



## 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*

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**Thursday, September 24, 2020**

**Time 5:00 p.m.**

**Council Chambers**

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**1. Call to Order**

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

**2. Roll Call**

**Present: 5 -** Jaylee Klempa, Fred Dorrell, Mark Jones, Ricky Jones, Lee Whelpley

**3. Old Business**

There was no Old Business.

**4. Consideration of Consent Agenda**

Staff Planner, Amanda Yamaguchi, presented this Item.

- A. 20-1169** Approval of Planning Commission meeting minutes of September 10, 2020
- B. 20-1173** Approval of BAL-2096 and BAL-2097CB, Lot 6, Block 1 Wickford at Forest Ridge and Reserve C Wickford at Forest Ridge, 0.65 acres for Lot 6, Block 1 and 0.09 acres for Reserve C, R-1/PUD-66, one-third mile north of Houston Street (81st Street), one-half mile east of 65th Street (Oneta Road)
- C. 20-1108** Approval of BAL-2098, Chalmers Auto Mall Lot Split, 2 Lots, 16.66 acres, PUD-44A/CH and CG, southeast corner of Albany Street (61st Street) and Aspen Avenue 145th E. Avenue)
- D. 20-1178** Approval of BAL-2100 (Lot Split), Center for the Arts, 1 Lot, 0.07 acres, one-quarter mile north of Houston Street (81st Street), west of Main Street at 320 South Main Street
- E. 20-1179** Approval of BAL-2101CB (Lot Combination), Center for the Arts, 1 Lot, 0.07 acres, one-quarter mile north of Houston Street (81st Street), west of Main Street at 320 South Main Street
- F. 20-1177** Approval of PT20-111, Preliminary Plat, The Colony at Cedar Ridge, 78.12 acres, A-1 (Agricultural) to RS-3 (Single-Family Residential)/CM (Community Mixed-Use) and (Planned Unit Development) PUD-301, south of New Orleans Street (101st Street), one-quarter mile east of Olive Avenue (129th East Avenue)
- G. 20-1187** Approval of PT20-113 preliminary plat, Park Place, 80.23 acres, 259 Lots, A-1 to PUD-304/RS-3, one-quarter mile north of Kenosha Street (71st Street), east of 79th Street (257th E. Avenue/Midway Road)
- H. 20-1184** Approval of PT15-117C, Conditional Final Plat, Ninety One - Phase 4, 24.58 acres, 76 lots, A-1 to RS-3, one-half mile east of 9th Street (Lynn Lane/177th E. Avenue), north of Washington Street (91st Street)

Ms. Yamaguchi indicated the applicants were in agreement with the Staff Reports.

Chairperson Whelpley asked if there were any items to be removed from the Consent Agenda. Vice Chairperson Ricky Jones indicated his firm prepared the preliminary plat for the Colony at Cedar Ridge; therefore, he would need to recuse himself from Item 4F. Chairperson Whelpley noted Ms. Yamaguchi requested Item 4C be removed from the Consent Agenda. He asked if there were any other items to be removed from the Consent Agenda; there were none. He 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.

MOTION: A motion was made by Ricky Jones, seconded by Jaylee Klempa.

**Move to approve the Consent Agenda less Items 4C and 4F per Staff recommendations**

The motion carried by the following vote:

**Aye: 5 -** Jaylee Klempa, Fred Dorrell, Mark Jones, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated Item 4H would go before City Council on October 20, 2020 at 6:30 p.m.

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

Senior Planner Brent Murphey reported Item 4C was a lot split into two lots. He indicated

Staff recommended approval subject to warranty deed submission, landscape plan modification to code, and a mutual access be provided. He stated the applicant was in agreement with Staff. He explained the applicant wished to show Planning Commission what was planned in this location. He noted this was a prime, highly visible property site in Broken Arrow.

The applicant Roman Albert stated his address was at 61<sup>st</sup> and 145<sup>th</sup> Avenue. He made a brief presentation regarding the intended development for this property including landscaping with evergreen plants and seasonal color plants, as well as new trees (red buds, crepe myrtles and maple trees). He noted a common area easement would be supplied for the lot split. He noted he hoped his plans would exceed the Broken Arrow landscaping requirements. He intended to make this a beautiful corner.

MOTION: A motion was made by Jaylee Klempa, seconded by Mark Jones.

**Move to approve Item 4C per Staff recommendation**

The motion carried by the following vote:

**Aye:** 5 - Jaylee Klempa, Fred Dorrell, Mark Jones, Ricky Jones, Lee Whelpley

Vice Chairperson Ricky Jones left the Chamber for discussion and vote on Item 4F. He returned following the vote.

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

**Move to approve Item 4F per Staff recommendation**

The motion carried by the following vote:

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

**Recused:** 1 - Ricky Jones

**6. Public Hearings**

**A. 20-1165 Public hearing, consideration, and possible action regarding PUD-288A (Planned Unit Development Minor Amendment), Villages at 1Eleven, 8.95 acres, A-1 to CM and PUD-288, located north of the northwest corner of Florence Street (111th Street) and Aspen Avenue (145th E Avenue)**

Ms. Amanda Yamaguchi reported Planned Unit Development (PUD)-288A, minor amendment to PUD-288, involved an 8.95-acre undeveloped tract located north of the northwest corner of Florence Street (111th Street) and Aspen Avenue (145th E Avenue). She stated PUD-288 and BAZ-2024 were approved on this property by the City Council on June 17, 2019. She explained with this minor amendment, the applicant was requesting to increase the maximum height of buildings within a portion of Development Area A to three stories, not to exceed 40-feet. She stated architectural features such as chimneys and cupolas may extend beyond 40-feet to a maximum height of 50-feet. She noted in the previously approved PUD, the maximum building height was restricted to 35-feet with architectural features allowed to extend up to 45-feet. She reported all other provisions of PUD-288 would remain as previously approved. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended PUD-288 be approved subject to the property being platted.

Vice Chairperson Ricky Jones recused himself for this Item, as well as Item 6B. He left the Chambers and returned following the vote for Item 6B.

The applicant, Erik Enyart, with Tanner Consulting, address 5323 S. Lewis Avenue, Tulsa, indicated he was in agreement with Staff recommendations. He noted the site design was changed; buildings were moved further back from the road. He indicated in this particular location this property was the only property limited to 35-feet in height.

Commissioner Klempa asked if there would be added residential units with the increased height of the building. Mr. Enyart responded in the negative; he was still limited to the number of residential units indicated in the PUD.

Chairperson Whelpley opened the public hearing.

Citizen Greg Genua, address 4329 S. Chestnut Avenue, Broken Arrow, stated he was opposed to PUD-288. He noted there was opposition to this development last year as well. He indicated there were many citizens who would be affected by this development and were in opposition. He noted the previous objections were clearly stated and he felt the objections were ignored. He stated there was a conflict of interest and while Vice Chairperson Ricky Jones recused himself from the discussion he did not have confidence there had not been side discussions amongst the City Council regarding this property, the development, and the plan as stated. He asked for the City to set aside this decision until the citizens directly affected by this project had an opportunity to review and understand exactly what was being proposed. He stated he understood the developer sold off portions of the original 29 acres which caused him to question the developer's financial stability and ability to build according to the original plan submitted and approved by Planning Commission and City Council. He noted



considered an easement. He noted there were utilities on the property. He stated he felt this land was not taken care of properly when his neighborhood was developed; the developer dropped sod on top of live poison ivy vines which were never eradicated.

Mr. Ferenc indicated this development was in the first stage (zoning). She noted a preliminary plat had been submitted, however. She stated City Staff would contact Mr. Tobler and share the preliminary plat which would come before Planning Commission in the next phases of development. She indicated the preliminary plat would give Mr. Tobler an idea of what was planned for the property. She stated if there were easements, typically it was the responsibility of the property owner to maintain the easement. She stated reserve areas were typically the responsibility of the subdivision's HOA.

Chairperson Whelpley closed the public hearing.

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

**Move to approve Item 6B per Staff recommendation**

The motion carried by the following vote:

**Aye: 4 -** Jaylee Klempa, Fred Dorrell, Mark Jones, Lee Whelpley  
**Recused: 1 -** Ricky Jones

Chairperson Whelpley indicated this Item would go before City Council on October 20, 2020 at 6:30 p.m. He noted if any wished to speak at the City Council Meeting completion of a Request to Speak form was required.

**C. 20-1167      Public hearing, consideration, and possible action regarding PUD-317 (Planned Unit Development), Tytan Station, R-3 (Single-Family Residential), Downtown Residential Overlay District (DROD) Area 5, located at the southeast corner of Fort Worth Street and 1st Street**

Ms. Yamaguchi reported Planned Unit Development (PUD)-317 involved a 0.33-acre lot located at the southeast corner of Fort Worth Street and 1st Street. She stated the property was platted as Lots 7-10, Block 70, Original Town of Broken Arrow. She noted the applicant proposed to develop the property as four single-family, detached homes; the lots were planned to be reconfigured to allow all proposed structures to face 1st Street. She noted access to lots 1 and 2 were proposed to be from Fort Worth Street and access to lots 3 and 4 would be through a platted alley immediately south of this property. She stated interior lots would be accessible through shared driveway access provided with a mutual access agreement between properties. She reported Tytan Station was proposed to be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the Downtown Residential Overlay District, except as summarized in the Staff Report. She stated the applicant provided an update to the site layout this morning and the only change was lots 3 and 4 now had a minimum size of 3,353 square feet and 3,295 square feet, respectively. She noted this change would be reflected in the City Council Staff Report.

Ms. Yamaguchi indicated according to Section 6.4 of the Zoning Ordinance, the PUD provisions were established for one or more of six purposes and in Staff's opinion, PUD-317 satisfied item 1 of Section 6.4.A of the Zoning Ordinance: To permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties. She noted the development of this site as single family detached homes was consistent with surrounding properties in the area; the PUD allowed for reconfiguration of lots to allow for better home layout without increasing the number of lots.

She stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended PUD-317 be approved, subject to the following: 1) Utility easements being provided as needed to provide utility service to all lots. 2) Lot consolidation and lot split applications being approved by the Planning Commission for the reconfiguration of the lots as shown in the PUD exhibits. 3) Document numbers for filed mutual access easements being included on the building permit applications.

The applicant, Nick Parker, address 304 E. Commercial Street, Broken Arrow, indicated he was in agreement with Staff recommendations.

Chairperson Whelpley noted no citizens signed up to speak regarding Item 6C.

MOTION: A motion was made by Ricky Jones, seconded by Jaylee Klempa.

**Move to approve Item 6C per Staff recommendation**

The motion carried by the following vote:

**Aye: 5 -** Jaylee Klempa, Fred Dorrell, Mark Jones, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated this Item would go before City Council on October 20, 2020 at 6:30 p.m.

**Public hearing, consideration, and possible action regarding BACP-131A (Comprehensive Plan Change), Level 1 (Rural Residential) to Level 3 (Transition Area), Oak Pond, 6.1 acres, A-1 (Agricultural), north of Washington Street (91st Street), one-quarter mile west of 9th Street (177th E. Avenue)**

Jane Wyrick, Planner II, reported BACP-131A was a request to change the Comprehensive Plan designation from Level 1 (Rural Residential) to Level 3 (Transition Area). She stated the 6.1-acre property was located north of Washington Street (91st Street), one-quarter mile west of 9th Street (177th E. Avenue); the property, which was unplatted, was currently zoned A-1 (Agricultural). She noted in 1982 this property was rezoned from single family to multifamily at Level 3. She noted later in 2014 a Comprehensive Plan amendment was conditionally approved to change the land use designation for a 6.46-acre site from Level 3 (Transition Area) to Level 1 (Rural Residential) and a request to rezone the property (BAZ-1900) from RM (Residential, Multifamily) to A-1 (Agriculture), as well as a Specific Use Permit (SP-273) for horticultural nursery sales. She stated with BACP-131A, the applicant requested approval to amend the Comprehensive Plan land use designation from Level 1 (Agricultural) to Level 3 (Transition Area). She noted the property owner planned to sell the property and wished to market the property as Level 3. She noted while a draft Planned Unit Development document was not submitted with this request, Staff anticipated receiving a rezoning request should the Comprehensive Plan amendment be approved. She noted should these requests be approved, the Specific Use Permit (SP-273) for horticultural nursery sales would need to be abrogated. She reported a blue line stream was located on the site and the area across the street to the south of Washington Street was mapped as 100-year floodplain. She noted Staff anticipated a study of this project site would result in some areas of floodplain on the site. She noted based on the gross acreage of the site a maximum potential of multifamily dwelling units was 121 units; however, not all of the site was developable; therefore, once the flood plain was mapped and the actual developable area identified, a more accurate amount of potential dwelling units would be determined. She stated based upon the location of the property, the existing and surrounding land uses, surrounding designations in the Comprehensive Plan's future development guide, Staff recommended approval of BACP-131A, subject to the following conditions of approval: 1) Rezoning of the property from A-1 (Agriculture) to RM (Residential, Multifamily). 2) The property shall be platted in accordance with the Land Subdivision Code and the Engineering Design Criteria Manual including dedication of required rights-of-way and utility easements. 3) Applicant to map the limits of the FEMA floodplain. Areas identified as floodplain shall be zoned FD (Floodplain) in conjunction with the future rezoning request. 4) Applicant to abrogate SP-273 in conjunction with a future rezoning request for the property.

The applicant, Heather Caputo, address 524 S. Main Street, Broken Arrow, stated she was in agreement with Staff Report. She noted this request was for the property to be returned to its original Comprehensive Plan Level designation. She noted there were a couple of interested parties who wished to develop high-end single-family homes in this location.

Chairperson Whelpley opened the public hearing.

Citizen Edna Osborn stated her address was 2301 S. 7th Street, Broken Arrow. She noted she was neither in favor nor opposed to this development as she had not seen anything showing what would be done. She noted her neighborhood had been experiencing flooding from the property located behind her home for over 14 years. She noted she had reported this problem to the City multiple times and provided documentation. She explained why she felt there was flooding. She asked if this potential development would improve her neighborhood flooding. She asked if proper guttering would be provided. She discussed the developer of Meadow Homes and Windsor Homes stating she felt he was a poor builder and should be removed from the list of accepted builders in Broken Arrow. She discussed the individuals she felt were good builders noting good builders installed proper gutters and stormwater drainage.

Vice Chairperson Ricky Jones explained this Item was consideration of a change in the Comprehensive Plan for this property which was the first step in the development process. He noted assuming the Comprehensive Plan change was approved, an interested developer would be required to submit a rezoning application and possibly a PUD; if this were approved then the developer would enter into the platting and engineering process. He explained during the engineering stage the City stringently reviewed the engineering plans for stormwater drainage. He noted if development did occur on this property the City would review the surrounding area, consider the current drainage condition, and try to improve the situation.

Ms. Osborn asked if the change in the Comprehensive Plan would increase her property taxes. She asked how a Comprehensive Plan change would affect her property.

Ms. Ferenc indicated Ms. Osborn could contact the Assessor's Office as a point of reference for any valuation questions.

Chairperson Whelpley asked if this would be coming back before Planning Commission in

the future. Ms. Wyrick responded in the affirmative; it would come back before Planning Commission for rezoning, PUD, and platting.

Chairperson Whelpley closed the public hearing.

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

**Move to approve Item 6D per Staff recommendation**

The motion carried by the following vote:

**Aye:** 5 - Jaylee Klempa, Fred Dorrell, Mark Jones, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated this Item would go before City Council on October 20, 2020 at 6:30 p.m.

**E. 20-1171 Public hearing, consideration, and possible action regarding BACP-171 (Comprehensive Plan Change), Level 3 (Transition Area) and Level 6 (Regional Employment/Commercial) to Level 3 (Transition Area), Bricktown East, 23.5 acres, CG (Commercial General) and IL (Industrial Light), one-quarter mile north of Kenosha Street (71st Street), one-quarter mile west of Aspen Avenue (145th E. Avenue)**  
Ms. Jane Wyrick reported BACP 171 was a request to change the Comprehensive Plan designation from Level 3 (Transition Area) and Level 6 (Regional Employment/Commercial) to Level 3 for a proposed single-family residential development on 23.5 acres located one-quarter mile north of Kenosha Street (71st Street), one-quarter mile west of Aspen Avenue (145th E. Avenue); the property, which was vacant and unplatted, was currently zoned CG (Commercial General) and IL (Industrial Light). She reported in 2008, the Planning Commission recommended approval (3-1 vote) of a request to amend the Comprehensive Plan land use designation (BACP-94) on this site from Level 3 and Level 6 to Level 3 for a 264-unit, four-story multifamily housing project. She noted the request was heard by the City Council on April 15, 2008 where it was tabled to allow the applicant to consider a PUD process and to prepare a traffic study after several residents expressed concern about traffic, the size of the proposed four-story, high-density buildings, and the lack of a buffer between single-family and the multi-family development. She indicated the applicant did not move forward with the request. She explained at the time of the amendment request, the property had included 100-year floodplain; however, a draft update of the FEMA map no longer indicated any 100-year floodplain on the site, and the map was later approved. She stated with BACP-171, the applicant requested approval to amend the Comprehensive Plan land use designation from Level 3 (Transition Area) and Level 6 (Regional Employment/Commercial) to Level 3 for a single-family residential development. She indicated in conjunction with BACP-171, the applicant submitted a Planned Unit Development (PUD-318) for Bricktown East that included 92 residential lots in a gated community with private streets. She stated a preliminary plat was submitted and was scheduled for the October 8, 2020 Planning Commission meeting. She reported the site included an existing sanitary sewer easement in the northeast, and a gas line easement along the south boundary. She stated a fifty-foot setback was required from pipelines which would be reviewed as part of the PUD and platting process. She noted the adjacent properties to the south had reserve areas for drainage along the south boundary of this site. She stated Table 4.1-5 of the Zoning Ordinance indicated the minimum gross land area per dwelling unit in the RS-4 zoning district was 7,875 square feet; based on this, a potential 130 units could be built on 23.51 acres. She stated based on the location of the property and the existing surrounding land uses, Staff recommended approval of BACP-171 subject to the following conditions of approval: 1) Approval of the rezoning of the property from CG and IL zoning designations to RS-4/PUD-318. 2) The property shall be platted in accordance with the Land Subdivision Code and the Engineering Design Criteria Manual including the dedication of required rights-of-way and utility easements.

The applicant, Jim Beach, with Wallace Engineering, address 123 Martin Luther King Jr Blvd, stated he was in agreement with Staff recommendations.

Chairperson Whelpley noted no citizens signed up to speak regarding this Item.

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

**Move to approve Item 6E per Staff recommendation**

The motion carried by the following vote:

**Aye:** 5 - Jaylee Klempa, Fred Dorrell, Mark Jones, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated this Item would go before City Council on October 20, 2020 at 6:30 p.m.

**F. 20-1172 Public hearing, consideration, and possible action regarding PUD-318 (Planned Unit Development) and BAZ-2064 (Rezoning), Bricktown East, 23.5 acres, CG (Commercial General) and IL (Industrial Light) to PUD-318/RS-4 (Single-family Residential), located one-quarter mile north of Kenosha Street (71st Street), one-quarter mile west of Aspen Avenue (145th E. Avenue)**

Ms. Wyrick reported Planned Unit Development (PUD)-318 and BAZ-2064 (Rezoning) involved a 23.5-acre parcel located one-quarter mile north of Kenosha Street (71st Street), one-quarter mile west of Aspen Avenue (145th E. Avenue); the property, which was vacant and unplatted, was currently zoned CG (Commercial General) and IL (Industrial Light). She noted this was the PUD and rezoning request attached to Item 6E previously discussed. She reported with PUD-318, the applicant was proposing a single-family detached residential development with up to 95 lots. She reported the primary point of access would be from Elder Place with gated access leading to private streets. She noted an exit only access point was proposed on the east side of the site off of Lansing Avenue leading to Aspen Avenue. She indicated two additional stub streets were proposed for future access to the north; one of these were proposed at the intersection of Oakland Place and the other was adjacent to an undeveloped property to the north. She stated a landscape edge was proposed along the Elder Place street frontage as well as a landscaped entry. She noted the applicant proposed a capped wood fence with columns every 60 feet along Elder Place. She reported with BAZ-2064, the applicant proposed to rezone the property from CG (Commercial General) and IL (Industrial Light) to RS-4 (Single-family Residential). She noted development proposed a reserve area for on-site stormwater detention along the south boundary that was being reviewed in conjunction with the plat (PT20-110). She stated should the Comprehensive Plan Amendment be approved the property associated with PUD-318 would be designated as Level 3 in the Comprehensive Plan and single family residential as proposed with PUD-318 was considered to be in conformance with the Comprehensive Plan in Level 3.

Ms. Wyrick reported in Staff's opinion, PUD-318 satisfied items 1, 2 and 5 of Section 6.4.A of the Zoning Ordinance: 1) PUD-318 limits the total number of units to 95, which was less than the 130 units allowed by the Zoning Ordinance, thereby limiting the intensity of use. 2) The landscape edge along Elder Place provided a public benefit, and the landscape buffer adjacent to industrial uses was a benefit to residents who would reside in those homes. The addition of a trail was an amenity for future residents. 5) Sidewalks would be provided throughout the neighborhood in accordance with the Subdivision Regulations making the neighborhood accessible. She noted according to FEMA maps, none of the property was located in the 100-year floodplain. She indicated the applicant claimed there was no blue line stream traversing the property; however, there were wetlands to the northeast and a flood plain to the southwest and some study would need to be completed to determine how the drainage should be addressed. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended BAZ-2064 and PUD-318 be approved subject to the approval of the Comprehensive Plan Amendment.

The applicant, Jim Beach, with Wallace Engineering, address 123 Martin Luther King Jr Blvd, stated he was in agreement with the Staff recommendations.

Vice Chairperson Ricky Jones stated this looked like an excellent development; he was impressed.

Chairperson Whelpley indicated no citizens requested to speak regarding this Item.

MOTION: A motion was made by Ricky Jones, seconded by Jaylee Klempa.

**Move to approve Item 6F per Staff recommendation**

The motion carried by the following vote:

**Aye:**        5 -     Jaylee Klempa, Fred Dorrell, Mark Jones, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated this Item would go before City Council on October 20, 2020 at 6:30 p.m.

**G. 20-1182     Public hearing, consideration, and possible action regarding PUD-319 (Planned Unit Development) and BAZ-2065 (Rezoning), City PUD, approximately 20 acres, one-half mile south of Florence Street (111th Street), east of Aspen Avenue (145th East Avenue), north of the Creek Turnpike**

Ms. Yamaguchi reported PUD-319 and BAZ-2065 was a request to change the zoning designation on an approximately 20-acre tract of land from R-2 to CH (Commercial Heavy) and RM (Residential Multi-Family)/PUD-319. She noted the west approximately 10-acres was proposed to be rezoned to CH and the east approximately 10-acres was proposed to be rezoned to RM. She noted the undeveloped property was located one-half mile south of Florence Street (111th Street), east of Aspen Avenue (145th East Avenue), north of the Creek Turnpike. She reported the City currently owned the property through the Broken Arrow Economic Development Authority; in order to make the property more marketable for future mixed-use, residential, and commercial development, a rezoning was necessary to allow for these potential uses. She stated PUD-319 was proposed to be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the CH and RM districts, with the following exceptions: 1) Front setbacks on commercial lots shall be reduced from 50-feet to 30-feet; and 2) Within required landscape edges, the number of trees shall be increased from 1 per 50 linear feet to 1 per 30 linear feet, along all frontages which abut the arterial street or frontage road. She stated PUD-319 included requirements for

a frontage road to parallel the Creek Turnpike and a trail connection between Liberty Trail and the existing Windsor Oak Estates neighborhood to the northeast. She stated based on the Comprehensive Plan, Staff recommended PUD-319 and BAZ-2065 be approved subject to the property being platted.

The applicant, Ms. Jill Ferenc (the City of Broken Arrow), stated the PUD took into account long range plans and incorporated planning for the frontage road which would run east to west along the turnpike to the north, as well as trail connections, per the INCOG plan the City adopted, and also allowed for blended development between commercial and residential.

Chairperson Whelpley indicated no citizens signed up to speak regarding this Item.

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

**Move to approve Item 6G per Staff recommendation**

The motion carried by the following vote:

**Aye: 5 -** Jaylee Klempa, Fred Dorrell, Mark Jones, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated this Item would go before City Council on October 20, 2020 at 6:30 p.m.. (Under Item 9:Remarks, Inquiries and Comments by Planning Commission and Staff, Jill Ferenc updated and clarified that this Item will go before the City Council on the October 6, 2020 Meeting.)

**H. 20-1170 Public hearing, consideration, and possible action regarding BACP-170 (Comprehensive Plan Change), Level 2 (Urban Residential), Level 3 (Transition Area) and Level 4 (Commercial/Employment Nodes) to an increased amount of Level 2 and Level 3 and decreased amount of Level 4, Honey Springs at Battle Creek, 75.276 acres, PUD-94Q/A-CG (Annexed-Commercial General), A-RD (Annexed-Residential Duplex) and A-R-3 (Annexed-Single-family Residential), southeast corner of Aspen Avenue (145th E. Avenue) and Dearborn Street (41st Street)**

Ms. Wyrick reported BACP-170 was a request to change the Comprehensive Plan designation from Level 2 (Urban Residential), Level 3 (Transition Area) and Level 4 (Commercial/Employment Nodes) to an increased amount of Level 2 and Level 3 and a decreased amount of Level 4 (Commercial/ Employment Nodes) for 75.276 acres located at the southeast corner of Aspen Avenue (145th E. Avenue) and Dearborn Street (41st Street). She reported this project site was part of a larger tract of land which was annexed into Broken Arrow from Tulsa in 1994 as part of the 786.5-acre Battle Creek PUD. She stated along with this PUD was a rezoning subject to platting; some portions of Battle Creek were platted, but this far northern portion had not been platted as of yet. She noted once the platting took place the zoning would be codified. She noted with this request the boundaries for each use area was being changed with the Comprehensive Plan and with the forthcoming rezoning and PUD which would come before Planning Commission in October. She explained as a part of the approval of PUD-94, density limits were established for different types of housing within the development. She noted PUD-94 allowed for translocation of densities and land use areas within the project boundaries. She noted this project site was part of another Comprehensive Plan amendment in 2010 which transferred villas or multifamily housing to a different site north of the Broken Arrow Expressway and east of Aspen Avenue. She noted PUD-94Q was approved in 2010 to decrease the area designated for commercial from 23 acres to 10 acres, for apartments from 23 acres to 6 acres and it amended the use of this area for patio homes; it also increased the area for executive home sites from 28 acres to 60 acres. She noted this approval was subject to the property being platted and with this approval, the density for the property at Aspen Avenue and Dearborn Street was decreased. She explained with BACP-170, the applicant requested approval to modify the configuration of the areas of Levels 2, 3 and 4 due to the topography of the site and the location of existing ponds and blue line streams. She noted in conjunction with BACP-170, the applicant submitted a draft major amendment to PUD-94 and PUD- 94Q (PUD-94W). She indicated the forthcoming PUD amendment and plat would address any required right-of-way and utility easement dedications. She noted all major utilities were available in other phases of the Battle Creek subdivision and would be extended to serve this area. She indicated the topography sloped downhill to the north posing a challenge to serve this area of the site; thus, a sewer lift station would likely be needed to serve this area. She noted Staff had determined with the Comprehensive Plan Amendment, the density would be decreased in this area. She explained since publishing the Staff Report a revised draft PUD was submitted which would bring the number of single-family units from 190 down to 175 and the number of patio home units from 50 down to 44. She stated based on the location of the property and the existing and surrounding land uses, Staff recommended BAZ-170 be approved subject to the following conditions of approval: 1) Approval of the rezoning of the property from “Annexed” zoning designations to those that are in conformance with the current Zoning Ordinance, and approval of a major amendment to PUD-94 and PUD-94Q. 2) The property shall be platted in accordance with the Land Subdivision Code and the Engineering Design Criteria Manual including the dedication of required rights-of-way and utility easements.

Vice Chairperson Ricky Jones noted what was before the Planning Commission was actually



a decrease in density in the number of units. Ms. Wyrick concurred; when Battle Creek was first approved there was a maximum number of units approved for different types of housing. She noted this number was decreased in 2010, and this application reduced the number once again.

Vice Chairperson Ricky Jones noted this piece of property had come before Planning Commission several times.

The applicant Nathan Cross, address 2 West 2nd Street, Suite 700, Tulsa, stated he was in agreement with Staff recommendations. He noted Tim Terrel was also a planner for this project. He explained this was simply a reconfiguration of the layout of the Comprehensive Plan which included a reduction of the commercial development area and replaced the commercial area with single family homes. He explained this was necessary as there was a jurisdictional waterway which ran through this portion of the property which could not be disturbed; therefore, it made sense to reconfigure the property to include a greenbelt and wetlands.

Vice Chairperson Ricky Jones indicated he could understand why this area needed to be reconfigured at this time to accommodate the wetlands.

Chairperson Whelpley asked if Mr. Cross had spoken to any of the surrounding neighborhoods. Mr. Cross responded in the negative; he noted he was happy to discuss the concept with the neighbors. He indicated to his knowledge four phone calls were received regarding this development; there may have been more received. He stated he understood the desire to hear more about the development. He noted this was simply the Comprehensive Plan discussion; the development PUD was not being discussed today.

Vice Chairperson Ricky Jones noted if this Comprehensive Plan amendment were approved there would be new notice given for the rezoning and PUD public hearings.

Chairperson Whelpley opened the public hearing. He stated there was one individual in favor and four opposed who did not wish to speak: in favor was Danny Reed 1933 W. Xenia Street; in opposition were James Sikkema 4600 N. Walnut Street, Blaine Schaaf, 4621 N. Redbud Avenue, Brenda Dutkosky 1713 W. Zillah Street, and Rob Dutkosky 1713 W. Zillah Street.

Chairperson Whelpley asked for speeches to be tailored so as not to repeat the same concerns and objections expressed by others.

Citizen Dave Price, address 2025 W. Woodberry Street, Broken Arrow, stated he was concerned regarding how this would affect his property value, and regarding the affect this development would have on traffic (he discussed high traffic areas near this property). He asked what the price range would be for the new homes and what would be done on 145<sup>th</sup> Avenue to alleviate the traffic concerns. He noted he did not feel more apartments were needed in the area; this would only increase traffic difficulties. He indicated he was in opposition to this Item.

Citizen Deborah Sikkema, address 4600 N. Walnut Ave, Broken Arrow, stated she was in opposition to development of this land. She noted the land was behind her home and she was concerned about losing the well-developed habitat in the area. She indicated the greenspace was home to many animals, was an excellent ecosystem, was home to dozens of types of birds, and home to deer, rabbit, coyote, beavers, and bobcats. She asked if a wildlife management expert been consulted regarding this property. She stated she was also concerned about the air quality during construction. She noted she and her husband had breathing issues, she was a cancer survivor, and there would be volatile toxic compounds in the air which could cause health issues. She asked why there was no greenspace buffer planned for this property. She indicated the development would begin 35 feet from her back-porch. She asked if she would be required to stay indoors during construction, spray water to reduce dust, and how construction noises be managed.

Citizen Kent Schaaf, address 4621 N. Redbud Avenue, Broken Arrow, asked why more homeowners did not receive notice. Ms. Jill Ferenc responded State Statute required property owners within 300 feet of the property in question be notified for zoning cases, and Comprehensive Plan amendments required a 300-foot area of notice. Mr. Schaaf stated he felt everyone in his addition should have been notified as all would be affected by the development of the 75 acres. He stated he lived in Greenbrier which had one street with 90 homes, and he was concerned about traffic increases. He stated he was promised there would never be any cheap apartments or cheap homes developed next door to his home (his property abutted the 75 acres in question). He stated it was impossible to build a home of his quality on a 7,200 square foot lot. He indicated if cheaper homes were built next to his property the roads should not be connected. He noted the new development would still have two entrances if his neighborhood were not connected. He stated this new development would increase traffic, decrease home values, and increase crime in the area.

Vice Chair Ricky Jones asked who guaranteed there would be no cheap houses built on the lot next to his property. Mr. Schaaf responded the builder of his home made this guarantee.

Citizen Jim Basteri, address 2017 W. Xenia, stated he was concerned about increased traffic and the quality of the homes being built. He asked what types of homes were planned to be built. Chairperson Whelpley noted this was not the right meeting to discuss what type of home would be built. Ms. Ferenc noted this meeting was to discuss the Comprehensive Plan change. Mr. Basteri discussed other surrounding developments. He indicated he had been hoping to upgrade when he moved into this new neighborhood and he was upset by this proposed development. He stated the new development would cause additional traffic difficulties.

Vice Chairperson Ricky Jones asked if 145<sup>th</sup> Avenue was a prime arterial street. Ms. Ferenc responded in the affirmative. Vice Chairperson Ricky Jones explained 145<sup>th</sup> Avenue was planned to be improved in the future as a 120-foot primary arterial road.

Citizen Kristen Robinson, address 4616 N. Sycamore Avenue, Broken Arrow, stated she ran an in-home childcare facility, licensed by DHS and the Air Force. She stated she was concerned about the manholes in her backyard; she asked if the developer would need to go through her backyard to access the manholes to continue the sewer lines as she did not want the children she cared for exposed to this type of situation. She noted the children's playtime would be interrupted. She stated she hoped her yard could be left alone. She asked if it would be possible to completely section off the construction area to ensure the children had no access and the construction site was not visible. She stated she agreed with the other speakers; she would miss her dead-end street and the wildlife on the neighboring property.

Citizen Kurt Arras, address 4612 N. Sycamore Avenue, Broken Arrow, asked where the utility lines were located. He indicated he felt the statement that there were utilities present for access was a falsehood. He asked if the Planning Commission would approve an electronic gate to keep nonresidents out of his neighborhood. He asked about the water pressure. He stated he barely had water pressure and he worried the water pressure would worsen with the new development. He asked if construction vehicles would be driving through his neighborhood to access the construction site. He asked where construction vehicles would park. He asked who would fix the road after it was damaged by construction vehicle traffic.

Citizen John Corn, address 1200 W. Ulysses Street, Broken Arrow, stated the draft PUD amendment redefined the size of the executive lot; he strenuously objected to this. He stated the executive lot standards needed to be maintained. He stated he was concerned about the smaller lot sizes and type of housing planned to be developed. He stated he was concerned about housing standards and fence standards. He stated he was not opposed to the Comprehensive Plan change but was worried about the development. He stated he was concerned about the construction traffic. He noted construction traffic currently traveled down 145<sup>th</sup> and large trucks should be utilizing 160<sup>th</sup>. He noted there were over 1,000 apartments near this location and another 750 apartments planned. He discussed his concerns about traffic increases.

Citizen Patty Hillman, address 1912 W. Xenia Street, Broken Arrow, stated she agreed with the traffic and ecosystem concerns. She asked if the lot sizes could be increased. Ms. Ferenc responded lot sizes would be addressed at a later date. Ms. Hillman asked what type of commercial businesses would be developed. Ms. Ferenc responded this would be addressed at a later date as well. Vice Chairperson Ricky Jones indicated if commercial zoning were applied for, new notice would be sent out. Ms. Hillman asked how a citizen could know whether to agree or disagree with a Comprehensive Plan change at this stage. Vice Chairperson Ricky Jones explained the Comprehensive Plan had different zoning types which were permitted in each Level of the Comprehensive Plan; changing the Comprehensive Plan changed which types of zoning could be permitted in the area. He noted the Comprehensive Plan was a master plan adopted by the public which planned out how the City should grow.

Ms. Hillman asked if she was correct in her understanding that this was not the correct meeting to air concerns about traffic, lot sizes, etc. Ms. Ferenc responded in the affirmative. Chairperson Whelpley stated there would be another time to address those types of concerns.

Vice Chairperson Ricky Jones thanked Ms. Hillman for trying to learn about the Comprehensive Plan.

Citizen Carla Rausch, address 1512 W. Zillah Street, Broken Arrow, stated she lived on a bluff and she was concerned about how the development would be separated from her property. She stated she was concerned about the new development's HOA requirements. She stated she was concerned about the wildlife. She stated she was concerned about possible changes in the plan she was unaware of.

Citizen Jim Basteri, address 2017 W Xenia, Broken Arrow asked if Comprehensive Plan Levels were the same as zoning. Vice Chairperson Ricky Jones responded in the negative.

Ms. Jill Ferenc reviewed the tables which went with the Comprehensive Plan. She explained Level 2 of the Comprehensive Plan allowed single family home developments with R-2, RS-2, RS-3 and RS-4, and RD was possible; Level 4 allowed Neighborhood Mixed use (NM), Community Mixed use (CM), Office Neighborhood (ON), Commercial Neighborhood (CN) and Commercial General (CG); Level 3 permitted potential Light Commercial (LC) or residential options with possible R-2, RS-2, RS-3, and CM and permitted were RS-4, RD, RM, and RMH, NM. She displayed the map of the Comprehensive Plan change request which illustrated where each of these Levels would now be located.

Mr. Basteri asked if Broken Arrow coordinated with Tulsa when planning developments. Ms. Ferenc stated notification was given about development within certain areas in between Tulsa and Broken Arrow. Mr. Basteri asked about who owned and cared for 145<sup>th</sup> Avenue. Ms. Ferenc explained 145<sup>th</sup> was the boundary of Broken Arrow and was maintained by Tulsa County. She noted Tulsa County would be widening 145<sup>th</sup> Avenue.

Mr. Basteri asked if developers were required to pay for bringing in the necessary utilities. He stated Tulsa was planning to develop apartments across on the other side of 145<sup>th</sup> which he believed would be problematic. He stated he did not want this area to become too commercial and draw in crime.

Chairperson Whelpley read through the online submittals: 1) David Jankowski (opposed), address 4508 N. Walnut Avenue, Broken Arrow, expressed concerns regarding a decrease in property values and the wildlife habitat. 2) Amy Jankowski (opposed), address 4508 N. Walnut Avenue, Broken Arrow, expressed concerns regarding the value of her property; she wished for a greenspace buffer to be between her home and the development. 3) Bruce Hillman (opposed), address 1912 W. Xenia Street, Broken Arrow, expressed concerns regarding entrances into the new development going through his neighborhood and extra traffic; he recommended a bicycle path/trail as a connector between the two neighborhoods. 4) Steve Jost (undecided), address 4408 N. Walnut Avenue, Broken Arrow, asked about the minimum square foot requirement for Honey Springs development. 5) Patty Hillman (opposed), address 1912 W. Xenia Street, Broken Arrow, expressed concerns regarding traffic on 145<sup>th</sup> Avenue, water pressure, private retention ponds, and how the new development would be delineated from her own. 6) Kenny Perkins (opposed), address 1516 W. Zillah Street, Broken Arrow, expressed concerns regarding traffic on 145<sup>th</sup>, and additional traffic through existing neighborhoods. 7) Jim Payne (undecided), address 3609 N. Sycamore, Broken Arrow, expressed concerns regarding increased traffic flow, and transition around the Greenbrier flood retention pond. 8) Scott Pfeil (opposed), address 2009 W. Woodbury, Broken Arrow, expressed concerns regarding reduced construction standards, community connector streets, higher density development, and decreased property values. 9) Laura Rollins (undecided), address 1716 W Zillah Street, Broken Arrow, expressed concerns regarding estimated property values for the new development, and traffic increases.

Vice Chairperson Ricky Jones stated the Planning Commission heard many good comments today. He stated this was the Comprehensive Plan change and he understood why the applicant was wishing to change the Comprehensive Plan to match the wetlands, blue threads, and other topography issues. He explained the next step would be the rezoning and the PUD. He noted there was a draft PUD. He suggested the interested parties and the applicant meet prior to the rezoning/PUD Planning Commission meeting to discuss these issues. He stated he was in support of the Comprehensive Plan change because he understood the logic behind the application. He asked Mr. Cross (the applicant) if he would be willing to meet with the interested residents to discuss the residents' concerns.

Mr. Cross responded in the affirmative. He noted he appreciated the clarification regarding what was being discussed and voted upon today. He noted currently the property owner had the right to build homes on this property; the Comprehensive Plan was simply reconfiguring the land to reorient the more commercial development along 41<sup>st</sup> Street and reduce the commercial footprint due to the greenbelt requirements. He stated he would be happy to meet and discuss the development with the residents and provide information regarding the PUD and zoning change.

Commissioner Dorrell agreed with Vice Chairperson Ricky Jones. He liked the new Comprehensive Plan layout more than the current layout. He stated after listening to the comments made, he believed the residents would benefit from this Comprehensive Plan change; it would improve the potential development of the area. He noted the residents had legitimate concerns and he appreciated the questions and comments. He agreed a meeting between the applicant/developer and the residents would be highly beneficial to all parties.

Chairperson Whelpley stated when residents attended meetings and expressed concerns it was

educational for the Planning Commission as a whole. He stated he felt it was imperative for the developer/applicant to meet with the local residents and discuss.

Commissioner Klempa explained this Comprehensive Plan change would move the commercial and multifamily portion of the development further away from the existing residents' homes.

Commissioner Mark Jones agreed with his fellow Commissioners. He agreed with residents' concerns; traffic was a legitimate concern but at the same time growth was a good thing and he did not wish to stifle the growth of Broken Arrow. He stated he hoped the traffic situation would be improved sooner rather than later, but currently the Planning Commission was only considering the Comprehensive Plan and what was the best use of the property, and he felt this Comprehensive Plan change would be the best use of the property.

MOTION: A motion was made by Mark Jones, seconded by Jaylee Klempa.

**Move to approve Item 6H per Staff recommendation**

The motion carried by the following vote:

**Aye: 5 -** Jaylee Klempa, Fred Dorrell, Mark Jones, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated this Item would go before City Council on October 20, 2020 at 6:30 p.m. He recommended the Citizens go before City Council and voice their concerns as well. He noted a Request to Speak form was required to be completed prior to the meeting. Commissioner Mark Jones agreed.

Mr. Cross indicated his phone number was 918-591-5252 if any resident wished to contact him to discuss the development.

Vice Chairperson Ricky Jones thanked Mr. Cross.

**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)**

Ms. Jill Ferenc updated and clarified that the City PUD Item (Item 6.G.) will go before the City Council on the October 6, 2020 Meeting.

Ms. Jill Ferenc recognized Commissioner Mark Jones for his service to the Planning Commission. She indicated tonight was his final Planning Commission Meeting.

Commissioner Mark Jones stated it had been very rewarding serving on the Planning Commission. He noted he had served for five years, but his new business was time consuming; therefore, he felt it was time for him to step down.

Vice Chairperson Ricky Jones asked for a formal recognition of Commissioner Mark Jones with a commemorative plaque be arranged in the future. It was agreed this would be done.

The Planning Commission thanked Commissioner Mark Jones for his service.

**10. Adjournment**

The meeting adjourned at approximately 7:06 p.m.

MOTION: A motion was made by Jaylee Klempa, seconded by Mark Jones.

**Move to adjourn**

The motion carried by the following vote:

**Aye: 5 -** Jaylee Klempa, Fred Dorrell, Mark Jones, Ricky Jones, Lee Whelpley

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Mayor

\_\_\_\_\_  
City Clerk