

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
August 18, 2014 6:00 PM**

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:07 PM.

ROLL CALL:

Members Present: Larry Whiteley, Jerod Hicks, Steve Sutton, Lance Whisman, and Thomas Holland.
Members Absent: None.

CONSENT AGENDA:

1. Approval of Minutes for the July 14, 2014 Special Meeting
2. Approval of Minutes for the July 21, 2014 Regular Meeting

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 July 14, 2014 Special Meeting and the July 21, 2014 Regular Meeting as presented by Staff. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

3. **BZ-376 – Joseph Guy Donohue for J.C. & Lila Morgan.** Public Hearing, Discussion, and consideration of a rezoning request from IL Industrial Light District to CH Commercial High Intensity District for approximately 1 acre in part of the NE/4 NW/4 of Section 23, T17N, R13E.
Property located: 6636 E. 151st St. S. (to be re-addressed 7108 and 7110 E. 151st St. S.)
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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: Wednesday, August 13, 2014
RE: Report and Recommendations for:
BZ-376 – Joseph Guy Donohue for J.C. & Lila Morgan

LOCATION: – 6636 E. 151st St. S. (to be re-addressed 7108 and 7110 E. 151st St. S.)
– Part of the NE/4 NW/4 of Section 23, T17N, R13E

LOT SIZE: 1 acre, more or less

EXISTING ZONING: IL Industrial Light District

EXISTING USE: Single family house

REQUESTED ZONING: CH Commercial High Intensity District

SUPPLEMENTAL ZONING: Corridor Appearance District

SURROUNDING ZONING AND LAND USE:

North: (Across 151st St. S.) AG; Vacant/wooded and agricultural land.

South: CH & RMH; The “Spectrum Plaza” trade center zoned CH and the Shadow Valley Mobile Home Park zoned RMH.

East: CH, RMH, and AG; The “Spectrum Plaza” trade center zoned CH, the Shadow Valley Mobile Home Park zoned RMH, and the former Conrad Farms’ farmland further to the east and southeast.

West: CS, AG, & RS-1; The Applicant’s property containing the Bethesda Girls Home at 7106 E. 151st St. S. and another nonresidential building (former location of the Living Water Family Church) at 7102 E. 151st St. S., Bixby Chiropractic at 7100 E. 151st St. S., and vacant/wooded and agricultural land at the southeast corner of 151st St. S. and Sheridan Rd. Across 151st St. S. to the northwest is rural residential along 68th E. Ave. and 149th / 148th St. S. in an unplatted subdivision possibly known as “Abbett Acres” zoned AG, the Leonard & Marker Funeral Home zoned CS and AG, a house on a 0.81-acre tract zoned RS-1 at 15015 S. Sheridan Rd., a church campus on a 1-acre tract zoned RS-1 (the new location of Living Water Family Church) at 15025 S. Sheridan Rd., and agricultural land zoned AG.

COMPREHENSIVE PLAN: Corridor + Industrial Area + Development Sensitive + Regional Trail + Community Trail

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

BZ-81 – Jerry Green – Request for rezoning from RMH to IL for approximately 4.8 acres, which included subject property and the (now) 3.4-acre “Spectrum Plaza” property abutting subject property to the south – PC Recommended Approval 03/31/1980 and City Council Approved 04/21/1980 (Ord. # 395).

BL-107 – Jerry Green – Request for Lot-Split approval to separate the subject property and the (now) 3.4-acre “Spectrum Plaza” property abutting subject property to the south – PC Approved 10/28/1985 and City Council Approved 11/12/1985 per case notes.

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

BBOA-70 – Luther Metcalf for Melvin Skaggs – Request for Special Exception to allow a single family dwelling (site built) in an RMH district for property of approximately 3 ¾ acres abutting

subject property to the west and now addressed 7100, 7102, and 7106 E. 151st St. S. – BOA Approved 01/08/1980.

BBOA-137 – Lee Fox – Request for Special Exception to allow a mobile home on a previously 10.3-acre tract located to the northwest of subject property at 15015 S. Sheridan Rd. – BOA Denied 12/10/1984.

BBOA-230 – Twilah A. Fox, M.D. – Request for Special Exception per Zoning Code Section 310 to allow a Use Unit 5 church (now known as the Living Water Family Church at 15025 S. Sheridan Rd.) on the Southwest approximately 1.16 acres of a previously 10.3-acre tract located to the northwest of subject property at 15015 S. Sheridan Rd. – BOA Approved 09/04/1990.

BZ-199 – Dan Stilwell – Request for rezoning from RMH to CG for approximately 3 ¾ acres abutting subject property to the west and now addressed 7100, 7102, and 7106 E. 151st St. S. – PC recommended Approval 05/18/1992 and City Council Approved 05/25/1992 (Ord. # 667). However, the legal description used may not have closed and the ordinance did not contain the approved Zoning District. The official Zoning Map reflects CS instead of CG. Any interested property owner may petition the City of Bixby to reconsider a CG designation as an amendment to Ordinance # 667 per BZ-199, subject to the recommendations and instructions of the City Attorney.

BBOA-252 – Dan Stilwell – Request for Special Exception to allow horses as a Use Unit 20 use in the (then requested) CG district for property of approximately 3 ¾ acres abutting subject property to the west and now addressed 7100, 7102, and 7106 E. 151st St. S. – BOA Approved 06/01/1992.

BBOA-293 – Lee & Twila[h] Fox – Request for Variance from the minimum size and width bulk and areas standards of the AG district, to allow a Lot-Split (BL-184) on a previously 10.3-acre tract located to the northwest of subject property at 15015 S. Sheridan Rd. – BOA Approved 04/17/1995.

BL-184 – Joe Donelson for Lee & Twilah A. Fox – Request for Lot-Split approval to separate a 1-acre tract at 6668 E. 148th St. S. from an original tract of 10.3 acres located to the northwest of subject property at 15015 S. Sheridan Rd. – PC Approved 04/17/1995.

BBOA-345 – Twilah Fox – Request for “Special Exception” from Zoning Code Section 310 to allow a Use Unit 9 mobile home to be temporarily placed in the AG district for a formerly 9-acre tract located to the northwest of subject property at 15015 S. Sheridan Rd. – BOA Conditionally Approved 07/06/1999.

BZ-283 – Mike Marker – Request for rezoning from AG to CS for a 1.3-acre tract to the west of subject property and containing the Leonard & Marker Funeral Home main building at 6521 E. 151st St. S. – PC Recommended Approval 02/19/2002 and City Council Approved 03/11/2002 (Ord. # 848).

BBOA-381 – Mike Marker – Request for Variance from the parking standards of Zoning Code Chapter 10 Section 1011.4 for a 1.3-acre tract to the west of subject property and containing the Leonard & Marker Funeral Home main building at 6521 E. 151st St. S. – BOA Approved Variance, to include requiring 62 parking spaces, 05/06/2002.

BBOA-389 – Joe Donelson for Mike & Pam Marker – Request for Variance from the sign setback requirement of Zoning Code Chapter 2 Section 240.2(e) for a 1.3-acre tract to the west of subject property and containing the Leonard & Marker Funeral Home main building at 6521 E. 151st St. S. – BOA Approved 08/05/2002.

BZ-287 – Randy King – Request for rezoning from AG to CG for a 4-acre tract to the northwest of subject property at 6825 E. 151st St. S. – PC (09/16/2002) Recommended Denial and suggested that the item be brought back as a PUD; denial recommendation evidently not appealed to City Council.

AC-05-01-01 – Commercial buildings for the 3.4-acre “Spectrum Plaza” property abutting subject property to the south approved by the Architectural Committee on 01/27/2005.

BZ-325 – The Porter Companies, Inc. for Claxton/Clayton Broach Trust – Request for rezoning from AG to CS for a 150-acre tract located to the north of subject property in the 6900 : 7700-block of E. 151st St. S. – PC Recommended Approval 01/16/2007. Withdrawn by Applicant by letter dated 02/05/2007 (letter requested the application be “postponed... until such time that the Porter Companies take title to the property).”

AC-07-08-06 – Architectural Committee (08/20/2007) reviewed the building plans for a proposed new building for the 3.4-acre “Spectrum Plaza” property abutting subject property to the south and Continued the case pending the resolution of Zoning issues. AC took no action on 09/17/2007 due to discovery of lack of jurisdiction (building not within 300’ Corridor Appearance District).

BBOA-460 – JR Donelson for Oman Guthrie – Request for Special Exception per Zoning Code Section 11-11-8 for an alternative compliance plan to parking and screening requirements in the CH

Commercial High Intensity District for the 3.4-acre "Spectrum Plaza" property abutting subject property to the south – BOA Approved 10/01/2007.

BZ-335 – JR Donelson for Oman Guthrie – request for rezoning from IL to CH for the 3.4-acre "Spectrum Plaza" property abutting subject property to the south – PC Recommended Approval 10/15/2007 and City Council Approved 11/12/2007 (Ord. # 982).

BLPAC-1 – JR Donelson for Oman Guthrie – Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D for the 3.4-acre "Spectrum Plaza" property abutting subject property to the south – PC Conditionally Approved 11/19/2007.

BZ-356 – K.S. Collins for Lee & Twilah A. Fox – Request for rezoning from AG to RS-1 for a 0.81-acre tract section of a former 9-acre tract located to the northwest of subject property at 15015 S. Sheridan Rd. which 0.81-acre tract was then created per BL-384 – PC Recommended Approval 05/21/2012 and City Council Approved 06/11/2012 (Ord. # 2084).

BL-384 – K.S. Collins for Lee & Twilah A. Fox – Request for Lot-Split approval to separate a 0.81-acre tract from a then 9-acre tract located to the northwest of subject property at 15015 S. Sheridan Rd. – PC Conditionally Approved 05/21/2012.

BZ-369 – Lee & Twilah A. Fox – Request for rezoning from AG to RS-1 for a proposed 1-acre tract (containing a church campus at 15025 S. Sheridan Rd., which church is now known as the Living Water Family Church) section of a former 9-acre tract located to the northwest of subject property at 15015 S. Sheridan Rd. – PC Recommended Approval 12/16/2013 and City Council Approved 01/13/2014 (Ord. # 2125).

BL-389 – Lee & Twilah A. Fox – Request for Lot-Split to separate a 1-acre tract (containing a church campus, which church is now known as the Living Water Family Church at 15025 S. Sheridan Rd.) proposed for rezoning to RS-1 per BZ-369 – PC consideration pending 12/16/2013.

BACKGROUND INFORMATION:

The Applicant has expressed to Staff that the property would be used as an expansion of, or otherwise a use similar to the Bethesda Girls Home at 7106 E. 151st St. S. (abutting on the Applicant's property to the west). During the review of Site Plan and Building Permit applications for a building expansion on that property, Staff determined the Bethesda Girls Home was a Use Unit 5 "Residential Treatment Center" group home, permitted by right in the CS district per Zoning Code Section 11-7D-2 Table 1. A Residential Treatment Center is defined in Bixby Zoning Code Section 11-2-1 thus:

"RESIDENTIAL TREATMENT CENTER: A community based residential facility providing diagnostic or therapeutic services and long term room and board in a highly structured environment for its residents for alcoholism and drug abuse, mental illness or behavioral disorders."

The purpose of the application is to allow the proposed Use Unit (UU) 5 use of the subject property. UU 5 is not permitted by right in the existing IL district, but would be permitted by right in the requested CH district.

The Applicant, on the application form, stated that the use would be "home for youth addition to house," but specified Use Unit 2. This does not appear to be apt, since the closest potentially-matching Use Unit 2 uses¹ are housed in institutional buildings, not residential structures, and their residency and treatment are compulsory and invariably or typically imposed by the justice system.

The application is styled "BZ-376 – Joseph Guy Donohue for J.C. & Lila Morgan" because the Applicant was not yet in title to the property at the time of application. Per Tulsa County Assessor's records, the Applicant acquired the property by deed recorded July 30, 2014.

The current address is 6636 E. 151st St. S., but this address is inappropriate, as it suggests the property is immediately east of Sheridan Rd., but it is in fact located about 1/3 of a mile east of Sheridan Rd. and a few blocks east of 68th E. Ave. Prior to coming into title to the property, the Applicant expressed interest in having the buildings on the property re-addressed 7108 and 7110 E. 151st St. S. The first building number will be associated with the house, and the latter with the storage building on the property. Staff will perform the address reassignment shortly.

ANALYSIS:

¹ Such uses include "Adult detention center," "Convict prerelease center," "Correctional community treatment center," "Jail," "Juvenile delinquency center," and "Prison."

Subject Property Conditions. The subject property is an unplatted tract of land zoned IL and contains a single family dwelling. The subject property is a rectangular lot with approximately 188' of frontage on 151st St. S. and 211.25' of depth, and so contains approximately 1 acre.

The subject property is relatively flat and appears to drain to the east and/or south, ultimately to Bixby Creek.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor (2) Industrial Area, (3) Development Sensitive, (4) Regional Trail, and (5) Community Trail.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the requested CH district May Be Found In Accordance with the Corridor and Development Sensitive designations of the Comprehensive Plan Land Use Map.

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.

The site is developed, and so this test does not appear to apply. Staff notes that the requested CH district and commercial use should not be considered substantially inconsistent with the Industrial Area land use designation of the Comprehensive Plan Land Use map, recognizing that the Zoning Code commonly permits commercial uses in industrial districts.

The Comprehensive Plan Land Use Map designates a Regional Trail along 151st St. S. between Memorial Dr. and Harvard Ave. It is shown on the north side of 151st St. S. until it crosses to the south side approximately where the subject property is located, and continuing on this south side to Harvard Ave. The Land Use Map also designates a Community Trail more or less along paralleling Bixby Creek from the old Railroad line south of 141st St. S. to its former (pre-channelized) confluence with the Arkansas River. This trail appears to cross 151st St. S. at or near the northeast corner of the subject property. The Matrix only includes, and the Zoning Code only requires consistency with the land use elements for rezoning purposes, not the Public Facilities / Urban Design Elements such as trails.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily CS, CH, RMH, AG, and RS-1, as depicted on the case map and as described in further detail in the paragraphs that follow.

Across 151st St. S. to the north is vacant/wooded and agricultural land zoned AG.

The 3.4-acre "Spectrum Plaza" trade center property, zoned CH, abuts to the south and east. Further south and east is the Shadow Valley Mobile Home Park zoned RMH. Beyond this to the east and southeast is the former Conrad Farms' farmland.

Abutting to the west is approximately 3 ¾ acres of CS zoning consisting of the Applicant's property containing the Bethesda Girls Home at 7106 E. 151st St. S. and another nonresidential building (former location of the Living Water Family Church) at 7102 E. 151st St. S. and the Bixby Chiropractic at 7100 E. 151st St. S.. A large vacant/wooded and agricultural acreage is located further west at the southeast corner of 151st St. S. and Sheridan Rd.

Across 151st St. S. to the northwest is rural residential along 68th E. Ave. and 149th / 148th St. S. in an unplatted subdivision possibly known as "Abbett Acres" zoned AG, the Leonard & Marker Funeral Home zoned CS and AG, a house on a 0.81-acre tract zoned RS-1 at 15015 S. Sheridan Rd., a church campus on a 1-acre tract zoned RS-1 (the new location of Living Water Family Church) at 15025 S. Sheridan Rd., and agricultural land zoned AG.

The requested CH zoning would be a logical extension of the established 3.4-acre CH district ("Spectrum Plaza" property) abutting subject property to the south. This CH district was relatively-recently approved, in 2007. Further, the requested CH zoning would be consistent with the approximately

3 ¾-acre CS district (possibly approved or intended for approval for CG) abutting subject property to the west and now addressed 7100, 7102, and 7106 E. 151st St. S.

In Staff's opinion, the subject property of 1 acre is not used for industrial, is not an industrial property in fact, and is too small and inappropriately located for industrial use. The area is not conducive to industrial development or use. CH zoning is somewhat similar to IL zoning, but permits more commercial uses by right and requires, for example, Special Exception approval for a Use Unit 25 Light Manufacturing and Industry uses. Therefore, the requested zoning would be considered a 'downzoning,' as it would further restrict the intensity of land uses permitted.

The surrounding zoning and land use patterns appear to support the requested rezoning to CH. Staff Recommendation. For the reasons outlined above, Staff is supportive of CH zoning, but with a PUD if determined necessary by the City Council upon Planning Commission recommendation.

Amended Zoning Code Section 11-5-2, per Ordinance # 2137 approved July 14, 2014, includes a new paragraph as follows:

"Within areas designated "Corridor" and "Commercial Area" or "Vacant, Agricultural, Rural Residences, and Open Land" on the Comprehensive Plan Land Use Map, it is City policy to require that a Planned Unit Development (PUD) application be processed along with any application for rezoning to commercial, provided, however, that the City Council may Waive this requirement upon finding of sufficient good cause."

The subject property is designated Corridor, but not "Commercial Area" or "Vacant, Agricultural, Rural Residences, and Open Land." Therefore, neither the land use policy amendment to the Comprehensive Plan nor the requirement for a PUD per Zoning Code Section 11-5-2 apply to the subject property. However, it would still be appropriate to request the rezoning be done with a PUD per the City's longstanding practice to request PUDs for intensive rezonings, in order to allow the City to control the land uses, land use intensities, and development and land use standards, for the sake of compatibility.

Upon questioning, Erik Enyart stated that there were two (2) methods to seek Zoning approval for the proposed land use, (1) a Special Exception for a Use Unit 5 community service, 'group home' type use in the IL district, or (2) a rezoning to a commercial district. Mr. Enyart noted that, although the requested CH zoning was appropriate from a Comprehensive Plan and surrounding zoning and land use standpoint, he believed the City Council should address land use question, and he therefore had counseled the Applicant to go this route.

Steve Sutton confirmed with Erik Enyart that, two (2) meetings prior, the Planning Commission had held a Public Hearing and gave a recommendation to the City Council, and the City Council approved a policy change doing two (2) things within areas designated "Corridor" and "Commercial Area" or having no specific land use designation on the Comprehensive Plan Land Use Map: (1) recommending retail use where appropriate in context, and (2) requiring a PUD. Mr. Enyart noted that retail sales taxes were critical for cities, to allow them to provide municipal services like police and fire and for capital improvements like streets and utilities. Mr. Enyart confirmed that the subject property was not technically subject to the requirement to do a PUD, because it was designated "Industrial" on the Comprehensive Plan Land Use Map. Mr. Enyart stated that, even though not required, it has been past policy, whenever rezoning to an intensive district, to recommend a PUD.

Chair Thomas Holland recognized Applicant Guy Donohue of 6809 E. 115th St. S. from the Sign-In Sheet. Mr. Donohue stated that he [now] owned the subject property, along with the property to the west, totaling 450' of frontage "down that corridor." Mr. Donohue stated that this was an "extremely good property for" [retail commercial uses] "that you want, when it is time to do so." Mr. Donohue stated, "I'm betting on Bixby." Mr. Donohue stated that he was [leasing the property to the Bethesda organization] "in the interim." Mr. Donohue stated that he was bringing in the

facilities for the girls and boys “to help pay for the property till a really good” [commercial business] is proposed. Mr. Donohue stated that he was going “with the potential it has.” Mr. Donohue stated, [depending on the development outcome of the Conrad Farms land,] “in a few years,” he would “move that facility off the corridor and develop that land.” Mr. Donohue stated that the “property next door was a parsonage,” and “the City of Bixby was not getting [sales] taxes for I don’t know how many years.” Mr. Donohue stated, “We’re making steps in the right direction – to advance the City coffers,” and that it was his “goal to capitalize on this.”

Steve Sutton clarified with Guy Donohue that he owned the properties and leased to the *Bethesda Girls Home*.

Guy Donohue stated that his properties were for lease or sale, but he would rather lease them. Mr. Donohue stated, “I’m sitting in a good position,” and stated that he had a three (3)-year lease with the *Bethesda Girls Home*, starting one (1) year ago, but had a working agreement with them that, “if something happens to the property, and I can move them to a better property, I can move them.”

Steve Sutton asked Guy Donohue how many girls resided at the *Bethesda Girls Home* facility, and Mr. Donohue responded 16. Larry Whiteley asked how many boys [would reside at the house on the subject property], and Mr. Donohue responded 12, but up to 16 in time.

Steve Sutton confirmed with Guy Donohue that the boys home could be considered an extension of the *Bethesda Girls Home*. Mr. Donohue stated that the home was for those with health issues, not through the penal system.

Jerod Hicks asked Guy Donohue, “Do you think it would be advantageous to have them next door to each other?” Mr. Donohue indicated agreement, and noted that the *Bethesda* boys home was told by the City of Sapulpa that they would have to move out. Steve Sutton asked why, and Mr. Donohue responded, “The City [of Sapulpa] wants [the property owner] to bring it up to code, and [the property owner] said he won’t spend the money.”

Guy Donohue introduced Trisha Pratt of 7106 E. 151st [St.] S. to discuss the *Bethesda* operations. Ms. Pratt introduced herself and her position, described her responsibility and tenure, and described the *Bethesda* operations, including the existing boys and girls home facilities in Bixby and Sapulpa, and answered several questions from the Commissioners and Staff. Ms. Pratt described treatment programs, eligibility, rules and restrictions, lengths of stay, resident to staff ratios, community projects, relationship to the public schools, school attendance, law enforcement records, including Bixby police records, common issues involving law enforcement including “self harm” and “running away,” one incident in Bixby involving a “runaway with a theft,” issues prevention efforts, program successes, and other such matters.

Lance Whisman noted that he had received a phonecall, and had researched the organization and found out its relationship to Bethesda Family Services of Pennsylvania. Mr. Whisman stated that he had checked and had reported to him the number of incidents recorded by the Bixby Police pertaining to the *Bethesda Girls Home* since January, 2014. Mr. Whisman stated that [the person who called him] had asked if [the number of incidents] would be worse with boys added to the subject property, and had expressed concern that this would cause more trouble. Mr. Whisman

asked Trisha Pratt if she had “ever had [the boys and girls homes] close by,” and Ms. Pratt responded, “No, never that close together.” Ms. Pratt stated, “I understand your trepidation,” and described the mentioned incident as an “isolated incident.” Ms. Pratt stated, “I can’t give any guarantees, but I can make sure they stay safe and have a safe environment, and promote civic duty for the clients.” Ms. Pratt stated that the program emphasizes following rules and codes, which turn into laws as one grows up, and then following laws. Ms. Pratt stated that “all [clients] are victims; none are offenders. Offenders don’t qualify for that program.” Mr. Whisman confirmed with Ms. Pratt that this would be “a trial—never before” attempted elsewhere [to her knowledge].

Larry Whiteley asked what the CH zoning would allow [in addition to the ‘group home’], and Erik Enyart responded that it would allow all retail uses and some heavy commercial uses, such as “trades and contractors.”

Trisha Pratt described timelines and the program’s small recidivism rate.

Chair Thomas Holland asked about the two (2) facilities’ plans for resources, and Trisha Pratt responded that they would be two (2) separate facilities and would not overlap the ratio of supervisors, that it would have “two (2) staffs, two (2) program directors,” and they “don’t overlap.”

Jerod Hicks noted that the organization seemed to be in a bit of a time crunch to get a new facility, to relocate from Sapulpa, and asked Trisha Pratt, if she could design it from the beginning, would she see this as a good idea or would red flags be raised. Ms. Pratt responded that she believed it would be a good idea, as she would see this as a “campus” and as the two (2) programs could have more resources. Ms. Pratt noted that there would be a basketball court and more things like this [which could be shared in tandem]. Ms. Pratt compared [the subject property and the *Bethesda Girls Home* property] to their other location, and stated that this one had a better setback from the street for outdoor activities. Ms. Pratt confirmed that, if she could plan the facilities from the beginning, she would still put them together. Ms. Pratt stated that the clients would only live at the homes, and the only interaction [between the boy and girl residents] would be at school. Ms. Pratt stated that the clients cannot disclose where they or other residents live, or they would be in trouble and have consequences. Ms. Pratt stated that the other residents “will tell if others” disclose their residency.

Patrick Boulden asked where the residents would go to school, and Trisha Pratt responded that they would all go to Bixby Public Schools. Ms. Pratt stated that she had worked with all of the principals and administration. Ms. Pratt clarified that the residents “come from all over but go [to school] here;” that their previous “school was someplace else.” Mr. Boulden clarified with Ms. Pratt that, upon their return, they go back to their original home school. Mr. Boulden confirmed with Ms. Pratt that the residents are voluntarily placed in these facilities. Ms. Pratt stated that some are referred by Shadow Mountain or Parkside, but 80% are voluntarily placed there by a parent. Ms. Pratt stated that the programs were funded by SoonerCare, and they must have a medical need to be there.

Lance Whisman asked if there was anyone else to speak on the item, and Chair Thomas Holland stated that there were no others signed up to speak.

Larry Whiteley made a MOTION to RECOMMEND APPROVAL of CH with the recommendations of the City Planner.

Erik Enyart addressed Chair Thomas Holland and stated that he had not had opportunity to discuss the PUD recommendation specifically with the Applicant.

Guy Donohue asked what a PUD was. Erik Enyart explained that a PUD was a special zoning district, and was essentially an agreement between the Applicant and the City, and spelled out what land uses were permitted, under what use conditions, and, when developed, what development standards would apply. Mr. Donohue stated that he was “okay with the City’s requirements.” Mr. Enyart stated that the PUD would take more time. Steve Sutton recommended Guy Donohue get with Mr. Enyart the next day [and before the City Council meeting], as the PUD was more than Mr. Enyart could explain in 60 seconds.

Chair Thomas Holland declared that the Motion had failed for lack of a Second. Erik Enyart questioned whether the Motion had died for lack of a Second [based on the tone of the discussion and recognizing that he had interrupted the process]. Discussion ensued.

Steve Sutton recommended Larry Whiteley reiterate his Motion, and Mr. Whiteley agreed to do so.

Patrick Boulden stated that the application could go to the City Council[, upon appeal,] without a recommendation. Discussion ensued.

Responding to a question, Erik Enyart stated that, in order for the application to get to the City Council, it required an “up or down vote” from the Planning Commission. Patrick Boulden consulted the Zoning Code and indicated agreement.

Steve Sutton made a MOTION to RECOMMEND DENIAL and addressed Guy Donohue with the reasoning: “so you can get to the Council.”

Patrick Boulden advised the Motion should be amended to “recommend denial absent a PUD.”

Steve Sutton Amended his Motion to be as follows: MOTION to RECOMMEND DENIAL absent a PUD. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

Chair Thomas Holland declared an approximately five (5) minute recess at 6:53 PM.

After all members had reassembled, Chair Thomas Holland called the meeting back to order at 7:00 PM.

PLATS

4. **Final Plat – “Brisbane Office Park” – JR Donelson, Inc. (PUD 60).** Discussion and consideration of a Final Plat and certain Modifications/Waivers for “Brisbane Office Park” for approximately 10 acres in part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E.
Property Located: 10422 E. 111th St. S.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, August 13, 2014
RE: Report and Recommendations (*Revised 08/18/2014 to reflect the revised plat and information received 08/15/2014*) for:
Final Plat of “Brisbane Office Park” (PUD 60)

LOCATION: – 10422 E. 111th St. S.
– Part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E

SIZE: 9.87 acres, more or less

EXISTING ZONING: OL Office Low Intensity District, AG Agricultural District, & PUD 60

SUPPLEMENTAL PUD 60 “Brisbane Office Park”

ZONING:

EXISTING USE: A house and vacant/wooded land

REQUEST: Final Plat approval

SURROUNDING ZONING AND LAND USE:

North: (Across 111th St. S.) CG & R-2; Vacant/wooded land zoned R-2 and CG (perhaps pending residential development), and to the northeast, the Evergreen Baptist Church on a 40-acre campus at 6000 W. Florence St. in Broken Arrow (perhaps also addressed 10301 E. 111th St. S., “Bixby” per its website, www.evergreenbc.org), all in the City of Broken Arrow.

South: RS-2; Single-family residential in Southwood East.

East: AG & RS-3; An agricultural/rural residential 10-acre tract and single-family residential in The Park at Southwood 3rd.

West: AG & CS; Unplatted vacant and rural residential tracts fronting along S. Mingo Rd., the Cedar Ridge Kingdom Hall of Jehovah’s Witnesses at 11355 S. Mingo Rd., and the City’s water tower.

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

PREVIOUS/RELATED CASES:

BBOA-38 – Kenny Gibson – Request for Special Exception to allow Use Unit 4 utility building (Bixby Telephone) in the AG District on a 75’ X 75’ tract from and within the northeast corner of the subject property – BOA Approved with Conditions 01/14/1985.

BL-98 – Kenny Gibson – Request for Lot-Split to separate a 75’ X 75’ tract from and within the northeast corner of the subject property for a utility building (Bixby Telephone) – PC Approved with Conditions 01/28/1985.

PUD 60 – Riverside Group – Randy Pickard – Request to rezone from AG to CS and OL and approve PUD 60 for a ministorage and office development for subject property – replaced by an amended application for PUD 60 and rezoning application BZ-337.

Zoning Code Text Amendment – Applicant in PUD 60 proposed to the City Council that it amend the Zoning Code to allow ministorage in OL and OM office zoning districts by Special Exception / PUD. City Council directed Staff to prepare amendment 10/22/2007. PC reviewed 12/17/2007, 01/21/2008, 01/28/2008, 02/11/2008, 02/18/2008, and 03/06/2008, and recommended Approval of specific amendment on 03/17/2008. City Council Approved amendment 04/14/2008 (Ord. # 994). PC

recommended City Council make changes to amendment 05/19/2008 but City Council struck from agenda 07/14/2008 per City Attorney.

PUD 60 & BZ-337 – Riverside Group – Randy Pickard (Amended Application) – Request to rezone from AG to OL and AG and to approve an amended application for PUD 60 for a ministorage and office development for subject property – PC Continued from 12/17/2007 to 01/21/2008 to 02/18/2008 to 05/19/2008. On 05/19/2008, PC voted 3:2:0 on a Motion to recommend approval of OL zoning per BZ-337, and failed to pass a Motion to recommend Conditional Approval of PUD 60 (Amended Application) by 2:3:0 vote. PC chose not to take a subsequent vote on the possible denial recommendation, choosing instead to allow the case to be taken to the City Council absent a recommendation. City Council Conditionally Approved by 3:2:0 vote 06/23/2008 (Ord. # 1001). Additional Condition of Approval by City Council was “8ft wall, and stucco or masonry finish.”

PUD 60 Major Amendment # 1 “Riverside Group” – Matt Means of Landmark Constructive Solutions – Request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 60 for subject property – PC recommended Conditional Approval 06/16/2014 and City Council Conditionally Approved application 06/23/2014 and Approved by ordinance with Emergency Clause 08/11/2014 (Ord. # 2140).

Preliminary Plat of Brisbane Office Park – Request for approval of a Preliminary Plat and Modification/Waiver to allow Lot 2, Block 1, to have no frontage on a private or public street for subject property – PC recommended Conditional Approval 07/21/2014 and City Council Conditionally Approved plat and Modification/Waiver 08/11/2014.

BACKGROUND INFORMATION:

For the sake of efficiency, Staff has replaced the Deed of Dedication and Restrictive Covenants filed with the Final Plat application, received July 21, 2014, with those attached to the latest Preliminary Plat, received August 11, 2014. There still remain corrections to be made to these, as listed in the recommendations below.

ANALYSIS:

Subject Property Conditions. The subject property consists of the West 10 Acres of the East 20 Acres of Government Lot 1 (NW/4 NW/4) of Section 31, T18N, R14E, Less and Except a 75' X 75' tract from its northeast corner which belongs to BTC Broadband and contains a fenced communications building. The subject property contains an old house and accessory building(s) toward its northwestern lot corner, and is otherwise vacant and wooded. The subject property is moderately sloped and, per the Preliminary Plat and, contains a ridgeline oriented north-south along the west side of the tract, apparently roughly coterminous with the property's westerly line. This ridgeline forms a watershed (drainage divide) separating the Fry Creek Ditch # 1 and the Haikey Creek drainage basins. Per the elevation contours on the Preliminary Plat, all or almost all of the subject property naturally drains to the east and south to the Haikey Creek drainage basin. Upon completion of grading, paving, stormwater drainage and detention, and masonry screening wall improvements, all of the property will drain to the east and south.

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) Vacant, Agricultural, Rural Residences, and Open Land/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 AG district is In Accordance and the existing OL district May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since OL zoning was approved by ordinance of the City Council, it has been recognized as being 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.

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

Per the Matrix, PUDs (as a zoning district) May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since PUD 60 and PUD 60 Major Amendment # 1 were both approved by ordinances of the City Council, PUD 60 has been recognized as being In Accordance with the Comprehensive Plan as a zoning district.

Therefore, Staff believes that the office park and ministorage development anticipated by this plat would not be inconsistent with the Comprehensive Plan.

General. This subdivision of 9.87 acres, more or less, proposes two (2) lots, one (1) block, and one (1) reserve area, to be known as “Reserve A.” Lot 1, Block 1, is proposed to be for the office park, and Lot 2, Block 1, is proposed to be the ministorage business. Reserve A will serve as the development’s stormwater detention facility.

With the exception(s) as outlined elsewhere herein, the Final Plat appears to conform to the Zoning Code, Subdivision Regulations, and PUD 60 as amended by Major Amendment # 1.

The Technical Advisory Committee (TAC) reviewed this application on August 06, 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 & Circulation. The subject property has approximately 330’ of frontage on 111th St. S., and the site plan proposes two (2) driveway connections thereto. Mutual Access Easement (MAE) drives would provide a connection and legal access to the street for the “back” Lot 2 and Reserve A.

With the Preliminary Plat, on August 11, 2014, the City Council approved a Modification/Waiver from Subdivision Regulations Section 12-3-4.B to allow Lot 2, Block 1, to have no frontage on a private or public street. This was requested by letter received August 11, 2014, and was described as being justified by citing the configuration of the subject property and the Approved PUD 60 and PUD 60 Major Amendment # 1, which specifically designed the development in this manner and provided that the frontage requirement was set aside.

No new streets, public or private, would be constructed. Thus, the stub-out street requirements of SRs Section 12-3-2.C is not applicable.

Plans for access can be further inferred from the proposed plat and the site plans for PUD 60 Major Amendment # 1.

Sidewalks are required along 111th St. S. by the Subdivision Regulations.

Limits of No Access (LNA) are currently proposed along 111th St. S. except for access point(s), which must be approved by the City Engineer and Fire Marshal.

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

1. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
2. Limits of No Access (LNA) and Access Openings subject to City Engineer and Fire Marshal approval.
- ~~3. The Minimum 17.5’ Perimeter Utility Easement, as required by Subdivision Regulations Section 12-3-3.A, appears to be missing from Reserve A, which does not appear to also be dedicated as a U/E.~~
- ~~4. Please identify “right of way dedicated by this plat” to 26.9’ of right of way to be dedicated.~~
- ~~5. Please restore 26.9’ of right of way to be dedicated from in front of the BTC Broadband parcel, or otherwise identify if the latter has already been dedicated, along with Book/Page or Document # citation.~~
- ~~6. Please clarify the arrows pointing to (rather than the extents of) the Minimum 17.5’ Perimeter Utility Easement, as required by Subdivision Regulations Section 12-3-3.A, especially in areas~~

~~of significant linework congestion and where missing around the BTC Broadband parcel. It may be better that all arrows point out the extents of the U/Es, and not point to them. A line with double arrows can sometimes be more spatially efficient.~~

7. Per SRs Section 12-4-2.A.5, please correct Location Map as follows:
 - a. ~~Cypress Pointe (misspelled)~~
 - b. Southwood East, Southwood East Second, The Park at Southwood, The Park at Southwood 2nd, The Park at Southwood 3rd, Shannondale, and Shannondale South (misrepresented as to configuration)
 - c. ~~Southwood East Second (misspelled)~~
8. Please add missing underlying zoning district boundaries as required by SRs Section 12-4-2.B.3.
9. ~~Please add proposed addresses to Lot 2 and Reserve A. 10422 E. 111th St. S. should not be retained for Lot 1, as it is over 1,000' west of 103rd E. Ave. A more accurate address would be in the 9900 block of E. 111th St. S.~~
10. ~~Plat missing notes pertaining to monumentation (reference SRs Section 12-1-8).~~
11. Please restore solid black line around the northeast corner of the subject property indicating plat boundaries. **The area to become Reserve A is zoned AG, and the balance of the property is zoned OL.**
12. ~~Subdivision statistics: Claims two (2) Reserve Areas but only one (1) observed.~~
13. Please resolve text/linework conflicts at the 51.90' proposed lot line.
14. 15' U/E abutting to the south in Southwood East – please label width and citation (“per Plat # _____”) if/as may be the case. **Southwood East is Plat # 3679.**
15. Please add different linetypes to the Legend for the sake of clarity and/or consider using shading or hatching to differentiate areas currently congested with multiple linetypes. In any event, please use different linetypes for different features if/where presently shared.
16. Please supplement Legend with any missing linetypes, abbreviations, and symbols used (e.g. CenterLine, “WL ESMT,” [certain manhole] circle symbols, B/L linetype, etc.).
17. DoD/RCs: DoD/RCs Section 5 3 now provides for ~~the formation of a Property Owners' Association (POA), such as would be made responsible for the stormwater detention pond in Reserve A, the MAEs, and any other common features developed within the addition, such as the balance of the stormwater drainage system. Consider updating DoD/RCs 3.A.2 to assign perpetual maintenance responsibility to the POA, if/as appropriate, rather than StoreTulsa.com.~~ Staff recommends a formula for the respective maintenance responsibilities of Reserve Area A and the MAEs (the latter, e.g.: only responsible for that part located within lot boundaries, or an equal share between the two (2) lot owners, or a proportional share based on lot areas or planned impervious surface, etc.). Please add clear and immutable formula language on the face of the plat in addition to the appropriate section(s) of the DoD/RCs (which may be fairly easily amended and commonly without City approval). DoD/RCs Section 1.D.4, regarding stormsewerlines, is explicit in this matter, but consistency should be used if ~~forming a POA or~~ using a formula for other common elements. **Response: “17. Owner doesn't want a POA. Language taken out of DOD.” Acknowledged. Review item updated accordingly.**
18. DoD/RCs: Please advise if landscaping, screening fences, or other potentially-common-elements will be owned/maintained commonly. If so, please amend appropriate part(s) of DoD/RCs accordingly.
19. ~~DoD/RCs: Consider updating to incorporate language requested by AEP PSO by email on August 06, 2014, regarding overhead electrical lines along 111th St. S. Done.~~
20. DoD/RCs Preamble: Owner, StoreTulsa.com, LLC, must be in title to the subject property prior to Final Plat recording.
21. DoD/RCs Section 1.H: Does not appear to provide for passive recreational uses (such as walking trails or simply “open space”) in Reserve Area A. PUD 60 suggested this possibility by use of term “open space.”
22. DoD/RCs Section 2: Please update with final PUD language upon City Council approval by ordinance.
23. DoD/RCs Section 3.A.3: Appears to correspond to the required “Maintenance Covenant” of PUD 60, but is not titled as such and does not appear to correspond entirely to the language used in the PUD for the “Maintenance Covenant.” Please title appropriately and reconcile

language. This section was removed, and needs to be restored and then reconciled with the item as written.

24. DoD/RCs Section 4.[B]: Since the DoD/RCs were renumbered, please add to list of sections requiring City of Bixby concurrence “all of Section 4.” Section 3 may be removed as it was originally intended.
25. DoD/RCs Section 4.[D]: May have a redundancy – please check and address if/as needed.
26. DoD/RCs Section 4.[D]: Final paragraph should be restored and should likely have a subsection number. i.e. “Any successor(s) in title to the lots within...”
- ~~27. DoD/RCs Section 1.D.3: Reference to Reserve B added, which Reserve B is not represented on the plat. **Done.**~~
28. DoD/RCs Section 3.B converted to Section 4. However, subsection “[A]” retained, and titles should be reconciled. Subsections 1 through 4, inclusive, should be renumbered consistent with the balance of the DoD/RCs, i.e. A, B, C, and D.
- ~~29. DoD/RCs Section 5.A provides “StoreTulsa.com, LLC has formed the “BRISBANE OFFICE PARK PROPERTY OWNERS ASSOCIATION, Inc...” If this has occurred or will have occurred prior to plat recording, please submit a copy of the Secretary of State incorporation documents for placement in the permanent file and for notification to the Bixby Neighborhood Coordinator. If otherwise, the wording may more appropriately be tensed “...shall form or cease to be formed...” Please also reconcile balance of section. **Response: “Removed.” Done.**~~
- ~~30. DoD/RCs Section 5.C: Please check Oklahoma law to see if delinquent assessment liens can be made a “personal obligation.” **Response: “Removed.” Done.**~~
- ~~31. DoD/RCs Section 5.D: Please check Oklahoma law to see if delinquent assessment liens can be made a “personal obligation” which “shall not pass through to successors in title.” **Response: “Removed.” Done.**~~
32. Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
33. 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).
34. Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11” X 17”, and 1 electronic copy).
35. 37.5’ dimension appears to be artifact pointing to the house on the PP version and can be removed; otherwise, please identify or explain.
36. The “IP” abbreviation used in the Legend does not match the symbol used.
37. Numbering system in DoD/RCs Section 3 appears to have been corrupted.

Erik Enyart noted that he had provided the Commissioners a revised Staff Report and revised Final Plat prior to the meeting. Mr. Enyart stated that the new version satisfied a number of the review comments, but there remained a few. Mr. Enyart stated that the most substantive change was to remove the provisions for a Property Owners Association and make all of the maintenance the responsibility of the lot owners, but that this arrangement still required explicitly outlining what proportions of which improvements would be shared between the lot owners.

Steve Sutton asked JR Donelson if he would be able to resolve the outstanding issues, and Mr. Donelson responded, “Yes, hopefully before the City Council meeting.” Mr. Donelson stated that he had met with Erik Enyart earlier that day and had a better understanding of certain issues. Mr. Donelson stated that they were “minor and cosmetic” and could probably be resolved within 15 minutes. Mr. Donelson stated that he had given the first submittal to the City Engineer, so that he could review the drainage plans. Mr. Donelson noted that Joe Daniels [representing the owner of the property abutting to the east] was present and indicated he was working with Mr. Daniels. Mr. Donelson presented and described development plans to the Commissioners. Others in the audience

approached the dais and inspected the plans as well. Mr. Donelson noted the location of an inlet he said the City of Bixby wanted replaced. Mr. Donelson stated that there would be 8'-high walls, which would "contain the water on" the property and would be "basically retaining walls." Mr. Donelson described the stormsewer plans for the property, and noted that the property naturally drains from west to east. Mr. Donelson stated that, when the Daniels' property develops, it "needs a 17.5'[-wide] Utility Easement," and stated that [he and his client were] negotiating with [the Daniels family] for a 20'[-wide] U/E. Mr. Donelson stated that the stormwater and water systems would be private. Mr. Donelson stated that there would be a small lift station [per the current plans], with a forcemain sewerline to transfer to [the existing system in] Southwood East.

Chair Thomas Holland recognized Matt Means of 10865 S. 94th E. Ave. from the Sign-In Sheet. Mr. Means referred to Erik Enyart's earlier statement and stated that he had the Property Owners Association provisions removed [from the Deed of Dedication and Restrictive Covenants], as it was [just an unnecessary complication] since he would own all the lots.

JR Donelson indicated he understood Erik Enyart's recommendation on this matter that, [although Matt Means will own it for a long time,] the recommendation was "to assure 10:15 years down the line successors or assigns are responsible as well."

A question was asked whether the wall would be the developer's maintenance responsibility, and Matt Means and JR Donelson responded, "Yes."

Chair Thomas Holland recognized Carl Snow of 11227 S. Mingo Rd. from the Sign-In Sheet. Mr. Snow noted that the stormwater runoff would all be to the east and indicated he was satisfied at this time.

Chair Thomas Holland recognized Joe Daniels of 10234 E. 111th Pl. S. from the Sign-In Sheet. Mr. Daniels expressed concern for drainage water against a wooden fence. JR Donelson stated that the fence would be masonry, and Erik Enyart indicated agreement. Mr. Daniels indicated he was satisfied with this response.

Chair Thomas Holland recognized Janet Dyer of 11305 S. Mingo Rd. from the Sign-In Sheet. Ms. Dyer expressed concern that the masonry wall would stop in the middle of her backyard. Erik Enyart stated that the stormwater detention pond in Reserve A was not subject to the screening requirement, that it applied to the "built facility but not the pond."

JR Donelson noted that the stormwater detention pond should be fenced for liability reasons and to keep people from getting into [the ministorage area] and stealing.

At the dais, discussion ensued between JR Donelson, Matt Means, the Commissioners, Staff, and interested abutting property owners regarding which boundaries of the proposed Reserve A would or should have the masonry wall applied. Ultimately, Matt Means agreed to place it along the east and south lines and the northerly end of the west line, to the southeast corner of the Janet Dyer property, with the balance of the westerly line occupied by an existing fence, serving the City of Bixby's water tower property, to remain.

JR Donelson stated that his client would like to propose acquiring the water tower property, after it would have been declared surplus. Matt Means rhetorically demurred in response to a question as to what he would use it for. Patrick Boulden stated that this was an “interesting proposal.” Mr. Means was advised to submit a formal proposal for the City to respond to.

There being no further discussion, Steve Sutton made a MOTION to RECOMMEND APPROVAL of the Final Plat of “Brisbane Office Park” subject to all of the corrections, modifications, and Conditions of Approval as recommended by Staff. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

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

5. (Continued from 07/21/2014)
Preliminary Plat of “Bricktown Square” – Sisemore Weisz & Associates, Inc. (PUD 31-A). Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for “Bricktown Square” for 4.547 acres in part of the SW/4 NW/4 of Section 01, T17N, R13E.
Property Located: 12409 S. Memorial Dr.

OTHER BUSINESS

6. (Continued from 07/21/2014)
PUD 31-A – Bricktown Square – Minor Amendment # 1. Discussion and possible action to approve Minor Amendment # 1 to PUD 31-A for 4.547 acres in part of the SW/4 NW/4 of Section 01, T17N, R13E, with underlying zoning CS Commercial, OL Office, and RS-1 Residential, which amendment proposes reducing the minimum Land Area per Dwelling Unit standard and making certain other amendments.
Property Located: 12409 S. Memorial Dr.

Chair Thomas Holland introduced related Agenda Item #s 5 and 6 and confirmed with Erik Enyart that the Applicant had requested a Continuance to the next meeting.

Larry Whiteley made a MOTION to CONTINUE PUD 31-A Minor Amendment # 1 and the Preliminary Plat of “Bricktown Square” to the September 15, 2014 Regular Meeting as requested by the Applicant. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

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

NEW BUSINESS:

Chair Thomas Holland asked if there was any 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 7:20 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary