

**AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
November 16, 2015 6:00 PM**

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

3

1. Approval of Minutes for the October 19, 2015 Regular Meeting

PUBLIC HEARINGS

39

2. **PUD 92 – “Stone River Place” – Marc P. Bullock.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 1.172 acres in part of the NE/4 NW/4 of Section 02, T17N, R13E.
Property Located: 6900-block of E. 121st St. S.

3. **BZ-387 – Marc P. Bullock.** Public Hearing, discussion, and consideration of a rezoning request from AG Agricultural District to OL Office Low Intensity District for approximately 1.172 acres in part of the NE/4 NW/4 of Section 02, T17N, R13E.
Property Located: 6900-block of E. 121st St. S.

92

4. **PUD 78 – “Willow Creek” – Major Amendment # 1 – Rosenbaum Consulting, LLC for Willow Creek Development, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 78 for approximately 43.965 acres, all of *Willow Creek Estates*, with underlying zoning RS-3 Residential Single-Family District and RM-3 Residential Multi-Family District, which amendment proposes to allow off-street parking to be located off the subject property and within the Public street right-of-way (cf. Zoning Code / City Code Section 11-10-2.D), to remove the 7.5’ minimum width parking lot setback and landscaped strip requirements (cf. Zoning Code / City Code Section 11-10-3.B Table 1 and 11-12-3.A.2), and make certain other amendments.
Property Located: South and west of the intersection of 131st St. S. & 93rd E. Ave.

PLATS

5. (Continued from 10/19/2015)

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Final Plat – “The Trails at White Hawk II” – Tulsa Engineering & Planning Associates, Inc. (PUD 62). Discussion and consideration of a Final Plat and certain Modifications/Waivers for “The Trails at White Hawk II,” approximately 28.613 acres in part of the W/2 SE/4 of Section 15, T17N, R13E.

Property located: North and east of the intersection of 151st St. S. and Hudson Ave.

OTHER BUSINESS

6. **BL-401 – Steve & Tana Killman.** Discussion and possible action to approve a Lot-Split for approximately 7.5 acres in part of the NE/4 of the NE/4 of Section 20, T17N, R13E.

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Property located: 15310 S. Harvard Ave.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyart
Date: 11/03/2015
Time: 1:40 PM

AGENDA – Bixby Planning Commission

November 16, 2015

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All items are for Public Hearing unless the item is worded otherwise

Persons who require a special accommodation to participate in this meeting should contact City Planner Erik Enyart, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: eenyart@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

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

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

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

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

ROLL CALL:

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

Members Absent: None.

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

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

ROLL CALL:

AYE: Holland, Whiteley, Sutton, and Hicks.

NAY: None.

ABSTAIN: Whisman.

MOTION PASSED: 4:0:1

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

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

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

ROLL CALL:

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

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

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

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

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

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

Staff proposes the following schedule for the Planning Commission:

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

APPLICATION DEADLINES

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

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Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BACKGROUND INFORMATION:

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

ANALYSIS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ROLL CALL:

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

PLATS

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

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, October 14, 2015
RE: Report and Recommendations for:
Preliminary Plat of “Misty Hollow Estates”

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

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

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

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

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

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

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

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

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

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

BACKGROUND INFORMATION:

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

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

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

ANALYSIS:

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

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

Utility access and utilization plans are not known.

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

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

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

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

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

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held October 07, 2015. Minutes of that meeting are attached to this report.

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

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

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

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

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

The land use restrictions include proposed minimum house size and masonry standards. For the past few years, the City Council has discussed with developers the minimum standards for houses to be constructed within in new housing additions in Bixby, and how proposals for such would compare to the same in other developments in context and in Bixby as a whole. Specifically, the City Council has previously considered (1) minimum house size and (2) minimum masonry content. These matters are always considered when granting a PUD entitlement to reduce lot widths or other bulk and area standards, and during the review of plats pursuant to Subdivision Regulations Section 12-5-3.A.

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

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

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

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

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

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

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

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

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

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

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

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34. DoD/RCs Article III Section 1. 1 (b): Consider appending the following to the final sentence, "All such signs must be approved by the Declarant or the Association."
35. DoD/RCs Article III Section 1. 1 (c): Word "kept" duplicated.
36. DoD/RCs Article III Section 1. 1 (d): Phrase "which will increase the rate of insurance on any building, or on the contents thereon" duplicated.
37. DoD/RCs Article III Section 1. 1 (c): Consider appending the following to the final sentence, "...by the Declarant or the Association."
38. DoD/RCs Article III Section 1. 1 (e): Consider appending the following as follows, "...Declarant or the Association..."
39. DoD/RCs Article III Section 1. 1 (e): "there over" may be more appropriately rendered "thereover" or "over same" or similar; removing terms would also appear appropriate.
40. DoD/RCs Article III Section 1. 1 (g) Second Sentence: Refers to guest parking, which is not expected. Consider removing sentence.
41. DoD/RCs Article III Section 1. 1 (i): Consider making more flexible by allowing the Association to approve all these elements, and specifically satellite dishes, rather than just solar panels as provided in the final sentence. Advisory.
42. DoD/RCs Article III Section 1. 1 (l): Please clarify such as "No properly-permitted structure, planting or other material..."
43. DoD/RCs Article III Section 1. 1 (m): Consider appending the following to the final sentence, "...by the Declarant or its designee, or the Association, no fence..."
44. DoD/RCs Article III Section 2.1: The proposed blanket U/Es would likely prevent houses from being constructed. U/Es are provided for adequately elsewhere. Please remove and renumber accordingly or explain.
45. DoD/RCs Article III Section 8.1: Consider appending the following to the final sentence, "...of the Declarant or the Association."
46. DoD/RCs Article IV Section 2.1 (6): Consider adding an exception provision.
47. DoD/RCs Article V Section 1. 1: Term "patio home" is not expected and should be replace with "dwelling" or similar.
48. DoD/RCs Article V Section 2.1: Duplicate of DoD/RCs Article VII Section 2.1 and does not belong in this instance as well as the latter. Please remove.
49. DoD/RCs Article V Section 3.1: Please make all sections clearly subject to City of Bixby approval.
50. DoD/RCs Article V Section 3.1: Should be relocated to DoD/RCs Article VII.
51. DoD/RCs Article VII Section 1. 1: Please replace "anyone" with "any one," as presumed intended.
52. DoD/RCs Article VII Section 3.1: Should likely be titled "Duration," due to the scope and nature of the following text.
53. DoD/RCs Article VII Section 3.1: Please amend such as "... (2/3) of the Lot Owners, subject to the approval of the City of Bixby..."
54. DoD/RCs Article VII Section 3.1: Please remove plural and extra space from "... (other than Sections II)."
55. DoD/RCs Article VII Section 3.1: Please amend final sentence such as "...ADDITIONAL amendments, which amendments shall be subject to the approval of the City of Bixby..."
56. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

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

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

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

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

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

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

JR Donelson described plans for utility extensions.

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

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

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ROLL CALL:

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

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

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

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

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

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

LOCATION: – 11625 S. Mingo Rd.
– Part of the W/2 of the W/2 of Section 31, T18N, R14E
SIZE: 6 acres, more or less
EXISTING ZONING: AG (RS-2 and PUD 91 “The Village at Twin Creeks” pending City Council consideration October 26, 2015)
SUPPLEMENTAL ZONING: None (PUD 91 “The Village at Twin Creeks” pending City Council consideration October 26, 2015)
EXISTING USE: Agricultural/rural residential
REQUEST:
– Preliminary Plat approval for a 22-lot residential subdivision
– Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the width of the Perimeter U/E from 17.5’ along certain perimeters
– Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard
– Modification/Waiver from Subdivision Regulations Section 12-3-2.N to allow alternative compliance for the sidewalk construction requirement
SURROUNDING ZONING AND LAND USE:
North: RS-2; Single-family residential in Southwood East.
South: RS-2; Single-family residential in Southwood East Second.
East: RS-2 & RS-3; Single-family residential in Southwood East Second zoned RS-2 and The Park at Southwood zoned RS-3.
West: (Across Mingo Rd.) RE & RS-2; Single-family residential in Amended Southwood Extended zoned RE and in Twin Creeks II and Twin Creeks zoned RS-2.
COMPREHENSIVE PLAN: Low Intensity + Residential Area

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

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

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The agricultural/rural residential subject property of 6 acres, more or less, contains a single-family dwelling addressed 11625 S. Mingo Rd. and two (2) barns/accessory buildings toward the center of the acreage. It is presently zoned AG but RS-2 and PUD 91 zoning is pending City Council consideration October 26, 2015.

The subject property appears to slope moderately downward to the south, ultimately to the borrow ditch attending Mingo Rd., which appears to ultimately drain to Haikey Creek.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.), or otherwise will be served by line extensions as required. Plans for utilities are adequately described in the PUD Text and represented on Exhibit C, and are discussed further in the City Engineer's memo.

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

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

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

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

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

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held October 07, 2015. Minutes of that meeting are attached to this report.

Access and Internal Circulation. The subject property has 330' of frontage on Mingo Rd. and 50' of frontage on the westerly dead-end of 116th Pl. S. in Southwood East Second.

The subject property is presently accessed from a private, gravel driveway connecting to Mingo Rd. at approximately the 11600-block thereof. The PUD site plan and Preliminary Plat of "The Village at Twin Creeks" indicate the new street, 116th Pl. S., will intersect Mingo Rd. to the north of the present driveway connection, and will terminate at a cul-de-sac turnaround toward the east end of the subject property, with a 20'-wide emergency access drive connection to the present westerly dead-end of 116th Pl. S. in Southwood East Second. Both connections to Public streets will be gated.

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

"All streets within the development will be private and will largely conform the with the attached conceptual site plan. The primary entry to the subdivision will be derived from South Mingo Road as shown. A secondary "crash gate" access will be provided at the eastern end of the property where the existing 116th Place South currently dead ends. This will provide two points of access to the development as required by the City of Bixby Fire Marshal. Gates will be constructed to limit public access to subdivision and provide additional security for the lot owners. All such gates will be constructed according to the requirements of the City of Bixby Fire Marshal.

In keeping with the character of the development desired by the owner, sidewalks will not be constructed within the development. This will not reduce or eliminate any master planned pedestrian connectivity within the surrounding developments since no sidewalks currently extend to any portion of the property. Sidewalks will similarly not be constructed along Mingo since this is one of the last tracts with frontage left to development and not sidewalks have been constructed along Mingo Road to date."

Plans for access can also be inferred from the Preliminary Plat and PUD Exhibits.

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The PUD Text and Exhibits indicate the singular street, 116th Pl. S., will be private and gated. The PUD Text provides that the roadway will be 26' in width, and the Preliminary Plat of "The Village at Twin Creeks" indicates an unidentified 26' dimension within the proposed 30'-wide private street right-of-way (or Reserve Area A), which likely suggests an intended 26'-wide roadway width. Notwithstanding the right-of-way not meeting the 50' minimum width standard and PUD Text's language indicating no intent to construct the required sidewalks (which will be modified), 116th Pl. S. is understood to be otherwise designed and constructed to meet City of Bixby minimum standards for Minor Residential Public Streets. The PUD Exhibit(s) should dimension the intended roadway width and the PUD Text should acknowledge that the 30'-wide right-of-way will require a Modification/Waiver during the platting process.

As discussed during the pre-application coordination meetings held November 24, 2014 and July 31, 2015 and/or the TAC Meeting held September 02, 2015, the gate setback and/or other gate design requirements may cause need for a reconfiguration of the subdivision at the west entrance. Any necessary modifications should be reflected in the PUD Exhibits as appropriate.

The above-quoted PUD Text expresses opposition to constructing the required sidewalk along Mingo Rd. or along the internal street. As discussed during the pre-application coordination meeting held November 24, 2014, and perhaps also the one held July 31, 2015, sidewalks are required along Mingo Rd. and the private street, and may be contained within Sidewalk Easements in the latter instance.

The City of Bixby has not granted unmitigated Waivers of sidewalks for housing additions since the January 11, 2010 "transitional period" Waivers of sidewalks for the Chisholm Ranch/Villas and River's Edge housing additions. Options extended to and utilized by developers since include:

1. Alternative sidewalk locations (e.g. Somerset constructing sidewalks to/through Bixby Public Schools and LifeChurch.tv properties and River Trail II trail construction option versus sidewalk),
2. Payment of fee-in-lieu into a City of Bixby escrow account for sidewalk construction on future street improvement projects (extended to, but not utilized by Southridge at Lantern Hill), and
3. Payment of fee-in-lieu into a City of Bixby escrow account for onsite sidewalk construction (extended to and expected to be utilized by QuikTrip).

Because the internal street network is so small and this is a gated subdivision with private streets, in lieu of sidewalk construction, provided the linear distances equal, Staff would support a Modification/Waiver of the Subdivision Regulations to allow construction of sidewalk extensions northerly and/or southerly along Mingo Rd., or by paying a fee-in-lieu as per # 2 above.

If internal sidewalks will be constructed, it appears that the proposed rights-of-way, at 30' in width, will not be adequate to contain a sidewalk (a 26' roadway leaves only ~1.5' on either side of both ~½' curbs), and so it appears it will be necessary to add a "Sidewalk Easement" along the streets. Alternatively, additional width could be added to the 30' current right-of-way / Reserve Area A width to accommodate the sidewalks.

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

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

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

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4. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.N to allow alternative compliance for the sidewalk construction requirement. Staff is supportive of this request as described more fully in the analysis above.
5. All Modification/Waiver requests must be provided in writing.
6. Please add U/Es and other easements of record abutting plat boundary as customary and pursuant to SRs Section 12-4-2.A.8.
7. PUD 91 Text indicates intent to construct a screening wall along Mingo Rd. The plat does not indicate a Reserve Area, "Fence Easement," or other method to contain and provide for this common neighborhood feature. Housing additions typically also contain entry signage and/or landscaping. Please revise or advise.
8. As discussed during the pre-application coordination meetings held November 24, 2014 and July 31, 2015 and/or the TAC Meeting held September 02, 2015, the gate setback and/or other gate design requirements may cause need for a reconfiguration of the subdivision at the west entrance. Any necessary modifications should be reflected in the Reserve Area configurations.
9. Please add width dimension to the "ROW ESMT. TO PUBLIC SERVICE BK. 4500, PG. 1674."
10. "ROW ESMT. TO PUBLIC SERVICE" Book 4500, Page 1674 and Book 901 Page 442: Please clarify if either or both of these are to "Public Service Company of Oklahoma" or provide copies of cited documents.
11. Unidentified 26' dimension within the proposed 30'-wide private street right-of-way (or Reserve Area A), likely suggests an intended 26'-wide roadway width. This is an appropriate mapping detail for a PUD exhibit but is not appropriate for a plat. Please remove or clarify.
12. Discrepancies with PUD 91 Exhibit B observed for certain dimensions and angle/bearing information. Please correct whichever of the two contains incorrect survey data.
13. Title Block: Please update to "A Subdivision in the City of Bixby, Tulsa County, Oklahoma...."
14. Curves C1 and C14, "tickmarks" indicating points of tangent/curvature, the 15.48', 10.82', 104.39', and 145.47' calls, and a solid linetype along 116th Pl. S. projected west of the 50' R/W dedication, and another north-south solid linetype all appear to correspond to existing and/or proposed curblines within the proposed R/W. These should be removed from the plat or explained.
15. A dashed, north-south linetype is represented approximately 35' east of and parallel to the Mingo Rd. Sectionline. Please identify or otherwise address appropriately.
16. The dashed linetype(s) used for elevation contours and propertylines of adjacent properties appear the same or otherwise not adequately distinct. Please resolve appropriately.
17. Subdivision Statistics and DoD/RCs Preamble: Report 5.62 acres. The 330' X 790' plat boundaries would suggest a full 6 acres. The discrepancy may be attributed to the 50' R/W to be dedicated by the plat, but the plat will contain the dedicated R/W so should include that area. Please revise or advise.
18. A solid linetype should be used to demarcate the west line of Reserve A, to demonstrate it is mutually exclusive from the R/W to be platted for for Mingo Rd.
19. Please renumber curves appropriately upon removal of extraneous ones in the R/W.
20. SRs Section 12-4-2.B.6 requires elevation contours at one (1) foot maximum intervals. Contours appear to be represented but are not labeled.
21. Consider making the common lot line between Lots 6 and 7, Block 2, perpendicular/radial to the arc of the curved street in order to eliminate the 0.43' variance between the easterly point of tangent/curvature of C11 and the common lot corner. It is not clear if the 0.43' variance is to the west or to the east of the common lot corner, due to its exceptionally small size and the scale of the plat.
22. Please clarify the 0.86' dimension at the southwest corner of Lot 1, Block 1.
23. Please add proposed addresses to the lots.
24. Face of Plat: Please add the standard address caveat/disclaimer: "Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied on in place of the legal description."
25. DoD/RCs: Missing provisions for the creation, powers, rights, responsibilities, dues, assessments, etc. of the HOA or other association to be formed to provide for perpetual maintenance of private street, Reserve B, and other common features.

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

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45. *DoD/RCs Section III.C: Please provide for amendment of other Sections added pursuant to these recommendations, such as sections providing for the HOA and/or for customary land use restrictions.*
46. *DoD/RCs Signatory Blocks: Use of "TH" at the ends of date blanks presupposes none of these dates will fall on the 1st, 2nd, 3rd, 21st, etc. days of the month.*
47. *DoD/RCs Signatory Blocks: Notary signatory blocks have an expiration date of 11/20/2015; plat is unlikely to be recorded by then.*
48. *A corrected PUD 91 Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).*
49. *Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 11" X 17", and 1 electronic copy).*

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

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

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

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

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

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

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

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

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

ROLL CALL:

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

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

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

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

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

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

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

SIZE: 28.613 acres, more or less
EXISTING ZONING: RS-3 and PUD 62 “Hawkeye”
SUPPLEMENTAL PUD 62 for “Hawkeye”

ZONING:
EXISTING USE: Vacant/Agricultural
REQUEST: Final Plat approval
SURROUNDING ZONING AND LAND USE:

North: RS-3/PUD 46 & AG; Residential single family homes and vacant lots in The Ridge at South County. To the northeast is an 80-acre agricultural tract zoned AG.
South: RS-3/CG/OL/PUD 62, AG, CG, & CS; Residential single family homes and vacant lots in The Trails at White Hawk, and vacant commercial land along 151st St. S. zoned CG and OL with PUD 62. To the southeast is agricultural, rural residential, and commercial on several unplatted tracts along Kingston Ave. and 151st St. S. The Mountain Creek Equipment Sales (formerly the Allison Tractor Co. Inc.) tractor/farm equipment sales business is to the

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

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

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

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

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

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

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

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

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

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

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

BACKGROUND INFORMATION:

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

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

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

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

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

ANALYSIS:

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

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

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

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

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

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

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

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

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

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

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

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held October 07, 2015. Minutes of that meeting are attached to this report.

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

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

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

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

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

For the past few years, the City Council has discussed with developers the minimum standards for houses to be constructed within in new housing additions in Bixby, and how proposals for such would compare to the same in other developments in context and in Bixby as a whole. Specifically, the City Council has previously considered (1) minimum house size and (2) minimum masonry content. These matters are always considered when granting a PUD entitlement to reduce lot widths or other bulk and area standards, and during the review of plats pursuant to Subdivision Regulations Section 12-5-3.A.

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

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

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

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

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

- 75% minimum masonry
- Mature tree preservation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On 07/27/2015, the City Council approved PUD 90, permitting the reduction of certain minimum bulk and area standards for "Chisholm Ranch Villas II" at 10158 E. 121st St. S. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:

- 2,000 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses
- 100% masonry excluding windows and beneath covered porches.
- Minimum 10/12 roof pitch, with provisions for "Architectural Committee" waiver.

On 08/24/2015, the City Council approved straight RS-3 zoning per BZ-384 for the "Presley Heights" housing addition of 42.488 acres at the 2800-block of E. 141st St. S. The Council accepted the suggestion by City Staff that the minimum standards could be established by the Restrictive Covenants of the plat, in lieu of a PUD as City Staff also suggested. At the August 17, 2015 Planning Commission meeting, the Applicant stated that the houses would be:

- 2,000 square foot minimum dwelling size for one-story houses, and 2,500 square foot minimum for two-story houses
- 100% masonry for first stories, except underneath porches, windows, and doors.

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

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

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

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

- 2,600 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses
- 50% masonry excluding windows and doors, with provisions for "Building Committee" waiver.

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

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

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

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

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

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

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

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

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

1. *Subdivision Regulations Section 12-5-3.A requires plats include proposed land use restrictions, allowing for City review and approval. See relevant analysis above. The Developer should discuss with the Planning Commission and City Council methods for improving consistency and compatibility with the surrounding context and recent housing addition entitlement precedents.*
2. *Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.*
3. *Phases 1 and 2 will evidently share a Homeowners Association. Consider renaming the Reserve Area "F" to avoid confusion with Reserve Area A in the first phase.*
4. *Per Subdivision Regulations Section 12-5-3.B and the typical block numbering conventions, the block numbering sequence should start at one (1).*
5. *DoD/RCs Section 1.2.1: Please restrict overhead electric, telephone, and cable service and street light poles by removing the first two (2) sentences.*
6. *DoD/RCs Section 3.2: Please update Block numbers as per other recommendations herein.*
7. *DoD/RCs Section 4.2.2: Consistent with other recent housing addition entitlements, please remove provision allowing Architectural Committee waiver of the masonry standard.*
8. *DoD/RCs Section 4.15: Gives vast authority to the developer. Advisory only.*
9. *DoD/RCs Section 4.16: Staff would suggest the following addition be considered "Enforcement to restrain violation of, or compel compliance with, these covenants..." as violation of certain covenants can be by non-action.*
10. *DoD/RCs Section 6.2: "...the Owner therefore shall become a member..." The quoted phrase should be corrected by replacing "therefore" with "thereof," as was done in the case of River's Edge with similar DoD/RCs language.*
11. *DoD/RCs Section 6.2: "...shall constitute acceptance of the Association..." Perhaps should be "...shall constitute acceptance of membership in the Association..."*
12. *DoD/RCs Section 6.4.3: "...other restrictions or any part thereof..." Use of term "of" in place of "or."*
13. *Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.*
14. *Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.*
15. *Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Roll was called:

ROLL CALL:

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

OLD BUSINESS:

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

NEW BUSINESS:

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

ADJOURNMENT:

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

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

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

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Bob Evans <2b3bob@gmail.com>

Fwd: Planning Commission and City Planner

1 message

Richard Stewart <richie4bixbyward4@gmail.com>
To: 2b3bob@gmail.com

Mon, Oct 19, 2015 at 3:37 PM

—— Forwarded message ——

From: "Jodi Stewart" <jodi-stewart@utulsa.edu>
Date: Oct 19, 2015 3:34 PM
Subject: Planning Commission and City Planner
To: "Richard Stewart" <richie4bixbyward4@gmail.com>
Cc:

To the Planning Commission and City Planner,

Due to work this evening, I am unable to attend the planning commission meeting. I have requested that Mr. Bob Evans, a personal friend, and resident of the Ridge at South County, share my thoughts and words.

My desire for the second phase of the Trails at Whitehawk is twofold.

As I have heard from many citizens in reference to this issue, we desire a dwelling that would be 1500 sq ft min, and 100 percent masonry.

Secondly, many of the residents are concerned about the access to Ridge at South County via Lakewood. It is my desire and those of the residents, whom which we serve, to see a type of gate that would allow for emergency access.

Many families with children live on Lakewood and an increase in traffic would no doubt be putting children at risk.

Sincerely

Richie Stewart
Councilman of Ward 4

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Jim Travis Tice
5956 East 143rd Place South
Bixby, Oklahoma 74008
T: 949-278-5621 | F: 949-242-2217
Email: jim@jimtice.us

October 19, 2015

City of Bixby
Planning Commission
Bixby, Oklahoma 74008

Subject: Agenda Item Six, Regarding Access to The Trails at Whitehawk II (Whitehawk II) via Lakewood Avenue Through The Ridge at South County Subdivision (The Ridge) by Opening Lakewood Avenue at the Southern Boundary of The Ridge

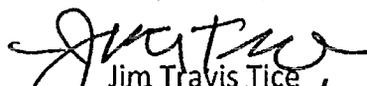
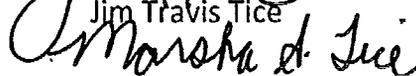
Dear Commission Members:

We, myself and my wife Marsha, are homeowners and residents of The Ridge at South County. Because we are unable to attend this evening's meeting of the Planning Commission, we have asked our neighbor, Mr. Bob Evans, to read our letter into the public record of the Commission meeting and offer it for addition to the file.

With our Ridge at South County neighbors, we add our opposition to opening Lakewood, which currently stubs out at the Southern boundary of our subdivision, as an entrance to Whitehawk II. The extension of Lakewood into the Ridge was poorly planned at the outset because, as our subdivision builds out, Lakewood has become the primary ingress and egress point, and its linear path through our subdivision will make it a 3/4 mile race course into and out of Whitehawk II. Whitehawk II already has ingress and egress from Lakewood at 151st, and so there's no compelling reason to burden The Ridge by opening Lakewood.

If necessary for public safety concerns, we offer as a compromise that a crash gate be installed at Lakewood where it leaves the Ridge. We understand there is precedent for this solution. A crash gate will permit police and fire access if and when needed but will alleviate the traffic safety concerns of your citizens who are residents of the Ridge. We request that you give this proposal your reasoned consideration and adopt it as a suitable compromise solution for the traffic safety issue opening Lakewood into Whitehawk II will present.

Respectfully,


Jim Travis Tice


Marsha A. Tice

Joey Bruns

9 minutes :

Hey bob!

I don't have a ton to add that hasn't already been said except that I don't see any benefit to making it a through street. The neighboring areas don't need direct access to our neighborhood, as far as I can tell, for any reason. Direct access to major streets like Sheridan already exist and going through our neighborhood would only be a less efficient route.

Other than access to our neighborhood resources (pool, sidewalks, etc) I guess I just don't see why they'd want to spend money doing this.

Regarding that, who's paying for it? They're going to put it in and then our neighborhood will need to come out of pocket to put in gates to secure our areas that were secure prior to the street extension.

Jus seems like a poor decision is all. Unless you're the neighboring area and want access to stuff you're no paying for it.



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BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: October 19, 2015

NAME	ADDRESS	ITEM
1. JR Donelson		#5
2. Bob EVANS	5794 E 144 th St	#6
3. Chad Bland	152 nd Waverly	#4
4. Stephen Licux	107 Devonshire	#6
5. Brandon Graesser		
→ 6. Allen Trotter		
7. James Eddleman		
8. Sharon Fullerton	14483 S. Lakewood	#6
9. Tim TERRAL	9820 E 41 st St 102	#6
10. Ryan Chouhrouh	8315 E 171 st St	#6
11. Julian Rasmussen	10618 S Michigan	#6
12. Kelly Cook	14367 S Lakewood	
13.		
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(6)
(6)



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner 
Date: Tuesday, November 10, 2015
RE: Report and Recommendations for:
PUD 92 – “Stone River Place” – Marc Bullock &
BZ-387 – Marc Bullock

LOCATION: – 6900-block of E. 121st St. S.
– Part of the NE/4 NW/4 of Section 02, T17N, R13E

SIZE: 1.172 acres, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Vacant/wooded

REQUESTED ZONING: OL Office Low Intensity District & PUD 92

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: (across 121st St. S.) AG & RS-2/PUD 82; The Bixby North 5th and 6th Grade Center on a 10-acre campus, the Bixby North Elementary school on a 23-acre campus, and the *Life Church* 4.4-acre facility between the former two, all zoned AG; to the northwest is the “Somerset” housing addition under development zoned RS-2/PUD 82.

South: AG & RS-3/PUD 80; Land zoned AG and owned by Tulsa County for the “wetland mitigation” area related to the development of the Fry Creek channel system around the year 2000; to the southeast is an AG-zoned, privately-owned “sliver tract” roughly corresponding to the drainage channel; to the southwest are residential lots

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and homes under construction in the *Wood Hollow Estates* housing addition zoned RS-3/PUD 80.

East: AG & CG/PUD 76; A “handle,” roughly corresponding to the concrete-bottomed drainage channel, of the “flag lot” tract owned by Tulsa County for the “wetland mitigation” area, and farther east is the “hardwood mitigation” area owned by the City of Bixby, both related to the development of the Fry Creek channel system around the year 2000. Between these two (2) “mitigation” tracts are two (2) smaller tracts: a 2-acre “taxed Tribal Land” tract, which contained the former *Three Oaks Smoke Shop* at 7060 E. 121st St. S. until it was demolished in the past couple years, and to the southeast is a privately-owned “sliver tract” roughly corresponding to the drainage channel. Farther east is the Fry Creek Ditch # 2 right-of-way with the *Scenic Village Park* development zoned CG/PUD 76 beyond that.

West: RS-2/CS/PUD 53 & CS/OL/PUD 53-A; A 2-story office building at 6810 E. 121st St. S. and vacant commercial lots along 121st St. S. all zoned CS, and vacant residential lots and new houses zoned RS-2, all in *WoodMere* in PUD 53. Farther west, at the southeast corner of the intersection of 121st St. S. and Sheridan Rd. are vacant lots zoned CS and OL with PUD 53-A.

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

PREVIOUS/RELATED CASES:

BL-367 – Marc Bullock for Tulsa County – Request for Lot-Split approval to separate, for purchase, the subject property from a formerly 13.29-acre tract owned by Tulsa County – Applicant temporarily withdrew the application before the 05/18/2009 PC meeting “in order to complete administrative processing on this tract both by Tulsa County and ourselves.”

BL-371 – Marc Bullock for Tulsa County – Request for Lot-Split approval to separate, for purchase, the subject property from a formerly 13.29-acre tract owned by Tulsa County – PC Conditionally Approved 10/19/2009 (see Background Information section of this report).

RELEVANT AREA CASE HISTORY: (not a complete list)

BZ-196 – Donna Saunders for Nuel/Noel Burns – Request for rezoning from AG to CG for an approximately 1.6-acre agricultural tract to the east of subject property at the 7700-block of E. 121st St. S. (then possibly addressed 7600 E. 121st St. S.) – PC Recommended Denial 01/21/1991 per notes on the application form. Lack of ordinance and other notes in the case file indicate it was either withdrawn, not appealed, or not finally approved by the City Council.

BBOA-329 – Jon E. Brightmire – Request for Special Exception for a 100’ tall monopole communications tower on a 4.4-acre tract (now the *Life Church*) to the northeast of subject property at 7071 E. 121st St. S. – BOA Approved 05/05/1997.

BBOA-358 – Joe Gill for Bixby Public Schools – Request for Special Exception to allow a Use Unit 5 elementary school (Bixby North Elementary) on a 23-acre tract to the northeast of subject property – BOA Approved 05/01/2000.

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

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

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, located across 121st St. S. to the northeast of the subject property, which 73 acres became *Bixby Centennial Plaza* and *Fox Hollow* and an unplatted 11-acre tract later approved for PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on 11/19/2001 and City Council Approved as amended 12/10/2001 (Ord. # 842).

BBOA-402 – Tulsa Engineering & Planning, Inc. for Fox Hollow, LLC – Request for Variance to reduce front yard setbacks to 25’ for certain lots located in the RS-2-zoned portion of *Fox Hollow* located across 121st St. S. to the northeast of subject property – BOA Approved 05/05/2003.

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 east 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 east 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.

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

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

PUD 52 – Cypress Springs – Haynes Reynolds – Request to rezone from AG to RS-2 and to approve PUD 52 for a single-family residential development on an 8-acre tract located to the northwest of subject property at 11909 S. Sheridan Rd. – PC recommended Approval 01/16/2007 and the City Council took no action for the ordinance Second Reading on 02/12/2007, per the approved Minutes of that meeting. However, it appears that Ordinance # 960 was inadvertently signed and recorded with the Tulsa County Clerk. This was reported to the City Council 02/22/2010 as requested by the PC 02/16/2010. No action since taken. See PUD 84/BZ-373.

PUD 53 – WoodMere – Marc & Donna Bullock – Request to rezone from AG to CS and RS-2 and to approve PUD 53 for a commercial/office and single-family residential development for all of the N/2 NW/4 NW/4 of this Section (later platted as *WoodMere*) abutting subject property to the west – PC recommended Conditional Approval 01/16/2007 and the City Council Conditionally Approved 02/12/2007 (Ord. # 961).

Preliminary Plat of WoodMere (PUD 53) – Request for Preliminary Plat approval for *WoodMere* abutting subject property to the west – PC recommended Approval 02/20/2007 and City Council Approved 02/26/2007.

Final Plat of WoodMere (PUD 53) – Request for Final Plat approval for *WoodMere* abutting subject property to the west – PC recommended Approval 04/16/2007 and City Council Conditionally Approved 12/10/2007 (Plat # 6176 recorded 01/07/2008).

BBOA-466 – Travis Reynolds for LifeChurch – Request for Special Exception for a Use Unit 5 church on a 4.4-acre tract (now the *Life.Church*) across 121st St. S. to the northeast of subject property at 7071 E. 121st St. S. – BOA Conditionally Approved 12/03/2007.

V-23 – Sack & Associates, Inc. – Request to a request to Close/Vacate the four (4) foot Fence Easement and Close/Vacate part of the 15 foot U/E along the south side of Block 1, *WoodMere*, abutting subject property to the west, to reduce it to 11’ in width – City Council approved an instrument 04/28/2008 (no ordinance).

BBOA-491 – Mark Allen for LifeChurch – Request for Variance from sign standards of Zoning Code Sections 11-7A-3.B.2 and 11-9-21 for a Use Unit 5 church in the AG Agricultural District on a 4.4-acre tract (now the *Life.Church*) across 121st St. S. to the northeast of subject property at 7071 E. 121st St. S. – BOA Conditionally Approved 10/06/2008.

BBOA-492 – James E. Graber for Bixby Public Schools – Request for Special Exception to allow a Use Unit 5 elementary school (Bixby North 5th and 6th Grade Center) on a 10-acre tract across 121st St. S. to the north of subject property – BOA Conditionally Approved 10/06/2008.

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of Knopp family property of approximately 140 acres to the east of subject property – PC Continued the application on 12/21/2009 at the Applicant’s request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting “for more research and information,” based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

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

PUD 53 “WoodMere” Major Amendment # 1 (PUD 53-A) & BZ-353 – Sack & Associates, Inc. for New Woodmere Properties, LLC – Request for rezoning of Lot 1, Block 2, *WoodMere* from RS-2 to OL and approval of PUD 53 Major Amendment # 1 (“PUD 53-A”) for Lots 1, 2, & 3, Block 1, and Lot 1, Block 2 of *WoodMere* to the west of subject

property – PC recommended Conditional Approval 04/18/2011 and City Council Conditionally Approved 05/09/2011 (Ord. # 2056).

V-37 – Sack & Associates, Inc. – Request to a request to Close / Vacate part of the plat of *WoodMere*, concerning Lots 1, 2, & 3, Block 1, and Lot 1, Block 2 thereof, to the west of subject property, pending the recording of the plat of “WoodMere Square” – PC recommended Approval 04/18/2011 and City Council Approved 05/09/2011.

Preliminary Plat & Final Plat of WoodMere Square (PUD 53-A) – Request for Preliminary Plat and Final Plat approval for “WoodMere Square” including Lots 1, 2, & 3, Block 1, and Lot 1, Block 2 of *WoodMere* to the west of subject property – PC recommended Conditional Approval 04/18/2011 and City Council Conditionally Approved 04/25/2011.

BZ-355 – Town & Country Real Estate Co. – Request for rezoning from AG to CS for an approximately 1.6-acre agricultural tract to the east of subject property at the 7700-block of E. 121st St. S. – PC Recommended Approval 03/19/2012 and City Council Approved 03/26/2012 (Ord. # 2077).

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 92 acres acquired from the Knopp family acreage of 140 acres to the east of subject property – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting (Ord. # 2116).

Preliminary Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and a Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2 for 92 acres acquired from the Knopp family acreage of 140 acres to the east of subject property – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

Final Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres of the 92-acre PUD 76 to the east of subject property – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

PUD 76 “Scenic Village Park” Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for former 92-acre development tract acquired from Knopp to the east of subject property – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013. The Ordinance Second Reading and Approval and Emergency Clause attachment items, having been on various City Council agendas in various forms since 10/14/2013, the City Council approved on 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 east of subject property – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant’s letter dated 10/18/2013.

PUD 80 “Wood Hollow Estates” & BZ-367 – Sack & Associates, Inc. – Request for rezoning to RS-3 and PUD approval for 20 acres to the southwest of subject property at 12307 S. Sheridan Rd. – PC recommended Conditional Approval 10/21/2013 and City Council Approved final version of PUD incorporating Staff and PC recommendations 10/28/2013 (Ord. # 2124).

Preliminary Plat of “Wood Hollow Estates” – Sack & Associates, Inc. – Request for approval of a Preliminary Plat and certain Modifications/Waivers for the *Wood Hollow Estates* housing addition on 20 acres to the southwest of subject property at 12307 S.

Sheridan Rd. – PC recommended Conditional Approval 10/21/2013 and City Council Conditionally Approved 10/28/2013.

BSP 2013-06 – “Covenant Place of Tulsa” – Tanner Consulting, LLC (PUD 76) – Request for approval of a PUD Detailed Site Plan for the *Covenant Place of Tulsa* assisted living community on Lot 2, Block 1, *Scenic Village Park* to the east of subject property – PC Conditionally Approved at a Special/Called Meeting 01/23/2014.

Preliminary Plat of “Quail Creek of Bixby” – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek of Bixby” for part of the PUD 76 acreage to the southeast of subject property – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

Preliminary Plat of “Quail Creek Villas of Bixby” – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek Villas of Bixby” for part of the PUD 76 acreage to the southeast of subject property – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

Preliminary Plat of “Quail Creek Office Park” – Tanner Consulting, LLC (PUD 76) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek Office Park” for approximately 5.976 acres to the southeast of subject property – PC recommended Conditional Approval at a Special/Called Meeting 01/23/2014 and City Council Conditionally Approved 01/27/2014.

PUD 76 “Scenic Village Park” Minor Amendment # 1 – Tanner Consulting, LLC – Request for approval of Minor Amendment # 1 to PUD 76, which amendment proposed making certain changes to development standards pertaining to signage and parking, and making certain other amendments in support of the *Covenant Place of Tulsa* assisted living community on Lot 2, Block 1, *Scenic Village Park* to the east of subject property – PC Conditionally Approved 02/18/2014.

PUD 82 “Somerset” & BZ-370 – 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, “Somerset,” for approximately 18 acres to the northwest of subject property at 6905 E. 121st St. S. & 11803 and 11809 S. Sheridan Rd. – PC recommended Conditional Approval 02/18/2014, with the exception of abutting access provision recommendations from Staff. City Council Conditionally Approved the applications with Staff’s recommendations on abutting access provision, “subject to a[n] application for waiver of subdivision regulations,” on 02/24/2014 and Tabled ordinance approval items. Upon receipt of final version of PUD as Conditionally Approved the previous month, City Council Approved ordinance items approving both applications 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 a single-family residential development, “Somerset,” for approximately 18 acres to the northwest of subject property at 6905 E. 121st St. S. & 11803 and 11809 S. Sheridan Rd. – PC recommended (03/17/2014) Partial Approval to allow the proposed 20’ Emergency Access Drive Easement to the 8-acre development property abutting same 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.

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Final Plat of "Wood Hollow Estates" – Sack & Associates, Inc. – Request for approval of a Final Plat and certain Modifications/Waivers for the *Wood Hollow Estates* housing addition on 20 acres to the southwest of subject property at 12307 S. Sheridan Rd. – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014. One of the Conditions of Approval was consistent with the Staff's recommendation to restore the 17.5' Perimeter U/E or otherwise request, justify, and receive approval of a Modification/Waiver and a PUD Minor Amendment for same. Pursuant to these additional approvals, City Council Conditionally Approved a Revised Final Plat 09/22/2014 (Plat # 6563 recorded 09/30/2014).

Modification/Waiver – "Wood Hollow Estates" – Sack & Associates, Inc. (PUD 80) – Request for Modification/Waiver to reduce and/or remove certain portions of the 17.5' Perimeter Utility Easement as required by Subdivision Regulations Section 12-3-3.A pursuant to Subdivision Regulations Section 12-3-5.B for the *Wood Hollow Estates* housing addition on 20 acres to the southwest of subject property at 12307 S. Sheridan Rd. – PC recommended Partial Approval 04/21/2014 and City Council Partially Approved 04/28/2014.

PUD 80 "Wood Hollow Estates" – Minor Amendment # 1 – Request for Minor Amendment # 1 to PUD 80, which amendment proposed making certain subdivision design modifications pertaining to Utility Easements and making certain other amendments for the *Wood Hollow Estates* housing addition on 20 acres to the southwest of subject property at 12307 S. Sheridan Rd. – PC Conditionally Approved 04/21/2014, subject to City Council approval, and City Council Conditionally Approved 04/28/2014.

Preliminary Plat of "Somerset" – JR Donelson for Kowen Properties, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a single-family residential development, "Somerset," for approximately 18 acres to the northwest of subject property at 6905 E. 121st St. S. & 11803 and 11809 S. Sheridan Rd. – PC recommended Conditional Approval 05/19/2014 and the City Council Conditionally Approved at a Special Meeting 06/02/2014.

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

Accept General Utility Easement for Quail Creek Developments – Request for acceptance of a separate instrument 17.5'-wide General U/E along the easterly and southerly perimeters of the proposed "Quail Creek Office Park" development site (PUD 76 Development Area F; to the east of subject property) to allow for *AEP-PSO* electric service provision to the "Quail Creek" developments – City Council accepted 09/22/2014.

PUD 53-B – WoodMere – Major Amendment # 2 – Sack & Associates, Inc. – Request for approval of PUD 53 Major Amendment # 2 ("PUD 53-B") for Lot 11, Block 1 and Lot 1, Block 4, *WoodMere* abutting subject property to the west – Withdrawn by Applicant 12/15/2014.

Amendment of Plat of Scenic Village Park – Request for approval of an Amendment of the plat of *Scenic Village Park* as pertains to Utility Easement dedication provisions affecting Lot 1, Block 3 thereof located to the east of subject property – PC unanimously Denied 01/20/2015.

Final Plat of "Quail Creek of Bixby" – Tanner Consulting, LLC – Request for approval of a Final Plat for "Quail Creek of Bixby" to the southeast of subject property – PC recommended Conditional Approval 01/20/2015 and City Council Conditionally Approved 01/26/2015 (Plat # 6613 recorded 06/03/2015).

Temporary PUD Waiver – JR Donelson for Easton & Ramsey – Request for temporary Waiver of the PUD requirement per Zoning Code Section 11-5-2 for the Ramsey property of 14 acres and the Easton property of 19 acres to the east of subject property (cf. BZ-379 & BZ-380) – City Council approved 02/23/2015, provided that the requirement shall be restored prior to the development of the property and that the temporarily suspended requirement, and the requirement's design in furtherance of the City Council's express policy preferring retail uses, shall be disclosed to prospective buyers.

BZ-379 – JR Donelson for Bill J. Ramsey Trust – Request for rezoning from AG and CG to CS for commercial use for 14 acres to the east of subject property – PC recommended Approval 04/20/2015 and City Council Approved 05/11/2015 (Ord. # 2155).

BZ-380 – JR Donelson for John C. Easton Trust & Easton Family, LP – Request for rezoning from CS, OL, and RS-3 to CS for commercial use for 19 acres to the southeast of subject property at 12300 S. Memorial Dr. – PC recommended Approval 04/20/2015 and City Council Approved 05/11/2015 (Ord. # 2154).

PUD 80 "Wood Hollow Estates" – Minor Amendment # 2 – Request for Minor Amendment # 1 to PUD 80, which amendment proposed amending setbacks pertaining to garages and making certain other amendments for the *Wood Hollow Estates* housing addition on 20 acres to the southwest of subject property at 12307 S. Sheridan Rd. – PC Conditionally Approved 05/18/2015.

Final Plat of "Somerset" – JR Donelson for Kowen Properties, LLC – Request for approval of a Final Plat for a single-family residential development, "Somerset," for approximately 18 acres to the northwest of subject property at 6905 E. 121st St. S. & 11803 and 11809 S. Sheridan Rd. – Pending PC consideration 12/21/2015.

BACKGROUND INFORMATION:

The Applicant acquired the subject property from Tulsa County by Quit-Claim Deed dated May 26, 2009 and recorded with the Tulsa County Clerk on August 05, 2009. This deed separated the subject property from a formerly 13.29-acre tract, and the balance continues to be owned by Tulsa County and is used as a "wetland mitigation" facility related to the construction of the Fry Creek Ditch channel system around the year 2000.

The subject property was evidently declared surplus property by Tulsa County to allow for its sale. The subject property, unlike the balance of the land still owned by Tulsa County, was evidently not part of the wetland mitigation facility and is vacant and wooded.

On October 19, 2009, the Planning Commission Approved Lot-Split application BL-371 Conditioned upon:

- (1) The Applicant providing legal access and an improved street with at least 50' of frontage to the subject property, and

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- (2) The subject property is approved for OL zoning (including a PUD as may be required) to allow the lot size and 50' frontage provided by future street to allow the lot to conform to the Zoning Code, and
- (3) No Lot-Split approval stamps shall be placed on any deed until and unless the first two (2) Conditions are satisfied.

The PUD provides for the reduction and removal of the minimum frontage requirements of the OL district. The language for this purpose may need to be clarified as per other recommendations in this report.

ANALYSIS:

Subject Property Conditions. The subject property of approximately 1.172 acres is zoned AG and is vacant and wooded. Abutting to the east is a concrete-bottomed drainage channel which drains southeasterly to Fry Creek Ditch # 2. Within and paralleling west of the drainage channel is an overgrown drive extending to the Tulsa County-owned "wetland mitigation" area abutting the subject property to the south. This maintenance drive does not connect to 121st St. S. due to the bridge outlet and flume on the south side of 121st St. S. By agreement with Tulsa County, the bridge has recently been extended and a dirt driveway connection has been constructed over the drainage ditch. 121st St. S. between Sheridan Rd. and Memorial Dr. is a County road.

The subject property is relatively flat and appears to generally drain to the east to the drainage channel and/or south to the "wetland mitigation" area.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.), or otherwise will be served by line extensions as required, and has immediate access to the stormwater drainage system abutting to the east. Fees in lieu of providing onsite stormwater detention may apply. Plans for utilities are briefly described in the PUD Text and represented on Exhibits H and I, and are discussed further in the City Engineer's review memo.

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 requested OL district *May Be Found In Accordance* with both the Low Intensity designation of the Comprehensive Plan Land Use Map.

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

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

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

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

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

Per the Matrix, PUDs (as a zoning district) *May Be Found In Accordance* with the Low Intensity designation of the Comprehensive Plan Land Use Map. Provided it is approved with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below, Staff believes that PUD 92 should be found *In Accordance* with the Comprehensive Plan as a zoning district.

Due to all of the factors listed and described above, Staff believes that the proposed OL zoning and office development proposed per PUD 92 should be found *In Accordance* with the Comprehensive Plan, provided they are approved together and with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below.

General. The PUD proposes a small, office park development. The Exhibit B Conceptual Site Plan indicates a conventional, suburban-style design with up to three (3) development lots. PUD Text Section VIII "Parcelization" provides that provisions for accounting of share / allocation of allowable Floor Area / Ratio (FAR) between the three (3) potential lots will be determined with the future plat. The buildings are described as being of "residential-style construction with a minimum of 70% brick/stone/stucco exterior, architectural element details, appropriate exterior lighting, and professionally landscaped."

Because the review methodology is similar, and both applications are essentially rezoning-related and propose to prepare the subject property for the same office park development, this review will, for the most part, 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 refer to the recommended Conditions of Approval as listed at the end of this report.

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

The Technical Advisory Committee (TAC) discussed PUD 92 at its regular meeting held November 04, 2015. Minutes of that meeting are attached to this report.

Access and Internal Circulation. The subject property has a small amount of frontage on 121st St. S. and one (1) driveway connection thereto is under construction.

Abutting to the east is a concrete-bottomed drainage channel which drains southeasterly to Fry Creek Ditch # 2. Within and paralleling west of the drainage channel is an overgrown drive extending to the Tulsa County-owned wetland mitigation area abutting the subject property to the south. This maintenance drive does not connect to 121st St. S. due to the bridge outlet and flume on the south side of 121st St. S. Recently, the bridge has been extended and a dirt driveway connection has been constructed over the drainage ditch. This driveway connection to 121st St. S. will be improved as the primary access to the subject property.

Per GIS and aerial data, the wetland mitigation area tract is encircled by a maintenance access drive. The Exhibit E Exiting Topography appears to be a survey drawing and indicates the drive is a "gravel road." The connected drive along the east side of the subject property and around the wetland mitigation area tract continues southeasterly and connects to the Fry Creek Ditch # 2 maintenance drive / trail via a bridge over the concrete-bottomed drainage ditch. The continued "gravel road" and maintenance drive, which ultimately connects to both 121st St. S. and 131st St. S., was previously discussed as providing the secondary means of ingress/egress for the subject property development, but the Fire Marshal has observed that its condition is not adequate to meet Fire Code requirements for a fire access road.

The PUD Text suggests the subject property has (or will have) 20' of frontage on 121st St. S. How this is calculated is not clear, as the subject property comes to a point at the north end. Upon discussing the matter in the TAC meeting held November 04, 2015 and reviewing a previous conceptual site plan drawing received 10/16/2014, it appears this 20' is achieved by dedicating the projected 121st St. S. southerly right-of-way line through (1) the subject property and (2) recognizing, as right-of-way, the area north of the same line projected through the 15'-wide "handle" of the Tulsa County "flag-lot" containing the wetland mitigation area abutting to the south. However, the 10/16/2014 drawing indicates the 20' dimension is paving width between curb faces; curbs occupy space, typically 6", suggesting the street frontage may actually be approximately 21', or otherwise the claimed 20' frontage would only allow approximately 19' between curb faces. This should be clarified.

Per the Exhibit B Conceptual Site Plan, the one (1) new driveway connection to 121st St. S. will extend roughly due south toward the south propertyline, and a "hammerhead"-design turnaround, for Fire Code and fire access purposes, will extend farther south into the Tulsa County's "wetland mitigation" area tract corresponding to the north-south maintenance drive encircling same. The "hammerhead" will also extend within and along the south line of the subject property.

The site plan indicates the existing, overgrown maintenance access drive along the east side of the property will be removed in favor of office buildings.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, RS-2/CS/PUD 53, CS/OL/PUD 53-A, RS-2/PUD 82, RS-3/PUD 80, and CG/PUD 76. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

Abutting the subject property to the west is a 2-story office building at 6810 E. 121st St. S., with vacant commercial lots beyond this extending along the south side of 121st St. S. to Sheridan Rd. All these lots are zoned CS with PUD 53 in Block 1 of *WoodMere*. South of the office building are vacant residential lots and new houses all zoned RS-2 with PUD 53 in *WoodMere*. At the southeast corner of the intersection of 121st St. S. and Sheridan Rd. are vacant lots zoned CS and OL with PUD 53-A.

Across 121st St. S. to the north is the Bixby North 5th and 6th Grade Center on a 10-acre campus, the Bixby North Elementary school on a 23-acre campus, and the *Life Church* 4.4-acre facility between the former two, all zoned AG. To the northwest is the "Somerset" housing addition under development zoned RS-2/PUD 82.

Abutting the subject property to the east is a "handle," roughly corresponding to the concrete-bottomed drainage channel, of the "flag lot" tract owned by Tulsa County for the "wetland mitigation" area, and farther east is the "hardwood mitigation" area owned by the City of Bixby, both related to the development of the Fry Creek channel system around the year 2000, and both zoned AG. Between these two (2) "mitigation" tracts are two (2) smaller tracts: a 2-acre "taxed Tribal Land" tract, which contained the former *Three Oaks Smoke Shop* at 7060 E. 121st St. S. until it was demolished in the past couple years, and to the southeast is a privately-owned "sliver tract" roughly corresponding to the drainage channel, both zoned AG. Farther east is the Fry Creek Ditch # 2 right-of-way zoned AG, with the *Scenic Village Park* development zoned CG/PUD 76 beyond that.

Abutting the subject property to the south is land zoned AG and owned by Tulsa County for the "wetland mitigation" area related to the development of the Fry Creek channel system around the year 2000. To the southeast is an AG-zoned, privately-owned "sliver tract" roughly corresponding to the drainage channel, and to the southwest are residential lots and homes under construction in the *Wood Hollow Estates* housing addition zoned RS-3/PUD 80.

Circa 2005, 121st St. S. between Sheridan Rd. and Memorial Dr. was widened to a 4-lane major street with a 5th, dedicated turning lane in the center, consistent with its designation on the Tulsa City-County Major Street and Highway Plan (MHSP) and Bixby Comprehensive Plan as a Primary Arterial. A large stormsewerline has been installed along the south side of 121st St. S. between Fry Creek Ditch # 2 and Memorial Dr., which will enable eligible properties in that drainage basin to "pipe" stormwater into the Fry system with payment of excess capacity and fees-in-lieu, and not be subject to a requirement to construct onsite stormwater detention for that part so conveyed. These infrastructure improvements have further enabled the intensive development of this 1-mile major street corridor.

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As noted above, the 121st St. S. bridge over the drainage ditch along the east side of the subject property has been extended, and a new driveway connection is being constructed by agreement with Tulsa County. These improvements will allow for the intensification of use and enhance the development potential of the subject property.

It appears that, with the exception of the approximately 320' of frontage on 121st St. S. belonging to *Fox Hollow*, and the 330.76' of frontage belonging to the pending "Somerset" housing addition, all of the private land along 121st St. S. between Sheridan Rd. and Memorial Dr. has, or is planned or expected to develop/redevelop with intense uses.

In a trend accelerating since the street widening, the 121st St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The Bixby North Elementary school is located on a 23-acre campus at 7101 E. 121st St. S., and west of that is the Bixby North 5th and 6th Grade Center on a 10-acre campus and the *LifeChurch* 4.4-acre facility. While its future development and use cannot be forecast, the *Three Oaks Smoke Shop* was located on a 2-acre tract at 7060 E. 121st St. S., and all of the balance of the land to the west of the subject property along the south side of 121st St. S. has been zoned CS with PUD 53 and platted in *WoodMere* for commercial and office uses. An 11-acre Plummer Partners, LLC tract at the 7600-block of E. 121st St. S. was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre *Bixby Centennial Plaza* at the northwest corner of 121st St. S. and Memorial Dr. was approved for CS zoning, in 2001, and for commercial development by the plat of *Bixby Centennial Plaza* in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.) was rezoned to CS in March of 2012. Between that 1.6-acre tract and the Fry Creek Ditch # 2 right-of-way, 92 acres south of 121st St. S. was rezoned to CG with PUD 76 "Scenic Village Park" in March, 2013, and the northerly parts along 121st St. S. will be developed with the Covenant Place of Tulsa assisted living facility and nonresidential uses per that PUD. Between the 1.6-acre tract and Memorial Dr., approximately 33 acres south of 121st St. S. was rezoned to CS per BZ-379 and BZ-380 in May, 2015.

The proposed OL zoning and office use PUD would be less intense but consistent with the CS zoning abutting to the west and extending ¼ mile to Sheridan Rd., and would be consistent with the large office building abutting to the west. The future development and use of the Tiger property to the east at 7060 E. 121st St. S. cannot be predicted at this time, but its previous use, the former *Three Oaks Smoke Shop*, was of a commercial nature.

For all the reasons outlined above, Staff believes that the proposed OL zoning and PUD 92 are both 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.

For the sake of development and land use compatibility, as described more fully above, Staff would be supportive of the Zoning approvals supporting the development proposal if it (1) provides for improved land use buffering and compatibility needs, and (2) provides for adequate access as recommended by City Staff. If these were satisfactorily provided for, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will have been met.

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

1. The approval of OL zoning shall be subject to the final approval of PUD 92 and vice-versa.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item may be addressed by adding a section to the PUD Text, such as “Standard requirements of the City of Bixby Fire Marshal, City Engineer and City Attorney shall be met.”
3. Title Page: Please add revision date.
4. Title Page: Location Map: Please correct location/configuration or remove.
5. Title Page: [Tulsa County Location Map]: Please correct location or remove.
6. Table of Contents/Exhibits A and C: Please reconcile exhibit names as listed in Table of Contents with those used on Exhibits A and C.
7. PUD Text Section I: Typo in word “to” found in southerly line call, and spacing error found in westerly line call. Legal description not checked for accuracy (Applicant should double-check). Please make all corrections necessary.

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8. PUD Text Section II, First Paragraph: Terms “Office Low Density” does not correspond with title of OL district requested per BZ-387. Please clarify such as “OL Office Low Intensity District,” or simply “OL, Office.”
9. PUD Text Section II, Second Paragraph: Capitalization error in second instance of “Tulsa County.”
10. PUD Text Sections II, III, & Exhibits: Consider specifying that the PUD contains one (1) Development Area, such as “Development Area A,” label the one (1) DA on Exhibit B or another exhibit as appropriate, and specify name with the Development Standards.
11. PUD Text: Please add the customary section describing required PUD subdivision plat, and that its approval and recording are prerequisites to Building Permit issuance.
12. PUD Text: Consider specifying that the Deed of Dedication/Restrictive Covenants of the plat will contain “Maintenance Covenant” provisions pertaining to maintenance and upkeep of properties free of trash, debris, and litter.
13. PUD Text / Exhibits: Zoning Code Section 11-7I-8.B.1.e calls for the provision of plans for screening and landscaping. While a 6’ high screening fence is called for in the Development Standards, no plans for landscaping are described in the text or represented on any Exhibit. Staff recommends a detailed description of the specific screening and landscaping treatment proposed, and the same should be adequate in respect to the residential neighborhood abutting to the west. Staff has consistently recommended adding extra effort at screening and landscaping buffering along this west boundary shared with single-family residential use. Further, Zoning Code Section 11-7I-6 gives the Planning Commission authority and discretion to require adequate perimeter treatments, including screening, landscaping, and setbacks. A PUD Text section would be in order for this purpose, and the described plans should be represented on Exhibit B or another exhibit as appropriate.
14. PUD Text / Exhibits: a 6’ high fence would not appear to be consistent with the 8’-high concrete panel fence/wall used to buffer the commercial and residential lots in *WoodMere* abutting to the west. For the sake of adequate screening and buffering from the existing houses and residential lots abutting to the west, Staff recommends it be consistent with or superior to the masonry fence/wall used in *WoodMere*, to which the new fence/wall will connect.
15. Exhibit B: The minimum parking lot setback from an abutting R district / landscaped strip width is 10’ per Zoning Code Sections 11-10-3.B Table 1 and 11-12-3.A.3. The heavy lineweight of the PUD boundary may obscure a 5’ setback proposed here. Staff is not supportive of a reduction of the 10’ minimum standards, as buffering is of critical importance to the single-family houses and lots abutting to the west. Staff has consistently recommended adding extra effort at screening and landscaping buffering along this west boundary shared with single-family residential use. Further, Zoning Code Section 11-7I-6 gives the Planning Commission authority and discretion to require adequate perimeter treatments, including screening, landscaping, and setbacks. Please revise and adjust site plans accordingly or discuss.
16. PUD Text / Exhibits: Within the 10’ minimum parking lot setback / landscaped strip along the west side, please describe any plans for identifying, protecting, and replacing existing trees. PUD Text should specify how such trees will be identified (e.g. species, caliper, age, etc.) and replacement schedules (e.g. 2 for 1 removed, deciduous and/or evergreen, minimum heights and calipers of replacement trees, etc.). PUD Text should also describe plans for new tree plantings in addition to existing preserved trees. For

new trees, enhanced buffering measures could include minimum tree spacing or alternatively clustering schemes to maximize screening to the nearest residences, minimum numbers of evergreen trees, minimum tree heights and/or calipers greater than the minimum standards of the Zoning Code, etc. Finally, PUD Text should specify whether new screening fence/wall will be permitted to occupy 10' strip or if 10' strip begins on the east side of same.

17. Exhibit B: Per Staff's count, approximately 55 parking spaces are indicated on site plan. The PUD would entitle up to 20,421 square feet of building floor area. The PUD would entitle only Use Unit 11 uses for development. For 20,421 square feet, Zoning Code Section 11-9-11.D would require no less than 68 parking spaces, but potentially more, depending on occupancy schedules. However, the PUD Development Standards would preempt this by requiring only 62 for the entire development. This number, however, is not supported by the 55 spaces indicated onsite. Please reconcile appropriately.
18. PUD Text / Exhibit B: Does not appear to designate an area for (one [1], preferably shared) trash receptacle screening enclosure. Plans for solid waste disposal should be described in the PUD Text, along with minimum screening standards for any shared screening enclosure, including an opacity standard. If intended, the same should be located as close to 121st St. S. and/or as far from residential lots in *WoodMere* as possible. Such an area may occupy some number of the 62 parking spaces presently indicated. Please address all such interrelated matters appropriately.
19. Exhibit B: Hatched areas customarily indicative of ADA-accessible access aisles are represented, but the universal accessibility symbols of accessible parking spaces are not indicated on either side of any of them. Please add accessible spaces, or remove hatched areas.
20. Exhibit B: Hatched areas customarily indicative of ADA-accessible access aisles: If retained, it appears that the northerly lot would have approximately 30 parking spaces, but perhaps only one (1) handicapped-accessible space. This ratio may not comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces) and Zoning Code Section 11-10-4.D Table 2. The Applicant should add the one (1) missing accessible space or determine whether the entire development will be considered as a singular parking lot for ADA compliance purposes, or whether the lot lines will require each Lot and/or parking lot strip contain their own minimum numbers of accessible spaces, and make any other adjustments necessary.
21. Exhibit B: Does not appear to indicate an accessible path from the existing streetside sidewalk abutting to the west to any building entrance. Unless rights can be secured to construct a sidewalk along the east side of the 20'-wide entrance drive (Tiger property), a sidewalk easement may be necessary along and within the easterly side of abutting Lot 11, Block 1, *WoodMere*, with a striped accessible crossing to the east side of the drive to connect to sidewalks attending building fronts/Public entrances. A westerly sidewalk may also be coordinated with the owner of the building on Lot 11 if/as needed to provide same an accessible path. Please revise or advise.
22. Exhibit B: Please clarify the extent of curbs along the curb return radii at the driveway intersection, and extend as far as required (with or without tapering; see 68th E. Ave. example) if/as required by the City Engineer and/or Fire Marshal. Please add and verify adequacy of proposed curb return radii.

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23. Exhibit B: Please identify and dimension or remove dashed linetypes around the perimeters, perhaps indicating preexisting Easements and/or proposed perimeter U/Es.
24. Exhibit B: Please add all missing dimensions:
 - a. Proposed building setbacks for all buildings from all represented propertylines.
 - b. Proposed north-south internal drive widths (at all points which vary); increase to 26' in width or as per Fire Marshal.
 - c. Proposed "hammerhead" turnaround dimensions as per Fire Marshal.
 - d. Proposed gate(s) width(s).
 - e. Proposed parking space dimensions (stall depth cannot be less than 19' for regular ADA accessible spaces per Zoning Code, or 18' for all spaces if accessible spaces will all be of van- or universal design).
 - f. Abutting right-of-way width.
 - g. Dimension from southerly right-of-way line to Sectionline.
 - h. Abutting 121st St. S. roadway width.
 - i. Dimension between 121st St. S. southerly right-of-way line to southerly curblineline and/or Centerline.
25. PUD Text Section III: Permitted Uses: Terms "Office Low Density" does not correspond with title of OL district requested per BZ-387. Please clarify such as "OL Office Low Intensity...", or simply "OL, Office."
26. PUD Text Section III Development Standards: Maximum Building Height: Please (1) reduce to 30' and (2) specify "Non-habitable architectural elements..." as discussed at TAC meeting, for Fire Code compliance purposes, or otherwise address appropriately.
27. PUD Text Section III Development Standards: Minimum Building Setbacks: Please clarify that "boundary" is "PUD boundary," to avoid interior lines from having setbacks, unless this is indeed intended (see next item).
28. PUD Text Section III Development Standards: Minimum Building Setbacks: If setbacks are intended, or required by Fire Code/Fire Marshal, between internal lotlines and/or buildings, please add appropriate line containing such standards. Proposed such setbacks which would trigger higher firewall construction standards should include asterisk text or similar disclaimer identifying this likelihood.
29. PUD Text Section III Development Standards: Off-Street Parking: Please specify "Minimum and Maximum Off-Street Parking."
30. PUD Text Section III Development Standards: Consider whether flexibility may be necessary from the minimum loading berth requirements and provide same if/as needed.
31. PUD Text Section III Development Standards: Landscaped Area: Please clarify if the intent is to spread the 15% landscaped area standard across the entire PUD or reinforce the existing standard on each lot.
32. PUD Text Section III Development Standards: Landscaped Buffer and Screening: Please enhance minimum landscaping and screening fence/wall standards as per other recommendations in this report, or provide that the standard required is provided in another section of the report describing same.
33. PUD Text Section III Development Standards: Lighting: Please consider a lower maximum lighting mounting height for all exterior lighting than the 20' presently specified, and replace first sentence entirely.
34. PUD Text Section III Development Standards: Lighting: Please replace third/final sentence with a more stringent lighting standard as used elsewhere throughout Bixby such as "Light, as measured in footcandles, shall not exceed 0.0 footcandles along the

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east line of Block 4 of *WoodMere*. A lighting plan shall be a required element of the PUD Detailed Site Plan, and shall include a photometric plan demonstrating compliance with the foregoing lighting requirements.”

35. PUD Text Section III Development Standards: Lighting: Please discuss whether a streetlight will be needed to illuminate the new driveway/street intersection and add plans for adding same if/as required by the City Engineer, Public Works Director, or Public Safety officials.
36. PUD Text Section III Development Standards: Signage: a: It is likely that a ground sign will advertise businesses in the back / south end of the office park development. The Zoning Code (Sections 11-2-1, 11-9-21.F, etc.) would recognize such an off-premise ground sign as a “billboard,” prohibited by the Zoning Code. This is a common situation and relief from this restriction has commonly been done within PUDs either at the time of their initial approval or by amendment (PUD 65 Major Amendment # 1, PUD 73, PUD 76, PUD 47-C, PUD 81, PUD 60 Major Amendment # 1, etc.). Consider specifying that this sign shall be allowed to advertise all lots within the PUD.
37. PUD Text Section III Development Standards: Signage: b: Please restrict internally- and externally-illuminated wall signage in respect to the residential neighborhood to the west.
38. PUD Text Section III Development Standards: Signage: b: Consider clarifying that “building wall,” as used in this context, shall include all wall sections for the concerned elevation, to account for variegated façades.
39. PUD Text Section III Development Standards / Exhibit B: Bixby Subdivision Regulations Section 12-3-3.A requires a 17.5’-wide Perimeter U/E. It is not clear that the buildings are represented at 17.5’ or greater setbacks from the east or south PUD boundaries. Further, the PUD Development Standards only requires an 11’ setback from these boundaries. To prevent conflict and potential damage due to reliance on the PUD, please increase setbacks to the 17.5’ and consider a 20’ setback to provide at least a 2.5’ buffer area, or the amount necessary to protect the integrity of the foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.

Alternatively, the proposed utility plans indicate no water or sewer infrastructure will be proposed, and the City Engineer’s review memo indicates the same will not be required along the east PUD boundary. If not otherwise requested by any utility provider, a Modification/Waiver of Subdivision Regulations Section 12-3-3.A may be requested to reduce or remove the U/E here, and if the same is anticipated, this should be discussed with the City Engineer and Public Works Director and the other utility companies. If agreed to by all, the PUD Text should specify, in Section VI or elsewhere as appropriate, intent to make request for Modification/Waiver with the plat application. The same may apply if the southerly PUD / plat boundary is not found to require the full 17.5’ width.

40. Exhibit B: Please relocate access gate to south end of “hammerhead” turnaround as per Fire Marshal recommendation at the TAC meeting or otherwise address appropriately. Discuss whether a second gate would be required for the east-west portion of the maintenance drive.
41. Exhibit B: Please clarify dashed, circular linetype and jointed/punctuated solid linetype south of the southwest lot corner.

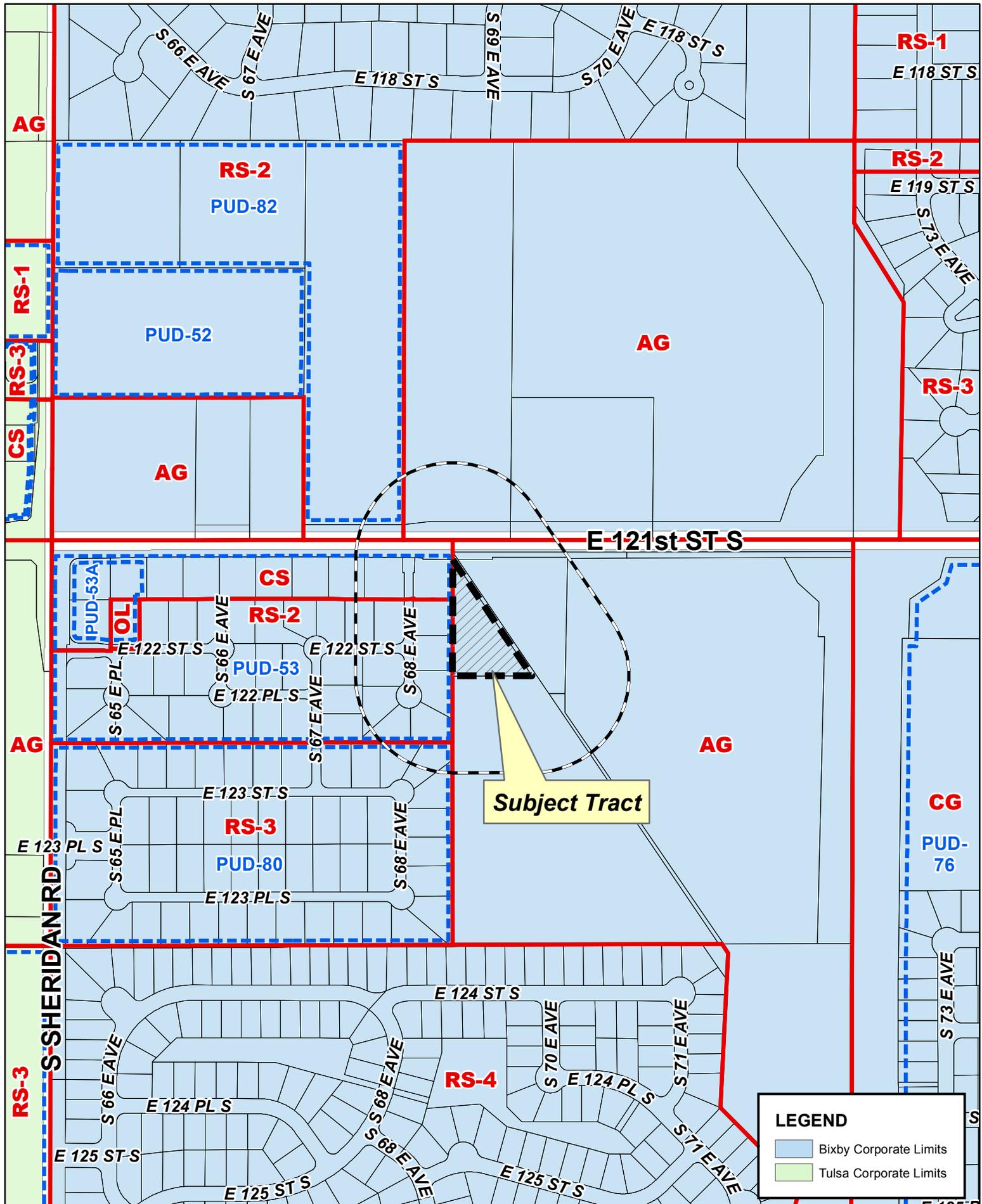
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42. PUD Text Section III Development Standards: Maximum Permitted Building Floor Area: The 20,421 square feet restriction corresponds to an FAR of 0.40, as permitted in the OL district by Special Exception or PUD approval. However, the restriction appears to exclude the gross area contribution of 121st St. S. (20' X ½ of abutting R/W). Please adjust or otherwise confirm understanding and acceptance that the building floor area restriction will restrict allowable floor area from what the subject property is presently entitled. Adjustment should include specifying the Gross Land Area in PUD Text Section III Development Standards. Further, up to 25% of any second stories of buildings may be excluded from maximum allowable FAR per Zoning Code Section 11-7I-5.A.2.c. Reservation of right to use the flexibility provision may be added as asterisk text or otherwise.
43. PUD Text Section III Development Standards: E. 121st Street Arterial Frontage: Please qualify line item standard as "... Frontage (Minimum)" or otherwise as appropriate.
44. PUD Text Section III Development Standards: E. 121st Street Arterial Frontage: Frontage may actually be 19' or 21' as explained in the Access & Internal Circulation section of this analysis above. Please address here and throughout PUD Text as appropriate.
45. PUD Text Section IV: Although briefly mentioned in PUD Text Section VIII "Parcelization," please describe here plans for dedicating, by plat or separate instrument preceding plat, a Mutual Access Easement, or otherwise how southerly lots will be granted legal access from northerly lots.
46. PUD Text Section IV: First Sentence: Please specify that entrance "will be built to Tulsa County and City of Bixby specifications," the latter unless otherwise excepted by the City Engineer and Public Works Director.
47. PUD Text Section IV: Please remove words "for minor streets," as this would cause conflict with Bixby Subdivision Regulations Ordinance # 854 Section 9.2.2, which requires, for "Low Density Residential" Minor Streets, 50' of right-of-way and 26' of paving (between curb faces) throughout. Sentence should stand at "... City of Bixby standards."
48. PUD Text Section IV: Please use of term "streets" in section title, body of text, and elsewhere throughout the PUD Text should be avoided in favor of "private drive/s," "mutual access drive/s," or similar. The term "street" may imply or create additional, unintended regulatory measures.
49. PUD Text Section IV: Please describe here existing or plans for proposed access rights to the north-south drive in favor of Tulsa County.
50. PUD Text Section IV: Please confirm/clarify here that Tulsa County deems, as right-of-way for the 121st St. S. County road, the 15'-wide "handle" of the Tulsa County "flag-lot" containing the wetland mitigation area abutting to the south, or at least that part north of the right-of-way line projected through same.
51. PUD Text Section IV: Presuming the full 20' width is available and approved by the Fire Marshal, please specify that the internal drives will be 20' in width (between curb faces) for the northerly X' feet, and 26' in width (between curb faces and exclusive of designated parking spaces and fire lane striping) for the balance.
52. PUD Text: If and as required by the Fire Code / Fire Marshal as mitigating measures in response to a 20'-wide drive allowance, please specify all such mitigation measures in an appropriate section of the PUD Text.

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53. PUD Text Section IV: Please specify intent to re/construct, within the right-of-way, ADA-accessible curb ramps on both sides of the driveway connection under construction, aligned with the sidewalk on west side.
54. PUD Text Section IV: Final Sentence: Please remove or modify appropriately pursuant to Fire Marshal's determination of inadequacy of maintenance access drive(s) for secondary "ingress/egress." If retained, it should specify that it is not recognized as an adequate fire access road but does connect to both 121st St. S. and 131st St. S. via the Fry Creek Ditch maintenance access road / trail.
55. PUD Text Section VII: PUD does not describe plans for utilities in any great detail. Please enhance appropriately. At a minimum, it should describe conduit size from overhead electric/telephone/communications lines along 121st St. S., utility corridor routing, necessity and width of U/E along easterly and southerly sides as determined by utility companies, etc.
56. PUD Text Section VII: Please specify that the "detailed site plan" will be reviewed and approved by Planning Commission, as was required in the nearby PUD 76, or otherwise address appropriately.
57. PUD Text Section VIII: Please qualify final sentence such as "...zero frontage along E. 121st Street South, subject to the provision of a Mutual Access Easement or other approved legal access."
58. PUD Exhibit I: To the extent Exhibit I reflects proposed site features which must be modified pursuant to recommendations pertaining to Exhibit B, please make same modifications here.
59. 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.
60. 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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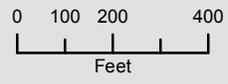


LEGEND

- Bixby Corporate Limits
- Tulsa Corporate Limits



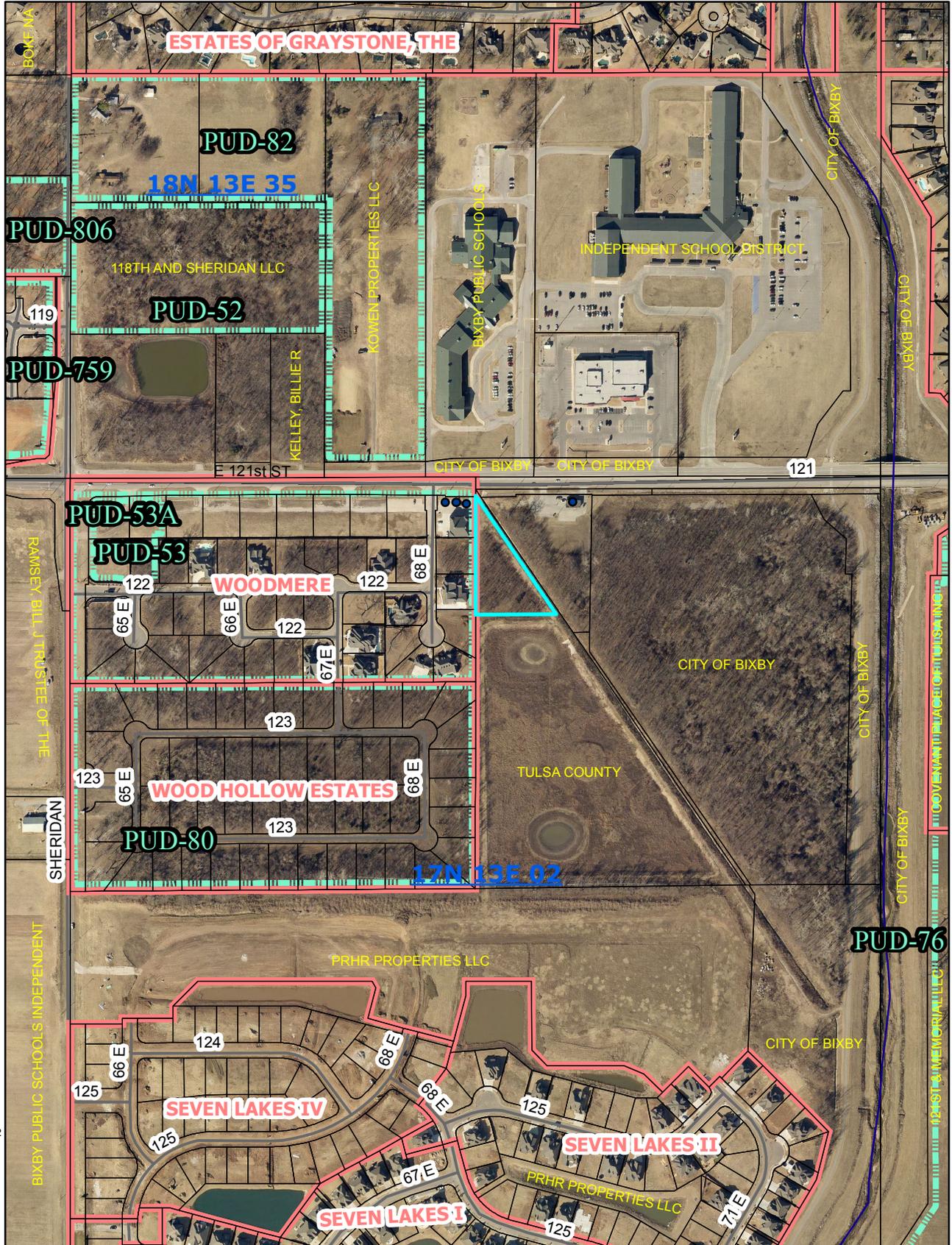
PUD-92



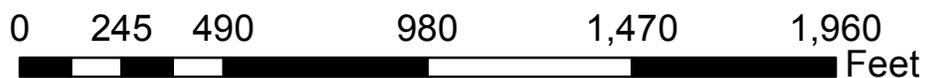
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PUD 92 – “Stone River Place” – Marc P. Bullock



- Businesses
- bixby_streams
- Tulsa Parcels 04/15
- WagParcels 04/15
- Tulsa_Subdivision
- WagSubdivision
- WagRoads_Aug2012
- E911_Streets
- PUD
- bixby_s-t-r
- county



CITY OF BIXBY

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

Engineering Department Memo

To: Erik Enyart, City Planner

From: Jared Cottle, PE *JWC*

CC: Bea Aamodt, PE
File

Date: 10/20/15

Re: Stone River Place
PUD 92 Review

General Comments:

1. Access and circulation must be approved by the Fire Marshall.
2. A water line loop is required as shown. However, the line must be installed in green areas, out from under paved areas. Otherwise, a private line with a master meter at each connection to the City mains will be required.
3. The sanitary sewer connections to the existing sanitary sewer line is approved. Coordination with adjacent property owners will be required.
4. The storm sewer connection to the Tulsa County drainage facility without detention will be approved upon receipt of written concurrence and authorization by the Tulsa County Enigneer.

Memo

To: Erik Enyart, AICP, City Planner

From: Joey Wiedel

Date: 11-2-2015

Re: PUD 92- "Stone River Place"

PUD 92- "Stone River Place" plans are approved by this office with the following conditions:

1. Fire hydrants:

- Shall have a separation distance of no further than 300 feet.
- Place one hydrant at/or near entrance and one near the end of the development.
- Hydrants shall be installed per City Standards
- Hydrants shall be AVK, Mueller and Chrome yellow in color.
- Hydrants shall be looped.
- Shall be installed prior to vertical construction begins.

2. Access Circulation:

- Shall meet the requirements of 2009 IFC Chapter 5 and Appendix D.
- Alternative Hammerhead shall meet 2009 IFC Figure D103.1 requirements. Access gate shall not be located in the middle of the proposed turn around.
- Fire apparatus access road shall be no less than 26 feet wide.
- Fire lanes and signage shall be posted on both sides of roadway.
- All portions of the buildings shall be within 150 feet from an approved hard surface.
- Second means of access is shall 2009 IFC D102. Shall be capable of handling an imposed load of 75,000 pounds and suited for all weather conditions. (Will discuss in detail at TAC Meeting.)

Joey Wiedel

Joey Wiedel

11-2-2015

Date

MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
November 04, 2015 – 10:00 AM

MEMBERS PRESENT

STAFF PRESENT

Erik Enyart, AICP, City Planner, City of Bixby
Joey Wiedel, Fire Marshal, City of Bixby

OTHERS PRESENT

Marc Bullock
Ryan McCarty, *Select Design, LLC*

1. Erik Enyart called the meeting to order at 10:05 AM.

Erik Enyart noted that there were no utility companies in attendance, and that the Fire Marshal was attending another matter.

2. **PUD 92 – “Stone River Place” – Marc P. Bullock.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 1.172 acres in part of the NE/4 NW/4 of Section 02, T17N, R13E.
Property Located: 6900-block of E. 121st St. S.

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart noted that he had discussed with Marc Bullock the PUD when it was submitted, and observed that it included most of the elements he anticipated and would want to see in it. Mr. Enyart stated that he understood Mr. Bullock had met with the neighbors [of WoodMere to the west], which he stated was a good thing. Mr. Bullock stated that he had met with [Lee] Jenkins and [Matt] McCormick the previous evening and discussed with them their concerns, and viewed [the subject property] from Mr. Jenkins' yard. Mr. Enyart stated that he too had discussed with Mr. Jenkins his concerns, and agreed to meet with Mr. Jenkins at his house to see the property from that perspective. Mr. Bullock and Mr. Enyart discussed Mr. Jenkins' expressed desire for a screening wall and landscape buffering. Mr. Bullock stated that the site plan exhibit was incorrect, and needed to be modified to show a 5'-wide landscaped strip along the west line. Mr. Enyart stated that he thought the heavy lineweight had obscured the 5' strip. Mr. Bullock indicated this was not the case and stated that he would have this updated. Mr. Enyart asked if any of the mature trees along the west line could be preserved. Mr. Bullock indicated that most of this area, 3' to 4' into his property, had already been cleared of trees when the houses and fences were installed, and that the only things remaining were "scrub" trees. Mr. Enyart asked Mr. Bullock if he would consider having [a landscape professional]

look at the area, but Mr. Bullock reiterated that there were no mature trees in this area, only “scrubs.” Mr. Enyart suggested the landscaped strip could be wider than 5’. Mr. Bullock stated that he then could not fit all of the buildings and parking on the lots, and that there was no room for this. Mr. Enyart clarified with Mr. Bullock that trees had been removed from Mr. Bullock’s property. Mr. Enyart speculated that this could have been to provide a defensible space from insects, animals, etc.

Erik Enyart observed with Marc Bullock that the Fire Marshal had called for a fire access road of not less than 26’ in width, but that the PUD indicated there was only 20’ of frontage. Mr. Enyart sketched out the area of the driveway connection and noted that the subject property came to a point at the north end and stuck out into the right-of-way for 121st St. S. Mr. Enyart stated that, upon dedicating the right-of-way using the same right-of-way line to the west and east [projected through the subject property], the subject property would then have [part of the 20’ of frontage cited in the PUD]. Mr. Enyart noted that there was a topographic map drawing included in the PUD which referenced a 30’-wide [Drainage Ditch] Easement belonging to Tulsa County to the east of the subject property. Mr. Enyart discussed with Mr. Bullock the necessity of using this [Drainage Ditch] Easement to achieve the 26’ minimum drive width needed. Mr. Bullock stated that only the westerly 15’ of the 30’ [Drainage Ditch] Easement could be used, as the rest belonged to the Tiger family.

Erik Enyart described his understanding of the access through the Tulsa County wetland mitigation area to the south and confirmed with Marc Bullock that the maintenance drive connected via the Fry Creek Ditch # 2 maintenance drive / trail to both 121st St. S. and 131st St. S. Mr. Bullock noted that the drive did not completely encircle the wetland mitigation area due to the weir, and that only a specialized, off-road truck could cross the weir. Mr. Bullock discussed with Mr. Enyart, at this time or another, a previous concept to pave along the north side of the wetland mitigation area tract for additional parking, but stated that the Fire Marshal would not want parking that far in the back, should a car catch fire, and that, in his discussions with the homeowners to the west, they expressed desire for a fence and trees to be planted here for screening/buffering[, which would conflict with a paved drive].

Joey Wiedel in at 10:21 AM.

Joey Wiedel noted that he had to help out the Fire Department on a matter along 151st St. S. and had just gotten back. Erik Enyart told Mr. Wiedel that he had already discussed the Zoning and buffering and screening matters and had just begun discussing access issues, so Mr. Wiedel’s arrival was timely.

Marc Bullock stated that he had received the Fire Marshal’s review memo and agreed to the fire hydrant recommendations. Mr. Wiedel discussed the review memo and access considerations with Mr. Bullock. Mr. Wiedel retrieved his Fire Code and returned. Mr. Wiedel stated that, as he had discussed with the Fire Chief, the fire road had to be at least 26’ in width per Fire Code as the drives around the Tulsa County wetland mitigation area were not adequate to meet the fire apparatus load and related Fire Code requirements. Mr. Wiedel discussed maximum building floor area and building height standards. Mr. Bullock stated that, in his Crestwood developments in Tulsa, he had limited the building heights to 30’. Erik Enyart and Mr. Wiedel asked if the 35’ height restriction in

the PUD Text would be modified to 30', and Mr. Bullock agreed to make this change. Mr. Bullock confirmed with Mr. Wiedel that architectural projections/embellishments such as finials, provided they were not habitable and were approved, could extend above this 30' height. Mr. Wiedel discussed other options under the Fire Code including fire sprinkler systems. Mr. Enyart asked, and Mr. Bullock responded that no fire sprinkler systems were planned. Mr. Enyart noted that the height reduction, from the perspective of the original PUD submittal, could be seen as improving the buffering proposed.

Joey Wiedel discussed with Marc Bullock the "hammerhead" turnaround and gate at the south end of the subject property. Mr. Bullock stated that the gate was a Tulsa County requirement. Erik Enyart noted that the County likely wanted the public to stay out of the wetland mitigation facility. Mr. Wiedel asked, and Mr. Bullock agreed to move the gate to the end of the paving within the Tulsa County property, subject to Tulsa County concurrence. Mr. Enyart and Mr. Bullock indicated to Mr. Wiedel, now or at another time, a previous concept to pave the east-west drive within the wetland mitigation area tract, for improved access and additional parking to the south and southeast of the buildings. Mr. Bullock noted that this drive paving was actually to be to the north of the current drive and was not now planned due to the neighbor's preference for screening [fences and/or] trees along this area.

Joey Wiedel asked about the building floor area planned, and Marc Bullock estimated, at 0.50 / 50% Maximum Floor Area Ratio (FAR), it would be just less than 21,000 square feet. Mr. Bullock stated that the buildings would be wood with stucco and stone [siding], and that the second stories would have elevators. Mr. Bullock stated that the northerly building would likely only be one (1) story.

Erik Enyart discussed the arrangements for the driveway connection to 121st St. S. and reiterated several of the key aspects of same as discussed prior to Joey Wiedel's arrival. Mr. Bullock clarified that the drive width could only be a maximum of 20' curb-to-curb due to the [geometries] involved [concerning the 15'-wide "handle" of the Tulsa County wetland mitigation area "flag lot" tract abutting to the east]. Mr. Bullock stated that the drive would be wider at the connection to 121st St. S. due to the turning radii involved, and would widen to 26' quickly upon entry to the subject property, but would only have 20' for the first part. Mr. Wiedel stated that he would have to discuss this with his Fire Chief. Mr. Enyart asked if there were any mitigating measures to be taken if this arrangement ended up needing an exception, Waiver, or modification, and what those might be. Mr. Wiedel stated that such measures could include sprinkler systems or additional fire walls to break down the size of the buildings. Mr. Bullock noted that Tulsa required a 10' building separation but confirmed with Mr. Wiedel that Bixby required 11' [without additional fire wall requirements]. Mr. Bullock described, at this time or another, the condition of the maintenance drive around the wetland mitigation area, but indicated he would not object to the Fire Marshal's determination of inadequacy. Mr. Wiedel discussed with Mr. Bullock the "hammerhead" turnaround at the south end of the subject property and expressed concern that there were no dimensions. Mr. Bullock agreed to have Tanner Consulting add these. Mr. Enyart stated that he also observed all the dimensions were missing and that a lot of his review comments would be for lack of dimensions. Mr. Enyart stated that, on the one hand, the site plans can have great specificity and detail, showing individual parking spaces, etc., but when this is done, the City starts counting parking spaces and asking for all dimensions for same, but a site plan can also simply represent

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large blocks [for buildings] and generalized parking areas, and the request for dimensions and other details go away. Mr. Enyart asked if the site plans were in good enough shape to have this level of detail. Mr. Bullock agreed that the finer detail would cause him to have to start counting parking spaces and making exceptions in the PUD for parking issues. Mr. Bullock agreed to do what was needed. Mr. Enyart stated that he was in the middle of reviewing the PUD and hoped to have the report finished in the next couple days, and stated that his review comments would mostly be lack of dimensions and the need for buffering and screening along the west side of the property shared with the existing residential neighborhood. Mr. Enyart asked if the fence along the back side of the commercial lots in WoodMere was not a [concrete] panel product called "fencecrete." Mr. Bullock responded that it was a concrete panel product and described it further. Mr. Enyart asked, and Mr. Bullock indicated that he would be agreeable to installing that fence along the west side of his property. Mr. Enyart asked, and Mr. Bullock stated that it was an 8' high fence. Mr. Bullock indicated that he could build a fence like that here but that it would not resolve all of the concerns the adjoining neighbors had, which, in one instance, included safety were a car to drive through the wall into the residential yard. Mr. Bullock and Mr. Enyart discussed the concrete panel walls installed in the Crestwood development. Mr. Bullock noted that this was a more expensive product, and that the panels had to be dropped into place with cranes. Mr. Enyart reiterated that his review comments would primarily be for missing dimensions and details and for the need for buffering and screening along this west side.

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

Erik Enyart addressed Marc Bullock and sated that he did excellent work and that the City was happy to have him as a partner.

Erik Enyart stated that, hearing none, the meeting would proceed to the next item on the agenda. Marc Bullock left at this time at and Mr. Enyart thanked Mr. Bullock for his attendance.

- PUD 78 – "Willow Creek" – Major Amendment # 1 – Rosenbaum Consulting, LLC for Willow Creek Development, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 78 for approximately 43.965 acres, all of *Willow Creek Estates*, with underlying zoning RS-3 Residential Single-Family District and RM-3 Residential Multi-Family District, which amendment proposes to allow off-street parking to be located off the subject property and within the Public street right-of-way (cf. Zoning Code / City Code Section 11-10-2.D), to remove the 7.5' minimum width parking lot setback and landscaped strip requirements (cf. Zoning Code / City Code Section 11-10-3.B Table 1 and 11-12-3.A.2), and make certain other amendments.

Property Located: South and west of the intersection of 131st St. S. & 93rd E. Ave.

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart noted that this concerned the new *Willow Creek Estates* housing addition and its pool and "restroom building," which would also contain pool equipment so might also be called a "poolhouse," and the design of the parking lot serving same. Mr. Enyart stated that, like almost all other neighborhood pools/poolhouses constructed in Bixby in the past several years, the design called for a parking lot strip coming right off the street. Mr. Enyart stated that he had already reviewed the Site Plan, for

which, incidentally, he had received a revised set of plans and would update his review, and that the Site Plan included most of the review comments. Mr. Enyart stated that the design conflicted with approximately three (3) Zoning Code standards, so the PUD Major Amendment was necessary to address them. Mr. Enyart stated that the Zoning Code required parking lots to be constructed on the property [being served], with landscaped parking lot setbacks. Mr. Enyart stated that the PUD Major Amendment was provided in the form of a letter, and that his review would primarily focus on making the language integrate with the existing PUD Text and Exhibits, such as citing section, chapter, verse and specifying the replacement language in the correct section. Mr. Enyart stated that the PUD Amendment would need to be integrated into the framework of the existing PUD. Mr. Enyart noted that the design also required the City Council approve a License Agreement and required the relocation of the waterline, and that he understood from the City Engineer's review memo that the stormsewer would also need to be modified. Mr. Enyart stated that this design called for cars to back into potentially oncoming traffic, and increased the risk for auto/pedestrian conflicts, because there was no margin of error. Mr. Enyart stated that he had been to the property and observed that, unlike several other similar neighborhood pool/poolhouses, however, this one had certain mitigating factors. Mr. Enyart stated that the parking lot strip was located on a fairly short street, 133rd Pl. S., so there was not much room for increasing speed. Mr. Enyart stated that, as one approached the parking lot strip [toward the stop sign], the street curved, and to the left, which [slowed traffic and] afforded improved visibility. Mr. Enyart stated that all of the concerned City Staff had reviewed the matter and determined that they would not object to this design. Mr. Enyart asked Ryan McCarty if he cared to summarize the application further.

Ryan McCarty stated that he was assisting Barrick Rosenbaum in this application, and confirmed with Erik Enyart that the City was pleased that the parking lot strip was removed from the [93rd E. Ave. Collector] street [compared to intermediate designs]. Mr. McCarty agreed that the Zoning Code called for parking lots to be located on the same lot, just as for a business, but noted that this design was employed for these [neighborhood facilities] all over [the greater Tulsa area]. Mr. McCarty asked about the License Agreement and asked if Barrick Rosenbaum was not working on that. Erik Enyart confirmed and stated that, when he reviewed the License Agreement, he observed it was not the standard, [City Attorney-]approved form, and rather was a License and Development Agreement, so he pointed out that he would defer to the City Attorney for primary review, with his review focused on typos and other such minor matters. Mr. Enyart stated that Development Agreements were always reviewed by the City Attorney, and that he was not called on to review them. Mr. Enyart stated that he had an email from Barrick Rosenbaum over the weekend asking for the standard form, and that he talked to Mr. Rosenbaum the day earlier about this. Mr. Enyart stated that he saw the new form as having elements the City may prefer having, so he did not want to say it was okay to discard it and start over with the new, City-approved standard form, and rather deferred to the City Attorney on the format to be used.

Erik Enyart asked Joey Wiedel if he had any questions or comments. Mr. Wiedel stated that his comments pertained to access, and that the pool must have some way for the Fire Department to get in. Ryan McCarty indicated agreement.

Erik Enyart stated that he would be working on the Staff Report and would provide it to the Applicant as soon as he could finish it, which would likely be by the end of the week. Mr. Enyart

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clarified with Mr. McCarty that the City Council meeting would be the fourth Monday of the month, November 23, 2015.

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. Ryan McCarty left at this time and Mr. Enyart thanked him for his attendance.

4. **BL-401 – Steve & Tana Killman**. Discussion and possible action to approve a Lot-Split for approximately 7.5 acres in part of the NE/4 of the NE/4 of Section 20, T17N, R13E.
Property located: 15310 S. Harvard Ave.
-

Erik Enyart noted that this was a Lot-Split for a 7.5-acre tract, proposed to be split into a 2-acre tract with the house and another tract for a new house. Mr. Enyart asked, and Joey Wiedel indicated that he had no objection.

5. Old Business – None.
6. New Business – None.
7. Meeting was adjourned at 11:02 AM.

BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, November 04, 2015

NAME	COMPANY	PHONE
1. Ryan McCarty	Select Design	(918) 798-8356
2. Mac Bullock	STONE RIVER	918-299-3929
3. Erik Fryart	City of Bixby	918 366 0427
4. Joey Wredel	City of Bixby	(918) 366-0436
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City of Bixby Application for PUD

Applicant: Marc P Bullock
Address: 12028 S. Norwood Ave. Suite 400 Tulsa OK 74137
Telephone: 918 299-3929 **Cell Phone:** 918 691-7861 **Email:** mpbullock@somershayes.com

Property Owner: Marc P. Bullock If different from Applicant, does owner consent?
Property Address: 12133 S. 68th E. Place Bixby OK 74008
Existing Zoning: AG **Requested Zoning:** OL **Existing Use:** Vacant
Proposed Use: Office -Low Intensity **Use Unit #:** 11

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

ALTA SURVEY

Does Record Owner consent to the filing of this application? YES NO
If Applicant is other than Owner, indicate interest: _____
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: Marc P Bullock
12028 S Norwood Ave Suite 400 Tulsa OK 74137 (NAME)
918 299-3929
(ADDRESS) (CITY) (PHONE)

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

Signature: Date: 10/15/15

APPLICANT - DO NOT WRITE BELOW THIS LINE

PUD 92 Date Received 10/15/2015 Received By Emyout Receipt # 0129 0107
Planning Commission Date 11/16/2015 City Council Date _____

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

FEES:	PUD TYPE	ACREAGE	BASE FEE	ADD.	TOTAL
					<u>\$636.00</u>

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

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City of Bixby Application for Rezoning

Applicant: Marc P Bullock
Address: 12028 S Norwood Ave. Suite 400 Tulsa OK 74137
Telephone: 918 299-3929 Cell Phone: 918 691-7861 Email: mpbullock@somershayes.com

Property Owner: Marc P Bullock If different from Applicant, does owner consent?
Property Address: 12133 S 68th E. Place Bixby OK 74008
Existing Zoning: AG Requested Zoning: OL Existing Use: Vacant
Proposed Use: Office - Low Intensity Use Unit #: 11

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

ALTA SURVEY

Does Record Owner consent to the filing of this application? YES NO

If Applicant is other than Owner, indicate interest: _____

Is subject tract located in the 100 year floodplain? YES NO

BILL ADVERTISING CHARGES TO: Marc P Bullock
12028 S Norwood Ave Suite 400 Tulsa OK 74137 (NAME)
918 299-3929
(ADDRESS) (CITY) (PHONE)

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

Signature: Date: 10/15/15

APPLICANT - DO NOT WRITE BELOW THIS LINE

BZ-387 Date Received 10/15/2015 Received By Ernyork Receipt # 01290109
Planning Commission Date 11/16/2015 City Council Date _____

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

FEES:	TYPE	ZONING	ACREAGE	BASE FEE	ADD.	TOTAL
	L M H MP	_____	_____	_____	_____	<u>\$561.00</u>

PC Action _____ City Council Action _____
DATE / VOTE _____ DATE / VOTE _____
STAFF REC. _____ ORD. NO. _____
Building Permit # _____ Case Reference # _____

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APPROVED

JAN 20 2015

STATE OF OKLAHOMA
TULSA COUNTY

AGREEMENT

2015 JAN 16 PM 1:59

THIS AGREEMENT, made the 20th day of January, 2015, by and between the Board of County Commissioners of Tulsa County, Oklahoma, hereinafter called "County" and Marc Bullock, etal, hereinafter called "Bullock".

TULSA COUNTY CLERK

WITNESSETH:

WHEREAS, County is desirous of participating in projects and the provision of services mutually advantageous to the County and other entities;

WHEREAS, Bullock previously purchased excess property from the County, said property lying south of East 121st Street South, east of Sheridan Road;

WHEREAS, Bullock desires access across adjacent property owned by the County;

WHEREAS, County desires improved access to its remaining property located south of Bullock's property.

THEREFORE, in consideration of the covenants and conditions hereinafter contained, the parties hereto agree as follows:

1. County agrees to execute an easement to allow Bullock to cross its property adjacent to East 121st Street South, east of the intersection with Sheridan Road, as described in the attached Exhibit A.
2. Bullock agrees to plat his property, and include language in the covenants to allow County to access its property south of Bullock property. (See "24' Mutual Access Easement" on attached Conceptual Plan.)
3. Both parties agree that until such time as the plat of Bullock's property is filed, and the improvements constructed, County will continue using an existing 15' access easement on Bullock's property.
4. At the time the improvements are completed, allowing County to access its property across Bullock property, County will give up its right to utilize the existing 15' easement, and commence utilizing the platted Mutual Access Easement for access to its property south of Bullock property.
5. Bullock shall be responsible for costs for construction and maintenance of the access improvements.
6. Either party hereto without the express written consent of the other shall not assign the rights, duties and obligations under or arising from this Agreement, said written consent shall not be unreasonably withheld.

233523

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Exhibit A

A tract of land that is a part of Government Lot Three (3), Section Two (2), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian in Tulsa County, State of Oklahoma, said tract being more particularly described as follows:

Commencing at the Northwest Corner of said Government Lot 3; Thence South $01^{\circ}00'35''$ East along the Westerly line of said Government Lot 3 a distance of 40.00 feet to a point on the Southerly line of a Highway Easement described in Book 918, Page 583 and the same being the Point of Beginning;

Thence North $88^{\circ}46'00''$ East along the Southerly line of said Highway Easement for a distance of 3.73 feet to a point on the Westerly line of a Highway and Drainage Easement described in Deed Document No. 2005037187; Thence South $35^{\circ}08'05''$ East along the westerly line of said Highway and Drainage Easement and along the Westerly line of a tract of land Described by Quit Claim Deed Document No. 2005099136 for a distance of 64.05 feet; Thence South $01^{\circ}00'35''$ East for a distance of 26.84 feet to a point on the Westerly line of a 30 foot Drainage Ditch Easement filed in Book 918, Page 583; Thence North $35^{\circ}08'05''$ West along the Westerly line of said Drainage Ditch Easement for a distance of 70.69 feet to a point on the Westerly line of Government Lot 3; Thence North $01^{\circ}00'35''$ West along the Westerly line of Government Lot 3 for a distance of 21.33 feet to the Point of Beginning.

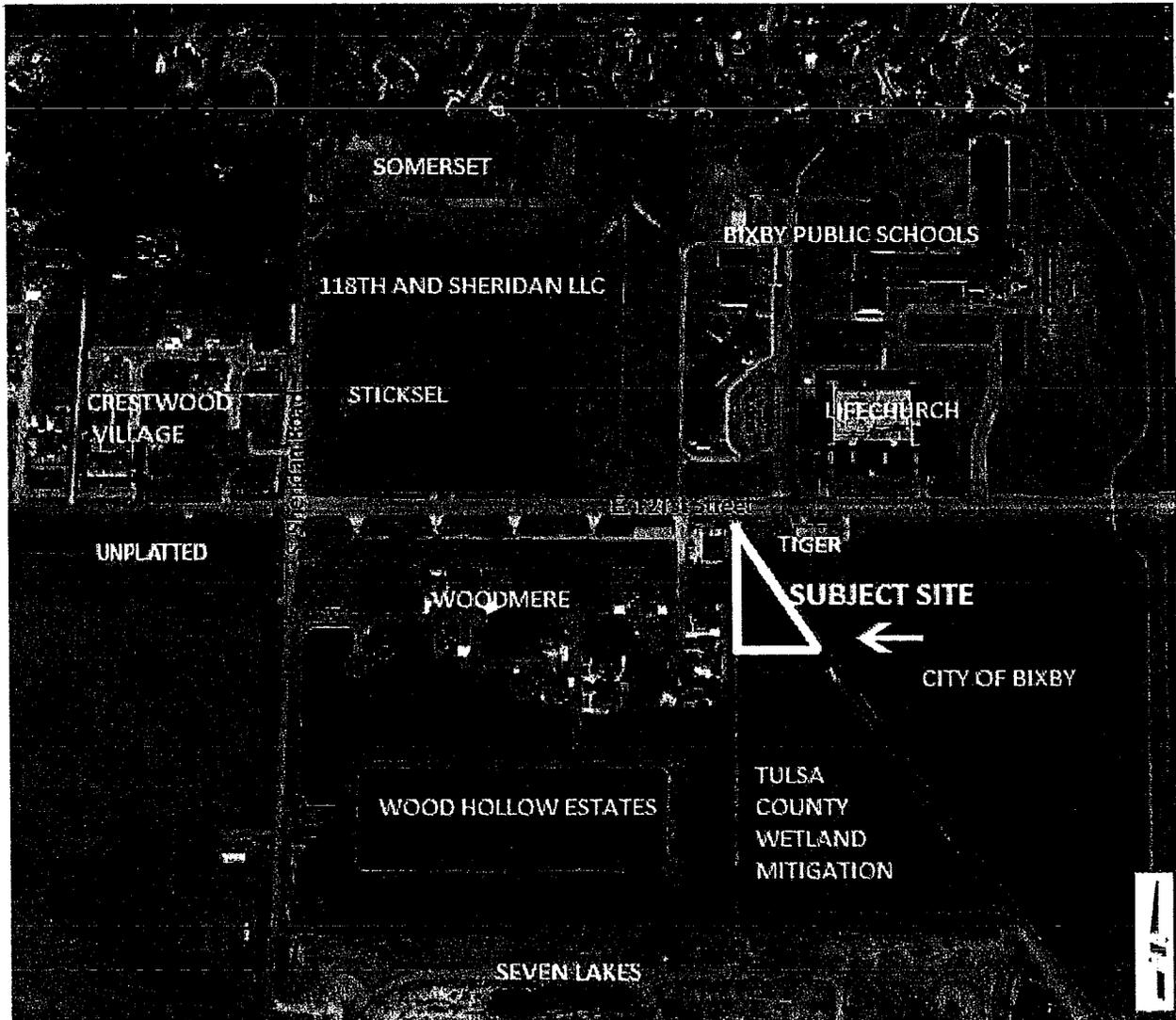
STONE RIVER PLACE

APPROXIMATELY 1.1720 ACRES
 SOUTH OF E. 121ST STREET
 EAST OF S. SHERIDAN ROAD
 WEST OF MEMORIAL DRIVE

CITY OF BIXBY

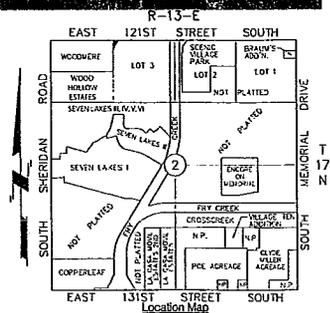
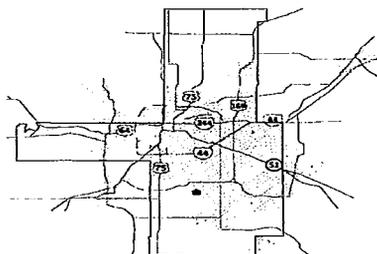
OCT 15 2015

RECEIVED *of. PUD 92*
 By *Fryer*



Owner and Applicant:

Marc P. Bullock
 12028 S. Norwood Ave. Suite 400
 Tulsa OK 74137



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PUD-92

STONE RIVER PLACE

APPROXIMATELY 1.1720 ACRES
SOUTH OF E. 121ST STREET
EAST OF S. SHERIDAN ROAD
WEST OF MEMORIAL DRIVE
BIXBY OKLAHOMA



Owner and Applicant:

Marc P. Bullock
12028 S. Norwood Ave. Suite 400
Tulsa OK 74137

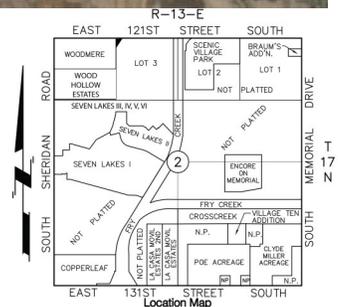
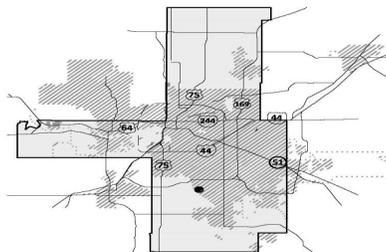


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I PROPERTY DESCRIPTION

STONE RIVER PLACE is a 1.1720 acre tract located south of E. 121st Street S, approximately 1,340 feet (.2519 miles) east of the E. 121st St South and S. Sheridan Road intersection and 3,950 feet (.7481 miles) west of the Memorial and E. 121st St South intersection, Bixby, Oklahoma, and is more particularly described within the following statement.

A TRACT OF LAND THAT IS PART OF GOVERNMENT LOT 3 IN SECTION 2, T-17-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, CITY OF BIXBY, TULSA COUNTY OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

STARTING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 3; THENCE S 01° 00'35" E ALONG THE WESTERLY LINE OF GOVERNMENT LOT 3 FOR 61.33' TO "THE POINT OF BEGINNING" OF SAID TRACT OF LAND, SAID POINT BEING ON THE SOUTHWESTERLY LINE OF AN EXISTING 30' WIDE EASEMENT TO TULSA COUNTY RECORDED IN BOOK 918, PAGE 583; THENCE S 35°08'05" E ALONG SAID SOUTHWESTERLY LINE FOR 468.28'; THENCE S 88°46'00" W AND PARALLEL WITH THE NORTHERLY LINE OF SECTION 2 FOR 262.71' O A POINT ON THE WESTERLY LINE OF GOVERNMENT LOT 3; THENCE N 01°00'35" W ALONG SAID WESTERNLY LINEFOR 388.67' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 51,053 SQUARE FEET OR 1.1720 ACRES.

II DEVELOPMENT CONCEPT

As a complement to the expanding activity along the E. 121st St South corridor between Memorial Drive and Sheridan Road and at the intersection of Sheridan Road and E. 121 Street, the **Stone River Place** office park is proposed through PUD No. 92. **Stone River Place** is uniquely situated on a triangular piece of land, which was formerly owned by Tulsa County and originally intended for wetland mitigation associated with the widening of E. 121st St. Tulsa County subsequently determined the land to be surplus and is now re-claimed for development. An accompanying application, BZ-387, has been submitted to rezone the property from AG, Agricultural, to Office Low Density, in support of the proposed development.

The north quarter of the office park is abutted on the west by an office use zoned CS Commercial Shopping; while the south three-quarters on the west is abutted by a RS-2 residential subdivision. The south boundary abuts an area owned and designated by Tulsa County as wetland mitigation ponds. The east boundary abuts a drainage channel owned by Tulsa county which is zoned AG as well as an area owned and designated by the City of Bixby as a Hardwood Mitigation Area.

The proposed PUD and accompanying Office zoning will provide low density land use in conformance with the Bixby Comprehensive Plan while acknowledging the area's growing significance as one of Bixby's main corridors into the community.

The proposed office buildings will be residential-style construction with a minimum of 70% brick/stone/stucco exterior, architectural element details, appropriate exterior lighting, and professionally landscaped.

EXHIBIT A AERIAL PHOTOGRAPHY & BOUNDARY DEPICTION
WITH ADJACENT DEVELOPMENTS

PUD—92

STONE RIVER PLACE

APPROXIMATELY 1.1720 ACRES
SOUTH OF E. 121ST STREET
EAST OF S. SHERIDAN ROAD
WEST OF MEMORIAL DRIVE
BIXBY OKLAHOMA



EXHIBIT B CONCEPTUAL SITE PLAN

PUD—92

STONE RIVER PLACE

APPROXIMATELY 1.1720 ACRES
SOUTH OF E. 121ST STREET
EAST OF S. SHERIDAN ROAD
WEST OF MEMORIAL DRIVE
BIXBY OKLAHOMA



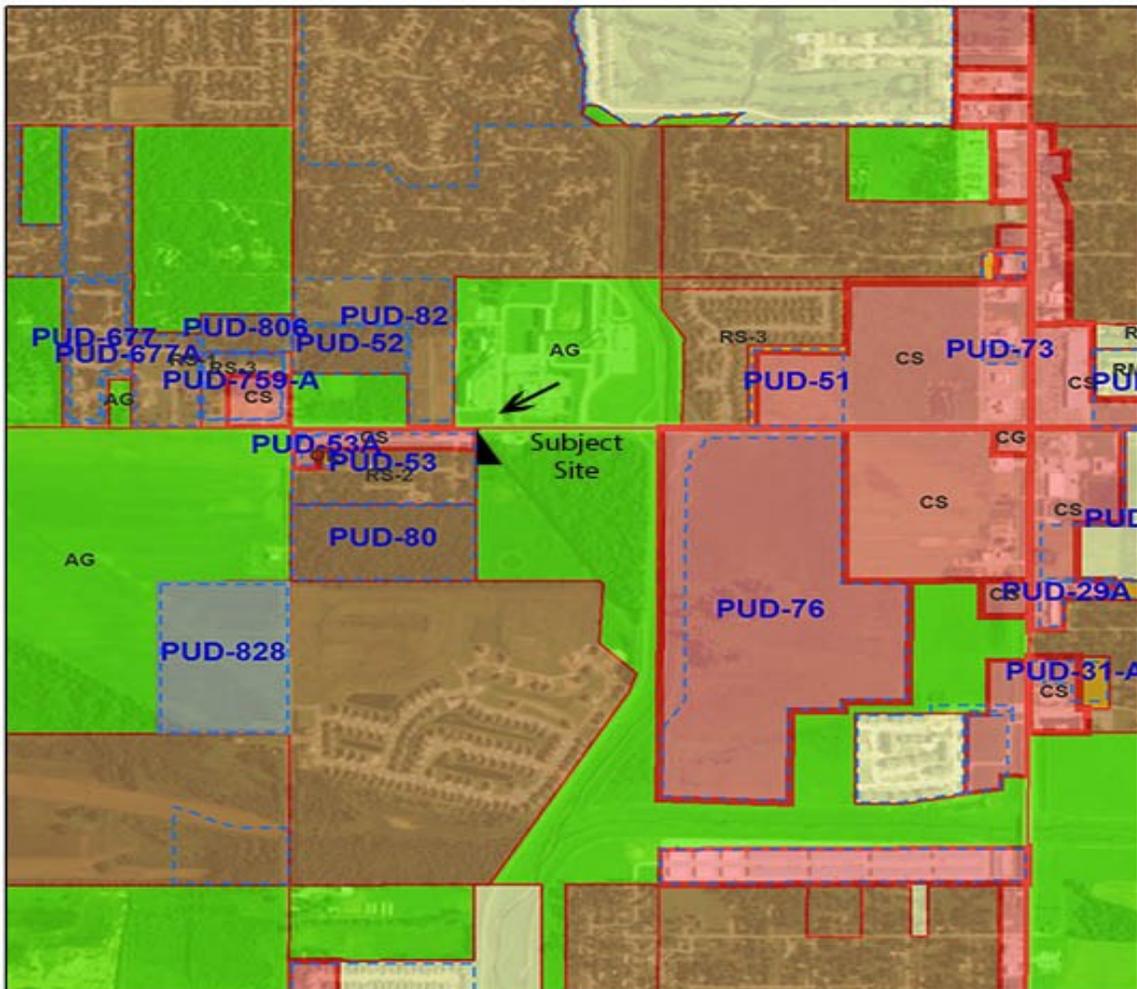
EXHIBIT C ZONING MAP

PUD—92

STONE RIVER PLACE

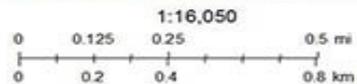
APPROXIMATELY 1.1720 ACRES
 SOUTH OF E. 121ST STREET
 EAST OF S. SHERIDAN ROAD
 WEST OF MEMORIAL DRIVE
 BIXBY OKLAHOMA

INCOG Zoning Map



September 25, 2015

- | | | |
|---------------------------------|--|---------------------------|
| Administration.SDE.Tulsa_PUD | | Residential Multi-Family |
| | | Agriculture |
| Administration.SDE.Tulsa_Zoning | | Office |
| | | Other |
| | | Commercial |
| | | Residential Single-Family |



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P. Corp., NAVICAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and

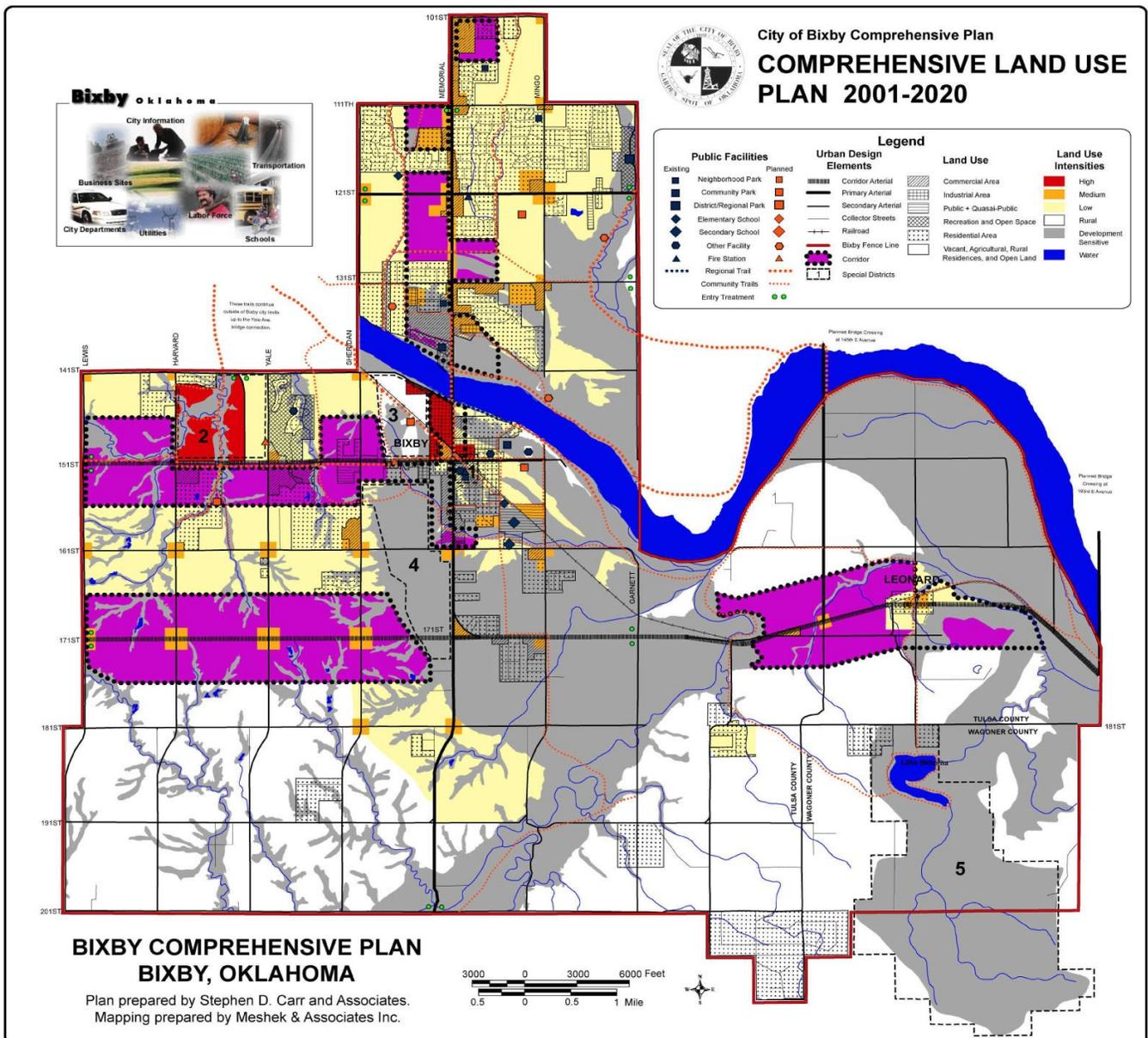
INCOG Mapping and Graphics Department
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EXHIBIT D COMPREHENSIVE PLAN MAP

PUD—92

STONE RIVER PLACE

APPROXIMATELY 1.1720 ACRES
 SOUTH OF E. 121ST STREET
 EAST OF S. SHERIDAN ROAD
 WEST OF MEMORIAL DRIVE
 BIXBY OKLAHOMA



III DEVELOPMENT STANDARDS

Project Net Land Area:	1.1720 acres	51,053 SF
Permitted Uses:	Uses permitted as a matter of right in Office Low Density zoning district in the City of Bixby Zoning Code	
Maximum number of Lots:	3	
Maximum Permitted Building Floor Area:	20,421 SF	
Maximum Building Height:	Two Stories/ 35 FT (Architectural elements may exceed maximum building height with detail site plan approval)	
Minimum Building Setbacks:	From west boundary	50 FT
	From east boundary	11 FT
	From south boundary	11 FT
	From E. 121 st St.	50 FT
Off-Street Parking:	62*	
E. 121 st Street Arterial Frontage	20 FT**	
Landscaped Area:	A minimum of 15% of total net land area shall be improved as internal landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Bixby Zoning Code.	
Landscape Buffer and Screening:	A minimum 5-foot wide landscaped buffer strip shall be provided along the west boundary of the PUD where it is adjacent to an R District. A screening fence not less than 6 feet in height shall be erected along the property line along the west boundary where it is adjacent to an R District.	
Lighting:	Parking lot lighting shall not exceed a height of 20 feet. All light standards, including building mounted, shall be directed downward and away from the adjacent R District. 1 foot candle at property line.	
Signage:	<p>a. One free-standing ground sign, not to exceed 32 SF of display surface area or 20 feet in height, shall be permitted along the E 121st St. frontage</p> <p>b. Wall signs shall be permitted not to exceed 2.0 SF of display surface area per lineal foot of building wall to which attached.</p>	
*A cross-parking provision will be contained in the subdivision plat. Required parking may be contained on a lot separate from the use.		
**See Parcelization Section		

IV Frontage, Access, Streets and Circulation

Frontage is 20 feet along E. 121st Street with access into the property via a newly constructed entry built to Tulsa County specifications. Internal streets and parking lots shall be constructed according to City of Bixby standards for minor streets. A secondary egress for fire safety provisions has been provided at the southwest corner of the property where a Tulsa County maintenance road exists.

V Environmental Analysis

The site is vacant, relatively flat and densely populated with scrub trees and brush. It slopes from a high point of 612.9 elevation at the north side to a 609.3 elevation at the southwest corner. The USDA Web Soil Survey was used to identify the soil types and possible constraints to development. The site consists of Latanier Clay soil classification, with 0%-1% slopes, occasionally flooded; and Wynona Silty clay Loam soil classification, with 0%-1% slopes, occasionally flooded ("Exhibit F"). Development constraints associated with these soils will be addressed in the engineering design.

VI Drainage and Utilities

Water and sanitary sewer are available to the site via the Woodmere R District subdivision to the west of the site (See Exhibit "H"). Stormwater will be collected by inlets and piped to the east into the Tulsa County concrete flume which discharges the water into Fry Creek. Proposed utilities and drainage are shown in Exhibit "I".

VII Site Plan Review

No building permit shall be issued until a detailed site plan of the proposed improvement has been approved by the City of Bixby.

VIII Parcelization

After initial platting setting forth the allocation of floor area, division of lots may occur by approved lot split application and subject to the further approval by the City of Bixby of proposed floor area allocations and confirmation of the existence of any necessary cross parking and mutual access easements. In the case of one or more lot splits for any lot south of the lot fronting E. 121st Street, the lots shall have zero frontage along E. 121st Street.

IX Schedule of Development

Development of the Stone River Place office complex will begin upon approval of the PUD, platting of the property, and detail site plan approval.

EXHIBIT E EXISTING TOPOGRAPHY

PUD—92

STONE RIVER PLACE

APPROXIMATELY 1.1720 ACRES
SOUTH OF E. 121ST STREET
EAST OF S. SHERIDAN ROAD
WEST OF MEMORIAL DRIVE
BIXBY OKLAHOMA

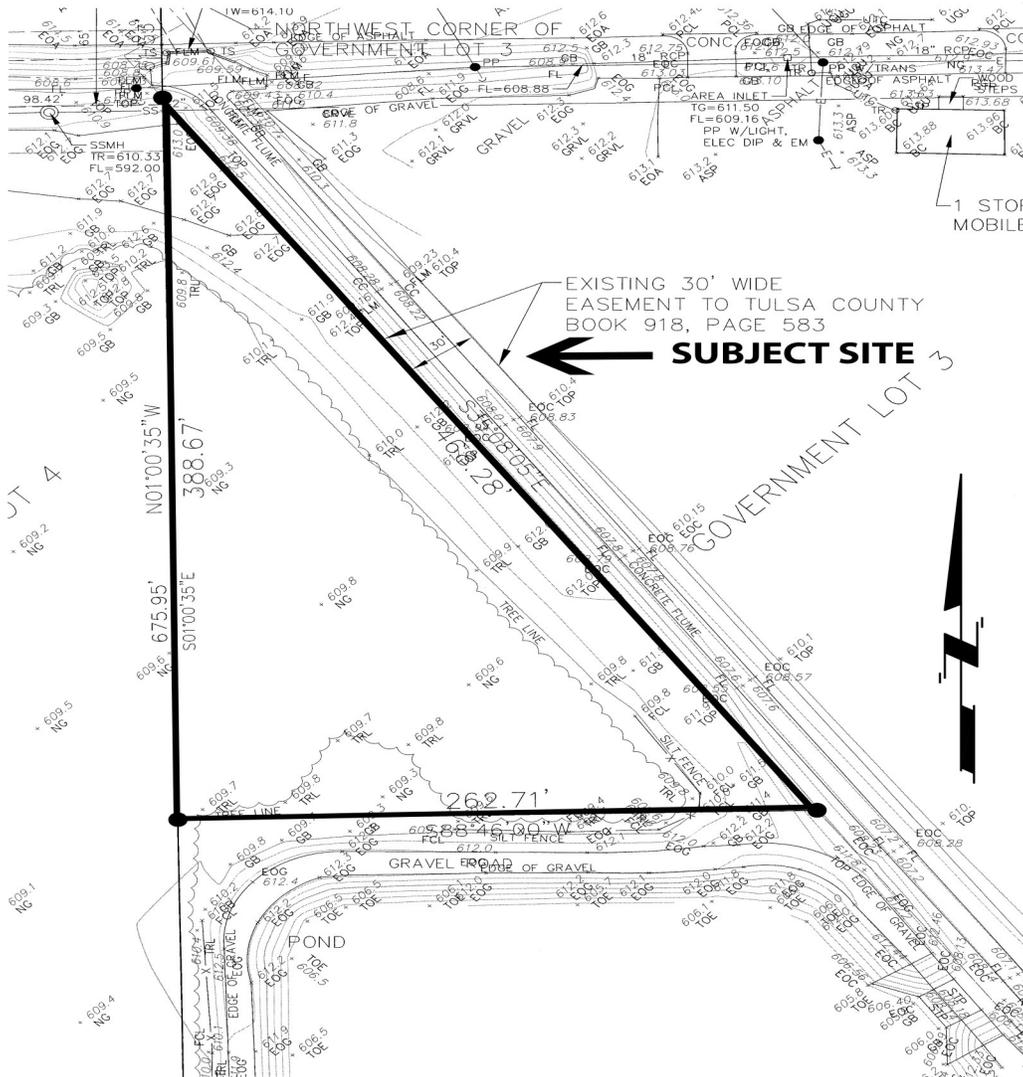


EXHIBIT F EXISTING SOILS

PUD—92

STONE RIVER PLACE

APPROXIMATELY 1.1720 ACRES
SOUTH OF E. 121ST STREET
EAST OF S. SHERIDAN ROAD
WEST OF MEMORIAL DRIVE
BIXBY OKLAHOMA

Tulsa County, Oklahoma (OK143)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
29	Latanier clay, 0 to 1 percent slopes, occasionally flooded	1.0	71.1%
53	Wynona silty clay loam, 0 to 1 percent slopes, occasionally flooded	0.4	28.9%
Totals for Area of Interest		1.4	100.0%



EXHIBIT G FEMA FLOODPLAIN MAP

PUD—92

STONE RIVER PLACE

APPROXIMATELY 1.1720 ACRES
SOUTH OF E. 121ST STREET
EAST OF S. SHERIDAN ROAD
WEST OF MEMORIAL DRIVE
BIXBY OKLAHOMA

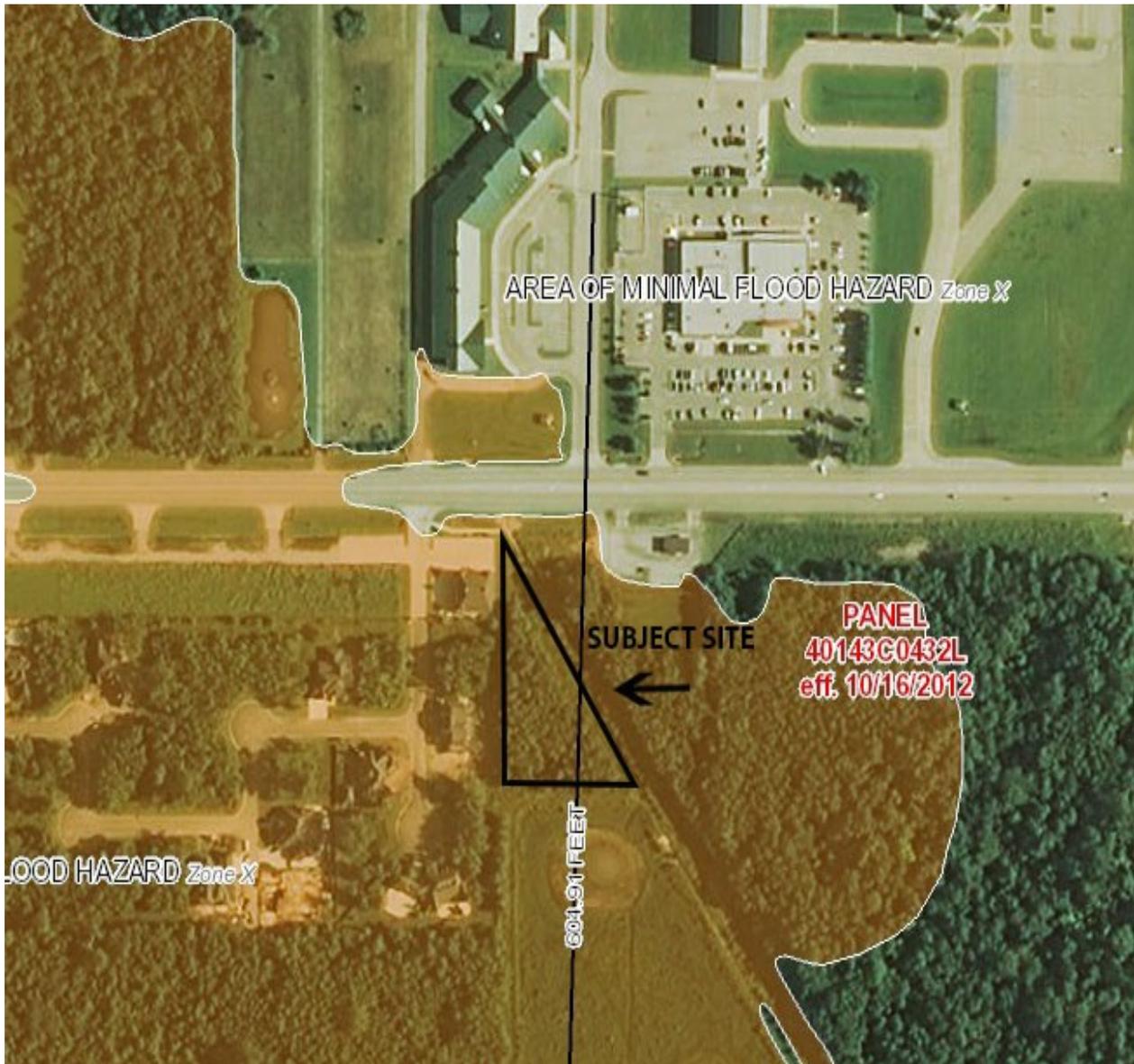
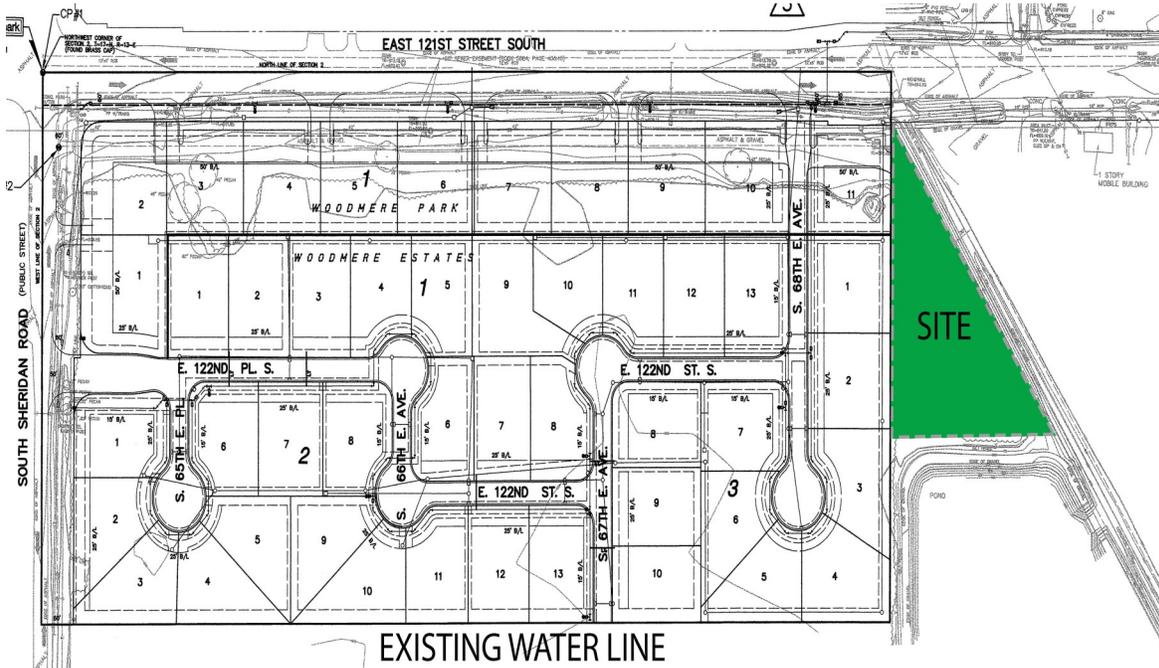


EXHIBIT H EXISTING UTILITIES

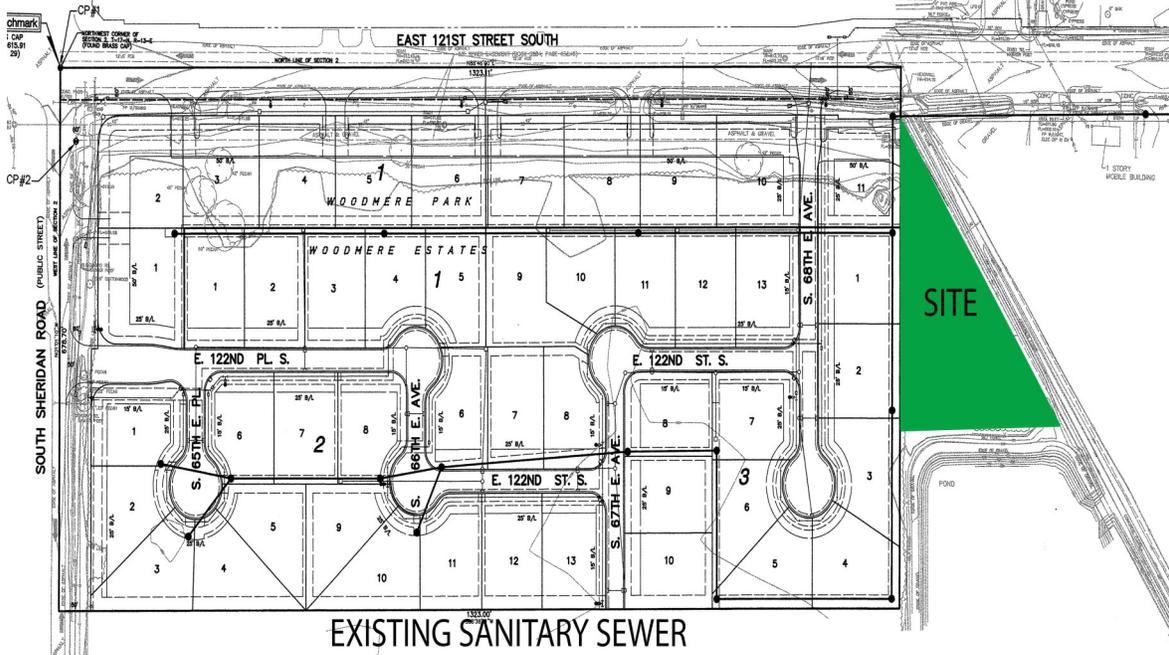
PUD—92

STONE RIVER PLACE

APPROXIMATELY 1.1720 ACRES
SOUTH OF E. 121ST STREET
EAST OF S. SHERIDAN ROAD
WEST OF MEMORIAL DRIVE
BIXBY OKLAHOMA



EXISTING WATER LINE



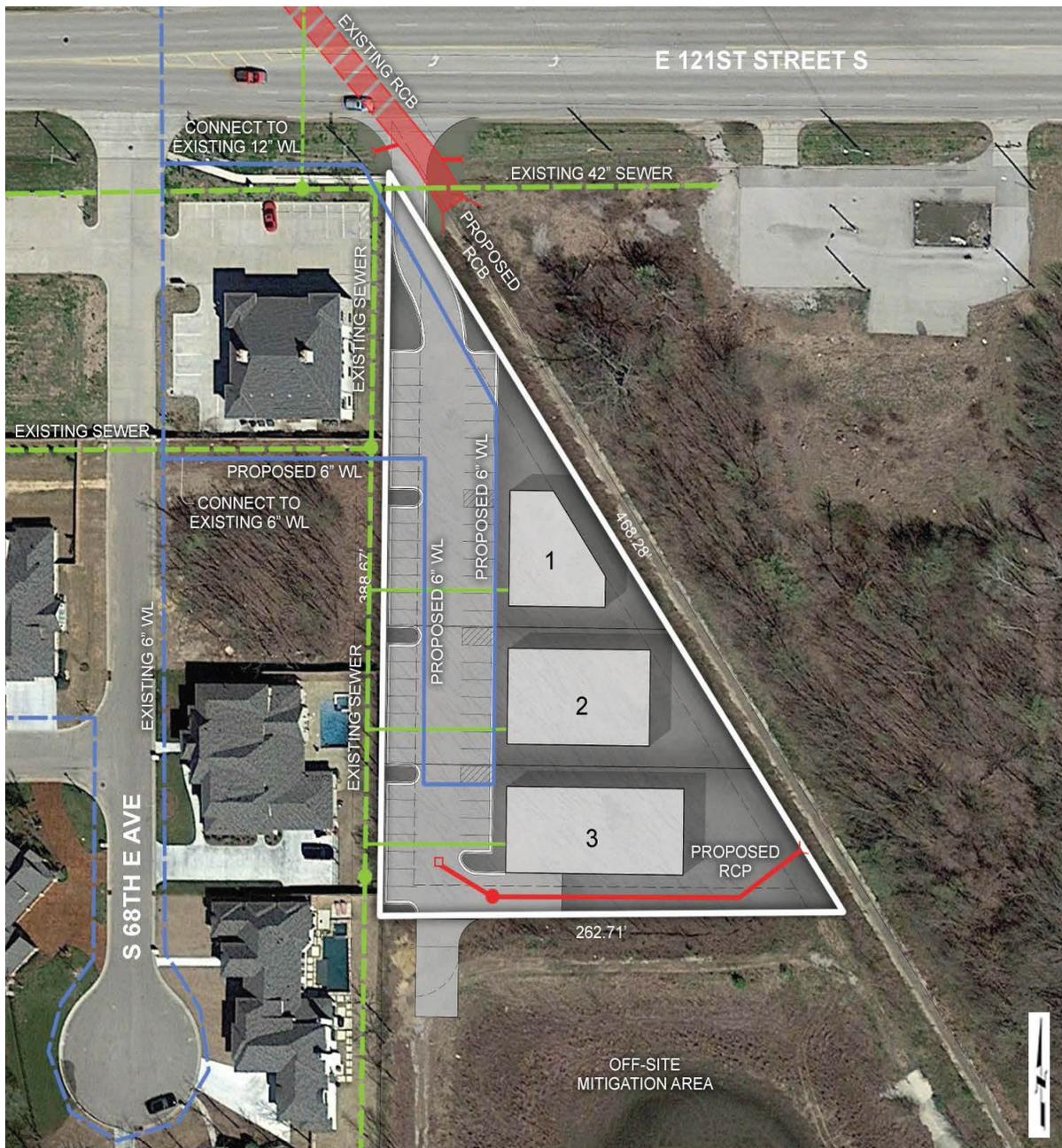
EXISTING SANITARY SEWER

EXHIBIT I PROPOSED UTILITIES

PUD—92

STONE RIVER PLACE

APPROXIMATELY 1.1720 ACRES
SOUTH OF E. 121ST STREET
EAST OF S. SHERIDAN ROAD
WEST OF MEMORIAL DRIVE
BIXBY OKLAHOMA





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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Monday, November 09, 2015
RE: Report and Recommendations for:
PUD 78 Major Amendment # 1 – “Willow Creek” – Rosenbaum Consulting, LLC for Willow Creek Development, LLC

LOCATION: – South and west of the intersection of 131st St. S. & 93rd E. Ave.
– All of *Willow Creek Estates*

SIZE: 43.965 acres, more or less

EXISTING ZONING: RS-3 Residential Single-Family District, RM-3 Residential Multi-Family District, & PUD 78

EXISTING USE: Platted residential lots, streets, and Reserve Areas in *Willow Creek Estates*

SUPPLEMENTAL ZONING: PUD 78 “Willow Creek” and Corridor Appearance District (partial)

REQUEST: Approval of Major Amendment # 1 to Planned Unit Development (PUD) # 78 for approximately 43.965 acres, all of *Willow Creek Estates*, with underlying zoning RS-3 Residential Single-Family District and RM-3 Residential Multi-Family District, which amendment proposes to allow off-street parking to be located off the subject property and within the Public street right-of-way (cf. Zoning Code / City Code Section 11-10-2.D), to remove the 7.5’ minimum width parking lot setback

and landscaped strip requirements (cf. Zoning Code / City Code Section 11-10-3.B Table 1 and 11-12-3.A.2), and make certain other amendments

SURROUNDING ZONING AND LAND USE:

- North: CS & AG; The *Faith Temple Assembly* church, agricultural land, and a house on a 3-acre tract zoned CS, and agricultural land to the north of 131st St. S.
- South: RS-3 & RE; Single family residential in *Blue Ridge Estates*, *Blue Ridge II*, *Southbridge*, and *Southwood South Addition*.
- East: CS & AG; The *Faith Temple Assembly* church, agricultural land zoned CS, and across Mingo Rd.: *AAA Landscaping*, the former *Four Seasons Lawn Care* business (now owned by the City of Bixby for Haikey Creek Flood Improvement Project channel right-of-way), agricultural land, and a cell tower, all in unincorporated Tulsa County.
- West: RS-3, CG, & CS; Single family residential in *Blue Ridge II* and *Sun Burst* and, along 131st St. S.: a house on a 3-acre tract zoned CS, the *WW Sprinkler Repair* business, and the *Broken Arrow Hitch & Trailer*, and miscellaneous other uses, all zoned CS and CG.

COMPREHENSIVE PLAN:

- (1) Medium Intensity + Residential
- (2) Development Sensitive/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land
- (3) Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES:

- BZ-23 – Robert Leikam – Request for rezoning from AG to OL, CS, RM-2, & RS-2 for approximately 117 acres, including parent tract subject property – Modified approval as per Staff granted in 1974 (Ord. # 282).
- BZ-31 – Robert Weir – Request for rezoning from AG to RS-2 for 8.0 acres of the parent tract subject property at about the 13400-block of S. Mingo Rd. – Approved together with BZ-23 November 19, 1974 (Ord. # 282).
- BZ-236 – Faith Temple Assembly, Inc. – Request for rezoning from RM-1 to CS for area of parent tract subject property currently zoned RM-2 for future church parking lot – Recommended/Approved for RM-2 zoning in November 1997/January 1998 (Ord. # 765).
- BZ-338 – Cardinal Industries, Inc. c/o Bob Lemons – Request for rezoning from RM-2, RM-1, CS, OL, RD, and RS-2 to RS-3 for approximately 104.74 acres (includes parent tract subject property) for a future “Willow Creek” residential subdivision – PC recommended Approval 05/19/2008 and City Council Approved 06/09/2008 (Ord. # 1000).
- Preliminary Plat of Willow Creek – Cardinal Industries, Inc. c/o Bob Lemons – Request for Preliminary Plat and Modification/Waiver (maximum cul-de-sac length) approval for 104.74 acres (includes parent tract subject property) – PC recommended Conditional Approval on 05/19/2008 and City Council Conditionally Approved 05/27/2008.
- BL-353 – Faith Temple Assembly, Inc. c/o Tony Genoff – Request for Lot-Split approval for 13 acres abutting to the north and east (but including approximately 2 acres of parent tract subject property currently zoned RM-2) to separate the church property from its surrounding acreage – PC Approved 05/19/2008.

BL-364 – HRAOK, Inc. for Prestige Trading Company – Request for Lot-Split approval for 104.74 acres (includes parent tract subject property) to allow for the conveyance of approximately 2.3 acres on the east side of the Old Fry Creek Ditch to adjoining property owner (Genoff) to the north (part of a land trade along with BL-365) – PC Approved 12/15/2008.

BL-365 – HRAOK, Inc. for Tony Genoff – Request for Lot-Split approval for 9 acres abutting to the north and east, to allow for the conveyance of the approximately 2 acres of parent tract subject property currently zoned RM-2 for attachment to the subject property (part of a land trade along with BL-364) – PC Conditionally Approved 12/15/2008.

Revised Preliminary Plat of Willow Creek – HRAOK, Inc. – Request for revised Preliminary Plat and Modification/Waiver (to exceed the 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F) approval for parent tract subject property – PC recommended Conditional Approval on 06/15/2009 and City Council probably Conditionally Approved 06/22/2009.

BBOA-562 – Hank Spieker for Cardinal Industries, LLC – Request for Special Exception per Zoning Code Section 11-7B-2 Table 1 to allow a Use Unit 5 church and Use Unit 5 private elementary school in the RS-3 and RM-2 Residential districts for parent tract subject property – Withdrawn by Applicant 07/03/2012.

PUD 78 – Willow Creek – Rosenbaum Consulting, LLC – Request for PUD approval for parent tract subject property – PC Recommended Conditional Approval 05/02/2013 and City Council Conditionally Approved 05/13/2013 (Ord. # 2120 approving PUD approved 09/23/2013 upon receipt of the “Final As Approved” PUD on 09/11/2013).

Preliminary Plat of Willow Creek – Rosenbaum Consulting, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a 291-lot residential subdivision for parent tract subject property – PC Recommended Conditional Approval 05/02/2013 and City Council Conditionally Approved 05/13/2013.

Final Plat of Willow Creek – Rosenbaum Consulting, LLC – Request for Final Plat approval for a 111-lot residential subdivision for subject property – PC Recommended Conditional Approval 04/21/2014 and City Council Conditionally Approved 04/28/2015 (Plat # 6625 recorded 08/24/2015).

RELEVANT AREA CASE HISTORY: (not necessarily a complete list and does not include cases located in unincorporated Tulsa County)

BZ-342 – JR Donelson for Cardinal Industries – Request for rezoning from RS-3 to CS for southerly approximately 2.3 acres of the planned plat of “Willow Creek Plaza” abutting subject property to the east – PC recommended Approval 04/20/2009 and City Council Conditionally Approved 05/11/2009 (Ord. # 2015).

Preliminary Plat of Willow Creek Plaza – Request for Preliminary Plat approval for approximately 9 acres abutting subject property to the east – PC recommended Conditional Approval on 04/20/2009 and City Council Conditionally Approved 04/27/2009.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property of approximately 43.965 acres, more or less, consists of all of *Willow Creek Estates* and is composed of platted residential lots, streets, and

Reserve Areas. The property is zoned RS-3 Residential Single-Family District, RM-3 Residential Multi-Family District, and PUD 78.

The subject property parent tracts, combined, have 1,469.95 feet of frontage on 131st St. S. and approximately 1,505 feet of frontage on Mingo Rd. The recorded plat of *Willow Creek Estates* has only 218.73' of frontage on Mingo Rd., corresponding to the Reserve 'B' frontage platted with that first phase. The subject property is bounded on the east by Mingo Rd., on the south and west by residential subdivisions *Southwood South Addition*, *Southbridge*, *Blue Ridge Estates / Blue Ridge II*, and *Sun Burst*, on the west by the *Broken Arrow Hitch & Trailer* business on a 4-acre tract zoned CG and a house on a 3-acre tract zoned CS, on the north by 131st St. S., and on the northeast by "Twin Hills Creek" / "Old Fry Creek." Per the EPA My WATERS Mapper, "Twin Hills Creek" was that drainageway that, since the Fry Ditch project was constructed, is now known as Fry Creek # 2 from its northernmost extent to its confluence with Fry Creek # 1. The drainageway was also previously rerouted southwest of the intersection of 141st St. S. and Mingo Rd. to discharge directly to the Arkansas River. The portion of this drainageway abutting/within the subject property has been incorporated into a drainage channel, located in Reserve 'B,' and is being coordinated with the Haikey Creek Flood Improvement project per the City Engineer.

The land is relatively flat and appears to slope slightly to the southeast along a trajectory paralleling "Twin Hills Creek" / "Old Fry Creek," which then drains more or less due south after it crosses to the east side of Mingo Rd.

Although the Haikey Creek Flood Improvement project may affect the floodplain situation, certain Reserve Areas currently contain areas of 100-Year (1% Annual Chance) Regulatory Floodplain. The residential building lots, however, have been removed from the 100-year Floodplain per a FEMA-approved LOMR-F per letter from FEMA dated May 22, 2015 (Case No. 15-06-2469A). Elevating the residential building lots out of the 100-year floodplain has avoided conflict with the restriction from platting lots within the 100-year floodplain per SRs § 12-3-2.O.

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

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity + Residential, (2) Development Sensitive/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land, and (3) Medium Intensity + Commercial Area.

The existing RS-3 and RM-2 districts both allow the single-family development as proposed. Per the Matrix, the existing RS-3 and RM-2 districts are *In Accordance* or *May Be Found In Accordance* with all the Comprehensive Plan designations.

Per the Matrix, PUDs (as a zoning district) are *In Accordance* or *May Be Found In Accordance* with all designations of the Comprehensive Plan Land Use Map. As the City Council approved PUD 78, it has been found *In Accordance* with the Comprehensive Plan as a zoning district.

Therefore, Staff believes that the existing underlying zoning patterns and PUD 78, and the proposed land uses per PUD 78 Major Amendment # 1, and the existing *Willow Creek Estates* single-family residential development should all be recognized as being not inconsistent with the Comprehensive Plan.

PUD 78 Major Amendment # 1 proposes making certain changes to design features of the parking lot serving the neighborhood amenity, but no significant changes to the proposed schedule of land uses compared to the original PUD 78. Due to the relatively limited scope of proposed changes, the proposed PUD 78 Major Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

General. The Applicant is requesting approval of Major Amendment # 1 to PUD 81. As submitted, this PUD Major Amendment proposes to make certain changes to design features of the parking lot serving the pool/poolhouse neighborhood amenity. Specifically, relief is needed to allow the “off-street” parking lot to be located “on-street,” off the subject property and within the Public street right-of-way (cf. Zoning Code / City Code Section 11-10-2.D), to remove the 7.5’ minimum width parking lot setback and landscaped strip requirements (cf. Zoning Code / City Code Section 11-10-3.B Table 1 and 11-12-3.A.2), and make certain other amendments.

See the attached site plans and site plan review memo for further information.

The Reserve Area D subject property has frontage on 133rd Pl. S. and 93rd E. Ave. The site plans do not indicate any driveway connections; rather, it indicates eight (8) parking spaces will be constructed primarily within the 133rd Pl. S. right-of-way and incidentally on the Reserve Area D subject property. This design has been used in previous neighborhood pool/clubhouse areas in Bixby,¹ but with several issues including safety, Zoning and City Code conflicts, and practical difficulties.

Chiefly, the design requires parked cars back into eastbound and/or westbound driving lanes, which may contain oncoming traffic. Further, there is no separation between the parking lot and the drive lanes. Thus, the parking lot’s immediate proximity to the eastbound drive lane may result in auto-pedestrian conflicts.

Secondly, constructing privately-maintained parking on the Public street right-of-way will require an Encroachment / License Agreement from the City Council. A request for same has been received and is being reviewed by City Staff, and may be placed on the November 23, 2015 City Council agenda for consideration, pending the outcome of this PUD Major Amendment.

Thirdly, per the Willow Creek Estates waterline and sanitary sewerline plans, the proposed parking lot strip would be paved over the waterline along 133rd Pl. S. If this design feature is retained, per the City Engineer, waterline relocation around the proposed parking lot will be

¹ Previous housing additions employing this design included *The Ridge at South County* (first platted in 2006 as “Fiddler’s Creek”), *Seven Lakes I* (platted in 2007), *Legends* (platted in 2007), *River’s Edge* (platted in 2009), and *Bixby Landing* (platted in 2009; parking not since built). As recommended by Staff, in 2009, the pool/clubhouse constructed for *Chisholm Ranch* was designed in substantial conformance to the subject property parking location, parking lot setback, and minimum landscaped strip standards of the Zoning Code (cf. BBOA-506).

required, as it has been in all previous such instances of neighborhood pools/clubhouses at least in the past approximately eight (8) years. The City Engineer has also observed that this design will require modifications to the stormsewer system.

Finally, off-street parking must be located on the lot and not in the right-of-way per Zoning Code / City Code Section 11-10-2.D and parking encroaching on the right-of-way will fail to achieve the 7.5' minimum setback required per Section 11-10-3.B Table 1 and the concomitant 7.5' minimum-width landscaped strip standard of Section 11-12-3.A.2. This design feature is sought for approval by this PUD 78 Major Amendment # 1.

City Staff including the City Engineer, Public Works Director, Police Chief, Fire Chief, Fire Marshal, and City Planner have reviewed this design feature. It has been observed that, unlike other housing additions employing this design for their neighborhood amenities, this one has certain mitigating factors from a safety standpoint:

1. The parking lot strip is located on a fairly short street, 133rd Pl. S., so there is not much room for increasing speed.
2. Most of the concern is for eastbound traffic, and as one will approach the parking lot strip:
 - a. Cars are slowing to stop at the stopsign,
 - b. the street curves, and to the left, which slows traffic and affords improved visibility.
3. The Police Chief may direct signage be installed to alert motorists to unconventional parking and/or increased pedestrian activity (e.g. "Caution Ahead," "Slow/Children at Play," etc.).

Upon review, City Staff have determined that they will not object to this design in this instance.

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

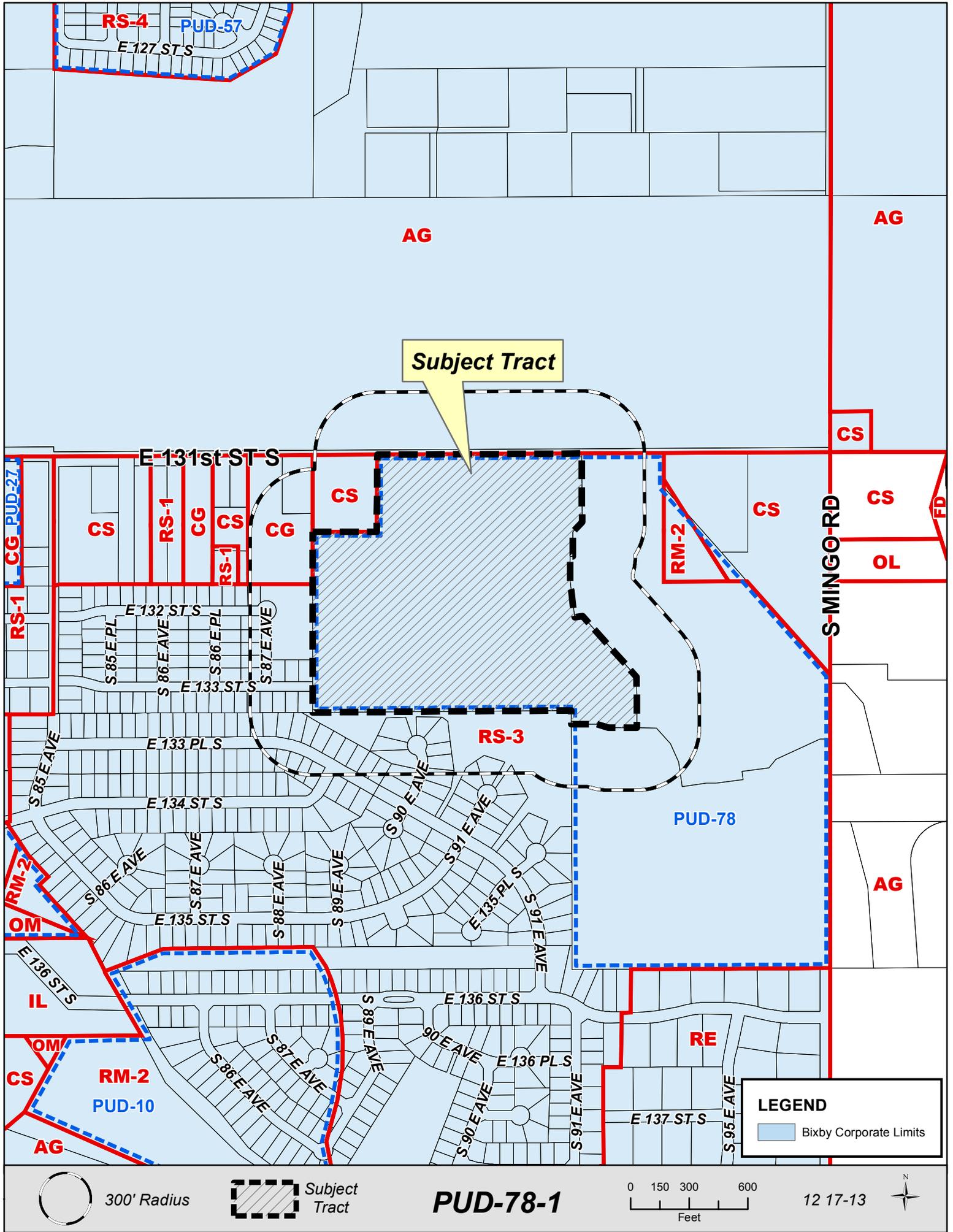
The Fire Marshal's, City Engineer's, and City Attorney's review correspondence are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

The Technical Advisory Committee (TAC) reviewed this PUD 78 Major Amendment # 1 on November 04, 2015. The Minutes of the meeting are attached to this report.

Access and Internal Circulation. Primary access to the subdivision would be via one (1) entrance from 131st St. S. and the third via 133rd St. S. through *Sun Burst*. When the balance of "Willow Creek" is fully developed, the third will be from Mingo Road. See the Staff Report for the Final Plat of *Willow Creek Estates* for additional information on access and internal circulation for the entire *Willow Creek Estates* subdivision.

This PUD 78 Major Amendment # 1 proposes no changes to access, except as impacted by the design of the parking lot within the right-of-way for 133rd Pl. S. as described more fully in the General section of this report.

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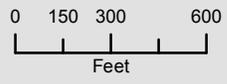
Subject Tract

LEGEND

Bixby Corporate Limits



PUD-78-1



12 17-13



CITY OF BIXBY

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

Engineering Department Memo

To: Erik Enyart, City Planner
From: Jared Cottle, PE *JWC*
CC: Bea Aamodt, PE
File
Date: 10/26/15
Re: Willow Creek
PUD 78 – Amendment for Entry and Pool

General Comments:

1. PUD Amendment language should provide for the Comments included in the Site Plan review comments for the Entry and Pool dated October 20, 2015. In particular, the relocated water line and associated right to maintain must be clearly specified. The City should have no responsibility to replace any improvements that are removed as part of maintenance activities.

100

CITY OF BIXBY

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

Engineering Department Memo

To: Erik Enyart, City Planner

From: Jared Cottle, PE *JWC*

CC: Bea Aarnodt, PE
File

Date: 10/20/15

Re: Willow Creek
Entry and Pool Review

General Comments:

1. Warning signs for parking area must be provided as required by the Police Chief.
2. The water line located under the parking areas must be relocated outside of the paving area, to the south of the proposed sidewalk.
3. Concrete curb and features are shown to be located within the existing Utility Easement and over the existing storm sewer. The curb must be constructed with joints that permit easy removal in the event that maintenance is required within the easements.
4. Project documentation must memorialize that during any required maintenance operations within the Utility Easement, the curb and/or other features will be removed but **not** replaced.

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Memo

To: Erik Enyart, AICP, City Planner

From: Joey Wiedel

Date: 11-2-2015

Re: Willow Creek Development "Pool"

Willow Creek Development "Pool" plans are approved by this office with the following conditions:

1. Fire Department shall be provided an approved means of access outside of normal operation hours.



Joey Wiedel

11-2-2015

Date

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Rosenbaum Consulting, LLC

October 14, 2015

Mr. Erik Enyart, AICP, City Planner
City of Bixby
PO Box 70
Bixby, OK 74008
eenyart@bixby.com

CITY OF BIXBY
OCT 19 2015
RECEIVED
By Enyart

Re: PUD No. 78 major amendment for pool and clubhouse, use unit 5, in Willow Creek Estates, Bixby, Oklahoma

Dear Erik,

We are requesting a major amendment to the Willow Creek Planned Unit Development PUD No. 78 as approved by City Council September 10, 2013. The Willow Creek PUD No. 78 is a residential development area of 104.78 acres located south and west of East 131st Street South and South Mingo Road. The Willow Creek Estates phase I portion of the property was platted and filed of record on August 24, 2015. All streets and associated utilities for the phase I of the development are constructed.

As approved, PUD No. 78 allows one use unit 5 "Neighborhood swimming pool and/or clubhouse" on a lot or lots as determined by the developer/owner of Willow Creek. In addition the facility shall be subject to a site plan and, upon completion of construction pursuant to an approved building permit, the approval of use of the singular facility shall attach only to the lot or lots on which the building permit was issued.

The developer/owner of Willow Creek included, in the approved PUD No. 78, an original concept plan showing the proposed pool and clubhouse with associated parking. The parking was shown on the north side of the proposed area (i.e. Reserve "D" of the Willow Creek Estates filed plat – parking along East 133rd Place South) with a portion of said parking in the street rights-of-way.

This Major Amendment to PUD No. 78 is submitted to allow the proposed parking to be along East 133rd Place South and with a portion of the parking to be located in the public street rights-of-way.

City of Bixby Zoning Code section 11-10-3 A setbacks: requires parking to be located a minimum offset of 7.5 feet from the abutting street rights-of-way. The requested amendment is to allow parking within the public street rights-of-way along East 133rd Place South with a license agreement between City of Bixby and owner/developer in place.

1709 West Granger Street
Broken Arrow, Oklahoma 74012
918.798.0210

103

Rosenbaum Consulting, LLC

The developer/owner has caused a site plan application and building permit to be provided to the City for the proposed pool and clubhouse with associated parking with review in progress. A copy of the site plan is attached hereto showing all proposed parking. In addition, a license agreement is attached for parking in the public street rights-of-way.

We would appreciate the City approving this Major Amendment request. Please advise if you have any questions or comments.

Sincerely,
Rosenbaum Consulting, LLC



Barrick Rosenbaum, P.E., CFM
President



10/14/2015

1709 West Granger Street
Broken Arrow, Oklahoma 74012
918.798.0210

104

DEVELOPMENT AND LICENSE AGREEMENT

THIS DEVELOPMENT AND LICENSE AGREEMENT (this "Agreement") is made and entered into this _____ day of _____, 2015, by and between the CITY OF BIXBY, a municipal corporation ("City") and WILLOW CREEK DEVELOPMENT, LLC.

RECITALS

- A. The Willow Creek Development, LLC is the owner of a certain tract of land Reserve "D" on the filed plat no. 6255 Willow Creek Estates.
- B. The filed plat no. 6255 Willow Creek Estates dedicated public rights-of-way on the adjacent street East 133rd Place South.
- C. The Willow Creek Development, LLC owners have designed through their landscape architect a pool and clubhouse facility with sufficient parking as shown on the attached Exhibit "A".
- D. The parking for the pool and clubhouse extends into the street rights-of-way on East 133rd Place South.
- E. The Willow Creek Development, LLC wishes to construction said pool and clubhouse as proposed.
- F. The City will allow the parking to extend into the said public street rights-of-way as shown on the proposed site plan per the agreements shown below.

AGREEMENTS

In consideration of the premises and mutual covenants herein set forth, the City and Willow Creek Development, LLC do hereby respectively grant, covenant, and agree as follows:

1. **Definition of Terms.** In addition to any other terms defined herein, the following terms shall have the described meanings when used herein:

A. **Effective Date.** The term "Effective Date" shall mean the day and year set forth on the first page of this Agreement, which shall be the date upon which this Agreement has been executed by the last party to execute the same.

B. **License.** The term "License" shall have the meaning set forth in Section 2 hereof.

C. **Term.** The term "Term" shall have the meaning set forth in Section 3 hereof.

2. **License.** The City hereby expressly permits and allows the Encroachments into the Agreement Area and grants the Willow Creek Development, LLC and its employees, agents, and contractors the exclusive irrevocable license to use and occupy the Agreement Area for the purpose of maintaining, renovating, and upgrading the existing facilities including any activities incidental thereto. Furthermore, the City grants the Willow Creek Development, LLC and its employees, agents, and contractors the right to occupy and use the East 133rd Place South rights-of-way to perform the above mentioned maintaining, renovating, and upgrading so long as said uses do not interfere with the public's usual use and enjoyment of said right-of-ways.

3. **Term.** The License shall commence on the Effective Date and shall terminate upon the Demolition of the Willow Creek Development, LLC's Facilities within the Agreement Area, whether voluntarily or involuntarily performed by the Willow Creek Development, LLC or its agents, including acts of god, fire, flood, riot, or the like.

4. **Remedies.** In the event of any default in or breach of any terms or conditions of the Agreement by any party, or any successor, the defaulting or breaching party shall, upon written notice from the other party, proceed immediately to cure or remedy such default or breach, and shall in any event, within thirty (30) days after receipt of notice, commence to cure or remedy such default or breach. In case such cure or remedy is not taken or not diligently pursued, or the default or breach shall not be cured or remedied within a reasonable time, the aggrieved party shall be entitled to all rights and remedies available at law or in equity, and may also institute such proceedings as may be necessary or desirable in its opinion to cure and remedy such default defaulting or breaching party. The parties, their successors and assignees, further agree that the other party shall have the right and power to institute and prosecute proceedings to enjoin the threatened or attempted violation of any clauses contained herein.

5. **Indemnification.** Willow Creek Development, LLC agrees to indemnify, defend and hold harmless the City, its officers and employees, from and against any and all claims, suits, judgments, and actions in equity to the extent arising out of or relating to Willow Creek Development, LLC's use of the Property, Willow Creek Development, LLC's use of the License or the performance of Willow Creek Development, LLC's obligations set forth in this Agreement.

6. **Miscellaneous.**

A. **Inspection.** Willow Creek Development, LLC shall allow the City, or their authorized representatives, to access the Property to inspect the work at any time.

B. **Choice of Law.** This Agreement shall be governed by the laws of the State of Oklahoma. This Agreement shall be construed as having been drafted by both of the parties hereto, and not by one party to the exclusion of the other.

C. **Entire Agreement.** This Agreement contains the entire agreement between the parties relating to the subject matter hereof, and all prior proposals, discussions and/or writings are superseded hereby.

D. **Counterparts.** This Agreement may be executed via facsimile and in any number of counterparts, each of which shall be an original and all of which shall constitute the same instrument.

E. **Severability.** The finding of a Court that a provision of this Agreement is invalid shall not operate or be construed to invalidate the balance of the provisions contained in this Agreement, which provision shall continue to remain in full force and effect.

F. **Binding Effect.** This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assignees and not to the benefit of any third parties and shall be deemed to be a covenant and burden running with the land.

IN WITNESS WHEREOF, City and Willow Creek Development, LLC have executed this Agreement to be effective as of the Effective Date.

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SIGNATURE PAGE TO DEVELOPMENT AND LICENSE AGREEMENT

Approved as to Form:

CITY OF BIXBY

City Attorney

City Manager

Attest:

City Clerk [Seal]

WILLOW CREEK DEVELOPMENT, LLC

STATE OF _____)

COUNTY OF _____)

This instrument was acknowledged before me this _____ day of _____, 2015
by _____, as _____ of WILLOW CREEK
DEVELOPMENT, LLC.

Commission Expires: _____

Notary Public

Commission No.: _____

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

MEMORANDUM

To: Planning Design Group, Applicant
Site Plan, Willow Creek Development, LLC file

From: Erik Enyart, AICP, City Planner 

Date: Friday, October 26, 2015

RE: Zoning site plan review for "Willow Creek Development, LLC"

LOCATION: – 9290 E. 133rd Pl. S.
– "Community Pool & Clubhouse" Reserve Area D,
Willow Creek Estates

SIZE: 0.565 acres, more or less

EXISTING ZONING: RS-3 Residential Single-Family District and PUD 78

SUPPLEMENTAL ZONING: PUD 78 "Willow Creek"

Subject Property Conditions. The vacant subject property consists of Reserve Area D, *Willow Creek Estates* and contains 0.565 acres and is addressed 9290 E. 133rd Pl. S.

Per available information, the predeveloped land appears to slope gently to the south and west and drains to a stormwater detention facility "Park" Lot 34, Block 3, *Blue Ridge II*. This area ultimately drains along Mingo Rd. to the Arkansas River in its present state, and will continue to in a modified way upon the completion of the Haikay Creek Flood Improvement project.

The subject property appears to be served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in *Willow Creek Estates* / "Park" Lot 34, Block 3, *Blue Ridge II*.

General. The Site Plan application was received complete October 13, 2015.

Zoning site plan review for "Willow Creek Development, LLC"
October 16, 2015

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The submitted site plan application form indicates the use would be Use Unit 5 neighborhood pool and clubhouse, which is permitted pursuant to PUD 78, subject to PUD Detailed Site Plan approval. Staff recognizes it also as a Use Unit 5 “private park,” as further described herein.

The PUD Detailed Site Plan was prepared by Planning Design Group of Tulsa. The submitted plan-view Site Plan drawing consists of the “Pool Layout Plan” drawing PL-1 (hereinafter sometimes “Site Plan” or “site plan”). The Landscape Plan consists of the “Pool & Playground Landscape Plan” drawing LS-3 (hereinafter sometimes “Landscape Plan” or “landscape plan”). Appearance and height information is provided on “Restroom Building Elevations” drawing A-2. A Fence/Screening Plan was not submitted, and the application form states that it is Not Applicable, but certain fence/screening information is provided by the representation of such information on the site plan. A Lighting Plan was not submitted; the application form states that it is Not Applicable; However, certain lighting information is represented on the Landscape Plan. A Sign Plan was not submitted; the application form states that it is Not Applicable.

The Site Plan represents a suburban-style design and indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking. The subject property lot conforms to PUD 78 and, per the plans generally, the site and 1-story building would conform to the applicable bulk and area standards for the RS-3 district with PUD 78, with the exceptions as outlined in this report.

For purpose of Zoning Code review, due to the north-facing “recreational building” / poolhouse, the proposed parking lot location, and the entrance gate to the pool and poolhouse, Staff interprets the northerly propertyline as the front lot line and the southerly propertyline as the rear lot line. However, the Applicant or Owner may deem otherwise.

Access and Internal Circulation. The subject property has frontage on 133rd Pl. S. and 93rd E. Ave. The plans do not indicate any driveway connections; rather, it indicates eight (8) parking spaces will be constructed primarily within the right-of-way and incidentally on the Reserve Area D subject property. This design has been used in previous neighborhood pool/clubhouse areas in Bixby, but with several issues including safety, Zoning and City Code conflicts, and practical difficulties.

Chiefly, the design requires parked cars back into eastbound and/or westbound driving lanes, which may contain oncoming traffic. Further, there is no separation between the parking lot and the drive lanes. Thus, the parking lot’s immediate proximity to the eastbound drive lane may result in auto-pedestrian conflicts.

Secondly, constructing privately-maintained parking on the Public street right-of-way will require an Encroachment / License Agreement from the City Council.

Thirdly, per the Willow Creek Estates waterline and sanitary sewerline plans, the proposed parking lot strip would be paved over the waterline along 133rd Pl. S. If this design feature is retained, waterline relocation around the proposed parking lot will likely be required, as it has been in all previous such instances of neighborhood pools/clubhouses at least in the past approximately eight (8) years.

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Finally, off-street parking must be located on the lot and not in the right-of-way per Zoning Code / City Code Section 11-10-2.D and parking encroaching on the right-of-way will fail to achieve the 7.5' minimum setback required per Section 11-10-3.B Table 1 and the concomitant 7.5' minimum-width landscaped strip standard of Section 11-12-3.A.2. This design feature, if retained, will require Variances from these Zoning Code standards or a PUD Major Amendment.

Parking lot curb return radii, abutting street rights-of-way, and abutting street roadway widths are not dimensioned, as required by the site plan application. Curb return radii must comply with applicable standards and City Engineer and/or Fire Marshal requirements.

4'-wide sidewalks, as required, are proposed along the entireties of both frontage streets. The sidewalks should be ADA compliant and should be approved by the City Engineer. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

It appears that sidewalks/paving/pool decking will connect pedestrians from the parking lot to the "recreational building" / poolhouse entrance. In satisfaction of the pedestrian accessibility requirement of Zoning Code Section 11-10-4.C, the Applicant should confirm clearance widths for accessible path from gate entrance to "recreational building" / poolhouse entrance, recognizing arbor and chaise lounge features as represented.

Parking and Loading. PUD 78 provides no special standards for parking and loading. For a Use Unit 5 private park / neighborhood pool and poolhouse, Zoning Code Section 11-9-5.D requires for parking:

"Private park with or without clubhouse or recreational buildings: 1 per 4 stadium seats, plus 1 per 500 square feet of community center, clubhouse, or recreational building, plus 1 per 300 square feet of pool water surface area"

The site plan provides "Pool Sq. Ft.," presumed to be equivalent to the "pool water surface area" as used in the Zoning Code. If this presumption is not accurate, the Applicant should so advise. At 2,183 square feet, the pool would require $(2,183 / 300 =) 7.3$ parking spaces.

The Impervious Area Note summary states that the "Bathroom" ("recreational building") has an "area of development" of 796 square feet, but this appears to include undefined areas of sidewalks or other paving surfaces surrounding the building. Dimensions have not been provided on the building footprint, but enough of them are provided around its perimeter to allow for a rough estimate of 400 to 500 square feet of building floor area. It is not clear if the open-air vestibule will be included in floor area calculations, but this 400 to 500 square feet estimate holds in either event.

Absent adequate information on building floor area, minimum parking standards cannot be determined. However, the building is likely to be within the range of 400 to 500 square feet, which would require either no (0) (due to not meeting the minimum threshold for requiring one) or one (1) parking space.

Altogether, the site would require either 7 or 8 parking spaces.

Zoning Code Section 11-10-2.H provides a “minimum plus 15%” maximum parking number cap, to prevent excessive parking that results in pressure to reduce greenspaces on the development site. Because minimum parking spaces required cannot be determined, the maximum cannot either. However, the site is likely required 7.3 or 8.3 parking spaces, with the concomitant maximum in the range of 8.395 or 9.545 spaces. Thus, the 8 parking spaces proposed will meet the minimum required and will not exceed the maximum permitted.

With 8 parking spaces on site, the one (1) proposed handicapped-accessible parking space appears to comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces) or Zoning Code Section 11-10-4.D Table 2.

ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). Thus, the one (1) required handicapped-accessible space must be of van-accessible design, and the same must comply with the ADA van-accessible dimensional standards. Van-accessible parking spaces should be to the left of access aisles to allow for passenger-side convenience.

Whether presently of van-accessible design or not, the Site Plan does not provide any dimensions for the handicapped-accessible space or access aisle, and does not provide information indicating signage to be used to reserve the accessible space. The Applicant should provide these dimensions as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards (see Figure 3 in Section 11-10-4.C). The dimensional design standards or those of Zoning Code Section 11-10-4.C Figure 3 do not apply to “Universal” or van-accessible spaces.

During the design of the ADA parking features, the designer should consult with the Building Inspector to confirm the plans will comply with ADA standards (locations, proximity to primary entrance, maximum slopes, transition areas, level landing areas, pavement coloring, etc.).

The typical individual parking space dimensions have not been provided and so cannot be compared with standards for the same Zoning Code Section 11-10-4.A.

Due to the design of the parking lot strip within the street right-of-way, and the angle of the street, it appears the northerly ends may be “pinched” and so may not meet the minimum width standards of the Zoning Code and/or ADA guidelines. Adjustments should be made to ensure the narrowest parts comply with applicable standards.

See Access & Internal Circulation section of this report for additional discussion on parking matters as concerned by proposed design to construct parking spaces on the 133rd Pl. S. right-of-way.

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In addition to encroaching the right-of-way, the plans show a parking lot encroaching part of the 10' Utility Easement along the northerly side of the subject property. Paving over public Utility Easements is subject to City Engineer and Public Works Director approval.

The parking lot is subject to a 7.5' minimum setback from 133rd Pl. S. per Zoning Code Section 11-10-3.B Table 1. As the parking spaces are primarily within the right-of-way, this standard is not met. If this design feature is retained, a Variance from the Board of Adjustment or PUD Major Amendment will be required.

The parking lots are subject to a 10' minimum setback from an R district per Zoning Code Section 11-10-3.B Table 1. Although dimensions are not provided, based on the width of the 4'-wide sidewalk, it appears that this standard will not be met as concerns the northeast corner of residential Lot 19, Block 4, *Willow Creek Estates*. If this design feature is retained, a PUD Major Amendment will be required. Other such setbacks appear to be met.

For a Use Unit 5 private park / neighborhood pool and poolhouse, Zoning Code Section 11-9-5.D requires no loading berths, and the plans do not indicate any are proposed.

Screening/Fencing. A Fence/Screening Plan was not submitted; the application form states that it is Not Applicable, but certain fence/screening information is provided by the representation of such information on the site plan.

The site plan indicates a 5'-high "Ameristar Steel Fence" is proposed along the perimeter of the pool, and refers to "Detail 4/D-2," and a "Pool Lockable Gate W/Self-Closing Hinge." However, details for these fence elements were not found. Height and composition information is required by the Site Plan application and should be provided.

Landscape Plan. PUD 78 provides no special standards for landscaping.

The proposed landscaping is compared to the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of the Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 25' along 133rd Pl. S. and 5' along 93rd E. Ave. Based on provided dimensions and relative distances between site features, **this standard is met.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 7.5', 10', or 15' along abutting street rights-of-way. A 7.5' minimum-width landscaped strip is required along 133rd Pl. S. and a 10' minimum-width landscaped strip is required along 93rd E. Ave. Due to the parking lot and sidewalk encroachment along 133rd Pl. S. and the paving attending the playground along 93rd E. Ave., **this standard is not met.**
3. 10' Buffer Strip Standard (Section 11-12-3.A.3): Standard requires a minimum 10' landscaped strip between a parking area and an R Residential Zoning District. Although dimensions are not provided, based on the width of the 4'-wide sidewalk, it appears that this standard will not be met as concerns the northeast corner of

residential Lot 19, Block 4, *Willow Creek Estates*. If this design feature is retained, **this standard is not met.**

4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Excluding the building line setbacks along 133rd Pl. S. and 93rd E. Ave. (which are Street Yards), there are setbacks along the west, south, and southwesterly lot boundaries.

Rear Yard / South Boundary Setback Tree Requirements: South line @ $128.27' \cdot 25' = 3,206.75$ square feet / 1,000 = 3.2 = 4 trees (2/10 of a tree is not possible, and minimum numbers of required trees are not rounded-down). Three (3) Loblolly Pine and one (1) Swamp White Oak trees are proposed in the landscaped area containing the setback along this line. **This standard is met for this Area.**

Westerly Side Yards Setback Tree Requirements: 5' setback X property lines at ($125.32' + 50.53' - 5' \text{ overlap} = 170.85'$) = 854.25 square feet / 1,000 square feet = 1 tree required in the Westerly Side Yards Setback Area. Two (2) Loblolly Pine, two (2) Lacebark Elm, and one (1) Swamp White Oak trees are proposed in the landscaped area containing the setback along this line. **This standard is met for this Area.**

5. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 50' or 75' from a Landscaped Area, which Landscaped Area must contain at least one (1) or two (2) trees. For a lot of this size, the standard calls for a maximum of 50' spacing, with one (1) tree required within the Landscaped Area. Based on provided dimensions and relative distances between site features, **this standard is met.**
6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of Street Yard. The Street Yard is the Zoning setback along an abutting street.

133rd Pl. S. Street Yard Tree Requirements: The subject property has ($97.4' + [1/2 \text{ X } 41.25' =] 20.625' = 118.025'$) of frontage on 133rd Pl. S. The applicable Street Yard is the 25' front yard setback per RS-3. $118.025' \cdot 25' = 2,950.625$ square feet / 1,000 = 2.95 = 3 trees required in the 133rd Pl. S. Street Yard. Two (2) Redpointe Red Maple and one (1) Swamp White Oak trees are proposed in the landscaped area containing this Street Yard. **This standard is met.**

93rd E. Ave. Street Yard Tree Requirements: The subject property has ($170.47' + [1/2 \text{ X } 41.25' =] 20.625' = 191.1'$) of frontage on 93rd E. Ave. The applicable Street Yard is the 5' side yard setback per RS-3. $191.1' \cdot 5' = 955.475$ square feet / 1,000 = 1 tree required in the 93rd E. Ave. Street Yard. Three (3) Lacebark Elm trees are proposed in the landscaped area containing this Street Yard. **This standard is met.**

7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. 8 parking spaces proposed / 10 = 1 tree is required. Excluding the Street Yard and Building Setback trees already accounted, more than 1 tree is proposed. **This standard is met.**

8. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard would be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
9. Irrigation Standards (Section 11-12-3.D.2): Zoning Code Section 11-12-4.A.7 requires the submission of plans for irrigation. An irrigation plan was not found. **This standard is not met.**
10. Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.): The reported heights and calipers of the proposed trees, tree planting diagram(s), planting instructions, the notes on the drawings, and other information indicates compliance with other miscellaneous standards, with the following exceptions:
 - a. Please label propertylines and use appropriate linetypes to differentiate propertylines versus other site features.
 - b. Linetype used for U/Es represented around perimeter but not all U/Es labeled or dimensioned as to width. Please add missing information.
 - c. Please relocate B/L along 93rd E. Ave. appropriately in respect to linetype location.
 - d. The quantities cited in the Landscape Material List table do not correspond with the number of trees indicated on the site plan. Please reconcile.
 - e. Please add missing 41.25' propertyline dimension.
 - f. Please provide a tree planting detail diagram (profile view showing planting depth for rootball, staking, mulching, etc.), customary and required per Section 11-12-4.A.5.
 - g. Please indicate areas to be "sod," "existing grass," "proposed," or similar.
 - h. Please add missing street name labels.
 - i. Several linetypes and symbols throughout the plan, possibly indicating underground utilitylines, pool depths delimiters, pool lights or depth placards, concrete expansion joints, playground features, finished street contourlines, chaise lounges, fixed or moveable tables and chairs, etc. are indicated on Landscape Plan without identification or representation within a Legend. Please label appropriate features or represent in Legend, or remove if not necessary/appropriate for Landscape Plan purposes.
 - j. Changes required on the site plan, as represented on the landscape plan, should also be made here.
 - k. Two (2) Redpointe Red Maple trees indicated in the 93rd E. Ave. right-of-way. Landscaping trees in the public right-of-way require City Engineer and Public Works Director approval.

Until the above are resolved, **this standard is not met.**

11. Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard is 5% of an industrial lot, 10% of a commercial lot, and 15% of an office lot within a PUD must be landscaped open space. If this standard is applicable to a Use Unit 5 private park, based on the impervious surface calculations and other information provided, **this standard is met.**

Height and Exterior Materials and Colors. Appearance and height information is provided on "Restroom Building Elevations" drawing A-2. The one-story building will measure 18' 5" at

the highest point of the pitched roof, with copper finials on top. The building heights comply with the maximum height applicable in the RS-3 district with PUD 78.

The subject property is not located within the Corridor Appearance District or Central Business District and PUD 78 provides no specific architectural/aesthetic standards.

The building will be composed of brick with a “Stone Veneer Wainscot W/Stone Cap.”

Color information was not provided.

The pitched roof will be composed of “Grand Manor Shingles.”

Outdoor Lighting. A Lighting Plan was not submitted; the application form states that it is Not Applicable. Street lights are presumably intended to illuminate park areas, and the park is presumably closed at night.

Neither the site plan nor the elevations drawings indicate any pole-mounted or building-mounted lights proposed. However, the Landscape Plan indicates “Directional Bullet Lighting (TYP) RE: Detail 2/LS-2. This detail was not found. This information should be provided to allow for review for compatibility with adjoining single-family dwellings planned in the area surrounding the subject property.

If any other outdoor lighting is proposed, they should be provided for review; cf. Zoning Code Section 11-10-4.G.

PUD 78 provides no special standards for outdoor lighting.

Signage. A Sign Plan was not submitted; the application form states that it is Not Applicable. Neither the site plan nor the elevations drawings indicate any signs proposed. If any signs are proposed, they may be reviewed within the context of a future sign permit application.

PUD 78 provides no special standards for signage.

Signs reserving the ADA accessible parking spaces and directional signage painted to the pavement of the driveways (not visible from adjoining public streets) should conform to applicable standards or are otherwise exempt per Federal standards.

Review Comments. The site plan application is compared to the Zoning Code, PUD 78, and other applicable standards, and Staff has general review comments as follows:

1. The proposed design requires parked cars back into eastbound and/or westbound driving lanes, which may contain oncoming traffic. Further, there is no separation between the parking lot and the drive lanes. Thus, the parking lot’s immediate proximity to the eastbound drive lane may result in auto-pedestrian conflicts. Please resolve as appropriate.

2. Constructing privately-maintained parking on the Public street right-of-way will require an Encroachment / License Agreement from the City Council. Please resolve as appropriate.
3. Per the Willow Creek Estates waterline and sanitary sewerline plans, the proposed parking lot strip would be paved over the waterline along 133rd Pl. S. If this design feature is retained, waterline relocation around the proposed parking lot will likely be required, as it has been in all previous such instances of neighborhood pools/clubhouses at least in the past approximately eight (8) years. Please resolve as appropriate.
4. Off-street parking must be located on the lot and not in the right-of-way per Zoning Code / City Code Section 11-10-2.D and parking encroaching on the right-of-way will fail to achieve the 7.5' minimum setback required per Section 11-10-3.B Table 1 and the concomitant 7.5' minimum-width landscaped strip standard of Section 11-12-3.A.2. This design feature, if retained, will require Variances from these Zoning Code standards or a PUD Major Amendment. Please resolve as appropriate.
5. Parking lot curb return radii, abutting street rights-of-way, and abutting street roadway widths are not dimensioned, as required by the site plan application. Please add missing information.
6. Curb return radii must comply with applicable standards and City Engineer and/or Fire Marshal requirements.
7. Sidewalks should be ADA compliant and should be approved by the City Engineer.
8. It appears that sidewalks/paving/pool decking will connect pedestrians from the parking lot to the "recreational building" / poolhouse entrance. In satisfaction of the pedestrian accessibility requirement of Zoning Code Section 11-10-4.C, the Applicant should confirm clearance widths for accessible path from gate entrance to "recreational building" / poolhouse entrance, recognizing arbor and chaise lounge features as represented.
9. The site plan provides "Pool Sq. Ft.," presumed to be equivalent to the "pool water surface area" as used in the Zoning Code. Please confirm.
10. Please provide missing information on proposed building floor area, and please confirm whether same includes open-air vestibule area.
11. ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). Thus, the one (1) required handicapped-accessible space must be of van-accessible design, and the same must comply with the ADA van-accessible dimensional standards. Van-accessible parking spaces should be to the left of access aisles to allow for passenger-side convenience.
12. Whether presently of van-accessible design or not, the Site Plan does not provide any dimensions for the handicapped-accessible space or access aisle, and does not provide information indicating signage to be used to reserve the accessible space. The Applicant should provide these dimensions as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards (see Figure 3 in Section 11-10-4.C). The dimensional design standards or those of Zoning Code Section 11-10-4.C Figure 3 do not apply to "Universal" or van-accessible spaces.
13. During the design of the ADA parking features, the designer should consult with the Building Inspector to confirm the plans will comply with ADA standards (locations, proximity to primary entrance, maximum slopes, transition areas, level landing areas, pavement coloring, etc.).

14. Whether presently of van-accessible design or not, the Site Plan does not provide any dimensions for the handicapped-accessible space or access aisle, and does not provide information indicating signage to be used to reserve the accessible space. The Applicant should provide these dimensions as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards (see Figure 3 in Section 11-10-4.C). The dimensional design standards or those of Zoning Code Section 11-10-4.C Figure 3 do not apply to "Universal" or van-accessible spaces.
15. The typical individual parking space dimensions have not been provided and so cannot be compared with standards for the same Zoning Code Section 11-10-4.A. Please provide and adjust plans as necessary pursuant to this design standard.
16. Due to the design of the parking lot strip within the street right-of-way, and the angle of the street, it appears the northerly ends may be "pinched" and so may not meet the minimum width standards of the Zoning Code and/or ADA guidelines. Adjustments should be made to ensure the narrowest parts comply with applicable standards.
17. In addition to encroaching the right-of-way, the plans show a parking lot encroaching part of the 10' Utility Easement along the northerly side of the subject property. Paving over public Utility Easements is subject to City Engineer and Public Works Director approval.
18. The parking lot is subject to a 7.5' minimum setback from 133rd Pl. S. per Zoning Code Section 11-10-3.B Table 1. As the parking spaces are primarily within the right-of-way, this standard is not met. If this design feature is retained, a Variance from the Board of Adjustment or PUD Major Amendment will be required.
19. The parking lots are subject to a 10' minimum setback from an R district per Zoning Code Section 11-10-3.B Table 1. Although dimensions are not provided, based on the width of the 4'-wide sidewalk, it appears that this standard will not be met as concerns the northeast corner of residential Lot 19, Block 4, *Willow Creek Estates*. If this design feature is retained, a PUD Major Amendment will be required.
20. The site plan indicates a 5'-high "Ameristar Steel Fence" is proposed along the perimeter of the pool, and refers to "Detail 4/D-2," and a "Pool Lockable Gate W/Self-Closing Hinge." However, details for these fence elements were not found. Height and composition information is required by the Site Plan application and should be provided.
21. Please resolve the Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7 matter as described in the Landscape Plan analysis above.
22. Please resolve the 10' Buffer Strip Standard (Section 11-12-3.A.3) matter as described in the Landscape Plan analysis above.
23. Please resolve the Irrigation Standards (Section 11-12-3.D.2) matter as described in the Landscape Plan analysis above.
24. Please resolve the Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.) matter as described in the Landscape Plan analysis above.
25. Landscape Plan indicates "Directional Bullet Lighting (TYP) RE: Detail 2/LS-2. This detail was not found. This information should be provided to allow for review for compatibility with adjoining single-family dwellings planned in the area surrounding the subject property.
26. If any other outdoor lighting is proposed, they should be provided for review; cf. Zoning Code Section 11-10-4.G.

27. Site Plan: Curb ramp indicated at northeast lot corner does not appear to correspond with sidewalk as otherwise shown. Please reconcile.
28. Site Plan: Please label adjoining Lot 19, Block 4.
29. Site Plan: Please correct 133rd Pl. S. and 93rd E. Ave. street name labels.
30. Site Plan: Please add parking lot curb return radii, which must comply with applicable standards and City Engineer and/or Fire Marshal requirements.
31. Site Plan: Please identify street centerlines.
32. Site Plan: Filltype used, likely indicating landscaped areas, but not identified throughout the plan. Please label in situ (qualify as "typical" or "TYP" if / as needed) or identify in legend.
33. Site Plan: Several linetypes and symbols throughout the plan, possibly indicating underground utilitylines, pool depths delimiters, pool lights or depth placards, playground features, finished street contourlines, chaise lounges, fixed or moveable tables and chairs, etc. are indicated on Site Plan without identification or representation within a Legend. Please label appropriate features or represent in Legend, or remove if not necessary/appropriate for Site Plan purposes.
34. Impervious Area Note: Due to present plan to provide parking in Public street R/W, please clarify if "parking" element includes impervious surface outside of subject property if/as necessary for total development and/or Earth Change Permit stormwater drainage analysis.
35. Site Plan: Please label linetype encircling site roughly intersecting northeast corner of potentially spurious curb ramp along 133rd Pl. S.
36. Site Plan: Vicinity Map: Please correct Site location.
37. Site Plan: Vicinity Map: Consider reducing Site location to the subject property, rather than the entire plat of *Willow Creek Estates*.
38. Please relocate B/L along 93rd E. Ave. appropriately in respect to linetype location.
39. Linetype used for U/Es represented around perimeter but not all U/Es labeled or dimensioned as to width. Please add missing information.
40. Please dimension abutting street roadway widths as required by the site plan application.
41. Please add missing 41.25' propertyline dimension.
42. Please submit complete, corrected copies of the PUD Detailed Site Plan incorporating all of the corrections, modifications, and conditions of approval as follows: Two (2) full-size hard copies, one (1) 11" X 17" hard copy, and one (1) electronic copy (PDF preferred).

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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: Tuesday, November 10, 2015
RE: Report and Recommendations for:
Final Plat of "The Trails at White Hawk II" (PUD 62)

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

SIZE: 28.613 acres, more or less

EXISTING ZONING: RS-3 and PUD 62 "Hawkeye"

SUPPLEMENTAL ZONING: PUD 62 for "Hawkeye"

EXISTING USE: Vacant/Agricultural

REQUEST: Final Plat approval

SURROUNDING ZONING AND LAND USE:

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

South: RS-3/CG/OL/PUD 62, AG, CG, & CS; Residential single family homes and vacant lots in *The Trails at White Hawk*, and vacant commercial land along 151st St. S. zoned CG and OL with PUD 62. To the southeast is agricultural, rural residential, and commercial on several unplatted tracts along Kingston Ave. and 151st St. S. *The Mountain Creek Equipment Sales* (formerly the *Allison Tractor Co. Inc.*) tractor/farm equipment sales business is to the southeast on approximately 2.4 acres

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

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

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

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

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

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

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

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

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

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

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

BACKGROUND INFORMATION:

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

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

- Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard. The Modification/Waiver was described as justified by citing the appropriate plan to plat deeper lots along the *White Hawk Golf Club*, and certain configurations necessitated by the geometries of the 130' PSO easement and Kingston Ave.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the west and east. The Modification/Waiver was described as justified by the limited extent of the common line shared by the residential Development Area and the tract to the east and its existing access on Kingston Ave. A justification was also provided for not providing a stub-out street to the 8-acre tract to the west.
- Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for Lots 26 and 27, Block 2, whose rear lines abut Kingston Ave. City Staff was supportive of this design, which is incidental and unavoidable due to existing geometries.
- Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the widths of the standard 17.5' Perimeter U/Es along the north and east boundary lines as evident on the plat. To the extent they abutted existing 17.5' U/Es in *The Ridge at South County* and *Southridge at Lantern Hill*, Staff supported reducing them to 11', as the combined widths would exceed 22', the generally accepted standard for utility corridors on subdivision boundaries.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.F to be released from the half-street right-of-way dedication for Kingston Ave. north of the PSO easement, as described in this report. City Staff supported this Modification/Waiver, based on the cul-de-sac's superior design and the fact that continued legal access will be maintained for the residence at 14800 S. Kingston Ave. in the existing half-street right-of-way to the east.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.N to be released from the sidewalk construction requirement along the half-street right-of-way dedication for Kingston Ave. north of PSO easement, which was reflexive based on the new plans for Kingston Ave.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.O, along with a redesign of affected areas as recommended, to allow Reserve Areas (only) to be platted in the 100-year Regulatory Floodplain.

ANALYSIS:

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

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

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

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

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

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

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

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

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

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

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

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held October 07, 2015. Minutes of that meeting are attached to this report.

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

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

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

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

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

For the past few years, the City Council has discussed with developers the minimum standards for houses to be constructed within in new housing additions in Bixby, and how proposals for such would compare to the same in other developments in context and in Bixby as a whole. Specifically, the City Council has previously considered (1) minimum house size and (2) minimum masonry content. These matters are always considered when granting a PUD entitlement to reduce lot widths or other bulk and area standards, and during the review of plats pursuant to Subdivision Regulations Section 12-5-3.A.

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

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

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

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

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

- 75% minimum masonry
- Mature tree preservation.

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

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

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

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

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

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

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

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

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

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

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

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

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

On 07/27/2015, the City Council approved PUD 90, permitting the reduction of certain minimum bulk and area standards for “Chisholm Ranch Villas II” at 10158 E. 121st St. S. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:

- 2,000 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses
- 100% masonry excluding windows and beneath covered porches.

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

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

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- Minimum 10/12 roof pitch, with provisions for “Architectural Committee” waiver.

On 08/24/2015, the City Council approved straight RS-3 zoning per BZ-384 for the “Presley Heights” housing addition of 42.488 acres at the 2800-block of E. 141st St. S. The Council accepted the suggestion by City Staff that the minimum standards could be established by the Restrictive Covenants of the plat, in lieu of a PUD as City Staff also suggested. At the August 17, 2015 Planning Commission meeting, the Applicant stated that the houses would be:

- 2,000 square foot minimum dwelling size for one-story houses, and 2,500 square foot minimum for two-story houses
- 100% masonry for first stories, except underneath porches, windows, and doors.

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

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

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

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

- 2,600 square foot minimum dwelling size
- 50% masonry (sans stucco) excluding windows and doors, with provisions for “Building Committee” waiver.

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

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

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

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

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

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

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

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

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

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

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11. DoD/RCs Section 6.2: "...shall constitute acceptance of the Association..." Perhaps should be "...shall constitute acceptance of membership in the Association..."
12. DoD/RCs Section 6.4.3: "...other restrictions or any part thereof..." Use of term "of" in place of "or."
13. Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
14. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.
15. Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

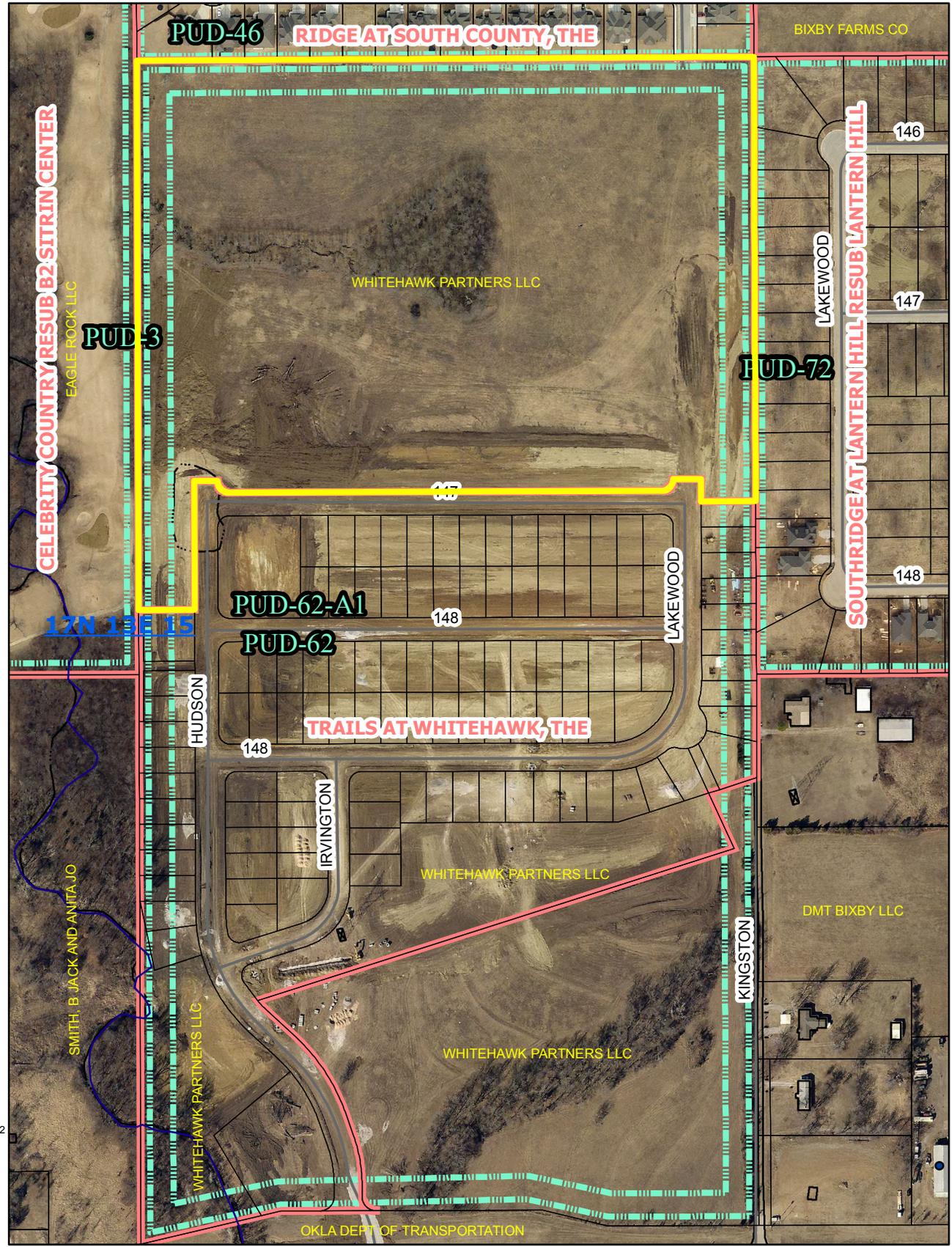
NEW INFORMATION AS OF NOVEMBER 10, 2015:

This application was Continued from the October 19, 2015 to this November 16, 2015 Planning Commission agenda to allow the developer, City, and representative(s) of the adjoining The Ridge at South County neighborhood to meet and discuss (1) minimum development standards for individual home construction and (2) access and traffic safety matters pertaining to the Lakewood Ave. street connection. A meeting was held October 27, 2015 including two (2) representatives of Rausch Coleman, their attorney Blaine Nice, developers Julius Puma and Dean Christopoulos, City Engineer Jared Cottle, Public Works Director Bea Aamodt, Fire Chief Bryan Wood, City Planner Erik Enyart, and Bob Evans of the The Ridge at South County neighborhood. All City Staff, including Public Safety professionals, confirmed that the Trails development should still have not less than three (3) means of ingress/egress for emergency purposes, as was required with the PUD Major Amendment in 2013, and discussed traffic calming measures for reducing speeds and improving traffic safety. On the minimum standards matter, no resolution was achieved. Additional meeting(s) are being discussed.

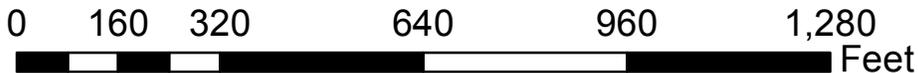
Staff's recommendation has not changed.

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Final Plat of "The Trails at White Hawk II"
Tulsa Engineering & Planning Associates, Inc.



- Businesses
- bixby_streams
- Tulsa Parcels 04/15
- WagParcels 04/15
- ▨ Tulsa_Subdivision
- ▨ WagSubdivision
- WagRoads_Aug2012
- E911_Streets
- ▨ PUD
- ▨ bixby_s-t-r
- ▨ county



Memo

To: Erik Enyart, AICP, City Planner

From: Joey Wiedel

Date: 09-28-2015

Re: PUD 62 "The Trails at White Hawk II"

"The Trails at White Hawk II" is approved by this office with the following conditions:

1. All roads second means of access shall be capable of supporting an imposed load of 75,000 pounds. All roadways shall be in place before construction of homes.(IFC 2009 Appendix D)
2. Water line and fire hydrant plans shall be submitted to this office before approval of the Final Plat.
 - Fire Hydrant Brand- AVK or Mueller, Color- Chrome Yellow
 - 600 feet spacing maximum
 - All hydrants shall be operable prior to construction of homes.
 - Fire line shall be looped.



Joey Wiedel

9-28-2015

Date

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CITY OF BIXBY

PO Box 70
16 W. Needles Ave
BIXBY, OK 74002
918.366.4430
918.366.5777 fax

Engineering Department Memo

To: Erik Enyart, City Planner

From: Jared Cottle, City Engineer *JWC*

CC: Bea Aamodt, Public Works Director
File

Date: 10/06/15

Re: Trails at White Hawk II
Final Plat Review

General Comments:

1. Water/Sewer/Paving/Grading Plans for all phases of the Trails at White Hawk have been previously approved. No additional comments unless modifications to the original design or layout are proposed.
2. All off-site sanitary sewer construction (i.e. Lift Station Control Building) must be completed prior to acceptance of this project phase.

MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
October 07, 2015 – 10:00 AM

MEMBERS PRESENT

Jim Peterson, *BTC Broadband*
Tim Dobrinski, *OG+E*

STAFF PRESENT

Erik Enyart, AICP, City Planner, City of Bixby

OTHERS PRESENT

Alan Betchan, PE, CFM, *AAB Engineering, LLC*
JR Donelson, *JR Donelson, Inc.*
J. Pat Murphy, P.L.S., Director of Land Surveying, *Tulsa Engineering & Planning Associates, Inc.*
Tim Terral, Director of Land Planning, *Tulsa Engineering & Planning Associates, Inc.*
Gary Thurmond, *Thurmond Consulting, Inc.*

1. Erik Enyart called the meeting to order at 10:00 AM.
2. **Preliminary Plat – “Misty Hollow [Estates]” – JR Donelson, Inc.** Discussion and review of a Preliminary Plat and certain Modifications/Waivers for “Misty Hollow [Estates],” approximately 5.65 acres in part of the NE/4 of Section 11, T17N, R13E.
Property located: 13200-block of S. 78th E. Ave.

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart noted that there was a typo in the Agenda and that the full name was “Misty Hollow Estates.” Mr. Enyart noted that the TAC had seen a Lot-Split application in the previous months, but for a couple reasons, it was Tabled [by the Planning Commission]. Mr. Enyart stated that the property had been rezoned to single-family residential some years ago, and that the Zoning Code required properties be platted before any Building Permit is issued, and so a Lot-Split prior to platting would have been superfluous. Mr. Enyart stated that the property was also in the 100-year Floodplain, and that, per the elevations data, the FEMA-designated Floodplain may not fully represent the full extent of the Floodplain. JR Donelson stated that Mr. Enyart meant to say that the ground was lower than the FEMA maps showed, and Mr. Enyart indicated agreement. Mr. Enyart noted that he understood that the back acreage, to the west of the plat area, would be used for borrow dirt to fill the development lots. Mr. Enyart asked Mr. Donelson if all of the lots as shown would be brought out of the Floodplain or just the building pads, and Mr. Donelson indicated the latter. Mr. Donelson stated that the owner was going to dig a big hole back there for a pond and build up the pad sites for the owner’s home and the other lots. Mr. Enyart stated that, from a planning standpoint, as he had

pointed out to the Applicant when the application was submitted, the back acreage should not be allowed to be landlocked, and this might be remedied by platting the balance of the half street and/or providing some other method of access. Mr. Donelson indicated agreement. Mr. Donelson suggested including the back acreage in the plat as a Reserve Area, and Mr. Enyart indicated agreement, and stated that the City, by Modification/Waiver of the Subdivision Regulations, would allow platting Reserve Areas in the Floodplain, but not building lots. Mr. Enyart stated that platting more land is better than platting less. Mr. Enyart stated that the Reserve Area should be expanded to include all of the areas which will remain in the Floodplain upon completion of grading. Mr. Enyart stated that the Preliminary Plat could be approved under these conditions, but that the Final Plat could not be recorded until FEMA removed officially the Floodplain from the remaining building lots by LOMR.

Erik Enyart confirmed with Tim Dobrinski that this area was served by *AEP-PSO*.

Erik Enyart stated that he would be working on the Staff Report and would provide it to the Applicant as soon as he could finish it.

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. JR Donelson left at this time and Mr. Enyart thanked Mr. Donelson for his attendance.

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

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart noted that this was the second and final phase of “The Trails at White Hawk” housing addition, whose first phase was developed a couple years prior. Mr. Enyart stated that the underlying zoning was RS-3 and the property was in PUD 62. Mr. Enyart noted that, since the PUD was approved for Major Amendment a couple years prior, the City had begun discussing minimum house size and masonry standards for new housing addition entitlements, in the context of PUDs when done that way, and in the context of the Restrictive Covenants of the plat [when already entitled per Zoning]. Mr. Enyart noted that this [new method] had been discussed during the [pre-application coordination] meeting with the Applicant and Developer earlier that year. Mr. Enyart asked what was being proposed in this regard, and Tim Terral stated that the PUD did not include these standards, but that the Restrictive Covenants of the first phase provided these standards, because the client wanted to include them. Mr. Terral stated that the Restrictive Covenants of this second phase would provide the same standards as the first, which were 1,100 square feet for a single-story, and 33% masonry. Mr. Enyart stated that 1,500 square feet was the smallest that he could recall being proposed in the past few years, and 33% was also probably smaller than anything proposed previously. Mr. Terral asked if the City would be asking them to increase these standards. Mr. Enyart stated that he did not know. Mr. Enyart stated that he understood this was a different market segment than other housing additions recently entitled, but that it was the City Council’s and Planning Commission’s prerogative to discuss these standards per the Subdivision Regulations.

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Erik Enyart asked Tim Dobrinski if he had any questions or comments from a utility standpoint. Mr. Dobrinski discussed the need for certain U/Es between certain areas and agreed to discuss the details further with Tim Terral and J. Pat Murphy.

Jim Peterson arrived at this time at 10:12 AM.

Tim Dobrinski advised J. Pat Murphy and Tim Terral that Doug Mack was the project manager for *OG+E*.

Erik Enyart advised Jim Peterson that attendees were discussing the "The Trails at White Hawk II" project and described key items discussed thus far. Mr. Enyart asked Mr. Peterson if he had any questions or comments on this item. Mr. Peterson asked J. Pat Murphy and Tim Terral if he had provided them a conduit layout yet, and offered to do so if he had not.

Erik Enyart stated that, when the PUD Major Amendment # 1 was being reviewed, he recalled asking for a livability space exhibit, reflecting the typical house on the typical lot, since the setbacks had been reduced. Mr. Enyart stated that he had requested this because the concern at the time was that the setback reduction might cause the minimum livability space standard to be compromised. Tim Terral stated that the PUD provided for the transfer of livability space from the Reserve Areas. Mr. Enyart stated that he did not recall if the lots ended up needing relief from the standard or not. Mr. Enyart stated that he believed it would be beneficial to have an exhibit showing the typical lot and footprint of the typical house [as actually constructed in the first phase]. Mr. Terral agreed to do this and noted that it would look like or be the same as the one previously sent.

Tim Terral asked Erik Enyart if there were any other Planning Staff comments. Mr. Enyart responded that he had provided the biggest comment already, the matter of house size and masonry standards. Mr. Enyart stated that he did not want them to be surprised when this was brought up and discussed.

Erik Enyart asked about the sequencing of the plat approval and construction. J. Pat Murphy and/or Tim Terral responded that all the construction plans had been approved and construction had already begun, and that there were contractual agreements to sell a certain portion of the lots upon recording the Final Plat. Mr. Enyart asked, and Mr. Terral or Mr. Murphy indicated that it was likely that some of the infrastructure would be completed but not all of it before the Final Plat was recorded. Mr. Enyart clarified with them that this would require bonds or PFPI-type agreements. Mr. Enyart noted that he knew the City allowed completion of all the required infrastructure and then plat recording, or plat recording with submission of required bonds and/or PFPI documents, but he expected there could be degrees between the two [for completion of different types of infrastructure elements].

Erik Enyart stated that he would be working on the Staff Report and would provide it to the Applicant as soon as he could finish it, which would likely not be until the following week. Mr. Enyart noted that the Planning Commission meeting was October 19, 2015 and the City Council meeting would be October 26, 2015.

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. J. Pat Murphy, Tim Terral, and Tim Dobrinski left at this time and Mr. Enyart thanked them for their attendance.

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

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart noted that the Planning Commission heard the PUD and rezoning the previous evening, and that the underlying zoning would be RS-2, consistent with the surrounding zoning patterns, including in *Southwood East* to the north and *Southwood East Second* to the east and south. Mr. Enyart stated that the property was at approximately 116th Pl. S. and Mingo Rd., east side, and would be a housing addition with gated, private streets. Mr. Enyart stated that 116th Pl. S. would be a cul-de-sac street intersecting with Mingo Rd. and that there would be an emergency access only drive on the east end of the property. Mr. Enyart stated that the property would have a Reserve Area at the southwest corner for stormwater detention and neighborhood amenities. Mr. Enyart asked Alan Betchan and Gary Thurmond if they cared to summarize the project further.

Alan Betchan stated that this would be a “Villas”-type development. Mr. Betchan stated that, because most of the utilities were along the street, there may end up being more [Utility Easement width along the street]. Mr. Betchan stated that there was an 11’-wide U/E along the east side of the property in [*Southwood East Second*], and there was an *AEP-PSO* easement along this east side within the property that he would like to remove or have reduced, as it did not appear to be in use. Mr. Betchan stated that, since there was an 11’-wide U/E to the east, an 11’-wide U/E may be used here. Erik Enyart acknowledged that the lots were cramped at the east end near the cul-de-sac turnaround, but noted that, unlike the City of Tulsa and probably most of the other cities in the area, Bixby’s Subdivision Regulations had a 17.5’ minimum width Perimeter U/E standard, and Bixby has had a history with this width standard. Mr. Enyart stated that, if most of the utilities are going along an east-west axis and this east-end U/E was not used for much, he could see an argument for reducing this, but noted that this would be subject to City Engineer and Public Works Director recommendations.

Alan Betchan stated that *AEP-PSO* would likely want to go along the front, with street crossings, rather than [have two (2) lines along the back sides of both tiers of lots]. Erik Enyart confirmed with Mr. Betchan that this would be for cost savings purposes.

Jim Peterson stated that both [north and south] sides had copper [wire] and indicated *BTC Broadband* would want to install fiber [optic cable] for this new subdivision. Mr. Peterson stated that he did not think *BTC Broadband* would need to use the U/E along the east side of the plat. Mr. Peterson stated that he would prefer the new lines go along the rear yards with a crossing on the front [of the development tract along Mingo Rd.]. Mr. Peterson discussed issues with other recent developments that had all or almost all utilitylines along the streets and none in the rear yards, done

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in both cases in order to preserve the trees along the rear yard lines. Mr. Enyart confirmed with Mr. Peterson which subdivisions he was referring to in Bixby.

Alan Betchan stated that he had received the Fire Marshal's review memo and that the comments appeared to be fairly standard. Erik Enyart noted that the review comments were identical to those provided for the PUD.

Erik Enyart stated that he would be working on the Staff Report and would provide it to the Applicant as soon as he could finish it, which would likely not be until the following week.

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. Alan Betchan and Gary Thurmond left at this time and Mr. Enyart thanked them for their attendance.

5. **V-49 – Candace McNeese.** Discussion and consideration of a request to Close a Drainage/Detention Easement within Lot 2, Block 4, *The Enclave at Legacy*.
Property Located: 10629 S. 91st E. Ave.
-

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart stated that this appeared to be a preexisting, separate instrument Drainage/Detention Easement identified on the plat. Mr. Enyart stated that, similar to the previous request on the lot abutting to the north, the elevation survey showed that the lot was not in the Floodplain and the City had determined it did not need the Easement for drainage purposes. Mr. Enyart asked Jim Peterson if he had any objection, and Mr. Peterson stated that it was not a Utility Easement and so he did not. Mr. Enyart and Mr. Peterson discussed all of the U/E closings in this area along the Oliphant Drainage / Detention system. Mr. Peterson noted that most of the utilities were in the fronts of the lots in those cases, and Mr. Enyart noted that the [City] utility(ies) behind the houses were actually out in the Oliphant right-of-way, which the City owned.

6. Old Business – None.
7. New Business – None.
8. Meeting was adjourned at 10:40 AM.

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BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, October 07, 2015

NAME	COMPANY	PHONE
1. <u>JR DONELSON</u>	<u>_____</u>	<u>918.394.3030</u>
2. <u>Tim Dobsinski</u>	<u>OG&E</u>	<u>918-227-6203</u>
3. <u>TIM TERRAL</u>	<u>TEP</u>	<u>918-359-6413</u>
4. <u>J Pat Murphy</u>	<u>TEP</u>	<u>918.359-6417</u>
5. <u>Gary Thurmond</u>	<u>Thurmond Consulting</u>	<u>918-728-0288</u>
6. <u>Erin Emyart</u>	<u>City of Bixby</u>	<u>918 366 0427</u>
7. <u>Alan Betera</u>	<u>AAB Engineering</u>	<u>918-514-4083</u>
8. <u>Jim Peterson</u>	<u>BTC</u>	<u>918-366-0253</u>
9. <u>_____</u>	<u>_____</u>	<u>_____</u>
10. <u>_____</u>	<u>_____</u>	<u>_____</u>
11. <u>_____</u>	<u>_____</u>	<u>_____</u>
12. <u>_____</u>	<u>_____</u>	<u>_____</u>
13. <u>_____</u>	<u>_____</u>	<u>_____</u>
14. <u>_____</u>	<u>_____</u>	<u>_____</u>
15. <u>_____</u>	<u>_____</u>	<u>_____</u>
16. <u>_____</u>	<u>_____</u>	<u>_____</u>
17. <u>_____</u>	<u>_____</u>	<u>_____</u>
18. <u>_____</u>	<u>_____</u>	<u>_____</u>
19. <u>_____</u>	<u>_____</u>	<u>_____</u>
20. <u>_____</u>	<u>_____</u>	<u>_____</u>



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 *E.E.*
Date: Tuesday, November 10, 2015
RE: Report and Recommendations for:
BL-401 – Steve & Tana Killman

LOCATION: – 15310 S. Harvard Ave.
– The E. 990' of the S/2 S/2 NE/4 NE/4 of Section 20, T17N, R13E

LOT SIZE: 7.5 acres, more or less

ZONING: AG Agricultural District

SUPPLEMENTAL ZONING: None

EXISTING USE: Agricultural land and a single-family dwelling

REQUEST: Lot-Split approval

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

PREVIOUS/RELATED CASES: (none found)

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of the E. 990' of the S/2 of the S/2 of the NE/4 of the NE/4 of Section 20, T17N, R13E, and has 330' of frontage on Harvard Ave.

It contains 7.5 acres, more or less, and is zoned AG Agricultural District. It contains a house addressed 15310 S. Harvard Ave. at its southeast corner, and agricultural/storage buildings behind/west of same.

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

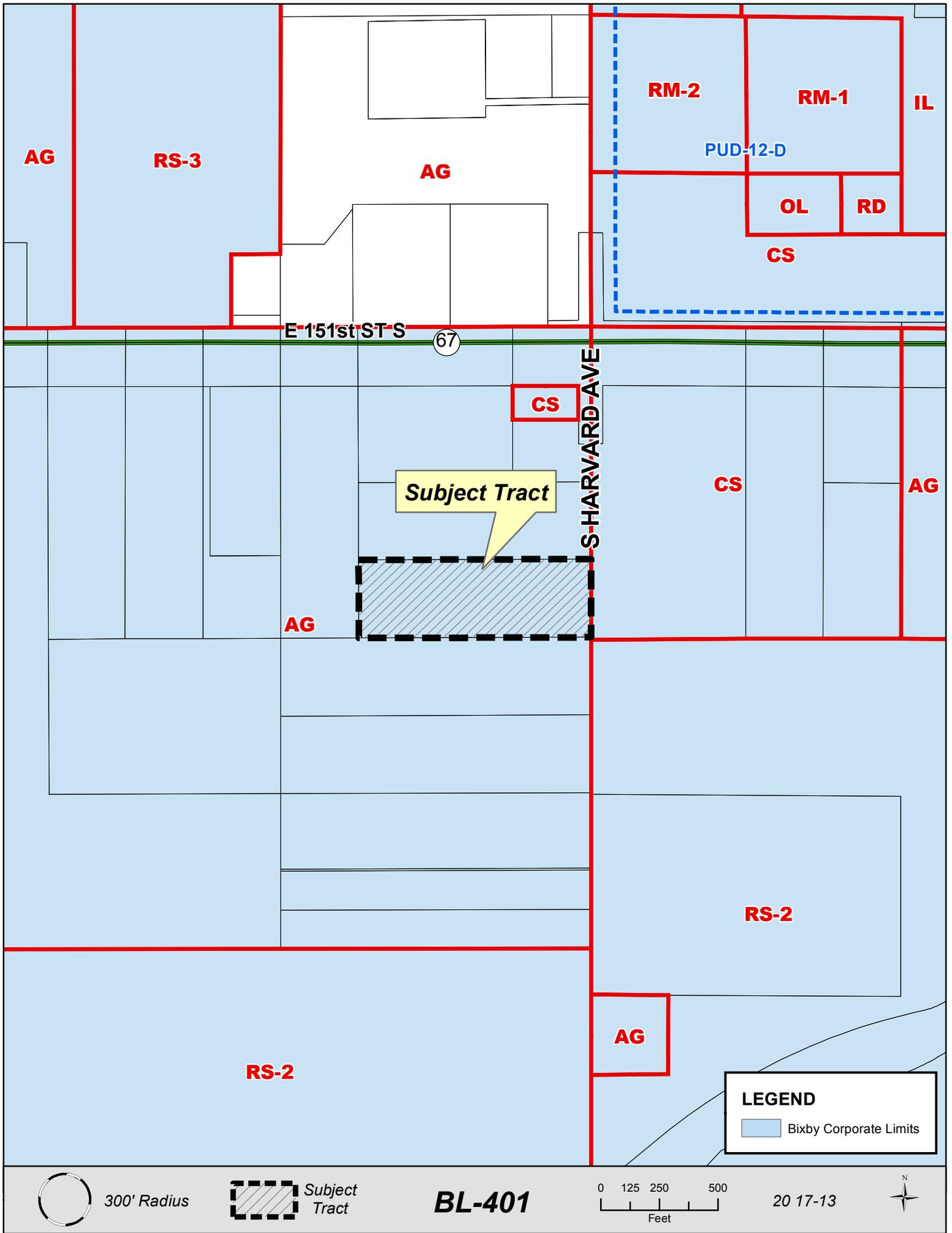
The subject property is moderately sloped and appears to primarily drain to the west toward an upstream tributary of Posey Creek, which flows northeasterly. There appear to be one or more “farm ponds” on the property.

General. The owner is seeking Lot-Split approval to separate approximately 2.77 acres with the existing dwelling addressed 15310 S. Harvard Ave. from the balance of the agricultural tract. The “back” 4.72-acre tract will be used, per the Applicant and application form, to “build [a] home.”

Per the submitted survey, both proposed tracts would meet the minimum lot area and minimum lot width standards in the AG district. The “back” tract would only have 130’ of frontage on Harvard Ave., but the AG district has no minimum frontage requirement, per se, and the lot width (average of the front and rear lotlines) meets the minimum required. Based on the submitted survey, the existing house will meet the AG district’s minimum setback requirements from the proposed new lot lines, and the “lagoon” will be located on the same tract as the house.

The Technical Advisory Committee (TAC) reviewed this Lot-Split on November 04, 2015. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval.



AG

RS-3

AG

RM-2

RM-1

IL

PUD-12-D

OL

RD

CS

E 151st St S

67

SHARVARD AVE

CS

Subject Tract

CS

AG

AG

RS-2

RS-2

AG

LEGEND

Bixby Corporate Limits

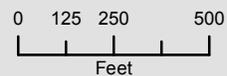


300' Radius



Subject Tract

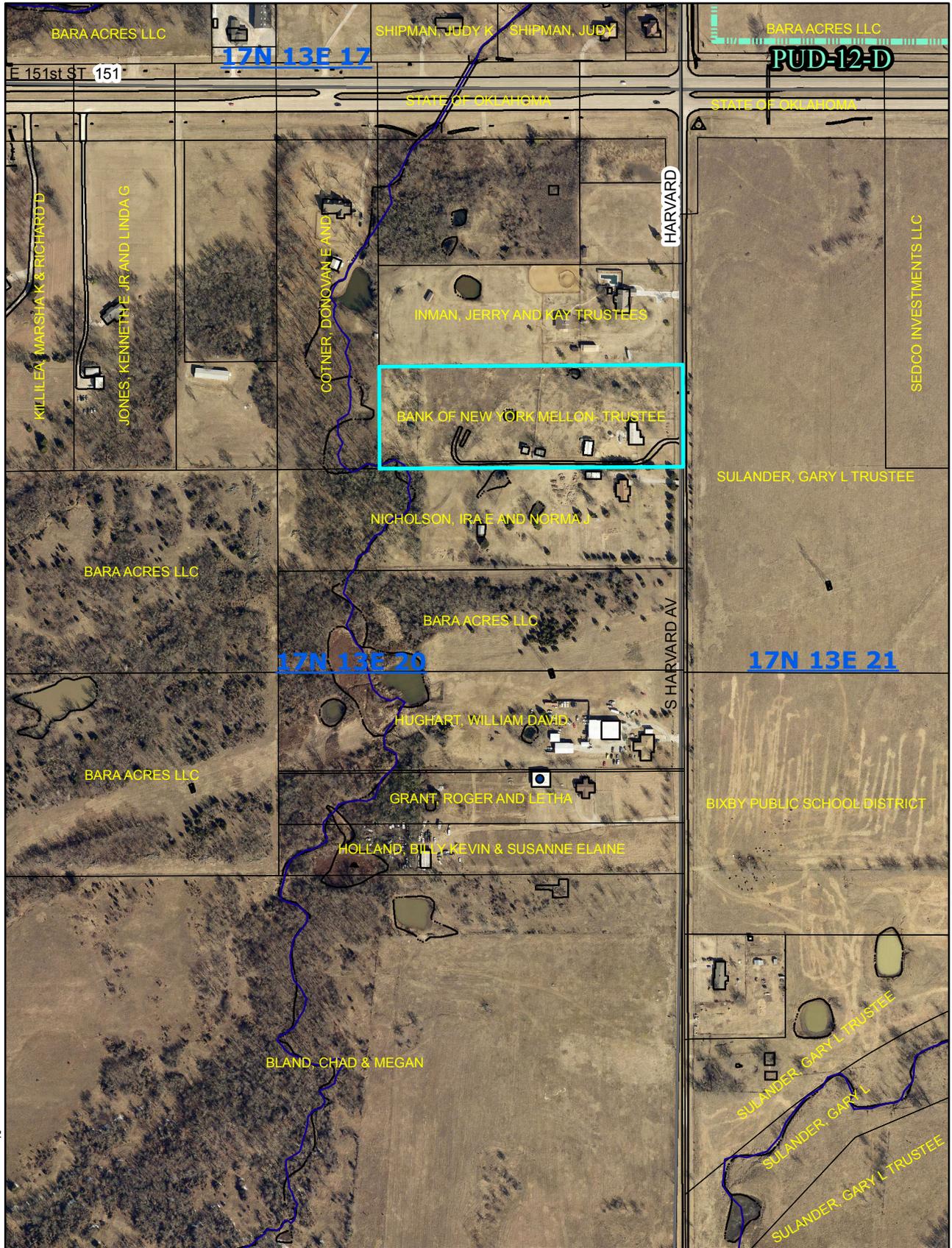
BL-401



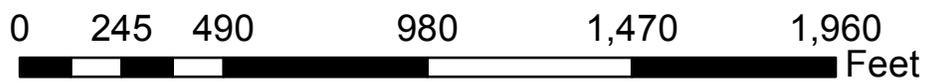
20 17-13



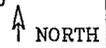
BL-401 – Steve & Tana Killman



- Businesses
- bixby_streams
- Tulsa Parcels 04/15
- WagParcels 04/15
- ▨ Tulsa_Subdivision
- ▨ WagSubdivision
- WagRoads_Aug2012
- E911_Streets
- ▨ PUD
- ▨ bixby_s-t-r
- county



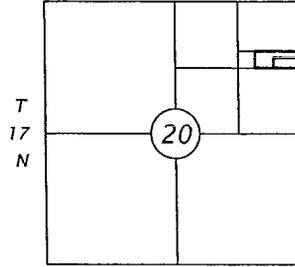
SCALE: 1"=150'



Legal Description (Tract 1)

A tract of land being the East nine hundred ninety (990) feet of the South Half of the South Half of the Northeast Quarter of the Northeast Quarter (S/2 S/2 NE/4 NE/4) of Section Twenty (20), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded U.S. Government survey thereof. Less and Except the South Two Hundred (200) feet of the East Six Hundred Five (605) feet thereof. Containing 4.72 acres more or less.

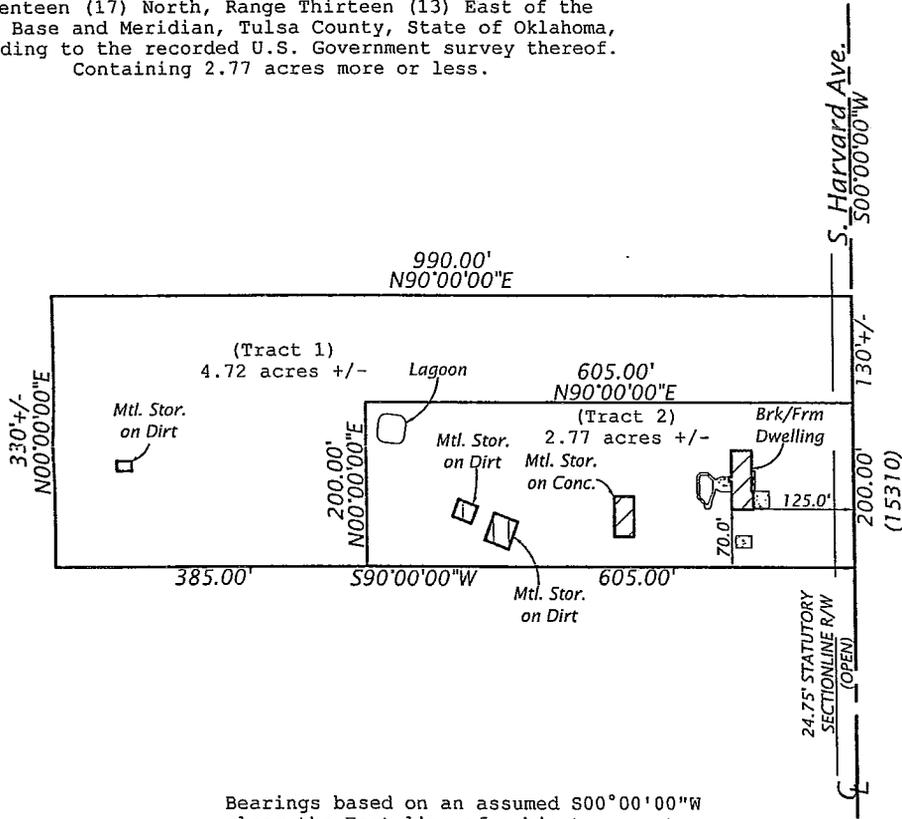
R - 13 - E



Tulsa
LOCATION MAP

Legal Description (Tract 2)

A tract of land being the South Two Hundred (200) feet of the East Six Hundred Five (605) feet the East nine hundred ninety (990) feet of the South Half of the Northeast Quarter of the Northeast Quarter (S/2 S/2 NE/4 NE/4) of Section Twenty (20), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded U.S. Government survey thereof. Containing 2.77 acres more or less.



Bearings based on an assumed S00°00'00\"/>

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<p>COLLINS LAND SURVEYING, INC.</p>	<p>Proposed Lot Split</p>
<p>3340 W. 151st ST. S. - P.O. Box 250 KIEFER, OK. 74041</p>	<p>Performed For:</p>
<p>OFFICE (918)321-9400 FAX (918)321-9404</p>	<p>Steven Killman</p>
<p>CA#2656 EXPIRES: 06/30/2016</p>	<p>J.O. NO. 15-10-080 DATE: 10/14/2015</p>