



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

*Chairperson Jaylee Klempa
Vice Chair Robert Goranson
Member Jonathan Townsend
Member Jason Coan
Member Mindy Payne*

Thursday, April 25, 2024

Time 5:30 p.m.

Council Chambers

1. Call to Order

Chairperson Jaylee Klempa called the meeting to order at approximately 5:30 p.m.

2. Roll Call

Present: 5 - Jason Coan, Mindy Payne, Jonathan Townsend, Robert Goranson, Jaylee Klempa
Jason Coan arrived at 5:37 p.m.

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

- A. 24-548 Approval of Planning Commission meeting minutes of March 28, 2024
- B. 24-549 Approval of Planning Commission meeting minutes of April 11, 2024
- C. 24-551 Approval of LOT-001430-2024 (Lot Split), Williams Lot-Split, 1 Lot into 2, 9.63 acres, located approximately one-half mile south of Florence St (111th) Street, one-half mile west of Lynn Lane Rd (177th E. Ave)
- D. 24-552 Approval of LOT-001434-2024 (Lot Split), Ellis Lot Split, 9640 S 190th Avenue East, 1 Lot into 3, 2.7 acres, located approximately one quarter mile north of New Orleans Street (101st Street), one quarter mile west of County Line Road (193rd East Ave & 23rd Street)
- E. 24-553 Approval of LOT-001319-2024, Detroit Street Homes Lot Split, 1 lot to 2 lots, 0.32 acres, R-3 (Single Family Residential)/DROD Area 2, west of the northwest corner of Detroit Street and 4th Street, at 414 E. Detroit Street
- F. 24-554 Approval of LOT-001414-2024 (Lot Split), Project 111 Lot-Split, 1 Lot into 2, 2.2 acres located approximately one-quarter mile south of West Florence Street (East 111th Street South), one-quarter mile west of South Aspen Avenue (South 145th East Avenue)
Staff Planner Henry Bibelheimer presented the Consent Agenda.

Chairperson Klempa 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 removed for discussion. She asked if there were any Items to be pulled from the Agenda for discussion. There were none.

MOTION: A motion was made by Mindy Payne, seconded by Jason Coan.

Move to approve the Consent Agenda

The motion carried by the following vote:

Aye: 4 - Mindy Payne, Jonathan Townsend, Robert Goranson, Jaylee Klempa

5. Consideration of Items Removed from Consent Agenda

There were no items removed from the Consent Agenda; no action was taken or required.

6. Public Hearings

- A. 24-555 Public hearing, consideration, and possible action regarding BAZ-001411-2024 (Rezoning), Luth Residence, approximately 9.63 acres, A-1 (Agricultural) to RS-4 (Single Family Residential) located one quarter mile east of South Lynn Lane Road (South 177th East Avenue), and south of West Florence Street (East 111th Street South).

Staff Planner Henry Bibelheimer reported BAZ-001411-2024 was a request to change the zoning designation on 9.63 acres from A-1 (agricultural) to RS-4 (Single-Family Residential). He stated the property was located one quarter mile east of South Lynn Lane Road (South 177th East Avenue), and south of West Florence Street (East 111th Street South) and was unplatte. He indicated the current use of the property was single family residential. He stated the comprehensive plan was Level 2 on this property, which allowed rezoning to RS-4. He explained the reason the property owner was requesting RS-4 was because they intended to apply for a lot split on the property which would create a flag lot, as shown on the exhibit. He noted the surrounding land uses and Comprehensive Plan were in the Staff Report. He

noted according to the FEMA Maps, none of this property was located in the 100-year floodplain. He indicated water and sanitary sewer service was available from the City of Broken Arrow. He stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, staff recommended BAZ-001411-2024 be approved and platting be waived.

Vice Chair Robert Goranson asked if the rezoning was requested because the lot split would create a lot without the necessary frontage.

Mr. Bibelheimer responded in the affirmative; one of the lots would be reduced to the 55 foot frontage which was the minimum in RS-4.

Chairperson Klempa noted the applicant was not present and no members of the public signed up to speak. She closed the public hearing.

Vice Chair Goranson asked if the applicant was committed to the lot split if the RS-4 were approved.

Ms. Amanda Yamaguchi responded in the negative; the applicant had not submitted a lot split application yet; however, legal descriptions were drawn, discussions were held between Staff and the applicant, and the applicant indicated intent to split the lot.

Vice Chair Goranson stated the applicant could decide not to split the lot after rezoning was obtained.

MOTION: A motion was made by Jason Coan, seconded by Jonathan Townsend.

Move to approve Item 6A per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Jason Coan, Jonathan Townsend, Robert Goranson, Jaylee Klempa
Nay: 1 - Mindy Payne

Chairperson Klempa indicated this Item would go before City Council on May 21, 2024 at 6:30 p.m.

B. 24-556

Public hearing, consideration, and possible action regarding COMP-001404-2024 (Comprehensive Plan Change), Villas at Battle Creek, 23 acres, Levels 2, 4, and 6 to Levels 3 and 4, generally located south and east of the southeast corner of Omaha Street (51st Street) and Aspen Avenue (145th East Avenue)

Planning and Development Manager Amanda Yamaguchi reported COMP-001404-2024 was a request to change the Comprehensive Plan designation from Levels 2, 4, and 6 to Levels 3 and 4 on approximately 11.49 acres generally located south and east of the southeast corner of Omaha Street (51st Street) and Aspen Avenue (145th East Avenue); the property was presently unplatte and undeveloped. She reported the applicant was interested in developing this property for commercial and single-family uses. She stated pending approval of this amendment to the comprehensive plan, the applicant intended to submit a rezoning request to change the zoning to Commercial General and Single-Family Residential. She stated at this time, the applicant had not provided a draft major PUD amendment for this development. She stated amending the Comprehensive Plan to Levels 3 and 4 could potentially support a future rezoning to any zoning district identified as possible or allowed within the Comprehensive Plan level. She noted the Land Use Intensity System Zoning District Table of the Comprehensive Plan was included in the Staff Report and identified these potential districts. She noted Level 3 identified as possible R-2, RS-2, RS-3, R-4, RD, and RM multifamily. She stated Level 4 would support possibly RM, Neighborhood Commercial, Neighborhood Mixed Use Commercial, Office Neighborhood, Commercial Neighborhood and Commercial General. She reported on March 26, 2024, Nathan Cross, Attorney for BC Land Holdings Company sent an informational letter to surrounding residents with information pertaining to this upcoming application for a Comprehensive Plan amendment. She indicated she received a phone call from a resident with a concern that the signs had not been posted properly; however, she confirmed the signs were posted properly. She stated based on the location of the property and surrounding land uses, Staff recommended COMP-001404-2024 be approved, subject to the property being platted. She noted the applicant was present.

Commissioner Jonathan Townsend asked if the phone caller indicated when the sign had fallen down.

Ms. Yamaguchi responded in the negative; however, two signs were posted, just in case one sign fell over. She noted the City was required to post one sign, but typically posted two to be safe.

Vice Chair Goranson asked if this proposed development could be compared to the proposed development which was denied a couple of years ago.

Ms. Yamaguchi responded generally speaking, the previous proposal included a draft PUD which showed multifamily residential. She stated this development did not have a draft PUD, but the intent was to develop single family. She indicated if this Comprehensive Plan amendment were approved, the applicant would have to come forward with any rezoning application whether that be for single family, multifamily or commercial.

The applicant Nathan Cross displayed and discussed the previous development compared to the current request. He stated this was a part of the large Battle Creek PUD which had been amended many times, but also with the new code coming down the line, the use the developer had in mind could be accomplished with straight zoning. He explained the goal was to develop the property with straight zoning. He noted even if this were approved, he would have to return with a rezoning application, but he was trying to marry this up with the new zoning code changes. He indicated he had been very transparent with Staff about the developer's intentions, a predevelopment meeting was held with Staff, he showed the plan to the neighbors, and it would be sent out to the neighbors via email after tonight's meeting. He noted the neighbors were much more in approval of this proposed development as compared with the previously proposed apartments. He stated he felt this would provide a nice buffer between the existing residential and the hard corner commercial.

Vice Chair Goranson noted Level 3 was the same as presented before.

Mr. Cross stated the last request was more aggressive than this new request. He explained what he was asking for today was less than what Planning Commission approved previously.

Vice Chair Goranson stated it was important to remember Level 3 did include multifamily as a possibility; however, Mr. Cross would have to return for the zoning request, and this was when what would be developed would be addressed. He noted Mr. Cross should be prepared to explain to City Council the difference between this proposal and the previously denied proposal.

Mr. Cross indicated he would be prepared. He stated he was comfortable enough to share more detail at this stage which could then be used to hold him accountable in the future.

Ms. Yamaguchi noted two citizens signed up to speak and she received no other phone calls regarding this Item.

Citizen Robert Fox indicated one sign was down a couple of days, the other sign was up the entire time. He noted City Council denied the previously proposed development with apartments due to traffic concerns. He stated the traffic was still very bad in this location. He discussed his concerns regarding who owned this land. He stated the BC Land Holding Company was owned by Owasso Land Trust LLC, and the Planning Commission and Staff were "licking boots." He asked for this to be denied.

Citizen Ron Grattopp stated he was President of Shiloh HOA, the subdivision closest to the proposed development. He stated he was also the Chair of a group called the Battle Creek HOA Leadership Counsel made up of the HOA Presidents of Shiloh, Magnolia Garden, Shenandoah Valley, Reflection Ridge, The Reserve, Gettysburg, and Wakefield Heights and he was representing these neighborhoods. He stated the Battle Creek Leadership Counsel was in support of the single family homes proposed by Mr. Cross. He stated he just wanted to be sure this plan would not change. He stated the Battle Creek HOAs were in support of the current single family home plan, and if the developer were married to this plan, the HOAs would be in support.

Ms. Yamaguchi stated if the applicant were to come back and request multifamily, it would require a quarter mile radius of notification. She stated Staff held predevelopment meetings with the applicant and engineers and the single family home concept being shown was the same as what was seen by Staff. She said if and when a rezoning case came forward it would come before Planning Commission and City Council again with all of the necessary notifications.

Commissioner Mindy Payne asked how many apartment units were proposed previously and how many single family units were being considered for this new development.

Mr. Cross responded he believed the apartment complex proposed 400 units, and this new proposal would have 25 to 30 single family home units.

Commissioner Payne noted this new proposal would generate significantly less traffic than 400 apartments.

Mr. Cross agreed. He noted the City had a plan to widen this intersection as well. He stated his client wanted to bring quality housing to Broken Arrow.

Commissioner Townsend asked if Mr. Cross had been in touch with Mr. Grattopp and the local HOAs.

Mr. Cross responded in the affirmative.

Commissioner Townsend asked what information Mr. Cross had gathered during these meetings.

Mr. Cross explained he sent a letter to everyone who would receive notice with an invitation to reach out to him with any questions or concerns. He stated neighborhood meetings were not always an effective way for everyone to ask questions, so he asked for neighbors to reach out and have a one on one conversation. He noted he did not get feedback from the letter he sent out for this project, but he spoke with three citizens just before the meeting out in the hallway and explained the plan for the area. He said he was trying to be as transparent as possible with everyone about the project.

Commissioner Townsend asked about the plans to widen this intersection.

Planning and Development Director Rocky Henkel confirmed there were plans to widen the intersection. He stated also, as part of the proposed 2026 General Obligation Bond package, there would be a project to widen Omaha from Aspen to Elm.

Chairperson Klempa stated 51st Street was also being widened from 166th to 193rd with a roundabout at 193rd by Tulsa County. She noted some of this was Vision Funding progress.

Ms. Yamaguchi stated rezoning was subject to platting, so while yes, road construction was a few years out, this development would also take a few years.

Mr. Henkel noted for clarification, the 2026 General Obligation Bond package would have to go to a vote of the people.

Chairperson Klempa closed the public hearing.

Vice Chair Goranson asked if this had gone through a Technical Advisory Committee meeting and traffic was evaluated.

Ms. Yamaguchi noted the Technical Advisory Committee meeting had not been done yet, but through engineering, if the traffic counts supported it, the City would require a traffic study.

MOTION: A motion was made by Jonathan Townsend, seconded by Jason Coan.

Move to approve Item 6B per Staff recommendation

The motion carried by the following vote:

Aye: 5 - Jason Coan, Mindy Payne, Jonathan Townsend, Robert Goranson, Jaylee Klempa

Chairperson Klempa indicated this Item would go before City Council on May 21, 2024 at 6:30 p.m.; any citizen who wished to speak before City Council would be required to fill out a Request to Speak form prior to the meeting's start.

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)

Ms. Amanda Yamaguchi noted Planning Commission officer elections would take place at the next meeting.

Vice Chair Goranson commented on the fact that no one came to speak about Item 6A, a request for RS-4 zoning near a middle school, when at the last meeting many residents came to speak with concerns about the rezoning to RS-4 near a school. He said this showed him the concerns might not really be about the schools.

Commissioner Payne agreed; she was surprised no one spoke in opposition. She noted the Planning Commission did not say yes to everything.

Vice Chair Goranson noted he had never "licked a boot."

Assistant City Attorney Graham Parker noted he did not understand the significance of who owned property. He did not understand how it was germane to the application. He said it did not matter if it was an LLC or what other roles the property owner had. He stated it was not

material to the decision which Staff and Planning Commission made.

Chairperson Klempa agreed. She stated she did not believe who owned the property could legally be considered material to any decision made by Planning Commission.

Assistant City Attorney Parker stated he did not know that it could not be material to a decision made by Planning Commission, but he also did not know how it would be material.

Chairperson Klempa stated morally who owned property should not be material to a decision about land use.

Ms. Yamaguchi noted Planning Commission was deciding a land use issue, not an ownership issue.

Commissioner Payne said there were no limitations on who could build in the City of Broken Arrow.

Discussion continued about anyone being welcome to build in the City of Broken Arrow as long as they built to Broken Arrow Code and paid taxes.

Commissioner Coan noted it was important to consider that the applicant took what City Council denied previously and created an alternative plan. He said just because it was a “no” last time, did not mean it would be a “no” this time, especially when the applicant made changes.

Assistant City Attorney Parker agreed noting every application had to be judged on its own merits.

Vice Chair Goranson asked about the Zoning Ordinance update.

Mr. Henkel indicated at the last City Council meeting Staff requested a 60 day extension on the Zoning Ordinance and was in the process of scheduling a Special Meeting with City Council to go over changes. He stated based on feedback from City Council, the Zoning Ordinance might be further updated, and then set up for adoption.

Ms. Yamaguchi noted if there were substantial changes the Zoning Ordinance update would come back before Planning Commission; if the changes were more administrative, then perhaps it would not.

Commissioner Payne asked about the New Orleans Square Committee.

Mr. Henkel indicated the first New Orleans Square Committee meeting would be held Monday, April 29th, 2024.

Commissioner Townsend and Commissioner Payne indicated they did not receive any notification regarding the New Orleans Square Committee Meeting.

Mr. Henkel asked if Commissioner Townsend and Commissioner Payne could attend the meeting.

Commissioner Townsend noted he would be in New York.

Commissioner Payne indicated she would check her schedule.

Mr. Henkel indicated he would ensure Commissioner Townsend and Commissioner Payne received the necessary email.

10. Adjournment

The meeting adjourned at approximately 6:16 p.m.

MOTION: A motion was made by Robert Goranson, seconded by Jonathan Townsend.

Move to adjourn

The motion carried by the following vote:

Aye: 5 - Jason Coan, Mindy Payne, Jonathan Townsend, Robert Goranson, Jaylee Klempa

Mayor

City Clerk