

AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
April 15, 2013 6:00 PM

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- ③ 1. Approval of Minutes for the February 19, 2013 Regular Meeting
- ③ 2. Approval of Minutes for the February 27, 2013 Special Meeting
- ④ 3. Approval of Minutes for the March 18, 2013 Regular Meeting

PUBLIC HEARINGS

⑥4

- 4. **BCPA-9 – JR Donelson for Helene V. Byrnes Foundation.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan of the City of Bixby, Oklahoma, specifically to remove the “Residential Area” specific land use designation. Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.
- 5. (Continued from March 18, 2013)
PUD 77 – “Byrnes Mini-Storage” – JR Donelson, Inc. Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 3.4 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.
- 6. (Continued from March 18, 2013)
BZ-365 – William W. Wilson for Helene V. Byrnes Foundation. Public Hearing, discussion, and consideration of a rezoning request from AG Agricultural District to OL Office Low Intensity District for approximately 2.9 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial* and part of the NW/4 of Section 01, T17N, R13E.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

PLATS

OTHER BUSINESS

7. **PUD 45 – Spicewood Neighborhood Center – Minor Amendment # 1.** Discussion and possible action to approve a Minor Amendment to PUD 45 to allow the maximum ground sign height to be increased from 20' to 25'.

Property located: Part of the NE/4 NE/4 Section 25, T18N, R13E; Southwest corner of the intersection of 101st St. S. and Mingo Rd.

8. **PUD 57 – Bixby Station – Minor Amendment # 1.** Discussion and possible action to approve a Minor Amendment to PUD 57 to increase to 90 the maximum number of lots permitted and to make changes to certain bulk and area standards.

Property located: Part of the SW/4 of Section 01, T17N, R13E; Southeast of the intersection of 126th St. S. and 85th E. Ave.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyark

Date: 03/26/2013

Time: 2:10 PM

2

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA**

February 19, 2013

6:00 PM

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:00 PM.

ROLL CALL:

Members Present: Larry Whiteley, Thomas Holland, and Lance Whisman.
Members Absent: Jeff Baldwin and John Benjamin.

CONSENT AGENDA:

1. Approval of Minutes for the January 21, 2013 Special Meeting
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Chair Thomas Holland introduced Consent Agenda Item Number 1. It was determined that Larry Whiteley was not present at that meeting. The Commissioners clarified with Erik Enyart that it would be best to Pass the item to the next agenda. Chair Thomas Holland declared the item PASSED to the next Regular Meeting Agenda.

Chair Thomas Holland declared that, because of the length of time that agenda items number 2 and 3 would take, the agenda items would be taken out of order and that agenda item number 4 would be considered at this time.

PLATS

4. Preliminary Plat / Final Plat – Bixby Centennial Plaza II – Rosenbaum Consulting, LLC. Discussion and consideration of a Preliminary Plat and a Final Plat and certain Modifications/Waivers for “Bixby Centennial Plaza II,” Lot 7 and the N. 42’ of Lot 8, Block 1, *Bixby Centennial Plaza*.
Property Located: Approximately the 11900-block of S. Memorial Dr.
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Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, February 15, 2013
RE: Report and Recommendations for:
Preliminary Plat & Final Plat of Bixby Centennial Plaza II

LOCATION: – Approximately the 11900-block of S. Memorial Dr.
– Lot 7 and the N. 42' of Lot 8, Block 1, Bixby Centennial Plaza
LOT SIZE: 1 acre, more or less, in two (2) parcels
ZONING: CS Commercial Shopping Center District + PUD 73
SUPPLEMENTAL ZONING: Corridor Appearance District
EXISTING USE: Vacant commercial lots
REQUEST: Preliminary Plat & Final Plat approval for a 2-lot commercial subdivision
COMPREHENSIVE PLAN: Corridor + Medium Intensity + Commercial Area.
PREVIOUS/RELATED CASES: (Not necessarily a complete list)

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

Preliminary Plat of Bixby Centennial Plaza – Request for Preliminary Plat approval including subject property – PC Approved 07/17/2006 and City Council Approved 07/24/2006.

Final Plat of Bixby Centennial Plaza – Request for Final Plat approval including subject property – PC Approved 10/16/2006 and City Council Approved 10/23/2006 (plat recorded 04/04/2007).

BL-351 – Khoury Engineering, Inc. – Request for Lot-Split approval to separate the north 42' of Lot 8 and add to Lot 7 of Bixby Centennial Plaza (included subject property) – PC Conditionally Approved 03/17/2008.

PUD 73 – Eagle SPE Multi I, Inc. – Rosenbaum Consulting, LLC – Request for approval of PUD 44 supplemental zoning for subject property – PC recommended Approval 11/19/2012 and City Council approved 11/26/2012 (Ord. # 2105).

V-43 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc. – Request to close a Utility Easement within subject property – PC recommended Approval 11/19/2012 and City Council approved 11/26/2012 (Ord. # 2104).

BL-387 – Rosenbaum Consulting, LLC for SPE Multi I, Inc. – Request for Lot-Split for subject property – PC Conditionally Approved 11/19/2012.

BACKGROUND INFORMATION:

As per the required Conditions of Approval of BL-351 and BL-387, the smaller pieces composing the southerly tract produced by the latter Lot-Split application were deed-restricted each to the other, to satisfy the minimum lot-width/frontage requirements of PUD 73. This plat will place the common lot line between the two (2) lots where they presently exist.

ANALYSIS:

Subject Property Conditions. The subject property is vacant and zoned CS. It consists of Lot 7 and the N. 42' of Lot 8, Block 1, Bixby Centennial Plaza (since divided into 2 tracts per BL-387; see above). It has a combined total of 174' of frontage on Memorial Dr., but access directly to Memorial Dr. is restricted by Limits of No Access (LNA) per the plat of Bixby Centennial Plaza. Instead, access is afforded via existing private drives within Mutual Access Easements (MAEs).

Part of the north and west sides of the property are covered by parts of MAEs, which MAEs contain existing private commercial drives. This was represented on the Exhibit 1 Conceptual Site Plan included with PUD 73.

Per the PUD 73 Exhibit 2 Topographic Survey, the land is relatively flat and appears to drain to the north and east, ultimately to the borrow ditch along S. Memorial Dr., which drains south. When developed, the land should drain through a stormsewer system to the temporary stormwater detention

pond located to the southwest of the subject property. This pond is ultimately planned to be replaced in favor of a stormsewer system to be installed along 121st St. S. and to drain west to the Fry Creek Ditch # 2.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor, (2) Medium Intensity, and (3) Commercial Area. The commercial development anticipated by this plat would be consistent with the Comprehensive Plan.

General. The proposed replat subdivision contains two (2) Lots, one (1) Block, and no (0) Reserve Areas.

The resulting tracts would not meet the 150' minimum lot frontage/width requirement in the CS district. However, PUD 73 reduced the lot frontage/width requirement such that would allow the Lot-Split. Both lots and the subdivision itself appear to meet the requirements of PUD 73.

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 February 06, 2013. Minutes of that meeting are attached to this report.

Access and Internal Circulation. As noted above, the subject property has Limits of No Access to Memorial Dr., but has access to Memorial Dr. and 121st St. S. via the Mutual Access Easements (MAEs) platted with Bixby Centennial Plaza, which MAEs contain existing drives.

Additional MAEs will be platted through the subject property, allowing cross-access between the two (2) lots in this plat, and also access through them between the MAE drive to the north and the former Santa Fe Cattle Co. restaurant to the south.

Staff Recommendation. Staff recommends Approval Staff of the Preliminary Plat and 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. Title Block Page 1, Deed of Dedication / Restrictive Covenants (DoD/RCs) Preamble, Possible Other Places: Refers to the existing property as located within Bixby Centennial Plaza, "An Addition to the City of Bixby," when Bixby Centennial Plaza is known as "A Subdivision of Part of the..." Please reconcile all instances.
3. The 174' dimension for the LNA is in mathematical conflict with the subject property frontage minus the 20' Access Opening.
4. "Engineer/Surveyor" listed on the face of the plats should be clarified as "Rosenbaum Consulting, LLC, or the correct legal name of the corporate entity."
5. Subdivision statistics summary: 2.431 acres total area is incorrect; subject property is slightly more than one (1) acre.
6. Per by Ordinance # 2104, approving application V-43, the City Council closed a 10' U/E platted along the north line of the underlying Lot 8 portion of subject property. The easement does not show up on the plat. If the owner has had the easement permanently vacated through District Court, please provide a copy of the final Court Order. Otherwise, please represent the U/E on the plat along with qualifier such as "Closed by City of Bixby Ordinance # 2104."
7. Per SRs Section 12-4-2.A.5, the Location Map ("Vicinity Map") must include:
 - All platted additions represented with the Section:
 - The Links at Bixby (misrepresented as to configuration)
 - Resubdivision of Lots 3 and 4 of Bixby Commons (missing)
 - Woodcreek Village Amended (missing)
 - The Estates of Graystone (mislabeled)
 - Citizens Security Bank Addition (not labeled)
 - Amended Plat of Block 7, North Heights Addition (missing)
 - East 111th Street South (mislabeled)
 - South Sheridan Road (mislabeled)
 - Scale at 1" = 2,000'.
8. Plat missing notes pertaining to monumentation (reference SRs Section 12-1-8).
9. Add addresses to the lot such as follows (may be adjusted as desired provided changes are consistent with accepted addressing conventions):
 - Lot 1: 11910 S. Memorial Dr.

5

- Lot 2: 11920 S. Memorial Dr.
10. Plat missing 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."
 11. MAEs on face of plat: Please clarify as follows: "24' Mutual Access Easement."
 12. Title Block Page 2: Reference to Broken Arrow needs to be changed to Bixby – match Title Block on Page 1.
 13. Title Block Page 2: Geographic citation incorrect – match Title Block on Page 1.
 14. Deed of Dedication / Restrictive Covenants (DoD/RCs): Does not appear to provide any section for the dedication, purpose, beneficiaries, use conditions, or division of shared maintenance responsibilities of the MAEs as indicated on the face of the plat.
 15. DoD/RCs Preamble: Per the deeds recorded pursuant to BL-387, there are new, different owners of the two (2) tracts being replatted (ZIM Holdings, LLC and Ward and Hall, LLC). The legal description of the land being platted does not differentiate between what part of the underlying land is owned by which property owner. For clear title and tax purposes, Staff believes that each dedicating owner should have their respective legal description specified in the DoD/RCs. Reference how this was done with the plat of 101 South Memorial Plaza.
 16. DoD/RCs Section I.D.4: Occurrence of "easement_ways" for "easement-ways" or "easements," as presumed intended.
 17. DoD/RCs Section I.F: Please qualify this section as follows: "...damage to landscaping and paving, when permitted by the City of Bixby, occasioned...."
 18. DoD/RCs Section II Preamble: Refers to "Sections 1100-1107 of Title 42, Bixby Revised Ordinances (Bixby Zoning Code)." This appears to point to the City of Tulsa's Zoning Code. Please revise to simply "... the provisions of the Bixby Zoning Code pertaining to Planned Unit Developments (PUDs)," or something to that effect.
 19. DoD/RCs Section II: Complete blanks and correct ordinance publication date pertaining to approval of PUD 73.
 20. DoD/RCs Section II: Confirm language contains all of the last and final version of PUD 73 as approved. For example, the "Parking" and "Signs" subsections appear to be missing part of the language of the approved PUD. Please check and correct thoroughly.
 21. DoD/RCs Section II.G: Refers to agreements to be executed as to shared parking, driveways, sidewalks, and signs. Such agreements should be incorporated into the DoD/RCs in an appropriate section, if same are completed prior to plat recording.
 22. DoD/RCs Section II.K: Please complete blank with acceptable date.
 23. 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.
 24. A copy of the approved PUD 73 including all recommended corrections shall be submitted for placement in the permanent file.
 25. A copy of the Preliminary Plat including all required corrections shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic/PDF copy).
 26. A copy of the Final Plat including all required corrections shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic/PDF copy).

Erik Enyart stated that he had not had opportunity to speak to the Applicant about the recommended corrections, modifications, and Conditions of Approval, but that the Applicant was present. Barrick Rosenbaum indicated agreement with the Staff recommendations.

Larry Whiteley made a MOTION to APPROVE the Preliminary and Final Plats subject to the Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

PUBLIC HEARINGS

2. **PUD 76 – Scenic Village Park – Tanner Consulting, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for 92 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

3. **BZ-364 – Tanner Consulting, LLC.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to CG General Commercial District for 92 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

Chair Thomas Holland introduced agenda items number 2 and 3 and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, February 14, 2013
RE: Report and Recommendations (Revised 02/19/2013 to reflect the revised plans and information received 02/19/2013) for:
PUD 76 – “Scenic Village Park” – Tanner Consulting, LLC, and
BZ-364 – Tanner Consulting, LLC

LOCATION: – The 7300-block of E. 121st St. S.
– South and west of the intersection of 121st St. S. and Memorial Dr.
– Part of the E/2 of Section 02, T17N, R13E

LOT SIZE: 92 acres, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Agricultural

REQUESTED ZONING: CG General Commercial District & PUD 76

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: (Across 121st St. S.) RS-3, RS-1, AG, & OL/CS/PUD 51; The Fox Hollow and North Heights Addition residential subdivisions; the Fry Creek Ditch # 2 and the North Elementary and North 5th & 6th Grade Center school campuses to the northwest zoned AG; agricultural land to the northeast zoned OL/CS/PUD 51.

South: AG & CS/PUD 37; Fry Creek Ditch # 1 to the south zoned AG and the Crosscreek “office/warehouse” heavy commercial / trade center and retail strip center zoned CS with PUD 37.

East: AG, CG, RS-3, OL, CS, & RM-2/PUD 70; Agricultural land, the Easton Sod sales lot zoned RS-3, OL, & CS, the Encore on Memorial upscale apartment complex zoned RM-2/PUD 70, a Pizza Hut zoned CG, and a My Dentist Dental Clinic zoned CS; Memorial Dr. is further to the east.

West: AG & RS-4; Fry Creek Ditch #2; beyond this to the west is vacant/wooded land owned by the City of Bixby, the Three Oaks Smoke Shop located on a 2-acre tract at 7060 E. 121st St.

S., the Seven Lakes I and Seven Lakes II residential subdivisions, and additional vacant land zoned RS-4 for a future "Seven Lakes" phase or phases.

COMPREHENSIVE PLAN: Corridor + Vacant, Agricultural, Rural Residences, and Open Land.

PREVIOUS/RELATED CASES:

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 "golf teaching and practice facility" on part of the subject property – BOA Conditionally Approved 04/02/2001 (not since built).

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on part of the subject property. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust – Request for Lot-Split approval to separate a 41.3384-acre tract from the southern end of the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – It appears it was Administratively Approved by the City Planner on 07/20/2006, but the Assessor's parcel records do not reflect that the land was ever since divided as approved.

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of subject property – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting "for more research and information," based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

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

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area to the east of subject property at approximately the 12600-block of S. Memorial Dr. – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

BZ-135 – Eddie McLearn – Request for rezoning from AG to CS for an approximately 19-acre tract at 12300 S. Memorial Dr. abutting the subject property to the east (now the Easton Sod business) – Withdrawn by Applicant 03/21/1983.

BZ-139 – Eddie McLearn – Request for rezoning from AG to RM-2, OL, & CS for an approximately 19-acre tract at 12300 S. Memorial Dr. abutting the subject property to the east (now the Easton Sod business) – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. # 482).

BZ-196 – Donna Saunders for Nuel/Noel Burns – Request for rezoning from AG to CG for a 2-acre tract at the 7700-block of E. 121st St. S. (then possibly addressed 7600 E. 121st St. S.) abutting the subject property to the east – PC Recommended Denial 01/21/1991 per notes on the application form. Lack of ordinance and other notes in the case file indicate it was either withdrawn, not appealed, or not finally approved by the City Council.

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area to the east of subject property at approximately 12340 S. Memorial Dr. – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

BZ-214 – City of Bixby – Request for FD Floodway Supplemental District for all of the (then proposed) Fry Creek Ditch drainage system right-of-way, including a section abutting the subject property to the west – PC Tabled Indefinitely 11/20/1995.

8

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, located across 121st St. S. to the north of the subject property, which 73 acres became Bixby Centennial Plaza and Fox Hollow and an unplatted 11-acre tract later approved for PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on November 19, 2001 and Approved by City Council December 10, 2001 (Ord. # 842).

BZ-317 – Sack & Associates, Inc. for Martha Roberts et al. – Request for rezoning from OL to CS for part of an unplatted 11-acre tract located across 121st St. S. to the north of subject property – PC Action 08/21/2006: Motion to Approve failed for lack of a Second, and Chair declared the item “denied by virtue of there being no second to the motion.” See PUD 51.

PUD 51 – [No Name] – [Sack & Associates, Inc.] – Request to approve PUD 51 and a partial rezoning from OL to CS for an unplatted 11-acre tract located across 121st St. S. to the north of subject property – No application submitted, but prepared by Sack & Associates, Inc. in support of the CS and OL zoning proposed per BZ-317 – PC recommended Approval 10/02/2006 and City Council Approved 10/23/2006 (Ord. # 951/951A).

BSP 2010-03 – Encore on Memorial – Khoury Engineering, Inc. (PUD 70) – Request for Detailed Site Plan approval for a multifamily development on 14 acres to the east of subject property – PC Conditionally Approved 07/19/2010.

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the east of subject property – PC recommended Conditional Approval 07/19/2010 and City Council Conditionally Approved 07/26/2010.

Final Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the east of subject property – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (plat recorded 04/12/2011).

BZ-355 – Town & Country Real Estate Co. – Request for rezoning from AG to CS for 1.6 acres, more or less, located at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.) abutting the subject property to the east – PC Recommended Approval 03/19/2012 and City Council Approved 03/26/2012 (Ord. # 2077).

BACKGROUND INFORMATION:

On Tuesday, February 19, 2013, the Applicant submitted revised hard copies of the PUD Text & Exhibits package. This report has been revised to reflect recommendations from the original Staff Report which have been satisfied with this submittal. A copy of the revised PUD Text & Exhibits package is attached to this report.

ANALYSIS:

Subject Property Conditions. The subject property of 92 acres is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the south and west to the Fry Creek Ditch # 2 and # 1, respectively, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned AG (CG and PUD 76 is requested) and may or may not be presently used for agricultural crops.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the west and south. Plans for utilities are indicated on Exhibit F and are discussed in the City Engineer's memo.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor 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 CG zoning May Be Found In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the requested CG 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.

Per the Matrix, PUDs are In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map.

General. Because the review methodology is similar, and both applications are essentially rezoning-related and propose to prepare the subject property for the same multiple-use development, this review will, except as noted, include both applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

The submitted site plans do not show specific planned improvements, but rather, general land use categories associated with each of the eight (8) Development Areas (DAs) by means of permitted uses listed in the Development Standards within each, summarized and commented upon as follows (some of which has changed with the revised PUD Text & Exhibits package received 02/19/2013, which the following may not reflect):

DA A: "Uses permitted as a matter of right in the CS District and customary accessory uses." This would include Use Units (UUs) 1, 4, 5, 10, 11, 12, 13, 14, and 19. Uses within UU 19 may be too intensive relative to the proximity of the Fox Hollow neighborhood. Staff recommends that, if UU 19 is retained, it be restricted to hotel use only, which would be restricted by the 2 stories and 35' maximum height restriction of Development Area A. The small size of the lots within DA A, however, would likely preclude hotel use.

DA B: "Life Care Retirement Center as set forth within Use Unit 8. Multifamily Dwelling and Similar Uses and customary accessory uses." ~~The period following the numeral "8" is potentially ambiguous, and may be interpreted as either restricting the use to a "Life Care Retirement Center" or that plus a standard multifamily development. Please clarify as appropriate. Regardless of clarification outcome, recommendations in this report pertaining to multifamily development quality apply to this Development Area.~~

DA C: "Detached or attached residential dwelling units including single-family, duplex, patio home, townhouse, and multifamily, and customary accessory uses, including common area facilities such as club house, swimming pool and recreational open space." Recommendations in this report pertaining to multifamily development quality apply to this Development Area.

DA D: "Uses permitted as a matter of right in the CG Zoning District and principal uses permitted by special exception within the CG Zoning District including Use Unit 15 - Other Trades and Services, Use Unit 23 - Warehousing and Wholesaling (office/warehouse), and Use Unit 15 - Mini-Storage, Use Unit 17 - Automotive and Allied Activities and permitted uses shall be conducted within enclosed buildings, provided however sexually oriented businesses shall be excluded. Notwithstanding the foregoing, open air storage may be permitted by minor amendment submitted to and approved by the Bixby Planning Commission."

Staff understands this DA is intended for multi-tenant "office/warehouse" / "trade center" (such as that found in Crosscreek to the south), ministorage, and/or automotive-related businesses. These three (3) land use types are found in UUs 15, 16, and 17, respectively. The term "including" would be followed by "only" if the intent was to limit the use to those three (3) UUs. Without qualification, the "Uses permitted as a matter of right in the CG" part would also include UUs 1, 4, 5, 10, 11, 12, 13, 14, 15, 17, 18, and 19. Restriction on sexually-oriented businesses (SOBs) would appear applicable if including UUs 13, 14, and 19 (that specific restriction here is duplicative considering the overall prohibition in Section III.A "Restricted Uses"). If intended to qualify the "and principal uses permitted by special exception within the CG" part, it should not specify UU 15, as that is allowed by right. UU 15 mini-storage should be UU 16 ministorage. UU 16 ministorage developments are only permitted by PUD, not Special Exception. This section should be clarified.

Staff believes that the location and configuration of Development Area D and the character surrounding area satisfactorily meet the expectations of Zoning Code Section 11-9-16.C.13 for ministorage developments.

DA E: "Uses permitted as a matter of right in the CS Zoning District, and customary accessory use." This would include UUs 1, 4, 5, 10, 11, 12, 13, 14, and 19. Although, like DA A, DA E is relatively close to Fox Hollow, it is separated therefrom by the collector street and an 11-acre commercial development tract on the north side of 121st St. S., so the recommendation for DA A regarding UU 19 is not held here.

DA F: "Uses permitted as a matter of right in the CG Zoning District, and office/warehousing as set forth within Use Unit 23. Warehousing And Wholesaling, and customary accessory use, provided however sexually oriented businesses and uses set forth in Use Unit 17 - Automotive and Allied Activities shall be excluded." This would include UUs 1, 4, 5, 10, 11, 12, 13, 14, 15, 18, 19, and 23. The

~~specific SOBs restriction is duplicative considering the overall prohibition in Section III.A "Restricted Uses."~~

DA G: "Uses permitted as a matter of right in the OM Zoning District, and customary accessory use." This would include UU 1, 5, 10, and 11 (offices).

DA H: "Uses permitted as a matter of right in the CG Zoning District, and office/warehousing as set forth within Use Unit 23 - Warehousing and Wholesaling uses."

And alternative standards: "As an alternative use within Development Area G, multifamily dwellings are permitted, not exceeding 15 acres, and customary accessory uses, including common area facilities such as club house, swimming pool and recreational open space."

Combined, this would include UUs 1, 4, 5, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, and 23.

As noted above, the PUD development appears to have been written for maximum land use and design flexibility. Although there may be a limited number of development types expected, no absolutely known land uses are indicated for any particular development area. Probable land uses may be inferred by reading the lists of land uses permitted in each Development Area. Thus, the PUD Text does not describe, nor do the Exhibits reflect particular buildings, parking areas, internal driveways, or other such site development particulars.

Zoning Code Section 11-7I-8.B.1 requires:

"1. A site plan reflecting:

a. Proposed location of uses, including off street parking, open spaces and public uses;

b. Development standards for location, height, setback and size of buildings and other structures;

c. Public and private vehicular and pedestrian circulation;

d. The approximate intensity of residential uses expressed in number of dwelling units and the approximate intensity of nonresidential uses expressed in floor area, allocated to each identifiable segment of the planned unit development;

e. Proposed screening and landscaping;

f. Proposed location, height and size of any ground sign; and

g. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed." (emphasis added)

Because of the way the PUD is structured in terms of land use flexibility, the Applicant has not represented proposed location of uses, off-street parking, open spaces, public and private vehicular and pedestrian circulation, or signage. The PUD chapter of the Zoning Code may anticipate such generalized PUDs, as it includes in Sections 11-7I-8.B.1.b and .d requirements that are conventionally expressed in the PUD Text, and not on the site plan itself.

To satisfy the spirit and intent of the specific informational elements of the PUD conceptual site plan, Staff has listed certain recommendations at the end of this report, including the connection of required elements between the Text and the site plan Exhibits.

Zoning Code Section 11-7I-6 gives the Planning Commission authority and discretion to require adequate perimeter treatments, including screening, landscaping, and setbacks. Staff believes that the site plan should, regardless of the absence of other elements, reflect any and all proposed screening, perimeter landscaping, sidewalks, and perimeter trails (existing and as may be improved) on the site plans Exhibits C, C.1, and C.2. This also goes for a development entrance sign if/as may be proposed at 121st St. S., advertising developments without arterial street frontage and accessed via the proposed collector street. Such may be anticipated per language in PUD Section III.E.

11

Grade elevation changes, minimalistic signage, and generous landscaping can be used to good effect and result in attractive, upscale developments, and the developer should consider incorporating standards for these measures in the PUD.

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

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

The Technical Advisory Committee (TAC) discussed PUD 76 at its regular meeting held February 06, 2013. Minutes of that meeting are attached to this report.

Access & Circulation. As proposed, primary access to the development would be via a proposed collector street connecting 121st St. S. to Memorial Dr. via the existing 126th St. S. constructed in the past couple years. By this collector road, all the Development Areas within the PUD would have access. There is a gap between the existing 126th St. S. right-of-way and the subject property, suggesting the necessity of separate instrument dedication of right-of-way to connect to 126th St. S. This should be explained in the Access section of the PUD Text and connection will be a Condition of Approval of this PUD.

The collector street is proposed to intersect with 121st St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121st St. S. was widened. To the west of this, there is a smaller street proposed to intersect with 73rd E. Ave., which serves Fox Hollow and the North Heights Addition. The PUD should specify proposed rights-of-way and roadway widths; a typical section for the collector street and the minor streets may also be employed for further illustration.

The proposed access points to 121st St. S. require City Engineer and/or County Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.

Subdivision Regulations Section 12-3-2.S provides:

"S. Street Offsets: Street centerline offsets of less than one hundred twenty five feet (125') for minor streets shall be avoided."

The City Engineer and City Planner believe that the intent of this Subdivision Regulations design standard is to have streets and/or major curb cut/driveway entrances align, for traffic safety, flow, and accessibility purposes.

To facilitate acceptable traffic flow and accessibility, in the future, traffic lights may be warranted at certain of the intersections of these streets with Memorial Dr. and/or 121st St. S.

Sidewalks are required by the Subdivision Regulations along 121st St. S. and along internal streets to be constructed within the PUD. The PUD Text section entitled "Access and Circulation" reflects that interior sidewalks will be constructed, and is generally adequate, but it should be amended to specify this is also the case along 121st St. S.

During the TAC meeting held February 06, 2013, Staff suggested to Tanner Consulting, LLC that the Fry Creek Ditch access drives could be improved as a walking trail amenity for the development. If the developer would be willing to make this improvement, appropriate language should also be added to the PUD Text section entitled "Access and Circulation."

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, CG, CS, OL, RS-1, and RS-3. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

To the north (across 121st St. S.), the Fox Hollow and North Heights Addition residential subdivisions are zoned RS-3 and RS-1, respectively, the Fry Creek Ditch # 2 to the northwest is zoned AG, and an 11-acre agricultural/vacant tract to the northeast is zoned OL/CS/PUD 51.

The Fry Creek Ditch # 1 to the south is zoned AG and the Crosscreek "office/warehouse" heavy commercial / trade center and retail strip center is zoned CS with PUD 37.

The Fry Creek Ditch #2 abuts to the west and is zoned AG. Beyond this to the west is vacant/wooded land owned by the City of Bixby, the Three Oaks Smoke Shop located on a 2-acre tract at 7060 E. 121st St. S., and along Sheridan Rd., the Seven Lakes I and Seven Lakes II residential subdivisions and additional vacant land zoned RS-4 for a future "Seven Lakes" phase or phases.

To the east is agricultural land zoned AG, CS, and CG, the Easton Sod sales lot zoned RS-3, OL, & CS, the Encore on Memorial upscale apartment complex zoned RM-2/PUD 70, a Pizza Hut zoned CG, and a My Dentist Dental Clinic zoned CS. Memorial Dr. is further to the east.

Per the Comprehensive Plan, all the land between Fry Creek Ditch # 1 and # 2 and 121st St. S. and Memorial Dr., including the subject property, approximately 180 acres in all, is planned for Corridor-intensity development, which provides that all of the available Zoning districts are either In Accordance or May Be Found In Accordance with the Comprehensive Plan. This 180 acre area is anticipated to be developed intensively, as it is in a prime location, is one of the last, exceptionally large undeveloped acreages in all of South Tulsa. County north of the Arkansas River, has all the necessary utilities, has Memorial Dr. frontage and improved access by the widened 121st St. S., and is out of the 100-year Floodplain.

Circa 2005, 121st St. S. between Sheridan Rd. and Memorial Dr. was widened to a 4-lane major street with a 5th, dedicated turning lane in the center, consistent with its designation on the Tulsa City-County Major Street and Highway Plan (MHSP) and Bixby Comprehensive Plan as a Primary Arterial. This infrastructure improvement has further enabled the intensive development of this 1-mile major street corridor.

It appears that, with the exception of the approximately 320' of frontage on 121st St. S. belonging to Fox Hollow, all of the private land along 121st St. S. between Sheridan Rd. and Memorial Dr. has, or is planned or expected to develop/redevelop with intense uses.

In a trend accelerating since the street widening, the 121st St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The land to the northwest is the Bixby North Elementary school on a 23-acre campus, and next to that is the Bixby North 5th and 6th Grade Center on a 10-acre campus and the LifeChurch 4.4-acre facility. The Three Oaks Smoke Shop is located on a 2-acre tract approximately 1,100 feet from the subject property on the south side of the street, and all of the balance of the land to the west along the south side of 121st St. S. has been zoned CS with PUD 53 and platted in WoodMere for commercial use and office buildings. The 11-acre tract to the northeast was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre Bixby Centennial Plaza is just beyond that to the east, and was approved for CS zoning, in 2001, and for commercial development by the plat of Bixby Centennial Plaza in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.), abutting the subject property to the east, was rezoned to CS in March of 2012.

The requested CG zoning and PUD 76 propose a moderately intensive, multiple use suburban development of the subject property. Within the 180-acre area above-defined, there are three (3) instances of approved CG zoning immediately east of the subject property. Immediately south of Fry Creek Ditch # 1, the Crosscreek development is more consistent with CG zoning than its existing CS zoning. Across Memorial Dr. to the east of the 180-acre area above-defined, there is an existing ministorage business, Spartan Self Storage, and just to the east of that is a 16-acre tract approved for "office/warehouse" / "trade center" and ministorage development (PUD 68). Thus, there is located in the immediate area precedent for CG zoning and all of the uses contemplated by this multiple-use PUD. Therefore, Staff believes that, for the most part, the applications are consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

Development Quality / Multifamily Use PUD Element. Not including assisted living facilities, Bixby has four (4) apartment complexes. Parkwood Apartments was constructed in or around 1973. The Links at Bixby was developed in or around 1996, and was done with PUD 16. Marquis on Memorial was developed in 2008/2009, and was done with PUD 61. Encore on Memorial was developed in 2011 and was done with PUD 70. Since 1973, no apartment development has been developed in Bixby absent a PUD, and the PUDs arguably contribute to the improvement of the value and quality of such projects. To ensure the highest value and quality for any multifamily development that may occur on the subject property, consistent with the City Council's recent Conditional Approval of multifamily PUD 75, Staff recommends the PUD specify the following, which should help ensure the development product is of adequate quality and is adequately invested for the long term:

1. Consistent with the most recent and relevant three (3) multifamily development approvals in Bixby, the adequacy of multifamily construction quality shall be determined by means of a PUD Detailed Site Plan, to be approved by both the Planning Commission and the City Council.
2. Consistent with the Encore on Memorial project and PUD 75, this PUD should propose specific masonry requirement for each multifamily development building type (Encore on Memorial included a 25% masonry requirement for the standard 3-story apartment buildings ("Type I"), a 35% masonry requirement for the modified-type 2/3-story apartment buildings ("Type III"), and

13

a 40% masonry requirement for the leasing office. The garages and carport buildings had no masonry requirement). With the PUD version received 02/19/2013, this has been added for DAs C and H, but not for DA B (assisted living facility)

Staff has the following additional recommendations pertaining to overall development quality:

3. Describe in the PUD Text and amend the Exhibits as necessary to address what will be done with the existing stand of mature trees along the west side of the acreage; i.e. will any of the trees be preserved within the development?
4. During the TAC meeting held February 06, 2013, Staff suggested to Tanner Consulting, LLC that the Fry Creek Ditch access drives could be improved as a walking trail amenity for the development. Internal trails could also be planned, linking each DA to the Fry Creek trails. If the developer would be willing to make such improvements, appropriate language should also be added to the PUD Text section entitled "Access and Circulation."
5. Describe specific plans and add measurable minimum standards for land use buffering and compatibility needs. Perimeter treatments normally include screening fences or walls and vegetative screening, and setbacks and massing adjustments are normally provided to buffer less-intensive land uses in proportion to their relative elevations and proximities.

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

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

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

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

For the sake of development and land use compatibility, as described more fully above, Staff would be supportive of the Zoning approvals supporting the development proposal if it (1) offers quality-enabling standards such as mature tree preservation plans and quality of life upgrades (e.g. walking trails), (2) provides for land use buffering and compatibility needs, and (3) helps ensure the highest value and quality for any multifamily development that may occur on the subject property by means of minimum masonry requirements and a requirement for Detailed Site Plan approval by both the Planning Commission and City Council. If these were satisfactorily provided for, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will have been met.

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

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
2. The approval of CG zoning is subject to the final approval of PUD 76 and vice-versa.
3. Please incorporate within the Development Standards the specific land use / Use Unit recommendations per Development Area listed in the analysis above.
4. Please incorporate within the Text and Exhibits the five (5) numbered recommendations listed above pertaining to development quality and multifamily developments.
5. Page 3, Development Concept: Per other recommendations in this report, in the final paragraph, please amend the text such as, "...detailed site plans of each phase of the development submitted to and approved by the Bixby Planning Commission and the Bixby City Council."

- ~~6. In satisfaction of Zoning Code Section 11-71-8.B.1.a, please tie land uses to the site plan by adding to Exhibit C/C.1/C.2 verbiage reflecting that the letters used correspond to Development Areas described within the text.~~
- ~~7. Exhibit C/C.1/C.2: Please include, represent, identify/label, and/or dimension, or otherwise correct as follows: Some elements have been satisfied by representation on other Exhibits, such as Exhibit B.~~
 - ~~a. Date of preparation~~
 - ~~b. Internal dimensions such as were on the initial PUD site plan submittal~~
 - ~~c. Sufficient surrounding area elements (Section 11-71-8.B.1.g) including, but not necessarily limited to:~~
 - ~~i. Encore on Memorial~~
 - ~~ii. Fry Creek Ditch # 1~~
 - ~~iii. Fry Creek Ditch # 2~~
 - ~~iv. Easton Sod sales lot~~
 - ~~v. Agricultural tracts abutting to the east~~
 - ~~vi. Fox Hollow and 73rd E. Ave. as recommended elsewhere herein~~
 - ~~d. Street names as follows (confirm first with all appropriate City Staff):~~
 - ~~i. East-west Collector Street: East 126th Street South~~
 - ~~ii. North-south Collector Street: South 74th East Avenue~~
 - ~~iii. North-south minor Street: South 73rd East Avenue~~
 - ~~iv. East-west minor Street: East 121st Place South~~
 - ~~e. Rights-of-way and roadway widths per other recommendations in this report~~
 - ~~f. Consistent with other recommendations in this report, please identify what screening will be proposed for which property lines (where known; can be qualified as appropriate)~~
 - ~~g. Sidewalks~~
 - ~~h. Fry Creek Ditch access roads on adjoining right-of-way tracts~~
 - ~~i. Perimeter and/or internal trails (if/as may be planned)~~
 - ~~j. Development entrance sign if/as may be proposed at 121st St. S.~~
- ~~8. Missing elements: Soil analysis per Zoning Code Section 11-71-8.B.2. This is a minimum requirement for PUDs per the Zoning Code.~~
9. There is a gap between the existing 126th St. S. right-of-way and the subject property, suggesting the necessity of separate instrument dedication of right-of-way to connect to 126th St. S. This should be explained in the Access section of the PUD Text and connection will be a Condition of Approval of this PUD.
10. The PUD should specify proposed rights-of-way and roadway widths; a typical section for the collector street and the minor streets may also be employed for further illustration.
11. Subject to City Engineer and/or County Engineer curb cut approval for the proposed access points to 121st St. S., and the Fire Marshal's approval of locations, spacing, widths, and curb return radii.
12. Section III.B: Please specify what screening and landscaping will be proposed for which property lines (type and height) per Zoning Code Section 11-71-8.B.1.e. This section may also be used to describe height and setback restrictions within specific non-residential Development Areas in relation to residential land uses and zoning districts. Specifics should address proximate properties and zoning districts including, but not necessarily limited to:
 - a. Fox Hollow to the north
 - b. Non-residential Development Area D in relation to Seven Lakes subdivisions to the west, residential areas to the southwest, and multifamily residential to the east (Encore multifamily)
 - c. RS-3 zoning in the Easton Sod sales lot abutting to the east (may be qualified as appurtenant only if actually developed residentially)
 - d. Non-residential alternate for Development Area H in relation to multifamily residential to the south (Encore multifamily)
- ~~13. Section III.D: Please correct: "...South Memorial Road Drive..."~~
14. Section III.D: Please specify if the collector street and minor streets shown on the site plans will be publicly or privately owned and maintained.

15

15. Section III.D: Please specify sidewalks will also be constructed by the developer along 121st St. S.
16. Section III.E: The text allowing off-site signs (circumventing the "billboard" prohibition) needs to have typos corrected: "A-s Signs identifying an interior property..."
17. Section III.E: Consider revising the text allowing off-site signs to specify: (1) will such signs be allowed in addition to the ground signage otherwise allowed for the primary use of the lot on which located, and (2) if so, will it be allocated its own exclusive display surface area, or have to share it with the primary use, and (3) what will be the allowable height, display surface area, number, spacing, and other particulars?
18. Consider the likelihood that the maximum parking number standard of Zoning Code Section 11-10-2.H would be exceeded by any particular use or Development Area, and whether the PUD should add a measure of flexibility in this regard. Consider also whether the PUD should add a measure of flexibility with mutual parking privileges language, in an effort to reduce unnecessary parking and its construction and maintenance expense, and the other externalities excessive parking may generate.
19. Development Standards.
 - a. ~~DA B: Double asterisks before "Minimum Off Street Parking" should be clarified or removed if not operative.~~
 - b. DA C: 320 maximum dwelling units proposed exceeds allowance of Zoning Code Section 11-7I-5.A.1 even presuming all multifamily apartment units would have less than 2 bedrooms. 16.014 acres would allow for a maximum of 291 dwelling units. Please revise.
 - c. DA C: Maximum density: 20 DUs (multifamily) per acre exceeds Zoning Code allowance (see above). Please revise.
 - d. DA C: Maximum density: 7 DUs (detached single family) per acre exceeds Zoning Code allowance (~5.808/acre for 16.014 acres). Please revise.
 - e. DA C: Maximum density: Please differentiate between multifamily dwelling units having 1 or fewer bedrooms and those having 2 or more.
 - f. DA C: 5' side yard setback and 20' setbacks between "townhome buildings" provided, but setback not provided between townhouse units within a "townhouse development." Please add per Zoning Code Section 11-7B-4.A.1 Table 3: "...0 feet on attached side only."
 - g. DA C: In anticipation of possible multifamily development, provide a setback for multifamily buildings from DA and lot line boundaries, such as 20'.
 - h. DA D: In anticipation of possible ministorage development, add height restrictions commensurate with those listed in UU 16 or specify in the Development Standards that the height listed also applies to ministorage buildings.
 - i. DA D: In anticipation of possible ministorage development, add proposed setbacks between ministorage buildings as required by Zoning Code (30' or as otherwise required by the Fire Marshal).
 - j. DA E, F, & H: Minimum landscaped percentage: 10% is already required by Code if commercial, but 15% would be required if office. Specify 15% for office or otherwise please remove (to allow default to Code).
 - k. ~~DA G: Minimum landscaped percentage: 15% is required by Code for office but 10% is proposed. Specify 15% or otherwise please remove (to allow default to Code).~~
 - l. DA H (Alt.): 300 maximum dwelling units proposed exceeds allowance of Zoning Code Section 11-7I-5.A.1 even presuming all multifamily apartment units would have less than 2 bedrooms. 15 acres would allow for a maximum of 272 dwelling units. Please revise.
 - m. ~~DA H (Alt.): Double asterisks before "Minimum Off Street Parking" should be clarified or removed if not operative.~~
20. For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the

- PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.*
21. *A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).*

Larry Whiteley indicated that he understood the Planning Commission had expressed that such applications with too many required corrections should be Continued to the next meeting agenda, to allow the Applicant to work out the issues with the Staff.

Larry Whiteley made a MOTION to CONTINUE PUD 76 and BZ-364 to the March 18, 2013 Regular Meeting.

Erik Enyart stated that the applications had been turned in about the application submission deadline, and, as a testament to how Bixby's development was rebounding, he had been so busy lately that it took every minute since then to finish the Staff Report. Mr. Enyart stated that, in the Applicant's defense, he had only the previous [Thursday] provided the Staff Report to the Applicant.

Chair Thomas Holland expressed concerns for the PUD and remarked that it was the most unusual PUD he had seen since he had been on the Planning Commission.

A Commissioner clarified with Erik Enyart a matter pertaining to the Detailed Site Plan. Mr. Enyart stated, "I anticipate the Applicant will ask that the scope of the Detailed Site Plan approval requirement by City Council be narrowed to multifamily use only." Chair Thomas Holland clarified with Mr. Enyart that [all developments within] all Development Areas would have to come back to the Planning Commission for its approval of a Detailed Site Plan.

Chair Thomas Holland recognized Applicant Roy Johnsen. Mr. Johnsen stated that the owner, Rick Dodson was present, but that Mr. Dodson's partner was not. Mr. Johnsen stated that Mr. Dodson was a good developer who built quality developments in the Tulsa area. Mr. Johnsen stated that the only contract for the sale of any lot so far was for a life care retirement center, which would have independent living, assisted living, and nursing homes. Mr. Johnsen indicated that that would be a quality development.

Larry Whiteley WITHDREW his Motion.

Roy Johnsen stated that he had met with David Wagner of the Seven Lakes subdivision.

Roy Johnsen stated that the application meets the Comprehensive Plan, which calls for this zoning.

Roy Johnsen stated that he would summarize the various Development Areas. Mr. Johnsen stated that Development Area A was designed for retail. Mr. Johnsen stated that the life care purchaser wanted to acquire and control what went in there, and may want something [conducive to the assisted living facility use] such as a pharmacy. Mr. Johnsen stated that Development Area C was originally planned to allow multifamily use, but that the owner met with city staff over technical issues and Mr. Dodson decided that a better use than apartments would be duplexes, townhomes—

although that would not be likely, and possibly apartments limited to two (2) stories, four (4) units per building each. Mr. Johnsen that, in Development Area C, the maximum number of dwelling units was reduced from over 300 to 75. Mr. Johnsen stated that this Development Area had a good separation, by the 300'-wide [Fry Creek] Ditch, from the Seven Lakes subdivisions. Mr. Johnsen stated that Development Area D was planned for what he liked to call a "small businessman's [development]," and that it would be similar to the [Crosscreek "trade center" / "office/warehouse"] development to the south of the subject property. Mr. Johnsen stated that, with respect for the Seven Lakes subdivision, he added conditions for brick, restrictions on overhead doors on the west and east sides of the buildings, and restricting all activity to be conducted indoors. Mr. Johnsen stated that this would make it more compatible, and provide substantial separation. Mr. Johnsen stated that there would be a screening fence along the westernmost line [of Development Area D]. Mr. Johnsen stated that the Development Areas G and H are was originally planned for businesses or apartments, but with staff input, it was separated with offices to occupy the western part. Mr. Johnsen stated that there would be a collector street with an 80' right-of-way and 38' of paving. Mr. Johnsen stated that his clients have a contract to purchase or acquire [from the seller] the right-of-way [connecting the subject property to the existing 126th St. S. right-of-way]. Mr. Johnsen stated that the main entry [streets] into the life care [facility] would have a 50'-wide right-of-way and 26' of paving. Mr. Johnsen stated that the split between Development Areas G and H was designed to encourage apartment traffic to go to Memorial Dr., and maybe less so to 121st St. S.

Chair Thomas Holland asked Roy Johnsen if Development Area G would allow multifamily, and Mr. Johnsen responded that it would not and would be limited to office use. Mr. Johnsen stated that a community needs multifamily if it is going to be a city.

Larry Whiteley asked Roy Johnsen if [Development Area H] would be [sold to] the same people who own the [Encore on Memorial] apartments now. Mr. Johnsen stated that it would not. Larry Whiteley noted that this should be held to the same high standards for quality as previous apartment developments. Mr. Johnsen stated that, as it pertains to quality, there would be a masonry requirement for multifamily, and the site plan would be approved not only by the Planning Commission but by the City Council. Mr. Johnsen stated that, for other types, the Detailed Site Plan would be approved by the Planning Commission only, as one should not have to burden the City Council with them, but the aggrieved party can always appeal to the City Council.

Chair Thomas Holland asked Erik Enyart about language in the Staff Report pertaining to Development Area G and multifamily use. Mr. Enyart responded, "That should be [Development Area] H; I think that survived my first draft when there was no H."

Chair Thomas Holland expressed concern that the language would allow "open air storage by minor amendment" in Development Area D. Roy Johnsen stated that this would not be by right, and would still have to be approved by the Planning Commission. Mr. Johnsen stated that, perhaps, the interior areas may be used to store RVs or similar items.

Erik Enyart addressed Chair Thomas Holland and expressed intent to address the Applicant. Mr. Holland indicated approval. Mr. Enyart asked Roy Johnsen if there were any specific staff recommendations that his client had not agreed with. Mr. Johnsen responded that he had not read

all of the report but that [he and his clients] did accept the staff recommendations. Mr. Johnsen stated that he would have to come up with language for how to implement some of them.

Patrick Boulden asked Roy Johnsen if he had not had a meeting with neighbors. Mr. Johnsen stated that they did have this meeting. Mr. Johnsen stated that he had sent invitation letters to all the property owners that received the public notice of the hearing. Mr. Johnsen stated that the law required notice be sent to property owners within ¼ mile for multifamily zoning applications, and so estimated “220 something” invitation letters were mailed. Mr. Johnsen stated that a lot of the concern [expressed at that meeting] was over Development Areas D and C. Mr. Johnsen stated that he had reduced the maximum number of dwelling units permitted in Development Area C to 75, which was very significant.

Roy Johnsen stated that, per a meeting with city staff, Development Area G was split, creating Development Area H, and indicated [the remaining part of] Development Area G would be for office use. Mr. Johnsen stated that this would result in a better circulation pattern.

Chair Thomas Holland recognized David Wagner of 12563 S. 71st E. Ave. from the Sign-In Sheet. Mr. Wagner stated that the neighborhood meeting was very informative and was conducted in the most exemplary manner. Mr. Wagner stated that, when he and his family moved out to Seven Lakes, he knew the subject property would be developed. Mr. Wagner stated that he would focus his comments on Development Area D. Mr. Wagner stated that it was 300' away from his property. Mr. Wagner pointed to the Bixby city seal on the dais, and stated that the seal claimed Bixby was the “Garden Spot of Oklahoma.” Mr. Wagner expressed concern that the view from Seven Lakes would be of the “storage spot of Oklahoma.” Mr. Wagner referred to the existing warehouses [in Crosscreek] and stated that he knew [Development Area D] would be designed for storage, and stated, “Now I hear there may be open storage.” Mr. Wagner stated that, when he moved here, he found Oklahoma, and Tulsa in particular to be a “city of fences.” Mr. Wagner suggested that, rather than another fence that will deteriorate, [the developer] install a [higher] berm with trees and shrubs on top. Mr. Wagner indicated that a fence would be a problem from a maintenance standpoint and would ultimately have to be replaced. Mr. Wagner stated that he urged the Commission strongly to consider what [Development Area] D would look like to the residents from the residences that exist and that they are now building there [in Seven Lakes II].

Chair Thomas Holland recognized Brenda Isaacs of 12559 S. 71st E. Ave. from the Sign-In Sheet. Ms. Isaacs stated that she lived next to David Wagner. Ms. Isaacs stated that she moved to Bixby in 1987, and had selected Bixby over Broken Arrow because the latter was[, at that time,] “ugly, flat, and they had cut down all the trees to develop.” Ms. Isaacs stated that this was why she was here, and because of the “wonderful people that live here.” Ms. Isaacs stated, “Don’t let that beauty change.” Ms. Isaacs stated that there were coyotes and deer in her neighborhood, but indicated this was not a reason to prevent development from occurring here. Ms. Isaacs stated that, when the apartments were constructed, “part of the berm [dirt pile at the Fry Creeks’ confluence] was torn down, perhaps because of drainage issues.” Ms. Isaacs stated that, a few years prior, bulldozers had cut down all the trees and cut the berm “on your side” [the south side] of Fry Creek. Ms. Isaacs stated that she was concerned that someone would “further cut down the berm between the residential and commercial.” Ms. Isaacs indicated that people move to Bixby because of the aesthetic quality, and stated “businesses would not come to Bixby if the people aren’t there.” Ms.

Isaacs stated that she had kids in Bixby Public Schools and expressed concern for the impact of the development on the schools.

Patrick Boulden asked Brenda Isaacs, "How high is the berm? Can you estimate?" Ms. Isaacs stated that she could see buildings in [Crosscreek] from her house. Mr. Boulden asked, "How much does it block?" Ms. Isaacs responded, "A lot." Ms. Isaacs stated that [she and her family] could see the second and third floors of the [Encore on Memorial] apartments.

Someone asked if the maximum height restriction was not 12', and Erik Enyart responded that this was correct per the height restriction in the Zoning Code. Chair Thomas Holland stated that the height would not be an issue. Mr. Enyart continued by saying, "That height applies to ministorage only, and does not apply to the trade center buildings."

Chair Thomas Holland recognized Jody Brown of 11934 S. 73rd E. Ave. from the Sign-In Sheet. Mr. Brown stated that he was the Vice President of the Fox Hollow [Homeowners Association] Board. Mr. Brown stated that, in the positives column, the development would have an assisted living facility, and perhaps medical and light offices. Mr. Brown stated that the development should be aesthetically pleasing, and that it was critical that one stick to those [quality standards]. Mr. Brown stated that, as for concerns, they included the apartments, which could be three (3) stories in [Development Area] H. Mr. Brown expressed desire that the Commission "push for a cap of two (2) stories, anywhere in the development." Mr. Brown also expressed concern for the storage and warehousing facility, which may be "not pleasing to the eyes." Mr. Brown expressed concern over traffic, and stated, "I have kids in North Elementary and in the 5th and 6th Grade Center."

Lance Whisman addressed Chair Thomas Holland and excused himself momentarily.

Patrick Boulden declared that the Commission had lost quorum at 7:00 PM, and advised the Chair not to allow further discussion until it was regained.

Lance Whisman returned to the dais at 7:03 PM, and it was recognized that quorum was regained.

Jody Brown asked about plans for a [stop]light in that area, and stated, "It gets backed up at both the North Elementary" and the 5th and 6th Grade Center. Mr. Brown stated that it would be ideal if traffic was funneled toward Memorial Dr. Mr. Brown stated that he had moved here from Edmond four (4) years ago, and he believed Bixby had a chance at being a community with the same level of quality. Mr. Brown stated that, what was approved here would dictate Bixby's future for generations. Mr. Brown stated that he and his neighbors improve their homes and neighborhoods, and the same should be done here. Mr. Brown stated that *Utica Square* was a quality development, and it would be lovely if the same could be done here. Mr. Brown asked the Commission to give this application careful consideration.

Lance Whisman confirmed with Erik Enyart that 121st St. S. [between Sheridan Rd. and Memorial Dr.] was a County road. Mr. Whisman asked if it was legal for the City to construct a traffic light at this intersection. Mr. Enyart stated that he would have to defer to the City Attorney on whether the

City had the legal right to do so [on its own], but that he was certain the City could agree with the County for a stoplight here.

Jody Brown asked when a traffic light would be expected. Erik Enyart stated that he did not know the answer to this question. Mr. Enyart stated that, in Oklahoma at this time, as well as in Bixby, infrastructure generally “follows on the heels of development, and not very closely.”

Chair Thomas Holland recognized Todd Hansen of 6986 E. 127th St. S. from the Sign-In Sheet. Mr. Hansen stated that the previous speaker said [his own sentiments] well.

Chair Thomas Holland recognized Jaimie Tollison of 12824 S. 72nd E. Ave. from the Sign-In Sheet. Ms. Tollison stated that [she and others] were concerned about the scenery, heights, if three stories, whether an environmental impact assessment would be done, watershed issues, and flooding. Ms. Tollison stated that there were older mobile homes sitting on the side of Fry Creek, and in danger of flooding from new development. Ms. Tollison stated that she was also concerned that the [terminology] the developer was using, “high quality,” was vague. Ms. Tollison asked for more specifics. Ms. Tollison expressed concern about the road extended through her neighborhood. Mr. Holland asked Ms. Tollison to clarify what road she was referring to, and Ms. Tollison stated that she meant the road from “the existing trade center on the south side” of Fry Creek, which “creates a massive amount of traffic on through our neighborhood.” Ms. Tollison complained about “large trucks, children at danger, and the condition of the road deteriorating.” Ms. Tollison stated, “I don’t want to see a road connect Development Area D and our neighborhood.” Ms. Tollison stated, “Noise is also an issue.” Ms. Tollison stated that she was excited to hear about a pharmacy and townhomes, but her concern was for the coyotes and birds, “That’s why I bought here.” Ms. Tollison asked what the height restriction would be for multifamily. Erik Enyart responded, “In the larger one, Development Area H would have a three story restriction.” Ms. Tollison stated that Bill Campbell used to be on this Commission, but he had recently passed away. Ms. Tollison stated that his daughter lived next to her, and she had expressed she was concerned and opposed to the trees being cut down and the berm diminished. Ms. Tollison stated that a friend asked her to read a prepared statement, which she read, and which was signed Terry Thornton and Carolyn.

Patrick Boulden addressed Jaimie Tollison and stated that, as for the water concern, “in the Building Permit phase we’ll make sure there is no additional [rate of water runoff].” Mr. Boulden stated that a “high quality development is difficult to dictate – it can be encouraged with a PUD,” such as by using “brick facades,” but the City could not dictate how much money the developer must put into the development per unit. Mr. Boulden stated that the City could, as much as possible, encourage high quality.

A woman expressed concern regarding the new school going in at 131st St. S. and Sheridan Rd.

Larry Whiteley stated that it was very unlikely a bridge would be put in to the north side of Fry Creek [# 1], since Bixby could not even put a bridge across [the Arkansas River].

Chair Thomas Holland recognized Mike Harrell of 12661 S. 71st E. Ave. from the Sign-In Sheet. Mr. Harrell expressed concern over the heights of buildings in Development Area D, which would

be allowed as high as 40'. Mr. Harrell stated that he did not want to see the existing channel berms eroded away, or dirt taken [from the existing heap] when constructing buildings.

Chair Thomas Holland recognized Jan Swafford of 11974 S. 73rd E. Ave. from the Sign-In Sheet. Ms. Swafford presented a posterboard map of the development showing the Development Areas and height limitations. Ms. Swafford expressed concern that the written word was different than the developer's presentation. Ms. Swafford asked that what [she and her neighbors] heard from the developer's oral presentation be in the PUD, and asked the Commission to postpone the hearing and decision until such time as it is. Ms. Swafford stated that [she and her neighbors] were told by the City Council that they would not be facing any more apartments in this corridor, and that is why she wanted [everything] in writing. Ms. Swafford stated that "Mr. Erickson" stated something about one story versus two story, and she wanted to have that in writing. Ms. Swafford stated that Jay [Mauldin] would follow up on some of her statements. Ms. Swafford stated that she would prefer not to see apartment complexes, especially not three (3) story ones, and would like to see the PUD postponed to the next meeting.

Patrick Boulden asked Roy Johnsen about the 58' height restriction in Development Area C on page 6 of the PUD. Mr. Johnsen stated that the multifamily use was restricted to two (2) stories.

Jan Swafford stated, "We need sales tax. The police are buying their own ammunition." Patrick Boulden clarified that this was not quite true. Ms. Swafford stated that anything the Commission decided would determine the fate of Bixby.

Chair Thomas Holland recognized Jay Mauldin of 7341 E. 119th Pl. S. from the Sign-In Sheet. Mr. Mauldin stated that, in breaking with his custom, he would keep his comments brief. Mr. Mauldin stated that, in Development Area A, Use Unit 19 would be permitted. Mr. Mauldin read the list of uses under Use Unit 19 from the Bixby Zoning Code. Mr. Mauldin asked, "Is the intent a hotel? If not, remove that [Use Unit 19]." Mr. Mauldin stated that, in Development Area B, it was ambiguous. Mr. Mauldin stated that, years ago, multifamily was proposed for the same spot. Mr. Mauldin asked that the multifamily component be taken away. Mr. Mauldin stated that the PUD would allow architectural features to extend so many feet above the building, and asked the Commission to "please limit" this height. Mr. Mauldin stated that, in Development Area C, patio rental homes would be permitted, and it included multifamily. Mr. Mauldin stated, "My suggestion is to remove the multifamily and limit to two (2) story." Mr. Mauldin stated that, in Development Area D, there were visual aesthetics issues in regard to Seven Lakes. Mr. Mauldin stated that, in Development Area D, a hotel could be permitted. Mr. Mauldin asked if the hotel could be removed.

Patrick Boulden asked where it said a hotel would be permitted. Erik Enyart responded that, on page 8 of the PUD, Development Area D would allow all uses by right in CG, which included a Use Unit 19 hotel.

Jay Mauldin stated that [the Staff Report] stated that the "hotel" [Use Unit 19] recommendation did not hold for Development Area E. Mr. Mauldin stated that he begged to differ with the Staff Report on the point of separation. Mr. Mauldin stated that the homes on the south end of Fox Hollow were indeed close to this Development Area, and the undeveloped tract was not between them and the Development Area. Mr. Mauldin stated that, in Development Area F, "I would remove [Use Unit]

19 as well,” and expressed concern over the “specter of housing looking up at a hotel. This happened five (5) or six (6) years ago in PUD 40,” next to South Country Estates and Legacy Park. Mr. Mauldin stated, “This City cannot afford to let this happen again.” Mr. Mauldin stated, in Development Areas D, E, and F, he would remove [Use Unit] 19.

Patrick Boulden asked Jay Mauldin, “Are you mostly concerned with a hotel?” Mr. Mauldin responded, “Yes, hotel, motel.” Mr. Mauldin stated that there was too much ambiguity on too many areas on a tract of land that was too important on the City, a tract that was three-and-a-half times the size of *Regal Plaza*. Mr. Mauldin stated that, [at the time *Regal Plaza* was being built,] he asked himself if he wanted to buy a lot here [in Legacy Park] or Fox Hollow, and he chose Fox Hollow with more certainty at half the cost. Mr. Mauldin stated that, as for the 11 acres [referenced in the Staff Report], it separated [from Development Area E] the north and east ends of Fox Hollow, but not the [south end]. Mr. Mauldin stated that the City had minutes going back to the year 2000, but they were wiped off the City website last year. Mr. Mauldin stated that he had read them to prepare for this meeting.

Chair Thomas Holland stated that, when the PUD at 101st St. S. and Memorial Dr. was approved, it was the same situation where all the uses were not known. Mr. Holland stated that there had been amendments to that PUD since, but he saw the closeness of the situation with the current application. Mr. Holland stated that he was not comfortable with the PUD.

Rick Dodson stated that he was the developer and general manager of 121st & Memorial, LLC. Mr. Dodson stated that he built homes, and that, even at only 1 ½ story, a single family residential house would be 35’ tall. Mr. Dodson stated that they typically ranged from 34’ to 36’, and so were 35’ on average. Mr. Dodson stated that he would have the 58’ height reduced [in Development Area C]. Mr. Dodson stated that he had been listening, and it sounded like 90% of the discussion was regarding [Development Area] D. Mr. Dodson stated that he was requesting to rezone the 92 acres to CG, but each tract will be taken to the Planning Commission and City Council for approval, to show what would be built before permitting. Mr. Dodson stated that [he and his partners] would get with the representative from Seven Lakes and would satisfy whatever they need for Development Area D. Mr. Dodson stated, “We won’t take one step into [the City of Bixby’s Fry Creek right-of-way] property.” Mr. Dodson stated that he had been 35 years in the building industry, and “we build fine, high end quality homes—on the forefront of quality.” Mr. Dodson stated that he did not know exactly what was going into Development Areas E and F. Mr. Dodson stated that it was “tremendous” that there would be an assisted living facility here, and that it would be a benefit to the area.

Patrick Boulden clarified with Rick Dodson that he had built commercial projects before. Mr. Dodson stated that he helped build the [Tuscana on Yale] shopping center at [89th St. S.] and Yale Ave., which had a \$10 Million budget. Mr. Dodson stated that he understood the concern over quality, and that [Development Areas] E and F could be looking at the back of a big box store, and “I’ll be in your shoes.”

Patrick Boulden asked why there was a 40’ height restriction in Development Area D. Rick Dodson responded that he believed that was the height of the buildings [in Crosscreek] and looked to Erik Enyart for confirmation. Mr. Enyart stated that he did not know but that that sounded about right.

Mr. Dodson stated that he had no plans for open storage in [Development Area] D. Roy Johnsen conferred briefly with Mr. Dodson and then said, "We'll go to 30'."

Lance Whisman addressed Chair Thomas Holland and excused himself momentarily at 8:00 PM.

Lance Whisman returned to the dais at 8:03 PM, and it was recognized that quorum was regained.

Roy Johnsen stated that the application was in accordance with the [Comprehensive] Plan and CG was in accord with the Plan. Mr. Johnsen stated, "I could make the case for CG and just go with it, but it is important for the community to do a PUD." Mr. Johnsen stated that, even though he could make the case, a good case for CG only, there is no height limitation in CG. Mr. Johnson asked Erik Enyart for confirmation. Mr. Enyart indicated agreement, but stated that the Zoning Code may limit to 70' citywide. Mr. Johnsen stated that [he and his client] had held a neighborhood meeting. Mr. Johnsen asked why there was concern over a hotel. Mr. Johnsen stated, "We're reluctant to say just take out Use Unit 19." Mr. Johnsen stated that Development Area C would be limited to a "fourplex," but this would still be recognized as a multifamily building. Mr. Johnsen stated, "Apartments are an essential part of city life," and that they would be in the "middle part of the property well separated from the single family." Mr. Johnsen stated that he had a meeting with Staff that morning, and had worked out stuff. Mr. Johnsen stated that his client said "he would work with the Seven Lakes representative, and he will." Mr. Johnsen stated that it was most important to remember that there was a contract to sell to the life care/senior living [development group], and the clock was ticking. Mr. Johnsen stated that the City's planner was extremely careful, and he would work out with him the [conditions] before this went to the City Council. Mr. Johnsen stated that his client would be required to plat and do a Detailed Site Plan. Mr. Johnsen stated that he would like to work with Erik before this went to the City Council. Mr. Johnsen reiterated that there was a deadline on the transaction [with the assisted living facility development group], which had 60 days to get the zoning done.

Chair Thomas Holland stated that he was also concerned about screening and traffic—school traffic, specifically.

Lance Whisman stated that he was in the neighborhood meeting with the developer, and one thing stuck out to him: all apartment developments have at least two (2) ways in and out. Mr. Whisman stated that this would have two (2) ways: Memorial Dr. and 121st St. S. Mr. Whisman stated that other examples, Lincoln on Memorial and Remington, located behind Weslock [at 81st St. S. & Memorial Dr.], Union High School, and the Tulsa Hills shopping center at Highway 75 and 71st St. S., all had two [major streets] to provide access. Mr. Whisman stated that, as it is, traffic is backed up on 121st St. S. halfway to Memorial Dr. due to school traffic, and that this development would add a bunch more traffic.

Larry Whiteley addressed Jay Mauldin and stated that the Commission could not change the Zoning Code rules. Mr. Whiteley asked if the Commission could pass this to the City Council without a recommendation.

Chair Thomas Holland stated that his concern was over the things Staff had recommended that were not in [the PUD]. Erik Enyart stated that most of those things were covered in the form of Staff

recommendations, but the Commission could also apply specific attention to any item of concern and could do so at this time. Mr. Enyart responded to Larry Whiteley's question and responded, "You [the Commission] have the responsibility to give a recommendation to the City Council."

Chair Thomas Holland expressed favor for Continuing the applications to the next meeting, or a Special Meeting between this time and the next Regular Meeting. It was suggested the meeting could be held on Tuesday, February 26, 2013. Erik Enyart stated that he recalled that John Benjamin would have a schedule conflict on Tuesdays, due to another meeting commitment. After further discussion between the Commissioners, Mr. Enyart, Roy Johnsen, and others concerned, Larry Whiteley made a MOTION to CONTINUE PUD 76 and BZ-364 to 6:00 PM in the Council Meeting room of City Hall, on Wednesday, February 27, 2013. Erik Enyart asked Patrick Boulden if this would be a Special Meeting. Mr. Boulden responded that it was the meeting itself being Continued to February 27, 2013. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

OLD BUSINESS:

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

NEW BUSINESS:

Chair Thomas Holland asked if there was any New Business to consider. Erik Enyart stated that he had none. No action taken.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 8:37 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

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(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission

From: Erik Enyart, AICP, City Planner

Date: Thursday, February 14, 2013

RE: Report and Recommendations (Revised 02/19/2013 to reflect the revised plans and information received 02/19/2013) for:
PUD 76 – “Scenic Village Park” – Tanner Consulting, LLC, and
BZ-364 – Tanner Consulting, LLC

Placeholder for entire report

LOCATION:

- The 7300-block of E. 121st St. S.
- South and west of the intersection of 121st St. S. and Memorial Dr.
- Part of the E/2 of Section 02, T17N, R13E

LOT SIZE: 92 acres, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Agricultural

REQUESTED ZONING: CG General Commercial District & PUD 76

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: (Across 121st St. S.) RS-3, RS-1, AG, & OL/CS/PUD 51; The *Fox Hollow* and *North Heights Addition* residential subdivisions; the Fry Creek Ditch # 2 and the North Elementary and North 5th & 6th Grade Center school campuses to the northwest zoned AG; agricultural land to the northeast zoned OL/CS/PUD 51.

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BIXBY PLANNING COMMISSION

SIGN IN SHEET

DATE: February 19, 2013

NAME	ADDRESS	ITEM
✓ 1. David Wagner	12563 S. 71 st E Ave	PUD 76
✓ 2. Brenda Isaacs	12659 S. 71 st E AVE ^{Bixby}	PUD 76
✓ 3. Judy Brown	11934 S 73 rd E Ave	PUD 76
✓ 4. TODD HANSEN	6986 E. 127 th St	
✓ 5. Jaimie Tollison	12824 S. 72 nd E. Ave	
✓ 6. Mike Hurrell	12661 S. 71 st E AV.	
✓ 7. JAN SWAFFORD	11974 S 73 E Ave	PUD 76
✓ 8. JAY MAULDIN	7341 E 119 PL	2 & 3 (PUD 76)
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~~MINUTES~~
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA

February 19, 2013¹

6:00 PM

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:05 PM.

Chair Thomas Holland introduced the meeting as the "Continuation of the meeting February 19, 2013."

The agenda items were taken out of order and agenda items number 2 and number 3 were considered at this time.

PLATS

4. Preliminary Plat / Final Plat – Bixby Centennial Plaza II – Rosenbaum Consulting, LLC. Discussion and consideration of a Preliminary Plat and a Final Plat and certain Modifications/Waivers for "Bixby Centennial Plaza II," Lot 7 and the N. 42' of Lot 8, Block 1, *Bixby Centennial Plaza*.
Property Located: Approximately the 11900-block of S. Memorial Dr.

See Minutes for the February 19, 2013 Regular Meeting held on February 19, 2013.

PUBLIC HEARINGS

2. PUD 76 – Scenic Village Park – Tanner Consulting, LLC. Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for 92 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

¹ This record reflects the Continued part of the February 19, 2013 Meeting held February 27, 2013.

30

3. **BZ-364 – Tanner Consulting, LLC.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to CG General Commercial District for 92 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

Chair Thomas Holland introduced agenda items number 2 and number 3 and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, February 22, 2013
RE: Report and Recommendations for:
PUD 76 – “Scenic Village Park” – Tanner Consulting, LLC, and
BZ-364 – Tanner Consulting, LLC

LOCATION: – The 7300-block of E. 121st St. S.
 – South and west of the intersection of 121st St. S. and Memorial Dr.
 – Part of the E/2 of Section 02, T17N, R13E

LOT SIZE: 92 acres, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Agricultural

REQUESTED ZONING: CG General Commercial District & PUD 76

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: (Across 121st St. S.) RS-3, RS-1, AG, & OL/CS/PUD 51; The Fox Hollow and North Heights Addition residential subdivisions; the Fry Creek Ditch # 2 and the North Elementary and North 5th & 6th Grade Center school campuses to the northwest zoned AG; agricultural land to the northeast zoned OL/CS/PUD 51.

South: AG & CS/PUD 37; Fry Creek Ditch # 1 to the south zoned AG and the Crosscreek “office/warehouse” heavy commercial / trade center and retail strip center zoned CS with PUD 37.

East: AG, CG, RS-3, OL, CS, & RM-2/PUD 70; Agricultural land, the Easton Sod sales lot zoned RS-3, OL, & CS, the Encore on Memorial upscale apartment complex zoned RM-2/PUD 70, a Pizza Hut zoned CG, and a My Dentist Dental Clinic zoned CS; Memorial Dr. is further to the east.

West: AG & RS-4; Fry Creek Ditch #2; beyond this to the west is vacant/wooded land owned by the City of Bixby, the Three Oaks Smoke Shop located on a 2-acre tract at 7060 E. 121st St. S., the Seven Lakes I and Seven Lakes II residential subdivisions, and additional vacant land zoned RS-4 for a future “Seven Lakes” phase or phases.

COMPREHENSIVE PLAN: Corridor + Vacant, Agricultural, Rural Residences, and Open Land.

PREVIOUS/RELATED CASES:

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 “golf teaching and practice facility” on part of the subject property – BOA Conditionally Approved 04/02/2001 (not since built).

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on part of the subject property. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust – Request for Lot-Split approval to separate a 41.3384-acre tract from the southern end of the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – It appears it was Administratively Approved by the City Planner on 07/20/2006, but the Assessor’s parcel records do not reflect that the land was ever since divided as approved.

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of subject property – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting "for more research and information," based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

Preliminary Plat of "Scenic Village Park" – Request for Preliminary Plat approval for a subject property – Pending PC consideration March 18, 2013.

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

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area to the east of subject property at approximately the 12600-block of S. Memorial Dr. – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

BZ-135 – Eddie McLearan – Request for rezoning from AG to CS for an approximately 19-acre tract at 12300 S. Memorial Dr. abutting the subject property to the east (now the Easton Sod business) – Withdrawn by Applicant 03/21/1983.

BZ-139 – Eddie McLearan – Request for rezoning from AG to RM-2, OL, & CS for an approximately 19-acre tract at 12300 S. Memorial Dr. abutting the subject property to the east (now the Easton Sod business) – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. # 482).

BZ-196 – Donna Saunders for Nuel/Noel Burns – Request for rezoning from AG to CG for a 2-acre tract at the 7700-block of E. 121st St. S. (then possibly addressed 7600 E. 121st St. S.) abutting the subject property to the east – PC Recommended Denial 01/21/1991 per notes on the application form. Lack of ordinance and other notes in the case file indicate it was either withdrawn, not appealed, or not finally approved by the City Council.

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area to the east of subject property at approximately 12340 S. Memorial Dr. – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

BZ-214 – City of Bixby – Request for FD Floodway Supplemental District for all of the (then proposed) Fry Creek Ditch drainage system right-of-way, including a section abutting the subject property to the west – PC Tabled Indefinitely 11/20/1995.

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, located across 121st St. S. to the north of the subject property, which 73 acres became Bixby Centennial Plaza and Fox Hollow and an unplatted 11-acre tract later approved for PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on November 19, 2001 and Approved by City Council December 10, 2001 (Ord. # 842).

BZ-317 – Sack & Associates, Inc. for Martha Roberts et al. – Request for rezoning from OL to CS for part of an unplatted 11-acre tract located across 121st St. S. to the north of subject property – PC Action 08/21/2006: Motion to Approve failed for lack of a Second, and Chair declared the item "denied by virtue of there being no second to the motion." See PUD 51.

PUD 51 – [No Name] – [Sack & Associates, Inc.] – Request to approve PUD 51 and a partial rezoning from OL to CS for an unplatted 11-acre tract located across 121st St. S. to the north of subject property – No application submitted, but prepared by Sack & Associates, Inc. in support of

the CS and OL zoning proposed per BZ-317 – PC recommended Approval 10/02/2006 and City Council Approved 10/23/2006 (Ord. # 951/951A).

BSP 2010-03 – Encore on Memorial – Khoury Engineering, Inc. (PUD 70) – Request for Detailed Site Plan approval for a multifamily development on 14 acres to the east of subject property – PC Conditionally Approved 07/19/2010.

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the east of subject property – PC recommended Conditional Approval 07/19/2010 and City Council Conditionally Approved 07/26/2010.

Final Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the east of subject property – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (plat recorded 04/12/2011).

BZ-355 – Town & Country Real Estate Co. – Request for rezoning from AG to CS for 1.6 acres, more or less, located at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.) abutting the subject property to the east – PC Recommended Approval 03/19/2012 and City Council Approved 03/26/2012 (Ord. # 2077).

BACKGROUND INFORMATION:

At its regular meeting Tuesday, February 19, 2013, the Planning Commission held a Public Hearing and considered these two (2) applications. After a lengthy discussion, the Planning Commission Continued both applications to a Special Meeting on February 27, 2013 (or rather, Continued the February 19, 2013 Regular Meeting to a special meeting date, February 27, 2013 per the City Attorney).

Also on February 19, 2013, the Applicant submitted hard copies of the PUD Text and Exhibits package, and the Staff Report was revised to reflect recommendations from the original Staff Report which have been satisfied with that submittal. Staff presented both the revised Report and revised Text and Exhibits package to the Planning Commission at its meeting.

On the date of this report, February 22, 2013, Staff received a revised copy of the PUD Text and has updated this report to reflect recommendations from the last Staff Report which have been satisfied with this submittal. The revised PUD Text is attached to this report.

ANALYSIS:

Subject Property Conditions. The subject property of 92 acres is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the south and west to the Fry Creek Ditch # 2 and # 1, respectively, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned AG (CG and PUD 76 is requested) and may or may not be presently used for agricultural crops.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the west and south. Plans for utilities are indicated on Exhibit F and are discussed in the City Engineer's memo.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor 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 CG zoning May Be Found In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the requested CG 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.

Per the Matrix, PUDs are In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map.

General. Because the review methodology is similar, and both applications are essentially rezoning-related and propose to prepare the subject property for the same multiple-use development, this review will, except as noted, include both applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

The submitted site plans do not show specific planned improvements, but rather, general land use categories associated with each of the eight (8) Development Areas (DAs) by means of permitted uses listed in the Development Standards within each, summarized and commented upon as follows:

DA A: "Uses permitted as a matter of right in the CS District and customary accessory uses, provided however, uses within Use Unit 19 Hotel, Motel And Recreation Facilities are excluded." This would include Use Units (UUs) 1, 4, 5, 10, 11, 12, 13, and 14. Uses within UU 19, otherwise allowable in CS, may be too intensive relative to the proximity of the Fox Hollow neighborhood, and the Applicant has excluded this Use Unit as previously recommended.

DA B: "Life Care Retirement Center as set forth within Use Unit 8 Multi-family Dwelling And Similar Uses and customary accessory uses. Other uses within Use Unit 8 are excluded."

DA C: "Detached or attached residential dwelling units including single-family, duplex, patio home, townhouse, and multifamily, and customary accessory uses, including common area facilities such as club house, swimming pool and recreational open space."

DA D: "Uses permitted as a matter of right in the CG Zoning District, and uses permitted by special exception within the CG Zoning District or uses required to be submitted within a Planned Unit Development, which include but not limited to Use Unit 23 Warehousing And Wholesaling (office/warehouse), and Use Unit 16 Ministorage and customary accessory uses. Permitted uses shall be conducted within enclosed buildings."

Staff understands this DA is intended for multi-tenant "office/warehouse" / "trade center" (such as that found in Crosscreek to the south), ministorage, and/or automotive-related businesses. These three (3) land use types are found in UUs 15, 16, and 17, respectively. This DA would include UUs 1, 4, 5, 10, 11, 12, 13, 14, 15, 17, 18, and 19.

Staff believes that the location and configuration of Development Area D and the character surrounding area satisfactorily meet the expectations of Zoning Code Section 11-9-16.C.13 for ministorage developments.

DA E: "Uses permitted as a matter of right in the CS Zoning District, and customary accessory use, provided however, Use Unit 19 Hotel, Motel And Recreation Facilities shall be limited to hotel use." This would include UUs 1, 4, 5, 10, 11, 12, 13, 14, and 19 (hotel only). Although, like DA A, DA E is relatively close to Fox Hollow, it is separated therefrom by the collector street and an 11-acre commercial development tract on the north side of 121st St. S., so the recommendation for DA A regarding UU 19 is not held here.

DA F: "Uses permitted as a matter of right in the CG Zoning District, and office/warehousing as set forth within Use Unit 23 Warehousing And Wholesaling, and customary accessory use, provided however uses set forth in Use Unit 17 Automotive And Allied Activities shall be excluded." This would include UUs 1, 4, 5, 10, 11, 12, 13, 14, 15, 18, 19, and 23.

DA G: "Uses permitted as a matter of right in the OM Zoning District, and customary accessory use." This would include UU 1, 5, 10, and 11 (offices).

DA H: "Uses permitted as a matter of right in the CG Zoning District, and office/warehousing as set forth within Use Unit 23 - Warehousing and Wholesaling uses."

And alternative standards: "As an alternative use within Development Area G, multifamily dwellings are permitted, not exceeding 15 acres, and customary accessory uses, including common area facilities such as club house, swimming pool and recreational open space."

Combined, this would include UUs 1, 4, 5, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, and 23.

As noted above, the PUD development appears to have been written for maximum land use and design flexibility. Although there may be a limited number of development types expected, no absolutely known land uses are indicated for any particular development area. Probable land uses may be inferred by reading the lists of land uses permitted in each Development Area. Thus, the PUD Text does not describe, nor do the Exhibits reflect particular buildings, parking areas, internal driveways, or other such site development particulars.

Zoning Code Section 11-7I-8.B.1 requires:

"1. A site plan reflecting:

a. Proposed location of uses, including off street parking, open spaces and public uses;

b. Development standards for location, height, setback and size of buildings and other structures;

c. Public and private vehicular and pedestrian circulation;

d. The approximate intensity of residential uses expressed in number of dwelling units and the approximate intensity of nonresidential uses expressed in floor area, allocated to each identifiable segment of the planned unit development;

e. Proposed screening and landscaping;

f. Proposed location, height and size of any ground sign; and

g. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed." (emphasis added)

Because of the way the PUD is structured in terms of land use flexibility, the Applicant has not represented proposed location of uses, off-street parking, open spaces, public and private vehicular and pedestrian circulation, or signage. The PUD chapter of the Zoning Code may anticipate such generalized PUDs, as it includes in Sections 11-7I-8.B.1.b and .d requirements that are conventionally expressed in the PUD Text, and not on the site plan itself.

To satisfy the spirit and intent of the specific informational elements of the PUD conceptual site plan, Staff has listed certain recommendations at the end of this report, including the connection of required elements between the Text and the site plan Exhibits.

Zoning Code Section 11-7I-6 gives the Planning Commission authority and discretion to require adequate perimeter treatments, including screening, landscaping, and setbacks. Staff believes that the site plan should, regardless of the absence of other elements, reflect any and all proposed screening, perimeter landscaping, sidewalks, and perimeter trails (existing and as may be improved) on the site plans Exhibits C, C.1, and C.2. This also goes for a development entrance sign if/as may be proposed at 121st St. S., advertising developments without arterial street frontage and accessed via the proposed collector street. Such may be anticipated per language in PUD Section III.E.

Grade elevation changes, minimalistic signage, and generous landscaping can be used to good effect and result in attractive, upscale developments, and the developer should consider incorporating standards for these measures in the PUD.

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

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

The Technical Advisory Committee (TAC) discussed PUD 76 at its regular meeting held February 06, 2013. Minutes of that meeting are attached to this report.

Access & Circulation. As proposed, primary access to the development would be via a proposed collector street connecting 121st St. S. to Memorial Dr. via the existing 126th St. S. constructed in the past couple years. By this collector road, all the Development Areas within the PUD would have access. There is a gap between the existing 126th St. S. right-of-way and the subject property, suggesting the necessity of separate instrument dedication of right-of-way to connect to 126th St. S. This should be explained in the Access section of the PUD Text and connection will be a Condition of Approval of this PUD.

The collector street is proposed to intersect with 121st St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121st St. S. was widened. To the west of this, there is a smaller street proposed to intersect with 73rd E. Ave., which serves Fox Hollow and the North Heights Addition.

Per PUD Section III.E, the collector street will have an 80' right-of-way and 38' roadway width. A typical section for the collector street and the minor streets may also be employed for further illustration.

Per Subdivision Regulations Ordinance # 854 Section 9.2.2, these geometries would be consistent with a residential and/or office collector road. As this is a commercial development, a "Commercial Collector" street would have 80' of right-of-way and 42' of roadway width. Thus, the PUD should qualify this statement that such geometries must be recommended by the City of Bixby Staff and be approved by the Bixby City Council for Waiver from the Subdivision Regulations.

The proposed access points to 121st St. S. require City Engineer and/or County Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.

Subdivision Regulations Section 12-3-2.S provides:

"S. Street Offsets: Street centerline offsets of less than one hundred twenty five feet (125') for minor streets shall be avoided."

The City Engineer and City Planner believe that the intent of this Subdivision Regulations design standard is to have streets and/or major curb cut/driveway entrances align, for traffic safety, flow, and accessibility purposes.

To facilitate acceptable traffic flow and accessibility, in the future, traffic lights may be warranted at certain of the intersections of these streets with Memorial Dr. and/or 121st St. S.

Sidewalks are required by the Subdivision Regulations along 121st St. S. and along internal streets to be constructed within the PUD. The PUD Text section entitled "Access and Circulation" reflects that sidewalks will be constructed as required.

During the TAC meeting held February 06, 2013, Staff suggested to Tanner Consulting, LLC that the Fry Creek Ditch access drives could be improved as a walking trail amenity for the development. If the developer would be willing to make this improvement, appropriate language should also be added to the PUD Text section entitled "Access and Circulation."

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, CG, CS, OL, RS-1, and RS-3. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

To the north (across 121st St. S.), the Fox Hollow and North Heights Addition residential subdivisions are zoned RS-3 and RS-1, respectively, the Fry Creek Ditch # 2 to the northwest is zoned AG, and an 11-acre agricultural/vacant tract to the northeast is zoned OL/CS/PUD 51.

The Fry Creek Ditch # 1 to the south is zoned AG and the Crosscreek "office/warehouse" heavy commercial / trade center and retail strip center is zoned CS with PUD 37.

The Fry Creek Ditch #2 abuts to the west and is zoned AG. Beyond this to the west is vacant/wooded land owned by the City of Bixby, the Three Oaks Smoke Shop located on a 2-acre tract at 7060 E. 121st St. S., and along Sheridan Rd., the Seven Lakes I and Seven Lakes II residential subdivisions and additional vacant land zoned RS-4 for a future "Seven Lakes" phase or phases.

To the east is agricultural land zoned AG, CS, and CG, the Easton Sod sales lot zoned RS-3, OL, & CS, the Encore on Memorial upscale apartment complex zoned RM-2/PUD 70, a Pizza Hut zoned CG, and a My Dentist Dental Clinic zoned CS. Memorial Dr. is further to the east.

Per the Comprehensive Plan, all the land between Fry Creek Ditch # 1 and # 2 and 121st St. S. and Memorial Dr., including the subject property, approximately 180 acres in all, is planned for Corridor-intensity development, which provides that all of the available Zoning districts are either In Accordance or May Be Found In Accordance with the Comprehensive Plan. This 180 acre area is anticipated to be developed intensively, as it is in a prime location, is one of the last, exceptionally large undeveloped acreages in all of South Tulsa County north of the Arkansas River, has all the necessary utilities, has Memorial Dr. frontage and improved access by the widened 121st St. S., and is out of the 100-year Floodplain.

Circa 2005, 121st St. S. between Sheridan Rd. and Memorial Dr. was widened to a 4-lane major street with a 5th, dedicated turning lane in the center, consistent with its designation on the Tulsa City-County Major Street and Highway Plan (MHSP) and Bixby Comprehensive Plan as a Primary Arterial. This infrastructure improvement has further enabled the intensive development of this 1-mile major street corridor.

It appears that, with the exception of the approximately 320' of frontage on 121st St. S. belonging to Fox Hollow, all of the private land along 121st St. S. between Sheridan Rd. and Memorial Dr. has, or is planned or expected to develop/redevelop with intense uses.

In a trend accelerating since the street widening, the 121st St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The land to the northwest is the Bixby North Elementary school on a 23-acre campus, and next to that is the Bixby North

5th and 6th Grade Center on a 10-acre campus and the LifeChurch 4.4-acre facility. The Three Oaks Smoke Shop is located on a 2-acre tract approximately 1,100 feet from the subject property on the south side of the street, and all of the balance of the land to the west along the south side of 121st St. S. has been zoned CS with PUD 53 and platted in WoodMere for commercial use and office buildings. The 11-acre tract to the northeast was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre Bixby Centennial Plaza is just beyond that to the east, and was approved for CS zoning, in 2001, and for commercial development by the plat of Bixby Centennial Plaza in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.), abutting the subject property to the east, was rezoned to CS in March of 2012.

The requested CG zoning and PUD 76 propose a moderately intensive, multiple use suburban development of the subject property. Within the 180-acre area above-defined, there are three (3) instances of approved CG zoning immediately east of the subject property. Immediately south of Fry Creek Ditch # 1, the Crosscreek development is more consistent with CG zoning than its existing CS zoning. Across Memorial Dr. to the east of the 180-acre area above-defined, there is an existing ministorage business, Spartan Self Storage, and just to the east of that is a 16-acre tract approved for "office/warehouse" / "trade center" and ministorage development (PUD 68). Thus, there is located in the immediate area precedent for CG zoning and all of the uses contemplated by this multiple-use PUD. Therefore, Staff believes that, for the most part, the applications are consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

Development Quality / Multifamily Use PUD Element. Not including assisted living facilities, Bixby has four (4) apartment complexes. Parkwood Apartments was constructed in or around 1973. The Links at Bixby was developed in or around 1996, and was done with PUD 16. Marquis on Memorial was developed in 2008/2009, and was done with PUD 61. Encore on Memorial was developed in 2011 and was done with PUD 70. Since 1973, no apartment development has been developed in Bixby absent a PUD, and the PUDs arguably contribute to the improvement of the value and quality of such projects. To ensure the highest value and quality for any multifamily development that may occur on the subject property, consistent with the City Council's recent Conditional Approval of multifamily PUD 75, Staff recommends the PUD specify the following, which should help ensure the development product is of adequate quality and is adequately invested for the long term:

1. Consistent with the most recent and relevant three (3) multifamily development approvals in Bixby, the adequacy of multifamily construction quality shall be determined by means of a PUD Detailed Site Plan, to be approved by both the Planning Commission and the City Council. The Applicant has provided this requirement in PUD Section III.J.
2. Consistent with the Encore on Memorial project and PUD 75, this PUD should and has proposed a specific masonry requirement for each multifamily development building type: a 25% masonry requirement for any apartment buildings and a 45% masonry requirement for any leasing office.

Staff has the following additional recommendations pertaining to overall development quality:

3. There is an existing stand of mature trees along the west side of the acreage. As recommended by Staff, the Applicant has provided in PUD Section III.B, "Reasonable efforts shall be made to preserve existing mature trees." Staff recommends this language be enhanced further, such as "Each such tree which is removed for the purpose of parking shall be replaced within the concerned lot or lots at a two to one (2:1) ratio in accordance with the landscaping requirements of the Bixby Zoning Code."
4. During the TAC meeting held February 06, 2013, Staff suggested to Tanner Consulting, LLC that the Fry Creek Ditch access drives could be improved as a walking trail amenity for the development. Internal trails could also be planned, linking each DA to the Fry Creek trails. If the developer would be willing to make such improvements, appropriate language should also be added to the PUD Text section entitled "Access and Circulation."
5. Describe specific plans and add measurable minimum standards for land use buffering and compatibility needs. Perimeter treatments normally include screening fences or walls and vegetative screening, and setbacks and massing adjustments are normally provided to buffer less-intensive land uses in proportion to their relative elevations and proximities. An appropriate narrative can be added to Section III.B, summarizing plans and requirements that can otherwise

only be inferred from the Development Standards provided in the text (setbacks, height restrictions, etc.).

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

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

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

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

For the sake of development and land use compatibility, as described more fully above, Staff would be supportive of the Zoning approvals supporting the development proposal if it (1) offers quality-enabling standards such as mature tree preservation plans and quality of life upgrades (e.g. walking trails), (2) provides for land use buffering and compatibility needs, and (3) helps ensure the highest value and quality for any multifamily development that may occur on the subject property by means of minimum masonry requirements and a requirement for Detailed Site Plan approval by both the Planning Commission and City Council. If these were satisfactorily provided for, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will have been met.

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

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
2. The approval of CG zoning is subject to the final approval of PUD 76 and vice-versa.
3. There is an existing stand of mature trees along the west side of the acreage. As recommended by Staff, the Applicant has provided in PUD Section III.B, "Reasonable efforts shall be made to preserve existing mature trees." Staff recommends this language be enhanced further, such as "Each such tree which is removed for the purpose of parking shall be replaced within the concerned lot or lots at a two to one (2:1) ratio in accordance with the landscaping requirements of the Bixby Zoning Code."
4. During the TAC meeting held February 06, 2013, Staff suggested to Tanner Consulting, LLC that the Fry Creek Ditch access drives could be improved as a walking trail amenity for the development. Internal trails could also be planned, linking each DA to the Fry Creek trails. If the developer would be willing to make such improvements, appropriate language should also be added to the PUD Text section entitled "Access and Circulation."
5. Site Plan Exhibits B, C/C.1/C.2, etc.: Please include, represent, identify/label, and/or dimension, or otherwise correct site plan drawings as follows:
 - a. Street names as follows (confirm first with all appropriate City Staff):
 - i. East-west Collector Street: East 126th Street South
 - ii. North-south Collector Street: South 74th East Avenue
 - iii. North-south minor Street: South 73rd East Avenue
 - iv. East-west minor Street: East 121st Place South
 - b. Rights-of-way and roadway widths per other recommendations in this report
 - c. Consistent with other recommendations in this report, please identify what screening will be proposed for which property lines (where known; can be qualified as appropriate)
 - d. Sidewalks
 - e. Fry Creek Ditch access roads on adjoining right-of-way tracts

- f. *Perimeter and/or internal trails (if/as may be planned)*
 - g. *Development entrance sign if/as may be proposed at 121st St. S.*
6. *There is a gap between the existing 126th St. S. right-of-way and the subject property, suggesting the necessity of separate instrument dedication of right-of-way to connect to 126th St. S. This should be explained in the Access section of the PUD Text and connection will be a Condition of Approval of this PUD.*
 7. *Per PUD Section III.E, the collector street will have an 80' right-of-way and 38' roadway width. A typical section for the collector street and the minor streets may also be employed for further illustration. Per Subdivision Regulations Ordinance # 854 Section 9.2.2, these geometries would be consistent with a residential and/or office collector road. As this is a commercial development, a "Commercial Collector" street would have 80' of right-of-way and 42' of roadway width. Thus, the PUD should qualify this statement that such geometries must be recommended by the City of Bixby Staff and be approved by the Bixby City Council for Waiver from the Subdivision Regulations.*
 8. *Subject to City Engineer and/or County Engineer curb cut approval for the proposed access points to 121st St. S., and the Fire Marshal's approval of locations, spacing, widths, and curb return radii.*
 9. *Section III.B: Please specify what screening and landscaping will be proposed for which property lines (type and height) per Zoning Code Section 11-7I-8.B.1.e. This section may also be used to describe height and setback restrictions within specific non-residential Development Areas in relation to residential land uses and zoning districts. Specifics should address proximate properties and zoning districts including, but not necessarily limited to:*
 - a. *Fox Hollow to the north*
 - b. *Non-residential Development Area D in relation to Seven Lakes subdivisions to the west, residential areas to the southwest, and multifamily residential to the east (Encore multifamily)*
 - c. *RS-3 zoning in the Easton Sod sales lot abutting to the east (may be qualified as appurtenant only if actually developed residentially)*
 - d. *Non-residential alternate for Development Area H in relation to multifamily residential to the south (Encore multifamily)*
 10. *Section V: Please correct citation to Exhibit I.*
 11. *Consider whether the PUD should add a measure of flexibility with mutual parking privileges language, in an effort to reduce unnecessary parking and its construction and maintenance expense, and the other externalities excessive parking may generate.*
 12. *Development Standards.*
 - a. *DA C: 5' side yard setback and 20' setbacks between "townhome buildings" provided, but setback not provided between townhouse units within a "townhouse development." Please add per Zoning Code Section 11-7B-4.A.1 Table 3: "...0 feet on attached side only."*
 - b. *DA C: In anticipation of possible multifamily development (up to a fourplex), provide a setback for multifamily buildings from DA and lot line boundaries, such as 20'.*
 - c. *DA D: In anticipation of possible ministorage development, add height restrictions commensurate with those listed in UU 16 or specify in the Development Standards that the height listed also applies to ministorage buildings.*
 - d. *DA D: In anticipation of possible ministorage development, add proposed setbacks between ministorage buildings as required by Zoning Code (30' or as otherwise required by the Fire Marshal).*
 - e. *DA E, F, & H: Minimum landscaped percentage: 10% is already required by Code if commercial, but 15% would be required if office. Specify 15% for office or otherwise please remove (to allow default to Code).*
 13. *For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the*

PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.

14. *A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).*

Erik Enyart stated that the Applicant had, just prior to the meeting, submitted new PUD Text which satisfied most of Staff's recommendations. Mr. Enyart stated that, if it was the Planning Commission's intent to recommend Approval of the applications, he recommended the Motion for Approval be subject to Staff's recommendations, as that would cover all of those not yet [completed]. Mr. Enyart clarified that there were 14 recommended [corrections, modifications, and] Conditions of Approval.

Chair Thomas Holland addressed the audience and noted that these applications had been heard at the previous meeting, and admonished those speaking on the items, in the interest of time, to refrain from repeating concerns already expressed.

Chair Thomas Holland recognized Applicant Roy Johnsen. Mr. Johnsen stated that he believed he had pretty much covered all of Staff's recommendations. Mr. Johnsen stated that the current PUD [Text] was now the fourth version he had written in response to the recommendations. Mr. Johnsen noted that he had met with Erik Enyart on the Tuesday prior, and "I think I've pretty much covered" all the concerns. Mr. Johnsen stated that he would discuss the changes briefly. Mr. Johnsen stated that, in Development Area A, which was in front of the life care facility, the uses were limited to [those allowed within] CS, [and he anticipated] those things supporting of [the life care facility's] main business. Mr. Johnsen stated that there was a concern expressed about a hotel being allowed as within Use Unit 19, and so he made an adjustment to remove Use Unit [19] altogether. Mr. Johnsen stated that it was somewhat related: In Development Area E, [he and his client] left Use Unit 19 in, but limited it to a hotel, as the client actually considered a hotel to be a very good use. Mr. Johnsen stated that there had been a lot of discussion regarding Development Area C. Mr. Johnsen stated that, in the neighborhood meeting there was concern expressed from the single-family neighborhood to the west—Seven Lakes—and so he had made a series of adjustments in Development Area C. Mr. Johnsen stated that the changes included limiting the Development Area to 75 dwelling units and restricting multifamily buildings to no more than four (4) units within a two (2) story height. Mr. Johnsen stated that he expected the Development Area to have duplexes as the predominant use, but perhaps townhomes and perhaps single-family homes. Mr. Johnsen stated that his client intended to spend \$200,000 per unit for duplexes, so this would be a "very high" quality development, which would find a very good market here. Mr. Johnsen stated that, for Development Area D, [he and his client] had listened to the neighborhood's and City Planner's concerns. Mr. Johnsen stated that the west boundary will have a screening fence, even though there is already a very wide Fry Creek Ditch. Mr. Johnsen stated that there would also be, on the west and north side, a masonry requirement of 25%, and he had removed the language allowing open air storage with Planning Commission approval.

Chair Thomas Holland asked for clarification on whether the open air storage was [proscribed] by taking out the verbiage or restricting it outright. Erik Enyart consulted the latest PUD Text and responded that it had simply been taken out, and so it would default to the Zoning Code, which prohibited open air storage. Roy Johnsen stated that, if it would make the Commission more

comfortable; he could put in affirmative language that [open air storage] wouldn't be there. The Commissioners indicated agreement.

Roy Johnsen stated that Development Areas E and F would be planned for general commercial. Mr. Johnsen stated that Development Area G would be limited to office, which was a good use. Mr. Johnsen stated that 121st St. S. was "a very strong street," and was "basically five (5) lanes; four (4) and a turn lane," and was of "very good quality." Mr. Johnsen stated that there had been concern that the right-of-way did not presently exist [to connect the subject property to 126th St. S.]. Mr. Johnsen stated that, outside the PUD, "we have a contract with [the seller] at closing that they will dedicate" [the right-of-way], and "under the PUD we are required to extend [126th St. S.] to Memorial [Dr.]. Mr. Johnsen stated that this was covered in the words and circumstances. Mr. Johnsen stated that there may be some slight wording change, which he would work out with Erik before the City Council meeting. Mr. Johnsen noted that the Staff recommendation was favorable, and asked the Commission for approval with Staff recommendations to be finalized before the City Council.

Chair Thomas Holland clarified with the other Commissioners that they preferred that he invite other people in attendance to speak on the item before asking questions of the Applicant.

Chair Thomas Holland recognized Jan Swafford of 11974 S. 73rd E. Ave. from the Sign-In Sheet. Ms. Swafford thanked the Commission for working with [the area residents]. Ms. Swafford addressed the Applicant and stated, "If you do anything besides nasty apartments, we would appreciate and wish there would be more [single-family] residential." Ms. Swafford addressed the Applicant and reiterated a previous statement, that "Council asked you to do commercial—I am very disappointed in that."

Chair Thomas Holland recognized Jay Mauldin of 7341 E. 119th Pl. S. from the Sign-In Sheet. Mr. Mauldin summarized the following written statement:

"There are two things from last week's meeting that I want to clear up. Ms. Swafford made reference to the City Council commenting, three years ago, that there would be no more apartment complexes in this corridor and I recall some confusion on the part of a couple of Commissioners. I don't think that was a ruling that the City Council made. My recollection is that it was discussed by one or more Councilors and/or one or more Planning Commissioners, at that time.

"Also, last week, Ms. Toll[i]son made reference to and read a letter concerning 73rd East Avenue extending all the way to 131st Street. Three years ago, there was some master planning being contracted by the city and at that time, when we through the PUD 70 discussion, there was, in fact, a plan contemplated to take 73rd East Avenue all the way to 131st Street. I know that's not contemplated here, but since it was brought up last week, I just wanted to point out that she wasn't crazy. There was actually talk about that three years ago. She read you a letter from a neighbor who was opposed to this PUD on that basis and I wanted to address that concern.

"Regarding the PUD that is in front of us, hotel use has been removed from Area "A" and that is a good thing. As I understand the language, Area "B" is limited to Life Care Retirement Center only, the potential of multi-family use has been removed and that is a great thing. In Area "C", the building height has been reduced and the intensity of multi-family, to the extent that it exists, has been limited and that is a good thing. I have concerns about Area "D" but I will defer to my friends at Seven Lakes with regard to Area "D". In Area "E", as counsel has pointed out, Use Unit 19 has been limited to hotel use only. I would rather see that use in Area "H"; but, nonetheless, I appreciate the limitation to hotel only for Use Unit 19 in Area "E". That's about all I have for you regarding the permitted uses of the land. I appreciate the developer and his folks receiving the feedback that has been provided and addressing the concerns that have been advanced.

"With regard to the "fairly debatable" argument, if you will, situating this proposal on this tract of land, I have always thought that 121st & Memorial is a great place for the City of Bixby to have serious sales tax revenue collection. Some years ago, I had suggested that all 180 acres should be retail. But, I also understood that was probably not going to happen and that we would end up with something like this collector street, which will provide some definition to this area and what it can be now.

"Regarding the permitted uses of this PUD on the west side of that collector street, for example, in Area "A", I believe the merchants would like having the traffic that would come with a large commercial environment at 121st & Memorial. The folks in the Retirement Center, I think, would like to be able to literally walk across the street to one of the nicest shopping environments in all of Tulsa County. I think that the folks in the upscale dwellings in Area "C" would be amenable to that as well.

"I've had a brief discussion with the developer and discussions with others, in both the public and private sectors. The consensus I have identified is that the window for this opportunity is closing. With this very PUD, it is beginning to close. I believe that the City should reorder its priorities and endeavor to have a public-private partnership to espouse a clear vision as to what should happen in this corridor. I know that the City is trying to un-tarnish its image and I believe that would go a long way towards helping to make it happen. This PUD, as it exists, would not necessarily preclude that from happening. It may even help to accelerate that process and act as a spark plug, if you will.

"Again, I want to thank Mr. Dodson and his associates. I want to thank you gentlemen and I want to thank the City Planner for the outstanding work that he does."

Chair Thomas Holland recognized David Wagner of 12563 S. 71st E. Ave. from the Sign-In Sheet. Mr. Wagner commended Erik Enyart for returning his voicemail and commended the developer for working with him and the neighboring property owners. Mr. Wagner stated that he did not hear if there was a height restriction in Development Area D. Mr. Wagner reiterated his statement from the previous meeting that a fence would be a disappointment, and that he would prefer a more substantial screening method, such as a [higher] berm topped with trees and shrubs. Mr. Wagner stated that a fence would catch trash. Mr. Wagner stated that, in regard to the matter of open air

42

storage, he appreciated the directives made. Mr. Wagner summarized his concerns as pertaining to (1) the building height and (2) a more aesthetically pleasing [screening method].

Chair Thomas Holland asked if anyone else in attendance had any questions or comments.

Erik Enyart addressed Chair Thomas Holland and stated that, while on the same topic, Development Area D had a 35' height restriction for general commercial, and a 12' height for ministorage buildings. Lance Whisman clarified the difference with Mr. Enyart. Roy Johnsen stated that there was a landscaping requirement along the west boundary of Development Area D as well [as a screening fence and masonry requirement].

Chair Thomas Holland stated that there was a pretty good berm on Fry Creek that separated the subject property from Seven Lakes. Mr. Holland stated that the 25% masonry requirement is usually on the bottom of the building, and thus applying that to the "wholesale distributorships like those on the south [side of Fry Creek # 1 in Crosscreek]" would "do no good aesthetically" for the residents of Seven Lakes. Mr. Holland noted that they would [each] be "still a metal building." Mr. Holland noted that, if the height was capped at 35', the developer still "could build a two (2) story structure there."

Chair Thomas Holland recognized Applicant Rick Dodson. Mr. Dodson stated that [he and his partner] wished the whole 160 acres could go commercial, but "we feel if we can get this going, it will bring additional [retail] to [the balance]" of the acreage. Mr. Dodson stated that he was waiting on [ordering] the site plan [for future building(s)] to discuss them with [representative(s) of] Seven Lakes, and he [would do that there then] if he had their approval. Mr. Dodson stated that there would be a "good aesthetic look to the west."

Chair Thomas Holland asked Erik Enyart, "Can that be added as # 15?" Mr. Enyart responded looked to Mr. Holland for clarification and stated, "I don't think I caught the full gist of that."

Rick Dodson stated he would have a "stucco finish on the west—100% masonry." Roy Johnsen added that there was a Detailed Site Plan approval process also. Mr. Dodson indicated that, in lieu of meeting with the Seven Lakes representative, [he was offering] "Stucco, fence, and landscaping, all per city—that's about the most you can ask [for]." Mr. Dodson addressed Erik Enyart and asked, "Would that be easier for you to write if that way?" Mr. Dodson clarified that he was volunteering 100% masonry on the west-facing buildings. Mr. Enyart responded, "That will actually be in the PUD itself."

Chair Thomas Holland stated, "I couldn't ask for more than that."

Chair Thomas Holland clarified with Roy Johnsen that there would be a maximum of 75 dwelling units in Development Area C.

Lance Whisman stated that he had one final comment on this matter: he heard someone in Seven Lakes state that the metal roof in [Crosscreek] reflected sunlight into the [upstairs] windows of their home. Mr. Whisman expressed desire that a Condition be placed on the Approval such that, if there is a reflective metal roof, the developer paint it so it does not reflect in to the houses [in Seven

Lakes]. Rick Dodson stated, "I haven't designed them yet, but my gut feeling is that [the roof would have a] north/south facing slope, and you would see the gable to the west." Mr. Whisman indicated that the green metal roof on the Bixby North Elementary school building did not reflect into his house because it was painted green. Mr. Whisman stated, "Stucco is more than accommodating."

Chair Thomas Holland asked to entertain a Motion. Erik Enyart suggested, if the Commission was inclined to recommend Approval, the wording of the Motion as follows, "Motion to Approve subject to the corrections, modifications, and Conditions of Approval as recommended by Staff, and to include the amendments made by the Applicant during this meeting." A Commissioner asked what those amendments were. Mr. Enyart scanned through his notes, and Ricky Jones of Tanner Consulting, LLC read from his notes the three (3) amendments the developer had offered as follows:

1. Adding positive language excluding open air storage [in Development Area D],
2. 100% stucco on the west side [of buildings in Development Area D], and
3. Colored roof [for metal roofs in Development Area D to prevent glare].

Larry Whiteley made a MOTION to Recommend APPROVAL of PUD 76 and BZ-364, subject to the corrections, modifications, and Conditions of Approval as recommended by Staff, and to include the three (3) amendments made by the Applicant during this meeting as follows:

1. Adding positive language excluding open air storage in Development Area D,
2. 100% stucco on the west side of buildings in Development Area D, and
3. Color painting of metal roofs in Development Area D to prevent glare.

Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland; Baldwin, Whiteley, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	4:0:0

CONSENT AGENDA:

1. Approval of Minutes for the January 21, 2013 Special Meeting²

Chair Thomas Holland introduced the item and asked to entertain a Motion. Jeff Baldwin made a MOTION to APPROVE to the Minutes as presented by Staff. Lance Whisman SECONDED the Motion. Roll was called:

² At the February 19, 2013 Regular Meeting held February 19, 2013, Chair Thomas Holland declared this item PASSED to the next Regular Meeting Agenda, which would be March 18, 2013. However, since it was still on the agenda during this Continued Meeting, new action was taken which nullified the previous action.

44

ROLL CALL:

AYE: Baldwin, Holland, & Whisman
NAY: None.
ABSTAIN: Whiteley.
MOTION CARRIED: 3:0:1

During the Roll Call, Larry Whiteley explained that he was voting "Abstain" as he was not present at that meeting.

OLD BUSINESS:

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

NEW BUSINESS:

Chair Thomas Holland asked if there was any New Business to consider. Erik Enyart stated that he had none. No action taken.

ROLL CALL:³

Members Present: Larry Whiteley, Jeff Baldwin, Thomas Holland, and Lance Whisman.
Members Absent: John Benjamin.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 6:44 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

³ The Roll Call was temporarily skipped and was completed just prior to Adjournment. All four (4) Planning Commission members reflected in the Roll Call were in the meeting at the time of the Call to Order and through the entire meeting to the Adjournment.

415

BIXBY PLANNING COMMISSION

SIGN IN SHEET

DATE: February 27, 2013

NAME	ADDRESS	ITEM
1. JAW	11974 S 73 E AVE	Bud 76 BZ 364
2. Jay Mauldin	7341 E 119th	Pud 76
3. David Weyner	12563 S 71st E Ave	Pud 76
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**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA**

March 18, 2013

6:00 PM

STAFF PRESENT:

Erik Enyart, AICP, City Planner

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:03 PM.

Chair Thomas Holland recognized the Boy Scout and his father in attendance and thanked them for attending, and all the others attending to observe the meeting.

ROLL CALL:

Members Present: Thomas Holland, Lance Whisman, and John Benjamin.
Members Absent: Jeff Baldwin and Larry Whiteley.

CONSENT AGENDA:

1. Approval of Minutes for the January 21, 2013 Special Meeting
-

Chair Thomas Holland introduced the item and asked to entertain a Motion. John Benjamin made a MOTION to APPROVE to the Minutes as presented by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Benjamin, Holland, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

2. Approval of Minutes for the February 19, 2013 Regular Meeting
 3. Approval of Minutes for the February 27, 2013 Special Meeting
-

Chair Thomas Holland introduced Agenda Items Numbered 2 and 3 and stated that there was no quorum present of those in attendance at those meetings, and declared the items Continued to the next meeting, April 15, 2013.

PUBLIC HEARINGS

4. **PUD 77 – “Byrnes Mini-Storage” – JR Donelson, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 3.4 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

5. **BZ-365 – William W. Wilson for Helene V. Byrnes Foundation.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to OL Office Low Intensity District for approximately 2.9 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial* and part of the NW/4 of Section 01, T17N, R13E.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

Chair Thomas Holland introduced agenda items numbered 4 and 5 and asked Erik Enyart for report. Mr. Enyart stated that he had received a request to amend the Comprehensive Plan as concerns the property subject to BZ-365, to allow the OL zoning requested to be consistent with the Comprehensive Plan. Mr. Enyart stated, “Staff recommends these be Continued to the April 15,” 2013 Regular Meeting, as requested by the Applicant, so that all three (3) of the related applications could be considered simultaneously.

Chair Thomas Holland stated that he recalled the Planning Commission had held extended discussions concerning buffering of the property just north of this, which was to have a ministorage development. Mr. Holland expressed concerns over compatibility with the neighborhood. Mr. Holland noted that he would not be able to attend the April 15, 2013 meeting, and stated, “For the record, I would be opposed” to [a favorable] recommendation [on these applications].

Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to CONTINUE PUD 77 and BZ-365 to the April 15, 2013 Regular Meeting. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Benjamin, Holland, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

Three (3) women left at this time. Chair Thomas Holland encouraged them to attend the meeting on April 15, 2013, if they remained interested in these applications.

PLATS

6. **Final Plat – Bixby Landing Second – JR Donelson, Inc. (PUD 57).** Discussion and consideration of a Final Plat for “Bixby Landing Second,” Part of the SW/4 of Section 01, T17N, R13E.

Property Located: Southeast of the intersection of 126th St. S. and 85th E. Ave.

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, March 14, 2013
RE: Report and Recommendations for:
Final Plat of “Bixby Landing Second” (PUD 57)

LOCATION: – Southeast of the intersection of 126th St. S. and 85th E. Ave.
– Part of the SW/4 of Section 01, T17N, R13E

SIZE: 12.232 acres, more or less

EXISTING ZONING: RS-4 Residential Single-Family District with PUD 57

EXISTING USE: Vacant

REQUEST: Final Plat approval

SURROUNDING ZONING AND LAND USE:

North: RS-1 and RS-2; Residential in Southern Memorial Acres No. 2

South: AG; Fry Ditch

East: AG; Fry Ditch

West: RS-4/PUD 57; Residential in Bixby Landing

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

PREVIOUS/RELATED CASES: (not a complete list)

PUD 57 – Bixby Station – Bruce Wood – Request for RM-3 (multi-family) and CS (Commercial Shopping) zoning and PUD approval for subject property and Bixby Landing – PC Recommended Denial 07/16/2007.

PUD 57 – Bixby Station – Bruce Wood (Amended) – Request for RS-4 zoning and PUD approval for subject property – PC Recommended Approval 08/20/2007 and City Council Approved 09/24/2007 (Ord. # 979).

Preliminary Plat of Bixby Station – Bruce Wood – Request for Preliminary Plat approval for subject property and Bixby Landing – PC Recommended Approval 11/19/2007 and City Council Approved 11/26/2007.

Final Plat of Bixby Landing – Bruce Wood – Request for Final Plat approval for Bixby Landing (previously known as “Bixby Station”), which separated subject property from Bixby Landing – PC Recommended Conditional Approval 06/16/2008 and City Council Conditionally Approved 06/23/2008 (recorded 02/18/2009).

BL-359 – JR Donelson for MPR Family, LLC – Request for Lot-Split approval to allow the developers of this subdivision to acquire a small, triangularly-shaped portion of the northeast corner of the 18 acre-tract abutting to the west to make up the balance of the 50’ right-of-way for S. 85th E. Ave. – Approved by PC 08/18/2008.

BBOA-501 – Bruce Wood for Advent Development, LLC – Request for Special Exception per Zoning Code Sections 11-7B-2 Table 1 to allow a Use Unit 5 subdivision swimming pool and pool house and park facility on Reserve ‘A’ of Bixby Landing – BOA Approved 05/04/2009.

BBOA-502 – Bruce Wood for Advent Development, LLC – Request for (1) a Variance from the minimum number of parking spaces per Zoning Code Section 11-9-5.D., (2) a Variance from parking setback requirements of Zoning Code Section 11-10-3, (3) a Variance from the 7.5’ landscaped strip standard of Zoning Code Section 11-12-3.A.2, and (4) a Variance from certain other standards and restrictions of the Zoning Code pertaining to parking for Reserve ‘A’ in Bixby Landing – BOA Conditionally Approved 05/04/2009.

Final Plat of The Amended Plat of Bixby Landing – Request for Final Plat approval to amend the plat of Bixby Landing to incorporate Reserve 'A' as residential Lot 1, Block 5 – PC Recommended Approval 04/26/2010 and City Council Approved 05/10/2010 (not since recorded; approval expired 05/10/2011).

BACKGROUND INFORMATION:

The entire Bixby Landing residential subdivision development consists of 18.518 acres and 84 lots. The project was previously known as "Bixby Station" in the approved PUD 57, and when it was reviewed and approved as a Preliminary Plat. The Bixby Landing first phase contains 6.326 acres and 24 lots, and the Final Plat for same was recorded February 18, 2009.

In 2010, the City approved an amended plat of Bixby Landing, which proposed to convert Reserve 'A,' originally planned for a pool and poolhouse and park facility, to Block 5, Lot 1, to be used for another house. However, that plat was not since recorded, and the Final Plat approval expired 05/10/2011 (reference SRs Section 12-2-6.F).

The Subdivision Regulations do not have a time limitation for Preliminary Plat approvals, as there are with Final Plats. Therefore, the Preliminary Plat is still approved, and only the Final Plat is required to complete the development with Bixby Landing Second.

ANALYSIS:

Property Conditions. The subject property of 12.232 acres is relatively flat and appears to drain to the south and east to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned RS-4 with PUD 57 and is presently vacant.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the east and south.

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

The residential use anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 12.232 acres proposes 61 lots, four (4) blocks, and one (1) Reserve Area. Typical lots range in size from approximately 65' X 110' (7,150 square feet, 0.164 acres) toward the west end to approximately 50' X 110' (5,500 square feet, 0.126 acres) toward the east end. The subdivision has previously been described as being designed for two (2) price points for homes, reflecting the different lot sizes. All lots appear to be conventionally configured and arranged around a suburban street system.

Bixby Landing contains 24 lots, and "Bixby Landing Second" proposes 61 lots (85 lots total). Between the Preliminary Plat approval in 2007 and today, an extra lot was squeezed in around the cul-de-sac in Block 3. PUD 57 restricts the development to 84 lots, so a lot will have to be removed in order to not exceed the maximum number of lots, or a PUD Amendment will be required. The change may be allowable as a Minor Amendment as the 85 lots would be far less than the RS-4 district would otherwise allow.

With the exceptions outlined in this report, the Final Plat and all lots appear to conform to PUD 57 and the underlying RS-4 District and the Subdivision Regulations.

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 March 06, 2013. Minutes of that meeting are attached to this report.

Access and Internal Circulation. This subdivision has regular ingress/egress through Bixby Landing, which itself has access via S. 85th E. Ave. Access to Memorial Dr. is provided to S. 85th E. Ave. via E. 126th St. S. through Southern Memorial Acres No. 2.

In the Bixby Landing first phase, an 18'-wide emergency access only drive was constructed from the east-end of 126th Pl. S. through the subject property along the 126th Pl. S. alignment, and connects to 126th St. S. at 88th E. Ave. through City of Bixby-owned property (a part of Lot 7 Block 7) in Southern Memorial Acres No. 2. It is contained within an "Emergency Access Easement" by separate instrument, accepted by the City Council and recorded with the Tulsa County Clerk (Document # 2008117745). The 126th Pl. S. alignment roadway will be enhanced by this second phase to become a full street. It will continue to exist through Reserve 'C' in this plat, and to connect to the east-end of 126th St. S. in Southern Memorial Acres No. 2. The emergency access drive within Reserve 'C' will by this second phase, however, be widened to 26' in width, per JR Donelson at the TAC meeting.

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

1. As of the date of this report, the Tulsa County Assessor's records reflect that the developer, RC Bixby Landing, LLC, owns a southerly, approximately 7-acre portion of the 12-acre subdivision (see Warranty Deed recorded 01/03/2013, Document # 2013001345), with the remainder owned by Patriot Bank of Broken Arrow. Please confirm developer now owns all, or has acquired the balance of subject property before recordation of Final Plat.
2. Bixby Landing contains 24 lots, and "Bixby Landing Second" proposes 61 lots (85 lots total). Between the Preliminary Plat approval in 2007 and today, an extra lot was squeezed in around the cul-de-sac in Block 3. PUD 57 restricts the development to 84 lots, so a lot will have to be removed in order to not exceed the maximum number of lots, or a PUD Amendment will be required. Change may be allowable as a Minor Amendment as the 85 lots would be far less than the RS-4 district would otherwise allow.
3. As a Condition of Approval of the Preliminary Plat: Lot 18, Block 7 has 16.07' of frontage. Zoning Code Section 11-8-4 requires a minimum of 30'. PUD 57 does not presently provide for less than 30' of frontage. [A PUD Minor Amendment or an extension of the 'eyebrow' turnaround at the intersection of 126th Pl. S. and 88th E. Ave. to provide at least 30' of frontage, as recommended by the then Planning Commission Chair, shall be required, subject to the approval of the Fire Marshal].
4. As an alternative to the above, if the emergency-access-only road is to be constructed to 26' in width and would otherwise meet the requirements as a city street, it can be dedicated as the extension of S. 88th E. Ave. from "Bixby Landing Second" to Southern Memorial Acres No. 2. The frontage would have to be widened to 50', but this may allow for Lot 18, Block 7 to meet the frontage requirement (see previous item). The reconfiguration would remove the need to construct a "knuckle" / "eyebrow" turnaround, and may allow for the addition of one (1) lot, if requisite adjustments are made (and subject to an amendment to the PUD). The addition of a lot may compensate for the added expense of improving the fire access road to a City street. Further, the removal of Reserve 'C' would reduce the maintenance burden on the HOA, allowing for the reduced annual dues to be focused on the maintenance of the other two (2) Reserves in Bixby Landing. Finally, the HOA may someday ask the City to accept the 26'-wide roadway as a City street, which would then be problematic due to any difference between the requirements for a fire access road and a City street. The City Engineer, Fire Marshal, Fire Code Enforcement Official, and City Planner would support this change.
5. Lot 11, Block 3 has less than the 30' of frontage required per Zoning Code Section 11-8-4, which PUD 57 does not provide flexibility for. An adjustment to the lot lines to achieve 30' or a PUD Minor Amendment would be required.
6. It appears the screening fence required by PUD 57 along the boundary shared with Southern Memorial Acres No. 2 was only partially installed with the first phase. The completion of the fence installation is required for this second phase.
7. Add the standard 17.5' Perimeter U/E or request a Modification/Waiver, which may be justified due to the existence of an 11' U/E within and along the east line of Bixby Landing, the 7.5' U/E within and along the south line of Southern Memorial Acres No. 2, and the Fry Creek right-of-way abutting to the east and south. The Modification/Waiver must be requested in writing.
8. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
9. Title Block on face of plat self-references as "A tract of land situated in..." Please change to something along the lines of "an Addition to the City of Bixby..." as used in the DoD/RCS.
10. Subdivision statistics on the plat face do not report block areas or number of lots within each block, as customary.
11. Update 61 lots reported in the subdivision statistics if/as required per other recommendations in this report.
12. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - a. 121st Center (misrepresented as to configuration)
 - b. Southern Memorial Acres No. 2 (misrepresented as to configuration)
 - c. Gre-Mac Acres (misrepresented)

- d. Scale at 1" = 2,000'.
13. E. 127th Pl. S.: Street name is not appropriate. It should be redesignated an easterly extension of 127th St. S., or a southerly extension of S. 88th E. Ave. (preferable, as it would intersect 126th Ct. S.).
 14. Readdress Lots 10 through 14, inclusive, according to the new street name per the item above.
 15. Due to the small sizes of the lots, many of which are at the 5,500 square foot minimum required by PUD 57, and some of which are not purely rectangular in geometry, please add the lot sizes in square feet to the lots or list same in a table for Zoning Code compliance review.
 16. Readdress Lots 11, 12, and 13, Block 3, as follows:
 - Lot 11: 8703 E. 126th Ct. S.
 - Lot 12: 8707 E. 126th Ct. S. (no change)
 - Lot 13: 8715 E. 126th Ct. S.
 17. Consider adding alternative addresses to corner lots which have a reasonable probability of facing the house on the street other than as addressed, or adding a restriction to the RCs requiring that houses face the street with the widest Building Line.
 18. Deed of Dedication and Restrictive Covenants (DoD/RCs) Preamble: Please correct and enhance critical wording such as "...the Undersigned Owner dedicates, grants, donates, and conveys for to the public use of the streets as shown...." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
 19. DoD/RCs Section I Paragraph 1: Missing critical wording such as "and the Undersigned Owner has caused the described realty to be surveyed, staked, granted, donated, conveyed, dedicated, access rights reserved subdivided, and platted into...." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
 20. DoD/RCs Section I Paragraph 1/2: An unnecessary space separates the first paragraph of Section [I].
 21. DoD/RCs Section I Paragraph 3/4: Occurrence of "it's" (contraction) for "its" (possessive).
 22. DoD/RCs Section I.B.2: Indentation irregularities.
 23. DoD/RCs Section I.D: Please add language preferred by City of Bixby as follows: "...of damage to the properly-permitted landscaping and paving...."
 24. DoD/RCs Section I.E.4: Should logically follow existing Section I.E.5.
 25. DoD/RCs Section I.F: Refers to the HOA both as "Property Owners Association of BIXBY LANDING" and "Bixby Landing Home Owners Association" – please reconcile internally and with other instances throughout the DoD/RCs using the correct name of the existing or proposed entity.
 26. DoD/RCs Section III.A: Refers to the HOA as the "'BIXBY LANDING' Property Owners Association. Please reconcile with other instances throughout the DoD/RCs using the correct name of the existing or proposed entity.
 27. DoD/RCs Section III.B.1: Front yard setback at 20' inconsistent with the 25' setback per PUD 57 and the 25' Building Lines regularly shown on the face of the plat – please change to 25' to avoid confusion.
 28. DoD/RCs Section IV.A: Refers to the HOA as the "Bixby Landing Property Owners Association, Inc." Please reconcile with other instances throughout the DoD/RCs using the correct name of the existing or proposed entity.
 29. DoD/RCs Section IV.A: Please add "BIXBY LANDING" to "BIXBY LANDING SECOND" to reflect the singular HOA serving both subdivisions.
 30. DoD/RCs Section IV.C: Occurrence of "therefore" in place of "therefor," as presumed intended.
 31. DoD/RCs Section IV.C: Language should probably be clearer regarding the actual timing of the establishment of lien on the property, in relation to the time elapsed since the assessment became payable, and the method to be used for establishing the lien. Advisory.
 32. DoD/RCs Section IV.D.2: Add to the list of exclusions: (1) Section I.F and (2) all of Section II.
 33. DoD/RCs Final Dedication: Missing critical wording such as "As owner we hereby certify that we have caused the land described in this plat to be surveyed, divided, mapped, granted, donated, conveyed, dedicated and access rights reserved as represented on the plat." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.

34. *Elevation contours, underlying Zoning district boundaries, 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.*
35. *A copy of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file.*

Erik Enyart stated that he wanted to draw out and bring to the attention of the Planning Commission the recommendation #4 from the Staff Report, which dealt with a possible redesign of the northeast corner of the development. Mr. Enyart noted that there was a "flag lot" in the northeast corner, which only had about 16' of street frontage, but the Zoning Code required a minimum of 30'. Mr. Enyart stated that, when the Preliminary Plat was Conditionally Approved, this issue was raised, and the Chair at that time suggested expanding the "cul-de-sac" such that the 30' of frontage would be achieved. Mr. Enyart stated that this issue was not resolved after the Conditional Approval. Mr. Enyart stated that, also, per the Fire Marshal, the existing 18'-wide fire lane is required to be widened to 26' in width. Mr. Enyart stated that this item suggested that the developer consider the difference in cost to upgrade the 26'-wide fire lane to a full City street, which would then resolve the zoning issue on the flag lot, and may allow for the return of some square footage, which may result in the ability to add another lot. Mr. Enyart stated that there may be other advantages as well. Mr. Enyart stated that the City Engineer, both Fire Marshals, and City Planner all favored this option. Mr. Enyart stated that he had not had a chance to discuss with JR Donelson [whether his client was amenable to the option]. Mr. Enyart noted that Mr. Donelson was present and could speak on the item. Mr. Enyart recommended Approval of the Final Plat, subject to the corrections, modifications, and Conditions of Approval as listed in the Staff Report.

Chair Thomas Holland recognized Applicant JR Donelson. Mr. Donelson stated that the Preliminary Plat had been approved, and at that time, the Fire Marshal said the developer needed to install an 18'-wide [emergency access drive] based on the equipment [the Fire Department] had at the time. Mr. Donelson stated that the Fire Marshal now asks for 26' [of paving] based on the equipment it now has. Mr. Donelson stated that he had forwarded the [suggestion on the reconfiguration] to the owner, and the owner was going to see if it could work financially to bring both 88th E. Ave. and 126th St. S. up to code [for a City street]. Mr. Donelson stated that he would be submitting an application for PUD Minor Amendment on the flag lot, Lot 22 [Block 4], which had in excess of 30' at the building line. Mr. Donelson stated that the [frontage issue pertaining to] Lot 11, Block 3 would not be a problem, and that he could "tweak that." Mr. Donelson stated that, as it pertains to the Utility Easement (U/E) recommendation # 7 in the Staff Report, he had submitted a letter requesting Modification/Waiver. Mr. Donelson stated that he was not sure if the Commissioners had received this yet. Mr. Donelson stated that *Southern Memorial Acres No. 2* already had a Utility Easement, and the sewerline was on that side of the common boundary.

Erik Enyart stated that he had distributed Mr. Donelson's letter to staff internally, and the City Engineer had asked for a total of 22' in width, so this would mean taking the 11' U/E proposed to 14.5'. JR Donelson questioned the need for any additional U/E width. Mr. Enyart stated that the City Engineer cited the presence of one (1) or two (2) sewerlines, including a force-main, as the need for the 22' total U/E width. Mr. Donelson expressed doubt that there was a force-main along the boundary and discussed the matter with the Commissioners. Mr. Donelson agreed with Chair Thomas Holland and Mr. Enyart that he would accept the recommendation # 7 being amended to

approval of the Modification/Waiver, except for the U/E width to be as recommended by the City Engineer along the north line.

Chair Thomas Holland, JR Donelson, and Erik Enyart discussed the emergency access drive matter for a time. Using a copy of the plat, Mr. Enyart clarified with Mr. Donelson the location of the east end of the 126th St. S. roadway, and thus the location the emergency access drive terminates. Mr. Donelson stated that that his client was concerned about how far the City street construction requirement would go.

Betsy McConahy addressed Chair Thomas Holland and asked to speak on this matter.

Chair Thomas Holland confirmed with JR Donelson that Mr. Donelson was willing to cede the floor to Betsy McConahy.

Chair Thomas Holland recognized Betsy McConahy of 12426 S. 86th E. Ave. from the Sign-In Sheet. Ms. McConahy addressed JR Donelson and asked him to clarify the location of the roadways that were being described. Mr. Donelson stated that [his client] was required to take the drive "to the existing city pavement." Ms. McConahy asked for further clarification on what the emergency access drive was. Mr. Donelson explained that that was the paving that the construction trucks were using to drive through the neighborhood. Ms. McConahy acknowledged and asked further where Mr. Donelson considered the street to end, and expressed objection that much of the roadway in this area was mud and gravel. Using a marked copy of the plat, Erik Enyart showed Ms. McConahy the approximate location the street paving and emergency access drive paving intersected. Ms. McConahy stated that she did not know why the street was being referred to as 88th E. Ave. as there was no street there [as yet or within *Southern Memorial Acres No. 2*]. Ms. McConahy asked for the location of the end of the improved paving if it was turned into a street, and Mr. Donelson stated that that would depend on what the City required in that case. Ms. McConahy asked if the emergency access drive would be gated, and Mr. Donelson stated that it would have a crash gate with Knox Box [Rapid Entry System] as per the Fire Marshal. Ms. McConahy returned the floor to Mr. Donelson.

One of the Commissioners asked JR Donelson about the cost differences between the emergency access drive and a City street, and whether it would have the same thickness of paving. Mr. Donelson stated that it would be the same thickness of paving. Mr. Donelson stated that it currently cost \$9.00 per lineal foot for a curb-and-gutter street, the possibility of stormsewer inlets would increase the price, and the possibility of stormsewer pipe would increase the price.

Chair Thomas Holland expressed concern that the street may not be adequately designed. Erik Enyart stated that, if the developer took this option, the City Engineer would require that the street met City Code.

Lance Whisman asked Erik Enyart for clarification on the recommendation # 7 in the Staff Report. Mr. Enyart stated that # 7 would be amended to state that the Modification/Waiver must be approved, and Staff would support it, except that the width along the north line must be at 22' total, or as otherwise required by the City Engineer. JR Donelson expressed doubt that the City Engineer would ultimately ask for more than the 11' proposed. Mr. Donelson stated that there was only an

11' U/E platted with the first phase of *Bixby Landing*, and this had caused no problem. One of the Commissioners stated that this may not have been discovered at that time. Mr. Enyart consulted the PUD provisions in the Deed of Dedication and Restrictive Covenants and stated that there was a 20' rear yard setback anyway, so it should not make a difference either way. Mr. Donelson indicated agreement.

Chair Thomas Holland asked Erik Enyart to clarify recommendation # 4 in the Staff Report, which described the roadway as a "City street." Mr. Enyart noted that the first words in the item, "As an alternative to the above," referred to recommendation # 3, and established the item as an option in the alternative to # 3. Mr. Enyart stated that # 3 was pertaining to the "flag lot" nonconformity, and # 4 was an option that the developer could select if they chose to.

Chair Thomas Holland asked if all the speakers signed up for this item had been recognized, and Erik Enyart retrieved and provided Mr. Holland the Sign-In Sheet and reported that they had.

Lance Whisman asked JR Donelson why the developer would not want to open up the drive as a City street. Mr. Donelson stated that it was designed this way per the Fire Marshal.

Lance Whisman asked, for purposes of the wording of the Motion, if there were any changes needed to recommendations # 4 or 7. Erik Enyart clarified with the Commissioners that he amended his recommendation to # 7 to state that the Modification/Waiver must be approved, and Staff would support it, except that the width along the north line must be at 22' in total width, or as otherwise required by the City Engineer.

Chair Thomas Holland asked to entertain a Motion. John Benjamin made a MOTION to Recommend APPROVAL of the Preliminary Plat of "Bixby Landing Second," subject to the corrections, modifications, and Conditions of Approval as recommended by Staff, with recommendation # 7 amended to state that the Utility Easement width along the north line must be at 22' in total width, or as otherwise required by the City Engineer. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Benjamin, Holland, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

JR Donelson left at this time.

7. **Preliminary Plat – Scenic Village Park – Tanner Consulting, LLC (PUD 76).**
Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for "Scenic Village Park" for 92 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.
-

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, March 14, 2013
RE: Report and Recommendations for:
Preliminary Plat of "Scenic Village Park" (PUD 76)

LOCATION: – The 7300-block of E. 121st St. S.
– South and west of the intersection of 121st St. S. and Memorial Dr.
– Part of the E/2 of Section 02, T17N, R13E

SIZE: 92 acres, more or less

EXISTING ZONING: AG Agricultural District (CG/PUD 76 zoning pending City Council consideration 03/25/2013)

EXISTING USE: Agricultural

REQUEST: – Preliminary Plat approval
– Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2

SURROUNDING ZONING AND LAND USE:

North: (Across 121st St. S.) RS-3, RS-1, AG, & OL/CS/PUD 51; The Fox Hollow and North Heights Addition residential subdivisions; the Fry Creek Ditch # 2 and the North Elementary and North 5th & 6th Grade Center school campuses to the northwest zoned AG; agricultural land to the northeast zoned OL/CS/PUD 51.

South: AG & CS/PUD 37; Fry Creek Ditch # 1 to the south zoned AG and the Crosscreek "office/warehouse" heavy commercial / trade center and retail strip center zoned CS with PUD 37.

East: AG, CG, RS-3, OL, CS, & RM-2/PUD 70; Agricultural land, the Easton Sod sales lot zoned RS-3, OL, & CS, the Encore on Memorial upscale apartment complex zoned RM-2/PUD 70, a Pizza Hut zoned CG, and a My Dentist Dental Clinic zoned CS; Memorial Dr. is further to the east.

West: AG & RS-4; Fry Creek Ditch #2; beyond this to the west is vacant/wooded land owned by the City of Bixby, the Three Oaks Smoke Shop located on a 2-acre tract at 7060 E. 121st St. S., the Seven Lakes I and Seven Lakes II residential subdivisions, and additional vacant land zoned RS-4 for a future "Seven Lakes" phase or phases.

COMPREHENSIVE PLAN: Corridor + Vacant, Agricultural, Rural Residences, and Open Land.

PREVIOUS/RELATED CASES:

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 "golf teaching and practice facility" on part of the subject property – BOA Conditionally Approved 04/02/2001 (not since built).

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on part of the subject property. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust – Request for Lot-Split approval to separate a 41.3384-acre tract from the southern end of the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – It appears it was Administratively Approved by the City Planner on 07/20/2006, but the Assessor's parcel records do not reflect that the land was ever since divided as approved.

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of subject property – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting "for more research and information," based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant

56

temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

PUD 76 "Scenic Village Park" & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for subject property – PC recommended Approval 02/27/2013. Pending City Council consideration 03/25/2013.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The subject property of 92 acres is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the south and west to the Fry Creek Ditch # 2 and # 1, respectively, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned AG and may or may not be presently used for agricultural crops. CG zoning and PUD 76 are pending City Council approval March 25, 2013.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the west and south.

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

The multiple uses anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 92 acres proposes nine (9) lots and two (2) blocks (however, due to streets completely separating parts of Block 1, Staff recommends the designation of a third block). No (0) Reserve Areas are proposed. The lots are fairly large, and with the exception of Development Area A, appear consistent with their respective PUD 76 Development Area acreages. It is likely that certain lots will be replatted into smaller lots, especially for the lower-intensity residential Development Area C.

With the exceptions outlined in this report, the Preliminary Plat appears to conform to the Zoning Code and Subdivision Regulations.

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 March 06, 2013. Minutes of that meeting are attached to this report.

Access and Internal Circulation. The plat proposes Limits of No Access (LNA) along all of 121st St. S., to direct all traffic to the two (2) proposed street intersections.

As proposed, primary access to the development would be via a proposed collector street connecting 121st St. S. to Memorial Dr. via the existing 126th St. S. constructed in the past couple years. By this collector road, all the Development Areas within the PUD would have access. There is a gap between the existing 126th St. S. right-of-way and the subject property, suggesting the necessity of separate instrument dedication of right-of-way to connect to 126th St. S. The Applicant has stated that the seller has agreed to dedicate the right-of-way. The Text of PUD 76 confirms that the connection will be required.

The collector street is proposed to intersect with 121st St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121st St. S. was widened. To the west of this, there is a smaller street proposed to intersect with 73rd E. Ave., which serves Fox Hollow and the North Heights Addition.

Per PUD 76, the collector street will have an 80' right-of-way and 38' roadway width. Per Subdivision Regulations Ordinance # 854 Section 9.2.2, these geometries would be consistent with a residential and/or office collector road. As this is a commercial development, a "Commercial Collector" street would have 80' of right-of-way and 42' of roadway width. Thus, the PUD acknowledges that such geometries must be approved by the Bixby City Council for Modification/Waiver from the Subdivision Regulations. The request for Modification/Waiver has been received and is attached to this report. Per

57

the City Engineer's review memo, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify a Modification/Waiver.

The minor streets serving Development Areas A and B, at 50' in right-of-way width and 26' of roadway paving width, would be consistent with a minor low density residential street. It would incidentally serve the westernmost commercial lot in Development Area A, and perhaps the other commercial lot in Development Area A, but would primarily serve an assisted living community. Thus, it would appear more appropriate to be designated a Residential Collector or High Density Residential minor street, which calls for 60' of right-of-way and 36' of roadway width. These geometries, too, must receive City Council approval of a Modification/Waiver. Recognizing the Collector Road will facilitate most of the traffic, it is reasonable to argue that the ancillary minor streets, serving to allow for a future stoplight at 73rd E. Ave. and primarily serving the assisted living facility, should be afforded flexibility to reduce the minimum required widths.

The proposed access points to 121st St. S. require City Engineer and/or County Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.

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

1. Subject to City Council approval of CG zoning and PUD 76.
2. Subject to City Council approval of a Modification/Waiver of the Commercial Collector 42' paving width requirement of Subdivision Regulations Ordinance # 854 Section 9.2.2, to allow a 38'-wide roadway width as proposed. Per the City Engineer's review memo, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify a Modification/Waiver.
3. Subject to City Council approval of a Modification/Waiver of the Residential Collector or High Density Residential minor street 60' right-of-way and 36' paving width requirement of Subdivision Regulations Ordinance # 854 Section 9.2.2, to allow a 50'-wide right-of-way width and 26'-wide roadway width as proposed. Recognizing the Collector Road will facilitate most of the traffic, it is reasonable to argue that the ancillary minor streets, serving to allow for a future stoplight at 73rd E. Ave. and primarily serving the assisted living facility, should be afforded flexibility to reduce the minimum required widths.
4. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
5. Plat name needs to be prefaced by "Preliminary Plat."
6. Lot 2, Block 1 is completely separated from the balance of Block 1 by streets. Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
7. Land Summary statistics on the plat face do not report block areas or number of lots within each block, as customary.
8. Update Land Summary statistics to add the new block number recommended herein.
9. The Land Summary statistics report 8 lots in error.
10. The Land Summary statistics report "00.000 acres" in error.
11. Preliminary Plat: Elevation contours at one (1) foot maximum intervals not represented as required per SRs Section 12-4-2.B.6.
12. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - LaCasa Movil Estates (misrepresented as to configuration)
 - LaCasa Movil Estates 2nd (misrepresented as to configuration and not labeled)
 - Village Ten Addition (mislabeled)
 - Poe Acreage (misrepresented as to configuration)
 - Seven Lakes II (missing)
 - The Fry Creek Ditch # 1 and # 2 are represented by do not reflect channel reconstructions from circa 2000.
13. Please add street names as follows (confirm first with all appropriate City Staff):
 - East-west Collector Street: East 126th Street South
 - North-south Collector Street: South 74th East Avenue
 - North-south minor Street: South 73rd East Avenue

- *East-west minor Street: East 121st Place South*
- 14. *Please add proposed addresses to the lots. Such may be omitted for lots which will likely be further subdivided.*
- 15. *Please add 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."*
- 16. *Curve data appears missing from the southwest corner of the easternmost lot in Development Area A.*
- 17. *Undefined linework along the north sides of Development Area A and a westerly part of the north side of Development Area E.*
- 18. *DoD/RCs Preamble: Missing critical wording such as "And the Owner has caused the above described land to be surveyed, staked, platted, granted, donated, conveyed, dedicated, access rights reserved and subdivided into...." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.*
- 19. *DoD/RCs Preamble: Please update to three (3) blocks per other recommendations herein.*
- 20. *DoD/RCs Section I.A: Please add language preferred by City of Bixby as follows: "...the owner further reserves the right to construct and maintain within the utility easements properly-permitted: parking areas, landscaping, screening fences and walls and other nonobstructing improvements."*
- 21. *DoD/RCs Section I.D: Please add language preferred by City of Bixby as follows: "...of damage to the properly-permitted landscaping and paving...."*
- 22. *DoD/RCs Section II: Update with the final-as-approved version of the Text of PUD 76, presuming City Council approval 03/25/2013.*
- 23. *DoD/RCs Section III.C: Word "owner" misspelled.*
- 24. *DoD/RCs Section III.C: "Planning Commission" missing the final "n."*
- 25. *Certificate of Survey: Self-reference as "a Subdivision in the City of Bixby." Title Blocks on Pages 1 and 2, Deed of Dedication / Restrictive Covenants (DoD/RCs) Preamble (other instances possible) self-reference as "an Addition to the City of Bixby." Please reconcile all instances.*
- 26. *A copy of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file.*

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item.

Applicant Ricky Jones of Tanner Consulting, LLC, 5323 S. Lewis Ave., Tulsa, was present and stated that [he and his client] were in agreement with all of the recommendations by Erik [Enyart]. Mr. Jones stated that [he and his firm] had submitted the engineering drawings to the City Engineer, and had already received comments, which were minor in nature. Mr. Jones stated that the street widths and right-of-way widths had all been worked out with [City Engineer] Jared [Cottle] before anything was filed, and that the same was true with the Fire Marshal. Mr. Jones stated that [he and his firm] were not surprised by the recommendations received. Mr. Jones stated that one of the City Engineer's recommendations was to request turning lanes, which would be done. Mr. Jones stated that the Fire Marshal was not opposed to the Waiver either. Mr. Jones requested approval as submitted with the Staff's recommendations. Mr. Jones stated that he hoped that [the PUD and rezoning] were approved at the Monday[, March 25, 2013 City] Council [meeting].

Chair Thomas Holland recognized Jay Mauldin of 7341 E. 119th Pl. S. from the Sign-In Sheet. Mr. Mauldin stated that he had one concern. Mr. Mauldin asked if any change had been made to the 121st Pl. S. behind Development Area A. Erik Enyart responded that it had the same right-of-way and roadway widths as presented with the PUD. Mr. Mauldin indicated agreement.

Lance Whisman stated that he had discussed with Erik Enyart what would likely be the case if the City Council did not approve the PUD and rezoning and looked to Mr. Enyart for further clarification. Mr. Enyart stated that he had said that his recommendation was that the Preliminary Plat approval be subject to the final approval of both the PUD and the rezoning by the City Council, and if, for whatever reason, they were not approved, the Preliminary Plat approval would mean nothing; have no effect.

Chair Thomas Holland observed that the Preliminary Plat had reached the Planning Commission before the PUD was even acted upon by the City Council, and asked Ricky Jones about the time implications. Mr. Jones stated that the PUD and rezoning were Continued by the City Council to their meeting on March 25th, because the Councilor for this [Ward] wanted to be present, and that this situation did cause the loss of about a month's time. Mr. Holland asked, rhetorically, if nothing had been accomplished by holding a Special Meeting in January. Erik Enyart exclaimed, "We made a lot of progress, as I recall!" Mr. Jones stated that that day was the deadline for the Final Plat approval, but [he and his client] elected not to submit the Final Plat by this date, so that the Final Plat did not also get in front of the PUD and rezoning. Mr. Jones stated that this would put a little bind into [the project], but it would not be a big problem.

Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to Recommend APPROVAL of the Preliminary Plat of Scenic Village Park with all of the corrections, modifications, and Conditions of Approval as recommended by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Benjamin, Holland, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

Ricky Jones left at this time.

Chair Thomas Holland asked Erik Enyart about the "Other Business," "Old Business," and "New Business" items on the agenda, as they had nothing listed under them. Mr. Enyart stated that he had inherited these listings, and that they were used when there were items to list under each.

OTHER BUSINESS

Chair Thomas Holland asked if there was any other business to consider. Erik Enyart stated that there was none. No action taken.

OLD BUSINESS:

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

NEW BUSINESS:

Chair Thomas Holland addressed Erik Enyart and asked if the City had not made changes to the regulations for ministorage developments in the past few years. Mr. Enyart confirmed and stated that, around the year 2008, the City had approved an amendment to the Zoning Code making Use Unit 16 exclusive to ministorage uses. Mr. Holland asked Mr. Enyart if the Commission could recommend the City Council make changes to that to increase standards for such developments. Mr. Enyart responded that he had two (2) answers. Mr. Enyart stated that, firstly, State Statutes say that it is the Planning Commission's prerogative to promulgate new rules as concerns the Zoning Code and Subdivision Regulations. Mr. Enyart stated that, secondly, the answer was a political one, which he could not answer directly, which is: "Would the Council welcome unsolicited advice?"

Chair Thomas Holland stated that the construction methodology needed to be looked at. Mr. Holland stated that, as was seen in the case the previous month, these can cause problems when located next to residential homes, with the metal construction and roofing.

Erik Enyart stated that, when the City amended the Zoning Code to allow ministorage a few years ago, it has instituted fairly high standards for such developments, in his opinion. Mr. Enyart stated that ministorage developments required (1) full screening and (2) full masonry on all sides abutting a Residential or Office district, and (3) had a 12' maximum building height restriction. Mr. Enyart stated that this meant that, when abutting an R or O district, the building must have full masonry, even when it has a screening fence, and is limited to 12' in height.

Chair Thomas Holland stated that his concern, then, was not the ministorage "use group," but perhaps "storage warehouses." Mr. Holland asked Erik Enyart what use group these usually fell into, and Mr. Enyart responded that such developments, like Crosscreek, were typically multi-tenant buildings that houses various trade businesses, such as Heating/Ventilation/Air Conditioning services, electricians, plumbers, roofing contractors, construction contractors, other trades, etc., and that these were mostly Use Unit 15. Mr. Enyart stated that, in some cases, there are other businesses that fall into other Use Unit categories.

Chair Thomas Holland expressed concern that the Commission is sometimes presented with one plan, which gets approved, and then the developer makes changes to what was approved.

Matt Talley indicated desire to be recognized.

Chair Thomas Holland recognized Matt Talley of 8113 E. 124th St. S. from the Sign-In Sheet. Mr. Talley stated that, speaking from experience, he was also concerned that developers propose one thing, and then make a change after the development was approved. Mr. Talley stated that, in the case of the development behind his house, the developer at first proposed a masonry fence, and did that on the front side of his development, but then changed it to a wood fence toward the back. Mr. Talley stated that, behind his house, the developer just put up a net and tied it to his chain-link fence.

Erik Enyart stated that he was concerned that the discussion was concerning items # 4 and 5 on the agenda. Matt Talley stated that he was only describing this as an example, and would keep his

comments more general. Mr. Talley asked if a PUD could be changed after approved. Mr. Enyart responded that it could, and that it would depend on the significance of the change whether it could be done by Major Amendment or Minor Amendment. Mr. Enyart reminded Mr. Talley that the items # 4 and 5 on the agenda would be back on the April 15, 2013 agenda, if he wanted to speak on them.

Jay Mauldin stated that he shared the Chairman's concern. Mr. Mauldin expressed favor for elevating the standards and aesthetics in the Code. Mr. Mauldin stated that one could always appeal to the Board of Adjustment to seek redress from the requirements in the Code.

Lance Whisman asked Erik Enyart about the location of the sign posting for agenda items # 4 and 5. Mr. Enyart stated that he had purposefully chosen to place the sign in front of the house in the neighborhood, as he thought it would attract more attention than if he had placed the sign in front of the shopping center. Mr. Whisman stated that he was driving through the neighborhood and had seen the sign and was surprised to see it there, and that this made sense. Mr. Enyart clarified with Mr. Whisman and the other Commissioners the location of the properties concerned by agenda items # 4 and 5. Mr. Enyart noted that it was difficult to provide an address or describe the location of the subject property. Mr. Enyart noted that the rezoning application concerned the vacant and underutilized land between the shopping center and the house, and that the PUD included all that and the house itself.

No action taken.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:03 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: March 18, 2013

NAME	ADDRESS	ITEM	
1. JR Done/son		4, 5, 6	✓
2. [Signature]			✓
3. Matt Tobley	813 E 124 th S.	4 5	✓
4. Pat Fritz	8441 E 125 th ST		✓
5. Betsy McCONAHY	12426 S 86 th AVE	6 maybe	✓
6. JAY MAULDIN	7341 E 119 E.	7	
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CITY OF BIXBY
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116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Thursday, April 11, 2013
RE: Report and Recommendations for:
PUD 77 – “Byrnes Mini-Storage” – JR Donelson, Inc., and
BZ-365 – William W. Wilson for Helene V. Byrnes Foundation

(NOTE: BCPA-9 and BZ-365 concern two (2) tracts, while PUD 77 concerns three (3) tracts.)

LOCATION:

PUD 77: – 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.
– Part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*

BCPA-9/BZ-365:

– 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.
– Part of Lot 1, Block 1, *The Boardwalk on Memorial* and part of the NW/4 of Section 01, T17N, R13E

LOT SIZE:

PUD 77: approximately 3.4 acres in three (3) tracts

BCPA-9/BZ-365: approximately 2.9 acres in two (2) tracts

EXISTING ZONING:

PUD 77: AG Agricultural District/PUD 29A & RS-2 Residential Single-Family District

BCPA-9/BZ-365: AG Agricultural District/PUD 29A

EXISTING USE:

PUD 77: A soccer practice field and a single-family dwelling with accessory building
BCPA-9/BZ-365: A soccer practice field and a residential accessory building

REQUESTED ZONING: OL Office Low Intensity District & PUD 77 (existing RS-2 zoning to remain in place)

SUPPLEMENTAL ZONING: Corridor Appearance District (part)

SURROUNDING ZONING AND LAND USE:

North: OL, AG, CS/OL/PUD 68, & RS-1; A single-family residence on a 7-acre tract zoned OL and AG and the PUD 68 "North Bixby Commerce Park" pending development on a 16-acre tract, a drainage channel, and residential homes in *Houser Addition*. To the northwest at 12113 S. Memorial Dr. is the *Spartan Self Storage* ministorage development on an unplatted 1-acre tract zoned CS, and commercial development in *121st Center*.
South: RS-1 & RS-2; Single-family residential zoned RS-1 in *Gre-Mac Acres* along 124th St. S. and RS-2 in *Southern Memorial Acres No. 2*.
East: RS-2; Single-family residential in *Southern Memorial Acres No. 2*.
West: CS/PUD 29-A; The *The Boardwalk on Memorial* shopping center and Memorial Dr.

COMPREHENSIVE PLAN: Low Intensity + Residential Area (BCPA-9 requests removal of Residential Area specific land use designation)

PREVIOUS/RELATED CASES: (Not a complete list; Minor Architectural Committee and Planning Commission signage approvals in the *Boardwalk* shopping center not included here):

PUD 29 – The Boardwalk on Memorial: Part of Lot 1, Block 1, *The Boardwalk on Memorial* (of which subject property was a part), Lots 1 and 2, Block 1, *Gre-Mac Acres*, requested for rezoning and PUD approval – PC Recommended Approval 05/20/2002 and City Council Approved PUD 29 and CS zoning for Lot 1 and OL zoning for Lot 2 06/10/2002 (Ordinance # 850, evidently dated 06/11/2001 in error).

PUD 29A – The Boardwalk on Memorial: Request for Major Amendment to PUD 29, known as PUD 29A, which expanded the original PUD and underlying CS zoning to an unplatted area to the north of Lots 1 and 2, Block 1, *Gre-Mac Acres*, and rezoned Development Area B to AG for "open space" – PC Recommended Approval 03/17/2003 and City Council Approved 04/28/2003 (Ordinance # 867).

Preliminary Plat of The Boardwalk on Memorial: Request for Preliminary Plat approval for part of subject property – Recommended for Approval by PC 04/21/2003 and Approved by City Council 04/28/2003.

Final Plat of The Boardwalk on Memorial: Request for Final Plat approval for part of subject property – Recommended for Approval by PC 11/21/2005 and Approved by City Council 11/28/2005.

"Minor Amendment PUD 29b to PUD 29, 29a": Request for Planning Commission approval of the first Minor Amendment to PUD 29A (could have been called "Minor Amendment # 1) to approve a drive through bank window on the south side of the building for *Grand Bank* – PC Approved 02/22/2005.

AC-07-08-01 – Request for Architectural Committee approval of a masonry archway over an internal access drive on the north side of the *The Boardwalk on Memorial* (of which subject property was a part) – AC Approved 08/20/2007.

“PUD 29A Minor Amendment # 1 [2]”: Second request for Minor Amendment to PUD 29A to (1) Remove restrictions from east-facing signs and (2) Increase maximum display surface area for wall signs from 2 square feet per lineal foot of building wall to 3 square feet per lineal foot of building wall as permitted by the Zoning Code – Planning Commission Conditionally Approved 11/19/2007. Should have been called “Minor Amendment # 2.”

AC-07-10-11 & AC-07-10-13: Request for Architectural Committee approval of two (2) wall signs for *The Boardwalk on Memorial* (of which subject property was a part) for *The Eye Center South Tulsa* – Tabled by AC 10/15/2007 pending resolution of outstanding PUD zoning issues and Approved by AC 12/17/2007 after Minor Amendment # 2 was approved.

BL-373 – William Wilson for Boardwalk on Memorial I., LP: Request for Lot-Split approval to separate the east approximately 472’ from the balance of the subject property – PC Approved 02/16/2010.

PUD 29A Minor Amendment # 3: Request for Minor Amendments to PUD 29A to remove Development Area B from the PUD – Planning Commission Continued the application from the January 19, 2010 meeting to the February 16, 2010 meeting. The submission of PUD 29A Major Amendment # 1 in lieu of this application was recognized as the Withdrawal of this application.

PUD 29A Major Amendment # 1: Request for Major Amendments to PUD 29A to relax Zoning Code bulk and area requirements for Development Area B to allow for Lot-Split per BL-373, which Development Area B was required to be legally attached to lots having the minimum required amount of public street frontage – PC Recommended Approval 02/16/2010 and City Council Approved 03/08/2010 (Ord. # 2033).

AC-11-06-03 – The Boardwalk on Memorial: Request for Planning Commission approval of an Electronic/LED ground sign for *The Boardwalk on Memorial* (of which subject property was a part), which became the second allowable ground sign on the property upon the attachment of the archway sign (cf. AC-07-08-01, AC-07-10-11, & AC-07-10-13) to the north side of the building as an extension of the building wall, which thus became a wall sign as originally approved by the City – PC Approved 06/20/2011.

RELEVANT AREA CASE HISTORY: (Not a complete list)

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

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

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

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

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for a multiple-use development, including ministorage, on 92 acres located approximately 1/3 of a mile west of subject property – PC recommended Conditional Approval 02/27/2013 and City Council Approved 03/25/2013 (Ord. # 2116).

Preliminary Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for Preliminary Plat approval for a multiple-use development, including ministorage, on 92 acres located approximately 1/3 of a mile west of subject property – PC recommended Conditional Approval 03/18/2013 and City Council Conditionally Approved 03/25/2013 (Ord. # 2116).

Staff searched for but did not find any Zoning or site plan approval records related to the *Spartan Self Storage*, a 1-acre ministorage development at 12113 S. Memorial Dr. which appears to have 0’ setbacks along the north/side, east/rear, and south/side property lines. The Tulsa County Assessor’s records indicate the facility was constructed in 1998.

BACKGROUND INFORMATION:

History of the Applications. When beginning the review of PUD 77 on March 08, 2013, Staff observed that the Comprehensive Plan designates the BZ-365 subject property as Low Intensity + Residential Area, with which OL zoning and a non-residential PUD are not consistent. Staff advised the Applicant by email that these applications needed to be Continued to the April 15, 2013 Regular Meeting, to allow for the preparation, submission, and concurrent review of a request for Comprehensive Plan Amendment, as would be required by Zoning Code Section 11-5-2. By phone conversation on March 08, 2013, Applicant JR Donelson consented to the Continuance to the April Regular Meeting. On March 18, 2013, the Planning Commission Continued both cases to the April 15, 2013 Regular Meeting.

BCPA-9 was submitted and advertised for the April 15, 2013 Regular Meeting, and is covered by this Staff Report.

At the TAC meeting held March 04, 2013, Staff discussed with the developer and developer’s agent JR Donelson some of the issues presented by the original proposal to build ministorage

buildings on the north and south property lines. Upon further reflection, Staff advised the Applicant by email on March 08, 2013 that this situation will apparently create need to secure easements from the adjoining property owners:

1. Temporary construction easement (or license) to allow construction activities that marginally fall on the adjoining properties during the erection of the buildings and installation of masonry facades
2. Permanent easement for building wall maintenance (repair, painting, repointing/"tuck-pointing," cleaning, etc.)

Securing multiple easements would be a significant issue to undertake, and considering the number of residential property owners abutting the south side of the property, may be nearly impossible to completely secure.

In addition to the other issues noted at the TAC meeting and the above, there may be other consequences 0' setback building may present that Staff has not yet considered due to there being no local experience with such a situation where a commercial building would be built on a residential property line. Zero-lot-line developments are typically residential (townhouses, etc.) or downtown/storefront-style buildings, the latter which are not constructed locally anymore. In those cases, residential abuts residential, and commercial abuts commercial. Staff requested input from Tulsa area community planners, and received many comments, but none of them provided insight into the question of construction or maintenance easements for 0' setback situations, or alternative solutions or new issues this would present.

Given:

1. 170' lot width
2. 30' minimum spacing between buildings
3. 70' desired main building with (20' exterior access, 10' interior access, 10' internal walking corridor, 10' interior access, 20' exterior access)
4. 20' desired south line building (10' X 20' storage units)
5. 20' desired north line building (10' X 20' storage units),

It appears that any setback along the south line would not allow all three (3) buildings to be in their current configurations. The modular pre-fabricated storage buildings come in 10' X 10' increments. That would appear to require reducing one (1) tier of exterior access units from 20' to 10' in depth. Other than reducing the building with, the only other flexibility would come from reducing drive(s), which is subject to the review and approval of the Fire Marshal.

JR Donelson, Bill Wilson, Fire Code Enforcement Official Jim Sweeden, and City Planner Erik Enyart met on April 02, 2013, to discuss this situation and options. It was determined that the Zoning Code's 30' minimum separation between buildings was intended to allow turning movements for fire apparatuses within the site. Upon agreement in the meeting, the southerly east-west drive was enhanced with an additional gate at its west end, allowing for a singular drive with no required turning movements from east to west ends. This allowed the reduction in the drive width from 30' to 26', with the 4' to be applied along the south line as the building setback. Per the Fire Marshal, the full 26' drive width is required to be carried through to 85th

Pl. E. The northernmost buildings continue to be proposed on the northerly property line, with expectation that the property owner will be able to secure easement or other legal permission to allow temporary construction activities and future building wall maintenance as described above. As of the date of this report, documentation regarding easement or other legal permission has not been received.

Staff encourages the revision adding a 4' setback from the southerly property line of Development Area A ("DA A"), as a 0' commercial building setback from single-family residential properties was problematic for several reasons. Further, the 4' setback, as per statements by the Applicant in the April 02, 2013 meeting with Staff, would allow for the several existing mature trees along the fenceline to be preserved. Installing a required fence or redesigning the site in accordance with the Zoning Code requirements, which would normally result in an internal drive constructed here (which has no required setback) would result in the loss of these trees. To ensure this design element is incorporated in this PUD, Staff recommends adding a 4'-wide "Existing Tree Preservation and Landscaping Easement" along the entirety of the south line of DA A, as per other recommendations in this report. Due to the 4' building-to-property line proximity and the intent to use materials required by the Zoning Code, the building wall is proposed to serve as the screening fence along this south property line. Staff has reservations about the proposed use of "stamped concrete to resemble brick." Unless the Planning Commission and City Council can be convinced that the "stamped concrete" will be consistent in quality in terms of appearance and resistance to weathering, cracking, and fading, Staff recommends actual brick be used along the south line, in respect to the residential neighborhood. This also applies to the east end of the southernmost building, which appears to be approximately 5' from the west/rear yard line of the residential Lot 12, Block 2, *Southern Memorial Acres No. 2*, rather than having the 10' setback required.

While resuming the review of PUD 77 on April 05, 2013, Staff found that the PUD proposed a maximum floor area of 40,000 square feet, which would be an effective FAR of 0.33. Staff calculated the proposed square footage based on the site plan, at 57,500 square feet, which is an FAR of 0.47. The maximum allowable in the OL district is 0.30, but it may be increased to 0.40 by Special Exception (or PUD, in this case). In response, on April 09, 2013, the Applicant submitted a revised PUD removing certain portions of building areas as originally proposed. The revised plan now proposes approximately 47,600 square feet, an FAR of 0.39, which may be allowed by this PUD.

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

The Comprehensive Plan is a thorough, complete, and well researched policy document used to inform the Planning Commission, City Council, and the Public at large how land can best be developed and used (among other things), and so how rezoning applications should be accepted

or rejected. Comprehensive Plans, when followed, prevent arbitrary, unreasonable, or capricious exercise of the legislative power resulting in haphazard or piecemeal rezonings (read: rezoning decisions legally indefensible in a court of law).

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

Zoning Code Section 11-5-2 prohibits rezonings which would conflict with the Comprehensive Plan, and requires that such rezonings "must be processed along with a request to amend the land use map and a PUD in order to be accepted and considered." The Applicant has requested PUD 77 in support of BCPA-9 and the rezoning application.

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

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

ANALYSIS:

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

1. The Easterly approximately 472' of Lot 1, Block 1, *The Boardwalk on Memorial* (approximately 1.4 acres), separated from the balance of the platted lot with the shopping center and parking lot by Lot-Split BL-373 in 2010, Tulsa County Assessor's Parcel # 57623730115240,
2. One (1) acre unplatted tract, being the E. 256.23' of the N. 170' of the NW/4 of Section 01, T17N, R13E, Tulsa County Assessor's Parcel # 97301730154670, and
3. Lot 11, Block 2, *Southern Memorial Acres No. 2* (approximately 0.6 acres), Tulsa County Assessor's Parcel # 58100730101130.

Tract "1" contains a soccer practice field and is zoned AG with PUD 29A. Tract "2" contains a residential accessory building historically associated with Tract "3" and is zoned AG. Tract "3" contains a single-family dwelling and is zoned RS-2.

Tracts "1" and "2" are requested for Comprehensive Plan amendment and rezoning from AG to OL. All three (3) tracts are to be covered by PUD 77. PUD 77 would supersede PUD 29A for the concerned part thereof. Tracts "1" and "2" are in Development Area A, and Tract "3" is in Development Area B. Tract "3" / Development Area B will remain zoned RS-2 and will continue to maintain the house structure as a residential dwelling.

All of the subject property is relatively flat and drains to the east to an un-named tributary of Fry Creek # 1.

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Low Intensity and (2) Residential Area. BCPA-9 requests removal of Residential Area specific land use designation, to allow Development Area A to be rezoned to OL and be developed with a ministorage business.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that OL zoning *May Be Found In Accordance* with the Low Intensity 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.

If approved to remove the Residential Area specific land use designation, BCPA-9 would not confer a new one.

Per the Matrix, PUDs are *In Accordance* or *May Be Found In Accordance* with all designations of the Comprehensive Plan Land Use Map, and thus PUD 77 would be *In Accordance* with the Comprehensive Plan.

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

The submitted site plans for the development exhibit a suburban-style design. The plan indicates essentially three (3) rows of ministorage buildings, with internal drives connecting them. Primary access would be through an "Existing 25' Access Easement" through the Boardwalk on Memorial shopping center parking lot. The entrance will be gated past the leasing office and parking area. Secondary, emergency-only ingress/egress would be through a driveway connecting the southeast corner of Development Area A through the south/west side of the residential lot to S. 85th E. Pl. Per revised plans received April 09, 2013, another emergency-only gated entrance will be installed at the west end of the southerly drive in Development Area A, to allow a "straight shot" drive to the emergency-only ingress/egress at the southeast corner of the PUD. This revision will allow the reduction in the 30' minimum building spacing for that drive only per the Fire Marshal, since the 30' spacing between buildings is primarily to ensure adequate spacing for fire apparatus turning movements and thus, removing the need for turning movements from that drive reduces the drive width requirement.

For stormwater drainage and detention purposes, a stormwater detention pond will be constructed at the northeast corner of DA A. This will, in turn, drain into the un-named upstream tributary of Fry Creek # 1.

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

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

The Technical Advisory Committee (TAC) discussed PUD 77 at its regular meeting held March 04, 2013. Minutes of that meeting are attached to this report.

Access. The proposed internal automobile traffic and pedestrian flow and circulation and parking can be inferred from the provided site plans.

Development Area A is "landlocked," having no frontage on a dedicated and built public street. Access will be provided by means of Mutual Access Easements from adjoining lots with public street frontage and between lots within the development.

The development is planned to have two (2) means of ingress / egress through *The Boardwalk on Memorial* shopping center, which will lead to two (2) entrances / gates at the west end of

72

DA A. The routes as planned for the two (2) drives through the shopping center must be legally provided by dedication of Mutual Access Easement(s). The Applicant needs to provide in the appropriate section of the Text a timeline for the dedication or a citation of Document # where such easement(s) is/are recorded.

The two (2) Mutual Access Easements to connect and allow cross access between proposed Lots 1 and 2, Block 1, "Byrnes Mini-Storages," must be represented on the Exhibit A "Preliminary Plat" and other Exhibits as appropriate.

At the east end of the PUD, a 26'-wide emergency-only ingress/egress drive will be constructed through Development Area B, connecting DA A to 85th Pl. E. It is not clear, from the provided plans, whether and to what extent that 26'-wide drive will fall on Lot 12, Block 2, *Southern Memorial Acres No. 2*. Per the plans, part of the drive may fall on that residential lot by means of a 15'-wide Mutual Access Easement. The plans cite the recordation of the easement with Document # 2013018388, which is a "Roadway Easement" granted from Gail & John Horne to The Helene V. Byrnes Foundation, recorded 02/22/2013. The document grants easement over "The Northwesterly 15 feet" of Lot 12. Based on its representation on the provided exhibits, it is assumed to have meant the "Northeasterly 15 feet." Otherwise, the described area may be a pie-shaped piece extending southeasterly from the northwest corner of said Lot 12, which may not allow for the emergency-only 26'-wide drive as shown on the plans. The Applicant should clarify and/or amend the easement if/as needed.

Development Area A has frontage on the northerly dead-end of S. 85th E. Ave., a half-street platted in *Gre-Mac Acres* but not built. The PUD Text needs to specify that access to this platted right-of-way will not be allowed within this PUD.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily CS, OL, AG, RS-1, and RS-2.

To the north is a single-family residence on a 7-acre tract zoned OL and AG, the PUD 68 "North Bixby Commerce Park" pending development on a 16-acre tract with underlying zoning CS and OL, a drainage channel, and residential homes in *Houser Addition* zoned RS-1. "North Bixby Commerce Park" consisted of (1) a ministorage development on the southerly approximately 8 acres, a "trade center" / "office-warehouse" development on the middle approximately 5 acres, and a retail commercial site on the balance of the acreage at its north end along 121st St. S. Thus, the City of Bixby has recently approved OL zoning and ministorage development for the tract abutting to the north, similar to the present applications. To the northwest at 12113 S. Memorial Dr. is the *Spartan Self Storage*, a 1-acre ministorage development which appears to have 0' setbacks along the north/side, east/rear, and south/side property lines. The Tulsa County Assessor's parcel records indicate the facility was constructed in 1998.

The *The Boardwalk on Memorial* shopping center to the west is zoned CS/PUD 29-A, and Memorial Dr. is further west zoned CS and CG. On March 25, 2013, the City Council Approved/Conditionally approved PUD 76, CG zoning per BZ-364, and a Preliminary Plat of "Scenic Village Park," a multiple-use development, including ministorage, on 92 acres located approximately 1/3 of a mile west of subject property.

South and east of the subject property is single-family residential zoned RS-1 in *Gre-Mac Acres* along 124th St. S. and RS-2 in *Southern Memorial Acres No. 2*. Care must be applied when allowing the non-residential zoning and ministorage business land use to abut residential zoning and land use.

The requested OL zoning would be a logical extension of the two (2) established OL districts to the north, one (1) of which is abutting. Further, the location of BZ-365 would place the OL district between CS districts abutting to the north and west and the RS districts abutting to the south and east, and so the OL could serve as a buffer zoning district between CS and RS. OL zoning is the lowest-intensity non-residential district available in the City of Bixby, and is commonly used as a buffer zoning district between higher-intensity uses and residential districts. Ministorage itself is commonly used as a buffer land use between higher intensity uses and residential districts.

Recognizing its landlocked position and long and narrow tract configuration, Staff believes that the location and configuration of Development Area A and the character surrounding area satisfactorily meet the expectations of Zoning Code Section 11-9-16.C.13 for ministorage developments.

Therefore, Staff is supportive of BCPA-9 and OL zoning as requested by BZ-365, as refined by PUD 77. Staff has certain recommendations as to the specifics of PUD 77 to enhance the compatibility of the development with the residential neighborhood to the south and east, listed in the Staff Recommendation section of this report.

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

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

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

- A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;

B. Permit flexibility within the development to best utilize the unique physical features of the particular site;

C. Provide and preserve meaningful open space; and

D. Achieve a continuity of function and design within the development.

For the sake of development and land use compatibility, as described more fully above, Staff would be supportive of the three requests supporting the development proposal if it provides for land use buffering and compatibility needs. If these were satisfactorily provided for, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will have been met.

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

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
2. Please secure and submit easements (or other acceptable form of legal agreement) to allow incidental construction activities and future building wall maintenance activities on the two (2) parcels adjoining to the north, to allow the buildings to be constructed on the north property line.
3. Please submit clear and compelling information on what the building wall would look like on the south side, as facing the residential homes, in order to not have to install a screening fence along the south line, 4' from the building. A note on site plan states "Back wall of building to be stamped concrete to resemble brick." This needs to be operationalized by placing text into the Development Standards for DA A. Further, please submit an example or exhibit of the "stamped concrete" actually proposed, for the review and approval of the Planning Commission and City Council. Unless the Planning Commission and City Council can be convinced that the "stamped concrete" will be consistent in quality in terms of appearance and resistance to weathering, cracking, and fading, Staff recommends actual brick be used along the south line, in respect to the residential neighborhood. This also applies to the east end of the southernmost building, which appears to be approximately 5' from the west/rear yard line of the residential Lot 12, Block 2, *Southern Memorial Acres No. 2*.
4. In addition to the southerly property line as discussed elsewhere, Zoning Code Section 11-9-16.C.3, the masonry building wall and screening fence requirements would appear to apply to:
 - a. The north building wall of the northernmost buildings (to the extent adjoining OL zoning, and potentially visible from RS-1 zoning in *Houser Addition*),
 - b. The north property line (to the extent adjoining OL zoning, and potentially visible from RS-1 zoning in *Houser Addition*),
 - c. The east property line (adjoining RS-2 zoning),
 - d. The east-facing ends of three (3) easternmost buildings (adjoining RS-2 zoning).
 - e. The west-facing ends of three (3) westernmost buildings (visible from RS-2 zoning).

The PUD Text needs to list and describe building wall and screening fence materials to be applied to each of the above, and the same need to be labeled on the appropriate Exhibit(s).

5. The modular pre-fabricated storage buildings come in 10' X 10' increments. Please confirm that these dimensions incorporate the thickness of exteriorly-applied siding materials (masonry or "stamped concrete" tilt-up panels, etc.), or adjust site plans as necessary. For the sake of the residential properties to the south and the other reasons expressed elsewhere in this report, Staff is not supportive of reducing the setback from the south line less than 4' as currently proposed.
6. The PUD needs to specify that the existing U/Es will be vacated, and the Applicant will request a Modification/Waiver of the 17.5' Perimeter U/E requirement when platting, and specify to propose, in lieu thereof, a U/E between the northernmost buildings to allow the waterline loop, and future utilities as may be necessary.
7. "Roadway Easement" granted from Gail & John Horne to The Helene V. Byrnes Foundation, Document # 2013018388, recorded 02/22/2013, grants easement over "The Northwesterly 15 feet" of Lot 12. Based on its representation on the provided exhibits, it is assumed to have meant the "Northeasterly 15 feet." Otherwise, the described area may be a pie-shaped piece extending southeasterly from the northwest corner of said Lot 12, which may not allow for the emergency-only 26'-wide drive as shown on the plans. Please clarify and/or correct easement if/as needed.
8. Title Page, Page 1, & Exhibit A: Please add PUD number "77" in blanks indicated.
9. Page 1, Introduction: Please add language acknowledging that DA B will also serve to provide a secondary, emergency-only access drive for the new development in DA A.
10. Page 1, Zoning: No portion of subject property is Zoned CS.
11. Page 1, Zoning: Please correct citation to "PUD 29A."
12. Page 1, Zoning: Please reference that underlying zoning change application is case number BZ-365.
13. Page 1, Zoning: Consistent with the expressed intent of this PUD, please reference that Development Area A will allow, in addition to those uses allowed by right in the OL district, a Use Unit 16 ministorage business use.
14. Page 1, Features of the Site and surrounding area; viability and compatibility: Consider renaming this section as the text that follows does not appear to comport with the present title.
15. Page 1, Features of the Site and surrounding area; viability and compatibility: Please enhance as follows, "Prior to building permit issuance, A a Detailed Site Plan, adequate to demonstrate compliance with applicable standards and including details on proposed parking and landscape plans, shall be submitted for Bixby Planning Commission approval as required by the Zoning Code Section 11-7I-8.B.5 and this PUD."
16. Page 1, Site Soil Conditions: Please make corrections such as follows, "The Soil Survey of Tulsa County, Oklahoma lists the soil of this site to be "Choska very fine loam." The site is nearly level and has moderately permeable soil."
17. Page 2, DA A: Please add a requirement that all buildings within DA A will have shed roofs slanted inward to the development site, ensuring all roof drainage is directed into the internal stormwater drainage system, and not shed onto adjoining properties. Please also specify roof pitch, and that the roof will not extend over any property line (presuming allowance of 0' setbacks along the north line).

18. Page 2, DA A Land Area: Staff calculated the Gross/Net Land Areas to be approximately 123,035.80 square feet, but 138,512.60 is reported. Please correct or advise how this number was determined.
19. Page 2, DA A Permitted Uses: Consistent with the expressed intent of this PUD, please reference that Development Area A will allow, in addition to those uses allowed by right in the OL district, a Use Unit 16 ministorage business use.
20. Page 2, DA A Minimum Frontage: Proposed Lot 1, Block 1, "Byrnes Mini-Storages" will not have any street frontage, and proposed Lot 2, Block 1, "Byrnes Mini-Storages" will have frontage only on the northerly dead-end of the 85th E. Ave. half-street platted with *Gre-Mac Acres*, and so would be in conflict with the proposed 170' frontage requirement. A 0' frontage requirement would be necessary for this development. See other recommendations herein pertaining to securing adequate legal access by means of easements.
21. Page 2, DA A Maximum Proposed Units: "Units" terminology, which suggests multifamily dwelling units, does not appear appropriate for a ministorage development. "6 units" text should probably be removed.
22. Page 2, DA A Maximum Proposed Units: "Maximum Building Floor Area" would appear to be a more appropriate term for this Development Standard.
23. Page 2, DA A Maximum Proposed Units: Proposed 47,000 square feet [Maximum Building Floor Area] would be in conflict with the approximately 47,600 square feet calculated by Staff, based on the provided drawings (missing 600 square feet may be the leasing office, which has floor area).
24. Page 2, DA A Maximum Building Height: Proposed 24' height exceeds the 12' height for ministorage buildings per Zoning Code Section 11-9-16.C.2. Please reduce to 12' or provide justification for additional height. Make allowance for additional height for the leasing office if such additional height is planned or may reasonably be anticipated.
25. Page 2, DA A F.A.R. (floor to area ratio): Proposed 0.34 FAR would be in conflict with the approximately 0.39 square feet calculated by Staff, based on the provided drawings (may be related to potential miscalculation in reported Gross/Net Land Area).
26. Page 2, DA A Minimum Building Setbacks: Zoning Code citation is incorrect.
27. Page 2, DA A Minimum Building Setbacks: Proposed 15' West Setback and 5' East Setback would conflict with lot lines proposed by "Byrnes Mini-Storages" unless qualified to apply to Development Area A Boundaries.
28. Page 2, DA A Minimum Building Setbacks: Please add 4' setback along south line of Development Area A.
29. Page 2, DA A Detention Area: Please clarify title, such as "Stormwater Detention Area."
30. Page 2, DA A Detention Area: Percentage of DA A figure is not consistent with Staff's calculations (may be related to potential miscalculation in reported Gross/Net Land Area).
31. Page 2, DA A Detention Area: Area and percentage provided do not appear formatted or qualified to be operational in this context. Percentages and acreages should be qualified as "maximum" or "minimum" if intended as standards. Flexibility should be written into the standards, such as by using ranges.
32. Page 2, DA B Land Area: Gross Land Area includes ½ of abutting right-of-way. Please correct calculation.

33. Page 2, DA B Minimum Frontage: Proposed 66' minimum frontage would appear to conflict with actual frontage of 65.X per the plat of *Southern Memorial Acres No. 2*.
34. Page 2, DA B Minimum Building Setbacks: Zoning Code citation is incorrect.
35. Page 2, DA B Landscape/Green Area: Area and percentage provided do not appear formatted or qualified to be operational in this context. Percentages and acreages should be qualified as "maximum" or "minimum" if intended as standards. Flexibility should be written into the standards, such as by using ranges.
36. Page 3, Development Standards for the Development Area: Terminology does not appear appropriate – consider renaming "Development Standards for All Development Areas."
37. Page 3, Section C.1.a: Please make appropriate corrections to the following incomplete sentence: "The screening of the North property line will be accomplished by a combination the back of the proposed mini-storage units."
38. Page 3, Section C.1.a: This sentence should probably qualify that it applies to DA A, and not also DA B: "The screening of the North property line will be accomplished by a combination the back of the proposed mini-storage units."
39. Page 3, Section C.1.a: Staff recommends adding a 4'-wide "Existing Tree Preservation and Landscaping Easement" along the entirety of the south line of DA A, as per other recommendations in this report. Please add this to the narrative here, stating that all existing mature trees of a certain minimum caliper (and define same) within the 4' easement will be preserved, or replaced through time at a 2:1 ratio, and new landscaping will be planted, spaced X' (20' maximum) on center, for areas currently containing no trees, in consideration of the requested removal of the requirement for a screening fence along the south property line of DA A. Describe what new landscaping will be installed, which must be found satisfactory to the Planning Commission and City Council. Specify that the new landscaping will be replaced through time at a 1:1 ratio. Describe how new landscaping will be irrigated and how the minimum "drip line" requirements of the landscaping chapter of the Zoning Code will be met, at least in spirit and intent.
40. Page 3, Section C.1.a: Please specify the number of existing mature trees of a certain minimum caliper (and define same) now located within X' (4' minimum) north and south of the property line in or following the sentence, "Setting the south building 4'-0" north of the south property line will allow a number of trees situated along the south property line to remain."
41. Page 3, Section C.1.b "Frontage Requirements": Neither the setbacks discussed in this section, nor discussion of actual "frontage requirements" as contemplated by the title, belong in this section under the section "Development Standards for [all Development Areas]."
42. Page 3, Section C.1: Please quantify how much landscaping will be proposed for which property lines (landscaped strip widths, landscaped areas, and tree counts), recognizing the following minimum setbacks/minimum required landscaped areas and landscaping tree requirements as per Zoning Code Sections 11-7I-5.E and 11-7C-4 Table 3 and this PUD:
 - a. The west approximately 68' of the north line of DA A abutting AG zoning has a 10' setback therefrom (680 square feet = 1 landscaping tree; 15% of this area must be landscaped).

- b. The East Line of DA A, abutting RS-2 zoning for a distance of 170', has a 10' setback therefrom (1,700 square feet = 2 landscaping trees; 15% of this area must be landscaped).
- c. The South Line of DA A, abutting RS-1 zoning for a distance of approximately 723.74', has a 10' setback therefrom (7,237.4 square feet = 8 landscaping trees; 15% of this area must be landscaped).
- d. The 170'-long West Line of DA A has a 15' setback therefrom (2,550 square feet = 3 landscaping trees; 15% of this area must be landscaped).

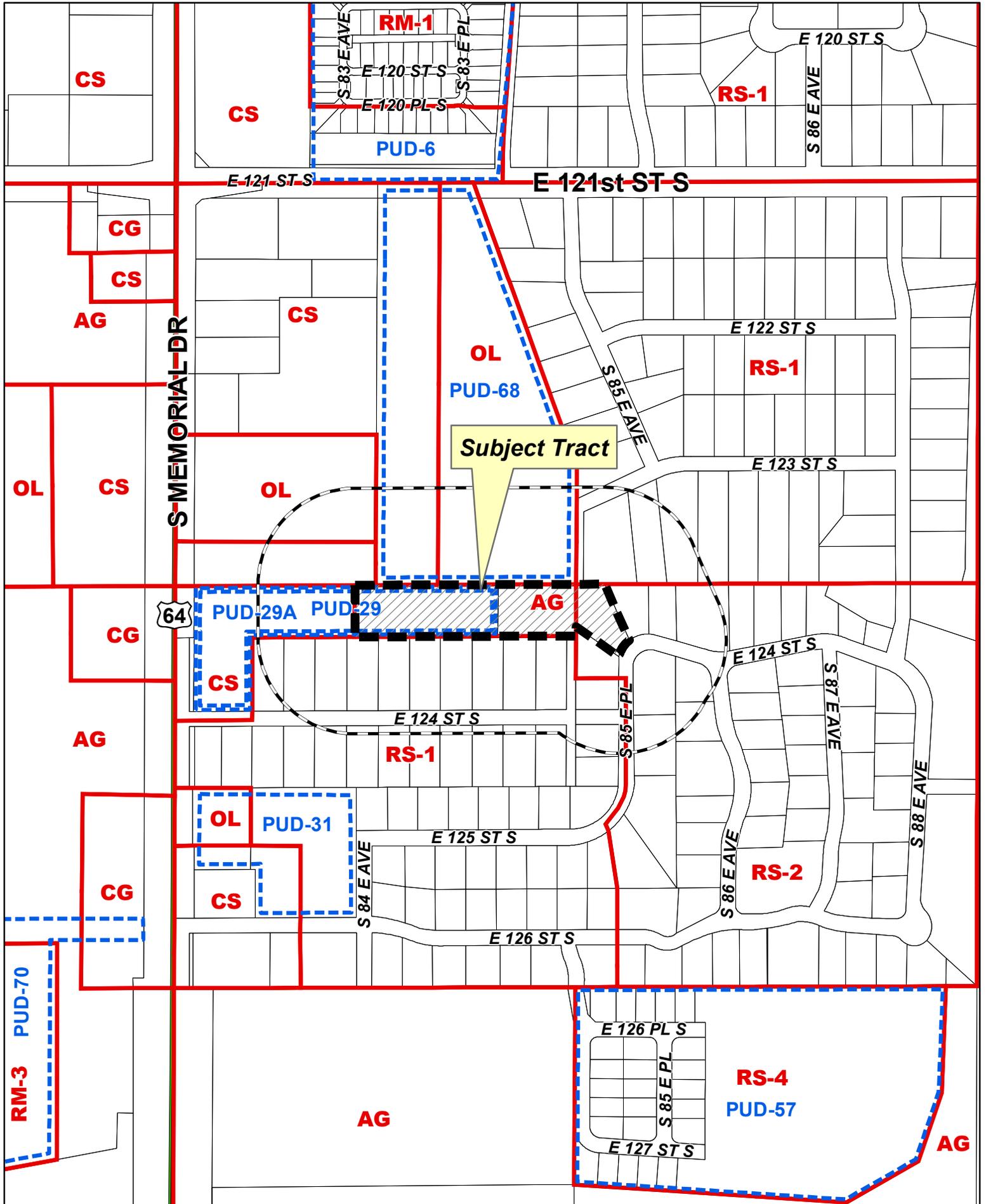
Any proposed reductions from the above must be spelled out and approved as a part of this PUD and the same must be compensated for by alternative landscape plans, in recognition of Zoning Code Section 11-7I-5.E. Recognizing that this PUD, as proposed, grants flexibility from the setbacks per a., b., and c. and from the screening fence requirement for ministorage uses along the north and south lines of DA A, the proposed standards should demonstrate that the combination of existing tree preservation and new tree plantings will be more than the minimum standards as would otherwise be required.

- 43. Page 3, Section C.1: Please specify what screening will be proposed for which property lines (type and height).
- 44. Page 3, Section C.2.a: Please specify that there will be one (1) "ground monument sign" permitted, and only within DA A, and it "shall" not exceed 15' in height (used term "will" connotes intent at this point in time, and does not clearly have obligatory effect in this context).
- 45. Page 3, Section C.3.a: Ministorage buildings are restricted to 12' in height. Please remove language allowing use of a "light standard" and change the "building-mounted" light heights to 12'.
- 46. Page 3, Section C.5.a: Please correct text such as follows: "According to the adopted and effective FEMA floodplain maps, the site has some amount of Flood Zone AE 100-year Floodplain along the north line of Development Area A. An Earth Change / Floodplain Development Permit will be requested and must be approved by the City of Bixby to allow site grading as proposed for this development. An Elevation Certificate by an Oklahoma Registered Professional Land Surveyor will be required prior to issuance of a Building Permit / Floodplain Development Permit for the construction of the foundation of each building within Development Area A, which Elevation Certificate must demonstrate the 100-year Base Flood Elevation for the building site and the existing finished grade. A second Elevation Certificate will be required upon completion of the foundation of each such building, prior to issuance of a Building Permit / Floodplain Development Permit for the balance of the building, and must demonstrate that the First Finished Floor of each such structure's foundation is at least one (1) foot above the 100-year Base Flood Elevation. Alternatively, the Elevation Certificate requirement may be avoided if the lot is fully removed from the adopted and effective FEMA floodplain maps at the time a Building Permit is sought."
- 47. Page 3, Section C.5.a: Please describe how the land will be graded and how stormwater will drain from the proposed 4' setback along the south line of DA A and the proposed 5' setback along the east line of DA A.
- 48. Page 4, Section C.7 Access, Circulation and Parking: Describe plans for access such as identified in this analysis:

79

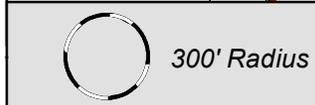
- a. Two (2) means of ingress / egress with Mutual Access Easements (with timeline for dedication or citation of Document # where such easement is recorded) through *The Boardwalk on Memorial* leading to
 - b. Two (2) entrances / gates at the west end of DA A,
 - c. The two (2) Mutual Access Easements (which must be represented on the Exhibits A, B, F, & G) to connect and allow cross access between proposed Lots 1 and 2, Block 1, "Byrnes Mini-Storages," and
 - d. The gated emergency-only ingress/egress through Lot 11, Block 2, *Southern Memorial Acres No. 2* to S. 85th Pl. E., to include
 - e. Whether and to what extent that 26'-wide drive will fall on Lot 12, Block 2, *Southern Memorial Acres No. 2*, and
 - f. If the "Roadway Easement" on Lot 12, Block 2, *Southern Memorial Acres No. 2* was adequately described therein or requires amendment, and
 - g. That access to the platted but unbuilt S. 85th E. Ave. will not be allowed within this PUD.
49. Exhibits A, B, F, & G: "Byrnes Mini-Storages" (plural) is inconsistent with the singular name as used elsewhere throughout the PUD.
 50. Exhibits A, B, F, & G: Represents "Existing 25' Access Easement by Plat," which location is not consistent with the locations of the two (2) access drives to the westerly gate locations on the site plan. Indicate the proposed Mutual Access Easements through *The Boardwalk on Memorial*, those proposed to connect and allow cross access between proposed Lots 1 and 2, Block 1, "Byrnes Mini-Storages," and that through on Lots 11 and/or 12, Block 2, *Southern Memorial Acres No. 2*, all as described in the recommendations in this report pertaining to PUD Text Section C.7 Access, Circulation and Parking.
 51. Exhibits A, B, F, & G: Please represent and label existing U/Es (with notation that same are subject to being vacated) and proposed new U/E (see related review item).
 52. Exhibits A, B, F, & G: Staff recommends adding a 4'-wide "Existing Tree Preservation and Landscaping Easement" along the entirety of the south line of DA A, as per other recommendations in this report.
 53. Exhibit A "Preliminary Plat": Consider relocating the "Development Area "A"" label to clearly demonstrate that it includes both proposed Lots 1 and 2, Block 1, "Byrnes Mini-Storages."
 54. Exhibit A "Preliminary Plat": Approval of Exhibit A as a part of this PUD, though titled "Preliminary Plat," would not constitute the approval of an application for Preliminary Plat of "Byrnes Mini-Storages," which will require submission of an application and a full review for Preliminary Plat approval. Staff has not reviewed Exhibit A fully as if it were a Preliminary Plat.
 55. Exhibit A "Preliminary Plat": As it is titled "Preliminary Plat," please add address to the lots, such as:
 - a. Lot 1: 12355 South Memorial Drive
 - b. Lot 2: 12365 South Memorial Drive
 - c. Lot 3: 12404 South 85th East Place (existing)
 56. Exhibit B: Please clarify whether 26'-wide driveway will be fully contained within Lot 11, Block 2, *Southern Memorial Acres No. 2*, or will fall in part within the "Roadway Easement" as represented on the provided exhibits, and if so, dimension what widths fall on which respective areas.

57. Exhibit B: Please dimension existing and proposed setbacks as follows:
 - a. Three (3) westernmost buildings from the west property line.
 - b. Northernmost two (2) buildings from the east line of proposed Lot 1, Block 1, "Byrnes Mini-Storages."
 - c. Southernmost building from the east line of proposed Lot 2, Block 1, "Byrnes Mini-Storages."
 - d. House in Development Area B / proposed Lot 3, Block 1, "Byrnes Mini-Storages" from (at a minimum) front, northeast/side, and 135'-wide west/rear property lines.
58. Exhibit B: Please label Development Areas as stated in Introduction section on page 1.
59. Exhibit B: Please label proposed fence height and materials as per other recommendations in this report. Fence notation completely missing at southwest corner of DA A.
60. Exhibit G: Please confirm all existing trees of a certain minimum caliper (must be defined) are represented within X' (4' minimum) north and south of the south line of DA A and represent any currently missing. Aerial and satellite imagery indicate several other trees than are represented on the exhibit, but their sizes are not known.
61. Due to the number of minor errors, the Applicant is advised to re-review the PUD and satisfy themselves as to its correctness.
62. For the recommended Conditions of Approval necessarily requiring changes to the text or exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD text and exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.
63. A corrected PUD text and exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: Two (2) hard copies and one (1) electronic copy (PDF preferred).



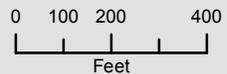
Subject Tract

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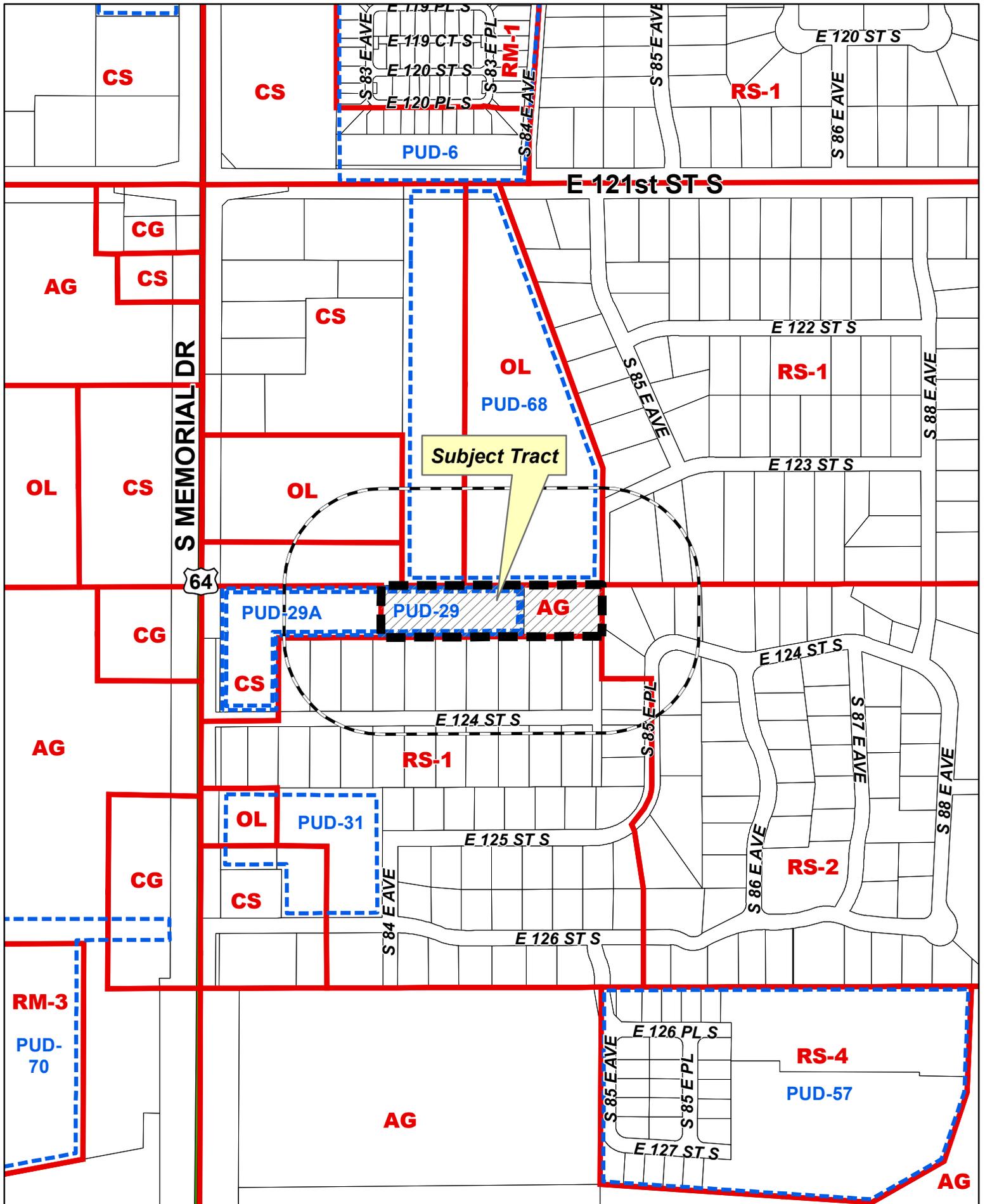
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PUD-77

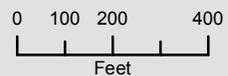


01 17-13



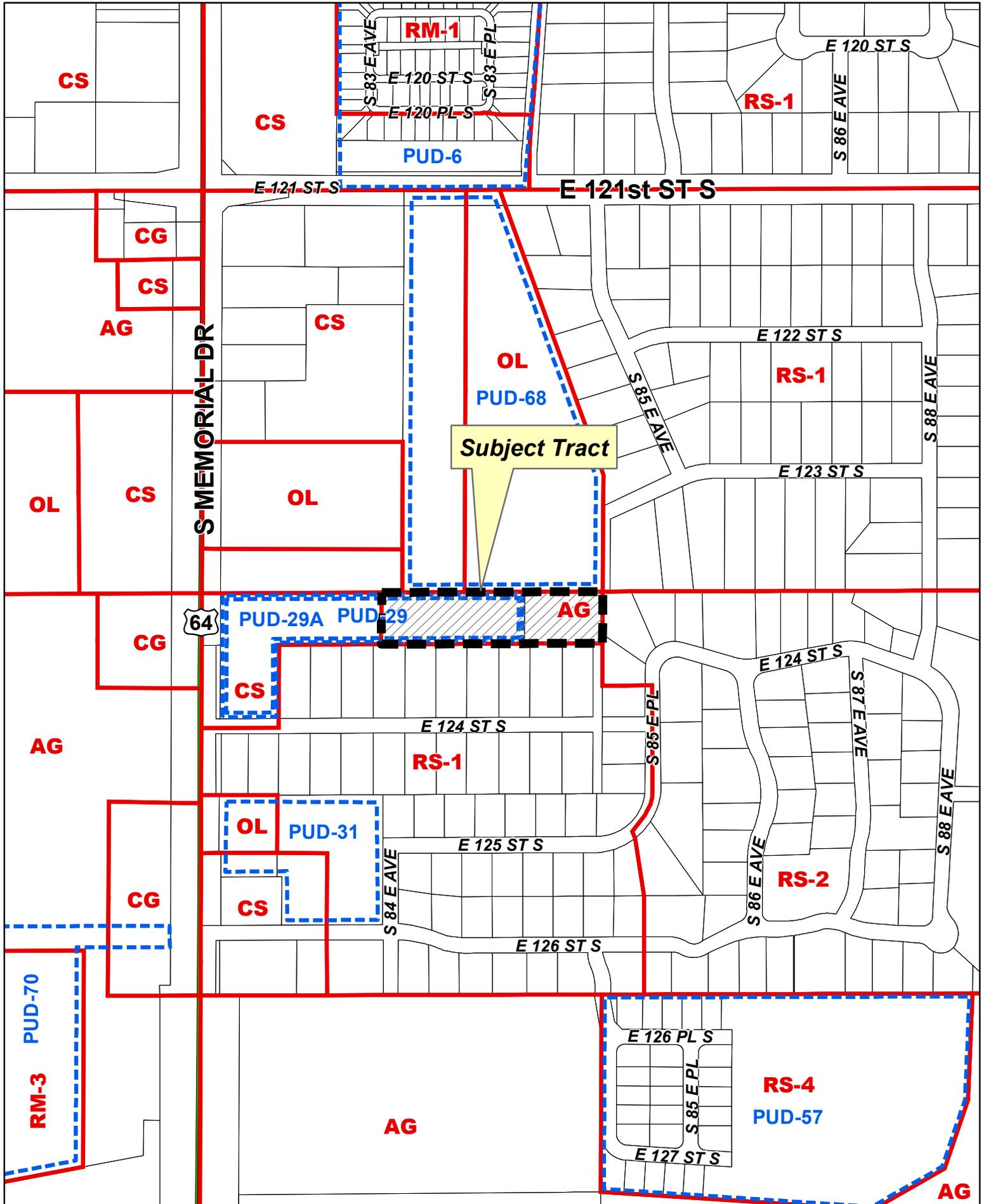


BCPA-9



01 17-13





Subject Tract

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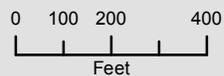


300' Radius



Subject Tract

BZ-365



01 17-13



Erik Enyart

From: Joey Wiedel [firemarshal@bixby.com]
Sent: Monday, April 08, 2013 9:54 AM
To: jrdon@easytelmail.com
Cc: Erik Enyart
Subject: RE: from JR Donelson / Bill Wilson project

JR. Donelson,

Please note that we will need more hydrants than is presented on the drawing. Also the driveway that is coming off of 85th E. Ave needs to be at least 26' wide.

Joey Wiedel/ Fire Marshal
City of Bixby Fire Dept.
116 W. Needles
Bixby, Ok 74008
PH: (918)366-0436
F: (918)366-4416

From: Erik Enyart [mailto:eenyart@bixby.com]
Sent: Thursday, April 4, 2013 3:50 PM
To: Jim Sweeden; 'Joey Wiedel (firemarshal@bixby.com)'
Subject: FW: from JR Donelson / Bill Wilson project

Jim / Joey:

I just noticed that JR did not copy you on this. He is looking for your input prior to completing the PUD revision. Please advise as appropriate and thanks,

Erik

From: JR Donelson [mailto:jrdon@easytelmail.com]
Sent: Thursday, April 04, 2013 7:24 AM
To: Erik Enyart
Subject: from JR Donelson / Bill Wilson project

Erik,
Please review and have Jim review. I am revising the PUD now. Let me know if I need to modify this or add language.

JR Donelson

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2013.0.3267 / Virus Database: 3162/6221 - Release Date: 04/02/13

Memo

To: Erik Enyart, AICP, City Planner

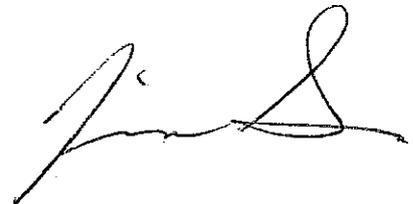
From: JOEY WIEDEL

Date: 2/21/2013

Re: PUD 77 "Byrnes Mini Storage"

PUD 77 concept site plans are not approved. Need larger set of plans that is legible. Plans need to be no smaller than 11½ by 17½.

See code attachment.



building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.6 Suspension or revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

105.7 Placement of permit. The *building permit* or copy shall be kept on the site of the work until the completion of the project.

SECTION 106 FLOOR AND ROOF DESIGN LOADS

106.1 Live loads posted. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m²), such design live loads shall be conspicuously posted by the owner in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

106.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

106.3 Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

SECTION 107 SUBMITTAL DOCUMENTS

107.1 General. Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

107.2 Construction documents. *Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.5.

107.2.1 Information on construction documents. *Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed

and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

107.2.2 Fire protection system shop drawings. Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance to this code and the *construction documents* and shall be *approved* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

107.2.3 Means of egress. The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

107.2.4 Exterior wall envelope. *Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe the *exterior wall system* which was tested, where applicable, as well as the test procedure used.

107.2.5 Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *design flood* elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

107.2.5.1 Design flood elevations. Where *design flood* elevations are not specified, they shall be established in accordance with Section 1612.3.1.

107.3 Examination of documents. The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Memo

To: Erik Enyart
From: Jared Cottle *JWC*
CC: Bea Aamodt
File
Date: 02/28/13
Re: Byrnes Mini-Storage
PUD 77

General Comments:

1. Any previous restrictions on the property from the Boardwalk on Memorial and the construction of the soccer fields should be considered and incorporated into the proposed PUD.
2. Detention is required for all runoff that does not discharge directly to the Fry Creek Channel. However, because the area drains into the Fry Creek Channel, fee-in-lieu charges of \$0.20/sf of impervious area may still apply.
3. The storm water drainage system must accommodate runoff from adjacent properties and in no way inhibit the existing drainage patterns or cause any discharge onto the properties to the south.
4. Water and sewer mains are accessible from the site.
5. The location of fire hydrants as determined by the Fire Marshall may require extension of water mains onto the site. Water main extension will need to be looped.
6. Lot access to streets and internal circulation must be addressed to the satisfaction of both the Zoning Code and the Fire Marshall.

MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
March 06, 2013 – 10:00 AM

MEMBERS PRESENT

Jim Peterson, *BTC Broadband*
Evelyn Shelton, *AEP-PSO*

STAFF PRESENT

Erik Enyart, AICP, City Planner, City of Bixby
Jim Sweeden, Fire Code Enforcement Official, City of Bixby

OTHERS PRESENT

Ricky Jones, *Tanner Consulting, LLC*
Justin Morgan, *Tanner Consulting, LLC*
JR Donelson, *JR Donelson, Inc.*
Bill Wilson, Helene V. Byrnes Foundation
Betsy McConahy

1. Erik Enyart called the meeting to order at 10:00 AM.

JR Donelson proposed to take the agenda items out of order, as he had two (2) items on the agenda and Tanner Consulting, LLC only had one (1). Erik Enyart asked those present if they had any objections. Those present indicated they had no objections, Erik Enyart introduced agenda item # 4 at this time.

4. **Preliminary Plat – Scenic Village Park – Tanner Consulting, LLC (PUD 76).** Discussion and review of a Preliminary Plat and certain Modifications/Waivers for “Scenic Village Park” for 92 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

Erik Enyart introduced the item and summarized the project and its location. Mr. Enyart noted that the TAC probably recalled the PUD on this project from the previous month. Mr. Enyart stated that the Planning Commission, the previous Wednesday, recommended Conditional Approval of the PUD, and it would go to the City Council Monday for final approval. Mr. Enyart stated that this was the next step in the development process, the Preliminary Plat.

Erik Enyart asked if there were any questions or comments at this time.

Ricky Jones noted that Tanner Consulting, LLC provided the first submittal engineering plans the previous week.

Erik Enyart asked the Applicant if they had received the Fire Marshal's memo, and Ricky Jones indicated he had.

Erik Enyart asked if there were any questions or comments from the utility companies.

Jim Peterson noted that there would be a big drainage project along 121st St. S., and noted that he would have a conflict with existing lines for a distance of about 50' to 60'. Mr. Peterson indicated he would work with the contractor if the contractor would call him. Mr. Peterson stated that, if there was enough slack, it may be moved, but otherwise would need to be relocated. Mr. Peterson stated that it could be relocated to the north side of 121st St. S., and would then be completely out of the way, but that would be expensive.

Erik Enyart asked if there were any further questions or comments.

Evelyn Shelton discussed with Tanner Consulting, LLC certain electrical line locations along the new street, and preferences for burying lines. Ms. Shelton noted there was an overhead electrical line along 121st St. S. Ms. Shelton asked if there would be easement between the Encore on Memorial apartment property and the southeast corner of the subject property. Justin Morgan stated that the owner did not get easement there. Erik Enyart asked if the owner did not have it in the contract with the seller that the seller would dedicate the right-of-way to allow 126th St. S. to be extended, and Ricky Jones confirmed this was correct. Ms. Shelton asked how wide the right-of-way would be, and Mr. Morgan and Mr. Enyart stated it would be 80' in width. Ms. Shelton indicated agreement, and stated that the electrical line could be placed across from the south to the north sides of the street to connect the subject property.

Erik Enyart asked Ricky Jones if the site plan for the assisted living facility was close to being ready for publication. Mr. Jones and Justin Morgan indicated it should be. Mr. Enyart stated that [the facility's developer] Joel Erickson had asked the City for assistance, and it would be preferable to have a current site plan to use for this purpose. Mr. Jones asked what kind of assistance Mr. Enyart was referring to, and Mr. Enyart responded, "Per our Mayor, we're putting something together for their benefit."

Jim Peterson asked if the assisted living facility was not being developed in two (2) phases. Justin Morgan and Ricky Jones responded that there would be two (2) or three (3) phases, and that the back acreage would be a future phase. Erik Enyart and Mr. Morgan clarified that the south/back acreage would be for detached, independent living housing.

Evelyn Shelton asked about service to the residential area to the south. Erik Enyart asked Ricky Jones if that [Development Area C] would not be replatted into individual lots, and Mr. Jones indicated agreement.

Erik Enyart stated that, as for the PUD, Roy Johnsen had already provided him nearly everything needed to satisfy the recommendations, but the site plan was still outstanding. Mr. Enyart stated that the PUD would go to the City Council Monday, and he knew the City Clerk would be "after me today to get the information packet." Mr. Enyart clarified with Ricky Jones that he would like the

final PUD submittal by the end of the day so he could get it to the City Clerk. Mr. Jones stated that he would see that this was done.

Erik Enyart asked if there were any further questions or comments. There were none.

Ricky Jones and Justin Morgan left at this time.

2. **PUD 77 – “Byrnes Mini-Storage” – JR Donelson, Inc.** Discussion and review of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 3.4 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.
-

Erik Enyart introduced the item and summarized the location and the development. Mr. Enyart stated that the property was located behind The Boardwalk on Memorial shopping center at 12345 S. Memorial Dr., and included a house in *Southern Memorial Acres No. 2*. Mr. Enyart stated that the vacant tracts were proposed for a ministorage development, and the house would remain a house but provide a second means of ingress and egress for emergency purposes.

Erik Enyart recognized Betsy McConahy from the neighborhood near the item. Mr. Enyart stated that Ms. McConahy had stopped by the previous day to ask about this project, and he had told her about this meeting, and so she was attending to see this part of the process. JR Donelson asked Ms. McConahy if she was from the neighborhood, and Ms. McConahy clarified that she was not from *Gre-Mac [Acres]* but lived in that area.

Erik Enyart asked if the Fire Marshal had any questions or comments.

Jim Sweeden asked if the primary means of access would be through the drive under the arch [along the north property line], and Bill Wilson confirmed and stated that he was still attempting to get additional easement from the property to the north. Mr. Wilson stated that he had already secured easement from [Lot 12, Block 2, *Southern Memorial Acres No. 2*]. Erik Enyart asked if the emergency access drive would not be located on [Lot 11, Block 2, *Southern Memorial Acres No. 2*], owned by the [Helene V. Burns] Foundation. Mr. Wilson and JR Donelson responded that it would. Mr. Wilson stated that he had secured additional easement in case it was needed. Mr. Enyart asked how wide the easement was, and Mr. Wilson stated that it was 15' in width. Mr. Enyart asked JR Donelson if it would not show up in a later site plan iteration, and Mr. Donelson indicated agreement.

JR Donelson stated that the emergency access drive would have a Knox Box [Rapid Entry System]. Jim Sweeden stated that the owner could elect to use a chain and lock, in the event they wanted to use it themselves, or could use a Knox Box with a number code, but that was more expensive.

Jim Sweeden took a call and left the meeting momentarily.

Jim Peterson asked if the only service needed would be at the office at the northwest corner of the development, and Bill Wilson indicated agreement but stated that the security [gate] at the east end

would need [electrical and perhaps also telecommunications] service. Evelyn Shelton indicated AEP-PSO could serve the office building through the shopping center and the security gate from the neighborhood at the east end.

Jim Sweeden returned.

Erik Enyart asked about the layout of the buildings. Mr. Enyart noted that he saw what appeared to be a 10'-wide corridor between 10' X 10' cells, which he suspected to be a walking corridor serving 10' X 10' storage units. JR Donelson confirmed and stated that it would be "temperature-controlled." Bill Wilson stated that the storage buildings on the outside would be 10' X 20'. Mr. Wilson stated that the buildings were [modular] standard units and came in 10' increment sizes.

Jim Sweeden stated that the buildings, if built on the property line, would have to have a four (4) hour fire wall rating. JR Donelson asked why Mr. Sweeden was requiring this. Erik Enyart clarified with Jim Sweeden that this was a Fire Code requirement. Mr. Enyart stated that it was not the City making up this rule.

Erik Enyart addressed JR Donelson and Bill Wilson and stated that putting the building on the property line presented other issues as well. Mr. Enyart stated that the Zoning Code has minimum setback requirements and landscaping requirements, and there was a Utility Easement that the building would be constructed over. Mr. Donelson asked where there was a Utility Easement, and Mr. Enyart responded that there was a U/E in the residual part of *The Boardwalk on Memorial* plat. Mr. Enyart clarified with Mr. Donelson that the owner would have to request this be vacated. Mr. Donelson stated that there were no utilities in the U/E, and the utility companies had just said they did not need to go through the development and would serve from either end. Mr. Enyart confirmed with Jim Sweeden that the City Engineer's memo noted that the waterline must be looped through the entire development. Mr. Enyart stated that, if no other utility needed easement, the City would for the water service. Mr. Donelson indicated the waterline would be placed along the north side of the property. Mr. Enyart clarified with Mr. Donelson that he meant he was proposing to dedicate a new U/E in the 30' drive between the northern two (2) buildings.

JR Donelson stated that the owner wanted the building wall to serve as the fence. Bill Wilson stated that the neighbors would probably prefer to see a masonry building wall as opposed to a fence and a metal building. Erik Enyart clarified that the Zoning Code required masonry on the building wall anyway, so to describe it as a "metal building," while technically accurate, would not be in order, since the metal building would be sided with masonry. Mr. Enyart stated that he expected the neighbors would not be happy with the ministorage buildings built on their property line, with all the trees removed. Bill Wilson stated that all the trees would stay in place. Mr. Enyart stated that he was not referring to the trees that may be on the neighbors' properties but the ones along the fenceline. Mr. Wilson stated that, with the ice storm that came through some years back, all the trees were dying and were not worth anything. Mr. Wilson stated that, when he constructed the soccer fields, he put in French drains to move the water away from the residential properties. JR Donelson stated that the roofs would be directed to drain into the development. Mr. Enyart noted that he understood the property was narrow, only 170' in width, and that the City required 30' of separation between, buildings, with the area left over for buildings. Mr. Enyart noted that he also understood the buildings were modular and came in specific sizes and configurations. Mr. Enyart

asked, hypothetically, how Mr. Wilson would respond if, by whatever means they would seize on the idea, the City Council told Mr. Wilson to give the homeowners some “breathing room,” to have the buildings moved off the property line by some distance, and whatever condition they may be in, preserve the trees along the fenceline and add additional landscaping. Mr. Enyart asked if Mr. Wilson would have a “fallback plan” in this instance. JR Donelson restated Mr. Enyart’s question to Mr. Wilson by asking what his position would be if the Planning Commission told him he had to have a 10’ setback and plant trees or bushes. Mr. Wilson stated that he could not set the buildings back 10’. Jim Sweeden asked where the 10’ requirement came from, and Mr. Enyart stated that Mr. Donelson had supplied the 10’ figure. Mr. Donelson, Mr. Wilson, and Mr. Enyart discussed this matter briefly. Mr. Enyart stated that he expected the neighbors may not be happy to have a commercial building constructed on their property line and all the trees removed. Mr. Enyart reiterated that he understood the narrow, 170’ width and the other parameters could cause Mr. Wilson to lose his third row of buildings, and that he understood that this was not a desirable outcome. Mr. Enyart asked if there was any flexibility [in the size of the buildings or drives] to allow for a setback along the south line, if a setback was ultimately required. Mr. Wilson asked why the City would require this. Mr. Enyart responded that he understood Mr. Wilson was trying to work within the 170’ and other existing parameters, but it was Mr. Wilson that was proposing a plan in conflict with City requirements, which put the City in the position of having to say it was against Code.

Erik Enyart stated that Bill Wilson would know his neighbors better than he would, but he wanted to say these things so that he and Mr. Donelson could consider the matter and be prepared with a fallback position if need be. Mr. Wilson stated that he didn’t know his neighbors all that well, but when he was going to put up a fence a few years back, they could not agree on what they wanted, so he did not build one and just put up netting to try to keep the soccer balls out.

Jim Sweeden stated that, due to the size of the buildings, they needed a sprinkler system. JR Donelson asked if a three (3) hour-rated fire wall could be used between building sections, and Mr. Sweeden confirmed. Mr. Sweeden and Mr. Donelson noted that “they don’t make 3-hour doors.” Mr. Enyart asked if that would mean the doors would have to be custom-built. Mr. Sweeden and Mr. Donelson stated that, in this case, they simply use 2-hour-rated fire doors. Mr. Sweeden noted that this is what was done in Crosscreek.

Bill Wilson asked if a third solution would not be to simply put the 3-hour fire wall between the two (2) building sections and have people come in from both ends of the building. Mr. Sweeden and Mr. Donelson indicated agreement.

Jim Sweeden noted that two (2) fire hydrants would be needed, and indicated the preferred locations for same.

Erik Enyart asked Bill Wilson, hypothetically, how he would respond if, at the same time as this would be developed, the land to the north was being developed—would he be willing to work with that property owner to share a drive along the common lot line. Mr. Wilson named the owners of the two (2) properties to the north and Mr. Enyart acknowledged and stated that he knew both were for sale. Mr. Wilson asked for clarification. Mr. Enyart asked Mr. Wilson if it would not give him

additional flexibility if there was a mutual access drive along the north side of his property. Mr. Wilson indicated he did not know.

Erik Enyart asked if there were any further questions or comments. There were none.

3. **Final Plat – Bixby Landing Second – JR Donelson, Inc. (PUD 57).** Discussion and review of a Final Plat for “Bixby Landing Second,” Part of the SW/4 of Section 01, T17N, R13E.
Property Located: Southeast of the intersection of 126th St. S. and 85th E. Ave.
-

Erik Enyart introduced the item and summarized the location and the development. Mr. Enyart noted that the PUD was approved in 2007, but the developer only platted the first phase, at 24 lots. Mr. Enyart noted that this would be the second phase, and would complete the development at 84 lots total. Mr. Enyart stated that, at the time of the first phase, the developer was approved for Preliminary Plat, which does not expire. Mr. Enyart stated that, therefore, the owner was asking for Final Plat approval at this time. Mr. Enyart confirmed with JR Donelson that the first phase was almost completely built out, and had only a couple lots left. Mr. Donelson stated that the developer wanted to apply for Building Permits in June. Mr. Enyart asked Mr. Donelson if all the engineering had been approved, and Mr. Donelson stated that it was approved with the Preliminary Plat, and they were just proceeding with those plans. Mr. Enyart asked Mr. Donelson if all the ODEQ permits had been approved and Mr. Donelson stated that they had.

Erik Enyart asked if the Fire Marshal had any questions or comments. Jim Sweeden confirmed JR Donelson had received his memo, including fire hydrant locations.

Erik Enyart asked if the utility companies had any questions or comments. Jim Peterson confirmed utility locations with JR Donelson.

Erik Enyart asked if there were any further questions or comments from anyone. Evelyn Shelton asked JR Donelson if he or the developer had the previously-approved electrical layout. Mr. Donelson stated that he was not sure. Ms. Shelton stated that she could not find the old layout, but had drawn a new one tentatively.

Jim Sweeden out at 10:57 AM.

Jim Peterson and Evelyn Shelton discussed utility locations briefly.

JR Donelson stated that Scott [Gideon of ONG] had sent him his layout of the development, and it was the same as before.

Erik Enyart stated that he was surprised ONG did not show up, especially for the [Scenic Village Park] development. Mr. Enyart noted that ONG and Cox Communications seemed to have stopped sending representatives to the TAC meetings.

Erik Enyart recognized Betsy McConahy and asked if she had any questions or comments. Ms. McConahy complained that the construction trucks were using the [emergency access drive] to drive down [126th St. S.] through her neighborhood. Mr. Enyart clarified with JR Donelson that

Ms. McConahy was referring to the existing street 126th St. S. Ms. McConahy stated that the roadway was in poor condition already and the trucks were causing damage. Mr. Enyart indicated that Ms. McConahy had visited with him the day before to ask about the two (2) developments near her neighborhood, and he had told her to report these issues to, and about the TAC agenda, where she could view the development plans online. Mr. Enyart indicated that he had informed Ms. McConahy that the meeting was open to the Public and she could attend this technical meeting to hear more about the development process. Ms. McConahy noted that a street shown on the plat was not in existence. Mr. Enyart advised Ms. McConahy that he knew the roadway was not there, but that area used to be part of the subdivision until the Fry Creek system was developed about 13 years prior. Ms. McConahy stated that the lots shown on the plat were not there either, and she didn't think the streets or lots were ever there, as she had lived there a long time. Mr. Enyart responded that the plat of the old subdivision would not change, and this new plat merely represented the old lots and streets as they were originally platted.

JR Donelson noted that the emergency access drive was being reconstructed from 18' to 26' in width per the Fire Marshal. Mr. Enyart clarified the location of the widened street with Mr. Donelson using the full-size copy of the plat. Mr. Enyart confirmed with Mr. Donelson that the [approximately 30'] of frontage of the Reserve Area would allow ample room for the 26'-wide paving.

Erik Enyart asked if there were any further questions or comments. There were none.

5. Old Business
6. New Business
7. Meeting was adjourned at 11:10 AM.

JR Donelson, Inc.

12820 So. Memorial Dr., Office 100

Bixby, Oklahoma 74008

918-394-3030

Email: jrdon@easytelmail.com

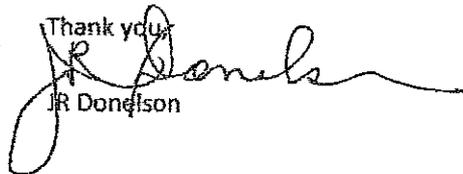
March 13, 2013

Erik Enyart
City Planner
City of Bixby
Bixby, Oklahoma

Re: Request to modify the Bixby Comprehensive Plan

William Wilson, representing the Helene V. Byrnes Foundation, requests the Bixby Comprehensive Plan be modified to allow the "OL", Office Low Intensity District zoning classification be allowed on their property. It is presently defined as a residential area by the Bixby Comprehensive Plan. The legal description of the property is attached.

Thank you,



JR Donelson

PROPERTY DESCRIPTION

A tract of land situated in a part of the NW/4 , Section 1, T-17-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described by metes and bounds, by Charles K. Howard, LS 297, as follows, to-wit:

Beginning at the northeast corner of "The Boardwalk on Memorial", PUD 29; thence with an assumed bearing of S 89°59'21"E being the north line of "The Boardwalk on Memorial" a distance of 251.74 feet to the northwest corner of Lot 11, Block 2, Corrected plat of Southern Memorial Acres No. 2; thence S00°24'08"W and along the West line of said Lot 11, Block 2 a distance of 170.00 feet; thence N 89°59'21"W a distance of 723.62 feet; thence N 00°00'39"E a distance of 170.00 feet to the north line of "The Boardwalk on Memorial"; thence S 89°59'21"E and along the north line of "The Boardwalk on Memorial" a distance of 473.04 feet to the point of beginning and containing 2.82 acres more or less.

Byrnes Mini-Storage
Bixby, Oklahoma

April 8, 2013

Prepared For:

Helene V. Byrnes Foundation
12345 So. Memorial Dr., #108
Bixby, Oklahoma 74008

Prepared By:

J.R. Donelson, Inc.
12820 So. Memorial Dr., Office 100
Bixby, Oklahoma 74008

Byrnes Mini-Storage, Planned Unit Development No. _____

Byrnes Mini-Storage

Planned Unit Development Number _____

Introduction.

Byrnes Mini-Storage is planned for a Mini-Storage and Office development. The overall site totals 3.438 acres. The site is located on the east side of South Memorial Drive and includes the east parcel of "The Boardwalk on Memorial" and Lot 11, Block 2, Southern Memorial Acres No.2. See Exhibit A, which is a Preliminary Plat of the Site.

As depicted on Exhibit B to this Planned Unit Development (PUD), the proposed PUD consists of two development areas.

Development Area A will be used as Mini-Storage and Development Area B will remain residential. The legal description for this PUD is shown in Exhibit B1.

Zoning.

The Site, Development Area A currently consists of two parcels. The eastern parcel will be known as Lot 2, Block 1 and is presently zoned "AG", (Agriculture District). The western parcel will be known as Lot 1, Block 1 and is presently zoned "CS" and is a part of "The Boardwalk on Memorial", PUD 29. An underlying zoning change is requested to "OL", (Office Low Intensity District). Development Area B will be known as Lot 3, Block 1 and is presently zoned "RS-2" (Residential District) and will remain "RS-2". Attached is Exhibit C, which is a map from INCOG that identifies the existing zoning of the site and surrounding area. All uses by right of "OL", (Office Low Intensity District) zoning will be allowed in Development Area A. All uses by right of "RS-2" will be allowed in Development Area B.

The Comprehensive land-use Plan.

The Site is located within the jurisdiction of the Bixby Comprehensive Plan 2001-2020. The Helene V. Byrnes Foundation is requesting the Bixby Comprehensive Plan be modified to allow the "OL", Office Low Intensity District zoning classification be allowed on this property. It is presently defined as a residential area by the Comprehensive Plan.

Features of the Site and surrounding area; viability and compatibility.

A Detailed Site Plan, adequate to demonstrate compliance with applicable standards and including details on proposed parking and landscape plans, shall be submitted for Planning Commission approval as required by the Zoning Code Section 11-7I-8.B.5 and this PUD.

Site Soil Conditions

The Soil Survey of Tulsa County, Oklahoma list the soil for this site to be "Choska very fine loam". The site is nearly level and moderately permeable soil.

Development Standards

A. DEVELOPMENT AREA A

LAND AREA:

Gross:	3.1798 acres	138,512.60square feet
Net:	3.1798 acres	138,512.60square feet

PERMITTED USES (to be allowed by right):

Those uses permitted are all the Use Units allowed by right within the "OL" zoning district of the City of Bixby Zoning Code; and all accessory uses permitted in the underlying zoning district and in the Planned Unit Development Chapter of the City of Bixby Zoning Code.

MINIMUM FRONTAGE		170 lin.ft.
MAXIMUM PROPOSED UNITS	6 units	47,000 square feet
MAXIMUM BUILDING HEIGHT:		24 feet
F.A.R. (floor to area ratio)		0.34
MINIMUM BUILDING SETBACKS		
Pursuant to Section 11-7B-4 of the City of Bixby Zoning Code:		
	West	15 feet
	North	0 feet
	South	0 feet
	East	5 feet

DETENTION AREA 14,152 sf, 10.22% of the development area.

B. DEVELOPMENT AREA B

LAND AREA:

Gross:	0.5024 acres	21,888.51square feet
Net:	0.5024 acres	21,888.51square feet

PERMITTED USES (to be allowed by right):

Those uses permitted are all the Use Units allowed by right within the "RS-2" zoning district of the City of Bixby Zoning Code; and all accessory uses permitted in the underlying zoning district and in the Planned Unit Development Chapter of the City of Bixby Zoning Code.

MINIMUM FRONTAGE	66 lin.ft.
MAXIMUM PROPOSED UNITS	1 units
MAXIMUM BUILDING HEIGHT:	35 feet
MINIMUM BUILDING SETBACKS	
Pursuant to Section 11-7B-4 of the City of Bixby Zoning Code:	

LANDSCAPE/GREEN AREA 18,931 sf, 86% of the development area

C. DEVELOPMENT STANDARDS FOR THE DEVELOPMENT AREA

1. LANDSCAPED AREA AND SCREENING

- a. Preliminary landscaping and screening area represented on Exhibit G. The screening of the North property line will be accomplished by a combination the back of the proposed mini-storage units. The screening of the South property line will be accomplished by the back of the mini-storage building and a 4'-0" landscape area south of the building adjacent to the south property line. The building elevation along the north and south property lines will be masonry or a masonry pattern stamped concrete. Setting the south building 4'-0" north of the south property will allow a number of trees situated along the south property line to remain.
- b. Frontage Requirements. The buildings will be setback a minimum of 10'-0" from the west and east property lines.

2. SIGNS

- a. Signage shall comply with the PUD Chapter (Chapter 7-I). A ground monument sign will be permitted. The ground sign will not exceed 15'-0" in height.
- b. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs with movement shall be prohibited in this PUD, except as may be permitted by the Bixby Planning Commission as part of the approved detail sign plan.

3. LIGHTING

- a. Lighting used to illuminate the development area shall be so arranged as to shield and direct the light away from adjacent properties. No light standard or building-mounted light shall exceed 20 feet in height.

4. TRASH, MECHANICAL AND EQUIPMENT AREAS

- a. There shall be no storage of recyclable materials, trash or similar material. All trash, ground supported mechanical and equipment areas, shall be screened from adjacent properties.

5. SITE GRADING

- a. The site is not in a designated FEMA floodplain. An onsite storm water detention facility will be constructed to retain and then release project storm water.

A Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required storm water drainage requirements serving the Site have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.

During construction on the property, the owner will provide adequate and reasonable erosion control methods, and after construction, will provide and maintain vegetative, landscaped ground cover so that soil does not erode on or from the property.

6. TOPOGRAPHY AND UTILITIES

- a. Topography. Topography of the Site is depicted on Exhibit F.
- b. Utilities. Water and sanitary sewer service will be provided by the City of Bixby. An existing water line is located on the east side of South Memorial Drive. A water line will be installed connecting the water line along South Memorial Drive to the existing water line along So. 85th Place. An existing sanitary sewer line is located running parallel to the south property line. A sanitary sewer line will be installed along the west property line and extended to the north property line. Storm water runoff will be collected in area inlets and piped to the on site detention facility.

7. ACCESS, CIRCULATION AND PARKING

- a. Access, traffic circulation and parking are depicted on Exhibit B. All drives and parking areas within the PUD shall be privately owned and maintained.

8. RESTRICTIVE COVENANTS; ENFORCEMENT

- a. Restrictive covenants will be adopted and recorded for the PUD as platted. The hours of daily operation will be from 6:00 am to 10:00 pm. There will be no space used as a residential dwelling. A security system will be installed for the project to monitor client movement within the facility and serve as a deterrent for non clients.

9. SCHEDULE OF DEVELOPMENT

Development will commence upon the approval of the PUD, preliminary plat and the constructions drawings by the appropriate government agencies. The proposed development schedule is as follows :

- | | |
|--|-----------|
| a. Earth Change Permit | 5/15/2013 |
| b. Preliminary Plat | 5/22/2013 |
| c. Approval of construction plans: | 6/1/2013 |
| d. Final Plat / Detailed Site Plan | 6/20/2013 |
| e. Installation of site erosion control: | 6/24/2013 |
| f. Begin site grading: | 6/25/2013 |
| g. Begin building construction: | 8/1/2013 |

Exhibits

Exhibit A.	Preliminary Plat.
Exhibit B.	Conceptual Site Plan.
Exhibit B-1.	PUD Site Legal Description.
Exhibit C.	Existing Area Zoning.
Exhibit D.	FEMA Firm Map.
Exhibit E.	Aerial of the Site.
Exhibit F.	Topography of Site.
Exhibit G.	Landscape Plan.

PRELIMINARY PLAT BYRNES MINI-STORAGES

A TRACT OF LAND SITUATED IN THE NW/4 OF SECTION 1, T-17-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, BEING A RE-PLAT OF A PORTION OF "THE BOARDWALK ON MEMORIAL" AND "LOT 11, BLOCK 2, SOUTHERN MEMORIAL ACRES NO.2", TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA.

PUD NO.

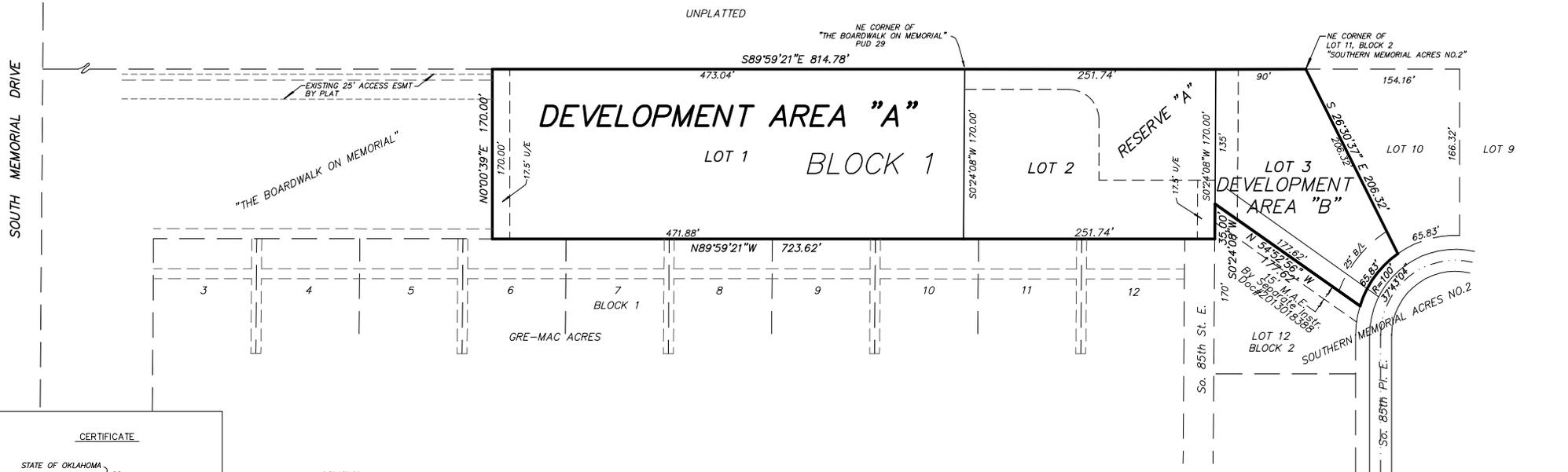


**FINAL PLAT
CERTIFICATE OF APPROVAL**
I hereby certify that this plat was approved by the City Council of the City of Bixby on _____
By: _____ Mayor - Vice Mayor
This approval is void if the above signature is not endorsed by the City Manager or City Clerk.
By: _____ City Manager - City Clerk

PLAT No.

ENGINEER/SURVEYOR:
JR DONELSON, INC.
12820 SO. MEMORIAL DR.
OFFICE 100
BIXBY, OKLAHOMA 74008
PHONE: 918-394-3030
C.A. NO. 5611 EXP. 6-30-13

OWNER:
HELENE V. BYRNES FOUNDATION
12345 SO. MEMORIAL DR. #208
BIXBY, OKLAHOMA 74008
CONTACT: BILL WILSON
PHONE: 918-263-1000
EMAIL: WILSON@OLP.NET



CERTIFICATE

STATE OF OKLAHOMA }
COUNTY OF TULSA } SS
I, Pat Key, Tulsa County Clerk, in and for the County and State of Oklahoma above named, do hereby certify that the foregoing is a true and correct copy of a like instrument now on file in my office.
Dated the _____ day of _____
Pat Key, Tulsa County Clerk
Deputy

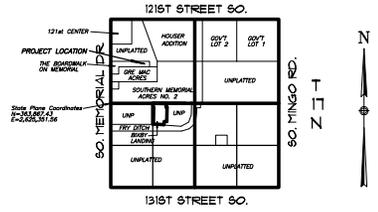
LEGEND

U/E	UTILITY EASEMENT
BL	BUILDING LINE
RL	ROAD RIGHT-OF-WAY
DOCNO.	DOCUMENT NUMBER

PROPERTY DESCRIPTION

A tract of land situated in a part of the NW/4, Section 1, T-17-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described by metes and bounds, by Charles K. Howard, LS 297, as follows, to-wit:
Beginning at the northeast corner of "The Boardwalk on Memorial", PUD 29; thence with an assumed bearing of S 89°59'21"E being the north line of "The Boardwalk on Memorial" a distance of 251.74 feet to the northwest corner of Lot 11, Block 2, Corrected plat of Southern Memorial Acres No. 2; thence continuing S 89°59'21"E an along the north line of said Lot 11, Block 2 a distance of 90.00 feet to the northeast corner of said Lot 11, Block 2; thence S 26°30'37"E and along the east line of said Lot 11, Block 2 a distance of 206.32 feet; thence along a curve to the left with a radius of 100.00 feet and a delta angle of 37°43'04" for 65.83 feet, with a chord bearing of S35°48'20"W and a chord distance of 64.65 feet; thence N 54°52'56"W a distance of 177.62 feet; thence S 00°24'08"W a distance of 35.00 feet; thence N 89°59'21"W a distance of 471.88 feet; thence N 00°00'39"E a distance of 170.00 feet to the north line of "The Boardwalk on Memorial"; thence S 89°59'21"E and along the north line of "The Boardwalk on Memorial" a distance of 473.04 feet to the point of beginning and containing 3.662 acres more or less.

R-13-E



**SECTION 1
LOCATION MAP**

SCALE: 1" = 2000'
SUBDIVISION CONTAINS:
AREA = 3.682 ACRES 16@.4000 SF
NO. LOTS 3 BLOCKS 1
APRIL 6, 2013
C: WILSON\EXHIBIT-ADUG

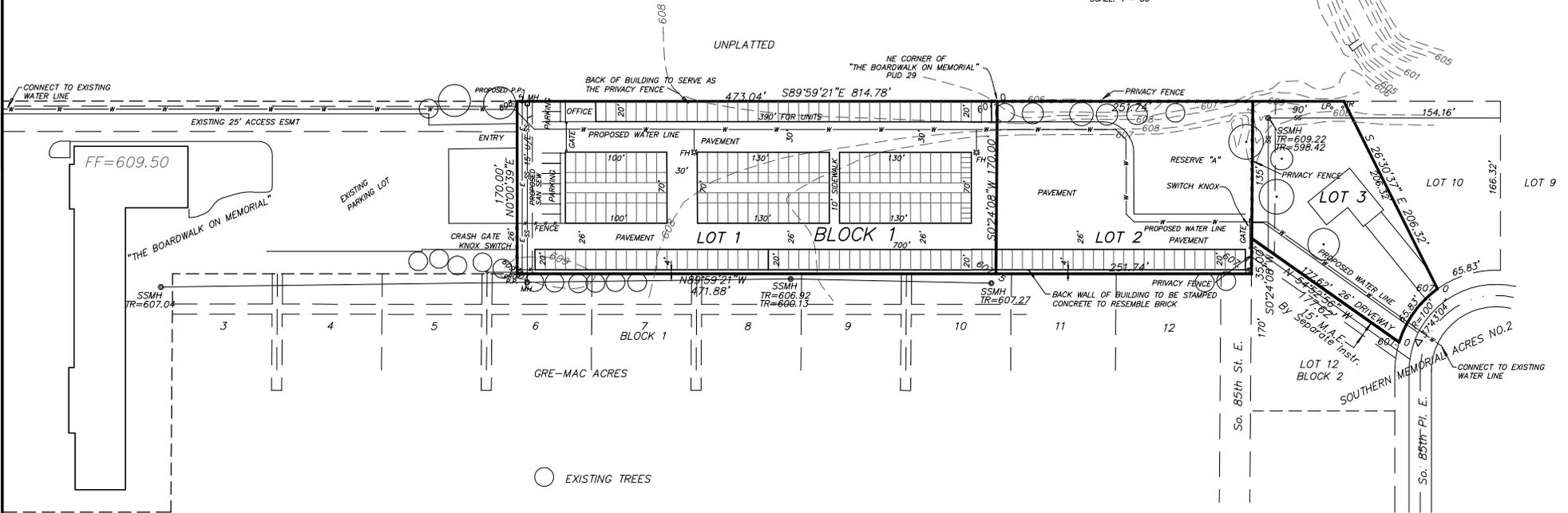
BYRNES MINI STORAGES
Preparation date: April 6, 2013
SHEET 1 OF 2

EXHIBIT A
PRELIMINARY
PLAT

ENGINEER/SURVEYOR:
 JR DONELSON, INC.
 12820 SO. MEMORIAL DR.
 OFFICE 100
 BIXBY, OKLAHOMA 74008
 PHONE: 918-394-3030
 C.A. NO. 5611 EXP. 6-30-13

OWNER:
 HELENE V. BYRNES FOUNDATION
 12345 SO. MEMORIAL DR. #100
 BIXBY, OKLAHOMA 74008
 CONTACT: BILL WILSON
 PHONE: 918-263-1000
 EMAIL: WILSON@OLFPNET

BYRNES MINI-STORAGES CONCEPTUAL SITE PLAN



○ EXISTING TREES

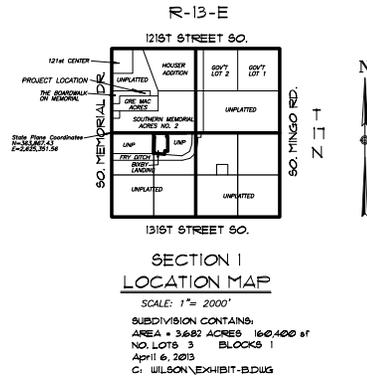


EXHIBIT B
 CONCEPTUAL
 SITE PLAN

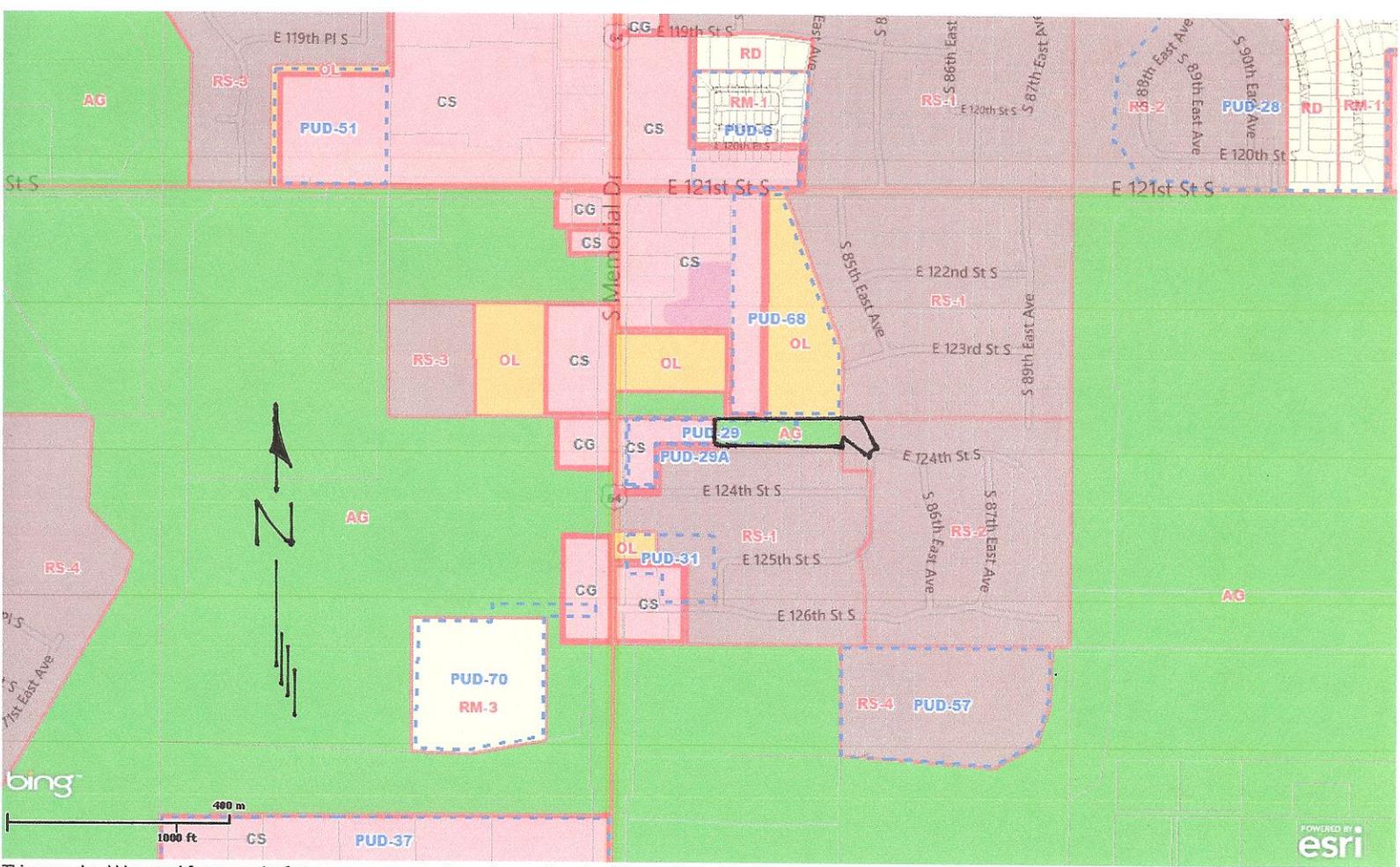
EXHIBIT B-1

PUD SITE LEGAL DESCRIPTION

A tract of land situated in a part of the NW/4 , Section 1, T-17-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described by metes and bounds, by Charles K. Howard, LS 297, as follows, to-wit:

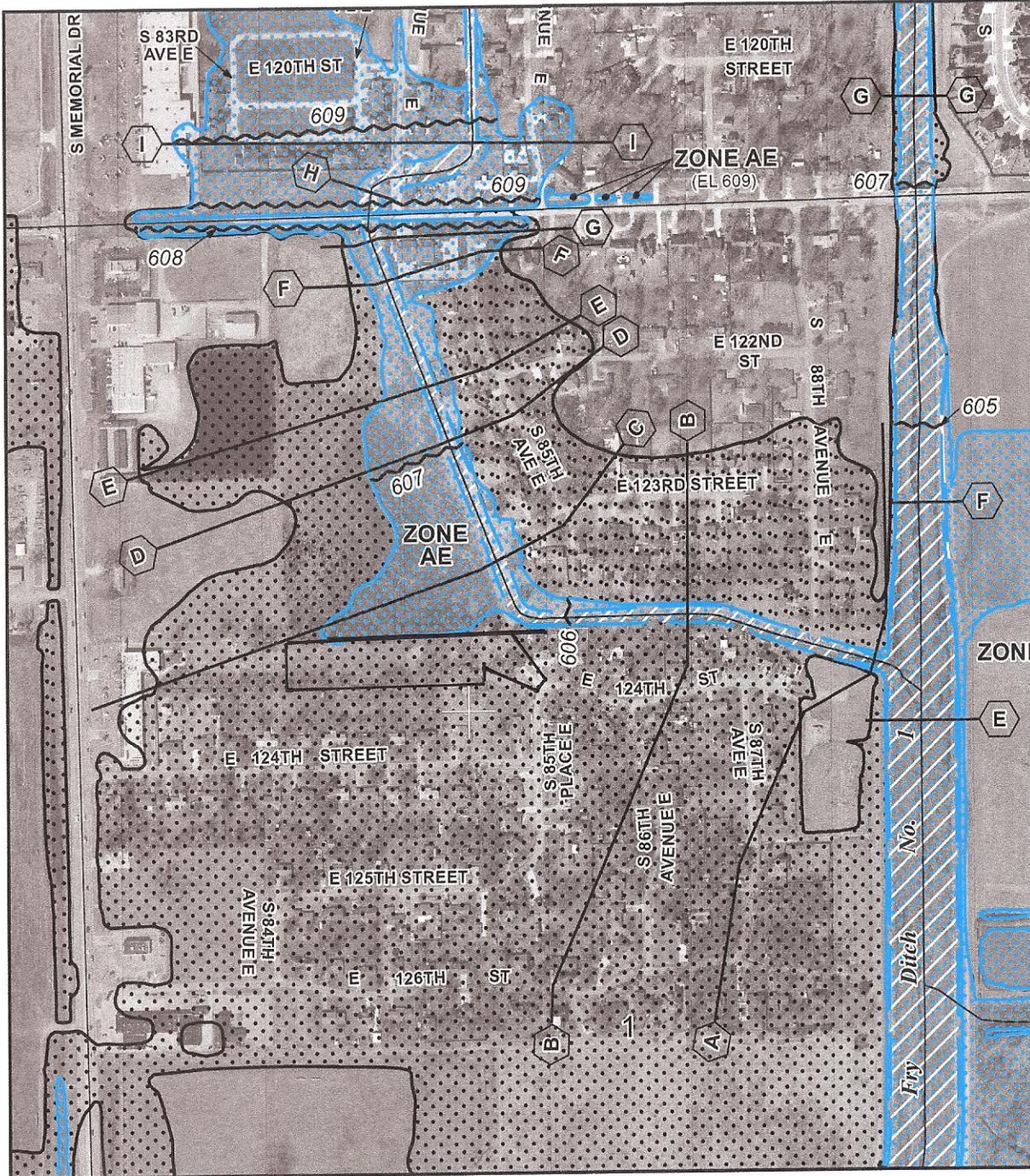
Beginning at the northeast corner of "The Boardwalk on Memorial", PUD 29; thence with an assumed bearing of S 89°59'21"E being the north line of "The Boardwalk on Memorial" a distance of 251.74 feet to the northwest corner of Lot 11, Block 2, Corrected plat of Southern Memorial Acres No. 2; thence continuing S 89°59'21"E an along the north line of said Lot 11, Block 2 a distance of 90.00 feet to the northeast corner of said Lot 11, Block 2; thence S 26°30'37"E and along the east line of said Lot 11, Block 2 a distance of 206.32 feet; thence along a curve to the left with a radius of 100.00 feet and a delta angle of 37°43'04" for 65.83 feet, with a chord bearing of S35°48'20"W and a chord distance of 64.65 feet; thence N 54°52'56"W a distance of 177.62 feet; thence S 00°24'08"W a distance of 35.00 feet; thence N 89°59'21"W a distance of 471.88 feet; thence N 00°00'39"E a distance of 170.00 feet to the north line of "The Boardwalk on Memorial"; thence S 89°59'21"E and along the north line of "The Boardwalk on Memorial" a distance of 473.04 feet to the point of beginning and containing 3.428 acres more or less.

Brynes Mini-Storage



This map should be used for general reference purpose only. Areas in question should be verified at the INCOG office or at the respective municipality. Thu Feb 14 2013 03:29:06 PM.

EXISTING AREA ZONING
EXHIBIT C



MAP SCALE 1" = 500'

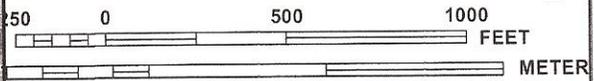


EXHIBIT D
FIRM MAP



PANEL 0432L

FIRM
FLOOD INSURANCE RATE MAP
TULSA COUNTY,
OKLAHOMA
AND INCORPORATED AREAS

PANEL 432 OF 530
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BIKBY, CITY OF	400207	0432	L
TULSA, CITY OF	405381	0432	L
TULSA COUNTY	400462	0432	L

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
40143C0432L

MAP REVISED
OCTOBER 16, 2012

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



EXHIBIT E
AERIAL OF SITE

BYRNES MINI-STORAGES

ENGINEER/SURVEYOR:
 JR DONELSON, INC.
 11210 SO. MEMORIAL DR.
 OFFICE 100
 BIXBY, OKLAHOMA 74008
 PHONE: 918-394-3030
 C.A. NO. 5611 EXP. 6-30-13

OWNER:
 HELENE V. BYRNES FOUNDATION
 12345 SO. MEMORIAL DR. #08
 BIXBY, OKLAHOMA 74008
 CONTACT: BILL WILSON
 PHONE: 918-263-1000
 EMAIL: WILSON@OLP.NET

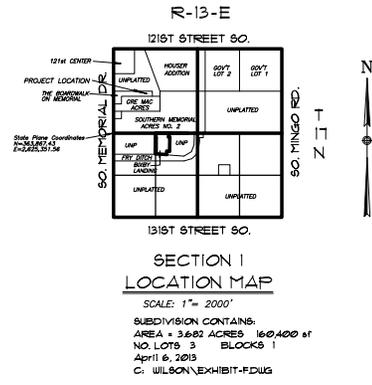
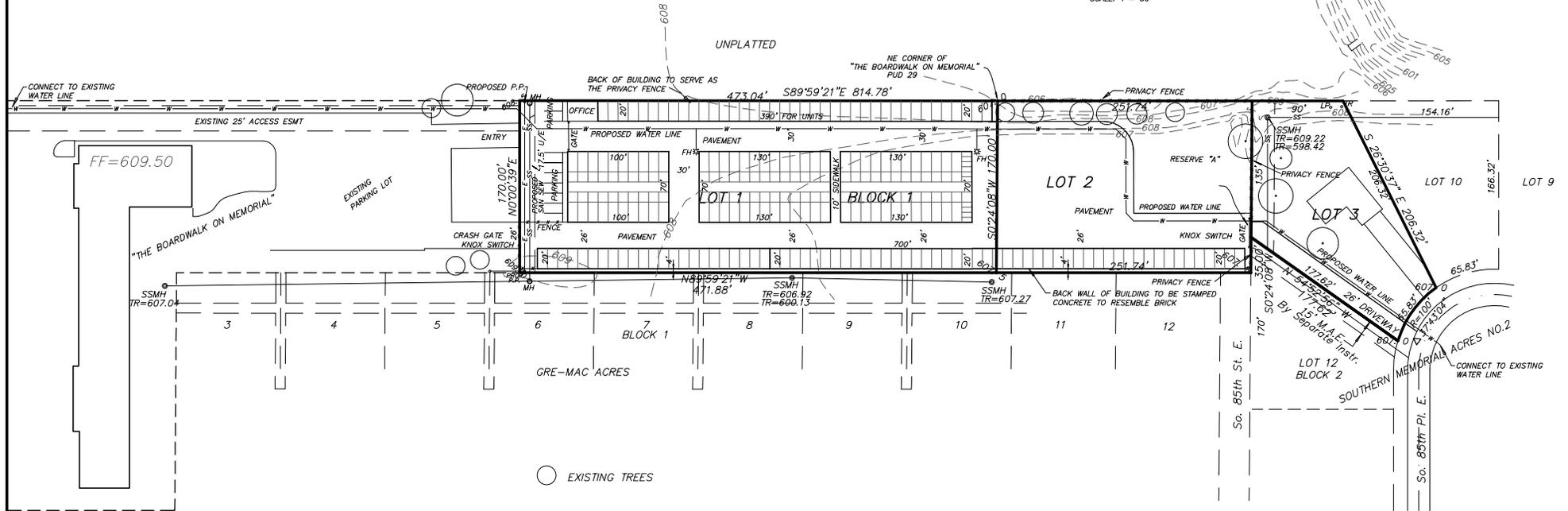
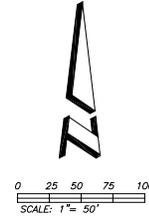
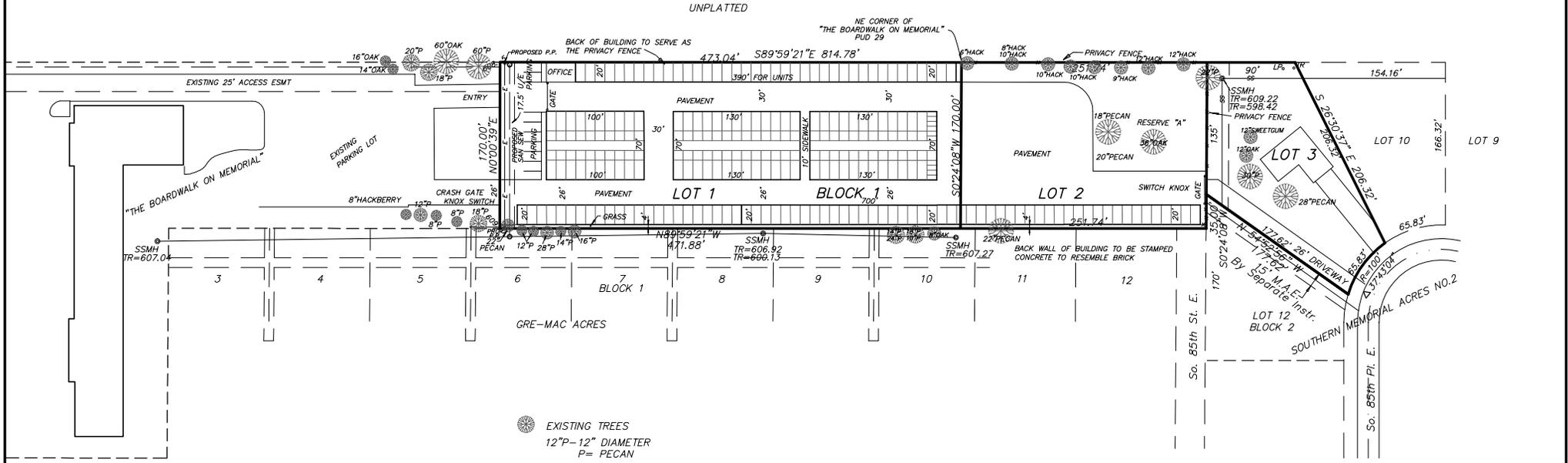
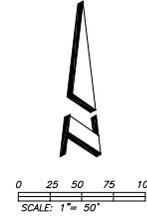


EXHIBIT F
 TOPOGRAPHY

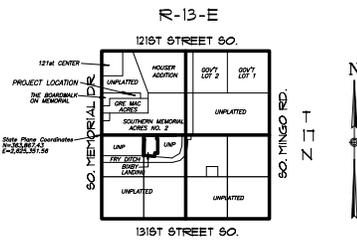
BYRNES MINI-STORAGES

ENGINEER/SURVEYOR:
JR DONELSON, INC.
12810 SO. MEMORIAL DR.
OFFICE 100
BIXBY, OKLAHOMA 74008
PHONE: 918-394-3030
C.A. NO. 5611 EXP. 6-30-13

OWNER:
HELENE V. BYRNES FOUNDATION
12345 SO. MEMORIAL DR. #100
BIXBY, OKLAHOMA 74008
CONTACT: BILL WILSON
PHONE: 918-269-1000
EMAIL: WILSON@OLP.NET



EXISTING TREES
12\"/>



SECTION 1
LOCATION MAP

SCALE: 1" = 2000'
SUBDIVISION CONTAINS:
AREA = 3.682 ACRES 160,400 sf
NO. LOTS 3 BLOCKS 1
February 5, 2013
C: WILSON\EXHIBIT-G.DWG

EXHIBIT G
LANDSCAPE
PLAN



ROADWAY EASEMENT

The Roadway Easement described herein (the "Easement") is hereby granted this 19th day of FEBRUARY, 2013, by GAIL D. HORNE and JOHN W. HORNE, wife and husband, ("Grantors") to THE HELENE V. BYRNES FOUNDATION, an Oklahoma not-for-profit corporation, ("Grantees") and its assignees as herein provided.

Grantee owns the property described below, to-wit:

Lot Eleven (11), Block Two (2), SOUTHERN MEMORIAL ACRES NO. TWO, an Addition in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof

AND

UNOFFICIAL COPY
The East 256.23 feet of the North 170 feet of the North Half (N/2) of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section One (1), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof

(collectively the "Grantee's Property")

This Easement is granted to Grantee and its successors and assignees of the Grantee's Property (the "Grantees' Assigns") to assure access to Grantee's Property.

Grantors, as the legal and equitable title owner of the real estate subject to the Easement described herein hereby grant and convey unto Grantee and the Grantee's assigns a private, permanent, non-exclusive access easement over and across the property described below, to-wit:

The Northwesterly 15 feet of Lot Twelve (12), Block Two (2), abutting the Southwesterly line of Lot Eleven (11), Block Two (2), of CORRECTED SOUTHERN MEMORIAL ACRES NO. TWO, an Addition in Tulsa County, State of Oklahoma, according to the recorded plat No. 2802

(the "Easement Property")

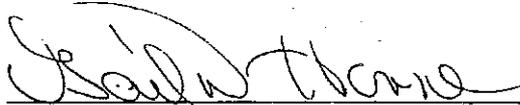
for a private roadway for the purposes of providing vehicular and other access for the exclusive use of the owners of the Grantee's Property, its successors and assigns, refuse collection service, the United States Post Office, law enforcement agencies, personnel of the City of Bixby, Tulsa County, Oklahoma, the State of Oklahoma and United States of America, the operators of all emergency vehicles, and the guests, tenants, invitees and licensees of the owners, from time-to-time, of the

Grantee's Property. No owner, tenant, guest, invitee, or other person using said Easement shall in any manner obstruct said Easement or interfere with the use of said Easement for vehicular or other access. Said Easement shall be used only for a private roadway. No above ground structures shall be permitted on the Easement.

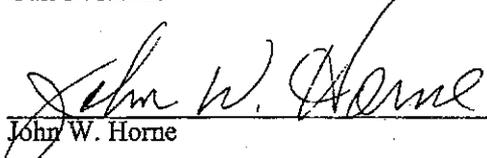
This Easement, and the rights granted hereunder to Grantee and the owners of the Grantee's Property and its successors and assigns, may be released or limited at any time by Grantee or Grantee's Assigns.

IN WITNESS WHEREOF, the Grantors have executed this Roadway Easement the date

^{first above written}
UNOFFICIAL COPY



Gail D. Horne



John W. Horne

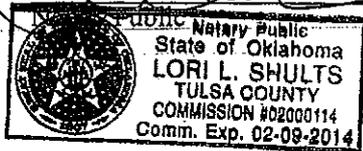
STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

Before me, a Notary Public in and for said county and State, on this 19th day of FEBRUARY, 2013, personally appeared Gail D. Horne and John W. Horne, wife and husband, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial seal the day and year last above written.

Commission: 02000114
Dot 2-09-14





JHF.HORNE BYRNES.ROADWAY EASEMENT

106



CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Monday, April 01, 2013
RE: Report and Recommendations for:
PUD 45 – “Spicewood Neighborhood Center” – Minor Amendment # 1

LOCATION: – Southwest corner of the intersection of 101st St. S. and Mingo Rd.
– Part of the NE/4 NE/4 Section 25, T18N, R13E

SIZE: 10 acres, more or less

ZONING: CS & OL with PUD 45

EXISTING USE: Use Unit 11 “Firststar Bank” under construction in Lot 1, Block 1, *First National*; Vacant in the balance of subject property

REQUEST: Minor Amendment to PUD 45 to allow the maximum ground sign height to be increased from 20’ to 25’

SURROUNDING ZONING AND LAND USE:

North: (across 101st St. S.) RS-3, CS, RM-0, & CS/PUD 364; Single-family residential homes and the City of Tulsa Robert J. Riggs Jr. Park in *Cedar Ridge Park Phase I* to the northwest, a *Kum & Go* gas station and the “Cedar Ridge Village” shopping center in *Cedar Ridge Village* to the north, single-family residential in *Cedar Ridge Village* to the northwest, and the *Plaza del Sol* shopping center in PUD 364 across Mingo Rd. to the northeast, all in the City of Tulsa.

South: RT/PUD 36; Single-family residential homes and lots in *Spicewood Villas*.

East: (across Mingo Rd.) R-2; Single family residential *The Greens at Cedar Ridge* in the City of Broken Arrow.

West: AG & RD/PUD 30; A tributary of the Fry Creek Ditch # 1 and single family residential townhouses in *Spicewood Park*.

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

PREVIOUS/RELATED CASES:

BZ-165 – Pittman-Poe & Associates, Inc. for Allen G. Oliphant – Request to rezone approximately 383 acres from AG to RS-3, RD, RM-2, & CS for a residential and commercial development for parts of the NW/4, NE/4, and SE/4 of this Section – Included subject property, which part was requested for CS zoning – PC recommended Approval of an amended request (including RS-2 instead of RS-3) 05/28/1985 and the City Council Approved the amended request 06/11/1985 (Ord. # 530).

PUD 11 – Edgewood Farm – Pittman-Poe & Associates, Inc. for Allen G. Oliphant – Request to approve PUD 11 for approximately 383 acres for a residential and commercial for parts of the NW/4, NE/4, and SE/4 of this Section – Included subject property – PC recommended Approval 05/28/1985 and the City Council Approved 06/11/1985 (Ord. # 531).

BZ-202 – W. Douglas Jones for Tercero Corporation – Request to rezone 382 acres, more or less, from RS-3, RD, RM-2, & CS to AG (includes subject property) – PC recommended Approval 10/19/1992 and City Council Approved 10/26/1992 (Ord. # 673).

PUD 11 Abandonment – W. Douglas Jones for Tercero Corporation – Request to abandon PUD 11 – PC recommended Approval 10/19/1992 and City Council Approved 10/26/1992 (Ord. # 674).

BZ-282 – Tanner Consulting, LLC – Request to rezone 10 acres, more or less, from AG to CS & OL for commercial and office use – Included subject property – PC recommended Approval 01/22/2002 and City Council Approved 02/11/2002 (Ord. # 847).

PUD 45 – Spicewood Neighborhood Center – Tanner Consulting, LLC – Request to approve a PUD for subject property of 10 acres, more or less – PC recommended Approval 09/22/2005 and City Council Approved 10/10/2005 (Ord. # 920).

BL-379 – Tanner Consulting, LLC – Request for Lot-Split approval for to separate the land being platted as First National from the balance of the original 10-acre tract – PC Approved 06/20/2011.

Preliminary & Final Plat of First National – Request for Preliminary Plat and Final Plat approval for *First National* part of subject property – PC Recommended Conditional Approval 06/20/2011 and City Council Conditionally Approved 06/27/2011 (Plat # 6416 recorded 03/16/2012).

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

The application was filed by Weldon Bowman, owner of W Design, LLC and architect for Firstar Bank, which owns Lot 1, Block 1, *First National*, located in a part of PUD 45, and in order to facilitate the bank's interest. This Minor Amendment will be applicable to all of PUD 45. In a March 19, 2013 conversation with Joe Westervelt of Maplevue Associates, Inc.,

representative of the owner of the balance of PUD 45, Mr. Westervelt expressed no objection to this proposal.

ANALYSIS:

Property Conditions. The subject property contains a Use Unit 11 "Firststar Bank" under construction in Lot 1, Block 1, *First National*, and is otherwise vacant and zoned CS with PUD 45. The land appears to slope gently to the south and west and drains to a stormwater detention facility on City of Bixby-owned property immediately west of *Spicewood Pond*. This is part of the Oliphant drainage and detention system located between 101st St. S. and 111th St. S., which is itself an upstream part of Fry Creek Ditch # 1.

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

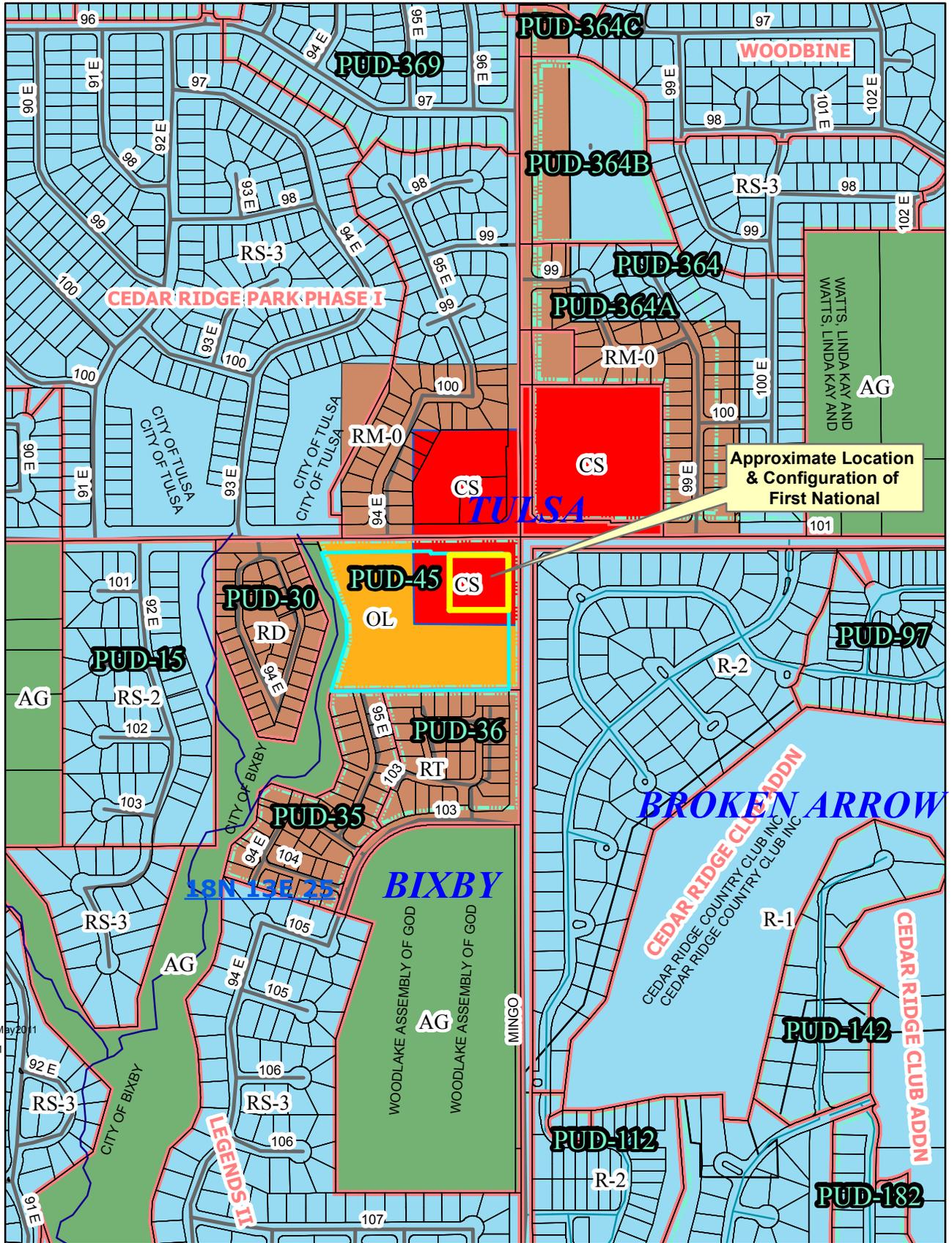
The proposed land use element, an increase in the maximum sign height, does not appear to find favor in or be discouraged by the Comprehensive Plan.

General. The Applicant is requesting a Minor Amendment to allow an increase in maximum sign height from 20' to 25'.

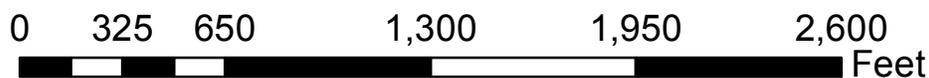
The underlying zoning is CS and would permit up to 30' in sign height. As it is within an PUD, the PUD provisions of the Zoning Code restrict to 25' in sign height. It was the original PUD 45 itself which restricted the height further to 20'. Since the Zoning Code would allow a 25'-high sign by right, removal of the self-imposed 20' height restriction may be accommodated by Minor Amendment, as requested here.

Staff Recommendation. Staff believes this PUD Minor Amendment is in order and recommends Approval.

PUD 45 – Spicewood Neighborhood Center – Minor Amendment # 1



- WagRoads_May2011
 <all other values>
- ZONE_TYPE**
- Agricultural
 - Commercial
 - Flood
 - Industrial
 - Office
 - Residential SF
 - Residential Multi
 - Residential Manuf.
 - <all other values>
- ZONE_TYPE**
- Agricultural
 - Commercial
 - Flood
 - Industrial
 - Office
 - R-1
 - Residential SF
 - Residential Multi
 - RM
 - RM-0
 - Residential Manuf.
- Tulsa_E911Streets_May2011
 BA_Streets_May2011
- Subdivisions
 - PUD
 - Tulsa Parcels 05/11
 - Tulsa Parcels 01/13
 - WagParcels 05/11
 - bixby_s-t-r
 - bixby_streams
 - MasterPlanLandUse





wdesign I ARCHITECTURE

1513 E. 15TH St., Ste. A Tulsa, OK 74120
Office: 918.794.6616 Fax: 918.794.6602 Web: wdesignsite.com

February 25, 2013

Mr. Erik Enyart, AICP
Bixby City Planner
City of Bixby, PO Box 70
Bixby, OK 74008

RE: Firstar-Tulsa (PUD 45 Minor Amendment); 9696 East 101st Street South, Tulsa, OK 74133

Dear Erik:

Per our recent discussion of project site design matters associated with Firstar-Tulsa to be located south and west of the intersection of E. 101st St. S. and S. Mingo Rd., please note below the amendment we are requesting to the original First National PUD (PUD 45) approved by the city in 2012. We feel as though the requested PUD amendment is minor in nature, and with approval by the city, will allow Firstar-Tulsa to meet its operational needs. The PUD Amendment request is as follows:

1. Amendment of the existing "Signs" section text of the PUD Development Standards as follows:

Existing Text: With in development area "A", each lot shall be permitted one free-standing monument type sign per street frontage. Monument signs shall not to exceed 20 feet in height and 150 square feet of display surface area.

Proposed Text: With in development area "A", each lot shall be permitted one free-standing monument type sign per street frontage. Monument signs shall not to exceed 25 feet in height and 150 square feet of display surface area.

We appreciate the city's consideration and support of the above PUD Amendment request, and will provide any additional information the city may require. Feel free to contact me if you have any questions with the above amendment.

Respectfully,

Weldon Bowman, AIA, NCARB

111



CITY OF BIXBY
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STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner 
Date: Monday, April 01, 2013
RE: Report and Recommendations for:
PUD 57 – “Bixby Station” – Minor Amendment # 1

LOCATION: – Southeast of the intersection of 126th St. S. and 85th E. Ave.
– Part of the SW/4 of Section 01, T17N, R13E

SIZE: 18.518 acres, more or less

ZONING: RS-4 Residential Single-Family District with PUD 57

EXISTING USE: Residential in *Bixby Landing*; Vacant in the pending “Bixby Landing Second”

REQUEST: Minor Amendment(s) to PUD 57

SURROUNDING ZONING AND LAND USE:

North: RS-1 and RS-2; Residential in *Southern Memorial Acres No. 2*
South: AG; Fry Ditch
East: AG; Fry Ditch
West: RS-4/PUD 57; Residential in *Bixby Landing*

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

PREVIOUS/RELATED CASES:

PUD 57 – Bixby Station – Bruce Wood – Request for RM-3 (multi-family) and CS (Commercial Shopping) zoning and PUD approval for subject property – PC Recommended Denial 07/16/2007.

PUD 57 – Bixby Station – Bruce Wood (Amended) – Request for RS-4 zoning and PUD approval for subject property – PC Recommended Approval 08/20/2007 and City Council Approved 09/24/2007 (Ord. # 979).

Preliminary Plat of Bixby Station – Bruce Wood – Request for Preliminary Plat approval for subject property – PC Recommended Conditional Approval 11/19/2007 and City Council Conditionally Approved 11/26/2007.

Final Plat of Bixby Landing – Bruce Wood – Request for Final Plat approval for *Bixby Landing* (previously known as “Bixby Station”) – PC Recommended Conditional Approval 06/16/2008 and City Council Conditionally Approved 06/23/2008 (recorded 02/18/2009).

BL-359 – JR Donelson for MPR Family, LLC – Request for Lot-Split approval to allow the “Bixby Landing” developers to acquire a small, triangularly-shaped portion of the northeast corner of the 18 acre-tract abutting to the west to make up the balance of the 50’ right-of-way for S. 85th E. Ave. – Approved by PC 08/18/2008.

BBOA-501 – Bruce Wood for Advent Development, LLC – Request for Special Exception per Zoning Code Sections 11-7B-2 Table 1 to allow a Use Unit 5 subdivision swimming pool and pool house and park facility on Reserve ‘A’ of *Bixby Landing* – BOA Approved 05/04/2009.

BBOA-502 – Bruce Wood for Advent Development, LLC – Request for (1) a Variance from the minimum number of parking spaces per Zoning Code Section 11-9-5.D., (2) a Variance from parking setback requirements of Zoning Code Section 11-10-3, (3) a Variance from the 7.5’ landscaped strip standard of Zoning Code Section 11-12-3.A.2, and (4) a Variance from certain other standards and restrictions of the Zoning Code pertaining to parking for Reserve ‘A’ in *Bixby Landing* – BOA Conditionally Approved 05/04/2009.

Final Plat of The Amended Plat of Bixby Landing – Request for Final Plat approval to amend the plat of *Bixby Landing* to incorporate Reserve ‘A’ as residential Lot 1, Block 5 – PC Recommended Approval 04/26/2010 and City Council Approved 05/10/2010 (not since recorded; approval expired 05/10/2011).

Final Plat of Bixby Landing Second – Request for “Bixby Landing Second” Final Plat approval for eastern approximately 12 acres of subject property – PC Recommended Conditional Approval 03/18/2013 and City Council Conditionally Approved 03/25/2013.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

The entire Bixby Landing residential subdivision development consists of 18.518 acres and 84 lots. The project was previously known as “Bixby Station” in the approved PUD 57, and when it was reviewed and approved as a Preliminary Plat. The *Bixby Landing* first phase contains 6.326 acres and 24 lots, and the Final Plat for same was recorded February 18, 2009.

In 2010, the City approved an amended plat of *Bixby Landing*, which proposed to convert Reserve ‘A,’ originally planned for a pool and poolhouse and park facility, to Block 5, Lot 1, to

be used for another house. However, that plat was not since recorded, and the Final Plat approval expired 05/10/2011 (reference SRs Section 12-2-6.F).

The Subdivision Regulations do not have a time limitation for Preliminary Plat approvals, as there are with Final Plats. Therefore, the Preliminary Plat is still approved, and only the Final Plat is required to complete the development with *Bixby Landing Second*.

ANALYSIS:

Property Conditions. The subject property of 18.518 acres is zoned RS-4 with PUD 57. The land is relatively flat and appears to drain to the south and east to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. *Bixby Landing* is nearly or now completely built out with single family residential homes, and the easterly portion (for "Bixby Landing Second") is presently vacant.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the east and south.

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

The residential use anticipated by this plat would be consistent with the Comprehensive Plan.

General. This Minor Amendment will be applicable to all of PUD 57. During the review of the Final Plat of "Bixby Landing Second," certain Zoning deficiencies were outlined and made Conditions of Approval. The Applicant is requesting a Minor Amendment to PUD 57 to address these deficiencies as follows:

1. *Bixby Landing* contains 24 lots, and "Bixby Landing Second" proposes 61 lots (85 lots total). Between the Preliminary Plat approval in 2007 and today, an extra lot was squeezed in around the cul-de-sac in Block 3. PUD 57 restricts the development to 84 lots. This PUD Minor Amendment proposes to relax the maximum lot number restriction, which may be allowable as a Minor Amendment as the 85 lots would be far less than the RS-4 district would otherwise allow.

The pertinent part of the amended text under section B Amended Standards is proposed to be as follows:

"DEVELOPMENT AREA A
MAX NUMBER OF LOTS 90"

2. "Bixby Landing Second" Lot 18, Block 7 is proposed to have 16.07' of frontage. Zoning Code Section 11-8-4 requires a minimum of 30'. PUD 57 does not presently provide for less than 30' of frontage. As a Condition of Approval of the Preliminary Plat of "Bixby Station" (*Bixby Landing* / "Bixby Landing Second") in 2007, the development required (1) a PUD Minor Amendment or (2) an extension of the 'eyebrow' turnaround at the

intersection of 126th Pl. S. and 88th E. Ave. to provide at least 30' of frontage, as recommended by the then Planning Commission Chair, subject to the approval of the Fire Marshal.

3. As an alternative to the above, if the emergency-access-only road is to be constructed to 20' or 26' in width and would otherwise meet the requirements as a city street, it can be dedicated as the extension of S. 88th E. Ave. from "Bixby Landing Second" to *Southern Memorial Acres No. 2*. The frontage would have to be widened to 50', but this may allow for Lot 18, Block 7 to meet the frontage requirement (see previous item). The reconfiguration would remove the need to construct a "knuckle" / "eyebrow" turnaround, and may allow for the addition of one (1) lot, if requisite adjustments are made (and subject to an amendment to the PUD). The addition of a lot may compensate for the added expense of improving the fire access road to a City street. Further, the removal of Reserve 'C' would reduce the maintenance burden on the HOA, allowing for the reduced annual dues to be focused on the maintenance of the other two (2) Reserves in *Bixby Landing*. Finally, the HOA may someday ask the City to accept the roadway as a City street, which would then be problematic due to any difference between the requirements for a fire access road and a City street. The City Engineer, Fire Marshal, Fire Code Enforcement Official, and City Planner would support this change. However, per the Applicant on the date of this report, this option is not favored.
4. Lot 11, Block 3 has less than the 30' of frontage required per Zoning Code Section 11-8-4, which PUD 57 does not provide flexibility for. An adjustment to the lot lines to achieve 30' or a PUD Minor Amendment would be required. At the Planning Commission meeting held March 18, 2013, Applicant JR Donelson indicated that this may be resolved by adjusting the lots to achieve 30' of frontage. If this is not done, this PUD Minor Amendment would resolve the issue for this cul-de-sac frontage lot.

For the above three (3) numbered items, the pertinent part of the amended text under section B Amended Standards is proposed to be as follows:

"LOT WIDTH (min. ft.) 30 feet*

....

* The 30' minimum frontage requirement of Bixby Zoning Code Section 11-8-4 is relaxed within PUD 57, provided the lot complies with the minimum lot width requirement imposed herein, as measured at the building line."

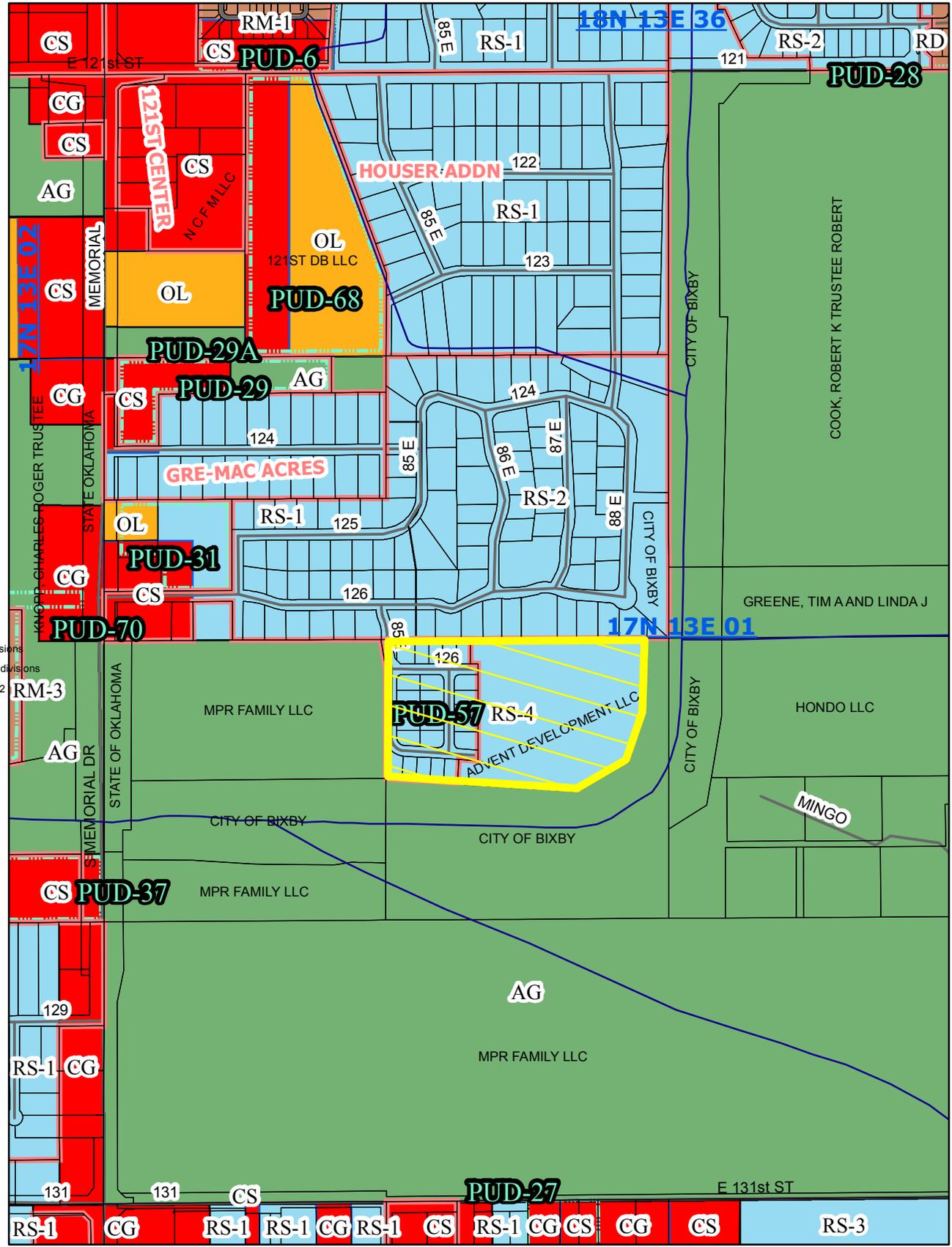
Staff Recommendation. Staff believes this PUD Minor Amendment is in order and recommends Approval with the following corrections, modifications, and Conditions of Approval:

1. As of the date of this report, the Tulsa County Assessor's records reflect that the developer, RC Bixby Landing, LLC, owns a southerly, approximately 7-acre portion of the 12-acre subdivision (see Warranty Deed recorded 01/03/2013, Document # 2013001345), with the remainder owned by Patriot Bank of Broken Arrow. Please confirm developer now owns all, or has acquired the balance of subject property before recordation of Final Plat.

2. Please correct Section A Introduction as follows: "Thereafter, a portion was platted as Bixby Landing, an addition to the City of Bixby, Tulsa County, State of Oklahoma, on June 16, 2008. The plat was filed of record on February 18, 2009."

116

PUD 57 – Bixby Station – Minor Amendment # 1



- bixby_streams
- Tulsa Parcels 01/13
- WagParcels 01/13
- TulsaCountySubdivisions
- WagonerCountySubdivisions
- WagRoads_Aug2012
- E911Streets
- PUD
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- bixby_s-t-r
- county



Bixby Station

Planned Unit Development Number 57

MINOR AMENDMENT NO. 1

A. INTRODUCTION

The Bixby City Council approved PUD 57 on September 24, 2007 for Bixby Station, Ordinance Number 979. Thereafter, a portion was platted as Bixby Landing, an addition to the City of Bixby, Tulsa County, State of Oklahoma, on June 16, 2008. The plat was filed of record on February 18, 2009.

B. AMENDED STANDARDS.

The Development Standards for all development area lots shall be amended to read as follows:

DEVELOPMENT AREA A

MAX NUMBER OF LOTS 90

LOT WIDTH (min. ft.) 30 feet

(Zoning Code Section 11-8-4) as measured at the building line

C. AMENDED SITE PLAN. No amended Site Plan for PUD No. 57 shall be required.

D. SCOPE. Except as herein amended, the Development Standards for PUD No. 57 shall remain the same as approved by the Bixby City Council on September 24, 2007.

PROPERTY DESCRIPTION

A tract of land situated in a part of the NE/4 of the SW/4, Section 1, T-17-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described by Charles K. Howard, LS 297, as follows, to-wit:

Commencing at the Northwest Corner of the SW/4, of Section 1, T-17-N, R-13-E, according to the Corrected Plat of Southern Memorial Acres No.2, a subdivision in the S/2 of the NW/4 of Section 1, T-17-N, R-13-E; thence with an assumed bearing of N 88°34'19"E being the North line of said SW/4 and the South line of said corrected plat of Southern Memorial Acres No. 2 a distance of 1719.78 feet to the point of beginning; thence continuing N 88°34'19"E and along said North line a distance of 822.01 feet to a point on Fry Creek Right-of-Way; thence S 00°00'00"W along said Right-of-Way a distance of 354.97 feet; thence S 17°35'57"W along said Right-of-Way a distance of 240.64 feet; thence S 59°02'03"W along said Right-of-Way a distance of 273.28 feet; thence N 87°28'52"W along said Right-of-Way a distance of 564.26 feet; thence N 02°31'08"E a distance of 110.00 feet; thence S 87°28'52"E a distance of 89.08 feet; thence N 00°58'30"W a distance of 456.64 feet; thence S 89°01'30"W a distance of 35.00 feet; thence N 00°58'30"W a distance of 117.75 feet to the point of beginning and containing 12.232 acres more or less.