

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
February 19, 2013 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:**

Chair Thomas Holland called the meeting to order at 6:00 PM.

**ROLL CALL:**

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

**CONSENT AGENDA:**

1. Approval of Minutes for the January 21, 2013 Special Meeting
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Chair Thomas Holland introduced Consent Agenda Item Number 1. It was determined that Larry Whiteley was not present at that meeting. The Commissioners clarified with Erik Enyart that it would be best to Pass the item to the next agenda. Chair Thomas Holland declared the item PASSED to the next Regular Meeting Agenda.

Chair Thomas Holland declared that, because of the length of time that agenda items number 2 and 3 would take, the agenda items would be taken out of order and that agenda item number 4 would be considered at this time.

**PLATS**

4. **Preliminary Plat / Final Plat – Bixby Centennial Plaza II – Rosenbaum Consulting, LLC.** Discussion and consideration of a Preliminary Plat and a Final Plat and certain Modifications/Waivers for “Bixby Centennial Plaza II,” 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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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:** Friday, February 15, 2013  
**RE:** Report and Recommendations for:  
Preliminary Plat & Final Plat of Bixby Centennial Plaza II

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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 + PUD 73  
**SUPPLEMENTAL ZONING:** Corridor Appearance District  
**EXISTING USE:** Vacant commercial lots  
**REQUEST:** Preliminary Plat & Final Plat approval for a 2-lot commercial subdivision  
**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 – PC recommended Approval 11/19/2012 and City Council approved 11/26/2012 (Ord. # 2105).*

*V-43 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc. – Request to close a Utility Easement within subject property – PC recommended Approval 11/19/2012 and City Council approved 11/26/2012 (Ord. # 2104).*

*BL-387 – Rosenbaum Consulting, LLC for SPE Multi I, Inc. – Request for Lot-Split for subject property – PC Conditionally Approved 11/19/2012.*

**BACKGROUND INFORMATION:**

*As per the required Conditions of Approval of BL-351 and BL-387, the smaller pieces composing the southerly tract produced by the latter Lot-Split application were deed-restricted each to the other, to satisfy the minimum lot-width/frontage requirements of PUD 73. This plat will place the common lot line between the two (2) lots where they presently exist.*

**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 (since divided into 2 tracts per BL-387; see above). It has a combined 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 was 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.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor, (2) Medium Intensity, and (3) Commercial Area. The commercial development anticipated by this plat would be consistent with the Comprehensive Plan.

General. The proposed replat subdivision contains two (2) Lots, one (1) Block, and no (0) Reserve Areas.

The resulting tracts would not meet the 150' minimum lot frontage/width requirement in the CS district. However, PUD 73 reduced the lot frontage/width requirement such that would allow the Lot-Split. Both lots and the subdivision itself appear to meet the requirements of PUD 73.

The Fire Marshal's, City Engineer's, and City Attorney's review correspondence 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.

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held February 06, 2013. Minutes of that meeting are attached to this report.

Access and Internal Circulation. As noted above, the subject property has Limits of No Access to Memorial Dr., but has access to Memorial Dr. and 121<sup>st</sup> St. S. via the Mutual Access Easements (MAEs) platted with Bixby Centennial Plaza, which MAEs contain existing drives.

Additional MAEs will be platted through the subject property, allowing cross-access between the two (2) lots in this plat, and also access through them between the MAE drive to the north and the former Santa Fe Cattle Co. restaurant to the south.

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

1. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
2. Title Block Page 1, Deed of Dedication / Restrictive Covenants (DoD/RCs) Preamble, Possible Other Places: Refers to the existing property as located within Bixby Centennial Plaza, "An Addition to the City of Bixby," when Bixby Centennial Plaza is known as "A Subdivision of Part of the..." Please reconcile all instances.
3. The 174' dimension for the LNA is in mathematical conflict with the subject property frontage minus the 20' Access Opening.
4. "Engineer/Surveyor" listed on the face of the plats should be clarified as "Rosenbaum Consulting, LLC, or the correct legal name of the corporate entity."
5. Subdivision statistics summary: 2.431 acres total area is incorrect; subject property is slightly more than one (1) acre.
6. Per by Ordinance # 2104, approving application V-43, the City Council closed a 10' U/E platted along the north line of the underlying Lot 8 portion of subject property. The easement does not show up on the plat. If the owner has had the easement permanently vacated through District Court, please provide a copy of the final Court Order. Otherwise, please represent the U/E on the plat along with qualifier such as "Closed by City of Bixby Ordinance # 2104."
7. Per SRs Section 12-4-2.A.5, the Location Map ("Vicinity Map") must include:
  - All platted additions represented with the Section:
    - The Links at Bixby (misrepresented as to configuration)
    - Resubdivision of Lots 3 and 4 of Bixby Commons (missing)
    - Woodcreek Village Amended (missing)
    - The Estates of Graystone (misabeled)
    - Citizens Security Bank Addition (not labeled)
    - Amended Plat of Block 7, North Heights Addition (missing)
  - East 111<sup>th</sup> Street South (misabeled)
  - South Sheridan Road (misabeled)
  - Scale at 1" = 2,000'.
8. Plat missing notes pertaining to monumentation (reference SRs Section 12-1-8).
9. Add addresses to the lot such as follows (may be adjusted as desired provided changes are consistent with accepted addressing conventions):
  - Lot 1: 11910 S. Memorial Dr.

- Lot 2: 11920 S. Memorial Dr.
10. Plat missing standard address caveat/disclaimer: “Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied on in place of the legal description.”
  11. MAEs on face of plat: Please clarify as follows: “24’ Mutual Access Easement.”
  12. Title Block Page 2: Reference to Broken Arrow needs to be changed to Bixby – match Title Block on Page 1.
  13. Title Block Page 2: Geographic citation incorrect – match Title Block on Page 1.
  14. Deed of Dedication / Restrictive Covenants (DoD/RCs): Does not appear to provide any section for the dedication, purpose, beneficiaries, use conditions, or division of shared maintenance responsibilities of the MAEs as indicated on the face of the plat.
  15. DoD/RCs Preamble: Per the deeds recorded pursuant to BL-387, there are new, different owners of the two (2) tracts being replatted (ZIM Holdings, LLC and Ward and Hall, LLC). The legal description of the land being platted does not differentiate between what part of the underlying land is owned by which property owner. For clear title and tax purposes, Staff believes that each dedicating owner should have their respective legal description specified in the DoD/RCs. Reference how this was done with the plat of 101 South Memorial Plaza.
  16. DoD/RCs Section I.D.4: Occurrence of “easement\_ways” for “easement-ways” or “easements,” as presumed intended.
  17. DoD/RCs Section I.F: Please qualify this section as follows: “...damage to landscaping and paving, **when permitted by the City of Bixby**, occasioned....”
  18. DoD/RCs Section II Preamble: Refers to “Sections 1100-1107 of Title 42, Bixby Revised Ordinances (Bixby Zoning Code).” This appears to point to the City of Tulsa’s Zoning Code. Please revise to simply “... the provisions of the Bixby Zoning Code pertaining to Planned Unit Developments (PUDs),” or something to that effect.
  19. DoD/RCs Section II: Complete blanks and correct ordinance publication date pertaining to approval of PUD 73.
  20. DoD/RCs Section II: Confirm language contains all of the last and final version of PUD 73 as approved. For example, the “Parking” and “Signs” subsections appear to be missing part of the language of the approved PUD. Please check and correct thoroughly.
  21. DoD/RCs Section II.G: Refers to agreements to be executed as to shared parking, driveways, sidewalks, and signs. Such agreements should be incorporated into the DoD/RCs in an appropriate section, if same are completed prior to plat recording.
  22. DoD/RCs Section II.K: Please complete blank with acceptable date.
  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. A copy of the approved PUD 73 including all recommended corrections shall be submitted for placement in the permanent file.
  25. A copy of the Preliminary Plat including all required corrections shall be submitted for placement in the permanent file (1 full size, 1 11” X 17”, and 1 electronic/PDF copy).
  26. A copy of the Final Plat including all required corrections shall be submitted for placement in the permanent file (1 full size, 1 11” X 17”, and 1 electronic/PDF copy).

Erik Enyart stated that he had not had opportunity to speak to the Applicant about the recommended corrections, modifications, and Conditions of Approval, but that the Applicant was present. Barrick Rosenbaum indicated agreement with the Staff recommendations.

Larry Whiteley made a MOTION to APPROVE the Preliminary and Final Plats subject to the Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

**ROLL CALL:**

**AYE:** Holland, Whiteley, & Whisman  
**NAY:** None.  
**ABSTAIN:** None.  
**MOTION CARRIED:** 3:0:0

**PUBLIC HEARINGS**

2. **PUD 76 – Scenic Village Park – Tanner Consulting, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for 92 acres in part of the E/2 of Section 02, T17N, R13E.  
**Property Located:** South and west of the intersection of 121<sup>st</sup> St. S. and Memorial Dr.
  
3. **BZ-364 – Tanner Consulting, LLC.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to CG General Commercial District for 92 acres in part of the E/2 of Section 02, T17N, R13E.  
**Property Located:** South and west of the intersection of 121<sup>st</sup> St. S. and Memorial Dr.

Chair Thomas Holland introduced agenda items number 2 and 3 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, February 14, 2013  
**RE:** Report and Recommendations (*Revised 02/19/2013 to reflect the revised plans and information received 02/19/2013*) for:  
PUD 76 – “Scenic Village Park” – Tanner Consulting, LLC, and  
BZ-364 – Tanner Consulting, LLC

**LOCATION:** – The 7300-block of E. 121<sup>st</sup> St. S.  
– South and west of the intersection of 121<sup>st</sup> St. S. and Memorial Dr.  
– Part of the E/2 of Section 02, T17N, R13E

**LOT SIZE:** 92 acres, more or less

**EXISTING ZONING:** AG Agricultural District

**EXISTING USE:** Agricultural

**REQUESTED ZONING:** CG General Commercial District & PUD 76

**SUPPLEMENTAL ZONING:** None

**SURROUNDING ZONING AND LAND USE:**

**North:** (Across 121<sup>st</sup> St. S.) RS-3, RS-1, AG, & OL/CS/PUD 51; The Fox Hollow and North Heights Addition residential subdivisions; the Fry Creek Ditch # 2 and the North Elementary and North 5<sup>th</sup> & 6<sup>th</sup> Grade Center school campuses to the northwest zoned AG; agricultural land to the northeast zoned OL/CS/PUD 51.

**South:** AG & CS/PUD 37; Fry Creek Ditch # 1 to the south zoned AG and the Crosscreek “office/warehouse” heavy commercial / trade center and retail strip center zoned CS with PUD 37.

**East:** AG, CG, RS-3, OL, CS, & RM-2/PUD 70; Agricultural land, the Easton Sod sales lot zoned RS-3, OL, & CS, the Encore on Memorial upscale apartment complex zoned RM-2/PUD 70, a Pizza Hut zoned CG, and a My Dentist Dental Clinic zoned CS; Memorial Dr. is further to the east.

**West:** AG & RS-4; Fry Creek Ditch #2; beyond this to the west is vacant/wooded land owned by the City of Bixby, the Three Oaks Smoke Shop located on a 2-acre tract at 7060 E. 121<sup>st</sup> St.

S., the Seven Lakes I and Seven Lakes II residential subdivisions, and additional vacant land zoned RS-4 for a future "Seven Lakes" phase or phases.

COMPREHENSIVE PLAN: Corridor + Vacant, Agricultural, Rural Residences, and Open Land.

PREVIOUS/RELATED CASES:

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 "golf teaching and practice facility" on part of the subject property – BOA Conditionally Approved 04/02/2001 (not since built).

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

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

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of subject property – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting "for more research and information," based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

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

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area to the east of subject property at approximately the 12600-block of S. Memorial Dr. – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

BZ-135 – Eddie McLearan – Request for rezoning from AG to CS for an approximately 19-acre tract at 12300 S. Memorial Dr. abutting the subject property to the east (now the Easton Sod business) – Withdrawn by Applicant 03/21/1983.

BZ-139 – Eddie McLearan – Request for rezoning from AG to RM-2, OL, & CS for an approximately 19-acre tract at 12300 S. Memorial Dr. abutting the subject property to the east (now the Easton Sod business) – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. # 482).

BZ-196 – Donna Saunders for Nuel/Noel Burns – Request for rezoning from AG to CG for a 2-acre tract at the 7700-block of E. 121<sup>st</sup> St. S. (then possibly addressed 7600 E. 121<sup>st</sup> St. S.) abutting the subject property to the east – PC Recommended Denial 01/21/1991 per notes on the application form. Lack of ordinance and other notes in the case file indicate it was either withdrawn, not appealed, or not finally approved by the City Council.

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area to the east of subject property at approximately 12340 S. Memorial Dr. – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

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

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, located across 121<sup>st</sup> St. S. to the north of the subject property, which 73 acres became Bixby Centennial Plaza and Fox Hollow and an unplatted 11-acre tract later approved for 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).

BZ-317 – Sack & Associates, Inc. for Martha Roberts et al. – Request for rezoning from OL to CS for part of an unplatted 11-acre tract located across 121<sup>st</sup> St. S. to the north of subject property – PC Action 08/21/2006: Motion to Approve failed for lack of a Second, and Chair declared the item “denied by virtue of there being no second to the motion.” See PUD 51.

PUD 51 – [No Name] – [Sack & Associates, Inc.] – Request to approve PUD 51 and a partial rezoning from OL to CS for an unplatted 11-acre tract located across 121<sup>st</sup> St. S. to the north of subject property – No application submitted, but prepared by Sack & Associates, Inc. in support of the CS and OL zoning proposed per BZ-317 – PC recommended Approval 10/02/2006 and City Council Approved 10/23/2006 (Ord. # 951/951A).

BSP 2010-03 – Encore on Memorial – Khoury Engineering, Inc. (PUD 70) – Request for Detailed Site Plan approval for a multifamily development on 14 acres to the east of subject property – PC Conditionally Approved 07/19/2010.

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the east of subject property – PC recommended Conditional Approval 07/19/2010 and City Council Conditionally Approved 07/26/2010.

Final Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the east of subject property – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (plat recorded 04/12/2011).

BZ-355 – Town & Country Real Estate Co. – Request for rezoning from AG to CS for 1.6 acres, more or less, located at the 7700-block of E. 121<sup>st</sup> St. S. (possibly previously addressed 7600 E. 121<sup>st</sup> St. S.) abutting the subject property to the east – PC Recommended Approval 03/19/2012 and City Council Approved 03/26/2012 (Ord. # 2077).

**BACKGROUND INFORMATION:**

***On Tuesday, February 19, 2013, the Applicant submitted revised hard copies of the PUD Text & Exhibits package. This report has been revised to reflect recommendations from the original Staff Report which have been satisfied with this submittal. A copy of the revised PUD Text & Exhibits package is attached to this report.***

**ANALYSIS:**

**Subject Property Conditions.** The subject property of 92 acres is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the south and west to the Fry Creek Ditch # 2 and # 1, respectively, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned AG (CG and PUD 76 is requested) and may or may not be presently used for agricultural crops.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the west and south. Plans for utilities are indicated on Exhibit F and are discussed in the City Engineer’s memo.

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

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that CG zoning May Be Found In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the requested CG zoning would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Per the Matrix, PUDs are In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map.

General. Because the review methodology is similar, and both applications are essentially rezoning-related and propose to prepare the subject property for the same multiple-use development, this review will, except as noted, include both applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

The submitted site plans do not show specific planned improvements, but rather, general land use categories associated with each of the eight (8) Development Areas (DAs) by means of permitted uses listed in the Development Standards within each, summarized and commented upon as follows (**some of which has changed with the revised PUD Text & Exhibits package received 02/19/2013, which the following may not reflect**):

DA A: "Uses permitted as a matter of right in the CS District and customary accessory uses." This would include Use Units (UUs) 1, 4, 5, 10, 11, 12, 13, 14, and 19. Uses within UU 19 may be too intensive relative to the proximity of the Fox Hollow neighborhood. Staff recommends that, if UU 19 is retained, it be restricted to hotel use only, which would be restricted by the 2 stories and 35' maximum height restriction of Development Area A. The small size of the lots within DA A, however, would likely preclude hotel use.

DA B: "Life Care Retirement Center as set forth within Use Unit 8. Multifamily Dwelling and Similar Uses and customary accessory uses." ~~The period following the numeral "8" is potentially ambiguous, and may be interpreted as either restricting the use to a "Life Care Retirement Center" or that plus a standard multifamily development. Please clarify as appropriate. Regardless of clarification outcome, recommendations in this report pertaining to multifamily development quality apply to this Development Area.~~

DA C: "Detached or attached residential dwelling units including single-family, duplex, patio home, townhouse, and multifamily, and customary accessory uses, including common area facilities such as club house, swimming pool and recreational open space." Recommendations in this report pertaining to multifamily development quality apply to this Development Area.

DA D: "Uses permitted as a matter of right in the CG Zoning District and principal uses permitted by special exception within the CG Zoning District including Use Unit 15 - Other Trades and Services, Use Unit 23 - Warehousing and Wholesaling (office/warehouse), and Use Unit 15 - Mini-Storage, Use Unit 17 - Automotive and Allied Activities and permitted uses shall be conducted within enclosed buildings, provided however sexually oriented businesses shall be excluded. Notwithstanding the foregoing, open air storage may be permitted by minor amendment submitted to and approved by the Bixby Planning Commission."

Staff understands this DA is intended for multi-tenant "office/warehouse" / "trade center" (such as that found in Crosscreek to the south), ministorage, and/or automotive-related businesses. These three (3) land use types are found in UUs 15, 16, and 17, respectively. The term "including" would be followed by "only" if the intent was to limit the use to those three (3) UUs. Without qualification, the "Uses permitted as a matter of right in the CG" part would also include UUs 1, 4, 5, 10, 11, 12, 13, 14, 15, 17, 18, and 19. Restriction on sexually-oriented businesses (SOBs) would appear applicable if including UUs 13, 14, and 19 (that specific restriction here is duplicative considering the overall prohibition in Section III.A "Restricted Uses"). If intended to qualify the "and principal uses permitted by special exception within the CG" part, it should not specify UU 15, as that is allowed by right. UU 15 mini-storage should be UU 16 ministorage. UU 16 ministorage developments are only permitted by PUD, not Special Exception. This section should be clarified.

Staff believes that the location and configuration of Development Area D and the character surrounding area satisfactorily meet the expectations of Zoning Code Section 11-9-16.C.13 for ministorage developments.

DA E: "Uses permitted as a matter of right in the CS Zoning District, and customary accessory use." This would include UUs 1, 4, 5, 10, 11, 12, 13, 14, and 19. Although, like DA A, DA E is relatively close to Fox Hollow, it is separated therefrom by the collector street and an 11-acre commercial development tract on the north side of 121<sup>st</sup> St. S., so the recommendation for DA A regarding UU 19 is not held here.

DA F: "Uses permitted as a matter of right in the CG Zoning District, and office/warehousing as set forth within Use Unit 23. Warehousing And Wholesaling, and customary accessory use, provided however sexually oriented businesses and uses set forth in Use Unit 17 - Automotive and Allied Activities shall be excluded." This would include UUs 1, 4, 5, 10, 11, 12, 13, 14, 15, 18, 19, and 23. ~~The~~

~~specific SOBs restriction is duplicative considering the overall prohibition in Section III.A "Restricted Uses."~~

DA G: "Uses permitted as a matter of right in the OM Zoning District, and customary accessory use." This would include UU 1, 5, 10, and 11 (offices).

DA H: "Uses permitted as a matter of right in the CG Zoning District, and office/warehousing as set forth within Use Unit 23 - Warehousing and Wholesaling uses."

And alternative standards: "As an alternative use within Development Area G, multifamily dwellings are permitted, not exceeding 15 acres, and customary accessory uses, including common area facilities such as club house, swimming pool and recreational open space."

Combined, this would include UUs 1, 4, 5, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, and 23.

As noted above, the PUD development appears to have been written for maximum land use and design flexibility. Although there may be a limited number of development types expected, no absolutely known land uses are indicated for any particular development area. Probable land uses may be inferred by reading the lists of land uses permitted in each Development Area. Thus, the PUD Text does not describe, nor do the Exhibits reflect particular buildings, parking areas, internal driveways, or other such site development particulars.

Zoning Code Section 11-7I-8.B.1 requires:

"1. A site plan reflecting:

- a. Proposed location of uses, including off street parking, open spaces and public uses;
- b. Development standards for location, height, setback and size of buildings and other structures;
- c. Public and private vehicular and pedestrian circulation;
- d. The approximate intensity of residential uses expressed in number of dwelling units and the approximate intensity of nonresidential uses expressed in floor area, allocated to each identifiable segment of the planned unit development;
- e. Proposed screening and landscaping;
- f. Proposed location, height and size of any ground sign; and
- g. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed." (emphasis added)

Because of the way the PUD is structured in terms of land use flexibility, the Applicant has not represented proposed location of uses, off-street parking, open spaces, public and private vehicular and pedestrian circulation, or signage. The PUD chapter of the Zoning Code may anticipate such generalized PUDs, as it includes in Sections 11-7I-8.B.1.b and .d requirements that are conventionally expressed in the PUD Text, and not on the site plan itself.

To satisfy the spirit and intent of the specific informational elements of the PUD conceptual site plan, Staff has listed certain recommendations at the end of this report, including the connection of required elements between the Text and the site plan Exhibits.

Zoning Code Section 11-7I-6 gives the Planning Commission authority and discretion to require adequate perimeter treatments, including screening, landscaping, and setbacks. Staff believes that the site plan should, regardless of the absence of other elements, reflect any and all proposed screening, perimeter landscaping, sidewalks, and perimeter trails (existing and as may be improved) on the site plans Exhibits C, C.1, and C.2. This also goes for a development entrance sign if/as may be proposed at 121<sup>st</sup> St. S., advertising developments without arterial street frontage and accessed via the proposed collector street. Such may be anticipated per language in PUD Section III.E.

*Grade elevation changes, minimalistic signage, and generous landscaping can be used to good effect and result in attractive, upscale developments, and the developer should consider incorporating standards for these measures in the PUD.*

*In the interest of efficiency and avoiding redundancy, regarding PUD particulars for needed corrections and site development considerations, such as screening, buffering, and exterior materials, please review the recommended Conditions of Approval as listed at the end of this report.*

*The Fire Marshal's, City Engineer's, and City Attorney's review correspondence 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.*

*The Technical Advisory Committee (TAC) discussed PUD 76 at its regular meeting held February 06, 2013. Minutes of that meeting are attached to this report.*

*Access & Circulation.* *As proposed, primary access to the development would be via a proposed collector street connecting 121<sup>st</sup> St. S. to Memorial Dr. via the existing 126<sup>th</sup> St. S. constructed in the past couple years. By this collector road, all the Development Areas within the PUD would have access. There is a gap between the existing 126<sup>th</sup> St. S. right-of-way and the subject property, suggesting the necessity of separate instrument dedication of right-of-way to connect to 126<sup>th</sup> St. S. This should be explained in the Access section of the PUD Text and connection will be a Condition of Approval of this PUD.*

*The collector street is proposed to intersect with 121<sup>st</sup> St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121<sup>st</sup> St. S. was widened. To the west of this, there is a smaller street proposed to intersect with 73<sup>rd</sup> E. Ave., which serves Fox Hollow and the North Heights Addition. The PUD should specify proposed rights-of-way and roadway widths; a typical section for the collector street and the minor streets may also be employed for further illustration.*

*The proposed access points to 121<sup>st</sup> St. S. require City Engineer and/or County Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.*

*Subdivision Regulations Section 12-3-2.S provides:*

*"S. Street Offsets: Street centerline offsets of less than one hundred twenty five feet (125') for minor streets shall be avoided."*

*The City Engineer and City Planner believe that the intent of this Subdivision Regulations design standard is to have streets and/or major curb cut/driveway entrances align, for traffic safety, flow, and accessibility purposes.*

*To facilitate acceptable traffic flow and accessibility, in the future, traffic lights may be warranted at certain of the intersections of these streets with Memorial Dr. and/or 121<sup>st</sup> St. S.*

*Sidewalks are required by the Subdivision Regulations along 121<sup>st</sup> St. S. and along internal streets to be constructed within the PUD. The PUD Text section entitled "Access and Circulation" reflects that interior sidewalks will be constructed, and is generally adequate, but it should be amended to specify this is also the case along 121<sup>st</sup> St. S.*

*During the TAC meeting held February 06, 2013, Staff suggested to Tanner Consulting, LLC that the Fry Creek Ditch access drives could be improved as a walking trail amenity for the development. If the developer would be willing to make this improvement, appropriate language should also be added to the PUD Text section entitled "Access and Circulation."*

*Surrounding Zoning and Land Use.* *Surrounding zoning is a mixture of AG, CG, CS, OL, RS-1, and RS-3. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.*

*To the north (across 121<sup>st</sup> St. S.), the Fox Hollow and North Heights Addition residential subdivisions are zoned RS-3 and RS-1, respectively, the Fry Creek Ditch # 2 to the northwest is zoned AG, and an 11-acre agricultural/vacant tract to the northeast is zoned OL/CS/PUD 51.*

*The Fry Creek Ditch # 1 to the south is zoned AG and the Crosscreek "office/warehouse" heavy commercial / trade center and retail strip center is zoned CS with PUD 37.*

*The Fry Creek Ditch #2 abuts to the west and is zoned AG. Beyond this to the west is vacant/wooded land owned by the City of Bixby, the Three Oaks Smoke Shop located on a 2-acre tract at 7060 E. 121<sup>st</sup> St. S., and along Sheridan Rd., the Seven Lakes I and Seven Lakes II residential subdivisions and additional vacant land zoned RS-4 for a future "Seven Lakes" phase or phases.*

*To the east is agricultural land zoned AG, CS, and CG, the Easton Sod sales lot zoned RS-3, OL, & CS, the Encore on Memorial upscale apartment complex zoned RM-2/PUD 70, a Pizza Hut zoned CG, and a My Dentist Dental Clinic zoned CS. Memorial Dr. is further to the east.*

*Per the Comprehensive Plan, all the land between Fry Creek Ditch # 1 and # 2 and 121<sup>st</sup> St. S. and Memorial Dr., including the subject property, approximately 180 acres in all, is planned for Corridor-intensity development, which provides that all of the available Zoning districts are either In Accordance or May Be Found In Accordance with the Comprehensive Plan. This 180 acre area is anticipated to be developed intensively, as it is in a prime location, is one of the last, exceptionally large undeveloped acreages in all of South Tulsa County north of the Arkansas River, has all the necessary utilities, has Memorial Dr. frontage and improved access by the widened 121<sup>st</sup> St. S., and is out of the 100-year Floodplain.*

*Circa 2005, 121<sup>st</sup> St. S. between Sheridan Rd. and Memorial Dr. was widened to a 4-lane major street with a 5<sup>th</sup>, dedicated turning lane in the center, consistent with its designation on the Tulsa City-County Major Street and Highway Plan (MHSP) and Bixby Comprehensive Plan as a Primary Arterial. This infrastructure improvement has further enabled the intensive development of this 1-mile major street corridor.*

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

*In a trend accelerating since the street widening, the 121<sup>st</sup> St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The land to the northwest is the Bixby North Elementary school on a 23-acre campus, and next to that is the Bixby North 5<sup>th</sup> and 6<sup>th</sup> Grade Center on a 10-acre campus and the LifeChurch 4.4-acre facility. The Three Oaks Smoke Shop is located on a 2-acre tract approximately 1,100 feet from the subject property on the south side of the street, and all of the balance of the land to the west along the south side of 121<sup>st</sup> St. S. has been zoned CS with PUD 53 and platted in WoodMere for commercial use and office buildings. The 11-acre tract to the northeast was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre Bixby Centennial Plaza is just beyond that to the east, and was approved for CS zoning, in 2001, and for commercial development by the plat of Bixby Centennial Plaza in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121<sup>st</sup> St. S. (possibly previously addressed 7600 E. 121<sup>st</sup> St. S.), abutting the subject property to the east, was rezoned to CS in March of 2012.*

*The requested CG zoning and PUD 76 propose a moderately intensive, multiple use suburban development of the subject property. Within the 180-acre area above-defined, there are three (3) instances of approved CG zoning immediately east of the subject property. Immediately south of Fry Creek Ditch # 1, the Crosscreek development is more consistent with CG zoning than its existing CS zoning. Across Memorial Dr. to the east of the 180-acre area above-defined, there is an existing ministorage business, Spartan Self Storage, and just to the east of that is a 16-acre tract approved for "office/warehouse" / "trade center" and ministorage development (PUD 68). Thus, there is located in the immediate area precedent for CG zoning and all of the uses contemplated by this multiple-use PUD. Therefore, Staff believes that, for the most part, the applications are consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.*

*Development Quality / Multifamily Use PUD Element. Not including assisted living facilities, Bixby has four (4) apartment complexes. Parkwood Apartments was constructed in or around 1973. The Links at Bixby was developed in or around 1996, and was done with PUD 16. Marquis on Memorial was developed in 2008/2009, and was done with PUD 61. Encore on Memorial was developed in 2011 and was done with PUD 70. Since 1973, no apartment development has been developed in Bixby absent a PUD, and the PUDs arguably contribute to the improvement of the value and quality of such projects. To ensure the highest value and quality for any multifamily development that may occur on the subject property, consistent with the City Council's recent Conditional Approval of multifamily PUD 75, Staff recommends the PUD specify the following, which should help ensure the development product is of adequate quality and is adequately invested for the long term:*

- 1. Consistent with the most recent and relevant three (3) multifamily development approvals in Bixby, the adequacy of multifamily construction quality shall be determined by means of a PUD Detailed Site Plan, to be approved by both the Planning Commission and the City Council.*
- 2. Consistent with the Encore on Memorial project and PUD 75, this PUD should propose specific masonry requirement for each multifamily development building type (Encore on Memorial included a 25% masonry requirement for the standard 3-story apartment buildings ("Type I"), a 35% masonry requirement for the modified-type 2/3-story apartment buildings ("Type III"), and*

a 40% masonry requirement for the leasing office. The garages and carport buildings had no masonry requirement). **With the PUD version received 02/19/2013, this has been added for DAs C and H, but not for DA B (assisted living facility)**

Staff has the following additional recommendations pertaining to overall development quality:

3. Describe in the PUD Text and amend the Exhibits as necessary to address what will be done with the existing stand of mature trees along the west side of the acreage; i.e. will any of the trees be preserved within the development?
4. During the TAC meeting held February 06, 2013, Staff suggested to Tanner Consulting, LLC that the Fry Creek Ditch access drives could be improved as a walking trail amenity for the development. Internal trails could also be planned, linking each DA to the Fry Creek trails. If the developer would be willing to make such improvements, appropriate language should also be added to the PUD Text section entitled "Access and Circulation."
5. Describe specific plans and add measurable minimum standards for land use buffering and compatibility needs. Perimeter treatments normally include screening fences or walls and vegetative screening, and setbacks and massing adjustments are normally provided to buffer less-intensive land uses in proportion to their relative elevations and proximities.

Zoning Code Section 11-7I-8.C requires PUDs be found to comply with the following prerequisites:

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

Regarding the fourth item, the "standards" refer to the requirements for PUDs generally and, per Section 11-7I-2, the "purposes" include:

- A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;
- B. Permit flexibility within the development to best utilize the unique physical features of the particular site;
- C. Provide and preserve meaningful open space; and
- D. Achieve a continuity of function and design within the development.

For the sake of development and land use compatibility, as described more fully above, Staff would be supportive of the Zoning approvals supporting the development proposal if it (1) offers quality-enabling standards such as mature tree preservation plans and quality of life upgrades (e.g. walking trails), (2) provides for land use buffering and compatibility needs, and (3) helps ensure the highest value and quality for any multifamily development that may occur on the subject property by means of minimum masonry requirements and a requirement for Detailed Site Plan approval by both the Planning Commission and City Council. If these were satisfactorily provided for, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will have been met.

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested PUD and rezoning applications generally. Therefore, Staff recommends Approval of both requests, subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
2. The approval of CG zoning is subject to the final approval of PUD 76 and vice-versa.
3. Please incorporate within the Development Standards the specific land use / Use Unit recommendations per Development Area listed in the analysis above.
4. Please incorporate within the Text and Exhibits the five (5) numbered recommendations listed above pertaining to development quality and multifamily developments.
5. Page 3, Development Concept: Per other recommendations in this report, in the final paragraph, please amend the text such as, "...detailed site plans of each phase of the development submitted to and approved by the Bixby Planning Commission and the Bixby City Council."

- ~~6. In satisfaction of Zoning Code Section 11-71-8.B.1.a, please tie land uses to the site plan by adding to Exhibit C/C.1/C.2 verbiage reflecting that the letters used correspond to Development Areas described within the text.~~
7. ~~Exhibit C/C.1/C.2:~~ Please include, represent, identify/label, and/or dimension, or otherwise correct as follows: **Some elements have been satisfied by representation on other Exhibits, such as Exhibit B.**
- ~~a. Date of preparation~~
  - ~~b. Internal dimensions such as were on the initial PUD site plan submittal~~
  - ~~c. Sufficient surrounding area elements (Section 11-71-8.B.1.g) including, but not necessarily limited to:
 
    - ~~i. Encore on Memorial~~
    - ~~ii. Fry Creek Ditch # 1~~
    - ~~iii. Fry Creek Ditch # 2~~
    - ~~iv. Easton Sod sales lot~~
    - ~~v. Agricultural tracts abutting to the east~~
    - ~~vi. Fox Hollow and 73<sup>rd</sup> E. Ave. as recommended elsewhere herein~~~~
  - ~~d. Street names as follows (confirm first with all appropriate City Staff):
 
    - ~~i. East-west Collector Street: East 126<sup>th</sup> Street South~~
    - ~~ii. North-south Collector Street: South 74<sup>th</sup> East Avenue~~
    - ~~iii. North-south minor Street: South 73<sup>rd</sup> East Avenue~~
    - ~~iv. East-west minor Street: East 121<sup>st</sup> Place South~~~~
  - ~~e. Rights-of-way and roadway widths per other recommendations in this report~~
  - ~~f. Consistent with other recommendations in this report, please identify what screening will be proposed for which property lines (where known; can be qualified as appropriate)~~
  - ~~g. Sidewalks~~
  - ~~h. Fry Creek Ditch access roads on adjoining right-of-way tracts~~
  - ~~i. Perimeter and/or internal trails (if/as may be planned)~~
  - ~~j. Development entrance sign if/as may be proposed at 121<sup>st</sup> St. S.~~
8. ~~Missing elements: Soil analysis per Zoning Code Section 11-71-8.B.2. This is a minimum requirement for PUDs per the Zoning Code.~~
9. There is a gap between the existing 126<sup>th</sup> St. S. right-of-way and the subject property, suggesting the necessity of separate instrument dedication of right-of-way to connect to 126<sup>th</sup> St. S. This should be explained in the Access section of the PUD Text and connection will be a Condition of Approval of this PUD.
10. The PUD should specify proposed rights-of-way and roadway widths; a typical section for the collector street and the minor streets may also be employed for further illustration.
11. Subject to City Engineer and/or County Engineer curb cut approval for the proposed access points to 121<sup>st</sup> St. S., and the Fire Marshal's approval of locations, spacing, widths, and curb return radii.
12. Section III.B: Please specify what screening and landscaping will be proposed for which property lines (type and height) per Zoning Code Section 11-71-8.B.1.e. This section may also be used to describe height and setback restrictions within specific non-residential Development Areas in relation to residential land uses and zoning districts. Specifics should address proximate properties and zoning districts including, but not necessarily limited to:
- a. Fox Hollow to the north
  - b. Non-residential Development Area D in relation to Seven Lakes subdivisions to the west, residential areas to the southwest, and multifamily residential to the east (Encore multifamily)
  - c. RS-3 zoning in the Easton Sod sales lot abutting to the east (may be qualified as appurtenant only if actually developed residentially)
  - d. Non-residential alternate for Development Area H in relation to multifamily residential to the south (Encore multifamily)
- ~~13. Section III.D: Please correct: "...South Memorial Road Drive..."~~
14. Section III.D: Please specify if the collector street and minor streets shown on the site plans will be publicly or privately owned and maintained.

15. Section III.D: Please specify sidewalks will also be constructed by the developer along 121<sup>st</sup> St. S.
16. Section III.E: The text allowing off-site signs (circumventing the “billboard” prohibition) needs to have typos corrected: “~~A~~ Signs identifying an interior property...”
17. Section III.E: Consider revising the text allowing off-site signs to specify: (1) will such signs be allowed in addition to the ground signage otherwise allowed for the primary use of the lot on which located, and (2) if so, will it be allocated its own exclusive display surface area, or have to share it with the primary use, and (3) what will be the allowable height, display surface area, number, spacing, and other particulars?
18. ~~Consider the likelihood that the maximum parking number standard of Zoning Code Section 11-10 2.H would be exceeded by any particular use or Development Area, and whether the PUD should add a measure of flexibility in this regard. Consider also whether the PUD should add a measure of flexibility with mutual parking privileges language, in an effort to reduce unnecessary parking and its construction and maintenance expense, and the other externalities excessive parking may generate.~~
19. Development Standards.
  - a. ~~DA B:~~ Double asterisks before “Minimum Off Street Parking” should be clarified or removed if not operative.
  - b. DA C: 320 maximum dwelling units proposed exceeds allowance of Zoning Code Section 11-7I-5.A.1 even presuming all multifamily apartment units would have less than 2 bedrooms. 16.014 acres would allow for a maximum of 291 dwelling units. Please revise.
  - c. DA C: Maximum density: 20 DUs (multifamily) per acre exceeds Zoning Code allowance (see above). Please revise.
  - d. DA C: Maximum density: 7 DUs (detached single family) per acre exceeds Zoning Code allowance (~5.808/acre for 16.014 acres). Please revise.
  - e. DA C: Maximum density: Please differentiate between multifamily dwelling units having 1 or fewer bedrooms and those having 2 or more.
  - f. DA C: 5’ side yard setback and 20’ setbacks between “townhome buildings” provided, but setback not provided between townhouse units within a “townhouse development.” Please add per Zoning Code Section 11-7B-4.A.1 Table 3: “...0 feet on attached side only.”
  - g. DA C: In anticipation of possible multifamily development, provide a setback for multifamily buildings from DA and lot line boundaries, such as 20’.
  - h. DA D: In anticipation of possible ministorage development, add height restrictions commensurate with those listed in UU 16 or specify in the Development Standards that the height listed also applies to ministorage buildings.
  - i. DA D: In anticipation of possible ministorage development, add proposed setbacks between ministorage buildings as required by Zoning Code (30’ or as otherwise required by the Fire Marshal).
  - j. DA E, F, & H: Minimum landscaped percentage: 10% is already required by Code if commercial, but 15% would be required if office. Specify 15% for office or otherwise please remove (to allow default to Code).
  - k. ~~DA G:~~ Minimum landscaped percentage: 15% is required by Code for office but 10% is proposed. Specify 15% or otherwise please remove (to allow default to Code).
  - l. DA H (Alt.): 300 maximum dwelling units proposed exceeds allowance of Zoning Code Section 11-7I-5.A.1 even presuming all multifamily apartment units would have less than 2 bedrooms. 15 acres would allow for a maximum of 272 dwelling units. Please revise.
  - m. ~~DA H (Alt.):~~ Double asterisks before “Minimum Off Street Parking” should be clarified or removed if not operative.
20. 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, 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 cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the

*PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.*

21. *A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).*

Larry Whiteley indicated that he understood the Planning Commission had expressed that such applications with too many required corrections should be Continued to the next meeting agenda, to allow the Applicant to work out the issues with the Staff.

Larry Whiteley made a MOTION to CONTINUE PUD 76 and BZ-364 to the March 18, 2013 Regular Meeting.

Erik Enyart stated that the applications had been turned in about the application submission deadline, and, as a testament to how Bixby's development was rebounding, he had been so busy lately that it took every minute since then to finish the Staff Report. Mr. Enyart stated that, in the Applicant's defense, he had only the previous [Thursday] provided the Staff Report to the Applicant.

Chair Thomas Holland expressed concerns for the PUD and remarked that it was the most unusual PUD he had seen since he had been on the Planning Commission.

A Commissioner clarified with Erik Enyart a matter pertaining to the Detailed Site Plan. Mr. Enyart stated, "I anticipate the Applicant will ask that the scope of the Detailed Site Plan approval requirement by City Council be narrowed to multifamily use only." Chair Thomas Holland clarified with Mr. Enyart that [all developments within] all Development Areas would have to come back to the Planning Commission for its approval of a Detailed Site Plan.

Chair Thomas Holland recognized Applicant Roy Johnsen. Mr. Johnsen stated that the owner, Rick Dodson was present, but that Mr. Dodson's partner was not. Mr. Johnsen stated that Mr. Dodson was a good developer who built quality developments in the Tulsa area. Mr. Johnsen stated that the only contract for the sale of any lot so far was for a life care retirement center, which would have independent living, assisted living, and nursing homes. Mr. Johnsen indicated that that would be a quality development.

Larry Whiteley WITHDREW his Motion.

Roy Johnsen stated that he had met with David Wagner of the Seven Lakes subdivision.

Roy Johnsen stated that the application meets the Comprehensive Plan, which calls for this zoning.

Roy Johnsen stated that he would summarize the various Development Areas. Mr. Johnsen stated that Development Area A was designed for retail. Mr. Johnsen stated that the life care purchaser wanted to acquire and control what went in there, and may want something [conducive to the assisted living facility use] such as a pharmacy. Mr. Johnsen stated that Development Area C was originally planned to allow multifamily use, but that the owner met with city staff over technical issues and Mr. Dodson decided that a better use than apartments would be duplexes, townhomes—

although that would not be likely, and possibly apartments limited to two (2) stories, four (4) units per building each. Mr. Johnsen that, in Development Area C, the maximum number of dwelling units was reduced from over 300 to 75. Mr. Johnsen stated that this Development Area had a good separation, by the 300'-wide [Fry Creek] Ditch, from the Seven Lakes subdivisions. Mr. Johnsen stated that Development Area D was planned for what he liked to call a "small businessman's [development]," and that it would be similar to the [Crosscreek "trade center" / "office/warehouse"] development to the south of the subject property. Mr. Johnsen stated that, with respect for the Seven Lakes subdivision, he added conditions for brick, restrictions on overhead doors on the west and east sides of the buildings, and restricting all activity to be conducted indoors. Mr. Johnsen stated that this would make it more compatible, and provide substantial separation. Mr. Johnsen stated that there would be a screening fence along the westernmost line [of Development Area D]. Mr. Johnsen stated that the Development Areas G and H are was originally planned for businesses or apartments, but with staff input, it was separated with offices to occupy the western part. Mr. Johnsen stated that there would be a collector street with an 80' right-of-way and 38' of paving. Mr. Johnsen stated that his clients have a contract to purchase or acquire [from the seller] the right-of-way [connecting the subject property to the existing 126<sup>th</sup> St. S. right-of-way]. Mr. Johnsen stated that the main entry [streets] into the life care [facility] would have a 50'-wide right-of-way and 26' of paving. Mr. Johnsen stated that the split between Development Areas G and H was designed to encourage apartment traffic to go to Memorial Dr., and maybe less so to 121<sup>st</sup> St. S.

Chair Thomas Holland asked Roy Johnsen if Development Area G would allow multifamily, and Mr. Johnsen responded that it would not and would be limited to office use. Mr. Johnsen stated that a community needs multifamily if it is going to be a city.

Larry Whiteley asked Roy Johnsen if [Development Area H] would be [sold to] the same people who own the [Encore on Memorial] apartments now. Mr. Johnsen stated that it would not. Larry Whiteley noted that this should be held to the same high standards for quality as previous apartment developments. Mr. Johnsen stated that, as it pertains to quality, there would be a masonry requirement for multifamily, and the site plan would be approved not only by the Planning Commission but by the City Council. Mr. Johnsen stated that, for other types, the Detailed Site Plan would be approved by the Planning Commission only, as one should not have to burden the City Council with them, but the aggrieved party can always appeal to the City Council.

Chair Thomas Holland asked Erik Enyart about language in the Staff Report pertaining to Development Area G and multifamily use. Mr. Enyart responded, "That should be [Development Area] H; I think that survived my first draft when there was no H."

Chair Thomas Holland expressed concern that the language would allow "open air storage by minor amendment" in Development Area D. Roy Johnsen stated that this would not be by right, and would still have to be approved by the Planning Commission. Mr. Johnsen stated that, perhaps, the interior areas may be used to store RVs or similar items.

Erik Enyart addressed Chair Thomas Holland and expressed intent to address the Applicant. Mr. Holland indicated approval. Mr. Enyart asked Roy Johnsen if there were any specific staff recommendations that his client had not agreed with. Mr. Johnsen responded that he had not read

all of the report but that [he and his clients] did accept the staff recommendations. Mr. Johnsen stated that he would have to come up with language for how to implement some of them.

Patrick Boulden asked Roy Johnsen if he had not had a meeting with neighbors. Mr. Johnsen stated that they did have this meeting. Mr. Johnsen stated that he had sent invitation letters to all the property owners that received the public notice of the hearing. Mr. Johnsen stated that the law required notice be sent to property owners within ¼ mile for multifamily zoning applications, and so estimated “220 something” invitation letters were mailed. Mr. Johnsen stated that a lot of the concern [expressed at that meeting] was over Development Areas D and C. Mr. Johnsen stated that he had reduced the maximum number of dwelling units permitted in Development Area C to 75, which was very significant.

Roy Johnsen stated that, per a meeting with city staff, Development Area G was split, creating Development Area H, and indicated [the remaining part of] Development Area G would be for office use. Mr. Johnsen stated that this would result in a better circulation pattern.

Chair Thomas Holland recognized David Wagner of 12563 S. 71<sup>st</sup> E. Ave. from the Sign-In Sheet. Mr. Wagner stated that the neighborhood meeting was very informative and was conducted in the most exemplary manner. Mr. Wagner stated that, when he and his family moved out to Seven Lakes, he knew the subject property would be developed. Mr. Wagner stated that he would focus his comments on Development Area D. Mr. Wagner stated that it was 300’ away from his property. Mr. Wagner pointed to the Bixby city seal on the dais, and stated that the seal claimed Bixby was the “Garden Spot of Oklahoma.” Mr. Wagner expressed concern that the view from Seven Lakes would be of the “storage spot of Oklahoma.” Mr. Wagner referred to the existing warehouses [in Crosscreek] and stated that he knew [Development Area D] would be designed for storage, and stated, “Now I hear there may be open storage.” Mr. Wagner stated that, when he moved here, he found Oklahoma, and Tulsa in particular to be a “city of fences.” Mr. Wagner suggested that, rather than another fence that will deteriorate, [the developer] install a [higher] berm with trees and shrubs on top. Mr. Wagner indicated that a fence would be a problem from a maintenance standpoint and would ultimately have to be replaced. Mr. Wagner stated that he urged the Commission strongly to consider what [Development Area] D would look like to the residents from the residences that exist and that they are now building there [in Seven Lakes II].

Chair Thomas Holland recognized Brenda Isaacs of 12559 S. 71<sup>st</sup> E. Ave. from the Sign-In Sheet. Ms. Isaacs stated that she lived next to David Wagner. Ms. Isaacs stated that she moved to Bixby in 1987, and had selected Bixby over Broken Arrow because the latter was[, at that time,] “ugly, flat, and they had cut down all the trees to develop.” Ms. Isaacs stated that this was why she was here, and because of the “wonderful people that live here.” Ms. Isaacs stated, “Don’t let that beauty change.” Ms. Isaacs stated that there were coyotes and deer in her neighborhood, but indicated this was not a reason to prevent development from occurring here. Ms. Isaacs stated that, when the apartments were constructed, “part of the berm [dirt pile at the Fry Creeks’ confluence] was torn down, perhaps because of drainage issues.” Ms. Isaacs stated that, a few years prior, bulldozers had cut down all the trees and cut the berm “on your side” [the south side] of Fry Creek. Ms. Isaacs stated that she was concerned that someone would “further cut down the berm between the residential and commercial.” Ms. Isaacs indicated that people move to Bixby because of the aesthetic quality, and stated “businesses would not come to Bixby if the people aren’t there.” Ms.

Isaacs stated that she had kids in Bixby Public Schools and expressed concern for the impact of the development on the schools.

Patrick Boulden asked Brenda Isaacs, "How high is the berm? Can you estimate?" Ms. Isaacs stated that she could see buildings in [Crosscreek] from her house. Mr. Boulden asked, "How much does it block?" Ms. Isaacs responded, "A lot." Ms. Isaacs stated that [she and her family] could see the second and third floors of the [Encore on Memorial] apartments.

Someone asked if the maximum height restriction was not 12', and Erik Enyart responded that this was correct per the height restriction in the Zoning Code. Chair Thomas Holland stated that the height would not be an issue. Mr. Enyart continued by saying, "That height applies to ministorage only, and does not apply to the trade center buildings."

Chair Thomas Holland recognized Jody Brown of 11934 S. 73<sup>rd</sup> E. Ave. from the Sign-In Sheet. Mr. Brown stated that he was the Vice President of the Fox Hollow [Homeowners Association] Board. Mr. Brown stated that, in the positives column, the development would have an assisted living facility, and perhaps medical and light offices. Mr. Brown stated that the development should be aesthetically pleasing, and that it was critical that one stick to those [quality standards]. Mr. Brown stated that, as for concerns, they included the apartments, which could be three (3) stories in [Development Area] H. Mr. Brown expressed desire that the Commission "push for a cap of two (2) stories, anywhere in the development." Mr. Brown also expressed concern for the storage and warehousing facility, which may be "not pleasing to the eyes." Mr. Brown expressed concern over traffic, and stated, "I have kids in North Elementary and in the 5<sup>th</sup> and 6<sup>th</sup> Grade Center."

Lance Whisman addressed Chair Thomas Holland and excused himself momentarily.

Patrick Boulden declared that the Commission had lost quorum at 7:00 PM, and advised the Chair not to allow further discussion until it was regained.

Lance Whisman returned to the dais at 7:03 PM, and it was recognized that quorum was regained.

Jody Brown asked about plans for a [stop]light in that area, and stated, "It gets backed up at both the North Elementary" and the 5<sup>th</sup> and 6<sup>th</sup> Grade Center. Mr. Brown stated that it would be ideal if traffic was funneled toward Memorial Dr. Mr. Brown stated that he had moved here from Edmond four (4) years ago, and he believed Bixby had a chance at being a community with the same level of quality. Mr. Brown stated that, what was approved here would dictate Bixby's future for generations. Mr. Brown stated that he and his neighbors improve their homes and neighborhoods, and the same should be done here. Mr. Brown stated that *Utica Square* was a quality development, and it would be lovely if the same could be done here. Mr. Brown asked the Commission to give this application careful consideration.

Lance Whisman confirmed with Erik Enyart that 121<sup>st</sup> St. S. [between Sheridan Rd. and Memorial Dr.] was a County road. Mr. Whisman asked if it was legal for the City to construct a traffic light at this intersection. Mr. Enyart stated that he would have to defer to the City Attorney on whether the

City had the legal right to do so [on its own], but that he was certain the City could agree with the County for a stoplight here.

Jody Brown asked when a traffic light would be expected. Erik Enyart stated that he did not know the answer to this question. Mr. Enyart stated that, in Oklahoma at this time, as well as in Bixby, infrastructure generally “follows on the heels of development, and not very closely.”

Chair Thomas Holland recognized Todd Hansen of 6986 E. 127<sup>th</sup> St. S. from the Sign-In Sheet. Mr. Hansen stated that the previous speaker said [his own sentiments] well.

Chair Thomas Holland recognized Jaimie Tollison of 12824 S. 72<sup>nd</sup> E. Ave. from the Sign-In Sheet. Ms. Tollison stated that [she and others] were concerned about the scenery, heights, if three stories, whether an environmental impact assessment would be done, watershed issues, and flooding. Ms. Tollison stated that there were older mobile homes sitting on the side of Fry Creek, and in danger of flooding from new development. Ms. Tollison stated that she was also concerned that the [terminology] the developer was using, “high quality,” was vague. Ms. Tollison asked for more specifics. Ms. Tollison expressed concern about the road extended through her neighborhood. Mr. Holland asked Ms. Tollison to clarify what road she was referring to, and Ms. Tollison stated that she meant the road from “the existing trade center on the south side” of Fry Creek, which “creates a massive amount of traffic on through our neighborhood.” Ms. Tollison complained about “large trucks, children at danger, and the condition of the road deteriorating.” Ms. Tollison stated, “I don’t want to see a road connect Development Area D and our neighborhood.” Ms. Tollison stated, “Noise is also an issue.” Ms. Tollison stated that she was excited to hear about a pharmacy and townhomes, but her concern was for the coyotes and birds, “That’s why I bought here.” Ms. Tollison asked what the height restriction would be for multifamily. Erik Enyart responded, “In the larger one, Development Area H would have a three story restriction.” Ms. Tollison stated that Bill Campbell used to be on this Commission, but he had recently passed away. Ms. Tollison stated that his daughter lived next to her, and she had expressed she was concerned and opposed to the trees being cut down and the berm diminished. Ms. Tollison stated that a friend asked her to read a prepared statement, which she read, and which was signed Terry Thornton and Carolyn.

Patrick Boulden addressed Jaimie Tollison and stated that, as for the water concern, “in the Building Permit phase we’ll make sure there is no additional [rate of water runoff].” Mr. Boulden stated that a “high quality development is difficult to dictate – it can be encouraged with a PUD,” such as by using “brick facades,” but the City could not dictate how much money the developer must put into the development per unit. Mr. Boulden stated that the City could, as much as possible, encourage high quality.

A woman expressed concern regarding the new school going in at 131<sup>st</sup> St. S. and Sheridan Rd.

Larry Whiteley stated that it was very unlikely a bridge would be put in to the north side of Fry Creek [# 1], since Bixby could not even put a bridge across [the Arkansas River].

Chair Thomas Holland recognized Mike Harrell of 12661 S. 71<sup>st</sup> E. Ave. from the Sign-In Sheet. Mr. Harrell expressed concern over the heights of buildings in Development Area D, which would

be allowed as high as 40'. Mr. Harrell stated that he did not want to see the existing channel berms eroded away, or dirt taken [from the existing heap] when constructing buildings.

Chair Thomas Holland recognized Jan Swafford of 11974 S. 73<sup>rd</sup> E. Ave. from the Sign-In Sheet. Ms. Swafford presented a posterboard map of the development showing the Development Areas and height limitations. Ms. Swafford expressed concern that the written word was different than the developer's presentation. Ms. Swafford asked that what [she and her neighbors] heard from the developer's oral presentation be in the PUD, and asked the Commission to postpone the hearing and decision until such time as it is. Ms. Swafford stated that [she and her neighbors] were told by the City Council that they would not be facing any more apartments in this corridor, and that is why she wanted [everything] in writing. Ms. Swafford stated that "Mr. Erickson" stated something about one story versus two story, and she wanted to have that in writing. Ms. Swafford stated that Jay [Mauldin] would follow up on some of her statements. Ms. Swafford stated that she would prefer not to see apartment complexes, especially not three (3) story ones, and would like to see the PUD postponed to the next meeting.

Patrick Boulden asked Roy Johnsen about the 58' height restriction in Development Area C on page 6 of the PUD. Mr. Johnsen stated that the multifamily use was restricted to two (2) stories.

Jan Swafford stated, "We need sales tax. The police are buying their own ammunition." Patrick Boulden clarified that this was not quite true. Ms. Swafford stated that anything the Commission decided would determine the fate of Bixby.

Chair Thomas Holland recognized Jay Mauldin of 7341 E. 119<sup>th</sup> Pl. S. from the Sign-In Sheet. Mr. Mauldin stated that, in breaking with his custom, he would keep his comments brief. Mr. Mauldin stated that, in Development Area A, Use Unit 19 would be permitted. Mr. Mauldin read the list of uses under Use Unit 19 from the Bixby Zoning Code. Mr. Mauldin asked, "Is the intent a hotel? If not, remove that [Use Unit 19]." Mr. Mauldin stated that, in Development Area B, it was ambiguous. Mr. Mauldin stated that, years ago, multifamily was proposed for the same spot. Mr. Mauldin asked that the multifamily component be taken away. Mr. Mauldin stated that the PUD would allow architectural features to extend so many feet above the building, and asked the Commission to "please limit" this height. Mr. Mauldin stated that, in Development Area C, patio rental homes would be permitted, and it included multifamily. Mr. Mauldin stated, "My suggestion is to remove the multifamily and limit to two (2) story." Mr. Mauldin stated that, in Development Area D, there were visual aesthetics issues in regard to Seven Lakes. Mr. Mauldin stated that, in Development Area D, a hotel could be permitted. Mr. Mauldin asked if the hotel could be removed.

Patrick Boulden asked where it said a hotel would be permitted. Erik Enyart responded that, on page 8 of the PUD, Development Area D would allow all uses by right in CG, which included a Use Unit 19 hotel.

Jay Mauldin stated that [the Staff Report] stated that the "hotel" [Use Unit 19] recommendation did not hold for Development Area E. Mr. Mauldin stated that he begged to differ with the Staff Report on the point of separation. Mr. Mauldin stated that the homes on the south end of Fox Hollow were indeed close to this Development Area, and the undeveloped tract was not between them and the Development Area. Mr. Mauldin stated that, in Development Area F, "I would remove [Use Unit]

19 as well,” and expressed concern over the “specter of housing looking up at a hotel. This happened five (5) or six (6) years ago in PUD 40,” next to South Country Estates and Legacy Park. Mr. Mauldin stated, “This City cannot afford to let this happen again.” Mr. Mauldin stated, in Development Areas D, E, and F, he would remove [Use Unit] 19.

Patrick Boulden asked Jay Mauldin, “Are you mostly concerned with a hotel?” Mr. Mauldin responded, “Yes, hotel, motel.” Mr. Mauldin stated that there was too much ambiguity on too many areas on a tract of land that was too important on the City, a tract that was three-and-a-half times the size of *Regal Plaza*. Mr. Mauldin stated that, [at the time *Regal Plaza* was being built,] he asked himself if he wanted to buy a lot here [in Legacy Park] or Fox Hollow, and he chose Fox Hollow with more certainty at half the cost. Mr. Mauldin stated that, as for the 11 acres [referenced in the Staff Report], it separated [from Development Area E] the north and east ends of Fox Hollow, but not the [south end]. Mr. Mauldin stated that the City had minutes going back to the year 2000, but they were wiped off the City website last year. Mr. Mauldin stated that he had read them to prepare for this meeting.

Chair Thomas Holland stated that, when the PUD at 101<sup>st</sup> St. S. and Memorial Dr. was approved, it was the same situation where all the uses were not known. Mr. Holland stated that there had been amendments to that PUD since, but he saw the closeness of the situation with the current application. Mr. Holland stated that he was not comfortable with the PUD.

Rick Dodson stated that he was the developer and general manager of 121<sup>st</sup> & Memorial, LLC. Mr. Dodson stated that he built homes, and that, even at only 1 ½ story, a single family residential house would be 35’ tall. Mr. Dodson stated that they typically ranged from 34’ to 36’, and so were 35’ on average. Mr. Dodson stated that he would have the 58’ height reduced [in Development Area C]. Mr. Dodson stated that he had been listening, and it sounded like 90% of the discussion was regarding [Development Area] D. Mr. Dodson stated that he was requesting to rezone the 92 acres to CG, but each tract will be taken to the Planning Commission and City Council for approval, to show what would be built before permitting. Mr. Dodson stated that [he and his partners] would get with the representative from Seven Lakes and would satisfy whatever they need for Development Area D. Mr. Dodson stated, “We won’t take one step into [the City of Bixby’s Fry Creek right-of-way] property.” Mr. Dodson stated that he had been 35 years in the building industry, and “we build fine, high end quality homes—on the forefront of quality.” Mr. Dodson stated that he did not know exactly what was going into Development Areas E and F. Mr. Dodson stated that it was “tremendous” that there would be an assisted living facility here, and that it would be a benefit to the area.

Patrick Boulden clarified with Rick Dodson that he had built commercial projects before. Mr. Dodson stated that he helped build the [Tuscana on Yale] shopping center at [89<sup>th</sup> St. S.] and Yale Ave., which had a \$10 Million budget. Mr. Dodson stated that he understood the concern over quality, and that [Development Areas] E and F could be looking at the back of a big box store, and “I’ll be in your shoes.”

Patrick Boulden asked why there was a 40’ height restriction in Development Area D. Rick Dodson responded that he believed that was the height of the buildings [in Crosscreek] and looked to Erik Enyart for confirmation. Mr. Enyart stated that he did not know but that that sounded about right.

Mr. Dodson stated that he had no plans for open storage in [Development Area] D. Roy Johnsen conferred briefly with Mr. Dodson and then said, “We’ll go to 30’.”

Lance Whisman addressed Chair Thomas Holland and excused himself momentarily at 8:00 PM.

Lance Whisman returned to the dais at 8:03 PM, and it was recognized that quorum was regained.

Roy Johnsen stated that the application was in accordance with the [Comprehensive] Plan and CG was in accord with the Plan. Mr. Johnsen stated, “I could make the case for CG and just go with it, but it is important for the community to do a PUD.” Mr. Johnsen stated that, even though he could make the case, a good case for CG only, there is no height limitation in CG. Mr. Johnson asked Erik Enyart for confirmation. Mr. Enyart indicated agreement, but stated that the Zoning Code may limit to 70’ citywide. Mr. Johnsen stated that [he and his client] had held a neighborhood meeting. Mr. Johnsen asked why there was concern over a hotel. Mr. Johnsen stated, “We’re reluctant to say just take out Use Unit 19.” Mr. Johnsen stated that Development Area C would be limited to a “fourplex,” but this would still be recognized as a multifamily building. Mr. Johnsen stated, “Apartments are an essential part of city life,” and that they would be in the “middle part of the property well separated from the single family.” Mr. Johnsen stated that he had a meeting with Staff that morning, and had worked out stuff. Mr. Johnsen stated that his client said “he would work with the Seven Lakes representative, and he will.” Mr. Johnsen stated that it was most important to remember that there was a contract to sell to the life care/senior living [development group], and the clock was ticking. Mr. Johnsen stated that the City’s planner was extremely careful, and he would work out with him the [conditions] before this went to the City Council. Mr. Johnsen stated that his client would be required to plat and do a Detailed Site Plan. Mr. Johnsen stated that he would like to work with Erik before this went to the City Council. Mr. Johnsen reiterated that there was a deadline on the transaction [with the assisted living facility development group], which had 60 days to get the zoning done.

Chair Thomas Holland stated that he was also concerned about screening and traffic—school traffic, specifically.

Lance Whisman stated that he was in the neighborhood meeting with the developer, and one thing stuck out to him: all apartment developments have at least two (2) ways in and out. Mr. Whisman stated that this would have two (2) ways: Memorial Dr. and 121<sup>st</sup> St. S. Mr. Whisman stated that other examples, Lincoln on Memorial and Remington, located behind Weslock [at 81<sup>st</sup> St. S. & Memorial Dr.], Union High School, and the Tulsa Hills shopping center at Highway 75 and 71<sup>st</sup> St. S., all had two [major streets] to provide access. Mr. Whisman stated that, as it is, traffic is backed up on 121<sup>st</sup> St. S. halfway to Memorial Dr. due to school traffic, and that this development would add a bunch more traffic.

Larry Whiteley addressed Jay Mauldin and stated that the Commission could not change the Zoning Code rules. Mr. Whiteley asked if the Commission could pass this to the City Council without a recommendation.

Chair Thomas Holland stated that his concern was over the things Staff had recommended that were not in [the PUD]. Erik Enyart stated that most of those things were covered in the form of Staff

recommendations, but the Commission could also apply specific attention to any item of concern and could do so at this time. Mr. Enyart responded to Larry Whiteley's question and responded, "You [the Commission] have the responsibility to give a recommendation to the City Council."

Chair Thomas Holland expressed favor for Continuing the applications to the next meeting, or a Special Meeting between this time and the next Regular Meeting. It was suggested the meeting could be held on Tuesday, February 26, 2013. Erik Enyart stated that he recalled that John Benjamin would have a schedule conflict on Tuesdays, due to another meeting commitment. After further discussion between the Commissioners, Mr. Enyart, Roy Johnsen, and others concerned, Larry Whiteley made a MOTION to CONTINUE PUD 76 and BZ-364 to 6:00 PM in the Council Meeting room of City Hall, on Wednesday, February 27, 2013. Erik Enyart asked Patrick Boulden if this would be a Special Meeting. Mr. Boulden responded that it was the meeting itself being Continued to February 27, 2013. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, & Whisman  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 3:0:0

OLD BUSINESS:

Chair Thomas Holland asked if there was any Old Business to consider. Erik Enyart stated that he had none. No action taken.

NEW BUSINESS:

Chair Thomas Holland asked if there was any New Business to consider. Erik Enyart stated that he had none. No action taken.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 8:37 PM.

APPROVED BY:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

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