

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
June 17, 2013 6:00 PM**

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

**STAFF PRESENT:**

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

**OTHERS ATTENDING:**

See attached Sign-In Sheet

**CALL TO ORDER:**

Chair Thomas Holland called the meeting to order at 6:06 PM.

**ROLL CALL:**

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

**CONSENT AGENDA:**

1. Approval of Minutes for the May 20, 2013 Regular Meeting
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Chair Thomas Holland introduced the item. Erik Enyart observed that there was not a quorum present of those in attendance at the May 20, 2013 meeting. Chair Thomas Holland declared the item Continued to the July 15, 2013 Regular Meeting.

**PUBLIC HEARINGS**

2. **PUD 62 – Hawkeye – Major Amendment # 1.** Discussion and possible action to approve Major Amendment # 1 to PUD 62 for property located in the W/2 SE/4 of Section 15, T17N, R13E, which amendment proposes to increase the maximum number of residential lots, reduce setbacks, and make certain other amendments.  
Property located: Northwest corner of the intersection of 151<sup>st</sup> St. S. and S. Kingston Ave.
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Chair Thomas Holland introduced the item asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Wednesday, June 12, 2013  
**RE:** Report and Recommendations for:  
PUD 62 – Hawkeye – Major Amendment # 1

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**LOCATION:** – Northwest corner of the intersection of 151<sup>st</sup> St. S. and Kingston Ave.  
– Part of the W/2 SE/4 of Section 15, T17N, R13E

**SIZE:** 75 acres, more or less

**EXISTING ZONING:** CG, OL, & RS-3 and PUD 62

**EXISTING USE:** Vacant

**REQUEST:** Major Amendment to PUD 62, which amendment proposes to increase the maximum number of residential lots, reduce setbacks, and make certain other amendments

**SURROUNDING ZONING AND LAND USE:**

**North:** RS-3/PUD 46; Residential single family homes and vacant lots in The Ridge at South County.

**South:** AG, CG, OM; Agricultural and rural residential to the south, the Bixby Cemetery to the southeast, and a 150-acre Lutheran Church Extension Fund-Missouri Synod agricultural tract to the southwest zoned CG, OM, RM-3, and RE.

**East:** AG, CG, & RS-3/PUD 72; Agricultural, rural residential, and commercial on several unplatted tracts along Kingston Ave. and 151<sup>st</sup> St. S. The Mountain Creek Equipment Sales (formerly the Allison Tractor Co. Inc.) tractor/farm equipment sales business is to the east on approximately 2.4 acres zoned CG. The vacant Southridge at Lantern Hill subdivision abuts to the east on 40 acres zoned RS-3 with PUD 72.

**West:** RS-3, RM-2, CS, & AG; The White Hawk Golf Club, residential in Celebrity Country and White Hawk Estates in PUD 3, and vacant, rural residential, and agricultural tracts fronting on 151<sup>st</sup> St. S. zoned CS and AG.

**COMPREHENSIVE PLAN:** Corridor/Low Intensity/Development Sensitive + Vacant, Agricultural, Rural Residences, and Open Land + Community Trail

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

**PUD 62 – Hawkeye – Hawkeye Holding, LLC** – Request for rezoning to CG and RS-3 for a residential and commercial development for the subject property – PC Recommended Conditional Approval of CG, OL, and RS-3 01/21/2008 and City Council Approved CG, OL, and RS-3 02/11/2008 (Ord. # 991).

**RELEVANT AREA CASE HISTORY:**

**BZ-11 – Louis Levy for Tom Sitrin** – Request for I-1, C-1, and R-1 zoning for approximately 660 acres (all of Sitrin Center Addition) to the west of subject property – believed to have been rezoned with modifications, per case notes and correspondence found in case file (Ordinance not found) by City Council on 02/06/1973.

**BZ-86 – Louis Levy** – Request for RS-3, RD, RM-2, OL, OM, and CS zoning for approximately 602 acres (Sitrin Center Addition Less & Except Lot 1, Block 1, and Less & Except the E. 300' of Lot 6, Block 1) to the west of subject property – PC Recommended Modified Approval 04/28/1980 and City Council Approved 06/16/1980 (Ord. # 402).

**PUD 1 – Royal Park Estates – Louis Levy** – Request for PUD approval for approximately 602 acres (Sitrin Center Addition Less & Except Lot 1, Block 1, and Less & Except the E. 300' of Lot 6, Block 1) to the west of subject property – PC Recommended Approval 04/28/1980 and City Council Approved 06/16/1980 (Ord. # 403).

**PUD 3 – Celebrity Country** – Replaced PUD 1 but retained underlying zoning for property to the west of subject property – PC Recommended Approval 09/27/1982 and City Council Approved 10/04/1982 (Ord. # 465).

**BZ-185 – J. Edward Bates for Preferred Investments** – Request for rezoning to CG, OM, RM-3, and RE for a 150-acre Lutheran Church Extension Fund-Missouri Synod agricultural tract to the southwest – Approved in May, 1988 (Ord. # 585).

**BL-150 – Joseph McCormick** – Request for Lot-Split approval for an approximately 1 acre to the southwest at 5805 E. 151<sup>st</sup> St. S. – PC Approved 12/06/1989.

BZ-291 – Cleatus & Deloris Tate – Request for rezoning to CG for approximately 16 acres to the east for the Mountain Creek Equipment Sales (formerly the Allison Tractor Co. Inc.) tractor sales business – Approved for 2.4 acres of CG as per the amended reduced acreage request in July, 2003 (Ord. # 870).

BZ-295 – Norbert Young – Request for rezoning to CS for approximately 1 acre to the southwest at 5805 E. 151<sup>st</sup> St. S. – Withdrawn by Applicant September 15, 2003 upon sale of the property.

BZ-300 – Jerry Hull – Request for rezoning to CS for 3.3 acres located approximately 300' to the west on a 10-acre tract at 5801 E. 151<sup>st</sup> St. S. – Approved in January, 2004 (Ord. # 883).

AC-04-04-01 – JR Donelson for Jerry Hull/Trophy Tack Co. – Request for building plan [and detailed site plan] approval for “Trophy Tack Co.,” a commercial reuse of a 10-acre tract to the west at 5801 E. 151<sup>st</sup> St. S., evidently converting the existing single-family home to a commercial business – Architectural Committee Conditionally Approved 04/19/2004 (evidently never redeveloped as approved).

BZ-312 – Roy Johnsen for Stone Creek Partners, LLC – Request for rezoning to RS-4 for 65 acres abutting the subject property to the north for the (now) The Ridge at South County residential subdivision – Application abandoned in favor of PUD 46.

PUD 46 – Roy Johnsen for Stone Creek Partners, LLC – Request for rezoning to RS-4 and PUD approval for 65 acres abutting the subject property to the north for the (now) The Ridge at South County residential subdivision – City Council Denied 12/12/2005 and then reconsidered and Approved for RS-3 on 01/09/2006 (Ord. # 934).

BZ-315 – B. Jack Smith – Request for rezoning to CG for an 8-acre vacant tract abutting the subject property to the west – Approved for CS in May, 2006 (Ord. # 941).

BZ-333 – Lantern Hill – Request for rezoning to RS-3 for 40 acres for the (now) Southridge at Lantern Hill residential subdivision abutting the subject property to the east – PC Recommended Approval 07/16/2007 and City Council Approved 08/13/2007 (Ord. # 974).

BBOA-508 – Tim Remy for First Baptist Church Bixby – Request for Special Exception to allow a Use Unit 5 church in the AG Agricultural District for a 12.435-acre tract to the south at the 6000-block of E. 151<sup>st</sup> St. S. – BOA Conditionally Approved 08/03/2010.

BBOA-516 – Georgeann Hull – Request for (1) A Variance from Zoning Code Section 11-8-5 to be permitted to maintain two (2) dwellings on a singular lot of record, and (2) a Variance from certain bulk and area standards for an existing lot of record in the AG Agricultural District for a 10-acre tract to the west at 5801 and 5815 E. 151<sup>st</sup> St. S. – BOA Conditionally Approved 02/01/2010.

BBOA-545 – Sydney Hull Freeman for Georgeann Hull – Request for A Variance from (1) the Zoning Code including, but not limited to, Section 11-8-5, to be permitted to maintain three (3) dwellings on a singular lot of record, and (2) from certain bulk and area standards for an existing lot of record in the AG Agricultural District and CS Commercial Shopping Center District for a 10-acre tract to the west at 5801 and 5815 E. 151<sup>st</sup> St. S – BOA Conditionally Approved 10/03/2011.

PUD 72 – Southridge at Lantern Hill – Lantern Hill, LLC – Request for PUD approval for 40 acres for the Southridge at Lantern Hill residential subdivision abutting the subject property to the east – PC Recommended Approval 08/20/2012 and City Council Conditionally Approved 08/27/2012 (Ord. # 2089, repealed and replaced with Ord. # 2108 on 01/14/2013).

Preliminary & Final Plat for Southridge at Lantern Hill – Lantern Hill, LLC – Request for Preliminary and Final Plat approval for the Southridge at Lantern Hill residential subdivision abutting the subject property on 40 acres to the east – PC Recommended Conditional Approval 10/24/2012 and City Council Conditionally Approved 11/13/2012 (Plat # 6454 recorded 01/03/2013).

#### BACKGROUND INFORMATION:

##### ANALYSIS:

Subject Property Conditions. The subject property contains approximately 75 acres consisting of two (2) tracts of land, which appear to share a common lot line corresponding to the northerly line of a 130'-wide AEP-PSO overhead electrical transmission powerline right-of-way easement. The northerly tract is zoned RS-3 and the southerly tract is zoned CG, with the west 330' thereof zoned OL. The entire acreage is supplementally zoned PUD 62.

The subject property is moderately sloped and primarily drains to the west to an unnamed tributary of Posey Creek. Just north of the northerly dead-end of Kingston Ave., the subject property contains part of the top of a small hill located west of the ridgeline at Sheridan Rd. A small portion of the north side of the east line appears to drain to the east into Southridge at Lantern Hill. The property is presently pasture

land. There is some 100-year (1% Annual Chance) Regulatory Floodplain within a southwesterly portion of the acreage corresponding to the tributary of Posey Creek.

It appears that part of the Kingston Ave. roadway falls along and within the east side of the subject property. Per aerial and GIS data, a fenceline is located along the west side of the roadway, and is located several feet within the subject property. The City Attorney and City Staff are determining whether or not this fenceline is indicative of the ultimate width of the right-of-way dedication for the residential portion of the PUD.

The Comprehensive Plan. The subject property is designated Corridor, except for the west approximately 330', which is designated Low Intensity. A portion of the southerly area of the acreage is designated Development Sensitive. CG zoning may be found in accordance with the Corridor designation, but is not in accordance with the Low Intensity designation. Therefore, as recommended by Staff, the westerly 330' of Development Area B was zoned OL, which may be found in accordance with Low Intensity designation.

RS-3 zoning may be found in accordance with the Corridor designation, and is in accordance with the Low Intensity designation.

All three (3) existing zoning districts may be found in accordance with the Development Sensitive designation.

Thus, the current zoning patterns are consistent with the Comprehensive Plan.

The Comprehensive Plan Land Use Map also designates a Community Trail more or less along a line paralleling 330' from the westerly line of the subject property through its entire north-south length. It is more likely that any future trail here would follow the course of the tributary of Posey Creek, which only "clips" the southwest corner of the acreage. This area is designated for stormwater detention on the Conceptual Development Plan, which would appear to be conducive to future trail development, as compared to residential or commercial/office development.

Due to the relatively limited scope of proposed changes, the proposed PUD 62 Major Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

Surrounding Zoning and Land Use. Surrounding zoning patterns reflect a mixture of AG, CS, CG, OM, RM-2, and RS-3. To the north are residential single family homes and vacant lots in The Ridge at South County zoned RS-3 with PUD 46. Agricultural, rural residential uses, and the Bixby Cemetery are to the south and southeast zoned AG and a 150-acre Lutheran Church Extension Fund-Missouri Synod agricultural tract is to the southwest zoned CG, OM, RM-3, and RE. East of the subject property are agricultural, rural residential, and commercial uses on several unplatted tracts along Kingston Ave. and 151<sup>st</sup> St. S., primarily zoned AG. The Mountain Creek Equipment Sales (formerly the Allison Tractor Co. Inc.) tractor/farm equipment sales business is to the east on approximately 2.4 acres zoned CG. The vacant Southridge at Lantern Hill subdivision abuts to the east on 40 acres zoned RS-3 with PUD 72. The White Hawk Golf Club, residential in Celebrity Country and White Hawk Estates in PUD 3, and vacant, rural residential, and agricultural tracts fronting on 151<sup>st</sup> St. S. zoned CS and AG are all located to the west and zoned, variously, RS-3, RM-2, CS, and AG.

PUD 62 presently allows a 55' minimum lot width and 6,000 square foot (0.14 acres) minimum lot size. These standards would not change. A typical lot at 55' lot width and consisting of the minimum 6,000 square foot lot size would be 110' in depth. Actual typical lots proposed in the pending Preliminary Plat of "Trails at Whitehawk" have not been provided as of the date of this report.

For comparison, typical lots in Southridge at Lantern Hill range from 60' X 155' (9,300 square feet, 0.21 acres) to 60' X 165' (9,900 square feet, 0.23 acres). Lots in The Ridge at South County are typically 70' X 120' (8,400 square feet, 0.19 acres). Smaller lots in this area are not unprecedented, however. Lots in The Auberge' and The Auberge' Village each contain lots at 50' and 55' typical widths. Some lots in The Auberge' Village are as small as 50' X 100', (5,000 square feet; 0.11 acres).

Per the analysis provided in the proposed amendment, Zoning Code Section 11-7I-5.A.1.a would allow up to 275 lots on the 53.14-acre residential Development Area A. Thus, it was the original PUD 62 itself which restricted the Development Area to 250 lots. Therefore, although the minimum lot width and lot size standards are not being modified, the PUD presently "caps" the maximum lot yield at 250. This Major Amendment seeks to adjust this cap upward to 265 lots. Although this would be a realized increase in development density, increasing to 265 lots would be still less than would otherwise be allowed by the PUD provisions of the Zoning Code.

Somewhat similarly to this development, the City of Bixby recently approved PUD 72, allowing Lantern Hill at abutting on 40 acres to the east to be replatted as Southridge at Lantern Hill with 60'-wide

lots, resulting in an increase in residential development density. 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...”

Recognizing the recentness and adjacency of this precedent and that this Major Amendment would similarly allow for an increase in residential development density, the Developer should be advised that the City Council may request certain standards for quality in exchange for the benefits conferred upon the development by this PUD Major Amendment.

The amendments to PUD 62 contemplated by this application would not be inconsistent with surrounding Zoning and land use patterns or the character of PUD 62 as originally approved.

Access. Access to the residential subdivision would be via a proposed collector street connection to 151<sup>st</sup> St. S., which would be routed through the subdivision to connect to the Lakewood Ave. stub-out street in The Ridge at South County. It would have a secondary emergency-only access drive connecting to Kingston Ave. per the Fire Marshal. The commercial Development Area B would have access via the said collector street connection to 151<sup>st</sup> St. S., and may also access that street via Kingston Ave. The site plan indicates a singular access drive connection to 151<sup>st</sup> St. S. toward the center of the frontage, which was previously shown on the Conceptual Development Plan for the original PUD 62. It is not known if the City of Bixby or ODOT will allow a curb cut on this State Highway 67. The subject property is on the (westbound) downward slope of the hill at Sheridan Rd., and the speed limit is 65 MPH. The site plan’s continued representation of a driveway connection directly onto 151<sup>st</sup> St. S. / State Hwy 67 here does not guarantee the curb cut / driveway permit will be approved.

Perhaps due to scale issues, sidewalks are not shown within the residential subdivision or along 151<sup>st</sup> St. S. or Kingston Ave., but will be required per the Subdivision Regulations. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

Any trails to be constructed in the “Trails at Whitehawk” development should be indicated, and may be qualified as “conceptual only” or otherwise as appropriate.

General. The Applicant is requesting a Major Amendment to an approved PUD, to increase the maximum number of residential lots, reduce residential lot setbacks, and reduce the minimum livability space per dwelling unit requirement. The same are described in greater detail in the text as follows:

- “1). Increase the Maximum Number of Dwelling Units from 250 to 265. This increase of 15 dwelling units, represents an increase in residential density of 6.00%. The Maximum Number of Dwelling Units allowed, based on the 53.14 acres of underlying RS-3 zoning, would be 275.
- 2). Reduce the following Minimum Building Setbacks -
  - Front Yard from 25 ft. to 20 ft.
  - Rear Yard from 20 ft. to 15 ft.
- 3). Reduce the Livability Space per Dwelling Unit from 3,500 SF to 2,500 SF. When taking into account the Livability Space for Dwelling Unit and the detention ponds and open space area that will be provided, the total amount of Livability Space per Dwelling Unit will exceed 2,500 SF.”

The livability space change would appear to be a measure reflexive to the setback reduction. The Applicant has estimated that the setback reduction, allowing houses to cover more of the lot area, will compromise the minimum livability space, essentially defined as the unpaved part of a residential lot. Although the lots within the residential Development Area A would be relatively small, reducing the setbacks and livability space requirements would presumably allow the house sizes to approach or achieve parity with the house sizes in other subdivisions in the area. Staff has suggested the Applicant provide a typical lot site plan, to demonstrate this relationship to Staff and the Planning Commission. If received before the meeting, Staff will provide it to the Planning Commission at that time.

The Exhibit A “Conceptual Development Plan” would appear to replace Exhibit D “Conceptual Development Plan” in the original PUD 62. Unlike that in the original PUD 62, as a measure of flexibility, this site plan does not represent conceptual buildings, proposed location of uses, off-street parking, open spaces, public and private vehicular and pedestrian circulation, or signage within the commercial Development Area B. The PUD chapter of the Zoning Code may anticipate such generalized

PUDs, as it includes in Sections 11-7I-8.B.1.b and .d requirements that are conventionally expressed in the PUD Text, and not on the site plan itself.

In satisfaction of Zoning Code Section 11-7I-8.B.1.a, the proposed land uses are tied to the replacement site plan by corresponding to Development Areas (DAs) described within the text. DA A is the single-family residential area and DA B is the commercial/office area.

The Exhibit A Conceptual Development Plan is lacking certain critical information, as listed in the recommendations section of this report. Further, it should be noted that approval of Exhibit A as a part of this PUD Major Amendment will not presuppose the future approval of Modifications/Waivers of the Subdivision Regulations required for certain subdivision design elements, including, but not necessarily limited to: lot depth to width ratio exceeding 2:1, lack of stub-out streets to adjacent unplatted tracts, and lack of right-of-way width required by SRs Section 9.2.2.

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.

Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this PUD Major Amendment.

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.

In lieu of a meeting, Staff requested the Technical Advisory Committee (TAC) review this application electronically and submit written comments. No objections were raised nor significant comments received.

Staff Recommendation. For all the reasons outlined above, Staff recommends Approval, 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. Exhibit A needs to label significant street names, to include, but not necessarily be limited to: Kingston Ave., Lakewood Ave. and 145<sup>th</sup> Pl. S. in The Ridge at South County, and Lakewood Pl. E., 146<sup>th</sup> St. S., 147<sup>th</sup> St. S., and 148<sup>th</sup> St. S. in Southridge at Lantern Hill.
3. Exhibit A needs to represent sidewalks where the scale will allow, such as along 151<sup>st</sup> St. S.
4. Unless all sidewalks can be represented, please add a note to Exhibit A that sidewalks will be installed by the developer or individual lot builder as permitted.
5. Any trails to be constructed in the “Trails at Whitehawk” development should be indicated, and may be qualified as “conceptual only” or otherwise as appropriate.

6. *Exhibit A needs to represent and label a 25'-wide half-street right-of-way dedication for the residential frontage of Kingston Ave., and an appropriate-width half-street right-of-way dedication for the commercial frontage of Kingston Ave. Since it is conceptual, both width sections should be qualified as "width to be determined by City of Bixby." An established fence line along the west side of Kingston Ave., which encroaches the subject property at a width apparently exceeding 25', may be determined indicative of the ultimate right-of-way width, to be determined by the City Attorney.*
7. *Exhibit A needs the Location Map to accurately represent the represented subdivision names of Southridge at Lantern Hill and The Ridge at South County.*
8. *Exhibit A needs to label the "Emergency Access" [Reserve Area] and pavement widths.*
9. *Exhibit A needs to represent existing zoning district boundaries.*
10. *A corrected PUD Major Amendment package shall be submitted incorporating all of the corrections, modifications, and Conditions of Approval as follows: 2 hard copies and 1 electronic copy (PDF preferred).*

Erik Enyart stated that, prior to the meeting, he had provided to the Commissioners a revised site plan, which resolved all of the recommended correction items. Mr. Enyart stated that the only Condition of Approval remaining was the standard "Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations."

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant Tim Terral of Tulsa Engineering & Planning, Inc., 9820 E. 41<sup>st</sup> St. S., Suite 102, Tulsa, was present and described the project briefly.

Chair Thomas Holland asked Erik Enyart why, on page 4 of the Staff Report, he stated that "the proposed PUD 62 Major Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan," rather than stating that it was consistent. Mr. Enyart responded that he had been writing it this way recently, as the Comprehensive Plan was a large document primarily [composed] of text, and indicated it was difficult to state with certainty that there is nothing in the text that a particular project may conflict with. Mr. Enyart stated that, rather than make a definitively positive statement, he considered it more appropriate to state it was "not inconsistent."

Chair Thomas Holland noted that, per the Staff Report, the Comprehensive Plan shows a trail through the subject property, but the Applicant has stated that no trails are planned. Mr. Holland asked Erik Enyart how this could be consistent with the Comprehensive Plan. Mr. Enyart stated that he had never had to answer about a trail shown on the Comprehensive Plan Land Use Map, "so, it would seem to be not entirely consistent." Discussion ensued. Mr. Enyart noted that it appeared more likely to him that the trail would actually follow the unnamed tributary to Posey Creek, and not along a line approximately 330' east of and parallel to the west line of the subject property. A Commissioner asked if the Comprehensive Plan would have to be amended first, and Mr. Enyart responded that it would not, but that the Planning Commission could make a recommendation as it concerns the trails matter and, ultimately, the City Council would make the final determination. Discussion ensued. It was observed that the trail would also go through *The Ridge at South County*, which did not occur, or otherwise through the [*White Hawk Golf Club*] to the west, on which possibility doubt was generally cast. Mr. Enyart responded to a question by stating that it did not appear to him that the trails shown on the Comprehensive Plan map had been included in those developments constructed in the last 10 years. A question was raised as to the frequency with which this was the issue. Mr. Enyart stated that he had the opportunity to work on a GIS shapefile of trails using different sources, including the Bixby Comprehensive Plan and INCOG, and

[combined them and then] removed duplicates, and that he had seen that the entire greater Bixby area was “covered in [planned] trails.” Mr. Enyart stated, “We have a plan [for trails], but it doesn’t appear to have been made mandatory in new developments.” Chair Thomas Holland expressed concern that the Planning Commission could “knowingly allow” this development without heeding the planned trail.

Jeff Baldwin noted that the amendment proposed to increase the number of lots from 250 to about 260, a small increase, and asked, rhetorically, if this discussion on trails was germane to the expansion. Mr. Baldwin responded that he did not think it was.

Tim Terral asked when the Comprehensive Plan was adopted, and Erik Enyart stated that the last major update was in 2002. Chair Thomas Holland stated that [the 2002 update] was recent.

A question was asked why this fact was not identified previously. Erik Enyart stated, “I recall I put it in the report for the original PUD in 2008—it wasn’t made an issue then.”

Chair Thomas Holland stated, “If it’s on the map, I don’t see how we can close our eyes and say it’s not there.”

Chair Thomas Holland recognized Donna Scobee of 5992 E. 145<sup>th</sup> Pl. S. from the Sign-In Sheet. Ms. Scobee stated that she had only received the [case] map in the mail, and was hoping for a drawing. Erik Enyart provided her a copy of the site plan he received just prior to the meeting. Ms. Scobee asked three (3) questions: (1) if the houses would back up to each other, and if fencing would be put up between the communities, (2) if Lakewood Ave. would become a shortcut for people going south and through her [*The Ridge at South County*] neighborhood, and (3) if it was true, a rumor she had heard that there would be commercial property.

Erik Enyart offered to answer the questions. Mr. Enyart referred to the site plan and stated that, firstly, the backs of the houses would in fact back up to each other, secondly, Lakewood Ave. would be connected through to 151<sup>st</sup> St. S., but that he expected most of the traffic to be going south to the highway, including from Ms. Scobee’s neighborhood, and not much to be going north to 141<sup>st</sup> St. S., and thirdly, there would be an approximately 22-acre commercial development site along the highway.

Donna Scobee asked if there would be a fence. Tim Terral stated that there was not a plan to put up a fence, but that the homeowners will normally put up their own. Ms. Scobee confirmed with Mr. Terral that it would likely not be a chain-link fence, but rather a normal privacy fence. Mr. Terral stated that the covenants would cover that. Mr. Terral stated that the fences would likely be a 6’ stockade privacy fence.

Chair Thomas Holland recognized Stan Taylor of 6040 E. 145<sup>th</sup> Pl. S. from the Sign-In Sheet. Mr. Taylor asked about the overhead powerline and required building setback restrictions therefrom. Tim Terral stated that there was a 130’-wide PSO easement, with the powerline more or less in the middle, and that there would be no building on the easement. Discussion ensued. Erik Enyart stated that the electric company presumably bought enough width of right-of-way to correspond to their clearance needs. A Commissioner clarified with Erik Enyart that the electric company had a

chance to review and comment on the development and took no exceptions, and Mr. Enyart confirmed that AEP-PSO's comment response email was included in the agenda packet and expressed no concerns.

Stan Taylor expressed concern over property values and asked about the size and value of the houses to be built. In response to a question from a Commissioner, Mr. Taylor stated that the homes in [*The Ridge at South County*] ranged in size from 2,000 square feet to 3,800 square feet, and that his was one of the largest, with two (2) stories. Mr. Enyart clarified with a Commissioner that the lots in *Southridge at Lantern Hill* were replatted at 60' lot widths. Mr. Taylor asked, and it was reported that the residential lot widths in this development would be 55'. Mr. Taylor asked about the side yard setbacks, and Mr. Terral stated that they would be 5' and 5', "same as yours." Mr. Taylor asked about the house sizes, and Julius Puma stated they may be in the range of 1,500 to 2,200 square feet. Mr. Puma stated that he was not sure what size homes would ultimately be built as [he and his associates] had sold all the lots to a large homebuilder. Mr. Taylor stated that this would "definitely hurt our property values." Mr. Taylor and Mr. Puma compared prices per square foot, but Mr. Taylor objected to this comparison. Mr. Taylor stated that the houses in [*The Ridge at South County*] were in the range of \$160,000 to \$300,000 and expressed concern over property values. Jeff Baldwin asked Mr. Taylor if the houses in *Eagle Rock* to the north of [*The Ridge at South County*] were not million-dollar homes, and Mr. Taylor confirmed. Mr. Baldwin asked Mr. Taylor if he thought the houses in his addition hurt the values in that one, and Mr. Taylor indicated he did not. Mr. Taylor speculated as to the quality of houses to be built on the subject property in certain terms, including siding and the use of 3-tab shingles versus architectural shingles. Mr. Taylor asked Mr. Puma the prices for the lots, since Mr. Puma had said they were already sold, and Mr. Puma estimated \$35,000 to \$55,000. Mr. Taylor estimated that lots in [*The Ridge at South County*] were in the range of \$40,000 to \$45,000. Mr. Taylor stated that Bixby had an "up and coming reputation" with people wanting "to come here for the good schools." Mr. Taylor stated that, if the City allowed too many cheap houses, next, the "schools go," and then the City would go down with it. Mr. Taylor indicated Bixby could become like Sapulpa and Sand Springs and other communities with "a lot of \$140,000 houses all around."

Chair Thomas Holland responded to Stan Taylor and noted that the lot widths had already been approved with the original PUD, and stated "Our hands are tied to the original PUD." Mr. Holland stated, "I share your concerns and I hear you, but we can't speak to that." Mr. Taylor stated that the Commission could make the roofs "match ours." Tim Terral stated that, with the commercial in front, "you won't see the houses." Mr. Taylor asked the Commission to work with the developer "on siding, shingles, and quality" to "keep the value up." Mr. Holland stated that the developer was asking for three (3) amendments, and "if we had the latitude we would." Mr. Holland stated that the Commission does "try to get the best" development it is able.

Stan Taylor asked why he and his neighbors did not get notice when the development was originally approved with 55' lot widths. Erik Enyart stated that PUD 62 was approved in January of 2008, and Building Permits [in *The Ridge at South County*] did not start being issued until about 2008. Mr. Enyart stated, "There were no houses out there at that time." Mr. Taylor stated that his builder had told him that land would not develop, but that he had known better. Someone stated that people normally do not check the City records to see what has been approved next to a neighborhood they would buy into.

Chair Thomas Holland asked about sidewalks. Erik Enyart confirmed that sidewalks were required internally and externally along all streets. Mr. Holland and Larry Whiteley asked if the builder could build them, and Mr. Enyart stated, "That's, by interpretation, what we do allow." A Commissioner asked for clarification on what would be considered "external," and Mr. Enyart responded, "External would be along 151<sup>st</sup> St. S. and Kingston Ave."

Chair Thomas Holland asked about the floodplain. Erik Enyart stated that the 100-year Floodplain would be contained within a Reserve Area. Tim Terral discussed the issue and confirmed with Mr. Holland that the developer would take care of it with a LOMR-F.

Chair Thomas Holland expressed concern over the Fire Marshal's email, which stated that fire hydrants should be spaced no further than 600' apart. Erik Enyart stated that, in the memo in the agenda packet, the 600' refers to the residential section of the PUD, not the commercial section. Mr. Holland acknowledged and stated that that was not the point, and indicated concern that some areas will not have the required separation [due to unusual geometries/configurations]. Mr. Enyart stated that, during the review of the Preliminary Plat, which he had received that day and which the Planning Commission would see at the July meeting, the Fire Marshal would take a copy of the plat and mark where all the fire hydrants must be located. Mr. Enyart stated that the correspondence in the agenda packet was putting the developer on notice that the hydrants must be at [most] 600' separated, but this would depend on how that worked out.

Patrick Boulden suggested that the Commission take up the matter of the right-of-way dedication for Kingston Ave. Tim Terral stated that this was still undetermined. Mr. Boulden stated that there was evidently no right-of-way on record. Mr. Boulden stated that there may be an implied dedication, and this would be subject to whatever evidence there is. Mr. Terral stated that the right-of-way would be 25' on one side and 25' on the other. Mr. Boulden stated that there was a fenceline that may have created the perception of [a right-of-way line]. Mr. Boulden asked, "Have we been maintaining" the street up to the fenceline? Mr. Terral stated that he did not know. Mr. Boulden stated that he agreed that, absent such evidence, [the dedication] should be 25'.

Tim Terral referred to a revised site plan he had submitted at the meeting, which drawing represented a design option including a cul-de-sac. Erik Enyart distributed copies of the site plan to the Commissioners. Patrick Boulden confirmed with Mr. Terral that the cul-de-sac design met the Fire Code. Mr. Terral stated that the street needed a turnaround, as it can't dead-end at *Southridge at Lantern Hill*. Mr. Terral stated that the developer was offering to put [the turnaround] "all on our property." Mr. Terral stated that, otherwise, this would create double-frontage lots. Mr. Terral stated that this would not get rid of the [emergency access only] driveway. Discussion ensued regarding the number of houses that were currently served by Kingston Ave., and Erik Enyart stated that there were a total of three (3). Mr. Terral stated that the dedication of the commercial frontage on Kingston Ave. would be addressed at the appropriate time, probably when the Preliminary Plat would be reviewed. Chair Thomas Holland expressed objection to deferring the decision until later and asked when the streets would be built. Mr. Enyart stated that the streets would be "built along with the housing addition as per normal."

Jeff Baldwin stated that there were already 50'-wide lots in Bixby, and Erik Enyart indicated agreement. Mr. Baldwin stated that he lived on a 50'-wide lot currently. Tim Terral stated that he did as well, and had now lived on two (2) 50'-wide lots in Tulsa, and that they still allowed for nice homes.

Patrick Boulden asked about the timing of the development of the residential and commercial development areas, and Tim Terral responded that the residential area would be developed first.

Patrick Boulden asked about the width of the Kingston Ave. roadway, and if it was perhaps 20' in width. Tim Terral stated that it was much less than that, and was merely a one-lane road toward its north end. Mr. Boulden asked, if it were to be widened to 20', would it likely be 13' on one side and 7' on the other. Erik Enyart, in response to Mr. Boulden's statement and a question from a Commissioner, stated that the requirement for the emergency-access only drive connecting to Kingston Ave. came out of a conversation as City Staff. Mr. Enyart stated that Staff noted that "Willow Creek" was a significantly large development, but there was no standard for how many means of ingress and egress were required based on the number of lots. Mr. Enyart stated that the City Staff asked themselves and determined that three (3) means of ingress and egress were adequate based on the number of lots in that development. Mr. Enyart stated that, similarly, City Staff observed that, with this change, this would also be a significantly large development, and asked themselves if the two (2) means of ingress and egress proposed were adequate. Mr. Enyart stated that, from those conversations, and based primarily on the Fire Marshal's recommendation, the consensus was that there should be a third means of access, but the Fire Marshal only stated that it was necessary to connect to Kingston Ave.; the Fire Marshal made no comment as to a requirement to widen the roadway.

Patrick Boulden stated that, if the question was to be answered tonight, he would advise a 25' dedication be required. Erik Enyart clarified with Mr. Boulden that he was referring to the subject property's residential frontage on Kingston Ave., and that the commercial frontage dedication was yet to be determined. Mr. Enyart noted that the site plan stated that the width of the dedication for the commercial frontage would be determined by the City at a later date.

Chair Thomas Holland asked Tim Terral if the reduction in the setbacks would allow for building bigger homes. Mr. Terral responded that this was correct but that most of the houses would not be built from Building Line to Building Line. Mr. Holland asked, if the houses could be bigger, would they be? Larry Whiteley addressed the Applicant and stated, "You'll have the space if you want to build bigger," but they would not have to. Mr. Holland stated, "We usually get from the builder the size of the homes."

Larry Whiteley addressed Julius Puma and stated, "You said you sold to another company—who?" Mr. Puma responded, "Rausch Coleman." Chair Thomas Holland speculated that the houses would only have brick three (3) feet up the sides and on the front.

Jeff Baldwin stated, "I see the need for this—that's what I'm in now." Mr. Baldwin expressed concern for the large "jump" in prices in homes available in Bixby between the \$150,000 and \$300,000 range. Mr. Baldwin stated that builders "don't put out junk."

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to RECOMMEND APPROVAL of PUD 62 Major Amendment # 1, subject to the Staff recommendations.

Upon questioning, Erik Enyart confirmed that, with the version of the site plan he provided prior to the meeting, all of the recommendations had been taken care of, except the standard “Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations.” A Commissioner asked about the trail issue, and Mr. Enyart responded, “If it is the desire of the Planning Commission to give a specific recommendation on the matter of the trail, this would be the point at which to do it.” Mr. Enyart stated that the Commissioners would need to specify this in their Motion.

Chair Thomas Holland asked if the Comprehensive Plan had to be amended. Erik Enyart responded that, what he meant earlier was that the Zoning Code provided that Zoning Map amendments, or rezonings, necessarily must comply with the Comprehensive Plan Land Use Map, but not the details such as the urban design elements, like trails. Mr. Enyart stated that it would not be necessary to amend the Comprehensive Plan, and so any Motion to require trails would attach to the PUD as a Condition of Approval.

Larry Whiteley amended his Motion as follows: MOTION to RECOMMEND APPROVAL of PUD 62 Major Amendment # 1, subject to the Staff recommendations, plus to recommend the City Council address the matter of trails.

Chair Thomas Holland suggested the Motion wording be amended to “...as it pertains to this PUD.”

Patrick Boulden suggested the Motion wording be amended to “...consider the Comprehensive Plan...”

Erik Enyart confirmed with Larry Whiteley that he accepted Chair Thomas Holland’s and Patrick Boulden’s suggested wording changes to his Motion, which now was as follows: “MOTION to RECOMMEND APPROVAL of PUD 62 Major Amendment # 1, subject to the Staff recommendations, and to recommend the City Council consider the Comprehensive Plan as it pertains to the matter of trails in this PUD.”

Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

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

OTHER BUSINESS

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

OLD BUSINESS:

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

NEW BUSINESS:

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

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:20 PM.

APPROVED BY:

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Chair

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Date

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City Planner/Recording Secretary