

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
May 19, 2014 6:00 PM**

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

**STAFF PRESENT:**

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

**OTHERS ATTENDING:**

See attached Sign-In Sheet

**CALL TO ORDER:**

Chair Thomas Holland called the meeting to order at 6:05 PM.

Chair Thomas Holland and the other Commissioners recognized Steve Sutton and Jerod Hicks at their first Planning Commission meeting. Mr. Holland noted that they take the positions previously held by Jeff Baldwin and John Benjamin, and that Lance Whisman was reappointed for another term. Pleasantries were exchanged between new and preexisting Commissioners.

**ROLL CALL:**

Members Present: Larry Whiteley, Jerod Hicks, Steve Sutton, Lance Whisman,<sup>1</sup> and Thomas Holland.

Members Absent: None.

1. Annual nominations and elections for Chairperson, Vice-Chairperson, and Secretary (City Code Section 10-1-3).

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Chair Thomas Holland introduced the item and called for nominations and Motions.

Larry Whiteley made a MOTION to NOMINATE and ELECT Thomas Holland as Chair.

Chair Thomas Holland agreed to accept the position if elected.

Discussion ensued.

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<sup>1</sup> In after Roll Call at 6:06 PM.

Chair Thomas Holland made a MOTION to NOMINATE and ELECT Erik Enyart as Secretary. Erik Enyart stated that he would be happy to serve as Secretary again if nominated. Steve Sutton SECONDED the Motion.

Lance Whisman in around this time at 6:06 PM.

Lance Whisman SECONDED the initial Motion to NOMINATE and ELECT Thomas Holland as Chair.

Larry Whiteley made a MOTION to NOMINATE and ELECT Lance Whisman as Vice-Chair. Mr. Whisman indicated agreement. Steve Sutton SECONDED the Motion.

Erik Enyart deferred to Patrick Boulden on whether the Motions should be voted upon separately or if they could be combined. Mr. Boulden indicated a singular vote would be in order.

Steve Sutton made a MOTION to ELECT the nominees as follows: Erik Enyart as Secretary, Thomas Holland as Chair, and Lance Whisman as Vice-Chair. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Sutton, Hicks, and Whisman  
NAY: None.  
ABSTAIN: None.  
MOTION PASSED: 5:0:0

CONSENT AGENDA:

1. Approval of Minutes for the April 21, 2014 Regular Meeting
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Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the April 21, 2014 Regular Meeting as presented by Staff. Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Sutton, Hicks, and Whisman  
NAY: None.  
ABSTAIN: None.  
MOTION PASSED: 5:0:0

PUBLIC HEARINGS

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.

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Chair Thomas Holland introduced related Agenda Item #s 3 and 4 and asked if anyone wished to speak on the items. No one spoke on the items.

Chair Thomas Holland confirmed with Erik Enyart that the Applicant had requested a Continuance to the next meeting.

Chair Thomas Holland made a MOTION to CONTINUE PUD 84 and BZ-373 to the June 16, 2014 Regular Meeting. Steve Sutton SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Holland, Whiteley, Sutton, Hicks, and Whisman  
NAY: None.  
ABSTAIN: None.  
MOTION PASSED: 5:0:0

5. **PUD 31-A – Bricktown Square – Sisemore Weisz & Associates, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 31 for part of the SW/4 NW/4 of Section 01, T17N, R13E, with underlying zoning CS Commercial, OL Office, and RS-1 Residential.

Property Located: 12409 S. Memorial Dr.

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

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Thursday, May 15, 2014  
**RE:** Report and Recommendations for:  
PUD 31-A – Bricktown Square – Major Amendment # 1

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**LOCATION:** – 12409 S. Memorial Dr.  
– Part of the SW/4 NW/4 of Section 01, T17N, R13E  
**SIZE:** 4 ½ acres, more or less  
**EXISTING ZONING:** CS Commercial Shopping Center District, OL Office Low Intensity District, RS-1 Residential Single-Family District, & PUD 31  
**EXISTING USE:** Vacant  
**REQUEST:** Major Amendment # 1 to PUD 31  
**SURROUNDING ZONING AND LAND USE:**  
*North: RS-1, CS/PUD 29-A, & OL/PUD 77; Single-family residential in Gre-Mac Acres and The Boardwalk on Memorial shopping center, and to the northeast, underdeveloped land zoned OL with PUD 77 for “Byrnes Mini-Storages.”*

South: CS, RS-1, & AG; The Mazzio's Italian Eatery restaurant, the 126 Center shopping center and the Korean Church of Tulsa both in Southern Memorial Acres No. 2, agricultural land zoned AG, and the Fry Creek Ditch # 1 right-of-way.

East: RS-1; Single-family residential in Southern Memorial Acres No. 2 and to the northeast in Gre-Mac Acres.

West: (Across Memorial Dr.) AG, CG, CG/PUD 83, RM-3/PUD 70, CG/PUD 76, RS-3, OL, CS, & CS/PUD 37; Agricultural land zoned CG and AG, approximately five (5) acres of agricultural land zoned CG/PUD 83, the 14-acre Encore on Memorial upscale apartment development zoned RM-3/PUD 70, further west is the 92-acre PUD 76, proposed for development with multiple uses, to the northwest is the Easton Sod sales lot zoned RS-3, OL, & CS, to the southwest is the Crosscreek "office/warehouse" heavy commercial / trade center and retail strip center zoned CS with PUD 37.

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

PREVIOUS/RELATED CASES:

BBOA-19 – Leroy Orcutt for Dr. John Mount – Request for Special Exception "under Section 1480.1b of the Zoning Code to allow continuation of the non-conforming use of a home as a residence while establishing a sign shop on the property...also an Interpretation of the Zoning Text, Appendix B, to determine what use unit a plastic magnetic sign shop would be placed in" for 0.81-acre tract portion of subject property – BOA Approved Special Exception and voted to put the proposed use in Use Unit 11 06/17/1975.

BZ-38 – Leroy Orcutt for Dr. John Mount – Request for rezoning from RS-1 to CG for the 0.81-acre tract portion of subject property – PC Recommended Approval of OL zoning and to waive the platting requirement and not require dedication 05/19/1975 and Board of Trustees Approved OL zoning and waived the platting requirement (per case notes) 07/01/1975 (Ord. # 298).

BL-43 – Jim Ketchum – Request for Lot-Split approval to separate approximately 3 ½ acres to the east from approximately 1 1/3 acres on west, which Lot-Split application involved the 0.33-acre tract and the 3.4-acre tract portions of subject property and also what later became the Mazzio's lot (but approved lot lines do not correspond with lot lines as they currently exist) – PC Recommended Approval 08/28/1978 and Board of Trustees Approved in or around 09/11/1978 per case notes.

BZ-107 – John LaPlant for LaPco Investments, Ltd. – Request for rezoning from RS-1 to CG for approximately 5 acres including the 0.33-acre tract and the 3.4-acre tract portions of subject property and also what later became the Mazzio's lot – PC Recommended Approval of CS zoning for the W. approximately 2 ½ acres 05/26/1981 and City Council Approved CS zoning for the 2 ½ acres 06/01/1981 (Ord. # 429).

BL-237 – Michael Parrish – Request for Lot-Split approval to what later became the Mazzio's lot from parts of the subject property – PC Approved 06/21/1999 and City Council Approved in or around 06/28/1999 per case notes.

PUD 31 – Bricktown Square – Subject property requested for rezoning and PUD approval for a commercial development, including redistributing underlying CS, OL, and RS-1 boundaries – PC Recommended Approval 10/20/2003 and City Council Approved 11/10/2003 (Ord. # 915).

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

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

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

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

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

BBOA-237 – Midwest Agape Chapel – Request for (1) Variance from setback from S. 84<sup>th</sup> E. Ave., 40' to 35', and (2) Variance from paved parking requirement for what is now the Korean Church of Tulsa to the south of subject property in Southern Memorial Acres No. 2 – BOA Approved 04/01/1991 per case notes.

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

BBOA-319 – Midwest Agape Chapel – Request for “Special Exception” to allow a “mobile home” to be used as a classroom for what is now the Korean Church of Tulsa to the south of subject property in Southern Memorial Acres No. 2 – BOA Denied 05/03/1996 per case notes.

BBOA-328 – Korean Presbyterian Church – Request for Special Exception to allow the continued use as a Use Unit 5 church for what is now the Korean Church of Tulsa to the south of subject property in Southern Memorial Acres No. 2 – BOA Approved 04/07/1997.

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 “golf teaching and practice facility” on the large 140-acre acreage tracts previously owned by Knopp to the west of subject property – BOA Conditionally Approved 04/02/2001 (not since built).

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

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

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

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on the large 140-acre acreage tracts previously owned by Knopp to the west of subject property. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

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

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

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on the large 140-acre acreage tracts previously owned by Knopp, to the west of subject property – PC Continued the application on 12/21/2009 at the Applicant’s request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting “for more research and information,” based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

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

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

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

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

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

PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for southerly 70 acres of PUD 76 to the west of subject property – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant’s letter dated 10/18/2013. BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove in part the Residential Area specific land use designation, rezone in part from AG to OL, and approve PUD 77 for a ministorage development to the northeast of subject property – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. City Council Approved ordinance 02/24/2014 (Ord. # 2127).

PUD 83 & BZ-371 – River Trail II – Khoury Engineering, Inc. – Request to rezone from AG and CG to CG and approve PUD 83 for a commercial development on 5 acres to the southwest of subject property – PC recommended Approval 02/18/2014. City Council Conditionally Approved the applications 02/24/2014. City Council Approved ordinance effecting the rezoning and PUD approval 03/24/2014 (Ord. # 2129).

PUD 70 – Encore on Memorial – Major Amendment # 1 – Request for approval of Major Amendment # 1 for PUD 70 to the west of subject property, to allow a Use Unit 21 sign within the Development Area B right-of-way for 126<sup>th</sup> St. S., provide development standards for same, and make certain other amendments – PC Recommended Approval 02/18/2014 and City Council Approved 02/24/2014 (Ord. # 2130).

**BACKGROUND INFORMATION:**

Per PUD 31 “Bricktown Square,” the subject property was Subject property was granted rezoning and PUD approval for a commercial development, which application additionally redistributed the underlying CS, OL, and RS-1 boundaries. During the review of this application, Staff discovered that the Zoning Map was not updated according to the redistribution specified in effecting Ordinance # 915, and referred the matter to INCOG on May 14, 2014 for updating.

Per Zoning Code Sections 11-7I-5.A, 11-7I-5.A.1, and 11-7I-5.A.2.b, the number of dwelling units (DUs) is restricted to the amount of available residential zoning. The available gross area within the RS-1 district would only produce approximately one (1) DU using the 1 DU / 16,000 square feet GLA standard provided in this PUD section, but the PUD proposes 10 (and 9 are represented on the site plans). Use Unit (UU) 6 single-family (SF) dwellings are permitted in the underlying OL and CS districts by Special Exception or PUD. However, citations ibidem do not provide for SF DUs to be produced by

Office and Commercial districts, so the PUD itself must provide for this. By allowing UU 6 as a principal use by Special Exception / PUD in the Office and Commercial districts,<sup>2</sup> the Zoning Code contemplates bulk and area formulae must be generated, but does not provide same,<sup>3</sup> and so is interpreted to allow their generation by the individual PUD. As recommended to the Applicant, a formula has been added to Section II.B of the PUD Text. However, due to the recent revelation of the Zoning Map discrepancy as noted above, the formula will need to be amended accordingly.

Zoning Code Section 11-7I-5.A.1.b implicitly suggests [for PUDs within nonresidential districts or within residential + nonresidential districts] the allowance of using the “least restrictive” GLA/DU standard available in the RS Bulk and Area matrix (Section 11-7B-4.A.1 Table 3 for this PUD). The 16,000 square feet standard proposed may be reduced as low as 6,750 square feet / DU. Depending on RS-1 and OL GLA as precisely measured, if only 10 DUs are actually proposed, the standard for the available OL GLA may be synched at some number between 16,000 and 6,750 square feet. Alternatively, the PUD could specify that there is approximately \_\_\_\_\_ square feet of GLA within the OL district, for which this PUD will establish an applicable standard of 16,000 SF / DU (and keep the RS-1 at the same 16,000 SF / DU). The RS-1 and OL districts would thus produce the 10 DUs proposed. If this formula would produce more than the 10 lots proposed, it may be qualified as being subordinate to the 10 lot yield standard. Whichever way this is resolved, the PUD needs to be amended accordingly, in this section and/or somewhere else as appropriate.

ANALYSIS:

Subject Property Conditions. The subject property consists of three (3) parcels: One (1) approximately 0.81 acre tract zoned OL and addressed 12409 S. Memorial Dr., which appears to have previously had a single-family dwelling but is now vacant, and two (2) parcels of approximately 0.33 acres zoned CS and approximately 3.4-acres zoned CS and RS-1. The latter two (2) are both vacant. All parcels are included in PUD 31 “Bricktown Square.” The subject property is fairly flat; drainage patterns are not immediately recognizable. The development drains to the south to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.) and has access to the stormwater drainage capacity in Fry Creek Ditch # 1 to the south via stormsewerlines, per the City Engineer’s review correspondence.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium/Low Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land/Residential Area. The Medium Intensity designation corresponds to proposed commercial Development Area A, and the Low Intensity designation corresponds to proposed residential Development Area B.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the existing CS district is In Accordance with the Medium Intensity designation, the existing RS-1 district is In Accordance with the Low Intensity designation, and the existing OL district May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map.

As noted in the Background Information section of this report, PUD 31 additionally redistributed the underlying CS, OL, and RS-1 boundaries, which are not currently reflected on the Zoning Map (but INCOG has been requested to update same). The redistribution placed the CS district along the west side of the property, up to a line lying 240’ westerly of the easterly property line. The easterly 25’ was retained as RS-1, and the “middle” 215’ was designated OL. The CS district now exceeds the Medium Intensity strip. However, although the Zoning District boundaries do not currently align with the Low/Medium intensity divide, this PUD would establish, by Development Areas, a dividing line consistent with the divide by means of distributing Zoning districts and land uses. The GIS version of the divide appears to be offset somewhat, as the divide is recognized as corresponding to the east line of the The Boardwalk on Memorial, corresponding former Lots 1 and 2, Block 1 Gre-Mac Acres, to Lots 1 and 2, Block 2 of Gre-Mac Acres, and to the easterly line of the 0.81-acre and 0.33-acre tract portions of the

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<sup>2</sup> See Zoning Code Sections 11-7C-2 Table 1, 11-7D-2 Table 1, and 11-7I-4.A.

<sup>3</sup>The Bixby Zoning Code does synch multifamily bulk and area standards with specific Office and Commercial Districts, but does not specifically synch UU 6 SF bulk and area standards, as the Tulsa Zoning Code does (e.g. OL = RT, OM and OMH = RM-2, and OH = RM-3).

subject property. Thus, this Major Amendment will mitigate the underlying zoning inconsistency and so restore consistency with the Comprehensive Plan.

The Matrix does not indicate whether or not the existing CS 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.

Although the underlying CS and OL zoning districts are not consistent, the proposed single-family residential use of Development Area B will be consistent with the Residential Area Land Use Designation of the Plan Map.

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 31 is In Accordance with the Comprehensive Plan as a zoning district.

Due to the fact that the proposed PUD 31 Major Amendment # 1 will restore consistency with the Comprehensive Plan, it should be recognized as being consistent with the Comprehensive Plan.

General. The Applicant is requesting a Major Amendment to an approved PUD, introduce single-family residential use to the development, provide development standards for same, and make certain other amendments. The majority of the subject property will become a large-lot, single-family residential subdivision with nine (9) lots indicated on the site plans, and 10 allowed by the PUD Development Standards.

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

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held May 07, 2014. Minutes of that meeting are attached to this report.

Access & Circulation. Section III "Access and Circulation" of the proposed PUD 31-A Text adequately describes access and circulation as follows:

"The commercial property of Development Area A will have direct vehicular access to South Memorial Drive. In addition, a public sidewalk will be constructed along the South Memorial Drive frontage within the right-of-way at the time that Development Area 'A' is developed.

The sidewalks will be installed in Development Area 'B' within the lots fronting East 126th Street South, South 84th East Avenue and East 125 Street South. A sidewalk easement will be platted to accommodate the new sidewalks within Development Area 'B'.

Sidewalks shall be constructed in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer.

In the residential property of Development Area B, many of the proposed lots will have access to the existing public streets of South 84th East Avenue and East 126th Street South. Public access to the proposed cul-de-sac lots will be provide[d] by the extension of 12[5]th Street South as a new public street.

Vehicular Paving used for circulation within the dedicated right-of-way will be approved by the City Engineer. The proposed access points to South Memorial Drive will require the City Engineer and ODOT approval.

All commercial development will require the Fire Marshal's approval of drive locations, spacing, widths and curb return radii.

Limits of no access will be platted along South Memorial Drive except for access points."

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of RS-1, CG, CS, OL, RS-3, AG, CS/PUD 29-A, OL/PUD 77, CG/PUD 83, RM-3/PUD 70, CG/PUD 76, & CS/PUD 37. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

To the north are single-family residential homes in Gre-Mac Acres and The Boardwalk on Memorial shopping center zoned CS/PUD 29A. To the northeast, behind the Boardwalk shopping center is underdeveloped land zoned OL with PUD 77 for the proposed "Byrnes Mini-Storages."

Abutting to the south is the Mazzio's Italian Eatery restaurant zoned CS, the 126 Center shopping center zoned CS and the Korean Church of Tulsa zoned RS-1, both in Southern Memorial Acres No. 2. Further south is agricultural land and the Fry Creek Ditch # 1 right-of-way, all zoned AG.

Single-family residential zoned RS-1 adjoins to the east in Southern Memorial Acres No. 2 and to the northeast in Gre-Mac Acres.

Across Memorial Dr. to the west is agricultural land zoned CG and AG, approximately five (5) acres of agricultural land zoned CG/PUD 83, the 14-acre Encore on Memorial upscale apartment development zoned RM-3/PUD 70; further west is the 92-acre PUD 76, proposed for development with multiple uses; to the northwest is the Easton Sod sales lot zoned RS-3, OL, and CS; to the southwest is the Crosscreek "office/warehouse" heavy commercial / trade center and retail strip center zoned CS with PUD 37.

Staff believes that the existing underlying zoning and the original PUD 31 and its proposed Major Amendment # 1 are all consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

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

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

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

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

Since this Major Amendment will mitigate the underlying zoning inconsistency and so restore consistency with the Comprehensive Plan, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this application.

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

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item will be addressed by language in the PUD to this effect.
2. Table of Contents: Certain exhibit names do not match names used on respective Exhibits (Exhibits E and F observed).
3. Section II.A Development Standards for DA A: Please remove the words "...and the Trades" from the title of Use Unit 14.
4. Appendix A: Please separate items "Carpeting" and "Decorating."
5. Section II.B Development Standards for DA B: Please revise proposed DU production formula according to the underlying zoning districts as approved with PUD 31 (see Background Information section of this report for details).
6. Section IV: Please clarify that the tree planting requirements for the Street Yard and Setback Areas will be as required by the underlying zoning districts pursuant to Zoning Code Section 11-7I-5.E, and not as they were reduced by the original PUD 31 and/or PUD 31-A.
7. Section V: Sentence appears to be missing word(s) and/or inflection: "However, existing utilities directly east of the inlet conflict with any possible underground storm sewer extension be used to collect storm sewer water."

8. *Section V: Missing explanatory language found in original PUD 31 pertaining to location and use of stormsewer system in lieu of providing onsite stormwater detention. If this is still accurate, please restore text, with update modifications as appropriate.*
9. *Section VIII: First sentence currently written should probably be clarified to reflect that there are residential and nonresidential areas, which may be expected to be platted separately, if that is indeed the case.*
10. *Section IX: Please remove final sentence.*
11. *PUD Text: Consider specifying that the Deed of Dedication/Restrictive Covenants of the plat will contain a Mutual Parking Privileges covenant in DA A, so that all lots may allow their excess spaces to be used by patrons of other lots, which is common in multi-lot developments when developed as a unit by a singular developer. Examples may be provided upon request.*
12. *PUD Text: Consider specifying that the Deed of Dedication/Restrictive Covenants of the plat will contain "Maintenance Covenant" provisions for DA A pertaining to maintenance and upkeep of properties free of trash, debris, and litter.*
13. *Exhibits: Corrections or enhancements should be made to applicable Exhibits as follows:*
  - a. *Consider qualifying site plan elements as "typical" or "conceptual" as needed.*
  - b. *Drive widths and particulars must be approved by the Fire Marshal and City Engineer. Please adjust if/as required.*
  - c. *The 15' B/L required in Text is not currently indicated along entire east side of DA A.*
  - d. *It does not appear the 17.5' minimum width Perimeter U/E is represented along all PUD boundaries. Please represent or discuss if not currently planned to be at 17.5' in width.*
  - e. *The plans indicate parking lot paving will encroach the U/Es along the westerly and possibly northerly lines of DA A. Paving over easements requires the specific approval of the City Engineer and Public Works Director. Please adjust if/as required.*
  - f. *Please dimension abutting streets right-of-way and paving widths and identify centerlines.*
  - g. *Please relieve text and linework congestion along the west line of DA A.*
  - h. *Please incorporate any changes to site plans as called for elsewhere in this report.*
14. *Exhibit G: Please update with current zoning for area represented, including PUDs.*
15. *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.*
16. *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 Mark Capron of Sisemore Weisz & Associates, Inc., 6111 E. 32<sup>nd</sup> Pl. S., Tulsa, from the Sign-In Sheet.

Chair Thomas Holland asked Mark Capron if this property was not higher in elevation than the properties to the north. Mr. Capron described the plans for drainage, including that it would drain through a system of concrete channels and grass swales to the existing stormsewer system along Memorial Dr., which drained to Fry Creek. Mr. Capron stated, "[City Engineer] Jared [Cottle] is very well involved in the design of this, and continues to be." Mr. Capron noted that it was unusual for construction plans to be so far along at the PUD stage. Mr. Capron stated that the change was from 100% commercial to partial residential with a cul-de-sac.

Chair Thomas Holland asked if a new PUD would be forthcoming. Erik Enyart indicated that this would not be necessary, and stated that “Text in the introduction says that this will replace the PUD in whole.”

There being no further discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the PUD Major Amendment # 1 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Steve Sutton SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Holland, Whiteley, Sutton, Hicks, and Whisman  
NAY: None.  
ABSTAIN: None.  
MOTION PASSED: 5:0:0

- 6. **PUD 6 – Major Amendment # 1 “Memorial Square” – JR Donelson, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 6 (“South Memorial Duplexes”), to be renamed “Memorial Square,” with underlying zoning CS Commercial, RM-1 Residential-Multifamily, and RT Residential Townhouse.

Property Located: All of *Memorial Square*; Northwest corner of 121<sup>st</sup> St. S. and 84<sup>th</sup> E. Ave.

- 7. **BZ-374 – JR Donelson, Inc.** Public Hearing, Discussion, and consideration of a rezoning request from CS Commercial Shopping Center District and RM-1 Residential Multi-Family District to CS Commercial Shopping Center District and RM-1 Residential Multi-Family District and RT Residential Townhouse District for All of *Memorial Square*.

Property located: Northwest corner of 121<sup>st</sup> St. S. and 84<sup>th</sup> E. Ave.

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Chair Thomas Holland introduced related Agenda Item #s 6 and 7 and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report covering both items as follows:

**To:** *Bixby Planning Commission*  
**From:** *Erik Enyart, AICP, City Planner*  
**Date:** *Thursday, May 15, 2014*  
**RE:** *Report and Recommendations for:  
PUD 6 Major Amendment # 1 – “Memorial Square” – JR Donelson, Inc. &  
BZ-374 – JR Donelson, Inc.*

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**LOCATION:** – Northwest corner of 121<sup>st</sup> St. S. and 84<sup>th</sup> E. Ave.  
– All of *Memorial Square*  
**SIZE:** *9.43 acres, more or less*  
**EXISTING ZONING:** *CS Commercial Shopping Center District, RM-1 Residential Multi-Family District, & PUD 6*  
**EXISTING USE:** *Duplexes and vacant lots in Memorial Square*  
**REQUEST:** *Approval of Major Amendment # 1 to Planned Unit Development (PUD) # 6 (“South Memorial Duplexes”), to be renamed “Memorial Square,” with*

underlying zoning CS Commercial Shopping Center District, RM-1 Residential Multi-Family District, and RT Residential Townhouse District

SURROUNDING ZONING AND LAND USE:

North: RD & RS-1; Duplexes along 119<sup>th</sup> St. S. and single-family residential houses, all in Southern Memorial Acres Extended.

South: (Across 121<sup>st</sup> St. S.) CS, RS-1, & CS/RM-3/OL/PUD 81; 23 acres of vacant land recently approved for rezoning and PUD 81 "Chateau Villas PUD" for a "luxury apartments" and commercial development, commercial businesses and vacant land to the southwest in 121st Center, and the Bixby Fire Station #2 and single-family residential in the Houser Addition to the southeast.

East: RS-1; Single-family residential in Southern Memorial Acres Extended.

West: CS; The Town and Country Shopping Center in Southern Memorial Acres Extended.

COMPREHENSIVE PLAN: Low Intensity + Residential Area

PREVIOUS/RELATED CASES:

BZ-140 – Patrick L. Murray – Request for rezoning from RM-1 to CS for approximately 1.6 acres consisting of Lots 7 through 12, inclusive, Block 17, Southern Memorial Acres Extended (later replatted as part of Memorial Square subject property) – PC Recommended Denial 05/31/1983 and City Council Approved 06/13/1983 (Ord. # 486).

B/PUD 6 – "South Memorial Duplexes" – Richard Hall & Associates for George E. Day – Request for PUD approval for a duplex development for subject property – PC Recommended Approval 11/28/1983 and City Council Approved 12/05/1983 (Ord. # 498).

Final Plat of Memorial Square – Request for Final Plat approval for Memorial Square for subject property – City Council Approved 02/1984 (per the plat approval certificate) (Plat # 4511 recorded 08/03/1984) (Preliminary Plat and PC approvals not researched).

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

BBOA-11 – Richard Ketchum for Tri-Kay Developers, Inc. – Request for [Variance] from bulk and area standards for the Town and Country Shopping Center on All of Block 18, Southern Memorial Acres Extended abutting subject property to the west – ("amended application" received 12/26/1972 deleted the additional request for a Variance from the off street parking requirements). Bulk and area standards requested for Variance appear to have been from Zoning Ordinance Section 6.3A "Waive the 2 acre maximum" lot area standard and Section 6.4 "Change the Floor area ratio from (1 to 4) to (1 to 3 ½)" in the C-1 District – BOA Approved 01/16/1973 "to change the floor area from (1 to 4) to (1 to 3 ½)" per case notes and a draft letter found in the case file (Minutes not found for any BOA meetings in 1973).

BZ-30 – Frank Moskowitz – Request for rezoning from AG to CS for the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E (including 121st Center to the southwest of subject property) – PC on 01/27/1975 recommended CS for N. approx. 12.5 acres, OL for the S. approx. 5 acres of the N. approx. 17.5 acres, and AG zoning to remain for the balance of the 20 acres. City Council approved as PC recommended 03/18/1975 (Ord. # 270).

BBOA-20 – City of Bixby – Request for Special Exception to allow a Use Unit 5 use in an RS-1 district, the original Bixby Fire Station # 2, on Lot 2, Block 4, Houser Addition to the southeast of subject property at 8300 E. 121<sup>st</sup> St. S. – BOA Conditionally Approved 06/09/1975.

BZ-68 – Joyce E. Maxwell/Icenogle – Request for rezoning from RS-1 to CG for a "sandwich shop" for Lot 6, Block 6, Southern Memorial Acres Extended, located approximately 1 block to the northwest of subject property at 11843 S. 82<sup>nd</sup> E. Ave. – Withdrawn by Applicant 09/19/1978.

BZ-99 – Joyce Icenogle – Request for rezoning from RS-1 to CS for a "flower & gift shop" for Lot 6, Block 6, Southern Memorial Acres Extended, located approximately 1 block to the northwest of subject property at 11843 S. 82<sup>nd</sup> E. Ave. – Withdrawn by Applicant 02/23/1981.

BZ-164 – Kenny Gibson for C.W. James – Request for rezoning from RS-1 to RD for duplexes on Lot 1, Block 15, Southern Memorial Acres Extended, located to the east of subject property at 11912 S. 85<sup>th</sup> E. Ave. – Planning Commission hearing advertised for 05/29/1985. No information found in case file to indicate disposition. PC Minutes for calendar year 1985 not found. Assumed Withdrawn, Denied by City Council, or recommended for Denial by PC and not appealed to City Council due to lack of approval ordinance and lack of representation on the Zoning Map.

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for 121st Center (to the southwest of subject property) – PC Conditionally Approved 12/28/1987 (Council action not researched).

BBOA-199 – Spradling & Associates for Arkansas Valley Development Corporation – Request for Variance to reduce the minimum lot width/frontage in CS from 150' to 125' to permit platting the subject tract as 121st Center (to the southwest of subject property) – BOA Approved 01/11/1988.

Final Plat of 121st Center – Request for Final Plat approval for 121st Center (to the southwest of subject property) – PC Conditionally Approved 02/29/1988 and City Council Approved 07/11/1988 (per the plat approval certificate) (Plat # 4728 recorded 08/05/1988).

BBOA-261 – Jack Spradling for Arkansas Valley Development Corporation – Request for Variance for Lot 5, Block 1, 121st Center (to the southwest of subject property), to reduce the minimum lot width/frontage in CS from 150' to 0' to permit a Lot-Split creating the E. 215' of the S. 125' of Lot 5, which tract is now the Atlas General Contractors office – BOA Conditionally Approved 02/01/1993 (Mutual Access Easement created to give access to 121<sup>st</sup> St. S.).

BBOA-444 – City of Bixby – Request for Special Exception to allow a Use Unit 5 use in an RS-1 district, allowing the expansion of Bixby Fire Station # 2 onto Lot 1, Block 4, Houser Addition located to southeast of subject property at 8300 E. 121<sup>st</sup> St. S. – BOA Approved 06/05/2006.

BCPA-3, PUD 68, & BZ-341 – North Bixby Commerce Park – Lou Reynolds for Alvis Houser – Request to amend the Comprehensive Plan to redesignate property (in part) “Medium Intensity,” rezone from AG to CS and OL, and approve PUD 68 for a ministorage, “trade center / office-warehouse,” and retail development on 16-acre tract to the south of subject property – PC voted 2 in favor and 3 opposed on a Motion to approve the development on 04/20/2009. On 04/27/2009, on appeal, the City Council reversed the Planning Commission’s action. On 06/08/2009, the City Council denied the ordinance which would have approved the rezoning, PUD, and Comprehensive Plan amendment, on the City Attorney’s advice regarding certain language in the ordinance, and called for the developer to proceed “under existing ordinances.” On 06/22/2009, the City Council Approved, by Ordinance # 2030, all three (3) applications as submitted, and with no Conditions of Approval. The legal descriptions in the ordinance reflected the underlying CS/OL zoning pattern as recommended by Staff, rather than per the “Exhibit 1” to the PUD.

PUD 81 & BZ-368 – Chateau Villas PUD – AAB Engineering, LLC – Request to rezone from CS, OL, AG, and PUD 68 to CS, RM-3, OL, and PUD 81 for a “luxury apartment” and commercial development on 23 acres to the south of subject property – PC Recommended Approval 11/13/2013 and City Council Conditionally Approved the applications, by 3:2:0 vote, on 11/25/2013. City Council heard Ordinance First Reading 01/27/2014. City Council heard Ordinance Second Reading and Approved same 02/24/2014 (Ord. # 2126).

#### BACKGROUND INFORMATION:

The subject property was partially rezoned to CS and approved for PUD 6 “South Memorial Duplexes” in 1983, and was subsequently platted as Memorial Square on August 03, 1984. Twenty (20) duplexes were constructed around the southerly end of the development. County Assessor’s parcel data reflects the duplexes were constructed in 1984, after which point further development halted. Present City Staff has not supported further construction due to Floodplain and stormwater drainage issues. Critically, it has been reported that historical street flooding heights have rendered the existing dwellings and vacant lots inaccessible for emergency egress and response purposes.

Over the past seven (7) years, and likely extending long past the tenure of present City Staff, property owners, investors, real estate professionals, development design consultants, and other interested parties have met and had conversations with City Staff regarding the possibility of “building out” the undeveloped portion of Memorial Square. Time spent on such meetings, conversations, and preparing related correspondence likely sum to dozens, if not hundreds of City Staff hours during this period. An investor has submitted applications for PUD Major Amendment and rezoning, and has engaged design professionals, including a hydrologist, in order to design methods to resolve Floodplain and stormwater drainage issues. Preliminary plans for floodplain mitigation, stormwater drainage and detention, and infrastructure improvements have been prepared, and further such efforts continue.

This PUD Major Amendment #1 proposes 62 dwelling units (DUs). Per Zoning Code Sections 11-7I-5.A, 11-7I-5.A.1, and 11-7I-5.A.2.b, the number of DUs is restricted to the amount of available residential zoning. The available gross area within the RM-1 and proposed RT districts (approximately 6.7 acres) would produce approximately 43 DUs using the 1 DU / 6,750 square feet GLA standard allowed by the

Zoning Code, but fewer if using the GLA/DU standards proposed by the various DAs in this PUD. Thus, it will require using available CS zoning to generate the balance of DUs proposed. Use Unit (UU) 7a single-family (SF) townhouse dwellings are permitted in the underlying CS district by Special Exception or PUD. However, citations *ibidem* do not provide for SF DUs to be produced by Office and Commercial districts, so the PUD itself must provide for this. By allowing UU 7a townhouses as a principal use by Special Exception / PUD in the Office and Commercial districts,<sup>1</sup> the Zoning Code contemplates bulk and area formulae must be generated, but does not provide same,<sup>2</sup> and so is interpreted to allow their generation by the individual PUD. As recommended to the Applicant, a formula has been added to the Development Area A section of the PUD Text, but it is not clear. The formula will need to be amended according to the Zoning Code provisions for DU generation in Office and Commercial districts as outlined herein.

Zoning Code Section 11-7I-5.A.1.b implicitly suggests [for PUDs within nonresidential districts or within residential + nonresidential districts] the allowance of using the “least restrictive” GLA/DU standard available in the RS Bulk and Area matrix (Section 11-7B-4.A.1 Table 3 for this PUD). The minimum GLA square foot standards proposed for the various DAs may be reduced as low as 6,750 square feet / DU. The requested RT district allows 6,750 square feet / DU already. Depending on RM-1, RT, and CS GLAs as precisely measured, based on the 62 DUs actually proposed, the standard for the available RM-1, RT, and CS GLAs may be synched at some number between what are presently proposed and 6,750 square feet (per GIS, the estimated total GLA would allow up to approximately 66 DUs). Alternatively, the PUD could specify that there is approximately \_\_\_\_\_ square feet of GLA within the CS, RT, and RM-1 districts combined, for which this PUD will establish a singular applicable standard of 6,750 SF / DU. If this formula would produce more than the 62 lots proposed (likely), it may be qualified as being subordinate to the 62 lot yield standard. Whichever way this is resolved, the PUD needs to be amended as appropriate.

**ANALYSIS:**

**Subject Property Conditions.** The subject property consists of all of Memorial Square, and is composed of duplexes and vacant lots. The subject property is fairly flat, and appears to drain south through the Reserve A stormwater pond to the southeast to an un-named upstream tributary of Fry Creek Ditch # 1. The subject property is primarily in the 100-year (1% Annual Chance) Regulatory Floodplain, so floodplain mitigation (building lot elevation, street elevation, and compensatory storage) will be required for development. Further, additional mitigation will be required in order to adequately address stormwater drainage and detention, and is expected to consist of upgrading the stormwater detention pond in Reserve A, creating new stormwater detention facilities in new Reserve Areas to be platted, and certain offsite improvements.

Per case research, including the case map for BZ-68 in 1978, the RM-1 zoning on the subject property appears to have been conferred by the original Zoning Ordinance. Per BZ-140 – Patrick L. Murray in 1983, the southerly approximately 1.6 acres of the subject property, consisting of Lots 7 through 12, inclusive, Block 17, Southern Memorial Acres Extended was rezoned from its original RM-1 zoning to CS. B/PUD 6 – “South Memorial Duplexes” – Richard Hall & Associates for George E. Day was approved December 05, 1983 (Ord. # 498), and proposed a duplex development for subject property.

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

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

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the existing CS and RM-1 districts are Not In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map.

RT zoning was adopted (Ord. # 845) after the Comprehensive Plan in or around 2002 so it is not included in the “Matrix.” However, based on the Matrix’s treatment of similar districts, including RD,

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<sup>1</sup> See Zoning Code Sections 11-7C-2 Table 1, 11-7D-2 Table 1, and 11-7I-4.A.

<sup>2</sup> The Bixby Zoning Code does synch multifamily bulk and area standards with specific Office and Commercial Districts, but does not specifically synch UU 6 SF bulk and area standards, as the Tulsa Zoning Code does (e.g. OL = RT, OM and OMH = RM-2, and OH = RM-3).

*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 RM-1 and RT zoning, the existing duplex residential use, and the proposed townhouse residential use are all consistent with the Residential Area land use designation of the Comprehensive Plan Land Use map.*

*Unless the Applicant desires to seek an amendment to the Comprehensive Plan, the proposed commercial use of the Development Area corresponding to existing CS zoning is inconsistent with both the Low Intensity and Residential Area designations of the Comprehensive plan, and should be removed in favor of language restricting use to stormwater drainage and detention, streets and common areas, and duplex and townhouse residential uses.*

*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 6 is In Accordance with the Comprehensive Plan as a zoning district.*

*The existing and proposed land uses per PUD 6 Major Amendment # 1 are consistent with the Comprehensive Plan.*

*General. The Applicant is requesting a Major Amendment to an approved PUD, allow for the redevelopment of most of the vacant parts of Memorial Square with townhouses, provide development standards for same, and make certain other amendments. The original PUD was named “South Memorial Duplexes,” but it will be renamed “Memorial Square,” consistent with the name of the subdivision as platted. The original PUD 6 was approved for 60 dwelling units. There are 10 duplexes in existence, which will remain, and an additional 52 townhouses proposed. The extra two (2) units appear to come from the 12 units permitted in Development Area A, in which there are presently only 10 existing units. However, DA B includes existing Lots 3 and 4, Block 5, Memorial Square, and the Text and Exhibits do not indicate whether these would be buildable lots, an omitted part of the proposed “Reserve C” stormwater detention facility, a common area amenity for the neighborhood, or vacant land. This should be addressed in the Text and Exhibits.*

*Due to the technical definitions of “duplex” and “townhouse” in the Zoning Code, in the few instances where only two (2) townhouses will be constructed adjoining, the PUD Text should clarify that they are still “townhouses” consistent with the balance of the redevelopment pursuant to the definition of “townhouse development.”*

*Per Tulsa County Assessor’s parcel records, the existing duplex units each have typically 1,242 and 1,476 square feet, excluding two (2) car attached garages with each unit. A majority appear to have two (2) stories. They do not have masonry, but were recently repainted, and renovations have been made. Proposed minimum townhouse units square footage information has not been provided, and no standard has been proposed. The original PUD 6 provided that each unit would have an attached 2-car garage, and further, “There are some fairly large trees on the site which will be preserved, if at all possible.” Per a site inspection, it appears there remain several large trees in the area where new townhouses are proposed. To ensure the adequacy of the quality of proposed townhouses and contextual compatibility, the PUD should specify proposed minimum dwelling unit sizes, minimum masonry, minimum attached garage off-street parking, and tree preservation and/or planting standards such as the Planning Commission and City Council will find suitable.*

*Because the review methodology is similar, and both applications are essentially rezoning-related and propose to prepare the subject property for the same townhouse residential redevelopment, this*

review will, except as noted, include both applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

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

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

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held May 07, 2014. Minutes of that meeting are attached to this report.

Access & Circulation. The subject property has a private street network consisting of Lot 1, Block 1, Memorial Square, which connects to 84<sup>th</sup> E. Ave. at 119<sup>th</sup> Ct. S. (also private). Streets are proposed to remain private, but will be elevated to achieve required minimum street flooding requirements. Although the subject property has frontage on 121<sup>st</sup> St. S., the frontage all belongs to Reserve A, Memorial Square, which is presently, and is proposed to remain a stormwater detention facility.

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

Sidewalks are not presently shown, but are required by the Subdivision Regulations. See related recommendations in this report.

Limits of No Access (LNA) are currently proposed along 84<sup>th</sup> E. Ave., and should also be required along 121<sup>st</sup> St. S. except for access point(s) as approved by the City Engineer and Fire Marshal.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of RS-1, RD, CS, and CS/RM-3/OL/PUD 81. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

To the north and east are single family houses zoned RS-1, and abutting immediately to the north are duplexes along 119<sup>th</sup> St. S. zoned RD, all in Southern Memorial Acres Extended.

Across 121<sup>st</sup> St. S. to the south are 23 acres of vacant land recently approved for rezoning to CS, RM-3, and OL and PUD 81 "Chateau Villas PUD" for a "luxury apartments" and commercial development. To the southwest are commercial businesses and vacant land zoned CS in 121st Center. The Bixby Fire Station #2 and single-family residential houses are zoned RS-1 to the southeast in the Houser Addition.

Finally, the Town and Country Shopping Center, zoned CS, abuts to the west in Southern Memorial Acres Extended.

Staff believes that the existing underlying zoning, the original PUD 6 and its proposed Major Amendment # 1, and the existing duplexes and proposed townhouses are all consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

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

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

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

- A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;

B. Permit flexibility within the development to best utilize the unique physical features of the particular site;

C. Provide and preserve meaningful open space; and

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

Subject to meeting the recommendations below, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this application.

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

1. The approval of RT rezoning is subject to the final approval of PUD 6 Major Amendment # 1 and vice-versa.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item will be satisfied by the "Standard Requirements" section of the PUD Text.
3. *Site Description and Location:* Please add clarifying text that, in instances where there will be only two (2) townhouse units adjoining, these will be recognized as townhouses and duplexes as defined in the Zoning Code pursuant to the definition of "townhouse development."
4. To ensure the adequacy of the quality of proposed townhouses and contextual compatibility, the PUD should specify proposed minimum dwelling unit sizes, minimum masonry, minimum attached garage off-street parking, and tree preservation and/or planting standards such as the Planning Commission and City Council will find suitable.
5. PUD Text: Missing information on existing and any proposed new signs per Zoning Code Section 11-7I-8.B.1.f. Text should describe if Reserve Area or easement would be employed for common features.
6. *Development Standards for DA A:* Including existing duplexes, the existing Reserve A stormwater detention facility, and proposed Reserves B and C in a singular DA is problematic from the standpoint of preparing development standards. Consider consolidating all existing duplexes from DAs A and B into a singular DA, and consolidating existing and proposed Reserve Areas into another.
7. *Development Standards for DA A:* Bulk and area standards as presently written are unworkable for existing duplexes and existing and proposed Reserve areas. After segregating the two (2) per other recommendations in this report, please update and synch duplex standards to actual As-Built conditions.
8. *Development Standards for DA A: Masonry requirement:* Please clarify as to intent (existing duplexes currently in DA A, or future buildings if permitted in Reserve Areas).
9. *Development Standards for DA B:* Minimum lot width of 34' in conflict with Lot 3, Block 1, Memorial Square at 30' in width.
10. *Development Standards:* Needs to provide development standards for Block 1, Memorial Square, which appears to consist of Lot 1 (private streets and alley), Lot 2 ("Common Greens" per original PUD), and Lots 3 through 7, inclusive (purpose uncertain). A separate Development Area for Block would be in order to prevent conflict with other development standards for other areas and uses.
11. "Summary of the Development Areas in the Major Amendment to the PUD," Development Standards for DAs A, B, and C, and Exhibit B are internally inconsistent – please reconcile.
12. For purposes of this analysis, DAs A, B, and C will be recognized based on their respective descriptions in the Development Standards for each, not according to Exhibit B or other Text in this document.
13. *Development Standards for DAs A, B, and C:* Where referring to minimum frontage required, please replace qualifier "public" with "private" as streets in Memorial Square are private.
14. *Development Standards for DA A:* Please clarify Residential density standard proposed. See Background Information section of this report for details.
15. *Development Standards for DA C: Minimum Land Area per D.U.:* Standard provided is smaller than the smallest GLA/DU permitted by PUDs per Zoning Code Sections 11-7I-5.A, 11-7I-5.A.1,

11-7I-5.A.1.b, 11-7I-5.A.2.b, and 11-7B-4.A.1 Table 3 (6,750 square feet). See Background Information section of this report for details.

16. Development Standards for DA A: Permitted Uses: Unless the Applicant desires to seek an amendment to the Comprehensive Plan, the proposed commercial use of the Development Area corresponding to existing CS zoning is inconsistent with both the Low Intensity and Residential Area designations of the Comprehensive plan, and should be removed in favor of language restricting use to stormwater drainage and detention, streets and common areas, and duplex and townhouse residential uses.
17. Development Standards for DA A: Permitted Uses: Uses permitted by right in CS do not allow for the existing Use Unit 7 duplexes – please add specifically. Consider adding also Use Unit 7A townhouses, for purposes of future redevelopment consistent with the balance of this PUD.
18. Development Standards for DA A: Minimum lot width should be defined to allow for the four (4) existing “flag lots,” which have debatable widths due to irregular geometries.
19. Development Standards for DA B: Please synch minimum lot area to the smallest lot actually located in DA A (excluding Block 1), with a small 10% to 15% buffer for any future lot-line adjustments, to ensure no changes are made absent changing the PUD.
20. Development Standards for DAs A and B: Please add a minimum Land Area standard such that existing lots will be consistent. Land Area is not interpreted to allow for use of ½ of adjoining Lot 1, Block 1, Memorial Square, as the same is not clearly recognizable as “right-of-way.”
21. Development Standards for DA C: Please add a proposed minimum Land Area standard for new townhouse lots.
22. Development Standards for DA C: “Flag lots” Lots 3 and 18, Block 2, would not meet proposed 30’ minimum lot width standard. These should be excepted or otherwise addressed.
23. Development Standards for DA B: Please confirm all existing duplexes will comply with proposed setback standards.
24. Please address (where appropriate in Text & Exhibits) what is intended for Lots 3 and 4, Block 5, Memorial Square.
25. Development Standards for DA A: Gross area reported at 2.9 acres, but GIS indicates approximately 3.7 acres (“gross area” includes ½ of adjoining right-of-way, excluding Lot 1, Block 1, Memorial Square in this instance as it is not clearly “right-of-way” per se). Please reconcile.
26. Development Standards for DAs A, B, and C: Calculating total Gross Land Areas reported results in 9.43 acres, which appears to be the Net Land Area, reported as 9.38 acres per the plat of Memorial Square. Please reconcile Gross and Net Land Areas throughout the document.
27. Development Standards for DA C: Please specify legal description of DA consistent with other DAs.
28. “Landscaped Area and Visual Screening”: Not expected within a SF Residential PUD. However, this would be an appropriate place to discuss Developer’s plans regarding existing tree preservation and/or planting, as may be proposed.
29. “Landscaped Area and Visual Screening”: Please note that there is an existing fence along the west line screening the Town and Country Shopping Center.
30. “Access and Circulation”: Please modify text pertaining to streets to acknowledge that all or which streets will be elevated to meet maximum street flooding standards.
31. “Access and Circulation”: Please acknowledge sidewalk construction requirements such as “Sidewalks shall be constructed by the developer or individual lot owners along all perimeter and internal streets in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer.” Should also state if sidewalk easements will need to be employed due to reduced private street widths.
32. “Access and Circulation”: Please note that Limits of No Access (LNA) will be imposed along the 121<sup>st</sup> St. S. and 84<sup>th</sup> E. Ave. frontages except for approved access point(s).
33. “Access and Circulation”: Please document here that the private street network consists of Lot 1, Block 1, Memorial Square, and specify the existing roadway widths (curb face to curb face and curb widths) and the 25’ private street “right-of-way” widths per Memorial Square.
34. “Utilities and Drainage”: States that utilities are shown on Exhibit C in error.

35. *"Utilities and Drainage": Please describe plans for floodplain, stormwater drainage and detention, street, and utility engineering and improvements.*
36. *"Utilities and Drainage": Please describe site utilities in greater detail, noting where certain pedestals and appurtenances are elevated due to the Floodplain.*
37. *"Utilities and Drainage": Please describe plans for adding streetlights and traffic signs as required for new subdivisions in Bixby.*
38. *"Platting Requirement": Does not state that platting is required before Building Permit issuance.*
39. *PUD Exhibits: Missing "Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed." per Zoning Code Section 11-7I-8.B.1.g. At minimum, please represent the commercial access drive, back side of the Town and Country Shopping Center building complex, and common line fence, and the lot lines for abutting duplex lots to the north, with "duplexes" label.*
40. *PUD Exhibits: Missing "existing topographic character of the land including identification of floodplain areas, treed areas, slope analysis and soil analysis" per Zoning Code Section 11-7I-8.B.2.*
41. *PUD Exhibits: Missing customary area zoning exhibit.*
42. *PUD Exhibits: Missing customary aerial map.*
43. *PUD Exhibits: Missing customary utilities plan map.*
44. *PUD Exhibits: Consider qualifying site plan elements as "typical" or "conceptual" as needed.*
45. *Exhibit A: Please dimension frontages of "flag lots" 3, 17, and 18, Block 2.*
46. *Exhibit A: Please dimension rear lot line of Lot 3, Block 2.*
47. *Exhibit B: DA boundaries do not reflect parts of the "handles" of flag-lots 5, 6, 15, and 16, Block 3, Memorial Square. Please confirm intent.*
48. *Exhibits A and B: Please clarify meaning of "150' ESMT" and "Temporary Easement." If there are existing City of Bixby or other easements, please cite relevant Book and Page or Document #.*
49. *Exhibits A and B: Please resolve text and linework congestion throughout.*
50. *Exhibits A and B: Please add a Drainage Easement or widen the U/E such that it fully contains the concrete flume shown in Block 2.*
51. *Exhibits A and B: It does not appear the 17.5' minimum width Perimeter U/E is represented along all PUD boundaries. Please represent or discuss if not currently planned to be at 17.5' in width.*
52. *Exhibits A and B: 50' vacated street along 120<sup>th</sup> Pl. S. does not correspond with location of former 120<sup>th</sup> St. S. per the plat of Southern Memorial Acres Extended. Please revise or advise.*
53. *Exhibits A and B: LNA label and distance missing from frontage of Block 3.*
54. *Exhibits A and B: Please place a note stating that dimensions between existing buildings and property lines are not provided here but will be for the Preliminary Plat in satisfaction of Subdivision Regulations requirements.*
55. *Exhibits A and B: Please label all lots within Block 1, Memorial Square.*
56. *Exhibits A and B: Please label Lot 2, Block 1 as "Common Greens" as per original PUD, or otherwise with currently proposed use.*
57. *Exhibits A and B: Please label existing and proposed fences per Zoning Code Section 11-7I-8.B.1.e. There is an existing fence to the west.*
58. *Exhibits A and B: Please add "South," "So.," or "S." to street names.*
59. *Exhibits A and B: Please identify existing sign at entrance with height and display surface area, and whether "to remain" or "to be replaced" per Zoning Code Section 11-7I-8.B.1.f.*
60. *Exhibits A and B: Please add a Legend to clarify linetypes, abbreviations, and symbols used.*
61. *Exhibits A and B: Please add LNA along 121<sup>st</sup> St. S. except for locations as specified by the City Engineer and Fire Marshal.*
62. *Exhibits A and B: Please dimension abutting streets right-of-way and paving widths. It appears half-street rights-of-way are identified, but apostrophes used to indicate "feet" and dimensional arrows are missing.*
63. *Exhibits A and B: Please represent and label as to width all required sidewalks.*
64. *Please identify or advise what the corner cut areas mean as represented in the symbols used for proposed new townhouse units (e.g. "covered porch," etc.).*

65. *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.*
66. *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 Tom Gravitt of 1312 NW 172<sup>nd</sup> St., Edmond, from the Sign-In Sheet. Mr. Gravitt stated that the City had talked to many people about finishing developing this property, but “We’re the first to” [try]. Mr. Gravitt stated that they would not have attempted this if not for Bill Smith, who indicated he believed this could be done. Mr. Gravitt stated that Mr. Smith had a hydrologic model that [the investor(s)] believe is feasible, but only if they could reclaim the lots they would lose in order to add additional onsite [stormwater] detention. Mr. Gravitt stated that [the investor(s)] would “redo the box under 121<sup>st</sup> St. S., and rework the drainage to the south.” Mr. Gravitt stated that these would be “townhomes, for sale, market-driven, single family.” Mr. Gravitt stated that [the investor(s) plan to] “take a project that has not worked out well and bring to market a product that will be a great” [thing for Bixby] “at a price point that people can reach.” Mr. Gravitt stated that “The Fire Marshal asked that we raise the street,” which would be done.

Erik Enyart noted that, of the recommendations, there was one substantive / design issue, which was identified as recommendation # 4 from the Staff Report.

- “4. To ensure the adequacy of the quality of proposed townhouses and contextual compatibility, the PUD should specify proposed minimum dwelling unit sizes, minimum masonry, minimum attached garage off-street parking, and tree preservation and/or planting standards such as the Planning Commission and City Council will find suitable.”

Erik Enyart stated that, in cases similar to this, the City has asked that the developer specify, in their PUD, what they know they plan to do, as far as minimum dwelling unit sizes, masonry, attached garages, etc.

Tom Gravitt stated that the units would have attached garages and would be about 1,200 square feet in size, ranging from 1,100 to 1,475 square feet. Mr. Gravitt stated that this was market-driven. Mr. Gravitt stated that [the investor(s)] were working with Mark Thomas, an architect in Tulsa.

Jerod Hicks asked, “Is it your goal to sell and not rent?” Tom Gravitt responded “They’re fee simple.”

Chair Thomas Holland asked about Restrictive Covenants. Tom Gravitt indicated the new lots would have Restrictive Covenants. Mr. Gravitt noted that [the investor(s)] had closed on the 20 existing units March 31<sup>st</sup>. Mr. Holland asked if the existing plat had Restrictive Covenants, and

Erik Enyart responded that, as a part of his review, he reviewed the plat of *Memorial Square*, and observed it did have some, as there are with all plats, but he did not read all of it.

Chair Thomas Holland stated that he had been to the property and that the duplexes on the north and east were all brick. Tom Gravitt indicated that [the investor(s)] wanted to get the PUD and zoning approved now, so that they would know whether to continue working on the project, and would then come up with these standards.

Upon a question, Erik Enyart stated that, when it came to matters of aesthetics, it was always a delicate balance between the City's interest in quality development and the need to be sensitive to market forces. Mr. Enyart reiterated that, in cases similar to this, the City has asked that the developer specify, in their PUD, what they know they plan to do as far as development quality, and then it would be up to the Planning Commission and City Council to determine what was appropriate.

Jerod Hicks asked about the price point, and Tom Gravitt stated the units would be about \$130,000 to \$135,000.

Tom Gravitt asked if the building materials and size standards could be put in the Restrictive Covenants, rather than be spelled out now in the PUD. Erik Enyart confirmed it could be structured this way. Mr. Enyart noted that, in a similar case for what was described as a "luxury apartment" and commercial development, the City asked that all of these things be spelled out in the PUD, but acknowledged this was not for an apartment development. Mr. Gravitt confirmed with Erik Enyart that Mr. Enyart was referring to the "Chateau Villas" development. Mr. Gravitt indicated favor for getting the PUD and zoning approved at this time, to allow further work on the CLOMR and infrastructure. Upon a question, Mr. Enyart confirmed that it was the Commission's prerogative to give to the City Council whatever recommendations they believe appropriate. Steve Sutton clarified with Erik Enyart that such a recommendation could include that the building materials and aesthetics would be brought back to the Planning Commission first. Mr. Gravitt expressed concern over the term "aesthetics" and confirmed with the Commission that they were still talking about putting such matters in the Restrictive Covenants. Mr. Enyart stated that, rather than the Motion including the term "aesthetics," it could reference the items as listed in recommendation # 4, which he read: "minimum dwelling unit sizes, minimum masonry, minimum attached garage off-street parking, and tree preservation and/or planting standards." Mr. Gravitt and the Commissioners indicated agreement. Mr. Enyart clarified with Steve Sutton, Mr. Gravitt, and the Commissioners that, rather than adding a new recommendation, it would be best to reword recommendation # 4 to the effect as Mr. Enyart understood the Commissioners to favor per the discussion in the meeting, summarized as: the PUD must specify that minimum dwelling unit sizes, minimum masonry, minimum attached garage off-street parking, and tree preservation and/or planting standards will be proposed in the Restrictive Covenants of the future plat, which the Planning Commission and City Council will consider for adequacy. The Commissioners indicated support for this summary by acclamation.

Patrick Boulden asked Tom Gravitt if he intended to vacate the old plat. Discussion ensued. Mr. Boulden noted that, if a new plat was put on top of the existing one, there could be conflict, but after 10 years the previous one "goes away," or the plat could be vacated, or it could be vacated by

agreement of at least 60% of the lot owners. Mr. Boulden indicated favor for vacating the old plat. Mr. Gravitt noted that [the investor(s)] own the existing 20 units, or 10 lots, but would ultimately own all of the lots. Mr. Boulden indicated agreement.

A Commissioner asked if there were not three (3) owners of the lots, based on Tom Gravitt's previous statements regarding the owner of the existing 20 units / 10 lots, the vacant lot owner, and [the Homeowners Association]. Mr. Gravitt indicated there were only two (2) owners, and described the incorporation of the Homeowners Association. Mr. Gravitt reiterated that [the investor(s)] would ultimately own all of the lots. A Commissioner asked what would happen if the other owners objected to the rezoning. Erik Enyart confirmed with Mr. Gravitt that "all of the owners have agreed to the applications."

Chair Thomas Holland recognized John Donelson of 17440 S. 89<sup>th</sup> E. Ave. from the Sign-In Sheet. Mr. Donelson stated that Tom Gravitt had covered all the items well.

Steve Sutton made a MOTION to RECOMMEND APPROVAL of the PUD 6 Major Amendment # 1 and BZ-374 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff, with recommendation # 4 modified as Erik Enyart articulated as follows:

- "4. To ensure the adequacy of the quality of proposed townhouses and contextual compatibility, the PUD must specify that minimum dwelling unit sizes, minimum masonry, minimum attached garage off-street parking, and tree preservation and/or planting standards will be proposed in the Restrictive Covenants of the future plat, which the Planning Commission and City Council will consider for adequacy."

Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Sutton, Hicks, and Whisman  
NAY: None.  
ABSTAIN: None.  
MOTION PASSED: 5:0:0

PLATS

- 8. **Preliminary Plat – "Somerset" – JR Donelson, Inc. (PUD 82).** Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for "Somerset" for 18 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.  
Property Located: 6905 E. 121<sup>st</sup> St. S. & 11803 and 11809 S. Sheridan Rd.

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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, May 16, 2014*  
*RE: Report and Recommendations for:*

Preliminary Plat of "Somerset" (PUD 82)

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

**SIZE:** 18 acres, more or less

**EXISTING ZONING:** RS-2 Residential Single-Family District and PUD 82

**SUPPLEMENTAL ZONING:** PUD 82 "Somerset"

**EXISTING USE:** Rural residential and agricultural

**REQUEST:** Preliminary Plat approval

**SURROUNDING ZONING AND LAND USE:**

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

**South:** AG & CS/RS-2/PUD 53; Vacant/wooded land, and across 121<sup>st</sup> St. S., vacant commercial lots and a 2-story office building at 6810 E. 121<sup>st</sup> 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. 121<sup>st</sup> St. S., the "wetland mitigation" land owned by Tulsa County, and the "hardwood mitigation" land owned by the City of Bixby, all zoned AG.

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

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

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

**PREVIOUS/RELATED CASES:**

**BBOA-147 – J.L. Shimp** – Request for Special Exception approval to allow a mobile home in an AG District on the westerly approximately 8 acres of subject property – BOA could not achieve passage of a Motion for action at either the 10/1985 or 12/09/1985 meetings.

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

**BZ-370 & PUD 82 – "Somerset" – JR Donelson for Kowen Properties, LLC** – Request to rezone from AG to RS-2 and to approve PUD 82 for a single-family residential development subject property – PC recommended Conditional Approval 02/18/2014, with the exception of Staff's abutting access provision recommendations. City Council 02-24-2014 Conditionally Approved with Staff's abutting access recommendations, "subject to a[n] application for waiver of subdivision regulations." City Council Approved ordinance effecting rezoning and PUD approval upon receipt of the "Final As Approved" copy of the PUD with all of the Conditions of Approval incorporated 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 subject property – PC Recommended Partial Approval 03/17/2014 to allow the proposed 20' Emergency Access Drive Easement to the 8-acre development property abutting to the south/west, with the location to be determined by the involved private parties and City Council Partially Approved as recommended 03/24/2014.

**BACKGROUND INFORMATION:**

**ANALYSIS:**

**Subject Property Conditions.** The subject property of approximately 18 acres is zoned AG and is rural residential and/or agricultural in use. It has approximately 427.15' of frontage on Sheridan Rd. and 333.27' of frontage on 121<sup>st</sup> St. S. The subject property is presently composed of three (3) existing parcels:

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

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

The subject property is presently served by the critical utilities (water, sewer, electric, etc.). Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Low Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land.

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

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

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

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

General. The plat proposes a single-family residential subdivision development with 54 lots. The plat exhibits a suburban-style subdivision design, with 54 single-family residential lots. Minimum lot widths would be 65'. On the easterly 10-acre section of the PUD, the site plan indicates typically 65'-wide lots, with 140' of depth (9,100 square feet; 0.21 acres). On the westerly approximately eight (8) acres, 12 relatively large lots are arranged around two (2) cul-de-sac streets, 66<sup>th</sup> and 67<sup>th</sup> E. Aves., and 11 non-cul-de-sac lots front on the south side of 119<sup>th</sup> St. S. The latter are typically 70' X 125' (8,750 square feet; 0.20 acres). At the northern end of the existing 10-acre tract portion of the subject property, proposed Lot 17, Block 2 would contain the existing house, which will remain. The existing rural residential houses at the west end of the westernmost 4-acre tract will be removed by this development.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on May 07, 2014. The Minutes of the meeting are attached to this report.

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

Access and Internal Circulation. Primary access would be from 121<sup>st</sup> St. S. (Primary Arterial) via the proposed 68<sup>th</sup> E. Ave., and from Sheridan Rd. via the proposed 119<sup>th</sup> St. S. Two (2) short cul-de-sac streets, 66<sup>th</sup> and 67<sup>th</sup> E. Aves., are proposed to extend north from 119<sup>th</sup> St. S. The streets are proposed to be gated and private, and are represented on the plat as Reserve B.

Abutting the subject property to the west and south is an unplatted 8-acre development tract, the subject of PUD 84 "Sheridan Cottages." This plat proposes, pursuant to PUD 82 as approved, a 20'-wide Reserve A, to allow the "Sheridan Cottages" property to construct an access between the two (2) additions in the future at the "Sheridan Cottages" property owner's expense. It is proposed to connect to the "Sheridan Cottages" property where the draft PUD's site plan indicates the connection.

Per the approved PUD 82, in lieu of sidewalk construction along Sheridan Rd., the developer will propose to extend the sidewalk offsite through the Bixby 5<sup>th</sup> & 6<sup>th</sup> Grade Center parcel to connect to the west line of LifeChurch.tv. This will require a Waiver of the Subdivision Regulations with this Preliminary Plat application, which the PUD Text acknowledges. Staff noted that the distances may not

equal out, but adding the ramp treatments on both sides of the School's drive may bring parity to the cost versus the Sheridan Rd. location.

The plat proposes a 50' right-of-way dedication for Sheridan Rd. and 60' for 121<sup>st</sup> St. S. (Primary Arterial) as required.

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

1. Subject to a Partial Modification/Waiver from the sidewalk construction requirement of SRs Section 12-3-2.N, as outlined in PUD 82, to allow sidewalk construction along 121<sup>st</sup> St. S. to the west line of LifeChurch.tv in lieu of along the Sheridan Rd. frontage.
2. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
3. Per SRs Section 12-4-2.A.5, please correct Location Map as follows:
  - a. The Links at Bixby (misrepresented as to configuration)
  - b. Resubdivision of Lots 3 and 4 of Bixby Commons (missing)
  - c. Woodcreek Village Amended (mislabeled)
  - d. The Estates of Graystone (mislabeled)
  - e. North Heights Addition (mislabeled)
  - f. Amended Plat of Block 7, North Heights Addition (missing)
  - g. Bixby Centennial Plaza II (missing)
  - h. Bixby Jiffy Lube (inappropriately highlighted)
4. Please provide Limits of No Access (LNA) restrictions along the 121<sup>st</sup> St. S. and Sheridan Rd. frontages except at approved access points.
5. Please resolve text and linework (contour lines) congestion in Title Block area.
6. Please resolve text conflict at north line of Lot 26, Block 2.
7. Please resolve text and linework conflicts along the 121<sup>st</sup> St. S. area.
8. Plat missing notes pertaining to monumentation (reference SRs Section 12-1-8).
9. Subdivision statistics: Please add number of Reserve areas.
10. Please correct proposed addresses per the provided address schedule recommendations.
11. Lots 1 through 8, inclusive, Block 1, are completely separated from the balance of Block 1 by Reserve A. Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
12. Update Lot, Block, and Reserve number statistics to add the new block number.
13. Please add missing dimensions from frontward lines of cul-de-sac lots.
14. Lot 16, Block 2: Please represent existing buildings and dimension to nearest property lines, such as shown PUD 82 site plans, as required by SRs Section 12-4-2.A.8. Such details may be removed on Final Plat by standard Modification/Waiver written into Staff Report as a Condition of Approval.
15. "UE" as sometimes used on face of plat does not match "U/E" in Legend.
16. DoD/RCs Section I Preamble, final paragraph: Should probably "...by the lots owners within SOMERSET."
17. DoD/RCs Section I: Please cite/describe Reserve B as pertains to streets appropriate.
18. DoD/RCs Section I.A.4: Please invert with current Section A.5 for logical flow.
19. DoD/RCs Section I.C: Please correct "The streets and storm sewer are private..."
20. DoD/RCs Section II.A: Please append setbacks with "...a public or private street."
21. DoD/RCs Section III.A.1: First sentence has a comma instead of period.
22. DoD/RCs Section III.A.4: Occurrence of misplaced "\".
23. DoD/RCs Section III.C: Word "are" is misspelled.
24. DoD/RCs Section III.E: 50% masonry does not qualify as being subject to 75% standard of PUD / DoD/RCs Section II.
25. DoD/RCs Section III.G.2: Word "more" is misspelled.
26. DoD/RCs Section III.N: Should also specify signage.
27. DoD/RCs Section III.N: Does not mention purpose of Fence & Landscape Easement shown along the south line of Lot 16, Block 1.
28. DoD/RCs Section III.N: Should reference the full title, "Fence & Landscape Easement or 'F/L'" as shown on the face of the plat.
29. DoD/RCs Section III.O: Word "prohibited" misspelled.

30. DoD/RCs Section III.R: Word “an” misspelled.
31. DoD/RCs Section III.Z.3: Word “are” misspelled.
32. DoD/RCs Section III.Z.3: Word “Committee” omitted, and period missing.
33. DoD/RCs Section III.CC: Please clarify ambiguity in final sentence, such as “Also excepted are any changes...”
34. DoD/RCs Section VI: Please replace “or allow” with “and shall prevent.”
35. DoD/RCs Section 1.E: Discusses stormwater easements which are not represented on face of plat.
36. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11” X 17”, and 1 electronic copy).

Erik Enyart observed that all of the recommended corrections were cosmetic in nature, and could be resolved by changing words or lines on paper.

Chair Thomas Holland recognized Applicant Tom Wenrick. Mr. Wenrick stated that he had not seen the Staff’s recommendations, and asked if the entryway matter was “in there.” Erik Enyart responded that it was covered by reference to the Fire Marshal’s recommendations. Mr. Wenrick confirmed with Mr. Enyart that the recommendation pertaining to the Waiver on the sidewalk on Sheridan Rd. was “in there.” Mr. Wenrick stated that, with the exception of the entryway size, he agreed with the Staff’s recommendations. Upon a question, Mr. Enyart stated that the entryway recommendation would appear to be item # 4 in the Fire Marshal’s review memo on page 97 of the Agenda Packet [“4. Gate Entrances shall meet 2009 IFC Appendix D requirements. Plans of the gates shall be submitted to this office for approval.”]. Mr. Wenrick stated that he had been communicating with the Fire Marshal and was proposing 14’-wide drive lanes. Mr. Wenrick stated that the drive lanes on Memorial Dr. were only 13’ in width. Mr. Wenrick stated that both the entry and the exits would have 14’, which was true for the ones he had done previous developments in Bixby and [other jurisdiction(s) with similar standards]. Mr. Wenrick stated that the Fire Code encouraged the 20’-wide drive lane, but referred to the Fire Chief in the community, and stated that he would do what [the Fire Chief] wanted. Mr. Wenrick stated that he saw no need to have 20’-wide gates at both entrances, Sheridan Rd. and 121<sup>st</sup> St. S., and called it “excessive.” Mr. Wenrick stated that he would have difficulty at the entry lots, and that this would have a financial impact. Mr. Wenrick stated, “People don’t want a gate that’s open.”

A Commissioner asked Erik Enyart about the matter, and Mr. Enyart stated that this was different than a drive lane such as in Memorial Dr. due to turning movements. Mr. Enyart confirmed that there had been discussion between the Applicant and the Fire Marshal about the gate, which discussion included the role of the Fire Chief, but stated that he did not know the Fire Code and so would “defer to the expertise of the Fire Marshal.”

Patrick Boulden stated that the Fire Code specified the required width and provided that [the Fire Chief] “shall approve it,” and did not say that he could Waive it. Mr. Boulden stated that it was an International Fire Code and was adopted by the State of Oklahoma, and by the City of Bixby. Mr. Boulden stated that this would create a substandard development and create a fire hazard. Mr. Boulden reiterated that the Fire Chief was to approve the 20’-wide gates, and stated that it was not [the Planning Commission’s or Staff’s] place to change the codes.

Steve Sutton asked if the gate recommendations were included in the Staff's recommendations, and Mr. Enyart confirmed that it was covered in recommendation # 2.

Patrick Boulden recommended the Commission approve with the Staff's recommendations.

Steve Sutton made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat with all of the corrections, modifications, and Conditions of Approval as recommended by Staff, including the Fire Marshal's recommendations on the gate and entryway widths. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Sutton, Hicks, and Whisman  
NAY: None.  
ABSTAIN: None.  
MOTION PASSED: 5:0:0

Jerod Hicks asked Tom Wenrick if it was possible to do 10' and 10' gates [to cover the 20'-wide section]. Mr. Wenrick discussed with Mr. Hicks, Steve Sutton, and the other Commissioners the different gate types and problems with each, including maintenance problems when they are hit by cars, and how sliding gates are problematic in this climate with the ice and snow.

OLD BUSINESS:

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

NEW BUSINESS:

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

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:04 PM.

APPROVED BY:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

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