



# City of Broken Arrow

## Minutes Planning Commission

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

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

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**Thursday, January 23, 2020**

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

**Council Chambers**

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### 1. Call to Order

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

### 2. Roll Call

**Present:** 3 - Jaylee Klempa, Mark Jones, Ricky Jones  
**Absent:** 2 - Lee Whelpley, Fred Dorrell

### 3. Old Business

There was no Old Business.

### 4. Consideration of Consent Agenda

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

- A. 20-160 Approval of Planning Commission meeting minutes of January 9, 2020
  - B. 20-151 Approval of PT17-114A, Conditional Final Plat, The Villas at Turnberry, replat of Lot 10, Block 2, Turnberry Commercial, 3.40 acres, 1 Lot, CG (Commercial General), southwest corner of 37th Street (209th East Avenue) and Dearborn Street (41st Street)
  - C. 20-126 Approval of PT19-117, Conditional Final Plat, Broken Arrow HS STEM, 79.844 acres, 1 Lot, A 1 (Agricultural), one quarter mile east of 23rd Street (193rd E. Avenue/County Line Road), north of Albany Street
  - D. 20-110 Approval of BAL-2069, Mark Snead Lot Split, 3 Lots, 48.54 acres, A 1 to R 2 and FD, one quarter mile north of Florence Street (111th Street), east of 23rd Street (County Line Road)
  - E. 20-140 Approval of BAL-2071, BA Restored Freeport Lot Split, 2 Lots, 0.16 acres, south side of East Freeport Street, between North 2nd Street and North 3rd Street
- Ms. Yamaguchi reported for Item 4B the applicant was in agreement with the Staff report; however, given new information Item 2 was to be removed from the checklist.

Commissioner Ricky Jones stated Item 4B would be pulled from the Consent Agenda for discussion. 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. He asked if there were any other items to be removed from the Consent Agenda; hearing none, he called for a motion.

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

**Move to approve Consent Agenda Items 4A, 4C, 4D and 4E per Staff recommendation**

The motion carried by the following vote:

**Aye:** 3 - Jaylee Klempa, Mark Jones, Ricky Jones.

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

Ms. Yamaguchi reported Item 4B was for the approval of the conditional final plat for Villas at Turnberry. She indicated Item 2 on the checklist was addressed by the applicant and Item 2 was to be removed from the checklist; all other checklist items would remain. Commissioner Ricky Jones asked if Staff agreed with removal of Item 2 from the checklist. Ms. Yamaguchi responded in the affirmative. She explained Item 2 required submittal of a drainage report which has since been submitted.

The applicant, Jeffrey Tuttle with Tuttle and Associates, stated his address was 9714 E. 55<sup>th</sup> Place, Tulsa. He stated he was in agreement with removal of Item 2 from the checklist.

Commissioner Ricky Jones opened the public hearing for Item 4B and asked if any present wished to speak; hearing none, he closed the public hearing.

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

**Move to approve Consent Agenda Item 4B as modified by Staff**

The motion carried by the following vote:

**Aye:** 3 - Jaylee Klempa, Mark Jones, Ricky Jones.

Commissioner Ricky Jones announced the restroom right outside the Chamber was out of order; the working restroom was down the hall.

Commissioner Ricky Jones reported there was an error in the Notice for Item 6A's Public Hearing and therefore, this Item would not be heard. He indicated this Item would be continued until February 13, 2020. He stated no motion was required.

Commissioner Ricky Jones stated his firm prepared the application for Item 6C; therefore, he was required to remove himself from the discussion and vote regarding Item 6C. He explained once he removed himself, quorum would not be met. Community Development Director Larry Curtis stated Item 6C would be continued until February 13, 2020.

Commissioner Ricky Jones stated, as a result, the only Public Hearing Item to be heard this evening was Item 6B.

## **6. Public Hearings**

### **A. 20-109 Public hearing, consideration, and possible action regarding PUD-266A, a minor amendment to PUD-266, Centennial Crossing, 16.36 acres, A-1 to PUD- 266A/RM, east of N. Elm Avenue, one-quarter mile south of Omaha Street**

This Item was continued until February 13, 2020.

### **B. 20-150 Public hearing, consideration, and possible action regarding BAZ-2046 (Rezoning), Elysian Fields, 53.55 acres, A-1 (Agricultural) to RS-3 and RS-4 (Single-Family Residential), southeast corner of Garnett Road (113th East Avenue) and Tucson Street (121st Street)**

Ms. Yamaguchi reported BAZ-2046 was a request to change the zoning designation on 53.55 acres from A-1 (Agricultural) to RS-3 and RS-4 (Single-Family Residential). She stated the unplatted property was located on the southeast corner of Garnett Road (113th East Avenue) and Tucson Street (121st Street). She indicated in conjunction with this rezoning request, the applicant submitted a preliminary plat for this development which would be considered by the Planning Commission on February 13, 2020. She stated a previous rezoning request, BAZ-2038, was considered by the Planning Commission on November 7, 2019; the vote for BAZ-2038 tied at 2 to 2, resulting in the de facto denial of the rezoning request. She reported the new rezoning request, BAZ-2046, was similar to the previous case in that both RS-3 and RS-4 zoning districts were being requested. She explained the difference between these rezoning requests: Initially there was 2.88 acres of RS-3, with a single row of RS-3 lots against Shadow Trails subdivision while with BAZ-2046, the RS-3 area has been increased from 2.88 acres to 22.85 acres and the RS-4 area was decreased from 41.57 to 23.74 acres. She noted the portion of the property adjacent to the Shadow Trails subdivision to the east was shown in the exhibit as RS-3.

Ms. Yamaguchi stated the westernmost portion of this property was located in the 100-year floodplain of Haikey Creek and as per the Subdivision Regulations, the 100-year floodplain was placed in a reserve area. She stated Staff recommended the area of the property located in the 100-year floodplain be designated as FD (Flood District). She reported the Future Development Guide of the Comprehensive Plan adopted by City Council in September of 2019 showed this area as Level 2 and Greenway/Floodplain. She indicated the RS-3 and RS-4 zoning being requested was considered to be in accordance with the Comprehensive Plan in Level 2. She noted a letter of protest was received by the Planning and Development Division on Tuesday, January 21<sup>st</sup>: the resident who submitted the letter was unable to attend the meeting but would like to object to the proposed development (letter attached to information packet).

She stated based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended BAZ-2046 be approved subject to platting and the portion of the property located in the 100-year floodplain being designated as FD (Flood District).

The applicant, Tim Terrell with Tulsa Engineering and Planning Associates, stated his address was 9820 E. 41st Street, Suite 102, Tulsa. He indicated that he was in agreement with the Staff report. He stated originally there was 150-foot width of RS-3 proposed, currently the proposed RS-3 was approximately 465 feet, 20.79 acres, which was roughly an increase of 18 acres of RS-3. He noted RS-3 would be phase 1. He stated previously proposed was 11 acres of RS-3, currently proposed was 29.81 acres of RS-3. He stated previously proposed was 41.57 acres of RS-4 and currently 23.74 acres of RS-4 was proposed. He stated a homeowners meeting was held January 15, 2020 which was very well attended. He noted the concerns generally had to do with construction traffic, which was a valid concern; however, he felt strongly traffic would go out to 121<sup>st</sup> via the entry on 121<sup>st</sup>. He indicated there was a barricade in place currently which would not be removed until all infrastructure was completed; therefore, no construction traffic would go through the

neighborhood area. He noted property values and drainage were a concern. He noted the developer was present and willing to speak.

Commissioner Klempa asked if the entrance at West Van Buren Place would be blockaded. Mr. Terrell responded the entrance at West Van Buren Place would be blockaded until the streets and infrastructure were completed.

Commissioner Ricky Jones asked if the City approved of this blockade. Mr. Terrell responded in the affirmative. Mr. Curtis concurred.

Commissioner Ricky Jones asked how many extra lots would be constructed as a result of RS-4 zoning as opposed to RS-3 zoning. Mr. Terrell responded he stated he was unsure, but felt it was approximately 12 to 14 more lots. He explained the differences between RS-3 and RS-4 lot sizes (5 feet in width and 500 square feet total area).

Commissioner Ricky Jones opened the Public Hearing and noted several citizens had signed up as opposed but did not wish to speak. He noted these would go on file in the record. He stated many citizens signed up to speak and he would recognize each. He asked the speakers to limit presentations to three minutes each and not to duplicate points made by previous speakers.

Citizen Bryan Wiesman stated his address was 11831 E. 121<sup>st</sup> Street. He spoke in opposition to the item. He noted he owned 20 acres directly north of the proposed development. He stated he did not feel the new application was substantially different from the previous application. He noted 20 acres of the proposed RS-3 area would go towards reserve area. He noted his largest issue was this development was unfair to Shadow Trails as Shadow Trails paid a significant amount of money to bring utilities to the area. He noted if RS-4 was not approved the developer partner would receive monetary compensation by the seller by contract. He explained if RS-4 was denied, while the developer might lose lots, the developer's purchase price would decrease. He stated if RS-4 was approved duplexes might be permitted in the area which was a poor investment for Broken Arrow.

Commissioner Mark Jones indicated RS-4 did not allow for duplexes. Mr. Curtis explained the Comprehensive Plan allowed for Level 2 in this area; therefore, duplexes were not allowed by right, only through application to the City to be reviewed by Planning Commission and City Council. Mr. Wiesman stated he felt it would be to the City's benefit to have a higher quality product in this location.

Commissioner Ricky Jones explained the points Planning Commission was permitted to consider included: whether the RS-3 and RS-4 configuration was an appropriate land use based on the Comprehensive Plan and surrounding land uses. He stated drainage was not a point the Planning Commission would consider at tonight's meeting; drainage would be reviewed and considered further in the platting process. He noted land use was the only consideration for the Planning Commission. He explained property values would not be considered; residents were permitted to voice concerns regarding property values, but the Planning Commission could not consider property values in its decision process.

Citizen Kelton DoRemus stated his address was 6523 S. Willow Place. He spoke in opposition to this item. He stated while he was in support of the growth and diversity of Broken Arrow, he was against this zoning request due to property value decreases, disruption of wildlife near Haikey Creek Park, and traffic. He indicated he did not believe the vacancy of this land was reason enough to stack homes on the acreage. He stated Shadow Trails offered a diverse style of homes with a selection of builders and sophisticated quality of homes. He stated Elysian Fields would only have one builder and one look for track homes equaling 55 acres of monotonous homes. He noted all subdivisions in the area were RS-3 and each had its own entrance and exit. He noted this new rezoning request for Elysian Homes only reduced the number of homes originally proposed by 5 homes. He noted Elysian Homes would not have its own entrance and exit but would have access via a substreet through another subdivision. He noted the substreet access was a point of contention. He stated increased traffic caused increased infrastructure problems and safety issues. He discussed the difficulties with entrances and exits for Elysian Fields and discussed the difficulties at the intersection of 121<sup>st</sup> and 129<sup>th</sup> and noted these difficulties would only increase if the rezoning was approved.

Commissioner Ricky Jones noted he was not present during the meeting in which this Item was previously discussed; however, he believed the development was required to connect to the substreet to the east. He asked if 121<sup>st</sup> Street was designated as a primary arterial. Mr. Curtis responded in the affirmative. Commissioner Ricky Jones noted this meant 121<sup>st</sup> Street was on the major street and highway plan to be widened and improved, along with the intersection.

Citizen Michael Miles stated his address was 12329 E. 121<sup>st</sup> Street. He spoke in opposition

to the item. He noted he represented his son's property. He stated the Van Buren stub would increase traffic through the established subdivision. He stated he was concerned about the traffic on 121<sup>st</sup> Street which was inadequate for current traffic volume. He discussed the traffic difficulties in this area and the increase in traffic an additional 180 homes would produce.

Citizen Bob Smith stated his address was 11841 E. 121<sup>st</sup> Street. He spoke in opposition to the item. He noted he lived across the street from the proposed housing addition. He stated while he was not familiar with the Comprehensive Plan for this area, he was familiar with property values and noted the homes in his area had prices which ranged between \$300,000 dollars to over \$1 million dollars. He noted the price range for this new addition would be from \$160,000 dollars to \$200,000 dollars. He stated he hoped this was not part of the City of Broken Arrow Comprehensive Plan. He stated he was concerned about how increased traffic would affect school buses. He discussed various concerns regarding current traffic and potential increased traffic in the area, including large trucks causing deterioration and traffic volume.

Commissioner Ricky Jones asked Planning and Development Manager Jill Ferenc to briefly explain the Broken Arrow Comprehensive Plan. Ms. Ferenc explained the Comprehensive Plan was a policy document adopted by the City Council after extensive public outreach, online surveys and focus groups regarding the document; following which the Comprehensive Plan went before Planning Commission for recommendation. She noted the Comprehensive Plan was a long-range policy document, generally about 20 years in nature and included a future land use map which delineated the intensity of use over the next 20 years. She explained different Levels had different designated permitted uses.

Mr. Bob Smith stated he understood residential homes would be developed in the area; he was concerned this particular proposal would not fit with the existing homes in the area. He stated all homes currently in the area were brick and stucco, two story homes; the proposed homes were single-story non-brick homes and he was concerned the homes would become rental properties which would be problematic.

Citizen Lindsey Groves stated her address was 4121 W. Winston Street. She spoke in opposition to the item. She stated she lived near the Van Buren stump street. She noted she agreed with the previous speakers. She stated drainage would be an issue. She noted she lived close to the pump station and on a windy day it smelled worse than any public bathroom. She noted this should be considered when proposing to develop this many new houses. She stated she moved out of a neighborhood which was similar to the proposed development noting she originally paid \$300,000 dollars for her pervious home. She explained \$150,000 dollar homes were constructed across the street from her previous home and her home significantly lost value as a result; she lost a significant amount of money when she sold her home. She stated she purchased her new home to be a long-term investment, hopefully to increase in value up until retirement. She agreed traffic was a nightmare, bus stops would be a problem, drainage would be a problem and "cookie-cutter" homes which would not retain value in the long run would be a huge problem.

Citizen Kenneth Collins stated his address was 12101 E. 121<sup>st</sup> Street. He spoke in opposition to the item. He stated he lived in his home for 34 years. He indicated he had no objections when Shadow Trails was developed; however, as an unintentional consequence he and two others lost private wells when the detention pond was built. He noted it cost him \$7,000 dollars and took six weeks to replace his well. He asked if the Planning Commission was aware all homes north of Tucson had private wells. He indicated City water was not available for these homes. He stated he worried additional detention ponds and additional impact on the ecosystem could result in loss of residential water wells. He discussed road deterioration, previous tonnage limits for the road, large trucks causing road deterioration and traffic delays, and further problems as a potential result of this development. He noted 121<sup>st</sup> Street in this area would not be widened for ten years. He stated he believed traffic issues and water issues should be considered and reviewed prior to approval of this development.

Citizen Aaron Allen stated his address was 6622 S. Willow Place. He spoke in opposition to the item. He stated he agreed with the previous speakers.

Citizen Todd Kinnikin stated his address was 12319 S. 116th E. Avenue. He spoke in opposition to the item. He noted this development would surround his property. He stated if this rezoning was approved, his 10 acres of property would be surrounded by R4 zoning which would severely lower his property value. He indicated he was against Capital Homes' proposal as were all his neighbors. He indicated all housing developments on 121<sup>st</sup> were a higher value than the proposed homes; current homes started at \$300,000 dollars or higher, were larger homes, and had full brick or rock facades. He stated Capital Homes had an addition in progress on 131<sup>st</sup> and Aspen and he felt it was unnecessary to saturate South Broken Arrow with these types of properties. He indicated this housing addition would be detrimental to the surrounding property owners, Shadow Trail residents, his neighbors, his

family and South Broken Arrow. He discussed the differences between Capital Homes' proposals noting this second proposal only reduced the previous number of proposed homes by five. He stated he hoped the Planning Commission would again deny this rezoning application. He stated he worked very hard for his home and property and this new development would depreciate the value of his home, his property and his investment. He stated he believed the new development would negatively affect private wells, the water supply and the watershed in the surrounding area. He reported currently his street (116<sup>th</sup> Street) had a country road feel and low traffic as it was only a single lane. He noted the proposed development would have four entrances off 116<sup>th</sup> Street which was not wide enough to accommodate these entrances as it was not even a two-lane road. He stated if this was approved, he would request a wall be built as a barrier between his property and the development. He asked the Planning Commission to vote no.

Commissioner Ricky Jones asked if Mr. Kinnikin was opposed to RS-3 in this area. Mr. Kinnikin responded in the negative; he was worried about dropping property values due to the type of homes and the lower price of homes the developer proposed. He noted he understood the area would be developed. He stated he had been unopposed to the Shadow Trail development as the development had proposed nice homes, high in value, with full brick facades and large lots. He stated yes, he was opposed to the RS-4 zoning, but he was also opposed to the quality of home being proposed.

Citizen John Thisler stated his address was 6706 S. Willow Place. He spoke in opposition to the item. He stated he was President of the Shadow Trails HOA. He thanked the Planning Commission for turning down the first rezoning proposal for this project. He stated the developer reconfigured the lots and reduced the home count by 5. He indicated he felt the developer could reduce the home count by another 5 to 7 lots and keep the zoning all RS-3. He noted he was hearing conflicting stories from the developer; the plan was not consistent with what was proposed. He discussed the flood plain difficulties of the area, noting the area was currently prone to flood. He reported there was no barrier in place at West Van Buren. He stated a barrier would be needed during the infrastructure phase.

Citizen Doug Horn stated his address was 4021 W. Union Street. He spoke in opposition to the item. He asked why this item was denied previously. He stated it was important for the public to understand the thought process of the Planning Commission as this would assist the public in presenting valid information which would aid the Planning Commission in the decision-making process.

Assistant City Attorney Tammy Ewing recommended against discussing prior votes. She stated she felt the factors which the Planning Commission would take into consideration had been clearly discussed. She stated the Planning Commission could consider property values if there was non-speculative evidence property value would be negatively affected. She indicated the concerns regarding property values at this point were speculation only and the Planning Commission could not proceed on speculation. She stated unless there was an expert who could present evidence regarding property value changes, property values would not be a consideration. She noted there were other concerns citizens were presenting which were valid points of consideration. She indicated the Planning Commission would listen to all the citizen's concerns.

Commissioner Ricky Jones stated he, personally, first considered the Comprehensive Plan which was a Plan devised by the Citizens, adopted by the City, which outlined the ideal development of the City. He stated his second consideration was surrounding zoning patterns; were there other residential developments comparable in the area. He indicated his third consideration was Staff recommendation. He noted Staff was the professional planning body which reviewed all facts and presented the development. He indicated he did not consider hydrology, as this would be studied during the platting process. He indicated he did not consider property values, as he could not know what type of home and what type of materials would be utilized to build the homes in a straight zoning case. He noted occasionally this could be considered in a PUD.

Mr. Horn asked if a presentation had been made by Staff for this development. Commissioner Ricky Jones responded in the affirmative; he explained the presentation was made by Ms. Yamaguchi prior to discussion of this Item. He noted the presentation included Staff's recommendation which was based on the Comprehensive Plan, the master plan, for Broken Arrow. He indicated Staff felt the proposed development was in accordance with the Comprehensive Plan.

Mr. Horn stated he was an attorney and had served as a State and Federal prosecutor for over 30 years. He indicated he felt the statement regarding the irrelevance of property values was not true. Assistant City Attorney Ewing stated no one indicated property values were irrelevant. Mr. Horn stated the idea that concrete information regarding property values was necessary could go two ways: the developer could provide an expert who proved property values would not be lowered. He noted it was common sense property values would lower

with the development of lower quality homes on smaller lots in the area which was why there were so many in attendance at this meeting with this concern. He stated the people were not against growth; however, now was not the time as the area did not have the infrastructure to support such a development. He encouraged the Planning Commission to represent the citizens in attendance by denying the application.

Commissioner Ricky Jones explained for purposes of clarity, the Planning Commission was a recommending body; if the application was denied, the applicant had the right to appeal and if the application was approved it would go before City Council for consideration.

Citizen Robert “Bob” Gresh stated his address was 3920 W. Union Street. He spoke in opposition to the item. He stated Broken Arrow Zoning Ordinance indicated rezoning applications must meet certain criteria; however, the application did not meet all criteria and must be denied for the following reasons: The application did not meet section E of the Broken Arrow Zoning Ordinance as there were no homes within a square mile of the proposed development which were zoned RS-4 (all property in the vicinity of the subject tract was zoned either RS-2, RS-3, AG, or AG-R). He stated most were zoned RS-2 with larger lot sizes. He indicated if Broken Arrow wished to develop comparable compatible homes in this area, the application should be denied. He noted Broken Arrow worked hard to improve Haikey Creek Park and with its walkways and trails it was a draw to residents relocating to Broken Arrow east of 121<sup>st</sup> Street. He discussed desired growth in this area, consistency and conformity of the area, and the desire to ensure this area made a positive impression upon newcomers to Broken Arrow as 121<sup>st</sup> Street was a gateway into Broken Arrow from the Creek Highway. He stated the applicant’s planned development of RS-3 and RS-4 homes was inconsistent with the Broken Arrow Comprehensive Plan. He noted Dodson Building was developing 115 homes in the area and adding Capital Homes’ 177 homes would cause traffic, safety and drainage issues in the area; this was a violation of section A which required rezoning to promote public health, safety and general welfare. He stated the neighboring area of Bixby and Jenks enacted an ordinance which prohibited RS-4 zoning. He indicated he hoped Broken Arrow would hold to standards as high as Bixby and Jenks. He requested this application be denied.

Citizen Jason Poe stated his address was 4108 W. Winston Street. He spoke in opposition to the item. He stated he agreed with all previous speakers. He noted consistency in zoning was a consideration of the Planning Commission. He stated he understood the Comprehensive Plan was in place; however, it was important to remember the Comprehensive Plan was a proposed plan, an idea, and he believed the proposed development did not fit into the Comprehensive Plan as the zoning simply did not fit. He indicated the proposed development should be considered “spot zoning;” it was almost a variance issue. He stated he felt RS-3 and RS-4 zoning was being “carved out of the area” to make this work for the developer. He noted this did not fit into the existing zoning pattern.

Commissioner Ricky Jones asked if there were any others who wished to speak; hearing none, he closed the public hearing.

Mr. Tim Terrell introduced Brian Beam, the builder for the project. Mr. Brian Beam stated the previous zoning application showed potential for 182 lots on the preliminary plat; this plat showed a potential of 177 lots (five lot reduction). He stated he considered utilizing RS-3 across the property which would reduce the lot number by another six or seven lots, but this would be financially punitive. He noted today’s application was for zoning, not platting or drainage, but he would be happy to discuss either. He indicated he met with the residents twice (October 29, 2019 and January 15, 2020). He stated, regarding private wells, a Geotech water study had been conducted and he would be happy to discuss this study. He stated regarding traffic, the substreet was required by the City. He noted if this substreet was closed it would impair land value. He indicated if the substreet was not currently barricaded, it should have been, and the barricade would remain in place until infrastructure was completed. He stated construction traffic would not go through Shadow Trails ever, not during development or home building. He noted this could be mandated by his company. He indicated regarding stormwater there were three ponds (to the south, west and northwest) into which the stormwater would be draining. He noted most resident comments were focused on existing home prices and what the residents felt should be constructed. He stated he felt this prejudice against the potential of home prices was misplaced and misguided, nor was it something the Planning Commission should consider when determining the appropriateness of this rezoning application. He stated the Planning Commission should be focused on whether rezoning was consistent with the City’s Comprehensive Plan and surrounding zoning, and whether Staff supported the application. He indicated using the resident’s flawed logic the City of Broken Arrow would only have new developments built which were equal to or greater than the adjacent development. He discussed his home and its value (\$261,000 dollars). He noted using the resident’s logic he would not be able to afford to live on the property adjacent to Shadow Trails or in Shadow Trails. He stated the same level of discrimination would also apply to the majority of Broken Arrow residents. He read from the Broken Arrow Comprehensive Plan which indicated 77.4% of housing units in Broken Arrow

ranged between \$100,000 dollars and \$300,000 dollars in value, 9.1% of homes ranged from \$300,000 dollars to \$1 million dollars or more. He indicated this hearing was not to discuss masonry or building materials; however, he had photos of the proposed homes to be built for display.

Commissioner Mark Jones asked if Mr. Beam offered this information to the residents during the meetings held in October and January. Mr. Beam responded in the affirmative. He noted in response to the resident’s concerns regarding the value of the homes he had explained the market ultimately dictated a home’s value. He read a letter which was sent out to the surrounding residents: “We anticipate the size of homes to range from approximately 1,600 square feet up to 2,900 square feet. The price of homes is from the \$190s to the \$270s.” He indicated actual home prices would most likely be around \$235,000 dollars with a home size of over 2,000 square feet, or \$123 dollars per square foot. He stated a 3,000 square foot home priced at \$123 dollars per square foot would value at \$375,000 dollars; therefore, he believed the homes proposed would not be a detraction from current property values.

Commissioner Mark Jones explained his decision-making process was similar to Commissioner Ricky Jones. He indicated he did not consider traffic, infrastructure or drainage. He noted these were necessary growing pains for any city. He explained he considered whether the rezoning was the best use of a property; even if the Comprehensive Plan allowed it, even if Staff recommended it, he still had to justify in his own mind whether it was the best use of the property outside of property values. He stated after hearing this evening’s discussion he believed RS-4 was not the best use of the property. He noted there was a lot of RS-4 throughout Broken Arrow, but none in this area and RS-4 did not fit well in this area.

Commissioner Ricky Jones agreed 121<sup>st</sup> Street was overloaded with traffic and the road conditions were poor; however, this was the City’s responsibility to improve. He stated developers did not improve arterial streets. He explained the City would not improve a street until the need was apparent after homes were constructed. He asked if this was correct. Mr. Larry Curtis responded in the affirmative. He explained the City surveyed Broken Arrow roads annually and took traffic counts annually. He noted Tucson (121<sup>st</sup> Street) was designated on the Comprehensive Plan to be a primary arterial which meant 121<sup>st</sup> Street would become a seven-lane road in the future. He reported INCOG planned to have this completed by 2045; however, 121<sup>st</sup> Street could become a part of the next GO Bond package. He explained the City prioritized road widenings through traffic counts and road condition surveys.

Commissioner Mark Jones moved to deny Item 6B. There was no second; therefore, the motion failed.

Commissioner Ricky Jones asked if he was prohibited from making a motion. Assistant City Attorney Ewing responded in the negative; chairpersons and vice chairpersons were permitted to make and second motions.

MOTION: A motion was made by Ricky Jones, seconded by Jaylee Klempa.  
**Move to approve Item 6B per Staff recommendations**  
The motion carried by the following vote:

Aye: 2 - Jaylee Klempa, Ricky Jones  
Nay: 1 - Mark Jones

Commissioner Ricky Jones noted this Item would go before City Council on February 18, 2019 at 6:30 p.m. He explained any who wished to speak at the City Council meeting regarding this item was required to fill out a Request to Speak form prior to the meeting. He thanked all who attended the Planning Commission Meeting.

- C. 20-153
- Public hearing, consideration, and possible action regarding PUD-301 (Planned Unit Development) and BAZ-2045 (Rezoning), The Colony at Cedar Ridge, 78.12 acres, A-1 (Agricultural) to CM (Community Mixed-Use), RS-3 (Single-Family Residential) and PUD-301, located one-quarter mile east of Olive Avenue (129th East Avenue), south of New Orleans Street (101st Street)**  
This Item was continued until February 13, 2020.

7. Appeals

There were no Appeals.

8. General Commission Business

There was no General Commission Business.

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

Mr. Larry Curtis provided an update regarding Items recently approved by the Planning Commission. He reported the marijuana processing facility was approved by City Council

and would now enter the licensing and permitting process. He reported the Tidal Wave car wash facility was approved by City Council. He reported the two medical marijuana dispensaries were denied at City Council by a vote of 2 to 1; the dispensaries had the ability to appeal to district court.

Mr. Curtis indicated in 2019 a record number of building permits were issued by the City of Broken Arrow (591 building permits). He stated the City of Broken Arrow experienced record growth over the last 10 years at over 10,000 new residents which was more growth than any municipality in the area (including Tulsa).

Commissioner Ricky Jones thanked Staff.

**10. Adjournment**

The meeting adjourned at approximately 6:20 p.m.

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

**Move to adjourn**

The motion carried by the following vote:

**Aye:**     **3 -**     Jaylee Klempa, Mark Jones, Ricky Jones.