

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
October 06, 2015                      6:00 PM**

***SPECIAL-CALLED MEETING***

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

**OTHERS ATTENDING:**

Brian Wiesman  
Rob Brewer  
Alan Betchan, PE, CFM  
Gary Thurmond  
See attached Sign-In Sheet

**CALL TO ORDER:**

Chair Lance Whisman called the meeting to order at 6:15 PM.

**ROLL CALL:**

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

**CONSENT AGENDA:**

**PUBLIC HEARINGS**

1. **PUD 91 – “The Village at Twin Creeks” – AAB Engineering, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 6 acres in part of the W/2 of the W/2 of Section 31, T18N, R14E.  
Property Located: 11625 S. Mingo Rd.

2. **BZ-385 – AAB Engineering, LLC.** Public Hearing, discussion, and consideration of a rezoning request from AG Agricultural District to RS-2 Residential Single-Family District for approximately 6 acres in part of the W/2 of the W/2 of Section 31, T18N, R14E.  
Property Located: 11625 S. Mingo Rd.
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Chair Lance Whisman introduced the two (2) related items and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Thursday, October 01, 2015  
**RE:** Report and Recommendations for:  
PUD 91 – “The Village at Twin Creeks” – AAB Engineering, LLC &  
BZ-385 – AAB Engineering, LLC

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**LOCATION:** – 11625 S. Mingo Rd.  
– Part of the W/2 of the W/2 of Section 31, T18N, R14E

**SIZE:** 6 acres, more or less

**EXISTING ZONING:** AG Agricultural District

**EXISTING USE:** Agricultural/rural residential

**REQUESTED ZONING:** RS-2 Residential Single-Family District & PUD 91

**SUPPLEMENTAL ZONING:** None

**SURROUNDING ZONING AND LAND USE:**

**North:** RS-2; Single-family residential in Southwood East.

**South:** RS-2; Single-family residential in Southwood East Second.

**East:** RS-2 & RS-3; Single-family residential in Southwood East Second zoned RS-2 and The Park at Southwood zoned RS-3.

**West:** (Across Mingo Rd.) RE & RS-2; Single-family residential in Amended Southwood Extended zoned RE and in Twin Creeks II and Twin Creeks zoned RS-2.

**COMPREHENSIVE PLAN:** Low Intensity + Residential Area

**PREVIOUS/RELATED CASES:**

Preliminary Plat of “The Village at Twin Creeks” – AAB Engineering, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for subject property – PC consideration pending 10/19/2015.

**RELEVANT AREA CASE HISTORY** (Not researched)

**BACKGROUND INFORMATION:**

**ANALYSIS:**

**Subject Property Conditions.** The AG-zoned agricultural/rural residential subject property of 6 acres, more or less, contains a single-family dwelling addressed 11625 S. Mingo Rd. and two (2) barns/accessory buildings toward the center of the acreage.

The subject property appears to slope moderately downward to the south, ultimately to the borrow ditch attending Mingo Rd., which appears to ultimately drain to Haikey Creek.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.), or otherwise will be served by line extensions as required. Plans for utilities are adequately described in the PUD Text and represented on Exhibit C, and are discussed further in the City Engineer’s memo.

**Comprehensive Plan.** The Comprehensive Plan designates the subject property as (1) Low Intensity and (2) Residential Area.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the requested RS-2 district is In Accordance with both the Low Intensity designation of the Comprehensive Plan Land Use Map.

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

“The Bixby Comprehensive Plan map depicts desired land uses, intensities and use and development patterns to the year 2020. Intensities depicted for undeveloped lands are intended to

*develop as shown. Land uses depicted for undeveloped lands are recommendations which may vary in accordance with the Intensities depicted for those lands.*” (emphasis added)

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

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

*The subject property is partially developed with the rural residence and agricultural/accessory buildings, but may not be considered “developed” if contrasted with the “Vacant, Agricultural, Rural Residences, and Open Land” designation that could have been applied here. Staff believes that the requested RS-2 district should be found In Accordance with the Residential Area designation of the Land Use Map.*

*Per the Matrix, PUDs (as a zoning district) May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Provided it is approved with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below, Staff believes that PUD 91 should be found In Accordance with the Comprehensive Plan as a zoning district.*

*Due to all of the factors listed and described above, Staff believes that the requested RS-2 zoning and proposed and single-family residential development proposed per PUD 91 should be found In Accordance with the Comprehensive Plan, provided it is approved with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below.*

*General. The PUD proposes to prepare the subject property for a gated, single-family residential development to be known as “The Village at Twin Creeks.”*

*The PUD is being requested for two (2) reasons: (1) Subdivision Regulations Section 12-3-2.J requires a PUD when developing subdivisions with private streets, and (2) for subdivision design flexibility. Similar to other “villas”-style housing additions in Bixby, the lots are proposed to be narrow and setbacks reduced, allowing larger homes on smaller lots as compared to standard housing additions typically designed according to RS-3 district development standards. PUD 91 proposes for lots to have a 60’ minimum lot width and 7,500 square-foot minimum lot area, compared to the RS-2 district’s 75’ minimum lot width and 9,000 square foot minimum lot area standards.*

*See the analysis below pertaining to minimum development standards for individual houses.*

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

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

*The Technical Advisory Committee (TAC) discussed PUD 91 at its regular meeting held September 02, 2015. Minutes of that meeting are attached to this report.*

*Access and Internal Circulation. The subject property has 330’ of frontage on Mingo Rd. and 50’ of frontage on the westerly dead-end of 116<sup>th</sup> Pl. S. in Southwood East Second.*

*The subject property is presently accessed from a private, gravel driveway connecting to Mingo Rd. at approximately the 11600-block thereof. The PUD site plan and Preliminary Plat of “The Village at Twin Creeks” indicate the new street, 116<sup>th</sup> Pl. S., will intersect Mingo Rd. to the north of the present driveway connection, and will terminate at a cul-de-sac turnaround toward the east end of the subject property, with a 20’-wide emergency access drive connection to the present westerly dead-end of 116<sup>th</sup> Pl. S. in Southwood East Second.*

*The “Access and Circulation” section of the PUD Text describes plans for access as follows:*

*“All streets within the development will be private and will largely conform the with the attached conceptual site plan. The primary entry to the subdivision will be derived from South Mingo Road as shown. A secondary “crash gate” access will be provided at the eastern end of the property where the existing 116<sup>th</sup> Place South currently dead ends. This will provide two points of access to the development as required by the City of Bixby Fire Marshal. Gates will be*

constructed to limit public access to subdivision and provide additional security for the lot owners. All such gates will be constructed according to the requirements of the City of Bixby Fire Marshal.

*In keeping with the character of the development desired by the owner, sidewalks will not be constructed within the development. This will not reduce or eliminate any master planned pedestrian connectivity within the surrounding developments since no sidewalks currently extend to any portion of the property. Sidewalks will similarly not be constructed along Mingo since this is one of the last tracts with frontage left to development and not sidewalks have been constructed along Mingo Road to date.”*

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

*The PUD Text and Exhibits indicate the singular street, 116<sup>th</sup> Pl. S., will be private and gated. The PUD Text provides that the roadway will be 26’ in width, and the Preliminary Plat of “The Village at Twin Creeks” indicates an unidentified 26’ dimension within the proposed 30’-wide private street right-of-way (or Reserve Area A), which likely suggests an intended 26’-wide roadway width. Notwithstanding the right-of-way not meeting the 50’ minimum width standard and the present proposal to not construct the required sidewalks, the streets are understood to be otherwise designed and constructed to meet City of Bixby minimum standards for Minor Residential Public Streets. The PUD Exhibit(s) should dimension the intended roadway width and the PUD Text should acknowledge that the 30’-wide rights-of-way will require a Modification/Waiver during the platting process.*

*As discussed during the pre-application coordination meetings held November 24, 2014 and July 31, 2015 and/or the TAC Meeting held September 02, 2015, the gate setback and/or other gate design requirements may cause need for a reconfiguration of the subdivision at the west entrance. Any necessary modifications should be reflected in the PUD Exhibits as appropriate.*

*The above-quoted PUD Text expresses opposition to constructing the required sidewalk along Mingo Rd. or along the internal street. As discussed during the pre-application coordination meeting held November 24, 2014, and perhaps also the one held July 31, 2015, sidewalks are required along Mingo Rd. and the private street, and may be contained within Sidewalk Easements in the latter instance.*

*The City of Bixby has not granted unmitigated Waivers of sidewalks for housing additions since the January 11, 2010 “transitional period” Waivers of sidewalks for the Chisholm Ranch/Villas and River’s Edge housing additions. Options extended to and utilized by developers since include:*

- 1. Alternative sidewalk locations (e.g. Somerset constructing sidewalks to/through Bixby Public Schools and LifeChurch.tv properties and River Trail II trail construction option versus sidewalk),*
- 2. Payment of fee-in-lieu into a City of Bixby escrow account for sidewalk construction on future street improvement projects (extended to, but not utilized by Southridge at Lantern Hill), and*
- 3. Payment of fee-in-lieu into a City of Bixby escrow account for onsite sidewalk construction (extended to and expected to be utilized by QuikTrip).*

*Because the internal street network is so small and this is a gated subdivision with private streets, in lieu of internal sidewalks on one or both sides of 116<sup>th</sup> Pl. S., provided the linear distances equal, Staff would support a future Modification/Waiver of the Subdivision Regulations during the platting stage to allow construction of sidewalk extensions northerly and/or southerly along Mingo Rd., or by paying a fee-in-lieu as per # 2 above.*

*If internal sidewalks will be constructed, it appears that the proposed rights-of-way, at 30’ in width, will not be adequate to contain a sidewalk (a 26’ roadway leaves only ~1.5’ on either side of both ~½’ curbs), and so it appears it will be necessary to add a “Sidewalk Easement” along the streets. Alternatively, additional width could be added to the 30’ current right-of-way / Reserve Area A width to accommodate the sidewalks.*

*The PUD Text pertaining to sidewalks should be replaced with new text such as: “Sidewalks shall be constructed by the developer along Mingo Rd. and Reserve Area B and shall be constructed by the developer or individual lot owners along all internal streets in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer.” The Text should also explain plans for use of Sidewalk Easements or wider Reserve Area A / private street right-of-way.*

Alternatively, the PUD Text pertaining to sidewalks should be replaced with new text describing intent to construct the sidewalk along the Mingo Rd. frontage only and use the alternative methods for internal sidewalk Modification/Waiver mitigation listed above.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily RS-2, RS-3, and RE. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

To the north, east, and south is single-family residential in Southwood East and Southwood East Second zoned RS-2 and single-family residential farther east in The Park at Southwood zoned RS-3.

Across Mingo Rd. to the west is single-family residential in Amended Southwood Extended zoned RE and in Twin Creeks II and Twin Creeks zoned RS-2.

The proposed RS-2 zoning and single-family residential housing addition development contemplated by this PUD would be consistent with the surrounding RS-2 and residential zoning and single-family land use patterns and represents a logical extension thereof.

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

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

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

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

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

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

- 75% minimum masonry
- Mature tree preservation.

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

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

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

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

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

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

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

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

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

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

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

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

On 07/27/2015, the City Council approved PUD 90, permitting the reduction of certain minimum bulk and area standards for “Chisholm Ranch Villas II” at 10158 E. 121<sup>st</sup> St. S. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:

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

On 08/24/2015, the City Council approved straight RS-3 zoning per BZ-384 for the “Presley Heights” housing addition of 42.488 acres at the 2800-block of E. 141<sup>st</sup> St. S. The Council accepted the suggestion by City Staff that the minimum standards could be established by the Restrictive Covenants of the plat, in lieu of a PUD as City Staff also suggested. At the August 17, 2015 Planning Commission meeting, the Applicant stated that the houses would be:

- 2,000 square foot minimum dwelling size for one-story houses, and 2,500 square foot minimum for two-story houses
- 100% masonry for first stories, except underneath porches, windows, and doors.

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

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

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

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

*The plat of Twin Creeks, recorded 09/03/1999, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:*

- *2,000 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses*
- *50% masonry excluding windows and doors, with provisions for "Architectural Design Committee" waiver*
- *Minimum 8/12 roof pitch over at least 75% of horizontal area covered by roof, with an absolute minimum 4/12 roof pitch, with provisions for "Architectural Design Committee" partial waiver.*

*The plat of Twin Creeks II, recorded 11/06/2000, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:*

- *2,200 square foot minimum dwelling size for one-story houses, and 2,600 square foot minimum for two-story houses*
- *50% masonry excluding windows and doors, with provisions for "Architectural Design Committee" waiver*
- *Minimum 8/12 roof pitch over at least 75% of horizontal area covered by roof, with an absolute minimum 4/12 roof pitch, with provisions for "Architectural Design Committee" partial waiver.*

*The plat of Twin Creeks III, recorded 04/07/2003, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:*

- *2,200 square foot minimum dwelling size for one-story houses, and 2,600 square foot minimum for two-story houses*
- *50% masonry excluding windows and doors, with provisions for "Architectural Design Committee" waiver*
- *Minimum 9/12 roof pitch over at least 75% of horizontal area covered by roof, with an absolute minimum 4/12 roof pitch, with provisions for "Architectural Design Committee" partial waiver.*

*The plat of Twin Creeks III Extended, recorded 02/13/2004, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:*

- *2,200 square foot minimum dwelling size for one-story houses, and 2,600 square foot minimum for two-story houses*
- *75% masonry excluding windows and doors, and 100% masonry for exteriors facing a public street*
- *Minimum 9/12 roof pitch over at least 75% of horizontal area covered by roof, with an absolute minimum 4/12 roof pitch.*

*The plat of Twin Creeks Villas, recorded 06/26/2003, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:*

- *1,800 square foot minimum dwelling size*
- *60% masonry excluding windows and doors, and 100% masonry for front and "Common Use Easement" side yard façades, with provisions for "Architectural Design Committee" waiver*
- *Minimum roof pitch of "combination of 14/12 sides and 9/12 over [at least] 75% M/L [of horizontal area covered by roof]," with an absolute minimum 6/12 roof pitch, except for a 4/12 pitch over porches or covered patios, with provisions for "Architectural Design Committee" partial waiver.*

*As it pertains to minimum standards for individual home construction, this PUD 91 proposes:*

- *2,400 square foot minimum dwelling size*
- *100% masonry to the first floor top plate excluding windows, covered porches, and patios.*

*Staff believes that the proposed minimum standards for home construction are substantially consistent with the nearby "Twin Creeks" subdivisions and with recent precedents for such standards as approved in Bixby for the past few years, and exceeds those of the comparable Twin Creeks Villas subdivision.*

*For all the reasons outlined above, Staff believes that PUD 91 would be consistent with the surrounding zoning, land use, and development patterns and is appropriate in recognition of the available infrastructure and other physical facts of the area.*

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

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

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

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

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

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

1. The approval of RS-2 zoning shall be subject to the final approval of PUD 91 and vice-versa.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item will be addressed by language to this effect in the “Development Concept” and “Site Plan Review” sections of the PUD Text (if the latter is retained).
3. Please update all PUD number blanks with number 91.
4. Please update all BZ- number blanks with case number BZ-385.
5. PUD Text: Development Concept: First Paragraph: Please identify by name the one (1) Development Area (DA), such as “Development Area A,” label the one (1) DA on Exhibit B, and specify name with the Development Standards.
6. PUD Text: Development Concept: First Paragraph: Please clarify sentence such as “This PUD is being requested in conjunction with an application for zoning change to RS-2 per BZ-385.”
7. PUD Text: Development Concept: First Paragraph: Please clarify sentence such as “One reserve will consist of a private gated street right-of-way with the other reserve containing the “wet-design” stormwater detention facility.”
8. PUD Text: Development Concept: Second Paragraph: Please clarify sentence such as “... “wet-design” stormwater detention facility...”
9. PUD Text: Development Standards: Permitted Uses: Please replace term “Ordinance” with “Code.”
10. PUD Text: Development Standards: Permitted Uses: Does not appear to provide for Use Unit 5 passive recreational uses (such as private park) in Reserve Area B, as is suggested by the PUD Text language pertaining to same. Alternatively, a sentence may be added that refers to additional uses in the “Reserve Area ‘A’” and “Reserve Area ‘B’” sections that follow, provided the Reserve Area B section specifies Use Unit 5.
11. PUD Text: Development Standards: Reserve Area ‘B’: Please capitalize “The Village at Twin Creeks” as used elsewhere throughout the PUD document and the Preliminary Plat of “The Village at Twin Creeks.”

12. PUD Text: Development Standards: Reserve Area 'B': Please clarify such as "...construction of a stormwater detention facility..."
13. PUD Text: Development Standards: Reserve Area 'B': Please add a Minimum Land Area standard to address the fact that most of the lots will only have benefit of 15' of R/W, and so would need the 10,875 square foot minimum land area standard of the RS-2 district relaxed.
14. PUD Text: Development Standards: The minimum livability space is essentially defined as the unpaved part of a residential lot. The Exhibits do not indicate likely house sizes on the lots. A sentence in the Reserve Area B section pertains to the potential transfer of livability area to residential lots, as provided in Zoning Code Section 11-7I-5.C, but this section should be enhanced to make the transfer or provide for the mechanism of transfer. The minimum livability area standard of the RS-2 district is 5,000 square feet, which would require a grand total of ~2.5 acres of livability space for the 22 lots proposed. Please consider providing a typical lot site plan, to demonstrate this relationship to Staff and the Planning Commission and demonstrate that the standard will be met. Alternatively, please run calculations to determine whether this provision and the lot area of Reserve Area B will be adequate to cover all livability space required. If not, consider providing a reduced livability space standard in the Development Standards and specifically provide that this relieves compliance from Zoning Code Section 11-7I-5.C.
15. PUD Text: Development Standards: Private Streets: Please correct typo in term "Association."
16. PUD Text: Development Standards: Private Streets: Please acknowledge that the 30' private street R/W width will require a Modification/Waiver of the Subdivision Regulations, which will be requested with the [Preliminary] Plat application.
17. PUD Text: Development Standards: Drainage & Utilities: Final Sentence: Please correct typo in term "platting."
18. PUD Text: Development Standards: Drainage & Utilities: Final Sentence: Please remove words "and site plan."
19. PUD Text: Development Standards: Access and Circulation: The term "crash gate" may be inappropriate. Please coordinate with Fire Marshal on appropriate terminology.
20. PUD Text: Development Standards: Access and Circulation: The PUD Text pertaining to sidewalks should be replaced with new text such as: "Sidewalks shall be constructed by the developer along Mingo Rd. and Reserve Area B and shall be constructed by the developer or individual lot owners along all internal streets in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer." The Text should also explain plans for use of Sidewalk Easements or the sizing of Reserve Area A / private street right-of-way with adequate width to accommodate the sidewalks.

Alternatively, the PUD Text pertaining to sidewalks should be replaced with new text describing intent to construct the sidewalk along the Mingo Rd. frontage only and use the alternative methods for internal sidewalk Modification/Waiver mitigation listed above.

21. PUD Text: Development Standards: Access and Circulation: Please add appropriate language such as "Limits of No Access (LNA) will be imposed by the future plat along the Mingo Rd. frontage, except at the street intersection. The location of the curb cut and design of the intersection shall be approved by the Fire Marshal and City Engineer."
22. PUD Text: Development Standards: Screening Walls and Fences: Text here indicates intent to construct a screening wall along Mingo Rd. Please describe intent to include same within a Reserve Area or "Fence Easement" by the plat of "The Village at Twin Creeks," or what other method will be employed for this common neighborhood feature. If an entry sign and/or landscaping will also be employed, please describe here or elsewhere in the PUD Text as appropriate (Zoning Code Sections 11-7I-8.B.1.e and f).
23. PUD Text: Development Standards: Site Plan Review: A site plan does not appear to be necessary for a housing addition development. See Zoning Code Sections 11-7I-8.B.5. Please remove this section or explain.
24. PUD Text: Schedule of Development: Please remove ambiguity by restating such as "late fall or early winter 2015:2016."

25. PUD Exhibit(s): If known at this time and agreeable to the Fire Marshal, please represent and identify the location(s) of the proposed gates.
26. PUD Exhibit(s): As discussed during the pre-application coordination meetings held November 24, 2014 and July 31, 2015 and/or the TAC Meeting held September 02, 2015, the gate setback and/or other gate design requirements may cause need for a reconfiguration of the subdivision at the west entrance. Any necessary modifications should be reflected in the PUD Exhibits as appropriate.
27. PUD Exhibit(s): Please identify 20'-wide area as "Emergency Access Drive" or similarly as appropriate.
28. PUD Exhibit(s): Should dimension the intended roadway width.
29. PUD Exhibit(s): Should be amended to represent sidewalks and label their widths.
30. PUD Exhibit(s): Should represent Limits of No Access (LNA).
31. PUD Exhibit(s): PUD Text Section entitled "Screening Walls and Fences" indicates intent to construct a screening wall along Mingo Rd. Please represent on appropriate Exhibit(s). If an entry sign and/or landscaping will also be employed and the design of such entry features is known at this time and agreeable to the Fire Marshal, please represent on appropriate PUD Exhibit(s) (Zoning Code Sections 11-7I-8.B.1.e and .f).
32. Exhibit B: Discrepancies with Preliminary Plat of "The Village at Twin Creeks" observed for certain dimensions and angle/bearing information. See especially within and along Reserve Area B and Lot 1, Block 1. Please reconcile or remove.
33. Exhibits A : F: Please reconcile Exhibit titles with "The Village at Twin Creeks" as used elsewhere throughout the PUD document and the Preliminary Plat of "The Village at Twin Creeks."
34. For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.
35. A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).

Erik Enyart stated that there were two (2) substantive issues to discuss specifically. Mr. Enyart stated that the PUD contained an expression of intent not to build sidewalks. Mr. Enyart stated that the City of Bixby had not granted unmitigated sidewalk Waivers for any housing additions since its "transition period" in 2010. Mr. Enyart stated that the City had offered alternative compliance methods for these situations. Mr. Enyart stated that, in the previous two (2) months, the City reviewed the "Chisholm Ranch Villas II" housing addition, and its PUD similarly expressed intent not to build sidewalks, but the Planning Commission, City Staff, and City Council all agreed that the sidewalks would have to be built or an alternative compliance method could be used, such as constructing them internally on one (1) side of the street and compensating for the difference by building sidewalks along the Arterial Street. Mr. Enyart stated that another method was to pay a fee-in-lieu of sidewalk construction into an escrow account that the City would use to build sidewalks for a future street improvement project. Mr. Enyart stated that this could, for example, be used to build [part or all of] the sidewalk component of the intersection improvements at 111<sup>th</sup> St. S. and Mingo Rd. Mr. Enyart stated that the City was also working to improve intersections at 121<sup>st</sup> St. S. and Mingo Rd. and 131<sup>st</sup> St. S. and Mingo Rd. Mr. Enyart stated that he had spoken with the Applicant prior to the meeting and understood that the Applicant and his clients would agree to use

one of the available alternative compliance methods recommended by Staff. Mr. Enyart stated that the Applicant had noted that the fee-in-lieu option may be preferred, as the future widening of Mingo Rd., due to the existing borrow ditches, would likely require sidewalk removal and replacement. Mr. Enyart stated that it made sense to allow for alternative compliance methods, as the proposed street would be a short, gated street, and so the traffic volumes would be small and the traffic speeds should be low due to the gate. Mr. Enyart stated that he typically tries to word recommendations flexibly, to allow for options to be determined at a later date, but in this case, he needed to modify the relevant recommendation # 20, second paragraph, to read: "...to construct the sidewalk along the Mingo Rd. frontage only and/or use the alternative methods for internal sidewalk Modification/Waiver mitigation..."

Chair Lance Whisman asked when Mingo Rd. would be widened. Erik Enyart stated that he did not know, but knew that there was no money to widen the street at this time. Mr. Enyart noted that the City was focusing first in intersection improvements such as the Mingo Rd. intersections with 111<sup>th</sup> St. S., 121<sup>st</sup> St. S., and 131<sup>st</sup> St. S. Mr. Enyart clarified with Mr. Whisman at this time or later that the benefit of actual sidewalk construction would be the years of benefit before road widening.

Erik Enyart stated that the other substantive issue was the livability space requirement in the RS-2 district. Mr. Enyart stated that, in his discussion with the Applicant prior to the meeting, the Applicant stated that he had run the numbers and that, due to the typical [house layouts] and size of the proposed Reserve Area at the southwest corner, the lots should be adequately covered. Mr. Enyart stated that the Applicant would likely describe this situation in greater detail.

Erik Enyart offered to answer any questions for him and noted that the Applicant was also present and could speak on the items.

Chair Lance Whisman recognized Applicant Alan Betchan, PE, CFM. Mr. Betchan stated that the [minimum house size and masonry content standards proposed by the PUD] were "at least on par if not more restrictive than" [other comparable housing additions in Bixby]. Mr. Betchan stated that, regarding the livability space standard, the wet[-design stormwater] detention facility would lend livability space to the lots, and that, rather than the City checking each permit for how much was being drawn from the [livability space] "pool," he and Erik Enyart had discussed [having the PUD itself make the transfer]. Mr. Betchan stated that, if one would equally allocate the available livability space from the Reserve Area, it would provide approximately 1,250 square feet, reducing the amount needed to approximately 3,750 square feet. Mr. Betchan stated that, based on a typical lot model with the house and driveways, etc., the standard should be met on even the smallest lot, and most of the lots will stand alone meet the standard [without the need for transfer from the Reserve Area]. Mr. Betchan stated that he would break down the numbers and allocate the transfer in the PUD.

Chair Lance Whisman asked Erik Enyart if he was okay with this approach, and Mr. Enyart responded affirmatively.

Alan Betchan or Erik Enyart stated that Staff's wording of the sidewalk recommendation leaves flexibility to handle this matter at the Final Plat stage. Mr. Betchan stated that it would involve [measuring the] equivalent length [of the mitigated sidewalks]. Mr. Betchan stated that there were

no other sidewalks on this mile [stretch of Mingo Rd. between 111<sup>th</sup> St. S. and 121<sup>st</sup> St. S.]. Mr. Betchan stated that the sidewalks [money] could better be used elsewhere. Mr. Betchan stated that [sidewalks here would] not make sense internally nor would [external sidewalks] connect to others in the adjacent subdivisions. Mr. Betchan stated that this was a straightforward development and that “the class and style [of homes to be constructed here] are” what was “moving in the market right now.”

Chair Lance Whisman confirmed with Alan Betchan that the minimum house size would be 2,400 square feet. Mr. Betchan noted that there was also a 2,000 square foot minimum size for first floors [of two-story buildings].

Larry Whiteley asked about sidewalks. Bryan Wiesman of High Pointe Homes stated that he had built approximately 20 houses in the *Village at the Legends* subdivision and stated that he did not think sidewalks should be required. Mr. Whiteley stated that he did not believe the citizens of Bixby should stand good for sidewalks that should have been put in when properties were developed. Mr. Wiesman stated that the *Village at the Legends* subdivision average lots were typically 60’ X 120’, and sidewalks would have made “the project look industrial.” Mr. Wiesman stated that homes there sell for an average of \$400,000. Victor Mendoza of 10009 E. 116<sup>th</sup> Pl. S. stated that sidewalks would require edging.

Alan Betchan stated that, the way the recommendation was written by Staff, [the specific alternative compliance method] could be selected at the Final Plat stage, but “Probably the best impact for the money would be fee-in-lieu,” because he could “guarantee it would not work with widening Mingo [Rd.]”

Chair Lance Whisman asked Erik Enyart the correct terminology for the gate, and Mr. Enyart responded, “Knox Rapid Entry System,” and specifically, “Knox Lock.”

Thomas Holland asked if there would be a masonry wall on the east end of the development where the gate will be located, and Alan Betchan stated that it would be a screening fence.

Thomas Holland referred to the TAC Minutes in the Agenda Packet and asked about the fire flow test. Alan Betchan stated that this was a standard comment from the Fire Marshal. Mr. Holland clarified with Erik Enyart that the water tower near 111<sup>th</sup> St. S. and Mingo Rd. was not used. Mr. Holland asked how the results of the test could impact the development, and Mr. Betchan responded that it could change the distribution of the [fire] hydrants within the subdivision. Mr. Betchan discussed water design plans for the development in its context, and noted that this development would complete a circuit not in place today [at the current west dead-end of 116<sup>th</sup> Pl. S.], and would provide a shorter connection to adjacent homes. Mr. Holland noted that it could enhance the volume and pressure of the water to the adjacent homes, and Mr. Betchan stated that, if a waterline were to break, it would provide a secondary point of service to them. Victor Mendoza suggested this could cause waterline breaks.

Thomas Holland stated that it is nice when people have sidewalks and do not have to walk in the streets. Bryan Wiesman stated that his target market was near- and empty-nesters. Mr. Holland stated that sidewalks promote community. Larry Whiteley stated that sidewalks were safer for kids.

Mr. Holland clarified with Mr. Whiteley that the [target demographic] would likely not include too many kids.

Chair Lance Whisman recognized Victor Mendoza of 10009 E. 116<sup>th</sup> Pl. S. from the Sign-In Sheet. Mr. Mendoza stated that he lived at the east end of this property and that his street did not have sidewalks. Mr. Mendoza stated that the “traffic is not there.” A Commissioner noted that this was likely due to it being a dead-end street. Mr. Mendoza stated that he did not speak for all of his neighbors. Mr. Mendoza stated that, if a sidewalk was put in, he would have to edge it on both sides, or pay someone extra to do it.

Chair Lance Whisman recognized Steve Rayl of 11608 S. 99<sup>th</sup> E. Ave. from the Sign-In Sheet. Mr. Rayl stated that he had a cyclone fence and asked what would happen to his and others’ fences. Alan Betchan responded that this could be discussed with the builder, but there will likely be new fences put up. Mr. Rayl stated that he had talked to “Mr. Brewer” and asked if it would not be an 8’-high fence, and Mr. Betchan noted that the fence would be wood. Mr. Rayl asked if the houses with second stories would have windows facing his backyard, and Mr. Betchan indicated that he did not know.

Thomas Holland stated that this would be a nice project.

Larry Whiteley asked about the purpose of the Reserve Area, and Erik Enyart responded that it would contain the stormwater detention pond, which was needed because all the new rooftops and paving areas would cause additional stormwater runoff, which must be captured and detained in the stormwater detention pond and metered out slowly, not exceeding the pre-developed rate of flow.

Thomas Holland asked if the land was more or less flat, and Erik Enyart stated that it sloped a little to the south. Alan Betchan stated that there was approximately 8’ of fall on the property, and that the grade was a design issue to deal with. Mr. Betchan stated that this would be a “wet pond,” and that the Reserve Area would also serve as a neighborhood amenity.

Larry Whiteley asked if the developer would take all the trees out. Alan Betchan stated that, if they were in [the right places], the developer would try to save them, and that, due to the front-side [sanitary] sewer service, there would be less intrusion in the backs of the lots. Mr. Betchan indicated that most of the trees would have to be removed, however, due to their locations. The Commissioners observed the aerial exhibit(s) in the Agenda Packet and noted that most of the trees were located where houses would be. It was noted that this was a former pecan grove and/or orchard. Mr. Betchan noted that the developers would also be the builders, and it was cheaper for them to remove [the trees which were not to be retained] now[, rather than on each individual lot later].

There being no further discussion, Chair Lance Whisman asked to entertain a Motion. Thomas Holland made a MOTION to Recommend APPROVAL of PUD 91 and BZ-385, subject to all of the recommendations in the Staff Report, including the amended recommendation # 20. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

Thomas Holland asked about the other item on the TAC Agenda as described in the TAC Minutes [of September 02, 2015], and if that needed to be discussed. Erik Enyart stated that the “Chateau Villas” development was the other thing on that Agenda, and the Planning Commission had heard those cases at its Regular Meeting held September 21, 2015. Mr. Enyart noted that these applications were delayed due to a Public Notice snafu at the newspaper.

PLATS

OTHER BUSINESS

OLD BUSINESS:

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

NEW BUSINESS:

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

ADJOURNMENT:

There being no further business, Chair Lance Whisman declared the meeting Adjourned at 6:49 PM.

APPROVED BY:

\_\_\_\_\_

Chair

\_\_\_\_\_

Date

\_\_\_\_\_

City Planner/Recording Secretary