front of the property, and could increase up to 30 feet as the sign moved back, but Mr. Reynolds’s sign, in the was current proposed location, according to straight zoning, would be restricted to a maximum height of 20 feet. Discussion ensued regarding Walmart signage, past projects, setting precedents, similar property developer’s agreement with the 15 feet height restriction. Mr. Curtis used Google Earth to illustrate Mr. Reynolds’s property as not being directly next to the highway, and as such his signage would not be blocked by any expressway hillside. Mr. Reynolds disagreed; he stated this property location lacked visibility. Mr. Curtis stated the original PUD approved a monument sign for the entire development which had an increased height, and he felt Mr. Reynolds might consider utilizing this type of signage.

Commissioner Aguirre asked if Mr. Reynolds’s intent was to draw in highway traffic. Mr. Reynold responded in the affirmative. Commissioner Aguirre stated it would be difficult to attract highway traffic if the sign was lower than the highway. Mr. Reynolds concurred. Chairperson Jones asked if the owner believed he could attract people going up and down the expressway to turn off and get a car wash. Mr. Reynolds responded in the affirmative. He stated the owner of the car wash owned Walmart, owned many car washes in the metropolitan area, and understood what would drive the business.

Mr. Curtis stated the company which was interested in the similar property was a company which dealt with vehicular traffic frequently, and services associated with such. Mr. Reynolds stated he was unfamiliar with this similar business interest; therefore, he could not argue his point against it. He stated he felt a business which may or may not develop should not be considered and the business which was actively developing should be the priority. Chairperson Jones stated he did not begrudge Mr. Reynolds for asking for the modification; it was his right to ask. Discussion ensued regarding the difficulty of approval, Mr. Reynolds’s modification differing from planning, how to vote, the draft not indicating an increase in sign height, and Comprehensive Plan implications.

Chairperson Jones opened up the Public Hearing for Item 6B. He asked if any present wanted to speak regarding Item 6B. Seeing none, he closed the Public Hearing for Item 6B.

Discussion ensued regarding the QuikTrip signage request, whether it was approved or denied, the sign being moved to a separate property, and setting a precedent with prior modifications.

MOTION: A motion was made by Mark Jones, seconded by Fred Dorrell.

**Move to approve Item 6B, as submitted by the applicant**

The motion carried by the following vote:

Aye: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell  
Nay: 2 - Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6B would go before City Council on September 4, 2018 at 6:30 p.m. He explained if any citizen desired to speak regarding Item 6B, said citizen was required to fill out a Request to Appear before City Council form in advance.

C. 18-915 **Public hearing, consideration, and possible action regarding PUD-280 (Planned Unit Development) and BAZ-2010 (Rezoning), The Villages at Seven Oaks South, 11.34 acres, A-1 to RS-3 (BAZ-1622) to RS-3 to RS-4/PUD-280, located one-quarter mile east of 9th Street, south of New Orleans Street**

Ms. Amanda Yamaguchi reported Item 6C was a request to change zoning from A-1 to RS-3 (BAZ-1622) to RS-3 to RS-4/PUD-280. She reported BAZ-1622 was approved by City Council on March 15, 2004 subject to the property being platted. She stated on October 4, 2004 PUD-194 requested to amend the development standards for the RS-3 zoning district, but was tabled by the City Council; no further action was taken on that request. She reported a preliminary plat of the Villages at Seven Oaks South, was submitted in conjunction with this PUD-280 request. She reported the applicant proposed to develop a privately gated neighborhood with up to 57 lots. She reported the conceptual layout submitted with PUD-280 showed 47 lots within the boundary of the PUD. She reported the preliminary plat showed 57 lots; the 10 lots facing South 12<sup>th</sup> Place, East New Orleans Place, and South 13<sup>th</sup> Place were not included in the PUD and the zoning would remain RS-3. She stated the subdivision would have private streets, owned and maintained by the home owner's association; the primary entrance for the subdivision would be from East Quantico Street, and emergency crash gates would provide emergency access to and from the subdivision on Roanoke Place and the proposed East Orlando substreet to the west. She stated as part of the development, South 12<sup>th</sup> Place was proposed to be approximately 1,246 feet in length; however, minor residential streets were limited to 900 feet in length before it must be

connected to a major street. She explained the street was designed to require a right or left turn upon entrance and neither the north nor south segment individually exceeded the 900 feet requirement. She stated the property associated with PUD-280 and BAZ-2010 was Level 2 in the Comprehensive Plan; the RS-4 zoning requested with BAZ-2010 and incorporated into PUD-280 were considered to be in compliance with the Comprehensive Plan in Level 2. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended PUD-280 and BAZ-2010 be approved subject to the property being platted.

Mr. Alan Betchen with AAB Engineering stated his address was P.O. Box 2136, Sand Springs, OK. He stated AAB were the engineers and surveyors for the project. He stated this was the third phase of Seven Oaks South and was originally anticipated to be a continuation of what was developed in Phase 1 and Phase 2. He explained there was a heavy demand for smaller lots with equivalent sized homes, higher amenities and higher finishes, so the sales price remained the same, and it became a smaller gated community within the overall community. He stated Battle Creek was an example of this in Broken Arrow. He stated this was what was now proposed in Phase 3. He stated there were lots being developed in Phase 2 under the same guise as Phase 1. He stated this project was unique in that it began in 2008, but the project slowed down; therefore, there was a large time gap between the project beginning and end which necessitated change. He stated gating the project would enable quicker sales and development while providing comparable level pricing of homes. He stated AAB met with the home owner's association last Friday and there were many concerns, but most were related to the HOA matters. He stated he felt like many of the initial concerns were addressed. He stated one concern voiced was property devaluation with smaller lot size; however, historically this was not the case. He explained the developer had no incentive to build an inferior quality project as development of Phases 2 and 3 were happening simultaneously; therefore, any project devaluation in either Phase would hurt the developer.

Chairperson Jones stated HOA matters were not in the wheelhouse of the Planning Commission. Vice Chairperson Whelpley stated this subdivision only had one ingress/egress. Mr. Betchen concurred. He stated the main access point would be on Quantico and the southern access point on Roanoke was a crash gate restricted to emergency access only. Discussion ensued regarding the emergency access gate, the homes to the west of the subdivision, and the intent to create a gated, exclusive subdivision.

Chairperson Jones opened up the Public Hearing for Item 6C. He asked if any present wished to speak regarding Item 6C.

Ms. Sharolyn Sorrells stated her address was 3919 South 15<sup>th</sup> Place, Broken Arrow. She stated she was a resident in Phase 2. She stated she never received any notification regarding the home owner's association meeting last Friday and she did not receive notification of the time and place of the Planning Commission Meeting. Vice Chairperson Whelpley explained Ms. Sorrells lived outside of the 300 foot notification zone. She stated she was concerned about the population density of the area. She stated she worried this development would cause a ghetto-type environment due to the size of the housing and the compact nature. She stated when she purchased her property two years ago Phase 3 looked very different. She stated there would be 57 homes in close to 10 acres which she felt were too many families in a very tight area. She stated there was school overpopulation in the area currently, and this would certainly make the congestion worse. She stated there were no plans to build a new elementary school in the area. She stated it would impact her family negatively when the number of families doubled in the small area. She stated the 57 additional homes would overcrowd the common areas such as the pool and small recreation room. She stated the streets would be very narrow, only 28 feet wide and there would be crash gates on all but one entrance, the road to which wound through her neighborhood which she felt would cause significant traffic congestion. She stated the water retention ponds in the gated community were advertised as catch and release ponds promising access for the entire community when she purchased her home and this would no longer be the case. She stated she was worried about fire and police safety in the area due to increased congestion. She stated she worried about school bus access for the children; where would children be required to wait for the bus as there was no turnaround for a school bus in the gated community. She stated the smaller lot sizes would not accommodate home sizes similar to her own. She explained most of the homes built in Phase 1 and Phase 2 had three car garages and a 40 foot wide lot could not accommodate a three car garage. She stated she paid \$113 dollars per square foot for her home, which was expensive; she spent her retirement on her home. She stated there would be no wide porch, no three car garage, no double windowed homes with no back yard built on the 40 foot wide lots. She stated the intended 1800 square feet plus garage was significantly less than any of the homes in Phase 1 or Phase 2 which were close to 3,000 square feet. She stated she was worried about the HOA fees and who would maintain the pool and have access to the pool. She stated smaller homes on smaller lots had lower home values than her neighborhood and gated community homes foreclosed 33% more often than standard neighborhood. She stated gated smaller lot communities had a much higher rate of rental properties which was undesirable. She stated the resale value on her home would drop as a

result of the smaller home and lot sizes in her neighborhood. She stated she felt AAB had been dishonest with the current owners. She stated she had reviewed the plats and asked extensive questions prior to purchase, she was told Phase 3 would be like Phase 1 and Phase 2, and she was told there would be no multifamily homes, no rentals, no zero lot line property and no small lot gated areas.

Chairperson Jones stated Ms. Sorrells had many excellent points, but many of her concerns the board could not consider in its decision making, such as the HOA. He stated he was limited to deciding whether this zoning and this PUD was an appropriate land use from a Comprehensive Plan, existing zoning, and existing land development standpoint. He stated he wanted her to understand he was not saying Ms. Sorrells did not have many valid concerns, but the Planning Commission could not legally consider all her concerns in making the decision. He thanked Ms. Sorrells for her input.

Ms. Mindy Wasson stated her address was 1413 East Quantico Street, Broken Arrow. She stated she was within the 300 foot limit of notice and did not receive a letter of notification regarding the Planning Commission Meeting. Chairperson Jones explained the notification process which included notice being sent to all residents within a 300 foot radius of the property in question, signs being posted in the same residents' yards, and notice published in the newspaper. He stated her name and address was on the list of residents who were sent notification. Ms. Wasson stated she did see the yellow rezoning sign. She stated the single entry gate would be located directly next door to her home which would be a huge impact upon her home. She stated she worried her driveway might be utilized as a turn around point and access to her own drive would be difficult. She stated when she purchased her property she was aware there would be future development next door, but had been assured there would be multiple entrances. She stated she felt someone should buy her out as she would not want to stay if Phase 3 continued as planned.

Commissioner Aguirre asked if Ms. Wasson had been aware there would be a gated entrance next to her when she built her home. Ms. Wasson responded in the negative.

Ms. Katrina Johnson stated her address was 3826 South 13<sup>th</sup> Place, Broken Arrow. She stated she did not receive a letter of notification, but had seen the signs posted. She stated Ms. Wasson was her neighbor. She stated she did not approve of this rezoning. She did not want to live next to a gated entrance. She stated she worried it would be a lot of traffic and dangerous for her sons. She stated she worried her property value would drop due to the small homes constructed right behind her own and the gated entry next door. She stated when she purchased her home she was told there would be more homes built, but was not told about a gated community with smaller homes and smaller lots. She stated she would not have purchased her home if she had been aware of the intention.

Commissioner Jones stated the reason there were three different notification methods was to ensure if one method of notification failed another might be successful.

Mr. Tom Overton stated his address was 3903 South 15<sup>th</sup> Place, Broken Arrow. He asked what the proper forum was to discuss his concerns regarding property values and other concerns which the Planning Commission could not address. Assistant City Attorney Lesli Myers responded Mr. Overton could address his concerns to the City Council; however, she was unsure if the City Council could legally consider concerns regarding property value. Mr. Overton stated there was much dissatisfaction in this subdivision due to the fact that when homes were purchased the developers made assurances which did not include Phase 3 being a gated community with small lots and small homes. He stated he purchased his home 5 years ago in Phase 1 and was only told about Phase 2; Phase 3 was a big surprise. He stated there had been no communication over the years between the residents and the developers which had brought a level of mistrust. He stated his home was his forever home and he was concerned about his home value, especially in terms of his heirs. He stated this Phase 3 development impacted him and his heirs. Chairperson Jones explained that Mr. Overton was welcome to voice his concerns during the Planning Commission and the City Council Meeting; however, the Planning Commission legally could not consider this type of concern while making decisions. Mr. Overton asked what happened next if the Planning Commission approved the PUD application. Chairperson Jones responded the Planning Commission was a recommending body; if the Planning Commission approved the application a recommendation would go before City Council for final approval; if the application was denied, the applicant had the right to appeal to City Council. Mr. Overton asked if he would have the opportunity to voice his concerns before City Council. Chairperson Jones responded in the affirmative. Mr. Overton stated he had many concerns and this was a highly emotionally charged situation.

Mr. Robert Hanks stated his address was 1503 East New Orleans Place, Broken Arrow. He stated he had purchased during Phase 2. He stated he received his Public Hearing Notice via mail. He stated he was incredibly concerned about the increased traffic flow through the neighborhood to reach the single gated entrance to Phase 3. He stated he walked the

neighborhood twice each morning with his dogs. He stated the traffic was currently moderate and he was concerned traffic would double. He stated he currently had to dodge cars occasionally and if he had known about the intended Phase 3 when he was home shopping he would not have purchased in the area.

Vice Chairperson Whelpley asked if there were sidewalks in the neighborhood. Mr. Overton responded in the affirmative; most of the neighborhood had sidewalks.

Mr. Tom Lewis stated his address was 3730 South 13<sup>th</sup> Place, Broken Arrow. He stated he understood the Planning Commission was to determine if rezoning the area of the proposed project would match the existing neighborhood well or not. He stated when he purchased his home the proposed development matched his development, but this newly proposed development was a huge deviation from the original plan. He stated a large green area and a creek were located along the back of the property, and he wondered what kind of access the emergency vehicles would have from 101<sup>st</sup>. He stated the traffic would be required to wind through the neighborhood for access and he felt it would be reasonable to have an entrance along 101<sup>st</sup>; the developer might be required to lose a house, but the ground was graded for a street in the area. He stated a second entrance would reduce the extra traffic and the associated safety hazards. He stated the deviations from the original plan included lot sizes, home sizes, gated entrance, etc. He intimated felt it was not a good fit with the existing zoning and should not be rezoned. He stated the Reserve B pond originally was to be available for access to all residents in the neighborhood and he worried this would no longer be the case if the pond were located within the gated community. He stated the entrance now would be constructed through a retention pond area and he worried this would increase water runoff and flooding as the retention area would be reduced and paved over. He stated he felt this was poor planning.

Mr. John Weed (ph) stated his address was 1409 East Phoenix Street, Broken Arrow. He stated he had the same concerns as others regarding the single gated access and traffic. He asked about the reserve area being split into two. He stated he understood the area would be developed, but the original plat was designed to have cul-de-sacs on the north and south side of the reserve area and he did not understand why the reserve would be paved over. He worried this would affect drainage.

Chairperson Jones asked if any others present wished to speak regarding Item 6C. Seeing none, he closed the Public Hearing for Item 6C.

Mr. Alan Betchen stated the meeting with the home owner's association had been set up through Facebook by a resident in order to communicate with the residents prior to the Planning Commission Meeting. He stated there were 57 lots proposed in the plat; the plat included 11 lots which were not within the PUD and would be built to the same standards as Phase 1 and Phase 2. He indicated on the map where the 11 lots were located and explained they would provide some separation between the smaller lot homes and Phase 1 and 2. He stated there were 46 lots proposed by plat within the gate. He stated the overall density allowed in RS-3 was a higher density than requested; rezoning only asked for a lot size of 52 feet and private streets within a gated community. He stated the gate would not be located on the public street; it would be contained within the reserve to include the islands, escape and turnaround. He stated the development would keep traffic from going deeper into the subdivision than the originally anticipated development scheme; he explained it was not changing the original traffic pattern other than the additional density. He stated the detention area would be bigger than what was currently proposed due to it being offset; the developer would meet stormwater ordinances and would design to preconditions. He stated he would like to have a conversation with the immediately adjacent homeowners regarding how to address the eastern pond regarding should it be gated or not. He stated most of the concerns were a misconception about what was allowed by right today versus what was proposed. He stated the lots were narrowing, but it was not to simply add additional lots; this was the product which would sell in today's market. He stated smaller homes (as small as 1500 square feet) have always been permitted in the area, Phase 1 and Phase 2 included; however, the market had not yet demanded this. He stated the developer intended a smaller lot size with higher finishes type product which was meant to fill a different need in a different market than what was originally anticipated in Seven Oaks South. He stated the quality of the home and the price point of the home would be very comparable. He stated what was being brought before Planning Commission today did not deviate far from the Comprehensive Plan.

Commissioner Dorrell asked if there was an HOA. Mr. Betchen responded in the affirmative. Commissioner Dorrell stated the entrance to the development was convoluted through the neighborhood and recommended an entrance off of 101<sup>st</sup> as suggested by Mr. Lewis as this would alleviate many concerns by the current residents. He explained to the residents the only way to control future development was to buy the land. He stated he was concerned about the egress and ingress; there was only location. He asked who was going to maintain 12<sup>th</sup> Street and 13<sup>th</sup> Street (the path through the neighborhood to access the gated area). He

stated there would be an extra 50 homes which would be causing significant wear and tear to the roads in the area. Mr. Betchen explained this access point had been planned from the beginning and only an additional 10 homes would be driving this path. He stated the development had always intended to have approximately 36 homes. Commissioner Dorrell stated while the Planning Commission could not take all the residents concerns into consideration, Mr. Betchen should; this was about being a good corporate citizen and the key was good communication. He asked when the plans changed to make this into a private gated community. Mr. Betchen responded with this application; when Phase 2 was being developed Phase 3 was still anticipated to be similar to Phase 2.

Mr. Larry Curtis displayed a map and discussed where the roads were intended to lead. He asked about the narrowness of the roads in the new development. Mr. Betchen responded the roads would be built to City of Broken Arrow standards, but would be privately maintained. Commissioner Dorrell stated he was uncomfortable with the idea of access to the newly gated community being along Phase 1 and Phase 2's roads as the gated community's drivers would cause excessive wear upon the private roads maintained by Phase 1 and Phase 2.

Mr. Curtis stated Mr. Betchen had attended the Technical Advisory Committee Meeting last Tuesday. He explained the purpose of the Technical Advisory Committee Meeting was to inform the various public agencies about upcoming developments. He stated the Committee was made up of Police, Fire, Utilities, City Agencies, other Public Agencies and Public Schools. He asked Mr. Betchen if there were any comments from any of the various public agencies regarding new development. Mr. Betchen responded Fire, Police and Schools all had representation and agreed with the plat as proposed. Chairperson Jones stated it was important to understand that this project was reviewed by numerous entities both with the City and outside the City which provided feedback. He stated if there were no concerns at the Technical Advisory Committee Meeting, then the Police and Fire felt access was adequate and the Public Schools felt the schools would not be overtaxed.

Mr. Curtis asked about the fencing between properties. Mr. Betchen stated the abutment between backyards would be similar to the Phase 1 and Phase 2 developments with residential rear yard fencing. Mr. Curtis asked about the purpose of the substreet to the north. Mr. Betchen explained the substreet to the north allowed emergency access connection through a future development. Commissioner Aguirre stated when the original plat was done on this property there was no gate. Mr. Betchen agreed. Chairperson Jones stated he understood markets changed over time and developments changed over time, and it was the developer's prerogative to change. Mr. Betchen concurred and explained the original preliminary plat was done in the early 2000's, approximately 15 years ago, and the market was wildly different than it was 15 years ago. Commissioner Dorrell asked in what year was the first house built in Phase 1. Mr. Michael Skates stated the subdivision preliminary plat was completed in 2007, about 10 or 11 years ago. He stated it took about 1 year for the initial construction to take place. Commissioner Aguirre asked how long the gated community concept had been in play. Mr. Betchen responded it was only a few months ago. Chairperson Jones asked Mr. Betchen to speak with the developer and encourage him to communicate with the HOA, attempt to resolve issues, answer questions, and facilitate discussion. Mr. Betchen responded in the affirmative; he understood the importance of communication.

Vice Chairperson Whelpley stated he felt it would be a better plan to create an entrance for the development via 12<sup>th</sup> Place; this would be better for traffic, safety, water detention and many other concerns. Mr. Betchen responded this could be considered; however, the PUD did not cement where the entrance would be located, the plat would. He stated he would be happy to table the plat and rework the entrance if the Planning Commission so desired. Vice Chairperson Whelpley stated he felt Mr. Betchen and the developer would save a lot of grief if the access was changed to via 12<sup>th</sup> Place. Mr. Betchen stated he would need to communicate with the City regarding the road length if access were changed to 12<sup>th</sup> Place, as it would make the internal street longer than the allowed 900 feet. He stated conceptually it may be an option, but it was something to work out on the plat side, not the PUD. He asked the Planning Commission to approve the PUD which permitted a gated community prior to a reworking of the entrance to the community, as it was quite an investment to redesign the neighborhood if a gated community would not be permitted. He stated he would be happy to table the plat and return at a later date with an updated version. Chairperson Jones stated the PUD in fact indicated "the preliminary entry to the subdivision will be derived from East Quantico Street as shown." He stated this could be modified and the PUD could be approved conditionally upon the entrance being moved. He stated from a land use standpoint, this was in accordance with the Comprehensive Plan, the existing zoning patterns, and the surrounding land use developments, and could be approved; however, if Mr. Betchen were willing to look at this from a slightly different design aspect, the plat could be continued. Commissioner Dorrell agreed with Chairperson Jones. He stated he would approve of Mr. Betchen reworking the entrance; he did not like the location of the entrance currently. Mr. Betchen asked for approval of the PUD with modification of the language to allow a different access point and a table of the plat. Commissioner Aguirre asked if Orlando Court would be a

connected road. Mr. Betchen responded in the negative, but it was possible for this to be considered for the access gate.

Discussion ensued regarding the rezoning, the lot increase, the approved RS-3 zoning pending plat, Item 6C being the rezoning and Item 4D being the plat.

MOTION: A motion was made by Fred Dorrell, seconded by Lee Whelpley.

**Move to approve the rezoning and PUD applications as recommended by Staff with modification in the access and circulation portion of the PUD to allow an alternate access point to be approved by Staff during the platting process**

The motion carried by the following vote:

**Aye:** 3 - Fred Dorrell, Lee Whelpley, Ricky Jones  
**Nay:** 1 - Pablo Aguirre  
**Recused:** 1 - Mark Jones

Chairperson Jones stated Item 6C (the rezoning PUD) would go before City Council on September 4, 2018 at 6:30 p.m. He explained if any citizen wished to speak regarding Item 6C, said citizen was required to fill out a Request to Appear before City Council form in advance.

Chairperson Jones reiterated it was important for Mr. Betchen to speak with the developer regarding communicative neighborhood meetings.

MOTION: A motion was made by Fred Dorrell, seconded by Ricky Jones.

**Move to table Item 4D, the preliminary plat, until September 13, 2018**

The motion carried by the following vote:

**Aye:** 4 - Pablo Aguirre, Fred Dorrell, Lee Whelpley, Ricky Jones  
**Recused:** 1 - Mark Jones

Commissioner Mark Jones left the room prior to discussion of Item 6C and returned following the vote for Item 6C and Item 4D.

**D. 18-898 Public hearing, consideration, and possible action regarding PUD-281 (Planned Unit Development), Milestone, 2.07 acres, DM/SP-137G/Area 6 of the Downtown Residential Overlay District to PUD-281/DM/Area 6 of the Downtown Residential Overlay District along with the abrogation of SP-137, located one-third mile south of Kenosha Street, one-half mile east of Elm Place**

Senior Planner Brent Murphy reported PUD-281 involved a 2.07 acres parcel located at 305 N. Main Street and a mixed use residential development was proposed on this property which was owned by the Broken Arrow Economic Development Corporation. He stated the development would be a four story building with 31,000 square feet of commercial space on the ground floor with three levels of apartments/residential units above. He stated the 89,000 square feet of residential space would contain approximately 90 dwelling units. He stated the property was zoned DM, had a Specific Use Permit, SP-137, and was in Area 6 of the Downtown Residential Overlay District. He explained SP-137 was for a church which was approved by City Council in 1999, the church building had been removed, and the site was vacant. He stated the property was platted as lots 1 through 22, block 18 of the original town of Broken Arrow. He stated there was an alley which ran through the property which was in the process of being vacated. He stated in January 2018 City Council adopted Design Standards for the Downtown Residential Overlay District; as part of the document which was approved it was noted it was intended to facilitate residential and mixed use conservation of residential character in stable neighborhoods, while also accommodating increased residential densities, mixed use development and commercial activities in targeted areas to enhance activity and commerce. He stated the proposed Milestone project was located in Area 6 of the Downtown Residential Overlay District, would be developed in accordance with the City of Broken Arrow Zoning Ordinance, and the mixed use B commercial design standards of the DROD, except for some modifications which were requested and were summarized in the Staff Report. He stated the modifications were to the building design; the use proposed for the property was already permitted. He explained the PUD was to make modifications of the design of the building. He stated no on-site parking was required as part of the development, but the project proposed to have 90 on-site parking spaces and 47 on-street parking spaces. He stated Zoning allowed a six story building to cover the entire property on this site. He stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended PUD-281 be approved as presented, and as the property was platted, Staff recommended replatting be waived and SP-137 be abrogated.

The applicant, Mr. Mike Phelps with Cyntergy, the architect for the project, stated his address was 810 South Cincinnati, Tulsa. He stated he was in agreement with Staff recommendations. He explained the PUD adjusted the setback to provide ADA access and to accommodate a 7 foot slope from intersection to intersection; this was coordinated with the streetscape project which would be built concurrently. He explained the Streetscape would follow the slope and the setback would include a sidewalk. He stated the second

modification was a variance on the parking setback to maximize the number of parking spaces. He stated a widening of the alleyway was requested to accommodate Broken Arrow Emergency Vehicle access. He explained other changes including blank street-facing wall modifications, ground floor transparency windows, distances between ground floor entries, and parking screening with rod iron fencing and boxwoods.

Commissioner Dorrell asked if Mr. Phelps's intention was to increase the number of parking places with this modification. Mr. Phelps responded in the affirmative; he wanted to provide as many parking places as possible. Chairperson Jones stated there was no requirement to provide parking within the DM district. Mr. Curtis concurred.

Chairperson Jones opened up the Public Hearing for Item 6D. He asked if any present wanted to speak regarding Item 6D.

Senior Pastor Larry Varvel with the First United Methodist Church of Broken Arrow stated his address was 112 East College, Broken Arrow; immediately south of the proposed Milestone project. He stated the First United Methodist Church was the first church in Broken Arrow and had been on site for 115 years. He stated his church had participated in most of the events in the Rose District, loved the Rose District and appreciated the businesses in the area, as well as the recent beautification. He stated he had not been aware of the no parking requirements for the DM district until this project was proposed. He stated he was concerned 96 apartments, along with restaurants and retail spaces, with only 138 parking places, would cause a parking bleed onto church grounds. He stated if this were constructed in any other location 200 parking spaces would have been required for the apartments alone. He stated when Cowen Construction began communication, he had asked where residents and shoppers would park; Cowen responded "probably at the church." He stated this was a realistic probability and was a concern to the First United Methodist Church. He explained the church wanted to be a good neighbor, and while new next door neighbors were a good thing, the reality was this would cause problems at the church. He explained church was not just on Sunday, it was daily with the preschool, special events, weddings, funerals, services on other days, etc., and if shoppers and residents were parked in the church parking lot, church attendees would have no space to park. He stated this left the church with two options, turn away attendees, or put up gates, fences, and signs which would be deemed unfriendly and cars would be towed. He stated neither option was acceptable. He stated he had suggested Cowen Construction consider purchasing the empty lots to the east for parking, but Cowen responded it was not within the budget; Cowen offered to pay the church nominally for use of the parking lot, or gift the church one free apartment, or some other compensation. He stated Cowen was not being rude or uncooperative, and he understood Cowen was not required to provide parking for the building, but allowing a 96 unit apartment building to be constructed without parking seemed very poorly planned. He stated the First United Methodist Church loved the Rose District and he briefly described the many ways the Church behaved as a good neighbor to the whole of the Rose District. He reiterated his concern regarding his congregation not having available parking as a result of the Milestone project. He stated Mr. Norm Stevens contacted him today, but was the first City employee who had reached out to the church.

Chairperson Jones stated he was on the Planning Commission when the DM was adopted into zoning code a few years ago. He stated numerous public hearings were held regarding the new zoning code designations. He stated it was common in downtown business districts to require no parking; in downtown Tulsa apartment complexes, condos, restaurants, etc., were being developed with no parking requirement. He stated he did not believe a lack in parking availability gave citizens the right to trespass on church property, however. He indicated the purpose of the public hearing was not to discuss the use or the parking; this was already permitted. He explained the PUD requested modifications to the building itself. He asked if Pastor Varvel had any concerns or questions about the modifications. Pastor Varvel responded he was grateful the developer had changed the plan to provide 91 parking places; however, this was still inadequate. He stated he felt when the DM was being considered thoughts were of small locally owned businesses for which parking was less of an issue, but to build a 96 unit apartment complex without parking did not make sense. Chairperson Jones stated if the apartment complex could not provide adequate parking for residents, most likely it would be extremely difficult to rent the apartments, but this was the developer's concern. He stated if a resident was illegally trespassing on church property there were consequences. Pastor Varvel stated the church would be required to gate the entire church property. He asked if this Item would next go before City Council. Chairperson Jones responded in the affirmative; it would go before City Council on September 4, 2018. He encouraged Pastor Varvel to attend and speak before City Council. Commissioner Dorrell stated Pastor Varvel had a valid concern and he commended the First United Methodist Church for its community participation. He stated Pastor Varvel had brought awareness of the problem to the Planning Commission. He recommended Pastor Varvel speak before City Council. Pastor Varvel asked if the DM zoning could be modified. Chairperson Jones responded in the affirmative. Pastor Varvel stated he worried if this apartment complex went up without any parking requirement it would set a precedent and soon there would be apartments throughout the Rose

District with no parking. Vice Chairperson Whelpley suggested an enterprising individual might buy the property to the east and charge for parking. Pastor Varvel suggested the City purchase the land to provide parking. Discussion ensued regarding the impracticality of 90 apartments with 90 parking spaces, shopping and eating in areas with no parking, and lack of parking breaking the sense of community and causing frustration.

Mr. Adam Hildebrandt stated his address was 301 South 2<sup>nd</sup> Street, Broken Arrow. He stated he attended First United Methodist Church. He stated the no parking requirement worked in downtown Tulsa due to public transportation availability enabling a no-car lifestyle, but it would not work in the Rose District. He stated he understood the Planning Commission could not change the DM at this moment, but he asked the Planning Commission to table this Item until steps could be taken to change the DM to require parking. Chairperson Jones responded the modification could be tabled, but it would not change what was permitted for parking for this development. He explained the development was permitted, no approval from the City was required; the requested changes were related to building facades and other minor issues; therefore, tabling the Item would not help.

Mr. Steven Garcille stated his address was 8833 South 264<sup>th</sup> East Avenue, Broken Arrow. He asked about the abrogation of SP-137. Mr. Curtis explained the original Assembly of God Church which was in this location had an SP permit in place to allow church use. He stated since the church had been removed and abated, the process was to remove this abatement of the SP permit as it was no longer needed. He stated if a new church wanted to utilize this location a new SP permit could be applied for. Mr. Garcille asked if the Broken Arrow Comprehensive Plan included a 96 apartment complex in the downtown Rose District. He stated he did not remember seeing anything which indicated a future density of this intensity in the Rose District with no included parking. Chairperson Jones stated when the Zoning Code was modified and the DM was approved he had envisioned developments of this sort. Mr. Garcille stated the Comprehensive Plan did not allude to an apartment development such as this as a possibility. Chairperson Jones explained Comprehensive Plans were not detailed enough to indicate numbers of apartments. Mr. Garcille disagreed; he stated the overall plan for the Rose District was very detailed. Chairperson Jones stated he understood what he was approving with the new Zoning Code, Comprehensive Plan and the Rose District DM and explained why he felt no parking requirement in the downtown Rose District was a good fit.

Mr. Chad Wolber stated his address was 1<sup>st</sup> and Elgin. He asked if the church authorized parking permits, would the City be willing to write tickets for vehicles parked without permits. Assistant City Attorney Myers responded in the negative; the City could not write tickets on a private lot.

Mr. David Salustri stated his address was 309 East Detroit Street, Broken Arrow. He stated he felt the development would be beneficial to downtown Broken Arrow. He stated he was a member of the First United Methodist Church and the church was in favor of the development, minus the parking shortage. He stated residents currently utilized the church parking lot, but it had not caused problems as of yet. He stated he felt the developers should consider purchasing the lots to the east or some other lot to provide additional parking. He stated he felt the church should attempt to fight a little harder for additional parking spaces rather than fight to stop the development. He stated other solutions included the church purchasing additional lots for parking, changing City Zoning, and additional public transportation. He stated the Planning Commission was doing a great job, and he appreciated the efforts that had gone into beautifying the Rose District. He stated he looked forward to seeing this development come to fruition.

Mr. Jim Freer stated his address was 907 South Willow, Broken Arrow. He stated he was a member of the church. He stated the church should not have to purchase additional lots; it currently had sufficient parking for the congregation. He asked who would own the apartment complex once it was built. Chairperson Jones responded he was unsure. Mr. Freer stated if there were only 91 parking spots, then only 46 apartments should be allowed.

Chairperson Jones asked if any others present wished to speak regarding Item 6D. Seeing none, he closed the Public Hearing for Item 6D.

Discussion ensued regarding the vote being only for the PUD building modifications, applications being in for building permits and site plans which were contingent upon the PUD being approved, and there being no approved building plan as of yet.

MOTION: A motion was made by Mark Jones, seconded by Fred Dorrell.

**Move to approve Item 6D as per Staff recommendation**

The motion carried by the following vote:

Aye:        5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6D would go before City Council on September 4, 2018 at

6:30 p.m. He explained if any citizen wished to speak regarding Item 6D, said citizen was required to fill out a Request to Appear before City Council form in advance.

**E. 18-880 Public hearing, consideration, and possible action regarding PUD-282 (Planned Unit Development), Chase Bank, 1.35 acres, CH, located one-quarter mile south of Albany Street, east of 9th Street**

Ms. Jane Wyrick reported with PUD-282 the applicant proposed to develop the property for use as a financial institution (Chase Bank). She explained the property was rezoned from A-1 to C-5, was converted to CH in 1999 and was platted as lot 1, block 1, of the Hillcrest Lynn Lane plat in 2006. She reported as a part of the 9<sup>th</sup> Street widening project Reno Street was re-routed to the south and became 10<sup>th</sup> Street; the pavement for Reno Street was removed west of 10<sup>th</sup> Street, but the right-of-way remained. She stated the property was surrounded by public right-of-way and was located at an arterial intersection. She explained the applicant requested approval to use the Reno Street right-of-way for driveway access to 9<sup>th</sup> Street. She stated the request was being processed concurrently with a change of access (Item 4A on the Consent Agenda). She stated a second driveway was proposed on the east side of the property at 10<sup>th</sup> Street. She reported the Zoning Ordinance required fence screening when nonresidential uses abutted residential uses and through the PUD the applicant requested a waiver of the screening requirement as the Reno Street right-of-way area provided a buffer between the site and residences, as well as an existing masonry wall along the residential perimeter. She stated the PUD requested approval to exceed maximum parking for financial institutions with a drive through (one space per 300 square feet amounting to a minimum of 12 spaces and a maximum of 15, plus 4 additional stacking spaces at the drive through); as proposed there would be a total of 40 parking spaces with 8 stacking spaces for the drive through. She indicated per code one free standing sign was permitted per 150 feet of frontage; frontage was not cumulative for lots with multiple street frontages. She stated the applicant requested two free standing signs, both 20 feet high, at 75 square feet each. She stated the external building material included masonry materials which met code. She reported none of the property was with a 100 year flood plain, the property associated with PUD-282 was shown in the Comprehensive Plan as Level 6, and this development, with the PUD, was considered in compliance with the Comprehensive Plan in Level 6. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended PUD-282 be approved subject to one condition of approval, that the applicant amend the limits of no access along the north boundary to allow driveway access through the Reno Street right-of-way.

Vice Chairperson Whelpley asked how many entrances the bank would have. Ms. Wyrick answered two; one to the east onto North 10<sup>th</sup> Street and one to the north through the Reno Street right-of-way, then west to access 9<sup>th</sup> Street. She stated this was the change of access which had been discussed earlier and was continued (Item 4A). She stated the change of access was on Reno; the west side of the property and the north, per the plat, had no access. Commissioner Dorrell asked if the access was taken off of 10<sup>th</sup> and changed to Reno. Mr. Curtis responded in the negative. He explained the property was platted as one lot and one block and there were limits of no access located along Lynn Lane, Reno and Hillside Drive, but there was permitted access from 10<sup>th</sup> Street according to the plat. The change of access request was along the north side, Reno Street. He stated in reference to a previous question regarding closer curb cuts, the City of Broken Arrow Zoning Code required curb cuts be limited from intersections by 250 feet; therefore, by code, an access point could not be along Hillside drive as it was within 250 feet of the intersection. He stated QuikTrip had filed a PUD which modified the zoning requirement to reduce the 250 feet, and the flow of traffic was different around the QuikTrip which enabled PUD approval. He noted the upcoming Bond issue included proposed monies to redevelop the intersection at Lynn Lane and Hillside Drive which would possibly reopen Reno to allow traffic flow through onto the main road which would alleviate congestion. Commissioner Dorrell asked if the curb cut proposed on Lynn Lane was to exit both directions. Mr. Michael Skates responded in the affirmative. Mr. Skates reported the City hired a consultant to do a traffic study which reported changes needed to be made at the interchange, at Hillside and 9<sup>th</sup> Street, along with the Broken Arrow expressway off-ramp. He stated there was money in the Bond issue to make improvements to the intersection through 9<sup>th</sup> Street, potential Reno Street reopening and a general reconfiguring of the area which would improve the traffic congestion. He briefly explained the surrounding lots and what went into the access point locations including elevation, traffic flow, differing time periods and zoning ordinances.

**Mr. Matt Craigen (ph)** stated his address was 2080 N. Highway 360, Grand Prairie, TX. He stated he represented Chase Bank. He stated stormwater would be directed into the storm sewers and landscaping was proposed along the proposed access onto Reno.

Chairperson Jones opened up the Public Hearing for Item 6E. He asked if any present wanted to speak regarding Item 6E.

Mr. Thomas Neal reiterated his earlier statement about a curb cut. He referred to the map and indicated different business which had close curb cuts and wondered why Chase did not

propose something similar. Mr. Curtis stated it would require a separate PUD. Mr. Neal asked if the developer would consider filing a PUD for a curb cut. Chairperson Jones responded he was not sure the City would approve a curb cut access PUD. Mr. Curtis stated it was not a good idea to have entrances located less than 250 feet from an intersection; studies indicated resultant traffic accidents. Discussion ensued regarding additional reasons a curb cut access less than 250 feet from the intersection would not be approved, whether it was allowed in other areas, left turn lane traffic impeding flow, improving the area with Bond money, Reno Street reopening, 10<sup>th</sup> Street closing, stormwater runoff and flooding. Mr. Neal stated he worried about the bank directing stormwater into the storm sewers; he worried this would overload the system. Mr. Curtis responded stormwater would be addressed during the engineering process and Chase would be required to ensure stormwater would cause no increased impact upon the surrounding community.

Discussion ensued regarding PUD requests, zoning requirements, Chase attempting to conform to zoning requirements, the ability to request access through a PUD, the next item being the Item 4A from the Consent Agenda, and the property having been platted. Commissioner Dorrell stated he did not like the curb cut on Lynn Lane; this particular area was highly congested at all times. He stated he did not like the access onto 10<sup>th</sup> Street either. Discussion ensued regarding the Bond project reworking this area and reworking access points/directional access points, business access onto 10<sup>th</sup> by right, access to Hillside being impeded by stacked traffic and worsening congestion, and Lynn Lane being the only acceptable alternative. Mr. Curtis recommended a possible added condition to the PUD change of access request requiring right turn out and right turn in. Chairperson Jones stated he would want Staff to research this type of condition prior to addition. Mr. Skates stated the Bond package question would be resolved within the next few weeks and Mr. Spurgeon had indicated the intersection reconfiguration project would be quickly set into motion. He explained, well before the Chase Bank project was finished the Planning Commission would know what was intended at this intersection for Reno, 10<sup>th</sup> Street, and Hillside Drive. He stated he would bring this information back to the Planning Commission, as well as the applicant. He stated he believed the Engineering Department would also be in contact with the applicant regarding the access onto Reno.

Chairperson Jones asked if any others present wished to speak regarding Item 6E. Seeing none, he closed the Public Hearing for Item 6E.

MOTION: A motion was made by Fred Dorrell, seconded by Mark Jones.

**Move to approve Item 6E as per Staff recommendation with Commissioner Dorrell's notation regarding right turn in and out on Lynn Lane**

The motion carried by the following vote:

**Aye: 5 -** Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 6E would go before City Council on September 4, 2018 at 6:30 p.m.

MOTION: A motion was made by Fred Dorrell, seconded by Mark Jones.

**Move to approve Item 4A as per Staff recommendation with Commissioner Dorrell's notation regarding right turn in and out on Lynn Lane**

The motion carried by the following vote:

**Aye: 5 -** Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

**7. Appeals**

There were no Appeals.

**8. General Commission Business**

There was no General Commission Business.

**9. Remarks, Inquiries and Comments by Planning Commission and Staff (No Action)**

Mr. Larry Curtis stated at the August 7, 2018, City Council Meeting the following Items were approved by Council: BAZ-2006, a rezoning request on Main Street by the Jackson Project, R-3 to DM zoning; the Bill Knight PUD to allow for a larger commercial development for a future eatery; the parks rezoning for PUD and a rezoning to RE on Commercial Place; BAZ-2007, a rezoning request behind Life Church; and PUD-279 for SoundMind.

**10. Adjournment**

The meeting adjourned at approximately 8:25 p.m.

MOTION: A motion was made by Fred Dorrell, seconded by Pablo Aguirre.

**Move to adjourn**

The motion carried by the following vote:

**Aye: 5 -** Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk