



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Ricky Jones
Vice Chairperson Lee Whelpley
Commission Member Fred Dorrell
Commission Member Mark Jones
Commission Member Pablo Aguirre

Thursday, April 11, 2019

Time 5:00 p.m.

Council Chambers

1. Call to Order

Chairperson Ricky Jones called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones
Absent: 1 - Pablo Aguirre

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

- A. 19-410 **Approval of Planning Commission meeting minutes of March 28, 2019**
- B. 19-415 **Approval of PT17 112, Conditional Final Plat, The Estates at Ridgewood, 41.18 acres, 86 Lots, A 1 to RS 3, one quarter mile north of Houston Street, one quarter mile east of Midway Road**
- C. 19-420 **Approval of BAL 2047 (Lot Split), Washington Lane VII, 1 Lot (3 Proposed), 12.35 acres, one third mile south of Washington Street (91st Street), west of 9th Street (/177th E. Avenue/Lynn Lane)**
- D. 19-421 **Approval of BAL 2048CB (Lot Consolidation), Washington Lane VII, 96 Lots, 58.941 acres, one half mile south of Washington Street (91st Street), west of 9th Street (/177th E. Avenue/Lynn Lane)**
Ms. Yamaguchi indicated all applicants were in agreement with the Staff Report. She asked for Item 4C and Item 4D to be removed for discussion.

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

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

Move to approve Consent Agenda Item 4A and Item 4B per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones stated Item 4B would go before City Council on May 7, 2019 at 6:30 p.m. He explained if any individual desired to speak regarding these Items, said individual was required to fill out a Request to Appear before City Council form in advance.

5. Consideration of Items Removed from Consent Agenda

Jane Wyrick, Planner II, discussed Item 4C and Item 4D. She reported BAL-2047 was a lot split for Washington Lane 7. She stated the property was included in PUD-135, rezoned through BAZ-1580 as a part of the Washington Lane Residential Development in 2002. She explained as the development progressed the platting was completed for each phase and subsequent amendments were made to the PUD. She noted this piece of property was governed by PUD-135C which was a minor amendment to reduce the side yard setbacks to 5 feet on each side. She stated in accordance with PUD-135 the area along the west side of Washington Lane 7 and Washington Lane 8 was designated as open space and recreational use. She noted exhibits within the PUD indicated this area was planned to be a park or trail system and was consistent with the future Broken Arrow Creek Trail, a part of the Broken Arrow Parks and Recreation Master Plan. She explained the lot split included a 4.208 acre northernmost tract which would be a remainder tract and the southernmost 6.249 acre tract would become part of the Washington Lane 8 subdivision while the middle 2.073 acre tract was proposed to be combined in BAL-2048CB which would be presented momentarily. She stated there were flood plains on this property, all utility companies were in agreement and did not have any concerns with the proposed lot split. She stated with the lot combination facilitated through BAL-2048CB all lots created by this lot split met the zoning requirements of the R2 zoning

district and PUD-135. She indicated Staff recommended BAL-2047 be approved subject to the five conditions included with the report, with the exception of the recommended amendment to condition #3 which read “A trail easement shall be dedicated to the City of Broken Arrow and recorded in Tulsa County to facilitate a future trail in the western portion of these tracts as part of the Broken Arrow Creek Trail. Details of the trail alignment will be worked out with the Parks and Recreation Department and Engineering and Construction Department. If Broken Arrow does not build a trail within 10 years the easement shall expire and use of this portion of the tract shall revert to the property owner or the home owner's association, whichever entity is in possession of the property at that time.” She stated both Staff and the applicant agreed to amending this condition.

The applicant, Mr. Austin Mayes, with Olsson Associates, stated his address was 1717 S. Boulder Ave Tulsa, OK. He stated he was in agreement with Staff recommendations for Item 4C and Item 4D.

Chairperson Jones opened the Public Hearing for Item 4C. He asked if any present wished to speak regarding Item 4C; hearing none he closed the Public Hearing.

MOTION: A motion was made by Mark Jones, seconded by Lee Whelpley.

Move to approve Item 4C per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

Chairperson Jones opened the Public Hearing for Item 4D. He asked if any present wished to speak regarding Item 4D; hearing none he closed the Public Hearing.

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

Move to approve Item 4D per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones

6. Public Hearings

A. 19-366 Public hearing, consideration, and possible action regarding PUD-288 (Planned Unit Development) and BAZ-2024 (Rezoning), Village at 1Eleven, 28.95 acres, A-1 to CM and RS-4/PUD-288, located at the northwest corner of Florence Street (111th Street) and Aspen Avenue (145th E Avenue)

Chairperson Jones left the room prior to discussion of Item 6A, and returned following the vote for Item 6A.

Ms. Amanda Yamaguchi reported Item 6A, for PUD-288 and BAZ-2024, was a 28.95 acre parcel of undeveloped land for which the applicant requested the zoning be changed from A1 (agriculture) to CM (community mixed use) and RS-4 (single family residential) with PUD-288. She stated the Village at 1Eleven was a proposed mixed use development consisting of commercial and residential uses, access was proposed from two primary points of access off of Florence Street and two primary points of access off Aspen Avenue. She noted an emergency fire access gate was proposed on the north side of the single family residential portion of the property in development area B. She noted development area A was a mixed use area consisting of retail and commercial spaces, as well as residential multifamily flats. She noted development area B was proposed to be developed into 75 gated community single family residential housing units. She noted per the RS-4 zoning standards, up to 80 residential lots were permitted; however, with PUD-288 the applicant restricted the number of lots to 75. She noted amenities in this development included a pocket park, ponds, and a clubhouse and were proposed to be shared with development area A. She noted PUD-288 was proposed to be developed in accordance with the CM and RS-4 development standards with the exceptions of the modifications detailed in the Staff report. She stated the property associated with PUD-288 and BAZ-2024 was shown in the Comprehensive Plan as level 3 and level 4. She reported the CM zoning in level 4 and the RS-4 zoning in level 3, requested with BAZ-2024 and incorporated in PUD 288, was considered in conformance with the Comprehensive Plan in level 3 and level 4 respectively. She stated based on the Comprehensive Plan, location of the property and the surrounding land uses, Staff recommended PUD-288 and BAZ-2024 be approved subject to the property being platted.

The applicant, Mr. Derek McCall, with Tanner Consulting, stated his address was 5323 S. Lewis Avenue, Tulsa, OK. He stated Tanner Consulting worked with Staff on this PUD and BAZ. He stated he agreed with Staff recommendations.

Vice Chairperson Whelpley opened the Public Hearing for Item 6A. He asked if any present wished to speak regarding Item 6A.

Mr. Greg Genoa stated his address was 4329 S. Chestnut Avenue, Broken Arrow, OK. He asked if the property would be developed in conjunction with, prior to, or after the Aspen Park Master Plan. He asked what restrictions existed for the commercial use of the property as it

was within close proximity to the Broken Arrow Elementary School. He asked if the sale of alcohol and cigarettes would be permitted. He asked what the impact on property values for existing homes would be. He asked what building materials would be used. He requested the City of Broken Arrow conduct a new survey regarding drainage easements, flood zones, and water flows to include the existing Aspen Park Edition properties north of Beech Place. He stated several lots in this area had experienced water flow blockage and very slow drainage with heavy rains. He asked what the drainage impact of this construction would be for existing homes to the north. He asked what steps would be taken to ensure no additional water flow problems were created. He asked if the existing street, Beech Place, would be connected to any new addition or new properties. He stated he worried about a pass through being created through his neighborhood to 111th Street. He asked if any speed bumps, side walks, designated bicycle paths and stop signs would be installed. He asked if a study had been conducted to determine the potential crime increase in the area.

Plan Development Manager Larry Curtis stated the plan to build a community park behind the school and this development's park were two separate projects, and were unrelated in time frame; however, there would be connectivity between the two parks. He stated regarding commercial business permitted, these businesses would be restricted to uses permissible in the CM zoning district, which allowed alcohol and tobacco sales; however, there were ABLE Commission requirements which restricted liquor/tobacco sales within a specified distance from school properties. He explained property value impact analyses could not be taken into consideration for Planning Commission purposes; the Planning Commission was only permitted to consider whether the use of a property was appropriate and in alignment with the Comprehensive Plan. He stated there was no analysis regarding property value impact of which he was aware. He stated the applicant would answer the question regarding building materials. He explained in regard to flood/drainage issues, if recommended for approval, a complete engineering analysis and study would be completed to ensure there was no negative impact on surrounding property owners. He asked Mr. Genoa to contact him regarding the problems he and his neighbors were currently having which he would pass on to the Stormwater Department in an effort to address these issues. He stated Beech Place would be connected via a gated emergency access road only; the new development would not cross into the existing development. He noted a crime impact analysis was recently completed comparing single family neighborhoods versus multifamily neighborhoods and it was discovered crime was equal between the two in the City of Broken Arrow.

Mr. Mark Smith stated his address was 4805 S. Chestnut Avenue, Broken Arrow, OK. He stated he had lived at this location for 20 years. He stated he was not in agreement with this rezoning. He explained he and his wife were raised in Tulsa and he explained his reasons for moving to Broken Arrow to raise his family. He stated the Planning Commission of Broken Arrow should not allow the A-1 rezoning to CM or RS4. He suggested the Planning Commission rezone the A-1 property to Residential Estate (RE). He stated Broken Arrow had very few RE zoned property developments, but had many PUD developments. He listed the names of RE developments. He stated RE developments were very desirable and rare. He stated he believed the proposed development would be better as a continuation of residential estate growth, especially given that this area was considered an RE area. He asked the City not to allow the area that encompassed the watershed of Aspen Creek and Haikey Creek to be harmed as it was home to many varieties of wildlife. He stated residents in RE zoned areas, as opposed to CM/RS-4 zoned areas, tended to be long-term residents and maintained property values, as well as loyalty to the Community. He stated he believed there were serious flaws in this PUD design proposal. He stated he did not believe the Village at 1Eleven offered anything innovative in land development nor assured the compatibility with adjoining proximate properties. He stated he did not believe this development permitted greater flexibility within the development to best utilize the physical features of the particular site, it did not encourage the provision and preservation of meaningful open space, and it did not encourage integrated and unified design and function of the various uses comprising the planned unit development. He stated it did not encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infrastructure and land use compatibility. He stated he did not wish to have his view changed to a view of the development. He stated he wished this land to remain open farm and creek land. He asked the Planning Commission to deny this PUD request.

Mr. Jared Myers stated his address was 11599 S. 140th E. Avenue, Broken Arrow, OK. He stated in 2002 he received a citation for being a minor out past curfew. He stated he appealed to City Council who listened to his request and changed the hour of curfew to what it was today. He indicated he was impressed the City of Broken Arrow listened to the voice of its citizens. He stated he hoped the Planning Commission would listen to his voice and the many residents he represented who were not present. He stated he was against the proposed change to the zoning to this property and the planned development. He noted Broken Arrow was a wonderful City and he wished it to remain wonderful. He stated he did not wish the corner of 111th and Aspen to be a high density housing area. He stated what made southern Broken Arrow special was the open space and lower density population. He stated the lakes, trails, and grey oaks

were gems in south Broken Arrow and homes in the established neighborhoods were highly sought after due to being able to maintain the feeling of country rural living. He stated these residential low density areas were great contributors in taxes and would continue to contributors due to high property values. He noted Broken Arrow competed with Tulsa for economic growth. He asked if Broken Arrow’s 10 year plan for this location was to be the next 71st and Lynn Lane. He stated he hoped not; this area was much too special. He asked the Planning Commission to work to keep south Broken Arrow the treasure it was, keep and maintain open space, push back on developers requesting high density developments, incentivize developers to develop large lots, estates, acreage and dedicated open space to maintain the unique Broken Arrow character.

Vice Chairperson Whelpley asked if any others present wished to speak regarding Item 6A; hearing none he closed the Public Hearing.

Mr. Derek McCall, the applicant, explained the developer considered this area a growth area due to the present housing, new housing coming into the area, the schools and the new park which was to be constructed. He stated there was a need for slightly more affordable housing while still keeping a high end product which would not lower neighboring property values. He reported this developer had high success rates with his developments and had never created a product which brought down surrounding property values. He noted the architectural finishes were to be consistent throughout the development to encourage a true village feel; this included commercial, flats, and single family finishes. He noted most often this developer chose masonry as the finish. He reported two parks and several ponds were to be included along with a trail through the residential, flats, and commercial areas. He stated the intent was to create a unified space, a space with a village atmosphere. He stated the buildings would be a maximum of 35 feet tall and would meet all City standards and requirements.

Commissioner Dorrell asked how many stories the buildings would be at 35 feet. Mr. McCall responded two stories tall with an attic space. Commissioner Dorrell asked if Mr. McCall had met with any of the residents in the area. Mr. McCall responded in the negative. Commissioner Dorrell asked if he planned to meet with the residents. Mr. McCall responded in the affirmative; he wished to put the neighbors’ minds at ease. He stated his parents lived a half mile away from this location and he would not do anything to hurt his parents. He believed it would be a positive addition to the area. He asked if the Planning Commission would like to continue this Item to allow him time to meet with the surrounding residents and address any concerns. Commissioner Dorrell responded it was important for the developer to meet with the residents and listen to suggestions and address concerns. He noted he had learned over the years the only certain way to stop development on property was to buy the property. He explained the Planning Commission only had the right to determine if a land use was appropriate and pass this recommendation on to City Council. He noted City Council made all final decisions. He encouraged Mr. McCall to meet with the homeowners.

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

Move to continue Item 6A until the meeting on May 9, 2019

The motion carried by the following vote:

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

7. Appeals

There were no Appeals.

8. General Commission Business

A. 19-416 Presentation, Review, and Discussion of the NEXT Comprehensive Plan, its process and upcoming schedule.

Plan Development Manager Larry Curtis reported a Public Hearing regarding the Comprehensive Plan was scheduled to be held at the April 25, 2019 Meeting; however, this was to be postponed and Staff would request this to be continued to another date. He stated he would keep the Planning Commission apprised as to what this date would be.

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

Chairperson Jones wished all who were attending the APA Conference in San Francisco a safe and enjoyable trip.

10. Adjournment

The meeting adjourned at approximately 5:47 p.m.

MOTION: A motion was made by Mark Jones, seconded by Lee Whelpley.

Move to adjourn

The motion carried by the following vote:

Aye: 4 - Mark Jones, Fred Dorrell, Lee Whelpley, Ricky Jones