

**MINUTES
PLANNING COMMISSION
113 WEST DAWES
BIXBY, OKLAHOMA
November 16, 2015 5:00 PM**

SPECIAL-CALLED MEETING

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Lance Whisman called the meeting to order at 5:02 PM.

ROLL CALL:

Members Present: Larry Whiteley, Lance Whisman, Steve Sutton,¹ Jerod Hicks, and Thomas Holland.
Members Absent: None.

1. Introductions and opening statements regarding concurrent City Council meeting

Erik Enyart observed that the City Council was meeting concurrently with the Planning Commission and would share an Executive Session per the City Attorney regarding potential litigation.

Erik Enyart stated that, since there was already a Special Meeting called, the City decided to put on the agenda the Final Plat of "Somerset" [to expedite the review for the sake of the Applicant].

¹ In at 5:19 PM.

2. **Final Plat – “Somerset” – JR Donelson, Inc. (PUD 82).** Discussion and consideration of a Final Plat and certain Modifications/Waivers for “Somerset” for 18 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.

Property Located: 6905 E. 121st St. S. & 11803 and 11809 S. Sheridan 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: Friday, November 13, 2015
RE: Report and Recommendations for:
Final Plat of “Somerset” (PUD 82)

LOCATION: – 6905 E. 121st St. S. & 11803 and 11809 S. Sheridan Rd.
– Part of the SW/4 of the SW/4 of Section 35, T18N, R13E
– Northeast of the intersection of 121st St. S. and Sheridan Rd.

SIZE: 18 acres, more or less

EXISTING ZONING: RS-2 Residential Single-Family District and PUD 82

SUPPLEMENTAL ZONING: PUD 82 “Somerset”

EXISTING USE: Rural residential and agricultural

REQUEST: Final Plat approval

SURROUNDING ZONING AND LAND USE:

North: RS-2; Single family residential in The Estates of Graystone.

South: AG & CS/RS-2/PUD 53; Vacant/wooded land, and across 121st St. S., vacant commercial lots and a 2-story office building at 6810 E. 121st St. S. zoned CS, and vacant residential lots and new houses zoned RS-2, all in WoodMere in PUD 53. To the southwest are vacant lots zoned CS and OL with PUD 53-A. To the southeast are a vacant/wooded 1-acre tract, the former Three Oaks Smoke Shop located on a 2-acre tract at 7060 E. 121st St. S., the “wetland mitigation” land owned by Tulsa County, and the “hardwood mitigation” land owned by the City of Bixby, all zoned AG.

East: AG; The Bixby North 5th and 6th Grade Center on a 10-acre campus, the Bixby North Elementary school on a 23-acre campus, and the Life.Church 4.4-acre facility between the former two.

West: AG and (across Sheridan Rd. in Tulsa) AG, RS-3, & RS-3/CS/PUD 759; Vacant/wooded land to Sheridan Rd., and unplatted residential estate acreages zoned AG and RS-3 to the west of Sheridan Rd. To the southwest are residential and commercial lots, homes, and businesses zoned RS-3 and CS with PUD 759 in Crestwood Village, all in the City of Tulsa.

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

PREVIOUS/RELATED CASES:

BBOA-147 – J.L. Shimp – Request for Special Exception approval to allow a mobile home in an AG District on the westerly approximately 8 acres of subject property – BOA could not achieve passage of a Motion for action at either the 10/1985 or 12/09/1985 meetings.

BBOA-160 – J.L. Shimp – Request for Special Exception approval to allow a mobile home in an AG District and a Variance to allow two (2) dwellings on a singular tract of land (requested mobile home and existing conventional house) on the westerly approximately 8 acres of subject property – BOA Conditionally Approved 03/10/1986.

BZ-370 & PUD 82 – “Somerset” – JR Donelson for Kowen Properties, LLC – Request to rezone from AG to RS-2 and to approve PUD 82 for a single-family residential development subject property – PC recommended Conditional Approval 02/18/2014, with the exception of Staff’s abutting access provision recommendations. City Council 02-24-2014 Conditionally Approved with Staff’s abutting access recommendations, “subject to a[n] application for waiver of subdivision regulations.” City Council Approved ordinance effecting rezoning and PUD approval upon receipt of the “Final As

Approved” copy of the PUD with all of the Conditions of Approval incorporated 03/24/2014 (Ord. # 2128).

Modification/Waiver (PUD 82) – JR Donelson, Inc. for Kowen Properties, LLC – Request for Modification/Waiver of the “stub-out street” requirement of Subdivision Regulations Section 12-3-2.C pursuant to Subdivision Regulations Section 12-3-5.B for subject property – PC Recommended Partial Approval 03/17/2014 to allow the proposed 20’ Emergency Access Drive Easement to the 8-acre development property abutting to the south/west, with the location to be determined by the involved private parties and City Council Partially Approved as recommended 03/24/2014.

Preliminary Plat of “Somerset” – JR Donelson for Kowen Properties, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a single-family residential development, “Somerset,” for subject property – PC recommended Conditional Approval 05/19/2014 and the City Council Conditionally Approved at a Special Meeting 06/02/2014.

PUD 84 “Sheridan Cottages” & BZ-373 – Haynes Reynolds for 118th & Sheridan, LLC – Request to rezone from AG to RS-2 and to approve PUD 84 for a single-family residential development, “Sheridan Cottages,” for approximately 8 acres abutting subject property to the west and south at 11909 and/or 11919 S. Sheridan Rd. – Withdrawn by Applicant 07/21/2014.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property of approximately 18 acres is zoned AG and is rural residential and/or agricultural in use. It has approximately 427.15’ of frontage on Sheridan Rd. and 333.27’ of frontage on 121st St. S. The subject property is presently composed of three (3) existing parcels:

- (1) An approximately four (4) acre tract composing the westernmost four (4) acres, previously containing two (2) dwellings possibly addressed 11803 and 11809 S. Sheridan Rd. (since removed), Assessor’s Parcel Account # 98335833545900,*
- (2) An approximately four (4) acre agricultural and wooded tract between the westernmost 4-acre tract and the easterly 10-acre tract, Assessor’s Parcel Account # 98335833546300,*
- (3) An approximately 10-acre tract composing the easternmost 10 acres, containing an existing dwelling at its northern end, a pond at its southwest corner, and otherwise agricultural and wooded, addressed 6905 E. 121st St. S., Assessor’s Parcel Account # 98335833547500.*

The northernmost areas of the subject property slope moderately downward in a southward direction. The southerly portion of the 10-acre tract slopes slightly to the south. The development is proposed to drain to the Tulsa County “wetland mitigation” area located a couple blocks to the southeast across 121st St. S. As noted by the City Engineer, Tulsa County approval must be secured.

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.

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

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

The Matrix does not indicate whether or not the RS-2 zoning district would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Per the Matrix, PUDs (as a zoning district) May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since the City Council approved PUD 82, it has been found In Accordance with the Comprehensive Plan as a zoning district.

The single-family residential development anticipated by this plat would be consistent with the Comprehensive Plan.

General. The plat proposes a single-family residential subdivision development with 54 lots. The plat exhibits a suburban-style subdivision design, with 54 single-family residential lots. Minimum lot widths would be 65’. On the easterly 10-acre section of the PUD, the site plan indicates typically 65’-wide lots, with 140’ of depth (9,100 square feet; 0.21 acres). On the westerly approximately eight (8) acres, 12 relatively large lots are arranged around two (2) cul-de-sac streets, 66th and 67th E. Aves., and 11 non-

cul-de-sac lots front on the south side of 119th St. S. The latter are typically 70' X 125' (8,750 square feet; 0.20 acres). At the northern end of the existing 10-acre tract portion of the subject property, proposed Lot 16, Block 2 would contain the existing house, which will remain. The existing rural residential houses at the west end of the westernmost 4-acre tract have been removed to make way for this development.

Due to the irregular scheduling of this application, the Technical Advisory Committee (TAC) did not meet on the Final Plat. Staff sent a request for comments to the TAC on November 12, 2015. Any relevant comments will be provided to the Planning Commission at the meeting.

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

Access and Internal Circulation. Primary access would be from 121st St. S. (Primary Arterial) via the proposed 68th E. Ave., and from Sheridan Rd. via the proposed 119th St. S. Two (2) short cul-de-sac streets, 66th and 67th E. Aves., are proposed to extend north from 119th St. S. The streets are proposed to be gated and private, and are represented on the plat as Reserve B.

Abutting the subject property to the west and south is an unplatted 8-acre development tract, the subject of the previous PUD 84 "Sheridan Cottages." The rezoning applications pertaining to that development were Withdrawn, but that 8-acre development tract is expected to also develop residentially. This plat proposes, pursuant to PUD 82 as approved, a 20'-wide Reserve A, to allow the "Sheridan Cottages" property to construct an access between the two (2) additions in the future at the 8-acre development tract property owner's expense. It is proposed to connect to the 8-acre development tract property where the draft, former PUD's site plan indicated the connection.

Per the approved PUD 82 and a related partial Modification/Waiver approved along with the Preliminary Plat, in lieu of sidewalk construction along Sheridan Rd., the developer will propose to extend the sidewalk offsite through the Bixby 5th & 6th Grade Center parcel to connect to the west line of Life.Church. Staff noted that the distances may not equal out, but adding the ramp treatments on both sides of both of the School's drives may bring parity to the cost versus the Sheridan Rd. location.

The plat proposes a 50' right-of-way dedication for Sheridan Rd. and 60' for 121st St. S. (Primary 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 82.

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 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.

DoD/RCs Section III.B has reduced the minimum house size to 2,100 square feet. The Applicant should restore this to 2,200 square feet as approved with Preliminary Plat if/as required by City Council.

Further, DoD/RCs Section III.G.1 has reduced the minimum roof pitch from 9/12 to 8/12; this should be restored to 9/12 as approved with Preliminary Plat if/as required by City Council.

The private masonry standard has been increased to 100%, which exceeds the 75% minimum required by the PUD.

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

1. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.

2. *Per SRs Section 12-4-2.A.5, please correct Location Map as follows:*
 - a. *The Links at Bixby (misrepresented as to configuration)*
 - b. *Resubdivision of Lots 3 and 4 of Bixby Commons (missing)*
 - c. *Woodcreek Village Amended (mislabeled)*
 - d. *Woodcreek Office Park (missing)*
 - e. *The Estates of Graystone (mislabeled)*
 - f. *North Heights Addition (mislabeled)*
 - g. *Amended Plat of Block 7, North Heights Addition (missing)*
 - h. *Bixby Centennial Plaza II (missing)*
 - i. *Bixby Jiffy Lube (inappropriately highlighted)*
3. *Please resolve text and linework congestion in Title Block area.*
4. *Please resolve text and linework conflicts along the 121st St. S. area.*
5. *Plat missing notes pertaining to monumentation (reference SRs Section 12-1-8).*
6. *Subdivision statistics: Please add number of Reserve areas.*
7. *Please correct proposed addresses per the provided address schedule recommendations.*
8. *Lots 1 through 8, inclusive, Block 1, are completely separated from the balance of Block 1 by Reserve A. Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.*
9. *Update Lot, Block, and Reserve number statistics to add the new block number.*
10. *DoD/RCs Preamble: "Successors" appears to be defined as "Property Owners Association." Please clarify intent. Will not all future homeowners be successors in title to their respective lots?*
11. *DoD/RCs Section I Preamble, final paragraph: Should probably be "...by the lots owners within SOMERSET."*
12. *DoD/RCs Section I.A.4: Please invert with current Section A.5 for logical flow.*
13. *DoD/RCs Section I.C: Please correct "The streets and storm sewer are private..."*
14. *DoD/RCs Section I.E: Discusses stormwater easements which are not represented on face of plat.*
15. *DoD/RCs Section I.E: Streets are private, and thus stormsewer is also private per City Engineer. Please remove this section or otherwise all references to "public storm sewer system" with other appropriate modifications to reflect it only applies to stormsewer infrastructure located in the Sheridan Rd. and 121st St. S. rights-of-way to be dedicated as shown on the plat.*
16. *DoD/RCs Section I.F: Please correct "...Owners Association, Inc. for their... Maintenance of these reserve areas will... Reserve Areas "A" and "B" will be..."*
17. *DoD/RCs Section I.F: Please also dedicate Reserve Area B as a U/E if/as requested by the City Engineer and Public Works Director.*
18. *DoD/RCs Section II.A: Please append setbacks with "...a public or private street."*
19. *DoD/RCs Section III.A.1: First sentence has a comma instead of period.*
20. *DoD/RCs Section III.A.4: Occurrence of misplaced "\".*
21. *DoD/RCs Section III.A.3: Typo in term "discretion."*
22. *DoD/RCs Section III.B: Please restore 2,200 minimum square foot house size as approved with Preliminary Plat if/as required by City Council.*
23. *DoD/RCs Section III.C: Word "are" is misspelled.*
24. *DoD/RCs Section III.G.1: Please restore 9/12 minimum roof pitch as approved with Preliminary Plat if/as required by City Council.*
25. *DoD/RCs Section III.N: Should also specify signage.*
26. *DoD/RCs Section III.N: Does not mention purpose of Fence & Landscape Easement shown along the south line of Lot 16, Block 1.*
27. *DoD/RCs Section III.N: Should reference the full title, "Fence & Landscape Easement or 'F/L'" as shown on the face of the plat.*
28. *DoD/RCs Section III.O: Word "prohibited" misspelled.*
29. *DoD/RCs Section III.R: Word "an" misspelled.*
30. *DoD/RCs Section III.Z.3: Word "are" misspelled.*
31. *DoD/RCs Section III.Z.3: Word "Committee" omitted, and period missing.*

32. *DoD/RCs Section III.AA: An exemption has been replaced with a positive restriction, when an exemption would appear to be expected (specifying certain sections apply to a lot does not state that the others do not apply). Advisory.*
33. *DoD/RCs Section III.CC: A new sentence was added to the end, and does not appear to fit. Consider adding an appropriate new section.*
34. *DoD/RCs Section III.DD: This "Enforcement" subsection would appear to be more appropriately located under Section V "Enforcement, Amendment, Etc."*
35. *DoD/RCs Section V.A.2: Former section III.DD is now III.CC. Please update citation appropriately.*
36. *DoD/RCs Section V.A.2: As recommended and made Conditions of Approval of other plats recently approved in Bixby, please add as subsections requiring City approval for amendment: III.B (house sizes) and III.E (masonry).*
37. *DoD/RCs Section IV.B: New language in "Membership" departs from customary language and does not include key provisions such as membership being appurtenant to lot ownership without allowance for separation. Please revise or advise.*
38. *DoD/RCs Section IV.C: Occurrence of term "therefore" in lieu of "therefor," as presumed intended.*
39. *DoD/RCs Section VI: Please replace "or allow" with "and shall prevent."*
40. *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).*
41. *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 noted that the Preliminary Plat was approved in May and June of 2014. Mr. Enyart stated that, of the substantive issues, he had observed that the proposed minimum house sizes in the Deed of Dedication and Restrictive Covenants had been reduced from 2,200 to 2,100 square feet, and the minimum roof pitch had been reduced from 9/12 to 8/12, as compared to the Preliminary Plat. Mr. Enyart stated that the private Restrictive Covenants were not used as a regulatory tool [in May/June, 2014], but since they had been in the past approximately one (1) year, he felt it important to call this out and recommend that they should be restored if requested by the City Council. Mr. Enyart stated that he had discussed this with Tom Wenrick and expected Mr. Wenrick would explain the change further. Mr. Enyart noted that, of the minimum development standards for housing additions approved recently, these numbers were higher than most.

Tom Wenrick stated that the change was made as an accommodation to his builder group, and that the prices of the lots would dictate house prices. Mr. Wenrick estimated the lots would sell between \$78,000 and \$93,000. Mr. Wenrick stated that he doubted that the houses would be that small[, as 2,100 square feet,] and that [the new numbers were] included in order to "safeguard deals."

Erik Enyart noted that another substantive design issue was the design of the gates. Mr. Enyart stated that the designs had not been submitted yet for Fire Marshal approval, and that the design could affect the lots and configuration at the entrances.

JR Donelson stated that he thought Jim Crosby had submitted the gate plans, and Tom Wenrick indicated this had not yet occurred.

Thomas Holland and Tom Wenrick discussed the roof pitch and house size standards. Mr. Holland indicated he had no issue with the 2,100 square feet versus 2,200 square feet.

Jerod Hicks, in reference to the roof pitch, stated that there would not be much difference, and that one would not be able to see the difference from the road.

There being no further discussion, Thomas Holland made a MOTION to Recommend APPROVAL of the Final Plat of “Somerset” as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

3. Motion to enter into Executive Session

Chair Lance Whisman asked to entertain a Motion to enter Executive Session. Larry Whiteley made a MOTION to enter Executive Session. Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

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

4. **Executive Session:**

Discussion in confidential communications among the Planning Commission, the City Council and their attorney of a pending investigation and claims of owners and developers of The Trails at White Hawk II, PUD 62., north and east of East 151st Street and South Hudson Avenue. (Other than discussion, no action will be taken in Executive Session.)

Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.4.

City Attorney Patrick Boulden

Executive Session began at approximately 5:12 PM and was observed thereafter.

(The City Council convened its meeting at this time. See the City Council Minutes for their meeting on this date for additional information on discussions held during the Planning Commission meeting.)

Steve Sutton in at 5:19 PM.

5. Motion to exit Executive Session and reconvene the open session.

Chair Lance Whisman asked to entertain a Motion to exit Executive Session. Larry Whiteley made a MOTION to exit Executive Session. Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

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

Executive Session ended at approximately 6:02 PM.

6. Discussion with the City Council and staff regarding the roles and responsibilities of the Planning Commission and the City Council on land use decisions.

Patrick Boulden observed that the Commission had run out of time to discuss this item (before the 6:00 PM Regular Meeting was supposed to have begun).

Jerod Hicks noted that this had been a good meeting and expressed interest in having regular meetings with the City Council.

Councilor Harold King noted that he and the other Councilors appreciated the Planning Commissioners.

ADJOURNMENT:

There being no further business, Chair Lance Whisman declared the meeting Adjourned at 6:02 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary