



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Lee Whelpley
Vice Chairperson Ricky Jones
Commission Member Fred Dorrell
Commission Member Mark Jones
Commission Member Jaylee Klempa

Thursday, August 27, 2020

Time 5:00 p.m.

Council Chambers

1. Call to Order

Chairperson Lee Whelpley called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 4 - Jaylee Klempa, Fred Dorrell, Ricky Jones, Lee Whelpley
Absent: 1 - Mark Jones

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

Staff Planner, Amanda Yamaguchi, presented this Item.

- A. 20-1009** **Approval of Planning Commission meeting minutes of August 13, 2020**
B. 20-1036 **Approval of BAL-2095, Cypress Place Lot Split, 2 Lots, 4.88 acres, PUD-17B/CG (Commercial General), north and west of the northwest corner of Elm Place (161st E. Avenue) and New Orleans Street (101st Street)**

Ms. Yamaguchi indicated the applicant was in agreement with the Staff Report.

Chairperson Whelpley explained the Consent Agenda consisted of routine items, minor in nature, and was approved in its entirety with a single motion and a single vote, unless an item was removed for discussion. He asked if there were any items to be removed from the Consent Agenda; there were none.

MOTION: A motion was made by Ricky Jones, seconded by Fred Dorrell.

Move to approve the Consent Agenda per Staff recommendations

The motion carried by the following vote:

Aye: 4 - Jaylee Klempa, Fred Dorrell, Ricky Jones, Lee Whelpley

5. Consideration of Items Removed from Consent Agenda

No Items were removed from the Consent Agenda. No action was taken or required.

6. Public Hearings

- A. 20-1007** **Public hearing, consideration, and possible action regarding 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)**

Vice Chairperson Ricky Jones recused himself from the discussion and vote on Item 6A. He left the room prior to discussion and returned following the vote.

Senior Planner Brent Murphy 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 reported the property was annexed into the City of Broken Arrow on April 18, 1983 (Ordinance No. 1097). He noted this item was continued from the August 13, 2020, Planning Commission meeting. He indicated as this property was annexed in 1983, there had been four rezoning requests (BAZ 901, BAZ 961, BAZ 1786, and BAZ-1984), a previous PUD request (PUD 38), and a decree by District Court (Case No. C-83-3081). He noted the summation of the history associated with these were included in the Staff Report. He indicated the last zoning request, on October 3, 2017, BAZ-1984, was a request to change the zoning on the property associated with PUD-315 from R-2 to RS-3; this was approved by the City Council. He noted BAZ-1984 was approved subject to the property being platted. He reported the property had not been platted, so the zoning today remained R-2; however, when the property was platted the zoning would change to RS-3. He indicated

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 according to the FEMA maps, a portion of the subject property was located in the 100-year floodplain of the West Branch of Broken Arrow Creek. He noted 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 drained into this existing pond. He stated the property associated with PUD-315 was proposed to be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the RS-3 district, except as summarized in the Staff Report. He highlighted a few of these alterations: at least 60%, or 162 lots, must meet the RS-3 standard in lot width, and the RS-3 standard of 7,000 square feet in lot size; lot width reduction from 60 feet to 55 feet; minimum lot size reduction from 7,000 square feet to 6,500 square feet on up to 108 lots. He noted as part of PUD-315 there would be a 10-foot-wide landscape area along 9th Street and more landscaping would be provided than was required in zoning ordinance; in addition, one large tree would be installed on each lot. He displayed and discussed a map which illustrated the proposed lot layout for this development and the connector streets. He noted PUD-315 indicated the connection with 96th Street would be gated, if permitted by Broken Arrow Fire Code, to be used only in emergencies.

Mr. Murphy reported the property associated with PUD-315 was designated as Level 2 in the Comprehensive Plan, single family residential was in accordance with the Comprehensive Plan in Level 2. He reported in Staff's opinion, PUD-315 satisfied all 5 items of Section 6.4.A of the Zoning Ordinance. He stated based on the Comprehensive Plan, location of the property, the existing zoning which had already been approved on the property, the unique conditions associated with the property, and the surrounding land uses, Staff recommended PUD-315 be approved as presented, subject to the property being platted.

The applicant, Lou Reynolds with Eller & Detrich, address 2727 E. 21st Street, Tulsa, indicated he was in agreement with the Staff Report. He noted no rezoning was required for this development; PUD-315 would be an overlay to ensure uniform development of a challenging site. He indicated there were topographical issues with an unusually shaped lot, creek challenges and street issues, particularly with 96th Street. He noted PUD-315 would also ensure the maintenance of the landscaped area along 9th Street, the fencing in the development, the detention pond, and the landscaped entry feature. He noted the development would exceed all landscape requirements, as well as open space requirements in the zoning code. He noted the development would be similar to the Seven Oaks project to the southeast. He asked for approval of PUD-315.

Chairperson Whelpley asked if the developer spoke with the neighbors prior to this meeting. Mr. Reynolds responded in the negative; COVID provided communication challenges.

Chairperson Whelpley opened the public hearing. He noted Citizen Sarah Watts, 1616 E. Edgewater Street, and Citizens Chelsea and Jed Cravalho, 1621 E. Delmar Street, signed in opposition of this Item, but did not wish to speak. He noted several Citizens signed up to speak; each resident would be given three minutes to speak.

Citizen John Blanton stated his address was 9905 S. Lynn Lane. He noted his property was located to the south and west of the proposed development. He expressed concern regarding stormwater runoff and the pond which would be receiving 10 to 20 times more runoff upon completion of the development. He worried the pond on his own property would be overtaxed catching overflow from the development's detention pond. He noted the dam on the west side of his pond could not handle a major inflow of water and maintain its integrity and if his dam failed Lynn Lane would be flooded. He asked for information regarding where the stormwater runoff from this development would be directed. He asked for a guarantee his dam would not be damaged by runoff from the new development.

Citizen Don Partridge stated his address was 18606 E. 96th Street. He expressed concern regarding water runoff. He noted he already had drainage difficulties on his property; he worried the development would make the situation worse. He discussed his property's flooding issues. He noted his concerns regarding 96th Street access had been addressed by the developer. He asked for a fire hydrant to be placed near 96th Street as there were none in his area. He noted he could not get Broken Arrow City Water due to a past decision to go with RWD and therefore there were no fire hydrants near his property.

Citizen Kyle Posey stated his address was 1605 E. Edgewater Street. He expressed concern regarding the 13th Street road annexation. He indicated he surveyed 9 of his 13 neighbors; seven were opposed to 13th Street being annexed, one did not care, and one approved of the annexation. He expressed concerns regarding water runoff. He noted one of his neighbors asked what would happen to the walking trail along the south side of Washington Lane when 13th Street cut through the trail. He stated three of his neighbors felt their voice did not matter and the issue had already been decided, but as resident concerns regarding 96th Street had been addressed he hoped his and his neighbors' concerns regarding 13th Street might also be

considered. He indicated he did not believe this was a good location for a housing development.

Citizen Karen Holman stated her address was 8600 S. 5th Street. She approached the map and pointed out the location of her and her siblings' property, and the location of the ponds which caused her concern. She indicated her property was located to the south of this development and would share a fence line with the new development. She reported a couple of years ago she and her two siblings held a "round table discussion" with members of the Planning Commission and City Water Experts to discuss recommendations regarding the drainage and flood plain issues. She indicated she and her husband asked about building on the northeast side of her pond, a location which would backup to a cul-de-sac of new homes in the development. She noted she was told in order to build in this location she would be required to invest in improving the elevation and drainage, and a constant level dam would need to be installed in her pond, but if she were patient, the widening of Lynn Lane would warrant the need for the drainage problem to be corrected by the City. She noted she was told building on the north of her property was questionable due to drainage and many problems which would need to be addressed prior to building. She asked why it was now acceptable to build 270 homes in an area where such drainage issues were present. She asked why the development was considered a wise decision for a 270-home development, but not for her home. She discussed the excellent results of collaboration between the City and the students at Broken Arrow High School regarding the property developed north of Broken Arrow High School. She noted this was an amazing area and the environment was a priority. She stated she was asking for the City to work with her and the surrounding residents to plan the area correctly prior to building homes. She indicated water was an important resource and the environment was important to the Citizens of Broken Arrow. She stated the water from the higher elevation pond east of her pond had always drained into her personal fishing pond and there had been many instances of flooding along Broken Arrow Creek. She noted she did not want fertilizer and pesticides flowing into her fishing pond, nor did she want more water draining onto her property than her land could handle.

Citizen Roger Sanford stated his address was 25922 Willow Street. He expressed concern regarding potential ecological damage to his pond from the new development. He stated he was worried his pond would become polluted, he would no longer be able to eat the fish from his pond, and he would have to relocate his bee farm due to pollution. He stated he had concerns regarding the pond dam as it was not built to code and could not handle excessive water flow. He stated the City needed to address the water runoff issues before development of this subdivision. He indicated he was responsible for repairing his dam when water runoff caused erosion. He asked if the City would repair his dam if it collapsed due to development of this property. He noted his pond was not engineered to contain water runoff; it was initially constructed by his family in the early 1960s to hold water for his home.

Chairperson Whelpley reported Citizen David Steele, address 18211 E. 101st Street, signed in opposition expressing waterflow concerns but did not wish to speak; Citizen Elizabeth Nanita, address 2808 S. 16th Street, signed in opposition expressing concerns regarding unfinished street widening projects along 91st Street, Lynn Lane, increased traffic, but did not wish to speak; Citizen Judy Hurley, 3204 S. 16th Street, signed in opposition expressing concerns regarding reduced property values and reduced privacy (she asked for tall evergreens to be planted along the property line behind her property), but she did not wish to speak; Citizen Linda Beckley, address 1409 E. Edgewater Street, signed in opposition noting this development had been denied several times before, was unchanged and should be denied once again, expressing concerns regarding traffic, water runoff, pollution and street connections, but she did not wish to speak; and Citizen Gracie Cruz, address 1216 E. Boston Street, signed in opposition but did not wish to speak. He read through Citizen Gracie Cruz's comments which expressed concerns regarding flooding, traffic, and home values.

The applicant, Mr. Lou Reynolds, responded drainage would be addressed in the platting process. He noted Broken Arrow had a very rigorous engineering and design platting process. He explained the development would be required to contain its rainwater; no increase in the amount of water currently flowing off the property would be permitted. He noted the pond on the property would be improved and the property detention would be improved. He noted 96th Street was addressed, and he would work on 13th Street through the platting process. He noted regarding traffic, the number of permitted lots on this property was reduced from 350 lots to 270 lots which would help keep traffic light in the area.

Commissioner Fred Dorrell noted the number of permitted lots was 350. Mr. Reynolds agreed, but noted the PUD would restrict the number of permitted lots to 270. Commissioner Dorrell noted he had concerns regarding the flooding and traffic in the area. Mr. Reynolds indicated he agreed Lynn Lane was a problematic road, but he understood widening of Lynn Lane would be done.

Chairperson Whelpley asked if a hydrology report would be done for this property. Planning and Development Manager Jill Ferenc responded in the affirmative; a hydrology report was

required during the platting process. She noted the zoning component was the first step in the process; the second step was the hydrology report, civil engineering design, the preliminary plat and conditional final plat. She noted the preliminary plat would show the plan for public improvements including storm sewer, drainage, water and sewer. She noted Broken Arrow had a requirement that the rate the water ran off a site could not increase from predevelopment to post development.

Ms. Jill Ferenc indicated Washington from 9th to 23rd Street was a 2018 Bond Project. She noted there would be a bond sale later this fall, design would begin early next year, and construction typically began three years after design began. She reported 9th Street between Washington and New Orleans was a named project in the 2018 Bond; however, there was no specific date for the Bond sale for this project.

MOTION: A motion was made by Jaylee Klempa, seconded by Fred Dorrell.

Move to approve Item 6A per Staff recommendation

The motion carried by the following vote:

Aye: 3 - Jaylee Klempa, Fred Dorrell, Lee Whelpley
Recused: 1 - Ricky Jones

Chairperson Whelpley indicated this Item would go before City Council on September 15, 2020 at 6:30 p.m. He explained if any wished to speak, said individual would be required to fill out a Request to Speak form prior to the City Council Meeting. He noted Planning Commission was a recommending body; City Council would make the final decision regarding this Item.

B. 20-1003 Public hearing, consideration, and possible action regarding PUD-316 (Planned Unit Development) and BAZ-2061 (Rezoning), The Lakes at Rabbit Run, 27.13 acres, A-1 to PUD-316/RS-4, located one-quarter mile south of New Orleans Street (101st Street), east of Olive Avenue (129th E. Avenue)

Mr. Brent Murphy reported Planned Unit Development (PUD)-316 involved a 27.13-acre parcel located one-quarter mile south of New Orleans Street (101st Street), east of Olive Avenue (129th E. Avenue). He noted with PUD-316, the applicant was proposing a zero-lot line, private street, single-family detached residential development with up to 105 lots, similar to the Rabbit Run addition on the west side of Olive Avenue. He reported BAZ-2061, a request to change the zoning on the property from A-1 to RS-4, was submitted in conjunction with PUD-316. He noted as shown in the conceptual site plan, the development was proposed to have two gated points of access to Olive Avenue. He reported the property associated with PUD-316 was proposed to be developed in accordance with the City of Broken Arrow Zoning Ordinance except as summarized in the Staff Report. He noted the minimum lot width would be 50 feet instead of 55 feet, and the minimum lot area would be 5,200 square feet instead of 6,500 square feet. He reported the property associated with PUD-316 was designated as Level 3 in the Comprehensive Plan; single-family residential, as proposed with PUD-316, along with the RS-4 zoning being requested, was considered to be in conformance with the Comprehensive Plan in Level 3. He noted according to FEMA maps, none of the property as located in the hundred-year flood plain; sanitary sewer service, as well as water, would be provided by the City of Broken Arrow. He stated based upon the Comprehensive Plan, the location of the property, unique conditions associated with the property, and the surrounding land uses, Staff recommended PUD-316 and BAZ-2061 be approved as presented, subject to the property being platted.

The applicant Mark Capron with Wallace Engineering, address 123 N. Martin Luther King Jr. Blvd., Tulsa, stated he was in agreement with Staff recommendations. He noted this project was similar to the project across the street at the original Rabbit Run. He noted this property was currently zoned Agriculture and would be rezoned to RS-4 through this PUD; this area was Level 3 in the Comprehensive Plan which supported higher density residences. He stated the narrower lot sizes would allow open green spaces. He noted the green space would be centered around existing growth in an effort to save the older trees. He stated this development was a senior living development, gated community, with private streets. He discussed the utilities, water and sewer, and drainage.

Chairperson Whelpley asked if there were any Planning Commission questions; there were none. He noted there were no public comments or questions.

Vice Chairperson Ricky Jones indicated he was familiar with Rabbit Run which was a successful project; he felt this project would be an excellent continuation. He noted this development's product type was needed and would provide diversification within the City.

MOTION: A motion was made by Fred Dorrell, seconded by Jaylee Klempa.

Move to approve Item 6B per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Jaylee Klempa, Fred Dorrell, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated this Item would go before City Council on September 15, 2020 at 6:30 p.m.

7. Appeals

There were no Appeals.

8. General Commission Business

There was no General Commission Business.

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

Community Development Director Larry Curtis recognized Farhad Daroga for celebrating his 40th Anniversary working for the City of Broken Arrow. He noted Mr. Daroga was presented with a Compass which read, “To Farhad Daroga: Thank you for guiding us for the last 40 years.” He thanked Mr. Daroga for his last 40 years of service to the City of Broken Arrow.

Mr. Farhad Daroga thanked Mr. Curtis and the Planning Commission.

Vice Chairperson Ricky Jones thanked Mr. Daroga for his service and guidance.

Chairperson Whelpley stated Mr. Daroga was highly knowledgeable about Broken Arrow. He congratulated Mr. Daroga.

Mr. Daroga indicated he enjoyed working with the Planning Commission. He discussed the progression of Broken Arrow and the Planning Commission over the years.

Commissioner Dorrell complemented and thanked Mr. Daroga. He indicated Mr. Daroga was a valuable asset for Broken Arrow.

10. Adjournment

The meeting adjourned at approximately 5:51 p.m.

MOTION: A motion was made by Ricky Jones, seconded by Fred Dorrell.

Move to adjourn

The motion carried by the following vote:

Aye: 4 - Jaylee Klempa, Fred Dorrell, Ricky Jones, Lee Whelpley