

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
February 18, 2014 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 6:02 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the January 23, 2014 Special Meeting
-

Chair Thomas Holland introduced the Consent Agenda item. Discussion ensued.

Chair Thomas Holland declared the agenda items would be taken out of order and the Minutes would be taken up at the end of the agenda in the event Larry Whiteley arrived.

OTHER BUSINESS

Erik Enyart addressed Chair Thomas Holland and suggested that, since it should not take long at all, the agenda items be taken out of order and the final item on the agenda (# 8) be considered at this time, if all were in agreement. The Commissioners indicated agreement.

Whiteley in at 6:03 PM.

8. **PUD 76 – Scenic Village Park – Minor Amendment # 1.** Discussion and possible action to approve Minor Amendment # 1 to PUD 76 for approximately 11.636 acres located in the E/2 of Section 02, T17N, R13E, which amendment proposes making certain changes to development standards pertaining to signage and making certain other amendments.
Property Located: Lot 2, Block 1, *Scenic Village Park*; 7300 E. 121st Pl. S.

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, February 14, 2014
RE: Report and Recommendations for:
PUD 76 – Scenic Village Park – Minor Amendment # 1

LOCATION: – 7300 E. 121st Pl. S.
– Lot 2, Block 1, Scenic Village Park
– Part of the E/2 of Section 02, T17N, R13E
SIZE: 11.636 acres, more or less
EXISTING ZONING: CG General Commercial District & PUD 76
EXISTING USE: Agricultural
REQUEST: Minor Amendment to PUD 76, which amendment proposes making certain changes to development standards pertaining to signage, and making certain other amendments

SURROUNDING ZONING AND LAND USE:

North: CG/PUD 76 and (across 121st St. S.) RS-3, RS-1, AG, & OL/CS/PUD 51; Agricultural land for commercial development including Lot 1, Block 1 and Lot 1, Block 2, Scenic Village Park, and across 121st St. S., the Fox Hollow and North Heights Addition residential subdivisions; the Fry Creek Ditch # 2 and the North Elementary and North 5th & 6th Grade Center school campuses to the northwest zoned AG; agricultural land to the northeast zoned OL/CS/PUD 51.

South: CG/PUD 76; Agricultural land proposed for single-family residential (“Quail Creek of Bixby” and “Quail Creek Villas of Bixby”) and commercial (“Quail Creek Office Park”) development per PUD 76.

East: CG/PUD 76, AG, RS-3, OL, & CS; Agricultural land for commercial development including Lot 1, Block 3, Scenic Village Park, proposed Lot 1, Block 1, “Quail Creek Office Park,” and a 1.6-acre tract recently rezoned to CS at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.); the Easton Sod sales lot is further east and is zoned RS-3, OL, & CS.

West: AG & RS-4; Fry Creek Ditch #2; beyond this to the west is vacant/wooded land owned by the City of Bixby, the Three Oaks Smoke Shop located on a 2-acre tract at 7060 E. 121st St. S., and additional vacant land zoned RS-4 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).

BSP 2013-06 – "Covenant Place of Tulsa" – Tanner Consulting, LLC (PUD 76) – Request for PUD Detailed Site Plan approval for subject property for a Use Unit 8 assisted living facility development – PC Conditionally Approved 01/23/2014.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The subject property is a rectangular lot containing 11.636 acres. It is zoned CG and is located within Development Area B of PUD 76 "Scenic Village Park." It has a little more than 300' of frontage on 121st Pl. S. and a little more than 800' of frontage on collector road 74th E. Ave., both of which streets are, or are soon to be under construction.

The subject property is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the west to the Fry Creek Ditch # 2 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 recorded June 20, 2013. The southerly 70-acre balance of PUD 76 is being proposed for other development under different names.

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 Fry Creek Ditch # 2 abutting to the west.

Comprehensive Plan. See Staff Report for BSP 2013-06.

General. The Applicant is requesting approval of Minor Amendment # 1 to PUD 76 "Scenic Village Park," which amendment proposes making certain changes to development standards pertaining to signage, and making certain other amendments. The same are described in greater detail in the text as follows:

“Applicant requests a minor amendment of the permitted signage for Lot 2 Block 1 from one (1) monument sign not to exceed 70 square feet in order to permit three monument signs not to exceed 20 square feet each (total monument signage not to exceed 60 square feet).

Additionally, applicant requests a minor amendment of the permitted size of directional signage from three (3) square feet maximum to nine (9) square feet per sign.”

This flexibility request has been submitted pursuant to review items made Conditions of Approval of the PUD Detailed Site Plan (BSP 2013-06) on January 23, 2014.

Additionally, as the Applicant has worked with Staff to resolve the outstanding Conditions of Approval of the Detailed Site Plan, a change was brought to the attention of Staff which change was inconsistent with what was represented to and approved by the Planning Commission as it concerns the appropriateness of the number of parking spaces proposed.

Per a conversation with the Applicant on February 07, 2014, Staff was informed that the skilled nursing beds were to be entirely located in the southerly wing which is to (ultimately) project from the “Village Center,” and that that wing was eliminated. Staff knew that that wing was eliminated some time ago (perhaps even before DSP submittal) but the plans received and a conversation with the Applicant on 01/27/2014 led Staff to believe the skilled nursing beds would be elsewhere in the building (floor plans were not submitted with the DSP). The staff report and calculations provided to the Planning Commission as to the adequacy/appropriateness of number of parking spaces continued to reflect the 38 beds reported on site plan up until 02/04/2014. The PC approved Waiving the maximum number of parking spaces based on the information provided, so Staff cannot say that they granted more of a Waiver than the Commission knew about at the time. Therefore, Staff recommends using the “and making certain other amendments” language in the agenda item to allow the Planning Commission to approve further Waiving the maximum number of parking spaces standard in light of this new information. Staff has no objection to this approval, recognizing (1) the site plan accurately reflected which wings of the building are proposed at this time, and how much parking is proposed at this time, and (2) the parking proposed is to serve the future wing, which will include the 38 skilled nursing beds, and thus the additional parking spaces will then be in synch with what was reported to the Planning Commission with the DSP.

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held February 05, 2014. Minutes of that meeting are attached to this report.

Access & Circulation. See Staff Report for BSP 2013-06.

Surrounding Zoning and Land Use. See Staff Report for BSP 2013-06.

Staff Recommendation. For all the reasons outlined above, Staff recommends Approval, which approval will be recognized as additionally approving further Waiving the maximum parking space standard of the Zoning Code as it pertains to this development, as described more fully in the analysis above. Language to this effect will need to be added to the proposed amendment document and resubmitted.

Erik Enyart stated that he had spoken with Ricky Jones prior to the meeting about the second matter [additional parking exceedance waiver] being added to the amendment document, and Mr. Jones had indicated agreement.

Chair Thomas Holland recognized Ricky Jones of Tanner Consulting, LLC, 5323 S. Lewis Ave. Mr. Jones confirmed that the amendment would do two (2) things, including clearing up the maximum parking space matter. Mr. Jones stated that the second phase was already engineered and that [he and his client] hope to build this summer. Mr. Jones stated, “We want to build all the parking at one time.”

There being no further discussion, Larry Whiteley made a MOTION to APPROVE PUD 76 Minor Amendment # 1 as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Whisman, and Baldwin
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

PUBLIC HEARINGS

- 2. **PUD 70 – Encore on Memorial – Major Amendment # 1.** Discussion and consideration of Major Amendment # 1 to PUD 70 for approximately 15 acres located in the E/2 of Section 02, T17N, R13E, which amendment proposes to allow a Use Unit 21 sign within the Development Area B right-of-way for 126th St. S., provide development standards for same, and make certain other amendments.
Property located: West of the intersection of 126th St. S. and Memorial Dr., including Lot 1, Block 1, *Encore on Memorial.*

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: Tuesday, February 04, 2014
RE: Report and Recommendations for:
PUD 70 – Encore on Memorial – Major Amendment # 1

LOCATION: – 7860 E. 126th St. S.
– Intersection of 126th St. S. and Memorial Dr.
– Part of the E/2 of Section 02, T17N, R13E

SIZE: 15 acres, more or less

EXISTING ZONING: RM-3 Residential Multi-Family District, AG Agricultural District, CG General Commercial District, & PUD 70

EXISTING USE: Use Unit 8 Encore on Memorial multifamily development and 126th St. S.

REQUEST: Major Amendment to PUD 70, which amendment proposes to allow a Use Unit 21 sign within the Development Area B right-of-way for 126th St. S., provide development standards for same, and make certain other amendments

SURROUNDING ZONING AND LAND USE:

North: AG, CG, RS-3, OL, CS, & CG/PUD 76; Agricultural land, the Easton Sod sales lot zoned RS-3, OL, & CS; to the northwest is the 92-acre PUD 76, proposed for development with multiple uses.

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

East: AG, CS, OL, RS-1, & PUD 31; Immediately east of the 14-acre Encore on Memorial subject property parcel is approximately five (5) acres of agricultural land zoned AG. Across Memorial Dr. is the 126 Center shopping center, the Mazzio’s Italian Eatery restaurant, agricultural land, vacant land in PUD 31, and residential zoned RS-1 further to the northeast in Gre-Mac Acres and behind (east of) the 126 Center in Southern Memorial Acres No. 2; the Fry Creek Ditch # 1 right-of-way continues upstream to the southeast.

West: AG & CG/PUD 76; Agricultural land zoned AG and agricultural land within the 92-acre PUD 76, proposed for development with multiple uses.

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

PREVIOUS/RELATED CASES:

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area at approximately the 12600-block of S. Memorial Dr., including part of the 126th St. S. right-of-way part of the subject property – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

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 the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – 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 the large 140-acre acreage tracts previously owned by Knopp, which includes subject property. 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 the large 140-acre acreage tracts previously owned by Knopp, which includes 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.

BSP 2010-03 – Encore on Memorial – Khoury Engineering, Inc. (PUD 70) – Request for Detailed Site Plan approval for subject property – PC Conditionally Approved 07/19/2010.

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for subject property – PC recommended Conditional Approval 07/19/2010 and City Council Conditionally Approved 07/26/2010.

Final Plat of Encore on Memorial (PUD 70) – Request for Final Plat approval for a subject property – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (Plat # 6380 recorded 04/12/2011).

RELEVANT AREA CASE HISTORY: (not necessarily a complete list)

BZ-135 – Eddie McLearn – Request for rezoning from AG to CS for an approximately 19-acre tract to the north of the subject property at 12300 S. Memorial Dr. (now the Easton Sod business) – Withdrawn by Applicant 03/21/1983.

BZ-139 – Eddie McLearn – Request for rezoning from AG to RM-2, OL, & CS for an approximately 19-acre tract to the north of the subject property at 12300 S. Memorial Dr. (now the Easton Sod business) – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. # 482).

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area to the north of subject property at approximately 12340 S. Memorial Dr. – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

BZ-214 – City of Bixby – Request for FD Floodway Supplemental District for all of the (then proposed) Fry Creek Ditch drainage system right-of-way, including a section abutting the subject property to the south – PC Tabled Indefinitely 11/20/1995.

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

PUD 76 “Scenic Village Park” Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for 92 acres to the northwest of subject property – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved 10/14/2013 and approved the Emergency Clause attachment 11/12/2014 (Ord. # 2123).

PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for southerly 70 acres of PUD 76 to the northwest of subject property – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant’s letter dated 10/18/2013.

BACKGROUND INFORMATION:

This application was originally advertised for the January 21, 2014 Regular Meeting. However, due to lack of quorum, that meeting was cancelled and this application has been readvertised for this February 18, 2014 Regular Meeting.

ANALYSIS:

Subject Property Conditions. The subject property consists of two (2) Development Areas (DAs) in PUD 70, corresponding to two (2) parcels: (1) DA A: the Encore on Memorial multifamily development zoned RM-3, consisting of Lot 1, Block 1, Encore on Memorial, and (2) DA B: the 80’-wide right-of-way for 126th St. S., zoned AG and CG. The subject property is relatively flat and appears to drain, if only slightly, to the south. The development drains to the south to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention.

The subject property is presently served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the south.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor and (2) Vacant, Agricultural, Rural Residences, and Open Land. The Community Trails designation is abutting to the south within the Fry Creek # 1 right-of-way, located on north side of water centerline.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the existing RM-3 district is In Accordance, and the AG and CG districts May Be Found In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the existing zoning districts would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

By the approval of PUD 70, the current zoning districts were recognized as consistent with the Comprehensive Plan.

Per the Matrix, PUDs (as a zoning district) are In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map, and thus PUD 70 is In Accordance with the Comprehensive Plan as a zoning district.

Due to the relatively limited scope of proposed changes, the proposed PUD 70 Major Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

General. The Applicant is requesting a Major Amendment to an approved PUD, to allow a Use Unit 21 sign within the Development Area B right-of-way for 126th St. S., provide development standards for same, and make certain other amendments. The same are described in greater detail in the text as follows:

“The PUD major amendment includes revising the ‘Development Standards’ section of the original PUD as follows:

- 1- Add [to] 'Development Area B' [~~with~~] the following development standards: It is permitted to install One (1) Use Unit 21 double sided ground sign in the E. 126th Street right-of-way, with a maximum height of 8 feet and a display surface area of 50 square feet (each side), to advertise the multifamily use in Development Area A only. The sign will be subject to the City Council granting a sign easement in accordance with the development agreement."

Encore on Memorial's owner, Encore Multi-Family, LLC notified Planning Staff on August 09, 2012 of their interest in installing a sign in the 126th St. S. right-of-way. At that time, Planning Staff was provided a copy of the Development Agreement between the City of Bixby, the seller (Knopp), and the buyer (Encore), dated May 24, 2010, which provided, in relevant part,

"7. **Sign Easement.** The City shall grant Buyer a permanent recordable sign easement in the median of the Roadway to advertise its apartment project, to include a utility easement to bring electricity and water to the sign easement area to allow for lighting and landscape watering."

Planning Staff authenticated the document by comparing it to the version on file with the City Clerk, and confirmed the sign easement obligation. Planning Staff advised Encore's sign contractor on August 09, 2012, and then in summary form to Encore Multi-Family, LLC on August 10, 2012, the following:

- "1. Sign Easement would have to be drawn up by, or at the direction of City Attorney Patrick Boulden, copied here, and granted and signed by the City Council or other authorized agent of the City of Bixby, and
2. PUD 70 will need to be amended to allow for a ground sign within Development Area B (which corresponds to the 126th St. S. right-of-way). The Major Amendment would have to be submitted, reviewed by the Planning Commission in an advertised Public Hearing, and approved by the City Council, and will need to specify development standards for same: height limit, display surface area maximum, and any other particulars as deemed necessary and appropriate.

PUD 70 does not provide any Development Standards specific to Development Area B (DA B), and only mentions that DA B is the street right-of-way. The part of the PUD which pertains to signage only states that one (1) ground sign is permitted on DA A (Encore's private property), along its frontage of 126th St. S. That ground sign is already in place. That language specifically would have to be amended to allow for a ground sign in DA B."

As requested by Encore Multi-Family, LLC, City Staff met with Encore Multi-Family, LLC and their sign contractor at the proposed sign site on January 24, 2013 as follows: Mayor, City Manager, City Engineer, Public Works Director, City Attorney, and City Planner. At the site visit, it was mutually agreed that the sign, instead of being in the median as per the Development Agreement, should be located on the north side of the roadway at the northeast corner of the right-of-way parcel.

Around that time, there were discussions as to whether the sign should be designed, by agreement between Encore Multi-Family, LLC and other interested parties, to accommodate advertisement for other uses within the area served by 126th St. S., specifically, developments anticipated by contemporary application PUD 76 "Scenic Village Park." Agreement was not reached, however, and the sign proposes to advertise only Encore on Memorial, as per the Development Agreement.

This PUD Major Amendment # 1 application was received in December, 2013, and, upon approval, would authorize the proposed sign in terms of the Zoning Code. The City Attorney worked with Encore Multi-Family, LLC, and other interested parties, to craft, for City Council consideration, a Right-of-Way Encroachment / License Agreement, in satisfaction of the Sign Easement obligation under the Development Agreement. The City Council approved this Agreement on February 10, 2014, demonstrating legislative support for the concept proposed by this application.

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 January 02, 2014. Minutes of that meeting are attached to this report.

Access & Circulation. The Encore on Memorial multifamily development has primary access to Memorial Dr. via 126th St. S. In order to secure the required second means of ingress/egress for emergency purposes, the developer upgraded, with gravel, the Fry Creek Ditch # 1 maintenance access road for use as the second emergency-only drive. It has a gate where it connects to the Encore on Memorial internal parking lot driveway system, as per Fire Marshal requirements.

Per PUD 76, a collector street system will be constructed connecting Memorial Dr. to 121st St. S. It will extend the existing 126th St. S. to the west, then turn north and become 74th E. Ave. Through PUD 76,

the collector roads will have an 80' right-of-way and 38' roadway width, pursuant to a Modification / Waiver granted with the Preliminary Plat of "Scenic Village Park."

As proposed and approved with PUD 76 Major Amendment # 1, the 74th E. Ave. portion of the 74th E. Ave. / 126th St. S. collector road was shifted easterly, to accommodate more room for the single-family detached residential area west of the collector road system ("Quail Creek of Bixby"). 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.

Per the exhibit to this PUD 70 Major Amendment # 1 application, and per aerial and GIS data, it appears that, at its intersection with Memorial Dr., the roadway occupies most of the 80' right-of-way width, leaving approximately 10' on either side of the curbs. A sidewalk was not constructed along 126th St. S. when it was built. If a 5' X 10' sign easement area is added, it may restrict the area in which to place the sidewalk required when the land to the north is platted and developed. Bixby Engineering Design Criteria Manual Section C.4.2 requires sidewalks be set back [from the curb] a minimum of 10' and a maximum of 1' inside the property line. In order to meet this standard, the sidewalk necessarily must be located within the property, and a Sidewalk Easement would be required. Otherwise, the minimum setback standard would have to be Waived, to allow it to be built next to the curb.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, CG, CS, OL, RS-1, and RS-3. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

To the north is agricultural land zoned AG and CG and a 19-acre tract zoned RS-3, OL, and CS, which is primarily agricultural but contains the Easton Sod sales lot toward its east end at 12300 S. Memorial Dr. The CG zoning consists of two (2) areas: A 3.56-acre area at approximately the 12600-block of S. Memorial Dr., in which the 126th St. S. right-of-way is partially located, and the approximately 2.27-acre area at approximately 12340 S. Memorial Dr.

To the north and west is agricultural land zoned AG and agricultural land within the 92-acre PUD 76, with CG underlying zoning, proposed for development with multiple uses. Further to the west lies the Fry Creek Ditch #2, owned by the City of Bixby and zoned AG.

Immediately east of the 14-acre Encore on Memorial subject property parcel is approximately five (5) acres of agricultural land zoned AG. Across Memorial Dr. further east is the 126 Center shopping center and the Mazzio's Italian Eatery restaurant, both zoned CS, vacant land zoned CS/OL/RS-1 and PUD 31, an 18-acre agricultural tract, and single-family residential zoned RS-1 further to the east behind the 126 Center in Southern Memorial Acres No. 2 and further to the northeast in Gre-Mac Acres. The Fry Creek Ditch # 1 right-of-way, zoned AG, continues upstream to the southeast.

The Fry Creek Ditch # 1 to the south is zoned AG and the Crosscreek "office/warehouse" heavy commercial / trade center and retail strip center is zoned CS with PUD 37.

Per the Comprehensive Plan, all the land between Fry Creek Ditch # 1 and # 2 and 121st St. S. and Memorial Dr., including the subject property, approximately 180 acres in all, is planned for Corridor-intensity development, which provides that all of the available Zoning districts are either In Accordance or May Be Found In Accordance with the Comprehensive Plan. This 180-acre area is anticipated to be developed intensively, as it is in a prime location, is one of the last, exceptionally large undeveloped acreages in all of South Tulsa County north of the Arkansas River, has all the necessary utilities, has Memorial Dr. frontage and improved access by the widened 121st St. S., and is out of the 100-year Floodplain.

Circa 2005, 121st St. S. between Sheridan Rd. and Memorial Dr. was widened to a 4-lane major street with a 5th, dedicated turning lane in the center, consistent with its designation on the Tulsa City-County Major Street and Highway Plan (MHSP) and Bixby Comprehensive Plan as a Primary Arterial. This infrastructure improvement has further enabled the intensive development of this 1-mile major street corridor.

It appears that, with the exception of the approximately 320' of frontage on 121st St. S. belonging to Fox Hollow, all of the private land along 121st St. S. between Sheridan Rd. and Memorial Dr. has, or is planned or expected to develop/redevelop with intense uses.

In a trend accelerating since the street widening, the 121st St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The Bixby North Elementary school is located on a 23-acre campus at 7101 E. 121st St. S., and west of that is the Bixby North 5th and 6th Grade Center on a 10-acre campus and the LifeChurch 4.4-acre facility. The Three Oaks Smoke Shop is located on a 2-acre tract at 7060 E. 121st St. S., and all of the balance of the

land to the west along the south side of 121st St. S. has been zoned CS with PUD 53 and platted in WoodMere for commercial use and office buildings. An 11-acre Plummer Partners, LLC tract at the 7600-block of E. 121st St. S. was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre Bixby Centennial Plaza at the northwest corner of 121st St. S. and Memorial Dr. was approved for CS zoning, in 2001, and for commercial development by the plat of Bixby Centennial Plaza in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.) was rezoned to CS in March of 2012.

The existing PUD 70 proposed a moderately intensive, suburban multifamily development of the subject property, and the property has been developed accordingly. Within the 180-acre area above-defined, there are three (3) instances of approved CG zoning immediately surrounding (and including part of) the subject property. The proposed CG underlying zoning should be considered a logical extension of the existing, established CG district, and consistent with the other two (2) CG districts in the immediately-surrounding area. Immediately south of Fry Creek Ditch # 1, the Crosscreek development is more consistent with CG zoning than its existing CS zoning. Across Memorial Dr. to the east of the 180-acre area above-defined, there is a 23-acre area Conditionally Approved for CS and RM-3 for commercial and multifamily development (PUD 81). Therefore, Staff believes that the existing underlying zoning and the original PUD 70 and its proposed Major Amendment # 1 are all consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

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.

Due to the relatively limited changes proposed by this amendment, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this application.

Staff Recommendation. For all the reasons outlined above, Staff recommends Approval.

Larry Whiteley asked if the sign would have flashing lighting or be LED. Malek Elkhoury of Khoury Engineering, Inc., 1435 E. 41st St. S., Tulsa, stated that the sign was included in the application and was not going to be like that. Erik Enyart stated that the exhibit showing the proposed sign was on page 40 of the agenda packet.

A Commissioner expressed concern over who would maintain the sign, recognizing the sign would be on the City's right-of-way, and Erik Enyart confirmed with Patrick Boulden that these details were in the License Agreement that the City Council approved.

A Commissioner confirmed with Malek Elkhoury that the sign would not have a planting bed.

Referencing commentary in the Staff Report, a Commissioner expressed concern pertaining to the location of a future sidewalk and asked for clarification. Erik Enyart stated that the location of the sign may conflict with the location of the future sidewalk, but the owner or developer of the property to the north of 126th St. S. would be the one that would have to design around it, by use of a sidewalk easement or some other creative design. Malek Elkhoury stated that[, although in a 10'-wide License Agreement area,] the sign would only be 8" deep, and so would allow plenty of room for the sidewalk. Mr. Enyart asked Patrick Boulden if the License Agreement would still allow for[, in the 10'-wide License Agreement area,] normal infrastructure otherwise permitted in rights-of-ways. Mr. Boulden indicated agreement, stating "I'm not concerned with that." The Commissioners clarified with Mr. Elkhoury that the sign would be perpendicular to Memorial Dr.

The Commissioners confirmed with Malek Elkhoury that no other parties were going to be added to the sign as there were no agreements between Encore Multifamily and other parties.

The Commissioners asked Erik Enyart if he continued to have any problem with the sidewalk location, and Mr. Enyart responded that he did not, stating, "It doesn't appear to be a logistical issue."

Lance Whisman confirmed with Erik Enyart that Mr. Enyart had no specific recommended Conditions of Approval.

Lance Whisman made a MOTION to RECOMMEND APPROVAL of PUD 70 Major Amendment # 1 as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Whisman, and Baldwin
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

3. **PUD 82 – “Somerset” – JR Donelson for Kowen Properties, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for “Somerset” for approximately 18 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.
Property Located: 6905 E. 121st St. S. & 11803 and 11809 S. Sheridan Rd.
4. **BZ-370 – JR Donelson for Kowen Properties, LLC.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RS-3 Residential Single Family District for approximately 18 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.
Property located: 6905 E. 121st St. S. & 11803 and 11809 S. Sheridan Rd.

Chair Thomas Holland confirmed with Erik Enyart that it was appropriate to introduce both the PUD and the rezoning application items and hear them together, as they were included in the same Staff Report.

Chair Thomas Holland introduced Agenda Item #s 3 and 4 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, February 13, 2014
RE: Report and Recommendations for:
PUD 82 – “Somerset” – JR Donelson for Kowen Properties, LLC, and
BZ-370 – JR Donelson for Kowen Properties, LLC

LOCATION: – 6905 E. 121st St. S. & 11803 and 11809 S. Sheridan Rd.
– Part of the SW/4 of the SW/4 of Section 35, T18N, R13E
– Northeast of the intersection of 121st St. S. and Sheridan Rd.

SIZE: 18 acres, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Rural residential and agricultural

REQUESTED ZONING: RS-2 Single-Family Dwelling District¹ & PUD 82

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: RS-2; Single family residential in The Estates of Graystone.

South: AG & CS/RS-2/PUD 53; Vacant/wooded land, and across 121st St. S., vacant commercial lots and a 2-story office building at 6810 E. 121st St. S. zoned CS, and vacant residential lots and new houses zoned RS-2, all in WoodMere in PUD 53. To the southwest are vacant lots zoned CS and OL with PUD 53-A. To the southeast are a vacant/wooded 1-acre tract, the Three Oaks Smoke Shop located on a 2-acre tract at 7060 E. 121st St. S., the “wetland mitigation” land owned by Tulsa County, and the “hardwood mitigation” land owned by the City of Bixby, all zoned AG.

East: AG; The Bixby North 5th and 6th Grade Center on a 10-acre campus, the Bixby North Elementary school on a 23-acre campus, and the LifeChurch 4.4-acre facility between the former two.

West: AG and (across Sheridan Rd. in Tulsa) AG, RS-3, & RS-3/CS/PUD 759; Vacant/wooded land to Sheridan Rd., and unplatted residential estate acreages zoned AG and RS-3 to the west of Sheridan Rd. To the southwest are residential and commercial lots, homes, and businesses zoned RS-3 and CS with PUD 759 in Crestwood Village, all in the City of Tulsa.

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

PREVIOUS/RELATED CASES:

BBOA-147 – J.L. Shimp – Request for Special Exception approval to allow a mobile home in an AG District on the westerly approximately 8 acres of subject property – BOA could not achieve passage of a Motion for action at either the October, 1985 or 12/09/1985 meetings.

BBOA-160 – J.L. Shimp – Request for Special Exception approval to allow a mobile home in an AG District and a Variance to allow two (2) dwellings on a singular tract of land (requested mobile home and existing conventional house) on the westerly approximately 8 acres of subject property – BOA Conditionally Approved 03/10/1986.

RELEVANT AREA CASE HISTORY: (not a complete list; does not include case history for areas within the City of Tulsa)

¹ RS-3 requested on BZ-370 application form and advertised to Public but RS-2 is actually requested. See Background Information section of this report for details.

BZ-67 – Charles Cousins – Request for rezoning from AG to CS for a 4.4-acre area of an 8-acre tract abutting subject property to the south at 11909 and/or 11919 S. Sheridan Rd. – PC recommended Denial 08/28/1978 (not appealed to City Council).

BBOA-56 – Charles Cousins – Request for Special Exception to allow two (2) mobile homes in an AG district for a 4.4-acre area of an 8-acre tract abutting subject property to the south at 11909 and/or 11919 S. Sheridan Rd. – BOA Approved for 5 years 02/13/1979.

BBOA-154 – Charles Cousins – Request for Special Exception to allow two (2) existing mobile homes in an AG district per Zoning Code Section 310 and a Variance from Zoning Code Section 208 to allow two (2) dwellings on a lot of record, all for a 4.4-acre area of an 8-acre tract abutting subject property to the south at 11909 and/or 11919 S. Sheridan Rd. – BOA Approved for 6 months 12/09/1985.

BZ-208 – D. Lindsay Perkins/Graystone Development, LLC – Request for rezoning from AG to RS-2 for approximately 120 acres abutting subject property to the north (SW/4 of the NW/4 and the N/2 of the SW/4 of this Section) for what became most of the “Graystone” subdivisions – PC recommended Approval in March, 1994 and City Council Approved 04/11/1994 (Ord. # 700).

BBOA-278 – Lindsay Perkins – Request for “blanket Variance” to reduce front yard setbacks to 25’ for, essentially, what became The Estates of Graystone abutting subject property to the north – BOA Approved 06/06/1994

BBOA-329 – Jon E. Brightmire – Request for Special Exception for a 100’ tall monopole communications tower on a 4.4-acre tract (now the LifeChurch) to the east of subject property at 7071 E. 121st St. S. – BOA Approved 05/05/1997.

BBOA-358 – Joe Gill for Bixby Public Schools – Request for Special Exception to allow a Use Unit 5 elementary school (Bixby North Elementary) on a 23-acre tract to the east of subject property – BOA Approved 05/01/2000.

BBOA-402 – Tulsa Engineering & Planning, Inc. for Fox Hollow, LLC – Request for Variance to reduce front yard setbacks to 25’ for certain lots located in the RS-2-zoned portion of Fox Hollow to the east of subject property – BOA Approved 05/05/2003.

PUD 53 – WoodMere – Marc & Donna Bullock – Request to rezone from AG to CS and RS-2 and to approve PUD 53 for a commercial/office and single-family residential development for 20 acres to the south of subject property across 121st St. S. (later platted as WoodMere) – PC recommended Conditional Approval 01/16/2007 and the City Council Conditionally Approved 02/12/2007 (Ord. # 961).

BBOA-466 – Travis Reynolds for LifeChurch – Request for Special Exception for a Use Unit 5 church on a 4.4-acre tract (now the LifeChurch) to the east of subject property at 7071 E. 121st St. S. – BOA Conditionally Approved 12/03/2007.

PUD 52 – Cypress Springs – Haynes Reynolds – Request to rezone from AG to RS-2 and to approve PUD 52 for a single-family residential development on an 8-acre tract abutting subject property to the south at 11909 and/or 11919 S. Sheridan Rd. – PC recommended Approval 01/16/2007 and the City Council took no action for the ordinance Second Reading on 02/12/2007, per the approved Minutes of that meeting. However, it appears that Ordinance # 960 was inadvertently signed and recorded with the Tulsa County Clerk. This was reported to the City Council 02/22/2010 as requested by the PC 02/16/2010. No action since taken.

PUD 53 “WoodMere” Major Amendment # 1 (PUD 53-A) & BZ-353 – Sack & Associates, Inc. for New Woodmere Properties, LLC – Request for PUD Major Amendment for Lots 1, 2, & 3, Block 1, and Lot 1, Block 2, and rezoning from RS-2 to OL of Lot 1, Block 2, all in WoodMere to the southwest of subject property – PC Recommended Approval 04/18/2011 and City Council Approved 05/09/2011 (Ord. # 2056).

BACKGROUND INFORMATION:

Abutting the subject property to the west and south is an unplatted 8-acre development tract zoned AG. It was the subject of PUD 52 “Cypress Springs” in 2007, proposing 17 to 18 estate-sized lots. The Planning Commission recommended Approval of PUD 52 on 01/16/2006 and City Council took no action for the ordinance Second Reading on 02/12/2007, per the approved Minutes of that meeting. The developer’s agent has also stated they recalled that the City Council did not approve the PUD and rezoning. However, it appears that Ordinance # 960 was inadvertently signed and recorded with the Tulsa County Clerk, causing the official Zoning Map to reflect RS-2 zoning and PUD 52. This was reported to the City Council on 02/22/2010, but the City Council did not direct, nor has the owner

consented to having the Zoning Map corrected. Insufficient access was reportedly an objection raised to the approval of this development, perhaps causing, in part, the failure of the PUD's approval. See the Access and Internal Circulation section of this report for analysis on how this property and the subject property are related.

RS-3 zoning is requested on the BZ-370 application form, and the Public Notice for these applications advertised RS-3 zoning. RS-3 zoning was initially discussed, prior to application submission, and Staff had advised to request RS-2 instead, due to it being more consistent with surrounding Zoning patterns and as it would allow the development density proposed. The PUD provides that RS-2 zoning is being requested. On February 13, 2014, the Applicant advised Staff by phone that RS-2 was intended. Zoning Code Section 11-5-1.C.2.a provides that the City of Bixby may consider and act upon less-intense residential zoning districts, and in this case, may consider RS-2 when RS-3 has been requested. Thus, adequate Public Notice has been achieved for RS-2 zoning.

ANALYSIS:

Subject Property Conditions. The subject property of approximately 18 acres is zoned AG and is rural residential and/or agricultural in use. It has approximately 427.15' of frontage on Sheridan Rd. and 333.27' of frontage on 121st St. S.

The subject property is presently composed of three (3) existing parcels:

- (1) An approximately four (4) acre tract composing the westernmost four (4) acres, containing two (2) existing dwellings possibly addressed 11803 and 11809 S. Sheridan Rd., Assessor's Parcel Account # 98335833545900,
- (2) An approximately four (4) acre agricultural and wooded tract between the westernmost 4-acre tract and the easterly 10-acre tract, Assessor's Parcel Account # 98335833546300,
- (3) An approximately 10-acre tract composing the easternmost 10 acres, containing an existing dwelling at its northern end, a pond at its southwest corner, and otherwise agricultural and wooded, addressed 6905 E. 121st St. S., Assessor's Parcel Account # 98335833547500.

The northernmost areas of the subject property slope moderately downward in a southward direction. The southerly portion of the 10-acre tract slopes slightly to the south. The development is proposed to drain to the Tulsa County "wetland mitigation" area located a couple blocks to the southeast across 121st St. S. As noted by the City Engineer, Tulsa County approval must be secured.

The subject property is presently served by the critical utilities (water, sewer, electric, etc.).

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

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that RS-2 zoning is In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the RS-2 zoning district would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Per the Matrix, PUDs (as a zoning district) are In Accordance with the Corridor and Medium Intensity designations of the Comprehensive Plan Land Use Map, and thus PUD 82 is In Accordance with the Comprehensive Plan as a zoning district.

General. The PUD proposes a single-family residential subdivision development with a maximum of 60 lots. The submitted site plan exhibits a suburban-style subdivision design, with 55 single-family residential lots. Minimum lot widths would be 65'. On the easterly 10-acre section of the PUD, the site plan indicates typically 65'-wide lots, with 141' of depth (9,165 square feet; 0.21 acres). On the westerly approximately eight (8) acres, 12 relatively large lots are arranged around two (2) cul-de-sac streets, 67th and 68th E. Aves., and 11 non-cul-de-sac lots front on the south side of 119th St. S. The latter are typically 70' X 125' (8,750 square feet; 0.20 acres). At the northern end of the existing 10-acre tract portion of the subject property, proposed Lot 17, Block 2 would contain the existing house, which will remain. The houses at the west end of the westernmost 4-acre tract will be removed by this development.

Because the review methodology is similar, and both applications are essentially rezoning-related and propose to prepare the subject property for the same single-family residential subdivision development, this review will, except as noted, include both applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

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

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

The Technical Advisory Committee (TAC) discussed PUD 82 at its regular meeting held February 05, 2014. Minutes of that meeting are attached to this report.

Access and Internal Circulation. Plans for access and internal circulation are described in the "Access and Circulation" section of the PUD Text as follows:

"The streets in this PUD will be public and constructed to City of Bixby standards, with sufficient right-of-way provided to allow construction and maintenance of the roadway. Access and circulation areas are shown on the Exhibit A Site Plan. The streets in Somerset will be a minimum of 26'-0" wide face of curb to face of curb. The right-of-way will be a minimum of 50'-0" in width. The access to the site will be 121st Street South and South Sheridan. Sidewalks will be constructed along E. 121st Street and the public streets within Somerset. Communication with Bixby Public Schools will be made to discuss the construction along E. 121st Street south of the Bixby 5th and 6th Grade facility. A modification/waiver will be requested to permit no sidewalk construction along So. Sheridan Road."

Plans for access can be further inferred from the site plans.

Abutting the subject property to the west and south is an unplatted 8-acre development tract, the subject of PUD 52 "Cypress Springs" in 2007. It was not approved at that time, and insufficient access was reportedly an objection raised to the approval of this development, perhaps causing, in part, the failure of the PUD's approval. See Background Information section of this report for further details. The Bixby Subdivision Regulations require providing a stub-out street to all adjoining unplatted tracts. This plan does not provide such access to the abutting tract, which has a demonstrated access issue preventing its development. The City of Bixby has the responsibility to ensure that development properties are not hampered by lack of planning and access provision when abutting properties are developed. Avoiding the stub-out requirement would require a Waiver of the Subdivision Regulations. In this case, there is a demonstrated need for a second means of ingress/egress, and therefore, the City Staff will not be able to support the Waiver. However, Staff has expressed the ability to support a partial Waiver, as follows: Based on the Fire Marshal's statement of need that emergency-access drives have at least 20' in width, this development could provide an easement, split-down-the-middle 10' on either side of a common lot line, for a possible future emergency access drive, which would be defeasible if not ultimately needed and which, if needed, would be built in the future at the other developer's expense. Alternatively, if the owner of the development property expressed that a secondary means of access through the subject property would not be needed, Staff will have no objection to a full Waiver.

In pre-application meetings with the Applicant, the Applicant expressed desire, in lieu of sidewalk construction along Sheridan Rd., to extend the sidewalk offsite through the Bixby 5th & 6th Grade Center parcel to connect to the west line of LifeChurch.tv. This will require a Waiver of the Subdivision Regulations when the Preliminary Plat application is filed. The PUD Text acknowledges this. Staff noted that the distances may not equal out, but adding the ramp treatments on both sides of the School's drive may bring parity to the cost versus the Sheridan Rd. location.

The exhibits indicate a proposed 50' dedication for Sheridan Rd. and 60' for 121st St. S. (Primary Arterial) as required.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, RS-2, RS-3, and CS. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

North of the subject property single family residential in The Estates of Graystone zoned RS-2. The RS-2 district there is approximately 142 acres and contains all of the "Graystone" subdivisions and the Fry Creek Ditch # 2 subdivision to the east of them.

To the west and south is vacant/wooded land to the 121st St. S. and Sheridan Rd. intersection, all zoned AG.

Across Sheridan Rd. to the west are vacant/wooded and unplatted residential estate acreages zoned AG and RS-3 in the City of Tulsa. To the southwest are residential and commercial lots, homes, and businesses zoned RS-3 and CS with PUD 759 in Crestwood Village, all in the City of Tulsa.

Across 121st St. S. to the south are vacant commercial lots and a 2-story office building at 6810 E. 121st St. S. zoned CS, and vacant residential lots and new houses zoned RS-2, all in WoodMere in PUD 53. At the northwest corner of WoodMere are four (4) lots zoned CS and OL with PUD 53-A. To the southeast is a vacant/wooded 1-acre tract, the Three Oaks Smoke Shop located on a 2-acre tract at 7060 E. 121st St. S., the “wetland mitigation” land owned by Tulsa County, and the “hardwood mitigation” land owned by the City of Bixby, all zoned AG.

To the east are the Bixby North 5th and 6th Grade Center on a 10-acre campus, the Bixby North Elementary school on a 23-acre campus, and the LifeChurch 4.4-acre facility between the former two, all zoned AG.

RS-2 zoning would be consistent with surrounding RS-2 zoning patterns: “Graystone” subdivisions to the north, WoodMere to the south, and as contemplated by PUD 52 “Cypress Springs.” RS-2 would also allow for the density proposed by this development, at least 70 lots, far more than the 60 proposed and 55 indicated on the site plans.

Certain flexibility is requested by this PUD from RS-2 bulk and area standards, including 65’ minimum lot widths (vs. 75’), 8,500 square feet minimum lot areas (vs. 9,000 s.f.), and reductions in certain setbacks. As suggested by Staff, in exchange for bulk and area reductions, the PUD proposes certain quality-enhancing standards. Firstly, the PUD proposes a 75% minimum masonry requirement for houses, excluding doors and windows. Secondly, the site plan represents existing mature trees, and the PUD Text also provides, “There are presently many mature trees on the site. Many of the existing trees will remain in the development.” The latter matter does not provide a measurable standard, but expresses intent to enhance the development quality by mature tree preservation.

For all the reasons outlined above, Staff believes that RS-2 zoning and PUD 82 are both consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

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.

Subject to certain design issues being resolved as recommended herein, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C are met in this application.

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested PUD and rezoning applications generally. Therefore, Staff recommends Approval of both requests, subject to the following corrections, modifications, and Conditions of Approval:

1. The approval of RS-2 zoning is subject to the final approval of PUD 82 and vice-versa.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item will be addressed by the section in the PUD Text entitled "Standard Requirements."
3. Subject to City Engineer and/or County Engineer curb cut approval for the proposed street intersections with Sheridan Rd. and 121st St. S., and the Fire Marshal's approval of locations, spacing, widths, and curb return radii. This item will be addressed by the section in the PUD Text entitled "Standard Requirements."
4. Staff cannot support a Waiver of the Subdivision Regulations requirement to provide a stub-out street, or alternative method of secondary access, to the 8-acre development property abutting to the south/west, which has a demonstrated lack of access potentially preventing its development. Please provide a plan for access in the Text and Exhibits.
5. Development Standards/Permitted Uses section of PUD Text: Language is not clear. Use Units allowed by Special Exception should not be allowed. However, if a UU 5 neighborhood pool/clubhouse/etc. is planned, it should be specified as such, with language that it is limited to one within the Development Area, its approval will attach only to the lot or lots on which it is built, and it is subject to PC site plan approval. Location should be specified on the conceptual site plan, if planned and if known. Otherwise, please clarify "...to include all Use Units of the City of Bixby Zoning Code permitted by right within the 'RS-2' zoning district."
6. Landscaped Area and Visual Screening: Not expected within a SF Residential PUD. Mature tree preservation commentary would be appropriate here, but section may be more appropriately retitled in consideration of content. Chapter 9 citation is incorrect.
7. Landscaped Area and Visual Screening: Consider discussing in the PUD Text what kind of fences or walls will be proposed along arterial street frontages, if to be within a Reserve or Fence/Landscape Easement for common features, and other existing and proposed fences as represented on the site plans.
8. Signs: Language more consistent with a commercial PUD. Signage may be expected for the development entrances, however, and should be discussed here if known and if dimensional qualities would exceed Zoning Code standards for same. Text should describe if Reserve Area or easement would be employed for common features. Signage locations should be identified on the site plan. Statement, "...signs will meet or exceed the Bixby Zoning Ordinance" is not appropriate.
9. "Access and Circulation" section of the PUD Text: Please note that Limits of No Access (LNA) will be imposed along the arterial street frontages of the subject property and/or represent LNA on the site plans.
10. Table of Contents missing elements.
11. Table of Contents normally found after Title Page and prior to 1st page of PUD Text.
12. Exhibits: Does not show stub-out street or otherwise emergency access provisions to the unplatted 8-acre development property abutting to the south (contemplated by PUD 52 "Cypress Springs"). See related analysis in this report.
13. Exhibit A: Zoning Code Section 11-7I-8.B.1. g requires "g. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed." Please represent driveway on tract abutting to the west and the two (2) on the School parcel to the east at their connection points to 121st St. S. for access review purposes, and to clearly demonstrate the extent of the proposed offsite sidewalk. Offsite sidewalk is not clearly represented or dimensioned.
14. Exhibit A: House needs to show setbacks to nearest existing and proposed lot lines.
15. Missing elements: Soil analysis per Zoning Code Section 11-7I-8.B.2. This is a minimum requirement for PUDs per the Zoning Code.
16. For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please

incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.

17. *A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).*

Chair Thomas Holland recognized JR Donelson from the Sign-In Sheet. Mr. Donelson stated that the owner had requested that the streets be private, as the need is for a gated community. Mr. Donelson stated that the development had two (2) points of access. Mr. Donelson questioned the Subdivision Regulation's requirement for a stub-out street and stated that it "doesn't apply to us." Mr. Donelson indicated that the owner of the 8-acre tract to the south/west could purchase a second means of access, and secondly, the location of such a connection was not known. Mr. Donelson stated, from a planning standpoint, providing a stub-out street without knowing the other developer's layout would be like "throwing a dart at a dartboard." Mr. Donelson stated that the lots would be 65' to 67' wide. Mr. Donelson stated that, rather than build a sidewalk along Sheridan Rd., it would be moved to [extend east along 121st St. S. through the Bixby North 5th & 6th Grade Center] to *LifeChurch*, so that children [from this new neighborhood] could walk to school. Mr. Donelson stated that this development could not access the City of Tulsa's sewer because Bixby and Tulsa had "an agreement to disagree," even though Tulsa had extended the sewer to the school. Mr. Donelson stated that there was a sewerline right next to the owner's project, but he could not access it and had to connect to the Bixby sewer.

Patrick Boulden and JR Donelson discussed sewerage for the existing house to remain in this development. Mr. Donelson stated that the house was on a septic system and the owner didn't want to change the plumbing, but that a tap would be provided so that it could tie on in the future.

Jeff Baldwin asked how common it was to Waive the stub-out street requirement. Erik Enyart stated that it was common, but only where it was not needed, and that in this case, there was a demonstrated need.

Chair Thomas Holland recognized Haynes Reynolds of 1805 N. York Street, Suite B, Muskogee, from the Sign-In Sheet. Mr. Reynolds stated that he was not against what the Applicant was trying to do, but that [he and his co-owner(s)] needed the access the City was talking about and access to utilities. Mr. Reynolds described issues he had with accessing utilities, including that he would not be allowed to access the City of Tulsa's sewerline along Sheridan Rd. Mr. Reynolds stated that he was not against the Zoning or anything but was concerned that [he and his co-owner(s)] "may be limited in the future as to what we can do with our property." Mr. Reynolds stated that this may contradict what was said earlier, but that he had had many discussions with the Applicant about access issues and "we can easily find a location for" [connection]. Mr. Reynolds stated that the Applicant may lose a lot or make them smaller. Mr. Reynolds stated that he was not aware of a previous meeting or he would have attended it. Erik Enyart stated that he was referring to the Technical Advisory Committee (TAC) meeting, which was standard and involved discussions with utility companies.

Discussion ensued.

Chair Thomas Holland stated, “I like the Subdivision Regulations’ rule, but when the streets are private and gated, and has two (2) ways of ingress/egress, they’ve met the critical concerns of the City.” Discussion ensued by various parties touching on subjects, but reaching no conclusions, such as follows: Developer is spending a lot of money; if coordinated, expenses such as water and sewer could be shared; burden of property unbuilt for 10 to 15 years; availability of three (3) parcels to the south that could be acquired for access; 8-acre tract has enough frontage on Sheridan Rd.; streets are now proposed to be private; sewer along the south side of the westernmost portion of development is uphill from 8-acre tract and so cannot be accessed unless using a lift station; where such roadway and utility connections would be made; whether a stub-out street to this 8-acre property would be appropriate if it was developed commercial; inability to connect to the City of Tulsa’s sewerlines in the area.

Responding to an objection based on the streets becoming private, Erik Enyart stated that the Subdivision Regulations have the same requirements when streets are private as when they are public. Mr. Enyart stated that, just across the street to the south was *WoodMere*, which had private streets and provided a stub-out street to the south, and that a new development, “Wood Hollow Estates,” would actually be tying into it.

After further discussion, Patrick Boulden recommended the Commission strike recommendations # 4 and 12. Discussion ensued. Erik Enyart stated that Mr. Boulden was offering a third, middle way, not making any recommendation on the stub-out street at this time, as it would come up later with the Preliminary Plat. Mr. Boulden indicated agreement that it be “determined later.”

Tom Wenrick stated that there was a stub-out street in *WoodMere* because the two (2) developers agreed to connect because the streets would be private in both additions. Mr. Wenrick stated that, in this case, “we don’t have a known entity.”

JR Donelson recommended the Commission adopt the City Attorney’s recommendation to strike recommendations # 4 and 12.

Chair Thomas Holland asked for clarification on the RS-2 versus RS-3 zoning. Erik Enyart stated that the PUD and rezoning application forms both requested RS-3 zoning, but the Applicant informed him a few days prior that RS-2 zoning was intended. Mr. Enyart stated that the RS-3 request would be recognized as an RS-2 request, and that the Zoning Code allowed the flexibility to do just that.

Larry Whiteley made a MOTION to RECOMMEND APPROVAL of PUD 82 and BZ-370 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff, with the exception of recommendations # 4 and 12, which would be determined later. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Whisman, and Baldwin
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

5. **PUD 83 – “River Trail II” – Khoury Engineering, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for “River Trails of Bixby” for approximately 5 acres in part of the E/2 of Section 02, T17N, R13E.

Property Located: Southwest corner of the intersection of 126th St. S. and Memorial Dr.

6. **BZ-371 – Khoury Engineering, Inc.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to CG General Commercial District for approximately 5 acres in part of the E/2 of Section 02, T17N, R13E.

Property Located: Southwest corner of the intersection of 126th St. S. and Memorial Dr.

Chair Thomas Holland introduced Agenda Item #s 5 and 6 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: Tuesday, February 11, 2014
RE: Report and Recommendations for:
PUD 83 – “River Trail II” – Khoury Engineering, Inc., and
BZ-371 – Khoury Engineering, Inc.

LOCATION: – Part of the E/2 of Section 02, T17N, R13E
– Southwest corner of the intersection of 126th St. S. and Memorial Dr.

SIZE: 5.02 acres, more or less

EXISTING ZONING: AG Agricultural District and CG General Commercial District

EXISTING USE: Vacant/Agricultural

REQUESTED ZONING: CG General Commercial District & PUD 83

SUPPLEMENTAL ZONING: Corridor Appearance District

SURROUNDING ZONING AND LAND USE:

North: AG, CG, RS-3, OL, CS, & AG/CG/PUD 70; Development Area B of PUD 70 (right-of-way for 126th St. S.), agricultural land, and the Easton Sod sales lot zoned RS-3, OL, & CS.

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

East: (Across Memorial Dr.) AG, CS, OL, RS-1, & PUD 31; The 126 Center shopping center, the Mazzio’s Italian Eatery restaurant, agricultural land, vacant land in PUD 31, and residential zoned RS-1 further to the northeast in Gre-Mac Acres and behind (east of) the 126 Center in Southern Memorial Acres No. 2; the Fry Creek Ditch # 1 right-of-way continues upstream to the southeast.

West: RM-3/PUD 70, AG, & CG/PUD 76; The 14-acre Encore on Memorial multifamily development, further west is approximately 8 acres of agricultural land zoned AG, and further west and to the northwest is agricultural land within the 92-acre PUD 76, proposed for development with multiple uses.

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

PREVIOUS/RELATED CASES:

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area at approximately the 12600-block of S. Memorial Dr., including part of the 126th St. S. right-of-way and part of the northeast corner of the subject property – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

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 the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – 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 the large 140-acre acreage tracts previously owned by Knopp, which includes subject property. 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 the large 140-acre acreage tracts previously owned by Knopp, which includes 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.

Final Plat of Encore on Memorial (PUD 70) – Request for Final Plat approval for 14 acres abutting subject property to the west (caused separation of that 14 acres from subject property parent tract) – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (Plat # 6380 recorded 04/12/2011).

RELEVANT AREA CASE HISTORY: (not necessarily a complete list)

BZ-135 – Eddie McLearn – Request for rezoning from AG to CS for an approximately 19-acre tract to the north of the subject property at 12300 S. Memorial Dr. (now the Easton Sod business) – Withdrawn by Applicant 03/21/1983.

BZ-139 – Eddie McLearn – Request for rezoning from AG to RM-2, OL, & CS for an approximately 19-acre tract to the north of the subject property at 12300 S. Memorial Dr. (now the Easton Sod business) – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. # 482).

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area to the north of subject property at approximately 12340 S. Memorial Dr. – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

BZ-214 – City of Bixby – Request for FD Floodway Supplemental District for all of the (then proposed) Fry Creek Ditch drainage system right-of-way, including a section abutting the subject property to the south – PC Tabled Indefinitely 11/20/1995.

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 92 acres to the northwest of subject property – PC recommended

Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting.

PUD 76 “Scenic Village Park” Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for 92 acres to the northwest of subject property – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved 10/14/2013 and approved the Emergency Clause attachment 11/12/2014 (Ord. # 2123).

PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for southerly 70 acres of PUD 76 to the northwest of subject property – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant’s letter dated 10/18/2013.

PUD 70 “Encore on Memorial” Major Amendment # 1 – Khoury Engineering, Inc. – Request for approval of Major Amendment # 1 to PUD 70 for 15 acres abutting to the west and north, to allow a Use Unit 21 sign within the Development Area B right-of-way for 126th St. S., provide development standards for same, and make certain other amendments – PC consideration pending 02/18/2014.

BACKGROUND INFORMATION:

Previous written listings of this development (e.g. TAC Agenda) referred to it as “River Trails of Bixby,” as used on the initial PUD document. On February 04, 2014, the Applicant stated that the client would be renaming the development “River Trail II,” so subsequent documents have been updated accordingly.

ANALYSIS:

Subject Property Conditions. The subject property of 5.02 acres is zoned AG and is vacant and/or agricultural. It has approximately 545.45’ of frontage on Memorial Dr. and 354.98’ of frontage on 126th St. S. (PUD Text reports 662’ and 355’, respectively). The City of Bixby’s maintenance access drive for the Fry Creek Ditch system appears to pass through parts of the front/east side of the property. It appears to have been rerouted at the time of the construction of Encore on Memorial, when it was enhanced with additional gravel and used for a construction entrance for that project.

The subject property parent tract is an approximately 32-acre part of a former 140-acre Knopp family landholding lying north and east of the Fry Creek Ditch system, less and except tracts since sold, and consists of approximately three (3) areas:

- (1) The subject property’s 5.02 acres located between Encore on Memorial and Memorial Dr., south of 126th St. S.,
- (2) Approximately eight (8) acres lying immediately behind/west of Encore on Memorial, and
- (3) Approximately 19 acres along Memorial Dr. between the Easton Sod sales lot and 126th St. S.

The 5.02-acre subject property included in these applications is relatively flat and appears to drain, if only slightly, to the south. The development drains to the south to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention.

The subject property is presently served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the south.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor/Medium Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land. The Community Trails designation is abutting to the south within the Fry Creek # 1 right-of-way, located on north side of water centerline.

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

The Matrix does not indicate whether or not the requested CG zoning district would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Per the Matrix, PUDs (as a zoning district) are In Accordance with the Corridor and Medium Intensity designations of the Comprehensive Plan Land Use Map, and thus PUD 83 is In Accordance with the Comprehensive Plan as a zoning district.

General. The PUD proposes a commercial development with multiple development lots. At least one (1) will consist of a proposed veterinary hospital on the southerly 1.5 acres. It is believed to be a second site for the existing RiverTrail Animal Hospital and Pet Lodge business at 10102 S. Delaware Ave. (a.k.a.

Riverside Dr.). The northerly balance (the whole development believed to total 4 lots per a draft Preliminary Plat presented at the TAC meeting held February 04, 2014), will be "Proposed Commercial Development," but specific uses are not known at this time, and thus that area is not represented except for the Mutual Access Easement drive along their back/west sides. The lack of representation of future uses on the balance of the property notwithstanding, the submitted site plans for the development exhibit a conventional, suburban-style design.

Because the review methodology is similar, and both applications are essentially rezoning-related and propose to prepare the subject property for the same commercial development, this review will, except as noted, include both applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

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

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

The Technical Advisory Committee (TAC) discussed PUD 83 at its regular meeting held February 04, 2014. Minutes of that meeting are attached to this report.

Access and Internal Circulation. Plans for access and internal circulation are described in the "Access and Circulation" section of the PUD Text as follows:

"Two means of access points for ingress and egress to **River [Trail II]** are proposed on E. 126th Street South (Public Street). The western access will be constructed in the first phase of development, and will be platted as a mutual access easement that provides the main ingress and egress from E. 126th Street to each lot in this development. The eastern access point on E. 126th Street South will be constructed when the remaining lots develop. The exact location will be determined during the platting phase. There is a temporary access on S. Memorial drive to provide for emergency vehicles ingress and egress to the Encore on Memorial multifamily development. This access must remain in use until its location is revised during the platting of this development. Sidewalks, minimum 4 feet in width, will be installed by the developer along E. 126th Street South street frontage in accordance with the Subdivision Regulations. The sidewalks shall be ADA compliant and shall be approved by the City Engineer."

Plans for access can be further inferred from the site plans.

This paragraph needs to clarify that the existing gravel drive adjacent to and through parts of the subject property is also used for maintenance access for the Fry Creek system, and that the Mutual Access Easement will also grant access to the City of Bixby and its agents and contractors for maintenance, in addition to emergency response.

At the TAC meeting held February 04, 2014, the Applicant agreed to provide in the PUD that each of the four (4) future commercial lots would provide a Mutual Access Easement through the front of their lots as each develops, with the locations to be determined. This will need to be specified in the "Access and Circulation" section of the PUD Text.

Proposed sidewalks are shown and labeled along 126th St. S., but not also along Memorial Dr. as required by the Subdivision Regulations. The PUD Text and Exhibits will need to be modified to reflect this; however, see other recommendations in this report pertaining to flexible design planning.

Dashed linework west of the westerly Memorial Dr. curblineline is represented but not labeled or defined in the Legend. The linework may be indicative of a borrow ditch top-of-bank, bottom of borrow ditch swale, an easement, a utility line, the required sidewalk, or some other physical feature. This should be labeled and/or defined on all drawings as represented.

The Bixby Comprehensive Plan designates a Community Trail within the Fry Creek # 1 right-of-way, located between the subject property and the water's centerline. Since there is a planned trail adjacent to the subject property, the PUD Text should describe, and PUD Exhibits indicate potential areas for such purpose. Further, it would be appropriate to show how trail users could access the currently-proposed building's entrance(s). The City of Bixby does not require commercial developers install planned trails adjacent to their developments, but developers have done this on their own in the past, across Fry Creek # 1 to the south in Crosscreek. Per the City Engineer, the future 10'-wide multiuse trail could tie into the Memorial Dr.-adjacent sidewalk using the existing Fry Creek maintenance access drive bridge, which will no longer be needed when the new access is established for this development from 126th St. S. The Memorial Dr.-adjacent sidewalk has a pedestrian bridge over Fry Creek # 1 along this west side. This

bridge will also serve to connect the Fry Creek trail along the south side (including the existing Crosscreek trail) to a trail extension east of Memorial Dr., which will go along and within the north side of the Fry Creek # 1 right-of-way. This trail extension will circle under Memorial Dr. around the existing dead-end of the pedestrian bridge/sidewalk there. Due to existing property line geometries and grade elevations attending the deep borrow ditch along Memorial Dr., it may be necessary to secure a trail easement from part(s) of the easterly side of the subject property. The developer should have the flexibility, within this PUD, to propose alternative methods to accommodate a mutually-beneficial design, such as providing trail easement(s) and/or trail improvements in equal amount of cost as would be required to install segments of sidewalks along Memorial Dr. Whatever may be proposed in this regard should be described in the PUD Text and represented on the site plans. This information would help the PUD provide a “unified treatment of the development possibilities of the project site” and “achieve a continuity of function and design within the development.”

At the TAC Meeting held February 04, 2014, the Fire Marshal recommended the completion of the “U”-shaped gravel drive between the southerly end of the proposed Mutual Access Easement drive and the emergency access entrance/gate to Encore on Memorial at its southeasterly corner. This recommendation will be covered under the recommended Condition of Approval of this PUD requiring compliance with Fire Marshal recommendations.

The PUD should describe in the “Access and Circulation” section of the PUD Text, and represent on Exhibit A (if not also B and C) what physical barrier(s) will be used to prevent automobiles from driving beyond the southerly end of the MAE drive, and potentially into the future trail or even into Fry Creek # 1.

Other recommended clarifications to the “Access and Circulation” section of the PUD Text, including Limits of No Access along Memorial Dr., are included in the recommendations section of this report.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, CG, CS, OL, RS-1, and RS-3. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

To the north is Development Area B of PUD 70 (right-of-way for 126th St. S.) zoned AG and CG, agricultural land zoned AG and CG and a 19-acre tract zoned RS-3, OL, and CS, which is primarily agricultural but contains the Easton Sod sales lot toward its east end at 12300 S. Memorial Dr. The CG zoning consists of two (2) areas: A 3.56-acre area at approximately the 12600-block of S. Memorial Dr., in which the subject property and the 126th St. S. right-of-way are partially located, and the approximately 2.27-acre area at approximately 12340 S. Memorial Dr.

To the west is the 14-acre Encore on Memorial multifamily development, zoned RM-3 with PUD 70. Further west is approximately 8 acres of agricultural land zoned AG, and further west and to the northwest is agricultural land within the 92-acre PUD 76, with CG underlying zoning, proposed for development with multiple uses.

Across Memorial Dr. to the east is the 126 Center shopping center and the Mazzio’s Italian Eatery restaurant, both zoned CS, vacant land zoned CS/OL/RS-1 and PUD 31, an 18-acre agricultural tract zoned AG, and single-family residential zoned RS-1 further to the east behind the 126 Center in Southern Memorial Acres No. 2 and further to the northeast in Gre-Mac Acres. The Fry Creek Ditch # 1 right-of-way, zoned AG, continues upstream to the southeast.

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

Per the Comprehensive Plan, all the land between Fry Creek Ditch # 1 and # 2 and 121st St. S. and Memorial Dr., including the subject property, approximately 180 acres in all, is planned for Corridor-intensity development, which provides that all of the available Zoning districts are either In Accordance or May Be Found In Accordance with the Comprehensive Plan. This 180-acre area is anticipated to be developed intensively, as it is in a prime location, is one of the last, exceptionally large undeveloped acreages in all of South Tulsa County north of the Arkansas River, has all the necessary utilities, has Memorial Dr. frontage and improved access by the widened 121st St. S., and is out of the 100-year Floodplain.

Circa 2005, 121st St. S. between Sheridan Rd. and Memorial Dr. was widened to a 4-lane major street with a 5th, dedicated turning lane in the center, consistent with its designation on the Tulsa City-County Major Street and Highway Plan (MHSP) and Bixby Comprehensive Plan as a Primary Arterial. This infrastructure improvement has further enabled the intensive development of this 1-mile major street corridor.

It appears that, with the exception of the approximately 320' of frontage on 121st St. S. belonging to Fox Hollow, all of the private land along 121st St. S. between Sheridan Rd. and Memorial Dr. has, or is planned or expected to develop/redevelop with intense uses.

In a trend accelerating since the street widening, the 121st St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The Bixby North Elementary school is located on a 23-acre campus at 7101 E. 121st St. S., and west of that is the Bixby North 5th and 6th Grade Center on a 10-acre campus and the LifeChurch 4.4-acre facility. The Three Oaks Smoke Shop is located on a 2-acre tract at 7060 E. 121st St. S., and all of the balance of the land to the west along the south side of 121st St. S. has been zoned CS with PUD 53 and platted in WoodMere for commercial use and office buildings. An 11-acre Plummer Partners, LLC tract at the 7600-block of E. 121st St. S. was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre Bixby Centennial Plaza at the northwest corner of 121st St. S. and Memorial Dr. was approved for CS zoning, in 2001, and for commercial development by the plat of Bixby Centennial Plaza in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.) was rezoned to CS in March of 2012.

This PUD 83 proposes a moderately intensive, suburban commercial development of the subject property. Within the 180-acre area above-defined, there are three (3) instances of approved CG zoning immediately surrounding (and including part of) the subject property. The proposed CG underlying zoning should be considered a logical extension of the existing, established CG district, and consistent with the other two (2) CG districts in the immediately-surrounding area. The approval of 92 acres of CG zoning with PUD 76 in 2013 should be considered a particularly relevant precedent, due to its size, relative location, proximity, and recentness. Immediately south of Fry Creek Ditch # 1, the Crosscreek development is more consistent with CG zoning than its existing CS zoning. Across Memorial Dr. to the east of the 180-acre area above-defined, there is a 23-acre area Conditionally Approved for CS and RM-3 for commercial and multifamily development (PUD 81).

For all the reasons outlined above, Staff believes that the proposed CG zoning and PUD 83 are both consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

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.*

Subject to certain design issues being resolved as recommended herein, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C are met in this application.

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested PUD and rezoning applications generally. Therefore, Staff recommends Approval of both requests, subject to the following corrections, modifications, and Conditions of Approval:

1. The approval of CG zoning is subject to the final approval of PUD 83 and vice-versa.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item may be addressed by adding a section to the PUD Text, such as "Standard requirements of the City of Bixby Fire Marshal, City Engineer and City Attorney shall be met."
3. At the TAC meeting on February 04, 2014, the Applicant stated that the client would be renaming the development "River Trail II." Please update all occurrences in PUD document accordingly.
4. Subject to City Engineer curb cut approval for the proposed access points to 126th St. S., and the Fire Marshal's approval of drive locations, spacing, widths, and curb return radii. This item may be addressed by adding appropriate language to the "Access and Circulation" section of the PUD Text.
5. Development Standards/Development Area A section of PUD Text: Please clarify Permitted Use: "As permitted by right in CG, Commercial General District."
6. Development Standards/Development Area A section of PUD Text: Consider adding a minimum Arterial street frontage standard that would allow for the creation of the proposed southernmost lot, which appears to have less than the 100' minimum required for the CG district.
7. Development Standards/Development Area A section of PUD Text: Please remove the "front," "rear," and "side" yard qualifiers from setbacks, as they are potentially confusing and do not correspond to expected orientations (Memorial Dr. would normally be considered "front").
8. Development Standards/Development Area A section of PUD Text: Please replace the southerly and westerly term "line/s" with "PUD Boundary," to avoid interior lines from having setbacks, unless this is indeed intended.
9. Development Standards/Development Area A section of PUD Text: Please consider an appropriate Building Line setback for the two (2) southeastern-most lot lines that are neither Memorial Dr. frontage nor the southerly PUD boundary.
10. Development Standards; Parking Ratio: Consider specifying a minimum and maximum number of parking spaces to serve the DA. Defaulting to the underlying Zoning Code may prove problematic if not calculated and determined of no issue at this time.
11. "Landscaping and Screening" section of the PUD Text: Parking lots and drives as represented on the site plans may conflict with 10' minimum-width landscape buffers along southerly and westerly PUD boundaries. Please reconcile.
12. "Landscaping and Screening" section of the PUD Text: Consider qualifying proposed landscape buffer standard text to state that the landscape buffers along easterly and southerly PUD boundaries may be reduced if needed to facilitate trail construction, which trail areas will not be counted against the minimum width standard (see related recommendations in this report).
13. "Landscaping and Screening" section of the PUD Text: Please clarify that the Street Yard tree planting requirement for Memorial Dr. will be the 50' Street Yard as would otherwise be required by the CG district pursuant to Zoning Code Section 11-7I-5.E.
14. "Access and Circulation" section of the PUD Text: Please revise the following text such as follows: "Sidewalks, minimum 4 feet in width, ~~will~~ **shall** be installed by the developer along **both the Memorial Dr. and E. 126th Street South street frontages** in accordance with the Subdivision Regulations." However, this may be modified to accommodate a more flexible, mutually-beneficial design proposal per other recommendations in this report.
15. "Access and Circulation" section of the PUD Text: This paragraph needs to clarify that the existing gravel drive adjacent to and through parts of the subject property is also used for maintenance access for the Fry Creek system, and that the Mutual Access Easement will also grant access to the City of Bixby and its agents and contractors for maintenance, in addition to emergency response.
16. "Access and Circulation" section of the PUD Text: At the TAC meeting, the Applicant agreed to provide in the PUD that each of the four (4) future commercial lots would provide a Mutual

- Access Easement through the front of their lots as each develops, with the locations to be determined. Please add as appropriate.*
17. *“Access and Circulation” section of the PUD Text: Please note that Limits of No Access (LNA) will be imposed along the Memorial Dr. frontage of the subject property, but which LNA will not restrict emergency response vehicles or vehicles used in conjunction with Fry Creek maintenance.*
 18. *“Access and Circulation” section of the PUD Text: Consider noting that sidewalks will be installed by the developer of each lot at the time of construction, utilizing Bixby’s flexible policy in this regard, if such flexibility is contemplated, or otherwise alternative mutually-beneficial plans for trails/sidewalks if/as may be proposed by the Developer.*
 19. *“Access and Circulation” section of the PUD Text: Needs to address future Fry Creek trail accommodations as discussed above in the analysis section of this report.*
 20. *“Access and Circulation” section of the PUD Text: Please describe here, and represent on Exhibit A (if not also B and C), what physical barrier(s) will be used to prevent automobiles from driving beyond the southerly end of the MAE drive, and potentially into the future trail or even into Fry Creek # 1.*
 21. *“Signs & Site Lighting” section of the PUD Text: Consider clarifying that each lot shall be permitted one (1) ground/business sign for each street frontage plus one (1) per lot along the Mutual Access Easement drive. The proposed veterinary hospital lot would not have the 100’ of street frontage required for one (1) ground sign, nor the 200’ required for the two (2) represented on the site plans.*
 22. *“Signs & Site Lighting” section of the PUD Text: In light of the preceding item, consider qualifying the following sentence as follows: “All signage shall comply with the Bixby Zoning Code except as otherwise specifically provided herein.”*
 23. *PUD Text: Please add language acknowledging and describing Exhibit D “Building Elevations,” to clarify that it is a photograph of the existing facility at 101st St. S. and Delaware Ave./Riverside Dr. in Tulsa, and that it is conceptual in nature and only pertains to the southernmost lot on which the veterinary clinic is presently proposed. If it is intended to be used as an architectural / aesthetic standard for all buildings to be constructed within the PUD, it should so state, along with measurable criteria for determining compliance during City of Bixby development reviews. Such text should also acknowledge that the subject property is within the Corridor Appearance District and that all buildings will comply with the masonry requirement therein.*
 24. *PUD Text: Please add language excluding all sexually-oriented businesses (SOBs), as was done with PUD 76 and as will be required for the commercial development areas in PUD 81.*
 25. *Consider specifying that the Deed of Dedication/Restrictive Covenants of the plat will contain a Mutual Parking Privileges covenant, so that all lots may allow their excess spaces to be used by patrons of other lots, which is common in developments such as this, especially when developed as a unit by a singular developer. Examples may be provided upon request.*
 26. *Missing elements: Soil analysis per Zoning Code Section 11-7I-8.B.2. This is a minimum requirement for PUDs per the Zoning Code.*
 27. *Exhibits A, B, and C: Please dimension the 100.91’ distance between the northeast corner Point of Beginning and the east Sectionline and the widths of the abutting street rights-of-way and roadways (or from westerly curb to centerline in the case of Memorial Dr.).*
 28. *Exhibits A, B, and C: Dashed linework west of the westerly Memorial Dr. curblineline is represented but not labeled or defined in the Legend. The linework may be indicative of a borrow ditch top-of-bank, bottom of borrow ditch swale, an easement, a utility line, the required sidewalk, or some other physical feature. This should be labeled and/or defined on all drawings as represented.*
 29. *Exhibits A, B, and C: Undefined linework at northeast PUD corner needs clarified.*
 30. *The following corrections or enhancements should be made to the Exhibit A Conceptual Site Plan (and Exhibits B and/or C if/as appropriate):*
 - a. *Please dimension the building footprint.*
 - b. *Please dimension the represented building to the proposed property lines.*
 - c. *Please dimension the represented street frontage of the southernmost lot.*
 - d. *Please label the width of the proposed sidewalk along 126th St. S.*

- e. Please indicate Limits of No Access (LNA) along the Memorial Dr. frontage.
 - f. Drive widths and particulars must be approved by the Fire Marshal and City Engineer. Please adjust if/as required.
 - g. Please label the distance between the centerline of the proposed secondary access to 126th St. S. and the northeast PUD boundary for City Engineer and Fire Marshal curb-cut review purposes. Alternatively, please represent LNA along the relevant easterly portion of the 126th St. S. frontage.
 - h. Please represent curb return radii for the two (2) driveway intersections with 126th St. S. as represented.
 - i. Please qualify the “32’ Mutual Access Easement” (MAE) designation as “proposed.”
 - j. 32’-wide MAE and U/E does not appear to correspond to width-defining arrows. If roadway would be less than MAE width, dimension both separately. Please reconcile.
 - k. The plans indicate parking lot paving will encroach the U/Es along the southerly and westerly property lines. Paving over easements requires the specific approval of the City Engineer and Public Works Director. Please adjust if/as required.
 - l. Staff counted 55 parking spaces on the site plan for the southernmost lot. The two (2) handicapped-accessible parking spaces does not appear consistent with ADA requirements in terms of number at a 1:25 ratio. The one (1) van-accessible space does appear to comply with the number of van-accessible spaces required per ADA guidelines (one (1) van-accessible design for up to seven (7) accessible spaces). Accessible spaces will need to comply with applicable standards, including both ADA and Bixby Zoning Code standards (see striping standards of Figure 3 in Section 11-10-4.C) at the time of Detailed Site Plan approval. The designer should consult with the Building Inspector to confirm the plans will comply with ADA standards. Any required changes pursuant to the above known at this time, in addition to adding the third accessible space, should be made at this time.
 - m. Legend includes area for shading or hatching to indicate paving, but does not appear to be filled. Thus, there is no differentiation between paved areas and greenspaces, nor future commercial development north of the veterinary clinic lot. Please resolve.
 - n. Please dimension the width of the greenspace west of the MAE drive, reported at the TAC meeting to be 10’ but planned to be expanded to 15’ as discussed at the meeting.
 - o. Please incorporate changes to site plan as called for elsewhere in this report.
31. Exhibit D: Should probably be retitled “Conceptual Building Elevations,” to allow for flexibility to deviate therefrom within reason (see related review recommendation above).
32. For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.
33. A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).

Chair Thomas Holland recognized Curtis Roberts. Mr. Roberts described the proposed development and stated that another potential business was an “AA Glass office building with a showroom.”

The Commission took an “informal recess” for a couple minutes at this time, which Chair Thomas Holland recognized at the time. When all Commissioners returned to the room, Chair Thomas Holland called the meeting back to order.

Addressing the various access issues described by Staff as outlined in the Staff Report, Malek Elkhoury stated that the site plans had been redesigned and drives reconfigured, and that there was the potential to relocate the gate to *Encore on Memorial*. Mr. Elkhoury indicated he would work out the access issues with the City Staff.

After further discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of PUD 83 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Whisman, and Baldwin
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

Chair Thomas Holland asked to entertain a Motion on Item # 6. Larry Whiteley made a MOTION to RECOMMEND APPROVAL of BZ-371. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Whisman, and Baldwin
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

PLATS

- 7. Final Plat – The Trails at White Hawk – Tulsa Engineering & Planning, Inc. (PUD 62).** Discussion and consideration of a Final Plat and certain Modifications/Waivers for “The Trails at White Hawk” for 32.5440 acres in part of the W/2 SE/4 of Section 15, T17N, R13E.
Property located: Northwest corner of the intersection of 151st St. S. and Kingston Ave.

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, February 14, 2014
RE: Report and Recommendations for:
Final Plat of “The Trails at White Hawk” (PUD 62)

LOCATION: – Northwest corner of the intersection of 151st St. S. and Kingston Ave.
– Part of the W/2 SE/4 of Section 15, T17N, R13E
SIZE: – 75 acres, more or less (parent tract)
– 32.5440 acres, more or less (plat area)
EXISTING ZONING: CG, OL, & RS-3 and PUD 62
SUPPLEMENTAL – PUD 62 for “Hawkeye”
ZONING: – Corridor Appearance District (partial)

EXISTING USE: Vacant/Agricultural

REQUEST: Final Plat approval

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 151st 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 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 151st 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 and approval of underlying zoning change to 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.

PUD 62 – Hawkeye – Minor Amendment # 2 – Request for Minor Amendment approval for subject property, which amendment proposed 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 – PC Approved 12/16/2013.

BACKGROUND INFORMATION:

The Preliminary Plat of this subdivision, consisting of the entire parent tract of 75 acres, more or less, proposed 262 Lots, one (1) of which was a large commercial lot. The Planning Commission recommended Conditional Approval on July 17, 2013, and the City Council Conditionally Approved it July 22, 2013.

With the Preliminary Plat, on the City Council also approved the following Modifications/Waivers:

- Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard. The Modification/Waiver was described as justified by citing the appropriate plan to plat deeper lots along the White Hawk Golf Club, and certain configurations necessitated by the geometries of the 130' PSO easement and Kingston Ave.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the west and east. The Modification/Waiver was described as justified by the limited extent of the common line shared by the residential Development Area and the tract to the east and its existing access on Kingston Ave. A justification was also provided for not providing a stub-out street to the 8-acre tract to the west.

- Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for Lots 26 and 27, Block 2, whose rear lines abut Kingston Ave. City Staff was supportive of this design, which is incidental and unavoidable due to existing geometries.
- Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the widths of the standard 17.5' Perimeter U/Es along the north and east boundary lines as evident on the plat. To the extent they abutted existing 17.5' U/Es in The Ridge at South County and Southridge at Lantern Hill, Staff supported reducing them to 11', as the combined widths would exceed 22', the generally accepted standard for utility corridors on subdivision boundaries.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.F to be released from the half-street right-of-way dedication for Kingston Ave. north of the PSO easement, as described in this report. City Staff supported this Modification/Waiver, based on the cul-de-sac's 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.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.N to be released from the sidewalk construction requirement along the half-street right-of-way dedication for Kingston Ave. north of PSO easement, which was reflexive based on the new plans for Kingston Ave.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.O, along with a redesign of affected areas as recommended, to allow Reserve Areas (only) to be platted in the 100-year Regulatory Floodplain.

ANALYSIS:

Subject Property Conditions. The subject property parent tract of approximately 75 acres consists 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 Final Plat area consists of a southerly portion of the residential development area, with 119 lots, and part of the westerly side of the commercial development area, including one (1) commercial lot.

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. These will be contained within Reserve Areas, and have been approved for a Modification/Waiver to allow same in accordance with the Subdivision Regulations.

Part of the Kingston Ave. roadway falls along and within the east side of the subject property. See Access and Internal Circulation section of this report and PUD 62 Minor Amendment # 1 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 Final 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 Major Amendment # 1 stated 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 151st St. S. and the City of Bixby’s cemetery expansion acreage, the subject property and The Ridge at South County, certain other tracts along 141st 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 Major Amendment # 1 and did not make any special requirements pertaining to trails.

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

General. This subdivision of 32.5440 acres proposes 119 Lots, eight (8) Blocks, and five (5) Reserve Areas. With the exceptions outlined in this report, the Preliminary Plat appears to conform to the Zoning Code and Subdivision Regulations and PUD 62.

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 February 05, 2014. Minutes of that meeting are attached to this report.

Access and Internal Circulation. Access to the residential subdivision (Development Area A) would be via a proposed collector street connection to 151st 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 Hudson Ave. collector street connection to 151st St. S., and may also extend a singular access drive connection to 151st 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 Preliminary Plat’s 25’-wide right-of-way dedication would only support a low intensity residential level of service on Kingston Ave. The Preliminary Plat (as approved) has Limits of No Access (LNA) along the 151st 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 Preliminary Plat’s representation of LNA and Access openings onto 151st 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 will primarily use the driveway connection onto 151st St. S. as may then be approved, and not so much the [primarily] 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 AEP-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 is to be addressed and considered at this Final Plat stage; if any changes from the above-described plan are determined necessary, they should be specifically discussed and made Conditions of Approval of this Final Plat.

At the TAC meeting held February 05, 2014, Staff discussed with the Applicant that the easterly (Kingston Ave.-adjacent) end of Reserve B had been "cut off" with this Final Plat. Upon reviewing the matter more comprehensively, Staff believes that this change is in order, as the Preliminary Plat, as approved, proposed the dedication of Kingston Ave. right-of-way for the cul-de-sac, which is not being built at this time. Public street right-of-way should not be platted until such time as the roadway will actually be constructed. However, the emergency-access drive must be constructed at this time, to connect to Kingston Ave., along with certain modifications to its northerly end to compensate for existing paving to be lost to new private rear yards. The drive is proposed to pass through an area outside the plat boundary. Thus, a separate-instrument easement must be dedicated at this time. As of the date of this report, such easement has not been provided to Staff for City Council acceptance. It should be prepared and presented to the City Council at the same time as the Final Plat, and recorded prior to the Final Plat. Further, it must be represented on the Final Plat, along with its Document # citation where recorded with the Tulsa County Clerk.

With this Final Plat, another change has occurred: The Hudson Ave. collector street has been reduced to 60' in width at its southern end near its intersection with 151st St. S. This was explained as driven by what the Oklahoma Department of Transportation (ODOT) will permit.

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

Staff Recommendation. Staff recommends Approval of the Final 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. A separate-instrument easement must be dedicated at this time for the construction of the emergency-access drive to Kingston Ave., and the same must be presented to the City Council for acceptance at the same time as the Final Plat, and recorded prior to the Final Plat.
3. The separate-instrument dedication for the emergency-access drive must be represented on the Final Plat, along with its Document # citation where recorded with the Tulsa County Clerk.
4. "Owner/Developer" block on face of plat: "OneFifty One Partners, L.L.C." should be changed to "Whitehawk Parnters, LLC" per Assessor's records and as used elsewhere throughout the plat.
5. Block 3 lot numbers do not appear to reflect the lost of the first 17 lots to the north with this first phase cutoff.
6. Commercial Lot 1, Block 12: Consider changing address to something in the 5600-block of E. 151st St. S., since Hudson Ave. has not yet been reached (e.g. 5665).
7. Please add Document # citation where all separate instrument easements will have been recorded with the Tulsa County Clerk (17.5'-wide U/E along the easterly side of Hudson Ave., and any others that may be required/proposed). Such easements require City Council acceptance, and this should occur, and instruments be recorded, prior to Final Plat recording.
8. DoD/RCs Preamble: Missing critical wording such as "And does hereby certify that it has caused the above described land to be surveyed, divided, mapped, granted, donated, conveyed, dedicated and access rights reserved..." as per customary platting conventions and the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
9. DoD/RCs Section 3.4: Missing language pertaining to sidewalks along 151st St. S.
10. DoD/RCs Section 3.5.2: Word "and" appears to have formatting error.
11. DoD/RCs Owners' Signatory Blocks: Please update 2013 date.
12. DoD/RCs Surveyor' Notary Block: Consider the accuracy of the April 23rd date provided.
13. Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

The Commissioners discussed with Erik Enyart the history of the recommendations pertaining to trails within the development related to trails shown as planned in the Comprehensive Plan. A Commissioner asked why the development was called "The Trails at White Hawk" when it did not propose any trails. Mr. Enyart stated, "The Applicant is present and can speak on this." Larry Whiteley confirmed with Tim Terral that it was "just a name."

Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to RECOMMEND APPROVAL of the Final Plat of "The Trails at White Hawk" subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, Whisman, and Baldwin
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

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.

CONSENT AGENDA:

1. Approval of Minutes for the January 23, 2014 Special Meeting
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Chair Thomas Holland reintroduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the January 23, 2014 Special Meeting as presented by Staff. Chair Thomas Holland SECONDED the Motion. Discussion ensued over who could vote for the Minutes if they were not present at the meeting. Jeff Baldwin stated that he could not vote on the Minutes since he was not present at the meeting. Lance Whisman stated that, as long as the two (2) [present at that and this meeting] say they agree to the Minutes, he did not mind voting for them. Patrick Boulden and Erik Enyart indicated agreement. Mr. Baldwin indicated agreement. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, Whisman, and Baldwin
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:31 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary