

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
September 21, 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:

Vice/Acting Chair Steve Sutton called the meeting to order at 6:05 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the August 17, 2015 Regular Meeting

Vice/Acting Chair Steve Sutton introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the August 17, 2015 Regular Meeting as presented by Staff. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

PLATS

2. **Preliminary Plat & Final Plat – “Chateau Villas” – Cedar Creek Consulting (PUD 81).** Discussion and consideration of a Preliminary Plat, a Final Plat, and certain Modifications/Waivers for “Chateau Villas,” approximately 23 acres in part of the NW/4 NW/4 of Section 01, T17N, R13E.
Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S.
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Vice/Acting Chair Steve Sutton introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, September 18, 2015
RE: Report and Recommendations for:
Preliminary Plat & Final Plat of “Chateau Villas” (PUD 81)

LOCATION:

16-Acre Tract: 8300-block of E. 121st St. S.
7-Acre Tract: 12303 S. Memorial Dr.

SIZE:

26.99 acres, more or less, in three (3) tracts

EXISTING ZONING:

CS Commercial Shopping Center District, RM-3 Residential Multi-Family District, and OL Office Low Intensity District, & PUD 81

SUPPLEMENTAL ZONING:

PUD 81 “Chateau Villas PUD” and Corridor Appearance District (partial)

EXISTING USE:

16-Acre Tract: Vacant
7-Acre Tract: Single-family house

REQUEST:

- Preliminary Plat approval
- Final Plat approval
- A Partial Modification/Waiver from the standard 17.5’ Perimeter Utility Easement per Subdivision Regulations/City Code Section 12-3-3.A

SURROUNDING ZONING AND LAND USE:

North: CS & RM-1/PUD-6, RD, and RS-1; The Memorial Square duplex-style condo/apartments and vacant lots, and single-family residential to the northeast, a QuikTrip under construction and commercial in the Town and Country Shopping Center to the northwest, and farther north, duplexes along 119th St. S., all in Southern Memorial Acres Extended.

South: CS/PUD 29A, OL/RS-1/PUD 77, RS-1, and RS-2; The Boardwalk on Memorial commercial strip shopping center with vacant land behind zoned CS/PUD 29A, vacant land and a single-family dwelling zoned OL/RS-1/PUD 77 planned for a ministorage development, and single-family residential in Gre-Mac Acres and Southern Memorial Acres No. 2 zoned RS-1 and RS-2.

East: RS-1; Single-family residential and the Bixby Fire Station #2 in the Houser Addition.

West: CG, CS, & AG; Commercial development in 121st Center, the Spartan Self Storage ministorage business on an unplatted 1-acre tract zoned CS at 12113 S. Memorial Dr., and (west of Memorial Dr.) agricultural land and the Easton Sod sales lot zoned CS.

COMPREHENSIVE PLAN:

16-Acre Tract: Low/Medium Intensity + Vacant, Agricultural, Rural Residences, and Open Land

7-Acre Tract: Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES:

BZ-30 – Frank Moskowitz – Request for rezoning from AG to CS for the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E (including 7-acre tract subject property) – PC on 01/27/1975 recommended CS for N. approx. 12.5 acres, OL for the S. approx. 5 acres of the N. approx. 17.5 acres, and AG zoning to remain for the balance of the 20 acres. City Council approved as PC recommended 03/18/1975 (Ord. # 270).

BL-45 – Milton Berry – Request for Lot-Split approval to separate the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E (now the Spartan Self Storage) from the balance of the property, which balance was later platted as 121st Center (includes Reserve Area 'A' part of subject property) – both resultant tracts abut subject property to west and north – PC Motion to Approve died for lack of a Second 02/26/1979; City Council Conditional Approval is suggested by case notes. Deeds recorded evidently without approval certificate stamps 05/23/1978, which would have preceded the Lot-Split application.

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for 121st Center (includes Reserve Area 'A' part of subject property) – PC Conditionally Approved 12/28/1987 (Council action not researched).

BBOA-199 – Spradling & Associates for Arkansas Valley Development Corporation – Request for Variance to reduce the minimum lot width/frontage in CS from 150' to 125' to permit platting the subject tract as 121st Center (includes Reserve Area 'A' part of subject property) – BOA Approved 01/11/1988.

Final Plat of 121st Center – Request for Final Plat approval for 121st Center (includes Reserve Area 'A' part of subject property) – PC Conditionally Approved 02/29/1988 and City Council Approved 07/11/1988 (per the plat approval certificate) (Plat # 4728 recorded 08/05/1988).

BCPA-3, PUD 68, & BZ-341 – North Bixby Commerce Park – Lou Reynolds for Alvis Houser – Request to amend the Comprehensive Plan to redesignate property (in part) “Medium Intensity,” rezone from AG to CS and OL, and approve PUD 68 for a ministorage, “trade center / office-warehouse,” and retail development on 16-acre tract subject property – PC voted 2 in favor and 3 opposed on a Motion to approve the development on 04/20/2009. On 04/27/2009, on appeal, the City Council reversed the Planning Commission’s action. On 06/08/2009, the City Council denied the ordinance which would have approved the rezoning, PUD, and Comprehensive Plan amendment, on the City Attorney’s advice regarding certain language in the ordinance, and called for the developer to proceed “under existing ordinances.” On 06/22/2009, the City Council Approved, by Ordinance # 2030, all three (3) applications as submitted, and with no Conditions of Approval. The legal descriptions in the ordinance reflected the underlying CS/OL zoning pattern as recommended by Staff, rather than per the “Exhibit 1” to the PUD.

Preliminary Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on 16-acre tract subject property – PC recommended Conditional Approval 03/15/2010 and City Council Conditionally Approved 03/22/2010.

Final Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Final Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on 16-acre tract subject property – PC recommended Conditional Approval 05/17/2010 and City Council Conditionally Approved 05/24/2010. City Council approved a revised Final Plat 09/13/2010.

BSP 2010-01 – North Bixby Commerce Park – RK & Associates, PLC / McCool and Associates, P.C. (PUD 68) – Request for approval of a PUD Detailed Site Plan for a ministorage, “trade center / office-warehouse,” and retail development on 16-acre tract subject property – PC Conditionally Approved 07/19/2010.

PUD 81 & BZ-368 – Chateau Villas PUD – AAB Engineering, LLC – Request for rezoning from CS, OL, and AG to CS and RM-3 and to approve PUD 81 for a Use Unit 8 multifamily residential and commercial development for subject property – PC recommended Conditional Approval, with a modified zoning schedule including OL zoning, 11/18/2013 and City Council Conditionally Approved, as modified, the applications 11/25/2013 and Conditionally Approved same by ordinance (Ord. # 2126) 02/24/2014.

PUD 81 – “Chateau Villas PUD” – Major Amendment # 1 – Larry Kester of Architects Collective – Request for approval of Major Amendment # 1 to PUD 81 for a Use Unit 8 multifamily residential and commercial development for subject property – PC recommended Conditional Approval 03/25/2015 and City Council Conditionally Approved application 03/30/2015. Applicant Larry Kester withdrew from application 05/19/2015. New architect engaged, site and building designs changed, and new PUD documents received 06/17/2015. City Council Conditionally Approved revised PUD Major Amendment # 1 by ordinance by 3:0:0 vote 06/22/2015 (Ord. # 2153).

BSP 2015-04 – “Chateau Villas” – Larry Kester of Architects Collective (PUD 81) – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for subject property – Withdrawn by Applicant 05/28/2015.

BSP 2015-06 – “Chateau Villas” – Cedar Creek Consulting (PUD 81) – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for subject property – Pending PC consideration 09/21/2015.

BACKGROUND INFORMATION:

Per the original PUD 81 Exhibit B Conceptual Site Plan, the multifamily element of the “Chateau Villas” development included 12 multifamily buildings and one (1) clubhouse/leasing office. All multifamily buildings were understood to be three (3) stories in height with clay tile rooves and a “Tuscan” theme. The clubhouse was to be between 7,500 and 8,000 square feet, and was to cost \$1 Million. The artist’s/architect’s perspective renderings of the original designs were included in a PUD Text & Exhibits package received November 25, 2013, and these and certain other drawings were presented at certain meetings including the City Council meeting held on that date. One of the drawings was published in a November 14, 2013 Tulsa World article entitled “High-end apartment complex likely coming to Bixby.” Per these exhibits, the buildings appeared to be five-tone, box-like structures with flat façades except for protruding exterior stairwells. The façades, considering their description as “masonry,” appeared to be traditional stucco or otherwise another cementitious product resembling stucco. The original intent was not clear.

Since the original November, 2013 PUD application approval, and February 24, 2014 PUD approval by Ordinance # 2126, the developer acquired the 16-acre parcel in mid-2014 and the 7-acre parcel at the end of 2014. In early 2015, the developer engaged an architect, Architects Collective of Tulsa, and the designs changed.

PUD 81 Major Amendment # 1 originally proposed:

- (1) to increase the maximum building height from 48’ to 54’ and four (4) stories, and
- (2) to amend the 75% minimum masonry standard, which applies to all buildings, to define masonry to include “concrete or clay brick of any size, natural stone of any size, manufactured stone of any size, cement based stucco, manufactured cement fiber based stucco panels and manufactured cement fiber horizontal siding.”

After application submittal, City Staff had several meetings and other communication with the Applicant to refine the intent of the amendments, and suggested other amendments be made to facilitate the most appropriate development of the property. Staff was not supportive of the original approach to redefine “masonry,” even in the context of this application. In its final form, the Major Amendment included a 50’ maximum building height, a fourth story, and a 40% traditional masonry and 60% approved masonry alternatives standard, among other things.

At its March 25, 2015 Special Meeting, the Planning Commission recommended Conditional Approval of PUD 81 Major Amendment # 1. At its March 30, 2015 Special Meeting, the City Council Conditionally Approved the application for PUD 81 Major Amendment # 1 by vote of three (3) in favor, one (1) opposed, and one (1) abstention.

Because the PUD Major Amendment was not ready for approval at that time, and perhaps also because of the 3:1:1 vote on the application item, (1) the ordinance First Reading and/or approval item and (2) the Emergency Clause attachment items were Tabled or Passed or similar, to be brought back at a later date when the PUD was ready. The Ordinance First Reading (no action) was to be heard on the April 13, 2015 City Council Regular Meeting, but there was no quorum and that meeting was cancelled. The Ordinance First Reading was held April 27, 2015. Since the PUD Major Amendment was not ready, it was delayed for a time from being returned to a City Council agenda for Ordinance Second Reading and possible approval by majority vote.

Because the PUD Major Amendment had not yet been approved, PUD Detailed Site Plan application BSP 2015-04 was Continued from the April 20, 2015 Planning Commission Regular Meeting to the May 18, 2015 Planning Commission Regular Meeting, and then again to the June 15, 2015 Regular Meeting. It was not heard on June 15, 2015 because the Applicant Withdrew the application during a meeting with Staff on May 28, 2015, since the designs had changed and the Applicant was going to submit a new application for PUD Detailed Site Plan when the Applicant was closer to construction.

Subsequent to the Ordinance First Reading at the April 27, 2015 City Council meeting, the developer changed architects to NSPJ Architects of Prairie Village, KS, and the building designs and site layout changed again. The revised PUD documents were received June 17, 2015.

The June 17, 2015 plans called for a 7,000 square foot “clubhouse” and 13 multifamily buildings with a mix of 2-, 3-, and 4-story buildings with variegated façades and certain percentage of “concrete stone masonry material” (a.k.a. “manufactured stone” / “synthetic stone”), “brick veneer masonry,” and stucco) and 60% masonry alternatives (including only fiber cement cladding), with exceptions for trim. The open stairwells were brought within the building footprints, but exterior stairwells were evident in the new 4-story building elevation on the building ends, perhaps as access auxiliary to the proposed elevators.

Additionally, a non-exhaustive list of the most significant changes included:

1. New “Urban Contemporary” building designs, featuring:
 - a. More, or perhaps all buildings included attached garages
 - b. 5 4-story buildings all featuring elevators
 - c. Flat rooves with parapets rather than pitched rooves with shingles.
2. New site layout featuring:
 - a. Removal of internal water features
 - b. Realignment of boulevard entrance street/drive
 - c. Reconfiguration of buildings and internal drives layout
 - d. Fewer buildings, especially by the removal of smaller garage/apartment buildings
 - e. Clubhouse was larger, pool was smaller
 - f. Carports throughout development (with garages suggested, but not represented on plans)
 - g. Commercial development area design changes.
3. Building elevations reflected only one (1) building type, and did not contain height information or a full schedule of proposed exterior materials or their relative percentages.

On June 22, 2015, by 3:0:0 vote, the City Council Conditionally Approved the revised PUD Major Amendment # 1 by (Ord. # 2153).

These applications for Preliminary and Final Plat approval were received August 21, 2015, along with PUD Detailed Site Plan application BSP 2015-06, also on this Planning Commission agenda for consideration. The building designs and site layout changed again. A non-exhaustive list of the most significant changes includes:

1. New building designs, featuring:
 - a. 12 multifamily buildings including:
 - i. 2 large, segmented buildings (Buildings A and B)
 - ii. 4 3-story buildings
 - iii. 6 smaller, 2-story garage/apartment buildings
 - b. Clubhouse is now smaller¹ and embedded (Segment B) within large Building A
 - c. Only 1 4th story, Segment D of Building A, versus 5 4-story buildings
 - d. Evidently less brick/stone and less façade articulation/variegation (Building A)
 - e. Evidently fewer parapet roof articulations and embellishments (Building A)
 - f. New unit mix with 57 studio units now proposed and fewer 1-, 2-, and 3-bedroom units
2. New site layout featuring:
 - a. Incorporation and modification of stormwater retention pond in Reserve A of 121st Center
 - b. Pond / canal water feature added along west side of Development Area B
 - c. Removal of tower feature next to clubhouse
 - d. Realignment of boulevard entrance street/drive and removal of roundabout/water feature
 - e. Reconfiguration of buildings and internal drives layout
 - f. Pool/spa appears larger
 - g. 16 carports removed and 6 detached 6-car garages added
 - h. Fry Creek tributary channel area widened from roughly 45’ to 60’

ANALYSIS:

Subject Property Conditions. The subject property of approximately 26.99 acres in three (3) tracts:

¹ Roughly 3,300 : 6,402 square feet versus 7,000 square feet by interpolation of site and elevations drawings

1. An approximately 16-acre vacant tract at the 8300-block of E. 121st St. S.,
2. An approximately 7-acre tract at 12303 S. Memorial Dr. with what appears to be an unoccupied split-level house on it, and
3. The approximately 4-acre Reserve Area 'A' of 121st Center containing an existing stormwater retention pond.

The subject property is zoned CS, RM-3, and OL with PUD 81 "Chateau Villas PUD." Reserve Area 'A' of 121st Center is zoned CS and is not within a PUD.

The subject property is moderately sloped and primarily drains to the southeast to an unnamed tributary of Fry Creek # 1, and presently contains an area of 100-year floodplain, attendant to an improved drainage channel along and within the eastern boundary of the 16-acre tract. Per a letter dated September 21, 2009, the previous owner/developer was approved by FEMA for a CLOMR-F (Case No. 09-06-0671R) to widen the channel and increase its capacity to a level providing for the 100-year flow and use the borrow material as fill to elevate the development land above the 100-year Floodplain. Widening the channel, under the approved CLOMR-F, would remove the need for onsite stormwater detention for the 16-acre tract. As originally conceived, the channel was only going to be widened enough to drain the 16-acre tract, and no other properties in the area. The area downstream of the southeast corner of the property has already been widened per Alan Betchan of AAB Engineering, LLC on September 02, 2015. Per Mr. Betchan on November 11, 2013, the new development plans may not require widening of the channel located on the subject property, or perhaps not as much widening, due to the creation of less impervious surface compared to the previous development plan. However, it is not clear if the channel on the subject property has already been widened or not. The plans may be modified and resubmitted to the City and FEMA in order to incorporate the 7-acre tract that is now a part of this development proposal. Pursuant to the original, approved CLOMR-F, the previous owner/developer proceeded with the grading; however, Staff has been informed that the grading has not been completed in accordance with the CLOMR-F as of this time. As acknowledged in the "Drainage" section of PUD 81, the floodplain issue must be resolved through the City and FEMA approval process before the subject property can be developed, and the development will pay a fee-in-lieu of providing onsite stormwater detention.

Subdivision Regulations § 12-3-2.O prohibits platting development lots within the 100-year (1% Annual Chance) Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby's Floodplain Regulations by ordinance. By Modification/Waiver, platting Reserve Areas may be permitted, provided their use is passive and use restrictions prohibit building construction. To fully comply with applicable regulations, the floodplain and drainage improvements must be completed, the developer must secure FEMA approval of a LOMR upon completion of these improvements, the 100-year Floodplain must be entirely contained within a Reserve Area, and the Applicant must request and be approved for a Partial Modification/Waiver of SRs Section § 12-3-2.O to allow the platting of a Reserve Area in the 100-year Floodplain.

The Zoning Code and PUD 81 prohibit the issuance of Building Permits until the land has been platted, and the Subdivision Regulations prohibit platting building lots in the 100-year Floodplain. Until all Floodplain-related requirements are satisfied, the development may be limited to grading and utility work, performed pursuant to an Earth Change Permit, utilities permits, and other permits as may be required.

Per the Tulsa County Assessor's parcel records, there would be two (2) different owners: Chateau Villas, LP and NCFM, LLC et al. The latter owns Reserve Area 'A' of 121st Center. In order to make modifications to the existing stormwater retention pond and in order to replat this Reserve as a part of "Chateau Villas," Chateau Villas, LP must acquire full title to the property, or Chateau Villas, LP (or another entity controlled by the developer) must acquire a partial interest adequate to allow the replatting.

The plats and Site Plan propose constructing parts of the pool, spa, and patio on existing Reserve Area 'A' of 121st Center. The Reserve is not within PUD 81 and is not presently entitled for multifamily use, and cannot support part of the multifamily complex in its present state. As previously discussed with the Applicant, a PUD Major Amendment to annex the Reserve to the PUD may be sought at the time the Applicant is in title to the property or has the legal right to make permanent zoning changes to the property. Alternatively, the site plan may be modified to remove these multifamily land use elements from the Reserve area. Pedestrian pathways serve the multifamily and commercial Development Areas and so should be interpreted as being allowable use elements in CS zoning.

If acquired by the Applicant and if supported by a future PUD Major Amendment, the use of Reserve Area 'A' of 121st Center for multifamily development site elements may cause conflict with the continued function of as a stormwater retention pond benefitting, and potentially still an obligation to the owners of lots in 121st Center. The Deed of Dedication and Restrictive Covenants of the plat must clearly specify all entities owning or having an interest in, benefitting from use, and responsible for maintenance of Reserve Area 'A' of 121st Center.

Per the recorded plat of 121st Center, Reserve Area 'A' was dedicated as "a perpetual easement" and the DoD/RCs of that plat contain specific ownership, use, and performance provisions which may conflict with present plans for modifications to the existing stormwater retention pond. These dedications and/or restrictions may be released upon the successful approval and recording of a new plat, such as "Chateau Villas" or, prior to or upon the successful recording of the Final Plat of "Chateau Villas," it may be necessary to vacate or partially vacate the concerned part of the underlying plat of 121st Center to completely extinguish these elements.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has access to the stormwater drainage in the unnamed tributary to Fry Creek # 1 to the east. Plans for utilities were adequately described in the original PUD's Text and represented on the original Exhibit F, and is discussed further in the City Engineer's review memo.

Comprehensive Plan. The Comprehensive Plan designates the 16-acre tract subject property as (1) Low/Medium Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land. The Medium Intensity designation covers the west 6.26 acres of the 16-acre tract, pursuant to BCPA-3 approved by Ordinance # 2030 in 2010. The 7-acre tract and the 4-acre Reserve Area 'A' of 121st Center are both designated (1) Medium Intensity and (2) Commercial Area.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that CS zoning is In Accordance, RM-3 zoning May Be Found In Accordance with the Medium Intensity designation, and OL zoning May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since RM-3 and OL zoning districts were approved by ordinance of the City Council, these districts have been recognized as being In Accordance with the Comprehensive Plan in the context of PUD 81.

During the review and approval of PUD 81, Staff worked with the Applicant to adjust relative proportions of CS, RM-3, and OL zoning and relative proportions of commercial floor area and numbers and types of multifamily dwelling units to conform to the Comprehensive Plan designations as amended by BCPA-3.

The existing CS zoning for the 4-acre Reserve Area 'A' of 121st Center is consistent with its Medium Intensity and Commercial Area designations.

Per the Matrix, PUDs (as a zoning district) are In Accordance with the Medium Intensity and May Be Found In Accordance with the Low Intensity designations of the Comprehensive Plan Land Use Map. Since PUD 81 and its Major Amendment # 1 were approved by ordinances of the City Council, they have been recognized as being In Accordance with the Comprehensive Plan as a zoning district. PUD 81 Major Amendment # 1 proposed making certain changes to design features of the development, but no significant changes to the schedule of land uses compared to the original PUD 81.

The multifamily and commercial development anticipated by this plat would not be inconsistent with the Comprehensive Plan.

General. This subdivision of 26.99 acres, more or less, proposes four (4) lots, one (1) block, and one (1) Reserve Area, the existing Reserve Area 'A' of 121st Center. Staff understands that the developer only intends to develop, at this time, (1) the multifamily Development Area (DA) B (proposed Lot 3, Block 1, "Chateau Villas"), (2) certain other DA B-dependent site elements (private street/drive connections to Memorial Dr. and 121st St. S. and the drainage channel along the east side of the plat), and (3) a modified stormwater retention pond in Reserve Area 'A' of 121st Center.

The draft plat and site plan propose to split Development Area D between proposed Lots 3 (multifamily lot) and 4 (commercial lot). Development Area D contains the drainage channel, and upon completion of the floodplain and drainage improvements, it will contain 100-year (1% Annual Chance) Regulatory Floodplain. As noted elsewhere in this analysis, Subdivision Regulations § 12-3-2.0 prohibits platting development lots within the 100-year Floodplain, but Reserve Areas may be permitted upon request and approval of a Modification/Waiver of this Section. Thus, the ultimate 100-year Floodplain, at a minimum, or otherwise all of the area planned for use for drainage and common features should be

placed into a Reserve Area, and the Applicant must request and be approved for a Modification/Waiver of SRs Section § 12-3-2.O to allow the platting of a Reserve Area in the 100-year Floodplain.

Further, PUD 81 provides certain minimum standards for screening and landscaping, including a provision that "Landscape screening / buffering along the East boundary shall be at least as good, if not superior to that conditionally approved for the former "North Bixby Commerce Park" development, as will be determined by the City Council." Consistent with the "North Bixby Commerce Park" development, as described in the PUD 81 Major Amendment # 1 Staff Report, screening would include a minimum of 125' of 6'-high masonry wall along the northerly end, and a certain minimum number of landscaping trees. Since PUD requirements pertain to Development Area D and not individual lots, and for practical reasons pertaining to screening fence/wall and drainage channel maintenance, Staff recommends the Applicant consider making all of Development Area D a Reserve Area and provide appropriate Restrictive Covenants pertaining to the dedication, purpose, right of access and use, and share of perpetual maintenance responsibilities. Reference how this was done for the Reserve Area in the Conditionally Approved Final Plat of "North Bixby Commerce Park."

Per the plat, proposed Lot 3, Block 1, "Chateau Villas" will have no frontage on either Memorial Dr. or 121st St. S., and will instead have access to both via Mutual Access Easements (MAEs). Unless proposed Lot 3 is modified to have at least 75' of frontage on a Public street, or the MAE is converted to private street right-of-way, the present configuration will require a PUD Minor Amendment to relieve the frontage requirement of Zoning Code Sections 11-7C-4 Table 3 and 11-8-4, and also a Modification/Waiver from Subdivision Regulations Section 12-3-4.B. If proposed Lot 3, Block 1, "Chateau Villas" is modified using either of these methods, proposed Lot 1 may need to be reconfigured to have at least 150' of frontage on Memorial Dr. per Zoning Code Section 11-7D-4 Table 2, or a PUD Minor Amendment may be sought to reduce the lot width.

With the exceptions outlined elsewhere in this report, the Preliminary Plat and Final Plat appear to conform to the Zoning Code, Subdivision Regulations, and PUD 81 as amended by Major Amendment # 1.

The Technical Advisory Committee (TAC) reviewed the Preliminary Plat, Final Plat, and PUD Detailed Site Plan per BSP 2015-06 on September 02, 2015. The Minutes of the meeting are attached to this report.

Subdivision Regulations Section 12-3-3.A requires a 17.5' Perimeter U/E. The plat is missing the Perimeter U/E along substantial parts of the plat boundary. These should be added per Planning and Engineering Staff. Per other recommendations in this report, the drainage channel along the east side may need to be within a Reserve Area. Even if otherwise, the nature of the channel would make installation of utilitylines within this easterly perimeter difficult, and so the 17.5'-wide Perimeter U/E may need to be relocated parallel the west side of the channel. This will require a Partial Modification/Waiver of SRs Section 12-3-3.A, and the Applicant must request same in writing. Staff would not object to this partial Modification/Waiver, recognizing the design challenges the channel presents.

Per the discussion at the TAC meeting, it is possible that franchise utility companies will need internal utility corridors supported by easements specific to a utility or Public General Utility Easements. Please check with all utility companies and add appropriate easements as needed. Confirmation of utility approval of the provided easements will be achieved by the receipt of release letters from all required utility companies per the Subdivision Regulations and the related recommended Condition of Approval. Public General Utility Easements, if added, may require special water, sanitary sewer, and/or stormsewer infrastructure design modifications for those parts within or crossing the U/E.

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

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

Access and Internal Circulation. Plans for access and internal circulation are described in the "Vehicular and Pedestrian Access and Circulation" section of the PUD 81 Text as follows:

"The attached Exhibit B depicts the vehicular and pedestrian access points and circulation anticipated to accommodate the conceptual site plan. Access to the parcels of development area A and B will be provided by a private boulevard-style street and /or drive. This street will be maintained by the property owners association created for the development. The Multi-Family portion of the development will restrict access to the general public using gates, the specific

location of which will be determined at detailed site plan submittal. All such gates will be subject to approval of the City of Bixby Fire Chief, Fire Marshal and Engineering. Access to the lots within Development Area C will be derived by privately maintained streets and / or drives and shall not be permitted more than one (1) direct connections to 121st Street South per lot. All private driveway and/or street connections shall be subject to City Engineer curb cut and/or ODOT driveway permit approval for the proposed access points to Memorial Dr. (US Hwy 64) and 121st St. S., and the Fire Chief's and Fire Marshal's approval of locations, spacing, widths, and curb return radii.

Pedestrian connectivity will be provided by new sidewalks along all abutting public streets and all private streets as well as internal sidewalk circulation within the Multi-Family development. This sidewalk system will be designed to not only serve the immediate access issues to each building but also to serve as a walking trail system that will circulate throughout the property. All sidewalk layouts will be developed and presented in detail at the PUD detailed site plan submittal."

Plans for access can be further inferred from the site plans. Primary access to the development would be via one (1) boulevard-style private street/drive connecting to Memorial Dr. and serving DAs A and B, and a secondary private street/drive connecting to 121st St. S. The multifamily development will be gated.

PUD 81 describes internal accessways as private streets and/or drives. This was pursuant to a review comment that called for clarification, which was ultimately resolved by using this more flexible terminology, allowing the decision on private access format to be resolved at a later date. As per other recommendations in the analyses of the Preliminary and Final Plats and PUD Detailed Site Plan, some of the shared entrances may be or become private streets. However, internal parking lot drive aisles are not likely to be "streets" as they are presently termed on the Site Plan. If so, the plat would need to dedicate them as such and provide names for each. If otherwise, they should be retitled as "drives," "driveways," "drive lanes," "drive aisles," or similarly as appropriate.

As indicated on the PUD Detailed Site Plan, the entire development will be served by sidewalks along Memorial Dr. and 121st St. S. and by internal sidewalks, boardwalks, and [pedestrian] asphalt paths.

Distribution of Private Maintenance Responsibilities. For developments such as this, and invariably when a Reserve Area will be platted, an Owners Association is customarily formed for the purposes of improvement and maintenance of the private and common development elements. In this case, such private and common elements would appear to include the private streets/drives within the MAEs, Reserve Area A and any other Reserve Area(s) which may be platted, the stormwater drainage and detention/retention facilities, the drainage channel along the east side, required screening fence and masonry wall along the drainage channel, canal and bridges, boardwalks, and other common or potentially common areas of the subdivision such as any signage, entrance features, and/or landscaping. Staff recommends the DoD/RCs of the plat provide for the formation of an Owners Association and/or otherwise adequately spell out the distribution of private maintenance responsibilities of the various lot owners in "Chateau Villas" for the privately-maintained common features.

Such DoD/RC covenants typically provide a specific percentage/formula for proportional maintenance responsibilities for each lot, based on its relative size and/or other appropriate factors. Staff recommends using clear and immutable formula language on the face of the plat, versus buried in the DoD/RCs (which may be fairly easily amended and without City approval, per the City Attorney).

Finally, Deed of Dedication and Restrictive Covenants Section I.G.1 presently provides that the maintenance for the Mutual Access Easement (MAE) falls on the owner of the lot on which the MAE is located. All of the MAE falls on proposed commercial Lots 1, 2, and 4, Block 1, "Chateau Villas," but the drives will serve as the only access to proposed multifamily Development Area B / Lot 3, Block 1, "Chateau Villas." Staff is not supportive of the present approach, as most of the traffic and wear and tear on these MAEs will be by the multifamily development, which may suppress the chances of commercial/retail development on the commercial lots and the future value of these commercial lots.

Also to avoid suppressing the chances of commercial/retail development on commercial Development Area (DA) C / proposed Lot 4, Block 1, "Chateau Villas," Staff recommends the Applicant consider constructing the minimum 125' of 6'-high masonry wall along the northerly end of DA D along with the development of the multifamily DA B, stopping at the southwest corner of the Fire Station # 2 property, and closing the intervening fence gap with the 8'-high wood fence.

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

1. Subject to City Council approval of a Modification/Waiver of the restriction on platting within the 100-year (1% Annual Chance) Regulatory Floodplain per SRs Section 12-3-2.O, to allow platting a Reserve Area, corresponding to part or all of Development Area D, within the 100-year Floodplain, as described more fully in the analysis above.
Staff believes that the intent of the subdivision Regulations will have been met and can support this Modification/Waiver subject to (1) the completion of the drainage channel, (2) FEMA's approval of the LOMR-F, (3) compliance with Floodplain Development Permit / Earth Change Permit requirements, and (4) the 100-year Floodplain being fully contained within a Reserve Area with provisions in the DoD/RCs restricting building development, as per the related recommendations of this plat.
2. Per the Tulsa County Assessor's parcel records, there would be two (2) different owners: Chateau Villas, LP and NCFM, LLC et al. The latter owns Reserve Area 'A' of 121st Center. In order to replat this Reserve as a part of "Chateau Villas," Chateau Villas, LP must acquire full title to the property, or Chateau Villas, LP (or another entity controlled by the developer) must acquire a partial interest adequate to allow the replatting.
3. The Site Plan proposes constructing parts of the pool, spa, and patio on existing Reserve Area 'A' of 121st Center. The Reserve is not within PUD 81 and is not presently entitled for multifamily use, and cannot support part of the multifamily complex in its present state. As previously discussed with the Applicant, a PUD Major Amendment to annex the Reserve to the PUD may be sought at the time the Applicant is in title to the property or has the legal right to make permanent zoning changes to the property. Alternatively, the site plan may be modified to remove these multifamily land use elements from the Reserve area. Pedestrian pathways serve the multifamily and commercial Development Areas and so should be interpreted as being allowable use elements in CS zoning.
4. If acquired by the Applicant and if supported by a future PUD Major Amendment, the use of Reserve Area 'A' of 121st Center for multifamily development site elements may cause conflict with the continued function of as a stormwater retention pond benefitting, and potentially still an obligation to the owners of lots in 121st Center. The Deed of Dedication and Restrictive Covenants of the plat must clearly specify all entities owning or having interest in, benefitting from use, and responsible for maintenance of Reserve Area 'A' of 121st Center.
5. Unless proposed Lot 3, Block 1, "Chateau Villas" is modified to have at least 75' of frontage on a Public street, or the MAE is converted to private street right-of-way, subject to a PUD Minor Amendment to relieve the frontage requirement of Zoning Code Sections 11-7C-4 Table 3 and 11-8-4.
6. Unless proposed Lot 3, Block 1, "Chateau Villas" is modified to have at least 30' of frontage on a Public street, or the MAE is converted to private street right-of-way, subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.B to allow Lot 3, Block 1, to have no frontage on a private or public street.
7. If proposed Lot 3, Block 1, "Chateau Villas" is modified to have at least 30' of frontage on a Public street, or the MAE is converted to private street right-of-way, proposed Lot 1 may need to be reconfigured to have at least 150' of frontage on Memorial Dr. per Zoning Code Section 11-7D-4 Table 2, or a PUD Minor Amendment may be sought to reduce the lot width.
8. Whether it remains an MAE or is converted to private street right-of-way, the private street / drive connecting to Memorial Dr. will serve as the singular point of access for proposed Lots 1 and 2 and will also serve as the primary access for proposed Lot 3, Block 1, "Chateau Villas." If dedicated as private streets within an MAE or in the form of private street right-of-way (mutually exclusive of lot areas), it should be given an appropriate street name. Based on existing addresses and street names, measured dimensions, and/or Tulsa regional E-911 block numbering conventions, this street should be 123rd St. S.
9. If the private street / drive connecting to 121st St. S. is dedicated as a private street, it also should be given an appropriate street name (e.g. 83rd E. Ave.).
10. PUD 81 describes internal accessways as private streets and/or drives. This was pursuant to a review comment that called for clarification, which was ultimately resolved by using this more flexible terminology, allowing the decision on private access format to be resolved at a later

date. As per other recommendations in the analyses of the Preliminary and Final Plats and PUD Detailed Site Plan, some of the shared entrances may be or become private streets. However, internal parking lot drive aisles are not likely to be "streets" as they are presently termed on the Site Plan. If so, the plat would need to dedicate them as such and provide names for each.

11. Subject to City Council approval of a Partial Modification/Waiver of the 17.5' Perimeter U/E standard per Subdivision Regulations Section 12-3-3.A, as described more fully in the analysis above.
12. All Modification/Waiver requests must be submitted in writing.
13. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
14. Per the recorded plat of 121st Center, Reserve Area 'A' was dedicated as "a perpetual easement" and the DoD/RCs of that plat contain specific ownership, use, and performance provisions which may conflict with present plans for modifications to the existing stormwater retention pond. These dedications and/or restrictions may be released upon the successful approval and recording of a new plat, such as "Chateau Villas" or, prior to or upon the successful recording of the Final Plat of "Chateau Villas," it may be necessary to vacate or partially vacate the concerned part of the underlying plat of 121st Center to completely extinguish these elements.
15. Face of Plat: The plat excludes the existing 50' right-of-way (easement?) per cited Tulsa County Clerk's Office Document # 2007112986. Unless there was another dedication as fee-simple right-of-way, this may only be an easement, and should be rededicated as fee-simple right-of-way by this plat.
16. Please update legal descriptions, plat area citations, and any other affected information upon the inclusion of the 50' right-of-way (easement?) for 121st St. S.
17. Face of Plat: Please represent existing right-of-way (easement?) per cited Tulsa County Clerk's Office Document # 2007112986.
18. A 60' half-street right-of-way dedication is required for 121st St. S., which is designated a Primary Arterial on both the Bixby Comprehensive Plan and the TMAPC Major Street and Highway Plan. Primary Arterials require a total right-of-way width of 120'. The dedication must be increased to the minimum 60' required.
19. Please label right-of-way dedication for 121st St. S. as "Right-of-way Dedicated by This Plat," or similarly as appropriate.
20. Please represent Temporary Construction Easement per Tulsa County Clerk's Office Document # 2007112987 if a subsequent instrument did not release same.
21. The recorded plat of 121st Center indicates a 10'-wide ONG easement along the east side of Memorial Dr. It is likely this easement continues farther south along Memorial Dr., and possibly through the subject property. Please research and add same if existing and if same affects subject property.
22. Several easements of record represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" are not represented on the plats. Per SRs Section 12-4-2.B.2, please represent all existing easements of record affecting the subject property, and those adjacent as pertain to the proposed development plans. An ALTA / ACSM survey is recommended to ensure all easements and other instruments of record are found and represented on the plat, and those requiring release are done as required prior to development.
23. Please provide ALTA / ACSM survey prior to Building Permit issuance as a part of the PUD Detailed Site Plan.
24. Per the discussion at the TAC meeting, it is possible that franchise utility companies will need internal utility corridors supported by easements specific to a utility or Public General Utility Easements. Please check with all utility companies and add appropriate easements as needed. Confirmation of utility approval of the provided easements will be achieved by the receipt of release letters from all required utility companies per the Subdivision Regulations and the related recommended Condition of Approval.
25. Public General Utility Easements, if added, may require special water, sanitary sewer, and/or stormsewer infrastructure design modifications for those parts within or crossing the U/E.
26. Several monuments and other surveying elements are represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" that are not represented on the plats. This may be

- due to different surveying methodologies. However, please double-check for existing monuments useful for platting purposes and include those as may be appropriate.*
27. *Subject to ODOT approval of the proposed curb cut / driveway permit location on Memorial Dr. / U.S. Hwy 64.*
 28. *Subject to City Engineer and/or Fire Marshal approval of proposed curb cut locations on 121st St. S.*
 29. *Please add Limits of No Access (LNA) and access openings corresponding to approved curb cut locations.*
 30. *Please add appropriate LNA access restrictions to the DoD/RCs.*
 31. *Upon completion of the Floodplain and drainage improvements pursuant to the FEMA-approved CLOMR, and after FEMA has effectively changed the 100-year Regulatory Floodplain boundaries by the approval of a LOMR, the new, reduced floodplain boundaries should be represented on the "Final As Approved" version of the Preliminary Plat.*
 32. *Please represent the PUD 81 building setback lines, where missing, per SRs Section 12-5-2.A.5.*
 33. *The Location Map (Vicinity Map) is required to include all platted additions within the Section per SRs Section 12-4-2.A.5.*
 34. *Preliminary Plat & Final Plat: Underlying Zoning district boundary lines are not represented as required per SRs Section 12-4-2.B.3.*
 35. *Face of Plat: Please add proposed addresses to the lots; Lot 4 is recommended to be 8310 E. 121st St. S. as per the corresponding commercial lot fronting on 121st St. S. within the Conditionally Approved plat of "North Bixby Commerce Park."*
 36. *Face of Plat: Please add the standard address caveat/disclaimer: "Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied on in place of the legal description."*
 37. *Final Plat: Please correct typo in Mutual Access Easement in Legend.*
 38. *Survey data apparently missing along curve of MAE within proposed Lot 4, Block 1.*
 39. *Survey data apparently missing for widened part of U/E within proposed Lot 4, Block 1.*
 40. *Survey data apparently missing for 15'-wide U/E stub from northeast corner of 90'-wide MAE within proposed Lot 1, Block 1.*
 41. *15'-wide U/E stub from northeast corner of 90'-wide MAE within proposed Lot 1, Block 1 does not appear to correspond to any feature on the draft PUD Detailed Site Plan. Advisory.*
 42. *Preliminary Plat: Per the draft PUD Detailed Site Plan, it cannot be determined whether some or all of the nearest three (3) existing ministorage buildings encroach the subject property. If any does, such building needs to be represented, with dimensions of encroachment from each of its building corners, per SRs Section 12-4-2.A.8.*
 43. *The southerly two (2) of the three (3) 228.52' dimensions along the westerly side of proposed Lot 3 appear to be in error.*
 44. *The 41.85' call along the westerly side of proposed Lot 3 needs to be clarified as to its relation to the other call which appears to share the same line, in terms of both extent and angle/bearing, which do not match.*
 45. *Linetype used along the internal boundaries shared with Reserve Area 'A' of 121st Center is different than the solid linetypes used elsewhere to denote boundaries of mutually exclusive elements. Please address appropriately.*
 46. *Angle/bearing and dimension calls missing along the internal boundaries shared with Reserve Area 'A' of 121st Center.*
 47. *Linetype appears to represent common lotline between 7-acre and 16-acre tracts. Line does not appear to have function within proposed plat. Please remove or discuss.*
 48. *Certain angle/bearing and dimension calls along certain plat boundaries do not correspond with recorded plats of 121st Center, Houser Addition, or The Boardwalk on Memorial or previous draft plats of "North Bixby Commerce Park" or "Byrnes Mini-Storages." This may be due to different surveying methodologies. However, please double-check and make any modifications necessary.*
 49. *Face of Plat: Notes: Second note states that FEMA Floodplain maps are for City of Tulsa. Please correct.*
 50. *Face of Plat: Please add block with name(s) and address(es) of owner(s) (SRs Section 12-4-2.A.4, 12-5-2.A.1, etc.).*

51. Document # 2009043186 labels (2 instances observed) refers to the Spartan Self Storage business located outside the plat boundaries and should be removed or relocated and explained.
52. Document # 2009070094 label within the adjacent Spartan Self Storage business property refers to the 7-acre tract portion of subject property and should be removed or relocated and explained.
53. Face of Plat: Missing notes pertaining to monumentation (reference SRs Section 12-1-8).
54. Face of Plat: Missing customary statistics (e.g. area of plat, number of lots, blocks, and Reserve Areas, etc.).
55. Face of Plat: "Existing Drainage Easement": Please clarify extents of leaderlines.
56. Face of Plat: "Existing Drainage Easement": Please cite source of "Existing Drainage Easement" (Book/Page or Document #).
57. Face of Plat: "Existing Drainage Easement": Please add width dimension.
58. DoD/RCs: Second page is titled "Restrictive Covenants," but the dedication of easements and Reserve Area(s) may necessitate the use of a Deed of Dedication.
59. Text within Reserve Area A, "Storm Water Retention Pond," may not be appropriate for a plat, as it reflects current land use and may create an unintended private use restriction, and as it does not provide for the entire scope of presently-planned uses (parts of the pool, clubhouse patio, boardwalk, [pedestrian] asphalt path, and potentially other private recreational uses).
60. West lines of proposed Lots 1 and 2 missing dimensions.
61. Please add missing dimension to part of the north line of proposed Lot 1 and relocate dimension labels as needed to avoid ambiguity.
62. South lines of proposed Lots 2 and 3 missing dimensions. Please add these and any others missing.
63. Dimension between west line of proposed Lot 2 and Sectionline is illegible on the electronic version of the plat. Please enlarge to resolve or otherwise address appropriately.
64. Please represent the S. 85th E. Ave. half-street platted in Houser Addition, such as was represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" (SRs Section 12-4-2.A.6).
65. Please represent the abutting 20'-wide Road Easement platted in Southern Memorial Acres No. 2, Plat # 2794, such as was represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" (SRs Section 12-4-2.A.6).
66. Discuss the possibility of extending south the recommended Reserve Area corresponding to the drainage channel to incorporate the east 25' of Government Lot 4, or providing a B/L restriction in this area, to allow for potential future 85th E. Ave. half-street right-of-way.
67. All changes necessary for the PUD Detailed Site Plan, to the extent relevant for these plats, should also be made here.
68. Please represent the existing 17.5'-wide U/E along and within the abutting Lot 5, Block 1, 121st Center.
69. Please represent the existing 11'-wide U/E and MAE along and within the abutting Lot 1, Block 1, The Boardwalk on Memorial.
70. Please label adjacent plats The Boardwalk on Memorial and Southern Memorial Acres No. 2 (SRs Section 12-4-2.A.3).
71. BSP 2015-06 indicates a proposed 45'-wide Drainage Easement along the east side of the subject property, but the same is not indicated on the plats. Please reconcile.
72. If a Drainage Easement is added, please provide appropriate dedication language to the DoD/RCs.
73. Face of Plat: Scale of symbols used for found and set monuments at variance in Legend and in situ.
74. Face of Plat: Please correct name of street from 101st St. S. → 121st St. S.
75. 224.84' dimension along the west line of proposed Lot 4, Block 1, "Chateau Villas" is inconsistent with the 225.00' dimension on the draft site plan. Please reconcile.
76. Title Blocks, DoD/RCs Preamble, etc.: Plat boundaries include Reserve Area 'A' of 121st Center. Legal description on face of plat, and anywhere else affected, should include appropriate reference to same in the legal descriptions.
77. Title Blocks, DoD/RCs Preamble, etc.: Plat boundaries include Reserve Area 'A' of 121st Center. The Title Blocks, DoD/RCs Preamble, and anywhere else affected needs to reflect that

this will be “a Replat of (“Reserve Area ‘A’ ” or “part”) of 121st Center” in the legal descriptions (Subdivision Regulations Sections 12-4-2.A.2 and 12-5-3.B).

78. *Face of Plat and DoD/RCs: Includes term “Addition” in Title Blocks, DoD/RCs Preamble, and Certificate of Survey signature block. DoD/RCs Preamble states that further instances will use term “Addition,” but certain parts of DoD/RCs cite “Subdivision.” Please reconcile all instances.*
79. *“Owner / Developer” block on face of plat, DoD/RCs Preamble, Owner Signature Block, etc.: Plat boundaries include Reserve Area ‘A’ of 121st Center. Per the Tulsa County Assessor’s parcel records, there would be two (2) different owners (Chateau Villas, LP and NCFM, LLC et al.). “Owner / Developer” block on the face of the plat, the DoD/RCs preamble, the Owner Signature Block at the end of the DoD/RCs, and all other elements affected must include both title owners.
Secondly, the legal description of the land being platted does not differentiate between what part of the underlying land is owned by which property owner name in title. For clear title and tax purposes, Staff believes that each dedicating owner should have their respective legal description specified in the DoD/RCs. Reference how this was done with the plats of 101 South Memorial Plaza, Bixby Centennial Plaza II, and “Bixby Memory Care.”
If Chateau Villas, LP acquires full title to the property, this would be resolved. If Chateau Villas, LP (or another entity controlled by the developer) acquires only a partial interest, but adequate to allow the replatting of Reserve Area ‘A’ of 121st Center, the title owner in name will need to be separately specified as per this item, and it may be necessary for all requisite signatories to that title owner in name to sign the plat.*
80. *DoD/RCs Preamble: Missing critical wording such as “...subdivided into four (4) Lots in one (1) Block and X Reserve Area(s)...”*
81. *DoD/RCs: Based on the PUD Detailed Site Plan, for proposed commercial Lots 1 and 2, Staff recommends the PUD and DoD/RCs of the plat include a Mutual Parking Privileges covenant, so that each lot may allow their excess spaces to be used by patrons of the other lot, which is common in developments such as this, especially when developed as a unit by a singular developer. Examples may be provided upon request.*
82. *DoD/RCs: Staff recommends employing reasonable Restrictive Covenants typical for commercial/nonresidential subdivisions. As an example, a “Maintenance Covenant” pertaining to maintenance and upkeep of properties free of trash, debris, and litter. Examples may be provided upon request.*
83. *DoD/RCs Section I.D and I.E: Section numbers are out of order.*
84. *DoD/RCs Section I.G.1: As noted in the analysis above, Staff is not supportive of the present approach to place the MAE maintenance responsibility entirely on proposed commercial Lots 1, 2, and 4, Block 1, “Chateau Villas.”*
85. *DoD/RCs Section II Preamble: Refers to “Bixby Memory Care.”*
86. *DoD/RCs Section II Preamble: Please complete the PUD approval date information.*
87. *DoD/RCs Section II: Building Façades: Includes typos between paragraphs.*
88. *DoD/RCs Section II: Please double-check and make any corrections necessary to achieve consistency with the “Final As Approved” version of PUD 81 as amended by Major Amendment # 1.*
89. *DoD/RCs Section III.B.1: This “Duration” section of DoD/RCs customarily provides language allowing for the automatic renewal of the DoD/RCs for successive periods unless voided by an adequate majority of the then owners. Language is found in DoD/RCs Section III.A.1 “Enforcement,” but more appropriately belongs in Section III.B.1. Please incorporate or advise.*
90. *Final Plat: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.*
91. *Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.*
92. *Any recommendations in the analysis inadvertently omitted from this itemized list are included as if fully set forth here.*

93. *Due to the number of minor errors, Staff advises the Applicant to re-review the plat and Deed of Dedication and Restrictive Covenants and satisfy themselves as to its correctness.*
94. *Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).*
95. *Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).*

Patrick Boulden expressed concern for the proposed inclusion of Reserve Area 'A' of *121st Center* in the plat when the Applicant was not in title to the property and asked the Applicant how much of the land he owned. Applicant/Developer Kevin Jordan stated that he had [reached agreement to acquire] 40% of the property, which ownership was a "fractional undivided interest."

Tim Homburg, AIA, NCARB, of *NSPJ Architects*, Prairie Village, KS, stated that the [pool/patio features] could be shifted back [off of Reserve Area 'A' of *121st Center*]. Erik Enyart noted that the Agenda Item open at this point was the Preliminary and Final Plats, and that the site design details would be addressed later under the PUD Detailed Site Plan item. Discussion ensued regarding site elements and design issues for same. Mr. Enyart stated that there were two (2) issues identified [regarding Reserve Area 'A' of *121st Center*]: For the plats, it would need to be removed, and for the Site Plan, the Applicant would need to modify the design to move the apartment elements from the Reserve Area.

Larry Whiteley noted that there were 95 things to work out for the plats, and made a Motion to CONTINUE the Preliminary Plat and Final Plat of "Chateau Villas" and BSP 2015-05 to the October 19, 2015 Regular Meeting.

Erik Enyart stated that there was a range of options between Continuing both items to the next meeting and approving both as submitted. Mr. Enyart suggested that, if the Applicant was willing to remove the Reserve Area ['A' of *121st Center*], the Planning Commission could recommend Approval of the Preliminary Plat only, and indicated that this might have the benefit of granting the Applicant a development entitlement allowing for securing financing to do the grading and utility improvements, which would take some time before the site was ready to "go vertical." Mr. Enyart suggested that, under this scenario, the other applications, the Final Plat and PUD Detailed Site Plan, could be Tabled and allowed to be brought back when they were ready. Mr. Enyart asked, and Kevin Jordan indicated agreement with Mr. Enyart's suggestion that removing the Reserve Area would not be a problem from a financing standpoint, and that the Preliminary Plat entitlement may be beneficial from a financing standpoint, allowing the project to move forward. Mr. Jordan noted that the situation was tenuous with [a barrel of] oil selling for \$46.

Thomas Holland SECONDED the Motion.

Vice/Acting Chair Steve Sutton asked Jerod Hicks if he had any questions or comments. Mr. Hicks expressed concern that the plans had changed since the last time the Planning Commission had seen the project. Mr. Hicks noted that it would be difficult [for the Applicant] to be held up on the development. Mr. Hicks stated, "I understand your perspective—you need some City approval," and indicated favor for an intermediate step, such as Preliminary Plat approval with the removal of the Reserve Area ['A' of *121st Center*].

Thomas Holland asked about the 100-year Floodplain situation, and it was noted that the developer was supposed to do the grading work per the FEMA-approved CLOMR.

Applicant Jason Mohler, PE, of Cedar Creek Consulting, Inc. stated that the As-Built survey shots indicated that the grading work previously done did not match the [CLOMR] plans, and that the intent was to finish the grading and make the Floodplain such that it is contained within the channel.

Erik Enyart stated that, even with the most optimistic timetable, in his mind, “going vertical” would take quite some time, and that was why he suggested that approving only the Preliminary Plat, with the removal of Reserve Area [‘A’ of *121st Center*], together with the City Engineer’s approval of the engineering construction plans for grading and utilities, would allow the development to move forward with floodplain/drainage/grading and utility work.

Larry Whiteley was asked if he wanted to Withdraw his Motion [in favor of the revised Staff recommendation]. Mr. Whiteley indicated he still took issue with trying to work out all of the [95 review comments] at that meeting.

Thomas Holland Withdrew his Second but stated that he was not in agreement with approving everything as included in the Agenda Packet.

Vice/Acting Chair Steve Sutton asked for a new Second. After a time, Mr. Sutton and Erik Enyart recognized that the Motion had died for lack of a Second.

Vice/Acting Chair Steve Sutton asked to entertain a new Motion.

Discussion ensued.

Discussion of the Motion included action to be taken on Agenda Item # 3, the PUD Detailed Site Plan for “Chateau Villas”:

OTHER BUSINESS

3. **BSP 2015-07² – “Chateau Villas” – Cedar Creek Consulting (PUD 81)**. Discussion and possible action to approve a PUD Detailed Site Plan and building plans for “Chateau Villas,” a Use Unit 8 multifamily residential and commercial development for approximately 23 acres in part of the NW/4 NW/4 of Section 01, T17N, R13E.
Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S.

Erik Enyart noted that the PUD Detailed Site Plans show precisely what will be built in great detail and was the very last step before “going vertical,” as the Building Permits could be issued the day after the site plan was approved.

² Previous agendas and documents have erroneously listed this application with case number BSP 2015-06, which was a case number associated with a different, previous site plan application. All residual references to the “Chateau Villas” site plan should be recognized as associated with case number BSP 2015-07.

Kevin Jordan indicated favor for receiving approval of only the Preliminary Plat and allowing the Final Plat and PUD Detailed Site Plan to be brought back later. Mr. Jordan stated that, when they are brought back, he would like it to be a “four-minute item.” Erik Enyart indicated agreement.

After further discussion, Erik Enyart suggested the following Motion: “To recommend Approval of the Preliminary Plat only, subject to the removal of Reserve Area ‘A’ of *121st Center* and all of the recommendations included in the Staff Report, and to Table the Final Plat and PUD Detailed Site Plan, and allow them to come back to a future meeting when they are ready.”

There being no further discussion, Jerod Hicks made a MOTION to Recommend APPROVAL of the Preliminary Plat only, subject to the removal of Reserve Area ‘A’ of *121st Center* and all of the recommendations included in the Staff Report, and to TABLE the Final Plat and PUD Detailed Site Plan, and allow them to come back to a future meeting when they are ready. Thomas Holland SECONDED the Motion.

Vice/Acting Chair Steve Sutton asked if there was any discussion of the Motion. Larry Whiteley noted that the approval would only authorize groundwork, and others indicated agreement.

Roll was called:

ROLL CALL:

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

Vice/Acting Chair Steve Sutton recognized Jay Mauldin of 7341 E. 119th Pl. S. Mr. Mauldin clarified the Motion and vote. Mr. Mauldin stated that he agreed with Larry [Whiteley], and stated that the Chateau Villas development had changed three (3) times this year.

3. (Continued from 05/18/2015, 07/20/2015, & 08/17/2015)
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.

Vice/Acting Chair Steve Sutton introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: *Bixby Planning Commission*
From: *Erik Enyart, AICP, City Planner*
Date: *Friday, September 18, 2015*
RE: *Report and Recommendations for:
BSP 2015-05 – “Jiffy Lube Office Building” – W Design, LLC (PUD 54)*

LOCATION: – 8000-block of E. 118th St. S.
– 7740 E. 118th St. S. (previously associated address)

- 7712 E. 118th St. S. (current address assigned per plat; reassignment recommended)
- Lot 2, Block 1, Bixby Jiffy Lube

SIZE: ½ acre, more or less

EXISTING ZONING: OL Office Low Intensity District & PUD 54

SUPPLEMENTAL PUD 54 for “Jiffy Lube”

ZONING:

EXISTING USE: Vacant lot

DEVELOPMENT Approval of Detailed Site Plan including as elements: (1) Detailed Site

TYPE: Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to PUD 54 for “Jiffy Lube Office Building,” an office/storage building development

COMPREHENSIVE PLAN: Medium/Low Intensity + Residential Area

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

BZ-182 – Eugene Green – Request for rezoning from RS-1 to CG 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. for a car lot (abutting subject property to the east) – City Council Approved 08/11/1987 (Ord. # 569).

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. (abutting subject property to the east) – BOA Denied 10/02/2006.

BZ-318 – 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) – 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; includes 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; includes 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; includes 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; includes 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 (includes 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 (includes 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; includes subject property) – AC Conditionally Approved 02/18/2008.

AC-08-08-01 & AC-08-08-02 – Request for Architectural Committee approval of ground and wall signs for Jiffy Lube for Lots 1 and 2, Block 5, North Heights Addition (later replatted as Lot 1, Block 1, Bixby Jiffy Lube) abutting subject property to the east – AC Approved 08/18/2008.

BACKGROUND INFORMATION:

History of the Application. As requested by the Applicant, the Planning Commission Continued this application from the May 18, 2015 agenda.

By email on June 12, 2015, the Applicant requested that the application be Continued to the July 20, 2015 Planning Commission meeting. As there were no other applications to consider, as recommended by Staff, Chair Thomas Holland Cancelled the June Regular Meeting.

As requested by the Applicant by phone on July 17, 2015, the Planning Commission Continued this application from the July 20, 2015 Planning Commission meeting to the August 17, 2015 meeting.

Staff met with the Applicant August 03, 2015 to discuss Staff's previous recommendation for a PUD Major Amendment to address the initial plans' apparent Use Unit 23 storage / warehousing use of a majority or significant part of the "office" building, and to address other design issues which may require an amendment to the PUD, and/or to provide a new proposal as to the design to address the issues outlined by Staff. At the meeting, the owner stated that the building was no longer planned for use for storage of automotive-related supplies, and a statement to that effect was received Friday, August 07, 2015. New site plans and information was received August 13, 2015, and this report has been updated to reflect this new information.

At its Regular Meeting held August 18, 2015, as agreed to by the Applicant, the Planning Commission Continued this application to the 09/21/2015 Regular Meeting to allow Applicant to meet with North Heights HOA / neighborhood to help inform building / site design, and make any changes pursuant to that meeting.

Staff has not received any new information or had any contact from the Applicant since the last meeting. Staff's recommendation has not changed.

Previous Recommendations Pertaining to Land Use. Per pre-application discussions with the Applicant and per the initial Site Plan submittal, the proposed building was originally intended to contain "incidental storage." Staff had advised the Applicant that, in order for the building to be deemed a Use Unit 11 office building with incidental storage, greater than 50% of the floor area should be actually devoted to general business office use. It was not clear, based on the floor plan provided with the application, whether or how the "future office" areas³ would be restricted from being actually used for storage until completed. The previous "storage" area was roughly 40% of the building floor area, and the "future office" areas were roughly 36% of the building floor area. If roughly 76% (or any part at or greater than 50%) of the building were to be used for storage, that would appear to cause the building's principal use to be recognized as a Use Unit 23 warehousing and/or storage use, which is not permitted per PUD 54. PUD 54 restricts Development Area A (Jiffy Lube site) to CS uses plus Use Unit 17 automotive oil changing/repair/[lubrication], and Development Area B (subject property) to uses allowed [by right] within the OL district. If Use Unit 23 was actually being proposed, and if the City was amenable to allowing same, this should have required a PUD Major Amendment to "unlock" Use Unit 23 from the available CG zoning in Development Area A, allow its allocation to Development Area B, and specify a maximum building floor area corresponding to the percentage of the building actually to be devoted to Use Unit 23 use. Staff advised the Applicant that such a Major Amendment would allow the City of Bixby to further inform the design and development standards, such as building and/or other building and/or site enhancements as a part of the prerequisites for PUDs pursuant to Zoning Code Section 11-7I-8.C, especially:

1. Harmonizing with the existing and expected development of surrounding areas,
2. Presenting a unified treatment of the development possibilities of the project site, and
3. Maintaining consistency with the stated purposes and standards the Zoning Code provisions for PUDs, which, per Zoning Code Section 11-7I-2, include purposes pertinent to this PUD such as:
 - (A) Permitting innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties, and
 - (B) Achieving a continuity of function and design within the development.

If a PUD Major Amendment is ultimately proposed at some future point, such building and/or site design enhancements, to be proposed by the Applicant and to be considered and approved by the Planning

³ The revised AS201, received August 13, 2015, has the "Storage" and "Future Office" area designations removed, and the entire open area is now designated "General Business Office....Owner Plans to Construct Additional Office as Necessary for its Future Growth."

Commission and City Council in exchange for the special benefit of more intensive land use approval, could include:

- Upgrading the EIFS siding to traditional masonry,
- Increasing the overall percentage of minimum masonry and/or approved masonry alternatives,
- Restoring the EIFS that “wrapped around” the south end of the building as per the initial submittal,
- Adding minimum masonry and/or approved masonry alternatives to all sides of the building,
- Changing the pitch and/or material of the white metal roof to be more compatible and consistent with the residential neighborhood abutting to the west,
- Bringing the Jiffy Lube development area up to code for minimum landscaping,
- Completing the required sidewalk along the Jiffy Lube development area, and/or
- Enhancing the proposed landscaping back to the initial submittal quality, if not further.

Purpose of the Application. Language in the landscaping section of PUD 54 provides that the final landscaping and screening standards are to be determined as a part of the “PUD site plan.” Although the text does not specify, this language indicates subjectivity, and suggests to Staff that a board or body would review and approve the “PUD site plan.” The City of Bixby took the initial site plan (AC-07-04-01), and subsequent revised site plan (AC-08-01-02) through the Bixby Architectural Committee in April, 2007 and January/February, 2008. It is believed these site plan approvals were presented to the Architectural Committee (AC) because the property is located in the Corridor Appearance District, which required AC site plan approval at that time. It may have served a secondary purpose, approving the PUD-required “PUD site plan.”

Upon Staff review of the documents pertaining the site plan per AC-08-01-02, PUD 54 Minor Amendment # 1, the Preliminary Plat, and the Final Plat, Staff discovered that certain language in the PUD section of the Deed of Dedication and Restrictive Covenants of the recorded plat differed from that of the PUD Text. Staff Reports and contemporary review emails do not reflect that the City of Bixby requested this change; the origination of the change is not known. The Deed of Dedication and Restrictive Covenants (DoD/RCs) Section 2 “Development Standards for All Lots” provides that (1) there shall be a “detailed landscape and screening plan,” and (2) the “detail landscape plan...shall be approved by the Bixby Planning Commission.” Read together, the PUD Text and the DoD/RCs text should be construed to require that the Bixby Planning Commission review and approve the required “PUD site plan,” which “PUD site plan” should include the required “detailed landscape and screening plan.” This BSP 2015-05 application requests approval as determined required by Staff.

The subject property shares a development history with the Jiffy Lube on the lot abutting to the east. The Zoning and development entitlements granted between 2006 and 2008 for the Jiffy Lube included the office building on the subject property, entitled and previously shown to be (60’ X 100’ =) 6,000 square feet in floor area. However, the office building was not built at the same time, and more detailed plans for same have just now been received. According to Tulsa County Assessor’s parcel records, both lots are presently owned by the same entity, Auto Oil Change, LC.

ANALYSIS:

Subject Property Conditions. The subject property consists of vacant Lot 2, Block 1, Bixby Jiffy Lube, and is zoned OL with PUD 54 “Jiffy Lube.” 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 through the stormwater drainage system in Bixby Centennial Plaza, which 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 subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.).

General. The Detailed Site Plan represents a suburban-style design and indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking. The subject property lots conforms to PUD 54 and, per the plans generally, the office building development would conform to the applicable bulk and area standards for PUD 54 and the underlying OL district, except as otherwise outlined herein.

Compared to the site plan last approved in 2008 per AC-08-01-02, a few changes have been made, including, but not necessarily limited to:

- Building is (109' X 55' =>) 5,995 square feet, compared to (100 X 60' =>) 6,000 square feet per the original site plan.
- The west setback has been increased from 25' to 30'.
- The north setback has been increased from ~28' to ~31'.
- The parking lots along the north and south sides of the building have been removed, and more parking relocated to the east side of the building.
- The required sidewalk will be added along the frontage of 118th St. S.
- The building's interior and exterior designs have changed.

The site plan proposes approval of a building to be known as the "Jiffy Lube Office Building," which Staff understands is intended to be considered a Use Unit 11 "general business office" for the entity owning all of the Jiffy Lube franchise locations in "Tulsa County." Per the Applicant's letter received August 07, 2015, the building is no longer planned to contain "incidental storage."

The Detailed Site Plan was prepared by W Design, LLC of Tulsa. The submitted plan-view Site Plan drawing consists of "Architectural Site Plan" drawing AS100 and "Floor Plan First Floor" drawing A201 (hereinafter, individually or together, sometimes "Site Plan" or "site plan"). The landscape plan consists of a "Landscape Plan" drawing AS101. Appearance and height information is provided on the "Exterior Elevations" drawing A301. Fence/screening information is provided by the representation of such information on AS100. The Lighting Plan consists of "Photometric Site Plan" drawing AS102. The application form indicates that the Sign Plan is "N/A." Per a site inspection, there are no signs on site, and no signs are indicated as proposed on any of the drawings; however, see Screening/Fencing and Signage analyses sections of this report.

The building is proposed to be a one (1) story metal building with EIFS and a synthetic stone wainscot along the north and east elevations, and a metal gable roof with a 1:12 pitch. The revised site plans provided August 13, 2015 have reduced the number of loading bay / overhead doors from three (3) to two (2). The former stairwell leading to an area of unspecified size represented on the plans as "unoccupied mechanical platform," and described as a "mezzanine or second floor" in the pre-application coordination meeting held March 12, 2015, has been removed.

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

The Technical Advisory Committee (TAC) reviewed this application on May 06, 2015. The Minutes of the meeting are attached to this report.

Access & Circulation. Per the plat of Bixby Jiffy Lube and the site plan, the subject property has 105.64' of frontage on 118th St. S., and one (1) driveway connections is planned thereto. The driveway connection would correspond to a 25'-wide Mutual Access Easement (MAE) as represented on the plat of Bixby Jiffy Lube, half of which MAE is located on the subject property, and the easterly half on the Jiffy Lube property. Primarily to the east of this MAE, there is an existing north-south drive connecting 118th St. S. to an existing east-west private drive along the north side of the Bixby Centennial Plaza development to the south.

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

Staff could not find language in the recorded plat of Bixby Jiffy Lube pertaining to the dedication, purpose, beneficiaries, intended use, or maintenance responsibility for the MAE.

The MAE may have been intended to provide mutual access between Lots 1 and 2 of Bixby Jiffy Lube. Although the Applicant's response received August 13, 2015 notes that the original language pertaining to the MAE was not found, it also claims that the purpose was exclusively to provide mutual access between the owners of Lots 1 and 2. As per the actual site construction and as per the first Jiffy Lube site plans (AC-08-01-02), the 25'-wide MAE does not correspond to the north-south driveway connecting 118th St. S. to the east-west private drive along the north side of the Bixby Centennial Plaza development to the south. However, per contemporary development review narratives, rather than or in addition to this purpose, it is possible that the MAE may have been intended to secure an additional access through Bixby Centennial Plaza, by agreement with the developer of that commercial subdivision, "as the Applicant has stated has been reached." A copy of such agreement was provided, and the legal description used appears to correspond to where the drive lanes were actually constructed. Regardless of whether the MAE was or

was not (at least also) intended to secure mutual access with the Bixby Centennial Plaza development to the south, the Applicant should consider and advise how the MAE may be modified, and potentially expanded, to reconcile actual use areas (e.g. parking, garbage bin enclosure, and landscaping versus drive lanes) according to current site designs.

Most of the pavement for the existing north-south drive is located on the Jiffy Lube property, but there is some measure located on the subject property as well. Per the site plan, most of the MAE on the subject property will be occupied by the parking lot strip along the east side of the building. Per the site plan, the 18'-deep parking lot stalls will be located 15' on the subject property and three (3) feet on the Jiffy Lube property. There will also be a curb-protected landscaped area defining the new curb return that will modify the existing north-south drive at the northeast corner of the subject property lot. The landscaped area will occupy all of the subject property's MAE here, and extend approximately three (3) feet into the abutting Lot 1, Block 1, Bixby Jiffy Lube, which area is part of the existing drive lane.

Since the site design calls for three (3) feet of the 18'-deep parking lot stalls to be located on the Jiffy Lube Lot 1, Block 1, Bixby Jiffy Lube, the Applicant should research, determine positively, and advise whether ADA standards will allow the handicap-accessible space and access aisle to be divided by a common property line which will separate different lots, which may be independently owned, now or in the future. The Applicant should advise what accommodations will be used to ensure continued maintenance and shared expenses of all of the shared areas (formal dedication or rededication and modification of existing MAE, new easement agreement, etc.). The Applicant's response received August 13, 2015 does not appear to address the misaligned nature of the MAE and drive locations or the additional mutual use purposes (parking, garbage bin enclosure, etc.) discussed in this report. If ADA standards do not allow this even with accommodations, the Applicant will need to amend the site plan such that the areas are wholly on the subject property.

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

The required sidewalk along 118th St. S. is indicated. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

Internal pedestrian accessibility will be afforded via internal sidewalks, connecting pedestrians between parking areas and building entrances within the development (reference Zoning Code Section 11-10-4.C). With the revised site plan drawings received August 13, 2015, a connection has been added to connect the building's public entrance to the public sidewalk along 118th St. S.

Parking & Loading Standards. For a Use Unit 11 office building, Zoning Code Section 11-9-11.D would require 1 space / 300 square feet of floor area. At 5,995 square feet, 20 parking spaces would be required. With the revised site plan drawings received August 13, 2015, the parking lot along 118th St. S. has been removed, and the parking lot strip along the east side of the building has been slightly reconfigured. The site plan now reports, and Staff counted 11 off-street parking spaces to serve the subject property.

PUD 54 requires compliance with the parking requirements of the Zoning Code, but also provides the following mutual parking privileges provision:

"...parking spaces required in one development area may be satisfied by spaces in another area, as long as "the total spaces provided shall not be less than the sum of the individual requirements and the spaces required for each use, and shall be under the ownership or permanent control of the owners of the use for which the spaces are required." Mutual use shall be authorized by a duly recorded mutual access or reciprocal access agreement."

For a Use Unit 11 office building, as the number of spaces has been reduced from 20 to 11, the subject property would require credit or use of parking spaces located within Development Area A / Lot 1, Block 1, Bixby Jiffy Lube. Per the 1976 Zoning Code, parking and loading requirements did not apply to oil lubrication and service business uses previously classified under Use Unit 16. Per the 2008 Zoning Code Text Amendment pertaining to Use Unit 16 ministorage developments, oil lubrication and service businesses uses were reclassified under Use Unit 17, and no parking or loading standards were added to the Zoning Code upon the reclassification. Thus, the Jiffy Lube does not have parking or loading requirements. Per the revised site plan drawings received August 13, 2015, the nine (9) spaces located in Development Area A / Lot 1, Block 1, Bixby Jiffy Lube will be used as credit toward the 20 required. An

amendment to the Mutual Access Easement or some other legal instrument should be used to adequately transfer the legal right to use parking spaces on Lot 1 to the owner of Lot 2, which lots may be sold independently at any point in the future.

Zoning Code Section 11-10-2.H provides a “minimum plus 15%” maximum parking number cap, to prevent excessive parking that results in pressure to reduce greenspaces on the development site. At 11 parking spaces proposed, the number of parking spaces proposed would not conflict with this standard if the building were deemed a Use Unit 11 office use.

With 11 parking spaces on site, the one (1) handicapped-accessible parking space appears to comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces) and Zoning Code Section 11-10-4.D Table 2.

ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The Site Plan provides that the one (1) accessible space will be of van-accessible design, and the dimensions provided on the space appear to comply with ADA dimensional standards. The dimensional design standards of per Zoning Code Section 11-10-4.C Figure 3 do not apply to van-accessible spaces. Per the revised site plans received August 13, 2015, the van-accessible space is now to the left of the accessible aisle, allowing for passenger-side convenience, as appropriate.

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

The individual parking space dimensions have been provided and demonstrate compliance with standards for the same Zoning Code Section 11-10-4.

The parking lot is subject to a 10' minimum setback from 118th St. S., a Collector Street, per Zoning Code Section 11-10-3.B Table 1. The former northwestern parking lot has been removed. Based on its relative representation compared to the 11'-wide U/E, this standard appears to be met.

The parking lot is subject to a 10' minimum setback from an R district per Zoning Code Section 11-10-3.B Table 1. The subject property abuts an R district to the west, and meets this parking lot setback standard.

The Site Plan shows parking area and driveway paving would encroach on the 20'-wide U/E along the north side (Tulsa County Assessor's Document # 2007138858) and the 7.5'-wide U/E along the east side of the subject property. Paving and site improvements on public Utility Easements is subject to City Engineer and Public Works Director approval.

For Use Unit 11 office buildings, Zoning Code Section 11-9-11.D requires one (1) loading berth per 10,000 to 100,000 square feet, plus 1 per each additional 100,000 square feet of floor area, and thus the building does not meet the threshold for requiring any. The east side of the building will have two (2) loading bay areas, which the Applicant has stated are not intended as loading bays but as garage doors for the current owner's private vehicles.

Screening/Fencing. PUD 54 requires for screening “[a]n eight (8) feet high screening fence...along the west boundary of Development Area B consisting of a block wall or other acceptable material.” The site plan represents the location of the existing 8'-high masonry wall, and depicts it in a photograph (or Google Street View image capture) as Diagram # 2. The City required the masonry wall be erected when the Jiffy Lube was built as there was a delay in the construction of the office building. However, the image and previous correspondence with the owner indicate that the northerly end of the fence is not at the 8' height, but is rather “stepped down” at its approach to the street. Staff has previously advised the owner that this would require a PUD Amendment. In the response received August 13, 2015, the Applicant has stated, “During some previous discussions with the Neighborhood, the residents had wanted a lower fence height at the corner for safer visibility. The owner is currently coordinating with the neighborhood to determine if they want the height of the fence increased, or left as is. Depending on the outcome of the Neighborhoods desires, we will take the proper steps in the minor amendments to the PUD.”

Previous discussions and correspondence with the owner indicate that the owner may have, at one point, intended to install signage in the screening wall identifying the North Heights Addition, as a part of the owner's discussions with the neighborhood to secure zoning entitlements for the Jiffy Lube and office building development on the subject property. It does not appear, however, that such a design element was included as a development standard in the PUD or as a condition of approval for any other development entitlement. Staff discussed this matter with the owner during a pre-application coordination

meeting held March 12, 2015 and again during the meeting held August 03, 2015. See signage analysis section of this report for further information on this matter.

PUD 54 requires the following for garbage dumpster screening:

“There shall be no storage of recyclable materials, trash or similar material outside a screened receptacle. An opaque fence of at least 8 feet in height shall be placed around all dumpsters. All dumpsters shall be located behind the front building lines.”

The site plan identifies one (1) trash can enclosure area, which has been relocated with the latest site plans to the southeast corner of the building, which new location also complies with the locational restriction of the PUD. The revised plans call for it to be an 8'-high cedar wood dumpster enclosure, and the profile view/elevation is indicated as diagram #s 4 and 5 on drawings AS101, and appears to demonstrate compliance with the opacity requirement. As recommended, the screening height and composition details have been submitted, for the Planning Commission's review and approval as a part of this Detailed Site Plan.

In a meeting with the Applicant and owners August 03, 2015, the owners stated that they would consolidate the existing, unscreened commercial dumpster serving Jiffy Lube with the new dumpster enclosure, and that they will amend the Mutual Access Easement (or use another method) to allow for the shared use of the singular enclosure.

Landscape Plan. PUD 54 requires compliance with the landscaping standards of the Zoning Code and provides the following special standards for landscaping:

“Provided open space and landscape areas shall be calculated to comprise no less than ten percent (10%) of the gross development area of the PUD. The actual [quantity] and quality of open space and landscape areas within a particular development area shall be approved and determined through the PUD site plan. The plan shall include, but not be limited to, a 25 feet wide landscaped open space area along the west boundary of Lot 3, Block 5, North Heights, which is Development Area B...”

Notwithstanding the subjectivity of the second sentence, which is subject to the Planning Commission's approval of this PUD site plan, all specific and special PUD-imposed landscaping requirements outlined in the above paragraph have been met with this landscape plan.

The initial landscape plans submitted have been changed upon the issuance of the initial Staff Report. Some landscaping trees have been removed (new calculations removed duplication of tree requirements at overlapping Street Yard and setback area strips, and all trees not required have been removed), and plans for an underground irrigation system have been removed in favor of hose bibs.

The proposed landscaping is compared to the Zoning Code and PUD 54 as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of the Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 25' along 118th St. S., on which the subject property has 105.64' of frontage. PUD 54 does not increase the 25' setback required by the OL district. The Street Yard thus contains (105.64' X 25' =) 2,641 square feet, 15% of which would be 396.15 square feet. Based on the calculations provided, and per dimensions indicated on the site plan, **this standard is met.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 7.5', 10', or 15' along abutting street rights-of-way. A 10' minimum width strip is required along 118th St. S., a Collector Street. The former northwestern parking lot has been removed. The proposed parking lot setback / landscaped strip does not appear to be provided, but the 11'-wide U/E is. Based on its relative representation, **this standard is met.**
3. 10' Buffer Strip Standard (Section 11-12-3.A.3): Standard requires a minimum 10' landscaped strip between a parking area and an R Residential Zoning District. There is an RS-1 district abutting to the west. Based on dimensions on the site plan and the relative representation of site features, **this standard is met.**
4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Excluding the building line setback along 118th St. S. (which is a Street Yard), the PUD provides setbacks along the east, south, and west boundaries of Development Area B / Lot 2, Block 1, Bixby Jiffy Lube. The PUD-imposed setbacks are greater than the underlying OL district in all cases, so are the ones which apply to this standard. The revised landscape plan received August 13, 2015 identifies how the various

setback and Street Yard tree requirements can be calculated, which Staff recognizes as consistent with the Zoning Code and its interpretation as follows:

197.63' Easterly Boundary Setback Tree Requirements: East line @ (197.63' – 25' Street Yard =) $172.63' \cdot 10' = 1,726.3$ square feet / 1,000 = 2 trees. Excluding Boundary Setback Trees elsewhere accounted for, two (2) trees are proposed in the landscaped area containing the setback along this line (at southeast lot corner). **This standard is met.**

105' South Boundary Setback Tree Requirements: South line @ (105' – 10' East Setback =) $95' \cdot 20' = 1,900$ square feet / 1,000 = 2 trees. Excluding Boundary Setback Trees elsewhere accounted for, two (2) trees are proposed in the landscaped area containing the setback along this line (centermost 2 along south line). **This standard is met.**

185.99' West Boundary Setback Tree Requirements: West line @ (185.99' – 25' Street Yard – 20' South Setback =) $140.99' \cdot 25' = 3,524.75$ square feet / 1,000 = 3.525 = 4 trees. Excluding trees elsewhere accounted for, four (4) trees are proposed in the landscaped area containing the setback along this line (southernmost 4 trees along the west line). **This standard is met.**

5. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 50' or 75' from a Landscaped Area, which Landscaped Area must contain at least 30, 100, or 200 square feet and one (1) or two (2) trees. For the subject property, the standard calls for a maximum of 50' of spacing, with one (1) tree required within the Landscaped Area. With the initial submittal, it was not clear, based on the dimensions provided, whether the centermost parking spaces along the east side of the building would have met this standard from available landscaped areas. However, the revised site plans received August 13, 2015 have removed this parking space. **This standard appears to be met.**
6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of Street Yard. The Street Yard is the Zoning setback along an abutting street. The subject property has 105.64' of frontage on 118th St. S. which requires (105.64' X 25' =) 2,641 square feet / 1,000 = 2.6 = 3 trees. Excluding trees elsewhere accounted for, three (3) trees are proposed in the Street Yard. **This standard is met.**
7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. 11 parking spaces now proposed / 10 = 1.1 = 2 trees required (1/10 of a tree is not possible, and minimum numbers of required trees are not rounded-down). Excluding the Street Yard and Building Setback trees reported above, two (2) trees proposed. **This standard is met.**
8. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard would be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
9. Irrigation Standards (Section 11-12-3.D.2): Zoning Code Section 11-12-4.A.7 requires the submission of plans for irrigation. Note # 6 (and perhaps others) on the landscape plan indicates compliance is now proposed by hose bibs on the building. 100' radii are indicated from each hose bib and demonstrate compliance minimum requirements of the Zoning Code. **This standard is met.**
10. Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.): The reported heights and calipers of the proposed trees, tree planting diagram(s), the notes on the drawings, other information indicate compliance with other miscellaneous standards. With the changes made to the plan drawing received August 13, 2015, **this standard appears to be met.**
11. Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard is 15% of an office lot within a PUD must be landscaped open space. Although PUD 54 preempts the 15% standard with a 10% standard, per the Site Plan, 48% of the lot area will be pervious surface (sod). **This standard is not applicable.**

Exterior Materials and Colors. Appearance and height information is provided on the "Exterior Elevations" drawing A301. The PUD has a 35' maximum building height in Development Area B / Lot 2, Block 1, Bixby Jiffy Lube. The previous shed-roof design has changed, and the plans now call for a white gable roof design with a 22' 3.5" ridge height and a 1:12 pitch.

PUD 54 provides for "Building Facades": "All construction shall comply with City of Bixby ordinances."

The subject property is within the Corridor Appearance District, which, as of 2013, has a masonry and/or approved masonry alternatives requirement for all building elevations facing a Public street. Per the elevations drawing, the building is to be a white metal building with white EIFS veneer and a 3'-tall "tan blend" manufactured stone veneer (sometimes a/k/a "wainscot") along the north/118th St. S.-facing elevation and east/Memorial Dr.-facing elevation. The synthetic stone veneer was added with the revised plans received August 13, 2015. The originally-submitted plans "wrapped" the EIFS around the easterly end of the south-facing elevation for an unspecified distance, but the plans received August 13, 2015 have removed this.

Although the office building was represented on the AC-07-10-07 and AC-08-01-02 site plans along with the Jiffy Lube to the east, elevations for the office building were not included with either application. However, Staff found building elevations and floor plans drawings for the original office building as proposed, and as the Architectural Committee apparently approved per AC-07-04-01 in April, 2007. The plans only included the front building elevation, and showed it to be a stucco building with a high-pitched shingle roof with four (4) dormers, a projecting portico and/or recessed vestibule with temple-front design, including a pediment and two (2) columns or pilasters, and what appears to resemble a brick "wainscot" roughly 2'-high. The floor plan reflected no loading docks or storage areas.

As Staff advised the owner and Applicant in the pre-application coordination meeting held March 12, 2015, and by subsequent email to the Applicant, if there are any particular design elements that would be superior to what is now proposed, those will be included as a review comment for comparison and discussion. In Staff's estimation, this metal building with large loading bay doors, which resembles a storage building even if not currently proposed for storage, at least as compared to the previous "pure" office building, would represent a diminished quality design.

The OL zoning and office building on the subject property were originally intended or otherwise should be recognized as serving as a buffer and transitional zoning district and land use between the heavy commercial Jiffy Lube to the east and the single-family residential neighborhood to the west.

Staff notes that a large metal building primarily composed of open areas served by two (2) large loading bay doors, with parking now reduced below what is considered adequate for office occupancy under the Zoning Code, if not now by this building owner, may at some point become attractive for use for storage/warehousing. Thus, construction of this building at this time may ultimately result in an intermittent or chronic code enforcement situation throughout the life of the building.

For all the reasons outlined above, as provided for plans exhibiting "exceptional character" within the Corridor Appearance District per Zoning Code Section 11-7G-5.C, if and upon Planning Commission approval, Staff will refer the site and building plans to the City Council for its consideration as well.

Outdoor Lighting. The Lighting Plan consists of "Photometric Site Plan" drawing AS102, which includes a photometric plan and a legend describing the different light fixtures proposed and certain other particulars. There do not appear to be any pole-mounted lights; all are building-mounted and appear typical for an office building application.

PUD 54 provides for lighting:

"Exterior light poles shall meet the requirements of the Bixby Zoning Ordinance. Lighting used to illuminate the development area shall shield and direct the light away from properties with[in] an R District that are residentially developed. Shielding of such light shall be designed so as to prevent the light producing element of the light fixture from being visible to a person standing in an R District that is residentially developed. Exterior lighting mounted on building walls shall be permitted."

Per the photometric plan, it appears that the footcandle effects of the proposed lighting will be reduced to 0.0 at the westerly propertyline shared with an existing single-family dwelling. This appears to demonstrate compliance with the PUD requirements and Zoning Code restrictions on lighting used to illuminate off-street parking areas.

Signage. PUD 54 requires compliance with the signage standards of the Zoning Code and provides no special standards for signage other than the representation of any proposed ground signs on the site plan.

The application form indicates that the Sign Plan is "N/A." Per a site inspection, there are no signs on site, and no signs are indicated as proposed on any of the drawings.

As noted in the Screening section of this report, Staff has recommended the Applicant advise if there is still intent to install signage in the screening wall identifying the North Heights Addition, and if so, amend the plans accordingly. The Applicant has responded to this recommendation by stating "The owner is currently coordinating with the neighborhood to determine if they want the identification signage, or left as is. Depending on the outcome of the Neighborhoods desires, this placard will be

installed onto the existing screening fence. If the signage is to be installed it will be submitted to the City of Bixby for a signage permit and follow all requirements set forth by the City of Bixby.” Unless PUD 54 is amended to provide specific allowance and development standards for such a sign, it should otherwise be permitted pursuant to Zoning Code Section 11-9-21.C.3.f: “Tablets built into the wall of a building or other structure and used for inscriptions or as memorial tablets or for similar purposes.”

Building-wall-mounted signs are expected, but are not indicated on any of the plans. The Applicant has responded by stating, “There are no building-wall-mounted signs proposed at this time. Any future signage will go through the City of Bixby’s sign permit application process.”

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

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

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

1. For all the reasons outlined above, as provided for plans exhibiting “exceptional character” within the Corridor Appearance District per Zoning Code Section 11-7G-5.C, if and upon Planning Commission approval, Staff will refer the site and building plans to the City Council for its consideration as well.
2. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.
3. Staff could not find language in the recorded plat of Bixby Jiffy Lube pertaining to the dedication, purpose, beneficiaries, intended use, or maintenance responsibility for the MAE. Regardless of whether the MAE was (at least also) intended to secure mutual access with the Bixby Centennial Plaza development to the south, the Applicant should consider and advise how the MAE may be modified, and potentially expanded, to reconcile actual use areas (e.g. parking and landscaping versus drive lanes) according to current site designs. The Applicant’s response received August 13, 2015 does not appear to address the misaligned nature of the MAE and drive locations or the additional mutual use purposes (parking, garbage bin enclosure, etc.) discussed in this report. See Access & Circulation section of this report for further details.
4. Since the site design calls for three (3) feet of the 18’-deep parking lot stalls to be located on the Jiffy Lube Lot 1, Block 1, Bixby Jiffy Lube, the Applicant should research, determine positively, and advise whether ADA standards will allow the handicap-accessible space and access aisle to be divided by a common property line which will separate different lots, which may be independently owned, now or in the future. The Applicant should advise what accommodations will be used to ensure continued maintenance and shared expenses of all of the shared areas (formal dedication or rededication and modification of existing MAE, new easement agreement, etc.). The Applicant’s response received August 13, 2015 does not appear to address the misaligned nature of the MAE and drive locations or the additional mutual use purposes (parking, garbage bin enclosure, etc.) discussed in this report. If ADA standards do not allow this even with accommodations, the Applicant will need to amend the site plan such that the areas are wholly on the subject property.
5. The proposed new and any modifications to existing driveway/street intersections require City Engineer curb cut approval, and the Fire Marshal’s approval in terms of locations, spacing, widths, and curb return radii.
6. Internal drives require Fire Marshal’s approval in terms of locations, widths, and curb return radii.
7. Per the revised site plan drawings received August 13, 2015, the nine (9) spaces located in Development Area A / Lot 1, Block 1, Bixby Jiffy Lube will be used as credit toward the 20 required. An amendment to the Mutual Access Easement or some other legal instrument should be used to adequately transfer the legal right to use parking spaces on Lot 1 to the owner of Lot 2, which lots may be sold independently at any point in the future.
8. During the design of the ADA parking features, the designer should consult with the Building Inspector to confirm the plans will comply with ADA standards (locations, proximity to primary entrance, maximum slopes, transition areas, level landing areas, pavement coloring, etc.).

9. *The Site Plan shows parking area and driveway paving would encroach on the 20'-wide U/E along the north side (Tulsa County Assessor's Document # 2007138858) and the 7.5'-wide U/E along the east side of the subject property. Paving and site improvements on public Utility Easements is subject to City Engineer and Public Works Director approval.*
10. *PUD 54 requires for screening an 8'-high screening fence along the west boundary of the subject property, consisting of a block wall or other acceptable material. It appears that the northerly end of the existing fence is not at the 8' height, but is rather "stepped down" at its approach to the street. As Staff has previously advised the owner, this would require a PUD Amendment.*
11. *The owner should advise if the owner still intends to install signage in the screening wall identifying the North Heights Addition. If there is still intent to do this, the plans should be amended accordingly. See Screening/Fencing and Signage analyses sections of this report for further information on this matter.*
12. *Please submit complete, corrected copies of the Detailed Site Plan incorporating all of the corrections, modifications, and conditions of approval as follows: Two (2) full-size hard copies, one (1) 11" X 17" hard copy, and one (1) electronic copy (PDF preferred).*
13. *Minor changes in the placement / locating individual trees or parking spaces, or other such minor site details, are approved as a part of this Detailed Site Plan, subject to administrative review and approval by the City Planner. The City Planner shall determine that the same are minor in scope and that such changes are an alternative means for compliance and do not compromise the original intent, purposes, and standards underlying the original placement as approved on this Detailed Site Plan, as amended. An appeal from the City Planner's determination that a change is not sufficiently minor in scope shall be made to the Board of Adjustment in accordance with Zoning Code Section 11-4-2.*

Erik Enyart noted that this application was Continued from the last meeting because the Applicant stated that they would meet with the *North Heights Addition* neighborhood and that the outcome could cause a change in the site and/or building design. Mr. Enyart stated that he had received revised plans that day, but that he was out of the office and had not had a chance to see them. Mr. Enyart stated that there was a new siding material that the Applicant was proposing or may want to propose in the alternative.

Applicant Weldon Bowman, AIA, NCARB, of *W Design, LLC*, 815 E. 3rd St. S., Suite C, Tulsa, provided one (1) hard copy of revised plans to the Commissioners and briefly described same.

Vice/Acting Chair Steve Sutton recognized Patrick Moore of 11465 S. Harvard Ave. Mr. Moore stated that he was the Applicant and owner and operator of the *Jiffy Lube* stores in Tulsa. Mr. Moore stated that the building would be for internal use and business office storage. Mr. Moore stated that he would store invoices, about 10,000 per month, which he had to keep for four (4) years for the Federal government. Mr. Moore stated that he would move the storage from the individual stores to [this building]. Mr. Moore stated that he had brought the new siding material to [Erik Enyart's] attention that day, that he had mentioned it to him the previous Friday. Mr. Moore stated that he was ready to move forward with an all EIFS building, but that the new siding material represented cost savings and a longer life, and had the same basic appearance as EIFS.

Vice/Acting Chair Steve Sutton recognized Ryan Coulter of 7366 E. 119th St. S. Mr. Coulter stated that EIFS had been around since the 1960s and showed the Planning Commissioners examples of the manufactured/synthetic/cast stone for the wainscot, the EIFS, and the new siding product being considered, which he described as a "stucco-coated metal panel." Mr. Coulter described the various siding materials for a time, including the use of Styrofoam, mounting methods, and the need for seams, as the expansion and contraction for all masonry types would otherwise cause the material to

crack and fall off. Mr. Coulter and Pat Moore stated that there would be a 3'-high [manufactured/synthetic/cast stone] wainscot on all sides of the building.

Jerod Hicks asked if there would be insulation behind the panels or within the metal building, and Ryan Coulter responded affirmatively to the latter. Mr. Hicks asked what the product was called, and Mr. Coulter responded "Custom Panel[Systems]" of St. Louis.

Pat Moore stated that the [EIFS or alternative siding material] color would be white or matte or as close as possible to the *Jiffy Lube* building.

Thomas Holland asked about the new siding material. Erik Enyart paraphrased the masonry and approved masonry alternatives standard of the Corridor Appearance District, which required all sides of a building facing a Public street be brick, stone, stucco, "EIFS or similar masonry-like product..." Mr. Enyart stated that the City had not interpreted or determined any other materials to be a "similar masonry-like product," and that he was not confident that the City or City Council would ultimately deem the metal panels with applied stucco-type material to be consistent. Mr. Enyart stated that the standard would require EIFS specifically on the front and 118th St. S. façades, and whether the rest of the sides could be the new material would be subject to the Commission's and City Council's approvals.

Vice/Acting Chair Steve Sutton recognized Lynn Ledford of 7734 E. 118th St. S. from the Sign-In Sheet. Mr. Ledford stated that he owned the house adjacent to the Jiffy Lube [subject property]. Mr. Ledford stated that there had been a meeting [with the subject property owner] the previous Tuesday, and that there were no plans to look at but it was determined there would be all EIFS all around and they would lower the [eave of the] roof.

Thomas Holland and Larry Whiteley clarified with Erik Enyart that the masonry and approved masonry alternative standard was introduced to the Corridor Appearance District in 2013 and that the language used at the time had not changed.

Lynn Ledford described a drainage issue he was concerned about.

Thomas Holland expressed concern about the 20' building height, and Pat Moore stated that the building was now proposed to be 14' in eave height and would now have a 3:12 roof pitch.

Vice/Acting Chair Steve Sutton recognized Harley Lundy of 11647 S. 73rd E. Ave. from the Sign-In Sheet. Mr. Lundy stated that he was Vice-President of the North Heights Homeowners Association, and that [he and the HOA] had had a meeting with the developer and were 100% in agreement with the EIFS, new colors, [roof] pitch, and size of the building, but that, if the developer changed to the metal panels, he would have to go back to his people. Mr. Lundy stated that Pat Moore was a good neighbor.

Jerod Hicks confirmed with Harley Lundy that he was okay with the aesthetics and height.

Vice/Acting Chair Steve Sutton asked Erik Enyart about landscaping, and Mr. Enyart stated that the plans meet the minimum standards in its current form.

Pat Moore stated that there was some concern that the roof would be reflective, and so this had now changed to a flat brown finish. It was noted that the eave height had been reduced from 20' to 14' and the pitch was increased to 3:12, and the top of the ridge was now 20' 10".

Vice/Acting Chair Steve Sutton recognized Noel Malan of 11655 S. 75th E. Ave. Mr. Malan asked about the discussion of aesthetics, and Erik Enyart responded that he expected aesthetics could be part of the consideration of the application. Mr. Malan stated that it was previously mentioned that EIFS had been around since the 1960s, and that, since that time, new products have been introduced. Mr. Malan suggested that the new product being contemplated may be superior for purposes of powerwashing and aesthetics.

Harold King asked if the City Council could not have a Worksession meeting to discuss the new product. Patrick Boulden responded that it could but that it would not be ready for this project. Larry Whiteley asked the Applicant when they would want to start building, and Pat Moore responded, "As soon as we get the okay." Erik Enyart stated that, if the Planning Commission approved the revised plans subject to the Staff recommendations, it could approve the new siding material in the alternative, subject to the City Staff and the City Council deeming it to be consistent with the language in the Zoning Code.

Thomas Holland addressed Pat Moore and stated, "I applaud you on your meeting with the neighborhood." Mr. Moore stated, "Their requests were reasonable."

Greg Moore of 9156 E. 120th St. S. stated that the EIFS on the current *Jiffy Lube* building was showing some yellowing, and had water issues on the roof and signage. Mr. Moore stated that the building could only be powerwashed so many times because it takes [EIFS material] off the wall, and the building now had "puncture wounds." Mr. Moore stated that the new siding material had [fewer] seams, was longer wearing, and suggested it was more stain resistant. Mr. Moore stated that he would get the data [on the new materials] in to Erik.

Weldon Bowman stated that EIFS had mold issues as well.

Jay Mauldin thanked Pat and Greg Moore for their Thursday meeting, and stated that they were open minded and receptive. Mr. Mauldin stated that he looked forward to moving this forward. Mr. Mauldin described the proposed changes to the building, and asked about the siding on the west side of the building. Mr. Mauldin stated that he did not know about the new product.

Pat Moore noted that he had agreed with the neighbors to plant more trees along the west side and that he would not move any.

Thomas Holland made a MOTION to APPROVE BSP 2015-05, subject to all of the recommendations in the Staff Report, and to incorporate the new plans presented at the meeting.

Erik Enyart stated that, per the discussion, he was not clear on the final status of the wainscot along the west side of the building. Discussion ensued. Lynn Ledford was asked, and stated that he did not mind if it was not included because of (the) other design change(s). Harley Lundy stated that [removing the wainscot] would not be what [he and the HOA] had agreed to the other night, but

otherwise, he personally did not see a problem with [the removal]. Pat Moore stated that he had told the HOA he would put it on all sides so he would do this.

Thomas Holland Amended his Motion to be as follows: MOTION to APPROVE BSP 2015-05, subject to all of the recommendations in the Staff Report, and to approve, in the alternative, the new material discussed, if City Staff and the City Council can deem it to be consistent with the language in the Zoning Code, and to incorporate the new plans presented at the meeting, with the exception of adding the wainscot to the 4th / west façade. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

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

NEW BUSINESS:

Vice/Acting Chair Steve Sutton 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, Vice/Acting Chair Steve Sutton declared the meeting Adjourned at 7:46 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary