



**City of Broken Arrow**  
**Minutes**  
**Planning Commission**

City of Broken Arrow  
Council Chambers  
220 S 1st Street  
Broken Arrow OK  
74012

*Chairperson Fred Dorrell*  
*Vice Chair Lee Whelpley*  
*Member Ricky Jones*  
*Member Carlyne Isbell-Carr*  
*Member Mark Jones*

---

**Thursday, June 23, 2016**

**5:00 PM**

**Council Chambers**

---

**1. Call To Order**

The meeting was called to order by Chairman, Fred Dorrell at 5:00 p.m.

**2. Roll Call**

**Present**    4 -    Mark Jones, Lee Whelpley, Fred Dorrell, and Ricky Jones

**Absent**     1 -    Carlyne Isbell-Carr

**3. Old Business**

None

**4. Consideration of Consent Agenda**

None

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

**6. Public Hearings**

**A.                    Public hearing, consideration, and possible action regarding BACP 154, Bentley Village IV, 8.14 acres, Level 4 to Level 2, one-fifth of a mile west of the southwest corner of Jasper Street and Aspen Avenue**

Ricky Jones said his firm prepared this application and he would have to recuse himself from the discussion. Mr. Jones left the Council Chambers.

Brent Murphy presented the background for BACP-154, Bentley Village IV saying BACP 154 is a request to change the Comprehensive Plan designation on an 8.14 acre undeveloped, unplatted tract of land from Level 4 to Level 2. The property is located one-fifth of a mile west of the southwest corner of Jasper Street and Aspen Avenue, is currently zoned CG (Commercial General).

Mr. Murphy said CG zoning was assigned to the property on September 9, 1980, when the City Council approved BAZ 753 and, at that time, there was no requirements to plat the property. When the Comprehensive Plan was approved in 1997, it reflected the existing zoning and as a result was designated as Level 4. He said the applicant wants to construct single-family detached homes on the property. As a result, they have submitted

BACP 154 to change the Comprehensive Plan designation on the property from Level 4 to Level 2 (Urban Residential).

Fred Dorrell asked for the applicant to step forward. Erik Enyart, Tanner Consulting, 5353 S. Lewis Avenue, Tulsa, said they represent the applicant and are in agreement with the Staff recommendations to approve subject to platting. He said subject to approval of this application, they will then apply for rezoning and platting for a proposed project called, Bentley Village IV.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on this item.

Carol Winckler, 2419 W. Littlerock Pl, Broken Arrow asked if Jasper Street will be widened and stated concerns about road visibility with the addition of this subdivision.

Michael Skates said the subdivision plans are to tie onto Beach, the residential collector street, not Jasper and there are no plans, at this time, to widen Jasper.

Fred Dorrell asked if anyone else wished to speak on this item. No one responded.

Motion by Mark Jones to approve BACP-154, Bentley Village IV. The motion was seconded by Lee Whelpley.

After the vote, Fred Dorrell said this item will be heard by the City Council on July 19, 2016, at 6:30 p.m.

Ricky Jones returned to the Council Chambers after the vote.

**Aye: 3 - Mark Jones, Lee Whelpley, and Fred Dorrell**

**Absent: 1 - Carolyn Isbell-Carr**

**Recused: 1 - Ricky Jones**

**B. Public hearing, consideration, and possible action regarding PUD 118E and BAZ 1958, The Cottages at Aspen Park, 18.94 acres, R-3, CH, and PUD 118A to RM and PUD 118A, located east of Aspen Avenue, one-quarter mile north of Kenosha Street**

Brent Murphy presented the background for PUD-118E and BAZ-1958, The Cottages at Aspen Park, saying Planned Unit Development (PUD) 118E involves 18.94 acres located east of Aspen Avenue, one-quarter mile north of Kenosha Street. BAZ 1958, a request to rezone this property from R-3 (Single-Family Residential) and CH (Commercial Heavy) to RM (Residential Multifamily) has been submitted in conjunction with PUD 118E. The property is presently undeveloped, and has been platted as a part of Aspen Park Village. He said in order to accommodate the proposed development, the property must be replatted.

Mr. Murphy said the applicant is proposing to construct up to 340 residential apartment units, for a density of 17.95 units per acre. This request is by the same applicant and developer associated with PUD 118C that was approved by the City

Council on November 5, 2007, along with BAZ 1783 that resulted in the construction of the Villas at Aspen Park apartments to the north. He said City Council approved BACP 151 in May to change the Comprehensive Plan designation of this property, associated with PUD 118E and BAZ 1958, from Levels 2 and 6 to Level 3. BACP-151 was approved subject to the property being platted and a PUD being submitted that was similar in context to the draft submitted with BACP 151. The design statement and conceptual site plan submitted with PUD 118E, for this proposed apartment project is similar to the draft PUD submitted with BACP 151.

Brent Murphy said the maximum height of the buildings are proposed to be limited to 45 feet and three stories. A free-standing tower for project signage in the vicinity of the clubhouse on the west side of the property is requested to be up to 50 feet in height. The buildings adjacent to the Rockwood West Addition to the east, however, will be no more than two stories and 30 feet. In addition, they will consist of at least 65 percent brick/masonry on the east side of the structures and these units will not have any windows. The east side of the three story units closest to the east boundary, also, will not have any windows.

Mr. Murphy said access to this property will occur only from Aspen Avenue using the existing access points. There will be one point of limited access to Redbud Avenue, however, this access point will be gated and limited to emergency access only with no daily, routine access to Redbud Avenue. He said based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD 118E and BAZ 1958 be approved as presented, subject to the property being replatted.

Fred Dorrell asked the applicant to approach the podium. Scott Case, Case and Associates, 4200 E. Skelley Drive, Tulsa, said they are in agreement with the Staff recommendations. Ricky Jones said when the Comprehensive Plan for this property was presented to the Planning Commission, the recommendation from Mr. Case was to change the access on Red Bud to emergency access only. He asked Mr. Case if they still agreed with the decision to utilize Red Bed for emergency access only. Mr. Scott said yes, based on hearing the public concerns voiced.

Fred Dorrell opened the public hearing and asked if anyone wished to speak to on this item.

Tony King, 2020 West Sandusky, said he owns a home on Poplar, adjacent to this property and voiced concern with crime in the area and maintenance of the area. He asked why the City would change the zoning from Single Family to Multi-family. Fred Dorrell explained the goals of Planning Commission are to determine if land use is appropriate for each application and within the confines of the City's Comprehensive Plan.

Michael Skates said Staff can contact Mr. King for further assistance with his

questions. He said this property is within Level 2 and 4 of the Comprehensive Plan. With pipelines running across the property and existing apartments to the north, these apartments appear to be the best use for this land. Property value should not decrease, and can possibly increase the value. The debris and trash along Red Bud will be cleaned up by this new development. Mr. Skates said the past apartment projects have been maintained and have shown to increase property values of surrounding land developments.

Dorothy Williams, 1504 W. Lansing Street, thanked Michael Skates for meeting with her on this site. She stated concerns about high crime in the area and adding to the crime with this project. She said she is in favor of the apartments; however, has concerns about drainage, school overcrowding, and fencing. She asked if a fence will be installed along Red Bud and the apartment complex.

Michael Skates said there will be an 8-foot masonry wall or wrought iron fence along Red Bud. He said he drove to this site and looked at it with Ms. Williams and, as stated to her at the time, this property will drain west and will have three detention ponds. The property to the south drains south and east onto Red Bud and this project will not address that; however, it will clean up this area and the detention ponds will collect the runoff. The applicant is still working with Staff on the design and it is unknown, at this time, if they will have wet or dry ponds. We believe it will be wet ponds with the 100-year detention above the static water level and each pond will connect to one another and drain toward Aspen into the existing drainage system on Aspen. Landscaping will be added along Red Bud which currently has trash and tall weeds.

Mr. Skates said the addition of these apartments will not address existing crime but he can meet with the police department again and ask for extra patrol in the area. He said the concern for overcrowding in schools will not be an issue. Staff has coordinated with the schools and are involved in these type of projects to plan for any growth. In addition, the schools have passed bonds that expanded schools including the school in back of this neighborhood.

Ms. Williams voiced concerns about the current overcrowding of the park in her neighborhood and asked if this project will have its own park, concerns about traffic coming into the existing neighborhood (to avoid high traffic on Kenosha) and asked if the apartment tenants will have access into the neighborhood and asked if there will be sidewalks. Michael Skates said the residents of the apartments will not have access to the neighborhood and will access Aspen. He said this area will be looked at by the engineering department for future widening. Ms. Williams voiced concerns that items should be addressed prior to approval of this project.

Fred Dorrell said there was discussion and input at the beginning of this project. He said as the project develops, plans change and evolve to answer any questions that were discussed. The Planning Commission is a recommending body which makes

recommendations to the City Council. He said Mr. Case has heard the concerns and tries to consider these in the development process.

Michael Skates said that Case & Associates will be doing a traffic study, as required for this type of development. The study has not been performed yet. The study will not address Red Bud; however, will address traffic impact to Aspen.

Ms. Williams said that she represents 10 people who have asked her to speak on their behalf. She said these people are elderly and have lived in the area, not all of the items are her direct concerns. She said that the City solicits these types of develops and asked that the City solicit a development to address the income levels for people who work in the area.

Michael Skates said the City does not solicit apartments developers to build in Broken Arrow. He said developers come to Broken Arrow for a multitude of reasons and these apartments being proposed will be near one-thousand dollars a month, not Section 8. Ms. Williams said she is not concerned about Section 8, but rather the foot traffic in the area.

Fred Dorrell asked if anyone else wished to speak on this item. No one responded. He asked Mr. Case if he wished to address any of the mentioned concerns.

Scott Case said this will be a 30-million-dollar property with an average rent of \$1,000 per month. The average client income will be five to seven times the required rent, which will be young professionals and retirees.

Lee Whelpley asked what type of gate will be installed along Red Bud. Mr. Case said Red Bud will have an eight-foot-tall privacy fence installed on their property line with a gate to be accessed by emergency vehicles only and will be locked with a knox box.

Ricky Jones said this appears to be a good land use for this area with the pipelines being as they are it would not be practical for single-family land use. He said Mr. Case has done nice developments in the past and Staff will continue to work with the developer to address issues.

Motion by Ricky Jones to approve PUD-118E and BAZ-1958, per Staff recommendations. The motion was seconded by Lee Whelpley.

After the vote, Fred Dorrell said this item will be heard by the City Council on July 19, 2016, at 6:30 p.m.

**Aye: 4 - Mark Jones, Lee Whelpley, Fred Dorrell, and Ricky Jones**

**Absent: 1 - Carolyn Isbell-Carr**

## **7. Appeals**

None

## **8. General Commission Business**

### **A. Discussion regarding a proposal to create a new Single-Family Residential Zoning District, to be known as, RS-4, Single-Family Residential-4**

Farhad Daroga said this item was discussed at the last meeting. He said the idea was presented to consider revising the current Zoning Ordinance to allow single-family detached housing units on slightly smaller lots with smaller front setbacks. He said the setback was a pivotal discussion and is being brought to the Commission again for further discussion. Staff has discussed several ideas, from changing the existing zoning category, verses creating a new one.

Mr. Daroga said the City currently has more than 58 square miles, with more than 40 percent developed or designated in the R-3 level with the remainder being R-2 or RS-2 and some developed as R-1 or bigger residential categories. To create changes to the existing categories would create an impact on large areas. He said if the City were to consider different development criteria, for single-family residential, there are two approaches. The first approach would be to go through a PUD and the other is to create a new zoning category.

Mr. Daroga said PUD's were introduced in the mid to late 70's and since that time several have been done. This new zoning category would allow use, by right, for this type of density with this type of lot. The item on the agenda is a draft only. Suggestions have been discussed, such as a 55-foot-wide lot, approximately 6,500 square feet with a 20-foot front yard setbacks. The setback is the determining point that started this discussion. He said side yards would remain as 5 foot on each side with a limit of two stories in height.

Michael Skates said over the years and most recently, this request has been very apparent to Staff, since developers are wanting to reduce the front yard setback. Developers over the years and currently utilize a PUD to change the requirement. He said a PUD requires 3,000 square feet of green open space on each lot and sometimes the open space, adjacent to the development, can be calculated to reduce the 3,000 square foot requirement, on each lot. What ends up happening is the property owners, who purchased the lots, apply to

build pools, decks or other features in their yards and Staff has to deny the request(s) because the plans exceed the green space limit. He said when evaluating the green space and square footage on a lot, the house size, concrete area for sidewalk and driveways goes against the green space square footage which can drastically reduce the space for property owners to build anything. Staff thought the best way to address this issue is to create a new zoning category, like some of the surrounding cities have, and try to keep the lot size from being too small and accommodate those developers who want a 20-foot front yard setback and allow things to be built on the property by those who purchase the property.

Fred Dorrell asked, in the example provided by Mr. Skates, an RS-4 zoning category would allow the City to not be viewed in a negative manner and the property owner can build on their property as long as they are in the confines set forth in that zoning category. Michael Skates said, yes. Mr. Skates said if the developer decides to build on a 6,500 square foot lot, 55-foot width, they could have a 20-foot front yard setback with a rear yard setback of 20 feet allowing all of the space to work with and not limited by any mandatory green space.

Fred Dorrell asked why the same request could be accomplished through the PUD process. Mr. Dorrell said the Planning Commission modifies and approves PUD's. Michael Skates said the Commission does not because of the PUD mandatory green space requirement. Mr. Skates said developers will utilize green space associated with a park or floodplain or detention ponds and calculate that back into each lot. He said sometimes the 3,000 square feet may go down to 2,800 through the PUD process, depending on the size of the house built and the concrete added for patios, sidewalks, etc. Mr. Skates said the PUD causes the City to deny future submittals for outdoor kitchens, pools, patios, decks, additions to their homes, etc. Michael Skates said the effort from Staff is to try and provide a category of new residential zoning that can accommodate both, developers want and the future property owners who purchase lots in these subdivisions.

Lee Whelpley asked if the proposed category will alter the requirement for retention/detention ponds. Michael Skates said no.

Ricky Jones said he looked at Tulsa and INCOG's maps and they had RS-4. He said this category has been in use for a number of years. He said Tulsa even has an RS-5 category. Mr. Jones said this zoning category would allow developers more options, when developing property, and is in favor of allowing this option.

Mark Jones said he agrees. He said it would allow developers to make use of land that normally could not be used under a PUD.

Michael Skates said reducing the front yard setback would allow more area in the back yard, where property owners want to build things. He said the goal is not to prohibit those who move to Broken Arrow from doing things to their own property. He said the current requirements then cause future issues and does not accomplish that goal.

Michael Skates said with the requirements, as they are today, Staff ends up spending countless hours with property owners, on and off-site, on the phone, in meetings, along with their contractors, trying to figure out how to they can manipulate things to work on their property and sometimes the changes cannot happen because they have exceeded this mandatory green space requirement.

Fred Dorrell asked, as a Commission, what they need to do to move this proposed zoning category forward. Farhad Daroga said if this proposed zoning has merit then the Planning Commission will need to give direction to Staff to proceed with the paperwork. Mr. Daroga said creating a new zoning category requires input into many areas within the zoning ordinance - definitions, schematics, etc. Mr. Daroga said the Comprehensive Plan will then need edited to add RS-4. He said adding the RS-4 zoning category will require a list of changes that will be fairly long. Subsequent to the list, a public hearing will need to be advertised and heard by the Planning Commission then heard by the City Council.

Farhad Daroga said the new zoning will have an affordable component to it. The RS-4 category would allow a developer to build on smaller lots with the option of smaller houses. He said larger houses could be built as well. Michael Skates said the only difference between RS-3 and RS-4 is 5 feet and the length of the lot is about the same, if not more. Mr. Skates said he spoke with Bixby and they recently removed a category for small lots so Staff feels that this accomodates a front yard setback that seems to be prevalent yet still maintains and adequate amount of lot size. Discussion continued.

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

None

#### **10. Adjournment**

Motion by Lee Whelpley to adjourn (at 5:59 p.m.). The motion was seconded by Mark Jones.

**Aye: 4 - Mark Jones, Lee Whelpley, Fred Dorrell, and Ricky Jones**

**Absent: 1 - Carlyne Isbell-Carr**