

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
April 15, 2013 6:00 PM**

In accordance with the Oklahoma Open Meeting Act, Title 25 O.S. Section 311, the agenda for this meeting was posted on the bulletin board in the lobby of City Hall, 116 W. Needles Ave., Bixby, Oklahoma on the date and time as posted thereon, a copy of which is on file and available for public inspection, which date and time was at least twenty-four (24) hours prior to the meeting, excluding Saturdays and Sundays and holidays legally declared by the state of Oklahoma.

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Acting/Vice-Chair Larry Whiteley called the meeting to order at 6:05 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the February 19, 2013 Regular Meeting
2. Approval of Minutes for the February 27, 2013 Special Meeting
3. Approval of Minutes for the March 18, 2013 Regular Meeting

Acting/Vice-Chair Larry Whiteley introduced Agenda Items numbered 1, 2, and 3. John Benjamin noted that he and Erik Enyart had discussed approving the Minutes despite the quorum issue. Mr. Enyart stated that there was no quorum present of those in attendance at those meetings, and that it is customary to Continue the Minutes' approval [until a quorum of those in attendance are present to vote on the Minutes]. Mr. Enyart stated that, in the past, however, commissions and boards had decided to approve Minutes of meetings they had not attended, if they had trust in Staff and their fellow members who were present that they were correct. Mr. Benjamin noted that there were a lot of Minutes' approvals held up due to the quorum issue.

Acting/Vice-Chair Larry Whiteley asked to entertain a Motion. Lance Whiteman made a MOTION to APPROVE Agenda Items numbered 1, 2, and 3, the Minutes of the three (3) meetings as presented by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

4. **BCPA-9 – JR Donelson for Helene V. Byrnes Foundation.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan of the City of Bixby, Oklahoma, specifically to remove the “Residential Area” specific land use designation.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

5. (Continued from March 18, 2013)
PUD 77 – “Byrnes Mini-Storage” – JR Donelson, Inc. Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 3.4 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

6. (Continued from March 18, 2013)
BZ-365 – William W. Wilson for Helene V. Byrnes Foundation. Public Hearing, discussion, and consideration of a rezoning request from AG Agricultural District to OL Office Low Intensity District for approximately 2.9 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial* and part of the NW/4 of Section 01, T17N, R13E.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

Acting/Vice-Chair Larry Whiteley introduced Agenda Items numbered 4, 5, and 6 and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart stated that, prior to the meeting, he had placed at the Commissioners’ seats copies of a letter from the Applicant requesting all three (3) applications be Continued to the May 02, 2013 Special Meeting. Mr. Enyart stated that he believed the request was to allow additional time for the Applicant to address the long list of recommended correction items and other design issues.

A Commissioner asked if these applications had not been Continued from the last meeting. Erik Enyart responded that BZ-365 and PUD 77 were Continued from the March 18, 2013 Regular Meeting to allow the Comprehensive Plan amendment request [BCPA-9] to “catch up.”

Acting/Vice-Chair Larry Whiteley asked to entertain a Motion. Lance Whisman made a MOTION to CONTINUE BCPA-9, PUD 77, and BZ-365 to the May 02, 2013 Special Meeting. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

Acting/Vice-Chair Larry Whiteley recognized several people in attendance and asked if they had any questions about these items. Several people from the neighborhood expressed concerns about historic drainage issues and the impact the development of the subject property may have on drainage as concerned their properties. Betsy McConahy of 12426 S. 86th E. Ave. stated that she did not have enough information to say anything about these applications at this time, and anticipated receiving more information first.

Discussion ensued.

Erik Enyart assured those attending that, if the development was approved, the City Engineer would make sure the development drained properly into the drainage channel to the northeast and away from the neighborhood, and the rate of drainage would not exceed the pre-developed conditions. Mr. Enyart stated that the building roofs would be slanted inward to the development. Some in attendance made certain claims about dirt being brought into the drainage area on this or other area properties, and that there was a “dike” along the north line of the subject property that had been removed, and that the subject property had been previously graded improperly. Lance Whisman expressed concern that, even if the site is developed to drain entirely into the development, that the project could still cause drainage issues by blocking water from adjoining properties if they normally drained across the undeveloped subject property. Mr. Enyart stated that he was aware of previous claims about grading changes in the area and Earth Change Permits, but that he had not seen this information first-hand and that the City Engineer was the one who could best speak to the issue. Mr. Enyart stated that he had not walked the subject property and had not discussed the drainage of the property with the City Engineer specifically. Mr. Enyart stated that he would ask the City Engineer for a ‘synopsis’ of the subject property’s drainage in preparation for the meeting May 02, 2013. Mr. Enyart told those in attendance that, if they had any particular concerns, they could contact him after the meeting or any time that week, and he would forward those concerns to the City Engineer.

PLATS

OTHER BUSINESS

7. **PUD 45 – Spicewood Neighborhood Center – Minor Amendment # 1.** Discussion and possible action to approve a Minor Amendment to PUD 45 to allow the maximum ground sign height to be increased from 20’ to 25’.

Property located: Part of the NE/4 NE/4 Section 25, T18N, R13E; Southwest corner of the intersection of 101st St. S. and Mingo Rd.

Acting/Vice-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: Monday, April 01, 2013
RE: Report and Recommendations for:
PUD 45 – “Spicewood Neighborhood Center” – Minor Amendment # 1

LOCATION: – Southwest corner of the intersection of 101st St. S. and Mingo Rd.
– Part of the NE/4 NE/4 Section 25, T18N, R13E

SIZE: 10 acres, more or less

ZONING: CS & OL with PUD 45

EXISTING USE: Use Unit 11 “Firstar Bank” under construction in Lot 1, Block 1, First National;
Vacant in the balance of subject property

REQUEST: Minor Amendment to PUD 45 to allow the maximum ground sign height to be
increased from 20’ to 25’

SURROUNDING ZONING AND LAND USE:

North: (across 101st St. S.) RS-3, CS, RM-0, & CS/PUD 364; Single-family residential homes and the City of Tulsa Robert J. Riggs Jr. Park in Cedar Ridge Park Phase I to the northwest, a Kum & Go gas station and the “Cedar Ridge Village” shopping center in Cedar Ridge Village to the north, single-family residential in Cedar Ridge Village to the northwest, and the Plaza del Sol shopping center in PUD 364 across Mingo Rd. to the northeast, all in the City of Tulsa.

South: RT/PUD 36; Single-family residential homes and lots in Spicewood Villas.

East: (across Mingo Rd.) R-2; Single family residential The Greens at Cedar Ridge in the City of Broken Arrow.

West: AG & RD/PUD 30; A tributary of the Fry Creek Ditch # 1 and single family residential townhouses in Spicewood Park.

COMPREHENSIVE PLAN: Medium/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES:

BZ-165 – Pittman-Poe & Associates, Inc. for Allen G. Oliphant – Request to rezone approximately 383 acres from AG to RS-3, RD, RM-2, & CS for a residential and commercial development for parts of the NW/4, NE/4, and SE/4 of this Section – Included subject property, which part was requested for CS zoning – PC recommended Approval of an amended request (including RS-2 instead of RS-3) 05/28/1985 and the City Council Approved the amended request 06/11/1985 (Ord. # 530).

PUD 11 – Edgewood Farm – Pittman-Poe & Associates, Inc. for Allen G. Oliphant – Request to approve PUD 11 for approximately 383 acres for a residential and commercial for parts of the NW/4, NE/4, and SE/4 of this Section – Included subject property – PC recommended Approval 05/28/1985 and the City Council Approved 06/11/1985 (Ord. # 531).

BZ-202 – W. Douglas Jones for Tercero Corporation – Request to rezone 382 acres, more or less, from RS-3, RD, RM-2, & CS to AG (includes subject property) – PC recommended Approval 10/19/1992 and City Council Approved 10/26/1992 (Ord. # 673).

PUD 11 Abandonment – W. Douglas Jones for Tercero Corporation – Request to abandon PUD 11 – PC recommended Approval 10/19/1992 and City Council Approved 10/26/1992 (Ord. # 674).

BZ-282 – Tanner Consulting, LLC – Request to rezone 10 acres, more or less, from AG to CS & OL for commercial and office use – Included subject property – PC recommended Approval 01/22/2002 and City Council Approved 02/11/2002 (Ord. # 847).

PUD 45 – Spicewood Neighborhood Center – Tanner Consulting, LLC – Request to approve a PUD for subject property of 10 acres, more or less – PC recommended Approval 09/22/2005 and City Council Approved 10/10/2005 (Ord. # 920).

BL-379 – Tanner Consulting, LLC – Request for Lot-Split approval for to separate the land being platted as First National from the balance of the original 10-acre tract – PC Approved 06/20/2011.

Preliminary & Final Plat of First National – Request for Preliminary Plat and Final Plat approval for First National part of subject property – PC Recommended Conditional Approval 06/20/2011 and City Council Conditionally Approved 06/27/2011 (Plat # 6416 recorded 03/16/2012).

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

The application was filed by Weldon Bowman, owner of W Design, LLC and architect for Firststar Bank, which owns Lot 1, Block 1, First National, located in a part of PUD 45, and in order to facilitate the bank's interest. This Minor Amendment will be applicable to all of PUD 45. In a March 19, 2013 conversation with Joe Westervelt of Maplevue Associates, Inc., representative of the owner of the balance of PUD 45, Mr. Westervelt expressed no objection to this proposal.

ANALYSIS:

Property Conditions. *The subject property contains a Use Unit 11 "Firststar Bank" under construction in Lot 1, Block 1, First National, and is otherwise vacant and zoned CS with PUD 45. The land appears to slope gently to the south and west and drains to a stormwater detention facility on City of Bixby-owned property immediately west of Spicewood Pond. This is part of the Oliphant drainage and detention system located between 101st St. S. and 111th St. S., which is itself an upstream part of Fry Creek Ditch # 1.*

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

The proposed land use element, an increase in the maximum sign height, does not appear to find favor in or be discouraged by the Comprehensive Plan.

General. *The Applicant is requesting a Minor Amendment to allow an increase in maximum sign height from 20' to 25'.*

The underlying zoning is CS and would permit up to 30' in sign height. As it is within an PUD, the PUD provisions of the Zoning Code restrict to 25' in sign height. It was the original PUD 45 itself which restricted the height further to 20'. Since the Zoning Code would allow a 25'-high sign by right, removal of the self-imposed 20' height restriction may be accommodated by Minor Amendment, as requested here.

Staff Recommendation. *Staff believes this PUD Minor Amendment is in order and recommends Approval.*

Lance Whisman stated that he thought it was considered desirable that sign heights be limited, and asked why the Applicant wanted the additional sign height. Erik Enyart deferred to the Applicant.

Applicant Brian Letzig of W Design, LLC, 1513 E. 15th St. S., Suite A, Tulsa, OK 74120, stated that the client wanted a taller sign because of the trees and sign visibility. If the sign were lower, the trees would have to be pulled back in order not to block the sign.

Larry Whiteley asked Brian Letzig, "Did you not realize you would get in this predicament?" Mr. Letzig stated that the height was also preferred by the client to prevent vandalism. Lance Whisman asked Erik Enyart how the site could be redesigned around the trees but with a lower sign height. Mr. Enyart stated that it was up to [the Applicant] to design their site. After further discussion, Mr. Letzig provided a drawing showing the proposed bank sign in profile, and clarified his comment regarding the sign height as a measure to prevent vandalism. Mr. Whisman asked about plans being changed after the Public viewed them [with the original PUD]. Mr. Enyart stated that he would try to answer the question asked. Mr. Enyart stated that, commonly, the developer will conceive a plan for a development site, but sometimes it takes years before the developer actually sells a lot for development. Mr. Enyart stated that this PUD was approved in 2005, and the developer did not sell the first piece of land until [2011]. Mr. Enyart stated that, when an actual development is proposed for a specific site, that is commonly when changes to the original PUD or plan are proposed, in order to make them "fit."

Acting/Vice-Chair Larry Whiteley asked to entertain a Motion. John Benjamin made a MOTION to APPROVE PUD 45 Minor Amendment # 1. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

8. **PUD 57 – Bixby Station – Minor Amendment # 1.** Discussion and possible action to approve a Minor Amendment to PUD 57 to increase to 90 the maximum number of lots permitted and to make changes to certain bulk and area standards.

Property located: Part of the SW/4 of Section 01, T17N, R13E; Southeast of the intersection of 126th St. S. and 85th E. Ave.

Acting/Vice-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: Monday, April 01, 2013
RE: Report and Recommendations for:
PUD 57 – “Bixby Station” – Minor Amendment # 1

LOCATION: – Southeast of the intersection of 126th St. S. and 85th E. Ave.
– Part of the SW/4 of Section 01, T17N, R13E
SIZE: 18.518 acres, more or less
ZONING: RS-4 Residential Single-Family District with PUD 57
EXISTING USE: Residential in Bixby Landing; Vacant in the pending “Bixby Landing Second”
REQUEST: Minor Amendment(s) to PUD 57

SURROUNDING ZONING AND LAND USE:

North: RS-1 and RS-2; Residential in Southern Memorial Acres No. 2
South: AG; Fry Ditch
East: AG; Fry Ditch
West: RS-4/PUD 57; Residential in Bixby Landing

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

PREVIOUS/RELATED CASES:

PUD 57 – Bixby Station – Bruce Wood – Request for RM-3 (multi-family) and CS (Commercial Shopping) zoning and PUD approval for subject property – PC Recommended Denial 07/16/2007.

PUD 57 – Bixby Station – Bruce Wood (Amended) – Request for RS-4 zoning and PUD approval for subject property – PC Recommended Approval 08/20/2007 and City Council Approved 09/24/2007 (Ord. # 979).

Preliminary Plat of Bixby Station – Bruce Wood – Request for Preliminary Plat approval for subject property – PC Recommended Conditional Approval 11/19/2007 and City Council Conditionally Approved 11/26/2007.

Final Plat of Bixby Landing – Bruce Wood – Request for Final Plat approval for Bixby Landing (previously known as “Bixby Station”) – PC Recommended Conditional Approval 06/16/2008 and City Council Conditionally Approved 06/23/2008 (recorded 02/18/2009).

BL-359 – JR Donelson for MPR Family, LLC – Request for Lot-Split approval to allow the “Bixby Landing” developers to acquire a small, triangularly-shaped portion of the northeast corner of the 18 acre-tract abutting to the west to make up the balance of the 50’ right-of-way for S. 85th E. Ave. – Approved by PC 08/18/2008.

BBOA-501 – Bruce Wood for Advent Development, LLC – Request for Special Exception per Zoning Code Sections 11-7B-2 Table 1 to allow a Use Unit 5 subdivision swimming pool and pool house and park facility on Reserve ‘A’ of Bixby Landing – BOA Approved 05/04/2009.

BBOA-502 – Bruce Wood for Advent Development, LLC – Request for (1) a Variance from the minimum number of parking spaces per Zoning Code Section 11-9-5.D., (2) a Variance from parking setback requirements of Zoning Code Section 11-10-3, (3) a Variance from the 7.5’ landscaped strip standard of Zoning Code Section 11-12-3.A.2, and (4) a Variance from certain other standards and restrictions of the Zoning Code pertaining to parking for Reserve ‘A’ in Bixby Landing – BOA Conditionally Approved 05/04/2009.

Final Plat of The Amended Plat of Bixby Landing – Request for Final Plat approval to amend the plat of Bixby Landing to incorporate Reserve ‘A’ as residential Lot 1, Block 5 – PC Recommended Approval 04/26/2010 and City Council Approved 05/10/2010 (not since recorded; approval expired 05/10/2011).

Final Plat of Bixby Landing Second – Request for “Bixby Landing Second” Final Plat approval for eastern approximately 12 acres of subject property – PC Recommended Conditional Approval 03/18/2013 and City Council Conditionally Approved 03/25/2013.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

The entire Bixby Landing residential subdivision development consists of 18.518 acres and 84 lots. The project was previously known as “Bixby Station” in the approved PUD 57, and when it was reviewed and approved as a Preliminary Plat. The Bixby Landing first phase contains 6.326 acres and 24 lots, and the Final Plat for same was recorded February 18, 2009.

In 2010, the City approved an amended plat of Bixby Landing, which proposed to convert Reserve ‘A,’ originally planned for a pool and poolhouse and park facility, to Block 5, Lot 1, to be used for another house. However, that plat was not since recorded, and the Final Plat approval expired 05/10/2011 (reference SRs Section 12-2-6.F).

The Subdivision Regulations do not have a time limitation for Preliminary Plat approvals, as there are with Final Plats. Therefore, the Preliminary Plat is still approved, and only the Final Plat is required to complete the development with Bixby Landing Second.

ANALYSIS:

Property Conditions. The subject property of 18.518 acres is zoned RS-4 with PUD 57. The land is relatively flat and appears to drain to the south and east to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. Bixby Landing is nearly or now completely built out with single family residential homes, and the easterly portion (for “Bixby Landing Second”) is presently vacant.

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 east and south.

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

The residential use anticipated by this plat would be consistent with the Comprehensive Plan.

General. This Minor Amendment will be applicable to all of PUD 57. During the review of the Final Plat of “Bixby Landing Second,” certain Zoning deficiencies were outlined and made Conditions of Approval. The Applicant is requesting a Minor Amendment to PUD 57 to address these deficiencies as follows:

1. Bixby Landing contains 24 lots, and “Bixby Landing Second” proposes 61 lots (85 lots total). Between the Preliminary Plat approval in 2007 and today, an extra lot was squeezed in around the cul-de-sac in Block 3. PUD 57 restricts the development to 84 lots. This PUD Minor Amendment proposes to relax the maximum lot number restriction, which may be allowable as a Minor Amendment as the 85 lots would be far less than the RS-4 district would otherwise allow.

The pertinent part of the amended text under section B Amended Standards is proposed to be as follows:

“DEVELOPMENT AREA A

MAX NUMBER OF LOTS

90”

2. “Bixby Landing Second” Lot 18, Block 7 is proposed to have 16.07’ of frontage. Zoning Code Section 11-8-4 requires a minimum of 30’. PUD 57 does not presently provide for less than 30’ of frontage. As a Condition of Approval of the Preliminary Plat of “Bixby Station” (Bixby Landing / “Bixby Landing Second”) in 2007, the development required (1) a PUD Minor Amendment or (2) an extension of the ‘eyebrow’ turnaround at the intersection of 126th Pl. S. and 88th E. Ave. to provide at

least 30' of frontage, as recommended by the then Planning Commission Chair, subject to the approval of the Fire Marshal.

3. As an alternative to the above, if the emergency-access-only road is to be constructed to 20' or 26' in width and would otherwise meet the requirements as a city street, it can be dedicated as the extension of S. 88th E. Ave. from "Bixby Landing Second" to Southern Memorial Acres No. 2. The frontage would have to be widened to 50', but this may allow for Lot 18, Block 7 to meet the frontage requirement (see previous item). The reconfiguration would remove the need to construct a "knuckle" / "eyebrow" turnaround, and may allow for the addition of one (1) lot, if requisite adjustments are made (and subject to an amendment to the PUD). The addition of a lot may compensate for the added expense of improving the fire access road to a City street. Further, the removal of Reserve 'C' would reduce the maintenance burden on the HOA, allowing for the reduced annual dues to be focused on the maintenance of the other two (2) Reserves in Bixby Landing. Finally, the HOA may someday ask the City to accept the roadway as a City street, which would then be problematic due to any difference between the requirements for a fire access road and a City street. The City Engineer, Fire Marshal, Fire Code Enforcement Official, and City Planner would support this change. However, per the Applicant on the date of this report, this option is not favored.
4. Lot 11, Block 3 has less than the 30' of frontage required per Zoning Code Section 11-8-4, which PUD 57 does not provide flexibility for. An adjustment to the lot lines to achieve 30' or a PUD Minor Amendment would be required. At the Planning Commission meeting held March 18, 2013, Applicant JR Donelson indicated that this may be resolved by adjusting the lots to achieve 30' of frontage. If this is not done, this PUD Minor Amendment would resolve the issue for this cul-de-sac frontage lot.

For the above three (3) numbered items, the pertinent part of the amended text under section B Amended Standards is proposed to be as follows:

"LOT WIDTH (min. ft.) 30 feet*

....

* The 30' minimum frontage requirement of Bixby Zoning Code Section 11-8-4 is relaxed within PUD 57, provided the lot complies with the minimum lot width requirement imposed herein, as measured at the building line."

Staff Recommendation. Staff believes this PUD Minor Amendment is in order and recommends Approval with the following corrections, modifications, and Conditions of Approval:

1. As of the date of this report, the Tulsa County Assessor's records reflect that the developer, RC Bixby Landing, LLC, owns a southerly, approximately 7-acre portion of the 12-acre subdivision (see Warranty Deed recorded 01/03/2013, Document # 2013001345), with the remainder owned by Patriot Bank of Broken Arrow. Please confirm developer now owns all, or has acquired the balance of subject property before recordation of Final Plat.
2. Please correct Section A Introduction as follows: "Thereafter, a portion was platted as Bixby Landing, an addition to the City of Bixby, Tulsa County, State of Oklahoma, on ~~June 16, 2008.~~ ~~The plat was filed of record on February 18, 2009.~~"

Erik Enyart stated that the underlying zoning would allow more lots than were proposed by this Minor Amendment. Mr. Enyart stated that the second thing the Minor Amendment would do was provide frontage flexibility. Mr. Enyart stated that the minimum frontage requirement was 30', and a "flag lot" at the northeast corner of the development would have just a little over 16' of frontage, and the Minor Amendment would allow this. Mr. Enyart stated that that lot would be larger than the others. Mr. Enyart stated that the "flag lot" was caused by a design issue: the required emergency-access-only drive to serve as the secondary ingress/egress for the subdivision. Mr. Enyart stated that this resulted in the "flag lot."

A Commissioner asked if the emergency drive was gated. Erik Enyart deferred to the Applicant.

Applicant JR Donelson stated that, per the Fire Marshal, the gate was being changed to a "Knox Switch" from a "Knox Box." Larry Whiteley asked if the drive would not be closed to regular

traffic, and Mr. Donelson confirmed, and stated that the [Knox system] would allow access only to the Fire Department and ambulance.

JR Donelson stated that Rausch Coleman regularly gains one (1) lot in a cul-de-sac due to their [house] designs.

Lance Whisman asked Erik Enyart why the Planning Commission and City Council approved a plat with 85 lots but this Minor Amendment would allow up to 90 lots. Mr. Enyart stated that he did not know where the 90-lot number came from and deferred to JR Donelson. Mr. Donelson and Mr. Whisman discussed the number of lots in the original PUD and Preliminary Plat and the 85 lots in the new Final Plat for "Bixby Landing Second." Mr. Donelson stated that he had written 90 lots because, "in the event something happened, we don't want to [have to] come back [here] again." Mr. Donelson stated that his client wanted to file the plat before the month was over. Mr. Donelson reiterated that Rausch Coleman designs their own houses, and they design them in such a way as to allow one (1) more lot around the cul-de-sac [street].

John Benjamin asked what prices the houses would sell for, and JR Donelson stated that he thought the sign [for the Bixby Landing development] said that they sell for prices starting in the \$130,000s to \$140,000s.

Acting/Vice-Chair Larry Whiteley asked to entertain a Motion. John Benjamin made a MOTION to APPROVE PUD 45 Minor Amendment # 1 with all of the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

Acting/Vice-Chair Larry Whiteley asked if there was any Old Business to consider. Erik Enyart stated that he had none. No action taken.

NEW BUSINESS:

Acting/Vice-Chair Larry Whiteley asked if there was any New Business to consider. Erik Enyart stated that there was none. No action taken.

ADJOURNMENT:

There being no further business, Acting/Vice-Chair Larry Whiteley declared the meeting Adjourned at 6:32 PM.

Erik Enyart asked City Attorney Patrick Boulden if it would be acceptable to re-convene the meeting, in order to approve changes to the Minutes of the [February 27, 2013 Special Meeting]. Mr. Boulden recognized that no one that was in the meeting prior to Adjournment had left the meeting room, and said this would be acceptable.

CONSENT AGENDA:

2. Approval of Minutes for the February 27, 2013 Special Meeting

Acting/Vice-Chair Larry Whiteley called the meeting back to order at 6:35 PM and re-introduced Agenda Item # 2.

Erik Enyart stated that, in the Minutes of the [February 27, 2013 Special Meeting], he had written certain quotes and [paraphrased] statements made by Jan Swafford, and Ms. Swafford asked for certain changes to be made. Mr. Enyart stated that, in response, he had suggested to Ms. Swafford that he simply reduce the section to a generalized statement about the nature of what she said. Mr. Enyart stated that the previous statements on page 12 of the Minutes were reduced to, "Ms. Swafford expressed concern over the land uses proposed." Mr. Enyart stated that Ms. Swafford indicated she agreed with this change.

Acting/Vice-Chair Larry Whiteley asked to entertain a Motion. John Benjamin made a MOTION to APPROVE Agenda Item Number 2, the Minutes of the February 27, 2013 Special Meeting with the change on page 12 as amended by Staff. Lance Whiteman SECONDED the Motion. Roll was called:

ROLL CALL:

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

There being no further business, Acting/Vice-Chair Larry Whiteley declared the meeting Adjourned at 6:35 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary