

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
May 18, 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:

Prior to the meeting being called to order, Chair Thomas Holland and Patrick Boulden discussed posted maximum occupancy limits for the City Council meeting room and estimated occupancy. As Mr. Boulden requested, a few people in the audience left the meeting room and entered the hallway with both of the double doors opened to allow for continued participation from the hallway. Mr. Boulden again estimated occupancy and determined that it was then in compliance with the maximum occupancy limit.

Chair Thomas Holland called the meeting to order at 6:09 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the April 20, 2015 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 April 20, 2015 Regular Meeting as presented by Staff. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

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

Chair Thomas Holland declared that the agenda items would be taken out of order, that agenda item # 2 would be heard at the end of the meeting, and that agenda items # 8 and # 9 were to be Continued to the next meeting.

OTHER BUSINESS

8. (Continued from 04/20/2015)

BSP 2015-04 – “Chateau Villas” – Larry Kester of Architects Collective (PUD 81).

Discussion and possible action to approve a PUD Detailed Site Plan and building plans for “Chateau Villas,” a Use Unit 8 multifamily residential and commercial development for approximately 23 in part of the NW/4 NW/4 of Section 01, T17N, R13E.

Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S.

9. **BSP 2015-05 – “Jiffy Lube Office Building” – W Design, LLC (PUD 54).** Discussion

and possible action to approve a PUD Detailed Site Plan and building plans for “Jiffy Lube Office Building,” a Use Unit 11 office with incidental storage building development for approximately ½ acre consisting of Lot 2, Block 1, *Bixby Jiffy Lube*.

Property Located: 8000-block of E. 118th St. S.

Chair Thomas Holland introduced the two (2) items and confirmed with Erik Enyart that the Applicants, in both cases, had requested their applications be Continued to the June 15, 2015 Regular Meeting.

There being no further discussion, Larry Whiteley made a MOTION to CONTINUE BSP 2015-04 to the June 15, 2015 Regular Meeting. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

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

There being no further discussion, Jerod Hicks made a MOTION to CONTINUE BSP 2015-05 to the June 15, 2015 Regular Meeting. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

3. (Continued from 04/20/2015)

PUD 87 – “Shadow Valley” – Khoury Engineering, Inc. Public Hearing, Discussion, and consideration of a rezoning request for approval of Planned Unit Development (PUD) # 87 for approximately 21.1 acres consisting of all of *Shadow Valley Mobile Home Park* and part of the W/2 of the NE/4 of the NW/4 and part of the W/2 of the E/2 of the NE/4 of the NW/4, with proposed underlying zoning RM-3 Residential Multi-Family District.
Property Located: 7500 E. 151st St. S.

4. (Continued from 04/20/2015)

BZ-381 – Khoury Engineering, Inc. Public Hearing, Discussion, and consideration of a rezoning request from RMH Residential Manufactured Home Park to RM-3 Residential Multi-Family District for approximately 21.1 acres consisting of all of *Shadow Valley Mobile Home Park* and part of the W/2 of the NE/4 of the NW/4 and part of the W/2 of the E/2 of the NE/4 of the NW/4, with proposed underlying zoning RM-3 Residential Multi-Family District.
Property Located: 7500 E. 151st St. S.

Chair Thomas Holland introduced the two (2) related items and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, May 14, 2015
RE: Report and Recommendations for:
PUD 87 – “Shadow Valley” – Khoury Engineering, Inc. & BZ-381 – Khoury Engineering, Inc.

LOCATION: – 7500 E. 151st St. S.
– All of *Shadow Valley Mobile Home Park* and part of the W/2 of the NE/4 of the NW/4 and part of the W/2 of the E/2 of the NE/4 of the NW/4 of Section 23, T17N, R13E

SIZE: 21.1 acres, more or less

EXISTING ZONING: RMH Residential Manufactured Home Park District

EXISTING USE: *Shadow Valley Manufactured Home Community*

REQUESTED ZONING: RM-3 Residential Multi-Family District & PUD 87

SUPPLEMENTAL ZONING: *Corridor Appearance District (partial)*

SURROUNDING ZONING AND LAND USE:

North: (Across 151st St. S.) AG; An approximately 150-acre tract of vacant/wooded and agricultural land. Across 151st St. S. to the northwest is rural residential along 68th E. Ave. and 149th / 148th St. S. in an unplatted subdivision possibly known as “Abbett Acres” zoned AG.

South: AG & RS-3/PUD 85; 136.48 acres of agricultural and vacant/wooded land zoned RS-3/PUD 85 “Conrad Farms” and agricultural land to the southwest along Sheridan Rd. zoned AG.

East: AG, CG, & IL; The northerly, AG-zoned portion of an approximately 125.5-acre parcel of land containing the former Conrad Farms retail facility (partially damaged by the July 23:24, 2013 “derecho” / “bow echo” event; greenhouses since removed) and a house, perhaps both addressed 7400 E. 151st St. S., and approximately seven (7) on-site labor houses, and a 3.7-acre rural residential and agricultural tract belonging to the Conrad family zoned AG. East and southeast is Bixby Creek and its attendant easements and rights-

of-way primarily zoned AG. Farther east are commercial and industrial uses in Bixby Industrial Park zoned CG and IL.

West: CH, IL, CS, and AG; The "Spectrum Plaza" trade center zoned CH, a single-family house on 1-acre zoned IL, and a CS district containing the Bethesda Girls Home at 7106 E. 151st St. S., another nonresidential building (former location of the Living Water Family Church) at 7102 E. 151st St. S., and the Bixby Chiropractic at 7100 E. 151st St. S. Farther west along the east side of Sheridan Rd. are several vacant/wooded, agricultural, and rural residential tracts of land zoned AG.

COMPREHENSIVE PLAN: Development Sensitive + Residential Area + Corridor + Community Trails

PREVIOUS/RELATED CASES:

Preliminary Plat of Shadow Valley Mobile Home Park – Request for Preliminary Plat approval for Lot 1, Block 2, Shadow Valley Mobile Home Park portion of subject property – PC recommended Conditional Approval 08/25/1980 (City Council approval not researched).

Final Plat of Shadow Valley Mobile Home Park – Request for Final Plat approval for Lot 1, Block 2, Shadow Valley Mobile Home Park portion of subject property – PC recommended Conditional Approval 09/29/1980 and City Council presumably approved thereafter (Plat # 4056 recorded 11/18/1980).

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

BBOA-70 – Luther Metcalf for Melvin Skaggs – Request for Special Exception to allow a single family dwelling (site built) in an RMH district for property of approximately 3 ¾ acres abutting subject property to the north and now addressed 7100, 7102, and 7106 E. 151st St. S. – BOA Approved 01/08/1980.

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

BL-107 – Jerry Green – Request for Lot-Split approval to separate approximately 4.8 acres into (1) a 1 acre tract with a house and (2) the (now) 3.4-acre "Spectrum Plaza" property abutting subject property to the west and north at 7220/7222/7224 E. 151st St. S. – PC Approved 10/28/1985 and City Council Approved 11/12/1985 per case notes.

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

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

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

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

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

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

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

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

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

AC-07-08-06 – Architectural Committee (08/20/2007) reviewed the building plans for a proposed new building for the 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151st St. S. and Continued the case pending the resolution of Zoning issues. AC took no action on 09/17/2007 due to discovery of lack of jurisdiction (building not within 300’ Corridor Appearance District).

BBOA-460 – JR Donelson for Oman Guthrie – Request for Special Exception per Zoning Code Section 11-11-8 for an alternative compliance plan to parking and screening requirements in the CH Commercial High Intensity District for the 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151st St. S. – BOA Approved 10/01/2007.

BZ-335 – JR Donelson for Oman Guthrie – request for rezoning from IL to CH for the 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151st St. S. – PC Recommended Approval 10/15/2007 and City Council Approved 11/12/2007 (Ord. # 982).

BLPAC-1 – JR Donelson for Oman Guthrie – Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D for the 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151st St. S. – PC Conditionally Approved 11/19/2007.

BCPA-8, PUD 75 “LeAnn Acres,” & BZ-359 – JR Donelson, Inc. / Roger & LeAnn Metcalf – request to (1) amend the Comprehensive Plan Land Use Map to redesignate those parts of the property presently designated “Low Intensity” and/or “Special District # 4” to “Medium Intensity” and remove the “Special District # 4” designation, (2) rezone from AG to RM-2, and (3) approve PUD 75 for a multifamily development on approximately 25 acres abutting the subject property to the west at 15329 S. Sheridan Rd. – PC Recommended Conditional Approval 01/21/2013 and City Council Conditionally Approved 01/28/2013. However, ordinance not approved because the PUD package presented was not in its final form / did not incorporate the required Conditions of Approval. To date, the final PUD package has not been received. All applications were recognized as “inactive” and filed away on 04/29/2014.

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

BCPA-12, PUD 85, & BZ-377 – Conrad Farms Holdings, LLC – Request to amend the Comprehensive Plan to remove the Special District # 4 designation, rezone from AG to RS-3, and approve PUD 85 for a single-family residential development on 136 ½ acres abutting subject property to the south – PC recommended Conditional Approval 09/15/2014. City Council Conditionally Approved 11/10/2014 (Ord. # 2143).

PUD 85 – Conrad Farms – Minor Amendment # 1 – Request for approval of Minor Amendment # 1 to PUD 85 for a single-family residential development on 136 ½ acres abutting subject property to the south – On 02/17/2015, as requested by Applicant, PC Tabled and provided that the Applicant may return the applications to any Planning Commission agenda within one (1) year, provided the Applicant gives the City at least one (1) month’s advance notice of the next agenda placement.

Sketch Plat of “Conrad Farms” – Request for approval of a Sketch Plat for a single-family residential development on 136 ½ acres abutting subject property to the south – On 02/17/2015, as requested by Applicant, PC Tabled and provided that the Applicant may return the applications to

any Planning Commission agenda within one (1) year, provided the Applicant gives the City at least one (1) month's advance notice of the next agenda placement.

BACKGROUND INFORMATION:

The Public Notice for these two (2) applications has elicited a number of phone calls and office visits from current residents of the Shadow Valley Manufactured Home Community asking whether the approval of the applications would result in their relocation. Staff has responded that this appears to be the case and directed them to contact the property owner for further information.

During the TAC meeting held April 01, 2015, the Applicant advised Staff that, due to the fact that the outcome of the zoning changes was not known, the owners were not in the position to tell the residents [about something that may not happen], that the owners would be allowing an extended relocation timeline for the residents, that the law required 30 days, but the owners would plan to give "in excess of six (6) months notice," that the owners were in communication with other [mobile home] parks in the area to discuss potential relocation, and that some of the units were not in adequate condition to be moved and would have to be demolished.

At its regular meeting held April 20, 2015, the Planning Commission held a Public Hearing and Continued the Public Hearing and consideration of both BZ-381 and PUD 87 to this May 18, 2015 Regular Meeting, subject to being Continued again to the June 15, 2015 Regular Meeting if the owners failed to meet with the residents to discuss relocation matters.

On May 08, 2015, three (3) of the four (4) owners met with representatives of the residents to discuss relocation matters. Also in attendance were Mayor John Easton, Ward 3 Councilor Harold King, and City Planner Erik Enyart. Pursuant to the meeting, the owners have agreed to issue Revised Lease Agreements for the tenants guaranteeing them six (6) months' notice and a move out credit of \$1,080 if rent is paid timely during the six (6) month period, which sum is intended to assist in relocation. The owners have also been addressing certain sanitary sewer and street pavement issues.

At the April 20, 2015 Planning Commission meeting, the Applicant agreed to all of the Staff recommendations, which have not changed since the original Staff Report. If an updated PUD Text and Exhibits package is received in a timely manner, Staff will attempt to review and issue a revised Staff Report reflecting the changes in time for the May 18, 2015 Planning Commission meeting or May 26, 2015 City Council meeting.

ANALYSIS:

Subject Property Conditions. The subject property of 21.1 acres, more or less, is zoned RMH Residential Manufactured Home Park District and is composed of two (2) parcels of land:

1. All of Shadow Valley Mobile Home Park: Approximately 10.39 acres, contains the southerly portion of the Shadow Valley Manufactured Home Community, Tulsa County Assessor's Parcel # 58030732325860, and
2. Part of the W/2 of the NE/4 of the NW/4 and part of the W/2 of the E/2 of the NE/4 of the NW/4 of Section 23, T17N, R13E: Approximately 10.6 acres, contains the northerly portion of the Shadow Valley Manufactured Home Community, Tulsa County Assessor's Parcel # 97323732325260.

The subject property is relatively flat and appears to primarily drain to the east to Bixby Creek; southerly parts appear to drain south toward a wooded drainageway and drainage basin located on the Conrad Farms property abutting to the south.

The northeast corner of the subject property, including the singular private drive access to 151st St. S., presently contains an area of 100-year floodplain attendant to Bixby Creek. As this PUD acknowledges, the proposed redevelopment of the subject property will require additional access out of the 100-year Floodplain as will be recommended by City Staff upon receipt of actual development plans.

The subject property is presently served by the critical utilities (water, sewer, electric, etc.). Plans for utilities are adequately described in the text and represented on Exhibit C, and are discussed further in the City Engineer's memo.

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Development Sensitive, (2) Residential Area, (3) Corridor, and (4) Community Trails.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the requested RM-3 district is In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map. Also per the Matrix, the requested RM-3 district May Be Found In Accordance with the Development Sensitive designation of the Comprehensive Plan Land Use Map.

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

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

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

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

The site is developed, and so this test does not appear to apply. Staff notes, however, that the requested RM-3 district and residential use should be considered substantially consistent with the Residential Area land use designation of the Comprehensive Plan Land Use map.

Per the Matrix, PUDs (as a zoning district) and the requested RM-3 district are both In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map and May Be Found In Accordance with the Development Sensitive designation of the Comprehensive Plan Land Use Map. Provided it is approved with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below, Staff believes that PUD 87 should be found In Accordance with the Comprehensive Plan as a zoning district.

Due to all of the factors listed and described above, Staff believes that the proposed RM-3 zoning and residential development proposed per PUD 87 should be found In Accordance with the Comprehensive Plan, provided they are approved together and with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below.

The Comprehensive Plan Land Use Map designates a Community Trail more or less paralleling the west side of Bixby Creek from the old Railroad line south of 141st St. S. to its former (pre-channelized) confluence with the Arkansas River. This trail appears to cross 151st St. S. through the northeast corner of the subject property. The Matrix only includes, and the Zoning Code only requires consistency with the land use elements for rezoning purposes, not the Public Facilities / Urban Design Elements such as trails. However, please reference related PUD recommendations for design enhancements to support the overall multifamily development quality.

General. The PUD proposes a multifamily residential redevelopment of the existing Shadow Valley Manufactured Home Community with a maximum of 527 dwelling units, per PUD Development Standards and the proposed underlying RM-3 zoning. The PUD provisions of the Zoning Code would enable slightly more, as it allows for the use of ½ of the abutting 151st St. S. right-of-way in the multifamily dwelling units per land area formula, which option this PUD does not exercise.

The submitted site plan does not include any specific development designs. Per discussions with the Applicant, Staff understands that this is because, if approved for rezoning and PUD, the property would be sold to a third-party developer, and so the future PUD Detailed Site Plan will be prepared by the then developers who will be in the position to make specific design changes as the City may request. Therefore, the Applicant has not represented proposed location of uses, off-street parking, open spaces, public and private vehicular and pedestrian circulation, or signage. The PUD chapter of the Zoning Code may anticipate such generalized PUDs, as it includes in Sections 11-7I-8.B.1.b and .d requirements that are conventionally expressed in the PUD Text, and not on the site plan itself.

To satisfy the spirit and intent of the specific informational elements of the PUD conceptual site plan, (1) the connection of required elements between the Text and the site plan Exhibits is established by the provision of development standards for the singular Development Area A and the representation of the singular Development Area A on the Exhibit B PUD Plan and (2) Staff recommends that the required PUD Detailed Site Plan be reviewed and recommended upon by the Planning Commission and Approved by the City Council.

The proposed development standards are nearly identical to those of PUD 70 Encore on Memorial, except that it allows the generation of 25 dwelling units per acre, versus 20 per acre with Encore, and requires 20’ setbacks around the entire development, versus 10’ setbacks except for a 20’ front yard setback.

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

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

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

The Technical Advisory Committee (TAC) discussed PUD 87 at its regular meeting held April 01, 2015. Minutes of that meeting are attached to this report.

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

*"The main Ingress and egress to **Shadow Valley** will be from 151st Street South. The existing driveway along the east side will be improved and removed from the 100 yr flood plain by installing drainage structure under the access road. A second access road will eventually be installed to provide a secondary means of access to 151st Street. The location of the secondary access will be determined upon acquiring additional property between this development and 151st Street. Sidewalks, minimum 4 feet in width, will be installed by the developer along all street frontages in accordance with the Subdivision Regulations. The sidewalks will be ADA compliant to be approved by the City Engineer. The minimum width of the internal drives will be 26 feet and the minimum gate width will be 14 feet. A Knox rapid entry system will be installed. Internal sidewalks will be provided to enhance the quality of the development and to provide a convenient and safe passageway for pedestrians."*

Plans for access can be further inferred from the site plans. The site plans indicate a "Potential Secondary Access" via an approximately 2.5-acre tract of land at 7102/7106 E. 151st St. S. Per the discussion at the April 01, 2015 TAC meeting, Staff understands that the Applicant has been in discussions with the owner of this property about such access. If this is not secured prior to PUD approval, the designations on the site plans should be removed and other appropriate adjustments made to require secondary access.

Per the discussion at the April 01, 2015 TAC meeting, the Fire Marshal has expressed some concern regarding compliance with the Fire Code requirement for a minimum separation between access roads based on a formula using the diagonal width of the development tract. PUD approval should be subject to all Fire Marshal recommendations as to access, as listed as recommendations # 2 and # 3 below.

Due to the scale of this development, 527 apartment units, Staff has recognized a need to consider the number and formats of points of access in proportion to the number of dwelling units served. This ratio matter was discussed for the single-family housing additions "Willow Creek," "The Trails at White Hawk," and "Conrad Farms" developments proposed and approved most recently in 2013 and 2014.

For single-family housing addition developments, the Subdivision Regulations do not contain a ratio schedule for the number of required points of access to a subdivision based on the number of lots within it. Recommendations as to adequacy of the three (3) means of ingress and egress in ratio to the number of lots proposed should and have previously come from the City Planner, Fire Marshal, and Police Chief. In the case of "Willow Creek" in 2008, when 254 lots were proposed, all considered and expressed that the three (3) points of access should be considered adequate, two (2) of which points of access consisted of a Collector Street connecting 131st St. S. to Mingo Rd. All three (3) verbally indicated that the three (3) were still adequate when that number was increased to 276 lots in 2009. Once more, all three (3) indicated that the three (3) were still adequate when that number was increased to 291 lots in 2013. In the case of "The Trails at White Hawk," City Staff concurred that three (3) points of access would be acceptable for the 261 residential lots planned behind a commercial frontage development area, including a Collector Street connecting 151st St. S. to Lakewood Ave. in The Ridge at South County, which in turn connects to 141st St. S. The third access serving "The Trails at White Hawk" is an emergency access drive connection to Kingston Ave. In the case of "Conrad Farms," City Staff concurred that three (3) points of access would be acceptable for the 500 residential lots legally entitled by PUD 85 be served by not less than three (3) points of access, two (2) of which shall consist of a Collector Street connecting 161st St. S. to one (1) other Arterial Street.

For multifamily developments, neither the Zoning Code nor the Subdivision Regulations contains a ratio schedule for the number of required points of access to a multifamily development based on the number of dwelling units served. PUD 61 "Marquis on Memorial" developed 132 apartment units and has two (2) points of access, being the reduced-width 82nd E. Ave. residential Collector Street connecting 146th St. S. and 148th St. S. PUD 70 "Encore on Memorial" developed 248 apartment units and has two (2) points of access, being the 126th St. S. Collector Street and an emergency-access drive along the former Fry Creek maintenance road connecting to Memorial Dr. Proposed PUD 81 "Chateau Villas" proposes 375 apartment units and two (2) points of access.

This PUD 87 would legally entitle up to 527 apartment units, and proposes two (2) points of access. City Staff has considered what measure of access will be acceptable. The Fire Marshal, Fire Chief, Police Chief,¹ and City Planner recommend two (2) points of access, consisting of at least one (1) Collector Street connecting to 151st St. S. and a secondary regular access drive or emergency-access only drive. If the secondary access is designed and approved as an emergency-access only drive, the Collector Street should be designed with not less than two (2) driveway connections thereto, of adequate width and separation. The latter design would likely require the Collector Street be extended throughout the north-south depth of the subject property.

The existing PUD Text should be enhanced to specify that at least one (1) Collector Street, for which Subdivision Regulations Section 9.2.2 requires a minimum of 60' of right-of-way and 36' of paving width, will serve the development and connect to 151st St. S. The PUD site plans should be updated to reflect street configuration changes pursuant to these connectivity recommendations.

The City of Bixby has the responsibility to ensure that development properties are not hampered by lack of planning and access provision when abutting properties are developed. The Subdivision Regulations require stub-out street provision to all adjoining unplatted tracts. Abutting the subject property to the south is the 136½ -acre PUD 85 "Conrad Farms" housing addition development property. During the approval of PUD 85, City Staff recommended, and the PUD included a requirement that the 500 single-family lots legally entitled by the PUD be served by not less than three (3) means of ingress/egress, two (2) of which shall consist of a Collector Street connecting 161st St. S. to one (1) other Arterial Street. During the review of the "Conrad Farms" Sketch Plat and PUD 85 Minor Amendment # 1 applications, City Staff recommended that the Collector Street connect 161st St. S. to 151st St. S., as opposed to Sheridan Rd. or Memorial Dr. City Staff recognizes that the improvement of the existing access to the subject property and/or the provision of a secondary means of ingress/egress, as proposed to be required by this PUD, may additionally serve to provide, whether it be by the Collector Street or something less, the additional recommended access to 151st St. S. for the PUD 85 development property. City Staff has discussed this matter with the Applicant, and the Applicant has not expressed objection to this concept. Staff recommends the PUD Text provide language specifying the potential for through access to the PUD 85 development property to the south during the platting and site plan approval stages. Through access provisions may ultimately take the form of platted Public right-of-way allowing for future connection by third parties.

INCOG regional trails plans and the Bixby Comprehensive Plan show a trail as planned along west side of Bixby Creek; the latter designates the same a "Community Trail." Staff requests the developer consider (1) constructing a walking trail within or along the abutting Bixby Creek right-of-way as an amenity for the multifamily development, or otherwise describe plans provide for future connections to same during the platting of the development, and (2) incorporating pedestrian / trail elements within the development consistent with the intent of the Comprehensive Plan. These enhancements would help the PUD provide a "unified treatment of the development possibilities of the project site" and "achieve a continuity of function and design within the development." If the developer would be willing to make such improvement(s), appropriate language should also be added to the PUD Text Section "Access and Circulation" and the PUD site plan should be updated accordingly.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily CS, CH, CG, IL, AG, and RS-3/PUD 85. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

¹ The Police Chief has stated that he is not in favor of an additional apartment complex, but if it is to be approved, minimum required access should be as recommended herein.

Across 151st St. S. to the north is vacant/wooded and agricultural land zoned AG, and to the northwest is rural residential along 68th E. Ave. and 149th / 148th St. S. in an unplatted subdivision possibly known as "Abbett Acres," zoned AG.

To the east is the part of the former Conrad Farms' farmland on a tract of land containing approximately 125.5 acres (the SE/4 of the NW/4 and the NW/4 of the SE/4 and the W/2 of the SW/4 of the NE/4 and part of the N/2 of the N/2. This parcel contains the former Conrad Farms retail facility (partially damaged by the July 23:24, 2013 "derecho" / "bow echo" event; greenhouses since removed) and a house, perhaps both addressed 7400 E. 151st St. S., and approximately seven (7) on-site labor houses east of the southeast corner of the subject property. Farther to the east is a 3.7-acre rural residential and agricultural tract at 7402 E. 151st St. S., also belonging to the Conrad family and commercial and industrial uses in Bixby Industrial Park zoned CG and IL. Cutting through these areas diagonally downstream to the southeast is Bixby Creek and its attendant easements and rights-of-way primarily zoned AG.

Abutting to the west and north is the approximately 3.4-acre "Spectrum Plaza" trade center property zoned CH. Immediately west of that is a single-family house on 1-acre zoned IL. Abutting to the north is approximately 3 ¾ acres of CS zoning containing the Bethesda Girls Home at 7106 E. 151st St. S. and another nonresidential building (former location of the Living Water Family Church) at 7102 E. 151st St. S. and the Bixby Chiropractic at 7100 E. 151st St. S. Farther west along the east side of Sheridan Rd. are several vacant/wooded, agricultural, and rural residential tracts of land zoned AG.

Abutting the subject property to the south is the 136½-acre PUD 85 "Conrad Farms" housing addition development property. Staff believes that, if properly enhanced as recommended herein, the proposed RM-3 zoning and multifamily PUD would serve as an appropriate buffer between single-family residential development land to the south and more intensive IL, CH, and CS zoning and commercial uses fronting on 151st St. S.

As required by Zoning Code Section 11-7I-8.B.1.e., the PUD proposes to buffer the proposed multifamily development from the future single-family residential to the south with a 6'-tall screening fence and "a twenty (20) foot wide landscaped buffer. This landscape buffer will be planted with at least one (1) tree per 1000 square feet of buffer area and at least one half of the trees shall be evergreen." Staff believes that additional buffering measures should be required, such as massing (height, especially) restrictions for such buildings, a specific height limitation based on a formula factoring the distance to the nearest single-family residential property line, building placement and/or orientation, window-facing or window-screening restrictions, etc.

PUD 81 "Chateau Villas PUD," for which the City Council Conditionally Approved an application for Major Amendment # 1 on March 30, 2015, contained specific minimum standards oriented toward buffering that PUD's multifamily development area from the established single-family residential neighborhood in Houser Addition abutting to the east. These included:

- Enhanced screening fences/walls and landscaping pursuant to previous PUD 68,
- A 75' minimum setback from the single-family residential areas for the three (3) story buildings as initially approved, and then a 75' minimum setback when the buildings were reduced to two (2) stories,
- A 200' (or potentially more) minimum setback from the single-family residential areas for the fourth-story portions of multifamily buildings at 50' in height,
- Restriction of windows from east-facing 2-story buildings, with potential allowances for clerestory or faux windows.

The proposed RM-3 zoning and multifamily PUD would likely result in an increased intensity of land use. Per Staff's estimation of GIS and aerial data, the existing manufactured home park contained roughly 163 individual manufactured home spaces. Per 2014 aerial data, Staff estimated there were roughly 83 actual manufactured homes in the park at that time. The Corridor designation of the Comprehensive Plan Land Use Map, however, contemplates intensive redevelopment for the subject property.

The proposed RM-3 zoning and multifamily PUD would also be consistent with the RM-2 zoning and PUD Conditionally Approved for the 25-acre development tract abutting to the west per BCPA-8/PUD 75 "LeAnn Acres." However, since the final PUD Text and Exhibits were never submitted, the City of Bixby never effected the approval of the applications by ordinance, and the official Zoning Map continues to reflect AG zoning.

For all the reasons outlined above, Staff believes that RM-3 zoning and PUD 87 would not be inconsistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

Development Quality / Multifamily Use PUD Element. Not including assisted living facilities, Bixby has four (4) apartment complexes. Parkwood Apartments was constructed in or around 1973. The Links at Bixby was developed in or around 1996, and was done with PUD 16. Marquis on Memorial was developed in 2008/2009, and was done with PUD 61. Encore on Memorial was developed in 2011 and was done with PUD 70. PUD 75 “LeAnn Acres” and PUD 76 “Scenic Village Park” were conditionally approved in 2012/2013, and PUD 81 “Chateau Villas PUD” was approved in 2013/2014 and Conditionally Approved for Major Amendment # 1 on March 30, 2015. Since 1973, no apartment development has been developed in Bixby absent a PUD, and the PUDs arguably contribute to the improvement of the value and quality of such projects.

To ensure the highest value and quality for any multifamily development that may occur on the subject property, consistent with the City Council’s recent Conditional Approvals of multifamily PUDs 70, 75, PUD 76 (which originally included limited multifamily use elements), 81 “Chateau Villas PUD,” and to a certain extent multifamily PUD 61 (“Marquis on Memorial”), Staff recommends multifamily PUDs incorporate an appropriate variation of the following, which should help ensure the development product is of adequate quality and is adequately invested for the long term:

- 1. Consistent with PUDs 61, 70, 75, 76, and 81, the adequacy of multifamily construction quality shall be determined by means of a PUD Detailed Site Plan, which is hereby recommended to be reviewed and recommended upon by the Planning Commission and approved by the City Council.*
- 2. Consistent with PUDs 70, 75, 76, and 81, multifamily PUDs should propose a specific masonry requirement for all buildings or otherwise each multifamily development building type (Encore on Memorial included a 25% masonry requirement for the standard 3-story apartment buildings [“Type I”], a 35% masonry requirement for the modified-type 2/3-story apartment buildings [“Type III”], and a 40% masonry requirement for the leasing office. The garages and carport buildings had no masonry requirement). The non-masonry balance of the buildings consisted of a cementitious fiber masonry alternative. This PUD proposes the same proportions, sans the 35%/Type III. PUD 81, as originally approved, included “not less than 75% masonry materials from the ground to the top floor top plate.” It is now Conditionally Approved to have, on average throughout the development, not less than 40% traditional masonry (brick and stone), with not less than 20% on any building, and the balance of all structures being cementitious fiber “with a stucco appearance” masonry alternative. As such, PUD 81 would have the highest masonry standards of any multifamily PUD proposed in Bixby to date. The Applicant should consider increasing the traditional masonry standard consistent with PUD 81, as may be specifically modified by the City Council in recognition of circumstantial and contextual factors, and consider proposing a masonry alternative for the balance of the buildings or a certain percentage of the balance of the buildings.*
- 3. Consistent with PUDs 70, 75, 76, and 81, multifamily PUDs should describe in the PUD what will be done with existing natural features. In this case, such elements could include the hillside to the west, Bixby Creek to the northeast, and mature trees along the property perimeters (including within the proposed 20’ landscaped buffers) and throughout the redevelopment site.*
- 4. Consistent with similar recommendations for PUDs 70, 76, and 81, and in recognition of INCOG regional trails plans and the Bixby Comprehensive Plan, consider whether the property perimeters and/or the concerned portion of the west bank of Bixby Creek within the adjacent Bixby Creek right-of-way could be improved as a walking trail amenity for the development. Internal sidewalks could link to the perimeter trails / public trail on the perimeter. If the developer would be willing to make such improvements, appropriate language should also be added to the PUD Text section entitled “Access and Circulation” and the same should be represented on the appropriate site plans.*
- 5. Describe additional measurable minimum standards for land use buffering and compatibility needs. See the analysis above describing (1) the minimum screening, buffering, and landscaping standards, and (2) measures to mitigate land use interface issues between multifamily use and parking lots and single-family residential uses planned to the south per PUD 85 “Conrad Farms.”*

6. *Consistent with PUDs 70, 75, and 81, consider proposing more than 15% minimum lot area landscaping for the multifamily DA. PUD 70 was approved with 15%, PUD 75 was Conditionally Approved with 16.8%, and PUD 81 "Chateau Villas PUD" was approved with 15% but was most recently Conditionally Approved at 30%.*

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

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

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

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

For the sake of development and land use compatibility, as described more fully above, Staff would be supportive of the Zoning approvals supporting the development proposal if it (1) offers quality-enabling standards such as outlined above, (2) provides for land use buffering and compatibility needs, and (3) provides for adequate access as recommended by City Staff. If these were satisfactorily provided for, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will have been met. Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested PUD and rezoning applications generally. Therefore, Staff recommends Approval of both requests, subject to the following corrections, modifications, and Conditions of Approval:

1. *The approval of RM-3 zoning shall be subject to the final approval of PUD 87 and vice-versa.*
2. *Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item may be addressed by adding a "Standard City Requirements" section to the PUD Text, with language such as "Standard requirements of the City of Bixby Fire Marshal, City Engineer and City Attorney shall be met."*
3. *Subject to City Engineer curb cut ODOT curb cut / driveway permit approval for modifications to the existing entrance drive, and any new driveway connections to with State Hwy 67 (151st St. S.), and the Fire Marshal's approval of locations, spacing, widths, and curb return radii. This item may be addressed by adding to "Access & Circulation" section of PUD Text appropriate language such as "All driveway and/or street connections shall be reviewed and approved by all jurisdictions having authority including, but not limited to: City of Bixby Engineering and Fire Marshal and the Oklahoma Department of Transportation."*
4. *Please address within the Text and Exhibits, or otherwise by letter to the Planning Commission, the six (6) numbered recommendations listed above pertaining to development quality and multifamily developments.*
5. *Please update all PUD number blanks with number 87.*
6. *Development Concept & Character: Please specify that the RM-3 zoning is being requested per BZ-381.*

7. Detail Site Plan Review: Please add appropriate language incorporating recommendation herein that the required PUD Detailed Site Plan shall be reviewed and recommended upon by the Planning Commission and approved by the City Council.
8. Landscaping and Screening: Please clarify the text such as "...at least one (1) tree per 500 square feet of street yard (using the 35' minimum setback pursuant to Zoning Code Section 11-7I-5.E) and..."
9. Landscaping and Screening: Please clarify that the Street Yard tree planting requirements attending any new public or private streets constructed within or adjacent to the development will be Street Yards as would otherwise be required by the RM-3 district pursuant to Zoning Code Section 11-7I-5.E.
10. Landscaping and Screening: Regarding the 6' fence, please replace cardinal directions references with "around all property perimeters," or with more specifics if that is not the intent.
11. Landscaping and Screening: Because the PUD lacks sufficient details for landscaping and screening, please add language such as "To mitigate the visual effects which commonly attend intense uses such as multifamily, and in recognition of Zoning Code Section 11-7I-6, the owner acknowledges that the ultimate landscaping and perimeter requirements may be more than that described in this PUD, in exchange for the special benefits conferred upon the developer by this PUD."
12. Grading and Utility Plans: Regarding the extent of the 100-year Floodplain, please replace the description with "Northeast portions of the subject property, including the singular existing entrance drive, are located within..."
13. Grading and Utility Plans: Please update as appropriate to reflect new sanitary sewer infrastructure as per the City Engineer's review memo.
14. Grading & Utility Plans: The plat of Shadow Valley Mobile Home Park indicates [Utility] Easements cut through the central parts of the platted area, which will likely ultimately frustrate reasonable multifamily site development plans. Although easement information for the northerly part of the manufactured home park was not provided to the City, it is reasonable to expect some measure of U/Es or other easements may affect the northerly part. The PUD Text should explain here whether the plat of Shadow Valley Mobile Home Park or otherwise its internal U/Es, and if any other inconvenient easements affecting either lot of record will be vacated prior to replatting for the redevelopment.
15. Access and Circulation: Please modify language to incorporate City Staff recommendations pertaining to ultimate access serving the multifamily redevelopment on the subject property. All references to private Residential Collector Streets (for primary access) or Low Density Residential Minor Streets (for secondary access) should specify that the same will be designed and constructed to City of Bixby minimum standards for corresponding public streets per Subdivision Regulations Section 9.2.2 and the Bixby Engineering Design Criteria Manual.
16. Access and Circulation: Please provide language specifying the potential for through access to the PUD 85 development property to the south during the platting and site plan approval stages. Through access provisions may ultimately take the form of platted Public right-of-way allowing for future connection by third parties.
17. Access and Circulation: Please modify language, "The existing driveway along the east side shall be improved as a public or private street and/or private drive and removed from the 100 Year..."
18. Access and Circulation: Please modify language, "A second public or private access road..."
19. Access and Circulation: Please remove term "eventually" and add language providing that no Building Permits shall be issued for any building within PUD 87 until both required means of ingress/egress have been constructed and/or reconstructed and approved by the City Engineer.
20. Access and Circulation: Please add language acknowledging the existing sidewalk along 151st St. S. and specifying its width.
21. Access and Circulation: Please acknowledge the sidewalk construction requirement with language such as "In accordance with the Bixby Subdivision Regulations, sidewalks shall be constructed by the developer along all public or private streets and/or private drives and shall connect the internal sidewalk network to the existing sidewalk along 151st St. S. New sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer."

22. Access and Circulation: Please address trail matters as discussed above in the analysis section of this report.
23. Access and Circulation: Please update language, “A Knox rapid entry system will be installed” with current recommendations / practice such as “A rapid entry system with radio transmitters, approved by the Fire Marshal, shall be installed,” in order to allow access to all emergency responders.
24. Signs & Site Lighting: Consider whether the 32 square feet of maximum display surface area for the multifamily development’s identification sign will be adequate; if not, please specify development standards for same. Sign(s) should be identified on the site plans if known at this time.
25. Signs & Site Lighting: In light of the preceding item, consider qualifying the following sentence as follows: “All signage shall comply with the Bixby Zoning Code except as otherwise specifically provided herein.”
26. Signs & Site Lighting: The specific lighting fixtures proposed are identical to those used in the 2010 PUD for Encore on Memorial. If this is not yet known, the language should be written less specifically.
27. Signs & Site Lighting: Please add a standard that the photometric plan demonstrate 0.0 footcandles at all property boundaries shared with all properties in an RS district and/or actually used for single-family residential.
28. Scheduled Development: Please remove ambiguity by restating such as “late 2016” or “early 2017.”
29. Legal Description: Please consider whether the legal description should include reference to the fact that it contains all of Shadow Valley Mobile Home Park, as Staff used in the legal description for the Public Notice.
30. Exhibits: A conceptual landscape plan, or otherwise a site plan conceptually reflecting proposed landscaping, is a required PUD element per Zoning Code / City Code Section 11-7I-8.B.1.e, and is respectfully requested.
31. Exhibits A, B, and C: The site plans indicate a “Potential Second/ary Access” via an approximately 2.5-acre tract of land at 7102/7106 E. 151st St. S. Per the discussion at the April 01, 2015 TAC meeting, Staff understands that the Applicant has been in discussions with the owner of this property about a such access. If this is not secured prior to PUD approval, the designations on the site plans should be removed and other appropriate adjustments made to require secondary access.
32. Exhibits B and C: Please represent the [Utility] Easements as per the recorded plat of Shadow Valley Mobile Home Park, any other easements of record affecting the subject property, and a minimum 17.5’ perimeter Utility Easement along with description “to be dedicated by plat.”
33. Exhibits B and C: The following corrections or enhancements should be made to Exhibits B and/or C if/as appropriate:
 - a. Please represent and label the width of the existing sidewalk along 151st St. S.
 - b. Please indicate the centerline and dimension the widths of 151st St. S. and dimension the distance between the subject property and the curb line or centerline.
 - c. Please represent curb return radii for the existing driveway intersection with 151st St. S. as represented.
34. Exhibit C: Please correct typos in Exhibit’s title, “Existing Contours & Utilities.”
35. Exhibit C: Please update as appropriate to reflect new sanitary sewer infrastructure as per the City Engineer’s review memo.
36. For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.

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

Co-owner Luke Strawn corrected a statement Erik Enyart had made that suggested that a formal offer may have been or was to have been presented to the residents of the *Shadow Valley Manufactured Home Community*. Mr. Strawn stated that a formal offer had not yet been presented.

Co-owner Neil Dailey stated that there was not an imminent plan for redevelopment; there were no plans drawn up and the land was not under contract. Mr. Dailey stated that [these applications were] an “opportunity to piggy-back on” progress along the 151st St. S. corridor. Mr. Dailey stated that the owners would exceed the minimum required notice to the residents [before they must move], were working with moving companies and trying to achieve economies of scale, were working with existing [manufactured home] parks, and were trying to help “bridge the gap” [between owner-offered relocation assistance and total relocation costs].

Chair Thomas Holland recognized Dominic Rodriguez of 7500 E. 151st St. S. Lot 28 from the Sign-In Sheet. Mr. Rodriguez expressed concern about relocation and asked where the \$1,080 figure quoted in the Staff Report had come from. Erik Enyart responded that it came from an email he had received after the landlord/tenant meeting the City had hosted. Mr. Rodriguez asked Mr. Enyart why he had included that, and Mr. Enyart stated that it was not a part of the rezoning analysis, and so was included in the Background Information, but that, since he had that information, he wanted to make it available to the residents. Luke Strawn stated that it represented 75% of six (6) months’ rent. Mr. Rodriguez stated that mobile home skirting alone costs \$1,100. Mr. Rodriguez expressed concern for the elderly residents and those whose mobile homes would not qualify to move. Mr. Rodriguez stated that the City of Bixby had been a “small town for so long,” but that it was now a “utopia of overflowing money.” Mr. Rodriguez stated that the residents should be “compensated properly.” Mr. Rodriguez noted that the Staff Report had referred to a TAC meeting and expressed concern that notice was not given for that meeting. Mr. Enyart stated that the Technical Advisory Committee was primarily composed of utility companies and its purpose was to discuss technical matters pertaining to development or redevelopment, such as utility easement locations, etc. Mr. Enyart noted that notice was not required for TAC meetings.

Luke Strawn discussed the manufactured home park business, the need to invest the money back into the property, and recent progress on fixing water, sewer, and road issues. Mr. Strawn stated that the meeting with [representatives of the tenants] was “very productive,” and that the owner and residents “continue to make more progress.” Mr. Strawn stated that [he and the other co-owners] wanted to “improve the property through rezoning.”

Neil Dailey stated that other [manufactured home] parks would love to have more tenants, and discussed the need for economies of scale when working with moving companies.

Dominic Rodriguez addressed the Planning Commission and stated, “Please do not do this to these people. You cannot do this to the poor. It’s immoral. Let it lay in Shadow Valley.”

Chair Thomas Holland recognized Valerie Underhill of 7500 E. 151st St. S. Lot 96 from the Sign-In Sheet. Ms. Underhill stated that, as opposed to other areas with violence, crime, and pollution,

Bixby was calm, clean, and had no violence. Ms. Underhill stated that the [Bixby Public] “school system is fantastic here.” Ms. Underhill expressed concern for lack of maintenance and higher rents. Ms. Underhill expressed concern for those who did not have enough money to move, and indicated that the residents were fighting for their homes since they had “no place else to go.” Ms. Underhill stated that she did not want to move, as [Shadow Valley and/or Bixby] had been “very good to me; secure and safe.” Ms. Underhill expressed concern for crime, violence, and burglary. Ms. Underhill stated that Shadow Valley was already multifamily. Ms. Underhill expressed concern that the water, streets, and trees were not fixed.

Chair Thomas Holland admonished Valerie Underhill to focus on the rezoning applications and noted that the subject property was private property and that the private matters were between the owner and the renters.

Chair Thomas Holland recognized Mandy Brungardt of 7500 E. 151st St. S. Lot 10 from the Sign-In Sheet. Ms. Brungardt expressed concern for the adequacy of access across the Arkansas River. Ms. Brungardt stated that the schools had already taken a budget cut, that more schools were needed, and that the school district had not had enough time to catch up. Ms. Brungardt stated that most of the stores were on the other side of [the Arkansas River], and expressed concern that people were paying [sales] taxes to Tulsa and not Bixby.

Chair Thomas Holland recognized Rachel Ryan of 7500 E. 151st St. S. Lot 20 from the Sign-In Sheet. Ms. Ryan stated that she was a student at Bixby High School and would be starting her senior year very soon. Ms. Ryan stated that she would like to stay in Bixby.

Chair Thomas Holland recognized Darrin Wells of 7500 E. 151st St. S. Lot 47 from the Sign-In Sheet. Mr. Wells stated that there was a lot of vacant land in Bixby, and estimated there were 27 [parcels] [along 151st St. S. from Shadow Valley west] to Harvard [Ave.] which contained [at least] 20 acres. Mr. Wells suggested that these should be developed first. Mr. Wells stated that he had looked at the other three (3) mobile home parks in Bixby, and [estimated the number of mobile home pad spaces available by] counting driveways. Mr. Wells estimated there were 65 spaces in the [*Riverbend Manufactured Home Community*] north of the Arkansas River, and 17 in the two (2) mobile home parks south of the river, but that [the *Shadow Valley Manufactured Home Community*] had five (5) more than that. Mr. Wells stated that the residents were basically being told to “get out.” Mr. Wells expressed concern for having to move out. Mr. Wells asked, rhetorically, “When you talk to God, will he say, ‘Look what you did to these people,’ or ‘Well done’?”

Chair Thomas Holland recognized Ruthie Gunnells of 5888 E. 165th St. S. from the Sign-In Sheet. Ms. Gunnells stated that [she and her family] had moved from Tulsa to get away from the Tulsa violence and schools, that her son had lived [in the *Shadow Valley Manufactured Home Community*] for 16 years and that her granddaughters had lived in town their whole lives. Ms. Gunnells expressed concern that [her granddaughters] would have to relocate to another school district. Ms. Gunnells stated that she had always known Bixby to be kind, and expressed concern that the City would “throw your own people out and bring others in.” Ms. Gunnells expressed concern that her granddaughters would not be able to graduate from Bixby High School, and stated that they were good kids earning straight As. Ms. Gunnells suggested City officials would refer to residents as “mobile home people,” and stated that these [manufactured homes] were their homes.

Ms. Gunnells stated, "I like Bixby," expressed concern for her family members having to relocate, expressed concern for drugs and violence, and expressed concern for the effect on families if there were [another] wreck on [the Memorial Dr.] bridge. Ms. Gunnells stated, "Please consider not rezoning. Save these peoples' homes." Ms. Gunnells described Bixby as "quiet, country, safe," and asserted that Tulsa had [one of the] highest crime rates in the U.S. Ms. Gunnells stated that she did not want the property rezoned, and stated "Please consider not rezoning. Thank you."

Chair Thomas Holland recognized Rick Ryan of 7500 E. 151st St. S. Lot 20 from the Sign-In Sheet. Mr. Ryan stated that he had lived here for 17 years. Mr. Ryan stated that Erik Enyart and Patrick Boulden seemed to support this, and asked what they were "getting out of this." Mr. Holland stated that Mr. Enyart and Mr. Boulden were just doing their jobs and admonished Mr. Ryan not to engage in such accusations. Mr. Ryan suggested that the firefighters be asked if they want to fight a four (4) story meth lab fire, and suggested this is what Bixby would get if it approved apartments. Mr. Ryan stated that this was "not a good idea."

Chair Thomas Holland recognized Emily Ryan of 7500 E. 151st St. S. Lot 20 from the Sign-In Sheet. Ms. Ryan stated that she lived and graduated and now teaches in Bixby Public Schools, and that she loved to go to work every day and loved to see the kids. Ms. Ryan stated that the kids [living in the *Shadow Valley Manufactured Home Community*] were scared, and could not afford to relocate. Ms. Ryan stated that the schools were already overcrowded. Ms. Ryan stated, "I like it here. This is my home and I would like it to stay that way."

Chair Thomas Holland thanked those who spoke for expressing their thoughts and concerns. Mr. Holland stated that the City must respect the rights and privileges of other people. Mr. Holland stated that he had lived in a manufactured home before, and "We don't refer to people as 'mobile home people,'" so this insinuation was not correct.

A question was asked about when the owners would develop the property, and Erik Enyart clarified that he understood that, if approved for rezoning, the owners would sell the property to a third party, which third party would then redevelop it.

Chair Thomas Holland asked to entertain a Motion, if there were no other questions.

Jerod Hicks asked if the Commissioners could collaborate for a moment. Another Commissioner stated that the Commissioners can discuss it but publicly. A Commissioner asked if the Commissioners could be sued if it failed to take a Motion. It was noted that the Commissioners are not paid, but rather were volunteers. Patrick Boulden confirmed that a suit could be filed in District Court, and that the ordinance required that the Commission vote to recommend approval, or as amended, or that the applications be denied. Mr. Boulden stated that this would ultimately be decided by the City Council.

Jerod Hicks asked Steve Sutton for his thoughts. Mr. Sutton stated, "Regardless of what we do, this goes to the City Council."

Chair Thomas Holland stated that the "politics falls on another body" and noted the City Council would see this next.

Erik Enyart stated that the City Council would vote on this as soon as Tuesday of the following week, if not for some unforeseen delay.

Dave Farrell asked how the City Council room would handle all the people, and predicted that the attendance would be “probably double this.” Erik Enyart stated that the Municipal Courtroom in this building had a live video feed that could be used.

Samantha Butler asked if the City Council did not always follow the Staff recommendation. Patrick Boulden responded that it sometimes did, and sometimes did not. Steve Sutton stated that he had been on both the Planning Commission and City Council, and that it “comes down to the discussion by the five (5) [City Councilors].”

Mandy Brungardt asked if there was a conflict of interest, as City Councilor Brian Guthrie worked for McGraw Realtors. Patrick Boulden responded, “There appears to be, yes,” but that “I need to know more about” this matter.

There being no further discussion, upon clarification of the Motion with Erik Enyart, Chair Thomas Holland made a MOTION to Recommend Approval of both BZ-381 and PUD 87 with all the recommendations of City Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, and Hicks.
NAY: Sutton.
ABSTAIN: None.
MOTION PASSED: 3:1:0

Most of everyone in attendance left around this time at 7:05 PM.

5. **PUD 88 – “Yale 31 Corporation PUD” – Pittman Poe & Associates, Inc., Brooks Pittman.** Public Hearing, Discussion, and consideration of a rezoning request for approval of Planned Unit Development (PUD) # 88 for approximately 1.25 acres consisting of the S/2 of the SE/4 of the NE/4 of the NE/4 of the NE/4 of Section 11, T17N, R13E, with proposed underlying zoning CG General Commercial District.
Property Located: 13164 S. Memorial Dr.

6. **BZ-382 – Pittman Poe & Associates, Inc., Brooks Pittman.** Public Hearing, Discussion, and consideration of a rezoning request from RS-1 Residential Single-Family District to CG General Commercial District for approximately 1.25 acres consisting of the S/2 of the SE/4 of the NE/4 of the NE/4 of the NE/4 of Section 11, T17N, R13E.
Property Located: 13164 S. Memorial Dr.

Chair Thomas Holland introduced the two (2) related items and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, May 14, 2015

RE: *Report and Recommendations for:*
PUD 88 – “Yale 31 Corporation PUD” – Pittman Poe & Associates, Inc., Brooks Pittman &
BZ-382 – Pittman Poe & Associates, Inc., Brooks Pittman

LOCATION: – 13164 S. Memorial Dr.
– The S/2 of the SE/4 of the NE/4 of the NE/4 of Section 11, T17N, R13E

SIZE: 1.25 acres, more or less

EXISTING ZONING: RS-1 Residential Single-Family District

EXISTING USE: Vacant commercial building

REQUESTED ZONING: CG General Commercial District & PUD 88

SUPPLEMENTAL ZONING: Corridor Appearance District

SURROUNDING ZONING AND LAND USE:

North: CG & RS-1; The Twisted Soul Sisters retail business at 13160 S. Memorial Dr., a vacant lot owned by Valley National Bank, and the Valley National Bank branch at 13112 S. Memorial Dr., all zoned CG. There is additional CG zoning farther north at the northwest corner of 131st St. S. and Memorial Dr. There are residential homes along both sides of 131st St. S. west of Valley National Bank zoned RS-1.

South: CG; The East China Buffet restaurant, the Car Country used auto sales lot, and other businesses zoned CG in Riverview Plaza and Riverbend Commercial Center Amended.

East: (Across Memorial Dr.) CG & RS-1; The building complex containing the Green Acres Sod Farm, Inc. Corporate Office and the Sam’s Hamburgers & Chili restaurant; to the northeast is the South Plaza Center shopping center and the Kum & Go gas station; to the southeast is the Riverview Missionary Baptist Church zoned RS-1 and CG.

West: AG, RS-4, & RS-1; Rural residential and vacant land zoned AG. Farther west is single-family residential zoned RS-4 in Abbie Raelyn Estates and unplatted residential tracts along 78th E. Ave. zoned RS-1.

COMPREHENSIVE PLAN: Medium Intensity + Commercial Area + Corridor

PREVIOUS/RELATED CASES:

BBOA-424 – Gary Fleener for Yale 31 Corporation – Request for Special Exception for a Use Unit 5 preschool/daycare center in an RS-1 district for subject property – BOA Approved 07/13/2004.

RELEVANT AREA CASE HISTORY: (not a complete list)

BZ-34 – L.C. Neel – Request for rezoning from RS-1 to CG for 3.5 acres to the east of subject property (now the South Plaza Center shopping center and the building complex containing the Green Acres Sod Farm, Inc. Corporate Office and the Ron’s Hamburgers & Chili restaurant) – PC Recommended Approval 03/17/1975 and Town Board of Trustees Approved 05/06/1975 (Ord. # 292).

BZ-35 – L.C. Neel – Request for rezoning from AG to CG for 10 acres (NW/4 SW/4 NW/4) to the south of subject property – PC Recommended Approval 03/17/1975 and Town Board of Trustees Approved 05/06/1975 (Ord. # 292).

BZ-56 – Adrian Watkins for Watkins Brothers – Request for rezoning from AG to CG for approximately 6.25 acres to the south of subject property (now part of Riverview Plaza and part of Riverbend Commercial Center) – PC Recommended Approval 08/29/1977 and Town Board of Trustees Approved 09/19/1977 (Ord. # 336).

BZ-62 – Vernon L. Morgan – Request for rezoning from RS-1 to CG for approximately 1 acre to the northeast of subject property (now the Kum & Go gas station and the KC Auto Repair automobile repair business) – PC Recommended Approval 01/30/1978 and Town Board of Trustees Approved 08/07/1978 (Ord. # 361).

BZ-63 – Alfred A. Smith – Request for rezoning from AG to Residential for property of approximately 13.75 acres to the west of subject property (now the Abbie Raelyn Estates and unplatted residential tracts along 78th E. Ave.) – City Council Approved RS-1 08/07/1978 (Ord. # 362).

BZ-83 – Delcia G. Wilson – Request for CG, RMH, & RM-2 zoning for approximately 70 acres to the south of subject property (now the Riverbend South and areas along and to the south of 134th St. S.) – PC Recommended Approval and City Council Approved 04/07/1980 (Ord. # 390 Amended by Ord. # 536 on 01/14/1986).

BZ-129 – Watkins Sand Co., Inc. – Request for rezoning from RS-1 to CG for approximately 1.25 acres to the south of subject property (now part of Riverview Plaza) – PC Recommended Approval 01/31/1982 and City Council Approved 02/07/1983 (Ord. # 472).

BBOA-142 – Ray A. Bliss for Watkins Sand Co., Inc. – Request for Special Exception to allow a horticultural nursery in a CG district on approximately 1.25 acres to the south of subject property (now part of Riverview Plaza) – BOA Conditionally Approved 02/18/1985 per case notes.

BZ-176 – L.C. Neel – Request for rezoning from RM-3 to CG for a strip of land along the south side of the Riverview Missionary Baptist Church to the southeast of subject property – PC Recommended Approval 08/25/1986 and City Council Approved 09/23/1986 (Ord. # 543).

BBOA-209 – Wilson Memorial Properties – Request for Variance from the 26' maximum building height to 30' to permit construction of the Daily Family YMCA of Bixby on property to the south of subject property (platted/replatted as Bixby YMCA) – BOA Approved 01/03/1989 per case notes.

BBOA-222 – Dale Isgrigg for Bixby YMCA – Request for Variance of the 170 parking spaces to 87 for the Daily Family YMCA of Bixby on property to the south of subject property in the Bixby YMCA subdivision – BOA Approved 12/04/1989 per case notes.

BZ-194 – Brewer Construction for Mildred Mattlock – Request for rezoning from RS-1 to CG for approximately 1 acre (the N/2 W/2 E/2 NW/4 NW/4 NW/4 of Section 12, T17N, R13E) to the northeast of subject property at the 8200-block of E. 131st St. S. – PC Recommended Approval 01/15/1990 and City Council Approved 02/12/1990 (Ord. # 642).

BBOA-253 – Jack Selby – Request for Variance of the 600 square foot maximum floor area for detached accessory building in the RS-1 district to permit the existing 720 square foot accessory building for property located to the southeast of subject property at 8300 E. 133rd St. S., Lot 1, Block 3, Gardenview Addition – BOA Approved 07/06/1992 per case notes.

BBOA-254/BBOA-254a – Tim Terral of Pittman, Poe and Associates, Inc. for Lorice T. Wallace – Request for Special Exception to allow a Use Unit 5 golf course in an AG district on 145.1 acres to the southwest of subject property (see PUD 13/13A) – BOA Approved Revised Application 01/04/1993 per case notes.

PUD 13/13A / BZ-201/201A – “River Oaks” – Pittman, Poe and Associates, Inc. – City of Bixby applications (part of the overall 278-acre, dual-jurisdiction PUD for “River Oaks,” a golf and residential development, with the Bixby portion containing approximately 215 acres) requesting RS-1 and AG zoning and then RS-1 and CS zoning and PUD approval for approximately 215 acres to the southwest of subject property – Approved for RS-1 and AG zoning in January, 1993 (Ord. # 681 and # 682) and then re-approved for RS-1 and CS zoning, removing the part that became the Fry Creek Channel and zoning the same AG, in June, 1994 (Ord. # 703 and # 704).

BBOA-265 – Diane Sheridan – Request for Special Exception to allow the replacement of a mobile home with a new mobile home in the RS-1 district on approximately 1/3 acre to the northeast of subject property in the 8300-block of E. 131st St. S. (but addressed 8150 E. 131st St. S.) – Withdrawn by Applicant 07/20/1993.

BBOA-284 – Troy Hood – Request for Special Exception for a ministorage development in the (requested) CG district for property of approximately 8 acres to the west of subject property (now the Abbie Raelyn Estates and unplatted residential tracts along 78th E. Ave.) (related to BZ-211) – BOA Denied in November, 1994.

BZ-211 – Troy Hood – Request for rezoning from RS-1 to CG for property of approximately 8 acres to the west of subject property (now the Abbie Raelyn Estates and unplatted residential tracts along 78th E. Ave.) (related to BBOA-284) – Withdrawn in November, 1994.

BBOA-327 – Ted Hill / Jay Ward – Request for Variance from the 100' lot width requirement in the CG district for Lot 1, Block 2, Riverbend Commercial Center (13402 and 13404 S. Memorial Dr.) to the south of subject property to allow for Lot-Split – BOA Approved 04/07/1997 per case notes.

BZ-268 – Rob Brewer – Request for rezoning from CS to CH for 0.4 acres to the northeast of subject property at the 8300-block of E. 131st St. S. – PC Tabled 11/20/2000 and no ordinance and no record found suggesting application further pursued.

BBOA-373 – Bill Ramsey – Request for Special Exception to place a temporary sales building for the Use Unit 17 Automotive and Allied Activities sale of trucks and horse trailers in a CG district on property abutting to the north of subject property (now the VNB Addition) – BOA Approved 11/05/2001.

BBOA-401 – Riverview Missionary Baptist Church – Request for Special Exception to allow a Use Unit 5 church use in the RM-3 district for approximately 5 acres across Memorial Dr. to the southeast of subject property – BOA Approved 04/07/2003.

BBOA-408 – Abbas Momeni – Request for Variance from a ground sign setback requirement for the Car Country used automobile sales lot at 13288 S. Memorial Dr. to the south of subject property – BOA Approved 09/02/2003.

BZ-309 – Kenneth D. Laster – Request for rezoning from RS-1 to RS-4 for property of approximately 6.81 acres to the west of subject property (now the Abbie Raelyn Estates and unplatted residential tracts along 78th E. Ave.) – Approved 02/14/2004 (Ord. # 901).

BBOA-452 – Jim Capps for Riverview Missionary Baptist Church, Inc. – Request for Variance to allow a manufactured or modular building to be used as a classroom for the Riverview Missionary Baptist Church across Memorial Dr. to the southeast of subject property – Withdrawn in April, 2007.

Preliminary & Final Plat of VNB Addition – Request for Preliminary & Final Plat approvals and certain Waivers/Modifications for property to the north of subject property – PC recommended Conditional Approval 02/18/2008 and City Council Conditionally Approved 02/25/2008 (Plat # 6192 recorded 03/14/2008).

BBOA-472 – Acura Neon, Inc. for Valley National Bank – Request for Variance from Zoning Code Section 11-9-21.C.2 to allow an electronic / LED-lighted variable message board sign in the CG General Commercial District for Lot 1, Block 1, VNB Addition located to the north of subject property at 13112 S. Memorial Dr. – BOA Approved 05/05/2008 (electronic / LED-lighted signage restriction removed by emergency ordinance on June 09, 2008).

BCPA-1 – Randall Pickard for Jim & Nannette Neafus – Request for approval of Amendment # 1 to the Comprehensive Plan Land Use Map to redesignate from Low Intensity to Medium Intensity and from Residential Area to Commercial Area for approximately 1.25 acres to the north of subject property at 8050 E. 131st St. S. – Withdrawn by Applicant 07/07/2008.

BCPA-2 – Randall Pickard for Matthew & Tia Smith – Request for approval of Amendment # 2 to the Comprehensive Plan Land Use Map to redesignate from Low Intensity to Medium Intensity and from Residential Area to Commercial Area for approximately 1.25 acres to the north of subject property at 7840 E. 131st St. S. – Withdrawn by Applicant 07/07/2008.

BBOA-574 – John Filbeck for Riverview Missionary Baptist Church, Inc. – Request for Variance from certain signage restrictions for a Use Unit 5 church in the RS-1 Residential Single-Family District for the Riverview Missionary Baptist Church across Memorial Dr. to the southeast of subject property – BOA Approved 04/01/2013.

BBOA-576 – Jack Selby for the Bixby Rotary Club and Bixby Funeral Service – Request for Appeal of a sign building permit denial, and the interpretation on which it was based, pursuant to Zoning Code Sections 11-4-6 and 11-4-7, which permit proposed the construction of signs on property in the CG General Commercial District, and to allow the project development to proceed for a 1-acre tract to the south of subject property at the northeast corner of the intersection of 134th St. S. and Memorial Dr. – Withdrawn by Applicant 06/03/2013.

BBOA-586 – Thomas Black – Request for Variance from the accessory building maximum floor area per Zoning Code Section 11-8-8.B.5 to allow a new 1,200 square foot accessory building in the rear yard for property in the RS-1 Residential Single-Family District for a residence to the northeast of subject property at 8301 E. 131st Pl. S. – BOA Conditionally Approved 04/07/2014.

BACKGROUND INFORMATION:

PUD 88 is being filed in support of the request for rezoning to CG (commercial) pursuant to the new PUD requirement for commercial rezonings within commercial Corridors of the Bixby Comprehensive Plan.

Pursuant to a discussion with the City Council at a Worksession meeting held May 27, 2014, City Staff prepared an amendment to the Comprehensive Plan and an amendment to the Zoning Code (1) to establish policy preferring retail land uses and PUDs within Bixby's commercial corridors, and (2) to require PUDs when granting commercial rezoning entitlements in same.

On July 14, 2014, the Planning Commission held a Special Meeting concurrent with the City Council's Regular Meeting to consider certain changes to the Bixby Comprehensive Plan (BCPA-11) and Zoning Code, all in an effort to encourage retail commercial uses within the City of Bixby. The Planning Commission recommended, and the City Council subsequently approved (Ord. # 2137) all changes. BCPA-11 provided specific policy language preferring retail commercial uses and PUDs within

commercial corridors, which in turn supported an amendment to Zoning Code Section 11-5-2 requiring PUDs in these corridors when rezoning to commercial. Zoning Code Section 11-5-2 included a flexibility provision allowing the City Council to “Waive this requirement upon finding of sufficient good cause.”

As described more fully in the General section of this analysis, these applications do not seek to convert the property to a retail use. However, retail use would become more likely in the future if rezoned to CG with this PUD, than if it remains zoned RS-1.

ANALYSIS:

Subject Property Conditions. The subject property of approximately 1.25 acres is zoned RS-1 and contains a vacant commercial building previously occupied by a daycare center, last or at one point doing business as DeStiny Learning Academy and/or “Sports Destiny Learning Academy.” Per the PUD, the single-story brick building contains 7,000 to 8,000 square feet. The building is located at the back / west end of the property, and a large parking lot extends toward Memorial Dr. The subject property is unplatted and Tulsa County Assessor’s parcel records do not reflect any right-of-way has been acquired from it; presumably, ODOT/the Public has an easement on the property corresponding to the U.S. Hwy 64 / Memorial Dr. highway.

The subject property has approximately 165’ of frontage on Memorial Dr. two (2) existing driveway connections thereto. To the west of and parallel to the highway is an existing concrete trail.

The subject property is relatively flat and drainage patterns are not clear. The subject property may drain northerly and/or easterly. The ultimate drainage basin is not clear.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.). Plans for utilities are adequately described in the text and represented on Exhibit C, and are discussed further in the City Engineer’s memo.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity, (2) Commercial Area, (3) and Corridor.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the requested CG district May Be Found In Accordance with both the Medium Intensity and Corridor designations of the Comprehensive Plan Land Use Map.

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

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

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

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

The site is developed, and so this test does not appear to apply. Staff notes, however, that the requested CG district and commercial use should be considered substantially consistent with the Commercial Area land use designation of the Comprehensive Plan Land Use map.

Per the Matrix, PUDs (as a zoning district) are In Accordance with both the Medium Intensity and Corridor designations of the Comprehensive Plan Land Use Map. Provided it is approved with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below, Staff believes that PUD 88 should be found In Accordance with the Comprehensive Plan as a zoning district.

Due to all of the factors listed and described above, Staff believes that the proposed CG zoning and commercial use proposed per PUD 88 should be found In Accordance with the Comprehensive Plan, provided they are approved together and with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below.

General. The PUD provides that “The owners objective is to initially lease the existing building with uses that would follow in accordance with uses allowed in the City of Bixby’s CG Zoning uses groups.” Currently, the subject property is only “Zoned” for a Use Unit 5 preschool/daycare center

pursuant to BBOA-424. Per pre-application discussions with the Applicant and a prospective tenant, Staff understands that the currently-expected tenant would be a pet boarding facility with related grooming services; a veterinary clinic element is suggested by the language of the PUD but intent for this use element is not clear. Zoning Code Section 11-2-1 would recognize the pet boarding element as a "kennel" use, which would cause the use in Bixby to fall under Use Unit 15. A Use Unit 15 business such as this is allowed by right in the requested CG district.

Zoning Code Sections 11-10-1.C and 11-11-8.C may trigger the requirement that parking and loading be brought up to code by the conversion of the use from a Use Unit 5 preschool/daycare center to a Use Unit 15 kennel, or other commercial uses. Existing parking conditions are not clear. The parking lot has some faded parking striping, so parking number counts cannot be precisely determined. The building may not have the one (1) loading berth required for a Use Unit 15 kennel per Zoning Code Section 11-9-15.D. As recommended by Staff, if parking areas are not counted and found reconciled with parking standards required, the PUD has been amended and now has language specifically stating that no changes to parking or loading are contemplated by the use conversion of the existing building, and by this PUD, no changes are required.

Because the review methodology is similar, and both applications are essentially rezoning-related and propose to prepare the subject property for the same commercial use and future redevelopment, this review will, for the most part, include both applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

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

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

The Technical Advisory Committee (TAC) discussed PUD 88 at its regular meeting held May 06, 2015. Minutes of that meeting are attached to this report.

Access and Internal Circulation. The subject property has approximately 165' of frontage on Memorial Dr. two (2) existing driveway connections thereto. The subject property also has access to Memorial Dr. via an existing internal drive connection to the Twisted Soul Sisters retail business parking lot to the north. To the west of and parallel to the highway is an existing concrete trail.

No changes to existing access or circulation networks are proposed by this PUD.

Existing access can be inferred from the aerial exhibits.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily CG, AG, RS-1, and RS-4. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

Abutting the subject property to the north is the Twisted Soul Sisters retail business at 13160 S. Memorial Dr., a vacant lot owned by Valley National Bank, and the Valley National Bank branch at 13112 S. Memorial Dr., all zoned CG. There is additional CG zoning farther north at the northwest corner of 131st St. S. and Memorial Dr. To the northwest, there are residential homes along both sides of 131st St. S. west of Valley National Bank zoned RS-1.

South of the subject property are the East China Buffet restaurant, the Car Country used automobile sales lot, and other businesses zoned CG in Riverview Plaza and Riverbend Commercial Center Amended.

Across Memorial Dr. to the east is the building complex containing the Green Acres Sod Farm, Inc. Corporate Office and the Sam's Hamburgers & Chili restaurant, all zoned CG. To the northeast is the South Plaza Center shopping center and the Kum & Go gas station, all zoned CG. To the southeast is the Riverview Missionary Baptist Church zoned RS-1 and CG.

West of the subject property is rural residential and vacant land zoned AG. Farther west is single-family residential zoned RS-4 in Abbie Raelyn Estates and unplatted residential tracts along 78th E. Ave. zoned RS-1.

The proposed CG zoning and commercial use PUD would be consistent with the CG zoning and commercial uses abutting to the north, east, and south, and would be a logical extension of this large, established CG district.

For all the reasons outlined above, Staff believes that CG zoning and PUD 88 would be consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

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

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

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

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

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

C. Provide and preserve meaningful open space; and

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

Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C are met in this application.

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

- 1. The approval of CG zoning shall be subject to the final approval of PUD 88 and vice-versa.*
- 2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item will be addressed by the “Standard City Requirements” section to the PUD Text.*

A Planning Commissioner expressed concern that the PUD did not restrict land uses to retail uses. Erik Enyart stated that the currently contemplated tenant, a pet grooming and boarding, “kennel” use, was not a retail use. Mr. Enyart stated that the Comprehensive Plan and Zoning Code amendments from the previous summer were designed to encourage retail use, but the PUD requirement was understood to be an opportunity, when the developer, typically of an undeveloped tract, comes to the city proposing a shopping center or retail use, for the City to then ask that the PUD restrict to retail uses, but that was not the case here. Mr. Enyart stated that he personally felt that there was a better chance of the property being redeveloped for retail, hopefully sooner than later, if it was approved for rezoning to commercial.

Steve Sutton confirmed with Erik Enyart that the PUD contained everything that Mr. Enyart believed it should.

There being no further discussion, Jerod Hicks made a MOTION to Recommend APPROVAL of PUD 88 and BZ-382 as recommended by Staff. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

OTHER BUSINESS (Resumed)

- 7. **PUD 80 – Wood Hollow Estates – Minor Amendment # 2.** Discussion and possible action to approve Minor Amendment # 2 to PUD 80 for all of *Wood Hollow Estates*, approximately 20 acres, which amendment proposes amending setbacks pertaining to garages and making certain other amendments.

Property Located: All of *Wood Hollow Estates*; intersection of 123rd Pl. 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, May 14, 2015*
RE: *Report and Recommendations for:
PUD 80 – Wood Hollow Estates – Minor Amendment # 2*

LOCATION: – *Intersection of 123rd Pl. S. and Sheridan Rd.*
– *All of Wood Hollow Estates*
– *The S/2 of Government Lot 4 (NW/4 NW/4) of Section 02, T17N, R13E*

SIZE: *20 acres, more or less*

EXISTING ZONING: *RS-3 with PUD 80 for “Wood Hollow Estates”*

SUPPLEMENTAL ZONING: *PUD 80 for “Wood Hollow Estates”*

EXISTING USE: *Vacant/wooded single-family residential lots with a few houses under construction*

REQUEST: *Minor Amendment to PUD 80, which amendment proposes amending setbacks pertaining to garages and making certain other amendments*

SURROUNDING ZONING AND LAND USE:

North: *RS-2/CS/OL/PUD 53 and AG; The WoodMere commercial and residential subdivision on 20 acres and 121st St. S. to the north of that; to the northeast is a vacant/wooded 1-acre tract just east of WoodMere and a 2-acre “taxed Tribal Land” tract, which contained the Three Oaks Smoke Shop located at 7060 E. 121st St. S. until its recent removal; to the northwest are vacant commercial lots zoned CS in the “Crestwood Crossing” section of Crestwood Village in the City of Tulsa.*

South: *RS-4; The Seven Lakes I, Seven Lakes II, Seven Lakes III, and Seven Lakes IV residential subdivisions, and additional vacant land zoned RS-4 conditionally approved for Final Plats of “Seven Lakes V” and “Seven Lakes VI.”*

East: *AG; Vacant/wooded land owned by Tulsa County and the City of Bixby for the “wetland mitigation” and “hardwood mitigation” areas, respectively, and a concrete-bottomed drainage channel, all related to the development of the Fry Creek channel system around the year 2000, and farther east is the Fry Creek Ditch #2.*

West: (Across Sheridan Rd.) AG; Agricultural land, including 64 acres recently acquired by Bixby Public Schools, and the City of Tulsa's lift station facility, all in the Tulsa City Limits.

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

PREVIOUS/RELATED CASES:

PUD 80 "Wood Hollow Estates" & BZ-367 – Sack & Associates, Inc. – Request for rezoning to RS-3 and PUD approval for subject property – PC recommended Conditional Approval 10/21/2013 and City Council Approved final version of PUD incorporating Staff and PC recommendations 10/28/2013 (Ord. # 2124).

Preliminary Plat of "Wood Hollow Estates" – Sack & Associates, Inc. – Request for approval of a Preliminary Plat and certain Modifications/Waivers for subject property – PC recommended Conditional Approval 10/21/2013 and City Council Conditionally Approved 10/28/2013.

Final Plat of "Wood Hollow Estates" – Sack & Associates, Inc. – Request for approval of a Final Plat and certain Modifications/Waivers for subject property – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014. One of the Conditions of Approval was consistent with the Staff's recommendation to restore the 17.5' Perimeter U/E or otherwise request, justify, and receive approval of a Modification/Waiver and a PUD Minor Amendment for same. Pursuant to these additional approvals, City Council Conditionally Approved a Revised Final Plat 09/22/2014 (Plat # 6563 recorded 09/30/2014).

Modification/Waiver – "Wood Hollow Estates" – Sack & Associates, Inc. (PUD 80) – Request for Modification/Waiver to reduce and/or remove certain portions of the 17.5' Perimeter Utility Easement as required by Subdivision Regulations Section 12-3-3.A pursuant to Subdivision Regulations Section 12-3-5.B for subject property – PC recommended Partial Approval 04/21/2014 and City Council Partially Approved 04/28/2014.

PUD 80 "Wood Hollow Estates" – Minor Amendment # 1 – Request for Minor Amendment # 1 to PUD 80, which amendment proposed making certain subdivision design modifications pertaining to Utility Easements and making certain other amendments for subject property – PC Conditionally Approved 04/21/2014, subject to City Council approval, and City Council Conditionally Approved 04/28/2014.

BACKGROUND INFORMATION:

The need for this amendment was identified during the review of a Building Permit for a house now under construction on corner Lot 22, Block 2, Wood Hollow Estates. The language presently requires a 20' side yard setback for garages. This amendment proposes to qualify this setback to only apply to garages that face the street. In the interest of time, the Applicant amended the building plans to comply with the setback as now required.

Upon approval of this PUD Minor Amendment, the Applicant may elect to amend the Deed of Dedication and Restrictive Covenants of the plat of Wood Hollow Estates, but is not required to do so as per the provisions of the Amendment section thereof.

ANALYSIS:

Subject Property Conditions. The subject property of 20 acres is quite flat and appears to drain, if only slightly, in southerly and/or easterly directions. The Wood Hollow Estates development has been designed and constructed to drain to the east to Fry Creek Ditch # 2, or to a drainage channel which drains into Fry Creek Ditch # 2, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned RS-3 with PUD 80 and consists of vacant/wooded single-family residential lots with a few houses under construction. In late 2013, the small, old house in its extreme southwest corner, addressed 12307 S. Sheridan Rd., was removed in preparation for this development.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has access to the stormwater drainage in the Fry Creek Ditch # 2 to the east.

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

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the existing RS-3 zoning is In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the existing RS-3 zoning would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted

as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Per the Matrix, PUDs (as a zoning district) are In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map, and thus PUD 80 is In Accordance with the Comprehensive Plan as a zoning district.

The Wood Hollow Estates subdivision is consistent with the existing RS-3 zoning, which zoning is consistent with the Comprehensive Plan.

Due to the relatively limited scope of proposed changes, the proposed PUD 80 Minor Amendment # 2 should be recognized as being not inconsistent with the Comprehensive Plan.

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

This Minor Amendment # 2 proposes to amend the language pertaining to greater setbacks for the “front-entry” garages. However, that term may be slightly ambiguous, as a garage on a corner lot may in fact be entered from the front of the lot. Staff proposes using the term “street-facing” garages to avoid ambiguity.

The document provided with this application appears to be an excerpt from the Deed of Dedication and Restrictive Covenants. It is not presently formatted to allow for the intended use of amending the text of the PUD (identifying PUD, outlining scope, citing PUD Text section for amendatory language, etc.). Staff recommends using a more conventional format for PUD Minor Amendment documents, such as the format used for the PUD 81 Minor Amendment # 1.

Because the change is minor and unlikely to elicit objections from the utility company providers, it was not presented to the Technical Advisory Committee (TAC) for comment.

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

Surrounding Zoning and Land Use. See summary hereinabove.

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

1. Please consider using more precise terminology such as “street-facing” garages to avoid ambiguity.
2. The document provided with this application appears to be an excerpt from the Deed of Dedication and Restrictive Covenants. It is not presently formatted to allow for the intended use of amending the text of the PUD (identifying PUD, outlining scope, citing PUD Text section for amendatory language, etc.). Staff recommends using a more conventional format for PUD Minor Amendment documents, such as the format used for the PUD 81 Minor Amendment # 1.

Erik Enyart observed that the Applicant was not present. Mr. Enyart noted that this issue had come up previously in *WoodMere*, and that, in that case, the builder simply redesigned the house to meet the setback, but that a similar amendment may be proposed there as well at some point.

A Commissioner asked how many lots this change would affect, and Erik Enyart estimated four (4).

There being no further discussion, Steve Sutton made a MOTION to APPROVE PUD 80 Minor Amendment # 2 as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

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

NEW BUSINESS:

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

2. Presentation by INCOG on the GO Plan Tulsa Regional Bicycle & Pedestrian Master Plan

Chair Thomas Holland introduced the item and recognized James Wagner, AICP, Principal Transportation Planner for INCOG. Mr. Wagner noted that the regional trails plan was adopted approximately 15 years prior, and now the region had about quadruple the number of trails as then. Mr. Wagner noted that Bixby was almost connected to the regional trails system. Mr. Wagner noted that, as a part of the planning process for this plan, INCOG held several “Walkshops,” which were a collaborative process with the community directly and with staff. Mr. Wagner stated that the plan was now in its fourth iteration, and there were two (2) current goals: create a plan “mission statement” and encourage each city to adopt the plan as a part of their Comprehensive Plan, and [so see community development decisions as through a] lens of connectivity. Mr. Wagner stated that, when a city planned to update its Capital Improvements Plan, these [bicycle and pedestrian elements] could be implemented over time, like the Fry Ditch Trail. Mr. Wagner stated that the plan also included [on-street] bike lanes like on Riverview [Rd.] in front of the High School and 151st St. S. just east of Memorial Dr. Mr. Wagner indicated that [adoption of the plan] would make Bixby eligible for future grant programs, and discussed such programs. Mr. Wagner stated that the plan may be ready for formal proposal in early July, after the [Independence Day] holiday. Mr. Wagner noted that the plan would be considered by the Technical Committee and Policy Committee, and then finally by the INCOG Board of Directors. Mr. Wagner stated that the Public process was running parallel with that. Mr. Wagner stated that interested parties could find more information and participate at www.tulsatrc.org/goplan. Mr. Wagner stated that the Transportation Alternatives Program grant was available with a 20% local match, but it was awaiting Federal reauthorization.

Discussion ensued regarding planned trails. A question was asked regarding funding for trails construction. Erik Enyart noted that many of the trails represented in the plan came from the Bixby Comprehensive Plan, and most of those were on private land. Mr. Enyart stated that, when tracts of land get developed, the City asks the developer to consider implementing their respective planned trails, but this was not a requirement. Jerod Hicks asked if the City could simply ask the developer to give the City an easement, and Mr. Enyart responded that [implementation could take] any form. Chair Thomas Holland confirmed with Erik Enyart that one such form was used in the River Trail II development at 126th St. S. and Memorial Dr. Mr. Enyart stated that, through the PUD process, the City asked, and the developer put language in their PUD that allowed each commercial lot developer to either construct their segment of the planned trail along Fry Creek 1, or the otherwise construct the required sidewalk segment across the deep borrow ditch along the Memorial Dr. roadway, and in the case of the first two (2) buildings under construction, both opted to build their

segments of trail. James Wagner noted that it may help the City's effort to be a part of the regional plan.

Steve Sutton confirmed with Erik Enyart that Mr. Enyart had captured the website link for the Minutes. Mr. Sutton and Mr. Enyart agreed that there were several people in a certain area that were keenly interested in the trails route.

Steve Sutton confirmed that there was no action to be taken at this time, as this was only a presentation for discussion.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:40 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary