

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
December 16, 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

**OTHERS ATTENDING:**

See attached Sign-In Sheet

**CALL TO ORDER:**

Chair Thomas Holland called the meeting to order at 6:01 PM.

**ROLL CALL:**

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

**CONSENT AGENDA:**

1. Approval of Minutes for the November 18, 2013 Regular Meeting
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Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion.

Jeff Baldwin stated that he was not in attendance at that meeting.

John Benjamin made a MOTION to APPROVE the Minutes of the November 18, 2013 Meeting as presented by Staff. Chair Thomas Holland SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Holland and Benjamin  
NAY: None.  
ABSTAIN: Baldwin.  
MOTION FAILED: 2:0:1

Erik Enyart stated that he would return the item to the next meeting agenda.

Erik Enyart discussed Agenda Items # 2 and # 6 with Chair Thomas Holland. Mr. Enyart noted that the Applicant was not in attendance, and recommended that Agenda Item # 2 be moved to the end of the action items, to allow the Applicant to arrive as expected.

Chair Thomas Holland declared that the agenda items would be taken out of order and that Agenda Item # 2 would be moved to the end of the action items.

## PLATS

- Preliminary Plat – “Quail Creek of Bixby” – Tanner Consulting, LLC.** Discussion and consideration of a Preliminary Plat for “Quail Creek of Bixby” for approximately 41 acres in part of the E/2 of Section 02, T17N, R13E.  
Property Located: South and west of the intersection of 121<sup>st</sup> St. S. and Memorial Dr.

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Chair Thomas Holland introduced the item and 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:** Thursday, December 05, 2013  
**RE:** Report and Recommendations for:  
Preliminary Plat of “Quail Creek of Bixby” (PUD 76)

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**LOCATION:** – The 7300-block of E. 121<sup>st</sup> St. S.  
– South and west of the intersection of 121<sup>st</sup> St. S. and Memorial Dr.

**SIZE:** – Part of the E/2 of Section 02, T17N, R13E  
– 41.168 acres, more or less (plat area)  
– 70 acres, more or less (parent tract)

**EXISTING ZONING:** CG General Commercial District with PUD 76

**EXISTING USE:** Agricultural

**REQUEST:** Preliminary Plat approval for a 133-lot residential subdivision

**SURROUNDING ZONING AND LAND USE:**

**North:** CG/PUD 76; Vacant lots in Scenic Village Park.

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

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

**West:** AG & RS-4; Fry Creek Ditch #2; beyond this to the west is vacant/wooded land owned by the City of Bixby, and an RS-4 district containing the Seven Lakes I and Seven Lakes II residential subdivisions, and additional vacant land for a future “Seven Lakes” phase or phases.

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

**PREVIOUS/RELATED CASES:**

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

**BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on part of the subject property parent tract.**

*Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).*

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

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

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

*PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for former parent tract subject property of 92 acres – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting (Ord. # 2116).*

*Preliminary Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and a Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2 for former parent tract subject property of 92 acres – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.*

*Final Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres (PUD 76 Development Areas A, B, and E) of the former parent tract subject property of 92 acres – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).*

*PUD 76 “Scenic Village Park” Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for former subject property parent tract of 92 acres – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013. The Emergency Clause to approving Ordinance # 2123, having been on various City Council agendas in various forms since 10/14/2013, the City Council approved on 11/12/2013.*

*PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for former subject property parent tract of 92 acres – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant’s letter dated 10/18/2013.*

*Preliminary Plat of “Quail Creek Villas of Bixby” – Tanner Consulting, LLC – Request for approval of a Preliminary Plat for part of former parent tract subject property of 92 acres – PC consideration pending 12/16/2013.*

**BACKGROUND INFORMATION:**

*Major Amendment # 1 to PUD 76 was approved in October/November 2013, and permitted the construction of residential single-family housing additions in Development Areas C, D, and G. This application is located within Development Areas C and D. A Preliminary Plat proposing a related single-family housing addition in Development Area G, “Quail Creek Villas of Bixby,” is also on the December 16, 2013 Planning Commission agenda for consideration.*

ANALYSIS:

Property Conditions. The parent tract subject property of 70 acres is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the south and west to the Fry Creek Ditch # 2 and # 1, respectively, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned CG and PUD 76 for "Scenic Village Park," which name became attached to the plat of 22 acres to the north of the subject property, recorded June 20, 2013.

The subject property appears to be able to be served by the critical utilities (water, sewer, electric, etc.) by existing lines and/or planned street and utility extensions and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the west and south.

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

The single-family housing addition anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 41.168 acres proposes 133 lots, eight (8) blocks, and one (1) Reserve Area. Typical lots are 68' to 70' in width and 123' to 130' in depth. Typical lot sizes range between 8,487 and 9,100 square feet (0.19 to 0.21 acres, respectively). All lots appear to meet PUD 76 Development Areas C and D standards.

With the exceptions outlined in this report, the Preliminary Plat appears to conform to the Zoning Code and Subdivision Regulations.

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.

At the Technical Advisory Committee (TAC) meeting held December 04, 2013, Staff noted that the PUD allows for a "common area facility such as club house, swimming pool, [or] recreational open space." Observing that the conversion of building lots to neighborhood facilities have proven problematic in other subdivisions, Staff asked the Applicant if such would be included in "Quail Creek of Bixby" or "Quail Creek Villas of Bixby," and the Applicant responded that none were planned at this time. If any become planned in either addition before plat recording, they should be modified appropriately to plan for and address design issues.

Minutes of the TAC meeting are attached to this report.

Access and Internal Circulation. Primary access to the development would be via a proposed collector street connecting 121<sup>st</sup> St. S. to Memorial Dr. via the existing 126<sup>th</sup> St. S. constructed in the past couple years. By this collector road, all the Development Areas within the PUD would have access. On November 25, 2013, the City Council accepted a dedication of right-of-way from the Knopp family, allowing the extension of 126<sup>th</sup> St. S. from its current westerly terminus to the east line of the subject property plat area. This plat area will dedicate the connection between this newly-dedicated right-of-way and 74<sup>th</sup> E. Ave. platted with Scenic Village Park, thus completing the collector system.

With the Preliminary Plat of "Scenic Village Park," on March 25, 2013, the City Council Approved a Modification/Waiver of the Commercial Collector 42' paving width requirement of Subdivision Regulations Ordinance # 854 Section 9.2.2, to allow a 38'-wide roadway width as proposed. Per the City Engineer's review memo at that time, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify the Modification/Waiver.

Per the recorded plat of Scenic Village Park, the 74<sup>th</sup> E. Ave. is proposed to intersect with 121<sup>st</sup> St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121<sup>st</sup> St. S. was widened. To the west of this, 73<sup>rd</sup> E. Ave., which serves Fox Hollow and the North Heights Addition, will be extended south of 121<sup>st</sup> St. S. and continue with the 73<sup>rd</sup> E. Ave. name. South 73<sup>rd</sup> and South 74<sup>th</sup> East Avenues will be connected via 121<sup>st</sup> Pl. S. Minor streets 73<sup>rd</sup> E. Ave. and 121<sup>st</sup> Pl. S. would incidentally serve the commercial lots in Development Area (DA) A, but would primarily serve an assisted living community in DA B. Their geometries (50' in right-of-way width and 26' of roadway paving width, versus the required 60' and 36', respectively) also received City Council approval of a Modification/Waiver with the Preliminary Plat on March 25, 2013.

Per the approved PUD Major Amendment # 1, the 74<sup>th</sup> E. Ave. portion of the 74<sup>th</sup> E. Ave. / 126<sup>th</sup> St. S. collector road was shifted easterly, to accommodate more room for the single-family detached residential area west of the collector road system. No significant changes to access and circulation patterns were proposed, except to the extent necessary to allow conventional housing addition(s) to be developed in

certain areas. The “Quail Creek of Bixby” and “Quail Creek Villas of Bixby” subdivisions will tie into the realigned collector street system.

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

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

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
2. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lots 1 through 10, inclusive, Block 2 (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F. The Modification/Waiver may be justified by citing its necessity to create additional lot depth along 74<sup>th</sup> E. Ave. collector road.
3. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the west, south, and east. The Modification/Waiver may be justified by the fact that the abutting tracts to the west and south are Fry Creek Ditch rights-of-way and will not develop conventionally, and that the tract to the east will have adequate access available from an extended 126<sup>th</sup> St. S.
4. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for those lots in Blocks 1 and 2 whose rear lines abut 74<sup>th</sup> E. Ave. Provided Limits of No Access (LNA) are placed along the 74<sup>th</sup> E. Ave. frontage, City Staff is supportive of this design, which is incidental and unavoidable due to existing geometries.
5. All Modification/Waiver requests must be submitted in writing.
6. Title Block area – please add PUD 76 where appropriate.
7. Please provide Limits of No Access (LNA) restrictions along the 74<sup>th</sup> E. Ave. frontage.
8. Preliminary Plat: Elevation contours at one (1) foot maximum intervals not represented as required per SRs Section 12-4-2.B.6.
9. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
  - a. LaCasa Movil Estates 2nd (misabeled)
  - b. Poe Acreage (misrepresented as to configuration)
  - c. Seven Lakes II (misrepresented as to configuration)
  - d. The Fry Creek Ditch # 1 and # 2 are represented but do not reflect channel reconstructions from circa 2000.
10. Please add street names as per the street name recommendations drawing dated 12/02/2013, or with appropriate modifications.
11. Please add proposed addresses to the lots. A table may be used if needed for map clarity.
12. Block 2 and part of Block 1 has 25’-wide U/Es, which may have been intended as B/Ls as found elsewhere throughout the subdivision.
13. Curve data missing at street intersections throughout. Curve data table may be expected.
14. Northerly point of tangent/curvature not indicated for 135.79’ call along east side of 74<sup>th</sup> E. Ave.
15. Please label the Document # citation where the extended 126<sup>th</sup> St. S. right-of-way dedication has been/is being recorded, as accepted from the Knopp family by the City Council on November 25, 2013.
16. Please update linework to represent new 126<sup>th</sup> St. S. right-of-way dedication.
17. Text along north line of Lot 58, Block 1 may obscure linework. A Curve may be indicated to relieve text/linework congestion for 54.91’/150.00’R call.
18. Please clarify 10’ and 20’ U/E indications along north line of Lot 11, Block 2 and south line of Lot 1, Block 1.
19. Width of southerly entrance street (recommended to be 126<sup>th</sup> St. S.) not dimensioned.
20. Will a median be employed at southerly entrance street? Please discuss.
21. Linework at Lot 1, Block 2, suggests an easement (probably the Fence & Landscape Easement) clips the lot corner, but dimensions not provided. Please clarify this area.
22. Staff found no language in the DoD/RCs that provides for the purpose, dedication, or maintenance responsibilities for the 5’ Fence & Landscape Easement along the 74<sup>th</sup> E. Ave. frontage of Blocks 1 and 2. DoD/RCs Section IV.M merely provides that fences and walls cannot be restricted within it.

23. *The Fry Creek maintenance access drives may at some point in time be upgraded for trail use, as was done with the drive on the west side of Fry Creek # 2. The subdivision layout does not presently provide any access easements or Reserve Areas to allow access to such trails. Please discuss.*
24. *POB at "Southeast Corner E/2" may not be the correct call, and is at variance with legal description in DoD/RCs preamble.*
25. *Break between 857.55' and 368.04' calls along westerly side of plat boundary does not appear to be indicated. 14.45' call in Lot 15, Block 1 suggests it should be somewhere along the west line of this lot.*
26. *7/5' U/Es along both sides of common line separating Lots 26 and 27, Block 1, do not appear to correspond to relative widths as represented.*
27. *70' call along north line of Lot 5, Block 6 does not appear to correspond to relative width (cf. Lot 4, Block 6).*
28. *U/E widths along east-west center of Block 3 not designated.*
29. *U/E width along east side of Block 3 not designated.*
30. *U/E width along east side of Block 6 not designated.*
31. *Points of tangent/curvature not indicated for Lots 3/4, 6/7, 9/10, 12/13, or 37, Block 1.*
32. *DoD/RCs Preamble: Missing critical wording such as "And the Owner has caused the above described land to be surveyed, staked, platted, granted, donated, conveyed, dedicated, access rights reserved and subdivided into...." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.*
33. *DoD/RCs Section I.1: Missing critical wording such as "The Owner/Developer does hereby grant, donate, convey, and dedicate for public use the street rights-of-way..." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.*
34. *DoD/RCs Section I.A: Mention of Reserve A next to "U/E" and "Utility Easement" suggests intent to include [all of] Reserve A as a U/E, but the language here is not clear. Please clarify here and/or specify in DoD/RCs Section IV.X, which specifically pertains to Reserve A. Conceptual Utility [Plan] indicates stormsewer lines will be located through this area.*
35. *DoD/RCs Section I.C.1: Specification of 121<sup>st</sup> St. S. does not appear appropriate here.*
36. *DoD/RCs Section II Preamble: Major Amendment # 1 was recommended by the PC on September 30, 2013.*
37. *DoD/RCs Section II.A: Three (3) instances of "townhouse"-related development standards found; these were removed from PUD 76 Major Amendment # 1. Please check to confirm use of final version as approved.*
38. *DoD/RCs Sections II.B.5 and II.B.6: Final paragraph from "Access and Circulation" section and parts of "Signs" section of PUD Text missing. Please check to confirm use of final version as approved.*
39. *DoD/RCs Sections II.B.6: Reference to "Quail Creek of Bixby" is not appropriate when referring to other parts of the "Scenic Village Park" PUD.*
40. *DoD/RCs Section III.A: Refers to "private streets and gates," but none are known to be proposed within "Quail Creek of Bixby" or "Quail Creek Villas of Bixby."*
41. *DoD/RCs Section III.A: "Quail Creek of Bixby adjoins Quail Creek of Bixby and shall be annexed..." First instance probably intended to read "Quail Creek Villas of Bixby."*
42. *DoD/RCs Section IV.A.1: Typo in term "floor."*
43. *DoD/RCs Section IV.A.2: Punctuation error in first sentence.*
44. *DoD/RCs Section IV.A.3: Confirm intent to use date January 1, 2014.*
45. *DoD/RCs Section IV.A.3: Punctuation typo at last instance of term "homeowners."*
46. *DoD/RCs Section IV.M: Refers to "Reserve 'B'," which does not presently exist in the plat.*
47. *DoD/RCs Section IV.N: Occurrence of term "tile" in lieu of "the," as presumed intended.*
48. *DoD/RCs Section V.A: Period appears to be missing after "Association" and preceding "[I]f."*
49. *DoD/RCs Section V.A: Occurrence of term "Homer" in lieu of "Home," as presumed intended.*
50. *DoD /RCs Section V.A: Sentence beginning "If the undersigned Owner/Developer..." appears to be duplicated within section.*
51. *DoD /RCs Section V.C: Please correct "...~~Falsa~~ Bixby Planning Commission..."*
52. *DoD/RCs Owners' and Surveyor's Notary Blocks: 2013 year should likely be changed to 2014.*

53. *In satisfaction of the City Council's approval conditions of both the Preliminary Plat and Final Plat of "Scenic Village Park," and PUD 76 Major Amendment # 1, copies of the Preliminary Plat of Scenic Village Park, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size and 1 11" X 17").*
54. *A copy of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file.*

Erik Enyart noted at this time or another during the first part of the meeting that the TAC Minutes had been inadvertently left out of the Agenda Packet as published, and copies were distributed to the Commissioners prior to the meeting.

Chair Thomas Holland asked Erik Enyart about the two (2) "please discuss" review items, starting with the question of whether there would be a median at the street intersection. Mr. Enyart noted that, although the width was not provided, the relative width appeared to be adequate to allow for a median, if one was planned, and that if it was, it should be identified at this time. Mr. Enyart noted that there was another "please discuss" issue, but it was discussed at the TAC meeting and so was removed from being a review comment.

Chair Thomas Holland recognized Ricky Jones, AICP of *Tanner Consulting, LLC*, 5373 S. Lewis Ave., Tulsa, OK 74105. Mr. Jones stated that the street was wider to allow for the intersection with the collector road, and that no median was proposed at this time. Erik Enyart stated that, if one was proposed, it would be best if it was in a Reserve Area maintained by the Homeowners Association. Mr. Jones indicated agreement.

Chair Thomas Holland asked about the "please discuss" review item pertaining to pedestrian access to the Fry Creek. Mr. Enyart noted that "Seven Lakes" included a small, approximately 10'-wide Reserve Area allowing for access to the trail along Fry Creek. Mr. Enyart stated that, although there was no trail on this side at this time, he would expect one "sooner than later." Mr. Enyart stated that providing access would prevent the interior lots from being "landlocked" from the Fry Creek. Ricky Jones indicated he did not know if his client would support this design change, and he would have to discuss it with his client and with Erik Enyart. Mr. Jones asked Mr. Enyart if a trail was planned there, and Mr. Enyart stated that there was a maintenance access drive, a gravel drive, at this time, and it could be used for recreational purposes [in the meantime], but that a trail was not shown on any trail plans at this time. Mr. Enyart stated that, however, he would expect there to be one there in the future. Mr. Jones stated that he would not want to encumber [the development] if a trail wasn't there and won't be there. Mr. Enyart stated that he had discussed this design concept with Justin Morgan at the TAC meeting, and provided Mr. Jones a copy of the TAC Minutes. Chair Thomas Holland asked about the review comment and if it would result in a design change. Mr. Enyart stated that it was not written to require a change, but to [bring it to everyone's attention and] call for its discussion. Mr. Enyart stated that it had been discussed as recommended. After further discussion, Mr. Enyart noted that he would consider it a design improvement, and would have hoped that Mr. Jones' client would have been notified of the design concept after it was discussed at the TAC meeting. Mr. Holland asked if the Commission could make that a recommendation. Mr. Jones indicated disagreement. Mr. Holland asked if the Commission would miss the opportunity to do this if not now. Mr. Enyart stated that, if the Applicant did not propose it between now and then, the Commission could always make this recommendation at the Final Plat stage, "as if it was thought of for the first time."

Chair Thomas Holland asked Erik Enyart if there was anything else to be discussed on this item. Mr. Enyart stated that the only other “please discuss” review comment was a former one pertaining to the possibility of a neighborhood pool and/or clubhouse. Mr. Enyart noted that, for developments of this size, it was common to have such facilities, and that, if planned, it should be planned at this time, rather than it being a “retrofit” situation. Mr. Enyart noted that retrofits are problematic, and have design issues pertaining to setbacks, etc. Mr. Enyart stated that he had talked to Justin Morgan at the TAC meeting, and Mr. Morgan indicated it was not planned at this time. Mr. Enyart looked to Ricky Jones for confirmation, and Mr. Jones indicated agreement.

There being no further discussion, Chair Thomas Holland asked to entertain a Motion. John Benjamin made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat of “Quail Creek of Bixby” and also to RECOMMEND APPROVAL of the Preliminary Plat of “Quail Creek Villas of Bixby” with the corrections, modifications, and Conditions of Approval as recommended by Staff. Jeff Baldwin SECONDED the Motion.

4. **Preliminary Plat – “Quail Creek Villas of Bixby” – Tanner Consulting, LLC.** Discussion and consideration of a Preliminary Plat for “Quail Creek Villas” for approximately 12 acres in part of the E/2 of Section 02, T17N, R13E.  
Property Located: South and west of the intersection of 121<sup>st</sup> St. S. and Memorial Dr.

Erik Enyart asked Ricky Jones if he was okay with both plats being included in the Motion, and Mr. Jones indicated agreement.

Roll was called:

**ROLL CALL:**

AYE:	Holland, Baldwin, and Benjamin
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

Ricky Jones stated that, when the PUD Major Amendment # 1 was being proposed, he provided [the City Council] a draft copy of the plat of “Quail Creek Villas of Bixby,” including the 60’-minimum width lots, and was asked, ““Ricky, do us proud.”” Mr. Jones stated that this plat was the same as he had shown [the City Council] then.

Ricky Jones left at this time.

**OTHER BUSINESS**

5. **PUD 62 – Hawkeye – Minor Amendment # 2.** Discussion and possible action to approve Minor Amendment # 2 to PUD 62 for property located in the W/2 SE/4 of Section 15, T17N, R13E, which amendment proposes to allow for the creation of a new commercial or office development tract within Development Area B, allow for the transfer of building floor area within Development Area B, and make certain other amendments.  
Property located: Northwest corner of the intersection of 151<sup>st</sup> St. S. and Kingston Ave.

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Chair Thomas Holland introduced the item and 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:** Friday, December 06, 2013  
**RE:** Report and Recommendations for:  
PUD 62 – Hawkeye – Minor Amendment # 2

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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/Agricultural

**REQUEST:** Minor Amendment to PUD 62, which amendment proposes to allow for the creation of a new commercial or office development tract within Development Area B, allow for the transfer of building floor area within Development Area B, 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 under-development 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).

PUD 62 – Hawkeye – Major Amendment # 1 – Request for Major Amendment approval for subject property, which amendment proposed to increase the maximum number of residential lots, reduce setbacks, and make certain other amendments – PC Recommended Conditional Approval, with recommendations pertaining to trails, on 06/17/2013 and City Council Approved sans action on trails recommendation 06/24/2013 (Ord. # 2122).

Preliminary Plat for The Trails at White Hawk – Tulsa Engineering & Planning Associates, Inc. (PUD 62) – Request for Preliminary Plat approval for subject property – PC Recommended Conditional Approval 07/17/2013 and City Council Conditionally Approved 07/22/2013.

PUD 62 – Hawkeye – Minor Amendment # 1 – Request for Minor Amendment approval for subject property, which amendment proposed to provide for a cul-de-sac street design for Kingston Ave., provide certain requirements pertaining thereto, and make certain other amendments – PC Approved 09/30/2013.

**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 westerly and southwesterly portions 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. See the Access and Internal Circulation and General sections of this report for additional information.

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, in 2008, 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.

At its June 17, 2013 Regular Meeting, the Planning Commission held a Public Hearing and recommended Conditional Approval of PUD 62 Major Amendment # 1 by unanimous vote, and to additionally recommend that "the City Council consider the Comprehensive Plan as it pertains to trails in this PUD Major Amendment."

The Comprehensive Plan Land Use Map 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 as Reserve A on the Preliminary Plat, and is to be used for stormwater detention, which would appear to be conducive to future trail development, as compared to residential or commercial/office development. The site plan provided with the Major Amendment states that no trails are proposed at this time, and the development plans do not propose trail construction through the subject property. However, the Preliminary Plat Deed of Dedication and Restrictive Covenants (DoD/RCs) provided that the Reserve Areas may be used for "passive and active open space" uses, such as "...recreation, ...sidewalks, and ingress and egress."

The Bixby Comprehensive Plan shows a trail connecting Bixby Creek to the Arkansas River through Conrad Farms, various tracts along Sheridan Rd. and 151<sup>st</sup> St. S. and the City of Bixby's cemetery expansion acreage, the subject property and The Ridge at South County, certain other tracts along 141<sup>st</sup> St. S., and Eagle Rock. An amendment to the Comprehensive Plan would not have been required to approve the Major Amendment, because the Zoning Code requires only consistency with the land use elements for rezoning purposes, not the Public Facilities / Urban Design Elements such as trails. At its

regular meeting held June 24, 2013, the City Council Approved the Major Amendment and did not make any special requirements pertaining to trails.

The Trail designation notwithstanding, the single-family residential and commercial developments anticipated by this development would be not inconsistent with the Comprehensive Plan.

Due to the relatively limited scope of proposed changes, the proposed PUD 62 Minor Amendment # 2 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 under-development 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.

The minor 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 (Development Area A) 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. When the commercial development area is built, a cul-de-sac turnaround will be constructed toward the north end of Kingston Ave. to improve accessibility. The commercial Development Area B would have access via the said collector street connection to 151<sup>st</sup> St. S., and may also extend 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. Commercial connections to Kingston Ave. are not recommended by Staff at this time, and the 25'-wide right-of-way dedication would only support a low intensity residential level of service on Kingston Ave. The Preliminary Plat has Limits of No Access (LNA) along the 151<sup>st</sup> St. S. frontage, with the exception of an access opening corresponding to the drive connection as shown on the site plan. Although City Staff do not object to this connection, both the City of Bixby and ODOT would have to allow a curb cut / driveway permit 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 55 MPH. The plat's representation of LNA and Access openings onto 151<sup>st</sup> St. S. / State Hwy 67 here does not guarantee the curb cut / driveway permit will be approved.

The subject property's Kingston Ave. frontage and particulars have been the source of question for this development since it was first rezoned and approved for PUD 62 in 2008. At the TAC meeting held July 03, 2013, the City Planner, City Engineer, Fire Marshal, Fire Code Enforcement Official, and the developer's engineer were presented with right-of-way dedication documents from 1959 and 1960 reflecting a 25'-wide, half-street road right-of-way for Kingston Ave. along the east side of the common line separating the subject property from the rural residential and undeveloped tracts to the east. It was generally agreed by all that:

- (1) Commercial traffic for the commercial Development Area B / Lot 1, Block 9 will primarily use the driveway connection onto 151<sup>st</sup> St. S. as may then be approved, and not so much the residential collector street in this development or Kingston Ave.,
- (2) The City of Bixby recognizes Kingston Ave. as currently functionally classified as a local minor residential street,
- (3) The subject property's right-of-way dedication should be based on its current functional classification; i.e. 25' as the balance of the 50' total width right-of-way,
- (4) If properties to the east of the subject property develop more intensively than single-family residential, as would be expected at this time, they would be responsible for dedicating additional right-of-way width commensurate with their intensity,
- (5) City Staff would (and did) support a Modification/Waiver of the right-of-way dedication requirement north of the cul-de-sac turnaround, based on its superior design and the fact that

continued legal access will be maintained for the residence at 14800 S. Kingston Ave. in the existing half-street right-of-way to the east,

- (6) The cul-de-sac turnaround, represented on a certain Major Amendment # 1 site plan as to be located within the 130'-wide PSO easement, should be constructed with the commercial development at the time of that development. Connection to, and not improvement of, Kingston Ave. will be required at this time with the residential Development Area the only one now proposed for development, and
- (7) North of the cul-de-sac turnaround, Kingston Ave. will continue to be a Public street to the extent the roadway exists within the existing 25'-wide half-street right-of-way and/or prescriptive right-of-way/easement that may exist on the subject property (but the existence of, and extent of which has not been determined here).

PUD 62 Minor Amendment # 1 clarified and specified that the cul-de-sac street improvement will be required to be constructed at the time the commercial lot, or any part of it, is developed. This arrangement is described in the text as follows:

At the time of Preliminary Plat approval, Staff and the Planning Commission recommended, and the City Council approved as a Condition of Approval: "because the fenceline and the roadway itself appear to extend onto the subject property, and may have implications for prescriptive right-of-way/easement, the fence should not be removed, unless agreed to by the affected property owner at 14800 S. Kingston Ave., and any other affected property owners not having a boundary agreement in place, and the City of Bixby. An easement over the affected area would be in order to secure the continued maintenance of the fenceline and roadway on the new residential lots platted, and is hereby recommended."

Per survey data, the Kingston Ave. roadway paving falls within the subject property about, or an average of roughly 2'. South of the PSO easement, there will be a 25'-wide right-of-way dedication from the subject property. North of the AEP-PSO easement, however, there was concern that fences could be constructed along the property line, with the paving cut off and disposed. At a meeting with City Staff held August 09, 2013, City Staff and the Applicant's design professionals agreed to allow the fenceline and two 2' of paving to be removed, with another 2' to allow for incidental drainage between the new edge of the paving and any future fences, provided the 4' was compensated for by paving along the east side of the roadway, where it would fall within the 25' of dedicated public right-of-way. This issue is not described in the PUD or any Amendment thereto, as it is an engineering design and review function of the subdivision development process. It will be addressed at the time the Final Plat application is considered by the Planning Commission and City Council.

As described above, no trails are indicated as proposed in the "Trails at White Hawk" development at this time.

**General.** The Applicant is requesting a Minor Amendment to an approved PUD, to allow for the creation of a new commercial or office development tract within Development Area B, allow for the transfer of building floor area within Development Area B, and make certain other amendments.

The PUD Amendment text provides as follows:

"1). **Allow for commercial and/or office use in Tract 'A'**. Tract 'A' is located at the northwest corner of the intersection of East 151<sup>st</sup> Street South and South Hudson Avenue (see Exhibit 'A' - Conceptual Development Plan). A portion of this area was originally located within the 100-year floodplain, but has since been taken out of the floodplain through the updating of the FEMA FIRM panels. Additionally, it was thought that this area would need to be utilized for stormwater detention, which after a recent hydrology study was completed, it was determined that this was not the case.

2). **Allow for the translocation of density of 37,705 SF (FAR 0.75) of commercial and/or office floor area into Tract 'A', from the portion of Development Area 'B' located on the east side of South Hudson Avenue.**"

The Exhibit A "Conceptual Development Plan" would not replace its counterpart as adopted with PUD 62 Minor Amendment # 1, and will only supplement it as concerns the proposed new development "Tract 'A'" within Development Area B.

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 Minor 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.

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

Staff Recommendation. For all the reasons outlined above, Staff recommends Approval, provided that the Exhibit A “Conceptual Development Plan” not replace its counterpart as adopted with PUD 62 Minor Amendment # 1, but only supplement it as concerns the proposed new development “Tract ‘A’” within Development Area B.

Chair Thomas Holland and Jeff Baldwin asked about the [100-year Regulatory] Floodplain as concerned the area, and asked Erik Enyart if he had checked the accuracy. Mr. Enyart stated that he had not attempted to overlay the site plan and FEMA floodplain data, as he trusted that the Applicant used appropriate methods for this purpose. Mr. Holland asked for confirmation. Mr. Enyart deferred to Applicant Tim Terral and asked him, “What were your methods?” Mr. Terral described the overlay method and assured the Commissioners of the accuracy of the site plan. A Commissioner asked how the [100-year Regulatory] Floodplain was reduced in size. Mr. Enyart stated that the October 2012 new FEMA Floodplain maps for Tulsa County, which were adopted by the City of Bixby, did not include remodeling of floodplains, but rather [reconfigured their outlines] based on 2008 aerial remote sensing that captured [elevation] contours. Mr. Enyart stated that the new maps should be more accurate.

Chair Thomas Holland asked to entertain a Motion.

Jeff Baldwin requested, and was granted, some time for him and the Commissioners to read the part of the TAC Minutes pertaining to this item.

John Benjamin made a MOTION to APPROVE. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Baldwin, and Benjamin  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 3:0:0

Tim Terral left at this time.

PUBLIC HEARINGS

2. **BZ-369 – Lee & Twilah A. Fox.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RS-1 Residential Single Family District for part of the SW/4 of the SW/4 of Section 14, T17N, R13E.  
Property located: 15015 S. Sheridan Rd.

OTHER BUSINESS (resumed)

6. **BL-389 – Lee & Twilah A. Fox.** Discussion and possible action to approve a Lot-Split for part of the SW/4 of the SW/4 of Section 14, T17N, R13E.  
Property located: 15015 S. Sheridan Rd.

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Chair Thomas Holland introduced the item(s). Erik Enyart noted that the Applicant was expected to attend, but had not shown up. Mr. Enyart described the location and the situation. Mr. Enyart stated that the Commissioners may recall the Applicants from the previous year, when they rezoned and did a Lot-Split on their house. Mr. Enyart stated that this would similarly rezone and split an existing church on the property, to allow its sale. Mr. Enyart stated that Staff supported the Lot-Split subject to securing proper access to utilities and easements as may be required between the buyer and seller.

Jeff Baldwin made a MOTION to RECOMMEND APPROVAL of BZ-369, and to APPROVE BL-389 with the Conditions of Approval as recommended by Staff as follows:

1. Subject to the approval of RS-1 zoning per BZ-369.
2. Subject to the Applicant ensuring that easements or other acceptable agreements secure, for all involved properties, continued legal access to Sheridan Rd., continued access to existing drives irrespective of existing or proposed lot lines if/as planned, and continued access to the private septic system (lagoon) in the northeast corner of the subject property parent tract, or otherwise other sewerage service as may be required, and subject to the establishment of separate water service for the church.

John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Baldwin, and Benjamin  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 3:0:0

OLD BUSINESS:

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

NEW BUSINESS:

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

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 6:30 PM.

APPROVED BY:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

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