

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
April 21, 2014 6:00 PM**

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

STAFF PRESENT:

Erik Enyart, AICP, City Planner

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

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

ROLL CALL:

Members Present: Jeff Baldwin, John Benjamin,¹ Lance Whisman, and Thomas Holland.
Members Absent: Larry Whiteley.

CONSENT AGENDA:

1. Approval of Minutes for the March 17, 2014 Regular Meeting

Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. Lance Whisman made a MOTION to APPROVE the Minutes of the March 17, 2014 Regular Meeting as presented by Staff. Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Baldwin, and Whisman
NAY: None.
ABSTAIN: None.
MOTION PASSED: 3:0:0

PUBLIC HEARINGS

¹ In at 6:15 PM.

2. **BZ-372 – Ronnie L. Davis.** Public Hearing, Discussion, and consideration of a rezoning request from RS-3 Residential Single-Family District to RM-1 Residential Multi-Family District for approximately 0.3 acres, Lots 19, 20, 21, and 22, Block 30, *Midland Addition*. Property Located: 211 & 215 E. Breckenridge Ave.
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Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, April 11, 2014
RE: Report and Recommendations for:
BZ-372 – Ronnie L. Davis

LOCATION: – 211 & 215 E. Breckenridge Ave.
– Lots 19, 20, 21, and 22, Block 30, Midland Addition

LOT SIZE: 13,000 square feet; 0.30 acres, more or less

EXISTING ZONING: RS-3 Residential Single-Family District

EXISTING USE: Two (2) single-family dwellings

REQUESTED ZONING: RM-1 Residential Multi-Family District

SUPPLEMENTAL ZONING: Central Business District

SURROUNDING ZONING AND LAND USE:

North: RS-3 & RM-1; Vacant land belonging to the First Assembly of God church zoned RS-3, duplexes fronting on Dawes Ave. and Parker St. to the northeast, and the First Assembly of God church, two (2) houses, and vacant land along the north side of Dawes Ave. all zoned RS-3.

South: RS-3 & RD; Single-family residential zoned RS-3 along Breckenridge Ave. and two (2) duplexes zoned RD in Marilyn Courtyard to the southwest.

East: RT, RM-1, & RS-3; Duplexes fronting on Breckenridge Ave. and Parker St. zoned RT and RM-1, with single-family residential zoned RS-3 further east along Breckenridge Ave.

West: RS-3 & CH; Single-family residential along the Breckenridge Ave. to Stanley St., with church property and single-family residential at the intersection of Breckenridge Ave. and Stanley St. further west zoned RS-3 and CH.

COMPREHENSIVE PLAN: Low Intensity + Residential Area

PREVIOUS/RELATED CASES: None found.

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

BZ-290 – Donald Raper – Request for rezoning from RS-3 to RD for what was later platted as Marilyn Courtyard to the southwest of subject property – PC recommended Approval 05/19/2003 and City Council Approved 06/09/2003 (Ord. # 869 corrected by Ord. # 2009 on 01/28/2009).

BZ-296 – Mike Flippin for Verline McClatchey Trust – Request for rezoning from RS-3 to RS-4 for single-family home construction property abutting subject property to the east at 219 E. Breckenridge Ave., Lots 23 and 24, Block 30, Midland Addition (since combined with lots 25 & 26, Lot-Split per BL-341, and constructed upon as a duplexes at 221 & 223 E. Breckenridge Ave. and 26 & 28 N. Parker St.) – PC Recommended Approval 09/15/2003 and City Council Approved 10/13/2003 (Ord. # 873).

BZ-302 – Betty Davis – Request for rezoning from RS-3 to RM-1 for duplex development on property abutting subject property to the northeast at 222 & 226 E. Dawes Ave. and 54 & 56 N. Parker St. – PC Recommended Approval 02/17/2004 and City Council Approved 03/08/2004 (Ord. # 885).

BL-318 – Betty Davis – Request for Lot-Split approval for duplex development on property abutting subject property to the northeast at 222 & 226 E. Dawes Ave. and 54 & 56 N. Parker St. – PC Approved 02/22/2005.

BZ-318 – Betty Davis – Request for rezoning from RS-3 [and RS-4] to RT for duplex development on property abutting subject property to the east at 221 & 223 E. Breckenridge Ave. and 26 & 28 N.

Parker St. – PC Recommended Approval 10/16/2006 and City Council Approved 11/13/2006 (Ord. # 954).

BL-341 – Betty Davis – Request for Lot-Split approval for duplex development on property abutting subject property to the east at 221 & 223 E. Breckenridge Ave. and 26 & 28 N. Parker St. – PC Approved 10/16/2006.

BBOA-456 – Carl & Betty Davis – Request for Variance to reduce front and rear yard building setbacks for a duplex building in the RT Residential Townhouse District, Zoning Code Section 11-7B-4.A.1, Table 3 on property abutting subject property to the east at 221 & 223 E. Breckenridge Ave. (S. 66' of Lots 23:26, Block 30, Midland Addition) – BOA Denied 10/01/2007.

BBOA-464 – Carl & Betty Davis – Request for (1) Variance from the Zoning Code Section 11-8-1 to allow for the construction of a duplex on a nonconforming lot and (2) Variance to reduce front and rear yard building setbacks for a duplex building in the RT Residential Townhouse District, Zoning Code Section 11-7B-4.A.1, Table 3 on property abutting subject property to the east at 221 & 223 E. Breckenridge Ave. (S. 66' of Lots 23:26, Block 30, Midland Addition) – BOA Approved (1) 11/05/2007 and Approved (2) 02/04/2008.

Preliminary Plat of Marilyn Courtyard – Request for Preliminary Plat approval for Marilyn Courtyard to the southwest of subject property – PC recommended Conditional Approval 04/20/2009 and City Council Conditionally Approved 04/27/2009.

Final Plat of Marilyn Courtyard – Request for Final Plat approval for Marilyn Courtyard to the southwest of subject property – PC recommended Conditional Approval 06/15/2009 and City Council Conditionally Approved 06/22/2009 (Plat # 6293 recorded 07/07/2009).

BACKGROUND INFORMATION:

The Applicant initially approached Staff with the concept of constructing a triplex on the subject property. Staff advised the Applicant that RT zoning could be used if the existing platted lots and the individual unit arrangements were such that each unit fit precisely on a 25'-wide lot, with the party walls² coinciding with the lot lines, or otherwise replatting would be required. At the time of application submission, the only zoning district which appeared to accommodate the triplex (a multifamily structure) was the RM-1 district, and so RM-1 zoning was requested. Since filing the application, the Applicant approached Staff with a duplex concept, with each unit having an attached garage. A proposed floor plan has been submitted and was accepted as a supplement to the application, and a copy is attached to this report. As the proposed structure is now a duplex, RM-1 zoning is no longer necessary.

ANALYSIS:

Subject Property Conditions. The subject property consists of four (4) platted lots within Midland Addition, each measuring 25' X 130'. Together, the four (4) platted lots contain 13,000 square feet (0.30 acres), more or less. Per the Tulsa County Assessor's parcel records and Zoning Code Section 11-8-8.D, Lots 19 and 20 are recognized as a singular parcel, and Lots 21 and 22 are recognized as another parcel. Each parcel contains one (1) single-family dwelling, addressed 211 & 215 E. Breckenridge Ave.

The subject property appears to drain to the north and/or east, roughly perpendicular to the bed of the abandoned Railroad. Drainage within this area has historically been recognized as inadequate due to lack of adequate drainage infrastructure. However, using CDBG grants and local match funds from stormwater fees collected, the City of Bixby has extended a stormsewerline in Dawes Ave. between Parker St. and the new stormsewer along Riverview Rd. Using the same sources, this system is also being extended north and south along Parker St. between Breckenridge and McKennon Aves. When completed, the stormsewer system should improve the drainage of the area, including the subject property. The subject property is entirely located within Shaded Zone X, the 500-year (0.2% Annual Chance) Floodplain.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Low Intensity and (2) Residential Area.

Although RM-1 has been requested, Staff is supportive of RT zoning as detailed elsewhere in this analysis.

RT zoning was adopted (Ord. # 845) after the Comprehensive Plan in or around 2002 so it is not included in the "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan. However, based on the Matrix's treatment of similar

² Commonly known as "demising walls."

districts, including RD, RT zoning should be recognized as May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan.

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

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

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

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

Staff believes that the RT zoning and proposed duplex residential use is consistent with the Residential Area land use designation of the Comprehensive Plan Land Use map.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily RS-3, but RT, RM-1, RD, and CH are also in the immediate area as described in further detail in the paragraphs that follow.

To the north is vacant land belonging to the First Assembly of God church zoned RS-3, and north of Dawes Ave. is the First Assembly of God church, two (2) houses, and vacant land all zoned RS-3. Abutting the subject property to the northeast are duplexes at 222 & 226 E. Dawes Ave. and 54 & 56 N. Parker St. zoned RM-1.

Abutting the subject property to the east are duplexes at 221 & 223 E. Breckenridge Ave. and 26 & 28 N. Parker St. zoned RT, with single-family residential zoned RS-3 further east along Breckenridge Ave.

To the south, single-family residential homes are zoned RS-3 along Breckenridge Ave. Across Breckenridge Ave. to the southwest are two (2) duplexes zoned RD in Marilyn Courtyard.

Two (2) single-family dwellings are located in the balance of this block to the west to Stanley St., zoned RS-3. Vacant land and surface parking church property is west of Stanley St. zoned CH, and west of Main St. zoned RS-3. To the southwest, single-family residential zoned RS-3 is located at the southeast corner of Breckenridge Ave. and Main St.

Although there is immediate area precedent for RM-1 zoning, where it abuts to the northeast, an RM-1 district here would not be the most appropriate Zoning or land use pattern, and would not be in accordance with the Comprehensive Plan. However, RT zoning would allow for the proposed duplex, and RT zoning would be a logical extension of the established RT district abutting to the east and would be compatible with the surrounding RM-1 and RD Zoning districts and duplex land use patterns and further May Be Found In Accordance with the Comprehensive Plan.

Zoning Code Section 11-5-4.B.1.a provides:

“Notice of a proposed RM-2 rezoning shall confer jurisdiction on the planning commission and city council to consider and act upon RM-2, RM-1, RD, RS-3, RS-2, RS-1 and RE, or combinations thereof, in the disposition of the application, and in like manner, notice of any R district, including RMH, shall confer jurisdiction to consider any less dense R district, except RMH.” (emphasis added)

RT zoning is a lesser-density district than the requested RM-1 district.

Staff Recommendation. Using the flexibility afforded in Zoning Code Section 11-5-4.B.1.a, Staff recommends approval of RT zoning.

Chair Thomas Holland clarified with Erik Enyart his recommendation for RT zoning versus the RM-1 zoning requested. Mr. Enyart stated that the Zoning Code provides that, [within the district type category,] anything less intense than the district requested may be considered. Mr. Enyart stated that RT zoning was less intense, would still allow for the duplex, and was preferable [from a zoning policy standpoint].

Chair Thomas Holland noted that the duplexes to the east and those across Breckenridge Ave. were 100% brick, and expressed concern that there was nothing spelled out in the application as far as what would be built.

Applicant Ronnie Davis arrived around this time at 6:13 PM.

Chair Thomas Holland asked Ronnie Davis if the duplex would be 100% brick, and Mr. Davis confirmed it would be.

Chair Thomas Holland asked if this was in a Corridor Appearance District, and Erik Enyart stated it was in the Central Business District, and that masonry was already required on the front and all elevations facing a Public street. Mr. Holland asked if it would be possible to require 100% masonry, and Mr. Enyart responded that this could only be done with a PUD. Ronnie Davis stated, "I'm a bricklayer," and stated that it would be easy for him to do 100% brick.

There being no further discussion, Lance Whisman made a MOTION to RECOMMEND APPROVAL of RT zoning as recommended by Staff. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Baldwin, and Whisman
NAY: None.
ABSTAIN: None.
MOTION PASSED: 3:0:0

John Benjamin in around this time at 6:15 PM. Mr. Benjamin arrived too late to be included in the Roll Call for the previous item.

3. **PUD 84 – “Sheridan Cottages” – Haynes Reynolds for 118th & Sheridan, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for “Sheridan Cottages” for approximately 8 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.
Property Located: 11909 and/or 11919 S. Sheridan Rd.

4. **BZ-373 – Haynes Reynolds for 118th & Sheridan, LLC.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RS-2 Residential Single Family District for approximately 8 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.
Property located: 11909 and/or 11919 S. Sheridan Rd.

Chair Thomas Holland introduced Agenda Item #s 3 and 4 and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, April 16, 2014
RE: Report and Recommendations for:

PUD 84 – “Sheridan Cottages” – Haynes Reynolds for 118th & Sheridan, LLC &
BZ-373 – Haynes Reynolds for 118th & Sheridan, LLC

LOCATION: – 11909 and/or 11919 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: 8 acres, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Vacant/wooded

REQUESTED ZONING: RS-2 Single-Family Dwelling District & PUD 84

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: RS-2 & RS-2/PUD 82; Rural residential on unplatted tracts to the north and northeast recently rezoned to RS-2 with PUD 82 (“Somerset”) for a future single-family housing addition development, and further north, single family residential in The Estates of Graystone and other Graystone subdivisions zoned RS-2.

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: RS-2/PUD 82 & AG; Rural residential 10-acre unplatted tract recently rezoned to RS-2 with PUD 82 (“Somerset”) for a future single-family housing addition development, and further east, AG zoning including 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: (Across Sheridan Rd. in Tulsa) AG, RS-1, & RS-3/CS/PUD 759; Unplatted residential estate acreages zoned AG and RS-1, and 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: Medium/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES:

BZ-67 – Charles Cousins – Request for rezoning from AG to CS for a 4.4-acre area of subject property – 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 subject property– 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 subject property – BOA Approved for 6 months 12/09/1985.

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 for subject property – 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.

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

BBOA-147 – J.L. Shimp – Request for Special Exception approval to allow a mobile home in an AG District on approximately 8 acres abutting subject property to the north at 11803 and 11809 S. Sheridan Rd. – 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 approximately 8 acres abutting subject property to the north at 11803 and 11809 S. Sheridan Rd. – BOA Conditionally Approved 03/10/1986.

BZ-208 – D. Lindsay Perkins/Graystone Development, LLC – Request for rezoning from AG to RS-2 for approximately 120 acres to the north of subject property (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 to the north of subject property – 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 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 south of subject property across 121st St. S. – PC Recommended Approval 04/18/2011 and City Council Approved 05/09/2011 (Ord. # 2056).

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 for 18 acres abutting subject property to the north and east – PC recommended Conditional Approval 02/18/2014, with the exception of abutting access provision recommendations from Staff. City Council Conditionally Approved the applications with Staff’s recommendations on abutting access provision, “subject to a[n] application for waiver of subdivision regulations,” on 02/24/2014 and Tabled ordinance approval items. Upon receipt of final version of PUD as Conditionally Approved the previous month, City Council Approved ordinance items approving both applications 03/24/2014 (Ord. # 2128).

Modification/Waiver (PUD 82) – JR Donelson, Inc. for Kowen Properties, LLC – 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 the approximately 18-acre “Somerset” development property abutting subject property to the north and east – PC recommended Partial Approval to allow the proposed 20’ Emergency Access Drive Easement to the subject property, with the location to be determined by the involved private parties 03/17/2014 and City Council Partially Approved as recommended 03/24/2014.

BACKGROUND INFORMATION:

The subject property 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 owner has also acknowledged 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 did the owner consent to having the

Zoning Map corrected. Insufficient access was reportedly an objection raised to the approval of this development, perhaps causing, in part, the failure of the PUD's approval. See the Access and Internal Circulation section of this report for analysis on how this property and the adjoining 18-acre "Somerset" development property are related.

ANALYSIS:

Subject Property Conditions. *The subject property of approximately 8 acres is zoned AG and is vacant and heavily wooded. It has approximately 425' of frontage on Sheridan Rd.*

The subject property slopes moderately downward to the south. The development is proposed to ultimately drain to the Tulsa County "wetland mitigation" area located a few blocks to the southeast across 121st St. S. As previously noted by the City Engineer in regard to PUD 82, Tulsa County approval must be secured. It may drain through stormsewers to be constructed in the "Somerset" development property abutting to the north and east.

The subject property is presently served by the critical utilities (water, sewer, electric, etc.), or otherwise will be served by line extensions through the "Somerset" development property abutting to the north and east.

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

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

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

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

General. *The PUD proposes a single-family residential subdivision development with a maximum of 26 lots. The submitted site plan exhibits a suburban-style subdivision design, with 23 single-family residential lots. Minimum lot widths would be 65'. Per the site plan, the typical (non-cul-de-sac) lots would measure 68' X 125' (8,500 square feet; 0.20 acres) and there are 12 relatively large lots arranged around two (2) cul-de-sac streets[, 67th and 68th E. Aves.]*

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

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

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

The Technical Advisory Committee (TAC) discussed PUD 84 at its regular meeting held April 02, 2014. Minutes of that meeting are attached to this report.

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

"Primary access into the Sheridan Cottages development will be provided from South Sheridan Road, via a gated entry - no other vehicular access will be allowed into the site from South Sheridan Road. Vehicular circulation inside Sheridan Cottages will be by means of a gated, private street system. Internal pedestrian circulation will be provided by an internal sidewalk system. Sidewalks are not being proposed for the South Sheridan Road frontage, due to the fact that no sidewalks exist, or are planned, for this area to tie into. In addition, it is not anticipated that there will be any sidewalks along this section of South Sheridan Road for the foreseeable future. An Emergency Access Easement is to be provided in the east central portion of the project site and will abut the Somerset residential subdivision."

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

The City has received, for Planning Commission consideration on May 19, 2014, an application for Preliminary Plat approval for "Somerset" abutting the subject property to the east. The draft plat proposes a 20'-wide "Reserve A" roughly corresponding to the 25'-wide "Emergency Access Easement" point of connection proposed by this PUD 84. This new subdivision layout should be incorporated into the site plans for this PUD 84. The "Somerset" side is consistent with PUD 82 and the Modification/Waiver requested and Partially Approved in March, 2014. The "Sheridan Cottages" side will need to be addressed within the PUD, such as by stating that the development's proposed 25'-wide "Emergency Access Easement" is subject to the approval of a future request for Modification/Waiver of the stub-out street requirement of the Subdivision Regulations, and that representation of this easement arrangement at this time will not prejudice the outcome of such future request. This would cover the possibility that "Sheridan Cottages" is platted prior to the "Somerset" development as presently designed. The details of the connection between the two (2) developments will need to be coordinated.

PUD 84 does not indicate proposed access to the three (3) unplatted parcels abutting to the south. The City of Bixby has the responsibility to ensure that development properties are not hampered by lack of planning and access provision when abutting properties are developed. Avoiding the stub-out requirement would require a Waiver of the Subdivision Regulations. The PUD Text should state, and Exhibits indicate (if/where known), that stub-out street(s) or other acceptable forms of access will be provided to the three (3) unplatted parcels abutting to the south if and as required by the City of Bixby during the platting of the subject property. The Text may observe that these parcels are designated, almost entirely, Medium Intensity on the Comprehensive Plan, and so may not be appropriate to provide access to if developed non-residentially.

The PUD Text expresses intent to not provide the required sidewalk along Sheridan Rd. This would require a Modification/Waiver of the Subdivision Regulations, which Staff would not be able to support. The sidewalk-related language should be changed to specify that this sidewalk shall be constructed by the subdivision developer, or otherwise will be subject to a request for Modification/Waiver, which Staff would only support if it were adequately mitigated, such as by payment of a fee-in-lieu of sidewalk construction along Sheridan Rd., such that monies in proportion to sidewalk construction along Sheridan Rd. are collected and placed in escrow for sidewalk construction in other locations within Bixby, to be determined as prioritized by capital improvements planning.

The exhibits indicate a proposed 50' dedication for Sheridan Rd. as required.

Development Quality / Requested Flexibility. Certain flexibility is requested by this PUD from RS-2 bulk and area standards, including 65' minimum lot widths (vs. 75'), 8,250 square feet minimum lot areas (vs. 9,000 s.f.), and reductions in certain setbacks. As suggested by Staff, in exchange for these special benefits conferred upon the development by this PUD, the PUD should propose minimum standards pertaining to quality.

Similar to PUD 82 "Somerset," this PUD proposes a 75% minimum masonry requirement for houses, excluding doors and windows, but allows the development's "Architectural Review Committee" to Waive this requirement, provided it "perceives that the materials being proposed to be of equal or greater value than an equivalent masonry product." This private entity Waiver option is in apparent conflict with the City of Bixby's responsibility to enforce PUD standards.

Recognizing the recentness, adjacency, and similarity of the two (2) developments, at a minimum, standards for quality should be consistent with what was proposed and approved in PUD 82 "Somerset." This would mean the removal of the ability for the development's "Architectural Review Committee" to waive PUD standards.

To aid the City in enforcement of the 75% masonry standard, it should be qualified as to how it is measured (compared to grade, stemwall, first floor top plate, and/or top plate of uppermost story, etc.).

The PUD also provides, "There are a large number of mature trees located on the project site and realizing the amenity and aesthetic value of these trees, it is intended that these trees will be retained wherever possible. The goal will be the maintenance of trees with a minimum caliper of 8 inches or greater, that are not located in the following areas – building envelopes, roadways, driveways and utility easements." This expresses intent to enhance the development quality by mature tree preservation and provides a measureable standard. This does not make tree preservation mandatory or subject to City of Bixby enforcement, but these additional measures were not proposed or approved with PUD 82.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, RS-2, RS-3, RS-1, and CS. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

Rural residential land occupies unplatted tracts to the north and northeast, which tracts were recently rezoned to RS-2 with PUD 82 ("Somerset") for a future single-family housing addition development. Further north is single family residential in The Estates of Graystone zoned RS-2. The RS-2 district there is approximately 150 acres and contains the proposed "Somerset," all of the "Graystone" subdivisions, and part of the Fry Creek Ditch # 2 right-of-way to the east of them.

Across Sheridan Rd. to the west are vacant/wooded and unplatted residential estate acreages zoned AG and RS-1 in the City of Tulsa. To the southwest are residential and commercial lots, homes, and businesses zoned RS-3 and CS with PUD 759 in Crestwood Village, all in the City of Tulsa. The typical residential lot in Crestwood Village appears to measure 60' X 120' (7,200 square feet / 0.165 acres).

Abutting the subject property to the south are three (3) smaller unplatted parcels zoned AG. The westernmost parcel contains a large pond.

Across 121st St. S. to the south are vacant commercial lots and a 2-story office building at 6810 E. 121st St. S. zoned CS, and vacant residential lots and new houses zoned RS-2, all in WoodMere in PUD 53. At the northwest corner of WoodMere are four (4) lots zoned CS and OL with PUD 53-A. To the southeast 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.

To the east is a rural residential 10-acre unplatted tract recently rezoned to RS-2 with PUD 82 ("Somerset") for a future single-family housing addition development. Further east is AG zoning including 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.

RS-2 zoning would be consistent with surrounding RS-2 zoning patterns and recent and immediate-area precedent: 18-acre "Somerset" development abutting to the north and east, the 142-acres of "Graystone" subdivisions and adjacent Fry Creek # 2 right-of-way to the north, and WoodMere to the south. RS-2 would also allow for the density proposed by this development, at least 32 lots, far more than the 26 proposed and 23 indicated on the site plans.

For all the reasons outlined above, Staff believes that RS-2 zoning and PUD 84 are both consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

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

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

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

- A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;
- B. Permit flexibility within the development to best utilize the unique physical features of the particular site;
- C. Provide and preserve meaningful open space; and

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

Subject to certain design issues being resolved as recommended herein, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-71-8.C are met in this application.

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

1. The approval of RS-2 zoning is subject to the final approval of PUD 84 and vice-versa.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item will be addressed by the section in the PUD Text entitled "Standard Requirements."
3. Subject to City Engineer and/or County Engineer curb cut approval for the proposed street intersection with Sheridan Rd., and the Fire Marshal's approval of locations, spacing, widths, and curb return radii. This item will be addressed by the section in the PUD Text entitled "Standard Requirements."
4. Section I Development Concept; Third Paragraph: Please clarify and provide flexibility such as, "...An Emergency Access drive, not less than 20' in paving width, will be constructed within an Easement ~~is to be provided~~ in the east central portion of the project site and will ~~abut~~ connect to the Somerset residential subdivision. Alternatively, a private street may be constructed connecting the two additions."
5. Section I Development Concept; First Paragraph: The subject property's legal description is essentially 425' X 825' (350,625 square feet), but it is reported here to be 7.5137 acres. Please correct or advise.
6. Section I Development Concept; Third Paragraph: Text should state that the development's proposed 25'-wide "Emergency Access Easement" is subject to the approval of a future request for Modification/Waiver of the stub-out street requirement of the Subdivision Regulations, and that representation of this easement arrangement at this time will not prejudice the outcome of such future request.
7. Section I Development Concept; Third Paragraph: Text should state that stub-out street(s) or other acceptable forms of access will be provided to the three (3) unplatted parcels abutting to the south if and as required by the City of Bixby during the platting of the subject property.
8. Section I Development Concept; Third Paragraph: Staff cannot support a future unmitigated Modification/Waiver of the Subdivision Regulations requirement to provide a sidewalk along Sheridan Rd. Please replace related text with acknowledgement of sidewalk construction requirement or otherwise with the mitigation that will be offered, with Staff concurrence, in support of a request for Modification/Waiver when the plat application is filed. See related analysis in this report.
9. Section I Development Concept; Third Paragraph: Occurrence of "undo" in lieu of "undue," as presumed intended.
10. Section II Statistical Summary: The subject property's legal description is essentially 425' X 825' (350,625 square feet), but it is reported here to be 7.5137 acres. Please correct or advise.
11. Section II Statistical Summary / Section III Development Standards: Exhibit A represents only 23 lots. Consider reducing maximum proposed lots from 26 to 23 and density to 2.875 units per acre.
12. Section III Development Standards: One-Asterisk (*) text: Please specify Lot 13 requires only 30' of frontage on the private street, and the lot width is measured recognizing the north line as the front lot line.
13. Section III Development Standards: Recognizing the recentness, adjacency, and similarity of the two (2) developments, in exchange for these special benefits conferred upon the development by this PUD, at a minimum, standards for quality should be consistent with what was proposed and approved in PUD 82 "Somerset." This would mean the removal of the ability for the development's "Architectural Review Committee" to waive PUD standards.
14. Section III Development Standards: The 75% minimum masonry standard should be qualified as to how it is measured (compared to grade, stemwall, first floor top plate, and/or top plate of uppermost story, etc.).

15. *Landscaping and Screening: Since screening is not required, consider retitling appropriately in consideration of scope of text.*
16. *PUD Text: Missing legal description.*
17. *Section V Signage: Signage may be expected for the development entrance. Consider discussing here if known and if dimensional qualities would exceed Zoning Code standards for same. Such text should describe if Reserve Area or easement would be employed for common features. Such signage location(s) should be identified on Exhibit A.*
18. *PUD Text / Exhibits: PUD does not describe plans for utilities in any great detail. Please enhance appropriately.*
19. *PUD Text / Exhibits: PUD does not describe access or internal circulation in any great detail. Please enhance appropriately. At a minimum, relevant text should specify that Limits of No Access (LNA) will be imposed along the Sheridan Rd. frontage, and the same should be represented on Exhibit A.*
20. *Zoning Code Section 11-7I-8.B.2 requires soils and slope analyses. This is a minimum requirement for PUDs per the Zoning Code. Slope analysis provided on Exhibit C as required, and existing text discusses soil drainage and development suitability, but does not specify soil types.*
21. *PUD Exhibits: Does not show stub-out street or otherwise access provisions to the three (3) unplatted properties abutting to the south. See related analysis in this report.*
22. *PUD Exhibits: Planned fence and/or Fence/Landscape Easement should be represented on the site plans. The same can be further qualified as "conceptual" or "typical" if/as needed.*
23. *PUD Exhibits: Missing customary aerial map.*
24. *Exhibit A: Proposed gate(s) not represented. The same can be further qualified as "conceptual" or "typical" if/as needed.*
25. *Exhibit A: Please dimension east lines of Lots 5 and 18, and north lines of Lots 4 and 10.*
26. *Exhibit A: 175' dimension on Lot 13 does not appear to correspond mathematically with 125' lot depth + 30' private street "ROW." Please resolve or advise.*
27. *Exhibit A: Please qualify as "proposed" the "Somerset" label as represented.*
28. *Exhibit A: Please update with latest version of "Somerset" as represented, to include the proposed access point from that side.*
29. *Exhibit A: Does not represent sidewalks along Sheridan Rd. or internally. Due to 30' rights-of-way, sidewalk easements or widened rights-of-way will be necessary internally. Please address here and/or in Text.*
30. *Exhibit A: Street alignments would line up nearly precisely with 120th Street South and 66th and 67th East Avenues. The latter two (2) are represented on the draft Preliminary Plat of "Somerset," and they align nearly exactly in the two (2) developments. These can be added if agreeable to all.*
31. *Exhibit A Location Map: Cites 23 lots. This is acceptable as long as 23 lots is made the maximum lot yield in Development Standards.*
32. *Exhibits B, C, and D Location Map: Cite 16 lots in error.*
33. *Exhibit D: Please update with current zoning for area represented, including PUDs.*
34. *Exhibit D: Zoning Code Section 11-7I-8.B.1. g requires "Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed." Exhibit D "Surrounding Zoning and Land Use" does not represent surrounding land uses – please address appropriately.*
35. *For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.*

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

Chair Thomas Holland recognized Applicant Haynes Reynolds of 1805 N. York St., Muskogee, from the Sign-In Sheet. Mr. Reynolds asked about the rationale for certain Staff recommendations, such as access provision to the lots along 121st St. S., those pertaining to a masonry standard, etc. Haynes Reynolds described a scenario under which he would like to have an “architectural review board” have authority to Waive the masonry requirement. Erik Enyart noted that the “architectural review board” was essentially the developer, and stated that it was awkward to have a 75% masonry standard in the PUD, which was the City of Bixby’s responsibility to enforce, but yet allow a third-party private entity have the authority to Waive PUD standards. Mr. Enyart stated that this was a conflict.

Discussion ensued regarding masonry requirements in Bixby. Erik Enyart noted that this was fairly new territory, and gave a historical context, stating that, in one particular residential PUD in 2012, the City Council essentially said, “in return for the flexibility” to reduce the lot widths, it wanted certain standards for quality added to the PUD: a minimum house size and 100% masonry up to the top plate. Mr. Enyart stated that, in a couple of PUDs since also asking for bulk and area flexibility, the developers proposed their own versions of these standards, which were found acceptable [for them in their contexts].

Haynes Reynolds referred to recommendations # 13 and 14, and asked Erik Enyart to tell him what Mr. Enyart wanted for # 14

[“14. Section III Development Standards: The 75% minimum masonry standard should be qualified as to how it is measured (compared to grade, stemwall, first floor top plate, and/or top plate of uppermost story, etc.).”].

Erik Enyart responded that this item asked that the Applicant should clarify how this was to be measured, for purposes of City of Bixby permitting review.

Discussion ensued regarding architectural elements, how defined and measured, how addressed for two (2) story houses, etc.

Jeff Baldwin confirmed with Erik Enyart that recommendation # 21 covered the requirement to provide access to the properties abutting to the south. Mr. Enyart noted that # 21 dealt with the PUD Exhibits and # 7 dealt with the PUD Text.

Upon a question, Erik Enyart stated that recommendation # 1 “resolves itself” when the rezoning and PUD are approved together.

Haynes Reynolds stated that, due to the number of issues to be resolved, he would recommend his applications be Continued to the next Regular Meeting.

John Benjamin made a MOTION to CONTINUE PUD 84 and BZ-373 to the May 19, 2014 Regular Meeting. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

5. **Final Plat of “Willow Creek I” – Rosenbaum Consulting, LLC (PUD 78).** Discussion and consideration of a Final Plat and certain Modifications/Waivers for “Willow Creek I” for 43.964 acres in part of the NE/4 of Section 12, T17N, R13E.
Property Located: South and west of the intersection of 131st St. S. and Mingo Rd.
-

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, April 15, 2014
RE: Report and Recommendations for:
Final Plat of Willow Creek I (PUD 78)

LOCATION: – South and west of the intersection of 131st St. S. and Mingo Rd.

– Part of the NE/4 of Section 12, T17N, R13E

LOT SIZE: – 104.78 acres, more or less (parent tracts)

– 43.964 acres, more or less (plat area)

EXISTING ZONING: – RS-3 Residential Single Family District

– RM-2 Residential Multifamily District

SUPPLEMENTAL – Corridor Appearance District (300’ south from centerline of

ZONING: 131st St. S.

– PUD 78

EXISTING USE: Agricultural

REQUEST: Final Plat approval for a 111-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

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

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

East: CS & AG; The Faith Temple Assembly church, agricultural land zoned CS, and, across Mingo Rd.: AAA Landscaping, the former Four Seasons Lawn Care business (now owned by the City of Bixby for Haikey Creek Flood Improvement Project channel right-of-way), agricultural land, and a cell tower, all in unincorporated Tulsa County.

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

COMPREHENSIVE PLAN:

(1) Medium Intensity + Residential

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

(3) Medium Intensity + Commercial Area

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

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

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

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

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

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

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

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

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

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

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

PUD 78 – Willow Creek – Rosenbaum Consulting, LLC – Request for PUD approval for parent tract subject property – PC Recommended Conditional Approval 05/02/2013 and City Council Conditionally Approved 05/13/2013 (Ord. # 2120 approving PUD approved 09/23/2013 upon receipt of the “Final As Approved” PUD on 09/11/2013).

Preliminary Plat of Willow Creek – Rosenbaum Consulting, LLC – Request for Preliminary Plat approval for a 291-lot residential subdivision for parent tract subject property – PC Recommended Conditional Approval 05/02/2013 and City Council Conditionally Approved 05/13/2013.

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

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

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

BACKGROUND INFORMATION:

The parent tract subject property was approved for a Preliminary Plat (and Modification/Waiver of the 300’ maximum cul-de-sac/dead end street standard, to allow cul-de-sacs in the 350’ range based on

local precedent) for a 254-lot development in 2008. The Planning Commission recommended Conditional Approval of the Preliminary Plat on 05/19/2008 and City Council Conditionally Approved it 05/27/2009.

As part of a series of Lot-Splits reallocating ownership patterns, the parent tract subject property acquired approximately two (2) acres on the west side of the "Twin Hills Creek" / "Old Fry Creek" in exchange for approximately 2.33 acres on the east side of the same. Per an older rezoning case, (BZ-236 – Faith Temple Assembly, Inc., 1998), the approximately two (2) acres retains RM-2 zoning.

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

The property ownership has since changed. The new owner has proposed was approved for PUD 78 and a new Preliminary Plat for a 291-lot development in May, 2013. PUD 78 provides for the RS-3 65' minimum lot widths to be reduced to 60', which allows for the increase in the number of lots as compared to the previous plat proposal.

With the Preliminary Plat approval in 2013, the City Council re/approved the following Modifications/Waivers:

1. Modification/Waiver from 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F, including an additional number of such lots exceeding this ratio due to lot narrowing per PUD 78.
2. Modification/Waiver from the 300' maximum length standard of Subdivision Regulations Section 3.2.20, which the City Council first approved with Planning Commission's favorable recommendation when the Preliminary Plat was first approved in 2008. This Modification/Waiver applied to "Street Alignment C," at approximately 320' in length, and "Street Alignment J," at approximately 348' in length, based on the local precedent for streets in the 350' range in Blue Ridge II. These street alignments are now/should be known as 91st E. Ave. and 134th St. S., respectively. As of the 2009 redesign, all of the streets are in compliance with the approved Modification/Waiver, which was recognized (with the 2013 approval) as still in effect for that marginally-revised Preliminary Plat. 134th St. S. was shortened to 348' and 91st E. Ave. has been shortened to less than 300'.

This Final Plat is for the first phase of the "Willow Creek" subdivision, to be known as "Willow Creek I." This first phase appears nearly identical to the 291-lot layout conditionally approved in 2013, but has realigned the 93rd E. Ave. collector road where it intersects 131st St. S., and has conversions between lots and Reserve Areas at Reserve A at the 93rd E. Ave. collector road and Reserve D "Community Pool and Clubhouse." This is a new feature not indicated with the 2013 redesign, but PUD 78 provides for this Use Unit 5 use.

ANALYSIS:

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

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

Although the Haikey Creek Flood Improvement project may affect the floodplain situation, the subject property currently contains substantial areas of 100-year (1% Annual Chance) Regulatory Floodplain.

Per the City Engineer, any development of the subject property must coordinate with the Haikey Creek engineering design plans.

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

General. *This subdivision of 43.964 acres, more or less, proposes 111 lots, four (4) blocks (however, due to Reserve "C" completely separating parts of Block 3, a fifth block number must be generated per the City Council's Conditions of Approval of the Preliminary Plat), and five (5) Reserve areas. Typical lots in this first phase appear to be 60' X 125' (7,500 square feet), to 60' X 130' (7,800 square feet), and 70' X 150' (10,500 square feet).*

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

The Technical Advisory Committee (TAC) reviewed this Final Plat on April 02, 2014. The Minutes of the meeting are attached to this report.

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

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

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

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

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

Access. *Primary access to the subdivision would be via one (1) entrance from 131st St. S. and the third via 133rd St. S. through Sun Burst. When the balance of "Willow Creek" is fully developed, the third will be from Mingo Road. There are no other stub-out streets abutting the subject property to connect to. The development will provide stub-out streets to the balance of parent tract subject property (future phases). Otherwise, there are no abutting undeveloped residential parcels to provide new stub-out streets to.*

The Subdivision Regulations do not contain a ratio schedule for the number of required points of access to a subdivision based on the number of lots within it. Recommendations as to adequacy of the three (3) means of ingress and egress in ratio to the number of lots proposed should come from the City Planner, Fire Marshal, and Police Chief, all of whom have expressed that the three (3) should be considered adequate when 254 lots were proposed. All three (3) verbally indicated that the three (3) were still adequate when that number was increased to 276 lots in 2009. Once more, all three (3) indicated that the three (3) were still adequate when that number was increased to 291 lots in 2013.

A Residential Collector Street, at 60' in right-of-way width and 36' in roadway width per Subdivision Regulations standards, is planned to connect 131st St. S. to Mingo Rd.

Subdivision Regulations Section 3.2.20 (Section 12-3-2.T of the codified City Code) has a maximum 300' street length standard, but provides that "longer cul-de-sac designs than stipulated in the engineering design manual may be approved upon the consent of the city staff, including city engineer, fire marshal, police chief, public works director and city planner." For the previous Preliminary Plat, the Fire Marshal, City Planner, City Engineer, and Public Works Director previously agreed that all cul-de-sacs in the 500' range must be connected, but that the two (2) that were in the 350' length range may be allowed based on local precedent. The City Council approved the Modification/Waiver for the cul-de-sacs in the 350' length range as supported by Staff. With the Staff's and Planning Commission's

favorable recommendation, when the Preliminary Plat was first approved in 2008, the City Council approved a Modification/Waiver from this standard to allow one (1) certain street to marginally exceed this distance. This Modification/Waiver applied to “Street Alignment C,” at approximately 320’ in length, and “Street Alignment J,” at approximately 348’ in length, based on the local precedent for streets in the 350’ range in Blue Ridge II. These street alignments are now/should be known as 91st E. Ave. and 134th St. S., respectively. As of the 2013 redesign, all of the streets are in compliance with the approved Modification/Waiver, which was recognized in 2013 as being still in effect. 134th St. S. was shortened to 348’ and it appears that 91st E. Ave. has been shortened to 300’ or less.

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

Conditions of Approval of the Preliminary Plat not yet satisfied with this submittal:

- 1. Per the City Engineer, any development of the subject property must coordinate with the Haikey Creek engineering design plans.*
- 2. Development of the property at this time, and prior to the completion of the Haikey Creek drainage improvement project will result in the requirement to (1) Submit and receive FEMA approval of a Conditional Letter Of Map Revision based on Fill (CLOMR-F), (2) Fill / elevate the property to above the current 100-year Base Flood Elevation (BFE), (3) Provide compensatory storage for the fill / elevation, (6) Submit and receive FEMA approval of a LOMR-F, and (5) provide on-site stormwater detention. Elevating the subject property out of the 100-year floodplain would avoid conflict with the restriction from platting lots within the 100-year floodplain per SRs § 12-3-2.O. The subject property was approved for a CLOMR-F (Case No. 10-06-2013C) per letter from FEMA dated September 09, 2010. The balance of the actions remains to be done.*
- 3. With the revised plat received 05/02/2013, a table was added which reports the length of the cul-de-sac street centerlines from intersection with centerline(s) of connecting streets to the center of the cul-de-sac turnaround, so that street lengths could be determined. As noted at that time, the length reported for 134th Pl. S. is inaccurate and appears to be the product of that part of the street located west of the intersection with 96th E. Ave. Please correct.*
- 4. Lots 1 through 5, inclusive, Block 3, are completely separated from the balance of Block 3 by Reserve Area ‘C.’ Per the definition of “Block” in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.*
- 5. Update Lot, Block, and Reserve number statistics on the first and second pages to add the new block number.*
- 6. Please add proposed addresses to the lots.*
- 7. Per SRs Section 12-4-2.A.5, the Location Map (“Vicinity Map”) must include:*
 - Plat location and configuration (misrepresented as to configuration)*
 - All platted additions represented with the Section:*
 - Henry Fergeson Addition (mislabeled)*
 - Knight Industrial Park (mislabeled)*
 - Southwood South Addition (mislabeled)*
 - Bixby North Mobile Home Park (mislabeled)*
 - Gardenview Addition (mislabeled)*
- 8. Plat missing notes pertaining to monumentation (reference SRs Section 12-1-8).*
- 9. The previous plat’s graphic scale did not appear to correspond to map features. The numeric scale was not checked as its native paper size is not known. With the revised plat received 05/02/2013, the scale was replaced with note “Not To Scale.” The Subdivision Regulations require a scale, and the City Council’s approval conditions required it be restored and corrected. Please restore and correct.*
- 10. Easements represented on the 2009 plat along 131st St. S., “15’ City of Bixby Easement (Book 5428, Page 2167)” and “Report of Commissioners (Case No. 74808)” missing from this plat.*
- 11. All easements of record affecting the subject property must be represented on the plat (SRs Section 12-4-2.B.2, etc.). Please confirm all have been represented.*
- 12. Survey data missing for Reserve E: width of Reserve Area. See details diagram on the 2009 example.*
- 13. Distance missing from south line of Reserve C.*

14. Distance of northernmost east-west lot line in Reserve C (shown on 2009 PP as 7.7'); angle/bearing may also be missing.
 15. Angle/bearing apparently missing from 15' U/E in Lot 11, Block 3.
 16. Angle/bearing missing from Lot 17, Block 3.
 17. Angle/bearing/distance information appears to be missing from several areas throughout the plat. Please review for accuracy.
 18. 134th St. S. in Blue Ridge II mislabeled as represented.
 19. Please correct name of subdivision abutting to the west to Sun Burst as represented.
 20. Text and linework conflicts throughout the plat make reading difficult (e.g. Lots 8, 15, 22, and 23, Block 1, etc.).
 21. Three (3) separate instrument U/Es indicated suggest public U/Es will be dedicated. Please submit at your convenience for City Council acceptance of the public easement dedication(s).
 22. Three (3) separate instrument U/Es indicated: Cite Document # recording reference where instruments are recorded with the Tulsa County Clerk.
 23. DoD/RCs Section I.E: Does not appear to provide for passive recreational uses (such as walking trails) in Reserve Areas, if the Developer is willing to incorporate this design suggestion.
 24. DoD/RCs Section I.I: Does not appear to provide for passive recreational uses (such as walking trails) in Reserve Areas, if the Developer is willing to incorporate this design suggestion.
 25. DoD/RCs Section I.I & I.J: Will these Reserve Areas also be designated Utility Easement?
 26. DoD/RCs Section II.C and II.D: Uses permitted text is in conflict with PUD 78 as approved. Please reconcile.
 27. DoD/RCs Section II.D: As observed with the revised plat received 05/02/2013, lot width qualifying language describes "measured at the building line," whereas the Zoning Code (Section 11-2-1) recognizes lot width as "the average horizontal distance between the side lot lines." Please reconcile with text of PUD 78 as approved.
 28. DoD/RCs Section II.D: Missing minimum house size and percent masonry standards of PUD 78 as approved. Please restore.
 29. Copies of the Preliminary Plat including all corrections, modifications, and Conditions of Approval shall be submitted for placement in the permanent file: 1 full size folded to 8.5" X 11", 1 11" X 17", and 1 electronic (PDF preferred).
- Compared to the Preliminary Plat as approved, a significant amount of information has been removed or altered. Please restore, correct, or explain:
30. Street names as per street name system recommended/approved in 2013 (provided to Applicant 04/03/2013).
 31. 5' Fence and Landscape Easement ("FL/E") missing from along 131st St. S. frontage. Language pertaining to same found in DoD/RCs.
 32. 24.75' Statutory R/W linework and label along 131st St. S.
 33. "15' City of Bixby Easement (Book 5428, Page 2167)" along 131st St. S. linework.
 34. 24.75' Statutory R/W linework and label along Mingo Rd.
 35. 15' U/E along Mingo Rd. linework.
 36. 17.5' U/E through the west end of Reserve A linework.
 37. Lot size information for purposes of reviewing for Zoning Code compliance. As noted in 2013, a schedule may be used in order not to clutter the lots with more text.
 38. Width of 93rd E. Ave. right-of-way at intersection with 131st St. S.
 39. Width of 93rd E. Ave. right-of-way south of intersection with 131st Pl. S.
 40. 10' front-lot U/E label between 92nd and 93rd E. Aves. (text obscures linework between, so this is needed to avoid ambiguity).
 41. Please restore all removed 10' front-lot U/E labels that have been removed for same reason as item above.
 42. Southwood South Addition label for part of subdivision as represented.
 43. Southbridge label for part of subdivision as represented.
 44. Northeast Section corner symbol and survey/monumentation information.
 45. East Quarter Section symbol and survey/monumentation information.
 46. 130'-wide AEP/PSO R/W easement (Book 3600 Page 16) label.
 47. E. 133rd St. S. and S. 87th E. Ave. street names in Sun Burst as represented.
 48. 17.5'-wide U/E within abutting Sun Burst as represented.

Conditions of Approval of this Final Plat:

49. *Subject to the satisfaction of any outstanding Fire Marshal, City Engineer, and City Attorney recommendations.*
50. *"Owner / Developer" block on face of plat, DoD/RCs Preamble, and Owner Signature Block: "Owner / Developer" block on the face of the plat (both), the DoD/RCs preamble, and the Owner Signature Block at the end of the DoD/RCs states "Willow Creek Development, LLC." According to the Tulsa County Assessor's parcel records, most of this phase one ("Willow Creek I") would correspond with a parcel of land belonging to Willow Creek Development, LLC. However, parts of it fall on a parcel the Assessor's Office reflects belongs to K & S Developments, Inc.*

Secondly, the legal description of the land being platted does not differentiate between what part of the underlying land is owned by which property owner name in title. For clear title and tax purposes, Staff believes that each dedicating owner should have their respective legal description specified in the DoD/RCs.

Alternatively, all of this would appear to be reconcilable by conveying that part of the subject property plat area (or the entire balance of the parent tract lying within the NE/4) from "K & S Developments, Inc." to "Willow Creek Development, LLC."

51. *Duplication of angle/bearing between lots in which there is no angle/bearing change causes unnecessary congestion. These redundancies can be removed in accordance with customary platting conventions.*
52. *Lot 34, Block 1 has been extended, but the lot depth dimension has not been updated.*
53. *"Tick marks" identifying points of tangent and points of curvature are missing.*
54. *Angle/bearing apparently missing from 27.70' call for U/E in Reserve C.*
55. *Angle/bearing apparently missing from 38.92' call for along south dead-end of 93rd E. Ave.*
56. *SRs Section 12-3-2.C requires provision for temporary turnarounds at dead-end streets. A temporary cul-de-sac easement is not represented at the south dead-end of 93rd E. Ave., and provisions for same are not found in the DoD/RCs (e.g. providing for their public access, maintenance, defeasibility upon future extension of the street, etc.).*
57. *Consider making the common lot line between Lots 4 and 5, Block 1, coterminous with the south/westerly endpoint of C4 in order to eliminate the 2.35' variance between the south/westerly endpoint of C4 and the common lot corner. It is not clear on which side of the common lot corner the 2.35' variance is located, due to its exceptionally small size and the scale of the plat.*
58. *Consider making the common lot line between Lots 1 and 2, Block 2, coterminous with the north/easterly endpoint of C30 in order to eliminate the 1.5' variance between the north/easterly endpoint of C30 and the common lot corner. It is not clear on which side of the common lot corner the 1.5' variance is located, due to its exceptionally small size and the scale of the plat.*
59. *Please add 131st Pl. S., 132nd Pl. S., and 134th St. S. street name labels to stub-streets as represented.*
60. *Please relocate the Mingo Rd. label more appropriately to within R/W dedication area.*
61. *Please identify intent of 5.92' call along 93rd E. Ave. between C66 and C68.*
62. *Please label and dimension linework along/within south/westerly line of Reserve B.*
63. *Right-of-way dedication for Mingo Rd. frontage of Reserve B needs to be a full 50' width per Subdivision Regulations. Please remember to reconcile with legal description if/as needed.*
64. *Please label right-of-way dedication for Mingo Rd. as "Right-of-way Dedicated by This Plat," or similarly as appropriate.*
65. *Please label muted future phases as "planned future phase(s)," or similarly as appropriate.*
66. *Please remove ambiguity at southwesterly corner area of Reserve D, which has incoming 17.5'- and 15'-wide U/Es, but north-south segment is not labeled as to width.*
67. *Reserve D has a 20' B/L label but no linework. B/L may have been an artifact from when these were to be platted building lots. If B/L is not intended, it may be removed.*
68. *Lot 30, Block 2 was widened, and lots 29 through 25, inclusive, were shifted easterly, but the lot width dimension of Lot 30 was not also updated. Please fix this and confirm all others have been corrected as well.*

69. *Page 2 of the plat is another copy of the plat face at a different scale (sans part of Reserve B). Staff has not compared the two for internal inconsistencies – please check and confirm none exist and reconcile if/as needed.*
70. *C126 was re-used for a significantly different curve on the boundary of a modified Reserve E after the intersection was reconfigured. However, in the Curve Data Table, the curve data for C126 did not change as should be expected. Further, C67 existed with the 2013 plat, but was not found on this plat, but it is still listed in the Table. Please update and reconcile Curve Data Table for any other inconsistencies.*
71. *Deed of Dedication / Restrictive Covenants (DoD/RCs) Preamble: Legal description not reviewed by Staff – other recommendations herein may cause this to need to be amended (e.g. 50' R/W dedication for Mingo Rd.).*
72. *DoD/RCs Preamble: End colon missing after "... (hereinafter the 'Plat')..."*
73. *DoD/RCs: Several instances of reference to formation of HOA in DoD/RCs Section IV. This is now provided in DoD/RCs Section III. Please correct all instances.*
74. *DoD/RCs Owner's Signatory Block & Notary Block: Please update from "March, 2014."*
75. *DoD/RCs Surveyor's Notary Block: Please update from "March, 2014."*
76. *Due to the number of minor errors, Staff advises the Applicant to re-review the plat and Deed of Dedication and Restrictive Covenants and satisfy themselves as to its correctness.*
77. *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.*
78. *Copies of the Final Plat including all corrections, modifications, and Conditions of Approval shall be submitted for placement in the permanent file: 1 full size folded to 8.5" X 11", 1 11" X 17", and 1 electronic (PDF preferred).*

Erik Enyart noted that, of the recommendations, there were “no substantive or design issues.”

Chair Thomas Holland recognized Applicant Barrick Rosenbaum. Mr. Rosenbaum stated that he was “in agreement” with the Staff recommendations, and that all the corrections were “paperwork” issues.

A concern was raised regarding recommendation # 2

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

Erik Enyart stated that the City would withhold signatures from the Final Plat until it was resolved.

Barrick Rosenbaum stated, “Most of the dirtwork is done,” and stated that there would be As-Built surveying done, it would be taken to FEMA, [and then it would be finalized].

Lance Whisman made a MOTION to RECOMMEND APPROVAL of the Final Plat of “Willow Creek I” subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

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

Chair Thomas Holland announced that, pursuant to his discussion with Erik Enyart before the meeting, the Agenda Items would be taken out of order and Agenda Item # 7 would be taken before # 6.

OTHER BUSINESS

- 7. Modification/Waiver – “Wood Hollow Estates” – Sack & Associates, Inc. (PUD 80).**
Discussion and consideration of a request for Modification/Waiver to reduce and/or remove certain portions of the 17.5’ Perimeter Utility Easement as required by Subdivision Regulations Section 12-3-3.A pursuant to Subdivision Regulations Section 12-3-5.B 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.

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, April 16, 2014
RE: Report and Recommendations for:
Modification/Waiver – “Wood Hollow Estates”– Sack & Associates, Inc. (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 ZONING: PUD 80 for “Wood Hollow Estates”

EXISTING USE: Vacant/wooded
REQUEST: Modification/Waiver to reduce and/or remove certain portions of the 17.5’ Perimeter Utility Easement as required by Subdivision Regulations Section 12-3-3.A pursuant to Subdivision Regulations Section 12-3-5.B for “Wood Hollow Estates” (PUD 80)

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 final version of PUD incorporating Staff and PC recommendations 10/28/2013 (Ord. # 2124).

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.

Final Plat of "Wood Hollow Estates" – Sack & Associates, Inc. – Request for approval of a Final Plat and certain Modifications/Waivers for subject property – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014. One of the Conditions of Approval was consistent with the Staff's recommendation to restore the 17.5' Perimeter U/E or otherwise request, justify, and receive approval of a Modification/Waiver and a PUD Minor Amendment for same.

PUD 80 – Wood Hollow Estates – Minor Amendment # 1 – Request for approval of Minor Amendment # 1 to PUD 80 for subject property, which amendment proposes making certain subdivision design modifications pertaining to Utility Easements and making certain other amendments – PC consideration pending 04/21/2014.

BACKGROUND INFORMATION:

On March 17, 2014, the Planning Commission recommended Conditional Approval of the Final Plat of "Wood Hollow Estates." Condition of Approval # 3 as listed in the Staff Report was as follows:

"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."

The Modification/Waiver was not requested until March 21, 2014, and the Planning Commission did not specifically deliberate on or give specific recommendation on the matter on March 17, 2014.

For numerous reasons, the City Staff, the City Engineer and Public Works Director in particular, were not supportive of completely removing the 17.5' Perimeter U/E, as was proposed at the time. Reasons included, but were not necessarily limited to: (1) proposed sewerline along the south side of this development would be located outside of a U/E, (2) proposed sewerline along the east side of this development would not have adequate room for access or maneuverability, (3) sewerline (and possibly other utilities) along the south side of WoodMere would not have adequate room for access or maneuverability, (4) the utility plans for the development had not been approved and could result in the need for additional U/Es, (5) the Modification/Waiver had not gone through the process outlined by the Subdivision Regulations, including the showing of hardship and other prerequisites, had not been deliberated upon or specifically recommended upon by the Planning Commission, and (6) concern for setting a potentially regrettable precedent. For the final reason, City Staff recommended that, if it was to be requested at all, it should also be requested in the form of an amendment to PUD 80, because PUDs provide an environment of greater design flexibility, and each are inherently unique and so do not easily lend themselves to setting potentially regrettable precedents.

At the City Council meeting on March 24, 2014, City Staff recommended, and the City Council Conditionally Approved the Final Plat including the recommended Condition of Approval # 3, with emphasis on the requirement to restore the U/E, unless the Applicant went back through the formal

process outlined in the Subdivision Regulations, with showing of hardship and the other prerequisites for granting Modification/Waiver, and with the Planning Commission specifically deliberating and giving a specific recommendation to the City Council on the matter. That has now occurred and the request is being placed on this Planning Commission agenda for consideration, along with PUD 80 Minor Amendment # 1.

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.

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.

General. Wood Hollow Estates proposes a single-family residential subdivision development with 51 lots, three (3) Blocks, and one (1) Reserve Area: Reserve Area A, the private street system. The subdivision is of conventional design but with exceptionally large lots and private, gated streets and enhanced landscaping and entry features.

The Bixby Subdivision Regulations require providing a 17.5' minimum-width Utility Easement around the perimeters of all subdivisions. This helps ensure the provision of predictably-located, adequately-sized utility corridors that can accommodate most, if not all utilities which may serve the development, including any minimum required separations between utility line types (e.g. electrical lines from natural gaslines from waterlines from sanitary sewerlines, etc., for public safety and sanitary conditions purposes). Further, it helps ensure there is adequate area in which to gain access and to maneuver digging, trenching, and other heavy machinery required to efficiently and economically install, repair, and replace utility lines. Additionally, it ensures abutting developments will not be "landlocked" from utility extensions when they are developed in turn. There are other reasons for this standard as well.

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

"A. Utility Easements: Easements of a minimum width of seventeen and one-half feet (17¹/₂') shall be provided around the perimeter of the subdivision. Easements of a minimum width of eleven feet (11') shall be provided on each side of all rear lot lines and along certain interior lot lines, or width as specified by utility companies." (emphasis added)

With the Final Plat of "Wood Hollow Estates," the 17.5' Perimeter U/E was removed from the north and south sides, and reduced to 11' in width along the east side, which was inconsistent with the cited SRs Section 12-3-2.C.

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)”

This request for Modification/Waiver was submitted within the text of PUD 80 Minor Amendment # 1, also on this agenda for consideration. The request is described and argued for as follows:

“Wood Hollow Estates is approximately 20 acres of heavily wooded tribal land with hundreds of large native trees. With the approval of the preliminary plat and the required clearing for the proposed street area, it totally changed the nature of this development (not for the better). This clearing made a lasting scar on the property that changed the nature of the development. We need to avoid this from happening throughout the development. The utility companies agree to help with this issue by allowing all of the service to be in and adjacent to the private street. This is made possible because the development to the north (WoodMere) exists with utilities in place. Seven Lakes to the south has been engineered and in the process of phase development. For Wood Hollow Estates, the only service in the rear will be the sanitary sewer along the east boundary which will be in an 11’ wide easement. The property to the east is a Tulsa County Mitigation Site that will never be developed. The county has a maintenance road abutting Wood Hollow Estates what could provide access if needed.

This waiver would reduce the normally required easements to the ones that are shown on the provided exhibit. Easements will be provided for the required utilities and save the native trees.”

In other words, the development is designed to have all the utility lines located within and along the sides of the private streets, and so no “rear yard” service provision is planned. The argument appears to be that the utilities will all be in the “fronts” of the lots, and dedicating “rear yard” U/Es will potentially cause such areas to be used in the future, at a loss of the existing native trees and the value they provide.

On April 07, 2014, the Applicant met with the City Engineer and Public Works Director to discuss plans for utilities and U/E needs for the development, and consensus was reached as follows: 7.5’ on the north, 15’ on the east, and 11’ on the south. This would allow for acceptable widths for maneuverability to serve the existing sewerlines (and any other utilities) along the south side of WoodMere, the proposed new sewerlines along the south and east lines of this development, and the 11’ will correspond to the 11’ which will be required from the future phase of “Seven Lakes” when that land is developed. Thus, the requested Modification/Waiver has been amended per email from Ted Sack on April 08, 2014, which specifies these new widths proposed.

The Technical Advisory Committee (TAC) discussed this request at its regular meeting held April 02, 2014. Minutes of that meeting are attached to this report. No non-City of Bixby utility company objections were raised at that time. Outside of the meeting, however, BTC Broadband expressed concern for lack of any Perimeter U/Es (the original request), due to the added expense to serve from the “fronts” of the lots, but in the alternative, requested that the 15’-wide U/Es proposed along the “fronts” be wider, in light of all of the utilities which would be located there. The matter of front-lot easement widths is not covered by this application, and will be addressed through the normal Release Letter process of the Subdivision Regulations.

Staff Recommendation. For all the reasons outlined above, Staff can support the amended request for Modification/Waiver as follows: 7.5’ on the north, 15’ on the east, 11’ on the south, and (as has been proposed all along) 17.5’ on the west.

Chair Thomas Holland clarified with Erik Enyart that the Applicant had gotten together with City Engineering Staff to work out the issues, and all were now in agreement.

Chair Thomas Holland recognized Applicant Ted Sack of Sack & Associates, Inc., Tulsa. Mr. Sack stated that the adjacent subdivisions also [had utilities primarily located in the fronts of the lots], which presented a unique situation that allowed all of the utilities to be brought to the front [in this

development]. Mr. Sack stated that the developer spent time with the builders and [potential lot buyers] and discussed [the front-lot arrangement option], and all agreed it would be preferable to have the [electrical] transformers in the fronts and save the trees, rather than clear them. Mr. Sack stated that this unique situation doesn't apply to most cases. Mr. Sack also noted that this was in a PUD.

Erik Enyart recognized the arguments outlined in the application materials, and added that he would think the preserved trees would provide additional value, and "it could also be said that" more Utility Easement areas on the lots could result in a loss of value.

Ted Sack noted that these are "heavily wooded lots." Mr. Sack reiterated that the developer had taken a poll of potential buyers, [both] homebuilders and residents, and they responded that they very much would prefer the transformers and pedestals in the fronts than lose the trees.

Recognizing the discussion that the Planning Commission had leading up to the vote, Lance Whisman made a MOTION to RECOMMEND APPROVAL of the Partial Modification/Waiver as recommended by Staff as follows: 7.5' on the north, 15' on the east, 11' on the south, and (as has been proposed all along) 17.5' on the west. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

- PUD 80 – Wood Hollow Estates – Minor Amendment # 1.** Discussion and possible action to approve Minor Amendment # 1 to PUD 80 for approximately 20 acres, the S/2 of Government Lot 4 (NW/4 NW/4) of Section 02, T17N, R13E, which amendment proposes making certain subdivision design modifications pertaining to Utility Easements and making certain other amendments.
Property Located: 12307 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: Wednesday, April 16, 2014
RE: Report and Recommendations for:
PUD 80 – Wood Hollow Estates – Minor Amendment # 1

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 ZONING: PUD 80 for "Wood Hollow Estates"

EXISTING USE: Vacant/wooded
REQUEST: Minor Amendment to PUD 80, which amendment proposes making certain subdivision design modifications pertaining to Utility Easements and making certain other amendments

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: Corridor + 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 final version of PUD incorporating Staff and PC recommendations 10/28/2013 (Ord. # 2124).

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.

Final Plat of “Wood Hollow Estates” – Sack & Associates, Inc. – Request for approval of a Final Plat and certain Modifications/Waivers for subject property – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014. One of the Conditions of Approval was consistent with the Staff’s recommendation to restore the 17.5’ Perimeter U/E or otherwise request, justify, and receive approval of a Modification/Waiver and a PUD Minor Amendment for same.

Modification/Waiver – “Wood Hollow Estates” – Sack & Associates, Inc. (PUD 80) – Request for Modification/Waiver to reduce and/or remove certain portions of the 17.5’ Perimeter Utility Easement as required by Subdivision Regulations Section 12-3-3.A pursuant to Subdivision Regulations Section 12-3-5.B for subject property – Pending PC consideration 04/21/2014.

BACKGROUND INFORMATION:

On March 17, 2014, the Planning Commission recommended Conditional Approval of the Final Plat of “Wood Hollow Estates.” Condition of Approval # 3 as listed in the Staff Report was as follows:

“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.”

The Modification/Waiver was not requested until March 21, 2014, and the Planning Commission did not specifically deliberate on or give specific recommendation on the matter on March 17, 2014.

For numerous reasons, the City Staff, the City Engineer and Public Works Director in particular, were not supportive of completely removing the 17.5’ Perimeter U/E, as was proposed at the time. Reasons included, but were not necessarily limited to: (1) proposed sewerline along the south side of this development would be located outside of a U/E, (2) proposed sewerline along the east side of this development would not have adequate room for access or maneuverability, (3) sewerline (and possibly other utilities) along the south side of WoodMere would not have adequate room for access or maneuverability, (4) the utility plans for the development had not been approved and could result in the need for additional U/Es, (5) the Modification/Waiver had not gone through the process outlined by the

Subdivision Regulations, including the showing of hardship and other prerequisites, had not been deliberated upon or specifically recommended upon by the Planning Commission, and (6) concern for setting a potentially regrettable precedent. For the final reason, City Staff recommended that, if it was to be requested at all, it should also be requested in the form of an amendment to PUD 80, because PUDs provide an environment of greater design flexibility, and each are inherently unique and so do not easily lend themselves to setting potentially regrettable precedents.

At the City Council meeting on March 24, 2014, City Staff recommended, and the City Council Conditionally Approved the Final Plat including the recommended Condition of Approval # 3, with emphasis on the requirement to restore the U/E, unless the Applicant went back through the formal process outlined in the Subdivision Regulations, with showing of hardship and the other prerequisites for granting Modification/Waiver, and with the Planning Commission specifically deliberating and giving a specific recommendation to the City Council on the matter. That has now occurred and the request is being placed on this Planning Commission agenda for consideration, along with this PUD 80 Minor Amendment # 1.

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.

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.

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 the existing RS-3 zoning. Thus, the single-family residential subdivision anticipated by the plat of “Wood Hollow Estates” should be consistent with the Comprehensive Plan.

Due to the relatively limited scope of proposed changes, the proposed PUD 80 Minor Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

General. Wood Hollow Estates proposes a single-family residential subdivision development with 51 lots, three (3) Blocks, and one (1) Reserve Area: Reserve Area A, the private street system. The subdivision is of conventional design but with exceptionally large lots and private, gated streets and enhanced landscaping and entry features.

The Bixby Subdivision Regulations require providing a 17.5’ minimum-width Utility Easement around the perimeters of all subdivisions. This helps ensure the provision of predictably-located, adequately-sized utility corridors that can accommodate most, if not all utilities which may serve the development, including any minimum required separations between utility line types (e.g. electrical lines from natural gaslines from waterlines from sanitary sewerlines, etc., for public safety and sanitary conditions purposes). Further, it helps ensure there is adequate area in which to gain access and to maneuver digging, trenching, and other heavy machinery required to efficiently and economically install, repair, and replace utility lines. Additionally, it ensures abutting developments will not be “landlocked” from utility extensions when they are developed in turn. There are other reasons for this standard as well.

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

“A. Utility Easements: Easements of a minimum width of seventeen and one-half feet (17½') shall be provided around the perimeter of the subdivision. Easements of a minimum width of eleven feet (11') shall be provided on each side of all rear lot lines and along certain interior lot lines, or width as specified by utility companies.” (emphasis added)

With the Final Plat of “Wood Hollow Estates,” the 17.5' Perimeter U/E was removed from the north and south sides, and reduced to 11' in width along the east side, which was inconsistent with the cited SRs Section 12-3-2.C.

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)”

This request for Modification/Waiver was submitted within the text of PUD 80 Minor Amendment # 1. The request is described and argued for as follows:

“Wood Hollow Estates is approximately 20 acres of heavily wooded tribal land with hundreds of large native trees. With the approval of the preliminary plat and the required clearing for the proposed street area, it totally changed the nature of this development (not for the better). This clearing made a lasting scar on the property that changed the nature of the development. We need to avoid this from happening throughout the development. The utility companies agree to help with this issue by allowing all of the service to be in and adjacent to the private street. This is made possible because the development to the north (WoodMere) exists with utilities in place. Seven Lakes to the south has been engineered and in the process of phase development. For Wood Hollow Estates, the only service in the rear will be the sanitary sewer along the east boundary which will be in an 11' wide easement. The property to the east is a Tulsa County Mitigation Site that will never be developed. The county has a maintenance road abutting Wood Hollow Estates what could provide access if needed.

This waiver would reduce the normally required easements to the ones that are shown on the provided exhibit. Easements will be provided for the required utilities and save the native trees.”

In other words, the development is designed to have all the utility lines located within and along the sides of the private streets, and so no “rear yard” service provision is planned. The argument appears to be that the utilities will all be in the “fronts” of the lots, and dedicating “rear yard” U/Es will potentially cause such areas to be used in the future, at a loss of the existing native trees and the value they provide.

On April 07, 2014, the Applicant met with the City Engineer and Public Works Director to discuss plans for utilities and U/E needs for the development, and consensus was reached as follows: 7.5' on the north, 15' on the east, and 11' on the south. This would allow for acceptable widths for maneuverability to serve the existing sewerlines (and any other utilities) along the south side of WoodMere, the proposed new sewerlines along the south and east lines of this development, and the 11' will correspond to the 11' which will be required from the future phase of "Seven Lakes" when that land is developed. Thus, the requested Modification/Waiver has been amended per email from Ted Sack on April 08, 2014, which specifies these new widths proposed.

The Technical Advisory Committee (TAC) discussed this request at its regular meeting held April 02, 2014. Minutes of that meeting are attached to this report. No non-City of Bixby utility company objections were raised at that time. Outside of the meeting, however, BTC Broadband expressed concern for lack of any Perimeter U/Es (the original request), due to the added expense to serve from the "fronts" of the lots, but in the alternative, requested that the 15'-wide U/Es proposed along the "fronts" be wider, in light of all of the utilities which would be located there. The matter of front-lot easement widths is not covered by this application, and will be addressed through the normal Release Letter process of the Subdivision Regulations.

By email on April 11, 2014, this Minor Amendment # 1 was modified to:

- (1) Increase the alternate side yard setback from 5' to 10', and
- (2) Require a three-car garage and three (3) additional off-street parking spaces per dwelling unit.

Since these were added after the TAC meeting, the TAC did not specifically see or make recommendations on them. However, such changes are minor and are unlikely to elicit objections from the TAC utility company providers. Approving these changes will allow the PUD covenants of the Final Plat to be amended to incorporate the changes the developer wants to make, prior to the Final Plat being recorded.

Recognizing matters of preventing precedent, City Staff recommendations, and City Council approval circumstances, Staff recommends this Minor Amendment must also be approved by the City Council.

Access & Circulation. See Staff Report for the Final Plat of Wood Hollow Estates.

Surrounding Zoning and Land Use. See summary hereinabove.

Staff Recommendation. For all the reasons outlined above, Staff recommends Approval subject to the following corrections, modifications, and Conditions of Approval:

1. Reduced Perimeter U/E widths as follows: 7.5' on the north, 15' on the east, 11' on the south, and (as has been proposed all along) 17.5' on the west
2. Amendment document Section C must cite the date of the final version of the Final Plat incorporating the new U/E width arrangements as specified above.
3. Amendment document Section D.2 should be clarified as follows: "Modify enclosed off-street parking..."
4. Recognizing matters of preventing precedent, City Staff recommendations, and City Council approval circumstances, this Minor Amendment must also be approved by the City Council.

Ted Sack described the minor changes being made to the minimum standards for homes, including going to a 3-car garage and 3 outside parking spaces and requiring 5' and 10' side yard setbacks.

John Benjamin made a MOTION to RECOMMEND APPROVAL of PUD 80 Minor Amendment # 1 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, Baldwin, 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 and the other Commissioners recognized John Benjamin, at his last Planning Commission meeting, for his years of service. Pleasantries were exchanged.

No action taken.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:15 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary