

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
October 19, 2015 6:00 PM**

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Prior to the meeting, Chair Lance Whisman recognized Bixby Metro Chamber of Commerce's Leadership Bixby XIV interns Jean Wallace, AVP, Branch Manager for Mabrey Bank, and Brendon Maguffee, Senior Vice President for Grand Bank. The Planning Commissioners and Staff welcomed Ms. Wallace and Mr. Maguffee.

Chair Lance Whisman called the meeting to order at 6:02 PM.

ROLL CALL:

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

1. Approval of Minutes for the September 21, 2015 Regular Meeting

Chair Lance Whisman introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the September 21, 2015 Regular Meeting as presented by Staff. Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

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

Chair Lance Whisman explained that he had Abstained as he was not present at that meeting.

1. Approval of Minutes for the October 06, 2015 Special Meeting

Chair Lance Whisman introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the October 06, 2015 Special Meeting as presented by Staff. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

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

Jerod Hicks explained that he had Abstained as he was not present at that meeting.

3. Approval of schedule of meetings and application cutoff dates for 2016

Chair Lance Whisman introduced the Consent Agenda item. Erik Enyart noted that the only exceptions to the third Monday of each month were the meetings in January and February, when those Mondays fall on Federal holidays, and so the meetings will be held the following Tuesday. Mr. Enyart noted that it is this way every year.

Chair Lance Whisman asked to entertain a Motion. Steve Sutton made a MOTION to APPROVE the schedule of meetings and application cutoff dates for 2016 as presented by Staff as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, October 14, 2015
RE: Planning Commission meeting schedule and application deadlines for 2016

Staff proposes the following schedule for the Planning Commission:

<u>DATE</u>	<u>TIME</u>	<u>PLACE OF MEETING</u>
January 19, 2016 (Tues)	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
February 16, 2016 (Tues)	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
March 21, 2016	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
April 18, 2016	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
May 16, 2016	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
June 20, 2016	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
July 18, 2016	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
August 15, 2016	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
September 19, 2016	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
October 17, 2016	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
November 21, 2016	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
December 19, 2016	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby

APPLICATION DEADLINES

Four (4) weeks prior to the Planning Commission meeting plus one (1) working day, or the newspaper's Public Notice publication deadline, whichever is sooner. The City Manager shall have the authority to make an exception to the deadline in cases of hardship or unusual circumstances.

Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

- 4. **BZ-386 – Chad Bland.** Public Hearing, discussion, and consideration of a rezoning request from RS-2 Residential Single-Family District to AG Agricultural District for approximately 80 acres, the N/2 of the SE/4 of Section 20, T17N, R13E.
Property Located: 15600-block of S. Harvard Ave.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, October 09, 2015
RE: Report and Recommendations for:
BZ-386 – Chad Bland

LOCATION: – 15600-block of S. Harvard Ave.
– The N/2 of the SE/4 of Section 20, T17N, R13E
LOT SIZE: 80 acres, more or less
EXISTING ZONING: RS-2 Residential Single-Family District
EXISTING USE: Agricultural and vacant/wooded land
REQUESTED ZONING: AG Agricultural District
SUPPLEMENTAL ZONING: None
SURROUNDING ZONING AND LAND USE:

North: AG, RS-2, & CS; An automobile junkyard on a 5-acre tract at 15556 S. Harvard Ave., a single-family house and the “The RG Tool Company” farrier tool home-based business on a 5-acre tract at 15506 S. Harvard Ave., a single-family house and the “Automotive Specialists” automotive repair business on 10 acres at 15504 S. Harvard Ave., and agricultural, vacant, and rural residential tracts along the west side of Harvard Ave., all zoned AG. To the northeast is agricultural land zoned RS-2 except for approximately 40 acres of CS zoning at the southeast corner of 151st St. S. and Harvard Ave.

South: AG, RS-2, RD, & CS; Agricultural, vacant/wooded, and rural residential tracts along 161st St. S. and Harvard Ave., all zoned AG in unincorporated Tulsa County. To the southeast is agricultural land zoned RS-2, RD, and CS in the City of Bixby, with agricultural and rural residential land farther southeast zoned AG in unincorporated Tulsa County.

East: (Across Harvard Ave.) RS-2 & AG; Agricultural land including 26 acres belonging to Bixby Public Schools at the 15500:15600-block of S. Harvard Ave. and a rural residential tract at 15625 S. Harvard Ave.

West: AG; Vacant/wooded and agricultural land in unincorporated Tulsa County.

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

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

BZ-75 – B. V. Blackburn for McRae Development Co. – Request for rezoning from AG to RS-1 for approximately 198.5 acres including subject property and land to the east in Sections 20 and 21, T17N, R13E – PC recommended Approval 01/29/1979 per approved Minutes but case notes state the PC “Denied” 01/29/1979. City Council action documentation not found.

BZ-128 – Lynn Burrow for D.A.L. Corporation / The Timbercrest Companies, Inc. – Request for rezoning from AG to RE and CS for approximately 318 acres including the subject property and land to the east in Sections 20 and 21, T17N, R13E – Withdrawn December 1982.

BZ-154 – Charles E. Norman for D.A.L. Management Corporation Defined Pension Trust, et al. – Request for rezoning from AG to RS-3, RM-1, and CS for approximately 315 acres including subject property and land to the east in Sections 20 and 21, T17N, R13E – PC recommended Modified Approval for CS, RD, and RS-2 on 08/02/1984 and City Council Approved Modified zoning per the PC recommendation 08/14/1984 (Ord. # 508).

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

BBOA-127 – Aubrey Miller – Request for Special Exception to allow a Use Unit 5 church in an AG district for a 3-acre agricultural tract, the E/2 NE/4 NW/4 NW/4 of Section 21, T17N, R13E, located to the northeast of the subject property at the 3600-block of E. 151st St. S. (abuts New Beginnings Baptist Church to the west) – BOA Conditionally Approved 05/14/1984.

BZ-175 – Gerald Pope – Request for rezoning approximately 30 acres from AG to CS, the NW/4 NW/4 less the NW/4 NW/4 NW/4 of Section 21, T17N, R13E, located to the north of the subject property – PC recommended Approval 06/30/1986 and City Council Approved 07/22/1986 (Ord. # 542).

BBOA-182 – Paul Hughart – Request for Variance from the 300’ required lot width in the AG district for a then-20-acre tract to the north of subject property, the S/2 SE/4 NE/4 of Section 20, T17N, R13E, addressed 15504 S. Harvard Ave., to allow a Lot-Split per BL-120 – Applicant amended the request to only the south 10 acres – BOA Approved as modified 02/09/1987.

BL-120 – Paul Hughart – Request for Lot-Split for a 20-acre tract to the north of subject property, the S/2 SE/4 NE/4 of Section 20, T17N, R13E, addressed 15504 S. Harvard Ave., to separate the S. 8.25’, which S. 8.25’ became part of the 5-acre tract at 15506 S. Harvard Ave. – PC Denied 01/26/1987 and Conditionally Approved 02/23/1987.

BL-203 – Pastor Kevin Lewis for Midwest Agape Chapel, Inc. – Request for Lot-Split approval for a 3-acre agricultural tract, the E/2 NE/4 NW/4 NW/4 of Section 21, T17N, R13E, located to the northeast of the subject property at the 3600-block of E. 151st St. S. (abuts New Beginnings Baptist Church to the west), to separate the 3-acre tract from the north 250’, taken as right-of-way for State Highway 67 – PC Conditionally Approved 11/20/1995.

BZ-241 – George Suppes for Paul Hughart / Mike’s Lawn Service, Inc. – Request for rezoning approximately 5 acres from AG to CG, the S/2 S/2 S/2 SE/4 NE/4 of Section 20, T17N, R13E, for a landscaping business, abutting subject property to the north at 15556 S. Harvard Ave. – PC Tabled the application 07/20/1998 (no documentation found indicating appeal to the City Council).

BBOA-353 – Midwest Agape Chapel Foundation for Sitton Properties – Request for Variance to allow an outdoor advertising / billboard sign in a CS district for a 3-acre agricultural tract, the E/2 NE/4 NW/4 NW/4 of Section 21, T17N, R13E, located to the northeast of the subject property at the 3600-block of E. 151st St. S. (abuts New Beginnings Baptist Church to the west) – BOA Denied 02/07/2000.

BBOA-355 – New Beginnings Baptist Church – Request for Special Exception to allow a Use Unit 5 church in an AG district for 17-acre church property to the northeast of subject property at 4104 E. 151st St. S. – BOA Approved 03/06/2000.

PUD 41 – CedarCrest Business Park – Randall Pickard for Kevin Walsh – Request for rezoning from AG to CS and PUD 41 for a “CedarCrest Business Park” commercial and “office warehouse” development on an 8.32-acre tract to the northeast of subject property (abuts New Beginnings Baptist Church to the east) – PC Recommended Approval 06/20/2005 and City Council Approved 07/11/2005 (Ord. # 908).

BZ-324 – Jim Ham – Request for rezoning approximately 0.9 acres from AG to CG for commercial resale, located to the north of subject property at the southwest corner of the 151st St. S. and Harvard Ave. intersection – Applicant amended the request to CS zoning at the PC meeting on 01/16/2007 – PC recommended Approval of CS zoning 01/16/2007 and City Council Approved CS 02/12/2007 (Ord. # 959).

BBOA-522 – JR Donelson, Inc. for Bixby Public Schools – Request for Special Exception per Zoning Code Section 11-7A-2 Table 1 to allow a Use Unit 5 school facility, including a football field, in an RS-2 Residential Single Family District for 26 acres abutting subject property to the east at the 15500:15600-block of S. Harvard Ave. – BOA Approved 06/22/2010.

BBOA-523 – JR Donelson for Bixby Public Schools – Request for a temporary Variance from Zoning Code Section 11-10-4.H to allow a gravel parking lot and drives for the school football field facility in an RS-2 Residential Single Family District for 26 acres abutting subject property to the east at the 15500:15600-block of S. Harvard Ave. – BOA Conditionally Approved 09/07/2010.

BBOA-602 – Roger H. Grant – Request for Special Exception per Zoning Code Section 11-7A-3.A Table 2 to allow to allow the “The RG Tool Company” farrier hammer and tools assembly, online sales, and related activities as a home occupation within a detached accessory building in the AG Agricultural District for a 5-acre tract to the north of subject property at 15506 S. Harvard Ave. – BOA Conditionally Approved 07/06/2015.

BBOA-602 – Roger H. Grant – Request for Variance from Zoning Code Sections 11-2-1 and 11-7B-5.B to allow to allow to allow the “The RG Tool Company” farrier hammer and tools assembly, online sales, and related activities as a home occupation within a detached accessory building in the AG Agricultural District for a 5-acre tract to the north of subject property at 15506 S. Harvard Ave. – BOA Tabled 07/06/2015 as Variance was determined not necessary.

BACKGROUND INFORMATION:

The Applicant acquired the subject property per deed recorded October 02, 2014, and in July, the Applicant’s Architect Doug Huber presented the City of Bixby with plans for a large storage building, which building would contain vehicles/equipment and/or certain other business activities connected to the Applicant’s professional inspections and consulting business. Staff advised Mr. Huber and the Applicant that the Zoning Code does not allow a storage building except as an accessory building to a house, which house was not yet planned, that the storage building could not be used for business activities absent approval of a Special Exception for a home occupation, if allowed, and that the size of the building was larger than that permitted in the RS-2 district. Large storage buildings in rural areas are also not encouraged, as they tend to become attractive to business uses which are not zoned for such commercial use. The Applicant has since revised plans for the property, and is now proposing to build the Applicant’s house and have restricted business activities within an office portion of the house, subject to Special Exception approval requested pursuant to BBOA-605, which the Board of Adjustment is scheduled to hear November 02, 2015, pending rezoning to AG. See the narrative provided by the Applicant, attached to this report. Staff understands that the Applicant is seeking to “downzone” the subject property from RS-2 to AG in order to be permitted a larger accessory building by right. Staff has counseled the Applicant about some of the pros and cons of “downzoning” from RS-2 to AG, including the relative difficulty of securing zoning entitlements today and in the future.

ANALYSIS:

Subject Property Conditions. The subject property consists of the N/2 of the SE/4 of Section 20, T17N, R13E (approximately 80 acres), is zoned RS-2 Residential Single-Family District, and is agricultural in use, except for vacant/wooded areas attending drainageways. It has approximately ¼ mile of frontage on Harvard Ave.

The subject property is not served by Bixby sanitary sewer or water service. The subject property may lie within the service district of Creek County Rural Water District # 2, and may or may not have access to a waterline. Electric, natural gas, telephone, and cable utility access is not known. Borrow ditches attend Harvard Ave. to provide street and streetside drainage.

The subject property is moderately sloped and appears to primarily drain to several upstream tributaries of Posey Creek, which all flow northeasterly. A small part of the front/east end of the subject property appears to drain to the southeast corner of the subject property, which is within the 100-Year (1% Annual Chance) Regulatory Floodplain attending one of the tributaries. The balance of the property appears to drain to the other upstream reaches / tributaries of Posey Creek. There appear to be one or more existing “farm ponds” along the tributaries.

There is a driveway with gate toward the center of the Harvard Ave. frontage. Along the north side, there appears to be the remains of a former house or other structure.

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

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the requested AG zoning is In Accordance with the Development Sensitive and Low Intensity designations of the Comprehensive Plan Land Use Map.

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

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

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

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

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

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily AG, RS-2, RD, and CS, all as depicted on the case map and as described in further detail in the paragraphs that follow.

Abutting the subject property to the north is an automobile junkyard on a 5-acre tract at 15556 S. Harvard Ave. zoned AG. Farther north is a single-family house and the “The RG Tool Company” farrier tool home-based business on a 5-acre tract at 15506 S. Harvard Ave., a single-family house and the “Automotive Specialists” automotive repair business on 10 acres at 15504 S. Harvard Ave., and agricultural, vacant, and rural residential tracts along the west side of Harvard Ave., all zoned AG. To the northeast is agricultural land zoned RS-2 except for approximately 40 acres of CS zoning at the southeast corner of 151st St. S. and Harvard Ave.

To the south are agricultural, vacant/wooded, and rural residential tracts along 161st St. S. and Harvard Ave., all zoned AG in unincorporated Tulsa County. To the southeast is agricultural land zoned RS-2, RD, and CS in the City of Bixby, with agricultural and rural residential land farther southeast zoned AG in unincorporated Tulsa County.

Across Harvard Ave. to the east is agricultural land, including 26 acres belonging to Bixby Public Schools at the 15500:15600-block of S. Harvard Ave., and a rural residential tract at 15625 S. Harvard Ave.

West of the subject property is vacant/wooded and agricultural land zoned AG in unincorporated Tulsa County.

The existing RS-2 zoning is an appropriate zoning pattern for the subject property, particularly when/if the property is prepared for residential development. However, the requested AG zoning is In Accordance with the Comprehensive Plan and is consistent with existing and surrounding zoning and land use patterns and the proposed current use of the property, a single-family house with the potential for a professional business home occupation.

Staff Recommendation. For the reasons outlined above, Staff is supportive of AG zoning.

Patrick Boulden observed that “Some people may be misusing property in the area,” and asked about the intended use of the subject property. Erik Enyart stated that he understood the Applicant was proposing a professional office, home-based business within the [house] building. Mr. Bland stated that this was correct. Mr. Bland stated that he had changed his plans for the property, and wished that he had talked to the City beforehand, as it would have saved time and money. Mr. Bland stated that he had changed his plans and now proposed to build the house first, then the accessory building.

Erik Enyart stated that he did counsel the owner about the relative difficulty of getting zoning entitlements for housing additions, but that he understood that the owner was only proposing his own house for the acreage.

Chad Bland stated that he needed a larger building, and would use it for storing tractors, RVs, trailers, and boats.

There being no further discussion, Thomas Holland made a MOTION to Recommend APPROVAL of AG zoning per BZ-386. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

5. **Preliminary Plat – “Misty Hollow Estates” – JR Donelson, Inc.** Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for “Misty Hollow Estates,” approximately 11.4 acres in part of the NE/4 of Section 11, T17N, R13E.
Property located: 13200-block of S. 78th E. Ave.

Chair Lance Whisman introduced the item and 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: Wednesday, October 14, 2015
RE: Report and Recommendations for:
Preliminary Plat of “Misty Hollow Estates”

-
- LOCATION:** – 13200-block of S. 78th E. Ave.
– Part of the NE/4 of Section 11, T17N, R13E
- LOT SIZE:** 11.4 acres, more or less
- EXISTING ZONING:** RS-1 Residential Single-Family District
- SUPPLEMENTAL ZONING:** None
- EXISTING USE:** Agricultural/vacant
- REQUEST:**
- Preliminary Plat approval for a 4-lot residential subdivision
 - Modification/Waiver from Subdivision Regulations Section 12-3-2.O to allow platting Reserve Area(s) within the 100-year Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby’s Floodplain Regulations by ordinance,
 - Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard
 - Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the west and north
 - Other Modifications/Waivers possible—see recommendations

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

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

BL-21 – Leticia Smith – Request for Lot-Split, evidently to separate the northerly portion with 131st St. S. street frontage from the eastern tract of subject property – right-of-way for (then or future) 78th E. Ave. may or may not have been involved per case notes – PC Approved 06/27/1976 and Board of Trustees Approved 07/20/1976 per case notes.

BZ-63 – Alfred A. Smith – Request for rezoning from AG to RS-1 for property of approximately 13.75 acres including the eastern tract of subject property, the Abbie Raelyn Estates residential subdivision, three (3) unplatted residential tracts along 78th E. Ave., and the Bixby Telephone Company / BTC Broadband communications building at 13119 S. 78th E. Ave. – PC Recommended Conditional Approval 02/27/1978 and City Council Approved 08/07/1978 (Ord. # 362).

BZ-88 – Leticia Smith for Alfred Smith – Request for rezoning from AG to RS-1 for westerly 5.7-acre tract of subject property – PC Recommended Approval 03/31/1980 and City Council Approved 04/21/1980 (Ord. # 398) (AG zoning represented on Zoning Map evidently in error; correction request to INCOG pending).

BZ-235 – Ron Koepf for Tulsa Tie-Scaping, Inc. – Request for rezoning from RS-1 to CG for the subject property – PC Recommended Denial 10/20/1997 and evidently denied by or not appealed to City Council.

BZ-251 – Sitton Properties, LLC for Tulsa Tie-Scaping, Inc. – Request for rezoning from “AG” and RS-1 to RMH for a manufactured home park for the subject property – PC Recommended Denial 01/19/1999, appealed to City Council, and evidently Denied.

BZ-254 – Sitton Properties, LLC – Request for rezoning from “AG” and RS-1 to RS-3 for a single-family housing addition development for the subject property – PC Recommended Approval 04/19/1999 and City Council Denied 05/24/1999.

BL-399 – Ahmad Moradi – Request for Lot-Split approval for the eastern tract of subject property – PC Tabled indefinitely directed owner/Applicant to resolve the outstanding Floodplain Development and Earth Change Permit requirements and submit a subdivision plat for the division and development of the subject property 08/17/2015.

BACKGROUND INFORMATION:

As reported with the previous Lot-Split application (BL-399), concerning the easterly 5.65-acre tract, the subject property is the subject of a code enforcement case for deposition of construction debris fill materials without an Earth Change Permit. Although the location of the deposited materials appears to be out of the 100-year (1% Annual Chance) Regulatory Floodplain per the official FEMA Floodplain Maps, elevation/contour data indicates part of the area may be low enough in elevation to actually be subject to a 1% Annual Chance Flood. An Earth Change Permit application has been filed and review is ongoing. Per the City Engineer, the application’s disposition will likely require the removal of the fill materials and submission of a grading plan reflecting the removal. In the context of the Lot-Split application, the City Engineer has previously recommended land development not proceed until after the property has achieved compliance with the Floodplain Development and Earth Change Permit regulations.

Further, the subject property was rezoned by owner application per BZ-63 – Alfred A. Smith in 1978. Per Zoning Code Section 11-8-13, no Building Permit for any future home or otherwise may be issued until the property has been platted. Staff did not recommend approval of a Lot-Split generating four (4) tracts of land, each of which would have to have been independently platted. Staff recommended the owner/Applicant apply for a subdivision plat to divide the property and provide appropriate development standards through the platting process, including appropriate stormwater drainage and detention design, right-of-way and Utility Easement dedication, sidewalk construction, the provision of access for the owner’s westerly 5.7-acre tract which presently appears “landlocked,” and the provision of appropriate development standards through Restrictive Covenants.

As recommended by Staff, on August 18, 2015, the Planning Commission indefinitely Tabled BL-399 and directed the owner/Applicant to resolve the outstanding Floodplain Development and Earth Change Permit requirements and submit a subdivision plat for the division and development of the subject property.

ANALYSIS:

Subject Property Conditions. The subject property is unplatted agricultural land zoned RS-1 and contains 11.4 acres, more or less, in two (2) tracts: The easterly portion of approximately 5.65 acres and the westerly 5.7-acre tract. Both properties contain significant portions of 100-year (1% Annual Chance) Regulatory Floodplain as described more fully in the Background Information section of this report.

Although drainage patterns are not immediately clear, the subject property appears to slope slightly downward to the northwest. The property may ultimately drain to the Fry Creek Ditch and/or the Arkansas River.

Utility access and utilization plans are not known.

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

The existing RS-1 zoning and single-family residential development anticipated by this plat should be found In Accordance and/or otherwise not inconsistent with the Comprehensive Plan.

General. This subdivision of 11.4 acres, more or less, proposes four (4) Lots, one (1) Block, and one (1) Reserve Area. With the exceptions outlined in this report, the Preliminary Plat appears to conform to the Subdivision Regulations and Zoning Code.

Proposed Reserve Area A corresponds with the owner's westerly 5.7-acre tract. Per discussions with the Applicant, Staff understands this area will be used to provide "borrow" dirt to fill the pad sites on the proposed development lots. Staff has advised the Applicant to configure the Reserve Area to include all areas which will remain at or below the 100-year Floodplain Base Flood Elevation (BFE) upon the completion of the grading pursuant to an approved Earth Change Permit / Floodplain Development Permit. This will avoid conflict with the restriction from platting in the 100-year Floodplain pursuant to Subdivision Regulations Section 12-3-2.O. The Reserve Area may be platted in the Floodplain pursuant to a Modification/Waiver, as is customary, provided it contains restrictions on development.

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 this application at its regular meeting held October 07, 2015. Minutes of that meeting are attached to this report.

Access and Internal Circulation. The subject property has 639.60' of frontage on 78th E. Ave. and 338.15' of frontage on an unnamed east-west half-street right-of-way approximately corresponding with 132nd Ct. S. The Tulsa County Assessor's parcel records reflect that both rights-of-way are composed by a singular, reverse-"L"-shaped parcel, but does not reflect Book/Page or other recording references. The 78th E. Ave. right-of-way is 50' in width, and the east-west segment is 25' in width.

The lots will all have direct access to 78th E. Ave., which neither the Bixby Comprehensive Plan nor the Tulsa Metropolitan Area Major Street and Highway Plan indicate is or should be a major street. Thus, the existing 50' R/W requires no further R/W dedication.

Subdivision Regulations Section 12-3-2.F requires the dedication of the 25' north-half-street R/W balance for the existing 25'-wide R/W approximately corresponding to 132nd Ct. S. Otherwise, the Applicant must request and be approved for a Modification/Waiver.

As Staff has advised the Applicant, the westerly 5.7-acre tract presently appears "landlocked," and provision for legal access should be afforded through the proposed subdivision. This could take the form of the 25' R/W dedication and additional width to achieve 50' of frontage for the 5.7-acre tract, or other methods to provide legal access. The "front" lots will ultimately be sold to parties other than the current owner, so provisions for access should be provided now while the owner has control over the situation.

Land Use Restrictions. The Deed of Dedication and Restrictive Covenants (DoD/RCs) of the plat include proposed land use restrictions, as required by Subdivision Regulations Section 12-5-3.A, and the same appear to be in order, except as otherwise outlined herein.

The land use restrictions include proposed minimum house size and masonry standards. 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, and during the review of plats pursuant to Subdivision Regulations Section 12-5-3.A.

Minimum standards vary by application and consider contextual factors specific to each development site.

The plat of Abbie Raelyn Estates, recorded 11/15/2005, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 900 square foot minimum dwelling size
- (No masonry requirement)

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

- 1,800 square foot minimum dwelling size
- 75% masonry to the first floor plate line, excluding trim.

Staff believes that the proposed minimum standards for home construction are substantially consistent with recent precedents for such standards as approved in Bixby for the past few years, and exceeds those of the nearest Abbie Raelyn Estates subdivision.

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

1. Proposed Reserve Area A corresponds with the owner's westerly 5.7-acre tract. Per discussions with the Applicant, Staff understands this area will be used to provide "borrow" dirt to fill the pad sites on the proposed development lots. Staff recommends the Reserve Area be reconfigured to include all areas which will remain at or below the 100-year Floodplain Base Flood Elevation (BFE) upon the completion of the grading pursuant to an approved Earth Change Permit / Floodplain Development Permit. This will avoid conflict with the restriction from platting in the 100-year Floodplain pursuant to Subdivision Regulations Section 12-3-2.O.
2. As Staff has advised the Applicant, the westerly 5.7-acre tract presently appears "landlocked," and provision for legal access should be afforded through the proposed subdivision. This could take the form of the 25' R/W dedication and additional width to achieve 50' of frontage for the 5.7-acre tract, or other methods to provide legal access. The "front" lots will ultimately be sold to parties other than the current owner, so provisions for access should be provided now while the owner has control over the situation.
3. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
4. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.O to allow platting Reserve Area(s) within the 100-year Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby's Floodplain Regulations by ordinance, corresponding to part or all that land which will remain within the 100-year Floodplain upon completion of the Earth Change Permit / Floodplain Development Permit requirements.

Staff believes that the intent of the subdivision Regulations will have been met and can support this Modification/Waiver subject to (1) compliance with Floodplain Development Permit / Earth Change Permit requirements and (2) the 100-year Floodplain being fully contained within (a) Reserve Area(s) with provisions in the DoD/RCs restricting building development.

5. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard. The Modification/Waiver may be justified by citing the subject tract's original width and the use of a relatively narrow private street / Reserve Area.
6. As required by Subdivision Regulations Section 12-3-2.F, please dedicate the 25' north-half-street balance approximately corresponding to 132nd Ct. S. Otherwise, subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.F to be released from the half-street right-of-way dedication for the existing half-street R/W.
7. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the west and north. The Modification/Waiver may be justified by stating that, notwithstanding the potential half-street right-of-way dedication, no new streets are being built.
8. All Modification/Waiver requests must be provided in writing.
9. Except for the one corresponding to Abbie Raelyn Estates, the two (2) "Zoned RS4" labels should be corrected to "RS-1" or be removed.
10. Missing notes pertaining to monumentation (reference SRs Section 12-1-8).
11. Missing FEMA-designated 100-year (1% Annual Chance) Regulatory Floodplain boundary (reference SRs Sections 12-4-2.B.5, etc.).
12. Please add Floodplain Note with FEMA Floodplain map citation on face of plat.

13. Please add U/Es and other easements of record abutting plat boundary as customary and pursuant to SRs Section 12-4-2.A.8.
14. Date of plat reflects year 2017. Please use current date of plat preparation.
15. DoD/RCs: Missing provisions for the creation, powers, rights, responsibilities, dues, assessments, etc. of the HOA or other association to be formed to provide for perpetual maintenance of any Reserve Area(s), if any of the same are incorporated into the plat.
16. DoD/RCs Preamble: Missing critical wording such as “and has caused the described realty to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided into lots and blocks and streets...” as per customary platting conventions and the City Attorney’s recommendations regarding fee simple ownership of rights-of-ways. The access rights reservation may be omitted if no LNA is provided, and the balance of the underlined terms may be omitted if no right-of-way would be dedicated by this plat.
17. DoD/RCs: Please use consistent section numbering system (cf. “Article II Section 1 A” vs. “Article III Section 1. 1 (a)” vs “Article IV Section 2.1 (1)”).
18. DoD/RCs Preamble: Please correct the second of the two personal conjugations, “...Owner has caused... and have designated...” The singular third person appears to be otherwise preferred throughout the DoD/RCs.
19. DoD/RCs Preamble: “...TRUST” shall be referred to in this Deed of Dedication as “Owner\Developer.” “Owner\Developer” was not otherwise found in the DoD/RCs, which appears to prefer the pronoun “Declarant.” It conflicts with the first paragraph in the Preamble and with the definitions in Article I. Consider removing. If modified and retained, please clarify such as “...TRUST” shall be referred to in this Deed of Dedication and Restrictive Covenants...”
20. DoD/RCs Preamble: Second-to-last paragraph: Consider clarifying text such as “...which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and shall be binding on all parties...”
21. DoD/RCs Article I Section 1: Consider clarifying such as, “...Trust, or its successors and assigns, if...”
22. DoD/RCs Article II Section 1 B First Paragraph: Please clarify such as “...easement areas, and if ground elevations are altered...to include: valve boxes, fire hydrants and manholes, shall be adjusted...”
23. DoD/RCs Article II Section 1 B Second Paragraph: Please clarify such as “...owner will pay damage or relocation of such facilities necessitated by the acts of the owner or his agents or contractors.”
24. DoD/RCs Article II Section 1 B: Please specify both water and sewer in all instances in second and final paragraphs.
25. DoD/RCs Article II Section 1 C Preamble: Please clarify such as “...each lot is subject to the following:”
26. DoD/RCs Article II Section 1 C 1: Please restrict overhead electric, telephone, and cable service and street light poles by (1) removing the first sentence and (2) revising the second sentence to replace “said Addition” with “the Addition.” The existing overhead utilityline(s) appear to be located within the R/W containing 78th E. Ave. and the 25’-wide half-street approximately corresponding with 132nd Ct. S. and/or the U/E platted along the north side of Riverbend South.
27. DoD/RCs Article II Section 1 C 2: Duplicative of preceding section. Please remove and renumber accordingly.
28. DoD/RCs Article II Section 1 C 3: Please restrict overhead electric, telephone, and cable service and street light poles by removing the first part of the sentence, and start the sentence with word “Underground.”
29. DoD/RCs Article II Section 1 C 3, 4, and 5 [2, 3, and 4]: Please replace all instances of “Subdivision” with “Addition” as used elsewhere throughout the plat.
30. DoD/RCs Article II Section 1 C [3]: Word “or” duplicated.
31. DoD/RCs Article II Section 1 D 3: Please replace “or allow” with “and shall prevent.”
32. DoD/RCs Article II Section 1 E: Please qualify this section as follows: “...repair and replacement of any properly-permitted landscaping and paving...”
33. DoD/RCs Article III Section 1. 1 (a): Consider removing provisions pertaining to a temporary sales office, as the same is not in order or expected.

34. DoD/RCs Article III Section 1. 1 (b): Consider appending the following to the final sentence, “All such signs must be approved by the Declarant or the Association.”
35. DoD/RCs Article III Section 1. 1 (c): Word “kept” duplicated.
36. DoD/RCs Article III Section 1. 1 (d): Phrase “which will increase the rate of insurance on any building, or on the contents thereon” duplicated.
37. DoD/RCs Article III Section 1. 1 (c): Consider appending the following to the final sentence, “...by the Declarant or the Association.”
38. DoD/RCs Article III Section 1. 1 (e): Consider appending the following as follows, “...Declarant or the Association...”
39. DoD/RCs Article III Section 1. 1 (e): “there over” may be more appropriately rendered “thereover” or “over same” or similar; removing terms would also appear appropriate.
40. DoD/RCs Article III Section 1. 1 (g) Second Sentence: Refers to guest parking, which is not expected. Consider removing sentence.
41. DoD/RCs Article III Section 1. 1 (i): Consider making more flexible by allowing the Association to approve all these elements, and specifically satellite dishes, rather than just solar panels as provided in the final sentence. Advisory.
42. DoD/RCs Article III Section 1. 1 (l): Please clarify such as “No properly-permitted structure, planting or other material...”
43. DoD/RCs Article III Section 1. 1 (m): Consider appending the following to the final sentence, “...by the Declarant or its designee, or the Association, no fence...”
44. DoD/RCs Article III Section 2.1: The proposed blanket U/Es would likely prevent houses from being constructed. U/Es are provided for adequately elsewhere. Please remove and renumber accordingly or explain.
45. DoD/RCs Article III Section 8.1: Consider appending the following to the final sentence, “...of the Declarant or the Association.”
46. DoD/RCs Article IV Section 2.1 (6): Consider adding an exception provision.
47. DoD/RCs Article V Section 1. 1: Term “patio home” is not expected and should be replace with “dwelling” or similar.
48. DoD/RCs Article V Section 2.1: Duplicate of DoD/RCs Article VII Section 2.1 and does not belong in this instance as well as the latter. Please remove.
49. DoD/RCs Article V Section 3.1: Please make all sections clearly subject to City of Bixby approval.
50. DoD/RCs Article V Section 3.1: Should be relocated to DoD/RCs Article VII.
51. DoD/RCs Article VII Section 1. 1: Please replace “anyone” with “any one,” as presumed intended.
52. DoD/RCs Article VII Section 3.1: Should likely be titled “Duration,” due to the scope and nature of the following text.
53. DoD/RCs Article VII Section 3.1: Please amend such as “...(2/3) of the Lot Owners, subject to the approval of the City of Bixby...”
54. DoD/RCs Article VII Section 3.1: Please remove plural and extra space from “...(other than Sections II).”
55. DoD/RCs Article VII Section 3.1: Please amend final sentence such as “...**ADDITIONAL** amendments, which amendments shall be subject to the approval of the City of Bixby...”
56. 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).

Erik Enyart stated that the Planning Commission may recall this development, as it was the subject of a Lot-Split application earlier that year. Mr. Enyart noted that, in the Staff Report, he had reviewed the Deed of Dedication and Restrictive Covenants and compared the minimum house size and masonry standards for individual house construction and compared the same to those found in the surrounding context and recent precedents for the past few years, and found them to be compatible and consistent.

Erik Enyart noted that there were two (2) substantive design issues, including the 100-year Floodplain and Earth Change Permit considerations and access to the “back” acreage, and summarized these issues along the lines as written in the Staff Report.

Chair Lance Whisman recognized JR Donelson of 12820 S. Memorial Dr., Office 100. Mr. Donelson stated that Reserve A would be used as a borrow area, a green area, for material to build the pads up. Mr. Donelson stated that these would be “estate lots, 130’ plus wide and 350’ in depth,” and compared them to the residential area to the east. Mr. Donelson stated that the Reserve Area did not need access, as the owner wanted to keep people out. Mr. Donelson stated that the 100-year Floodplain was up to 5’ to 6’ in depth [for parts of the property].

Jerod Hicks asked how large the property was, and JR Donelson responded [the front tract and/or back tract] was five (5) to six (6) acres in area. Mr. Donelson stated that [the owner] would bring the elevation of the lots up to the [78th E. Ave.] curb height. Mr. Donelson stated that the owner had originally brought materials into the property, and indicated he was working to resolve this matter. Mr. Donelson stated that the owner was going to build his own house here.

Thomas Holland asked who would maintain the Reserve Area, and JR Donelson responded that this would be the Homeowners Association. Erik Enyart noted that recommendation # 15 in the Staff Report called for the formation and provision of the HOA.

Erik Enyart addressed Chair Lance Whisman and asked to address the Applicant. Mr. Enyart asked JR Donelson if the property would not have onsite stormwater detention, and Mr. Donelson stated that it was not necessary. Mr. Enyart stated that the property did not have access to a fully urbanized, 100-year event public drainage system, and asked where the stormwater would discharge. Mr. Donelson stated that the Reserve Area would initially be used as borrow to fill the pad sites, then as onsite stormwater detention. Mr. Enyart stated that, for Reserve Areas containing stormwater detention facilities, they typically have a “handle” extending out to the Public street, to allow for access for maintenance of the stormwater detention facility by the HOA’s contractors, mowers, maintenance, etc. Mr. Enyart stated that there were any number of different ways to design for access. Mr. Donelson stated that a small easement could be added at the back end of the [25’-wide, unnamed, east-west half-street right-of-way approximately corresponding with 132nd Ct. S.], and indicated the location on a copy of the plat. Mr. Donelson stated that the owner wanted to keep kids out with their 4-wheelers. Chair Lance Whisman asked Erik Enyart if he was okay with [the design described and indicated by Mr. Donelson], and Mr. Enyart responded that he was and that there were any number of ways to resolve this, by easements, handles, or otherwise.

JR Donelson described plans for utility extensions.

Thomas Holland confirmed with JR Donelson that it would be good to get the water off the [78th E. Ave.] street.

There being no further discussion, Thomas Holland made a MOTION to Recommend APPROVAL of the Preliminary Plat subject to all of the recommended corrections, modifications, and Conditions of Approval included in the Staff Report. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

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

During the Roll Call, Chair Lance Whisman confirmed with Erik Enyart that he was okay with the approval of the plat with all of the recommendations as worded in the Staff Report.

Chair Lance Whisman declared that, as Agenda Item # 6 was expected to take much longer, and in the interest of time and those attending, the Agenda Items would be taken out of order and Agenda Item # 7 would be heard at this time.

7. **Preliminary Plat – “The Village at Twin Creeks” – AAB Engineering, LLC (PUD 91).**
Discussion and review of a Preliminary Plat and certain Modifications/Waivers for “The Village at Twin Creeks,” approximately 6 acres in part of the W/2 of the W/2 of Section 31, T18N, R14E.
Property Located: 11625 S. Mingo Rd.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Tuesday, October 13, 2015
RE: Report and Recommendations for:
Preliminary Plat of “The Village at Twin Creeks” (PUD 91)

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 (RS-2 and PUD 91 “The Village at Twin Creeks” pending City Council consideration October 26, 2015)
SUPPLEMENTAL ZONING: None (PUD 91 “The Village at Twin Creeks” pending City Council consideration October 26, 2015)
EXISTING USE: Agricultural/rural residential
REQUEST:
– Preliminary Plat approval for a 22-lot residential subdivision
– Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the width of the Perimeter U/E from 17.5’ along certain perimeters
– Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard
– Modification/Waiver from Subdivision Regulations Section 12-3-2.N to allow alternative compliance for the sidewalk construction requirement
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: (Not necessarily a complete list)

PUD 91 "The Village at Twin Creeks" & BZ-385 – AAB Engineering, LLC – Request for rezoning from AG to RS-2 and approval of PUD 91 for subject property – PC recommended Conditional Approval 10/06/2015 and City Council consideration pending 10/26/2015.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The 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. It is presently zoned AG but RS-2 and PUD 91 zoning is pending City Council consideration October 26, 2015.

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.

As described more fully in the PUD 91 and BZ-385 Staff Report, Staff believes that the he requested RS-2 district and PUD 91 should be found In Accordance with the Comprehensive Plan.

The single-family residential development anticipated by this plat would not be inconsistent with the Comprehensive Plan.

General. This subdivision of 6 acres proposes 22 Lots, two (2) Blocks, and two (2) Reserve Areas. With the exceptions outlined in this report, the Preliminary Plat appears to conform to the Subdivision Regulations, the Zoning Code, and PUD 91 as recommended by the Planning Commission and Staff.

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 this application at its regular meeting held October 07, 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 116th 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, 116th 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 116th Pl. S. in Southwood East Second. Both connections to Public streets will be gated.

The "Access and Circulation" section of the PUD Text (as originally submitted/prior to modifications pursuant to Planning Commission and Staff recommendations) describes plans for access as follows:

"All streets within the development will be private and will largely conform to 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 116th 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 Preliminary Plat and PUD Exhibits.

The PUD Text and Exhibits indicate the singular street, 116th 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 PUD Text's language indicating no intent to construct the required sidewalks (which will be modified), 116th Pl. S. is 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 right-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 sidewalk construction, provided the linear distances equal, Staff would support a Modification/Waiver of the Subdivision Regulations 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 ~1/2' curbs), and so it appears it will be necessary to add a "Sidewalk Easement" along the streets. Alternatively, additional width could be added to the 30' current right-of-way / Reserve Area A width to accommodate the sidewalks.

The plat proposes a 50' right-of-way dedication for Mingo Rd. (Secondary Arterial) as required. Land Use Restrictions. The Deed of Dedication and Restrictive Covenants (DoD/RCs) of the plat include proposed land use restrictions, as required by Subdivision Regulations Section 12-5-3.A, and the land use restrictions include proposed minimum house size and masonry standards which are consistent with the PUD 91, pending City Council consideration October 26, 2015.

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

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
2. No U/E indicated along the east line. Please add the 17.5' minimum width Perimeter U/E here as required by Subdivision Regulations Section 12-3-3.A. Otherwise, subject to a Modification/Waiver from Subdivision Regulations Section 12-3-3.A to remove or reduce the width of the Perimeter U/E from 17.5' along the east perimeter.
3. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard. The Modification/Waiver may be justified by citing the subject tract's original width and the use of a relatively narrow private street / Reserve Area.

4. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.N to allow alternative compliance for the sidewalk construction requirement. Staff is supportive of this request as described more fully in the analysis above.
5. All Modification/Waiver requests must be provided in writing.
6. Please add U/Es and other easements of record abutting plat boundary as customary and pursuant to SRs Section 12-4-2.A.8.
7. PUD 91 Text indicates intent to construct a screening wall along Mingo Rd. The plat does not indicate a Reserve Area, "Fence Easement," or other method to contain and provide for this common neighborhood feature. Housing additions typically also contain entry signage and/or landscaping. Please revise or advise.
8. 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 Reserve Area configurations.
9. Please add width dimension to the "ROW ESMT. TO PUBLIC SERVICE BK. 4500, PG. 1674."
10. "ROW ESMT. TO PUBLIC SERVICE" Book 4500, Page 1674 and Book 901 Page 442: Please clarify if either or both of these are to "Public Service Company of Oklahoma" or provide copies of cited documents.
11. Unidentified 26' dimension within the proposed 30'-wide private street right-of-way (or Reserve Area A), likely suggests an intended 26'-wide roadway width. This is an appropriate mapping detail for a PUD exhibit but is not appropriate for a plat. Please remove or clarify.
12. Discrepancies with PUD 91 Exhibit B observed for certain dimensions and angle/bearing information. Please correct whichever of the two contains incorrect survey data.
13. Title Block: Please update to "A Subdivision in the City of Bixby, Tulsa County, Oklahoma...."
14. Curves C1 and C14, "tickmarks" indicating points of tangent/curvature, the 15.48', 10.82', 104.39', and 145.47' calls, and a solid linetype along 116th Pl. S. projected west of the 50' R/W dedication, and another north-south solid linetype all appear to correspond to existing and/or proposed curblines within the proposed R/W. These should be removed from the plat or explained.
15. A dashed, north-south linetype is represented approximately 35' east of and parallel to the Mingo Rd. Sectionline. Please identify or otherwise address appropriately.
16. The dashed linetype(s) used for elevation contours and propertylines of adjacent properties appear the same or otherwise not adequately distinct. Please resolve appropriately.
17. Subdivision Statistics and DoD/RCs Preamble: Report 5.62 acres. The 330' X 790' plat boundaries would suggest a full 6 acres. The discrepancy may be attributed to the 50' R/W to be dedicated by the plat, but the plat will contain the dedicated R/W so should include that area. Please revise or advise.
18. A solid linetype should be used to demarcate the west line of Reserve A, to demonstrate it is mutually exclusive from the R/W to be platted for Mingo Rd.
19. Please renumber curves appropriately upon removal of extraneous ones in the R/W.
20. SRs Section 12-4-2.B.6 requires elevation contours at one (1) foot maximum intervals. Contours appear to be represented but are not labeled.
21. Consider making the common lot line between Lots 6 and 7, Block 2, perpendicular/radial to the arc of the curved street in order to eliminate the 0.43' variance between the easterly point of tangent/curvature of C11 and the common lot corner. It is not clear if the 0.43' variance is to the west or to the east of the common lot corner, due to its exceptionally small size and the scale of the plat.
22. Please clarify the 0.86' dimension at the southwest corner of Lot 1, Block 1.
23. Please add proposed addresses to the lots.
24. 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."
25. DoD/RCs: Missing provisions for the creation, powers, rights, responsibilities, dues, assessments, etc. of the HOA or other association to be formed to provide for perpetual maintenance of private street, Reserve B, and other common features.

26. DoD/RCs: Missing land use restriction Covenants customary and required pursuant to Subdivision Regulations Section 12-5-3.A. Typical such Covenants include minimum standards and restrictions such as: business use of residential lots, noxious or offensive activity, fences, RV and trailer parking, farm animals, exotic animals, and/or pets, trash cans, holiday lights, relocation of existing structures, outbuildings/accessory buildings, etc. It is common to find, during the review of plats, that some of these Covenants are in conflict with the Zoning Code or other City codes or standards. Please provide or discuss.
27. DoD/RCs Preamble: Missing critical wording such as “and has caused the above described tract of land to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided ...” as per customary platting conventions and the City Attorney’s recommendations regarding fee simple ownership of rights-of-ways.
28. DoD/RCs Section I: Please retitle, such as “Public Streets and Utilities,” consistent with scope of section and as referenced in DoD/RCs Sections III.A and III.C.
29. DoD/RCs Section I.A, First Sentence: Missing critical wording such as “The owner hereby grants, donates, conveys, and dedicates...” as per customary platting conventions and the City Attorney’s recommendations regarding fee simple ownership of rights-of-ways.
30. DoD/RCs Section I.A, Final Sentence: Please qualify this section as follows: “...provided nothing herein shall be deemed to prohibit properly-permitted drives, parking areas, curbing, landscaping, ...”
31. DoD/RCs Section C: Consider whether subsections 5, 6, and 7 (and perhaps others) should be subsections of Section I.C.4.
32. DoD/RCs Section C: Does not appear to provide for passive recreational uses (such as walking trails or simply “open space”) in Reserve Area B. PUD 91 suggested this possibility by use of term “open space park.”
33. DoD/RCs Section [D]: Section “C” is duplicated. Please renumber accordingly.
34. DoD/RCs Section I.[D]: Please qualify this section as follows: “...damage to properly-permitted landscaping and paving occasioned...”
35. DoD/RCs Section I.[D]: Consider qualifying the easement reference such as “...facilities within the utility easement areas...”
36. DoD/RCs Section I.[F].1: Please restrict overhead electric, telephone, and cable service and street light poles by removing the first sentence and revising the second sentence such as: “~~STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE, AND ELSEWHERE THROUGHOUT THE SUBDIVISION, ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AS DEPICTED ON THE ACCOMPANYING PLAT.~~” The existing overhead utilityline(s) are located in the right-of-way to be dedicated by the plat, and not within the 17.5’-wide Perimeter U/E along Mingo Rd. The existing overhead utilityline(s) extending along the existing private drive are expected to be removed by this development.
37. DoD/RCs Section I.[H]: Please replace “Tulsa Metropolitan Area Planning Commission” with “Bixby Planning Commission.”
38. DoD/RCs Section I.[J]: Consider adding a provision allowing for sidewalk construction on individual lots by the homebuilder, such as “Where sidewalks are not constructed by the Owner/Developer, the builder of each lot shall construct the required sidewalk.”
39. DoD/RCs Section I.[J]: Period missing at end of final sentence.
40. DoD/RCs Section II: Missing customary introduction/preamble to PUD restrictions. Please add or advise.
41. DoD/RCs Section II: Please update with final version of PUD 91.
42. DoD/RCs Section III.A: Please replace reference to “Tulsa” with “Bixby.”
43. DoD/RCs Section III.A: Does not provide for the enforcement of Section II (PUD restrictions) or other Sections, such as a sections to be added to provide for the HOA and for customary land use restrictions.
44. DoD/RCs Section III.C: Please replace “Tulsa Metropolitan Area Planning Commission” with “Bixby Planning Commission” (4 instances observed).

45. *DoD/RCS Section III.C: Please provide for amendment of other Sections added pursuant to these recommendations, such as sections providing for the HOA and/or for customary land use restrictions.*
46. *DoD/RCS Signatory Blocks: Use of "TH" at the ends of date blanks presupposes none of these dates will fall on the 1st, 2nd, 3rd, 21st, etc. days of the month.*
47. *DoD/RCS Signatory Blocks: Notary signatory blocks have an expiration date of 11/20/2015; plat is unlikely to be recorded by then.*
48. *A corrected PUD 91 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).*
49. *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, 11" X 17", and 1 electronic copy).*

Erik Enyart stated that the Planning Commission would recall this development, as it had heard the PUD and rezoning application at a Special Meeting held October 06, 2015. Mr. Enyart noted that, in the report for that PUD, he had reviewed and compared the proposed minimum house size and masonry standards for individual house construction and compared the same to those found in the surrounding context and recent precedents for the past few years, and found them to be compatible and consistent. Mr. Enyart indicated that those PUD metrics were in the Deed of Dedication and Restrictive Covenants of this plat. Mr. Enyart summarized recommendation # 26 in the Staff Report as follows:

“DoD/RCS: Missing land use restriction Covenants customary and required pursuant to Subdivision Regulations Section 12-5-3.A. Typical such Covenants include minimum standards and restrictions such as: business use of residential lots, noxious or offensive activity, fences, RV and trailer parking, farm animals, exotic animals, and/or pets, trash cans, holiday lights, relocation of existing structures, outbuildings/accessory buildings, etc. It is common to find, during the review of plats, that some of these Covenants are in conflict with the Zoning Code or other City codes or standards. Please provide or discuss.”

Erik Enyart stated that these private restrictions should be submitted for review for conflicts with City Codes and enhanced quality control.

Erik Enyart stated that he had spoken with the Applicant prior to the meeting and understood that the Applicant was amenable to all the Staff recommendations.

Chair Lance Whisman recognized Applicant Alan Betchan, PE, CFM of AAB Engineering, LLC of 17 E. 2nd St., Sand Springs. Mr. Betchan stated that the sidewalk matter was being addressed, but that part of the logistics were still up in the air. Mr. Betchan stated that he would prefer a fee-in-lieu of sidewalks, as long as the market numbers [bore out this option].

Upon a question, Erik Enyart confirmed that the City of Bixby had not granted any “unmitigated” sidewalk Waivers for housing additions since the “transitional phase” in 2010.

Jerod Hicks asked if these would be “patio homes,” and Alan Betchan responded that they would be “Villas”[-style] houses, a minimum of 2,400 square feet for a single story and [2,000] square feet [for the first floor of a two-story house], with 100% masonry to the top plate.

Upon a question, Erik Enyart noted that these minimum house size metrics were included on the final page of the agenda packet.

There being no further discussion, Thomas Holland made a MOTION to Recommend APPROVAL of the Preliminary Plat subject to all of the recommended corrections, modifications, and Conditions of Approval included in the Staff Report. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

Chair Lance Whisman called a five (5) minute break at 6:38 PM.

Chair Lance Whisman called the meeting back to order at 6:43 PM.

6. **Final Plat – “The Trails at White Hawk II” – Tulsa Engineering & Planning Associates, Inc. (PUD 62).** Discussion and consideration of a Final Plat and certain Modifications/Waivers for “The Trails at White Hawk II,” approximately 28.613 acres in part of the W/2 SE/4 of Section 15, T17N, R13E.
Property located: North and east of the intersection of 151st St. S. and Hudson Ave.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Tuesday, October 13, 2015
RE: Report and Recommendations for:
Final Plat of “The Trails at White Hawk II” (PUD 62)

LOCATION: – North and east of the intersection of 151st St. S. and Hudson Ave.
– Part of the W/2 SE/4 of Section 15, T17N, R13E

SIZE: 28.613 acres, more or less

EXISTING ZONING: RS-3 and PUD 62 “Hawkeye”

SUPPLEMENTAL PUD 62 for “Hawkeye”

ZONING:

EXISTING USE: Vacant/Agricultural

REQUEST: Final Plat approval

SURROUNDING ZONING AND LAND USE:

North: RS-3/PUD 46 & AG; Residential single family homes and vacant lots in The Ridge at South County. To the northeast is an 80-acre agricultural tract zoned AG.

South: RS-3/CG/OL/PUD 62, AG, CG, & CS; Residential single family homes and vacant lots in The Trails at White Hawk, and vacant commercial land along 151st St. S. zoned CG and OL with PUD 62. To the southeast is agricultural, rural residential, and commercial on several unplatted tracts along Kingston Ave. and 151st St. S. The Mountain Creek Equipment Sales (formerly the Allison Tractor Co. Inc.) tractor/farm equipment sales business is to the

southeast on approximately 2.4 acres zoned CG. To the southwest are vacant, rural residential, and agricultural tracts fronting on 151st St. S. zoned CS and AG.

East: RS-3/PUD 72; Residential single family homes and vacant lots in Southridge at Lantern Hill.

West: RS-3/RM-2/PUD 3; The White Hawk Golf Club and residential in Celebrity Country and White Hawk Estates.

COMPREHENSIVE PLAN: Corridor/Low Intensity/Development Sensitive + Vacant, Agricultural, Rural Residences, and Open Land + Community Trail

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

PUD 62 – Hawkeye – Hawkeye Holding, LLC – Request for rezoning to CG and RS-3 for a residential and commercial development for 75 acres including subject property – PC Recommended Conditional Approval and approval of underlying zoning change to CG, OL, and RS-3 01/21/2008 and City Council Approved CG, OL, and RS-3 02/11/2008 (Ord. # 991).

PUD 62 – Hawkeye – Major Amendment # 1 – Request for approval of Major Amendment # 1 to PUD 62 for 75 acres including subject property, which amendment proposed to increase the maximum number of residential lots, reduce setbacks, and make certain other amendments – PC Recommended Conditional Approval, with recommendations pertaining to trails, on 06/17/2013 and City Council Approved sans action on trails recommendation 06/24/2013 (Ord. # 2122).

Preliminary Plat of The Trails at White Hawk – Tulsa Engineering & Planning Associates, Inc. (PUD 62) – Request for Preliminary Plat approval for 75 acres including subject property – PC Recommended Conditional Approval 07/17/2013 and City Council Conditionally Approved 07/22/2013.

PUD 62 – Hawkeye – Minor Amendment # 1 – Request for approval of Minor Amendment # 1 to PUD 62 for 75 acres including subject property, which amendment proposed to provide for a cul-de-sac street design for Kingston Ave., provide certain requirements pertaining thereto, and make certain other amendments – PC Approved 09/30/2013.

PUD 62 – Hawkeye – Minor Amendment # 2 – Request for approval of Minor Amendment # 2 to PUD 62 for 75 acres including subject property, which amendment proposed to allow for the creation of a new commercial or office development tract within Development Area B, allow for the transfer of building floor area within Development Area B, and make certain other amendments – PC Approved 12/16/2013.

Final Plat of The Trails at White Hawk – Tulsa Engineering & Planning Associates, Inc. (PUD 62) – Request for Final Plat approval for The Trails at White Hawk, 32.544 acres of the original 75-acre parent tract including subject property – PC Recommended Conditional Approval 02/18/2014 and City Council Conditionally Approved 02/24/2014 (Plat # 6542 recorded 06/09/2014).

BACKGROUND INFORMATION:

The Preliminary Plat of this subdivision, consisting of the entire parent tract of 75 acres, more or less, proposed 262 Lots, one (1) of which was a large commercial lot. The Planning Commission recommended Conditional Approval on July 17, 2013, and the City Council Conditionally Approved it July 22, 2013.

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

- Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard. The Modification/Waiver was described as justified by citing the appropriate plan to plat deeper lots along the White Hawk Golf Club, and certain configurations necessitated by the geometries of the 130' PSO easement and Kingston Ave.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the west and east. The Modification/Waiver was described as justified by the limited extent of the common line shared by the residential Development Area and the tract to the east and its existing access on Kingston Ave. A justification was also provided for not providing a stub-out street to the 8-acre tract to the west.
- Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for Lots 26 and 27, Block 2, whose rear lines abut Kingston Ave. City Staff was supportive of this design, which is incidental and unavoidable due to existing geometries.
- Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the widths of the standard 17.5' Perimeter U/Es along the north and east boundary lines as evident on the plat. To the extent they abutted existing 17.5' U/Es in The Ridge at South County and Southridge at

Lantern Hill, Staff supported reducing them to 11', as the combined widths would exceed 22', the generally accepted standard for utility corridors on subdivision boundaries.

- Modification/Waiver from Subdivision Regulations Section 12-3-2.F to be released from the half-street right-of-way dedication for Kingston Ave. north of the PSO easement, as described in this report. City Staff supported this Modification/Waiver, based on the cul-de-sac's superior design and the fact that continued legal access will be maintained for the residence at 14800 S. Kingston Ave. in the existing half-street right-of-way to the east.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.N to be released from the sidewalk construction requirement along the half-street right-of-way dedication for Kingston Ave. north of PSO easement, which was reflexive based on the new plans for Kingston Ave.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.O, along with a redesign of affected areas as recommended, to allow Reserve Areas (only) to be platted in the 100-year Regulatory Floodplain.

ANALYSIS:

Subject Property Conditions. The subject property of 28.613 acres, more or less, consists of that part of the original PUD 62 area lying north of the first phase, platted as The Trails at White Hawk. Now under construction, the subject property was previously pasture land.

The subject property is moderately sloped and primarily drains to the west to an unnamed tributary of Posey Creek. A small portion of the north side of the east line appears to drain to the east into Southridge at Lantern Hill.

Comprehensive Plan. The subject property is designated Corridor, except for the west approximately 330', which is designated Low Intensity. A portion of the easterly area of the acreage is designated Development Sensitive.

The existing RS-3 zoning May Be Found In Accordance with the Corridor and Development Sensitive designations, and is In Accordance with the Low Intensity designation.

Thus, the current zoning pattern is consistent with the Comprehensive Plan.

At its June 17, 2013 Regular Meeting, the Planning Commission held a Public Hearing and recommended Conditional Approval of PUD 62 Major Amendment # 1 by unanimous vote, and to additionally recommend that "the City Council consider the Comprehensive Plan as it pertains to trails in this PUD Major Amendment."

The Comprehensive Plan Land Use Map designates a Community Trail more or less along a line paralleling 330' from the westerly line of the subject property through its entire north-south length. It is more likely that any future trail here would follow the course of the tributary of Posey Creek, which only "clips" the southwest corner of the original PUD 62 acreage. This area was platted as Reserve A of The Trails at White Hawk, and is to be used for stormwater detention, which would appear to be conducive to future trail development, as compared to residential or commercial/office development. The site plan provided with Major Amendment # 1 stated that no trails were proposed at that time, and the first phase of the development did not propose trail construction through the original PUD 62 acreage. However, the Dedication and Restrictive Covenants (DoD/RCs) of The Trails at White Hawk provided that the Reserve Areas may be used for "passive and active open space" uses, such as "...recreation, ...sidewalks, and ingress and egress."

The Bixby Comprehensive Plan shows a trail connecting Bixby Creek to the Arkansas River through Conrad Farms, various tracts along Sheridan Rd. and 151st St. S. and the City of Bixby's cemetery expansion acreage, the subject property and The Ridge at South County, certain other tracts along 141st St. S., and Eagle Rock. An amendment to the Comprehensive Plan would not have been required to approve the Major Amendment, because the Zoning Code requires only consistency with the land use elements for rezoning purposes, not the Public Facilities / Urban Design Elements such as trails. At its regular meeting held June 24, 2013, the City Council Approved Major Amendment # 1 and did not make any special requirements pertaining to trails.

The Trail designation notwithstanding, the single-family residential development anticipated by this plat would be not inconsistent with the Comprehensive Plan.

General. This subdivision of 28.613 acres proposes 151 Lots, five (5) Blocks, and one (1) Reserve Area. With the exceptions outlined in this report, the Final Plat appears to conform to the Preliminary Plat as approved, the Subdivision Regulations, the Zoning Code, and PUD 62.

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 this application at its regular meeting held October 07, 2015. Minutes of that meeting are attached to this report.

Access and Internal Circulation. Access to PUD 62 residential Development Area (DA) A (the The Trails at White Hawk and the proposed "The Trails at White Hawk II") is via the Collector Street system, beginning at Hudson Ave. at 151st St. S., then 148th Pl. S., then Lakewood Ave., which will be extended northward as a Collector Street connecting to the Lakewood Ave. stub-out street in The Ridge at South County. Due to the number of lots proposed with PUD 62 Major Amendment # 1, residential DA A is required to have three (3) points of ingress/egress, two (2) of which consist of the Collector Street connections to 151st St. S. and Lakewood Ave. in The Ridge at South County. In addition to serving the accessibility needs of PUD 62 DA A, this connection will improve emergency and regular accessibility for residents of The Ridge at South County and points northward, by providing another point of access and a direct connection to 151st St. S.

Constructed with the first phase, The Trails at White Hawk, there is an additional emergency-only access drive connecting Lakewood Ave. to Kingston Ave.

When the commercial development area is built, a cul-de-sac turnaround will be constructed toward the north end of Kingston Ave. to improve accessibility. See previous Staff Reports for discussion on commercial Development Area B access and Kingston Ave. frontage and particulars.

As described above, no trails are indicated as proposed in the "Trails at White Hawk II" development at this time.

Land Use Restrictions. The Deed of Dedication and Restrictive Covenants (DoD/RCs) of the plat include proposed land use restrictions, as required by Subdivision Regulations Section 12-5-3.A, and the land use restrictions include proposed minimum house size and masonry standards.

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, and during the review of plats pursuant to Subdivision Regulations Section 12-5-3.A.

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

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

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

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

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

- 75% minimum masonry
- Mature tree preservation.

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

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

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

in exchange for the special benefits afforded by amending the Comprehensive Plan and the PUD, the Applicant in that case proposed:

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

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

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

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

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

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

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

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

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

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

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

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

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. 121st 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. 141st 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.

On 10/06/2015, the Planning Commission recommended approval of PUD 91, permitting the reduction of certain minimum bulk and area standards for “The Village at Twin Creeks” at 11625 S. Mingo Rd. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:

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

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

The plat of Celebrity Country, recorded 10/28/1983, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 2,600 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 “Building Committee” waiver.

The plat of The Ridge at South County, recorded 06/27/2008, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 1,800 square foot minimum dwelling size
- [100%] masonry excluding windows and doors, with provisions for “Architectural Committee” waiver.

The plat of The Trails at White Hawk, recorded 06/09/2014, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 1,100 square foot minimum dwelling size
- 33% masonry to the 8’ plate line, excluding trim, with provisions for “Architectural Committee” waiver.

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

- 1,100 square foot minimum dwelling size
- 33% masonry to the 8’ plate line, excluding trim, with provisions for “Architectural Committee” waiver.

Although identical to the minimum standards for home construction included with The Trails at White Hawk, Staff believes that the proposed standards are not consistent with the abutting Southridge at Lantern Hill, The Ridge at South County, or Celebrity Country subdivisions or with recent precedents for such standards as approved in Bixby for the past few years. This second phase will be closer to Southridge at Lantern Hill and The Ridge at South County than the first phase. To improve consistency and compatibility with the surrounding context and recent precedents, the developer could propose to:

1. Increase minimum dwelling size,
2. Increase minimum masonry,
3. Require approved masonry alternatives for the non-masonry balance of the exteriors, and/or
4. Propose other methods of improved compatibility and consistency as may be found acceptable to the City Council.

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

1. *Subdivision Regulations Section 12-5-3.A requires plats include proposed land use restrictions, allowing for City review and approval. See relevant analysis above. The Developer should discuss with the Planning Commission and City Council methods for improving consistency and compatibility with the surrounding context and recent housing addition entitlement precedents.*
2. *Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.*
3. *Phases 1 and 2 will evidently share a Homeowners Association. Consider renaming the Reserve Area "F" to avoid confusion with Reserve Area A in the first phase.*
4. *Per Subdivision Regulations Section 12-5-3.B and the typical block numbering conventions, the block numbering sequence should start at one (1).*
5. *DoD/RCs Section 1.2.1: Please restrict overhead electric, telephone, and cable service and street light poles by removing the first two (2) sentences.*
6. *DoD/RCs Section 3.2: Please update Block numbers as per other recommendations herein.*
7. *DoD/RCs Section 4.2.2: Consistent with other recent housing addition entitlements, please remove provision allowing Architectural Committee waiver of the masonry standard.*
8. *DoD/RCs Section 4.15: Gives vast authority to the developer. Advisory only.*
9. *DoD/RCs Section 4.16: Staff would suggest the following addition be considered "Enforcement to restrain violation of, or compel compliance with, these covenants..." as violation of certain covenants can be by non-action.*
10. *DoD/RCs Section 6.2: "...the Owner therefore shall become a member..." The quoted phrase should be corrected by replacing "therefore" with "thereof," as was done in the case of River's Edge with similar DoD/RCs language.*
11. *DoD/RCs Section 6.2: "...shall constitute acceptance of the Association..." Perhaps should be "...shall constitute acceptance of membership in the Association..."*
12. *DoD/RCs Section 6.4.3: "...other restrictions or any part thereof..." Use of term "of" in place of "or."*
13. *Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.*
14. *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.*
15. *Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).*

Erik Enyart described the zoning and development review timeline for the entire ["Hawkeye" / "The Trails at White Hawk"] development. Pertaining to minimum standards for individual home construction, Mr. Enyart noted that the Conrad Farms development included the smallest such metrics for any housing addition in recent years, at 1,500 square feet and 35% masonry, with the balance being cementitious fiber.

Chair Lance Whisman recognized Applicant Tim Terral of Tulsa Engineering & Planning Associates, Inc., 9820 E. 21st St. S., Tulsa, OK 74146 from the Sign-In Sheet. Mr. Terral stated that there had been a "hole" in Section 4, the private restrictions [of the Deed of Dedication and Restrictive Covenants of the Preliminary Plat of The Trails at White Hawk]. Mr. Terral stated that, after the Preliminary Plat was approved by the Planning Commission and City Council, he had discussions about this with Erik Enyart about these [minimum house size standards]. Mr. Terral indicated that, afterward, the City recognized the final version as the approved version. Mr. Terral stated that these minimums were the same as phase 1. Mr. Terral stated that the lots were smaller than the surrounding properties, and that lots were [typically] 70' X 120' to the north, houses were

[a minimum of] 1,800 square feet on lots [typically] 61' X 160' [in Southridge at Lantern Hill], and so those houses were bigger than what were being built here. Mr. Terral stated that this market segment was for affordable houses, which were "nice, quality housing." Mr. Terral stated that, as for Celebrity Country to the west, there was a golf course between [the residential development areas and the subject property]. Mr. Terral stated that those lots were 100' X 130' but that there was a buffer between them.

Erik Enyart stated that the [minimum standards for individual house construction] were turned in after the Planning Commission and City Council reviewed them. Mr. Enyart indicated that he did not have the authority to approve these covenants, and that "My charge at that point was to make sure that they were included and not in conflict with code requirements, so any argument or any suggestion of any argument that the house size and masonry were 'approved' by the City is not true." Mr. Enyart noted that this second phase was farther north and immediately abutting The Ridge at South County and Southridge at Lantern Hill, which had higher minimum standards for individual house construction, and indicated that a transition between the first phase and these other additions would improve compatibility and consistency. Mr. Enyart stated that the houses actually being built were not as small as 1,100 square feet.

Chair Lance Whisman recognized Stephen Lieux, PE, Director of Engineering / Land Development for Rausch Coleman Development Group, 107 Devonshire, Lowell, AR from the Sign-In Sheet. Mr. Lieux stated that his company was investing here, and that the homes offered in this subdivision ranged from 1,250 to 1,800 square feet, with an average of 1,600 square feet. Mr. Lieux stated that the reason for the 1,100 square feet was oil prices had fallen, and interest rates were up, and [he and his company] wanted to go forward with what they were doing [in the first phase]. Mr. Lieux stated that [he and his company] had made a business decision based on the Preliminary Plat as approved for the developer and the approval of the Covenants in phase 1. Mr. Lieux stated that he saw this as being in compliance with the PUD and the Subdivision Regulations.

Larry Whiteley asked what the 1,100 square foot house prices would be. Stephen Lieux stated that an 1,100 square foot was not offered here, but would likely sell at the \$100.00 per square foot mark. Jerod Hicks stated that this would mean a \$110,000 house [if it were actually built]. Mr. Whiteley expressed preference for nicer houses and communities. Mr. Whiteley expressed desire to protect the people who had already bought their homes and were making an investment, and "I can't see building a cheaper home."

Stephen Lieux reiterated that [he and his company] had made a business decision, and stated that this price point for homes allows for growth and for the City to "diversify the type of folks that can live here," with an "income range of varying types."

Jerod Hicks indicated appreciation for Rausch Coleman's business model, but stated that Bixby's home values were already diverse. Mr. Hicks stated that his major concern was, as houses in The Ridge at South County sold for \$350,000, \$450,000, to \$500,000, [the smaller houses] would drive property values down. Mr. Hicks expressed desire for a "buffer," because "now you're in their backyards," and expressed concern that [the smaller houses] would "negatively affect The Ridge at South County."

Steve Sutton addressed Erik Enyart and asked if the City would suggest numbers [for minimum standards for individual house construction]. Erik Enyart stated that he had provided numbers of recent precedents and housing additions in the immediate area for context to allow an informed discussion, but that it was “not our place, but theirs to propose” these minimum standards, and the City would then discuss it.

Discussion ensued regarding minimum house size and masonry standards for previous housing additions, including 50% masonry in Celebrity Country, 75% in Quail Creek [of Bixby], 100% elsewhere, and a 1,600 square foot minimum house size in “Bridle Creek [Ranch].” Stephen Lieux indicated that [Rausch Coleman Development Group] was “one of the entities involved” in the previously-proposed Conrad Farms residential development. Mr. Lieux stated that there was a gap in the terms of the entitlements, but then [the 1,000 square foot house size and 33% masonry standards] were approved with phase 1. Mr. Lieux stated that phase 1 had brought “great folks to the City” and that the houses were a “well built, quality product for workforce folk,” who “enjoy living here.” Mr. Lieux described his views on consistency and expressed that this would be “not that inconsistent.” Mr. Lieux expressed desire for a “transition,” but stated that [one would] “see how [that] turns out.” Mr. Lieux stated that [he and his company] wanted to build as large a house as they could, but that this was “dictated off what the public can purchase.”

Chair Lance Whisman recognized Bob Evans of 5794 E. 144th St. S. from the Sign-In Sheet. Mr. Evans stated that he lived in The Ridge at South County and provided a letter and two (2) printout copies of emails from his neighbors and Councilor Richie Stewart, who wrote that he could not attend as he had to work that evening. Mr. Evans read the letters and emails into the record (copies of which are attached to these Minutes), except for the one from Joey Bruns, which Mr. Evans stated had mostly been covered by the first two (2). Mr. Evans read an email from Councilor Stewart in which Councilor Stewart expressed preference for a 1,500 square foot minimum house size and 100% masonry for houses and expressed concern for safety, and preference for a gate on Lakewood Ave. with access for [public safety personnel], as otherwise would be “putting children at risk.”

Steve Sutton asked Erik Enyart if the Lakewood Ave. street connection had been discussed, and Mr. Enyart responded, “Not as Staff. I was not aware of [this becoming an issue] till now.”

Bob Evans stated that he also, personally, had concern for additional traffic with the street connection, as there were a “tremendous amount of children playing” [in and along Lakewood Ave.].

Chair Lance Whisman recognized Allen Trotter of 14493 S. Lakewood Ave. from the Sign-In Sheet. Mr. Trotter expressed concerns for traffic safety as there were a “tremendous amount of kids” living on Lakewood Ave. Mr. Trotter also expressed concerns that his home value would go down, and that he did not intend for [his and/or his neighborhood’s typically] \$350,000 house “to have a \$110,000 house built next to me.”

Chair Lance Whisman recognized James Eddleman of 14453 S. Lakewood Ave. from the Sign-In Sheet. Mr. Eddleman stated that he had small kids that played in the front yard, and expressed concern that the connection would create a “long street” on which people would drive down too

fast. Mr. Eddleman stated that the police officers sometimes set up to catch people running stop signs [and speeding]. Mr. Eddleman expressed concern for an increase in the potential for theft, not necessarily from people buying [lots/houses] here but from [others using] 141st St. S. and 151st St. S. Mr. Eddleman stated that the neighborhood already had a speeding issue along Lakewood Ave. Mr. Eddleman stated that he had made a \$350,000 investment and expressed concern about losing value and money, the Lakewood Ave. connection, and for smaller “minimum qualifications for homes built,” which he and others he had spoken to did not think was a good idea.

Chair Lance Whisman recognized Sharon Fullerton of 14483 S. Lakewood Ave. from the Sign-In Sheet. Ms. Fullerton expressed concern for the safety of her children and those of other families living on Lakewood Ave., and expressed preference that the Lakewood Ave. streets both dead-end in cul-de-sac [turnarounds].

Chair Lance Whisman recognized Dean Christopoulos of 8315 E. 111th St. S. from the Sign-In Sheet. Mr. Christopoulos stated that he was one of the partners in the development, and he and his partners and Rausch Coleman had made a lot of investments based on [what they understood to be approved]. Mr. Christopoulos expressed concern that “No one told us [that] if we proceed we will change [the rules] on you.” Mr. Christopoulos stated that, as for the argument that the smaller homes [would negatively impact property values], the people in Eagle Rock could state that about [houses in The Ridge at South County]. Mr. Christopoulos stated that there should be different price ranges for everybody. Mr. Christopoulos stated that the houses in [The Ridge at South County] would be “less than \$100 per square foot, so this [\$100] price per square foot may help appraisals.”

Chair Lance Whisman recognized Julius Puma of 10618 S. Winston Ct. from the Sign-In Sheet. Mr. Puma stated that he was one of the owners but declined to speak at this time.

Chair Lance Whisman recognized Kelly Corado of 14363 S. Lakewood Ave. from the Sign-In Sheet. Ms. Corado stated that she had two (2) small children and expressed concern that “traffic is already terrible,” and for the construction traffic that goes up and down [Lakewood Ave.], and for damage to mailboxes. Ms. Corado stated, “At least weekly an officer [writes] tickets because of speeding.” Ms. Corado expressed concern for loss of property values if Lakewood Ave. was opened, and for “the back of Rausch Coleman homes [backing] up to “our houses at The Ridge.” Ms. Corado expressed concern for property values with potentially 1,100 to 1,400 square foot houses being built, but stated that her main concern was Lakewood Ave. opening up, for the safety of the kids. Ms. Corado expressed preference for a fence and stated “I love the idea of a crash gate.” Ms. Corado expressed concern that the neighborhood pool would see an increased number of people coming into it [if Lakewood Ave. was connected].

Erik Enyart stated that, when the City approved [PUD 62] Major Amendment # 1 in 2013, which increased the number of lots to approximately 261, the City Staff observed that this was a large number of houses and lots, and so, as the City had done with other large housing additions, it reviewed the number of points of ingress / egress for adequacy. Mr. Enyart stated that, for 261 lots, the City Staff, including Public Safety Staff, stated that there should be no less than three (3) points of ingress / egress, two (2) of which must be a Collector Street connecting 151st St. S. to Lakewood

Ave., and the third being an emergency access only connection to Kingston Ave., which was not in a condition to support regular traffic.

Tim Terral concurred that the City required three (3) points of ingress / egress. Mr. Terral stated that Lakewood Ave. was a “long, straight shot street” and there was a requirement to tie into it. Mr. Terral stated that it was doubtful that [residents of The Trails at White Hawk] would go [north] to 141st St. S. Mr. Terral stated that there could be traffic calming [employed], such as speed humps. Mr. Terral expressed doubt that [Public] streets could be gated.

Patrick Boulden indicated that streets would have to be closed to be gated.

Thomas Holland asked, and someone confirmed that Lakewood Ave. was presently a dead-end street.

Erik Enyart stated that it was most likely that residents of [The Ridge at South County] would use the new, wide Collector Street go south to 151st St. S. Mr. Enyart stated that developers of other subdivisions in Bixby had used median curb islands to cause oncoming motorists to slow down, such as the one on 136th St. S. in Southbridge, which connects Memorial Dr. to Mingo Rd. Mr. Enyart stated that 105th E. Ave. in Chisholm Ranch also had several median curb islands, and suggested this could be done here. Mr. Enyart stated that the street connection would provide better access for everyone. Mr. Enyart stated that Lakewood Ave. was stubbed into the subject property with the specific intent that the street continue through, and that, when connected, the street would provide the third means of ingress and egress for The Ridge at South County. Mr. Enyart stated that, if the Planning Commission recommended approval of the plat that evening, it could include a recommendation pertaining to traffic speed and safety issues.

Someone from the audience suggested putting a street through to Southridge at Lantern Hill. Tim Terral noted that there was no stub-street [from that subdivision to the subject property].

Erik Enyart stated that he believed the access matter was more of a public safety than property value concern, and that the discussion on the minimum house size and masonry standards [would be more applicable to the property value aspect]. Mr. Enyart stated that the City Staff would discuss the access matter further.

Thomas Holland clarified with Erik Enyart that traffic speeds and safety and traffic calming or other measures to address same would be discussed by the professional and public safety staff.

Tim Terral indicated that he had said that [the Restrictive Covenants concerning minimum house size and masonry standards] were turned in after the City Council approval, and so were not submitted to the proper authority, and that he was not faulting Erik Enyart, but [business decisions were made] based on erroneous information [accepted by Mr. Enyart on behalf of the City of Bixby].

Discussion ensued regarding the lack of specific development standards to be included in the Deed of Dedication and Restrictive Covenants of the Final Plat pursuant to Subdivision Regulations Section 12-5-3.A. Erik Enyart stated, “The beauty of that provision in the Bixby Subdivision

Regulations is that the conversations two (2) years ago were different than discussions today, and will be different two (2) years hence.”

Steve Sutton expressed preference for the Applicant having a meeting with City Staff to resolve the outstanding issues. Other Commissioners indicated agreement.

There being no further discussion, Steve Sutton made a MOTION to CONTINUE the Final Plat to the November 16, 2015 Regular Meeting, with direction to the Applicant to meet with the City to address house size and masonry standards, all of the Staff recommendations, traffic calming measures, a “crash gate,” a turnaround, and the traffic safety issue. Larry Whiteley SECONDED the Motion.

Bob Evans asked if residents of The Ridge at South County could also attend this meeting. Discussion ensued between Erik Enyart, Patrick Boulden, and the Commissioners about whether such a meeting was a “Public Meeting” and the propriety of attendance by members of the Public without invitation from the Applicant. Stephen Lieux stated that he had no objection [to representatives of The Ridge at South County] attending the meeting and invited Mr. Evans to attend.

Kelly Corado asked if the developer could put up a fence between the neighborhoods and/or signage. Dean Christopoulos stated that [he and his partner(s)] were open to talking about this. Someone indicated it could be a monument with the name of the neighborhood(s).

Roll was called:

ROLL CALL:

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

OLD BUSINESS:

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

NEW BUSINESS:

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

ADJOURNMENT:

There being no further business, Chair Lance Whisman declared the meeting Adjourned at 8:02 PM.

Steve Sutton thanked attendees, Leadership Bixby Interns, and the owners invested in Bixby for their attendance.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary