

4. Case # AC-11-04-03. Discussion and possible action to approve a wall sign for “Me Interiors” at 8222 E. 103rd St. S. in *The Palazzo* shopping center, part of Tract A, *101 South Memorial Center*.
5. Case # AC-11-04-04. Discussion and possible action to approve a wall sign for “Hannah’s Custom Framing” at 13330 S. Memorial Dr. Ste. 3 in the “Riverbend Shoppes” shopping center, Lots 1, 2, & 3, Block 1, *Riverbend Commercial Center Amended*.
6. Case # AC-11-04-05. Discussion and possible action to approve a replacement wall sign for “Riverbend Nutrition” at 13330 S. Memorial Dr. Ste. 8 in the “Riverbend Shoppes” shopping center, Lots 1, 2, & 3, Block 1, *Riverbend Commercial Center Amended*.

Chair Thomas Holland introduced Consent Agenda Items numbered 2 through 6, inclusive, and asked Erik Enyart if they were like similar such cases where they had already been approved. Mr. Enyart confirmed and stated that, in all of these cases, Staff has reviewed and approved the sign permits, finding that the signage conformed to the Zoning Code requirements. Mr. Enyart requested ratification of the approval given.

John Benjamin made a MOTION to APPROVE Consent Agenda Items numbered 2 through 6, inclusive. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS:

7. **BCPA-6 – City of Bixby**. Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan of the City of Bixby, Oklahoma, specifically to redesignate a certain property on the Comprehensive Plan Land Use map from “Low Intensity” to “Medium Intensity” and to remove the “Residential” land use designation.
Property Located: Blocks 1, 2, and 3, *Privett Addition*, between 151st St. S. and Washington St., between Montgomery St. and Riverview Rd.

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

To: *Bixby Planning Commission*
From: *Erik Enyart, AICP, City Planner*
Date: *Wednesday, March 30, 2011*
RE: *Report and Recommendations for:*
BCPA-6 – City of Bixby

LOCATION: *Between 151st St. S. and Washington St., between Montgomery St. and Riverview Rd.*
LOT SIZE: *3 acres, more or less, in 3 blocks*
EXISTING ZONING: *RS-3 Single Family Dwelling District*

EXISTING USE: Vacant

SUPPLEMENTAL ZONING: None

EXISTING COMPREHENSIVE PLAN DESIGNATION: Low Intensity + Residential

REQUESTED COMPREHENSIVE PLAN DESIGNATION: Medium Intensity + (no specific land use designation)

SURROUNDING ZONING AND LAND USE:

North: (Across Washington St.) RS-3, RT, & RS-4; Single family residential and a church at 226 E. Jefferson St., all in the Privett Addition.

South: (Across 151st St. S.) RS-3 & IL; Single family residential and vacant lots in the Midland Addition. To the southwest are IL-zoned properties belonging to the Bixby Historical Society, including some old commercial/storage buildings at 21 E. Needles Ave., an old filling station at 27 E. Needles Ave., the Bixby Historical Society Museum at 24 E. McKennon Ave., and vacant and underutilized lots.

East: (Across Riverview Rd.) AG; Rural residential and agricultural land.

West: RS-3, IM, & CH; Single family residential in the Privett Addition, the Stone Mill manufactured stone manufacturing and sales at 15 and/or 21 E. 151st St. S., and a metal storage building.

PREVIOUS/RELATED CASES:

BBOA-4 – Mr. & Mrs. Jim Brock – request for Variance to allow a mobile home to be added to the rear yard of the residence at 116 E. Washington St., Lots 7 & 8, Block 3, Privett Addition – BOA Continued 07/06/[1970]. No further Minutes for 1970 are on file, but a sheet of paper with un-dated, hand-written notes in the case file appear to indicate the BOA approved for 1 year at some other date.

BBOA-6 – Aletha Mitchell – request for Variance to allow a mobile home to be added to the residence at 220/224 E. Washington St., Lots 1 & 2, Block 2, Privett Addition – No Minutes for 1971 are on file, but a letter dated 06/05/1971 states that the BOA approved the application 06/04/1971.

BZ-49 – J. W. Lee – Request for rezoning from RS-3 to RM-2 for a duplex at 302/306 E. Washington St., The W. 15' of Lot 11 and Lots 12 & 13, Block 1, Privett Addition – PC Recommended Denial 06/28/1976 and the City Council Denied 09/21/1976 on appeal.

BBOA-33 – J. W. Lee – request “to change from RS-3 to RM-2” at 302/306 E. Washington St., The W. 15' of Lot 11 and Lots 12 & 13, Block 1, Privett Addition – No Minutes are on file for this case – Notes indicate it was scheduled for a BOA hearing 09/14/1976, but perhaps the application was deemed administratively unactionable.

BBOA-37 – J. W. Lee – request for Special Exception to allow a mobile home to be added to the duplex at 302/306 E. Washington St., The W. 15' of Lot 11 and Lots 12 & 13, Block 1, Privett Addition – BOA approved “on a temporary basis” 08/09/1977 and as a “Permanent Special Exception” as an action item during the 09/13/1977 BOA meeting.

BBOA-150 – Gladys Cochran – request for Special Exception to allow a carport and a Variance to reduce the setback from 5' to 1' for Lots 7 & 8, Block 2, Privett Addition, addressed 214 E. Washington St. – BOA approved 12/09/1985.

BL-115 –David Archer – request for Lot-Split to divide Lots 4, 5, & 6, Block 3 of subject property, addressed 120 E. Washington St., into N/2 and S/2 – PC Denied 05/27/1986.

BBOA-172 –David Archer – request for Variance from the bulk and area requirements in the RS-3 district to allow a Lot-Split to divide Lots 4, 5, & 6, Block 3 of subject property, addressed 120 E. Washington St., into N/2 and S/2 – BOA Tabled 06/09/1986.

RELEVANT AREA CASE HISTORY: (not a complete list)

BZ-298 – Brian Coody – Request for rezoning from RS-3 to RT to allow a duplex on Lots 19 & 20, Block 8, Privett Addition, located across Washington St. to the north of subject property – PC recommended Approval 10/20/2003 and City Council Approved 11/10/2003 (Ord. # 918) (not since built).

BZ-303 – Kendal Goodell – Request for rezoning from RS-3 to RS-4 for lot-width purposes to allow a single-family dwelling on the S. 53' of Lots 1 : 5, inclusive, Block 8, Privett Addition, addressed 414 N. Riverview Rd. and located ½ block north of subject property – PC recommended Approval 06/21/2004 and City Council Approved 07/12/2004 (Ord. # 890) (metal building house since built).

BACKGROUND INFORMATION:

History of the Request. During the development review process for the Millworx project at 27 E. McKennon Ave., local development consultant JR Donelson suggested that the City of Bixby should anticipate redevelopment along the widened 151st St. S. corridor by amending the Comprehensive Plan map, such that it would enable more intensive redevelopment patterns.

The initial scope included areas on both sides of 151st St. S. However, since then, JR Donelson has indicated interest on his and/or others' behalf to develop the leftover land north of the widened 151st St. S. right-of-way for townhouses. Mr. Donelson has provided an exhibit indicating how the townhouses would be situated on the land, which exhibit is attached to this report.

During the City Council Worksession meeting held February 28, 2011, Staff asked the City Council for guidance on the parameters of the affected area and development type preferences. Based on the discussion during the meeting and further discussions with JR Donelson, the Mayor, and other City Staff, Staff recommended, and on March 14, 2011, the City Council authorized the preparation of a possible amendment to the Comprehensive Plan Land Use Map, limited to the three (3) blocks owned by the City of Bixby. Restricting the area to City-owned properties removes the difficulty of affecting private property owners, who may or may not approve of a change.

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

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

The Comprehensive Plan amendment is being processed in the same manner as has been used by private interests to have their properties redesignated on the Comprehensive Plan, including Public Notice and a Public Hearing before the Planning Commission, with the recommendation to be forwarded to the City Council for final action.

Additional Considerations. If the Comprehensive Plan Amendment is approved, the next step would be for the City Council to consider declaring the land as surplus and authorizing the advertisement for bids. As a part of selling the land, the City Council could, if it so chooses, require a development agreement specifying whatever terms are deemed appropriate.

Changing the Comprehensive Plan would not rezone the land. It would still be necessary for the successful bidder to rezone the land RT (along with any PUD as may be required for their specific designs), but the Comprehensive Plan amendment would enable this to occur. It would also likely increase the value of the land, helping maximize return to the City of Bixby.

ANALYSIS:

General. Fire Marshal's and City Engineer's memos are attached to this Staff Report. Their comments are incorporated herein by reference.

The Technical Advisory Committee (TAC) discussed BCPA-6 at its regular meeting held April 06, 2011. Minutes of that meeting are attached to this report.

Property Conditions. The subject property consists of Blocks 1, 2, and 3 of Privett Addition. Block 1 measures 336.4' east-west by 130' north-south, and so contains 43,732 square feet (slightly over 1 acre). Blocks 2 and 3 both measure 350' east-west by 130' north-south, and so contain 45,550 square feet (slightly over 1 acre) each. The blocks are located south of Washington St. between Montgomery St. and Riverview Rd. All of the land is currently vacant, having been cleared of the houses that were on the lots to make way for the 151st St. S. widening project. Zoning is RS-3 for all of the property.

The City of Bixby, in accordance with the Vision 2025 and/or 4-to-Fix-the-County program requirements, has deeded the southerly parts of these blocks (and adjacent areas) to Tulsa County as right-of-way for the Sectionline road improvements. The conveyed right-of-way is as shallow as 51.31' at the southwest corner of Block 3 and widens toward the east to be as wide as 57.44' at the southeast corner of Lot 1. Therefore, the typical remaining lot measures 25' by approximately 75'. A diagram, entitled

“Typical interior Townhouse lot,” indicates the right-of-way versus excess City of Bixby land and is attached to this report for illustration.

Per FEMA floodplain maps, all of the properties are located in the Shaded Zone X – 500-Year (0.2% Annual Chance) Floodplain.

Comprehensive Plan. On March 14, 2011, the City Council authorized the preparation of a possible amendment to the Comprehensive Plan Land Use Map as recommended by Staff as follows:

- Concerning only those parts of Blocks 1, 2, and 3, Privett Addition, north of the widened right-of-way, which belong to the City of Bixby,
- Change the designation from Low Intensity to Medium Intensity, and
- Remove the Residential designation, leaving it undesignated as to specific use.

RT Residential Townhouse District is the most appropriate zoning district for the considered townhouse development type. RT zoning was adopted (Ord. # 845) after the Comprehensive Plan in or around 2002 so it is not included in the “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan. However, based on the Matrix’s treatment of similar districts, Medium Intensity should be recognized as necessary to support RT zoning as being In Accordance with the Comprehensive Plan.

Removing the Residential specific land use designation would be preferable because, if this particular development did not materialize, this would enable the Medium Intensity to be used to authorize commercial, office, or other such more intensive rezonings and use types.

Access. All of the internal lots have access to 151st St. S. and Washington St. and the corner lots have access to, variously, Montgomery, Stanley, and Parker Streets and Riverview Rd. A sidewalk will be constructed along the north side of 151st St. S. as a part of the widening of that street. Sidewalk construction on the balance of the streets would be required upon rezoning and replatting the subject property.

Utilities. The subject property should have immediate access to all of the critical and the communications utilities. Levels of service for available utilities should be adequate for the development types on the subject property which would be enabled by a Medium Intensity designation.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily RS-3 and land uses consist of single-family homes in the Midland Addition and Privett Addition. In the interest of efficiency and avoiding redundancy, please see the case map for illustration of existing zoning patterns, which are described, along with surrounding land use patterns, in the Surrounding Zoning and Land Use summary section of this report.

Per BZ-298 in 2003, the City Council approved a rezoning from RS-3 to RT to allow a duplex on Lots 19 & 20, Block 8, Privett Addition, located across Washington St. to the north of subject property. Per BZ-303 in 2004, the City Council approved rezoning from RS-3 to RS-4 for lot-width purposes to allow a single-family dwelling on the S. 53’ of Lots 1 : 5, inclusive, Block 8, Privett Addition, addressed 414 N. Riverview Rd. and located ½ block north of subject property. Several other rezonings from RS-3 to, variously, RD, RT, and RM-1 have been approved for lots throughout the Midland Addition and [Original Town of] Bixby in the past decade, and have been used to allow duplexes to be constructed as infill projects. This demonstrates legislative intent to allow higher-intensity forms of residential redevelopment throughout the “Old Town” area of Bixby.

Per the Matrix in the Comprehensive Plan, the Medium Intensity designation, without a specific land use designation, would allow as In Accordance with the Comprehensive Plan: AG, RE, RS-1, RS-2, RS-3, RD, RM-1, RM-2, CS, ST, and presumably, RS-4. The same would potentially allow, as May Be Found In Accordance with the Comprehensive Plan: RMH, RM-3, CG, and IR. Due to the relatively shallow depth of the lots, higher intensity development types would not be feasible, leaving single-family and townhouse development the most likely forms to occur.

For the most part, therefore, the requested Medium Intensity designation would appear compatible with and complimentary to existing and future surrounding land uses and zoning patterns.

151st St. S. is being widened along the subject property, further enhancing accessibility, drainage, and utility purposes. These new infrastructure investments increase the appropriateness of higher intensity development of the subject property.

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested amendment. Therefore, Staff recommends Approval.

Erik Enyart stated that the City wanted to follow its own Comprehensive Plan and to make way for change [as it concerns this potentially surplus property].

Erik Enyart addressed Chair Thomas Holland and noted that there were several people in attendance who were signed up to speak on the item, and confirmed with him that it would be acceptable, in the interest of efficiency, to respond to some of their questions directly.

Chair Thomas Holland consulted the Sign-In Sheet and called on Dale Williams of 225 E. McKennon Ave. to speak on the item. Mr. Williams asked what the current Comprehensive Plan would allow. Erik Enyart stated that it allows primarily residential up to Residential Duplexes, and up to OL light office. Mr. Williams asked what would be allowed with the change, and Mr. Enyart stated that it would open up the “middle range” of available Zoning Districts, including Commercial perhaps including up to Light Industrial. Mr. Williams complained that there were “A couple people forced out of their houses that didn’t need to be, and now they want to build other houses. That’s not right. The City got greedy.” Mr. Williams complained that the new road was built against his back fence. Mr. Williams stated that he had five (5) grandchildren and a pool. Mr. Williams stated that he thought the retaining wall would be 20’ away until they laid the blacktop. Mr. Enyart stated that the street design plans are on file with the City Engineer. Mr. Enyart stated that he would let Mr. Williams see them if he would contact him the next morning.

Chair Thomas Holland consulted the Sign-In Sheet and called on Jerry Potter of 111 E. Washington St. to speak on the item. Mr. Potter stated “My question’s been answered.”

Chair Thomas Holland consulted the Sign-In Sheet and called on Ted Crain of 404 N. Riverview Rd. to speak on the item. Mr. Crain stated “I wanted to hear what the specific uses would be, but I heard that they would be townhouses, so I’m okay.” Erik Enyart stated that the lots are only about 75’ in depth, and that townhouses were about the only thing that could fit on them. Mr. Enyart stated that other types of uses could be allowed by this change but that it would be very difficult to fit anything else on the lots.

Chair Thomas Holland asked Ted Crain if he was okay with townhouses and Mr. Crain stated that he had not had his property been broken into in many years. Mr. Crain indicated no objection.

Chair Thomas Holland consulted the Sign-In Sheet and called on Richard Daniels, property owner of 221 E. McKennon Ave. to speak on the item. Mr. Daniels stated that he owned property in this area and that the City bought some land from him [for this project]. Mr. Daniels stated that he didn’t know the City would turn around and sell it, and complained “The City doesn’t always tell you.” Mr. Daniels stated that the City wanted “No specific land use designation.” Mr. Daniels stated “I’ve got lots of land and I want the same designation as they’ve got. If I want to [develop something] I’ll have to tell you [what I’m planning].” Mr. Daniels stated that no one would want to live right behind these and look at the backside of them. Mr. Daniels stated “I’ll be the first to bid [on the subject property] when it’s on sale.” Mr. Daniels complained about the houses that were removed for the street widening project, and stated that he had lived there since almost 1940.

Erik Enyart addressed Richard Daniels that, according to the Comprehensive Plan Land Use Map, most properties in the planning area have no land use designation. Mr. Enyart also stated that

whoever bid on and bought the land would still have to get the property rezoned, so they would be coming before this Commission and showing them the development plans. Mr. Daniels responded that the City would do whatever it wanted and would not tell anyone.

Chair Thomas Holland consulted the Sign-In Sheet and called on Gail Williams of 225 E. McKennon Ave. to speak on the item. Ms. Williams stated that she had lived at this residence for 16 years, and that this area was a single family neighborhood. Ms. Williams stated that it was a travesty that the City bought the land and they wanted to turn around and build multifamily. Ms. Williams stated that she wanted the land to be a small park or greenbelt area, with nothing built on it. Erik Enyart stated that townhouses would each be on their own lot, as compared to apartments. Mr. Enyart stated that they could still be rented, like any house could. Ms. Williams stated, "Townhomes is a fancy word for apartments," and indicated this was "unacceptable."

Chair Thomas Holland consulted the Sign-In Sheet and called on Eileen Walker of 211 E. McKennon Ave. to speak on the item. Ms. Walker complained that the road was built right up to the houses [along McKennon Ave.]. Ms. Walker stated that there are several rental houses and duplexes in the area, and that the renters had broken into cars in the neighborhood. Ms. Walker stated that a park was a good idea. Ms. Walker stated that she has lived in the area for several decades and that "More rental houses is not a good idea."

Chair Thomas Holland consulted the Sign-In Sheet and called on Pamela J. Pope of 404 N. Riverview Rd. to speak on the item. Ms. Pope asked how long it would be before the land was developed. Erik Enyart stated that he could not answer this. Mr. Enyart stated that the City Council would need to declare the land surplus, and then it would be offered for sale by bid. Mr. Enyart stated that there was no guarantee that anyone would bid on the land, and if they did, when they would build anything.

Chair Thomas Holland consulted the Sign-In Sheet and called on Cynthia Potter of 111 E. Washington St. to speak on the item. Ms. Potter stated that she had owned her land for over 40 years, and apologized that she had had some of those renters whom a previous speaker mentioned may have caused trouble in the neighborhood. Ms. Potter indicated the City had gone away from neighborhoods and gone commercial, "anything that turns a buck." Ms. Potter complained that she could not bring in older people [as quality renters] anymore. Ms. Potter complained "Nothing is being done to beautify Bixby." Ms. Potter complained that the City had taken away the homes, and said "You told us you would put in the road and a park." Ms. Potter complained "Commercial only puts money in your pockets, not ours."

Chair Thomas Holland consulted the Sign-In Sheet and called on Robert Founds of 303 E. Washington St. to speak on the item. Mr. Founds stated that he owned 303 E. Washington St. and also 221 E. Washington St. Mr. Founds asked "Who votes on this?" Erik Enyart stated that this Planning Commission would be voting on whether or not to recommend the amendment, and that the City Council would consider their recommendation and whether or not to approve it at the City Council meeting the following Monday.

Chair Thomas Holland stated that he had called on all that were signed up to speak on the item, and asked if he had missed anybody. James Turney of 302 E. McKennon Ave. came to the podium to

speak and signed the Sign-In Sheet as requested by Mr. Holland. Mr. Turney asked who would be building on the land, and John Benjamin stated that [he and the Planning Commissioners] had no knowledge of who would buy the land.

A woman who did not give her name asked if the townhouses would face 151st St. S. or Washington St., and Erik Enyart stated that he could not answer that, and it would depend on who designed the development.

Chair Thomas Holland asked Erik Enyart if he had any final thoughts on this item. Mr. Enyart referred the Commissioners to the draft site plan on page 39 of the agenda packet, and stated that this was the draft concept of how the townhouses could fit on the land.

Richard Daniels stated “The City of Bixby will do whatever it wants to do.”

A man who did not introduce himself stated that if anyone was going the wrong way down the “fire lane” behind his house they would have an unpleasant surprise [at Riverview Rd.]. Erik Enyart clarified with Mr. Potter that a curb was recently built on Riverview Rd. blocking access to the alley between Washington and Jefferson Streets. Mr. Enyart stated that he would pass this information along to the Public Works Director who would probably be interested in hearing that.

John Benjamin stated, “If we vote on this tonight, I would vote against it.” Mr. Benjamin expressed concern for approving the item “carte blanche” and called on the need for confidence and integrity. Mr. Benjamin expressed concern for intensifying the area with multifamily. Mr. Benjamin stated that he understood the City was wanting more people to live downtown. Mr. Benjamin stated that he served on the Bond Oversight Committee and that he had never heard anything would be done with the land other than widening [151st St. S.].

John Benjamin made a MOTION to CONTINUE BCPA-6 to the May regular meeting until the Commission could access more information from the City [regarding representations for the use of the excess land].

Lance Whisman expressed concern that the City had taken out the houses and now wanted to put in townhouses, and for how this was being approached.

Chair Thomas Holland stated that he agreed with both of the other Commissioners’ statements and stated that the Commission would not allow an individual to [remove the land use designation] and indicated it should not approve the City doing so.

Erik Enyart noted that one of the speakers made a comment that the land would be used for street widening and a “park or greenbelt.” Mr. Enyart stated that this was the first he had heard of that and stated that he would, before the next meeting, investigate and see what the City represented at the time the bond issue was being promoted.

Chair Thomas Holland stated that Cynthia Potter had made that comment. Mrs. Potter stated that there was nothing in writing from the City and that the City only told the neighbors that information, including that there would be sidewalks and bike trails.

An older gentleman who did not introduce himself complained, “You didn’t use enough of that land [to justify buying the whole lots].”

Chair Thomas Holland advised the gentleman that the street project was designed by others. Erik Enyart stated that the street design plans are on file with the City Engineer and that he would let the gentleman see them if he would contact him the next morning.

John Benjamin reissued his MOTION to CONTINUE BCPA-6 to the [May 16, 2011 regular meeting] until the Commission could access more information from the City [regarding representations for the use of the excess land].

A gentleman who did not introduce himself asked what the Commission was going to look into. John Benjamin stated that it would look into “The bond issue proposal [from 2006], to see if anything was promoted in regard to the right-of-way, if any land use was discussed.”

James Turney asked if there were any long term plans for this land and the land to the east along 151st St. S. Erik Enyart stated that the Commission was being asked to change the long term plans, or “Comprehensive Plan,” for this property. Mr. Enyart stated that there were no current proposals to change the long term plans for the land to the east along 151st St. S.

Dale Williams asked if there would be any sidewalks. Erik Enyart responded that, according to his conversation with the City Engineer, the plans called for a sidewalk along the north side of the widened street, but not the south side. Mr. Enyart stated that he understood that this was because there was not enough right-of-way south of the south line of the roadway for new sidewalks. Mr. Enyart noted that some people at this meeting had complained that the roadway was already too close to their properties along the south side of 151st St. S.

In response to a question from someone who did not introduce themselves, John Benjamin indicated that this item may not be on the May regular meeting [due to being withdrawn], “depending on what we find out.”

Chair Thomas Holland asked if the public notice would be reposted. Erik Enyart responded that, if the Planning Commission Continued the Public Hearing and consideration of this item to the May 16, 2011 regular meeting, there would not be need to redo the public hearing notices. Mr. Holland stated that this was the point he wanted to make to everyone, that they would not be getting a new notice in the mail, and would need to know to show up at the next meeting.

Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

8. **BZ-353 – Sack & Associates, Inc. for New Woodmere Properties, LLC.** Public Hearing, Discussion, and consideration of a rezoning request from RS-2 Residential Single Family District to OL Office Low Intensity District for Lot 1, Block 2, *WoodMere*.
Property located: 6553 E. 122nd St. S.
9. **PUD 53 – WoodMere – Major Amendment # 1.** Discussion and possible action to approve a Major Amendment to PUD 53 for Lots 1, 2, & 3, Block 1, and Lot 1, Block 2, *WoodMere*.
Property located: 6520 & 6540 E. 121st St. S., 12111 S. Sheridan Rd., & 6553 E. 122nd St. S.

PLATS

10. **Preliminary Plat of WoodMere Square.** Discussion and consideration of a Preliminary Plat for “WoodMere Square,” a replat of Lots 1, 2, & 3, Block 1, and Lot 1, Block 2, *WoodMere*.
Property located: 6520 E. 121st St. S. / 12111 S. Sheridan Rd.
11. **Final Plat of WoodMere Square.** Discussion and consideration of a Final Plat for “WoodMere Square,” a replat of Lots 1, 2, & 3, Block 1, and Lot 1, Block 2, *WoodMere*.
Property located: 6520 E. 121st St. S. / 12111 S. Sheridan Rd.

OTHER BUSINESS

12. **V-37 – Sack & Associates, Inc.** Discussion and consideration of a request to Close / Vacate part of the plat of *WoodMere*, concerning Lots 1, 2, & 3, Block 1, and Lot 1, Block 2 thereof, pending the recording of “WoodMere Square.”
Property located: 6520 & 6540 E. 121st St. S., 12111 S. Sheridan Rd., & 6553 E. 122nd St. S.

Chair Thomas Holland asked if the items should be introduced individually or lumped together. Erik Enyart stated that, in this case, he would recommend the items be taken individually and in the order as listed on the agenda. After further discussion, Chair Thomas Holland introduced Agenda Items numbered 8, 9, 10, 11, and 12 and asked Erik Enyart for the Staff Reports and recommendations. Mr. Enyart summarized the following Staff Reports for BZ-353, PUD 53 (WoodMere) Major Amendment # 1 [PUD 53-A], the Preliminary Plat and Final Plat of “WoodMere Square,” and V-37 as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, March 30, 2011
RE: Report and Recommendations for:
 BZ-353 – Sack & Associates, Inc. for New Woodmere Properties, LLC

LOCATION: – 6553 E. 122nd St. S.
 – Lot 1, Block 2, *WoodMere*
LOT SIZE: 0.33 acres more or less
EXISTING ZONING: RS-2 Residential Single Family District

EXISTING USE: Vacant
REQUESTED ZONING: OL Office Low Intensity District
SUPPLEMENTAL ZONING: PUD 53 for "WoodMere"
SURROUNDING ZONING AND LAND USE:

North: CS & AG; Vacant lots in the "WoodMere Park" section of WoodMere and vacant land north of 121st St. S.

South: RS-2; Vacant lots in the "WoodMere Estates" section of WoodMere.

East: RS-2; Vacant lots in the "WoodMere Estates" section of WoodMere.

West: CS & AG; Vacant lots in the "WoodMere Park" section of WoodMere and agricultural land west of Sheridan Rd. in the City of Tulsa.

COMPREHENSIVE PLAN: Medium Intensity + Vacant, Agricultural, Rural Residences, and Open Land + Entry Treatment.

PREVIOUS/RELATED CASES:

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) – 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, including the subject property – 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, including the subject property – PC recommended Approval 04/16/2007 and City Council Conditionally Approved 12/10/2007.

PUD 53-A – WoodMere – Major Amendment # 1 – Request for approval of a Major Amendment to PUD 53 for Lots 1, 2, & 3, Block 1, and Lot 1, Block 2, WoodMere, including subject property – Pending PC consideration 04/18/2011.

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 (includes subject property), pending the recording of "WoodMere Square" – Pending PC consideration 04/18/2011.

Preliminary Plat of WoodMere Square (PUD 53-A) – Request for Preliminary Plat approval for "WoodMere Square," including the subject property – Pending PC consideration 04/18/2011.

Final Plat of WoodMere Square (PUD 53-A) – Request for Final Plat approval for "WoodMere Square," including the subject property – Pending PC consideration 04/18/2011.

RELEVANT AREA CASE HISTORY: (not a complete list; case history not available for areas within the City of Tulsa)

BZ-67 – Charles Cousins – Request for rezoning from AG to CS for a 4.4-acre area of an 8-acre tract located approximately 2 blocks north of the subject property at 11909 S. Sheridan Rd. – PC recommended Denial 08/28/1978 (not appealed to City Council).

BBOA-56 – Charles Cousins – Request for Special Exception to allow two (2) mobile homes in an AG district for a 4.4-acre area of an 8-acre tract located approximately 2 blocks north of the subject property at 11909 S. Sheridan Rd. – BOA Approved for 5 years 02/13/1979.

BBOA-154 – Charles Cousins – Request for Special Exception to allow two (2) existing mobile homes in an AG district per Zoning Code Section 310 and a Variance from Zoning Code Section 208 to allow two (2) dwellings on a lot of record, all for a 4.4-acre area of an 8-acre tract located approximately 2 blocks north of the subject property at 11909 S. Sheridan Rd. – BOA Approved for 6 months 12/09/1985.

PUD 54 – 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 approximately 2 blocks north of the 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.

BACKGROUND INFORMATION:

The April 18, 2011 Planning Commission agenda includes five (5) items, all related to a singular development, a "drive-in bank," at the southeast corner of 121st St. S. and Sheridan Rd., concerning Lots

1, 2, & 3, Block 1, and Lot 1, Block 2 of WoodMere. All of WoodMere is covered by PUD 53, which plans a commercial/office development along the arterial streets, flanked by a single-family residential development with gated, private streets. The lots fronting 121st St. S. and Sheridan Rd. are called "WoodMere Park" and are intended for commercial/office use, and the residential lots are called "WoodMere Estates."

The three (3) concerned lots in Block 1 are zoned CS and are intended for commercial use, and Lot 1, Block 2 is currently zoned RS-2. The plans call for the inclusion of this residential lot into a new PUD Development Area and plat, to be known as "WoodMere Square." Both the Preliminary and Final Plat applications are on this same agenda. All four (4) existing lots will be combined into one (1) lot and one (1) block, and the result would be a development area that is more or less "squared off" and larger, allowing for a larger development pattern to occur. This will necessitate re-routing the screening fence around the east and south sides of Lot 1, Block 2, to separate and buffer the residential areas remaining in the "WoodMere Estates" section of the development from the enlarged commercial development area.

Lot 1, Block 2 is proposed to be rezoned to OL to allow for non-residential use in accordance with Zoning Code Section 11-71-5.A.2.b. The OL zoning would allow for Use Unit 11 office uses and/or Use Unit 10 off-street parking within the new Development Area, to be created and defined per PUD 53 Major Amendment # 1 and to be known as PUD 53-A for the four (4) lot affected area.

The underlying plat of the concerned four (4) lots would be vacated per V-37, in order to dissolve the lot lines and the easements that would conflict with planned development patterns. A new Utility Easement / utility corridor would be platted along the south and east sides of current Lot 1, Block 2, and existing utilities would be re-routed as required.

ANALYSIS:

Property Conditions. The subject property is an approximately 0.33-acre vacant lot in the "WoodMere Estates" residential section of WoodMere. It is zoned RS-3 with PUD 53. It is relatively flat, and drainage patterns are not immediately recognizable.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity, (2) Vacant, Agricultural, Rural Residences, and Open Land, and (3) Entry Treatment.

WoodMere contains a 10-acre Type Two Activity Center node in accordance with Policies Section 4.e.3 found on pages 10 and 11 of the Bixby Comprehensive Plan. This node is square in configuration and extends 660' to the east and 660' to the south from the point of intersection of the centerlines of 121st St. S. and Sheridan Rd. This node, as depicted graphically on the Comprehensive Plan Land Use Map, authorizes Medium Intensity. The subject property is located within this 10-acre node.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 17 of the Comprehensive Plan provides that the requested OL zoning Is In Accordance with the Medium Intensity designation of the Comprehensive Plan Land Use Map.

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

The Comprehensive Plan Land Use Map also designates the subject property as "Entry Treatment." Comprehensive Plan page 45, item numbered 21, provides:

"Additional sites should be considered for acquisition to develop as entry treatments to the Bixby. Entry treatment sites/facilities should include monument signs and plants which have common design elements, materials, textures, image, and features of a high quality. Local civic organizations could sponsor/fund these "front doors" to the city."

Under the section entitled "Entrances Standards" on pages 77 and 78 of the Comprehensive Plan, the following text further defines the intent of the "Entry Features" designation on the subject property:

"Entry Treatment locations into Bixby have been identified on the Bixby Comprehensive Plan and its Park-Recreation-Open Space element. Corridor entrances should be compatible with design of the entry treatment community elements is recommended [sic]. The corridor entrances would help identify the City of Bixby and strengthen the image and physical image of the community. The corridor entrances are recommended for the Memorial Drive south of the Arkansas River bridge and at the intersection of Mingo Road and 171st Street South. In the initial phases of the planning period, wood and metal pole signs of common design theme and materials will be acceptable. It is intended that

upgraded entry elements be provided in suitable locations. Suitable land will be provided to insure and maintain good line-of-sight for drivers and pedestrians. These elements are to further strengthen the community image. It is suggested that such entry features should be low-profile monuments of stone and/or masonry with community identification signs. The signs should also be of a common design, materials, and theme. These entrances should be accentuated with large canopy and/or ornamental trees, seasonal colors, shrubs, groundcover, and lawns. The corridor entrance should be illuminated to provide good visibility and serve as a focal point. Project Entrances are identification markers to neighborhoods, special districts, and developments. These project entrances are typically provided at intersections of entry roads with the Memorial Drive and 171st Street South. These project entrances may include stone monuments, gates, walls, signs, canopy and ornamental trees, and lighting. The primary purpose of these project entrances is to identify place, establish image, and enhance the sense of entry. Project entrances are typically provided by project developers. Project entrances would also be appropriate to be provided by public sector projects where the project improvement significantly alters or modifies access into a neighborhood, special district, or development project.”

PUD 53 Major Amendment # 1 does not mention this “Entry Feature” designation of the Comprehensive Plan. Neither the Text nor Exhibits indicate anything special is planned for the subject property in respect to this Comprehensive Plan designation. However, this designation would appear to have no immediate bearing on the proposed OL zoning as requested here. PUD 53 Major Amendment # 1 would be the more appropriate application in which to make any recommendations in this regard, as conditions can be attached to PUD approval but not a “straight” rezoning.

For all the reasons outlined above, the proposed OL zoning is In Accordance with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. *Surrounding zoning patterns are primarily CS and RS-2, and AG is found outside of WoodMere to the west across Sheridan Rd. and to the north across 121st St. S. RS-2 zoning and vacant residential lots are to the south and east in the residential “WoodMere Estates” section of WoodMere. CS zoning and vacant commercial lots are to the north and west in the commercial “WoodMere Park” section of WoodMere. The proposed OL zoning would be a good transitional, buffer zoning district between the CS and the RS-2. In the context of PUD 53 as proposed for Major Amendment # 1, the proposed OL zoning will be compatible and consistent with surrounding Zoning and land use patterns.*

Staff Recommendation. *For the reasons outlined above, Staff recommends Approval, subject to the approval of PUD 53 Major Amendment # 1.*

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, April 06, 2011
RE: Report and Recommendations for:
PUD # 53 – WoodMere – Major Amendment # 1 (“PUD 53-A”)

LOCATION: – 6520 & 6540 E. 121st St. S., 12111 S. Sheridan Rd., & 6553 E. 122nd St. S.
– Lots 1, 2, & 3, Block 1, and Lot 1, Block 2, WoodMere

LOT SIZE: 1.6 acres more or less, in four (4) lots

EXISTING ZONING: CS Commercial Shopping Center District and RS-2 Residential Single Family District

SUPPLEMENTAL ZONING: PUD 53 for “WoodMere”

EXISTING USE: Vacant

REQUEST: Major Amendment # 1 to PUD 53

SURROUNDING ZONING AND LAND USE:

North: (across 121st St. S.) AG & CS/PUD 759; Vacant land with a large pond to the north, and vacant commercial lots zoned CS in “Crestwood Crossing” section of Crestwood Village to the northwest in the City of Tulsa.

South: RS-2/PUD 53; Vacant residential lots in the “WoodMere Estates” section of WoodMere.

East: CS/PUD 53 & RS-2/PUD 53; Vacant commercial and residential lots in WoodMere.

West: (across Sheridan Rd.) AG; Agricultural land in the City of Tulsa.

COMPREHENSIVE PLAN: *Medium Intensity + Vacant, Agricultural, Rural Residences, and Open Land + Entry Treatment.*

PREVIOUS/RELATED CASES:

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) – 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, including the subject property – 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, including the subject property – PC recommended Approval 04/16/2007 and City Council Conditionally Approved 12/10/2007.

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 the WoodMere Block 1 to reduce it to 11' in width – City Council approved an instrument 04/28/2008 (no ordinance).

BZ-353 – Sack & Associates, Inc. for New Woodmere Properties, LLC – Request for rezoning of Lot 1, Block 2, WoodMere (including subject property) from RS-2 to OL – Pending PC consideration 04/18/2011.

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 (subject property), pending the recording of “WoodMere Square” – Pending PC consideration 04/18/2011.

Preliminary Plat of WoodMere Square (PUD 53-A) – Request for Preliminary Plat approval for “WoodMere Square,” including the subject property – Pending PC consideration 04/18/2011.

Final Plat of WoodMere Square (PUD 53-A) – Request for Final Plat approval for “WoodMere Square,” including the subject property – Pending PC consideration 04/18/2011.

RELEVANT AREA CASE HISTORY: (not a complete list; case history not available for areas within the City of Tulsa)

BZ-67 – Charles Cousins – Request for rezoning from AG to CS for a 4.4-acre area of an 8-acre tract located approximately 2 blocks north of the subject property at 11909 S. Sheridan Rd. – PC recommended Denial 08/28/1978 (not appealed to City Council).

BBOA-56 – Charles Cousins – Request for Special Exception to allow two (2) mobile homes in an AG district for a 4.4-acre area of an 8-acre tract located approximately 2 blocks north of the subject property at 11909 S. Sheridan Rd. – BOA Approved for 5 years 02/13/1979.

BBOA-154 – Charles Cousins – Request for Special Exception to allow two (2) existing mobile homes in an AG district per Zoning Code Section 310 and a Variance from Zoning Code Section 208 to allow two (2) dwellings on a lot of record, all for a 4.4-acre area of an 8-acre tract located approximately 2 blocks north of the subject property at 11909 S. Sheridan Rd. – BOA Approved for 6 months 12/09/1985.

PUD 54 – 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 approximately 2 blocks north of the 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.

BACKGROUND INFORMATION:

The April 18, 2011 Planning Commission agenda includes five (5) items, all related to a singular development, a “drive-in bank,” at the southeast corner of 121st St. S. and Sheridan Rd., concerning Lots 1, 2, & 3, Block 1, and Lot 1, Block 2 of WoodMere. All of WoodMere is covered by PUD 53, which plans a commercial/office development along the arterial streets, flanked by a single-family residential development with gated, private streets. The lots fronting 121st St. S. and Sheridan Rd. are called “WoodMere Park” and are intended for commercial/office use, and the residential lots are called “WoodMere Estates.”

The three (3) concerned lots in Block 1 are zoned CS and are intended for commercial use, and Lot 1, Block 2 is currently zoned RS-2. The plans call for the inclusion of this residential lot into a new PUD

Development Area and plat, to be known as "WoodMere Square." Both the Preliminary and Final Plat applications are on this same agenda. All four (4) existing lots will be combined into one (1) lot and one (1) block, and the result would be a development area that is more or less "squared off" and larger, allowing for a larger development pattern to occur. This will necessitate re-routing the screening fence around the east and south sides of Lot 1, Block 2, to separate and buffer the residential areas remaining in the "WoodMere Estates" section of the development from the enlarged commercial development area.

Lot 1, Block 2 is proposed to be rezoned to OL to allow for non-residential use in accordance with Zoning Code Section 11-7I-5.A.2.b. The OL zoning would allow for Use Unit 11 office uses and/or Use Unit 10 off-street parking within the new Development Area, to be created and defined per PUD 53 Major Amendment # 1 and to be known as PUD 53-A for the four (4) lot affected area.

The underlying plat of the concerned four (4) lots would be vacated per V-37, in order to dissolve the lot lines and the easements that would conflict with planned development patterns. A new Utility Easement / utility corridor would be platted along the south and east sides of current Lot 1, Block 2, and existing utilities would be re-routed as required.

ANALYSIS:

Property Conditions. The subject property consists of Lots 1, 2, & 3, Block 1, in the "WoodMere Park" commercial/office section of WoodMere, and Lot 1, Block 2 of WoodMere in the "WoodMere Estates" residential section of WoodMere. The four (4) lots together contain approximately 1.6 acres. The three (3) commercial lots are zoned CS and the residential lot is zoned RS-3, and all of them are covered by PUD 53. The land is relatively flat, and drainage patterns are not immediately recognizable.

General. As described in greater detail in the Background Information section of this report, the intent of this Major Amendment # 1, in concert with rezoning Lot 1, Block 2 to OL per BZ-353, is to incorporate said Lot into a larger, more "squared off" development area for the purpose of a "drive-in bank" development. Vacating the underlying plat of WoodMere for the concerned four (4) lots in favor of a new plat of "WoodMere Square" are applications also intended to facilitate the same.

The Development Standards proposed in the PUD Major Amendment Text and Exhibits package appears to be essentially the same as they exist in the approved PUD 53, with changes indicated by a double asterisk ("**").

Staff has identified several, relatively minor corrections and modifications which should be addressed in the PUD Major Amendment Text and Exhibits package. These items are listed in the Staff Recommendation section of this report.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity, (2) Vacant, Agricultural, Rural Residences, and Open Land, and (3) Entry Treatment.

WoodMere contains a 10-acre Type Two Activity Center node in accordance with Policies Section 4.e.3 found on pages 10 and 11 of the Bixby Comprehensive Plan. This node is square in configuration and extends 660' to the east and 660' to the south from the point of intersection of the centerlines of 121st St. S. and Sheridan Rd. This node, as depicted graphically on the Comprehensive Plan Land Use Map, authorizes Medium Intensity. The subject property is located within this 10-acre node.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 17 of the Comprehensive Plan provides that PUD zoning, and by extension, Major Amendments thereto, is In Accordance with the Medium Intensity designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not PUD 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.

The Comprehensive Plan Land Use Map also designates the subject property as "Entry Treatment." Comprehensive Plan page 45, item numbered 21, provides:

"Additional sites should be considered for acquisition to develop as entry treatments to the Bixby. Entry treatment sites/facilities should include monument signs and plants which have common design elements, materials, textures, image, and features of a high quality. Local civic organizations could sponsor/fund these "front doors" to the city."

Under the section entitled "Entrances Standards" on pages 77 and 78 of the Comprehensive Plan, the following text further defines the intent of the "Entry Features" designation on the subject property:

“Entry Treatment locations into Bixby have been identified on the Bixby Comprehensive Plan and its Park-Recreation-Open Space element. Corridor entrances should be compatible with design of the entry treatment community elements is recommended [sic]. The corridor entrances would help identify the City of Bixby and strengthen the image and physical image of the community. The corridor entrances are recommended for the Memorial Drive south of the Arkansas River bridge and at the intersection of Mingo Road and 171st Street South. In the initial phases of the planning period, wood and metal pole signs of common design theme and materials will be acceptable. It is intended that upgraded entry elements be provided in suitable locations. Suitable land will be provided to insure and maintain good line-of-sight for drivers and pedestrians. These elements are to further strengthen the community image. It is suggested that such entry features should be low-profile monuments of stone and/or masonry with community identification signs. The signs should also be of a common design, materials, and theme. These entrances should be accentuated with large canopy and/or ornamental trees, seasonal colors, shrubs, groundcover, and lawns. The corridor entrance should be illuminated to provide good visibility and serve as a focal point. Project Entrances are identification markers to neighborhoods, special districts, and developments. These project entrances are typically provided at intersections of entry roads with the Memorial Drive and 171st Street South. These project entrances may include stone monuments, gates, walls, signs, canopy and ornamental trees, and lighting. The primary purpose of these project entrances is to identify place, establish image, and enhance the sense of entry. Project entrances are typically provided by project developers. Project entrances would also be appropriate to be provided by public sector projects where the project improvement significantly alters or modifies access into a neighborhood, special district, or development project.”

PUD 53 Major Amendment # 1 does not mention this “Entry Feature” designation of the Comprehensive Plan. Neither the Text nor Exhibits indicate anything special is planned for the subject property in respect to this Comprehensive Plan designation.

The City of Bixby, in 2005, had “Welcome to Bixby” signs installed at key gateway locations in Bixby: (1) The southwest corner of 111th St. S. and Memorial Dr. (US Hwy 64), (2) the 3400-block (just east of Harvard Ave.) of E. 151st St. S. (State Hwy 67), and (3) the northwest corner of Mingo Rd. and 171st St. S. (US Hwy 64). Resulting from an initiative of the “Make It Happen” citizens’ committee, these low-profile, red cedar signs are all located within the highway right-of-way and were approved by ODOT under its “Community Pride Landscape / Sign” program. Per notes in the file, they are of a “breakaway” design, in the event a wayward vehicle was to strike one. In respect to the Comprehensive Plan recommendation, the developer may wish to consider sponsoring a similar, matching sign, perhaps to include landscaping, within the 121st St. S. right-of-way, subject to Tulsa County and other approvals as may be required. One Hundred Twenty-First (121st) St. S. between Sheridan Rd. and Memorial Dr. is considered to be a “County Road,” as it is maintained by Tulsa County, and on some of the more recent maps from INCOG, it is shown to be outside the Bixby City Limits.

For all the reasons outlined above, the proposed PUD 53 Major Amendment # 1 should be recognized as being In Accordance with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily CS and RS-2, and AG is found outside of WoodMere to the west across Sheridan Rd. and to the north across 121st St. S. To the northwest across the 121st St. S. / Sheridan Rd. intersection, vacant commercial lots are zoned CS/PUD 759 in “Crestwood Crossing” section of Crestwood Village in the City of Tulsa. RS-2 zoning and vacant residential lots are to the south and east in the residential “WoodMere Estates” section of WoodMere.

The OL zoning proposed per BZ-353 would be a good transitional, buffer zoning district between the CS and the RS-2. In the context of PUD 53 as proposed for Major Amendment # 1, the proposed OL zoning will be compatible and consistent with surrounding Zoning and land use patterns.

The Major Amendment proposed to PUD 53 would not appear to be inconsistent with surrounding Zoning or land use patterns.

Staff Recommendation. Staff believes that the proposed PUD Major Amendment # 1 is consistent with the purposes and intent of the Zoning Code and the original PUD 53, and is appropriate and in order for approval, as a tool to allow for the efficient development of the commercial node at 121st St. S. and

Sheridan Rd. Staff recommends Approval subject to the following corrections, modifications, and Conditions of Approval:

- 1. The approval of PUD 53 Major Amendment # 1 shall be subject to the final approval of OL zoning per BZ-353.*
- 2. Subject to the satisfaction of all Fire Marshal and City Engineer recommendations.*
- 3. Title Page: Please specify that it is a "PUD Major Amendment."*
- 4. Title Page: Please add the contact information (name, address, phone number) for the property owner and the company responsible for preparing the document.*
- 5. Development Concept on page 1: Please cite the scope of this Major Amendment by adding appropriate language to the development concept, following the second paragraph, such as "This application is for approval of a Major Amendment to PUD 53, to be known and designated on the official Zoning Map as "PUD 53-A," and concerns Lots 1, 2, & 3, Block 1, and Lot 1, Block 2 of WoodMere, in accordance with Bixby Zoning Code Section 11-7I-8.G. For all other areas within PUD 53, no changes are made by this amendment."*
- 6. Legal Description: At the end of the PUD Major Amendment Text and Exhibits, please include a legal description for "PUD 53-A."*
- 7. Development Concept on page 1: use of "formally" instead of "formerly" as presumed intended. Two (2) occurrences.*
- 8. Development Concept on page 1: Please correct/modify as follows: "WoodMere Square will be accessed ~~by~~ ~~of~~ ~~from~~ East 121st Street South ~~South Avenue~~ and South Sheridan Road and limits of no access will be established by the new plat of "WoodMere Square" in the same locations represented on the recorded plat of WoodMere."*
- 9. The provided exhibits indicate there is some discrepancy between existing and proposed driveway connections to 121st St. S. and Sheridan Rd. Please confirm the new proposed are consistent with the LNA / Access Openings as per the proposed Final Plat of "WoodMere Square," or otherwise discuss with the City Engineer and/or County Engineer whether changes to LNA / Access Openings will be approved.*
- 10. Development Standards for Development Area A-1 on page 4, Permitted Uses: Please correct/modify as follows "Those uses permitted as a matter of right in the OL-Office low intensity district, and uses customarily accessory to permitted uses, including Drive-in bank facilities, and off ~~parking streets~~ street parking located on the same lot as, or a lot abutting a permitted non-residential use."*
- 11. Detail Site Plan Review: Detailed Site Plan review and approval by the Planning Commission shall be required per Zoning Code Sections 11-7I-8.B.5 and 11-7I-8.E.3, and language to this effect shall be added to the PUD Major Amendment Text. The Detailed Site Plan must be adequate to demonstrate compliance with applicable standards and include details on proposed parking, sign locations, landscape plans, screening plans, lighting plans, building plan and profile view renderings, and exterior material details (composition, color, etc.).*
- 12. For the recommended Condition of Approval immediately above, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption per the City Attorney, please incorporate the above language into an appropriate section of the PUD Text verbatim, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which are not completed by the time of City Council ordinance approval and/or which cannot be fully completed otherwise.*
- 13. Detail Site Plan Review: Zoning Code Sections 11-7I-6, 11-7I-8.B.1, 11-8-10.E, and 11-12-3.A.3 grants the Planning Commission authority over perimeter landscaping and screening. The submitted PUD does not detail perimeter landscaping, screening, or other such necessary details. In lieu thereof, Staff recommends that, for the Detailed Site Plan, recommended to be required as a part of this PUD, the Planning Commission shall have broad authority and discretion to place all reasonable and appropriate architectural and aesthetic standards for nonresidential buildings and fencing/screening, landscaping, and signage controls as necessary to mitigate the visual effects which commonly attend such intense uses, and to ensure harmony and consistency in design with all buildings in this development and on other surrounding properties, and the developer is notified that the landscaping and perimeter requirements may be*

more than the minimum standards already required by the Zoning Code, in exchange for the special benefits conferred upon the developer by this PUD/Major Amendment.

14. Development Concept on page 1 provides: "The masonry fence will be relocated to the south and east sides of WoodMere Square to maintain the screening for the adjacent residential properties." Please specify here whether the cyclopean masonry fence/wall will be extended to the new southeast corner of the commercial development area, or what sections will be cyclopean masonry versus the "Cedarcrete" (a masonry product that is modular/sectional and is designed to appear as wood) as used elsewhere along the commercial/residential boundary line. Staff notes that the south approximately 20' of the west line of Lot 1, Block 2 also uses the cyclopean masonry fence/wall.
15. Development Standards for Development Areas A and A-1: If the developer anticipates exceeding the 15% maximum parking space standard per Zoning Code Section 11-10-2.H, consider specifying a new maximum parking number requirement that will be allowed by this PUD.
16. Sidewalks, as required by the Subdivision Regulations, are not represented along 121st St. S. or Sheridan Rd.
17. Borrow ditches are used along 121st St. S. and Sheridan Rd. If this street and drainage design will cause sidewalk construction to be difficult, consider specifying in an appropriately-titled section that sidewalks will be constructed by the lot developer within a sidewalk easement to be established by the plat of "WoodMere Square."
18. Other than those listed above, comments on the provided conceptual site plans are withheld until a specific Detailed Site Plan, including a Landscape Plan, are submitted for the entire site.
19. A corrected PUD Major Amendment # 1 Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and Conditions of Approval of this PUD Major Amendment.

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, April 13, 2011
RE: Report and Recommendations for:
Preliminary Plat & Final Plat of "WoodMere Square"

LOCATION: – 6520 & 6540 E. 121st St. S., 12111 S. Sheridan Rd., & 6553 E. 122nd St. S.
– Lots 1, 2, & 3, Block 1, and Lot 1, Block 2, WoodMere

LOT SIZE: 1.6 acres more or less, in four (4) lots

EXISTING ZONING: CS and RS-2 (OL zoning requested for Lot 1, Block 2 per BZ-353) and PUD 53 (PUD Major Amendment # 1, "PUD 53-A," requested)

EXISTING USE: Vacant

REQUEST: – Preliminary Plat approval
– Final Plat approval
– A Modification/Waiver from the standard 17.5' Perimeter Utility Easement per Subdivision Regulations/City Code Section 12-3-3.A

SURROUNDING ZONING AND LAND USE:

North: (across 121st St. S.) AG & CS/PUD 759; Vacant land with a large pond to the north, and vacant commercial lots zoned CS in "Crestwood Crossing" section of Crestwood Village to the northwest in the City of Tulsa.

South: RS-2/PUD 53; Vacant residential lots in the "WoodMere Estates" section of WoodMere.

East: CS/PUD 53 & RS-2/PUD 53; Vacant commercial and residential lots in WoodMere.

West: (across Sheridan Rd.) AG; Agricultural land in the City of Tulsa.

COMPREHENSIVE PLAN: Medium Intensity + Vacant, Agricultural, Rural Residences, and Open Land + Entry Treatment.

PREVIOUS/RELATED CASES:

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) – 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, including the subject property – 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, including the subject property – PC recommended Approval 04/16/2007 and City Council Conditionally Approved 12/10/2007.

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 the WoodMere Block 1 to reduce it to 11' in width – City Council approved an instrument 04/28/2008 (no ordinance).

BZ-353 – Sack & Associates, Inc. for New Woodmere Properties, LLC – Request for rezoning of Lot 1, Block 2, WoodMere (including subject property) from RS-2 to OL – Pending PC consideration 04/18/2011.

PUD 53-A – WoodMere – Major Amendment # 1 – Request for approval of a Major Amendment to PUD 53 for Lots 1, 2, & 3, Block 1, and Lot 1, Block 2, WoodMere, including subject property – Pending PC consideration 04/18/2011.

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 (subject property), pending the recording of “WoodMere Square” – Pending PC consideration 04/18/2011.

BACKGROUND INFORMATION:

The April 18, 2011 Planning Commission agenda includes five (5) items, all related to a singular development, a “drive-in bank,” at the southeast corner of 121st St. S. and Sheridan Rd., concerning Lots 1, 2, & 3, Block 1, and Lot 1, Block 2 of WoodMere. All of WoodMere is covered by PUD 53, which plans a commercial/office development along the arterial streets, flanked by a single-family residential development with gated, private streets. The lots fronting 121st St. S. and Sheridan Rd. are called “WoodMere Park” and are intended for commercial/office use, and the residential lots are called “WoodMere Estates.”

The three (3) concerned lots in Block 1 are zoned CS and are intended for commercial use, and Lot 1, Block 2 is currently zoned RS-2. The plans call for the inclusion of this residential lot into a new PUD Development Area and plat, to be known as “WoodMere Square.” Both the Preliminary and Final Plat applications are on this same agenda. All four (4) existing lots will be combined into one (1) lot and one (1) block, and the result would be a development area that is more or less “squared off” and larger, allowing for a larger development pattern to occur. This will necessitate re-routing the screening fence around the east and south sides of Lot 1, Block 2, to separate and buffer the residential areas remaining in the “WoodMere Estates” section of the development from the enlarged commercial development area.

Lot 1, Block 2 is proposed to be rezoned to OL to allow for non-residential use in accordance with Zoning Code Section 11-7I-5.A.2.b. The OL zoning would allow for Use Unit 11 office uses and/or Use Unit 10 off-street parking within the new Development Area, to be created and defined per PUD 53 Major Amendment # 1 and to be known as PUD 53-A for the four (4) lot affected area.

The underlying plat of the concerned four (4) lots would be vacated per V-37, in order to dissolve the lot lines and the easements that would conflict with planned development patterns. A new Utility Easement / utility corridor would be platted along the south and east sides of current Lot 1, Block 2, and existing utilities would be re-routed as required.

ANALYSIS:

Property Conditions. The subject property consists of vacant Lots 1, 2, & 3, Block 1, in the “WoodMere Park” commercial/office section of WoodMere, and Lot 1, Block 2 of WoodMere in the “WoodMere Estates” residential section of WoodMere. The four (4) lots together contain approximately 1.6 acres. The three (3) commercial lots are zoned CS and the residential lot is zoned RS-3, and all of them are covered by PUD 53. The land is relatively flat, and drainage patterns are not immediately recognizable.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity, (2) Vacant, Agricultural, Rural Residences, and Open Land, and (3) Entry Treatment.

The Use Unit 11 “Drive-in bank” anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 0.37 acres proposes one (1) lot, one (1) block, and no (0) Reserve Areas.

Subdivision Regulations Section 12-3-3.A requires a 17.5' Perimeter U/E. The plat proposes reductions in perimeter U/E width in some areas and removal along the north side of the easterly line. This will require a Modification/Waiver of Section 12-3-3.A. Staff can support this Modification/Waiver,

recognizing the locations and widths of all existing U/Es are generally being relocated and not removed or added to, subject to any additional easements requested by the TAC.

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

Fire Marshal's and City Engineer's memos are attached to this Staff Report. 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 reviewed these plats on April 06, 2011. The Minutes of the meeting are attached to this report.

Access and Internal Circulation. The subject property will continue to have existing frontage on 121st St. S., Sheridan Rd., and the private 122nd St. S.

The proposed Limits of No Access (LNA) are in the same locations as represented on the recorded plat of WoodMere. However, the provided PUD Major Amendment # 1 exhibits indicate there is some discrepancy between existing and proposed driveway connections to 121st St. S. and Sheridan Rd. The Developer's Engineer Ted Sack stated at the TAC meeting that the older driveway connections indicated were a drafting error that would be fixed. Mr. Sack stated that the older driveway connections represented were the ones that existed when 121st St. S. was widened, before the new ones were built with WoodMere, replacing the old ones. Mr. Sack indicated that he believed the existing driveway connections would remain the same but that he could not be sure until the final site plan was prepared. Mr. Sack noted that, if they changed, he would have to get the approval of the City Engineer and Tulsa County and seek a Change of Access application for the plat.

Mutual Access Easements straddling the common lot lines between Lots 1, 2, and 3 of Block 1 will be removed by this new plat and the vacation of the concerned part of the recorded plat of WoodMere. Language pertaining to the same has also been removed from the Deed of Dedication and Restrictive Covenants, as compared to the recorded plat of WoodMere. It would appear they are no longer needed for a single development in this one (1) lot, one (1) block subdivision.

Borrow ditches are used along 121st St. S. and Sheridan Rd. If this street and drainage design will cause sidewalk construction to be difficult, the developer may need to add sidewalk easements at locations and with adequate widths to include the sidewalks and provide for such easements in the Deed of Dedication and Restrictive Covenants.

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

1. Subject to the approval of PUD 53 Major Amendment # 1 and OL zoning per BZ-353.
2. Subject to City Council approval of a Modification/Waiver of the 17.5' Perimeter U/E standard per Subdivision Regulations Section 12-3-3.A, as the plat proposes reductions in width in some areas and removal along the north side of the easterly line. Staff can support this Modification/Waiver, recognizing the locations and widths of all existing U/Es are generally being relocated and not removed or added to, subject to any additional easements requested by the TAC.
3. Add any utility easements areas as may be requested by the TAC. Verification of easement width location and adequacy must be provided by each serving utility company in the form of a release letter, due prior to recording the Final Plat.
4. Subject to the satisfaction of all outstanding Fire Marshal and City Engineer recommendations.
5. On the Preliminary Plat, please represent important physical features such as stormsewer lines, roadways dimensioning curb lines to property lines, and the gate on 122nd St. S. as per SRs Sections 12-4-2.A.6 and 12-4-2.A.8.
6. On the Preliminary Plat, represent the underlying CS and (pending) OL zoning district boundary lines as per SRs Section 12-4-2.B.3.
7. Please accurately represent the remaining easements along the south line of WoodMere Block 1 reflecting the partial easement vacation approved by the City Council 04/28/2011 per case # V-23, along with the Book and Page or Document # recording reference reflecting where the instrument is recorded.
8. Location Map: Please correct the names "LaCasa Movil Estates" and "LaCasa Movil Estates 2nd."

9. DoD/RCs Preamble: Missing critical wording such as “And the Owner has caused the above described land to be surveyed, staked, platted, dedicated, access rights reserved, and subdivided into....”
10. DoD/RCs Section I: Does not provide any section for the dedication, purpose, use conditions, or maintenance of the Fence Easements as indicated on the face of the plat.
11. DoD/RCs Section I.C.3: As compared to the Final Plat of WoodMere, words “and storm sewers” have been added, which would indicate the City of Bixby is the entity responsible for the maintenance of the storm sewers. This language was removed as a condition of Final Plat approval for WoodMere as recommended by the City Engineer, as the storm sewers in WoodMere are within private streets and their maintenance is similarly private. Please discuss with the City Engineer if this language is to be again removed, or clarified if intended to refer to storm sewers along 121st St. S. and/or Sheridan Rd.
12. DoD/RCs Section I.C.4: As compared to the Final Plat of WoodMere, words “storm sewer” have been added. Please discuss with the City Engineer if this language is to be removed, or clarified if intended to refer to storm sewers along 121st St. S. and/or Sheridan Rd.
13. DoD/RCs Section I.C.5: As compared to the Final Plat of WoodMere, WoodMere DoD/RCs Section I.C.5 provides that the WoodMere HOA is to be responsible for storm sewers. This section is missing from this plat. Please add if/as recommended by the City Engineer and renumber as needed.
14. DoD/RCs Section II: Update to include the final PUD development standards upon approval of PUD 53 Major Amendment # 1 (PUD 53-A).
15. Please confirm the proposed access points for the development proposed on the lot are consistent with the LNA / Access Openings as per this proposed Final Plat of “WoodMere Square,” or otherwise discuss with the City Engineer and/or County Engineer whether changes to LNA / Access Openings will be approved.
16. Borrow ditches are used along 121st St. S. and Sheridan Rd. If this street and drainage design will cause sidewalk construction to be difficult, consider adding sidewalk easements at locations and with adequate widths to include the sidewalks and provide for such easements in the Deed of Dedication and Restrictive Covenants.
17. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.
18. A copy of the Preliminary Plat and Final Plat including all recommended corrections, modifications, and Conditions of Approval shall be submitted for placement in the permanent files.

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, April 13, 2011
RE: Report and Recommendations for:
V-37 – Sack & Associates, Inc.

LOCATION: – 6520 & 6540 E. 121st St. S., 12111 S. Sheridan Rd., & 6553 E. 122nd St. S.
– Lots 1, 2, & 3, Block 1, and Lot 1, Block 2, WoodMere

LOT SIZE: 1.6 acres more or less, in four (4) lots

EXISTING ZONING: CS and RS-2 (OL zoning requested for Lot 1, Block 2 per BZ-353) and PUD 53 (PUD Major Amendment # 1, “PUD 53-A,” requested)

REQUEST: Partial Vacation of plat of WoodMere in favor of “WoodMere Square”

PREVIOUS/RELATED CASES: (not a complete list)

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) – 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, including the subject property – 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, including the subject property – PC recommended Approval 04/16/2007 and City Council Conditionally Approved 12/10/2007.

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 the WoodMere Block 1 to reduce it to 11' in width – City Council approved an instrument 04/28/2008 (no ordinance).

BZ-353 – Sack & Associates, Inc. for New Woodmere Properties, LLC – Request for rezoning of Lot 1, Block 2, WoodMere (including subject property) from RS-2 to OL – Pending PC consideration 04/18/2011.

PUD 53-A – WoodMere – Major Amendment # 1 – Request for approval of a Major Amendment to PUD 53 for Lots 1, 2, & 3, Block 1, and Lot 1, Block 2, WoodMere, including subject property – Pending PC consideration 04/18/2011.

Preliminary Plat of WoodMere Square (PUD 53-A) – Request for Preliminary Plat approval for “WoodMere Square,” including the subject property – Pending PC consideration 04/18/2011.

Final Plat of WoodMere Square (PUD 53-A) – Request for Final Plat approval for “WoodMere Square,” including the subject property – Pending PC consideration 04/18/2011.

BACKGROUND INFORMATION:

The April 18, 2011 Planning Commission agenda includes five (5) items, all related to a singular development, a “drive-in bank,” at the southeast corner of 121st St. S. and Sheridan Rd., concerning Lots 1, 2, & 3, Block 1, and Lot 1, Block 2 of WoodMere. All of WoodMere is covered by PUD 53, which plans a commercial/office development along the arterial streets, flanked by a single-family residential development with gated, private streets. The lots fronting 121st St. S. and Sheridan Rd. are called “WoodMere Park” and are intended for commercial/office use, and the residential lots are called “WoodMere Estates.”

The three (3) concerned lots in Block 1 are zoned CS and are intended for commercial use, and Lot 1, Block 2 is currently zoned RS-2. The plans call for the inclusion of this residential lot into a new PUD Development Area and plat, to be known as “WoodMere Square.” Both the Preliminary and Final Plat applications are on this same agenda. All four (4) existing lots will be combined into one (1) lot and one (1) block, and the result would be a development area that is more or less “squared off” and larger, allowing for a larger development pattern to occur. This will necessitate re-routing the screening fence around the east and south sides of Lot 1, Block 2, to separate and buffer the residential areas remaining in the “WoodMere Estates” section of the development from the enlarged commercial development area.

Lot 1, Block 2 is proposed to be rezoned to OL to allow for non-residential use in accordance with Zoning Code Section 11-7I-5.A.2.b. The OL zoning would allow for Use Unit 11 office uses and/or Use Unit 10 off-street parking within the new Development Area, to be created and defined per PUD 53 Major Amendment # 1 and to be known as PUD 53-A for the four (4) lot affected area.

The underlying plat of the concerned four (4) lots would be vacated per V-37, in order to dissolve the lot lines and the easements that would conflict with planned development patterns. A new Utility Easement / utility corridor would be platted along the south and east sides of current Lot 1, Block 2, and existing utilities would be re-routed as required.

ANALYSIS:

Property Conditions. The subject property consists of vacant Lots 1, 2, & 3, Block 1, in the “WoodMere Park” commercial/office section of WoodMere, and Lot 1, Block 2 of WoodMere in the “WoodMere Estates” residential section of WoodMere. The four (4) lots together contain approximately 1.6 acres. The three (3) commercial lots are zoned CS and the residential lot is zoned RS-3, and all of them are covered by PUD 53. The land is relatively flat, and drainage patterns are not immediately recognizable.

General. Certain elements of the underlying plat of WoodMere may frustrate current development proposed by “WoodMere Square,” including certain easements and lot lines.

As determined necessary by the City Attorney, prior to or upon the successful recording of the Final Plat of “WoodMere Square,” the developer must vacate or partially vacate the concerned part of the underlying plat of WoodMere to completely extinguish certain elements, such as utility and other easement(s), which are dedicated to the public and accepted by the City.

The Technical Advisory Committee reviewed the Partial Plat Vacation request on April 06, 2011 and indicated no objection, recognizing that the new easements are those planned and platted with "WoodMere Square." Minutes of the meeting are attached to this report.
Staff Recommendation. Staff recommends Approval.

John Benjamin clarified with Erik Enyart that the [entire project] was located within a commercial node set aside for commercial development. Mr. Enyart noted that the entire west half of *WoodMere* was actually the commercial node as designated on the Comprehensive Plan.

Chair Thomas Holland consulted the Sign-In Sheet and called on Marc Bullock of 6370 E. 121st St. S., Tulsa, to speak on the item. Mr. Bullock asked to pass his time to speak to [that time after the Applicant spoke].

Chair Thomas Holland consulted the Sign-In Sheet and called on Ted Sack of 111 S. Elgin Ave., Tulsa, to speak on the item. Mr. Sack stated that he was the Applicant and was okay with the Staff's recommendations.

Chair Thomas Holland asked Ted Sack if he would also give an overview of the project. Mr. Sack stated that the new development would be more or less rectangular in order to be developed. Mr. Sack stated that his clients wanted to take the first residential lot and add it to the development, which was the rezoning, the first related item on the agenda. Mr. Sack stated that Agenda Item # 9 was to modify the PUD to allow this to happen. Mr. Sack stated that, because of the rezoning and PUD Major Amendment, the land must be platted, and so [he and his client were] asking for Preliminary and Final Plat approval. Mr. Sack stated that, in order to get rid of the underlying plat and easements, [he and his client were] requesting to vacate [the underlying plat of *WoodMere*]. Mr. Sack stated that, right now, there was a screening fence, which would be moved to the new [expanded] development area boundary, and the utilities would be relocated.

Chair Thomas Holland asked what would happen to the entrance gate, and Ted Sack stated that it would stay there. Mr. Sack stated that there would be no access [from this development] to the private residential street to the south. Mr. Holland asked Mr. Sack to clarify what type of privacy fence would be used [on the expanded development area boundary] and Mr. Sack stated that it was a masonry fence. Mr. Holland asked what kind of separation there would be on the east side and what type of privacy fence it would be. Mr. Sack stated that there would be a 25' setback from the south and from the east.

Marc Bullock stated that his position was not adverse to the Applicant. Mr. Bullock stated that he and his partner had spent \$5 Million on the [fence and gates]. Mr. Bullock stated that the partner "and ourselves could not see eye to eye, and so, in July 2010, we split the commercial and residential [lots] in half. I've sold the residential lots to New Woodmere Properties, my former partner, before this meeting, so there is no objection [from the standpoint of the residential lots]." Mr. Bullock stated that he encouraged the commercial development of the subject property.

Marc Bullock stated that Ted Sack was the original engineer on the project. Mr. Bullock stated that the fence was an 8'[-high] "woodcrete" masonry fence, and parts of it were 8.5' in height and full masonry.

Marc Bullock stated that he had seen that the plans call for removing a portion of the sanitary sewer. Mr. Bullock stated, "If they're pulling up our infrastructure, I want to hear more on this." Mr. Bullock noted that the irrigation systems were already in place.

Marc Bullock stated that he observed there would be "a change in the PUD to add two (2) center ID signs." Mr. Bullock stated that there was not too much there that would be a problem.

Marc Bullock stated that "woodcrete" was excellent, and was easy to replace if a panel was broken.

Chair Thomas Holland noted that the owner of Lot 6, [Block 3, *WoodMere*] would still have to look at a fence or a bank. Ted Sack stated that his client had agreed to trade lots with the owner of Lot 6 [Block 3, *WoodMere*] if he was not agreeable to this development plan. Mr. Holland asked if the fence was 6' in height and Marc Bullock stated that it was 8' in height.

Chair Thomas Holland, Ted Sack, and Marc Bullock discussed details about utility relocations and the adequacy of the screening fence. Mr. Bullock asked what would become of the waterline. Mr. Sack stated that the site plan was "a product of our imaginations," and that [he and his client] would comply with all ordinances pertaining to any waterline relocations. Mr. Holland confirmed with Erik Enyart that these issues could be addressed by the City Engineer. Mr. Bullock indicated that the [cyclopean masonry] fence was four times the cost [of the "fencecrete"]. Mr. Sack or Mr. Bullock stated that the developer of "WoodMere Square" would start a house on Lot 2 to help screen the development.

Chair Thomas Holland indicated to Erik Enyart that, [at the time of the Detailed Site Plan], lighting would be an issue.

John Benjamin stated that an F & M Bank like the one at 71st St. S. and Harvard Ave. [or one built to the same quality] would be great.

Chair Thomas Holland clarified with Ted Sack that the PUD Major Amendment would make no change to Lots 4 through 11, [inclusive]. Marc Bullock stated that this was true but that the Commission was setting a precedent. Mr. Bullock noted that the office building on Lot 11 was very nice, and described the utility easement and setback situation that the development on that lot encountered. Mr. Bullock noted that the Restrictive Covenants do not allow any windows on the backs of the commercial buildings. Mr. Holland stated, "I have made the point to Erik in the past that these actions do not set precedent, but three (3) years from now [one cannot predict what would happen]." Mr. Holland continued, "This does not bind us." Mr. Bullock responded, "But it allows us to say this has been done previously."

Chair Thomas Holland asked about the fence, and Ted Sack stated that it could be dealt with during the Detailed Site Plan review. Mr. Holland, Mr. Sack, and Marc Bullock discussed the "woodcrete" fence briefly.

Lance Whisman asked what the OL zoning would do. Erik Enyart responded that it would allow the developer to put the lot to a nonresidential use. Mr. Enyart stated that OL specifically allowed

banks or other office uses, or, under the PUD Major Amendment, the proportion of the PUD development area zoned OL could be put to parking use to support a retail or commercial use [on the balance of the land]. Mr. Whisman and Mr. Enyart discussed this matter further. Mr. Enyart stated, "Bottom line, the entire development could be used as a shopping center."

After further discussion, John Benjamin made a MOTION to Recommend APPROVAL of OL zoning per BZ-353 subject to the final approval of PUD 53 Major Amendment # 1 as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

Chair Thomas Holland asked to entertain a Motion on PUD 53 Major Amendment # 1. Erik Enyart stated that the Applicant had indicated no objections to the recommended corrections, modifications, and Conditions of Approval, and asked Ted Sack for confirmation. Mr. Sack indicated he was "okay with them." Marc Bullock asked what the recommendations were. Mr. Enyart summarized them from the Staff Report as follows:

1. The approval of PUD 53 Major Amendment # 1 shall be subject to the final approval of OL zoning per BZ-353.
2. Subject to the satisfaction of all Fire Marshal and City Engineer recommendations.
3. Title Page: Please specify that it is a "PUD Major Amendment."
4. Title Page: Please add the contact information (name, address, phone number) for the property owner and the company responsible for preparing the document.
5. Development Concept on page 1: Please cite the scope of this Major Amendment by adding appropriate language to the development concept, following the second paragraph, such as "This application is for approval of a Major Amendment to PUD 53, to be known and designated on the official Zoning Map as "PUD 53-A," and concerns Lots 1, 2, & 3, Block 1, and Lot 1, Block 2 of WoodMere, in accordance with Bixby Zoning Code Section 11-7I-8.G. For all other areas within PUD 53, no changes are made by this amendment."
6. Legal Description: At the end of the PUD Major Amendment Text and Exhibits, please include a legal description for "PUD 53-A."
7. Development Concept on page 1: use of "formally" instead of "formerly" as presumed intended. Two (2) occurrences.
8. Development Concept on page 1: Please correct/modify as follows: "WoodMere Square will be accessed ~~by~~ ~~of~~ from East 121st Street South ~~South Avenue~~ and South Sheridan Road and limits of no access will be established by the new plat of "WoodMere Square" in the same locations represented on the recorded plat of WoodMere."
9. The provided exhibits indicate there is some discrepancy between existing and proposed driveway connections to 121st St. S. and Sheridan Rd. Please confirm the new proposed are consistent with the LNA / Access Openings as per the proposed Final Plat of

- “WoodMere Square,” or otherwise discuss with the City Engineer and/or County Engineer whether changes to LNA / Access Openings will be approved.
10. Development Standards for Development Area A-1 on page 4, Permitted Uses: Please correct/modify as follows “Those uses permitted as a matter of right in the OL–Office low intensity district, and uses customarily accessory to permitted uses, including Drive-in bank facilities; and off ~~parking streets~~ street parking located on the same lot as, or a lot abutting a permitted non-residential use.”
 11. Detail Site Plan Review: Detailed Site Plan review and approval by the Planning Commission shall be required per Zoning Code Sections 11-7I-8.B.5 and 11-7I-8.E.3, and language to this effect shall be added to the PUD Major Amendment Text. The Detailed Site Plan must be adequate to demonstrate compliance with applicable standards and include details on proposed parking, sign locations, landscape plans, screening plans, lighting plans, building plan and profile view renderings, and exterior material details (composition, color, etc.).
 12. For the recommended Condition of Approval immediately above, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption per the City Attorney, please incorporate the above language into an appropriate section of the PUD Text verbatim, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which are not completed by the time of City Council ordinance approval and/or which cannot be fully completed otherwise.
 13. Detail Site Plan Review: Zoning Code Sections 11-7I-6, 11-7I-8.B.1, 11-8-10.E, and 11-12-3.A.3 grants the Planning Commission authority over perimeter landscaping and screening. The submitted PUD does not detail perimeter landscaping, screening, or other such necessary details. In lieu thereof, Staff recommends that, for the Detailed Site Plan, recommended to be required as a part of this PUD, the Planning Commission shall have broad authority and discretion to place all reasonable and appropriate architectural and aesthetic standards for nonresidential buildings and fencing/screening, landscaping, and signage controls as necessary to mitigate the visual effects which commonly attend such intense uses, and to ensure harmony and consistency in design with all buildings in this development and on other surrounding properties, and the developer is notified that the landscaping and perimeter requirements may be more than the minimum standards already required by the Zoning Code, in exchange for the special benefits conferred upon the developer by this PUD/Major Amendment.
 14. Development Concept on page 1 provides: “The masonry fence will be relocated to the south and east sides of WoodMere Square to maintain the screening for the adjacent residential properties.” Please specify here whether the cyclopean masonry fence/wall will be extended to the new southeast corner of the commercial development area, or what sections will be cyclopean masonry versus the “Cedarcrete” (a masonry product that is modular/sectional and is designed to appear as wood) as used elsewhere along the commercial/residential boundary line. Staff notes that the south approximately 20’ of the west line of Lot 1, Block 2 also uses the cyclopean masonry fence/wall.
 15. Development Standards for Development Areas A and A-1: If the developer anticipates exceeding the 15% maximum parking space standard per Zoning Code Section 11-10-2.H, consider specifying a new maximum parking number requirement that will be allowed by this PUD.

16. Sidewalks, as required by the Subdivision Regulations, are not represented along 121st St. S. or Sheridan Rd.
17. Borrow ditches are used along 121st St. S. and Sheridan Rd. If this street and drainage design will cause sidewalk construction to be difficult, consider specifying in an appropriately-titled section that sidewalks will be constructed by the lot developer within a sidewalk easement to be established by the plat of “WoodMere Square.”
18. Other than those listed above, comments on the provided conceptual site plans are withheld until a specific Detailed Site Plan, including a Landscape Plan, are submitted for the entire site.
19. A corrected PUD Major Amendment # 1 Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and Conditions of Approval of this PUD Major Amendment.

After further discussion, John Benjamin made a MOTION to Recommend APPROVAL of PUD 53 Major Amendment # 1 subject to the 19 specific conditions as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

Chair Thomas Holland asked to entertain a Motion on Agenda Items # 10 and 11. John Benjamin asked if the Applicant had had an opportunity to look at the Conditions of Approval as recommended by Staff. Ted Sack responded “Yes” and indicated no objections.

After further discussion, John Benjamin made a MOTION to Recommend APPROVAL of the Preliminary Plat and Final Plat of “WoodMere Square” subject to the 18 conditions as [recommended by Staff and] agreed to by the Applicant. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

Chair Thomas Holland asked to entertain a Motion on Agenda Item # 12, V-37.

The Commissioners clarified with Erik Enyart that he had no recommended Conditions of Approval.

Lance Whisman made a MOTION to Recommend APPROVAL of the V-37. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

None.

NEW BUSINESS:

Leadership Bixby interns Ron Bussert of OSU-Tulsa and Stacie McFarlin of Beck Design, Tulsa, stated that this would be their last meeting as part of the Leadership Bixby program, but that they may attend the meetings from time to time. Erik Enyart encouraged them to attend as many as they like and also to express to their City Councilors what they like and want more of and what they do not like in terms of development.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:36 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary