



**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 27, 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: 5 -** Mindy Payne, Jaylee Klempa, Jonathan Townsend, Jason Coan, Robert Goranson

**3. Old Business**

There was no Old Business.

**4. Consideration of Consent Agenda**

- A. 24-865** Approval of Planning Commission meeting minutes of May 23, 2024
- B. 24-848** Approval of Planning Commission meeting minutes of June 13, 2024
- C. 24-847** Approval of PR-000671-2024 | PT-001557-2024, Preliminary Plat, Arrow Forge Innovation District, approximately 92.20 acres, 4 proposed lot, A-1 (Agricultural), located approximately one-eighth mile east of Olive Avenue (129th East Avenue), south of Florence Street (111th Street)
- D. 24-861** Approval of PR-000596-2023 | PT-001550-2024, Preliminary Plat, Three Oaks, approximately 13.94 acres, 45 proposed lot, RS-4 /PUD-0001503-2024 located approximately one-eighth mile north of East Washington Street (East 91st Street South) and approximately one-quarter mile east of 23rd Street (193rd E Ave/County Line Road).
- E. 24-849** Approval of PR-000077-2022 | PT-001556-2024, Conditional Final Plat, Scooter’s at Battle Creek Extension, 9.17 acres, 6 proposed lots, CG (Commercial General)/PUD-94, located north and east of the northeast corner of West Omaha Street (East 51st Street) and North Aspen Avenue (South 145th East Avenue
- F. 24-860** Approval of LOT-001547-2024 (Lot Split), TWX Lot Split, 1 Lot into 2, 12.91 acres, located approximately one-half mile south of East Kenosha St (71st Street), and approximately one-half mile west of Evans Road (225th E. Ave)
- G. 24-866** Approval of LOT-001554-2024, Aspen Ridge Business Park Lot 4 Block 1 Lot Split, 1 Lot to 2 Lots, 4.47 acres, CH (Commercial Heavy)/PUD (Planned Unit Development) 324A, one-half mile north of Tucson Street (121st Street), east of Aspen Avenue (145th E. Avenue)

Chairperson Goranson indicated Item 4D would be pulled for discussion. He asked if there were any other 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 less Item 4D**

The motion carried by the following vote:

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

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

Planning and Development Manager Amanda Yamaguchi reported Item 4D was PR-000596-2023 | PT-001550-2024, the preliminary plat for Three Oaks, which proposed to have 45 lots on 13.94 acres located approximately one-eighth mile north of East Washington Street (East 91st Street South) and approximately one-quarter mile east of 23rd Street (193rd E Ave/County Line Road). She stated this Item went before Planning Commission as a public hearing at the last meeting and the Item was conditioned for approval upon the PUD and rezoning being approved by City Council.

Chairperson Goranson noted there were two checklists attached to this application. He asked why a stub street was being built into the subdivision on the west end of this development.

Ms. Yamaguchi stated the stub street was not actually needed but was most likely being built to facilitate additional lots. She stated through the engineering process an application would come forward to modify the subdivision regulations, so the stub street right-of-way did not have to be connected to the property line as there was no stub street from the existing

neighborhood to be connected to.

Chairperson Goranson stated he was concerned about this stub street, as it would lead right up to the back yards of the existing subdivision, and he wanted to know whether this was needed.

The applicant, Ricky Jones, stated this was less a stub street and more an elaborate driveway as there was no connection to the next subdivision. He explained if there were no stub street, then there would be two lots without street frontage.

Chairperson Goranson asked whether a pie shaped lot was considered.

Mr. Jones stated the radius for a cul-de-sac could not be achieved, so this was felt to be the best way to design the lots.

Chairperson Goranson noted the covenant indicated there was no parking allowed on the streets, so the stub street would not be used for parking.

Mr. Jones concurred.

Chairperson Goranson stated he hoped this would not be a new trend.

Ms. Yamaguchi explained this development had a PUD to meet the proposed new Zoning Ordinance, so it was one of the first of its kind.

Chairperson Goranson noted it was also just the preliminary plat as well.

Vice Chair Jason Coan noted there was a subdivision next to his neighborhood which had several stub streets which backed up to neighbors' fences, and these areas tended to get a lot of garbage buildup over time. He said he was not a fan of how this looked in a neighborhood, seeing a street dead end into someone's privacy fence.

Commissioner Mindy Payne agreed, it did not look good.

Mr. Jones stated it was not prohibited in the subdivision regulations, so it was not something which could not be done, it was simply to provide access for the two lots on the north side.

Ms. Yamaguchi stated there was a 50 foot landscaping buffer between the street and the neighboring property line.

Mr. Jones agreed; the street did not abut the property line of the neighboring subdivision; there was a 50 foot landscaping buffer which would be passive recreation with a walking trail between the street and the property line.

Chairperson Goranson asked if there would be a barrier to discourage drivers from driving into the landscaping buffer from the street.

Mr. Jones indicated this would be up to engineering, but typically some type of barrier would be required.

Chairperson Goranson stated if there were a way to make the street not look like a stub street it would be better.

Vice Chair Coan agreed; if there were a way to have a partial barrier, with a bike or walking path to access the trail, and not have it look like a dead end, it would be much better.

Mr. Jones stated he would agree to make this a condition. He stated he believed engineering would implement something similar, but he had no problem making it a condition of approval.

Ms. Yamaguchi stated Staff would work with the applicant and when the conditional final plat came forward an exhibit showing how this was designed could be included.

MOTION: A motion was made by Jason Coan, seconded by Jaylee Klempa.

**Move to approve Item 4D per Staff recommendation with the condition there would be some bollards or a ramp for access to the trail on the stub street**

The motion carried by the following vote:

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

## 6. Public Hearings

### A. 24-852 Public hearing, consideration, and possible action regarding COMP-001514-2024 (Comprehensive Plan Change), The Range at Tiger Crossing, A-1 to CG (via

**BAZ-1643), 17 acres, Level 2 and 4 to Level 4, located on the northwest corner of County Line Road (North 23rd Street) and East Albany Street (East 61st street South).** Staff Planner Henry Bibelheimer reported COMP-001514-2024 was a request to change the Comprehensive Plan designation from Level 2 (Urban Residential) and Level 4 (Commercial/Employment Nodes) to just Level 4 for 17 acres located on the northwest corner of County Line Road and East Albany Street; the property was currently un-platted and undeveloped. He stated BAZ-1643 was approved by City Council in 2004, subject to platting. He stated the property had not been platted since this approval, so the previously approved rezoning was not implemented. He stated the applicant was submitting this Comprehensive Plan change with the intention of applying for a rezoning to CM (Community Mixed-Use); Comprehensive Plan Level 4 supported rezoning to CM. He indicated the applicant submitted conceptual exhibits to show the general outline of the proposed development. He stated the development proposed commercial businesses along the frontages of both County Line Road, and Albany Street; then behind the commercial development, on the northwest portion of the lot, the applicant was proposing a townhouse/duplex style multi-family development. He stated the development was proposed to be developed with a Planned Unit Development (PUD) and a conceptual PUD has been included in the agenda packet. He explained the primary intent of the PUD was to modify the driveway spacing requirements, and to outline the development plan for the townhouse/duplex style multi-family development, with a maximum of 108 dwelling units. He stated access would be provided off both Albany and County line, as shown in the conceptual layout. He indicated the details of this access were subject to change as Staff works through the layout to make sure it met all international fire code regulations. He stated according to FEMA's National Flood Hazard Layer, this property was located outside of the 100-year floodplain. He stated sanitary sewer, and water were available from the City of Broken Arrow. He stated the surrounding land uses, zoning and Comprehensive Plan were in the Staff Report. He stated Staff recommends COMP-001514-2024 be approved, subject to City Council approving a PUD similar to the conceptual PUD provided, and the property being platted.

The applicant Deborah Palinskee agreed with Staff recommendations but did not speak.

There were no public comments.

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

**Move to approve Item 6A per Staff recommendation**

The motion carried by the following vote:

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

Chairperson Goranson indicated this Item would go before City Council on July 15, 2024 at 6:30 p.m.

**B. 24-853 Public hearing, consideration, and possible action regarding COMP-001531-2024 (Comprehensive Plan Change), Ven Park, A-1 (Agriculture) and R-2 (Single-Family Residential), 10.9 acres, Level 2 and 3 to Level 3, located one-quarter mile north of Kenosha Street (East 71st Street South) and one-quarter mile east of North Elm Place (North 161st East Avenue)**

Staff Planner Henry Bibelheimer reported COMP-001531-2024 was a request to change the Comprehensive Plan designation from Level 2 (Urban Residential) and Level 3 (Transitional Area) to Level 3 for 10.9 acres located one-quarter mile north of Kenosha Street and one-quarter mile east of North Elm Place; the property was currently un-platted and undeveloped. He stated the applicant was submitting this Comprehensive Plan change with the intention of applying for a rezoning to CM (Community Mixed-Use) with a Planned Unit Development (PUD). He stated Comprehensive Plan Level 3 labeled rezoning to CM as possible. He stated a draft PUD was submitted, along with a conceptual layout of the proposed development. He indicated the applicant proposed a residential development, with a variety of housing including Single Family Detached, Single Family Attached, Duplex, Cottage Court, and some commercial aspects in the form of live/work townhome style development. He stated Staff was still working with the applicant on the details of the PUD, which would be submitted if the comprehensive plan change was approved. He stated the conceptual draft PUD submitted with this application had definitions for cottage court and live/work use categories, which were heavily influenced by the Downtown Residential Overlay District. He stated the primary access of this site was proposed to be off an extension of West Madison Street, which would pass through city owned property currently being used as a regional detention facility. He stated secondary access was still being discussed with potential access south on to North Circle Drive, and a potential gated emergency access on the east of the development on to North Ash Avenue with a stub street proposed to be provided to the undeveloped property to the north. He stated the conceptual layout submitted with this application was still subject to change. He indicated the layout had a public street which gave frontage to all of the proposed lots, with additional access being provided from private alleys. He stated the final layout would have to meet all requirements in the zoning ordinance, Engineering Design Criteria, and the international fire code. He stated according to FEMA's

National Flood Hazard Layer, this property was located outside of the 100-year floodplain. He indicated sanitary sewer and water were available from the City of Broken Arrow. He stated the surrounding land uses were in the Staff Report. He stated based on the surrounding land use and comprehensive plan, Staff recommended COMP-001531-2024 be approved, subject to City Council approving a PUD similar to the conceptual PUD provided, and the property being platted.

Commissioner Klempa asked who would build the road extending across City property.

Mr. Bibelheimer indicated this was to be determined.

Chairperson Goranson noted the Staff Report compared this to the DROD; however, the property fell outside the DROD area. He asked if Staff intended to extend the DROD north to the Broken Arrow Expressway.

Ms. Yamaguchi explained this application was submitted by an individual property owner, not Staff. She explained Staff was just reviewing what was proposed by the applicant. She noted the proposed development did mirror the DROD and the live/work concept, as well as the cottage court concept where the houses faced inward toward a courtyard rather than into street frontage. She noted these types of developments were seen in the downtown area and were similar in definition.

The applicant Gannon Brown, with McGraw Realty, stated he also was unsure who would construct the road across the City's property.

Commissioner Klempa noted once the street connected with Elm, drivers would want to go into the subdivision and then would want to go east and south and she would like to see emergency gates at both of these access points to protect the existing neighborhoods.

Ms. Yamaguchi indicated whether to gate the access point to the south was part of the ongoing discussion for the PUD. She noted the access point to the east intended to have an emergency gate.

Chairperson Goranson noted this was a Comprehensive Plan change. He stated Staff recommended approval based upon approval of a PUD similar to the one presented. He stated the draft PUD submitted was vague and he was not sure he was willing to approve the application upon approval of a similar PUD. He noted there was not much to the PUD as submitted. He stated he wished to see more details before recommending approval to City Council.

Commissioner Klempa agreed.

The applicant Jennifer Griffin, with J Griffin Design, stated the owner and developer of the property was Born Again Restored, Nick and Jamie Parker, who worked with the community for over 10 years now. She indicated the PUD was still in flux and she had been working with Staff regarding the details of the PUD. She noted access to the site was a challenge; the intent was for the primary access to be to the west, but the details were still being discussed with City Staff. She indicated the developer was open to whatever made sense for all involved. She stated in terms of the access to the east, fire required two access points. She noted the stub street to the south was also present, and the developer was open to an emergency gate to the south as well. She indicated the reserve area also connected to the Kenwood area to the east and this would be fire access only. She indicated the goal was to reduce traffic impact to the Kenwood neighborhood to the south and east.

Commissioner Klempa stated she would be happy with access to the south and east being emergency gates; this did not need to be a gated community.

Ms. Griffin presented a few slides regarding the proposed development and discussed the detention area to the west, beautification of the area, installation of walking trails, cottage courts with shared landscaping and greenspace, a neighborhood pool and pickleball courts. She reviewed a slide showing the intended building types which fit well within the residential neighborhoods including single family detached, small scale cottage surrounding cottage courts, single family attached, duplexes, and live/work townhouses. She noted there would be no large scale commercial. She indicated she was looking for a base zone of CM, but the PUD would limit the use to the five building types she mentioned. She stated there would be no apartment buildings and no large scale commercial.

Chairperson Goranson stated if he were going to approve the Comprehensive Plan change to Level 3, he would like to see more detail in the submitted exhibits. He stated he appreciated her presentation, but having more detail in the submission would enable the Planning Commission to better hold the applicant to the proposed development.

Commissioner Klempa agreed.

The applicant Preston Bartley, with Westwood Professional Services, stated he planned to submit the PUD for the public hearing which would provide more detailed information. He stated the way the submittal schedule aligned it was important to bring the Comprehensive Plan change application to Planning Commission today. He stated in working with Staff a lot more information would come through at the PUD Planning Commission public hearing date.

Chairperson Goranson opened the public hearing.

Ms. Yamaguchi indicated there were members of the public who were opposed but did not wish to speak and who submitted comments to be read into the record. She stated those in opposition who did not wish to speak included: Stephanie Bradley, Elizabeth Kidder, Howard Butler, Steve and Natalie Goforth, William Fritts, Patricia Stacey, Kasey Lauren Sewell, Stacy White, Ben Foudray, Alex Queen, Joseph Debruycker, Mark and Tammy Pyzalski, Jose Ramero, Jerry Wilson, Roland Nipps, Jeannie Nipps, Bob Guillory, Suzi Wiles, Shawn Wiles, Richard and Renee Geyer, Sarah Duncan, Jim Burgett, Brian Foster, Jamie Wenetschlaeger, George and Lindsay Keller, Cindy Watchorn, and Chad Watchorn.

Ms. Yamaguchi indicated the following individuals had written comments: Joel Hone, Gaylon Pine, Fonda Morgan, Jan and Mark Tyler, Lisa Snowden, Allen Parker, and Linda Bisdorf. The comments included concerns regarding lack of information available, road access concerns, traffic concerns, child safety concerns, pedestrian safety concerns, traffic through existing subdivision concerns, the wish for the new community to be gated, over development concerns, loss of greenspace, high density development concerns, mixed use concerns, and increased traffic and traffic congestion concerns.

Citizen Don Stephens stated he liked the concept, but was opposed due to concerns regarding traffic flow, pedestrian and child safety, access point concerns, and he did not want there to be access to the south into his subdivision.

Citizen Gayle Pray Fritts stated she had concerns regarding the change of the Comprehensive Plan to Level 3, concerns regarding the submitted PUD with duplex structures and live/work structures, multistory structures, potential high density development, and concerns regarding potential access to her existing subdivision to the east. She stated Level 3 was a transition land use and should be adjacent to an arterial street. She stated she had concerns for pedestrian and child safety and did not want this development to connect to her existing subdivision.

Commissioner Klempa noted according to Broken Arrow Code, two access points were required by Fire Safety for emergency purposes.

Citizen Sandra Butler stated she had concerns regarding high density in the area and increased traffic difficulties. She suggested moving the development further north. She indicated she had concerns regarding loss of existing wildlife.

Citizen James "Bryan" Wenetschlaeger stated this land was never supposed to be developed. He stated he had concerns regarding the east access point, which was in his front yard, destruction of wildlife habitat, loss of greenspace, increased traffic flow, loss of peace, and overdevelopment of the property. He indicated he would like to see a better plan.

Citizen Stacy White stated she agreed with her neighbors' concerns. She expressed concerns regarding loss of wildlife habitat, increased traffic, and pedestrian safety. She indicated she was opposed.

Citizen Jim Brewer stated he had concerns regarding increased difficulty with traffic, and current traffic congestion.

Citizen Jerry Champion chose not to speak.

Citizen Chris Newbrough stated he would like to see this property remain Level 2, with a single family home development. He stated he had concerns regarding increased traffic through his subdivision, and general traffic difficulties in the area. He stated the traffic should be kept out of Kenwood Hills.

Citizen Susan Massie stated quality of life was important and she had concerns about increased traffic. She stated it was difficult to pull out of her driveway due to the curve of the road and it being downhill. She asked for a four way stop to be built, along with a speed bump to make things safer. She noted there were no sidewalks in her neighborhood, so pedestrians had to walk in the street. She discussed existing traffic difficulties in her area. She asked how the detention pond would be maintained. She discussed her concerns regarding flooding and mosquito control. She expressed concerns regarding the City water

pipes needing repair.

Citizen John Lindemann expressed his concerns regarding traffic, the stub street connection with the emergency gate, construction of a road or a sidewalk behind his home, and concerns about the potential for commercial development. He stated he did not wish to see the live/work portion of the development and would prefer residential with larger lots consistent with the area.

Citizen Claudia Taylor expressed her concerns regarding loss of backyard privacy, loss of wildlife, loss of greenspace, relocation of wildlife, and the elevation of the proposed development eliminating privacy in her and her neighbor's yards even with a privacy fence. She requested a denial.

Citizen Dewey Wade Sewell expressed his concerns regarding increased traffic and the lack of sidewalks, pedestrian and child safety, the height of the proposed development eliminating his privacy, concern regarding the proposed access points, the existing daycare center, and the need for a better plan.

Ms. Jennifer Griffin stated the developer's preference was to not connect to the east and the south. She stated the intention was for the primary entrance to be to the west. She stated she did wish to increase traffic into the existing subdivision. She noted the proposed development would have narrow streets with sidewalks throughout; walkability was the cornerstone of the proposed development. She indicated nature was also important to the developer which was why the detention area would be beautified and the goal was to connect the sidewalks to the adjacent neighborhoods if the adjacent neighborhoods wished for a pedestrian connection to provide access to the detention area amenity.

Mr. Gannon Brown indicated in response to Ms. Fritts's comments regarding Level 3 being a transition zone, he believed this development would be a good transition from the existing low density residential area to the commercial off Elm. He stated with the enhancement of the City-owned and maintained detention pond, he felt this should be available to all residents in the area, not just the new development's residents.

Chairperson Goranson asked if the applicant's original intent was to only provide access from Madison, but the east access was required by the City.

Ms. Griffin responded in the affirmative. She noted it was assumed that connection to the stub street was important to the City, but blocking the connection for emergency access and pedestrian access only was the preference of the developer.

Mr. Brown stated regarding connection to West Madison, the developer had many early ongoing conversations regarding extending West Madison to the development. He noted who would pay for this was still in question, but he believed the connection was necessary.

Ms. Yamaguchi explained the existing stub street from the neighborhood was put into place when the subdivision was developed for the purpose of connecting to new developments; however, Staff realized this was a denser development than originally planned for the area, therefore, discussions regarding whether to gate the entrance were ongoing. She stated there was no variance from fire code; the international fire code allowed no variance; therefore, two points of access were required with a minimum separation distance between them. She noted the secondary access could be gated, but there would need to be two access points.

Commissioner Klempa noted this was why the stub street access point to the east was required for fire access; the two proposed access points were too close together to count as the two points of access per fire code.

Ms. Yamaguchi concurred. She stated the proposed access points were purely conceptual and could change, but it was important to understand two access points were required for fire code.

Chairperson Goranson noted even if this were a proposed Level 2 single family home development two access points would be required.

Ms. Yamaguchi agreed, noting the stub street connection would be contemplated no matter what was being developed.

Commissioner Townsend stated he would still like to see a better plan presented. He asked if the applicant was confident in the proposed development as presented by Ms. Griffin.

Ms. Griffin explained the level of detail Planning Commission wished to see was not ready. She stated the plan submitted was very general and when there were renderings of what the streets and homes would look like it would help articulate the quality of the development.

She stated the developer was open to modification, but the goal was to create a walkable, community-minded place with amenities and quality public spaces. She stated more information would be articulated through the PUD.

Mr. Brown indicated the developer was not trying to cram as many lots as possible into the area. He stated the intention was to create a community with wider sidewalks and public spaces for resident recreation.

Commissioner Townsend asked if the applicant felt this development would decrease or increase quality of life.

Mr. Bartley stated he believed this development would be an enhancement to quality of life and also to property values.

Chairperson Goranson stated there were a lot of concerns from the public and he felt a more detailed plan should be presented to better enable the Planning Commission to make a decision. He suggested holding a neighborhood meeting with the existing residents. He discussed some of the residents' concerns.

Discussion ensued regarding tabling the Item to give the applicant time to meet with residents and put together a more detailed plan.

Ms. Griffin asked if the Planning Commission was willing to approve the Comprehensive Plan and the PUD during one meeting.

Ms. Yamaguchi stated standard procedure indicated Comprehensive Plan changes needed to go through City Council before the PUD process began.

Chairperson Goranson stated he was not asking for a completed PUD to be presented, but a more detailed plan would be helpful.

Ms. Yamaguchi stated if the Planning Commission recommended the Comprehensive Plan change not subject to the PUD, then traditional apartments could be developed; this was why Staff recommended approval subject to a similar PUD being approved. She noted Staff did not feel traditional apartments would be good for the area.

Chairperson Goranson noted this was another reason he wanted to see a more detailed plan; too many things fell under Level 3 of the Comprehensive Plan.

The applicants requested this Item be tabled.

Discussion ensued regarding how long the Item should be tabled and what type of notice would need to be sent when the Item was again placed on the Agenda.

Chairperson Goranson stated he hoped the developer would meet with the residents regarding the proposed development. He closed the public hearing.

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

**Move to table Item 6B indefinitely**

The motion carried by the following vote:

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

Chairperson Goranson noted this Item was tabled and the property owners within 300 feet of the proposed development would receive notice regarding when this Item again came before the Planning Commission.

Ms. Yamaguchi noted Staff would be happy to reach out to an HOA point of contact regarding this Item. She stated the City would repost the yellow signs on the property as well.

**C. 24-862 Public hearing, consideration, and possible action regarding COMP-001535-2024 (Comprehensive Plan Change), Iron Buck Acres, 15 acres, Level 1 to Levels 6, generally located west of Oneta Road (241st E. Avenue) and north of Kenosha Street (71st Street)**  
Senior Planner Chris Cieslak reported COMP-001535-2024 was a request to change the Comprehensive Plan designation from Level 1 to Level 6 on approximately 15 acres generally located West of Oneta Road (241st E. Avenue) and north of Kenosha Street (71st Street); the property was presently unplatted and undeveloped. He stated the applicant was interested in developing this property for industrial uses for future commercial office, warehouse, and Mini storage. He indicated pending approval of this amendment to the comprehensive plan, the applicant intended to submit a rezoning request to change the zoning to Industrial Light. He stated on August 15th, 2023 City Council approved the rezoning of the southern two properties to CG and IL with a Planned Unit Development (PUD), subject to

plating. He noted at this time, the applicant proposed to expand the approved PUD area to include the property to the north. He indicated in conjunction with the rezoning request, a comprehensive plan change to Level 6 was approved by City Council in 2017, subject to the property being platted. He stated amending the Comprehensive Plan to Levels 6 could potentially support a future rezoning to any zoning district identified as possible or allowed within the Comprehensive Plan level. He noted Table 4-1: Land Use Intensity System Zoning District Table, of the Comprehensive Plan identified these potential districts. He stated based on the location of the property and surrounding land uses, Staff recommended COMP-001535-2024 be approved, subject to the property being platted.

The applicant Mark Capron agreed with the Staff Report but did not speak.

There were no members of the public signed up to speak; there were no submitted comments.

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

**Move to approve Item 6C per Staff recommendation**

The motion carried by the following vote:

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

Chairperson Goranson indicated this Item would go before City Council on July 15, 2024 at 6:30 p.m.

**D. 24-854 Public hearing, consideration, and possible action regarding PUD-001545-2024 (Planned Unit Development), 620 S Ash, approximately 0.33 acres, Downtown Residential Overlay District (DROD) Area 1 / R-3 located on the northwest corner of South Ash Avenue and West Houston Street (81st Street) at 620 S Ash**

Mr. Bibelheimer reported PUD-001545-2024 was a Planned Unit Development submitted for an undeveloped tract of land on the northwest corner of South Ash Avenue and West Houston Street. He stated the property was platted as Lot 14-18, Block 74, Original Town of Broken Arrow and was zoned as DROD Area 1/R-3. He stated PUD-001545-2024 requested the following deviations from the Single-Family requirements of the Downtown Residential Overlay District zoning regulations: a reduction in lot area from 5,000 square feet to 4,500 square feet. He explained the applicant was requesting a decrease in the minimum lot size, to facilitate a lot split on this property. He explained as shown in the conceptual exhibit, the applicant would like to split this lot into 3 lots, to build single family detached homes; these homes were proposed to be built to meet all the design requirements of single family detached homes in DROD Area 1. He stated the surrounding land uses were included in the Staff Report. He stated according to FEMA maps, none of the property was located in a 100-year floodplain area. He noted water and sanitary sewer were available from the City of Broken Arrow. He stated based on the surrounding land uses, staff recommended PUD-001545-2024 be approved and that platting be waived.

The applicant Sam Brown agreed with the Staff Report but did not speak

There were no members of the public signed up to speak; there were no submitted comments.

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

**Move to approve Item 6D per Staff recommendation**

The motion carried by the following vote:

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

Chairperson Goranson indicated this Item would go before City Council on July 15, 2024 at 6:30 p.m.

**E. 24-855 Public hearing, consideration, and possible action regarding PUD-001561-2024 (Planned Unit Development), Hillside Villas, 13.51 acres, A-1 (Agricultural) to RD (Residential Duplex)/ PUD (Planned Unit Development)-001027-2023, located one-quarter mile east of North Elm Avenue (North 161st East Avenue), one-quarter mile south of Omaha Street (East 51st Street)**

Mr. Bibelheimer reported PUD (Planned Unit Development)-001561-2024 was a proposed major amendment to PUD-001027-2023. He stated this property was 13.51 acres zoned A-1 (Agricultural) to RD (Residential Duplex) and PUD-001027-2023, Hillside Villas. He indicated the property was generally located one-quarter mile east of North Elm Avenue, one-quarter mile south of Omaha Street; the property was presently undeveloped and un-platted. He stated PUD-001027-2023 and BAZ-001052-2023 were approved by City Council on November 7, 2023 and were to facilitate a duplex development with private streets. He stated after this approval the developer approached Staff about changing the development to a single family detached development and that was why PUD-001561-2024 was submitted; it would allow the applicant to change the allowed uses to include single family detached houses. He noted the PUD proposed a reduction in front setback from 25 feet to 20 feet; a reduction in site setback from 10 feet and 5 feet to 3 feet and 0 feet; maximum building height reduces maximum building height from 2.5 stories to 2 stories; increase in maximum lot coverage



from 50 percent to 56 percent. He stated the exterior walls parallel to the property line shall have a fire-resistant rating of 1 hour-tested in accordance with ASTM E119, UL 263 or Section 703.3 of the International Building Code with exposure from both sides where they were located within 3-foot of the property line. He stated openings (doors, windows, vents, etc.) shall not be permitted in exterior walls parallel to and located within 3-foot of the property line. He stated projections shall have a fire-resistant rating of 1 hour from the underside where located within 3-foot of the property line. He stated these fire-separation requirements would be required on the side of each house with a 0-foot side setback. He indicated additionally, the applicant proposed that the 3 foot side setback be a maintenance easement and structures would be built in accordance with the IRC (International Residential Code). He stated vehicular access to this development was proposed to be provided through the extension of 1st Street from the north to the existing stub street, East Indianapolis Street, in the Country Lane Estates subdivision to the east. He stated private, gated internal streets with two access points off of the public street extension between 1st Street and East Indianapolis Street would serve this development. He stated 1st Street was a collector street which gave the proposed development direct access to North Elm Avenue. He indicated PUD-001027-2023 allowed for private streets throughout the development, as shown in the conceptual exhibit. He indicated the surrounding land uses were shown in the Staff Report, as well as the five PUD provisions. He stated in Staff's opinion, PUD-001561-2024 satisfied provisions 3 and 5 by providing significant open space and amenities. He stated according to FEMA maps, none of the property was located in the 100-year floodplain. He noted water and sanitary sewer were available from the City of Broken Arrow. He stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended PUD-001561-2024 be approved subject to the property being platted.

Vice Chair Coan asked if this was going from residential duplex to single family, why not just change the zoning from RD to single family.

Ms. Yamaguchi explained the lots were significantly smaller than typical single family lots, so the PUD was necessary to reduce the lot sizes, as well as several other changes. She explained the development would not meet straight zoning criteria. She noted there was a 3 foot side yard on one side of the homes and a 0 foot side yard on the other, and the 3 foot side yard would be a maintenance easement.

The applicant, Adrian Berryhill, with Berryhill Investment Group was present.

Chairperson Goranson noted with the new proposed layout it might be difficult to see traffic when exiting the property at one of the access points. He asked if this was considered.

The applicant, Jeff Lord, with Inspire Engineering Inc. indicated he was working with Jason to develop an approved site plan; the exhibit was just a conceptual site plan.

Discussion ensued regarding the entrance and exit from the property; how the City recommended the design; the angle of the entrance; the stormwater pipe across the property; the secondary entrance versus the primary entrance and where each would be located.

Ms. Yamaguchi noted the site plan submitted with the PUD was only conceptual and when the platting process began the engineering details would be determined.

Chairperson Goranson stated he just wished to voice his concerns as the entrance to the property did not look right, but as long as engineering approved, he would not argue.

Mr. Berryhill indicated the pie shaped corner next to the entrance would be a dog park, so open fencing could be placed around the dog park which would provide good visibility for drivers.

Chairperson Goranson stated he was not a fan of the 0 foot and 3 foot side yard.

Mr. Berryhill noted it would be difficult to build, but there was a need for this type of housing in Broken Arrow; it was a very low maintenance, turnkey subdivision for 55 plus residents. He explained the properties would be designed with patios, creating a nice private space.

Vice Chair Coan asked where the air condenser would be located.

Mr. Berryhill explained the condensers would be located at the rear of the homes.

Ms. Yamaguchi stated citizen Becca Harden signed up in opposition but did not wish to speak.

Chairperson Goranson closed the public hearing.

MOTION: A motion was made by Jason Coan, seconded by Jaylee Klempa.

**Move to approve Item 6E per Staff recommendation**

The motion carried by the following vote:

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

Chairperson Goranson indicated this Item would go before City Council on July 15, 2024 at 6:30 p.m.

**F. 24-856 Public hearing, consideration, and possible action regarding BAZ-001321-2024 (Rezoning) Northside Christian Church, 1.81 acres, CH (Commercial Heavy) to CN (Commercial Neighborhood), approximately one-quarter mile north of Kenosha Street (71st Street), east of Elm Place (161st Avenue)**

Senior Planner Joel Hensley reported BAZ-001321-2024 was a rezoning request involving a 1.81 acre lot and proposing a change from Commercial Heavy to Commercial Neighborhood. He stated the property was located north of Kenosha Street on Elm Place and was platted as Lot 1 Block 1 Northside Christian Church. He indicated the property would maintain street frontage along Elm Place and would meet the minimum requirements outlined in the current Zoning Ordinance. He stated the applicant was requesting to rezone this lot in coordination with an approved lot split in order to prepare for a change of occupancy. He stated the applicant and Staff had multiple meetings about the potential occupancy of a building located on this property, and recently applications have been submitted to change occupancy from a Church to a Daycare. He stated currently, the existing building on the property could not be occupied as a Daycare but plans have been submitted that would bring the building into compliance and facilitate the occupancy change. He indicated the applicant was made aware this building could not be used for a Child Care Facility use type until the building was in compliance. He stated the surrounding land uses were in the Staff Report. He stated according to FEMA maps none of the property was in the 100-year floodplain and a Blue-Line Stream crossed the eastern section of the proposed southern lot. He stated based on the Comprehensive Plan, location of the property, and the surrounding land uses, Staff recommended BAZ-001321-2024 be approved, subject to the new warranty deed being recorded in Tulsa County; the warranty deed was recorded today.

Chairperson Goranson noted if approved, everything would be in compliance.

Mr. Hensley concurred.

The applicant Jared James was present but did not wish to speak.

There were no public comments.

Chairperson Goranson closed the public hearing.

MOTION: A motion was made by Jaylee Klempa, seconded by Jonathan Townsend.

**Move to approve Item 6F per Staff recommendation**

The motion carried by the following vote:

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

Chairperson Goranson indicated this Item would go before City Council on July 15, 2024 at 6:30 p.m.

**G. 24-858 Public hearing, consideration, and possible action regarding BAZ-001459-2024 (Rezoning), Broken Arrow West, approximately 109.55 acres, A-1 (Agricultural) to RS-3 (Single Family Residential) located west of 193rd E Ave/ County Line Rd (23rd Street), and one-eighth mile south of Jasper Street (131st Street)**

Senior Planner Chris Cieslak reported BAZ-001459-2024 was a request to change the zoning designation on 109.55 acres from A-1 (Agricultural) to RS-3 (Single-Family Residential). He stated the property was located West of 193rd E Ave/ County Line Rd (23rd Street), and one-eighth mile south of Jasper Street (131st Street) and was unplatted. He stated he received an email from the applicant asking to continue this Item to July 25 due to scheduling issues.

Ms. Yamaguchi indicated seven citizens signed up, and some wished to speak. She noted Planning Commission could listen to the comments or the citizens could be contacted before the public hearing was continued.

Chairperson Goranson opened the public hearing.

Ms. Yamaguchi indicated she would call up the speakers. She noted the applicant was not present to speak or provide a rebuttal.

Citizen Jared Mann indicated he would rather hold his comments until the applicant was present; however, he had a question. He noted there were residents outside the 300 foot radius notification area who would be affected by this rezoning and asked why these other residents were not notified.

Ms. Yamaguchi explained State Statute required the City to notify all property owners within 300 feet of the property in question. She indicated the City also published a newspaper notice in Tulsa World or Wagoner County Tribune and posted yellow signs on the property in question notifying those who drove by the property.

Mr. Mann stated he understood the yellow signs were only required to be posted on one side of the property, but by not posting on both sides, the City was excluding those who lived on Jasper which potentially would back up to their properties.

Ms. Yamaguchi indicated the property owners to the north within 300 feet of the property would have received a notice. She stated the City could only post notification signs on the subject tract, and as this property had no frontage on Jasper Street, a sign could not be posted along Jasper Street.

Mr. Mann asked if the 300 foot radius notification area was from the entrance of the property.

Ms. Yamaguchi explained the 300 foot radius notification area extended from the boundary lines of the property in question.

Discussion ensued regarding what would be considered a reasonable notification area.

Commissioner Klempa indicated the City followed State Statutes as required.

Citizen Ed Balcerak stated he was on the River Ridge HOA Board. He discussed concerns regarding over development of the area increasing traffic; and the existing heavy traffic conditions.

Citizen Michael Egan discussed his concerns regarding sand trucks damaging the road in the area; increased traffic concerns; and lack of sewer or water infrastructure in the area. He asked if the City or the developer was responsible for installation of this type of infrastructure.

Ms. Yamaguchi indicated the developer was responsible for bringing all infrastructure to the site, providing services within the development. She stated this would be done in coordination with the City.

Mr. Egan discussed his concerns with the traffic.

Commissioner Klempa indicated a survey was sent out last month regarding which streets needed to be improved within the City and she hoped everyone completed the survey showing support of improvements on these roads. She highly recommended residents complete these surveys when made available. She indicated the surveys could be found on the Broken Arrow website.

Mr. Egan discussed the increase in population and development in Broken Arrow. He discussed his love for Broken Arrow and his concern regarding adding over 400 homes in this area.

Chairperson Goranson explained the City had to have a good reason to improve roads, and building these homes would bring the traffic which would encourage the City to improve the roads.

Citizen John R. Barber discussed his love of Broken Arrow. He discussed his concern regarding the potential increased traffic. He stated he felt the request to continue this Item at the last minute was very inconsiderate; he had been present since 5:30 p.m. and now would have to return for another meeting. He asked where the City stood regarding the application.

Mr. Cieslak stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-0014592024 be approved subject to platting.

Chairperson Goranson asked if Mr. Barber was familiar with the Comprehensive Plan.

Mr. Barber responded in the affirmative.

Chairperson Goranson explained the Comprehensive Plan was the guide used by City Staff to make a recommendation to Planning Commission, Planning Commission then discussed the matter, held a public hearing, and then made a recommendation to City Council. He stated Planning Commission may or may not approve the application, but if the Planning Commission did approve the application the application would go on to City Council for final approval. He stated if the application was in alignment with the Comprehensive Plan, it would be difficult to deny the application, there had to be very good reasons. He noted this

area was Level 2 of the Comprehensive Plan, and RS-3 was permitted in Level 2 of the Comprehensive Plan, so there had to be a very good reason to deny an application for rezoning to RS-3 in Level 2.

Mr. Barber asked if Rausch Coleman was the developer for this project.

Ms. Yamaguchi responded she did not believe Rausch Coleman was the developer.

Commissioner Klempa noted the Planning Commission was not permitted to take into account property values when reviewing an application as the rise and fall of property values was considered speculation.

Citizen Carol Belk stated she was President of the River Ridge HOA. She stated River Ridge would like to see the property zoned R-1 instead of R-3. She stated 450 homes with R-3 was too many houses. She discussed her concerns regarding over development and traffic. She asked if a traffic study was done.

Ms. Yamaguchi explained this was a zoning case at this time, land use only; if this were approved, it would go through the engineering and design process during which, if traffic counts were deemed high, then a traffic study would be required.

Ms. Belk asked if Planning Commission and Staff felt R-1 would be a better fit for this property.

Ms. Yamaguchi explained the request came from the applicant for the zoning and the Planning Commission could not change the applicant's request. She explained the Planning Commission could only approve, deny, or continue the Item; Planning Commission could not approve RS-1 when RS-3 was requested.

Mr. Cieslak explained RS-1 would not be supported in Comprehensive Plan Level 2; RS-2 or RS-3 would be allowed by right in Level 2.

Ms. Yamaguchi explained the Comprehensive Plan was what Staff used to determine a recommendation; the personal feelings of Staff had nothing to do with whether an application was recommended. She stated based on the Comprehensive Plan this property was Level 2, which was urban residential, and RS-1 was not allowed in Level 2 of the Comprehensive Plan. She stated if the applicant requested a rezoning to RS-1, Staff would recommend a denial because it would not be in line with the Comprehensive Plan.

Ms. Belk stated her subdivision had large lots and RS-3 would be too crowded. She asked for Planning Commission and Staff to consider her and her neighbors.

Citizen Ron Schnare thanked Planning Commission and City Staff. He stated he agreed with all his neighbors. He discussed his concerns regarding heavy big truck traffic, and increased traffic congestion with the addition of 450 homes. He requested RS-2 for this development as opposed to RS-3. He stated he completed the streets survey.

Citizen Kevin Teakell stated he developed the neighborhood to the east of this property. He indicated he had traffic concerns. He stated he had concerns about the density of this proposed development and would prefer a lower density development. He stated he completed the streets survey as well.

Chairperson Goranson asked Staff to compare RS-2 to RS-3 for the next meeting.

Ms. Yamaguchi indicated she could add those calculations to the Staff Report for the next meeting.

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

**Move to continue Item 6G to July 25, 2024 per the request of the applicant**

The motion carried by the following vote:

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

**H. 24-867 Public hearing, consideration, and possible action regarding PUD-001546-2024 (Planned Unit Development), 421 E Elgin, approximately 0.24 acres, 2 proposed lots, DROD Area 2 / R-3 (Downtown Residential Overlay District Area 2 / Residential Single-Family), located approximately one-eighth mile south of Kenosha St (71st Street) and one-eighth mile west of 9th Street (177th Avenue/Lynn Lane Road)**

Senior Planner Joel Hensley reported PUD-001546-2024 (Planned Unit Develop) was a proposal to request variances from the City of Broken Arrow Zoning Ordinance and Downtown Residential Overlay District (DROD), specifically requirements related to the Two-Family Residential Design Standards in the DROD. He stated the subject property was approximately 0.24 acres and was located at 421 East Elgin which was west of 9th Street and

south of Kenosha Street. He indicated in 2022 a building permit was issued to construct the Two-Family Dwelling at 421 East Elgin; in 2023 the structure was completed and as it stood today it met all the minimum requirements of the Two-Family Residential Design Standards outlined in the DROD for Area 2 (Residential 2). He stated these design standards were adopted to provide high quality residential designs within the overlay district by modifying the current Zoning Ordinance to promote the protection of established neighborhoods while accommodating infill and increased residential densities. He noted the DROD standards were intended to: Implement the Comprehensive Plan, Promote High Quality Urban Design & Walkability, Respond to Context and Key Features, and Respect Established Development Patterns. He stated Development Patterns included lot size and depth, building widths, and architectural features which were important in determining a neighborhood's design traditions and physical characteristics. He stated the proposed PUD was seeking variances in order to facilitate a lot split which would create two lots and separate the two-family dwelling into two single family homes with a shared wall. He stated the reason stated for this PUD application was to give the property owner the capability to sell the residences separately. He noted Area 2 of the DROD supported both single-family and two-family residential homes. He stated there were quite a few requested deviations from the Single-Family Residential Design Standards of the DROD. He explained it currently was a two-family dwelling and the applicant wished to change the dwelling into two single family dwellings with a shared wall. He reviewed some of the deviations from the DROD requested. He stated based on the PUD requirements Staff found the PUD proposal did not meet any of the stated purposes for the following three reasons: 1) The property was currently in compliance with the Design Standards of the DROD which already aligned with purposes one, four, and five and this proposal would deviate from the established development patterns intended by the DROD. 2) The proposal would not provide a greater public benefit by facilitating a property sale which only benefits a single entity. 3) The proposal would not encourage or preserve open space. He stated for these reasons Staff recommended PUD-001546-2024 be denied.

Vice Chair Coan asked if a PUD was requested when this dwelling was built three years ago.

Mr. Hensley responded in the negative.

The applicant, Adrian Berryhill, with Berryhill Investment Group discussed the property he developed with a duplex structure unaware he would not be able to sell each portion of the duplex as a separate dwelling. He stated the property was built per City standards, but he could not convey a property to sell without splitting the lot legally. He indicated he was not trying to change the home or the property; the building was lovely, there were two homes with garages and 3,000 square feet of lot space, and he just wanted to be able to convey the property to an owner. He stated he was just requesting a lot split; the property itself was lovely and would not change.

The applicant, Jeff Lord, with Inspire Engineering Inc. stated the garage was out of compliance with a 31.5 foot setback when a 35 foot setback was required, and the PUD would put this into compliance as well as accommodate the lot split.

Chairperson Goranson asked if this could go before the Board of Adjustment.

Ms. Yamaguchi stated the garage setback could go before the Board of Adjustment. She stated from Staff's perspective, and the reason Staff was recommending denial, was if the intention was to build two single family units from the start, why did it not start with two single family units. She stated Staff did not want to do a modification to the Zoning Ordinance for a single parcel with no public benefit. She stated there was no criteria in the Zoning Ordinance indicating that a lot could be split for profitability.

Mr. Berryhill stated this was an oversight. He indicated he built many homes in Broken Arrow, but the DROD was new to him, and he did not realize that when he was issued two building permits and two building addresses that he would have to split the lot in order to convey a property. He noted it was an oversight on his part, and this was why he was asking for the PUD to help, so this would not be a financial burden, a hardship. He explained he built the property with all utilities and everything separate, the only thing not separated was an adjoining wall and he just wanted a variance so he could sell the properties. He noted he was not asking to change the scope of the DROD, he was just asking for a variance so he could sell the homes to two good families. He stated he did not want to have to Airbnb this property indefinitely.

Citizen Seth Eldridge stated he worried approval would set a precedent for incoming builders, enabling builders to ignore the rules. He stated the property was lovely, Mr. Berryhill did an excellent job. He discussed his water and drainage issues, noting his garage would flood on occasion. He said if the City were at all responsible, he hoped it would take responsibility, and fix his drainage issue.

Citizen Adrienne Steinocher stated the home was beautiful but when it was constructed, Mr.

Berryhill brought in a lot of fill dirt and the duplex was a lot higher than hers and while she had not seen a lot of issues yet, Mr. Berryhill promised to fix any issues which arose and if Mr. Berryhill sold the property, then who would fix the problems. She said somebody should have caught this before the home was built.

Ms. Yamaguchi stated the City regulated the building permits which came through, and she was made aware this evening that maybe one of the garage setbacks was incorrect and if this were true and it was permitted, then yes, it would be on the City, but as far as this being built as a duplex, it met all the other criteria. She stated the property went through a review and met all DROD requirements, except maybe the garage setback.

Ms. Steinocher asked if the change was Mr. Berryhill wanted to sell the home as two units. She noted this was a duplex area.

Ms. Yamaguchi responded in the affirmative. She stated the home was constructed as a duplex. She stated if the application were approved the neighbors would not see any difference in the property.

Ms. Steinocher stated she worried approval would set a precedent for builders to come in, construct what they wished, and ask forgiveness later.

Citizen Frank Horton noted the DROD was an advocate for the downtown residents who did not have an HOA. He stated he owned four pieces of property, and he wanted his property to continue to be protected by the DROD. He noted Mr. Berryhill's property could be conveyed as a duplex, as it was built and permitted. He discussed his concerns with the PUD. He noted if this were approved, he would love to split his four lots into eight lots to sell. He stated he spent a significant amount of time and resources on his property to ensure they were in compliance with the DROD so he would not have to come back and ask for a variance. He stated if there were a true mistake somewhere an accommodation could be made; but he was not sure that was the case here.

Chairperson Goranson closed the public hearing.

Vice Chair Coan asked if he built a row of four townhouses in the downtown area would he get a permit for each of the townhouses even though the townhouses were connected.

Ms. Yamaguchi responded in the affirmative. She stated it was the same with any duplex anywhere in the City of Broken Arrow; an address and separate building permit would be issued for each side of the duplex, so each unit could be issued a certificate of occupancy.

Chairperson Goranson asked Ms. Yamaguchi to review.

Ms. Yamaguchi explained as of right now, putting the garage aside which may or may not be in conformance, assuming the property was in conformance with the DROD, there were no issues with the property; the property could be sold as a duplex. She stated if the PUD were approved it would allow the sale of the two units separately. She stated if the development had come in and requested a lot split to build two single family units prior to the property being developed, Staff would not have been in support because the minimum lot size for a single family dwelling would not have been met for each. She noted a preliminary Technical Advisory Committee meeting was held regarding a potential lot split which revealed a PUD process would be required for a lot split. She stated one of the utility companies did request a 10 foot easement along the west property line to provide utility service, but water and sewer were separated. She noted when the duplex building permit was issued a fire wall was required between the units, which was standard, and would also have been required for single family attached. She said she did not think the issue with the utility company had been worked out in terms of the easement, but this was between the property owner and the utility company. She stated Staff would not be able to support a lot split, if this PUD were approved, until the easement had been taken care of.

Chairperson Goranson stated the way the duplex was built was in accordance with the DROD; everything was in compliance except the garage setback. He asked if the property was considered a noncompliant lot.

Ms. Yamaguchi stated at this time the lot was considered in compliance; the City would have to verify that the garage setback was incorrect before it was considered noncompliant, and then it would have to go before the Board of Adjustment for a modification for the setback. She stated if Planning Commission were to deny the PUD the lot would remain as it was. She noted the PUD made many other modifications which Staff felt were unnecessary.

Chairperson Goranson stated the PUD would also change the intent and he agreed it might set a precedent if approved.

Ms. Yamaguchi stated, on the point of precedent, the City had several developers wishing to do this concept on two separate lots, and the City said no because it did not meet the criteria of the DROD, so approval of this PUD could very well set an unwanted precedent.

Vice Chair Coan asked if there were any duplexes which were split in the DROD area.

Ms. Yamaguchi responded there were none of which she was aware.

Chairperson Goranson noted if Planning Commission denied this, then the applicant could appeal it to City Council.

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

**Move to deny Item 6H per Staff recommendation**

The motion carried by the following vote:

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

Chairperson Goranson noted the applicant could make an appeal to City Council.

Ms. Yamaguchi stated the applicant had 15 days to submit a formal written request to City Staff for an appeal to City Council.

Chairperson Goranson asked how the citizens would be made aware of the appeal.

Ms. Yamaguchi noted there would be no other public notice given. She stated if the applicant were to appeal, it would most likely go on the July 15, 2024 Agenda. She indicated interested parties could call her office and she would provide the date of the appeal.

## 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)

Chairperson Goranson stated Albany 40, which was beside Timber Ridge, had two stub streets in the design, but he did not see the matching stub streets in Timber Ridge.

Ms. Yamaguchi stated if these were abutting properties being platted at the same time, it would depend on which was platted first and then the second would have to match up. She explained the City tried to get the developers to speak with each other and coordinate, but she would take a look and again suggest to the developers that they coordinate.

Commissioner Klempa thanked the Broken Arrow Police Officer who was present at the meeting. She requested a copy of Staff and Planning Commission contact information.

Commissioner Payne noted she was not on the Planning Commission website.

Ms. Yamaguchi noted all Broken Arrow emails were removed from the website for Planning Commission members.

Commissioner Payne noted her name was not on the Planning Commission webpage.

Commissioner Klempa noted the webpage also indicated she was still the Planning Commission Chairperson as well.

Chairperson Goranson requested an update on the new Zoning Ordinance.

Mr. Rocky Henkel stated City Council made a few minor recommendations which Staff was working through. He stated on July 15, at the City Council meeting, two representatives from City Council would be appointed to meet with representatives from the School Board to review the Housing Study and see if the Housing Study might affect the new Zoning Ordinance, and vice versa. He stated the intent was to meet with the School Board before school began, and based on these conversations the City would move forward. He indicated he believed sometime in September or October the new Zoning Ordinance would go before City Council for adoption.

Chairperson Goranson stated it was good the Schools were getting involved, but the Schools were not a driving force of development.

Mr. Henkel stated the City just wanted the School District's input as the School District was a major player in the community.

Chairperson Goranson recommended also including the Union School District.

**10. Adjournment**

The meeting adjourned at approximately 8:21 p.m.

MOTION: A motion was made by Jason Coan, seconded by Jaylee Klempa.

**Move to adjourn**

The motion carried by the following vote:

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