

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
November 19, 2012 6:00 PM**

**STAFF PRESENT:**

Erik Enyart, AICP, City Planner  
Patrick Boulden, Esq., City Attorney

**OTHERS ATTENDING:**

See attached Sign-In Sheet

**CALL TO ORDER:**

Vice/Acting Chair Larry Whiteley called the meeting to order at 6:00 PM.

**ROLL CALL:**

Members Present: Larry Whiteley, Jeff Baldwin, Lance Whisman, and John Benjamin Lance.  
Members Absent: Thomas Holland.

**CONSENT AGENDA:**

1. Approval of Minutes for the October 15, 2012 Regular Meeting
2. Approval of Minutes for the October 24, 2012 Special/Called Meeting

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Vice/Acting Chair Larry Whiteley introduced the Consent Agenda Item Numbers 1 and 2. John Benjamin made a MOTION to APPROVE to the Minutes of the two meetings as presented by Staff. Lance Whisman SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Benjamin, Whiteley, & Whisman  
NAY: None.  
ABSTAIN: Baldwin.  
MOTION CARRIED: 3:0:1

**PUBLIC HEARINGS**

3. (Continued from August 20 and September 17, 2012)  
**BZ-357 – JR Donelson for Clinton Miller and Roger Metcalf.** Public Hearing, Discussion, and consideration of a rezoning request from RS-2 Single Family Dwelling District to CS Commercial Shopping Center District for part of Government Lot 7 lying

West of the Centerline of Old U.S. Hwy 64 and lying North of Bentley Park in Section 13, T17N, R13E.

Property located: North dead-end of Riverview Rd.; Northwest corner of the intersection of Riverview Rd. and E. Westminster Pl. N.

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Vice/Acting Chair Larry Whiteley introduced the item. Erik Enyart noted that the Applicant had withdrawn this application. Mr. Enyart addressed the audience and stated, for those present who were interested, this [property] would return to the agenda on December 17, 2012 for a new rezoning application, a PUD, and a request to amend the Comprehensive Plan. Mr. Enyart stated that, with the new applications, the acreage has been reduced to less than one (1) acre.

No action was taken.

4. (Continued from October 15, 2012)

**BZ-359 – Roger & LeAnn Metcalf.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RM-2 Residential Multi-Family District for part of the W/2 of the NW/4 of Section 23, T17N, R13E.

Property located: 15329 S. Sheridan Rd.

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Vice/Acting Chair Larry Whiteley introduced the item. Erik Enyart noted that Applicant's agent JR Donelson had requested that the item be Continued to the December 17, 2012 Regular Meeting. Mr. Enyart recommended the Applicant's request be granted.

Lance Whisman addressed Vice/Acting Chair Larry Whiteley and asked if there was not someone present who would like to speak on the item at this time.

Erik Enyart stated that there was an individual signed in as an interested party, and provided Vice/Acting Chair Larry Whiteley with the Sign-In Sheet.

Vice/Acting Chair Larry Whiteley recognized Gerry Tabio of 15425 S. Sheridan Rd. Mr. Tabio stated that he was happy to come back on December 17<sup>th</sup>.

John Benjamin made a MOTION to CONTINUE BZ-359 to the December 17, 2012 Regular Meeting. Lance Whisman SECONDED the Motion. Roll was called:

**ROLL CALL:**

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

5. **PUD 73 – Eagle SPE Multi I, Inc. – Rosenbaum Consulting, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for Lot 7 and the N. 42' of Lot 8, Block 1, *Bixby Centennial Plaza*.  
Property Located: Approximately the 11900-block of S. Memorial Dr.

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Vice/Acting Chair Larry Whiteley 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:** Friday, November 09, 2012  
**RE:** Report and Recommendations for:  
PUD 73 – Eagle SPE Multi I, Inc. – Rosenbaum Consulting, LLC

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**LOCATION:** – Approximately the 11900-block of S. Memorial Dr.  
– Lot 7 and the N. 42' of Lot 8, Block 1, Bixby Centennial Plaza

**LOT SIZE:** 1 acre, more or less, in two (2) parcels

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

**SUPPLEMENTAL ZONING:** Corridor Appearance District

**EXISTING USE:** Vacant commercial lots

**REQUEST:** Approval of PUD 73

**SURROUNDING ZONING AND LAND USE:**

**North:** CS, OL, and CG/OL + PUD 54; Vacant lots and the IBC Bank in Bixby Centennial Plaza and the Jiffy Lube.

**South:** CS; The former Santa Fe Cattle Co. restaurant and a Bank of Oklahoma bank branch in Bixby Centennial Plaza.

**East:** (Across Memorial Dr.) CS & CG; The Town and Country Shopping Center and to the northeast, the Bank of the West and a multi-tenant building at 11835 S. Memorial Dr. containing the Rod Smith Company real estate business and DTAGS, LLC (Digital Transport Agnostic Gateway Solutions) video services general business office.

**West:** CS; Vacant lots in Bixby Centennial Plaza and an unplatted 11-acre vacant/agricultural tract zoned CS/OL + PUD 51.

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

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

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, which became Bixby Centennial Plaza and Fox Hollow and an unplatted 11-acre tract later approved as PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on November 19, 2001 and Approved by City Council December 10, 2001 (Ord. # 842). Subject property included in that part approved for CS zoning.

Preliminary Plat of Bixby Centennial Plaza – Request for Preliminary Plat approval including subject property – PC Approved 07/17/2006 and City Council Approved 07/24/2006.

Final Plat of Bixby Centennial Plaza – Request for Final Plat approval including subject property – PC Approved 10/16/2006 and City Council Approved 10/23/2006 (plat recorded 04/04/2007).

BL-351 – Khoury Engineering, Inc. – Request for Lot-Split approval to separate the north 42' of Lot 8 and add to Lot 7 of Bixby Centennial Plaza (included subject property) – PC Conditionally Approved 03/17/2008.

BL-387 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc. – Request for Lot-Split approval to divide Lot 7 portion of subject property – Pending PC consideration 11/19/2012.

V-43 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc. – Request to close a Utility Easement within subject property – Pending PC consideration 11/19/2012.

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

BZ-182 – Eugene Green – Request for rezoning from RS-1 to CG for Lots 1 and 2 of Block 5, North Heights Addition (the Jiffy Lube property at 11800 S. Memorial Dr.) for a car lot – Approved by City Council August 11, 1987 (Ord. # 569).

BBOA-449 – Patrick Moore for SBM Corporation – Request for Special Exception to authorize a Use Unit 17 Automotive and Allied Activities for a Jiffy Lube auto service facility at 11800 S. Memorial Dr. – Denied by Board of Adjustment 10/02/2006.

BZ-318 – SBM Corporation for Eugene & Norma Green – Request for rezoning from RS-1 to OL for Lot 3 Block 5, North Heights Addition (the Jiffy Lube property at 11800 S. Memorial Dr.) – PC

*Recommended Approval October 16, 2006 and City Council Approved November 13, 2006 (Ord. # 953).*

*PUD # 54 – Jiffy Lube – Request for PUD overlay zoning for the Jiffy Lube property at 11800 S. Memorial Dr. – PC Recommended Approval 03/19/2007 and City Council Approved 04/09/2007 (Ord. # 963).*

*BL-350 – Khoury Engineering, Inc. – Request for Lot-Split approval to separate the south 46.08’ of Lot 5 of Bixby Centennial Plaza and add to Lot 6 (north of subject property) – PC Conditionally Approved January 2008.*

*AC-08-06-05 – Santa Fe Cattle Co. – Request for Detailed Site Plan approval for a Use Unit 12 restaurant at 11982 S. Memorial Dr., the S. 264.00’ of Lot 8, Block 1, Bixby Centennial Plaza (south of subject property) – Architectural Committee Conditionally Approved 06/16/2008.*

*AC-08-07-01 – IBC Bank – Request for Detailed Site Plan approval for a Use Unit 11 bank at 11886 S. Memorial Dr., The N. 158.42’ of Lot 5, Block 1, Bixby Centennial Plaza (north of subject property) – Architectural Committee Conditionally Approved 07/21/2008.*

*AC-09-05-02 & AC-09-05-05 – IBC Bank – Request for approval for wall signs and a ground sign, respectively, for the IBC Bank at 11886 S. Memorial Dr., The N. 158.42’ of Lot 5, Block 1, Bixby Centennial Plaza (north of subject property) – Architectural Committee Approved both on 05/18/2009.*

*BBOA-529 – Khoury Engineering, Inc. – Request for Special Exception per Zoning Code Section 11-7D-2 Table 1 to allow a Use Unit 17 automotive repair and sales business use in the CS Commercial Shopping Center District for Lot 6 to the north of subject property – BOA Approved 12/06/2010.*

*BL-376 – Khoury Engineering, Inc. for Bixby Investors, LP – Request for Lot-Split approval for Lot 6 (north of subject property) – PC Conditionally Approved 12/20/2010.*

*BBOA-535 – Khoury Engineering, Inc. – Request for Variance from (1) the 150’ minimum lot-width / minimum ground sign spacing standard of Zoning Code Section 11-9-21.C.[8].a, (2) from the maximum display surface area restrictions of Zoning Code Section 11-9-21.D.3, and (3) any other Zoning Code restriction preventing the erection of two (2) freestanding ground signs at three (3) square feet in display surface area [each], all for Lot 6 (north of subject property) – BOA Approved 01/03/2011.*

*BBOA-536 – Khoury Engineering, Inc. – Request for Variance from the 150’ minimum lot-width / minimum ground sign spacing standard of Zoning Code Section 11-9-21.C.[8].a for the North 154.5’ of Lot 6, and the S. 46.08’ of Lot 5, Block 1, Bixby Centennial Plaza (north of subject property) – BOA Approved 02/07/2011.*

*AC-11-02-01 – Firestone Complete Auto Care – Khoury Engineering, Inc. – Request for Detailed Site Plan approval for a Use Unit 17 automotive repair and sales business for the S. 165.5’ of Lot 6, Block 1, Bixby Centennial Plaza (north of subject property) – Withdrawn by Applicant prior to Planning Commission meeting 02/22/2011.*

*BL-381 – Khoury Engineering, Inc. for Bixby Investors, LP – Request for Lot-Split approval for Lot 6 (north of subject property) – PC Conditionally Approved 11/21/2011.*

*BBOA-544 – Khoury Engineering, Inc. – Request for Variance (A) from the 150’ minimum lot-width / minimum ground sign spacing standard of Zoning Code Section 11-9-21.C.[9].a, (B) from the maximum display surface area restrictions of Zoning Code Section 11-9-21.D.3 to allow three (3) square feet of display surface area per ground sign, and (C) from any other Zoning Code restriction preventing the erection of three (3) freestanding ground signs at three (3) square feet in display area each for Lot 6, and the South 46.08’ of Lot 5, Block 1, Bixby Centennial Plaza (north of subject property) – BOA Approved 10/03/2011.*

*BBOA-556 – Sack & Associates, Inc. – Request for Special Exception per Zoning Code Section 11-10-2.H to allow a total of 30 parking spaces, in excess of the 13 space maximum standard for a proposed bank in the CS Commercial Shopping Center District part of Lot 6, Block 1, Bixby Centennial Plaza (north of subject property) – BOA Approved 04/02/2012.*

*AC-12-04-02 – Communication Federal Credit Union – Sack & Associates, Inc. – Request for Detailed Site Plan approval for a Use Unit 11 bank on part of Lot 6 (north of subject property) – PC Conditionally Approved 04/16/2012.*

**BACKGROUND INFORMATION:**

*Per BL-351, Lot 8 was approved for Lot-Split to separate the north 42’ from the balance of that lot (S. 264’), which was sold and developed with a Santa Fe Cattle Co. restaurant. Per the Planning*

Commission's Conditional Approval on March 17, 2008, because it would otherwise violate the 150' minimum frontage requirement of the CS district, that 42' "sliver tract" was required to be attached to Lot 7, Block 1, Bixby Centennial Plaza. It appears Lot 7 was divided by the conveyance of the southerly 264' to Bixby Cattle OK, LLC (Santa Fe Cattle Co. restaurant). The 42' "sliver tract" balance was evidently never conveyed by itself, allowing for the use of attachment deed restriction language. It was conveyed as a part of a larger acreage conveyance to Eagle SPE Multi I, Inc. by deed in early 2012. The deed to the subject property must fulfill the Lot-Split approval condition prior to or as a part of the next Lot-Split application, BL-387, also pending Planning Commission consideration at this November 19, 2012 Regular Meeting. Upon conveyance of the individual new tracts to their respective owners, as recommended herein, prior to Building Permit issuance, both owners of the two (2) lots produced by Lot-Split must plat their property cooperatively in a singular replat, in fulfillment of the PUD platting requirement.

This PUD primarily proposes to reduce the 150' minimum lot frontage/width requirement in the CS district to allow for a Lot-Split per BL-387, and to provide additional flexibility in terms of parking and ground signage. The two (2) new lots would be for a proposed business office development, consisting of a dental clinic and an optometry clinic, on individually-owned lots.

Also pending Planning Commission consideration at this November 19, 2012 Regular Meeting, the Applicant is requesting approval of an application (V-43) to close a Utility Easement within the subject property that would otherwise frustrate development plans.

**ANALYSIS:**

**Subject Property Conditions.** The subject property is vacant and zoned CS. It consists of Lot 7 and the N. 42' of Lot 8, Block 1, Bixby Centennial Plaza. It has a total of 174' of frontage on Memorial Dr., but access directly to Memorial Dr. is restricted by Limits of No Access (LNA) per the plat of Bixby Centennial Plaza. Instead, access is afforded via existing private drives within Mutual Access Easements (MAEs).

Part of the north and west sides of the property are covered by parts of MAEs, which MAEs contain existing private commercial drives. This is represented on the Exhibit 1 Conceptual Site Plan included with the PUD.

Per the Exhibit 2 Topographic Survey, the land is relatively flat and appears to drain to the north and east, ultimately to the borrow ditch along S. Memorial Dr., which drains south. When developed, the land should drain through a stormsewer system to the temporary stormwater detention pond located to the southwest of the subject property. This pond is ultimately planned to be replaced in favor of a stormsewer system to be installed along 121<sup>st</sup> St. S. and to drain west to the Fry Creek Ditch # 2.

**General.** This PUD primarily proposes to reduce the 150' minimum lot frontage/width requirement in the CS district to allow for a Lot-Split per BL-387, and to provide additional flexibility in terms of parking and ground signage.

The PUD provides plans for the critical areas of site development, including, but not limited to: access and internal circulation (vehicular and pedestrian), parking, signage, screening and landscaping, soils, utilities, and the anticipated development schedule.

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

1. Entire document: Please add PUD number where appropriate (PUD # 73 presuming approval).
2. Page 4 Development Standards, Use Regulations: Please clarify this section as follows:

"All uses allowed by right in the CS ~~use unit 11~~ zoning district, and specifically, **Use Unit 11** offices and studios"

3. Page 4 Development Standards, Transportation and Access: Please describe plans for creating a new MAE connecting the former restaurant on the southerly part of Lot 8 to the east-west shopping center access drive, as indicated on the site plan.
4. Page 4 Development Standards, Sidewalks: Please correct street citation, in both instances, to "South Memorial **Drive.**"
5. Page 5 Development Standards, Signs: Please correct street citation to "South Memorial **Drive.**"
6. Page 5 Development Standards, Signs: Incorrect citation to signage within a Residential district (may be leftover language from PUD 72): "Signs shall be installed as per City of Bixby Zoning Code Regulations Section 11-7B-3.B.4.b:"

7. *Page 5 Development Standards, Parking:* Please research, determine positively, and specify in the text that the ADA standards will allow the handicap-accessible access aisles and pedestrian route on the east and west sides of the buildings to be divided in by a common property line which will separate differently-owned lots. Specify in the text what accommodations will be used to ensure continued maintenance and shared expenses of the shared area (easement agreement, etc.). If ADA standards do not allow this even with accommodations, please amend the site plan such that the areas are wholly on one lot or the other and such that both lots comply in terms of number and type of accessible spaces and space designs.
8. *Page 6 Development Standards, Lot Split:* Please include language acknowledging that, prior to Building Permit issuance, both owners of the two (2) lots produced by Lot-Split will plat their property cooperatively in a singular replat, in fulfillment of the PUD platting requirement.
9. The following corrections or enhancements should be made to the Exhibit 1 Conceptual Site Plan:
  - a. Please dimension the building footprints.
  - b. Please use arrows to clarify the extent of the "24' Mutual Access" designations.
  - c. Please qualify the "24' Mutual Access" designations as "proposed" or otherwise please cite Document # where easement(s) are recorded with the Tulsa County Clerk.
  - d. Please dimension the proposed front parking lot setback and increase to a minimum of 15' per Zoning Code if not already that width.
  - e. Please dimension widths of handicap-accessible access aisles and pedestrian route on the east and west sides of the buildings.
  - f. The plans indicate parking lot paving will encroach the 17.5' U/E along the east and west property lines. Paving over easements requires the specific approval of the City Engineer and Public Works Director. Please adjust if/as required.
  - g. Drive widths and particulars must be approved by the Fire Marshal and City Engineer. Please adjust if/as required.
  - h. The four (4) handicapped-accessible parking spaces (1 per parking lot area per lot) appears consistent with ADA requirements in terms of number at a 1:25 ratio. 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. Please indicate which spaces will be of van-accessible design in compliance with ADA standards and please provide a detail diagram demonstrating compliance with applicable standards, including both ADA and Bixby Zoning Code standards (see striping standards of Figure 3 in Section 11-10-4.C). The designer should consult with the Building Inspector to confirm the plans will comply with ADA standards.
  - i. The northwest corner of Lot 7 is cut off on the drawing – please restore.
  - j. Please qualify "1/250 parking" notation with "minimum."

The Technical Advisory Committee (TAC) reviewed this PUD Major Amendment on November 07, 2012. The Minutes of the meeting are attached to this report.

Comprehensive Plan. The Comprehensive Plan designates the subject property as Corridor + Medium Intensity + Commercial Area.

The underlying CS district is In Accordance with the Corridor, Medium Intensity, and Commercial Area designations of the Comprehensive Plan. The proposed PUD and proposed Use Unit 11 office use development should be recognized as being not inconsistent with the Corridor, Medium Intensity, or Commercial Area designations or the Comprehensive Plan itself.

Surrounding Zoning and Land Use Compatibility. The subject property is located toward the center of the Memorial Dr. frontage of the Bixby Centennial Plaza subdivision, which contains 40 acres and is primarily zoned CS. To the west are larger vacant lots in Bixby Centennial Plaza and, further west is an unplatted 11-acre vacant/agricultural tract zoned CS/OL + PUD 51.

To the east is the (across Memorial Dr.) is a 9+ acre CS district containing the Town and Country Shopping Center and to the northeast is a large CG district containing the Bank of the West and a multi-tenant building at 11835 S. Memorial Dr. containing the Rod Smith Company real estate business and DTAGS, LLC (Digital Transport Agnostic Gateway Solutions) video services general business office.

To the north are vacant commercial lots and the IBC Bank bank branch zoned CS in Bixby Centennial Plaza and, further north is the Use Unit 17 Jiffy Lube zoned CG/OL + PUD 54.

*The PUD proposing business office development, consisting of a dental clinic and an optometry clinic, appears to be consistent with surrounding Zoning or land use patterns.*

Staff Recommendation. *Staff believes that the proposed PUD is consistent with Zoning Code Section 11-71-8.C and the purposes and intent of the Zoning Code generally and recommends Approval subject to the following corrections, modifications, and Conditions of Approval:*

1. *Subject to the satisfaction of any outstanding Fire Marshal, City Engineer, and City Attorney recommendations.*
2. *Subject to the correction of the above-listed “typographical and minor errors.”*
3. *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.*
4. *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 for clarification on the 150’ lot width matter. Mr. Enyart explained that the CS district requires a minimum of 150’ of lot width and/or frontage on a Public street, and that the lot currently had just a little more than that, and so could not be split into northern and southern parts. Mr. Enyart stated that the PUD would provide the flexibility to allow for the Lot-Split [BL-387], to be considered later on this meeting agenda.

Lance Whisman clarified with Erik Enyart that the proposed uses of the lots, a dentist’s office and an optometrist’s office, were consistent with CS zoning.

John Benjamin made a MOTION to Recommend APPROVAL of PUD 73 with the corrections, modifications, and Conditions of Approval as recommended by Staff.

Erik Enyart addressed Vice/Acting Chair Larry Whiteley and stated that the Applicant was present and could speak on this item as well.

Vice/Acting Chair Larry Whiteley recognized Barrick Rosenbaum. Mr. Rosenbaum stated “We are in agreement with the Staff recommendation.”

Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

Vice/Acting Chair Larry Whiteley asked if there was anyone present with an organization that wanted to speak. Bixby Metro Chamber of Commerce’s Leadership Bixby XI interns Rachel Wagner of Rachel Wagner Etiquette and Protocol and Reta Hallam of Manhattan Construction Company were present but had no comment at this time.

PLATS

6. **Preliminary Plat (Resubmitted) / Final Plat – Seven Lakes II – HRAOK, Inc.**  
Discussion and consideration of a Preliminary Plat and a Final Plat and certain Modifications/Waivers for “Seven Lakes II,” part of the W/2 of Section 02, T17N, R13E.  
Property located: Intersection of 67<sup>th</sup> E. Ave. and 125<sup>th</sup> Pl. S.
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Vice/Acting Chair Larry Whiteley 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:** Friday, November 09, 2012  
**RE:** Report and Recommendations (*Revised 11/19/2012 to reflect the revised plats and information received 11/19/2012*) for:  
Preliminary Plat (Resubmitted) & Final Plat of “Seven Lakes II”

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**LOCATION:** – Intersection of 67<sup>th</sup> E. Ave. and 125<sup>th</sup> Pl. S.  
– North of Seven Lakes I  
– Part of the W/2 of Section 02, T17N, R13E.

**LOT SIZE:** Parent Tract: 36.24 acres, more or less (and that part of the Phase III tract of 23 acres, more or less, lying south of the NW/4 of this Section)  
Subject Property Area: 17.70 acres, more or less

**EXISTING ZONING:** RS-4 Residential Single Family District

**EXISTING USE:** Vacant

**REQUEST:** (1) Preliminary Plat approval for 59-lot residential subdivision  
(2) Modification/Waiver from Subdivision Regulations Section 12-3-4.F to exceed the 2:1 maximum depth to width ratio\*  
(3) Modification/Waiver from Subdivision Regulations Section 12-3-3.A, if any utility easements would not achieve the minimum width standards at 17.5' for perimeters

**SURROUNDING ZONING AND LAND USE:**

**North:** RS-4 & AG; Approximately 23-acres of unplatted land owned by the developer and zoned RS-4, and a 20-acre unplatted tract containing a house and otherwise vacant/wooded land owned by John Tiger et al., an unplatted 12-acre vacant tract owned by Tulsa County, and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby, all zoned AG.

**South:** RS-4; Single family residential in Seven Lakes I.

**East:** AG; The Fry Creek Ditch Channel with agricultural land to the east of that.

**West:** RS-4; Unplatted vacant land for a future phase of “Seven Lakes” and single family residential in Seven Lakes I.

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

**PREVIOUS/RELATED CASES:**

BZ-309 – Wynona Brooks, Trustee of Mildred A. Kienlen A Revocable Living Trust – Request for rezoning from AG to RS-4 for area including Seven Lakes I, subject property, and 23 acres abutting to the north – PC recommended Approval 01/18/2005 and City Council Approved 02/14/2005 (Ord. # 901).

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\* Modification/Waivers have not yet been requested.

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for “Seven Lakes II” for the subject property plat area and the balance of the 36.24-acre parent tract – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for “Seven Lakes II” for the subject property plat area – PC recommended Conditional Approval 09/21/2011 and City Council Conditionally Approved 09/26/2011 (Approval expired 09/26/2012 per the Subdivision Regulations).

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

Preliminary Plat of Seven Lakes I – Request for Preliminary Plat approval for Seven Lakes I abutting subject property to the south – PC recommended Approval 06/20/2005 and City Council Approved 06/27/2005.

Final Plat of Seven Lakes I – Request for Final Plat approval for Seven Lakes I abutting subject property to the south – PC recommended Approval 10/16/2006 and City Council Approved 10/23/2006 (plat recorded 04/26/2007).

**BACKGROUND INFORMATION:**

The second phase of the “Seven Lakes” residential development, to be known as “Seven Lakes II,” was previously approved for Preliminary Plat in May of 2008. At that time, it included all of the parent tract of 36.24 acres (more or less) and proposed 114 lots. The current plat proposes to develop the eastern portion of the parent tract at 59 lots, presumably more in line with a more conservative market demand than in 2008. This current plat was proposed and approved in September of 2011. However, the Preliminary Plat approval expires after one (1) year, per the Subdivision Regulations. The plat has been revised and resubmitted as a Preliminary Plat and is also submitted for Final Plat approval.

**ANALYSIS:**

Property Conditions. The subject property is vacant and zoned RS-4. The development will be designed to collect stormwater and drain it to the east to Fry Creek Ditch # 2. East 125<sup>th</sup> Place South already exists to the south of the subject property, and part of the westerly boundary is formed by South 68<sup>th</sup> East Avenue, both streets having been built with Seven Lakes I. Within this plat area, the other streets, and what appears to be two (2) additional “lakes” in “Seven Lakes,” were already “rough cut” during or after the development of the first phase.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Low Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land.

The single family housing development anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 36.24 acres, more or less, proposes 59 lots, four (4) blocks, and three (3) Reserves.

The Seven Lakes development, and this plat, represents a conventional but attractive design, with uniquely crisscrossed curvilinear streets and no true cul-de-sacs, interspersed with Reserves for water amenities. The subdivision is similar to Seven Lakes I, abutting to the south, with relatively similar-sized and configured lots. Typical lots range from 65’ X 120’ (7,800 square feet, 0.18 acres) to 70’ X 120’ (8,400 square feet, 0.19 acres). All lots appear to meet RS-4 zoning standards.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on November 07, 2012. The Minutes of the meeting are attached to this report.

The Fire Marshal’s, City Engineer’s, and City Attorney’s memos are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

Access and Internal Circulation. Primary access to the subdivision would be via Seven Lakes I to the south, to which this subdivision will connect. Seven Lakes I has a street connection at 126<sup>th</sup> St. S. and has a temporary construction entrance and second means of ingress/egress about a block to the north of that.

Staff Recommendation. Staff recommends Approval Staff of the Preliminary Plat with the following corrections, modifications, and Conditions of Approval:

1. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lot 15, Block 2, and Lot 7, Block 1 (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F. The Modification/Waiver may be justified by citing its necessity as a product of an attractive subdivision design defined by the crisscrossing, curvilinear street network with no true cul-de-sacs, interspersed with Reserves for water amenities.

2. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-3.A, if any utility easements would not achieve the minimum width standards at 17.5' for perimeters. Such request may be justified by demonstrating where an 11' U/E will be back to back with another 11' in abutting subdivision, resulting in a 22'-wide U/E corridor between the subdivisions. Other justifications may be offered and deemed adequate.
3. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
4. Unlike the other water amenity reserves in Seven Lakes I, Reserve B has no 'handle' to provide access. Access is necessary for routine maintenance and emergency access. Handle access is to be a minimum of 20' in width, per previous City Engineer recommendations. However:
  - a. Formats, widths, locations, and improved surface design and construction standards for access are all subject to the approval of the Fire Marshal and City Engineer;
  - b. It appears a 15'-wide TA/E Temporary Access Easement is now proposed from the northeast corner of the north dead-end of S. 68<sup>th</sup> E. Ave. Being located outside the plat boundary and not dedicated in the Deed of Dedication, this would have to be done by separate instrument, if allowed in lieu of the standard 'handle' access;
  - c. If to be allowed in lieu of the standard 'handle' access and if done by separate instrument, please execute and provide citation on the plat of the Document # where the instrument is recorded with the Tulsa County Clerk;
  - ~~d. If to be allowed in lieu of the standard 'handle' access, the TA/E as represented would not appear to allow for public access as it does not have frontage along a public street; and~~
  - e. If to be allowed in lieu of the standard 'handle' access and if it is extended into the future S. 68<sup>th</sup> E. Ave. right-of-way projected (pursuant to the item above), the separate instrument (and the DoD/RCs if/as appropriate) needs to have language providing for its termination/defeat upon (1) the dedication of right-of-way over the concerned area, providing clear title to the City of Bixby at such time, and (2) upon the provision of alternative means of public access.
5. Elevation contours at (presumably) one (1) foot intervals represented as required per SRS Section 12-4-2.B.6. However, please label.
6. "Owner / Developer" block on face of plat, Legal Description, and Owner Signature Block: "Owner / Developer" block on the face of the plat and the Owner Signature Block at the end of the DoD/RCs states "PRHR Properties, LLC." As of ~~October 31,~~ **November 19,** 2012, the name in title recognized by the Tulsa County Assessor on its website is "Seven Lakes II, LLC."
7. As per an earlier version of this plat, the street connecting E. 125<sup>th</sup> St. S. to S. 71<sup>st</sup> E. Ave. was previously designated E. 124<sup>th</sup> Pl. S. Based on the provided addresses, S. 71<sup>st</sup> E. Ave. is implied. Depending on the future street network layout of the future phase of Seven Lakes immediately to the north, it may more appropriately be designated E. 124<sup>th</sup> Pl. S. or S. 71<sup>st</sup> E. Ave. For emergency 911 response, mail service, and general addressing purposes, please provide this street name and clearly differentiate street segments at the intersections. If to be E. 124<sup>th</sup> Pl. S., re-address the affected lots.
8. Based on existing addresses and street names, please adjust addresses such as follows:
  - ~~Lot 1, Block 4: 12503~~ → ~~12504 S. 68<sup>th</sup> E. Ave.~~
  - ~~Lot 1, Block 3: 6871~~ → ~~6803 E. 125<sup>th</sup> St. S.~~
  - ~~Lot 2, Block 3: 6891~~ → ~~6807 E. 125<sup>th</sup> St. S.~~
  - ~~Lot 3, Block 3: 6911~~ → ~~6811 E. 125<sup>th</sup> St. S.~~
  - ~~Lot 4, Block 3: 6931~~ → ~~6817 E. 125<sup>th</sup> St. S.~~
  - ~~Lot 5, Block 3: 6961~~ → ~~6861 E. 125<sup>th</sup> St. S.~~
  - ~~Lot 6, Block 3: 6981~~ → ~~6881 E. 125<sup>th</sup> St. S.~~
  - ~~Lot 7, Block 3: 7001~~ → ~~6909 E. 125<sup>th</sup> St. S.~~
  - ~~Lot 8, Block 3: 7021~~ → ~~6921 E. 125<sup>th</sup> St. S.~~
  - ~~Lot 9, Block 3: 7041~~ → ~~6941 E. 125<sup>th</sup> St. S.~~
  - ~~Lot 12, Block 3: 7101~~ → ~~7091 E. 125<sup>th</sup> St. S.~~
  - ~~Lot 13, Block 3: 7121~~ → ~~7097 E. 125<sup>th</sup> St. S.~~
  - ~~Lot 1, Block 2: 6903~~ → ~~6808 E. 125<sup>th</sup> St. S.~~
  - ~~Lot 2, Block 2: 6930~~ → ~~6814 E. 125<sup>th</sup> St. S.~~

- ~~Lot 3, Block 2: 6960 → 6868 E. 125<sup>th</sup> St. S.~~
- ~~Lot 4, Block 2: 6980 → 6885 **6884** E. 125<sup>th</sup> St. S.~~
- ~~Lot 5, Block 2: 7000 → 6910 E. 125<sup>th</sup> St. S.~~
- ~~Lot 6, Block 2: 7020 → 6922 E. 125<sup>th</sup> St. S.~~
- ~~Lot 7, Block 2: 7040 → 6944 E. 125<sup>th</sup> St. S.~~
- ~~Lot 8, Block 2: 7060 → 7070 E. 125<sup>th</sup> St. S.~~
- ~~Lot 10, Block 2: 7105 → 7086 E. 125<sup>th</sup> St. S.~~
- ~~Lot 11, Block 2: 7122 → 7090 E. 125<sup>th</sup> St. S.~~
- ~~Lot 12, Block 2: 7140 → 7096 E. 125<sup>th</sup> St. S. and  
12503 → 12508 S. 71<sup>st</sup> E. Ave.~~
- ~~Lot 23, Block 2: 7041 → 7007 E. 125<sup>th</sup> Pl. S.~~
- ~~Lot 24, Block 2: 7021 → 6951 E. 124<sup>th</sup> Pl. S.~~
- ~~Lot 25, Block 2: 7001 → 6919 E. 124<sup>th</sup> Pl. S.~~
- ~~Lot 26, Block 2: 6981 → 6911 E. 124<sup>th</sup> Pl. S.~~
- ~~Lot 27, Block 2: 6961 → 6861 E. 124<sup>th</sup> Pl. S.~~
- ~~Lot 28, Block 2: 6951 → 6819 E. 124<sup>th</sup> Pl. S.~~
- ~~Lot 29, Block 2: 6925 → 6767 E. 124<sup>th</sup> Pl. S.~~
- ~~Lot 30, Block 2: 6853 → 6707 E. 124<sup>th</sup> Pl. S.~~
- ~~Lot 31, Block 2: 12507 → 12575 S. 68<sup>th</sup> E. Ave.~~

9. *Per SRs Section 12-4-2.A.5, the Location Map must include:*

- *All platted additions represented with the Section:*
  - *LaCasa Movil Estates (misrepresented as to configuration)*
  - *LaCasa Movil Estates 2nd (missing)*
  - *Encore on Memorial (missing)*
  - *Village Ten Addition (misrepresented as to configuration)*
  - *Clyde Miller Acreage (misrepresented as to configuration)*
  - *Poe Acreage (misrepresented as to configuration)*
- ~~*Scale at 1" = 2,000'.*~~

~~10. *Land Summary statistics on the plat face report two (2) Reserve Areas instead of three (3).*~~

~~11. *25' B/L and U/E along all streets – is a full 25' needed? If not, consider a 20' U/E to provide a 5' buffer area, or the amount necessary to protect the integrity of the foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.*~~

~~12. *Block 1, Lots 7, 8, 9, & 10: Has incomplete linework suggestive of an additional U/E.*~~

~~13. *Deed of Dedication / Restrictive Covenants (DoD/RCs) Preamble: Missing critical wording such as "And has caused the above described land to be surveyed, staked, platted, granted, donated, conveyed, dedicated, access rights reserved, and subdivided into blocks, lots, reserve areas, and streets...." as per the City Attorney's recommendations regarding fee simple ownership of rights-of ways.*~~

~~14. *DoD/RCs Preamble: describes as "...a Subdivision in the City of Bixby." Title Block on face of plat describes as "An Addition to the City of Bixby." Recommend reconciliation. See also Surveyor's Certificate; other occurrences possible.*~~

~~15. *DoD/RCs Section I.A First Sentence: please precede the first instance of the word "dedicates" with "grants, donates, conveys, and..." as per the City Attorney's recommendations regarding fee simple ownership of rights of ways.*~~

~~16. *DoD/RCs Section I.A Final Sentence: Due to U/E encroachment experiences in Bixby, please modify as follows, "...provided, however, that nothing herein shall be deemed to prohibit properly-permitted drives, parking areas, curbing, landscaping and customary screening fences and walls." **Wording added but "properly" misspelled.***~~

~~17. *DoD/RCs Section II.B.3: Should reference not be to "...the adopted standards of the City of Bixby" rather than "...of Tulsa County"?*~~

~~18. *DoD/RCs Section II.E.1: Use of "Architecture" in place of "Architectural" in reference to the named committee.*~~

~~19. *DoD/RCs Section V.A: Use of word "hereon" in place of "herein," as presumed intended. Two (2) instances observed.*~~

- ~~20. DoD/RCs Section V.B.: Reference to "Seven Lakes" instead of "Seven Lakes II," as presumed intended.~~
- ~~21. DoD/RCs Section V.B.: Missing words "...be effective from and after the date the instrument is properly recorded."~~
22. DoD/RCs Signature Blocks: Specification of 2012 presumes plat will be recorded within this calendar year. Advisory.
23. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.
24. Submit release letters from all utility companies serving the addition as per SRs Section 12-2-6.B.
25. A copy of the Preliminary Plat including all recommended corrections shall be submitted for placement in the permanent file.
26. A copy of the Final Plat including all recommended corrections shall be submitted for placement in the permanent file.

Erik Enyart noted that he had received a revised set of plats prior to the meeting and had revised the Staff Report to reflect the recommended corrections which had been taken care of. Mr. Enyart stated that, prior to the meeting, he had provided the Commissioners copies of the revised Staff Report, updated review correspondence from the City Engineer, which included review correspondence from the City Attorney, and copies of the revised plats.

John Benjamin asked if this was considered to be Floodplain. Erik Enyart stated that certain areas around here used to be in the 100-year Floodplain, but were removed upon completion of the Corps of Engineer's Fry Creek system approximately 12 years ago. Mr. Enyart stated that *Seven Lakes I* and all of the future Seven Lakes phases land to the north of that were shown on the FEMA maps to be outside the 100-year Floodplain. Mr. Enyart stated that the land to the south of *Seven Lakes I* was in the 100-year Floodplain but the subject property was not.

Jeff Baldwin asked if Staff supported the Modification/Waiver due to the subdivision design. Erik Enyart stated that, due to the innovative street design, he felt a good case could be made for the Modification/Waiver for the lot width to depth ratio matter. Mr. Enyart stated that the Subdivision Regulations do provide for Modifications/Waivers, and requires that they be justified. Mr. Enyart stated that, for the Modification/Waiver on the 17.5' Perimeter Utility Easement width matter, it was common in Bixby and this area for Utility Easements to be 11' backing up to 11' in the next addition, and there were no objections from the utility providers or the Public Works Director, so Staff could support this Modification/Waiver as well.

Lance Whisman made a MOTION to Recommend APPROVAL of the Preliminary Plat, Final Plat, and Modifications/Waivers as recommended by Staff. John Benjamin SECONDED the Motion. Roll was called:

**ROLL CALL:**

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

Roy Bingham of HRAOK, Inc., 1913 W. Tacoma Suite A, Broken Arrow, OK 74012, provided a letter requesting the Modifications/Waivers and had additional hard copies of the plats. Erik Enyart provided the letter to Vice/Acting Chair Larry Whiteley and noted that the revised plats were already provided to the Commissioners with the updated Staff Report.

## OTHER BUSINESS

7. **BL-387 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc.** Discussion and possible action to approve a Lot-Split for Lot 7 and the N. 42' of Lot 8, Block 1, *Bixby Centennial Plaza*.

Property Located: Approximately the 11900-block of S. Memorial Dr.

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Vice/Acting Chair Larry Whiteley 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:** Friday, November 09, 2012  
**RE:** Report and Recommendations for:  
BL-387 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc.

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LOCATION: – Approximately the 11900-block of S. Memorial Dr.  
– Lot 7 and the N. 42' of Lot 8, Block 1, Bixby Centennial Plaza

LOT SIZE: 1 acre, more or less, in two (2) parcels

ZONING: CS Commercial Shopping Center District

SUPPLEMENTAL ZONING: Corridor Appearance District

EXISTING USE: Vacant commercial lots

REQUEST: Lot-Split approval

COMPREHENSIVE PLAN: Corridor + Medium Intensity + Commercial Area.

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

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, which became Bixby Centennial Plaza and Fox Hollow and an unplatted 11-acre tract later approved as PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on November 19, 2001 and Approved by City Council December 10, 2001 (Ord. # 842). Subject property included in that part approved for CS zoning.

Preliminary Plat of Bixby Centennial Plaza – Request for Preliminary Plat approval including subject property – PC Approved 07/17/2006 and City Council Approved 07/24/2006.

Final Plat of Bixby Centennial Plaza – Request for Final Plat approval including subject property – PC Approved 10/16/2006 and City Council Approved 10/23/2006 (plat recorded 04/04/2007).

BL-351 – Khoury Engineering, Inc. – Request for Lot-Split approval to separate the north 42' of Lot 8 and add to Lot 7 of Bixby Centennial Plaza (included subject property) – PC Conditionally Approved 03/17/2008.

PUD 73 – Eagle SPE Multi I, Inc. – Rosenbaum Consulting, LLC – Request for approval of PUD 44 supplemental zoning for subject property – Pending PC consideration 11/19/2012.

V-43 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc. – Request to close a Utility Easement within subject property – Pending PC consideration 11/19/2012.

**BACKGROUND INFORMATION:**

Per BL-351, Lot 8 was approved for Lot-Split to separate the north 42' from the balance of that lot (S. 264'), which was sold and developed with a Santa Fe Cattle Co. restaurant. Per the Planning Commission's Conditional Approval on March 17, 2008, because it would otherwise violate the 150' minimum frontage requirement of the CS district, that 42' "sliver tract" was required to be attached to Lot 7, Block 1, Bixby Centennial Plaza. It appears Lot 7 was divided by the conveyance of the southerly 264' to Bixby Cattle OK, LLC (Santa Fe Cattle Co. restaurant). The 42' "sliver tract" balance was

evidently never conveyed by itself, allowing for the use of attachment deed restriction language. It was conveyed as a part of a larger acreage conveyance to Eagle SPE Multi I, Inc. by deed in early 2012. The deed to the subject property must fulfill the Lot-Split approval condition prior to or as a part of this Lot-Split application, pending Planning Commission consideration at this November 19, 2012 Regular Meeting. Upon conveyance of the individual new tracts to their respective owners, as recommended herein, prior to Building Permit issuance, both owners of the two (2) lots produced by Lot-Split must plat their property cooperatively in a singular replat, in fulfillment of the PUD platting requirement.

PUD 73 primarily proposes to reduce the 150' minimum lot frontage/width requirement in the CS district to allow for a Lot-Split per BL-387, and to provide additional flexibility in terms of parking and ground signage. The two (2) new lots would be for a proposed business office development, consisting of a dental clinic and an optometry clinic, on individually-owned lots.

Also pending Planning Commission consideration at this November 19, 2012 Regular Meeting, the Applicant is requesting approval of an application (V-43) to close a Utility Easement within the subject property that would otherwise frustrate development plans.

ANALYSIS:

Subject Property Conditions. The subject property is vacant and zoned CS. It consists of Lot 7 and the N. 42' of Lot 8, Block 1, Bixby Centennial Plaza. It has a total of 174' of frontage on Memorial Dr., but access directly to Memorial Dr. is restricted by Limits of No Access (LNA) per the plat of Bixby Centennial Plaza. Instead, access is afforded via existing private drives within Mutual Access Easements (MAEs).

Part of the north and west sides of the property are covered by parts of MAEs, which MAEs contain existing private commercial drives. This is represented on the Exhibit 1 Conceptual Site Plan included with PUD 73.

Per the PUD 73 Exhibit 2 Topographic Survey, the land is relatively flat and appears to drain to the north and east, ultimately to the borrow ditch along S. Memorial Dr., which drains south. When developed, the land should drain through a stormsewer system to the temporary stormwater detention pond located to the southwest of the subject property. This pond is ultimately planned to be replaced in favor of a stormsewer system to be installed along 121<sup>st</sup> St. S. and to drain west to the Fry Creek Ditch # 2.

General. The Lot-Split is proposed to allow for the creation of two (2) tracts from the subject property. The resulting tracts would not meet the 150' minimum lot frontage/width requirement in the CS district. However, PUD 73 would reduce the lot frontage/width requirement such that would allow the Lot-Split.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application on November 07, 2012. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval subject to:

1. The approval of PUD 73, and
2. The deed(s) to the subject property must fulfill the BL-351 Lot-Split approval condition to combine lots prior to or as a part of this Lot-Split application.

Erik Enyart clarified with a Commissioner that, provided the PUD is approved as recommended, the only remaining recommended Condition of Approval is the use of a deed restriction to cause the attachment of the smaller tracts to the adopting lots, pursuant to the Lot-Split from previous years. Mr. Enyart described the deed restriction attachment matter, and sequencing considerations, and stated, "whatever deed they bring to me for the approval certificate and signature will have to meet that requirement."

John Benjamin made a MOTION to APPROVE BL-387 subject to the two (2) Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

8. **V-43 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc.** Discussion and consideration of a request to Close a Utility Easement within Lot 7 and the N. 42' of Lot 8, Block 1, *Bixby Centennial Plaza*.

Property Located: Approximately the 11900-block of S. Memorial Dr.

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Vice/Acting Chair Larry Whiteley 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:** Friday, November 09, 2012  
**RE:** Report and Recommendations for:  
V-43 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc.

---

**LOCATION:** – Approximately the 11900-block of S. Memorial Dr.  
– Lot 7 and the N. 42' of Lot 8, Block 1, Bixby Centennial Plaza

**LOT SIZE:** 1 acre, more or less, in two (2) parcels

**EXISTING ZONING:** CS Commercial Shopping Center District (PUD 73 requested)

**EXISTING USE:** Vacant commercial lots

**REQUEST:** Close a Utility Easement

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

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, which became Bixby Centennial Plaza and Fox Hollow and an unplatted 11-acre tract later approved as PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on November 19, 2001 and Approved by City Council December 10, 2001 (Ord. # 842). Subject property included in that part approved for CS zoning.

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PUD 73 – Eagle SPE Multi I, Inc. – Rosenbaum Consulting, LLC – Request for approval of PUD 44 supplemental zoning for subject property – Pending PC consideration 11/19/2012.

BL-387 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc. – Request for Lot-Split approval to divide Lot 7 portion of subject property – Pending PC consideration 11/19/2012.

**BACKGROUND INFORMATION:**

**ANALYSIS:**

Subject Property Conditions. The subject property is vacant and zoned CS. It consists of Lot 7 and the N. 42' of Lot 8, Block 1, Bixby Centennial Plaza. It has a total of 174' of frontage on Memorial Dr., but access directly to Memorial Dr. is restricted by Limits of No Access (LNA) per the plat of Bixby Centennial Plaza. Instead, access is afforded via existing private drives within Mutual Access Easements (MAEs).

Part of the north and west sides of the property are covered by parts of MAEs, which MAEs contain existing private commercial drives. This is represented on the Exhibit 1 Conceptual Site Plan included with PUD 73.

Per the PUD 73 Exhibit 2 Topographic Survey, the land is relatively flat and appears to drain to the north and east, ultimately to the borrow ditch along S. Memorial Dr., which drains south. When developed, the land should drain through a stormsewer system to the temporary stormwater detention pond located to the southwest of the subject property. This pond is ultimately planned to be replaced in favor of a stormsewer system to be installed along 121<sup>st</sup> St. S. and to drain west to the Fry Creek Ditch # 2.

*General.* The Applicant is requesting approval of an application (V-43) to close a Utility Easement within the subject property that would otherwise frustrate development plans. The U/E consists of the northerly 10' of Lot 8, Block 1, Bixby Centennial Plaza. Per the Applicant, the easement is not in use by any utility lines, and no objections to its closure have been received by Staff.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application on November 07, 2012. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval.

In response to a question, Erik Enyart stated that it did not appear there were any utility lines within the easement and a utility company could always request an easement again when something is built.

Lance Whisman made a MOTION to Recommend APPROVAL of the easement closing request as recommended by Staff. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

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

NEW BUSINESS:

Vice/Acting Chair Larry Whiteley confirmed with Erik Enyart that there was no other business to consider. No action taken.

OLD BUSINESS:

Vice/Acting Chair Larry Whiteley confirmed with Erik Enyart that there was no other business to consider. No action taken.

ADJOURNMENT:

There being no further business, Vice/Acting Chair Larry Whiteley declared the meeting Adjourned at 6:18 PM.

APPROVED BY:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

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