

Planning Commission meeting minutes of April 27, 2017

1. Call to Order

The meeting was called to order at 5:00 p.m. by Chairperson, Fred Dorrell.

2. Roll Call

Present: Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

Absent: Carlyne Isbell-Carr

3. Old Business – None

4. Consent Agenda

Staff Planner, Amanda Yamaguchi presented the background for the Consent Agenda items.

Fred Dorrell explained the Consent Agenda process and asked if anyone wished to remove an item for discussion. Mark Jones said Item 4F. PT17-102, Preliminary Plat, The Preserve will need removed from the Consent Agenda as his company is involved with this project. Fred Dorrell asked if there were any other items to be removed for discussion. No one responded.

A. 17-2091 Approval of Planning Commission meeting minutes of April 13, 2017

MOTION: by Ricky Jones to approve Consent Agenda Items 4A, B, C, D and E, per Staff recommendations. The motion was seconded by Lee Whelpley.

Aye: Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

Absent: Carlyne Isbell-Carr

B. 17-2059 Approval of BAL-2017, 1428 W Sandusky (Lot 11, Block 3, Estates at Shenandoah), 0.27 acres, R-3/PUD-94, one-third mile north of Omaha Street, one-third mile west of Elm Place

MOTION: by Ricky Jones to approve Consent Agenda Items 4A, B, C, D and E, per Staff recommendations. The motion was seconded by Lee Whelpley.

Aye: Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

Absent: Carlyne Isbell-Carr

C. 17-2090 Approval of BAL-2018, 1432 W Sandusky (Lot 10, Block 3, Estates at Shenandoah), 0.27 acres, R-3/PUD-94, one-third mile north of Omaha Street, one-third mile west of Elm Place

MOTION: by Ricky Jones to approve Consent Agenda Items 4A, B, C, D and E, per Staff recommendations. The motion was seconded by Lee Whelpley.

Aye: Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

Absent: Carlyne Isbell-Carr

D. 17-2038 Approval of CA 17-101, Dental Depot Broken Arrow, Lot 2, Block 1, 2.08 acres, CN/PUD-223, north of the northeast corner of Aspen Avenue and Kenosha Street

MOTION: by Ricky Jones to approve Consent Agenda Items 4A, B, C, D and E, per Staff recommendations. The motion was seconded by Lee Whelpley.

Aye: Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

Absent: Carlyne Isbell-Carr

- E. 17-2066 Approval of PT17-101, Preliminary Plat, 121 Elm, 3 lots, 8.91 acres, A-1 to CN/PUD-199A, south and west of the southwest corner of Elm Place and Tucson Street

MOTION: by Ricky Jones to approve Consent Agenda Items 4A, B, C, D and E, per Staff recommendations. The motion was seconded by Lee Whelpley.

Aye: Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

Absent: Carolyne Isbell-Carr

- F. 17-2039 Approval of PT17-102, Preliminary Plat, The Preserve, 26.31 acres, RS-3, west of the southwest corner of 37th Street and Omaha Street

This item was removed from the Consent Agenda

5. Consideration of Items Removed from the Consent Agenda

- F. 17-2039 Approval of PT17-102, Preliminary Plat, The Preserve, 26.31 acres, RS-3, west of the southwest corner of 37th Street and Omaha Street

MOTION: Ricky Jones to approve Item 5F., Preliminary Plat for The Preserve, per Staff recommendations. The motion was seconded by Lee Whelpley.

Aye: Ricky Jones, Lee Whelpley, Fred Dorrell

Abstain: Mark Jones

Absent: Carolyne Isbell-Carr

6. Public Hearings

- A. 17-2040 Public hearing, consideration, and possible action regarding BAZ-1976, The Preserve, 26.31 acres, A-1 to RS-3, west of the southwest corner of 37th Street and Omaha Street

Mark Jones said zoning request, BAZ-1976 is for his company and he would have to recuse himself from discussion. Mr. Jones left the Council Chambers.

Amanda Yamaguchi presented the background information for Item 6A saying, BAZ-1976 is a request to change the zoning designation on 26.31 acres of undeveloped and unplatted land from A-1 (Agricultural) to RS-3 (Single-Family Residential). This property is located west of the southwest corner of 37th Street and Omaha Street.

Ms. Yamaguchi said the applicant intends to develop the property as residential subdivision containing approximately 96 lots. The preliminary plat for 'Preserve' was heard on the Consent Agenda portion of this Planning Commission meeting. She said according to the FEMA maps, none of the property is located in the 100-year floodplain. Surrounding land uses and zoning classifications include: A-RS-3, A-1 and R-2 to the north (used for single family homes); A-1 to the east and to the south which is undeveloped property, and RMH to the west which is used as Joanna Woods Mobile Home Park. This property is designated as Level 2 in the Comprehensive Plan. RS-3 zoning is identified as being in conformance with the Comprehensive Plan in Level 2.

Amanda Yamaguchi said based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that BAZ-1976 be approved, subject to the property being platted.

Fred Dorrell asked if the applicant was present and to step to the podium.

Alan Betchan, AAB Engineering, 200 N. McKinley, Sand Springs, OK 74063 said they are in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on Item 6A. No one responded. Mr. Dorrell closed the public hearing.

MOTION: by Lee Whelpley to approve Item 6A, BAZ-1976, per Staff recommendations. The motion was seconded by Ricky Jones.

Aye: Ricky Jones, Lee Whelpley, Fred Dorrell

Recused: Mark Jones

Absent: Carlyne Isbell-Carr

After the vote, Fred Dorrell said BAZ-1976 will be heard by City Council on May 16, 2017, at 6:30 p.m.

Mark Jones returned to the Council Chambers.

- B.** 17-2062 Public hearing, consideration, and possible action regarding PUD-199A, a request for a minor amendment to PUD-199, 121 Elm, 8.91 acres, A-1 to CN/PUD-199A, south and west of the southwest corner of Elm Place and Tucson Street

Senior Planner, Brent Murphy presented the background for PUD-199A saying, Planned Unit Development (PUD)-199A involves 8.91 acres located south and west of the southwest corner of Elm Place and Tucson Street. This property is unplatted and undeveloped. On March 17, 2009, the City Council approved BAZ-1825 to change the zoning on the property from A-1 to CN (Commercial Neighborhood) along with PUD-199, subject to the property being platted. The northeast corner of the property was platted as part of "CVS at Wilburn Square" and PUD-199 was validated across the entire property. A CVS was constructed on that portion of the property and that is the only portion that has been developed.

Mr. Murphy said the applicant is requesting a minor amendment to PUD-199 that involves three modifications to the previously approved design statement. When PUD-199 was approved by the City Council, the design statement submitted by the applicant stated, "The Wilburn Square property is divided by an Elm Creek tributary; however, the Outline Development Plan provides for an internal bridge structure linking the east and west development area without going onto West Tucson Street." The applicant is requesting that this statement be removed, and the internal bridge structure is no longer shown on the Outline Development Plan.

Brent Murphy said PUD-199 acknowledged that off-street parking would be provided in accordance with the Broken Arrow Zoning Ordinances which states the number of parking spaces is limited to 125% of the required number of parking spaces. With PUD-199A, the applicant is requesting to be able to exceed the 125% standard.

Mr. Murphy said that PUD-199 stated, "All facades of each building shall be made of brick masonry." The third modification being requested is that with PUD-199A, the word "brick" be deleted with the requirement for masonry on all building facades to remain.

Brent Murphy said this property is designated as Level 4 in the Comprehensive Plan. CN zoning that was approved with BAZ-1825 and is still reflected with PUD-199A is considered to be in accordance with Comprehensive Plan in Level 4. Based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-199A, a request for a minor amendment to PUD-199, be approved as presented, subject to the property being platted. He said a Preliminary Plat for this property was heard earlier as a Consent item on this agenda.

Ricky Jones asked if Staff and the fire department have looked at access and circulation for this property without the bridge and if they are okay with the changes. Plan Development Manager, Larry Curtis said Staff reviewed the plans and there is access from the north and the east along the collector and major arterial streets and Staff is ok with the proposed changes.

Ricky Jones said the creek is formidable to construct a bridge over and he wanted to make sure Staff was ok with it.

Fred Dorrell asked if the applicant was present and to step to the podium and state if they are in agreement with Staff recommendations.

Tim Terral, Tulsa Engineering & Planning Associates, 9820 E. 41st, Ste. 102, Tulsa said they are in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on Item 6B, PUD-199A No one responded. Mr. Dorrell closed the public hearing.

MOTION: by Ricky Jones to approve Item 6B, per Staff recommendations. The motion was seconded by Mark Jones.

Aye: Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

Absent: Carlyne Isbell-Carr

After the vote, Fred Dorrell said this item is a minor amendment; therefore, it will not go to City Council.

- C. 17-2092 Public hearing, consideration, and possible action regarding PUD-235A, a request for a minor amendment to PUD-235, Rabbit Run, 27.40 acres, A-1 to RS-3/PUD-235, south and west of the southwest corner of Olive Avenue and New Orleans Street

Larry Curtis presented the background saying, Rabbit Run, PUD -235A is a minor amendment to the original PUD -235 for the subdivision, Rabbit Run. PUD-235 was approved by City Council on April 21, 2015 along with BAZ-1931. The original PUD was a request for a zero lot line, private street, single family detached residential development on 27.40 acres, to be located south and west of the southwest corner of Olive Avenue and New Orleans Street.

Mr. Curtis said there are five items proposed with PUD-235A. 1.) Allow Mailboxes within the subdivision. Originally, the developer intended on a single-point for mail delivery. With this change, mailboxes will be permitted along the private streets. 2.) Setbacks may be reduced from 25 feet and 20 feet to 15 feet for a garage provided the garage doors are located at 90 degrees from the street line and the garage is die loaded. 3.) A 15-foot setback shall be allowed for a portion of the structure provided that any front-facing garage is setback at least 20 feet on lots not required to have a sidewalk and 25 feet on lots required to have a sidewalk. 4.) Sidewalks will be constructed along one side of the private streets and in the locations shown on the Access and Circulation Plan as, Exhibit 'C'. Sidewalks in the reserve area maybe altered to work with topography and flooding nature associated with this area. 5.) Fence screening will be changed. The Project will be extensively landscaped and will be screened by a 6-foot high decorative screening wall on the portions that abut the commercial areas. Originally, an 8-foot high fence was required. With this minor amendment, a four (4) foot high wrought iron / aluminum fence will be provided. If a lot owner would like to have a solid privacy wall they will be allowed to build a masonry fence to replace the wrought iron fence.

Mr. Curtis said this PUD request is for a minor amendment and to be heard by the Planning Commission only.

Ricky Jones said the PUD says they propose modifying the screening fence between the Commercial area and the Subdivision. He said the zoning code says it is the responsibility of the Commercially zoned area to provide screening not the residential side.

Larry Curtis told Mr. Jones that the screening requirement is the responsibility of the Commercial owner and that point was made by the applicant. He said this property is unique in that the surrounding property is not in the City limits of Broken Arrow and when it was provided it was to ensure there was a buffer. This project has moved forward with the request to reduce the requirement.

Ricky Jones said he is okay with the requirement as the commercial area will most likely be annexed into the City at some point, for water and sewer, and at that point the requirement to screen the residential will be on the commercial area, rather than the residential area. Larry Curtis said, correct.

Fred Dorrell asked if the applicant was present and to step to the podium and state if they are in agreement with Staff recommendations.

Brad Hoffman, Spectacular Homes, 3801 West New Orleans Street said they agree with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on Item 6C, PUD-235A. No one responded. Mr. Dorrell closed the public hearing.

MOTION: by Mark Jones to approved PUD-235A, per Staff recommendations. The motion was seconded by Lee Whelpley.

Aye: Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

Absent: Carlyne Isbell-Carr

D. 17-2057 Public hearing, consideration, and possible action regarding PUD 260, Aspen Crossing, 49.52 acres, RS-3, RD & CG/PUD 260, northeast corner of Jasper Street and Aspen Avenue

Amanda Yamaguchi presented the background for Item 6D. saying, Planned Unit Development (PUD)-260 involve 49.52 acres of undeveloped and unplatted property located on the northeast corner of Jasper Street and Aspen Avenue. Approximately 262 single-family attached and detached residential units are proposed in conjunction with this PUD request. The developer has indicated that the single-family attached and detached units are to be sold individually, as single-family homes. The east part of the property is located within 100-year floodplain of Aspen Creek. The 100-year floodplain will be left as open space.

Ms. Yamaguchi said the residential portion of the project site was originally approved by the Broken Arrow City Council on December 3, 2007 as PUD-183 and BAZ-1789 subject to the property being platted. A subsequent major amendment, PUD-183A, was approved on March 23, 2010. Since this property was never platted, PUD-183 and PUD-183A have expired. BAZ-1789, the request to rezone the property from A-1, R-2 and A-R-2 to RS-3 does not expire, but has not been changed by ordinance due to the property remaining unplatted. The property was annexed into Broken Arrow City Limits on May 21, 2001 with Ordinance 2361.

Amanda Yamaguchi said PUD-260 is essentially the same as the previously approved PUD-183, with the exception of an additional 5-acre parcel on the corner of Jasper Street and Aspen Avenue. BAZ-1793, a request to rezone this 5-acre parcel on the corner from A-1 to CG was approved by the City Council on January 22, 2008, subject to the property being platted. This property remains unplatted.

Ms. Yamaguchi said portions of Tracts 1 and 2 are currently platted as Lot 1, Block 8 of Southtowne Estates. Covenant restrictions for this parcel are in conflict with the development proposed by PUD-260. Tract 1, will be for single-family detached residential units and will be developed in accordance with RS-3 development regulations except for as stated in the PUD. Tract 2, will be developed as small lot single-family attached private gated community and will be developed in accordance with RS-3 development regulations except for as stated in the PUD. Tract 3, will be developed for commercial use and will be developed in accordance with the CG development regulations.

Amanda Yamaguchi said the conceptual site plan shows one point of access to Jasper Street and two points of access to Aspen Avenue for the residential areas. No residential lot will have direct access to either Jasper Street or Aspen Avenue. According to the FEMA maps, the east part of the property is located in a 100-year floodplain area of Aspen Creek. This area will be left as open space, which is in accordance with the Comprehensive Plan.

Ms. Yamaguchi said the property is designated as Levels 2, 3, and Greenway/Floodplain in the Comprehensive Plan. RS-3 zoning is considered to be in accordance with Comprehensive Plan in Level 2 and possible in Level 3. According to the Comprehensive Plan, RS-3 zoning is in accordance with the Comprehensive Plan when it is an extension of an adjacent RS-2 or RS-3 district and would not preclude access to a potential higher intensity use from an arterial street. The portion of the property located in Level 3 abuts Jasper Street on the south and will be adjacent to RS-3 on the north. Therefore, the development regulations proposed with PUD-260 are in accordance with the Comprehensive Plan.

Amanda Yamaguchi said based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-260 be approved, subject to the following: 1. Property being platted. 2. The residential portion of the property that is located outside the 100-year floodplain shall be designated as RS-3, the commercial area shall be designated CN, and the portion of the property that is located inside the 100-year floodplain shall be designated as FD. 3. Lot 1, Block 8 of Southtowne Estates, which has been included in PUD-260, shall be removed from that plat or the covenants and restrictions of the plat shall be modified to allow this lot to be included within PUD-260.

Ricky Jones said he reviewed the major street and highway plan which shows Jasper as a secondary arterial and Aspen as a primary arterial street. He asked Staff if this information is correct and if a primary arterial is a largely utilized street much like Kenosha Street/71st as 120' primary arterial. Michael Skates, Director of Development Services said that is correct.

Ricky Jones asked if Jasper is a 100' secondary arterial street. He said these streets are not improved yet and asked if they are planned to be improved, with that specification, as part of the major street and highway plan. Michael Skates said correct.

Fred Dorrell asked if the applicant was present and to step to the podium and state if they are in agreement with Staff recommendations.

David Charney, Capital Homes, 12150 E. 96th St. North, Ste. 200, Owasso said they are in agreement with Staff recommendations. He said they conducted a neighborhood meeting with 10 to 15

surrounding property owners in which certain concerns were voiced. He said the first concern was regarding drainage issues. He said he assured attendees that they will address these issues very thoroughly, at the platting stage, while understanding there are strict regulations and guidelines that must be followed. The detention plans will be reviewed and Capital Homes will confirm to what is needed by the City of Broken Arrow and what engineers determine is necessary.

Mr. Charney said the second concern was precise point for ingress and egress onto Aspen, in which details would be worked out for the precise points during the review process of the plat. He said the plat is at a conceptual, at this time. He said current property owners who are adjacent to this property, on the west, have larger homes with driveways and had concerns that the access points were not placed in a manner that impact the existing driveways in a negative manner. He said they will give thought to that concern and review it further at the platting stage of the project.

David Charney said the third concern was a preference for more expensive houses. Prices per square foot, that these houses will be selling for are in excess of the prices per square foot that many of the homes in the area are being sold for. Some are smaller, some are larger. He said there is a natural boundary, from north to south on this property that creates a barrier from the existing Southtowne Estates and the proposed. Property owners on the west side of Aspen prefer these to be larger homes. He said he told them he committed to building these homes in the price range of \$180,000 to \$200,000. The patio homes in the Forest Creek Neighborhood have been selling in the range of \$1.20-1.30 per square foot range and are targeted toward seniors. He said he committed to not selling these homes to investors to rent them to keep them owner occupied. He said these houses are in demand, are nicely finished homes, will be gated, affordable and targeted toward seniors, but are not limited to just seniors. He said he valued the concerns and they are doing their best to address them.

Mr. Charney said along the east boundary of Tract 2 and the north boundary of Tract 2 is sort of an orphan lot in Southtowne Estates. It is Lot 1, Block 8 segmented from the plat of Southtowne Estates with no finished floor elevation. He said he did not know this lot existed as a platted lot until recently and the private covenant affects what can be done. He said if this PUD is approved then he would like to have a meeting with Southtowne Estates owners, and has expressed this to their HOA president, to explain further plans for this project and try to reach solutions, if any.

Lee Whelpley said Tract 2 is Commercial and asked if there will be ingress and egress on Jasper. David Charney said yes and these access points will have to be reviewed and approved by City Staff.

Lee Whelpley asked if there would be fencing around the entire Tract 2. David Charney said yes.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on PUD-260.

Jim Norris, 8317 Shadowood Avenue, said he lives in Indian Springs and did not attend the meeting as the notice was not clearly visible that it was a public meeting notice. He said his main concern is about flooding that exists in the creek and the additional problems that will be created with this new subdivision. He said the flooding occurs on Jasper and vehicles cannot travel on it during floods.

Vergil Vandusen, 1913 Lord Terrace, Weatherford, OK said he represents his mother-in-law, Betty Cook, who lives across from this property. Mr. Vandusen provided the Commission with a PowerPoint presentation. He asked if there is an opportunity for compromise before the decision is made to approve PUD-260.

Fred Dorrell explained that the Planning Commission is a recommending body who take all points into consideration i.e. if the use is appropriate, the zoning, whatever might be planned. He said they vote, as a recommendation to City Council then City Council makes the final vote of approval. He

said they suggest for those with concerns to talk with the developer, owner, or whomever is part of a proposed project to express concerns. Mr. Dorrell asked Mr. Vandusen if he spoke with the owner. Mr. Vandusen said he did not speak with the owner, as he lives quite a distance from Broken Arrow.

Mr. Dorrell said compromise works in the very beginning and attending neighborhood meetings, which are not necessary, are a good way to express concerns and reach compromise. Mr. Vandusen said he acknowledges this point and is appreciative that the owner had a meeting.

Vergil Vandusen said in the spirit of cooperation, they are not opposed to this development across the street. He said they have concerns that will affect those people currently living in the area once the area is developed. He said they have four concerns: safety, housing values, the proposed fencing and commercial development on the corner.

Mr. Vandusen said Aspen and Jasper will be greatly impacted with the addition of this development as it will add hundreds more vehicles to the existing traffic. He said the speed limit is 50 miles per hour. He said the traffic currently gets backed up for up to one mile and they are concerned that in the event of a police or fire emergency, that traffic will impede a timely response. He said the roads should be developed first.

Vergil Vandusen said they are concerned about housing values being affected. Ricky Jones said the Planning Commission cannot regulate house values or prices, nor can the City. Mr. Jones said they are here to review if the PUD is an appropriate land use for the proposed location. Ricky Jones said concerns about housing values cannot be addressed by the Planning Commission. Mr. Vandusen said he understood.

Mr. Vandusen said the fencing proposed shows a 10-foot wood fence. He said the fences in the area, such as Riverstone, The Reserve, Bentley Villas, are all brick or stone fences, which provide for a higher quality neighborhood. He said he would like the PUD revised to promise a quality fence, that is not wood to be built. He asked if the Commission could make such change.

Fred Dorrell said the Planning Commission must follow code requirements. The Commission can make suggestions; however, it must be within the code requirements and the developer is the one to make the decision. He said other developments in the area are different based on what was required and what choices the developer made. The Planning Commission must review the use of the land and if what is proposed is appropriate use of that land.

Mr. Vandusen said they would like consideration to be made for larger lots, larger setbacks and exteriors with brick and rock vs. siding. He said they would like Tract 2 to be a completely gated area, if possible. He said Tract 3, to his knowledge, has not been zoned for Commercial use and there is no need for Commercial on this particular corner as there are many commercial areas surrounding the area currently.

Fred Dorrell asked if anyone else wished to speak on this item with a new concern that has not been presented.

Stan Waszak, 2907 N. 17th Street, said Mr. Charney mentioned the point of egress onto Aspen as just driveways across. He said Aspen Ridge is also across from Aspen where he is considering having a house built. He said he would like Mr. Charney to take that into consideration and options for ingress/egress from the proposed development.

Ricky Jones said the applicant will have to provide a plat showing limits of access and limits of no access. He said there is criteria to follow for lining up driveways across the street and asked Staff if

this is still the case and if plans must be approved otherwise the applicant cannot build the driveways. Larry Curtis said, correct. Ricky Jones asked if it would have to be approved before they can start construction. Mr. Curtis said yes.

Fred Dorrell asked if anyone else wished to speak first.

John McElmore, 12820 South Aspen, said he wanted to address a concern that he has expressed to the Council before. He said when the addition was being built north of this property, he was told there were no plans to widen the street for the next four to five years. He said traffic is a concern, especially during soccer game days. He asked that the speed limit be dropped from 50 miles per hour to 40. He said he is also concerned about safety and does not want anyone to get hurt in the area due to the poor lighting in the area. He asked if street lights can be added to the street.

Ricky Jones asked Staff if the City can look into reducing the speed limit on Jasper and Aspen. Michael Skates said Staff can look into reducing the speed limit and can visit with the Engineering and Police Department. Mr. Skates said the City's Special Project Manager and Engineering Staff are at this meeting and can address concerns further and advise when the street will be widened.

Ricky Jones told Mr. McElmore that concerns such as those Mr. McElmore mentioned can be made to the City via a phone call and that Planning Commission is not the only way to ask. Michael Skates said citizens can call or access the City website and voice concerns.

Lee Whelpley said it makes logical sense to reduce the speed limit based on an addition of 200-300 cars and that is what speed limits are based on. Michael Skates said he agreed and would reach out to City management, Engineering and Police Department to look into it.

Discussion continued.

Jackie Norris, 8317 Shadowood, she said she did not attend the meeting the developer had with surrounding property owners as she was out of town. She said the developer referenced the surprise orphan lot that has restrictions that the proposed development must work around. She asked what those restrictions are. She asked if there is a way to not have the addition entrance into Tract 2 across from Shadowood. She said she will ask the Developer these questions but wanted the Commission to know her concerns and that they are concerns of Indian Springs I.

David Charney said in reference to the entrance across from Indian Springs they were compelled to have the entrance across from that entrance as it is the nature of normal planning practice. The engineering drawings will likely have the entrance into the gated community across from, or as close as practical across from the Indian Springs entrance that is across the street to the south. He said that is what is required; however, if the Planning Commission or the engineering services during platting feel otherwise than he will be open to that dialogue. In regards to the lot in Southtowne Estates, said it treats this lot as though it is designed for a residence with a minimum of 25 feet, different covenants, different roof which could not be in a gated community with an attached home product the way Custom Homes has done. It borders the floodplain and plans were to have detention in it. He said to answer Ms. Norris' question, the lot was a single-family, 1 lot, one residence and the restrictions were probably were not thought to address that one lot and was left there. Normally there is a special set of covenants for a unique lot and, in this case, there is not and we are bound by it.

Ricky Jones said the restrictions are private restrictions between the property owner and whomever – the City does not regulate private restrictions. David Charney said that was his understanding and he thought the Planning Commission could grant the zoning request; however, he must meet the

restrictions set forth in the covenants. Mr. Charney said if he and the HOA cannot come to an agreement then they will have to deduct a piece of land.

David Charney said the most critical component of this project is the fact that this property was approved for 262 units about five to six years ago on the entire tract. He said they propose 172 on their conceptual plan which is a significant decrease in density from what was approved in 2007 and 2010. He said he felt it important to know that Planning Staff felt that 262 number was appropriate, and his plans are for nearly 100 less units.

Ricky Jones said he is familiar with the product that was Custom Homes presented to this Planning Commission before, and was approved, for Battle Creek. He asked if this development will be similar to that development.

David Charney said there were some land development issues at Battle Creek that they are still working on in which, Michael Skates and Farhad Daroga (City of Broken Arrow Special Project Manager) have been very helpful with. He said there are some issues of being surrounded by sewer but no way to get sewer in. He said it is a good product and necessary to the community.

Fred Dorrell asked if anyone else wished to speak on this item with a new concern that has not been presented.

Abby Vandussen, 12910 S. 145th, Mr. Charney advised the Commission that this plan is similar to plans presented to the Commission in 2010. She said it is similar; however, the commercial lot of five acres is a major difference than what Mr. Charney is saying is basically the same plan. The traffic will increase and the values of homes in the area will decrease. She said she understands the Planning Commission does not deal with valuation of homes, but approval is decided by the Planning Commission and that the corner property has never been zoned commercial. She said there were commercial development surrounding the Warren Theatre, as well as any property that backs up to the Turnpike, and there is no need for this corner to be Commercial.

Ms. Vandussen said they were told in the neighborhood meeting that the seller wanted to sale the property to pay off his debts. She said that has nothing to do with the need for the community or current property owners. Fred Dorrell said the Commission has nothing to do regarding reasons to sell. She said the tract has never been commercial and the surrounding owners want it to remain residential.

Fred Dorrell asked if anyone else wished to speak on this item with a new concern that has not been presented.

Tom Hendrix, Engineer for the Planning Division with the Engineering & Construction Department, City of Broken Arrow said has had phone conversations with many of the citizens that spoke earlier. He said they were asking the same questions regarding plans for Aspen Avenue. He said he advised callers that Aspen Avenue is a primary arterial and the long range plans for a primary arterial would be to expand from between 5 and 7 lanes. Aspen Avenue is not on any current bond issue. There will be another bond issue for streets and parks within the next couple of years. City Council typically holds board meetings prior to the bond issue in which people can voice support or issues with current bond projects and those Citizens who voiced concerns at this meeting are encouraged to attend such meetings.

Mr. Hendrix said the Engineering & Construction Department are looking at potential projects for bond issues and the level of service on roadways. He said traffic counts were done on all the roadways in the City and Aspen Avenue rated at a level of service of A, which means it does not need widening. He said the traffic counts were not taken on Saturdays or Sundays, when there are soccer tournaments

in the area and they are looking at re-doing that count to see if there is a need for the road to be widened. He said he lives in this area and experiences what the Citizens are dealing with and the issue will be looked into.

Larry Curtis said in regards to the commercial portion of this property, it was approved by City Council in 2008 to be rezoned from A-1 to CG, subject to platting. He said the incorporation of this five-acre tract into the PUD incorporates the design scheme through the PUD process. Zoning was approved, previously and through this PUD the design aspect is being done.

Fred Dorrell asked if anyone else wished to speak on this item with a new concern that has not been presented. No one spoke. Mr. Dorrell closed the public hearing. He asked Mr. Charney if he had anything to add. Mr. Charney said no.

Mr. Dorrell said everything that is said in the Council Chambers is recorded, documented, City Councilor's review it, they review the minutes and read Citizen comments and concerns. He said the Planning Commission and City Council, both receive information so that items can be reviewed prior to the meeting and prepare members with a general idea of what items are being proposed. He said he does not wish people to think the Commission and Council just vote on items to vote on them. Members are volunteers and citizens with the same concerns that many other people have.

Mark Jones said he agrees with several of the concerns presented and has experienced traffic during soccer tournaments. He said he is pleased to hear there are plans, in the future, for infrastructure and keep up with the roads. He said he views the issues as growing pains of growing the City and the Planning Commission cannot penalize a developer who wants to improve a property.

MOTION: by Mark Jones to approve PUD-260, per Staff recommendations. The motion was seconded by Lee Whelpley.

Aye: Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

Absent: Carlyne Isbell-Carr

After the vote, Fred Dorrell said PUD-260 will be heard by City Council on May 16, 2017, at 6:30 p.m. Anyone who wishes to speak at that meeting must fill out a form prior to the meeting.

7. Appeals – None

8. General Commission Business – None

9. Remarks, Inquiries and Comments by Planning Commission or Staff

Mark Jones said that those Citizens who have concerns still have a voice. He said the Planning Commission is a recommending body. Those concerned can attend the Council meeting and voice concerns.

10. Adjournment.

MOTION by Ricky Jones to adjourn at 6:09 p.m. The motion was seconded by Lee Whelpley.

Aye: Mark Jones, Ricky Jones, Lee Whelpley, Fred Dorrell

Absent: Carlyne Isbell-Carr