



# City of Broken Arrow

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

## Minutes - Final

### Planning Commission

*Chairperson Ricky Jones*

*Vice Chair Fred Dorrell*

*Member Lee Whelpley*

*Member Glenn Shaw*

*Member Carolyne Isbell-Carr*

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Thursday, August 13, 2015

5:00 PM

Council Chambers

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### AMENDED AGENDA

#### 1. Call To Order

**Present** 5 - Lee Whelpley, Ricky Jones, Fred Dorrell, Glenn Shaw, and Carolyne Isbell-Carr

#### 2. Roll Call

#### 3. Old Business

**Ricky Jones said because there were numerous people present for agenda item 3C, this item would be moved to the end of the agenda to provide a better Public Hearing.**

- A.** Public hearing, consideration, and possible action regarding PUD 207D, QuikTrip, a request for a major amendment to PUD 207, 2.39 acres, CH/PUD 207 to CH/PUD 207D, north of the Broken Arrow Expressway, west of 9th Street (Application withdrawn by Applicant)  
**Brent Murphy said the applicant requested this case be withdrawn.**

**MOTION: A motion was made by Lee Whelpley to dismiss PUD 207D, per the Applicant's request. The motion was seconded by Glenn Shaw.**

**Aye:** 5 - Lee Whelpley, Ricky Jones, Fred Dorrell, Glenn Shaw, and Carolyne Isbell-Carr

- B.** Consideration and possible action regarding PT15-111, Preliminary Plat, Oak Estates, 15 lots, 13.04 acres, A-1 to PUD 239/RS-2, one-quarter mile south of the southeast corner of Jasper Street and Garnett Road  
**Brent Murphy presented the background for this item. The applicant was present and in agreement with Staff recommendations.**

**Ricky Jones opened the Public Hearing and asked if anyone wished to speak on this Item. No one responded. The public hearing was closed.**

**MOTION: A motion was made by Fred Dorrell to approve PT15 111, per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr.**

**Aye:** 5 - Lee Whelpley, Ricky Jones, Fred Dorrell, Glenn Shaw, and Carolyne Isbell-Carr

- C. Public hearing, consideration, and possible action regarding BACP 146, Elm Ridge Crossing II, 19.64 acres, Level 2 to Level 3, one-quarter mile south of Omaha Street, east of Elm Avenue  
**This item was heard after Item 6B of the Public Hearing Items**

#### **4. Consideration of Consent Agenda**

- A. Minutes, Planning Commission meeting held July 23, 2015  
**This item was approved as presented.**

**MOTION: A motion was made by Fred Dorrell to approve the Consent Agenda Items, 4A,4B and 4C, per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr.**

**Aye:** 5 - Lee Whelpley, Ricky Jones, Fred Dorrell, Glenn Shaw, and Carolyne Isbell-Carr

- B. Consideration and possible action regarding PT15-112, Preliminary Plat, Kenosha Villas, 8.70 acres, 16 lots, RM and FD/PUD 191B, one-half mile west of Aspen Avenue, one-quarter mile north of Kenosha Street, at the north end of Elder Place  
**This item was approved, per Staff recommendations. The applicant was present and in agreement with the Staff report.**

**MOTION: A motion was made by Fred Dorrell to approve the Consent Agenda Items, 4A,4B and 4C, per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr.**

**Aye:** 5 - Lee Whelpley, Ricky Jones, Fred Dorrell, Glenn Shaw, and Carolyne Isbell-Carr

- C. Consideration and possible action regarding BAL 1077, QuikTrip Lot Split, 3.09 acres, CH/PUD 207D, north of the Broken Arrow Expressway, west of 9th Street  
**This item was approved, per Staff recommendations. The applicant was present and in agreement with the Staff report.**

**MOTION: A motion was made by Fred Dorrell to approve the Consent Agenda Items, 4A,4B and 4C, per Staff recommendations. The motion was seconded by Carolyne Isbell-Carr.**

**Aye:** 5 - Lee Whelpley, Ricky Jones, Fred Dorrell, Glenn Shaw, and Carolyne Isbell-Carr

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

#### **6. Public Hearings**

- A. Public hearing, consideration, and possible action regarding BAZ 1941, Crossing's at 71st (Park Place), 80.00 acres, A-1 to RS-3, east of Midway Road, one-quarter mile north of Kenosha Street  
**Brent Murphy presented BAZ-1941, a rezoning of 80 acres from A-1 to RS-3, located east of Midway Road, one-quarter mile north of Kenosha Street. He said the applicant was present and in agreement with staff report.**

**Ricky Jones asked if the applicant was present.**

**Kyle Sewell, Crafton-Tull & Associates, 220 E 8th Street, Tulsa, OK, applicant, said he is in agreement with the Staff report.**

**Ricky Jones opened the public hearing.**

**Chris Gibson, 8504 E Norman Street, Broken Arrow, OK, spoke against the rezoning. He expressed concern about price points.**

**Jim Beard, 5601 S 257th Street, Broken Arrow, OK, spoke against the rezoning. He was concerned about higher densities, and wanted higher priced homes. He presented the Commission with eight color pictures of surrounding houses in the area.**

**Vicky Martin, 6698 S 257th Street, Broken Arrow, OK, spoke**

**against the rezoning. She was concerned about density levels, flooding and increased traffic.**

**Ricky Jones asked if anyone else wished to speak on this item. No one responded. Mr. Jones closed the public hearing.**

**MOTION: A motion was made by Fred Dorrell to approve BAZ-1941 as recommended by Staff. The motion was seconded by Glenn Shaw.**

**Ricky Jones said this case will be heard by City Council on 9/1/15 at 6:30 p.m. in City Council Chambers.**

**Aye:** 5 - Lee Whelpley, Ricky Jones, Fred Dorrell, Glenn Shaw, and Carolyne Isbell-Carr

- B.** Public hearing, consideration, and possible action regarding PUD 153A, Berwick Villas, a request for a minor amendment to PUD 153, 0.17 acres, R-3/PUD 153 to R-3/PUD 153A, east of Mingo Road, one-quarter mile north of Florence Street  
**Brent Murphy presented the background for PUD 153A, a minor amendment to reduce the building line setback from Austin Street from 25 feet to 15 feet. He said Staff recommends PUD 153A be approved as requested with platting waived.**

**Ricky Jones asked if the applicant is present.**

**The applicant, Barrick Rosenbaum, 1709 W. Granger Street, Broken Arrow, OK, said he is in agreement with Staff recommendations.**

**Ricky Jones opened the Public Hearing. No one spoke on the matter. The Public Hearing was closed.**

**MOTION: A motion was made by Fred Dorrell to approved PUD 153 in accordance with Staff recommendations. The motion was seconded by Glenn Shaw.**

**Aye:** 5 - Lee Whelpley, Ricky Jones, Fred Dorrell, Glenn Shaw, and Carolyne Isbell-Carr

Public hearing, consideration, and possible action regarding BACP 146, Elm Ridge Crossing II, 19.64 acres, Level 2 to Level 3,

one-quarter mile south of Omaha Street, east of Elm Avenue  
**Ricky Jones advised his firm prepared the PUD associated with BACP 146 and would recuse himself from the discussion. Mr. Jones left the room. Fred Dorrell took the chair.**

**Brent Murphy presented the background for BACP 146. He said this comprehensive plan change request is to change from Level 2 to Level 3 for 19.64 acres, located one quarter mile south of Omaha Street, east of Elm Avenue. The applicant is interested in developing, in two phases, a multi-family dwelling unit project with up to 320 units, with a density of 16.29 units per acre. He said a thirty page petition containing 233 signatures protesting the proposed modification were submitted in opposition of this case. He said letters and emails were received in opposition, as well as additional information submitted after the staff report was published online. This information was printed and provided to commission members.**

**Mr. Murphy said when the comprehensive plan was adopted in 1997, this area was designated as Level 2. At that time, Elm Avenue did not connect to Omaha Street. Elm Avenue has now been extended and connects to Omaha Street. In December 2008, City Council approved BACP 96 changing 28.54 acres from Level 2 to Level 4. BACP 121 changed 18.50 acres from Level 2 to Level 3 in April 2012, and the property was platted as Crown Village at Elm Ridge.**

**Brent Murphy said a draft PUD has been submitted and describes the proposed development of the property. Mr. Murphy said BACP 146 was in accordance with the goals, objectives and policies of the comprehensive plan. This would be an extension of the adjacent Level 3 property to the north. Staff recommends BACP 146 be approved subject to the property being platted and approval of a PUD similar to the draft PUD that was submitted and further refinement will need done.**

**Fred Dorrell asked if the applicant was present.**

**Larry Kester, Architects Collective, 4200 E Skelly Drive, Tulsa, OK said there were two meetings with homeowners in the area. He said this project will be developed in two phases. Phase 1 will**

include higher density multi-family dwelling units. Phase 2 will have lower densities, and a roadway from Elm Avenue over to Country Lane Estates. Mr. Kester said there is an existing detention facility on the school property. With this project, the detention facility will be expanded to provide additional stormwater detention. He said the type of tenants utilizing the multi-family units must pass a screening process that includes income minimums, a credit check and a criminal history check.

Fred Dorrell said for the record, an additional 56 names were added to the petition.

Fred Dorrell asked if there was anyone who wished to speak on this item.

David Pearsall, President of Country Lane Estates Homeowners Association, 3209 N. 3rd Place Broken Arrow, OK spoke against this case. He said the entire board of directors are present. He said the majority of the homeowner's are opposed to this application and petitions have been presented to the Commission.

Dave Price, 5001 S. 163rd East Avenue, Broken Arrow, OK spoke against this case. He expressed concerns about safety issues regarding traffic and who the residents will be. He said there is no turn lane into the current apartment complex for vehicles going north on Elm Avenue. He said he was almost hit while he was walking on the sidewalk in this area.

Darin Swinney, 108 E Kansas Street, Broken Arrow, OK provided a handout to commission members. He expressed concerns about flooding issues. He said the existing development of the apartment complex along Elm and the development of Country Lane School, waterflow has increased dramatically. He said runoff is now hitting the creek faster than previously and the increased impervious surfaces will only make flooding matters worse. The audience applauded once Mr. Swinney ended his presentation.

Glenn Shaw asked Staff to clarify the stormwater issue.

Michael Skates, Development Services Director, advised Jeff Bigby, Stormwater Manager, will do a detention determination for

**this site based on the Engineering Criteria and floodplain maps. He said this development will require on-site detention. The school has onsite development. Mr. Skates said calculations will be done to determine how much water flow will be produced from this development. The area above the floodplain is shown but is not in the 100 year floodplain. Inside the development will be storm drains to convey the water to the creek. He said reports, analysis, calculations and drawings will be required to show how this development impacts this property, and surrounding areas, and the applicant must prove they will not adversely impact surrounding areas. The hope is that this development will actually help the creek.**

**Fred Dorrell said this year has also had an abnormal amount of rainfall.**

**Joani Dotson, 3313 N 2nd Street, Broken Arrow, OK, member of Country Lane Estates HOA, spoke in favor of this case. She said her statements are based on information provided by publicly accessible data such as the U.S. Census, American Community Survey, and published research. She provided the Commission with "The Case for Multifamily Housing" by Urban Land Development, as well as, "Overcoming Opposition to Multifamily Rental Housing" by Joint Center for Housing Studies, Harvard University for the record. She said previous renderings showed East Kansas Street connecting to Elm Place and have since been removed. She said she encourages the Commission, Neighbors and Developer to see the benefits of maintaining the connection onto East Kansas Street. She said there is a large concern that traffic will be increased by this development by the influx of residents; however, according to American Community Survey 2013 5 year estimates, residents that are apartment dwellers have fewer vehicles per dwelling unit than owner occupied housing. She said for this development, approximately 159 cars will be added to traffic and because this development is closest to Elm Place the likelihood of vehicles coming through Country Lane Estates Subdivision to get to Lynn Lane, a busy arterial street, is minimal. She said it is more likely that those in the Subdivision will benefit from the connection to East Kansas Street, by exiting the neighborhood through East Kansas Street, and connecting to Elm Place which is less busy than Lynn Lane and utilizing that route to**

get to Highway 51, and a more direct route to destinations west of this location.

Joani Dotson said as far as concerns regarding school traffic, the developers propose roundabouts to bring school traffic around 51st Street and it would be best for traffic engineers to see if this will be the best solution. There is a pedestrian connection that is be utilized currently to get from Country Lane Estates to the school. She said by creating a connection to Elm Place, from East Kansas Street, there will be more direct access to the existing trail along Elm which connects to other sidewalks and various networks south of this location.

Joani Dotson said there is a misconception that apartments will increase crime and decrease surrounding property values. She said most people have lived in an apartment and one time or another and just because they live in apartments is not reason to base the idea on increased crime. She said research has shown that working communities, neighborhoods of moderate income, that have multi-family dwellings have higher property values than other types of communities. In Oklahoma, apartment owners do not claim homestead exemptions, can not claim a senior valuation freeze and are subject to higher valuation increases each year at at 5% cap. Individual homestead properties is at a 3% cap, so the tax rate is usually higher. Research shows that homes that are not located in multi-family areas appreciate at an annual rate of 3.59%, while houses near multi-family areas appreciate at an annual rate of 3.96%. She said the property values surrounding this development have increased 9% just from the developments of the Park at Mission Hills and Crown Village.

Joani Dotson said, per the Developers at the Neighborhood meeting, Crown Village apartments are almost entirely rented and have fewer than 20 children residents that are enrolled in Broken Arrow Public schools. She said similarly, this development will have the same type of apartments with the same amount of anticipated number of school residents.

Joani Dotson said research shows that multi-family developments are more environmentally friendly than low density developments. She said there is less use of electricity, less water usage and less air



**pollution. She said to lessen the affect on the floodplain, elevating to a Level 3 in the comprehensive plan should be considered as Level 2 uses increases the opportunity for more stormwater runoff and more floodplain issues. She said this Comprehensive Plan request for Level 3 should help prevent flooding.**

**Ms. Dotson said overdevelopment and saturation of multi-family housing has also been a concern. Per census data, 21.2% of residents in Broken Arrow in renter occupied housing, whereas Tulsa has 46.7%. She said neither city has an urban growth boundary which would limit the potential growth and establish a saturation point for multi-family housing. She said the only City that has a law is Portland, Oregon and they have one of the healthiest and best sustaining urban centers in the Nation. The City of Broken Arrow operates entirely on sales tax and not on property taxes which are a more dependable source of revenue; therefore to have Broken Arrow streets, education, public safety and city government to well by the citizens, economic growth should be encouraged whenever possible. The opportunity for multi-family housing allows Broken Arrow the opportunity to increase its paycheck by creating a place where residents live and spend their money. She said in conclusion, she would ask that the Planning Commission approve this comprehensive plan request and the connection to Kansas Street.**

**Erin Duin, 524 E Helena Street, Broken Arrow, OK spoke against the case. She provided a handout to commission members. She was concerned about the possibility of sex offenders moving into the area.**

**Steve Gurney, 404 E Kansas Street, Broken Arrow, OK spoke against the case. He expressed concern about potential flooding issues.**

**Megan and Nathan Ayes, 3219 N 7th Place, Broken Arrow, OK spoke against the case. They were concerned with lowered property values and increased crime rates in the area from foot traffic.**

**Bill Day, 112 E Kansas Street, Broken Arrow, OK spoke against the case. He previously provided information to the Development**

Services Department for this case, but also provided handouts to the commission members. He was concerned about increased traffic on Omaha Street, currently, a two-lane street.

Sylvia Chico, 33 N 1st Street, Broken Arrow, OK spoke against the case. She said crime will increase if the apartment complex is built.

Mark Perkins, 821 E 3rd Street, Tulsa, OK, an associate of the applicant, spoke in favor of the case. He said detention measures will be reviewed to ensure drainage concerns are addressed. He said after the Crown Village apartments were built, there was actually an increase in property values in Country Lane Estates. Demographics for these new units were young, professional adults, and measures such as criminal history checks and credit checks were also in place. He said a traffic engineer from ODOT indicated to him the new roadway from Elm Avenue to Country Lane Estates will help to reduce traffic problems.

Fred Dorrell closed the public hearing.

**MOTION:** A motion was made by Glenn Shaw to approve BACP 146, per Staff recommendations. There was a long delay with no second motion. Fred Dorrell said to move this item along, he seconds the motion.

Fred Dorrell said this case will be heard by City Council on 9/1/15 at 6:30 p.m. in City Council Chambers.

Ricky Jones returned to the room and took the chair.

**Aye:** 3 - Fred Dorrell, Glenn Shaw, andCarolyn Isbell-Carr

**Nay:** 1 - Lee Whelpley

**Recused:** 1 - Ricky Jones

## 7. Appeals

## 8. General Commission Business

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

## 10. Adjournment

**MOTION: A motion was made by Fred Dorrell and seconded by Lee Whelpley. Move to Adjourn.**

**The meeting adjourned at 7:32 p.m.**

**Aye: 5 - Lee Whelpley, Ricky Jones, Fred Dorrell, Glenn Shaw, and Carolyne Isbell-Carr**

**NOTICE:**

**1. ALL MATTERS UNDER "CONSENT" ARE CONSIDERED BY THE PLANNING COMMISSION TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. HOWEVER, ANY CONSENT ITEM CAN BE REMOVED FOR DISCUSSION, UPON REQUEST.**

**2. IF YOU HAVE A DISABILITY AND NEED ACCOMMODATION IN ORDER TO PARTICIPATE IN THE MEETING, PLEASE CONTACT THE PLANNING DEPARTMENT AT 918-259-8412, TO MAKE ARRANGEMENTS.**

**3. EXHIBITS, PETITIONS, PICTURES, ETC. PRESENTED TO THE PLANNING COMMISSION MAY BE RECEIVED AND DEPOSITED IN CASE FILES TO BE MAINTAINED AT BROKEN ARROW CITY HALL.**

**4. RINGING/SOUND ON ALL CELL PHONES AND PAGERS MUST BE TURNED OFF DURING THE PLANNING COMMISSION MEETING.**

**POSTED on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ am/pm.**

City Clerk