



City of Broken Arrow

Minutes Planning Commission

City of Broken Arrow
Council Chambers
220 S 1st Street
Broken Arrow OK
74012

Chairperson Lee Whelpley
Vice Chair Ricky Jones
Member Fred Dorrell
Member Carolyne Isbell-Carr
Member Mark Jones

Thursday, September 14, 2017

5:00 PM

Council Chambers

1. Call To Order

Meeting was called to order by Chairman, Lee Whelpley at 5:00 p.m.

2. Roll Call

Present 3 - Mark Jones, Fred Dorrell, and Lee Whelpley

Absent 2 - Carolyne Isbell-Carr, and Ricky Jones

3. Old Business

None.

4. Consideration of Consent Agenda

Staff Planner, Amanda Yamaguchi presented the background for Consent Agenda Items A, B, C, D, and E. She said on Item 4C, the Technical Advisory Committee modified an item on the checklist, regarding the 25' wide easement allowing Staff and the applicant to work out details to cover the utilities.

Lee Whelpley explained the Consent Agenda process and asked if anyone wished to remove any items for discussion. No one responded.

A. **Approval of Planning Commission meeting minutes of August 24, 2017**

MOTION by Fred Dorrell to approve the Consent Agenda, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried the following vote:

Aye: 3 - **Mark Jones, Fred Dorrell, and Lee Whelpley**

B. **Approval of PT13-107A, Conditional Final Plat, Stone Horse II of Broken Arrow, 61 lots, 14.77 acres, A-1 to RS-3, one-half mile north of Jasper Street, one-quarter mile east of Olive Avenue**

MOTION by Fred Dorrell to approve the Consent Agenda, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried the following vote:

Aye: 3 - Mark Jones, Fred Dorrell, and Lee Whelpley
C. Approval of PT13-107B, Conditional Final Plat, Stone Horse III of Broken Arrow, 69 lots, 21.46 acres, A-1 to RS-3, one-half mile north of Jasper Street, one-third mile east of Olive Avenue

MOTION by Fred Dorrell to approve the Consent Agenda, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried the following vote:

Aye: 3 - Mark Jones, Fred Dorrell, and Lee Whelpley
D. Approval of PT16-112, Conditional Final Plat, Spring Hill at Forest Ridge, 102 lots, 31.82 acres, R-1/PUD-66G, south of Kenosha Street, one-half mile west of Oak Grove Road

MOTION by Fred Dorrell to approve the Consent Agenda, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried the following vote:

Aye: 3 - Mark Jones, Fred Dorrell, and Lee Whelpley
E. Approval of PT17-103, Conditional Final Plat, QuikTrip No. 0033, a Re-Subdivision of all of Lot One (1), Block One (1), Amended Plat of Wagoner County Line Plaza, and Part of Lot Two (2), Block One (1), Tiger Plaza and request for a variance to reduce the width of the utility easements, 2 lots, 1.82 acres, CN and CG/SP-257 to CN/PUD-254, northeast corner of Kenosha Street and 23rd Street

MOTION by Fred Dorrell to approve the Consent Agenda, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried the following vote:

Aye: 3 - Mark Jones, Fred Dorrell, and Lee Whelpley

After the votes Lee Whelpley said Items 4B, C, D and E will be heard by the City Council on October 3, 2017, at 6:30 p.m.

5. Consideration of Items Removed from Consent Agenda

None

6. Public Hearings

A. Public hearing, consideration, and possible action regarding BAZ-1984 (rezoning), Estates at Lynn Lane, 68.00 acres, R-2 to RS-3, and abrogation of BAZ-1786, one-quarter to one-half mile north of New Orleans Street, east of 9th Street

Senior Planner, Brent Murphy presented the background for Item 6A saying, BAZ-1984 is a request to rezone 68.00 acres from R-2 (Single-Family Residential classification) to RS-3 (Single-Family Residential classification). This property is undeveloped and unplatted and is located one-quarter to one-half mile north of New Orleans, east of 9th Street. The property was annexed into the City on April 18, 1983. The applicant proposes to construct a single-family detached residential homes on this property. They will be submitting a preliminary plat and conditional final plat that will be brought before the Commission at a future date.

Mr. Murphy said since the property was annexed in 1983, there have been three rezoning requests, a PUD request, and a court decree, and as part of the Staff report, the history of each of those cases were provided to the Commission.

Brent Murphy said according to the FEMA maps, a portion of the subject property is located in the 100-year floodplain of the West Branch of Broken Arrow Creek. There is a pond and a drainage channel that passes through the southwest corner of the property. The property is designated as Level 2 in the Comprehensive Plan and RS-3 zoning is in accordance with the Comprehensive Plan in Level 2.

Mr. Murphy said, based on the Comprehensive Plan, the location of the property, and surrounding land uses, Staff recommends that BAZ-1984 be approved, subject to the property being platted. The portion of the property that is located outside the 100-year floodplain shall be designated as RS-3, while that which is located inside the 100-year floodplain shall be designated as FD (Floodplain District). In addition, Staff recommends that BAZ-1786 be abrogated. BAZ-1786 was an older rezoning case for this property that was approved subject to platting; however, the property was never platted; therefore, Staff is recommending BAZ-1786 be abrogated.

Lee Whelpley asked if the applicant would step to the podium and state their name and address for the record.

Lou Reynolds, Eller & Detrich, 2727 E. 21st Street, Tulsa, OK, said he represents John Davis, Ed Schermerhorn and John Zier, developers of the property. He said the Engineer, Jeff Tuttle is available for questions if needed. He said the property has an unusual shape and an approximate 8-acre pond in the middle of the property. The stormwater from the property on the north side and west of the pond will go north to a regional detention facility that the City has. The stormwater that is east of the pond will get into the pond and the pond will be maintained as a wet detention pond.

Mr. Reynolds said, in addition to the unique shape of the property and the configuration of the pond, there is a stub street coming in off the Seven Oaks neighborhood that is an unusual place near the south bounds of this property. There are other stub streets coming into this property which makes it tricky to layout the lots and develop the property. He said there is RS-3 zoning in and around this area and on all sides of this property, the property is Level 2 in the Comprehensive Plan, and fits the zoning pattern of the area. He asked the Planning Commission to consider approval of this rezoning request, as recommended by Staff and said they are in agreement with the Staff report and conditions.

Lee Whelpley asked if there is an entrance on Lynn Lane.

Lou Reynolds said they will. He said he has not seen the plans and believes they will have two entrances, but knows they will have at least one entrance. He said they will have ingress and egress on Lynn Lane.

Lee Whelpley asked if they had three stub streets.

Mr. Reynolds said yes and said they have four stub streets. He pointed to the drawing shown to the Commission. He said there are two to the north, and one to 96th that he is not sure how that will be worked out and pointed to another location on the map.

Lee Whelpley opened the public hearing and asked if anyone wished to speak on Item 6A and to step to the podium to state name and address for the record.

Diane Bowen, 1815 E. 101st said stated concerns about the south boundary of the property and wanted to know what the plans are for fencing and is concerned for the health of her horses who are on the property that abut the south boundary. She also wanted to know names of other developments in the area that have been done by the developers for this rezoning application so she can know what to expect, as far as quality and property value and the impact it may have on her 15 acres.

Paul Bergman, 1309 E. Edgewater Street, asked if the houses will be all brick or other material. She also voiced concerns about the walking trail that exists behind Washington Lane and the possible impact this development may have on the trail due to stormwater and drainage issues.

Kendell Coate, 1501 Edgewater Street, Environmental Scientist, voiced concerns about inadequate infrastructure, and increasing the impervious area thus increasing the current stormwater problems that exist on Washington west of Lynn Lane, as well as the increase of drainage into the watersheds.

Mr. Coate also voiced concerns about the increase of traffic to Lynn Lane and the negative effect of adding several hundred more cars to the already congested morning and evening traffic due to the addition of a new subdivision.

Glenn David Steele, 18211 S. 101st, said he is concerned about flood control with the dam, the pond and the increased runoff from new rooftops proposed in the area. He said there was a significant dam breach last winter which effected his property as the existing dam is immediately upstream from his property. Mr. Steele requested to receive a copy of the hydraulic analysis of the 100-year runoff for this project. He also voiced concerns regarding the plans for fencing and what those plans entail.

Don Partridge, 18606 E. 96th Street, voiced concerns about existing flooding and about plans for 96th Street. He said opening 96th Street is a big concern and he is concerned where the stormwater is planned to go from this area. The addition of Seven Oaks caused him to construct a concrete wall to keep water out of his yard.

Mike Partridge, 2416 S. 16th Court, said he is concerned that the stub streets will be opened on the back side of Washington Lane to have access to the new subdivision that is proposed, as well as concerns about what is going to happen to 96th Street and if it will be opened allowing drivers to exit through the existing neighborhoods. He said he has concerns because there are no drawings indicating plans for this street. In addition, he has concerns about water runoff in the area.

Roy Steele, 18100 E 96th Street said he is concerned about flooding and traffic. He said he 96th Street currently dead ends which keeps traffic down and opening the street would increase traffic flow.

Lee Whelpley asked if anyone else wished to speak on Item 6A, BAZ-1984. No one responded. Mr. Whelpley closed the public hearing and asked Lou Reynolds if he wanted to respond to any of the remarks or questions that were asked.

Lou Reynolds said regarding 96th Street, they will only put a street in if the city requires it and that will be determined at the platting process. He said they do not have a desire or see a necessity to add a street; however, the City may see a necessity to have one. If the City determines that a street is needed, then they (developers) will have to find a way to do that. He said the stormwater will be picked up and piped to the detention pond, away from the neighbors to the east, with very little going north, and pushed back either northwest to the lake or south to the pond. All will have to meet the City of Broken Arrow stormwater standards.

Mr. Reynolds said this development will be a residential neighborhood. He said he does not know what type of fence neighbors will want along their house, but there will not be animals between properties. He said John Davis provided a list of projects he has developed including: Country Lynn Estates, Mission Hills I & II, Branch Creek, and Eagle Creek I-VI. They develop properties all in the Metropolitan area and all this area, Bixby and some in Tulsa. He said he has represented them. He said John Davis and his partner have been in the business for a long time here.

Lee Whelpley asked if they are proposing a chain link type fence.

Lou Reynolds said he suspects they will build a six-foot-tall privacy fence, as they are what is most common in projects like this.

Mark Jones said regarding comments about widening streets and infrastructure, Staff and Planning can assist with questions if those concerned want to give them a call to help provide an idea of plans for the future. He said in his experience with projects like this, all the concerns voiced are typical and the engineers will devise a plan to handle these types of projects. He said the City is growing and City has experienced growing pains for that and the City is making efforts to keep up with it. He said he is not interested in stopping the growth of the City because of these issues.

MOTION by Mark Jones to approve Item 6A, per Staff recommendation. The motion was seconded by Fred Dorrell. The motion carried the following vote.

Aye: 3 - Mark Jones, Fred Dorrell, and Lee Whelpley

After the vote, Lee Whelpley said Item 6A will be heard by City Council on October 3rd, 2017, at 6:30 p.m. and anyone wishing to speak must fill out a request to speak form prior to the meeting.

B. Public hearing, consideration, and possible action regarding PUD-265

(Planned Unit Development) and BAZ-1985 (Rezoning), Woods of Jasper Estates, 27.97 acres, A-1 to RS-2/PUD-265, north and west of the northwest corner of Jasper Street and 23rd Street

Staff Planner Amanda Yamaguchi presented the background for Item 6B saying, Planned Unit Development (PUD)-265 and BAZ-1985 involve 27.97 acres of undeveloped and unplatted property located north and west of the northwest corner of Jasper Street and 23rd Street. Up to 28 single-family detached residential units in a gated community are proposed in conjunction with this PUD and rezoning request.

Access to Woods of Jasper Estates is through two entrances, one onto Jasper Street and one onto 23rd Street. The entrances will be designed in accordance with the Broken Arrow Subdivision Regulations with two outbound lanes and one inbound lane outside of the proposed gates.

Streets within PUD-265 shall be constructed to meet the Broken Arrow Engineering Standards with two exceptions. Pavement thickness will be as prescribed by Tulsa County Engineering Criteria. Since this is gated community, responsibility for the maintenance of the streets will fall to the Homeowner's Association. Second, storm drainage will be achieved through the use of borrow ditches instead of curb and gutter. The developer believes this will preserve the rural feel of the development. Sidewalks shall be constructed by the developer along Jasper Street and 23rd Street.

The property will be developed in accordance with the Broken Arrow Zoning Ordinance and the use and development regulations of the RS-2 district except for the following modifications: The minimum lot frontage will be increased from 70-feet to 115-feet. The minimum lot size increased from 8,000 square feet to 22,000 square feet and the minimum corner lot side yard abutting a public street reduced from 25-feet to 15-feet.

Ms. Yamaguchi said water to this development will be provided by the City of Broken Arrow via an onsite distributions system designed to City of Broken Arrow standards and installed by the developer. Sewer will be served by individual, on-site aerobic systems approved by the Oklahoma Department of Environmental Quality.

The property is designated as Level 2 in the Comprehensive Plan. RS-2 zoning is considered to be in accordance with Comprehensive Plan in Level 2. According to the FEMA maps, none of the property is located in a 100-year floodplain.

Ms. Yamaguchi said based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-265 and BAZ-1985 be approved as presented, subject to the property being platted.

Lee Whelpley asked if the applicant was present and if so to step to the podium to state their name and address for the record.

Alan Betchan, AAB Engineering, 200 North McKinley, Sand Springs, OK said the idea for the development is 28 lots - half acre and larger, for a rural feel, but gated community. He said there is a lack for large lot, gated product in Broken Arrow right now and this is a good area to propose

this. Some things are unique for this type of product; therefore, the requirements need to conform more toward the type of rural development standards thus the request for bar ditches in the street sections that are county guidelines. The risk to that is eliminated to the City of Broken Arrow in that the project will still be conforming to the Broken Arrow stormwater standards and it will be maintained privately because they are private streets. The reality is, the Broken Arrow street standard designs if for the small lots subdivision and when there are 28 lots and that is all these streets will see then they just won't have the traffic demand and that is why we are proposing that and that is really the major modification. There are a few things that are not the perfect 250 by 250 square, that RE zoning usually is and that is why we are requesting RS-2 and expanding the sizes to conform to the area. The need is there for the setback and side yards that comes with RS-2. He said, other than that they are in agreement with the Staff report.

Lee Whelpley opened the public hearing and asked if anyone wished to speak on Item 6B. No one responded.

MOTION by Fred Dorrell to approved Item 6B, per Staff recommendations. The motion was approved by Mark Jones. The motion carried the following vote:

Aye: 3 - Mark Jones, Fred Dorrell, and Lee Whelpley

After the vote, Lee Whelpley said Item 6B will be heard by City Council on October 3, 2017 at 6:30 p.m.

7. Appeals

None.

8. General Commission Business

None.

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

Lee Whelpley said Farhad Daroga wished to speak to the Commission about the Overlay District.

Farhad Daroga said the Commission should have seen a copy of the draft version of the Overlay District, which is a 95-page document that Staff has been working on for the last year. He said Staff would like the Commissioner's to provide feedback fairly soon so the item can be brought back to the Planning Commission as a public hearing item - hopefully the second meeting of next month (October). He said for the Commissioner's to advise Staff if they need extra copies or have any questions.

Mr. Daroga said the document is similar to the previous draft seen by the Commission several months ago, and this new draft is a more sophisticated document having more drawings and maps to help explain what is being proposed. The area covers one square mile of the overlay district

Farhad Daroga said the final product will include changes within the Zoning Ordinance in Section 5.6 and the land use charts as well as a supplemental document that will be the 95-page book that will be adopted.

He said at this time, this is not an action item. WE can please this item on the next agenda for discussion if you all wish to have it.

10. Adjournment

MOTION by Mark Jones to adjourn at 5:40 p.m. The motion was seconded by Fred Dorrell. The motion carried the following vote:

Aye: 3 - Mark Jones, Fred Dorrell, and Lee Whelpley