



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

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

Thursday, November 2, 2023

Time 5:30 p.m.

Council Chambers

1. Call to Order

Chairperson Jaylee Klempa called the meeting to order at approximately 5:30 p.m.

2. Roll Call

Present: 5 - Mindy Payne, Jason Coan, Jonathan Townsend, Robert Goranson, Jaylee Klempa

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

A. 23-1399 Approval of Planning Commission meeting minutes of October 26, 2023

B. 23-1390 Approval of PT-001095-2023, Conditional Final Plat, Replat of Lot 4, Block 2, and Reserve B of Aspen Ridge Business Park, 8.07 acres, 5 Lots, PUD-324B, located one-half mile south of Florence Street (111th St) and one-eighth mile east of Aspen Avenue (145th East Avenue)

C. 23-1392 Approval of LOT-000999-2023 (Lot Combination), Cypress Business Park, 2 Lots, 1.86 acres, one-eighth mile West of Elm Place (161st E Ave), one-quarter mile north of New Orleans (101st St).

Senior Planner Chris Cieslak presented the Consent Agenda.

Chairperson Klempa explained the Consent Agenda consisted of routine items, minor in nature, and was approved in its entirety with a single motion and a single vote, unless an item was removed for discussion. She asked if there were any Items to be pulled from the Agenda; there were none.

MOTION: A motion was made by Jonathan Townsend, seconded by Jason Coan.

Move to approve the Consent Agenda

The motion carried by the following vote:

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

Chairperson Klempa indicated Item 4B would go to City Council on November 21, 2023; any residents who wished to speak regarding this Item would be required to fill out a Request to Speak Form prior to the meeting start.

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. 23-1394 Public hearing, consideration, and possible action regarding COMP-001074-2023 (Comprehensive Plan Change), Robertson Broken Arrow, 36.04 acres, Level 6 to Level 3 and 6, generally located one-half mile east -of County Line Road (193rd E Avenue) and -north of Washington Street (91st Street South)

Mr. Cieslak reported COMP-001074-2023 was a request to change the Comprehensive Plan designation from Level 6 (Regional Employment/Commercial) to Level 3 (Transition Area) and Level 6 on 36.04 acres located one-half mile east of County Line Road (193rd E Avenue) and north of Washington Street (91st Street South). He reported 13.93 acres of the subject tract (located south of the Railroad tracks) was proposed to be changed to Level 3; the remaining 22.35 acres (located north of the Railroad tracks) were proposed to remain Level 6. He stated the applicant was submitting this Comprehensive Plan change with the intention of applying for a rezoning from A-1 to RD (Residential Duplex). He indicated Comprehensive Plan Level 3 allowed the rezoning to RD. He noted the applicant had not submitted conceptual exhibits and elevations to show the proposed development, due to the new Zoning Ordinance being in the process of adoption by the City of Broken Arrow. He stated according to FEMA's National Flood Hazard Layer, this property was located outside of the 100-year floodplain. He stated Staff recommended COMP-001074-2022 be approved, subject to the property being rezoned, and the property being platted.

The applicant, Ricky Jones, stated he represented the owner, Rex Robertson. He indicated Mr. Robertson was the developer of the industrial property on the north side of the railroad tracks. He noted it was not felt industrial development was appropriate on the property near the residential area and now Mr. Robertson would like to develop the property near the residential area as residential. He stated he was unsure exactly how the property would be developed yet, most likely it would be single family or duplex, Mr. Robertson was not thinking multifamily. He noted he sent letters to the surrounding landowners informing the neighbors of his intentions and providing contact information. He indicated 3 or 4 neighbors contacted himself, and discussions were held. He stated he would be able to provide more details regarding what would be developed on the property once the new Zoning Ordinance was adopted. He asked for approval of the Comprehensive Plan change.

Vice Chair Robert Goranson asked if the potential amphitheater had any influence on Mr. Jones' and Mr. Robertson's decision to develop this property.

Chairperson Klempa opened the public hearing.

Mr. Jones stated he found out about the amphitheater after this application was filed. He stated he was excited about the potential amphitheater and felt it would be excellent for Broken Arrow, but he did not feel it would impact this development. He stated he wanted to be a good neighbor to the City, as well as the surrounding neighborhoods, and was willing to work with the City as needed.

Commissioner Jonthan Townsend thanked Mr. Jones for reaching out to the surrounding neighbors. He asked about the discussions held with the 4 or 5 neighbors who contacted Mr. Jones.

Mr. Jones stated none of the neighbors were adamantly against the development and understood the property would eventually be developed and were more receptive to residential development as opposed to industrial development. He stated the biggest concession requested was installation of a screening fence to run north/south separating the existing subdivisions from the new development, which he was willing to install. He stated he was willing to work with the neighbors. He stated a neighborhood meeting would be held once the rezoning application was ready where he would present the layout of the development and listen to input from the neighbors and potentially incorporate the neighbors' ideas. He indicated the neighbors also warned the property was currently used as a dump site and warned about the flooding in the area.

Mr. Cieslak indicated when the public notice was sent out, the location said, "one half mile west of 23rd Street" but it should read "one half mile east of 23rd Street."

Chairperson Klempa indicated three citizens signed up but did not wish to speak: Pat Warline; Karen Stone who requested 91st Street to be blocked; and Brenda Martin who requested 91st Street to be blocked. She noted all three citizens had concerns about this property previously being a coal strip mine.

Citizen Kenny Cornell asked how many houses Mr. Jones intended to build on the property. He asked about the property north of the railroad tracks.

Chairperson Klempa indicated the property north of the railroad tracks would not be changing; it was already under construction.

Citizen Gary Siftar stated he was not opposed to single family homes on this property and would prefer single family homes over duplexes or multifamily homes. He stated he would like to see a development consistent with his neighborhood. He stated he liked the idea of a screening fence. He discussed the difficulties with traffic on 91st Street and the poor condition of 91st Street. He noted there was no bike lane or shoulder, and the potholes were abundant. He stated 91st Street was in dire need of repair if more houses were going to be constructed.

Mr. Jones stated he did not know how many houses or the size of the houses which would be developed. He noted the lots would not be as big as the neighboring estate size lots due to the irregular shape of the property, the water and sewer line which cut through the middle of the property, and the need for an onsite detention pond; however, the new Zoning Code would allow some flexibility. He stated as far as 91st Street went, it was a public street, not a private street, but he was willing to work with the City to improve the situation.

Vice Chair Goranson asked if Mr. Jones would wait until the new Zoning Code was approved before filing the rezoning application.

Mr. Jones responded in the affirmative, but he believed the new Zoning Code would be

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be from one entry off East College Street. He reported Section 5.3.B.2.a of the Zoning Ordinance stated “Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, and shopping. These connections should knit separate developments together rather than form barriers between them.” He stated when this section of East Freeport Street was built, a stub street was constructed on the east side of the development to permit future connections. He indicated the existing stub street on East Freeport Street would be incorporated into the design of this proposed subdivision, with a gate for emergency access. He stated stub streets to the undeveloped property to the east were also being considered; these would be approved during the site plan process, if deemed to be required. He indicated according to FEMA maps, none of the property was located in the 100-year floodplain. He stated water and sanitary sewer were available from the City of Broken Arrow. He stated per Table 4-1 of the Comprehensive Plan, RM zoning was considered to be in accordance with the Comprehensive Plan in Level 3. He reported on Wednesday, September 27, 2023, the applicant held a neighborhood meeting St. Anne Catholic Church to discuss the proposed College Avenue Apartments development; approximately 15 residents attended the meeting. He stated the developers and engineer were present and explained the intent of the development and answered resident’s questions concerning traffic, the potential connection of a stub street from the existing neighborhood, safety, price point of apartment units, drainage, and several other items. He noted the applicant committed to completing a traffic study as part of this development. He stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended BAZ-001077-2023 be approved subject to the property being platted and subject to the Comprehensive Plan being approved by City Council.

Chairperson Klempa opened the public hearing.

The applicant, Josh Hooper with Beacon Properties, thanked City Staff and City Council. He stated Beacon Properties specialized in workforce housing, which was housing for fresh out of college workers. He stated the rent would be affordable, but not subsidized, not Section 8. He stated Beacon Properties were developers and long term owner-operators. He noted Beacon Properties began as a property management company and developed properties with long term viability in mind. He discussed the renters this development would target. He indicated if approved, this would go before City Council, and then Beacon would apply for favorable financing from Oklahoma Housing through tax credits. He explained the financing was considered private and Beacon Properties would not be subsidized through grants, but the investors and banks who invested in this housing would receive a tax benefit. He discussed the timeline of this development explaining it would most likely be 2025 before the development was constructed and 2026 before completion. He noted one, two and three bedroom apartments were proposed; the development would have a pool, dog park, walking trails, etc. He noted the units would include a washer, dryer, and dishwasher in the units. He noted he hoped to push away as far as possible from the single family homes to west. He stated he agreed with Staff recommendations.

Vice Chair Goranson asked why Mr. Hooper was not considering a PUD.

Mr. Hooper responded a PUD was tough in today’s environment with increasing interest rates, and a PUD was much less flexible. He noted a PUD might indicate a certain number of units, but if the market changed and the developer wished to change the number of units, there would be more flexibility to adjust the number of units without a PUD; a PUD might lock the developer into a certain number of units.

Vice Chair Goranson stated he understood there could be more flexibility without a PUD depending on how the PUD was written. He asked about the emergency gate. He stated he was for the emergency gate, but he believed gates could only be put on private streets.

Mr. Hooper stated Beacon would be flexible and would put in whatever the City wished.

The applicant, John Droz with Route 66 Engineering, stated many apartment complexes had emergency lock box gates. He discussed why he chose to use straight zoning as opposed to PUD and indicated the Planning Commission could recommend approval contingent upon future PUD approval.

Mr. Hooper explained why this was not possible due to the financing; financiers would not approve financing if approval had too many contingencies.

Discussion continued regarding the financing and the risk of not having a PUD.

Jason Dickeson, Engineering Section Manager, stated Zoning Code indicated a development such as this could not exit into a residential street which would require the developer to install an emergency gate as a second point of access as required by the Fire Marshal.

Citizen Barbara Burks stated she felt traffic was going to be a nightmare and it was a mistake to not do the traffic study. She stated it would be difficult to pull out of the apartment complex onto County Line Road and the residents would end up driving College which would seriously congest the area and create dangerous traffic conditions. She further discussed the terrible traffic conditions and terrible road conditions in the area. She stated she had concerns about the quality of the apartments. She indicated there were better pieces of land which could be developed. She had concerns about the emergency access gate; she worried the traffic would be so bad the emergency gate would be removed to allow traffic through her neighborhood.

Vice Chair Goranson stated if City Council approved, the developer would not be permitted to remove the gate. He stated the only time the gate would be opened would be for emergency use or if there were a power outage.

Ms. Burks asked why the emergency access was needed, why not close the road off completely.

Vice Chair Goranson explained emergency access was required by City Fire Code.

Mr. Farhad Daroga explained any time there was a residential project with more than 25 homes, a secondary access point was required for emergency purposes. He stated the emergency gate would be put into place so emergency vehicles could access the area.

Ms. Burks asked if Mr. Daroga could guarantee the apartment residents would never be able to use the emergency gate; could guarantee the emergency gate would never revert to an open secondary access point to the apartment complex.

Mr. Daroga responded if the access point was approved as an emergency access point, only the fire and police department would have access; however, utility companies might be able to use the access point in case of major emergencies. He stated the Knox Box was a very controlled system the average citizen could not access.

Ms. Burks stated most of her neighbors were worried the emergency gate could revert to open access. She asked if construction traffic would go through her neighborhood.

Mr. Daroga stated City Ordinance did not allow construction traffic to drive through residential neighborhoods.

Jason Dickeson, Engineering Section Manager, indicated construction traffic would not be permitted through the existing residential neighborhood and the construction plans would show where the construction entrance would be located.

Chairperson Klempa stated a traffic study would be conducted; the Engineering Department would review the traffic study and make requirements accordingly before construction began.

Discussion ensued regarding the need for a traffic study in the area, for any development creating new traffic.

Ms. Burks stated she would not be concerned if a single family housing development was constructing 10 homes on the property, but an apartment complex with 200 units would create a lot of traffic.

Citizen Steve Swagger thanked the Planning Commission. He stated he represented 56 residents in the existing subdivision. He stated he and his neighbors were opposed to this development due to the substantial increase in traffic, increased safety concerns, potential school overload, increased crime, other apartment developments in the area, and the secondary access point (which had been addressed). He noted the homes in his neighborhood all had 1.5 to 3 acres and he felt this development would be inconsistent with the area. He stated he and his neighbors would prefer the property to be developed as single family similar to his development. He stated he was not against progress and development but felt this should be a development better suited to the area.

Mr. Hooper stated he understood traffic was the main concern. He noted the proposed development was actually a lighter use in terms of traffic than what current zoning would permit. He stated current zoning would allow a Lowe's or distribution center and potentially could allow heavy trucks. He noted there were fewer cars owned per family with multifamily than with single family. He indicated traffic would be staggered as well; not all renters would be leaving for work at the same time every day. He indicated the traffic impact from 150 to 200 apartments was surprisingly less than one would expect. He agreed if only 10 homes were built on this property, yes, there would be less traffic than with apartments, but whoever developed this property, to make a profit, would need to develop at a greater density than 10 homes. He discussed why this particular property was selected for this development. He

stated Beacon Properties did not see a lot of crime; security cameras would be installed; and key fob entry prevented the copying of keys.

Commissioner Payne asked if Beacon would have security officers on site.

Mr. Hooper stated there was onsite Staff; multiple full time Staff members would be present for management, leasing, and maintenance. He explained in his properties, often the residents self-policed; the residents would inform the office if there was any suspicious activity on the grounds.

Commissioner Townsend thanked Mr. Hooper for his comments.

Vice Chair Goranson asked if it was prudent for Planning Commission to approve or deny this Item before the City Council approved or denied the Comprehensive Plan change request.

Assistant City Attorney Parker responded approval would be contingent upon the Comprehensive Plan change. He stated it could be approved subject to the Comprehensive Plan change or it could be tabled.

Discussion ensued regarding the motion.

Commissioner Coan stated there was definitely a need for affordable housing in Broken Arrow. He stated he felt the proposed development would be very beneficial, especially with the City bringing in blue collar trade, and this type of housing was desperately needed as the City continued to grow. He indicated he was in favor of the plan, he understood what the developer was trying to do, and he understood the concerns of the community.

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

Move to approve Item 6B per Staff recommendations, to include an emergency gate, and a traffic study subject to the Comprehensive Plan change to be approved by City Council

The motion carried by the following vote:

Aye: 4 - Mindy Payne, Jason Coan, Jonathan Townsend, Robert Goranson
Nay: 1 - Jaylee Klempa

Chairperson Klempa indicated this Item would go before City Council on November 21, 2023; any residents who wished to speak regarding this Item would be required to fill out a Request to Speak Form prior to the meeting start.

- C. 23-1391
- Public hearing, consideration, and possible action regarding PUD-001028-2023 (Planned Unit Development), The Flats on Main, approximately 0.38 acres, DROD Area 5 (Downtown Residential Overlay) to DROD Area 5 (Downtown Residential Overlay District)/PUD-001028-2023 (Planned Unit Development), one-quarter mile south of West Kenosha Street (71st Street), and one-half mile east of North Elm Place (161st E. Avenue)**

Mr. Bibelheimer reported the property associated with The Flats on Main was a vacant tract of land located approximately one-quarter mile south of West Kenosha Street, and one-half mile east of North Elm Place. He reported the property was platted as the northern half of Lot 9 and Lot 10, Block Four (4) of the Browns Addition to Broken Arrow and was zoned as Area 5 (Rose District Transition) of the DROD (Downtown Residential Overlay District). He reported PUD-001028-2023 was tabled by Planning Commission on October 12th, 2023. Staff recommended this item be tabled until a revised PUD document was submitted with an updated detailed, to scale, site plan, and a fee in lieu of detention determination (FDD) outcome letter was received. He indicated on October 12th, 2023, Staff also indicated notices would be resent to the surrounding property owners. He stated on October 25th, 2023 the FDD outcome letter was released, and the site was classified as an allowed to pay a fee in lieu of on-site detention. He stated an updated PUD document with an updated site plan was submitted to staff on Thursday October, 26th; Staff had some additional comments on the document, which have not been addressed; the updated document with staff comments was included in the Staff Report. He stated Staff sent out an informational notice on October 27th, informing the neighbors of the new public hearing date. He reported Staff received an invite from Tanner Consultants to attend a meeting for the community; this invitation was for November 1st, 2023 at 3:30 p.m. and was held at the Broken Arrow Library’s small meeting room. He indicated this meeting was held and approximately 23 residents were in attendance. He stated Area 5 of the DROD supported the “flats” building form, which was defined as a multi-story, residential building form which included stacked residential units. He explained the Owner/Developer of the subject tract proposed to construct a multi-family development consisting of eight dwelling units. He indicated the proposed 4 buildings were two-story in height and each building contained two units. He stated the following verbiage was proposed to be added to the description to clarify that the use was permitted in the flats category: “Flats may take the form of two vertically-stacked dwelling units in one structure,

and with more than one such structure on a single lot.” He stated PUD-001028-2023 requested deviations from the “Flats” building form of the Downtown Residential Overlay District zoning regulations for Area 5. He reviewed some of the deviations noting the setback would be reduced from 5 feet to 0 feet, the rear setback would be reduced from 10 feet to 7.5 feet, a setback reduction between buildings to 6 feet, a driveway reduction, and other setback reductions. He noted a landscape island was added. He stated there were a few deviations Staff was not in support of. He stated a 10 foot landscape edge was required for buffering of adjacent residential zones along the north, south, and western boundaries planted with a minimum of one medium to large evergreen tree and ten shrubs for each thirty linear feet; the PUD requested a 5 foot buffer along rear lot line; within the required landscaped edges, one large tree shall be planted for every twenty-five linear feet of lot line. He noted the surrounding land uses were included in the Staff report. He explained according to Section 6.4.A of the Zoning Ordinance, the PUD provisions are established for one or more of the purposes listed in the Staff Report and in Staff’s opinion, PUD-001028-2023 satisfied item 1, “To permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties,” because of the innovative use of the flats category of the DROD. He indicated according to FEMA maps, none of the property was located in a 100-year floodplain area. He stated based on the building forms of the DROD, Staff recommended PUD-001028-2023 be approved subject to a PUD document being submitted which addressed the comments shown on the exhibit in the Staff Report and platting be waived.

Vice Chair Goranson asked if “70% minimum lot coverage” should have read “70% maximum.” He asked if this was a typographical error.

Mr. Bibelheimer stated he did not believe it was a typographical error, but he had not looked into it.

Vice Chair Goranson stated typically it read 70% maximum, he felt 70% minimum was unusual and he felt it was incorrect.

Mr. Bibelheimer indicated he would look into the matter.

The applicant Erik Enyart with Tanner Consulting stated Butler Homes acquired this property which used to have a home upon it, but the home had been removed. He noted the property owner approached the City with an office building concept but was informed a single use commercial building could not be developed on the property. He explained the new approach was to increase infill development around the development as indicated by the Comprehensive Plan and the DROD. He reported a neighborhood meeting was held yesterday at the Broken Arrow Library. He noted the meeting was a very lively discussion and changes were made on behalf of the neighbor’s requests. He stated essentially, he was in agreement with Staff recommendations with one clarification and one exception. He stated the clarification was regarding the statement requiring a 10 foot landscape strip along the boundaries of the property. He explained this language applied to nonresidential development. He noted the exception was regarding the blank wall facing the street; the developer needed flexibility regarding this as at the very back end of the unique new unit which faced main, there was only about 10 feet between the last window and the back of the building. He explained the interior design called for a restroom here, and typically there is no window in a restroom. He stated after the meeting with the neighbors, the owner had the architect redesign building and the front of the buildings not facing main street to improve the aesthetics. He stated a brick wainscoting was added to the bottom of the buildings, the roof was a higher pitch than previously, there were now lintels across the tops of the windows, and there were other improvements to the façade.

Chairperson Klempa noted a window could be put in a bathroom with frosted glass.

Vice Chair Goranson stated when this came before Planning Commission last month, Staff commented about reorienting the two buildings furthest to the east to face Main Street. He noted this was not done and he asked why.

Mr. Enyart stated he met with Staff to discuss ideas and it was decided, if the unit which was currently facing Main Street had a front facing door, some windows with awnings to adhere to the intent of the DROD, reorienting the buildings would no longer be needed.

Vice Chair Goranson noted it did look nicer with the awnings, but he still did not understand why the buildings were not just reoriented so it could be seen that there were two homes and not just one long building.

Mr. Enyart noted this particular property was not platted with alleys, but with a 5 foot easement to the rear of the lot lines which caused challenges in the building configurations on the property. He explained the only way to get a two way, in and out, drive aisle for the

parking, was to come off Main Street and this laid the groundwork for the rest of the property.

Chairperson Klempa asked if all four buildings would have this façade with the awnings.

Mr. Enyart responded in the negative; only the front building facing the road would have the façade with the awnings, the other buildings would have the previously shown façade.

Vice Chair Goranson asked about the parking. He noted the property could probably fit more units if the parking were shifted.

Mr. Enyart indicated originally more units were attempted, and this was the scaled down version of the original design. He stated more than 1.5 parking spaces per dwelling unit were shown, and the new code only required one parking space per unit for efficiencies and one bedroom apartments, so the minimum parking was being exceeded.

Vice Chair Goranson stated every case was weighed upon its own merits. He noted the owner was requesting changes in the setbacks, the parking, the blank wall, the landscaping, etc.; a lot of changes were being requested, and he was unsure how this would affect future development within the DROD.

Mr. Enyart agreed each case should be weighed individually. He stated this was the concept which arose after intensive discussions with client and design professionals to maximize the use of the property while adhering to the DROD and design standards as much as possible. He stated in meeting with Staff and with each comment which was submitted, each time this PUD was revised, more and more exceptions were removed. He noted he was in agreement with Staff recommendations in regard to shifting the buildings a little closer in order to reach the 10 foot setback.

Vice Chair Goranson noted there were a lot of open comments included in the document. He asked if Mr. Enyart was familiar with all of these comments.

Mr. Enyart responded in the affirmative.

Vice Chair Goranson asked if he was in agreement with all of these comments.

Chairperson Klempa noted Mr. Enyart indicated he was in agreement with the comments except the comment about the window, which she believed could be done if a frosted glass window was installed.

Mr. Enyart stated he agreed this comment could be stricken and a creative solution for the window could be employed.

Chairperson Klempa suggested a round window.

Vice Chair Goranson stated he wonders what might be lost between now and the City Council meeting if this were approved as there were a lot of comments.

Chairperson Klempa stated she believed the comments would be cleaned up before it went to City Council.

Henry Bibelheimer, Staff Planner, indicated Planning Commission could add to the recommendation that a clean document be submitted to City Council.

Vice Chair Goranson stated this could be denied or tabled until a clean document could come back before Planning Commission.

Commissioner Payne asked where the trash dumpster would be located.

Mr. Enyart indicated the dumpster would be in the far northwest corner. He noted for such a small scale development such as this, it might be possible to use roll carts like normal residential.

Chairperson Klempa noted Staff had emails to read. She opened the public hearing.

Mr. Bibelheimer reported Kellie Gerner sent in an email indicating she was opposed, how long she was a resident of downtown Broken Arrow, and expressing concerns regarding loss of property value, problems with parking, overcrowding of the area, and the wish to see a single family home on this property.

Chairperson Klempa listed those who signed up in opposition but did not wish to speak: Adrian Moon; Chris M. Penczak; Kindall Moon; Angela Cloud; Alan Thompson; Trevor

Hammons; Elizabeth Hammons; Guadalupe; Betty White; Cheryl Wadsworth; Ada Jay Ellis; Billy Don Ellis; Dana Townsend; John Ingle; Sherry Sparks; Michael Green. The concerns of the above citizens included: Flats on Main being a poor fit for the area and the wish for a single family home on this property.

Mr. Bibelheimer indicated Betty White submitted an email in opposition with concerns regarding aesthetics and design, the placement of a multifamily property between two single family homes, inadequate parking, and the lot size being too small for multifamily.

Chairperson Klempa called citizens forward to speak.

Citizen Susan Legler discussed her history in Broken Arrow as a resident. She stated she was opposed with concerns regarding the number of variances needed, inappropriateness of multifamily on the lot, and change in community feel in the area. She requested the lot be developed with one or two single family homes.

Citizen Sherry Sparks discussed her history, as well as her family's history, in Broken Arrow. She stated she was opposed with concerns regarding commercial growth pushing into the area, multifamily development in this single family area, lack of retirement homes, lack of parking for the homes, and the trash container which would back up to her property.

Citizen Michael Green discussed his history in Broken Arrow as a resident. He stated he was opposed with concerns regarding flooding, trash can/dumpster abutting his property, poor placement of the buildings, and the wish to see a single family home on the property.

Chairperson Klempa stated the homes would be using trash carts as opposed to a dumpster.

Mr. Bibelheimer stated potentially trash carts could be used, but this would be confirmed during the site plan process.

Chairperson Klempa stated during the engineering process it would be ensured that no more water flowed from the property at the end of construction than flowed from the property at this time.

Citizen Bob Townsend discussed his history in Broken Arrow as a resident and business owner. He stated he was opposed with concerns regarding the orientation of the buildings and the trash can location. He noted he looked at purchasing the property and it could be split and developed as two single family homes which was a better use of the property.

Citizen Craig Wadsworth discussed his history in Broken Arrow as a resident. He stated he was opposed with concerns regarding the 5 foot rear setback which would abut his property line, the second story windows overlooking his backyard, reduction in privacy, reduced visibility due to the wall of houses just outside his own, and this being a poor fit for the area. He stated a single family home, two single family homes, or a duplex would be a better fit. He stated just because the property owner had a right to do it, did not mean it should be done.

Vice Chair Goranson noted if the buildings were reoriented or if a two story single family home were developed, the second story windows would still look into Mr. Wadsworth's backyard.

Mr. Wadsworth stated he understood, but if the buildings were reoriented, they would not be quite so close to his property line, nor would a two story single family home.

Citizen Rosanna Corrales discussed her history in Broken Arrow as a resident. She asked the Planning Commissioners to consider whether they would like this development right next door. She stated she was opposed with concerns regarding this being a poor fit for the area. She stated there was alley access in the area in the plat, but it was ceded back to the property owners for utility access some time ago.

Citizen Theresa Kiger discussed her and her family's history in Broken Arrow as residents. She stated she was opposed with concerns regarding the development not following the DROD, multifamily being a poor fit for this property, the trash cans, lack of space for emergency vehicles, lack of parking for the residents and guests, lack of green space, and lack of play area for children.

Citizen Linda Laws discussed her and her family's history in Broken Arrow as a resident. She stated this area should remain a historical district. She stated she was opposed with concerns regarding traffic, difficulties getting out of her driveway, multifamily not being a good fit in this single family residential area, trash cans, lack of play area for children, and the danger of Main Street to children playing and walking.

Citizens Steve Hammons discussed his opposition to this proposed development and felt the

development did not fit the intent of the DROD in any way as the DROD indicated “a project with multiple units or buildings on one lot does not appear overly dense in relation to residential properties nearby” and “lot requirements are particularly important where single family homes are prominent” and “lot coverage encourages retaining yard area proportions consistent with other properties in the area and particularly those of a residential character.” He noted the proposed development did not retain consistent yard area proportions and appeared overly dense in relation to the residential properties nearby. He discussed site design standards which indicated the designs should have a positive impact on the surrounding neighborhood, and this did not. He stated all of these were evidenced by the response of the surrounding neighbors which was overwhelmingly negative. He noted design standards also referred to minimizing the visual impact of parking in the neighborhood, and preservation of light, air, and privacy between adjoining properties which did not occur with this proposal. He stated at the end of the day, the neighbors did not feel the proposed development adhered to the DROD or design standards and would set a precedent for future development where the design standards became a loose guideline. He stated the looser the Planning Commission made the requirements now would mean future developers would consider the requirements nonissues and ask for more concessions in the future. He stated he wanted the Planning Commission to set a precedent of holding a developer accountable to the design standards in a literal sense.

Citizen Michael Chambers stated he was opposed. He asked when was enough, enough. He agreed with the statements of his neighbors. He had concerns about the number of units on the property, the parking, the lack of ADA compliant spaces, and the development not being aesthetically pleasing.

Vice Chair Goranson stated to some people it was aesthetically pleasing, but the DROD asked if it was compatible with the neighborhood, not whether it was aesthetically pleasing. He stated he was not saying the development was or was not compatible with the neighborhood.

Citizen Kelly Gallardo stated she agreed with Mr. Hammond. She discussed her history in Broken Arrow as a resident and business owner. She stated Broken Arrow set up the DROD standards to prevent conversations such as this. She stated it was up to the City to adhere to its own standards.

The applicant Erik Enyart stated in rebuttal of the request for a single family home or two to be constructed on this property, the City already zoned this square mile for DROD, it was not being zoned multifamily. He stated the DROD was good but was very prescriptive and it would be difficult for anything to be built without some flexibility. He stated he was meeting a majority of the code requirements. He stated he understood the concerns about trash and would work this out upon approval. He stated he understood the concerns about traffic. He noted the Comprehensive Plan had strong language about encouraging and incentivizing development in this area. He stated he was trying to follow the intent of the Comprehensive Plan and the DROD. He stated he agreed to some changes as recommended by Staff.

Commissioner Coan asked about exterior lighting and how it might be intrusive to the neighbors. He stated the way the homes were laid out without much space between buildings would make it difficult to light for safety of the residents.

Mr. Enyart responded traditional front porch residential style lighting would be installed.

Commissioner Coan asked about parking lot lighting.

Mr. Enyart responded he did not believe there would be parking lot lighting.

Chairperson Klempa closed the public hearing.

Commissioner Payne asked if the applicant took out a couple of buildings, would it follow the DROD standards better.

Vice Chair Goranson responded in the affirmative.

Commissioner Payne stated as a citizen before joining the Planning Commission, she worked on overlay districts, and there was a lot of time and lot of effort which went into developing overlay districts by City Staff and citizen volunteers. She stated she had a problem with all the different changes requested through the PUD. She stated the City worked hard on the DROD and invested a lot of money into the DROD to just allow a developer to make all these changes.

Vice Chair Goranson agreed. He stated he understood where the applicant was coming from, but he felt the development proposed too many buildings on the property, maybe even two buildings too many. He stated when you looked at the cutback on the setbacks, the parking,

the trash area, the landscaping, there were a lot of DROD requirements being conceded with the PUD. He stated he agreed with the concerns about parking and about where the children would play. He stated he liked the change to the building with the awnings, but he felt there were too many buildings proposed for the lot. He stated he was opposed.

Chairperson Klempa stated perhaps with one building removed.

Vice Chair Goranson stated he did not think that would be enough, especially with the parking. He stated he felt with two buildings and parking in the rear, it could work, but not with three buildings.

Commissioner Payne stated she felt the City and the citizens alike worked so hard to establish the DROD, it should not be disregarded.

Commissioner Coan stated he felt like this PUD was trying to put a square peg in a round hole because the surrounding homes were single family. He stated the City would not approve this type of development in a single family neighborhood anywhere else in the City, and it should not be done here. He stated someone mentioned duplexes, and perhaps duplexes might work, but he did not feel this was a good fit with the area or the DROD, and he could not justify making these exceptions for a PUD which was a poor fit.

Chairperson Klempa stated perhaps the development would fit the DROD in a different area of this particular DROD.

Commissioner Coan agreed, if the development were proposed further south or in a different area of the Downtown District, but not in the middle of single family homes.

Vice Chair Goranson stated what was approved near Sieling Park, due west of this, was a good fit for the area, but this was not a good fit.

Commissioner Payne stated the property needed trees.

Mr. Bibelheimer noted, as this proposed development would have more than three units the nonresidential landscaping requirements would apply.

Vice Chair Goranson stated if this were denied he hoped the applicant would take a closer look. He noted the property did need to be developed and he did not believe it would be developed as a single family home, but he felt something in between what was proposed, and a single family home could be proposed, such as two units or perhaps two buildings.

Commissioner Townsend stated he agreed with his fellow Commissioners, especially Commissioner Payne. He stated he felt the number of concessions requested by the applicant was very concerning.

Vice Chair Goranson thanked those who attended the meeting. He suggested everyone read the DROD and become familiar with what might happen in the future in the area.

Commissioner Townsend stated anytime a multifamily development was proposed there was this same response; neighbors attended the meetings, were very passionate, and made excellent points; however, this was not what the Planning Commission based its decisions upon necessarily, although it appreciated the feedback. He stated for himself, what was most concerning, was the number of deviations from the DROD standards.

Mr. Enyart attempted to make a comment from the audience. Chairperson Klempa stated that the public hearing had been closed and that the applicant could contact Planning staff after the meeting.

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

Move to deny Item 6C

The motion carried by the following vote:

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

Chairperson Klempa thanked the citizens who attended. She stated the applicant could appeal this decision to City Council and if so, no notice would be sent to the surrounding residents. She recommended checking the City Council Agenda to see if the applicant requested an appeal as citizens would have an opportunity to speak at City Council. She noted any who wished to speak would be required to fill out a Request to Speak form prior to the meeting start. She stated the applicant could also submit a different proposal for the property, and if this was the case, the neighbors would be notified.

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)

Acting Community Development Director Grant Rissler stated he and Mr. Farhad Daroga attended the Oklahoma Academy Townhall which addressed housing issues in the State of Oklahoma, and he looked forward to the results coming from the Oklahoma Academy and would share said results with Planning Commission upon receipt.

Commissioner Payne stated most of the Planning Commissioners grew up in Broken Arrow and raised families in Broken Arrow.

Mr. Farhad Daroga thanked the Planning Commission for its service, as serving on the Planning Commission was a volunteer position.

Commissioner Townsend stated while he grew up in Tulsa, Broken Arrow impressed him when he became an adult; he had aspirations and goals, and his experience in Broken Arrow has been excellent and he enjoyed being on the Planning Commission. He thanked Mr. Daroga and Commissioner Payne for providing him with opportunities to serve the City even before he served on the Planning Commission.

Discussion ensued regarding which Planning Commissioners were born and raised in Broken Arrow versus which were transplants into Broken Arrow.

10. Adjournment

The meeting adjourned at approximately 8:02 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, Jason Coan, Jonathan Townsend, Robert Goranson, Jaylee Klempa