

May 9th, 2019 City Planning Commission Meeting

Commissioners I was one of the four houses in Greyoaks that received a letter announcing the rezoning proposal meeting on April 11th. I was taken by surprise on what was being proposed. I began to research how I could prevent this High Density Complex from being built across from my peaceful neighborhood. I would like to share a very important procedure I found during my studies concerning the rezoning approval process. I am referring to the Approval Criteria rules that are in place. Rules that the Planning Commission is obligated to follow. The rules for "Approval Criteria" are published in the Broken Arrow Zoning Ordinance Book Review and Approval Procedures Section 6.4 concerning Planned Unit Developments. Quote "The Broken Arrow Planning Commission has a responsibility to approve rezoning only if the rezoning meets all criteria" end quote. May I add not just some of the criteria but all of the published Approval Criteria must comply in order to pass.

Criteria Part "a" states: The rezoning will promote the public health, safety, and general welfare;

Relevant to Public Health are the statistics that show high density urban developments are at risk for increased amounts of crime. In regard to Public Safety the Developer's Design Outline illustrates that it will create a large amount of additional traffic on the corner of 111th and Aspen. The Village@1eleven Design Outline shows two opposite facing exit/entrances. This congestion point will most certainly impose an impossible way to make a left turn out of either neighborhood. With regards to General Welfare my welfare will drop significantly like my depreciated property value. There is no compliance to Part "a".

Criteria Part "b" states: The rezoning is consistent with the comprehensive plan and the purposes of this Ordinance;

A PUD in this area of town is not consistent with the Comprehensive Plan. **This unusual Post Modern Metro Style PUD Design leans more towards being located near downtown and not built in the middle of existing Urban Residential neighborhoods.** Surrounding property value is at risk because a High Density Gated Urban Village with a Commercial Business Component is *very odd* in being located right in the center of established scenic neighborhoods.

The Village@1eleven is a strange design for this area of town. A much better development fit for this Transition Area is RS2. There is no compliance to Part "b".

Criteria Part "c" states: The rezoning is consistent with the stated purpose of the proposed zoning district;

Meeting the requirement of Criteria Part "c" will depend on who you talk to for an answer. The area homeowners answer proposes the "consistent" way to develop this beautiful, wildlife filled, wooded area by rezoning to Urban Residential which is allowed under LUIS Level 3 rules as this Transition Zone is adjacent to Aspen Park. The Developer view is not consistent with the area. It instead pursues ripping out the trees, making more money than a conventional development would allow, and cramming as many dwellings, rental spaces and business rental storefronts it can into this proposed PUD area. There is no compliance to Part "c".

Criteria Part "d" states: The rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and

There are indeed significant adverse impacts and they are more than just "likely". In order to prove significant adverse impacts on this area you must perform a Impact Study. Impact data, analysis or studies, as it pertains to potential crime in adjacent neighborhoods, impact on property values, impact on traffic, impact on water drainage , possibility of being EPA non compliant, all of the above and more, are for some reason, **not allowed**. Why can't Impact Studies be performed on the Village@1eleven?

Searching for an answer to this question I found a clue in Greg Genua's points of concern letter to the Planning Commission dated April 11th,2019. The Developer answered Greg Genua's submitted question about Impact Studies being performed. The Developer's written reply was quote " Impact studies are not performed for common developments such as this" end quote.

The developer twists the interpretation of the Comprehensive Plan in their favor. They bend their unusual Village@1eleven Design into the status of a "common development". An obvious attempt to avoid or disguise multiple conflicts with the City's Approval Criteria for rezoning.

On one day the developer says the Village@1eleven is, and I quote the developer, a "experimental development" and the next day it is defined by the same developer and I quote a "common development". The Developer uses the description "experimental" when needing an excuse to not provide statistical performance data for this type of PUD design. The Developer then uses the description "common" when needing to avoid a Impact Study.

I look for them to continue to twist the definitions so not to allow those Impact Studies to be authorized. The impact studies should be performed and also include a Casey General Store business in the impact research as that company is eyeing this vote on PUD 288 before it proceeds with it's plans to build on the opposite corner. There is no compliance to Part "d".

Approval Criteria Part e. Future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract.

The Village@1eleven is a not "compatible in scale" to this area and so it is not compliant to Part 'e". Existing properties in the vicinity of the subject tract are Residential Estates located in five nearby areas, three Churches, one future Church and four Urban Residential neighborhoods in close proximity. THE "compatible in scale" Solution is rezoning to RS2.

The Planning Commission proclaims to be impartial and I have to trust this is true. It only takes a single one of these "Approval Criteria" rules to be non compliant to justify a NO vote for rezoning to PUD/CM and RS-4.

Our area of town is historically very important. Before there was Broken Arrow there was Elam. The founders of Broken Arrow , W. T. Brooks, N. L. Sanders, M. C. Williams and W. N. Williams all settled on the Elam Hodge farm. They founded the town right where we live in our neighborhoods today. There was even a Elam United States Post Office here. When the citizens of Elam could not convince the railroad to lay tracks nearby they pulled their buildings on skids with steam tractors to where the railroad tracks were eventually built. Those homes on skids next to the tracks became downtown Broken Arrow.

Only two small stone markers in place today display any reference to our history in this area of town. In respect to our City's founding I suggest that the City keep this area green, protect the wildlife from being killed,

keep this area of town less dense in development and research the availability of Federal and State funds and grants that could be utilized for the construction of a BA Historic Founders Preservation Park. Right here where it all started.

Hopefully as we, the citizens of this beautiful, scenic and historic part of town, by being more aware now, can wave our flag of concern higher and get the message to others involved that are negatively impacted in different ways by the Village@1eleven and Casey's General Store. Hopefully the word will spread to Quick Trip, Kum and Go, The iCon Apartments, The Inverness Apartments, The Condos of Canterbury. Broken Arrow Public Schools, The EPA, The Oklahoma Historical Society, The State Historic Preservation Office and the State Corporation Commission. All should all be made aware of this PUD Proposal 288 so they can weigh in on the consequences.

To my neighbors and friends here today I would like to say this in closing. Our voices of opposition are being heard. Our petitions have been signed and submitted. Our faithfulness to this community of Broken Arrow is being tested. Our concerns are legitimate in every regard. Keep the faith. Keep a close eye on this vote.

My friends please know that if the day ever came that this "subject to change" rough and odd Design Outline, as it appears today, morphs into it's final conception design in the weeks ahead, remember that during that future "final plan" design time our voices will not matter anymore. Our concerns will not be heard any longer because The Village@1eleven "final plan" will be conceived only between the City and the Developer.

Today though we do have a voice and that voice is asking this Planning Commission for a NO vote on PUD Proposal 288. We also respectfully hope that the Developer can honor our concerns and consider RS2 or RE zoning instead.

Thank you City Planning Commission and Larry Curtis for allowing me this platform and extended time to voice my opposition.

Mark Smith