

Move to approve up to the amount of \$20,000 dollars in Police fee waivers for the Catholic Charities Farmers to Families Food Box Program

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

C. 20-1125 Consideration, discussion, and possible approval of changing the name of the BA Events Complex

Mr. Hendren reported At the November 5, 2019, City Council meeting, the staff recommended that the Chisolm Trail South Park be renamed to "Broken Arrow Events Park". He indicated after much consideration, City Council approved renaming the park the "BA Events Complex" and at the same meeting, the Council approved naming the new adult softball complex located at the BA Events Complex, "Broken Arrow Challenger Sports Complex."

Mr. Hendren stated in August 2020, staff began designing signage for the BA Events Complex, as well as the Broken Arrow Challenger Sports Complex. He displayed illustrations of the sign mockups and noted after producing said sign mockups for review, it became apparent to staff that a possible name change for the park or softball complex may be necessary to avoid redundancy of the word "complex". He stated staff recommended the BA Events Complex be renamed the "BA Events Park." He explained while the City had not yet invested any money in signage or marketing material for the BA Events Complex, the end user group which programmed the Broken Arrow Challenger Sports Complex had already invested a significant amount of money in marketing the name of the complex.

Vice Mayor Eudey stated he wished for a better word than "park" which might better encompass the range of activities which were held at the facility. He noted this was far more expansive than a park.

Council Member Gillespie asked what the standard name for this type of facility was. Mr. Hendren responded typically a "complex" was located inside a "park" area. He noted the facility he worked for in Kansas City was so named.

Council Member Parks indicated he had no difficulty with the name "Events Park" as he called it the Events Park when he spoke of it. He noted calling it the Events Park with the Sports Complex inside the Events Park gave the opportunity to have another type of complex in the Park in the future. Discussion ensued regarding the name, residents of Broken Arrow all calling this facility something different, most residents calling the facility the Events Park, and the word "park" signifying fun.

MOTION: A motion was made by Johnnie Parks, seconded by Christi Gillespie.

Move to name the Broken Arrow Events Complex the Broken Arrow Events Park with the Challenger Sports

The motion carried by the following vote:

Aye: 4 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Craig Thurmond
Nay: 1 - Scott Eudey

D. 20-1117 Consideration, discussion, and possible approval of PUD-315 (Planned Unit Development), Estates at Lynn Lane, 68.32 acres, R-2 to PUD-315/RS-3, located one-quarter mile north of New Orleans Street (101st Street), east of 9th Street (177th E. Avenue/Lynn Lane Road)

Community Development Director Larry Curtis reported Planned Unit Development (PUD)-315 involved a 68.32-acre parcel located one-quarter mile north of New Orleans Street (101st Street), east of 9th Street (177th E. Avenue/Lynn Lane Road). He stated with PUD-315, the applicant proposed a single-family detached residential development with up to 270 lots; the primary point of access would be from 9th Street. He indicated the property was annexed into the City of Broken Arrow on April 18, 1983 (Ordinance No. 1097). He noted this item, which was originally scheduled to be heard by the Planning Commission on August 13, 2020, was continued to August 27, 2020. He reported on October 3, 2017, BAZ-1984, a request to change the zoning on the property associated with PUD-315 from R-2 to RS-3 was approved by the City Council. He stated BAZ-1984 was approved subject to the property being platted. He noted the property had not been platted, so the zoning today remained R-2. He explained with PUD-315, the applicant was requesting to keep the RS-3 zoning classification approved with BAZ-1984 and add PUD-315 as an overlay. He stated the changes requested with PUD-315 from what had already been approved consisted of reducing the minimum lot width from 60 feet to 55 feet and the minimum lot size from 7,000 square feet to 6,500 square feet on up to 108 lots. He noted this equaled 40% of the lots; the remaining 60% of the lots would remain RS-3 zoning. He stated as part of PUD-315, a 10-foot wide landscape area would be provided along 9th Street with more landscaping than required by the Zoning Ordinance; in addition, a large tree would be installed on each lot. He noted a complete summary of the modifications requested with PUD-315 was included in the staff report to the Planning Commission and City Council.

Mr. Curtis reported according to the FEMA maps, a portion of the subject property was in the 100-year floodplain of the West Branch of Broken Arrow Creek. He indicated there was a pond and a drainage channel which passed through the southwest corner of the property. He noted according to the topographic information provided by the applicant, most of the property associated with PUD-315 drained into this existing pond.

He reported at the August 27, 2020, meeting, 12 public comment forms were submitted, all expressing opposition to the rezoning request. He noted five people spoke in opposition to the proposed PUD. He indicated some of the concerns expressed by the speakers included: Stormwater runoff; there being no fire hydrants on 96th Street; concerns about the stub streets connecting into the Washington Lane addition; concerns about the impacts the additional traffic would have on 9th Street; and concerns about the impacts the development might have on property values. He stated after reviewing the information presented in the staff report and listening to the comments expressed during the public hearing, the Planning Commission recommended approval (3-0) of PUD-315 per staff recommendation and subject to the property being platted.

Council Member Parks commented it seemed there had been many attempts over the years to develop this property. He asked why this was. Mr. Curtis responded this property had an extensive history; he briefly reviewed this history. He indicated this property had not yet been developed due to the history and location of this property and due to the cycle of development in the City. He noted as the development near this property was RS-3 zoning, it was appropriate for this property to be RS-3 as well. He noted this property could be developed as RS-3 with straight zoning without a PUD. He commented this property, when developed, would go through the rigorous development standards program to ensure there would be no additional stormwater drainage impact upon surrounding property owners.

Council Member Parks stated he was unfamiliar with the pond in this area. He asked if the pond would remain. Mr. Curtis responded in the affirmative; the pond would remain but be modified as part of the detention requirement. Council Member Parks stated the detention area needed to be made large enough not to allow more water through the area.

Vice Mayor Eudey asked if any underground retention was being considered. Mr. Curtis responded in the negative; no engineering had yet been submitted at this stage; however, there were engineering standards in place the developer would be required to adhere to.

Vice Mayor Eudey asked how many lots would be permitted to be developed with straight RS-3 zoning versus the number of lots this PUD would allow. Mr. Curtis responded with RS-3 zoning over 300 lots could be developed; this PUD allowed 270 lots. Vice Mayor Eudey indicated this was important to remember; if the PUD were denied, a developer could rightfully develop over 300 lots on this property; the PUD at least restricted the permitted number of lots to 270 lots.

Mr. Curtis noted the developer had no intention of reducing the size of the pond to develop additional lots. He noted the conditional final plat would come before City Council for approval; the conditional final plat would include engineering plans for stormwater.

Vice Mayor Eudey asked about the surrounding developments. Mr. Curtis responded Washington Lanes and Seven Oaks. Vice Mayor Eudey noted he had faith the stormwater could be contained, but it was important to remember stormwater was an issue in this area. Mr. Curtis agreed. He discussed how the water flowed from the property.

Council Member Gillespie stated she understood why the surrounding property owners were concerned as flooding was a problem in this area. She asked if the property owners to the south were on City water or had wells. Mr. Curtis responded he was unsure. A staff member indicated the property owners to the south had City water.

The applicant, Mr. Lou Reynolds, stated his address was 2727 E. 21st Street. He discussed the proposed development noting the property could hold almost 350 lots of RS-3 zoning with straight zoning. He stated PUD-315 had been requested in an effort to ensure uniform development of a challenging site. He indicated water and sewer lines ran out to this property and it was ready to be tied into the system. He discussed the challenges associated with the property: property shape, topography, the creek, and 96th Street (which had been developed to County standards). He noted the PUD would include a gated stub street to be used for emergency access only, as well as maintenance and development standards. He discussed the additional landscaping which would be planted and noted the landscaping would be maintained as part of the HOA covenants through the PUD. He noted the HOA would maintain the fencing as well. He indicated the drainage pond would be enlarged to accommodate the stormwater runoff and the HOA would be required to maintain the detention pond area. He explained the detention pond would be developed into a 10-acre park amenity for the subdivision with a walking trail and landscaping. He indicated the landscaping would be done in advance and would not interfere with the widening of 9th Street

(Lynn Lane) which was planned as part of the 2018 bond issue. He noted this property would be consistent with Seven Oaks. He asked for approval of PUD-315.

Vice Mayor Eudey asked if a traffic study was completed; he noted this was not required. Mr. Reynolds responded in the negative.

Council Member Parks noted he was curious why Mr. Reynolds wanted a PUD when it could be developed with straight zoning. Mr. Reynolds noted the PUD enabled development to higher standards and enabled required maintenance of the property through the HOA.

Mayor Thurmond indicated five residents signed up to speak.

Vice Mayor Eudey asked if a traffic study would be completed as part of the platting process. Mr. Curtis responded traffic studies were only completed when a heavy impact was expected. He noted a traffic study could be required by City Council as part of the PUD.

Mr. Curtis commented Mr. Reynolds was correct in his estimation of 350 lots being developed on the property; however, if you subtract the 10 acres of flood plain the number of developable lots was 300.

Citizen Kyle Posey stated his address was 1605 E. Edgewater. He stated for Lynn Lane Estates to be successful it must be allowed to appropriate the neighborhoods of Washington Lane and Seven Oaks as it only had one natural entrance. He indicated a public road existed to the east (96th Street) which would give future residents access to the east, north and south; however, the City would not update 96th Street to accommodate the development and he expressed concern about the planned entrances into the new development. He stated residents of Lynn Lane Estates would cut through the surrounding neighborhoods to access the main roads and 96th Street should be developed as the entrance for this development to prevent this from happening. He discussed problems with zoning in Houston which led to thousands of homes being destroyed by Hurricane Harvey. He stated it was important for the local government to sometimes say no to development. He noted streets and storm sewers could not be easily changed.

Citizen Robert Hurley stated his address was 3204 S. 16th Street. He asked if all alternatives for the land designated as Estates at Lynn Lane had been considered. He indicated there was little access for this development site which did not endanger the lives of children in the neighboring subdivisions. He suggested developing the property as a Broken Arrow Country Club which would enhance the value of the current and future neighborhoods. He asked about the value of Bixby's White Hawk addition and homes surrounding Cedar Ridge Country Club. He noted he understood this would require rezoning but felt this could be considered as an alternative which would not have the water and traffic issues associated with a housing development.

Mayor Thurmond commented both Cedar Ridge and White Hawk were being purchased to be redeveloped into housing.

Citizen Jon Blanton stated his address was 9905 S. Lynn Lane. He noted his property was adjacent to the proposed detention pond and his property had a pond as well. He indicated his family had enjoyed fishing in this pond for decades. He stated his pond, to the south and west would catch any overflow stormwater coming from the proposed detention pond he was afraid this would include pesticides, insecticides and fertilizers which would pollute his pond causing harm to the fish, deer and other wildlife which depended upon this pond. He stated the dam located on the west side of his pond could not handle a major inflow of water and if his dam were damaged, Lynn Lane would be flooded. He noted BA Creek, which his pond fed into, historically flooded at 101st Street. He indicated he understood the flow rate in the proposed PUD was not to exceed the current flow rate; however, he worried if the flow rate continued for hours rather than minutes, damage would be inflicted on his pond, his dam, and those downstream. He asked who would monitor the outflow from this development for pollutants before, during and after construction. He stated he hoped for a third-party review of the hydraulic and hydrologic modeling. He asked City Council to consider his and his neighbors' concerns.

Citizen Scott Summerfield stated his address was 1713 E. Laredo Street. He thanked City Council for its leadership during the COVID pandemic. He stated he was Secretary of the HOA of Seven Oaks which was a small neighborhood of 159 homes with many children which played in the streets and he was concerned about traffic through his neighborhood endangering the children. He stated he did not understand why the entrance would not be via 96th Street with an emergency entrance stub street access to Seven Oaks. He asked if there would be perimeter fencing along the east end of this development. He asked why a traffic study was not being conducted; he believed traffic would be a problem. He stated he worried his neighborhood would be inundated with traffic from the 300 new homes.

Mayor Thurmond stated traffic studies were typically conducted as a part of engineering; this was a zoning hearing.

Mr. Curtis stated residential developments which abutted other residential developments were not required to have perimeter fencing, but it could be added as part of the PUD requirement.

Citizen Karen Holman stated her address was 8600 S. 5th Street. She pointed out where her property was on the map in relation to the new development (south of the new development) noting she had a fishing pond on her property which was fed into by the pond on the proposed development site. She stated she and her siblings owned this property and would share a fence line with the proposed development. She indicated she was told by Broken Arrow staff it was possible to build on the northeast portion of her property, but only if a constant level pond was constructed on her pond; however, staff informed her if she were patient Lynn Lane would be widened and the drainage problem in the area would be corrected by the City. She indicated she and her siblings decided to wait to develop this portion of the property due to the flooding problems. She noted she understood Lynn Lane would not be widened for five more years. She asked how 270 homes could be developed in an area with such poor drainage. She asked how 270 homes could be a wise recommendation, but development of her home was not in the same location. She noted historically there were many instances of flooding along Broken Arrow Creek. She indicated the unnamed tributary to the west of this property was her water and her property, and she and her siblings did not want pollutants draining into her water, fishing pond, and habitat. She indicated the dam on her property was not designed to handle the runoff from 270 homes. She asked to have access to the stormwater and drainage plans prior to development so an independent hydrology expert could review said plans and provide recommendations. She stated she would like to know what the rate of water was coming from the east pond into her pond during a 100-year and 500-year flood. She asked, as a MS-4 community, was water quality testing required prior to construction, during construction and post construction. She noted this would help develop a baseline for future data collection and analysis. She asked for this protocol to be followed. She asked for documentation as to what the steps the City would initiate when her dam did not hold, her habitat was destroyed, and her water was polluted. She asked for extra time to do due diligence to ensure her property was protected. She invited City Council to visit her property to see firsthand how it would be impacted and flooded by the new development which was at a higher elevation than her own. She asked City Council to say no to this development.

Citizen Constance Sanford stated her address was 25922 Willow Street. She noted she was Karen Holman's sister and co-owner of the property just discussed. She listed the following points: 1) her pond dam was designed for household water and fishing in 1961; 2) the dam was weakened by natural forces and was repaired by her family; 3) why should her family maintain an stormwater project for an adjacent new subdivision; 4) did you know that Lynn Lane was a cattle trail and there was a water well in the northwest corner of her property which animals still utilized; 5) pollution from 270 homes and 500 plus cars would include oil, antifreeze, herbicides, pesticides, pet waste, and roundup; 6) her bee farm would suffer from the pollution; 7) eating fish was not possible from a polluted pond; 8) her habitat would be ruined by enabling this development; 9) who would repair her pond dam when it broke as a result of this development. She asked City Council to consider her points.

The applicant, Mr. Lou Reynolds, indicated the City of Broken Arrow had a very rigorous system for stormwater management. He stated he understood a larger pond and an extended dam would be necessary. He stated his engineers would be certifying the plans and the City would be reviewing the plans to make sure the pond and the dam would be more than adequate and safe. He stated he knew this was a difficult stormwater area and was sensitive to this difficulty. He noted the pond would be designed as an attractive amenity for the residents and would be a positive addition to the area.

Council Member Gillespie noted while a nicer product would be developed through this PUD than required with straight zoning, she felt the PUD was requested to allow the portion of RS-4 zoning in the area, not just to ensure a superior product. She stated the RS-4 portion worried her as it added more density. She stated she agreed with Ms. Holman's wish to review the hydrology report and she felt this was a reasonable request. She indicated she had visited Seven Oaks and she was worried about additional traffic going through the area with the children playing. She asked about the Lynn Lane street project.

City Manager Spurgeon stated the Lynn Lane street project would be completed towards the end of the ten-year program.

Council Member Gillespie asked why RS-4 zoning had been requested. Mr. Reynolds explained RS-4 was requested due to the shape of the property and the desire to make the detention pond park area larger. He stated almost 10 acres of the 60-acre property would be dedicated to the park area. Council Member Gillespie noted the 10 acres was food plain area and could not be developed regardless. Mr. Reynolds indicated not all of the 10 acres was

flood plain. He noted the PUD would also ensure the pond area was maintained by the HOA and would not be a cost to the City.

Council Member Gillespie asked what the City's responsibility was regarding runoff into a natural pond. She asked about pollutants. She noted typically a new development did not runoff into an existing natural pond which was in use. Mr. Reynolds responded his legal obligation was to the runoff rate and runoff was required to be within environmentally safe limits.

Council Member Parks stated he was concerned about the flooding, but he understood Broken Arrow code would address this and City Council would review the preliminary plat; however, this was a large area. He stated he understood the necessity of the stub street connections to the surrounding neighborhoods to allow safety vehicles access; however, he did not understand why 96th Street was not being utilized as an entrance.

Mr. Curtis explained in 2017 when the rezoning came before the Planning Commission and City Council for RS-3 zoning neighbors in the adjacent neighborhood on 96th Street requested that whenever this property was developed a fire gate be installed rather than allowing access through to the neighborhood. Mr. Reynolds concurred.

Council Member Parks stated gating of 96th Street was poor planning.

Vice Mayor Eudey stated he understood the concerns regarding the stub streets, but this was what stub streets were planned for. He stated he was puzzled about 96th Street as well. He indicated he could not approve this PUD unless a traffic study were conducted, and issues raised by the traffic study were addressed.

Mr. Reynolds indicated the land would be dedicated to the future widening of 9th Street (Lynn Lane). He stated he was willing to commit to constructing a deceleration lane along 9th Street into the development.

Vice Mayor Eudey stated this was why he wanted the traffic study, to see if this and other precautions were appropriate. Mr. Reynolds indicated even without a traffic study, if City Engineering asked, he was willing to install a deceleration lane.

City Manager Spurgeon commented the design for Lynn Lane (9th Street) would be done in 2023, the right-of-way acquisition in 2024, and construction in 2025. He explained there were other roads of higher priority which needed to be completed before Lynn Lane could be begun.

Council Member Parks asked what happened when a road was being widened and there was a dam in the way. He noted there was a dam right along the road in this area. City Manager Spurgeon stated the dam would have to be taken into consideration before the road widening project began.

Vice Mayor Eudey stated he shared the same concerns about the flooding in this area; the flooding needed to be addressed, but this was always the case. He stated City Council had a limited amount of control once an area had been zoned; City Council could not deny zoning arbitrarily. He explained if there were no PUD for this property, while the water issue and road issues would still need to be addressed, the developer would be permitted to develop as many houses as would fit with RS-3 zoning. He explained with a PUD there was a cap on the number of permitted lots. He noted he liked PUDs as PUDs gave the City a little more control of what was developed in the area. He stated if this moved forward it was important to be very careful as every concern expressed today was a legitimate concern.

Council Member Parks asked about the best method of controlling this pond long term. Mr. Curtis stated he was very proud of the Broken Arrow Stormwater Division as it ensured MS-4 permits and other permits were enforced; there was an enforcement team which ensured any runoff and sedimentation was monitored and maintained. He stated regarding the desire for a third party review of the stormwater plans, this was the job of the City; the City provided the third party review ensuring what was planned met the standards and requirements set forth by the City of Broken Arrow and the State of Oklahoma. He stated Broken Arrow was a Level 6 community regarding flood plain insurance programs and FEMA and stormwater was taken very seriously by the City. He noted the Broken Arrow Stormwater Team would be monitoring this project as it moved forward.

Vice Mayor Eudey noted if the City failed in its duty it would answer to the DEQ. Mr. Curtis agreed; however, Broken Arrow had an excellent relationship with DEQ as Broken Arrow immediately reacted to any issues raised by the DEQ.

Council Member Parks asked if the property were developed without the PUD, who would be responsible for the pond. Mr. Curtis responded the HOA would be the responsible for the pond regardless of the PUD. Council Member Parks asked how long the HOA would be in

place. Mr. Reynolds responded the HOA was unending. Council Member Parks noted his subdivision used to have an HOA, but after approximately 20 years it dissolved. Mr. Reynolds noted a condition of the PUD was there would always be an HOA in place obligated to maintain the pond area.

Council Member Wimpee asked what would happen when there were no willing residents to serve on the HOA. Mr. Reynolds stated by law the property was required to have an HOA in place. Vice Mayor Eudey stated if the HOA dissolved and the City was required to step in and maintain the area, it would be much more expensive for the residents of the subdivision.

Council Member Parks asked if the surrounding residents could be invited to the City Council Meeting during which the preliminary plat was reviewed. Mr. Curtis responded in the affirmative. Council Member Parks stated he was concerned about the stormwater and wished to see the impurities somehow filtered from the water as well. Discussion ensued regarding the difficulty of filtering impurities from stormwater, the direction of the creek, the homes in the area currently draining pollutants into the creek, and new development homes still needing to be aware of pollutants.

Council Member Parks asked about development of a street when a dam was in the way. Mr. Kenny Schwab responded this was a challenge. He indicated if the dam was in the right-of-way ownership became an issue. He noted if possible, the road could be built around the dam, if not the dam would need to be secured and a wall constructed. Discussion ensued regarding the dam on Aspen, and the wall built in the location of the dam on Aspen.

Vice Mayor Eudey stated regarding the possibility of a country club being developed in this location, the City could not rezone an area in a way which would prohibit the land from being developed in the manner for which it was zoned when the land was purchased. He noted a country club was a lovely idea, but legally the City could not force this to come about. He noted many golf courses were unfortunately closing; golf, like tennis, was sadly a dying sport. He noted there were many things the City could not control, but a PUD allowed the City a little control over some things, such as how many homes could be developed on the property. He noted the hydrologic study would become public record and any resident had the right to look at the hydrology study. He stated the developer had a right to build on this property regardless; therefore, as the PUD capped the number of houses to be developed and ensured a deceleration lane would be installed, he was in favor of the PUD.

Council Member Gillespie asked, if something went wrong with the development, and runoff flooded the neighboring property, who would be responsible to fix the problem. Mr. Schwab responded the owner of the pond would be responsible; therefore, in this instance the HOA would be responsible. He commented the hydraulics and hydrology in the area were required to meet City Ordinance which was stricter than FEMA requirements. He stated regarding stormwater quality, during construction OKR4 was required to be met, and regarding long term water quality, maybe in the PUD process it would be possible to develop ways to protect stormwater quality. He noted there were new techniques which could be implemented including wetlands, sediment ponds, etc.

Council Member Gillespie stated this sounded like a good compromise. Council Member Parks agreed. Mr. Schwab indicated there was a subdivision in Broken Arrow which created sediment ponds and wetlands to help clean the pollutants out of the water before it drained away.

Council Member Parks asked, if there was no PUD in place, would it be possible to require this type of water cleansing development. Mr. Schwab responded in the negative; the City could work through the PUD process to require some type of water cleansing. Vice Mayor Eudey asked if this should be included in the motion. Mr. Schwab responded in the affirmative.

MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks, Move to approve PUD-315 subject to the recommendations as set forth by the Assistant City Manager, and subject to a review of the final approved plat in regular session of the City Council Meeting, and subject to a traffic study being conducted The motion carried by the following vote:

- Aye:

4 -

Christi Gillespie, Johnnie Parks, Scott Eudey, Craig Thurmond
- Nay:

1 -

Debra Wimpee

Council Member Gillespie indicated she voted yes due to the additions to the PUD and the wish to be able to further review the development.

Council Member Wimpee stated she felt this property should not be developed yet.

Council Member Parks stated he approved due to the controls in place via the PUD.

Vice Mayor Eudey agreed. Mayor Thurmond agreed.