

PLATS

2. (Tabled from November 18, 2013 pending final PUD approval)

Preliminary Plat – “Byrnes Mini-Storages” – JR Donelson, Inc. (PUD 77). Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for “Byrnes Mini-Storages,” approximately 3.4 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*.

Property Located: 12355 & 12365 S. Memorial Dr. and 12404 S. 85th E. Pl.

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: Monday, March 03, 2014
RE: Report and Recommendations for:
Preliminary Plat of “Byrnes Mini-Storages” (PUD 77)

- 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
- LOCATION:
 - 12355 and 12365 S. Memorial Dr. (proposed addresses) and
 - 12404 S. 85th E. Pl. (existing parcel address)
 - Part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*
- SIZE: Approximately 3.4 acres in three (3) tracts
- EXISTING ZONING: OL Office Low Intensity District & RS-2 Residential Single-Family District with PUD 77
- SUPPLEMENTAL ZONING:
 - Corridor Appearance District (part)
 - PUD 77 “Byrnes Mini-Storages”
- EXISTING USE: A soccer practice field and a single-family dwelling with accessory building
- REQUEST:
 - Preliminary Plat approval
 - Modification/Waiver from Subdivision Regulations Section 12-3-2.O to allow platting within the 100-year Regulatory Floodplain
 - Modification/Waiver from the 17.5’ minimum Perimeter U/E dedication requirement of Subdivision Regulations Section 12-3-3.A
- SURROUNDING ZONING AND LAND USE:
 - North: CS/RM-3/OL/PUD 81 & RS-1; A single-family residence on a 7-acre tract and a vacant 16-acre tract, both pending development pursuant to PUD 81 “Chateau Villas PUD,” a drainage channel, and residential homes in Houser Addition zoned RS-1. To the northwest at 12113 S. Memorial Dr. is the Spartan Self Storage ministorage development on an unplatted 1-acre tract zoned CS, and commercial development in 121st Center.
 - South: RS-1 & RS-2; Single-family residential zoned RS-1 in Gre-Mac Acres along 124th St. S. and RS-2 in Southern Memorial Acres No. 2.
 - East: RS-2; Single-family residential in Southern Memorial Acres No. 2.
 - West: CS/PUD 29-A; The *The Boardwalk on Memorial* shopping center and Memorial Dr.
- COMPREHENSIVE PLAN: Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land
- PREVIOUS/RELATED CASES: (Not a complete list; Minor Architectural Committee and Planning Commission signane approvals in the Boardwalk shopping center not included here):

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

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

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

Final Plat of The Boardwalk on Memorial: Request for Final Plat approval for part of subject property – Recommended for Approval by PC 05/19/2003 and Approved by City Council 05/27/2003 (Plat # 5717 recorded 08/19/2003).

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

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

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

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

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

BL-373 – William Wilson for Boardwalk on Memorial I, LP – Request for Lot-Split approval to separate the east approximately 472’ from the balance of Lot 1, Block 1, The Boardwalk on Memorial (includes part of subject property) – PC Approved 02/16/2010.

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

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

BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove in part the Residential Area specific land use designation, rezone in part from AG to OL, and approve PUD 77 for a ministorage development on subject property – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. City Council Approved Ordinance # 2127 on 02/24/2014.

V-46 – Moyers, Martin, LLP for Helene V. Byrnes Foundation – Request to close Utility Easements within subject property – Pending PC consideration 03/17/2014.

BACKGROUND INFORMATION:

This Preliminary Plat application was Tabled at the November 18, 2013 Planning Commission meeting because the Comprehensive Plan Amendment request (BCPA-9), PUD 77, and rezoning per BZ-365 had not yet been approved by ordinance by the City Council. On February 24, 2014, the City Council received the final version of the PUD as it had Conditionally Approved 06/10/2013 and approved all three (3) applications by Ordinance # 2127. Thus, the plat is being returned to the Planning Commission for consideration.

ANALYSIS:

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

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

Tract "1" contains a soccer practice field and is now zoned OL with PUD 77.. Tract "2" contains a residential accessory building historically associated with Tract "3" and is now zoned OL with PUD 77. Tract "3" has retained is RS-2 zoning and will continue to maintain the house structure as a residential dwelling. All three (3) tracts are zoned PUD 77, which has superseded PUD 29A for "Tract 1." Tracts "1" and "2" are in Development Area A, and Tract "3" is in Development Area B.

Per PUD 77, the northernmost buildings are now proposed to have a 4' setback from the north line, as the Applicant did not secured an easement or agreement with the owner(s) of the lots to the north to permit a 0' setback. Also per the PUD, the Applicant now proposes to build an office building at the east end of the remaining part of Lot 1, Block 1, The Boardwalk on Memorial, which office building will contain, among other things, the ministorage leasing office. This will allow the west end of the northwestern-most building to be reclaimed for storage units. Staff has not investigated the status of PUD 29A to determine what issues this new change may present. See relevant discussion within the attached November 06, 2013 TAC Minutes for additional information.

All of the subject property is relatively flat and drains to the east to an un-named tributary of Fry Creek # 1. Portions of the northerly side of the subject property are located in the 100-year Regulatory Floodplain per the FEMA FIRM maps in effect, as adopted by ordinance of the City of Bixby. Actual elevations may differ from the representation of the 100-year Floodplain, as they are alternatively higher or lower than the Base Flood Elevation (BFE) for this area, which is between 606' and 607' + Mean Sea Level (MSL), and is 606.40' + MSL per the Floodplain Note on the plat.

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Low Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land, pursuant to the approved BCPA-9.

The ministorage development anticipated by this plat would not be inconsistent with the Comprehensive Plan as amended by BCPA-9.

General. This subdivision of 3.4616 acres, more or less, proposes three (3) lots, one (1) block, and one (1) Reserve Area. Reserve Area A would be used as a stormwater detention facility serving this development.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on November 06, 2013. The Minutes of the meeting are attached to this report.

The Fire Marshal's, City Engineer's, and City Attorney's memos 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.

Access and Internal Circulation. Primary access would be through an "Existing 25' Access Easement" through The Boardwalk on Memorial shopping center parking lot. The entrance will be gated past the leasing office and parking area. Secondary, emergency-only ingress/egress would be through a driveway connecting the southeast corner of Development Area A through the south/west side of the residential lot to S. 85th E. Pl. Per PUD 77, another emergency-only gated entrance will be installed at the west end of the southerly drive in Development Area A, to allow a "straight shot" drive to the emergency-only

ingress/egress at the southeast corner of the PUD. This “straight shot” arrangement will allow the reduction in the 30’ minimum building spacing for that drive per the Fire Marshal, since the 30’ spacing between buildings is primarily to ensure adequate spacing for fire apparatus turning movements and thus, removing the need for turning movements from that drive reduces the drive width requirement. With the latest PUD version received, which was ultimately approved, the northerly east-west drive was also reduced from 30’ to 26’ in width, to allow a 4’ setback for the northerly buildings. This reduction was permitted by the Fire Marshal since the turning movement may be maintained at the easterly end of the drive by means of a large, open, paved area.

Lots 1 and 2 are “landlocked,” having no frontage on a dedicated and built public street. Access will be provided by means of Mutual Access Easements from adjoining lots with public street frontage and between lots within the development. PUD 77 provides that no frontage is required for these lots.

As noted above, the development is planned to have two (2) means of ingress / egress through The Boardwalk on Memorial shopping center, which will lead to two (2) entrances / gates at the west end of DA A. The routes as planned for the two (2) drives through the shopping center must be legally provided by dedication of Mutual Access Easement(s), including extending fully to Memorial Dr. and/or 124th St. S. The MAE is represented on the plat as [proposed] by separate instrument. This must be recorded prior to Final Plat approval and recording, and the text needs to be updated to cite the Document # where such easement(s) is/are recorded.

At the east end of the PUD, a 26’-wide emergency-only ingress/egress drive will be constructed through Development Area B, connecting DA A to 85th Pl. E. The 26’-wide drive will fall on part of Lot 12, Block 2, Southern Memorial Acres No. 2 by means of a 15’-wide Mutual Access Easement. The original “Roadway Easement” was granted from Gail & John Horne to the Helene V. Byrnes Foundation, recorded at Document # 2013018388 on 02/22/2013. The legal description used was deficient, and so a corrected easement has been executed and recorded at Document # 2013122754 on 12/17/2013.

Development Area A / proposed Lot 2 has frontage on the northerly dead-end of S. 85th E. Ave., a half-street platted in Gre-Mac Acres but not built. Limits of No Access (LNA) have been placed across the frontage as recommended.

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

1. Subdivision Regulations Section 12-3-2.O prohibits the approval of building lots within the 100-year Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby’s Floodplain Regulations by ordinance; by Modification/Waiver, platting Reserve Areas may be permitted, provided their use is passive and use restrictions prohibit building construction. Parts of the northerly sides of Lot 1 and possibly Lot 2 are represented as being in the 100-year Floodplain, as well as part of the northerly side of Reserve A. Unless there is intent to go through the FEMA Letter Of Map Amendment (LOMA) based on more accurate and favorable survey data, or the Conditional/Letter Of Map Revision based on Fill (C/LOMR-F) process to remove the parts of the building lots from the 100-year Floodplain, a redesign may be in order. A Modification/Waiver will still be required if redesigned such that the 100-year Floodplain is fully contained by Reserve Area A. It may be possible that the CLOMR-F approved for the PUD 68 “North Bixby Commerce Park” development, now proposed to be part of the PUD 81 “Chateau Villas PUD” development, would result in a FEMA Floodplain Map change / Letter Of Map Change which would benefit the subject property.
2. Subject to a Modification/Waiver from the 17.5’ minimum Perimeter U/E dedication requirement of Subdivision Regulations Section 12-3-3.A, which may be justified by pointing to the building placement particulars of PUD 77, the U/Es along adjoining boundaries, and the alternative U/E placement proposed within the subject property.
3. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
4. Please represent the 100-year Regulatory Floodplain as represented on the official FEMA Floodplain maps, as adopted by City of Bixby ordinance, per SRs Section 12-4-2.B.5.
5. FEMA data indicates the 100-year Floodplain’s Base Flood Elevation (BFE) is between 606’ and 607’ + MSL in this area (606.4’ per Floodplain Note). There is a 606’ elevation along the north line of Lot 2, and there is an unlabeled contour line well within Lot 2, suggesting elevation 606’ due to representation of 1’ contour intervals. Interpolating the two 606’ lines suggests elevations below 606’ between them. If this is not the case, the point of lowest lot elevation

should be identified with existing elevation, and a surveyor should establish the BFE at this precise point using the standard Elevation Certificate. Please adjust representation of the 100-year Regulatory Floodplain per SRs Section 12-4-2.B.5 as needed for areas which may be below the 100-year BFE.

6. Please modify FEMA Floodplain Map note to recognize portions of the property in the 100-year Regulatory Floodplain per the official FEMA Floodplain Maps, as adopted by ordinance the City of Bixby.
7. The MAE(s) in The Boardwalk on Memorial must be recorded prior to Final Plat approval and recording, and the pertinent text needs to be updated to cite the Document # where such easement(s) is/are recorded. The MAEs must extend fully to Memorial Dr. and/or 124th St. S.
8. Existing U/Es "to be vacated" (cf. V-46) should have the ordinance effecting easement closing approved and recorded prior to Final Plat approval and recording. The pertinent text needs to be updated to cite the Document # where such ordinance is recorded. Further, if court has permanently vacated easement / foreclosed the Public's right to reopen, cite instead the Document # where the court order is recorded with the Tulsa County Clerk.
9. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - a. 121st Center (misrepresented as to configuration)
 - b. Southern Memorial Acres No. 2 (misrepresented as to configuration)
10. Please label north-south segment of [MAE] on Lot 2 (easement linetype not differentiated from elevation linetype).
11. Solid linetype demarcating Reserve A has been removed and a new linetype is now evident, but it is the same as used for the MAEs and elevation contours, and perhaps other features. Reserve A would need a solid linetype to make it mutually exclusive from Lot 2.
12. Reserve A has also been reconfigured. If there remains any 100-year Floodplain on the property, it is along the westerly side of its north line, where elevation is at 606' + MSL. FEMA data indicates BFE is between 606' and 607' in this area (606.40' BFE per Floodplain Note). The concerned area used to be a part of Reserve A. Platting a Reserve area within the 100-year Floodplain is acceptable by Modification/Waiver, with proper restrictions on building. Please confirm no portion of the 100-year Floodplain encroaches Lot 2 and if so, please re-extend Reserve A to contain such area.
13. A reconfiguration of the intersections of the different MAEs at the east end of Lot 2 appears necessary to ensure a full 26' of paving width where the roadway here bends.
14. Please resolve text and linework congestion at the ~45° angle "bend" in the 10' RWLE.
15. Please add different linytypes to the Legend for the sake of clarity and/or consider using shading or hatching to differentiate areas currently congested with multiple linytypes. In any event, use different linytypes for different features.
16. Please represent existing building on Lot 2 and dimension to nearest property lines, as required by SRs Section 12-4-2.A.8.
17. Please add 12.7' dimension (such as shown on Exhibit B to PUD 77) between existing house and the nearest point on its easterly property line as required by SRs Section 12-4-2.A.8. Such details may be removed on Final Plat by standard Modification/Waiver written into Staff Report as a Condition of Approval.
18. DoD/RCs Preamble: Missing critical wording such as "and have caused the above-described land to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided ..." as per customary platting conventions and the City Attorney's recommendations regarding fee simple ownership of rights-of-ways. The first three (3) underlined terms may be omitted in this instance, as no right-of-way would be dedicated by this plat, but the access rights reservation needs to be included per other recommendations in this report.
19. DoD/RCs Section 2: Does not provide customary PUD RCs preamble.
20. DoD/RCs Section 2: Does not provide RCs pertaining to the hours of operation, restriction on residential use, etc. as per PUD 77 Development Standards Section C.8.
21. DoD/RCs Section 2: Please update with final version of PUD 77 language as approved.
22. DoD/RCs Section 3.A.2: Consider replacing "Helene V. Byrnes Foundation" with "Owner, or its successors or assigns," or something similarly appropriate.

23. *Submit release letters from all utility companies serving the addition as per SRs Section 12-2-6.B.*
24. *Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 11" X 17", and 1 electronic copy).*

Erik Enyart noted that this Preliminary Plat was Tabled from a previous Planning Commission meeting because the PUD had only been approved as an application, and not by ordinance. Mr. Enyart stated that, at its last meeting, the City Council approved the PUD and rezoning by ordinance, and so the plat was returned to the agenda. Mr. Enyart stated that the development consisted primarily of ministorage, but also included a lot currently in *Southern Memorial Acres No. 2* which would remain a house but also serve as the required second means of ingress/egress for the ministorage business. Mr. Enyart stated that there were several recommended Conditions of Approval pertaining to floodplain issues, and that these may be addressed by certain [surveying and] engineering exercises.

Chair Thomas Holland asked if anyone had signed up to speak on the item. Erik Enyart provided Mr. Holland the Sign-In Sheet and stated, "The Applicant is here."

Chair Thomas Holland asked if the Commissioners had any questions. A Commissioner asked Erik Enyart about how the Applicant would comply with the recommended Conditions, and Mr. Enyart deferred to the Applicant.

Applicant JR Donelson of 12820 S. Memorial Dr. # 100 stated that, earlier that day, he had received a copy of the CLOMR for the [Jim] Butler property to the north, and that it referred to "fully urbanized" conditions. Mr. Donelson stated that, if "fully urbanized" included the subject property, Reserve A could go away.

Chair Thomas Holland expressed concern that this development would create more of a problem than exists.

Lance Whisman stated that he had read the City Engineer's memo and was not sure that the drainage would be okay.

Larry Whiteley stated, "We can't penalize them for what's on [the neighbors'] propert[ies]."

JR Donelson stated that, when this came up last time, he asked, "Does the City have any money" [to fix the neighborhood's drainage], and he was told no, and secondly, "some of the people said they don't want a drain," so this is a "Catch 22."

John Benjamin stated that this development may help the drainage, by draining the development site, as it mitigates the problem and collects and discharges responsibly. Mr. Benjamin stated that the developer "can't go outside the perimeter and solve problems" in the neighbors' properties.

Lance Whisman described a case he saw in Glenpool where a ministorage development was constructed and backed up water onto other properties. Mr. Whisman stated, when the developer here raises the concrete, "no one has said this will not make it worse."

JR Donelson stated, "I can't confirm it won't make it worse; no one has spent the money to run topo every 25' in these backyards." Mr. Donelson asked that the Preliminary Plat be approved with the Staff's recommendations. Mr. Donelson stated that this project "can't move forward until the Preliminary Plat" was approved. Mr. Donelson stated, "Right now, the detention pond has been designed and the pipe has been designed," and that [City Engineer] Jared [Cottle] had asked him to review the CLOMR maps, print them out, and discuss them with him.

Chair Thomas Holland asked Erik Enyart if Staff had reviewed this CLOMR matter. Mr. Enyart stated that [City Engineer] Jared [Cottle] and JR [Donelson] had discussed this, "but I myself haven't been involved in that part yet."

Chair Thomas Holland expressed concern for drainage, and Erik Enyart stated that the plans must ultimately meet with [City Engineer] Jared [Cottle's] approval.

Erik Enyart stated that the property is still shown on the FEMA Floodplain maps until and unless FEMA approves a LOMR.

Lance Whisman stated that he had an issue [approving this] since the Commission had denied the PUD.

There being no further discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat of "Byrnes Mini-Storages" as recommended by Staff, and that the CLOMR / LOMR must take the property out of the [100-Year] Floodplain. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Whiteley and Benjamin
NAY:	Holland.
ABSTAIN:	Whisman.
MOTION PASSED:	2:1:1

Erik Enyart stated that this would proceed, without a recommendation, to the City Council's meeting a week from this date, since the Abstention vote counts as a "no."¹ Patrick Boulden stated that an Abstention vote doesn't count, so it was approved 2:1. Mr. Enyart reiterated Mr. Boulden's statement so that all could hear.

Chair Thomas Holland observed that it was out of order to address this now, but expressed concern for open air storage.

3. **Final Plat – "Wood Hollow Estates" – Sack & Associates, Inc. (PUD 80).** Discussion and consideration of a Final Plat for "Wood Hollow Estates" for approximately 20 acres, the S/2 of Government Lot 4 (NW/4 NW/4) of Section 02, T17N, R13E.
Property Located: 12307 S. Sheridan Rd.

¹ Per 11 O.S. Section 8-111, Abstention votes count as "Nay" for governing bodies (as defined *ibidem* at Section 1-102); the same may not hold for appointed bodies such as the Planning Commission.

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: Wednesday, March 05, 2014
RE: Report and Recommendations for:
Final Plat of "Wood Hollow Estates" (PUD 80)

LOCATION: – 12307 S. Sheridan Rd.
– The S/2 of Government Lot 4 (NW/4 NW/4) of Section 02, T17N, R13E

SIZE: 20 acres, more or less

EXISTING ZONING: RS-3 with PUD 80 for "Wood Hollow Estates"

SUPPLEMENTAL PUD 80 for "Wood Hollow Estates"

ZONING:

EXISTING USE: Vacant/wooded

REQUEST: Final Plat approval

SURROUNDING ZONING AND LAND USE:

North: RS-2/CS/OL/PUD 53 and AG; The WoodMere commercial and residential subdivision on 20 acres and 121st St. S. to the north of that; to the northeast is a vacant/wooded 1-acre tract just east of WoodMere and a 2-acre "taxed Tribal Land" tract, which contains the Three Oaks Smoke Shop located at 7060 E. 121st St. S.; to the northwest are vacant commercial lots zoned CS in the "Crestwood Crossing" section of Crestwood Village in the City of Tulsa.

South: RS-4; The Seven Lakes I and Seven Lakes II residential subdivisions, and additional vacant land zoned RS-4 for a future "Seven Lakes" phase or phases.

East: AG; Vacant/wooded land owned by Tulsa County and the City of Bixby for the "wetland mitigation" and "hardwood mitigation" areas, respectively, and a concrete-bottomed drainage channel, all related to the development of the Fry Creek channel system around the year 2000, and further east is the Fry Creek Ditch #2.

West: (Across Sheridan Rd.) AG; Agricultural land, including 64 acres recently acquired by Bixby Public Schools, and the City of Tulsa's lift station facility, all in the Tulsa City Limits.

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

PREVIOUS/RELATED CASES:

PUD 80 "Wood Hollow Estates" & BZ-367 – Sack & Associates, Inc. – Request for rezoning to RS-3 and PUD approval for subject property – PC recommended Conditional Approval 10/21/2013 and City Council Approved as recommended 10/28/2013.

Preliminary Plat of "Wood Hollow Estates" – Sack & Associates, Inc. – Request for approval of a Preliminary Plat and certain Modifications/Waivers for subject property – PC recommended Conditional Approval 10/21/2013 and City Council Conditionally Approved 10/28/2013.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property of 20 acres is quite flat and appears to drain, if only slightly, in southerly and/or easterly directions. The development will be planned to drain to the east to Fry Creek Ditch # 2, or to a drainage channel which drains into Fry Creek Ditch # 2, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned RS-3 with PUD 80 and is presently vacant and heavily wooded. In late 2013, the small, old house in its extreme southwest corner, addressed 12307 S. Sheridan Rd., was removed in preparation for this development.

Plans for drainage are described in the "Drainage" section of the PUD 80 Text as follows:

"Drainage within Wood Hollow Estates will be collected in standard drop inlets located in the private streets. The collected stormwater will then be conveyed in a system of pipes to an existing excavated stormwater holding facility. The stormwater holding facility is in the triangular tract of land that is owned by Tulsa County and is located just

to the east of Wood Hollow Estates. The holding area will be a dry facility that will collect the stormwater and discharge it to several possible locations. These locations include the 121st and Sheridan Mitigation Area to the south, or possibly along the south property line directly to Fry Creek.”

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has access to the stormwater drainage in the Fry Creek Ditch # 2 to the east. Plans for utilities are indicated on Exhibit B and are discussed in the City Engineer’s memo.

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 the existing RS-3 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 existing RS-3 zoning 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 designation of the Comprehensive Plan Land Use Map, and thus PUD 80 is In Accordance with the Comprehensive Plan as a zoning district.

The proposed subdivision plat is consistent with requested RS-3 zoning. Thus, the single-family residential subdivision anticipated by this plat should be consistent with the Comprehensive Plan.

General. *This subdivision of 20 acres proposes 51 Lots, three (3) Blocks, and one (1) Reserve Area: Reserve Area A, the private street system. With the exceptions outlined in this report, the Final Plat appears to conform to the Zoning Code and Subdivision Regulations and PUD 80 as approved.*

The subdivision is of conventional design but with exceptionally large lots and private, gated streets. Enhanced landscaping and entry features are suggested by the site plans submitted with PUD 80. The subdivision is similar to WoodMere abutting to the north, with relatively similarly-sized and configured lots. However, whereas lots in WoodMere were fairly irregular, owing to its two (2) cul-de-sacs and its variegated street pattern with “knuckle” / “eyebrow” turnarounds at each intersection, this subdivision will have more regular, rectangular lots. Typical lots are 90’ X 158’ (14,220 square feet, 0.33 acres) and 95’ X 150’ (14,250 square feet, 0.33 acres). All lots appear to meet RS-3 and PUD 80 zoning standards.

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 Final Plat at its regular meeting held March 05, 2014. Minutes of that meeting are attached to this report.

Access and Internal Circulation. *Primary access to the subdivision would be via one (1) street connecting to Sheridan Rd. It is proposed to be gated at the intersection, and the streets will be private. Emergency access would be additionally afforded via 67th E. Ave., a private street extension of the existing 67th E. Ave. in WoodMere to the north. It is proposed to have a gate at the point of intersection with the common subdivision line. Streets in WoodMere are also gated and private/private-maintained.*

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

- 1. Modification/Waiver from Subdivision Regulations Section 12-3-2.C to reduce the minor residential street rights-of-way to 30’ from the 50’ required, which was described as justified by noting these will be private streets, will be supported by front-yard U/Es in Block 3 and by Restricted Waterline and Sidewalk Easements, the latter which contain waterlines and sidewalks normally occupying the right-of-way difference, and by citing how the 30’ width has been used successfully in other private street applications.*
- 2. Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the south and east. The Modification/Waiver was described as justified on the east as it abuts the ‘wetland mitigation’ area owned by Tulsa County, which is not expected to develop, and on the south by the fact that Bixby has reviewed and conditionally approved a Sketch Plat for “Seven Lakes III,” which did not propose a stub-out street connecting to the subject property, did not require additional access via the subject property, and as it is not always appropriate to allow private streets to connect to Public streets in such situations.*

Since the Preliminary Plat, the entrance street has been widened. See related recommendations in this report below.

The Final Plat indicates 10' Sidewalk Easements ("SWE") outside the 30'-wide Reserve A for private streets, in which 4'-wide sidewalks would be installed.

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

- 1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.*
- 2. Subject to City Engineer and/or County Engineer curb cut approval for the proposed access points to Sheridan Rd., and the Fire Marshal's approval of locations, spacing, widths, and curb return radii.*
- 3. Please restore the 17.5'-wide Perimeter Utility Easement along the north and south plat boundaries and restore to the full width along the east boundary, or otherwise request, along with justification, a Modification/Waiver from the 17.5' minimum width Perimeter U/E standard of Subdivision Regulations Section 12-3-3.A, for TAC and City Staff review and recommendation to the City Council.*
- 4. All requests for Modification/Waiver must be submitted in writing per Subdivision Regulations Section 12-3-5.B.*
- 5. Numerous internal U/Es reduced in width or removed altogether since the Preliminary Plat. Such changes must meet with the approval of the TAC utility providers and the City Engineer and Public Works Director. Please restore or advise as the case may be.*
- 6. Per SRs Section 12-4-2.A.5, the Location Map must include:*
 - Scale at 1" = 2,000'*
- 7. Please adjust proposed addresses per the Address Schedule Recommendations provided to the Applicant with the Preliminary Plat.*
- 8. Face of Plat and DoD/RCs: On the Exhibit A site plan to PUD 80, what appears to be an area for "fencing, walls, landscaping and subdivision identification [signage]" (reference DoD/RCs Section II.A) is shown at the subdivision's main entrance, but the Fence Easement does not appear to provide adequate spatial coverage. Now that the entrance street has been widened, some of this area has been absorbed, but not all of it as compared to the Preliminary Plat (see corner-clipped areas).*
- 9. The entrance has been widened, and the proposed signage may now fall, at least in part, within Reserve Area A. However, the Reserve A language in the DoD/RCs does not provide for signage.*
- 10. DoD/RCs Section II Preamble: Please complete blanks with date information intended.*
- 11. DoD/RCs Section II.6: "Other side yard" setback is 5' per PUD 80. Private restrictions are the place to impose stricter setbacks than the PUD, if that was what was intended.*
- 12. DoD/RCs Section III.B: This "Duration" section of DoD/RCs customarily provides language allowing for the automatic renewal of the DoD/RCs for successive periods unless voided by an adequate majority of the then owners. Please incorporate or advise.*
- 13. Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.*
- 14. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.*
- 15. 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).*

Erik Enyart stated that the Final Plat was consistent with the Preliminary Plat as approved, except that the perimeter Utility Easements on the north and south had been removed, and other easements as well, so this must meet with the utility companies' approval, including City's utilities.

Chair Thomas Holland recognized Ted Sack of Sack & Associates, Inc., 3035 E. 31st St. S., Tulsa, from the Sign-In Sheet. Mr. Sack recognized and stated that he was representing Wayne Farabough

of Perfection Homes, also in attendance. Mr. Sack stated that this subdivision was very unique, and had hundreds of native trees. Mr. Sack stated that his client had the street area cleared, but this marred, scarred the property, and his client did not want to do the utilities in the rear yards and remove the trees. Mr. Sack stated that [he and his firm] had been working hard with all the utility companies to have them all in the front yards. Mr. Sack stated that his client had approached a group who would have homes built here, and asked them if they would prefer the pedestals and transformers be located in the front yards and keep the trees, or the other way around, and they all wanted the trees and would deal with the pedestals in the front yards. Mr. Sack stated that the Seven Lakes subdivisions had utilities in the front. Mr. Sack expressed willingness to do a Minor Amendment to the PUD if needed. Mr. Sack stated that he had spent a lot of time to make this work. Mr. Sack stated that the City Engineer was not recommending removing the Utility Easements, due to setting a precedent, and so he would do a PUD Minor Amendment for this. Mr. Sack stated that this would be a “beautiful addition” and would be nice for the City of Bixby.

John Benjamin made a MOTION to RECOMMEND APPROVAL of the Final Plat of “Wood Hollow Estates” with 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 Benjamin
 NAY: None.
 ABSTAIN: None.
 MOTION PASSED: 4:0:0

4. **Preliminary Plat & Final Plat – “River Trail II” – Khoury Engineering, Inc. (PUD 83).** Discussion and consideration of a Preliminary Plat and a Final Plat for “River Trail II” 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 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, March 04, 2014
RE: Report and Recommendations for:
 Preliminary Plat & Final Plat of “River Trail II” (PUD 83)

LOCATION: – Part of the E/2 of Section 02, T17N, R13E
 – Southwest corner of the intersection of 126th St. S. and Memorial Dr.
SIZE: 5.025 acres, more or less
EXISTING ZONING: AG Agricultural District and CG General Commercial District (CG zoning and PUD 83 for entire acreage pending City Council consideration)
SUPPLEMENTAL ZONING: Corridor Appearance District (PUD 83 pending City Council consideration)
EXISTING USE: Vacant/Agricultural
REQUEST: Preliminary Plat approval
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 single-family 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).

PUD 83 & BZ-371 – River Trail II – Khoury Engineering, Inc. – Request to rezone from AG and CG to CG and approve PUD 83 for a commercial development on subject property – PC recommended Approval 02/18/2014. On 02/24/2014, the City Council Approved BZ-371 and Conditionally Approved PUD 83. City Council consideration of the ordinance effecting the rezoning and PUD approval pending 03/24/2014.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property of 5.025 acres is zoned AG and is vacant and/or agricultural. It has approximately 546' of frontage on Memorial Dr. and 355' of frontage on 126th St. S. (PUD 83 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, and today serves as Encore's second required means of ingress/egress for emergency purposes.

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 5.025 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 5.025-acre subject property included in these applications is relatively flat and appears to drain, if only slightly, to the south. The development will drain 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 existing and proposed CG zoning and commercial development anticipated by this plat would not be inconsistent with the Comprehensive Plan.

General. This subdivision of 5.025 acres, more or less, proposes four (4) lots, one (1) block, and no (0) reserve areas.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on March 05, 2014. The Minutes of the meeting are attached to this report.

The Fire Marshal's, City Engineer's, and City Attorney's memos 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.

Access and Internal Circulation. Plans for access and internal circulation are described in the "Access and Circulation" section of the proposed PUD 83 Text presently reads 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 location of this access is subject to the City Engineer and Fire Marshal approval; 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. The existing gravel drive adjacent to and through parts of the subject property is used for maintenance access for the Fry Creek system. 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. A secondary access easement that will provide a Mutual Access through the front of each lot as each develops will be established during the platting process.

Sidewalks, minimum 4 feet in width, 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. The sidewalks shall be ADA compliant and shall be approved by the City Engineer. Sidewalks will be installed by the developer of each lot at the time of construction, or otherwise alternative mutually-beneficial plans for trails/sidewalks if/as may be proposed by the Developer.

Limits of No Access (LNA) will be imposed along the Memorial Dr. Frontage of the subject property; which LNA will not restrict emergency response vehicles or vehicles used in conjunction with Fry Creek maintenance.

A [10] feet wide trail easement will be shown on the plat along the southern and eastern boundaries. A mountable curb will be installed at the south end of the paved western drive to discourage vehicles from driving past the paved area.”

Plans for access can be further inferred from the site plans provided with the PUD and by the Mutual Access Easements (MAEs) represented on the plats.

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. 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., the plat proposes a 10’-wide Trail Easement along the easterly and southerly plat boundaries. The developer should have the flexibility, within this PUD, to propose alternative methods to accommodate a mutually-beneficial design, such as the proposed Trail Easement and perhaps also 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 PUD Text provision requiring compliance with Fire Marshal recommendations and the related Condition of Approval recommended herein.

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

1. Subject to the City Council’s final approval of PUD 83 & BZ-371 and the completion of all requirements pertaining thereto.
2. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
3. Per the City Attorney’s recommendations regarding fee simple ownership of rights-of-ways, the plat should dedicate with appropriate language (see related item below), at a minimum, ½ of the abutting 126th St. S. right-of-way, if not the entire 80’ width.
4. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - c. Encore on Memorial (missing)
 - d. Seven Lakes II (missing)
 - e. Scenic Village Park (missing)
5. Please add proposed addresses to the lots.
6. Certain elements on the Preliminary Plat appear to be missing or have errors as follows:
 - a. The westerly Limits of No Access (LNA) label at 126th St. S. appears to be duplicated.
 - b. 20’ B/L linetype missing along north line of Lot 1.
 - c. 17.5’ U/E label missing from along 117.02’ plat boundary.
 - d. 17.5’ U/E label missing from along 57.86’ plat boundary on Detail 1.
 - e. Angle/bearing and distance on Lot 1/2 common line.

- f. *Text/linework conflict at west line of Lot 1.*
- g. *20 B/L along north and easternmost lines of Lot 1 missing.*
- h. *17.5' U/E along north and easternmost lines of Lot 1 missing.*
- i. *360.6' call along easterly line of Lot 2: please clarify.*
- j. *260.5' and 270.5' calls along the southerly line of Lot 4 missing.*
- 7. *20' B/L linetype and label missing from along 117.02' and 57.86' plat boundaries.*
- 8. *Please dimension the respective widths of MAE shared by proposed Lots 3 and 4.*
- 9. *Title Block: Includes term "Addition" in development statistics but Title Block itself does not specify whether an "Addition" or a "Subdivision." DoD/RCs Preamble and Certificate of Survey describes as "Subdivision." Please reconcile all instances.*
- 10. *DoD/RCs Preamble: Missing critical wording such as "and have caused the above described tract of land to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided ..." as per customary platting conventions and the City Attorney's recommendations regarding fee simple ownership of rights-of-ways. The first four (4) underlined terms may be omitted in this instance, if no right-of-way would be dedicated by this plat, but the access rights reservation would need to be included at a minimum.*
- 11. *DoD/RCs: As per the Condition of Approval of PUD 83, consider providing 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.*
- 12. *DoD/RCs: Consider providing a "Maintenance Covenant" pertaining to maintenance and upkeep of properties free of trash, debris, and litter, as is customary in commercial/nonresidential developments. Examples may be provided upon request.*
- 13. *DoD/RCs: Does not provide for the formation of a property owners' association, such as would be made responsible for the MAEs and any other common features developed within the addition. At a minimum, please update DoD/RCs Section I.E to provide a formula for the respective maintenance responsibilities of the MAE (e.g. only responsible for that part located within lot boundaries, or an equal share between the four (4) lot owners, or a proportional share, etc.). Use of clear and immutable formula language on the face of the plat, versus buried in the DoD/RCs (which may be fairly easily amended and commonly without City approval) is recommended.*
- 14. *DoD/RCs Section I: Does not provide dedication language pertaining to the 10'-wide Trail Easement as represented on the face of the plat.*
- 15. *DoD/RCs Section I.A: Please qualify this section as follows: "...nothing herein shall be deemed to prohibit properly-permitted drives, parking areas, ..."*
- 16. *DoD/RCs Section I.B.1: Occurrence of "parameter" in lieu of "perimeter," as presumed intended.*
- 17. *DoD/RCs Section I.B.1: Word possibly omitted: "...may be served by overhead line or underground cable here and elsewhere throughout the subdivision."*
- 18. *DoD/RCs Section I.D.1: Words "certificate of dedication" used in place of "Deed of Dedication" as used in this plat.*
- 19. *DoD/RCs Section I.G: Please qualify this section as follows: "...repair of damage to properly-permitted landscaping and paving occasioned ..."*
- 20. *DoD/RCs Section I.H: Please provide an exclusion from the LNA restriction along Memorial Dr. for "emergency response vehicles or vehicles used in conjunction with Fry Creek maintenance" as per the PUD.*
- 21. *DoD/RCs Section II Preamble: Please replace all occurrences of "Ordinance" with "Code" as in "Zoning Code."*
- 22. *DoD/RCs Section II Preamble: Please complete blanks with date information intended upon and presuming City Council approval.*
- 23. *DoD/RCs Section II: Please update with final version of PUD 83 language upon and presuming City Council approval.*
- 24. *DoD/RCs Section III.A: Please add Section II (PUD restrictions) to list of sections for which the City of Bixby has enforcement capability.*
- 25. *DoD/RCs Section III.A: Refers to "the Association," but the formation of an association of property owners is not presently provided in the DoD/RCs.*

26. *DoD/RCs Section III.B: This “Duration” section of DoD/RCs customarily provides language allowing for the automatic renewal of the DoD/RCs for successive periods unless voided by an adequate majority of the then owners. Please incorporate or advise.*
27. *DoD/RCs Section III.C: Please add Section II (PUD restrictions) to list of sections for which the City of Bixby has amendment approval authority.*
28. *Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.*
29. *Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.*
30. *A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of PUD 83: two (2) hard copies and one (1) electronic copy (PDF preferred).*
31. *Copies of the Preliminary 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).*
32. *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).*

Larry Whiteley clarified with Erik Enyart that the sign that the Commission had seen the previous month was for the *Encore on Memorial* apartment development behind the subject property. Mr. Whiteley asked where the signs would be located for these commercial lots, and Mr. Enyart stated that the PUD provided that each lot would be permitted its own ground sign along Memorial Dr. Mr. Whiteley clarified with Mr. Enyart that the businesses would also be permitted wall signs.

Chair Thomas Holland recognized Malek Elkhoury of Khoury Engineering, Inc., 1435 E. 41st St. S., Tulsa, from the Sign-In Sheet. Mr. Elkhoury had nothing to add to the Staff’s recommendations.

Lance Whisman made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat and Final Plat of “River Trail II” subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

5. **Final Plat – “Seven Lakes III” – HRAOK, Inc.** Discussion and consideration of a Final Plat for “Seven Lakes III” for approximately 1 acre in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.

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: Wednesday, March 05, 2014
RE: Report and Recommendations for:
Final Plat of "Seven Lakes III"

LOCATION: – South and east of the intersection of 121st St. S. and Sheridan Rd.
– North of Seven Lakes I and Seven Lakes II
– Part of the W/2 of Section 02, T17N, R13E.

SIZE: – 40.64 acres, more or less (2 parent tract parcels)
– 1.08 acres, more or less (plat area)

EXISTING ZONING: RS-4 Residential Single Family District

EXISTING USE: Vacant

REQUEST: Final Plat approval for 4-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

North: RS-4 and RS-3/PUD 80; Balance of parent tract parcels, and to the north of that, a 20-acre unplatted vacant/wooded tract recently rezoned to RS-3 and PUD 80 for "Wood Hollow Estates," and to the northeast, an unplatted 12-acre vacant tract owned by Tulsa County ("wetland mitigation area") and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby ("hardwood mitigation area").

South: RS-4; Single family residential homes and vacant lots in Seven Lakes I and Seven Lakes II.

East: AG & CG/PUD 76; The Fry Creek Ditch # 2 right-of-way with a 92-acre tract of agricultural land to the east of that zoned CG with PUD 76.

West: (across Sheridan Rd.) AG; Unplatted agricultural and vacant land, including 64 acres recently acquired by the Bixby School District, and the City of Tulsa's lift station facility to the northwest, all in the City of Tulsa.

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

PREVIOUS/RELATED CASES:

BZ-309 – Wynona Brooks, Trustee of Mildred A. Kienlen A Revocable Living Trust – Request for rezoning from AG to RS-4 for area including Seven Lakes I, subject property, and balance of unplatted "Seven Lakes" development areas – PC recommended Approval 01/18/2005 and City Council Approved 02/14/2005 (Ord. # 901).

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for "Seven Lakes II" for Seven Lakes II on parts of subject property parent tracts – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.

Sketch Plat of Seven Lakes III – Request for Sketch Plat approval for "Seven Lakes III" for all of 40.64 acres of both parent tract parcels – PC Conditionally Approved 05/20/2013.

Preliminary Plat of Seven Lakes III – Request for approval of a Preliminary Plat and certain Modifications/Waivers for subject property – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Preliminary Plat of Seven Lakes IV – Request for approval of a Preliminary Plat and certain Modifications/Waivers for "Seven Lakes IV" for parts of parent tract parcels abutting subject property – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Final Plat of Seven Lakes IV – Request for Final Plat approval for "Seven Lakes IV" for parts of parent tract parcels abutting subject property – PC consideration pending 03/17/2014.

RELEVANT AREA CASE HISTORY: (not a complete list)

Preliminary Plat of Seven Lakes I – Request for Preliminary Plat approval for Seven Lakes I abutting subject property to the south – PC recommended Approval 06/20/2005 and City Council Approved 06/27/2005.

Final Plat of Seven Lakes I – Request for Final Plat approval for Seven Lakes I abutting subject property to the south – PC recommended Approval 10/16/2006 and City Council Approved 10/23/2006 (Plat # 6113 recorded 04/26/2007).

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for Seven Lakes II to the south of subject property (area reduced in size and to 59 lots as compared to original submittal) – PC

recommended Conditional Approval 09/21/2011 and City Council Conditionally Approved 09/26/2011 (Approval expired 09/26/2012 per the Subdivision Regulations).

Preliminary Plat of Seven Lakes II (Resubmitted) – Request for Preliminary Plat approval for Seven Lakes II to the south of subject property (area reduced in size and to 59 lots as compared to original submittal) – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012.

Final Plat of Seven Lakes II – Request for Final Plat approval for Seven Lakes II abutting subject property to the south (area reduced in size and to 59 lots as compared to original submittal) – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012 (Plat # 6457 recorded 01/16/2013).

BACKGROUND INFORMATION:

On May 20, 2013, the Planning Commission Conditionally Approved the Sketch Plat for “Seven Lakes III,” proposing 131 lots and consisting of all of the 40.64 acres contained in the two (2) parent tract parcels. Per that Sketch Plat version, the “Seven Lakes” development would have been completely platted. A subsequent version of the plat increased the number of lots to 142 but covered the same 40.64 acres. At this time, the Applicant is seeking Preliminary Plat approval for the next two (2) phases of “Seven Lakes,” which together propose only 55 lots on 18 ½ acres. As currently proposed by these Preliminary Plats, “Seven Lakes III” proposes four (4) lots on 1.08 acres, and “Seven Lakes IV” proposes 51 lots on 17.48 acres. Thus, it would appear at least one (1) more phase may be planned to complete the “Seven Lakes” development.

ANALYSIS:

Property Conditions. The two (2) parent tract parcels consisting of 40.64 acres are vacant and zoned RS-4. “Seven Lakes III,” as per this Preliminary Plat, contains 1.08 acres. As with previous and other phases of “Seven Lakes,” this development will be designed to collect stormwater and drain it to the east to Fry Creek Ditch # 2. The “Seven Lakes IV” plat area contains the final two (2) “lakes” in “Seven Lakes” development. These “lakes” and the streets contained within “III” and “IV” were rough-cut during or after the development of the first phase.

Although no longer a part of “Seven Lakes III” or “Seven Lakes IV,” the northernmost of the two (2) parent tract parcels include an area which appears to have a potential land use conflict. Based on GIS aerial and parcel data, it appears that northeastern-most area of the parcel includes the access road, and possibly even the concrete trickle-channel otherwise owned by Tulsa County and the City of Bixby (possibly known as a ‘wetland remediation’ or ‘wetland compensatory mitigation’ area). Before the affected area is platted and developed, the owner/developer should confirm property ownership patterns and/or any public easements that may affect this area.

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

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

General. This subdivision of 1.08 acres, more or less, proposes 4 lots, two (2) blocks, and no (0) Reserves.

The Seven Lakes development, and this plat, represents a conventional but attractive design, with uniquely crisscrossed curvilinear streets and no true cul-de-sacs, interspersed with Reserves for water amenities. The subdivision is similar to Seven Lakes I and Seven Lakes II, to the south and east, with relatively similar-sized and configured lots. The typical lot measures 65’ X 120’ (7,800 square feet, 0.18 acres). All lots appear to meet RS-4 zoning standards.

Deed of Dedication and Restrictive Covenants (DoD/RCs) Section IV.B allows for incorporation of HOAs of different phases as previously recommended by Staff.

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

1. Modification/Waiver from Subdivision Regulations Section 12-3-3.A for utility easements along the perimeters which would not achieve the 17.5’ minimum width standards. Such request was described as justified by observing most of the instances are mid-block and do not require U/Es, and otherwise by demonstrating where an 11’ U/E will be back to back with another 11’ in abutting subdivision, resulting in a 22’-wide U/E corridor between the subdivisions. Other justifications may be offered and deemed adequate.
2. Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for those lots whose rear lines abut Sheridan Rd. Since Limits of No Access (LNA) were placed

along the Sheridan Rd. frontage as recommended, City Staff was supportive of this design, which is incidental and unavoidable due to existing geometries.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on March 05, 2014. The Minutes of the meeting are attached to this report.

The Fire Marshal's, City Engineer's, and City Attorney's memos 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.

Access and Internal Circulation. *Primary access to the subdivision would be via internal streets which ultimately connect to Sheridan Rd.*

Lots in "Seven Lakes III" will utilize existing roadways as previously platted and constructed, with the exception of proposed Lot 6, Block 1. There is an existing temporary emergency-access drive through the north and northeast sides of this lot, which will be removed when the second permanent street connection to Sheridan Rd. is built. This second street connection will be contained within "Seven Lakes IV" and will provide a secondary means of ingress/egress for the entire Seven Lakes development.

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

- 1. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.*
- 2. Per SRs Section 12-4-2.A.5, the Location Map must include:*
 - All platted additions represented with the Section:*
 - Scenic Village Park (missing)*
- 3. Please add proposed addresses to the lots. A table may be used if needed for map clarity.*
- 4. Submit release letters from all utility companies serving the addition as per SRs Section 12-2-6.B.*
- 5. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.*
- 6. Copies of the Sketch Plat of "Seven Lakes III," 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).*
- 7. Copies of the Preliminary 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).*
- 8. 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).*

Erik Enyart observed that the Applicant was not present.

John Benjamin made a MOTION to RECOMMEND APPROVAL of the Final Plat of "Seven Lakes III" 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 Benjamin
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

6. **Final Plat – “Seven Lakes IV” – HRAOK, Inc.** Discussion and consideration of a Final Plat for “Seven Lakes IV” for approximately 17 ½ acres in part of the W/2 of Section 02, T17N, R13E.

Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.

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: Wednesday, March 05, 2014
RE: Report and Recommendations for:
Final Plat of “Seven Lakes IV”

LOCATION: – South and east of the intersection of 121st St. S. and Sheridan Rd.
– North of Seven Lakes I and Seven Lakes II
– Part of the W/2 of Section 02, T17N, R13E.

SIZE: – 40.64 acres, more or less (2 parent tract parcels)
– 17.48 acres, more or less (plat area)

EXISTING ZONING: RS-4 Residential Single Family District

EXISTING USE: Vacant

REQUEST: Final Plat approval for 51-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

North: RS-4 and RS-3/PUD 80; Balance of parent tract parcels, and to the north of that, a 20-acre unplatted vacant/wooded tract recently rezoned to RS-3 and PUD 80 for “Wood Hollow Estates,” and to the northeast, an unplatted 12-acre vacant tract owned by Tulsa County (“wetland mitigation area”) and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby (“hardwood mitigation area”).

South: RS-4; Single family residential homes and vacant lots in Seven Lakes I and Seven Lakes II.

East: AG & CG/PUD 76; The Fry Creek Ditch # 2 right-of-way with a 92-acre tract of agricultural land to the east of that zoned CG with PUD 76.

West: (across Sheridan Rd.) AG; Unplatted agricultural and vacant land, including 64 acres recently acquired by the Bixby School District, and the City of Tulsa’s lift station facility to the northwest, all in the City of Tulsa.

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

PREVIOUS/RELATED CASES:

BZ-309 – Wynona Brooks, Trustee of Mildred A. Kienlen A Revocable Living Trust – Request for rezoning from AG to RS-4 for area including Seven Lakes I, subject property, and balance of unplatted “Seven Lakes” development areas – PC recommended Approval 01/18/2005 and City Council Approved 02/14/2005 (Ord. # 901).

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for “Seven Lakes II” for Seven Lakes II on parts of subject property parent tracts – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.

Sketch Plat of Seven Lakes III – Request for Sketch Plat approval for “Seven Lakes III” for all of 40.64 acres of both parent tract parcels – PC Conditionally Approved 05/20/2013.

Preliminary Plat of Seven Lakes III – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Seven Lakes III” for parts of parent tract parcels abutting subject property – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Preliminary Plat of Seven Lakes IV – Request for approval of a Preliminary Plat and certain Modifications/Waivers for subject property – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Final Plat of Seven Lakes III – Request for Final Plat approval for “Seven Lakes III” for parts of parent tract parcels abutting subject property – PC consideration pending 03/17/2014.

RELEVANT AREA CASE HISTORY: (not a complete list)

Preliminary Plat of Seven Lakes I – Request for Preliminary Plat approval for Seven Lakes I abutting subject property to the south – PC recommended Approval 06/20/2005 and City Council Approved 06/27/2005.

Final Plat of Seven Lakes I – Request for Final Plat approval for Seven Lakes I abutting subject property to the south – PC recommended Approval 10/16/2006 and City Council Approved 10/23/2006 (Plat # 6113 recorded 04/26/2007).

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for Seven Lakes II to the south of subject property (area reduced in size and to 59 lots as compared to original submittal) – PC recommended Conditional Approval 09/21/2011 and City Council Conditionally Approved 09/26/2011 (Approval expired 09/26/2012 per the Subdivision Regulations).

Preliminary Plat of Seven Lakes II (Resubmitted) – Request for Preliminary Plat approval for Seven Lakes II to the south of subject property (area reduced in size and to 59 lots as compared to original submittal) – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012.

Final Plat of Seven Lakes II – Request for Final Plat approval for Seven Lakes II abutting subject property to the south (area reduced in size and to 59 lots as compared to original submittal) – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012 (Plat # 6457 recorded 01/16/2013).

BACKGROUND INFORMATION:

On May 20, 2013, the Planning Commission Conditionally Approved the Sketch Plat for “Seven Lakes III,” proposing 131 lots and consisting of all of the 40.64 acres contained in the two (2) parent tract parcels. Per that Sketch Plat version, the “Seven Lakes” development would have been completely platted. A subsequent version of the plat increased the number of lots to 142 but covered the same 40.64 acres. At this time, the Applicant is seeking Preliminary Plat approval for the next two (2) phases of “Seven Lakes,” which together propose only 55 lots on 18 ½ acres. As currently proposed by these Preliminary Plats, “Seven Lakes III” proposes four (4) lots on 1.08 acres, and “Seven Lakes IV” proposes 51 lots on 17.48 acres. Thus, it would appear at least one (1) more phase may be planned to complete the “Seven Lakes” development.

ANALYSIS:

Property Conditions. The two (2) parent tract parcels consisting of 40.64 acres are vacant and zoned RS-4. “Seven Lakes IV,” as per this Preliminary Plat, contains 17.48 acres. As with previous and other phases of “Seven Lakes,” this development will be designed to collect stormwater and drain it to the east to Fry Creek Ditch # 2. The “Seven Lakes IV” plat area contains the final two (2) “lakes” in “Seven Lakes” development. These “lakes” and the streets contained within “III” and “IV” were rough-cut during or after the development of the first phase.

Although no longer a part of “Seven Lakes III” or “Seven Lakes IV,” the northernmost of the two (2) parent tract parcels include an area which appears to have a potential land use conflict. Based on GIS aerial and parcel data, it appears that northeastern-most area of the parcel includes the access road, and possibly even the concrete trickle-channel otherwise owned by Tulsa County and the City of Bixby (possibly known as a ‘wetland remediation’ or ‘wetland compensatory mitigation’ area). Before the affected area is platted and developed, the owner/developer should confirm property ownership patterns and/or any public easements that may affect this area.

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

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

General. This subdivision of 17.48 acres, more or less, proposes 51 lots, six (6) blocks, and three (3) Reserves (although only 2 are reported in the Land Summary statistics).

The Seven Lakes development, and this plat, represents a conventional but attractive design, with uniquely crisscrossed curvilinear streets and no true cul-de-sacs, interspersed with Reserves for water amenities. The subdivision is similar to Seven Lakes I and Seven Lakes II, to the south and east, with relatively similar-sized and configured lots. Typical lots range from 65’ X 120’ (7,800 square feet, 0.18 acres) to 70’ X 120’ (8,400 square feet, 0.19 acres). All lots appear to meet RS-4 zoning standards.

Deed of Dedication and Restrictive Covenants (DoD/RCs) Section IV.B allows for incorporation of HOAs of different phases as previously recommended by Staff.

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

1. *Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lot 3, Block 1, and Lot 20, Block 4 of "Seven Lakes IV" (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F. The Modification/Waiver was described as justified by citing its necessity as a product of an attractive subdivision design defined by the crisscrossing, curvilinear street network with no true cul-de-sacs, interspersed with Reserves for water amenities.*
2. *Modification/Waiver from Subdivision Regulations Section 12-3-3.A for utility easements along the perimeters which would not achieve the 17.5' minimum width standards. Such request was described as justified by observing most of the instances are mid-block and do not require U/Es, and otherwise by demonstrating where an 11' U/E will be back to back with another 11' in abutting subdivision, resulting in a 22'-wide U/E corridor between the subdivisions, among other things.*
3. *Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for those lots whose rear lines abut Sheridan Rd. Provided Limits of No Access (LNA) are placed along the Sheridan Rd. frontage, City Staff was supportive of this design, which is incidental and unavoidable due to existing geometries.*

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on March 05, 2014. The Minutes of the meeting are attached to this report.

The Fire Marshal's, City Engineer's, and City Attorney's memos 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.

Access and Internal Circulation. Primary access to the subdivision would be via internal streets which ultimately connect to Sheridan Rd. A new entrance street will be constructed with this subdivision, recommended to be named E. 125th St. S. It is platted at a width apparently wider than the rest of those in the subdivision, but its width is not dimensioned. Together with 126th St. S., it will be the second means of ingress/egress serving the entire Seven Lakes development.

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

1. *Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.*
2. *Please relocate the "Unplatted" label from the Reserve Area B area of Seven Lakes II.*
3. *Please remove the leftover linework from the northerly sides of both of the "handles" of Reserve Areas B and C.*
4. *Per SRs Section 12-4-2.A.5, the Location Map must include:*
 - *All platted additions represented with the Section:*
 - *Scenic Village Park (missing/misrepresented as to configuration)*
5. *The Land Summary statistics report two (2) Reserve Areas, but there are a total of three (3).*
6. *Rather than 25'-wide front-yard U/Es as sometimes shown, consider a 20' U/E to provide a 5' buffer area, or the amount necessary to protect the integrity of the foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.*
7. *Consider the size and configuration of Lot [1], Block 2 for possible enhancement.*
8. *Consider making the common lot line between Lots [6] and [7], Block 2, perpendicular/radial to the arc of the curved street in order to eliminate the 1.00' variance between the westerly point of tangent/curvature of C37 and the common lot corner. It is not clear if the 1.00' variance is to the west or to the east of the common lot corner, due to its exceptionally small size and the scale of the plat.*
9. *Please add proposed addresses to the lots. A table may be used if needed for map clarity.*
10. *Title Block: Please correct spelling of "Subdivision."*
11. *DoD/RCs Section II.B, II.C, and II.D: Uses almost identical language to that used in Seven Lakes II, with only Reserve Area names changed. Please confirm this is all accurate. See other recommendation herein pertaining to the avoidance of duplicating the "C" name.*
12. *Submit release letters from all utility companies serving the addition as per SRs Section 12-2-6.B.*

13. *Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.*
14. *Copies of the Sketch Plat of "Seven Lakes III," 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).*
15. *Copies of the Preliminary 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).*
16. *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).*

A Commissioner clarified with Erik Enyart that there was additional land to the north which was unplatted, and that future phases of "Seven Lakes" were still anticipated.

Chair Thomas Holland clarified with Erik Enyart that 66th E. Ave. would be a stub-out street to the north. Mr. Enyart noted that the developers were providing the stub-out street to their own future phases.

John Benjamin made a MOTION to RECOMMEND APPROVAL of the Final Plat of "Seven Lakes IV" 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 Benjamin
 NAY: None.
 ABSTAIN: None.
 MOTION PASSED: 4:0:0

OTHER BUSINESS

7. **BL-390 – Steve Owens.** Discussion and possible action to approve a Lot-Split for Lot 6, Block 1, *The Reserve at Harvard Ponds.*
Property located: 14992 S. Gary Ct.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: [Thursday, March 06, 2014]
RE: Report and Recommendations for:
 BL-390 – Steve Owens

LOCATION: – 14992 S. Gary Ct.
 – Lot 6, Block 1, The Reserve at Harvard Ponds
LOT SIZE: 0.21 acres, more or less

ZONING: RS-3 Residential Single-Family District

SUPPLEMENTAL ZONING: None

EXISTING USE: Vacant

REQUEST: Lot-Split approval

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

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

BZ-134 – Clinton Miller for Roger P. Metcalf – Request for rezoning from AG to RS-2 for approximately 74 acres (including a northerly part of subject property), the easterly approximately 42/43 acres of which was eventually platted as part of The Reserve at Harvard Ponds subdivision. PC Recommended Approval 02/28/1983 and City Council Approved 03/07/1983 (Ord. # 477).

BZ-226 – George Suppes – Request for rezoning from RS-2 to RS-3 for approximately 42/43 acres (including a northerly part of subject property) which was eventually platted as part of The Reserve at Harvard Ponds subdivision. PC Recommended Approval 10/21/1996 and City Council Approved 11/25/1996 (Ord. # 748).

BZ-299 – Tanner Consulting, LLC – Request for rezoning for “Pierce Tract Description” of 6.230 acres and the “Sexton Tract Description” of 3.251 acres (including a southerly part of subject property) for the The Reserve at Harvard Ponds subdivision. PC Recommended Approval 12/15/2003 and City Council Approved the “Pierce Tract Description” of 6.230 acres 02/02/2004 (Ord. # 884). “Sexton Tract Description” added to Ord. # 2085 correcting Ord. # 884 approved 06/25/2012.

Preliminary Plat of The Reserve at Harvard Ponds – Request for Preliminary Plat approval for The Reserve at Harvard Ponds (including subject property) – PC Recommended Approval 12/15/2003 and City Council Approved 02/02/2004.

BL-293 – Tanner Consulting, LLC – Request for Lot-Split to separate a 1-acre tract from the surrounding 2.251 acres (balance of “Sexton Tract Description,” including a southerly part of subject property), the latter of which was subsequently platted as part of The Reserve at Harvard Ponds – Prior Approval granted 03/10/2004.

Final Plat of The Reserve at Harvard Ponds – Request for Final Plat approval for The Reserve at Harvard Ponds (including subject property) – PC Recommended Approval 09/23/2004 and City Council Approved 09/27/2004 (Plat # 5822 recorded 10/13/2004).

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of vacant Lot 6, Block 1, The Reserve at Harvard Ponds. It belongs to the Applicant, whose house is located on the adjoining Lot 5, Block 1 to the east, at the southern end of the Gary Ct. cul-de-sac turnaround.

General. The Lot-Split is proposed to allow the houses on the east and west sides to have larger side yards. The westerly portion would be sold to the adjoining neighbor, and the easterly portion would be retained. The Applicant has expressed desire to use the new yard area to reconfigure the driveway and build a new garage on it. Building over what is now a lot line would encroach a Public Utility Easement, and so this would have to be Closed/Vacated prior to building permitting.

As the resulting tracts would otherwise be too small, they must be attached to the adopting lots on both sides. Provided this is done, the combined, enlarged lots would comply with the minimum bulk and area and other requirements of the RS-3 district.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application on March 05, 2014. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval, subject to both resultant tracts being attached to the adopting lots on both sides by deed restriction language such as:

[INSERT THE LEGAL DESCRIPTION OF THE EASTERLY OR WESTERLY TRACT] .

The foregoing is restricted from being transferred or conveyed as described above without including:

[INSERT THE LEGAL DESCRIPTION OF THE RESPECTIVE ADOPTING LOT]

*unless otherwise approved by the Bixby Planning Commission, or its successors, and/or the Bixby City Council as provided by applicable State Law,
Or other language provided by the Applicant for this purpose subject to City Attorney approval.*

John Benjamin clarified with JR Donelson that the neighbor had agreed to buy the westerly portion of the lot. Mr. Donelson stated, “The neighbors don’t want a house there.”

Lance Whisman asked if notice had been given, and Erik Enyart responded that Bixby was unique, in that most cities do not require Public Notice for a Lot-Split. Mr. Enyart stated that if Lot-Splits in other communities meet the requirements, they are approved. Mr. Enyart stated that, in Bixby, Lot-Splits require sign postings and newspaper publication of the Public Notice, and that these had been done in this case.

Larry Whiteley made a MOTION to APPROVE BL-390 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

8. **V-46 – Moyers, Martin, LLP for Helene V. Byrnes Foundation.** Discussion and consideration of a request to Close Utility Easements within Lot 1, Block 1, *The Boardwalk on Memorial*.
Property Located: 12345 S. Memorial Dr.

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, March 07, 2014
RE: Report and Recommendations for:
V-46 – Moyers, Martin, LLP for Helene V. Byrnes Foundation

LOCATION: – 12345 S. Memorial Dr.
– Lot 1, Block 1, The Boardwalk on Memorial
LOT SIZE: 5 acres, more or less
EXISTING ZONING: CS Commercial Shopping Center District/PUD 29A & OL Office Low Intensity District/PUD 77
EXISTING USE: The The Boardwalk on Memorial strip commercial shopping center along the Memorial Dr. frontage (PUD 29A Development Area A), with vacant/soccer field land further to the east (former PUD 29A Development Area B)
REQUEST: Close Utility Easements
PREVIOUS/RELATED CASES: (Not a complete list; Minor Architectural Committee and Planning Commission signage approvals in the Boardwalk shopping center not included here):

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

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

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

Final Plat of The Boardwalk on Memorial: Request for Final Plat approval for subject property – Recommended for Approval by PC 05/19/2003 and Approved by City Council 05/27/2003 (Plat # 5717 recorded 08/19/2003).

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

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

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

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

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

BL-373 – William Wilson for Boardwalk on Memorial I, LP – Request for Lot-Split approval to separate the east approximately 472’ from the balance of subject property Lot 1, Block 1, The Boardwalk on Memorial – PC Approved 02/16/2010.

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

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

BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove the Residential Area specific land use designation, rezone from AG to OL, and approve PUD 77 for a ministorage development for the former Development Area B portion of subject property and portions of properties to the east thereof – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. City Council Approved Ordinance # 2127 on 02/24/2014.

Preliminary Plat of Byrnes Mini-Storages – Request for Preliminary Plat approval for the former Development Area B portion of subject property and portions of properties to the east thereof – Pending PC consideration 03/17/2014.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of two (2) parcels of land:

1. The Easterly approximately 472' of Lot 1, Block 1, The Boardwalk on Memorial (approximately 1.4 acres), formerly known as Development Area B, separated from the balance of the platted lot with the shopping center and parking lot by Lot-Split BL-373 in 2010, Tulsa County Assessor's Parcel # 57623730115240, and
2. The balance of Lot 1, Block 1, The Boardwalk on Memorial (approximately 3 ½ acres), PUD 29A Development Area A, containing the shopping center and associated parking lots, Tulsa County Assessor's Parcel # 57623730115230.

The first parcel contains a soccer practice field and is the one for which the closing is requested. It is now zoned OL with PUD 77.

General. The Applicant is requesting approval of an application (V-46) to close certain Utility Easements within the former Development Area B portion of the subject property that would otherwise frustrate development plans pursuant to PUD 77 "Byrnes Mini-Storages." The request is to close "all of the utility and other easements platted and dedicated in Development Area B of The Boardwalk on Memorial Addition." This would include the following, according to the plat of The Boardwalk on Memorial:

- 11' U/E along the northerly line of the Development Area B portion of Lot 1, Block 1, The Boardwalk on Memorial.
- 17.5' U/E along the easterly line of the Development Area B portion of Lot 1, Block 1, The Boardwalk on Memorial.
- 10' U/E along the southerly line of the Development Area B portion of Lot 1, Block 1, The Boardwalk on Memorial.
- 15' U/E along the westerly line of the Development Area B portion of Lot 1, Block 1, The Boardwalk on Memorial.

The plat of The Boardwalk on Memorial should represent all easements of record as of the time it was recorded, 08/19/2003. However, this is not always the case. The scope of this closing should be limited to those easements as represented on the plat, unless others are discovered and the same are within the City of Bixby's authority to receive and execute a request for closing by ordinance. In that case, they must be identified and brought to the City of Bixby as a part of this action.

Additionally, the PUD and Preliminary Plat of "Byrnes Mini-Storages" represent the 15' westerly U/E remaining in situ with the new plat. Therefore, this one should be excluded.

For the reasons outlined above, Staff would not object to a closing as follows:

"All of the Utility Easements located within Development Area B of Lot 1, Block 1, The Boardwalk on Memorial, LESS AND EXCEPT the westerly 15 feet thereof, all in the City of Bixby, Tulsa County, State of Oklahoma, according to the Recorded Plat # 5717 thereof."

Per the Applicant, "There are no utilities presently in this easement." Further, Staff has received no objections to this closure request.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application on March 05, 2014. The TAC members present raised no objections during the meeting. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff has no objection to the closing using the modified legal description above-quoted.

Erik Enyart stated that, just prior to the meeting, he had discussed the recommendation with attorney Jim Ferris and agreed that, for title purposes, the 15' Utility Easement along the westerly side should be closed and then rededicated by the plat of "Byrnes Mini-Storages." Mr. Enyart stated that they had also agreed that the scope should be limited to the Utility Easements within Development Area B as represented on the plat of *The Boardwalk on Memorial*.

JR Donelson stated that [Jim] Ferris and [Patrick Boulden] said that the [State] Statutes require vacating the old easements even if platting over them.

Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the easement closing request per V-46 with the recommendations as to scope as recommended by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

9. **Modification/Waiver (PUD 82) – JR Donelson, Inc. for Kowen Properties, LLC.**
Discussion and consideration of a request for Modification/Waiver of the “stub-out street” requirement of Subdivision Regulations Section 12-3-2.C pursuant to Subdivision Regulations Section 12-3-5.B for approximately 18 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E, proposed as PUD 82 “Somerset.”
Property Located: 6905 E. 121st St. S. & 11803 and 11809 S. Sheridan Rd.

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: Monday, March 10, 2014
RE: Report and Recommendations for:
Modification/Waiver (PUD 82) – 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 (RS-2 zoning and PUD 82 requested)

EXISTING USE: Rural residential and agricultural

REQUEST: Modification/Waiver of the “stub-out street” requirement of Subdivision Regulations Section 12-3-2.C pursuant to Subdivision Regulations Section 12-3-5.B for approximately 18 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E, proposed as PUD 82 “Somerset.”

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.

BZ-370 & PUD 82 – “Somerset” – JR Donelson for Kowen Properties, LLC – Request to rezone from AG to RS-2 and to approve PUD 82 for a single-family residential development subject property – PC recommended Conditional Approval 02/18/2014, with the exception of abutting access provision recommendations from Staff. City Council Conditionally Approved with Staff’s recommendations on abutting access provision, “subject to a[n] application for waiver of subdivision regulations,” on 02/24/2014. Ordinance approval items Tabled until PUD returned with required Conditions of Approval incorporated.

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

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 General section of this report for analysis on how this property and the subject property are related.

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.).

General. PUD 82 (“Somerset”) 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). Per the Applicant’s statement at the Planning Commission meeting held February 18, 2014, the streets are now planned to be private and gated. 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.

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 01/16/2007 and City Council took no action for the ordinance Second Reading on 02/12/2007, per the approved Minutes of that meeting. 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. 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. This plan does not provide such access to the abutting tract, which has a demonstrated access issue preventing its development. Avoiding the stub-out requirement would require a Waiver of the Subdivision Regulations, and since this issue is known it should be addressed in the PUD. 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.

Staff had also offered, in the alternative, that if the owner of the development property expressed that a secondary means of access through the subject property would not be needed, Staff would have no objection to a full Waiver. However, abutting owner Haynes Reynolds attended the Planning Commission meeting February 18, 2014 and the City Council meeting on February 24, 2014 and expressed need for secondary access through this development. On Thursday, March 06, 2014, Mr. Reynolds provided a draft PUD ("Sheridan Cottages") for City Staff input prior to formal application submittal. City Staff provided a courtesy review as requested on March 07, 2014. The draft plans indicate 23 lots along an east-west street with two (2) short cul-de-sac streets projecting northward therefrom. The proposed subdivision appears to be virtually identical to that shown in the westerly 8-acre portion of the subject property ("Somerset"), in terms of street layout and number and sizes of lots. The east-west street is shown as connecting to the 10-acre tract portion of the subject property ("Somerset") via a 25'-wide Emergency Access Easement, which would intersect the west line of "Somerset's" proposed Lot 9, Block 1.

On February 18, 2014, the Planning Commission recommended Approval of PUD 82 with the corrections, modifications, and Conditions of Approval as recommended by Staff, with the exception of the two (2) abutting access provision recommendations, over which consensus was not reached. On February 24, 2014, the City Council Conditionally Approved PUD 82 with all of Staff's recommendations, including the two (2) on abutting access provision, "subject to a[n] application for waiver of subdivision regulations." The Ordinance approval items were Tabled until the PUD returned with required Conditions of Approval incorporated.

The Applicant has submitted a letter requesting a Modification/Waiver of the "stub-out street" requirement of Subdivision Regulations Section 12-3-2.C pursuant to Subdivision Regulations Section 12-3-5.B. Such Modifications/Waivers are normally requested in the context of a plat application. However, a Preliminary Plat application has not yet been filed. The Subdivision Regulations do not prohibit the request of a Modification/Waiver be filed along with a plat application. Thus, it is presented here for the Planning Commission's recommendation to the City Council.

Subdivision Regulations / City Code Section 12-3-2.C provides:

"C. Abutting Unsubdivided Land: Where adjoining areas are not subdivided, the proposed streets shall be constructed to the boundary of the proposed subdivision with provisions made for a temporary right of way and the construction of a turnaround of a size acceptable to the city engineer. Permanent barricades shall be installed at dead end streets. Alignments, grades, drainage and other appropriate design criteria of all streets within and bordering new subdivisions shall be governed by this title, where applicable, and by the engineering design standards of the city."

Modifications/Waivers may be granted if the same meet the following requirements of Subdivision Regulations / City Code Section 12-3-5.B:

“B. Undue Hardship:

1. Standards To Determine Hardship: In any particular case where the subdivider can show in writing that by reason of exceptional topographic or other physical conditions, none of which are self-imposed, literal compliance with any requirement of this title would cause exceptional and undue hardship, the city council may modify such requirement to the extent necessary so as to relieve such difficulty or hardship; provided, that such relief may be granted only without resulting detriment to the public interest and without impairing the intent and purpose of this title or the comprehensive land use plan and the zoning code.

Modifications may be granted by the city council only after receiving written recommendations from the planning commission and staff.

2. Written Application: Where unusual or exceptional factors or conditions exist, the city council may modify any of the provisions of this title, except those providing for the time of installation of improvements or requirement of improvement performance bonds and maintenance bonds. Any subdivider applying for a modification shall set forth in writing the reasons for the requested modification and the extent of the modification requested. The planning commission and staff shall review the petition for a hardship exception and shall make recommendations, including suggested modifications, to the city council. The city council shall hear the petition, review the planning commission and staff recommendations and grant such relief as may be proper. If granted, such modifications shall be added and attached to all copies of the construction plans and/or the final plat. (Ord. 854, 9-9-2002)”

The Applicant has provided the following arguments in support of the requested Modification/Waiver:

“Undue Hardship: Somerset Addition has private streets and two points of access, one from 121st Street South and one from South Sheridan Road. It is our understanding that there is no planned time table for the development of the abutting 8 acres. Constructing a street to the 8 acre abutting unsubdivided land provides no benefit to Somerset Addition and it is impossible to plan for the proper location of a proposed street or emergency access point. The installation of a street would likely serve no purpose to the 8 acres partial of land, as it would probably be placed in a location that would conflict with any future residential lot layout. The abutting 8 acres of land has 425 l.f. of frontage abutting South Sheridan Road. It is our belief that this footage presents options to allow for two points of access to the tract of land. The subdivision to the north of Somerset Addition, "The Estates of Graystone" does not have a stub street to the Somerset Addition tract of land, indicating a Waiver of the requirement was granted for this subdivision.

Installing this stub street would eliminate at least one lot in Somerset Addition and downsize the lot widths of the remaining lots adjacent to the stub street. In addition, it would stub a private street with a privacy gate, to a possible public street. In today's unstable economy, losing the projected revenue from one residential lot, and reducing prices for the remaining adjacent lots to the stub street, plus the added cost to construct the stub street creates, an unforeseen financial burden on the Somerset Addition project.

For the above reasons we respectfully request the Bixby Planning Commission and the Bixby City Council grant our Waiver request.”

As noted above, the proposed “Sheridan Cottages” PUD proposes a specific location for the Emergency Access drive, intersecting the west line of “Somerset’s” proposed Lot 9, Block 1. The draft PUD site plan is attached for reference. At 20’ in width, it would not appear necessary to lose a lot, nor would it be an expense to the Somerset developer if structured such that the adjoining developer needing access was responsible for its construction. The proposed “Sheridan Cottages” streets are proposed to

be private, not public. Staff does not believe the arguments presented meet the standard for Modification/Waiver, namely, that “by reason of exceptional topographic or other physical conditions, none of which are self-imposed, literal compliance with any requirement of this title would cause exceptional and undue hardship.” (emphasis added).

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

Staff Recommendation. For all the reasons outlined above, Staff cannot support a Waiver of the Subdivision Regulations requirement to provide a stub-out street, or alternative method of secondary access provision, to the 8-acre development property abutting to the south/west, which has a demonstrated lack of access potentially preventing its efficient development. The Applicant should provide a plan for access in the PUD Text and Exhibits, or at a minimum, describe in the PUD Text that there will be an abutting access means provided somewhere within the development.

Erik Enyart described the PUD 82 case history and the City Council’s Conditional Approval Motion, and stated that it was somewhat unorthodox to receive a request for Modification/Waiver outside the context of a plat application, but the request was made and accepted and put on the Planning Commission agenda for consideration. Mr. Enyart stated that, if approved, it would attach to the Preliminary Plat application when received. Mr. Enyart stated that the Subdivision Regulations require providing a “stub-out” street to all adjoining unplatted tracts, so that they have adequate access to develop in turn. Mr. Enyart stated that the City was responsible for looking out for all of its property owners, not just the individual ones that come in from time to time to develop. Mr. Enyart stated that, when the PUD came in the previous month, it was discovered that the site plan included did not indicate providing a stub-out street to the adjoining 8-acre development tract, which had a demonstrated need for access. Mr. Enyart stated that, at that time, Staff advised the developer that this was needed, but the developer and Staff were not in agreement on this. Mr. Enyart stated that, for reasons of Public safety, efficient traffic circulation, [appropriate] development patterns, and as the Subdivision Regulations place on the Applicant the burden of proof for justifying the Modification/Waiver, and as City Staff does not believe the arguments presented were sufficient in this case, City Staff was not supportive of the request. Mr. Enyart stated that City Staff was also concerned for setting precedent. Mr. Enyart stated, “The two (2) owners really need to talk and coordinate locations for utilities and access.” Mr. Enyart stated that it was important that the City get a recommendation on the Commission’s part that access be provided somewhere on the shared boundary, not so much where it must be or what form it must take.

Chair Thomas Holland recognized JR Donelson from the Sign-In Sheet. Mr. Donelson read from the request letter included in the agenda packet.

Patrick Boulden stated that, for granting the Modification/Waiver, the Subdivision Regulations required showing that the hardship was due to topographic or physical conditions. JR Donelson described the additional expense to the Applicant. Mr. Boulden stated that a hardship must be “physical,” not “fiscal,” and that financial considerations were not addressed in the ordinance. Mr. Donelson stated that he had been informed the [8-acre tract] owner offered to buy a lot to accommodate the access, which would seem to eliminate the “fiscal” argument.

JR Donelson asked, rhetorically, why the [*The Estates of*] *Graystone* subdivision did not provide stub-out streets [to the subject property]. Erik Enyart stated that the [*The Estates of*] *Graystone* [subdivision] was platted in 1994, about 20 years ago, and that “no one here now was present back

then.” Mr. Enyart stated that he could not confirm the “stub-out” street requirement was in place at that time.

Chair Thomas Holland recognized Tim Terral of Tulsa Engineering & Planning, Inc., 9820 E. 41st St. S., Ste. 102, Tulsa, OK 74146. Mr. Terral stated that his firm was doing the engineering and planning for the property to the south. Mr. Terral stated, in regard to the access connection, “We need it.” Mr. Terral stated that the former PUD was approved at the Planning Commission but not voted on at the City Council; when it could have it didn’t. Mr. Terral stated that access was a problem at that time. Mr. Terral stated that [he and his client] had submitted a new PUD, with a design very similar to “Somerset,” and noted that the Commission would see the PUD the following month. Mr. Terral described the need for two (2) points of access and where it was planned to connect to “Somerset.” Mr. Terral stated that it had been suggested that his client’s property could have two (2) points of access on Sheridan Rd. Mr. Terral stated that this would create four (4) tiers of lots along a “horseshoe” configuration, which would yield: lot, street, lot, lot, street, lot. Mr. Terral stated that the two (2) streets would leave about 365’ for the four (4) tiers of lots, so they would be about 91’ deep, which was [inadequate for this market]. Mr. Terral responded to an earlier statement about his client’s offer to buy lots, stating, “Haynes [Reynolds] tried to talk to [Tom Wenrick],” but [there was resistance to working with his client]. Mr. Terral stated, “I’m not sure if buying a lot is still on the table,” and that, in his opinion, it shouldn’t be, since the [Subdivision Regulations] require providing access [to provide for adjacent development].

Larry Whiteley asked why this was needed since the streets were private. Chair Thomas Holland indicated agreement. Erik Enyart stated that, regardless of Public or private, all subdivisions still need adequate access for Public safety. Patrick Boulden indicated agreement.

A Commissioner asked about the easement suggested previously. Erik Enyart stated that, as an accommodation to the developer, to reduce his expenses, City Staff had offered to support a partial Modification/Waiver, to allow, in lieu of an actual street that the developer would build, a 20’-wide Emergency Access Easement, in which the other developer would be responsible for building the drive, and which would be defeasible and could be closed and vacated if not needed in the future. Mr. Enyart noted that this was suggested before Staff knew that the 8-acre tract was going to be proposed for development again.

Tim Terral stated that [he and his client] would be happy with a 25’ Easement, and would pay for [connections]. Mr. Terral stated that the easement would not reduce lot sizes, and that the remaining lots would actually become like corner lots with additional width. Mr. Terral stated that this would not be a major burden on “Somerset.”

Tom Wenrick of 2930 E. 51st St. S., Tulsa, expressed objections to providing access, and stated that the 8-acre tract was “still in the [100-Year] floodplain.” Tim Terral stated that was not true. Mr. Wenrick stated that the Fire Marshal had not asked for additional access. Erik Enyart stated that he had had extensive discussions with the Fire Marshal, and that the Fire Marshal did not ask the “Somerset” development for additional access because the “Somerset” didn’t need it, but had already stated that the 8-acre tract needed additional access. Mr. Enyart stated that the Fire Marshal was very much concerned for the adequacy of access here.

Larry Whiteley asked if the City had Waived this in the past, and Erik Enyart responded, “We regularly Waive it where it doesn’t make sense to provide” stub-out streets. Mr. Enyart stated that, adjoining the subject property on the east side was the Bixby Public Schools’ North 5th and 6th Grade Center, which was already developed and didn’t need additional access. Mr. Enyart stated, [when the Preliminary Plat application is filed], “We will Waive that one.” Discussion ensued. JR Donelson indicated that, if the City Waives it in one instance, [he and his client] could say that they should Waive it here too. Mr. Enyart responded that the City will Waive the requirement where it doesn’t make sense to provide access, but the 8-acre development tract had a demonstrated need for additional access, so it should not be Waived here. Mr. Donelson indicated that Waiving the requirement for one opens it up for Waiving it in other places too, and asked where the line would be drawn. Mr. Enyart responded, “At the point at which it does or doesn’t make sense.”

At 7:20 PM, Chair Thomas Holland recognized the Commission would be in recess for approximately five (5) minutes for an “informal break.”

At 7:23 PM, Chair Thomas Holland called the meeting back to order.

Tim Terral stated that his client’s subdivision needed the access because (1) the cul-de-sac would otherwise be too long, and confirmed with Erik Enyart that the maximum length for same was 300’ per the Subdivision Regulations, and (2) it needed a second point of access for emergency purposes.

Larry Whiteley expressed concern that [the Commission was being asked to disadvantage one property owner or the other]. Erik Enyart stated, “The City would restate this as we are concerned for all our citizens, not just the individual ones as they come in,” and the City was trying to find for the most efficient way to put properties together. Mr. Enyart stated that the City Engineer had observed that, north of the [Arkansas] River, Bixby was almost built out, and what was left is “pieces and parts.” Mr. Enyart stated that it was the City’s responsibility for ensuring, like puzzle pieces, they are put together in the most efficient way possible for the benefit of the Public. Mr. Enyart indicated that the access provision should not be seen as disadvantaging the Applicant.

JR Donelson and Tom Wenrick addressed Chair Thomas Holland and stated that they had an idea in light of the information that the other development’s streets would be private and that the other developer would be responsible for building the 20’ emergency access drive. Mr. Donelson provided Chair Thomas Holland a marked-up copy of the “Somerset” plat plan showing the 20’ drive connecting southward into the northeast corner of the 8-acre tract. Tim Terral observed the location, but stated that it was not an appropriate connection point. Mr. Terral suggested another location.

Discussion ensued.

Erik Enyart stated, “It sounds like they are agreeable to working together. It is important to recommend that access be provided, not so much where it goes or what it looks like—that can be done privately.”

After further discussion, John Benjamin made a MOTION to RECOMMEND APPROVAL of the Modification/Waiver as recommended by Staff, to the extent of reducing the street requirement to

an access road easement, and that the access road must meet Fire Marshal requirements including the gate with Knox switch, and with no designated location for the access road. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Whisman, and Benjamin
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.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:50 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary