

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
May 02, 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 below
(Sign-In Sheet lost after meeting)

CALL TO ORDER:

Vice/Acting Chair Larry Whiteley called the meeting to order at 6:02 PM.

Erik Enyart advised the Commission that, as there were only three (3) members present, it would take all three (3) votes in the affirmative to pass any Motion.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the April 15, 2013 Regular Meeting
2. Approval of Minutes for the April 18, 2013 Special Meeting

Acting/Vice-Chair Larry Whiteley introduced Consent Agenda Items numbered 1 and 2. The Commissioners noted that all three (3) of them were in attendance at those meetings.

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

ROLL CALL:

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

PUBLIC HEARINGS

3. (Continued from April 15, 2013)
BCPA-9 – JR Donelson for Helene V. Byrnes Foundation. Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan of the City of Bixby, Oklahoma, specifically to remove the “Residential Area” specific land use designation.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

4. (Continued from March 18 and April 15, 2013)
PUD 77 – “Byrnes Mini-Storage” – JR Donelson, Inc. Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 3.4 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

5. (Continued from March 18 and April 15, 2013)
BZ-365 – William W. Wilson for Helene V. Byrnes Foundation. Public Hearing, discussion, and consideration of a rezoning request from AG Agricultural District to OL Office Low Intensity District for approximately 2.9 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial* and part of the NW/4 of Section 01, T17N, R13E.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

Vice/Acting Chair Larry Whiteley introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: *Bixby Planning Commission*
From: *Erik Enyart, AICP, City Planner*
Date: *Friday, April 26, 2013*
RE: *Report and Recommendations for:*
PUD 77 – “Byrnes Mini-Storages” – JR Donelson, Inc., and
BZ-365 – William W. Wilson for Helene V. Byrnes Foundation

(NOTE: BCPA-9 and BZ-365 concern two (2) tracts, while PUD 77 concerns three (3) tracts.)

LOCATION:

- PUD 77: – 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.
– Part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*
- BCPA-9/BZ-365:
– 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

– Part of Lot 1, Block 1, The Boardwalk on Memorial and part of the NW/4 of Section 01, T17N, R13E

LOT SIZE:

PUD 77: approximately 3.4 acres in three (3) tracts
BCPA-9/BZ-365: approximately 2.9 acres in two (2) tracts

EXISTING ZONING:

PUD 77: AG Agricultural District/PUD 29A & RS-2 Residential Single-Family District
BCPA-9/BZ-365: AG Agricultural District/PUD 29A

EXISTING USE:

PUD 77: A soccer practice field and a single-family dwelling with accessory building
BCPA-9/BZ-365: A soccer practice field and a residential accessory building

REQUESTED ZONING: OL Office Low Intensity District & PUD 77 (existing RS-2 zoning to remain in place)

SUPPLEMENTAL ZONING: Corridor Appearance District (part)

SURROUNDING ZONING AND LAND USE:

North: OL, AG, CS/OL/PUD 68, & RS-1; A single-family residence on a 7-acre tract zoned OL and AG and the PUD 68 “North Bixby Commerce Park” pending development on a 16-acre tract, a drainage channel, and residential homes in Houser Addition. To the northwest at 12113 S. Memorial Dr. is the Spartan Self Storage ministorage development on an unplatted 1-acre tract zoned CS, and commercial development in 121st Center.

South: RS-1 & RS-2; Single-family residential zoned RS-1 in Gre-Mac Acres along 124th St. S. and RS-2 in Southern Memorial Acres No. 2.

East: RS-2; Single-family residential in Southern Memorial Acres No. 2.

West: CS/PUD 29-A; The The Boardwalk on Memorial shopping center and Memorial Dr.

COMPREHENSIVE PLAN: Low Intensity + Residential Area (BCPA-9 requests removal of Residential Area specific land use designation)

PREVIOUS/RELATED CASES: (Not a complete list; Minor Architectural Committee and Planning Commission signage approvals in the Boardwalk shopping center not included here):

PUD 29 – The Boardwalk on Memorial: Part of Lot 1, Block 1, The Boardwalk on Memorial (of which subject property was a part), Lots 1 and 2, Block 1, Gre-Mac Acres, requested for rezoning and PUD approval – PC Recommended Approval 05/20/2002 and City Council Approved PUD 29 and CS zoning for Lot 1 and OL zoning for Lot 2 06/10/2002 (Ordinance # 850, evidently dated 06/11/2001 in error).

PUD 29A – The Boardwalk on Memorial: Request for Major Amendment to PUD 29, known as PUD 29A, which expanded the original PUD and underlying CS zoning to an unplatted area to the north of Lots 1 and 2, Block 1, Gre-Mac Acres, and rezoned Development Area B to AG for “open space” – PC Recommended Approval 03/17/2003 and City Council Approved 04/28/2003 (Ordinance # 867).

Preliminary Plat of The Boardwalk on Memorial: Request for Preliminary Plat approval for part of subject property – Recommended for Approval by PC 04/21/2003 and Approved by City Council 04/28/2003.

Final Plat of The Boardwalk on Memorial: Request for Final Plat approval for part of subject property – Recommended for Approval by PC 11/21/2005 and Approved by City Council 11/28/2005.

“Minor Amendment PUD 29b to PUD 29, 29a”: Request for Planning Commission approval of the first Minor Amendment to PUD 29A (could have been called “Minor Amendment # 1) to approve a drive through bank window on the south side of the building for Grand Bank – PC Approved 02/22/2005.

AC-07-08-01 – Request for Architectural Committee approval of a masonry archway over an internal access drive on the north side of the The Boardwalk on Memorial (of which subject property was a part) – AC Approved 08/20/2007.

“PUD 29A Minor Amendment # 1 [2]”: Second request for Minor Amendment to PUD 29A to (1) Remove restrictions from east-facing signs and (2) Increase maximum display surface area for wall signs from 2 square feet per lineal foot of building wall to 3 square feet per lineal foot of building wall as permitted by the Zoning Code – Planning Commission Conditionally Approved 11/19/2007. Should have been called “Minor Amendment # 2.”

AC-07-10-11 & AC-07-10-13: Request for Architectural Committee approval of two (2) wall signs for The Boardwalk on Memorial (of which subject property was a part) for The Eye Center South Tulsa – Tabled by AC 10/15/2007 pending resolution of outstanding PUD zoning issues and Approved by AC 12/17/2007 after Minor Amendment # 2 was approved.

BL-373 – William Wilson for Boardwalk on Memorial I, LP: Request for Lot-Split approval to separate the east approximately 472’ from the balance of the subject property –PC Approved 02/16/2010.

PUD 29A Minor Amendment # 3: Request for Minor Amendments to PUD 29A to remove Development Area B from the PUD – Planning Commission Continued the application from the January 19, 2010 meeting to the February 16, 2010 meeting. The submission of PUD 29A Major Amendment # 1 in lieu of this application was recognized as the Withdrawal of this application.

PUD 29A Major Amendment # 1: Request for Major Amendments to PUD 29A to relax Zoning Code bulk and area requirements for Development Area B to allow for Lot-Split per BL-373, which Development Area B was required to be legally attached to lots having the minimum required amount of public street frontage – PC Recommended Approval 02/16/2010 and City Council Approved 03/08/2010 (Ord. # 2033).

AC-11-06-03 – The Boardwalk on Memorial: Request for Planning Commission approval of an Electronic/LED ground sign for The Boardwalk on Memorial (of which subject property was a part), which became the second allowable ground sign on the property upon the attachment of the archway sign (cf. AC-07-08-01, AC-07-10-11, & AC-07-10-13) to the north side of the building as an extension of the building wall, which thus became a wall sign as originally approved by the City – PC Approved 06/20/2011.

RELEVANT AREA CASE HISTORY: (Not a complete list)

BCPA-3, PUD 68, & BZ-341 – North Bixby Commerce Park – Lou Reynolds for Alvis Houser – Request to amend the Comprehensive Plan to redesignate property (in part) “Medium Intensity,” rezone from AG to CS and OL, and approve PUD 68 for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract abutting subject property to the north – PC voted 2 in favor and 3 opposed on a Motion to approve the development on 04/20/2009. On 04/27/2009, on appeal, the City Council reversed the Planning Commission’s action. On 06/08/2009, the City Council denied the ordinance which would have approved the rezoning, PUD, and Comprehensive Plan amendment, on the City Attorney’s advice regarding certain language in the ordinance, and called for the developer to proceed “under existing ordinances.” On 06/22/2009, the City Council Approved, by Ordinance # 2030, all three (3) applications as submitted, and with no Conditions of Approval. The legal descriptions in the ordinance reflected the underlying CS/OL zoning pattern as recommended by Staff, rather than per the “Exhibit 1” to the PUD.

Preliminary Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract abutting subject property to the north – PC recommended Conditional Approval 03/15/2010 and City Council Conditionally Approved 03/22/2010.

Final Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Final Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract abutting subject property to the north – PC recommended Conditional Approval 05/17/2010 and City Council Conditionally Approved 05/24/2010.

BSP 2010-01 – North Bixby Commerce Park – RK & Associates, PLC / McCool and Associates, P.C. (PUD 68) – Request for approval of a PUD Detailed Site Plan for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract abutting subject property to the north – PC Conditionally Approved 07/19/2010.

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for a multiple-use development, including ministorage, on 92 acres located approximately 1/3 of a mile west of subject property – PC recommended Conditional Approval 02/27/2013 and City Council Approved 03/25/2013 (Ord. # 2116).

Preliminary Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for Preliminary Plat approval for a multiple-use development, including ministorage, on 92 acres located approximately 1/3 of a mile west of subject property – PC recommended Conditional Approval 03/18/2013 and City Council Conditionally Approved 03/25/2013 (Ord. # 2116).

Staff searched for but did not find any Zoning or site plan approval records related to the Spartan Self Storage, a 1-acre ministorage development at 12113 S. Memorial Dr. which appears to have 0' setbacks along the north/side, east/rear, and south/side property lines. The Tulsa County Assessor's records indicate the facility was constructed in 1998.

BACKGROUND INFORMATION:

History of the Applications. When beginning the review of PUD 77 on March 08, 2013, Staff observed that the Comprehensive Plan designates the BZ-365 subject property as Low Intensity + Residential Area, with which OL zoning and a non-residential PUD are not consistent. Staff advised the Applicant by email that these applications needed to be Continued to the April 15, 2013 Regular Meeting, to allow for the preparation, submission, and concurrent review of a request for Comprehensive Plan Amendment, as would be required by Zoning Code Section 11-5-2. By phone conversation on March 08, 2013, Applicant JR Donelson consented to the Continuance to the April Regular Meeting. On March 18, 2013, the Planning Commission Continued both cases to the April 15, 2013 Regular Meeting.

BCPA-9 was submitted and advertised for the April 15, 2013 Regular Meeting, and is covered by this Staff Report.

At the TAC meeting held March 04, 2013, Staff discussed with the developer and developer's agent JR Donelson some of the issues presented by the original proposal to build ministorage buildings on the north and south property lines. Upon further reflection, Staff advised the Applicant by email on March 08, 2013 that this situation will apparently create need to secure easements from the adjoining property owners:

1. Temporary construction easement (or license) to allow construction activities that marginally fall on the adjoining properties during the erection of the buildings and installation of masonry facades
2. Permanent easement for building wall maintenance (repair, painting, repointing/"tuck-pointing," cleaning, etc.)

Securing multiple easements would be a significant issue to undertake, and considering the number of residential property owners abutting the south side of the property, may be nearly impossible to completely secure.

In addition to the other issues noted at the TAC meeting and the above, there may be other consequences 0' setback building may present that Staff has not yet considered due to there being no local experience with such a situation where a commercial building would be built on a residential property line. Zero-lot-line developments are typically residential (townhouses, etc.) or downtown/storefront-style buildings, the latter which are not constructed locally anymore. In those cases, residential abuts residential, and commercial abuts commercial. Staff requested input from Tulsa area community planners, and received many comments, but none of them provided insight into the question of construction or maintenance easements for 0' setback situations, or alternative solutions or new issues this would present.

Given:

1. 170' lot width
2. 30' minimum spacing between buildings
3. 70' desired main building with (20' exterior access, 10' interior access, 10' internal walking corridor, 10' interior access, 20' exterior access)
4. 20' desired south line building (10' X 20' storage units)
5. 20' desired north line building (10' X 20' storage units),

It appears that any setback along the south line would not allow all three (3) buildings to be in their current configurations. The modular pre-fabricated storage buildings come in 10' X 10' increments. That would appear to require reducing one (1) tier of exterior access units from 20' to 10' in depth. Other than reducing the building with, the only other flexibility would come from reducing drive(s), which is subject to the review and approval of the Fire Marshal.

JR Donelson, Bill Wilson, Fire Code Enforcement Official Jim Sweeden, and City Planner Erik Enyart met on April 02, 2013, to discuss this situation and options. It was determined that the Zoning Code's 30' minimum separation between buildings was intended to allow turning movements for fire apparatuses within the site. Upon agreement in the meeting, the southerly east-west drive was enhanced with an additional gate at its west end, allowing for a singular drive with no required turning movements from east to west ends. This allowed the reduction in the drive width from 30' to 26', with the 4' to be applied along the south line as the building setback. Per the Fire Marshal, the full 26' drive width is

required to be carried through to 85th Pl. E. The northernmost buildings continue to be proposed on the northerly property line, with expectation that the property owner will be able to secure easement or other legal permission to allow temporary construction activities and future building wall maintenance as described above. As of the date of this report, documentation regarding easement or other legal permission has not been received.

Staff encourages the revision adding a 4' setback from the southerly property line of Development Area A ("DA A"), as a 0' commercial building setback from single-family residential properties was problematic for several reasons. Further, the 4' setback, as per statements by the Applicant in the April 02, 2013 meeting with Staff, would allow for the several existing mature trees along the fenceline to be preserved. Installing a required fence or redesigning the site in accordance with the Zoning Code requirements, which would normally result in an internal drive constructed here (which has no required setback) would result in the loss of these trees. To ensure this design element is incorporated in this PUD, Staff recommends adding a 4'-wide "Existing Tree Preservation and Landscaping Easement" along the entirety of the south line of DA A, as per other recommendations in this report. Due to the 4' building-to-property line proximity and the intent to use materials required by the Zoning Code, the building wall is proposed to serve as the screening fence along this south property line. Staff has reservations about the proposed use of "stamped concrete to resemble brick." Unless the Planning Commission and City Council can be convinced that the "stamped concrete" will be consistent in quality in terms of appearance and resistance to weathering, cracking, and fading, Staff recommends actual brick be used along the south line, in respect to the residential neighborhood. This also applies to the east end of the southernmost building, which appears to be approximately 5' from the west/rear yard line of the residential Lot 12, Block 2, Southern Memorial Acres No. 2, rather than having the 10' setback required.

While resuming the review of PUD 77 on April 05, 2013, Staff found that the PUD proposed a maximum floor area of 40,000 square feet, which would be an effective FAR of 0.33. Staff calculated the proposed square footage based on the site plan, at 57,500 square feet, which is an FAR of 0.47. The maximum allowable in the OL district is 0.30, but it may be increased to 0.40 by Special Exception (or PUD, in this case). In response, on April 09, 2013, the Applicant submitted a revised PUD removing certain portions of building areas as originally proposed. The revised plan now proposes approximately 47,600 square feet, an FAR of 0.39, which may be allowed by this PUD.

As requested by the Applicant, this PUD was Continued from the April 15, 2013 Regular Meeting to this May 02, 2013 Special Meeting agenda. This report has been updated to reflect changes made to the PUD, received on the date of this report, April 26, 2013. The name of the PUD was changed from "Byrnes Mini-Storage" to "Byrnes Mini-Storages." In the interest of time, Staff has dispensed with the customary detailed re-review of the report for resolution of internal inconsistencies, and focused most attention to the recommended corrections, modifications, and Conditions of Approval.

The Nature and Value of the Comprehensive Plan. Comprehensive Plans are the result of intensive study, broadly garnered and comprehensive information, professional analysis and coordination, public input, and general consensus of the City's staff, Planning Commission, and City Council. They bring together all planning functions (e.g., housing, land use, transportation, physical environment, energy, infrastructure and community facilities, demographics, etc.), analyze and compare them all on the community-wide scale, relate them to specific geographical areas within the community (i.e. the Land Use Map), and consider all this with a long-range time perspective (e.g., 15-20 years into the future).

The Comprehensive Plan is a thorough, complete, and well researched policy document used to inform the Planning Commission, City Council, and the Public at large how land can best be developed and used (among other things), and so how rezoning applications should be accepted or rejected. Comprehensive Plans, when followed, prevent arbitrary, unreasonable, or capricious exercise of the legislative power resulting in haphazard or piecemeal rezonings (read: rezoning decisions legally indefensible in a court of law).

Comprehensive Plans can be highly prescriptive, prescribing specific land uses and land use intensities to specific parcels of land, or can be highly generalized, merely mapping out large swaths of land which may be suitable for certain intensities of development, and including a broad range of zoning districts which may be authorized therein. Bixby's Comprehensive Plan falls somewhere in between, specifically designating certain areas with specific land uses, and others more generally (e.g. the "Corridor" designation).

Zoning Code Section 11-5-2 prohibits rezonings which would conflict with the Comprehensive Plan, and requires that such rezonings "must be processed along with a request to amend the land use map and

a PUD in order to be accepted and considered.” The Applicant has requested PUD 77 in support of BCPA-9 and the rezoning application.

Procedure for Comprehensive Plan Amendments. Certain passages in the Comprehensive Plan text (page 30, 55, etc.) suggest the anticipation of amendments to the Plan. However, the Comprehensive Plan does not provide, nor do State Statutes, a definite procedure or method for the City or property owners to request to amend the Comprehensive Plan. The City of Broken Arrow regularly (quarterly, etc.) considers applications to amend their Comprehensive Plan, for cases where a rezoning application would not be consistent with the Plan, but the plan amendment and rezoning application may be appropriate.

After receiving the first two (2) requests in mid-2008 (BCPA-1 and BCPA-2), Staff consulted the City of Broken Arrow to determine how that community goes about facilitating applications for Comprehensive Plan amendments, and followed the same method, which was supported by the Applicant’s attorney in those cases, which was to advertise the public hearing in the same manner used for a rezoning application: By sign posting on the property, newspaper publication, and mailing a notice to all property owners within a 300’ radius of the subject property. This method was used in the successful applications BCPA-3 and BCPA-4 in 2009, BCPA-5 and BCPA-6 in 2011, and BCPA-7 and BCPA-8 in 2012, and all of these have been done in this amendment case as well.

ANALYSIS:

Subject Property Conditions. The subject property consists of three (3) parcels of land:

1. The Easterly approximately 472’ of Lot 1, Block 1, The Boardwalk on Memorial (approximately 1.4 acres), separated from the balance of the platted lot with the shopping center and parking lot by Lot-Split BL-373 in 2010, Tulsa County Assessor’s Parcel # 57623730115240,
2. One (1) acre unplatted tract, being the E. 256.23’ of the N. 170’ of the NW/4 of Section 01, T17N, R13E, Tulsa County Assessor’s Parcel # 97301730154670, and
3. Lot 11, Block 2, Southern Memorial Acres No. 2 (approximately 0.6 acres), Tulsa County Assessor’s Parcel # 58100730101130.

Tract “1” contains a soccer practice field and is zoned AG with PUD 29A. Tract “2” contains a residential accessory building historically associated with Tract “3” and is zoned AG. Tract “3” contains a single-family dwelling and is zoned RS-2.

Tracts “1” and “2” are requested for Comprehensive Plan amendment and rezoning from AG to OL. All three (3) tracts are to be covered by PUD 77. PUD 77 would supersede PUD 29A for the concerned part thereof. Tracts “1” and “2” are in Development Area A, and Tract “3” is in Development Area B. Tract “3” / Development Area B will remain zoned RS-2 and will continue to maintain the house structure as a residential dwelling.

All of the subject property is relatively flat and drains to the east to an un-named tributary of Fry Creek # 1.

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Low Intensity and (2) Residential Area. BCPA-9 requests removal of Residential Area specific land use designation, to allow Development Area A to be rezoned to OL and be developed with a ministorage business.

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

Page 7, item numbered 1 of the Comprehensive Plan states:

“The Bixby Comprehensive Plan map depicts desired land uses, intensities and use and development patterns to the year 2020. Intensities depicted for undeveloped lands are intended to develop as shown. Land uses depicted for undeveloped lands are recommendations which may vary in accordance with the Intensities depicted for those lands.” (emphasis added)

This language is also found on page 30, item numbered 5.

This text introduces a test to the interpretation of the Comprehensive Plan Land Use Map, in addition to the Matrix: (1) If a parcel is within an area designated with a specific “Land Use” (other than “vacant, agricultural, rural residences, and open land,” which cannot be interpreted as permanently-planned land uses), and (2) if said parcel is undeveloped, the “Land Use” designation on the Map should be interpreted to “recommend” how the parcel should be zoned and developed. Therefore, the “Land Use” designation of the Comprehensive Plan Land Use Map should also inform/provide direction on how rezoning applications should be considered by the Planning Commission and City Council.

If approved to remove the Residential Area specific land use designation, BCPA-9 would not confer a new one.

Per the Matrix, PUDs (as a zoning district) are In Accordance or May Be Found In Accordance with all designations of the Comprehensive Plan Land Use Map, and thus PUD 77 would be In Accordance with the Comprehensive Plan as a zoning district.

General. Because the review methodology is similar, and all three (3) applications are essentially rezoning-related and propose to prepare the subject property for the same ministorage development, this review will, for the most part, include all three (3) applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

The submitted site plans for the development exhibit a suburban-style design. The plan indicates essentially three (3) rows of ministorage buildings, with internal drives connecting them. Primary access would be through an "Existing 25' Access Easement" through the Boardwalk on Memorial shopping center parking lot. The entrance will be gated past the leasing office and parking area. Secondary, emergency-only ingress/egress would be through a driveway connecting the southeast corner of Development Area A through the south/west side of the residential lot to S. 85th E. Pl. Per revised plans received April 09, 2013, another emergency-only gated entrance will be installed at the west end of the southerly drive in Development Area A, to allow a "straight shot" drive to the emergency-only ingress/egress at the southeast corner of the PUD. This revision will allow the reduction in the 30' minimum building spacing for that drive only per the Fire Marshal, since the 30' spacing between buildings is primarily to ensure adequate spacing for fire apparatus turning movements and thus, removing the need for turning movements from that drive reduces the drive width requirement.

For stormwater drainage and detention purposes, a stormwater detention pond will be constructed at the northeast corner of DA A. This will, in turn, drain into the un-named upstream tributary of Fry Creek # 1.

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

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

The Technical Advisory Committee (TAC) discussed PUD 77 at its regular meeting held March 04, 2013. Minutes of that meeting are attached to this report.

Access. The proposed internal automobile traffic and pedestrian flow and circulation and parking can be inferred from the provided site plans.

Development Area A is "landlocked," having no frontage on a dedicated and built public street. Access will be provided by means of Mutual Access Easements from adjoining lots with public street frontage and between lots within the development.

The development is planned to have two (2) means of ingress / egress through The Boardwalk on Memorial shopping center, which will lead to two (2) entrances / gates at the west end of DA A. The routes as planned for the two (2) drives through the shopping center must be legally provided by dedication of Mutual Access Easement(s). The Applicant needs to provide in the appropriate section of the Text a timeline for the dedication or a citation of Document # where such easement(s) is/are recorded.

The two (2) Mutual Access Easements to connect and allow cross access between Lots 1 and 2, Block 1, "Byrnes Mini-Storages," must be represented on the Exhibit A "Preliminary Plat" and other Exhibits as appropriate.

At the east end of the PUD, a 26'-wide emergency-only ingress/egress drive will be constructed through Development Area B, connecting DA A to 85th Pl. E. It is not clear, from the provided plans, whether and to what extent that 26'-wide drive will fall on Lot 12, Block 2, Southern Memorial Acres No. 2. Per the plans, part of the drive may fall on that residential lot by means of a 15'-wide Mutual Access Easement. The plans cite the recordation of the easement with Document # 2013018388, which is a "Roadway Easement" granted from Gail & John Horne to The Helene V. Byrnes Foundation, recorded 02/22/2013. The document grants easement over "The Northwesterly 15 feet" of Lot 12. Based on its representation on the provided exhibits, it is assumed to have meant the "Northeasterly 15 feet." Otherwise, the described area may be a pie-shaped piece extending southeasterly from the northwest corner of said Lot 12, which may not allow for the emergency-only 26'-wide drive as shown on the plans. The Applicant should clarify and/or amend the easement if/as needed.

Development Area A has frontage on the northerly dead-end of S. 85th E. Ave., a half-street platted in Gre-Mac Acres but not built. The PUD Text needs to specify that access to this platted right-of-way will not be allowed within this PUD.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily CS, OL, AG, RS-1, and RS-2.

To the north is a single-family residence on a 7-acre tract zoned OL and AG, the PUD 68 "North Bixby Commerce Park" pending development on a 16-acre tract with underlying zoning CS and OL, a drainage channel, and residential homes in Houser Addition zoned RS-1. "North Bixby Commerce Park" consisted of (1) a ministorage development on the southerly approximately 8 acres, a "trade center" / "office-warehouse" development on the middle approximately 5 acres, and a retail commercial site on the balance of the acreage at its north end along 121st St. S. Thus, the City of Bixby has recently approved OL zoning and ministorage development for the tract abutting to the north, similar to the present applications. To the northwest at 12113 S. Memorial Dr. is the Spartan Self Storage, a 1-acre ministorage development which appears to have 0' setbacks along the north/side, east/rear, and south/side property lines. The Tulsa County Assessor's parcel records indicate the facility was constructed in 1998.

The Boardwalk on Memorial shopping center to the west is zoned CS/PUD 29-A, and Memorial Dr. is further west zoned CS and CG. On March 25, 2013, the City Council Approved/Conditionally approved PUD 76, CG zoning per BZ-364, and a Preliminary Plat of "Scenic Village Park," a multiple-use development, including ministorage, on 92 acres located approximately 1/3 of a mile west of subject property.

South and east of the subject property is single-family residential zoned RS-1 in Gre-Mac Acres along 124th St. S. and RS-2 in Southern Memorial Acres No. 2. Care must be applied when allowing the non-residential zoning and ministorage business land use to abut residential zoning and land use.

The requested OL zoning would be a logical extension of the two (2) established OL districts to the north, one (1) of which is abutting. Further, the location of BZ-365 would place the OL district between CS districts abutting to the north and west and the RS districts abutting to the south and east, and so the OL could serve as a buffer zoning district between CS and RS. OL zoning is the lowest-intensity non-residential district available in the City of Bixby, and is commonly used as a buffer zoning district between higher-intensity uses and residential districts. Ministorage itself is commonly used as a buffer land use between higher intensity uses and residential districts.

Recognizing its landlocked position and long and narrow tract configuration, Staff believes that the location and configuration of Development Area A and the character surrounding area satisfactorily meet the expectations of Zoning Code Section 11-9-16.C.13 for ministorage developments.

Therefore, Staff is supportive of BCPA-9 and OL zoning as requested by BZ-365, as refined by PUD 77. Staff has certain recommendations as to the specifics of PUD 77 to enhance the compatibility of the development with the residential neighborhood to the south and east, listed in the Staff Recommendation section of this report.

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

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

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

- A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;

B. Permit flexibility within the development to best utilize the unique physical features of the particular site;

C. Provide and preserve meaningful open space; and

D. Achieve a continuity of function and design within the development.

For the sake of development and land use compatibility, as described more fully above, Staff would be supportive of the three requests supporting the development proposal if it provides for 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.

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 amendment and rezoning applications generally. Therefore, Staff recommends Approval of both requests, subject to the following corrections, modifications, and Conditions of Approval:

- 1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations.*
- 2. Please secure and submit easements (or other acceptable form of legal agreement) to allow incidental construction activities and future building wall maintenance activities on the two (2) parcels adjoining to the north, to allow the buildings to be constructed on the north property line.*
- 3. Please submit clear and compelling information on what the building wall would look like on the south side, as facing the residential homes, in order to not have to install a screening fence along the south line, 4' from the building. A note on site plan states "Back wall of building to be stamped concrete to resemble brick." This needs to be operationalized by placing text into the Development Standards for DA A. Further, please submit an example or exhibit of the "stamped concrete" actually proposed, for the review and approval of the Planning Commission and City Council. Unless the Planning Commission and City Council can be convinced that the "stamped concrete" will be consistent in quality in terms of appearance and resistance to weathering, cracking, and fading, Staff recommends actual brick be used along the south line, in respect to the residential neighborhood. This also applies to the east end of the southernmost building, which appears to be approximately 5' from the west/rear yard line of the residential Lot 12, Block 2, Southern Memorial Acres No. 2.*

In the PUD received April 26, 2013, certain standards have been proposed but which are not fully consistent with Staff's recommendations. Reconciliation is recommended.

- 4. In addition to the southerly property line as discussed elsewhere, Zoning Code Section 11-9-16.C.3, the masonry building wall and screening fence requirements would appear to apply to:
 - a. The north building wall of the northernmost buildings (to the extent adjoining OL zoning, and potentially visible from RS-1 zoning in Houser Addition),*
 - b. The north property line (to the extent adjoining OL zoning, and potentially visible from RS-1 zoning in Houser Addition),*
 - c. The east property line (adjoining RS-2 zoning),*
 - d. The east-facing ends of three (3) easternmost buildings (adjoining RS-2 zoning).*
 - e. The west-facing ends of three (3) westernmost buildings (visible from RS-2 zoning).**

The PUD Text needs to list and describe building wall and screening fence materials to be applied to each of the above, and the same need to be labeled on the appropriate Exhibit(s).

In the PUD received April 26, 2013, certain standards have been proposed but which are not fully consistent with Staff's recommendations. Reconciliation is recommended.

- 5. The modular pre-fabricated storage buildings come in 10' X 10' increments. Please confirm that these dimensions incorporate the thickness of exteriorly-applied siding materials (masonry or "stamped concrete" tilt-up panels, etc.), or adjust site plans as necessary. For the sake of the residential properties to the south and the other reasons expressed elsewhere in this report, Staff is not supportive of reducing the setback from the south line less than 4' as currently proposed.*

6. *The PUD needs to specify that the existing U/Es will be vacated, and the Applicant will request a Modification/Waiver of the 17.5' Perimeter U/E requirement when platting, and specify to propose, in lieu thereof, a U/E between the northernmost buildings to allow the waterline loop, and future utilities as may be necessary.*
7. *"Roadway Easement" granted from Gail & John Horne to The Helene V. Byrnes Foundation, Document # 2013018388, recorded 02/22/2013, grants easement over "The Northwesterly 15 feet" of Lot 12. Based on its representation on the provided exhibits, it is assumed to have meant the "Northeasterly 15 feet." Otherwise, the described area may be a pie-shaped piece extending southeasterly from the northwest corner of said Lot 12, which may not allow for the emergency-only 26'-wide drive as shown on the plans. Please clarify and/or correct easement if/as needed.*
8. *Page 2, DA B Minimum Building Setbacks: Zoning Code citation needs to use a period instead of a colon to remove ambiguity.*
9. *Page 3, Section C.1.a: First sentence wording suggests a screening fence will be installed along the north line. Please clarify.*
10. *Page 3, Section C.1.a: Staff recommends adding a 4'-wide "Existing Tree Preservation and Landscaping Easement" along the entirety of the south line of DA A, as per other recommendations in this report. Please add this to the narrative here, stating that all existing mature trees of a certain minimum caliper (and define same) within the 4' easement will be preserved, or replaced through time at a 2:1 ratio, and new landscaping will be planted, spaced X' (20' maximum) on center, for areas currently containing no trees, in consideration of the requested removal of the requirement for a screening fence along the south property line of DA A. Describe what new landscaping will be installed, which must be found satisfactory to the Planning Commission and City Council. Specify that the new landscaping will be replaced through time at a 1:1 ratio. Describe how new landscaping will be irrigated and how the minimum "drip line" requirements of the landscaping chapter of the Zoning Code will be met, at least in spirit and intent.*

In the PUD received April 26, 2013, certain standards have been proposed but which are not fully consistent with Staff's recommendations. Reconciliation is recommended.

11. *Page 3, Section C.1: Please quantify how much landscaping will be proposed for which property lines (landscaped strip widths, landscaped areas, and tree counts), recognizing the following minimum setbacks/minimum required landscaped areas and landscaping tree requirements as per Zoning Code Sections 11-7I-5.E and 11-7C-4 Table 3 and this PUD:*
 - a. *The west approximately 68' of the north line of DA A abutting AG zoning has a 10' setback therefrom (680 square feet = 1 landscaping tree; 15% of this area must be landscaped).*
 - b. *The East Line of DA A, abutting RS-2 zoning for a distance of 170', has a 10' setback therefrom (1,700 square feet = 2 landscaping trees; 15% of this area must be landscaped).*
 - c. *The South Line of DA A, abutting RS-1 zoning for a distance of approximately 723.74', has a 10' setback therefrom (7,237.4 square feet = 8 landscaping trees; 15% of this area must be landscaped).*
 - d. *The 170'-long West Line of DA A has a 15' setback therefrom (2,550 square feet = 3 landscaping trees; 15% of this area must be landscaped).*

Any proposed reductions from the above must be spelled out and approved as a part of this PUD and the same must be compensated for by alternative landscape plans, in recognition of Zoning Code Section 11-7I-5.E. Recognizing that this PUD, as proposed, grants flexibility from the setbacks per a., b., and c. and from the screening fence requirement for ministorage uses along the north and south lines of DA A, the proposed standards should demonstrate that the combination of existing tree preservation and new tree plantings will be more than the minimum standards as would otherwise be required.

In the PUD received April 26, 2013, certain standards have been proposed but which are not fully consistent with Staff's recommendations. Reconciliation is recommended.

12. *Page 3, Section C.2.a: Please specify that the one (1) "ground monument sign" "shall" not exceed 15' in height (used term "will" connotes intent at this point in time, and does not clearly have obligatory effect in this context).*

13. Page 4, Section C.7 Access, Circulation and Parking: Describe plans for access such as identified in this analysis:
 - a. The gated emergency-only ingress/egress through Lot 11, Block 2, Southern Memorial Acres No. 2 to S. 85th Pl. E., to include
 - b. Whether and to what extent that 26'-wide drive will fall on Lot 12, Block 2, Southern Memorial Acres No. 2, and
 - c. If the "Roadway Easement" on Lot 12, Block 2, Southern Memorial Acres No. 2 was adequately described therein or requires amendment.
14. Exhibits A, B, F, & G: Please represent and label existing U/Es (with notation that same are subject to being vacated) and proposed new U/E (see related review item).
15. Exhibit A "Preliminary Plat": Approval of Exhibit A as a part of this PUD, though titled "Preliminary Plat," would not constitute the approval of an application for Preliminary Plat of "Byrnes Mini-Storages," which will require submission of an application and a full review for Preliminary Plat approval. Staff has not reviewed Exhibit A fully as if it were a Preliminary Plat.
16. Exhibit B: Please dimension existing and proposed setbacks as follows:
 - a. Three (3) westernmost buildings from the west property line.
 - b. Northernmost two (2) buildings from the east line of proposed Lot 1, Block 1, "Byrnes Mini-Storages."
 - c. Southernmost building from the east line of proposed Lot 2, Block 1, "Byrnes Mini-Storages."
 - d. House in Development Area B / proposed Lot 3, Block 1, "Byrnes Mini-Storages" from (at a minimum) front, northeast/side, and 135'-wide west/rear property lines.
17. Exhibit B: Please label Development Areas as stated in Introduction section on page 1.
18. Exhibit B: Please label proposed fence height and materials as per other recommendations in this report. Fence notation completely missing at southwest corner of DA A.
19. Exhibit C: Please restore PUD name or add PUD #.
20. Exhibit G: Please confirm all existing trees of a certain minimum caliper (must be defined) are represented within X' (4' minimum) north and south of the south line of DA A and represent any currently missing. Aerial and satellite imagery indicate several other trees than are represented on the exhibit, but their sizes are not known.
21. For the recommended Conditions of Approval necessarily requiring changes to the text or exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD text and exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.
22. A corrected PUD text and exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: Two (2) hard copies and one (1) electronic copy (PDF preferred).

Erik Enyart stated that most of the recommendations were for minor corrections, but several of them ask for specific information and proposals, such as for the type of masonry material to be used on the buildings, which [proposals] should be made at this meeting.

Vice/Acting Chair Larry Whiteley asked if the Applicant was present and wished to speak on the item. Applicant JR Donelson asked to be allowed to speak after the others signed in to speak had spoken first.

Vice/Acting Chair Larry Whiteley recognized Fritz from the Sign-In Sheet. Fritz asked to be allowed to speak after listening for a "little bit."

Vice/Acting Chair Larry Whiteley recognized Judy Sunday of 12446 S. 85th E. Pl. from the Sign-In Sheet. Ms. Sunday stated that she had lived in the neighborhood from 1973 to 1982, moved to an acreage, and then back [to the neighborhood]. Ms. Sunday stated that, as for the “stamped concrete,” that is all “well and good—if it crumbles, fix it.” Ms. Sunday stated that she was more concerned for the engineer’s [recommendations on stormwater] runoff. Ms. Sunday stated that she would oppose the project for the runoff. Ms. Sunday expressed concern that the house within the PUD would be removed for the new drive access. Ms. Sunday reiterated her concern over drainage.

Erik Enyart stated that, after the previous meeting, where drainage was discussed at length even though the application was not technically considered, he had contacted the City Engineer to get a synopsis of the drainage situation for this neighborhood. Mr. Enyart stated that the City Engineer emailed a response. Mr. Enyart read the first two (2) paragraphs of the email as follows:

“The Earth Change Permit approval for the Wilson property included constructing a crown along the east/west axis of the soccer field at the same elevation as the original dike between the Butler/Wilson property on the north. The dike’s purpose was to prevent runoff from the Butler site from entering or crossing the Wilson property, a function that is now to be performed by the field crown.

The Wilson Earth Change Permit also included providing drainage swale along the south boundary of the Wilson property to receive and convey neighborhood runoff to the east end of the Wilson property.

A specific drainage plan has yet to be submitted, but any future development will continue to be required to receive and convey off-site runoff (from either the neighborhood or the Butler property) and convey the water to the Fry Channel without allowing bypass from the north or creating a dam on the south.”

Before Mr. Enyart read the final paragraph, Judy Sunday stated the drainage will “still be a problem.” Matt Talley of 8113 E. 124th St. S. stated that, when [The Boardwalk on Memorial shopping center was being developed around 2003], the City Council required that the “back” part be “cut off” and the developer was told no to development because of the drainage.

Vice/Acting Chair Larry Whiteley asked Erik Enyart who was responsible for the drainage behind the homes [along the north side of 124th St. S.]. Mr. Enyart responded that the property owner was responsible for taking care of the drainage for this [subject] property, but would not be required to solve the drainage problems for the whole neighborhood. Mr. Enyart stated that the buildings would have roofs that drain into the development’s drives, which drain to [a stormwater detention facility at the northeast corner of the development]. Mr. Enyart stated that the drainage would be “fully contained and drained properly as concerns this property.”

Judy Sunday expressed concern for the new development to the south of the neighborhood. Vice/Acting Chair Larry Whiteley advised Ms. Sunday that Matt Talley was talking at this time. Mr. Talley expressed concern over the adequacy of the tributary to Fry Creek Ditch # 1, and asked if anything had been done to improve it. Erik Enyart responded that the channel had been widened

by the developer of the property to the north, but that it had only been done enough to benefit that property. Mr. Enyart stated that this property would have a stormwater detention pond, which would have an outlet to the channel. Mr. Enyart stated that the drainage matters were an engineering function and not a part of the rezoning application process. Mr. Talley stated, “The City shot him down then.” Vice/Acting Chair Larry Whiteley asked when this event occurred. Mr. Enyart responded that [PUD 29 was approved in] “2003, give or take.” Mr. Talley stated, “The City said no more [development to the] east; what changed?”

A question was asked as to the drainage for the area. Erik Enyart stated, “The Applicant would be best to respond to the stormwater drainage design.” JR Donelson stated, “I’ll answer when” the others were done speaking. Vice/Acting Chair Larry Whiteley invited Mr. Donelson to speak at this time. Mr. Donelson stated that the City Staff recommended approval [of the applications]. Mr. Donelson stated that [City Engineer] Jared [Cottle] would be responsible for the engineering requirements, and that the [drainage matters] were not a part of the Zoning, PUD, or Comprehensive Plan [Amendment] processes. Mr. Donelson stated that, as Erik [Enyart] said, the roofs will drain into the site, through the storm drains into the detention ponds, which will drain into Fry Creek at the same rate as presently discharged. Mr. Donelson stated that there would be a four (4)-foot [setback along the south line]. Mr. Donelson clarified with Mr. Enyart that this area would be called a “[4’ Existing Tree Preservation and] Landscape Easement.” Mr. Donelson stated that there was an existing drain 2 ½ feet off the [south] property line—a French drain—which would stay in place and catch the water [draining from the] 4’ of grass. Mr. Donelson stated that [these applications] met all the criteria, and Staff recommended approval, “and we thank him.” Mr. Donelson provided a printout of a photograph of stamped concrete.

Vice/Acting Chair Larry Whiteley asked how much more the real masonry would cost versus the stamped concrete, and JR Donelson responded it would be about 25% more than the “tilt-up” [concrete] panels.

Vice/Acting Chair Larry Whiteley asked who put the [French drain] in, and JR Donelson responded that [subject property owner Bill] Wilson did. Mr. Donelson stated that it was an approximately 12” diameter pipe. Mr. Whiteley asked if it needed cleaned out, and Mr. Donelson responded, “I can’t answer that—I didn’t install or design it.” Mr. Donelson stated that he had not shot the elevations for it either. Mr. Whiteley asked Erik Enyart what he knew about the drain pipe, and Mr. Enyart stated that he had not previously known it even existed. Mr. Whiteley asked what its purpose was, and Mr. Donelson responded that it was designed to take water from Mr. Wilson’s property. Mr. Whiteley stated that this needed to be looked at, and that he thought something could be done to make the situation better for both parties. Judy Sunday stated that Mr. Whiteley was correct [regarding the concern for cleaning the French drain pipe], “if someone would just check it.”

Vice/Acting Chair Larry Whiteley and Matt Talley discussed a neighboring property owner that had a pipe sticking out of the ground.

Vice/Acting Chair Larry Whiteley clarified with Erik Enyart that it was possible to add a Condition of Approval that the developer work with the City Engineer on drainage plans as concerns the houses along the south property line.

Patrick Boulden stated that such a Condition would not be necessary, as it was the engineer's job anyway, and was outside the purview of the Planning Commission directly. Mr. Boulden indicated the Commission's action on drainage would be misplaced, "except when it comes to the intensity of use." Vice/Acting Chair Larry Whiteley expressed favor for not adding such a Condition of Approval, based on the City Attorney's comments. Mr. Boulden noted that "The engineer will do this whether you say or not." It was noted that someone needed to make sure the water was going somewhere, as French drains occasionally get stopped up.

Lance Whisman clarified with Matt Talley that the French drain being discussed was located south of the subject property and along the north line of the residential homes along 124th St. S. Mr. Talley stated that he never saw the pipe go in—only sand.

Lance Whisman expressed concern that a development could take care of the water on its own side, but still block drainage across the lot. Mr. Whisman stated that he had seen this before.

Lance Whisman stated that the question before the Commission was whether or not to change the Comprehensive Plan—whether it felt the proposed change fits in well enough.

Judy Sunday asked "Where's the City Engineer?" Ms. Sunday and others asked how this could be approved now without the drainage questions being resolved. Erik Enyart addressed Vice/Acting Chair Larry Whiteley and offered to respond to these questions. Mr. Enyart stated that these were all zoning exercises and it was not normal to see engineer's drainage plans until the plat [application]. A Commissioner asked if the Commission would see those plans later. Mr. Enyart stated that [drainage review and approval] was done at the City Engineer's office, so the Commission would not see the plans, but the City Engineer may include comments in his review memo, which spells out deficiencies. Mr. Enyart stated that the City Engineer's memo was included in the agenda packets, so in that case, the Commissioners would see that at the Preliminary Plat application stage.

John Benjamin excused himself momentarily. Patrick Boulden noted that quorum had been lost. All three (3) Commissioners took a brief recess at 6:43 PM.

All three (3) Commissioners returned to the dais and Vice/Acting Chair Larry Whiteley called the meeting back to order at 6:46 PM.

Vice/Acting Chair Larry Whiteley asked to entertain a Motion.

Lance Whisman reiterated his rhetorical question, "should we change the Comprehensive Plan? Do we make the change more positive, or more interpretive, or a better fit? Is this better than the Residential that is there now?" Mr. Whisman indicated he did not believe the change would be beneficial and made a MOTION to Recommend DENIAL of BCPA-9, Agenda Item # 3. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whiteley, & Whisman
NAY: Benjamin.
ABSTAIN: None.
MOTION FAILED: 2:1:0

Erik Enyart discussed with the Commissioners the possibility of Continuing the application to the May 20, 2013 Regular Meeting, in order to allow other Commissioners to attend and possibly achieve a quorum majority vote.

John Benjamin made a MOTION to CONTINUE BCPA-9, Agenda Item # 3, to the May 20, 2013 Regular Meeting. Larry Whiteley SECONDED the Motion.

Judy Sunday asked what was going on. Erik Enyart responded that the likelihood of an up-or-down vote after a 2:1 split vote was not high, so the Commissioners were Continuing the applications to the next meeting, where there may be four (4) or five (5) Commissioners, and the likelihood of a three (3) vote up-or-down on a Motion would be much higher. Mr. Enyart stated that the next meeting date would be May 20, 2013.

Roll was called:

ROLL CALL:

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

Erik Enyart stated that the vote was on Agenda Item # 3, the Comprehensive Plan amendment request. Mr. Enyart stated that a followup Motion and vote on the other two (2) related applications was needed.

Lance Whisman made a MOTION to CONTINUE PUD 77 and BZ-365, Agenda Items # 4 and 5, to the May 20, 2013 Regular Meeting. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

6. **PUD 78 – “Willow Creek” – Rosenbaum Consulting, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 104.78 acres consisting of part of the NE/4 of Section 12, T17N, R13E. Property Located: South and west of the intersection of 131st St. S. and Mingo Rd.
-

Vice/Acting Chair Larry Whiteley introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, May 02, 2013
RE: Report and Recommendations (Revised 05/02/2013 to reflect the revised plans and information received 05/02/2013) for:
PUD 78 – “Willow Creek” – Rosenbaum Consulting, LLC

LOCATION: – South and west of the intersection of 131st St. S. and Mingo Rd.
– Part of the NE/4 of Section 12, T17N, R13E
LOT SIZE: 104.78 acres, more or less
EXISTING ZONING: – RS-3 Residential Single Family District
– RM-2 Residential Multifamily District
SUPPLEMENTAL ZONING: Corridor Appearance District (300’ south from centerline of 131st St. S.)
EXISTING USE: Agricultural
REQUEST: Approval of PUD 78
SURROUNDING ZONING AND LAND USE:
North: CS & AG; The Faith Temple Assembly church, agricultural land, and a house on a 3-acre tract zoned CS, and agricultural land to the north of 131st St. S.
South: RS-3 & RE; Single family residential in Blue Ridge Estates, Blue Ridge II, Southbridge, and Southwood South Addition.
East: CS & AG; The Faith Temple Assembly church, agricultural land zoned CS, and, across Mingo Rd.: AAA Landscaping, Four Seasons Lawn Care, agricultural land, and a cell tower, all in unincorporated Tulsa County.
West: RS-3, CG, & CS; Single family residential in Blue Ridge II and Sun Burst and, along 131st St. S.: a house on a 3-acre tract zoned CS, the WW Sprinkler Repair business, and the Broken Arrow Hitch & Trailer, and miscellaneous other uses, all zoned CS and CG.

COMPREHENSIVE PLAN:
(1) Medium Intensity + Residential
(2) Development Sensitive/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land
(3) Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES: (Not necessarily a complete list)
BZ-23 – Robert Leikam – Request for rezoning from AG to OL, CS, RM-2, & RS-2 for approximately 117 acres, including subject property – Modified approval as per Staff granted in 1974 (Ord. # 282).
BZ-31 – Robert Weir – Request for rezoning from AG to RS-2 for 8.0 acres of the subject property at about the 13400-block of S. Mingo Rd. – Approved together with BZ-23 November 19, 1974 (Ord. # 282).
BZ-236 – Faith Temple Assembly, Inc. – Request for rezoning from RM-1 to CS for area of subject property currently zoned RM-2 for future church parking lot – Recommended/Approved for RM-2 zoning in November 1997/January 1998 (Ord. # 765).
BZ-338 – Cardinal Industries, Inc. c/o Bob Lemons – Request for rezoning from RM-2, RM-1, CS, OL, RD, and RS-2 to RS-3 for approximately 104.74 acres (includes subject property) for a future “Willow Creek” residential subdivision – PC recommended Approval 05/19/2008 and City Council Approved 06/09/2008 (Ord. # 1000).
Preliminary Plat of Willow Creek – Cardinal Industries, Inc. c/o Bob Lemons – Request for Preliminary Plat and Modification/Waiver (maximum cul-de-sac length) approval for 104.74 acres (includes subject property) – PC recommended Conditional Approval on 05/19/2008 and City Council Conditionally Approved 05/27/2008.
BL-353 – Faith Temple Assembly, Inc. c/o Tony Genoff – Request for Lot-Split approval for 13 acres abutting to the north and east (but including approximately 2 acres of subject property currently zoned RM-2) to separate the church property from its surrounding acreage – PC Approved 05/19/2008.

BL-364 – HRAOK, Inc. for Prestige Trading Company – Request for Lot-Split approval for 104.74 acres (includes subject property) to allow for the conveyance of approximately 2.3 acres on the east side of the Old Fry Creek Ditch to adjoining property owner (Genoff) to the north (part of a land trade along with BL-365) – PC Approved 12/15/2008.

BL-365 – HRAOK, Inc. for Tony Genoff – Request for Lot-Split approval for 9 acres abutting to the north and east, to allow for the conveyance of the approximately 2 acres of subject property currently zoned RM-2 for attachment to the subject property (part of a land trade along with BL-364) – PC Conditionally Approved 12/15/2008.

Revised Preliminary Plat of Willow Creek – HRAOK, Inc. – Request for revised Preliminary Plat and Modification/Waiver (to exceed the 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F) approval for subject property – PC recommended Conditional Approval on 06/15/2009 and probably Conditionally Approved by City Council 06/22/2009.

BBOA-562 – Hank Spieker for Cardinal Industries, LLC – Request for Special Exception per Zoning Code Section 11-7B-2 Table 1 to allow a Use Unit 5 church and Use Unit 5 private elementary school in the RS-3 and RM-2 Residential districts for subject property – Withdrawn by Applicant 07/03/2012.

Preliminary Plat of Willow Creek – Rosenbaum Consulting, LLC – Request for Preliminary Plat approval for subject property – Pending PC consideration 05/02/2013.

RELEVANT AREA CASE HISTORY: (not necessarily a complete list and does not include cases located in unincorporated Tulsa County)

BZ-342 – JR Donelson for Cardinal Industries – Request for rezoning from RS-3 to CS for southerly approximately 2.3 acres of the planned plat of “Willow Creek Plaza” – PC recommended Approval 04/20/2009 and City Council Conditionally Approved 05/11/2009 (Ord. # 2015).

Preliminary Plat of Willow Creek Plaza – Request for Preliminary Plat approval for approximately 9 acres abutting subject property to the east – PC recommended Conditional Approval on 04/20/2009 and City Council Conditionally Approved 04/27/2009.

BACKGROUND INFORMATION:

The subject property was approved for a Preliminary Plat (and Modification/Waiver of the 300' maximum cul-de-sac/dead end street standard, to allow cul-de-sacs in the 350' range based on local precedent) for a 254-lot development in 2008. The Planning Commission recommended Conditional Approval of the Preliminary Plat on 05/19/2008 and City Council Conditionally Approved it 05/27/2009.

As part of a series of Lot-Splits reallocating ownership patterns, the subject property acquired approximately two (2) acres on the west side of the “Twin Hills Creek” / “Old Fry Creek” in exchange for approximately 2.33 acres on the east side of the same. Per an older rezoning case,

(BZ-236 – Faith Temple Assembly, Inc., 1998), the approximately two (2) acres retains RM-2 zoning.

The subject property was redesigned for a 276-lot development with more stormwater drainage/detention Reserve areas in 2009. The Planning Commission recommended Conditional Approval of the Preliminary Plat on 06/15/2009 and City Council probably Conditionally Approved it 06/22/2009 (electronic copy of Minutes appears to have been overwritten by a later meeting date's Minutes), along with a Modification/Waiver to exceed the 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F.

The property ownership has since changed. The new owner has proposed a new Preliminary Plat for a 291-lot development, but has retained the overall framework (streets and blocks) as proposed and Conditionally Approved in 2009. This PUD would allow for the 65' minimum lot widths per RS-3 to be reduced to 60', which would allow for the increase in the number of lots as compared to the previous plat proposal.

The developer has expressed this situation within the PUD as follows, “Due to market conditions the Willow Creek is primarily based on a smaller lot size and excellent location to drive the residential market to this area of Bixby. With great access and a consistent market of residential home construction in this range PUD# [78] will greatly improve the Willow Creek success for the City of Bixby's continued growth.

This Planned Unit Development (PUD# [78]) is an overlay covering the RS-3 zoning district and will generally follow RS-3 dimensional and density standards with certain notable exceptions. The purpose of this PUD# [78] is to modify the dimensional and development standards allowing the site to be developed into 60' minimum lot widths.”

The Preliminary Plat for the subject property is also pending Planning Commission consideration at this May 02, 2013 Special Meeting.

On Thursday, May 02, 2013, the Applicant submitted revised electronic copies of the PUD Text & Exhibits package and the Preliminary Plat. This report has been revised to reflect recommendations from the original Staff Report which have been satisfied with this submittal. Although the numbered recommendations at the end of this report have been fully updated, some of the following text may not reflect the latest version. A copy of the revised PUD Text & Exhibits package is attached to this report.

ANALYSIS:

Subject Property Conditions. *The subject property is agriculturally-used and contains 104.78 acres, more or less. It is zoned RS-3, with the exception of approximately two (2) acres zoned RM-2. It has approximately 1,470 feet of frontage on 131st St. S. and approximately 1,505 feet of frontage on Mingo Rd. It is bounded on the east by Mingo Rd., on the south and west by residential subdivisions Southwood South Addition, Southbridge, Blue Ridge Estates / Blue Ridge II, and Sun Burst, on the west by the Broken Arrow Hitch & Trailer business on a 4-acre tract zoned CG and a house on a 3-acre tract zoned CS, on the north by 131st St. S., and on the northeast by "Twin Hills Creek" / "Old Fry Creek." Per the EPA My WATERS Mapper, "Twin Hills Creek" was that drainageway that, since the Fry Ditch project was constructed, is now known as Fry Creek # 2 from its northernmost extent to its confluence with Fry Creek # 1. The creek was also previously rerouted southwest of the intersection of 141st St. S. and Mingo Rd. to discharge directly to the Arkansas River.*

The land is relatively flat and appears to slope slightly to the southeast along a trajectory paralleling "Twin Hills Creek" / "Old Fry Creek," which then drains more or less due south after it crosses to the east side of Mingo Rd.

Although the Haikey Creek Flood Improvement project may affect the floodplain situation, the subject property currently contains substantial areas of 100-year (1% Annual Chance) Regulatory Floodplain. Per the City Engineer, any development of the subject property must coordinate with the Haikey Creek engineering design plans.

Development of the property at this time, and prior to the completion of the Haikey Creek drainage improvement project will result in the requirement to (1) Submit and receive FEMA approval of a Conditional Letter Of Map Revision based on Fill (CLOMR-F), (2) Fill / elevate the property to above the current 100-year Base Flood Elevation (BFE), (3) Provide compensatory storage for the fill / elevation, (6) Submit and receive FEMA approval of a LOMR-F, and (5) provide on-site stormwater detention. Elevating the subject property out of the 100-year floodplain would avoid conflict with the restriction from platting lots within the 100-year floodplain per SRs § 12-3-2.O. The subject property was approved for a CLOMR-F (Case No. 10-06-2013C) per letter from FEMA dated September 09, 2010. The balance of the actions remains to be done.

Access. *Primary access to the subdivision would be via one (1) entrance from 131st St. S. and another from Mingo Road, and the third via 133rd St. S. through Sun Burst. There are no other stub-out streets abutting the subject property to connect to, and no undeveloped residential acreages to provide a new stub-out street to.*

The Subdivision Regulations do not contain a ratio schedule for the number of required points of access to a subdivision based on the number of lots within it. Recommendations as to adequacy of the three (3) means of ingress and egress in ratio to the number of lots proposed should come from the City Planner, Fire Marshal, and Police Chief, all of whom have expressed that the three (3) should be considered adequate when 254 lots were proposed. All three (3) verbally indicated that the three (3) were still adequate when that number was increased to 276 lots. 291 lots are now proposed, and Staff is soliciting input from these officials as to the adequacy at this number of lots.

A Residential Collector Street is planned, at 60' in right-of-way width (and presumed roadway width at 36', when infrastructure plans are submitted), as per Subdivision Regulations standards, connecting 131st St. S. to Mingo Rd., located between Blocks 1, 2, 3, and 7 on the west and Blocks 4, 5, 6, 8, and 9 on the east.

General. *This PUD primarily proposes to reduce the RS-3 minimum lot width requirement from 65' to 60', to allow for platting as "Willow Creek." The submitted site plan for the development (Concept Plat) exhibits a suburban-style subdivision design.*

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) reviewed this PUD on April 03, 2013. The Minutes of the meeting are attached to this report.

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

Comprehensive Plan. *The Comprehensive Plan designates the subject property as (1) Medium Intensity + Residential, (2) Development Sensitive/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land, and (3) Medium Intensity + Commercial Area.*

The existing RS-3 and RM-2 districts both allow the single-family development as proposed. Per the Matrix, the existing RS-3 and RM-2 districts are In Accordance or May Be Found In Accordance with all the Comprehensive Plan designations.

Per the Matrix, PUDs (as a zoning district) are In Accordance or May Be Found In Accordance with all designations of the Comprehensive Plan Land Use Map, and thus PUD 78 would be In Accordance with the Comprehensive Plan as a zoning district.

Therefore, Staff believes that the proposed single-family residential PUD should be recognized as being consistent with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. *Surrounding zoning patterns are primarily AG, RS-3, RE, CS, and CG. To the south and west are single family residential subdivisions Sun Burst, Blue Ridge Estates, Blue Ridge II, Southbridge, and Southwood South Addition zoned RS-3 and RE.*

Along 131st St. S. to the northwest are a house, the WW Sprinkler Repair business, and the Broken Arrow Hitch & Trailer business, and miscellaneous other uses, all zoned CS and CG. Along 131st St. S. To the north of 131st St. S. is agricultural land zoned AG. To the northeast (across "Twin Hills Creek" / "Old Fry Creek") is the Faith Temple Assembly church and agricultural land zoned CS.

Land east of the subject property, across Mingo Rd., includes the AAA Landscaping and Four Seasons Lawn Care businesses, agricultural land, a communications tower, and land recently acquired by the City of Bixby for the Haikey Creek Flood Improvement project, all zoned AG in unincorporated Tulsa County.

Staff believes that the proposed single-family residential development contemplated by this PUD would be compatible with and complimentary to the surrounding residential uses and zoning patterns, and future uses anticipated in the areas to the north and east.

The subject property is within the Corridor Appearance District, to the extent located within 300' of the centerline of 131st St. S. However, Zoning Code Sections 11-7G-3 exempts residential zoning districts.

Within the nearest subdivisions, lots in Sun Burst, Blue Ridge Estates, Blue Ridge II, and Southbridge are all typically 65' in width, consistent with their RS-3 zoning. Lots in Southwood South Addition to the south are typically 150' in width, consistent with RE zoning. The closest additions with smaller lots is the recently-approved "Bixby Landing Second," which has lots varying in width but as narrow as 50', as permitted by PUD 57 and its underlying RS-4 zoning. Abbie Raelyn Estates at 132nd St. S. and 78th E. Ave. and Copperleaf at 131st St. S. and Sheridan Rd. each contain lots at roughly 50' typical widths.

Somewhat similarly to this development, the City of Bixby recently approved PUD 72, allowing Lantern Hill at 146th St. S. and Sheridan Rd. to be replatted as Southridge at Lantern Hill with 60'-wide lots. Upon its August 27, 2012 approval of PUD 72, the City Council imposed the following Conditions of Approval:

"...subject to the corrections, modifications, and conditions provided by staff and the additional conditions that houses constructed will be a minimum of 1,800 square feet up to 3,000 square feet, with full masonry up to the plate line, which masonry shall not include "hardi board. This approval is subject to final review by the City Planner for inclusion of language in PUD-72 providing for these conditions..."

Within this PUD, similar language has been added, but is different:

"The minimum home square footage shall be 1,500 square foot.

Home exterior shall be 50% masonry up to the first floor plate line."

The Developer should note the difference and be advised that the City Council may request changes to such standards for quality in exchange for the benefits conferred upon the development by this PUD.

Regardless of area precedent for lots narrower than 65', recognizing that the subject property contains approximately two (2) acres of RM-2 zoning, and that this PUD will exclude multifamily use in favor of an exclusively single-family development, it seems reasonable that the RM-2 zoning be translated to a small measure of added intensity in the form of the relaxation of the 65' lot widths to 60'. This 60' width appears to have allowed for a (291 - 276 =) 15 lot net increase in lot yield, or 5.4% increase over the 276 last proposed and Conditionally Approved. For comparison, even when excluding the

approximately two (2) acres of RM-2 zoning and counting the same as RS-3, provisions for residential intensity within a PUD would permit approximately 540 lots per Zoning Code Section 11-7I-5.A.1.a.

The PUD would not appear to be inconsistent with surrounding Zoning or land use patterns.

Potential Subdivision Design Enhancements. In the Staff Reports for the original and revised Preliminary Plat applications, Staff identified several potential design enhancements, some of which have been incorporated as of the 2009 redesign (more reserve areas, and reserve areas connecting to other reserve areas, etc.). One of the recommended potential design enhancements was to use the 130' PSO electric powerline right-of-way easement as a greenway / walking trail amenity (for illustration, consider the walking trail in the Churchill Park subdivision in Jenks). This could connect to the corresponding open space Reserve along the north side of the Southbridge subdivision. This trajectory would allow it to connect to the planned trail along the south side of Southbridge and into the Tulsa Metropolitan Trails system connection at Washington Irving Park to the west. The other Reserve Areas used for drainage/detention may also allow for passive recreational uses.

Studies have shown that lots abutting greenways, linear parks, and parks in general, fetch higher prices in the marketplace and maintain their values better than others not abutting such amenities. Use as a walking trail amenity could enhance the attractiveness, and thus value, of the entire subdivision.*

Such design enhancements could be discussed and decided at an early date, and without significant developer investment in a singular plan, if a Sketch Plat were submitted first for the Planning Commission's approval of the conceptual layout.

These recommendations were not incorporated into the design, but there are now more Reserve areas, primarily designed for stormwater drainage/detention. The Planning Commission should discuss with the developer the likelihood of adding walking trails around the high banks of the drainage/detention areas.

Staff Recommendation. Staff believes that the proposed PUD is consistent with Zoning Code Section 11-7I-8.C and the purposes and intent of the Zoning Code generally and recommends Approval subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to the satisfaction of any outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
2. Per the City Engineer, any development of the subject property must coordinate with the Haikey Creek engineering design plans.
3. Development of the property at this time, and prior to the completion of the Haikey Creek drainage improvement project will result in the requirement to (1) Submit and receive FEMA approval of a Conditional Letter Of Map Revision based on Fill (CLOMR-F), (2) Fill / elevate the property to above the current 100-year Base Flood Elevation (BFE), (3) Provide compensatory storage for the fill / elevation, (6) Submit and receive FEMA approval of a LOMR-F, and (5) provide on-site stormwater detention. Elevating the subject property out of the 100-year floodplain would avoid conflict with the restriction from platting lots within the 100-year floodplain per SRs § 12-3-2.O. The subject property was approved for a CLOMR-F (Case No. 10-06-2013C) per letter from FEMA dated September 09, 2010. The balance of the actions remains to be done.
4. ~~Entire document: Please add PUD number where appropriate (PUD # 78 presuming approval).~~
5. ~~Project Description: Correct geographical description such as follows: "The project is located approximately ½ mile south of South 131st Street east **South** and on the west side of Mingo Road in Bixby, Oklahoma."~~
6. ~~Soil Characteristics: Reference to "Southridge at Lantern Hill" rather than "Willow Creek."~~
7. ~~Platting: Please clarify language such as follows: "Prior to issuance of a certificate of occupancy a **building permit**, restrictive covenants, enforceable by the City of Bixby, setting forth the design standards of this approved Planned Unit Development (PUD # 78) shall be filed of record in the Office of the County Clerk. The required covenants may **shall** be filed in conjunction with a re-plat **the subdivision plat** of the property or as a separate instrument."~~
8. The "Concept Plat" is recognized as the site plan required by Zoning Code Section 11-7I-8.B.1. The following corrections or enhancements should be made:

* <http://www.tpl.org/research/parks/economic-health-benefits.html>

- a. Please change the street names as per the "Street Names Plat" provided to the Applicant on April 03, 2013.
 - b. The Reserve Areas should indicate the purpose(s) for each per the PUD site plan requirement to represent land uses. Reserve Areas A, B, C, and D are labeled "Drainage and Detention Easement." If the Developer is agreeable to Staff's suggestion to allow their additional passive recreational use such as for walking trails, this can be added to each.
 - ~~c. Reserve Areas E and F are not labeled as to intended use (landscaping and/or entry features presumed).~~
 - ~~d. The 130' wide AEP/PSO easement (Book 3600 Page 16) is not represented on this or the Preliminary Plat.~~
 - ~~e. Please represent locations of identification signage per Zoning Code Section 11-71-8.B.1.f (if known at this time).~~
 - f. Please represent locations and descriptions of screening and landscaping per Zoning Code Section 11-71-8.B.1.e (if known at this time).
 - g. The graphic scale does not appear to correspond to map features. The numeric scale was not checked as its native paper size is not known.
9. Zoning Code Section 11-71-8.B.1.c calls for the provision of plans for pedestrian access and circulation, in addition to vehicular access and circulation. ~~The PUD needs to have wording to acknowledge that the Subdivision Regulations require sidewalks along the perimeter and internal streets, such as follows, "Sidewalks shall be constructed by the developer or individual lot owners along perimeter and internal streets in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer."~~ If walking trails will be permitted within Reserve Areas, as suggested by Staff, this should be described here as well.
 10. ~~Information on signage, as required per Zoning Code Section 11-71-8.B.1.f, is missing. Modern subdivisions with frontage along main arterial streets typically have identification signage at the entrances, maintained by the Homeowners Association. If plans for signage are known at this time, they should be described in an appropriate section of the PUD and represented on the "Concept Plat" site plan if known as to location. If otherwise, the PUD text can state something general, such as "Identification signage, if to be installed for this development, shall comply with Bixby Zoning Code Section 11-7B-3.B.4.b."~~
 11. Zoning Code Section 11-71-8.B.1.e calls for the provision of plans for screening and landscaping. Modern subdivisions with frontage along main arterial streets typically have a uniform fence or wall along these streets, sometimes enhanced with landscaping, maintained by the Homeowners Association. If plans for perimeter walls/fences are known at this time, they should be described in an appropriate section of the PUD and represented on the "Concept Plat" site plan as to location. The development also has Reserve Areas that may someday have landscaping (sod, trees, etc.). The PUD does not have, and needs to describe in the text and represent on the "Concept Plat" site plan proposed screening/walls, entry features, and landscaping throughout, if known at this time. If otherwise, the PUD text can state something general.
 12. For the recommended Conditions of Approval necessarily requiring changes to the text or exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD text and exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.
 13. A corrected PUD text and exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: One (1) hard copy and one (1) electronic copy (PDF preferred).

Erik Enyart noted that he had distributed copies of a revised Staff Report for this and the Preliminary Plat prior to the meeting, which updated the recommendations based on the revised PUD and plat received that day. Mr. Enyart stated that copies of the revised PUD and plat were also distributed to the Commissioners prior to the meeting.

Vice/Acting Chair Larry Whiteley recognized Roger Klein from the Sign-In Sheet. Mr. Klein stated that he was representing *BA Hitch & Trailer*, and Lorlane [Enterprises, LLC], the owner of [that *BA Hitch & Trailer*] property. Mr. Klein asked why his property was included in the map he received in the mail, and if his zoning was being changed. Erik Enyart responded that the circle indicated a 300' radius around the subject property, and simply demonstrated which property owners received the notice in the mail. Mr. Enyart stated that Mr. Klein's property was within 300' and so he received the notice. Mr. Enyart stated that the rezoning was only requested for the subject property. Mr. Klein asked if this application would change his zoning or what he could sell the land for. Mr. Enyart responded that it would not change his zoning. Mr. Enyart indicated he could not answer the land value question. Mr. Klein asked, if he were to sell the land "to another CG business," if this application would affect what [the property owner] would do later. Mr. Enyart stated that the only [realistic] way the zoning would change would be if the property owner themselves made an application to rezone it. A question was asked, and Mr. Klein stated that the [*BA Hitch & Trailer*] property was at 8806 E. 131st St. S.

Vice/Acting Chair Larry Whiteley recognized Jerry James from the Sign-In Sheet. Mr. James stated that he lived at 13316 S. 91st E. Ave., and "We back up to the greenbelt." Mr. James stated that he was attending for two (2) things: (1) he wanted to make sure there would be no increase in the potential flooding, and (2) he wanted to ask if this application/development would affect the "greenbelt." Mr. James expressed desire that ["Park" Lot 34, Block 3, *Blue Ridge II*] be cleaned up, and asked if anyone would do anything to improve safety and law enforcement. Mr. James described it as a potential hazard, with kids going down into it, poison ivy, and [brush and tall grass/weeds creating a potential] fire hazard.

Barrick Rosenbaum indicated to Erik Enyart he would address these questions later, and Mr. Enyart stated that the Applicant was present but was indicating he would address these questions later.

Jerry James also asked about the red stakes "at the corner."

Roger Klein asked if this property was not in the floodplain. Erik Enyart responded that "A significant amount is in the 100-year Floodplain," and would require consistency with the Haikey Creek Flood Improvement Project and compliance with the City Engineer's recommendations. Mr. Enyart stated that the developer had a plan to take all of the buildable lots out of the Floodplain, and also had FEMA approval of a CLOMR.

Lance Whisman indicated curiosity as to how the Applicant was able to "squeeze in more lots." Someone responded that the lot widths were being reduced to 60'.

Vice/Acting Chair Larry Whiteley stated that more money could probably be made by "squeezing down" the lots. Mr. Whiteley stated that whatever [*Southridge at*] *Lantern Hill* did doesn't make a difference here, and no precedent was set. Mr. Whiteley stated that this property is in the

Floodplain, and [*Southridge at*] *Lantern Hill* is on the top of a hill; the drainage is completely different.

A Commissioner asked why the drainage would go through *Blue Ridge [II]*. Erik Enyart stated that the [Developer's] Engineer would be the best person to respond to that question.

Barrick Rosenbaum stated that he would answer some of the questions raised. Mr. Rosenbaum addressed Jerry James and stated that the stakes were in the field where [the client's] surveyor surveyed the neighborhood. Mr. Rosenbaum stated that some of the neighbors went across the platted ["Park" Lot 34, Block 3, *Blue Ridge II*] land with their fences. Mr. Rosenbaum stated that [the client's] intent was to clean it up, make it a park-like setting, and not change the drainage patterns for the area. Mr. Rosenbaum stated that this was the same [drainage concept] as in 2009, and that the *Blue Ridge [II]* pond would not be a part of this plat. Mr. Rosenbaum stated, "This client purchased the land." Mr. Rosenbaum stated that a CLOMR-F had been approved by FEMA originally, to pull all the buildable lots out of the floodplain.

Patrick Boulden asked what the "CLOMR-F" was, and Barrick Rosenbaum stated that it [was an acronym for] "Conditional Letter Of Map Revision based on Fill." Mr. Rosenbaum stated that no changes could be made to the LOMR or one would "be in trouble" [with FEMA]. Mr. Rosenbaum stated that he was working closely with Jared Cottle on the Haikey Creek project.

Barrick Rosenbaum stated that the stormwater detention ponds would not be "wet ponds," but would be "dry ponds." Mr. Rosenbaum stated that this client has worked with sandy soils before and did not want the liability.

John Benjamin asked Jerry James if he had all his questions answered. Mr. James asked for clarification of the comment Barrick Rosenbaum made about fences across the "greenbelt" ["Park" Lot 34, Block 3, *Blue Ridge II*]. Mr. Rosenbaum stated that that lot was still owned by the developer, and, after the surveying was completed, they would have to have a meeting with the [concerned] landowners to "see what we do." Mr. Rosenbaum stated that there were a lot of fences found all through the lot. Mr. Rosenbaum stated that the client wanted to make a park for the residents of Willow Creek. Developer Brian Doyle stated, "You'll have access; no one is policing that area." Mr. James stated, "I have iris beds, and I was told I could have them as long as fire and police cars—official access could go through."

Developer Brian Doyle stated that ["Park" Lot 34, Block 3, *Blue Ridge II*] "looks terrible. We don't want houses backing up to" the detention pond as it is. Mr. Doyle stated, "We bought it to clean it up."

Barrick Rosenbaum stated that the [stormwater retention pond] in *Sun Burst* had no outlet. Mr. Rosenbaum stated that the original design under the original firm that worked on this project, which he worked for at the time, was to give it an outlet, and "We'll do the same here." Mr. Rosenbaum stated that the original design had a large lift station, but with City agreement, a trunk main sewer would be installed through *Southbridge* all the way up to 131st St. S., which will eliminate the need for another lift station.

Roger Klein asked if there would be a [screening] fence installed along the common property line. Barrick Rosenbaum stated that the developer would put in the fence along the main streets, but it would be up to the [homebuilders/homeowners] to install their own as they normally do.

Vice/Acting Chair Larry Whiteley raised the issue of development costs and number of lots as they relate to the 60' lot width matter. Mr. Whiteley asked how many more lots would there be if the lot width was reduced. Barrick Rosenbaum stated that Erik Enyart had previously estimated 15 more lots earlier in the meeting. Mr. Rosenbaum stated that the price of the homes would be right under \$200,000 and would be masonry, similar to *Southbridge*. Mr. Rosenbaum stated that it would have playgrounds, a poolhouse and pool. Mr. Whiteley asked if it would make a difference if [the 65' lot width requirement caused the developer to] lose 15 lots. Mr. Doyle responded, "It all adds up." Mr. Doyle stated that the homes would be a minimum of 1,500 square feet. Lance Whisman asked if he had not read they would be 1,800 to 3,000 square feet. Erik Enyart responded that this was a part of the Staff Report referring to [*Southbridge at*] *Lantern Hill*, to which he drew comparison due to the similarity on lot width matter and the City Council's action [on house quality requirements]. Mr. Doyle stated that most of the homes in *Southbridge* were 1,600 to 1,700 square feet.

Lance Whisman expressed concern over modifying the requirements by PUD and for the lot width reduction to 60'.

Patrick Boulden stated that, based on the discussion, it was not likely there would be a three (3) vote quorum. Brian Doyle indicated favor for having the development Continued if it looked like it would [otherwise] be turned down. Vice/Acting Chair Larry Whiteley stated that it was "more than likely to be turned down tonight" if not Continued. Mr. Whiteley stated, "We have a nice city," and the additions [it presently had] were "pretty balanced." Mr. Whiteley expressed favor for staying "with the plans laid out for us" and doing several things to help the City as well as the developer.

A Commissioner expressed interest in rejecting the PUD if it was only done to reduce the lot width requirement. Erik Enyart stated that the PUD included allowing a Use Unit 5 community pool, and the PUD was good to have in place regardless of the lot width issue. Mr. Enyart stated that, if the Commission desired to reject the 60' lot width issue, rather than Continuing [or denying] the PUD application, which would delay the project, the Commission should recommend Approval with an added Condition of Approval that the 65' lot width of the RS-3 district be retained.

Jerry James asked how wide the lots were in *Southbridge*, and Erik Enyart responded they were typically 65' in width.

Vice/Acting Chair Larry Whiteley clarified with Erik Enyart that the Commission's actions on the PUD would need to be carried through for the Preliminary Plat. Mr. Enyart stated that, if the Commission voted to recommend approval of the PUD without the lot width reduction, it would need to recommend approval of the Preliminary Plat subject to an added Condition of Approval to redesign to 65' lot widths.

There being no further discussion, Vice/Acting Chair Larry Whiteley asked to entertain a Motion. Lance Whisman made a MOTION to Recommend APPROVAL of PUD 78 with the Condition of

retaining the 65' lot width and 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, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

Someone asked what purpose the Planning Commission's actions had if the City Council ultimately decided on these applications, and Erik Enyart confirmed that the action of the Planning Commission "does carry weight."

Roger Klein asked the Commissioners why they had Continued the previous items [BCPA-9, PUD 77, and BZ-365] when it had a 2:1 split vote, but had voted to [recommend approval of] this item. Erik Enyart responded that the Commission voted the way it did on the previous item because of a technical issue: to preserve the Public Hearing [Notice]. Mr. Enyart stated that, if it had not Continued those cases, they would all have to be readadvertised [and with added delay and expense].

Mike Lowman of 8900 E. 131st St. S. asked if [he and the others] would receive notice of the City Council meeting. Erik Enyart stated that there would be no new notices sent, but that the City Council would meet on this application May 13, 2013.

Erik Enyart addressed Vice/Acting Chair Larry Whiteley and was granted permission to ask the developer a question. Mr. Enyart addressed Brian Doyle and noted that he had not thought to ask him before suggesting to the Commission how to vote. Mr. Enyart asked Mr. Doyle, "Would you have wanted them to vote as they have [to recommend approval with a Condition of Approval to retain the 65' lot width requirement] or ask they Continue it to the next meeting?" Mr. Doyle indicated he was not in agreement with the recommendation on the 65' lot width requirement but was in agreement with how the vote was handled.

Lance Whisman clarified with Erik Enyart that the Commission's Motion on the Preliminary Plat [consistent with its action on the PUD] would be to recommend the Applicant "redesign to 65' lot widths."

PLATS

7. **Preliminary Plat of "Willow Creek" – Rosenbaum Consulting, LLC (PUD 78).**
Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for "Willow Creek" for 104.78 acres in part of the NE/4 of Section 12, T17N, R13E.
Property Located: South and west of the intersection of 131st St. S. and Mingo Rd.

Vice/Acting Chair Larry Whiteley introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission

From: Erik Enyart, AICP, City Planner
Date: Thursday, May 02, 2013
RE: Report and Recommendations (Revised 05/02/2013 to reflect the revised plans and information received 05/02/2013) for:
Preliminary Plat of Willow Creek (PUD 78)

LOCATION: – South and west of the intersection of 131st St. S. and Mingo Rd.
– Part of the NE/4 of Section 12, T17N, R13E

LOT SIZE: 104.78 acres, more or less

EXISTING ZONING: – RS-3 Residential Single Family District
– RM-2 Residential Multifamily District

SUPPLEMENTAL ZONING: – Corridor Appearance District (300' south from centerline of 131st St. S.)
– PUD 78 (pending consideration 05/2013)

EXISTING USE: Agricultural

REQUEST: Preliminary Plat approval for a 291-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

North: CS & AG; The Faith Temple Assembly church, agricultural land, and a house on a 3-acre tract zoned CS, and agricultural land to the north of 131st St. S.

South: RS-3 & RE; Single family residential in Blue Ridge Estates, Blue Ridge II, Southbridge, and Southwood South Addition.

East: CS & AG; The Faith Temple Assembly church, agricultural land zoned CS, and, across Mingo Rd.: AAA Landscaping, Four Seasons Lawn Care, agricultural land, and a cell tower, all in unincorporated Tulsa County.

West: RS-3, CG, & CS; Single family residential in Blue Ridge II and Sun Burst and, along 131st St. S.: a house on a 3-acre tract zoned CS, the WW Sprinkler Repair business, and the Broken Arrow Hitch & Trailer, and miscellaneous other uses, all zoned CS and CG.

COMPREHENSIVE PLAN:

(1) Medium Intensity + Residential

(2) Development Sensitive/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land

(3) Medium Intensity + Commercial Area

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

BZ-23 – Robert Leikam – Request for rezoning from AG to OL, CS, RM-2, & RS-2 for approximately 117 acres, including subject property – Modified approval as per Staff granted in 1974 (Ord. # 282).

BZ-31 – Robert Weir – Request for rezoning from AG to RS-2 for 8.0 acres of the subject property at about the 13400-block of S. Mingo Rd. – Approved together with BZ-23 November 19, 1974 (Ord. # 282).

BZ-236 – Faith Temple Assembly, Inc. – Request for rezoning from RM-1 to CS for area of subject property currently zoned RM-2 for future church parking lot – Recommended/Approved for RM-2 zoning in November 1997/January 1998 (Ord. # 765).

BZ-338 – Cardinal Industries, Inc. c/o Bob Lemons – Request for rezoning from RM-2, RM-1, CS, OL, RD, and RS-2 to RS-3 for approximately 104.74 acres (includes subject property) for a future “Willow Creek” residential subdivision – PC recommended Approval 05/19/2008 and City Council Approved 06/09/2008 (Ord. # 1000).

Preliminary Plat of Willow Creek – Cardinal Industries, Inc. c/o Bob Lemons – Request for Preliminary Plat and Modification/Waiver (maximum cul-de-sac length) approval for 104.74 acres (includes subject property) – PC recommended Conditional Approval on 05/19/2008 and City Council Conditionally Approved 05/27/2008.

BL-353 – Faith Temple Assembly, Inc. c/o Tony Genoff – Request for Lot-Split approval for 13 acres abutting to the north and east (but including approximately 2 acres of subject property currently zoned RM-2) to separate the church property from its surrounding acreage – PC Approved 05/19/2008.

BL-364 – HRAOK, Inc. for Prestige Trading Company – Request for Lot-Split approval for 104.74 acres (includes subject property) to allow for the conveyance of approximately 2.3 acres on the east side of the Old Fry Creek Ditch to adjoining property owner (Genoff) to the north (part of a land trade along with BL-365) – PC Approved 12/15/2008.

BL-365 – HRAOK, Inc. for Tony Genoff – Request for Lot-Split approval for 9 acres abutting to the north and east, to allow for the conveyance of the approximately 2 acres of subject property currently zoned RM-2 for attachment to the subject property (part of a land trade along with BL-364) – PC Conditionally Approved 12/15/2008.

Revised Preliminary Plat of Willow Creek – HRAOK, Inc. – Request for revised Preliminary Plat and Modification/Waiver (to exceed the 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F) approval for subject property – PC recommended Conditional Approval on 06/15/2009 and probably Conditionally Approved by City Council 06/22/2009.

BBOA-562 – Hank Spieker for Cardinal Industries, LLC – Request for Special Exception per Zoning Code Section 11-7B-2 Table 1 to allow a Use Unit 5 church and Use Unit 5 private elementary school in the RS-3 and RM-2 Residential districts for subject property – Withdrawn by Applicant 07/03/2012.

PUD 78 – Willow Creek – Rosenbaum Consulting, LLC – Request for PUD approval for subject property – Pending PC consideration 05/02/2013.

RELEVANT AREA CASE HISTORY: (not necessarily a complete list and does not include cases located in unincorporated Tulsa County)

BZ-342 – JR Donelson for Cardinal Industries – Request for rezoning from RS-3 to CS for southerly approximately 2.3 acres of the planned plat of “Willow Creek Plaza” – PC recommended Approval 04/20/2009 and City Council Conditionally Approved 05/11/2009 (Ord. # 2015).

Preliminary Plat of Willow Creek Plaza – Request for Preliminary Plat approval for approximately 9 acres abutting subject property to the east – PC recommended Conditional Approval on 04/20/2009 and City Council Conditionally Approved 04/27/2009.

BACKGROUND INFORMATION:

The subject property was approved for a Preliminary Plat (and Modification/Waiver of the 300’ maximum cul-de-sac/dead end street standard, to allow cul-de-sacs in the 350’ range based on local precedent) for a 254-lot development in 2008. The Planning Commission recommended Conditional Approval of the Preliminary Plat on 05/19/2008 and City Council Conditionally Approved it 05/27/2009.

As part of a series of Lot-Splits reallocating ownership patterns, the subject property acquired approximately two (2) acres on the west side of the “Twin Hills Creek” / “Old Fry Creek” in exchange for approximately 2.33 acres on the east side of the same. Per an older rezoning case,

(BZ-236 – Faith Temple Assembly, Inc., 1998), the approximately two (2) acres retains RM-2 zoning.

The subject property was redesigned for a 276-lot development with more stormwater drainage/detention Reserve areas in 2009. The Planning Commission recommended Conditional Approval of the Preliminary Plat on 06/15/2009 and City Council probably Conditionally Approved it 06/22/2009 (electronic copy of Minutes appears to have been overwritten by a later meeting date’s Minutes), along with a Modification/Waiver to exceed the 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F.

The property ownership has since changed. The new owner has proposed a new Preliminary Plat for a 291-lot development, but has retained the overall framework (streets and blocks) as proposed and Conditionally Approved in 2009. Also pending Planning Commission consideration at this May 02, 2013 Special Meeting, PUD 78 would allow for the 65’ minimum lot widths per RS-3 to be reduced to 60’, which would allow for the increase in the number of lots as compared to the previous plat proposal.

The developer has expressed this situation within PUD 78 as follows, “Due to market conditions the Willow Creek is primarily based on a smaller lot size and excellent location to drive the residential market to this area of Bixby. With great access and a consistent market of residential home construction in this range PUD# [78] will greatly improve the Willow Creek success for the City of Bixby’s continued growth.

This Planned Unit Development (PUD# [78]) is an overlay covering the RS-3 zoning district and will generally follow RS-3 dimensional and density standards with certain notable exceptions. The purpose of this PUD# [78] is to modify the dimensional and development standards allowing the site to be developed into 60’ minimum lot widths.”

On Thursday, May 02, 2013, the Applicant submitted revised electronic copies of the PUD Text & Exhibits package and the Preliminary Plat. This report has been revised to reflect recommendations from the original Staff Report which have been satisfied with this submittal. Although the numbered recommendations at the end of this report have been fully updated, some of the following text may not reflect the latest version. A copy of the revised Preliminary Plat is attached to this report.

ANALYSIS:

Subject Property Conditions. The subject property is agriculturally-used and contains 104.78 acres, more or less. It is zoned RS-3, with the exception of approximately two (2) acres zoned RM-2. It has approximately 1,470 feet of frontage on 131st St. S. and approximately 1,505 feet of frontage on Mingo Rd. It is bounded on the east by Mingo Rd., on the south and west by residential subdivisions Southwood South Addition, Southbridge, Blue Ridge Estates / Blue Ridge II, and Sun Burst, on the west by the Broken Arrow Hitch & Trailer business on a 4-acre tract zoned CG and a house on a 3-acre tract zoned CS, on the north by 131st St. S., and on the northeast by "Twin Hills Creek" / "Old Fry Creek." Per the EPA My WATERS Mapper, "Twin Hills Creek" was that drainageway that, since the Fry Ditch project was constructed, is now known as Fry Creek # 2 from its northernmost extent to its confluence with Fry Creek # 1. The creek was also previously rerouted southwest of the intersection of 141st St. S. and Mingo Rd. to discharge directly to the Arkansas River.

The land is relatively flat and appears to slope slightly to the southeast along a trajectory paralleling "Twin Hills Creek" / "Old Fry Creek," which then drains more or less due south after it crosses to the east side of Mingo Rd.

Although the Haikey Creek Flood Improvement project may affect the floodplain situation, the subject property currently contains substantial areas of 100-year (1% Annual Chance) Regulatory Floodplain. Per the City Engineer, any development of the subject property must coordinate with the Haikey Creek engineering design plans.

Development of the property at this time, and prior to the completion of the Haikey Creek drainage improvement project will result in the requirement to (1) Submit and receive FEMA approval of a Conditional Letter Of Map Revision based on Fill (CLOMR-F), (2) Fill / elevate the property to above the current 100-year Base Flood Elevation (BFE), (3) Provide compensatory storage for the fill / elevation, (6) Submit and receive FEMA approval of a LOMR-F, and (5) provide on-site stormwater detention. Elevating the subject property out of the 100-year floodplain would avoid conflict with the restriction from platting lots within the 100-year floodplain per SRs § 12-3-2.O. The subject property was approved for a CLOMR-F (Case No. 10-06-2013C) per letter from FEMA dated September 09, 2010. The balance of the actions remains to be done.

Access. Primary access to the subdivision would be via one (1) entrance from 131st St. S. and another from Mingo Road, and the third via 133rd St. S. through Sun Burst. There are no other stub-out streets abutting the subject property to connect to, and no undeveloped residential acreages to provide a new stub-out street to.

The Subdivision Regulations do not contain a ratio schedule for the number of required points of access to a subdivision based on the number of lots within it. Recommendations as to adequacy of the three (3) means of ingress and egress in ratio to the number of lots proposed should come from the City Planner, Fire Marshal, and Police Chief, all of whom have expressed that the three (3) should be considered adequate when 254 lots were proposed. All three (3) verbally indicated that the three (3) were still adequate when that number was increased to 276 lots. 291 lots are now proposed, and Staff is soliciting input from these officials as to the adequacy at this number of lots.

A Residential Collector Street is planned, at 60' in right-of-way width (and presumed roadway width at 36', when infrastructure plans are submitted), as per Subdivision Regulations standards, connecting 131st St. S. to Mingo Rd., located between Blocks 1, 2, 3, and 7 on the west and Blocks 4, 5, 6, 8, and 9 on the east.

General. This subdivision of 104.78 acres, more or less, proposes 291 lots, nine (9) blocks (however, due to Reserve "C" completely separating parts of Block 3, Staff recommends the designation of a tenth block), and seven (7) Reserve areas. The typical lot appears to be 60' X 125' (7,500 square feet) to 60' X 130' (7,800 square feet).

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) reviewed this PUD on April 03, 2013. The Minutes of the meeting are attached to this report.

In the interest of efficiency, regarding particulars for needed corrections and site development considerations, please review the recommended Conditions of Approval as listed at the end of this report.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity + Residential, (2) Development Sensitive/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land, and (3) Medium Intensity + Commercial Area.

The existing RS-3 and RM-2 districts both allow the single-family development as proposed. Per the Matrix, the existing RS-3 and RM-2 districts are In Accordance or May Be Found In Accordance with all the Comprehensive Plan designations.

Per the Matrix, PUDs (as a zoning district) are In Accordance or May Be Found In Accordance with all designations of the Comprehensive Plan Land Use Map, and thus PUD 78 would be In Accordance with the Comprehensive Plan as a zoning district.

Therefore, Staff believes that the proposed Preliminary Plat for a single-family residential development should be recognized as being consistent with the Comprehensive Plan.

Potential Subdivision Design Enhancements. In the Staff Reports for the original and revised Preliminary Plat applications, Staff identified several potential design enhancements, some of which have been incorporated as of the 2009 redesign (more reserve areas, and reserve areas connecting to other reserve areas, etc.). One of the recommended potential design enhancements was to use the 130' PSO electric powerline right-of-way easement as a greenway / walking trail amenity (for illustration, consider the walking trail in the Churchill Park subdivision in Jenks). This could connect to the corresponding open space Reserve along the north side of the Southbridge subdivision. This trajectory would allow it to connect to the planned trail along the south side of Southbridge and into the Tulsa Metropolitan Trails system connection at Washington Irving Park to the west. The other Reserve Areas used for drainage/detention may also allow for passive recreational uses.

Studies have shown that lots abutting greenways, linear parks, and parks in general, fetch higher prices in the marketplace and maintain their values better than others not abutting such amenities. Use as a walking trail amenity could enhance the attractiveness, and thus value, of the entire subdivision.*

Such design enhancements could be discussed and decided at an early date, and without significant developer investment in a singular plan, if a Sketch Plat were submitted first for the Planning Commission's approval of the conceptual layout.

These recommendations were not incorporated into the design, but there are now more Reserve areas, primarily designed for stormwater drainage/detention. The Planning Commission should discuss with the developer the likelihood of adding walking trails around the high banks of the drainage/detention areas.

Access. Primary access to the subdivision would be via one (1) entrance from 131st St. S. and another from Mingo Road, and the third via 133rd St. S. through Sun Burst. There are no other stub-out streets abutting the subject property to connect to, and no undeveloped residential acreages to provide a new stub-out street to.

The Subdivision Regulations do not contain a ratio schedule for the number of required points of access to a subdivision based on the number of lots within it. Recommendations as to adequacy of the three (3) means of ingress and egress in ratio to the number of lots proposed should come from the City Planner, Fire Marshal, and Police Chief, all of whom have expressed that the three (3) should be considered adequate when 254 lots were proposed. All three (3) verbally indicated that the three (3) were still adequate when that number was increased to 276 lots. 291 lots are now proposed, and Staff is soliciting input from these officials as to the adequacy at this number of lots.

A Residential Collector Street is planned, at 60' in right-of-way width (and presumed roadway width at 36', when infrastructure plans are submitted), as per Subdivision Regulations standards, connecting 131st St. S. to Mingo Rd., located between Blocks 1, 2, 3, and 7 on the west and Blocks 4, 5, 6, 8, and 9 on the east.

Subdivision Regulations Section 3.2.20 (Section 12-3-2.T of the codified City Code) has a maximum 300' street length standard, but provides that "longer cul-de-sac designs than stipulated in the engineering design manual may be approved upon the consent of the city staff, including city engineer, fire marshal, police chief, public works director and city planner."

For the previous Preliminary Plat, the Fire Marshal, City Planner, City Engineer, and Public Works Director previously agreed that all cul-de-sacs in the 500' range must be connected, but that the two (2) that were in the 350' length range may be allowed based on local precedent. The City Council approved the Modification/Waiver for the cul-de-sacs in the 350' length range as supported by Staff. With the Staff's and Planning Commission's favorable recommendation, when the Preliminary Plat was first approved in 2008, the City Council approved a Modification/Waiver from this standard to allow one (1)

* <http://www.tpl.org/research/parks/economic-health-benefits.html>

certain street to marginally exceed this distance. This Modification/Waiver applied to "Street Alignment C," at approximately 320' in length, and "Street Alignment J," at approximately 348' in length, based on the local precedent for streets in the 350' range in Blue Ridge II. These street alignments are now/should be known as 91st E. Ave. and 134th St. S., respectively. As of the 2009 redesign, all of the streets are in compliance with the approved Modification/Waiver, which is recognized as still in effect for this marginally-revised Preliminary Plat. 134th St. S. was shortened to 348' and it appears that 91st E. Ave. has been shortened to 300' or less.

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

1. The Modification/Waiver from the 300' maximum length standard of Subdivision Regulations Section 3.2.20, which the City Council approved with Planning Commission's favorable recommendation when the Preliminary Plat was first approved in 2008. This Modification/Waiver applied to "Street Alignment C," at approximately 320' in length, and "Street Alignment J," at approximately 348' in length, based on the local precedent for streets in the 350' range in Blue Ridge II. These street alignments are now/should be known as 91st E. Ave. and 134th St. S., respectively. As of the 2009 redesign, all of the streets are in compliance with the approved Modification/Waiver, which is recognized as still in effect for this marginally-revised Preliminary Plat. 134th St. S. was shortened to 348' and ~~it appears that 91st E. Ave. has been shortened to less than 300' or less, but the actual distance cannot be determined.~~
2. Please designate the length of the cul-de-sac street centerlines from intersection with centerline(s) of connecting streets to the center of the cul-de-sac turnaround, so that street lengths can be determined. **With the revised plat received 05/02/2013, a table was added which satisfies this item, but was placed over existing text making reading partially illegible. Please relocate table to remove text and linework conflict. The length reported for 134th Pl. S. is inaccurate and appears to be the product of that part of the street located west of the intersection with 96th E. Ave.**
3. The Modification/Waiver from 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F, which the City Council approved with Planning Commission's favorable recommendation when the Preliminary Plat was approved in 2009, is recognized to still be in effect and shall apply to all such lots exceeding this ratio. More lots exceed this ratio now than previously due to the lot narrowing.
4. Subject to the satisfaction of any outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
5. Per the City Engineer, any development of the subject property must coordinate with the Haikey Creek engineering design plans.
6. Development of the property at this time, and prior to the completion of the Haikey Creek drainage improvement project will result in the requirement to (1) Submit and receive FEMA approval of a Conditional Letter Of Map Revision based on Fill (CLOMR-F), (2) Fill / elevate the property to above the current 100-year Base Flood Elevation (BFE), (3) Provide compensatory storage for the fill / elevation, (6) Submit and receive FEMA approval of a LOMR-F, and (5) provide on-site stormwater detention. Elevating the subject property out of the 100-year floodplain would avoid conflict with the restriction from platting lots within the 100-year floodplain per SRs § 12-3-2.O. The subject property was approved for a CLOMR-F (Case No. 10-06-2013C) per letter from FEMA dated September 09, 2010. The balance of the actions remains to be done.
7. Lots 1 through 5, inclusive, Block 3, are completely separated from the balance of Block 3 by Reserve Area 'C.' Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
8. The 2009 plat included a "Reserve 'G'" between the north-south collector street and the "Park" Lot 34, Block 3, Blue Ridge II, which contains a stormwater detention/retention facility. ~~This plat contains linework suggesting an extra wide easement of some sort, but the same is not dimensioned or labeled. Please dimension and label. Will this area be used~~ **Recognizing the long block length, were provision be made in this area** for emergency or other access to the stormwater detention pond? ~~If so, its width is~~ **Widths are** normally required to be 30' per the Fire Marshal, or otherwise it must be approved as to design by the Fire Marshal.
9. ~~Lot, Block, and Reserve number statistics on the first page is missing number of Reserve Areas.~~

10. Update Lot, Block, and Reserve number statistics on the first page to add the new block number. **With the revised plat received 05/02/2013, the statistics report had the lot number incorrectly changed to 275.**
- ~~11. The 130' wide AEP/PSO easement (Book 3600 Page 16) is not represented on this or the PUD 78 "Concept Plat" site plan.~~
12. Please confirm Lot 3, Block 6 and Lot 49, Block 4 have an average lot width not less than 60'. **It appears that Lot 4, Block 4 does not meet the minimum 60' average lot width requirement of proposed PUD 78. Please correct. Please double-check lots to confirm compliance with this requirement.**
- ~~13. Lot 3, Block 6 missing dimensions along rear most lines.~~
14. Please indicate the breakpoints between 131st Pl. S. and 95th E. Ave. and 132nd Pl. S. and 94th E. Ave.
- ~~15. Please change the street names as per the "Street Names Plat" provided to the Applicant on April 03, 2013.~~
16. Please add proposed addresses to the lots.
- ~~17. Plat missing standard address caveat/disclaimer: "Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied on in place of the legal description."~~
18. Per SRs Section 12-4-2.A.5, the Location Map ("Vicinity Map") must include:
 - All platted additions represented with the Section
 - Scale at 1" = 2,000'.
19. Plat missing notes pertaining to monumentation (reference SRs Section 12-1-8).
20. The graphic scale does not appear to correspond to map features. The numeric scale was not checked as its native paper size is not known. **With the revised plat received 05/02/2013, the scale was replaced with note "Not To Scale." The Subdivision Regulations require a scale – please restore and correct.**
21. Angle/bearing data missing throughout plat. **See Lot 17, Block 3, Lots 4/5, Block 6, and perhaps elsewhere.**
- ~~22. Linework along the west sides of Lots 17, 18, and 19, **Block 1**, suggestive of an easement, is missing label and dimension. It was last known as a "17.5' U/E & OD/E" in 2009.~~
- ~~23. Easements lacking labels and dimensions throughout plat.~~
24. Easements represented on the 2009 plat along 131st St. S., "Report of Commissioners (Case No. 74808)" and "15' City of Bixby Easement (Book 5428, Page 2167)" missing from this plat.
25. All easements of record affecting the subject property must be represented on the plat (SRs Section 12-4-2.B.2, etc.).
26. Contour data should be muted to improve legibility. See 2009 version for example. **With the revised plat received 05/02/2013, the contours were removed. The Subdivision Regulations require contour data. Please restore and mute to improve legibility.**
27. Survey data missing for Reserves E and F. **With the revised plat received 05/02/2013, some data was added, but not all (e.g. width of Reserve Areas). See details diagrams on the 2009 example.**
28. Please represent the underlying RS-3 and RM-2 zoning district boundary lines as per SRs Section 12-4-2.B.3.
- ~~29. Please add lot sizes to lots for purposes of reviewing for Zoning Code compliance. A schedule may be used in order not to clutter the lots with more text.~~
- ~~30. Similar to the 2009 version, this plat contains an overall layout on the first page and then north and south parts on the following two (2) pages. However, this version does not have a Sheet Legend or labels indicating "Overall Layout," "North Part," or "South Part," and has no Matchlines.~~
31. Certain lots are not fully represented on either the north or south part sections (e.g. Lot 47, Block 4, Lots 1:4, Block 8). **With the revised plat received 05/02/2013, the north and south portion maps have shifted the break line, and now more lots are not fully shown on either part sections. See the 2009 example for illustration of an effective way to represent such information.**
- ~~32. Curve Data Table has no name (reference 2009 version).~~

- ~~33. Linework suggesting easements (10' U/E per the 2009 version) not labeled. Please label as to width and designate "U/E" if that is what they are.~~
- ~~34. The 2009 plat had an FL/E (Fence and Landscape Easement) along 131st St. S. and Mingo Rd. Linework suggesting an easement is represented in the same place, but is not dimensioned or labeled. Please dimension and label.~~
- ~~35. For the FL/E (Fence and Landscape Easement), please add appropriate dedication and maintenance responsibility language in the DoD/RCs. This was DoD/RCs Section H.L in the 2009 plat.~~
36. Dimension missing between northwest corner of Lot 1, Block 4 and C67. Last reported to be 63.59'.
37. Dimension missing from south line of Reserve C. **With the revised plat received 05/02/2013, a dimension was added to the easement, as appropriate, but not along the south line of Reserve C.**
- ~~38. Dimension missing on common line between Lot 12, Block 3 and Reserve C.~~
39. Dimensions missing from several areas throughout the plat. **See common line between Reserve Area A and Lots 36, 37, and 38 of Block 1, and possibly elsewhere throughout the plat. The 5' FL/E along Mingo Rd. has dimensions which are ambiguous as to their application to the FL/E dimension within the lot lines or as applied to the lot lines themselves. This would benefit from clarification.**
40. 134th St. S. in Blue Ridge II mislabeled.
41. Please correct name of subdivision abutting to the west to Sun Burst.
42. Text congestion at Lots 12 and 13, Block 6, Lot 4 and 15, Block 3, and text and linework conflicts throughout the plat make reading difficult.
- ~~43. North south dimension missing from west end of Reserve A.~~
- ~~44. Consider making the common lot line between Lots 33 and 34, Block 1, coterminous with the southerly endpoint of C22 in order to eliminate the 0.90' variance between the southerly endpoint of C22 and the common lot corner. It is not clear if the 0.90' variance is to the north or to the south of the common lot corner, due to its exceptionally small size and the scale of the plat.~~
45. Three (3) separate instrument U/Es indicated suggest public U/Es will be dedicated. Please submit at your convenience for City Council acceptance of the public easement dedication.
46. Three (3) separate instrument U/Es indicated: Cite Document # recording reference where instruments are recorded with the Tulsa County Clerk.
47. DoD/RCs Preamble: Missing legal description.
- ~~48. DoD/RCs Preamble: Missing critical wording such as "And has caused the above described land to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided ..." as per the City Attorney's recommendations regarding fee simple ownership of rights of ways.~~
- ~~49. DoD/RCs Section I.A: Please qualify this section as follows: "...provided however, nothing herein shall be deemed to prohibit **properly permitted** drives, parking areas, curbing, landscaping, customary screening fences and walls that do not constitute an obstruction."~~
50. DoD/RCs Section I.E: Does not appear to provide for passive recreational uses (such as walking trails) in Reserve Areas, if the Developer is willing to incorporate this design suggestion.
- ~~51. DoD/RCs Section I.E.3: Refers to HOA formation in DoD/RCs Section III, but should be Section IV.~~
- ~~52. DoD/RCs Section I.H: Please qualify this section as follows: "...damage to landscaping and paving, **when permitted by the City of Bixby**, occasioned...."~~
- ~~53. DoD/RCs Section I.I: Refers to HOA formation in DoD/RCs Section III, but should be Section IV.~~
54. DoD/RCs Section I.I: Does not appear to provide for passive recreational uses (such as walking trails) in Reserve Areas, if the Developer is willing to incorporate this design suggestion.
55. DoD/RCs Section I.I & I.J: ~~Appears to be missing use, ownership, and related provisions for Reserve Areas A, B, C, and D.~~ **With the revised plat received 05/02/2013, a new section was added to provide for Reserve Areas A, B, C, and D, as recommended. However, it also includes Reserve Area "G," which existed with the 2009 plat version but is not indicated in this version. See Section I.I of 2009 plat for illustration of language which could be used here.**
56. DoD/RCs Section I.I & I.J: Will these Reserve Areas also be designated Utility Easement?

57. DoD/RCs Section I.J.2: *The description of the 5' and 5' is somewhat awkwardly written – is it intended to state that 10' will be maintained between residences, rather than the sum of the two 5' side yards? Advisory.*
58. *Deed of Dedication / Restrictive Covenants: Section I.J.2: Provision allowing side yards at 15' along streets conflicts with 20' Building Lines shown throughout the plat. Advisory. Language was modified in 2009 and now states "(except where easements are greater)," but this does not resolve the issue when the Building Lines are more restrictive. Probably intended to state "(except where Building Lines are more restrictive as shown on the plat)."*
59. DoD/RCs Section II: *Please complete blanks with appropriate information pertaining to the approval of PUD 78 (pending approval).*
60. ~~DoD/RCs Section II.D.1: Provides a 60' Lot Frontage standard, when PUD 78 proposes a 60' minimum Lot Width standard.~~ **With the revised plat received 05/02/2013, lot width is restored as focus, but qualifying language describes "measured at the building line," whereas the Zoning Code (Section 11-2-1) recognizes lot width as "the average horizontal distance between the side lot lines." Please reconcile with text of PUD 78.**
61. DoD/RCs Section II: *Please update with the final wording of PUD 78 (pending approval).*
62. ~~DoD/RCs Section III: Refers to the "Declarant," but the term does not appear to be identified within the DoD/RCs.~~
63. ~~DoD/RCs Section II Preamble: Refers to "Sections 1100-1107 of Title 42, Bixby Revised Ordinances (Bixby Zoning Code)." This appears to point to the City of Tulsa's Zoning Code. Please revise to simply "... the provisions of the Bixby Zoning Code pertaining to Planned Unit Developments (PUDs)," or something to that effect.~~
64. ~~DoD/RCs Section II.D: Contains a subsection .1 and no other subsections. Advisory.~~
65. DoD/RCs Section III.A: *Does not appear to provide for the transfer of duties from the subdivision's Architectural Committee to the HOA. Advisory.*
66. DoD/RCs Section III.A.1.a: *Indicates minimum square footage requirement of PUD 78 may be waived by the subdivision's Architectural Committee. Please qualify appropriately.*
67. DoD/RCs Section III.A.1.b: *Indicates masonry requirement of PUD 78 may be waived by the subdivision's Architectural Committee. Please qualify appropriately.*
68. DoD/RCs Section III.A.1.e: *Requires concrete driveway construction. Would cobblestone or Belgian block be permitted? Advisory.*
69. ~~DoD/RCs Section III.A.3: Provides a 20' front yard, 0' side yard, and 15' rear yard setbacks in conflict with RS 3 zoning and PUD 78 as proposed, and the 25' front yard Building Lines shown on the plat. Please revise.~~
70. ~~DoD/RCs Section III.A.4.e: Refers to enforcement provisions in DoD/RCs Section V instead of IV as presumed intended.~~
71. ~~DoD/RCs Section IV Enforcement, Duration, Amendment and Severability: Duplicate Section number. Section V is presumed intended.~~
72. DoD/RCs Section [VI].C: *Refers to DoD/RCs Section II.B "Use," when Section III.B "Use" of the 2009 version was presumed intended. Section III of this plat appears to be substantially rewritten as compared to the 2009 version, so this former reference may no longer be valid.*
73. ~~DoD/RCs Section [VI].C: Has an extra period with attendant spacing.~~
74. ~~DoD/RCs Section [VI].C: Please include PUD number in space indicated.~~
75. *A copy of the Preliminary Plat including all recommended corrections shall be submitted for placement in the permanent file.*
76. ~~Due to the number of minor errors, Staff advises the Applicant to re-review the plat and Deed of Dedication and Restrictive Covenants and satisfy themselves as to its correctness.~~

Erik Enyart stated that Staff recommended Approval subject to the corrections, modifications, and Conditions of Approval as listed in the Staff Report.

There being no further discussion, Vice/Acting Chair Larry Whiteley asked to entertain a Motion. Lance Whisman made a MOTION to Recommend APPROVAL of the Preliminary Plat subject to

the corrections, modifications, and Conditions of Approval as recommended by Staff, with one change, to require the plat be adjusted from 60'-wide lots to 65'-wide lots.

Vice/Acting Chair Larry Whiteley asked for a Second to the Motion. John Benjamin stated that this would be consistent with what was approved per Agenda Item # 6, the PUD, and Lance Whisman indicated agreement.

John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

OTHER BUSINESS

No action taken.

OLD BUSINESS:

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

NEW BUSINESS:

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

ADJOURNMENT:

There being no further business, Vice/Acting Chair Larry Whiteley declared the meeting Adjourned at 7:35 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary