



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

Thursday, November 19, 2020

Time 5:00 p.m.

Council Chambers

1. Call to Order

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

2. Roll Call

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

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

Staff Planner Amanda Yamaguchi presented this Item.

- A. 20-1459** **Approval of Planning Commission meeting minutes of October 8, 2020**
- B. 20-1460** **Approval of Planning Commission meeting minutes of October 22, 2020**
- C. 20-1471** **Approval of BAL-2102, Randolph Lot Split, 2 Lots, 2.48 acres, R-2, one-third mile east of Aspen Avenue (145th East Avenue), one-eighth mile north of Jasper Street (131st East Avenue)**

Chairperson Whelpley asked if there were any 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

The motion carried by the following vote:

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

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. 20-1462** **Public hearing, consideration, and possible action regarding SP-298, Living Rivers USA, Inc., 5.75 acres, request for a Specific Use Permit for a Place of Assembly, one-eighth mile south of New Orleans Street (101st Street), east of Elm Place (161st E. Avenue)**

Senior Planner Brent Murphy reported SP-298 was a request for a Specific Use Permit for a Place of Assembly on property presently zoned CG (Commercial General) located one-eighth mile south of New Orleans Street (101st Street), east of Elm Place (161st E. Avenue). He noted there was a vacant building on the property previously used as a grocery store. He explained Zoning Ordinance defined Place of Assembly as "A building or structure, or group of buildings or structures, intended primarily for the conduction of organized assembly. May include, but are not limited to religious facilities, assembly halls, and fraternal/social clubs. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions." He noted Place of Assembly required a Specific Use Permit in all agricultural, residential, commercial zoning districts. He indicated Place of Assembly was a permitted use in the ON (Office Neighborhood district). He reported Living Rivers USA, Inc. wants to hold church services in the existing vacant building and as a result, submitted a request for a Specific Use Permit. He indicated according to the applicant, there would be approximately 500 members in attendance on Sundays; services on Sunday occurred at 10:00 am and 6:00 pm. He stated in addition, there were church activities which took place on Tuesday evenings.

He reported according to information provided by the applicant, the building, which was used by former grocery stores, contained approximately 72,000 square feet; as part of the Specific Use Permit, the applicant proposed about one-third of the building be retained as retail space

with only the church entrance on the west side of the building. He explained the remaining two-thirds of the building would be used as Place of Assembly space for the church. He noted in making decisions on rezoning requests, including Specific Use Permits, the City of Broken Arrow placed heavy emphasis on what was contained in the Comprehensive Plan. He noted Policy LU1 of the Comprehensive Plan stated, "The City shall refrain from approving requests for Specific Use Permits and PUD's for uses which could affect the ability to attract quality commercial dining or entertainment facilities within or immediately adjacent to existing or future commercial districts (Level 4 and Level 6 areas) as identified in the Future Development Guide." He stated dining establishments which received less than 50 percent of revenue from alcohol sales were not impacted by the proximity of religious facilities; however, liquor stores and establishments which received more than 50 percent of revenue from alcohol sales had to be located more than 300 feet from a religious facility or public/private school. He stated the Comprehensive Plan showed the area associated with SP-298 as a "Special District Overlay" and Policy LU2.1 stated, "In the areas identified as special district overlays, the intent is for denser, walkable development with a mixture of retail, office, and residential uses. These special district intersections will have a different character than the traditional four-corner retail, so the standards should reflect it. Considerations should include walkability, community open space, consistent architectural facades, and appropriate ingress/egress."

He explained municipalities in Oklahoma relied heavily on sales tax generated from retail sales to fund and provide City services; along these lines, Policy LU10 of the Comprehensive Plan stated, "The City shall protect commercial areas from the encroachment of non-commercial uses." He stated the Place of Assembly proposed with SP-298 would be an encroachment of a non-commercial use into a commercial area; however, the interior, east part of the building which would be used by the church would be the most difficult to lease for retail uses. He noted according to the applicant, the church had up to 500 people in attendance on Sundays and it was recognized these 500 attendees may choose to eat at the nearby restaurants or shop at one of the retail stores in the area.

He reported in August 2017, the City Council approved an economic development feasibility study for the Elm Place and New Orleans shopping area. He stated this initiative was in response to increased building vacancies, aging infrastructure, and citizen concerns. He stated on September 1, 2020, the City Council accepted the Final Report for New Orleans Square as presented by the Elm and New Orleans Advisory Committee. He noted this report was included in the Agenda Package and the Staff Report included excerpts of the report. He explained as per the Zoning Ordinance, an "S" designation in a given district did not constitute an authorization or an assurance such use would be permitted; rather, each specific use permit application should be evaluated as to its probable effect on adjacent properties and surrounding areas and may be approved or denied as the findings indicated appropriate. He stated in determining whether or not a change in zoning, including Specific Use Permits, was appropriate, a lot of emphasis was placed on what was recommended by the Comprehensive Plan. He noted the Comprehensive Plan adopted in 2019, as well as the previous Comprehensive Plan adopted in 1997, contained policies which stated commercial areas should be protected from the encroachment of non-commercial uses. He stated based on the policies contained in the Comprehensive Plan, Staff did not recommend approval of SP-298. He stated if the Planning Commission desired to approve or approve with conditions, Staff recommended this item be continued to either the December 3, 2020, meeting or to the December 17, 2020, meeting to allow for further consideration of potential conditions of approval.

Vice Chairperson Ricky Jones noted the Elm and New Orleans Advisory Committee thoroughly evaluated the New Orleans Square corner and hired a consultant to develop a plan to encourage growth and development on the corner of Elm and New Orleans. He noted the policies which were resultant of the study did not support the requested land use and this was part of the Comprehensive Plan. He stated he understood the study and the Comprehensive Plan were only guides, but a lot of effort, energy, money, citizen participation, etc., went into the study which indicated this is not an appropriate land use. He noted he was not on the Committee, but he wanted to ensure he was clear on the mechanics of the study.

Community Development Director Larry Curtis explained the New Orleans Square study/report process began in 2018 when a Catalyst Report was completed by a consultant and coordinated with the City and Chamber regarding economic development efforts. He noted out of the Catalyst Report the Elm and New Orleans Advisory Committee was created to study the area, study the Catalyst Report, and draft a report for City Council including "focus areas," one of which was revitalization of commercial development. He noted this report was submitted to City Council in September and was accepted by City Council. He stated understanding this, Staff was moving forward with completion of an overlay district. He noted the report reenforced many of the characteristics of the Comprehensive Plan about protection and utilization of commercial development, and emphasized commercial retail, residential, and mixed-use development in the area.

Vice Chairperson Ricky Jones discussed similar situations faced by Planning Commission in the past where churches have filled vacant retail buildings. He noted sometimes residents protested due to the churches being poor neighbors.

Mr. Curtis noted often Places of Assembly had caveats associated with Specific Use Permits such as only being permitted to remain in the shopping center for two years, following which an extension could be requested or the place of assembly could move to a new location. He indicated in addition, sometimes the requested use did not fit due to limitations of parking, etc.

Commissioner Klempa noted there was a church in the northwest corner of New Orleans Square which was seemingly similar to this requested Specific Use Permit. She stated she would like more information regarding this church.

Mr. Curtis reported the Place of Assembly Home Church requested on the northwest corner of this intersection was done through a PUD (Planned Unit Development) process. He explained this was a Specific Use Permit which was different. He noted a Specific Use Permit was a request for a use and a PUD was a change in zoning with creation of an overlay district. He indicated Home Church asked to be able to utilize 40,000 square feet of the building, dedicating 12,000 square feet for commercial development, rehabilitation and redevelopment of the outlying landscaping and parking area, in addition to dedicating outparcel space along New Orleans Street with potential for an additional outparcel along Elm Place. He noted an outparcel was a piece of property, in this case 1 acre, which was dedicated for commercial development use. He stated a partner came in, purchased the remaining 12,000 square feet, and redeveloped the area as well. He explained PUDs were required to adhere to one section specifically of the Comprehensive Plan (the LUIS level system). He indicated a Place of Assembly was a permitted use by right in the ON zoning district in Level 4 of the Comprehensive Plan, while a Specific Use Permit was required to comply with all areas of the Comprehensive Plan; in addition, the PUD limited uses, expanded uses, created a master plan for the property, and developed it out. He noted in addition, at the time the Home Church PUD was approved, the New Orleans Square Report had not been completed. He explained the Report was now completed and accepted.

Vice Chairperson Ricky Jones noted the New Orleans Square Report was not adopted when the Home Church went in. Mr. Curtis agreed.

The Applicant, John Pride, stated his address was 3500 S. Aster Avenue. He stated he was not in agreement with Staff recommendations. He stated Living River Millennial Church had been in the Tulsa area for more than eight years and had been searching for a building to own for the last year and a half. He indicated when he entered into a contract for this building, he was unaware of the City's New Orleans Square project; two weeks after he entered into the contract the New Orleans Square project was announced. He stated he understood the objective of the City to revitalize and attract residents and retail stores to the area. He indicated he was in agreement with the City's goals as these were Millennial's goals as well. He noted it was Millennial's desire to make an immediate impact on the overall appearance of this property while filling up to 85% of the frontage of the building with retail storefront space. He noted Millennial was willing to work with the City. He noted the plans had been revised in cooperation with the City's ambitions by minimizing the church's access to the front of the building. He stated Millennial's need for space and willingness to meet in the portion of the building which was not useful for much else made this arrangement beneficial for all. He stated Millennial would bring hundreds of hungry and thirsty people to the area at least three times a week which would bring an immediate impact to the businesses in the area and jumpstart revenues. He stated Millennial would bring professionalism which would make everyone proud of the New Orleans Square revitalization. He displayed and discussed the site plan for the building, noting currently it did not reflect any landscaping, but Millennial was happy to put in additional landscaping, and 85% of the building frontage would be reserved for retail space. He displayed and discussed renderings of the building noting the style would be contemporary. He commented on the church's intended positive impact on the area.

Vice Chairperson Ricky Jones noted the New Orleans Square Report was accepted September 1, 2020. Mr. Pride explained he had been unaware of the New Orleans Square Report until he read about it in the newspaper two weeks following Millennial's entrance into the sales contract.

Commissioner Dorrell asked if Millennial was purchasing the building. Mr. Pride responded in the affirmative.

Chairperson Whelpley asked if Millennial had retailers in mind for the store frontage. Mr. Pride responded in the affirmative. Chairperson Whelpley asked if the building would be developed prior to retailers moving in. Mr. Pride indicated the retailers would build spaces according to the retailer's specs. He noted the back of the building would be built out

according to Millennial's specs. Chairperson Whelpley asked when the retail would be developed. Mr. Pride indicated the retail space development could begin immediately upon approval.

Commissioner Klempa asked if there were tenants lined up for this space. Mr. Pride responded in the negative; it was a bit premature.

Commissioner Merriott asked if Millennial was in the process of closing on the property. Mr. Pride responded in the affirmative.

Chairperson Whelpley opened the public hearing. He stated there were seven citizens who did not wish to speak who were in favor of this Specific Use Permit, and one in opposition. He reviewed the guidelines for speakers: three-minute time limit, please do not repeat prior speaker's points, and he would call the speakers up by name.

Citizen Stuart VanDeWiele, representing the current property owner, stated his address was 320 S. Boston, Suite 200, Tulsa. He gave a brief history of the property: Reasor's vacated the property in June of 2019, the property was marketed to other grocers who were not interested as this space was too large for most grocers. He noted this property had gone under contract with five different parties, a fitness center, a re-developer, a charity, and Broken Arrow Public Schools, all of which did not go through. He noted Millennial's congregation would eat and shop in the area, and the building would be developed with retail space. He asked for approval. He noted the contract was dated September 16.

Vice Chairperson Ricky Jones asked if the property owner was aware the study was being conducted. Mr. VanDeWiele responded he was unsure.

Commissioner Merriott asked how long the building had been attempting to bring in a new tenant/buyer. Mr. VanDeWiele responded approximately one year and a couple of months.

Vice Chairperson Ricky Jones asked about Broken Arrow policy which prevented Broken Arrow Public Schools from purchasing this building. Mr. Curtis responded there was no policy which prevented Broken Arrow Public Schools from purchasing the building. Mr. VanDeWiele indicated he understood, per the broker, there was a "treaty" or understanding which prevented the school from purchasing the property.

Citizen Lorenda Ford was not present but was in favor.

Citizen Daphne Griffin was in favor but did not wish to speak.

Citizen Julie Kline stated her address was 2604 W. Kenosha Street. She stated Millennial church was her church home and family. She stated she was a business owner in Broken Arrow. She stated she owned a counseling business which provided help, healing, and hope, which the world needed more of. She stated Millennial Church provided help, healing, hope, family, teaching, community, relationships, friends, and so much more. She indicated she understood many businesses could go into the old Reasor's building, but Millennial Church was here and wished to become a part of the Broken Arrow Community and be a part of revitalizing this area of Broken Arrow. She stated her church would be an asset for the area. She asked for approval.

Citizen Rachel Wells stated her address was 3021 N. 5th Street. She stated she was 35 years old and had spent most of her life in Broken Arrow. She stated her heart was with Broken Arrow and Millennial Church, a thriving community which was continuing to grow. She noted Broken Arrow was also growing and with this the needs of the residents continued to grow. She noted while the church was not a restaurant, it met the needs of the people; Millennial Church wanted to work with the Community. She stated it was exciting to hear about the plans for this area and equally exciting to think of Millennial Church being involved. She discussed the potential for Millennial Church to bring youth and excitement to the area. She stated Millennial Church represented a variety of ages, backgrounds, business owners, etc. She indicated she understood there was already a church in the area, but different people had different church preferences, just like different people had different restaurant preferences.

Citizen Genadi Ponomarenko stated his address was 19606 E. 48th Street South. He stated he moved to Broken Arrow three years ago and he liked that there were many churches. He indicated there were over 800 marijuana shops in Broken Arrow and it would be nice to balance this number out with more churches. He commented the congregation of Millennial Church were good drivers and some of the nicest people he knew. He commented he played the accordion which fit in with New Orleans Square theme. He asked for approval.

Vice Chairperson Ricky Jones stated the Planning Commission was required to review the land use, and whether this was an appropriate land use for the location. He stated he loved

church, he attended church, he was active in his church, he was pro-church, but he was evaluating the land use. Mr. Ponomarenko stated he believed Millennial Church would be an asset for this corner, aesthetically pleasing, and a positive attribute.

Citizen Gary Mossof stated his address was 18852 E. 48th Street Tulsa. He stated he and his wife raised four children in Broken Arrow. He stated he was involved in the Broken Arrow Public Schools Long Range Planning Committee redefining boundary lines for the schools and bringing in the STEM school and the Kirkland Soccer Field. He noted his oldest daughter graduated in 2014 as president of Broken Arrow High School and currently worked in student development in high schools all over the country. He discussed his other children's achievements in Broken Arrow, college careers, military careers, and planned life careers. He stated his family was a product of the local church; the local church was essential. He noted great leaders such as those at Millennial Church encouraged great families with great children who greatly impacted the world. He asked for approval.

Assistant City Attorney Tammy Ewing explained the issue before the Planning Commission was whether or not a Place of Assembly was appropriate for this location, not whether or not a church was appropriate for this location. She explained the application was for a Place of Assembly which could be a VFW Lodge, a Mason's Lodge, a Mosque, any place of assembly.

Vice Chairperson Ricky Jones indicated this was an excellent point. He noted when an area was rezoned commercial the Planning Commission could not consider whether it was a restaurant or other use, it had to consider whether all uses permitted in the commercial zoning district would be appropriate. He explained in this case, the Planning Commission had to consider all of the uses permitted in the Place of Assembly uses.

Citizen Brian Russell stated his address was 1800 W. Albany Street. He noted he was new to the area but had fallen in love with the Broken Arrow Community. He commented there was a lot of "dead space" in the New Orleans Square area. He stated he believed the church would visibly improve the area. He stated the church's main goal was community. He indicated the church had a great leadership team. He asked the Planning Commission to approve.

Citizen Pamela Tattershall stated her address was 10207 S. 198th East Avenue. She thanked the Planning Commission for its involvement in the growth and development of Broken Arrow. She commended and thanked Planning Commission, City Council, and Staff. She discussed her positive and life-saving experiences in church and in Millennial Church. She discussed the economic impact of saving an individual from having to attend a drug rehabilitation facility. She stated it was important to consider not only the economic development of the area, but also the positive impact a church could have on the community. She commented when the Dream Center went in, crime dropped 75%.

Citizen Dan Miller representing himself and Mindy Payne stated his address was 4100 S. Juniper Avenue. He stated he and Ms. Payne served on the Elm and New Orleans Advisory Committee. He indicated several ex-committee members (the committee was dismissed) had a discussion regarding Millennial Church's proposal while all were in favor of churches and were all Christians, all were opposed to this application. He noted his father was the pastor of the Nazarene Church behind New Orleans Square. He explained he and the committee members were not opposed due to not wanting a church to be developed in this location, but were opposed due to "the recommendation that the City Council approved did not really open this up for the addition of another church in this area." He stated he was impressed with Home Church and how it supported what the City was trying to accomplish in this area; however, this was brought in prior to the recommendation of the Committee and approval of the City Council to develop and implement the consultant's guidelines for the area. He indicated he and his fellow committee members stood by the New Orleans Square Proposal and asked the Planning Commission to consider the New Orleans Square Proposal as well.

Vice Chairperson Ricky Jones commented the Elm and New Orleans Advisory Committee met for over a year, researching the area, and from the Committee came recommendations which did not support this use in this location. Mr. Miller concurred. He stated the Committee's recommendation was to develop this location as a commercial area to revitalize New Orleans Square. Vice Chairperson Ricky Jones asked if Place of Assembly was considered during Committee discussion. Mr. Miller responded in the affirmative. He noted there was quite a bit of conversation about a place of assembly, especially considering Home Church in the area with the commercial lots mixed into the property. He indicated the Committee felt at the time of discussion there were several churches in the area now, but at no time was it decided a place of assembly was appropriate in the New Orleans Square. He indicated the Home Church development already took away from the recommendations made by the consultant hired by the City for this area. He noted the recommendations of the consultant and the recommendations of the New Orleans Square Advisory Committee were very similar. He indicated there were variations regarding how to develop the area, but from

the time the City hired the consultant until the time the Committee presented the plan to the City Counsel another place of assembly was not considered appropriate for the area.

Chairperson Whelpley noted he served on the Elm and New Orleans Advisory Committee as well. He noted he also served on the Rose District Advisory Committee. He discussed the goals and successes of the Rose District which included a focus on increasing sales tax in the area. He indicated New Orleans Square used to house 70% of all business for Broken Arrow and the Elm and New Orleans Advisory Committee had a goal to bring residents and visitors back into New Orleans Square to shop and eat. He indicated a place of assembly was not considered for the area as there were already four or five churches around New Orleans Square. He stated he did not feel the VFW would be a good fit either.

Vice Chairperson Ricky Jones stated he found it hard to believe the consultant did not recommend for or against a place of assembly in New Orleans Square.

Mr. Curtis reported Catalyst, the consulting company which was hired when Home Church was coming in, provided impact information associated with Home Church. He noted while the consulting report did not specifically say yes or no to place of assembly, it did specifically call for restaurants, retail, residential and mixed use.

Citizen Cindy Hansen stated her address was 1216 S. 33rd Street. She stated she lived 26 years in the region of 101st and Elm. She noted her shopping habits changed as the intersection waned. She indicated she had been a member of Millennial Church for eight years. She stated the leadership in Millennial Church understood how to ensure business thrived. She agreed with all the comments regarding the quality of the church and its congregation. She noted the church would bring a ready-made consumer base to the area and would be an excellent asset to Broken Arrow. She asked for approval.

Citizen Maritza Pedraza stated her address was 26166 E. 93rd Street South. She stated she was impressed with what had been accomplished in the Rose District. She stated she agreed Millennial Church could contribute to the revenue in the New Orleans Square area. She stated she believed for a community to thrive and spend money a sense of well-being was needed. She stated Millennial Church provided spiritual stability and strength which gave confidence in the community and created a thriving atmosphere. She stated she believed her church would be an asset to the area.

Citizen Debra Manicom stated her address was 2708 S. Narcissus Avenue. She stated she lived a half mile from New Orleans Square. She noted she was an Ohio transplant (in 1991) and she loved Broken Arrow. She indicated she invested heavily in her house because she believed in the City. She thanked Planning Commission and the City for noticing the Elm and New Orleans area and developing a plan for the corner. She discussed her search for a new church and commended Millennial Church for its welcoming atmosphere. She stated she understood it was very difficult to find an interested party for this property and Millennial Church would help; Millennial Church would set up retail spaces and “take the back seat” in the building gladly. She asked for approval.

Citizen Richard Pedraza stated his address was 26166 E. 93rd Street South. He stated he loved Broken Arrow. He stated he was a veteran of the U.S. Navy who served for almost four years in the late 1960’s. He stated he was for a Dunkin Donuts being next to the church. He stated there was a lot of pain in the world; he lost his son last week at 30 years old. He noted Pastor Paul came to his home and spent hours with him rather than attending important meetings at the church. He noted there were a lot of hurting people in the world and the church was important. He stated he graduated from Rhema Bible College. He stated Rhema Bible College was an asset to the community. He asked for consideration.

Chairperson Whelpley indicated this concluded all who signed up to speak. He indicated Ms. Jill Ferenc would read through the 104 online submittals. Mr. Larry Curtis indicated the online submittals would be read digitally.

The online submittals read digitally were as follows:

Shannon Smith, 713 N. Cedar Ave., in opposition stated, “Another church in that area would not help with the revitalization of this part of Broken Arrow. Doing something else like a Broken Arrow version of the Mother Road Market would be amazing there. It would allow smaller local businesses to be able to show who they are. And there is more parking at this location than at the Tulsa location, and they are almost always busy. I would much rather spend my money in Broken Arrow where I live.”

Sarah Sandoval-Brewer, 7604 S. Gardenia Avenue, in opposition stated, “Another church in this part of our community will not help bring tax dollars or convenient and needed shopping (grocery or otherwise) options to our citizens. I continue to spend my weekly grocery tax dollars in Bixby due to lack of options in BA near my home.”

Jeromy Rehling, 2101 W. Gary Street, in opposition stated, “Enough churches in BA. I already live across from a church that puts out 200 crosses directly across the street from my house in protest of abortion. Bring in something that's not going to force its ideals or religion on my family. Churches are too politically active as is and on top of that are tax exempt.”

Joshua Moon, 1201 W. Durham Street, in favor stated, “Every Christmas, Broken Arrow has its Buy Broken Arrow program. I can think of no better way to bring business to south Broken Arrow than to bring Millennial Church to New Orleans Square. It will be like a year-round mini Buy Broken Arrow. I found myself shopping regularly at the businesses surrounding each place Millennial was located near. The closest non-toll highway to New Orleans Square is highway 51. Therefore, it will bring traffic by the Rose District and the Bass Pro area. To the south, it will bring business to Walmart and the surrounding businesses. Of course, the businesses of New Orleans square will benefit as well. Secondly when Millennial was located at the Spirit Event Bank Center, members of the church started moving closer to that area. When Millennial was considering buying a building in mid-town Tulsa, my wife and I were making plans to move to mid-town. Broken Arrow would've lost my family to Tulsa. Finally, I can see higher demand for housing in the area which can only produce higher real estate prices. This will in turn raise more tax revenue for the city and ultimately a better standard of living for all residents. As a long-term resident of south Broken Arrow, I want this church here.”

Chase Elkins, 1313 S. South Park Street, in opposition stated, “Good evening, I had the pleasure of serving as the Vice-Chair for over a year on the Elm Place and New Orleans Advisory Committee. The committee was comprised of south BA residents interested in seeing Elm & New Orleans become a vibrant spot in our community again. I can say after reviewing this agenda item that this proposal is not what I had envisioned for a revitalized Elm & New Orleans intersection. Our consultant spent a considerable amount of time developing a market analysis and model for revitalization. Included in the market analysis was info detailing a need for retail in this area of the city. The study shows favorable demand for retail. The greater trade area has demand for over 582,258 square feet of unmet demand. With that being known, it is unwise to take up another large portion of retail space for another church at this intersection. The citizens of Broken Arrow have adamantly said south Broken Arrow needs retail, restaurants, and entertainment options. This facility might bring 500 people on a Sunday, but the parking lot would remain largely empty throughout the week. Also, this proposal lacks developable pad sites in front for restaurant and/or retail space. For those who might wonder why this is any different than the HomeChurch proposal, I understand your argument. Why allow them and not this project? The HomeChurch proposal was also highly contentious and was passed prior to the Catalyst study being completed and before the citizen advisory committee was formed. The Reasor's building has not been vacant very long. It became vacant in late April 2019. The building has not had adequate time to find a suitable user considering we have been dealing with a pandemic for much of 2020. Please do not allow prime retail space to be decreased in New Orleans Square. Thank you.”

Wilma F. Larrier, 2001 W. Princeton Circle #626, in favor stated, “Good evening. I am Wilma Larrier, a member of Millennial Church for the past 14 months. During this time, I have come to highly value and appreciate the spiritual guidance and training that Pastors Paul and Karen Brady immerse the membership in each week. The relationships that I have gained have given me opportunities to be a blessing to others, as well as to learn to be a recipient of blessings from others. I believe that it is vitally important for the City of Broken Arrow to have strong churches that will stand up for what's right for the community and its citizens, and be involved wherever possible to see the spiritual, physical and financial well-being of the community elevated. Millennial Church is such a church. I ask that you carefully consider this application and vote in favor of its passing. There is so much more at stake than a brick and mortar allocation, but the very future of a vibrant community.”

John Wayne Pride, 3500 S. Aster Avenue, in favor stated, “I am a resident of the City of Broken Arrow and have been for 15 years. I also have attended Living Rivers Church for 8 years. The church has benefitted many people of which a lot live within the City of Broken Arrow. I understand and really appreciate what the City of Broken Arrow is attempting to accomplish with its New Orleans Square development. This is an area that definitely needs infusion of capital immediately that will renew the appearance and provide people a place where they want to make it a destination. Living Rivers Church has the same goal. It has funds readily available to make an immediate impact to help the City accomplish its objective. Enhancing the overall street appeal and providing retail stores to enjoy, will accomplish everyone's ambitions. This will be a Win - Win - Win, in that the City will have succeeded in another successful revitalization of its municipality, the Church will have found a home and the people that visit will have a new place to appreciate, making Broken Arrow even a better place to enjoy life.”

Janine M. Wilson, 12710 S. 193rd E. Avenue, in opposition stated, “I am against another

church on the corner of 101st and Elm. We need businesses that will bring in revenue, not more tax-exempt churches that bring traffic issues to an already congested area, from the other 4 churches in a 2-block radius.”

Vanessa Opitz, 812 W. Atlanta Court, in opposition stated, “I am completely against another Place of Assembly/Church being permitted to go in at the 101st and Elm intersection. For the past year, the city and its leaders have been promising healthy and exciting development to revitalize this area. We are just starting to see the beginning of it now, with restaurants and gift shops.” She discussed her fears of too many of the same type of use in the area and noted healthy development with a variety of businesses was vital.

Ellen Redmond, 400 N. Redwood Avenue, in favor stated, “I am in favor of LRMC purchasing the building at 101st and Elm in Broken Arrow, OK. The Broken Arrow community will benefit in multiple ways by permitting LRMC to purchase the property at this time. LRMC will be good neighbors to nearby businesses and complement the city's vision for renovation of the area.”

Laura Wolf, 1809 E. Kent Street, in favor stated, “I am in favor of the church being/building there, if they are going to be fixing up the building and adding the retail spaces on the frontage of the building.”

Holly Tamer, 3305 W. Toledo Street, in favor stated, “I am in favor of the rezoning of the old Reasor’s for the new church building as I have been a member of the church for three years and have been a resident of Broken Arrow many years. This church has changed my life and many others and will impact Broken Arrow in a positive way.”

Richard Tattershall, 23465 Lamb Terrace, in favor stated, “I am in favor of this church in the old Reasor’s building. I know this will be a great resource for our community in these difficult times. We cannot afford to push away those that want to help the citizens of Broken Arrow.”

Louise Bourassa, 243 E. Iola Street, in favor stated, “I am in favor of this church moving to the Broken Arrow area.”

Sharon Ross, 208 W. Roanoke Street, in opposition stated, “I am in opposition to item 6.” She discussed her concern of oversaturation of churches in the area. She discussed the need for additional businesses to bring in tax revenue and new jobs. She stated she was not opposed to churches. “The fencing around that area has always been a problem. The City attempted to make the empty lot in the neighborhood between the old Reasor's and the road into a Park once before but removed everything within a few months as it wasn't worth it. This area is worth it. So many of us live here want this area to thrive and so should the council. So please don't let another Church move in.”

Teena Francisco, 313 W. Detroit Street, in favor stated, “I believe that having a church in that location will help boost the economy in the area, and also have a very positive impact for the good of the community.”

Chadwyn Waln, 1512 N. Poplar Avenue, in favor stated, “I believe this church would make a positive impact on the area and community. It could utilize this space unlike any other business or opportunity could.”

James H. Beavers, 2720 N. Hemlock Court, in opposition stated, “I cannot attend today's meeting. However, I do want to express my opinion regarding this matter. I served on the original Citizen's Committee in 2019-20 for the purpose of determining the best functions of this part of our City, now known as New Orleans Square. We, after many meetings, determined that revitalization efforts by the City, property owners and business owners to make it a thriving retail area should be undertaken. The City has committed a great deal of money for its part. Sales Tax is a vital component of our City's ability to serve its citizens. The prime occupants of the spaces available in the area should, therefore, be occupied by retail operations or those types of businesses that will produce increased daytime traffic. I do not feel that a church meets the purpose of what has been determined to be the best use of the available spaces. Thank you.”

Mona Meacham, 4100 S. Oak Avenue, in opposition stated, “I don’t feel we need another church in this area. I understand that there will be retail along with the church, but as we’ve seen with Home Church there is a rush to finish the church and the retail that follows can be years behind.”

Erika Janae Zimmerman, 408 W. Austin Street, in favor stated, “Millennial is not just a church, it’s a family.” She discussed her relationship with her church. She noted there were many business owners in her church. She indicated Millennial Church would bring new people to the area. She discussed how Millennial Church helped her through many difficult

times. She indicated she would love to have more stores, restaurants, and grocery stores in south BA, but she felt this building was too big to attract businesses and needed too much repair and remodeling. “We are ready and eager to take this building on and be a positive asset to this community.”

Carrie Hicks, 2420 S. Hickory Avenue, in opposition stated, “I have lived in BA since the 1970’s. I’ve lived in south BA all those years. It’s heartbreaking to me to see how our once vibrant area of BA has deteriorated to what it now.” She discussed Bass Pro Shops and wondered why a similar situation could not be arranged for south BA. She stated she felt as if the City had “given up” on south BA. She indicated she now shopped in Bixby.

Syrinda Crowley, 2903 S. Narcissus Place, in opposition stated, “I have nothing against churches but there are already 5 churches within a few blocks of this area. This intersection needs more retail and restaurants to thrive to its potential.”

Jay D. Jennings, 1450 W. Jasper Street, in opposition stated, “I oppose another church in South Broken Arrow.”

Scott Redmond, 400 N. Redwood Avenue, in favor stated, “I respectfully request that the Planning Commission decide in favor of SP-298 (Request for a Specific Use Permit for a Place of Assembly). Approving this request would not only positively impact the people of Living Rivers Millennial Church, but also benefit the businesses in the immediate area. With the increasing attendance of the church, the weekly impact to surrounding restaurants alone would stimulate the economy substantially and consistently.”

Justin Eustice, 1500 N. 18th Street, in favor stated, “I support agenda item 6A.”

Destiny, 1105 N. Fern Avenue, in favor stated, “I think this would be great.”

Pamela Tattershall, 10207 S. 198th E. Avenue, in favor stated, “I would like to recommend that the permit be granted.”

Bre Paschall, 133 W. Inglewood Street, in opposition stated, “I would love to see another grocery store i.e. Target, Aldi, Winco, or any other shopping center. There are plenty of churches in this area and we do not need another one. Across the street is Home church. Churches are tax free and will not generate money for BA. The Walmart at 121st and Elm is typically under stocked and doesn’t have as wide of a selection as others. Because of this I do my grocery shopping in Bixby. So, Bixby is getting my tax dollars. I would rather spend them here in BA. BA has enough churches; we have no need for another one.”

Jennifer Cearley, 1801 W. Utica Street, in opposition stated, “I’m opposed to another religious facility being added to this intersection. We need more retail and or restaurants in the area. While I have nothing against churches, do we really need another one? There are already 8 churches within a block of this location.”

Jessica Schell, 4501 S. Gum Avenue, in opposition stated, “I’m in opposition to another church at 101st and Elm area.” She listed the eight churches in the area and indicated the area needed a grocery store, restaurants, and retail to bring in much needed tax revenue and more job opportunities.

Kasia Jordan, 1709 W. Quantico Street, in opposition, was in agreement with Jessica Schell.

Heather Sinkinson, 4612 S. Cedar Avenue, in opposition stated, “Instead of another church, I wish we had another business such as a grocery store.”

Suelyn Sparks, 26122 E. 93rd Street, in favor stated, “Living Rivers Millennial Church is my home church.” She indicated Millennial Church was supportive of the community and would be an asset to this location.

Marilyn Hynes, 1927 W. Houston Street, in favor stated, “Millennial Living Rivers Church will be a tremendous asset to our city of Broken Arrow.”

Cory Brown, 4416 W. Princeton Street, in favor stated, “My family and I have attended this church for the past 6 years where we have seen a dramatic turn-around in our own lives.” He discussed how the church helped his family. He noted Millennial needed a permanent place of worship. He indicated a thriving church which promoted healthy families and community spirit was essential and he felt New Orleans Square was in need of “what a church like Millennial will bring and we know that Broken Arrow as a whole will be healthier for it.”

Hayley Jennings, 1706 S. Ash Place, in opposition stated, “No more churches in South Broken Arrow. We desperately need a grocery store.”

Anthony Godfrey, 501 W. Charlotte Street, in opposition stated, “No more churches. There are more than enough churches in South Broken Arrow.”

Tracy Tetzner, 2211 S. Indianwood Avenue, in opposition stated, “No more churches. We need businesses to generate revenue.”

Joshua Holman, 1816 W. Inglewood Street, in opposition stated, “Not needing another large church in this area, need more retail/grocery.”

Liz Shoulders, 520 W. Vicksburg Street, in opposition stated, “Opposed to have place of assembly (church) in the old former building. We need something that will bring income to our community and we have enough churches around the area.”

Rachel Wells, 3201 N. 5th Street, in favor stated, “Our community is ever growing, as are the needs of the people.” She discussed how Millennial Church provided help in meeting the needs of the community. She noted many of the Millennial Church congregation were Broken Arrow residents. She stated she felt the church would bring life and vibrancy back to the area. “I believe Millennial is needed in Broken Arrow and would bring such value to this area.”

Patty Jacobsen, 2508 S. Maple Avenue, in favor stated, “Please consider and rule in favor of our church, which is essential occupying this real estate lot.”

Skyler Brashear, 3905 S. Walnut Avenue, in opposition stated, “Please do not allow any more churches to build within this area.” He indicated there were many churches in the area and he was concerned about the loss of property taxes if another church moved in. “We need more retailers or a grocery store in this area.”

Metisha Pearce, 6005 S. 14th Street, in opposition stated, “Please no more churches. We need another grocery store.”

Laura Anderson, 216 W. Utica Place, in opposition stated, “Please not another church. We need a small grocery store or a thrift store like Goodwill.”

Todd Samuelson, 2909 S. Ash Court, in opposition stated, “South BA does not need more churches. There are already five within spitting distance of this corner. South BA needs traffic. It needs people spending money. It needs tax dollars from businesses. It needs actual rejuvenation.”

Matt Hahn, 121 W. Austin Street, in opposition stated, “South broken arrow doesn’t need another church, we have plenty of them now.” He questioned how another church would revitalize the area.

Gary Wardlaw, 3108 W. Edgewater Street, in favor stated, “Thank you for the opportunity to comment here as I am currently quarantined and unable to attend the meeting in person. It is encouraging to see efforts the city is making to revitalize the New Orleans Square area. It’s a beautiful part of the city with great neighborhoods nearby. I believe that this proposal fits with revitalization plans and will be a positive addition for this area of town.”

Tawnya McCammon, 429 W. Charleston Street, in opposition stated, “There is too many churches in this area already. We do not need more. We need more retail, grocery stores, restaurants no more churches.”

Cynthia J. Pride, 3500 S. Aster Avenue, in favor stated, “This retail/church space will not only be a blessing to our church, but it will also be a blessing to the city of Broken Arrow and the New Orleans square area. The new updated retail/church building is exactly what is needed for that area. It creates a good, positive and healthy atmosphere and place for people to come.”

John McCammon, 429 W. Charleston Street, in opposition stated, “Too many churches already. We need retail stores including grocery and restaurants.”

Bob and Katherine Dickerson, 3004 N. 4th Street, in favor stated, “We ask the council to respond favorably to the request of Living Rivers Millennial Church to establish favorably to the request of Living Rivers Millennial Church to establish a church in our community. The leadership and current membership are community minded, love God and love people. A church like Millennial is always a good addition to the neighborhood, and how much more as we navigate through the times we live in now.”

Samantha Wert, 412 E. Austin Street, in opposition stated, “We do not need a church on every corner. I have lived in South BA my entire life and it is a desert. We need to revamp the crumbling neighborhoods by bringing in better businesses. I live on 101st and Elm and

the quality of the businesses and storefronts is horrendous, and we need to bring in businesses instead of churches before everyone leaves or gives up.”

Melanie L., 7404 S. Ash Place, in opposition stated, “We do not need another church at this intersection. We need revenue. We need businesses, restaurants, etc. Please bring in another grocery store. Anything other than a tax-free place of worship. There are over 80 churches in Broken Arrow.”

Raven Goetzcke, 1701 W. Inglewood Street, in opposition stated, “We do not need another church in an area where there are eight plus churches within walking distance. Churches do not pay taxes and do not bring any money to our community.”

Margaret Jennings, 1450 W. Jasper Street, in opposition stated, “We do not need another church in South Broken Arrow. We are begging for a grocery store, more restaurants, or shops. I am sick of driving to Bixby to shop.”

Tawnya Torres, 1209 S. Elm Place, in opposition stated, “We do not need another church in this area. The whole idea of revamping this corridor is to bring income in. There are not grocery stores in this area which we desperately need. Please bring something that will actually benefit the area. There are 4 or 5 churches in the block from this location. Please do what is right.”

Cassi Morris, 1813 S. Date Avenue, in opposition stated, “We do not need another church. Something better would be a grocery store. Please do not bring another church.”

Sarah Vogt, 1217 W. Ulysses Street, in opposition stated, “We need to attract more retail. Not another church.”

Michelle Lewandowski, 11017 E. 84th Street, Tulsa, in favor stated, “We own rental properties under Ithica Properties, LLC within the Broken Arrow City Limits. We are in favor of Proposition.”

Svetlana Moon, 1201 W. Durham Street, in favor stated, “We would like Millennial church at 101st and Elm Place for many reasons. But a few that would benefit the city of Broken Arrow are increase commerce; expansion of the church over time will be attracting new businesses in that area; it'll encourage people to move into BA.”

David Handy, 1236 E. Richmond Street, in favor agreed with Svetlana Moon.

Alevtina Handy, 1236 E. Richmond Street, in favor agreed with Svetlana Moon.

Gary Curtis Bryan, 1205 W. Durham Street, in favor stated, “We'd like Millennial church to be at 101st and Elm Place.”

Jean Ann Bryan, 1205 W. Durham Street, in favor stated, “We'd like the church to be at that location.”

Brandon Turley, 709 W. Utica Street, in opposition stated, “While the sign does not say specifically what is being proposed at this location, considering it says "place of assembly", we can only assume this means yet another church. I am opposed to another church because they do not pay taxes and therefore do not contribute to our economy.” He stated he wished to see another grocery store in this location as he was sorry to see Reasor’s leave.

Cathy Smith, 12932 S. 123rd E. Avenue, in favor stated, “I am not able to attend the meeting but wanted to say how pleased I am to hear of new growth in BA. I am quite familiar with the quality of this church and its pastor, Paul Brady. This is a ten-star operation, and you will be very wise to welcome them with open arms. Please vote yes on their request.”

Mr. Curtis indicated this concluded the digital reading of comments. He indicated a total of 72 comments were read; 104 online submittals were made with 52 in opposition and 52 in favor.

Mr. Pride noted the Planning Commission heard from many regarding how Millennial Church changed lives. He noted those who were asking for retail instead of a church seemed to think this would only be a church development when there would be a significant amount of retail in this building. He stated hopefully when residents understood how much retail would be in this location, residents would be more open minded to the idea of this development. He noted his church would enhance the sales in the area by bringing hundreds of shoppers every weekend which would encourage others to invest in the area. He stated Millennial Church would help stabilize the area and further its development. He respectfully asked the Planning Commission to approve the application.

Ms. Shelley Love stated she lived in Bixby and her address was 1284 S. Memorial. She noted those who spoke on behalf of the Committee indicated a place of assembly was not prohibited, only that there was a preference for retail. She noted the opinions were split regarding what would be the best use in this area, but she did not believe a place of assembly was excluded as a use. She stated Millennial Church was willing to bring retail to the front of the building. She stated she believed this plan was well within the designs and intentions of New Orleans Square.

Chairperson Whelpley closed the public hearing.

Vice Chairperson Ricky Jones noted two individuals who served on the Committee, Committee Vice Chair Chase Elkins, and another, were opposed to this Specific Use Permit. He indicated there was a lot of public input and work which went into this Study, it was advertised, it went on for over nine months. He asked if he understood correctly that a place of assembly was not in accordance with the Study. Mr. Curtis responded a place of assembly was not in accordance with the Comprehensive Plan, and was not fully vetted through the New Orleans Square Committee as yes or no.

Chairperson Whelpley explained specific use permits were not discussed as a use during Committee meetings as New Orleans Square was only considered as a successful financial area for Broken Arrow. He discussed the previous 77,000 square foot self-storage business which only had two employees and did not bring in sales tax revenue for the area; thankfully Harbor Freight and Kum & Go came into this space and were now bringing in tax revenues and additional jobs. He stated when the Committee was looking at New Orleans Square, the Committee was looking more at making it profitable for the corner; this was the only way it would be successful, just like the Rose District. He stated the Committee did not look at any of the buildings as anything other than stores.

Vice Chairperson Ricky Jones explained the Planning Commission had a very strict criteria on how to decide whether this application could be approved, and the first question in this criteria (set by Broken Arrow Ordinance) was “the proposed use is consistent with the Comprehensive Plan and all applicable provisions of this Ordinance and applicable state and federal regulations.” He noted while he understood the church was an excellent church which did wonderful things, a place of assembly was not in accordance with the Comprehensive Plan.

Chairperson Whelpley asked if there was a term limit on Special Use Permits. Mr. Curtis responded a permit could have a time limit. He stated typically, Planning Commission and City Council, within strip shopping centers, when Special Use Permits have been applied for, have predominantly had a time limit. He explained whenever a place of assembly was looking to purchase a piece of property the SP permit typically did not include a time limit; however, it was still within the purview of the Planning Commission and City Council to institute a time limit.

Vice Chairperson Ricky Jones stated he would hate to have the church heavily invest in this building when there was a time limit on the permit.

Commissioner Merriott asked if the special use permit was issued to the property owner or to the church. Mr. Curtis responded the permit was issued to the property owner. He stated a Specific Use Permit, like zoning, stayed with the land; if the owner sold the property the permit would transfer to the new owner. He stated a clause could be included in the permit which indicated if the land were ever to transfer to another entity beyond the current owner and the proposed owner, then the use would be discontinued and the permit would be revoked.

Chairperson Whelpley asked if the special use permit would apply to the retail space as well as the church space of the property. Mr. Curtis responded in the affirmative. He explained the Home Church PUD specifically stated how many square feet of the building would be used for the church and how many would be developed as retail. He explained a Specific Use Permit applied to the entire parcel of land.

Vice Chairperson Ricky Jones stated due to this application being for a Specific Use Permit, the same criteria could not be applied as was done with the PUD which required a certain percentage of retail space.

Assistant City Attorney Ewing stated “permit” was a bit of a misnomer in this case as it was more like a variance modification to land use. She explained this permit was not something which typically expired over time as most permits tended to do.

Mr. Curtis concurred. He stated if this were county planning it would be called a “Special Exception” which made more sense than “Specific Use Permit,” but this was the language indicated in state statute.

Vice Chairperson Ricky Jones stated he was a planner, and he placed much weight in the Comprehensive Plan and the Study. He stated he had difficulty, after putting many months of work and tens of thousands of dollars into a study and into the Comprehensive Plan, to disregard them. He stated Millennial sounded like a wonderful church and he was not against churches, but when considered as a land use, a place of assembly, which was not in accordance with the Comprehensive Plan, he had difficulty supporting the application.

Commissioner Merriott asked if the 24,820 square feet of planned retail was two buildings. Mr. Curtis responded in the negative; this was one building with three intended tenant spaces.

Chairperson Whelpley discussed the Home Church PUD as opposed to a Specific Use Permit. He asked if the requirements would be as rigid with the Specific Use Permit. Mr. Curtis responded in the negative. Assistant City Attorney Ewing explained the requirements Chairperson Whelpley was considering regarding a specific amount of space being dedicated to retail would have to be written into the specific use permit.

Vice Chairperson Ricky Jones stated he was uncomfortable writing these requirements into a specific use permit; with a PUD the applicant wrote in the requirements, presented the PUD to the Planning Commission for review, etc.

Commissioner Dorrell stated he preferred the PUD mindset.

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

Move to deny the application per Staff recommendations

The motion carried by the following vote:

Aye: 3 - Jaylee Klempa, Fred Dorrell, Ricky Jones
Nay: 2 - Julea' Merriott, Lee Whelpley

Mr. Curtis indicated as this application was denied by Planning Commission, the applicant could appeal the decision to City Council. He explained the applicant could file an appeal with the City Clerk's Office within the next 15 days. He noted Planning Commission was a recommending body only; City Council was the decision-making body. He noted Staff would be happy to speak with the applicant following the meeting.

Assistant City Attorney Ewing asked those leaving to exit quietly.

Discussion ensued regarding the possibility of a recess.

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

Move to take a seven-minute recess

The motion carried by the following vote:

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

B. 20-1463 Public hearing, consideration, and possible action regarding PUD-316A (Planned Unit Development), a major amendment to PUD-316, and BAZ-2070 (Rezoning), The Lakes at Rabbit Run, 36.98 acres, A-1 to PUD-316A/RS-4, located one-quarter mile south of New Orleans Street (101st Street), east of Olive Avenue (129th E. Avenue)
Mr. Brent Murphy reported Planned Unit Development (PUD)-316A involved a 36.98-acre parcel located one-quarter mile south of New Orleans Street (101st Street), east of Olive Avenue (129th E. Avenue). He stated PUD-316, which proposed a zero-lot line, private street, single-family detached residential development with up to 105 lots, similar to the Rabbit Run addition on the west side of Olive Avenue, was approved by the City Council on September 15, 2020, subject to the property being platted; BAZ-2061, a request to change the zoning on the property from A-1 to RS-4, was approved in conjunction with PUD-316. He stated after PUD-316, which contained 27.13 gross acres, was approved by the City Council, the developer was able to obtain the rights to 9.85 acres of additional gross acres to the north. He noted according to the applicant, this additional acreage would be used strictly for stormwater detention and would be a nature conservation area with walking trails and other recreational amenities. He stated as per the Zoning Ordinance, a change in the use or character of the development required a major amendment to the PUD. He indicated no other changes to PUD-316 were proposed. He stated BAZ-2070 was requesting the underlying zoning on the additional 9.85 acres be changed from A-1 to RS-4. He stated the Staff Report contained the comparison between the Zoning Ordinance and what was proposed with the PUD. He reported this was designated as Level 3 in the Comprehensive Plan. Single-family residential, as proposed with PUD-316A, along with the RS-4 zoning being requested, was considered to be in conformance with the Comprehensive Plan in Level 3. He stated based upon the Comprehensive Plan, the location of the property, unique conditions associated with the property, and the surrounding land uses, Staff recommended PUD-316A and BAZ-2070 be approved as presented, subject to the property being platted.

The applicant, Mark Capron, address 123 N. Martin Luther King Jr. Blvd indicated he was in

agreement with Staff recommendations. He stated this was no different than what was previously approved by City Council; the only difference was ponds had been added. He stated there would be a commercial development which would need rezoning and platting to the north. He stated originally the ponds were going to be a part of the commercial development, but it was determined the ponds needed to be a part of the PUD development. He noted construction documents would be submitted within the next week or two.

Chairperson Whelpley stated there were no requests to speak.

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

Move to approve Item 6B as recommended by Staff

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 15, 2020 at 6:30 p.m.

C. 20-1464 Public hearing, consideration, and possible action regarding PUD-236A (Planned Unit Development) and BAZ-2071 (Rezoning), Ferguson Superstore, 23.73 acres (PUD-236A) and 9.50 acres (BAZ-2071), CH, CG, and RM to PUD-236A/CH, located south of the Broken Arrow Expressway, east of Elm Place (161st E. Avenue)

Vice Chairperson Ricky Jones recused himself for this Item. He left the Chambers prior to discussion and returned following the vote.

Senior Planner Brent Murphy reported Planned Unit Development (PUD)-236A involved a 23.73-acre parcel located south of the Broken Arrow Expressway, east of Elm Place (161st E. Avenue). He stated along with PUD-236A, BAZ-2071, a request to change the underlying zoning on 9.50 acres from CH (Commercial Heavy), CG (Commercial General), and RM (Residential Multifamily) to CH (Commercial Heavy) has also been submitted. He reported on June 1, 2015, the City Council conditionally approved PUD-236, a request to create an automobile campus which incorporated three automobile dealerships, GMC/Buick, Kia, and Subaru. He noted PUD-236 was approved subject to part of the property being platted. He stated on February 3, 2017, Ferguson Addition was recorded in Tulsa County; a new building and associated parking were constructed on the property. He explained with PUD-236A, the applicant was requesting a major amendment to PUD-236, to include an additional 9.50 acres which had been obtained. He explained PUD-236A incorporated the three development areas (A, B, and C) of PUD-236 and added two development areas, D and E; no changes were being requested to Development Areas A, B, and C. He stated development Area D, which was on the south side of Oakland Place, would be used for automobile inventory storage. He noted this area, which was presently zoned CH and undeveloped, was already platted as a part of View Point. He stated the View Point plat was recorded in Tulsa County on April 29, 1979 and showed Oakland Place to be platted approximately 360 feet east of the east boundary of Blocks 1 and 2 of View Point; however, the street was not constructed past the east boundaries of Blocks 1 and 2. He noted the Comprehensive Plan showed Oakland Place to be a frontage road which would eventually extend to the east and connect to 9th Street; as part of the platting of Development Area E, Oakland Place would be extended and constructed in accordance with City of Broken Arrow requirements. He stated since Oakland Place was expected to be extended further to the east, a cul-de-sac turnaround would not be provided; however, as part of the site design, turnaround movements for fire apparatus would be provided in accordance with Fire Code requirements. He reported development Area E, which abutted the Broken Arrow Expressway and extended across both the north and south sides of Oakland Place, was proposed to be developed as part of the new Kia dealership. He stated this area, which was presently unplatted, was zoned CG and RM. He noted according to the design statement, if PUD-236A was approved by the City Council, this site would be completely cleared within six months of City Council approval with the additional note that "if the PUD subdivision plat and site development plans have been formally submitted and are in the review process, and revisions are diligently prepared and submitted, and during construction after plan approval and the issuance of required permits, the Community Development Director shall have the authority to suspend this requirement." He indicated development Areas D and E of PUD-236A were proposed to be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the CH district, except as summarized in the Staff Report. He noted the size and height of the free-standing signs were limited, as well as the height of the light poles. He indicated this would be very similar to what was done on the north side of Oakland Place.

Mr. Murphy reported the property associated with PUD-236A was designated as Level 6 in the Comprehensive Plan; "Vehicle Sales and Rental", as proposed with PUD-236A, along with the CH zoning being requested, was considered to be in conformance with the Comprehensive Plan in Level 6. He noted according to FEMA maps none of this property was in the 100-year floodplain; however, there was a significant drainage channel which passed north-south through the property. He noted according to the applicant this drainage way was identified as a US Corp of Engineers blue line stream and development in this area

would be in compliance with the Corp of Engineers, as well as with the City of Broken Arrow. He stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended PUD-236A and BAZ-2071 be approved as presented. He stated as per the design statement, if PUD-236A were approved by the City Council, Development Area E shall be platted, and the plat recorded within two years of the City Council's approval. He stated as per the Zoning Ordinance, two one-year extensions may be approved by Staff and if the property associated with Development Area E was not recorded within four years, the PUD on this area would expire, and the zoning would revert to it previous zoning status.

Chairperson Whelpley asked about the height of the light poles. Mr. Murphy responded he believed the light poles were limited to 20 feet in height and would be on a 2-foot pedestal.

Chairperson Whelpley asked if the light poles along the freeway were subject to this height restriction. Mr. Murphy responded in the affirmative; the GMC dealership light poles may be higher, but the Subaru dealership had 20-foot light poles.

The applicant, Erik Enyart, address 5323 S. Lewis Avenue, Tulsa, indicated he was in agreement with Staff recommendations. He noted the Ferguson Superstore was a regional multi-branded automobile sales and service center about 24 acres in size. He discussed the success and expansion of the business. He noted the development standards would not change and the new development standards for the new dealership would match what was utilized with the Subaru dealership. He discussed the process which would follow if this were approved. He thanked Staff for its input and guidance.

Chairperson Whelpley stated there were no requests to speak.

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

Move to approve Item 6C as recommended by Staff

The motion carried by the following vote:

Aye: 4 - Julea' Merriott, Jaylee Klempa, Fred Dorrell, Lee Whelpley
Recused: 1 - Ricky Jones

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

7. Appeals

There were no Appeals.

8. General Commission Business

A. 20-1461 Consideration, discussion, and possible appointment of a Planning Commission member to serve on the Request for Qualifications Evaluation Committee for the Zoning Ordinance update.

Planning and Development Manager Jill Ferenc reported City Council directed the City Manager and Staff to secure a consultant to assist with updating the Zoning Ordinance and establish a Committee to evaluate the RFQs received by potential consultants. She stated the Committee would consist of five members: one from City Council (Vice Mayor Eudey was appointed) one from the Planning Commission, two Community Development staff members, and one Engineering and Construction staff member.

Chairperson Whelpley indicated Vice Chairperson Ricky Jones was the most qualified to serve on this Committee. Commissioner Dorrell agreed.

Vice Chairperson Ricky Jones stated he did not mind serving; however, he had served on a number of committees and if another Planning Commission Member so desired, he would approve.

Commissioner Merriott indicated while she was not the zoning expert Vice Chairperson Ricky Jones was, she was willing to serve.

Vice Chairperson Ricky Jones asked which staff members had been appointed. Ms. Ferenc indicated this had not been officially decided but Larry Curtis, Farhad Daroga, and herself worked on the RFQ and she believed two of the three of them would serve on the Committee.

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

Move to appoint Julea' Merriott to serve on the RFQ Committee for the Zoning Ordinance

The motion carried by the following vote:

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

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

There were no remarks, inquiries or comments by Planning Commission or Staff.

10. Adjournment

The meeting adjourned at approximately 7:38 p.m.

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

Move to adjourn

The motion carried by the following vote:

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

Mayor

City Clerk