

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

Thursday, March 28, 2024

Time 5:30 p.m.

Council Chambers

1. Call to Order

Vice Chair Robert Goranson called the meeting to order at approximately 5:30 p.m.

2. Roll Call

Present: 4 - Jason Coan, Mindy Payne, Jonathan Townsend, Robert Goranson

Absent: 1 - Jaylee Klempa

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

A. 24-447 Approval of Planning Commission meeting minutes of March 14, 2024

B. 24-429 Approval of PT-001367-2024|PR-000089-2022, Preliminary Plat, The Enclave at Southern Hills, approximately 1.26 acres, 1 Lot, located south of New Orleans Street (101st Street) and approximately 1000 feet east of Olive Avenue (129th Avenue)

C. 24-422 **Approval of PR-000139-2022 | PT-001396-2024, Conditional Final Plat, Old Highway 51 Industrial Park, approximately 2.30 acres, 1 proposed lot, A-1 to IL/PUD-000502-2022 located approximately one-quarter mile north of Houston Street and one-quarter mile east of 23rd Street, southwest of the Broken Arrow Expressway**
Senior Planner Joel Hensley presented the Consent Agenda.

Vice Chair Goranson asked if there were any items to be removed for discussion; there were none. He called for a motion.

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

Move to approve the Consent Agenda

The motion carried by the following vote:

Aye: 4 - Jason Coan, Jonathan Townsend, Mindy Payne, Robert Goranson

Vice Chair Goranson indicated Item 4C would go before City Council on April 16, 2024.

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. 24-444 Public hearing, consideration, and possible action regarding COMP-001296-2024, Aspen Creek Village (Comprehensive Plan Change), approximately 90.33 acres from Level 6 (Regional Employment/Commercial) to Level 2 (Urban Residential), north of Tucson Street (121st Street), one-half west of Aspen Avenue (145th East Avenue), south of the Creek Turnpike

Planning and Development Manager Amanda Yamaguchi reported COMP-001296-2024 was a request to change the Comprehensive Plan designation on an approximately 90.33-acre tract of land. She stated the applicant requested to change from Level 6 (Regional Employment/Commercial) to Level 2 (Urban residential) to facilitate the redevelopment of a portion of the property for a single-family residential development. She noted the property was currently undeveloped and unplatted. She explained the applicant was requesting to change the comprehensive plan to accommodate single-family residential development on this site. She stated the location of this site, between a primary arterial street and the Creek Turnpike, in Staff's opinion did not lend itself to single-family residential development; in addition, the Comprehensive Plan's Transportation Plan called for a frontage road to be located south of, and parallel to, the Creek Turnpike. She stated the applicant has stated it was their opinion that the future frontage road was not necessary in light of the proposed comprehensive plan amendment application. She noted the right-of-way required for a frontage road would significantly reduce the number of lots shown on the proposed plan. She stated the physical location of the subject property between a future frontage road and a primary arterial street supported the uses associated with the higher intensity of Level 6-type

development which was approved by City Council with BACP-132, described in the site background section of the Staff Report. She noted the surrounding land uses included the Creek Turnpike to the north, residential multifamily to the east, single family to the south, and undeveloped to the west. She stated according to the FEMA maps none of the land was located in the 100 year flood plain. She reported this property has gone through several iterations of comprehensive plan changes, rezonings, and PUD's. She stated the location of this site, between a primary arterial street and the Creek Turnpike, in Staff's opinion, did not lend itself to single-family residential development and the frontage road required by the Comprehensive Plan was not considered as part of this request. She stated based on previously approved Comprehensive Plan changes, surrounding land uses, and the Comprehensive Plan Transportation Plan, Staff recommended COMP-001296-2024 be denied.

Vice Chair Goranson noted the applicant was saying the frontage road would not be needed if Level 2 residential were approved. He asked if this was correct.

Ms. Yamaguchi explained the PUD and Comprehensive Plan originally approved on the property showed a frontage road associated with the property and she saw no plans for a frontage road going through the single family residential development as proposed.

Vice Chair Goranson asked if the City still wanted a frontage road through this property.

Ms. Yamaguchi responded in the affirmative. She said with the apartments on the east side, dedicated right-of-way was required as part of the development for the frontage road.

The applicant, Alan Betchan, with AAB Engineering stated he had not requested to omit any of the frontage road requirements; however, there was a discussion he believed would happen at the platting stage regarding whether a frontage road was still appropriate, but if it were a requirement then it was a requirement and it would be dealt with during the platting phase. He stated the frontage road was not a part of the application, was not subject to the application and was not relevant to whether the Comprehensive Plan designation should be changed in this instance.

Vice Chair Goranson asked if this were approved as residential, would Mr. Betchan still put in the frontage road with the right-of-way.

Mr. Betchan responded he had over a dozen layouts for this proposed development, many of which accommodated collectors in various different forms, terminating in different places depending on the ultimate configuration, so the frontage road was not mutually exclusive to residential being provided alongside it. He noted the current owners purchased this tract of land in 2006 and in 2013 the owners requested a change from Level 3 to Level 6 in conjunction to a PUD which was approved a couple of months later. He stated ultimately the PUD expired but a very similar PUD was reapplied for, approved, and a portion of this PUD was in development after an amendment; this was the apartments to the east. He stated when this request was done, it was a time when the Warren Theater project was new and not fully developed, and there was a concept that there would be a bigger demand for commercial development in the corridor than was able to be supported to date. He displayed an exhibit illustrating where the various Comprehensive Plan Levels were located around this tract of land. He noted there were over 500 acres, excluding this property, which were designated commercial. He noted the Innovation District tract was technically Level 3 at this time but on the map, he showed it as Level 6 as one would assume it would be developed as Level 6 commercial. He stated this meant there were 500 acres of Level 6 commercial in a mile and a half corridor, undeveloped and untapped at this time. He stated this tract was not ideal for commercial development and the property owner tried to develop the property commercially, but there was no traction. He stated he understood Staff's opinion, but the use this property was viable for, and for which the property owner had a builder ready to develop the property as, was single family residential. He stated the concept that this property being bound by the Creek Turnpike and an arterial road made the property inviable as a single family residential property was unrealistic. He stated there was a property bound by the same arterial and same Creek Turnpike with a Staff recommendation supporting residential development. He noted this was step one; if approved the next step would be the zoning application which would most likely include a PUD, and then would be the platting to layout the collector streets and houses. He stated this Item was simply to consider whether the City could support single family residential in this location. He said he believed single family residential was in demand, he had a developer and a builder wanting to develop the property as single family, and the property owner purchased this land originally with the intent to build single family residential and was simply trying to retreat back to a viable development concept.

Vice Chair Goranson asked whether the property owner was involved in the 2019 Comprehensive Plan development.

Mr. Betchan discussed how long the owner had owned this property; when the property

owner applied to change the Comprehensive Plan from Level 3 to Level 6; the property owner failing to develop this land as commercial and wishing to return to the original idea of single family residential; and the lack of commercial development viability at this time in this location.

Vice Chair Goranson noted there was a reason for the commercial corridor on either side of the Creek Turnpike.

Mr. Betchan stated he understood, but the change to Level 6 for this property was initiated by the property owner, not the City, and due to his lack of success in developing the property commercially, now he wished to return to the original plan to develop this property as single family.

Vice Chair Goranson stated this was a major change to the Comprehensive Plan; this property was 90 acres.

Mr. Betchan stated the surrounding land uses were Level 3 to the east, Level 3 to the west and Level 2 across the street, so stepping this property down in intensity was bringing it into conformity with the area.

Vice Chair Goranson noted Planning Commission would be setting a bad precedent by changing the Comprehensive Plan Level on this property and could lose a lot of other commercial development in the area.

Mr. Betchan stated every case should be considered on its own merit and as this was not a City modification to the Comprehensive Plan, it was a property owner initiated change, he felt there was an important distinction.

Commissioner Jonathan Townsend asked about the tract Mr. Betchan indicated was similar to this tract but was Level 3.

Mr. Betchan stated Item 6C was the property he was referring to; it was 38 acres of single family bound by Tucson to the south and the Creek Turnpike to the north. He said these were the same conditions as his property. He stated these conditions did not disqualify the 38 acre parcel for single family residential development and should not disqualify his 90 acre parcel.

Commissioner Townsend asked Staff to comment about the 38 acre property.

Ms. Yamaguchi stated there were differences between the two applications. She indicated there were apartments to the east of this 90 acre property and undeveloped land to the west; while the 38 acre property in Item 6C had single family development to both the east and west with a school to the south. She stated the two properties were very different in context to each other. She stated the Comprehensive Plan already designated the 38 acre property as Level 2, while this 90 acre property went from Level 3 to Level 6 and now was requesting a change to Level 2. She stated the original Comprehensive Plan Level for this property was Level 3 which required a higher intensity and provided options for commercial development, while Level 2 provided no options for commercial development.

There were no public comments for this Item.

Commissioner Mindy Payne noted this was a lot of land to change the Comprehensive Plan for and with all of the development being pushed forward in south Broken Arrow this might not be a good idea.

Vice Chair Goranson noted the applicant did have a few good points.

Commissioner Jason Coan asked about the difference between this application and the previous application which was denied in August of 2022.

Ms. Yamaguchi noted there were not any substantial differences between this application and the one denied before this. She noted the only difference was there was no exhibit to accompany this application, nothing showing a conceptual plan. She indicated she saw a conceptual plan at the Staff level, but it was not provided with the application, and the application itself was the same.

Mr. Betchan stated when the application was submitted previously, one of the questions which came up was school support for the new houses and it was a big conversation with Staff, and as such the application was pulled back to allow conversations to be had with BA Schools to ensure the Schools could support the development. He stated in the interim half a dozen meetings were held regarding the appropriateness of donating land for a new elementary school and whether the Schools felt it was an appropriate location for a new elementary school. He stated there were another couple of levels which went with this and

presented a very compelling case for single family development and an opportunity for Broken Arrow schools. He indicated the denial of the application in August 2022 was due to school concerns and these have been addressed. He stated the developers were willing to donate land as necessary for a school and the question was where it should go, did it fit and was it ultimately where the school felt it would be best to build.

Vice Chair Goranson stated it was hard for this to be a consideration for this application; having discussions with the Schools did not mean anything solid to the Planning Commission right now.

Mr. Betchan stated he understood which was why he did not initially pitch the concept of donating land to the schools.

Vice Chair Goranson asked if Staff had been involved with any of the discussions between Mr. Betchan and the Schools.

Ms. Yamaguchi responded in the negative.

Commissioner Coan asked if Mr. Betchan had a Memorandum of Understanding or any documentation indicating intent.

Mr. Betchan responded right now the Schools were interested in the land suggested for donation but was looking at site planning and how the school might fit into the development. He stated the Schools were working through the site planning to determine if it would be an appropriate location and a good fit.

Vice Chair Goranson stated right now Staff recommended denial.

Mr. Betchan stated if the corridor supported single family residential, then it was appropriate to change the Comprehensive Plan; if did not, then so be it.

Vice Chair Goranson stated maybe not all 90 acres needed to be Level 2.

Mr. Betchan stated multiple applications were submitted with portions of the property at different Levels, and without clear support by City Staff for other iterations, the applicant felt that this was supportable, and was developable, and was a viable application. He noted he was not saying there was not some middle ground, but without some clear indications about what the City would look like and what was truly viable, this was the application. He stated he had suggested all commercial development north of the collector and all residential south of the collector through this property, but this made it difficult to put in a school.

Vice Chair Goranson stated he felt some further discussion over this property and the possibility of making a portion of the 90 acres Level 2 was needed.

Mr. Betchan stated those conversations had been held, but this was an application he felt was reasonable. He stated Level 2, as presented, mid-block, for the depth of the property, was the best option. He discussed how building a collector road through this property would be difficult as well because the neighboring properties would have to give up significant portions of land to contribute to the road.

Commissioner Coan asked if the applicant advocated for this property to be changed during the 2019 Comprehensive Plan development; was the property owner present during any of the townhall meetings, any Comprehensive Plan discussions with the City.

Mr. Betchan repeated the property owner was the person who applied for the Comprehensive Plan change to Level 6 but was unable to develop the land commercially and now wished to return to his original intent to develop the land as single family residential.

Commissioner Coan stated his point was, the Comprehensive Plan was updated in 2019, and there were townhall meetings and discussions regarding the Comprehensive Plan at that time. He asked if the applicant vocalized his concerns during that time.

Mr. Betchan responded he was unsure.

Commissioner Coan noted this property was Level 6 in the 1997 Comprehensive Plan.

Mr. Betchan stated this just showed the Level of this property had gone back and forth over the years and as a developer he was saying it could be developed as Level 2 and was not very viable for Level 6.

Vice Chair Goranson stated if this Item was denied the applicant could appeal to City Council. He recommended appealing to City Council if denied.

MOTION: A motion was made by Mindy Payne, seconded by Robert Goranson.

Move to deny Item 6A per Staff recommendations

The motion carried by the following vote:

Aye: 3 - Jonathan Townsend, Mindy Payne, Robert Goranson
Nay: 1 - Jason Coan

B. 24-445 Public hearing, consideration, and possible action regarding BAZ-001334-2024 (Rezoning) and SP-001335-2024 (Specific Use Permit), Floral Haven Expansion, 27 acres, A-1 (Agriculture) and R-1 (Single Family Residential) to A-1 (Agriculture)/SP-001335-2024, north of West Kenosha Street (East 71st Street South), and one quarter mile west of South Olive Avenue (South 129th East Avenue)

Staff Planner Henry Bibelheimer reported BAZ-001334-2024 and SP-001335-2024 was a request to change the zoning designation on 27 acres from A-1 (Agriculture) and R-1 (Single Family Residential) to A-1/SP-001335-2024. He stated the property was located approximately north of West Kenosha Street (East 71st Street South), and one quarter mile west of South Olive Avenue (South 129th East Avenue) and was currently un-platted. He stated BAZ-001334-2024 was a request to rezone the southernmost 37,500 square feet of this property from R-1 (Single-Family Residential) to A-1 (Agriculture). He stated this portion could be seen on the case map included in the agenda packet. He noted this portion of the property was Level 2 of the Comprehensive Plan; Policy 17 of the Comprehensive Plan stated a 10% variance in gross area could be adjusted administratively. He indicated Staff decided this allowed the property to be changed to the comprehensive plan designation Public/Semi-Public, to align with the current comprehensive plan for Floral Haven directly to the East. He noted rezoning to A-1 was supported by the Public/Semi-Public comprehensive plan designation. He stated SP-001335-2024 was a specific use permit to allow for the expansion of the Floral Haven Cemetery, which was directly to the east of the subject tract. He indicated according to the zoning ordinance, a cemetery was only allowed in the A-1 district with a specific use permit which was why SP-001335-2024 was submitted to support a cemetery use. He noted the surrounding land uses were included in the Staff Report. He stated according to Section 6.5.C.8 of the Zoning Ordinance, a Specific Use Permit could be approved only if the City Council found that all of the six criteria listed in Section 6.5.C.8 have been met. He stated in Staff's opinion, SP-001335-2024 was consistent with the six criteria. He stated according to FEMA's National Flood Hazard Layer, none of the property was located in the 100-year floodplain. He stated Staff recommended BAZ-001334-2024 and SP-001335-2024 be approved subject to platting.

The applicant, Lou Reynolds, with Eller & Detrich stated he was in agreement with Staff with one proviso. He requested a plat waiver and would dedicate any required dedications through separate instruments. He stated he mailed out letters and a proposed plan for development to anyone within 300 feet of the property. He discussed the proposed plan. He noted the cemetery was only requesting a small portion of the property be used for cemetery extension at this time and would return to request any further cemetery extension in the future, but this would be decades in the future.

Vice Chair Goranson asked if Mr. Reynolds was asking to postpone platting until the whole property was extended for cemetery use.

Mr. Reynolds responded he was asking if it was possible, as the only place easements were needed was along Kenosha; these could be dedicated with a separate instrument and there was no need to plat the property as there would not be utilities needed.

Ms. Yamaguchi stated if all right-of-way and utility easements could be dedicated, she could support a plat waiver. She noted this could be included in the motion.

Vice Chair Goranson asked if there were any public comments.

Ms. Yamaguchi responded in the affirmative. She stated the City received one email comment in support of this Item from Acura Neon, Inc. She stated Citizen Susan Gray signed up, did not wish to speak, but did not mark in support or in opposition.

Citizen Tammie Robinson spoke in opposition to the rezoning with concerns regarding the environmental health issues which arose from cemeteries, including loss of clean air space, loss of privacy, loss of trees and sense of peace, and loss of wildlife. She said no soil testing in the area had been done. She discussed the pollutants which were released into the ground from decaying bodies including medications, chemicals, and disease. She pointed out her home on the map where she had lived for 30 years. She stated she was a nurse and did not understand the dangers of living next to a cemetery until she recently did the research. She said she believed she was suffering from the effects of the pollutants which had gotten into the ground.

Commissioner Townsend asked how long Ms. Robinson had been living in her home before

she became uncomfortable living next to a cemetery.

Ms. Robinson stated she knew her house was making her sick but had no idea it was the cemetery. She noted she could not see the cemetery from her home. She said she never liked living next to a cemetery but was far enough away from it she was okay with it, but then she started having health issues without obvious causes.

Vice Chair Goranson noted the applicant was only asking to extend into the light green area on the map which was not towards Ms. Robinson's property and would not be expanding up towards Ms. Robinson's property for decades.

Ms. Robinson stated if the cemetery owned the land there was no guarantee that the cemetery would not expand to her property. She noted she would have to tell prospective property owners of the risk of cemetery expansion which would lower her property value. She noted the effects of a cemetery could extend 400 yards.

Vice Chair Goranson asked what Ms. Robinson would expect to see developed on this property if it were not a cemetery.

Ms. Robinson responded she would expect more homes to be developed. She discussed her concern regarding cemetery expansion.

Mr. Bibelheimer stated looking at the legal description submitted with the specific use permit, the legal description was for the full property.

Vice Chair Goranson stated as such, while the applicant was saying there were no intentions to expand the full property for decades, the applicant would have the right to expand the cemetery to the limits of the property at any time.

Mr. Bibelheimer concurred.

Citizen George Shoney (ph) asked how close to the property line the grave sites would extend. He asked whether a fence could be installed along the property line to improve privacy.

Vice Chair Goranson asked if there was a buffer along the property line between the neighboring properties and grave sites.

Ms. Yamaguchi stated she was unsure but could find out. She noted Mr. Reynolds might know. She stated at this time the property line was all treed green area, so if the property owner installed a fence now it would be detrimental to Mr. Shoney and his neighbors, but if the cemetery were to expand towards Mr. Shoney's property, the cemetery would be required to put up a fence per code.

Citizen Steve Sumrall stated he was the President of his homeowner's association at Union Station and was speaking on behalf of his HOA. He stated his HOA would like to see a fence or a wall. He discussed what property was owned by the HOA and his subdivision. He indicated he received a conceptual drawing from Mr. Reynolds of the expansion, which was relatively innocuous, but he understood plans could change. He stated he and the HOA had concerns about dramatic expansion to the edge of the property line; concerns about the impact to wildlife, and concerns about seepage of pollutants. He stated he did not feel the expansion would preserve the character and quality of the residential neighborhoods, and it did not conserve the value of buildings and land, as were required by zoning code.

Ms. Yamaguchi stated Ordinance did not actually require a fence to be installed by the cemetery between the cemetery and residential properties. She stated the cemetery could choose to install a fence, but it was not required by Ordinance. She noted a fence could be required by Planning Commission as part of the specific use permit in the motion.

Mr. Reynolds stated he would come back to the Planning Commission and City Council if there was any intention to extend beyond the light green section indicated on the map.

Vice Chair Goranson stated he understood the permit would not require Mr. Reynolds to return if further extension were intended.

Mr. Reynolds stated he believed the specific use permit would require amendment if the cemetery wished to extend further than the light green area.

Ms. Yamaguchi explained based on the legal description provided in the specific use permit application the change was requested for the entire property, not just the light green area on the map; therefore, if the specific use permit application were approved it would be for the entire property. She stated if Planning Commission wanted to conditionally approve the

application based on a new legal description further defining the light green area, this could be done before it went on to City Council, but as it stood, the specific use permit would be approved on the entire property.

Mr. Reynolds stated he would be happy to restrict the specific use permit and obtain the appropriate legal description for the smaller area before the City Council meeting.

Ms. Yamaguchi asked about the acreage.

Mr. Reynolds responded the total acreage of the property was 17 acres, and what was intended to be developed was approximately 4.5 acres to 5 acres, and he was more than willing to limit the development to these 5 acres.

Ms. Yamaguchi recommended the motion be approval subject to a new legal description showing only the proposed development area to be provided before the City Council meeting, and the waiver of platting.

Vice Chair Goranson stated if approved, Planning Commission would only be approving development of a limited 5 acre area, and the cemetery would not extend to Ms. Robinson’s property line; the trees would remain behind Ms. Robinson’s property.

Citizen Jim Passmore stated he liked the trees behind his property and did not want them to be taken down. He noted Haikey Creek ran through the property. He expressed concerns about loss of wildlife, sewage pollution running downstream in the creek, development of more than the indicated 5 acres, and gravesites closer to his property.

Citizen Bridget Martin stated she owned the RV park to the south and she wanted the cemetery to install a privacy fence, so her tenants did not have to look into the cemetery.

Mr. Bibelheimer noted fences were not required by Ordinance to be installed between agricultural land and residential land, and the cemetery was considered agricultural land.

Vice Chair Goranson noted the RV park was up against the 5 acres of land the cemetery intended to develop. He stated a fence along this stretch of land could be included as part of the motion.

Mr. Reynolds indicated he was willing to add a privacy fence.

There were no more public comments; the public hearing was closed.

Discussion ensued regarding the motion.

Commissioner Coan asked when this property was purchased by Floral Haven.

Ms. Yamaguchi indicated she did not know.

Mr. Reynolds responded the property was currently under contract and had not been purchased yet.

MOTION: A motion was made by Jonathan Townsend, seconded by Mindy Payne.
Move to approve Item 6A per Staff recommendation subject to new legal description submission similar to the proposed development area in the conceptual site plan before City Council hearing, platting can be waived subject to all necessary easements and right-of-way being dedicated, and a privacy fence established along the southern property line where it abuts the RMH zoned property

The motion carried by the following vote:
Aye: 4 - Jason Coan, Jonathan Townsend, Mindy Payne, Robert Goranson

Vice Chair Goranson indicated this Item would go before City Council on April 16, 2024.

Vice Chair Goranson indicated Planning Commission would take a 5 minute break.

- C. 24-446

Public hearing, consideration, and possible action regarding PUD-001360-2024 and BAZ-001206-2023 (Rezoning), Spring Creek Crossing, 38 acres, A-1 (Agricultural) to RS-4 (Single-Family Residential) and PUD (Planned Unit Development)-001360-2024, located north of Tucson Street (121st Street), one-quarter mile west of 9th Street (177th East Avenue/Lynn Lane Road)

Ms. Yamaguchi reported PUD (Planned Unit Development)-001360-2024 and BAZ-001206-2023 were concurrent applications to rezone 38 acres from A-1 (Agricultural) to RS-4 (Single-Family Residential) and PUD-001360-2024 for Spring Creek Crossing. She stated this property was generally located north of Tucson St (121st St), one-quarter mile west of 9th St (177th E Ave/Lynn Lane Rd); the property was presently undeveloped and unplatted.

She stated the proposed Spring Creek Crossing development consisted of single-family residential homes on individual lots; the maximum number of dwellings proposed in the development was 145, with a minimum lot size of 50-feet by 100-feet or 5,000 sq ft. She noted per the RS-4 zoning district standards, 214 lots would be permitted with straight zoning. She stated the PUD proposed a minimum of 15%, or approximately 5.7 acres of open space in the form of stormwater detention pond reserve areas, interconnected walking trails/sidewalks, community gardens, and/or parks. She stated the development would be served by public streets; the primary access point would be from one entry off of Tucson Street, which aligned with the main entry into Spring Creek Elementary School and Ernest Childers Middle School to the south. She indicated an existing stub street at the East Raleigh Street would provide connection from the South Ridge Park subdivision to the west per fire regulations and subdivision regulations. She reported Section 5.3.B.2.b of the Zoning Ordinance required all new developments to provide stub streets to connect to vacant land. She noted the PUD modified this requirement by instead dedicating right of way along the northeastern edge of the site which would touch all of the abutting undeveloped properties. She stated this right of way would be approximately 50 feet in width and no street construction would be required with the Spring Creek Crossing development within this right of way. She stated the Engineering Design Criteria Manual required a Traffic Impact Analysis (TIA) be performed by a proposed development if the development meets the criteria established in the Oklahoma Department of Transportation Policy on Driveway Regulations for Oklahoma Highways. She stated this would be evaluated during the platting process. She noted the developer has committed to the installation of a traffic signal on Tucson Street as a part of this development. She reported RS-4 zoning was considered to be in accordance with the Comprehensive Plan in Level 2. She indicated PUD-001360-2024 was proposed to be developed in accordance with the RS-4 district of Zoning Ordinance except as specified in the Staff Report. She stated all proposed changes were in accordance with the RS-C district of the proposed Zoning Ordinance previewed by City Council on November 7, 2023.

Ms. Yamaguchi reviewed the deviations requested by the PUD including a reduced minimum lot size from 6,500 sq feet to 5,000 sq feet; minimum street frontage reduced from 55 feet to 50 feet; maximum lot coverage increased on interior lots from 50 percent to 55 percent and on corner lots from 60 percent to 65 percent; added 50 feet separation or landscape edge between existing neighborhoods and the development to the east and west; added preserved common open space of not less than 15 percent of the total property. She reported the north end of the site abutted the Creek Turnpike and undeveloped property owned by the Oklahoma Turnpike Authority; privately owned undeveloped property and Southfork Estates, a single-family residential subdivision abutted the site to the east; Ernest Childers Middle School was located immediately south across Tucson St, and to the west was South Ridge Park, another single-family residential subdivision. She stated according to the FEMA maps none of the property as located in the 100 year floodplain; water and sanitary sewer were available from the City of Broken Arrow.

Ms. Yamaguchi indicated the applicant held a Community Meeting on Thursday, March 21st at 6:00 p.m. and approximately thirteen residents attended the meeting and asked questions relating to traffic, fencing, detention ponds, and the 50' buffer areas. She stated a petition against this development was submitted on March 25, 2024; the petition contained 91 signatures representing 30 property owners in the 300 foot radius of the subject tract. She stated an independent analysis was done by INCOG (Indian Nation Council of Governments) to determine the percentage of property represented by the petition. She reported in the analysis 17 percent of the property located inside the 300 foot radius, excluding right-of-way and the subject tract, was represented by the petition. She stated protests of the proposed amendments to the zoning changes were subject to the Oklahoma State Statutes Title 11; the section pertaining to this stated if a petition represented the owners of 50 percent of the area of the lots within the 300 foot radius of the exterior boundary, a favorable vote of 3/5 of the governing body, which would be City Council, was required for the proposal to pass. She stated per the State Statute the submitted petition did not represent the minimum land area required to trigger the 3/5 vote by City Council for approval.

Ms. Yamaguchi stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended PUD-001360-2023 and BAZ-001206-2023 be approved subject to the property being platted.

Commissioner Payne asked if the applicant was willing to install a traffic signal.

Ms. Yamaguchi responded in the affirmative; the PUD committed to installation of a traffic signal at the proposed intersection crossing Tucson at the main entrance of the proposed development and the main drive to the school properties to the south.

Commissioner Payne asked how much a traffic signal cost approximately.

Assistant City Manager over Operations Kenny Schwab responded installation of a traffic

light cost anywhere from \$350,000 dollars to \$450,000 dollars, and it cost an additional \$25,000 dollars to design the traffic light.

Vice Chair Goranson asked about the average daily traffic numbers along Tucson.

Mr. Schwab responded the reported traffic counts on the City website were calculated every three years, and the numbers were last calculated in March of 2022. He stated at Elm and Tucson, the north/south traffic count was approximately 13,120 vehicles a day, the east/west was approximately 8,600 vehicles a day. He stated at Tucson and 9th Street the east/west count was approximately 7,500 vehicles a day, and then north (there was no southbound road) was just under 2,600 vehicles a day. He stated along this stretch of Tucson there were approximately 8,500 vehicles a day.

Discussion ensued regarding the petition; the number of original names on the petition; and the area of property within the 300 foot radius represented on the petition.

The applicant, Megan Pasco, with Tanner Consulting distributed information to Planning Commission and Staff. She stated Ms. Yamaguchi did an excellent job reviewing the proposed project. She noted this was an RS-4 application with a PUD. She indicated the developer initially intended to apply for RS-C zoning under the new Zoning Code, but due to timing it was decided to move forward with RS-4 and a PUD which mimicked the standards of RS-C zoning. She stated the applicant (Tanner Consulting) was requesting 50 foot wide lots and would provide a 50 foot buffer on either side of the development where it abutted adjacent residential uses. She stated while RS-4 and RS-C would allow over 200 units, the applicant was restricting the maximum number of lots to 145 lots. She stated this property was Level 2 and RS-4 was an allowed use in Level 2. She noted there has been a lot of community engagement regarding this proposed development and the developer was working to be a good neighbor to the existing residents. She indicated before this application was filed the developer met with the neighbors to discuss concerns; the biggest concerns resulted in proposal of the buffer and there were traffic concerns. She noted the developer also met with Broken Arrow Public Schools to discuss any concerns and the school's biggest concern was traffic and a traffic signal was proposed. She indicated last week mailed notice was sent to the neighbors in the 300 foot radius and a meeting was held with the neighbors. She stated there was a good turnout and the developer spoke about the housing products and the need in Broken Arrow for different housing types.

Vice Chair Goranson noted the renderings Ms. Pasco just provided were not included in the Agenda Packet. He asked if this was what the homes would look like.

Ms. Pasco responded in the affirmative. She stated the masonry was typically an option for home buyers, and the base price of the homes did not include full brick facades; home buyers would have the option to choose the façade, so there would be a mix of facades throughout the development.

Vice Chair Goranson noted the buffer on the east side would have trails through it. He asked if there would be a privacy fence along the property line between the landscape buffers and the neighboring homes.

Ms. Pasco stated she felt the natural landscape buffer should be visible to the neighboring residents. She said she would prefer not to have a privacy fence and would like to be able to see the landscape buffer if she were a neighboring resident.

Vice Chair Goranson agreed.

Ms. Yamaguchi stated Code did not require fencing between residential uses.

The property owner, Joe Hillenburg, noted there was a big backlash from the development which was proposed last year in this location. He stated one of the differences between the previously proposed development and his proposed development was the communication approach taken to ensure the neighbors were taken into consideration while designing the development. He stated this was important. He noted while the neighbors' concerns were all valid, there was a lot of carryover from last year to this year. He stated what impressed him most were the concerns about traffic and safety, and in response to these concerns a traffic light would be installed. He indicated one of the big concerns expressed last year was that the developer was out of state, but the developer of this project was invested in the Broken Arrow community.

The developer, Kyle Richison, Division President for Rausch Coleman Homes, stated he lived in the City of Broken Arrow. He explained, in regard to the home facades, the elevations presented were very consistent with what would be developed in the project. He explained the front of the homes would all have brick façades; it was the sides and backs of the homes which would have optional brick façades. He stated in terms of fencing, it was

unknown how much the buffer would restrict fencing, but the conversations would continue through the process and if the application were approved, he was more than willing to work to find a solution for the community.

Amanda Yamaguchi indicated four individuals signed up online in favor of this Item: Bill Werner, Rennick Jervis, Kendra Hoop, Jackson Hillenburg, and Brenda Barlow. She read the names of those who signed up in opposition but did not wish to speak: Angela Rogers, Lauren Richardson, Jacob Ellard, Amy Wood, Matt Wood, Dickey McPherson, Loretta Jean Douglas, Kelci Vigil, Steve McClellan, Kristin Coursey, Sara Fowler, Jonathon Cook, James Johnson, Dana Paliotta, Joe Paliotta, Steve Paliotta, Aelica Stuckey, Tim Stuckey, Eric Hawkinson, Megan Spears, Paula Neal, Dale Dereign, Linda Dereign, Janie Benuzzi, Gary Benuzzi, Kristen Reed, David E Kelly, Cheryl Kelly, Steve Worden, Melissa Worden, Jana Hartman, Colette Soltis, Jason Longley, Anna Moore, Trish Moore, Carla Moreland, Dale Moreland, Wendy Kenyon, Sean Kenyon, Jeanine Truman, Pat Paston, Michael A Paston, Clayton Caruth, Jim Conroy, Jeremy Robinson, Karla Caruth, Sherry Smith, Scott Toman, Judy Toman, Ryan Reed, Rik Ochel, David Long, Teri Long, Willard Denny, David Eppler, Amy Myers, Brandy Bundy, Darin Bundy, Cheri Wilson, Cody Nunley, Jessica Cody, Chris Elich, Mary Williams, Evelyn Larson, and James Spencer. She stated the comments and concerns of those opposed included safety of children, lack of infrastructure to accommodate high density housing, school difficulties during drop off and pickup times, traffic concerns, school overcrowding, cheap homes, and there already being too much high density housing in the area.

Vice Chair Goranson asked if the main reason for the traffic light installation was due to the school or due to the subdivision needing a traffic light.

Mr. Schwab responded the traffic light was due to the school, and the need to queue traffic turning in and out of the school. He stated traffic capacity of Tucson was based on speed, longitudinal slopes, side slopes and the street width; when all of this was taken into consideration this street was probably going to be about 12,000 to 13,000 vehicles per day per lane in each direction. He noted without the school there was no issue with the street, but with the school traffic, patterns changed, pedestrians were involved, and “all bets were off.” He stated as such, the City has been working with the school for quite some time on different approaches, especially with respect to the pedestrians. He noted there were multiple crossings, but only one crossing guard paid for by the school. He discussed the locations of the various crossings along Tucson. He stated putting in a traffic signal would greatly improve the intersection and improve the turning movements in and out of the school.

Vice Chair Goranson asked if the City was considering installing a traffic light in this location.

Mr. Schwab responded in the negative; the City had nothing scheduled and nothing in the budget for a traffic light in this location.

Citizen Ryan Kral brought a copy of the petition to resubmit to the City as he believed there was an error in the percentage of homes represented in the petition. He indicated he was opposed to this development with concerns regarding safety and infrastructure; child safety concerns; traffic from the new development driving through his subdivision endangering children;

Vice Chair Goranson asked if Mr. Kral understood stub streets were built intentionally and would eventually connect with other neighborhoods.

Mr. Kral responded in the affirmative. He said as such he wished for this development to have lower density which would reduce the amount of traffic through his neighborhood.

Citizen Chris Straight stated he was in opposition with this development. He stated he hoped this land would be developed as RS-3 or RS-2; RS-4 was too dense for the property. He discussed concerns about increased traffic along the collector roads, as well as through the existing subdivisions.

Citizen Bryan Myers asked whether there was another area in Broken Arrow where RS-4 was found between RS-1 and RS-2. He asked whether a new precedent was being set if this were approved. He stated he did not want to live next to an RS-4 density.

Ms. Yamaguchi explained RS-4 zoning was not created until 2016, so looking at the zoning map of Broken Arrow there was significantly less RS-4 as a result; however, there were a plethora of RS-3 neighborhoods with PUDs reducing lot sizes and lot frontage. She stated in essence, there were a lot of RS-4 developments, but these developments were not RS-4 in name. She noted she could not think of an exact example off the top of her head but did know of an RS-4 development going in on the east side of Lynn Lane between 101st and 91st, between RS-3 and undeveloped land to the south. She said she was certain she could find an

RS-4 development on the map between RS-1 and RS-2 subdivisions.

Citizen Patti White asked if she could give her three minutes to Brad Farnsworth.

Vice Chair Goranson agreed.

Citizen Dan Hayley discussed his concerns with traffic and the need to widen 121st Street and the pedestrian crossings in unsafe locations, and with school overcrowding. He asked if the City had any plans to widen 121st Street.

Ms. Yamaguchi indicated all citizen questions would be answered once all citizens have had the opportunity to speak.

Citizen Bill Santee discussed his concerns regarding traffic, the existing traffic light, the hill in the road limiting vision and how this would be affected with installation of the new traffic light, and dangers to pedestrian students. He discussed the problem with number of children running across the street currently and his concerns about adding 200 children to this number.

Citizen Brad Farnsworth stated he was opposed to this development and had concerns about the high density of the development, traffic, and RS-4 being appropriate in Level 3 not Level 2.

Vice Chair Goranson stated RS-4 was also appropriate in Level 2.

Ms. Yamaguchi stated transitional areas include higher density residential and lower intensity commercial, so yes, the Comprehensive Plan did say RS-4 was compatible with Level 3, however, the Comprehensive Plan also clearly indicated it was allowed in Level 2.

Mr. Farnsworth respectfully disagreed and said the Comprehensive Plan indicated RS-4 was most appropriate in Level 3.

Citizen Michael Moreland was in opposition and expressed concerns regarding school overcrowding.

Citizen Heather Bryson was in opposition and expressed concerns regarding school overcrowding.

Citizen Dustin Fletcher thanked Planning Commission for their service. He was in opposition and expressed concerns regarding the housing product not being in line with existing housing and approval setting an unwanted precedent.

Citizen Rachel Fletcher thanked Planning Commission for their service. She was in opposition and expressed concerns regarding this development being very similar to the last development which was denied; this proposed project not being compatible with the surrounding area, and not enhancing the surrounding area, and not protecting the surrounding area. She discussed her concerns regarding the reduced lot sizes; the burden this development would put on infrastructure; child safety; and school overcrowding. She asked Planning Commission to consider the character, scale, and function of the area.

Ms. Megan Pasco with Tanner Consulting stated listening to the speakers it seemed the biggest concerns were traffic, schools, and density. She stated she could not speak to the traffic as well as Mr. Schwab, but Tucson (121st) was labeled on the major street and highway plan as a primary arterial and the ultimate plan for this road would be 3 lanes in either direction with a center median, so Tucson was earmarked for future road improvements. She noted a traffic light would only help the traffic situation. She indicated the neighbors had concerns about safety and traffic in the area already, so there was an existing condition which the developer would be helping with the installation of the traffic light. She stated there were questions about density, and the density of the proposed neighborhood was very similar to the density of the neighborhood to the west. She stated South Ridge Park to the west had 138 lots on 40 acres, which was 3.5 units per acre, and this proposed site plan had 131 lots which was 3.4 units per acre. She stated if the 145 units were actually built it would be 3.8 units per acre, so this development would be between 3.4 units per acre and 3.8 units per acre which was at the same density of South Ridge Park. She stated, as such, she was not sure the concerns about density and matching existing neighborhoods were valid concerns.

Mr. Kyle Richison with Rausch Coleman presented data which showed a majority of home buyers would be first time families, first time purchasers, or downsizing buyers (the 55 plus community). He stated 63 percent of Rausch Coleman's buyer demographic did not have children, had not started families yet, or were at an age that they no longer had children in the home. He stated 21 percent of buyers only had one child in the home. He indicated he contacted the school just this week to get a better understanding of what capacity meant, and the response he received was Broken Arrow Public Schools boasted a very favorable teacher

to student ratio across the District; the School District's goal was to try and maintain this ratio and the Broken Arrow Public Schools capacity was at or above the thresholds to accept transfer students. He stated as such he understood "capacity" was used to determine whether transfer students were allowed to transfer into Broken Arrow Public Schools. He indicated this was a long term project, it would take roughly two years to design and develop the project and it would be 2029 before the project was completed; therefore, there was a lot of time to work with the schools, work with the City, and work with the neighbors to ensure the project was being developed in the right way.

Ms. Pasco stated ultimately this was a land use decision, and it has been shown with Staff agreement that this proposal was in accordance with the 2019 Broken Arrow Comprehensive Plan and met the necessary qualifications.

Vice Chair Goranson discussed Broken Arrow elementary schools and noted there were 12 square miles available for development which would feed into Spring Creek Elementary. He stated he understood why these homeowners were protesting development on this property, but if the concern was all about school overcrowding there would be a lot more protest of incoming development. He stated the children living across the street could walk to the school, but all other developments would bring additional traffic to the area when new children began attending. He noted Childers Middle School had almost 29 square miles of potential development area which could feed into Childers. He agreed with Ms. Pasco's statement that this development would have approximately the same number of homes as the neighboring subdivision, and while it might feel denser, it was roughly the same number of homes on the same amount of land. He noted also, the elementary students and middle school students also would eventually move on to different schools, and the children who would be incoming in several years as these homes were built would simply be replacing students who had moved on to other schools. He stated it was important to look at the big picture.

Commissioner Coan asked, as this land was currently A-1, could he put a pig farm or chicken farm on the property.

Ms. Yamaguchi responded in the affirmative.

Commissioner Coan asked if there were any special permits he would need to obtain to open a pig or chicken farm on this property if he purchased the land.

Ms. Yamaguchi explained as long as City regulations were met, no special permitting would be needed.

Commissioner Coan noted there were a lot of things which the Planning Commission had to consider and sometimes it was difficult. He stated he understood what the neighbors' concerns were, but at the same time, should the owner of the property be punished because the Schools did not prepare for growth or because the growth accelerated faster than the school district was able to prepare for. He asked, rhetorically, how many of those who spoke today had been to a School Board Meeting or had spoken with the School Board President regarding these concerns, and while perhaps they had, should the School District's problems push the City to deny a property owner the right to develop their property. He stated all the citizens' concerns had merit and he hoped it was understood this was never an easy decision for the Planning Commission.

Commissioner Payne stated Broken Arrow had amazing schools. She noted the Superintendent graduated from Broken Arrow Public Schools and was working hard on the capacity of the schools. She stated there was a lot of land which fed into Spring Creek and Childers.

Vice Chair Goranson stated the Schools were attending Technical Advisory Committee meetings and were involved in the Comprehensive Plan development. He stated this was not an amendment to the Comprehensive Plan, this land was set up for residential when the Comprehensive Plan was written, so the Schools understood this land would be developed as residential. He stated this land had come through three times, each time it came in with a fewer number of lots, and this was the lowest offered number of lots. He noted the developer was offering a landscape buffer which was a big issue for many at one time, the traffic light was a big issue at one time, and it seemed the developer was trying in good faith to work with the community.

Commissioner Coan stated he did not want to say anything negative about the School District. He stated the School District was amazing which was why he chose to live in Broken Arrow and his children attended Broken Arrow Schools.

Commissioner Townsend noted Ms. Pasco also had a good point; the decision being made tonight was concerning appropriate land use.

Mr. Schwab stated with respect to Tucson, he believed it was actually a secondary arterial and secondary arterial roads required 100 feet of right-of-way and ultimate buildout would be five lanes. He indicated a primary arterial, and if Ms. Pasco were correct and Tucson was a primary arterial, it would require 120 feet of right-of-way and the ultimate buildout would be 7 lanes like Kenosha. He stated right now the Tucson traffic counts did not warrant a high priority for road widening. He explained how the traffic counts were used to determine when a road needed widening. He noted this area ran about 20,000 vehicles through the intersections, while major arterial intersections ran about 45,000 to 50,000 vehicles through the intersections. He stated when schools were constructed, the schools were not required to pay for public improvements and were not required to build out Tucson and were not required to put in a traffic signal, so all of this burden fell on the taxpayers, i.e., the City. He stated everywhere the schools have built the City has had challenges. He noted Broken Arrow was a growing City, and the Broken Arrow Public Schools was a growing school system. He noted he graduated from Broken Arrow schools and all his children went to Broken Arrow schools. He stated when schools were clustered together like Spring Creek and Childers were, it caused huge traffic problems with drop off and pickup. He discussed traffic difficulties caused by pickup especially due to vehicle stacking at schools in the City. He discussed how traffic flow would be improved with the addition of a traffic signal in this location. He noted currently there was no money in the budget to widen Tucson; however, there were funds (approximately \$850,000 dollars) to add a right turn lane across school property to try to get the traffic off the through lane, especially during afternoon pickup. He discussed other improvements made by the City to try to improve the traffic situation during school pickup hours. He noted to widen Tucson in this area to five lanes would cost approximately \$5 million to \$6 million dollars and it would take four to five years for the project to be completed from planning to construction completion. He stated widening of Tucson would have to go into the 2026 bond package, and it would have to be approved by a vote of the people. He stated the public could say no, but assuming the public said yes, then the first available sell would most likely be August or September of 2026, and he did not know whether this project would be included in the first sale of bonds. He stated if it were included in the first sale, then it would be 4 to 6 years after that before the project was completed, so it would be completed around 2031 and this was the best case scenario. He discussed the hill and line of sight and when a vehicle could be seen traveling over the hill. He noted the developer was not required to do any engineering before the zoning and PUD were obtained as this was a big burden on any property owner. He explained engineering could cost \$40,000 dollars, which was a big expense. He stated in this case there was enough information and enough internal knowledge from the residents and City Staff that it was understood a traffic signal would be warranted.

Vice Chair Goranson asked if Broken Arrow had enough right-of-way in front of this property for road expansion.

Ms. Yamaguchi indicated ultimate right-of-way would be required to be dedicated at the time of platting.

Mr. Schwab stated on this stretch he believed there were only two properties for which the City did not have the necessary right-of-way to widen the road which was a huge positive and would greatly increase the speed at which this road project was able to get underway.

Vice Chair Goranson asked if City Council might consider an emergency gate at the stub street going into Ridge South.

Mr. Schwab stated he could not speak to what City Council would or would not do with respect to an emergency gate. He stated Staff would not recommend putting a gate in this location. He stated Staff was not in favor of blocking off this street. He noted there was a traffic calming device program in place and could be considered if the homeowners were interested. He discussed the thresholds required to be met for the City to install traffic calming devices (speed, number of cars, etc.) but even if the thresholds were not met, City Council had the authority to approve installation of traffic calming devices.

Vice Chair Goranson asked if the City ever looked at the queuing for exiting and entering residential subdivisions.

Mr. Schwab responded in the negative; the City did not look at subdivision queuing unless it was required in a traffic impact analysis.

Ms. Yamaguchi noted Subdivision Regulations stated, "Gates or any control devices shall be allowed only on private streets and private streets shall only be permitted in a PUD subdivision." She explained this was a PUD, but the PUD was not proposing private streets, so a gate would not be permitted.

Vice Chair Goranson noted City Council could require installation of a gate.

Ms. Yamaguchi responded it was possible. She stated Staff still would not recommend the gate as secondary access was required for fire access. She explained developments with 30 or more lots were required to have a secondary point of access and Zoning Ordinance and Subdivision Regulations both required stub streets to undeveloped property for connection to future development.

Vice Chair Goranson asked for Staff’s recommendation.

Ms. Yamaguchi stated based on the Comprehensive Plan, location of the property and surrounding land uses, Staff recommended approval subject to the property being platted.

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

Move to approve Item 6C per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Jason Coan, Jonathan Townsend, Mindy Payne, Robert Goranson

Vice Chair Goranson indicated this Item would go before City Council on April 16, 2024; if any wished to speak regarding this Item, a Request to Speak form should be submitted prior to the meeting 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. Yamaguchi introduced the new Director of Community Development, Rocky Henkel. She noted Mr. Henkel previously was the Director of Streets and Stormwater. She welcomed Mr. Henkel to Community Development.

Commissioner Coan thanked and congratulated Mr. Henkel.

10. Adjournment

The meeting adjourned at approximately 8:44 p.m.

MOTION: A motion was made by Mindy Payne, seconded by Robert Goranson.

Move to adjourn

The motion carried by the following vote:

Aye: 4 - Jason Coan, Jonathan Townsend, Mindy Payne, Robert Goranson