



# City of Broken Arrow

## Minutes Planning Commission

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

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

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**Thursday, May 21, 2020**

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

**Council Chambers**

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### 1. Call to Order

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

### 2. Roll Call

**Present: 4 -** Jaylee Klempa, Fred Dorrell, Ricky Jones, Lee Whelpley  
**Absent: 1 -** Mark Jones

All Planning Commission Members were present via video conference.

### 3. Old Business

There was no Old Business.

### 4. Consideration of Consent Agenda

There was no Consent Agenda.

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

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

### 6. Public Hearings

#### A. 20-380

**Public hearing, consideration, and possible action regarding PUD-126D (Planned Unit Development), Broken Arrow Plaza, 10.24 acres, PUD-126/CG to PUD-126D/CG, located one-quarter mile west of Elm Place (161st E. Avenue), north of Tucson Street (121st Street)**

Senior Planner Brent Murphy reported Planned Unit Development (PUD)-126D involved a 10.24-acre parcel located one-quarter mile west of Elm Place (161st E. Avenue), north of Tucson Street (121st Street). He reported the applicant was requesting a major amendment to PUD-126 to allow a medical marijuana dispensary to be located on the property. He stated the dispensary, which was under construction, was presently located close to the middle of the Broken Arrow Plaza Shopping Center; the property was platted.

He reported on September 18, 2018, the City Council approved Ordinance No. 3540 which established regulations for retail medical marijuana dispensaries and medical marijuana commercial growing/cultivating facilities. He indicated medical marijuana dispensaries were recognized as a permitted use in the commercial zoning districts, including the CG (Commercial General) district. He noted according to City of Broken Arrow records, a permit for a tenant finish for the space at 6440 S. Elm Place was issued on December 12, 2019, for Canna Land. He reported at the time PUD-126 was approved in 2005, a medical marijuana dispensary was not identified as a permitted use. He noted today, the City of Broken Arrow Zoning Ordinance recognized medical marijuana dispensary as a permitted use in the CG district. He explained for the applicant to be able to obtain a medical marijuana license, acknowledgement from the local jurisdiction that the dispensary was in compliance with the Zoning Ordinance was required; therefore, medical marijuana dispensary had to be recognized as a permitted use in order for zoning to be in compliance. He stated since PUD-126 did not acknowledge a medical marijuana dispensary as a permitted use, the PUD must be modified. He stated according to the Zoning Ordinance, to change the list of permitted uses in a PUD required a major amendment to the PUD. He explained as a result, the applicant submitted a request for a major amendment to PUD-126 to allow a medical marijuana dispensary to be a permitted use in PUD-126D. He noted the applicant stipulated if the out parcel on the south part of the property associated with PUD-126D did not have a building permit issued within 36 months from the date of approval of this PUD, the additional principal use of Medical Marijuana Dispensary and accessory uses thereto would expire and no longer be permitted within PUD-126. He stated the out parcel was presently not a separate lot but was part of the overall Broken Arrow Plaza property.

Mr. Murphy indicated on March 20, 2020, Staff visited the site and observed seven dumpsters on the west side of the shopping center which were not properly screened. He stated the site plan for Broken Arrow Plaza was reviewed and approved by the Planning Commission on October 26, 2006, subject to a list of conditions; one of the conditions was “Show dumpster location on revised site plan. Dumpster shall be screened with an opaque fence that is higher than the proposed dumpster, six foot minimum. Height of proposed fence around dumpster shall be shown on revised site plan.” He indicated Zoning Ordinance also required dumpsters to be screened. He stated based upon the Comprehensive Plan, the location of the property, the unique conditions associated with the property, and the surrounding land uses, Staff recommended PUD-126D be approved, subject to screening fences being installed in accordance with the Zoning Ordinance around all dumpsters (existing and future) prior to the any permits being issued for a medical marijuana dispensary. He stated since the property was already platted, Staff recommended platting be waived.

Chairperson Whelpley asked if there were any questions; there were none. He asked if the applicant was present.

The applicant, Mr. Lou Reynolds with Eller & Detrich, P.C., stated he worked with Staff to regarding the application and was in agreement with Staff recommendation. He requested the Planning Commission approve the application.

Mr. Larry Curtis indicated applicants were only present to answer questions; applicant statements had already been provided by email and Staff was present to read the statements. He explained the new adopted procedure for virtual Planning Commission Meetings was for Staff to read the applicant’s statement, followed by Planning Commission questions to the applicant. He noted Staff would also read any submitted public comments.

Urbanism & Sustainability Manager Justin DeBruin read the applicant’s statement from Nathalie Cornett, Eller & Detrich, 2724 E. 21<sup>st</sup> Street, Suite 200, Tulsa OK. He noted the applicant discussed the reasons for application submission, summarized the history of the property’s PUD and zoning (reiteration of information contained within the Staff Report), indicated the applicant was in agreement with Staff recommendations and respectfully requested approval of PUD-126D.

Chairperson Whelpley opened the Public Hearing. He asked if there were any public comments; there were none. He closed the Public Hearing. There were no Planning Commission questions or comments.

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

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

The motion carried by the following vote:

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

Chairperson Whelpley indicated this Item would go before City Council on June 2, 2020 at 6:30 p.m.

**B. 20-349        Public hearing, consideration, and possible action regarding BAZ-2051, BAZ-2052, and BAZ-2053 (Rezoning), Turnpike Commercial, 102.22 acres, A-1 (Agricultural) to CH (Commercial Heavy), east of the Creek Turnpike, from Kenosha Street (71st Street) to Houston Street (81st Street)**

Staff Planner Amanda Yamaguchi reported BAZ-2051, BAZ-2052, and BAZ-2053 were requests to change the zoning designation on a total of 102.22 acres from A-1 (Agricultural) to CH (Commercial Heavy). She stated the purpose of this rezoning request was to facilitate the future commercial development within the Creek Turnpike corridor. She reported the unplatted property was located east of the Creek Turnpike, from Kenosha Street (71st Street) to Houston Street (81st Street). She noted included in this rezoning were four separate parcels under the ownership of three separate property owners; each property owner submitted a rezoning application for their property(s), but requested all applications be considered together. She noted according to the FEMA maps, none of this property was located within a 100-year floodplain area. She indicated water and sanitary sewer service to this site were available from the City of Broken Arrow. She stated the Future Development Guide of the Comprehensive Plan adopted by the City Council in September of 2019 showed this area as Level 6 and the CH zoning being requested was considered to be in accordance with the Comprehensive Plan in Level 6. She stated based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended BAZ-2051, BAZ-2052, and BAZ-2053 be approved subject to the property being platted in accordance with the City of Broken Arrow Subdivision Regulations.

Mr. Justin DeBruin stated there was one statement from the applicant with three exhibits. He displayed the exhibits and read the applicant’s statement which discussed the proposed uses of the property: office, retail, restaurant, general commercial and entertainment. He indicated

the statement also discussed where the property was located (as illustrated in exhibit), discussed how the applications were in accordance with the Comprehensive Plan, property zoning, property boundaries, access to the property, the Future Land Use map, the sewer lift station, and indicated the applicant was in agreement with Staff recommendations and respectfully requested the rezoning be approved.

Chairperson Whelpley opened the Public Hearing. He asked if there were any public comments; there were none. He closed the Public Hearing. There were no Planning Commission questions or comments.

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

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

The motion carried by the following vote:

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

Chairperson Whelpley indicated this Item would go before City Council on June 2, 2020 at 6:30 p.m.

**C. 20-354**

**Public hearing, consideration, and possible action regarding PUD-268B (Planned Unit Development, Major Amendment), Alfa Laval, Inc., 39.91 acres, IL (Industrial Light)/PUD-268 (Planned Unit Development), located east of 9th Street (Lynn Lane), one-half mile south of Houston Street (81st Street)**

Ms. Yamaguchi reported Planned Unit Development (PUD) 268B, a major amendment to PUD-268A, involved a total of 39.39 acres. She reported a total 35.44 acres of this property was zoned IL/PUD-268A and was platted as Alfa Laval. She stated the remaining 4.47 acres was zoned IL and was platted as lots 29, 30 & 31, block 1, Pinalto Industrial Park. She indicated the property was located approximately one-half mile south of Houston Street (81st Street) and east of 9th Street (Lynn Lane). She explained with PUD-268B, the applicant was requesting that the parcels, platted as lots 29, 30 & 31, block 1, Pinalto Industrial Park, be incorporated into PUD-268. She noted all properties involved in this application were currently owned by Alfa Laval, Inc. She reported Alfa Laval submitted a site plan application for the Pinalto property to convert the west portion of the site into a laydown yard and in order to address drainage issues on the remainder of the site. She stated through review of the site plan, it was determined this property was not part of the original Alfa Laval PUD. She reported PUD-268B divided the project into two development areas. She explained Development Area A consisted of one lot for light industrial uses and encompassed over 600 feet of street frontage along 9th Street and Development standards for Development Area A remained the same as approved with PUD-268A. She indicated Development Area B was located north of Development Area A and contained the Pinalto properties consisting of 4.47 acres. She explained development standards for Development Area B were proposed to be developed in accordance with the City of Broken Arrow Zoning Ordinance regulations of the IL district, except as approved with PUD-268, PUD-268A and as follows: 1) No landscaping would be required along the boundaries of Development Area B; 2) Minimum building setbacks from the south and east boundaries of Development Area B would remain at 0 feet; 3) Parking for Development Area B may be provided in Development Area A if a shared parking agreement was submitted at the time of site plan review; if no shared parking agreement was provided, parking would be provided in accordance with the Broken Arrow Zoning Ordinance.

Ms. Yamaguchi indicated the property was designated as Level 6 in the Comprehensive Plan and IL zoning was considered to be in conformance with the Comprehensive Plan in Level 6 when done in conjunction with a Planned Unit Development (PUD). She stated based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended PUD-268B be approved.

Chairperson Whelpley asked if the applicant had a statement. Mr. DeBruin responded in the negative.

The applicant, Malek Elkhoury (present by videoconference), with Khoury Engineering, 1435 E. 41<sup>st</sup> Street, Tulsa OK stated he agreed with Staff recommendations.

Chairperson Whelpley opened the Public Hearing. He asked if there were any public comments; there were none. He closed the Public Hearing. There were no Planning Commission questions or comments.

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

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

The motion carried by the following vote:

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

Chairperson Whelpley indicated this Item would go before City Council on June 2, 2020 at

6:30 p.m.

**D. 20-465**

**Public hearing, consideration, and possible action regarding PUD-305 (Planned Unit Development), Whistler Hillside, 4.81 acres, IL to PUD-305/CH, located north of the Broken Arrow Expressway, south of Hillside Drive, one-quarter mile west of 9th Street (Lynn Lane)**

Mr. Brent Murphy reported Planned Unit Development (PUD)-305 involved a 4.81-acre parcel located north of the Broken Arrow Expressway, south of Hillside Drive, one-quarter mile west of 9th Street (Lynn Lane). He reported on August 19, 2014, BAZ-1919, a request to rezone 6.42 acres from IL (Industrial Light) to CH (Commercial Heavy), was approved by the City Council, subject to the property being platted. He stated the property became divided by Hillside Drive, and the City of Broken Arrow obtained the area north of Hillside Drive. He indicated PUD-305 was being requested on the 4.81 acres located on the south side of Hillside Drive. He explained this was a very narrow lot with many topography issues and powerlines stretched across the north part of this property; as such it was a very difficult property to develop. He stated PUD-305 was proposed to be developed in accordance with the Broken Arrow Zoning Ordinance and the use and development regulations of the CH district except as modified in the design statement. He stated a summary comparison between what was required by the Zoning Ordinance and what was being proposed with PUD-305 was provided in the Staff Report. He noted the only big change taking place was along the Broken Arrow Expressway where the applicant asked to reduce the building line setback from 50 feet to 10 feet as this was an extremely narrow site with topography issues and overhead powerlines. He stated based upon the Comprehensive Plan, previous approval of BAZ-1919, the location of the property, and the surrounding land uses, Staff recommended PUD-305 be approved as presented, subject to the property being platted.

Chairperson Whelpley asked if there was an applicant statement. Mr. DeBruin responded in the negative.

Chairperson Whelpley opened the Public Hearing. He asked if there were any public comments; there were none. He closed the Public Hearing. There were no Planning Commission questions or comments.

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

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

The motion carried by the following vote:

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

Chairperson Whelpley indicated this Item would go before City Council on June 2, 2020 at 6:30 p.m.

**E. 20-505**

**Public hearing, consideration, and possible action regarding PUD-47G (Planned Unit Development), Innov8tive Technologies, 0.42 acres, PUD-47/IL to PUD-47G/IL, located one-third mile south of Albany Street (61st Street), one-half mile west of Olive Avenue (129th E. Avenue)**

Mr. Murphy reported Planned Unit Development (PUD)-47G involved a 0.42-acre parcel located one-third mile south of Albany Street (61st Street), one-half mile west of Olive Avenue (129th E. Avenue). He indicated the applicant was requesting a major amendment to PUD-47 to allow a medical marijuana growing/cultivation facility to be located on the property; the property was platted. He stated the initial PUD-47 and BAZ-962 were approved by the City Council in 1984; PUD-47 stated the uses permitted were those allowed in the I-1 district. He explained at the time PUD-47 was approved, the growing of medical marijuana was not recognized as a permitted use in the I-1 district. He stated according to the applicant, Innov8tive Technologies LLC was a new company formed in 2019 which was intended to grow (cultivate) medical marijuana inside the building at 2100 N. Yellowwood Avenue. He stated Innov8tive Technologies was leasing 3,500 square feet of the 5,000 square foot building from R&K Building LLC, who was also a part owner of the company. He indicated the rest of the building was vacant and there were no windows in the warehouse facility and windows which were within the office area were covered in black out curtains.

Mr. Murphy indicated today the City of Broken Arrow Zoning Ordinance recognized medical marijuana growing/cultivating as a permitted use in the IL district. He stated acknowledgement from the local jurisdiction that the growing/cultivation facility was in compliance with the Zoning Ordinance was required for the applicant to renew the medical marijuana license. He explained for Staff to acknowledge the zoning was in compliance, medical marijuana growing/cultivation had to be recognized as a permitted use. He stated as PUD-47 did not acknowledge medical marijuana growing/cultivation as a permitted use, the PUD must be modified. He stated according to the Zoning Ordinance, to change the list of permitted uses in a PUD required a major amendment to the PUD. He reported this was the only change being requested to PUD-47. He stated based upon the Comprehensive Plan, the location of the property, the unique conditions associated with the property, and the surrounding land uses, Staff recommended PUD-47G be approved as requested. He stated as

the property was platted, Staff recommended platting be waived.

Vice Chairperson Ricky Jones asked if the use was existing or was proposed. Mr. Murphy responded he was unsure, but he believed the use was proposed; the applicant was in the process of obtaining a license. He noted the applicant was present to answer questions.

The applicant, Ronnie Stephens (present by videoconference), with Innov8ive Technologies, 2100 N. Yellowwood Avenue, stated this was an existing grow operation. He noted Innov8ive Technologies received a license last year and this request was part of the license renewal process.

Chairperson Whelpley asked if there was an applicant statement. Mr. DeBruin responded in the negative.

Chairperson Whelpley opened the Public Hearing. He asked if there were any public comments; there were none. He closed the Public Hearing. There were no Planning Commission questions or comments.

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

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

The motion carried by the following vote:

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

Chairperson Whelpley indicated this Item would go before City Council on June 2, 2020 at 6:30 p.m.

**F. 20-333**

**Public hearing, consideration, and possible action regarding PUD-306 (Planned Unit Development) and BAZ-2050 (Rezoning), Elysian Fields, 53.55 acres, A-1 (Agricultural) to RS-3 (Single-Family Residential), southeast corner of Garnett Road (113th East Avenue) and Tucson Street (121st Street)**

Ms. Yamaguchi reported BAZ-2050 was a request to change the zoning designation on 53.55 acres from A-1 (Agricultural) to RS-3 (Single-Family Residential) and PUD-306. She reported the unplatted property was located on the southeast corner of Garnett Road (113th East Avenue) and Tucson Street (121st Street). She noted a previous rezoning request, BAZ-2038, was considered by the Planning Commission on November 7, 2019. She reported the vote for BAZ-2038 tied at 2 to 2, resulting in the de facto denial of the rezoning request. She stated a second rezoning request, BAZ-2046, was recommended for approval (2-1 vote) by the Planning Commission on January 23, 2020 but was withdrawn from the City Council agenda by the applicant at the meeting of February 18, 2020. She noted BAZ-2050 and PUD-306 were similar to the previous rezoning cases in terms of lot sizes and layout. She stated all lots adjacent to the existing Shadow Trails Subdivision and blocks 1, 2, and 3 would meet the minimum development requirements for the RS-3 zoning district; this configuration provided an approximately 500-foot buffer between the Shadow Trails development and the smaller, RS-4 sized, lots. She indicated Section 4.1.E of the Zoning Ordinance provided calculations for the maximum permitted density of residential dwellings within a planned unit development. She noted per this calculation, the maximum number of dwelling units permitted in this development was 274; with PUD-306, the applicant was limiting the maximum number of dwelling units to 182, which was 92 units less than allowed per the Zoning Ordinance. She stated PUD-306 was proposed to be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the RS-3 district, except as summarized in the Staff Report. She noted the PUD allowed a mixture of RS-3 and RS-4 lot sizes; within the PUD document the applicant committed to 55% of total lots being RS-3 size or larger. She discussed other PUD changes including reduced rear yard setback, reduced side yard setback, and an increased landscape easement along Garnett Road and Tucson Street. She reported access to the development was provided by two driveway entrances onto Tucson Street and through the use of an existing stub street adjoining the Shadow Trails subdivision to the east. She stated language was provided within PUD-306 to allow the City of Broken Arrow to construct a Gateway Feature in Reserve E, at the intersection of Tucson Street and Garnett Road. She indicated the westernmost portion of this property was located in the 100-year floodplain of Haikey Creek; as per Subdivision Regulations, the 100-year floodplain portion of the property has been placed in a reserve area. She stated in addition, the USGS maps showed a water area; this area has also been 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 noted the Future Development Guide of the Comprehensive Plan adopted by the City Council in September of 2019 showed this area as Level 2 and Greenway/Floodplain; the RS-3 zoning being requested was considered to be in accordance with the Comprehensive Plan in Level 2. She stated based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended PUD-306 and BAZ-2050 be approved subject to the property be platted and the portion of the property located in the 100-year floodplain be designated as FD (Flood District).

Chairperson Whelpley asked if there was an applicant statement. Mr. DeBruin responded in the affirmative; he read the applicant's statement from Brian Beam with Capital Homes Residential Group, LLC and Elysian Fields Development Company, LLC which listed the following points: 1) The applicant was in agreement with Staff recommendations; 2) The applicant met with City Staff to determine the most appropriate zoning configuration; 3) The applicant held meetings with surrounding homeowners on October 19, 2019 and January 15, 2020, listened to, and considered homeowner concerns regarding traffic, drainage and property values; 4) The Planning Commission approved the previous rezoning request and previous preliminary plat; 5) The applicant discussed the reasons for previous approval; 6) The previous rezoning request was permitted to be pulled from the City Council's Agenda to allow the applicant to submit a PUD rather than a simple rezoning request; 7) The applicant worked with City Staff to revise the layout and features of the development to accommodate all City Council's concerns, as well as many homeowner concerns. The major differences of the PUD compared to the previous application included: all lots adjacent to Shadow Trail were required to meet RS-3 standards, 55% of the development would comply with RS-3 standards, a gateway feature was granted for the City of Broken Arrow, landscaping, fencing, trees and masonry features met or exceeded zoning ordinances, and no outdoor storage building were permitted on the block adjacent to Shadow Trails; 8) The applicant confirmed the following in conversation with the Shadow Trails HOA President John Thisler: the City agreed the stub street to Van Buren Place would remain closed during development until the time the pavement connected, during home construction the developer would direct all construction traffic through the 121<sup>st</sup> Street entrance, City Staff preferred masonry requirements not be described in the PUD, the masonry would be similar to Shadow Trails; 9) Mr. Charley O'Maley (ph) with the Oklahoma Water Resource Board confirmed the property was in an area of the Arkansas River with silty fine sand types. It was the opinion of Mr. O'Maley the development would not have an impact on the water wells around the property. Mr. O'Maley believed the nearby homeowners who experienced well difficulties following Shadow Trails development may have been coincidental to the level of the Arkansas River. A geotechnical study of the property had been conducted; 10) The applicant felt the PUD request should be approved as it was consistent with the City's Comprehensive Plan, consistent with surrounding zoning patterns, and received City Staff's support and recommendation.

Vice Chairperson Ricky Jones asked if he understood correctly the applicant was not setting standards regarding percentage of masonry on the exterior of buildings as this was a private issue not required by the City. Ms. Jill Ferenc responded in the affirmative; Broken Arrow Zoning Ordinance did not require minimum masonry standards for single family residential developments. Vice Chairperson Ricky Jones stated he felt the City need not be involved in setting minimum standards for single family residential.

Chairperson Whelpley asked if the applicant intended to allow the HOA to set the standards of external masonry. Ms. Ferenc responded in the affirmative; any restrictions would be in the covenants and enforced by the HOA as it was beyond what was required by City Zoning Ordinance.

Chairperson Whelpley opened the Public Hearing. He asked if there were any public comments.

Mr. Justin DeBruin responded in the affirmative; there were 14 comments. He stated the first comment was from Joseph McCormick of McCormick & Field, 6440 S. Lewis, Suite 100, Tulsa, OK and was as follows: Mr. McCormick noted he owned the property to the south of the proposed development. Mr. McCormick reviewed the concerns of the general public including traffic, flooding, property values, rental fears, increased crime, and water well concerns. Mr. McCormick indicated these concerns were unfounded and the new development would actually improve the area, the flooding situation, and property values. Mr. McCormick was in support of the PUD and urged Planning Commission to approve.

Mr. DeBruin read a public comment in opposition to the item from Mr. John Thisler, 6706 S. Willow Place which was as follows: Mr. Thisler indicated the Shadow Trail HOA asked for the following to be read into record: the Elysian Fields Developer promised to keep the stub street, West Van Buren Place, closed during the infrastructure portion of new construction; this would be during sewer, streets, utilities, retention ponds, and etc., before residential structure construction began.

Mr. DeBruin read a public comment in opposition to the item from Deborah Gresh, 3920 W. Union Street which was as follows: Ms. Gresh had concerns regarding the video conferencing meeting process. Ms. Gresh claimed posted meetings must include date, time, and place of meeting; this was not done. Ms. Gresh indicated the public notice read "Virtual Meeting at BrokenArrow.gov/virtual meetings May 7, 2020" and made no mention of the time of the Meeting. Ms. Gresh stated communication was required to be both visual and auditory and involve members of the public body and members of the public; however, the website

indicated public comments would be submitted prior to the meeting and read into record. Ms. Gresh stated she understood there were a few Staff revisions being made to the plat which the public had not received and therefore would not be able to comment on; she believed the plat was highly contested and the public deserved to comment in person. Ms. Gresh indicated some members of the public might not have access to a computer; she requested this Agenda Item be stricken until the public was given the opportunity to review the revisions to the plat and comment in person.

Assistant City Attorney Tammy Ewing stated Senate Bill 661 was passed by the Oklahoma Legislature in response to the COVID virus issues and was effective until the Governor declared the emergency ended on November 15, 2020 (whichever came first). She indicated this Bill made revisions to the Open Meeting Act regarding audio and video conferencing which declared video conference meetings were in accordance with the Governor's Emergency Order regarding public meetings. She further discussed the definitions of video conferencing according to the Bill; nothing in the Bill required audible public comment be enabled; the Bill required the Planning Commission Members to be audible to each other. She noted the members of the public had been permitted to speak to matters through written comments or questions. She stated she was confident the Planning Commission was acting in compliance with the law.

Mr. DeBruin read a public comment in opposition to the item from Diane Kinnikin, 12220 S. 116th E. Avenue which was as follows: Ms. Kinnikin stated Capital Homes was mixing RS-3 and RS-4 lots in this Elysian Fields development. Ms. Kinnikin indicated 181 lots on 53 acres would cause water runoff and well water problems. Ms. Kinnikin expressed road concerns. Ms. Kinnikin stated no changes had been made from the previously proposed development.

Mr. DeBruin read a public comment in opposition to the item from Jay Kinnikin, 12220 S. 116th E. Avenue which was as follows: Mr. Kinnikin was opposed to the PUD which mixed RS-3 and RS-4 home zoning. Mr. Kinnikin asked Planning Commission to deny the PUD request.

Mr. DeBruin read a public comment in opposition to the item from Todd Kinnikin, 12319 S. 116th E. Avenue which was as follows: Mr. Kinnikin indicated his property would be surrounded by Elysian Fields on the north and east side. Mr. Kinnikin stated 116<sup>th</sup> was a nice country street with low traffic with only 6 houses all on acreages; he and his neighbors were opposed to Elysian Fields which intended to remove 116<sup>th</sup> Street to build houses. Mr. Kinnikin indicated 116<sup>th</sup> Street was a public street and Broken Arrow should not allow a development to remove a street to build a few more houses. Mr. Kinnikin stated rerouting 116<sup>th</sup> Street would cause problems for the current property owners. Mr. Kinnikin indicated he understood this property would be developed, but he hoped it would be developed respectfully to the land and surrounding property owners. Mr. Kinnikin noted he did not approve of RS-4 lots; Elysian Fields planned only 55% RS-3 but it should be 100% RS-3 since the rezoning called for RS-3. Mr. Kinnikin stated City Council denied the mix of RS-3 and RS-4 lots in February 2020; Elysian Fields should not be permitted to have mixed lot sizes. Mr. Kinnikin reported the proposed development would surround his property with 20 different lots; he did not want to see storage or accessory buildings. Mr. Kinnikin stated his family had a right to privacy; he asked for all RS-3 lot sizes and for the developer to work with surrounding property owners. Mr. Kinnikin stated 181 homes on the acreage was too high of a density, would saturate the land with stormwater and would cause his well to fail.

Mr. DeBruin read a public comment in opposition to the item from Susan Haslett, 6704 S. Umbrella Avenue which was as follows: Ms. Haslett stated this development would have a profound negative affect on Shadow Trails property values. Ms. Haslett noted her husband, a realtor, spoke at the previous meeting regarding how lesser value properties negatively affected greater value properties.

Mr. DeBruin read a public comment in opposition to the item from Casey Kinnikin, 12319 S. 116th E. Avenue which was as follows: Ms. Kinnikin was opposed to RS-4 lots when the rezoning sign claimed RS-3; RS-4 lots would saturate the land and cause issues for surrounding properties including water runoff and traffic. Ms. Kinnikin stated Capital Homes should not be permitted to reroute 116<sup>th</sup> Street. Ms. Kinnikin expressed concerns regarding wells drying up as a result of the development. Ms. Kinnikin indicated she understood the property surrounding her own would eventually be developed, and she was not opposed to development, but was opposed to RS-4 lots surrounding her property.

Mr. DeBruin read a public comment in opposition to the item from Bob Gresh, 3920 W. Union Street which was as follows: Mr. Gresh discussed the proposed development's lot sizes and project density of 3.4 units per acre. Mr. Gresh indicated all lot sizes should be upheld to the minimum City Ordinance standards at 60 feet in width with a total of 70,000 square feet (RS-3), and the Planning Commission should deny the preliminary plat and require the developer to revise the plat to meet minimum standards which were set by City

Ordinance.

Mr. DeBruin read a public comment in opposition to the item from Elmer and Marcella Pense, 11628 E. 123rd Place South which was as follows: Mr. and Mrs. Pense stated opposition to the two different lot sizes; lots should be 100% RS-3 in order to conform with Shadow Trails and lessen the land devaluation. Mr. and Mrs. Pense stated they believed 181 homes were too many for 53.55 acres; water retention and water wells were a grave concern. Mr. and Mrs. Pense discussed the difficulties faced by homeowners with wells when Shadow Trails was developed, and the wells ran dry. Mrs. Pense indicated her family had lived on 116<sup>th</sup> Street for 170 years and removal of this road was a tragedy. Mrs. Pense stated rerouting 116<sup>th</sup> Street through the proposed development would only cause additional risk for children in the area; she was opposed to rerouting 116<sup>th</sup> Street and believed it should be left as it was.

Mr. DeBruin read a public comment in opposition to the item from Mark Mora, 11634 E. 123rd Place South which was as follows: Mr. Mora stated there were too many proposed homes for 53 acres; RS-3 zoning would reduce this number. Mr. Mora felt 116<sup>th</sup> Street should not be rerouted. Mr. Mora was concerned about wells running dry. Mr. Mora worried rerouting 116<sup>th</sup> Street would cause difficulties with mail delivery and difficulties for residents who wished to switch to City water in the future.

Mr. DeBruin read a public comment in opposition to the item from Deborah Gresh, 3920 W. Union Street which was as follows: Ms. Gresh stated PUD guidelines indicated the City was required to post signs on the property at least 20 days prior to the public hearing; therefore, as the sign was posted on May 11, 10 days prior to the public hearing, the public hearing should be continued until proper notice was given. Ms. Gresh discussed Section 2.6 of Zoning Ordinance which established the five criteria for PUD approval (a PUD was required to meet at least one criterion to be established). Ms. Gresh indicated PUD-306 did not fulfill any of these criteria. Ms. Gresh discussed the criteria and discussed the reasons the PUD and plat fell short of fulfilling said criteria including: the PUD proposed the same plat as had been denied previously; nothing was different or innovative; the development still consisted of almost half RS-4 lots; if the majority of the lots were larger and the development had more common areas the development might be considered innovative and compatible with the adjoining properties; Capital Homes was following its own agenda and not considering what was best for the gateway into Broken Arrow; Capital Homes made provisions for three ponds, but did not encourage the preservation of meaningful open spaces; no additional green areas or common areas were created; no additional areas were designed to make the plat more attractive or desirable than when submitted previously; Capital Homes did not address a unique situation in a way which benefited the City or improved the quality of what could be achieved with strict adherence to zoning standards; only four designs were being offered for 181 homes and there were no common green spaces planned. Ms. Gresh stated this was the same old design Capital Homes used for all of its plats; the PUD should be used to create something unique in design with common spaces such as pools, playgrounds, etc., and even possibly small retail such as coffee shops or stores.

City Attorney Tammy Ewing clarified Broken Arrow Ordinance and Zoning Code regarding public notice indicated signs were required to be posted 10 days in advance of a public meeting, not 20 days in advance of a public meeting. She indicated the portion of code Ms. Gresh was referencing was a typo which would be corrected; however, code required a 10-day posting of public notice. She declared the City had properly posted notice for this public hearing.

Chairperson Whelpley asked if there were any instances in which a 20-day public notice was required. Assistant City Attorney Ewing responded in the negative; in all cases public sign notice was required 10 days prior to a public hearing.

Mr. DeBruin read a public comment in opposition to the item from John Thisler, 6706 S. Willow Place which was as follows: Mr. Thisler asked for the promise made by Capital Homes to keep the West Van Buren Place connector closed during infrastructure construction to be confirmed. He asked if the 55-foot frontage lots were keeping with the spirit of the revised rezoning requests and satisfied RS-3 zoning requirements.

Mr. DeBruin read a public comment in opposition to the item from Randall Haslett, 6704 S. Umbrella Avenue which was as follows: Mr. Haslett stated he wished to have his moment to speak, but was being denied as this was not a true public meeting as alleged. Mr. Haslett was upset there was no opportunity for questions from the residents and only one-sided communication by the builder. Mr. Haslett stated the proposed density for this acreage was too high and the meeting should have been postponed until a proper hearing was allowed.

Mr. DeBruin indicated there were no additional public comments. Chairperson Whelpley closed the Public Hearing.

Vice Chairperson Ricky Jones asked if Ms. Ewing was comfortable the City had met all



public notice requirements and complied with the Open Meeting Act. Assistant City Attorney Ewing responded in the affirmative.

Chairperson Whelpley stated he felt all citizens were given the opportunity to be heard by sending in statements which were in turn read by Mr. DeBruin.

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

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

The motion carried by the following vote:

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

Chairperson Whelpley indicated this Item would go before City Council on June 2, 2020 at 6:30 p.m. He noted citizens who wished to speak at the City Council Meeting regarding this Item were required to fill out a Request to Speak form.

Vice Chairperson Ricky Jones asked if the June 2, 2020 Meeting would be a regular, open to the public, meeting. Ms. Ferenc responded in the affirmative; the meeting would be a regular face-to-face meeting in the City Council Chambers.

Assistant City Attorney Ewing noted the overflow room in City Hall might be utilized for social distancing.

**G. 20-464**

**Public hearing, consideration, and possible action regarding PUD-308 (Planned Unit Development) and BAZ-2055 (Rezoning), Dollar General Jasper and Olive, 2.50 acres, A-CN (Annexed-Commercial Neighborhood) to CN (Commercial Neighborhood)/PUD-308, located at the northeast corner of Jasper Street (131st Street) and Olive Avenue (129th E. Avenue)**

Staff Planner Jane Wyrick reported Planned Unit Development (PUD)-308 and BAZ-2055 (Rezoning) involved a 2.50-acre lot located at the northeast corner of Jasper Street (131st Street) and Olive Avenue (129th E. Avenue). She reported the unplatted property was vacant and was annexed into the City of Broken Arrow in March 2002 with assigned zoning of A-CN (Annexed Commercial Neighborhood). She stated this item was continued from the May 7, 2020 Planning Commission meeting due to noticing requirements. She explained with BAZ-2055 (Rezoning), the applicant requested approval to rezone the property from A-CN (Annexed Commercial Neighborhood) to CN (Commercial Neighborhood) to be in conformance with the Zoning Ordinance. She noted the applicant also requested approval of a Planned Unit Development (PUD-308) to allow a reduced driveway separation of a minimum of 100 feet between the Dollar General driveway and the residential driveway to the east. She indicated the 9,100-square-foot building would include full brick front with a brick wainscot and either EIFS or stucco above the wainscot on other elevations. She noted one freestanding sign was proposed to be placed in the landscaping area along Jasper Street. She indicated the applicant submitted a preliminary plat with one lot in one block for this property which would be reviewed later in the Agenda.

Ms. Wyrick reported Dollar General was proposed to be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the CN district with the exception of the reduced driveway separation. She stated the property associated with PUD-308 was designated as Level 4 in the Comprehensive Plan recently adopted by the City Council; CN (Commercial Neighborhood) zoning was considered to be in conformance with the Comprehensive Plan in Level 4. She indicated according to Section 6.4 of the Zoning Ordinance, the PUD provisions were established for one (1) or more of the purposes listed in the Staff Report. She noted in Staff's opinion, PUD-308 satisfied item 2 of Section 6.4.A of the Zoning Ordinance: (2) The all masonry building exceeded what was required by the Zoning Ordinance and is a public benefit.

Ms. Wyrick stated according to FEMA maps, none of the property was located in a floodplain and the property, while mostly level, drained to the northwest, and a stormwater detention easement was proposed on the preliminary plat to allow for stormwater to flow there. She stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended PUD-308 and BAZ-2055 be approved, subject to platting the property.

Chairperson Whelpley asked if there was an applicant statement. Mr. DeBruin responded in the negative.

The applicant, Alan Betchan (present by videoconference) with AAB Engineering, PO Box 2136, Sand Springs, OK stated he was in agreement with Staff recommendation.

Chairperson Whelpley opened the Public Hearing. He asked if there were any public comments; there were none. He closed the Public Hearing. There were no Planning Commission questions or comments.

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

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

The motion carried by the following vote:

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

Chairperson Whelpley indicated this Item would go before City Council on June 2, 2020 at 6:30 p.m.

**7. Appeals**

There were no Appeals.

**8. General Commission Business**

**A. 20-466**

**Consideration and possible action regarding PT19-116A, Preliminary Plat, Elysian Fields, 53.55 acres, 181 lots, A-1 (Agricultural) to RS-3 (Single Family Residential) via BAZ-2050 along with PUD-306, southeast corner of Tucson Street (121st Street) and Garnett Road**

Brent Murphy reported PT19-116A, a revised preliminary plat for Elysian Fields, contained 181 lots on 53.55 acres. He reported this property which was located on the southeast corner of Tucson Street (121st Street) and Garnett Road, was presently zoned A-1. He noted the PUD request had gone before the Technical Advisory Committee and Staff and the Technical Advisory Committee recommended the preliminary plat for Elysian Fields be approved subject to the attached checklist and subject to City Council approval of PUD-306 and BAZ-2050. He stated in addition, Staff recommended PUD-1916, the previous preliminary plat for Elysian Fields, be replaced with this request.

Chairperson Whelpley asked if he was required to open a public hearing for this Item. Assistant City Attorney Ewing responded there were comments made regarding this Item and some comments referenced both the PUD item number and the preliminary plat item number. She indicated statements were made in opposition to both in combination. She stated it would be difficult to ask Mr. DeBruin to determine which comments were directed towards the plat and which were directed towards the PUD. She indicated the Planning Commission should take into consideration the comments made previously regarding the PUD, as said comments also applied to this plat; there was no need to read through the same comments once again.

Mr. Larry Curtis stated due to the nature of this meeting he felt it would be prudent for these comments to be read through once again.

Chairperson Whelpley noted if public input for this item was required, this item would have been included in the public hearing portion of the Agenda. He asked if this was correct.

Ms. Ferenc responded the instructions on the website indicated the public could make comments on any Agenda item.

Assistant City Attorney Ewing asked if it were possible to determine which public comments were specifically for the plat. Ms. Ferenc responded in the affirmative.

Mr. Curtis stated he felt the comments should be read once again.

Commissioner Dorrell asked if these comments were simply a repeat of what was read earlier. Ms. Ferenc responded some residents provided one comment for both the PUD and the plat while some residents provided one comment for the PUD and a separate comment for the plat; therefore, some comments would be a repeat while others would be original.

Mr. DeBruin read a public comment in opposition to the item from Diane Kinnikin, 12220 S. 116th E. Avenue which was as follows: Ms. Kinnikin stated Capital Homes was mixing RS-3 and RS-4 lots in this Elysian Fields development. Ms. Kinnikin indicated a piece of this property was in the 100-year floodplain; therefore, technically 181 lots were being proposed on less than 53 acres. Ms. Kinnikin expressed concerns regarding the rerouting of 116<sup>th</sup> street, the watershed and the wells. Ms. Kinnikin asked for the Planning Commission to deny this item.

Mr. DeBruin read a public comment in opposition to the item from Jay Kinnikin, 12220 S. 116th E. Avenue which was as follows: Mr. Kinnikin stated Capital Homes only proposed 55% RS-3 homes; therefore, almost half of the homes would be RS-4 home zoning. Mr. Kinnikin asked Planning Commission to deny this Item.

Mr. DeBruin read a public comment in opposition to the item from Todd Kinnikin, 12319 S. 116th E. Avenue which was as follows: Mr. Kinnikin stated this preliminary plat should not be passed; the developer should not be able to tear out 116<sup>th</sup> Street to build houses; tearing out 116<sup>th</sup> Street would cause traffic issues and landlock his property behind Elysian Fields. Mr. Kinnikin indicated he was purchasing 5 acres from Mr. Fukushima (ph) and an easement was

being placed on his property. Mr. Kinnikin asked why Elysian Fields was being permitted to tear out 116<sup>th</sup> Street while his property was required to relinquish an easement; if the developer did not have an easement on 116<sup>th</sup> Street, he should not either. Mr. Kinnikin stated if approved his house on 10 acres would be surrounded by 20 houses. Mr. Kinnikin stated he deserved the right to RS-3 lots, as did the Shadow Trails neighborhood. Mr. Kinnikin noted Elysian Fields had a few reserve areas with Reserve C being against his property which would cause additional water runoff issues for his property. Mr. Kinnikin reported the proposed development would surround his property on the north and east side and he requested Elysian Fields install a concrete or masonry style wall around the property backing up to his acreage. Mr. Kinnikin indicated the developer was not sensitive to resident concerns. Mr. Kinnikin stated he disapproved of how the developer was moving forward with the development, the development was not good for south Broken Arrow in this area, and he, his family and his neighbors all were opposed to this preliminary plat.

Mr. DeBruin read a public comment in opposition to the item from Susan Haslett, 6704 S. Umbrella Avenue which was as follows: Ms. Haslett stated this development would have a profound negative affect on Shadow Trails property values. Ms. Haslett noted her husband, a realtor, spoke at the previous meeting regarding how lesser value properties negatively affected greater value properties.

Mr. DeBruin read a public comment in opposition to the item from Bob Gresh, 3920 W. Union Street which was as follows: Mr. Gresh discussed the proposed development's lot sizes and project density of 3.4 units per acre. Mr. Gresh indicated all lot sizes should be upheld to the minimum City Ordinance standards at 60 feet in width with a total of 70,000 square feet (RS-3), and the Planning Commission should deny the preliminary plat and require the developer to revise the plat to meet minimum standards which were set by City Ordinance.

Mr. DeBruin read a public comment in opposition to the item from Casey Kinnikin, 12319 S. 116<sup>th</sup> E. Avenue which was as follows: Ms. Kinnikin stated she believed 181 homes on 53 acres was more than should be allowed. Ms. Kinnikin stated she opposed the removal of 116<sup>th</sup> Street to build additional homes as 116<sup>th</sup> Street was a public street she used daily. Ms. Kinnikin stated it would be sad to see the area overdeveloped with these 181 homes and to see the wildlife in the area disappear.

Mr. DeBruin read a public comment in opposition to the item from Elmer and Marcella Pense, 11628 E. 123<sup>rd</sup> Place South which was as follows: Mr. and Mrs. Pense stated opposition to the two different lot sizes; lots should be 100% RS-3 in order to conform with Shadow Trails and lessen the land devaluation. Mr. and Mrs. Pense stated they believed 181 homes were too many for 53.55 acres; water retention and water wells were a grave concern. Mr. and Mrs. Pense discussed the difficulties faced by homeowners with wells when Shadow Trails was developed, and the wells ran dry. Mrs. Pense indicated her family lived on 116<sup>th</sup> Street for 170 years and removal of this road was a tragedy. Mrs. Pense stated rerouting 116<sup>th</sup> Street through the proposed development would only cause additional risk for children in the area; she was opposed to rerouting 116<sup>th</sup> Street and believed it should be left as it was.

Mr. DeBruin read a public comment in opposition to the item from Mark Mora, 11634 E. 123<sup>rd</sup> Place South which was as follows: Mr. Mora stated there were too many proposed homes for this 53 acres; RS-3 zoning would reduce this number. Mr. Mora felt 116<sup>th</sup> Street should not be rerouted. Mr. Mora was concerned about wells running dry. Mr. Mora worried rerouting 116<sup>th</sup> Street would cause difficulties with mail delivery and difficulties for residents who wished to switch to City water in the future.

Mr. DeBruin read a public comment in opposition to the item from Deborah Gresh, 3920 W. Union Street which was as follows: Ms. Gresh stated PUD guidelines indicated the City was required to post signs on the property at least 20 days prior to the public hearing; therefore, as the sign was posted on May 11, 10 days prior to the public hearing, the public hearing should be continued until proper notice was given. Ms. Gresh discussed Section 2.6 of Zoning Ordinance which established the five criteria for PUD approval (a PUD was required to meet at least one criterion to be established). Ms. Gresh indicated PUD did not fulfill any of these criteria. Ms. Gresh discussed the criteria and discussed the reasons the PUD and plat fell short of fulfilling said criteria including: the PUD proposed the same plat as had been denied previously; nothing was different or innovative; the development still consisted of almost half RS-4 lots; if the majority of the lots were larger and the development had more common areas the development might be considered innovative and compatible with the adjoining properties; Capital Homes was following its own agenda and not considering what was best for the gateway into Broken Arrow; Capital Homes made provisions for three ponds, but did not encourage the preservation of meaningful open spaces; no additional green areas or common areas were created; no additional areas were designed to make the plat more attractive or desirable than when submitted previously; Capital Homes did not address a unique situation in a way which benefited the City or improved the quality of what could be achieved with strict adherence to zoning standards; only four designs were being offered for

181 homes and there were no common green spaces planned. Ms. Gresh stated this was the same old design Capital Homes used for all of its plats; the PUD should be used to create something unique in design with common spaces such as pools, playgrounds, etc., and even possibly small retail such as coffee shops or stores.

Mr. DeBruin read a public comment in opposition to the item from John Thisler, 6706 S. Willow Place which was as follows: Mr. Thisler asked for the promise made by Capital Homes to keep West Van Buren Place connector closed during infrastructure construction to be confirmed. He asked if the 55-foot frontage lots were keeping with the spirit of the revised rezoning requests and satisfied RS-3 zoning requirements.

Vice Chairperson Ricky Jones noted most citizen concerns had to do with water, infrastructure, etc. He asked if these issues would be addressed in engineering while the final plat would not come back to the Planning Commission for review unless approved by City Staff.

Mr. Brent Murphy responded in the affirmative. He explained this was the first step; preliminary conceptual drawings had been submitted, but a conditional final plat would be submitted later which would include engineering plans to be reviewed by City Engineering.

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

**Move to approve Item 8A per Staff recommendations and the attached subdivision checklist**

The motion carried by the following vote:

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

**B. 20-467 Consideration, discussion and possible approval of PT20-103, Preliminary Plat, Dollar General Jasper, 2.50 acres, 1 Lot, A-CN to CN/PUD-308, northeast corner of Jasper Street (131st Street) and Olive Avenue (129th E. Avenue)**

Ms. Wyrick reported PT20-103, the preliminary plat for Dollar General Jasper contained one lot of 2.5 acres. She reported this A-CN (Annexed Commercial Neighborhood) zoned property was located at the northeast corner of Jasper Street (131st Street) and Olive Avenue (129th E. Avenue) and had pending zoning cases to accompany the plat heard earlier this evening. She stated a Dollar General store and site improvements were proposed to be developed on the property; this item was continued from the May 7, 2020 Planning Commission meeting due to a noticing issue for the rezoning and PUD associated with this preliminary plat. She reported the Planning Commission heard the rezoning and PUD case earlier in the Meeting. She noted also considered was a request for approval of a planned unit development (PUD-308) to allow for a reduced driveway separation for a Dollar General store. She stated with this plat, the owner was dedicating 65 feet of right-of-way along Jasper Street and Olive Avenue in accordance with the required right-of-way for properties within 350 feet of arterial intersections as outlined in the Engineering Design Criteria Manual (Section 6.4.2.A.2). She indicated one access point was proposed along Jasper Street which met the 250-foot separation requirement from the intersection with Olive Avenue; however, it did not meet the 200-foot driveway separation requirement from the residential driveway to the east. She explained due to the small size of the lot, there was no way to meet the driveway separation requirement from both the intersection and the residential driveway.

Ms. Wyrick reported water to the property would be provided by the City of Broken Arrow; a septic system was planned for this site as sanitary sewer was not available. She noted a septic field was proposed at the southwest corner of the site. She stated none of the property was located in the 100-year floodplain and a storm detention easement was proposed at the northwest corner of the site. She stated Staff recommended PT20-103, preliminary plat for Dollar General Jasper be approved, subject to the attached checklist, and subject to City Council approval of PUD-308 and BAZ-2055.

Chairperson Whelpley asked if there were any public comments. Mr. DeBruin responded in the negative; there were no public comments and no statement from the applicant. Chairperson Whelpley asked if there were any questions, comments or a motion from the Planning Commission Members.

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

**Move to approve Item 8B per Staff recommendation**

The motion carried by the following vote:

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

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

Chairperson Whelpley commended Mr. Justin DeBruin for his efforts this evening.

Planning Commission and Staff thanked Mr. DeBruin.

**10. Adjournment**

The meeting adjourned at approximately 6:46 p.m.

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

**Move to adjourn**

The motion carried by the following vote:

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