

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
April 18, 2012 6:00 PM**

***SPECIAL-CALLED MEETING***

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:**

Chair Thomas Holland called the meeting to order at 6:05 PM.

**ROLL CALL:**

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

**CONSENT AGENDA:**

Chair Thomas Holland clarified with Erik Enyart that there were no Minutes to approve on this agenda. Mr. Enyart explained this was because this was a Special Meeting and its timing. No action taken.

**PUBLIC HEARINGS**

1. **PUD 47-C – Woodcreek Office Park – Sack & Associates, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Major Amendment to part of Planned Unit Development (PUD) # 47 for Lot 1, Block 3, *Woodcreek Village Amended*, with underlying zoning CS Commercial.  
Property Located: 7500-block of E. 111<sup>th</sup> St. S.
-

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

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Friday, April 12, 2013  
**RE:** Report and Recommendations for:  
PUD # 47-C – Woodcreek Office Park – Sack & Associates, Inc.

---

**LOCATION:** – 7500-block of E. 111<sup>th</sup> St. S.  
– Lot 1, Block 3, Woodcreek Village Amended  
**SIZE:** 1.1694 acres, more or less  
**EXISTING ZONING:** CS Commercial Shopping Center District and PUD 47A  
**EXISTING USE:** Vacant  
**REQUEST:** Major Amendment (# C) to PUD 47A for office development  
**SURROUNDING ZONING AND LAND USE:**

**North:** (Across 111<sup>th</sup> St. S.) OL, RD, PUD 707, RS-3 & PUD 578A; Ravens Crossing residential subdivision, the The Office Suites of Ravenwood office park development, and the Wal-Mart Supercenter in the City of Tulsa.

**South:** RT/PUD 47A; Residential n Woodcreek Village Amended.

**East:** CS; Lowe's in Bixby Commons.

**West:** (Across 75<sup>th</sup> E. Ave.) RS-3; Residential in WoodCreek.

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

**PREVIOUS/RELATED CASES:** (not necessarily a complete list; does not include City of Tulsa cases)

**BZ-304 – Brumble Dodson Construction, LLC** – Request for rezoning for approximately 65 acres from AG to RS-3, RT, & CS (subject property included in that part requested for CS) – PC Recommended Approval 06/21/2004 and City Council Approved 07/12/2004 (Ord. # 891).

**PUD 47 – Woodcreek Village – Sack & Associates, Inc.** – Request for PUD approval for all of Woodcreek Village Amended, including subject property – PC Recommended Approval 11/21/2005 and City Council Approved 12/12/2005 (Ord. # 928).

**Preliminary Plat of Woodcreek Village – Sack & Associates, Inc.** – Request for Preliminary Plat approval for “Woodcreek Village” (now all of Woodcreek Village Amended), including subject property – PC Recommended Approval 12/19/2005 and City Council Approved 01/09/2006.

**Final Plat of Woodcreek Village – Sack & Associates, Inc.** – Request for Final Plat approval for “Woodcreek Village” (now all of Woodcreek Village Amended), including subject property – PC Recommended Approval 07/17/2006 and City Council Approved 07/24/2006 (Plat # 6084 recorded February 13, 2007; later replatted as Woodcreek Village Amended).

**PUD 47A – Amendment to PUD 47 – Sack & Associates, Inc.** – Request for Amendment to PUD 47 to allow commercial use in the commercially-zoned 111<sup>th</sup> St. S. frontage area (subject property) – PC Approved 05/21/2007 and City Council Approved 05/29/2007.

**Preliminary Plat Woodcreek Village Amended – Sack & Associates, Inc.** – Application for Preliminary Plat of Woodcreek Village Amended (including subject property) submitted on or about April 19, 2007 – No record of PC review of this application. Final Plat approved also as a Preliminary Plat (as required) by PC 10/15/2007 and by City Council 10/22/2007.

**Final Plat Woodcreek Village Amended – Sack & Associates, Inc.** – Request for Final Plat approval for Woodcreek Village Amended (including subject property) – Approved by PC 10/15/2007 and by City Council 10/22/2007. A Modification/Waiver from street standards was also approved.

**PUD 47-B – Woodcreek Office Park – Sack & Associates, Inc.** – Request for Major Amendment to PUD 47-A for subject property – PC Continued from 12/15/2008 meeting to 01/20/2009 meeting to allow the Applicant to attend the meeting and represent the case. PC Tabled 01/20/2009 (Applicant did not attend either of PC meeting or other meeting schedule with Staff earlier that day 01/20/2009).

**Preliminary Plat of Woodcreek Office Park – Sack & Associates, Inc.** – Request for Preliminary Plat approval for subject property – PC Continued from 12/15/2008 meeting to 01/20/2009 meeting to allow the Applicant to attend the meeting and represent the case. PC Tabled 01/20/2009 (Applicant did not attend either of PC meeting or other meeting scheduled with Staff earlier that day

01/20/2009). New application filed for April, 2013 Planning Commission meeting and is pending PC consideration 04/18/2013.

Modification/Waiver in Woodcreek Village Amended – Danny Brumble of Brumble Construction Co.  
– Request for Modification/Wavier from the sidewalk construction requirement along E. 112<sup>th</sup> Pl. S. in (Subdivision Regulations Section 12-3-2.N) – City Council Approved 09/26/2011.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

Amendment # B “Woodcreek Office Park” to PUD 47-A, and the Preliminary Plat of “Woodcreek Office Park” were both proposed in late 2008. Due to a large number of outstanding issues identified by Staff and the lack of representation at the December 20, 2008 Planning Commission (PC) meeting and two (2) January 20, 2009 meetings (one with Staff and the PC Regular Meeting that evening), the Planning Commission Tabled both items indefinitely. Since then, the “Great Recession” technically ended in mid-2009 and development locally bottomed out and now appears to be in recovery.

The owner has made new applications for PUD Major Amendment and Preliminary Plat approval. The overall concept appears to have changed significantly as compared to that proposed in 2008. The initial concept was to have a north-south drive connecting 111<sup>th</sup> St. S. to 75<sup>th</sup> E. Ave., with most buildings oriented to face west onto the drive. The new concept proposes five (5) of the eight (8) buildings to face north toward 111<sup>th</sup> St. S., with three (3) behind, and the internal access drive located along the east line of the development.

To account for PUD 47-B, this application has been designated Amendment # C.

A letter from a neighboring property owner to the north in Tulsa submitted a letter in relation to this application, attached to this report.

ANALYSIS:

Subject Property Conditions. The vacant subject property contains 1.1694 acres and is zoned CS with PUD 47-A. It is moderately sloped and primarily drains to the southwest toward the stormwater detention pond in WoodCreek, in the watershed of an upstream tributary of Fry Creek # 2. It is bordered on the north by 111<sup>th</sup> St. S., on the west by the private 75<sup>th</sup> E. Ave. with residential in WoodCreek beyond that, on the south by residential in Woodcreek Village Amended, and on the east by Lowe’s in Bixby Commons.

The Comprehensive Plan. The Comprehensive Plan designates the subject property Corridor + Vacant, Agricultural, Rural Residences, and Open Land (the latter not being interpreted as permanently-planned land use). The current CS zoning is in accordance with the Comprehensive Plan. The office park development anticipated by this PUD would be in accordance with the Comprehensive Plan.

Surrounding Zoning and Land Use. Surrounding zoning is primarily CS, RT/PUD 47, RS-3, and a mixture of OL, RD, and RS-3 in Tulsa PUDs 578A and PUD 707 to the north across 111<sup>th</sup> St. S. in the City of Tulsa.

To the northwest the land use is residential in the Ravens Crossing subdivision, due north is the The Office Suites of Ravenwood office park development, and to the northeast is the Wal-Mart Supercenter in the City of Tulsa. Lowe’s is to the east in Bixby Commons, vacant residential lots are to the south in Woodcreek Village Amended, and residential homes are to the west in WoodCreek.

Surrounding Zoning and land use patterns would support the office park development contemplated by this PUD and the existing underlying CS zoning.

Access. Primary access to the subdivision would be via one (1) proposed entrance drive on 111<sup>th</sup> St. S., with a secondary access point on S. 75<sup>th</sup> E. Ave., an existing private street providing access to the residential lots in Woodcreek Village Amended. A parking lot constructed wholly on proposed Lot 8 would have its own driveway connection to S. 75<sup>th</sup> E. Ave.

Internal Mutual Access Easement drives are proposed to provide inter-lot access between the lots in the development and between 111<sup>th</sup> St. S. and 75<sup>th</sup> E. Ave.

Sidewalks are not shown along 111<sup>th</sup> St. S. or S. 75<sup>th</sup> E. Ave., but are required by the Subdivision Regulations. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

Because the right-of-way for S. 75<sup>th</sup> E. Ave., at approximately 30’ in width, is too narrow to contain a sidewalk (a 26’ roadway leaves only 2’ on either side), it appears is will be necessary to add a “sidewalk easement” along the northeast side of S. 75<sup>th</sup> E. Ave., along with appropriate language in the Deed of Dedication/Restrictive Covenants specifying that the lot owners collectively, or the affected lot owner only, are responsible for their maintenance. Alternatively, an additional width should be added to the 30’ current right-of-way width on the subject property side to accommodate the sidewalk.

*By the approval of this PUD and plat, the former Limits of No Access (LNA) along the entire 111<sup>th</sup> St. S. frontage of the subject property will be amended to allow a 40'-wide Access Opening toward the east end of the frontage, which is subject to the approval of the City Engineer and County Engineer.*

*General. The Applicant is requesting a Major Amendment to an approved PUD, to change the subject property from a single commercial lot to a small multiple-lot office park development.*

*Per the Preliminary Plat, there is no "typical lot," but the modal lot would measure approximately 38' X 119' and so would contain 4,522 square feet (0.1 acres). Proposed buildings would contain approximately (28' X 50' =) 1,400 square feet (0.31 FAR), based on a scaling of the Exhibit A "Conceptual Illustration" site plan and 5' internal lot line setbacks required by this PUD.*

*75<sup>th</sup> E. Ave. has a sharp bend from northwest to southeast, as it approaches the gated entrance to the residential part of Woodcreek Village Amended. Parking spaces are proposed to be within 10' or so of the roadway surface. Commercial/nonresidential parking areas should be screened from view of residential streets, so screening here is in order. However, due to the sharp curve and the tendency for motorists to 'cut corners,' especially on sharp curves, to mitigate future traffic accident hazards, landscaping should not impede the view of motorists coming from north to south and from south to north. One possible solution would be to depress the west end of the parking lot along the west side of Lot 8, along with height-limited berms and/or landscaping combinations. Depressing the west end of the parking lot would likely require the installation of a stormsewer drain, which this parking lot presently does not propose. A 3D visualization model was recommended to the developer's engineer when this project was discussed in the summer of 2008, and has been recommended again as of April 04, 2013, to show how the view from the motorists perspectives will be preserved while screening commercial/nonresidential parking areas as needed.*

*If the buildings were connected, resembling townhouses, the 10' or so of wasted space between individual buildings would be avoided, and additional space could be reclaimed for parking or meaningful landscaped areas. Further, the units would likely be more energy efficient if connected. Alternatively, Staff believes that the buildings could be moved closer to 111<sup>th</sup> St. S. with parking between the two (2) rows of buildings, the buildings could be consolidated and/or more of them could go to two (2) stories, parking areas could be consolidated and interspersed with landscaping islands, and additional meaningful landscaped areas could be provided along the perimeters, all without compromising building floor areas or parking space numbers or the general layout of utilities. Staff has raised questions to the developer over the design proposing to construct a commercial parking lot constructed off the side of the residential street, a 12-space commercial parking lot strip within about 10' of the side of residential Lot 2, Block 3, and a large parking lot within clear view of the house on Lot 1, Block 1.*

*As measures of site design flexibility, Staff suggested the reduction in the number of parking spaces can be reduced through the PUD, if this is desired by the developer, and reducing the 17.5' Utility Easement along the east side to 11' in width, recognizing the 50' Utility Easement abutting to the east.*

*Most of these recommendations were given to the developer's engineer when the project was proposed in 2008, and some new recommendations based on the redesign were provided to the developer by email on April 04, 2013. Staff prepared a new conceptual sketch showing a singular parking lot between the two (2) rows of buildings, and provided same to the developer and developer's engineer by email on April 04, 2013.*

*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*

*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 this application if it adequately provides for line-of-sight/traffic visibility, distribution of private maintenance responsibilities, and land use buffering and compatibility needs. 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.

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 47-C at its regular meeting held April 03, 2013. Minutes of that meeting are attached to this report.

Distribution of Private Maintenance Responsibilities. (Reference Preliminary Plat DoD/RCs Section III.B/C) A previous version of the plat stated each record owner of a lot within ‘Woodcreek Office Park’ shall be subject to assessment by the Owners Association for the purposes of improvement and maintenance of the stormwater detention facilities and other common areas of the subdivision. This did not specify which detention facilities it is referring to, and in which subdivision(s) such facilit(ies) are located. Referring to Reserve areas within platted subdivisions is the accepted method for legally describing a specific tax parcel containing the stormwater detention facilit(ies) mentioned. Other provisions of the DoD/RCs made the Owners Association responsible for maintenance of the Reserve A private streets, Reserve B, and other common features (Fence Easement, etc.). The new plat, however, does not include language referring to maintenance of any stormwater detention facility or other common features.

Unless otherwise directed by the City Engineer and/or City Attorney, the PUD and the DoD/RCs of the plat must adequately spell out the private maintenance responsibilities of residential and commercial lot owners in Woodcreek Village Amended for the private streets and stormwater detention pond(s) in WoodCreek, and the responsibilities of the commercial lot owners for the screening fence to be located in the “Fence Easement,” sidewalks (if allowed within a ‘sidewalk easement), and any common parking, signage, entrance features, and/or landscaping.

Unless otherwise provided for in the PUD, all signs must be located on the lot or lots on which the business being advertised is located, per Zoning Code Section 11-9-21.F. Will an easement be employed for maintenance of common parking, signage, entrance features, and/or landscaping enjoyed by all the lot owners in the subdivision?

Unless otherwise directed by the City Engineer and/or City Attorney, the DoD/RC provisions should specifically designate a percentage/formula for proportional maintenance responsibilities for each lot, based on its relative size and/or other appropriate factors. Use of clear and immutable formula language on the face of the plat, versus buried in the DoD/RCs (which may be fairly easily amended and without City approval, per the City Attorney) is recommended.

The PUD and Preliminary Plat need to specify if the future owners of the individual office lots will split the singular Owners Association membership (and thus singular vote) eight (8) ways or if each of the eight (8) lot owners will severally be members of the Owners Association. Regardless of how this is done, the PUD and DoD/RCs need to specify the respective responsibilities of the owners of the commercial lot(s) and the residential lots.

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 generally. Therefore,

Staff recommends Approval, subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to the satisfaction of all outstanding Fire Marshal and City Engineer recommendations.
2. The developer should respond to the traffic visibility and other issues related to the sharp bend in 75<sup>th</sup> E. Ave. described above. By email on 04/10/2013, the Applicant stated,

*“In regards to the traffic visibility and the bend in 75<sup>th</sup> Street, we believe that there is adequate distance for a driver to see as indicated on the attached sketch. We are proposing to change the setback to 20’ as part of this Major Amendment. This road has a very low traffic flow and the gate and curve natural slow the traffic down. The remainder of Woodcreek Village Amended front building setback is also 20’. Therefore, we request that the building setback part of the amendment stay intact.”*

*The Applicant also provided a sight-line exhibit, but it does not correspond to a northbound lane perspective. The Staff’s recommendations have not changed.*

3. The developer should respond to the matter of the distribution of private maintenance responsibilities of residential and commercial lot owners in Woodcreek Village Amended as described above.
4. Title Page: Please specify that it is a “PUD Major Amendment.”
5. Development Concept on page 1: Please cite the scope of this Major Amendment by adding appropriate language to the development concept, following the second paragraph, such as “This application is for approval of a Major Amendment to PUD 47A, to be known and designated on the official Zoning Map as “PUD 47-C,” and concerns Lot 1, Block 2 of Woodcreek Village Amended, in accordance with Bixby Zoning Code Section 11-71-8.G. For all other areas within PUD 47A, no changes are made by this amendment.”
6. Development Standards Section II, Permitted Uses – Consider removing final sentence, “Any permitted use must provide required parking spaces based on square footage of the building containing that use.” Parking is covered in other parts of the PUD. This language could cause conflict if the minimum number of required parking spaces per lot (4 and a fraction, as previously calculated), are not actually located on the lot with the building, and if the overall number of parking spaces is reduced, all as per other recommendations in this report.
7. Development Standards Section II of the text, Minimum Lot Frontage – correct to 75<sup>th</sup> E. Ave.
8. Development Standards Section II of the text, Off-Street Parking – Staff recommends the PUD and DoD/RCs of the plat include a Mutual Parking Privileges covenant, so that all lots may allow their excess spaces to be used by patrons of other lots, which is common in developments such as this, especially when developed as a unit by a singular developer. Here is a previously-approved example (PUD 56):

*“Parking spaces. Parking space requirements established by the City of Bixby Zoning Code for buildings on lots in the Development Areas and which shall be applicable at the time of issuance of a building occupancy permit may be met by excess parking spaces available in other lots in PUD [47-C]. For purposes of this provision, the term “excess parking spaces” shall mean the total number of parking spaces provided in PUD [47-C] as developed, less the number of parking spaces required for all buildings for which occupancy permits previously have been issued. Provided, it is understood that mutual parking privileges shall be granted by restrictive covenants in the Deed of Dedication recorded in the office of the Tulsa County Clerk.”*

9. Development Standards Section II of the text, Off-Street Parking – Some of the shown parking spaces are divided by lot lines. As plats allow for buildings and lots to be sold separately, to avoid future ownership disputes which can be avoided by proper planning, Staff would recommend that all parking spaces be maintained commonly by all of the lot owners within the development, utilizing appropriate language in the PUD and DoD/RCs of the plat.
10. Development Standards Section II, Minimum Building Setbacks – 11’ setback “From the Internal Rear Lot Lines” – This is problematic as the rear lot lines of Lots 6, 7, and 8 are their easterly lot lines, per the definitions in the Zoning Code. Staff does not see why a “Rear Lot Line” setback would be useful in this development. It may also cause landscape plan difficulties.

11. *Development Standards Section II, Minimum Building Setbacks – 5’ setback “From Internal Side Lot Lines” – A singular owner of two (2) or more lots may want to construct a singular building over the common lot lines. Staff suggests the developer consider returning this to 0’.*
12. *Development Standards Section II, Minimum Building Setbacks – 20’ setback “From South 76th East Avenue (Private Mutual Access Easement)” – Please correct to “From South 75th East Avenue (Private ~~Mutual Access Easement~~).”*
13. *Development Standards Section II, Minimum Building Setbacks – 20’ setback “From South [75th] East Avenue [(Private)]” – Should be 25’ as per the plat of Woodcreek Village Amended, and not 20’. With line-of-sight issues as presented by the sharp curve in 75th E. Ave., reducing to 20’ by this development, on Lot 1 at least, is not advisable.*
14. *Development Standards Section II, Minimum Building Setbacks – 10’ setback “From an Abutting R District Boundary” – This would apply to the south line of the subject property, which appears to abut an RT district. Staff suggests a minimum of 20’, as would be found in the rear yard of a residential structure.*
15. *Development Standards Section II, Signage – Unless it specifically provides otherwise here, all signs must be located on the lot or lots on which the business being advertised is located, per Zoning Code Section 11-9-21.F. Current language does not clearly permit this.*
16. *Development Standards Section II, Lighting – There is very little information on proposed lighting – are there existing street lights? Are they adequate? How will they affect the location of outdoor lighting on individual sites, and will there be coordination? Is the 25’ height standard appropriate for this setting, or would 15’ or 20’ be more appropriate?*
17. *Development Standards Section III, Landscaping and Screening Concept – Details on landscaping and screening as per Zoning Code Section 11-7G-8.B.1.e. (conceptual landscape and screening plans in addition to describing more fully the landscaping in the text) are sparse. Will trash receptacles locations be coordinated, or shared? What standards will be applied for screening dumpster areas? If parking lots will be allowed in front of the buildings, how will they be screened? Consider grade elevation changes for partial parking area screening as has been done for the Walgreens at 111th St. S. and Memorial Dr.*

*What does the screening fence to the south look like? What is the existing screening fence on the east line (between subject property and Lowe’s), in terms of height and composition? No details are provided on Exhibit B. A profile view / elevations is customarily used to depict screening appearance.*

*Zoning Code Section 11-7I-6 gives the Planning Commission authority and discretion to require adequate perimeter treatments, including screening, landscaping, and setbacks. The developer should specify what they propose to do in this regard for this Planned Unit Development. Will landscaping and streetscaping be coordinated? Will a theme or consistent pattern be planned, or will each lot planned independently?*

18. *Development Standards Section III, Landscaping and Screening Concept – Please specify that the overall development or each individual lot will maintain at least 15% of lot area as landscaped space, per Zoning Code requirements for office developments.*
19. *Development Standards Section V, Traffic and Transportation – Needs to have wording to acknowledge that sidewalks will be provided such as follows, “Sidewalks shall be constructed by the developer along the entire frontage of every lot along 111th St. S. and S. 75th E. Ave. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer.”*

*Because the right-of-way for S. 75th E. Ave., at approximately 30’ in width, is too narrow to contain a sidewalk (a 26’ roadway leaves only 2’ on either side), it appears is will be necessary to add a “sidewalk easement” along the east side of S. 75th E. Ave., along with appropriate language in the Deed of Dedication/Restrictive Covenants specifying that the lot owners collectively, or the affected lots owner individually, are responsible for their maintenance. Alternatively, the plat may dedicate additional width to the 30’ current right-of-way width on the subject property side to accommodate the sidewalk.*

20. *Development Standards Section V, Traffic and Transportation – includes language describing parking, which would logically belong under a “Parking” or similarly-titled section. Language states “Since the parking spaces are for the common use of all buildings,” but this arrangement does not appear to be provided for elsewhere in the PUD. Reference mutual parking privileges and other parking-related recommendations in this report.*
21. *Development Standards Section V, Traffic and Transportation – please describe changes in LNA and Access Openings from as currently platted with Woodcreek Village Amended and as proposed with this development.*
22. *Development Standards Section VII, Site Plan Review – Staff recommends specifying that the developer must submit an overall Detailed Site Plan, or each individual lot must be approved for a Detailed Site Plan in accordance with the standards provided in this PUD prior to issuing a building permit for that lot.*
23. *Exhibits: Building sizes and setbacks need to be dimensioned on the site plans, so that math, scaling the site plan, and/or “guesstimation” are not required for zoning, Fire Marshal, and City Engineer review. Site plan can be qualified as “conceptual only” as needed.*
24. *Exhibits need to represent all abutting public and private street widths and street centerlines, and dimension Mutual Access Easements. MAEs need to qualified as “proposed by plat” or as otherwise appropriate.*
25. *Exhibits need to be corrected to reflect that there is a 25’ (not 20’) setback from 75<sup>th</sup> E. Ave. per the plat of Woodcreek Village Amended.*
26. *Exhibits need to point to the project’s location in the Location Map.*
27. *Exhibits need their Location Maps to accurately represent the following subdivisions:*
  - a. *Resubdivision of Lots 3 and 4 of Bixby Commons (missing)*
  - b. *The Links at Bixby (misrepresented as to configuration)*
  - c. *The Estates of Graystone (mislabeled)*
  - d. *Amended Plat of Block 7, North Heights Addition (mislabeled)*
28. *Exhibits need to be corrected to reflect at least one (1) ADA accessible parking space on Lot 8.*
29. *Exhibits: ADA requires handicapped-accessible parking spaces at a 1:25 ratio. There are three (3) parking lot areas, but some parking areas are divided onto multiple lots. Consult with the Building Inspector to confirm the number and location of ADA parking spaces complies with ADA standards. ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces. Please indicate which spaces will be of van-accessible design in compliance with ADA standards and please provide a detail diagram demonstrating compliance with applicable standards, including both ADA and Bixby Zoning Code standards (see striping standards of Figure 3 in Section 11-10-4.C). The designer should consult with the Building Inspector to confirm the plans will comply with ADA standards.*
30. *Exhibit B Landscape Concept: Add to Required Landscape Summary something general speaking to the minimum required landscaping tree requirement such as, “1 Tree per 1,000 square feet of Street Yard area and 1 Tree per 1,000 square feet of Zoning Setback area.”*
31. *A corrected PUD text and exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD (2 hard copies and 1 PDF).*

Erik Enyart explained that the most significant item in the PUD was the design around the 75<sup>th</sup> E. Ave. frontage, which street had a sharp curve, because of the tendency of motorists to cut corners, especially when the curve is sharp. Mr. Enyart noted that, prior to the meeting, the Applicant had submitted a revised PUD, which revision restored the original 25’ Building Line setback and made certain modifications to the parking lot off of 75<sup>th</sup> E. Ave. to improve sight visibility, which was a welcome change.

Erik Enyart stated that he had received a response letter and a revised PUD package plan but had not had the chance to review it line-by-line to the recommended correction items or compare it to the previous submittal (copies of the response letter and the revised PUD package were placed in front of the Commissioners’ seats prior to the meeting). Mr. Enyart stated that he did review them

briefly and it appeared that the Applicant had made the design changes recommended and had made all or almost all of the recommended corrections.

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicants Ted Sack and Mark Capron of Sack & Associates, Inc., 3530 E. 31<sup>st</sup> St. S., Tulsa, were present. Mr. Capron stated that the developer agreed to make the design change, which spoke to the major concern from Staff. Mr. Capron stated that this change caused the need to shift the buildings, and adjust the west parking lot, which now had less square footage. Mr. Capron stated that the developer agreed to put in the sidewalks, so those were added. Mr. Capron stated that, for the lighting and landscaping, his client would make it a requirement that a Detailed Site Plan be approved, which will include Detailed Lighting and Detailed Landscaping Plans. Mr. Capron stated that different design professionals would be available at that time. Mr. Capron stated that the Detailed Site Plan would be required for the overall development before the first building was constructed.

Chair Thomas Holland expressed concern over one of the review items: the lack of a lighting plan. Erik Enyart stated that, in their response, the Applicant proposed to make the lighting plan a required element of the PUD Detailed Site Plan. Mr. Enyart stated that the details will depend on the buildings actually proposed. Mark Capron stated that there was no light designer to work on the project yet.

Chair Thomas Holland confirmed with Mark Capron that there would be sidewalks constructed. Mr. Holland referred to the Staff Report and expressed concern that the Planning Commission could make it a requirement but the City Council could waive that requirement. Erik Enyart stated that this comment likely originated from the case history he wrote in the Staff Report. Mr. Enyart stated that that case was in the residential section of Woodcreek Village Amended, and was a builder-driven issue with extenuating circumstances: there was a gate on the street between WoodCreek and Woodcreek Village Amended, among other differences. Mr. Enyart reiterated that that was a builder-driven issue. Mr. Holland expressed concern that the sidewalk requirement would be waived. Mr. Enyart stated, “They’re putting it in the PUD that they will do sidewalks. If it is in the PUD, that [adds] one (1) more step that makes it more difficult [to waive the sidewalk requirement].”

Lance Whisman clarified with Erik Enyart that the development would have three (3) connections to adjoining streets: two (2) connections to 75<sup>th</sup> E. Ave. and one (1) to 111<sup>th</sup> St. S.

Mark Capron stated that there would be a 20’ setback along the south side of the development.

Chair Thomas Holland asked about the required setback from the east side shared with *Lowe’s*, and Mr. Enyart stated that a setback was not required by the underlying zoning.

John Benjamin asked how the surfacewater drainage would be handled. Mark Capron stated that it would be handled by the public stormsewer system in Woodcreek Village [Amended].

Lance Whisman expressed concern that the two (2) story buildings in the southerly tier may have neon or other such signage that may be visible from the homes to the south. Erik Enyart stated that

there was a PUD in Bixby at 123<sup>rd</sup> St. S. and Memorial Dr. that originally restricted lighted signage as faced the rear of the development, which abutted housing. Mr. Enyart stated that the Commission could ask the Applicant to put in the PUD restrictions on lighted signage as faces south.

Ted Sack conferred with Mark Capron. Mr. Capron noted that there was a “good 75’ from the masonry fence [to the buildings],” and there was a 10’ landscaped buffer [along the south line of the development]. Mr. Capron described the proposed landscaping within the 10’ landscaped buffer. Erik Enyart asked Mark Capron if there was not some standard language that he was familiar with that said that the trees must reach a certain height in a certain amount of time. Mr. Capron responded negatively, but stated that the language could state the trees must be “evergreen.”

Ted Sack noted that [this office park development] would be a much better use than what the zoning would allow. Mark Capron asked Erik Enyart what the underlying zoning would allow. Mr. Enyart responded that the CS zoning would allow retail and fast food uses.

Mark Capron stated that he could be more specific in the language describing the landscaped buffer and specify that the trees would be evergreen, and the size. Mr. Capron suggested the trees should be 8’ to 10’ at the time of planting. Chair Thomas Holland asked Erik Enyart for a response on this proposal, and Mr. Enyart stated that it “would be an improvement.”

Lance Whisman asked Erik Enyart if the Applicant had not adjusted the sight line issue. Mr. Enyart confirmed and stated that the PUD would adhere to the original 25’ Building Line, and the Applicant had adjusted the parking lot in consideration of that [sight line] concern.

Chair Thomas Holland asked if there was any more discussion. There being none, Chair Thomas Holland asked to entertain a Motion. Upon clarification of the Motion and Second among the Planning Commissioners and Erik Enyart, John Benjamin made a MOTION to Recommend APPROVAL of Major Amendment # C to PUD 47-A subject to all the corrections, modifications, and Conditions of Approval as recommended by Staff, as may yet need to be made, and incorporating all the amendments made at this meeting. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

- 2. Preliminary Plat of “Woodcreek Office Park” – Sack & Associates, Inc. (PUD 47).**  
Discussion and consideration of a Preliminary Plat, being a replat of Lot 1, Block 3, *Woodcreek Village Amended*.  
Property Located: 7500-block of E. 111<sup>th</sup> St. S.
-

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

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Friday, April 12, 2013  
**RE:** Report and Recommendations for:  
Preliminary Plat of "Woodcreek Office Park" – Sack & Associates, Inc. (PUD 47)

---

**LOCATION:** – 7500-block of E. 111<sup>th</sup> St. S.  
– Lot 1, Block 3, Woodcreek Village Amended  
**SIZE:** 1.1694 acres, more or less  
**EXISTING ZONING:** CS Commercial Shopping Center District and PUD 47A  
**REQUEST:** Preliminary Plat approval for an office park subdivision development  
**SURROUNDING ZONING AND LAND USE:**

**North:** (Across 111<sup>th</sup> St. S.) OL, RD, PUD 707, RS-3 & PUD 578A; Ravens Crossing residential subdivision, the The Office Suites of Ravenwood office park development, and the Wal-Mart Supercenter in the City of Tulsa.

**South:** RT/PUD 47A; Residential n Woodcreek Village Amended.

**East:** CS; Lowe's in Bixby Commons.

**West:** (Across 75<sup>th</sup> E. Ave.) RS-3; Residential in WoodCreek.

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

**PREVIOUS/RELATED CASES:** (not necessarily a complete list; does not include City of Tulsa cases)

**BZ-304 – Brumble Dodson Construction, LLC** – Request for rezoning for approximately 65 acres from AG to RS-3, RT, & CS (subject property included in that part requested for CS) – PC Recommended Approval 06/21/2004 and City Council Approved 07/12/2004 (Ord. # 891).

**PUD 47 – Woodcreek Village – Sack & Associates, Inc.** – Request for PUD approval for all of Woodcreek Village Amended, including subject property – PC Recommended Approval 11/21/2005 and City Council Approved 12/12/2005 (Ord. # 928).

**Preliminary Plat of Woodcreek Village – Sack & Associates, Inc.** – Request for Preliminary Plat approval for "Woodcreek Village" (now all of Woodcreek Village Amended), including subject property – PC Recommended Approval 12/19/2005 and City Council Approved 01/09/2006.

**Final Plat of Woodcreek Village – Sack & Associates, Inc.** – Request for Final Plat approval for "Woodcreek Village" (now all of Woodcreek Village Amended), including subject property – PC Recommended Approval 07/17/2006 and City Council Approved 07/24/2006 (Plat # 6084 recorded February 13, 2007; later replatted as Woodcreek Village Amended).

**PUD 47A – Amendment to PUD 47 – Sack & Associates, Inc.** – Request for Amendment to PUD 47 to allow commercial use in the commercially-zoned 111<sup>th</sup> St. S. frontage area (subject property) – PC Approved 05/21/2007 and City Council Approved 05/29/2007.

**Preliminary Plat Woodcreek Village Amended – Sack & Associates, Inc.** – Application for Preliminary Plat of Woodcreek Village Amended (including subject property) submitted on or about April 19, 2007 – No record of PC review of this application. Final Plat approved also as a Preliminary Plat (as required) by PC 10/15/2007 and by City Council 10/22/2007.

**Final Plat Woodcreek Village Amended – Sack & Associates, Inc.** – Request for Final Plat approval for Woodcreek Village Amended (including subject property) – Approved by PC 10/15/2007 and by City Council 10/22/2007. A Modification/Waiver from street standards was also approved.

**PUD 47-B – Woodcreek Office Park – Sack & Associates, Inc.** – Request for Major Amendment to PUD 47A for subject property – PC Continued from 12/15/2008 meeting to 01/20/2009 meeting to allow the Applicant to attend the meeting and represent the case. PC Tabled 01/20/2009 (Applicant did not attend either of PC meeting or other meeting scheduled with Staff earlier that day 01/20/2009).

**Modification/Waiver in Woodcreek Village Amended – Danny Brumble of Brumble Construction Co.** – Request for Modification/Wavier from the sidewalk construction requirement along E. 112<sup>th</sup> Pl. S. in (Subdivision Regulations Section 12-3-2.N) – City Council Approved 09/26/2011.

*PUD 47-C – Woodcreek Office Park – Sack & Associates, Inc. – Request for Major Amendment # C to PUD 47A for subject property – Pending PC consideration 04/18/2013.*

**RELEVANT AREA CASE HISTORY:**

**BACKGROUND INFORMATION:**

*Amendment # B “Woodcreek Office Park” to PUD 47-A, and the Preliminary Plat of “Woodcreek Office Park” were both proposed in late 2008. Due to a large number of outstanding issues identified by Staff and the lack of representation at the December 20, 2008 Planning Commission (PC) meeting and two (2) January 20, 2009 meetings (one with Staff and the PC Regular Meeting that evening), the Planning Commission Tabled both items indefinitely. Since then, the “Great Recession” technically ended in mid-2009 and development locally bottomed out and now appears to be in recovery.*

*The owner has made new applications for PUD Major Amendment and Preliminary Plat approval. The overall concept appears to have changed significantly as compared to that proposed in 2008. The initial concept was to have a north-south drive connecting 111<sup>th</sup> St. S. to 75<sup>th</sup> E. Ave., with most buildings oriented to face west onto the drive. The new concept proposes five (5) of the eight (8) buildings to face north toward 111<sup>th</sup> St. S., with three (3) behind, and the internal access drive located along the east line of the development.*

*To account for PUD 47-B, the Major Amendment application has been designated Amendment # C.*

*A letter from a neighboring property owner to the north in Tulsa submitted a letter in relation to this application, attached to this report.*

**ANALYSIS:**

**Subject Property Conditions.** *The vacant subject property contains 1.1694 acres and is zoned CS with PUD 47-A. It is moderately sloped and primarily drains to the southwest toward the stormwater detention pond in WoodCreek, in the watershed of an upstream tributary of Fry Creek # 2. It is bordered on the north by 111<sup>th</sup> St. S., on the west by the private 75<sup>th</sup> E. Ave. with residential in WoodCreek beyond that, on the south by residential in Woodcreek Village Amended, and on the east by Lowe’s in Bixby Commons.*

**The Comprehensive Plan.** *The Comprehensive Plan designates the subject property Corridor + Vacant, Agricultural, Rural Residences, and Open Land (the latter not being interpreted as permanently-planned land use). The current CS zoning is in accordance with the Comprehensive Plan. The office park development anticipated by this plat would be in accordance with the Comprehensive Plan.*

**Access.** *Primary access to the subdivision would be via one (1) proposed entrance drive on 111<sup>th</sup> St. S., with a secondary access point on S. 75<sup>th</sup> E. Ave., an existing private street providing access to the residential lots in Woodcreek Village Amended. A parking lot constructed wholly on proposed Lot 8 would have its own driveway connection to S. 75<sup>th</sup> E. Ave.*

*Internal Mutual Access Easement drives are proposed to provide inter-lot access between the lots in the development and between 111<sup>th</sup> St. S. and 75<sup>th</sup> E. Ave.*

*In the PUD, sidewalks are not shown along 111<sup>th</sup> St. S. or S. 75<sup>th</sup> E. Ave., but are required by the Subdivision Regulations. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.*

*Because the right-of-way for S. 75<sup>th</sup> E. Ave., at approximately 30’ in width, is too narrow to contain a sidewalk (a 26’ roadway leaves only 2’ on either side), it appears is will be necessary to add a “sidewalk easement” along the northeast side of S. 75<sup>th</sup> E. Ave., along with appropriate language in the Deed of Dedication/Restrictive Covenants specifying that the lot owners collectively, or the affected lot owner only, are responsible for their maintenance. Alternatively, an additional width should be added to the 30’ current right-of-way width on the subject property side to accommodate the sidewalk.*

*By the approval of this PUD and plat, the former Limits of No Access (LNA) along the entire 111<sup>th</sup> St. S. frontage of the subject property will be amended to allow a 40’-wide Access Opening toward the east end of the frontage, which is subject to the approval of the City Engineer and County Engineer.*

**General.** *The Applicant is requesting a Major Amendment to an approved PUD, to change the subject property from a single commercial lot to a small multiple-lot office park development.*

*This subdivision of 1.1694 acres, more or less, proposes eight (8) lots in one (1) block and zero (0) Reserves. All lots appear to meet proposed PUD 47-C zoning standards. There is no “typical lot,” but the modal lot would measure approximately 38’ X 119’ and so would contain 4,522 square feet (0.1 acres). Lots 1 and 5 are larger than the modal lots, as they are or effectively are “corner lots,” Lots 6 and 7 are “flag lots,” and Lot 8 is relatively large due to its design-plan to contain its own exclusive parking lot.*

Please see the PUD staff report for additional related analysis and recommendations, most of which would affect this plat by the incorporation of updated PUD text to Section II of the Deed of Dedication and Restrictive Covenants (DoD/RCs).

The Fire Marshal's and City Engineer'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 Preliminary Plat at its regular meeting held April 03, 2013. Minutes of that meeting are attached to this report.

Distribution of Private Maintenance Responsibilities. Unless otherwise directed by the City Engineer and/or City Attorney, the PUD and the DoD/RCs of the plat must adequately spell out the private maintenance responsibilities of residential and commercial lot owners in Woodcreek Village Amended for the private streets and stormwater detention pond(s) in WoodCreek, and the responsibilities of the commercial lot owners for the screening fence to be located in the "Fence Easement," sidewalks (if allowed within a 'sidewalk easement), and any common parking, signage, entrance features, and landscaping. They should specifically designate a percentage/formula for proportional maintenance responsibilities for each lot, based on its relative size and/or other appropriate factors. Use of clear and immutable formula language on the face of the plat, versus buried in the DoD/RCs (which may be fairly easily amended and without City approval, per the City Attorney) is recommended.

Unless otherwise provided for in the PUD, all signs must be located on the lot or lots on which the business being advertised is located, per Zoning Code Section 11-9-21.F. Will an easement be employed for maintenance of common parking, signage, entrance features, and/or landscaping enjoyed by all the lot owners in the subdivision?

Please see the recommendations below pertaining to DoD/RCs Section III.B/C and the PUD staff report for additional related analysis and recommendations pertaining to the distribution of private maintenance responsibilities.

Staff Recommendation. Staff recommends Approval subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to the final approval of PUD 47A Major Amendment # C.
2. Subject to the satisfaction of all outstanding Fire Marshal and City Engineer recommendations.
3. Proposed Mutual Access Easement encroaches 17.5' Existing Perimeter Utility Easement along the north line of the subdivision, suggesting plans to pave over the easement. If allowed, paving over such easements requires the specific approval of the City Engineer and Public Works Director.
4. The area around a proposed 5' X 15' U/E on parts of Lots 7 and 8 is not clear, and may have elements held over from previous subdivision design. It is also not clear that the 5' X 15' area would connect to any other existing U/E. Please clarify this area if/as needed.
5. Sidewalks, required per Subdivision Regulations Section 12-3-2.N, must be installed by the developer. Sidewalks, where they would not fit within the narrow Mutual Access Easement streets, must be put into a "Sidewalk Easement." Language pertaining to their dedication and maintenance responsibilities must be included in the DoD/RCs. Alternatively, additional Reserve for private street right-of-way should be dedicated for S. 75<sup>th</sup> E. Ave. to the extent necessary to provide for the sidewalks.
6. Represent/dimension centerline, extent of improved roadway, and rights-of-way of both abutting streets.
7. Location Map – needs to identify the subject property's location in the Location Map.
8. Location Map – needs to accurately represent the following subdivisions:
  - a. Resubdivision of Lots 3 and 4 of Bixby Commons (missing)
  - b. The Links at Bixby (misrepresented as to configuration)
  - c. The Estates of Graystone (mislabeled)
  - d. Amended Plat of Block 7, North Heights Addition (mislabeled)
9. Add proposed addresses to the lots.
10. DoD/RCs: Based on the PUD site plan (see PUD staff report), Staff recommends the PUD and DoD/RCs of the plat include a Mutual Parking Privileges covenant, so that all lots may allow their excess spaces to be used by patrons of other lots, which is common in developments such as this, especially when developed as a unit by a singular developer.

Additionally, some of the shown parking spaces are divided by lot lines. As plats allow for buildings and lots to be sold separately, to avoid future ownership disputes which can be avoided by proper planning, Staff would recommend that all parking spaces be maintained commonly by all of the lot owners within the development, utilizing appropriate language in the PUD and DoD/RCs of the plat.

11. DoD/RCs: Reasonable Restrictive Covenants, as are typical for commercial/nonresidential subdivisions, should be employed. As an example, a "Maintenance Covenant" pertaining to maintenance and upkeep of properties free of trash, debris, and litter, as is customary in commercial/nonresidential developments, would be reasonable and appropriate.
12. DoD/RCs Section I.A: Missing critical wording such as "And the Owner has caused the above described land to be surveyed, staked, platted, dedicated, access rights reserved, and subdivided into XX Blocks, XX Lots, XX Reserve Areas, and Streets in conformity with the accompanying plat, and has designated the subdivision as XXX, a Subdivision in the City of Bixby, Tulsa County, Oklahoma."
13. DoD/RCs Section I.A: Says nothing about the [re-]dedicating the Fence Easement.
14. DoD/RCs Section I.A: Please add language preferred by City of Bixby as follows: "...provided nothing herein shall be deemed to prohibit properly-permitted drives, parking areas, curbing, landscaping and customary screening fences...."
15. DoD/RCs Section II: Update to include the latest PUD development standards.
16. DoD/RCs Section I.F: Insert street name where indicated.
17. DoD/RCs Section I.F: Name of Bixby Planning Commission is "Bixby Planning Commission."
18. DoD/RCs Section I.G: Please add language preferred by City of Bixby as follows: "...damage to properly-permitted landscaping and paving...."
19. DoD/RCs Section II Preamble: Please correct: "...designated as PUD 47, PUD 47A, and ~~47B~~ 47A as amended by Major Amendment # C..."
20. DoD/RCs Section II Preamble: Please complete the blanks with dates as appropriate.
21. DoD/RCs Section III.B/C: A previous version of the plat stated each record owner of a lot within 'Woodcreek Office Park' shall be subject to assessment by the Owners Association for the purposes of improvement and maintenance of the stormwater detention facilities and other common areas of the subdivision. This did not specify which detention facilities it is referring to, and in which subdivision(s) such facilit(ies) are located. Referring to Reserve areas within platted subdivisions is the accepted method for legally describing a specific tax parcel containing the stormwater detention facilit(ies) mentioned. Other provisions of the DoD/RCs made the Owners Association responsible for maintenance of the Reserve A private streets, Reserve B, and other common features (Fence Easement, etc.). The new plat, however, does not include language referring to maintenance of any stormwater detention facility or other common features.

Unless otherwise directed by the City Engineer and/or City Attorney, the PUD and the DoD/RCs of the plat must adequately spell out the private maintenance responsibilities of residential and commercial lot owners in Woodcreek Village Amended for the private streets and stormwater detention pond(s) in WoodCreek, and the responsibilities of the commercial lot owners for the "Mutual Access Easement" drives traversing the subject property, the screening fence to be located in the "Fence Easement," sidewalks (if allowed within a 'sidewalk easement), and any common parking, signage, entrance features, and/or landscaping.

Unless otherwise provided for in the PUD, all signs must be located on the lot or lots on which the business being advertised is located, per Zoning Code Section 11-9-21.F. Will an easement be employed for maintenance of common signage, entrance features, and/or landscaping enjoyed by all the lot owners in the subdivision?

Unless otherwise directed by the City Engineer and/or City Attorney, the DoD/RC provisions should specifically designate a percentage/formula for proportional maintenance responsibilities for each lot, based on its relative size and/or other appropriate factors. Use of clear and immutable formula language on the face of the plat, versus buried in the DoD/RCs (which may be fairly easily amended and without City approval, per the City Attorney) is recommended.

*The PUD and Preliminary Plat need to specify if the future owners of the individual office lots will split the singular Owners Association membership (and thus singular vote) eight (8) ways or if each of the eight (8) lot owners will severally be members of the Owners Association. Regardless of how this is done, the PUD and DoD/RCs need to specify the respective responsibilities of the owners of the commercial lot(s) and the residential lots.*

22. *Copies of the Preliminary Plat including all recommended corrections shall be submitted for placement in the permanent file: 1 full size folded to 8.5" X 11", 1 11" X 17", and 1 electronic (PDF preferred).*

The Commissioners clarified with Mark Capron and Erik Enyart that a revised Preliminary Plat had not been submitted at this time. Mr. Capron noted that the Preliminary Plat primarily followed the PUD, and some of the lot lines had moved as shown on the revised PUD site plans.

There being no further discussion, Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to Recommend APPROVAL of the Preliminary Plat subject to all the corrections, modifications, and Conditions of Approval as recommended by Staff. John Benjamin SECONDED the Motion. Roll was called:

**ROLL CALL:**

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

**OTHER BUSINESS**

3. **BSP 2013-01 – “Raising Cane’s” – Smith Roberts Baldischwiler, LLC (PUD 63).**  
Discussion and consideration of a Detailed Site Plan and building plans for “Raising Cane’s,” a Use Unit 12 restaurant development for Lot 1, Block 1, *101 South Memorial Plaza*.  
Property located: 10255 S. Memorial Dr.

---

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, April 12, 2013  
**RE:** Report and Recommendations for:  
*BSP 2013-01 – “Raising Cane’s” – Smith Roberts Baldischwiler, LLC (PUD 63)*

---

**LOCATION:** – Lot 1, Block 1, 101 South Memorial Plaza  
– 10255 S. Memorial Dr.  
**SIZE:** 0.94 acres, more or less  
**EXISTING ZONING:** CS Commercial Shopping Center District with PUD 63 for “101 South Memorial Plaza”  
**SUPPLEMENTAL ZONING:** Corridor Appearance District  
**DEVELOPMENT** Approval of Detailed Site Plan including as elements: (1) Detailed Site

TYPE: Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to PUD 63 for a Use Unit 12 restaurant development

SURROUNDING ZONING AND LAND USE:

North: (across 102<sup>nd</sup> St. S.) CG & CG/CS/PUD 65; The Schlotzsky's Deli restaurant on unplatted land and a part of 101 South Memorial Center zoned CG & CS, the new Whataburger fast-food restaurant and the new Sprouts Farmers Market specialty grocery store, both in 101 Memorial Square, and the CVS/Pharmacy and the vacant Lot 5, Block 1, both in 101 Memorial Square.

South: CS; The BancFirst bank branch, the Carl's Jr. and Taco Bueno fast-food restaurants, and the Palazzo Shopping Center to the southeast, all in 101 South Memorial Center.

East: (across 82<sup>nd</sup> E. Ave.) CS & CG/CS/PUD 63; The Andy's Frozen Custard restaurant under construction across 102<sup>nd</sup> St. S. to the northeast in 101 South Memorial Plaza, the Holiday Inn Express & Suites Tulsa South/Bixby across 102<sup>nd</sup> St. S. to the northeast in 101 South Memorial Plaza, the vacant Lot 1, Block 2, 101 South Memorial Plaza, and the Dickinson Starworld 20 movie theater to the east and the ALDI grocery store to the southeast, both in 101 South Memorial Center.

West: (across Memorial Dr.) AG or AG/CS; Two (2) unplatted tracts of land containing a house, a communications tower, and field and wooded areas containing approximately 46 acres, which may have been rezoned in part to CS per Tulsa zoning application Z-7212 in December 2012 or early 2013 (final disposition requested of INCOG as of 04/09/2013).

COMPREHENSIVE PLAN: Corridor + Medium Intensity + Commercial Area

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

PUD 63 – 101 South Memorial Plaza – American Southwest Properties, Inc. – Request for PUD approval for land later platted as 101 South Memorial Plaza (includes subject property) – Conditionally approved by PC and City Council in April/May of 2008 (Ord. # 1004).

Preliminary Plat of 101 South Memorial Plaza – Request for Preliminary Plat approval for 101 South Memorial Plaza (includes subject property) – Conditionally approved by PC and City Council in April of 2008. The City Council also approved a Modification/Waiver from the street right-of-way widths to allow the 30' to 40' right-of-way widths as proposed.

Final Plat of 101 South Memorial Plaza – Request for Final Plat approval for 101 South Memorial Plaza (includes subject property) – PC recommended Conditional Approval on 10/20/2008 and City Council Conditionally Approved 10/27/2008.

Revised Final Plat of 101 South Memorial Plaza – Request for Revised Final Plat approval for 101 South Memorial Plaza (includes subject property) – PC recommended Conditional Approval on 04/19/2010 and City Council Conditionally Approved 04/26/2010 (plat # 6355 recorded 07/30/2010).

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The vacant subject property consists of Lot 1, Block 1, 101 South Memorial Plaza and is zoned CS with PUD 63. The subject property is gently sloped and will drain through an underground stormsewer system in a southeasterly direction to an upstream tributary of Fry Creek # 1, which tributary flows to the southeast through 101 South Memorial Center, Regal Plaza, South Country Estates, and the Legacy additions before its confluence with Fry Creek No. 1 near 107<sup>th</sup> St. S. and 91<sup>st</sup> E. Ave.

Tract F in 101 South Memorial Center, located immediately south of the Dickinson Starworld 20 movie theater, contains a stormwater detention facility. This facility has been enlarged, and the stormsewer pipe systems have been extended and enlarged, to accommodate the additional stormwater detention and drainage capacity necessary to serve the new commercial developments in 101 South Memorial Plaza and 101 Memorial Square.

General. The submitted plan-view Site Plan drawing consists of "Site Plan" drawing C1 by Smith Roberts Baldischwiler, LLC. Per the number reported in the notes on the "Site Plan," the building will have 3,613 square feet of floor area. A note placed on the building polygon reports "40,784 square feet," which appears to be a reference to the total site area, not the building itself. To avoid confusion, this should be replaced with the correct 3,613 square foot number, if the label remains in its present location. Based on building "Exterior Elevations" drawings A04.1 and A04.2, the building roof will not exceed 16'

7" in overall height, and the parapet wall and other architectural features will not exceed 23' 4" in overall height.

The Site Plan represents a conventional, suburban-style design and indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking. The subject property lot conforms to PUD 63 and, per the plans generally, the 1-story building would conform to the applicable bulk and area standards for PUD 63 and the underlying CS district.

Fire Marshal's and City Engineer's memos are attached to this Staff Report. Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

The application was received too late to be placed on the April 03, 2013 Technical Advisory Committee (TAC) Agenda. Staff mentioned the Detailed Site Plan at the April meeting and emailed it to the TAC members on April 03, 2013, requesting comments be submitted via email. As of the date of this report, no pertinent comments have been received. The Applicant should coordinate with the TAC utility providers to ensure their utility service provision concerns are satisfied.

Access and Internal Circulation. The development will utilize an existing driveway entrance on Memorial Dr. shared with BancFirst to the south, and will have an additional easterly driveway connection to 82<sup>nd</sup> E. Ave., a private street located within a Mutual Access Easement (MAE). 82<sup>nd</sup> E. Ave. is represented on the C1 Site Plan drawing, but is identified as a "Public Street" in error, and needs to be corrected. A driveway along the west/front side of the building is planned to connect to the driveway on the Schlotzsky's Deli restaurant to the north. That driveway connection appears to be as per a 29'-wide Mutual Access Easement recorded on Book 7111, Page 2261 of the records of the Tulsa County Clerk. Per the Site Plan drawing C1 and aerial imagery, the Schlotzsky's Deli parking lot is already configured to allow connection.

The existing driveway entrance on Memorial Dr. shared with BancFirst was constructed several years ago (likely at the time of the construction of the bank, which the Tulsa County Assessor's records indicate was in or around 2007). The plat of 101 South Memorial Plaza (# 6355) was recorded 07/30/2010, and placed Limits of No Access (LNA) over the area of the existing driveway connection. Thus, the preexisting driveway connection would appear to be 'grandfathered'. It may be appropriate, at some point, to resolve this inconsistency by removing the LNA.

The provided drawings indicate driveway access points and the widths of the proposed driveways and their curb return radii. All these dimensions must comply with applicable standards and City Engineer and/or Fire Marshal requirements.

The Site Plan represents the existing sidewalk along Memorial Dr. and the sidewalk required to be constructed along 82<sup>nd</sup> E. Ave., the latter of which will be located within a 10'-wide Sidewalk Easement per the plat of 101 South Memorial Plaza. Its north end will be turned east into 83<sup>rd</sup> E. Ave. to avoid conflict with the existing stormsewer inlet and other existing structures on the Schlotzsky's Deli property to the north.

A sidewalk will flank parts of the west/front, south/side, and east/rear of the building, and will connect pedestrians between the parking lots to the building entrances on these sides (reference Zoning Code Section 11-10-4.C). The sidewalks are dimensioned on the plans and appear appropriate in width.

Parking Standards. The provided drawings indicate parking lots on all four (4) sides of the building with a total of 35 parking spaces (34 spaces reported in error). Zoning Code Section 11-9-12.D requires a minimum of 24 parking spaces for a 3,613 square foot building. Zoning Code Section 11-10-2.H provides a "minimum plus 15%" maximum parking number cap, to prevent excessive parking that results in pressure to reduce greenspaces on the development site. PUD 63 Major Amendment # 1, approved by the City Council January 28, 2013, removed the maximum parking restriction within PUD 63. Therefore, the proposed number of parking spaces complies with the Zoning Code and PUD 63.

The proposed 9'-wide regular parking space dimensions (10 at a 90° angle, 5 parallel parking spaces along the north line, and the 20 spaces in the strips along the south and east property lines at an undefined, acute angle) comply with the minimum standards for the same per Zoning Code Section 11-10-4.A, or otherwise are appropriate and may be approved by this Detailed Site Plan per Section 11-10-4. However, the proposed angle of the parking needs to be labeled.

Two (2) handicapped-accessible parking spaces are indicated on the provided Site Plans, one (1) of which is stated will be of a van-accessible design. At 35 spaces, the two (2) handicapped-accessible parking spaces meet the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces).

ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The Site Plan indicates one (1) ADA space will be of van-accessible design, as required. The Applicant should consider reassigning the regular and van-accessible ADA spaces, so that the access aisle will be on the right/passenger side of the van-accessible space.

The regular and van-accessible handicapped-accessible parking spaces and access aisles are dimensioned, but do not indicate compliance with the space width or striping standards Zoning Code Section 11-10-4.C Figure 3. These design items need to be corrected. The Applicant should make use of a handicapped-accessible parking space/access aisle/accessible route detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards. During the design of these features, the Applicant should consult with the Building Inspector to confirm the plans will comply with ADA standards.

The parking lot setback/landscaped strip width along Memorial Dr. is approximately 19.7', which complies with the 15' minimum setback per Zoning Code Section 11-10-3.B Table 1.

Zoning Code Section 11-10-3.B Table 1 would normally require a 7.5' minimum parking lot setback from 82<sup>nd</sup> E. Ave. However, that street has no public or private right-of-way per the plat of 101 South Memorial Plaza. The setback cannot be reduced less than 5', however, due to minimum landscaping requirements (see landscaping analysis in this report). Per the CI Site Plan drawing, it appears that the parking lot will be located approximately 14' from the westerly curb of the street.

The plans show internal drives and parking spaces being paved over certain Utility Easement areas along the north and east sides of the subject property. If allowed, paving over such easements requires the specific approval of the City Engineer and Public Works Director.

A loading berth is not indicated. A minimum of one (1) loading berth is required per Zoning Code Section 11-9-12.D and the same must comply with the dimensional standards of Zoning Code Section 11-10-5.A, or a Variance or PUD Minor Amendment may be requested in order to remove the loading berth requirement.

Screening/Fencing. The subject property does not abut an R district, and so the Zoning Code and PUD 63 do not require sight-proof screening for any of the property lines. No fences are proposed.

PUD 63 Section E.4.a provides:

"There shall be no storage of recyclable materials, trash or similar material outside a screened receptacle. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level."

A "Masonry Dumpster Enclosure" area will be placed at the southeast corner of the site, facing east-northeast. Its details are provided on the "Site Details" drawing A10.3. The location, orientation, composition, and other details appear in order for this site.

Landscape Plan. The Landscape Plan consists of the "Landscape Plan" drawing L1.01. The proposed landscaping is compared to the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of the Street Yard area shall be landscaped. The Street Yard is the Zoning setback along an abutting street [right-of-way]. The parking lot setback/landscaped strip width along Memorial Dr. is approximately 19.7', which would be approximately 39.4% (excluding driveways) of the 150.59' X 50' Street Yard.

Because 82<sup>nd</sup> E. Ave. has no right-of-way and PUD 63 provided setbacks applicable to Development Area boundaries instead, there is no "Street Yard" attending 82<sup>nd</sup> E. Ave. However, even if interpreted otherwise, per the CI Site Plan drawing, it appears that the parking lot will be located approximately 14' from the westerly curb of the street, the westerly approximately 5.2' thereof being the required sidewalk. This leaves an unqualified landscaped strip width of approximately 8.8', which, would be approximately 35% (excluding driveways) of the roughly 154.98' X 25' 'Street Yard.'

**This standard is met.**

2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 7.5', 10', or 15' along abutting street

rights-of-way. The parking lot setback/landscaped strip width along Memorial Dr. is approximately 19.7', which exceeds the 15' required along Memorial Dr.

The subject property does not have the typical 7.5' landscaped strip requirement along non-arterial street 82<sup>nd</sup> E. Ave., as that street has no right-of-way and the setback applies to the property lines (often the centerlines) per PUD 63. However, the landscaped areas must have a minimum diameter or strip width of 5' per Zoning Code Section 11-12-3.B.1 and contain at least one (1) tree. Per the CI Site Plan drawing, it appears that the parking lot will be located approximately 14' from the westerly curb of the street, the westerly approximately 5.2' thereof being the required sidewalk. This leaves an unqualified landscaped strip width of approximately 8.8'.

***This standard is met.***

3. 10' Buffer Strip Standard (Section 11-12-3.A.3): Standard requires a minimum 10' landscaped strip between a parking area and an R Residential Zoning District. There are no R districts abutting. ***This standard is not applicable.***
4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Building setbacks per Development Area A of PUD 63 are as follows:

From the west boundary (east right-of-way line for South Memorial)	50.0 feet
From the south boundary	10.0 feet
From the north boundary	17.5 feet
From the east boundary	25.0
	feet

The West Boundary setback area is a Street Yard. See the analysis for Zoning Code Section 11-12-3.C.1.a.

Resultant tree requirement calculations are as follows:

**East Boundary Setback Tree Requirements:** 25' setback X width of east PUD boundary at 154.98' = approximately 3,874.5 square feet / 1,000 square feet = 4 trees required in the East Boundary Setback Area. Excluding those elsewhere accounted for, four (4) "CP" trees are proposed in this Setback Area. ***This standard is met for the East Boundary Setback Area.***

**North Boundary Setback Tree Requirements:** 17.5' setback X north property line at (258.75 feet – Memorial Dr. Street Yard width of 50' – East Boundary Setback width of 25' =) 183.75' = approximately 3,216 square feet / 1,000 square feet = 4 trees required in the North Boundary Setback Area. One (1) "SO" tree proposed in this Setback Area. ***This standard is not met for the North Boundary Setback Area.***

**South Boundary Setback Tree Requirements:** 10' setback X south property line at (282.38 feet – Memorial Dr. Street Yard width of 50' – East Boundary Setback width of 25' =) 207.38' = 2,073.8 square feet / 1,000 square feet = 3 trees required in the South Boundary Setback Area. Two (2) trees not already counted are proposed in this Setback Area (1 "SO" and 1 "CP"). ***This standard is not met for the South Boundary Setback Area.***

Due to the North and South Boundary Setback Areas, ***this standard is not met.***

5. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 50' or 75' from a Landscaped Area, which Landscaped Area must contain at least one (1) or two (2) trees. For a lot containing 0.94 acres, the standard calls for a maximum of 50' spacing, with one (1) tree. The 19.7' landscaped strip along the west property line presently contains no (0) landscape trees (see next item), and so the west parking lot strip does not comply with this standard. The other parking lot strips comply with the standard. ***This standard is not met.***

6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of Street Yard. The Street Yard is the Zoning setback along an abutting street [right-of-way]. Memorial Dr. has a 50' setback.  $50' \times \text{west property line at } 150.59' = 7,529.5 \text{ square feet}$  / 1,000 square feet = 8 trees required in the West Boundary Setback Area. No (0) trees are proposed in this Setback Area. Five (5) trees are claimed in the "Landscape Tabulations" notes, and five (5) "SO" trees are indicated within the Memorial Dr. right-of-way, west of the existing sidewalk. Trees must be located within the 19.7' landscaped strip within the subject property to be claimed; it is unlikely that ODOT will grant permission to install trees and the required irrigation system in the right-of-way, and the City of Bixby does not have experience allowing right-of-way trees to be counted toward minimum landscaping required within the development lot. These trees will likely need to be relocated to within the 19.7' landscaped strip within the property, and increased to the minimum eight (8) required.

Because 82<sup>nd</sup> E. Ave. has no right-of-way and PUD 63 provided setbacks applicable to Development Area boundaries instead, and because the tree ratio standard is the same as required for Setback Areas per Section 11-12-3.A.4, analysis for this standard is provided in the section pertaining to Section 11-12-3.A.4 for this easterly property line.

**This standard is not met.**

7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. 35 parking spaces proposed.  $35 / 10 = 3.5 = 4$  trees required by this standard. Excluding the Setback Area and Street Yard trees already accounted for, three (3) additional trees proposed just east of the building (1 "CC," 1 "MG," and 1 "RB."). **This standard is not met.**
8. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard would be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
9. Irrigation Standards (Section 11-12-3.D.2): "Landscape Notes" # 8 provides "All required landscape areas shall be provided with an automatic underground irrigation system with rain and freeze sensors...." Zoning Code Section 11-12-4.A.7 requires the submission of plans for irrigation. An irrigation plan was not submitted. **This standard is not met.**
10. Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.): The tree planting diagram(s), reported calipers of the proposed trees, the notes on the "Landscape Plan" drawing, and other information indicates compliance with other miscellaneous standards, with the following exceptions:
  - a. The schedule of tree and other landscaping materials was not submitted. This analysis presupposes that all of the "SO," "CP," "CC," "MG," and "RB" trees qualify as landscaping trees under the Bixby landscaping requirements. A schedule should be submitted or added to an appropriate landscape plan drawing. If any of the proposed tree species have popular shrub-form cultivars, the Landscape Architect should qualify on the plans that the species will be the tree-form cultivar.
  - b. The proposed tree heights are not provided (6' height minimum if trees are considered "ornamental," 8' in height if considered "canopy," and 5' in height if considered "coniferous/evergreen.").
  - c. Certain elements of the "Landscape Tabulations" are inconsistent with the City of Bixby's interpretation as provided herein and should be reconciled or removed.

Until the above are resolved, **this standard is not met.**

11. Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard is 10% of a commercial lot must be landscaped open space. Per the notes on the "Site Plan" drawing C1, 8,183.3 square feet (0.188 acres) would be "pervious area" post-construction, which would be approximately 20% of the lot area of 0.94 acres. **This standard is met.**

Exterior Materials and Colors. "Exterior Elevations" drawings A04.1 and A04.2 indicate the proposed exterior materials and overall appearance. The exterior material will primarily consist of (1) "Face Brick" and (2) "7/8" Stucco," with various trim materials. Color information was not specified, but is no longer required within the Corridor Appearance District per Ordinance # 2091 approved September 10,

2012, and is not required by PUD 63. Per Ordinance # 2107 adopted January 14, 2013, Zoning Code Section 11-7G-5.A now requires within the Corridor Appearance District:

*“All sides of buildings facing public streets shall be full masonry to the first floor top plate, to include brick, stucco, EIFS or similar masonry like product, stone, finished concrete tilt-up panels, or some combination thereof.”*

*The west/Memorial Dr.-facing building elevation, composed of “Face Brick” and “7/8 Stucco,” which will comply with the new standard.*

*The roof will not be visible at ground level due to the parapet wall / “roof screen,” which will additionally “conceal roof top equipment.”*

Outdoor Lighting. *The “Electrical Site Plan” drawing E1.1 is a photometric plan that indicates lighting patterns and the locations of pole-mounted lights. The elevations drawings indicate building-mounted lights. All proposed lights appear typical for a suburban fast-food restaurant application.*

*As there are no single family residential areas within relatively close proximity, and recognizing the location of the property in relation to existing and planned commercial in all directions, the proposed lighting appears appropriate for this development in its context.*

*PUD 63 limits lighting to 20’ in vertical height. “Cut sheets” were not provided and Staff was unable to locate details on proposed lighting fixtures in the provided plans. The Applicant needs to submit information necessary to demonstrate compliance with the 20’ maximum vertical height lighting restriction of PUD 63.*

Signage. *As per PUD 63 Section E.2.b, the required PUD “detail sign plan” is recognized as consisting of (1) a ground sign elevation drawing “Raising Canes Pylon” by Complete Signs, LLC, Dothan, AL, (2) representation of signage information on “Exterior Elevations” drawings A04.1 and A04.2, (3) representation of the location of the ground sign, the ADA parking space reservation signs, and the directional paintings applied to the driveway pavement, all as represented on “Site Plan” drawing C1, and (3) representation of the menuboard sign on “Site Details” drawing A10.3.*

*The “Site Plan” drawing C1 indicates the location of one (1) proposed ground sign at the southwest corner of the lot, and the one (1) proposed menuboard sign east of the building at the drive-through entrance. The one (1) proposed ground sign would be 25’ in height and would have a main identification sign on top with an Electronic / LED message center below, which is permit-able as a part of this Detailed Site Plan per PUD 63 Section E.2.c. The display surface area complies with the maximum allowed. Based on the site plan and details, it appears the menuboard sign will face east toward the driver’s side windows of cued cars. Thus, the sign would not appear to be visible from a public street, and so appears to be permit-able per Zoning Code Sections 11-7I-4.B.2.f.3 and 11-9-21.C.3.d.*

*“Exterior Elevations” drawings A04.1 and A04.2 indicate the locations and relative sizes of (1) certain wall signs (some indicated as “when permitted”), one (1) “Banner (By Owner)” sign on the north/side elevation, and 14 corporate flags lining and projecting above the north, west, and south parapet walls. In aggregate, the wall signage complies with the maximum display surface area standards for PUD 63.*

*Zoning Code Section 11-7I-4.B.2.a prohibits projecting signs, and Section 11-2-1 only allows an exemption for one (1) corporate flag. Therefore, the 14 corporate flags exceed the signage allowances of the Zoning Code and PUD 63, as amended by Major Amendment # 1. They will either need to be removed or permitted by Minor Amendment to PUD 63.*

*Most restaurants and other developments of this size will have incidental signage for traffic control and general identification information, and the provided plans do indicate incidental signage. Of those indicated, signs reserving the ADA accessible parking spaces and directional signage painted to the pavement of the driveways (not visible from adjoining public streets) appear to conform to applicable standards. Although not represented, if eventually proposed, Zoning Code Section 11-9-21.C.3.k allows standard directional signs at a maximum of 3 square feet in display surface area, but the same must be submitted for approval by sign permit at that time.*

Staff Recommendation. *The Detailed Site Plan adequately demonstrates compliance with the Zoning Code and is in order for approval, subject to the following corrections, modifications, and Conditions of Approval:*

- 1. This PUD Detailed Site Plan approval additionally constitutes the site plan approval requirement within the Corridor Appearance District.*
- 2. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.*

3. *The proposed driveways and their curb return radii must comply with applicable standards and City Engineer and/or Fire Marshal requirements.*
4. *A note placed on the building polygon reports "40,784 square feet," which appears to be a reference to the total site area, not the building itself. To avoid confusion, this should be replaced with the correct 3,613 square foot number, if the label remains in its present location. Appears also on Landscape Plan drawing L1.01.*
5. *The Applicant should coordinate with the TAC utility providers to ensure their utility service provision concerns are satisfied.*
6. *82<sup>nd</sup> E. Ave. is represented on the C1 Site Plan drawing, but is identified as a "Public Street" in error, and needs to be corrected.*
7. *Please correct the reported number of parking spaces to 35 in the summary block area on C1.*
8. *Please label the angle of the parking spaces along the west property line.*
9. *The Applicant should consider reassigning the regular and van-accessible ADA spaces, so that the access aisle will be on the right/passenger side of the van-accessible space.*
10. *The regular and van-accessible handicapped-accessible parking spaces and access aisles are dimensioned, but do not indicate compliance with the space width or striping standards Zoning Code Section 11-10-4.C Figure 3. These design items need to be corrected. The Applicant should make use of a handicapped-accessible parking space/access aisle/accessible route detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards. During the design of these features, the Applicant should consult with the Building Inspector to confirm the plans will comply with ADA standards.*
11. *The plans show internal drives and parking spaces being paved over certain Utility Easement areas along the north and east sides of the subject property. If allowed, paving over such easements requires the specific approval of the City Engineer and Public Works Director.*
12. *Please add a minimum of one (1) loading berth per Zoning Code Section 11-9-12.D; the same must comply with the dimensional standards of Zoning Code Section 11-10-5.A, or a Variance or PUD Minor Amendment may be requested in order to remove the loading berth requirement.*
13. *Please resolve the Building Line Setback Tree Requirements (Section 11-12-3.A.4) matter as described in the Landscape Plan analysis above.*
14. *Please resolve the Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2) matter as described in the Landscape Plan analysis above.*
15. *Please resolve the Street Yard Tree Requirements (Section 11-12-3.C.1.a) matter as described in the Landscape Plan analysis above.*
16. *Please resolve the Tree to Parking Space Ratio Standard (Section 11-12-3.C.2) matter as described in the Landscape Plan analysis above.*
17. *Please resolve the Irrigation Standards (Section 11-12-3.D.2) matter as described in the Landscape Plan analysis above.*
18. *Please resolve the Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.) matter as described in the Landscape Plan analysis above.*
19. *The Applicant needs to submit information necessary to demonstrate compliance with the maximum 20' vertical height lighting restriction of PUD 63.*
20. *Zoning Code Section 11-71-4.B.2.a prohibits projecting signs, and Section 11-2-1 only allows an exemption for one (1) corporate flag. Therefore, the 14 corporate flags exceed the signage allowances of the Zoning Code and PUD 63, as amended by Major Amendment # 1. They will either need to be removed or permitted by Minor Amendment to PUD 63.*
21. *Please submit complete, corrected copies of the Detailed Site Plan incorporating all of the corrections, modifications, and conditions of approval as follows: Two (2) full-size hard copies, one (1) 11" X 17" hard copy, and one (1) electronic copy (PDF preferred).*
22. *Minor changes in the placement / locating individual trees or parking spaces, or other such minor site details, are approved as a part of this Detailed Site Plan, subject to administrative review and approval by the City Planner. The City Planner shall determine that the same are minor in scope and that such changes are an alternative means for compliance and do not compromise the original intent, purposes, and standards underlying the original placement as approved on this Detailed Site Plan, as amended. An appeal from the City Planner's determination that a change is not sufficiently minor in scope shall be made to the Board of Adjustment in accordance with Zoning Code Section 11-4-2.*

Erik Enyart stated that he had received a PDF of the revised site plan but had not had the chance to review it line-by-line to the recommended correction items or compare it to the previous submittal. Mr. Enyart stated that he did review them briefly and it appeared that the Applicant had made the all or almost all of the recommended corrections. Mr. Enyart stated that the Applicant was present and may have revised copies of the plan drawings.

Erik Enyart stated that there were only two (2) significant items in the plan, one (1) of which was the requirement to have a loading berth or do a PUD Amendment to remove that requirement. Mr. Enyart stated that, in the revised plans, he observed that the one (1) required loading berth was added in the drive-through lane as recommended. Mr. Enyart stated that the other item was the *Raising Cane's* corporate flags lining three (3) sides of the building's parapet walls. Mr. Enyart stated that the Zoning Code allowed only one (1) corporate flag, and the others it would recognize as "projecting flags." Mr. Enyart stated that, as listed in the Staff Report, the recommendation pertaining to this item was written so that the Applicant could either remove them or the Approval would be Conditioned upon getting a PUD Amendment at a later date. Mr. Enyart stated that it would work either way.

Erik Enyart stated that the Applicant was to be commended, as the plans contained a lot of detail and information and yet were drawn clearly.

Andy McCall of CSRS, Inc., Baton Rouge, LA, stated that his firm was the architect for *Raising Cane's*. Mr. McCall introduced Jack Page of Smith Roberts Baldischwiler, LLC. Mr. McCall stated that the first restaurant started at the gates of [Louisiana State University] 16 years ago, and the 150<sup>th</sup> one just opened. Mr. McCall stated that *Raising Cane's* was a big company but with a small feeling. Mr. McCall stated that the company did not cut corners. Mr. McCall stated that the mural used on all of the buildings was hand-painted, and was based on the mural uncovered at the first restaurant. Mr. McCall stated that the flags on the building were another standard design for *Raising Cane's*. Mr. McCall stated that, until just hours ago, his client was negotiating with the owner on a [PUD] Amendment, but decided to take the flags off the building. Mr. McCall stated that the revised site plan drawings show the elevations without the flags.

Erik Enyart noted that this was a fairly straightforward development, and the subject property had the benefit of being built all around, and most utilities were already put in and merely had to be tapped into.

There being no further discussion, Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

Chair Thomas Holland confirmed with Erik Enyart that there was no new business to consider. No action taken.

NEW BUSINESS:

Chair Thomas Holland confirmed with Erik Enyart that there was no old business to consider.

Chair Thomas Holland referred to review recommendation # 8 in the Staff Report for Major Amendment # C to PUD 47-A and expressed concern for the use of language making one case a precedent for another.

Larry Whiteley expressed concern for allowing [payment] in lieu of building sidewalks. Mr. Whiteley stated that, as the City grows, there is a need for sidewalks so people can walk from place to place. Chair Thomas Holland expressed concern for the City Council waiving the sidewalk requirement. Erik Enyart stated that, for years, there was no compliance with the sidewalk construction requirement in commercial developments and along the perimeters of housing additions. Mr. Enyart stated that City Staff had just started enforcing the requirement a few years ago, and encountered “growing pains.” Mr. Enyart stated that the developers were not used to having to do them, and several of them asked not to be required “just this one last time.” Mr. Enyart stated that the City had been successful in getting sidewalks constructed recently.

No action taken.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 6:53 PM.

APPROVED BY:

\_\_\_\_\_
Chair

\_\_\_\_\_
Date

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