

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
January 20, 2015 6:00 PM**

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:02 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the December 15, 2014 Regular Meeting

Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the December 15, 2014 Regular Meeting as presented by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

PLATS

2. **Final Plat – “Seven Lakes V” – Tanner Consulting, LLC.** Discussion and consideration of a Final Plat for and certain Modifications/Waivers for “Seven Lakes V” for approximately 13.787 acres in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.
-

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, January 08, 2015
RE: Report and Recommendations for:
Final Plat of “Seven Lakes V”

LOCATION: – South and east of the intersection of 121st St. S. and Sheridan Rd.

– North of Seven Lakes I, II, III, and IV
– Part of the W/2 of Section 02, T17N, R13E.

SIZE: – 23 acres, more or less (parent tract parcel)
– 13.787 acres, more or less (plat area)

EXISTING ZONING: RS-4 Residential Single Family District

SUPPLEMENTAL None

ZONING:

EXISTING USE: Vacant

REQUEST: Final Plat approval for 54-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

North: RS-3/PUD 80 & AG; 20-acre unplatted vacant/wooded area recently platted as Wood Hollow Estates, now under construction, and to the northeast, an unplatted 12-acre vacant tract owned by Tulsa County (“wetland mitigation area”) and zoned AG and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby (“hardwood mitigation area”) and zoned AG.

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

East: AG & CG/PUD 76; The Fry Creek Ditch # 2 right-of-way with 92-acres of former agricultural land to the east of that zoned CG with PUD 76 proposed for development with multiple uses.

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

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

PREVIOUS/RELATED CASES:

BZ-309 – Wynona Brooks, Trustee of Mildred A. Kienlen A Revocable Living Trust – Request for rezoning from AG to RS-4 for area including all of the existing and planned “Seven Lakes” subdivisions and some vacant land to the south of Seven Lakes I – PC recommended Approval 01/18/2005 and City Council Approved 02/14/2005 (Ord. # 901).

Preliminary Plat of Seven Lakes I – Request for Preliminary Plat approval for Seven Lakes I to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Approval 06/20/2005 and City Council Approved 06/27/2005.

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

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for “Seven Lakes II” for Seven Lakes II to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for Seven Lakes II to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 09/21/2011 and City Council Conditionally Approved 09/26/2011 (Approval recognized as expired 09/26/2012).

Preliminary Plat of Seven Lakes II (Resubmitted) – Request for Preliminary Plat approval for Seven Lakes II to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012.

Final Plat of Seven Lakes II – Request for Final Plat approval for Seven Lakes II to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012 (Plat # 6457 recorded 01/16/2013).

Sketch Plat of Seven Lakes III – Request for Sketch Plat approval for “Seven Lakes III” for 40.64 acres, including subject property parent tract and areas later platted as Seven Lakes III and Seven Lakes IV – PC Conditionally Approved 05/20/2013.

Preliminary Plat of Seven Lakes III – Request for approval of a Preliminary Plat and certain Modifications/Waivers for Seven Lakes III to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Preliminary Plat of Seven Lakes IV – Request for approval of a Preliminary Plat and certain Modifications/Waivers for Seven Lakes IV to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Final Plat of Seven Lakes III – Request for Final Plat approval for Seven Lakes III for to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014 (Plat # 6545 recorded 06/13/2014; surveyor of record changed prior to reprinting, signatures, and recording).

Final Plat of Seven Lakes IV – Request for Final Plat approval for Seven Lakes IV for to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014 (Plat # 6544 recorded 06/13/2014; surveyor of record changed prior to reprinting, signatures, and recording).

Preliminary Plat of Seven Lakes V – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Seven Lakes V” for subject property plat area – PC recommended Conditional Approval 11/17/2014 and City Council Conditionally Approved 11/24/2014.

Preliminary Plat of Seven Lakes VI – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Seven Lakes VI” for subject property parent tract to the west of subject property plat area – PC recommended Conditional Approval 11/17/2014 and City Council Conditionally Approved 11/24/2014.

Final Plat of Seven Lakes VI – Request for approval of a Final Plat for “Seven Lakes VI” for subject property parent tract to the west of subject property plat area – Pending PC consideration 01/20/2015.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The parent tract parcel contains approximately 23 acres and is vacant and zoned RS-4. “Seven Lakes V,” as per this Final Plat, contains 13.787 acres. As with previous and other phases of “Seven Lakes,” this development will be designed to collect stormwater and drain it to the east to Fry Creek Ditch # 2. The “lakes” were platted in previous phases of the “Seven Lakes” development.

Based on GIS aerial and parcel data, it appears that northeastern-most area of the parent tract parcel includes the access road, and possibly even the concrete trickle-channel otherwise owned by Tulsa County and the City of Bixby (possibly known as a ‘wetland remediation’ or ‘wetland compensatory mitigation’ area). Per the Final Plat of “Seven Lakes V,” there are two (2) easements in favor of Tulsa County in this area, affecting proposed Lot 16, Block 2, and Reserve J. However, it is not clear that the

easements contain all of the drainage features as designed or as necessary for the system to function. There appears to be a “drop off” area toward the back sides of these two proposed-parcels, along the drainage channel, as represented on the Sketch Plat of this area. Elevation contours and drainage channels, both of which are required for a Preliminary Plat, and such as would help elucidate the area, were not represented. This area should undergo careful study, the designs for this area must be approved by the City Engineer, and any remedial actions determined necessary should be taken (additional easement or right-of-way dedication to fully contain the drainageway system, recognition of any prescriptive easements or rights-of-way, imposing setbacks from any unstable areas along the drainageway, etc.).

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

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

General. This subdivision of 13.787, more or less, proposes 54 Lots, four (4) Blocks (a fifth is recommended), and two (2) Reserve Areas. Reserve Area J was added to this Final Plat, occupying (more or less) the area previously proposed to be “Lot 17, Block 2.” The subdivision now has 54 lots instead of the 55 proposed by the previous version.

The Seven Lakes development, and this plat, represents a conventional but attractive design, with uniquely crisscrossed curvilinear streets and no true cul-de-sacs, interspersed with Reserves for water amenities. Proposed “Seven Lakes V” and “Seven Lakes VI” are similar to Seven Lakes I, II, III, and IV to south, with relatively similarly-sized and configured lots. Typical lots range from 65’ X 120’ (7,800 square feet, 0.18 acres) to 70’ X 120’ (8,400 square feet, 0.19 acres). As afforded by RS-4 zoning, however, a few lots are smaller than the typical lots, such as proposed Lot 17, Block 1, “Seven Lakes VI”: 62.76’ X ~123.29’ (7,738 square feet, 0.18 acres), Lot 1, Block 1, “Seven Lakes V”: 60’ X 120’ (7,200 square feet, 0.17 acres), and Lot 18, Block 3/4, “Seven Lakes V”: 55’ X 120’ (6,600 square feet, 0.15 acres). However, all lots appear to meet RS-4 zoning standards.

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

- Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the width of the Perimeter U/E from 17.5’ along certain perimeters which would not achieve the 17.5’ minimum width standards. The Modification/Waiver was described as justified by observing that most of the instances are mid-block and do not require U/Es, and otherwise by demonstrating where an 11’ U/E will be back to back with another 11’ in abutting subdivision, resulting in a 22’-wide U/E corridor between the subdivisions. Other justifications may be offered and deemed adequate upon the completion of the Preliminary Plat.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to the unplatted tracts abutting to the northeast and east. The Modification/Waiver was described as justified as it abuts the ‘wetland mitigation’ area owned by Tulsa County and the Fry Creek Ditch # 2 right-of-way owned by the City of Bixby, neither of which are expected to develop.
- Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lots 11:14, Block 2 and Lot 18, Block 3/4 (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F. Justification(s) have not yet been provided, but may be offered and deemed adequate upon the completion of the Preliminary Plat. Previous phases of “Seven Lakes” were described as being justified by citing their necessity as a product of an attractive subdivision design defined by the crisscrossing, curvilinear street network with no true cul-de-sacs, interspersed with Reserves for water amenities.

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

The Technical Advisory Committee (TAC) reviewed this plat on January 07, 2015. The Minutes of the meeting are attached to this report.

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

Access and Internal Circulation. Primary access to the subdivision would be via internal streets which ultimately connect all of the “Seven Lakes” subdivisions to Sheridan Rd. via 125th and 126th Streets South. South 68th and S. 71st E. Avenues will be extended north into the subject property from Seven Lakes IV and

II, respectively. Further, 124th St. S. will be extended westerly in the proposed “Seven Lakes VI,” also on this agenda for consideration.

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

1. All Modification/Waiver requests must be submitted in writing.
2. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
3. Please discuss design plans as pertain to proposed Lots 16 and 17, Block 2, containing easements and drainage infrastructure as described in the analysis above.
4. Please correct proposed easternmost north-south street name to “71st East Avenue” per the Address Schedule Recommendations provided to the Applicant on January 02, 2015.
5. Please correct proposed addresses per the Address Schedule Recommendations provided to the Applicant on January 02, 2015.
6. The Subdivision Regulations requires sidewalks along interior streets and Sheridan Rd. To ensure this requirement is not inadvertently overlooked for the sidewalks along Sheridan Rd. and Reserve Area frontages (developer’s responsibility prior to the construction of any homes), the engineering construction plans should show locations, widths, and design details, which are subject to the Engineering Design Criteria Manual and City Engineer approval.
7. DoD/RCs Section II: Language pertaining to the Reserve Area(s): Some changes to Section II observed. Part previously pertaining to “drainage facilities” appears acceptable to remove. However, the second paragraph of former subsection 5 and the former subsection 6 were more general and appeared to apply to all Reserve Areas throughout the “Seven Lakes” subdivisions. Please restore or discuss.
8. DoD/RCs Section II: Language pertaining to the Reserve Area(s): This plat contains Reserve J but does not include the “community swimming pool [and clubhouse?]” language found in VI – advisory.
9. DoD/RCs: Spacing appears to be off between pages 2 and 3.
10. DoD/RCs Section V.D: Please confirm intended use of date December 5, 2014.
11. Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
12. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11” X 17”, and 1 electronic copy).
13. Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11” X 17”, and 1 electronic copy).

Pertaining to recommendation # 3, Erik Enyart stated that he was confident that the design issue could be worked out before the City Council meeting. Ricky Jones stated that he would call the City Engineer to discuss this, and Mr. Enyart indicated agreement. An exhibit showing the area in question with elevation contours was reviewed.

Jerod Hicks asked about the lots listed in the Staff Report which were smaller than the typical lots in the subdivision. Ricky Jones stated that they still met the minimum lot size [in RS-4 zoning].

The Commissioners asked about recommendation # 6, pertaining to sidewalks. Mr. Enyart described the reasoning for making this recommendation and asked the Applicant how they would propose to address this recommendation. Justin Morgan indicated that the construction plans would not normally contain sidewalk plans, but offered to provide a separate exhibit and attach it to the plans. Lance Whisman clarified with Erik Enyart that the Commission should keep # 6 until it was satisfied.

Chair Thomas Holland clarified recommendation # 7 with Erik Enyart.

There being no further discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the Final Plat of “Seven Lakes V” subject to all the recommendations in the Staff Report. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

3. **Final Plat – “Seven Lakes VI” – Tanner Consulting, LLC.** Discussion and consideration of a Final Plat for and certain Modifications/Waivers for “Seven Lakes VI” for approximately 8.263 acres in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.
-

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, January 08, 2015
RE: Report and Recommendations for:
Final Plat of “Seven Lakes VI”

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

SIZE: – 23 acres, more or less (parent tract parcel)
– 8.263 acres, more or less (plat area)

EXISTING ZONING: RS-4 Residential Single Family District

SUPPLEMENTAL ZONING: None

EXISTING USE: Vacant

REQUEST: Final Plat approval for 32-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

North: RS-3/PUD 80 & AG; 20-acre unplatted vacant/wooded area recently platted as Wood Hollow Estates, now under construction, and to the northeast, an unplatted 12-acre vacant tract owned by Tulsa County (“wetland mitigation area”) and zoned AG and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby (“hardwood mitigation area”) and zoned AG.

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

East: AG & CG/PUD 76; The Fry Creek Ditch # 2 right-of-way with 92-acres of former agricultural land to the east of that zoned CG with PUD 76 proposed for development with multiple uses.

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

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

PREVIOUS/RELATED CASES:

BZ-309 – Wynona Brooks, Trustee of Mildred A. Kienlen A Revocable Living Trust – Request for rezoning from AG to RS-4 for area including all of the existing and planned “Seven Lakes” subdivisions and some vacant land to the south of Seven Lakes I – PC recommended Approval 01/18/2005 and City Council Approved 02/14/2005 (Ord. # 901).

Preliminary Plat of Seven Lakes I – Request for Preliminary Plat approval for Seven Lakes I to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Approval 06/20/2005 and City Council Approved 06/27/2005.

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

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Preliminary Plat of Seven Lakes II (Resubmitted) – Request for Preliminary Plat approval for Seven Lakes II to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012.

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Sketch Plat of Seven Lakes III – Request for Sketch Plat approval for “Seven Lakes III” for 40.64 acres, including subject property parent tract and areas later platted as Seven Lakes III and Seven Lakes IV – PC Conditionally Approved 05/20/2013.

Preliminary Plat of Seven Lakes III – Request for approval of a Preliminary Plat and certain Modifications/Waivers for Seven Lakes III to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

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Final Plat of Seven Lakes III – Request for Final Plat approval for Seven Lakes III for to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014 (Plat # 6545 recorded 06/13/2014; surveyor of record changed prior to reprinting, signatures, and recording).

Final Plat of Seven Lakes IV – Request for Final Plat approval for Seven Lakes IV for to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014 (Plat # 6544 recorded 06/13/2014; surveyor of record changed prior to reprinting, signatures, and recording).

Preliminary Plat of Seven Lakes VI – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Seven Lakes VI” for subject property plat area – PC recommended Conditional Approval 11/17/2014 and City Council Conditionally Approved 11/24/2014.

Preliminary Plat of Seven Lakes V – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Seven Lakes V” for subject property parent tract to the east of subject property plat area – PC recommended Conditional Approval 11/17/2014 and City Council Conditionally Approved 11/24/2014.

Final Plat of Seven Lakes V – Request for approval of a Final Plat for “Seven Lakes V” for subject property parent tract to the east of subject property plat area – Pending PC consideration 01/20/2015.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The parent tract parcel contains approximately 23 acres and is vacant and zoned RS-4. "Seven Lakes VI," as per this Preliminary Plat, contains 8.263 acres. As with previous and other phases of "Seven Lakes," this development will be designed to collect stormwater and drain it to the east to Fry Creek Ditch # 2. The "lakes" were platted in previous phases of the "Seven Lakes" development.

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

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

General. This subdivision of 8.263, more or less, proposes 32 Lots, two (2) Blocks, and no (0) Reserve Areas.

The Seven Lakes development, and this plat, represents a conventional but attractive design, with uniquely crisscrossed curvilinear streets and no true cul-de-sacs, interspersed with Reserves for water amenities. Proposed "Seven Lakes V" and "Seven Lakes VI" are similar to Seven Lakes I, II, III, and IV to south, with relatively similar-sized and configured lots. Typical lots range from 65' X 120' (7,800 square feet, 0.18 acres) to 70' X 120' (8,400 square feet, 0.19 acres). As afforded by RS-4 zoning, however, a few lots are smaller than the typical lots, such as proposed Lot 17, Block 1, "Seven Lakes VI": 62.76' X ~123.29' (7,738 square feet, 0.18 acres), Lot 1, Block 1, "Seven Lakes V": 60' X 120' (7,200 square feet, 0.17 acres), and Lot 18, Block 3/4, "Seven Lakes V": 55' X 120' (6,600 square feet, 0.15 acres). However, all lots appear to meet RS-4 zoning standards.

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

- **Modification/Waiver** from Subdivision Regulations Section 12-3-3.A to reduce the width of the Perimeter U/E from 17.5' along certain perimeters which would not achieve the 17.5' minimum width standards. The Modification/Waiver was described as justified by observing that most of the instances are mid-block and do not require U/Es, and otherwise by demonstrating where an 11' U/E will be back to back with another 11' in abutting subdivision, resulting in a 22'-wide U/E corridor between the subdivisions. Other justifications may be offered and deemed adequate upon the completion of the Preliminary Plat.
- **Modification/Waiver** from Subdivision Regulations Section 12-3-4.H to have double-frontage for those lots whose rear lines abut Sheridan Rd. Recognizing Limits of No Access (LNA) were placed along the Sheridan Rd. frontage, City Staff was supportive of this design, which is incidental and unavoidable due to existing geometries.
- **Modification/Waiver** from Subdivision Regulations Section 12-3-4.F, Lots 11:14, Block 2 and Lot 18, Block 3/4 (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F. Justification(s) have not yet been provided, but may be offered and deemed adequate upon the completion of the Preliminary Plat. Previous phases of "Seven Lakes" were described as being justified by citing their necessity as a product of an attractive subdivision design defined by the crisscrossing, curvilinear street network with no true cul-de-sacs, interspersed with Reserves for water amenities.

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

The Technical Advisory Committee (TAC) reviewed this plat on January 07, 2015. The Minutes of the meeting are attached to this report.

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

Access and Internal Circulation. Primary access to the subdivision would be via internal streets which ultimately connect all of the "Seven Lakes" subdivisions to Sheridan Rd. via 125th and 126th Streets South. South 66th E. Ave. will be extended north into the subject property from Seven Lakes IV, and 124th St. S. will be extended westerly into the subject property from the proposed "Seven Lakes V," also on this agenda for consideration. "Seven Lakes VI" will need to be platted and built simultaneously with or subsequent to "Seven Lakes V" to ensure it has two (2) means of ingress/egress as required.

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

1. All Modification/Waiver requests must be submitted in writing.

2. *Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.*
3. *Please correct proposed addresses per the Address Schedule Recommendations provided to the Applicant on January 02, 2015.*
4. *The Subdivision Regulations requires sidewalks along interior streets and Sheridan Rd. To ensure this requirement is not inadvertently overlooked for the sidewalks along Sheridan Rd. and Reserve Area frontages (developer’s responsibility prior to the construction of any homes), the engineering construction plans should show locations, widths, and design details, which are subject to the Engineering Design Criteria Manual and City Engineer approval.*
5. *DoD/RCs Section II: Language pertaining to the Reserve Area(s): A Use Unit 5 “community swimming pool [and clubhouse?]” will require a Special Exception in the RS-4 district – advisory. Also, Reserve J is located in V and not VI – also advisory.*
6. *DoD/RCs: Spacing appears to be off between pages 2 and 3.*
7. *DoD/RCs Section V.D: Please confirm intended use of date December 5, 2014.*
8. *Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.*
9. *Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11” X 17”, and 1 electronic copy).*
10. *Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11” X 17”, and 1 electronic copy).*

Erik Enyart noted that the recommendations for this subdivision were similar to those recommended for “Seven Lakes V,” but this one was not complicated by the drainage channel design issue.

After some discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the Final Plat of “Seven Lakes VI” subject to all the recommendations in the Staff Report. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

4. **Final Plat – “Quail Creek of Bixby” – Tanner Consulting, LLC (PUD 76).** Discussion and consideration of a Final Plat for “Quail Creek of Bixby” for approximately 41 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Tuesday, January 13, 2015
RE: Report and Recommendations for:
 Final Plat of “Quail Creek of Bixby” (PUD 76)

LOCATION: – The 12300-block of S. 74th E. Ave.

– South and west of the intersection of 121st St. S. and Memorial Dr.
 – Part of the E/2 of Section 02, T17N, R13E

SIZE:
 – 41.168 acres, more or less (plat area)
 – 70 acres, more or less (parent tract)

EXISTING ZONING: CG General Commercial District with PUD 76
SUPPLEMENTAL PUD 76

ZONING:

EXISTING USE: Agricultural

REQUEST: Final Plat approval for a 133-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

North: CG/PUD 76; The Covenant Place of Tulsa assisted living community (under construction) and vacant lots in Scenic Village Park.

South: AG & CS/PUD 37; Fry Creek Ditch # 1 to the south zoned AG and the Crosscreek “office/warehouse” heavy commercial / trade center and retail strip center zoned CS with PUD 37.

East: AG, CG, RS-3, OL, CS, & RM-3/PUD 70; Agricultural land, the Easton Sod sales lot zoned RS-3, OL, & CS, the Encore on Memorial upscale apartment complex zoned RM-3/PUD 70, a Pizza Hut zoned CG, and a My Dentist Dental Clinic zoned CS; Memorial Dr. is farther to the east.

West: AG & RS-4; Fry Creek Ditch #2; beyond this to the west is vacant/wooded land owned by the City of Bixby, and an RS-4 district containing the “Seven Lakes” residential subdivisions.

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

PREVIOUS/RELATED CASES:

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 “golf teaching and practice facility” on part of the subject property parent tract – BOA Conditionally Approved 04/02/2001 (not since built).

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

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

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for former subject property parent tract of 92 acres – PC recommended

Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting (Ord. # 2116).

Preliminary Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and a Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2 for former subject property parent tract of 92 acres – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

Final Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres (PUD 76 Development Areas A, B, and E) of the former subject property parent tract of 92 acres – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

PUD 76 "Scenic Village Park" Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for former subject property parent tract of 92 acres – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013. The Emergency Clause to approving Ordinance # 2123, having been on various City Council agendas in various forms since 10/14/2013, the City Council approved on 11/12/2013.

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Preliminary Plat of "Quail Creek of Bixby" – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for "Quail Creek of Bixby" for subject property plat area – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

Preliminary Plat of "Quail Creek Villas of Bixby" – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for "Quail Creek Villas of Bixby" for part of former subject property parent tract of 92 acres – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The subject property parent tract is presently agricultural and is zoned CG and PUD 76 for "Scenic Village Park," which name became attached to the plat of 22 acres to the north of the subject property, recorded June 20, 2013. The subject property parent tract appears to be the original 92-acre parent tract, less that part platted as Scenic Village Park, and so contains approximately 70 acres. Except for the easternmost approximately 11 acres, the subject property parent tract is proposed for single-family residential developments including "Quail Creek of Bixby" and "Quail Creek Villas of Bixby," and a commercial/office development being platted under the name "Quail Creek Office Park."

The subject property is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the south and west to the Fry Creek Ditch # 2 and # 1, respectively, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention.

The subject property appears to be able to be served by the critical utilities (water, sewer, electric, etc.) by existing lines and/or planned street and utility extensions and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the west and south.

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

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

General. This subdivision of 41.168 acres proposes 133 lots, eight (8) to nine (9) blocks (see recommendations), and three (3) Reserve Areas. This plat represents a conventional, suburban design, with typical lots being 68' to 70' in width and 123' to 130' in depth. Typical lot sizes range between 8,487 and 9,100 square feet (0.19 to 0.21 acres, respectively). All lots appear to meet PUD 76 Development Areas C and D standards.

With the exceptions outlined in this report, the Final Plat appears to conform to the Zoning Code and Subdivision Regulations.

At the Technical Advisory Committee (TAC) meeting held December 04, 2013, regarding the Preliminary Plats of "Quail Creek of Bixby" and "Quail Creek Villas of Bixby," Staff noted that the PUD

allows for a “common area facility such as club house, swimming pool, [or] recreational open space.” Observing that the conversion of building lots to neighborhood facilities have proven problematic in other subdivisions, Staff asked the Applicant if such would be included in “Quail Creek of Bixby” or “Quail Creek Villas of Bixby,” and the Applicant responded that none were planned at this time. If any become planned in either addition before plat recording, they should be modified appropriately to plan for and address design issues.

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

- Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lots 1 through 10, inclusive, Block 2 (and potentially others) appeared to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F. The Modification/Waiver was described as justified by citing its necessity to create additional lot depth along 74th E. Ave. collector road.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the west, south, and east. The Modification/Waiver was described as justified by the fact that the abutting tracts to the west and south are Fry Creek Ditch rights-of-way and will not develop conventionally, and that the tract to the east will have adequate access available from an extended 126th St. S.
- Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for those lots in Blocks 1 and 2 whose rear lines abut 74th E. Ave. Provided Limits of No Access (LNA) were placed along the 74th E. Ave. frontage (which they have been with this Final Plat), City Staff was supportive of this design, which was incidental and unavoidable due to existing geometries.

Deed of Dedication and Restrictive Covenants (DoD/RCs) Section III.A provides for the combination of both “Quail Creek of Bixby” and “Quail Creek Villas of Bixby” into a singular Homeowners Association.

The Technical Advisory Committee (TAC) reviewed this Final Plat on January 07, 2015. The Minutes of the meeting are attached to this report.

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

Access and Internal Circulation. Primary access to the development would be via a proposed collector street connecting 121st St. S. to Memorial Dr. via the existing 126th St. S. constructed in the past couple years. By this collector road, all the Development Areas within PUD 76 would have access. On November 25, 2013, the City Council accepted a dedication of right-of-way from the Knopp family, allowing the extension of 126th St. S. from its current westerly terminus to the east line of the subject property plat area. This plat area will dedicate the connection between this newly-dedicated right-of-way and the 74th E. Ave. stub-street platted and built with Scenic Village Park, thus completing the collector system. However, due to the language used, per the City Attorney, the dedication is only “easement.” To ensure it is right-of-way consistent with the balance of the street, it will need to be re-dedicated as fee simple right-of-way, as the first section of 126th St. S. was rededicated and accepted by the City Council on May 12, 2014.

With the Preliminary Plat of “Scenic Village Park,” on March 25, 2013, the City Council Approved a Modification/Waiver of the Commercial Collector 42’ paving width requirement of Subdivision Regulations Ordinance # 854 Section 9.2.2, to allow a 38’-wide roadway width as proposed. Per the City Engineer’s review memo at that time, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify the Modification/Waiver.

73rd E. Ave., which serves Fox Hollow and the North Heights Addition, has been extended south of 121st St. S. and continues with the 73rd E. Ave. name. South 73rd and South 74th East Avenues are connected via 121st Pl. S. Minor streets 73rd E. Ave. and 121st Pl. S. will incidentally serve the commercial lots in Development Area (DA) A, but would primarily serve an assisted living community in DA B. Their geometries (50’ in right-of-way width and 26’ of roadway paving width, versus the required 60’ and 36’, respectively) also received City Council approval of a Modification/Waiver with the Preliminary Plat on March 25, 2013.

Per the approved PUD 76 Major Amendment # 1, the 74th E. Ave. portion of the 74th E. Ave. / 126th St. S. collector road was shifted easterly, to accommodate more room for the single-family detached residential area west of the collector road system. No significant changes to access and circulation patterns were proposed, except to the extent necessary to allow conventional housing addition(s) to be

developed in certain areas. The “Quail Creek of Bixby” and “Quail Creek Villas of Bixby” subdivisions will tie into the realigned collector street system.

Per this Final Plat, Reserve Area B has been added reflecting that a median will be employed at southerly entrance street, 126th St. S. The same is detailed within Detail A as previously recommended.

The Fry Creek maintenance access drives on this east/north side of the two channels, may at some point in time be upgraded for trail use, as was done with the drive on the west side of Fry Creek # 2. This trail is being started within the “River Trail II” development along Memorial Dr. to the south of 126th St. S. The subdivision layout has been changed since the Preliminary Plat, and now provides Reserve Area C, which is designed to allow access to the future trail per Deed of Dedication and Restrictive Covenants Section IV.X.

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

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
2. Lots 1 through 18 (inclusive), Block 1, are completely separated from the balance of Block 1 by Reserve Area C. Per the definition of “Block” in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
3. Subdivision Contains statistics: Please update the number of blocks to incorporate new block(s) as recommended hereinabove.
4. Title Block area – the “-1” text qualifying PUD 76 is inaccurate and should be removed. The approved Major Amendment # 1 did not change the designation on the official Zoning Map.
5. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - Subject property plat area (misrepresented as to configuration; appears to be missing westernmost part extending to W. Line NE/4)
 - Poe Acreage (misrepresented as to configuration)
 - Seven Lakes II (misrepresented as to configuration)
 - Seven Lakes III (missing)
 - Seven Lakes IV (missing)
 - Wood Hollow Estates (missing)
 - River Trail II (missing)
 - “Seven Lakes V,” “Seven Lakes VI,” “Quail Creek Villas of Bixby,” and “Quail Creek Office Park” (missing if/as may be recorded prior to the recording of this plat)
6. Please correct proposed addresses per the Address Schedule Recommendations provided to the Applicant on January 07, 2015.
7. The Subdivision Regulations requires sidewalks along interior streets and Sheridan Rd. To ensure this requirement is not inadvertently overlooked for the sidewalks along 74th E. Ave. and Reserve Area frontages (developer’s responsibility prior to the construction of any homes), the engineering construction plans should show locations, widths, and design details, which are subject to the Engineering Design Criteria Manual and City Engineer approval.
8. Please label the Document # citation where the extended 126th St. S. right-of-way dedication has been/is being recorded. The original one from the Knopp family, which the City Council accepted on November 25, 2013, was only an “easement” per the City Attorney, and so will need to be rededicated as fee simple right-of-way. See email thread August 08, 2014. The blank represented on the plat can be completed with Document # upon the receipt of the rededication deed, City Council acceptance, and recording.
9. 15’-wide U/E along the east side of Block 2 was reduced from 20’ with the Preliminary Plat. However, based on the relative width as represented, the same does not appear to have been actually reduced. This would need to be corrected within Detail A as well.
10. DoD/RCs Preamble: Please update the number of blocks to incorporate new block(s) as recommended hereinabove.
11. DoD/RCs Preamble: Please correct the number of Reserve Areas.
12. DoD/RCs Section II.A: Please update the number of blocks to incorporate new block(s) as recommended hereinabove.

13. *DoD/RCs Sections II.B.5: Final paragraph from "Access and Circulation" section of PUD Text missing. Please check to confirm use of final version as approved.*
14. *DoD/RCs Section IV.A.3: Confirm intent to use date January 1, 2015.*
15. *DoD/RCs Section IV.E: Please discuss the appropriateness of allowing the minimum masonry standards to be waived by the Architectural Committee.*
16. *A copy of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).*
17. *Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).*

Lance Whisman asked about the minimum lot sizes. Ricky Jones stated that the minimum required width was 65' per the PUD, but "the developer is shooting for 70 [feet for most of the lots]." It was noted that some lots are in the 68'-width range to allow for the addition of an access Reserve to the future planned trail along Fry Creek # 2.

Jerod Hicks asked if the lot sizes would be similar to those in Seven Lakes, and Justin Morgan stated that they would be [more similar to] those in Legends, which this developer also developed.

Chair Thomas Holland expressed concern about the lot widths as per his copy of the plat included in the agenda packet. Justin Morgan stated that the font used did not print correctly when the paper was sized 11" X 17", as there was a white spot that makes it look like 55'. Erik Enyart stated that he had checked the plat and all the lots met the 65' width requirement. Ricky Jones stated that this was "okay on the full size" prints of the plat, which would be the ones to be signed and recorded. Mr. Enyart stated that it also shows up correctly on the electronic version of the plat.

A Commissioner asked about the lot width of proposed Block 2, Lot 4. The Applicant noted that, because it was on a curve, the two dimensions must be added together.

Chair Thomas Holland asked about recommendation # 15 in the Staff Report. Erik Enyart noted that, for all the subdivision entitlements reviewed in the past few months, the City has been talking to the developers about minimum standards for home construction, including minimum house sizes and minimum masonry standards. Mr. Enyart stated that, within plats, the City has been asking for certain changes to the Deed of Dedication and Restrictive Covenants as they pertain to these minimum standards. Mr. Enyart stated that the Bixby Subdivision Regulation require that plats contain land use restrictions, which is why the City was asking about these things. Mr. Enyart stated that, in the case of the last two (2) Seven Lakes plats, the Restrictive Covenant sections pertaining to these standards were relocated to another section which required City Council approval for any amendments, and language was removed that that would have allowed for the subdivision's Architectural Committee, which was essentially the developer, to waive these standards. Mr. Enyart noted that this language was customary, and that that this was a different development and a different developer [than Seven Lakes], but this [recommendation # 15] is something the City needed to talk to the developer about.

Chair Thomas Holland asked how this language related to the City's former Architectural Committee. Erik Enyart acknowledged that this "Architectural Committee" term was confusing because the City of Bixby used to have an "Architectural Committee," but it was standard to have

this language in plats to form an “Architectural Committee” specific to that subdivision which would approve plans for homes to be constructed. Mr. Holland asked if the City of Bixby would have a representative on the Architectural Committee, and Mr. Enyart and Ricky Jones responded “No.”

Lance Whisman, Patrick Boulden, and Ricky Jones discussed typical timelines for the transfer of the subdivision’s Architectural Committee to its Homeowners Association. Mr. Jones asked Mr. Boulden if this language was not customary, and Mr. Boulden stated that these are private so he didn’t normally pay attention.

The Commissioners discussed a concern raised about the developer policing itself.

Lance Whisman asked about Restrictive Covenants, and Erik Enyart responded that Bixby was unique, and was one of the only communities, or maybe the only community in the area with Subdivision Regulations that required land use restrictions accompany the plat. Mr. Enyart stated that this was why the City had recommended that the language in the recent Seven Lakes subdivisions be amended as pertained to minimum house standards. Mr. Enyart reiterated that this was a different development and a different developer, and stated that he did not know what the City Council may say about these land use restrictions or how this developer will respond.

A statement was made regarding whether the PUD contained minimum house standards. Erik Enyart stated that this development was part of a PUD approved in early 2013, and back then, the City did not discuss minimum house standards, so he did not think these were included in the PUD. Ricky Jones indicated agreement. It was noted that this may be the first and only time this issue had cropped up for this development. Patrick Boulden stated that this development appeared to have been caught in the middle of a transition. Mr. Jones indicated agreement.

Steve Sutton declined to comment on the minimum house standards matter at this time.

There being no further discussion, Steve Sutton made a MOTION to RECOMMEND APPROVAL of the Final Plat of “Quail Creek of Bixby” as recommended in the Staff Report, including the subsequent notes discussed during the meeting. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Whiteley, Hicks, Sutton, and Whisman
NAY:	None.
ABSTAIN:	Holland.
MOTION PASSED:	4:0:1

OTHER BUSINESS

5. **Amendment of Plat of Scenic Village Park – Tanner Consulting, LLC.** Discussion and consideration of a request to amend the plat of *Scenic Village Park* as pertains to Utility Easement dedication provisions affecting Lot 1, Block 3, *Scenic Village Park*.
Property Located: 7450 E. 121st St. S.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, January 15, 2015
RE: Report and Recommendations for:
Amendment of Plat of Scenic Village Park

LOCATION: – 7450 E. 121st St. S.
– South and west of the intersection of 121st St. S. and Memorial Dr.
– Lot 1, Block 3, Scenic Village Park
– Part of the E/2 of Section 02, T17N, R13E

SIZE: – 21.965 acres, more or less (plat area)
– 6 acres, more or less (Lot 1, Block 3, Scenic Village Park)

EXISTING ZONING: CG General Commercial District with PUD 76

SUPPLEMENTAL ZONING: PUD 76

ZONING:

EXISTING USE: Agricultural

REQUEST: Amendment of the plat of Scenic Village Park as pertains to Utility Easement dedication provisions affecting Lot 1, Block 3 thereof

SURROUNDING ZONING AND LAND USE:

North: (Across 121st St. S.) RS-3, RS-1, AG, OL/CS/PUD 51, CS, & OL; The Fox Hollow and North Heights Addition residential subdivisions zoned RS-3 and agricultural land to zoned OL/CS/PUD 51, RS-2, and RS-1; to the northwest are the Fry Creek Ditch # 2 and the North Elementary and North 5th & 6th Grade Center school campuses to the zoned AG; to the northeast are vacant commercial lots and businesses fronting on Memorial Dr., all zoned CS and OL in Bixby Centennial Plaza.

South: CS/PUD 76; Agricultural/vacant land planned for multiple-use development including commercial/office in “Quail Creek Office Park” and single-family residential in “Quail Creek of Bixby” and “Quail Creek Villas of Bixby.”

East: AG, CG, RS-3, OL, CS, RM-3/PUD 70, & CG/PUD 83; A 1.6-acre tract recently rezoned to CS at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.), agricultural land zoned AG, a Pizza Hut zoned CG, and a My Dentist Dental Clinic zoned CS; to the southeast are the Easton Sod sales lot zoned RS-3, OL, & CS, agricultural land zoned AG, the Encore on Memorial upscale apartment complex zoned RM-3/PUD 70, and the River Trail II commercial development under construction zoned CG/PUD 83; Memorial Dr. is farther to the east.

West: AG & RS-4; West of the Lot 1, Block 3 subject property is The Covenant Place of Tulsa assisted living community (under construction) and vacant lots in the balance of Scenic Village Park. West of the Scenic Village Park subject property is the Fry Creek Ditch #2, an unplatted vacant and wooded 20-acre tract owned by the City of Bixby (“hardwood mitigation area”), another drainage channel, and the former Three Oaks Smoke Shop (recently removed) located on a 2-acre tract at 7060 E. 121st St. S., and an unplatted 12-acre vacant tract owned by Tulsa County (“wetland mitigation area”), and a 1-acre, vacant, triangularly-shaped parcel under private ownership, all zoned AG. Farther to the west is the 20-acre WoodMere development zoned RS-2/CS/OL/PUD 83, a 20-acre unplatted vacant/wooded area zoned RS-3/PUD 80 and recently platted as Wood Hollow Estates, now under construction, and farther to the southwest are the “Seven Lakes” residential subdivisions zoned RS-4, also under construction.

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

PREVIOUS/RELATED CASES:

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 “golf teaching and practice facility” on part of the large 140-acre acreage tracts

previously owned by Knopp, which includes subject property – BOA Conditionally Approved 04/02/2001 (not since built).

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

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

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

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PUD 76 “Scenic Village Park” Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for former 92-acre development tract acquired from Knopp, which included subject property – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013. The Emergency Clause to approving Ordinance # 2123, having been on various City Council agendas in various forms since 10/14/2013, the City Council approved on 11/12/2013.

PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for former for a 92-acre development tract acquired from Knopp, which included subject property – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant's letter dated 10/18/2013.

BSP 2013-06 – “Covenant Place of Tulsa” – Tanner Consulting, LLC (PUD 76) – Request for approval of a PUD Detailed Site Plan for the Covenant Place of Tulsa assisted living community on Lot 2, Block 1, Scenic Village Park part of subject property – PC Conditionally Approved at a Special/Called Meeting 01/23/2014.

PUD 76 “Scenic Village Park” Minor Amendment # 1 – Tanner Consulting, LLC – Request for approval of Minor Amendment # 1 to PUD 76, which amendment proposed making certain changes to development standards pertaining to signage and parking, and making certain other amendments in support of the Covenant Place of Tulsa assisted living community on Lot 2, Block 1, Scenic Village Park part of subject property – PC Conditionally Approved 02/18/2014.

RELEVANT AREA CASE HISTORY: (not a complete list; includes only cases located outside of subject property but related to former 92-acre development tract)

Preliminary Plat of “Quail Creek of Bixby” – Tanner Consulting, LLC (PUD 76) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek of Bixby” for land to the southwest of subject property – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

Preliminary Plat of “Quail Creek Villas of Bixby” – Tanner Consulting, LLC (PUD 76) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek Villas of Bixby” for part of former subject property parent tract of 92 acres – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

Accept Right-of-Way Dedication for 126th St. S. Extension – Request for acceptance of a Deed of Dedication for right-of-way to extend 126th St. S. from its current terminus to the east end of the 126th St. S. right-of-way proposed for dedication upon the platting of “Quail Creek of Bixby” – City Council accepted 11/25/2013. However, due to the language used, per the City Attorney, the dedication is only “easement.” To ensure it is right-of-way consistent with the balance of the street, it will need to be re-dedicated as fee simple right-of-way, as the first section of 126th St. S. was rededicated and accepted by the City Council on May 12, 2014.

Preliminary Plat of “Quail Creek Office Park” – Tanner Consulting, LLC (PUD 76) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek Office Park” for approximately 5.976 acres abutting subject property to the south – PC recommended Conditional Approval at a Special/Called Meeting 01/23/2014 and City Council Conditionally Approved 01/27/2014.

Accept General Utility Easement for Quail Creek Developments – Request for acceptance of a 17.5’-wide General U/E along the easterly and southerly perimeters of the proposed “Quail Creek Office Park” development site (PUD 76 Development Area F) to allow for AEP-PSO electric service provision to the “Quail Creek” developments south of subject property – City Council accepted 09/22/2014.

Final Plat of “Quail Creek of Bixby” – Tanner Consulting, LLC (PUD 76) – Request for approval of a Final Plat for “Quail Creek of Bixby” for land to the southwest of subject property – PC consideration pending 01/20/2015.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The subject property consists of the 22-acre development platted as Scenic Village Park in 2013. It is zoned CG and is located within Development Areas A, B, and E of PUD 76 “Scenic Village Park.” It is served by 121st St. S., on which it has 1,016.79’ of frontage, and the newly-constructed streets platted by Scenic Village Park, including the 74th E. Ave. Collector road stub street and the 73rd E. Ave. and 121st Pl. S. minor streets. The Covenant Place of Tulsa assisted living community is under construction on Lot 2, Block 1, Scenic Village Park part of subject property.

The subject property is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the west to the Fry Creek Ditch # 2 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned CG and PUD 76 for “Scenic Village Park,” which name became attached to the plat of 22 acres recorded June 20, 2013. The southerly 70-acre balance of PUD 76 is being proposed for other development under different names. Except for the easternmost approximately 11 acres, the 70-acre remainder of the original 92-acre development tract is proposed for single-family residential developments including “Quail Creek of Bixby” and “Quail Creek Villas of Bixby,” and a commercial/office development being platted under the name “Quail Creek Office Park.”

The subject property appears to be able to be served by the critical utilities (water, sewer, electric, etc.) by existing lines and/or planned street and utility extensions and has immediate access to the stormwater drainage capacity in Fry Creek Ditch # 2 abutting to the west.

General. At the Technical Advisory Committee (TAC) meeting held December 04, 2013, regarding the Preliminary Plats of "Quail Creek of Bixby" and "Quail Creek Villas of Bixby," the developer, represented by Justin Morgan, PE, of Tanner Consulting, LLC, and a representative of AEP-PSO described plans for installing an overhead electric line to serve the "Quail Creek" developments as follows:

"Mr. Morgan noted that a certain conduit would cost \$1 Million, which was do-able for the developer when the project was more commercial with higher densities, but not so much now that it was primarily [single-family] residential..."

Lonny Hicks of AEP-PSO and Justin Morgan with Tanner Consulting, LLC described plans to provide electrical service, summarized as follows: Overhead electric along the east line of Scenic Village Park, through the unplatted area (PUD 76 Development Area F), along the east side of "Quail Creek Villas," crossing 126th St. S. and extending to the east to "loop" [...] along 126th St. S. [to] Encore on Memorial. From this overhead line, lines will extend westward underground through "Quail Creek Villas" to serve "Quail Creek of Bixby" with an additional loop around the west and south sides of same or within the Fry Creek Ditch # 2 right-of-way...

Erik Enyart clarified with Lonny Hicks and Justin Morgan that the 17.5' Perimeter U/E along the east line of Scenic Village Park would need to be modified to expressly allow overhead lines, that the easement along the east line of the unplatted area (PUD 76 Development Area F) would need to be dedicated, and that the 17.5' Perimeter U/E proposed along the east side of "Quail Creek Villas" will need to have its dedication language amended to allow for the overhead lines. Mr. Hicks stated that the U/E needed to be a "General Utility Easement," as the communications companies will always follow along after the electric company on the same poles, and an exclusive PSO easement would not allow for this. Mr. Enyart stated that he would send Mr. Morgan a copy of the General U/E dedication form, which would allow for the City Council to accept it, and that it could be used for both the unplatted tract area (PUD 76 Development Area F) and the rededication of the 17.5' U/E in Scenic Village Park."

The "loop" described at the TAC meeting is understood to terminate at Encore on Memorial, where electric service is believed to be underground to its connection at Memorial Dr.

However, based on plans provided by Tanner Consulting, LLC on the date of this report, the "loop" is now planned to be entirely underground, save for the first approximately 1,100' extending south from 121st St. S. This 1,100' includes (1) Lot 1, Block 3, Scenic Village Park and (2) the proposed Lot 1, Block 1, "Quail Creek Office Park." A copy of the exhibit received on this date is attached to this report.

By letter dated August 26, 2014, the developer requested acceptance of a 17.5'-wide General U/E along the easterly and southerly perimeters of the proposed "Quail Creek Office Park" development site (PUD 76 Development Area F) to allow for AEP-PSO electric service provision to the "Quail Creek" developments south of subject property. The City Council accepted the U/E on September 22, 2014.

The second part, rededicating a new U/E over the top of the original, platted U/E within Lot 1, Block 3, Scenic Village Park, has been determined unacceptable by AEP-PSO for the provision of overhead electric lines. Staff understands, per AEP-PSO's attorney, that the original language restricting the lines to underground cannot be superseded by a new easement granting a right that was not there before; evidently that opinion rests, at least in part, on the circumstances, along the lines of: platted U/E is dedicated by the original owner, and when lots get sold, the new owners may not agree to releasing a restriction of the plat they bought into. Thus, such restrictions are supposedly to be done by an amendment to the plat following the process outlined for plat amendments in the Deed of Dedication/Restrictive Covenants.

These circumstances do appear to be the case here: Dedication language appears to restrict to underground, and there are now multiple owners within the subdivision.

There would be a substantial cost differential between underground and overhead electric service. Now that the scope is only the first approximately 1,100' extending south from 121st St. S., the cost differential is likely less now than it would have been for the entire "loop" between 121st St. S. and Encore

on Memorial as described at the TAC meeting in December of 2013. The Applicant may be able to specify the current estimated difference at the Planning Commission meeting, if requested.

The developer, through their engineer Tanner Consulting, LLC, has provided a proposed Plat Amendment document, which requires (for such owner-proposed amendments to Section I of the Deed of Dedication and Restrictive Covenants, per the terms of the recorded plat): (1) the approval of the Planning Commission and (2) the approval of the City of Bixby by its City Council.

City Staff has considered the document and whether approving it and allowing for overhead electric service is appropriate. The Planning Commission and the City Council may approve or decline the change.

Reasons to decline the change may include: (1) aesthetics, (2) service reliability, and (3) potential future public and/or private cost to bury the lines. The City of Bixby rarely sees new overhead electric services installed. Such typically pre-exist along major Sectionline Arterial streets before development occurs, and are extended underground into the new developments. In this case, a new Collector Street is being constructed, providing access to and allowing the development of an interior acreage not presently accessible from 121st St. S. or Memorial Dr.

Reasons to approve the amendment may include (1) the cost differential may otherwise be used for other enhancements to the development and/or may be passed on to the consumer, which may have its own consequences, and (2) the developer currently has the right to install overhead along the southerly 550' of the approximately 1,100' span currently as planned.

There may be other pros and cons to consider.

The Technical Advisory Committee (TAC) reviewed this proposed Amendment to the Final Plat of Scenic Village Park on January 07, 2015. The Minutes of the meeting are attached to this report.

Staff Recommendation. Ultimately, the amendment, and the allowance of overhead electric service versus underground, is a policy matter. The Planning Commission and City Council should weigh carefully the pros and cons of the decision before making a decision.

Jerod Hicks asked the Applicant if the main reason the developer wanted to go overhead was the cost. Ricky Jones indicated agreement and stated that, when the line hit the residential area, the developer wanted it underground, but was okay with it in the commercial/office area. Mr. Jones noted that the initial estimate [for the entire, looped system] was \$1 Million. Mr. Jones or Justin Morgan stated that AEP-PSO used to help share the costs for underground, but didn't anymore. Mr. Jones or Mr. Morgan stated that the loss of power would be most damaging to the residential development area, so the developer pulled back on it to the residential line. Mr. Jones or Mr. Morgan stated that the new estimate was \$200,000 for underground. Mr. Jones or Mr. Morgan stated that underground in the commercial area would require wider easements and pedestals and other things. Lance Whisman asked why a power loss in the commercial area wouldn't damage the residential area, and Mr. Jones stated that it would be a looped system, so if it was cut off on one end, it could still be fed by the other. Mr. Jones and Justin Morgan approached the dais and discussed the locations of planned electrical lines as represented on page 74 of the agenda packet.

Lance Whisman asked why the City Council had allowed overhead electric [along the east side of "Quail Creek Office Park"], and Erik Enyart responded, "Because they offered [the General Utility Easement] and we accepted it." Mr. Enyart stated, "We knew as late as December, 2013 that this was to be an overhead system, but some at the City were not aware of that, and when they became aware, [City Staff] began discussing it as a policy issue."

Justin Morgan stated that it was "usually up to the developer to determine the best way to serve—this doesn't usually come before you." Mr. Morgan asked if this was not another issue "caught in between policies before and now." Discussion ensued. Ricky Jones provided a copy of the U/E.

Erik Enyart and the Commissioners asked Justin Morgan if the \$200,000 price was the total cost of the underground line or the price difference between underground and overhead. Mr. Morgan stated that he did not get that information from *AEP-PSO*.

Jerod Hicks expressed concern for the aesthetic effect along the 121st St. S. corridor if overhead electric was approved.

Steve Sutton asked who put the [General Utility Easement] on the City Council agenda. Erik Enyart stated, "All of us Staff [reviewed it], I took it to the Council, I knew it was overhead, and I know others did too, whether they'll admit it [now] or not."

A Commissioner stated, "If this sets policy or precedent, I think it's a bad move."

Ricky Jones stated, "I understand your concern for setting a policy/precedent," but urged the Commission, if it became policy, to "put it on the next [development]."

Jerod Hicks expressed concern for aesthetics along 121st St. S. and the difficulty to get lines buried in the future if this was approved.

Erik Enyart asked the Applicant how long ago *AEP-PSO* made the change and stopped cost sharing for underground lines. Justin Morgan stated, "It hasn't been that long ago; since housing came back. They're getting more and more aggressive on each one."

Lance Whisman expressed concern for future reliability, stating "We don't know what will be [developed on the commercial lots]. We have landscaping" requirements, so there would be trees along the same line in the future. Ricky Jones or Justin Morgan stated "They're very restrictive now [on what can be planted] and cut them down without asking."

There being no further discussion, Chair Thomas Holland asked to entertain a Motion.

Larry Whiteley made a MOTION to DENY the Plat Amendment. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

6. **PUD 83 – River Trail II – Minor Amendment # 1.** Discussion and possible action to approve Minor Amendment # 1 to PUD 83 for all of *River Trail II*, with underlying zoning CG Commercial General District, which amendment proposes changes to landscaping, screening, signage, and loading standards, and making certain other amendments.
Property Located: 12606, 12620, 2626, and 12630 S. Memorial Dr.
-

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, January 15, 2015
RE: Report and Recommendations for:
PUD 83 – “River Trail II” – Minor Amendment # 1

LOCATION: – 12606, 12620, 12626, and 12630 S. Memorial Dr.
– Southwest corner of the intersection of 126th St. S. and Memorial Dr.
– Part of the E/2 of Section 02, T17N, R13E
– All of River Trail II

SIZE: 5.025 acres, more or less

EXISTING ZONING: CG General Commercial District and PUD 83

SUPPLEMENTAL ZONING: Corridor Appearance District and PUD 83 “River Trail II”

EXISTING USE: River Trail Animal Hospital (under construction) and vacant commercial lots

REQUEST: Approval of Minor Amendment # 1 to PUD 83 for all of River Trail II, with underlying zoning CG General Commercial District, which amendment proposes changes to landscaping, screening, signage, and loading standards, and making certain other amendments

SURROUNDING ZONING AND LAND USE:

North: AG, CG, RS-3, OL, CS, & AG/CG/PUD 70; Development Area B of PUD 70 (right-of-way for 126th St. S.), agricultural land zoned AG and CG, and the Easton Sod sales lot zoned RS-3, OL, & CS.

South: AG & CS/PUD 37; Fry Creek Ditch # 1 right-of-way zoned AG and the Crosscreek “office/warehouse” heavy commercial / trade center and retail strip center zoned CS with PUD 37.

East: (Across Memorial Dr.) AG, CS, OL, RS-1, & PUD 31-A; The 126 Center shopping center, the Mazzio’s Italian Eatery restaurant, agricultural land, vacant land in PUD 31-A, and single-family residential zoned RS-1 further to the northeast in Gre-Mac Acres and behind (east of) the 126 Center in Southern Memorial Acres No. 2; the Fry Creek Ditch # 1 right-of-way, zoned AG, continues upstream to the southeast.

West: RM-3/PUD 70, AG, & CG/PUD 76; The 14-acre Encore on Memorial multifamily development, farther west is approximately 8:10 acres of agricultural land zoned AG, and farther west and to the northwest is agricultural land within the 92-acre PUD 76, with CG underlying zoning, proposed for development with multiple uses.

COMPREHENSIVE PLAN: Corridor/Medium Intensity + Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES:

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area at approximately the 12600-block of S. Memorial Dr., including part of the 126th St. S. right-of-way and part of the northeast corner of the subject property – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

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

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

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

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

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

Final Plat of Encore on Memorial (PUD 70) – Request for Final Plat approval for 14 acres abutting subject property to the west (caused separation of that 14 acres from subject property parent tract) – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (Plat # 6380 recorded 04/12/2011).

Accept Right-of-Way & U/E Dedication for Encore on Memorial – Request for acceptance of a Deed of Dedication for right-of-way to extend 126th St. S. west of Memorial Dr. and a U/E, both to serve the Encore on Memorial development abutting subject property to the west – provided 126th St. S. access and U/E along north line of subject property – City Council accepted 02/28/2011. However, due to the language used, per the City Attorney, the R/W dedication was only “easement.” To ensure it was right-of-way consistent with the most public streets in Bixby, it needed to be re-dedicated as fee simple right-of-way. See related item below.

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

Preliminary & Final Plat of River Trail II (PUD 83) – Request for approval of a Preliminary Plat and Final Plat for subject property – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved Preliminary Plat 03/24/2014 and Conditionally Approved Final Plat 04/28/2014 (Plat # 6541 recorded 05/23/2014).

Accept Right-of-Way Dedication for 126th St. S. – Request for acceptance of a new Deed of Dedication for 126th St. S., originally accepted 02/28/2011, but this time using adequate language (i.e. “grant, donate, and convey”) to result in fee simple right-of-way – City Council accepted 05/12/2014.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

City Staff reviewed and approved the PUD Detailed Site Plan for “River Trail Animal Hospital” in August and September, 2014. That project was then permitted and is now under construction.

City Staff reviewed the PUD Detailed Site Plan for “Anderson Office Building” in December, 2014. The plans revision and final approval process is nearing completion. The “Anderson Office Building” project will contain what is understood to be a multi-use building including the general business offices of The Galley (see www.thegalleyssink.com).

The infrastructure required to support the River Trail II commercial development is under construction at the same time as the River Trail Animal Hospital is under construction.

During the reviews of "River Trail Animal Hospital" and "Anderson Office Building," Staff observed several instances where the actual development plans now proposed, and likely also those that will be proposed for the other two (2) commercial lots, conflict with provisions of PUD 83. This PUD 83 Minor Amendment # 1 is intended to relax certain PUD provisions allowing for the reasonable development of the commercial subdivision.

ANALYSIS:

Subject Property Conditions. The subject property of 5.025 acres is zoned CG with PUD 83 and consists of all of River Trail II. It contains the River Trail Animal Hospital (under construction) and three (3) vacant commercial lots. It has approximately 546' of frontage on Memorial Dr. and 355' of frontage on 126th St. S. (PUD 83 Text reports 662' and 355', respectively). The City of Bixby's maintenance access drive for the Fry Creek Ditch system is being replaced as a part of the development of the subject property consistent with the plans outlined in PUD 83.

The 5.025-acre subject property is relatively flat and appears to drain, if only slightly, to the south. The development will drain to the south to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention.

The subject property is presently served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the south.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor/Medium Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land. The Community Trails designation is abutting to the south within the Fry Creek # 1 right-of-way, located on north side of water centerline.

The existing CG zoning, commercial PUD 83, and commercial development anticipated by PUD 83 and the plat of River Trail II would not be inconsistent with the Comprehensive Plan.

Due to the relatively limited scope of proposed changes, the proposed PUD 83 Minor Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

General. The Applicant is requesting a Minor Amendment to PUD 83 "River Trail II," which amendment proposes changes to landscaping, screening, signage, and loading standards, and making certain other amendments. By application and Minor Amendment outline letter both received December 22, 2014, this Minor Amendment proposes the following changes, and upon which Staff has the following comments:

- 1) **LANDSCAPE AND SCREENING** - Add the following:
 - The trail paving areas shall be accepted as landscape areas for landscape compliance purposes. Therefore, the areas occupied by the trail shall not count against any landscape requirement for the lots in this PUD.

Staff Comment: The original PUD, in an effort to support the option to construct the 10'-wide public trail, versus an isolated 4' or 5' sidewalk along the Memorial Dr. curb and across the drainage ditch, specifically exempted the 10' of paving from the minimum required landscaped strip standard. The intent was to exempt the trail area from being counted against any landscape standard, but the language was specific only to the landscaped strip width. The proposed language will be consistent with the original intent and provide the development sites the needed flexibility.

- Screening fences are not required along the west side of the PUD abutting the RM-3 zoning.

Staff Comment: The Zoning Code requires a sight-proof screening fence for the west line of subject property, as it abuts an R (RM-3) district. The original PUD 83 did not remove or add to this requirement. There is an existing wrought-iron fence surrounding the Encore on Memorial multifamily development, constructed with that development, and belonging to Encore on Memorial. When PUD 83 was written, the intent was to allow that fence to remain and no new screening fence be erected in its place or to the east of the existing fence. Due to existing and proposed setbacks, lighting and landscaping plans, existing and proposed geometries, and the general context of the areas involved, Staff does not believe a screening fence is warranted between the commercial and multifamily developments.

This amendment will remove the requirement for a screening fence from all of the four (4) commercial lots in River Trail II.

2) SIGNS & SITE LIGHTING – *Add the following:*

- *It is permitted to install LED lighting on the proposed signs.*

Staff Comment: *Here is the relevant commentary from the review of the River Trail Animal Hospital:*

“The LED/Electronic Message Board element of the larger ground sign would conflict with Zoning Code Section 11-71-B.2.a:

- a. No roof, projecting, flashing (does not include time and temperature signs), animated or revolving signs are permitted. (emphasis added)*

Bixby’s Zoning Code used to have language that, although it may not have anticipated LED/Electronic signage technology, appeared to have been written broadly enough to proscribe it. It used to read (11-9-21.C.2):

- “2. All signs shall be of a constant light. No flashing or intermittent type of lighted signs are allowed.”*

Staff considered that LED/Electronic signs were in fact not of constant light, by necessary function of the technology which relies on turning individual or clusters of Light Emitting Diodes on and off in order to change the imagery and message. Staff observed also that such LED signs may be programmed to flash or be turned on/off, in whole or in part, intermittently. Staff did not consider LED signs to comply with the Zoning Code restriction cited immediately above.

Staff proposed to “legalize” LED/Electronic signs in 2008, but to reserve a requirement for Special Exception. This proposition ultimately resulted in the City Council removing that restriction altogether by ordinance around June 2008. The ordinance, however, did not remove the residual “constant light / no flashing or intermittent” provisions found elsewhere throughout the Zoning Code, such as in the Special District Regulations and here in the PUD provisions. Thus, it appears that, while legal in most other instances, when in PUDs that do not specifically allow them, LED/Electronic signs are not permitted. Recognizing the Council’s deliberate intent to legalize such signage, the proposed sign’s LED element should be considered a minor matter that may be relieved by Minor Amendment to PUD 83, which Minor Amendment should apply to all of the lots in the PUD’s singular Development Area A, as this would otherwise likely have to be done on each lot.”

This Amendment is consistent with Staff’s direction and would bring parity between this commercial development and all others which are not subject to this restriction.

- *No ground sign shall be located within 50 feet from the westerly property line.*

Staff Comment: *Here is the relevant commentary from the review of the River Trail Animal Hospital:*

“The site plans represent the locations of the two (2) proposed ground signs: A larger one in the front and a secondary one along the Mutual Access Easement (MAE). The larger sign complies with locational requirements and is not located within any easements.

The secondary ground sign along the MAE, at roughly 50’ from the westerly property line, is located outside easements but would conflict with Zoning Code Section 11-71-B.2.b:

- b. No ground sign shall be located within one hundred fifty feet (150’) of any residential area, either within or abutting the PUD, unless separated by an arterial street.*

The location was to be expected by the specific allowance of the secondary sign along the MAE per the PUD. This minor matter may be relieved by Minor Amendment to PUD 83, which Minor Amendment should apply to all of the lots in the PUD's singular Development Area A, as this would otherwise likely have to be done on each lot."

This amendment would resolve the setback issue consistent with the original intent of PUD 83.

- The maximum aggregate display area of the ground signs within each lot is three (3) square feet per linear foot of street frontage.

Staff Comment: Here is the relevant commentary from the review of the River Trail Animal Hospital:

"Since there will be two (2) ground signs on the property, Zoning Code Section 11-9-21.E.1 restricts aggregate display surface area to two (2) square feet per linear foot of street frontage. Per dimensions on Exhibit A of PUD 83 compared to the plat of River Trail II, the subject property has one (1) section of street frontage, (72.61' + 12' =) 84.61' on Memorial Dr. This allows 169.22 square feet of aggregate display surface area. Based on rough calculations, the larger proposed ground sign with LED/Electronic Message Board will have (71.875 + 57.75 =) 129.625 square feet of display surface area, leaving 39.595 square feet allowable for the secondary ground sign along the MAE."

This amendment would resolve the potential signage display surface area issue consistent with the original intent of PUD 83, which specifically planned for secondary ground signs to be located behind the buildings along the MAE.

- 3) **DETAIL SITE PLAN REVIEW** - Add the following: The minimum and maximum loading berth requirement may be modified during the detailed site plan review.

Staff Comment: Similar to the flexibility afforded parking, Staff supports the PUD being amended to allow the developer of each building project to determine how many loading berths they may need for the operation of their business. In the case of the Anderson Office Building, which may currently be required two (2), the owner has determined need for only one (1), which Staff supports. This may or may not become an issue for the remaining two (2) commercial lots, so the amendment would cover all of them.

Although not presently included in this Minor Amendment, Staff identified the following PUD 83 restriction which presented a problem for both developments reviewed thus far, as described in the relevant commentary from the review of the Anderson Office Building:

"While residential properties are commonly protected, it is uncommon to restrict light spillage onto adjacent commercial properties. The "light spillage" restriction per PUD 83 may be relaxed by Minor Amendment to reserve the restriction for adjacent residentially-zoned and residentially-used properties."

The Applicant should consider adding the following amendment to Minor Amendment # 1:

- "4) **SIGNS & SITE LIGHTING** - Amend the final paragraph to be as follows:

"All outdoor lighting fixtures shall be shielded to avoid light spillage onto adjacent residentially zoned and/or used properties. A photometric plan will be submitted to the City of Bixby for approval during the design phase of the project." (emphasis added)

Plans relevant to the matters concerned by this application are attached to this report for illustration.

Since the proposed changes are minor and are unlikely to elicit objections from the TAC utility company providers, Staff did not place this application on the January 07, 2015 TAC agenda.

Access & Circulation. While a denial of the application would probably affect the likelihood of trail construction, the proposed amendments would not affect plans for access or circulation. See Staff Reports for the Preliminary and Final Plat of River Trail II for a description of the systems.

Surrounding Zoning and Land Use. See summary hereinabove.

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

1. Amendment pertaining to LED signage should be amended to include “electronic,” as outdoor electronic signage systems are not limited to LED technology.
2. Consider adding an amendment pertaining to lighting as recommended in the analysis above.

Jerod Hicks asked if there would be any trees or shrubs to help screen, and whether the developer would be keeping the wrought-iron fence. Applicant Malek Elkhoury, PE, of 1435 E. 41st St. S., Tulsa, indicated the fence would remain and stated that there was a 20’-wide landscaped buffer on the *Encore [on Memorial]* side and another 20’-wide landscaped buffer on “this side,” for a total 40’-wide buffer. Mr. Elkhoury described the landscaping trees within the landscaped strips. Mr. Elkhoury stated that, even if the fence was a screening fence, [people] on the second floors would still be able to see over it.

Discussion ensued between the Commissioners, Malek Elkhoury, PE, Dr. Ron Hooley, DVM, of Your Pet Hospital / River Trail Animal Hospital, and Erik Enyart regarding details of the different site plans. Erik Enyart answered questions pertaining to the proposed ground sign with LED lighting as described in the Staff Report. Lance Whisman noted that the plans showed a chain-link fence for the dog runs on the south side of the River Trail Animal Hospital.

There being no further discussion, Jerod Hicks made a MOTION to APPROVE PUD 83 Minor Amendment # 1 as recommended in the Staff Report, including the amendment to the lighting standard. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

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

7. **BL-396 – Rebecca Coffee for Dorothy L. Biggers Living Trust.** Discussion and possible action to approve a Lot-Split for property in the NE/4 of Section 21, T17N, R13E. Property located: 15400 S. Yale Ave.

Chair Thomas Holland introduced the item and asked Erik Enyart and confirmed with him that this, and the next item on the agenda, were to be Continued to the next meeting. Erik Enyart stated that the same action, to Continue, to the same date, could be handled with a singular Motion and vote.

8. **BL-397 – Michael Ward on behalf of QuikTrip Corporation for T C 94, LP.** Discussion and possible action to approve a Lot-Split for All of Block 18, *Southern Memorial Acres Extended*.

Property located: 12037 S. Memorial Dr.

Chair Thomas Holland introduced the item.

There being no further discussion, Lance Whisman made a MOTION to CONTINUE both BL-396 and BL-397 to the February 17, 2015 Regular Meeting. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

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

NEW BUSINESS:

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

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:28 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary