



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, August 22, 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. 24-1139 Approval of Planning Commission meeting minutes of July 25, 2024

B. 24-1135 Approval of PR-000124-2022|PT-001638-2024, conditional final plat, Ironwood, 21.7988 acres, 77 Lots, PUD-453/RS-4 and RD, located west of the southwest corner of Omaha Street (51st Street) and Elm Avenue (161st East Avenue)

C. 24-1136 Approval of LOT-001640-2024 Lot Split, 620 S Ash, approximately 0.33 acres, 1 lot to 3 lots, 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

Chairperson Goranson asked if there were any Items to be removed from the Consent Agenda; there were none.

MOTION: A motion was made by Jonathan Townsend, seconded by Mindy Payne.

Move to approve the Consent Agenda

The motion carried by the following vote:

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

Chair Goranson indicated Item 4B would go before City Council on September 17, 2024.

5. Consideration of Items Removed from Consent Agenda

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

6. Public Hearings

A. 24-1126 Public hearing, consideration, and possible action regarding PUD-001634 & BAZ-001633-2024 (Planned Unit Development & Rezoning), Oak Crossing, 39.56 acres, R-2 (Single-Family Residential) to RS-4 (Single-Family Residential), located approximately one quarter mile south of Houston Street (81st Street), and east of 23rd Street (193rd Avenue/County Line Road).

Senior Planner Chris Cieslak reported PUD-001634-2024 & BAZ-001633-2024 was a request to rezone 39.56 acres from R-2 (Single Family Residential) to RS-4 (Single-Family Residential) with a PUD (Planned Unit Development) for Oak Crossing, a proposed single-family detached development. He stated this property was generally located east of 23rd Street and South of Houston Street; the property was presently undeveloped and unplatted. He stated the PUD, and rezoning request was associated with the potential Oak Crossing development which proposed to create a single-family development with a maximum of 155 detached dwelling units on individual lots. He noted additionally, the PUD proposed a 10-foot buffer with walking trails along the eastern boundary and multiple reserve areas containing detention ponds and additional walking trails. He stated the proposed development would meet the requirements of RS-4 zoning except as modified by the PUD. He indicated access to 23rd Street and all adjacent stub streets would be required; all potential streets must be constructed to City of Broken Arrow standards. He stated an additional single family residential driveway would serve the single lot located south of the railroad. He stated the PUD requested a minimum lot area of 500 square feet, minimum lot frontage of 40 feet, maximum height of 35 feet with 5 feet maximum to extend architectural features, minimum land area of 7,000 square feet, and maximum lot coverage would be 65 percent. 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 per

Table 4-1 of the Comprehensive Plan, RS-4 zoning with a PUD was considered to be in accordance with the Comprehensive Plan in Level 2. He stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended PUD-001634-2024 and BAZ-001633-2024 be approved subject to the property being platted.

The applicant, Nicole Watts, Wallace Design Collective, representing Rausch Coleman, stated conversations were held with Staff regarding water and sewer, and City Staff determined there was an issue with sewer capacity associated with the Blue Bell expansion. She stated Blue Bell was working to fix the issue as an emergency project, so by the time this project was developed, designed, and in construction, the issue would be resolved and there would be sewer capacity for this project. She stated in terms of drainage the developer was lawfully not allowed to let any more water drain off the property than currently drained off the property which was why there were many detention ponds planned for the property to collect stormwater and release the water at or below existing conditions. She stated in terms of traffic, the straight streets were reduced with curves, islands, calming devices, etc. She stated all the stub streets would be connected per Staff recommendations which would prevent 109th Street from being the main focal point.

Chair Goranson stated this was recommended for approval by Planning Commission to City Council with straight zoning previously; City Council denied the application and requested a PUD, so the PUD was what was being considered this evening.

The developer, Mitchell Reddington, Rausch Coleman Homes, stated Rausch Coleman had five communities in Broken Arrow and hoped to continue put down roots in the City. He stated Rausch Coleman offered a 2-10 warranty on homes, one year warrantee covered the veneer of the home, a two year warrantee covered the guts of the home; and a 10 year warrantee covered the structure of the home including the foundation. He stated Rausch Coleman took pride in building a quality home at an obtainable price. He discussed how Rausch Coleman was rated alongside all national builders in the Country; Rausch Coleman rated #1 in all ten categories and had a 94% rating on homes from home buyers. He discussed the housing ladder and how Rausch Coleman was combating housing prices being out of flux noting Rausch Coleman was appealing to first time home buyers and those who were downsizing. He discussed the type of individual who typically purchased Rausch Coleman homes; Rausch Coleman targeted workforce citizens, as well as empty nesters; 60% of Rausch Coleman home purchasers did not have children. He stated many comments heard at previous meetings were considered and the plans were redesigned to address many of these concerns. He stated a half mile of walking trails were designed throughout the community; the lots south of the railroad and the lots which backed up to the railroad were moved and a greenspace buffer was created. He noted ponds and walking trails were added; landscaping would be done along the frontage of County Line Road; the entrance to the development was shifted to the south creating two additional turns to combat traffic; a traffic calming device was added to combat speeding; a pond was added to the northeast side and a tree would be planted on every lot per City Code.

Chair Goranson asked if Rausch Coleman built Oak Creek South Phase 3.

Mr. Reddington responded in the affirmative; this development would be an extension of Oak Creek South Phase 3. He noted Oak Creek South Phase 3 was RS-3 and there was a connection on the southeast side.

Commissioner Jonathan Townsend asked about the price and square footage of the homes.

Mr. Reddington responded the homes would be in the \$200,000 dollar to \$250,000 dollar price range averaging 1,500 square feet.

Commissioner Townsend stated he was pleased and impressed by the changes made to the design as a result of the feedback received. He asked if there was any feedback received which Mr. Reddington simply was not able to change to accommodate the community.

Mr. Reddington indicated most of the feedback was able to be considered and addressed. He stated the big issue which was out of his hands was the sewer issue, but this was being addressed by Blue Bell. He noted the biggest request was creation of greenspace throughout the community. He indicated the previous application had approximately 6 acres of greenspace, but this was increased to 8 acres and added walking trails.

Commissioner Townsend stated the changes showed goodwill and good intent. He thanked Mr. Reddington.

Commissioner Mindy Payne asked where the greenspace was located in the community.

Mr. Reddington responded the greenspace included the 10 foot landscaping buffer, the

sidewalks throughout the community, which all connected to the greenspace reserve area to the east.

Ms. Watts noted there was no greenspace reserve area on the north side of the property; it was located on the east side of the property and on the south side of the property acting as a buffer to the residential to the east and the railroad to the south.

Commissioner Payne asked for more detail about the greenspace buffer for the railroad.

Ms. Watts stated there was a greenspace buffer about 30 to 40 feet in width with a walking trail along the railroad, and discussion was ongoing about installing trees to provide sound buffers for the homes.

Commissioner Payne stated she was concerned about children walking this trail and getting onto the railroad tracks.

Ms. Watts stated she would take this under advisement.

Commissioner Payne recommended a fence to prevent access.

Ms. Watts stated the railroad further to the east had houses right up against the railroad and Rausch Coleman was trying to at least provide a buffer, but she would take the possibility of a fence under advisement.

Ms. Yamaguchi stated a fence requirement along the south by the railroad could be added by Planning Commission as a requirement of the PUD.

Vice Chair Coan asked if the ten year warranty was transferrable from one owner to the next.

Mr. Reddington responded in the affirmative.

Chair Goranson opened the public hearing.

Planning and Development Manager Amanda Yamaguchi listed the names of those who were opposed but did not wish to speak: Krista Cox (later chose to speak), David Woodall, Ariel White, April Jakovar, Lucy Goodwin, Vickie Davis (later chose to speak), Donna Brian, Deanna Houston, Justin Jakovac, and Pat Witteldort.

Citizen Stacy Boyd pointed out her home on the map noting she lived next to Oak Creek and as such she was familiar with the water problems in the area. She stated stormwater runoff force was so great near her home it backed up the sewer and caused a fountain of sewage in her backyard which then washed into Oak Creek which would lead into the retention pond of the new development. She stated she appreciated that Rausch Coleman discussed these sewer problems with the City. She indicated she understood Blue Bell was part of the issue but did not understand why Blue Bell was allowed to expand before addressing these issues. She asked if the Blue Bell expansion was online yet. She noted once it went online the problems would increase exponentially. She stated an emergency plan to do emergency repairs sounded as if it had the potential for problems. She said she did not feel anything should be built on these 40 acres until the sewer problem was solved. She stated the City of Broken Arrow took a greenspace and made a park out of it several years ago near Louisville Street across from the newly proposed neighborhood. She noted there was no parking for this park, but there was a stub street in which the children were accustomed to play, mostly unsupervised, which she felt was very dangerous. She stated she was concerned about the access point for this development as it emptied onto a very busy road; she was concerned about traffic cutting through the existing subdivision to reach the Broken Arrow Expressway.

Director of Engineering and Construction Charlie Bright stated as a part of the Engineering and Construction Department he had no opinion regarding this development or whether it went forward. He stated after the previous meeting, at which he and the rest of City Staff became aware of this issue, City Staff went out immediately to evaluate the situation. He stated the City took this problem very seriously. He noted why and how it happened he did not know, but in general Blue Bell was reaching capacity at the line. He indicated by his understanding the backfill only happened during rain events, so what was happening was, as sanitary sewer lines aged, more infill and infiltration occurred, and as the sewer got older, more rain was absorbed into the sewer system. He stated at one point in time the Blue Bell system was probably sufficient for the line, but as the system aged more infill and infiltration occurred, and it was getting to the point it was past capacity causing overflow during rain events. He explained the City was not doing an emergency fix, and was not doing a simple fix, the City was completely taking Blue Bell off this sewer line. He stated Blue Bell would be taken to a completely different line, south of Blue Bell, putting Blue Bell on a completely different line which had more capacity and far fewer residences. He noted there was even a longer term plan to run a new trunk line down Highway 51 being considered. He stated

regardless of this development, the sewer issue was being addressed.

Chair Goranson asked if any other developments were impacted by this issue.

Mr. Bright responded in the negative; he was unaware of any other developments having the same issue. He stated as soon as you went past Oak Creek South Phase 3, it tied into the County Line Trunk Sewer Line, and from what he could tell it was pressurized just through this line, which was an 8 inch line, and once you got to County Line it increased to a 36 inch line and there were no capacity issues.

Chair Goranson stated currently this was zoned R-2, so the developer could build, but would have to get the building permits cleared through the City. He asked if the City would issue building permits before this was fixed.

Mr. Bright stated he did not issue building permits, but he believed there would be some hesitancy. He stated if the City had all the necessary issues, the sewer line could be built in three or four months; the issue was, for the City's solution, one easement was required from one landowner, and this could take anywhere from one to four months to acquire. He stated as soon as the easement was acquired, the City would fix the problem. He estimated it would be fixed within a year but could be sooner if he could get the easement quickly. He noted any development on this land would not have homes constructed for move in within a year, so the issue would be addressed before homes were developed.

Vice Chair Coan asked if the existing line were taking away from Blue Bell's impact and would its age be able to hold up to a development in this area.

Mr. Bright responded in the affirmative. He explained the flow from residences was far lower than what was coming out of Blue Bell today. He stated the system was still in good condition. He noted eventually it would have to be redone, but it was okay, and the Blue Bell flow was just too much for the system.

Chair Goranson asked if the City would be sending out notification to the residents of Oak Creek South regarding the sewer.

Mr. Bright stated he was unsure. He stated the City was still trying to determine where the funding was coming from, and working to obtain the easement, but as soon as a concrete plan was in place communication would be sent out.

Ms. Yamaguchi stated she did not think there would be individual notification of property owners unless there was a disruption of service.

Citizen Neal Henderson chose not to speak.

Citizen Bonnie Strawn stated she had the same concerns as Ms. Boyd. She stated her main concern was regarding the park and the children who played there, as well as the exit out as 81st and 193rd already had so much traffic, as did her neighborhood. She expressed concerns regarding additional traffic driving through her neighborhood, the sewage, and traffic increases due to the Amphitheater.

Chair Goranson noted Ms. Strawn had to realize that a development would eventually go in where the stub street was located.

Ms. Strawn responded in the negative; she thought what a great neighborhood with a cute park built at the end of a dead end street. She said she did not realize the wooded land would be developed.

Citizen Sean Parrish expressed concerns regarding traffic, overdevelopment of the 40 acres with 155 lots and over 300 vehicles, overcrowding of Broken Arrow Public Schools, trains coming through the area at 40 miles per hour. He discussed the problem with developers adding water to concrete foundations lessening the strength of the foundation and recommended the City inspect every concrete foundation of every new building constructed in the City.

Citizen Lori Hendricks stated she did not see the two access points referenced in the PUD on the map. She stated if this development were in Wagoner County it would not qualify as it did not have two exits. She discussed her concerns regarding increased traffic through the existing neighborhood as a result of the lack of entrances and exits; the lack of a stub street to the north; increased stormwater runoff exacerbating the sewer problem; the smaller lot sizes and increased number of homes.

Ms. Yamaguchi stated the PUD would need to be amended as it did say there were two access points and only one access point was shown.

Citizen Kathryn Church discussed her concerns regarding the Oak Creek erosion, increased water flow and erosion as a result of the new development, increased crime rates, lack of privacy due to the elevation of the neighboring land, the need for a traffic study, increased traffic, deterioration of the roads, and lowered property values.

Citizen Katherine Combs stated she was opposed to this development with concerns regarding safety, traffic, sewage, and school overcrowding.

Citizen Joe Cannon stated he had the same concerns as his neighbors including increased stormwater, potential flooding, and sewer issues.

Chair Goranson stated engineering would be certain to ensure the developer addressed stormwater flow. He noted there were four detention ponds planned in the development to retain stormwater. He stated the water flow should be better than it was currently as a result of this design.

Mr. Cannon discussed where the water flowed past the railroad noting he believed it would be an issue. He stated he felt the developer should build 10 large homes with 5 acre lots.

Citizen Krista Cox discussed her concerns regarding speeders in the neighborhood, decreased safety of children playing, traffic issues through the subdivision, and too many homes on the 40 acres. She asked for larger lots and fewer homes.

Citizen Vickie Davis discussed her concerns regarding poor street conditions, speeders through her neighborhood, child safety, the need for speed control devices, the need for two exits from this new development, and the need for peace in her neighborhood.

Chair Goranson closed the public hearing. He stated the tie into the existing subdivision with the stub streets was a City requirement. He asked about the curb cut south of the railroad tracks.

Commissioner Klempa stated it was still shown on the drawing, but she did not think it was meant to be there.

Chair Goranson explained the curb cut was the access point from 193rd (County Line) into the development.

Ms. Yamaguchi stated the wording needed to be changed to reflect the current conceptual plan.

Ms. Nicole Watts, Wallace Design Collective, stated the two access points were left in because the plan was to have the land on the south side of the railroad as one lot, so the thought was one driveway for this lot; there would be one access point on the north side for the subdivision and then one driveway on the south for the one lot. She stated if rewording were required, this would be done. She stated the comments regarding speeding traffic through the subdivision was why the traffic calming devices were written into the plan in the northeast corner where there was the connection to the existing subdivision. She noted the island would require drivers to slow down coming into and leaving the existing subdivision. She noted the curves in the streets would also act as natural traffic calming devices. She stated per the Fire Code a minimum of two access points were required for subdivisions and these could not be on the same side of a property, so having one in the northwest corner and connecting on the southeast corner and northeast corner met the Fire Code. She noted the stub streets were designed by the City in previous years for connectivity. She noted the connectivity would provide access for the existing residents who wished to exit to the west. She stated in terms of sewer, the City indicated the sewer would be fixed within a year, and the developer would not have houses built for two years, so it would not be an issue. She stated there were multiple detention areas on this property due to the topology. She indicated the multiple detention areas would ensure there would be no increased water runoff from any portion of the property. She stated the developer was willing to add installing a fence along the south side of the property by the railroad into the PUD.

Chair Goranson stated City Council just approved a development next to the railroad, near Washington, which was also an RS-4. He noted he believed it had 150 feet of right-of-way as opposed to 100 feet of right-of-way like this development had. He stated it also had a 50 foot landscape buffer. He noted there was another recently approved PUD with had a 50 foot landscape buffer. He asked if this could be considered for this development.

Ms. Yamaguchi stated the two PUDs Chair Goranson was referring to did have 50 foot landscape buffers which were recommended by City Staff, but ultimately it was the decision of the applicant whether to install a 50 foot landscape buffer. She noted in this case, the applicant chose a 10 foot landscape buffer due to this being a more constrained site with a

different product. She noted code did not require any landscape buffer between residential developments.

Chair Goranson noted also in the past, a less dense product was developed abutting the neighbors while the rest of the development was of higher density. He asked if this was considered.

Ms. Yamaguchi responded in the negative.

Chair Goranson asked if this was something the applicant might be interested in.

Ms. Watts stated along the east side, looking at the neighbors, there was a large overland drainage easement, a blue line stream which provided a very large natural buffer. She stated this was why only a 10 foot landscape buffer was being provided on the east side of the property to try to keep some of the trees and provide a walking trail, but there was a very large natural buffer along the east of the property already.

Chair Goranson discussed the tie ins to the existing subdivision, the traffic calming devices planned, the connectivity, and how these would benefit the existing residents.

Ms. Watts stated she did not believe all the traffic would go to the east; she believed drivers would exit to the east or west depending on where they wished to go. She said she was willing to work with City Staff in installing additional traffic calming devices.

Chair Goranson stated he believed there were four speed humps in the existing subdivision. He stated he did not know whether the City needed to install additional traffic control measures.

Ms. Watts noted roads were not permitted to be longer than 900 feet in a residential area without some sort of traffic control measure, and the developer would adhere to this requirement.

Discussion continued regarding traffic control measurement requirements.

Mr. Jason Dickeson noted 81st Street from Lynn Lane to County Line to the Highway would be 5 lanes when the construction was completed. He stated the next step was from County Line to the Highway and then Lynn Lane to County Line. He stated construction from Lynn Lane to County Line was still under design and was expected to be under construction next year. He stated from County Line to the Highway would begin after the bridge was completed and this could be later this year or early next year.

Mr. Charlie Bright stated the 2018 Bond passed to widen 81st Street (Houston) from Lynn Lane all the way to Highway 51; City Council recently approved this project being broken into two projects because on 81st from Lynn Lane to County Line there were issues with the Creek being against the roadway and the Army Corps of Engineers categorizing this as a navigable creek. He stated construction would start sometime next year on County Line to Highway 51 and it would be a year or so behind that from Lynn Lane to County Line.

Chair Goranson asked about the County Line widening.

Mr. Bright stated ongoing construction was redoing the intersection at 81st and County Line; there were currently no plans to widen from 81st to 91st; a lot of this was wetlands and Corps regulated area, so it was anticipated that not a whole lot of development happened along this part of County Line, but there was a future project to improve the intersection at 91st and County Line.

Commissioner Townsend asked about the research which went into determining the need for this type of housing in Broken Arrow.

Mr. Reddington stated he had Broken Arrow specific statistics which showed the demographics Rausch Coleman targeted, the median household income, age range, etc. He noted the average age was 37 years old, average median household income was around \$90,000 dollars, and these were entry level workforce professionals. He stated on average the homes were around 1,500 square feet, and between \$200,000 and \$250,000 dollars, and much of the workforce housing came from nurses, teachers, firefighters, police, etc. He noted he himself lived in a Rausch Coleman home, had worked for Rausch Coleman for five years, had two children; Rausch Coleman had afforded him the opportunity to own a home as a young professional.

Commissioner Townsend asked if the Mr. Reddington was able to identify a significant number of people who might be interested in this particular project, or a similar project.

Elm Place and was currently un-platted and undeveloped. He stated COMP-001531-2024 was on the Planning Commission agenda on June 27th, 2024, and August 8th meeting, where approval was recommended to City Council. He stated this comprehensive plan change was a proposal to change the Comprehensive Plan designation from Level 2 (Urban Residential) and Level 3 (Transitional Area) to Level 3. He stated COMP-001531-2024 was heard by City Council on August 20th, 2024; City Council approved with a vote of 5 to 0 in favor. He stated BAZ-001624-2024 was an application to change the base zoning of this parcel to Community Mixed-Use. He reported PUD-001623-2024 proposed a mixed-use 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 indicated the PUD set a maximum of 95 dwelling units, with 82 being shown in the conceptual exhibit. He noted CM allowed for all the proposed uses, except for Duplex and Single Family Detached. He stated it was interpreted that these were the lower intensity uses, which could be allowed with PUD-001623-2024; additionally, when looking at the commercial uses allowed in the Live/Work area, the commercial uses decreased the uses allowed by right, or by specific use permit, in the CM district. He stated the proposed PUD defined cottage court and live/work use categories, which were heavily influenced by the Downtown Residential Overlay District. He noted PUD-001623-2024 proposed different design standards for single family detached, single family attached, duplex, cottage court, and live/work attached; these design standards were summarized in the table included. He explained the PUD table outlined the lot size for each lot. 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 indicated secondary access was still being discussed with potentially gated access south onto North Circle Drive. He noted multiple options have been discussed for secondary fire access; these options included a potential path on the west of the detention facility, a connection onto Ash, or a potential connection onto Oakland Place. He stated these details were not decided, but the development would be required to provide secondary access sufficient to meet the fire code requirements. He stated a stub street was proposed to be provided to the undeveloped property to the north. He indicated the conceptual layout submitted with this application was still subject to change. He noted this layout had a public street which gave frontage to all of the proposed lots, except the cottage court lots, for which could count the internal court as frontage, with additional access being provided from private alleys. He indicated the final layout would have to meet all requirements in the zoning ordinance, Engineering Design Criteria, and the international fire code. He reported a community meeting was held Friday August 2nd from 4:45 until 5:45pm at the Broken Arrow Public Library, where modifications to the conceptual PUD were discussed. He stated some of the items addressed in the community meeting were fencing, landscaping, and gating the southern access onto North Circle Drive. He noted the PUD did require a 30 foot landscape buffer along the south and eastern edges, planted with one tree per 50 linear feet, in addition to a 6 foot high fence. He stated the conceptual exhibit showed a gated access onto North Circle Drive. He noted Section 6.3.c of the subdivision regulations only allowed gates to be installed on private streets; a variance to the subdivision regulation was being heard concurrently tonight as well as the proposed PUD, which stated the gated access on the public street was allowed. He stated according to FEMA's National Flood Hazard Layer, this property was located outside of the 100-year floodplain. He noted sanitary sewer and water were available from the City of Broken Arrow. He stated the surrounding land uses were included in the Staff Report. He stated based on the surrounding land uses and comprehensive plan, Staff recommended BAZ-001624-2024 and PUD-001623-2024 be approved, subject to the property being platted.

The applicant, Jennifer Griffin, J Griffin Design, LLC, stated this was a Born Again Restored project. She noted the Planning Commission had seen this presentation before and as it was getting late, she would refrain from making the same presentation. She asked if there were any questions. She noted Staff did an excellent job outlining Born Again Restored's process thus far including the neighborhood meeting, as well as a number of changes which were integrated into the PUD to accommodate the neighbors' concerns. She noted she had also worked with the City making accommodations and collaborating on the detention pond to beautify the area and turn it into a public park as well as a detention facility. She explained with this collaboration the City requested the developer provide commercial access to the northern parcel to unlock the development to the north. She stated the commercial portion of this development was on the west portion of the property and would connect to the north. She stated the City also requested all nonresidential uses be kept to the west based on neighborhood feedback and this was done.

Chair Goranson stated the Planning Commission could not look at the details of the public-private partnership with the City regarding the detention pond, but the drainage would be taken care of and there would be an agreement about who would maintain the detention area, so the PUD was not dependent on this.

Ms. Yamaguchi stated any agreement for the detention pond still had to be worked out with City Council and City Administration; at this point the consideration was whether this project was viable.

Chair Goranson noted the detention area was supposed to be a dry pond but looked like a wet pond because it was not functioning properly, and the Drainage Advisory Committee agreed to spend funds to figure out how to fix the detention area. He stated it was important to understand this did not have any bearing on whether or not this were approved today.

Ms. Yamaguchi stated the \$50,000 dollars approved by the Drainage Advisory Committee was to perform a study to determine how the pond was functioning, whether it was at capacity, what needed to be done to bring it up to capacity. She noted there would still be a process to go through to make the necessary changes once the study was completed.

Chair Goranson asked about the access road which would go around the detention area on the west side to the north.

The property owner, Nick Parker with Born Again Restored, stated the proposed use was access; the road would be 25 feet wide with a 75,000 pound rating; it would be up to fire code.

Ms. Yamaguchi indicated the road would not be a curb and gutter road.

Mr. Jason Dickeson indicated the road would be up to fire lane standards which could be curb and gutter or gravel but could not be dirt.

Chair Goranson noted this would be worked out with Engineering.

Ms. Yamaguchi agreed noting the design of this road would be a conversation held when the detention pond was redesigned. She stated there were several different options for secondary fire access and this was one.

Chair Goranson stated he was just trying to lay out the issues which were not pertinent to what was being considered this evening.

Ms. Yamaguchi listed the names of those who were opposed but did not wish to speak: Gayle Fritts, Troy Jones, Howard Butler, Cindy Watchorn, Chad Watchorn, Diane Cannon, Lindsay Keller, George Keller, Rick and Renee Geyer, Sandra Butler, and Benjamin Stretch. These citizens had concerns regarding traffic, high density development, placement of noisy pickleball courts, height of buildings too tall, and overcrowding. She read the comments submitted online by Stacy White who was in opposition and had concerns regarding the alleyway along her backyard, the need to keep more trees, and the need for a wildlife study.

Mr. Bibelheimer read a comment submitted by Stephanie Bradley (later chose to speak in person) who was in opposition and had concerns regarding wildlife, lack of integrity of developer, traffic, potential for rental properties, loss of peace, loss of natural habitat.

Chair Goranson asked if the pickleball courts location needed to be included in the PUD.

Ms. Yamaguchi responded typically it would be included in the PUD but could be less specific and say "open recreation space" or something similar and then anything having to do with recreation would be permitted.

Chair Goranson noted pickleball was a great game, but it did make a lot of noise. He noted pickleball was a great draw.

Discussion ensued regarding the PUD and whether it should specify pickleball courts, where the pickleball courts would be located, and the exhibit included with the PUD.

Citizen Chris Newbrough stated he had concerns regarding traffic, the density of this project, the height of the buildings abutting his backyard, and flooding potential.

Citizen Jamie Wenetschlaeger discussed her concerns regarding the placement of the pickleball courts in her front yard, and her resulting reduced quality of life.

Citizen Brian Wenetschlaeger discussed his concerns regarding the placement of the pickleball courts in his front yard. He noted he offered to purchase this strip of land. He stated the pickleball courts were being placed in his front yard in the Kenwood subdivision as opposed to within the new development. He indicated 75 feet of his driveway would be taken as a result of constructing the pickleball courts. He noted the PUD still indicated a road would be constructed through this area for emergency access as opposed to pickleball courts, which was not a good option either. He said he and his friends who did construction were unfamiliar with Born Again Restored. He discussed his concerns regarding the 50 foot height of the buildings going up next to single story homes. He discussed his concerns regarding the storm retention system on North Ash and the flooding in his front yard.

Chair Goranson stated the Planning Commission was not in attendance at the neighborhood meeting and had to go by what was presented.

Mr. Wenetschlaeger stated he was just saying the PUD was supposed to be modified, but still said a road would be built on the land in his front yard.

Vice Chair Coan asked for Staff to discuss the road.

Mr. Bibelheimer stated the exhibit stated there would be gated access onto North Circle, but it said in the verbiage of the PUD that if required by Fire Code, a connection to Ash could be made; if it were to be made it would be gated.

Vice Chair Coan asked if it said a road would be going to the east.

Ms. Yamaguchi stated she believed the applicant did not want to connect to Ash, but if this were required by the Fire Marshal then the applicant would not have a choice.

Citizen Jerry Champion stated he was the President of the Kenwood IV homeowner's association. He discussed his concerns regarding water runoff, flooding and debris, the HOA's retention pond which was filling up with soil from the developer's property, Circle Drive, and the pickleball court.

Chair Goranson asked if the HOA was currently dredging this retention pond.

Mr. Champion responded in the affirmative noting it was an expensive process and he hoped the developer would help the situation, not worsen the situation.

Citizen Claudia Taylor discussed the developer who was trying to make a profit understandably, the Planning Commission who worked hard to consider new development and the residents of the Kenwood Hills addition who wanted to preserve their quality of life. She discussed her concerns regarding loss of privacy, loss of peace, loss of wooded area view, the inadequacy of the 6 foot fence to provide privacy, and the inadequacy one tree every 50 feet. She asked for relocation of the pickleball courts and the swimming pool.

Citizen Wade Sewell discussed his concerns regarding the inadequacy of one tree every 50 feet to provide privacy, the placement of the pool, there being four houses abutting his backyard. He noted his property was 16 higher than the development property and tall trees would be needed to provide privacy and screening.

Chair Goranson stated the developer would submit a landscape plan, and the City had a list of trees the developer would select from, and this landscape plan would come before Staff and Planning Commission for consideration.

Ms. Yamaguchi noted the trees approved by the City from which the developer could choose varied in size and type.

Mr. Sewell stated he could not plant a tree along his back fence because he had an utility easement along his back fence. He discussed his concerns regarding placement of the pickleball courts and the pool. He asked for the pickleball courts to be moved to the City retention pond park. He asked for the pool to be moved more internally into the development.

Citizen Kasey Sewell discussed her concerns regarding the pool abutting her backyard, the safety of her children as a result, pool lighting, alleyway lighting, the three story buildings which would look into her backyard, and the pickleball courts.

Citizen Don Stephens discussed his concerns regarding water runoff. He asked for assurance that the development would not cause water damage to his property. He discussed his concerns regarding Circle Drive and the need to keep this gated, the pickleball courts, the loss of peace, and increased noise.

Chair Goranson asked if Mr. Stephens could hear the noise from the Highway.

Mr. Stephens responded in the affirmative.

Chair Goranson asked if Mr. Stephens could hear more noise from the Highway since the trees were cleared.

Mr. Stephens responded in the affirmative. He discussed his concerns regarding noise pollution and increased traffic.

Citizen John Lindemann thanked Planning Commission for the opportunity to speak. He stated he enjoyed pickleball and believed the courts would be popular. He stated he could hear the highway, but it was a white noise and while he would prefer not to hear the highway it was not intrusive. He stated he could hear the birds on his back porch, and it was peaceful. He noted he understood the land would be developed, but did not expect pickleball courts or a street to be developed in his backyard. He stated the beautification of the City's detention pond would be wonderful. He suggested putting the pickleball courts at the detention pond. He asked the PUD to specify Circle Drive be built with a gate and to not allow a connection to Ash by his home. He discussed his concerns regarding the noise pickleball generated.

Chair Goranson stated he understood Mr. Lindemann's concerns.

Citizen Stephanie Bradley discussed her concerns with potential loss of peace and quiet, small homes on small lots taking away from the community, how new construction would affect the current homes foundations. She asked for larger homes on larger lots to be developed. She stated she agreed with all of her neighbors' comments.

Mr. Nick Parker stated the intention was not to misrepresent what he wanted to build and what he believed the community wanted. He stated there was no verbiage in the PUD which called out pickleball courts. He indicated he was in favor of the public-private partnership. He stated if the City wanted pickleball courts in the detention area he would be willing to move the courts.

Chair Goranson stated if the pickleball courts were built in the detention area through the public-private partnership then the courts would be public courts, not private courts for the community.

Ms. Yamaguchi stated this was a conversation which should not be part of tonight's discussion.

Mr. Parker stated Mr. Wenetschlaeger hinted at integrity issues which anyone would take offense to but Born Again Restored said exactly what it intended to do and had not waived. He said the reason the verbiage for the connection to North Ash was included was due to Staff's recommendation because the road to the northwest was not yet solidified by the City, and if it were not approved then perhaps the emergency fire access road would need to be connected to North Ash. He stated while this was not what he wanted to do, but at this point it had to stay in the PUD as a possibility.

Ms. Jennifer Griffin stated the connection to North Ash would only be an emergency access road, if it were built, and it would be gated, so it would be treated like the north Circle Drive connection and no additional traffic would be on this road. She stated there were other options as well being considered; the one to Ash was the least favorable option. She noted the other options included the road to the north and west of the pond, as well as the stub street to the north. She stated the pickleball courts were currently shown on the drawing and discussed where they were currently located.

Discussion ensued regarding Mr. Wenetschlaeger's driveway, the landscaping and trees, and moving the pool more interior to the development.

Mr. Parker stated he considered moving the pool, but because of the layout and the alley accessibility to the other properties, it was not a viable option to move the pool more interior to the development. He noted it also raised an issue with connectivity through the development as there was not a street which went east to west in the middle of the houses. He stated there had been a lot of adjustment as a result of feedback from the neighbors. He stated Code indicated one tree was required every 50 feet. He indicated his intention was to plant more than this, but he could not spell out specific intervals since the lots were different dimensions. He stated he intended to plant a tree at every shared property line on the east border to prevent sightlines from the Kenwood residents into the development in between the structures. He noted a lot of time was spent discussing the fencing and there was no height fence which could be installed to provide privacy when the neighboring property was 16 feet higher than his property. He stated there was not much he could do to protect his residents and their privacy from the Kenwood residents having the elevated vantage point other than strategically placing the windows and the trees. He stated he hoped to save some of the mature trees as well.

Chair Goranson stated trees could be grouped around the swimming pool as well to hide it.

Mr. Parker discussed the lighting around the pool noting it would provide safety for those using the pool and would be turned off after pool closing, aside from safety area lights. He noted the pool would have limited hours and would be fenced in for safety and privacy.

Ms. Griffin stated the pool would be fenced in for safety; children would not be able to

wander into the pool area.

Mr. Parker stated the fence along the east side of the property was more to prevent residents from passing from one development to the other than it was for privacy.

Chair Goranson asked what would be done to prevent noise pollution from the pool area in terms of fencing. He suggested making the fence opaque.

Mr. Parker stated the pool fence would be shielded at a different level than the property boundary fence.

Commissioner Klempa stated she felt the pickleball courts could be placed elsewhere.

Chair Goranson asked if Mr. Parker was willing to move the pickleball courts.

Mr. Parker stated he was not locked into having the pickleball courts on the site, but did want to provide pickleball courts as an amenity.

Chair Goranson stated the pickleball courts were a big concern for those in opposition.

Mr. Parker stated if the area where the pickleball courts were currently located was shown to be a reserve with no representation of how it was built out or developed there would be nothing to prohibit the pickleball courts from being built in the future because there would be no verbiage in the PUD specifically prohibiting pickleball courts in this location.

Ms. Yamaguchi stated if the Planning Commission wished to prohibit pickleball courts in this location the PUD would have to specifically prohibit the use in this area.

Discussion ensued regarding the pickleball courts, how much noise pickleball games generated, and potentially specifying the pickleball courts could not be located along the south or east boundary of the development.

Mr. Parker stated additional screening could be provided for the pickleball courts to buffer the sound and the placement of the pickleball courts put the courts as far from the existing homes as possible on that particular piece of land; however, if this would not be approved because of the placement of the pickleball courts then he was willing to find another location for the courts.

Chair Goranson asked for Staff recommendations one more time.

Mr. Bibelheimer stated Staff recommendation was based on the surrounding land use and comprehensive plan, staff recommends BAZ-001624-2024 and PUD-001623-2024 be approved, subject to the property being platted, and in addition Planning Commission could indicated pickleball courts were required to be placed away from the southern and eastern boundaries.

Ms. Yamaguchi said the motion could be worded “pickleball courts be moved to the interior or west side of the side, and not along the south or east side of the development” or pickleball courts could be expressly prohibited.

Discussion ensued and the Planning Commission agreed not to prohibit pickleball but require the pickleball courts to be relocated.

MOTION: A motion was made by Jonathan Townsend, seconded by Mindy Payne.

Move to approve Item 6B per Staff recommendations with the addition of the following to the PUD: Pickleball courts being moved to the interior or west of the site, not along the south and east side of the development

The motion carried by the following vote:

Aye:	3 -	Mindy Payne, Jonathan Townsend, Robert Goranson
Nay:	1 -	Jason Coan
Abstain:	1 -	Jaylee Klempa

Chair Goranson indicated this Item would go before City Council on September 3, 2024 at 6:30 p.m.

7. Appeals

There were no appeals.

8. General Commission Business

A. 24-1138 Consideration, and possible action regarding a variance to section 6.3.c.1 of the subdivision regulations, Ven Park, A-1 (Agriculture) and R-2 (Single-Family Residential) to CM Community Mixed-Use via BAZ-001624-2024, 10.9 acres, Level 2

and 3 to Level 3 to Level 3 via COMP-001531-2024, 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)

Mr. Bibelheimer reported Ven Park was a subdivision which proposed to be serviced through public streets. He stated the exhibit (attached) showed a connection onto North Circle Drive on the southern edge of the property; this would be a public street connecting to a public street, which was not allowed by the subdivision regulations. He explained Section 6.3.c.1 stated that: "Gates or any control device shall be allowed only on private streets and private streets shall only be permitted in a PUD subdivision." He noted the applicant expressed interest in leaving the road ungated to increase connectivity, but at the request of the neighborhood, it was agreed to allow this connection to be gated for emergency access only. He stated PUD-001623-2024 would allow Ven Park to be a mixed-use development which was comprised of up to 95 dwelling units (82 shown in the conceptual exhibit), and some commercial elements were allowed in the Live/Work townhouse style structures. He stated if this street were left open, commercial traffic could access Kenosha through the existing residential neighborhood. He indicated Staff did not recommend allowing commercial traffic going through residential areas, which was why staff was presenting this variance on behalf of the applicant to allow Ven Park to gate the access onto North Circle Drive. He stated Staff recommended approval of the variance to section 6.3c.1 of the subdivision regulations and allow Ven Park to gate the connection onto North Circle Drive.

Vice Chair Coan asked who would be responsible for operation and maintenance of the gate.

Mr. Bibelheimer responded the HOA of Ven Park would be responsible for operation and maintenance of the gate.

Chair Goranson asked if this would be a typical emergency gate with a Knox Box.

Mr. Bibelheimer responded in the affirmative.

Chair Goranson asked if the HOA would have access through the gate.

Mr. Bibelheimer responded in the negative; only emergency vehicles would have access to the gate and the Knox Box.

Ms. Yamaguchi stated the property owner would probably need some access if it were necessary to perform maintenance, but it should never be left open and if it were it could be reported to Code Enforcement. She noted this was not a problem typically seen in the City.

The property owner, Nick Parker, Born Again Restored, asked if, down the road the Kenwood residents wanted the gate removed, would it be an option.

Ms. Yamaguchi stated it would require a PUD amendment and it would go back before City Council for consideration.

Mr. Bibelheimer clarified the PUD indicated the gate was allowed, not required.

Ms. Yamaguchi stated then it would not be a PUD amendment, but it would still need to go before City Council for consideration and permission to remove the gate.

Chair Goranson asked if the two access points would be off of North Birch Ave.

Ms. Yamaguchi responded access would be Madison which went to Elm, Birch was an option but did not meet the fire code distance requirement, which was why a drive around the pond was being considered, or possibly out to Ash, or possibly to the north, there were a lot of ways to gain a second access point to meet fire code.

Chair Goranson stated even if there was a gate on North Circle Drive there would never be a need to take it down.

Mr. Parker stated just because of the concerns expressed during the Comprehensive Plan planning meetings of all of the exit issues onto Kenosha from the Kenwood Hills subdivision, if this gate was not there, it would allow the residents other points of egress through the new development, but the residents would rather keep it gated. He noted the only reason the street was going to be connected was because the City required the stub street to be connected, it would just be gated.

Ms. Yamaguchi stated if this was strictly residential connecting to residential, Staff would not be recommending an emergency gate, but since there was a commercial component to this new development, Staff agreed an emergency gate might be appropriate as an exception to the rule.

Mr. Bibelheimer stated Planning Commission could word the motion in a way to require any removal of the gate to come back to Planning Commission. He noted the PUD could be changed to say “require the gated connection onto North Circle Drive” in which case a PUD amendment would be required to remove the gate, and a PUD amendment would go before Planning Commission and City Council.

Ms. Yamaguchi stated verbiage could also be added to say the gate could be removed upon action by Planning Commission and City Council.

Commissioner Klempa stated she did not feel this was necessary.

Chair Goranson noted having it come before Planning Commission would provide residents with an opportunity to speak, and the Planning Commission helped City Council by making a recommendation.

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

Move to approve Item 8A per Staff recommendations

The motion carried by the following vote:

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

Chair Goranson indicated this Item would go before City Council on September 3, 2024, at 6:30 p.m.

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

Ms. Yamaguchi indicated she was still working on the Planning Commission’s request for an informational presentation on environmental studies. She reminded the Commissioners of her request for one-on-one meetings, and shared that she already had one meeting which went well.

10. Adjournment

The meeting was adjourned at approximately 8:27 p.m.

MOTION: A motion was made by Robert Goranson, seconded by Mindy Payne.

Move to adjourn

The motion carried by the following vote:

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