



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

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

Thursday, June 13, 2024

Time 5:30 p.m.

Council Chambers

1. Call to Order

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

2. Roll Call

Present: 4 - Mindy Payne, Jaylee Klempa, Jason Coan, Robert Goranson
Absent: 1 - Jonathan Townsend

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

- A. 24-761** Approval of PT-001519-2024|PR-000235-2023, Preliminary Plat, Albany 40, approximately 39.99 acres, 154 Lots, RS-3 (Single-Family Residential), located south of Albany Street (61st Street) and approximately one-quarter mile west of 37th Street (209th E. Avenue)
- B. 24-763** Approval of PT-001530-2024|PR-000157-2023, Preliminary Plat, Spring Creek Crossing, approximately 36.99 acres, 131 Lots, RS-4 (Single-Family Residential)/PUD-001360-2024 (Planned Unit Development), located north of Tucson Street (121st Street) and approximately one-quarter mile west of 9th Street (Lynn Lane Road/177th Avenue)
- C. 24-760** Approval of LOT-001320-2024, Lot Split, Northside Christian Church, 1 lot to 3 lots, 13.31 acres, CH (Commercial Heavy)/R-2 (Residential Single-Family)/RM (Residential Multi-Family)/SP-196A (Specific Use Permit), approximately one-quarter mile north of Kenosha Street (71st Street), east of Elm Place (161st Avenue)
- D. 24-781** Approval of LOT-001518-2024 (Lot Split), 1 Lot into 3, 0.47 acres, R-3 (Single Family Residential)/DROD Area 1, located approximately one-eighth mile south of Kenosha St (71st Street), and approximately one-eighth mile east of North Elm Place (161st E. Ave) at 505 N Birch Ave.
- E. 24-782** Approval of LOT-001527-2024, Foley Lot Split, 1 lot to 2 lots, 0.486 acres, R-3 (Single Family Residential), located approximately one-eight mile west of Elm Place (161st E Ave.), and approximately one-half mile north of Albany (61st street) at 2929 N Fern Ct. Chairperson Goranson asked if there were any Items to be removed from the Consent Agenda; there were none.

MOTION: A motion was made by Jaylee Klempa, seconded by Mindy Payne.

Move to approve the Consent Agenda

The motion carried by the following vote:

Aye: 4 - Mindy Payne, Jaylee Klempa, Jason Coan, Robert Goranson

5. Consideration of Items Removed from Consent Agenda

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

6. Public Hearings

- A. 24-790** Public hearing, consideration, and possible action regarding BAZ-001502-2024 (Rezoning) and PUD-001503-2023, Three Oaks, 13.9 acres, A-1 (Agricultural) to RS-4 (Single-Family Residential), located north of East Washington Street (East 91st Street South) and approximately one-quarter mile east of 23rd Street (193rd E Ave/County Line Road)
- Senior Planner Chris Cieslak reported BAZ-001502-2024 and PUD-001503-2023 were requests to change the zoning on 13.9 acres of land from A-1 (Agricultural) to RS-4 (Single-Family Residential) with a PUD for Three Oaks, a proposed single-family residential development. He stated the property was located north of East Washington Street (East 91st Street South) and approximately one-quarter mile east of 23rd Street (193rd E Ave/County Line Road); the land was unplatted and undeveloped. He stated the Three Oaks development proposed to create a single-family development. He indicated the development would include Single-Family detached dwellings; neighborhood community playfields and parks

including clubhouses, pools, and similar neighborhood amenities, minor utility facilities. He stated a 50 foot Green Space buffer would be along the western property boundary abutting the current residential district, along with a 6 foot fence with masonry columns. He stated a maximum of 45 lots served by public streets built to the standards of the City of Broken Arrow with two entry points on Washington Street (E. 91st Street South) was proposed to be developed in accordance with RS-4 zoning requirements except as modified by the PUD (Planned Unit Development). He indicated Zoning Ordinance Section 4.1.E.1.B would permit 77 dwelling units with the proposed RS-4 underlying zoning, and 86 dwelling units would be permitted if RS-C under the pending new Zoning Ordinance; PUD-001503-2024 would restrict the development to 45 dwelling units. He stated the proposed development was designated as Level 3 (Transition) in the Comprehensive Plan and this level supported the development of residential subdivisions. He noted a neighborhood meeting was held with the developer on Monday and a few questions about the conditions of Washington Street came up in the discussion; neighbors had questions about the development, how many homes, what type of builder, etc. He stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended BAZ-001502-2024 be approved subject to the property being platted and PUD-001503-2024 be approved as submitted.

Planning and Development Manager Amanda Yamaguchi indicated if anyone present wished to speak at tonight's meeting, a Request to Speak Form was required; the forms were available upon request.

The applicant, Ricky Jones, stated he was in agreement with Staff recommendations. He noted he had twelve telephone calls, two on site meetings, and a neighborhood meeting at NSU on Monday evening. He stated in his opinion no one was opposed to the development; the concern was the condition of 91st Street. He noted there were letters of support from his meetings and these were included in the Agenda Packet. He stated he met individually with the neighborhood, specifically those residents who backed up to the subject tract, and two or three of these neighbors submitted letters of support. He said he believed this was going to be a great development. He noted this development would have a low number of units, about 3.3 units per acre, about 41 lots. He said he wanted to file this under the new RS-C zoning code but was unaware when it would be ready. He asked for approval.

Chairperson Goranson asked if the masonry fencing would only be on the west side of the development.

Mr. Jones responded he negotiated with the neighbors to install a 6 foot solid wood fence with brick masonry columns on the neighbors' property lines. He said he believed code required a fence along 91st Street, but the fence for 91st Street was not designed yet, so he was unsure whether the fence along 91st Street would have masonry columns.

Chairperson Goranson asked what type of fence the existing homeowners would be allowed to install along the 50 foot landscape buffer.

Mr. Jones noted it would be up to the homeowners what type of fence to install. He explained the 50 foot landscape buffer would include walking trails.

Planning and Development Director Rocky Henkel stated there were plans to reclaim 91st Street from County Line to 200 East Avenue, and this would be done between now and July 1st, 2025.

Mr. Jones asked what reclaim meant.

Mr. Henkel explained reclaim was a certain type of machine which ground up the existing road and then laid down 8 inches of asphalt on top.

Mr. Jones asked if any additional right-of-way would be needed for the road project.

Mr. Henkel responded in the negative; no additional right-of-way would be needed to reclaim 91st Street.

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

Move to approve Item 6A per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Mindy Payne, Jaylee Klempa, Jason Coan, Robert Goranson

Chairperson Goranson indicated this Item would go before City Council on July 16, 2024 at 6:30 p.m.

B. 24-798 Public hearing, consideration, and possible action regarding PUD-001520-2024, Forest Ridge Tennis Facility, 19.9 acres, R-1 (Single Family Residential) to R-1/PUD (Planned Unit Development)-001520-2024, located one half mile south of Kenosha Street (71st

Street), west of Midway Road (South 257th East Avenue)

Planning and Development Manager Amanda Yamaguchi reported PUD-001520-2024 was a proposed major amendment to PUD-66, Forest Ridge. She reported PUD-66 was approved by City Council on August 1, 1988, and since its adoption, PUD-66 has been amended 7 times (PUD-66A-G). She stated the property was generally located one half mile south of Kenosha Street and west of Midway Road; the property was currently not platted and undeveloped. She stated PUD-001520-2024 was a proposed major amendment to PUD-66, which proposed to bring the original school tract into PUD-66. She stated the reason for this requested PUD-66 expansion was because the applicant wanted to expand the Ridge Club in phases, which was proposed to include both indoor and outdoor tennis and racquetball courts as shown on the conceptual development plan. She stated PUD-001520-2024 clarified the definition of the use type "Community Playfields and Parks" to say: "Community playfields and parks are allowed to be privately owned and operated." She stated additionally, PUD-001520-2024 requested the building height be increased to 45 feet, which the applicant indicated would be necessary for the desired dome structures. She stated in addition to incorporating this land, PUD-1520-2024 was also requesting that Platting be waived for this development; PUD-66 stated that: "No building permit shall be issued prior to the property being included within a subdivision plat." She reported Staff has worked with the applicant to put adequate safeguards into PUD-1520-2024, so that Staff can support waiving the platting requirement. She said PUD-1520-2024 read: "All public rights-of-way for roads, ingress, and egress, have been previously dedicated. All required rights-of-way, all easements required for the maintenance of any required stormwater detention facility, and any easements required to provide services or access will be dedicated via separate instrument(s) prior to issuing a certificate of occupancy in compliance with City of Broken Arrow regulation." She stated current code required all nonresidential uses which abutted a residential use shall provide a 10 foot landscape buffer with a minimum of: "One medium to large evergreen for every twenty linear feet (20')." She said in lieu of the fencing requirement, PUD-1520-2024 proposed to increase the landscape buffer to a 10 foot landscape buffer with a minimum of: "One medium to large evergreen tree for each fifteen (15) linear feet." She stated Staff believed PUD-001520-2024 met purposes 1, 4, and 5 of the criteria for PUDs. She stated Staff believed this was an innovative land use, which created a unified design, and created a more productive use of the land. She stated according to FEMA maps, none of the property was located in the 100-year floodplain. She said water and sanitary sewer were available from the City of Broken Arrow. She stated based on the location of the property, Staff recommended approval of PUD-001520-2024 be approved, and platting be waived.

Chairperson Goranson asked if the landscape buffer would be an additional ten feet, for a 20 foot landscape buffer.

Ms. Yamaguchi responded the landscape buffer would be 10 feet in total, but the trees planted would be increased from 1 tree per 20 feet to 1 tree per 15 feet.

Chairperson Goranson asked if there would be any fencing.

Ms. Yamaguchi responded in the negative; no fencing, only an increased number of trees in the 10 foot landscape buffer.

The applicant, Jill Ferenc with TSW, provided potential renderings and a presentation. She discussed the renderings, a conceptual development plan, the landscape buffer with 1 tree per 15 linear feet, the green giant arborvitae trees which would be used as screening materials, the master site plan for phase 1 and phase 2, the tennis courts and pickle ball courts, parking improvements and the maintenance building, stormwater detention, gated entry, a 3D visualization of the sport stone structures, and the 45 foot roof height needed to accommodate the domes necessary to play sports indoors.

Vice Chair Jason Coan asked if the lighting survey would identify concerns about the bulb fixture itself shining in a neighbor's window.

Ms. Ferenc stated she believed code required the light not to shine in neighbor's windows; a screening element would be required. She stated the arborvitae trees would grow between 40 feet and 50 feet in height which would provide an extra layer of protection on top of code requirements.

Ms. Yamaguchi noted Code required light fixtures to be shielded to prevent direct light, and for this type of development a photometric would be required to show the light levels at the property lines.

Commissioner Payne asked about hours of operation.

The property owner, Davis Robson, stated the newer lights which would be used for the new facility would be LED and not the towering lights historically placed on tennis courts. He

explained the lights would also be angled at almost an L-shape and would be nothing like traditional football field lighting. He noted the lighting was very important to himself and the developer. He stated the landscape buffer would also help, especially in phase 1. He noted he did not anticipate phase 2 starting for 2 to 5 years, so the trees would have time to grow. He stated the phase 1 concept was roughly 300 feet away from the closest property line. He indicated the hours of operation were currently from 4 p.m. to 11 p.m. Thursday through Saturday, and then from 5 p.m. to 10 p.m. Sunday through Wednesday, and the lights would automatically shut off after hours.

Citizen Susan Fennell stated she had concerns she would now be looking out her back porch at a huge facility with lights and a 45 foot tall dome (4.5 stories) behind her house, and the noise which would come with this type of development. She asked about noise control, light control, and her view.

Chairperson Goranson asked if Ms. Fennell understood the neighboring property would be developed as a school when she bought her home.

Ms. Fennell responded in the affirmative; when she bought her home, she was told the property would be developed as a softball field or other sporting field, but she was not expecting the inflatable domes. She asked about the buffer between the dome and her residence and how long it would take the trees to grow to full height.

Chairperson Goranson stated he believed the trees were relatively fast growing at 1 to 3 feet per year.

Ms. Fennell asked how tall the trees would be at planting. She said she liked her privacy and did not want to wait 25 years for the trees to grow. She discussed her concerns about the noise levels and the maintenance level of the neighboring property.

Citizen Angela Sassoon stated she lived off Freeport Street and the current parking lot lights did shine into her home. She asked whether the landscape buffer would extend around the new parking lot. She noted lights from cars exiting the parking lot at night would also shine into her home and she asked whether the new proposed curb cut was absolutely necessary. She said her concerns were the lighting, the landscaping on Freeport, and the noise. She noted she heard tennis balls starting at 4 a.m. until 11 p.m. every day.

Mr. Davis Robson stated Ms. Sassoon lived next to the big Moscow parking lot lights. He stated the new lights would be much more directional and would not shine in Ms. Sassoon's home. He noted the parking lot would be phase 2 and Ms. Sassoon's concerns would be addressed. He noted giant parking lot lights were a thing of the past and the new more directional LED lights would be used. He stated he was trying to be as forward thinking as possible regarding the noise from the tennis and pickleball courts. He stated a 10 foot screening fence would be installed to redirect the noise. He noted the screening fence would be installed on some of the existing tennis courts to measure how well the noise redirection worked and address existing noise concerns.

Chairperson Goranson asked about the noise levels from the inflatable domes.

Mr. Robson responded he was unsure, but he could look into it.

Chairperson Goranson recommended Mr. Robson engage with the neighbors before the City Council Meeting.

Mr. Robson indicated he would meet with the neighbors.

Ms. Yamaguchi asked how far the 45 foot high dome structures would be from the existing homeowners.

Mr. Robson responded the dome structures would be roughly 300 feet away from the existing homeowners.

Chairperson Goranson noted the only additional pickleball courts being built would be within the dome structure.

Mr. Robson agreed noting one of the existing courts would be repurposed.

Chairperson Goranson said tennis courts were less noisy than pickleball.

Mr. Robson agreed. He said he was unaware that the tennis courts were a sound issue, but if so, he could look at installing sound barriers for the existing tennis courts.

Vice Chair Coan asked about the height of the clubhouse.

Mr. Robson responded it would be roughly 35 feet tall. He stated the green giant arborvitae trees would be planted at 10 to 12 feet tall and the trees grew at roughly one foot per year.

Ms. Yamaguchi stated based on the location of the property and the surrounding land uses, Staff recommended approval of PUD-1520-2024 and the platting on property be waived. She noted the waiver on the platting was subject to the section in the PUD indicating the developer would dedicate any necessary easements, right-of-way, etc.

Chairperson Goranson asked if Staff was in agreement with the proposed landscaping buffer.

Ms. Yamaguchi responded in the affirmative.

MOTION: A motion was made by Robert Goranson, seconded by Jaylee Klempa.

Move to approve Item 6B per Staff recommendation

The motion carried by the following vote:

Aye: **3 -** Mindy Payne, Jaylee Klempa, Robert Goranson
Nay: **1 -** Jason Coan

Chairperson Goranson indicated this Item would go before City Council on July 17, 2024 at 6:30 p.m.; any who wished to speak at the City Council Meeting should fill out a Request to Speak form before the meeting began. He asked the applicant to meet with Ms. Sassoon and Ms. Fennell to discuss lighting and noise.

C. 24-799 Public hearing, consideration, and possible action regarding PUD-001521-2024, 81st Street Office Storage, 40 acres, A-1 (Agricultural) to A-1/PUD (Planned Unit Development)-001521-2024, located north of Houston Street (81st Street), one-quarter mile west of 23rd Street (193rd East Avenue/County Line Road)

Ms. Yamaguchi reported the applicant requested this Item be continued. She explained the applicant wished to revise the submitted PUD. She explained when the PUD was noticed, Staff realized there was no application to rezone the property to industrial light. She stated there was also an error in the location in the published notice, so this would have needed to be re-noticed regardless. Therefore, she stated, due to a mistake in the published notice and the addition of a rezoning application, this item would need to be re-noticed and tabled.

MOTION: A motion was made by Jaylee Klempa, seconded by Mindy Payne.

Move to continue Item 6C to the July 11, 2024 Planning Commission Meeting

The motion carried by the following vote:

Aye: **4 -** Mindy Payne, Jaylee Klempa, Jason Coan, Robert Goranson

7. Appeals

There were no appeals.

8. General Commission Business

There was no General Commission Business.

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

Commissioner Payne asked the public to please complete the Broken Arrow Road Survey which was ending soon (June 26). She said there were several roads which needed attention and completing the survey would help move things forward.

10. Adjournment

The meeting adjourned at approximately 6:09 p.m.

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

Move to adjourn

The motion carried by the following vote:

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