

**AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
September 30, 2013 6:00 PM**

SPECIAL-CALLED MEETING

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- (2) 1. Approval of Minutes for the August 19, 2013 Regular Meeting
38 2. Approval of Minutes for the September 16, 2013 Regular Meeting (Record of No Meeting)

PUBLIC HEARINGS

- 39 3. **PUD 76 – Scenic Village Park – Major Amendment # 1.** Discussion and possible action to approve Major Amendment # 1 to PUD 76 for approximately 70 acres located in the E/2 of Section 02, T17N, R13E, which amendment proposes modifying development area boundaries, making certain changes to land uses, making certain changes to development standards, adjusting the alignment of the collector road system, and making certain other amendments.

Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

- 77 4. **PUD 62 – Hawkeye – Minor Amendment # 1.** Discussion and possible action to approve Minor Amendment # 1 to PUD 62 for property located in the W/2 SE/4 of Section 15, T17N, R13E, which amendment proposes to provide for a cul-de-sac street design for Kingston Ave., provide certain requirements pertaining thereto, and make certain other amendments.

Property located: Northwest corner of the intersection of 151st St. S. and Kingston Ave.

PLATS

OTHER BUSINESS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Eryant Date: 09/29/2013 Time: 3:30 PM

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
August 19, 2013 6:00 PM**

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:04 PM.

(The doors were propped open to the City Hall lobby, to allow additional people to participate in the meeting, as the Council Meeting Room was otherwise standing-room-only).

Chair Thomas Holland asked that, due to crowding, speakers limit their statements to approximately three (3) minutes each, and if someone had already stated something similar, keep them focused to something else or at least shorten them as to what was already said.

ROLL CALL:

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

Members Absent: None.

Erik Enyart clarified for the Commissioners that the document provided to them prior to the meeting was a copy of the Technical Advisory Committee meeting Minutes, which had not made it into the original agenda packet as mailed. Mr. Enyart had also provided them copies of a protest letter pertaining to Agenda Item #s 2, 3, and 4.

CONSENT AGENDA:

1. Approval of Minutes for the July 15, 2013 Regular Meeting

Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. John Benjamin made a MOTION to APPROVE the Minutes of the July 15, 2013 Regular Meeting as presented by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Benjamin, Whisman, and Whiteley
NAY: None.
ABSTAIN: Baldwin.
MOTION CARRIED: 4:0:1

During the Roll Call, Jeff Baldwin explained he was Abstaining because he was not present at that meeting.

Larry Whiteley made a MOTION to take the agenda items out of order and move Agenda Item # 5 forward to be considered at this time. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Benjamin, Baldwin, Whisman, and Whiteley
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 5:0:0

OTHER BUSINESS

5. **BSP 2013-04 – “Crosscreek Lot 5, Block 1, Tracts 3 & 4, 12810 & 12812 S. Memorial Dr., Suites 300-309” – JR Donelson, Inc. (PUD 37).** Discussion and consideration of a PUD Detailed Site Plan and building plans for “Crosscreek Lot 5, Block 1, Tracts 3 & 4, 12810 & 12812 S. Memorial Dr., Suites 300-309” a trade center development for part of Lot 5, Block 1, *Crosscreek*.
Property located: 12810 and 12812 S. Memorial Dr.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, August 15, 2013
RE: Report and Recommendations for:
BSP 2013-04 – “Crosscreek Lot 5, Block 1, Tracts 3 & 4, 12810 & 12812 S. Memorial Dr., Suites 300-309” – JR Donelson, Inc. (PUD 37)

LOCATION: – 12810 and 12812 S. Memorial Dr. Suites 300 : 309 (each)
– Northeast of the north dead-end of 73rd E. Ave. north of 129th St. S.
– Tracts 3 and 4 (per BL-377) of Lot 5, Block 1, *Crosscreek*
SIZE: 3 acres, more or less, in two (2) tracts
EXISTING ZONING: CS Commercial Shopping Center District + PUD 37
EXISTING USE: Multitenant “trade center” buildings
DEVELOPMENT Approval of Detailed Site Plan including as elements: (1) Detailed Site

TYPE: Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations for new trade center buildings

SURROUNDING ZONING AND LAND USE:

North: AG, CG/PUD 76, & RM-2/PUD 70; The Fry Creek Ditch channel, with agricultural land to the north of that zoned CG with PUD 76, and the Encore on Memorial apartment complex to the northeast zoned RM-2 with PUD 70.

South: RS-1, RS-2, & RMH; The Bixby United Pentecostal Church and residences and vacant residential lots in Poe Acreage and unplatted residential areas fronting along E. 129th St. S., a mobile home park, and manufactured home residential in LaCasa Movil Estates and LaCasa Movil Estates 2nd to the southwest.

East: CS + PUD 37; Trade center metal buildings in Crosscreek.

West: AG & RMH; Former baseball practice fields, the Fry Creek Ditch channel, with manufactured home residential in LaCasa Movil Estates and LaCasa Movil Estates 2nd to the southwest zoned RMH.

COMPREHENSIVE PLAN: Corridor

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

PUD 37 – Crosscreek – Randall Pickard for Remy Co., Inc. – Request for rezoning from AG to CS and PUD 37 for Crosscreek – Recommended for Approval by PC 03/21/2005 and Approved by City Council April 11, 2005 (Ord. # 980 – number assigned to the approved blank ordinance in the year 2007 after discovery of the discrepancy).

Preliminary Plat of Crosscreek – Request for Preliminary Plat approval for Crosscreek – Recommended for Approval by PC 06/20/2005 and Approved by City Council 06/25/2005.

Final Plat of Crosscreek – Request for Final Plat approval for Crosscreek – Recommended for Approval by PC 11/21/2005 and Approved by City Council 11/28/2005.

AC-06-04-01 – Request for Architectural Committee [Site Plan and building plans] approval for Phase I, consisting of buildings 1 through 5, inclusive, of Crosscreek – Believed to have been approved by AC April 17, 2006 (Minutes not found in case file).

BBOA-453 – Dennis Larson – Request for Special Exception to allow a Use Unit 17 indoors sales of used automobiles in the CS district with PUD 37 for Crosscreek, and specifically, 12804 S. Memorial Dr. Unit # 109 – Approved by BOA 05/07/2007 on the condition that sales be indoors with no storage of automobiles outside of the building.

BBOA-487 – Keith Whitehouse for Cross Creek Office Warehouses, LLC – Request for Special Exception to allow a Use Unit 17 internet-based/indoor used automobile sales in the CS district with PUD 37 for Lot 2, Block 1, Crosscreek, and specifically, 12818 S. Memorial Dr. Unit # 111 – Approved by BOA 08/04/2008.

BBOA-494 – David Owens for Cross Creek Office Warehouses, LLC – Request for Special Exception to allow a Use Unit 17 indoor lawnmower and small engine repair business in the CS district with PUD 37 for Lot 3, Block 1, Crosscreek, and specifically, 12806 S. Memorial Dr. Unit # 115 – Withdrawn by Applicant in October/November 2008.

BBOA-498 – Cross Creek Office Warehouses, LLC and/or Remy Enterprises – Request for Special Exception to allow a Use Unit 19 indoor gymnasium, health club, baseball and basketball practice and training, enclosed commercial recreation establishments not elsewhere classified, and other such related uses within Use Unit 19, in the CS Commercial Shopping Center District with PUD 37 – Approved by BOA 03/02/2009.

PUD 37 – Crosscreek – Minor Amendment # 1 – Request for Minor Amendments to PUD 37 for Crosscreek – PC recommended Denial 05/18/2009 and City Council Approved on appeal 05/26/2009.

BL-377 – JR Donelson, Inc. for Remy Enterprises – Request for Lot-Split approval for Lot 5, Block 1 (including subject property) into “Tracts 1 through 4, inclusive” – PC Conditionally Approved 02/22/2011.

PUD 37 – Crosscreek – Minor Amendment # 2 – Request for Minor Amendments to PUD 37 for Crosscreek – PC Conditionally Approved 05/16/2011.

BSP 2011-02 – “Crosscreek Lot 5, Block 1, Tracts 1 & 2” – JR Donelson, Inc. – Request for PUD Detailed Site Plan approval for Crosscreek Lot 5, Block 1, Tracts 1 & 2 – PC Conditionally Approved 05/16/2011.

BLPAC-7 – JR Donelson, Inc. for Remy Enterprises – Request for Landscape Plan Alternative Compliance plan for Crosscreek Lot 5, Block 1, Tracts 1 & 2 – PC Conditionally Approved 05/16/2011.

BSP 2011-03 – “Crosscreek Lot 5, Block 1, Tracts 3 & 4” – JR Donelson, Inc. – Request for PUD Detailed Site Plan approval for Crosscreek Lot 5, Block 1, Tracts 1 & 2, for buildings 12810 S. Memorial Dr. Suites 200 : 209 and 12812 S. Memorial Dr. Suites 200 : 209 – PC Conditionally Approved 11/21/2011.

BACKGROUND INFORMATION:

The Crosscreek development essentially consists of a series of metal trade center / warehouse buildings extending approximately ½ mile along the south side of the Fry Ditch No. 1 channel, oriented lengthwise along the channel (east-west). The exception is the front building (“Building 1”), which is oriented lengthwise along Memorial Dr., and has had appearance upgrades and is primarily used for retail sales. The metal warehouse buildings are consistent with those typical of warehousing and trades and services general business offices (Use Unit 15, etc.). It should be noted that Use Unit 23 Warehousing is not permitted in the CS district or per PUD 37. This has continually caused interpretative and occupancy permitting issues for Crosscreek.

In May of 2011, on “Tracts 1 & 2” (per BL-377) of Lot 5, Block 1, Crosscreek, the Applicant was granted approvals to construct two (2) new metal trade center buildings, similar to those existing in the rest of Crosscreek, but smaller, as they will be built on the smaller lots. These were addressed 12810 and 12812 S. Memorial Dr. Suites 100:109.

Per BSP 2011-03 on November 21, 2011, the Applicant was approved to construct an additional two (2) new metal trade center buildings on “Tracts 3 and 4” of Lot 5, Block 1, Crosscreek. These were addressed 12810 S. Memorial Dr. Suites 200 : 209 and 12812 S. Memorial Dr. Suites 200 : 209. They were issued a Building Permit in late 2011. They did not occupy all of “Tracts 3 and 4,” and the Applicant indicated at the time that another two (2) smaller buildings may be constructed in the future on the vacant balance of land.

In or around July of 2012, Staff was presented with a Building Permit for these last two (2) buildings, and mistook them for the ones that had been approved, as indicated by the fact that Staff “tagged” the Building Permits with the case number from the previous two (2) (BSP 2011-03). Thus, even though not approved for Detailed Site Plan (DSP) as required by PUD 37, the permits were signed, the buildings and site improvements have been constructed and they have been issued temporary Certificates of Occupancy, subject to the satisfaction of the DSP approval requirement.

ANALYSIS:

Property Conditions. The subject property consists of vacant Tracts 3 and 4 (per BL-377) of Lot 5, Block 1 in Crosscreek, zoned CS + PUD 37. The two (2) tracts together contain approximately three (3) acres and drain north to the Fry Creek Ditch # 1.

Comprehensive Plan. The Comprehensive Plan designates the subject property as Corridor.

The trade center development anticipated by this Detailed Site Plan would be consistent with the Comprehensive Plan.

General. The Applicant is proposing to build the last two (2) 125' X 80' (10,000 square feet) buildings, one (1) on each tract. The buildings are located on the west ends of each tract and are surrounded with concrete paving, with unpaved 10' X 80' (or larger) landscaped strips on the east building ends and wider ones on the west building ends.

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

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.).

The Technical Advisory Committee (TAC) reviewed this Detailed Site Plan on August 07, 2013. The Minutes of the meeting are attached to this report.

The subject property lot conforms to the CS district and PUD 37, and the proposed building appears to comply with the height, maximum FAR, and minimum building setback standards for the CS district and PUD 37.

Access and Internal Circulation. The Tracts 3 and 4 of Lot 5 subject property currently has no frontage on a public street. The PUD 37 Development Standards for Development Area “Lot 5” provide that there is no minimum frontage requirement. Access is afforded via a private roadway within a 30'-wide Mutual

Access Easement, which runs through the development (via the plat of Crosscreek and a separate instrument easement, Document # 2011042634) on an east-west axis and connects the east line of the subject property to the west line of Lot 1. The driveway connection to Memorial Dr. is located at the southeast corner of Lot 1. Lot 5 also accesses S. 73rd E. Ave. via an unnamed, curved roadway constructed by the Crosscreek developer on land owned by the City of Bixby (part of the Fry Creek channel right-of-way). After some effort searching, Staff has not located any easement which would support this roadway. Perhaps it was understood that, if constructed on City property, it would be a de facto public street. It was not included in or dedicated by the plat of Crosscreek.

The roadway to the west connects to the rest of the Crosscreek development via a roadway that passes north-south through the northwest corner of Lot 5, and east-west along the north side of Lot 5.

In addition, Crosscreek Deed of Dedication Section 2.6.a provides what may amount to a blanket easement over all the lots in Crosscreek, "...The Owner/Developer hereby grants and establishes a perpetual, non-exclusive mutual access easement for purposes of permitting vehicular and pedestrian passage to and from all lots in the planned unit development across all drives and parking lots as shall exist on the lots." The section continues with "A mutual access easement shall be recorded in the office of the Tulsa County Clerk by the Owner/Developer." Such an easement was recorded May 18, 2011, Document # 2011042634. The former easement establishment language, located in the PUD Restrictions section of the DoD/RCs, appears to have been added after the PUD was approved, as it was not found in the PUD language itself. It may have been added in satisfaction of the latter statement, along with the specifically-defined MAEs as represented on the face of the plat.

A concrete trail was constructed along and just north of the north line of Lot 5 when other buildings were constructed in Crosscreek. It is located on the Fry Creek Channel land owned by the City of Bixby, and is planned to eventually connect to other trails.

The plans show paving internal drives over the 17.5' Perimeter Utility Easement along the north side of Tract 3 and the south side of Tract 4. Paving over public utility easements is subject to City Engineer and Public Works Director approval.

Parking and Loading Standards. The "Site Plan" drawing indicates the location of parking areas. Each building would have 12 parking spaces, six (6) on each of the north and south sides thereof. PUD 37 Minor Amendment # 2 provides that each building must have [a minimum of] 10 parking spaces, and 12 are proposed in satisfaction of this standard. If the maximum parking space standard of the Zoning Code applies, the 12 parking spaces would be in compliance.

The proposed handicapped-accessible parking spaces, regular and van-accessible, are provided in numbers and dimensions as required by both ADA and Bixby Zoning Code standards (see Figure 3 in Section 11-10-4.C). Access aisles, accessible routes to the entrances, signage to be used to reserve the accessible spaces, and a handicapped-accessible parking space/access aisle/accessible route detail diagram are all indicated as required.

The parking lot complies with the 10' minimum setback from an R Residential district per Zoning Code Section 11-10-3.B Table 1.

Presuming primarily Use Unit 15 occupancies, per Zoning Code Section 11-9-15.D, one (1) loading bay / berth is required and several are provided for each building. The loading berths would comply with the number which would be required and the 25' setback from an R Residential district per Zoning Code Section 11-10-3.B Table 1. They also comply with the 1 loading berth per 5,000 square feet standard of PUD 37 as modified by Minor Amendment # 2. The dimensions are represented and are consistent with the dimensional standards as per PUD 37 Minor Amendment # 2.

Screening/Fencing. The Zoning Code requires a sight-proof screening fence for the subject property along the south property line, as it abuts an RS-1 Residential district.

PUD 37 requires for screening, "Appropriate screening shall be provided between the development areas and the residential areas to the south. All landscaping and screening shall be approved by the Bixby Planning Commission."

The "Site Plan" drawing indicates a "6' screening wall w/fence" along the south property line. A profile view / elevation diagram has been provided, representing the 6' cedar fence. This was found adequate for screening purposes in the similar cases BSP 2011-02 and BSP 2011-03 (reference Zoning Code Sections 11-7I-6, 11-8-10.E, and 11-12-3.A.3) and so should be found adequate in this case.

PUD 37 provides also, "There shall be no storage of recyclable materials, trash or similar material outside a screened receptacle. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen from persons standing

at ground level.” A note on the plan states that these buildings will utilize an existing dumpster located on Lot 4, and the same is represented at the southwest corner of Lot 4.

Landscape Plan. The Landscape Plan is compared to the landscaping standards of the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of Street Yard area shall be landscaped. There is no street frontage and so no Street Yard for the subject property. **This standard is not applicable.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): There is no street frontage and so no landscaped strip requirement for the subject property. **This standard is not applicable.**
3. 10' Buffer Strip Standard (Section 11-12-3.A.3): Standard requires a minimum 10' landscaped strip between a parking area and an R Residential Zoning District. Tree planting requirements are the same as for a Street Yard. There is 10' grass strip proposed along the south line, which would separate the parking lot from the RS-1 district abutting to the south, in which 12 trees are proposed. Standard will be met upon and as a part of compliance with the landscaping requirements for the South Setback Area per Section 11-12-3.A.4.
4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Per PUD 37, there is a 10' setback “from all boundaries,” “Plus 2 feet for each one 1 foot building height exceeds 15 feet if the abutting property is within a Residential Zoning District.” There is an RS-1 district abutting to the south, and the building will be 19 1/3' in height. Therefore, the south line setback is 18 2/3'. Tree requirement calculations are as follows:

West line of Tracts 3 + 4 @ 361.81' X 10' = 3,618.1 square feet / 1,000 = 4 trees. No (0) trees proposed in West Line Setback Area. **This standard is not met for this Setback Area.**

North line of Tract 3 @ 404.55' – 10' from West Line Setback = 394.55' X 10' = 3,945.5 square feet / 1,000 = 4 trees. 12 trees proposed in North Line Setback Area. **This standard is met for this Setback Area.**

South Line of Tract 4 @ 407' – 10' from West Line Setback = 397' X 18 2/3' = 7,410.33 square feet / 1,000 = 8 trees. 12 trees proposed in South Line Setback Area. **This standard is met for this Setback Area.**

The east lines of Tracts 3 and 4 are not counted as they are interior to the “Lot 5” Development Area.

Thus, 3.6181 + 3.9455 + 7.41033 + 4.8 (1/10 parking spaces) = 19.77393 = 20 trees required for the entire site. 32 are proposed for the entire site. Although the total count is exceeded, due to the west line setback area, **this standard is not met.**

5. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 50' from a Landscaped Area, which Landscaped Area must contain at least one (1) tree. At least one (1) of the centralmost parking spaces attending each building in the common area between the two buildings appears to not meet this standard. **This standard is not met.**
6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of street yard. There is no street frontage and so no Street Yard for the subject property. **This standard is not applicable.**
7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. A total of 24 parking spaces is proposed, which would require two 2.4 trees. There are another 24 parking spaces represented for the two (2) buildings with Suite # 200 : 209. Therefore, 4.8 trees are required for the Tracts 3 and 4. A total of eight (8) crepe myrtle trees are proposed in the landscaped areas “bookending” all four (4) buildings. **This standard is met.**
8. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): There are no parking areas proposed within 25' of the right-of-way. **This standard is not applicable.**

9. Irrigation Standards (Section 11-12-3.D.2): The Landscape Plan represents "FPHB" ("Frost Proof Hose Bibs" per Note # 7) on the east and west ends of the two (2) proposed buildings. Also represented are radii from each FPHB showing landscaping areas that are within 100' of each. As indicated, however, the FPHB will not reach all of the landscaped areas on the north side of Tract 3 or the south side of Tract 4. Per BSP 2011-03, however, the Planning Commission allowed a minor exception to the 100' radius rule, based on the plan to use hose extensions and replace any trees that may die due to lack of watering. **This standard is not met.**
10. Miscellaneous Standards (Section 11-12-3.D, etc.): The reported calipers of the proposed trees, tree planting detail, and other information indicates compliance with other miscellaneous standards. **This standard is met.**
11. Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard is 10% of a commercial lot must be landscaped open space. The Landscaping Data summary table indicates 17.3% of each lot will be "landscape area," suggesting compliance is achieved. However, areas outside the 100' radii of the hose bibs should not be counted toward the 17.3%, and should be calculated by the Applicant to confirm the 10% standard is met. **Compliance with this standard cannot be determined.**

The second numbered item under the "Landscaping" section of the PUD 37 text (Page 7) provides, "(2) All landscaping and screening shall meet or exceed the requirements of the PUD Chapter (Chapter 9), the Landscape Chapter (Chapter 17), and the Corridor Appearance District Chapter (Chapter 19), or an alternative plan may be approved by the Bixby Planning Commission if they determine that, although not meeting the technical requirements of the foregoing chapters, the plan is equivalent to or better than the requirements of the Landscape Chapter and the Corridor Appearance District Chapter and also meets the requirements of the PUD Chapter. Appropriate screening shall be provided between the development areas and the residential areas to the south. All landscaping and screening shall be approved by the Bixby Planning Commission."

Thus, the Planning Commission has the authority to approve an alternative plan for compliance within the context of this Detailed Site Plan application.

The Applicant should provide additional information showing, to the Planning Commission's satisfaction, how the above items which are not consistent with the minimum landscaping standards can still achieve the purposes and intent of the standards by alternative means. The irrigation flexibility, to allow the use of 'hose extensions,' would be consistent with the Commission's approval of the previous two (2) buildings in 2011.

Exterior Materials and Colors. Profile View / Building Elevations diagrams are represented on the "Elevations" drawing, and indicate the proposed exterior materials and general architectural appearance for the proposed buildings.

The development proposes metal buildings with "pre-finished metal siding." The roof is planned to be a "pre-finished metal roof" and will slope down to the north and south with a 1/12 pitch. The buildings and roofs are anticipated to look the same as or similar to the ones used in the existing part of Crosscreek, only smaller in size.

Note # 6 on the "Site Plan" drawing provides, "The buildings are metal. The color is cream with blue trim."

Although part of Crosscreek is in the Corridor Appearance District, the subject property is beyond the district, and the buildings were granted Building Permits in 2012, and so the buildings are not subject to the masonry requirements instituted in January of 2013.

Outdoor Lighting. PUD 37 Development Standards provides the following for lighting:

"Lighting used to illuminate the development area shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or residential street right-of-way. No light standard or building-mounted light shall exceed 20 feet in height or the height which complies with the standard stated in the preceding sentence, whichever is lower."

The "Elevations" profile view/elevations drawing indicates the proposed locations of the wall-mounted lights on the north and south sides of both buildings.

There is a residential area south of the subject property, creating the possibility of artificial lighting encroachment on these adjoining residences. To the southeast is the Bixby United Pentecostal Church at

7418 E. 129th St. S. The nearest residences appear to be approximately 300' to 400' from the nearest corners of the southernmost building.

The Applicant has submitted a lighting plan indicating diminished lighting within or otherwise toward the south property line. The plan was prepared by Tom Rorabaugh of Vision Lighting Sales, is dated July 14, 2011, and is the same plan which was used in satisfaction of the lighting-related Conditional of Approval for BSP 2011-02 and BSP 2011-03.

Note # 3 on the "Site Plan" drawing provides, "Lighting will be wall packs on exterior of the building. There will be no pole lights lighting will be Cooper LM10C, exterior wall pack cut off, with directional down lighting, mounted at 14'-0" "

The Applicant has submitted "cut sheets" showing the planned "Cooper Lighting - Lumark" wall-mounted lights to be used.

Signage. PUD 37 essentially requires all signage comply with the Zoning Code standards for the same, and be approved by the Planning Commission for a "detail sign plan." Note # 4 on the "Site Plan" drawing provides, "Signage will be on a tenant finish basis. Sign permits will be on an individual basis."

The "Site Plan" drawing indicates placard signs bearing the development name "Crosscreek" and building numbers, to be attached to the east sides of the buildings. They have been represented on the Profile View / Building Elevations drawings and comply with the standards for wall signs and so will be approved as a part of this Detailed Site Plan in satisfaction of the requirement for same per PUD 37.

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

1. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.
2. It appears that parts of the 17.5' U/E will be paved. Paving over utility easements requires the specific approval of the City Engineer and Public Works Director.
3. Subject to the satisfaction of all landscape plan issues listed above.
4. Please submit complete, corrected copies of the Detailed Site Plan incorporating all of the corrections, modifications, and conditions of approval as follows: Two (2) full-size hard copies, one (1) 11" X 17" hard copy, and one (1) electronic copy (PDF preferred).

Chair Thomas Holland recognized JR Donelson of 12820 S. Memorial Dr. Unit # 100. Mr. Donelson stated that there were about "80 trees there" [throughout Crosscreek], the "trees [are] planted, irrigation [is] in place, buildings [are] occupied."

Chair Thomas Holland expressed concern over lack of screening and trees along the west line. Erik Enyart clarified that screening was not required along the west line, as that city-owned property was zoned AG, and the screening requirement is between commercial uses and R Residential zoning districts. Mr. Enyart confirmed that there were technically trees required to be planed along the westerly lines of both tracts, but he believed there was a [concrete] drive there, and stated that the total number of trees required were exceeded within the site, and the Commission had the flexibility within the PUD [Detailed Site Plan] to allow them to be moved around within the site. Mr. Holland stated that he was concerned that there was not adequate screening for the houses to the southwest, if there was nothing along the west line. Discussion ensued regarding the City-owned parcel abutting to the west. JR Donelson stated that he had leased that land from the City for a baseball practice field, and spent \$20,000 out of his own pocket clearing it, but had returned it to the City some years ago, and it was now not being maintained. Discussion ensued.

After further discussion, Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE BSP 2013-04 subject to the Staff recommendations. John Benjamin SECONDED the Motion.

Chair Thomas Holland expressed concern over the lights in relation to the residential neighborhood to the south, and asked if an amendment to the Motion/vote was needed.

Patrick Boulden in at 6:16 PM.

Lance Whisman clarified with Erik Enyart that he was satisfied with the lighting plan information received. Mr. Enyart stated that the lighting plan was the same as was submitted and approved for the last two (2) Detailed Site Plan, which showed the footcandles dropping off to zero (0) by the south property line, and that the nearest homes on the residential properties to the south were even further away on the south ends of those deep tracts. Mr. Enyart stated that he had not received any complaints on the lighting in Crosscreek so far.

Roll was called:

ROLL CALL:

AYE:	Holland, Whisman, Baldwin, Benjamin, and Whiteley
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	5:0:0

PUBLIC HEARINGS

Chair Thomas Holland asked Erik Enyart how the items should be introduced. Mr. Enyart stated that all items were covered by the same Staff Report, and all were related and would do the same thing, turning residential properties into commercial ones, so he would recommend they all be introduced at one time, but the Commission could vote on them separately if it wanted to.

2. **BCPA-10 – JR Donelson for James Hargrove et al.** 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, from “Low Intensity + Residential Area” to “Medium Intensity” with no specific land use designation.

Property Located: All of the residential lots having frontage on the east side of Memorial Dr. between 111th Pl. S. and 117th St. S. in *Southwood* and *Resubdivision of Lots 10 through 15 Inclusive, Block 3 and Lots 4 through 6 inclusive, Block 5, Southwood Addition*; the 11100-block to the 11600-block of S. Memorial Dr.

3. **PUD 79 – “Southwood on Memorial” – JR Donelson, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 17 acres (land area) consisting of Lot 10, Block 2, Lot 9, Block 3, all of Block 9, and Lots 10, 9, and the W/2 of Lot 8, Block 10, *Southwood*, and Lot 10, Block 3, *Resubdivision of Lots 10 through 15 Inclusive, Block 3 and Lots 4 through 6 inclusive, Block 5, Southwood Addition*.

Property Located: All of the residential lots having frontage on the east side of Memorial Dr. between 111th Pl. S. and 117th St. S. in *Southwood* and *Resubdivision of Lots 10*

through 15 Inclusive, Block 3 and Lots 4 through 6 inclusive, Block 5, Southwood Addition; the 11100-block to the 11600-block of S. Memorial Dr.

4. **BZ-366 – James Hargrove et al.** Public Hearing, discussion, and consideration of a rezoning request from RE Residential Estate District to CS Commercial Shopping Center District for approximately 17 acres (land area) consisting of Lot 10, Block 2, Lot 9, Block 3, all of Block 9, and Lots 10, 9, and the W/2 of Lot 8, Block 10, *Southwood*, and Lot 10, Block 3, *Resubdivision of Lots 10 through 15 Inclusive, Block 3 and Lots 4 through 6 inclusive, Block 5, Southwood Addition*.

Property Located: All of the residential lots having frontage on the east side of Memorial Dr. between 111th Pl. S. and 117th St. S. in *Southwood* and *Resubdivision of Lots 10 through 15 Inclusive, Block 3 and Lots 4 through 6 inclusive, Block 5, Southwood Addition*; the 11100-block to the 11600-block of S. Memorial Dr.

Chair Thomas Holland introduced related items 2. (BCPA-10 – JR Donelson for James Hargrove et al.), 3. (PUD 79 – “Southwood on Memorial” – JR Donelson, Inc.), and 4. (BZ-366 – James Hargrove et al.) and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, August 14, 2013
RE: Report and Recommendations for:
BCPA-10 – JR Donelson for James Hargrove et al.,
PUD 77 – “Southwood on Memorial” – JR Donelson, Inc., and
BZ-366 – James Hargrove et al.

LOCATION:

- All of the residential lots having frontage on the east side of Memorial Dr. between 111th Pl. S. and 117th St. S. in *Southwood* and *Resubdivision of Lots 10 through 15 Inclusive, Block 3 and Lots 4 through 6 inclusive, Block 5, Southwood Addition*
- Lot 10, Block 2, Lot 9, Block 3, all of Block 9, and Lots 10, 9, and the W/2 of Lot 8, Block 10, *Southwood*, and Lot 10, Block 3, *Resubdivision of Lots 10 through 15 Inclusive, Block 3 and Lots 4 through 6 inclusive, Block 5, Southwood Addition*
- The 11100-block to the 11600-block of S. Memorial Dr.

LOT SIZE: Approximately 17 acres (land area)

EXISTING ZONING: RE Residential Estate District

EXISTING USE: Use Unit 6 single-family detached dwellings and some vacant lots

REQUESTED ZONING: CS Commercial Shopping Center District & PUD 79

SUPPLEMENTAL ZONING: Corridor Appearance District

SURROUNDING ZONING AND LAND USE:

North: CS & CG; Automobile repair and auto sales businesses, including Same Day Auto Repair, Midas, and Tune & Sons Auto Service, the Kum & Go gas station, the Auto Pride Car Wash aka Bixby Car Wash III carwash facility also zoned CG, the Primary Concepts Preschool & Child Development Center childcare facility, the Tej D. Lad, DDS, Inc., PC dental office, and the Kirkendall Design, LLC (and perhaps also Kirkendall Homes, LLC) business office, and an automobile sales business zoned CG at 8215 E. 111th Pl. S., and various “trade center” multitenant commercial buildings including the “Market Place” and/or “Market Pointe South” developments (name is not certain/not distinguishable from trade center on north side of 111th St. S.), all zoned CS (except as noted) and all located in the commercial Lot 11, Block 2, *Southwood*

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South: CG & RS-1; Businesses zoned CG including South Tulsa Roofing at 11643 S. Memorial Dr., the Bixby Small Animal Hospital at 8108 E. 117th St. S., and the Express Lane / Cars & Credit convenience store and used auto sales business (a former gas station) at 11725 S. Memorial Dr., and single-family residential zoned RS-1, all in Southern Memorial Acres.

East: RE; Single-family residential estate homes in Southwood.

West: (Across Memorial Dr.) CS, CG, OL, & RM-2/PUD 16; Commercial businesses in the "Bixby Commons" shopping center (includes anchors Lowe's and Reasor's) in Bixby Commons and Resubdivision of Lots 3 and 4 of Bixby Commons; the Citizens Security Bank, vacant commercial lots in The Links at Bixby zoned CS, the The Links at Bixby 9-hole golf course and apartment complex further west zoned RM-2 with PUD 16, the Enterprise Sod Store zoned CG, the Hardscape Materials business zoned CS and AG, and the South Manufacturing Company, Inc. industrial business and vacant land zoned CG to the southwest.

COMPREHENSIVE PLAN: Low Intensity + Residential Area (BCPA-10 requests [1] Medium Intensity and [2] removal of Residential Area specific land use designation)

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

BL-158 - Robert L. Harris - Request for Lot-Split approval for clear title purposes after ODOT right-of-way acquisition for Memorial Dr. / US Hwy 64 widening for subject property Lot 9, Block 3, Southwood - PC Ratified 01/16/1991 Prior Approval given on 01/21/1991 per notes on the application form.

BZ-274 - Lawrence Simmons - Request for rezoning of subject property Lot 4, Block 9, Southwood from RE to CG - Recommended for Denial by PC 08/20/2001 and Denied by City Council upon appeal September 24, 2001.

BZ-275 - James Hargrove - Request for rezoning of subject property Lot 5, Block 9, Southwood from RE to CS or CG - Recommended for Denial by PC 08/20/2001 and Denied by City Council upon appeal September 24, 2001.

BZ-276 - John Mumev - Request for rezoning of subject property Lots 9 and 10, Block 10, Southwood from RE to CS - Recommended for Denial by PC 08/20/2001 and Denied by City Council upon appeal September 24, 2001.

BBOA-418 - Billy Ray Cooper - Request for "Special Exception" to exceed the 750 square foot maximum accessory building floor area in an RE District, to allow a 21' X 41' (861 square feet) accessory storage building on subject property Lot 10, Block 2, Southwood, 8115 E. 112th St. S. - BOA Approved 03/01/2004.

BZ-314 - John Mumev - Request for rezoning of subject property Lots 10, 9, and the W/2 of Lot 8, Block 10, Southwood from RE to CS - Recommended for Denial by PC 11/21/2005 and Withdrawn [by Applicant] 11/21/2005 per notes on the application form.

BZ-316 - John Mumev - Request for rezoning of subject property Lots 10, 9, and the W/2 of Lot 8, Block 10, Southwood from RE to CS and OL (front/west half to CS and back/east half to OL) - Continued from 04/17/2006 to 05/15/2006 and then Continued to 07/17/2006. Notes on the application form indicate that the PC recommended Denial 07/17/2005. However, Minutes of that meeting were not found in hard copy or electronic format. Notes on the August meeting agenda indicated the PC approved the Minutes of the June meeting, and not the July meeting, suggesting there may have been no July meeting. June Minutes do not reflect consideration of this application. No item was found in the City Council Minutes of 07/24/2006 or 08/14/2006, and so the matter is assumed withdrawn or not appealed to the City Council.

PUD 66 "Memorial Place" & BZ-340 - Tanner Consulting, LLC: Request for rezoning of subject property Lots 10, 9, and the W/2 of Lot 8, Block 10, Southwood from RE to CS, OL, and RS-3 zoning and PUD approval - Applicant Withdrew both applications prior to Planning Commission hearing on 02/17/2009.

RELEVANT AREA CASE HISTORY: (Not a complete list)

BACKGROUND INFORMATION:

History of the Applications. BZ-366 and PUD 79 are applications signed by all of the owners of the 11 parcels of land included in the subject property. BCPA-10 has been requested by JR Donelson on behalf of all of the owners of the subject property.

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 79 in support of BCPA-10 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, BCPA-7 and BCPA-8 in 2012, and BCPA-9 earlier in 2013, and all of these have been done in this amendment case as well.

ANALYSIS:

Subject Property Conditions. The subject property consists of 11 parcels of land, including Lot 10, Block 2, Lot 9, Block 3, all of Block 9 (includes Lots 1 through 5, inclusive), and Lots 10, 9, and the W/2 of Lot 8, Block 10, Southwood, and Lot 10, Block 3, Resubdivision of Lots 10 through 15 Inclusive, Block 3 and Lots 4 through 6 inclusive, Block 5, Southwood Addition. A couple of right-of-way parcels have been acquired from certain subject property lots for Memorial Dr. widening and drainage purposes, and were included in the legal descriptions as advertised for the sake of clarity and as Zoning districts extend to the centerlines of adjacent right-of-way in any event, due to language providing for same in the Zoning Code. Together, these 11 private property tracts represent all of the residential lots having frontage on the east side of Memorial Dr. between 111th Pl. S. and 117th St. S. All the lots are zoned RE and each of them contains one (1) house, with the exception of Lots 10, 9, and the W/2 of Lot 8, Block 10, Southwood, which are vacant. Lot 10, Block 10, Southwood had a house on it, addressed 11601 S. Memorial Dr., until it was demolished in or around 2010.

Southwood was platted March 11, 1965, and contains a few areas replatted on April 15, 1965 as Resubdivision of Lots 10 through 15 Inclusive, Block 3 and Lots 4 through 6 inclusive, Block 5, Southwood Addition. The "Southwood" neighborhood also includes Amended Southwood Extended, platted on or around December 30, 1966 (Southwood Extended was platted June 10, 1966). Altogether, they occupy most of the north half of this Section of land. The "Southwood" neighborhood primarily consists of roughly 1-acre residential estate-sized lots.

The [subject property] lots are moderately sloped and drain in a southerly direction through an overland drainage ditch system, located primarily within the subject properties, that drains from the 111th

St. S. and Memorial Dr. intersection along the east side of Memorial Dr. until it crosses southeasterly through Lot 3, Block 9, Southwood, intersecting 82nd E. Ave. just north of 116th St. S. Part of the subject property within Block 10, Southwood contains a drainage easement, per information received with previous application PUD 66, through with the drainageway passes. The drainageway is an un-named upstream tributary of Fry Creek # 1. Perhaps due in part to its function as a drainageway, some of the mature trees within the subject property are exceptionally tall and large. Together with the exceptionally large lot residential estate lots in Southwood, they help create a unique visual entryway to Bixby via Memorial Dr. from the north.

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Low Intensity and (2) Residential Area. BCPA-10 requests (1) to change the intensity to Medium Intensity and (2) to remove the Residential Area specific land use designation, to allow the subject property to be rezoned to CS and be redeveloped commercially.

[...]

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-10 would not confer a new one.

Per the Matrix, PUDs (as a zoning district) are In Accordance or May Be Found In Accordance with all designations of the Comprehensive Plan Land Use Map, and thus PUD 79 would be In Accordance with the Comprehensive Plan as a zoning district.

General. Because the review methodology is similar, and all three (3) applications are essentially rezoning-related and propose to prepare the subject property for commercial redevelopment generally, 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 redevelopment exhibit a suburban-style design. The plan indicates a series of what appear to be multitenant "strip center" shopping center buildings of various sizes and configurations corresponding to property lines, served by parking lots in front and internal drives connecting them. Per Applicant JR Donelson, there are no known plans for development at this time, nor known commercial developers interested in buying the subject properties or any one of them in particular. The applications only seek to change the zoning to commercial, to allow for future sale for commercial redevelopment.

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 BCPA-10 and PUD 79 at its regular meeting held August 07, 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.

The PUD proposes closing 114th St. S. between Memorial Dr. and 82nd E. Ave., and extending 115th St. S. from Memorial Dr. to 82nd E. Ave., creating a 4-way intersection at about the mid-mile mark, which would be conducive to future traffic light installation, as previously suggested by the City Engineer. Exhibits A and F represent a slightly different street alignment than Exhibits B and G; this is not explained. On either side of the proposed 115th St. S. extended, stormwater detention ponds are indicated, and another would be located on the W/2 of Lot 8, Block 10, Southwood.

Access to all commercial development sites would be via driveways connecting to 112th St. S., 115th St. S. extended, or 116th St. S., as no driveway connections are indicated directly onto Memorial Dr. This design element, and the likelihood of imposing Limits of No Access (LNA), are not mentioned in the PUD text, however. Also not mentioned in the PUD text, nor labeled on the site plans, are what appear to be rear-access drives serving the back sides of the commercial buildings from 82nd E. Ave. From a land use compatibility standpoint, commercial service access from residential streets should be avoided. If intended to be fire access lanes, they should be so designated and described, but a redesign could remove the need for having them connect to the residential street 82nd E. Ave.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily CS and CG for commercial properties fronting along Memorial Dr. to the north, west, and south, and RE and RS-1 for residential properties to the east and southeast.

To the north is the 10 2/3 acre "Commercial" Lot 11, Block 2, Southwood, platted March 11, 1965 and since subdivided by Lot-Splits into 17 tracts. Along with the perimeter arterial streets, this area is served by private streets 111th Pl. S. and 82nd E. Pl., together forming an "L" rotated 90 degrees counterclockwise. This area contains several Use Unit 17 automotive-related businesses, including Same Day Auto Repair, Midas, and Tune & Sons Auto Service, and an automobile sales business zoned CG at 8215 E. 111th Pl. S., several businesses along 111th St. S. including the Auto Pride Car Wash aka Bixby Car Wash III carwash facility also zoned CG, the Primary Concepts Preschool & Child Development Center childcare facility, the Tej D. Lad, DDS, Inc., PC dental office, and the Kirkendall Design, LLC (and perhaps also Kirkendall Homes, LLC) business office. Along 111th Pl. S. and 82nd E. Pl., and on 111th St. S. east of 82nd E. Pl. are various "trade center" multitenant commercial buildings including the "Market Place" and/or "Market Pointe South" developments (name is not certain/not distinguishable from trade center on north side of 111th St. S.) and some vacant lots. All of this area is zoned CS (except as noted) and is located in the commercial Lot 11, Block 2, Southwood. By its location, configuration, and actual use, it appears to have been specifically planned for commercial development when Southwood was platted, unlike the subject property.

South of the subject property are several businesses fronting on Memorial Dr. and zoned CG, including South Tulsa Roofing at 11643 S. Memorial Dr., the Bixby Small Animal Hospital at 8108 E. 117th St. S., and the Express Lane / Cars & Credit convenience store and used auto sales business (a former gas station) at 11725 S. Memorial Dr., all in Southern Memorial Acres. Like the subject property, these lots appear to have originally been designed for residential use, but the growing traffic volumes on Memorial Dr. since the February 08, 1965 platting of Southern Memorial Acres evidently destined the Memorial Dr.-frontaged lots to develop commercially. As best as can be inferred from case maps and a lack of a rezoning case corresponding to the area, the Memorial Dr.-frontaged lots in this subdivision and Southern Memorial Acres Extended appear to have been zoned CG with the original early-1970s Zoning ordinance.

To the west of the subject property (across Memorial Dr.), zoning is a mix of CS, CG, OL, and RM-2/PUD 16, and consists of commercial businesses in the "Bixby Commons" shopping center (includes anchors Lowe's and Reasor's) in Bixby Commons and Resubdivision of Lots 3 and 4 of Bixby Commons; the Citizens Security Bank, vacant commercial lots in The Links at Bixby zoned CS, the The Links at Bixby 9-hole golf course and apartment complex further west zoned RM-2 with PUD 16, the Enterprise Sod Store zoned CG, the Hardscape Materials business zoned CS and AG, and the South Manufacturing Company, Inc. industrial business and vacant land zoned CG to the southwest.

East of the subject property is single-family residential zoned RE in Southwood and Resubdivision[...] and single-family residential zoned RS-1 in Southern Memorial Acres to the south and southeast. Care must be applied when allowing the non-residential zoning and commercial land uses to abut residential zoning and land use.

With the exception of the subject property, the Comprehensive Plan designates all properties fronting on Memorial Dr. from 101st St. S. to 134th St. S., and then most of the other properties beyond to the south to 161st St. S., as either Medium Intensity or Corridor. It is clear to Staff that this was not an oversight, but rather an intentional reservation of existing zoning and land use patterns. Thus, the central question underlying BCPA-10 is whether or not conditions have changed in the area since the circa-2002 adoption of the latest major update to the Comprehensive Plan such that a change is warranted, or otherwise if the strength of the applications (BCPA-10, PUD 79, and BZ-366) are such that the intentional Low Intensity + Residential Area designations should be comprehensively reconsidered.

Staff recognizes that the Memorial Dr. corridor from 114th St. S. north to the Creek Turnpike has continued to develop commercially since 2002, especially at the 101st St. S. intersection. The Wal-Mart Supercenter and attendant shopping centers developed at the northwest corner of 111th St. S. and Memorial Dr. in Tulsa around 2005/2006. The "Bixby Commons" shopping center was platted in 2001, and was rezoned just prior, on 02/12/2001 per BZ-269 – The Desco Group. Staff notes that this 2001 rezoning and commercial shopping center development predated the circa-2002 adoption of the last major update to the Comprehensive Plan, and the other two (2) Bixby corners of the intersection were already developed commercially, so it cannot be argued that the City Council did not then know that the conditions were changing in the area, and would have designated the subject property differently than Low Intensity + Residential Area.

If approved, the CS district should have a buffer zoning district between it and the RE to the east and RS-1 to the south in Southern Memorial Acres, such as OL, and it should be of significant width, such as 50'. This would effectively designate the terminal eastward extent of the CS district, preventing further commercial encroachment into the neighborhood. The width should correspond to the proportionate land areas in the three (3) lots between 111th Pl. S. and 114th St. S., which should be restricted to lower intensity uses (such as office) per other recommendations in this report, but should not be less than 50' in any case.

In Staff's opinion, the site plans indicate a lack of meaningful effort to preserve significant areas of mature trees, or to incorporate the existing natural areas as a design characteristic. Rather than preserving the "daylighted" drainage channel, the plans call for replacing them with stormwater pipes conveying drainage to and between stormwater detention ponds. The PUD does not indicate there would be any effort to utilize onsite stormwater detention ponds as site design amenities. The landscape plan indicates approximately 29 "Existing Trees" along Memorial Dr. and 82nd E. Ave., some of which are represented within the existing right-of-way. It is not clear if these were actually field verified or if they are merely a general, conceptual representation. Otherwise, the site plans indicate design intent to maximize the area of lot development by paving parking lots and drives over almost all of the areas not required to meet minimum parking lot setbacks and landscaped strip standards of the Zoning Code. A note on the site and landscape plans states, "As many trees along South Memorial Drive to remain as possible." Text under PUD Development Standards Section B.1.a provides, "An arborist will work with the landscape designer and developer to determine which mature existing trees along South Memorial Drive will remain during the construction and development process. Tr[ee]s in the existing road right of way will be trimmed to accentuate the building construction." These general statements appear to be the extent of the effort invested in mature tree accounting, preservation, and design integration. These statements are too broad and general, and do not present measurable performance criteria. An exhibit attached to a protest petition received August 09, 2013 (attached to this report), appears to superimpose site plan geometries on an aerial photo, which may illustrate the extent to which existing trees and natural areas would be lost under such development conditions. Staff appreciates that natural areas are necessarily removed in the name of progress, but a superior-quality development proposal will attempt to maximize natural feature preservation and design integration, which enhances the value of the development, while making the development economically viable, rather than attempting to maximize the area of lot development at the expense of the natural areas. When attempting to impose a commercial retrofit to an existing, established residential neighborhood, a superior-quality development proposal should be considered mandatory.

The PUD and site plans indicate a relative lack of sensitivity to context in land use planning. While Block 9 of Southwood has a 50'-wide right-of-way for 82nd E. Ave. affording additional separation from residential areas to the east, and the three (3) lots in Block 10 (south side of 116th St. S.) have adequate lot area to create a meaningful buffer from existing residential areas to the south and east, the lots between 111th Pl. S. and 114th St. S. directly abut residential uses, and little to no effort appears to have been made to create adequate buffers between the commercial and residential uses. Per the Comprehensive Plan text and sounding Zoning and land use policy, the PUD should address this, and consider restricting to less intensive uses such as light office. Although the Block 10 lots are large enough to allow a better design, the site plans indicate commercial buildings backing up to houses on 117th St. S. in Southern Memorial Acres, with setbacks and buffering methods that may not be adequate.

As Staff expressed to the Applicant's agent JR Donelson prior to application submittal and at the TAC meeting held August 07, 2013, Staff has concerns related to the mechanics behind how the proposed site improvements would be executed when any current lot owner can sell their singular lot to a commercial

developer, with the developer having an expectation that site development may be imminent, when in fact it depends on certain lot owners demolishing their houses, building the 115th St. S. extension, building stormwater detention ponds and related drainage improvements, and upgrading utilities. Staff asked Mr. Donelson to clarify this, but any changes that may have been made to the PUD Text still leave this issue unresolved. Mr. Donelson indicated this may be done in part by imposing a requirement that all of PUD 79 be platted at one time, which would be a step in the right direction. However, the plat could always include existing lot owners with new lot lines corresponding to existing ones, such as is reflected in Exhibit A, in which case the issue would remain unresolved. If approved, the PUD and any future plat would have to clearly declare that no Building Permit would be issued within the development until all site development improvements had been completed. Required improvements would appear to include the 115th St. S. extension, any other requirements pertaining to streets, the entire stormwater drainage and detention system, and utility upgrades, but screening fences/walls and new landscaping would appear to be deferrable until specific lot development. This declaration in the PUD and any future plat would help resolve the concern that a current lot owner and/or any prospective commercial developer might have an expectation of imminent development; they would, instead, understand that all development is contingent upon, and must wait until the satisfaction of PUD requirements.

The lots as reflected in Exhibit A are somewhat awkwardly configured, as they appear to correspond to existing lot lines, which do not produce the most efficient or attractive lot pattern conducive to commercial redevelopment. Three (3) buildings are represented as being built over two (2) lots apiece, which lots are primarily now under separate ownership, and the lots would likely otherwise be drawn differently if underlying ownership patterns were not present. If all of the owners traded fee simple ownership in their respective lots for an appraised proportionate equity share in a new corporation, and a leasehold estate corresponding to their existing lot lines until such time as that area was sold, such a corporation could then plat all the land as a unit, and lot lines could be arranged in a more rational manner responding to existing physical feature and logical development site geometries. Such an arrangement could provide for the establishment of an escrow account, into which certain proceeds from the sale of any new lot would be entered until adequate funds were available to complete all of the required site development improvements (streets, drainage, etc.). Platting before installing improvements would require, however, waiving City performance bonding and/or PFPI requirements.

The PUD Text proposes an eight (8)-foot-high brick fence along the easterly sides of the subject property, but the Conceptual Site Plan Exhibit B and the Landscape Plan Exhibit G both indicate a six (6)-foot-high brick fence. If approved, this needs to be reconciled. Staff notes that, even if the taller version of a brick fence, the same could be required anyway per Zoning Code Section 11-8-10.E.

PUD Development Standards Section B.1.c creates an ambiguity with the statement on Page 1, in whether Planning Commission approval of the landscape plan would be required. Also, the "Landscape/Green Area" percentages of Development Standards Section A cannot be reconciled with established interpretations of minimum landscape standards of the Zoning Code. If approved, they should be recognized as in addition to the minimum standards, not in lieu of any of them.

The 40' ground sign height standard proposed in Development Standards Section B.2.a may exceed the 25' maximum of Zoning Code Section 11-7I-4.B.2.d.

There are other issues with the PUD which would need to be resolved if approved. However, since the recommendation is not for approval, and as major substantive changes should be made if the Commission was in favor of the concept generally, Staff has withheld a comprehensive analysis at this time.

From time to time over the past six (6) years, Staff has been approached by various property owners and other interested parties about the possibility of converting specific lots within the subject property to commercial, and Staff has been very careful to give a highly-qualified response, as consistently as humanly possible, paraphrased as follows: 'Staff cannot give a prediction on the strength of some future application which has not yet been submitted, but can say that, if one wanted to move forward on such a change, converting any of these lots to commercial would be very difficult approaching impossible, due to the likelihood of massive protest from residents in the neighborhood. The only way such an application would have a "fighting chance" of being approved is (1) if it included every single residential lot owner between 111th Pl. S. and 117th St. S., so that it would be a comprehensive, well-planned connection of existing commercial zoning districts to the north and south, and so would avoid "spot-zoning," and (2) it would have to be accompanied by a high-quality PUD application that has extremely high standards for redevelopment, especially buffering, such as generous setbacks, a good-quality masonry wall, generous

landscaping, a "gateway" entrance installed designating the separation between the commercial development and the remaining "Southwood" residential neighborhood to the east, which gateway may take the form of high-quality archways integrated with the masonry wall, at all points of entry to the neighborhood, and the preservation of every single mature tree as possible.' At present, these applications do not appear to measure up to expectations for application strength, as contemplated and consistently advised by Staff.

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

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

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

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

Staff Recommendation. Staff has considered the applications in light of the questions listed immediately above and found them substantially lacking. They do not appear to harmonize with existing [land uses] of the surrounding area, or provide a unified treatment of the development possibilities of the project site, or represent an innovative plan, or maintain an appropriate limitation on the character and intensity of use vis-à-vis adjoining and proximate properties, or best utilize the unique physical features of the site, especially the natural features, or provide meaningful open space. However, if the Planning Commission is favorable to the applications or the general concept of changing the area to commercial, as suggested in the letter from the Southwood Neighborhood Association, it should Continue the applications to a date in the future, to allow for further revisions and meetings as may be required to enhance the quality of the applications such that they warrant a favorable recommendation to the City Council.

Erik Enyart noted that this subdivision was unique, with the exceptionally tall, mature trees, and that it was well-known to all those that drive down Memorial Dr. Mr. Enyart summarized the statement from the Staff Report on guidance he had given to inquiring property owners, as far as application quality in order for such application to have a "fighting chance" of being approved in this neighborhood. Mr. Enyart stated that, in his opinion, these applications did not measure up to such expectations for application quality. Mr. Enyart stated that, with the perspective and analysis he had provided in the Staff Report, and that of the Planning Commission, and with additional input provided by those in attendance, the Commission could make a well-informed recommendation to the City Council on the matter of whether the properties should be put to commercial use, which Council had the final authority on these questions.

Larry Whiteley asked JR Donelson what all the vehicles were doing on the Hargrove property, and indicated the property looked like it was being used as a [business] office. Mr. Donelson stated "I know what you're talking about, but" he could not answer that question. Mr. Whiteley asked if there was an ordinance against that, and Patrick Boulden stated there was a nuisance ordinance, and indicated that it may be against the ordinance.

JR Donelson stated that there was no individual or business that had stepped forward to buy the property(ies), nor had any developer stepped forward. Mr. Donelson read from a prepared statement, reproduced here as follows:

"Southwood on Memorial

I represent the owners of the 11 properties, making up 11.53 acres, requesting the zoning change and PUD approval for the project named "Southwood on Memorial". These property owners are unified in their belief that the best use of their property is "CS" - Commercial Shopping Center District.

The proposed PUD conceptual site plan is one scenario of how commercial and office buildings could be configured on the combined properties. I have met and received input from the City of Bixby staff, who have assisted in shaping this proposed project. The property owners have defined in the PUD uses for their properties .

Under the present zoning, there is not presently a individual or company who has made an offer for the properties.

Background:

1. When the Southwood Subdivision was platted and home construction began in the mid 1960's, South Memorial Drive was a 2 lane asphalt road, connecting Bixby to Tulsa. The growth in South Tulsa and Bixby over the last 50 years has changed the landscape of South Memorial Drive from a rural two lane, 65 mph road to a four lane highway that carries over 26,000 cars every day.
2. This growth has taken Bixby from a town of 3,000 to a City of over 21,000 people. The north Bixby area has grown from Fergusons store at 131st and Memorial to over 300 businesses along Memorial from 101st Street South to the Arkansas River.
3. The city of Bixby's own web site states, "The foundation of Bixby's success is a progressive municipal government consistently focused on proactive growth and dedicated to bringing successful new business to Bixby."
4. For Business opportunity the Bixby web site states, "Businesses grow where opportunities are, and opportunities abound in Bixby. The latest Opportunity Gap retail leakage study found half a billion dollars of opportunity in Bixby. With a retail leakage of \$473 million dollars for the Bixby Trade area, and there is a proven ready market for businesses."

Zoning

1. The properties between 101st and 111th on the East side on Memorial Drive area presently zoned either "CG or CS".

2. The properties on the west side of Memorial Drive from 111th to 121st are presently zoned either "CS, OL or CG" except for one small portion of North Heights which is zoned RS-1.
3. The properties on the east side of Memorial Drive from 111th to 121st are all zoned "CS or CG" except this portion of land, which we are bringing to you for consideration tonight.
4. The properties along Memorial Drive from 121st to 131st Street South on both sides of Memorial Drive are zoned either "CS, CG, OL or AG", except for one small portion south of Grand Bank.
5. The properties on both sides of Memorial from 131st to the Arkansas River are zoned either, "CS, CG, AG or IL", except for the Riverview Baptist church parcel of land.

This growth has seen the increase in property values over the last 50 years.

Property Values

1. Ravens Crossing, behind Wal-Mart, recent sales range from \$218,000 to \$238,000 for homes in the range of 1800 – 2000 sqft, on lots that are only 0.23 acres in size. Wal-mart has not affected their property values.
2. South Country Estates, situated east of the commercial properties at 106th and Memorial. Recent sales from \$144,000 to \$170,000 for homes in the range of 1900 sf to 2000 sft on lots that are 0.23 acres in size. The commercial/office property along Memorial has not affected their property values.
3. Woodcreek Village Amended, behind Lowes. Recent sales on 2200 sf – 2700 sf houses on 0.17 acres of land, range from \$195,000 to \$300,000.00. The presence of Lowes did not hinder Brumble/Dodson from constructing single family homes within a baseball's throw from the backyards.
4. In Southwood the recent sales have been from \$144,000 to \$251,000 for houses in the 1800 to 2000 sf range, on lots that are 1.06 and greater. If Ravens Crossing, South Country Estates and Woodcreek Village Amended are any indication, then the value of the residential homes in Southwood will not decrease with the development of commercial properties along South Memorial Drive.

How will Southwood on Memorial affect the landscape of Bixby!

This parcel of land is the last significant parcel of land along South Memorial Drive that has not been zoned Commercial, Office or Industrial.

It is estimated that this parcel of land would allow for approximately 70,000 sf of new construction for retail and office use. This could provide for the creation or relocation of approximately 100 new businesses and over 200 new jobs in Bixby.

This commercial project is consistent zoning along South Memorial Drive and with the statement on the Bixby Web site, "Businesses grow where opportunities are, and opportunities abound in Bixby". Therefore the property owners request the Bixby Planning Commission approve their application for changing the comprehensive plan, rezoning to CS and PUD 79."

JR Donelson stated that the neighborhood had looked at a [conceptual] schematic, since there were no actual plans for development. Mr. Donelson stated that the City Engineer had requested 114th St. S. be closed, and wanted pipes to be extended so that all drainage would go underground.

Chair Thomas Holland asked if the Commissioners had any questions at this time. The Commissioners deferred questions until after those who signed up to speak had spoken.

Chair Thomas Holland recognized Jim Davenport of 8123 E. 117th St. S. from the Sign-In Sheet. Mr. Davenport stated, "I ask that you reject all of it."

Chair Thomas Holland recognized Gerald Rodgers of 8126 E. 112th St. S. from the Sign-In Sheet. Mr. Rodgers stated that he had lived at that residence for 20 years. Mr. Rodgers stated that his house abutted one of the subject properties, and those across 82nd E. Ave., there would be no buffer between his property and [the proposed commercial properties]. Mr. Rodgers stated that he had seen commercial come down Memorial Dr. Mr. Rodgers expressed concern that approval would set a precedent, not only on Memorial Dr. but also along Mingo Rd. between 111th St. S. and 121st St. S. Mr. Rodgers expressed concern that there would be no setbacks between his property and the proposed commercial properties except a 17.5' [Utility Easement] and a 6' brick fence. Mr. Rodgers stated that [JR Donelson] said [the brick fence would be] 8' [in height], but the PUD said 6', with buildings up to 45' in height. Mr. Rodgers expressed concern for trash issues and "smelly" uses, "depending on the type of business." Mr. Rodgers stated that [he and his neighbors] could "smell what's for dinner at [the restaurant across Memorial Dr. from Southwood]." Mr. Rodgers expressed concern for "light infiltration" on the neighborhood, and stated that [the shopping center across Memorial Dr. from Southwood] had a lot of light, but it was buffered by the mature trees that are there now. Mr. Rodgers stated that the trees screen lighting and noise from the Memorial Dr. traffic, and if they were cut too much, it would create a nuisance. Mr. Rodgers stated that there was a drainage issue in the subdivision, and expressed concern that the wall [to be erected on the proposed adjoining commercial property] would cause water to back up in his yard until it could seep into the ground. Mr. Rodgers stated that this could cause mosquitoes and health hazards. Mr. Rodgers stated, "We ask that the current master plan be left alone." Mr. Rodgers stated that [he and his neighbors] had bought into the neighborhood because of [its unique characteristics]. Mr. Rodgers urged that the Comprehensive Plan be left alone "not only tonight but" [also henceforth]. Mr. Rodgers stated that this subdivision was an attraction to Bixby. Mr. Rodgers stated that the neighbors had lived there and paid taxes and revenues since 1965, and urged that the area be left alone. Mr. Rodgers expressed objection to living right next to commercial property, and asked, rhetorically, "Would you want to see [a big-box retail store] from your backdoor?"

Chair Thomas Holland recognized Odell Carpenter of 11415 S. 82nd E. Ave. from the Sign-In Sheet. Mr. Carpenter stated that [the proposed change] would affect his property because he would face a brick wall when he opened his front door. Mr. Carpenter stated that the neighborhood had large lots and beautiful trees, and that the proposed change to commercial could result in an unattractive shopping center. Mr. Carpenter stated that his house faced west. Mr. Carpenter stated that [the proposed change] would affect all the houses on 82nd E. Ave. that face west. Mr. Carpenter estimated that the change could devalue their properties "maybe \$10,000 to \$20,000." Mr. Carpenter stated that the only ones that wanted this want to make a profit [from the change].

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Chair Thomas Holland recognized Karla Babcock of 8125 E. 112th St. S. from the Sign-In Sheet. Ms. Babcock stated that she had commercial behind her property "with a bit of a rickety fence." Ms. Babcock stated that the owner next to her bought that property with the intent to change to commercial, and suggested a lack of maintenance. Ms. Babcock stated that the neighborhood had beautiful, mature trees, and said, "It's a beautiful gateway." Ms. Babcock stated that the trees were decades old, and stated that she wanted to see them stay and wanted "no commercial encroachment in our neighborhood."

Chair Thomas Holland recognized Rick Horton of 8317 E. 117th St. S. from the Sign-In Sheet. Mr. Horton stated that his property backed up to what was formerly the "Mumey property." Mr. Horton stated that his was the only [housing] addition [he and his family] wanted. Mr. Horton stated, "We looked at Broken Arrow, but this was the only one we wanted because of the trees." Mr. Horton expressed concern for [stormwater] runoff. Mr. Horton stated that he had lost 26 trees when the City improved the drainage in the neighborhood, and it was an improvement, but indicated there was more work to be done for drainage. Mr. Horton expressed concern that the 17-acre [in land area] properties would cause additional stormwater runoff if developed into commercial with extensive concrete. Mr. Horton stated that Bixby was a "Tree City USA" community, and that it would not serve any purpose if the City allowed someone to bulldoze all the trees. Mr. Horton asked, rhetorically, "How many construction sites do you see where they actually leave the trees?"

Chair Thomas Holland recognized Tom Daniels of 8171 E. 114th St. S. from the Sign-In Sheet. Mr. Daniels stated that the Applicant had talked about closing off 114th St. S., and noted that he lived on that street. Mr. Daniels showed panoramic photograph of the Memorial Dr. frontage of the subject property, and stated that this exhibit would "show what we're talking about." Mr. Daniels stated, "As you can tell, our neighborhood is very much against this, and would very much like to see it denied." Mr. Daniels stated that he had been a resident for more than 48 years, and would encourage [the Commissioners] to buy a house there, but they are very hard to find. Mr. Daniels stated that the City of Bixby had the responsibility to take care of existing neighborhoods. Mr. Daniels stated that JR Donelson indicated the new property owners would come up with new specifications for the redevelopment, and expressed concern over the commercial adjacency. Mr. Daniels expressed concern over 40'-high signs, bright lights, and more noise. Mr. Daniels stated that Bixby was blessed with a lot of available property zoned commercial, and suggested that commercial developers look to that instead. Mr. Daniels stated that turning the property from residential to commercial would be "a bad choice."

Chair Thomas Holland recognized Don Schmidt of 8266 E. 114th St. S. from the Sign-In Sheet. Mr. Schmidt stated that he was the president of the Homeowners Association and stated, "We oppose as per the letter you received." Mr. Schmidt expressed concern that the PUD would allow 45'-tall buildings, which could be metal or masonry, and 40'-tall signs, which would tower over the 6'-tall fence. Mr. Schmidt stated that [approval] would result in a decrease in property values. Mr. Schmidt stated that the Association had obtained legal counsel. Mr. Schmidt stated that [these applications] were incompatible with the City of Bixby's Comprehensive Plan.

Chair Thomas Holland recognized JR Donelson of 12820 S. Memorial Dr. [#100] from the Sign-In Sheet. Mr. Donelson passed on this opportunity to speak, and indicated he would speak after the others had spoken.

Chair Thomas Holland recognized Jim Manley of 8322 E. 113th St. S. from the Sign-In Sheet. Mr. Manley stated that Southwood was a “Bixby trademark,” and that people in Tulsa, or wherever else, know Southwood, saying “That’s the area with the big trees.” Mr. Manley stated that he had heard that stated in the 100s, maybe 1000s of times. Mr. Manley stated that he had lived 37 years on 113th St. S. Mr. Manley stated, “We’re not affected by the change, but (referring to others in attendance) they are,” and indicated he was “fight[ing] for my neighbors.” Mr. Manley questioned the Donelsons’ connections to these applications, other than monetary.

Chair Thomas Holland stated that [these applications] were a job for [JR Donelson], and that he was working for that individual.

Jim Manley stated that he was not talking about money but about “our homes.” Directing his question to those in attendance, Mr. Manley asked how many lived [in the Southwood neighborhood]. A large majority raised indicated in the affirmative. Mr. Manley stated, “When you get there, you can’t leave.” Mr. Manley stated that there was a [neighborhood] sign on 114th St. S., and “We’re proud of that.” Mr. Manley stated that he would appreciate that the Planning Commission do what was right.

Chair Thomas Holland recognized Ronald E. Durbin II from the Sign-In Sheet. Mr. Durbin stated that he was an attorney representing the Southwood Homeowners Association. Mr. Durbin stated that he lived in Tulsa but considered Bixby a second home, and stated that he was a member of the Bixby Metro Chamber of Commerce. Mr. Durbin stated that he used to work for Moyers Martin, which used to be on Dawes [Ave.] but was now at 123rd St. S. and Memorial Dr. Mr. Durbin stated that this area should be preserved. Mr. Durbin stated that [approval of the applications] would essentially be a “taking,” as it would “take from everybody here and give [to the Applicants];” would “take part of the value of every home.” Mr. Durbin stated that there may be a way to resolve this. Mr. Durbin stated that the comparison to the houses behind *Wal-Mart* was not [a fair comparison], because this was not creating a new development behind existing commercial property. Mr. Durbin stated that this was talking about taking existing [residential use and converting it to commercial use], and “let it be what it is.” Mr. Durbin stated that the Applicant had stated that there was not a single commercial developer on board. Mr. Durbin stated that [approval] would “knock down a domino,” and spoke from the perspective of an Applicant, “if I can get one domino knocked down, then” [I can ask to make changes]. Mr. Durbin referenced the Applicant’s statement on traffic counts, and stated that it would increase congestion if changed to commercial. Mr. Durbin indicated that anyone that comes from Tulsa at 5:30 PM can relate to the traffic on Memorial Dr. Mr. Durbin stated that this proposal failed to preserve the long-term integrity [of the neighborhood]. Mr. Durbin stated that [JR Donelson] said he would restrict uses, but “a lot is missing here.” Mr. Durbin stated that the City of Tulsa was trying to get rid of its massage parlors and smoke shops, and indicated he did not see these exclusions listed. Mr. Durbin stated that there were “a multitude of others” that needed to be excluded. Mr. Durbin stated that this was a “premature proposal,” and that the Applicants had “nothing in hand but schematics” showing what “might possibly one day develop.” Mr. Durbin stated that “the best laid plans of mice and men don’t often come to fruition.” Mr. Durbin reiterated that this was a “premature proposal.” Mr. Durbin stated that this would change the essential character of the whole area, and would change it totally. Mr. Durbin described the proposal as an “encroachment.” Mr. Durbin stated that the master

plan for the City of Bixby should stand for a period of time, and asked why it should be changed. Mr. Durbin answered stating that 11 property owners wanted [commercial property values]. Mr. Durbin stated that they had bought their properties when it was zoned residential, and knew what they were getting into, and (gesturing to the audience) "all of them did too." Mr. Durbin stated, "Don't cater to the desires of the few to the detriment of 200 plus homes." Mr. Durbin expressed concern for lighting, noted the legal principle of being "seized in land," and urged that "these people [who are] seized in their homes [be allowed to] keep possession of what they have."

Ronald E. Durbin II presented a posterboard containing the conceptual site plan superimposed on an aerial photograph as provided by the Homeowners Association and included in the agenda packet. Mr. Durbin asked the Planning Commission to recommend this proposal not be approved by the City Council.

Chair Thomas Holland recognized Lee Prall of 11702 S. 75th E. Ave. from the Sign-In Sheet. Mr. Prall stated that he served on the North Heights Homeowners Association. Mr. Prall referenced 92 acres [included in PUD 76] and indicated that he had tried to get commercial developed there. Mr. Prall expressed concern about noise, referencing rock bands playing loudly at a certain Bixby commercial venue, and the inadequacy of an 8'-high fence to stop the noise. Mr. Prall asked, rhetorically, "Do we want to have a car lot?" and answered his question, "We do not." Mr. Prall expressed concern over drainage in the neighborhood and the necessity of having Corps of Engineers approval for same. Mr. Prall expressed concern for land use compatibility and flooding. Mr. Prall recommended that [someone should] "bring all these businesses to the 92 acres" [zoned PUD 76].

Chair Thomas Holland recognized Tom Wilsterman of 11134 S. 83rd E. Ave. from the Sign-In Sheet. Mr. Wilsterman stated that he had moved into the neighborhood 13 years ago. Mr. Wilsterman noted that there was a sign that said that Bixby was a "Tree City USA" [community]. Mr. Wilsterman stated that he would "like to see the commercial area not move into the neighborhood." Mr. Wilsterman stated that, when the commercial property behind his house was being developed, the developer told him that he should not worry and that the project would be nice. Mr. Wilsterman stated that the development ended up being a metal building and he is woken up by trash trucks at 6:00 AM, and at some time between midnight and 1:00 AM, the delivery trucks drop a 55 gallon drum in the parking lot. Mr. Wilsterman stated that he needs no lights on the back of his house because it is so well lit [already]. Mr. Wilsterman stated that he knew before he signed on the line that the property behind his was commercial, but (gesturing to the audience) "these people don't have that" [situation if the applications were to be approved]. Mr. Wilsterman stated that his son was seven (7) years old and could read the signs on the back of the commercial buildings, "advertising to my 7-year-old I guess." Mr. Wilsterman expressed objection to the appearance of the metal buildings. Mr. Wilsterman asked that the Planning Commission be respectful of [our neighborhood], and not let commercial into the neighborhood.

Chair Thomas Holland recognized Jack Biersdorfer of 11202 S. 83rd E. Ave. from the Sign-In Sheet. Mr. Biersdorfer noted that the interested people were not present. Mr. Biersdorfer stated that the Comprehensive Plan, the master plan was important. Mr. Biersdorfer stated that he would prefer the City attract great businesses, not ice cream shops and fast food restaurants. Mr.

Biersdorfer stated that he wanted businesses like Utica Square, which would attract people in from Tulsa.

Lee Prall stated that Brian Guthrie would be the one to speak to about the 92 acres.

Chair Thomas Holland recognized Jeff Carter of 11430 S. 87th E. Ave. from the Sign-In Sheet. Mr. Carter stated that he had moved here in 2008 and was from England. Mr. Carter stated that he did not want to see a “concrete jungle” as he drove by. Mr. Carter noted that there was concern expressed earlier in the meeting regarding the landscaping in Crosscreek, and suggested that the landscape of the subject properties also be of concern to the Planning Commission. Mr. Carter expressed concern that there were 17 acres here that would be “destroyed.” Mr. Carter stated that there was a lot of land between 121st St. S. and 131st St. S. that was for sale.

Chair Thomas Holland recognized Matthew Francis of 11348 S. 83rd E. Ave. from the Sign-In Sheet. Mr. Francis stated that he had not lived here as long as previous speakers, and had lived here for only four (4) months. Mr. Francis stated, “What drew me to the area were the trees—[an] acre lot with a bunch of trees. It never crossed my mind” [that they might] “shave off the front of it. I ask that you reject this proposal.”

Chair Thomas Holland asked if there were any further comments or questions.

Chair Thomas Holland asked JR Donelson if he wished to speak at this time. Mr. Donelson stated, “Any questions as to the PUD I’ll answer.”

In response to a question by Larry Whiteley, JR Donelson stated that he had put in the plan guidelines that would be very restrictive. Mr. Donelson stated, “I too live in Bixby, and have driven Memorial [Dr.] since it was a 2-lane road. I wanted to make it as restrictive as possible to maintain the integrity of the project.”

Jeff Baldwin expressed concern that the new owners would not be bound by the PUD restrictions of the current application. Erik Enyart stated, “They would be binding on whoever bought the property, but that’s not to say they could not amend it.”

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to RECOMMEND DENIAL of BCPA-10, PUD 79, and BZ-366. Mr. Whiteley explained his Motion that this was “a little premature” and that there was “a lot of property in Bixby open for people who want to develop [commercial].” Mr. Whiteley stated that the homes behind *Lowes* were built after *Lowes* went in. Mr. Whiteley stated that he believed that someday, someone with deep pockets would [buy up all the subject property lots]. Mr. Whiteley indicated that, if one person were to propose a plan, it would stand a better chance, but that this was “not the time to do it.”

Jeff Baldwin SECONDED the Motion. Roll was called:

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ROLL CALL:

AYE: Holland, Whisman, Baldwin, Benjamin, and Whiteley
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 5:0:0

Chair Thomas Holland noted that this area was very identifiable, especially to [those who had lived here a long time]. Mr. Holland stated that it was prime commercial property, and that this may not be the last time this proposal is made.

Larry Whiteley recommended JR Donelson to anyone who had development proposals. Mr. Whiteley stated, "If you try to present yourself, you [might] not get far." Mr. Whiteley stated, "You need someone who knows what to talk about—I highly recommend JR. That's what his profession is."

Chair Thomas Holland stated that he was happy to see so many people interested in these applications. Mr. Holland stated, "The City Councilors need to know you're concerned also, not this Planning Commission, the City Council."

PLATS

No items and 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 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 7:38 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

Southwood on Memorial

I represent the owners of the 11 properties, making up 11.53 acres, requesting the zoning change and PUD approval for the project named "Southwood on Memorial". These property owners are unified in their belief that the best use of their property is "CS" - Commercial Shopping Center District.

The proposed PUD conceptual site plan is one scenario of how commercial and office buildings could be configured on the combined properties. I have met and received input from the City of Bixby staff, who have assisted in shaping this proposed project. The property owners have defined in the PUD uses for their properties.

Under the present zoning, there is not presently a individual or company who has made an offer for the properties.

Background:

1. When the Southwood Subdivision was platted and home construction began in the mid 1960's, South Memorial Drive was a 2 lane asphalt road, connecting Bixby to Tulsa. The growth in South Tulsa and Bixby over the last 50 years has changed the landscape of South Memorial Drive from a rural two lane, 65 mph road to a four lane highway that carries over 26,000 cars every day.
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Zoning

1. The properties between 101st and 111th on the East side on Memorial Drive area presently zoned either "CG or CS".
2. The properties on the west side of Memorial Drive from 111th to 121st are presently zoned either "CS, OL or CG" except for one small portion of North Heights which is zoned RS-1.
3. The properties on the east side of Memorial Drive from 111th to 121st are all zoned "CS or CG" except this portion of land, which we are bringing to you for consideration tonight.
4. The properties along Memorial Drive from 121st to 131st Street South on both sides of Memorial Drive are zoned either "CS, CG, OL or AG", except for one small portion south of Grand Bank.

5. The properties on both sides of Memorial from 131st to the Arkansas River are zoned either, "CS, CG, AG or IL", except for the Riverview Baptist church parcel of land.

This growth has seen the increase in property values over the last 50 years.

Property Values

1. Ravens Crossing, behind Wal-Mart, recent sales range from \$218,000 to \$238,000 for homes in the range of 1800 – 2000 sqft, on lots that are only 0.23 acres in size. Wal-mart has not affected their property values.
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4. In Southwood the recent sales have been from \$144,000 to \$251,000 for houses in the 1800 to 2000 sf range, on lots that are 1.06 and greater. If Ravens Crossing, South Country Estates and Woodcreek Village Amended are any indication, then the value of the residential homes in Southwood will not decrease with the development of commercial properties along South Memorial Drive.

How will Southwood on Memorial affect the landscape of Bixby!

This parcel of land is the last significant parcel of land along South Memorial Drive that has not been zoned Commercial, Office or Industrial.

It is estimated that this parcel of land would allow for approximately 70,000 sf of new construction for retail and office use. This could provide for the creation or relocation of approximately 100 new businesses and over 200 new jobs in Bixby.

This commercial project is consistent zoning along South Memorial Drive and with the statement on the Bixby Web site , "Businesses grow where opportunities are, and opportunities abound in Bixby".

Therefore the property owners request the Bixby Planning Commission approve their application for changing the comprehensive plan, rezoning to CS and PUD 79.

OBJECTIONS TO COMMERCIAL ZONING]
OF AREA FROM 112TH TO BEYOND 116TH ON MEMORIAL

Dr. Odell Carpenter

This area has been the "desired area" of Bixby because of the large lots and beautiful trees. Everyone admires it as they come into town. If changed to "commercial" it will just be another unattractive shopping center. It will change the atmosphere and beauty of the area.

My most personal objection is that My house faces West and I would look out my front door at a high brick wall. I have never seen a wall in that position "in front" of a house. That will affect all the houses on 82nd Street. facing west. Our property will be devalued if the re-zoning takes place. Right now, the houses and trees serve as a buffer to the noise and lights of Memorial (One of the busiest streets in Tulsa County) and it will get worse. Here are pictures of how it looks now and you can imagine how it will look later. The only ones who want this requested zoning are those who hope to sell at big profit or otherwise benefit from this action.

I purchased this property because of the peaceful surroundings beauty of the area. Please don't take these qualities away from me.

Bixby City Hall
Attn: City Planner
116 W. Needles Ave.
Bixby, Oklahoma 74008

Kevin M. Earnest
8131 East 112th St So
Bixby, Okla 74008

Re: Application for Rezoning BCPA-10, PUD #79, BZ-366

To whom it may concern,

This letter is to serve as a protest to the referenced applications for rezoning from residential to commercial in Southwood addition along Memorial Drive in Bixby.

I have lived in this neighborhood for 18 years now, three lots away from Memorial Drive, and have been exposed to the vast changes that have come with progress. Much more traffic, thus, much more noise, and blowing trash, ect. The people that live in this neighborhood enjoy large lots, beautiful large mature trees, in a 'park like' atmosphere. We constantly have 'lookers' just driving through our neighborhood just enjoying the beauty of our lawns, trees, and serpentine roads, for there are not many areas of this beauty in south Tulsa.

The present commercial development of Memorial drive stretches from 101st Street to 161st street, with plenty of available commercial sites for developers now, with one 4 block long break in development, which is my neighborhood.

Commercial development here will not only destroy my view down the street to Memorial, also destroying many 100 plus year old trees, but will certainly adjust the aesthetic and monetary value of my home, and my neighbor's real values of their property adjacent to the commercial development.

I am requesting that these plans be rejected, and keep a beautiful area intact for all to enjoy for many years.

Respectfully

 8/14/13

Kevin M. Earnest

Ph: 918-625-1338

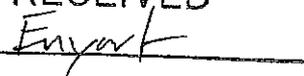
Mail: earnestkm@cox.net

CITY OF BIXBY

AUG 15 2013

RECEIVED

By



30

MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
August 07, 2013 – 10:00 AM

MEMBERS PRESENT

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

STAFF PRESENT

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

OTHERS PRESENT

JR Donelson, *JR Donelson, Inc.*

1. Erik Enyart called the meeting to order at 10:00 AM.
2. **BCPA-10 – JR Donelson for James Hargrove et al.** Discussion and review of a proposed amendment to the Comprehensive Plan of the City of Bixby, Oklahoma, from “Low Intensity + Residential Area” to “Medium Intensity” with no specific land use designation.
Property Located: All of the residential lots having frontage on the east side of Memorial Dr. between 111th Pl. S. and 117th St. S. in *Southwood* and *Resubdivision of Lots 10 through 15 Inclusive, Block 3 and Lots 4 through 6 inclusive, Block 5, Southwood Addition*; the 11100-block to the 11600-block of S. Memorial Dr.
3. **PUD 79 – “Southwood on Memorial” – JR Donelson, Inc.** Discussion and review of a Planned Unit Development (PUD) for approximately 17 acres (land area) consisting of Lot 10, Block 2, Lot 9, Block 3, all of Block 9, and Lots 10, 9, and the W/2 of Lot 8, Block 10, *Southwood*, and Lot 10, Block 3, *Resubdivision of Lots 10 through 15 Inclusive, Block 3 and Lots 4 through 6 inclusive, Block 5, Southwood Addition*.
Property Located: All of the residential lots having frontage on the east side of Memorial Dr. between 111th Pl. S. and 117th St. S. in *Southwood* and *Resubdivision of Lots 10 through 15 Inclusive, Block 3 and Lots 4 through 6 inclusive, Block 5, Southwood Addition*; the 11100-block to the 11600-block of S. Memorial Dr.

Erik Enyart introduced the two (2) related items and summarized the project and its location. Mr. Enyart stated that the application consisted of about 11 lots owned by slightly fewer owners which have frontage on Memorial Dr. between 111th Pl. S. and 117th St. S. Mr. Enyart stated that all of the owners have signed the three (3) applications: A Comprehensive Plan amendment request, the PUD

application required when amending the Comprehensive Plan, and a rezoning from RE residential to CS commercial. Mr. Enyart asked JR Donelson if he cared to give further summary.

JR Donelson stated that there were eight (8) owners that have come together as a group. Mr. Donelson clarified with Jim Sweeden that 115th St. S. was proposed to extend into this development from the west side, where it serves as the entrance to The Links apartments. Mr. Donelson stated that it was roughly at the ½ mile mark, and [the proposed four-way intersection arrangement] may allow for a future stoplight.

Joey Wiedel arrived at 10:03 AM.

JR Donelson stated that there was no developer, and no discussion with any [real estate] broker [for the purchase of the lots]. Mr. Donelson stated that the City would like to see stormsewer extended from *Midas* [south through the subject property] to the drainage channel at the south end of the properties. Mr. Donelson stated that, since there was no developer, "we can do anything" needed "for the benefit of the whole town." Mr. Donelson stated that this was not like a typical situation where he has a developer to represent, and has to argue "he can't do that," since there was no developer in the picture. Mr. Donelson stated, "I live out here too." Mr. Donelson stated that he had met with an arborist [regarding the existing mature trees]. Mr. Donelson stated that the PUD proposed that they save all the mature trees as possible. Erik Enyart asked Mr. Donelson if that was in the PUD Text, and Mr. Donelson reported that he had a statement at the bottom of the site plan drawing. Mr. Enyart stated that that should be spelled out in the PUD Text to [make sure it was regulatory]. Mr. Donelson stated that some of the residents in Southwood were going to get him a list of things they wanted [if developed], and that those were due to him by the end of the day, and that he would use that to update the PUD. Mr. Donelson stated that someone wanted an 8'-high masonry wall, and someone else wanted a 10'-high wall with trees planted on the outside of the wall, and that he had agreed to do all of that.

Evelyn Shelton arrived at 10:07 AM.

Erik Enyart asked JR Donelson if he could not get the revised PUD to Mr. Enyart by the next day, and Mr. Donelson stated that he would.

JR Donelson stated that the PUD proposed closing off 114th St. S. from its intersection with Memorial Dr., as requested by the City. Erik Enyart asked Mr. Donelson, "Where did that idea come from?" Mr. Donelson responded that it was the City Engineer's recommendation. Mr. Enyart asked Mr. Donelson if that was related to the proposed construction of 115th St. S. and its proximity to 114th St. S., and Mr. Donelson responded that it was. Mr. Donelson stated that it only served a few houses, and that the 114th St. S. area could be converted to a driveway for the commercial development. Mr. Donelson stated that the people on 114th St. S. could come out to Memorial Dr. at 115th St. S. with the stoplight.

Erik Enyart asked JR Donelson, if these applications were approved, "not saying that that would be likely, is there anything in [the PUD text]" that [provides the mechanics behind how all the improvements would be constructed]? Mr. Enyart noted that there was nothing the City could do, nor would it be legal to do so, to prevent the sale of any lot to a commercial developer, and if it

were sold, there would be an expectation on the part of the buyer that they could go and build an office or business, but then they would have to tell another homeowner, "Okay, we're building a business here, now you go tear down your house and build the [stormwater detention] pond." Mr. Enyart confirmed with Mr. Donelson that this sort of language was not presently in the PUD Text. Mr. Donelson stated that the PUD would require the property be platted. Mr. Enyart stated that that was already required. Mr. Donelson stated that the lots would remain residential property until the land was platted. Mr. Enyart confirmed with Mr. Donelson that his clients had submitted a rezoning application seeking to change the zoning from RE to CS commercial. Mr. Enyart stated that, if all of this were approved, the zoning map would reflect CS commercial with PUD 79, and a commercial buyer would have an expectation that they could just go and plat their new lot and build an office building. Mr. Enyart asked Mr. Donelson if all of his clients fully understood how interdependent all of this was. Mr. Donelson stated his clients knew that all the property must be platted before they could be developed commercial. Mr. Donelson stated that all of the lots would have to go commercial for any of them to, as the City had recommended, to avoid "spot zoning." Mr. Enyart stated that Mr. Donelson was referring to a recommendation he had been giving to certain property owners who have approached him over the years about turning their lots commercial, and that he had consistently tried to give them all the same message, 'If that was to occur, and it would be exceptionally difficult next to impossible in this neighborhood, in order to have a fighting chance, all of the properties between the existing commercial at 111th Pl. S. and the existing commercial district at 117th St. S. would have to be rezoned as a singular, comprehensive strip, so that there is no spot zoning here or there, and it will have to have exceptionally high standards for buffering, screening, and landscaping.' Mr. Donelson reiterated that the lots would have to be platted before they could be developed. Mr. Enyart asked Mr. Donelson if he meant that he intended to write into the PUD Text a requirement that all of the lots would have to be platted at the same time, and Mr. Donelson indicated agreement. Mr. Enyart advised Mr. Donelson that this would be a step in the right direction, but that Mr. Enyart still believed that Mr. Donelson should spell out in the PUD the mechanics behind how and when and by whom the proposed improvements, the street and stormwater detention ponds, would be built, recognizing that the lots can all be sold independently. Mr. Enyart stated that this was important so that the decision-makers can make a fully-informed decision, and so Mr. Donelson's clients understand how interrelated the project was. Mr. Donelson indicated agreement. Mr. Enyart indicated that he was somewhat underwhelmed by the proposal as far as plans for buffering, screening, and landscaping, and confirmed with Mr. Donelson that, whatever Mr. Donelson would propose to do to enhance the PUD would be in the revised submittal to be received by the end of the next day. Mr. Enyart stated that it was his goal to have the agenda packet published by Friday, and whatever else Mr. Donelson intended to be put into the agenda packet would need to be received by Thursday. Mr. Donelson stated that he may have more plans to present at the meeting. Mr. Donelson discussed possible City Council consideration scenarios. Mr. Enyart stated that State Statutes only require a 3/5 vote in the event of a protest of 50% or more of abutting property owners, but the Bixby Zoning Code required a 4/5 vote in that case. Mr. Donelson stated that he would want a full City Council present before the vote. Mr. Enyart continued by stating, "To complete a thought," even though the Zoning Code requires a 4/5 vote, per the City Attorney, the City Charter preempts that from taking effect, as it only requires a 3/5 vote to pass any ordinance.

Erik Enyart opened the item up for questions and comments. There were none.

Erik Enyart asked Jim Peterson and Evelyn Shelton if the properties were not presently served by existing utilities, but that they would need to be upgraded to serve commercial, and Mr. Peterson responded, with Ms. Shelton indicating agreement, that the utilities were there but would indeed need to be "relocated and upgraded."

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

4. **BSP 2013-04 – "Crosscreek Lot 5, Block 1, Tracts 3 & 4, 12810 & 12812 S. Memorial Dr., Suites 300-309" – JR Donelson, Inc. (PUD 37).** Discussion and consideration of a PUD Detailed Site Plan and building plans for "Crosscreek Lot 5, Block 1, Tracts 3 & 4, 12810 & 12812 S. Memorial Dr., Suites 300-309" a trade center development for part of Lot 5, Block 1, *Crosscreek*.
Property located: 12810 and 12812 S. Memorial Dr.

Erik Enyart introduced the item and summarized the project and its location. Mr. Enyart stated that he would need to give a little background on this case. Mr. Enyart stated that these were the last two (2) buildings on the far, back/west end of Crosscreek, and that they were already issued a Building Permit and were nearing completion, and had actually already been issued temporary Certificates of Occupancy, subject to this Detailed Site Plan. Mr. Enyart stated that, in mid-2011, the next-to-last two (2) buildings were submitted for Detailed Site Plan review and approval, as required by PUD 37. Mr. Enyart stated that those were approved and the Building Permits were issued around the end of 2011. Mr. Enyart stated that, in or around July of 2012, he was presented with a Building Permit for these last two (2) buildings, and mistook them for the ones that had been approved, as indicated by the fact that he had "tagged" the Building Permit with the case number from the previous two (2). Mr. Enyart stated that there were others that he relied on to catch these sorts of things, but ultimately he had missed it, and was now taking it through the process for after-the-fact approval. Mr. Enyart stated that he hated to have to admit to mistakes, but it was the right thing to do.

Erik Enyart stated, "With that being said, are there any questions or comments?"

Jim Peterson and Evelyn Shelton indicated that all the utilities were in.

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 10:29 AM.

BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, August 07, 2013

NAME	COMPANY	PHONE
1. <u>Jim Peterson</u>	<u>BTC Broadband</u>	<u>918-366-0253</u>
2. <u>JR DONELSON</u>	<u></u>	<u>918-394-3030</u>
3. <u>Jim Swartz</u>	<u>Fire Marshal office</u>	<u>918-366-0436</u>
4. <u>Erik Enyart</u>	<u>City of Bixby</u>	<u>918 366 0427</u>
5. <u>Joey Ward</u>	<u>JM</u>	<u>918-366-0436</u>
6. <u>Evelyn Shelton</u>	<u>PSO</u>	<u>918-250-6249</u>
7. <u></u>	<u></u>	<u></u>
8. <u></u>	<u></u>	<u></u>
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BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: August 19, 2013

NAME	ADDRESS	ITEM	
1. JIM DAVENPORT	8123 E. 117 th	2	✓
2. Harold Redger	8126 E 112 th ST	2 & 3	✓
3. Odell Carpenter	11415 S. 82 nd	2 & 3	✓
4. Paula Bedford	8125 E. 112 th ST S	2 & 3	✓
5. Rick Horton	8317 E 117 th	2 & 3	✓
6. Tom Daniels	8171 E 114 th ST	2 & 3	✓
7. Don Schmitt	8266 E 114 th ST	2 & 3	✓
8. JR. DANIELSON	12820 S. MEM	2, 3 & 4	✓
9. Jim MAWLEY	8322 E. 113 ST	3-2-4	✓
10. Ronald E. Duff	on behalf of Southland Ne. Okla. Association	3	✓
11. Lee J. ...	11702 S. 75 th	3	✓
12.			
13.			
14.			
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- 21. TOM WILSTERMAN 11134 S. 83RD E AVE ✓
- 22. JACK BROSCHER 11202 S. 83RD EAST AVE ✓
- 23. JEFF CAULES 11430 Sth 87th EAST AVE ✓
- 24. Matthew Francis 11348 S 83rd E Ave ✓
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**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA**

September 16, 2013 **6:00 PM**

Special Note: The Planning Commission did not meet or consider any requests on this date.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary



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 
Date: Wednesday, September 11, 2013
RE: Report and Recommendations for:
PUD 76 – Scenic Village Park – Major Amendment # 1

LOCATION:

- West of the west dead-end of 126th St. S. west of Memorial Dr.
- South and west of the intersection of 121st St. S. and Memorial Dr.
- Part of the E/2 of Section 02, T17N, R13E

SIZE: 70 acres, more or less

EXISTING ZONING: CG General Commercial District & PUD 76

EXISTING USE: Agricultural

REQUEST: Major Amendment to PUD 76, which amendment proposes modifying development area boundaries, making certain changes to land uses, making certain changes to development standards, adjusting the alignment of the collector road system, and making certain other amendments

SURROUNDING ZONING AND LAND USE:

North: CG/PUD 76, RS-3, RS-1, AG, & OL/CS/PUD 51; The agricultural 22 acres of development property platted as *Scenic Village Park*, and (Across 121st St. S.) 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; to the northeast is 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.

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for parent tract subject property – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting.

Preliminary Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and a Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2 for parent tract subject property – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

Final Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres of the parent tract subject property of 92 acres – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

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 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.) to the northeast of subject property – 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.) to the northeast of subject property – PC Recommended Approval 03/19/2012 and City Council Approved 03/26/2012 (Ord. # 2077).

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property of approximately 70 acres is relatively flat and appears to drain, if only slightly, to the south and west. A northerly approximately 22-acre portion of the parent tract of 92 acres was separated from the subject property by the plat of *Scenic Village Park*, recorded June 20, 2013. 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.

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

Per the Matrix, PUDs (as a zoning district) are *In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map, and thus PUD 76 is *In Accordance* with the Comprehensive Plan as a zoning district.

Due to the relatively limited scope of proposed changes, the proposed PUD 76 Major Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

General. The Applicant is requesting a Major Amendment to an approved PUD, to modify development area boundaries, make certain changes to land uses, make certain changes to development standards, adjust the alignment of the collector road system, and make certain other amendments. The same are described in greater detail in the text as follows:

“PUD 76 Major Amendment #1 (this application) proposes to modify certain development areas in size and by adding both residential single-family detached and residential attached uses to certain areas. The alignment of South 74th East Avenue has been slightly altered in order to accommodate the single-family uses. The additional uses proposed in the major amendment are uses allowed by the underlying zoning and consistent with the Bixby Comprehensive Plan.”

PUD 76 has eight (8) Development Areas, identified by letters A through H, inclusive. In sum, this Major Amendment # 1 would:

1. Combine Development Areas C and D, and redesignate by name,
2. Remove the multifamily (up to 4 units) use option and standards from DA C, remove the commercial uses and development standards from DA D, and replace both with development standards for single-family homes, including minimum lot width (65’) and lot size (6,900 square feet) standards, and
3. Truncate the southerly part of DA F to correspond to the common line separating DAs B and C (8.696 acres gross → 5.976 acres)
4. Redesignate DA F,
5. Annex the DA-F-truncated area to the DAs G/H area,
6. Redivide the DAs G/H area on a north/south axis into roughly equal areas,

7. Redesignate DA G,
8. Redesignate DA H,
9. Shift the 74th E. Ave. portion of the 74th E. Ave. / 126th St. S. collector road easterly, to accommodate more room for the single-family detached residential area west of the collector road system,
10. Realign DA boundaries based on the realigned collector street system,
11. Change permitted land uses in DA G (mislabeled DA "F" vis-à-vis as represented on Exhibit C) from those allowed by right in OM to detached or attached single-family and duplexes, etc., and replace OM development standards with such as consistent with the new residential uses, including minimum lot width (50') and lot size (5,000 square feet) standards.

The proposal to redesignate DA names is problematic, as it would create duplication and ambiguity. For example, Development Area E already exists, and would be duplicated under this plan. Development Area E is also included in the recorded plat of *Scenic Village Park*, and is described in the PUD Restrictive Covenants of same. To avoid ambiguity, Staff recommends the DAs retain their existing names, with this Major Amendment merely describing how they will be reconfigured in response to the collector road system realignment, and in order to reorient the development toward more residential use. The Development Standards may combine DAs C and D into one section and provide development standards for same, just as they are written in the current draft.

Because the amendment proposes to approve residential land uses, which requires a Special Exception in a CG district, in DAs which were not approved for same in the original PUD, and as the overall changes constitute a significant departure from the original plan as approved by the City Council, it must take the form of a Major Amendment, rather than a Minor Amendment. Since the PUD Major Amendment removes all multifamily use allowance from the PUD (previously permitted up to a 'fourplex' in DA C), and as the assisted living community in DA B is excluded from this application, the Public Notice did not have to be mailed to a ¼ mile radius, and was instead mailed to the standard 300' radius.

The proposed residential densities/intensities are consistent with the PUD provisions of the Zoning Code, which would allow for significantly more lots than are proposed in this amendment.

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 September 04, 2013. Minutes of that meeting are attached to this report.

Access & Circulation. Consistent with the original PUD 76 as approved, primary access to the PUD 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 parent tract 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. It will be known as 74th E. Ave. to the extent it is a north-south corridor. 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*. It will continue south of 121st St. S. with the 73rd E. Ave. name.

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, which was requested and approved by the City Council with the Preliminary Plat on March 25, 2013. Per the City Engineer's PUD/Preliminary Plat 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, received City Council approval of a Modification/Waiver with the Preliminary Plat on March 25, 2013. 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.

As mentioned above, this PUD Major Amendment # 1 proposes to shift the 74th E. Ave. portion of the 74th E. Ave. / 126th St. S. collector road easterly, to accommodate more room for the single-family detached residential area west of the collector road system. Otherwise, no significant changes to access and circulation patterns are proposed, except to the extent necessary to allow conventional housing addition(s) to be developed in certain areas. These subdivisions will all tie into the realigned collector street system.

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 is the agricultural 22 acres of development property platted as *Scenic Village Park* zoned CG with PUD 76 and, 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 northwest 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.), to the northeast of the subject property, was rezoned to CS in March of 2012.

The existing 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.

The amendments to PUD 76 contemplated by this application would serve to reduce the likely land use and development density/intensity, and such changes would not be inconsistent with surrounding Zoning and land use patterns or the character of PUD 76 as originally approved.

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

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

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

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

Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this PUD Major Amendment.

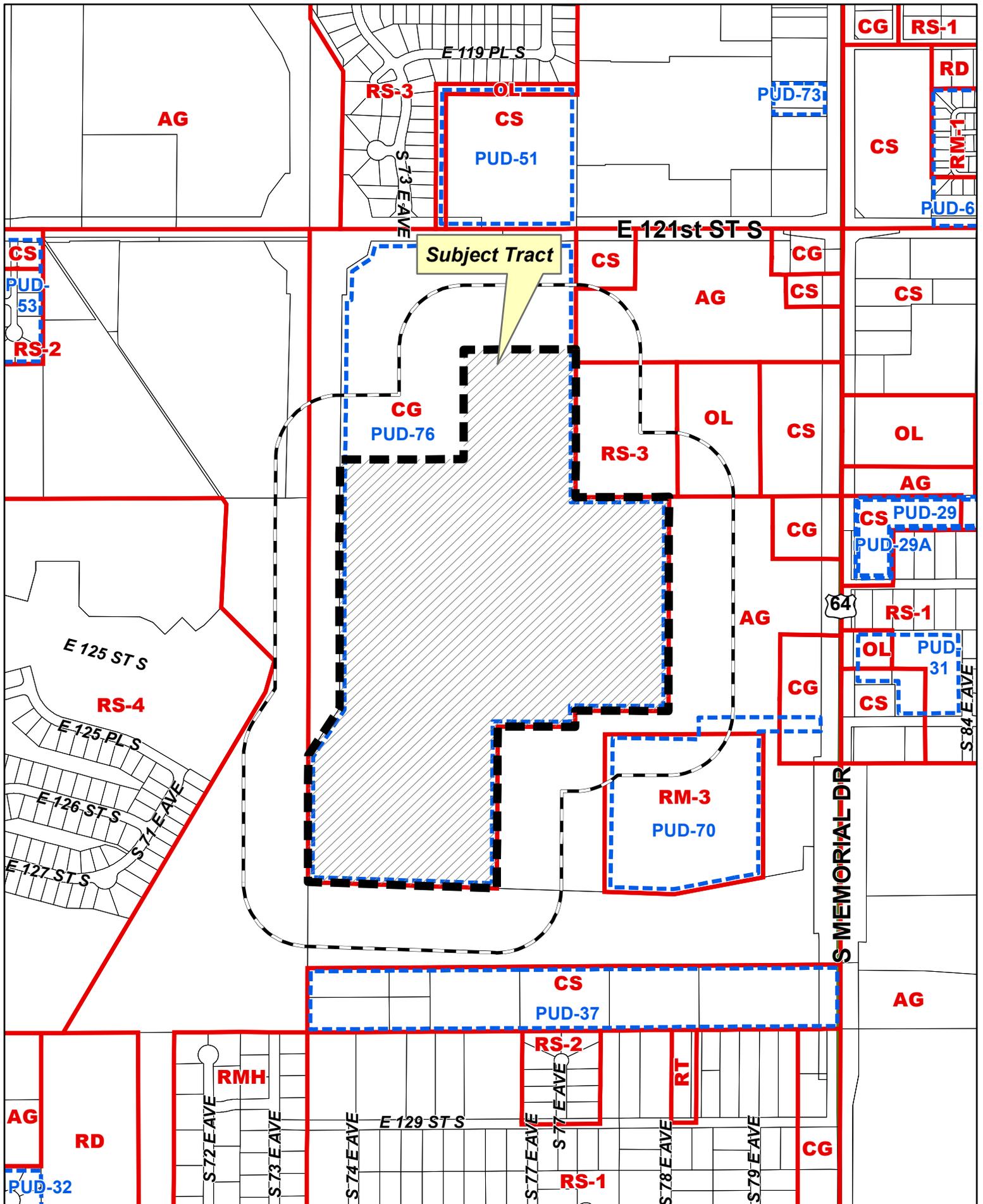
Staff Recommendation. For all the reasons outlined above, Staff recommends Approval, subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
2. Please restore DA names to avoid duplication and ambiguity as recommended hereinabove. Please remember to correct throughout document, including Table of Contents.
3. Table of Contents: L. City Department Requirements falls on page 11.
4. Table of Contents: V. Legal Description Exhibit H does not fall on page 12, and is not Exhibit I.
5. Section I Development Concept: Please add language pertaining to scope that specifies that no changes are made to PUD 76 except as specifically amended in this document. This will ensure no ambiguity that the omitted text under Development Concept, the omitted DAs, etc. are not superseded but remain in effect except as specifically modified.
6. The Other Bulk & Area Requirements of the Development Standards for DA G ("F" in the Text in error) should be changed from "As required within the applicable use unit" to: Detached SF: RS-3; Duplex Dwellings: RD; Townhouse Dwellings: RT, or something similar, as bulk and area standards are provided by Zoning Districts, not Use Units.
7. Discuss retaining the flexibility to allow commercial use in DA G, by adding alternative standards to the Development Standards therefor.
8. DA H (DA "F" on Exhibit C and DA "G" in Text) conflict in terms of gross area. Please reconcile.
9. Section I pertaining to transfer of [density/intensity]: Please retitle "Transfer of Density/Intensity" or otherwise as appropriate, to reflect the broader scope including transfer of residential density/intensity, which is not measured in floor area. Secondly, please remove the "(previous Development Area H)" as per other recommendations in this report.
10. Exhibit B – "PUD NO. 76-A" is not defined in this document. It would appear acceptable to remove this line; otherwise, please discuss how best to clarify. If desired, this can be retitled "PUD 76-A" and the approving ordinance can direct that the official Zoning Map be designated "PUD 76-A." In that case, this needs to be specified in the PUD Text, and consistency in nomenclature must be achieved throughout the amendment document.
11. Exhibit F title does not match between exhibit and Table of Contents.
12. 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

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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.

13. In satisfaction of the City Council's approval conditions of both the Preliminary Plat and Final Plat, copies of the Preliminary Plat of *Scenic Village Park*, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size and 1 11" X 17").
14. A corrected PUD Major Amendment package, incorporating all of the corrections, modifications, and Conditions of Approval, shall be submitted as follows: 2 hard copies and 1 electronic copy (PDF preferred).

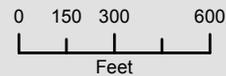


300' Radius



Subject Tract

**PUD-76
Major Amendment 1**



Feet

02 17-13



Memo

To: Erik Enyart, City Planner
From: Jared Cottle, PE *JWC*
CC: Bea Aamodt, PE
File
Date: 08/19/13
Re: Scenic Village
PUD 76 – Major Amendment #1

General Comments:

1. Conceptual Plans are not included with the Amendment. Presumably, a number of changes will be required with the revised layout. Additional review comments will be provided upon submittal of updated utility information.
2. The Storm Water Drainage Plans for the storm sewer system along 121st has been submitted in detail and is nearing approval.

Memo

To: ERIK, AICP, CITY PLANNER

From: JIM SWEEDEN

Date: 8/19/2013

Re: PUD 76 "SCENIC VILLAGE PARK " MAJOR AMENDMENT #1

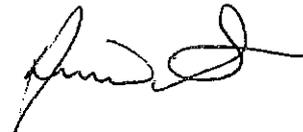
FINAL PLAT OF SCENIC VILLAGE PARK IS APPROVED BY THIS OFFICE WITH THE FOLLOWING STIPATIONS.

1.CODES: ICC-2009, ELECTRICAL 2011.

2. ALL DEVELOPMENT AREAS A THRU G SHALL MAINTAIN A MINIMUM OF TWO (2) MEANS OF EXITS/EGRESS.

3. FIRE HYDRANTS SHALL BE NO FURTHER THAN 300 FEET APART. SEE CITY REQUIREMENTS ON TYPES OF HYDRANTS ALLOWED IN CITY DISTRICT. BUILDINGS TO BE SPRINKLER SHALL HAVE A FIRE HYDRANT WITHIN 150 FEET MAX, OF F.D.C.

4. ROADS SHALL BE ABLE TO SUPPORT THE IMPOSED LOAD OF NO LESS THAN 75,000 POUNDS. ALL STREETS AND FIRE HYDRANTS SHALL BE OPERTIONAL BEFORE BUILDING CONSTRUCTION BEGINS.



MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
September 04, 2013 – 10:00 AM

MEMBERS PRESENT

Tim Dobrinski, *OG+E*
Evelyn Shelton, *AEP-PSO*
Gary Hamilton, *Cox Communications*

STAFF PRESENT

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

OTHERS PRESENT

Justin Morgan, *Tanner Consulting, LLC*
Tim Terral, *Tulsa Engineering & Planning Associates, Inc.*

1. Erik Enyart called the meeting to order at 10:00 AM.
2. **PUD 76 – Scenic Village Park – Major Amendment # 1.** Discussion and review of Major Amendment # 1 to PUD 76 for approximately 70 acres located in the E/2 of Section 02, T17N, R13E, which amendment proposes modifying development area boundaries, making certain changes to land uses, making certain changes to development standards, adjusting the alignment of the collector road system, and making certain other amendments.
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 stated that the TAC members should recall the PUD and plats that were approved earlier in the year. Mr. Enyart noted that the Final Plat of “Scenic Village Park,” consisting of the northern acreage along 121st St. S., was platted out a couple months ago. Mr. Enyart stated the primary purpose for the Major Amendment was to reconfigure the balance of the property to allow the back, west acreage along Fry Creek to be developed as a housing addition.

Justin Morgan noted that the original PUD allowed single-family in the [concerned] Development Areas [C and D]. Mr. Morgan stated that the acreage on the east side of the collector road was configured to allow it to be developed as commercial along with the acreage with Memorial Dr. frontage. Mr. Morgan clarified with Erik Enyart that that Development Area would be split into two (2) parts, rather than one (1) [as had been discussed preliminarily].

Joey Weidel asked when the collector street would be put in. Justin Morgan responded that it would likely be at the same time as the section of the collector street is built to serve the assisted living facility, and that it would connect from that point to [126th St. S. as built].

Justin Morgan provided a draft plat of the housing addition with a tentative title "Vintage Estates" and discussed it briefly.

Erik Enyart opened the item up for questions and comments. There were none.

Erik Enyart confirmed with Evelyn Shelton that the development would be served by AEP-PSO.

Evelyn Shelton confirmed with Justin Morgan that he was working with Steve Williams at AEP-PSO on adjustments to the original electrical plan.

Erik Enyart and Justin Morgan discussed likely reactions to the change from ministorage and attached housing to single-family homes from the neighboring residents.

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

Justin Morgan confirmed with Erik Enyart that this would be on the September 30, 2013 Special Meeting agenda of the Planning Commission. Mr. Morgan stated that his client was wanting to get started as soon as possible.

Erik Enyart addressed Justin Morgan and stated that he had not gotten into the PUD amendment in detail, but would do so and would provide the staff report to him shortly. Mr. Enyart stated that he did not see any reason he would not be able to recommend approval of the changes, but that he may find some details that would need to be corrected. Mr. Morgan indicated agreement.

Justin Morgan asked if he could not wait until the end of the meeting to discuss the draft site plan with the Fire Marshals. Erik Enyart indicated agreement and stated that he would be interested in reviewing it as well.

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

- PUD 62 – Hawkeye – Minor Amendment # 1.** Discussion and review of Minor Amendment # 1 to PUD 62 for property located in the W/2 SE/4 of Section 15, T17N, R13E, which amendment proposes to provide for a cul-de-sac street design for Kingston Ave., provide certain requirements pertaining thereto, and make certain other amendments.
Property located: Northwest corner of the intersection of 151st St. S. and Kingston Ave.

Erik Enyart introduced the item and summarized the project and its location. Mr. Enyart stated that the TAC may recall this project, as it had been recently approved for PUD Major Amendment and Preliminary Plat. Mr. Enyart stated that, at that time, there were several unresolved issues pertaining to Kingston Ave. [and access generally], but most of those had been resolved, with the exception of a certain detail pertaining to the north end of Kingston Ave. north of the [AEP-]PSO easement. Mr. Enyart stated that this Minor Amendment would clear up two (2) issues. Mr. Enyart

stated that the Applicant had provided certain site plan drawings representing a cul-de-sac turnaround street design, but these were not in the final PUD. Mr. Enyart stated that this Minor Amendment would specify that this would be required to be constructed, and at the time the commercial lot, or any part of it, was developed. Mr. Enyart stated that the second issue pertained to the roadway paving north of the [AEP-]PSO easement. Mr. Enyart stated that, per survey data, the roadway paving falls within the subject property about, or an average of roughly 2'. Mr. Enyart stated that there was concern that fences could be constructed along the property line, with the paving cut off and thrown away. Mr. Enyart stated that, at a meeting with City Staff, City Staff and the Applicant's design professionals agreed to allow the two 2' of paving to be removed, with another 2' to allow for incidental drainage, provided the 4' was compensated for by paving along the east side of the roadway, where it would fall within the 25' of dedicated public right-of-way.

Erik Enyart asked Tim Terral if there was anything he would like to add to this summary. Mr. Terral stated that he believed that covered it fairly well.

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

Tim Dobrinski stated that, south of the [AEP-]PSO easement, the right-of-way dedication would allow for the overhead powerlines to remain in place, but north of the [AEP-]PSO easement a relocation may be necessary. Mr. Dobrinski stated that this line served the two (2) subdivisions to the north [The Ridge at South County and Southridge at Lantern Hill]. Erik Enyart asked if the relocation would involve moving the overhead line to the east side of the roadway, and Mr. Dobrinski indicated agreement. Mr. Enyart asked Mr. Dobrinski and Tim Terral if they would coordinate on this, recognizing the new paving on the east side of the existing roadway, and Mr. Terral stated that he would. Mr. Dobrinski stated that he would be sure the new line was sufficiently far from the new paving, as [OG+E] likes to stay as far away from moving cars as possible.

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

Evelyn Shelton stated that she would be out of the office for a while. Mr. Enyart confirmed with Ms. Shelton that the new contact she had provided him would be the one who would attend the TAC meetings in her absence.

4. Old Business
5. New Business
6. Meeting was adjourned at 10:20 AM.

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Sign-In Sheet
TAC 09/04/2013

Justin Morgan Tanner Consulting

Tim Dobrinski OGE & E 918-227-6203

Evelyn Shelton PSO 918-250-4249

Erik Enyart City of Bixby 918-366-4430

Greg Weid COB JN 918-366-0436

Jim Sweeden FHO- 918-366-0436

TIM TERRAL TEP 918-359-6413

Cary Hamilton ~~COX~~ Cox/CaryHamilton@cox.com 918-271-3514

~~Index motor for 3 months~~
Have not received my

SCENIC VILLAGE PARK

PUD 76 Major Amendment #1

69 acres west of the Southwest Corner of
East 121st Street South and South Memorial Road

Bixby, Oklahoma

CITY OF BIXBY

AUG. 16 2013

RECEIVED

By Enyart

Applicant/Owner:

121st and Memorial, LLC
c/o Rick Dodson, Manager
6205 E. 105th Street
Tulsa, OK 74137
dodsonbuilding@cox.net

Development Engineer:

Tanner Consulting, LLC
c/o Ricky Jones
5323 South Lewis Avenue
Tulsa, OK 74105
ricky@tannerbaitshop.com

August 16, 2013

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SCENIC VILLAGE PARK

PUD 76 Major Amendment #1

69 acres west of the Southwest Corner of
East 121st Street South and South Memorial Road

Bixby, Oklahoma

Applicant/Owner:

121st and Memorial, LLC
c/o Rick Dodson, Manager
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Tulsa, OK 74105
ricky@tannerbaitshop.com

August 16, 2013

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I. DEVELOPMENT CONCEPT

Planned Unit Development No. 76 (hereinafter “PUD 76”) which was approved by the Bixby City Council on March 25, 2013 consists of approximately 92 acres and is located on the south side of East 121st Street South, west of South Memorial Drive. PUD 76 contains eight development areas permitting mixed uses including assisted living, commercial, office and residential. During the City Council hearing, multi-family uses were excluded from the original approval recommendation by the Bixby Planning Commission. A subdivision plat including Development Areas “A”, “B” and “E” (Scenic Village Park, document #6477) was filed with the Tulsa County Clerk on June 20, 2013.

PUD 76 Major Amendment #1 (this application) proposes to modify certain development areas in size and by adding both residential single-family detached and residential attached uses to certain areas. The alignment of South 74th East Avenue has been slightly altered in order to accommodate the single-family uses. The additional uses proposed in the major amendment are uses allowed by the underlying zoning and consistent with the Bixby Comprehensive Plan.

Scenic Village Park

EXHIBIT A

AERIAL PHOTOGRAPHY OF EXISTING CONDITIONS



Scenic Village Park

EXHIBIT B

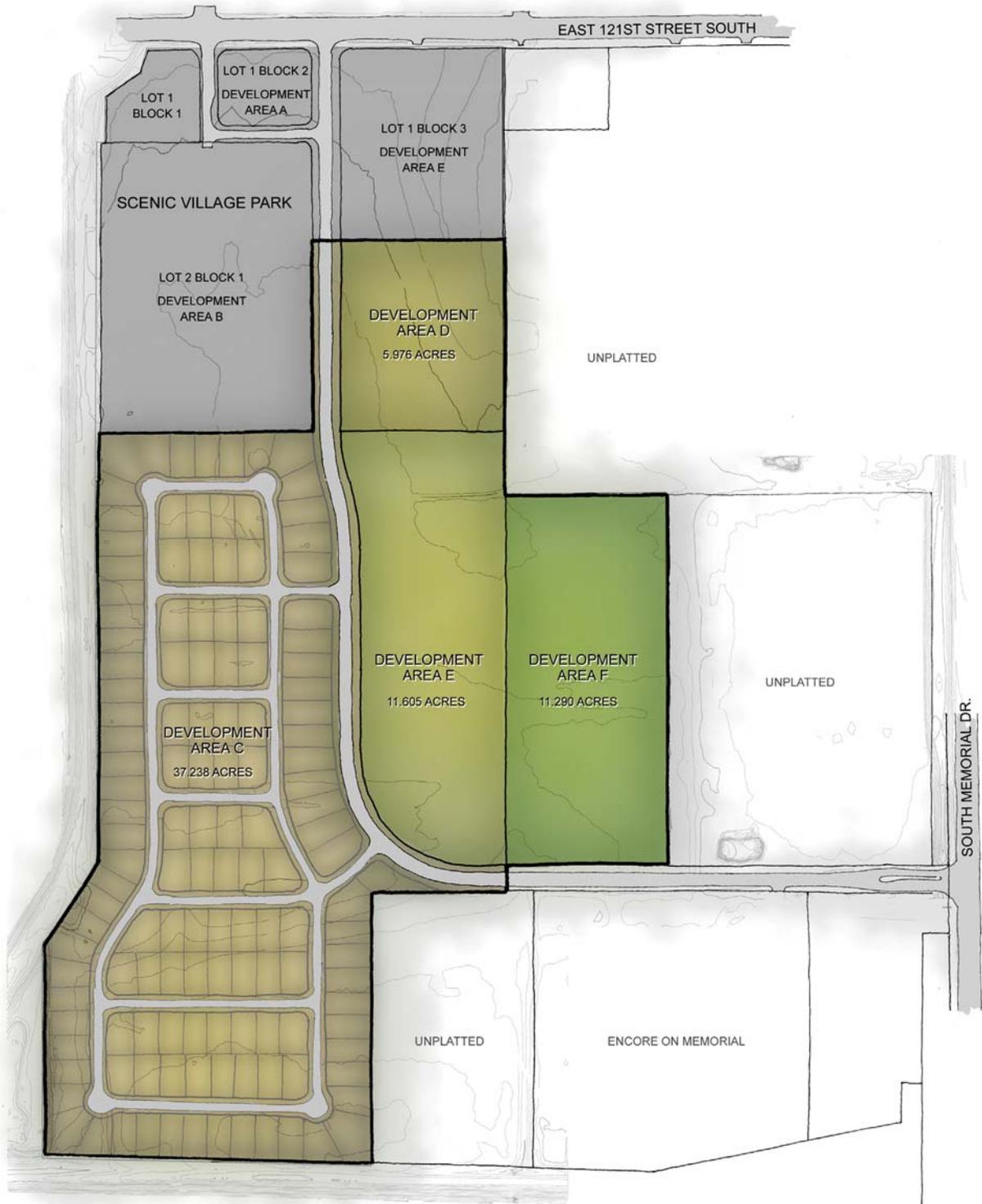
OVERALL CONCEPTUAL SITE PLAN INCLUDING PUD NO. 76-A



Scenic Village Park

EXHIBIT C

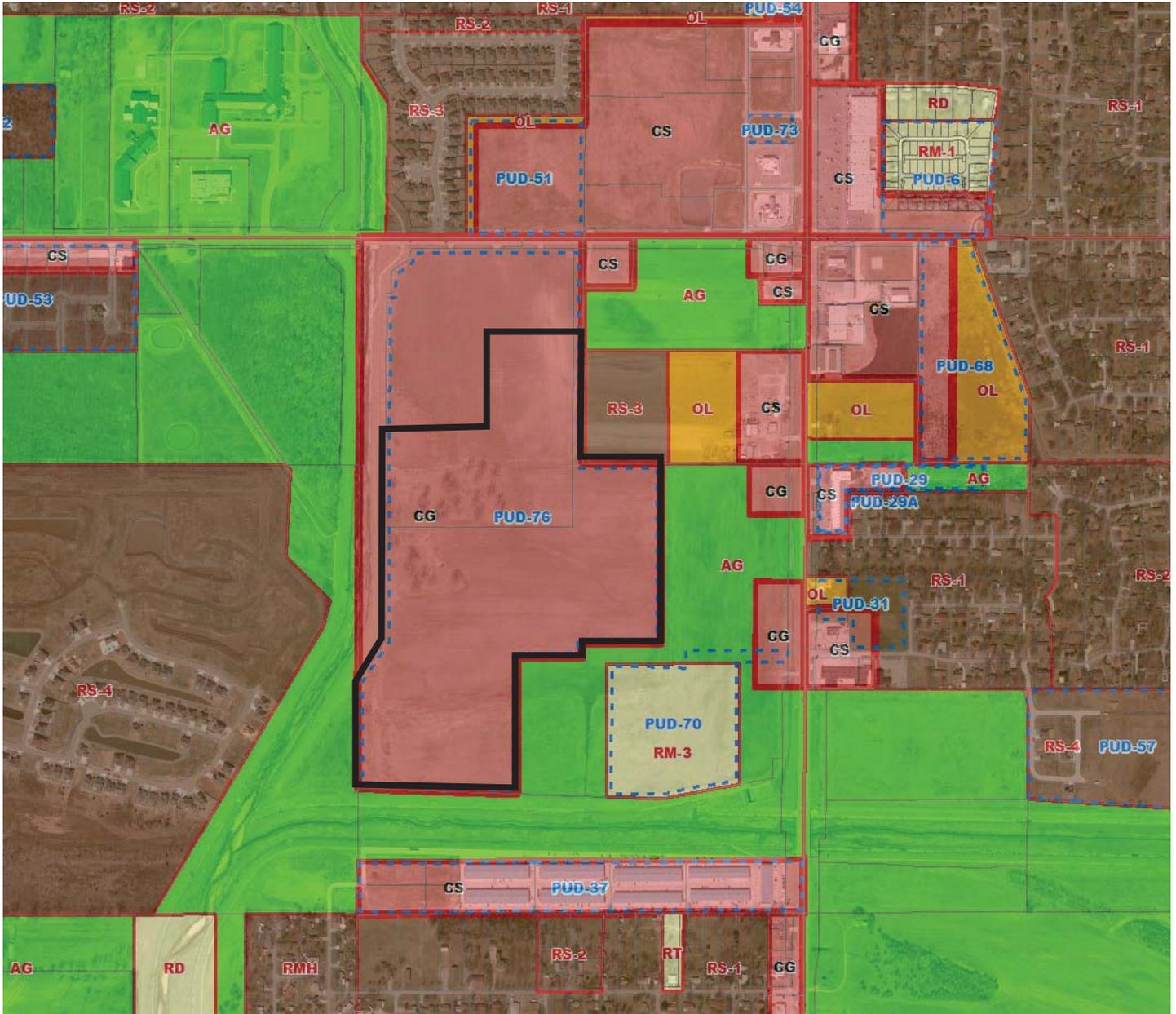
DEVELOPMENT AREA DIAGRAM



Scenic Village Park

EXHIBIT D

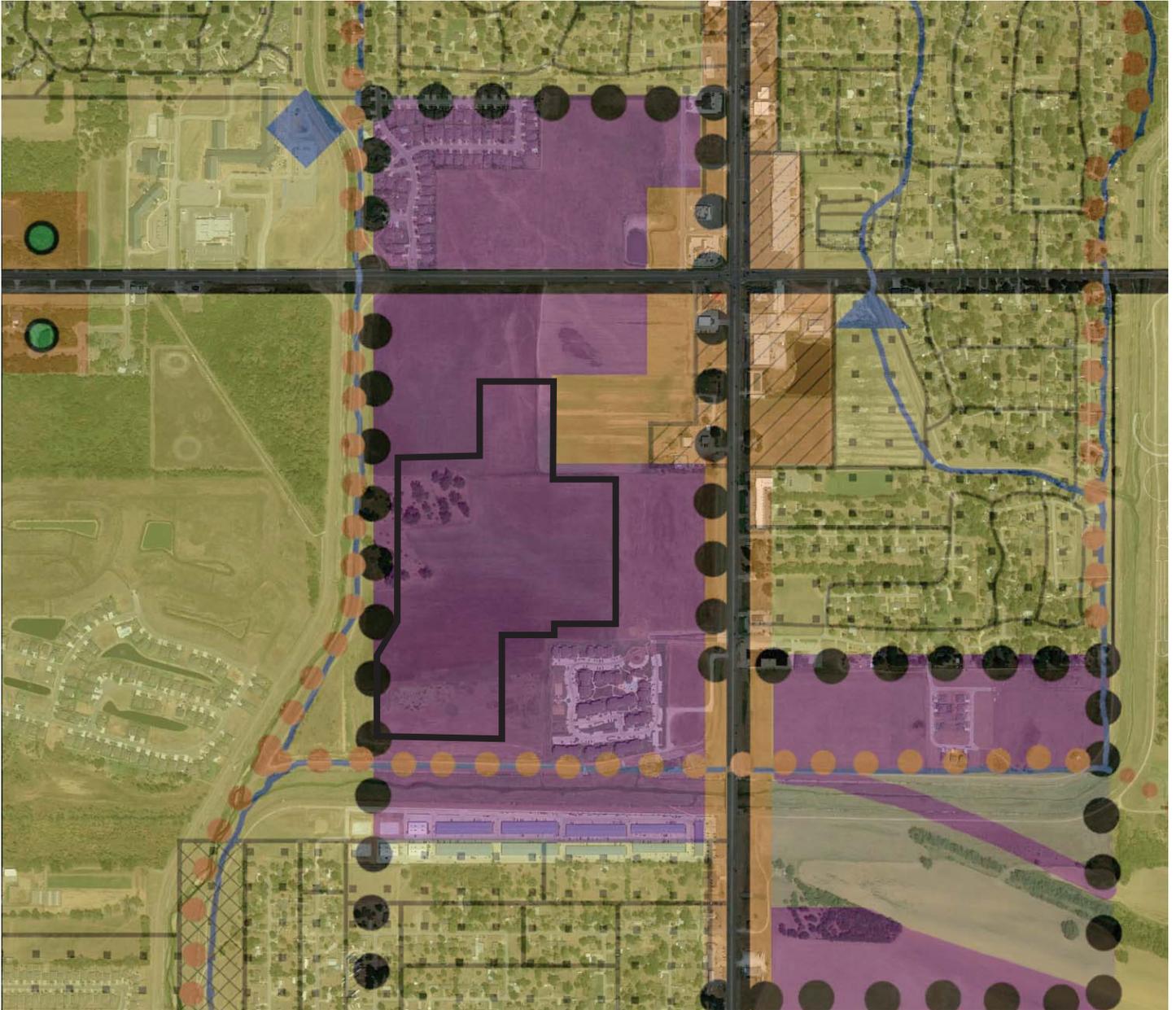
CURRENT ZONING MAP
INCOG ZONING GIS SYSTEM 2013



Scenic Village Park

EXHIBIT E

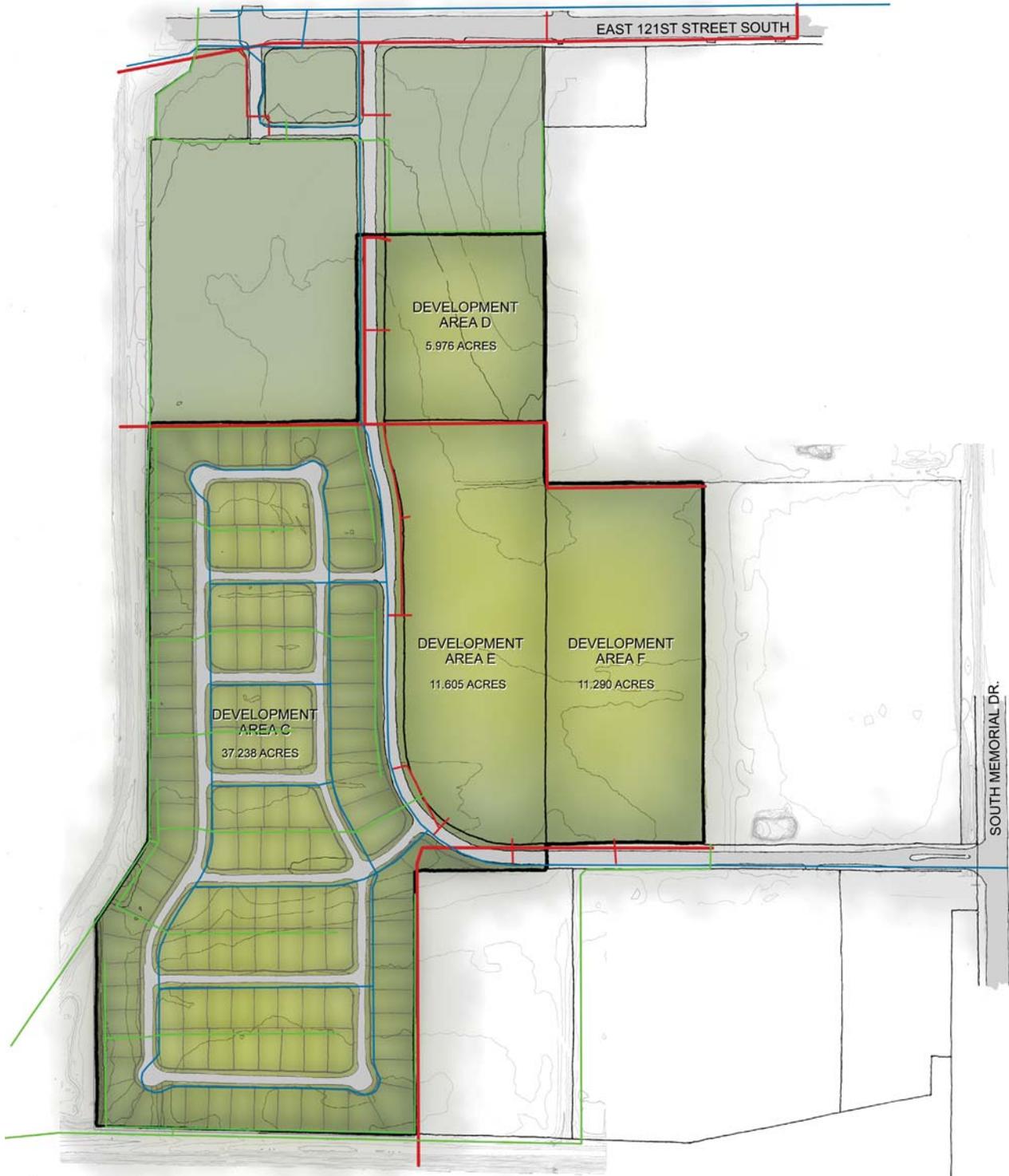
COMPREHENSIVE PLAN MAP CITY OF BIXBY



Scenic Village Park

EXHIBIT F

PROPOSED UTILITY LAYOUT WITH SURVEYED EXISTING CONNECTIONS



Scenic Village Park

EXHIBIT G

ENVIRONMENTAL ANALYSIS USDA SOILS, FIELD TOPOGRAPHY & FLOODPLAINS



Scenic Village Park

EXHIBIT H

PUD LEGAL DESCRIPTION

Description

A TRACT OF LAND BEING A PART OF THE EAST HALF (E/2) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY SOUTHEAST CORNER OF "SCENIC VILLAGE PARK", AN ADDITION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6477, HEREINAFTER THE 'ADDITION'); THENCE SOUTH 0°59'22" EAST AND ALONG THE WEST LINE OF GOVERNMENT LOT ONE (1), FOR A DISTANCE OF 732.26 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER THEREOF; THENCE NORTH 88°32'26" EAST AND ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1, FOR A DISTANCE OF 463.28 FEET TO A POINT; THENCE SOUTH 0°59'22" EAST FOR A DISTANCE OF 1063.53 FEET TO A POINT; THENCE SOUTH 89°01'15" WEST FOR A DISTANCE OF 463.26 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE/4 NE/4) OF SAID SECTION 2; THENCE SOUTH 0°59'22" EAST AND ALONG SAID WEST LINE OF THE SE/4 NE/4, FOR A DISTANCE OF 80.00 FEET TO A POINT; THENCE SOUTH 89°01'15" WEST FOR A DISTANCE OF 383.95 FEET TO A POINT; THENCE SOUTH 0°58'45" EAST FOR A DISTANCE OF 779.75 FEET TO A POINT; THENCE NORTH 89°33'45" WEST FOR A DISTANCE OF 938.73 FEET TO A POINT ON THE WEST LINE OF SAID E/2 OF SECTION 2; THENCE NORTH 1°00'00" WEST AND ALONG SAID WEST LINE OF THE E/2, FOR A DISTANCE OF 565.32 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SECTION 2; THENCE CONTINUING NORTH 1°00'00" WEST AND ALONG THE WEST LINE OF SAID NE/4, FOR A DISTANCE OF 40.39 FEET TO A POINT; THENCE NORTH 32°18'51" EAST FOR A DISTANCE OF 289.52 FEET TO A POINT; THENCE NORTH 1°18'23" WEST FOR A DISTANCE OF 857.55 FEET TO A POINT; THENCE NORTH 0°35'18" WEST FOR A DISTANCE OF 368.04 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF THE ADDITION; THENCE NORTH 88°46'02" EAST AND ALONG THE SOUTH LINE OF THE ADDITION, FOR A DISTANCE OF 613.72 FEET TO A POINT; THENCE NORTH 1°13'58" WEST AND ALONG AN EAST LINE OF THE ADDITION, FOR A DISTANCE OF 550.00 FEET TO A POINT; THENCE NORTH 88°46'02" EAST AND ALONG THE SOUTH LINE OF THE ADDITION, FOR A DISTANCE OF 554.46 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 3,050,894 SQUARE FEET, OR 70.039 ACRES.

Basis of Bearing

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83).

II. DEVELOPMENT STANDARDS

DEVELOPMENT AREA C

GROSS LAND AREA: 38.727 acres

NET LAND AREA: 37.238 acres

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

MAXIMUM DWELLING UNITS: 170 dus

MAXIMUM BUILDING HEIGHT: 35 ft.

MAXIMUM STORIES: 2

MINIMUM LOT WIDTH: 65 ft

MINIMUM LOT SIZE: 6,900 sf

MINIMUM YARDS AND BUILDING SETBACKS:

FROM STREET RIGHT-OF-WAY: 20 ft.

FROM REAR LOT LINE: 20 ft.

FROM SIDE YARD LOT LINE: 5 ft.

BETWEEN DETACHED DWELLING UNITS: 10 ft.

BETWEEN DUPLEX BUILDINGS: 10 ft.

BETWEEN TOWNHOME BUILDINGS: 20 ft.

FROM TOWNHOME ATTACHED SIDE 0 ft.

MINIMUM OFF-STREET PARKING: As required within the applicable use unit.

OTHER BULK AND AREA REQUIREMENTS:

DETACHED SINGLE FAMILY DWELLINGS: As required within a RS-3 District.

DUPLEX DWELLINGS: As required within a RD District

TOWNHOUSE DWELLINGS: As required within a RT District

DEVELOPMENT AREA D

GROSS LAND AREA: 6.481 acres

NET LAND AREA 5.976 acres

PERMITTED USES: 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.

MAXIMUM FLOOR AREA RATIO: 0.50

MAXIMUM BUILDING HEIGHT: 40 ft.

MINIMUM BUILDING SETBACK:

FROM NON-ARTERIAL STREET RIGHT-OF-WAY: 25 ft.

FROM RESIDENTIAL DEVELOPMENT AREAS: 50 ft.

FROM OTHER BOUNDARIES: 20 ft.

MINIMUM LANDSCAPING: 10% of net lot area

MINIMUM OFF-STREET PARKING: As required within the applicable use unit.

OTHER BULK AND AREA REQUIREMENTS: As required within a CG District

DEVELOPMENT AREA F

GROSS LAND AREA: 13.036 acres

NET LAND AREA: 11.605 acres

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

MAXIMUM DWELLING UNITS: 60 dus

MAXIMUM BUILDING HEIGHT: 35 ft.

MINIMUM LOT WIDTH: 50 ft

MINIMUM LOT SIZE: 5,000 sf

MAXIMUM STORIES: 2

MINIMUM YARDS AND BUILDING SETBACKS:

FROM STREET RIGHT-OF-WAY (public or private): 20 ft.
FROM REAR LOT LINE: 20 ft.
FROM SIDE YARD LOT LINE (detached dwellings): 5 ft.
BETWEEN DETACHED DWELLING UNITS: 10 ft.
BETWEEN DUPLEX BUILDINGS: 10 ft.
BETWEEN TOWNHOME BUILDINGS: 10 ft.
FROM TOWNHOME ATTACHED SIDE 0 ft.

MINIMUM OFF-STREET PARKING: As required within the applicable use unit.

OTHER BULK AND AREA REQUIREMENTS:

DETACHED SINGLE FAMILY DWELLINGS: As required within the applicable use unit
DUPLEX DWELLINGS: As required within the applicable use unit
TOWNHOUSE DWELLINGS: As required within the applicable use unit

INTERNAL ACCESS: Interior access to Development Area “F” may be by private street(s) from South 74th East Avenue and East 126th Street South. Development Area “F” may be gated for the privacy of residents within the development area.

DEVELOPMENT AREA G

GROSS LAND AREA: 11.715 acres

NET LAND AREA: 11.290 acres

PERMITTED USES: 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 uses.

MAXIMUM FLOOR AREA RATIO: 0.50

MAXIMUM BUILDING HEIGHT: 40 ft.

MINIMUM BUILDING SETBACK:
FROM NON-ARTERIAL STREET RIGHT-OF-WAY: 25 ft.
FROM RESIDENTIAL DEVELOPMENT AREAS: 50 ft.
FROM OTHER BOUNDARIES: 20 ft.

MINIMUM LANDSCAPING 10% of net lot area

MINIMUM OFF-STREET PARKING: As required within the applicable use unit.

OTHER BULK AND AREA REQUIREMENTS As required within a CS District

III. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

A. Restricted Uses

All uses classified as “Sexually Oriented” within the City of Bixby Zoning Code (Section 11-7D-6) are hereby excluded from any development area within PUD 76.

B. Landscaping and Screening

Landscaping shall meet the requirements of Chapter 12 Landscape Requirements of the Bixby Zoning Code, except as hereinafter modified. Within development areas permitting retail use, the landscaping for a mixed use building which contains both retail and office tenants shall be 10%. In addition to the requirements of Chapter 12 of the Bixby Zoning Code, perimeter landscaping shall include plant materials designed to achieve an attractive street view. Reasonable efforts shall be made to preserve existing mature trees. Each mature tree which is in a required Street Yard and which is removed for the purpose of providing parking for multifamily dwellings or commercial establishments shall be replaced within the affected lot or lots at a two to one (2:1) ratio in accordance with Chapter 12 of the Bixby Zoning Code. A screening fence not less than 6 feet in height and a landscaped area of not less than 10 feet in width shall be maintained along the boundaries of commercial areas adjoining residential development or a residential zoning district, provided however, if an adjoining residential district is undeveloped or used for nonresidential purposes, required screening may be deferred until residential development occurs.

C. Lighting

Exterior lighting shall be limited to shielded fixtures designed to direct light downward. Lighting shall be designed so that the light producing element of the shielded fixture shall not be visible to a person standing within an adjacent residential district or residential development area.

D. Off Street Parking

The limitation establishing a maximum number of parking spaces as set forth within paragraph H, Section 11-10-2 may be modified by the Bixby Planning Commission pursuant to its review and approval of a PUD Detail Site Plan.

E. Access and Circulation

The principal access is to be derived from East 121st South and South Memorial Drive and an interior public collector street to be constructed that connects to the two arterial streets. The connection of the two arterials is a requirement. There is an area outside the boundary of PUD No. 76 which is proposed for a segment of

the collector street but within which, required right-of-way does not presently exist. The owner of the area required for right-of-way is under contract that the required right-of-way will be dedicated. The collector street will require a right-of-way width of 80 feet and a paving width of 38 feet, provided however a paving width of 38 feet shall require a waiver by the Bixby City Council of the Bixby Subdivision Regulations. Interior public and/or private minor street systems and mutual access easements will be established as needed. New public street construction shall comply with the applicable geometric street standards of the City of Bixby.

Sidewalks along the interior streets and along 121st Street shall be constructed by the developer in accordance with the Bixby Subdivision regulations including a minimum width of four feet and ADA compliance. Within Development Areas B and C, pedestrian access from residential areas may be provided to the adjoining Fry Ditch.

Interior access to Development Area “E” may be by private street(s) from South 74th East Avenue and East 126th Street South. Development Area “E” may be gated for the privacy of residents within the development area.

F. Signs

Signs shall comply with the applicable provisions of the Bixby Zoning Code, provided however, prior to installation, a detailed sign plan shall be submitted to and approved by the Bixby Planning Commission. Signs identifying an interior property may be located off site within a parcel located within Scenic Village Park, but shall require a detailed sign plan submitted to and approved by the Bixby Planning Commission.

Business signs shall be limited as follows:

1. Wall or canopy signs shall not exceed 1.5 square feet of display surface area per lineal foot of the building wall or canopy to which affixed.
2. A project identification sign may be located along 121st Street, but shall not exceed 35 feet in height and 230 square feet of display surface area.
3. Within each lot, a ground sign may be located, but shall not exceed 20 feet in height and 75 square feet of display surface area.

G. Utilities and Drainage

Utilities are at the site or accessible by customary extension. Fee-in-lieu of storm water detention facilities will be provided.

H. Parcelization

After initial platting setting forth permitted uses and the allocation of commercial floor area or residential density, division of platted lots may occur by approved lot split application and subject to the approval by the Bixby Planning Commission of proposed floor area or residential density allocations and confirmation of the existence of any necessary cross parking and mutual access easements.

I. Transfer of Allocated Floor Area

An initial transfer of 65 dwelling units from Development Area C to Development Area F (previous Development Area H) was established. Allocated commercial or residential density may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area or residential density is to be allocated, provided however, the allocation shall not exceed 15% of the initial allocation to the lot to which the transfer of floor area or residential density is to be made. Allocation exceeding 15% shall require an application for minor amendment to be reviewed and approved by the Bixby Planning Commission.

J. Detailed Site Plan Review

Development areas may be developed in phases. Within development areas intended for multifamily dwellings no building permit shall issue until a detailed site plan (including landscaping) of the proposed improvements has been submitted to the Bixby Planning Commission for recommendation and submitted to and approved by the Bixby City Council as being in compliance with the development concept and the development standards. Within development areas that do not include multifamily dwellings, no building permit shall issue until a detailed site plan (including landscaping) of the proposed improvements has been submitted to and approved by the Bixby Planning Commission as being in compliance with the development concept and the development standards. No certificate of occupancy shall issue for a building until the landscaping of the applicable phase of development has been installed in accordance with a landscaping plan and phasing schedule submitted to and approved by the Bixby Planning Commission.

K. Platting Requirement

Development areas may be developed in phases, and no building permit shall issue until the development phase for which a permit is sought has been included within a subdivision plat submitted to and approved by the Bixby Planning Commission and the Council of the City of Bixby, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved planned unit development and the City of Bixby shall be a beneficiary thereof.

L. City Department Requirements

Standard requirements of the City of Bixby Fire Marshal, City Engineer and City Attorney shall be met.

IV. EXPECTED SCHEDULE OF DEVELOPMENT

Development of the project is expected to commence and be completed as market conditions permit.

V. LEGAL DESCRIPTION

The legal description of the Property is set forth within the attached Exhibit H.



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: Thursday, September 12, 2013
RE: Report and Recommendations for:
PUD 62 – Hawkeye – Minor Amendment # 1

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

SIZE: 75 acres, more or less

EXISTING ZONING: CG, OL, & RS-3 and PUD 62

EXISTING USE: Vacant/Agricultural

REQUEST: Minor Amendment to PUD 62, which amendment proposes to provide for a cul-de-sac street design for Kingston Ave., provide certain requirements pertaining thereto, and make certain other amendments

SURROUNDING ZONING AND LAND USE:

North: RS-3/PUD 46; Residential single family homes and vacant lots in *The Ridge at South County*.

South: AG, CG, OM; Agricultural and rural residential to the south, the Bixby Cemetery to the southeast, and a 150-acre Lutheran Church Extension Fund-Missouri Synod agricultural tract to the southwest zoned CG, OM, RM-3, and RE.

East: AG, CG, & RS-3/PUD 72; Agricultural, rural residential, and commercial on several unplatted tracts along Kingston Ave. and 151st St. S. The *Mountain Creek Equipment Sales* (formerly the *Allison Tractor Co. Inc.*) tractor/farm equipment sales business is to the east on approximately 2.4 acres zoned CG. The vacant

Southridge at Lantern Hill subdivision abuts to the east on 40 acres zoned RS-3 with PUD 72.

West: RS-3, RM-2, CS, & AG; The *White Hawk Golf Club*, residential in *Celebrity Country* and *White Hawk Estates* in PUD 3, and vacant, rural residential, and agricultural tracts fronting on 151st St. S. zoned CS and AG.

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

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

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

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

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

RELEVANT AREA CASE HISTORY:

BZ-11 – Louis Levy for Tom Sitrin – Request for I-1, C-1, and R-1 zoning for approximately 660 acres (all of *Sitrin Center Addition*) to the west of subject property – believed to have been rezoned with modifications, per case notes and correspondence found in case file (Ordinance not found) by City Council on 02/06/1973.

BZ-86 – Louis Levy – Request for RS-3, RD, RM-2, OL, OM, and CS zoning for approximately 602 acres (*Sitrin Center Addition Less & Except Lot 1, Block 1, and Less & Except the E. 300’ of Lot 6, Block 1*) to the west of subject property – PC Recommended Modified Approval 04/28/1980 and City Council Approved 06/16/1980 (Ord. # 402).

PUD 1 – Royal Park Estates – Louis Levy – Request for PUD approval for approximately 602 acres (*Sitrin Center Addition Less & Except Lot 1, Block 1, and Less & Except the E. 300’ of Lot 6, Block 1*) to the west of subject property – PC Recommended Approval 04/28/1980 and City Council Approved 06/16/1980 (Ord. # 403).

PUD 3 – Celebrity Country – Replaced PUD 1 but retained underlying zoning for property to the west of subject property – PC Recommended Approval 09/27/1982 and City Council Approved 10/04/1982 (Ord. # 465).

BZ-185 – J. Edward Bates for Preferred Investments – Request for rezoning to CG, OM, RM-3, and RE for a 150-acre Lutheran Church Extension Fund-Missouri Synod agricultural tract to the southwest – Approved in May, 1988 (Ord. # 585).

BL-150 – Joseph McCormick – Request for Lot-Split approval for an approximately 1 acre to the southwest at 5805 E. 151st St. S. – PC Approved 12/06/1989.

BZ-291 – Cleatus & Deloris Tate – Request for rezoning to CG for approximately 16 acres to the east for the *Mountain Creek Equipment Sales* (formerly the *Allison Tractor Co. Inc.*)

tractor sales business – Approved for 2.4 acres of CG as per the amended reduced acreage request in July, 2003 (Ord. # 870).

BZ-295 – Norbert Young – Request for rezoning to CS for approximately 1 acre to the southwest at 5805 E. 151st St. S. – Withdrawn by Applicant September 15, 2003 upon sale of the property.

BZ-300 – Jerry Hull – Request for rezoning to CS for 3.3 acres located approximately 300' to the west on a 10-acre tract at 5801 E. 151st St. S. – Approved in January, 2004 (Ord. # 883).

AC-04-04-01 – JR Donelson for Jerry Hull/Trophy Tack Co. – Request for building plan [and detailed site plan] approval for “Trophy Tack Co.,” a commercial reuse of a 10-acre tract to the west at 5801 E. 151st St. S., evidently converting the existing single-family home to a commercial business – Architectural Committee Conditionally Approved 04/19/2004 (evidently never redeveloped as approved).

BZ-312 – Roy Johnsen for Stone Creek Partners, LLC – Request for rezoning to RS-4 for 65 acres abutting the subject property to the north for the (now) *The Ridge at South County* residential subdivision – Application abandoned in favor of PUD 46.

PUD 46 – Roy Johnsen for Stone Creek Partners, LLC – Request for rezoning to RS-4 and PUD approval for 65 acres abutting the subject property to the north for the (now) *The Ridge at South County* residential subdivision – City Council Denied 12/12/2005 and then reconsidered and Approved for RS-3 on 01/09/2006 (Ord. # 934).

BZ-315 – B. Jack Smith – Request for rezoning to CG for an 8-acre vacant tract abutting the subject property to the west – Approved for CS in May, 2006 (Ord. # 941).

BZ-333 – Lantern Hill – Request for rezoning to RS-3 for 40 acres for the (now) *Southridge at Lantern Hill* residential subdivision abutting the subject property to the east – PC Recommended Approval 07/16/2007 and City Council Approved 08/13/2007 (Ord. # 974).

BBOA-508 – Tim Remy for First Baptist Church Bixby – Request for Special Exception to allow a Use Unit 5 church in the AG Agricultural District for a 12.435-acre tract to the south at the 6000-block of E. 151st St. S. – BOA Conditionally Approved 08/03/2010.

BBOA-516 – Georgeann Hull – Request for (1) A Variance from Zoning Code Section 11-8-5 to be permitted to maintain two (2) dwellings on a singular lot of record, and (2) a Variance from certain bulk and area standards for an existing lot of record in the AG Agricultural District for a 10-acre tract to the west at 5801 and 5815 E. 151st St. S. – BOA Conditionally Approved 02/01/2010.

BBOA-545 – Sydney Hull Freeman for Georgeann Hull – Request for A Variance from (1) the Zoning Code including, but not limited to, Section 11-8-5, to be permitted to maintain three (3) dwellings on a singular lot of record, and (2) from certain bulk and area standards for an existing lot of record in the AG Agricultural District and CS Commercial Shopping Center District for a 10-acre tract to the west at 5801 and 5815 E. 151st St. S. – BOA Conditionally Approved 10/03/2011.

PUD 72 – Southridge at Lantern Hill – Lantern Hill, LLC – Request for PUD approval for 40 acres for the *Southridge at Lantern Hill* residential subdivision abutting the subject property to the east – PC Recommended Approval 08/20/2012 and City Council Conditionally Approved 08/27/2012 (Ord. # 2089, repealed and replaced with Ord. # 2108 on 01/14/2013).

Preliminary & Final Plat for Southridge at Lantern Hill – Lantern Hill, LLC – Request for Preliminary and Final Plat approval for the *Southridge at Lantern Hill* residential subdivision abutting the subject property on 40 acres to the east – PC Recommended

Conditional Approval 10/24/2012 and City Council Conditionally Approved 11/13/2012 (Plat # 6454 recorded 01/03/2013).

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property contains approximately 75 acres consisting of two (2) tracts of land, which appear to share a common lot line corresponding to the northerly line of a 130'-wide AEP-PSO overhead electrical transmission powerline right-of-way easement. The northerly tract is zoned RS-3 and the southerly tract is zoned CG, with the west 330' thereof zoned OL. The entire acreage is supplementally zoned PUD 62.

The subject property is moderately sloped and primarily drains to the west to an unnamed tributary of Posey Creek. Just north of the northerly dead-end of Kingston Ave., the subject property contains part of the top of a small hill located west of the ridgeline at Sheridan Rd. A small portion of the north side of the east line appears to drain to the east into *Southridge at Lantern Hill*. The property is presently pasture land. There is some 100-year (1% Annual Chance) Regulatory Floodplain within westerly and southwesterly portions of the acreage corresponding to the tributary of Posey Creek.

It appears that part of the Kingston Ave. roadway falls along and within the east side of the subject property. Per aerial and GIS data, a fenceline is located along the west side of the roadway, and is located several feet within the subject property. See the Access and Internal Circulation and General sections of this report for additional information.

Comprehensive Plan. The subject property is designated Corridor, except for the west approximately 330', which is designated Low Intensity. A portion of the southerly area of the acreage is designated Development Sensitive. CG zoning *may be found in accordance* with the Corridor designation, but *is not in accordance* with the Low Intensity designation. Therefore, in 2008, as recommended by Staff, the westerly 330' of Development Area B was zoned OL, which *may be found in accordance* with Low Intensity designation.

RS-3 zoning *may be found in accordance* with the Corridor designation, and *is in accordance* with the Low Intensity designation.

All three (3) existing zoning districts *may be found in accordance* with the Development Sensitive designation.

Thus, the current zoning patterns are consistent with the Comprehensive Plan.

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



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

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

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

Due to the relatively limited scope of proposed changes, the proposed PUD 62 Minor Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

Surrounding Zoning and Land Use. Surrounding zoning patterns reflect a mixture of AG, CS, CG, OM, RM-2, and RS-3. To the north are residential single family homes and vacant lots in *The Ridge at South County* zoned RS-3 with PUD 46. Agricultural, rural residential uses, and the Bixby Cemetery are to the south and southeast zoned AG and a 150-acre Lutheran Church Extension Fund-Missouri Synod agricultural tract is to the southwest zoned CG, OM, RM-3, and RE. East of the subject property are agricultural, rural residential, and commercial uses on several unplatted tracts along Kingston Ave. and 151st St. S., primarily zoned AG. The *Mountain Creek Equipment Sales* (formerly the *Allison Tractor Co. Inc.*) tractor/farm equipment sales business is to the east on approximately 2.4 acres zoned CG. The vacant *Southridge at Lantern Hill* subdivision abuts to the east on 40 acres zoned RS-3 with PUD 72. The *White Hawk Golf Club*, residential in *Celebrity Country* and *White Hawk Estates* in PUD 3, and vacant, rural residential, and agricultural tracts fronting on 151st St. S. zoned CS and AG are all located to the west and zoned, variously, RS-3, RM-2, CS, and AG.

The Kingston Ave.-related amendments to PUD 62 contemplated by this application would not be inconsistent with surrounding Zoning and land use patterns or the character of PUD 62 as originally approved.

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Access. Access to the residential subdivision would be via a proposed collector street connection to 151st St. S., which would be routed through the subdivision to connect to the Lakewood Ave. stub-out street in *The Ridge at South County*. It would have a secondary emergency-only access drive connecting to Kingston Ave. per the Fire Marshal. When the commercial development area is built, a cul-de-sac turnaround will be constructed toward the north end of Kingston Ave. to improve accessibility. The commercial Development Area B would have access via the said collector street connection to 151st St. S., and may also extend a singular access drive connection to 151st St. S. toward the center of the frontage, which was previously shown on the Conceptual Development Plan for the original PUD 62. Commercial connections to Kingston Ave. are not recommended by Staff at this time, and the 25'-wide right-of-way dedication would only support a low intensity residential level of service on Kingston Ave. The Preliminary Plat has Limits of No Access (LNA) along the 151st St. S. frontage, with the exception of an access opening corresponding to the drive connection as shown on the site plan. Although City Staff do not object to this connection, both the City of Bixby and ODOT would have to allow a curb cut / driveway permit on this State Highway 67. The subject property is on the (westbound) downward slope of the hill at Sheridan Rd., and the speed limit is 55 MPH. The plat's representation of LNA and Access openings onto 151st St. S. / State Hwy 67 here does not guarantee the curb cut / driveway permit will be approved.

The subject property's Kingston Ave. frontage and particulars have been the source of question for this development since it was first rezoned and approved for PUD 62 in 2008. At the TAC meeting held July 03, 2013, the City Planner, City Engineer, Fire Marshal, Fire Code Enforcement Official, and the developer's engineer were presented with right-of-way dedication documents from 1959 and 1960 reflecting a 25'-wide, half-street road right-of-way for Kingston Ave. along the east side of the common line separating the subject property from the rural residential and undeveloped tracts to the east. It was generally agreed by all that:

- (1) Commercial traffic for the commercial Development Area B / Lot 1, Block 9 will primarily use the driveway connection onto 151st St. S. as may then be approved, and not so much the residential collector street in this development or Kingston Ave.,
- (2) The City of Bixby recognizes Kingston Ave. as currently functionally classified as a local minor residential street,
- (3) The subject property's right-of-way dedication should be based on its current functional classification; i.e. 25' as the balance of the 50' total width right-of-way,
- (4) If properties to the east of the subject property develop more intensively than single-family residential, as would be expected at this time, they would be responsible for dedicating additional right-of-way width commensurate with their intensity,
- (5) City Staff would (and did) support a Modification/Waiver of the right-of-way dedication requirement north of the cul-de-sac turnaround, based on its superior design and the fact that continued legal access will be maintained for the residence at 14800 S. Kingston Ave. in the existing half-street right-of-way to the east,
- (6) The cul-de-sac turnaround, represented on a certain Major Amendment # 1 site plan as to be located within the 130'-wide PSO easement, should be constructed with the commercial development at the time of that development. Connection to, and not improvement of, Kingston Ave. will be required at this time with the residential Development Area the only one now proposed for development, and

- (7) North of the cul-de-sac turnaround, Kingston Ave. will continue to be a Public street to the extent the roadway exists within the existing 25'-wide half-street right-of-way and/or prescriptive right-of-way/easement that may exist on the subject property (but the existence of, and extent of which has not been determined here).

See the General section of this report for access considerations addressed by this Minor Amendment.

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

General. The Applicant is requesting a Minor Amendment to an approved PUD, to provide for a cul-de-sac street design for Kingston Ave., provide certain requirements pertaining thereto, and make certain other amendments.

This Minor Amendment would resolve two (2) outstanding issues. Firstly, the Applicant has previously provided, to the Planning Commission and City Council, certain site plan drawings representing a cul-de-sac turnaround street design toward the north end of Kingston Ave., but these were not approved or used in the final PUD Major Amendment # 1. An ultimate cul-de-sac design has been described by Staff in previous Staff Reports pertaining to the Major Amendment and Preliminary Plat. This Minor Amendment would clarify and specify that this improvement will be required to be constructed, and at the time the commercial lot, or any part of it, is developed. This arrangement is described in the text as follows:

"... The owner of Development Area B shall construct a cul-de-sac in the area as represented on the attached Exhibit A to the standards in place for the City of Bixby at the time Development Area B is developed, or any part thereof."

Secondly, at the time of Preliminary Plat approval, Staff and the Planning Commission recommended, and the City Council approved as a Condition of Approval: "because the fenceline and the roadway itself appear to extend onto the subject property, and may have implications for prescriptive right-of-way/easement, the fence should not be removed, unless agreed to by the affected property owner at 14800 S. Kingston Ave., and any other affected property owners not having a boundary agreement in place, and the City of Bixby. An easement over the affected area would be in order to secure the continued maintenance of the fenceline and roadway on the new residential lots platted, and is hereby recommended."

Per survey data, the Kingston Ave. roadway paving falls within the subject property about, or an average of roughly 2'. South of the PSO easement, there will be a 25'-wide right-of-way dedication from the subject property. North of the AEP-PSO easement, however, there was concern that fences could be constructed along the property line, with the paving cut off and disposed. At a meeting with City Staff held August 09, 2013, City Staff and the Applicant's design professionals agreed to allow the fenceline and two 2' of paving to be removed, with another 2' to allow for incidental drainage between the new edge of the paving and any future fences, provided the 4' was compensated for by paving along the east side of the roadway, where it would fall within the 25' of dedicated public right-of-way.

This second issue is not described in the Minor Amendment, as it is an engineering design and review function of the subdivision development process. It will be addressed at the time the Final Plat application is considered by the Planning Commission and City Council.

The Exhibit A "Conceptual Development Plan" would replace its counterpart as adopted with PUD 62 Major Amendment # 1. The only significant change pertains to specifying design standards for Kingston Ave. as described above, including the cul-de-sac turnaround design, whereas the previous version left these matters open for future determination by City Staff.

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

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

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

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

Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this PUD Minor Amendment.

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.

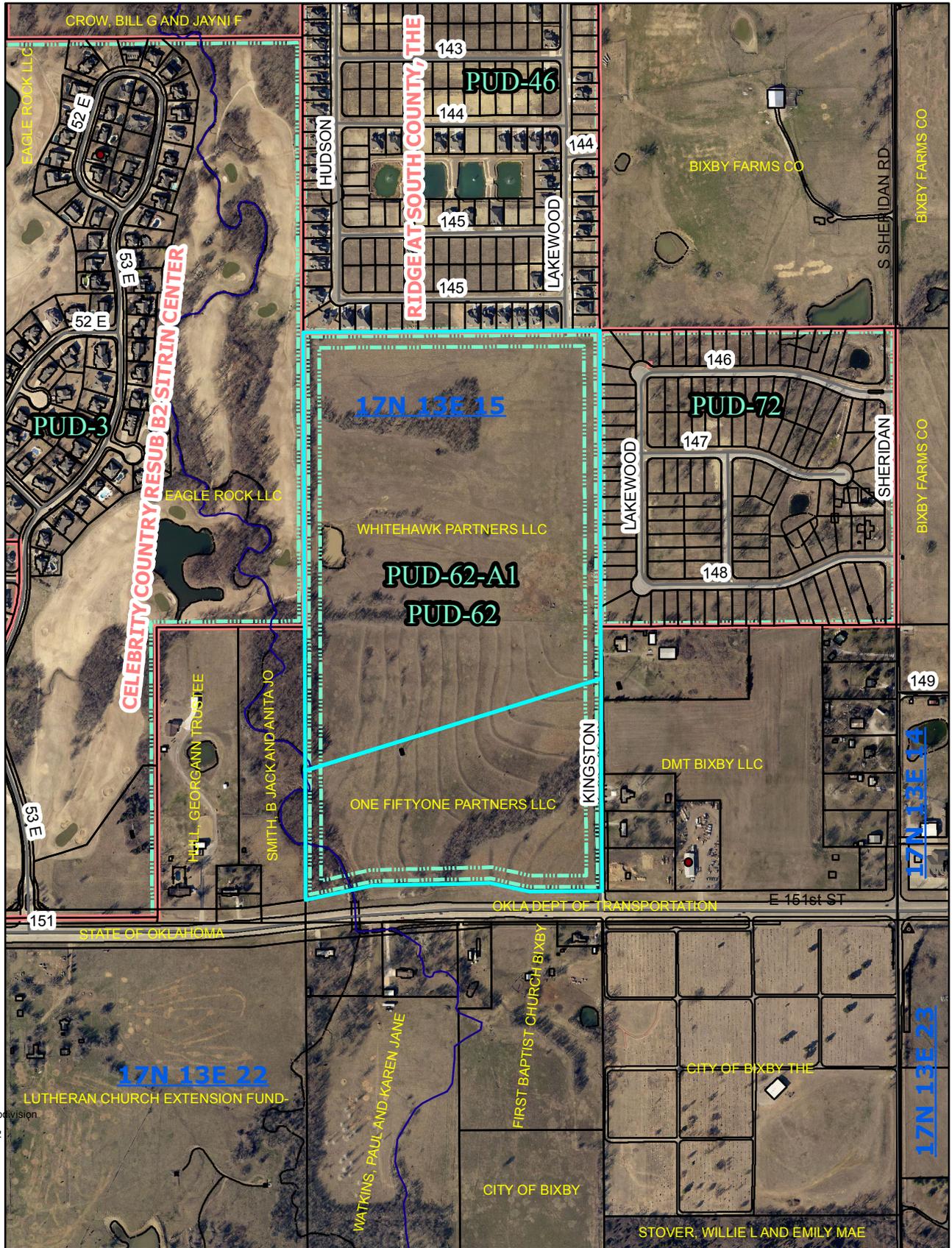
The Technical Advisory Committee (TAC) discussed this application at its regular meeting held September 04, 2013. Minutes of that meeting are attached to this report.

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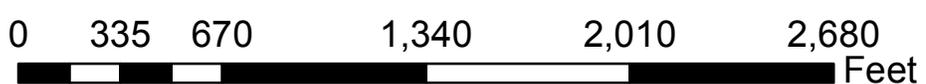
Staff Recommendation. For all the reasons outlined above, Staff recommends Approval.

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PUD 62 – Hawkeye – Minor Amendment # 1



- Businesses
- bixby_streams
- Tulsa Parcels 08/13
- WagParcels 04/13
- TulSubdivision
- WagonerCounty_Subdivision
- WagRoads_Aug2012
- E-911_Streets
- PUD
- bixby_s-t-r
- county



Memo

To: Erik Enyart

From: Jared Cottle *JWC*

CC: Bea Aamodt
File

Date: 08/22/13

Re: Hawkeye – PUD 62 Minor Amendment #1 Review

PUD Amendment Comments:

1. Provided the only modifications are the improvements to and cul-de-sac on Kingston, no exceptions taken.
2. The changes to Kingston address access concerns for adjacent properties and for emergency vehicles.

Memo

To: ERIK, AICP, CITY PLANNER

From: JIM SWEEDEN

Date: 8/21/2013

Re: PUD 62 "HAWKEYE" MINOR AMENDMENT #1

. CONSTRUCTION OF CUL-DE- SAC ON SOUTH KINGSTON BY OWNER OF DEVELOPMENT AREA B IS APPROVED BY THIS OFFICE AS PER CODES.



Minor Amendment to
PUD 62

Hawkeye

Bixby, Oklahoma



Tulsa Engineering & Planning Associates

9820 East 41st Street

Tulsa, Oklahoma 74146

918.252.9621 Fax 918.250.4566

08/12/2013

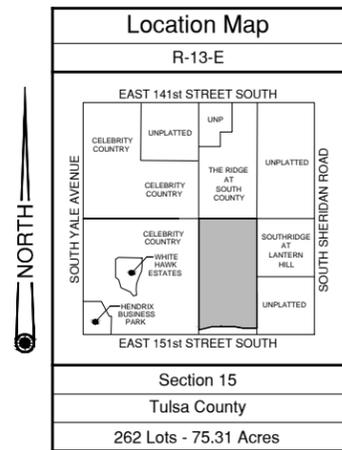
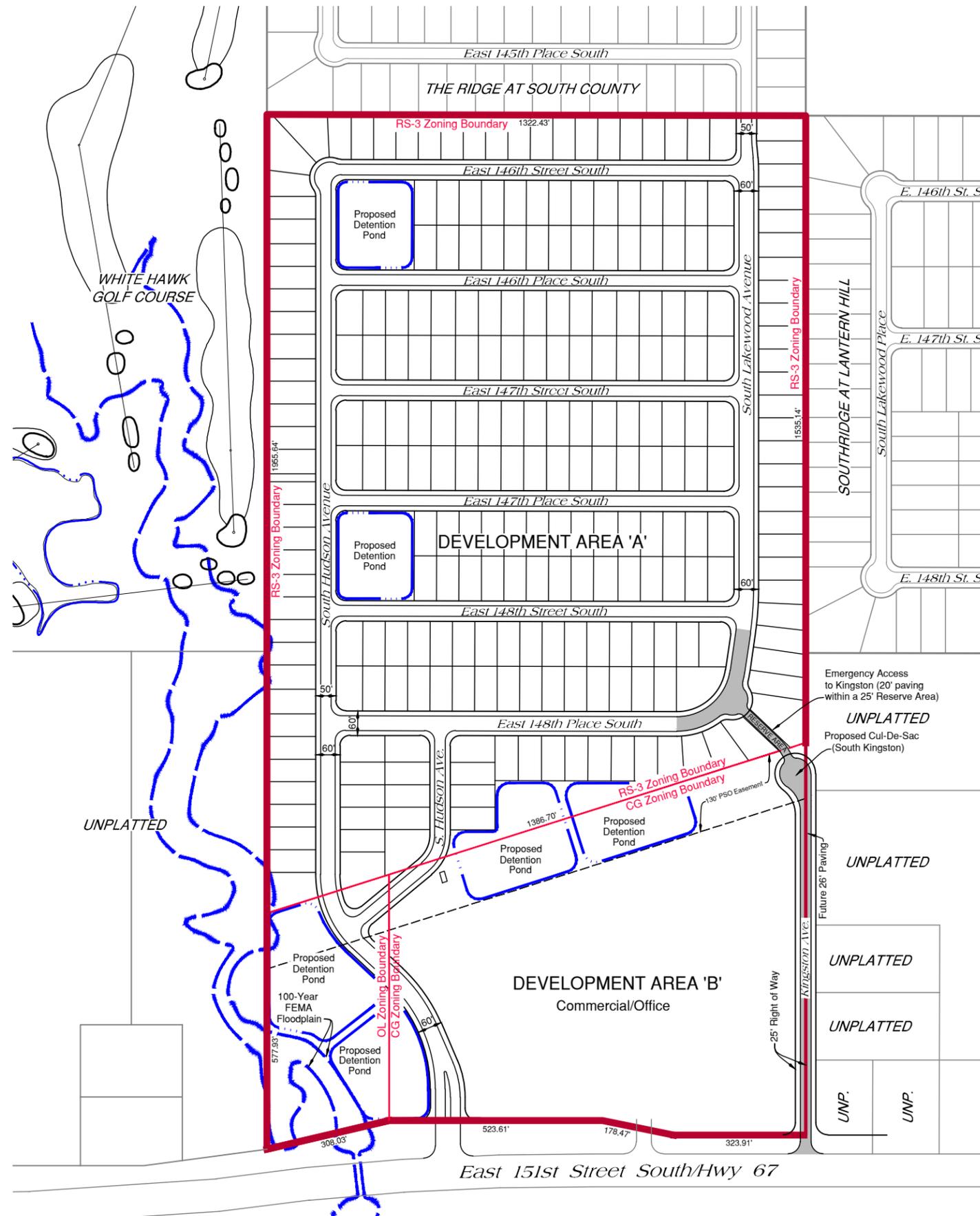
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I. NARRATIVE

The Hawkeye Planned Unit Development (PUD 62) was approved by the Bixby City Council on February 11, 2008. Hawkeye is a 75.31 acre mixed use development located on the north side of East 151st Street South/Hwy 67, approximately midway between South Sheridan Road and South Yale Avenue, east of the White Hawk Golf Course. The tract has approximately 1,320 feet of frontage along East 151st Street South/Hwy 67.

This Minor Amendment to PUD 62 is submitted to clarify the timing of the construction of South Kingston Avenue. The owner of Development Area B shall construct a cul-de-sac in the area as represented on the attached Exhibit A to the standards in place for the City of Bixby at the time Development Area B is developed, or any part thereof.



DATA SUMMARY:	
TOTAL PROJECT AREA	75.31 Acres
DEVELOPMENT AREA 'A' -	
Area	52.99 Acres
Maximum Number of Lots	265
Project Density	5.0 DU/Acre
Average Lot Size	55'x110'
DEVELOPMENT AREA 'B' -	
Area	22.32 Acres
Maximum Floor Area	724,293 SF (0.75 FAR)
NOTE:	
The owner of Development Area B shall construct a cul-de-sac in the area as represented on this Exhibit A, to the standards in place for the City of Bixby at the time Development Area B is developed, or any part thereof.	

EXHIBIT 'A'

HAWKEYE

Conceptual Development Plan