

AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
June 16, 2014 **6:00 PM**

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- ③ 1. Approval of Minutes for the May 19, 2014 Regular Meeting

PUBLIC HEARINGS

2. (Continued from 04/21/2014 and 05/19/2014)

③ 1 **PUD 84 – “Sheridan Cottages” – Haynes Reynolds for 118th & Sheridan, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for “Sheridan Cottages” for approximately 8 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.
Property Located: 11909 and/or 11919 S. Sheridan Rd.

3. (Continued from 04/21/2014 and 05/19/2014)

BZ-373 – Haynes Reynolds for 118th & Sheridan, LLC. Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RS-2 Residential Single Family District for approximately 8 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.
Property located: 11909 and/or 11919 S. Sheridan Rd.

- ③ 4 **PUD 60 – Major Amendment # 1 “Riverside Group” – Matt Means of Landmark Constructive Solutions.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 60 (“Riverside Group”) with underlying zoning OL Office Low Intensity District and AG Agricultural District.

Property Located: Part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E; 10422 E. 111th St. S.

PLATS

OTHER BUSINESS

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5. **BL-391 – Brian Guthrie for Stephen Jones.** Discussion and possible action to approve a Lot-Split for Lot 24, Block 26, *Midland Addition*.
Property located: 8 N. Armstrong St.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyack
Date: 06/04/2014
Time: 8:50 AM

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
May 19, 2014 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 6:05 PM.

Chair Thomas Holland and the other Commissioners recognized Steve Sutton and Jerod Hicks at their first Planning Commission meeting. Mr. Holland noted that they take the positions previously held by Jeff Baldwin and John Benjamin, and that Lance Whisman was reappointed for another term. Pleasantries were exchanged between new and preexisting Commissioners.

ROLL CALL:

Members Present: Larry Whiteley, Jerod Hicks, Steve Sutton, Lance Whisman,¹ and Thomas Holland.

Members Absent: None.

1. Annual nominations and elections for Chairperson, Vice-Chairperson, and Secretary (City Code Section 10-1-3).

Chair Thomas Holland introduced the item and called for nominations and Motions.

Larry Whiteley made a MOTION to NOMINATE and ELECT Thomas Holland as Chair.

Chair Thomas Holland agreed to accept the position if elected.

Discussion ensued.

¹ In after Roll Call at 6:06 PM.

Chair Thomas Holland made a MOTION to NOMINATE and ELECT Erik Enyart as Secretary. Erik Enyart stated that he would be happy to serve as Secretary again if nominated. Steve Sutton SECONDED the Motion.

Lance Whisman in around this time at 6:06 PM.

Lance Whisman SECONDED the initial Motion to NOMINATE and ELECT Thomas Holland as Chair.

Larry Whiteley made a MOTION to NOMINATE and ELECT Lance Whisman as Vice-Chair. Mr. Whisman indicated agreement. Steve Sutton SECONDED the Motion.

Erik Enyart deferred to Patrick Boulden on whether the Motions should be voted upon separately or if they could be combined. Mr. Boulden indicated a singular vote would be in order.

Steve Sutton made a MOTION to ELECT the nominees as follows: Erik Enyart as Secretary, Thomas Holland as Chair, and Lance Whisman as Vice-Chair. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the April 21, 2014 Regular Meeting

Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the April 21, 2014 Regular Meeting as presented by Staff. Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

3. PUD 84 – “Sheridan Cottages” – Haynes Reynolds for 118th & Sheridan, LLC. Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for “Sheridan Cottages” for approximately 8 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.

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Property Located: 11909 and/or 11919 S. Sheridan Rd.

4. **BZ-373 – Haynes Reynolds for 118th & Sheridan, LLC.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RS-2 Residential Single Family District for approximately 8 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.

Property located: 11909 and/or 11919 S. Sheridan Rd.

Chair Thomas Holland introduced related Agenda Item #s 3 and 4 and asked if anyone wished to speak on the items. No one spoke on the items.

Chair Thomas Holland confirmed with Erik Enyart that the Applicant had requested a Continuance to the next meeting.

Chair Thomas Holland made a MOTION to CONTINUE PUD 84 and BZ-373 to the June 16, 2014 Regular Meeting. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

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

5. **PUD 31-A – Bricktown Square – Sisemore Weisz & Associates, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 31 for part of the SW/4 NW/4 of Section 01, T17N, R13E, with underlying zoning CS Commercial, OL Office, and RS-1 Residential.

Property Located: 12409 S. Memorial Dr.

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

*To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, May 15, 2014
RE: Report and Recommendations for:
PUD 31-A – Bricktown Square – Major Amendment # 1*

LOCATION: – 12409 S. Memorial Dr.
– Part of the SW/4 NW/4 of Section 01, T17N, R13E
SIZE: 4 ½ acres, more or less
EXISTING ZONING: CS Commercial Shopping Center District, OL Office Low Intensity District, RS-1 Residential Single-Family District, & PUD 31
EXISTING USE: Vacant
REQUEST: Major Amendment # 1 to PUD 31
SURROUNDING ZONING AND LAND USE:
North: RS-1, CS/PUD 29-A, & OL/PUD 77; Single-family residential in Gre-Mac Acres and The Boardwalk on Memorial shopping center, and to the northeast, underdeveloped land zoned OL with PUD 77 for "Byrnes Mini-Storages."

South: CS, RS-1, & AG; The Mazzio's Italian Eatery restaurant, the 126 Center shopping center and the Korean Church of Tulsa both in Southern Memorial Acres No. 2, agricultural land zoned AG, and the Fry Creek Ditch # 1 right-of-way.

East: RS-1; Single-family residential in Southern Memorial Acres No. 2 and to the northeast in Gre-Mac Acres.

West: (Across Memorial Dr.) AG, CG, CG/PUD 83, RM-3/PUD 70, CG/PUD 76, RS-3, OL, CS, & CS/PUD 37; Agricultural land zoned CG and AG, approximately five (5) acres of agricultural land zoned CG/PUD 83, the 14-acre Encore on Memorial upscale apartment development zoned RM-3/PUD 70, further west is the 92-acre PUD 76, proposed for development with multiple uses, to the northwest is the Easton Sod sales lot zoned RS-3, OL, & CS, to the southwest is the Crosscreek "office/warehouse" heavy commercial / trade center and retail strip center zoned CS with PUD 37.

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

PREVIOUS/RELATED CASES:

BBOA-19 – Leroy Orcutt for Dr. John Mount – Request for Special Exception "under Section 1480.1b of the Zoning Code to allow continuation of the non-conforming use of a home as a residence while establishing a sign shop on the property...also an Interpretation of the Zoning Text, Appendix B, to determine what use unit a plastic magnetic sign shop would be placed in" for 0.81-acre tract portion of subject property – BOA Approved Special Exception and voted to put the proposed use in Use Unit 11 06/17/1975.

BZ-38 – Leroy Orcutt for Dr. John Mount – Request for rezoning from RS-1 to CG for the 0.81-acre tract portion of subject property – PC Recommended Approval of OL zoning and to waive the platting requirement and not require dedication 05/19/1975 and Board of Trustees Approved OL zoning and waived the platting requirement (per case notes) 07/01/1975 (Ord. # 298).

BL-43 – Jim Ketchum – Request for Lot-Split approval to separate approximately 3 ½ acres to the east from approximately 1 1/3 acres on west, which Lot-Split application involved the 0.33-acre tract and the 3.4-acre tract portions of subject property and also what later became the Mazzio's lot (but approved lot lines do not correspond with lot lines as they currently exist) – PC Recommended Approval 08/28/1978 and Board of Trustees Approved in or around 09/11/1978 per case notes.

BZ-107 – John LaPlant for LaPco Investments, Ltd. – Request for rezoning from RS-1 to CG for approximately 5 acres including the 0.33-acre tract and the 3.4-acre tract portions of subject property and also what later became the Mazzio's lot – PC Recommended Approval of CS zoning for the W. approximately 2 ½ acres 05/26/1981 and City Council Approved CS zoning for the 2 ½ acres 06/01/1981 (Ord. # 429).

BL-237 – Michael Parrish – Request for Lot-Split approval to what later became the Mazzio's lot from parts of the subject property – PC Approved 06/21/1999 and City Council Approved in or around 06/28/1999 per case notes.

PUD 31 – Bricktown Square – Subject property requested for rezoning and PUD approval for a commercial development, including redistributing underlying CS, OL, and RS-1 boundaries – PC Recommended Approval 10/20/2003 and City Council Approved 11/10/2003 (Ord. # 915).

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 at approximately the 12600-block of S. Memorial Dr. to the west of subject property – 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 to the northwest of the subject property at 12300 S. Memorial Dr. (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 to the northwest of the subject property at 12300 S. Memorial Dr. (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-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area to the west of subject property at approximately 12340 S. Memorial Dr. – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

BBOA-237 – Midwest Agape Chapel – Request for (1) Variance from setback from S. 84th E. Ave., 40' to 35', and (2) Variance from paved parking requirement for what is now the Korean Church of Tulsa to the south of subject property in Southern Memorial Acres No. 2 – BOA Approved 04/01/1991 per case notes.

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 to the south of subject property – PC Tabled Indefinitely 11/20/1995.

BBOA-319 – Midwest Agape Chapel – Request for “Special Exception” to allow a “mobile home” to be used as a classroom for what is now the Korean Church of Tulsa to the south of subject property in Southern Memorial Acres No. 2 – BOA Denied 05/03/1996 per case notes.

BBOA-328 – Korean Presbyterian Church – Request for Special Exception to allow the continued use as a Use Unit 5 church for what is now the Korean Church of Tulsa to the south of subject property in Southern Memorial Acres No. 2 – BOA Approved 04/07/1997.

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 the large 140-acre acreage tracts previously owned by Knopp to the west of subject property – BOA Conditionally Approved 04/02/2001 (not since built).

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

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

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

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 the large 140-acre acreage tracts previously owned by Knopp to the west of 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 to the west of 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 29A Minor Amendment # 1 [2]” – Second request for Minor Amendment to PUD 29A to (1) Remove restrictions from east-facing signs and (2) Increase maximum display surface area for wall signs from 2 square feet per lineal foot of building wall to 3 square feet per lineal foot of building wall as permitted by the Zoning Code – Planning Commission Conditionally Approved 11/19/2007. Should have been called “Minor Amendment # 2.”

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 the large 140-acre acreage tracts previously owned by Knopp, to the west 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.

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

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

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 92 acres to the west of subject property – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting (Ord. # 2116).

PUD 76 “Scenic Village Park” Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for 92 acres to the west of subject property – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and approved the ordinance 10/14/2013. City Council Approved Emergency Clause attachment to ordinance 11/12/2013 (Ord. # 2123).

PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for southerly 70 acres of PUD 76 to the west of subject property – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant’s letter dated 10/18/2013. BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove in part the Residential Area specific land use designation, rezone in part from AG to OL, and approve PUD 77 for a ministorage development to the northeast of subject property – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. City Council Approved ordinance 02/24/2014 (Ord. # 2127).

PUD 83 & BZ-371 – River Trail II – Khoury Engineering, Inc. – Request to rezone from AG and CG to CG and approve PUD 83 for a commercial development on 5 acres to the southwest of subject property – PC recommended Approval 02/18/2014. City Council Conditionally Approved the applications 02/24/2014. City Council Approved ordinance effecting the rezoning and PUD approval 03/24/2014 (Ord. # 2129).

PUD 70 – Encore on Memorial – Major Amendment # 1 – Request for approval of Major Amendment # 1 for PUD 70 to the west of subject property, to allow a Use Unit 21 sign within the Development Area B right-of-way for 126th St. S., provide development standards for same, and make certain other amendments – PC Recommended Approval 02/18/2014 and City Council Approved 02/24/2014 (Ord. # 2130).

BACKGROUND INFORMATION:

Per PUD 31 “Bricktown Square,” the subject property was Subject property was granted rezoning and PUD approval for a commercial development, which application additionally redistributed the underlying CS, OL, and RS-1 boundaries. During the review of this application, Staff discovered that the Zoning Map was not updated according to the redistribution specified in effecting Ordinance # 915, and referred the matter to INCOG on May 14, 2014 for updating.

Per Zoning Code Sections 11-7I-5.A, 11-7I-5.A.1, and 11-7I-5.A.2.b, the number of dwelling units (DUs) is restricted to the amount of available residential zoning. The available gross area within the RS-1 district would only produce approximately one (1) DU using the 1 DU / 16,000 square feet GLA standard provided in this PUD section, but the PUD proposes 10 (and 9 are represented on the site plans). Use Unit (UU) 6 single-family (SF) dwellings are permitted in the underlying OL and CS districts by Special Exception or PUD. However, citations *ibidem* do not provide for SF DUs to be produced by

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Office and Commercial districts, so the PUD itself must provide for this. By allowing UU 6 as a principal use by Special Exception / PUD in the Office and Commercial districts,² the Zoning Code contemplates bulk and area formulae must be generated, but does not provide same,³ and so is interpreted to allow their generation by the individual PUD. As recommended to the Applicant, a formula has been added to Section II.B of the PUD Text. However, due to the recent revelation of the Zoning Map discrepancy as noted above, the formula will need to be amended accordingly.

Zoning Code Section 11-7I-5.A.1.b implicitly suggests [for PUDs within nonresidential districts or within residential + nonresidential districts] the allowance of using the "least restrictive" GLA/DU standard available in the RS Bulk and Area matrix (Section 11-7B-4.A.1 Table 3 for this PUD). The 16,000 square feet standard proposed may be reduced as low as 6,750 square feet / DU. Depending on RS-1 and OL GLA as precisely measured, if only 10 DUs are actually proposed, the standard for the available OL GLA may be synched at some number between 16,000 and 6,750 square feet. Alternatively, the PUD could specify that there is approximately _____ square feet of GLA within the OL district, for which this PUD will establish an applicable standard of 16,000 SF / DU (and keep the RS-1 at the same 16,000 SF / DU). The RS-1 and OL districts would thus produce the 10 DUs proposed. If this formula would produce more than the 10 lots proposed, it may be qualified as being subordinate to the 10 lot yield standard. Whichever way this is resolved, the PUD needs to be amended accordingly, in this section and/or somewhere else as appropriate.

ANALYSIS:

Subject Property Conditions. The subject property consists of three (3) parcels: One (1) approximately 0.81 acre tract zoned OL and addressed 12409 S. Memorial Dr., which appears to have previously had a single-family dwelling but is now vacant, and two (2) parcels of approximately 0.33 acres zoned CS and approximately 3.4-acres zoned CS and RS-1. The latter two (2) are both vacant. All parcels are included in PUD 31 "Bricktown Square." The subject property is fairly flat; drainage patterns are not immediately recognizable. The development drains to the south to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.) and has access to the stormwater drainage capacity in Fry Creek Ditch # 1 to the south via stormsewerlines, per the City Engineer's review correspondence.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium/Low Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land/Residential Area. The Medium Intensity designation corresponds to proposed commercial Development Area A, and the Low Intensity designation corresponds to proposed residential Development Area B.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the existing CS district is In Accordance with the Medium Intensity designation, the existing RS-1 district is In Accordance with the Low Intensity designation, and the existing OL district May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map.

As noted in the Background Information section of this report, PUD 31 additionally redistributed the underlying CS, OL, and RS-1 boundaries, which are not currently reflected on the Zoning Map (but INCOG has been requested to update same). The redistribution placed the CS district along the west side of the property, up to a line lying 240' westerly of the easterly property line. The easterly 25' was retained as RS-1, and the "middle" 215' was designated OL. The CS district now exceeds the Medium Intensity strip. However, although the Zoning District boundaries do not currently align with the Low/Medium intensity divide, this PUD would establish, by Development Areas, a dividing line consistent with the divide by means of distributing Zoning districts and land uses. The GIS version of the divide appears to be offset somewhat, as the divide is recognized as corresponding to the east line of the The Boardwalk on Memorial, corresponding former Lots 1 and 2, Block 1 Gre-Mac Acres, to Lots 1 and 2, Block 2 of Gre-Mac Acres, and to the easterly line of the 0.81-acre and 0.33-acre tract portions of the

² See Zoning Code Sections 11-7C-2 Table 1, 11-7D-2 Table 1, and 11-7I-4.A.

³The Bixby Zoning Code does synch multifamily bulk and area standards with specific Office and Commercial Districts, but does not specifically synch UU 6 SF bulk and area standards, as the Tulsa Zoning Code does (e.g. OL = RT, OM and OMH = RM-2, and OH = RM-3).

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subject property. Thus, this Major Amendment will mitigate the underlying zoning inconsistency and so restore consistency with the Comprehensive Plan.

The Matrix does not indicate whether or not the existing CS 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.

Although the underlying CS and OL zoning districts are not consistent, the proposed single-family residential use of Development Area B will be consistent with the Residential Area Land Use Designation of the Plan Map.

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 31 is In Accordance with the Comprehensive Plan as a zoning district.

Due to the fact that the proposed PUD 31 Major Amendment # 1 will restore consistency with the Comprehensive Plan, it should be recognized as being consistent with the Comprehensive Plan.

General. The Applicant is requesting a Major Amendment to an approved PUD, introduce single-family residential use to the development, provide development standards for same, and make certain other amendments. The majority of the subject property will become a large-lot, single-family residential subdivision with nine (9) lots indicated on the site plans, and 10 allowed by the PUD Development Standards.

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 May 07, 2014. Minutes of that meeting are attached to this report.

Access & Circulation. Section III "Access and Circulation" of the proposed PUD 31-A Text adequately describes access and circulation as follows:

"The commercial property of Development Area A will have direct vehicular access to South Memorial Drive. In addition, a public sidewalk will be constructed along the South Memorial Drive frontage within the right-of-way at the time that Development Area 'A' is developed.

The sidewalks will be installed in Development Area 'B' within the lots fronting East 126th Street South, South 84th East Avenue and East 125 Street South. A sidewalk easement will be platted to accommodate the new sidewalks within Development Area 'B'.

Sidewalks shall be constructed in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer.

In the residential property of Development Area B, many of the proposed lots will have access to the existing public streets of South 84th East Avenue and East 126th Street South. Public access to the proposed cul-de-sac lots will be provide[d] by the extension of 12[5]th Street South as a new public street.

Vehicular Paving used for circulation within the dedicated right-of-way will be approved by the City Engineer. The proposed access points to South Memorial Drive will require the City Engineer and ODOT approval.

All commercial development will require the Fire Marshal's approval of drive locations, spacing, widths and curb return radii.

Limits of no access will be platted along South Memorial Drive except for access points."

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of RS-1, CG, CS, OL, RS-3, AG, CS/PUD 29-A, OL/PUD 77, CG/PUD 83, RM-3/PUD 70, CG/PUD 76, & CS/PUD 37. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

To the north are single-family residential homes in Gre-Mac Acres and The Boardwalk on Memorial shopping center zoned CS/PUD 29A. To the northeast, behind the Boardwalk shopping center is underdeveloped land zoned OL with PUD 77 for the proposed "Byrnes Mini-Storages."

Abutting to the south is the Mazzio's Italian Eatery restaurant zoned CS, the 126 Center shopping center zoned CS and the Korean Church of Tulsa zoned RS-1, both in Southern Memorial Acres No. 2. Further south is agricultural land and the Fry Creek Ditch # 1 right-of-way, all zoned AG.

Single-family residential zoned RS-1 adjoins to the east in Southern Memorial Acres No. 2 and to the northeast in Gre-Mac Acres.

Across Memorial Dr. to the west is agricultural land zoned CG and AG, approximately five (5) acres of agricultural land zoned CG/PUD 83, the 14-acre Encore on Memorial upscale apartment development zoned RM-3/PUD 70; further west is the 92-acre PUD 76, proposed for development with multiple uses; to the northwest is the Easton Sod sales lot zoned RS-3, OL, and CS; to the southwest is the Crosscreek "office/warehouse" heavy commercial / trade center and retail strip center zoned CS with PUD 37.

Staff believes that the existing underlying zoning and the original PUD 31 and its proposed Major Amendment # 1 are all 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.

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.

Since this Major Amendment will mitigate the underlying zoning inconsistency and so restore consistency with the Comprehensive Plan, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this application.

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. This item will be addressed by language in the PUD to this effect.
2. Table of Contents: Certain exhibit names do not match names used on respective Exhibits (Exhibits E and F observed).
3. Section II.A Development Standards for DA A: Please remove the words "...and the Trades" from the title of Use Unit 14.
4. Appendix A: Please separate items "Carpeting" and "Decorating."
5. Section II.B Development Standards for DA B: Please revise proposed DU production formula according to the underlying zoning districts as approved with PUD 31 (see Background Information section of this report for details).
6. Section IV: Please clarify that the tree planting requirements for the Street Yard and Setback Areas will be as required by the underlying zoning districts pursuant to Zoning Code Section 11-7I-5.E, and not as they were reduced by the original PUD 31 and/or PUD 31-A.
7. Section V: Sentence appears to be missing word(s) and/or inflection: "However, existing utilities directly east of the inlet conflict with any possible underground storm sewer extension be used to collect storm sewer water."

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8. *Section V: Missing explanatory language found in original PUD 31 pertaining to location and use of stormsewer system in lieu of providing onsite stormwater detention. If this is still accurate, please restore text, with update modifications as appropriate.*
9. *Section VIII: First sentence currently written should probably be clarified to reflect that there are residential and nonresidential areas, which may be expected to be platted separately, if that is indeed the case.*
10. *Section IX: Please remove final sentence.*
11. *PUD Text: Consider specifying that the Deed of Dedication/Restrictive Covenants of the plat will contain a Mutual Parking Privileges covenant in DA A, so that all lots may allow their excess spaces to be used by patrons of other lots, which is common in multi-lot developments when developed as a unit by a singular developer. Examples may be provided upon request.*
12. *PUD Text: Consider specifying that the Deed of Dedication/Restrictive Covenants of the plat will contain "Maintenance Covenant" provisions for DA A pertaining to maintenance and upkeep of properties free of trash, debris, and litter.*
13. *Exhibits: Corrections or enhancements should be made to applicable Exhibits as follows:*
 - a. *Consider qualifying site plan elements as "typical" or "conceptual" as needed.*
 - b. *Drive widths and particulars must be approved by the Fire Marshal and City Engineer. Please adjust if/as required.*
 - c. *The 15' B/L required in Text is not currently indicated along entire east side of DA A.*
 - d. *It does not appear the 17.5' minimum width Perimeter U/E is represented along all PUD boundaries. Please represent or discuss if not currently planned to be at 17.5' in width.*
 - e. *The plans indicate parking lot paving will encroach the U/Es along the westerly and possibly northerly lines of DA A. Paving over easements requires the specific approval of the City Engineer and Public Works Director. Please adjust if/as required.*
 - f. *Please dimension abutting streets right-of-way and paving widths and identify centerlines.*
 - g. *Please relieve text and linework congestion along the west line of DA A.*
 - h. *Please incorporate any changes to site plans as called for elsewhere in this report.*
14. *Exhibit G: Please update with current zoning for area represented, including PUDs.*
15. *For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.*
16. *A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).*

Chair Thomas Holland recognized Mark Capron of Sisemore Weisz & Associates, Inc., 6111 E. 32nd Pl. S., Tulsa, from the Sign-In Sheet.

Chair Thomas Holland asked Mark Capron if this property was not higher in elevation than the properties to the north. Mr. Capron described the plans for drainage, including that it would drain through a system of concrete channels and grass swales to the existing stormsewer system along Memorial Dr., which drained to Fry Creek. Mr. Capron stated, "[City Engineer] Jared [Cottle] is very well involved in the design of this, and continues to be." Mr. Capron noted that it was unusual for construction plans to be so far along at the PUD stage. Mr. Capron stated that the change was from 100% commercial to partial residential with a cul-de-sac.

Chair Thomas Holland asked if a new PUD would be forthcoming. Erik Enyart indicated that this would not be necessary, and stated that "Text in the introduction says that this will replace the PUD in whole."

There being no further discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the PUD Major Amendment # 1 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

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

6. **PUD 6 – Major Amendment # 1 “Memorial Square” – JR Donelson, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 6 (“South Memorial Duplexes”), to be renamed “Memorial Square,” with underlying zoning CS Commercial, RM-1 Residential-Multifamily, and RT Residential Townhouse.
Property Located: All of *Memorial Square*; Northwest corner of 121st St. S. and 84th E. Ave.

7. **BZ-374 – JR Donelson, Inc.** Public Hearing, Discussion, and consideration of a rezoning request from CS Commercial Shopping Center District and RM-1 Residential Multi-Family District to CS Commercial Shopping Center District and RM-1 Residential Multi-Family District and RT Residential Townhouse District for All of *Memorial Square*.
Property located: Northwest corner of 121st St. S. and 84th E. Ave.

Chair Thomas Holland introduced related Agenda Item #s 6 and 7 and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report covering both items as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, May 15, 2014
RE: Report and Recommendations for:
PUD 6 Major Amendment # 1 – “Memorial Square” – JR Donelson, Inc. & BZ-374 – JR Donelson, Inc.

LOCATION: – Northwest corner of 121st St. S. and 84th E. Ave.
– All of Memorial Square
SIZE: 9.43 acres, more or less
EXISTING ZONING: CS Commercial Shopping Center District, RM-1 Residential Multi-Family District, & PUD 6
EXISTING USE: Duplexes and vacant lots in Memorial Square
REQUEST: Approval of Major Amendment # 1 to Planned Unit Development (PUD) # 6 (“South Memorial Duplexes”), to be renamed “Memorial Square,” with

underlying zoning CS Commercial Shopping Center District, RM-1 Residential Multi-Family District, and RT Residential Townhouse District

SURROUNDING ZONING AND LAND USE:

North: RD & RS-1; Duplexes along 119th St. S. and single-family residential houses, all in Southern Memorial Acres Extended.

South: (Across 121st St. S.) CS, RS-1, & CS/RM-3/OL/PUD 81; 23 acres of vacant land recently approved for rezoning and PUD 81 "Chateau Villas PUD" for a "luxury apartments" and commercial development, commercial businesses and vacant land to the southwest in 121st Center, and the Bixby Fire Station #2 and single-family residential in the Houser Addition to the southeast.

East: RS-1; Single-family residential in Southern Memorial Acres Extended.

West: CS; The Town and Country Shopping Center in Southern Memorial Acres Extended.

COMPREHENSIVE PLAN: Low Intensity + Residential Area

PREVIOUS/RELATED CASES:

BZ-140 – Patrick L. Murray – Request for rezoning from RM-1 to CS for approximately 1.6 acres consisting of Lots 7 through 12, inclusive, Block 17, Southern Memorial Acres Extended (later replatted as part of Memorial Square subject property) – PC Recommended Denial 05/31/1983 and City Council Approved 06/13/1983 (Ord. # 486).

B/PUD 6 – "South Memorial Duplexes" – Richard Hall & Associates for George E. Day – Request for PUD approval for a duplex development for subject property – PC Recommended Approval 11/28/1983 and City Council Approved 12/05/1983 (Ord. # 498).

Final Plat of Memorial Square – Request for Final Plat approval for Memorial Square for subject property – City Council Approved 02/1984 (per the plat approval certificate) (Plat # 4511 recorded 08/03/1984) (Preliminary Plat and PC approvals not researched).

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

BBOA-11 – Richard Ketchum for Tri-Kay Developers, Inc. – Request for [Variance] from bulk and area standards for the Town and Country Shopping Center on All of Block 18, Southern Memorial Acres Extended abutting subject property to the west – ("amended application" received 12/26/1972 deleted the additional request for a Variance from the off street parking requirements). Bulk and area standards requested for Variance appear to have been from Zoning Ordinance Section 6.3A "Waive the 2 acre maximum" lot area standard and Section 6.4 "Change the Floor area ratio from (1 to 4) to (1 to 3 ½)" in the C-1 District – BOA Approved 01/16/1973 "to change the floor area from (1 to 4) to (1 to 3 ½)" per case notes and a draft letter found in the case file (Minutes not found for any BOA meetings in 1973).

BZ-30 – Frank Moskowitz – Request for rezoning from AG to CS for the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E (including 121st Center to the southwest of subject property) – PC on 01/27/1975 recommended CS for N. approx. 12.5 acres, OL for the S. approx. 5 acres of the N. approx. 17.5 acres, and AG zoning to remain for the balance of the 20 acres. City Council approved as PC recommended 03/18/1975 (Ord. # 270).

BBOA-20 – City of Bixby – Request for Special Exception to allow a Use Unit 5 use in an RS-1 district, the original Bixby Fire Station # 2, on Lot 2, Block 4, Houser Addition to the southeast of subject property at 8300 E. 121st St. S. – BOA Conditionally Approved 06/09/1975.

BZ-68 – Joyce E. Maxwell/Icenogle – Request for rezoning from RS-1 to CG for a "sandwich shop" for Lot 6, Block 6, Southern Memorial Acres Extended, located approximately 1 block to the northwest of subject property at 11843 S. 82nd E. Ave. – Withdrawn by Applicant 09/19/1978.

BZ-99 – Joyce Icenogle – Request for rezoning from RS-1 to CS for a "flower & gift shop" for Lot 6, Block 6, Southern Memorial Acres Extended, located approximately 1 block to the northwest of subject property at 11843 S. 82nd E. Ave. – Withdrawn by Applicant 02/23/1981.

BZ-164 – Kenny Gibson for C.W. James – Request for rezoning from RS-1 to RD for duplexes on Lot 1, Block 15, Southern Memorial Acres Extended, located to the east of subject property at 11912 S. 85th E. Ave. – Planning Commission hearing advertised for 05/29/1985. No information found in case file to indicate disposition. PC Minutes for calendar year 1985 not found. Assumed Withdrawn, Denied by City Council, or recommended for Denial by PC and not appealed to City Council due to lack of approval ordinance and lack of representation on the Zoning Map.

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Preliminary Plat of 121st Center – Request for Preliminary Plat approval for 121st Center (to the southwest of subject property) – PC Conditionally Approved 12/28/1987 (Council action not researched).

BBOA-199 – Spradling & Associates for Arkansas Valley Development Corporation – Request for Variance to reduce the minimum lot width/frontage in CS from 150' to 125' to permit platting the subject tract as 121st Center (to the southwest of subject property) – BOA Approved 01/11/1988.

Final Plat of 121st Center – Request for Final Plat approval for 121st Center (to the southwest of subject property) – PC Conditionally Approved 02/29/1988 and City Council Approved 07/11/1988 (per the plat approval certificate) (Plat # 4728 recorded 08/05/1988).

BBOA-261 – Jack Spradling for Arkansas Valley Development Corporation – Request for Variance for Lot 5, Block 1, 121st Center (to the southwest of subject property), to reduce the minimum lot width/frontage in CS from 150' to 0' to permit a Lot-Split creating the E. 215' of the S. 125' of Lot 5, which tract is now the Atlas General Contractors office – BOA Conditionally Approved 02/01/1993 (Mutual Access Easement created to give access to 121st St. S.).

BBOA-444 – City of Bixby – Request for Special Exception to allow a Use Unit 5 use in an RS-1 district, allowing the expansion of Bixby Fire Station # 2 onto Lot 1, Block 4, Houser Addition located to southeast of subject property at 8300 E. 121st St. S. – BOA Approved 06/05/2006.

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

PUD 81 & BZ-368 – Chateau Villas PUD – AAB Engineering, LLC – Request to rezone from CS, OL, AG, and PUD 68 to CS, RM-3, OL, and PUD 81 for a “luxury apartment” and commercial development on 23 acres to the south of subject property – PC Recommended Approval 11/13/2013 and City Council Conditionally Approved the applications, by 3:2:0 vote, on 11/25/2013. City Council heard Ordinance First Reading 01/27/2014. City Council heard Ordinance Second Reading and Approved same 02/24/2014 (Ord. # 2126).

BACKGROUND INFORMATION:

The subject property was partially rezoned to CS and approved for PUD 6 “South Memorial Duplexes” in 1983, and was subsequently platted as Memorial Square on August 03, 1984. Twenty (20) duplexes were constructed around the southerly end of the development. County Assessor’s parcel data reflects the duplexes were constructed in 1984, after which point further development halted. Present City Staff has not supported further construction due to Floodplain and stormwater drainage issues. Critically, it has been reported that historical street flooding heights have rendered the existing dwellings and vacant lots inaccessible for emergency egress and response purposes.

Over the past seven (7) years, and likely extending long past the tenure of present City Staff, property owners, investors, real estate professionals, development design consultants, and other interested parties have met and had conversations with City Staff regarding the possibility of “building out” the undeveloped portion of Memorial Square. Time spent on such meetings, conversations, and preparing related correspondence likely sum to dozens, if not hundreds of City Staff hours during this period. An investor has submitted applications for PUD Major Amendment and rezoning, and has engaged design professionals, including a hydrologist, in order to design methods to resolve Floodplain and stormwater drainage issues. Preliminary plans for floodplain mitigation, stormwater drainage and detention, and infrastructure improvements have been prepared, and further such efforts continue.

This PUD Major Amendment #1 proposes 62 dwelling units (DUs). Per Zoning Code Sections 11-7I-5.A, 11-7I-5.A.1, and 11-7I-5.A.2.b, the number of DUs is restricted to the amount of available residential zoning. The available gross area within the RM-1 and proposed RT districts (approximately 6.7 acres) would produce approximately 43 DUs using the 1 DU / 6,750 square feet GLA standard allowed by the

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Zoning Code, but fewer if using the GLA/DU standards proposed by the various DAs in this PUD. Thus, it will require using available CS zoning to generate the balance of DUs proposed. Use Unit (UU) 7a single-family (SF) townhouse dwellings are permitted in the underlying CS district by Special Exception or PUD. However, citations *ibidem* do not provide for SF DUs to be produced by Office and Commercial districts, so the PUD itself must provide for this. By allowing UU 7a townhouses as a principal use by Special Exception / PUD in the Office and Commercial districts,¹ the Zoning Code contemplates bulk and area formulae must be generated, but does not provide same,² and so is interpreted to allow their generation by the individual PUD. As recommended to the Applicant, a formula has been added to the Development Area A section of the PUD Text, but it is not clear. The formula will need to be amended according to the Zoning Code provisions for DU generation in Office and Commercial districts as outlined herein.

Zoning Code Section 11-7I-5.A.1.b implicitly suggests [for PUDs within nonresidential districts or within residential + nonresidential districts] the allowance of using the "least restrictive" GLA/DU standard available in the RS Bulk and Area matrix (Section 11-7B-4.A.1 Table 3 for this PUD). The minimum GLA square foot standards proposed for the various DAs may be reduced as low as 6,750 square feet / DU. The requested RT district allows 6,750 square feet / DU already. Depending on RM-1, RT, and CS GLAs as precisely measured, based on the 62 DUs actually proposed, the standard for the available RM-1, RT, and CS GLAs may be synched at some number between what are presently proposed and 6,750 square feet (per GIS, the estimated total GLA would allow up to approximately 66 DUs). Alternatively, the PUD could specify that there is approximately _____ square feet of GLA within the CS, RT, and RM-1 districts combined, for which this PUD will establish a singular applicable standard of 6,750 SF / DU. If this formula would produce more than the 62 lots proposed (likely), it may be qualified as being subordinate to the 62 lot yield standard. Whichever way this is resolved, the PUD needs to be amended as appropriate.

ANALYSIS:

Subject Property Conditions. The subject property consists of all of Memorial Square, and is composed of duplexes and vacant lots. The subject property is fairly flat, and appears to drain south through the Reserve A stormwater pond to the southeast to an un-named upstream tributary of Fry Creek Ditch # 1. The subject property is primarily in the 100-year (1% Annual Chance) Regulatory Floodplain, so floodplain mitigation (building lot elevation, street elevation, and compensatory storage) will be required for development. Further, additional mitigation will be required in order to adequately address stormwater drainage and detention, and is expected to consist of upgrading the stormwater detention pond in Reserve A, creating new stormwater detention facilities in new Reserve Areas to be platted, and certain offsite improvements.

Per case research, including the case map for BZ-68 in 1978, the RM-1 zoning on the subject property appears to have been conferred by the original Zoning Ordinance. Per BZ-140 – Patrick L. Murray in 1983, the southerly approximately 1.6 acres of the subject property, consisting of Lots 7 through 12, inclusive, Block 17, Southern Memorial Acres Extended was rezoned from its original RM-1 zoning to CS. B/PUD 6 – "South Memorial Duplexes" – Richard Hall & Associates for George E. Day was approved December 05, 1983 (Ord. # 498), and proposed a duplex development for subject property.

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

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

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the existing CS and RM-1 districts are Not In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map.

RT zoning was adopted (Ord. # 845) after the Comprehensive Plan in or around 2002 so it is not included in the "Matrix." However, based on the Matrix's treatment of similar districts, including RD,

¹ See Zoning Code Sections 11-7C-2 Table 1, 11-7D-2 Table 1, and 11-7I-4.A.

² The Bixby Zoning Code does synch multifamily bulk and area standards with specific Office and Commercial Districts, but does not specifically synch UU 6 SF bulk and area standards, as the Tulsa Zoning Code does (e.g. OL = RT, OM and OMH = RM-2, and OH = RM-3).

RT zoning should be recognized as May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan.

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.

Staff believes that the RM-1 and RT zoning, the existing duplex residential use, and the proposed townhouse residential use are all consistent with the Residential Area land use designation of the Comprehensive Plan Land Use map.

Unless the Applicant desires to seek an amendment to the Comprehensive Plan, the proposed commercial use of the Development Area corresponding to existing CS zoning is inconsistent with both the Low Intensity and Residential Area designations of the Comprehensive plan, and should be removed in favor of language restricting use to stormwater drainage and detention, streets and common areas, and duplex and townhouse residential uses.

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 6 is In Accordance with the Comprehensive Plan as a zoning district.

The existing and proposed land uses per PUD 6 Major Amendment # 1 are consistent with the Comprehensive Plan.

General. The Applicant is requesting a Major Amendment to an approved PUD, allow for the redevelopment of most of the vacant parts of Memorial Square with townhouses, provide development standards for same, and make certain other amendments. The original PUD was named “South Memorial Duplexes,” but it will be renamed “Memorial Square,” consistent with the name of the subdivision as platted. The original PUD 6 was approved for 60 dwelling units. There are 10 duplexes in existence, which will remain, and an additional 52 townhouses proposed. The extra two (2) units appear to come from the 12 units permitted in Development Area A, in which there are presently only 10 existing units. However, DA B includes existing Lots 3 and 4, Block 5, Memorial Square, and the Text and Exhibits do not indicate whether these would be buildable lots, an omitted part of the proposed “Reserve C” stormwater detention facility, a common area amenity for the neighborhood, or vacant land. This should be addressed in the Text and Exhibits.

Due to the technical definitions of “duplex” and “townhouse” in the Zoning Code, in the few instances where only two (2) townhouses will be constructed adjoining, the PUD Text should clarify that they are still “townhouses” consistent with the balance of the redevelopment pursuant to the definition of “townhouse development.”

Per Tulsa County Assessor’s parcel records, the existing duplex units each have typically 1,242 and 1,476 square feet, excluding two (2) car attached garages with each unit. A majority appear to have two (2) stories. They do not have masonry, but were recently repainted, and renovations have been made. Proposed minimum townhouse units square footage information has not been provided, and no standard has been proposed. The original PUD 6 provided that each unit would have an attached 2-car garage, and further, “There are some fairly large trees on the site which will be preserved, if at all possible.” Per a site inspection, it appears there remain several large trees in the area where new townhouses are proposed. To ensure the adequacy of the quality of proposed townhouses and contextual compatibility, the PUD should specify proposed minimum dwelling unit sizes, minimum masonry, minimum attached garage off-street parking, and tree preservation and/or planting standards such as the Planning Commission and City Council will find suitable.

Because the review methodology is similar, and both applications are essentially rezoning-related and propose to prepare the subject property for the same townhouse residential redevelopment, this

review will, except as noted, include both applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

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

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

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held May 07, 2014. Minutes of that meeting are attached to this report.

Access & Circulation. The subject property has a private street network consisting of Lot 1, Block 1, Memorial Square, which connects to 84th E. Ave. at 119th Ct. S. (also private). Streets are proposed to remain private, but will be elevated to achieve required minimum street flooding requirements. Although the subject property has frontage on 121st St. S., the frontage all belongs to Reserve A, Memorial Square, which is presently, and is proposed to remain a stormwater detention facility.

Plans for access can be further inferred from the site plans.

Sidewalks are not presently shown, but are required by the Subdivision Regulations. See related recommendations in this report.

Limits of No Access (LNA) are currently proposed along 84th E. Ave., and should also be required along 121st St. S. except for access point(s) as approved by the City Engineer and Fire Marshal.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of RS-1, RD, CS, and CS/RM-3/OL/PUD 81. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

To the north and east are single family houses zoned RS-1, and abutting immediately to the north are duplexes along 119th St. S. zoned RD, all in Southern Memorial Acres Extended.

Across 121st St. S. to the south are 23 acres of vacant land recently approved for rezoning to CS, RM-3, and OL and PUD 81 "Chateau Villas PUD" for a "luxury apartments" and commercial development. To the southwest are commercial businesses and vacant land zoned CS in 121st Center. The Bixby Fire Station #2 and single-family residential houses are zoned RS-1 to the southeast in the Houser Addition.

Finally, the Town and Country Shopping Center, zoned CS, abuts to the west in Southern Memorial Acres Extended.

Staff believes that the existing underlying zoning, the original PUD 6 and its proposed Major Amendment # 1, and the existing duplexes and proposed townhouses are all 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.

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;

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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.

Subject to meeting the recommendations below, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this application.

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

1. *The approval of RT rezoning is subject to the final approval of PUD 6 Major Amendment # 1 and vice-versa.*
2. *Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item will be satisfied by the "Standard Requirements" section of the PUD Text.*
3. *Site Description and Location: Please add clarifying text that, in instances where there will be only two (2) townhouse units adjoining, these will be recognized as townhouses and duplexes as defined in the Zoning Code pursuant to the definition of "townhouse development."*
4. *To ensure the adequacy of the quality of proposed townhouses and contextual compatibility, the PUD should specify proposed minimum dwelling unit sizes, minimum masonry, minimum attached garage off-street parking, and tree preservation and/or planting standards such as the Planning Commission and City Council will find suitable.*
5. *PUD Text: Missing information on existing and any proposed new signs per Zoning Code Section 11-7I-8.B.1.f. Text should describe if Reserve Area or easement would be employed for common features.*
6. *Development Standards for DA A: Including existing duplexes, the existing Reserve A stormwater detention facility, and proposed Reserves B and C in a singular DA is problematic from the standpoint of preparing development standards. Consider consolidating all existing duplexes from DAs A and B into a singular DA, and consolidating existing and proposed Reserve Areas into another.*
7. *Development Standards for DA A: Bulk and area standards as presently written are unworkable for existing duplexes and existing and proposed Reserve areas. After segregating the two (2) per other recommendations in this report, please update and synch duplex standards to actual As-Built conditions.*
8. *Development Standards for DA A: Masonry requirement: Please clarify as to intent (existing duplexes currently in DA A, or future buildings if permitted in Reserve Areas).*
9. *Development Standards for DA B: Minimum lot width of 34' in conflict with Lot 3, Block 1, Memorial Square at 30' in width.*
10. *Development Standards: Needs to provide development standards for Block 1, Memorial Square, which appears to consist of Lot 1 (private streets and alley), Lot 2 ("Common Greens" per original PUD), and Lots 3 through 7, inclusive (purpose uncertain). A separate Development Area for Block would be in order to prevent conflict with other development standards for other areas and uses.*
11. *"Summary of the Development Areas in the Major Amendment to the PUD," Development Standards for DAs A, B, and C, and Exhibit B are internally inconsistent – please reconcile.*
12. *For purposes of this analysis, DAs A, B, and C will be recognized based on their respective descriptions in the Development Standards for each, not according to Exhibit B or other Text in this document.*
13. *Development Standards for DAs A, B, and C: Where referring to minimum frontage required, please replace qualifier "public" with "private" as streets in Memorial Square are private.*
14. *Development Standards for DA A: Please clarify residential density standard proposed. See Background Information section of this report for details.*
15. *Development Standards for DA C: Minimum Land Area per D.U.: Standard provided is smaller than the smallest GLA/DU permitted by PUDs per Zoning Code Sections 11-7I-5.A, 11-7I-5.A.1,*

11-7I-5.A.1.b, 11-7I-5.A.2.b, and 11-7B-4.A.1 Table 3 (6,750 square feet). See Background Information section of this report for details.

16. Development Standards for DA A: Permitted Uses: Unless the Applicant desires to seek an amendment to the Comprehensive Plan, the proposed commercial use of the Development Area corresponding to existing CS zoning is inconsistent with both the Low Intensity and Residential Area designations of the Comprehensive plan, and should be removed in favor of language restricting use to stormwater drainage and detention, streets and common areas, and duplex and townhouse residential uses.
17. Development Standards for DA A: Permitted Uses: Uses permitted by right in CS do not allow for the existing Use Unit 7 duplexes – please add specifically. Consider adding also Use Unit 7A townhouses, for purposes of future redevelopment consistent with the balance of this PUD.
18. Development Standards for DA A: Minimum lot width should be defined to allow for the four (4) existing “flag lots,” which have debatable widths due to irregular geometries.
19. Development Standards for DA B: Please synch minimum lot area to the smallest lot actually located in DA A (excluding Block 1), with a small 10% to 15% buffer for any future lot-line adjustments, to ensure no changes are made absent changing the PUD.
20. Development Standards for DAs A and B: Please add a minimum Land Area standard such that existing lots will be consistent. Land Area is not interpreted to allow for use of ½ of adjoining Lot 1, Block 1, Memorial Square, as the same is not clearly recognizable as “right-of-way.”
21. Development Standards for DA C: Please add a proposed minimum Land Area standard for new townhouse lots.
22. Development Standards for DA C: “Flag lots” Lots 3 and 18, Block 2, would not meet proposed 30’ minimum lot width standard. These should be excepted or otherwise addressed.
23. Development Standards for DA B: Please confirm all existing duplexes will comply with proposed setback standards.
24. Please address (where appropriate in Text & Exhibits) what is intended for Lots 3 and 4, Block 5, Memorial Square.
25. Development Standards for DA A: Gross area reported at 2.9 acres, but GIS indicates approximately 3.7 acres (“gross area” includes ½ of adjoining right-of-way, excluding Lot 1, Block 1, Memorial Square in this instance as it is not clearly “right-of-way” per se). Please reconcile.
26. Development Standards for DAs A, B, and C: Calculating total Gross Land Areas reported results in 9.43 acres, which appears to be the Net Land Area, reported as 9.38 acres per the plat of Memorial Square. Please reconcile Gross and Net Land Areas throughout the document.
27. Development Standards for DA C: Please specify legal description of DA consistent with other DAs.
28. “Landscaped Area and Visual Screening”: Not expected within a SF Residential PUD. However, this would be an appropriate place to discuss Developer’s plans regarding existing tree preservation and/or planting, as may be proposed.
29. “Landscaped Area and Visual Screening”: Please note that there is an existing fence along the west line screening the Town and Country Shopping Center.
30. “Access and Circulation”: Please modify text pertaining to streets to acknowledge that all or which streets will be elevated to meet maximum street flooding standards.
31. “Access and Circulation”: Please acknowledge sidewalk construction requirements such as “Sidewalks shall be constructed by the developer or individual lot owners along all perimeter and internal streets in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer.” Should also state if sidewalk easements will need to be employed due to reduced private street widths.
32. “Access and Circulation”: Please note that Limits of No Access (LNA) will be imposed along the 121st St. S. and 84th E. Ave. frontages except for approved access point(s).
33. “Access and Circulation”: Please document here that the private street network consists of Lot 1, Block 1, Memorial Square, and specify the existing roadway widths (curb face to curb face and curb widths) and the 25’ private street “right-of-way” widths per Memorial Square.
34. “Utilities and Drainage”: States that utilities are shown on Exhibit C in error.

35. "Utilities and Drainage": Please describe plans for floodplain, stormwater drainage and detention, street, and utility engineering and improvements.
36. "Utilities and Drainage": Please describe site utilities in greater detail, noting where certain pedestals and appurtenances are elevated due to the Floodplain.
37. "Utilities and Drainage": Please describe plans for adding streetlights and traffic signs as required for new subdivisions in Bixby.
38. "Platting Requirement": Does not state that platting is required before Building Permit issuance.
39. PUD Exhibits: Missing "Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed." per Zoning Code Section 11-7I-8.B.1.g. At minimum, please represent the commercial access drive, back side of the Town and Country Shopping Center building complex, and common line fence, and the lot lines for abutting duplex lots to the north, with "duplexes" label.
40. PUD Exhibits: Missing "existing topographic character of the land including identification of floodplain areas, treed areas, slope analysis and soil analysis" per Zoning Code Section 11-7I-8.B.2.
41. PUD Exhibits: Missing customary area zoning exhibit.
42. PUD Exhibits: Missing customary aerial map.
43. PUD Exhibits: Missing customary utilities plan map.
44. PUD Exhibits: Consider qualifying site plan elements as "typical" or "conceptual" as needed.
45. Exhibit A: Please dimension frontages of "flag lots" 3, 17, and 18, Block 2.
46. Exhibit A: Please dimension rear lot line of Lot 3, Block 2.
47. Exhibit B: DA boundaries do not reflect parts of the "handles" of flag-lots 5, 6, 15, and 16, Block 3, Memorial Square. Please confirm intent.
48. Exhibits A and B: Please clarify meaning of "150' ESMT" and "Temporary Easement." If there are existing City of Bixby or other easements, please cite relevant Book and Page or Document #.
49. Exhibits A and B: Please resolve text and linework congestion throughout.
50. Exhibits A and B: Please add a Drainage Easement or widen the U/E such that it fully contains the concrete flume shown in Block 2.
51. Exhibits A and B: It does not appear the 17.5' minimum width Perimeter U/E is represented along all PUD boundaries. Please represent or discuss if not currently planned to be at 17.5' in width.
52. Exhibits A and B: 50' vacated street along 120th Pl. S. does not correspond with location of former 120th St. S. per the plat of Southern Memorial Acres Extended. Please revise or advise.
53. Exhibits A and B: LNA label and distance missing from frontage of Block 3.
54. Exhibits A and B: Please place a note stating that dimensions between existing buildings and property lines are not provided here but will be for the Preliminary Plat in satisfaction of Subdivision Regulations requirements.
55. Exhibits A and B: Please label all lots within Block 1, Memorial Square.
56. Exhibits A and B: Please label Lot 2, Block 1 as "Common Greens" as per original PUD, or otherwise with currently proposed use.
57. Exhibits A and B: Please label existing and proposed fences per Zoning Code Section 11-7I-8.B.1.e. There is an existing fence to the west.
58. Exhibits A and B: Please add "South," "So.," or "S." to street names.
59. Exhibits A and B: Please identify existing sign at entrance with height and display surface area, and whether "to remain" or "to be replaced" per Zoning Code Section 11-7I-8.B.1.f.
60. Exhibits A and B: Please add a Legend to clarify linetypes, abbreviations, and symbols used.
61. Exhibits A and B: Please add LNA along 121st St. S. except for locations as specified by the City Engineer and Fire Marshal.
62. Exhibits A and B: Please dimension abutting streets right-of-way and paving widths. It appears half-street rights-of-way are identified, but apostrophes used to indicate "feet" and dimensional arrows are missing.
63. Exhibits A and B: Please represent and label as to width all required sidewalks.
64. Please identify or advise what the corner cut areas mean as represented in the symbols used for proposed new townhouse units (e.g. "covered porch," etc.).

65. *For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.*
66. *A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).*

Chair Thomas Holland recognized Tom Gravitt of 1312 NW 172nd St., Edmond, from the Sign-In Sheet. Mr. Gravitt stated that the City had talked to many people about finishing developing this property, but "We're the first to" [try]. Mr. Gravitt stated that they would not have attempted this if not for Bill Smith, who indicated he believed this could be done. Mr. Gravitt stated that Mr. Smith had a hydrologic model that [the investor(s)] believe is feasible, but only if they could reclaim the lots they would lose in order to add additional onsite [stormwater] detention. Mr. Gravitt stated that [the investor(s)] would "redo the box under 121st St. S., and rework the drainage to the south." Mr. Gravitt stated that these would be "townhomes, for sale, market-driven, single family." Mr. Gravitt stated that [the investor(s) plan to] "take a project that has not worked out well and bring to market a product that will be a great" [thing for Bixby] "at a price point that people can reach." Mr. Gravitt stated that "The Fire Marshal asked that we raise the street," which would be done.

Erik Enyart noted that, of the recommendations, there was one substantive / design issue, which was identified as recommendation # 4 from the Staff Report.

- “4. To ensure the adequacy of the quality of proposed townhouses and contextual compatibility, the PUD should specify proposed minimum dwelling unit sizes, minimum masonry, minimum attached garage off-street parking, and tree preservation and/or planting standards such as the Planning Commission and City Council will find suitable.”

Erik Enyart stated that, in cases similar to this, the City has asked that the developer specify, in their PUD, what they know they plan to do, as far as minimum dwelling unit sizes, masonry, attached garages, etc.

Tom Gravitt stated that the units would have attached garages and would be about 1,200 square feet in size, ranging from 1,100 to 1,475 square feet. Mr. Gravitt stated that this was market-driven. Mr. Gravitt stated that [the investor(s)] were working with Mark Thomas, an architect in Tulsa.

Jerod Hicks asked, "Is it your goal to sell and not rent?" Tom Gravitt responded "They're fee simple."

Chair Thomas Holland asked about Restrictive Covenants. Tom Gravitt indicated the new lots would have Restrictive Covenants. Mr. Gravitt noted that [the investor(s)] had closed on the 20 existing units March 31st. Mr. Holland asked if the existing plat had Restrictive Covenants, and

Erik Enyart responded that, as a part of his review, he reviewed the plat of *Memorial Square*, and observed it did have some, as there are with all plats, but he did not read all of it.

Chair Thomas Holland stated that he had been to the property and that the duplexes on the north and east were all brick. Tom Gravitt indicated that [the investor(s)] wanted to get the PUD and zoning approved now, so that they would know whether to continue working on the project, and would then come up with these standards.

Upon a question, Erik Enyart stated that, when it came to matters of aesthetics, it was always a delicate balance between the City's interest in quality development and the need to be sensitive to market forces. Mr. Enyart reiterated that, in cases similar to this, the City has asked that the developer specify, in their PUD, what they know they plan to do as far as development quality, and then it would be up to the Planning Commission and City Council to determine what was appropriate.

Jerod Hicks asked about the price point, and Tom Gravitt stated the units would be about \$130,000 to \$135,000.

Tom Gravitt asked if the building materials and size standards could be put in the Restrictive Covenants, rather than be spelled out now in the PUD. Erik Enyart confirmed it could be structured this way. Mr. Enyart noted that, in a similar case for what was described as a "luxury apartment" and commercial development, the City asked that all of these things be spelled out in the PUD, but acknowledged this was not for an apartment development. Mr. Gravitt confirmed with Erik Enyart that Mr. Enyart was referring to the "Chateau Villas" development. Mr. Gravitt indicated favor for getting the PUD and zoning approved at this time, to allow further work on the CLOMR and infrastructure. Upon a question, Mr. Enyart confirmed that it was the Commission's prerogative to give to the City Council whatever recommendations they believe appropriate. Steve Sutton clarified with Erik Enyart that such a recommendation could include that the building materials and aesthetics would be brought back to the Planning Commission first. Mr. Gravitt expressed concern over the term "aesthetics" and confirmed with the Commission that they were still talking about putting such matters in the Restrictive Covenants. Mr. Enyart stated that, rather than the Motion including the term "aesthetics," it could reference the items as listed in recommendation # 4, which he read: "minimum dwelling unit sizes, minimum masonry, minimum attached garage off-street parking, and tree preservation and/or planting standards." Mr. Gravitt and the Commissioners indicated agreement. Mr. Enyart clarified with Steve Sutton, Mr. Gravitt, and the Commissioners that, rather than adding a new recommendation, it would be best to reword recommendation # 4 to the effect as Mr. Enyart understood the Commissioners to favor per the discussion in the meeting, summarized as: the PUD must specify that minimum dwelling unit sizes, minimum masonry, minimum attached garage off-street parking, and tree preservation and/or planting standards will be proposed in the Restrictive Covenants of the future plat, which the Planning Commission and City Council will consider for adequacy. The Commissioners indicated support for this summary by acclamation.

Patrick Boulden asked Tom Gravitt if he intended to vacate the old plat. Discussion ensued. Mr. Boulden noted that, if a new plat was put on top of the existing one, there could be conflict, but after 10 years the previous one "goes away," or the plat could be vacated, or it could be vacated by

agreement of at least 60% of the lot owners. Mr. Boulden indicated favor for vacating the old plat. Mr. Gravitt noted that [the investor(s)] own the existing 20 units, or 10 lots, but would ultimately own all of the lots. Mr. Boulden indicated agreement.

A Commissioner asked if there were not three (3) owners of the lots, based on Tom Gravitt's previous statements regarding the owner of the existing 20 units / 10 lots, the vacant lot owner, and [the Homeowners Association]. Mr. Gravitt indicated there were only two (2) owners, and described the incorporation of the Homeowners Association. Mr. Gravitt reiterated that [the investor(s)] would ultimately own all of the lots. A Commissioner asked what would happen if the other owners objected to the rezoning. Erik Enyart confirmed with Mr. Gravitt that "all of the owners have agreed to the applications."

Chair Thomas Holland recognized John Donelson of 17440 S. 89th E. Ave. from the Sign-In Sheet. Mr. Donelson stated that Tom Gravitt had covered all the items well.

Steve Sutton made a MOTION to RECOMMEND APPROVAL of the PUD 6 Major Amendment # 1 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff, with recommendation # 4 modified as Erik Enyart articulated as follows:

- "4. To ensure the adequacy of the quality of proposed townhouses and contextual compatibility, the PUD must specify that minimum dwelling unit sizes, minimum masonry, minimum attached garage off-street parking, and tree preservation and/or planting standards will be proposed in the Restrictive Covenants of the future plat, which the Planning Commission and City Council will consider for adequacy."

Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

8. Preliminary Plat – "Somerset" – JR Donelson, Inc. (PUD 82). Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for "Somerset" for 18 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.
Property Located: 6905 E. 121st St. S. & 11803 and 11809 S. Sheridan Rd.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, May 16, 2014
RE: Report and Recommendations for:

Preliminary Plat of "Somerset" (PUD 82)

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

SIZE: 18 acres, more or less

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

SUPPLEMENTAL ZONING: PUD 82 "Somerset"

EXISTING USE: Rural residential and agricultural

REQUEST: Preliminary Plat approval

SURROUNDING ZONING AND LAND USE:

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

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

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

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

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

PREVIOUS/RELATED CASES:

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

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

BZ-370 & PUD 82 – "Somerset" – JR Donelson for Kowen Properties, LLC – Request to rezone from AG to RS-2 and to approve PUD 82 for a single-family residential development subject property – PC recommended Conditional Approval 02/18/2014, with the exception of Staff's abutting access provision recommendations. City Council 02-24-2014 Conditionally Approved with Staff's abutting access recommendations, "subject to a[n] application for waiver of subdivision regulations." City Council Approved ordinance effecting rezoning and PUD approval upon receipt of the "Final As Approved" copy of the PUD with all of the Conditions of Approval incorporated 03/24/2014 (Ord. # 2128).

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

BACKGROUND INFORMATION:

ANALYSIS:

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

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

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

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

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

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

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

Per the Matrix, PUDs (as a zoning district) are In Accordance with the Corridor and Medium Intensity designations of the Comprehensive Plan Land Use Map, and thus the existing PUD 82 is In Accordance with the Comprehensive Plan as a zoning district.

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

General. The plat proposes a single-family residential subdivision development with 54 lots. The plat exhibits a suburban-style subdivision design, with 54 single-family residential lots. Minimum lot widths would be 65'. On the easterly 10-acre section of the PUD, the site plan indicates typically 65'-wide lots, with 140' of depth (9,100 square feet; 0.21 acres). On the westerly approximately eight (8) acres, 12 relatively large lots are arranged around two (2) cul-de-sac streets, 66th and 67th E. Aves., and 11 non-cul-de-sac lots front on the south side of 119th St. S. The latter are typically 70' X 125' (8,750 square feet; 0.20 acres). At the northern end of the existing 10-acre tract portion of the subject property, proposed Lot 17, Block 2 would contain the existing house, which will remain. The existing rural residential houses at the west end of the westernmost 4-acre tract will be removed by this development.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on May 07, 2014. The Minutes of the meeting are attached to this report.

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

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

Abutting the subject property to the west and south is an unplatted 8-acre development tract, the subject of PUD 84 "Sheridan Cottages." This plat proposes, pursuant to PUD 82 as approved, a 20'-wide Reserve A, to allow the "Sheridan Cottages" property to construct an access between the two (2) additions in the future at the "Sheridan Cottages" property owner's expense. It is proposed to connect to the "Sheridan Cottages" property where the draft PUD's site plan indicates the connection.

Per the approved PUD 82, in lieu of sidewalk construction along Sheridan Rd., the developer will propose to extend the sidewalk offsite through the Bixby 5th & 6th Grade Center parcel to connect to the west line of LifeChurch.tv. This will require a Waiver of the Subdivision Regulations with this Preliminary Plat application, which the PUD Text acknowledges. Staff noted that the distances may not

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equal out, but adding the ramp treatments on both sides of the School's drive may bring parity to the cost versus the Sheridan Rd. location.

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

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

1. Subject to a Partial Modification/Waiver from the sidewalk construction requirement of SRs Section 12-3-2.N, as outlined in PUD 82, to allow sidewalk construction along 121st St. S. to the west line of LifeChurch.tv in lieu of along the Sheridan Rd. frontage.
2. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
3. Per SRs Section 12-4-2.A.5, please correct Location Map as follows:
 - a. The Links at Bixby (misrepresented as to configuration)
 - b. Resubdivision of Lots 3 and 4 of Bixby Commons (missing)
 - c. Woodcreek Village Amended (mislabeled)
 - d. The Estates of Graystone (mislabeled)
 - e. North Heights Addition (mislabeled)
 - f. Amended Plat of Block 7, North Heights Addition (missing)
 - g. Bixby Centennial Plaza II (missing)
 - h. Bixby Jiffy Lube (inappropriately highlighted)
4. Please provide Limits of No Access (LNA) restrictions along the 121st St. S. and Sheridan Rd. frontages except at approved access points.
5. Please resolve text and linework (contour lines) congestion in Title Block area.
6. Please resolve text conflict at north line of Lot 26, Block 2.
7. Please resolve text and linework conflicts along the 121st St. S. area.
8. Plat missing notes pertaining to monumentation (reference SRs Section 12-1-8).
9. Subdivision statistics: Please add number of Reserve areas.
10. Please correct proposed addresses per the provided address schedule recommendations.
11. Lots 1 through 8, inclusive, Block 1, are completely separated from the balance of Block 1 by Reserve A. Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
12. Update Lot, Block, and Reserve number statistics to add the new block number.
13. Please add missing dimensions from frontward lines of cul-de-sac lots.
14. Lot 16, Block 2: Please represent existing buildings and dimension to nearest property lines, such as shown PUD 82 site plans, as required by SRs Section 12-4-2.A.8. Such details may be removed on Final Plat by standard Modification/Waiver written into Staff Report as a Condition of Approval.
15. "UE" as sometimes used on face of plat does not match "U/E" in Legend.
16. DoD/RCs Section I Preamble, final paragraph: Should probably "...by the lots owners within SOMERSET."
17. DoD/RCs Section I: Please cite/describe Reserve B as pertains to streets appropriate.
18. DoD/RCs Section I.A.4: Please invert with current Section A.5 for logical flow.
19. DoD/RCs Section I.C: Please correct "The streets and storm sewer are private..."
20. DoD/RCs Section II.A: Please append setbacks with "...a public or private street."
21. DoD/RCs Section III.A.1: First sentence has a comma instead of period.
22. DoD/RCs Section III.A.4: Occurrence of misplaced "\".
23. DoD/RCs Section III.C: Word "are" is misspelled.
24. DoD/RCs Section III.E: 50% masonry does not qualify as being subject to 75% standard of PUD / DoD/RCs Section II.
25. DoD/RCs Section III.G.2: Word "more" is misspelled.
26. DoD/RCs Section III.N: Should also specify signage.
27. DoD/RCs Section III.N: Does not mention purpose of Fence & Landscape Easement shown along the south line of Lot 16, Block 1.
28. DoD/RCs Section III.N: Should reference the full title, "Fence & Landscape Easement or 'F/L'" as shown on the face of the plat.
29. DoD/RCs Section III.O: Word "prohibited" misspelled.

30. DoD/RCs Section III.R: Word "an" misspelled.
31. DoD/RCs Section III.Z.3: Word "are" misspelled.
32. DoD/RCs Section III.Z.3: Word "Committee" omitted, and period missing.
33. DoD/RCs Section III.CC: Please clarify ambiguity in final sentence, such as "Also excepted are any changes..."
34. DoD/RCs Section VI: Please replace "or allow" with "and shall prevent."
35. DoD/RCs Section I.E: Discusses stormwater easements which are not represented on face of plat.
36. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

Erik Enyart observed that all of the recommended corrections were cosmetic in nature, and could be resolved by changing words or lines on paper.

Chair Thomas Holland recognized Applicant Tom Wenrick. Mr. Wenrick stated that he had not seen the Staff's recommendations, and asked if the entryway matter was "in there." Erik Enyart responded that it was covered by reference to the Fire Marshal's recommendations. Mr. Wenrick confirmed with Mr. Enyart that the recommendation pertaining to the Waiver on the sidewalk on Sheridan Rd. was "in there." Mr. Wenrick stated that, with the exception of the entryway size, he agreed with the Staff's recommendations. Upon a question, Mr. Enyart stated that the entryway recommendation would be appear to be item # 4 in the Fire Marshal's review memo on page 97 of the Agenda Packet ["4. Gate Entrances shall meet 2009 IFC Appendix D requirements. Plans of the gates shall be submitted to this office for approval."]. Mr. Wenrick stated that he had been communicating with the Fire Marshal and was proposing 14'-wide drive lanes. Mr. Wenrick stated that the drive lanes on Memorial Dr. were only 13' in width. Mr. Wenrick stated that both the entry and the exits would have 14', which was true for the ones he had done previous developments in Bixby and [other jurisdiction(s) with similar standards]. Mr. Wenrick stated that the Fire Code encouraged the 20'-wide drive lane, but referred to the Fire Chief in the community, and stated that he would do what [the Fire Chief] wanted. Mr. Wenrick stated that he saw no need to have 20'-wide gates at both entrances, Sheridan Rd. and 121st St. S., and called it "excessive." Mr. Wenrick stated that he would have difficulty at the entry lots, and that this would have a financial impact. Mr. Wenrick stated, "People don't want a gate that's open."

A Commissioner asked Erik Enyart about the matter, and Mr. Enyart stated that this was different than a drive lane such as in Memorial Dr. due to turning movements. Mr. Enyart confirmed that there had been discussion between the Applicant and the Fire Marshal about the gate, which discussion included the role of the Fire Chief, but stated that he did not know the Fire Code and so would "defer to the expertise of the Fire Marshal."

Patrick Boulden stated that the Fire Code specified the required width and provided that [the Fire Chief] "shall approve it," and did not say that he could Waive it. Mr. Boulden stated that it was an International Fire Code and was adopted by the State of Oklahoma, and by the City of Bixby. Mr. Boulden stated that this would create a substandard development and create a fire hazard. Mr. Boulden reiterated that the Fire Chief was to approve the 20'-wide gates, and stated that it was not [the Planning Commission's or Staff's] place to change the codes.

Steve Sutton asked if the gate recommendations were included in the Staff's recommendations, and Mr. Enyart confirmed that it was covered in recommendation # 2.

Patrick Boulden recommended the Commission approve with the Staff's recommendations.

Steve Sutton made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat with all of the corrections, modifications, and Conditions of Approval as recommended by Staff, including the Fire Marshal's recommendations on the gate and entryway widths. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

Jerod Hicks asked Tom Wenrick if it was possible to do 10' and 10' gates [to cover the 20'-wide section]. Mr. Wenrick discussed with Mr. Hicks, Steve Sutton, and the other Commissioners the different gate types and problems with each, including maintenance problems when they are hit by cars, and how sliding gates are problematic in this climate with the ice and snow.

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 Old 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 7:04 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

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BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: May 19, 2014

NAME	ADDRESS	ITEM
1. <u>MARK BCAPRON</u>	<u>611 E. 32ND T, OK</u>	<u>#5</u>
2. <u>Tom Gravitt</u>	<u>1312 NW 172nd OK</u>	<u>#6</u>
3. <u>JOHN DONELSON</u>	<u>17440 So. 89th E. Ave. Bixby</u>	<u>#6 #9</u>
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
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16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____



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: Wednesday, June 11, 2014
RE: Report and Recommendations for:
PUD 84 – “Sheridan Cottages” – Haynes Reynolds for 118th & Sheridan, LLC &
BZ-373 – Haynes Reynolds for 118th & Sheridan, LLC

LOCATION: – 11909 and/or 11919 S. Sheridan Rd.
– Part of the SW/4 of the SW/4 of Section 35, T18N, R13E
– Northeast of the intersection of 121st St. S. and Sheridan Rd.

SIZE: 8 acres, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Vacant/wooded

REQUESTED ZONING: RS-2 Single-Family Dwelling District & PUD 84

ANALYSIS:

By email dated May 13, 2014, the Applicant requested both applications be CONTINUED to the next meeting. On May 19, 2014, the Planning Commission CONTINUED the Public Hearing and consideration of both items to this June 16, 2014 Regular Meeting as requested.

Staff contacted the Applicant on this date and the Applicant has requested another month's Continuance. This request was followed up by an email, attached to this report. Staff recommends the Public Hearing and consideration of both items be CONTINUED to the July 21, 2014 Regular Meeting as requested.

Erik Enyart

From: Erik Enyart
Sent: Wednesday, June 11, 2014 4:03 PM
To: 'Haynes Reynolds'
Subject: RE: PUD 84

Received, and I understand per our phone conversation.

I will recommend the Planning Commission Continue both PUD 84 and BZ-373 to the July 21, 2014 meeting as requested.

Erik Enyart

From: Haynes Reynolds [<mailto:haynesreyn@gmail.com>]
Sent: Wednesday, June 11, 2014 4:02 PM
To: Erik Enyart
Subject: Re: PUD 84

Sorry I've had a personal issue pop up and I will not be available for Monday night. Please postpone for 30 days.

Haynes Reynolds
918-260-6014

Sent from my iPhone

On Jun 11, 2014, at 3:53 PM, Erik Enyart <eenyart@bixby.com> wrote:

Hi Haynes:

Your cell phone's voicemailbox is full, and I have left a voicemail at the work/office number I have for you.

I am mailing out the agenda packet for Monday's PC meeting. I have not heard from you on your application. Please advise if you will be seeking conditional approval as recommended by Staff, or what else you would like done with your applications at Monday's PC meeting.

Thanks in advance,

Erik Enyart

From: Erik Enyart
Sent: Tuesday, May 13, 2014 11:23 AM
To: 'Haynes Reynolds'
Subject: RE: PUD 84

Received – I will recommend the Planning Commission Continue both PUD 84 and BZ-373 to the June 16, 2014 meeting as requested.

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Erik Enyart

From: Haynes Reynolds [<mailto:haynesreyn@gmail.com>]
Sent: Tuesday, May 13, 2014 11:22 AM
To: Erik Enyart
Subject: PUD 84

Erik,

We are scheduled for Monday night however would request a continuance due to some potential design changes. Please move us to the June meeting.

Thanks Haynes

Haynes Reynolds
1805 N York Street
Suite B
Muskogee, OK 74403
918-683-7784 office
918-682-4503 fax
918-260-6014 cell
haynesreyn@gmail.com



CITY OF BIXBY
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116 W. Needles Ave.
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(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Wednesday, June 11, 2014
RE: Report and Recommendations for:
PUD 60 Major Amendment # 1 – “Riverside Group” – Matt Means of Landmark Constructive Solutions

LOCATION: – 10422 E. 111th St. S.
– Part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E

SIZE: 9.87 acres, more or less

EXISTING ZONING: OL Office Low Intensity District, AG Agricultural District, & PUD 60

EXISTING USE: A house and vacant/wooded land

REQUEST: Approval of Major Amendment # 1 to Planned Unit Development (PUD) # 60 (“Riverside Group”), with underlying zoning OL Office Low Intensity District and AG Agricultural District

SURROUNDING ZONING AND LAND USE:

North: (Across 111th St. S.) CG & R-2; Vacant/wooded land zoned R-2 and CG (perhaps pending residential development), and to the northeast, the *Evergreen Baptist Church* on a 40-acre campus at 6000 W. Florence St. in Broken Arrow (perhaps also addressed 10301 E. 111th St. S., “Bixby” per its website, www.evergreenbc.org), all in the City of Broken Arrow.

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

- East: AG & RS-3; An agricultural/rural residential 10-acre tract and single-family residential in *The Park at Southwood 3rd*.
- West: AG & CS; Unplatted vacant and rural residential tracts fronting along S. Mingo Rd., the *Cedar Ridge Kingdom Hall of Jehovah's Witnesses* at 11355 S. Mingo Rd., and the City's water tower.

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

PREVIOUS/RELATED CASES:

BBOA-38 – Kenny Gibson – Request for Special Exception to allow Use Unit 4 utility building (Bixby Telephone) in the AG District on a 75' X 75' tract from and within the northeast corner of the subject property – BOA Approved with Conditions 01/14/1985.

BL-98 – Kenny Gibson – Request for Lot-Split to separate a 75' X 75' tract from and within the northeast corner of the subject property for a utility building (Bixby Telephone) – PC Approved with Conditions 01/28/1985.

PUD 60 – Riverside Group – Randy Pickard – Request to rezone from AG to CS and OL and approve PUD 60 for a ministorage and office development for subject property – replaced by an amended application for PUD 60 and rezoning application BZ-337.

Zoning Code Text Amendment – Applicant in PUD 60 proposed to the City Council that it amend the Zoning Code to allow ministorage in OL and OM office zoning districts by Special Exception / PUD. City Council directed Staff to prepare amendment 10/22/2007. PC reviewed 12/17/2007, 01/21/2008, 01/28/2008, 02/11/2008, 02/18/2008, and 03/06/2008, and recommended Approval of specific amendment on 03/17/2008. City Council Approved amendment 04/14/2008 (Ord. # 994). PC recommended City Council make changes to amendment 05/19/2008 but City Council struck from agenda 07/14/2008 per City Attorney.

PUD 60 & BZ-337 – Riverside Group – Randy Pickard (Amended Application) – Request to rezone from AG to OL and AG and to approve an amended application for PUD 60 for a ministorage and office development for subject property – PC Continued from 12/17/2007 to 01/21/2008 to 02/18/2008 to 05/19/2008. On 05/19/2008, PC voted 3:2:0 on a Motion to recommend approval of OL zoning per BZ-337, and failed to pass a Motion to recommend Conditional Approval of PUD 60 (Amended Application) by 2:3:0 vote. PC chose not to take a subsequent vote on the possible denial recommendation, choosing instead to allow the case to be taken to the City Council absent a recommendation. City Council Conditionally Approved by 3:2:0 vote 06/23/2008 (Ord. # 1001). Additional Condition of Approval by City Council was “8ft wall, and stucco or masonry finish.”

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of the West 10 Acres of the East 20 Acres of Government Lot 1 (NW/4 NW/4) of Section 31, T18N, R14E, Less and Except a 75' X 75' tract from its northeast corner which belongs to *BTC Broadband* and contains a

communications building. The subject property contains an old house and storage building toward its northwestern lot corner, and is otherwise vacant and wooded. The subject property is moderately sloped and, per PUD 60 Exhibit E, contains a ridgeline oriented north-south along the west side of the tract. Thus, it appears to drain primarily to the east, but has a small amount of land that naturally drains west of the watershed (drainage divide) separating the Fry Creek Ditch # 1 and the Haikey Creek drainage basins.

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

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

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the existing AG district is *In Accordance* and the existing OL district *May Be Found In Accordance* with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since OL zoning was approved by ordinance of the City Council, it has been recognized as being *In Accordance* with the Low Intensity designation of the Comprehensive Plan.

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

Per the Matrix, PUDs (as a zoning district) *May Be Found In Accordance* with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since PUD 60 was approved by ordinance of the City Council, it has been recognized as being *In Accordance* with the Comprehensive Plan as a zoning district.

Therefore, Staff believes that the existing zoning and existing and proposed land uses per PUD 60 Major Amendment # 1 are consistent with the Comprehensive Plan.

General. The Applicant is requesting a Major Amendment to an approved PUD, to essentially allow for the relocation of Development Area C (1 of 2 office elements) to the north, closer to 111th St. S., and thus moving the Development Area B (ministorage element) further to the south, and would make certain other amendments. Alternatively stated (and as per the PUD amendment as written), the amendment would increase the size of Development Area (DA) A and remove DA C.

Per the new Exhibit A, the PUD proposes a maximum floor area of 133,240 square feet, of office and ministorage buildings combined. Per the GLAs of DAs A, B, and C as provided in the Development Standards for the original PUD, there is 324,390 square feet (7.45 acres) of OL zoning in PUD 60, the balance of the property being zoned AG for the stormwater detention pond/Reserve Area A. Thus, the 133,240 square feet proposed would be an effective FAR of

0.41 for the total site. The maximum allowable FAR in the OL district is 0.30, but it may be increased to 0.40 by Special Exception (or PUD, in this case). Zoning Code Section 11-7I-5.A.2 provides that the AG-zoned portion of the subject property may not be used to allow for floor area for OL-zoning-dependent uses. Therefore, the total site must be reduced to not exceed 0.40 FAR, and the “office” DA(s) must “donate” unused floor area to the ministorage DA, since that is the one exceeding its proportionate share of OL zoning among the DAs. Alternatively, the Applicant may propose to rezone part of or the entire balance of the site to OL and then “donate” the new available OL-zoned area to the “ministorage” DA.

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

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

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

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held June 04, 2014. Minutes of that meeting are attached to this report.

Access & Circulation. The subject property has approximately 330’ of frontage on 111th St. S., and the site plan proposes two (2) driveway connections thereto. Mutual Access Easement (MAE) drives would provide a connection and legal access to the street for the “back” lots.

Plans for access can be further inferred from the site plans.

A sidewalk is not presently shown on the Exhibit A site plan, but is required by the Subdivision Regulations. See related recommendations in this report.

Limits of No Access (LNA) should be required along 111th St. S. except for access point(s) as approved by the City Engineer and Fire Marshal.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of CG, CS, RS-2, R-2, RS-3, and AG. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

Across 111th St. S. to the north is vacant/wooded land zoned R-2 and CG (perhaps pending residential development), and to the northeast, the *Evergreen Baptist Church* on a 40-acre campus at 6000 W. Florence St. in Broken Arrow (perhaps also addressed 10301 E. 111th St. S., “Bixby” per its website, www.evergreenbc.org), all in the City of Broken Arrow.

To the south are single family houses zoned RS-2 in *Southwood East*.

Abutting to the east of the subject property is an agricultural/rural residential 10-acre tract, and single-family residential is further to the east in *The Park at Southwood 3rd*.

Finally, unplatted vacant and rural residential tracts fronting along S. Mingo Rd., abut to the west, and include the *Cedar Ridge* Kingdom Hall of Jehovah's Witnesses at 11355 S. Mingo Rd. and the City's water tower.

Staff believes that the existing underlying zoning, the original PUD 60 and its proposed Major Amendment # 1, and the proposed ministorage and office developments are all 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.

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.

Subject to meeting the recommendations below, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this application.

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

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1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item can be satisfied by adding provisions to the PUD Amendment Text such as follows:

“STANDARD REQUIREMENTS

The Standard Requirements of the City of Bixby Fire Marshal, City Engineer, and City Attorney shall be met as a condition of approval.”

2. Per the new Exhibit A, the PUD proposes a maximum floor area of 133,240 square feet, of office and ministorage buildings combined. Per the GLAs of DAs A, B, and C as provided in the Development Standards for the original PUD, there is 324,390 square feet (7.45 acres) of OL zoning in PUD 60, the balance of the property being zoned AG for the stormwater detention pond/Reserve Area A. Thus, the 133,240 square feet proposed would be an effective FAR of 0.41 for the total site. The maximum allowable FAR in the OL district is 0.30, but it may be increased to 0.40 by Special Exception (or PUD, in this case). Zoning Code Section 11-7I-5.A.2 provides that the AG-zoned portion of the subject property may not be used to allow for floor area for OL-zoning-dependent uses. Therefore, the total site must be reduced to not exceed 0.40 FAR, and the “office” DA(s) must “donate” unused floor area to the ministorage DA, since that is the one exceeding its proportionate share of OL zoning among the DAs. Alternatively, the Applicant may propose to rezone part of or the entire balance of the site to OL and then “donate” the new available OL-zoned area to the “ministorage” DA.
3. Amendment Text: Consider whether it would be more appropriate to relocate DAs B and C in relation to each other, rather than remove DA C and increase the size of DA A.
4. Amendment Text: Please provide replacement Development Standards pages reflecting the relocation or reconfiguration/removal of DAs as may be proposed (e.g. GLA, maximum FAR, FAR transfers between DAs, minimum setbacks, etc.).
5. Amendment Text: Please correct Development Standards for DA C to reflect that it is not permitted 0.50 FAR, as the 0.50 FAR restriction in Use Unit 16 was intended as and is an additional, “not-to-exceed” restriction which does not undermine the formula provided in Zoning Code Section 11-7I-5.A.2.
6. Amendment Text: Please add language referencing replacement Exhibits A and Exhibits B, B-1, B-2, B-3, B-4, and B-5 as being attached, and specifying the same replace their original counterparts.
7. PUD Exhibits: Please provide replacement Exhibits B, B-1, B-2, B-3, B-4, and B-5, along with legal descriptions for each DA.
8. Exhibit A: Please restore all critical features as represented on original Exhibit A, including all gates, fences, MAEs, and driveway pavement areas, along with all dimensions. Utility information may be omitted, as the same is represented on Exhibits E and F.
9. Exhibit A: Please restore the 50’ MAE, 32’-wide MAE drive along the westerly side of the PUD as per the approved PUD 60, or please explain. If approved by the Fire Marshal to reduce these widths, a description of the change must be outlined in the PUD Amendment Text.
10. Exhibit A: Please add a note indicating that conceptual landscaping as shown for DA A is intended to replace that shown conceptually for the same area on Exhibit H.
11. Exhibit A: All required screening fences must be labeled “8ft wall, and stucco or masonry finish,” as per the City Council’s PUD 60 approval condition.

12. Exhibit A: Please label Mutual Access Easements where MAE drives are intended.
13. Exhibit A: Please represent and label as to width the sidewalk required along 111th St. S., or a note providing that a sidewalk will be constructed here as required by the Bixby Subdivision Regulations.
14. Exhibit A: Please add LNA along 111th St. S. except for locations as specified by the City and/or County Engineer and Fire Marshal, or a note providing that LNA will be added during the platting process as may be required by the proper authorities.
15. For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.
16. A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).

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Memo

To: Erik Enyart, AICP, City Planner

From: Joey Wiedel

Date: 06-04-2014

Re: PUD 60 "Memorial Square"

PUD 60 "Memorial Square" is approved by this office with the following conditions:

- 1) Fire Hydrants shall be installed at the main entrance. All hydrants shall be operable before construction begins.
 - Brand- AVK or Mueller , Color- Chrome Yellow
 - Fire Hydrant spacing shall be no further than 300 feet spacing.
 - Fire line supporting the fire hydrants shall be looped.
- 2) All roads and Second means of access shall be capable of supporting an imposed load of 75,000 pounds. (IFC 2009 Appendix D and 503.2.1)
- 3) East entrance shall be 30 feet wide.
- 4) All gates shall meet IFC 2009 Chapter 5 and Appendix D.
- 5) Buildings F, G, I and J shall be sprinkled or fire areas shall be less than 12,000 sq. ft.
- 6) Ensure sufficient turning radius.
- 7) All buildings shall be within 150 feet from a fire apparatus access road. (IFC 2009 503.1.1)



Joey Wiedel



Date

MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
June 04, 2014 – 10:00 AM

MEMBERS PRESENT

Jim Peterson, *BTC Broadband*

STAFF PRESENT

Erik Enyart, AICP, City Planner, City of Bixby

Joey Wiedel, Fire Marshal, City of Bixby

OTHERS PRESENT

JR Donelson, *JR Donelson, Inc.*

Matt Means, CGB, CGP, *Landmark Resources, LLC / Landmark Constructive Solutions, LLC*

1. Erik Enyart called the meeting to order at 10:00 AM.
2. **PUD 60 – Major Amendment # 1 “Riverside Group” – Matt Means of Landmark Constructive Solutions.** Discussion and comment of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 60 (“Riverside Group”) with underlying zoning OL Office Low Intensity District.
Property Located: Part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E; 10422 E. 111th St. S.

Erik Enyart introduced the item and described the location and the situation. Mr. Enyart stated that the original PUD was approved several years ago, and that this amendment essentially sought to relocate an office development area north toward the street, and push the ministorage back, and would actually reduce the amount of office building area. Mr. Enyart asked Matt Means if he could confirm or cared to describe the project further. Mr. Means confirmed Mr. Enyart’s summary and described the project further. Mr. Means referred to the new site plan and noted that 2,500 square feet of office space in Building E had already been pre-leased, even before he started advertising. Mr. Means stated that the first phase would likely include ministorage Buildings F, G, H, and maybe D [in addition to] E.

Erik Enyart confirmed with Matt Means that he had prepared the site plan drawing himself. Mr. Enyart stated that it appeared professionally done. Mr. Enyart asked why the parking lot strip was not immediately in front of the northernmost buildings. Mr. Means responded that it was for aesthetic reasons.

Erik Enyart asked if there were any questions or comments from the Fire Marshal. Fire Marshal Joey Wiedel noted that the threshold for requiring a sprinkler system was 12,000 square feet,

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indicating some of the ministorage buildings appeared to exceed this threshold. Matt Means and JR Donelson discussed building partition options with Mr. Wiedel. It was noted that these larger buildings would be climate-controlled, and have an internal corridor. Mr. Means and Mr. Donelson indicated favor for partitioning the building into two (2) sections with a firewall, with a door between the two (2) sections. Mr. Enyart confirmed with Mr. Wiedel and Mr. Donelson that the door itself must also be fire-rated. Mr. Wiedel noted that the corridor walls could provide the required separation if it was "floor to ceiling." Mr. Wiedel discussed fire hydrant locations with Mr. Means and Mr. Donelson.

Matt Means noted that the office buildings would be similar to those in the *Suites of Ravenwood* [office park development at the 7700-block of E. 111th St. S. in Tulsa].

JR Donelson pointed out to Joey Wiedel the two (2) entrances [to the ministorage business], and they discussed plans for a Knox Switch rapid-entry system and key codes for customers. Erik Enyart confirmed with Mr. Means and Mr. Donelson that the westerly entrance would be for customer access, and the easterly one would be for emergency access only.

Erik Enyart, responding to statements Mr. Means had previously made, (1) observed that retail could not be allowed within the northernmost buildings because it would require an underlying zoning change, since zoning currently included only OL and AG, and (2) observed that RV storage would not be permitted in the open air, but they could be allowed if covered by carports or other protective coverings.

Erik Enyart stated that he noticed the PUD allowed for 0.50 Floor Area Ratio (FAR) for the ministorage use, and cited a Zoning Code section, but that, based on previous experience, he questioned whether 0.50 FAR would be permitted as the OL district has a 0.30 maximum FAR, sometimes allowing up to 0.35 or 0.40. Mr. Enyart stated that he considered it possible that the proposed buildings would exceed the maximum available underlying OL zoning, but that he would have to run the numbers and would report back his findings to Mr. Means and Mr. Donelson.

Erik Enyart asked Jim Peterson if he had any questions or comments. Mr. Peterson noted *BTC Broadband's* facility at the northeast corner of the subject property, and discussed with Matt Means possibilities for replacing the chain-link fence, using hedges and landscaping to screen the building from the office buildings, etc. Discussion included which owner would be responsible for what such improvements. Mr. Means noted that the office buildings would have more of a "retail," "modern" look, with "lots of windows."

JR Donelson asked Erik Enyart if the Planning Commission would ask about fences, and Mr. Enyart indicated this was possible. Mr. Enyart stated that he hoped to have the Staff Report done by the end of the week or the first of the next, and would be looking to see if anything else needed to be addressed at this time. Mr. Enyart stated that the original PUD was approved several years ago, but that he recalled it was written fairly well, which would make sense since it was written at the same time as the ministorage regulations were written, so they should match. Mr. Donelson noted that Randy Pickard had written the ministorage regulations. Mr. Enyart stated that he would check for anything that needed to be addressed, "while we have this conduit open for making changes."

JR Donelson noted that Mutual Access Easements (MAEs) would be provided. Mr. Enyart confirmed with Mr. Donelson that the MAEs would be planned “[to] provide legal access.”

Erik Enyart asked Matt Means what his anticipated timeline was for the development, and Mr. Means indicated he wanted to start this summer. Mr. Enyart, Mr. Means, and JR Donelson discussed possible timelines. Mr. Enyart noted that the Preliminary Plat, Final Plat, and Detailed Site Plan must be prepared [from a planning and zoning standpoint], and that these normally take one (1) to two (2) months between each. Mr. Enyart stated that they could all be done concurrently, however, for a more streamlined review, depending on how quickly they could be put together and submitted. Mr. Means stated that he was set to close on the property on August 1st. Mr. Enyart stated that the fastest way for all of these things to be approved would be: Planning Commission recommendation on June 16, 2014, City Council would consider approval by Emergency Clause on June 23, 2014, which is the same date as the application submission deadline for these types of applications for the July 21, 2014 Planning Commission and July 28, 2014 City Council meetings. Mr. Enyart indicated that the same schedule could be used for the Preliminary Plat, Final Plat, and Detailed Site Plan, if they could all be prepared that quickly. JR Donelson noted that engineering reviews and approvals would also be required, and that the Oklahoma Department of Environmental Quality takes six (6) weeks to approve water [and/or] sewer extension plans, and those must first be approved by the City.

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

Erik Enyart stated that, hearing none, the meeting would proceed to the next item on the agenda. Mr. Enyart thanked JR Donelson and Matt Means for their attendance.

JR Donelson, Matt Means, and Joey Wiedel left at this time.

3. **BL-391 – Brian Guthrie for Stephen Jones (Ratification of Prior Approval).** Discussion and comment a Lot-Split for Lot 24, Block 26, *Midland Addition*.
Property located: 8 N. Armstrong St.
-

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart asked Jim Peterson if he had any questions or comments. Mr. Peterson clarified with Mr. Enyart that this was a party wall encroachment issue that would be resolved by selling the encroaching part of the building to the adjoining lot. Mr. Peterson indicated utilities would not be affected. Mr. Enyart noted that the same property owner currently owned both buildings.

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

4. Old Business
5. New Business
6. Meeting was adjourned at 10:45 AM.

Erik Enyart

From: Erik Enyart
Sent: Wednesday, June 04, 2014 9:55 AM
To: 'Dobrinski, Tim'
Subject: RE: Lot split Lot 24 Midland Addition (BL-391)

Received – thanks!

Erik Enyart

From: Dobrinski, Tim [<mailto:DobrinTD@oge.com>]
Sent: Wednesday, June 04, 2014 8:38 AM
To: Erik Enyart
Subject: Lot split Lot 24 Midland Addition (BL-391)

Eric, I've reviewed the Lot Split in Lot 23 Block 26 of Midland Addition. OG&E does not have any issues with this proposal.

Thanks,

Tim Dobrinski

OG&E

Sr. Engineering Tech.

Sapulpa District

Office 918-227-6203

Email dobrintd@oge.com

P O Box 2377

Sapulpa OK 74067

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46

BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, June 04, 2014

NAME	COMPANY	PHONE
1. <u>JR DONELSON</u>	<u></u>	<u>918-394-3030</u>
2. <u>Jim Peterson</u>	<u>BTC Broadband</u>	<u>918-366-0253</u>
3. <u>Erik Engerb</u>	<u>COB</u>	<u>366 4430</u>
4. <u>Jay Weidel</u>	<u>COB 3M</u>	<u>366-0436</u>
5. <u></u>	<u></u>	<u></u>
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20. <u></u>	<u></u>	<u></u>



City of Bixby Application for PUD

Applicant: MATT MEANS, LANDMARK CONSTRUCTIVE SOLUTIONS
Address: 10865 S. 94th E. PL TULSA, OK 74133
Telephone: 918.381.9655 Cell Phone: _____ Email: matte.landmarkresourcesllc.com

Property Owner: PAJIMON If different from Applicant, does owner consent? YES
Property Address: 10422 E. 111th St. SOUTH
Existing Zoning: OL Requested Zoning: _____ Existing Use: OFFICE / MINI STORAGE
Proposed Use: _____ Use Unit #: _____

PUD-60

LEGAL DESCRIPTION (If unplatted, attach a survey with legal description or copy of deed):

SEE ATTACHED LEGAL DESCRIPTION

Does Record Owner consent to the filing of this application? YES NO
If Applicant is other than Owner, indicate interest: APPLICANT PURCHASING PROPERTY FROM OWNER
Is subject tract located in the 100 year floodplain? YES NO
Are 5 copies of the PUD text and exhibits package attached? YES NO

Application for: PUD Major Amendment Minor Amendment Abandonment

BILL ADVERTISING CHARGES TO: LANDMARK CONSTRUCTIVE SOLUTIONS
P.O. Box 330199 TULSA 74133 918.381.9655
(ADDRESS) (CITY) (PHONE)

I do hereby certify that the information submitted herein is complete, true and accurate:

Signature: [Signature] Date: 5.16.14

APPLICANT - DO NOT WRITE BELOW THIS LINE

PUD 60 Date Received 05/16/2014 Received By Ernest Receipt # 0116 0294
Planning Commission Date 06/16/2014 City Council Date _____

1 Sign(s) at \$ 50.00 each = \$ 50.00; Postage \$ —; Total Sign + postage \$ 50.00

FEES:	PUD TYPE	ACREAGE	BASE FEE	ADD.	TOTAL
			<u>\$200.00</u>	<u>\$50.00</u>	<u>\$250.00</u>

PC Action _____ City Council Action _____
DATE / VOTE _____ DATE / VOTE _____
STAFF REC. _____ ORD. NO. _____

48

May 16, 2014

To: City of Bixby, OK

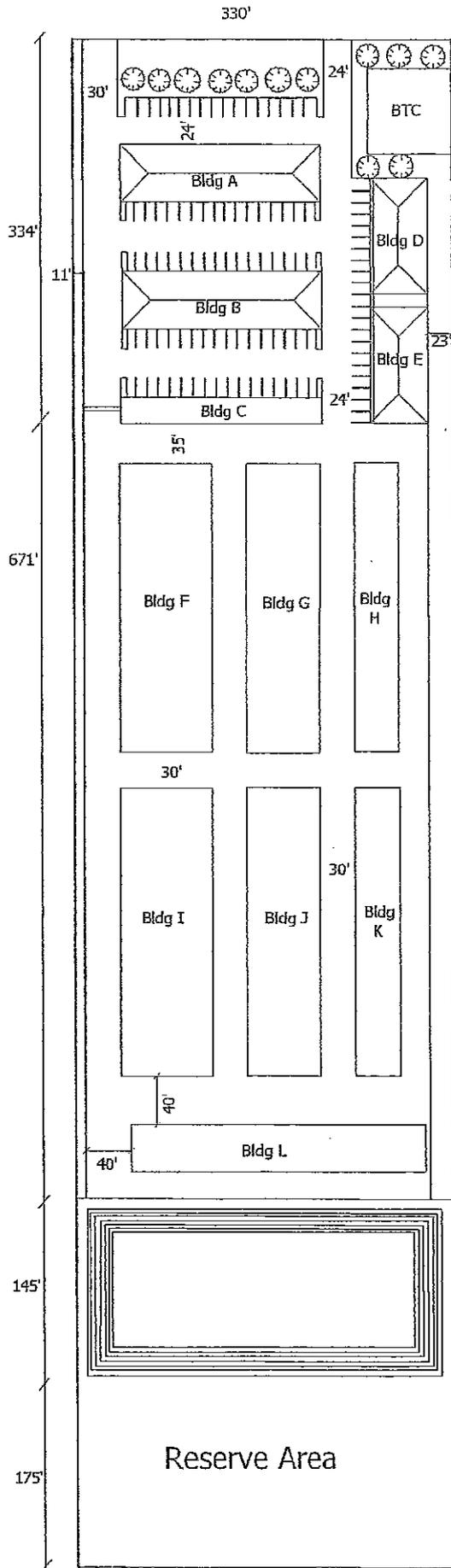
Pajimon consents to the attached application for an amendment to PUD 60 as submitted by Mr. Matthew Means, Landmark Constructive Solutions.

PAJIMON

By:



Paul B. Naylor, Managing Partner



NORTH



SCALE: 1" = 150'

Office Building Sizes

- Bldg A: 50' x 170'
- Bldg B: 50' x 170'
- Bldg C: 22' x 170'
- Bldg D: 50' x 100'
- Bldg E: 50' x 100'

Storage Building Sizes

- Bldg F: 80' x 250'
- Bldg G: 65' x 250'
- Bldg H: 40' x 250'
- Bldg I: 80' x 250'
- Bldg J: 65' x 250'
- Bldg K: 40' x 250'
- Bldg L: 40' x 250'

LEGAL DESCRIPTION

PART OF THE WEST 10 ACRES OF THE EAST 20 ACRES OF GOVERNMENT LOT 1, IN SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF LESS A TRACT OF LAND BEGINNING 846.8 FEET EAST AND 26.9 FEET SOUTH OF THE NORTHWEST CORNER OF GOVERNMENT LOT 1; THENCE SOUTH 75 FEET, THENCE EAST 75 FEET, THENCE NORTH 75 FEET, THENCE WEST 75 FEET TO THE POINT OF BEGINNING.

LandMark Constructive Solutions

PUD 60
EXHIBIT "A"
CONCEPTUAL SITE PLAN

50

May 16, 2014

Proposed Amendment to PUD 60

Based off the original PUD, this proposal is to increase the amount of office space in the front and remove the office space in the back. This would be increasing the size of "Development A" and removing "Development C."

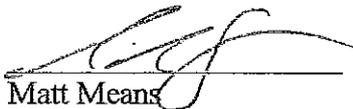
Developments "A" and "C" are designated for office use and using .30 Floor Area ratio as specified for OL zoning. If you combine "A & C" together, it equals 2.46 acres which equates to a max office SF of 32,173. I am proposing office space of 2.40 acres, or a max office SF of 31,378. The size of Development "B" only slightly changes, and our plans meet the .50 FAR.

With the PUD considered as a whole, the only change is that the office is being grouped together at the front of the property and the storage units being pushed back. The reserve area remains the same and no changes to any of the zoning code, building setbacks, frontage, heights, etc.

Per the City Council Agenda Item Commentary dated June 23, 2008, "Staff questions the marketability of such an office building, recognizing it's relatively landlocked position behind a mini storage development and approximately 900' off of 111th St."

Also noted in the Agenda, was the Inappropriate Tract Configuration for Emergency Access and Compatibility Issue. Per our "Exhibit A", two (2) means of ingress/egress have been incorporated into this Conceptual Site Plan with the combining of the Office Developments.

Thank you for considering this amendment to PUD 60.



Matt Means
LandMark Constructive Solutions

LandMark Constructive Solutions

PUD 60
EXHIBIT "B"
PROPOSED AMENDMENT TO PUD

51

Riverside Group

Planned Unit Development Number 60
City of Bixby, Tulsa County, Oklahoma

November 1, 2007
Amended May 12, 2008

Randall S. Pickard, Attorney
Drummond Law, PLLC
1500 South Utica Avenue, Suite 400
Tulsa, Oklahoma 74104-6522
(918) 749-7378
(918) 749-7869 fax

rsp@drumlaw.com

RECEIVED

MAY 13 2008

DEBORAH FORBES

52

Riverside Group
Planned Unit Development Number 60

DEVELOPMENT CONCEPT

Introduction.

Riverside Group is planned as a mixed-use development, including office and mini-storage uses. The overall site totals 9.87 acres. The site is approximately 550 feet east of South Mingo Road on the south side of East 111th Street South. The property is in the Northwest Quarter of Section 31, Township 18 North, Range 14 East, in Tulsa County, Oklahoma. See Exhibit B to this Planned Unit Development (PUD) Text, which is a Site Plan with Development Areas Outlined. See also Exhibit C-1, which is a color aerial photograph of the Site and surrounding area produced by INCOG.

As depicted and described on Exhibit B and Exhibit B-1, the proposed PUD consists of three development areas along with a reserve area. The PUD areas are depicted and labeled in more detail on Exhibit A, which is the Conceptual Site Plan.

Development Area A, which is planned for office use, is at the north or front side of the PUD. It extends south 142 feet from E. 111th Street to the north line of Development Area B. Development Area A is legally described on Exhibit B-2.

Development Area B, described on Exhibit B-3, is planned for mini-storage use. It begins at the south line of Development Area A and extends south to Development Area C.

Development Area C, described on Exhibit B-4, is planned office use. It begins at the south line of Development Area B and extends 200 feet south.

Reserve Area A is planned for storm water detention use and for open space/buffer purposes. It begins at the south line of Development Area C and extends 320 feet to the south boundary of the overall site. Reserve Area A is legally described on Exhibit B-5.

A 50 feet wide roadway extends along the west side of the PUD from East 111th Street to the southernmost parking lot in Development Area C. This roadway provides access to all of the Development Areas. It also allows access to the detention pond and open space at the south end of the PUD, for maintenance purposes.

Zoning.

The overall site is currently zoned AG. Attached as Exhibit C is an exhibit that identifies the existing zoning of the site and surrounding area. Exhibit C-1, which is an aerial photograph dated January 2006 obtained from INCOG, also depicts the existing zoning of the site and surrounding area.

The Owner has applied for rezoning of the entire tract to OL with a PUD overlay to help insure that the planned uses will be compatible with the surrounding, existing and planned development. The proposed rezoning districts are depicted on Exhibit D.

The Comprehensive land-use plan.

The Site is located within the jurisdiction of the Bixby Comprehensive Plan 2001-2020 (the "Bixby Comprehensive Plan" or "Plan"). The Bixby Comprehensive Plan *Map* identifies the subject property as being located in an area designated for "low intensity" uses. According to the Plan, the requested OL zoning may be found to be in accordance with this Plan designation.

OL Zoning and mini-storage use.

Mini-storage use recently has been reclassified as Use Unit 16 according to the City of Bixby Zoning Code. The Zoning Code, as amended, allows for mini-storage use in the OL Zoning District as part of an approved PUD.

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

The Site is located in North Bixby, approximately 550 feet east of South Mingo Road on the south side of East 111th Street South. The site itself is relatively level, is not in the floodplain, and has all utilities available for development. The site has good public access along the north boundary (East 111th Street South).

The Site is bordered on the northwest by a vacant CS zoned corner property, and on the west by three, large residential parcels, a water tower and one church. It should be noted that the houses on each of the three residential parcels are located nearer the west side of each parcel, with the back of the houses being between 300-450 feet from the subject property. (See the aerial photograph submitted with this Text as Exhibit C-1.) To the south of the Site is a small lot residential subdivision. The closest lots in the subdivision will be more than 300 feet from the southernmost development area in the proposed PUD (Development Area B). Located on the east boundary is an AG zoned large lot residential property that is largely undeveloped.

The site is relatively narrow in width, when compared to its depth. The PUD, which divides the depth of the site into three development areas and an open space reserve area, represents an efficient development of the site with office and mini-storage uses that have proven to be compatible with the types of uses that surround the site. Compatibility of the site with surrounding uses is enhanced by the development standards described in the following sections of this text.

DEVELOPMENT AREA B (MINI-STORAGE USE)

LAND AREA: 4.985 acres 217,146 square feet

PERMITTED USES:

Mini-storage use, specified as an "included use" in Use Unit 16, office use, and all accessory uses permitted in the OL Zoning District. (Provided, upon approval of the rezoning of Development Area A to the OL Zoning District and upon approval of the PUD by the City Council, no special exception shall be required for mini-storage use in Development Area B.)

MINIMUM FRONTAGE (per lot): NA

MAXIMUM BUILDING FLOOR AREA (using .50 FAR): 108,573 square feet

(.50 Floor Area Ratio per new Section 11-9-16-C of the City of Bixby Zoning Code for the OL Zoning District and is incorporated into Section 11-71-5A-2 of the Code.)

MAXIMUM BUILDING HEIGHT: One Story
(One story height may vary depending on type of finish.)

MINIMUM BUILDING SETBACKS*

Pursuant to Section 11-7C-4 of the City of Bixby Zoning Code:

From the west boundary	10.0 feet
From the south boundary (Development Area C North Line)	NA
From the north boundary (Development Area A South Line)	NA
From the east boundary	10.0 feet

*The Conceptual Site Plan on Exhibit A depicts setbacks which exceed the minimum building setbacks identified above.

USE UNIT 16 STANDARDS – DETAILED SITE PLAN

Development of Area B for mini-storage use shall be subject to the Use Conditions identified in Section 11-9-16, Subsections C, D and E of the City of Bixby Zoning Code.

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DEVELOPMENT AREA C (OFFICE USE)

LAND AREA: 1.515 acres 65,993 square feet

PERMITTED USES (to be allowed by right):

Office use, specified as an "included use" in Use Unit 11 and which is allowed by right in the OL Zoning District pursuant to Section 11-7C-3 of the City of Bixby Zoning Code, and the accessory sign uses permitted by right in the OL zoning district.

MINIMUM FRONTAGE: NA

MAXIMUM BUILDING FLOOR AREA:

Office Use (maximum total floor area): 19,798.00 square feet

(.30 Floor Area Ratio is specified in Section 11-7C-4 of the City of Bixby Zoning Code for the OL Zoning District and is incorporated into Section 11-71-5A-2 of the Code.)

MAXIMUM BUILDING HEIGHT: One Story

MINIMUM BUILDING SETBACKS*

From the west boundary	10.0 feet
From the east boundary	10.0 feet
From the north boundary (Development Area B)	10.0 feet
From the south boundary	10.0 feet

*The Conceptual Site Plan on Exhibit A depicts setbacks which exceed the minimum building setbacks identified above.

RESERVE AREA A

LAND AREA: 2.424 acres 105,589 square feet

PERMITTED USES:

Storm water detention and open space buffer, as conceptually depicted on Exhibit A.

DEVELOPMENT STANDARDS FOR ALL LOTS

LANDSCAPED AREA AND SCREENING

- (1) All development and construction in Development Areas A and B shall comply with all applicable codes and regulations of the City of Bixby.
- (2) A Preliminary Landscape and Screening Plan is depicted on Exhibit H. Owner/Developer shall submit a detailed landscape and screening plan as required by the City of Bixby pursuant to the Planned Unit Development and Landscape Requirements chapters of the Bixby Zoning Code.
- (3) All landscaping and screening shall meet or exceed the requirements of the PUD Chapter (Chapter 7-I), the Landscape Requirements Chapter (Chapter 12), or an alternative plan may be approved by the Bixby Planning Commission if it determines that, although not meeting the technical requirements of the foregoing chapters, the plan is equivalent to or better than the requirements of the foregoing chapters.
- (4) A detail landscape plan for the development areas shall be approved by the Bixby Planning Commission prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping has been installed in accordance with the approved landscape plan, prior to issuance of an occupancy permit. The landscape materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.

SIGNS

- 1) Signage shall comply with the PUD Chapter (Chapter 7-I), as well as the signage requirements of Use Unit 21 (Business Signs and Outdoor Advertising) of the City of Bixby Zoning Code.
- 2) No sign permits shall be issued for erection of a sign within the PUD until a detail sign plan for that lot has been submitted to the Bixby Planning Commission and approved as being in compliance with the approved PUD development standards.
- 3) Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs with movement

shall be prohibited, except as may be permitted by the Bixby Planning Commission as part of the approved detail sign plan.

LIGHTING

- (1) Lighting used to illuminate the development area shall be so arranged as to shield and direct the light away from adjacent residential areas and residential uses within the PUD. No light standard or building-mounted light shall exceed 14 feet.

TRASH, MECHANICAL AND EQUIPMENT AREAS

- (1) 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 by persons standing at ground level.

TOPOGRAPHY, DRAINAGE AND UTILITIES

- (1) *Topography.* Existing topography of the Site is depicted on Exhibit E.
- (2) *Drainage.* Stormwater shall drain and be connected to the onsite storm water detention area depicted on Exhibit E to this PUD Text. All stormwater drainage structures shall be installed and maintained in accordance with all applicable City of Bixby Ordinances and regulations, and as shall be more particularly described in Restrictive Covenants included in the Plat of the Site.

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

During construction on the property, the owners of the development areas, and any platted lots within the development areas, will provide adequate and reasonable erosion control, and, after construction, they will provide and maintain vegetative, landscaped ground cover so that soil does not erode on or from the property.

- (3) *Utilities.* Existing utilities are depicted on Exhibit E. Proposed detention and utilities are depicted on Exhibit F.

ACCESS, CIRCULATION AND PARKING

Access, traffic circulation and parking is depicted on Exhibit G. All drives and parking areas within the PUD shall be privately owned and maintained. Mutual access between and across individual lots and mutual parking privileges shall be provided by a mutual access agreement to be recorded in office of the Tulsa County Clerk by the

Owner/Developer or by provisions in the Deed of Dedication and Restrictive Covenants that will be filed along with the plat of the property.

Pedestrian access and circulation shall be depicted on any detailed site plan drawing and/or landscape plan required by the City of Bixby. As stated above, all mutual access drives in the Development Area lots shall be private drives, which shall be constructed in accordance with all applicable City of Bixby codes, regulations and standards.

Parking for Development Area B shall contain a minimum of one space per 5,000 square feet of mini-storage building floor area per Section 11-9-16D of the Zoning Code. Parking for Development Areas A and C shall contain a minimum of one space per 300 square feet of floor area, unless (1) the office space shall include a studio or school, in which event there shall be one space per 150 feet of floor area, or (2) the office space shall contain a medical or dental facility, in which event there shall be one space per 250 feet of floor area. (Note: Section 11-9-11D of the City of Bixby Zoning Code incorporated erroneous parking space requirements that existed in Section 1011.4 of the repealed zoning code. The minimum parking requirements set forth herein for Development Areas A and C are taken from the City of Tulsa Zoning Code.)

RESTRICTIVE COVENANTS; ENFORCEMENT

Restrictive covenants will be adopted and recorded for the PUD as platted. Owners of the respective platted lots and or buildings in the PUD will be required by the covenants to keep and maintain the lots and improvements in a clean and professional manner (the "Maintenance Covenant"). The Maintenance Covenant will be enforced by the owner or the owners' association for each platted lot or building in the PUD.

PERMIT PREREQUISITES

No zoning clearance permit shall be issued until a detail site plan, including all buildings, parking, drives, walkways, and landscape areas, has been submitted to the Bixby Planning Commission and approved as being in compliance with the PUD development standards and all other applicable standards of the City of Bixby.

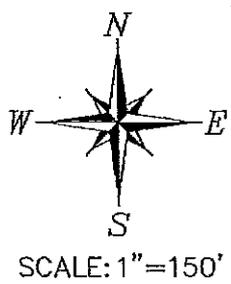
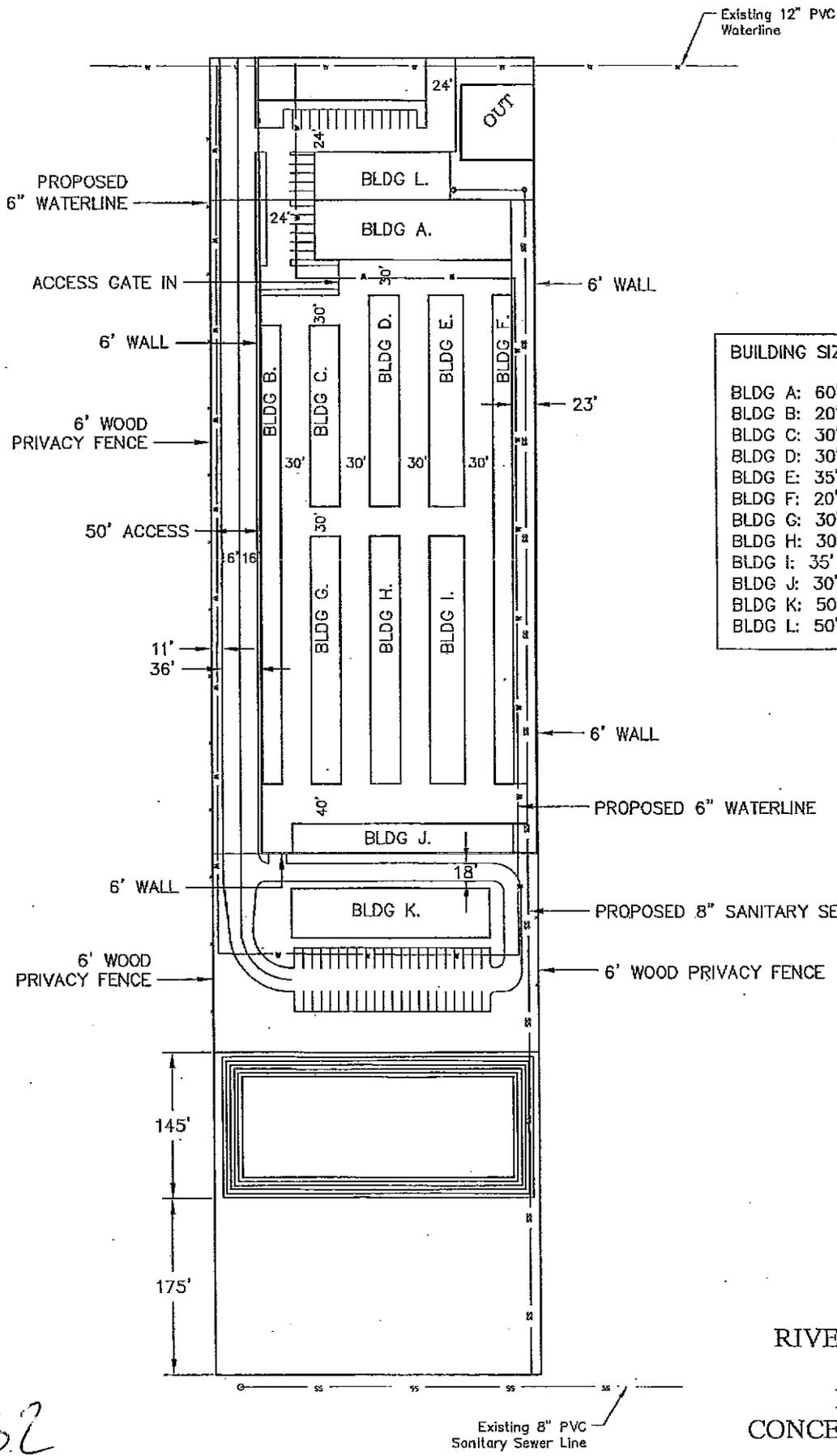
SCHEDULE OF DEVELOPMENT

Development will commence upon the approval of the PUD and the plat by the appropriate governmental bodies. The proposed development schedule is as follows:

- | | | |
|----|---------------------------------------|----------|
| 1. | Approval of construction plans: | 09-01-08 |
| 2. | Installation of site erosion control: | 09-15-08 |
| 3. | Begin site grading: | 10-01-08 |
| 4. | Begin site utilities construction: | 11-01-08 |
| 5. | Begin Area A & B improvements: | 02-01-09 |
| 6. | Complete development/construction: | 05-01-09 |

EXHIBITS

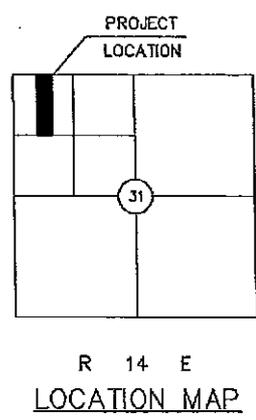
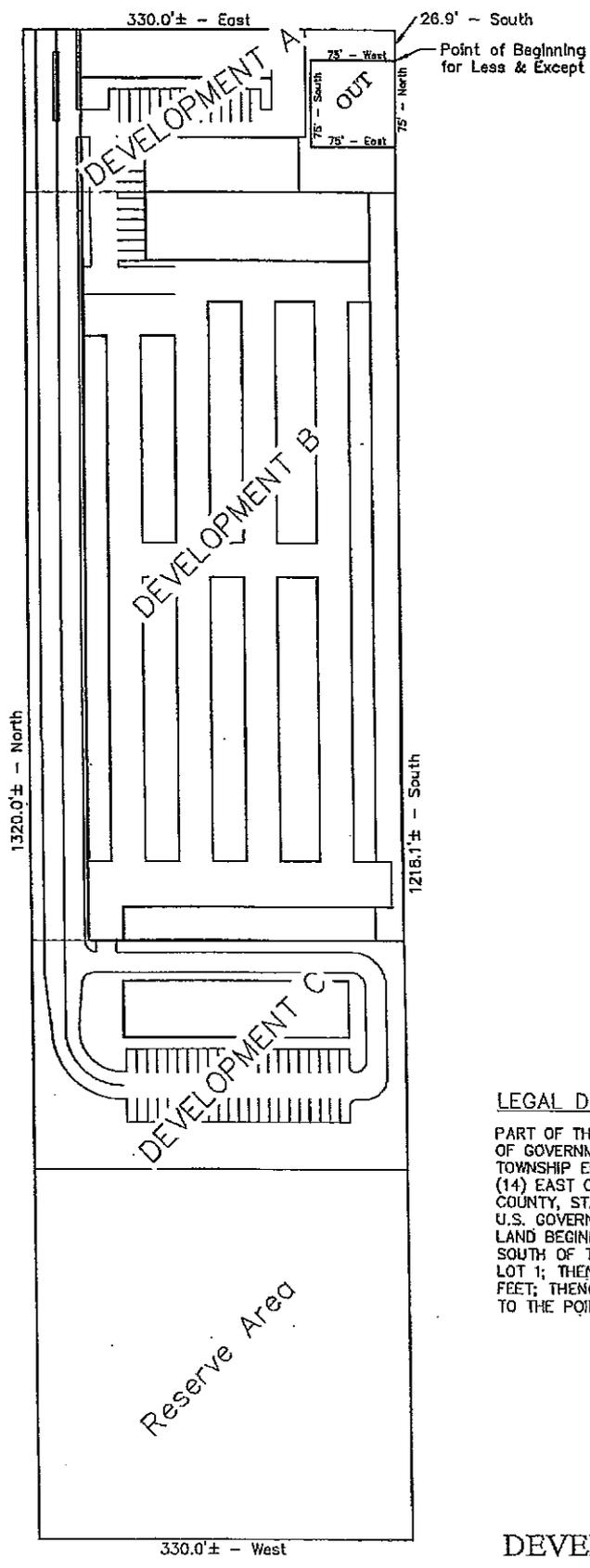
- Exhibit A: Conceptual Site Plan.
- Exhibit B: Site Plan with Development Areas Outlined.
- Exhibit B-1: Overall PUD Site Legal Description.
- Exhibit B-2: Development Area A Legal Description.
- Exhibit B-3: Development Area B Legal Description.
- Exhibit B-4: Development Area C Legal Description.
- Exhibit B-5: Reserve Area Legal Description.
- Exhibit C: Existing Area Zoning.
- Exhibit C-1: INCOG Aerial Photograph of Site and Surrounding Area.
- Exhibit D: Existing Area Zoning and Proposed Site Rezoning.
- Exhibit E: Existing Topography and Utilities.
- Exhibit F: Proposed Detention and Utilities.
- Exhibit G: Access, Traffic & Pedestrian Circulation Plan.
- Exhibit H: Preliminary Landscape Plan.



BUILDING SIZE INFO.	
BLDG A:	60' x 200' x 8'6"
BLDG B:	20' x 462' x 8'6"
BLDG C:	30' x 183' x 8'6"
BLDG D:	30' x 213' x 8'6"
BLDG E:	35' x 213' x 8'6"
BLDG F:	20' x 493' x 8'6"
BLDG G:	30' x 250' x 8'6"
BLDG H:	30' x 250' x 8'6"
BLDG I:	35' x 250' x 8'6"
BLDG J:	30' x 239' x 8'6"
BLDG K:	50' x 200'
BLDG L:	50' x 140'

RIVERSIDE GROUP
 PUD 60
 EXHIBIT 'A'
 CONCEPTUAL SITE PLAN

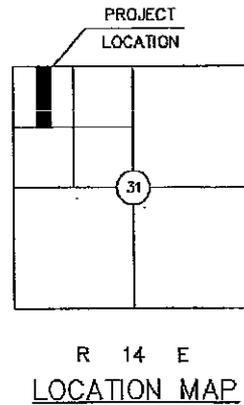
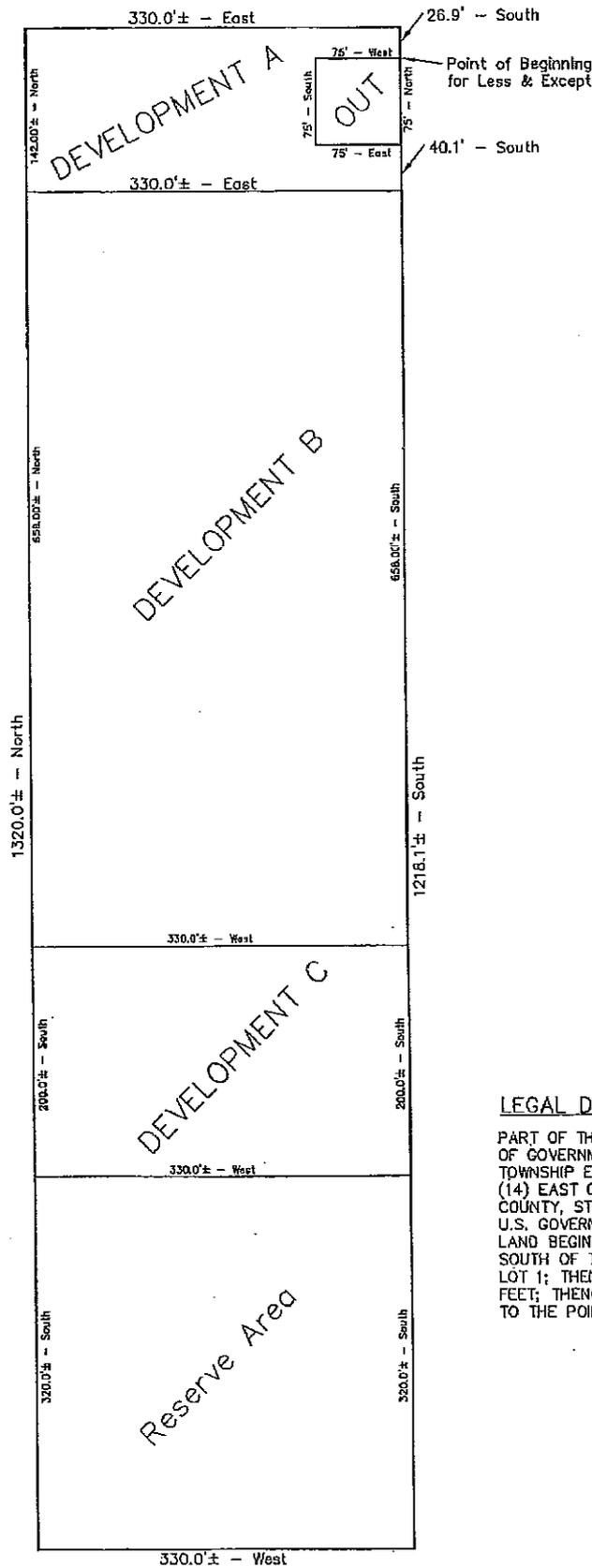
62



LEGAL DESCRIPTION
 PART OF THE WEST 10 ACRES OF THE EAST 20 ACRES OF GOVERNMENT LOT 1, IN SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF LESS A TRACT OF LAND BEGINNING 846.8 FEET EAST AND 26.9 FEET SOUTH OF THE NORTHWEST CORNER OF GOVERNMENT LOT 1; THENCE SOUTH 75 FEET; THENCE EAST 75 FEET; THENCE NORTH 75 FEET; THENCE WEST 75 FEET TO THE POINT OF BEGINNING.

RIVERSIDE GROUP
 PUD 60
 EXHIBIT 'B'
 SITE PLAN WITH
 DEVELOPMENT AREAS OUTLINED

63

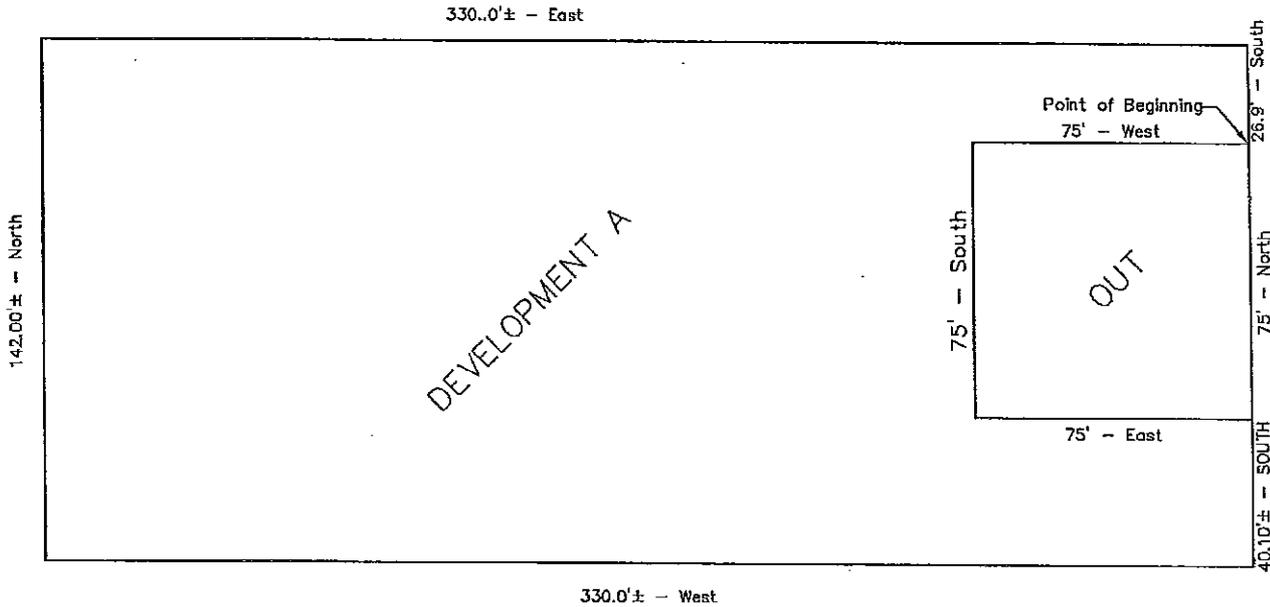


LEGAL DESCRIPTION

PART OF THE WEST 10 ACRES OF THE EAST 20 ACRES OF GOVERNMENT LOT 1, IN SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF LESS A TRACT OF LAND BEGINNING 846.8 FEET EAST AND 26.9 FEET SOUTH OF THE NORTHWEST CORNER OF GOVERNMENT LOT 1; THENCE SOUTH 75 FEET; THENCE EAST 75 FEET; THENCE NORTH 75 FEET; THENCE WEST 75 FEET TO THE POINT OF BEGINNING.

RIVERSIDE GROUP
 PUD 60
 EXHIBIT 'B-1'
 OVERALL PUD SITE

64



LEGAL DESCRIPTION TRACT 'A'

PART OF THE WEST 10 ACRES OF THE EAST 20 ACRES OF GOVERNMENT LOT 1, IN SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF LESS A TRACT OF LAND BEGINNING 846.8 FEET EAST AND 26.9 FEET SOUTH OF THE NORTHWEST CORNER OF GOVERNMENT LOT 1; THENCE SOUTH 75 FEET; THENCE EAST 75 FEET; THENCE NORTH 75 FEET; THENCE WEST 75 FEET TO THE POINT OF BEGINNING.

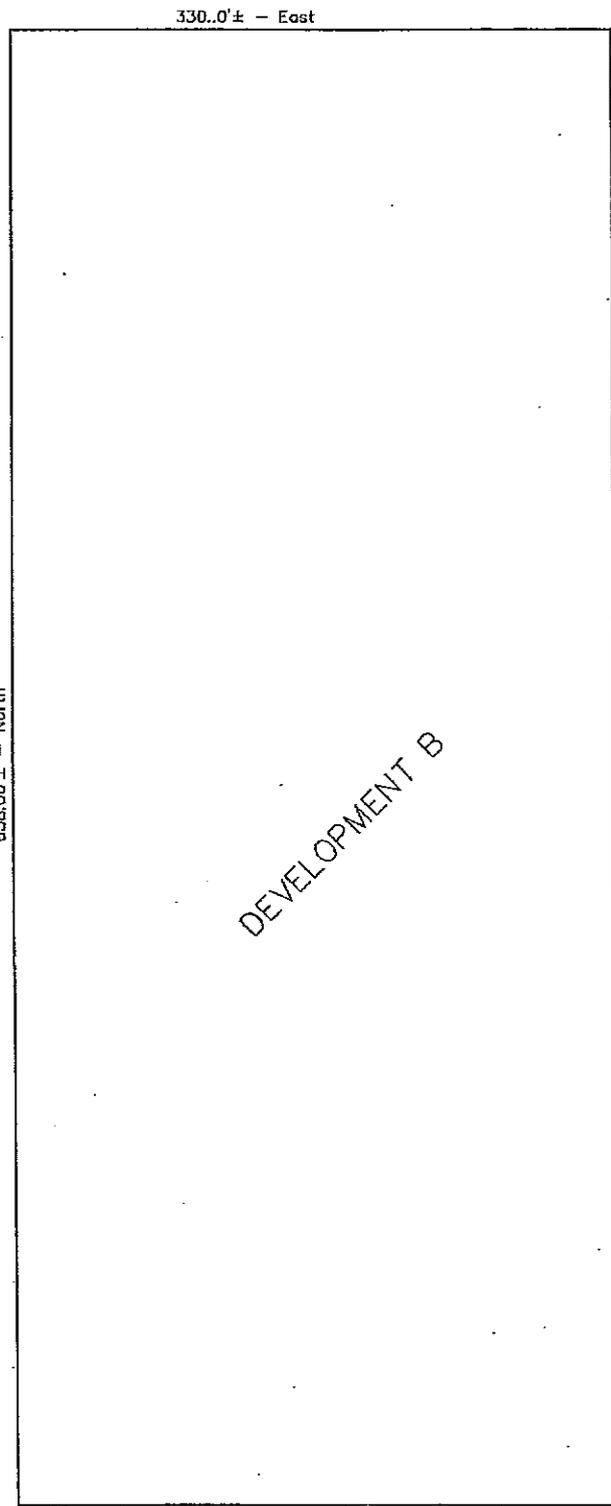
DESCRIBED TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

BEGINNING AT THE SAME POINT OF BEGINNING OF SAID LESS TRACT OF LAND THENCE SOUTH 75 FEET; TO THE POINT OF BEGINNING THENCE SOUTH 40.1± FEET; THENCE WEST 330.0± FEET; THENCE NORTH 142.00± FEET; THENCE EAST 330.0± FEET; THENCE SOUTH 26.9' TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 0.947 ACRES MORE OR LESS, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

RIVERSIDE GROUP
 PUD 60
 EXHIBIT 'B-2'
~~RETRACTED~~ AREA A

65



DEVELOPMENT B

LEGAL DESCRIPTION TRACT 'A'

PART OF THE WEST 10 ACRES OF THE EAST 20 ACRES OF GOVERNMENT LOT 1, IN SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF LESS A TRACT OF LAND BEGINNING 846.8 FEET EAST AND 26.9 FEET SOUTH OF THE NORTHWEST CORNER OF GOVERNMENT LOT 1; THENCE SOUTH 75 FEET; THENCE EAST 75 FEET; THENCE NORTH 75 FEET; THENCE WEST 75 FEET TO THE POINT OF BEGINNING.

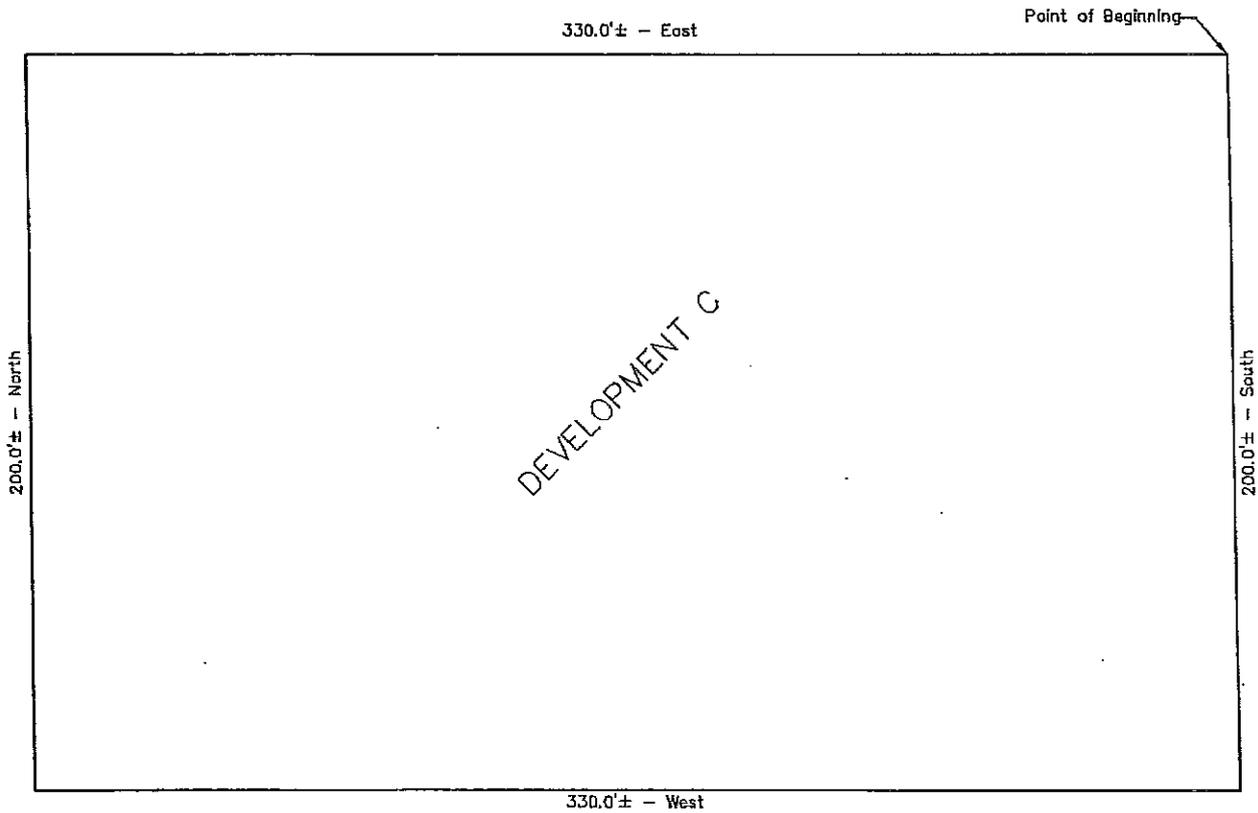
DESCRIBED TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

BEGINNING AT THE SAME POINT OF BEGINNING OF SAID LESS TRACT OF LAND THENCE SOUTH 75 FEET; THENCE SOUTH 40.1 FEET; TO THE POINT OF BEGINNING THENCE SOUTH 658± FEET; THENCE WEST 330.0± FEET; THENCE NORTH 658± FEET; THENCE EAST 330.0± FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 4.985 ACRES MORE OR LESS, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

RIVERSIDE GROUP
 PUD 60
 EXHIBIT 'B-3'
 DEVELOPMENT AREA B

66



LEGAL DESCRIPTION

PART OF THE WEST 10 ACRES OF THE EAST 20 ACERS OF GOVERNMENT LOT 1, IN SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF LESS A TRACT OF LAND BEGINNING 846.8 FEET EAST AND 26.9 FEET SOUTH OF THE NORTHWEST CORNER OF GOVERNMENT LOT 1; THENCE SOUTH 75 FEET; THENCE EAST 75 FEET; THENCE NORTH 75 FEET; THENCE WEST 75 FEET TO THE POINT OF BEGINNING.

DESCRIBED TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

BEGINNING AT THE SAME POINT OF BEGINNING AS SAID LESS TRACT THENCE SOUTH 75 FEET; THENCE SOUTH 698.1± FEET; TO THE POINT OF BEGINNING; THENCE SOUTH 200.0 ± FEET; THENCE WEST 330.0± FEET; THENCE NORTH 200.0± FEET; THENCE EAST 330.0 ± FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 1.515 ACRES MORE OR LESS. ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

RIVERSIDE GROUP
 PUD 60
 EXHIBIT 'B-4'
 DEVELOPMENT AREA

67

320.0'± - North

330.0'± - East

Point of Beginning

Reserve Area

320.0'± - South

330.0'± - West

LEGAL DESCRIPTION

PART OF THE WEST 10 ACRES OF THE EAST 20 ACERS OF GOVERNMENT LOT 1, IN SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF LESS A TRACT OF LAND BEGINNING 846.8 FEET EAST AND 26.9 FEET SOUTH OF THE NORTHWEST CORNER OF GOVERNMENT LOT 1; THENCE SOUTH 75 FEET; THENCE EAST 75 FEET; THENCE NORTH 75 FEET; THENCE WEST 75 FEET TO THE POINT OF BEGINNING.

DESCRIBED TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

BEGINNING AT THE SAME POINT OF BEGINNING AS SAID LESS TRACT THENCE SOUTH 75 FEET; THENCE SOUTH 898.1± FEET; TO THE POINT OF BEGINNING; THENCE SOUTH 320.0 ± FEET; THENCE WEST 330.0± FEET; THENCE NORTH 320.0± FEET; THENCE EAST 330.0 ± FEET TO THE POINT OF BEGINNING.

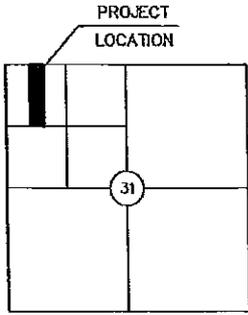
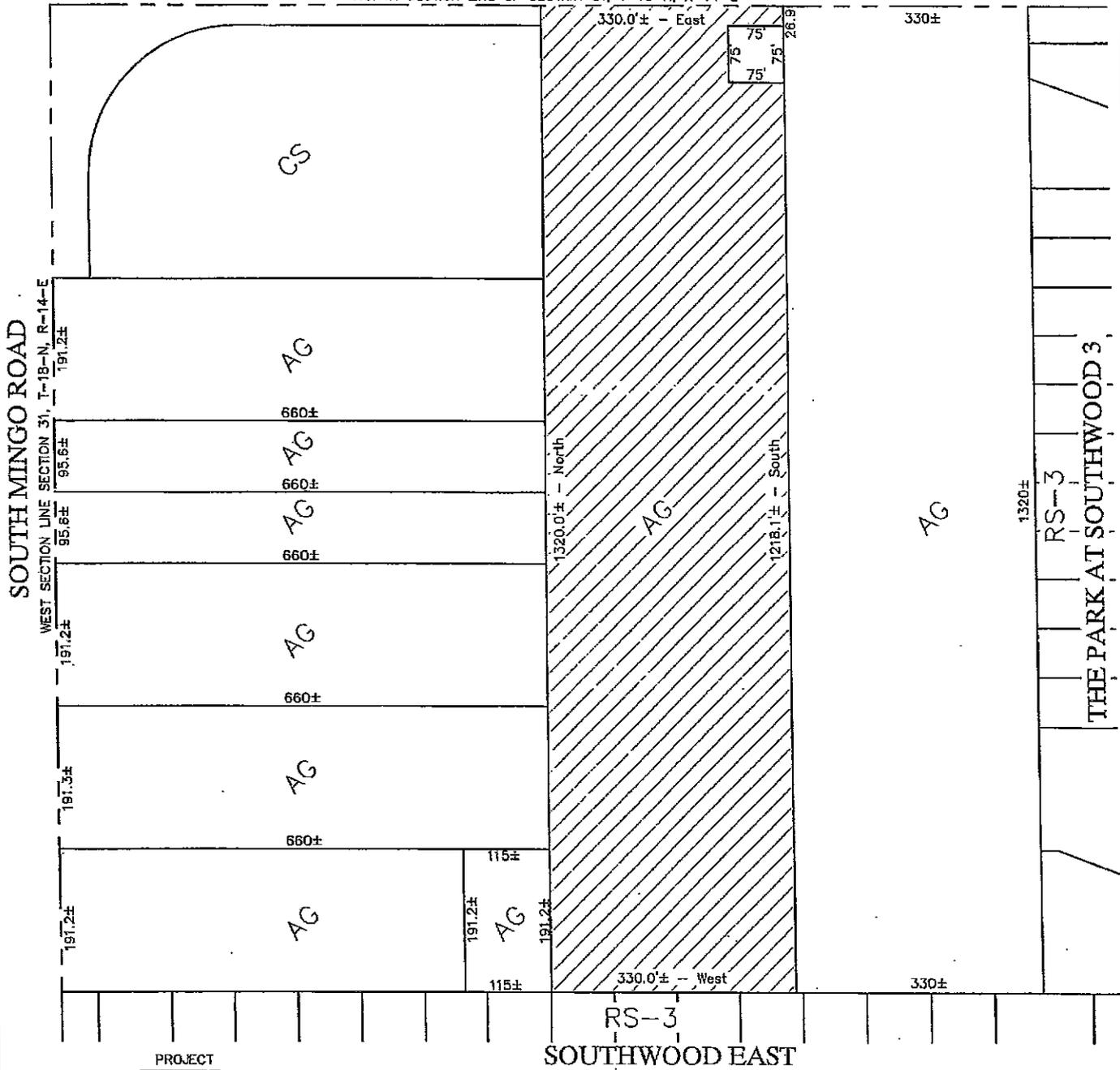
SAID TRACT OF LAND CONTAINING 2.424 ACRES MORE OR LESS. ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

RIVERSIDE GROUP
PUD 60
EXHIBIT 'B-5'
RESERVE AREA

68

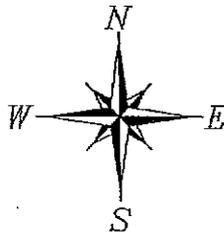
EAST 111th STREET SOUTH

NORTH SECTION LINE OF SECTION 31, T-18-N, R-14-E



R 14 E
LOCATION MAP

T
18
N



SCALE: 1" = 200'

RIVERSIDE GROUP
PUD 60
EXHIBIT 'C'
EXISTING AREA ZONING

69



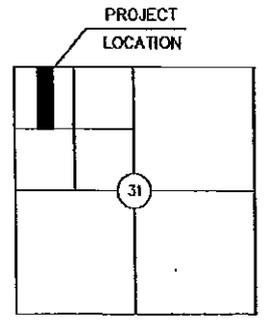
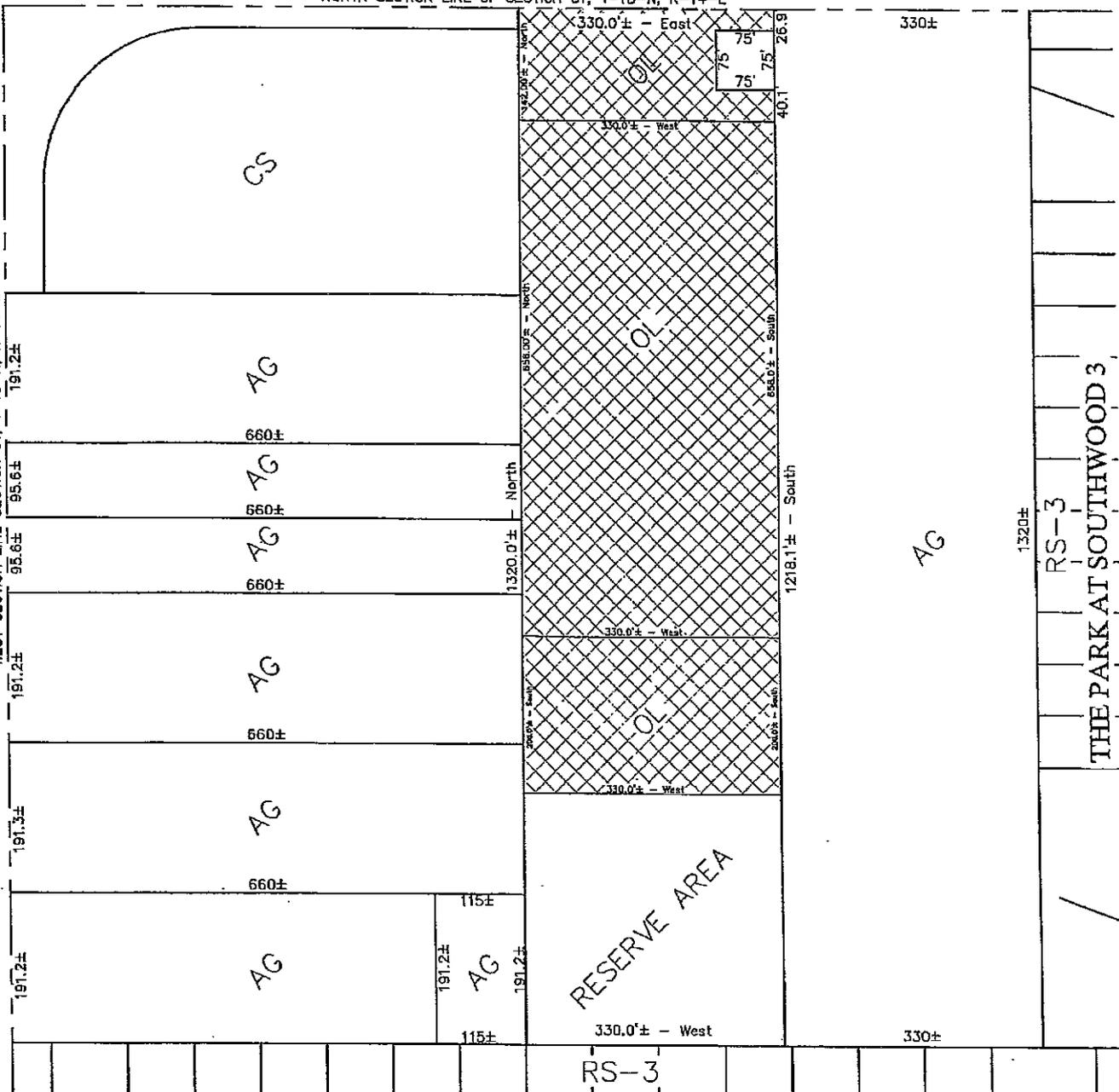
EXHIBIT
C-1

EAST 111th STREET SOUTH

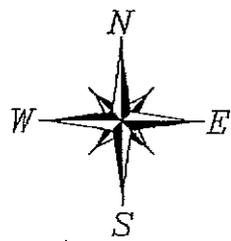
NORTH SECTION LINE OF SECTION 31, T-18-N, R-14-E

SOUTH MINGO ROAD

WEST SECTION LINE SECTION 31, T-18-N, R-14-E

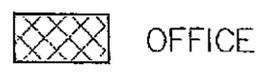


R 14 E
LOCATION MAP



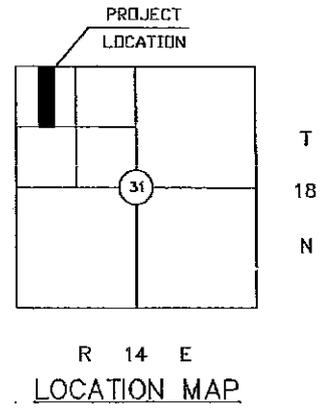
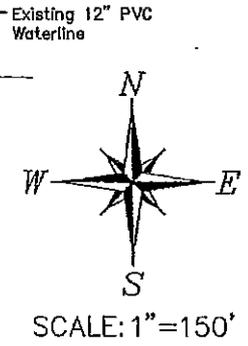
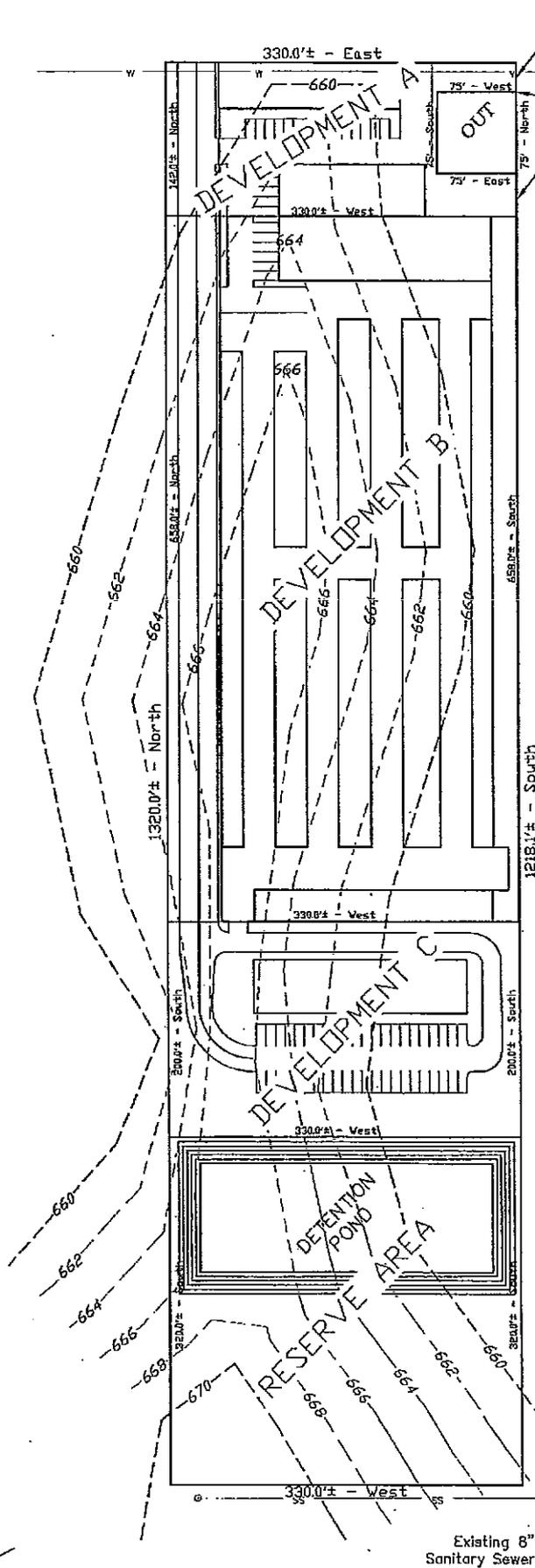
SCALE: 1"=200'

PROPOSED ZONING



RIVERSIDE GROUP
PUD 60
EXHIBIT 'D'
EXISTING AREA ZONING
PROPOSED SITE REZONING

71



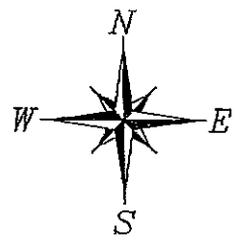
LEGAL DESCRIPTION

PART OF THE WEST 10 ACRES OF THE EAST 20 ACRES OF GOVERNMENT LOT 1, IN SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF LESS A TRACT OF LAND BEGINNING 846.8 FEET EAST AND 26.9 FEET SOUTH OF THE NORTHWEST CORNER OF GOVERNMENT LOT 1; THENCE SOUTH 75 FEET; THENCE EAST 75 FEET; THENCE NORTH 75 FEET; THENCE WEST 75 FEET TO THE POINT OF BEGINNING.

**RIVERSIDE GROUP
PUD 60
EXHIBIT 'E'
SITE PLAN WITH EXISTING
TOPOGRAPHY & UTILITIES**

72

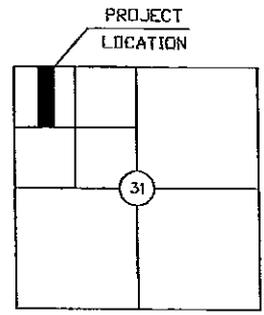
Existing 12" PVC Waterline



SCALE: 1"=150'

PROPOSED 6" WATERLINE

OUT

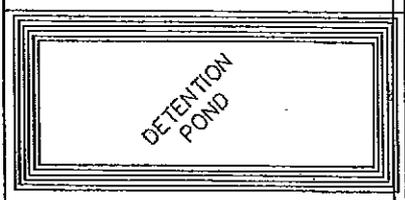


T
18
N

R 14 E
LOCATION MAP

PROPOSED 6" WATERLINE

PROPOSED 8" SANITARY SEWER



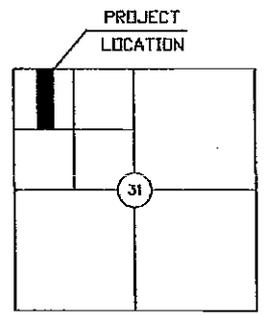
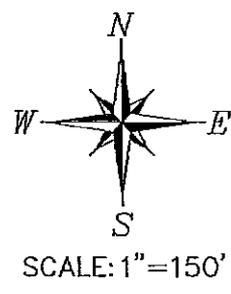
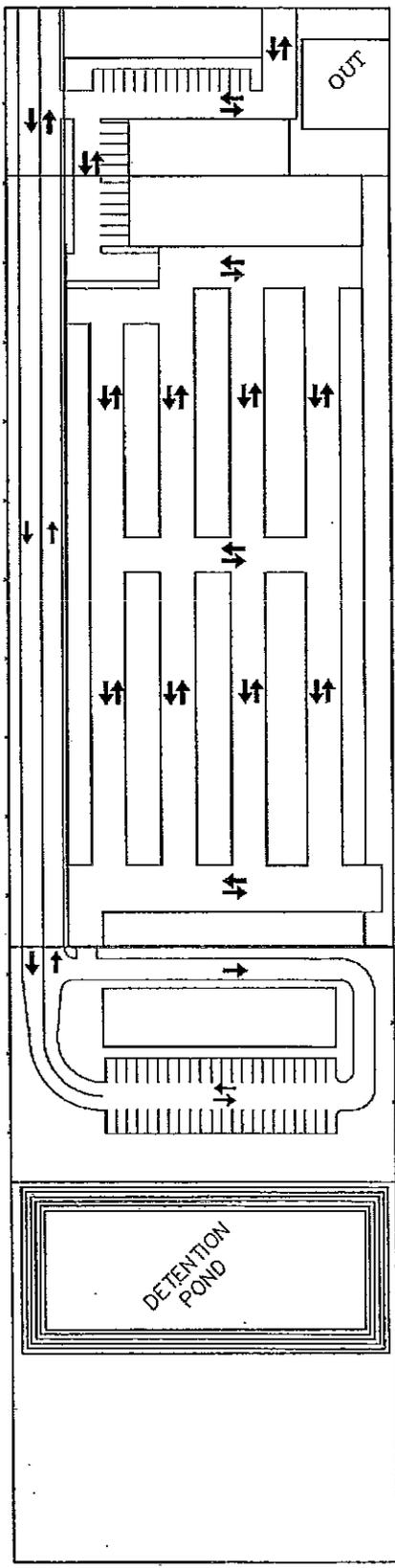
DETENTION
POND

Existing 8" PVC Sanitary Sewer Line

RIVERSIDE GROUP
PUD 60
EXHIBIT 'F'
SITE PLAN WITH PROPOSED
DETENTION & UTILITIES

73

DeShazo, Tang & Associates, Inc.

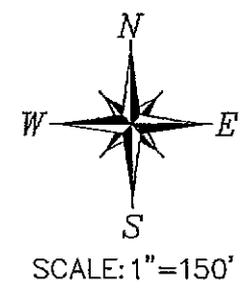
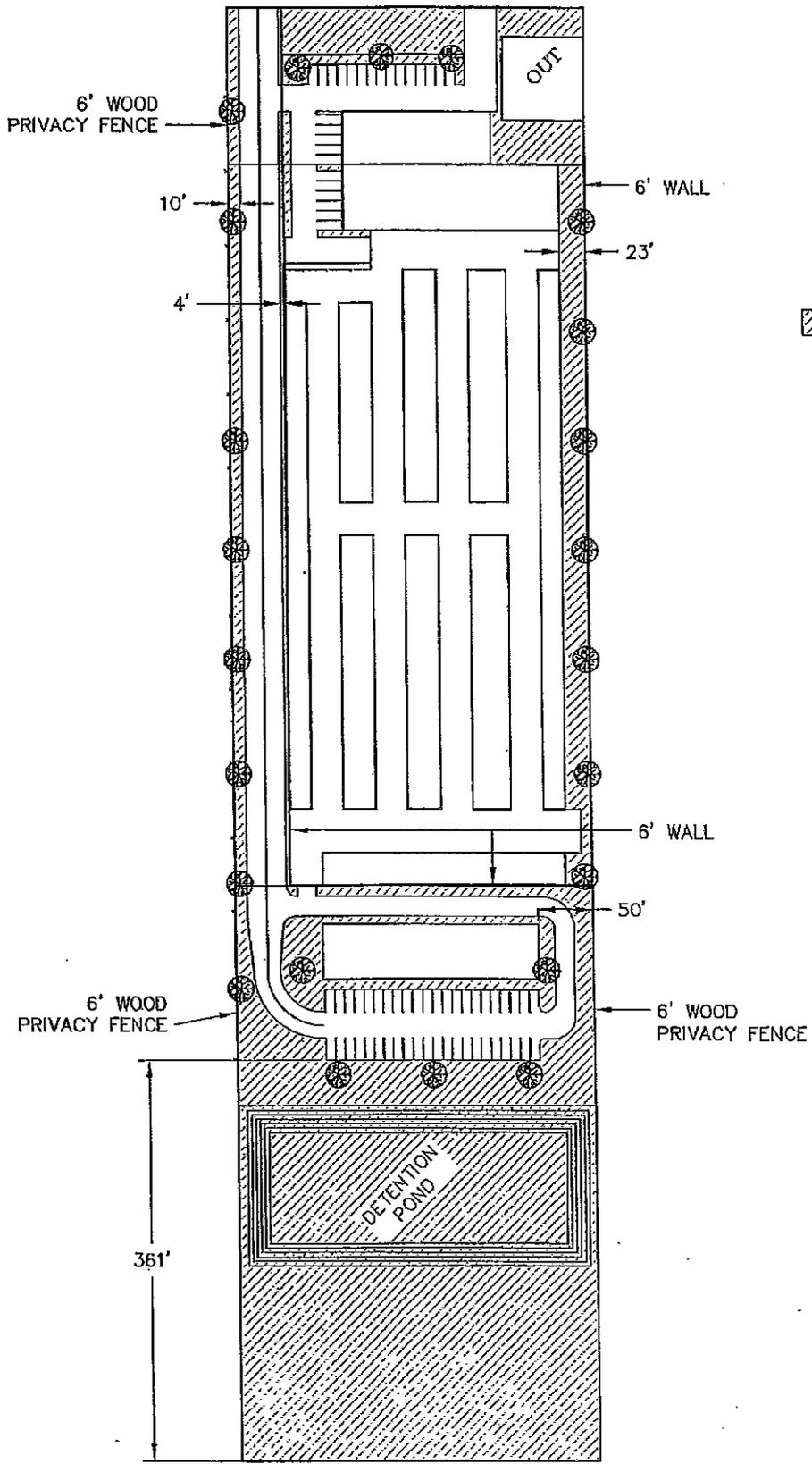


R 14 E
LOCATION MAP

T
18
N

RIVERSIDE GROUP
PUD 60
EXHIBIT 'G'
ACCESS, TRAFFIC & PEDESTRIAN
CIRCULATION PLAN

74



 LANDSCAPE AREA

RIVERSIDE GROUP
 PUD 60
 EXHIBIT 'H'
 PRELIMINARY LANDSCAPE
 CONCEPT PLAN

75



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: Wednesday, June 11, 2014
RE: Report and Recommendations for:
BL-391 – Brian Guthrie for Stephen Jones

LOCATION: – 8 N. Armstrong St.
– Lot 24, Block 26, *Midland Addition*

LOT SIZE: 3,125 square feet (0.07 acres, more or less)

ZONING: CH Commercial High Intensity District

SUPPLEMENTAL ZONING: Central Business District

EXISTING USE: Downtown commercial storefront building

REQUEST: Lot-Split approval

COMPREHENSIVE PLAN: Development Sensitive + Commercial Area + Special District # 1

PREVIOUS/RELATED CASES: None found

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of Lot 24, Block 26, *Midland Addition*, and contains a downtown commercial storefront building addressed 8 N. Armstrong

76

St. It is zoned CH Commercial High Intensity District and is located in the Central Business District overlay district. It is relatively flat and appears to drain to the west/southwest to Charley Young Park, which drains through the downtown drainage system installed a few years ago.

General. The Applicant also owns the adjoining Lot 23, Block 26 to the north, which contains another downtown commercial storefront building addressed 12 N. Armstrong St. That property/building is for sale, and the Applicant is seeking to reconcile property lines based on the surveyed location of common party wall,¹ which encroaches 1.5' onto the subject property, per the survey.

The proposed two (2) tracts would comply with the Zoning Code, which has no bulk and area requirements in the CH district. However, it would be preferable that the "sliver" tract be legally attached to the adopting lot, to ensure a 1.5'-wide tract does not become "forgotten" or otherwise conveyed separately at some point in time, absent further municipal review and approval.

The TAC did not object to the Lot-Split or provide any special recommendations at its regular meeting held June 04, 2014, after inquiring TAC members were informed that all of the utilities serving the buildings should be existing and located in street and/or alley rights-of-way.

Staff Recommendation. Staff recommends Approval, subject to resultant "sliver" tract being attached to the adopting lot by deed restriction language such as:

[INSERT THE LEGAL DESCRIPTION OF THE 1.5'-WIDE SLIVER TRACT] .

The foregoing is restricted from being transferred or conveyed as described above without including:

[INSERT THE LEGAL DESCRIPTION OF THE ADOPTING LOT]

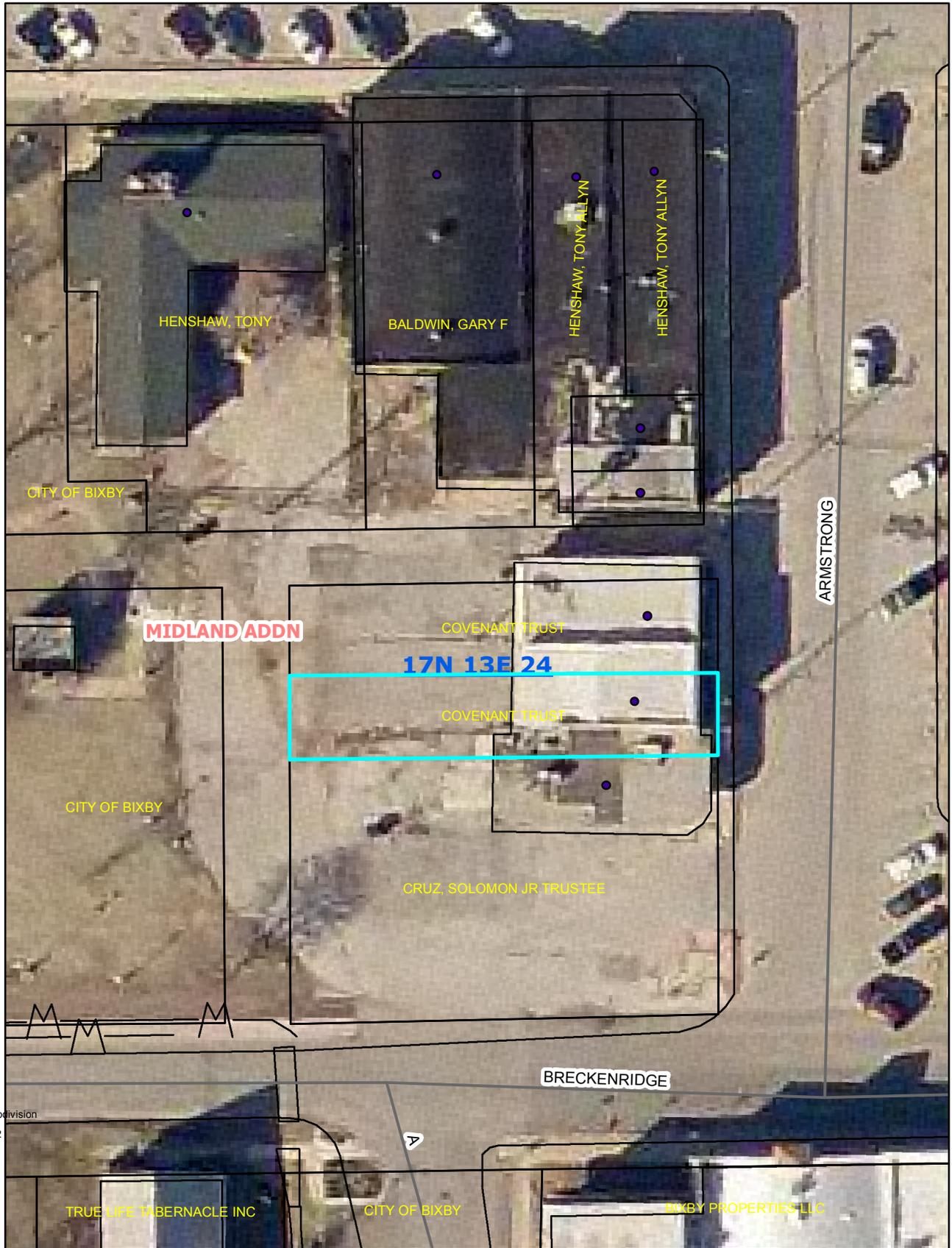
unless otherwise approved by the Bixby Planning Commission, or its successors, and/or the Bixby City Council as provided by applicable State Law,

Or other language provided by the Applicant for this purpose subject to City Attorney approval.

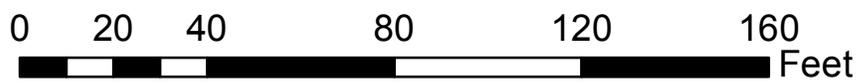
Deeding the sliver tract from the owner back to the owner can be done as an intermediate step, prior to selling the combined result to the buyer. Alternatively, the deed conveying both parts to the buyer may be prepared, which deed mutually restricts both parts from being sold one without the other.

¹ Commonly known as a "demising wall."

BL-391 – Brian Guthrie for Stephen Jones



- Businesses
- bixby_streams
- Tulsa Parcels 02/14
- WagParcels 02/14
- TulSubdivision
- WagonerCounty_Subdivision
- WagRoads_Aug2012
- E-911_Streets
- PUD
- bixby_s-t-r
- county



PLAT OF SURVEY
 OF A PART OF
Lot 23, Block 26
MIDLAND ADDITION TO BIXBY
 TULSA COUNTY, OKLAHOMA

Legal Description

LOT TWENTY-THREE (23), BLOCK TWENTY-SIX (26), MIDLAND ADDITION TO THE TOWN OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 112.

PHYSICAL ADDRESS: 12 NORTH ARMSTRONG STREET, BIXBY, OKLAHOMA

Schedule B - Section 2 Notes

AMERICAN SECURITY TITLE INSURANCE COMPANY CASE NO. 85369
 EFFECTIVE DATE: MARCH 31, 2014

COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND BUILDING SETBACK LINES CONTAINED IN THE DEED OF DEDICATION AND AS SHOWN ON PLAT NO. 112 OF MIDLAND ADDITION, DATED JUNE 30, 1911, FILED JUNE 30, 1911 AS DOCUMENT NO. 22584, WHICH DOES NOT PROVIDE FOR A FORFEITURE OR REVERSION OF INTEREST, BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN UNLESS AND ONLY TO THE EXTENT THAT SAID COVENANT (A) IS EXEMPT UNDER CHAPTER 42, SECTION 3607 OF THE UNITED STATES CODE OR (B) RELATES TO HANDICAP BUT DOES NOT DISCRIMINATE AGAINST HANDICAP PERSONS. **AFFECTS THE SUBJECT TRACT.**

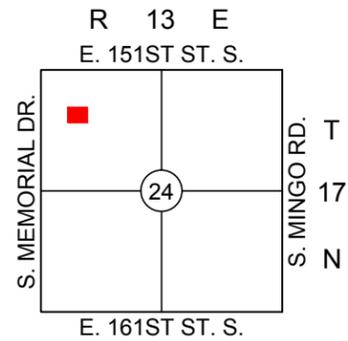
TERMS CONDITIONS AND PROVISIONS OF RIGHT OF WAY IN FAVOR OF MIDLAND VALLEY RAILROAD COMPANY, DATED MAY 23, 1904, FILED MAY 28, 1904 AS DOCUMENT NO. 5162 AND RECORDED IN BOOK F, PAGE 473 IN THE OFFICE OF THE TULSA COUNTY CLERK. **DOES NOT AFFECT THE SUBJECT TRACT.**

Surveyor's Statement

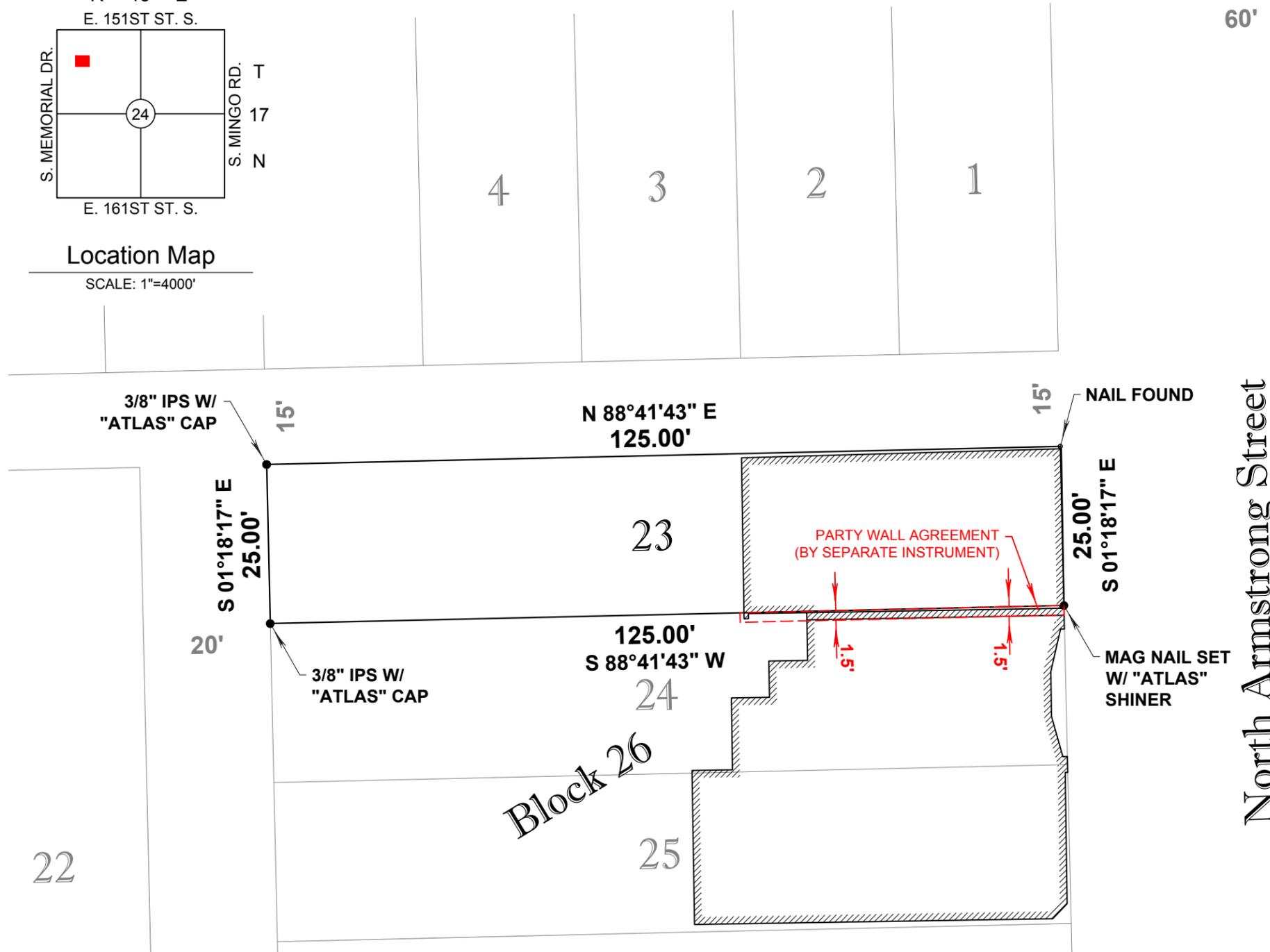
I, ALBERT JONES III, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY STATE THAT THE ABOVE MAP REPRESENTS A SURVEY PERFORMED IN THE FIELD UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS DATE. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF OKLAHOMA AS SET FORTH BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYOR'S AS OF THIS DATE.

Albert Jones III
 ALBERT JONES III
 AJ@ATLASLANDOFFICE.COM
 PROFESSIONAL LAND SURVEYOR
 OKLAHOMA NO. 1580

5-23-14



Location Map
 SCALE: 1"=4000'



North Armstrong Street

Basis of Bearings

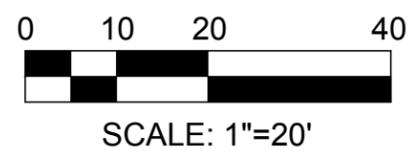
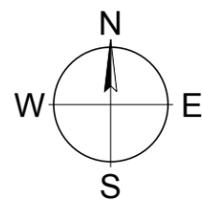
ASSUMED BEARING OF S 01°18'17" E ALONG THE EAST LINE OF BLOCK 2, MIDLAND ADDITION TO THE TOWN OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 112.

Legend

IPS IRON PIN SET (3/8" DEFORMED REBAR - 18" LONG)



BEFORE YOU DIG
 CONTACT OKLAHOMA
 ONE-CALL:
 1-800-522-6543
 EXISTING UNDERGROUND LINES HAVE
 BEEN SHOWN TO THE EXTENT KNOWN



PREPARED FOR: APEX TITLE & CLOSING SERVICES, LLC

CHECKED BY:	ARJ	SCALE:	1"=20'
SURVEY BY:	BOC	DRAFTED BY:	RWB
SURVEY DATE:	4/21/14	JOB NUMBER:	10236
BOOK / PAGE:	DIGITAL	FILE NUMBER:	1713.2440

ATLAS LAND OFFICE, LLC

202 SOUTH MAIN WAGONER, OK 74467
 WWW.ATLASLANDOFFICE.COM
 CA#6752 EXP: 6-30-2014
 (918) 485-9987