



# 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 Jaylee Klempa*  
*Commission Member Julea' Merriott*

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**Thursday, November 5, 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 -** Julea' Merriott, Jaylee Klempa, Ricky Jones, Lee Whelpley, Fred Dorrell

Chairperson Whelpley recognized Mark Jones for his five years of service to the City of Broken Arrow Planning Commission.

Mr. Mark Jones indicated it had been his honor and his pleasure to serve on the Broken Arrow Planning Commission. He commended City Staff and thanked Chairperson Whelpley.

### 3. Old Business

There was no Old Business.

### 4. Consideration of Consent Agenda

There was no Consent Agenda.

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

There were no Items removed from the Consent Agenda; no action was taken or required.

### 6. Public Hearings

**A. 20-1321 Public hearing, consideration, and possible action regarding PUD-10I (Planned Unit Development), Adult Day Health-Life Pace Center, 1.04 acres, PUD-10E/RD to PUD-10I/RD, located north of New Orleans Street (101st Street), one-quarter mile west of Elm Place (161st E. Avenue)**

Senior Planner Brent Murphy reported Planned Unit Development (PUD)-10I involved a 1.04-acre parcel located north of New Orleans Street (101st Street), one-quarter mile west of Elm Place (161st E. Avenue). He stated with PUD-10I, LIFE Senior Services was requesting a major amendment to PUD-10E in order to expand the adult day care services they offer at the existing facility. He explained the applicant was proposing to repurpose a portion of the existing space to be used as a medical office and clinic space for the LIFE PACE program. He stated the PACE clinic would only serve individuals enrolled in the LIFE PACE program and would not be open to walk-in traffic. He stated the PACE clinic was projected to serve an average of 6-10 senior citizens per day. He noted the property was platted as a part of Lot 2, Block 2, Vandever Green. He indicated the Comprehensive Plan showed this area to be Level 3 and office type uses were considered to be in accordance with the Comprehensive Plan in Level 3. He stated based on the Comprehensive Plan, location of the property, the existing approved zoning, existing use of the property, and the surrounding land uses, Staff recommended PUD-10I be approved as presented and since it was already platted, Staff recommended platting be waived. He noted the applicant was in agreement with the Staff Report.

The applicant, Sarah Terral, address 5330 E. 31st Street, Tulsa, indicated she was in agreement with Staff recommendations.

Chairperson Whelpley opened the public hearing. He noted one individual submitted comments online, Mr. Brian Cumberland, address 3105 S. Juniper Place. He stated Mr. Cumberland indicated he was undecided on the item and asked if there would be additional buildings or expansion of existing buildings.

Ms. Sarah Terral responded in the negative; this would be a remodel of the existing building onsite; there would be no expansion of existing buildings.

Chairperson Whelpley closed the public hearing.

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

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

The motion carried by the following vote:

**Aye:**       **5 -**     Julea' Merriott, Jaylee Klempa, Fred Dorrell, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated this Item would go before City Council on December 1, 2020 at 6:30 p.m.

**B. 20-1353       Public hearing, consideration, and possible action regarding PUD-126E (Planned Unit Development), Murphy USA Station, 1.10 acres, PUD-126/CG to PUD-126E/CG, located west of Elm Place (161st E. Avenue), one-quarter mile north of Tucson Street (121st Street)**

Mr. Brent Murphy reported Planned Unit Development (PUD)-126E involved a 1.10-acre parcel located west of Elm Place (161st E. Avenue), one-quarter mile north of Tucson Street (121st Street). He reported a Murphy Oil USA gasoline station was located on the property. He stated the applicant was requesting a major amendment to PUD-126 to reduce the width of the landscape edge along W. Quanah Place from 15 feet to 9 feet. He noted the property was platted as a part of Lot 5, Block 1, Waterloo Way. He stated according to the applicant, they were proposing to completely clear the site, including the removal of the existing gas tanks, and construct a new building and canopy and install new underground gasoline tanks. He stated the new building, would be a convenience store, would contain 1,400 square feet, and would be accessible to the public. He stated in the design statement, the applicant stated a 25-foot wide drive aisle was needed. He stated the existing 25-foot wide landscape area adjacent to Elm Place would be kept, but with PUD-126E, they were requesting the landscape area along the west side of the property next to W. Quanah Place be reduced from 15 feet to 9 feet. He indicated the landscape plan submitted by the applicant with the PUD showed all the existing landscaping on the site to be removed and replaced with significantly less landscape material.

Mr. Murphy stated when PUD-126 was initially approved by Planning Commission and City Council in 2001 the surrounding property owners expressed a lot of interest and concern about the amount of landscaping which was being provided. He stated the surrounding property owners were concerned about the out parcel lots which were created, and to address these concerns PUD-126 had a 25 foot wide landscape area along Elm Place, and there was a 15 foot wide landscape area along Quanah Place. He stated PUD-126E kept the existing 25-foot landscape area along Elm Place but was requesting the landscaping along Quanah Place be reduced from 15 feet to 9 feet. He indicated the landscape plan for this site was approved by the Planning Commission in October of 2001. He noted this landscape material had matured and created an attractive appearance while the landscape plan submitted by the applicant showed the entire site to be cleared and a considerably lesser amount of landscaping would be planted. He stated the property associated with PUD-126E was designated as Level 6 in the Comprehensive Plan and the existing CG underlying zoning which did allow a convenience store with gas sales was in accordance with the Comprehensive Plan in Level 6. He stated according to the zoning ordinance there were five conditions associated with the PUD of which at least one Planning Commission must find was met. He noted in Staff's opinion the applicant's proposal to clear the site, removing 29 of the existing trees, some of which were at least 4 inches in caliber, along with reducing the width of the edge along Quanah Place did not meet any of the five conditions. He explained this landscaping had been maturing for 17 years and replacing the existing 29 trees with 4 new trees which were only 2 inches in caliper did not meet the requirements of the PUD or Section 6.4 of the Zoning Ordinance. He stated to bring PUD-126E into compliance with Section 6.4 of the Zoning Ordinance, Staff recommended the following: "1) All existing landscaping along Elm Place shall be preserved and maintained. A landscape plan shall be prepared and submitted by a licensed landscape architect that shows how the existing landscaping is going to be preserved and protected during construction. 2) The width of the landscape edge along W. Quanah Place may be reduced from 15 feet to 9 feet. Existing trees and shrubs adjacent to W. Quanah Place may be removed. However, the revised landscape plan for the trees and shrubs along W. Quanah Place shall match the landscape plan approved by the Planning Commission on October 25, 2001. 3) The licensed landscape architect shall verify and note the size of all trees along W. Quanah Place prior to their removal. Any trees found to be four inches in caliper or larger shall be replaced as acknowledged in Section 5.2.C.4.b of the Zoning Ordinance. 4) The overall proposed quantity of landscape material shall exceed the quantity in the landscape plan approved by the Planning Commission on October 25, 2001. 5) Any landscape material that fails, shall be replaced in accordance with the Zoning Ordinance." He indicated the applicant was in agreement with these conditions.

The applicant, Charles Ashley, address CEI Engineering 431 Asboth Drive, AR, indicated he was in agreement with Staff recommendations. He noted he anticipated keeping all the trees along Elm Place; there was one tree which needed to be removed due to parking requirements. He asked for flexibility regarding this one tree; it would be mitigated as Staff felt appropriate.

Chairperson Whelpley asked if this one tree had been discussed with Staff. Mr. Ashley responded in the negative; he stated he believed he could move the parking over to save the tree, but still needed flexibility regarding this one tree if it proved problematic.

Commissioner Jaylee Klempa asked if this tree would be replaced with a tree of equal size and quality if removal was necessary. Mr. Ashley responded in the affirmative.

Vice Chairperson Ricky Jones stated he felt this was a reasonable request.

Mr. Ashley noted currently the impervious for the site was around 58% of the site; when construction was completed impervious would be 62% which meant there would be almost 40% green space on this property.

Chairperson Whelpley noted no citizens signed up to speak.

MOTION: A motion was made by Jaylee Klempa, seconded by Julea' Merriott.

**Move to approve Item 6B per Staff recommendations with the conditions placed**

The motion carried by the following vote:

**Aye: 5 -** Julea' Merriott, Jaylee Klempa, Fred Dorrell, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated this Item would go before City Council on December 1, 2020 at 6:30 p.m.

**C. 20-1394 Public hearing, consideration, and possible action regarding PUD-17D (Planned Unit Development), Cypress Place LLC, 1.635 acres, CG (Commercial General)/PUD-17B, located north New Orleans Street (101st Street), west of Elm Place (161st E. Avenue)**  
Planner II Jane Wyrick reported Planned Unit Development (PUD)-17D involved a 1.635-acre lot located north of New Orleans Street (101<sup>st</sup> Street), west of Elm Place (161<sup>st</sup> E. Avenue). She stated PUD-17 was approved by the City Council in 1980 and included C-2 (now converted to CG with the 2008 zoning code update) and C-5 (now converted to CH) zoning. She stated on January 2, 2019, the City Council conditionally approved PUD-17B, a major amendment to the Vandever Acres Center PUD, to allow place of assembly as a permitted use and to develop the property for a place of assembly and commercial uses. She stated with this approval, 40,000 square feet was permitted for place of assembly use for HomeChurch with the remainder of the existing building to be for commercial use. She noted a future pad building was also planned for commercial use. She explained several conditions of approval were included with the approval including a timeline for completing different phases of the development. She reported this property was platted as a part of Lot 2 Block 1 Vandever Acres Center, filed in Tulsa County in 1981. She stated on August 27, 2020, the Planning Commission approved a lot split (BAL-2095) to split a 1.635-acre tract from the 4.88-acre HomeChurch property; Cypress Place LLC purchased this tract and was renovating the building for four commercial tenant spaces. She noted a mutual access, parking and maintenance agreement was recorded between HomeChurch, Inc. and Cypress Place LLC. She explained with PUD-17D, the applicant was proposing a major amendment of PUD-17B to allow a place of assembly for special events and micro food and beverage production as permitted uses in one of the Cypress Place tenant spaces. She stated these uses required the approval of a Specific Use Permit or a Planned Unit Development permit in the CG zoning District. She stated as indicated on the attached design statement, Water's Edge Winery was interested in locating a tasting room, a kitchen and restaurant, and an open area for gatherings at this location. She indicated also proposed was an area for mixing of pre-packaged ingredients to produce craft wine. She noted the tenant space for these uses were 2,981 square feet in area. She explained except for the addition of these permitted uses for Water's Edge, all other provisions of PUD-17B remain unchanged. She stated the Future Development Guide of the Comprehensive Plan showed the property associated with PUD-17D to be designated as Level 4, and commercial general was in accordance with the Comprehensive Plan in Level 4. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended PUD-17D be approved.

Vice Chairperson Ricky Jones asked if church use was approved on the property immediately to the west. Ms. Wyrick responded in the affirmative; the approval limited the amount of assembly space to 40,000 feet for HomeChurch.

Community Development Director Larry Curtis stated the usage of alcoholic sales, specifically bars and liquor stores, were now permitted by Oklahoma law to be closer than 300 feet to a church if the church signed off in approval. He reported HomeChurch was in support of this Item and had signed off in approval.

The applicant, Brad Webb with Red Dog Construction, address 3316 S. Elm Place, indicated he was in agreement with Staff recommendations.

Chairperson Whelpley indicated no one signed up to speak for this Item.

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

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

The motion carried by the following vote:

**Aye: 5 -** Julea' Merriott, Jaylee Klempa, Fred Dorrell, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated this Item would go before City Council on December 1, 2020 at 6:30 p.m.

**D. 20-1395**

**Public hearing, consideration, and possible action regarding PUD-320 (Planned Unit Development), Southern Elm Commercial Center, 6.56 acres, A-1 (Agricultural) to CN (Commercial Neighborhood)/PUD-320, located south and west of the southwest corner of Florence Street (111th Street) and Elm Place (161st E. Avenue)**

Ms. Jane Wyrick reported Planned Unit Development (PUD)-320 involved two lots totaling 6.56-acres located south and west of the southwest corner of Florence Street (111th Street) and Elm Place (161st E. Avenue). She reported a preliminary plat (PT20-109) subdividing this site into three lots had also been submitted and was scheduled to be reviewed by the Planning Commission later this evening. She reported on November 3, 2003, the City Council approved a request (BAZ-1616) to rezone a 10.02-acre site from A-1 (Agricultural) to C-3 (Neighborhood Commercial), subject to the property being platted and subject to the property within the 100-year floodplain to be zoned FD (Floodplain). She indicated at the time, the site was owned by Vector Commercial and included the 2.7499-acre property at the southwest corner of Elm Place and Florence Street. She stated the corner lot was later platted as May's at Broken Arrow (recorded in Tulsa County on August 23, 2006). She explained with the 2008 Zoning Ordinance update, C-3 zoning was converted to CN (Commercial Neighborhood). She stated the property associated with PUD-320 represented the remaining 6.56 acres of the property which was rezoned with BAZ-1616; the CN zoning would be codified when the property was platted.

Ms. Wyrick explained with PUD-320, the applicant requested approval of a Planned Unit Development to allow a reduced driveway separation due to the location of existing nearby driveways. She stated Exhibit B in the Agenda Packet showed the locations and distances of nearby driveways, and Exhibit C showed the proposed driveways in relation to nearby driveways. She explained the presence of drainage culverts along Florence Street and Elm Place further limited the potential location of driveways. She stated the applicant was proposing one driveway along Florence Street with 87 feet of driveway separation from the nearest intersection and one shared driveway along Elm Place which provided 265 feet separation from the nearest driveway to the north and 228 feet of driveway separation from the driveway to the south. She explained as the site engineering was refined, there may arise the need to modify the precise location of the driveway and Staff was in support of allowing a tolerance of up to ten feet for the final driveway locations, particularly along Florence Street. She noted one office building was planned for the lot along Florence Street, and two commercial sites were planned along Elm Place.

She stated the Future Development Guide of the Comprehensive Plan showed the property associated with PUD-320 to be designated as Level 3, Level 4, and Greenway/Floodplain. She reported in Level 4, CN (Commercial Neighborhood) zoning was considered to be in accordance with the Comprehensive Plan. She indicated CN zoning was not in conformance with the Comprehensive Plan in Level 3; however, Implementation Policy I7 of the Comprehensive Plan allowed a 10 percent variance or adjustment in the gross area of specific LUIS level designations. She stated the Level 3 area on the southwest corner of Elm Place and Florence Street represented approximately 33 acres; of these 33 acres, 3 acres had conditional CN zoning (9 percent of the area); therefore, the rezoning request was considered to be in accordance with the Comprehensive Plan.

She stated according to Section 6.4 of the Zoning Ordinance, the PUD provisions were established for one or more of five purposes which were listed in the Agenda Packet. She indicated in Staff's opinion, PUD-320 satisfied items 2 and 5 of Section 6.4.A of the Zoning Ordinance: "2) The existing nearby driveways, along with the physical features of the site, such as creeks and drainage culverts, limit access to the site. 5) By proposing a shared driveway along Elm Place rather than separate driveways for each lot, applicant is minimizing access points to this property." She reported according to FEMA maps, portions of this property were located in a floodplain. She stated a stormwater detention easement was proposed in the northeast area of the site, and an overland drainage easement and conservation easement were proposed at the southwest area of the site. She stated City of Broken Arrow utilities were available to serve the site. She stated based upon the Comprehensive Plan, the location of the property, the previously approved rezoning (BAZ-1616) of the site, and the surrounding land uses, Staff recommended PUD-320 be approved, subject to platting the property. She noted the applicant was unable to attend tonight's meeting but sent email confirmation of agreement with Staff recommendations.

Chairperson Whelpley indicated no one signed up to speak for this Item.

MOTION: A motion was made by Fred Dorrell, seconded by Julea' Merriott.

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

The motion carried by the following vote:

**Aye:**       **5 -**     Julea' Merriott, Jaylee Klempa, Fred Dorrell, Ricky Jones, Lee Whelpley

Chairperson Whelpley indicated this Item would go before City Council on December 1, 2020 at 6:30 p.m.

**E. 20-1403       Public hearing, consideration, and possible action regarding PUD-94W (Planned Unit Development Amendment) and BAZ-2067 (Rezoning), 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) to PUD-94W/CG, RD and RS-3 (Single-family Residential), southeast corner of Aspen Avenue (145th E. Avenue) and Dearborn Street (41st Street)**

Vice Chairperson Ricky Jones recused himself for this Item. He left the chamber prior to the discussion and vote for this Item; he did not return.

Ms. Jane Wyrick reported Planned Unit Development (PUD)-94W and BAZ-2067 involved a 75.276-acre parcel located at the southeast corner of Aspen Avenue (145th E. Avenue) and Dearborn Street (41st Street). She stated the applicant was requesting a major amendment to PUD-94/PUD-94Q and was requesting that the underlying zoning be changed (BAZ-2067) from A-CG (Annexed-Commercial General), A-RD (Annexed-Residential Duplex) and A-R-3 (Annexed-Single-family Residential) to CG (Commercial General), RD (Residential Duplex) and RS-3 (Single-family Residential). She reported on October 20, 2020, the City Council approved (4-1 vote) BACP-170 to change the Comprehensive Plan land use designations for this area by increasing the amount of Level 2 and Level 3 and decreasing the amount of Level 4 (Commercial/Employment Nodes). She indicated several residents spoke on this item with comments related to property values, quality of homes to be built, density, traffic and potential impacts to the existing Greenbriar subdivision detention pond. She reported public hearing notices for PUD-94W and BAZ-2067 were sent out for the October 22, 2020 Planning Commission agenda; however, in consideration of the comments and questions raised at the City Council meeting on October 20, 2020, the applicant requested the item be continued to the November 5, 2020 Planning Commission meeting to allow the applicant time to consider how some of these comments might be addressed.

Ms. Wyrick reported on June 20, 1994, the City Council approved Ordinance No. 1862 to annex a tract of land (a 479-acre area of Section 27, T19N, R14E) into the corporate limits of the City of Broken Arrow with assigned "Annexed" zoning of AC-2, AR-4 and AR-3 (now converted to A-CG, A-RD and A-R-3). She stated the 786.5-acre Battle Creek planned unit development (PUD-94) was approved by the City Council on November 16, 1995. She noted also approved on this date was BAZ-1236 to rezone property within the northern portion of the Battle Creek PUD (that had been annexed from the City of Tulsa) to designations which were in accordance with the Zoning Ordinance, subject to platting. She reported some portions of north Battle Creek have been platted but the northernmost property that was the subject of this rezoning and PUD amendment has not yet been platted. She explained when this property was platted, the zoning designations approved with BAZ-1236 would be codified; however, the boundaries for each use area were being changed with this PUD amendment and rezoning. She reported a Comprehensive Plan Amendment was approved in 2010 which transferred villas, or apartment use, from this site to a site near the BA Expressway and Aspen Avenue resulting in lower density on this site. She reported a corresponding PUD Amendment, PUD-94Q, decreased the commercial area on this site from 23.3 acres to 9.99 acres and the area previously designated for apartments from 23.6 acres to 5.83 acres and amended the use of this area for patio homes. She stated this Amendment also increased the area for executive home sites from 28.43 acres to 59.51 acres. She explained the approval was subject to the property being platted. She stated BAZ-2067 modified the areas zoned for commercial use, patio homes and single-family executive home sites in a manner which preserved the creeks and ponds with commercial and patio home areas designated along Dearborn Street and single-family on the south and east portion of the site. She stated the creeks and ponds were proposed to be preserved in a reserve area. She explained with PUD-94W, the applicant proposed to amend the use areas to reflect the sensitive features on the site and modify the development standards to allow for reduced lot frontage. She indicated while some lots were proposed to have 60 feet of frontage, 55 percent of lots would meet the RS-3 dimensional standards. She stated to preserve the existing jurisdictional wetlands and ponds, approximately 14.472 acres were being preserved in reserves as open space. She noted in addition to standard sidewalks, pedestrian connectivity was proposed to the open space areas.

Ms. Wyrick explained within the commercial area the only modification was for the signage requirements to meet the updated sign ordinance, rather than the sign ordinance in effect at the time PUD-94 approved; no changes were proposed for the dimensional standards for patio homes; the overall number of patio homes was reduced from 44 units to 20 units; within the single-family executive home site tract the applicant requested a total possible number of

units of 175 rather than 171.

She reported the property associated with PUD-94W and BAZ-2067 was designated as Level 2, 3 and 4 in the Comprehensive Plan; the RS-3 (Single-family Residential), RD (Residential Duplex) and CG (Commercial General) zoning districts were considered to be in conformance with the Comprehensive Plan in these levels. She stated in Staff's opinion, PUD-94W satisfied items 1, 2, 3, and 5 of Section 6.4.A of the Zoning Ordinance: "1) The preservation of sensitive lands in reserve areas and for use as open space maintains the character of the natural setting and limits the intensity of use. 2) The preservation of approximately 14.75 acres of sensitive lands limits the density of the development and provides flexibility as development is planned around sensitive sites. Utilizing natural drainage areas limits impacts to the stormwater drainage system thereby providing a greater public benefit. These modifications permit greater flexibility than could otherwise be achieved through the Zoning Ordinance. 3) With PUD-94W, applicant proposes to preserve 14.75 acres as open space that includes a park and pedestrian connectivity. 5) While modifying the boundaries of the different use areas, the proposed PUD-94W is compatible with the approved master plan for Battle Creek. The design of the development meets the public objectives and standards of accessibility and safety in that proposed access points exceed separation requirements and provides connectivity."

She reported the site included ponds and creeks but according to FEMA maps, none of the property was located in a 100-year FEMA floodplain area. She stated as part of the engineering process, these areas would need to be mapped. She noted water and sanitary sewer service would be provided by the City of Broken Arrow. She noted Staff received additional inquiries regarding the anticipated sewer lift station, wetlands, and traffic in the last few days. She indicated regarding the sewer lift station a backup system would be included with the system to prevent failure in the event of a power failure. She stated the applicant hired a consultant to determine any wetlands on the site. She stated regarding driveway separation she did not have the exact amount, but it looked to be about 400 feet (minimum required was 250 feet).

She stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended PUD-94W and BAZ-2067 be approved as presented, subject to the property being platted.

Thea applicant, Nathan Cross, address 2 West 2nd Street, Tulsa, Oklahoma, indicated he was in agreement with Staff recommendations. He noted Tim Terral was also present to answer engineering questions. He discussed the previous Comprehensive Plan Amendment as it pertained to this property which reduced the commercial area and increased the residential single-family home area. He explained the previous commercial area straddled the wetland and creek area which made it difficult to develop which was another reason the Comprehensive Plan Amendment was applied for (and approved). He displayed the reconfigured Comprehensive Plan areas with commercial to the north of the wetland area and single-family homes to the south of the wetland area. He indicated he met with the nearby property owners who shared their concerns, and he felt the largest concern was the new homes would not be the same as the existing homes. He explained this was correct, this development was not intended to be the same as the existing development to the south. He explained he was permitted to construct homes on this property regardless; however, with this PUD he was attempting to be more responsible in land planning with a fairly significant reduction in density. He displayed a chart which explained the difference between what he could by right develop and what he was requesting to develop through the PUD: the maximum number of lots permitted currently were 253, the proposed number of lots were 175; total number of single-family detached and patio homes permitted currently were 172 with the patio homes to be developed in the neighborhood to the south of the wetland area, the proposed number of patio homes were limited to 20 units and would be built north of the single family home area; the proposed plan had a reduction in commercial area; the proposed plan included designed open space. He displayed a map which illustrated the proposed layout for the property with 14.72 areas of greenspace, as well as additional greenspace within the patio home development area.

Chairperson Whelpley asked if the greenspace was all floodplain space. Mr. Cross stated he did not know if it was floodplain, but it was mostly wetland area along with the greenspace in the patio home development area.

Commissioner Dorrell asked about the reduction in Level 4. Mr. Cross responded the Level 4 area was reduced from 10 acres down to 3.4 acres. He noted the 10 acres allotted for 180,000 square feet of commercial space while the new plan allotted for 40,000 square feet of commercial space.

Chairperson Whelpley opened the public hearing. He noted two citizens submitted comments via email. He reported Alexandria Silvernail, address 4617 N. Redbud Avenue, was "opposed to development due to traffic concerns, smaller lot sizes than existing Battle Creek

homes, and lack of reassurance from the developer on home types.” He reported Debra Sikkema, address 4600 N. Walnut Avenue, was opposed to rezoning, lot sizes, lift station for public safety and health reasons, concerned about a forced mean break power outage, pump failure and flooding, and opposed to paving over the ecosystem which was a food source for wildlife.

Chairperson Whelpley indicated there were Citizens present who did not wish to speak: Marilyn Winston, address 2013 W. Xenia Street, opposed; Blaine Schaaf, 4621 N. Redbud Avenue, opposed; Karen Arras, 4612 N. Sycamore Street, opposed for safety issues, traffic issues, property values, and loss of wetlands; Matthew Smith, 1604 W. Zillah Street, opposed; Mindy Smith, 1604 W. Zillah Street, opposed; Steve Rausch, 1512 W. Zillah Street, opposed; Carla Rausch, 1512 W. Zillah Street, opposed.

Chairperson Whelpley called on the Citizens who wished to speak:

Citizen Jim Sikkema stated his address was 4600 N. Walnut Avenue. He indicated his concerns were regarding traffic which was already poor, lot widths being too narrow, and home finishes not being similar to the existing homes. He noted he liked the intended wetland reserve area.

Citizen Brenda Dutkosky stated her address was 1713 W. Zillah Street. She indicated she was concerned with traffic density on Aspen Street which would not be widened in the near future. She asked if a traffic study had been completed. She asked if an accident study had been completed as many accidents occurred in the area. She was opposed to the lot sizes, home sizes, home finishes, and home styles. She discussed the wetland area, the wildlife, and area flooding. She stated she believed any homes built on this property would flood during rain events.

Citizen Kurt Arras stated his address was 4612 N. Sycamore Avenue. He asked why, if Mr. Cross was reducing density in the area, was the PUD asking for a rezoning from RS-2 to RS-3 as RS-3 zoning increased home density. He asked if the waterway had been included in the original PUD for this property.

Mr. Larry Curtis responded in the negative; he explained when the PUD was originally approved in 1995, no engineering had been done for this property; therefore, water courses were not outlined.

Mr. Arras asked if Mr. Cross had been aware of the waterway on the property when he was considering purchase of the property. Mr. Curtis indicated this was a question for the applicant. Mr. Arras stated he wondered how the developer could have estimated 255 homes could be developed on this property if he had known there was a waterway in place. He stated he felt the developer was trying to correct a mistake by increasing the density from RS-2 to RS-3 in an effort to recover losses incurred by the waterway. He complained about only being allowed to speak for 3 minutes when over 200 homeowners would be permanently affected by the profit motive of one developer.

Chairperson Whelpley noted the Planning Commission did not set the 3-minute time limit; this 3-minute time limit was set by City guidelines.

Citizen Randall Gray stated his address was 4616 N. Redbud Avenue. He stated his family had lived in Broken Arrow since 1899. He commended the Planning Commission on the Rose District. He stated Battle Creek was a diamond in Broken Arrow, as was the Rose District. He noted homes in Battle Creek were highly desirable and in demand. He stated he had no problems with the new development, he only had concerns about the standards of construction. He stated the materials used should be the same finishes as Battle Creek, roof height should be the same as Battle Creek, and masonry should be used as it was in Battle Creek. He indicated there needed to be a clean break between Greenbrier and Honey Creek to protect the pond. He stated thousands of dollars and hundreds of man hours were spent maintaining this pond.

Citizen Rob Dutkosky stated his address was 1713 W. Zillah Street. He displayed a photo of the wetland area from his backyard. He noted this area had a significant amount of water which led almost up to his backyard and this was land the developer proposed to build homes upon. He stated there was so much more water in this area than the developer or the City understood, and he did not feel this was being adequately addressed. He noted his property was at the highest point in the area and if his property was almost flooded, then the surrounding properties would definitely flood.

Chairperson Whelpley stated a hydrology report would be completed, and the hydrology report could direct the development.

Mr. Larry Curtis explained as a part of the engineering of the subdivision the developer

would be required to perform a hydrostatic and hydraulic analysis of the project area and would be required to mitigate any drainage issues associated with the area per Broken Arrow standards.

Chairperson Whelpley asked if the results of the report could determine if 10 houses or 50 houses were built (for example). Mr. Curtis responded in the affirmative.

Mr. Nathan Cross stated in order for homes to be developed on the land, engineering would have to fix the drainage in the area; this was something he was prepared to do. He noted he appreciated the input from the residents. He stated in regard to Mr. Arras's comments regarding the zoning change request, no zoning change was being requested; there was no move from RS-2 to RS-3. He displayed a map which illustrated the current zoning in the area and there was no RS-2 in the area. He asked if he was correct.

Mr. Curtis responded in the affirmative.

Mr. Cross discussed the permitted number of homes versus the requested number of homes indicating his plan would move the patio homes out of the main residential area and over near the commercial area, reduce the number of patio homes, decrease the amount of commercial space, and increase the amount of RS-3 space. He stated he felt most of the concerns were secondary to a misunderstanding of information or misunderstanding of process. He explained he was not asking to reduce the roof height. He asked if there were any questions.

Commissioner Dorrell asked if Mr. Cross had reviewed this information with the homeowners at the homeowners meeting. Mr. Cross responded in the negative; this plan was not prepared prior to the homeowners meeting. He explained this property was planned as RS-3 since 1995; he was simply pushing the commercial area away from the residential area creating more residential space. He noted he was unable to build on the jurisdictional blue line waterway which ran through this property and as such he was hoping to develop single-family residential homes south of the waterway and commercial and patio homes north of the waterway which would create a separation between the single-family home neighborhood and the commercial area/patio homes, neither of which would be accessed through the single-family home subdivision.

Mr. Curtis clarified: A-R-3 was the existing zoning on the property which was the same as RS-3; however, within the PUD there was an RS-2 district and this was the change which was being requested. He explained the PUD had the RS-2 designation, not the underlying zoning; the PUD was an overlay district, and this was where the changes were being made.

Commissioner Dorrell stated, as the PUD was currently, there were 142 lots, and the proposed change was to increase this to 171 lots. He asked if this was due to moving from RS-2 to RS-3 in the PUD.

Mr. Cross responded in the negative; this was due to the increased single-family home area. He explained he was actually decreasing density as the plan currently was to have 4.25 units per acre and he was proposing 3.50 units per acre.

Chairperson Whelpley asked if the "current" plan was approved by City Council. Mr. Cross explained the "current" plan did not need approval as it was developed to the standards of the existing PUD.

Commissioner Merriott asked for a summary on how the flooding and hydrology report might be addressed from a developer's perspective. Mr. Cross indicated he was not the developer; he represented the developer. He explained development was done in stages, and the hydrology report stage had not been reached yet; however, whatever the hydrology report and Broken Arrow regulations required would have to be completed. He stated the developer had no intention to build homes which would flood, and the developer was not permitted to increase the water flow onto an adjoining property.

Assistant City Attorney Tammy Ewing indicated Mr. Dutkosky wished to speak in rebuttal to Mr. Cross.

Citizen Rob Dutkosky, address 1713 W. Zillah Street, stated Mr. Cross said there would be no entry or exit from this new subdivision into the existing subdivisions which was incorrect. He stated there were clearly stub streets which would lead into the new subdivision. He noted it was the residents who lived on these stub streets who would suffer the biggest change.

Chairperson Whelpley explained the stub streets were intended to be through streets.

Mr. Cross stated this was a misunderstanding. He indicated he meant to convey the access to the patio homes would not be through the subdivision. He explained access to the patio



homes would only be via 41<sup>st</sup> Street. He apologized for the confusion.

Chairperson Whelpley asked Mr. Curtis to explain stub streets.

Mr. Curtis explained per Broken Arrow Zoning Code and the Comprehensive Plan, subdivisions platted within the City of Broken Arrow were required to have connection points every quarter of a mile. He explained when a plat came before City Staff, Staff ensured connectivity would be provided for any future development in the area. He explained this was to ensure emergency vehicle and City Service vehicle access.

Commissioner Dorrell noted even though the current plan had 142 homes and the new plan had 171 homes, the new plan had a lesser density as the number of patio homes was decreased along with the commercial area. He asked how many patio homes were being proposed. Mr. Cross responded the current plan had 30 patio homes; he was proposing 15 patio homes. He commented patio home density was going from 8.50 homes per acre to 3.99 homes per acre.

Mr. Dutkosky stated if the City was requiring a continuity of access for the streets, why not require a continuity of property types as well. He noted the Planning Commission indicated its goal was to expand Broken Arrow in an ideal manner. He stated allowing a subdivision with nonconforming homes was not ideally expanding Broken Arrow.

Planning and Development Manager Jill Ferenc stated the zoning in front of the Planning Commission today outlined the layout of the streets, lot sizes, setbacks, and other zoning related items. She indicated the next step would be the platting process. She explained when the developer applied for platting, the developer was required to provide engineering plans which were combed over with a fine toothed comb by the Broken Arrow Project Engineers, the Flood Plain Manager, and the Stormwater Manager to ensure water would not be running off the site any faster than it was currently and any areas determined to be wetlands by the engineer would be protected. She stated City Staff would ensure the developer met all local laws for development. She noted this also included a traffic impact analysis which determined if the development warranted an acceleration or deceleration lane.

Chairperson Whelpley closed the public hearing.

Chairperson Whelpley explained it was the responsibility of the Planning Commission to review PUD-94W and BAZ-2067 and determine whether it was good for the land, the City, and the residents. He noted anytime a new development was proposed next to an existing subdivision the residents had the same complaints: traffic, flooding, crime, and depreciation. He indicated he agreed with most complaints; however, the developer had the right to develop homes in this location and unless it was against the law the Planning Commission had to approve. He noted there were many things the Planning Commission had to consider, and it was required to remain unbiased.

Commissioner Dorrell noted there were codes which were required to be met and as long as the developer was meeting codes, there was nothing to be done to stop the development. He indicated change was hard and he could sympathize. He stated he felt the developer made a good effort to try to reduce the commercial piece, as well as the patio home piece with patio home access via 41<sup>st</sup> Street, and as such he felt this was a good use.

MOTION: A motion was made by Fred Dorrell, seconded by Julea’ Merriott.

**Move to approve Item 6E as recommended by Staff**

The motion carried by the following vote:

**Aye: 4 -** Julea’ Merriott, Jaylee Klempa, Fred Dorrell, Lee Whelpley  
**Abstain: 1 -** Ricky Jones

Chairperson Whelpley indicated this Item would go before City Council on December 1, 2020 at 6:30 p.m.

**7. Appeals**

There were no Appeals.

**8. General Commission Business**

**A. 20-1396** **Consideration, discussion and possible approval of PT20-109, Preliminary Plat, Southern Elm Commercial Center, 6.56 acres, 3 Lots, A-1 (Agricultural) to CN (Commercial Neighborhood), south and west of the southwest corner of Florence Street (111th Street) and Elm Place (161st E. Avenue)**  
Ms. Jane Wyrick reported PT20-109, the preliminary plat for Southern Elm Commercial Center contained three lots on 6.56 acres. She stated this A-1 (Agricultural) to CN (Commercial Neighborhood) zoned property was located south and west of the southwest corner of Florence Street (111th Street) and Elm Place (161st E. Avenue); commercial and office uses were anticipated to be developed on the property. She noted the applicant also

submitted PUD-320 which was approved earlier this evening. She reported with this plat, the applicant proposed three lots in two blocks, as well as two reserve areas. She stated the applicant proposed to dedicate 20 feet of right-of-way along Elm Place, along with standard utility easements. She stated the preliminary plat identified wide areas along both street frontages for access locations; since the preliminary plat was submitted, driveway locations had been identified and were shown on Exhibit C of the PUD Design Statement. She noted these locations would also be reflected in the Conditional Final Plat. She stated there was 100-year floodplain on this property, and the limits of the FEMA floodplain would need to be identified. She indicated this area was studied as part of the Elm Creek Master Drainage Study in June 2007; a portion of the floodplain was considered Broken Arrow Floodplain. She noted utilities were available to serve the site. She stated Staff recommended PT20-109, preliminary plat for Southern Elm Commercial Center be approved, subject to the attached checklist, and to the following conditions of approval: “1) Approval of PUD-320 allowing for reduced driveway separation. 2) Once the limits of the floodplain have been identified, areas within the floodplain shall be zoned to FD (Floodplain) in accordance with BAZ-1616.” She noted the applicant was not present but had indicated agreement with Staff recommendations and the checklist.

MOTION: A motion was made by Fred Dorrell, seconded by Jaylee Klempa.  
**Move to approve Item 8A as recommended by Staff**

The motion carried by the following vote:

**Aye: 4 -** Julea’ Merriott, Jaylee Klempa, Fred Dorrell, Lee Whelpley

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

Special Projects Manager Farhad Daroga announced the Oklahoma Chapter of the American Planning Association selected Broken Arrow’s NEXT Comprehensive Plan as the winner of the 2020 Plan of the Year in the State of Oklahoma award. He displayed the award which was presented to City Council last Tuesday. He presented the award to the Planning Commission. He thanked Planning Commission and Staff for this major achievement.

Commissioner Dorrell commented on the process of developing the NEXT Comprehensive Plan which took approximately 18 months to complete. He commended City Staff.

Chairperson Whelpley noted it was decided the City would not wait another 20 years to develop a new Comprehensive Plan; the City was growing too quickly to wait more than 5 or 10 years to develop the next Comprehensive Plan.

**10. Adjournment**

The meeting adjourned at approximately 6:43 p.m.

MOTION: A motion was made by Jaylee Klempa, seconded by Julea’ Merriott.  
**Move to adjourn**

The motion carried by the following vote:

**Aye: 4 -** Julea’ Merriott, Jaylee Klempa, Fred Dorrell, Lee Whelpley

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Mayor

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