



# City of Broken Arrow

## Minutes Planning Commission

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

*Chairman Ricky Jones*  
*Vice Chair Lee Whelpley*  
*Member Pablo Aguirre*  
*Member Fred Dorrell*  
*Member Mark Jones*

**Thursday, May 09, 2019**

**Time 5:00 p.m.**

**Council Chambers**

### 1. Call to Order

Meeting was called to order by Chairman Ricky Jones at 5:00 p.m.

### 2. Roll Call

**Present: 5 -** Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

### 3. Old Business

Staff Planner Amanda Yamaguchi presented the background for Old Business Item 3A.

Chairman Ricky Jones announced his firm prepared the PUD for Item 3A so he would have to recuse himself from the discussion and vote. Mr. Jones left the Council Chambers.

**A. 19-520 Public hearing, consideration, and possible action regarding PUD-288 (Planned Unit Development) and BAZ-2024 (Rezoning), Village at 1Eleven, 28.95 acres, A-1 to CM and RS4/PUD-288, located at the northwest corner of Florence Street (111th Street) and Aspen Avenue (145th E Avenue)**

Applicant Derek McCall, of Tanner Consulting, stated that when the Commission last met on April 11, after hearing public comments, he realized there was confusion among residents from the three adjacent neighborhoods about the PUD and the rezoning. A meeting was held on April 23, 2019, at Aspen Park Baptist Church. He stated the meeting was well attended and valuable input was received which helped them modify the PUD with the help of City staff.

He commented that, as stated by the City staff, their plan conforms to the Comprehensive Plan. He emphasized that the site was selected and the client purchased the site based on the Comprehensive Plan. The east part of the site between the hard corner and Aspen Park Baptist Church falls under the Comprehensive Plan land use intensity level for commercial employment nodes which allows NM, neighborhood mixed use, CM, community mixed use, ON, office neighborhood district, CN, commercial neighborhood district, and CG, commercial general district. Had they gone with the allowed CG zoning classification, the allowed uses could have included large, big-box retail buildings and had no restriction on building height or coverage on the site. He commented they felt that CM with additional self-imposed PUD restrictions would be more suitable for the area.

He stated that the west side of the property that is adjacent to the Aspen Park neighborhood to the north and Gray Oaks neighborhood to the south is currently listed at Level-4 transitional area under the Comprehensive Plan. Level-3 uses allow for RS4 single-family residential district, RD residential duplex district, RM residential multifamily district, RMH residential mobile home district, and NM neighborhood mixed use. They believe that RS4 single family housing will be the least intensive and the most compatible allowed use within the Level-3 zoning district.

He expressed that while they have set a maximum of 75 lots within this area of the PUD, the current conceptual site plan is only showing 62 lots, and all of the proposed lots meet the minimum lot area of RS3 and the majority of the lots actually meet the minimum lot area of R2, which is the same zoning as the adjacent Aspen Park neighborhood to the north. They are seeking RS4 because this is the least dense allowed use based on the Comprehensive Plan and because the architecture of the proposed homes requires a narrower lot width than what is allowed under RS2 and RS3.

He stated that this planned unit development and the rezoning are a good fit for the area and is in line with the City of Broken Arrow Comprehensive Plan.

Lee Whelpley asked Mr. McCall if he agreed with the Staff recommendations and Mr. McCall answered in the affirmative.

The floor was opened for public comment.

Mark Smith, 4805 S Chestnut Avenue, handed out a presentation packet to the Commissioners. He stated that he was one of the four houses in Gray Oaks that received a letter announcing the rezoning proposal meeting on April 11, 2019. He noted he was taken by surprise on what was being proposed. He researched how he could prevent this high-density complex from being built across from his peaceful neighborhood. In the rules for approval criteria published in the Broken Arrow Zoning Ordinance Book Review and Approval Procedures, Section 6.4, concerning planned unit developments, it states “The Broken Arrow Planning Commission has a responsibility to approve rezoning only if the rezoning meets all criteria.” He presented:

- Criteria Part A states the rezoning will promote the public health, safety, and general welfare. Relevant to public health are the statistics that show high density urban developments are at risk for increased amounts of crime. In regards to public safety, the developer’s design outline illustrates that it will create a large amount of additional traffic on the corner of 111<sup>th</sup> and Aspen. The Village at 1Eleven design outline shows two opposite facing exit/entrances. This congestion point will most certainly impose an impossible way to make a left turn out of either neighborhood. He suspects his general welfare will drop significantly like depreciated property value of his home. He sees that there is no compliance to Part A:
- Criteria Part B states the rezoning is consistent with the Comprehensive Plan and the purposes of this ordinance. A PUD in this area of town is not consistent with the Comprehensive Plan. This unusual post-modern, metro style of the PUD design leans more towards being located near downtown and not built in the middle of existing urban residential neighborhoods. Surrounding property value is at risk because a high-density gated urban village with a commercial business component is very odd in being located right in the center of established scenic neighborhoods. The Village at 1Eleven is a strange design for this area of town, and a much better development fit for this transition area is RS2. There is no compliance to Part B.
- Criteria Part C states the rezoning is consistent with the stated purposes of the proposed zoning district. Meeting the requirement of Criteria Part C will depend on who you talk to. The area homeowners’ answer proposes the consistent way to develop this beautiful wildlife-filled wooded area is by rezoning to urban residential, which is allowed under LUIS Level 3 rules as this transition zone is adjacent to Aspen Park. The developer’s view is not consistent with this area. It instead pursues ripping out the trees, making more money than a conventional development would allow, and cramming as many dwellings, rental spaces, and business rental storefronts it can into this proposed PUD area. There is no compliance to Part C.
- Criteria Part D states the rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract. There are indeed significant adverse impacts and they are more than just “likely.” In order to prove significant adverse impacts on this area, one must perform impact study, impact data analyses, or studies, as it pertains to potential crime in adjacent neighborhoods, impact on property values, impact on traffic, impact on water draining, possibility of being EPA non-compliant. All the above, for some reason, are not allowed. He found that the developer’s written reply was, “Impact studies are not performed for common developments such as this.” The developer twisted the interpretation of the Comprehensive Plan in their favor. They bend their unusual Village at 1Eleven design into the status of a common development, an obvious attempt to avoid or disguise multiple conflicts with the City’s approval criteria for rezoning. The developer uses the description “experimental” when needing an excuse to not provide statistical performance data for this type of PUD design. The developer then uses the description “common” when needing to avoid an Impact Study. The impact studies should be performed and include a Casey General Store business in the impact research as that company is eyeing this vote on PUD 288 before it proceeds with its plans to build on the opposite corner. There is no compliance to Part D.
- Criteria Part E states future uses on the subject tract will be compatible in scale with uses on other properties in the Vicinity of the subject tract. The Village at 1Eleven is not compatible in scale to this area and so it is not compliant to Part E.

He explained that the proposed area of town is historically very important; that before there was Broken Arrow there was Elam. When the citizens of Elam could not convince the railroad to lay tracks nearby, they pulled their buildings on skids with steam tractors to where the railroad tracks were eventually built. Those homes on skids next to the tracks became downtown Broken Arrow. He suggested that the City keep this area green, protect the wildlife from being killed, keep this area of town less dense in development, and research the availability of federal and state funds and grants that could be utilized for the construction of a

Broken Arrow Historic Founders Preservation Park. He concluded that the voices of opposition are being heard and petitions have been signed and submitted.

Mike Leatherland, 2309 W Austin Street, commented that he was not speaking for the homeowners of Aspen Park, but as a concerned citizen of Broken Arrow. He stated he respected the development of South Broken Arrow but wished that that development be more of a disciplined approach to that growth. He noted that purchase of real estate is to maximize the return on an investment. He commented Broken Arrow is littered with RS2 and RS3 developments which are expected given the demographics and economic makeup of Broken Arrow. If this proposal was for RS2, his efforts would stand little chance of being successful since this rezoning would be comparable to Aspen Park.

He remarked that Broken Arrow residents are conservative in nature when it comes to construction style, and that a combination of modern construction and dense lots both pose lot absorption risk for the development, and that price points and market conditions are well in excess of market conditions in the area, which poses a serious risk to access to financing that appraised values do not support.

He noted two open civil judgment cases in Tulsa which named Rural Construction as the defendant, and that with the RS4 development already being considered high risk in nature, to allow a developer with a history of failing to correct matters in a non-judicial setting is concerning and adds a potential credibility issue.

He surmised that, should the Commission approve and pass this item along to the City Council, it sets a precedent for future development within the entire footprint of Broken Arrow by stating that the development layout of Broken Arrow is undisciplined since a high-density development was allowed in a lower density area of the City. He pled for the Commission to consider the zoning change to RS4 as an undisciplined growth strategy for Broken Arrow since there is a lack of directional consistency regarding the development layout in this area.

Lori Pettus, 5005 S Chestnut Avenue, thanked the commissioners for serving. She commented that she purchased her lot because she appreciated the space. She stated that the developers at the Village at 1Eleven state in their proposal, "The flat buildings mimic the feel of a city block street grid." She noted that that was not what the residents bought into when they purchased their homes; that that was not what they wanted. She commented that without question, this kind of housing will diminish the property values of homes, and that 100 percent of the homeowners on the immediate perimeter (and large numbers of homeowners who do not currently live in that area) have signed a petition objecting to this zoning change.

She commented on how traffic would be impacted in the area and that it would be a danger to the children in the nearby schools. She requested that the zoning be changed from agricultural to RS2, which is in keeping with the conformity and compatibility of the existing neighborhood and will assist with the traffic safety going forward.

Sam Crenshaw, 2313 W Austin Street, stated that first-time homeowners tended to shy away from trendy neighborhoods. He commented that he moved to the area because of the openness and the opportunity to raise a family in a safe, quiet location. He stated he has been a police officer in Tulsa for four years and asked if the Commission was familiar with 41<sup>st</sup> and 129<sup>th</sup> in Tulsa, an area zoned CS. He stated that that is an area where he sees a lot of crime and that the PUD is very similar to the plans of Village at 1Eleven. He stated that as of January of this year, that area has seen over 414 reported criminal acts, minimum 3 crimes a day, which includes vandalism, rape, robbery, assaults, burglary, larceny, auto theft, and four reported homicides. He concluded that he is in favor of a continuation of a neighborhood like Aspen Park or Gray Oaks.

Jerry Agee, 5208 S Chestnut Avenue, stated that Gray Oaks, Aspen Park, Watford, plus residences on South 140<sup>th</sup> Street, are all opposed to the rezoning development of the parcel just immediately north of the Gray Oaks subdivision for the following reasons:

- Development is not compatible with the surrounding subdivision
- There will be an increase of crime.
- Increase in traffic of approximately 300 cars a day entering and leaving the area will increase the flow of traffic now moving east and west on 111<sup>th</sup> Street.
- The proposed five lanes of 111<sup>th</sup> will not improve the egress of Gray Oaks residents or any other resident departing south of 111<sup>th</sup> trying to go westbound.
- All residents who live within 300 feet of the proposed development received a letter by the City signed a petition in opposition.
- Residents who live outside the 300 feet of Gray Oaks, Aspen Park, Watford and South 140<sup>th</sup> Street have also signed opposing development and rezoning.

He requested that the Commission deny the proposed rezoning request because there is a majority that feels opposition should carry a positive response to their request by the City of

Broken Arrow.

Kay Guardy, 4801 S Chestnut Avenue, Gray Oaks, stated that she is an original homeowner in Gray Oaks, south of the proposed development and she is the first home on the east side as you enter the neighborhood. She believes there is common ground that all can be happy with but will require a compromise. She stated that rather than a PUD zone approval, to elect to zone what is now the northwest corner transition zone to RS2, which would allow the developers to build a better fit than high density apartments and is a better choice for the City and the neighborhoods.

She commented on the traffic situation currently in the area and said that the proposed street changes will make it nearly impossible to navigate and will be a negative impact to any prospective homeowner or renter. She commented about a recent article regarding the 20 best cities to live for first time homeowners and noted that the number one town was Broken Arrow.

Debbie Ziggler, 4800 S Chestnut Avenue, commented that as Broken Arrow citizens, they put their trust in the decisions the Planning Commission makes. She said she is thankful they are there to make sound decisions. She noted that the developer does not live in the community and she wants to see that the Commission makes decisions that benefit the community and not the developer.

Derek McCall reiterated that the PUD and the rezoning request are in line with the Comprehensive Plan and used the definitions in the Comprehensive Plan to determine what this development looked like and what the PUD ended up being. He stated that while the developer may not be from Broken Arrow, he lives in the area and has had family in the area for 35 years. He thanked the Commission for considering the PUD and the rezoning and stated that they made their decisions based on the documents that they as developers and consultants use to make decisions daily.

Justin Morgan, civil engineer of Tanner Consulting, 5323 South Lewis, stated that Florence is being widened, but also being fixed as far as grades. He noted that as far as entrances to Gray Oaks lining up, it is a code requirement to line up entrances so people are turning left and not running into each other. He stated that based on the dimensions of the land, lining them up was the appropriate and preferred way to do it.

Lee Whelpley thanked everybody who spoke and was impressed that the Planning Commission was a recommending body to the City Council, and that the decision one way or another is not the final decision.

Mark Jones stated that property value is subjective and really cannot be taken consideration. He believes something is currently in place with the City that will address these issues as the City grows. He commented that a lot of the issues mentioned are growing pains to the City and since being on the Commission for three years, he has seen projects like this come across the Commission numerous times. He stated he will not stop economic growth to the City and will consider the best use of this piece of property for development. He stated that he does, however, have concerns about what the project represents but a lot of those are the same as the residents'.

Fred Dorrell commented he has the same concerns as the homeowners, but also has faith in the Staff and their ability as the people that we rely on.

MOTION made by Mark Jones to approve Agenda Item 3A, 19-520, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried the following vote:

- Aye:** 2 - **Mark Jones, Fred Dorrell**
- Nay:** 2 - **Pablo Aguirre, Lee Whelpley**
- Recused:** 1 - **Ricky Jones**

Ricky Jones returned to Council Chambers.

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

Staff Planner Amanda Yamaguchi presented the background for the Consent Agenda Items.

Ricky Jones explained the Consent Agenda and asked if anyone wished to remove any items. No one responded. He stated his firm prepared the revised plat for Item 4C and would need to remove the Item from the Consent Agenda.

**A. 19-555 Approval of Planning Commission meeting minutes of April 11, 2019.**

MOTION made by Mark Jones to approve Agenda Item 4A, 19-555, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried the following vote:

**Aye: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones**

**B. 19-561 Approval of Planning Commission meeting minutes of April 25, 2019**

MOTION made by Mark Jones to approve Agenda Item 4B, 19-561, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried the following vote:

**Aye: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones**

**D. 19-514 Approval of PT19-106, Preliminary Plat, Fire Station No. 3, 3.03 acres, 1 Lot, A-1 to PUD-286/CG, one-half mile south of Florence Street (111th Street), west of 23rd Street (County Line Rd), north of the Creek Turnpike**

MOTION made by Mark Jones to approve Agenda Item 4D, 19-514, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried the following vote:

**Aye: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones**

**E. 19-527 Approval of PT19-107, Preliminary Plat, Creek Center, a replat of a part of Possum Run Addition, 1.05 acres, 1 Lot, A-1 to CG, south of Kenosha Street (71st Street) and west 225th East Avenue (Evans Road)**

MOTION made by Mark Jones to approve Agenda Item 4E, 19-427, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried the following vote:

**Aye: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones**

**F. 19-541 Approval of PT19-108, Preliminary Plat, Harvest Center, 75.03 acres, 2 Lots, A-1 to PUD-289/IL, one-half mile north of Houston Street (81st Street), west of 23rd Street (County Line Road)**

MOTION made by Mark Jones to approve Agenda Item 4F, 19-541, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried the following vote:

**Aye: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones**

Amanda Yamaguchi, Staff Planner presented Item 4G.

**G. 19-525 Approval of PT17-114, Conditional Final Plat, The Villas at Turnberry, a replat of Lot 1, Block 1, Turnberry Commercial, 9.77 acres, 24 Lots, CG to CG and RS 4, southwest corner of 37th Street (209th East Avenue) and Dearborn Street (41st Street)**

MOTION made by Mark Jones to approve Agenda Item 4G, 19-525, per Staff recommendations. The motion was seconded by Fred Dorrell. The motion carried the following vote:

**Aye: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones**

Ricky Jones left the Council Chambers.

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

**4C. 19-526 Approval of PT17-115A, Revised Preliminary Plat, Creek 51 Business Park, 97.21 acres, 8 Lots, A-1 to CG and IL/PUD-204A, one-half mile south of Houston Street (81st Street), west of Highway 51**

MOTION made by Mark Jones to approve Agenda Item 4C, 19-526, per Staff recommendations. The motion was seconded by Pablo Aguirre. The motion carried the following vote:

**Aye: 4 - Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley**  
**Recused: 1 - Ricky Jones**

Ricky Jones returned to Council Chambers.

## 6. Public Hearings

### A. 19-499 **Public hearing, consideration, and possible action regarding PUD-290 (Planned Unit Development), Riverbrook Apartments, 14.56 acres, RM to PUD-290/RM, one-half mile south of Jasper Street (131st Street), east of Aspen Avenue (145th East Avenue)**

Larry Curtis, Acting Development Services Director, presented this item, saying that the property was rezoned RM by the City Council on January 17, 1972, as part of BAZ-308, which was part of four rezoning applications in the area. On January 20, 1972, Ordinance 416 was approved by City Council that changed the rezoning on the property from R-1 to R-5. On February 1, 2008, the Zoning Ordinance was updated and R-5 zoning district was changed to RM.

Applicant is interested in developing the apartment project on the property. The development is proposed to be completed in two phases. The first phase consists of 6.7 acres within 72-acre units. There are 29 one-bedroom units, 22 two-bedroom units, and 22 three-bedroom units. According to the design statement submitted with the PUD, the property has been developed in accordance with the Broken Arrow Zoning Ordinance and Development with regulation associated with the RM zoning district, except as summarized in their staff report.

The surrounding properties in the area are zoned RM, R2, and R3 and RD zoning. Property associated with PUD-290 was designated as greenway flood plain in the Comprehensive Plan in 1997, when the Comprehensive Plan was adopted. The property was shown in the 1984 FEMA flood maps to be located entirely within the 100-year flood plain.

The 1999 flood plain maps continued to show the property within the 100-year flood plain. However, in 2009 this changed and the maps showing the property below to be in the 500-year flood plain associated with the project area. While no development can occur in the 100-year flood plain, development is permitted within the 500-year flood plain. FEMA maps prepared in 2012 and 2016 continue to show most of the property in the 500-year flood plain with just the area along the northeast section of the property, along the property located within the creek area to be in the 100-year flood plain.

With the existing RM zoning, the area located outside the 100-year flood plain should have been designated as Level 3 in the Comprehensive Plan. With that, RM zoning is in conformance with the Comprehensive Plan L3 with PUD-290 applicant proposing to develop the property in accordance with RM zoning district, except for the following:

- Restrict the number of units in Phase 1 to 72 units instead of 133 that is allowed through straight zoning
- Limit the height of structures to 45 feet for three-story units, and 25 feet for two-story units, as compared to the height limits allowed in the RM zoning district. In addition, the neighborhood to the northeast that is zoned R2, the heights of the structures are limited to 50 feet.
- Reduce the parking requirement for one-bedroom units from two parking spaces to 1.5 parking unit spaces

In Phase 2 there will be four units located on the same building plain along the south boundary instead of three. Property abuts a large AEPPSO power line. According to Section 6.4 of the Zoning Ordinance, the PUD provisions are established for one or more of the following purposes:

- To permit and encourage innovative land development while maintaining appropriate limitation on the character of the use and ensuring compatibility with the adjoining properties.
- To permit greater flexibility within development to best utilize the physical features of the site and encourage for greater public benefits than would otherwise be achieved through development under this ordinance.
- To encourage the provision and to preserve the meaningful open space to encourage integrated and unified design and function of the various uses.

In Staff's opinion, PUD-290 satisfies 1, 2, and 3 of Section 6.4a of the Zoning Ordinance. Applicant is limited to the number of units in Phase 1 to 72 units, which is 46% less than what is allowed in the RM Zoning District. Building height is limited to 45 feet for three-story units. Applicant is requesting relief from the landscaping and building setbacks required from the inner property lines being created.

Based on the Comprehensive Plan, the existing zoning, the design statement, and conceptual site plan submitted with PUD-290, the location of the property and the surrounding land use, the Staff recommends that the PUD be approved, subject to the property being platted and the following changes being made to the design statement: Page 3, Item 5, screening 5.2 E2B, revised as follows: A security fence of at least six feet in height shall be outside the 100 flood plain along the northeast boundary. The revised design statement incorporating the changes shall be submitted to Staff no later than May 14, 2019.

He stated that a protest from the surrounding property owners was received, and is being evaluated as with the previous item by INCOG. Should this be moved to City Council, that evaluation will be provided to the Council and noted to see if it meets the requirements of state statutes.

Applicant Patrick Rooney, 2034 E 38th Street, Tulsa, stated he is seeking to build a 72-unit apartment project and not seeking any zoning changes with this proposed PUD. He stated that the reason he's seeking a PUD is to allow the project to be developed more appropriate to the unique characteristics of the site. It would result in a lower unit density than that allowed under the existing in-place RM zoning.

When asked by Fred Dorrell if he agreed with Staff recommendations, Mr. Rooney confirmed that he was.

Ricky Jones opened the public hearing for PUD-290 and BAZ-1997, Item 6A and asked if anyone wished to speak on the item.

William Kok, 1008 W Pensacola Court, stated he collected two petitions and submitted them to the City. One was against the complex, and he stated homeowners did not want the apartments in their backyard, even though the zoning allowed for it. He stated the second petition was against the variance; the screening fence on the northeast side is a concern because it allows for the increase of trespasses. He stated he does not agree with the reduction in parking spaces, believing it would lead to overcrowding of the parking lot and traffic hazards. He remarked that this is not the best use for the property; that the homeowners believed this was a sports complex for the neighborhood. He stated he does not see how, from looking at the site plan, that crowding buildings together would create more livable space. He also stated that the traffic on Aspen is horrendous and more people turning in and out of Aspen would create problems.

Ricky Jones reiterated that the property is currently zoned multifamily; if the City denied the PUD, developers could build multifamily now without asking because it is a use permitted by the zoning. Mr. Kok confirmed he understood but wanted the commission to know that the residents are not in favor of the apartment complex, and that the developer did not ask for resident input.

LaNita Phillips, 1301 W Ocala Street, stated she lives less than one mile diagonally from the apartments. Since living at her residence, she received letters that she is now in the flood plain, and that the Corps of Engineers suggested she purchase flood insurance. She explained that she does not understand that the property is in a 500-year flood plain. She commented that during spring through late fall, the traffic is very heavy near Aspen and 131<sup>st</sup>. She then indicated that she concurs with earlier speakers that there are already many apartments in the City and does not understand why the area needs another apartment complex.

Ian Kesarich, 1405 W Quinton Street, indicated his property backs up to the creek where the planned apartments would be built. He stated that he is concerned about the environmental impacts to the creek. Ricky Jones interjected by explaining that this meeting is not for discussing drainage and it would be addressed later in the platting process if the PUD is approved. Mr. Kesarich noted that he understood. He stated that he personally objects to the land being used in the proposed manner; that there is a huge amount of congestion in the area because there is only one exit out of that area and he does not believe that adding more people to that area, especially on the weekends, would be beneficial to the community. He commented that since there are vacancies in neighboring apartment complexes, he does not understand what the purpose of building another apartment complex would be.

Ricky Jones closed the public hearing.

Cory Farmer, 222 E Main Street, Oklahoma City, who represents the consultant for the applicant, stated that both phases of the development are combined into one PUD. He explained

that Phase 2 is a potential development because they currently do not have financing or plan for this phase, other than it will confirm with the PUD as presented. He explained that the result of a market study they conducted showed a strong market for this development. He reiterated that Phase 2 will not be developed if they fail to fill Phase 1, but they do not see that being a potential issue.

Ricky Jones asked if Mr. Farmer was aware that if the PUD is approved the property is subject to geological review and testing. Mr. Farmer affirmed that he is aware.

Mr. Farmer mentioned for the record that they agreed with Staff recommendations that the fence along the northeast side of the property not be built.

Mark Jones commented that he has experienced the traffic issues near the sports complex that residents are expressing and asked if there was a plan for relief from those issues.

Larry Curtis replied that there currently is no plan for traffic issues. He stated that the applicant requested additional curb cuts associated with this project, but responded they are restricted to one curb cut to cross traffic and are limited to an in-out only on the north side of the development.

Pablo Aguirre asked if there was an item on the most recent bond for that part of town.

Ricky Jones indicated 145<sup>th</sup> is designated as a secondary arterial street so at some point, it will be a 100-foot ultimate right of way with probably a minimum of 50 feet of paving and five lanes.

Travis Small, Transportation Manager for the City of Broken Arrow, confirmed he believes there is something in the 2018 bond issue for Aspen to increase the lanes and widen 145<sup>th</sup>, but he would have to confirm it.

Ricky Jones reiterated that the Planning Commission is a recommending body and this item will be forwarded to the City Council at the June 3, 2019 meeting.

MOTION made by Fred Dorrell to approve Agenda Item 6A, 19-499, per Staff recommendations. The motion was seconded by Mark Jones. The motion carried the following vote:

**Aye: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones**

**B. 19-560 Public hearing, consideration, and possible action regarding the proposed modifications to Sections 5.7 (Signs) of the Broken Arrow Zoning Ordinance**

Larry Curtis presented this item. He noted that this item has been in the works for the past nine months. He explained that there was recent case law challenging sign ordinances, most notably a case in Arizona regarding sign verbiage that was challenged to the Supreme Court and was lost because the court ruled that that was unconstitutional. He stated that municipalities, including Broken Arrow, are now updating their sign codes. He stated that the sign code was not updated in 2008 when the Zoning Ordinance was updated and was a carryover of the original sign code that was in place since the 1990s. He requested more time to ponder modifications to the sign code and asked that Agenda Item 19-560 be moved to the next Planning Commission meeting.

Lee Whelpley asked if the existing larger sign sizes would be grandfathered.

Larry Curtis answered that they would be grandfathered; however, if the physical nature of the existing signs change, they would need to be brought up to code. He also stated that there is a caveat in the code for signs that are pole signs; that if they are changed, the exterior would need to be brought up to code by wrapping it around the pole to make it look nicer for the community. He explained that the area of the sign could continue, the height could continue, but the nature of the exterior of the material would need to comply with the code.

MOTION made by Fred Dorrell to postpone Agenda Item 6B, 19-560 until the next meeting. The motion was seconded by Pablo Aguirre. The motion carried the following vote:

**Aye: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones**

**C. 19-562 Public hearing, consideration, and possible action regarding the proposed modifications to Table 3.1-1; Section 3.2.C and 3.3.D; Table 5.4.1; and Section 10.3.D.11.a of the Broken Arrow Zoning Ordinance**

Ricky Jones stated Staff would like this Agenda Item postponed until the June 27, 2019



Commission meeting.

Larry Curtis stated that this item is an update to the code in regards to bed and breakfasts, notably an Airbnb of any type. It is currently illegal in City of Broken Arrow to have an Airbnb, so the codes need to be brought up to date to facilitate these types of accommodations within the community. He explained that there would be three types of bed and breakfasts.

- Allow for two rooms, or up to two sets of guests, with a permit from the Development Services Department without getting a specific use permit. The permit would require annual renewal, and there would be an associated fee.
- Allow for up to four rooms, require a specific use permit, and would allow for homes that are not currently occupied but are rented out. A notification would be sent to neighbors within 300 feet of the property.
- Allow for standard B&Bs, up to eight units, in certain zoning districts and would require a specific use permit.

Larry Curtis asked for time to vet this item to the public so there could be more community input and discussion.

MOTION made by Mark Jones to continue Agenda Item 6C, 19-562, until the June 27, 2019, Planning Commission meeting per Staff recommendations. The motion was seconded by Lee Whelpley. The motion carried the following vote:

**Aye: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones**

#### **7. Appeals**

None.

#### **8. General Commission Business**

Ricky Jones recognized Officer Pall and thanked him for attending the meeting.

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

Larry Curtis requested to put an item on the agenda for the Commission to formalize how to proceed with public input.

Ricky Jones commented that there is a requirement to limit to three minutes any input for interested parties.

Larry Curtis stated he would provide a copy of the form to the Commission.

Mark Jones stated that he does not want the forum to be a platform for grandstanding, but rather to glean public input.

Larry Curtis stated the importance of discussing the matter and deciding on how to proceed.

Lee Whelpley asked if the time limit can be altered.

Larry Curtis responded he believes the language that has been provided by the City Council allows for modification.

Tammy Ewing responded that she has yet to find the actual action taken by the Council, and that she cannot yet answer that question.

#### **10. Adjournment**

MOTION: by Fred Dorrell to adjourn at 7:02 p.m. The motion was seconded by Lee Whelpley. The motion carried the following vote:

**Aye: 5 - Pablo Aguirre, Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones**