



**ROLL CALL:**

AYE: Baldwin & Whiteley  
NAY: None.  
ABSTAIN: Holland and Whisman.  
MOTION FAILED: 2:0:2

During the Roll Call, Thomas Holland and Lance Whisman stated that they were Abstaining as they were not present at that meeting.

After clarification with Erik Enyart, Chair Thomas Holland declared that the item would be CONTINUED to the August regular meeting.

3. Case # AC-12-07-01. Discussion and possible action to approve a replacement wall sign for *Edward Jones* at 13330 S. Memorial Dr. Ste. 2 in the “Riverbend Shoppes” shopping center, Lots 1, 2, & 3, Block 1, *Riverbend Commercial Center Amended*.
4. Case # AC-12-07-02. Discussion and possible action to approve a replacement wall sign for *Tulsa Teachers Credit Union* at 13475 S. Memorial Dr. on Lot 2, Block 1, *Bixby Crossing* in the Bixby Crossing shopping center.
5. Case # AC-12-07-03. Discussion and possible action to approve a replacement wall ground for *Tulsa Teachers Credit Union* at 13475 S. Memorial Dr. on Lot 2, Block 1, *Bixby Crossing* in the Bixby Crossing shopping center.
6. Case # AC-12-07-04. Discussion and possible action to approve a replacement wall sign for *Family Dollar* at 15036 S. Memorial Dr. on part of Lot 1, Block 1, *Wal-Mart Stores Addition* in the “Spartan Family Shopping Center.”

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Chair Thomas Holland introduced the Consent Agenda Numbers 3 through 6, inclusive, and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Thursday, July 12, 2012  
**RE:** AC-12-07-01, AC-12-07-02, AC-12-07-03, & AC-12-07-04

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*Agenda Items numbered 3 through 6, inclusive, involve approving sign permits. These permits have already been issued by the City.*

*This Staff Report covers all of the sign permit ratification cases: All sign permits comply with the Zoning Code and Staff requests ratification of prior approval given.*

Lance Whisman made a MOTION to APPROVE Consent Agenda Numbers 3 through 6, inclusive. Jeff Baldwin SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Baldwin, Holland, Benjamin, & Whiteley  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

Chair Thomas Holland announced that, in the interest of time and those attending, the Agenda Items would be taken out of order and Agenda Item Numbered 8 would be introduced at this time.

OTHER BUSINESS

- 8. **Change of Limits of No Access (LNA) – Sisemore, Weisz & Associates, Inc. for Manley 101st & Memorial, LLC.** Discussion and consideration of a request to change Limits of No Access (LNA) along 101<sup>st</sup> St. S. for parts of Lots 1 and 5, Block 1, *101 Memorial Square*, in accordance with Subdivision Regulations Section 8.2 / 12-8-2.  
Property located: 10101 S. Memorial Dr. / 8200 E. 101<sup>st</sup> St. S.

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Thursday, July 12, 2012  
**RE:** Report and Recommendations for:  
 Change of Limits of No Access (LNA) – Sisemore, Weisz & Associates, Inc. for Manley 101st & Memorial, LLC

**LOCATION:** – Lots 1 and 5, Block 1, 101 Memorial Square  
 – 8200 E. 101<sup>st</sup> St. S.  
 – 10101 S. Memorial Dr.

**LOT SIZE:** 3 acres, more or less, in two (2) lots

**ZONING:** CS Commercial Shopping Center District with PUD 65

**EXISTING USE:** CVS/Pharmacy on Lot 1; Lot 5 is vacant

**REQUEST:** Change of Limits of No Access (LNA)

**COMPREHENSIVE PLAN:** Corridor + Medium Intensity + Commercial Area.

**PREVIOUS/RELATED CASES:** (Not necessarily a complete list and does not include TMAPC-jurisdiction areas)

*BZ-148 – John Moody for William E. Manley, et al. – Request for rezoning from AG to CG (amended to CS) for the area which was eventually platted as 101 Memorial Square, including subject property, less the southerly 0.96 acres (more or less) thereof – PC Recommended Approval 10/31/1983 and City Council Approved 11/07/1983 (Ord. 496).*

*BBOA-341 – Roy D. Johnsen for William E. Manley – Request for Special Exception to allow used car sales on the northwest 0.7 acres of the area which was eventually platted as 101 Memorial Square, in which the subject property is located – Denied by BOA 11/02/1998 – Notice of Appeal in District Court found in case file but with no followup information as to its ultimate disposition.*

*BBOA-409 – Eric Sack for William & Betty Manley – Request for Variance to Chapter 11, Section 1140(d) “Unenclosed off-street parking areas shall be surfaced with an all-weather material,” and a Special Exception per Chapter 10 Section 1002.3(a) “Temporary open air activities, may continue for a period not to exceed thirty days per each application.... for the sale of Christmas Trees, wreaths, bows and other seasonal goods from November 25, 2003 through December 24, 2003 for area which was eventually platted as 101 Memorial Square, including subject property – Withdrawn by Applicant in September 2003.*

*BBOA-410 – Eric Sack for William & Betty Manley – Request for Variance to Chapter 11, Section 1140(d) “Unenclosed off-street parking areas shall be surfaced with an all-weather material,” and a Special Exception per Chapter 10 Section 1002.3(a) “Temporary open air activities, may continue for a period not to exceed thirty days per each application.... for the sale of Halloween related items such as pumpkins, gourds, hay and other seasonal goods and related activities such as pony rides and miniature train rides, from September 26, 2003 through October 31, 2003 for the area which was*

eventually platted as 101 Memorial Square, including subject property – Withdrawn by Applicant in September 2003.

PUD 65 – 101 Memorial Square – Manley 101<sup>st</sup> & Memorial, LLC – Request for PUD approval for area which was eventually platted as 101 Memorial Square, including subject property – Recommended for Conditional Approval by PC 11/17/2008 and Conditionally Approved by City Council 01/05/2009.

Preliminary Plat of 101 Memorial Square – Manley 101<sup>st</sup> & Memorial, LLC – Request for Preliminary Plat approval for area which was eventually platted as 101 Memorial Square, including subject property – PC Recommended Conditional Approval 11/17/2008 and City Council Conditionally Approved 11/24/2008.

Final Plat of 101 Memorial Square – Request for Final Plat approval for area which was eventually platted as 101 Memorial Square, including subject property – PC recommended Conditional Approval on 02/17/2009 and City Council Conditionally Approved 03/02/2009.

AC-09-02-02 – CVS/Pharmacy – Jacobs Carter Burgess – Request for Detailed Site Plan approval for Lot 1, Block 1, 101 Memorial Square – Architectural Committee Conditionally Approved 02/17/2009. Developer Appealed the Approval in order to do away with the landscaped berm and Council took no action on 03/09/2009 based on the City Attorney’s opinion that the Council had removed the berm requirement for this Detailed Site Plan upon the approval of the Final Plat of 101 Memorial Square.

BSP 2009-01 – CVS/Pharmacy – Jacobs Carter Burgess – Request for Detailed Site Plan approval for Lot 1, Block 1, 101 Memorial Square as required by PUD 65 – PC Conditionally Approved 02/17/2009. Developer Appealed the Approval in order to do away with the landscaped berm and Council took no action on 03/09/2009 based on the City Attorney’s opinion that the Council had removed the berm requirement for this Detailed Site Plan upon the approval of the Final Plat of 101 Memorial Square.

PUD 65 – 101 Memorial Square – Major Amendment # 1 – Request for approval of a Major Amendment to PUD 65, including subject property, which amendment proposed changes to parking and signage requirements – PC Approved 04/16/2012.

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

BZ-89 – Ron Koepp – Request for rezoning from AG to CG for 3.6 acres including the southerly 0.96 acres (more or less) of 101 Memorial Square, in which the subject property is located – PC Recommended Approval 04/28/1980 and City Council Approved 05/19/1980 (Ord. 401).

BBOA-547 – Kimley-Horn & Associates, Inc. – Request for Special Exception per Zoning Code Section 11-10-2.H to allow a total of 40 parking spaces, in excess of the 24 space maximum standard for the Whataburger restaurant in the CG General Commercial District and CS Commercial Shopping Center District with PUD 65, on part of Lot 3, Block 1, 101 Memorial Square to the south of subject property – BOA Approved 11/07/2011.

BL-382 – Sisemore, Weisz & Associates, Inc. – Request for Lot-Split approval for Lot 3, Block 1, 101 Memorial Square for the Whataburger restaurant to the south of subject property – PC Approved 11/21/2011 subject to the attachment of the north 54.56’ to Lot 2, Block 1, 101 Memorial Square.

AC-11-01-02 – Whataburger – Kimley-Horn & Associates, Inc. – Request for Detailed Site Plan approval for a Use Unit 12 fast-food restaurant for the S. 189.99’ of Lot 3, Block 1, 101 Memorial Square to the south of subject property – PC Conditionally Approved 11/21/2011.

BSP 2012-01 / AC-12-04-05 – “Sprouts Farmers Market” – Sisemore, Weisz & Associates, Inc. – Request for Detailed Site Plan approval for a Use Unit 13 specialty grocery store development for Lots 2, 4, and the N. 54.56’ of Lot 3, Block 1, 101 Memorial Square abutting subject property to the south – PC Conditionally Approved 04/16/2012.

**BACKGROUND INFORMATION:**

**ANALYSIS:**

Property Conditions. The subject property consists of Lots 1 and 5, Block 1, 101 Memorial Square. Lot 1 contains a CVS/Pharmacy and Lot 5 is presently vacant. The subject property is moderately sloped and will drain through an underground stormsewer system in a southeasterly direction to an upstream tributary of Fry Creek # 1.

General. The Applicant is requesting to release Limits of No Access (LNA) along 101<sup>st</sup> St. S. from the west side of the north line of Lot 5, Block 1, 101 Memorial Square in accordance with Subdivision Regulations Section 8.2 / 12-8-2. The LNA was imposed by the plat of 101 Memorial Square. New LNA

will be placed along part of the east side of the north line of the CVS lot. Essentially, the driveway opening will be shifted to the east, to be located more on Lot 5 than on Lot 1.

The reason for the change is to avoid head-in traffic conflicts with the CVS drive-thru, when Sprouts to the south and Lot 5 are developed. The CVS development encroached on the Mutual Access Easement of the plat of 101 Memorial Square, so a new MAE will be added to the east on Lot 5, allowing for better traffic movement for the shopping center.

The TAC reviewed the request on 07/05/2012, and Staff has reviewed the request internally, and no objections have been expressed from any involved.

Staff Recommendation. Staff recommends Approval.

One of the Commissioners asked by what amount the driveway was being shifted. Erik Enyart deferred to Applicant Darin Akerman. Mr. Akerman stated that it would be about 25’.

Chair Thomas Holland asked if the change was related to a previous development the Commission had approved. Erik Enyart responded that it was related to the *Sprouts* development to the south.

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Change of Access as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Baldwin, Holland, Benjamin, & Whiteley  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

PLATS

PUBLIC HEARINGS

7. **PUD 12-A – Major Amendment # D “Geiler Park.”** Discussion and possible action to approve a Major Amendment to PUD 12-A, to be known as “PUD 12-D” for Geiler Park, which amendment proposes the extension of the business/industrial park areas, the inclusion of additional permitted uses within the business/industrial park areas and the modification of bulk and area limitations.

Property located: Northeast corner of 151<sup>st</sup> St. S. and Harvard Ave.

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Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Thursday, July 12, 2012  
**RE:** Report and Recommendations for:  
PUD 12-A – Major Amendment # D “Geiler Park”

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LOCATION:

- Northeast corner of 151<sup>st</sup> St. S. and Harvard Ave.
- W/2 Section 16, T17N, R13E lying S. of Springtree, Less & Except the E. 300’ thereof, which includes:
- Lot 6, Block 1, Sitrin Center Addition, Less & Except the E. 300’ thereof

LOT SIZE: 244 acres more or less, in two (2) tracts

EXISTING ZONING:

- *IL Industrial Light District (73 acres, 30%, more or less)*
- *CS Commercial Shopping Center District (24.4 acres, 10%, more or less)*
- *OL Office Low Intensity District (2.5 acres, 1%, more or less)*
- *RM-2 Residential Multi-Family Medium Density District (10 acres, 4%, more or less)*
- *RM-1 Residential Multi-Family Low Density District (10 acres, 4%, more or less)*
- *RD Residential Duplex District (1.5 acres, 0.6%, more or less)*
- *RS-3 Residential Single-Family High Density District (100 acres, 41%, more or less)*
- *RS-1 Residential Single-Family Low Density District (19.1 acres, 8%, more or less)*

SUPPLEMENTAL ZONING: PUD 12-A & Corridor Appearance District (partial inclusion)

EXISTING USE: Vacant and agricultural

REQUEST: Major Amendment to PUD 12-A, to be known as "PUD 12-D" for Geiler Park, which amendment proposes the extension of the business/industrial park areas, the inclusion of additional permitted uses within the business/industrial park areas and the modification of bulk and area limitations

SURROUNDING ZONING AND LAND USE:

North: *RS-1; Single-family residential in Springtree.*

South: *(South of 151<sup>st</sup> St. S.) CS, AG, CS/PUD 41, & RS-2; Agricultural and vacant land and the New Beginnings Baptist Church.*

East: *AG & IL/OM/OL/CS/PUD 12-A; The 300'-wide AEP-PSO overland transmission powerline right-of-way and vacant land in the Sitrin Center Addition, with agricultural land across 151<sup>st</sup> St. S. to the southeast.*

West: *(West of Harvard Ave.) AG, RS-3, RS-2, & CS; Single-family residential homes and vacant lots in The Reserve at Harvard Ponds and The Enclave at Harvard Ponds, agricultural, vacant, and rural residential along Harvard Ave. and 151<sup>st</sup> St. S.*

COMPREHENSIVE PLAN: Special District 2 + High Intensity + Development Sensitive/Vacant, Agricultural, Rural Residences, and Open Land + Community Trails

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

BZ-11 – Louis Levy for Tom Sitrin – Request for I-1, C-1, and R-1 zoning for approximately 660 acres (all of Sitrin Center Addition) – the Lot 6, Block 1, Sitrin Center Addition part of subject property included in that 360-acre area requested for R-1 zoning – believed to have been rezoned with modifications, per case notes and correspondence found in case file (Ordinance not found) by City Council on 02/06/1973.

BZ-57 – Joe Donelson/J-B Engineering Co. for Frank & Maria Sweetin/Jody Sweetin – Request for rezoning from AG to RS-1 for approximately 142 acres (all of the NW/4 Less & Except the E. 300' thereof) (included part of subject property) – PC Recommended Approval 07/25/1977 and City Council Approved 09/12/1977 (Ord. 337).

BZ-58 – Joe Donelson/J-B Engineering Co. for Frank & Maria Sweetin/Jody Sweetin – Request for rezoning from AG to RS-2 for approximately 142 acres (all of the NW/4 Less & Except the E. 300' thereof) (included part of subject property) – Withdrawn 10/03/1977.

Final Plat of Springtree – Jody L. Sweetin – City Council approved the Final Plat of Springtree 04/03/1978 and plat recorded April 28, 1978 (appears to have been a part of a parent tract which also includes part of subject property).

BZ-66 – Jody L. Sweetin – Request for rezoning from RS-1 to RS-2 for approximately 100.53 acres (all of the NW/4 lying south of Springtree, Less & Except the E. 300' thereof) (included part of subject property) – PC Recommended Approval 07/31/1978 and City Council Approved 10/16/1978 (Ord. 364).

Final Plat of "Springtree South" – Jody Sweetin – Request for Final Plat for "Springtree South," including 189 lots, for approximately 101 acres (all of the NW/4 lying south of Springtree, Less & Except the E. 300' thereof) – included part of subject property – PC Recommended Conditional Approval 07/30/1979 (not ever platted).

BZ-86 – Louis Levy – Request for RS-3, RD, RM-2, OL, OM, and CS zoning for approximately 602 acres (Sitrin Center Addition Less & Except Lot 1, Block 1, and Less & Except the E. 300' of Lot 6,

*Block 1) – Lot 6, Block 1 section of subject property included in that area approved for RS-3 zoning – PC Recommended Modified Approval 04/28/1980 and City Council Approved 06/16/1980 (Ord. 402).*

*PUD 1 – Royal Park Estates – Louis Levy – Request for PUD approval for approximately 602 acres (Sitrin Center Addition Less & Except Lot 1, Block 1, and Less & Except the E. 300’ of Lot 6, Block 1) – included that part of subject property within Lot 6, Block 1 – PC Recommended Approval 04/28/1980 and City Council Approved 06/16/1980 (Ord. 403).*

*PUD 3 – Celebrity Country – Replaced PUD 1 but retained underlying zoning (included subject property) – PC Recommended Approval 09/27/1982 and City Council Approved 10/04/1982 (Ord. 465).*

*BZ-186 – Gary L. Sulander for Preferred Investments Corp. – Request for CS, OL, RM-1, and RD zoning for approximately 30 acres (S/2 SW/4 SW/4 and NE/4 SW/4 SW/4 of this Section) – included subject property – PC Recommended Approval 05/02/1988 and City Council Approved 05/24/1988 (Ord. 586).*

*BZ-197 – Stephen D. Carr / George Suppes – Request for rezoning to RS-3, RM-2, CS, and IL for approximately 399.49 acres (Lots 2, 3, and 5, Block 1, Sitrin Center Addition, Less & Except that part lying E. of the Centerline of Kimberly-Clark Pl., and Lot 6, Block 1, Sitrin Center Addition, Less & Except the E. 300’ thereof, and the NW/4 of this Section lying south of Springtree, Less & Except the E. 300’ thereof) – included subject property – PC Recommended Modified Approval 03/21/1991 and City Council Approved 04/13/1991 (Ord. 652).*

*BPUD (PUD) 12 – George Suppes / Stephen D. Carr & Associates – Request for PUD approval for approximately 399.49 acres (Lots 2, 3, and 5, Block 1, Sitrin Center Addition, Less & Except that part lying E. of the Centerline of Kimberly-Clark Pl., and Lot 6, Block 1, Sitrin Center Addition, Less & Except the E. 300’ thereof, and the NW/4 of this Section lying south of Springtree, Less & Except the E. 300’ thereof) – replaced PUD 3 for the concerned part thereof – included subject property – PC Recommended Approval 03/21/1991 and City Council Approved 04/13/1991 (Ord. 653; ordinance appears to have excluded the W/2 of the SW/4 of Section 16, T17N, R13E).*

*PUD 12 Major Amendment – “Amendment A” – Stephen D. Carr & Associates – Request for Major Amendment to PUD 12 – redesignated BPUD 12 as “PUD 12-A” – included subject property – PC recommended Conditional Approval 11/21/1994 and City Council Approved 01/09/1995 (Ord. 713; ordinance appears to have used a legal description that does not properly close. The part with the deficient legal description corresponds to the subject property acreage lying outside Sitrin Center Addition. Because of the legal description error, INCOG has not changed the official Zoning Map to reflect “PUD 12-A”).*

*PUD 12-A Major Amendment – “Amendment B” – Stephen D. Carr & Associates – Request for Major Amendment to PUD 12 – included subject property – PC recommended Conditional Approval 11/21/1994 and City Council Approved 03/23/1998. However, it was not approved by ordinance, as required (reference Zoning Code Sections 11-7I-8.G, 11-7I-8.D, and 11-5-4.E.3). Rather, it was approved by majority vote of the City Council per the approved Minutes of the March 23, 1998 City Council meeting.*

*PUD 12-A Major Amendment – “Amendment C” – “Amendment C” to PUD 12 was received from attorney George Suppes on 10/17/2007. It was not formally submitted for consideration, was not approved, and so has no effect. It is listed here for accounting purposes. This application has been designated Amendment # D “Geiler Park” to account for all versions known to have existed.*

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

**BACKGROUND INFORMATION:**

*On July 10, 2012, the Applicant held a neighborhood meeting for residents and property owners in the area of PUD 12-A, to discuss the plans and answer questions.*

*The City of Bixby owns an approximately 21.5-acre tract, identified on the proposed Major Amendment as Development Area E. The City Manager has consented to the inclusion of the City’s property in this application.*

**ANALYSIS:**

*Property Conditions. The subject property of 244 acres, more or less, consists of the W/2 of Section 16, T17N, R13E lying South of Springtree, Less & Except the East 300’ thereof, which includes Lot 6, Block 1, Sitrin Center Addition, Less & Except the E. 300’ thereof. The East 300’ of the W/2 of this Section belongs to AEP-PSO and is used as right-of-way for overland transmission powerlines. This 300’ strip*

separates the subject property from the balance of PUD 12-A, which balance is under separate ownership.

The subject property is moderately sloped and will drain in a northeasterly direction via Posey Creek. The property is presently agricultural and vacant/wooded.

The current underlying zoning pattern includes IL, CS, OL, RM-2, RM-1, RD, RS-3, and RS-1. This pattern is the result of several rezonings which started in the 1970s, but primarily per BZ-186 and BZ-197 in the late 1980s and early 1990s, respectively.

General. This PUD Major Amendment proposes the extension of the business/industrial park areas, the inclusion of additional permitted uses within the business/industrial park areas and the modification of bulk and area limitations.

Among the more significant changes, Amendment A to PUD 12 eliminated multifamily uses from the PUD, and the same would not be restored by this amendment. Amendment A replaced the park and open space uses in Development Area "PA-1" with IL uses, redesignating it "BCA-1," and this change is essentially retained. Amendment A also eliminated a collector street from the northwest section of the subject property, and this collector street is not now proposed to be added. Amendment A also allowed senior care facilities in the northwest section of the subject property, which allowance is being retained with this Amendment # D. Finally, Amendment A changed Development Area "BCA-1," containing about 18 acres, to "RA-5," keeping residential areas more or less located north of Posey Creek. An exception was Development Area "RA-4," which allowed Use Unit 5 uses, which this proposed Amendment # D would continue to allow, along with office uses, per a (more or less) replacement "Development Area C."

Amendment # B, although not recognized as being in effect due to not having been approved by ordinance, would have changed all of the areas north of Posey Creek back to "Business-Corporate" use, with the exception of the thin strip of single-family residential along the south line of Springtree. With this proposed Amendment # D, those areas, more or less, are being returned to residential use, but will allow office and Use Unit 5 uses as "Alternative Standards" in Development Areas B and C. This would appear to be a "middle way," allowing these areas to be either residential, office, or Use Unit 5 uses as the market dictates when such areas are developed.

Other observed changes include, and are reviewed here as follows:

1. The Development Areas (DAs) have been reconfigured somewhat, with some smaller DAs being collapsed into larger DAs. The total number have been reduced, and the designations have been simplified (e.g. DA "COA-1" → DA "F").
2. The single-family residential strip along the south side of Springtree, DA A (cf. RA-1), has somewhat relaxed setbacks vis-à-vis the ones currently in effect. Although somewhat relaxed, they are still more restrictive than most residential PUD developments observed in Bixby in recent years. The overall density, at 4.0 dwelling units per acre, would not change.
3. Residential DAs A, B, and C have increased the allowable residential height from 26' to 35', which is less than what the underlying RS-1 and RS-3 districts allow by right. Also, the non-residential DAs have had their maximum heights increased from 26', but the same in any case do not exceed the maximum permitted by the underlying OL and CS districts. The 26' maximum height restriction in the IL district would be relaxed by this Amendment # D to 70', which is consistent with the highest maximum allowable building height city-wide. This increase may prove necessary if an industrial use has a requirement for crane equipment within the building.
4. DA B (cf. RA-2, RA-3, and RA-5) would not change overall density allowance (8.0 Dwelling Units / Acre), but the setbacks are relaxed. Setbacks for DA C would similarly be relaxed. Staff notes that, while attached housing (e.g. townhouses and duplexes) are allowed, the setbacks do not appear to provide for this. Staff recommends the Applicant clarify and provide standards for townhomes or other attached housing forms.
5. DAs B and C (cf. DAs RA-2, RA-3, RA-4, and RA-5) previously provided, as permitted uses, "pedestrian ways, off street-parking, covered parking, open space areas, swimming pools, management office, clubhouse/common building, etc." While much of this is suggestive an apartment complex, which is no longer permitted, it is most common with new single-family developments in Bixby to include a neighborhood swimming pool and clubhouse, and other Use Unit 5 uses. DAs B and C already allow for UU 5 within their Alternative Standards sections.
6. DA C (cf. DA RA-4): DA C is similar to existing DA RA-4 in permitting detached and attached residential and Use Unit 5 uses, and a nursing home / assisted living facility. The residential Development Standards for DA C appear to include Use Unit 2 Areawide Special Exception Uses

*in error. The City of Tulsa's UU 2 includes nursing homes, but the Bixby Zoning Code includes them as UU 8. Further, Bixby's UU 8 includes "Elderly/retirement housing" and "Life care retirement center," which have specific definitions in the Code which are not quite covered by the terms used. If "Elderly/retirement housing" and "Life care retirement center" are contemplated, it would be appropriate to specify so here. Staff recommends this section be properly clarified.*

7. *The residential Development Standards for DA C (cf. DA RA-4) would not realize an increase in density, which will remain 16 dwelling units per acre.*
8. *DAs D and E: Would realize an increase in FAR from roughly 0.47 in current DAs BCA-1, BCA-2, and BCA-3 to 0.70. However, this is permissible, due to there being no maximum FAR in the IL district, and as Zoning Code Section 11-7I-5.A.2.a would allow up to 0.75 FAR (and Section 11-7I-5.A.2.c would allow more still if achieved by increased height).*
9. *DA F: Would realize a slight increase in FAR from roughly 0.36 in current DA COA-1 (not changed by Amendment A) to 0.40. This is allowable as the OL district allows up to 0.40 by Special Exception (or PUD as per the Amendment requested here) and the CS district allows up to 0.50 by right.*
10. *DA G: Would realize a slight increase in FAR from roughly 0.36 in current DA CRA-1 (not changed by Amendment A) to 0.40. This is allowable as the OL district allows up to 0.40 by Special Exception (or PUD as per the Amendment requested here) and the CS district allows up to 0.50 by right.*

*Staff has observed the following typographical and minor errors which should be corrected:*

1. *Title Page: Please specify that it is a "PUD Major Amendment" or "Major Amendment to PUD 12-A."*
2. *Title Page: Please add the contact information (name, address, phone number) for the property owner (reference Zoning Code Section 11-8-11) and the compan(ies) responsible for preparing the document.*
3. *Title Page: "East 151<sup>st</sup> Street"*
4. *Development Concept on page 3: Please cite the scope of this Major Amendment by adding appropriate language to the development concept, following the second paragraph, such as "This application is for approval of a Major Amendment to PUD 12-A in accordance with Bixby Zoning Code Section 11-7I-8.G, to be known and designated on the official Zoning Map as 'PUD 12-D,' and concerns a part of PUD 12-A as per Exhibit 6. For all other areas within PUD 12-A, no changes are made by this amendment."*
5. *Page 3 First Paragraph: Amendment A approval date year was 1995 (Ord. 713 01/09/1995).*
6. *Exhibit 4 used an incorrect version of the PUD 12-A Development Areas map, which changed "BCA-1" to "RA-5" and changed "PA-1" to "BCA-1."*
7. *Page 8 Section III.A: Double comma after "Zoning Code."*
8. *Page 8 Section III.B: "151<sup>st</sup> Street"*
9. *A conceptual screening and landscaping plan, as required per Zoning Code Section 11-7I-8.B.1.e and as was included in the original PUD, is missing. Alternatively, the text can recognize by reference the Figure 3 "Landscape and Open Space Concept" included in the original and/or subsequent version of PUD 12, with modifications for physical reconfigurations, in satisfaction of this requirement.*
10. *Information on soils, as required per Zoning Code Section 11-7I-8.B.2, is missing. At a minimum, please describe in an appropriate section of the PUD Text. Alternatively, the text can recognize by reference the detailed soils maps and narrative included in the original and/or subsequent version of PUD 12 in satisfaction of this requirement.*
11. *Information on signage, as required per Zoning Code Section 11-7I-8.B.1.f, is missing. Staff suggests adding a "Signage" subsection to Section III stating that signage must comply with the Zoning Code standards for the same and be approved by the Bixby Planning Commission, but also provide flexibility for residential development ground signs and flexibility to allow for signs to be located on perimeter streets advertising uses on "back" lots, recognizing the prohibition of off-premise ground signs per Zoning Code Section 11-9-21.F.*
12. *Page 8 Section III.B: The 24' street width specified does not meet Bixby's minimum roadway width for a local, minor residential street per the Subdivision Regulations / Bixby City Code Title 12. Commercial streets and collector roads have higher standards for minimum width. This*

width should not be specified, and should be replaced with language pointing to Bixby's minimum applicable geometric street standards.

13. Page 8 Section III.B: Zoning Code Section 11-7I-8.B.1.c calls for the provision of plans for pedestrian access and circulation, in addition to vehicular access and circulation. It would be appropriate in this Access and Circulation section to indicate whether trails are still planned within Geiler Park, in recognition of the Comprehensive Plan's designation of certain Neighborhood Trails through the subject property and the "Walking and Jogging Path System" and "Sidewalk System" proposed and approved in the original PUD 12. Further, if such trails are still planned, they should be indicated on an appropriate exhibit per Section 11-7I-8.B.1.c.
14. Page 8 Section III.B: It needs to have wording to acknowledge that the Subdivision Regulations require sidewalks along the perimeter and internal streets, such as follows, "Sidewalks shall be constructed by the developer along perimeter and internal streets in accordance with the Bixby Subdivision Regulation. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer."
15. Development Standards for Development Areas B through G, inclusive: If the Applicant anticipates exceeding the 15% maximum parking space standard per Zoning Code Section 11-10-2.H, which is common, consider specifying new maximum parking number requirements that will be allowed by this PUD.
16. The nonresidential landscaping percentages, compared to the minimums required per Zoning Code Section 11-7I-5.F, exceed the 5% minimum required for industrial land uses, meet the 10% required for commercial uses, but would not meet the 15% required for office uses. The text should be amended in an appropriate manner to specify that the 15% standard will be applied for those lots developed with office uses.
17. The Alternative Standards for DAs B and C should specify a height restriction, retaining the "2 stories" as a complementary, lesser height allowance if desired.
18. The Permitted Uses of the Development Standards for DAs D and E, as written, would appear to exclude community and commercial UUs 5, 12, 13, 14, 18, 19, and 20, as it restricts principal uses by Special Exception to UU 26. Advisory.
19. The Permitted Uses of the Development Standards for DA G, as written, includes UU 23, but the underlying CS zoning does not support UU 23 by right or by Special Exception/PUD. Therefore, actual UU 23 development would require usage of available IL-zoned acreage (see next item). Advisory.
20. Page 9 Section III.E: The text should be clarified to recognize the limitations on transfers between classes of land uses per Zoning Code Section 11-7I-5.A.2.b, which restricts the uses dependent on IL zoning to that acreage (roughly 73 acres) zoned IL, uses dependent on CS zoning to those that acreage zoned CS, etc. While transfers of FAR between commercial and industrial land uses, for example, may be permitted, transfers of land areas put to different classes of land uses are not transferrable. Zoning Code Section 11-7I-5.A.2.b provides:

"The intensity of use of a PUD located within two (2) or more zoning districts of the following differing general classifications: residential, office, commercial and industrial, shall be separately calculated and allocated within the planned unit development by said general classification." (emphasis added).

Staff believes the intent of this provision is to segregate the use category (industrial, commercial, office, etc.) by the available area within the respective use district (industrial, commercial, office, etc.) and restrict its FAR accordingly.

UU 11 Office and UU 5 uses would appear to be somewhat less restricted, as the same may be supported by RM and OL zoning within PUD 12. However, industrial uses especially may be restricted by this provision.

Industrial use flexibility can be achieved by sharing UU 10 parking area tracts with non-IL-dependent uses and/or the development of no more than roughly 73 acres of IL-dependent industrial uses.

*As another avenue for increased industrial flexibility, the PUD may be amended in the future to re-incorporate the balance of PUD 12-A, which balance is mostly zoned IL.*

*Finally, if the market dictates industrial use development beyond what the underlying zoning would support, the Applicant could apply to change the non-needed underlying districts to IL.*

*The same applies to other uses dependent on other underlying zoning district acreages (e.g. CS, OL, RM-1, RM-2), and this will be reviewed and confirmed, cumulatively based on the lowest-intensity district having acreage still available and in which district each use depends, upon the submission of Detailed Site Plans as required by this PUD.*

*Finally, the 10% self-imposed restriction of this section may prove to be somewhat inflexible, and the Applicant may consider increasing this percentage or remove it completely. The final sentence should be amended to state "...transfer of floor area or residential density..."*

21. *Page 9 Section III.C: The subject property is not eligible for payment of fees-in-lieu of onsite stormwater detention, so language suggesting this possibility should be removed.*

*The Technical Advisory Committee (TAC) reviewed this PUD Major Amendment on July 05, 2012. The Minutes of the meeting are attached to this report.*

*Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Special District 2, (2) High Intensity, (3) Development Sensitive/Vacant, Agricultural, Rural Residences, and Open Land, and (4) Community Trails.*

*Pages 18 and 20 of the Comprehensive Plan describe Special District 2 (all of this Section except Springtree) thus:*

- b. The area generally depicted in the Special District 2 exhibit is recommended as an Industrial-Business Park Special District. The district is located in Section 16, Township 17 North, Range 13 East of the Indian Base and Meridian. This area has been planned and zoned consistent with the following standards. These standards of the approved PUD should be considered for other business and/or industrial parks which develop in the Bixby area. The development guidelines for the Special District 2 and any business and/or industrial park are as follows:
- (1) The tract of land should be assembled under one continuing control.
  - (2) The park should be a comprehensive planned development with specific development guidelines, restrictions and controls that ensure compatibility of uses and activities and provision of necessary infrastructure.
  - (3) A set of physical development and operational requirements and standards should be developed for the park applicable to all land owners within the park which will ensure a high standard of design and development.
  - (4) The purpose of Special District 2 and other business and/or industrial parks is to create a physical environment that will achieve the following: consistency with the Bixby Comprehensive Plan goals; efficient business and industrial operations; human scale and values; compatibility with natural and man-made environment; achieving and sustaining highest land values; and foster economic development.
  - (5) ST, IR, and IL zoning classifications are appropriate for such special districts once a comprehensive special district plan has been approved by the City. Such special district plans are recommended to be prepared by the property owner/developer by means of Planned Unit Development overlay district zoning.

The CS is appropriate and CG zoning classifications may be found to be appropriate in this special district. The IM zoning classification may or may not be appropriate within this special district. IH zoning is most likely inappropriate for this special district and special planning and development concerns associated with strictly IH uses must be satisfactorily resolved prior to any approval of this zoning in this special district.

*It appears that Special District 2 was written in specific recognition of PUD 12, as was in effect when the Plan was last updated (circa 2002). The changes to PUD 12 proposed hereby do not appear to be inconsistent with Special District 2.*

*The proposed PUD Major Amendment should be recognized as being not inconsistent with the High Intensity and Development Sensitive/Vacant, Agricultural, Rural Residences, and Open Land designations. As for the Neighborhood Trails, see related recommendations in this report.*

*Due to the relatively limited scope of proposed changes, the proposed PUD 12-A Major Amendment # D (“Geiler Park”) should be recognized as being not inconsistent with the Comprehensive Plan.*

*Surrounding Zoning and Land Use Compatibility. To the north of the subject property is single-family residential in Springtree zoned RS-1.*

*South of 151<sup>st</sup> St. S., zoning includes a mixture of CS, AG, CS/PUD 41, and RS-2, and includes agricultural and vacant land and the New Beginnings Baptist Church.*

*Abutting to the east is a 300’-wide AEP-PSO overland transmission powerline right-of-way zoned AG. Beyond this to the east is vacant land in the Sitrin Center Addition zoned IL/OM/OL/CS/PUD 12-A. Agricultural land zoned AG is located across 151<sup>st</sup> St. S. to the southeast.*

*West of Harvard Ave. are located single-family residential homes and vacant lots in The Reserve at Harvard Ponds and The Enclave at Harvard Ponds, both zoned RS-3, with agricultural land zoned RS-2 beyond them to the west. Also across Harvard Ave., along Harvard Ave. and 151<sup>st</sup> St. S., is agricultural, vacant, and rural residential zoned AG, with a small, agricultural tract zoned CS at the southwest corner of the 151<sup>st</sup> St. S. and Harvard Ave. intersection.*

*The Major Amendment proposed to PUD 12-A would not appear to be inconsistent with surrounding Zoning or land use patterns.*

*Staff Recommendation. Staff believes that the proposed PUD Major Amendment # D is consistent with the purposes and intent of the Zoning Code and the original PUD 12-A, and is appropriate and in order for approval, as a tool to allow for the efficient development of the subject property. Staff recommends Approval subject to the following corrections, modifications, and Conditions of Approval:*

- 1. Subject to the satisfaction of any outstanding Fire Marshal and City Engineer recommendations.*
- 2. Subject to the remedial recommendations from the above-listed “observed changes” numbered 4 and 6.*
- 3. Subject to the correction of the above-listed “typographical and minor errors.”*
- 4. For the recommended Conditions of Approval necessarily requiring changes to the text or exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption per the City Attorney, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which are not completed by the time of City Council ordinance approval and/or which cannot be fully completed otherwise.*
- 5. A corrected PUD text and exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: One (1) hard copy and one (1) electronic copy (PDF preferred).*

Lance Whisman asked Erik Enyart why, in the Staff Report, Mr. Enyart had stated that the proposal was “not inconsistent” with the Comprehensive Plan, versus “in accordance.” Erik Enyart stated that, when he uses the term “is in accordance,” he is specifically referring to the Matrix in the Comprehensive Plan, such as “CS zoning is in accordance” with the Comprehensive Plan per the Matrix. Mr. Enyart stated that, in this case, since the PUD Amendment cannot be directly related to the Comprehensive Plan via the Matrix, he felt the best way to express the relationship to the Comprehensive Plan was to describe it as “not inconsistent.”

Chair Thomas Holland asked Erik Enyart what the Commission should think about all of the recommendations listed in the Staff Report in regard to approving the amendment this evening. Erik Enyart stated that, if the Commission recommended approval subject to all of those corrections, modifications, and Conditions of Approval as listed, it would then be up to the Applicant to work with Staff to write them all into the text. Mr. Holland asked Mr. Enyart about the document that the Applicant presented to the Commission at the meeting, which document responded to input from surrounding neighbors. Mr. Enyart stated that the Applicant, by the

submission of this document, had amended their application conceptually, and that it would be up to them to work with Staff to incorporate the concepts into the PUD text. Mr. Holland referred to certain recommendations in the Staff Report which called for information not yet submitted, and asked Mr. Enyart who would be responsible for approving those plans [when submitted after the Commission's approval]. Mr. Enyart stated that, if the Commission approved with all of the recommended conditions, it would be up to Staff to determine that the new information was consistent with the conditions and amendments conceptually. Mr. Holland asked about the reconciliation of the PUD text, the amendments per the submitted document, and the recommended Conditions of Approval. Mr. Enyart stated that the submitted document had already included those amendments in the PUD application conceptually, and that, if the Commission recommended approval with the Conditions as per the Staff Report, [that would cover all the parts].

Chair Thomas Holland asked about Use Unit 5. Erik Enyart responded that Use Unit 5 most commonly took the form of churches, schools, parks, and public facilities. After further discussion, Mr. Enyart described Use Unit 5 by way of example, summarizing the Included Uses of Zoning Code Section 11-9-5.B as follows:

“Aquarium.

Art gallery, not operated for profit.

Children's nursery.

Church.

College.

Community center.

Cultural facility, NEC.

Day camp.

Emergency and protective shelter.

Golf course.

Hospital.

Library.

Marina.

Museum.

Planetarium.

Private club or lodge, the chief activity of which is a service not carried on as a business.

Public park.

Public tennis court.

Residential treatment center.

Schools, offering a compulsory curriculum.

Transitional living center.

University.”

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant Roy Johnsen of 1 W. 3<sup>rd</sup> St., Tulsa, was present and stated that [he and his client] had met with the neighboring property owners the previous week, and then met a second time with the President of the [Harvard Ponds] Homeowners Association, and that the items included in [the document presented to the Commission prior to the meeting] responded to those particular items mentioned. Mr. Johnsen stated that [he and his client] were submitting them as part of the PUD. Mr. Johnsen stated that Use Unit 5 included universities. Mr. Johnsen stated that, in 1991 [the original] PUD permitted multifamily. Mr. Johnsen stated that PUD Amendment A took multifamily out, and that this amendment would reinforce that multifamily would not be permitted. Mr. Johnsen stated that, by definition, multifamily meant three (3) or more dwelling units in a building, and that townhouses were not considered multifamily developments. Mr. Johnsen stated that [representatives of] Harvard Ponds had [expressed] a concern about buffering. Mr. Johnsen stated that Posey Creek was significant and there is a lot of floodplain [with it]. Mr. Johnsen stated that Barrick Rosenbaum had produced copies of a new exhibit, and Mr. Johnsen presented copies of the exhibit to the Commissioners and Erik Enyart. Mr. Johnsen stated that the hatched area was to be a buffer. Mr. Johnsen clarified with Barrick Rosenbaum that the hatched area represented at least 10 acres [of floodplain land] “to remain substantially natural.” Mr. Johnsen stated that the Chognard family had owned this land since the early 1980s and wanted a quality development, and so this Amendment would be more restrictive on landscaping than Amendment A. Mr. Johnsen stated that Amendment B had substantially more industrial – including on the north side of the creek, and that [he and his client] had taken that out.

Larry Whiteley asked Roy Johnsen if the development on the north side of the subject property next to *Springtree* would have a road connecting to Harvard Ave. Mr. Johnsen stated that there would be more congestion for people that live on Harvard Ave., but that major streets were for handling more traffic, and that Harvard Ave. was designated as a major arterial, to have five (5) lanes ultimately. Mr. Whiteley asked when Harvard would have five (5) lanes, and Mr. Johnsen stated that it takes time but as cities grow, [it gets done].

Larry Whiteley clarified with Roy Johnsen and Erik Enyart that Development Area B would have no multifamily, and would be limited to single family, duplexes, townhouses, [and related attached and detached single family housing] only.

Roy Johnsen stated that, since the original PUD, the floodplains have been changed by FEMA. Mr. Johnsen stated that the industrial use would be increased by 20 acres to the south and east (away from Harvard Ave.). Mr. Johnsen stated that the 21-acre property was owned by the City of Bixby. Mr. Johnsen stated that there would be good separation between [the industrial and commercial] and residential areas. Mr. Johnsen stated that the underlying zoning sets the uses, and intensities in residential are measured by dwelling units per acre, and measured in Floor Area Ratio for [non-residential]. Mr. Johnsen stated that, in Amendment B, all of Development Area B was industrial, but that Amendment B was not approved by ordinance, and it takes an ordinance. Mr. Johnsen stated that he and Erik Enyart, therefore, determined that Amendment B had no effect. Mr. Johnsen stated that this amendment meets the plan and that the existing PUD was being modified for the better, in his opinion. Mr. Johnsen stated that the amendment included the recommendations from the neighbors. Mr. Johnsen stated that the Staff Report was very careful and precise. Mr. Johnsen asked that the Commission approve the amendment subject to the Staff recommendations. Mr. Johnsen stated that, before this goes to the City Council, he would incorporate all the changes into a new document.

Larry Whiteley confirmed with Roy Johnsen that he had met with the neighbors.

Chair Thomas Holland confirmed with Erik Enyart that there were changes to the [Development] Areas to some degree. Mr. Holland referred to recommendations included in item # 4 [under the “Other observed changes” section] of the Staff Report and asked for clarification. Erik Enyart stated that that Development Area would allow for townhouses and other forms of attached single-family housing, but did not provide standards corresponding to them. Roy Johnsen indicated this would be done.

Chair Thomas Holland referred to recommendations included in item # 6 [under the “Other observed changes” section] of the Staff Report and asked about nursing homes and assisted living centers. Roy Johnsen stated that, [per the amendment responding to the neighbors,] “nursing homes” was being taken out, but “assisted living centers” was staying in.

Chair Thomas Holland referred to recommendations included in item # 13 [under the “typographical and minor errors” section] of the Staff Report and asked what would be done in terms of sidewalks or trails. Roy Johnsen stated that PUDs have standard conditions, including (1) you have to plat, and that the Subdivision Regulations will require sidewalks, and (2) the required Detailed Site Plan will provide refinement of some of those conditions.

Chair Thomas Holland asked Erik Enyart about a masonry requirement. Mr. Enyart stated that masonry was not required by the [Zoning] Code, and would only be required if imposed by PUD.

Chair Thomas Holland consulted the Sign-In Sheet and recognized Mr. and Mrs. John Carter of 9443 S. Jamestown, Tulsa. Mrs. Carter stated that she and her husband did not know about the meeting the previous week. Mrs. Carter stated that she and her husband had together lived “for 700

years,” through one (1) 500-year flood and one (1) 100-year flood. Mrs. Carter indicated that she and her husband were sensitive to development when it involved floodplains.

Roy Johnsen addressed Chair Thomas Holland and asked for the ability to respond. Mr. Holland recognized Mr. Johnsen.

Roy Johnsen stated that, under the code [the owner] has to plat, and will have to dedicate the right-of-way as per the Major Street and Highway Plan—to dedicate 50 feet toward an ultimate 100-foot right-of-way. Mr. Johnsen stated that one could build a 5-lane street in 100 feet of right-of-way quite well.

Roy Johnsen stated that, for drainage, Bixby is tough on drainage, and requires [stormwater] detention. Mr. Johnsen stated that the City of Bixby would make sure that the drainage was properly taken care of.

Chair Thomas Holland consulted the Sign-In Sheet and recognized David Morgan of 3670 E. 143<sup>rd</sup> St. S. Mr. Morgan stated “I have nothing at this time. Thank you.”

Chair Thomas Holland consulted the Sign-In Sheet and recognized Stacy Shipman of 14952 S. Harvard Ave. Ms. Shipman stated that she was not part of a residential development. Ms. Shipman expressed concern that the [east-west collector road] would intersect with Harvard Ave. near her house, for traffic flow, the narrow road, and an increase in traffic. Ms. Shipman asked that the Applicant move the entrance closer to 151<sup>st</sup> St. S.

Chair Thomas Holland consulted the Sign-In Sheet and recognized Ryan Fairfield of 3280 E. 145<sup>th</sup> Pl. S. Mr. Fairfield stated that he had “nothing at this time.”

Chair Thomas Holland consulted the Sign-In Sheet and recognized Jayne Bowen of 14505 S. Florence Pl. E. Ms. Bowen stated that she was on the Board of Directors of [the] Harvard Ponds [Homeowners Association]. Ms. Bowen thanked the developer and the attorney for meeting with her and [Harvard Ponds Homeowners Association President] Chris Griffin, and stated that they had addressed all their concerns. Ms. Bowen stated that the zoning had been in place for 20 years. Ms. Bowen stated that she hoped that the cooperation continues and that they are advised of any major changes in the future. Ms. Bowen stated that Harvard Ponds had 188 homes.

Chair Thomas Holland consulted the Sign-In Sheet and recognized Nalahi Nordean of 3608 E. 143<sup>rd</sup> St. S. Ms. Nordean stated that she had a question on the street situation. Ms. Nordean stated that [her house] backed up to Development Area A. Barrick Rosenbaum showed Ms. Nordean on a large posterboard aerial map where the 14.5 acres of Development Area A was located in relation to her property. Mr. Rosenbaum stated that there would be a double row of homes tying into *Springtree*. Ms. Nordean expressed concern for traffic going through her neighborhood. Mr. Rosenbaum stated that most people would probably go straight out to Harvard Ave., then north or south, rather than winding through her neighborhood, and indicated these movements with gestures to the map.

Jeff Baldwin clarified with the Applicant that there would be no second major street going through [Development Area B].

Lance Whisman asked if there was a maximum number of developments that could be tied into Harvard Ave. Erik Enyart responded that Harvard Ave. was a County road, and that it was up to Tulsa County to widen the street based on available revenue and prioritization.

Mrs. John Carter asked “What about water?” Mrs. Carter asked if the developer would have to install a pressure increaser. Roy Johnsen clarified with Mrs. Carter that water pressure was sometimes an issue in her areas. Barrick Rosenbaum stated that, through the plat process, the City would check the water pressure to make sure it was adequate.

Chair Thomas Holland consulted the Sign-In Sheet and recognized Jerry Ezell of 16315 S. Sheridan Rd. Mr. Ezell stated that he was speaking for his daughter, and asked if the development would connect to Yale Place [S. Kimberly-Clark Pl.]. Mr. Ezell stated that a cul-de-sac could be used [just shy of Harvard Ave.] so that there would not be an entrance onto Harvard Ave. Roy Johnsen stated that [his client] did not have access to Yale Pl. [S. Kimberly-Clark Pl.] as he did not own the property to connect to it. Mr. Johnsen indicated that losing a connection to Harvard Ave. was not an acceptable outcome.

Chair Thomas Holland asked if the floodplain property would be dedicated as floodplain, not to be developed. Roy Johnsen stated that it would be open space. Mr. Holland asked if it would be deeded over, such as if FEMA bought it out. Mr. Johnsen clarified with Mr. Holland and Erik Enyart that the floodplain property would not be deeded to the Public.

Chair Thomas Holland asked if the property was wetland. Barrick Rosenbaum stated that it was floodplain but not determined to be wetland. Mr. Rosenbaum stated that the [U.S. Army] Corps [of Engineers] had jurisdiction to determine wetlands, and that [he and his client] would have to do a Corps determination request.

Lance Whisman referred to recommendations included in item # 3 [under the “Other observed changes” section] of the Staff Report and clarified with Erik Enyart that 70’ was the maximum building height city-wide.

Lance Whisman referred to recommendations included in item # 13 [under the “typographical and minor errors” section] of the Staff Report and asked Erik Enyart for clarification. Mr. Enyart stated that he had observed that community and commercial uses were not allowed within those Development Areas, which restricted uses allowed by Special Exception to Use Unit 26. Roy Johnsen stated that IL allowed commercial uses by right. Mr. Enyart clarified with Mr. Johnsen that Bixby’s Zoning Code required a Special Exception for Use Unit 5 and the commercial Use Units in IL. Mr. Johnsen noted that the City would certainly be in favor of commercial uses.

Chair Thomas Holland confirmed with Erik Enyart that the proper verbiage would be included in the approval, as pertained to stormwater detention, in the platting process.

Chair Thomas Holland stated that he would echo the comments of Jayne Bowen, showing appreciation to the Applicant for their efforts to address the neighbors' concerns. Mr. Holland stated that that was commendable. Mr. Holland stated that he hoped the Applicant would continue with that mentality.

Chair Thomas Holland asked to entertain a Motion. Upon clarification on wording with Erik Enyart, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of PUD 12-A Major Amendment # D "Geiler Park," subject to all of the recommendations in the Staff Report and subject to the changes represented in the document dated July 13, 2012 presented by the Applicant, which includes the map exhibit on the second page showing the buffer area. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Baldwin, Holland, Benjamin, & Whiteley
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	4:0:0

OLD BUSINESS:

None.

NEW BUSINESS:

None.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:22 PM.

APPROVED BY:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

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