

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
January 19, 2010          6:00 PM**

**STAFF PRESENT:**

Blu Hulsey, City Manager  
Erik Enyart, AICP, City Planner

**OTHERS ATTENDING:**

See attached Sign-In Sheet

**CALL TO ORDER:**

Vice-Chair Larry Whiteley called the meeting to order at 6:07 PM.

**ROLL CALL:**

Members Present: Michael Wisner, Jim Powell, Lance Whisman, and Larry Whiteley.  
Members Absent: Thomas Holland.

**CONSENT AGENDA:**

1. Approval of Minutes for the December 21, 2009 Regular Meeting
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Vice-Chair Larry Whiteley introduced the item and asked to entertain a Motion.

Jim Powell made a MOTION to APPROVE Consent Agenda Item number 1, the Minutes of the December 21, 2009 meeting. Michael Wisner SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Whiteley, Powell, Whisman, & Wisner  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

2. Case # AC-10-01-01. Discussion and possible action to approve temporary/portable signs for the Bixby Community Center's Annual Arts & Crafts Show on multiple properties throughout the City of Bixby (reference Ordinance # 2029).
3. Case # AC-10-01-02. Discussion and possible action to approve a temporary banner sign for *El Jalapeno* at 12604 S. Memorial Dr. in the *126 Center* shopping center, The W. 265' of the Commercial Area, *Southern Memorial Acres No. 2*.

4. Case # AC-10-01-03. Discussion and possible action to approve wall signs for *Body Masters* at 8222 E. 103<sup>rd</sup> St. S. Suite 105 in *The Palazzo* shopping center, Part of Tract A, *101 South Memorial Center.*
  5. Case # AC-10-01-04. Discussion and possible action to approve wall signs for *Body Masters* at 8222 E. 103<sup>rd</sup> St. S. Suite 115 in *The Palazzo* shopping center, Part of Tract A, *101 South Memorial Center.*
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Vice-Chair Larry Whiteley introduced the balance of the Consent Agenda items and asked to entertain a Motion.

Jim Powell made a MOTION to APPROVE Consent Agenda Items numbered 2 through 5, inclusive. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whiteley, Powell, Whisman, & Wisner  
 NAY: None.  
 ABSTAIN: None.  
 MOTION CARRIED: 4:0:0

Vice-Chair Larry Whiteley made a MOTION to take the agenda items out of order, and consider Agenda Items numbered 6 and 7 as the last application items on the agenda. Michael Wisner SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whiteley, Powell, Whisman, & Wisner  
 NAY: None.  
 ABSTAIN: None.  
 MOTION CARRIED: 4:0:0

PLATS

None.

OTHER BUSINESS

Upon clarification with Erik Enyart, Vice-Chair Larry Whiteley announced that the agenda items would be taken out of order, and that agenda items 10 and 11 would be considered at this time.

10. **PUD 29A – The Boardwalk on Memorial – Minor Amendment # 3.** Discussion and possible action to approve a Minor Amendment to PUD 29A to remove Development Area B from the PUD boundary for Lot 1, Block 1, *The Boardwalk on Memorial.*  
Property located: 12345 S. Memorial Dr.
  11. **BL-373 – William Wilson for Boardwalk on Memorial I, LP.** Discussion and possible action to approve a Lot-Split for Lot 1, Block 1, *The Boardwalk on Memorial.*  
Property located: 12345 S. Memorial Dr.
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Vice-Chair Larry Whiteley introduced the items. Erik Enyart advised that the Applicants were requesting these two (2) cases be Continued to the February 16, 2010 regular meeting. The Applicants Bill Wilson and Hollis Allen, Jr., P.E. of *Walter P. Moore and Associates, Inc.* were present.

Jim Powell made a MOTION to CONTINUE PUD 29A – The Boardwalk on Memorial – Minor Amendment # 3 to the February 16, 2010 regular meeting. Michael Wisner SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Whiteley, Powell, Whisman, & Wisner  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

Michael Wisner made a MOTION to CONTINUE BL-373 to the February 16, 2010 regular meeting. Jim Powell SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Whiteley, Powell, Whisman, & Wisner  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

8. (Continued from 11/26/2009 and 12/21/2009)

**Case # AC-09-11-03 – Hardscapes – Olsen-Coffey Architects.** Discussion and possible action to approve a Detailed Site Plan and building plans for a storage building located in part of the SE/4 SE/4 NE/4 of Section 35, T18N, R13E.

Property located: 11610 S. Memorial Dr.

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Vice-Chair Larry Whiteley introduced the item and called on Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the following Staff Report:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Friday, January 15, 2010  
**RE:** Report and Recommendations for:  
AC-09-11-03 – Hardscape Materials, Inc. – Olsen-Coffey Architects

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**LOCATION:** – 11610 S. Memorial Dr.  
– Part of the SE/4 SE/4 NE/4 of Section 35, T18N, R13E  
**SIZE:** 2.8 acres, more or less  
**EXISTING ZONING:** CS [Commercial] Shopping Center District  
**DEVELOPMENT** Approval of Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to Zoning Code Sections 11-7G-4 and 11-7G-6 for a Use Unit 15 landscaping materials sales and services business.  
**SURROUNDING ZONING AND LAND USE:**

North: CG; Enterprise Sod Store and a vacant commercial tract to the north of that.  
South: CG & AG; South Manufacturing, vacant commercial land with a billboard, and the Sunnyside Gardens landscaping-related business located along the Memorial Dr. frontage. The balance of the Hardscape Materials, Inc. site is located on an approximately 4-acre AG-zoned area connected to the subject property to the south.  
East: (Across Memorial Dr.) RE; Residential estate homes in Southwood. The Azteka Motors used car sales lot is located to the southeast in the Southern Memorial Acres subdivision.  
West: RM-2/PUD-16 & AG; The Links at Bixby golf course/apartment community. There are several houses and agricultural land on AG-zoned lots to the southwest.

COMPREHENSIVE PLAN: Corridor + Medium Intensity + Commercial Area.

PREVIOUS/RELATED CASES: (not a complete list)

BBOA-134 – Ronald G. Kelley – Request for Special Exception for a Use Unit 17 motorcycle sales business for subject property – BOA Approved 11/13/1984 subject to several conditions, including rezoning to CS (as per BZ-156), platting the property, and conditions pertaining to the motorcycle sales building and business. That business was never built.

BZ-156 – Ronald G. Kelley – Request for rezoning from AG to CS for subject property – PC Recommended Approval 11/26/1984 and City Council Approved 12/11/1984 (Ord. # 518).

BBOA-290 – Jody Porter/Brad Porter – Request for Special Exception for a [Use Unit 15] landscaping materials sales and services business for subject property – BOA Approved 02/20/1995 subject to several conditions, including the permanent building and paving to be completed within one (1) year, administrative approval of a site plan, and certain tree planting standards.

AC-04-11-03 – Request for approval of [a site plan and] building plans for the 30' X approximately 40' 2-story metal building used for the sales office – Architectural Committee reviewed 11/15/2004, but it was postponed to the next meeting because the Applicant did not show up to the meeting. There was no meeting in December of 2004, and the case was not returned to the agenda in January, February, or March of 2005, and was evidently never approved by the Architectural Committee.

BACKGROUND INFORMATION:

The subject property contains the majority of the buildings and outdoor demonstration/display area for Hardscape Materials, Inc., a Use Unit 15 landscaping materials sales and services business. There is an additional approximately 4-acre area connected to the south which contains outdoor storage areas for stone products and other landscaping materials. All of the land belongs to the Raymond McKibben family, and Hardscape Materials, Inc. belongs to Brad Porter and operates on the McKibben land by long-term lease. The Sunnyside Gardens landscaping-related business is located at 11660 S. Memorial Dr. on another parcel of land that is connected to the Hardscape Materials, Inc. site, and is also owned by the McKibben family.

This report will consider the 2.8-acre tract subject property, and not other separate parcels connected therewith that are also used for the Hardscape Materials, Inc. business, as they have a separate and unique history of Zoning and development cases than the subject property, and have not been researched, as they are beyond this report's scope of concern.

There is a 30' by approximately 40' 2-story metal building used for the sales office, indicated on the submitted site plan as "Existing Building." The Architectural Committee reviewed case # AC-04-11-03 on 11/15/2004, but it was postponed to the next meeting because the Applicant did not show up to the meeting. There was no meeting in December of 2004, and the case was not returned to the agenda in January, February, or March of 2005, and was evidently never approved by the Architectural Committee. However, the City of Bixby issued a building permit for this building dated 12/29/2004. This deficiency can be satisfied within the context of this request, if sufficiently-detailed information regarding the existing design, exterior materials and colors, etc. is submitted (profile view/elevations, more detailed building footprint schematics, etc.).

ANALYSIS:

Subject Property Conditions. The subject property is moderately sloped and contains the top of a short hill located toward the center of the north line of the property. From the top of the hill, the land slopes moderately to the east, south, and west. It contains approximately six (6) buildings of significant size, the most prominent of which is the 30' by approximately 40' 2-story metal building used for the sales office, indicated on the submitted site plan as "Existing Building."

The site plan also represents, to the north of this building, a small "Sales office wood frame" / "Existing Off.", which appears to be the previous sales office before the 2-story building was constructed,

or may be an ancillary sales office. Behind (to the west of) this ancillary sales office is an "Existin[g] Fountain Shop," and behind that is an "Existing Pump Shack" building attached on the north side of the "Exist'g Fish House." Finally, to the southwest of these last-named buildings is a small "Rock Outbuilding" attached on the north to a "Covered Gaspump." None of the buildings cited in this paragraph have dimensions, either of the buildings themselves or their distances in relation to each other or tying them to a property line. These dimensions are necessary for a site plan, and the sizes of the buildings determines the required number of parking spaces for the site.

Per a site inspection and aerial and satellite data, there are two (2) "lean-to"/ "pole barn" open canopy structures along the center of the north line of the subject property. The easternmost is the only one represented on the site plan. Because they are not buildings, their floor area does not contribute to the formula for determining required number of parking spaces. The second one, however, needs to be represented on the Site Plan.

Between the various buildings are several outdoor landscaping demonstration/display areas, featuring Koi ponds, fountains, rock gardens, and similar landscaping items. All of the parking areas and driveways appear to be paved with asphalt, likely pursuant to an Earth Change Permit for the improvement approved by the City Council on 10/11/2004. A sewerline was approved to be installed on the property (evidently to serve the 2-story building) in 2005.

The subject property appears to have been developed incrementally over time since it was approved for a Use Unit 15 landscaping sales business by Special Exception per BBOA-290 in 1995.

General. The site plan drawing indicates the location of the existing site as developed and the proposed location of the new storage building: Toward the south-central portion of the subject property, behind (west of) the 2-story metal building used for the sales office.

The new storage building is proposed to be 48' X 48' (2,304 square feet) and 12' in height to the eave, per the drawing "Storage building Hardscape Materials Inc. 11610 S. Memorial Dr." The total height has not been represented on the profile view/elevation drawing or any other plan sheet, and the building permit application states the building will be 12' in height. The total height must be represented on the plans and the building permit must accurately report the proposed total height.

The Site plan does not have dimensions of the lot, as required.

The Site Plan does not have a date.

The Site Plan does not have a Legend defining line types and abbreviations used throughout the plan, such as "TPED" [Telephone Pedestal, presumably], "BC (typ.)," etc. This is needed.

The Applicant should clarify if the "Proposed Concrete Sidewalk" along the west side of the parking lot is proposed with this building permit or is already in existence.

The west end of the subject property appears to be used for material storage areas. When the Site Plan is completed to show the west end of the subject property, this should be noted on the Site Plan in the same manner as it is represented elsewhere on the plan for other such storage areas.

Access. The subject property currently has two (2) driveway connections to S. Memorial Dr.: One (1) each at the northeast and southeast corners of the lot.

Per a site inspection and other data, internal accessibility is afforded via asphalt drives around the north, south, and west sides of the central area containing the buildings and outdoor landscaping demonstration/display areas. The site plan does not represent these areas, and indicates "gravel" along the northerly east-west drive, which is in error, as this drive is paved with asphalt. The front/east parking lot and drives are labeled "Proposed Asphalt Parking Lot (1100 S[quare] Y[ards])." This is also in error, as this parking lot and driveway is already paved with asphalt.

No changes are proposed to the existing access conditions, as per the submitted Site Plan.

Parking Standards. The Site Plan indicates there are 10 parking spaces (8 standard and 2 handicapped-accessible) in existence. Per Zoning Code Section 11-9-15.D, for (2,340 square feet per building permit for the 2-story building + 2,304 square feet proposed with this new building =) 4,644 square feet of buildings on the lot, 11.61 (12) parking spaces would be required. This does not even include the other five (5) buildings represented on the site plan but not dimensioned as to size as required. The 10 spaces do not comply with the minimum number of parking spaces required.

Based on a site inspection and other data, it appears there is another parking lot along the east side of the north line of the subject property. This parking lot is not represented or indicated as to existing dimensions.

The two (2) handicapped-accessible parking spaces would comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces) for up to 50 parking spaces.

Per the Building Inspector, the ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces. The Site Plan does not indicate how many spaces are van-accessible.

Zoning Code Section 11-10-4.A requires a 9' X 20' minimum dimension standard design. Per the site plan, the existing parking spaces are 9' X 18', and so do not comply with this standard.

The parking lot does comply with the 15' minimum setback from Memorial Dr. per Zoning Code Section 11-10-3.B Table 1, and has, per the Site Plan, over 24' in landscaped strip / parking lot setback width.

Unless the site is retrofitted, a Variance may be required from the minimum number of parking spaces and other parking requirements which the currently-developed conditions do not comply with.

Screening/Fencing. The Zoning Code requires a sight-proof screening fence for the west line of the subject property, as it abuts an R district. The site plan does not show the west side of the subject property, and so does not show what type of fencing, if any, may exist along the west line. Google Earth and satellite data indicates there is a metal-post fence, which is not opaque and so would not comply with the screening requirement of the Zoning Code.

The Site Plan represents other fences along the north and south property lines, including a 5' chain-link fence along the south property line and an 8' and a 4' wood fence along the north property line. It represents internal fences and walls used for the landscaping display/demonstration areas. It also represents a "RRTIE" ["Railroad Tie," presumably] wall along the north side of the South Manufacturing property. These sections of the property line do not require screening fences, but this fence information is represented as required.

The trash dumpster areas are not represented but are assumed adequate for this existing developed business site, and its representation on the Site Plan should not necessarily be required for something as simple as a storage building on an existing developed site.

Landscape Plan. A separate Landscape Plan was not submitted. The Site Plan indicates the locations of some of the trees on the property.

Per the Board of Adjustment Minutes of 02/20/1995, certain tree planting standards were required for the development of the site with a Use Unit 15 landscaping materials sales and services business:

"Placement of trees in the street yard (the required 50' setback from Memorial Drive) at the rate of one (1) tree for every one thousand (1,000) sf of street yard area. Tree sizes shall be as follows: Ornamentals - not less than six (6) feet in height and one (1) inch in caliper; Conifers/Evergreens - not less than five (5) feet in height; Canopy trees - not less than eight (8) feet in height and 2 inches in caliper."

Provided that the site complied with these standards, it was in conformance with the Zoning Code until the next building permits were issued after the adoption of the Landscape Chapter standards of the Zoning Code per Ordinance # 727 on 10/09/1995.

The landscaping information represented on the Site Plan is compared to the Landscape Chapter standards of the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 50' from Memorial Dr. Per the Site Plan, there is a landscaped strip (exclusive of driveways) with over 24' in width, which should ensure that this requirement is satisfied. The Site Plan indicates the landscaped strip located in the center area of the frontage contains "Landscape w/waterfall," and a site inspection confirms this area is covered in grass and landscaping, and there are two (2) existing trees shown in the street yard. **This standard is met.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 15' along S. Memorial Dr. Per the Site Plan, there is a landscaped strip (exclusive of driveways) with over 24' in width. **This standard is met.**
3. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Excluding the building line setback along Memorial Dr. (which is a Street Yard), the CS district requires a 10' setback from abutting R, AG, and O districts. There is an RM-2 district abutting to the west. The west line of the subject

property is 250'.  $250' \times 10' = 2,500$  square feet.  $2,500 / 1,000 = 2.5 = 3$  trees required in Rear Yard setback area abutting the RM-2 district. The Site Plan does not show the west end of the subject property, but per aerial and other data, it does not appear there are any trees within this rear yard setback area. **This standard is not met.**

4. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 75' from a Landscaped Area, which Landscaped Area must contain at least one (1) or two (2) trees. **This standard is met.**
5. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of street yard. The Street Yard is the 50' setback along S. Memorial Dr. The subject property has 250' of frontage on S. Memorial Dr.  $250' \times 50' = 12,500$  square feet / 1,000 = 13 trees required in Street Yard. Only two (2) trees are indicated on the Site Plan as being located in the Street Yard. However, based on a site inspection and other data, it appears there are several other trees in the street yard. Unless these trees are represented on the plan and are at least 13 in number, **this standard is not met.**
6. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. Based on a site inspection and other data, it appears there is another parking lot along the east side of the north line of the subject property. This parking lot is not represented or indicated as to existing dimensions.  
As the total number of parking spaces in existence has not been provided, compliance with this standard cannot be determined. Excluding the required Street Yard trees, only four (4) trees are represented as being in existence. If the total number of parking spaces does not exceed 40, this standard would be satisfied. However, until the total number of parking spaces in existence is provided, **this standard is not met.**
7. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard will be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
8. Irrigation Standards (Section 11-12-3.D.2): Plans for irrigation (such as locations of existing hose bibs, if any, and radii showing landscaping areas are within 100' of each, or whatever other irrigation system may be employed) have not been provided. **This standard is not met.**
9. Miscellaneous Standards (Section 11-12-3.D, etc.): The reported heights of the existing trees and other information indicates compliance with other miscellaneous standards. **This standard is met.**

Per a site inspection and other data, it is evident that there are several other trees on the property which are not represented on the Site Plan. If there are numerous existing permanent landscaping trees on the property beyond the total of six (6) represented on the Site Plan, the Applicant may want to consider proposing a Landscape Plan Alternative Compliance plan as per Zoning Code Section 11-12-4.D. Such Alternative Compliance plans are generally recommended for approval when the total number of required trees are met within the total site, but are merely relocated within property irrespective of required locations within landscaped Street Yards and setback areas.

Exterior Materials and Colors. A profile view/elevations drawing was provided. It is labeled "East & West Elevation (North & South Elevation – Similar)." The original building permit also included a drawing entitled "Storage building Hardscape Materials Inc. 11610 S. Memorial Dr."

Neither drawing provides information regarding the exterior materials or colors, as required.

Regarding the 2-story sales office building constructed in 2004, the Staff Report for AC-04-11-03 stated, "Rock is being placed on the metal building to enhance the look." The profile view/elevation drawing included with that case showed the bottom half of the first floor of the building, and all of the columns supporting the overhanging eaves, would be rock. However, based on a site inspection November 09, 2009, no such rock or other masonry was evident. This is somewhat moot, however, as the Architectural Committee evidently never approved the Detailed Site Plan for the 2-story building.

Outdoor Lighting. The Site Plan indicates the location of one (1) light pole, located due south of the proposed building, at the northwest corner of the South Manufacturing building abutting to the south. If this is the only outdoor light, this would appear appropriate for this development in its context, and a photometric plan should not be required for something as simple as a storage building on an existing developed site.

The building plans do not specify if the new building will have any outdoor lighting fixtures attached. The Applicant should clarify that this is or is not the case.

Signage. The Site Plan represents the location of the one (1) existing ground sign, located toward the center of the Memorial Dr. frontage, and indicates it to be a "10' [high] wood sign with landscape and water feature." The sign is assumed to comply with signage regulations as it is in existence.

Staff Recommendation. Until all of the information is submitted, Staff cannot recommend approval. The additional information may be submitted by the time of the meeting. If it is not, this case should be Continued to the next regular meeting, or a special meeting if the Commission so wishes.

In addition, as discussed above, some elements of the existing conditions indicate that the site does not comply with the Zoning Code in certain respects, such as parking. Any approval must be subject to a Variance from any and all Zoning Code requirements which the existing conditions do not and are not proposed to comply with.

Also as discussed above, the Applicant may want to consider proposing a Landscape Plan Alternative Compliance plan as per Zoning Code Section 11-12-4.D, and any approval should also be made contingent upon an approved Alternative Compliance Plan, if proposed.

Finally, any approval must also be conditioned upon the satisfaction of the City Engineer's requirements for an Earth Change Permit and stormwater drainage and detention engineering submittals, as per the City Engineer's memo dated 10/20/2009.

Until the property is in compliance with the Zoning Code, by means of Variances, Alternative Compliance Plans, after-the-fact Detailed Site Plan approval for the 2-story building, etc., the Building Permit cannot be issued on this property per Zoning Code Section 11-8-1.

NEW INFORMATION AS OF DECEMBER 17, 2009:

Request for Continuance and Revised Plan Not Yet Submitted. Late in the afternoon on November 16, 2009, the day of the last Planning Commission meeting, Malek Elkhoury of Khoury Engineering of Tulsa stopped by the City Planner's office and stated that Mr. Porter of Hardscape Materials, Inc. and his architect, Olsen-Coffey Architects, had asked him to help them prepare the missing elements of their Detailed Site Plan. Mr. Elkhoury forwarded his client's request that this item be Continued to the December 21, 2009 regular meeting. Staff confirmed with Mr. Elkhoury that day that his clients understood that the building permit would be delayed for that period of time. Mr. Elkhoury stated that he was going to have the property surveyed to locate the existing site elements for representation on the Detailed Site Plan.

Malek Elkhoury, representing his client at the December 02, 2009 TAC meeting, stated only that he was still working on getting the required site plan work done, and was also preparing a letter requesting a Plat Waiver as per Staff's email on 11/30/2009.

No revised Site Plan has been submitted as of December 17, 2009.

Plat Waiver. The 11/30/2009 email to Malek Elkhoury and Steve Olsen essentially stated:

This property is not platted. The Zoning Code Section 11-8-13 requires that properties be platted before a building permit is issued. Staff is not sure how the various buildings on the property were permitted at times (probably in 1995 when the site was first developed, and it appears that the 2-story building was built in 2004) without the property being platted or granted a Waiver of the platting requirement ("Plat Waiver"). Staff was not able to locate information that would indicate that a Plat Waiver was ever approved on this property.

The City Staff's policy is to only recommend Plat Waivers when all of the planned right-of-way is already dedicated or is dedicated along with the request, and the Utility Easements necessary to serve the property are already dedicated by separate instrument or are dedicated along with the Plat Waiver request. At a minimum, a standard 17.5' perimeter U/E will be necessary for this property. At this time, neither the TAC nor the City Engineer have requested any additional U/Es.

A letter requesting a Plat Waiver was received on 12/08/2009. However, neither the \$25.00 Plat Waiver application fee per Fee Schedule Ordinance # 599, nor the 17.5' perimeter U/E has been submitted. Staff Recommendation as of 12/17/2009. Staff's recommendation on the Detailed Site Plan has not changed. Staff will inform the Planning Commission of any new information submitted between the date of this report and the meeting on December 21, 2009.

NEW INFORMATION AS OF JANUARY 15, 2010:

A revised set of plans was submitted around 11:30 AM on Friday, January 15, 2010. The plans were not submitted in electronic format or 11" X 17" sized paper, which would have allowed for them to be included here. Staff has requested these copies in these formats, to allow for them to be provided at the Tuesday, January 19, 2010 meeting. Staff will have, by that time, enough time to review the revised plans and update the report and recommendation for the meeting.

*The Applicant has also submitted the Plat Waiver request and review fee, and proposed easement dedications, for the City Council's consideration on its next meeting agenda.*

Erik Enyart stated that he had received, the previous Friday, a revised Site Plan, which upon initial inspection, appeared to have satisfied most of the informational deficiencies outlined in his report. Mr. Enyart stated that he had not had adequate opportunity to review it in detail and provide an updated Staff Report for this meeting. Mr. Enyart stated that he could support this application subject to the resolution of any remaining outstanding items as listed in the Staff Report.

Vice-Chair Larry Whiteley asked if the Applicant was present and wished to speak on the item. Erik Enyart stated that the Applicant's Engineer, Malek Elkhoury, had called him just prior to the meeting to advise that he would be running late.

Vice-Chair Larry Whiteley asked if there were any questions or comments. There being none, Vice-Chair Larry Whiteley asked to entertain a Motion. Michael Wisner made a MOTION to Approve AC-09-11-03 with all of the recommended corrections, modifications, and Conditions of Approval as listed in the Staff Report. Jim Powell SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Whiteley, Powell, Whisman, & Wisner  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

9. **Case # AC-10-01-05 – Taco Bueno # 3081 – Burson & Williams Architects, Inc.**  
Discussion and possible action to approve a Detailed Site Plan and building plans for the reconstruction and exterior remodeling of the existing building in part of Lot 1, Block 1, *Wal-Mart Stores Addition*.  
Property located: 15040 S. Memorial Dr.
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Vice-Chair Larry Whiteley introduced the item and called on Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the following Staff Report:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Thursday, January 14, 2010  
**RE:** Report and Recommendations for:  
AC-10-01-05 – Taco Bueno # 3081 – Burson & Williams Architects, Inc.

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**LOCATION:** – 15040 S. Memorial Dr.  
– Part of Lot 1, Block 1, Wal-Mart Stores Addition  
**SIZE:** 0.4 acres, more or less  
**EXISTING ZONING:** CS [Commercial] Shopping Center District  
**DEVELOPMENT TYPE:** Approval of Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to Zoning Code Sections 11-7G-4 and 11-7G-6 for a Use Unit 12 fast food restaurant business.  
**SURROUNDING ZONING AND LAND USE:**  
**North:** CS; Vacant land and parking areas in the Wal-Mart Stores Addition and the abandoned Railroad Right-of-Way containing the Bixby Auto Sales and a storage shed sales lot to the north of that.

South: CS; The O'Reilly Auto Parts sales business and the Sonic Drive-In fast food restaurant in the Wal-Mart Stores Addition.

East: (Across Memorial Dr.) CG & CH; The Bixby Car Wash and vacant land.

West: CS; The Doc's Country Mart grocery store, the Med-X pharmacy/drugstore, the Sutherland's building materials and hardware store, and other businesses in the in the Spartan Family Shopping Center strip commercial center in the Wal-Mart Stores Addition.

COMPREHENSIVE PLAN: Medium Intensity + Development Sensitive + Commercial Area + Regional Trail.

PREVIOUS/RELATED CASES: (Not a complete list)

[Final] Plat of Wal-Mart Stores Addition – Request for [Final] Plat approval for the Wal-Mart Stores Addition (includes subject property) – Planning Commission recommended Conditional Approval on 02/23/1981 and the City Council Approved 03/02/1981 (plat was recorded 07/15/1981).

BZ-45 – Warren Morris – Request for IH, IL, CG, & CS zoning for all of the E/2 SE/4 of this Section (80 acres, includes all of Morris-Bright Industrial Park, Wal-Mart Stores Addition, and Jade Crossing) – Approved for IM, IL, and CS zoning only by the City Council 10/1976 (Ord. # 320).

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property contains the Taco Bueno # 3081 Use Unit 12 fast food restaurant business, which was partially destroyed by a fire around mid-2009.

General. The Site Plan Drawing A0.0 indicates the location of the existing site as developed. The Site Plan represents a relatively conventional, suburban-style fast food restaurant with a drive-through lane. There is a parking lot on the north side of the lot with 11 parking spaces on the north, and eight (8) or nine (9) parking spaces on the south of an east-west internal drive.

The existing building is located toward the south-central part of the lot, and has sidewalks and landscaping areas surrounding it. The Tulsa County Assessor's parcel information indicates the building was constructed in 1987.

The drive-through lane occupies the balance of the subject property, and wraps around the west and south sides of the building, located in the south-central part of the lot. It exits at the southeast corner of the lot onto a north-south drive located on part of Lot 1, Block 1, Wal-Mart Stores Addition.

Based on the location of the 50' building line indicated on the Site Plan Drawing A0.0, it appears that the existing building footprint, for the most part, complies with the 50' setback requirement from Memorial Dr. per Zoning Code Section 11-7D-4 Table 2. However, per the Tulsa County Assessor's parcel and aerial data, it appears that a relatively recent (presumably the circa 2005 Memorial Dr. widening project) ODOT right-of-way parcel acquisition, "Part of Lot 1 Beginning 39.92' North of the Southeast Corner of Lot 1 Thence North 24' Thence West 20.55' Thence South 24' Thence East 20.53' to the Point of Beginning, Block 1, Wal-Mart Stores Addition," has caused the building's setback to be legally nonconforming by approximately nine (9) feet.

Therefore, the Structural Nonconformities provisions of the Zoning Code appear to apply. Zoning Code Section 11-11-6.B provides:

"B. Should such structure be damaged or partially destroyed by any means to the extent of more than fifty percent (50%) of its current replacement cost at time of damage, the restoration as a nonconforming structure shall be subject to the board of adjustment's finding, after adherence to the procedural requirements for a special exception, that its restoration to a conforming structure cannot reasonably be made in view of the nature and extent of the nonconformity and the nature and extent of the damages."

The Applicant needs to provide documentation demonstrating the "current replacement cost at [the] time of damage" to allow for comparison to the 50% standard of this Zoning Code requirement. If it is subject to this requirement, a Special Exception may be required.

The Site Plan Drawing A0.0 does not provide the building's dimensions or the distances to the front/east or nearest side yard line. This data must be provided on a revised site plan resubmittal.

There is another line parallel to the 50' building line which uses the same line type symbology, but it is not described. According to the recorded plat of Wal-Mart Stores Addition, it appears this may be a 50'-wide ONG easement recorded at Book 1430 Page 1042. This line needs to be designated on the Site Plan Drawing A0.0. The area needs to be adequately described and differentiated from the Building Line setback.

*Per the Site Plan Drawing A0.0, no changes to the building or general site elements are proposed, with the exception of the removal of a curb from the west side of the south parking lot strip next to the building and the removal of an "existing wood fence" at the southwest corner of the building.*

Access. *The internal east-west drive along the north side of the property connects the subject property, on the west, to the shopping center on the balance of Lot 1, Block 1, Wal-Mart Stores Addition, and on the east, to a north-south drive located on another part of said Lot 1. This land separates the subject property from Memorial Dr. by approximately 26.2 to 46.2 feet (26.2' in the case of the ODOT parcel previously described). The subject property is essentially "landlocked," having no frontage on any public street. The subject property presumably enjoys some easement over the balance of said Lot 1 to provide it access to and from Memorial Dr.*

*Per Zoning Code Section 11-7D-4 Table 2, the minimum frontage requirement in the CS district is 150'. Per the submitted Site Plan Drawing A0.0, the subject property measures only 142.10' from north to south, and so would not meet this frontage requirement, even if the lot abutted Memorial Dr., instead of another lot.*

*Staff was not able to locate any Lot-Split or Board of Adjustment cases which would have explained or indicated the history leading to the creation of the subject property in its nonconforming, landlocked state. Further, the Wal-Mart Stores Addition is not in a PUD. As it is part of a lot platted with the Wal-Mart Stores Addition, which subdivision was platted in 1981, and as Bixby first adopted its Subdivision Regulations and Zoning Code/Ordinance in the early 1970s, it would appear that the subject property may be illegally nonconforming, due to its evident creation after the Zoning Code required 150' of street frontage, and for having been evidently created without the approval of a Lot-Split, as required. Per the 01/01/1976 Zoning Ordinance, the minimum frontage in the CS district was 150', and appears to have always since been 150'.*

*The Site Plan Drawing A0.0 does not indicate the width of the drive aisle, consisting of the east-west drive along the north side of the lot. The drawing also does not indicate the width of the north-south drive separating the subject property from Memorial Dr. This information is needed to allow for adequate review.*

*No changes are proposed to the existing access conditions, as indicated by the submitted Site Plan Drawing A0.0.*

Parking Standards. *The Site Plan Drawing A0.0 indicates there are 19 or 20 parking spaces (2 of which are handicapped-accessible) in existence. Per Zoning Code Section 11-9-15.D, for 2,653 square feet of building on the lot, 17.68 (18) parking spaces would be required. The 19 or 20 spaces comply with the minimum number of parking spaces required.*

*The two (2) handicapped-accessible parking spaces would comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces) for up to 25 parking spaces.*

*Per the Building Inspector, the ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces. The Site Plan Drawing A0.0 does not indicate if either of the two (2) spaces is van-accessible.*

*Zoning Code Section 11-10-4.A requires a 9' X 20' minimum dimension standard design. The Site Plan Drawing A0.0 does not indicate the dimensions of the existing parking spaces.*

*The parking lot complies with the 15' minimum setback from Memorial Dr. per Zoning Code Section 11-10-3.B Table 1.*

Screening/Fencing. *The Zoning Code does not require a sight-proof screening fence for the subject property, as it does not abut an R district.*

*The "wood fenced trash enclosure" area is represented in the northwest corner of the lot. Although details have not been provided (detail in plan view, profile view, and description of composition, etc.), it is assumed adequate for this existing developed business site, and such details should not necessarily be required for something as simple as a building restoration for an existing developed site.*

Landscape Plan. *A Landscape Plan was submitted and indicates the location of existing and proposed new landscaping.*

*The Tulsa County Assessor's parcel information indicates the building was constructed in 1987. If this is the case, the landscaping requirements of the Zoning Code would not have applied, as they were introduced to the Code in 1995.*

*Zoning Code Section 11-12-2.B provides an exemption from the landscaping standards for the current situation:*

*“B. Restoration of buildings constructed prior to the adoption date hereof which are damaged by fire, flood or other catastrophe;”*

*Therefore, no new landscaping is required. The proposed landscaping appears appropriate.*

*Exterior Materials and Colors. Profile view/elevations drawings A4.0 and A4.1 have been provided.*

*The Applicant has stated that the restored building will be upgraded to the latest corporate architectural style, and the provided drawings correspond with this statement.*

*The exterior materials will be primarily (1) existing and replacement [yellow and gray] stucco with (2) “SSV-1” (which appears to be stone masonry) architectural columns on the north and south sides, extended above the roof line as compared the current building height. The “SSV-1” should be specified on the plans as to its meaning.*

*Other than the clay tiles on the two (2) extended architectural columns, which crest along a north-south axis (and thus face east and west), the roof will not be visible.*

*The colors of the stucco, [masonry], and tiles have not been provided, but should be.*

*Outdoor Lighting. The Site Plan Drawing A0.0 indicates the location of the existing light poles, located at or about the four (4) corners of the lot. These would appear appropriate for this development in its context, and a photometric plan should not be required for something as simple as a building restoration on an existing developed site.*

*Signage. The Site Plan Drawing A0.0 represents the location of one (1) existing ground sign, located toward the center of the east side of the lot. Per the Site Plan, there is another ground sign located toward the back/west side of the lot. None of the site plan drawings, including the signage plan by Starlight Sign LP drawing #0912-079, indicate the height, dimensions, or other such details for these existing signs.*

*Because Zoning Code provides that the ground signs are subject to the standards based on the available lot frontage, and as the subject property has no street frontage, it does not appear that the existing ground signs comply with the Zoning Code.*

*The profile view/elevations drawings A4.0 and A4.1, together with the signage plan by Starlight Sign LP drawing #0912-079, indicate the sizes and relative locations of the wall signs.*

*In addition to the site plan drawings not providing this information, the profile view/elevations drawings do not dimension the wall widths, necessary for the comparison of the signage to the maximum display surface area allowable under the Zoning Code (See Section 11-9-21.D.2). They also need to be dimensioned.*

*Staff Recommendation. As described above, the subject property appears to be illegally nonconforming.*

*Until the property is brought into compliance with the Zoning Code, presumably by means of Variances and possibly a Special Exception, this Detailed Site Plan should not be approved and the Building Permit cannot be issued on this property per Zoning Code Section 11-8-1.*

*Additionally, the rest of the missing information, as described in the analysis above, needs to be provided for the completion of the Detailed Site Plan review.*

Erik Enyart advised that he had just received some updated Site Plan drawings that evening, and had distributed them to the Commissioners just prior to the meeting. Mr. Enyart stated that the new Site Plan drawings may have satisfied some of the missing informational items outlined in the Staff Report.

Vice-Chair Larry Whiteley asked if the Applicant was present and wished to speak on the item. Applicant Jeff Wohead of *Taco Bueno*, 1605 LBJ Freeway, Farmers Branch, TX was present and stated that the Zoning problem has been in existence since the restaurant first opened in the mid-1980s. Mr. Wohead stated that he would turn in a Variance application by the end of the week. Mr. Wohead stated that all he was asking for was a permit to start to rebuild the fire-damaged store, as soon as possible.

Michael Wisner and the other Commissioners advised Jeff Wohead that only the Board of Adjustment could approve his Variance. Mr. Wohead reiterated his desire to get a building permit as quickly as possible. The Commissioners asked Erik Enyart for his recommendation, and Mr. Enyart stated that he could support the Detailed Site Plan, on the Condition that it be subject to the

submission, review, and approval of a future Variance application by the Board of Adjustment, and subject to the resolution of all of the outstanding informational items as listed in the Staff Report.

Vice-Chair Larry Whiteley asked if there were any questions or comments. There being none, Vice-Chair Larry Whiteley asked to entertain a Motion. Michael Wisner made a MOTION to APPROVE AC-10-01-05 subject to the submission, review, and approval of a future Variance application by the Board of Adjustment, and subject to the resolution of all of the outstanding informational items as listed in the Staff Report. Larry Whiteley SECONDED the Motion. Roll was called:

**ROLL CALL:**

**AYE:** Whiteley, Powell, Whisman, & Wisner  
**NAY:** None.  
**ABSTAIN:** None.  
**MOTION CARRIED:** 4:0:0

12. **PUD 58 – [Chisholm Ranch] Villas – Minor Amendment # 1.** Discussion and possible action to approve a Minor Amendment to PUD 58 to amend Article V, Screening Walls and Fences to change a screening wall to a wood screening fence with masonry columns, located in part of the E/2 of the NW/4 and the W/2 NE/4 of Section 06, T17N, R14E.  
Property located: 10428 E. 121<sup>st</sup> St. S.
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Vice-Chair Larry Whiteley introduced the item and called on Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the following Staff Report:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Friday, January 15, 2010  
**RE:** Report and Recommendations for:  
PUD # 58 – [Chisholm Ranch] Villas – Minor Amendment # 1

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**LOCATION:** – 10428 E. 121<sup>st</sup> St. S.  
– Part of the E/2 NW/4 and the W/2 NE/4 of Section 06, T17N, R14E  
**LOT SIZE:** – 47 acres, more or less (subject property)  
– 8.31 acres, more or less (subdivision plat area)  
**EXISTING ZONING:** RS-3 Residential Single Family District + PUD 58 for “Chisholm Ranch Villas” (formerly “Juniper Hills Villas”).  
**EXISTING USE:** Agricultural  
**REQUEST:** Minor Amendment(s) to PUD 58  
**SURROUNDING ZONING AND LAND USE:**  
North: (Across 121<sup>st</sup> St. S.) AG; A 40-acre agricultural tract.  
South: AG; Three (3) rural residential tracts containing approximately 0.9 acre, 1.7 acres, and 10 acres (m/l) to the south and southwest zoned AG. Further to the south, vacant land zoned RS-3 for part of the future “Chisholm Ranch I” single-family residential subdivision (previously tentatively known as “Juniper Hills”).  
East: RS-3; Vacant land zoned RS-3 for part of the future “Chisholm Ranch I” single-family residential subdivision (previously tentatively known as “Juniper Hills”), and rural residential acreages to the northeast along the north side of 121<sup>st</sup> St. S.  
West: RS-3; The former Juniper Hills Farm greenhouse/nursery/garden center/landscape business property zoned RS-3 for part of the a future “Chisholm Ranch” single-family residential subdivision (previously tentatively known as “Juniper Hills”).

COMPREHENSIVE PLAN: Low Intensity + [Existing] Vacant, Agricultural, Rural Residences, and Open Land.

PREVIOUS/RELATED CASES: (Not a complete list):

BZ-323 – Haikey Creek Partners, LLC for David Markle – Request for rezoning from AG to RS-3 for 55 acres including subject property and that land abutting to the east for the future “Chisholm Ranch I” single-family residential subdivision (then tentatively known as “Juniper Hills”) – Recommended for Approval by PC 12/11/2006 by 2 to 1 vote and Approved by City Council 01/22/2007 (Ord. 958 corrected by Ord. 968).

PUD 58 – Juniper Hills Villas – Haikey Creek Partners, LLC for David Markle – Request for PUD approval for subject property for a then tentatively known as “Juniper Hills Villas” residential subdivision – Recommended for Approval by PC 05/21/2007 by 2 to 1 vote and Approved by City Council 06/11/2007 (Ord. 971).

Preliminary Plat of Juniper Hills Villas – Request for Preliminary Plat for subject property for a subdivision then tentatively known as “Juniper Hills Villas” – Approved by PC 06/18/2007 and by City Council 06/25/2007.

Preliminary Plat of Chisholm Ranch Villas – Request for Preliminary Plat for subject property for a subdivision (same subdivision as previously known as “Juniper Hills Villas”) – Recommended for Conditional Approval by PC 09/15/2008 and Conditionally Approved by City Council 09/22/2008.

Final Plat of Chisholm Ranch Villas – Request for Final Plat for subject property for a subdivision (same subdivision as previously known as “Juniper Hills Villas”) – Recommended for Approval by PC 12/21/2009 and Approved by City Council 01/11/2010.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

ANALYSIS:

*The proposed amendment would amend PUD 58 Article V, Screening Walls and Fences to change a screening wall to a wood screening fence with masonry columns.*

*Zoning Code Section 11-7I-8.G provides for Minor Amendments to a PUD:*

*“G. Amendments: Minor changes in the PUD may be authorized by the planning commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as a substantial compliance is maintained with the outline development plan and the purposes and standards of the PUD provisions hereof. Changes which would represent a significant departure from the outline development plan shall require compliance with the notice and procedural requirements of an original planned unit development.”*

*The Zoning Code does not require this minimum standard for subdivision wall or fence construction; it is only the original PUD itself which made the self-imposed standard. Therefore, Staff does not object to the proposed Minor Amendment.*

Michael Wisner asked Erik Enyart if the Commission had not voted on the issue of masonry fences within the past six (6) months. Mr. Enyart stated that, as a matter of fact, the City Council had, on December 21, 2009, passed a Zoning Code Text Amendment ordinance, which contained one provision that the Planning Commission, on its own initiative, recommended the Council adopt, which was to provide that, for Detailed Site Plans for commercial developments, the Planning Commission may, if the circumstances warrant it, require that the required screening fence be some form of masonry, rather than a simple wood fence.

The Commissioners discussed the matter for a time. Erik Enyart stated that he did not see Applicant Scott Sherrill in attendance, and for the sake of fairness, if the Commission was not amenable to approving the request, it should Continue it to the February 16, 2010 regular meeting, to allow the Applicant to be present and represent the application.

Michael Wisner made a MOTION to CONTINUE PUD 58 – [Chisholm Ranch] Villas – Minor Amendment # 1 to the February 16, 2010 regular meeting.

The Commissioners discussed the matter with the City Manager and each other for a time. Jim Powell asked if it was not the Commission's policy to deny applications when the Applicant fails to attend and represent their case. Erik Enyart stated that he was sure that he had informed the Applicant that it would be on this agenda, but that a Minor Amendment requires no Public Notice, which may explain why the Applicant did not attend. Mr. Enyart stated that he could have given the Applicant a special invitation. Mr. Enyart recommended the Commission Continue this case to the February 16, 2010 regular meeting, to allow the Applicant to be present and represent the application. Vice-Chair Larry Whiteley indicated favor for this recommendation. Michael Wisner indicated concern for due process if the Applicant was not present, and indicated that a denial might be appealed to the City Council.

After some discussion, Michael Wisner WITHDREW his Motion.

Vice-Chair Larry Whiteley asked to entertain another Motion. Jim Powell made a MOTION to CONTINUE PUD 58 – [Chisholm Ranch] Villas – Minor Amendment # 1 to the February 16, 2010 regular meeting. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whiteley, Powell, Whisman, & Wisner  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

PUBLIC HEARINGS

6. (Continued from 12/21/2009)  
**PUD 70 – Encore on Memorial – Khoury Engineering, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for a parcel of land located in part of the NW/4 NE/4 of Section 02 T17N, R13E.  
Property Located: 7400-block of E. 121<sup>st</sup> St. S.
  
7. (Continued from 12/21/2009)  
**BZ-347 – Khoury Engineering, Inc.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RM-3 Residential Multi-Family District for real property in part of the NW/4 NE/4 of Section 02, T17N, R13E.  
Property located: 7400-block of E. 121<sup>st</sup> St. S.

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Vice-Chair Larry Whiteley introduced Agenda Items numbered 6 and 7 together and called on Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the following Staff Report:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Thursday, January 14, 2010  
**RE:** Report and Recommendations for:  
PUD 70 – “Encore on Memorial” – Khoury Engineering, Inc. and  
BZ-347 – Khoury Engineering, Inc.

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LOCATION: – 7400-block of E. 121<sup>st</sup> St. S.

– Part of the NW/4 NE/4 of Section 02 T17N, R13E

SIZE: 538,070.54 square feet, 12.35 acres, more or less

EXISTING COMPREHENSIVE PLAN DESIGNATION: Corridor + [Existing] Vacant, Agricultural, Rural Residences, and Open Land

EXISTING ZONING: AG Agricultural District

REQUESTED ZONING: RM-3 Residential Multi-Family District and PUD 70

SURROUNDING ZONING AND LAND USE:

North: (Across 121<sup>st</sup> St. S.) RS-3, AG, & OL/CS/PUD 51; The Fox Hollow residential subdivision, with the Fry Creek Ditch # 2 to the northwest zoned AG and agricultural land to the northeast zoned OL/CS/PUD 51.

South: AG; Agricultural.

East: AG, RS-3, OL, & CS; Agricultural.

West: AG; Fry Creek Ditch #2, vacant/wooded land owned by the City of Bixby across the ditch, and the Three Oaks Smoke Shop is located on a 2-acre tract further to the west.

PREVIOUS/RELATED CASES: (not a complete list)

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area at approximately the 12600-block of S. Memorial Dr., located on part of the large 140-acre acreage tracts owned by Knopp – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area at approximately 12340 S. Memorial Dr., located on part of the large 140-acre acreage tracts owned by Knopp – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 “golf teaching and practice facility” on part of the large 140-acre acreage tracts owned by Knopp, which includes subject property – BOA Conditionally Approved 04/02/2001 (not since built).

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on part of the large 140-acre acreage tracts owned by Knopp, which includes subject property. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust – Request for Lot-Split approval to separate a 41.3384-acre tract from the southern end of the large 140-acre acreage tracts owned by Knopp, which includes subject property – It appears it was Administratively Approved by the City Planner on 07/20/2006, but the Assessor’s parcel records do not reflect that the land has ever since been divided as approved.

RELEVANT AREA CASE HISTORY: (not necessarily a complete list)

BZ-135 – Eddie McLearn – Request for rezoning from AG to CS for approximately 19-acre tract at 12300 S. Memorial Dr. abutting the large 140-acre acreage tracts owned by Knopp (containing subject property) to the east (now zoned RS-3, OL, and CS) – Withdrawn by Applicant 03/21/1983.

BZ-139 – Eddie McLearn – Request for rezoning from AG to RM-2, OL, & CS for approximately 19-acre tract at 12300 S. Memorial Dr. abutting the large 140-acre acreage tracts owned by Knopp (containing subject property) to the east (now zoned RS-3, OL, and CS; same as BZ-135) – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. 482).

BZ-196 – Donna Saunders for Nuel/Noel Burns – Request for rezoning from AG to CG for a 2-acre tract at the 7700-block of E. 121<sup>st</sup> St. S. abutting the large 140-acre acreage tracts owned by Knopp (containing subject property) to the east – PC Recommended Denial 01/21/1991 per notes on the application form. Lack of ordinance and other notes in the case file indicate it was either withdrawn, not appealed, or not finally approved by the City Council.

BZ-214 – City of Bixby – Request for FD Floodway Supplemental District for all of the (then proposed) Fry Creek Ditch drainage system right-of-way, including a section abutting the large 140-acre acreage tracts owned by Knopp (containing subject property) to the west – PC Tabled Indefinitely 11/20/1995.

BACKGROUND INFORMATION:

*A revised PUD Text and Exhibits was submitted January 13, 2010. This report and recommendations have been revised to reflect the changes in this new submittal.*

*It appears that the site plan was reconfigured to incorporate a 4-way intersection at 73<sup>rd</sup> E. Ave., as previously recommended by the City Engineer and City Planner and detailed in the previous version of this Staff Report. This reconfiguration appears to have resulted in a reconfiguration of the subject property itself, and a future PUD approval adjustment will likely be necessary to modify the PUD and RM-3 zoning district boundaries accordingly.*

**ANALYSIS:**

**General.** *The Applicant is requesting to rezone the subject property to RM-3 per BZ-347 and is requesting the approval of PUD 70, both for a Use Unit 8 Multifamily development on this 12.35-acre subject property. The proposed development would consist of 11 apartment buildings, containing 248 dwelling units, a leasing office/clubhouse/poolhouse (“leasing office”), and related customary accessory uses.*

*Because the review methodology is similar, and both applications propose to prepare the subject property for the same Use Unit 8 Multifamily development, this review will, for the most part, include both applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.*

**Subject Property Conditions.** *The subject property is relatively flat and appears to drain, if only slightly, to the south; The development will be planned to drain to the west to the Fry Creek Ditch No. 2 using storm sewer infrastructure and paying a fee-in-lieu of providing on site stormwater detention. It is zoned AG (RM-3 and PUD 70 is requested) and may or may not be presently used for agricultural crops. The subject property is a proposed 12.35-acre tract, to be sold by the current owner, Knopp family, to the developer, Encore Enterprises, Inc. of Dallas, Texas. The subject property would be separated from an approximately 41-acre tract, one (1) of two (2) adjacent tracts both owned by the Knopp family, which together contain approximately 140 acres.*

*The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.). Plans for utilities are discussed in the PUD Text section entitled “Grading and Utility Plans” and in the City Engineer’s memo.*

**Comprehensive Plan.** *The Comprehensive Plan Map designates the subject property Corridor + [Existing] Vacant, Agricultural, Rural Residences, and Open Land.*

*The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the requested RM-3 zoning is In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map. The Land Use designation, “[Existing] Vacant, Agricultural, Rural Residences, and Open Land,” is not interpreted as permanently-planned land uses.*

**Surrounding Zoning and Land Use.** *Surrounding zoning is a mixture of AG, CS, OL, and RS-3. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.*

*To the north (across 121<sup>st</sup> St. S.), the Fox Hollow residential subdivision is zoned RS-3, the Fry Creek Ditch # 2 to the northwest is zoned AG, and an 11-acre agricultural/vacant tract to the northeast is zoned OL/CS/PUD 51.*

*To the south and east lies additional parts of the Knopp Family subject property owner’s 140 acres, all zoned AG (except for a 3.56-acre area at approximately the 12600-block of S. Memorial Dr. zoned CG per BZ-54), which is primarily agricultural but has an area with several mature trees. Also to the east are additional agricultural tracts, and a 19-acre tract zoned RS-3, OL, and CS, which is primarily agricultural but contains the Easton Sod sales lot toward its east end at 12300 S. Memorial Dr.*

*To the west lies the Fry Creek Ditch #2, owned by the City of Bixby, and vacant/wooded land also owned by the City of Bixby across the channel. Both areas are zoned AG.*

*The land to the northwest is the Bixby North Elementary school on a 23-acre campus, and next to that is the Bixby North 5<sup>th</sup> and 6<sup>th</sup> Grade Center on a 10-acre campus and the LifeChurch 4.4-acre facility. The Three Oaks Smoke Shop is located on a 2-acre tract approximately 1,100 feet from the subject property on the south side of the street, and all of the balance of the land to the west along the south side of 121<sup>st</sup> St. S. has been zoned CS with PUD 53 and platted in WoodMere for commercial and office buildings. The 11-acre tract to the northeast was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre Bixby Centennial Plaza is just beyond that to the east, and was approved for CS zoning, in 2001, and for commercial development by the plat of Bixby Centennial Plaza in 2006.*

*Including the subject property, all of the Knopp 140 acres and the agricultural and other tracts between it and the intersection of 121<sup>st</sup> St. S. and Memorial Dr., approximately 180 acres in all, is planned*

for Corridor-intensity development, which provides that all of the available Zoning districts are either In Accordance or May Be Found In Accordance with the Comprehensive Plan. The balance of this 180 acre area is anticipated to be developed intensively, as it is in a prime location, is one of the last, exceptionally large undeveloped acreages in all of South Tulsa County north of the Arkansas River, has all the necessary utilities, Memorial Dr. frontage, and is out of the 100-year Floodplain.

It appears that, with the exception of the approximately 320' of frontage on 121<sup>st</sup> St. S. belonging to Fox Hollow, all of the land along 121<sup>st</sup> St. S. between Sheridan Rd. and Memorial Dr. has, or is planned or expected to develop/redevelop with intense uses.

Further, 121<sup>st</sup> St. S. between Sheridan Rd. and Memorial Dr. has been widened to a 4-lane major street with a 5<sup>th</sup>, dedicated turning lane in the center, consistent with its designation on the Tulsa City-County Major Street and Highway Plan (MHSP) and Bixby Comprehensive Plan as a Primary Arterial. This infrastructure improvement has further enabled the intensive development of this 1-mile major street corridor.

The requested RM-3 zoning and PUD 70 propose a moderately intensive, residential development of the subject property, and are consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

For the above-stated reasons, Staff believes that the proposed PUD substantially meets the following prerequisite findings as per Zoning Code Section 11-7I-8.C:

1. Whether the PUD is consistent with the comprehensive plan;
2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;
3. Whether the PUD is a unified treatment of the development possibilities of the project site; and
4. Whether the PUD is consistent with the stated purposes and standards of this article.

PUD Site Design. The submitted site plans for the Multifamily development exhibits a conventional, suburban-style design and indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking.

As stated hereinabove, the proposed 12.35-acre development would consist of 11 apartment buildings, containing 248 dwelling units, and a leasing office/clubhouse/poolhouse ("leasing office"), and related customary accessory uses. The apartment buildings would have three (3) stories, except for four (4) of the buildings nearest 121<sup>st</sup> St. S., which would have two (2) stories on each end with the center containing a third story ("modified-type 2/3-story apartment buildings"). The leasing office would have one (1) story.

Per the profile view/elevations drawings, the typical apartment buildings will be 30' 6" in height to the top plate (approximately 10' per story), with the average roofline being 43' in height. The modified-type 2/3-story apartment buildings would have an average roofline of 38' in height, and the two-story ends would have 21' 5" in height to the top plate. The RM-3 district allows for up to 48' in height, and this PUD proposes a maximum 50' height limit.

The PUD proposes a 0.50 Floor Area Ratio (FAR). Based on some of the new information provided in the revised PUD (which appears to be the same as was included in the financing proposal plan provided to the City on 11/17/2009), using the measurement method resulting in the maximum spatial area (exterior faces of studs of enclosing walls, versus interior face of finish/paint), the apartment buildings would contain approximately 227,012 square feet total, and the leasing office building would contain 4,800 square feet, for a total of 231,812 square feet for the entire project. This would result in a FAR of approximately 0.4308, which conforms to the proposed FAR maximum in the PUD.

The Development Standards in the revised PUD propose a 25 units per acre Maximum Density/Intensity of Use standard. At 248 proposed dwelling units on a 12.35-acre PUD site, this equals 20.08 dwelling units per acre, which would comply with the proposed standard. The 25 units per acre standard is the same as would be allowed by the requested RM-3 underlying zoning.

Based on the 248 proposed dwelling units, the Zoning Code would require (at 200 square feet per DU) a minimum of 49,600 square feet of Livability Space (unpaved "green space"), which would be approximately 9.2% of the total site area. The revised PUD Development Standards propose a 10% Minimum Livability Space standard. The Exhibit A "Livability Calculation" drawing calculates 62,170 square feet, or 11.55% of the total lot area.

Per the Development Standards and the site plan drawings, it appears that all buildings would meet the required setbacks for the RM-3 zoning district.

The revised site plans submitted with the revised PUD show a minimum 20' building line setback around the easterly, southerly, and westerly property lines, as previously recommended by Staff. This will allow for the minimum 17.5' perimeter Utility Easement, as required by the Subdivision Regulations, to

*provide a buffer area of approximately 2.5' to protect the integrity of the foundation, in the event the U/E must be excavated up to its interior edge. If acceptable to the City Engineer and Public Works Director, a reduction in the 17.5' U/E and the 20' building line setback may be allowed along the westerly property lines, recognizing the relatively wide Fry Creek Ditch # 2 right-of-way land owned by the City of Bixby.*

*At a meeting with the developer on November 17, 2009, the developer characterized the architectural style as "contemporary."*

*Also at the November 17, 2009 meeting, Kenneth Mayberry of Encore Enterprises, Inc. stated that the development would be for "market rate" apartments, estimated between \$595 to \$1,169 per month. Mr. Mayberry stated that it would be wood construction with sprinkler systems, and would have stainless steel, granite countertops, black appliances, faux wood floors, detached garage buildings and carports. Mr. Mayberry stated that it would have a fitness facility and a "garden resort style pool."*

*Based on some of the new information provided in the revised PUD (which appears to be the same as was included in the financing proposal plan provided to the City on 11/17/2009), the apartments would range in size from approximately 679 to 1,227 square feet.*

*One of the Development Standards of the PUD proposes a 25% masonry (brick) requirement for each building except garages and carports. The profile view/elevations, however, indicate that most apartment buildings would have 25% masonry, but the modified-type 2/3-story apartment buildings would have 35% masonry and the leasing office would have 40% masonry. Staff recommends that these numbers be specified in the "Percent of masonry" Development Standard, rather than a 25% requirement, which could result in less masonry than shown on the profile view/elevations drawings.*

*The revised PUD now represents profile view/elevations for the detached garage buildings and carports. They appear to be typical for a multifamily application.*

*Zoning Code Section 11-7I-6 gives the Planning Commission authority and discretion to require adequate perimeter treatments, including screening, landscaping, and setbacks. The two (2) site plan drawings in Exhibit A merely indicate possible locations of landscaping and fences, and the PUD text describes it briefly ("an 8-foot tall fence along the Eastern, Southern and Western property lines"). The PUD should provide more details on landscaping as per Zoning Code Section 11-7I-8.B.1.e. Details should include conceptual landscape and fencing/screening plans in addition to describing more fully the landscaping in the text.*

*The "colored" version of the Conceptual Site Plan, submitted with the initial version of the PUD, was not included in this revised PUD submittal. That drawing indicated the conceptual plans for landscaping, hard surface materials, sidewalks, and other such important site details better than the black and white drawings submitted with the current PUD submittal.*

*A conceptual landscape plan, or otherwise a site plan conceptually reflecting proposed landscaping, is a required PUD element per Zoning Code / City Code Section 11-7I-8.B.1.e, and must be submitted.*

*Further, the PUD information does not include other relevant information: Will there be only one (1) trash compactor area as indicated on the plans? Are there existing street lights? Are they adequate? How will they affect the location of outdoor lighting on the subject property, and will there be coordination? If a parking lot is allowed to be placed in front of the leasing office, as indicated on the conceptual plan, how will it be screened? Parking lots are planned along the northeast property lines, and so would likely be highly visible from 121<sup>st</sup> St. S., due to the lower elevation of the land in relation to the street. Will a screening fence or fence and landscaping combination be employed? Grade elevation changes, minimalistic signage, and generous landscaping can be used to good effect and result in attractive, upscale developments.*

*While most of these matters can be settled during the Detailed Site Plan review, PUDs should have more of this sort of detail than they usually do upon submittal, as is the case here.*

*Because the PUD lacks sufficient detail, Staff recommends that, for the Detailed Site Plan, now proposed as a part of this PUD, the Planning Commission shall have broad authority and discretion to place all reasonable and appropriate architectural and aesthetic standards for multifamily buildings and fencing/screening, landscaping, and signage controls as necessary to mitigate the visual effects which commonly attend such intense uses, and to ensure harmony and consistency in design with all buildings in this development and on other surrounding properties, and the developer is notified that the landscaping and perimeter requirements may be more than the minimum standards already required by the Zoning Code, in exchange for the special benefits conferred upon the developer by this PUD. The applicable standards shall generally be the absolute standards of the underlying zoning district and the Zoning Code for a conventional (non-PUD) development, except as otherwise provided by the approved PUD. The*

Detailed Site Plan must be adequate to demonstrate compliance with applicable standards and include details on proposed parking, sign locations, landscape plans, screening plans, lighting plans, building plan and profile view renderings, and exterior material details (composition, color, etc.).

Access & Circulation. With the revised PUD submittal, primary access will be from 121<sup>st</sup> St. S., a County-maintained road, via S. 73<sup>rd</sup> E. Ave., which will be extended south into this development for a distance of approximately 150'. The primary driveway entrance will be on this new S. 73<sup>rd</sup> E. Ave. extension. A secondary, emergency-only drive is proposed at the northwest corner of the lot.

The proposed S. 73<sup>rd</sup> E. Ave. street extension indicates an 80'-wide right-of-way. This would equivocate to a Commercial Collector street, which calls for an 80'-wide right-of-way (which may allow for approximately 2 driving lanes and a center turning lane; reference Subdivision Regulations Section 9.2.2), and appears to be in order.

The former recommendations by the City Planner and City Engineer, regarding the necessity of a 4-way intersection at 73<sup>rd</sup> E. Ave. for traffic safety, flow, and accessibility purposes, have been satisfied with this redesign. The PUD Text section entitled "Access and Circulation" also incorporates Staff's previous recommendations. See the previous version of this report for further details.

The proposed S. 73<sup>rd</sup> E. Ave. intersection and the emergency-only drive access point connection to 121<sup>st</sup> St. S. require City Engineer and/or County Engineer approval, and the Fire Marshal's approval in terms of locations, widths, gate sizes, and spacing.

On the PUD site plans, what appear to be sidewalks are now indicated along 121<sup>st</sup> St. S. and S. 73<sup>rd</sup> E. Ave., as required by the Subdivision Regulations. The lines indicating sidewalks should be labeled as such on the plans. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

During a meeting with the developer on 11/17/2009, the developer indicated, as suggested by Staff, that the Fry Creek Ditch # 2 maintenance road could be improved as a walking trail amenity for the development. If this is indeed planned, appropriate language should also be added to the PUD Text section entitled "Access and Circulation." Staff also recommended the developer consider adding an internal walking trail system, which could be connected to the Fry Creek trail. Such internal walking trails could also enhance the quality of the development. It is not evident that this is planned, per the revised PUD site plans.

The City Engineer and City Planner have since suggested to the developer the possibility of upgrading the Fry Creek Ditch # 2 maintenance road for use as the second emergency-only drive. If this is done, the drive may function as a walking trail amenity, as previously Staff suggested, even if not formally designated as such. If this option is used, the gate design must meet the requirements of the Fire Marshal as well as the City Engineer and Public Works Director, as it will continue to be necessary to use the road for maintenance of the Fry Creek ditch.

PUD General Recommendations. There are several minor items in the PUD Text which should be corrected, clarified, or modified, which items are listed and described in the numbered recommendations below.

Fire Marshal's and City Engineer's memos are attached to this Staff Report. Their comments are incorporated herein by reference.

Some of the recommendations by the City Engineer and Fire Marshal appear to have been included in the PUD Text.

The Technical Advisory Committee (TAC) discussed PUD 70 at its regular meeting held December 02, 2009. Minutes of that meeting are attached to this report.

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested RM-3 zoning and PUD 70 generally, and the PUD substantially meets the prerequisite findings as per Zoning Code Section 11-7I-8.C. Therefore, Staff recommends Approval of both requests, subject to the following corrections, modifications, and Conditions of Approval:

1. The reconfiguration of the site plan, incorporating a 4-way intersection at 73<sup>rd</sup> E. Ave. as previously recommended, appears to have resulted in a reconfiguration of the subject property itself. A future PUD approval adjustment will likely be necessary to modify the PUD and RM-3 zoning district boundaries accordingly. Upon and presuming the approval of this PUD, a PUD Major Amendment may be used to achieve this amendment, replacing the previous legal description with the new one in the Public Notice and using the authority of this approval condition to authorize a Major Amendment as an allowable amendment tool.

2. *The approval of RM-3 zoning is subject to the final approval of PUD 70 and vice-versa.*
3. *Subject to the satisfaction of all outstanding Fire Marshal and City Engineer recommendations.*
4. *Missing elements: Details on landscaping and screening as per Zoning Code Section 11-7I-8.B.1.e. (conceptual landscape and screening plans in addition to describing more fully the landscaping on page 4). There was landscaping indicated on the “colored” version of the Conceptual Site Plan, but this plan was not revised and included with this latest PUD resubmittal. These and other mentioned items must be corrected with a revised PUD submittal as per the minimum PUD requirements of the Zoning Code.*
5. *Detail Site Plan Review. Zoning Code Section 11-7I-6 grants the Planning Commission authority over perimeter landscaping and screening. The submitted PUD does not detail perimeter landscaping, screening, or other such necessary details. In lieu thereof, Staff recommends that, for the Detailed Site Plan, now proposed as a part of this PUD, the Planning Commission shall have broad authority and discretion to place all reasonable and appropriate architectural and aesthetic standards for multifamily buildings and fencing/screening, landscaping, and signage controls as necessary to mitigate the visual effects which commonly attend such intense uses, and to ensure harmony and consistency in design with all buildings in this development and on other surrounding properties, and the developer is notified that the landscaping and perimeter requirements may be more than the minimum standards already required by the Zoning Code, in exchange for the special benefits conferred upon the developer by this PUD. The applicable standards shall generally be the absolute standards of the underlying zoning district and the Zoning Code for a conventional (non-PUD) development, except as otherwise provided by the approved PUD. The Detailed Site Plan must be adequate to demonstrate compliance with applicable standards and include details on proposed parking, sign locations, landscape plans, screening plans, lighting plans, building plan and profile view renderings, and exterior material details (composition, color, etc.).*
6. *Regarding the Development Standards proposing a 25% masonry (brick) requirement for buildings, but not garages or carports, Staff recommends that these percentage numbers be specified for each category of building: The typical apartment building, the modified-type 2/3-story apartment buildings, and the leasing office.*
7. *Subject to City Engineer and/or County Engineer approval of the proposed S. 73<sup>rd</sup> E. Ave. intersection and the emergency-only drive access point connection to 121<sup>st</sup> St. S., and the Fire Marshal’s approval in terms of locations, widths, gate sizes, and spacing.*
8. *On the PUD site plans, what appear to be sidewalks are now indicated along 121<sup>st</sup> St. S. and S. 73<sup>rd</sup> E. Ave., as required by the Subdivision Regulations. The lines indicating sidewalks should be labeled as such on the plans.*
9. *Access and Circulation:*
  - a. *Third sentence: Word “acquiring” used instead of “acquisition.”*
  - b. *Third-to-last sentence: Change “should” to “shall” in both instances.*
  - c. *Will the Fry Creek Ditch # 2 maintenance road be improved as an emergency-only access road and/or walking trail amenity, as described in the analysis above? If so, please include on the plans and describe in PUD text.*
10. *The Planning Commission should discuss with the Applicant the reasoning for the planned location of the perimeter fence next to the buildings, rather than along the property lines.*
11. *Other than those listed above, comments on the provided conceptual site plans are withheld until a specific Detailed Site Plan, including a Landscape Plan, are submitted for the entire site.*
12. *A corrected PUD text and exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD.*

Vice-Chair Larry Whiteley asked if the Applicant was present and wished to speak on the item. Applicant Malek Elkhoury, P.E., of *Khoury Engineering, Inc.*, 1435 E. 41<sup>st</sup> St., Tulsa, was present. Mr. Elkhoury stated that the project was 12 acres in size and contained 11 buildings and 248 units in the apartment complex. Mr. Elkhoury stated that he had amended the PUD to address Staff’s comments. Mr. Elkhoury introduced the developer Kenneth Mayberry.

Kenneth Mayberry of *Encore Enterprises, Inc.*, 5005 LBJ Freeway Suite 1200, Dallas, TX 75244, stated that he would answer any questions and would like the opportunity to respond to any comments made by others.

Michael Wisner clarified with Erik Enyart that these applications were Continued from the December 21, 2009 Planning Commission meeting to this meeting in order to allow for a redesign of the site development plans due to Staff's recommendations. Mr. Enyart clarified with Mr. Wisner that the Planning Commission gives a recommendation on these rezoning applications, and that he will forward the applications along with the Commission's recommendation to the City Council for final action. Mr. Enyart noted that the applications and the Planning Commission's recommendation would be placed on the upcoming Monday, January 25, 2010 City Council agenda for an ordinance first reading, but that there would be no discussion or action on them at that meeting. Mr. Enyart stated that they would be placed on the City Council agenda on the second Monday in February for ordinance second reading and discussion and possible action to approve the applications.

Vice-Chair Larry Whiteley recognized Karen Rogers of 11951 S. 73<sup>rd</sup> E. Ave. from the sign-in sheet. Ms. Rogers stated that she was the President of the Fox Hollow Homeowners Association. Ms. Rogers indicated objection to the applications in a prepared speech, which was not made available to Staff after the meeting. Ms. Rogers presented a protest petition entitled, "Petition to the Bixby Planning Commission regarding Planned Unit Development PUD No. 70 by Encore Enterprises" to Lance Whisman, who handed it to Vice-Chair Larry Whiteley.

Vice-Chair Larry Whiteley recognized Jan Swafford of 11974 S. 73<sup>rd</sup> E. Ave. from the sign-in sheet.

Karen Rogers stated that the petition included signatures of approximately 98% of the residents of *Fox Hollow*, which contained 82 households.

Jan Swafford indicated objection to the applications in a prepared speech, a copy of which was provided to Staff and attached to these Minutes. Ms. Swafford noted that the Comprehensive Plan discouraged single-family residential development within a Corridor designation, but that the City had allowed Fox Hollow to be zoned and developed. Ms. Swafford also expressed a preference for high-end retail development instead of the proposed apartment development, and expressed concern for the ratio of single family homes to apartments, the quality of the development, the fact that the developer was from Dallas and not local. Ms. Swafford expressed objection to the applications based on the Comprehensive Plan.

Vice-Chair Larry Whiteley recognized Janelle Swearingen of 7334 E. 119<sup>th</sup> St. S. from the sign-in sheet. Ms. Swearingen indicated objection to the applications in a prepared speech, a copy of which was provided to Staff and attached to these Minutes. Ms. Swearingen expressed concern for crime as it relates to apartment developments, the stake and interest apartment dwellers have in the community versus that of single family homeowners, the ability of the police to respond to crime, the ability of the school district to accommodate the increase in students, and the ratio of single family homes to apartments.

Vice-Chair Larry Whiteley recognized Mike Harrell of 12083 S. 98<sup>th</sup> E. Ave. from the sign-in sheet. Mr. Harrell stated that he agreed with what had been previously said.

Vice-Chair Larry Whiteley recognized Tammy Lennon of 8120 E. 124<sup>th</sup> St. S. from the sign-in sheet. Ms. Lennon stated that she had two (2) children in school and expressed concern for the additional traffic, the capacity of the police force, that the existing 4-lane street was not taken care of now, and for the safety of the children.

Vice-Chair Larry Whiteley recognized Gary Dundee of 6912 E. 118<sup>th</sup> St. S. from the sign-in sheet. Mr. Dundee stated that he was the President of the Estates at Graystone Homeowners Association, and that the Association felt that this development was not appropriate even in the corridor.

Jim Powell asked Gary Dundee how many houses were in his Homeowners Association, and Mr. Dundee responded there were 92 houses. Mr. Powell asked Mr. Dundee if his Association had passed any formal statement or asked for any [petition] signatures. Mr. Dundee responded that it had not, but that he had sent an “email blast” and got responses. Mr. Powell asked what percentage of the homeowners responded to the email, and Mr. Dundee stated that well over one half responded, and of those who did respond, almost all of them were against the development.

Vice-Chair Larry Whiteley recognized Brian Guthrie of 7518 E. 118<sup>th</sup> St. S. from the sign-in sheet. Mr. Guthrie stated that what he had intended to say had “already been said.”

Vice-Chair Larry Whiteley recognized Harley Lundy of 11647 S. 73<sup>rd</sup> E. Ave. from the sign-in sheet. Mr. Lundy stated that he had lived in his home for 30 years and was the Vice President of the North Heights Homeowners Association. Mr. Lundy stated that he had been a schoolteacher for 37 years, and that Bixby was a “utopia” when he moved here in 1979, but that he had seen it steadily decline. Mr. Lundy stated that, due to traffic, he cannot get out on Memorial Dr. Mr. Lundy stated that his wife and also the President of the Homeowners Association, [on separate occasions], had been rear-ended. Mr. Lundy stated that he cannot get out on 121<sup>st</sup> St. S. during school traffic. Mr. Lundy stated that all of [the residents of] *North Heights Addition* were against this development, and asked for a show of hands of those who were attending from *North Heights Addition*. About a dozen hands were raised. Mr. Lundy asked that they lower their hands, and then asked how many of those people were against the development. It appeared that the same hands were raised. Mr. Lundy stated that there was no crime at all until the [*The Links*] apartments were built. Mr. Lundy reiterated the point stating that crime was nonexistent when he first moved [to his house]. Mr. Lundy asked that the Planning Commission consider not approving the Zoning change.

Vice-Chair Larry Whiteley recognized Sid Sartain of 11618 S. 74<sup>th</sup> E. Ave. from the sign-in sheet. Mr. Sartain stated that what he was going to say had just been said.

Vice-Chair Larry Whiteley recognized Ron Wale of 11450 S. 98<sup>th</sup> E. Ave. from the sign-in sheet. Mr. Wale stated that he was a resident of Bixby for 30 years, and congratulated the ladies who brought prepared speeches. Mr. Wale expressed concern that 300 to 500 [new] cars would be dumped on the road if this development was approved. Mr. Wale stated that the Bixby Police had no jurisdiction on 121<sup>st</sup> St. S. Mr. Wale stated that, when someone crams into school busses, the Highway Patrol or the Sheriff’s Office would have to respond, and it would be a long response. Mr.

Wale stated that the schools were already overcrowded. Mr. Wale stated that, with 300 to 400 new families, the quality of the education will go down. Mr. Wale stated that [the Commission] should study crime rates in single family homes versus apartments. Mr. Wale stated that [the Commission] should look at this development and other similar developments which were not delivered as promised. Mr. Wale stated that traffic was a nightmare during school hours. Mr. Wale asked the Commission to vote this development down.

Vice-Chair Larry Whiteley recognized Lee Moore of 7349 E. 119<sup>th</sup> St. S. from the sign-in sheet. Mr. Moore stated that his concerns had been voiced.

Vice-Chair Larry Whiteley recognized Jim Coffey of 2925 W. H St., Jenks, from the sign-in sheet. Mr. Coffey was not in attendance, and Erik Enyart stated that Mr. Coffey had probably attended to speak on the Boardwalk on Memorial cases previously heard.

Vice-Chair Larry Whiteley recognized Shelly Portway of 6816 E. 117<sup>th</sup> Pl. S. from the sign-in sheet. Ms. Portway stated that she was concerned for the school children. Ms. Portway expressed concern for traffic and stated that the school was overcrowded already. Ms. Portway stated that people choose Bixby Public Schools over private schools, and that the quality would go down if this was approved.

Vice-Chair Larry Whiteley recognized Jay Mauldin of 7341 E. 119<sup>th</sup> Pl. S. from the sign-in sheet. Mr. Mauldin indicated objection to the applications in a prepared speech, a copy of which was provided to Staff and attached to these Minutes. Mr. Mauldin expressed concern for a loss of property values, a transfer of property values to the apartment development from *Fox Hollow*, setting a precedent for allowing more apartment developments, that the Comprehensive Plan discouraged single-family residential development within a Corridor designation, but that the City had allowed *Fox Hollow* to be zoned and developed, the development of apartments instead of commercial, and consistency with the Comprehensive Plan.

Vice-Chair Larry Whiteley recognized Sarah McAmis of 9517 E. 117<sup>th</sup> St. S. from the sign-in sheet. Ms. McAmis stated that she was a parent and a friend of the teachers [in Bixby Public Schools]. Ms. McAmis stated that she had done her research and was thrilled and pleased with the education [in Bixby Public Schools]. Ms. McAmis noted that the national and state economies have taken a downturn, and there are budget shortcuts. Ms. McAmis stated that there was talk of 4-day schoolweeks and teachers layoffs. Ms. McAmis stated that, if the [Commission] approved this, it would deprive the students of the quality [of education] they deserve. Ms. McAmis stated that she was an assistant prosecutor in a District Attorney's office, and that in her experience, the crime rate in this type of housing is scary. Ms. McAmis stated that, if the citizens have to rely on the Tulsa County Sheriff's Office and the Highway Patrol to patrol, they are "dead in the water." Ms. McAmis stated that they were overworked and understaffed. Ms. McAmis stated that she respectfully requested the Commission vote no.

Vice-Chair Larry Whiteley recognized Jay Stallsmith of 6707 E. 112<sup>th</sup> St. S. from the sign-in sheet. Mr. Stallsmith stated that he had moved here from Jenks in 2006 for the Bixby North Elementary school. Mr. Stallsmith stated that it had been four (4) years now, and he has confirmed at every turn that he has made the right choice. Mr. Stallsmith stated that the school had become overcrowded,

and that it was not that way four (4) years ago. Mr. Stallsmith stated that the overcrowding and the congestion were his concerns.

Vice-Chair Larry Whiteley recognized Bob Stillman of 11402 S. 106<sup>th</sup> E. Ave. from the sign-in sheet. Mr. Stillman stated that he had moved here from Tulsa and expressed concern for the volume of traffic.

Vice-Chair Larry Whiteley stated that people had seen the price of land go sky high, and they expect to be able to sell to somebody, who will make an investment and develop the property.

Applicant Kenneth Mayberry was asked about the cost of the development, anticipated rents, apartment sizes, if the development would be gated, and if the gates would be kept shut. Mr. Mayberry responded to each of the questions, after each was asked, as follows: It would be a \$20 Million development, and he and his firm were anticipating rents between 92 cents to one (1) dollar per square foot, which would put it at the highest end for apartment rents in the Tulsa metropolitan market, the three (3) bedroom apartments would be around 1,200 square feet and would rent for around \$1,200 per month, the 660 square foot apartments would be the smallest built and would rent for about \$660 a month, it would be gated, and the gates would remain shut, for the benefit of his firm's economic interest and that of the residents.

Kenneth Mayberry introduced himself and thanked everybody for showing up and the Planning Commission for its time. Karen Rogers asked Mr. Mayberry if the starting rent of \$595 previously stated was accurate, and Mr. Mayberry indicated it was in that range, depending on what the market will bear. Mr. Mayberry commended the staff for their attention to detail, and stated that he was not used to seeing that much detail. Mr. Mayberry stated that the closest apartment building would be set back about 300' from the [centerline of the] street, and the apartment buildings would be blocked from view by the clubhouse. Mr. Mayberry stated that the apartments would face Memorial Dr. rather than the residents in *Fox Hollow*. Mr. Mayberry stated that his firm had looked all over Bixby for a site and selected this one because of the value. Mr. Mayberry stated that, in regard to the statement about attracting retail development, one of the retail fundamentals was that, in order to attract the commercial development, it was a matter of demographics: the more rooftops you add, the more commercial development it brings. Mr. Mayberry stated that this development could be the impetus that adds value to the 140 acre tract, and that his firm was proposing to bring amenity and tax value. Mr. Mayberry stated that his firm had selected this site because of demand. Mr. Mayberry stated that the *The Links* apartments were fully occupied and had a two (2) month waiting list, and that the *Marquis on Memorial* apartments, which opened in September [of 2009], was 75% occupied. Mr. Mayberry stated that, when selecting this site, his firm looked at the occupancy rates, which showed there was a true demand in Bixby [for more apartments].

Michael Wisner clarified with Erik Enyart that the new school that the Bixby Public Schools was constructing was on 131<sup>st</sup> St. S. between Garnett Rd. and 129<sup>th</sup> E. Ave. The Commissioners asked what students the new school would serve, and a woman who did not give her name stated that it would serve Pre-K to 6<sup>th</sup> Grade, similar to Bixby North Elementary. Michael Wisner asked if it would serve all of the students east of Memorial Dr., and the woman stated that it had not yet been determined. JoAnn Jennings of the *Bixby Bulletin* stated that the details would be in the newspaper article on the bond issue.

Someone who did not give their name asked if the Applicant would hold the property or flip it, and Kenneth Mayberry stated that his firm did not get into the fundamentals of what they did as a business. Mr. Mayberry asked that those attending respect that, as a business, there were some things that he could not disclose.

Vice-Chair Larry Whiteley recognized Ron Casteel from the audience. Mr. Casteel stated that he was a Bixby resident for 31 years, and complained that he could not get out [of *North Heights Addition*] on Memorial Dr. due to the traffic, and stated that, to go north, he had to turn south and turn around at what used to be the Safeway. Mr. Casteel complained that he could not go north on Memorial Dr. or south through *Fox Hollow*.

Ron Wale stated that there was a recent newspaper article about the low vacancy rates [in apartments], and expressed concern over traffic flow, occupancy rates, and school-age children.

Kenneth Mayberry stated that no traffic study had been done because it was not required. Mr. Mayberry stated that the development would have only 12 three-bedroom apartment units, which were the ones that typically have school-age children. Mr. Mayberry stated that the rest of the apartments are typically used by young singles. Mr. Mayberry stated that his firm was building a quality development with the highest market rates and demand in the area, and had an economic interest in maintaining the high values.

A gentleman who did not give his name stated that the *Memorial Square* apartments [north of 121<sup>st</sup> St. S. and east of Memorial Dr.] were sitting mostly vacant.

Wendy Guthrie expressed concern that the apartment dwellers would be mostly single, and there could be Section 8 housing, and noted that “times are tough.”

Kenneth Mayberry stated that there would be no subsidized housing, and that this development was going after the highest [market rate] rents in the metropolitan area. Mr. Mayberry stated that his firm wanted to set a new benchmark, and planned to change up the interiors to make them new and unique.

Someone who did not give their name asked Kenneth Mayberry about the possibility his company would “flip” the apartment development. Mr. Mayberry stated that his firm has held property for 10 to 15 years in its portfolio, and that if a property creates a cash flow, they keep it. Mr. Mayberry stated that his firm has an economic interest in sustaining the property values.

Lance Whisman stated that he had to disclose that he lived in *Fox Hollow*. Mr. Whisman stated that he had had a long talk with Erik Enyart, and that Mr. Enyart had led him in no direction on the matter. Mr. Whisman stated that he had thought long and hard on the matter and thanked his neighbors for not calling him excessively on it. Mr. Whisman stated that he thought he could be fair, and that he would [use the same reason] as if this case were in any other location or down the street. Mr. Whisman stated that he intended to vote on the item, and asked if there were any concerns.

Kenneth Mayberry stated that, from his standpoint, it appeared there would be a conflict of interest, regardless of how he decided to vote.

Lance Whisman stated that he did not take into account the affect it would have on [his] property values, and that he considered the schools and the traffic. Mr. Whisman stated that he would vote on the matter the same as if it was next to *Twin Creeks*.

Malek Elkhoury stated that 121<sup>st</sup> St. S. was a 5-lane street, and asked rhetorically if it should have to be eight (8) lanes.

Lance Whisman reasserted his impartiality.

Kenneth Mayberry stated that whatever developed on this property would be a high-intensity use.

Vice-Chair Larry Whiteley asked to entertain a Motion to bring the items to a vote.

After clarification with Erik Enyart, Michael Wisner made a MOTION to Recommend Approval of PUD 70 and BZ-347. Larry Whiteley SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Whiteley & Wisner  
NAY: Powell & Whisman.  
ABSTAIN: None.  
MOTION FAILED: 2:2:0

Erik Enyart stated that these applications would be forwarded to the City Council without a Planning Commission recommendation. Mr. Enyart stated that they would be placed on the upcoming Monday, January 25, 2010 City Council agenda for an ordinance first reading, but that there would be no discussion or action on them at that time. Mr. Enyart stated that they would be placed on the City Council agenda on the second Monday in February for ordinance second reading and discussion and possible action to approve the applications.

13. Report by the City Planner on perimeter sidewalks in new residential subdivisions as requested by the Planning Commission December 21, 2009.
- 

Vice-Chair Larry Whiteley introduced the item and called on Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the following Staff Report:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Friday, January 15, 2010  
**RE:** Report and Recommendations for:  
Sidewalks in Residential Subdivisions

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**AGENDA ITEM:**

Report by the City Planner on perimeter sidewalks in new residential subdivisions as requested by the Planning Commission December 21, 2009.

**ANALYSIS:**

*At its December 21, 2009 regular meeting, during the consideration of the Final Plat of Chisholm Ranch and its attendant Modification/Waiver request from the sidewalk construction requirement per Subdivision Regulations / City Code Section 13-3-2.N for the sidewalk along 121<sup>st</sup> St. S., the Planning Commission passed a Motion: (1) to put forth a statement that all new subdivisions, starting January 01, 2010, which have not yet been approved for Preliminary Plat, must install sidewalks along the perimeter streets as required by Code, and that no Waivers would be approved for them, and (2) to direct Staff to list and report to the Planning Commission all of the subdivisions that this policy would affect, along with a report on the linear feet of street frontage that sidewalks would have to be constructed along.*  
Staff Recommendation. *Regarding this matter, the development review team at the City of Bixby will need to have internal meeting(s) to discuss procedures and develop policies recommended for City Council adoption.*

*In addition, Staff has not had adequate time to fulfill the Planning Commission's requested study items. Staff recommends this agenda item be Continued to the February 1[6], 2010 regular meeting.*

Vice-Chair Larry Whiteley asked if there were any questions or comments. There being none, Jim Powell made a MOTION to CONTINUE the item to the February 16, 2010 regular meeting. Michael Wisner SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whiteley, Powell, Whisman, & Wisner  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

OLD BUSINESS:

(None).

NEW BUSINESS:

(None).

ADJOURNMENT:

There being no further business, Vice-Chair Larry Whiteley declared the meeting Adjourned at 7:34 PM.

APPROVED BY:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Planner/Recording Secretary

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
January 19, 2010          6:00 PM**

**STAFF PRESENT:**

Blu Hulsey, City Manager  
Erik Enyart, AICP, City Planner

**OTHERS ATTENDING:**

See attached Sign-In Sheet

**CALL TO ORDER:**

Vice-Chair Larry Whiteley called the meeting to order at 6:07 PM.

**ROLL CALL:**

Members Present: Michael Wisner, Jim Powell, Lance Whisman, and Larry Whiteley.  
Members Absent: Thomas Holland.

**CONSENT AGENDA:**

1. Approval of Minutes for the December 21, 2009 Regular Meeting
- 

Vice-Chair Larry Whiteley introduced the item and asked to entertain a Motion.

Jim Powell made a MOTION to APPROVE Consent Agenda Item number 1, the Minutes of the December 21, 2009 meeting. Michael Wisner SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Whiteley, Powell, Whisman, & Wisner  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

2. Case # AC-10-01-01. Discussion and possible action to approve temporary/portable signs for the Bixby Community Center's Annual Arts & Crafts Show on multiple properties throughout the City of Bixby (reference Ordinance # 2029).
3. Case # AC-10-01-02. Discussion and possible action to approve a temporary banner sign for *El Jalapeno* at 12604 S. Memorial Dr. in the *126 Center* shopping center, The W. 265' of the Commercial Area, *Southern Memorial Acres No. 2*.

4. Case # AC-10-01-03. Discussion and possible action to approve wall signs for *Body Masters* at 8222 E. 103<sup>rd</sup> St. S. Suite 105 in *The Palazzo* shopping center, Part of Tract A, *101 South Memorial Center.*
  5. Case # AC-10-01-04. Discussion and possible action to approve wall signs for *Body Masters* at 8222 E. 103<sup>rd</sup> St. S. Suite 115 in *The Palazzo* shopping center, Part of Tract A, *101 South Memorial Center.*
- 

Vice-Chair Larry Whiteley introduced the balance of the Consent Agenda items and asked to entertain a Motion.

Jim Powell made a MOTION to APPROVE Consent Agenda Items numbered 2 through 5, inclusive. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whiteley, Powell, Whisman, & Wisner  
 NAY: None.  
 ABSTAIN: None.  
 MOTION CARRIED: 4:0:0

Vice-Chair Larry Whiteley made a MOTION to take the agenda items out of order, and consider Agenda Items numbered 6 and 7 as the last application items on the agenda. Michael Wisner SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whiteley, Powell, Whisman, & Wisner  
 NAY: None.  
 ABSTAIN: None.  
 MOTION CARRIED: 4:0:0

PLATS

None.

OTHER BUSINESS

Upon clarification with Erik Enyart, Vice-Chair Larry Whiteley announced that the agenda items would be taken out of order, and that agenda items 10 and 11 would be considered at this time.

10. **PUD 29A – The Boardwalk on Memorial – Minor Amendment # 3.** Discussion and possible action to approve a Minor Amendment to PUD 29A to remove Development Area B from the PUD boundary for Lot 1, Block 1, *The Boardwalk on Memorial.*  
Property located: 12345 S. Memorial Dr.
  11. **BL-373 – William Wilson for Boardwalk on Memorial I., LP.** Discussion and possible action to approve a Lot-Split for Lot 1, Block 1, *The Boardwalk on Memorial.*  
Property located: 12345 S. Memorial Dr.
-

Vice-Chair Larry Whiteley introduced the items. Erik Enyart advised that the Applicants were requesting these two (2) cases be Continued to the February 16, 2010 regular meeting. The Applicants Bill Wilson and Hollis Allen, Jr., P.E. of *Walter P. Moore and Associates, Inc.* were present.

Jim Powell made a MOTION to CONTINUE PUD 29A – The Boardwalk on Memorial – Minor Amendment # 3 to the February 16, 2010 regular meeting. Michael Wisner SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Whiteley, Powell, Whisman, & Wisner  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

Michael Wisner made a MOTION to CONTINUE BL-373 to the February 16, 2010 regular meeting. Jim Powell SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Whiteley, Powell, Whisman, & Wisner  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

8. (Continued from 11/26/2009 and 12/21/2009)

**Case # AC-09-11-03 – Hardscapes – Olsen-Coffey Architects.** Discussion and possible action to approve a Detailed Site Plan and building plans for a storage building located in part of the SE/4 SE/4 NE/4 of Section 35, T18N, R13E.

Property located: 11610 S. Memorial Dr.

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Vice-Chair Larry Whiteley introduced the item and called on Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the following Staff Report:

**To:** *Bixby Planning Commission*  
**From:** *Erik Enyart, AICP, City Planner*  
**Date:** *Friday, January 15, 2010*  
**RE:** *Report and Recommendations for:  
AC-09-11-03 – Hardscape Materials, Inc. – Olsen-Coffey Architects*

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**LOCATION:** – 11610 S. Memorial Dr.  
– Part of the SE/4 SE/4 NE/4 of Section 35, T18N, R13E

**SIZE:** 2.8 acres, more or less

**EXISTING ZONING:** CS [Commercial] Shopping Center District

**DEVELOPMENT TYPE:** Approval of Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to Zoning Code Sections 11-7G-4 and 11-7G-6 for a Use Unit 15 landscaping materials sales and services business.

**SURROUNDING ZONING AND LAND USE:**

North: CG; Enterprise Sod Store and a vacant commercial tract to the north of that.

South: CG & AG; South Manufacturing, vacant commercial land with a billboard, and the Sunnyside Gardens landscaping-related business located along the Memorial Dr. frontage. The balance of the Hardscape Materials, Inc. site is located on an approximately 4-acre AG-zoned area connected to the subject property to the south.

East: (Across Memorial Dr.) RE; Residential estate homes in Southwood. The Azteka Motors used car sales lot is located to the southeast in the Southern Memorial Acres subdivision.

West: RM-2/PUD-16 & AG; The Links at Bixby golf course/apartment community. There are several houses and agricultural land on AG-zoned lots to the southwest.

COMPREHENSIVE PLAN: Corridor + Medium Intensity + Commercial Area.

PREVIOUS/RELATED CASES: (not a complete list)

BBOA-134 – Ronald G. Kelley – Request for Special Exception for a Use Unit 17 motorcycle sales business for subject property – BOA Approved 11/13/1984 subject to several conditions, including rezoning to CS (as per BZ-156), platting the property, and conditions pertaining to the motorcycle sales building and business. That business was never built.

BZ-156 – Ronald G. Kelley – Request for rezoning from AG to CS for subject property – PC Recommended Approval 11/26/1984 and City Council Approved 12/11/1984 (Ord. # 518).

BBOA-290 – Jody Porter/Brad Porter – Request for Special Exception for a [Use Unit 15] landscaping materials sales and services business for subject property – BOA Approved 02/20/1995 subject to several conditions, including the permanent building and paving to be completed within one (1) year, administrative approval of a site plan, and certain tree planting standards.

AC-04-11-03 – Request for approval of [a site plan and] building plans for the 30' X approximately 40' 2-story metal building used for the sales office – Architectural Committee reviewed 11/15/2004, but it was postponed to the next meeting because the Applicant did not show up to the meeting. There was no meeting in December of 2004, and the case was not returned to the agenda in January, February, or March of 2005, and was evidently never approved by the Architectural Committee.

BACKGROUND INFORMATION:

The subject property contains the majority of the buildings and outdoor demonstration/display area for Hardscape Materials, Inc., a Use Unit 15 landscaping materials sales and services business. There is an additional approximately 4-acre area connected to the south which contains outdoor storage areas for stone products and other landscaping materials. All of the land belongs to the Raymond McKibben family, and Hardscape Materials, Inc. belongs to Brad Porter and operates on the McKibben land by long-term lease. The Sunnyside Gardens landscaping-related business is located at 11660 S. Memorial Dr. on another parcel of land that is connected to the Hardscape Materials, Inc. site, and is also owned by the McKibben family.

This report will consider the 2.8-acre tract subject property, and not other separate parcels connected therewith that are also used for the Hardscape Materials, Inc. business, as they have a separate and unique history of Zoning and development cases than the subject property, and have not been researched, as they are beyond this report's scope of concern.

There is a 30' by approximately 40' 2-story metal building used for the sales office, indicated on the submitted site plan as "Existing Building." The Architectural Committee reviewed case # AC-04-11-03 on 11/15/2004, but it was postponed to the next meeting because the Applicant did not show up to the meeting. There was no meeting in December of 2004, and the case was not returned to the agenda in January, February, or March of 2005, and was evidently never approved by the Architectural Committee. However, the City of Bixby issued a building permit for this building dated 12/29/2004. This deficiency can be satisfied within the context of this request, if sufficiently-detailed information regarding the existing design, exterior materials and colors, etc. is submitted (profile view/elevations, more detailed building footprint schematics, etc.).

ANALYSIS:

Subject Property Conditions. The subject property is moderately sloped and contains the top of a short hill located toward the center of the north line of the property. From the top of the hill, the land slopes moderately to the east, south, and west. It contains approximately six (6) buildings of significant size, the most prominent of which is the 30' by approximately 40' 2-story metal building used for the sales office, indicated on the submitted site plan as "Existing Building."

The site plan also represents, to the north of this building, a small "Sales office wood frame" / "Existing Off.", which appears to be the previous sales office before the 2-story building was constructed.

or may be an ancillary sales office. Behind (to the west of) this ancillary sales office is an "Existin[g] Fountain Shop," and behind that is an "Existing Pump Shack" building attached on the north side of the "Exist'g Fish House." Finally, to the southwest of these last-named buildings is a small "Rock Outbuilding" attached on the north to a "Covered Gaspump." None of the buildings cited in this paragraph have dimensions, either of the buildings themselves or their distances in relation to each other or tying them to a property line. These dimensions are necessary for a site plan, and the sizes of the buildings determines the required number of parking spaces for the site.

Per a site inspection and aerial and satellite data, there are two (2) "lean-to"/ "pole barn" open canopy structures along the center of the north line of the subject property. The easternmost is the only one represented on the site plan. Because they are not buildings, their floor area does not contribute to the formula for determining required number of parking spaces. The second one, however, needs to be represented on the Site Plan.

Between the various buildings are several outdoor landscaping demonstration/display areas, featuring Koi ponds, fountains, rock gardens, and similar landscaping items. All of the parking areas and driveways appear to be paved with asphalt, likely pursuant to an Earth Change Permit for the improvement approved by the City Council on 10/11/2004. A sewerline was approved to be installed on the property (evidently to serve the 2-story building) in 2005.

The subject property appears to have been developed incrementally over time since it was approved for a Use Unit 15 landscaping sales business by Special Exception per BBOA-290 in 1995.

General. The site plan drawing indicates the location of the existing site as developed and the proposed location of the new storage building: Toward the south-central portion of the subject property, behind (west of) the 2-story metal building used for the sales office.

The new storage building is proposed to be 48' X 48' (2,304 square feet) and 12' in height to the eave, per the drawing "Storage building Hardscape Materials Inc. 11610 S. Memorial Dr." The total height has not been represented on the profile view/elevation drawing or any other plan sheet, and the building permit application states the building will be 12' in height. The total height must be represented on the plans and the building permit must accurately report the proposed total height.

The Site plan does not have dimensions of the lot, as required.

The Site Plan does not have a date.

The Site Plan does not have a Legend defining line types and abbreviations used throughout the plan, such as "TPED" [Telephone Pedestal, presumably], "BC (typ.)," etc. This is needed.

The Applicant should clarify if the "Proposed Concrete Sidewalk" along the west side of the parking lot is proposed with this building permit or is already in existence.

The west end of the subject property appears to be used for material storage areas. When the Site Plan is completed to show the west end of the subject property, this should be noted on the Site Plan in the same manner as it is represented elsewhere on the plan for other such storage areas.

Access. The subject property currently has two (2) driveway connections to S. Memorial Dr.: One (1) each at the northeast and southeast corners of the lot.

Per a site inspection and other data, internal accessibility is afforded via asphalt drives around the north, south, and west sides of the central area containing the buildings and outdoor landscaping demonstration/display areas. The site plan does not represent these areas, and indicates "gravel" along the northerly east-west drive, which is in error, as this drive is paved with asphalt. The front/east parking lot and drives are labeled "Proposed Asphalt Parking Lot (1100 S[quare] Y[ards])." This is also in error, as this parking lot and driveway is already paved with asphalt.

No changes are proposed to the existing access conditions, as per the submitted Site Plan.

Parking Standards. The Site Plan indicates there are 10 parking spaces (8 standard and 2 handicapped-accessible) in existence. Per Zoning Code Section 11-9-15.D, for (2,340 square feet per building permit for the 2-story building + 2,304 square feet proposed with this new building =) 4,644 square feet of buildings on the lot, 11.61 (12) parking spaces would be required. This does not even include the other five (5) buildings represented on the site plan but not dimensioned as to size as required. The 10 spaces do not comply with the minimum number of parking spaces required.

Based on a site inspection and other data, it appears there is another parking lot along the east side of the north line of the subject property. This parking lot is not represented or indicated as to existing dimensions.

The two (2) handicapped-accessible parking spaces would comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces) for up to 50 parking spaces.

Per the Building Inspector, the ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces. The Site Plan does not indicate how many spaces are van-accessible.

Zoning Code Section 11-10-4.A requires a 9' X 20' minimum dimension standard design. Per the site plan, the existing parking spaces are 9' X 18', and so do not comply with this standard.

The parking lot does comply with the 15' minimum setback from Memorial Dr. per Zoning Code Section 11-10-3.B Table 1, and has, per the Site Plan, over 24' in landscaped strip / parking lot setback width.

Unless the site is retrofitted, a Variance may be required from the minimum number of parking spaces and other parking requirements which the currently-developed conditions do not comply with.

Screening/Fencing. The Zoning Code requires a sight-proof screening fence for the west line of the subject property, as it abuts an R district. The site plan does not show the west side of the subject property, and so does not show what type of fencing, if any, may exist along the west line. Google Earth and satellite data indicates there is a metal-post fence, which is not opaque and so would not comply with the screening requirement of the Zoning Code.

The Site Plan represents other fences along the north and south property lines, including a 5' chain-link fence along the south property line and an 8' and a 4' wood fence along the north property line. It represents internal fences and walls used for the landscaping display/demonstration areas. It also represents a "RRTIE" ["Railroad Tie," presumably] wall along the north side of the South Manufacturing property. These sections of the property line do not require screening fences, but this fence information is represented as required.

The trash dumpster areas are not represented but are assumed adequate for this existing developed business site, and its representation on the Site Plan should not necessarily be required for something as simple as a storage building on an existing developed site.

Landscape Plan. A separate Landscape Plan was not submitted. The Site Plan indicates the locations of some of the trees on the property.

Per the Board of Adjustment Minutes of 02/20/1995, certain tree planting standards were required for the development of the site with a Use Unit 15 landscaping materials sales and services business:

"Placement of trees in the street yard (the required 50' setback from Memorial Drive) at the rate of one (1) tree for every one thousand (1,000) sf of street yard area. Tree sizes shall be as follows: Ornamentals - not less than six (6) feet in height and one (1) inch in caliper; Conifers/Evergreens - not less than five (5) feet in height; Canopy trees - not less than eight (8) feet in height and 2 inches in caliper."

Provided that the site complied with these standards, it was in conformance with the Zoning Code until the next building permits were issued after the adoption of the Landscape Chapter standards of the Zoning Code per Ordinance # 727 on 10/09/1995.

The landscaping information represented on the Site Plan is compared to the Landscape Chapter standards of the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 50' from Memorial Dr. Per the Site Plan, there is a landscaped strip (exclusive of driveways) with over 24' in width, which should ensure that this requirement is satisfied. The Site Plan indicates the landscaped strip located in the center area of the frontage contains "Landscape w/waterfall," and a site inspection confirms this area is covered in grass and landscaping, and there are two (2) existing trees shown in the street yard. **This standard is met.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 15' along S. Memorial Dr. Per the Site Plan, there is a landscaped strip (exclusive of driveways) with over 24' in width. **This standard is met.**
3. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Excluding the building line setback along Memorial Dr. (which is a Street Yard), the CS district requires a 10' setback from abutting R, AG, and O districts. There is an RM-2 district abutting to the west. The west line of the subject

property is 250'.  $250' \times 10' = 2,500$  square feet.  $2,500 / 1,000 = 2.5 = 3$  trees required in Rear Yard setback area abutting the RM-2 district. The Site Plan does not show the west end of the subject property, but per aerial and other data, it does not appear there are any trees within this rear yard setback area. **This standard is not met.**

4. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 75' from a Landscaped Area, which Landscaped Area must contain at least one (1) or two (2) trees. **This standard is met.**
5. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of street yard. The Street Yard is the 50' setback along S. Memorial Dr. The subject property has 250' of frontage on S. Memorial Dr.  $250' \times 50' = 12,500$  square feet / 1,000 = 13 trees required in Street Yard. Only two (2) trees are indicated on the Site Plan as being located in the Street Yard. However, based on a site inspection and other data, it appears there are several other trees in the street yard. Unless these trees are represented on the plan and are at least 13 in number, **this standard is not met.**
6. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. Based on a site inspection and other data, it appears there is another parking lot along the east side of the north line of the subject property. This parking lot is not represented or indicated as to existing dimensions.  
As the total number of parking spaces in existence has not been provided, compliance with this standard cannot be determined. Excluding the required Street Yard trees, only four (4) trees are represented as being in existence. If the total number of parking spaces does not exceed 40, this standard would be satisfied. However, until the total number of parking spaces in existence is provided, **this standard is not met.**
7. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard will be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
8. Irrigation Standards (Section 11-12-3.D.2): Plans for irrigation (such as locations of existing hose bibs, if any, and radii showing landscaping areas are within 100' of each, or whatever other irrigation system may be employed) have not been provided. **This standard is not met.**
9. Miscellaneous Standards (Section 11-12-3.D, etc.): The reported heights of the existing trees and other information indicates compliance with other miscellaneous standards. **This standard is met.**

Per a site inspection and other data, it is evident that there are several other trees on the property which are not represented on the Site Plan. If there are numerous existing permanent landscaping trees on the property beyond the total of six (6) represented on the Site Plan, the Applicant may want to consider proposing a Landscape Plan Alternative Compliance plan as per Zoning Code Section 11-12-4.D. Such Alternative Compliance plans are generally recommended for approval when the total number of required trees are met within the total site, but are merely relocated within property irrespective of required locations within landscaped Street Yards and setback areas.

Exterior Materials and Colors. A profile view/elevations drawing was provided. It is labeled "East & West Elevation (North & South Elevation – Similar)." The original building permit also included a drawing entitled "Storage building Hardscape Materials Inc. 11610 S. Memorial Dr."

Neither drawing provides information regarding the exterior materials or colors, as required.

Regarding the 2-story sales office building constructed in 2004, the Staff Report for AC-04-11-03 stated, "Rock is being placed on the metal building to enhance the look." The profile view/elevation drawing included with that case showed the bottom half of the first floor of the building, and all of the columns supporting the overhanging eaves, would be rock. However, based on a site inspection November 09, 2009, no such rock or other masonry was evident. This is somewhat moot, however, as the Architectural Committee evidently never approved the Detailed Site Plan for the 2-story building.

Outdoor Lighting. The Site Plan indicates the location of one (1) light pole, located due south of the proposed building, at the northwest corner of the South Manufacturing building abutting to the south. If this is the only outdoor light, this would appear appropriate for this development in its context, and a photometric plan should not be required for something as simple as a storage building on an existing developed site.

The building plans do not specify if the new building will have any outdoor lighting fixtures attached. The Applicant should clarify that this is or is not the case.

Signage. The Site Plan represents the location of the one (1) existing ground sign, located toward the center of the Memorial Dr. frontage, and indicates it to be a "10' [high] wood sign with landscape and water feature." The sign is assumed to comply with signage regulations as it is in existence.

Staff Recommendation. Until all of the information is submitted, Staff cannot recommend approval. The additional information may be submitted by the time of the meeting. If it is not, this case should be Continued to the next regular meeting, or a special meeting if the Commission so wishes.

In addition, as discussed above, some elements of the existing conditions indicate that the site does not comply with the Zoning Code in certain respects, such as parking. Any approval must be subject to a Variance from any and all Zoning Code requirements which the existing conditions do not and are not proposed to comply with.

Also as discussed above, the Applicant may want to consider proposing a Landscape Plan Alternative Compliance plan as per Zoning Code Section 11-12-4.D, and any approval should also be made contingent upon an approved Alternative Compliance Plan, if proposed.

Finally, any approval must also be conditioned upon the satisfaction of the City Engineer's requirements for an Earth Change Permit and stormwater drainage and detention engineering submittals, as per the City Engineer's memo dated 10/20/2009.

Until the property is in compliance with the Zoning Code, by means of Variances, Alternative Compliance Plans, after-the-fact Detailed Site Plan approval for the 2-story building, etc., the Building Permit cannot be issued on this property per Zoning Code Section 11-8-1.

NEW INFORMATION AS OF DECEMBER 17, 2009:

Request for Continuance and Revised Plan Not Yet Submitted. Late in the afternoon on November 16, 2009, the day of the last Planning Commission meeting, Malek Elkhoury of Khoury Engineering of Tulsa stopped by the City Planner's office and stated that Mr. Porter of Hardscape Materials, Inc. and his architect, Olsen-Coffey Architects, had asked him to help them prepare the missing elements of their Detailed Site Plan. Mr. Elkhoury forwarded his client's request that this item be Continued to the December 21, 2009 regular meeting. Staff confirmed with Mr. Elkhoury that day that his clients understood that the building permit would be delayed for that period of time. Mr. Elkhoury stated that he was going to have the property surveyed to locate the existing site elements for representation on the Detailed Site Plan.

Malek Elkhoury, representing his client at the December 02, 2009 TAC meeting, stated only that he was still working on getting the required site plan work done, and was also preparing a letter requesting a Plat Waiver as per Staff's email on 11/30/2009.

No revised Site Plan has been submitted as of December 17, 2009.

Plat Waiver. The 11/30/2009 email to Malek Elkhoury and Steve Olsen essentially stated:

This property is not platted. The Zoning Code Section 11-8-13 requires that properties be platted before a building permit is issued. Staff is not sure how the various buildings on the property were permitted at times (probably in 1995 when the site was first developed, and it appears that the 2-story building was built in 2004) without the property being platted or granted a Waiver of the platting requirement ("Plat Waiver"). Staff was not able to locate information that would indicate that a Plat Waiver was ever approved on this property.

The City Staff's policy is to only recommend Plat Waivers when all of the planned right-of-way is already dedicated or is dedicated along with the request, and the Utility Easements necessary to serve the property are already dedicated by separate instrument or are dedicated along with the Plat Waiver request. At a minimum, a standard 17.5' perimeter U/E will be necessary for this property. At this time, neither the TAC nor the City Engineer have requested any additional U/Es.

A letter requesting a Plat Waiver was received on 12/08/2009. However, neither the \$25.00 Plat Waiver application fee per Fee Schedule Ordinance # 599, nor the 17.5' perimeter U/E has been submitted. Staff Recommendation as of 12/17/2009. Staff's recommendation on the Detailed Site Plan has not changed. Staff will inform the Planning Commission of any new information submitted between the date of this report and the meeting on December 21, 2009.

NEW INFORMATION AS OF JANUARY 15, 2010:

A revised set of plans was submitted around 11:30 AM on Friday, January 15, 2010. The plans were not submitted in electronic format or 11" X 17" sized paper, which would have allowed for them to be included here. Staff has requested these copies in these formats, to allow for them to be provided at the Tuesday, January 19, 2010 meeting. Staff will have, by that time, enough time to review the revised plans and update the report and recommendation for the meeting.

*The Applicant has also submitted the Plat Waiver request and review fee, and proposed easement dedications, for the City Council's consideration on its next meeting agenda.*

Erik Enyart stated that he had received, the previous Friday, a revised Site Plan, which upon initial inspection, appeared to have satisfied most of the informational deficiencies outlined in his report. Mr. Enyart stated that he had not had adequate opportunity to review it in detail and provide an updated Staff Report for this meeting. Mr. Enyart stated that he could support this application subject to the resolution of any remaining outstanding items as listed in the Staff Report.

Vice-Chair Larry Whiteley asked if the Applicant was present and wished to speak on the item. Erik Enyart stated that the Applicant's Engineer, Malek Elkhoury, had called him just prior to the meeting to advise that he would be running late.

Vice-Chair Larry Whiteley asked if there were any questions or comments. There being none, Vice-Chair Larry Whiteley asked to entertain a Motion. Michael Wisner made a MOTION to Approve AC-09-11-03 with all of the recommended corrections, modifications, and Conditions of Approval as listed in the Staff Report. Jim Powell SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Whiteley, Powell, Whisman, & Wisner  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

**9. Case # AC-10-01-05 – Taco Bueno # 3081 – Burson & Williams Architects, Inc.**

Discussion and possible action to approve a Detailed Site Plan and building plans for the reconstruction and exterior remodeling of the existing building in part of Lot 1, Block 1, *Wal-Mart Stores Addition*.

Property located: 15040 S. Memorial Dr.

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Vice-Chair Larry Whiteley introduced the item and called on Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the following Staff Report:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Thursday, January 14, 2010  
**RE:** Report and Recommendations for:  
AC-10-01-05 – Taco Bueno # 3081 – Burson & Williams Architects, Inc.

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**LOCATION:** – 15040 S. Memorial Dr.  
– Part of Lot 1, Block 1, Wal-Mart Stores Addition

**SIZE:** 0.4 acres, more or less

**EXISTING ZONING:** CS [Commercial] Shopping Center District

**DEVELOPMENT TYPE:** Approval of Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to Zoning Code Sections 11-7G-4 and 11-7G-6 for a Use Unit 12 fast food restaurant business.

**SURROUNDING ZONING AND LAND USE:**

**North:** CS; Vacant land and parking areas in the Wal-Mart Stores Addition and the abandoned Railroad Right-of-Way containing the Bixby Auto Sales and a storage shed sales lot to the north of that.

South: CS; The O'Reilly Auto Parts sales business and the Sonic Drive-In fast food restaurant in the Wal-Mart Stores Addition.

East: (Across Memorial Dr.) CG & CH; The Bixby Car Wash and vacant land.

West: CS; The Doc's Country Mart grocery store, the Med-X pharmacy/drugstore, the Sutherland's building materials and hardware store, and other businesses in the in the Spartan Family Shopping Center strip commercial center in the Wal-Mart Stores Addition.

COMPREHENSIVE PLAN: Medium Intensity + Development Sensitive + Commercial Area + Regional Trail.

PREVIOUS/RELATED CASES: (Not a complete list)

[Final] Plat of Wal-Mart Stores Addition – Request for [Final] Plat approval for the Wal-Mart Stores Addition (includes subject property) – Planning Commission recommended Conditional Approval on 02/23/1981 and the City Council Approved 03/02/1981 (plat was recorded 07/15/1981).

BZ-45 – Warren Morris – Request for IH, IL, CG, & CS zoning for all of the E/2 SE/4 of this Section (80 acres, includes all of Morris-Bright Industrial Park, Wal-Mart Stores Addition, and Jade Crossing) – Approved for IM, IL, and CS zoning only by the City Council 10/1976 (Ord. # 320).

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property contains the Taco Bueno # 3081 Use Unit 12 fast food restaurant business, which was partially destroyed by a fire around mid-2009.

General. The Site Plan Drawing A0.0 indicates the location of the existing site as developed. The Site Plan represents a relatively conventional, suburban-style fast food restaurant with a drive-through lane. There is a parking lot on the north side of the lot with 11 parking spaces on the north, and eight (8) or nine (9) parking spaces on the south of an east-west internal drive.

The existing building is located toward the south-central part of the lot, and has sidewalks and landscaping areas surrounding it. The Tulsa County Assessor's parcel information indicates the building was constructed in 1987.

The drive-through lane occupies the balance of the subject property, and wraps around the west and south sides of the building, located in the south-central part of the lot. It exits at the southeast corner of the lot onto a north-south drive located on part of Lot 1, Block 1, Wal-Mart Stores Addition.

Based on the location of the 50' building line indicated on the Site Plan Drawing A0.0, it appears that the existing building footprint, for the most part, complies with the 50' setback requirement from Memorial Dr. per Zoning Code Section 11-7D-4 Table 2. However, per the Tulsa County Assessor's parcel and aerial data, it appears that a relatively recent (presumably the circa 2005 Memorial Dr. widening project) ODOT right-of-way parcel acquisition, "Part of Lot 1 Beginning 39.92' North of the Southeast Corner of Lot 1 Thence North 24' Thence West 20.55' Thence South 24' Thence East 20.53' to the Point of Beginning, Block 1, Wal-Mart Stores Addition," has caused the building's setback to be legally nonconforming by approximately nine (9) feet.

Therefore, the Structural Nonconformities provisions of the Zoning Code appear to apply. Zoning Code Section 11-11-6.B provides:

"B. Should such structure be damaged or partially destroyed by any means to the extent of more than fifty percent (50%) of its current replacement cost at time of damage, the restoration as a nonconforming structure shall be subject to the board of adjustment's finding, after adherence to the procedural requirements for a special exception, that its restoration to a conforming structure cannot reasonably be made in view of the nature and extent of the nonconformity and the nature and extent of the damages."

The Applicant needs to provide documentation demonstrating the "current replacement cost at [the] time of damage" to allow for comparison to the 50% standard of this Zoning Code requirement. If it is subject to this requirement, a Special Exception may be required.

The Site Plan Drawing A0.0 does not provide the building's dimensions or the distances to the front/east or nearest side yard line. This data must be provided on a revised site plan resubmittal.

There is another line parallel to the 50' building line which uses the same line type symbology, but it is not described. According to the recorded plat of Wal-Mart Stores Addition, it appears this may be a 50'-wide ONG easement recorded at Book 1430 Page 1042. This line needs to be designated on the Site Plan Drawing A0.0. The area needs to be adequately described and differentiated from the Building Line setback.

Per the Site Plan Drawing A0.0, no changes to the building or general site elements are proposed, with the exception of the removal of a curb from the west side of the south parking lot strip next to the building and the removal of an "existing wood fence" at the southwest corner of the building.

Access. The internal east-west drive along the north side of the property connects the subject property, on the west, to the shopping center on the balance of Lot 1, Block 1, Wal-Mart Stores Addition, and on the east, to a north-south drive located on another part of said Lot 1. This land separates the subject property from Memorial Dr. by approximately 26.2 to 46.2 feet (26.2' in the case of the ODOT parcel previously described). The subject property is essentially "landlocked," having no frontage on any public street. The subject property presumably enjoys some easement over the balance of said Lot 1 to provide it access to and from Memorial Dr.

Per Zoning Code Section 11-7D-4 Table 2, the minimum frontage requirement in the CS district is 150'. Per the submitted Site Plan Drawing A0.0, the subject property measures only 142.10' from north to south, and so would not meet this frontage requirement, even if the lot abutted Memorial Dr., instead of another lot.

Staff was not able to locate any Lot-Split or Board of Adjustment cases which would have explained or indicated the history leading to the creation of the subject property in its nonconforming, landlocked state. Further, the Wal-Mart Stores Addition is not in a PUD. As it is part of a lot platted with the Wal-Mart Stores Addition, which subdivision was platted in 1981, and as Bixby first adopted its Subdivision Regulations and Zoning Code/Ordinance in the early 1970s, it would appear that the subject property may be illegally nonconforming, due to its evident creation after the Zoning Code required 150' of street frontage, and for having been evidently created without the approval of a Lot-Split, as required. Per the 01/01/1976 Zoning Ordinance, the minimum frontage in the CS district was 150', and appears to have always since been 150'.

The Site Plan Drawing A0.0 does not indicate the width of the drive aisle, consisting of the east-west drive along the north side of the lot. The drawing also does not indicate the width of the north-south drive separating the subject property from Memorial Dr. This information is needed to allow for adequate review.

No changes are proposed to the existing access conditions, as indicated by the submitted Site Plan Drawing A0.0.

Parking Standards. The Site Plan Drawing A0.0 indicates there are 19 or 20 parking spaces (2 of which are handicapped-accessible) in existence. Per Zoning Code Section 11-9-15.D, for 2,653 square feet of building on the lot, 17.68 (18) parking spaces would be required. The 19 or 20 spaces comply with the minimum number of parking spaces required.

The two (2) handicapped-accessible parking spaces would comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces) for up to 25 parking spaces.

Per the Building Inspector, the ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces. The Site Plan Drawing A0.0 does not indicate if either of the two (2) spaces is van-accessible.

Zoning Code Section 11-10-4.A requires a 9' X 20' minimum dimension standard design. The Site Plan Drawing A0.0 does not indicate the dimensions of the existing parking spaces.

The parking lot complies with the 15' minimum setback from Memorial Dr. per Zoning Code Section 11-10-3.B Table 1.

Screening/Fencing. The Zoning Code does not require a sight-proof screening fence for the subject property, as it does not abut an R district.

The "wood fenced trash enclosure" area is represented in the northwest corner of the lot. Although details have not been provided (detail in plan view, profile view, and description of composition, etc.), it is assumed adequate for this existing developed business site, and such details should not necessarily be required for something as simple as a building restoration for an existing developed site.

Landscape Plan. A Landscape Plan was submitted and indicates the location of existing and proposed new landscaping.

The Tulsa County Assessor's parcel information indicates the building was constructed in 1987. If this is the case, the landscaping requirements of the Zoning Code would not have applied, as they were introduced to the Code in 1995.

Zoning Code Section 11-12-2.B provides an exemption from the landscaping standards for the current situation:

*"B. Restoration of buildings constructed prior to the adoption date hereof which are damaged by fire, flood or other catastrophe;"*

*Therefore, no new landscaping is required. The proposed landscaping appears appropriate.*

*Exterior Materials and Colors. Profile view/elevations drawings A4.0 and A4.1 have been provided.*

*The Applicant has stated that the restored building will be upgraded to the latest corporate architectural style, and the provided drawings correspond with this statement.*

*The exterior materials will be primarily (1) existing and replacement [yellow and gray] stucco with (2) "SSV-1" (which appears to be stone masonry) architectural columns on the north and south sides, extended above the roof line as compared the current building height. The "SSV-1" should be specified on the plans as to its meaning.*

*Other than the clay tiles on the two (2) extended architectural columns, which crest along a north-south axis (and thus face east and west), the roof will not be visible.*

*The colors of the stucco, [masonry], and tiles have not been provided, but should be.*

*Outdoor Lighting. The Site Plan Drawing A0.0 indicates the location of the existing light poles, located at or about the four (4) corners of the lot. These would appear appropriate for this development in its context, and a photometric plan should not be required for something as simple as a building restoration on an existing developed site.*

*Signage. The Site Plan Drawing A0.0 represents the location of one (1) existing ground sign, located toward the center of the east side of the lot. Per the Site Plan, there is another ground sign located toward the back/west side of the lot. None of the site plan drawings, including the signage plan by Starlight Sign LP drawing #0912-079, indicate the height, dimensions, or other such details for these existing signs.*

*Because Zoning Code provides that the ground signs are subject to the standards based on the available lot frontage, and as the subject property has no street frontage, it does not appear that the existing ground signs comply with the Zoning Code.*

*The profile view/elevations drawings A4.0 and A4.1, together with the signage plan by Starlight Sign LP drawing #0912-079, indicate the sizes and relative locations of the wall signs.*

*In addition to the site plan drawings not providing this information, the profile view/elevations drawings do not dimension the wall widths, necessary for the comparison of the signage to the maximum display surface area allowable under the Zoning Code (See Section 11-9-21.D.2). They also need to be dimensioned.*

*Staff Recommendation. As described above, the subject property appears to be illegally nonconforming.*

*Until the property is brought into compliance with the Zoning Code, presumably by means of Variances and possibly a Special Exception, this Detailed Site Plan should not be approved and the Building Permit cannot be issued on this property per Zoning Code Section 11-8-1.*

*Additionally, the rest of the missing information, as described in the analysis above, needs to be provided for the completion of the Detailed Site Plan review.*

Erik Enyart advised that he had just received some updated Site Plan drawings that evening, and had distributed them to the Commissioners just prior to the meeting. Mr. Enyart stated that the new Site Plan drawings may have satisfied some of the missing informational items outlined in the Staff Report.

Vice-Chair Larry Whiteley asked if the Applicant was present and wished to speak on the item. Applicant Jeff Wohead of *Taco Bueno*, 1605 LBJ Freeway, Farmers Branch, TX was present and stated that the Zoning problem has been in existence since the restaurant first opened in the mid-1980s. Mr. Wohead stated that he would turn in a Variance application by the end of the week. Mr. Wohead stated that all he was asking for was a permit to start to rebuild the fire-damaged store, as soon as possible.

Michael Wisner and the other Commissioners advised Jeff Wohead that only the Board of Adjustment could approve his Variance. Mr. Wohead reiterated his desire to get a building permit as quickly as possible. The Commissioners asked Erik Enyart for his recommendation, and Mr. Enyart stated that he could support the Detailed Site Plan, on the Condition that it be subject to the

submission, review, and approval of a future Variance application by the Board of Adjustment, and subject to the resolution of all of the outstanding informational items as listed in the Staff Report.

Vice-Chair Larry Whiteley asked if there were any questions or comments. There being none, Vice-Chair Larry Whiteley asked to entertain a Motion. Michael Wisner made a MOTION to APPROVE AC-10-01-05 subject to the submission, review, and approval of a future Variance application by the Board of Adjustment, and subject to the resolution of all of the outstanding informational items as listed in the Staff Report. Larry Whiteley SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Whiteley, Powell, Whisman, & Wisner  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

12. **PUD 58 -- [Chisholm Ranch] Villas -- Minor Amendment # 1.** Discussion and possible action to approve a Minor Amendment to PUD 58 to amend Article V, Screening Walls and Fences to change a screening wall to a wood screening fence with masonry columns, located in part of the E/2 of the NW/4 and the W/2 NE/4 of Section 06, T17N, R14E.  
Property located: 10428 E. 121<sup>st</sup> St. S.
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Vice-Chair Larry Whiteley introduced the item and called on Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the following Staff Report:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Friday, January 15, 2010  
**RE:** Report and Recommendations for:  
PUD # 58 – [Chisholm Ranch] Villas – Minor Amendment # 1

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**LOCATION:** – 10428 E. 121<sup>st</sup> St. S.  
– Part of the E/2 NW/4 and the W/2 NE/4 of Section 06, T17N, R14E  
**LOT SIZE:** – 47 acres, more or less (subject property)  
– 8.31 acres, more or less (subdivision plat area)  
**EXISTING ZONING:** RS-3 Residential Single Family District + PUD 58 for “Chisholm Ranch Villas” (formerly “Juniper Hills Villas”).  
**EXISTING USE:** Agricultural  
**REQUEST:** Minor Amendment(s) to PUD 58  
**SURROUNDING ZONING AND LAND USE:**  
**North:** (Across 121<sup>st</sup> St. S.) AG; A 40-acre agricultural tract.  
**South:** AG; Three (3) rural residential tracts containing approximately 0.9 acre, 1.7 acres, and 10 acres (m/l) to the south and southwest zoned AG. Further to the south, vacant land zoned RS-3 for part of the future “Chisholm Ranch I” single-family residential subdivision (previously tentatively known as “Juniper Hills”).  
**East:** RS-3; Vacant land zoned RS-3 for part of the future “Chisholm Ranch I” single-family residential subdivision (previously tentatively known as “Juniper Hills”), and rural residential acreages to the northeast along the north side of 121<sup>st</sup> St. S.  
**West:** RS-3; The former Juniper Hills Farm greenhouse/nursery/garden center/landscape business property zoned RS-3 for part of the a future “Chisholm Ranch” single-family residential subdivision (previously tentatively known as “Juniper Hills”).

COMPREHENSIVE PLAN: *Low Intensity + [Existing] Vacant, Agricultural, Rural Residences, and Open Land.*

PREVIOUS/RELATED CASES: *(Not a complete list):*

BZ-323 – Haikey Creek Partners, LLC for David Markle – Request for rezoning from AG to RS-3 for 55 acres including subject property and that land abutting to the east for the future “Chisholm Ranch I” single-family residential subdivision (then tentatively known as “Juniper Hills”) – Recommended for Approval by PC 12/11/2006 by 2 to 1 vote and Approved by City Council 01/22/2007 (Ord. 958 corrected by Ord. 968).

PUD 58 – Juniper Hills Villas – Haikey Creek Partners, LLC for David Markle – Request for PUD approval for subject property for a then tentatively known as “Juniper Hills Villas” residential subdivision – Recommended for Approval by PC 05/21/2007 by 2 to 1 vote and Approved by City Council 06/11/2007 (Ord. 971).

Preliminary Plat of Juniper Hills Villas – Request for Preliminary Plat for subject property for a subdivision then tentatively known as “Juniper Hills Villas” – Approved by PC 06/18/2007 and by City Council 06/25/2007.

Preliminary Plat of Chisholm Ranch Villas – Request for Preliminary Plat for subject property for a subdivision (same subdivision as previously known as “Juniper Hills Villas”) – Recommended for Conditional Approval by PC 09/15/2008 and Conditionally Approved by City Council 09/22/2008.

Final Plat of Chisholm Ranch Villas – Request for Final Plat for subject property for a subdivision (same subdivision as previously known as “Juniper Hills Villas”) – Recommended for Approval by PC 12/21/2009 and Approved by City Council 01/11/2010.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

ANALYSIS:

*The proposed amendment would amend PUD 58 Article V, Screening Walls and Fences to change a screening wall to a wood screening fence with masonry columns.*

*Zoning Code Section 11-7I-8.G provides for Minor Amendments to a PUD:*

*“G. Amendments: Minor changes in the PUD may be authorized by the planning commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as a substantial compliance is maintained with the outline development plan and the purposes and standards of the PUD provisions hereof. Changes which would represent a significant departure from the outline development plan shall require compliance with the notice and procedural requirements of an original planned unit development.”*

*The Zoning Code does not require this minimum standard for subdivision wall or fence construction; it is only the original PUD itself which made the self-imposed standard. Therefore, Staff does not object to the proposed Minor Amendment.*

Michael Wisner asked Erik Enyart if the Commission had not voted on the issue of masonry fences within the past six (6) months. Mr. Enyart stated that, as a matter of fact, the City Council had, on December 21, 2009, passed a Zoning Code Text Amendment ordinance, which contained one provision that the Planning Commission, on its own initiative, recommended the Council adopt, which was to provide that, for Detailed Site Plans for commercial developments, the Planning Commission may, if the circumstances warrant it, require that the required screening fence be some form of masonry, rather than a simple wood fence.

The Commissioners discussed the matter for a time. Erik Enyart stated that he did not see Applicant Scott Sherrill in attendance, and for the sake of fairness, if the Commission was not amenable to approving the request, it should Continue it to the February 16, 2010 regular meeting, to allow the Applicant to be present and represent the application.

Michael Wisner made a MOTION to CONTINUE PUD 58 – [Chisholm Ranch] Villas – Minor Amendment # 1 to the February 16, 2010 regular meeting.

The Commissioners discussed the matter with the City Manager and each other for a time. Jim Powell asked if it was not the Commission's policy to deny applications when the Applicant fails to attend and represent their case. Erik Enyart stated that he was sure that he had informed the Applicant that it would be on this agenda, but that a Minor Amendment requires no Public Notice, which may explain why the Applicant did not attend. Mr. Enyart stated that he could have given the Applicant a special invitation. Mr. Enyart recommended the Commission Continue this case to the February 16, 2010 regular meeting, to allow the Applicant to be present and represent the application. Vice-Chair Larry Whiteley indicated favor for this recommendation. Michael Wisner indicated concern for due process if the Applicant was not present, and indicated that a denial might be appealed to the City Council.

After some discussion, Michael Wisner WITHDREW his Motion.

Vice-Chair Larry Whiteley asked to entertain another Motion. Jim Powell made a MOTION to CONTINUE PUD 58 – [Chisholm Ranch] Villas – Minor Amendment # 1 to the February 16, 2010 regular meeting. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whiteley, Powell, Whisman, & Wisner  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

PUBLIC HEARINGS

6. (Continued from 12/21/2009)

**PUD 70 – Encore on Memorial – Khoury Engineering, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for a parcel of land located in part of the NW/4 NE/4 of Section 02 T17N, R13E.

Property Located: 7400-block of E. 121<sup>st</sup> St. S.

7. (Continued from 12/21/2009)

**BZ-347 – Khoury Engineering, Inc.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RM-3 Residential Multi-Family District for real property in part of the NW/4 NE/4 of Section 02, T17N, R13E.

Property located: 7400-block of E. 121<sup>st</sup> St. S.

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Vice-Chair Larry Whiteley introduced Agenda Items numbered 6 and 7 together and called on Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the following Staff Report:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Thursday, January 14, 2010  
**RE:** Report and Recommendations for:  
PUD 70 – “Encore on Memorial” – Khoury Engineering, Inc. and  
BZ-347 – Khoury Engineering, Inc.

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LOCATION: – 7400-block of E. 121<sup>st</sup> St. S.

– Part of the NW/4 NE/4 of Section 02 T17N, R13E

**SIZE:** 538,070.54 square feet, 12.35 acres, more or less

**EXISTING COMPREHENSIVE PLAN DESIGNATION:** Corridor + [Existing] Vacant, Agricultural, Rural Residences, and Open Land

**EXISTING ZONING:** AG Agricultural District

**REQUESTED ZONING:** RM-3 Residential Multi-Family District and PUD 70

**SURROUNDING ZONING AND LAND USE:**

**North:** (Across 121<sup>st</sup> St. S.) RS-3, AG, & OL/CS/PUD 51; The Fox Hollow residential subdivision, with the Fry Creek Ditch # 2 to the northwest zoned AG and agricultural land to the northeast zoned OL/CS/PUD 51.

**South:** AG; Agricultural.

**East:** AG, RS-3, OL, & CS; Agricultural.

**West:** AG; Fry Creek Ditch #2, vacant/wooded land owned by the City of Bixby across the ditch, and the Three Oaks Smoke Shop is located on a 2-acre tract further to the west.

**PREVIOUS/RELATED CASES:** (not a complete list)

**BZ-54 – [Charles] Roger Knopp** – Request for rezoning from AG to OM & CG for a 3.56-acre area at approximately the 12600-block of S. Memorial Dr., located on part of the large 140-acre acreage tracts owned by Knopp – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

**BZ-200 – Charles Roger Knopp** – Request for rezoning from AG to CG for an approximately 2.27-acre area at approximately 12340 S. Memorial Dr., located on part of the large 140-acre acreage tracts owned by Knopp – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

**BBOA-367 – Holley Hair for Charles Roger Knopp** – Request for Special Exception approval to allow a Use Unit 20 “golf teaching and practice facility” on part of the large 140-acre acreage tracts owned by Knopp, which includes subject property – BOA Conditionally Approved 04/02/2001 (not since built).

**BBOA-442 – Charles Roger Knopp** – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on part of the large 140-acre acreage tracts owned by Knopp, which includes subject property. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

**BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust** – Request for Lot-Split approval to separate a 41.3384-acre tract from the southern end of the large 140-acre acreage tracts owned by Knopp, which includes subject property – It appears it was Administratively Approved by the City Planner on 07/20/2006, but the Assessor’s parcel records do not reflect that the land has ever since been divided as approved.

**RELEVANT AREA CASE HISTORY:** (not necessarily a complete list)

**BZ-135 – Eddie McLearan** – Request for rezoning from AG to CS for approximately 19-acre tract at 12300 S. Memorial Dr. abutting the large 140-acre acreage tracts owned by Knopp (containing subject property) to the east (now zoned RS-3, OL, and CS) – Withdrawn by Applicant 03/21/1983.

**BZ-139 – Eddie McLearan** – Request for rezoning from AG to RM-2, OL, & CS for approximately 19-acre tract at 12300 S. Memorial Dr. abutting the large 140-acre acreage tracts owned by Knopp (containing subject property) to the east (now zoned RS-3, OL, and CS; same as BZ-135) – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. 482).

**BZ-196 – Donna Saunders for Nuel/Noel Burns** – Request for rezoning from AG to CG for a 2-acre tract at the 7700-block of E. 121<sup>st</sup> St. S. abutting the large 140-acre acreage tracts owned by Knopp (containing subject property) to the east – PC Recommended Denial 01/21/1991 per notes on the application form. Lack of ordinance and other notes in the case file indicate it was either withdrawn, not appealed, or not finally approved by the City Council.

**BZ-214 – City of Bixby** – Request for FD Floodway Supplemental District for all of the (then proposed) Fry Creek Ditch drainage system right-of-way, including a section abutting the large 140-acre acreage tracts owned by Knopp (containing subject property) to the west – PC Tabled Indefinitely 11/20/1995.

**BACKGROUND INFORMATION:**

*A revised PUD Text and Exhibits was submitted January 13, 2010. This report and recommendations have been revised to reflect the changes in this new submittal.*

*It appears that the site plan was reconfigured to incorporate a 4-way intersection at 73<sup>rd</sup> E. Ave., as previously recommended by the City Engineer and City Planner and detailed in the previous version of this Staff Report. This reconfiguration appears to have resulted in a reconfiguration of the subject property itself, and a future PUD approval adjustment will likely be necessary to modify the PUD and RM-3 zoning district boundaries accordingly.*

ANALYSIS:

General. *The Applicant is requesting to rezone the subject property to RM-3 per BZ-347 and is requesting the approval of PUD 70, both for a Use Unit 8 Multifamily development on this 12.35-acre subject property. The proposed development would consist of 11 apartment buildings, containing 248 dwelling units, a leasing office/clubhouse/poolhouse ("leasing office"), and related customary accessory uses.*

*Because the review methodology is similar, and both applications propose to prepare the subject property for the same Use Unit 8 Multifamily development, this review will, for the most part, include both applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.*

Subject Property Conditions. *The subject property is relatively flat and appears to drain, if only slightly, to the south; The development will be planned to drain to the west to the Fry Creek Ditch No. 2 using storm sewer infrastructure and paying a fee-in-lieu of providing on site stormwater detention. It is zoned AG (RM-3 and PUD 70 is requested) and may or may not be presently used for agricultural crops. The subject property is a proposed 12.35-acre tract, to be sold by the current owner, Knopp family, to the developer, Encore Enterprises, Inc. of Dallas, Texas. The subject property would be separated from an approximately 41-acre tract, one (1) of two (2) adjacent tracts both owned by the Knopp family, which together contain approximately 140 acres.*

*The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.). Plans for utilities are discussed in the PUD Text section entitled "Grading and Utility Plans" and in the City Engineer's memo.*

Comprehensive Plan. *The Comprehensive Plan Map designates the subject property Corridor + [Existing] Vacant, Agricultural, Rural Residences, and Open Land.*

*The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the requested RM-3 zoning is In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map. The Land Use designation, "[Existing] Vacant, Agricultural, Rural Residences, and Open Land," is not interpreted as permanently-planned land uses.*

Surrounding Zoning and Land Use. *Surrounding zoning is a mixture of AG, CS, OL, and RS-3. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.*

*To the north (across 121<sup>st</sup> St. S.), the Fox Hollow residential subdivision is zoned RS-3, the Fry Creek Ditch # 2 to the northwest is zoned AG, and an 11-acre agricultural/vacant tract to the northeast is zoned OL/CS/PUD 51.*

*To the south and east lies additional parts of the Knopp Family subject property owner's 140 acres, all zoned AG (except for a 3.56-acre area at approximately the 12600-block of S. Memorial Dr. zoned CG per BZ-54), which is primarily agricultural but has an area with several mature trees. Also to the east are additional agricultural tracts, and a 19-acre tract zoned RS-3, OL, and CS, which is primarily agricultural but contains the Easton Sod sales lot toward its east end at 12300 S. Memorial Dr.*

*To the west lies the Fry Creek Ditch #2, owned by the City of Bixby, and vacant/wooded land also owned by the City of Bixby across the channel. Both areas are zoned AG.*

*The land to the northwest is the Bixby North Elementary school on a 23-acre campus, and next to that is the Bixby North 5<sup>th</sup> and 6<sup>th</sup> Grade Center on a 10-acre campus and the LifeChurch 4.4-acre facility. The Three Oaks Smoke Shop is located on a 2-acre tract approximately 1,100 feet from the subject property on the south side of the street, and all of the balance of the land to the west along the south side of 121<sup>st</sup> St. S. has been zoned CS with PUD 53 and platted in WoodMere for commercial and office buildings. The 11-acre tract to the northeast was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre Bixby Centennial Plaza is just beyond that to the east, and was approved for CS zoning, in 2001, and for commercial development by the plat of Bixby Centennial Plaza in 2006.*

*Including the subject property, all of the Knopp 140 acres and the agricultural and other tracts between it and the intersection of 121<sup>st</sup> St. S. and Memorial Dr., approximately 180 acres in all, is planned*

for Corridor-intensity development, which provides that all of the available Zoning districts are either In Accordance or May Be Found In Accordance with the Comprehensive Plan. The balance of this 180 acre area is anticipated to be developed intensively, as it is in a prime location, is one of the last, exceptionally large undeveloped acreages in all of South Tulsa County north of the Arkansas River, has all the necessary utilities, Memorial Dr. frontage, and is out of the 100-year Floodplain.

It appears that, with the exception of the approximately 320' of frontage on 121<sup>st</sup> St. S. belonging to Fox Hollow, all of the land along 121<sup>st</sup> St. S. between Sheridan Rd. and Memorial Dr. has, or is planned or expected to develop/redevelop with intense uses.

Further, 121<sup>st</sup> St. S. between Sheridan Rd. and Memorial Dr. has been widened to a 4-lane major street with a 5<sup>th</sup>, dedicated turning lane in the center, consistent with its designation on the Tulsa City-County Major Street and Highway Plan (MHSP) and Bixby Comprehensive Plan as a Primary Arterial. This infrastructure improvement has further enabled the intensive development of this 1-mile major street corridor.

The requested RM-3 zoning and PUD 70 propose a moderately intensive, residential development of the subject property, and are consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

For the above-stated reasons, Staff believes that the proposed PUD substantially meets the following prerequisite findings as per Zoning Code Section 11-7I-8.C:

1. Whether the PUD is consistent with the comprehensive plan;
2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;
3. Whether the PUD is a unified treatment of the development possibilities of the project site; and
4. Whether the PUD is consistent with the stated purposes and standards of this article.

PUD Site Design. The submitted site plans for the Multifamily development exhibits a conventional, suburban-style design and indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking.

As stated hereinabove, the proposed 12.35-acre development would consist of 11 apartment buildings, containing 248 dwelling units, and a leasing office/clubhouse/poolhouse ("leasing office"), and related customary accessory uses. The apartment buildings would have three (3) stories, except for four (4) of the buildings nearest 121<sup>st</sup> St. S., which would have two (2) stories on each end with the center containing a third story ("modified-type 2/3-story apartment buildings"). The leasing office would have one (1) story.

Per the profile view/elevations drawings, the typical apartment buildings will be 30' 6" in height to the top plate (approximately 10' per story), with the average roofline being 43' in height. The modified-type 2/3-story apartment buildings would have an average roofline of 38' in height, and the two-story ends would have 21' 5" in height to the top plate. The RM-3 district allows for up to 48' in height, and this PUD proposes a maximum 50' height limit.

The PUD proposes a 0.50 Floor Area Ratio (FAR). Based on some of the new information provided in the revised PUD (which appears to be the same as was included in the financing proposal plan provided to the City on 11/17/2009), using the measurement method resulting in the maximum spatial area (exterior faces of studs of enclosing walls, versus interior face of finish/paint), the apartment buildings would contain approximately 227,012 square feet total, and the leasing office building would contain 4,800 square feet, for a total of 231,812 square feet for the entire project. This would result in a FAR of approximately 0.4308, which conforms to the proposed FAR maximum in the PUD.

The Development Standards in the revised PUD propose a 25 units per acre Maximum Density/Intensity of Use standard. At 248 proposed dwelling units on a 12.35-acre PUD site, this equals 20.08 dwelling units per acre, which would comply with the proposed standard. The 25 units per acre standard is the same as would be allowed by the requested RM-3 underlying zoning.

Based on the 248 proposed dwelling units, the Zoning Code would require (at 200 square feet per DU) a minimum of 49,600 square feet of Livability Space (unpaved "green space"), which would be approximately 9.2% of the total site area. The revised PUD Development Standards propose a 10% Minimum Livability Space standard. The Exhibit A "Livability Calculation" drawing calculates 62,170 square feet, or 11.55% of the total lot area.

Per the Development Standards and the site plan drawings, it appears that all buildings would meet the required setbacks for the RM-3 zoning district.

The revised site plans submitted with the revised PUD show a minimum 20' building line setback around the easterly, southerly, and westerly property lines, as previously recommended by Staff. This will allow for the minimum 17.5' perimeter Utility Easement, as required by the Subdivision Regulations, to

provide a buffer area of approximately 2.5' to protect the integrity of the foundation, in the event the U/E must be excavated up to its interior edge. If acceptable to the City Engineer and Public Works Director, a reduction in the 17.5' U/E and the 20' building line setback may be allowed along the westerly property lines, recognizing the relatively wide Fry Creek Ditch # 2 right-of-way land owned by the City of Bixby.

At a meeting with the developer on November 17, 2009, the developer characterized the architectural style as "contemporary."

Also at the November 17, 2009 meeting, Kenneth Mayberry of Encore Enterprises, Inc. stated that the development would be for "market rate" apartments, estimated between \$595 to \$1,169 per month. Mr. Mayberry stated that it would be wood construction with sprinkler systems, and would have stainless steel, granite countertops, black appliances, faux wood floors, detached garage buildings and carports. Mr. Mayberry stated that it would have a fitness facility and a "garden resort style pool."

Based on some of the new information provided in the revised PUD (which appears to be the same as was included in the financing proposal plan provided to the City on 11/17/2009), the apartments would range in size from approximately 679 to 1,227 square feet.

One of the Development Standards of the PUD proposes a 25% masonry (brick) requirement for each building except garages and carports. The profile view/elevations, however, indicate that most apartment buildings would have 25% masonry, but the modified-type 2/3-story apartment buildings would have 35% masonry and the leasing office would have 40% masonry. Staff recommends that these numbers be specified in the "Percent of masonry" Development Standard, rather than a 25% requirement, which could result in less masonry than shown on the profile view/elevations drawings.

The revised PUD now represents profile view/elevations for the detached garage buildings and carports. They appear to be typical for a multifamily application.

Zoning Code Section 11-7I-6 gives the Planning Commission authority and discretion to require adequate perimeter treatments, including screening, landscaping, and setbacks. The two (2) site plan drawings in Exhibit A merely indicate possible locations of landscaping and fences, and the PUD text describes it briefly ("an 8-foot tall fence along the Eastern, Southern and Western property lines"). The PUD should provide more details on landscaping as per Zoning Code Section 11-7I-8.B.1.e. Details should include conceptual landscape and fencing/screening plans in addition to describing more fully the landscaping in the text.

The "colored" version of the Conceptual Site Plan, submitted with the initial version of the PUD, was not included in this revised PUD submittal. That drawing indicated the conceptual plans for landscaping, hard surface materials, sidewalks, and other such important site details better than the black and white drawings submitted with the current PUD submittal.

A conceptual landscape plan, or otherwise a site plan conceptually reflecting proposed landscaping, is a required PUD element per Zoning Code / City Code Section 11-7I-8.B.1.e, and must be submitted.

Further, the PUD information does not include other relevant information: Will there be only one (1) trash compactor area as indicated on the plans? Are there existing street lights? Are they adequate? How will they affect the location of outdoor lighting on the subject property, and will there be coordination? If a parking lot is allowed to be placed in front of the leasing office, as indicated on the conceptual plan, how will it be screened? Parking lots are planned along the northeast property lines, and so would likely be highly visible from 121<sup>st</sup> St. S., due to the lower elevation of the land in relation to the street. Will a screening fence or fence and landscaping combination be employed? Grade elevation changes, minimalistic signage, and generous landscaping can be used to good effect and result in attractive, upscale developments.

While most of these matters can be settled during the Detailed Site Plan review, PUDs should have more of this sort of detail than they usually do upon submittal, as is the case here.

Because the PUD lacks sufficient detail, Staff recommends that, for the Detailed Site Plan, now proposed as a part of this PUD, the Planning Commission shall have broad authority and discretion to place all reasonable and appropriate architectural and aesthetic standards for multifamily buildings and fencing/screening, landscaping, and signage controls as necessary to mitigate the visual effects which commonly attend such intense uses, and to ensure harmony and consistency in design with all buildings in this development and on other surrounding properties, and the developer is notified that the landscaping and perimeter requirements may be more than the minimum standards already required by the Zoning Code, in exchange for the special benefits conferred upon the developer by this PUD. The applicable standards shall generally be the absolute standards of the underlying zoning district and the Zoning Code for a conventional (non-PUD) development, except as otherwise provided by the approved PUD. The

Detailed Site Plan must be adequate to demonstrate compliance with applicable standards and include details on proposed parking, sign locations, landscape plans, screening plans, lighting plans, building plan and profile view renderings, and exterior material details (composition, color, etc.).

Access & Circulation. With the revised PUD submittal, primary access will be from 121<sup>st</sup> St. S., a County-maintained road, via S. 73<sup>rd</sup> E. Ave., which will be extended south into this development for a distance of approximately 150'. The primary driveway entrance will be on this new S. 73<sup>rd</sup> E. Ave. extension. A secondary, emergency-only drive is proposed at the northwest corner of the lot.

The proposed S. 73<sup>rd</sup> E. Ave. street extension indicates an 80'-wide right-of-way. This would equivocate to a Commercial Collector street, which calls for an 80'-wide right-of-way (which may allow for approximately 2 driving lanes and a center turning lane; reference Subdivision Regulations Section 9.2.2), and appears to be in order.

The former recommendations by the City Planner and City Engineer, regarding the necessity of a 4-way intersection at 73<sup>rd</sup> E. Ave. for traffic safety, flow, and accessibility purposes, have been satisfied with this redesign. The PUD Text section entitled "Access and Circulation" also incorporates Staff's previous recommendations. See the previous version of this report for further details.

The proposed S. 73<sup>rd</sup> E. Ave. intersection and the emergency-only drive access point connection to 121<sup>st</sup> St. S. require City Engineer and/or County Engineer approval, and the Fire Marshal's approval in terms of locations, widths, gate sizes, and spacing.

On the PUD site plans, what appear to be sidewalks are now indicated along 121<sup>st</sup> St. S. and S. 73<sup>rd</sup> E. Ave., as required by the Subdivision Regulations. The lines indicating sidewalks should be labeled as such on the plans. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

During a meeting with the developer on 11/17/2009, the developer indicated, as suggested by Staff, that the Fry Creek Ditch # 2 maintenance road could be improved as a walking trail amenity for the development. If this is indeed planned, appropriate language should also be added to the PUD Text section entitled "Access and Circulation." Staff also recommended the developer consider adding an internal walking trail system, which could be connected to the Fry Creek trail. Such internal walking trails could also enhance the quality of the development. It is not evident that this is planned, per the revised PUD site plans.

The City Engineer and City Planner have since suggested to the developer the possibility of upgrading the Fry Creek Ditch # 2 maintenance road for use as the second emergency-only drive. If this is done, the drive may function as a walking trail amenity, as previously Staff suggested, even if not formally designated as such. If this option is used, the gate design must meet the requirements of the Fire Marshal as well as the City Engineer and Public Works Director, as it will continue to be necessary to use the road for maintenance of the Fry Creek ditch.

PUD General Recommendations. There are several minor items in the PUD Text which should be corrected, clarified, or modified, which items are listed and described in the numbered recommendations below.

Fire Marshal's and City Engineer's memos are attached to this Staff Report. Their comments are incorporated herein by reference.

Some of the recommendations by the City Engineer and Fire Marshal appear to have been included in the PUD Text.

The Technical Advisory Committee (TAC) discussed PUD 70 at its regular meeting held December 02, 2009. Minutes of that meeting are attached to this report.

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested RM-3 zoning and PUD 70 generally, and the PUD substantially meets the prerequisite findings as per Zoning Code Section 11-7I-8.C. Therefore, Staff recommends Approval of both requests, subject to the following corrections, modifications, and Conditions of Approval:

1. The reconfiguration of the site plan, incorporating a 4-way intersection at 73<sup>rd</sup> E. Ave. as previously recommended, appears to have resulted in a reconfiguration of the subject property itself. A future PUD approval adjustment will likely be necessary to modify the PUD and RM-3 zoning district boundaries accordingly. Upon and presuming the approval of this PUD, a PUD Major Amendment may be used to achieve this amendment, replacing the previous legal description with the new one in the Public Notice and using the authority of this approval condition to authorize a Major Amendment as an allowable amendment tool.

2. *The approval of RM-3 zoning is subject to the final approval of PUD 70 and vice-versa.*
3. *Subject to the satisfaction of all outstanding Fire Marshal and City Engineer recommendations.*
4. *Missing elements: Details on landscaping and screening as per Zoning Code Section 11-7I-8.B.1.e. (conceptual landscape and screening plans in addition to describing more fully the landscaping on page 4). There was landscaping indicated on the "colored" version of the Conceptual Site Plan, but this plan was not revised and included with this latest PUD resubmittal. These and other mentioned items must be corrected with a revised PUD submittal as per the minimum PUD requirements of the Zoning Code.*
5. *Detail Site Plan Review. Zoning Code Section 11-7I-6 grants the Planning Commission authority over perimeter landscaping and screening. The submitted PUD does not detail perimeter landscaping, screening, or other such necessary details. In lieu thereof, Staff recommends that, for the Detailed Site Plan, now proposed as a part of this PUD, the Planning Commission shall have broad authority and discretion to place all reasonable and appropriate architectural and aesthetic standards for multifamily buildings and fencing/screening, landscaping, and signage controls as necessary to mitigate the visual effects which commonly attend such intense uses, and to ensure harmony and consistency in design with all buildings in this development and on other surrounding properties, and the developer is notified that the landscaping and perimeter requirements may be more than the minimum standards already required by the Zoning Code, in exchange for the special benefits conferred upon the developer by this PUD. The applicable standards shall generally be the absolute standards of the underlying zoning district and the Zoning Code for a conventional (non-PUD) development, except as otherwise provided by the approved PUD. The Detailed Site Plan must be adequate to demonstrate compliance with applicable standards and include details on proposed parking, sign locations, landscape plans, screening plans, lighting plans, building plan and profile view renderings, and exterior material details (composition, color, etc.).*
6. *Regarding the Development Standards proposing a 25% masonry (brick) requirement for buildings, but not garages or carports, Staff recommends that these percentage numbers be specified for each category of building: The typical apartment building, the modified-type 2/3-story apartment buildings, and the leasing office.*
7. *Subject to City Engineer and/or County Engineer approval of the proposed S. 73<sup>rd</sup> E. Ave. intersection and the emergency-only drive access point connection to 121<sup>st</sup> St. S., and the Fire Marshal's approval in terms of locations, widths, gate sizes, and spacing.*
8. *On the PUD site plans, what appear to be sidewalks are now indicated along 121<sup>st</sup> St. S. and S. 73<sup>rd</sup> E. Ave., as required by the Subdivision Regulations. The lines indicating sidewalks should be labeled as such on the plans.*
9. *Access and Circulation:*
  - a. *Third sentence: Word "acquiring" used instead of "acquisition."*
  - b. *Third-to-last sentence: Change "should" to "shall" in both instances.*
  - c. *Will the Fry Creek Ditch # 2 maintenance road be improved as an emergency-only access road and/or walking trail amenity, as described in the analysis above? If so, please include on the plans and describe in PUD text.*
10. *The Planning Commission should discuss with the Applicant the reasoning for the planned location of the perimeter fence next to the buildings, rather than along the property lines.*
11. *Other than those listed above, comments on the provided conceptual site plans are withheld until a specific Detailed Site Plan, including a Landscape Plan, are submitted for the entire site.*
12. *A corrected PUD text and exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD.*

Vice-Chair Larry Whiteley asked if the Applicant was present and wished to speak on the item. Applicant Malek Elkhoury, P.E., of *Khoury Engineering, Inc.*, 1435 E. 41<sup>st</sup> St., Tulsa, was present. Mr. Elkhoury stated that the project was 12 acres in size and contained 11 buildings and 248 units in the apartment complex. Mr. Elkhoury stated that he had amended the PUD to address Staff's comments. Mr. Elkhoury introduced the developer Kenneth Mayberry.

Kenneth Mayberry of *Encore Enterprises, Inc.*, 5005 LBJ Freeway Suite 1200, Dallas, TX 75244, stated that he would answer any questions and would like the opportunity to respond to any comments made by others.

Michael Wisner clarified with Erik Enyart that these applications were Continued from the December 21, 2009 Planning Commission meeting to this meeting in order to allow for a redesign of the site development plans due to Staff's recommendations. Mr. Enyart clarified with Mr. Wisner that the Planning Commission gives a recommendation on these rezoning applications, and that he will forward the applications along with the Commission's recommendation to the City Council for final action. Mr. Enyart noted that the applications and the Planning Commission's recommendation would be placed on the upcoming Monday, January 25, 2010 City Council agenda for an ordinance first reading, but that there would be no discussion or action on them at that meeting. Mr. Enyart stated that they would be placed on the City Council agenda on the second Monday in February for ordinance second reading and discussion and possible action to approve the applications.

Vice-Chair Larry Whiteley recognized Karen Rogers of 11951 S. 73<sup>rd</sup> E. Ave. from the sign-in sheet. Ms. Rogers stated that she was the President of the Fox Hollow Homeowners Association. Ms. Rogers indicated objection to the applications in a prepared speech, which was not made available to Staff after the meeting. Ms. Rogers presented a protest petition entitled, "Petition to the Bixby Planning Commission regarding Planned Unit Development PUD No. 70 by Encore Enterprises" to Lance Whisman, who handed it to Vice-Chair Larry Whiteley.

Vice-Chair Larry Whiteley recognized Jan Swafford of 11974 S. 73<sup>rd</sup> E. Ave. from the sign-in sheet.

Karen Rogers stated that the petition included signatures of approximately 98% of the residents of *Fox Hollow*, which contained 82 households.

Jan Swafford indicated objection to the applications in a prepared speech, a copy of which was provided to Staff and attached to these Minutes. Ms. Swafford noted that the Comprehensive Plan discouraged single-family residential development within a Corridor designation, but that the City had allowed Fox Hollow to be zoned and developed. Ms. Swafford also expressed a preference for high-end retail development instead of the proposed apartment development, and expressed concern for the ratio of single family homes to apartments, the quality of the development, the fact that the developer was from Dallas and not local. Ms. Swafford expressed objection to the applications based on the Comprehensive Plan.

Vice-Chair Larry Whiteley recognized Janelle Swearingen of 7334 E. 119<sup>th</sup> St. S. from the sign-in sheet. Ms. Swearingen indicated objection to the applications in a prepared speech, a copy of which was provided to Staff and attached to these Minutes. Ms. Swearingen expressed concern for crime as it relates to apartment developments, the stake and interest apartment dwellers have in the community versus that of single family homeowners, the ability of the police to respond to crime, the ability of the school district to accommodate the increase in students, and the ratio of single family homes to apartments.

Vice-Chair Larry Whiteley recognized Mike Harrell of 12083 S. 98<sup>th</sup> E. Ave. from the sign-in sheet. Mr. Harrell stated that he agreed with what had been previously said.

Vice-Chair Larry Whiteley recognized Tammy Lennon of 8120 E. 124<sup>th</sup> St. S. from the sign-in sheet. Ms. Lennon stated that she had two (2) children in school and expressed concern for the additional traffic, the capacity of the police force, that the existing 4-lane street was not taken care of now, and for the safety of the children.

Vice-Chair Larry Whiteley recognized Gary Dundee of 6912 E. 118<sup>th</sup> St. S. from the sign-in sheet. Mr. Dundee stated that he was the President of the Estates at Graystone Homeowners Association, and that the Association felt that this development was not appropriate even in the corridor.

Jim Powell asked Gary Dundee how many houses were in his Homeowners Association, and Mr. Dundee responded there were 92 houses. Mr. Powell asked Mr. Dundee if his Association had passed any formal statement or asked for any [petition] signatures. Mr. Dundee responded that it had not, but that he had sent an “email blast” and got responses. Mr. Powell asked what percentage of the homeowners responded to the email, and Mr. Dundee stated that well over one half responded, and of those who did respond, almost all of them were against the development.

Vice-Chair Larry Whiteley recognized Brian Guthrie of 7518 E. 118<sup>th</sup> St. S. from the sign-in sheet. Mr. Guthrie stated that what he had intended to say had “already been said.”

Vice-Chair Larry Whiteley recognized Harley Lundy of 11647 S. 73<sup>rd</sup> E. Ave. from the sign-in sheet. Mr. Lundy stated that he had lived in his home for 30 years and was the Vice President of the North Heights Homeowners Association. Mr. Lundy stated that he had been a schoolteacher for 37 years, and that Bixby was a “utopia” when he moved here in 1979, but that he had seen it steadily decline. Mr. Lundy stated that, due to traffic, he cannot get out on Memorial Dr. Mr. Lundy stated that his wife and also the President of the Homeowners Association, [on separate occasions], had been rear-ended. Mr. Lundy stated that he cannot get out on 121<sup>st</sup> St. S. during school traffic. Mr. Lundy stated that all of [the residents of] *North Heights Addition* were against this development, and asked for a show of hands of those who were attending from *North Heights Addition*. About a dozen hands were raised. Mr. Lundy asked that they lower their hands, and then asked how many of those people were against the development. It appeared that the same hands were raised. Mr. Lundy stated that there was no crime at all until the [*The Links*] apartments were built. Mr. Lundy reiterated the point stating that crime was nonexistent when he first moved [to his house]. Mr. Lundy asked that the Planning Commission consider not approving the Zoning change.

Vice-Chair Larry Whiteley recognized Sid Sartain of 11618 S. 74<sup>th</sup> E. Ave. from the sign-in sheet. Mr. Sartain stated that what he was going to say had just been said.

Vice-Chair Larry Whiteley recognized Ron Wale of 11450 S. 98<sup>th</sup> E. Ave. from the sign-in sheet. Mr. Wale stated that he was a resident of Bixby for 30 years, and congratulated the ladies who brought prepared speeches. Mr. Wale expressed concern that 300 to 500 [new] cars would be dumped on the road if this development was approved. Mr. Wale stated that the Bixby Police had no jurisdiction on 121<sup>st</sup> St. S. Mr. Wale stated that, when someone crams into school busses, the Highway Patrol or the Sheriff's Office would have to respond, and it would be a long response. Mr.

Wale stated that the schools were already overcrowded. Mr. Wale stated that, with 300 to 400 new families, the quality of the education will go down. Mr. Wale stated that [the Commission] should study crime rates in single family homes versus apartments. Mr. Wale stated that [the Commission] should look at this development and other similar developments which were not delivered as promised. Mr. Wale stated that traffic was a nightmare during school hours. Mr. Wale asked the Commission to vote this development down.

Vice-Chair Larry Whiteley recognized Lee Moore of 7349 E. 119<sup>th</sup> St. S. from the sign-in sheet. Mr. Moore stated that his concerns had been voiced.

Vice-Chair Larry Whiteley recognized Jim Coffey of 2925 W. H St., Jenks, from the sign-in sheet. Mr. Coffey was not in attendance, and Erik Enyart stated that Mr. Coffey had probably attended to speak on the Boardwalk on Memorial cases previously heard.

Vice-Chair Larry Whiteley recognized Shelly Portway of 6816 E. 117<sup>th</sup> Pl. S. from the sign-in sheet. Ms. Portway stated that she was concerned for the school children. Ms. Portway expressed concern for traffic and stated that the school was overcrowded already. Ms. Portway stated that people choose Bixby Public Schools over private schools, and that the quality would go down if this was approved.

Vice-Chair Larry Whiteley recognized Jay Mauldin of 7341 E. 119<sup>th</sup> Pl. S. from the sign-in sheet. Mr. Mauldin indicated objection to the applications in a prepared speech, a copy of which was provided to Staff and attached to these Minutes. Mr. Mauldin expressed concern for a loss of property values, a transfer of property values to the apartment development from *Fox Hollow*, setting a precedent for allowing more apartment developments, that the Comprehensive Plan discouraged single-family residential development within a Corridor designation, but that the City had allowed *Fox Hollow* to be zoned and developed, the development of apartments instead of commercial, and consistency with the Comprehensive Plan.

Vice-Chair Larry Whiteley recognized Sarah McAmis of 9517 E. 117<sup>th</sup> St. S. from the sign-in sheet. Ms. McAmis stated that she was a parent and a friend of the teachers [in Bixby Public Schools]. Ms. McAmis stated that she had done her research and was thrilled and pleased with the education [in Bixby Public Schools]. Ms. McAmis noted that the national and state economies have taken a downturn, and there are budget shortcuts. Ms. McAmis stated that there was talk of 4-day schoolweeks and teachers layoffs. Ms. McAmis stated that, if the [Commission] approved this, it would deprive the students of the quality [of education] they deserve. Ms. McAmis stated that she was an assistant prosecutor in a District Attorney's office, and that in her experience, the crime rate in this type of housing is scary. Ms. McAmis stated that, if the citizens have to rely on the Tulsa County Sheriff's Office and the Highway Patrol to patrol, they are "dead in the water." Ms. McAmis stated that they were overworked and understaffed. Ms. McAmis stated that she respectfully requested the Commission vote no.

Vice-Chair Larry Whiteley recognized Jay Stallsmith of 6707 E. 112<sup>th</sup> St. S. from the sign-in sheet. Mr. Stallsmith stated that he had moved here from Jenks in 2006 for the Bixby North Elementary school. Mr. Stallsmith stated that it had been four (4) years now, and he has confirmed at every turn that he has made the right choice. Mr. Stallsmith stated that the school had become overcrowded,

and that it was not that way four (4) years ago. Mr. Stallsmith stated that the overcrowding and the congestion were his concerns.

Vice-Chair Larry Whiteley recognized Bob Stillman of 11402 S. 106<sup>th</sup> E. Ave. from the sign-in sheet. Mr. Stillman stated that he had moved here from Tulsa and expressed concern for the volume of traffic.

Vice-Chair Larry Whiteley stated that people had seen the price of land go sky high, and they expect to be able to sell to somebody, who will make an investment and develop the property.

Applicant Kenneth Mayberry was asked about the cost of the development, anticipated rents, apartment sizes, if the development would be gated, and if the gates would be kept shut. Mr. Mayberry responded to each of the questions, after each was asked, as follows: It would be a \$20 Million development, and he and his firm were anticipating rents between 92 cents to one (1) dollar per square foot, which would put it at the highest end for apartment rents in the Tulsa metropolitan market, the three (3) bedroom apartments would be around 1,200 square feet and would rent for around \$1,200 per month, the 660 square foot apartments would be the smallest built and would rent for about \$660 a month, it would be gated, and the gates would remain shut, for the benefit of his firm's economic interest and that of the residents.

Kenneth Mayberry introduced himself and thanked everybody for showing up and the Planning Commission for its time. Karen Rogers asked Mr. Mayberry if the starting rent of \$595 previously stated was accurate, and Mr. Mayberry indicated it was in that range, depending on what the market will bear. Mr. Mayberry commended the staff for their attention to detail, and stated that he was not used to seeing that much detail. Mr. Mayberry stated that the closest apartment building would be set back about 300' from the [centerline of the] street, and the apartment buildings would be blocked from view by the clubhouse. Mr. Mayberry stated that the apartments would face Memorial Dr. rather than the residents in *Fox Hollow*. Mr. Mayberry stated that his firm had looked all over Bixby for a site and selected this one because of the value. Mr. Mayberry stated that, in regard to the statement about attracting retail development, one of the retail fundamentals was that, in order to attract the commercial development, it was a matter of demographics: the more rooftops you add, the more commercial development it brings. Mr. Mayberry stated that this development could be the impetus that adds value to the 140 acre tract, and that his firm was proposing to bring amenity and tax value. Mr. Mayberry stated that his firm had selected this site because of demand. Mr. Mayberry stated that the *The Links* apartments were fully occupied and had a two (2) month waiting list, and that the *Marquis on Memorial* apartments, which opened in September [of 2009], was 75% occupied. Mr. Mayberry stated that, when selecting this site, his firm looked at the occupancy rates, which showed there was a true demand in Bixby [for more apartments].

Michael Wisner clarified with Erik Enyart that the new school that the Bixby Public Schools was constructing was on 131<sup>st</sup> St. S. between Garnett Rd. and 129<sup>th</sup> E. Ave. The Commissioners asked what students the new school would serve, and a woman who did not give her name stated that it would serve Pre-K to 6<sup>th</sup> Grade, similar to Bixby North Elementary. Michael Wisner asked if it would serve all of the students east of Memorial Dr., and the woman stated that it had not yet been determined. JoAnn Jennings of the *Bixby Bulletin* stated that the details would be in the newspaper article on the bond issue.

Someone who did not give their name asked if the Applicant would hold the property or flip it, and Kenneth Mayberry stated that his firm did not get into the fundamentals of what they did as a business. Mr. Mayberry asked that those attending respect that, as a business, there were some things that he could not disclose.

Vice-Chair Larry Whiteley recognized Ron Casteel from the audience. Mr. Casteel stated that he was a Bixby resident for 31 years, and complained that he could not get out [of *North Heights Addition*] on Memorial Dr. due to the traffic, and stated that, to go north, he had to turn south and turn around at what used to be the Safeway. Mr. Casteel complained that he could not go north on Memorial Dr. or south through *Fox Hollow*.

Ron Wale stated that there was a recent newspaper article about the low vacancy rates [in apartments], and expressed concern over traffic flow, occupancy rates, and school-age children.

Kenneth Mayberry stated that no traffic study had been done because it was not required. Mr. Mayberry stated that the development would have only 12 three-bedroom apartment units, which were the ones that typically have school-age children. Mr. Mayberry stated that the rest of the apartments are typically used by young singles. Mr. Mayberry stated that his firm was building a quality development with the highest market rates and demand in the area, and had an economic interest in maintaining the high values.

A gentleman who did not give his name stated that the *Memorial Square* apartments [north of 121<sup>st</sup> St. S. and east of Memorial Dr.] were sitting mostly vacant.

Wendy Guthrie expressed concern that the apartment dwellers would be mostly single, and there could be Section 8 housing, and noted that “times are tough.”

Kenneth Mayberry stated that there would be no subsidized housing, and that this development was going after the highest [market rate] rents in the metropolitan area. Mr. Mayberry stated that his firm wanted to set a new benchmark, and planned to change up the interiors to make them new and unique.

Someone who did not give their name asked Kenneth Mayberry about the possibility his company would “flip” the apartment development. Mr. Mayberry stated that his firm has held property for 10 to 15 years in its portfolio, and that if a property creates a cash flow, they keep it. Mr. Mayberry stated that his firm has an economic interest in sustaining the property values.

Lance Whisman stated that he had to disclose that he lived in *Fox Hollow*. Mr. Whisman stated that he had had a long talk with Erik Enyart, and that Mr. Enyart had led him in no direction on the matter. Mr. Whisman stated that he had thought long and hard on the matter and thanked his neighbors for not calling him excessively on it. Mr. Whisman stated that he thought he could be fair, and that he would [use the same reason] as if this case were in any other location or down the street. Mr. Whisman stated that he intended to vote on the item, and asked if there were any concerns.

Kenneth Mayberry stated that, from his standpoint, it appeared there would be a conflict of interest, regardless of how he decided to vote.

Lance Whisman stated that he did not take into account the affect it would have on [his] property values, and that he considered the schools and the traffic. Mr. Whisman stated that he would vote on the matter the same as if it was next to *Twin Creeks*.

Malek Elkhoury stated that 121<sup>st</sup> St. S. was a 5-lane street, and asked rhetorically if it should have to be eight (8) lanes.

Lance Whisman reasserted his impartiality.

Kenneth Mayberry stated that whatever developed on this property would be a high-intensity use.

Vice-Chair Larry Whiteley asked to entertain a Motion to bring the items to a vote.

After clarification with Erik Enyart, Michael Wisner made a MOTION to Recommend Approval of PUD 70 and BZ-347. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Whiteley & Wisner
NAY:	Powell & Whisman.
ABSTAIN:	None.
MOTION FAILED:	2:2:0

Erik Enyart stated that these applications would be forwarded to the City Council without a Planning Commission recommendation. Mr. Enyart stated that they would be placed on the upcoming Monday, January 25, 2010 City Council agenda for an ordinance first reading, but that there would be no discussion or action on them at that time. Mr. Enyart stated that they would be placed on the City Council agenda on the second Monday in February for ordinance second reading and discussion and possible action to approve the applications.

13. Report by the City Planner on perimeter sidewalks in new residential subdivisions as requested by the Planning Commission December 21, 2009.
- 

Vice-Chair Larry Whiteley introduced the item and called on Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the following Staff Report:

*To: Bixby Planning Commission*  
*From: Erik Enyart, AICP, City Planner*  
*Date: Friday, January 15, 2010*  
*RE: Report and Recommendations for:*  
*Sidewalks in Residential Subdivisions*

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AGENDA ITEM:

*Report by the City Planner on perimeter sidewalks in new residential subdivisions as requested by the Planning Commission December 21, 2009.*

ANALYSIS:

At its December 21, 2009 regular meeting, during the consideration of the Final Plat of Chisholm Ranch and its attendant Modification/Waiver request from the sidewalk construction requirement per Subdivision Regulations / City Code Section 13-3-2.N for the sidewalk along 121<sup>st</sup> St. S., the Planning Commission passed a Motion: (1) to put forth a statement that all new subdivisions, starting January 01, 2010, which have not yet been approved for Preliminary Plat, must install sidewalks along the perimeter streets as required by Code, and that no Waivers would be approved for them, and (2) to direct Staff to list and report to the Planning Commission all of the subdivisions that this policy would affect, along with a report on the linear feet of street frontage that sidewalks would have to be constructed along.

Staff Recommendation. Regarding this matter, the development review team at the City of Bixby will need to have internal meeting(s) to discuss procedures and develop policies recommended for City Council adoption.

In addition, Staff has not had adequate time to fulfill the Planning Commission's requested study items. Staff recommends this agenda item be Continued to the February 1[6], 2010 regular meeting.

Vice-Chair Larry Whiteley asked if there were any questions or comments. There being none, Jim Powell made a MOTION to CONTINUE the item to the February 16, 2010 regular meeting. Michael Wisner SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whiteley, Powell, Whisman, & Wisner  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

OLD BUSINESS:

(None).

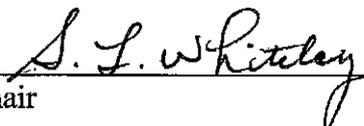
NEW BUSINESS:

(None).

ADJOURNMENT:

There being no further business, Vice-Chair Larry Whiteley declared the meeting Adjourned at 7:34 PM.

APPROVED BY:

  
\_\_\_\_\_  
Chair

02/16/2010  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
City Planner/Recording Secretary

# Petition to the Bixby Planning Commission regarding Planned Unit Development PUD No. 70 by Encore Enterprises.

December 21, 2009

We the undersigned oppose the proposed development as outlined based on the following concerns:

1. Increased traffic flow not only for our neighborhood but for the nearby school would pose a danger. Traffic is already heavy both before and after school. The addition of a possible 500 cars would result in real problems at the entrance to our addition and in the school zone.
2. The proposed developer of this property is not local, and would have little oversight of the complex after it is built.
3. Our property values would decline with a large apartment complex so near our homes.
4. Although we are told that this will be an up-scale development, the history of such developments in the Tulsa area is that after about ten years, the complexes decline.
5. Apartments attract young singles with the concomitant noise, and late night activities. It would disturb the peace of our neighborhood.
6. The school is not currently able to handle a sudden increase in enrollment.
7. The additional lighting around such a complex would constitute a nuisance to those homes close to 121st.
8. Drainage and flooding problems would be exacerbated by the addition of so much paving surface adjoining the drainage ditch.
9. The proposed project is too high density for such close proximity to single family dwellings.
10. Setback of only 35 feet is too close to homes at the entrance to our addition.

CITY OF BIXBY

JAN 19 2009

RECEIVED

By Enyart

Name	Address	Date
Margaret Lippert	7345 E. 119 <sup>th</sup> Pl. South	12-18-09
1 No apt 54	7345 E 119 PL S.	12-18-09
Galvin Boul	7369 E 119th Place	12/18/09
Uma Lasswell	7358 E. 119 <sup>th</sup> PL S.	12-18-09
DMH	7346 E 119 <sup>th</sup> Pl	12-18-09
Shelly Nichols	7346 E 119th Pl	1.16.2010
177	7350 E 119 <sup>th</sup> Pl	1-16-2010
John Duv	7362 E 119 <sup>th</sup> Place South	1-16-2010
MacKenzie Staples	7366 E. 119 <sup>th</sup> Place S.	1-16-2010
Art Hill	7373 E 119 <sup>th</sup> Pl S	1/16/2010
Dylan Sp	7353 E 119 <sup>th</sup> Pl S	1/16/2010
Jill Sharp	7353 E. 119 <sup>th</sup> Pl. S.	1/16/2010
SR Sparks	7349 E 119 <sup>th</sup> PL S.	1-16-10
Juanne Sparks	7349 E 119 <sup>th</sup> PL S	1-16-10
Ray Clark	7361 E 119 <sup>th</sup> PL S	1/16/10
Effy W. Boyd	7354 E. 119 <sup>th</sup> PL S	1/17/10
Christina Sanders	11947 S. 73 <sup>rd</sup> E AVE.	1/17/2008
Ty Sanders	11947 S 73 <sup>rd</sup> E AVE	01/17/10

1.16.10

Name	Address	Date
<del>Paula Rose Montgomery</del>	11975 S. 73 <sup>rd</sup> E. Ave. - Bixby	12-18-09
<del>Frank S. Wafford</del>	11974 S. 73 <sup>rd</sup> E. Ave. Bixby	12-18-09
<del>Arqueline S. Reynolds</del>	11979 S. 73 <sup>rd</sup> East Ave. Bixby	12/18/09
<del>D. D. W. W. W.</del>	11978 S. 73 <sup>rd</sup> E. Ave. Bixby	12/18/09
Wan Boh	11971 S. 73 <sup>rd</sup> E. AVE BIXBY	12/18/09
Beth Bann	11971 S 73 <sup>rd</sup> E AVE 74008	12/19/09
Tracey B. Wafford	11959 S. 73 <sup>rd</sup> E. Ave 74008	12/19/09
Frank D. D.	11963 S 73 <sup>rd</sup> E, AVE 74008	12/19/09
James C. Wafford	11963 S. 73 <sup>rd</sup> E AVE	12/19/09
Tom Karalis	11950 S. 73 <sup>rd</sup> E. Ave	12-19-09.
Mystak Hardy	11958 S. 73 <sup>rd</sup> E Ave	12-20-09
S S	11958 S. 73 <sup>rd</sup> E Ave	12-20-09
Patricia J. Fagan	11962 S. 73 <sup>rd</sup> E. Ave	12-20-09.
Michelle Hansen	11962 S. 73 <sup>rd</sup> E. Ave	12-20-09
Julie Karalis	11950 S 73 <sup>rd</sup> E Ave.	12-20-09
Cristy Z. Lilly	11966 S. 73 <sup>rd</sup> E Ave	12/20/09
Eddie Phillips	11966 S. 73 <sup>rd</sup> E Ave	12/20/09
Maia Wilson	11767 S 73 <sup>rd</sup> E Ave	12/20/09
Lem Wilson	11767 S 73 <sup>rd</sup> E Ave	12/20/09
B. R. B.	11979 S. 73 <sup>rd</sup> E. Ave	12/20/09
Brian J. Thomas	11970 S. 73 <sup>rd</sup> East Ave.	12/20/09
Michelle Thomas	11970 S. 73 <sup>rd</sup> East Ave.	12/20/09

Name	Address	Date
Stacey Overcash	7337 E. 119 <sup>th</sup> Pl. S. <sup>Bixby</sup> OK	12/18/09
Mark Overcash	7337 E 119 Pl S <sup>Bixby</sup> OK	12/18/09
Zayal Jordan	11955 S. 73 <sup>rd</sup> E. Ave.	12/18/09
Shelley Murray	11930 S. 73 <sup>rd</sup> E Ave.	12/18/09
Keith Stemple	11934 S 73 <sup>rd</sup> E AVE	12/18/09
Shelley Stemple	11934 S. 73 <sup>rd</sup> E Ave	12/18/09
R. Thiemann	11938 S. 73 <sup>rd</sup> E. Ave	12/18/09
E. Thiemann	11938 S. 73 <sup>rd</sup> E. Ave	12-18-09
Kirk Ferguson	11942 S. 73 E AVE	12-18-09
Julius Griffith	11946 S. 73 <sup>rd</sup> E Ave	12/18/09
	11946 S. 73 <sup>rd</sup> E. Ave	12-18-09
Bob Stelm	7347 E. 119 <sup>th</sup> PL	12-18-09
Dennis Cole	" "	"
Marcia Stephens	11943 S 73 E. Ave	12-18-09
Richard Porter	11939 S 73 E AVE	12-18-09
Sherry Porter	11939 S 73 E. Ave	12-18-09
Karen Rogers	11951 S. 73 <sup>rd</sup> E. Ave	12-18-09
Greg Maulden	7341 E. 119 <sup>th</sup> Pl.	12-19-09
Greg Maulden	7341 E. 119 <sup>th</sup> Pl. S.	12-19-09
Denise Hagner	11942 S. 73 E AVE	1/16/10
Kyle Morrey	11930 S. 73 <sup>rd</sup> E. AVE	1/17/10







We have lived in Fox Hollow for almost 6 years. We moved here from our Tulsa neighborhood of more than 30 years because the neighborhood was deteriorating - in part, I believe, because of the nearby apartments with their increased crime which was spilling over into our neighborhood.

If you read the newspapers and listen to the local news, you have no doubt observed that a disproportionate percentage of crime in metropolitan Tulsa occurs in apartment complexes - robbery, burglary, assault, vandalism, meth labs, etc.

What start out as attractive apartments over time deteriorate as newer better apartments spring up and rent on the older units decreases. Drugs and crime are much more rampant in apartment complexes than in neighborhoods of single family homes.

Apartment dwellers are by nature transient residents. Unlike New York City, in this part of the country successful, educated people do not regard apartments as their permanent homes. They are temporary until they can afford to purchase a home.

In many complexes the two and three bedroom units are not home to settled stable families, but are often occupied by unrelated individuals sharing the rent. People who have no stake or interest in the community, but are just in temporary occupation - just passing through.

Reports of The Links indicate that it started out as a nice complex, gated, safe, etc. Since then it has deteriorated - the gates left open all day, open to anyone. I've heard reports of not just drug users, but drug dealers

This past weekend three young thugs are reported to have invaded several apartment complexes in Tulsa, robbing and abusing residents, and news reports today included a meth lab discovered in an apartment complex.

I have been told that there are only 3 police cars in Bixby. Are you sure that you have the police force to handle the kind of growth represented by large apartment complexes? Is our school ready to have such neighbors?

If this development is approved, our small neighborhood will be surrounded by over 700 apartments.

Bixby used to be known as a stable single family community - a good place to raise kids. Please don't destroy that image and our neighborhood.

CITY OF BIXBY

from Janelle Swearingen

JAN 20 2009

RECEIVED

By Ernst  
cf. PUD 70 + B2-347

- ◆ Name: Jan Swafford
- ◆ Address: I live at 11974 S. 73<sup>rd</sup> E. Ave., 2 houses north of 121<sup>st</sup>, 300 feet from the exterior boundary of the proposed development.
- ◆ I would like to see the subject property and its surrounding acreage be developed to its highest potential for the sake of Bixby. I am therefore against the both PUD 70 and RM-3 zoning—that is the proposed apartments.

1. I have read
  - a. the 127-page Comprehensive Plan
  - b. the original and revised Planned Unit Development
  - c. the two accompanying Staff Reports
2. In keeping with Objective 11, the intent of the Comprehensive Plan is to guide the physical development of Bixby into the year 2020.
3. Tonight, you have the opportunity to set the **destiny of Bixby**. Yes, the definition of the Corridor is broad enough to incorporate a variety of endeavors including the **rarely** appropriate RS-2 and RS-3 zoning availed for Fox Hollow and the proposed apartments.

But what is best for Bixby?

4. In the January 14 Staff Report the City Planner on page 4 indicates

The 180-acre area is a prime location, one of the last, exceptionally large undeveloped acreages in all of South Tulsa County north of the Arkansas River.

5. The City of Bixby needs high-end retail developed in this prime location.
  - a. It will bring in sales tax for the City
  - b. It is for the long-term benefit of Bixby.

CITY OF BIXBY

JAN 21 2009

RECEIVED

By Enyark  
 cf. PUD 70 + BZ-347  
 pg. 1 of 3

6. If apartments are allowed to be built in this prime location, Bixby will **PERMANENTLY** lose the ability to develop **high quality**, high-end retail. I'm thinking of shopping centers like King's Point Village at 61<sup>st</sup> and Yale or even Utica Square. Why not? Think big!
  
7. These are **average** apartments that will likely decrease this area's high per capita income sought after by high-end retailers. So we lose sales tax revenue potential. Additionally we increase expenses often associated with high-density housing such as police and fire personnel.
  
8. The Comprehensive Plan Objectives support high-end retail:
  - A. Per Objective 4, each distinctive area should be protected from incompatible land uses. The proposed apartments are not a compatible land use for Bixby's long-range objective to obtain high-end retail.
  
  - B. In keeping with Objective 7, and pointed out by the Fox Hollow HOA President, Fox Hollow was deemed valuable in 2001, therefore the nature and character and value of these residences should be stable, protected and enhanced.
  
  - C. Objective 8 indicates that detached single family dwellings on individual lots should be the dominant housing. Sandwiched between The Links and the proposed apartments, the residents of Fox Hollow and North Heights will represent 174 dwellings compared to 752 apartment units. That is single family dwellings will be **only 23 percent**.
  
  - D. In keeping with Policy 3.h. the neighborhood design and specific zoning patterns should be prepared and designated in a manner to preserve the **long-term integrity** of **all** of the residential areas north of the River. The proposed apartments do not even have the first-story brick covering that is required of our homes in Fox Hollow.

from Jan Swafford

cf. PUD 70 + BZ-347

pg. 2 of 3

9. The Dallas developer has **no vested interest** in Bixby. What is good for the Developer is not in the long-term best interest of Bixby.
10. 121<sup>st</sup> and Memorial is the **heart** of Bixby's single-family dwellings North of the River.
11. Don't allow it to be wasted. Use it. Grow it.
12. **In keeping with the spirit and objectives of the Comprehensive Plan, please, each of you, Vote NO to protect the long-term growth of Bixby.**

from Jan Swafford

cf. PUD 70 + BZ-347

pg. 3 of 3

**Jay Mauldin's remarks at Bixby Planning Commission meeting of Tuesday, January 19, 2010, regarding PUD 70 & BZ-347.**

I have no generic opposition to an apartment complex of this nature being constructed in Bixby. However, I am opposed to this proposal because it is not in the long-term interest of our community.

This proposal represents a menace to residential property values. This project would derive an intrinsic benefit because of its proximity to existing new, relatively upscale neighborhoods (Fox Hollow, Graystone, WoodMere, Seven Lakes). It would essentially borrow from those neighborhoods' reservoir of goodwill and elevated property values. However, the loan will never be repaid. It is tantamount to a confiscation of wealth. This has happened in other neighborhoods and I can elaborate if you so desire.

Approval of this proposal would set one or more precedents that simply are not in the City's long term interest. There are 2 major apartment complexes in Bixby (The Links and Marquis on Memorial). Both accomplish ingress/egress via Memorial. At The Links, for example, there exists a substantial setback from Memorial, a significant open area buffer abutting North Heights and a natural buffer (Fry Creek) abutting Graystone. The only thing that would separate the proposed complex from Fox Hollow is a county road. The City does not own the road. The Bixby Police Department lacks jurisdiction to enforce the law on this road between Memorial and Sheridan. The City has no plans to annex the road. The City is not in a position to make any representations as to what will happen with the county's road. Moreover, it has been suggested that 121<sup>st</sup> Street will act as a buffer between the complex and Fox Hollow. It is not a buffer. It is what it is. It is a road. I can easily envision a scenario in the future where a developer wants to build yet another apartment complex directly across a street from yet another single-family residential neighborhood. I can also easily envision the City, having realized its mistake in approving the current proposal, wishing to say no, yet being unable to do so as a result of the precedent that will have been set. The setting of such precedent is not in the City's long term interest and should be avoided.

It has been suggested that the proposal is consistent with the Comprehensive Plan. I disagree. Page 12 of the Comprehensive Plan states that the proposed use (RM-3) is "*appropriate within a corridor*". It does not say that it is required. It does not say that it is mandatory. It simply states that is appropriate, or allowable. As was previously mentioned, Page 12 of the Comprehensive Plan also states that RS-2 & RS-3, as exists at Fox Hollow, is "*rarely appropriate within a corridor, except in already established neighborhoods*". As such, there must have been a rather compelling reason for the City to have approved development of Fox Hollow.

What has changed? Are those at Fox Hollow no longer entitled to maintenance of their neighborhood's nature and character? I believe that the Comprehensive Plan is instructive in this regard. On Page 2 of the Plan, Goal #7 states, in its entirety: "*It is intended that the nature and character of existing developed areas be stable, protected and enhanced. Land uses should be planned, designed and maintained in a manner to preserve the continuing, long term integrity of each land use. Development and zoning patterns will support these goals.*" The proposed apartment complex will not protect, nor will it enhance the nature and character of Fox Hollow or any of the other neighborhoods in proximity to it. As such, it is not consistent with the Comprehensive Plan.

cf. PUD 70 + BZ-347 Pg. 1 of 2

I believe that the Comprehensive Plan is further instructive with regard to the proposal before you. On page 3 of the Plan, Goal #11 states, in part: *"It is intended that the Bixby Comprehensive Plan serve as a long range guide for physical development in Bixby..."* and on page 1 of the Plan, Goal #3 states, in its entirety: *"It is intended that the best possible quality of life be attained for Bixby residents. That is, the best possible living, economic and environmental standards are to be achieved. The land in Bixby is to be put to the use for which it is best suited based on the evaluation of all considerations without dominance of any measurement."* Clearly, the Comprehensive Plan contemplates a long range maximization of the city's resources. However, the proposal before you represents short term settlement, or satisficing, which is not consistent with the Comprehensive Plan.

The Mayor and the City Manager were recently quoted in the *Bixby Bulletin*, citing a vital need for retail development in Bixby. The phrase "zealous about retail" was actually used. On page 4 of the Staff Report, the area SW of 121<sup>st</sup> & Memorial, which includes the land where the apartment complex would be located, is characterized as being *"a prime location, one of the last exceptionally large, undeveloped acreages in all of South Tulsa County north of the Arkansas River, has all the necessary utilities, Memorial Drive frontage, and is out of the 100-year floodplain"*. Yet, we are now being asked to believe that allowing an apartment complex to be situated at this location represents the best use of the land and that it is somehow in the City's long term interest. It is not. It has even been suggested that this apartment complex will encourage commercial development. Gentlemen, I wish it were that simple. I really do. But it isn't and I believe you know that.

So, tonight I am asking you to vote on this proposal. I am asking that you vote it down and that you do so unequivocally, 4-0. In doing so, you will be recommending that the day has come and that the time is now, to bring about an end to the notion that residential property values must take a back seat to "progress". I believe the Comprehensive Plan is instructing us that in the course of the City's development, we must protect the nature, character and value of what has already been developed.

You will also be recommending that we should refrain from engaging in a setting of precedents that are not in the City's long-term interest and that we must re-affirm our commitment to the long term Comprehensive Plan. Simply because a proposed use is consistent with a defined allowable use does not mean that it is consistent with the goals, the essence, of the Comprehensive Plan. The Comprehensive Plan has a 20 year time horizon and patience, not short term satisficing, must be exercised in order to see that the Plan is successfully implemented.

Jay Mauldin

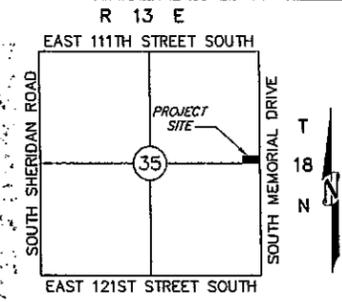
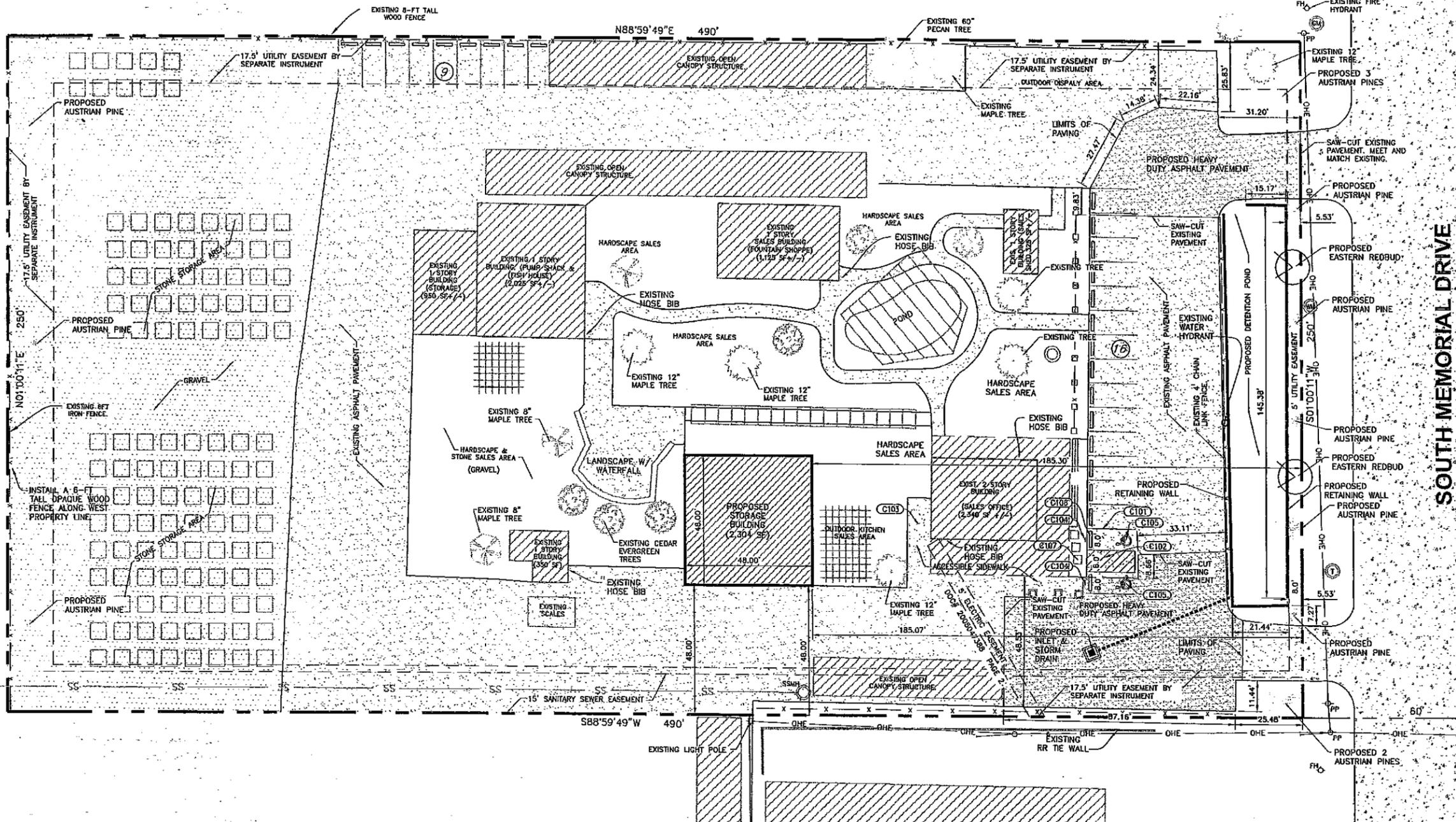
CITY OF BIXBY

JAN 22 2009

RECEIVED

By Enyiah  
cf. PUD 70 + BZ-347

pg. 2 of 2



Location Map  
SCALE: 1"=200'

**LEGAL DESCRIPTION:**

PART OF SE 1/4 OF THE NE 1/4 OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 13 EAST IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING 60 FEET WEST OF THE SE CORNER OF THE NE 1/4 OF SECTION 35; THENCE S88°59'49"W A DISTANCE OF 490 FEET, THENCE N01°00'11"E A DISTANCE OF 250 FEET, THENCE N88°59'49"E A DISTANCE OF 490 FEET, THENCE S01°00'11"W A DISTANCE OF 250 FEET TO THE POINT OF BEGINNING. SAID PROPERTY CONSIST OF 2.813 ACRES MORE OR LESS.

**LEGEND**

- B/L - BUILDING LINE
- U/E - UTILITY EASEMENT
- D/E - DRAINAGE EASEMENT
- A/E - ACCESS EASEMENT
- S/E - SIGN EASEMENT (PRIVATE)
- L.N.A. - LIMITS OF NO ACCESS
- L.A. - LIMITS OF ACCESS
- FH - FIRE HYDRANT
- OHE - OVERHEAD ELECTRIC
- PP - POWER POLE
- SSMH - SANITARY SEWER MANHOLE
- SS - SANITARY SEWER
- WM - WATER METER
- GM - GAS METER
- TM - TELEPHONE MANHOLE

Revisions	Date	By	App'd
5			
4			
3			
2			
1			



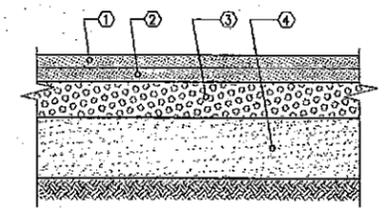
**Khory Engineering, Inc.**  
Civil Engineering - Land Development  
1439 East 11th Street  
Tulsa, Oklahoma 74104  
Tel: 918.713.8763  
Fax: 918.713.1059  
CA #3751, Renewal 06-30-11

CITY OF BIXBY

JAN 19 2009

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By *Enyart*  
of AC-09-11-03



**2 ASPHALT PAVEMENT SECTION**  
NOT TO SCALE

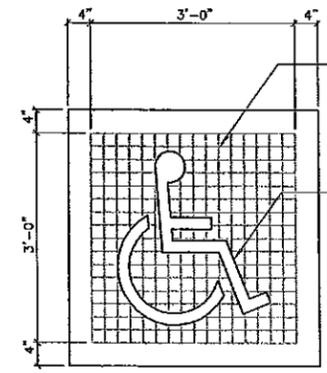
**1 SITE & HORIZONTAL CONTROL PLAN**  
SCALE: 1"=10'

- 3 GENERAL NOTES**  
RE: THIS SHEET
- THE CONTRACTOR SHALL CALL THE UNDERGROUND UTILITY LOCATING SERVICE "OKIE" AND HAVE THEM MARK THE LOCATION OF EXISTING UTILITIES AT LEAST TWO WORKING DAYS PRIOR TO BEGINNING OF WORK.
  - EQUIPMENT AND MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.
  - ALL DIMENSIONS ARE TO THE CENTERLINE OF PAINT STRIPES AND/OR TO THE EDGE OF PAVEMENT AND ALL BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF WALL, UNLESS OTHERWISE NOTED.
  - EXPANSION JOINTS SHALL BE PLACED IN ACCORDANCE WITH THE SPECIFICATIONS.
  - CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS. ANY DISCREPANCY FOUND SHALL BE DISCUSSED WITH THE ENGINEER OF RECORD PRIOR TO ANY CONSTRUCTION WORK.
  - BEARINGS ARE BASED ON THE RECORDED PLAT OF BIXBY CENTENNIAL PLAZA, PLAT NO. 6107.
  - REFER TO ARCHITECTURAL PLANS FOR ACCESS TO PROPOSED BUILDING AND SPOT ELEVATIONS AROUND PROPOSED BUILDING.

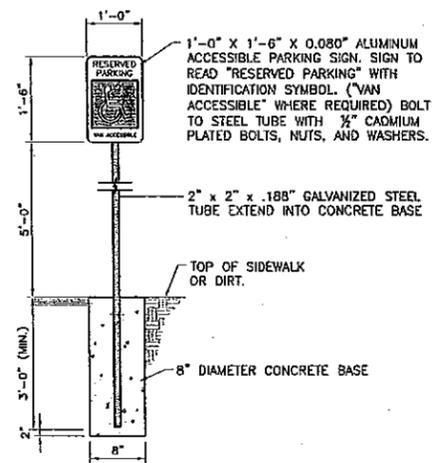
- 4 KEYED NOTES**  
ALL ITEMS ARE NEW CONSTRUCTION UNLESS NOTED OTHERWISE
- C101 PARKING STRIPES PAINTED WITH (2) COATS TRAFFIC WHITE IN SINGLE 4" WIDE STRIPES, UNLESS NOTED OTHERWISE.
  - C102 4" WIDE PAINT STRIPE 45° AT 2' O/C. USE 2 COATS WHITE TRAFFIC PAINT.
  - C103 EXISTING ADA ACCESSIBLE RAMP. VERIFY THAT SLOPE DOES NOT EXCEED 1:12.
  - C104 ACCESSIBLE PARKING SIGN ON POST.
  - C105 PAINTED ACCESSIBLE SYMBOL.
  - C106 CONCRETE WHEEL STOP.
  - C107 MAINTAIN A MINIMUM OF 4-FT CLEARANCE FOR ADA ACCESS.

**5 SITE DATA**  
RE: THIS SHEET

PARKING SPACES REQUIRED		
	REQUIRED	PROVIDED
REGULAR PARKING 1/400 (NET AREA)	22	23
ACCESSIBLE PARKING	1	2
<b>LAND USE</b>	<b>ZONING</b>	
USE UNIT 15	CS	
<b>LANDSCAPE REQUIREMENT</b>	<b>PROVIDED</b>	
1/1000 SF OF STREET YARD: 13	13	
1/1000 SF OF REAR YARD: 3	3	



**ACCESSIBILITY SYMBOL**  
NOT TO SCALE



**ACCESSIBLE PARKING SIGN SYMBOL**  
NOT TO SCALE

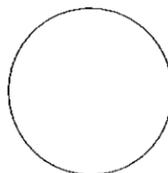
HARDSCAPE MATERIALS  
11610 SOUTH MEMORIAL  
CITY OF BIXBY - TULSA COUNTY - OKLAHOMA

**SITE PLAN**





711 N. FIELDER RD.  
ARLINGTON, TX 76012  
PH: (817) 635-6696  
FAX: (817) 635-6898



THESE DOCUMENTS ARE THE SOLE PROPERTY OF THE ARCHITECT. ANY REPRODUCTION OR USE OF THESE DOCUMENTS FOR ANY PURPOSE OTHER THAN THE EXECUTION OF THE PROJECT WITHOUT THE EXPRESS WRITTEN CONSENT OF THE ARCHITECT IS STRICTLY PROHIBITED.



**TACO BUENO #3081 - BIXBY, OK**  
15040 S. MEMORIAL DRIVE  
BIXBY, OK 74008  
TACO BUENO RESTAURANTS, L.P.  
1605 LBJ FREEWAY, SUITE 800, DALLAS, TX 75234  
**SITE PLAN**

Date	09/18/2009
Revisions	10/18/2008 HEALTH REVIEW 12/04/2008 BUILDING DEPT 12/17/2008 REVISIONS 01/16/2009 REVISIONS

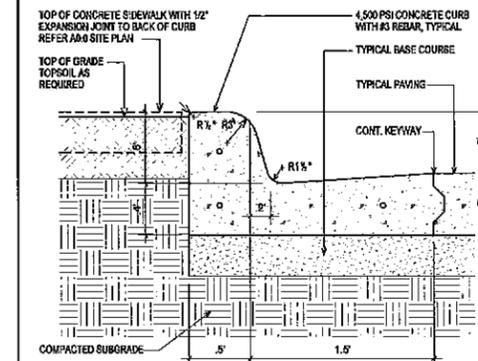
Project Number  
09-160

Sheet Number

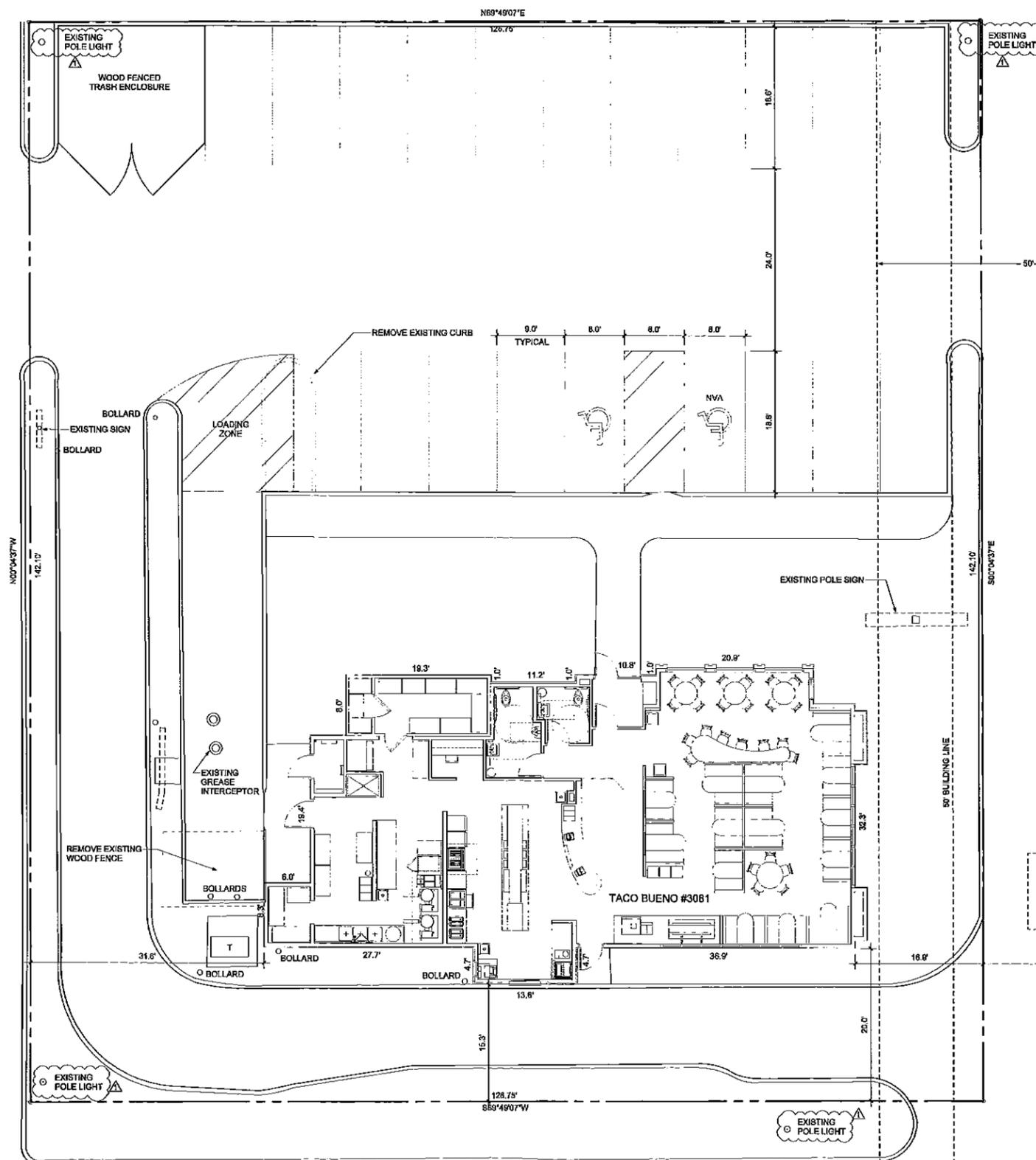
**A0.0**

**TABULATIONS**

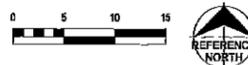
SITE	18,011 SF	0.413 AC
<b>SITE COVERAGE:</b>		
PAVING	11,120 SF	61.74%
WALKS	792 SF	4.39%
LANDSCAPE	3,448 SF	19.13%
BUILDING	2,653 SF	8.65%
TOTAL	18,011 SF	100.00%
<b>PARKING:</b>		
EXISTING PARKING	9 CARS	
ADDED PARKING	11 CARS	
ADJACENT SITE PARKING	7 CARS	
TOTAL PARKING	27 CARS	
REQUIRED PARKING (2872/100)	27 CARS	
REQUIRED HCP PARKING	2 CARS	
PROVIDED HCP PARKING	2 CARS	



**02 CURB AND GUTTER**  
SCALE: 1/12" = 1'-0"



**01 SITE PLAN**  
SCALE: 1/8" = 1'-0"

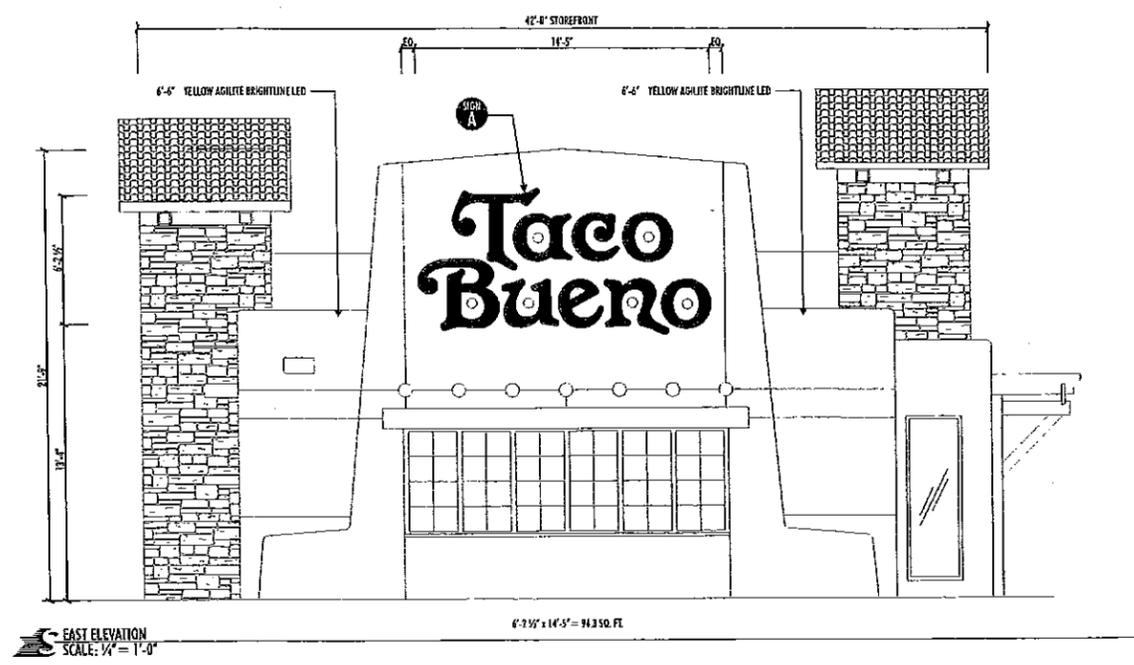


CITY OF BIXBY

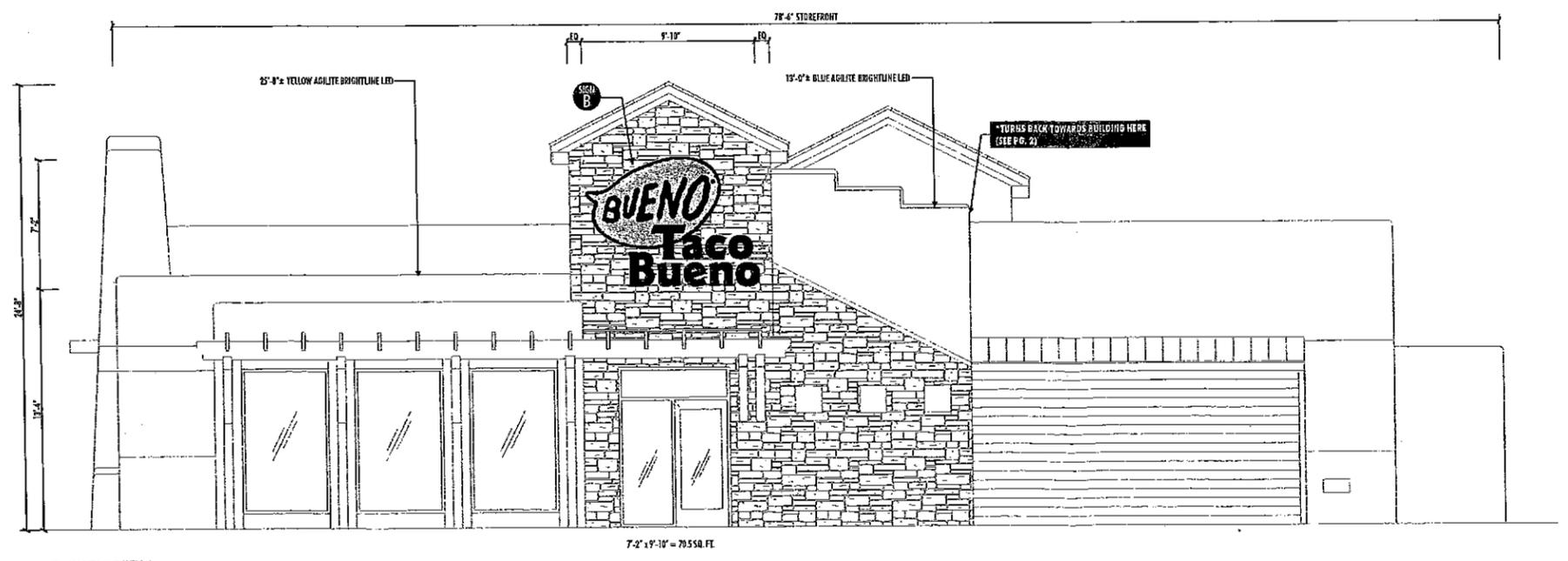
JAN 19 2009

RECEIVED

By *Enyark*  
cf. AC-10-01-05



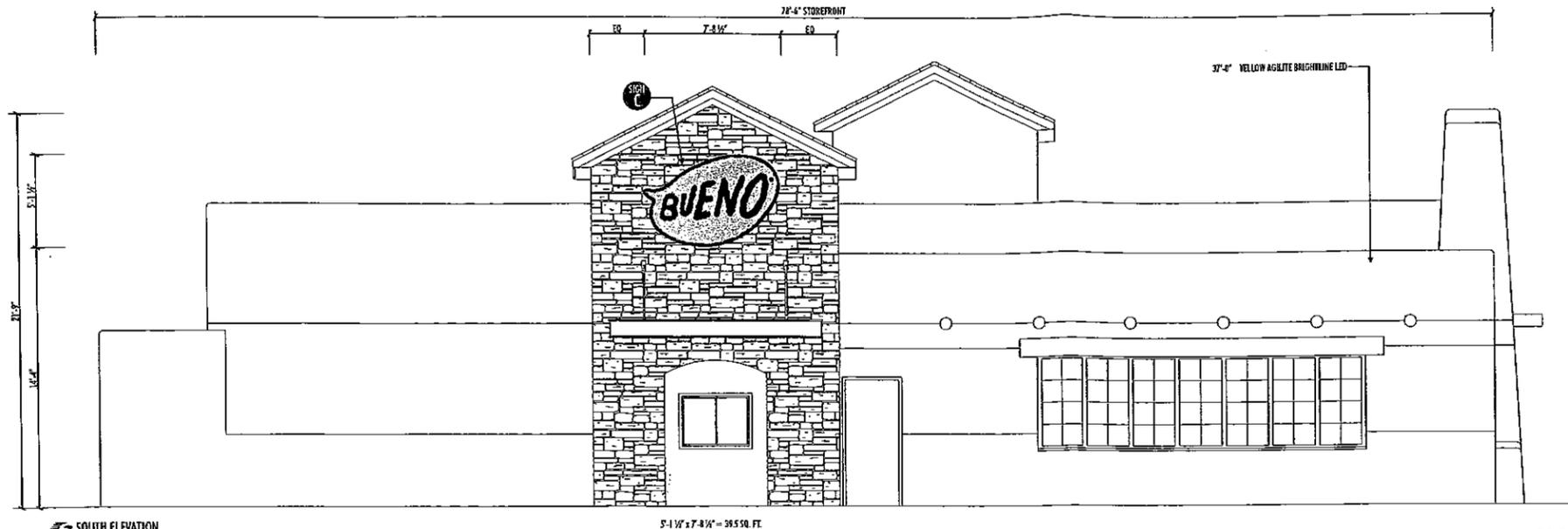
EAST ELEVATION  
SCALE: 1/4" = 1'-0"



NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

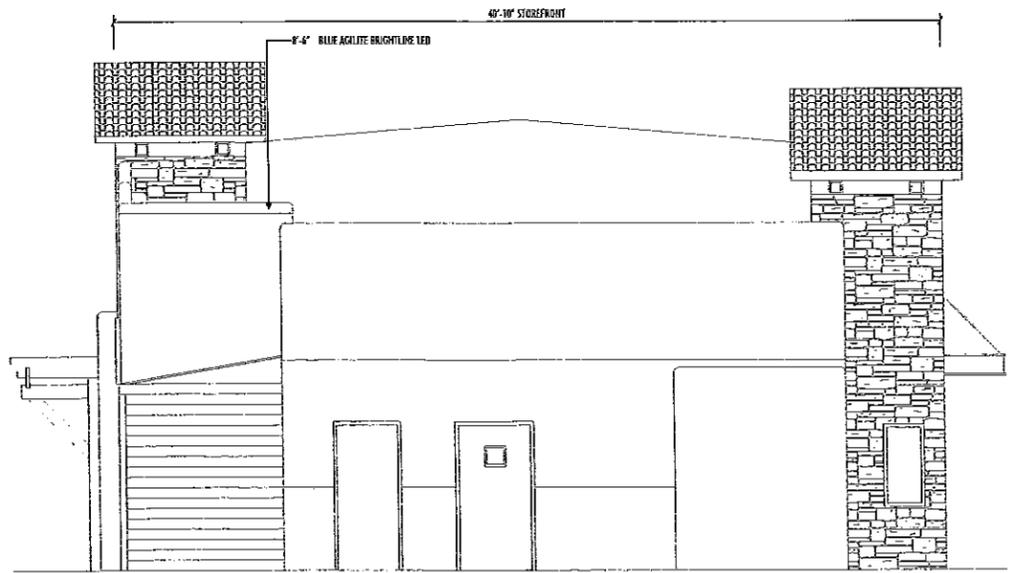
CITY OF BIXBY  
JAN 19 2009  
RECEIVED  
By *Engark*  
Ch. AC-10-01-05

APPROVAL		CUSTOMER	LANDLORD	DATE	DATE
U/L LABELS REQUIRED		<small>Consult &amp; Label Using Only U.L. Listed Components &amp; In Accordance w/ National Electrical Sign Code</small>			
DWG#	0912-0793				
PAGE	01 of 04				
DATE	01-18-10				
TITLE	(As Shown)	SALES /ALMR	Peula Saffle		
SALES /ALMR	R. Hoyer	DATE	01-18-10		
DATE	01-18-10	DATE	01-18-10		
CUSTOMER	Taco Bueno #3081				
LOCATION	15040 S. Memorial Dr.				
CITY STATE	Bixby, OK				
<small>This drawing is the property of STARLITE SIGN, LP and all rights to its reproduction and display are reserved by STARLITE SIGN, LP</small>					
<small>www.starlitesign.com</small> 7923 E. McHenry St. Denton, TX 76208 (940) 382-8830 Fax: (940) 387-0479					



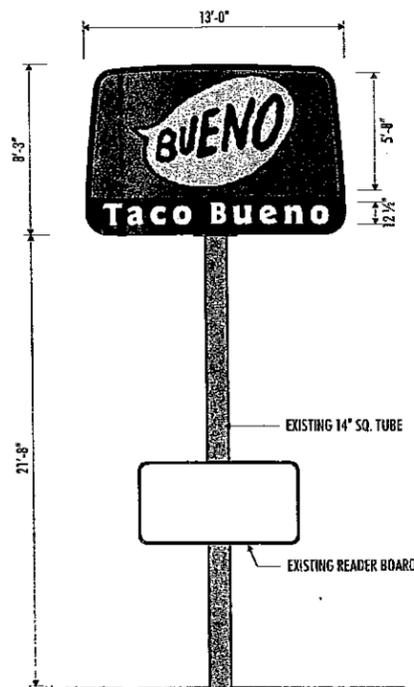
SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

5'-11 1/2" x 7'-8" = 36.550 FT.

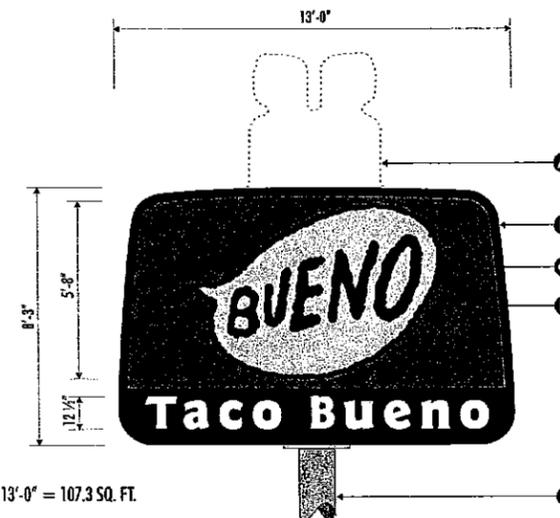


WEST ELEVATION  
SCALE: 1/4" = 1'-0"

\*EXISTING PYLON SIGN TO  
REMAIN UNCHANGED



DOUBLE-FACE PYLON SIGN REFACE  
SCALE: 1/4" = 1'-0"



8'-3" x 13'-0" = 107.3 SQ. FT.

REPLACEMENT FACE FOR EXISTING PYLON SIGN  
SCALE: 1/4" = 1'-0"

PYLON FACE REPLACEMENT	
ITEM	DESCRIPTION
A	*PHOENIX* POSITION & "DRIVE THRU" CABINET TO BE REMOVED
B	EXISTING TOP & READER BOARD CABINETS & REMAINERS REPAINTED GLOSS BLACK
C	NEW WHITE SIGHTTECH FLEX FACES
D	CALOR VINYL GRAPHICS APPLIED TO SURFACE (SEE LIST FOR COLORS)
E	POLE REPAINTED KELLY MOORE #174 CHARCOAL

VINYL COLORS	
Top Bkgd.	#43 Red
Bubble Outline	#22 Black
Bubble Inside	#25 Sunflower
"Buena"	#22 Black
Bottom Bkgd.	#22 Black
Tagline	White Sho-Thru

www.starlightsign.com  
7923 E. McKinney St.  
Denton, TX 76209  
(940) 382-4850  
Fax: (940) 387-9429

CUSTOMER: Taco Bueno #9081  
LOCATION: 15040 S. Memorial Dr.  
CITY/STATE: Bixby, OK

Contract & Install Using Only U/L Listed Components  
& In accordance with National Electrical Code

APPROVAL: U/L LABELS REQUIRED

DWG #: 0912-07943  
PAGE: 02 of 04  
DATE: 01-18-10

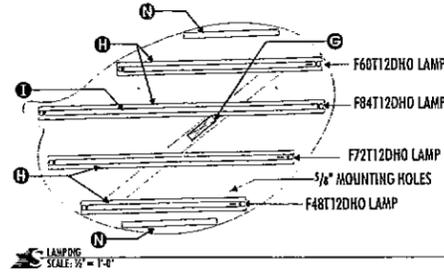
TTL SQ. FT. (As Shown): Terry Brackett  
SALES: Paula Saffle  
ART/BID/JOB #: 9979  
N/A

CUSTOMER: LANDLORD

DATE: DATE

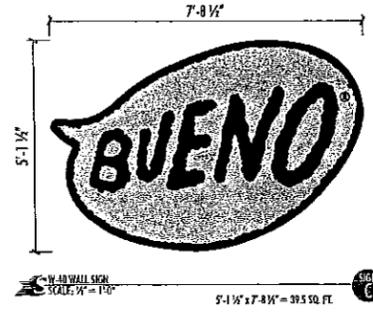
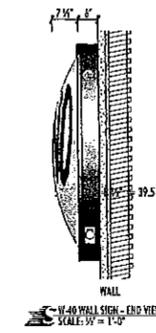
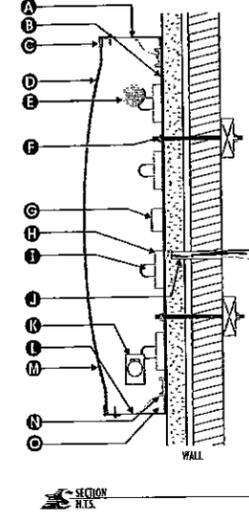
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**W-40 Wall Sign**



SINGLE-FACE WALL SIGN	
ITEM	DESCRIPTION
A	6" ALUM. FILLER (REV. LETTERLOK CONST.) PTD. SPRAYLAT HND. #901 BLACK
B	ALUMINUM BACK
C	1/2" x 1 1/2" ALUM. RETAINER PTD. SPRAYLAT HND. #901 BLACK
D	FORMED 3/16" CLEAR HIGH IMPACT PLASTIC FACE w/ 2ND SURFACE VINYL GRAPHICS
E	MINI-LOUVER VENT
F	THREADED ROD w/ NUTS, FLAT & LOCK WASHERS
G	BALLAST
H	ALUMINUM WIREWAY FOR INTERNAL WIRING
I	HIGH OUTPUT DAYLIGHT FLUORESCENT LAMPS (LENGTHS AS SHOWN)
J	"FOUNTAIN" PRIMARY WIRING
K	EXTERNAL WATER TIGHT DISCONNECT SWITCH
L	WEEP HOLES FOR DRAINAGE
M	VINYL GRAPHICS APPLIED 2ND SURFACE (SEE LIST FOR COLORS)
N	ALUMINUM STIFFENER
O	ALUMINUM GUSSETS

VINYL GRAPHICS COLORS	
ITEM	COLOR
BACKGROUND	#3630-25 SUNFLOWER
BORDER & "BUENO"	#3630-22 BLACK
BEHIND ALL	#3635-70 WHITE DIFFUSER

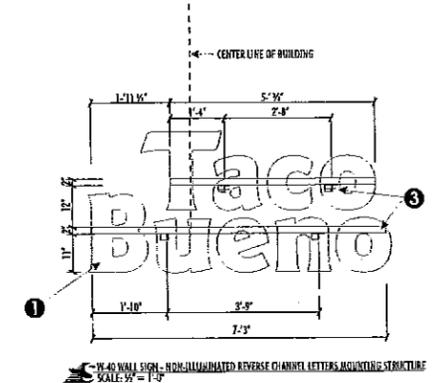
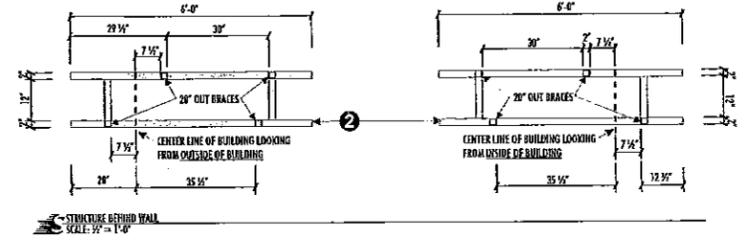


**RCL-22 Letters w/ W-40**

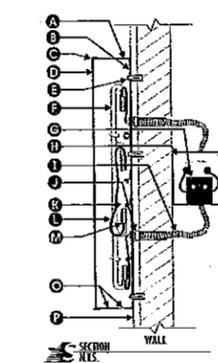
BUBBLE LOGO SPECIFICATIONS SAME AS W-40 (TO LEFT)



COMPANION FEAT CUT-OUT LETTERS FOR W-40	
ITEM	DESCRIPTION
1	1" 60" ALUM. TUBE ALICE RE CHANNEL LETTERS (SEE LIST FOR VARIOUS LENGTHS) BY W-40 TO THE END
2	2" ALUM. SQ. TUBE FRAME FABRICATED BY STARLITE & INSTALLED BY SITE G.C. THRU WALL
3	2" ALUM. CLIPS WELDED TO SIGN BRACKETS AND BOLTED TO WALL FRAME



LETTERLOK CHANNEL LETTERS WITH REMOTE TRANSFORMERS	
ITEM	DESCRIPTION
A	1/2" 90 ALUM. RETAIN PREFINISHED BLACK
B	1/2" 90 ALUM. BACK, ENVD. PTD. REFLECTIVE WHITE
C	1" BLACK BEVELLED TRIM
D	1/4" #2243 RED ACRYLIC FACE (EXCEPT BULLETS - #7230 WHITE)
E	NON-CORROSION ANCHORING SCREW IN ANCHOR
F	1/8" SILK CLEAR RED REFIN (EXCEPT BULLETS - 6300 WHITE)
G	TRIM TRANSFORMER
H	ASTA TRANSFORMER CONTAINMENT BOX LOCATED BEHIND WALL
I	FLEXIBLE CONDUIT
J	TELETYPE CONDUIT CONNECTOR
K	STD. GLASS TUBE SUPPORT
L	10-FLEX MAX CTD. 15 WIRE
M	WESTERN INSULATING END CAP/BOLT
N	WEEP HOLES FOR DRAINAGE



www.starlitesign.com  
 7923 E. McKinney St.  
 Denton, TX 76208  
 (940) 382-4850 Fax: (940) 387-4429

CUSTOMER: Taco Bueno #3081  
 LOCATION: 15040 S. Memorial Dr.  
 CITY/STATE: Bixby, OK

TITLE: (As Shown)  
 SALES/PLMGR: Terry Brackett  
 ART/BD/JOB: R. Hooper

Paula Saffio  
 9979

DWG.#: 0912-079-3  
 PAGE: 03 of 04  
 DATE: 03-18-10

APPROVAL: \_\_\_\_\_  
 CUSTOMER: \_\_\_\_\_  
 LANDLORD: \_\_\_\_\_

U/L LABELS REQUIRED

Contains & Install Using Only U.L. Listed Components & Subcontracted Electrical Sign Work

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**Legal Description**

THAT PART OF LOT 11, WAL-MART STORES ADDITION, IN ADDITION TO THE CITY OF BIJBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE OFFICIAL PLAT THEREOF, WALS-MART STORES ADDITION, AS SHOWN.

BEING MORE OR LESS DESCRIBED AS BEING 35.00 FEET WIDE AND 40.00 FEET DEEP IN THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 1.

THENCE SOUTHERLY AND PARALLEL TO THE SOUTH LINE OF SAID LOT 1, BLOCK 1, A DISTANCE OF 120.75 FEET TO A POINT;

THENCE NORTHERLY AND PARALLEL TO THE EAST LINE OF SAID LOT 1, BLOCK 1, A DISTANCE OF 142.10 FEET TO A POINT;

THENCE SOUTHERLY AND PARALLEL TO THE SOUTH LINE OF SAID LOT 1, BLOCK 1, A DISTANCE OF 120.75 FEET TO THE POINT OF BEGINNING.

**NOTES**

1. THIS SURVEY WAS COMPLETED IN SEPTEMBER 2004.
2. THE DESCRIBED SIGN IS BEING PLACED ON THE EAST SIDE OF THE "WAL-MART STORES ADDITION".
3. ALL CORNERS WERE SET USING A 3/4" I.D. PIPER WITH A YELLOW CAP STAMPED "S&A 15 1150" (SEE PLAN SHEET 04-01).
4. APPROXIMATE LOCATIONS OF ALL EXISTING UTILITIES ARE SHOWN BY DASHED LINES.
5. 10" WIDE CONCRETE FOOTINGS ARE SHOWN BY DASHED LINES.
6. NO EXISTING UTILITIES OR OTHER ENCUMBRANCES WERE DISCOVERED TO BE WITHIN THE DESCRIBED AREA.
7. THIS SURVEY WAS COMPLETED IN SEPTEMBER 2004.

**Certificate**

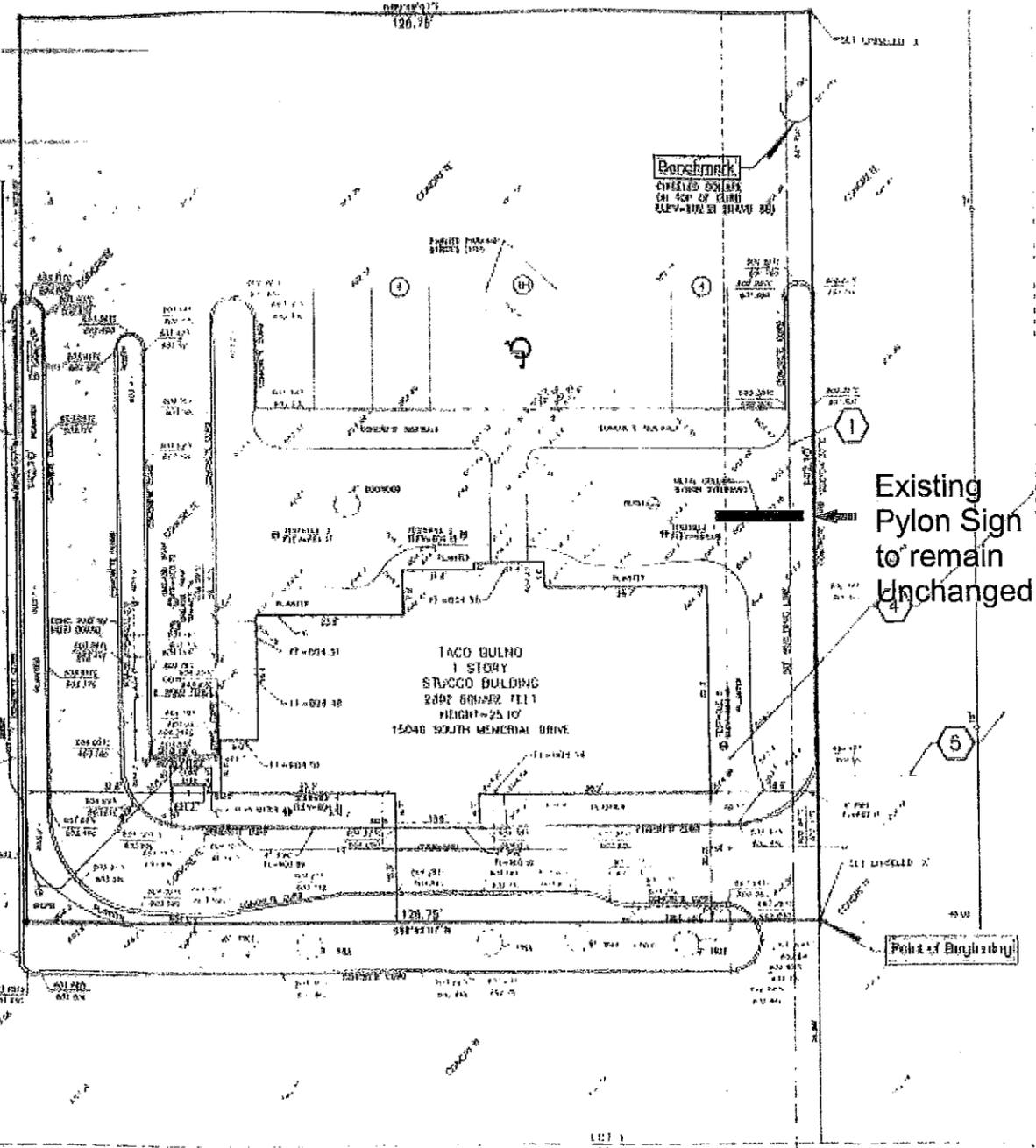
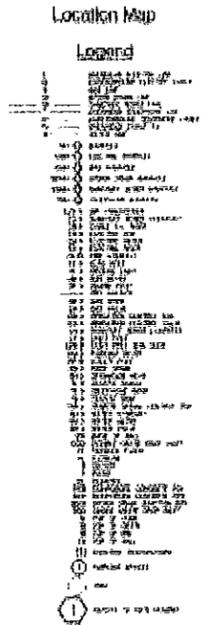
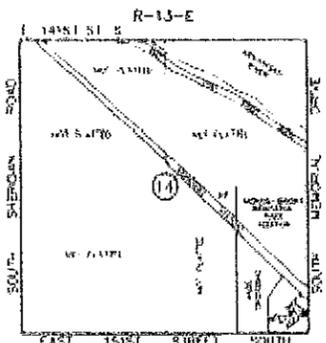
I, S. P. AND ASSOCIATES, INC., IN BEHALF OF THE SURVEYOR, HEREBY CERTIFY THAT THE FOREGOING SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE REPRESENTATION OF SAID SURVEY IS TRUE AND CORRECT.

THIS SURVEY MEETS THE MINIMUM TECHNICAL REQUIREMENTS FOR THE STATE OF OKLAHOMA AS SET FORTH IN THE PUBLIC LANDS ACT, TITLE 10, SECTION 10-1-1, AND THE PUBLIC LANDS ACT, TITLE 10, SECTION 10-1-2, AND THE PUBLIC LANDS ACT, TITLE 10, SECTION 10-1-3, AND THE PUBLIC LANDS ACT, TITLE 10, SECTION 10-1-4, AND THE PUBLIC LANDS ACT, TITLE 10, SECTION 10-1-5, AND THE PUBLIC LANDS ACT, TITLE 10, SECTION 10-1-6, AND THE PUBLIC LANDS ACT, TITLE 10, SECTION 10-1-7, AND THE PUBLIC LANDS ACT, TITLE 10, SECTION 10-1-8, AND THE PUBLIC LANDS ACT, TITLE 10, SECTION 10-1-9, AND THE PUBLIC LANDS ACT, TITLE 10, SECTION 10-1-10.

DATE: 09/15/04

**Utility Statement**

NO UTILITIES WERE DISCOVERED TO BE WITHIN THE DESCRIBED AREA.



SOUTH MEMORIAL DRIVE  
(PUBLIC STREET)

DETAIL TOPOGRAPHIC SURVEY  
OF PART  
LOT 1 IN BLOCK 1  
OF  
"WAL-MART STORES ADDITION"  
SECTION 14, T-17-N, R-13-E  
CITY OF BIJBY, TULSA COUNTY, OKLAHOMA

**S&A** SACK AND ASSOCIATES, INC.  
7923 E. McKinney St.  
Denton, TX 76206  
(940) 382-4850  
Fax: (940) 387-0829



APPROVAL	DATE	DATE	
	CUSTOMER	LANDLORD	
DWG# 0917-0793	PAGE 04 of 04	DATE 01-18-10	
	TITLE (As Shown)	SALES/PLANNER	ARY/BO/DOB
CUSTOMER	Taco Bueno #3081	15040 S. Memorial Dr.	BiJby, OK
LOCATION	This drawing is the property of STARLITE SIGN, LP and all rights to its reproduction and display are reserved by STARLITE SIGN, LP.		
CITY/STATE	BiJby, OK		
www.starlightsign.com	940 382-4850		
7923 E. McKinney St.	Denton, TX 76206		
(940) 382-4850	Fax: (940) 387-0829		
StarliteSign LP			

BIXBY PLANNING COMMISSION

SIGN IN SHEET

DATE: January 19, 2010

NAME	ADDRESS	ITEM
1. Karen Rogers	11951 S. 73rd E. Ave	6-7
2. JAN SWAFFORD	11974 S 73 E AVE	6-7
3. Janelle Swearingin	7334 E 119 <sup>th</sup> St	6-7
4. JEFF WAREHEAD	1605 EBT FREEWAY FARMERS BRANCH, TX	9
5. Mike Harrell	12083 S. 98 <sup>th</sup> E Ave	6-7
6. TAMMY Lennon	820 E 124 <sup>th</sup> St.	6-7
7. Gary Dundee	6912 E 118 St	6-7
8. Brian Guthrie	7518 E. 118 <sup>th</sup> St.	6-7
9. Marley Lundy	11647 S. 73 E AVE	6-7
10. Neil Lantieri	11618 S 74 E Ave	6-7
11. Ron Wake	11450 S. 98 E Ave	6-7
12. LEE MOORE	7349 E 119 <sup>th</sup> St.	6-7
13. Jix Coffey	2925 W 45 <sup>th</sup>	10
14. Shelly Portway	6816 E 117 <sup>th</sup> St	6-7
15. Jay Mauldin	7341 E 119 Pl	6-7
16. Sarah McAmis	9517 E 117 <sup>th</sup> St.	6-7
17. Jay Stallsmith	6707 E. 112 <sup>th</sup> St.	6-7
18. Bob Stillman	11402 S. 106 <sup>th</sup> E Ave	6-7
19.		
20.		
21.		
22.		