

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
September 15, 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:

Vice/Acting Chair Lance Whisman called the meeting to order at 6:05 PM.

ROLL CALL:

Members Present: Larry Whiteley, Jerod Hicks, Steve Sutton, and Lance Whisman.
Members Absent: Thomas Holland.

CONSENT AGENDA:

1. Approval of Minutes for the August 18, 2014 Regular Meeting
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Vice/Acting Chair Lance Whisman introduced the Consent Agenda item and asked to entertain a Motion. Steve Sutton made a MOTION to APPROVE the Minutes of the August 18, 2014 Regular Meeting as presented by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Sutton, Whiteley, Hicks, and Whisman
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

PUBLIC HEARINGS

- 2. **BCPA-12 – Conrad Farms Holdings, LLC** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan of the City of Bixby, Oklahoma, specifically to modify or remove the “Special District # 4” designation.
Property Located: 7400 E. 151st St. S.
- 3. **PUD 85 – “Conrad Farms” – Conrad Farms Holdings, LLC** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 136.48 acres in Section 23, T17N, R13E.
Property Located: 7400 E. 151st St. S.
- 4. **BZ-377 – Conrad Farms Holdings, LLC** Public Hearing, discussion, and consideration of a rezoning request from AG Agricultural District to RS-3 Residential Single-Family District for approximately 136.48 acres in Section 23, T17N, R13E.
Property Located: 7400 E. 151st St. S.

Upon clarification with Erik Enyart, who recommended all three (3) items be introduced and discussed together, as they were all covered by the same Staff Report, but voted upon separately, Vice/Acting Chair Lance Whisman introduced related Agenda Item #s 2, 3, and 4 and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: *Bixby Planning Commission*
From: *Erik Enyart, AICP, City Planner*
Date: *Thursday, September 11, 2014*
RE: *Report and Recommendations for:*
PUD 12 – Conrad Farms Holdings, LLC &
PUD 85 – “Conrad Farms” – Conrad Farms Holdings, LLC &
BZ-377 – Conrad Farms Holdings, LLC

LOCATION: – 7400 E. 151st St. S.
– Part of Section 23, T17N, R13E

SIZE: – 200.6 acres, more or less (parent tracts aggregate)
– 136.48 acres, more or less (applications area)

EXISTING ZONING: AG Agricultural District; there is some CS zoning on a parent tract parcel at the northwest corner of 161st St. S. and Memorial Dr., but not within the area concerned by the applications

EXISTING USE: Former Conrad Farms agricultural land; there is a communications tower on a parent tract parcel, but not within the area concerned by the applications

REQUESTED ZONING: RS-3 Single-Family Dwelling District & PUD 85

SUPPLEMENTAL ZONING: None; there is Corridor Appearance District supplemental zoning on two (2) parent tract parcels which front on 151st St. S. and Memorial Dr., but not within the area concerned by the applications

SURROUNDING ZONING AND LAND USE:
North: (Across 151st St. S.) AG; An approximately 150-acre tract of agricultural land.
South: (Across 161st St. S.) AG; Agricultural land.
East: (to Memorial Dr.) AG, CG, IL, RS-2, RD, CS, and RM-2; A 3.7-acre rural residential and agricultural tract belonging to the Conrad family, commercial and industrial uses in Bixby

Industrial Park zoned CG and IL, and Bixby Creek and its attendant easements and rights-of-way primarily zoned AG; further east are single-family residential homes and one (1) duplex in and around the Jim King Addition neighborhood zoned AG, RS-2, and RD and several businesses, churches, homes, agricultural areas, and vacant areas along the west side of Memorial Dr. zoned AG, CG, CS, and RM-2.

West: *(to Sheridan Rd) RMH, CH, IL, CS, and AG; The Shadow Valley Mobile Home Park zoned RMH, the "Spectrum Plaza" trade center zoned CH, a single-family house on 1-acre zoned IL, and a CS district containing the Bethesda Girls Home at 7106 E. 151st St. S., 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. Further west along the east side of Sheridan Rd. are several vacant/wooded, agricultural, and rural residential tracts of land zoned AG.*

COMPREHENSIVE PLAN: *Development Sensitive + Vacant, Agricultural, Rural Residences, and Open Land + Special District # 4 + Community Trails (BCPA-12 requests removal or amendment of Special District # 4 designation)*

PREVIOUS/RELATED CASES:

BZ-41 – Chester Conrad – *Request for rezoning from AG to CS for the E/2 SE/4 SE/4 of this Section (20 acres), including part of a subject property parent tract – PC Recommended Approval on 11/24/1975 and City Council Approved 01/20/1976 (Ord. # 305).*

BBOA-112 – Chester Conrad – *Request for Special Exception to allow oil well drilling for the SE/4 of this Section (40 acres), including part of subject property parent tracts – BOA Conditionally Approved 12/13/1982.*

BBOA-368 – Sprint PCS/Wireless – *Request for Special Exception to allow up to 150' in aggregate height as measured at grade for an antenna supporting structure (communications tower) on a 0.229-acre lease site within a subject property parent tract at approximately the 7600-block of E. 161st St. S. (perhaps, inappropriately, addressed 7997 E. 161st St. S.) – BOA Approved 07/01/2001.*

RELEVANT AREA CASE HISTORY: *(not a complete list; cases east of Bixby Creek and Memorial Dr. not included here)*

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

BZ-81 – Jerry Green – *Request for rezoning from RMH to IL for approximately 4.8 acres, which included a house on 1 acre and the (now) 3.4-acre "Spectrum Plaza" property to the west of subject property at 7220/7222/7224 E. 151st St. S. – PC Recommended Approval 03/31/1980 and City Council Approved 04/21/1980 (Ord. # 395).*

BZ-120 – Calvin Tinney – *Request for rezoning from AG to RS-3 for the E/2 of the SW/4 of this Section (80 acres) to the west of subject property – PC Recommended Approval 08/30/1982 and City Council Approved 09/07/1982 (Ord. # 460).*

BZ-126 – Georgina Landman and/or W.S. Atherton – *Request for rezoning from RS-3 to RS-1 for approximately 80 acres (E/2 SW/4 Section 22, T17N, R13E) to the west of subject property – Applicant did not own the property requested for downzoning – PC Recommended Approval 12/27/1982 and City Council Denied 01/03/1983 upon recommendation of City Planner and City Attorney.*

BBOA-133 – Lendell Hall – *Request for Special Exception to allow a mobile home on the NE/4 of the NW/4 of Section 26, T17N, R13E (40 acres) abutting subject property to the southwest – BOA Conditionally Approved 10/09/1984.*

BBOA-145 – J. S. Peerson – *Request for Special Exception to allow oil and gas well drilling for the NE/4 of Section 26, T17N, R13E (160 acres) abutting subject property to the south – BOA Conditionally Approved 06/10/1985.*

BBOA-151 – Joe Peerson – *Request for Special Exception to allow oil and gas well drilling for the N/2 of the SE/4 of Section 26, T17N, R13E (80 acres) to the south of subject property – BOA Conditionally Approved 10/09/1985.*

BZ-181 – W.S. Atherton – *Request for rezoning from AG & RS-3 to CG, RM-3, and RE for approximately 240 acres located to the west of subject property, the SE/4 and the E/2 of the SW/4 of*

Section 22, T17N, R13E, for an “Atherton Farms Equestrian Estates” residential subdivision (never built) – Approved by City Council 06/23/1987 (Ord. # 562).

BBOA-190 – W.S. Atherton – Request for “Use Variance” to allow the keeping of horses on individual lots as an accessory use for approximately 240 acres located to the west of subject property, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, for an “Atherton Farms Equestrian Estates” residential subdivision (never built) – Approved by BOA 07/13/1987.

BBOA-218 – Marthell Laster – Request for Variance from the bulk and area requirements in the AG district for a former 5-acre tract to the southwest of subject property at 6800/6802 E. 161st St. S. to allow for a Lot-Split – BOA Approved 11/19/1989.

BZ-199 – Dan Stilwell – Request for rezoning from RMH to CG for approximately 3 ¾ acres to the west of subject property 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 to the west of subject property and now addressed 7100, 7102, and 7106 E. 151st St. S. – BOA Approved 06/01/1992.

BBOA-307 – Bobby & Karrie Applegarth – Request for Special Exception to allow a mobile home on a 6.4-acre tract to the southwest of subject property at 6710 E. 161st St. S. – BOA Conditionally Approved 11/16/1995.

PUD 20 – Atherton Farms Equestrian Estates – Phillip Faubert – Request for rezoning from AG & RS-3 to CG, RM-3, and RE for approximately 240 acres located to the west of subject property, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, for an “Atherton Farms Equestrian Estates” residential subdivision (never built) – Recommended for Approval by PC 01/20/1998. However, this case was evidently never presented to the City Council, as it did not appear on any agenda from January 26, 1998 to April 27, 1998, no Ordinance was found relating to it, and there are no notes in the case file suggesting it ever went to City Council. Further, PUD 20 does not exist on the official Zoning Map. An undated application signed by Phillip Faubert from circa March, 2001 was found in the case file requesting to “rescind PUD 20,” but no records or notes were found to determine the eventual disposition of this request, if any.

BZ-238 – W.S. Atherton – Request for rezoning from AG to RE for approximately 10 acres located to the west of subject property for part of an “Atherton Farms Equestrian Estates” residential subdivision (never built), part of 240 acres located to the west of subject property, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E – Approved by City Council 02/23/1998 (Ord. # 768).

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.

BBOA-423 – Karen Johnson – Request for Floodplain variance “to allow fill in the floodplain without providing compensatory storage (Engineering Design Standards Section E)” for property to the northeast of subject property at 7580 E. 151st St. S., a former NAPA auto parts store that had been destroyed by fire – BOA Denied 07/13/2004.

AC-05-01-01 – Commercial buildings for the 3.4-acre “Spectrum Plaza” property to the west of subject property at 7220/7222/7224 E. 151st St. S. – Architectural Committee Approved 01/27/2005.

PUD 48 – “Pecan Meadows” –Tanner Consulting – Request for rezoning from AG to RS-2 and PUD approval for approximately 40 acres to the southwest of subject property, the SW/4 of the NW /4 of Section 26, T17N, R13E for a residential subdivision (never built) – PC Recommended Approval 11/21/2005 and City Council Approved 12/12/2005 (Ord. # 927).

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 to the west of subject property at

7220/7222/7224 E. 151st St. S. 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).

BZ-334 – Jack Byers – Request for rezoning from AG to RE for approximately 3.5 acres tract to the southwest of subject property at 16101 S. Sheridan Rd. to facilitate a Lot-Split application (BL-349) – Withdrawn by Applicant prior to PC meeting 09/17/2007.

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 to the west of subject property at 7220/7222/7224 E. 151st St. S. – 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 to the west of subject property at 7220/7222/7224 E. 151st St. S. – 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 to the west of subject property at 7220/7222/7224 E. 151st St. S. – PC Conditionally Approved 11/19/2007.

Plat Waiver for Downtown Bixby Church of Christ – Request for Waiver of the platting requirement per Zoning Code Section 11-8-13 (formerly 260) for a church on approximately 6 acres to the east of subject property at 15802 S. Memorial Dr. – City Council Conditionally Approved 11/26/2007.

AC-07-12-01 – Downtown Bixby Church of Christ – Request for Architectural Committee Detailed Site Plan approval for a church on approximately 6 acres to the east of subject property at 15802 S. Memorial Dr. – Architectural Committee Conditionally Approved 12/17/2007 and Conditionally Approved Minor Amendments thereto 02/17/2009.

BBOA-485 – Phillip Faubert – Request for Special Exception per Zoning Code Section 11-7D-2 Table 1 to allow a Use Unit 6 single-family dwelling and customary accessory structures in the CG district for a 2.7-acre tract located to the west of subject property located within 240 acres, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, previously proposed to be the “Atherton Farms Equestrian Estates” residential subdivision (never built) – BOA Approved 08/04/2008.

BBOA-486 – Phillip Faubert – Request for Variance from certain bulk and area requirements of Zoning Code Section 11-7D-4 Table 2, including, but not necessarily limited to: The setback from an abutting R district and the 100-foot minimum street frontage requirement, to allow a Use Unit 6 single-family dwelling and customary accessory structures in the CG district for a 2.7-acre tract located to the west of subject property located within 240 acres, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, previously proposed to be the “Atherton Farms Equestrian Estates” residential subdivision (never built) – BOA Approved 08/04/2008.

BBOA-503 – Brandon & Elisha Long – Request for (1) A Variance from the Zoning Code to allow a garage accessory structure as a principal use prior to the construction and occupancy of the principal dwelling, and (2) A Variance from the Zoning Code to allow said accessory structure to be used as a residence, including after such time as the primary residence is constructed and occupied, all in the AG Agricultural District, for a 6.4-acre tract to the southwest of subject property at 6710 E. 161st St. S. – BOA Conditionally Approved 04/06/2009.

BBOA-514 – Jerry & Mary Ezell – Request for (1) A Variance from the minimum public street frontage standard of Zoning Code Section 11-8-4, and (2) a Variance from certain other bulk and area standards of the AG Zoning District as per Zoning Code Section 11-7A-4 Table 3, all to allow for the construction of a house on an existing lot of record in the AG Agricultural District for approximately 2.04 acres to the southwest of subject property at 16315 S. Sheridan Rd. – BOA Approved 12/07/2009.

BCPA-8, PUD 75 “LeAnn Acres,” & BZ-359 – JR Donelson, Inc. / Roger & LeAnn Metcalf – request to (1) amend the Comprehensive Plan Land Use Map to redesignate those parts of the property presently designated “Low Intensity” and/or “Special District # 4” to “Medium Intensity” and remove the “Special District # 4” designation, (2) rezone from AG to RM-2, and (3) approve PUD 75 for a multifamily development on approximately 25 acres abutting the subject property to the west at 15329 S. Sheridan Rd. – PC Recommended Conditional Approval 01/21/2013 and City Council Conditionally Approved 01/28/2013. However, ordinance not approved because the PUD package presented was not in its final form / did not incorporate the required Conditions of Approval. To

date, the final PUD package has not been received. All applications were recognized as “inactive” and filed away on 04/29/2014.

BZ-376 – Joseph Guy Donohue for J.C. & Lila Morgan – request for rezoning from IL to CH for a 1-acre tract to the west of subject property at 6636 E. 151st St. S. (to be re-addressed 7108 and 7110 E. 151st St. S.) – PC Recommended Denial absent a PUD 08/18/2014. Not appealed to City Council.

BACKGROUND INFORMATION:

The Nature and Value of the Comprehensive Plan. Comprehensive Plans are the result of intensive study, broadly garnered and comprehensive information, professional analysis and coordination, public input, and general consensus of the City’s staff, Planning Commission, and City Council. They bring together all planning functions (e.g., housing, land use, transportation, physical environment, energy, infrastructure and community facilities, demographics, etc.), analyze and compare them all on the community-wide scale, relate them to specific geographical areas within the community (i.e. the Land Use Map), and consider all this with a long-range time perspective (e.g., 15-20 years into the future).

The Comprehensive Plan is a thorough, complete, and well researched policy document used to inform the Planning Commission, City Council, and the Public at large how land can best be developed and used (among other things), and so how rezoning applications should be accepted or rejected. Comprehensive Plans, when followed, prevent arbitrary, unreasonable, or capricious exercise of the legislative power resulting in haphazard or piecemeal rezonings (read: rezoning decisions legally indefensible in a court of law).

Comprehensive Plans can be highly prescriptive, prescribing specific land uses and land use intensities to specific parcels of land, or can be highly generalized, merely mapping out large swaths of land which may be suitable for certain intensities of development, and including a broad range of zoning districts which may be authorized therein. Bixby’s Comprehensive Plan falls somewhere in between, specifically designating certain areas with specific land uses, and others more generally (e.g. the “Corridor” designation.).

Zoning Code Section 11-5-2 prohibits rezonings which would conflict with the Comprehensive Plan, and requires that such rezonings “must be processed along with a request to amend the land use map and a PUD in order to be accepted and considered.” The Applicant has requested PUD 85 in support of BCPA-12 and the rezoning application.

Procedure for Comprehensive Plan Amendments. Certain passages in the Comprehensive Plan text (page 30, 55, etc.) suggest the anticipation of amendments to the Plan. However, the Comprehensive Plan does not provide, nor do State Statutes, a definite procedure or method for the City or property owners to request to amend the Comprehensive Plan. The City of Broken Arrow regularly (quarterly, etc.) considers applications to amend their Comprehensive Plan, for cases where a rezoning application would not be consistent with the Plan, but the plan amendment and rezoning application may be appropriate.

After receiving the first two (2) requests in mid-2008 (BCPA-1 and BCPA-2), Staff consulted the City of Broken Arrow to determine how that community goes about facilitating applications for Comprehensive Plan amendments, and followed the same method, which was supported by the Applicant’s attorney in those cases, which was to advertise the public hearing in the same manner used for a rezoning application: By sign posting on the property, newspaper publication, and mailing a notice to all property owners within a 300’ radius of the subject property. This method was used in applications BCPA-3 and BCPA-4 in 2009, BCPA-5 and BCPA-6 in 2011, BCPA-7 and BCPA-8 in 2012, and BCPA-9 and BCPA-10 in 2013/2014, and all of these have been done in this amendment case as well. BCPA-11 was an amendment to the Comprehensive Plan text, approved by Ordinance # 2136 on July 14, 2014.

Scale of Development. With up to 500 lots legally entitled, as proposed by this PUD, the “Conrad Farms” development may be the largest purely single-family residential development in Bixby. As of now, the largest exclusively single-family residential subdivision is South Country Estates, with 260 lots, platted in 1979. “Willow Creek” (PUD 78) has been approved for up to 291 lots, which will likely be platted and developed in phases. Platted between 1997 and 2001, all of the “The Park at Southwood” subdivisions (The Park at Southwood, The Park at Southwood 2nd, and The Park at Southwood 3rd) together total 438 lots. Platted between 1999 and 2004, all of the “Twin Creeks” subdivisions (Twin Creeks, Twin Creeks II, Twin Creeks III, Twin Creeks III Extended, and Twin Creeks Villas) together total 406 lots. Several subdivisions have used the “Southwood” and “Southern Memorial Acres” names, but these were often separated by time period and location (sometimes in different Sections of land), they often contained significantly different design patterns (including lot sizes), and they may also have been developed by different developers, even when using these keywords. Developed with single-family homes,

downtown “storefront” commercial buildings, and other uses, often covering multiple lots per structure, the Midland Addition was platted in 1911 with 660 typically 25’ X 130’ lots and a railroad. A multifamily development, The Links at Bixby, platted in 1996, contains 504 apartment dwelling units and a 9-hole golf course.

ANALYSIS:

Subject Property Conditions. The subject property parent tracts are composed of four (4) parcels of land:

1. The SE/4 of the NW/4 and the NW/4 of the SE/4 and the W/2 of the SW/4 of the NE/4 and part of the N/2 of the N/2: The largest tract, approximately 125.5 acres, contains the former Conrad Farms retail facility (partially damaged by the July 23:24, 2013 “derecho” / “bow echo” event; greenhouses since removed) and a house, perhaps both addressed 7400 E. 151st St. S., and approximately seven (7) on-site labor houses east of the southeast corner of the Shadow Valley Mobile Home Park, Tulsa County Assessor’s Parcel # 97323732315260,
2. The SW/4 of the SE/4: Approximately 40 acres, contains a communications tower on a 0.229-acre lease site at approximately the 7600-block of E. 161st St. S. (perhaps, inappropriately, addressed 7997 E. 161st St. S.), Tulsa County Assessor’s Parcel # 97323732354360,
3. The SW/4 of the NE/4 of the SE/4, less that part sold to Downtown Bixby Church of Christ: Approximately 8.8 acres, contains the confluence of Bixby Creek and an unnamed, upstream tributary thereof, Tulsa County Assessor’s Parcel # 97323732353160,
4. The SE/4 of the SE/4, less those parts owned by Downtown Bixby Church of Christ, City of Bixby, and ODOT: Approximately 26.3 acres located at the northwest corner of the intersection of 161st St. S. and Memorial Dr., zoned AG and CS, Tulsa County Assessor’s Parcel # 97323732358360.

Altogether, the subject property parent tracts total approximately 200.6 acres, and the area contained by the three (3) applications total 136.48 acres. The applications area excludes (A) that part located in the N/2 of the N/2 of this Section (along 151st St. S.), (B) that part located east of the tributary to Bixby Creek (along Memorial Dr.), and (3) those parts lying east of the westerly Bixby Creek right-of-way / easement line “per Corps of Engineers Right-Of-Way Plans.” The site plan and/or survey should be updated to specify whether the area to the east of the line is right-of-way (fee simple ownership) or a “right-of-way easement,” and should cite Book/Page or Document # reference where the instrument conveying right-of-way or easement interest is recorded with the Tulsa County Clerk.

The subject property is relatively flat but appears to slope downward to the east and south, ultimately draining to Bixby Creek.

The subject property is presently served by the critical utilities (water, sewer, electric, etc.), or otherwise will be served by line extensions as required.

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Development Sensitive, (2) Vacant, Agricultural, Rural Residences, and Open Land, (3) Special District # 4, and (4) Community Trails. BCPA-12 requests amendment or removal of the Special District # 4 designation, to allow the subject property to be rezoned to RS-3 and be developed with a housing addition.

The Bixby Comprehensive Plan provides, on Pages 20 and 21, the following pertaining to Special District # 4:

- “d. Special District 4 is that area previously designated In the 1991 Bixby Comprehensive Plan in which a majority of the land is located within the 100 year flood plain. This development sensitive area is located approximately from one-quarter mile south of S. H. 67, west of S. Memorial Drive, north of 171st Street South, and east of the upland area along S. Sheridan Road. The majority of this land is used for agricultural purposes. This [is] prime farm land and contributes strongly to the “green theme” characteristic of Bixby. Preservation of those Special District areas should continue with AG zoning the primary designation. Certain select areas adjacent to major roadway intersections may be appropriate for different zoning designations in accordance with the other Urban Design Development Guidelines. Any change in use in this area should be designed to integrate continuing agribusiness uses, provide onsite drainage control solutions, it should provide appropriate buffers between adjoining land uses on the upland area along S. Sheridan Road, south of 171st Street South, and along S. Memorial Drive.” (emphasis added)

Special District # 4 calls for areas within to “continue with AG zoning the primary designation,” but that “[c]ertain select areas adjacent to major roadway intersections may be appropriate for different zoning designations...” The intent appears to be that the subject property (application area), to the extent located within Special District # 4, “should continue with AG zoning,” as it is not within a reasonable distance of a major street intersection. The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the only residential districts which May Be Found In Accordance with Special District # 4 are the RE, RM-1, and RM-2 districts; none of the RS districts can be found in accordance.

At the time Conrad Farms announced, in mid-2013, that it would close and put the property up for sale in late 2013, it was widely reported that developers were interested in the Conrad Farms land. In a July 23, 2013 Tulsa World article entitled “Farming in Oklahoma must be a labor of love,” owner Vernon Conrad was quoted as saying “I don’t think you could buy us out and make a living [by farming].” It stands to reason that the land value, the likely price upon sale, would make continued farming economically untenable. Further, when the Comprehensive Plan first designated the Conrad Farms land as “Special District # 4,” or similarly, with the intent of it remaining farmland, more of the subject property was in the 100-year Regulatory Floodplain. Indeed, much of the balance of the land to the south of the subject property remains in the 100-year Regulatory Floodplain. However, since then, more recent mapping has shown the subject property applications area as primarily out of the 100-year Regulatory Floodplain. Thus, current events and improved floodplain conditions have changed the likely land use outcomes for the subject property.

BCPA-12 proposes to amend or remove the “Special District #4” designation. The Special District # 4 was Conditionally Approved for removal from a southerly portion of the 25-acre development property abutting to the west per BCPA-8/PUD 75 “LeAnn Acres” in January, 2013. Rather than amending the PUD Text that pertains to Special District # 4, which should still be applicable to the balance of the special district, Staff recommends that any approval take the form of simple removal of the subject property application area from the Land Use Map. This would leave Special District # 4 in place for the low-lying, agricultural areas south of 161st St. S. to the 17300-block of S. Memorial Dr., the two (2) agricultural/rural residential tracts at the 15400-block of S. Sheridan Rd., parts of the SW/4 of this Section, being 160 acres of vacant/wooded and agricultural land under different ownership, and certain areas along Bixby Creek north of 161st St. S.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that RS-3 zoning May Be Found In Accordance with the Development Sensitive designation 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 Matrix does not indicate whether or not the RS-3 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) May Be Found In Accordance with the Development Sensitive designation of the Comprehensive Plan Land Use Map, and thus PUD 85 May Be Found In Accordance with the Comprehensive Plan as a zoning district.

Due to all of the factors listed and described above, Staff believes that the proposed RS-3 zoning and residential development proposed per PUD 85 should be found In Accordance with the Comprehensive

Plan, provided they are approved together and along with BCPA-12 and the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below.

General. The PUD proposes a single-family residential subdivision development with a maximum of 500 lots, per PUD Development Standards. However, the PUD Concept Development Plan (herein, sometimes referred to as "Site Plan" or "site plan") shows 452 lots and the PUD text specifies 480 lots. The Development Standards are the controlling figure. At this scale, it should be expected to see a variance between the conceptual site plan and the Development Standards, but the number specified in the PUD Text should be reconciled with that in the Development Standards.

The submitted site plan exhibits a suburban-style subdivision design, but with a relatively urban, grid street pattern, but with several long blocks. Only one (1) cul-de-sac street is indicated. Based on relative proportions, what appears to be a collector street would extend from 161st St. S. northerly toward the northern end of the subject property applications area. What appear to be alleys bisect certain blocks, all oriented east-west. One "Proposed Common Area" is indicated, and a large "Proposed [Stormwater] Detention Pond" occupies an easterly acreage of the site plan, corresponding to the area just upstream of the confluence of Bixby Creek and its tributary here. Other miscellaneous odd pieces are mostly found along the irregular geometries formed by the southwesterly line of the Bixby Creek right-of-way/easement.

Per the PUD Development Standards, the minimum lot width would be 65', and minimum lot area would be 6,900 square feet. The Site Plan notes that 289 (64%) of the lots shown will be (typically) 65' X 110' (7,150 square feet), and the balance are (typically) 75' X 125' (9,375 square feet). Based on dimensions provided and proportions observed, Staff's findings upon inspection are roughly consistent with the figures provided.

The density/intensity proposed, 500 lots, is consistent with the Zoning Code, which would yield more than this number with straight RS-3 zoning on 136.48 acres, and the PUD provisions of the Zoning Code would enable even more.

Because the review methodology is similar, and all three (3) applications are essentially rezoning-related and propose to prepare the subject property for the same single-family residential subdivision development, this review will, for the most part, include all three (3) applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

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

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

The Technical Advisory Committee (TAC) discussed BCPA-12 and PUD 85 at its regular meeting held September 03, 2014. Minutes of that meeting are attached to this report.

Access and Internal Circulation. Plans for access and internal circulation are described in the "Access and Circulation" Section 4.0 of the PUD Text as follows:

"Vehicular access to the development will be provided from 161st Street. The required 161st R/W (50' half street) will be dedicated with the plat. Internal streets will be 26' wide and located within 50' R/W's per City of Bixby Engineering Design Criteria Manual."

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

By review memo and per the discussion at the September 03, 2014 TAC meeting, the Fire Marshal has observed that the Fire Code requires a minimum separation between access roads based on a formula using the diagonal width of the development tract. The Fire Marshal has stated that, due to existing geometries, the required separation cannot be achieved solely on 161st St. S. as proposed. The Fire Marshal's memo recommends the additional access come from 151st St. S. This route would appear to be more easily attainable, as the property owner owns land through which such a connection could be made. A connection to Sheridan Rd. would require acquiring easement or right-of-way from a different property owner. Unless allowed to utilize the private drive serving the Shadow Valley Mobile Home Park (which is in the 100-year Floodplain), connecting to 151st St. S. or Memorial Dr. would require bridging Bixby Creek or its tributary. The additional accessway, as may be required, should be out of the 100-year Floodplain.

Due to the scale of this development (see Background Information), Staff has recognized a need to consider the number and formats of points of access in proportion to the number of dwelling units served. This ratio matter was discussed for the "Willow Creek" and "The Trails at White Hawk" developments

proposed and approved most recently in 2013 and 2014. The Subdivision Regulations do not contain a ratio schedule for the number of required points of access to a subdivision based on the number of lots within it. Recommendations as to adequacy of the three (3) means of ingress and egress in ratio to the number of lots proposed should and have previously come from the City Planner, Fire Marshal, and Police Chief. In the case of "Willow Creek" in 2008, when 254 lots were proposed, all considered and expressed that the three (3) points of access should be considered adequate, two (2) of which points of access consisted of a Collector Street connecting 131st St. S. to Mingo Rd. All three (3) verbally indicated that the three (3) were still adequate when that number was increased to 276 lots in 2009. Once more, all three (3) indicated that the three (3) were still adequate when that number was increased to 291 lots in 2013. In the case of "The Trails at White Hawk," City Staff concurred that three (3) points of access would be acceptable for the 261 residential lots planned behind a commercial frontage development area, including a Collector Street connecting 151st St. S. to Lakewood Ave. in The Ridge at South County, which in turn connects to 141st St. S. The third access serving "The Trails at White Hawk" is an emergency access drive connection to Kingston Ave.

In this case, City Staff is considering whether three (3) points of access will be acceptable for the proposed 500 lots, which recommendation will likely ultimately include that at least one (1) Collector Street connecting two (2) arterial streets. The City Planner and Fire Marshal have called for a third point of access, and the Police Chief has been consulted for recommendation, which will be provided at the Planning Commission meeting if available at that time.

The existing PUD Text should be enhanced to specify that at least one (1) collector street, for which Subdivision Regulations Section 9.2.2 requires a minimum of 60' of right-of-way and 36' of paving width, will serve the development and connect 161st St. S. to at least one other arterial street.

It may be possible to structure the language in the PUD flexibly, providing that the two (2) points of access now proposed will allow development only up to a certain development area boundary (consistent with the Fire Code formula) and maximum number of lots, until the Collector Street is extended to the second arterial street. This formula for staging would be subject to City Staff recommendation and City Council approval.

The site plan should be updated to reflect street configuration changes pursuant to the connectivity recommendations provided elsewhere herein.

The City of Bixby has the responsibility to ensure that development properties are not hampered by lack of planning and access provision when abutting properties are developed. Avoiding the stub-out requirement would require a Waiver of the Subdivision Regulations. The PUD site plan indicates stub-out streets will be provided to three (3) of the four (4) tracts abutting to the west and having frontage on Sheridan Rd. The Subdivision Regulations require stub-out street provision to all adjoining unplatted tracts. This could be achieved for the fourth by relocating the stub-out street to center at the southeast corner of the N/2 of the N/2 of the SW/4 of this section, allowing two (2) tracts to be served. Stub-out streets are also technically required to the unplatted properties including and along Bixby Creek, and to the excluded portions of the Applicant's property fronting on 151st St. S. and Memorial Dr. In the case of the former, the PUD Text should note that a Modification/Waiver from this requirement will be requested with the Preliminary Plat application for those areas which correspond to Bixby Creek (unless a Collector Street bridge to another arterial street will be planned). In the latter case, the PUD Text should be amended to state, alternatively as the case may be, that a collector street will be extended through the excluded area to connect 161st St. S. to another arterial street, or otherwise a Modification/Waiver will be requested to not connect this residential development to a likely future nonresidential development. In that case, the Text may observe that these area(s) are designated Corridor on the Comprehensive Plan, and so may not be appropriate to provide access to if developed non-residentially.

Recognizing the Comprehensive Plan designates Community Trails along Bixby Creek and westerly toward Sheridan Rd., Staff requests the developer consider (1) improving or otherwise describing plans to utilize existing access drives along the southwesterly side of Bixby Creek as a walking trail amenity for the development, and (2) incorporating pedestrian / trail elements within the development consistent with the intent of the Comprehensive Plan. If the developer would be willing to make such improvement(s), appropriate language should also be added to the PUD Text Section 4.0 "Access and Circulation" and the PUD site plan should be updated accordingly.

The PUD Text should specify that required sidewalks shall be constructed by the subdivision developer along 161st St. S., and contain customary language regarding homebuilder construction of sidewalks along internal streets.

The Text and Exhibits indicate a proposed 50' dedication for 161st St. S. as required for this Secondary Arterial street.

The Site Plan reflects what may be considered a greater share of streets in proportion to number of lots served. A redesign may result in a more efficient street network pattern and a reduction in instances of double-frontage.

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

North across 151st St. S. and south across 161st St. S. are agricultural areas zoned AG.

To the east (up to Memorial Dr.), clockwise, include a 3.7-acre rural residential and agricultural tract belonging to the Conrad family, commercial and industrial uses in Bixby Industrial Park zoned CG and IL, and Bixby Creek and its attendant easements and rights-of-way primarily zoned AG. Further east are single-family residential homes and one (1) duplex in and around the Jim King Addition neighborhood zoned AG, RS-2, and RD and several businesses, churches, homes, agricultural areas, and vacant areas along the west side of Memorial Dr. zoned AG, CG, CS, and RM-2.

Counterclockwise to the west (up to Sheridan Rd) are the Shadow Valley Mobile Home Park zoned RMH, the "Spectrum Plaza" trade center zoned CH, a single-family house on 1-acre zoned IL, and a CS district containing the Bethesda Girls Home at 7106 E. 151st St. S., 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. Further west along the east side of Sheridan Rd. are several vacant/wooded, agricultural, and rural residential tracts of land zoned AG.

Since the Comprehensive Plan did not specify "highest and best" land uses for the subject property, which was to remain agricultural in zoning [and land use], BCPA-12 provides the opportunity to so specify. Throughout Bixby, developable areas that are interior to Sections of land and areas along non-commercial arterial streets, single-family residential use predominates. Thus, it is logical to expect single-family use on the subject property. It is not necessary, however, to specify a land use upon the removal of Special District # 4, if approved. The Development Sensitive and Vacant, Agricultural, Rural Residences, and Open Land designations would allow for RS-3 zoning and PUD 85 as proposed. To keep the matter simple and flexible, if approved, Staff recommends that the Special District # 4 designation simply be removed. This would also be consistent with the removal of the Special District # 4 as Conditionally Approved for the 25-acre development tract abutting to the west per BCPA-8/PUD 75 "LeAnn Acres."

For all the reasons outlined above, Staff believes that RS-3 zoning, PUD 84, and BCPA-12 would not be inconsistent 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.

PUD 85 does not propose reducing lot widths, lot size, or setbacks as required in the RS-3 district. PUD 85 was requested as required in order to amend the Comprehensive Plan.

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

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

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

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

- B. Permit flexibility within the development to best utilize the unique physical features of the particular site;
- C. Provide and preserve meaningful open space; and
- D. Achieve a continuity of function and design within the development.

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

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of all three (3) requests generally. Therefore, Staff recommends Approval of all three (3) requests, subject to the following corrections, modifications, and Conditions of Approval:

1. The approval of RS-3 zoning, PUD 85, and BCPA-12 are each and all subject to the final approval of all others.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item will be addressed by PUD Text Section 8.0 entitled "Standard Requirements."
3. Subject to City Engineer curb cut approval for street intersections with 161st St. S. and/or Sheridan Rd., and ODOT curb cut / driveway permit for any street intersections with State Hwy 67 (151st St. S.) and/or U.S. Hwy 64 (Memorial Dr.), and the Fire Marshal's approval of locations, spacing, widths, and curb return radii. This item will be adequately addressed by the section in the PUD Text entitled "Standard Requirements."
4. Regarding Bixby Creek, the site plan and/or survey should be updated to specify whether the area to the east of the line is right-of-way (fee simple ownership) or a "right-of-way easement," and should cite Book/Page or Document # reference where the instrument conveying right-of-way or easement interest is recorded with the Tulsa County Clerk.
5. PUD Text Section 1.0 Introduction: Please specify that the rezoning change corresponds to application BZ-377 and acknowledge that a change to the Comprehensive Plan is proposed per BCPA-12.
6. PUD Text Section 1.0 Introduction: Please clarify that the PUD contains one (1) Development Area (DA), as shown on Exhibit A, label the one (1) DA on Exhibit A, and list in the Development Standards (e.g. "Development Area A"). If necessary and allowed, per other recommendations herein, to define a smaller developable area to be served by the two (2) points of access now proposed, and before the third connection is established, such area may be identified in the Text and on the Site Plan as Development Area A-1, with the balance to be defined as Development Area A-2, or similarly.
7. PUD Text Section 1.0 Introduction: Please reconcile the number of lots specified here with that in the Development Standards.
8. PUD Text Section 3.0 Development Standards: Permitted Uses: Consider whether a UU 5 neighborhood amenity will be planned, such as is common in such large developments (e.g. pool/clubhouse/etc.). If so, it should be specified as such, with language that its approval will attach only to the Reserve Areas, lot, or lots on which such is/are built, and the same is/are subject to Planning Commission site plan approval. The location(s) should be indicated on the conceptual site plan, if planned and if known.
9. PUD Text Section 3.0 Development Standards: Minimum Lot Width: Please remove the 30' lot width line item and add an asterisk to the 65' line item with asterisk text such as "Cul-de-sac or irregular lots must have a minimum of 20' of frontage and 30' of lot width at the front building line, in addition to 65' average lot width."
10. PUD Text Section 3.0 Development Standards: Please specify "Minimum Livability Space..."
11. PUD Text Section 3.0 Development Standards: Please specify "A Minimum Two (2) Off Street Parking..."
12. PUD Text Section 4.0 / Site Plan: Please update to reflect City Staff recommendations as to the minimum number and formats of points of access to the development.
13. PUD Text Section 4.0 / Site Plan: The existing PUD Text should be enhanced to specify that at least one (1) collector street, for which Subdivision Regulations Section 9.2.2 requires a minimum of 60' of right-of-way and 36' of paving width, will serve the development and connect 161st St. S. to at least one other arterial street.

14. *PUD Text Section 4.0 / Site Plan: Please note that a Modification/Waiver from the stub-out street requirement will be requested with the Preliminary Plat application for those areas which correspond to Bixby Creek (unless a Collector Street bridge to another arterial street will be planned). In the latter case, the PUD Text should be amended to state, alternatively as the case may be, that a collector street will be extended through the excluded area to connect 161st St. S. to another arterial street, or otherwise a Modification/Waiver will be requested to not connect this residential development to a likely future commercial development. In that case, the Text may observe that these area(s) are designated Corridor on the Comprehensive Plan, and so may not be appropriate to provide access to if developed non-residentially.*
15. *PUD Text Section 4.0 / Site Plan: If the developer would be willing to make improvement(s) or otherwise utilize Bixby Creek access drives as a walking trail amenity, appropriate language should be added here and the PUD site plan should be updated accordingly.*
16. *PUD Text Section 4.0: The PUD Text should specify that required sidewalks shall be constructed by the subdivision developer along 161st St. S., such as follows, "Sidewalks shall be constructed by the developer along 161st St. S. and by the builder upon each lot along 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."*
17. *PUD Text Section 4.0: Please specify that Limits of No Access (LNA) will be imposed by the future plat(s) along the 161st St. S. frontage, except at street intersections.*
18. *PUD Text Section 5.0 Signs: Such text should describe if Reserve Area or easement would be employed for subdivision identification sign(s) and other such common features. Such signage location(s) should be identified on the site plan if known.*
19. *PUD Text Section 5.0 Signs: Please change "Ordinance" to "Code."*
20. *PUD Text Section 7.0 / Exhibits: PUD does not describe plans for utilities or drainage in any great detail. Please enhance appropriately.*
21. *PUD Text Section 10.0 / Exhibits: Please reconcile names of exhibits listed here with names on the exhibits themselves for Exhibits B ("Topographic Survey" / "Boundary Map") and E ("Soil Analysis" / "Soil Map").*
22. *PUD Text: Please add customary section pertaining to the requirement for the approval of a subdivision plat prior to the issuance of a Building Permit for any lot.*
23. *PUD Text / Exhibits: Zoning Code Section 11-7I-8.B.1.e requires "Proposed screening and landscaping." Please describe in an appropriate section of the text and represent on the site plan any fences, entry features, signage, and/or landscaping proposed along 161st St. S., if known at this time, and whether the same will be contained within a Reserve Area or an easement reserved for this purpose.*
24. *Exhibit A: Please amend to remove the lots or parts of lots presently shown to include 100-year Regulatory Floodplain at the northeast and southeast corners of the development.*
25. *Exhibit A: Please label areas resembling alleys as to proposed use (e.g. "alley," "greenway," "drainageway," "pedestrianway," etc.).*
26. *Exhibit A: Zoning Code Section 11-7I-8.B.1.g requires "Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed." At a minimum, please represent parcel lines and names of owners of abutting properties.*
27. *Exhibits D and F: Please identify subject property applications area boundaries on these exhibits.*
28. *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.*
29. *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).*

Erik Enyart noted that the most significant design issue pertained to access. Mr. Enyart summarized from the Staff Report the history of the precedent for City Staff recommendations on the number of points of access in proportion to the scale of development in terms of lot numbers. Mr. Enyart stated that the City Planner, Fire Marshal, and Police Chief were all in agreement that the development needed at least a third point of access for the 500 lots proposed for entitlement, and that the City Planner recommended that the third point of access take the form of an extension of the collector street to connect 161st St. S. to one (1) other arterial street.

Steve Sutton clarified with Erik Enyart that all of the recommendations pertaining to access were adequately covered in the listed recommended Conditions of Approval.

Vice/Acting Chair Lance Whisman recognized Applicant Blaine Nice of 100 N. Broadway, Oklahoma City, from the Sign-In Sheet. Mr. Nice discussed the project and stated, "We intend to comply with the Code."

Larry Whiteley asked what size the lots would be. Erik Enyart responded that they would have a minimum 65' lot width, and minimum size of 6,900 square feet, and there would be no reductions from the requested RS-3 districts so, mathematically, that would work out to be a minimum of 107' to 110' deep. Mr. Whiteley asked what square footage of the houses would be constructed on the lots. Mr. Enyart deferred to the Applicant, who stated this was "conceptual at this point." Jerod Hicks asked if there would be different price points, and the Applicant responded, "Yes, we envision there will be."

Vice/Acting Chair Lance Whisman recognized Jason Mohler of Crafton Tull & Associates, 220 W. 8th St. S., Tulsa, from the Sign-In Sheet. Mr. Mohler stated that the boundary (of the subject property applications area) did not include the 151st St. S. frontage, and that the land bordered the south and southwest sides of Bixby Creek.

A Planning Commissioner asked how far off 151st St. S. the property was located, and Erik Enyart estimated it started approximately ¼ mile to the south.

Patrick Boulden stated that the recommended Conditions of Approval in the Staff Report pertaining to the access matter were numbered 12, 13, and 14. Steve Sutton confirmed with Erik Enyart that the wording in the recommendations adequately covered the access issue. Mr. Enyart noted that recommendation # 12 pointed back to the City Staff recommendations which were outlined in the analysis.

After further discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of BCPA-12. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Sutton, Whiteley, Hicks, and Whisman
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

Patrick Boulden recommended the vote on the rezoning precede the vote on the PUD.

Steve Sutton made a MOTION to RECOMMEND APPROVAL of RS-3 zoning per BZ-377. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Sutton, Whiteley, Hicks, and Whisman
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

Steve Sutton made a MOTION to RECOMMEND APPROVAL of PUD 85 subject to the corrections, modifications, and Conditions of Approval as listed in the Staff Report. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Sutton, Whiteley, Hicks, and Whisman
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

PLATS

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.

Vice/Acting Chair Lance Whisman introduced related Agenda Item #s 5 and 6 and confirmed with Erik Enyart that the Applicant had requested a Continuance to the next meeting.

Steve Sutton made a MOTION to CONTINUE PUD 31-A Minor Amendment # 1 and the Preliminary Plat of "Bricktown Square" to the October 20, 2014 Regular Meeting as requested by the Applicant. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Sutton, Whiteley, Hicks, and Whisman
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

7. **BSP 2014-03 – “Brisbane Office Park” – Matt Means of StoreTulsa.com (PUD 60).**
Discussion and possible action to approve a PUD Detailed Site Plan and building plans for “Brisbane Office Park,” a Use Unit 11 office park and Use Unit 16 ministorage development 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: 9910, 9920, & 9930 E. 111th St. S.

Vice/Acting Chair Lance Whisman 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, September 12, 2014
RE: Report and Recommendations for:
BSP 2014-03 – “Brisbane Office Park” – Matt Means of StoreTulsa.com (PUD 60)

LOCATION: – 10422 E. 111th St. S. (existing parcel address)
– 9910, 9920, & 9930 E. 111th St. S. (addresses as proposed)
– Part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E
– All of proposed “Brisbane Office Park” subdivision

SIZE: 9.87 acres, more or less

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

SUPPLEMENTAL PUD 60 for “Brisbane Office Park”

ZONING:

EXISTING USE: A house and vacant/wooded land

DEVELOPMENT TYPE: Approval of Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to PUD 60 for a Use Unit 11 office park and Use Unit 16 ministorage development

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: (Not necessarily a complete list)

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” / “Brisbane Office Park” – Matt Means of Landmark Constructive Solutions – Request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 60 for subject property – changed the name of the PUD to “Brisbane Office Park” – 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.

Final Plat of Brisbane Office Park – Request for approval of a Final Plat and partial Modification/Waiver from 17.5' perimeter U/E requirement for subject property – PC recommended Conditional Approval 08/18/2014. City Council consideration pending 09/22/2014.

BACKGROUND INFORMATION:

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 elevation contours represented on the site plan, 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.).

General. The draft Final Plat of “Brisbane Office Park” 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 Use Unit 11 office park, and Lot 2, Block 1, is proposed to be the Use Unit 16 ministorage business. Reserve A will serve as the development's stormwater detention facility.

The Detailed Site Plan represents a suburban-style design and indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking. The subject property conforms to PUD 60 and, per the plans generally, the office park and ministorage developments would conform to the applicable bulk and area standards for PUD 60 and the underlying OL and AG districts, except as outlined in this report.

Compared to the Exhibit A site plan of the approved PUD 60 Major Amendment # 1, a few changes have been made, including, but not necessarily limited to:

- Building D/E is 44' deep, compared to 45' per the original site plan.
- The separation between office and ministorage buildings appears to have been reduced from 30' (15' on either side of the shared property line) to 27'. This must be approved by the Fire Marshal.
- The stormwater detention pond within Reserve A appears to be larger in size.

The Detailed Site Plan was prepared by W Design, LLC of Tulsa. The submitted plan-view Site Plan drawing consists of "Architectural Site Plan" drawing AS100 (sometimes, "Site Plan" or "site plan"). The landscape plan consists of a "Landscape Plan" drawing AS101. Appearance and height information has not been provided. A letter submitted with the application states that "Building Elevations...will be forthcoming at least one week prior to the Planning Commission meeting schedule for September 15, 2014." Fence/screening information is provided on "Screening Site Plan" drawing AS102 and "Screen Wall Details" drawing AS103 and by the representation of such information on other plan drawings. The Lighting Plan consists of "Site Lighting Plan" drawing AS104. The Sign Plan consists of "Monument Sign Site, Plan, and Details" drawing AS105 and by the representation of signage information on other plan drawings.

Fire Marshal's and City Engineer'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.

The Technical Advisory Committee (TAC) reviewed this application on September 03, 2014. The Minutes of the meeting are attached to this report.

Access & Circulation. The subject property has approximately 330' of frontage on 111th St. S., and the site plan proposes two (2) driveway connections thereto. Per the latest version of the Final Plat, 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 site plans.

The (now-proposed) 27'-wide separation between office and ministorage buildings includes the southerly 15' 1" of Lot 1 and the northerly 12' 11" of Lot 2. Due to the proposed location of the security fence serving the ministorage development area, this 15' 1" of Lot 1 will be physically inaccessible to the owners of Lot 1. Further, the owner of Lot 2 will appear to have the use of this area. It appears the Final Plat, prior to recording, should extend the Mutual Access Easement to include this area, ensuring both lot owners ultimately have legal access to the fenced-in area.

Sidewalks are required along 111th St. S., but are not indicated. This must be added, along with the proposed width. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

The latest version of the Final Plat proposes Limits of No Access (LNA) along 111th St. S. except for access point(s), which must be approved by the City Engineer and Fire Marshal. The site plan represents these accurately, and the proposed driveway connections correspond appropriately to Access Openings.

The proposed driveway/street intersections require City Engineer and/or County Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii. Internal drives also require Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.

Internal pedestrian accessibility will be afforded via what appear to be internal sidewalks, connecting pedestrians between parking areas and buildings entrances within the development (reference Zoning Code Section 11-10-4.C). These concrete paving areas should be labeled as "sidewalk" and widths should be dimensioned (can be qualified as "typical" to reduce the number of labels, provided they are representative of all unique elements/areas). The widths of these sidewalks should be adequate to meet ADA standards.

Dimensions for drives and parking areas, as required by the Site Plan and as needed for full review, are missing throughout the site plan. See recommendations below for details.

Parking & Loading Standards. The site plan reports, and Staff counted 109 off-street parking spaces to serve both development areas.

The Zoning Code has specific formulae for required parking spaces based on Use Units, and sometimes specific types of uses within Use Unit categories. If the office park element of the development was fully occupied with Use Unit 11 uses, the Zoning Code's requirement for number of parking spaces would still depend on the types of Use Unit 11 businesses occupying the complex. If, for the sake of example and simplicity, all future tenants at all times would fall under the "Other uses" subcategory of Section 11-9-11.D, parking would be required as follows: 1 space / 300 square feet of floor area. The site plans shows Buildings A, B, C, and D/E would contain, in aggregate, 30,640 square feet. The example formula would require 102 parking spaces. Per the site plan, the seven (7) ministorage buildings, in aggregate, would contain 97,300 square feet of building floor area. Zoning Code Section 11-9-16.D requires 1 parking space per 5,000 square feet plus two (2) for an accessory dwelling. The plans do not indicate an accessory dwelling is planned in Development Area B / Lot 2, where such would be permitted. At 97,300 square feet, 19 parking spaces would be required. Together, the site would normally be required 121 parking spaces. Thus, the site proposes 12 parking spaces fewer than what the Zoning Code would otherwise require.

PUD 60 provides the following development standards for parking for the subject property:

"Minimum and maximum parking requirements for Development Areas [A] and B shall be determined upon City of Bixby Planning Commission recommendation and City Council PUD Detailed Site Plan approval."

The City Council, upon approval of this PUD Detailed Site Plan, may modify the minimum parking space standard as allowed by PUD 60. Staff presumes the developer is in a better position to estimate the parking needs for the development site, and does not object to the slight reduction (12 parking spaces) in overall parking required.

With 109 parking spaces on site, the six (6) handicapped-accessible parking spaces appears to comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces) and Zoning Code Section 11-10-4.D Table 2.

ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The Site Plan provides that one (1) of the six (6) accessible spaces presently proposed will be of van-accessible design. However, its location is not identified on the plans.

The regular and van-accessible handicapped-accessible parking spaces and access aisles are not dimensioned, so compliance with the standards of ADA and Zoning Code Section 11-10-4.C Figure 3 cannot be determined. The Applicant should make use of a handicapped-accessible parking space/access aisle/accessible route/parking signage detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards.

It is not clear if the handicapped-accessible parking spaces along the south side of the northernmost building (Building A) are adequately located to serve the next building to the south (Building B). It does not appear that any handicapped-accessible parking spaces would serve Building C. The Applicant's design professionals should provide changes as needed to comply with ADA standards as to the location of handicapped-accessible parking spaces to the buildings they serve, or otherwise confirm in writing that ADA standards are met.

The Applicant's design professionals should also determine whether the entire development will be considered as a singular parking lot for ADA compliance purposes, or whether the plainly-evident divisions between the parking areas (i.e. parking lots separated by buildings) will require each section have its own accessible space(s), and if such space(s) should or should not have at least one (1) van-accessible space per parking area.

Perhaps a separate matter from the preceding paragraph, the Applicant's design professionals should determine whether a van / handicapped-accessible parking space should be located at the south end of the parking lot strip in front of building D/E, where the leasing office and/or public entrance to the ministorage development are presumed to be located.

An accessible path appears to be represented, but not labeled, which would connect the handicapped-accessible parking spaces in the northernmost parking lot to the northernmost building (Building A). Another appears to connect the handicapped-accessible parking spaces along the south side of the northernmost building to the next building to the south (Building B). An accessible route does not appear to connect Buildings C or D/E to 111th St. S. nor to any other building. The accessible routes do not pass along the sides of the east-west-oriented buildings. It is not known if ADA standards permit accessible routes to require passage through buildings, or whether the buildings are presently designed to allow this. The Applicant's design professionals should provide changes as needed to comply with ADA standards as to accessible routes, or otherwise confirm ADA standards are met. Finally, the accessible path first mentioned should likely be extended to the public sidewalk (which must be represented and constructed) along 111th St. S.

During the design of the ADA parking features, the designer should consult with the Building Inspector to confirm the plans will comply with ADA standards (locations, proximity to primary entrance, maximum slopes, transition areas, level landing areas, pavement coloring, etc.).

The individual parking space dimensions have not been provided and so cannot be compared with standards for the same Zoning Code Section 11-10-4.A.

The parking lot is subject to a 10' minimum setback from 111th St. S. per Zoning Code Section 11-10-3.B Table 1. The proposed parking lot setback does not appear to be provided. The Applicant should add this dimension and increase the setback to 10' if not already in compliance.

The parking lot is subject to a 10' minimum setback from an R district per Zoning Code Section 11-10-3.B Table 1. There are no R districts abutting, so this standard is not applicable.

The Site Plan shows parking area and driveway paving would encroach on the 17.5' U/Es along the north and west sides of the development lots. Paving and site improvements on public Utility Easements is subject to City Engineer and Public Works Director approval.

For Use Unit 11 office buildings, Zoning Code Section 11-9-11.D requires one (1) loading berth per 10,000 to 100,000 square feet, plus 1 per each additional 100,000 square feet of floor area. No loading berths are required for any other office building, due as none of them meet the threshold for requiring same, and the Zoning Code has no loading berth requirement for Use Unit 16 ministorage. No loading berths are indicated as proposed.

Screening/Fencing. Per the Conditions of approval of PUD 60 and PUD 60 Major Amendment # 1, the required screening is to take the form of an "8ft wall, and stucco or masonry finish." This is depicted on the Exhibit A Conceptual Site Plan to PUD 60 Major Amendment # 1. However, during the Planning Commission hearing and recommendation of the Final Plat on August 18, 2014, the Applicant verbally amended the development to relocate the required 8'-high masonry wall along the north side of Reserve A to the south side, and to extend the 8'-high masonry wall along the entire east side of Reserve A and along the west side of Reserve A to the northeast corner of the City of Bixby's water tower property. The balance of the west line of Reserve A is to keep the City of Bixby's fence in place. A security fence will be installed along the north side of Reserve A, with a gate to allow for access to Reserve A and the detention pond within. These changes need to be made to "Screening Site Plan" drawing ASI02.

"Screening Site Plan" drawing ASI02 does not represent existing or proposed fences along the property lines shared with the BTC Broadband property. This needs to be provided.

The "Screen Wall Details" drawing ASI03 indicates some sections of the screening wall would be 6' in height, rather than 8'. It is not clear from the plans where such 6' height walls would be proposed. All wall sections indicated require the 8' height. The Applicant should reconcile appropriately or advise.

"Screening Site Plan" drawing ASI02 needs to clarify the extent of the "iron picket fence" separating the office park and ministorage areas.

PUD 60 requires the following for "TRASH, MECHANICAL AND EQUIPMENT AREAS":

"(1) There shall be no storage of recyclable materials, trash or similar material outside a screened receptacle. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level."

The site plan does not appear to identify any area(s) for solid waste disposal or mechanical and equipment storage, if the latter are necessary. Such area(s) need to be identified, and plans need to be

provided demonstrating compliance with this PUD requirement (enclosure screening height and composition details). Staff respectfully requests a profile view/elevation exhibit be submitted for the Planning Commission's and City Council's review and approval as a part of this Detailed Site Plan.

Landscape Plan. PUD 60 requires compliance with the landscaping standards of the Zoning Code and provides no special standards for landscaping.

The proposed landscaping is compared to the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of the Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 50' along 111th St. S., on which the subject property has 255.02' of frontage. PUD 60 does not increase the 50' setback required by the OL district. The Street Yard thus contains (255.02' X 50' =) 12,751 square feet, 15% of which would be 1,913 square feet. The Street Yard calculation provided on the plan is incorrect. The proposed parking lot setback / landscaped strip width dimension has not been provided, allowing for calculation and comparison to the minimum required. **Compliance with this standard cannot be determined.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 7.5', 10', or 15' along abutting street rights-of-way. A 10' minimum width strip is required along 111th St. S. The proposed parking lot setback / landscaped strip width dimension has not been provided, allowing for calculation and comparison to the minimum required. **Compliance with this standard cannot be determined.**
3. 10' Buffer Strip Standard (Section 11-12-3.A.3): Standard requires a minimum 10' landscaped strip between a parking area and an R Residential Zoning District. No R districts abut the subject property. **This standard is not applicable.**
4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Excluding the building line setback along 111th St. S. (which is a Street Yard), both Development Areas A and B have 10' setbacks along the east and west PUD boundaries per the OL district and PUD 60. Within Development Area A, however, PUD 60 requires an additional foot of setback for each foot of building height exceeding 18'.

607.91' West Boundary Setback Tree Requirements: West line @ $607.91' \cdot 10' = 6,079.1$ square feet / 1,000 = 6.1 = 7 trees (1/10 of a tree is not possible, and minimum numbers of required trees are not rounded-down). No (0) trees are proposed in the landscaped area containing the setback along this line. **This standard is not met.**

334' West Boundary Setback Tree Requirements: Setback along this boundary of Development Area A / Lot 1 cannot be determined as it depends on the proposed building height, which information has not been provided. No (0) trees are proposed in the landscaped area containing the setback along this line. **This standard is not met.**

607.91' Easterly Boundary Setback Tree Requirements: East line @ $607.91' \cdot 10' = 6,079.1$ square feet / 1,000 = 6.1 = 7 trees (1/10 of a tree is not possible, and minimum numbers of required trees are not rounded-down). No (0) trees are proposed in the landscaped area containing the setback along this line. **This standard is not met.**

282.1', 75', and 51.90' Easterly Boundary Setback Tree Requirements: Easterly line @

$$\begin{aligned}
 &282.1' \cdot 10' = 2,821 \text{ square feet} \\
 &+ \\
 &(75' - 10' \text{ setback} =) 65' \cdot 10' = 650 \text{ square feet} \\
 &+ \\
 &[(1/4) \cdot [\pi \cdot r^2 ; r @ 10' =] 31.416] = 8 \text{ square feet} \\
 &+ \\
 &(51.9' - 50' \text{ Street Yard Setback} =) 1.9' \cdot 10' = 19 \text{ square feet} \\
 &=
 \end{aligned}$$

3,498 square feet / 1,000 = 3.5 = 4 trees required. However, the setback along this boundary of Development Area A / Lot 1 cannot be determined as it depends on the proposed building height, which information has not been provided. Two (2) trees are proposed in the landscaped area containing the setback along this line. **This standard is not met.**

5. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 50' or 75' from a Landscaped Area, which Landscaped Area must contain at least 30, 100, or 200 square feet and one (1) or two (2) trees. For Lots 1 and 2, both exceeding 2.5 acres, the standard calls for a maximum of 75' of spacing, with one (2) trees required within the Landscaped Area not less than 100 or 200 square feet in area. Per the Site Plan, Buildings A, B, and C will each be 170' deep. It is not clear, based on the dimensions provided, whether the parking lot strips attending Buildings B and C can be met by the landscaped strips that "bookend" each on their west and east sides, and whether these landscaped areas, apparently as deep but wider than a parking space, relatively speaking, contain at least 200 square feet. In either case, these landscaped strips are only proposed to contain one (1) landscaping tree, which does not meet this standard. It appears unlikely, based on provided dimensions, that the parking lot strip attending the south side of the northernmost building (Building A) will meet this standard from available landscaped areas regardless of numbers of trees in each. **This standard is not met.**
6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of Street Yard. The Street Yard is the Zoning setback along an abutting street.

111th St. S. Street Yard Tree Requirements: The subject property has frontage on one street, 111th St. S., measuring 255.02'. PUD 60 does not increase the 50' setback required by the OL district. The Street Yard thus contains (255.02' X 50' =) 12,751 square feet / 1,000 = 12.7 = 13 trees required in the 111th St. S. Street Yard. 10 trees are proposed in the Street Yard. **This standard is not met.**

7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. Presuming no additional parking will be required, 109 parking spaces proposed / 10 = 11 trees required. Excluding the Street Yard and Building Setback trees reported above, six (6) trees proposed. **This standard is not met.**
8. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard would be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
9. Irrigation Standards (Section 11-12-3.D.2): Zoning Code Section 11-12-4.A.7 requires the submission of plans for irrigation. Notes on the landscape plan indicate an irrigation system will be employed. However, no irrigation plan was provided. **This standard is not met.**
10. Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.): The reported heights and calipers of the proposed trees, tree planting diagram(s), the notes on the drawings, and other information indicate compliance with other miscellaneous standards, with the following exceptions:
 - a. Aerial data and a site inspection suggest there may be several mature trees (6" caliper or greater) within that part of the 50'-wide Street Yard which will be occupied by the parking lot in front of the northernmost building (Building A). Zoning Code Section 11-12-3.C.1.b requires their replacement at a 2:1 ratio. Please provide documentation showing how this standard will be achieved, and identify on the landscape plan where within the development site the replacement trees will be located.
 - b. The landscaping analysis in the "Landscape Ordinance Summary" is inconsistent with the interpretations rendered in this analysis, and should be reconciled therewith or removed.
 - c. The list of utility companies listed at the bottom left-hand corner of the landscape plan should be updated to include any missing utility providers serving the area, to include, at a minimum, BTC Broadband and City of Bixby.
 - d. Impervious surface calculations provided will need to be updated if / as required in order to add sidewalks or ADA-compliance accessible paths.

Until the above are resolved, **this standard is not met.**

11. Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard is 15% of an office lot and 10% of a commercial lot within a PUD must be landscaped open space. Neither dimensions nor areas nor percentages have been provided, such as would allow for the demonstration of compliance with this standard. Such information will need to be provided for each lot, as the ministorage lot will be considered a commercial use. **Compliance with this standard cannot be determined.**

Exterior Materials and Colors. A letter submitted with the application states that “Building Elevations...will be forthcoming at least one week prior to the Planning Commission meeting schedule for September 15, 2014.” However, appearance and height information has not been provided.

The PUD has a 25’ maximum building height in Development Area A / Lot 1 and an 8.5’ maximum building height in Development Area B / Lot 2.

Zoning Code Section 11-9-16.C.3.a requires masonry exteriors for all ministorage building walls “along all property lines adjoining or visible from an adjoining public street or any R or O district.” This would appear to apply to the north-facing exteriors (facing the office park lot).

Height and building elevations / exterior materials information is required by the site plan application and to demonstrate compliance with the Zoning Code and PUD n requirements.

Outdoor Lighting. The lighting plans consists of “Site Lighting Plan” drawing AS104, which includes a photometric plan and a legend describing the different light fixtures proposed and certain other particulars. There do not appear to be any pole-mounted lights; all are building-mounted and appear typical for an office park and ministorage application.

PUD 60 provides for lighting:

“(1) Lighting used to illuminate the development area shall be so arranged as to shield and direct light away from adjacent residential areas and residential uses within the PUD. No light standard or building-mounted light shall exceed 14 feet. Light, as measured in footcandles, shall not exceed 0.0 footcandles at all PUD boundaries shared with a residential property. A lighting plan shall be a required element of the PUD Detailed Site Plan and shall include a photometric plan demonstrating compliance with the foregoing lighting requirements.”

Per the photometric plan, it appears that the footcandle effects of the proposed lighting will be reduced to 0.0 at all points on the PUD boundaries.

The photometric plan element of the lighting plan appears to be severely congested, making reading difficult. This should be re-scaled or other adjustments should be made to improve legibility.

The lighting plan will need to be sealed, signed, and dated by a proper professional for such plans.

Signage. PUD 60 requires compliance with the signage standards of the Zoning Code and provides no special standards for signage.

The Sign Plan consists of “Monument Sign Site, Plan, and Details” drawing AS105 and by the representation of signage information on other plan drawings.

The site plans represent the locations of the one (1) proposed ground sign at the northwest lot corner. The sign complies with all standards of the Zoning Code for location in the OL district with a PUD. It is proposed, however, to be located within the 17.5’ Perimeter U/E proposed by the plat of “Brisbane Office Park,” and so would be subject to the specific approval of the City Engineer and Public Works Director.

The ground sign would advertise both the “Brisbane Office Park” and “Brisbane Mini-Storage” business. The Zoning Code (Section 11-2-1, etc.) would recognize the signage element advertising the ministorage business, located on the office park lot, as a “billboard,” prohibited by the Zoning Code. However, signage advertising the ministorage business along 111th St. S. was to be expected by the specific allowance of the “back” ministorage development area / lot per the PUD. This is a common situation and relief from this restriction has commonly been done within PUDs either at the time of their initial approval or by amendment (PUD 65 Major Amendment # 1, PUD 73, PUD 76, PUD 47-C, PUD 81, etc.). This minor matter may be relieved by a Minor Amendment to PUD 60.

Wall signs are expected, but are not indicated on any of the plans. If proposed, they need to be represented, dimensioned, and must comply with applicable standards for same. If known at this time, should be identified on the Sign Plan, the elevations drawings, or another drawing. Alternatively, the Applicant may respond that wall signs are not known at this time and that future wall signs will be reviewed in the context of a future sign permit application.

Directional signs, although not indicated, are limited to a maximum of three (3) square feet in display surface area per Zoning Code Section 11-9-21.C.3.k.

Signs reserving the ADA accessible parking spaces and directional signage painted to the pavement of the driveways (not visible from adjoining public streets) should conform to applicable standards or are otherwise exempt per Federal standards.

Staff Recommendation. The Detailed Site Plan adequately demonstrates compliance with the Zoning Code and is in order for approval, subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.
2. Compared to the Exhibit A site plan of PUD 60 Major Amendment # 1, the separation between office and ministorage buildings appears to have been reduced from 30' (15' on either side of the shared property line) to 27'. This must be approved by the Fire Marshal.
3. The proposed driveway/street intersections require City Engineer and/or County Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.
4. The (now-proposed) 27'-wide separation between office and ministorage buildings includes the southerly 15' 1" of Lot 1 and the northerly 12' 11" of Lot 2. Due to the proposed location of the security fence serving the ministorage development area, this 15' 1" of Lot 1 will be physically inaccessible to the owners of Lot 1. Further, the owner of Lot 2 will appear to have the use of this area. It appears the Final Plat, prior to recording, should extend the Mutual Access Easement to include this area, ensuring both lot owners ultimately have legal access to the fenced-in area.
5. Please add sidewalks as required along 111th St. S., along with the proposed width. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.
6. Internal pedestrian accessibility will be afforded via what appear to be internal sidewalks, connecting pedestrians between parking areas and buildings entrances within the development (reference Zoning Code Section 11-10-4.C). These concrete paving areas should be labeled as "sidewalk" and widths should be dimensioned (can be qualified as "typical" to reduce the number of labels, provided they are representative of all unique elements/areas). The widths of these sidewalks should be adequate to meet ADA standards.
7. Please label the widths of the following internal drives (curb face to building or curb face):
 - a. Westernmost north-south drive (portion within Development Area A / Lot 1).
 - b. Westernmost north-south drive (portion within Development Area B / Lot 2).
 - c. Easternmost north-south drive (portion within Development Area A / Lot 1).
 - d. Easternmost north-south drive (portion within Development Area B / Lot 2).
 - e. Northernmost east-west drive.
8. Please provide abutting street centerline and roadway width.
9. Please update the easements and utility lines according to the recorded, the "Final As Approved," or otherwise latest version of the Final Plat of "Brisbane Office Park."
10. Please remove the inaccurate 35' Building Line on the site plan.
11. Please add proposed interior drive curb return radii.
12. Internal drives require Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.
13. Please dimension proposed setback from south property line of Lot 2.
14. Please clarify the extents, and label all parts of all easements as per the latest, "Final As Approved," or recorded Final Plat. See, especially, north-south MAEs, 17.5' U/E around the BTC area, etc.
15. The list of utility companies listed at the "Call OKIE" note on the Screening Site Plan and sign plan (and any others) should be updated to include any missing utility providers serving the area, to include, at a minimum, BTC Broadband and City of Bixby.
16. City Council approval of this PUD Detailed Site Plan will constitute a modification of the minimum parking space standard as allowed by PUD 60.
17. Please identify the location of all proposed van-accessible handicapped-accessible spaces.
18. The regular and van-accessible handicapped-accessible parking spaces and access aisles are not dimensioned, so compliance with the standards of ADA and Zoning Code Section 11-10-4.C Figure 3 cannot be determined. The Applicant should make use of a handicapped-accessible

parking space/access aisle/accessible route/parking signage detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards.

19. *It is not clear if the handicapped-accessible parking spaces along the south side of the northernmost building (Building A) are adequately located to serve the next building to the south (Building B). It does not appear that any handicapped-accessible parking spaces would serve Building C. The Applicant's design professionals should provide changes as needed to comply with ADA standards as to the location of handicapped-accessible parking spaces to the buildings they serve, or otherwise confirm in writing that ADA standards are met.*
20. *The Applicant's design professionals should also determine whether the entire development will be considered as a singular parking lot for ADA compliance purposes, or whether the plainly-evident divisions between the parking areas (i.e. parking lots separated by buildings) will require each section have its own accessible space(s), and if such space(s) should or should not have at least one (1) van-accessible space per parking area.*
21. *Perhaps a separate matter from the preceding paragraph, the Applicant's design professionals should determine whether a van / handicapped-accessible parking space should be located at the south end of the parking lot strip in front of building D/E, where the leasing office and/or public entrance to the ministorage development are presumed to be located.*
22. *An accessible path appears to be represented, but not labeled, which would connect the handicapped-accessible parking spaces in the northernmost parking lot to the northernmost building (Building A). Another appears to connect the handicapped-accessible parking spaces along the south side of the northernmost building to the next building to the south (Building B). An accessible route does not appear to connect Buildings C or D/E to 111th St. S. nor to any other building. The accessible routes do not pass along the sides of the east-west-oriented buildings. It is not known if ADA standards permit accessible routes to require passage through buildings, or whether the buildings are presently designed to allow this. The Applicant's design professionals should provide changes as needed to comply with ADA standards as to accessible routes, or otherwise confirm ADA standards are met. Finally, the accessible path first mentioned should likely be extended to the public sidewalk (which must be represented and constructed) along 111th St. S.*
23. *During the design of the ADA parking features, the designer should consult with the Building Inspector to confirm the plans will comply with ADA standards (locations, proximity to primary entrance, maximum slopes, transition areas, level landing areas, pavement coloring, etc.).*
24. *The individual parking space dimensions have not been provided and so cannot be compared with standards for the same Zoning Code Section 11-10-4.A.*
25. *The parking lot is subject to a 10' minimum setback from 111th St. S. per Zoning Code Section 11-10-3.B Table 1. The proposed parking lot setback does not appear to be provided. The Applicant should add this dimension and increase the setback to 10' if not already in compliance.*
26. *The Site Plan shows parking area and driveway paving would encroach on the 17.5' U/Es along the north and west sides of the development lots. Paving and site improvements on public Utility Easements is subject to City Engineer and Public Works Director approval.*
27. *"Screening Site Plan" drawing AS102 needs to be updated to reflect changes to screening plans as amended by the Applicant during the Planning Commission hearing and recommendation of the Final Plat on August 18, 2014 as described in detail in the analysis above.*
28. *Please represent and label the existing security fence along the boundary shared with the City of Bixby's water tower property, which will remain, on "Screening Site Plan" drawing AS102.*
29. *"Screening Site Plan" drawing AS102 does not represent existing or proposed fences along the property lines shared with the BTC Broadband property. This needs to be provided.*
30. *"Screening Site Plan" drawing AS102 needs to clarify the extent of the "iron picket fence" separating the office park and ministorage areas.*
31. *The site plan does not appear to identify any area(s) for solid waste disposal or mechanical and equipment storage, if the latter are necessary. Such area(s) need to be identified, and plans need to be provided demonstrating compliance with the PUD requirement (enclosure screening height and composition details). Staff respectfully requests a profile view/elevation exhibit be submitted for the Planning Commission's and City Council's review and approval as a part of this Detailed Site Plan.*

32. *The “Screen Wall Details” drawing AS103 indicates some sections of the screening wall would be 6’ in height, rather than 8’. It is not clear from the plans where such 6’ height walls would be proposed. All wall sections indicated require the 8’ height. Please reconcile appropriately or please advise.*
33. *Please resolve the 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1) matter as described in the Landscape Plan analysis above.*
34. *Please resolve the Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7) matter as described in the Landscape Plan analysis above.*
35. *Please resolve the Building Line Setback Tree Requirements (Section 11-12-3.A.4) matter as described in the Landscape Plan analysis above.*
36. *Please resolve the Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2) matter as described in the Landscape Plan analysis above.*
37. *Please resolve the Street Yard Tree Requirements (Section 11-12-3.C.1.a) matter as described in the Landscape Plan analysis above.*
38. *Please resolve the Tree to Parking Space Ratio Standard (Section 11-12-3.C.2) matter as described in the Landscape Plan analysis above.*
39. *Please resolve the Irrigation Standards (Section 11-12-3.D.2) matter as described in the Landscape Plan analysis above.*
40. *Please resolve the Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.) matter as described in the Landscape Plan analysis above.*
41. *Zoning Code Section 11-9-16.C.3.a requires masonry exteriors for all ministorage building walls “along all property lines adjoining or visible from an adjoining public street or any R or O district.” This would appear to apply to the north-facing exteriors (facing the office park lot).*
42. *Height and building elevations / exterior materials information is required by the site plan application and to demonstrate compliance with the Zoning Code and PUD n requirements.*
43. *The photometric plan element of the lighting plan appears to be severely congested, making reading difficult. This should be re-scaled or other adjustments should be made to improve legibility.*
44. *The lighting plan will need to be sealed, signed, and dated by a proper professional for such plans.*
45. *The one (1) proposed ground sign is proposed to be located within the 17.5’ Perimeter U/E proposed by the plat of “Brisbane Office Park,” and so would be subject to the specific approval of the City Engineer and Public Works Director.*
46. *The Zoning Code (Section 11-2-1, etc.) would recognize the signage element advertising the ministorage business, located on the office park lot, as a “billboard,” prohibited by the Zoning Code. This minor matter may be relieved by a Minor Amendment to PUD 60 as noted in further detail in the analysis above.*
47. *Wall signs are expected, but are not indicated on any of the plans. If proposed, they need to be represented, dimensioned, and must comply with applicable standards for same. If known at this time, should be identified on the Sign Plan, the elevations drawings, or another drawing. Alternatively, the Applicant may respond that wall signs are not known at this time and that future wall signs will be reviewed in the context of a future sign permit application.*
48. *Please submit complete, corrected copies of the Detailed Site Plan incorporating all of the corrections, modifications, and conditions of approval as follows: Two (2) full-size hard copies, one (1) 11” X 17” hard copy, and one (1) electronic copy (PDF preferred).*
49. *Minor changes in the placement / locating individual trees or parking spaces, or other such minor site details, are approved as a part of this Detailed Site Plan, subject to administrative review and approval by the City Planner. The City Planner shall determine that the same are minor in scope and that such changes are an alternative means for compliance and do not compromise the original intent, purposes, and standards underlying the original placement as approved on this Detailed Site Plan, as amended. An appeal from the City Planner’s determination that a change is not sufficiently minor in scope shall be made to the Board of Adjustment in accordance with Zoning Code Section 11-4-2.*

Steve Sutton asked Carl Snow of 11227 S. Mingo Rd. if he was “still on the same page with the lighting issues” with the Applicant. After some discussion, Mr. Snow approached the podium and asked questions about the Staff Report. Mr. Snow expressed concern for the items in the landscaping plan analysis which stated “Compliance [with this standard] cannot be determined” and for the recommended Condition of Approval # 32, which pertained to screening walls. Erik Enyart explained the deficiencies to the Commissioners and Mr. Snow and stated that most of such issues could be resolved by adding missing information, such as dimensions. Mr. Snow stated that a plan cannot “demonstrate compliance,” and only provided a “projection.” Mr. Snow expressed objection to the use of the terms “appears” and “proposed” in the Staff Report. Mr. Snow stated that he had an agreement to measure the lighting at 10:00 PM during a [new] Moon, and would take measurements before and after construction. After further discussion, Steve Sutton asked Erik Enyart to clarify the lighting matter. Mr. Enyart stated that the PUD required that the direct, measurable effect of the lighting not exceed 0.0 footcandles at all property lines shared with residential properties. Mr. Enyart stated that this did not include “ambient light fluctuations, which I think [Mr. Snow] is referring to.” Mr. Sutton confirmed with Mr. Enyart that there were no such [ambient light] standards in effect for the subject property. Mr. Sutton asked Mr. Enyart if all of the requirements would be met. Mr. Enyart stated that all of the Zoning Code and PUD requirements would have to be met before the City would permit construction. Mr. Enyart stated that this PUD Detailed Site Plan was an exercise to review the “application of their particular plans to the set of codes in place.”

The Commissioners discussed the number of recommended corrections, modifications, and Conditions of Approval, 49. Steve Sutton asked Erik Enyart if this was not commonplace, and Mr. Enyart agreed, stating this was “very much expected.” Discussion ensued regarding previous other developments and the numbers of review comments some had garnered.

Carl Snow expressed concern that he would not see what changes were made to the plans after this meeting, and that all the corrections might not be made. Erik Enyart stated that he would check the revised plans to be sure everything was corrected and in order, and there would be a final product that he would recognize as being in compliance with the 49 approval conditions. Mr. Enyart stated that he would make this “Final As Approved” version available to Mr. Snow so he could see how the requirements would be found to be met.

Vice/Acting Chair Lance Whisman recognized Janet Dyer of 11305 S. Mingo Rd. from the Sign-In Sheet. Ms. Dyer stated that she was attending to find out if anything had changed to the drainage or fences. Erik Enyart stated that no changes had been made to the drainage or fence plans since the last meeting. Mr. Enyart stated that, per the recommended approval condition(s) in the Staff Report, the plans would need to be updated to reflect the changes made to the fence plans at the last Planning Commission meeting. Mr. Enyart stated that this was all “still required and still planned.”

Vice/Acting Chair Lance Whisman recognized Joe Daniels of 10234 E. 111th Pl. S. from the Sign-In Sheet. Mr. Daniels stated that he was attending to see about the easement across his property. Discussion ensued. Mr. Daniels stated that he and the developer would agree on the easement or otherwise he would be at the City Council meeting about the matter.

Vice/Acting Chair Lance Whisman recognized Matt Means of 10865 S. 94th E. Ave. from the Sign-In Sheet. Mr. Means stated that he had no further comment.

There being no further discussion, Steve Sutton made a MOTION to RECOMMEND APPROVAL of BSP 2014-03 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: Sutton, Whiteley, Hicks, and Whisman
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

OLD BUSINESS:

Vice/Acting Chair Lance Whisman asked if there was any Old Business to consider. Erik Enyart stated that he had none. No action taken.

NEW BUSINESS:

Vice/Acting Chair Lance Whisman 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, Vice/Acting Chair Lance Whisman declared the meeting Adjourned at 6:55 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary