

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

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:01 PM.

ROLL CALL:

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

Members Absent: None.

Chair Thomas Holland stated that those wanting to speak would have to sign the Sign-In Sheet, and asked those in attendance to reduce redundancy, by not repeating what a previous speaker had stated, and to limit statements to a maximum of three (3) to five (5) minutes per person.

Chair Thomas Holland gave the floor to Steve Sutton. Mr. Sutton stated that, earlier that day, "We laid to rest [Bixby Police Sergeant] James Kite." Mr. Sutton recited a poem in his honor.

CONSENT AGENDA:

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

Chair Thomas Holland introduced the item and nominated Lance Whisman as Chair. Larry Whiteley nominated Steve Sutton as Vice-Chair. Erik Enyart was nominated as Secretary by acclamation. All nominees agreed to accept the nominated positions if elected.

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

ROLL CALL:

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

Thomas Holland turned the meeting over to new Chair Lance Whisman. The Planning Commissioners and Erik Enyart expressed gratitude to Thomas Holland for his chairmanship [since July 21, 2008].

2. Approval of Minutes for the May 18, 2015 Regular Meeting

Chair Lance Whisman introduced the Consent Agenda item and asked to entertain a Motion. Thomas Holland made a MOTION to APPROVE the Minutes of the May 18, 2015 Regular Meeting as presented by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

3. **BCPA-13 – Mark Thomas of Architects Collective.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan of the City of Bixby, Oklahoma, specifically to remove the “Residential Area” specific land use designation for Lot 11, Block 7, *Amended Plat of Block 7 North Heights Addition*.
Property Located: 7700:8000-block of E. 118th St. S.
4. **PUD 89 – “Auto Oasis PUD” – Mark Thomas of Architects Collective.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 1 1/3 acres consisting of Lots 11, 12, and 13 (less right-of-way of record), Block 7, *Amended Plat of Block 7 North Heights Addition*.
Property Located: 7749 E. 118th St. S. / 7700:8000-block of E. 118th St. S.
5. **BZ-383 – Mark Thomas of Architects Collective.** Public Hearing, discussion, and consideration of a rezoning request from RS-1 Residential Single-Family District to OL Office Low Intensity District for approximately ½ acre consisting of Lot 11, Block 7, *Amended Plat of Block 7 North Heights Addition*.
Property Located: 7700:8000-block of E. 118th St. S.

Chair Lance Whisman introduced the three (3) 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: Friday, July 17, 2015
RE: Report and Recommendations for:
BCPA-13 – Mark Thomas of Architects Collective,
PUD 89 – “Auto Oasis PUD” – Mark Thomas of Architects Collective, &
BZ-383 – Mark Thomas of Architects Collective

(NOTE: BCPA-13 and BZ-383 concern one [1] lot, while PUD 89 concerns three [3] lots).

LOCATION:

PUD 89: – 7749 E. 118th St. S.
– 7700:8000-block of E. 118th St. S.
– Lots 11, 12, and 13 (less right-of-way of record), Block 7, Amended Plat of Block 7 North Heights Addition

BCPA-13/BZ-383:

– 7700:8000-block of E. 118th St. S.
– Lot 11, Block 7, Amended Plat of Block 7 North Heights Addition

LOT SIZE:

PUD 89: approximately 1 1/3 acres in three (3) lots

BCPA-13/BZ-383: approximately ½ acre in one (1) lot

EXISTING ZONING:

PUD 89: CS Commercial Shopping Center District & RS-1 Residential Single-Family District

BCPA-13/BZ-383: RS-1 Residential Single-Family District

EXISTING USE:

PUD 89: Single-family house addressed 7749 E. 118th St. S. and vacant lots to the west and east maintained as additional yard area

BCPA-13/BZ-383: Vacant lot maintained as yard area for the single-family house addressed 7749 E. 118th St. S.

REQUESTED ZONING: OL Office Low Intensity District (Lot 11; existing CS zoning to remain in place for balance) & PUD 89

SUPPLEMENTAL ZONING: Corridor Appearance District

SURROUNDING ZONING AND LAND USE:

North: RS-1; The North Heights Church of Christ in Amended Plat of Block 7 North Heights Addition and the Hardscape Materials and Hardscape Outdoor landscaping sales business and outdoor bulk materials storage yards at 11610, 11708, and 11710 S. Memorial Dr. (last one is now Hardscape Outdoor and was formerly “Sunnyside Gardens”) zoned CG and AG. To the northwest are unplatted residential acreages and agricultural land zoned AG.

South: (Across 118th St. S.) CG/OL/PUD 54, OL, & CS; The Jiffy Lube at 11800 S. Memorial Dr. with a vacant lot zoned OL behind it, both within PUD 54, and farther south are vacant commercial lots and the IBC Bank and other commercial businesses fronting Memorial Dr. zoned OL and CS in Bixby Centennial Plaza.

East: (Across Memorial Dr.) CG & RS-1; Commercial along Memorial Dr., including the Express Lane / Cars & Credit convenience store and used auto sales business (a former gas station), the BTC Television Earth Station, the Western Sun Federal Credit Union, the Kentucky Fried Chicken, the Urgent Care of Green Country, the Shield Screening office building, a vacant commercial lot, and the Calvary Motors, Inc. used car sales lot. Farther east is single-family residential in Southern Memorial Acres and Southern Memorial Acres Extended.

West: RS-1; Single-family residential in North Heights Addition and Amended Plat of Block 7 North Heights Addition.

COMPREHENSIVE PLAN: *Medium/Low Intensity + Residential Area (BCPA-13 requests removal of Residential Area designation from Lot 11)*

PREVIOUS/RELATED CASES:

BZ-182 – Eugene Green – Request for rezoning from RS-1 to CG for (1) Lots 12 and 13, Block 7, Amended Plat of Block 7 North Heights Addition (part of PUD 89 subject property) and (2) Lots 1 and 2 of Block 5, North Heights Addition (later replatted as Lot 1, Block 1, Bixby Jiffy Lube) at 11800 S. Memorial Dr. for a car lot across 118th St. S. to the south of subject property – City Council Approved CS for subject property and CG for lots in Block 5 08/11/1987 (Ord. # 569).

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

BBOA-5 – Carlos Inman – Request for Variance from setback requirements for Lot 14, Block 1, Southern Memorial Acres (then addressed 1817 E. 117th St. S.; now South Tulsa Roofing) to the northeast of subject property at 11643 S. Memorial Dr. – Advertised for BOA hearing 08/11/1970 but no Minutes of such meeting found.

BBOA-7 – Earl Mead Jr. for Git-N-Go Grocery – Request for Variance from certain setback and/or ground sign height requirements for Lot 14, Block 1, Southern Memorial Acres (then addressed 1817 E. 117th St. S.; now South Tulsa Roofing) to the northeast of subject property at 11643 S. Memorial Dr. – Advertised for BOA hearing 06/28/1971 but no Minutes of such meeting found.

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

BBOA-12 – Bill Ramsey [for John & Dixie Smith] – Request for Variance from the 10’ side yard setback along the north side to allow a northerly 38’-wide add-on to the original 1965 60’-wide building, which add-on was under construction before the application was filed for Lot 4, Block 5, Southern Memorial Acres Extended to the southeast of subject property at 11835 S. Memorial Dr. – BOA Denied 10/30 or 10/31/1973, on the advice of the Town Attorney, per notes found in the case file (Minutes not found for any BOA meetings in 1973).

BZ-68 – Joyce E. Maxwell/Icenogle – Request for rezoning from RS-1 to CG for a “sandwich shop” for Lot 6, Block 6, Southern Memorial Acres Extended, located to the southeast of subject property at 11843 S. 82nd E. Ave. – Withdrawn by Applicant 09/19/1978 per case notes.

BZ-74 – Raymond L. McKibben for Betty Tate – Request for rezoning from AG to CG for retail sales and service for a 200’ X 200’ area (0.92 acres) to the north of subject property, which 0.92-acre area roughly corresponded to 11708 S. Memorial Dr. – Correspondence indicates PC recommended Denial in early 1979 and Board of Trustees approved on appeal by 3:2:0 vote, which correspondence indicated failed to achieve unanimity required for such an appeal. No ordinance found. See BZ-122.

BZ-78 – DuWaine Holmes for DuWaine’s Homes, Inc. & Crest Properties, Inc. – Request for rezoning from AG to OL for a 1-acre tract to the north of subject property at 11640 S. Memorial Dr. (now South Manufacturing Company, Inc.) – PC Recommended Approval 09/10/1979 and City Council Approved 10/01/1979 (Ord. # 379).

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

BZ-102 – DuWaine Holmes for DuWaine’s Homes, Inc. & Crest Properties, Inc. – Request for rezoning from OL to CG for a 1-acre tract to the north of subject property at 11640 S. Memorial Dr. (now South Manufacturing Company, Inc.) – PC Recommended Approval 03/30/1981 and City Council Approved 04/06/1981 (Ord. # 424).

BZ-104 – Ed Everett for Betty Tate – Request for rezoning from AG to RM-2 for apartments for approximately 5 acres to the northwest of subject property at the north dead-end of S. 76th E. Ave. – “Withdrawn” 04/27/1981 per case notes.

BBOA-103 – Glen Nunley for Ray McKibben – Request for Special Exception to allow a horticultural nursery in a (then pending) CG district for a southeasterly 0.69-acre portion of the 1.36-acre tract

now containing the Hardscape Outdoor (formerly the "Sunnyside Gardens") landscaping sales business and outdoor bulk materials storage yards to the north of subject property at 11710 S. Memorial Dr. (then possibly addressed 11702 S. Memorial Dr.) – BOA Conditionally Approved 04/12/1982.

BZ-103 – Raymond L. McKibben – Request for rezoning from AG to CG for auto repair for a southeasterly 0.69-acre portion of the 1.36-acre tract now containing the Hardscape Outdoor (formerly the "Sunnyside Gardens") landscaping sales business and outdoor bulk materials storage yards to the north of subject property at 11710 S. Memorial Dr. (then possibly addressed 11702 S. Memorial Dr.) – PC Recommended Approval 05/26/1981 and City Council Approved 06/01/1981 (Ord. # 428).

BZ-122 – Raymond L. McKibben for Betty Tate – Request for rezoning from AG to CG for ministorage for 6.64 acres to the north of subject property, including a 4.6-acre tract containing outdoor bulk materials storage yards serving the Hardscape Materials / Hardscape Outdoor landscaping sales business, outdoor bulk materials storage yards at the 11700-block of S. Memorial Dr. and 11708 S. Memorial Dr., and a northerly portion of the 1.36-acre tract now containing the Hardscape Outdoor (formerly the "Sunnyside Gardens") landscaping sales business and outdoor bulk materials storage yards at 11710 S. Memorial Dr. – PC Recommended Approval of the easterly 204' only 08/30/1982 and City Council Approved the easterly 204' only 09/07/1982 (Ord. # 461).

BBOA-134 – Ronald G. Kelley – Request for Special Exception for a Use Unit 17 motorcycle sales business in the (then pending) CS district for what is now the Hardscape Materials landscaping materials sales and services business to the north of subject property at 11610 S. Memorial Dr. – BOA Approved 11/13/1984 subject to several conditions, including rezoning to CS (as per BZ-156), platting the property, and conditions pertaining to the motorcycle sales building and business.

BZ-156 – Ronald G. Kelly for Ray McKibben – Request for rezoning from AG to CS for (then) approximately 3.16 acres containing what is now the Hardscape Materials landscaping materials sales and services business to the north of subject property at 11610 S. Memorial Dr. (then possibly known as 11620 S. Memorial Dr.) – PC Recommended Approval 11/26/1984 and City Council Approved 12/11/1984 (Ord. # 518).

BBOA-207 – Raymond L. McKibben – Request for Variance from required 30' of public street frontage and Variance from bulk and area requirements in the AG district to permit an existing 1-acre tract to be issued a Building Permit (for a house) to the northwest of subject property at 11607 S. 77th E. Ave. – BOA Conditionally Approved 08/29/1988 per case notes.

BBOA-251 – Raymond McKibben – Request for Variance from required 30' of public street frontage and Variance from bulk and area requirements in the AG district to permit a 1-acre tract (to have been created pursuant to BL-162) to be issued a Building Permit (for a house at 11625 S. 77th E. Ave.) on a 2-acre tract to the northwest of subject property at 11625/11641 S. 77th E. Ave. – BOA Conditionally Approved 05/04/1992 per case notes.

BZ-206 – G. Dwight Claxton for 116th & Memorial, Ltd. – Request for rezoning from AG to RS-3 for approximately 102.5 acres to the north of subject property consisting of an easterly part of what was later platted as Devonshire at Graystone, areas which later became Fry Creek Ditch # 2 right-of-way, and a westerly part of what was later platted as The Links at Bixby – Per case notes, PC Recommended Approval 11/15/1993 and City Council Denied 11/22/1993, "re opened" and heard 12/13/1993 and 01/10/1994, and Approved for [RS-2] 01/24/1994, but ordinance was not published per Applicant.

BBOA-286 – J. Lynn Schmook for Raymond L. McKibben – Request for Variance from lot size and width requirements in the AG district to permit a 1-acre tract to be created (pursuant to BL-180) to the northwest of subject property at 11644 S. 76th E. Ave. (then possibly known as 11690 S. 76th E. Ave.) – BOA Approved 11/07/1994.

BBOA-290 – Jody Porter/Brad Porter – Request for Special Exception for a [Use Unit 15] landscaping materials sales and services business for what is now the Hardscape Materials landscaping materials sales and services business to the north of subject property at 11610 S. Memorial Dr. – BOA Approved 02/20/1995 subject to several conditions, including the permanent building and paving to be completed within one (1) year, administrative approval of a site plan, and certain tree planting standards.

BBOA-291 – Ed Schermerhorn – Request for Variance of bulk and area requirements in the AG district to allow the creation of a 2.87-acre tract (pursuant to BL-183; now the Green Acres / Enterprise Sod Store) at 11590 S. Memorial Dr. – BOA Conditionally Approved 02/20/1995.

BBOA-302 – Randall Prevatt for Raymond L. McKibben – Request for Variance from bulk and area requirements in the AG district to permit a 1.25-acre tract to be created (pursuant to BL-197) from a 7-acre tract to the northwest of subject property at the north dead-ends of both 76th E. Ave. and 77th E. Ave. – BOA Tabled 12/04/1995.

BZ-219 / PUD 16 “The Links” – Roy Stanley of Lindsey Management for E.A. Schermerhorn – Request for rezoning from AG to CS & RM-1 and approval of PUD 16 for approximately 90.8 acres which was later platted as The Links at Bixby, a multifamily residential and 9-hole golf course development with commercial lots along Memorial Dr., to the north of subject property at 115th St. S. and Memorial Dr. – PC Recommended Approval 03/18/1996 City Council Approved 04/22/1996 (Ord. #s 738/739).

BZ-228 – Steve Abel of Steve’s Sod Store, Inc. for Robert Cook II – Request for rezoning from AG to CG for a 2.87-acre tract (now the Green Acres / Enterprise Sod Store) to the north of subject property at 11590 S. Memorial Dr. – City Council Approved 02/24/1997 (Ord. # 751).

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, to the south of subject property, which 73 acres became Bixby Centennial Plaza and Fox Hollow and an unplatted 11-acre tract later approved as PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on 11/19/2001 and City Council Approved 10/10/2001 (Ord. # 842).

BBOA-449 – Patrick Moore for SBM Corporation – Request for Special Exception to authorize a Use Unit 17 Automotive and Allied Activities for a Jiffy Lube auto service facility for Lots 1 and 2 of Block 5, North Heights Addition (later replatted as Lot 1, Block 1, Bixby Jiffy Lube) at 11800 S. Memorial Dr. across 118th St. S. to the south of subject property – BOA Denied 10/02/2006.

BZ-319 – SBM Corporation for Eugene & Norma Green – Request for rezoning from RS-1 to OL for subject property Lot 3 Block 5, North Heights Addition (later replatted as Lot 2, Block 1, Bixby Jiffy Lube) across 118th St. S. to the south of subject property – PC Recommended Approval 10/16/2006 and City Council Approved 11/13/2006 (Ord. # 953).

PUD # 54 – Jiffy Lube – Request for PUD overlay zoning for Lots 1, 2, and 3 of Block 5, North Heights Addition (later replatted as Bixby Jiffy Lube) across 118th St. S. to the south of subject property – PC Recommended Approval 03/19/2007 and City Council Approved 04/09/2007 (Ord. # 963).

AC-07-04-01 – Request for Architectural Committee approval of site plans and the proposed Jiffy Lube and office buildings for Lots 1, 2, and 3 of Block 5, North Heights Addition (later replatted as Bixby Jiffy Lube) across 118th St. S. to the south of subject property – Approved in April, 2007 per contemporary sources (Minutes of 04/16/2007 meeting not found).

AC-07-10-07 – Request for Architectural Committee approval of site plans and the proposed Jiffy Lube and office buildings for Lots 1, 2, and 3 of Block 5, North Heights Addition (later replatted as Bixby Jiffy Lube) across 118th St. S. to the south of subject property – Tabled/No Action on 10/15/2007 due to realization that the site plans and buildings were already approved as per AC-07-04-01.

PUD # 54 Minor Amendment # 1 – Request for PUD Minor Amendment for Lots 1, 2, and 3 of Block 5, North Heights Addition (later replatted as Bixby Jiffy Lube) across 118th St. S. to the south of subject property to revise building setback lines to reflect the newly-dedicated additional right-of-way as proposed by the plat – PC Approved 01/21/2008.

Preliminary Plat of Bixby Jiffy Lube – Request for Preliminary Plat approval for “Bixby Jiffy Lube,” a replat of Lots 1, 2, and 3 of Block 5, North Heights Addition across 118th St. S. to the south of subject property – PC Recommended Conditional Approval 12/17/2007 and City Council Conditionally Approved 01/14/2008.

Final Plat of Bixby Jiffy Lube – Request for Final Plat approval for “Bixby Jiffy Lube,” a replat of Lots 1, 2, and 3 of Block 5, North Heights Addition across 118th St. S. to the south of subject property – PC Recommended Conditional Approval 01/21/2008 and City Council Conditionally Approved 01/28/2008 (Plat # 6276 recorded 03/02/2009).

AC-08-01-02 – Request for Architectural Committee approval of revised site plans and the proposed Jiffy Lube and office buildings for Lots 1, 2, and 3 of Block 5, North Heights Addition (later replatted

as Bixby Jiffy Lube) across 118th St. S. to the south of subject property – AC Conditionally Approved 02/18/2008.

BBOA-499 – Richard Hayer for BTC Broadband – Request for Variance from the 150-foot maximum height, 400' minimum setback from Residential zoning districts, and other such related development standards for a Use Unit 4, 195-foot high communications tower in the CG district for the BTC Television Earth Station property, Lot 6, Block 2, Southern Memorial Acres to the northeast of subject property at 11733 S. Memorial Dr. – BOA Conditionally Approved for 150' 03/02/2009.

BBOA-533 – Clay Smith – Request for Special Exception to allow a Use Unit 23 warehouse use in the CG district for Lot 4, Block 5, Southern Memorial Acres Extended to the southeast of subject property at 11835 S. Memorial Dr. – BOA Conditionally Approved 01/03/2011.

BBOA-534 – Clay Smith – Request for Variance from the screening requirement per Zoning Code Sections 11-9-11.C and/or 11-9-23.C for Lot 4, Block 5, Southern Memorial Acres Extended to the southeast of subject property at 11835 S. Memorial Dr. – BOA Denied 01/03/2011.

BSP 2015-05 – “Jiffy Lube Office Building” – W Design, LLC (PUD 54) – Request for Planning Commission approval of a PUD Detailed Site Plan and building plans for a proposed “Jiffy Lube Office Building” for Lot 2, Block 1, Bixby Jiffy Lube, across 118th St. S. to the south of subject property) – Pending PC consideration 07/20/2015.

BACKGROUND INFORMATION:

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

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

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

Zoning Code Section 11-5-2 prohibits rezonings which would conflict with the Comprehensive Plan, and requires that such rezonings “must be processed along with a request to amend the land use map and a PUD in order to be accepted and considered.” The Applicant has requested PUD 89 in support of BCPA-13 and the rezoning application.

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

After receiving the first two (2) requests in mid-2008 (BCPA-1 and BCPA-2), Staff consulted the City of Broken Arrow to determine how that community goes about facilitating applications for Comprehensive Plan amendments, and followed the same method, which was supported by the Applicant's attorney in those cases, which was to advertise the public hearing in the same manner used for a rezoning application: By sign posting on the property, newspaper publication, and mailing a notice to all property owners within a 300' radius of the subject property. This method was used in applications BCPA-3 and BCPA-4 in 2009, BCPA-5 and BCPA-6 in 2011, BCPA-7 and BCPA-8 in 2012, BCPA-9 and BCPA-10 in 2013/2014, and BCPA-12 in 2014, and all of these have been done in this amendment case as well.

BCPA-11 was an amendment to the Comprehensive Plan text, approved by Ordinance # 2136 on July 14, 2014.

ANALYSIS:

Subject Property Conditions. The subject property is composed of three (3) parcels of land:

1. Lot 11, Block 7, Amended Plat of Block 7 North Heights Addition: Containing approximately 1/2 acre, this vacant lot is zoned RS-1 and is maintained as yard area for the single-family house on Lot 12 of the subject property. This lot is the subject of BCPA-13 and BZ-383. Tulsa County Assessor's Parcel # 57875833500970,
2. Lot 12, Block 7, Amended Plat of Block 7 North Heights Addition: Containing approximately 1/2 acre, this lot is zoned CS and contains a single-family house addressed 7749 E. 118th St. S. Tulsa County Assessor's Parcel # 57875833500980,
3. Lot 13 (less right-of-way of record), Block 7, Amended Plat of Block 7 North Heights Addition: Containing approximately 4/10 acre, this lot is zoned CS and is maintained as yard area for the single-family house on Lot 12 of the subject property. Tulsa County Assessor's Parcel # 57875833500990.

Together, the subject property lots contain approximately 1 1/3 acres.

The subject property slopes moderately downward to the south. It appears to partially drain southeasterly along the borrow ditch attending Memorial Dr., and partially to the south toward the stormwater drainage system in Bixby Centennial Plaza (also utilized by Bixby Jiffy Lube), which system presently utilizes a temporary stormwater detention pond to the west of the Bank of Oklahoma. This pond is ultimately planned to be replaced in favor of a stormsewer system installed along 121st St. S. and to drain west to the Fry Creek Ditch # 2, which may be accessed upon payment of applicable excess capacity fees and fees-in-lieu of continued onsite stormwater detention. The borrow ditch along Memorial Dr. may be in either or both of the Fry Creek Ditch # 1 or Fry Creek Ditch # 2 drainage basins. The City Engineer's review memo indicates the subject property may be designed to drain to the Fry Creek Ditch # 2 system with payment of fee-in-lieu, but that utilization of existing, downstream stormsewer systems must be designed to not exceed existing drainage flow rates absent necessary system design upgrades.

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

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Medium/Low Intensity and (2) Residential Area. BCPA-13 proposes to remove the Residential Area specific land use designation from the Lot 11 subject property, to allow it to be rezoned to OL and be developed with a carwash as a part of PUD 89. The Low Intensity designation would be retained for the Lot 11 subject property.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that OL zoning may Be Found In Accordance with the Low Intensity 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. Removing the Residential Area designation from the Lot 11 subject property will allow the requested OL zoning to be approved.

Per the Matrix, PUDs (as a zoning district) are In Accordance with the Medium Intensity designation and May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map, and thus PUD 89 May Be Found In Accordance with the Comprehensive Plan as a zoning district.

Due to all of the factors listed and described above, Staff believes that the proposed OL zoning and commercial development proposed per PUD 89 should be found In Accordance with the Comprehensive Plan, provided they are approved together and along with BCPA-13 and the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below.

General. The PUD proposes a Use Unit 17 “automated conveyor tunnel express carwash” business development.

The submitted site plan exhibits a suburban-style development design and indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking.

PUD Text Section I provides that the proposed carwash building(s) will contain approximately 4,600 square feet. Although gross land areas have not yet been provided in the PUD, per GIS estimates, the land area attending the existing CS-zoned lots is approximately 1 1/3 acres, which Zoning Code Section 11-7I-5.A.2.a would enable to produce (Maximum/proposed FAR @ 0.50 X 58,080 square feet =) ~29,040 square feet of building floor area. Thus, the proposed building would comply with the maximum permitted.

As discussed in the pre-application coordination meeting, the PUD Text needs to specify intended masonry/masonry alternatives materials: EIFS and/or stucco on front tower portion of building and split face Concrete Masonry Unit (CMU) for the balance, so that this is specifically part of the PUD the Planning Commission and City Council approve and does not require a future Waiver of the masonry/masonry alternatives standard for the CMU element, which the City of Bixby has not interpreted to comply with the masonry/masonry alternatives standard of the Corridor Appearance District. As recommended, PUD Text Section VII provides:

“Building exterior wall finish surfaces shall be Stucco, EIFS, or Split Face Masonry Units, Sloped roofing materials shall be standing seam metal. Flat roof areas shall be EPDM or similar material. Exhibit F depicts an existing carwash facility in Tulsa developed by the prospective purchaser of the Property which is illustrative of the exterior materials and general concept planned for the subject Property”

Exhibit F depicts the prospective owner’s existing carwash business at 6750 S. Lewis Ave. The PUD also provides that the proposed facility will resemble other facilities developed by the prospective owner in Broken Arrow (81st St. S. & Garnett Rd.) and Sapulpa (Hwy 66/Mission St. & E. Jackson Ave.).

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

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

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

The Technical Advisory Committee (TAC) discussed BCPA-13 and PUD 89 at its regular meeting held July 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 V of the PUD Text as follows:

“Vehicular access to and from the PUD will be provided by one entrance only access from Memorial Drive and one entrance and exit point onto 118th street. The Memorial access will be configured to prevent exit onto memorial and the 118th street access will be positioned to generally align with the western most drive to Jiffy Lube across 118th to the south. Limits of No Access (LNA) will be imposed by the future plat along Memorial and 118th frontage except at these points of ingress and egress.

Sidewalks shall be constructed by the developer along the entire Memorial Drive and 118th street frontage of the Property. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer.

The proposed access from Memorial Drive requires ODOT driveway permit and City Engineer and Fire Marshal curb cut approval.”

The language describing ingress-only access to Memorial Dr. and related circulation design matters is in response to the City Engineer’s specific recommendations and appears to be in order.

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

The PUD Text and Exhibits provide that the required sidewalks shall be constructed along Memorial Dr. and 118th St. S., as appropriate. Surrounding Zoning and Land Use. Surrounding zoning is a mixture of RS-1, CG, AG, CG/OL/PUD 54, OL, and CS. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

Zoned RS-1, the North Heights Church of Christ abuts the subject property to the north on approximately 2.5 acres in Amended Plat of Block 7 North Heights Addition. Farther north is the Hardscape Materials and Hardscape Outdoor landscaping sales business and outdoor bulk materials storage yards at 11610, 11708, and 11710 S. Memorial Dr. (last one is now Hardscape Outdoor and was formerly "Sunnyside Gardens") and are zoned CG and AG. To the northwest are unplatted residential acreages and agricultural land zoned AG.

Across 118th St. S. to the south is the Jiffy Lube at 11800 S. Memorial Dr. with a vacant lot zoned OL behind it, both within PUD 54, and farther south are vacant commercial lots and the IBC Bank and other commercial businesses fronting Memorial Dr. zoned OL and CS in Bixby Centennial Plaza. Together with the existing CS zoning on the easterly portion of the subject property, the requested OL zoning would "mirror" the CG/OL zoning pattern on the south side of 118th St. S. and would maintain the existing intensity and landuse patterns established for this section of the west side of Memorial Dr. In other words, this method does not require amending the Comprehensive Plan to extend Medium Intensity or commercial zoning farther into the North Heights neighborhood.

Prior to applications submission, Staff counseled the Applicant to only seek OL zoning for the Lot 11 subject property, for the reasons just stated. The OL zoning would require removal of the Residential Area specific land use designation, requested per BCPA-13. Staff also counseled the Applicant that the OL zoning would still enable the development of all three (3) existing constituent lots to be developed with the carwash campus, but that, pursuant to Zoning Code Section 11-7I-5.A.2.b, an accounting exercise must be conducted to ensure that the amount of CS-dependent carwash use/development site elements, as measured in improved areas (e.g. buildings, mechanical equipment areas, vacuum/canopy/parking areas, and driveway areas devoted to carwash functions), do not exceed the lot area of the CS-zoned lots. Thus, the pending OL-zoned area can only be used for residual landscaped/greenspace and driveway areas. As recommended, the PUD enables the commercial use allocation and development site footprint to be spread throughout the three (3) constituent lots, allocating the pending OL-zoned area to areas which will be landscaped/greenspace and driveway areas. This arrangement is primarily found in PUD Text Sections VIII and XVI, and the treatment here appears to be adequate for this purpose. The future PUD Detailed Site Plan, as will be required by this PUD, must demonstrate compliance with this PUD standard by use of precise calculations. However, Staff recommends the Applicant perform this exercise now to ensure there is no design problem which must be mitigated by this PUD.

Across Memorial Dr. to the east are various commercial/nonresidential uses along Memorial Dr. zoned CG, including the Express Lane / Cars & Credit convenience store and used auto sales business (a former gas station), the BTC Television Earth Station, the Western Sun Federal Credit Union, the Kentucky Fried Chicken, the Urgent Care of Green Country, the Shield Screening office building, a vacant commercial lot, and the Calvary Motors, Inc. used car sales lot. Farther east is single-family residential zoned RS-1 in Southern Memorial Acres and Southern Memorial Acres Extended.

Single-family residential zoned RS-1 lies to the west in North Heights Addition and Amended Plat of Block 7 North Heights Addition.

For all the reasons outlined above, Staff believes that OL zoning, PUD 89, and BCPA-13 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.

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

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

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

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

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

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

1. The approval of OL zoning, PUD 89, and BCPA-13 are each and all subject to the final approval of all others.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item will be addressed by PUD Text Section XII entitled "Standard City Requirements."
3. Subject to City Engineer and ODOT curb cut / driveway permit approval for any street intersections with U.S. Hwy 64 (Memorial Dr.), and the Fire Marshal's approval of locations, spacing, widths, and curb return radii. This item will be adequately addressed by PUD Text Sections XII "Standard City Requirements" and V "Access and Circulation."
4. As noted in the analysis above, pursuant to Zoning Code Section 11-7I-5.A.2.b, an accounting exercise must be conducted to ensure that the amount of CS-dependent carwash use/development site elements, as measured in improved areas (e.g. buildings, mechanical equipment areas, vacuum/canopy/parking areas, and driveway areas devoted to carwash functions), do not exceed the lot area of the CS-zoned lots. Staff recommends the Applicant perform this exercise now to ensure there is no design problem which must be mitigated by this PUD.
5. PUD Text Section I: Please clarify that the PUD "...contains one (1) Development Area (DA), as shown on Exhibit A," and list in the Development Standards (e.g. "Development Area A"; apparently added to PUD Text Section XV in error in version received July 16, 2015).
6. PUD Text Section VI Drainage and Utilities: Please confirm with City Engineer the accuracy of sentence, "Storm water would be directed into the Memorial storm drainage system" and make any modifications necessary to correspond to actual stormwater drainage design plans.
7. PUD Text Section VI Drainage and Utilities: PUD does not describe plans for utilities in any great detail. Please enhance appropriately. At a minimum, it should describe electrical requirements (e.g. conduit size to transformer as shown on site plan, plans for separate instrument Electrical Easement as discussed at TAC meeting, etc.), function of "reclaim pits," and sanitary sewer requirements.
8. PUD Text Section VIII: Please qualify as per other recommendations in this report, "...(lot area not covered by buildings, parking areas not primarily used for vacuums, or driveway areas devoted to carwash functions)..."
9. PUD Text Sections XI/Landscaping and Screening: Staff continues to recommend a detailed description of the specific landscaping treatment proposed, and the same should be adequate to improve buffering to the residential neighborhood abutting to the west. Consistent with Staff's recommendation to add extra effort at screening and landscaping buffering along this west boundary shared with single-family residential use, with the PUD version received July 16, 2015, three (3) more trees were added here. Additional enhancement in this regard may be discussed by the Planning Commission and City Council. Consider enhancing minimum screening tree standards, such as minimum tree spacing or alternatively clustering schemes to maximize screening to the nearest residence, minimum numbers of evergreen trees, minimum tree heights and/or calipers greater than the minimum standards of the Zoning Code, etc.
10. PUD Text Section XI: Please specify the trash area shall be screened by "...screening enclosure with opaque gates."
11. PUD Text Section XVI: Development Standards: Signage: Please compare plans for signs to the Zoning Code and determine that all proposed signage can be permitted absent specific

modification by this PUD (e.g. "entrance sign" and other directional signs as depicted in example photographs may be deemed "ground signs" if the same exceed 3 square feet in display surface area, menuboard signs may be deemed "ground signs" if the same face a Public street, etc.) and make any provisions for flexibility upon PUD Detailed Site Plan approval as may be necessary. In the PUD Text & Exhibits received July 16, 2015, a new Exhibit J was added, but is problematic for inclusion. If this signage review exercise is not conducted at this time, as per the original recommendation, please consider making provisions for flexibility upon PUD Detailed Site Plan approval, such as by adding text along the lines of "Signage regulations may be modified upon Planning Commission approval of the PUD Detailed Site Plan." Exhibit J, and its entry in the Table of Contents, should be removed.

12. PUD Text Section XVI: Please calculate and list separately the Gross Land Area as needed for bulk and area calculations, or make other appropriate modifications achieving the same purpose as this Staff recommendation.
13. Exhibits H & I: Please appropriately relocate labels and angle/bearing information for propertylines along 118th St. S. and Memorial Dr.
14. Exhibit H: 50' B/L setback along Memorial Dr. should follow propertyline as the angle changes, if to signify the 50' Zoning setback required in the CS district and as per this PUD. Alternatively, 50' B/L label may be qualified as "per Plat # 2683."
15. Exhibits H & I: The number of trees shown along the Memorial Dr. Street Yard is fewer than the minimum required (≥ 10). Please remember that, for the northerly propertyline, the minimum number of trees may be greater due to greater setbacks pursuant to the height-dependent setbacks provided in the asterisk text of Zoning Code Section 11-7D-4 Table 2. Please enhance appropriately.
16. Exhibits H and I: Consistent with Staff's recommendation to add extra effort at screening and landscaping buffering along this west boundary shared with single-family residential use, with the PUD version received July 16, 2015, three (3) more trees were added here. Additional enhancement in this regard may be discussed by the Planning Commission and City Council.
17. Exhibits H & I: It appears that the 10' setback proposed to the internal drive only meets 10' minimum required per Zoning Code Section 11-10-3.B Table 1, which is not consistent with Staff's recommendation to add extra effort at screening and landscaping buffering along this west boundary shared with single-family residential use. Consider whether the paving (and building, if/as required) and trash enclosure could be advanced farther to the front/east for the sake of additional buffering. It does not appear that the building has moved to the east since the first conceptual site plan was provided to the City on 06/02/2015.
18. Exhibits H & I: Consistent with Staff's recommendation to add extra effort at screening and landscaping buffering along this west boundary shared with single-family residential use, with the PUD version received July 16, 2015, the trash enclosure was relocated slightly farther to the east. Additional enhancement in this regard may be discussed by the Planning Commission and City Council.
19. Exhibit H: Please label the east line of Lot 13.
20. Exhibit H: Please label widths of sidewalks.
21. Exhibit H: Please represent the existing U/Es along the northerly line of Lot 11 and the Lots 11/12 common line, along with an appropriate note that the latter will be vacated as a part of this development.
22. 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.
23. A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).

Erik Enyart noted that the Applicant had met with residents of the North Heights neighborhood, and that the Applicant had incorporated input from the neighbors, such as adding a turning lane onto 118th St. S.

Thomas Holland expressed concern for operating hours, vacuums along the entire length of the property, and noise abatement. Erik Enyart discussed these matters briefly and noted that the PUD would restrict outdoor lighting so that there would be no measurable light exceeding the propertyline. Chair Lance Whisman confirmed with Mr. Enyart that the vacuums would be permitted in the OL-zoned area per the PUD.

Discussion ensued regarding traffic. Erik Enyart stated that the Applicant would be in a better position to estimate inbound and outbound traffic volumes.

Chair Lance Whisman recognized Applicant Mark Thomas, AIA, of 3508 E. 75th St. S. from the Sign-In Sheet. Mr. Thomas stated that the stacking lane would extend 200' to Memorial Dr., and there would be another queue coming in from 118th St. S. Mr. Thomas stated that the City Engineer did not want an exit onto Memorial Dr., which recommendation he and his client had accepted. Mr. Thomas stated that the turning lane was added per the City Engineer and the Homeowners Association. Mr. Thomas stated that the business only operated until dark, and the only lighting to be used would be security lighting attached to the building. Mr. Thomas stated that the only noise would come from the vacuums and the sound that comes from the blowers [that dry cars] at the far, Memorial Dr. end of the property.

Dennis Laxson of Tulsa stated that the vacuum machines are 30 horsepower and are enclosed within brick walls, so the sound is mitigated as much as possible.

Mark Thomas stated that there would be some sound at the ends of the hoses. Mr. Thomas stated that the entrance to the tunnel conveyor would be 90' from the residential property to the west.

Jerod Hicks asked how many cars the stacking lane could hold, and Dennis Laxson responded approximately 30. Mr. Laxson stated that the waiting times were approximately 45 seconds, 30 seconds, and then [the tunnel conveyor system took] two (2) minutes. Mr. Laxson stated that he did not think any cars would be backed up into the street.

Mark Thomas stated that one could accelerate the carwash speed conveyor up, but that it wore the equipment more and [had less washing power].

Thomas Holland asked about the hours of operation. Dennis Laxson stated that the business operated during daylight hours and, as winter comes on, the hours recede.

Chair Lance Whisman recognized Harley Lundy of 11647 S. 73rd E. Ave. from the Sign-In Sheet. Mr. Lundy stated that he was the president of the North Heights Homeowners Association and opposed the zoning change for the carwash development. Mr. Lundy stated that he was initially for it, but after hearing it would have 250 cars a day, he became opposed. Mr. Lundy stated that the development had no regard for the North Heights Church of Christ or the homeowners to the west or southwest. Mr. Lundy stated that [118th St. S.] was platted as a residential street, and had

“enough traffic as it is.” Mr. Lundy stated that he had talked to the City Engineer at length about this. Mr. Lundy stated that the homeowners don’t like the carwash at all. Mr. Lundy stated that a resident had been rear-ended in traffic [at or near this intersection]. Mr. Lundy stated that [he and his neighbors] were not opposed to the development of the property, but only this development.

Chair Lance Whisman recognized Sammie Kendall of 11632 S. 75th E. Ave. from the Sign-In Sheet. Ms. Kendall stated that she had lived at this residence for 38 years, and that [118th St. S.] was “seldom widened, rarely asphalted.” Ms. Kendall expressed concern for “massive stackups” caused by this development. Ms. Kendall stated that Mayor John Easton was at the neighborhood meeting and discussed the nature of the driveway connection between 118th St. S. and the drives within *Bixby Centennial Plaza*. Ms. Kendall expressed concern for the safety of children playing [in the streets].

Chair Lance Whisman recognized Noel Malan of 11655 S. 75th E. Ave. from the Sign-In Sheet. Mr. Malan stated that traffic lights had not been discussed, and with the DOT not allowing [an exit onto Memorial Dr.], it made the development impractical. Mr. Malan stated that there was open land behind the banks. Mr. Malan asserted that the Target [project] was “killed because of traffic concerns.” Mr. Malan stated that 250 to 400 cars on the weekend would be a “nightmare,” and that Memorial Dr. had “too much traffic already.” Mr. Malan stated that this was a residential area, and if the property were not developed as a carwash, it could be something else, such as a bank, doctor or dentist’s office, or restaurant. Mr. Malan expressed concern for the effect on property values.

Erik Enyart addressed Chair Lance Whisman and noted his intent to respond to a comment made. Mr. Enyart stated that, in regard to the comment made on the Super Target previously planned, “if traffic was a concern, it would have been, at the time, not [having] enough traffic, not [for having] too much.”

Chair Lance Whisman recognized Steve Baker of 2652 E. 34th [Street South], Tulsa, from the Sign-In Sheet. Mr. Baker stated that [he and his associates] would like to have a [stop]light, but this was not within their control. Mr. Baker stated that commercial development would occur whether there was a [stop]light there or not. Mr. Baker stated that a fast-food business developed there could be open for 24 hours.

Chair Lance Whisman recognized Jason Holley of 11609 S. 73rd E. Ave. from the Sign-In Sheet. Mr. Holley expressed concern for traffic and stated that this was “not the right place for [this carwash] business.” Mr. Holley discussed how the *Jiffy Lube* had gone through [a similar] process before it was built, discussed the screening wall along the *Jiffy Lube* property, and expressed concern for how the [business or businesses at the entrance] reflect on the neighborhood.

Chair Lance Whisman recognized Pat Moore of 11465 S. Harvard Ave. from the Sign-In Sheet. Mr. Moore stated that he was the owner of the *Jiffy Lube* and wanted to provide a couple points of correction. Mr. Moore stated that the cross-easement between [118th St. S. and the east-west drive in *Bixby Centennial Plaza*] was for the people in the neighborhood to use, and it crossed [his and his associate(s)] property. Mr. Moore stated that [*Bixby Centennial Plaza*] customers could also use it. Mr. Moore stated that it was not a City-maintained street, and that [he and his associate(s)] had to maintain it. Mr. Moore confirmed this statement with Erik Enyart. Mr. Moore stated that [he and

his associate(s)] were required to build it. Mr. Moore stated that, as for the [screening wall], the owner of the house to the west had asked him to have it “step down” as it is.

Thomas Holland stated that the traffic counts have been growing.

Pat Moore stated that he had about 40 customers a day and had eight (8) to 10 employees. Mr. Moore stated that 118th St. S. was widened at [his and his associate(s)] expense when the *Jiffy Lube* was put in.

Chair Lance Whisman recognized Charles Baker of 7733 E. 118th St. S. from the Sign-In Sheet. Charles Baker stated that he lived right next door to the subject property, and expressed concern for the noise and lighting and stated that the traffic was a problem already. Charles Baker asked if the vacuums would be accessible 24-hours a day.

Dennis Laxson stated that the only lights would be security lights on the building.

The Applicant, at this time or another, stated that they had in fact met with the [church leader] of the North Heights Church of Christ and were asked to make a small design accommodation, which they made.

Chair Lance Whisman recognized Jay Mauldin of 7341 E. 119th Pl. S. from the Sign-In Sheet. Mr. Mauldin stated that he was a resident of the Fox Hollow neighborhood and stated that he shared the concerns of the first three (3) speakers. Mr. Mauldin stated that the turning lane into the property had to stay or he would be vehemently opposed. Mr. Mauldin stated that the site plan had been enhanced since the TAC meeting, but expressed doubt that [the driveway design] would prevent people from exiting onto Memorial Dr. Mr. Mauldin expressed concern for traffic backing up on Memorial Dr. Mr. Mauldin expressed concerns for certain traffic movements and turning movements and offered recommendations for driveway and circulation design. Mr. Mauldin stated that he was not opposed to carwashes and compared that use to others which could be developed on the subject property, including retail or a jewelry store. Mr. Mauldin expressed concern about volatility and traffic. Mr. Mauldin thanked Thomas Holland for serving as Chair and thanked and expressed appreciation to all of the Planning Commissioners.

Chair Lance Whisman stated that he lived in the Fox Hollow neighborhood and could speak to the traffic situation. Mr. Whisman noted that he had spent eight (8) minutes on 118th St. S. trying to get onto Memorial Dr. Mr. Whisman stated that he has seen cars turn around and go back through the neighborhood [in order to access Memorial Dr. via 121st St. S.]. Mr. Whisman stated that the neighborhood had a speeding issue [recently] but the Police Department had helped with that. Mr. Whisman stated that he had to turn on his turning signal at *Hardscape Materials* or otherwise he would get honked at. Mr. Whisman stated that it was hard enough to turn now.

Jerod Hicks stated that he did not know how the City could keep businesses from coming into the City. Mr. Hicks noted that the carwash would use a lot of water. Mr. Hicks stated that traffic would still be an issue with any business that would develop here. Mr. Hicks recommended thinking outside the box and determining a better way to funnel traffic in and out of the facility. Mr. Hicks stated that there would be more traffic as areas to the south continue to develop. Mr.

Hicks stated that traffic was an issue that concerned him as well, but that it would be an issue for any development here. Mr. Hicks stated that the property was already zoned commercial, and at some point in time would develop, and could be a *McDonald's* or a doctor's office.

Chair Lance Whisman stated that, before the Fox Hollow neighborhood was developed, the North Heights neighborhood only had one way in and out, and Harley Lundy indicated agreement.

Larry Whiteley inquired about the north-south driveway behind the *Jiffy Lube*. Pat Moore stated that it was a cross-easement that [he and his associate(s)] had granted to give people access to the south from 118th St. S., and because [he and his associate(s)] wanted access from the big shopping area [to the south]. Mr. Moore stated that it was not a publicly-maintained street.

Someone asked whether a drive became public any time it was tied into a public street. Patrick Boulden stated that this was not generally true, and that the drive sounded like a mutual access easement.

Pat Moore reiterated that the [mutual access drive] was a requirement and described the nature of the relationship with the developer of [*Bixby Centennial Plaza*] at the time the *Jiffy Lube* was built. Mr. Moore stated that [he and his associate(s)] were developing on the west side of the *Jiffy Lube* to "put our offices there."

Mark Thomas stated that he would offer a little rebuttal to some previous statements made. Mr. Thomas stated that [he and his clients] had worked hard with Erik Enyart and the City Engineer. Mr. Thomas stated that [he and his clients], pursuant to these discussions, the ingress/egress on 118th St. S. was to align with the *Jiffy Lube* drive to the south, and described other driveway and traffic design matters. Mr. Thomas stated estimated 250 cars a day between 7:00 AM and 8:00 PM, and stated that this would be fewer cars than a fast food restaurant. Mr. Thomas stated that the stacking design would accommodate 50 cars on the property at one time. Mr. Thomas stated that [he and his clients] had developed a lot [of these types of carwash businesses] and "they're not backing up on the street." Mr. Thomas stated that there was already a traffic problem but indicated that this should not be held against the carwash. Mr. Thomas stated that the property was already zoned commercial and could be a "fast food tomorrow." Mr. Thomas stated that the design was based on the recommendations of the professionals at the City who worked with [him and his client] to put it together. Mr. Thomas continued to discuss traffic circulation design matters.

Chair Lance Whisman recognized Ron Poland of 11774 S. 77th E. Ave. from the Sign-In Sheet. Mr. Poland estimated 20 to 30 cars an hour and expressed concern for the traffic at the Memorial Dr. intersections with 111th St. S. and 121st St. S. Mr. Poland stated that rush hour was already "a mess, and on Saturdays in particular." Mr. Poland stated that the "carwash doesn't help us in the neighborhood," and estimated there were "already three (3) between 111th [St. S.] and 91st [St. S.]" Mr. Poland stated that this would "inconvenience the people in the neighborhood."

Chair Lance Whisman, Thomas Holland, Erik Enyart, Jay Mauldin, Pat Moore, and others discussed traffic generally, including from the perspective of the proposed business and from *Jiffy Lube*, peak carwash traffic periods likely corresponding with rush hour traffic, and traffic being an issue for whatever may develop on the subject property. Mr. Moore asked if there would be a

traffic light at 118th St. S. Mr. Enyart stated that there was a Memorial Corridor master plan being developed which would address where traffic lights should be located, and where existing ones should not. Mr. Enyart stated that he did not know if a traffic light would be planned for this intersection. Mr. Enyart stated that, if this development is to be approved, it should be included in the master plan.

There being no further discussion, Larry Whiteley made a MOTION to Recommend Approval of BCPA-13, PUD 89, and BZ-383 as recommended by Staff.

Discussion ensued regarding the open-ended Staff recommendations. Mr. Enyart stated that a number of recommendations were intended to enhance the westerly boundary which abutted a single-family residence and the single-family neighborhood to the west generally. Mr. Enyart stated that such recommendations included the possibility of tree clustering, tree size, height, and caliper enhancements, and moving the driveway to the east, if the traffic would still be able to flow as designed. Mark Thomas indicated that certain of the tree-related recommendations could be accommodated but expressed concern for other open-ended recommendations. It was noted that the plat and PUD Detailed Site Plan would address some of these things.

There being no further discussion, Larry Whiteley amended and reissued his MOTION to Recommend Approval of BCPA-13, PUD 89, and BZ-383 as recommended by Staff, and to add an exit onto Memorial Dr. if there was any possible chance to do so. Jerod Hicks SECONDED the Motion.

Thomas Holland noted that it seemed to always be the case where developments were put in before the roads were in place, but that, this time, the roads were in place but were not adequate.

Roll was called:

ROLL CALL:

AYE: Whiteley, Sutton, and Hicks.
NAY: Holland and Whisman.
ABSTAIN: None.
MOTION PASSED: 3:2:0

Chair Lance Whisman and Erik Enyart noted that the City Council would hear the applications at its meeting in this same meeting room that upcoming Monday, [July 27, 2015], at 6:00 PM.

A short delay was observed while most of those in attendance left the meeting room, and the meeting resumed at 7:27 PM.

6. **PUD 90 – “Chisholm Ranch Villas II” – Tanner Consulting, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 4.665 acres in part of the E/2 of the NW/4 of Section 06, T17N, R14E.
Property Located: 10200-block of E. 121st St. S.
-

Chair Lance Whisman 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, July 16, 2015
RE: Report and Recommendations for:
PUD 90 – “Chisholm Ranch Villas II” – Tanner Consulting, LLC

LOCATION:

- 10158 E. 121st St. S.
- 10200-block of E. 121st St. S.
- Part of the E/2 of the NW/4 of Section 06, T17N, R14E

SIZE:

- 31 acres, more or less (parent tract)
- 4.665 acres, more or less (PUD area)

EXISTING ZONING:

- RS-3 Residential Single-Family District & AG Agricultural District (parent tract)
- RS-3 Residential Single-Family District (PUD area)

EXISTING USE: Vacant

REQUESTED ZONING: PUD 90

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE (from the perspective of PUD area):

North: (Across 121st St. S.) AG; A 40-acre agricultural tract and the The Sand Plum assisted living center and two (2) vacant frontage tracts to the northwest zoned RM-2.

South: AG & RS-3; An unplatted 1-acre AG-zoned tract containing a single-family dwelling addressed 10240 E. 121st St. S. and another unplatted 1 2/3-acre AG-zoned tract containing a single-family dwelling, a Use Unit 15 Juniper Hill Farm nursery-related business, and a single-wide manufactured home, addressed 10250, 10280, and 10288 E. 121st St. S. Farther south is vacant land zoned RS-3 for part of a future “Chisholm Ranch” single-family residential subdivision.

East: RS-3/PUD 58 & AG; Single-family dwellings and vacant lots in the Chisholm Ranch Villas residential subdivision zoned RS-3/PUD 58. To the southeast is an unplatted 10-acre AG-zoned tract containing a house addressed 10500 E. 121st St. S.

West: RS-3; Vacant land zoned RS-3 for part of a future “Chisholm Ranch” single-family residential subdivision and single family residential in Heritage Park Estates beyond that to the west.

COMPREHENSIVE PLAN (from the perspective of PUD area): Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES:

BBOA-274 – Dr. Cecil Wells Jr. – Request for Variance from the minimum area standard in the AG district to allow for a Lot-Split (BL-176) of an approximately 2.6-acre tract into two (2) tracts of approximately 0.9 acre and 1.7 acres, part of the latter of which became part of the subject property parent tract per BL-360 – BOA Approved 02/07/1994.

BBOA-275 – Dr. Cecil Wells Jr. – Request for Variance from the minimum frontage standard in the AG district to allow for a Lot-Split (BL-176) of an approximately 2.6-acre tract into two (2) tracts of approximately 0.9 acre and 1.7 acres, part of the latter of which became part of the subject property parent tract per BL-360 – Approved by BOA 02/07/1994.

BL-176 – Dr. Cecil Wells Jr. – Request for Lot-Split of an approximately 2.6-acre tract into two (2) tracts of approximately 0.9 acre and 1.7 acres, part of the latter of which became part of the subject property parent tract per BL-360 – Approved by PC 03/02/1994.

BZ-323 – Haikey Creek Partners, LLC for David Markle – Request for rezoning from AG to RS-3 for 55 acres for the Chisholm Ranch, Chisholm Ranch Villas, and part of a future phase “Chisholm Ranch” single-family residential subdivisions (included part of subject property parent tract) – PC Recommended Approval 12/11/2006 by 2 to 1 vote and City Council Approved 05/11/2009 (Ord. #

958 on 12/11/2006 corrected by Ord. # 968 on 01/22/2007, which was later corrected again by Ord. # 2014 on 05/11/2009).

PUD 58 – Juniper Hills Villas – Haikey Creek Partners, LLC for David Markle – Request for PUD approval for 8.12 acres abutting subject property PUD area to the east for the Chisholm Ranch Villas subdivision (then tentatively known as “Juniper Hills Villas”) (application filed on a part of an acreage parcel, a part of which acreage parcel is now a part of subject property parent tract) – PC Recommended Approval 05/21/2007 by 2 to 1 vote and City Council Approved 06/11/2007 (Ord. # 971).

Preliminary Plat of Juniper Hills Villas – Request for Preliminary Plat for 8.12 acres abutting subject property PUD area to the east for the Chisholm Ranch Villas subdivision (then tentatively known as “Juniper Hills Villas”) (application filed on a part of an acreage parcel, a part of which acreage parcel is now a part of subject property parent tract) – PC recommended Conditional Approval 06/18/2007 and City Council Conditionally Approved 06/25/2007.

Preliminary Plat of Juniper Hills – Request for Preliminary Plat was ultimately platted as the Chisholm Ranch subdivision to the southeast of subject property PUD area (same subdivision as previously known as “Juniper Hills”) (application filed on a part of an acreage parcel, a part of which acreage parcel is now a part of subject property parent tract) (Plat application apparently logged/filed as “PUD 59” in error; as a consequence, PUD 59 was skipped) – PC recommended Conditional Approval 06/18/2007 and City Council Conditionally Approved 06/25/2007.

Preliminary Plat of Chisholm Ranch I – Request for Final Plat for what was ultimately platted as the Chisholm Ranch subdivision to the southeast of subject property PUD area (same subdivision as previously known as “Juniper Hills”) (application filed on a part of an acreage parcel, a part of which acreage parcel is now a part of subject property parent tract) – PC Recommended Conditional Approval 09/15/2008 and City Council Conditionally Approved 09/22/2008.

Preliminary Plat of Chisholm Ranch Villas – Request for Preliminary Plat for 8.12 acres abutting subject property PUD area to the east for the Chisholm Ranch Villas subdivision (application filed on a part of an acreage parcel, a part of which acreage parcel is now a part of subject property parent tract) – PC Recommended Conditional Approval 09/15/2008 and City Council Conditionally Approved 09/22/2008.

BZ-339 – Chisholm Ranch, LLC for Juniper Hill Farm, Inc. – Request for rezoning from AG to RS-3 for a 22-acre tract for part of a future “Chisholm Ranch” residential subdivision, which 22 acres composes the greater part of what is now the subject property parent tract – Approved in July 2008.

BL-357 – Chisholm Ranch, LLC for the Juniper Hill Farm, Inc. – Request for Lot-Split approval for the “Westerly Northern Tract” to be taken from the Chisholm Ranch, LLC subject property parent tract acreage to deed to the abutting 1-acre tract property at 10240 E. 121st St. S. – PC Approved 07/21/2008.

BL-358 – Chisholm Ranch, LLC for the Patricia Wells Trust – Request for Lot-Split approval for the “Westerly Southern Tract” to be taken from the abutting 1-acre tract property at 10240 E. 121st St. S. to deed to Chisholm Ranch, LLC subject property parent tract – Withdrawn by Applicant 07/15/2008.

BL-360 – Chisholm Ranch, LLC for Patricia Wells Trust – Request for Lot-Split approval for a 17’-wide “Easterly Southern Tract” to be taken from the south end of a 1.7-acre tract and added to the Chisholm Ranch, LLC acreage (subject property) – PC Conditionally Approved 09/15/2008.

BL-361 – Chisholm Ranch, LLC for the Juniper Hill Farm, Inc. – Request for Lot-Split approval for a 18’-wide “Easterly Northern Tract” to be taken from the Chisholm Ranch, LLC subject property parent tract acreage and added to the north end of the abutting 1.7-acre tract addressed 10250, 10280, and 10288 E. 121st St. S. – PC Conditionally Approved 09/15/2008.

Final Plat of Chisholm Ranch Villas – Request for Final Plat for 8.12 acres abutting subject property PUD area to the east for the Chisholm Ranch Villas subdivision (same subdivision as previously known as “Juniper Hills Villas”) (application filed on a part of an acreage parcel, a part of which acreage parcel is now a part of subject property parent tract) – PC Recommended Conditional Approval 12/21/2009 and City Council Conditionally Approved 01/11/2010 (Plat # 6324 recorded 02/09/2010).

Final Plat of Chisholm Ranch – Request for Final Plat for the Chisholm Ranch Villas subdivision to the southeast of subject property PUD area (application filed on a part of an acreage parcel, a part of which acreage parcel is now a part of subject property parent tract) – PC Recommended

Conditional Approval 12/21/2009 and City Council Conditionally Approved 01/11/2010 (Plat # 6325 recorded 02/09/2010).

BL-400 – Tanner Consulting, LLC – Request for Lot-Split approval for Lot 22, Block 1, Chisholm Ranch Villas, abutting subject property to the east at 12154 S. 103rd E. Ave. (address to be reassigned within the 10200-block of E. 121st Pl. S.) to separate the southerly 32' thereof for an extension of 121st Pl. S. into the subject property – Pending PC consideration 07/20/2015.

RELEVANT AREA CASE HISTORY (From the perspective of PUD area): (not a complete list – selected from cases most recent, most relevant to this application, and concerning properties closest in proximity to the subject property)

BZ-98 – Harmony Homes/Charles Smith – Request for rezoning from AG to RS-3 & CS for the NW/4 NW/4 to the west of subject property (includes what was later platted as Heritage Park Estates) – PC Recommended Approval 02/23/1981 and City Council Approved 03/02/1981 (Ord. # 420).

BZ-151 – James R. Crocker for Earl Burton – Request for rezoning from AG to RS-2 for approximately 40 acres to the northwest of subject property approximately corresponding to Government Lot 4 (SW/4 SW/4) of Section 31, T18N, R14E, now containing the platted and unplatted portions of the Cypress Pointe housing addition and the The Sand Plum assisted living center and two (2) vacant parcels in front of same – PC Recommended Approval 01/30/1984 and City Council Approved 02/06/1984 (Ord. # 503).

PUD 7 – James R. Crocker for Earl Burton – Request for approval of PUD 7 for approximately 40 acres to the northwest of subject property approximately corresponding to Government Lot 4 (SW/4 SW/4) of Section 31, T18N, R14E, now containing the platted and unplatted portions of the Cypress Pointe housing addition and the The Sand Plum assisted living center and two (2) vacant parcels in front of same – PC Recommended Denial 01/30/1984 and City Council Denied 02/06/1984.

PUD 8 – Ed Black & Jim Diamond – Request for rezoning for PUD approval for a “Sylvan Springs” small-lot patio home residential subdivision in the NW/4 NW/4 to the west of subject property (includes what was later platted as Heritage Park Estates, but not by this application) – PC Recommended Denial 01/30/1984, amended by Applicant and Appealed to the City Council, remanded back to the PC, PC Recommended Denial 03/26/1984, and Withdrawn by Applicant.

PUD 9 – Ed Black & Jim Diamond – Request for rezoning for PUD approval for a “Spring Creek” small-lot patio home residential subdivision in the NW/4 NW/4 to the west of subject property (includes what was later platted as Heritage Park Estates, but not by this application) – PC Recommended Denial 05/29/1984, Appealed to the City Council, and (per notes) City Council Denied 06/12/1984.

BZ-233 – Joe Donelson for First Equity Corporation – Request for rezoning from CS to RS-3 for the northwest 5 acres of the NW/4 NW/4 to the west of subject property (part of what was later platted as Heritage Park Estates) – PC Recommended Approval 09/24/1997 and City Council Approved 11/10/1997 (no Ordinance found but shows as RS-3 on Zoning Map).

BZ-240 – David R. Merritt of Properties, Inc. for Southern Trading, LLC – Request for rezoning from RS-3 to RM-2 for approximately 10 acres to the northwest of subject property approximately corresponding to the SE/4 of Government Lot 4 (SW/4 SW/4) of Section 31, T18N, R14E, now containing the The Sand Plum assisted living center and two (2) vacant parcels in front of same – PC Recommended Approval 06/22/1998 and City Council Approved 08/10/1998 (Ord. # 780).

BZ-258 – Pittman Poe & Associates, Inc. for Greenville Development, LLC – Request for rezoning from RS-2 to CS for approximately 1.5 acres to the northwest of subject property at the northeast corner of the intersection of 121st St. S. and Mingo Rd., now a part of the unplatted parcel containing the stormwater detention/retention pond serving the Cypress Pointe housing addition – PC Recommended Approval 07/19/1999 and City Council Approved 08/23/1999 (Ord. # 797).

PUD 26 – Mingo Park – Pittman Poe & Associates, Inc. for Greenville Development, LLC – Request for approval of PUD 26 for approximately 40 acres to the northwest of subject property approximately corresponding to Government Lot 4 (SW/4 SW/4) of Section 31, T18N, R14E, now containing the platted and unplatted portions of the Cypress Pointe housing addition and the The Sand Plum assisted living center and two (2) vacant parcels in front of same – PC Recommended Approval 07/19/1999 and City Council Approved 08/23/1999 (Ord. # 798).

BBOA-351 – Border R. Merritt for Sand Plum Limited Partnership – Request for “Variance to Section 5-33 of the Bixby City Code to allow a building to exceed 26 feet” for approximately 10 acres to the northwest of subject property approximately corresponding to the SE/4 of Government Lot 4

(SW/4 SW/4) of Section 31, T18N, R14E, now containing the The Sand Plum assisted living center and two (2) vacant parcels in front of same – BOA Approved 10/04/1999.

BZ-292 – Merritt Properties, Inc. / Sand Plum Limited Partnership – Request for rezoning from RM-2 to CS for two 1.5-acre tracts to the northwest of subject property in front of the The Sand Plum assisted living center – PC Recommended Denial 05/19/2003 and evidently not appealed to the City Council.

PUD 58 – [Chisholm Ranch] Villas – Minor Amendment # 1 – Request for approval of Minor Amendment # 1 to PUD 58 to change a screening wall to a wood screening fence with masonry columns for 8.12 acres abutting subject property PUD area to the east – PC Approved 02/26/2010.

BBOA-560 – Dr. C. G. Wells Jr. for Marcia D. Wells – Request for Variance from (1) Zoning Code Section 11-8-5 to be permitted to maintain two (2) dwellings on a singular tract of land, (2) the 40' rear yard setback and 2.2 acre minimum land area per dwelling unit standards of Zoning Code Section 11-7A-4 Table 3, and, (3) any other Zoning Code requirement preventing the placement and maintenance of a Use Unit 9 single-wide manufactured home on a lot containing a Use Unit 6 single family dwelling and the Juniper Hill Farm a Use Unit 15 nursery business in the AG Agricultural District for the abutting 1 2/3-acre tract addressed 10250, 10280, and 10288 E. 121st St. S. – BOA Conditionally Approved 06/04/2012.

BBOA-561 – Dr. C. G. Wells Jr. for Marcia D. Wells – Request for Special Exception per Zoning Code Section 11-7A-2 Table 1 to allow an existing Use Unit 9 single-wide manufactured home in the AG Agricultural District for the abutting 1 2/3-acre tract addressed 10250, 10280, and 10288 E. 121st St. S. – BOA Conditionally Approved 07/02/2012.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The vacant subject property parent tract contains 31 acres, more or less, and is addressed 10158 E. 121st St. S. It is zoned RS-3 with the exception of a sliver of land lying south of the 1 2/3-acre AG-zoned tract containing a single-family dwelling, a Use Unit 15 Juniper Hill Farm nursery-related business, and a single-wide manufactured home, addressed 10250, 10280, and 10288 E. 121st St. S., which sliver resulted from the sequence of rezoning to RS-3 per BZ-399 and property trade Lot-Split applications BL-357, BL-358, BL-360, and BL-361, all in mid-2008.

The subject property PUD area, the primary focus of this analysis, contains 4.665 acres, more or less, and is zoned RS-3.

The subject property appears to slope slightly downward to the northwest toward a drainageway which enters the Heritage Park Estates housing addition at the northwest corner of the subject property parent tract. This drainageway flows southwesterly to Mingo Rd. and appears to be within the Haikey Creek drainage basin.

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

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

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 district is In Accordance with both the Low Intensity esignation of the Comprehensive Plan Land Use Map.

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

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

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

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

The Matrix does not indicate whether or not the RS-3 zoning district would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Per the Matrix, PUDs (as a zoning district) May Be Found In Accordance with the Low Intensity 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 90 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 existing RS-3 zoning and proposed and single-family residential development proposed per PUD 90 should be found In Accordance with the Comprehensive Plan, provided it is approved with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below.

General. The PUD proposes to prepare the subject property PUD area for a gated, single-family residential development to be known as “Chisholm Ranch Villas II,” which resembles a second, westerly phase of the existing Chisholm Ranch Villas.

The PUD is being requested for two (2) reasons: (1) Subdivision Regulations Section 12-3-2.J requires a PUD when developing subdivisions with private streets, and (2) for subdivision design flexibility. Similar to Chisholm Ranch Villas, the lots are proposed to have a 50’ minimum lot width and 4,800 square-foot minimum lot area, compared to the RS-3 district’s 65’ minimum lot width and 6,900 square foot minimum lot area standards. However, the PUD Exhibits reflect an actual minimum lot width of 60’ and the smallest lot appears to be roughly (60’ X 124’ =) 7,440. Staff recommends the Applicant consider changing the 50’ minimum lot width → 60’ and the minimum lot width from 4,800 → 7,440, or otherwise 6,900 square feet.

Development Standards for “Chisholm Ranch Villas II” different than Chisholm Ranch Villas, the PUD proposes, respectively, a 40’ vs. 35’ maximum building height, and a minimum 2-car garage standard vs. no PUD standard. See also the analysis below pertaining to minimum development standards for individual houses.

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 90 at its regular meeting held July 01, 2015. Minutes of that meeting are attached to this report.

Access and Internal Circulation. The subject property PUD area has approximately 440’ of frontage on 121st St. S.

The subject property is presently accessed from a private, paved driveway connecting to E. 121st St. S. at approximately the 10200-block thereof. This driveway serves as the primary access to the abutting 1-acre and 1 2/3-acre tracts, and as the secondary, emergency access for Chisholm Ranch. As a part of the development of Chisholm Ranch, this driveway was surveyed and dedicated as a Mutual Access Easement (Tulsa County Clerk’s Office Document # 2009053005). Other access easements are reflected on the recorded plat of Chisholm Ranch (Book 4731 Page 36, Book 5615 Page 887, and Book 5615 Page 890).

PUD Text Section V describes plans for access as follows:

“Access for Chisholm Ranch Villas Phase II will be from East 121st Place South and via a public street constructed on the west side of the development providing access to the larger lots. Additionally, a connection to 121st Place South through Chisholm Ranch Villas will be provided for a secondary point of ingress and egress. There shall be no direct access to 121st Street South. Residential lots shall not be permitted direct vehicular access to 121st Street South. Due to the development being gated and containing smaller sized lots and restricted right-of-way width, no interior sidewalks will be constructed or required.”

Plans for access can also be inferred from the PUD Exhibits.

The PUD Text and Exhibits indicate the streets, as in Chisholm Ranch Villas, will be private and gated, with 26’-wide roadways located within 32’-wide private street rights-of-way (or Reserve area[s])

otherwise designed and constructed to meet City of Bixby minimum standards for Minor Residential Public Streets. The PUD Text should acknowledge that the 32'-wide rights-of-way will require a Modification/Waiver during the platting process.

Per the PUD Exhibits, it appears that the existing improved drive serving the adjacent parcels and as the secondary, emergency ingress/egress for Chisholm Ranch would be removed and replaced with the housing addition development. The Exhibits reflect the construction of a new Public street along the west side of the new housing addition, stopping about 2/3 of the way down. The plans do not indicate how the existing adjacent parcels or Chisholm Ranch access will be connected. However, in the TAC meeting held July 01, 2015, the Applicant noted that this "Chisholm Ranch Villas II" will be developed simultaneously with "Chisholm Ranch II," and the represented Public street will be extended farther south, and the existing adjacent parcels will have their driveways extended to connect to this new Public street. This design should be reflected on the PUD Exhibits and described in PUD Text Section V. Further, the PUD Exhibits and Text should note that the existing access easements (if/as may be located within the residential development area) will be released or vacated prior to Final Plat recording.

As described more fully in the attached TAC Minutes, per the Fire Marshal, the gate setback and/or other gate design requirements may cause need for a reconfiguration of the subdivision at the northwest corner. Any necessary modifications should be reflected in the PUD Text and Exhibits as appropriate.

The proposed construction of a secondary ingress/egress via the extension of the private 121st Pl. S. from Chisholm Ranch Villas will be secured by Lot-Split application BL-400, also on this agenda for consideration. PUD Text Section V should acknowledge the pending Lot-Split application.

Staff will not support Waiving the sidewalk construction requirement. It appears that the proposed rights-of-way, at 32' in width, will not be adequate to contain a sidewalk (a 26' roadway leaves only ~2.5' on either side of both ~1/2' curbs), and so it appears it will be necessary to add a "Sidewalk Easement" along the streets. Alternatively, additional width could be added to the 32' current right-of-way width to accommodate the sidewalks.

PUD Text Section V pertaining to sidewalks should be replaced with new text such as: "Sidewalks shall be constructed by the developer or individual lot owners along all perimeter and internal streets in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer." The text should also explain plans for use of Sidewalk Easements or wider rights-of-way.

At the TAC meeting, the Applicant suggested constructing the sidewalks along the frontages of Chisholm Ranch Villas and Chisholm Ranch, in lieu of internal sidewalks. Provided the linear distances equal, or any shortages are compensated by internal sidewalks on one side of the street(s), because the internal street network is so small and this is a gated subdivision with private streets, Staff would support this as a future Modification/Waiver of the Subdivision Regulations during the platting stage. The PUD Text should describe this intent, if this plan is intended.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily AG, RS-3, and RS-3/PUD 58. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

Across 121st St. S. is a 40-acre agricultural tract zoned AG and the The Sand Plum assisted living center and two (2) vacant frontage tracts to the northwest zoned RM-2.

South of the subject property PUD area is an unplatted 1-acre AG-zoned tract containing a single-family dwelling addressed 10240 E. 121st St. S. and another unplatted 1 2/3-acre AG-zoned tract containing a single-family dwelling, a Use Unit 15 Juniper Hill Farm nursery-related business, and a single-wide manufactured home, addressed 10250, 10280, and 10288 E. 121st St. S. Farther south is vacant land zoned RS-3 for part of a future "Chisholm Ranch" single-family residential subdivision.

Abutting the subject property PUD area to the east are single-family dwellings and vacant lots in the Chisholm Ranch Villas residential subdivision zoned RS-3/PUD 58. To the southeast is an unplatted 10-acre AG-zoned tract containing a house addressed 10500 E. 121st St. S.

West of the subject property PUD area is vacant land for part of a future "Chisholm Ranch" single-family residential subdivision and single family residential in Heritage Park Estates beyond that to the west, all zoned RS-3.

The existing RS-3 zoning and proposed single-family residential housing addition development contemplated by this PUD would be consistent with the surrounding Residential zoning and single-family land use patterns and would be consistent with the smaller-lot, "villa/s"-style housing addition pattern abutting in Chisholm Ranch Villas to the east, and represents a logical extension thereof.

For the past few years, the City Council has discussed with developers the minimum standards for houses to be constructed within in new housing additions in Bixby, and how proposals for such would compare to the same in other developments in context and in Bixby as a whole. Specifically, the City Council has previously considered (1) minimum house size and (2) minimum masonry content. These matters are always considered when granting a PUD entitlement to reduce lot widths or other bulk and area standards, as is the case in this application.

In 2012/2013, the City Council approved PUD 72, permitting the reduction of certain minimum bulk and area standards for what was later replatted as Southridge at Lantern Hill at 146th St. S. and Sheridan Rd. The City Council and the then-owner agreed to impose minimum standards as to house sizes and masonry as follows:

- 1,800 square foot minimum house size
- 100% minimum masonry to the top plate line.

In 2013, the City Council approved PUD 78, permitting the reduction of certain minimum bulk and area standards for “Willow Creek” at 131st St. S. and Mingo Rd. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:

- 1,500 square foot minimum house size
- 50% minimum masonry.

In 2014, the City Council approved PUD 82, permitting the reduction of certain minimum bulk and area standards for “Somerset” at 119th St. S. and Sheridan Rd. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:

- 75% minimum masonry
- Mature tree preservation

The Preliminary Plat of “Somerset,” as approved by the City Council, included:

- 2,200 square foot minimum dwelling size for one-story houses, and 2,600 square foot minimum for two-story houses.

After a three (3) month long review process, on November 10, 2014, the City Council Conditionally Approved the “Conrad Farms” housing addition development for Comprehensive Plan amendment per BCPA-12, rezoning to RS-3 per BZ-377, and specific development plans per PUD 85 for approximately 136.48 acres between 151st St. S. and 161st St. S., Sheridan Rd. and Memorial Dr. The City observed that, in exchange for the special benefits afforded by amending the Comprehensive Plan and the PUD, the Applicant in that case proposed:

- 1,500 square foot minimum house size
- 100% minimum “masonry, or approved masonry alternatives” up to the first floor top plate, including:
 - 35% minimum brick
 - Approved masonry alternatives included “stucco, EIFS, and James Hardie fiber cement”
- Specific plans for neighborhood amenities, including the neighborhood clubhouse and entry features.

In November, 2014, the City Council approved a Preliminary Plat of “Pine Valley Addition.” In accordance with its purview of land use restrictions required to attend a plat according to the Bixby Subdivision Regulations, the City observed that the Restrictive Covenants in that case proposed:

- 1,700 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses.
- 100% / “full masonry.”¹

In November, 2014, the City Council approved the Final Plats of “Seven Lakes V” and “Seven Lakes VI.” In accordance with its purview of land use restrictions required to attend a plat according to the Bixby Subdivision Regulations, the City observed that the Restrictive Covenants in that case proposed:

- 2,200 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses.
- 100% masonry including brick, stone, or stucco.²

¹ As recommended/required, one of the Conditions of Approval included that any changes to the DoD/RCs pertaining to the concerned restrictions cannot be amended unless such amendment is also approved by the City Council.

In January, 2015, the City Council approved straight RS-3 zoning per BZ-378 for the “Bridle Creek Ranch” housing addition of 50.76 acres at 9040 E. 161st St. S. The Council accepted the suggestion by City Staff that the minimum standards could be established by the Restrictive Covenants of the plat, in lieu of a PUD as City Staff originally suggested. At the December 15, 2014 Planning Commission meeting, the Applicant stated that the houses would be:

- 1,600 square foot minimum dwelling size for one-story houses, and 2,000 square foot minimum for two-story houses.
- 100% masonry to the top plate.

In January, 2015, the City Council approved the Final Plat of “Quail Creek of Bixby.” In accordance with its purview of land use restrictions required to attend a plat according to the Bixby Subdivision Regulations, the City observed that the Restrictive Covenants in that case proposed:

- 2,200 square foot minimum dwelling size for one-story houses, and 2,600 square foot minimum for two-story houses.
- 75% masonry including brick, natural rock, or stucco.³

As the above listing indicates, minimum standards vary by application and consider contextual factors specific to each development site.

The plat of Chisholm Ranch, recorded 02/09/2010, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 2,400 square foot minimum house size.
- 100% masonry excluding back patios/porches, with the exception that second stories may have cement fiberboard or other materials as approved by the “Architectural Committee.”
- Minimum 7.5/12 roof pitch with exceptions for porches.

The plat of Chisholm Ranch Villas, recorded 02/09/2010, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 1,700 square foot minimum house size.
- 66% masonry excluding windows and doors, with 100% on fronts and certain sides.
- Minimum 7/12 roof pitch over 75% of roof area, and a prohibition of less than 4/12 roof pitch, with provisions for “Architectural Committee” waiver.

As it pertains to minimum standards for individual home construction, this PUD 90 proposes:

- 2,000 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses.
- 100% masonry excluding windows and beneath covered porches.
- Minimum 10/12 roof pitch, with provisions for “Architectural Committee” waiver.

Staff believes that the proposed minimum standards for home construction are substantially consistent with the adjacent Chisholm Ranch subdivision, and especially the comparable Chisholm Ranch Villas subdivision, and with recent precedents for such standards as approved in Bixby for the past few years.

For all the reasons outlined above, Staff believes that PUD 90 would be consistent with the surrounding zoning, land use, and development patterns and is 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:

² At the time, Staff expressed concern about DoD/RCs allowing the minimum masonry standards to be waived by the subdivision’s Architectural Committee (typically = developer) and recommended that the DoD/RCs provisions pertaining to minimum house size and masonry content cannot be amended without the approval of the City Council. These changes were included as the Council’s modifications and/or Conditions of Approval. As recommended/required, the Applicant made the appropriate adjustments, including removing the waiver provision and relocating the concerned provisions to another section of the DoD/RCs requiring City Council approval for amendments, before the Final Plat was submitted and approved by CC January 26, 2015.

³ Staff expressed concern about DoD/RCs Section IV.E allowing the minimum masonry standards to be waived by the subdivision’s Architectural Committee (typically = developer). The City Council required that the City Council also approve any waivers of the masonry requirement and that the DoD/RCs provisions pertaining to minimum house size and masonry content cannot be amended without the approval of the City Council.

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 application generally. Therefore, Staff recommends Approval, subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item may be addressed by adding a section to the PUD Text with a provision such as “Development pursuant to this PUD shall comply with all recommendations of the Bixby Fire Marshal, City Engineer, and City Attorney.”
2. Title Page: Please correct location in Tulsa County location map.
3. Please update all PUD number blanks with number 90.
4. PUD Text Section I: Please clarify that the PUD contains one (1) Development Area (DA), as shown on Exhibit ____, label the one (1) DA on Exhibit ____, and list in the Development Standards (e.g. “Development Area A”).
5. PUD Text Section II: Development Standards: Permitted Uses: Please remove “attached and” or explain. Balance of Development Standards have side yard setbacks requiring 10’ minimum separation between houses.
6. PUD Text Section II: Development Standards: Permitted Uses: Does not appear to provide for Use Unit 5 passive recreational uses (such as private park) in Reserve Area A, as is suggested by PUD Text Section III.
7. PUD Text Section II: Development Standards: Gross/Net Land Area: Staff is not able to confirm accuracy of Gross and Net Land Area figures provided. As used in the Bixby Zoning Code (Section 11-2-1), Land Area refers to the lot area plus ½ or thirty feet (30’), whichever is less, of the right of way of any abutting street to which the lot has access. Per the Tulsa County Assessor’s parcel records, the City of Bixby owns the 24.75’ Statutory Sectionline Right-of-way along the frontage of the subject property PUD area. If this is accurate, the “Gross Land Area” would appear to = “Land Area” and “Net Land Area” should be removed or replaced with “Net Lot Area” = “Land Area” – 24.75’. Also, the provided figure for “Net Land Area” does not quite appear to equal the Land Area – the 440’ of street frontage X 60’ of required future R/W. Please revise or discuss.
8. PUD Text Section II: Development Standards: Minimum Lot Width: The PUD Exhibits reflect an actual minimum lot width of 60’ and minimum lot area of 4,800 square feet. However, the PUD Exhibits reflect an actual minimum lot width of 60’ and the smallest lot appears to be roughly (60’ X 124’ =) 7,440. Consider changing the 50’ minimum lot width → 60’ and the minimum lot width from 4,800 → 7,440, or otherwise 6,900 square feet.
9. PUD Text Section II: Development Standards: Consider adding a Minimum Land Area standard to address the fact that most of the lots will only have benefit of 16’ of R/W, and so would need this RS-3 standard relaxed. However, if the minimum lot size is to be 7,440 per other recommendations herein, this recommendation may be disregarded.
10. PUD Text Section II: Development Standards: Minimum Yard Setbacks: Consider changing the alternative side yard setback to 0’ & 10’ or any combination thereof, (1) provided all dwellings

maintain a 10' separation between each other dwelling, (2) provided that the City of Bixby may require a survey to determine the interdependent setback applicable to any lot prior to Building Permit issuance, and (3) provided that no roof may overhang a propertyline.

11. *PUD Text Section II: Development Standards: Minimum Yard Setbacks: Rear: The subdivision will be subject to a standard 17.5'-wide Perimeter U/E per the Subdivision Regulations. Per the Exhibits, it appears that all lots will have rear yards along the subdivision's perimeter. To prevent conflict and potential damage due to reliance on the PUD, please increase to 17.5' and consider a 20' U/E to provide at least a 2.5' buffer area, or the amount necessary to protect the integrity of the foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.*
12. *PUD Text Section II: Development Standards: Minimum Yard Setbacks: Please correct typo in term "eaves" in triple-asterisk text.*
13. *PUD Text Section III: Reserve Area A is restricted to "use for customary accessory uses permitted in Use Unit 6 and off-street parking." "Customary accessory uses" must be located on the same lot as the principal use (dwelling). Consider replacing with Use Unit 5 passive recreational uses (such as private park) or otherwise as appropriate.*
14. *PUD Text Section III: Please discuss whether Chisholm Ranch Villas and "Chisholm Ranch Villas II" will share a Homeowners Association (HOA) and add appropriate verbiage here or elsewhere as appropriate if/as needed.*
15. *PUD Text Section IV: Should acknowledge that the 32'-wide rights-of-way will require a Modification/Waiver during the platting process.*
16. *PUD Text Section V / Exhibits: The Exhibits reflect the construction of a new Public street along the west side of the new housing addition, stopping about 2/3 of the way down. The plans do not indicate how the existing adjacent parcels or Chisholm Ranch access will be connected. However, in the TAC meeting held July 01, 2015, the Applicant noted that this "Chisholm Ranch Villas II" will be developed simultaneously with "Chisholm Ranch II," and the represented Public street will be extended farther south, and the existing adjacent parcels will have their driveways extended to connect to this new Public street. This design should be reflected on the PUD Exhibits and described in PUD Text Section V.*
17. *PUD Text Section V / Exhibits: Should note that the existing access easements (if/as may be located within the residential development area) will be released or vacated prior to Final Plat recording.*
18. *PUD Text Section V / Exhibits: As described more fully in the attached TAC Minutes, per the Fire Marshal, the gate setback and/or other gate design requirements may cause need for a reconfiguration of the subdivision at the northwest corner. Any necessary modifications should be reflected in the PUD Text and Exhibits as appropriate.*
19. *PUD Text Section V: The proposed construction of a secondary ingress/egress via the extension of the private 121st Pl. S. from Chisholm Ranch Villas will be secured by Lot-Split application BL-400, also on this agenda for consideration. PUD Text Section V should acknowledge the pending Lot-Split application.*
20. *PUD Text Section V: Staff will not support Waiving the sidewalk construction requirement. It appears that the proposed rights-of-way, at 32' in width, will not be adequate to contain a sidewalk (a 26' roadway leaves only ~2.5' on either side of both ~1/2' curbs), and so it appears it will be necessary to add a "Sidewalk Easement" along the streets. Alternatively, additional width could be added to the 32' current right-of-way width to accommodate the sidewalks.*
21. *PUD Text Section V: Text pertaining to sidewalks should be replaced with new text such as: "Sidewalks shall be constructed by the developer or individual lot owners along all perimeter and internal streets in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer." The text should also explain plans for use of Sidewalk Easements or wider rights-of-way.*
22. *PUD Text Section V: At the TAC meeting, the Applicant suggested constructing the sidewalks along the frontages of Chisholm Ranch Villas and Chisholm Ranch, in lieu of internal sidewalks. Provided the linear distances equal, or any shortages are compensated by internal sidewalks on one side of the street(s), because the internal street network is so small and this is a gated subdivision with private streets, Staff would support this as a future Modification/Waiver of the*

Subdivision Regulations during the platting stage. The PUD Text should describe this intent, if this plan is intended.

23. *PUD Exhibits: Should be amended to represent sidewalks and label their widths.*
24. *PUD Text Section V: Please consolidate to remove redundancy in the following two (2) sentences: "There shall be no direct access to 121st Street South. Residential lots shall not be permitted direct vehicular access to 121st Street South."*
25. *PUD Text Section V: Please consider whether the private streets will be platted as a Reserve Area, as was done with Chisholm Ranch Villas, and describe intent if this is now known.*
26. *PUD Text Section XI: Please reconcile all Exhibit numbers and titles cited here.*

Chair Lance Whisman recognized Applicant Ricky Jones of 5323 S. Lewis Ave., Tulsa. Mr. Jones stated that the PUD included minimum houses sizes of 2,000 square feet, 100% masonry, and a 10/12 minimum roof pitch. Mr. Jones approached the dais and presented a map. Mr. Jones stated that developer Scott Sherrill was present and agreed with most of the Staff recommendations. Mr. Jones stated that this would be the next phase in the highly successful [Chisholm Ranch] residential single-family subdivision. Mr. Jones noted that the second phase of Chisholm Ranch would have large lots. Mr. Jones stated that all of this was master planned in 2007, but because of the economy, only the eastern portion was developed.

Scott Sherrill stated that he was in agreement with the Staff's recommendations except for the ones on sidewalks. Mr. Sherrill stated that there were no interior sidewalks in *Chisholm Ranch Villas*, and that he would like there to not be for the second phase. Mr. Sherrill expressed objection to building sidewalks along 121st St. S. Jerod Hicks asked Mr. Sherrill if there was a reason for opposing a sidewalk here. Mr. Sherrill stated that the sidewalks would not connect to anything. Discussion ensued. It was noted that, ultimately, sidewalks have to start somewhere. Erik Enyart stated that the recommendation to build them along the 121st St. S. frontage of the first two (2) Chisholm Ranch phases was based on precedent where the "Somerset" housing addition developer asked and was granted a Modification/Waiver to not have to build the sidewalk along Sheridan Rd. and instead build the sidewalk offsite through the *LifeChurch* and [Bixby Public] School properties. Mr. Sherrill described similarities to the Spicewood development(s). Mr. Sherrill stated that these homes would not have a lot of kids, and rather would have people wanting to downsize, and that there would not be much traffic since [the streets] would be gated. Mr. Enyart stated that the sidewalk requirement waived from the 121st St. S. frontage of first two (2) Chisholm Ranch subdivisions occurred during Bixby's "transition phase" between when it was not enforcing the sidewalk requirement at all and when it experienced some "growing pains" as it began enforcing the requirement. Mr. Enyart stated that the City has not waived the sidewalk requirement for housing additions since that transition phase. Mr. Hicks asked for an estimate of how many linear feet would be concerned. Mr. Sherrill stated that he did not want the sidewalks along the frontage of the first two (2) Chisholm Ranch subdivisions because those were represented by a different developer and because he did not want "to tear up the vegetation." Mr. Sherrill suggested that the streets could be widened to accommodate internal sidewalks. Mr. Enyart stated that he would modify his recommendation # 22 to allow an additional option to allow, upon Modification/Waiver, payment of a fee-in-lieu of sidewalk construction which would be placed into an escrow account that the City would use to construct sidewalks elsewhere. Mr. Enyart stated that this option was extended previously to a different developer, but that most developers would not select it as their money would be going to improve another part of the city, rather than their development.

Regarding the gate design, Erik Enyart stated that he had talked to the Fire Marshal and believed that the Fire Marshal would discuss the matter with the Applicant the following day.

There being no further discussion, Steve Sutton made a MOTION to Recommend Approval of with all the recommendations of City Staff, including an modified recommendation# 22. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

OTHER BUSINESS

7. (Continued from 05/18/2015)
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: 7700:8000-block of E. 118th St. S.
-

Chair Lance Whisman introduced the item. Owner Pat Moore requested a Continuance.

There being no further discussion, Thomas Holland made a Motion to CONTINUE BSP 2015-05 to the August 17, 2015 Regular Meeting. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

8. **BL-398 – Karen Cercy.** Discussion and possible action to approve a Lot-Split for Lot 6 and a part of Lot 7, Block 1, *The Reserve at Harvard Ponds*.
Property located: 14472 S. Gary Ct.
-

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, July 17, 2015
RE: Report and Recommendations for:
BL-398 – Karen Cercy

LOCATION: – 14472 S. Gary Ct.
– Lot 7 and Part of 6, Block 1, The Reserve at Harvard Ponds

LOT SIZE: 0.31 acres, more or less

ZONING: RS-3 Residential Single-Family District

SUPPLEMENTAL ZONING: None

EXISTING USE: Single-family dwelling

REQUEST: Lot-Split approval

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

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

BZ-134 – Clinton Miller for Roger P. Metcalf – Request for rezoning from AG to RS-2 for approximately 74 acres (including a northerly part of subject property), the easterly approximately 42/43 acres of which was eventually platted as part of The Reserve at Harvard Ponds subdivision. PC Recommended Approval 02/28/1983 and City Council Approved 03/07/1983 (Ord. # 477).

BZ-226 – George Suppes – Request for rezoning from RS-2 to RS-3 for approximately 42/43 acres (including a northerly part of subject property) which was eventually platted as part of The Reserve at Harvard Ponds subdivision. PC Recommended Approval 10/21/1996 and City Council Approved 11/25/1996 (Ord. # 748).

BZ-299 – Tanner Consulting, LLC – Request for rezoning for “Pierce Tract Description” of 6.230 acres and the “Sexton Tract Description” of 3.251 acres (including a southerly part of subject property) for the The Reserve at Harvard Ponds subdivision. PC Recommended Approval 12/15/2003 and City Council Approved the “Pierce Tract Description” of 6.230 acres 02/02/2004 (Ord. # 884). “Sexton Tract Description” added to Ord. # 2085 correcting Ord. # 884 approved 06/25/2012.

Preliminary Plat of The Reserve at Harvard Ponds – Request for Preliminary Plat approval for The Reserve at Harvard Ponds (including subject property) – PC Recommended Approval 12/15/2003 and City Council Approved 02/02/2004.

BL-293 – Tanner Consulting, LLC – Request for Lot-Split to separate a 1-acre tract from the surrounding 2.251 acres (balance of “Sexton Tract Description,” including a southerly part of subject property), the latter of which was subsequently platted as part of The Reserve at Harvard Ponds – Prior Approval granted 03/10/2004.

Final Plat of The Reserve at Harvard Ponds – Request for Final Plat approval for The Reserve at Harvard Ponds (including subject property) – PC Recommended Approval 09/23/2004 and City Council Approved 09/27/2004 (Plat # 5822 recorded 10/13/2004).

BL-390 – Steve Owens – Request for Lot-Split to separate Lot 6, Block 1, The Reserve at Harvard Ponds, into westerly and easterly parts, the former of which became part of subject property – PC Conditionally Approved 03/17/2014.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of Lot 7 and a westerly portion of Lot 6, Block 1, The Reserve at Harvard Ponds. It belongs to the Applicant, whose house is located on the Lot 7 portion. The westerly portion of Lot 6 part is vacant.

General. On March 17, 2014, the Planning Commission approved a Lot-Split Request for Lot-Split per BL-390 – Steve Owens to separate Lot 6, Block 1, The Reserve at Harvard Ponds, into westerly and easterly parts, the former of which became part of subject property and the latter of which Steve Owens retained. The owner of the residence at 14472 S. Gary Ct. now desires to re-divide the combined lot and sell the westerly half back to Steve Owens.

As the westerly portion of Lot 6 resulting tract would otherwise be too small, it must be re-attached to the balance of Lot 6 to the east. Provided this is done, the combined, restored Lot 6 would comply with the minimum bulk and area and other requirements of the RS-3 district.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application on July 01, 2015. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval, subject to both resultant tracts being attached to the adopting lots on both sides by deed restriction language such as:

[INSERT THE LEGAL DESCRIPTION OF THE WESTERLY PORTION OF LOT 6 TRACT].

The foregoing is restricted from being transferred or conveyed as described above without including:

[INSERT THE LEGAL DESCRIPTION OF THE EASTERLY PORTION OF LOT 6 TRACT]

*unless otherwise approved by the Bixby Planning Commission, or its successors, and/or the Bixby City Council as provided by applicable State Law,
Or other language provided by the Applicant for this purpose subject to City Attorney approval.*

There being no further discussion, Larry Whiteley made a MOTION to APPROVE BL-398 as recommended by Staff. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

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

9. **BL-399 – Ahmad Moradi.** Discussion and possible action to approve a Lot-Split for approximately 5.65 acres in part of the NE/4 of Section 11, T17N, R13E.
Property located: 13200-block of S. 78th E. Ave.
-

Chair Lance Whisman introduced the item and confirmed with Erik Enyart that it was to be Continued to the August Regular Meeting as requested by the Applicant.

There being no further discussion, Steve Sutton made a Motion to CONTINUE BL-399 to the August 17, 2015 Regular Meeting. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

10. **BL-400 – Tanner Consulting, LLC.** Discussion and possible action to approve a Lot-Split for Lot 22, Block 1, *Chisholm Ranch Villas*.
Property located: 12154 S. 103rd E. Ave. (address to be reassigned within the 10200-block of E. 121st Pl. S.)
-

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, July 17, 2015
RE: Report and Recommendations for:
BL-400 – Tanner Consulting, LLC

LOCATION: – 12154 S. 103rd E. Ave. (address to be reassigned within the 10200-block of E. 121st Pl. S.)
– Lot 22, Block 1, Chisholm Ranch Villas

LOT SIZE: 0.23 acres, more or less

ZONING: RS-3 Residential Single-Family District & PUD 58

SUPPLEMENTAL ZONING: PUD 58 “Juniper Hills Villas”

EXISTING USE: Vacant

REQUEST: Lot-Split approval

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

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

BZ-323 – Haikey Creek Partners, LLC for David Markle – Request for rezoning from AG to RS-3 for 55 acres for the Chisholm Ranch, Chisholm Ranch Villas, and part of a future phase “Chisholm Ranch” single-family residential subdivisions (includes subject property) – PC Recommended Approval 12/11/2006 by 2 to 1 vote and City Council Approved 05/11/2009 (Ord. # 958 on 12/11/2006 corrected by Ord. # 968 on 01/22/2007, which was later corrected again by Ord. # 2014 on 05/11/2009).

PUD 58 – Juniper Hills Villas – Haikey Creek Partners, LLC for David Markle – Request for PUD approval the Chisholm Ranch Villas subdivision (then tentatively known as “Juniper Hills Villas”) (includes subject property) – PC Recommended Approval 05/21/2007 by 2 to 1 vote and City Council Approved 06/11/2007 (Ord. # 971).

Preliminary Plat of Juniper Hills Villas – Request for Preliminary Plat for Chisholm Ranch Villas (then tentatively known as “Juniper Hills Villas”) (includes subject property) – PC recommended Conditional Approval 06/18/2007 and City Council Conditionally Approved 06/25/2007.

Preliminary Plat of Chisholm Ranch Villas – Request for Preliminary Plat Chisholm Ranch Villas (same subdivision as previously known as “Juniper Hills Villas”) (includes subject property) – PC Recommended Conditional Approval 09/15/2008 and City Council Conditionally Approved 09/22/2008.

Final Plat of Chisholm Ranch Villas – Request for Final Plat for Chisholm Ranch Villas (includes subject property) – PC Recommended Conditional Approval 12/21/2009 and City Council Conditionally Approved 01/11/2010 (Plat # 6324 recorded 02/09/2010).

PUD 58 – [Chisholm Ranch] Villas – Minor Amendment # 1 – Request for approval of Minor Amendment # 1 to PUD 58 to change a screening wall to a wood screening fence with masonry columns (includes subject property) – PC Approved 02/26/2010.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of vacant Lot 22, Block 1, Chisholm Ranch Villas. It contains 0.23 acres, more or less, and is zoned RS-3 Residential Single-Family District with PUD 58 “Juniper Hills Villas.”

General. This Lot-Split application proposes to separate the southerly 32’ of the subject property for an extension of 121st Pl. S. into the proposed “Chisholm Ranch Villas II” subdivision abutting to the west. Application for PUD 90 has been filed in support of this new housing addition development, and is also on this July 20, 2015 Planning Commission meeting for consideration.

The smaller tract will not meet RS-3 with PUD 58 bulk and area standards. Thus, this future private street right-of-way tract should be platted (likely as a Reserve Area) along with “Chisholm Ranch Villas II” to ensure its proper dedication and inclusion as part of the common areas for future Homeowners Association ownership, control, and maintenance. The remainder tract will meet the bulk and area standards of PUD 58, but should be re-addressed within the 10200-block of E. 121st St. S. prior to Building Permit issuance.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application on July 01, 2015. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval, subject to the future private street right-of-way tract being platted (likely as a Reserve Area) along with “Chisholm Ranch Villas II” to ensure its proper dedication and inclusion as part of the common areas for future Homeowners Association ownership, control, and maintenance.

Erik Enyart observed that the private street Reserve Area / right-of-way parcel may be widened if required to accommodate sidewalks as previously noted in the meeting.

There being no further discussion, Larry Whiteley made a MOTION to APPROVE BL-400 as recommended by Staff. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

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

NEW BUSINESS:

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

ADJOURNMENT:

There being no further business, Chair Lance Whisman declared the meeting Adjourned at 8:03 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary