



**City of Broken Arrow**  
**Minutes**  
**Planning Commission**

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

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

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**Thursday, January 12, 2017**

**5:00 PM**

**Council Chambers**

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**1. Call To Order**

The meeting was called to order by Chairman, Fred Dorrell, at 5:00 p.m.

**2. Roll Call**

**Present** 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

**3. Old Business**

Ricky Jones said his firm prepared the application for Item 3A, BAZ-1967 and would recuse himself from the discussion. Mr. Jones left the Council Chambers.

**A. [16-1507](#) Public hearing, consideration, and possible action regarding BAZ 1967, Bentley Square, 8.14 acres, CG to RS-4, west of the southwest corner of Aspen Avenue and Jasper Street**

Brent Murphy presented the background for Item 3A. saying, BAZ-1967 involves 8.14 acres located west of the southwest corner of Aspen Avenue and Jasper Street. Applicant is requesting to change the zoning on the property from CG (Commercial General) to RS-4 (Single- Family Residential), the new single-family residential zoning classification. He said BACP-154, a request to change the comprehensive plan designation on this property, from Level 4 to Level 2, was approved by the City Council on July 19, 2016.

Mr. Murphy said the preliminary plat for Bentley Square, has been submitted in conjunction with this rezoning request and is on this agenda. According to the FEMA maps, none of the property associated with BAZ-1967 is located within the 100-year floodplain area.

Brent Murphy said based on the Comprehensive Plan and the location of the property, Staff recommends that BAZ-1967 be approved, subject to the property being platted.

Fred Dorrell asked if the applicant agrees with Staff recommendations and to step to the

podium.

Erik Enyart, Tanner Consulting, 5323 S. Lewis Ave., Tulsa, said they represent their client for this application and are in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak regarding 3A, BAZ-1967.

Robin Robinson and wife, Michelle Robinson, said they own a farm on 31st Street and their main concern was the previous rezoning of property in this area, resulted in rezoning of their property by mistake.

Fred Dorrell told Mr. Robinson that he was speaking on the wrong case.

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

MOTION by Mark Jones to approve BAZ-1967, per Staff recommendations. The motion was seconded by Lee Whelpley.

After the vote, Fred Dorrell said this item will be heard by City Council on February 7, 2017, at 6:30 p.m.

**Aye: 4 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, and Fred Dorrell**

**Recused: 1 - Ricky Jones**

**B. [17-1612](#) Public hearing, consideration, and possible action regarding PUD 254 and BAZ 1968 and the partial abrogation of SP 257, QuikTrip, 2.77 acres, CN and CG/SP 257 to CN/PUD 254, northeast corner of Kenosha Street and 23rd Street**

Ricky Jones returned to the Council Chambers.

Brent Murphy presented the background for PUD-254 & BAZ-1968 saying, Planned Unit Development (PUD) 254 involves 2.77 acres located on the northeast corner of Kenosha Street and 23<sup>rd</sup> Street. In conjunction with PUD-254, BAZ-1968, a request to rezone 0.60 acres from CG and part of the property SP-257 to CN (Commercial Neighborhood), has also been submitted.

Mr. Murphy said QuikTrip is proposing to completely clear the site and build a new building on the property. The new store will be similar to the one nearing completion on the northwest corner of Hillside Drive and 9<sup>th</sup> Street. While the property will be used by one tenant, there are two property owners. The north tract, the area associated with BAZ-1968, is presently owned by Life Covenant Church, Inc. The Church is in the process of selling this 0.60 acres to QuikTrip Corporation. The rest of the property is under the ownership of Jane E. Hawkins Trust.

Brent Murphy said the building proposed to be constructed on the property is larger than the existing store. In addition, the number of gasoline pump stations is proposed to be increased from eight to ten. The existing underground tanks, on the north end of this property, will be removed and relocated to the west side of the property. The tanks are shown to be located in the utility easement along 23<sup>rd</sup> Street.

Mr. Murphy said the property associated with PUD-254 consists of two separate plats, "Amended Plat Wagoner County Line" which contains the portion with the most property, and a portion of, "Tiger Plaza". When these plats were recorded, additional right-of-way was provided to meet the Subdivision Regulation requirement at that time of 70 feet from the section line with an additional 17.5-foot utility easement. Today, the Subdivision Regulations require 65 feet of right-of-way from the section line along with a utility easement of 22.5 feet in width. As noted in the PUD design statement, applicant will be requesting to have 5 feet of the existing right-of-way along 23<sup>rd</sup> Street and Kenosha Street vacated. Applicant is proposing to vacate the existing plats and file a new plat in its place.

Brent Murphy said the property that QuikTrip is in the process of trying to obtain from Life Covenant Church, Inc. is presently zoned CG. With this rezoning request, BAZ-1968, they are requesting to change the zoning on this portion of the property from CG to CN. In the future, Life Covenant Church, Inc. will be requesting a lot split to separate this parcel from the rest of their property. Because of contractual agreements, this parcel will remain a separate lot, and will not be joined with the property that has been platted as "Amended Plat Wagoner County Line". In the CN district, the minimum lot frontage is 100 feet. With PUD 254, applicant is requesting the minimum lot frontage be reduced from 100 feet to 86 feet.

Mr. Murphy said the design statement submitted in conjunction with PUD-254, which includes both properties, is requesting several modifications to the Zoning Ordinance. The property will be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the CN district except as noted in the PUD.

Brent Murphy said the property is designated as Level 4 in the Comprehensive Plan and the CN zoning requested with BAZ-1968 is considered to be in conformance with the Comprehensive Plan in Level 4. He said the applications have been signed by both property owners, after the Staff report was published. Therefore, Staff recommends that PUD-254 and BAZ-1968 be approved as presented in the design statement and as shown on the conceptual site plan, subject to the property being replatted. SP-257 shall be abrogated on the portion of the property associated with BAZ-1968.

Fred Dorrell asked the applicant to step to the podium and state if in agreement with the Staff report.

Alan Betchan, AAB Engineering, 200 N. McKinley, Sand Springs, said they are the

engineers for this project and are in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on this item, PUD-254 & BAZ-1968. No one responded. Mr. Dorrell closed the public hearing.

MOTION by Ricky Jones to approve PUD-254 & BAZ-1968 and the partial abrogation of SP-257, per Staff recommendations. The motion was seconded by Lee Whelpley.

After the vote, Fred Dorrell said this item will be heard by City Council on February 7, 2017, at 6:30 p.m.

**Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones**

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

Fred Dorrell explained the Consent Agenda process and asked if anyone wished to remove any items from the Consent Agenda.

Ricky Jones said his firm prepared the Preliminary Plat for Item 4C and needs to have it removed from the Consent Agenda.

MOTION by Ricky Jones to approve Items 4A, 4B, 4D and 4E of the Consent Agenda, per Staff recommendations. The motion was seconded by Carlyne Isbell-Carr.

**Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones**

- A. [17-1606](#) **Approval of Planning Commission meeting minutes of December 15, 2016**
- B. [16-1535](#) **Consideration and possible action regarding BAL 2008, Aldi Grocery Expansion, 0.96 acres, CG, north of Kenosha Street, one-quarter mile west of Aspen Avenue**
- C. [16-1417](#) **Consideration, and possible action regarding PT16-111, Preliminary Plat, Bentley Square, 8.14 acres, 33 lots, CG to RS-4, one-quarter mile west of Aspen Avenue, south of Jasper Street**

Ricky Jones said his firm prepared the Preliminary Plat for Item 4C and needs to have it removed from the Consent Agenda.

4C. PT16-111, Preliminary Plat, Bentley Village was removed from the

Consent Agenda.

- D. [16-1409](#) **Consideration, and possible action regarding PT16-112, Preliminary Plat, Spring Hill at Forest Ridge, 31.82 acres, 102 lots, R-1/PUD-66 to R-1/PUD-66G, south of Kenosha Street, one half mile west of Oak Grove Road**
- E. [17-1611](#) **Consideration and possible action regarding PT16-114, Preliminary Plat, Whiskey Ridge, 442 lots, 142.16 acres, A-1 to PUD 256/RS-3, southeast corner of 23rd Street and Rockford Street**

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

- C. [16-1417](#) **Consideration, and possible action regarding PT16-111, Preliminary Plat, Bentley Square, 8.14 acres, 33 lots, CG to RS-4, one-quarter mile west of Aspen Avenue, south of Jasper Street**

Ricky Jones left the Council Chambers.

MOTION by Mark Jones to approve PT16-111, per Staff recommendations. The motion was seconded by Lee Whelpley.

**Aye: 4 - Mark Jones, Carolyne Isbell-Carr, Lee Whelpley, and Fred Dorrell**

**Recused: 1 - Ricky Jones**

**6. Public Hearings**

- A. [16-1522](#) **Public hearing, consideration, and possible action regarding BACP 159, Muhich Tract, 50.13 acres, Level 3 to Level 6, one-half mile east of Evans Road, one-quarter mile south of Kenosha Street**

Ricky Jones returned to the Council Chambers

Brent Murphy presented the background saying, BACP-159 is a request to change the Comprehensive Plan designation on a 50.13-acre tract from Level 3 to Level 6. The property, which is located one-half mile east of Evans Road, one-quarter mile south of Kenosha Street, is presently zoned A-1 (Agricultural). According to the applicant, about halfway between Kenosha Street and the southern boundary of the property associated with BACP-159, is the location of a former landfill, leased by the City of Broken Arrow. In addition, this area was used for strip coal mining operations in the 1920s, 1930s, and later in the 1960s. Environmental impacts to the site and adjacent properties, as a result of the past strip mining operations, include elevated metals concentration in both on and adjacent off-site soils. After mining operations were terminated, the property was utilized as a landfill by the City of Broken Arrow. The landfill was closed on September 15, 1976. This area, as well as the entire site, is regulated by the Department of Environmental Quality (DEQ) and will require approval from DEQ before any development activities occur on the site.

Mr. Murphy said, as part of their submittal for BACP-159, applicant has submitted a draft PUD for informational purposes only. If BACP-159 is approved, applicant intends

to seek to change the zoning on the property to IL (Industrial Light). IL is in accordance with the Comprehensive Plan in Level 6 when done in conjunction with a PUD (Planned Unit Development). A draft PUD has been submitted for informational purposes only. The draft PUD, which is for 71.94 acres, divides the property into seven tracts (Tracts A through G). Tract A, which is located on the southeast corner of Kenosha Street and the proposed street, will be developed in accordance with the development regulations of the CH district with some modifications similar to those on the Tractor Supply property to the west.

Brent Murphy said Tracts C and F, which are near the center of the property, will be developed in accordance with the development regulations of the IL district except uses will be limited to: mini-storage, RV storage, storage yard, Office Warehouse, Warehouse, General Industrial Service and light assembly. In addition, will require approval from DEQ before any development occurs on the property.

He said Tracts D and E, which are at the south end of the property, along with Tract G, which is located immediately south of Tractor Supply, will be developed in accordance with the development regulations of the IL district with the same uses as Tract C and F. In addition, a 30-foot wide landscape buffer will be provided along the south and east boundaries of Tracts D and E. Within this landscape buffer at least one tree per 25 lineal feet will be provided and at least half of the trees will be evergreen.

Mr. Murphy said Tract B, which is the environmentally sensitive parcel next to Kenosha Street, is regulated by DEQ and will require DEQ approval for any development activity on the property. This area will be left in its native state.

Brent Murphy said the Level 3 designation that is presently on the property allows a wide variety of residential uses as well as office neighborhood. However, with the environmental issues associated with this property, most of the property is not suitable for residential development. Therefore, the Comprehensive Plan needs to be amended. The IL zoning being contemplated by the applicant is in accordance with the Comprehensive Plan in Level 6, provided it is done as part of a PUD. A draft PUD has been submitted with BACP-159. Based on the Comprehensive Plan, location of the property, the environment issues associated with the property, and the surrounding land uses, Staff recommends that BACP-159 be approved to change the Comprehensive Plan designation on the property from Level 3 to Level 6, subject to the property being platted, and a PUD being submitted that is similar in context to the draft PUD submitted. Staff does have comments on the draft PUD that they will continue to work with the applicant to address. Comments by Staff, however, do not change the overall concept portrayed in the draft PUD.

Fred Dorrell asked if the applicant would step to the podium and state if they are in agreement with the Staff report.

Tim Terral, Tulsa Engineering and Planning, 9820 E. 41st, Ste. 102, Tulsa, said they are

in agreement with the Staff report.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on this item, BACP-159.

Bob Redden, Chairman of the Water Runoff Committee of Timberbrook Home Owners Association, that report to the Board of Directors of Timberbrook located north of Tractor Supply, 6630 S. 218th E. Avenue said Timberbrook currently has issues with water coming from No Name Creek, which runs underneath Kenosha into Timberbrook, and joins Adams Creek which causes flooding. He said their concerns are regarding the impact of this development to the volume of water flow, from the new construction into No Name Creek which could in turn flood Timberbrook.

Mr. Redden said they also have concerns about hazardous materials leaking into No Name Creek as a result of this development. He voiced concerns that developing this property could cause toxins to leak into the water system and affect Timberbrook Neighborhood. In addition, he asked if studies have been done on the downstream flows of No Name Creek to show impacts to surrounding areas and if so if the information is available for the public to look at.

Fred Dorrell said the item before the Commission of for a Comprehensive Plan Amendment and the PUD submitted with it is a draft. He suggested that Mr. Redden contact City Staff to discuss the concerns.

MaryAnn Colston, 513 N. 79th Street, presented a 3-page PowerPoint to the Commission. She said she read the development concept from the PUD draft and references, per the Blackshare report, Tract '2A' as having "excessive radiation... and will be left in its native state". She said her concerns are regarding the excavation in and around Tract '2A' and the implications to surrounding areas. She said she knows this application is for a Comprehensive Plan Change; however, the concerns are relevant and should be noted when considering this application. She asked when DEQ approval is expected. Ms. Colston referenced a drawing within her PowerPoint presentation indicating where Adam Creek is in relation to this application and voiced concerns about flooding.

Ed Schermerhorn, Developer, 2219 E. Skelly Drive, Tulsa said he is concerned about the drainage and grading for this project; however, feels they will be held to the proper standards for this type of development. He said he does not feel that a 30-foot buffer is sufficient.

Fred Dorrell asked if anyone else wished to speak on BACP-159. No one responded. He asked if the applicant wished to step to the podium to address the concerns.

Tim Terral said their application is for a Comprehensive Plan Amendment which has a draft PUD; therefore, they are in the infancy stages of the project. He said hydrology

studies have not been done yet regarding runoff; however, they will be done in accordance with City standards. Onsite storm water detention will be required and they are well aware of the downstream area. A 30' buffer on the south and east side of Tracts 'D' and 'E' are sufficient in addition to one tree per every 25' lineal feet; however, they are willing to work with surrounding property owners regarding issues.

Ricky Jones said based on the previous history of this tract being used as a landfill, this use is a good use. He said, from a land use standpoint, he feels comfortable with Comp. Plan change and is confident, between the City of Broken Arrow and DEQ, their strict reviews and requirements, for grading and hydrology, will make sure these items are taken care of.

MOTION by Ricky Jones to approve BACP-159, per Staff recommendation. The motion was seconded by Carolyne Isbell-Carr.

After the vote, Fred Dorrell said this item will be heard by City Council on February 7, 2017, at 6:30 p.m.

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

**B. [16-1605](#) Public hearing, consideration, and possible action regarding BAZ-1970, BA Corner, 40.71 acres, A-1, RD, CN, and CG to CH, northeast corner of Tucson Street and Aspen Avenue**

Brent Murphy presented the background saying, BAZ-1970 is a request to change the zoning designation on a 40.71-acre undeveloped land from A-1, RD, CN, and CG (Commercial General) to CH (Commercial Heavy). The unplatted property is located on the northeast corner of Tucson Street and Aspen Avenue. Other than a possible mini-storage near the east/central part of the property, Staff is not aware of any other potential uses on the property.

Mr. Murphy said no FEMA mapped floodplain is shown on the property, there is a significant drainage channel that passes in a north/south direction through the property. He said, based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that BAZ-1970 be approved, subject to the property being platted and if, during the platting process, any portion of the property is determined to be within a 100-year floodplain, it shall be zoned FD. Portions of the property that are outside the 100-year floodplain shall be zoned CH after the plat is recorded.

Fred Dorrell asked if the applicant would step to the podium and if they are in agreement with Staff recommendations.

Ed Stein, Attorney representing the Owner, BA Corner, said they are in agreement with Staff recommendations. He said the property currently has four zoning classifications and



this application is to combine into one zoning district in an effort to bring in retail development.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on BAZ-1970. No one responded. Mr. Dorrell closed the public hearing.

Ricky Jones said CH is pretty heavy commercial zoning; however, this is the first development in this area in a while and this zoning seems acceptable and Staff supports this use.

Lee Whelpley said he has no concerns with this development since they do not know what they will develop on it. He said he was concerned when the theatre was approved and there was no frontage road from Wal-Mart to Aspen because, in emergency situations, emergency vehicles would have to come north on Aspen and all the way around Tucson and then up the frontage road.

MOTION by Ricky Jones to approve BAZ-1970, per Staff recommendations. The motion was seconded by Mark Jones.

After the vote, Fred Dorrell said this item will be heard by City Council on February 7, 2017, at 6:30 p.m.

**Aye: 5 - Mark Jones,Carolynne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones**

**C. [16-1530](#) Public hearing, consideration, and possible action regarding PUD 66G, Spring Hill at Forest Ridge, a request for a minor amendment to PUD 66, 34.14 acres, R-1/PUD 66 to R-1/PUD 66G, south of Kenosha Street, one half mile west of Oak Grove Road**

Brent Murphy said Planned Unit Development (PUD) 66G is a request for a minor amendment to PUD-66 to reduce the side yard building setback lines from 5ft./10ft. to 5ft./5ft. and reduce the corner lot side yards from 20-feet to 15- feet. The proposed development, Spring Hill at Forest Ridge, is located south of Kenosha Street, about one half mile west of Oak Grove Road within the Forest Ridge development.

Mr. Murphy said the applicant proposes 102 single family lots on 31.82 acres and a 2.32-acre park for the common use of the neighborhoods. This park will be maintained by the Forest Ridge Homeowner’s Association and will not be platted. This minor amendment to the PUD will only affect the proposed Spring Hill at Forest Ridge subdivision. Future developments will be evaluated as needed.

Brent Murphy said Staff recommends that PUD-66G be approved, subject to the property being platted.

Fred Dorrell asked if the applicant would step to the podium and state if they are in agreement with the Staff report.

Tim Terral, Tulsa Engineering and Planning, Associates, 9820 East 41st St., Ste. 102, Tulsa, said they are in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on PUD-66G. No one responded. Mr. Dorrell closed the public hearing.

MOTION by Lee Whelpley to approve Item 6C., PUD-66G, per Staff recommendations. The motion was seconded byCarolyn Isbell-Carr.

**Aye: 5 - Mark Jones, Carolyn Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones**

**D. [16-1531](#) Public hearing, consideration, and possible action regarding PUD 229B, a request for a minor amendment to PUD 229, The Icon at Broken Arrow Apartments, 13.35 acres, PUD 229/RM, southeast corner of Florence Street and Elm Place**

Brent Murphy presented the background saying, Planned Unit Development (PUD) 229B involves 13.35 acres located on the southeast corner of Florence Street and Elm Place which is part of the Icon Apartments that were recently constructed on this property.

Mr. Murphy said after the apartments were constructed, the property owner received complaints from the residents that there was a lack of parking on the eastern part of this property; therefore, the applicant is requesting a minor amendment to PUD-229, to allow parking to be located within the southern landscape buffer. This new parking area would contain 19 parking spaces.

Brent Murphy said, based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-229B be approved as presented.

Fred Dorrell asked if the applicant is present and in agreement with the Staff report.

Justin Nixon, Case & Associates, 4200 E Skelly Drive, Tulsa, said they are in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on PUD-66G. No one responded. Mr. Dorrell closed the public hearing.

MOTION by Ricky Jones to approved Item 6D., PUD-229B, per Staff recommendations. The motion was seconded by Lee Whelpley.

**Aye: 5 - Mark Jones, Carolyn Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones**

E. [16-1532](#) **Public hearing, consideration, and possible action regarding PUD-255, First National Bank, 3.40 acres, DM to DM/PUD-255, one-half mile north of Houston Street, one-half mile west of 9th Street on the southeast corner of Main Street and Broadway**

Brent Murphy presented the background saying, Planned Unit Development (PUD)-255 involves the bank property located one-half mile north of Houston Street, one-half mile west of 9th Street on the southeast corner of Main Street and Broadway. With PUD-255 the applicant is proposing to reduce the building coverage requirement of the DM district from 50% to 41%. This reduction would accommodate the existing building on the south half of the property and a new parking lot that is being constructed on the north half. This is the only change that is being requested.

Mr. Murphy said based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD 255 be approved as presented. Since the property is already platted, Staff recommends that platting be waived.

Fred Dorrell asked if the applicant was in agreement and would step to the podium.

Cecil Rick, Matrix Architects and Planners, 2 West 2nd Street; Ste. 99, Tulsa, said they agree with Staff recommendations.

Fred Dorrell asked if anyone wished to speak on PUD-255.

Thomas Neal, local business owner, 121 E. College Street said with the growth of the Rose District the potential land use for the area is wasted by turning it into surface parking. He said there is plenty of parking on the north that is never utilized and it is a shame to see all the growth and development downtown and then have this property turn into surface parking.

Fred Dorrell asked if anyone else wished to speak on PUD-255. No one responded.

Ricky Jones asked if they are only deviating the requirement from 50 to 41 percent. He said he agrees with Mr. Neal; however, this request is an unperceivable amount.

Michael Skates said the applicant had other options and choose this option. The plan is in compliance with the zoning code and landscape buffer.

Sound cut out at 47:00 to 50:30

MOTION by Lee Whelpley to approve PUD-255, per Staff recommendations. The motion was seconded by Ricky Jones.

After the vote, Fred Dorrell said this item will be heard by City Council on February 7, 2017, at 6:30 p.m.

**Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones**

**F. [16-1559](#) Public hearing, consideration, and possible action regarding PUD 256 and BAZ 1969, Whiskey Ridge, 142.16 acres, A-1 to RS-3/PUD 256, southeast corner of 23rd Street and Rockford Street**

Brent Murphy presented the background saying, Planned Unit Development (PUD) 256 and BAZ-1969 involve 142.16 acres of undeveloped and unplatted property located on the southeast corner of 23<sup>rd</sup> Street and Rockford Street (31<sup>st</sup> Street). With the PUD up to 450 single family detached residential units are proposed in conjunction with this PUD and rezoning request. The west part of the property is located within 100-year floodplain of Spunky Creek. The 100-year floodplain will be left as open space.

Mr. Murphy said the property will be developed in accordance with the Broken Arrow Zoning Ordinance and the use and development regulations of the RS-3 district except for the following modifications: Front yard setback reduced from 25 feet to 20 feet; Rear yard setback along Rockford Street reduced from 35 feet to 20 feet; Minimum lot size reduced from 7,000 square feet to 6,000 square feet; Straight streets in excess of 900 feet in length will be allowed.

Mr. Murphy said a preliminary plat, Whiskey Ridge, has been submitted in conjunction with PUD 256 and BAZ 1969. Water to this development will be provided by Wagoner County Rural Water District 4. Sanitary sewer service will be provided by Green Country Sewer. A lift station will be required to be installed to serve the property. The waste water treatment facility for Green Country is located next to the southeast corner of Whiskey Ridge.

Brent Murphy said he property is designated as Level 2 and Greenway/Floodplain in the Comprehensive Plan. RS-3 zoning is considered to be in accordance with Comprehensive Plan in Level 2. He said based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-256 and BAZ-1969 be approved, subject to the property being platted. The portion of the property that is located outside the 100-year floodplain shall be designated as RS-3, and the portion of the property that is located inside the 100-year floodplain shall be designated as FD.

Fred Dorrell asked if the applicant is in agreement with the Staff report and to step to the podium.

Alan Betchan, AAB Engineering, 200 N. McKinley, Sand Springs said they represent the developer and they are in support of Staff recommendations.

Ricky Jones asked if they will develop this project in phases.

Alan Betchan said yes, they think they will develop it as two phases. The developer is anticipating a fairly high amenity level especially for this size of product and historically takes down bigger tracts, in single phases, than what most due. It will probably be a north

half and south half type of development.

Michelle Robinson, 19620 E. 31st St., said they own a farm in which the 142 acres' surround. She asked how she can be reassured that her property will not be flooded due to this development. She asked what price range the proposed houses will be and if they will be a continuation of Steeple Chase or Renaissance.

Fred Dorrell said the item before the Commission is rezoning and they can ask the applicant later. He said there will be a hydrology study and the applicant will have to conform to regulations.

Michael Skates said they propose two large detention facilities and when they do they hydrology study, as part of the engineering, they will be required to detain all of the increased runoff from the impervious areas. All of the drainage will drain to the drainage ponds before it collects into the creek/floodplain. They plan to do a lot of amenities in and around the ponds. Staff will review to make sure drainage is good. As for floodplain, no development will be occurring along 193rd.

Fred Dorrell asked if anyone else wished to speak on this item.

Robin Robinson, 19620 E. 31st Street said he is concerned with flooding. He said when Renaissance Park was built, to the east, flooding began occurring on his property. He said he does not want this to happen again and would like this concern to be looked into and handled properly.

Michael Skates said Staff will review this project in detail. The applicant will be required to submit a drainage report and detention design that ensure it is in compliance to the City standards. They will consider the bar ditch, along Rockford, and evaluate the water the comes into the ditch from the main entrance. He said the intent is to move water that may be near Mr. and Mrs. Robinson's property, and move it back toward the street and not on to their property.

Fred Dorrell asked if anyone else wished to speak on this item.

Tammy Walker, 19617 E. 36th Street, asked if there will be a through road from Steeple Chase to the new neighborhood. Michael Skates indicated, yes. Ms. Walker asked if the road will be built in the first or second Phase. Alan Betchan (from the audience), said Phase I. Ms. Walker said this would be built south to north and she would like to see the studies regarding the runoff. She said there is flooding in Renaissance Park and the front of Steeple Chase, at 193rd Street which causes traffic to travel within the neighborhoods to avoid it.

Tammy Walker said represents the homeowners of 36th Street and 197th Street and she asked what will be done regarding infrastructure and traffic. She said she is concerned that the addition of the proposed subdivision will create a larger traffic issue which will force traffic into the subdivisions.

Michael Skates said, regarding 23rd Street, the Walmart Neighborhood Market at Dearborn, Tulsa County is moving forward on an immediate design for a light at Dearborn and 123rd. Initially, that will take care of congestion because of four way stops. The City

of Broken Arrow is designing 3 to 5 lanes for the mile from Omaha to Albany. The County plans to widen 5 lanes from Omaha to 21st; however, they do not have the funding.

Tammy Walker she said she is concerned that a subdivision is proposed when the infrastructure is not in place. She said she wanted her concerns of infrastructure and flooding to be noted.

Ricky Jones asked Ms. Walker if she understands that there are plans to widen Rockford and 23rd. Ms. Walker said she is talking about 31st to 51st. Michael Skates said the intersection at 31st is under design by the County. Mr. Skates said they have the funding to signalize and improve the intersection at 31st and 41st and are working for design for several miles up to 51st, they just don't have the funding. He said they hope to have it widened to three lanes within three years. Michael Skates said there is a flood plain and Spunky Creek runs through it and these items will be taken into consideration with the design of the development. Mr. Skates said every effort is being made to not increase flooding and the infrastructure is not Broken Arrow.

Tammy Walker said, about ten years ago, the EPA was called regarding the new sewer that was built and there were terrible smells. She asked if there will be more studies done on sewer. Michael Skates said the lagoon system and issue is Green Country's, not the City's.

Grant Pick, 3246 S. 201st Street, said the rumor in Renaissance that this area was too rocky to build on and would like to know if this is true. He asked how far back, to the east, will the first house be from 201st. Michael Skates said the PSO easement is 100' and the applicant is working with PSO regarding the easement.

Michael Skates said the houses will be built in compliance with the RS3 zoning criteria and PUD requirements.

Sara Moffit, 3296 S. 201st E. Ave., she said her home backs up to the east side of proposed development. She said she is not opposed to the houses being built as she knows the builder builds quality homes; however, she has five concerns. She said she is concerned about flooding and drainage issues due to the current flooding every year at 31st and 193rd. The flooding then creates traffic issues because no one can travel through the area.

Ms. Moffit said she is concerned with the utilities and not being able to keep up with the demand for use by the current homeowners in the area. She said the electricity goes out quite frequently. She said she is concerned about emergency services not being able to reach the current homeowners and the new homeowners and asked if Broken Arrow or Wagoner County will be providing emergency services. She said currently they rely on Wagoner County and can wait two to three hours before someone responds and adding a new subdivision will add to this issue.

Sara Moffit said she is concerned with the impact to existing wildlife as there many types of wildlife in the floodplain. She asked what will happen to the wildlife with the addition of the proposed subdivision.

Ms. Moffit said her final concerns are about traffic and infrastructure. She asked why infrastructure can't be built first then develop the land. Developing the land before the infrastructure only compiles existing problems.

Fred Dorrell asked if anyone else wished to speak on this item. No one responded. Mr. Dorrell closed the public hearing.

Alan Betchan said this project will be very protective of the floodplain and will create green space along with the areas that are currently having flooding issues. The larger flooding problem of 193rd, will not be impacted or changed by the development as it won't create runoff because of the detention facilities that are being proposed. The outparcel, the existing farm, the initial intention is to divert instead of natural flows that come from south, and the existing pond, and divert to the west directly to the floodplain instead of through the farm so it should reduce the issue.

Mr. Betchan said they have had many discussions with Green Country sewer. He said Green Country has been under a consent order (with DEQ) for two years and have made significant improvements to their infrastructure, as part of the consent order. He said Green Country provided a will serve letter, as well as a study from their engineer, that was approved by DEQ showing their capacity is such that it can handle addition flow from the proposed new lots. He said their infrastructure has been operating for a few months and has enough capacity to serve the area. As part of the proposed development, lift stations will also be installed.

Alan Betchan said regarding electric infrastructure, it is unknown what PSO's long term plans are. He said the southeast corner is a tract that was acquired by PSO for a future substation; however, they don't know when or if they will consider it for a substation but the pieces are in place in the event they want to do improvements.

Mr. Betchan said this project will take well over a year before they even begin pulling permits on these lots and the first phase with 450 lots, will not be built overnight. This will be a six to ten year build out process. The developer is proposing multiple amenities, with spray grounds and parks and more green space than is typically seen because of the floodplain and open space.

Alan Betchan said all drawings for drainage and infrastructure will be reviewed by City Staff. Sanitary sewer plans will be reviewed and approved by DEQ before installation. As well as water being reviewed by Rural Water District.

Fred Dorrell asked about the rockiness.

Alan Betchan said they did pot holing to determine the strata and determined that it is not a true bedrock area... there are a few boulders and they were six feet in depth. He said until they start moving dirt, they do not know exactly what is in the ground but can guarantee there are developments with far more rock issues than this project and they are going in fine.

Fred Dorrell asked who will provide emergency services.

Michael Skates said the development is in Broken Arrow and will be served by Broken

Arrow fire and police; however, the City has inter-local agreements with other agencies. Thus if an emergency occurred in Renaissance Park, the agency that could respond faster would be dispatched. Non-life threatening emergencies will require the County to respond and can cause a wait.

Ricky Jones said having Rural Water District, Green Country Sewer and City of Broken Arrow Stormwater and police and fire to all work together can be difficult but can be done.

Fred Dorrell said he agrees with a lot of the infrastructure and traffic concerns voiced. He asked how many years before the road widening on 51st occurs.

Michael Skates said 51st and 61st is Broken Arrow and is under design and may be in the 2018 bond package. Mr. Skates north to 31st has dual cities and jurisdiction, but infrastructure falls on Tulsa County. He said he has had many discussions with Tom Raines, Tulsa County Engineer and Tulsa County plans to widen County line from 51st north to 21st or 11th. Tulsa County thought they would get funding from the Vision 2025 excess funds; however, money had to be allocated elsewhere. Tulsa County did receive funding for improvements at 41st and 31st for left turns and signalization. At 41st, through agreements for the new Walmart, Walmart agreed to pay \$50,000 for signal lights at 41st Street and have hired Guy Engineering to try and get this done by Spring. Tulsa County hopes that they will have enough excess funds to begin the design and construction for widening on County Line which should occur within the next five years, if not sooner. City of Tulsa did a hydrology study on Spunky Creek which comes across into Broken Arrow and back to Tulsa. Their plan may have layouts for specific improvements for Spunky Creek.

Michael Skates said for more detailed answers and concerns, people can call Tom Raines with Tulsa County to discuss. Lee Whelpley suggested that Staff have Tom Raines attend one of the City's meetings.

From the audience, Robin Robinson asked to speak again. Fred Dorrell explained that the public hearing had been closed, but he would make an exception for Mr. Robinson to speak.

Robin Robinson said they (homeowners in the area) have heard all of the statements expressed at this meeting and the issues were never resolved. He said since Renaissance Park was built, the water has gotten worse. He said they were ensured that flooding would not occur and that the developer would take care of issues. Before Renaissance was built flooding never occurred before the Subdivision was built.

Fred Dorrell said he is conflicted. He said he is concerned about infrastructure. He said the use is appropriate, but there are concerns.

Lee Whelpley said unfortunately infrastructure does not occur as fast and developments do. He said there is no answer because the City must handle things as they are presented and the City keeps growing. He said change does happen and he understands that it is difficult to provide comfort with that.

Ricky Jones said sometimes development outgrows the infrastructure but the developer



should not be penalized for that.

MOTION by Ricky Jones to approve PUD-256 & BAZ-1969, Whiskey Ridge, per Staff recommendations. The motion was seconded by Mark Jones.

After the vote, Fred Dorrell said this item will be heard by City Council on February 7, 2017, at 6:30 p.m.

**Aye: 4 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, and Ricky Jones**

**Nay: 1 - Fred Dorrell**

**G. [16-1421](#) Public hearing, consideration, and possible action regarding PUD-257, Commerce Crossing, 2.98 acres, IL to IL/PUD-257, south of Albany Street, one-quarter mile west of Olive Avenue**

Brent Murphy presented the background for Item 6G saying, Planned Unit Development (PUD) 257 involves 2.98 acres located south of Albany Street, one-quarter mile west of Olive Avenue. The property, which is zoned IL, has been platted as Lot 1, Block 1 of Commerce Crossing. As part of this plat, there is a limit of no access along Albany Street.

Mr. Murphy said PUD-257 is a request to add an additional access point at the northwest corner of the property onto west Albany Street. No other adjustments to the zoning ordinance are being requested. The current zoning code (Section 5.3.B.3.b) requires a separation of 250-feet between curb cuts. The proposed driveway aligns with the existing drive across Albany Street.

Brent Murphy said based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD 257 be approved as presented. Since the property is already platted, Staff recommends that platting be waived.

Fred Dorrell asked if the applicant is present and to step to the podium.

Mark Capron, Sisemore Weisz, 6111 E 32nd Place Tulsa, said they are in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak to this item. No one responded. Mr. Dorrell closed the public hearing.

MOTION by Mark Jones to approve PUD-257, per Staff recommendations. The motion was seconded by Carlyne Isbell-Carr.

After the vote, Fred Dorrell said this item will be heard by City Council on February 7, 2017, at 6:30 p.m.

**Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones**

## **7. Appeals**

## **8. General Commission Business**

Michael Skates introduced John McElhenney to the Commissioners. He said Mr. McElhenney joined Development Services and will be doing the engineering reviews and came from INCOG.

Mr. McElhenney said he has been in Broken Arrow for 18 years and is happy to be working for the City.

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

## **10. Adjournment**

MOTION by Carlyne Isbell-Carr to adjourn (at 6:41 p.m.). The motion was seconded by Lee Whelpley.

**Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones**

**Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones**

**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 DEVELOPMENT SERVICES 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.**

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City Clerk