

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
January 19, 2016 6:00 PM**

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet¹

CALL TO ORDER:

Chair Lance Whisman called the meeting to order at 6:05 PM.

ROLL CALL:

Members Present: Larry Whiteley, Lance Whisman, Jerod Hicks,² and Thomas Holland.
Members Absent: Steve Sutton.

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

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

ROLL CALL:

AYE: Holland, Whisman, and Whiteley.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 3:0:0

¹ The Sign-In Sheet was not found at the time of Minutes drafting.

² In at 6:07 PM.

PUBLIC HEARINGS

- 2. **BZ-388 – Jessica Faubert.** Public Hearing, discussion, and consideration of a rezoning request from RE Residential Estate District and/or CG General Commercial District to AG Agricultural District for approximately 2.94 acres in part of the SE/4 of Section 22, T17N, R13E.

Property Located: 15800-block of S. Sheridan Rd.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, January 06, 2016
RE: Report and Recommendations for:
 BZ-388 – Jessica Faubert

LOCATION: – 15800-block of S. Sheridan Rd.
 – Part of the SE/4 of Section 22, T17N, R13E
LOT SIZE: 2.94 acres, more or less
EXISTING ZONING: RE Residential Estate District and/or CG General Commercial District
EXISTING USE: Agricultural land
REQUESTED ZONING: AG Agricultural District
SUPPLEMENTAL ZONING: None
SURROUNDING ZONING AND LAND USE:

North: RE; Approximately 236 acres of agricultural land zoned RE, RM-3, and CG, previously proposed for an “Atherton Farms Equestrian Estates” housing addition (never built).
South: RM-3 and CG; Approximately 236 acres of agricultural land zoned RE, RM-3, and CG, previously proposed for an “Atherton Farms Equestrian Estates” housing addition (never built), and a 2.7-acre unplatted, rural residential tract zoned RE and CG at 15802 S. Sheridan Rd.
East: (Across Sheridan Rd.) AG; Vacant/wooded and agricultural land.
West: RE; Approximately 236 acres of agricultural and vacant/wooded land zoned RE, RM-3, and CG, previously proposed for an “Atherton Farms Equestrian Estates” housing addition (never built).

COMPREHENSIVE PLAN: Medium Intensity + Commercial Area

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

BZ-120 – Calvin Tinney – Request for rezoning from AG to RS-3 for the E/2 of the SW/4 of Section 22, T17N, R13E (80 acres) of the approximately 236 acres of the Atherton family farm (includes subject property) – PC Recommended Approval 08/30/1982 and City Council Approved 09/07/1982 (Ord. # 460).
BZ-126 – Georgina Landman – Request for rezoning from RS-3 to RS-1 for approximately 80 acres (E/2 SW/4 Section 22, T17N, R13E) of the approximately 236 acres of the Atherton family farm (includes subject property) – Applicant did not own the property requested for downzoning – PC Recommended Approval 12/27/1982 and City Council Denied 01/03/1983 upon recommendation of City Planner and City Attorney.
BZ-181 – W.S. Atherton – Request for rezoning from AG & RS-3 to CG, RM-3, and RE for approximately 240 acres including subject property, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, for an “Atherton Farms Equestrian Estates” residential subdivision (never built) – City Council Approved 06/23/1987 (Ord. # 562).
BBOA-190 – W.S. Atherton – Request for “Use Variance” to allow the keeping of horses on individual lots as an accessory use for approximately 240 acres including subject property, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, for an “Atherton Farms Equestrian Estates” residential subdivision (never built) – BOA Approved 07/13/1987.

PUD 20 – Atherton Farms Equestrian Estates – Phillip Faubert – Request for rezoning from AG & RS-3 to CG, RM-3, and RE for approximately 240 acres including subject property, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, for an “Atherton Farms Equestrian Estates” residential subdivision (never built) – PC Recommended Approval 01/20/1998. However, this case was evidently never presented to the City Council, as it did not appear on any agenda from January 26, 1998 to April 27, 1998, no Ordinance was found relating to it, and there are no notes in the case file suggesting it ever went to City Council. Further, PUD 20 does not exist on the official Zoning Map. An undated application signed by Phillip Faubert from circa March, 2001 was found in the case file requesting to “rescind PUD 20,” but no records or notes were found to determine the eventual disposition of this request, if any.

BZ-238 – W.S. Atherton – Request for rezoning from AG to RE for approximately 10 acres located for part of an “Atherton Farms Equestrian Estates” residential subdivision (never built), part of 240 acres including subject property, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E – Approved by City Council 02/23/1998 (Ord. # 768).

BBOA-485 – Phillip Faubert – Request for Special Exception per Zoning Code Section 11-7D-2 Table 1 to allow a Use Unit 6 single-family dwelling and customary accessory structures in the CG district for a 2.7-acre tract at 15802 S. Sheridan Rd., located within subject property the subject property parent tracts, previously proposed to be the “Atherton Farms Equestrian Estates” residential subdivision (never built) – BOA Approved 08/04/2008.

BBOA-486 – Phillip Faubert – Request for Variance from certain bulk and area requirements of Zoning Code Section 11-7D-4 Table 2, including, but not necessarily limited to: The setback from an abutting R district and the 100-foot minimum street frontage requirement, to allow a Use Unit 6 single-family dwelling and customary accessory structures in the CG district for a 2.7-acre tract at 15802 S. Sheridan Rd., located within subject property the subject property parent tracts, previously proposed to be the “Atherton Farms Equestrian Estates” residential subdivision (never built) – BOA Approved 08/04/2008.

BBOA-610 – Jessica Faubert – Request for a Special Exception to permit a Use Unit 9 manufactured home in an AG Agricultural District for subject property – Pending BOA consideration 02/01/2016.

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

BZ-73 – Roger Miner for Town of Bixby on behalf of J.R. Atkinson – Administrative rezoning from AG to RS-1 to resolve a zoning designation change upon annexation for approximately 30 acres to the south of subject property parent tracts, which 30 acres was later partially platted as Atkinson Acres Blocks 4, 5, and 7, partially platted as Atkinson Acres II, and otherwise consists of a 4.6-acre unplatted tract at 16522 S. Joplin Ave. – PC Recommended Approval 01/08/1979 and City Council Approved 01/15/1979 (Ord. # 372).

BBOA-76 – William C. Bailey – Request for Special Exception to allow a mobile home in an AG district on 40 acres abutting subject property parent tracts to the south including current rural residential tracts at 6300 and 6440 E. 161st St. S. – BOA Conditionally Approved 07/08/1980.

BBOA-77 – Sherman Lewis – Request for Special Exception to allow an existing double-wide mobile home in an AG district on a 1-acre tract at 6408 E. 161st St. S. abutting subject property parent tracts to the south – BOA Conditionally Approved 08/12/1980.

BBOA-91 – Eugene L. Harrison – Request for Special Exception to allow oil well drilling in an AG district on approximately 50 acres abutting subject property parent tracts to the south including rural residential tracts at 6300, 6440, and 6408 E. 161st St. S. and 16210 and 16352 S. Sheridan Rd. – BOA Conditionally Approved 09/14/1981.

BBOA-95 – Eugene L. Harrison – Request for Special Exception to allow oil well drilling in an AG district on approximately 13 acres abutting subject property parent tracts to the south and including rural residential tracts at 5712 and 5716 E. 161st St. S. – BOA Conditionally Approved 02/08/1982.

BBOA-105 – Randy Buchanan of Home Folks, Inc. for Claude E. & Dewell Bailey / William C. & Gertrude Bailey – Request for Special Exception to allow an addition to an existing mobile home in an AG district on 40 acres abutting subject property parent tracts to the south including rural residential tracts at 6300 and 6440 E. 161st St. S. – BOA Conditionally Approved 05/18/1982.

BZ-132 – J.R. Atkinson for Atkinson et al. – Request for rezoning from RS-1 to AG for gas or oil well drilling for approximately 13 acres to the south of subject property parent tracts, which 13 acres was

later rezoned to RS-1 (BZ-146) and platted as Atkinson Acres II – PC Recommended Approval 02/28/1983 and City Council Approved 03/07/1983 (Ord. # 475).

BBOA-114 – J.R. Atkinson for J.R. Atkinson Development Co. – Request for Special Exception to allow oil well drilling in an AG district on approximately 18 acres to the south of subject property parent tracts, which 18 acres was later platted as Atkinson Acres II and otherwise consists of a 4.6-acre unplatted tract at 16522 S. Joplin Ave. – BOA Conditionally Approved 03/14/1983.

BBOA-124 – Shaun McLaury for Reggie Cooke – Request for Special Exception to allow a mobile home on approximately 1.5 acres (E. 1.5 acres of the NE/4 NE/4 NE/4 NE/4; less right-of-way = 0.95 acres) abutting subject property parent tracts to the south at the southwest corner of 161st St. S. and Sheridan Rd., which acreage is a part of the rural residential tract at 16210 S. Sheridan Rd. – BOA Denied 03/12/1984.

BBOA-133 – Lendell Hall – Request for Special Exception to allow a mobile home on the NE/4 of the NW/4 of Section 26, T17N, R13E (40 acres) to the southeast of subject property parent tracts – BOA Conditionally Approved 10/09/1984.

BBOA-166 – Gertrude Bailey – Request for Variance to allow for Lot-Split per BL-111 (Denied 05/22/1986) / BL-116 (Denied 08/25/1986) / BL-123 (Approved 08/31/1987 but not now divided as approved) for a 5-acre tract abutting subject property parent tracts to the south at 6300 E. 161st St. S. – BOA Conditionally Approved 06/09/1986.

BZ-185 – J. Edward Bates for Preferred Investments – Request for rezoning to CG, OM, RM-3, and RE for the 150-acre King of Kings Lutheran Church, Inc. (now Lutheran Church Extension Fund-Missouri Synod) agricultural tract abutting subject property parent tracts to the north – Approved in May, 1988 (Ord. 585).

BBOA-218 – Marthell Laster – Request for Variance from the bulk and area requirements in the AG district for a former 5-acre tract to the southeast of subject property parent tracts at 6800/6802 E. 161st St. S. to allow for a Lot-Split – BOA Approved 11/19/1989.

BBOA-244 – James E. Bruner – Request for Special Exception to allow a mobile home on approximately 4.33 acres abutting subject property parent tracts to the south at 5716 W. 161st St. S. – BOA Approved 08/05/1991.

BBOA-307 – Bobby & Karrie Applegarth – Request for Special Exception to allow a mobile home on a 6.4-acre tract to the southeast of subject property parent tracts at 6710 E. 161st St. S. – BOA Conditionally Approved 11/16/1995.

BBOA-310 – Gary Goins for Juanita Watkins – Request for Variance from bulk and area requirements to allow for Lot-Split per BL-205 (Approved 12/18/1995 but not now divided) for a 4.33-acre tract abutting subject property parent tracts to the south at 5988 E. 161st St. S. – BOA Approved 01/02/1996.

BZ-246 – Al Osko of Metro Realty of Tulsa, Inc. for Atkinson Trust – Request for rezoning from AG to RS-2 for approximately 13 acres to the south of subject property parent tracts, which 13 acres was later platted as Atkinson Acres II – PC Recommended Approval of RS-1 zoning 11/16/1998 and City Council Approved RS-1 zoning 03/22/1999 (Ord. # 789; RS-2 zoning shown on official Zoning Map in error and correction request to INCOG placed 09/01/2015).

BBOA-386 – Catholic Diocese of Tulsa – Request for Special Exception to allow the construction of a church, private school, and associated uses in the AG district for the E/2 of the NW/4 of this Section (80 acres) abutting subject property parent tracts to the south – BOA Approved 07/01/2002.

PUD 48 – “Pecan Meadows” –Tanner Consulting – Request for rezoning from AG to RS-2 and PUD approval for approximately 40 acres to the southeast of subject property parent tracts, the SW/4 of the NW/4 of Section 26, T17N, R13E for a residential subdivision (never built) – PC Recommended Approval 11/21/2005 and City Council Approved 12/12/2005 (Ord. # 927).

BZ-334 – Jack Byers – Request for rezoning from AG to RE for approximately 3.5 acres to the southeast of subject property at 16101 S. Sheridan Rd. to facilitate a Lot-Split application (BL-349) – Withdrawn by Applicant prior to PC meeting 09/17/2007.

BBOA-503 – Brandon & Elisha Long – Request for (1) A Variance from the Zoning Code to allow a garage accessory structure as a principal use prior to the construction and occupancy of the principal dwelling, and (2) A Variance from the Zoning Code to allow said accessory structure to be used as a residence, including after such time as the primary residence is constructed and occupied, all in the AG Agricultural District, for a 6.4-acre tract to the southeast of subject property parent tracts at 6710 E. 161st St. S. – BOA Conditionally Approved 04/06/2009.

BBOA-514 – Jerry & Mary Ezell – Request for (1) A Variance from the minimum public street frontage standard of Zoning Code Section 11-8-4, and (2) a Variance from certain other bulk and area standards of the AG Zoning District as per Zoning Code Section 11-7A-4 Table 3, all to allow for the construction of a house on an existing lot of record in the AG Agricultural District for approximately 2.04 acres to the southeast of subject property parent tracts at 16315 S. Sheridan Rd. – BOA Approved 12/07/2009.

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

BCPA-8, PUD 75 “LeAnn Acres,” & BZ-359 – JR Donelson, Inc. / Roger & LeAnn Metcalf – request to (1) amend the Comprehensive Plan Land Use Map to redesignate those parts of the property presently designated “Low Intensity” and/or “Special District # 4” to “Medium Intensity” and remove the “Special District # 4” designation, (2) rezone from AG to RM-2, and (3) approve PUD 75 for a multifamily development on approximately 25 acres to the northeast of subject property parent tracts at 15329 S. Sheridan Rd. – PC Recommended Conditional Approval 01/21/2013 and City Council Conditionally Approved 01/28/2013. However, ordinance not approved because the PUD package presented was not in its final form / did not incorporate the required Conditions of Approval. To date, the final PUD package has not been received. All applications were recognized as “inactive” and filed away on 04/29/2014.

BBOA-575 – Blake Fugett – Request for a Variance from the accessory building maximum floor area per Zoning Code Section 11-8-8.B.5 to allow a new 40.25’ X 60.25’ (2,425) square foot accessory building in the rear yard for property in the RE Residential Estate District for approximately 1.2 acres abutting subject property parent tracts to the west at 5257 E. 161st St. S. – BOA Approved 04/01/2013.

BCPA-12, PUD 85, & BZ-377 – Conrad Farms Holdings, LLC – Request to amend the Comprehensive Plan to remove the Special District # 4 designation, rezone from AG to RS-3, and approve PUD 85 for a single-family residential development on 136 ½ acres to the east of subject property parent tracts – PC recommended Conditional Approval 09/15/2014. City Council Conditionally Approved 11/10/2014 (Ord. # 2143).

PUD 85 – Conrad Farms – Minor Amendment # 1 – Request for approval of Minor Amendment # 1 to PUD 85 for a single-family residential development on 136 ½ acres to the east of subject property parent tracts – On 02/17/2015, as requested by Applicant, PC Tabled and provided that the Applicant may return the applications to any Planning Commission agenda within one (1) year, provided the Applicant gives the City at least one (1) month’s advance notice of the next agenda placement.

Sketch Plat of “Conrad Farms” – Request for approval of a Sketch Plat for a single-family residential development on 136 ½ acres to the east of subject property parent tracts – On 02/17/2015, as requested by Applicant, PC Tabled and provided that the Applicant may return the applications to any Planning Commission agenda within one (1) year, provided the Applicant gives the City at least one (1) month’s advance notice of the next agenda placement.

PUD 87 & BZ-381 – “Shadow Valley” – Khoury Engineering, Inc. – Request for rezoning from RMH to RM-3 and approval of PUD 87 for approximately 21.1 acres for a multifamily residential redevelopment of the Shadow Valley Manufactured Home Community to the northeast of subject property parent tracts at 7500 E. 151st St. S. – PC recommended Conditional Approval 05/18/2015 and City Council Denied 05/26/2015.

BBOA-604 – Chris & Rachel Taylor – Request for a Variance from certain bulk and area requirements in the AG Agricultural District per Zoning Code Section 11-7A-4 Table 3, including the minimum lot width, for approximately 4.33 acres abutting subject property parent tracts to the south at 5858 E. 161st St. S. – BOA Approved 09/08/2015.

BACKGROUND INFORMATION:

Per a discussion with the Applicant November 20, 2015, Staff understands the Applicant is interested in placing a double-wide manufactured home on the Atherton family farm property near the southeast corner of the first roundabout/traffic circle on that parcel, for a period of a couple years, while the Applicant builds a new house on the Faubert parcel of 2.7 acres at 15802 S. Sheridan Rd. However, the application does not specify that the manufactured home is still planned to be temporary.

After reviewing the Zoning Code, Staff can find no easier way to accomplish this proposal than to 'downzone' the concerned double-wide manufactured homesite to AG Agricultural District and apply to the Board of Adjustment for a Special Exception for a Use Unit 9 manufactured home in an AG district. State Statutes and the Bixby Zoning Code do not permit "Use Variances," and the Zoning Code does not provide for a Use Unit 9 manufactured home, by right or by Special Exception, in any zoning district except RMH (manufactured home park) or AG.

The Applicant is seeking approval of a 'downzoning' of the 2.94-acre manufactured homesite per BZ-388 and a Special Exception for the Use Unit 9 manufactured home in the pending AG district per BBOA-610, which the Board of Adjustment is scheduled to consider February 01, 2016. The application narratives attached to the rezoning and/or Special Exception applications are attached to this report for further information.

ANALYSIS:

Subject Property Conditions. The subject property parent tract consists of the E/2 of the SE/4 of Section 22, T17N, R13E, Less & Except the Faubert residence parcel of approximately 2.7 acres, located within same. It is zoned RE Residential Estate District, CG General Commercial District, and RM-3 Residential Multi-Family District, and is agricultural in use. It has approximately ½ mile of frontage on Sheridan Rd. and ¼ mile of frontage on 161st St. S.

The subject property consists of 2.94 acres from the approximate middle of the Sheridan Rd. frontage. Its location and configuration correspond to the minimum bulk and area requirements of the AG district, as recommended by Staff, and the proposed location of the manufactured homesite.

The subject property may or may not be served by Bixby city or sanitary sewer service. GIS indicates a 6" sanitary sewer forcemain along the west side of Sheridan Rd. but no waterline in the area. Electric, natural gas, telephone, and cable utility access is not known. Borrow ditches attend Sheridan Rd. and 161st St. S. to provide street and streetside drainage.

The subject property parent tracts are moderately sloped and appear to primarily drain to an unnamed tributary of Posey Creek, which flows northerly through the subject property. Easterly portions of the subject property appear to drain to the east across Sheridan Rd., and appear to be in the Bixby Creek drainage basin. There appear to be several large "farm ponds" onsite.

The farm has primary access via a gated entrance resembling a housing addition entrance. As noted in the Previous/Related Cases section of this report, the subject property parent tracts were previously planned for a housing addition by name of "Atherton Farms Equestrian Estates," which was not fully built and is not now planned. The entrance is used as the private driveway for the Atherton family farm and the Faubert residence.

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

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

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

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

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

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

The subject property is arguably undeveloped/underdeveloped. The requested AG zoning may not be consistent with the Commercial Area Land Use designation of the Plan Map. However, AG zoning is typically recognized as a 'holding district' for future rezonings. Therefore, Staff believes that the proposed AG zoning should be found In Accordance with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily AG, RE, CG, and RM-3, all as depicted on the case map and as described in further detail in the paragraphs that follow.

To the north, west, and south of the subject property are the balance of the approximately 236 acres of Atherton family farmland zoned RE, RM-3, and CG, previously proposed for an “Atherton Farms Equestrian Estates” housing addition (never built).

Across Sheridan Rd. to the east is vacant/wooded and agricultural land zoned AG.

The existing RE and CG zoning is an appropriate zoning pattern for the subject property, particularly when/if the property is prepared for residential and commercial development. However, the requested AG zoning is In Accordance with the Comprehensive Plan and is consistent with existing and surrounding zoning and land use patterns and the currently-proposed use of the property, a single-family manufactured home dwelling for the farm owner family.

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

Jerod Hicks in at 6:07 PM.

Larry Whiteley asked Jessica Faubert if the manufactured home would be temporary. Ms. Faubert stated that she did not know, and that they could keep it for a ranchhand or they may move it out.

Thomas Holland clarified with Erik Enyart the locations of the 2.94-acre subject property and as compared to the 2.7-acre Faubert tract.

Jessica Faubert stated that the manufactured home would be located in the same site as a ranch house that burned down 13 years prior.

There being no further discussion, Thomas Holland made a MOTION to Recommend APPROVAL of AG zoning per BZ-388. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

3. **PUD 81 – “Chateau Villas PUD” – Major Amendment # 2 – Black Gold Group, LLC.**

Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 2 to Planned Unit Development (PUD) # 81 for approximately 23 acres in part of the NW/4 NW/4 of Section 01, T17N, R13E with underlying zoning CS Commercial Shopping Center District, RM-3 Residential Multi-Family District, and OL Office Low Intensity District.

Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, January 07, 2016
RE: Report and Recommendations for:
PUD 81 Major Amendment # 2 – “Chateau Villas PUD” – Black Gold Group, LLC

LOCATION:

16-Acre Tract: 8300-block of E. 121st St. S.

7-Acre Tract: 12303 S. Memorial Dr.

SIZE:

23 acres, more or less, in two (2) tracts

EXISTING ZONING:

CS Commercial Shopping Center District, RM-3 Residential Multi-Family District, and OL Office Low Intensity District, & PUD 81

EXISTING USE:

16-Acre Tract: Vacant

7-Acre Tract: Single-family house

SUPPLEMENTAL ZONING:

PUD 81 "Chateau Villas PUD" and Corridor Appearance District (partial)

REQUEST:

Approval of Major Amendment # 2 to Planned Unit Development (PUD) # 81 ("Chateau Villas PUD"), with underlying zoning CS Commercial Shopping Center District, RM-3 Residential Multi-Family District, and OL Office Low Intensity District, which amendment proposes to change parking requirements within Development Area B and make certain other amendments.

SURROUNDING ZONING AND LAND USE:

North: CS & RM-1/PUD-6, RD, and RS-1; The Memorial Square duplex-style condo/apartments and vacant lots, and single-family residential to the northeast, a QuikTrip under construction and commercial in the Town and Country Shopping Center to the northwest, and farther north, duplexes along 119th St. S., all in Southern Memorial Acres Extended.

South: CS/PUD 29A, OL/RS-1/PUD 77, RS-1, and RS-2; The Boardwalk on Memorial commercial strip shopping center with vacant land behind zoned CS/PUD 29A, vacant land and a single-family dwelling zoned OL/RS-1/PUD 77 planned for a ministorage development, and single-family residential in Gre-Mac Acres and Southern Memorial Acres No. 2 zoned RS-1 and RS-2.

East: RS-1; Single-family residential and the Bixby Fire Station #2 in the Houser Addition.

West: CG, CS, & AG; Commercial development in 121st Center, the Spartan Self Storage ministorage business on an unplatted 1-acre tract zoned CS at 12113 S. Memorial Dr., and (west of Memorial Dr.) agricultural land and the Easton Sod sales lot zoned CS.

COMPREHENSIVE PLAN:

16-Acre Tract: Low/Medium Intensity + Vacant, Agricultural, Rural Residences, and Open Land

7-Acre Tract: Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES:

BZ-30 – Frank Moskowitz – Request for rezoning from AG to CS for the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E (including 7-acre tract subject property) – PC on 01/27/1975 recommended CS for N. approx. 12.5 acres, OL for the S. approx. 5 acres of the N. approx. 17.5 acres, and AG zoning to remain for the balance of the 20 acres. City Council approved as PC recommended 03/18/1975 (Ord. # 270).

BL-45 – Milton Berry – Request for Lot-Split approval to separate the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E (now the Spartan Self Storage) from the balance of the property, which balance was later platted as 121st Center (includes Reserve Area 'A' part of subject property) – both resultant tracts abut subject property to west and north – PC Motion to Approve died for lack of a Second 02/26/1979; City Council Conditional Approval is suggested by case notes. Deeds recorded evidently without approval certificate stamps 05/23/1978, which would have preceded the Lot-Split application.

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for 121st Center (includes Reserve Area 'A' part of subject property) – PC Conditionally Approved 12/28/1987 (Council action not researched).

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

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

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

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

Final Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Final Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on 16-acre tract subject property – PC recommended Conditional Approval 05/17/2010 and City Council Conditionally Approved 05/24/2010. City Council approved a revised Final Plat 09/13/2010.

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

PUD 81 & BZ-368 – Chateau Villas PUD – AAB Engineering, LLC – Request for rezoning from CS, OL, and AG to CS and RM-3 and to approve PUD 81 for a Use Unit 8 multifamily residential and commercial development for subject property – PC recommended Conditional Approval, with a modified zoning schedule including OL zoning, 11/18/2013 and City Council Conditionally Approved, as modified, the applications 11/25/2013 and Conditionally Approved same by ordinance (Ord. # 2126) 02/24/2014.

PUD 81 – “Chateau Villas PUD” – Major Amendment # 1 – Larry Kester of Architects Collective – Request for approval of Major Amendment # 1 to PUD 81 for a Use Unit 8 multifamily residential and commercial development for subject property – PC recommended Conditional Approval 03/25/2015 and City Council Conditionally Approved application 03/30/2015. Applicant Larry Kester withdrew from application 05/19/2015. New architect engaged, site and building designs changed, and new PUD documents received 06/17/2015. City Council Conditionally Approved revised PUD Major Amendment # 1 by ordinance by 3:0:0 vote 06/22/2015 (Ord. # 2153).

BSP 2015-04 – “Chateau Villas” – Larry Kester of Architects Collective (PUD 81) – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for subject property – Withdrawn by Applicant 05/28/2015.

Preliminary Plat of “Chateau Villas” – Cedar Creek Consulting (PUD 81) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a Use Unit 8 multifamily residential and commercial development for subject property and adjacent Reserve Area 'A' of 121st Center – PC recommended Conditional Approval (including removal of Reserve Area 'A') 09/21/2015 and City Council Conditionally Approved 09/28/2015.

Final Plat of “Chateau Villas” – Cedar Creek Consulting (PUD 81) – Request for approval of a Final Plat and certain Modifications/Waivers for a Use Unit 8 multifamily residential and commercial development for subject property and adjacent Reserve Area 'A' of 121st Center – PC Tabled 09/21/2015, with allowance to return to a future meeting when ready; revised and resubmitted 12/21/2015, and returned to this 01/19/2016 PC Agenda for consideration.

BSP 2015-06 – “Chateau Villas” – Cedar Creek Consulting (PUD 81) – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for

subject property – PC Tabled 09/21/2015, with allowance to return to a future meeting when ready; During a meeting with the developer and developer’s associates on 11/13/2015, the developer requested that the site plan be returned to the 12/21/2015 PC agenda – PC Conditionally Approved 12/21/2015; pending City Council consideration 01/25/2016.

BACKGROUND INFORMATION:

ANALYSIS:

On December 21, 2015, the Planning Commission Conditionally Approved the PUD Detailed Site Plan per BSP 2015-07 and recommended Conditional Approval of this PUD 81 Major Amendment # 2. After the meeting, however, Staff discovered a newspaper publication error which caused the December Public Hearing to lack adequate Public Notice for the PUD Amendment. As discussed with the Applicant, the application has been readvertised properly for this January 19, 2016 meeting. It is anticipated that the same two (2) amendment elements will be requested for reapproval.

This PUD 81 Major Amendment # 2 application was originally submitted when the Applicant counted parking spaces and believed them to be insufficient to meet the minimum requirements of the Zoning Code. Staff has since counted the parking and found it to be adequate, and also observed that parking standards can be modified in the context of the PUD Detailed Site Plan application, per the terms of the PUD Text. At the December 21, 2015 Planning Commission meeting, however, the Applicant expressed desire to proceed with the parking ratio change as they may want that flexibility for future expansions.

Also at the December meeting, the Applicant sought to use this Major Amendment # 2 application to make two (2) other minor adjustments to the PUD, which Staff had suggested as a possibility. In December and now in January, the Public Notice and Agenda both simply state that this is a PUD Major Amendment, and so do not specify any restricted scope of potential amendments. These other adjustments included:

- (1) Allow a ground sign in multifamily Development Area B, which has no Arterial Street frontage as required by the Zoning Code, and
- (2) To remove the 25% minimum masonry requirement for every face of every building, but retain the 25% minimum masonry requirement per building (gives flexibility to bring frontward façades of buildings up to the 75% required without causing the project average to exceed the 40% minimum).

After the meeting, Staff checked the PUD and found it does not contain a 25% per each face of each building standard. The pertinent Staff Reports also do not suggest such a standard. Further, the Applicant found no such standard upon their inspection of the PUD. Thus, this amendment element may be ignored.

Regarding the relaxation of the minimum parking ratio for studio / efficiency units, Staff takes no exceptions to the rationale presented in the original amendment request letter and relies in substantial part on the information and expertise of the Architect, for which multifamily development design appears to be a core competency. Further, Staff anticipates that the need for parking will diminish in time due to demographic and technological changes. Finally, Staff is supportive in this instance as the development is a higher-density, multi-use, potentially truly mixed-use development (subject to future PUD Amendment), as described by the Applicant, and the large pools of parking spaces indicated on the site plans appear to be centrally- and conveniently-located for benefit of the majority of multifamily and commercial buildings. Recognizing the 4-story designs with elevators and large apartment buildings, the development design also appears to be slightly denser than a typical suburban multifamily development. Higher-density and multiple- and mixed-use developments typically demand less parking than truly suburban development designs.

The Site Plan indicates one (1) “Proposed Future Monument [Sign]” element in front of Building A near the entrance to Development Area B / proposed Lot 3, Block I, “Chateau Villas.” The signage provisions for DA B do not provide an exemption from the requirement to have Arterial Street frontage in order to have a ground sign here. As it should be expected at the primary entrance to the multifamily development area, Staff is supportive of this amendment element.

To complete the PUD Major Amendment, the Applicant must supply a document that provides amendatory language within the framework of the PUD Text. The provided letter format may be used, but it will need to cite the sections of the PUD Text to be amended and provide the amendatory language.

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

1. *Please supply a document providing amendatory language within the framework of the PUD Text. The provided letter format may be used, but it will need to cite the sections of the PUD Text to be amended and provide the amendatory language.*

Chair Lance Whisman recognized Jay Mauldin of 7341 E. 119th Pl. S. from the Sign-In Sheet. Mr. Mauldin confirmed with Erik Enyart that, as pertained to the PUD Detailed Site Plan the Planning Commission approved in December, the sides of the buildings facing Memorial Dr. and 121st St. S. would be required to have 75% masonry.

There being no further discussion, Larry Whiteley made a MOTION to Recommend APPROVAL of PUD 81 Major Amendment # 2 subject to the Applicant supplying a document providing amendatory language within the framework of the PUD Text; The provided letter format may be used, but it will need to cite the sections of the PUD Text to be amended and provide the amendatory language. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

4. (Continued from 09/21/2015)

Final Plat – “Chateau Villas” – Cedar Creek Consulting (PUD 81). Discussion and consideration of a Final Plat for “Chateau Villas,” approximately 23 acres in part of the NW/4 NW/4 of Section 01, T17N, R13E.

Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, January 07, 2016
RE: Report and Recommendations for:
 Final Plat of “Chateau Villas” (PUD 81)

LOCATION:

16-Acre Tract: 8300-block of E. 121st St. S.

7-Acre Tract: 12303 S. Memorial Dr.

SIZE:

23 acres, more or less, in two (2) tracts

EXISTING ZONING:

CS Commercial Shopping Center District, RM-3 Residential Multi-Family District, and OL Office Low Intensity District, & PUD 81

SUPPLEMENTAL ZONING:

PUD 81 “Chateau Villas PUD” and Corridor Appearance District (partial)

EXISTING USE:

16-Acre Tract: Vacant

7-Acre Tract: Single-family house

REQUEST:

– Final Plat approval

- A Partial Modification/Waiver from the standard 17.5' Perimeter Utility Easement per Subdivision Regulations/City Code Section 12-3-3.A
- Modification/Waiver from Subdivision Regulations Section 12-3-2.O to allow Reserve Areas (only) to be platted in the 100-year Regulatory Floodplain

SURROUNDING ZONING AND LAND USE:

North: CS & RM-1/PUD-6, RD, and RS-1; The Memorial Square duplex-style condo/apartments and vacant lots, and single-family residential to the northeast, a QuikTrip under construction and commercial in the Town and Country Shopping Center to the northwest, and farther north, duplexes along 119th St. S., all in Southern Memorial Acres Extended.

South: CS/PUD 29A, OL/RS-1/PUD 77, RS-1, and RS-2; The Boardwalk on Memorial commercial strip shopping center with vacant land behind zoned CS/PUD 29A, vacant land and a single-family dwelling zoned OL/RS-1/PUD 77 planned for a ministorage development, and single-family residential in Gre-Mac Acres and Southern Memorial Acres No. 2 zoned RS-1 and RS-2.

East: RS-1; Single-family residential and the Bixby Fire Station #2 in the Houser Addition.

West: CG, CS, & AG; Commercial development in 121st Center, the Spartan Self Storage ministorage business on an unplatted 1-acre tract zoned CS at 12113 S. Memorial Dr., and (west of Memorial Dr.) agricultural land and the Easton Sod sales lot zoned CS.

COMPREHENSIVE PLAN:

16-Acre Tract: Low/Medium Intensity + Vacant, Agricultural, Rural Residences, and Open Land

7-Acre Tract: Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES:

BZ-30 – Frank Moskowitz – Request for rezoning from AG to CS for the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E (including 7-acre tract subject property) – PC on 01/27/1975 recommended CS for N. approx. 12.5 acres, OL for the S. approx. 5 acres of the N. approx. 17.5 acres, and AG zoning to remain for the balance of the 20 acres. City Council approved as PC recommended 03/18/1975 (Ord. # 270).

BL-45 – Milton Berry – Request for Lot-Split approval to separate the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E (now the Spartan Self Storage) from the balance of the property, which balance was later platted as 121st Center (includes Reserve Area 'A' part of subject property) – both resultant tracts abut subject property to west and north – PC Motion to Approve died for lack of a Second 02/26/1979; City Council Conditional Approval is suggested by case notes. Deeds recorded evidently without approval certificate stamps 05/23/1978, which would have preceded the Lot-Split application.

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for 121st Center (includes Reserve Area 'A' part of subject property) – PC Conditionally Approved 12/28/1987 (Council action not researched).

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

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

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

descriptions in the ordinance reflected the underlying CS/OL zoning pattern as recommended by Staff, rather than per the "Exhibit 1" to the PUD.

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

Final Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Final Plat and certain Modifications/Waivers for a ministorage, "trade center / office-warehouse," and retail development on 16-acre tract subject property – PC recommended Conditional Approval 05/17/2010 and City Council Conditionally Approved 05/24/2010. City Council approved a revised Final Plat 09/13/2010.

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

PUD 81 & BZ-368 – Chateau Villas PUD – AAB Engineering, LLC – Request for rezoning from CS, OL, and AG to CS and RM-3 and to approve PUD 81 for a Use Unit 8 multifamily residential and commercial development for subject property – PC recommended Conditional Approval, with a modified zoning schedule including OL zoning, 11/18/2013 and City Council Conditionally Approved, as modified, the applications 11/25/2013 and Conditionally Approved same by ordinance (Ord. # 2126) 02/24/2014.

PUD 81 – "Chateau Villas PUD" – Major Amendment # 1 – Larry Kester of Architects Collective – Request for approval of Major Amendment # 1 to PUD 81 for a Use Unit 8 multifamily residential and commercial development for subject property – PC recommended Conditional Approval 03/25/2015 and City Council Conditionally Approved application 03/30/2015. Applicant Larry Kester withdrew from application 05/19/2015. New architect engaged, site and building designs changed, and new PUD documents received 06/17/2015. City Council Conditionally Approved revised PUD Major Amendment # 1 by ordinance by 3:0:0 vote 06/22/2015 (Ord. # 2153).

BSP 2015-04 – "Chateau Villas" – Larry Kester of Architects Collective (PUD 81) – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for subject property – Withdrawn by Applicant 05/28/2015.

Preliminary Plat of "Chateau Villas" – Cedar Creek Consulting (PUD 81) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a Use Unit 8 multifamily residential and commercial development for subject property and adjacent Reserve Area 'A' of 121st Center – PC recommended Conditional Approval (including removal of Reserve Area 'A') 09/21/2015 and City Council Conditionally Approved 09/28/2015.

Final Plat of "Chateau Villas" – Cedar Creek Consulting (PUD 81) – Request for approval of a Final Plat and certain Modifications/Waivers for a Use Unit 8 multifamily residential and commercial development for subject property and adjacent Reserve Area 'A' of 121st Center – PC Tabled 09/21/2015, with allowance to return to a future meeting when ready; revised and resubmitted 12/21/2015, and returned to this 01/19/2016 PC Agenda for consideration.

BSP 2015-06 – "Chateau Villas" – Cedar Creek Consulting (PUD 81) – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for subject property – PC Tabled 09/21/2015, with allowance to return to a future meeting when ready; During a meeting with the developer and developer's associates on 11/13/2015, the developer requested that the site plan be returned to the 12/21/2015 PC agenda – PC Conditionally Approved 12/21/2015; pending City Council consideration 01/25/2016.

PUD 81 – "Chateau Villas PUD" – Major Amendment # 2 – Black Gold Group, LLC – Request for approval of Major Amendment # 2 to PUD 81 for a Use Unit 8 multifamily residential and commercial development for subject property – PC recommended Conditional Approval 12/21/2015, but discovery of newspaper publication error required readvertisement; pending PC reconsideration 01/19/2016.

BACKGROUND INFORMATION:

Per the original PUD 81 Exhibit B Conceptual Site Plan, the multifamily element of the "Chateau Villas" development included 12 multifamily buildings and one (1) clubhouse/leasing office. All multifamily buildings were understood to be three (3) stories in height with clay tile rooves and a

“Tuscan” theme. The clubhouse was to be between 7,500 and 8,000 square feet, and was to cost \$1 Million. The artist’s/architect’s perspective renderings of the original designs were included in a PUD Text & Exhibits package received November 25, 2013, and these and certain other drawings were presented at certain meetings including the City Council meeting held on that date. One of the drawings was published in a November 14, 2013 Tulsa World article entitled “High-end apartment complex likely coming to Bixby.” Per these exhibits, the buildings appeared to be five-tone, box-like structures with flat façades except for protruding exterior stairwells. The façades, considering their description as “masonry,” appeared to be traditional stucco or otherwise another cementitious product resembling stucco. The original intent was not clear.

Since the original November, 2013 PUD application approval, and February 24, 2014 PUD approval by Ordinance # 2126, the developer acquired the 16-acre parcel in mid-2014 and the 7-acre parcel at the end of 2014. In early 2015, the developer engaged an architect, Architects Collective of Tulsa, and the designs changed.

PUD 81 Major Amendment # 1 originally proposed:

- (1) to increase the maximum building height from 48’ to 54’ and four (4) stories, and*
- (2) to amend the 75% minimum masonry standard, which applies to all buildings, to define masonry to include “concrete or clay brick of any size, natural stone of any size, manufactured stone of any size, cement based stucco, manufactured cement fiber based stucco panels and manufactured cement fiber horizontal siding.”*

After application submittal, City Staff had several meetings and other communication with the Applicant to refine the intent of the amendments, and suggested other amendments be made to facilitate the most appropriate development of the property. Staff was not supportive of the original approach to redefine “masonry,” even in the context of this application. In its final form, the Major Amendment included a 50’ maximum building height, a fourth story, and a 40% traditional masonry and 60% approved masonry alternatives standard, among other things.

At its March 25, 2015 Special Meeting, the Planning Commission recommended Conditional Approval of PUD 81 Major Amendment # 1. At its March 30, 2015 Special Meeting, the City Council Conditionally Approved the application for PUD 81 Major Amendment # 1 by vote of three (3) in favor, one (1) opposed, and one (1) abstention.

Because the PUD Major Amendment was not ready for approval at that time, and perhaps also because of the 3:1:1 vote on the application item, (1) the ordinance First Reading and/or approval item and (2) the Emergency Clause attachment items were Tabled or Passed or similar, to be brought back at a later date when the PUD was ready. The Ordinance First Reading (no action) was to be heard on the April 13, 2015 City Council Regular Meeting, but there was no quorum and that meeting was cancelled. The Ordinance First Reading was held April 27, 2015. Since the PUD Major Amendment was not ready, it was delayed for a time from being returned to a City Council agenda for Ordinance Second Reading and possible approval by majority vote.

Because the PUD Major Amendment had not yet been approved by ordinance, PUD Detailed Site Plan application BSP 2015-04 was Continued from the April 20, 2015 Planning Commission Regular Meeting to the May 18, 2015 Planning Commission Regular Meeting, and then again to the June 15, 2015 Regular Meeting. It was not heard on June 15, 2015 because the Applicant Withdrew the application during a meeting with Staff on May 28, 2015, since the designs had changed and the Applicant was going to submit a new application for PUD Detailed Site Plan when the Applicant was closer to construction.

Subsequent to the Ordinance First Reading at the April 27, 2015 City Council meeting, the developer changed architects to NSPJ Architects of Prairie Village, KS, and the building designs and site layout changed again. The revised PUD documents were received June 17, 2015.

The June 17, 2015 plans called for a 7,000 square foot “clubhouse” and 13 multifamily buildings with a mix of 2-, 3-, and 4-story buildings with variegated façades and certain percentage of “concrete stone masonry material” (a.k.a. “manufactured stone” / “synthetic stone”), “brick veneer masonry,” and stucco) and 60% masonry alternatives (including only fiber cement cladding), with exceptions for trim. The open stairwells were brought within the building footprints, but exterior stairwells were evident in the new 4-story building elevation on the building ends, perhaps as access auxiliary to the proposed elevators.

Additionally, a non-exhaustive list of the most significant changes included:

- 1. New “Urban Contemporary” building designs, featuring:
 - a. More, or perhaps all buildings included attached garages**

- b. 5 4-story buildings all featuring elevators
 - c. Flat rooves with parapets rather than pitched rooves with shingles.
2. *New site layout featuring:*
- a. Removal of internal water features
 - b. Realignment of boulevard entrance street/drive
 - c. Reconfiguration of buildings and internal drives layout
 - d. Fewer buildings, especially by the removal of smaller garage/apartment buildings
 - e. Clubhouse was larger, pool was smaller
 - f. Carports throughout development (with garages suggested, but not represented on plans)
 - g. Commercial development area design changes.
3. *Building elevations reflected only one (1) building type, and did not contain height information or a full schedule of proposed exterior materials or their relative percentages.*

On June 22, 2015, by 3:0:0 vote, the City Council Conditionally Approved the revised PUD Major Amendment # 1 (Ord. # 2153).

The original applications for Preliminary Plat, Final Plat, and PUD Detailed Site Plan (BSP 2015-06) were received August 21, 2015. The building designs and site layout changed again. A non-exhaustive list of the most significant changes included:

1. *New building designs, featuring:*
- a. 12 multifamily buildings including:
 - i. 2 large, segmented buildings (Buildings A and B)
 - ii. 4 3-story buildings
 - iii. 6 smaller, 2-story garage/apartment buildings
 - b. Clubhouse was smaller³ and embedded (Segment B) within large Building A
 - c. Only 1 4th story, Segment D of Building A, versus 5 4-story buildings
 - d. Evidently less brick/stone and less façade articulation/variegation (Building A)
 - e. Evidently fewer parapet roof articulations and embellishments (Building A)
 - f. New unit mix with 57 studio units now proposed and fewer 1-, 2-, and 3-bedroom units
2. *New site layout featuring:*
- a. Incorporation and modification of stormwater retention pond in Reserve A of 121st Center
 - b. Pond / canal water feature added along west side of Development Area B
 - c. Removal of tower feature next to clubhouse
 - d. Realignment of boulevard entrance street/drive and removal of roundabout/water feature
 - e. Reconfiguration of buildings and internal drives layout
 - f. Pool/spa appears larger
 - g. 16 carports removed and 6 detached 6-car garages added
 - h. Fry Creek tributary channel area widened from roughly 45' to 60'

On September 21, 2015, due to substantial design issues, the Planning Commission Tabled BSP 2015-06 and the Final Plat of "Chateau Villas," with allowance to return to a future meeting when they were ready. At that time, the plats and site plan included adjacent Reserve Area 'A' of 121st Center. The Preliminary Plat was recommended for Conditional Approval, and the City Council Conditionally Approved same, subject to removing the adjacent Reserve Area 'A' of 121st Center, to which the Applicant was not then (and is not now) entitled. The intent of the approval of the Preliminary Plat was to allow the developer to proceed with grading, drainage, and infrastructural improvements pursuant to approved engineering construction plans.

On November 03, 2015, Staff received revised site plan drawings. During a meeting with the developer and developer's associates on November 13, 2015, the developer requested that the site plan be returned to the December 21, 2015 Planning Commission agenda. The November, 2015 designs appeared to be essentially the same as received in August, 2015, with the exception of:

1. *Removal of Reserve Area 'A' of 121st Center as required until/unless Applicant acquires same or adequate rights to modify same*

³ Roughly 3,300 : 6,402 square feet versus 7,000 square feet by interpolation of site and elevations drawings

2. Pool/spa and patio relocated onto the subject property and reduced in size; spa slightly larger
3. "Asphalt path" pedestrianway removed from around the stormwater retention pond in the adjacent Reserve Area 'A' of 121st Center
4. No changes proposed to 'shoreline' of stormwater retention pond in the adjacent Reserve Area 'A' of 121st Center
5. Building A contained substantially less brick/stone masonry (30% → 23%)
6. Building B contained substantially less brick/stone masonry (30% → 18%)
7. Buildings C contained substantially less brick/stone masonry (30% → 7%)
8. Garage buildings contained substantially less brick/stone masonry (specifics not available)

PUD 81 Major Amendment # 2 is also on this January 19, 2016 Planning Commission Agenda for consideration. On December 21, 2015, the Planning Commission heard it and recommended Conditional Approval. After the meeting, however, Staff discovered a newspaper publication error which caused the December Public Hearing to lack adequate Public Notice. As discussed with the Applicant, the application has been readvertised properly for this January 19, 2016 meeting. It is anticipated that the same two (2) amendment elements will be requested for reapproval.

ANALYSIS:

Subject Property Conditions. The subject property of approximately 23 acres in two (2) tracts:

1. An approximately 16-acre vacant tract at the 8300-block of E. 121st St. S., and
2. An approximately 7-acre tract at 12303 S. Memorial Dr. with what appears to be an unoccupied split-level house on it.

The subject property is zoned CS, RM-3, and OL with PUD 81 "Chateau Villas PUD."

The subject property is moderately sloped and primarily drains to the southeast to an unnamed tributary of Fry Creek # 1, and presently contains an area of 100-year floodplain, attendant to an improved drainage channel along and within the eastern boundary of the 16-acre tract. Per a letter dated September 21, 2009, the previous owner/developer was approved by FEMA for a CLOMR-F (Case No. 09-06-0671R) to widen the channel and increase its capacity to a level providing for the 100-year flow and use the borrow material as fill to elevate the development land above the 100-year Floodplain. Widening the channel, under the approved CLOMR-F, would remove the need for onsite stormwater detention for the 16-acre tract. As originally conceived, the channel was only going to be widened enough to drain the 16-acre tract, and no other properties in the area. The area downstream of the southeast corner of the property has already been widened per Alan Betchan of AAB Engineering, LLC on September 02, 2015. Per Mr. Betchan on November 11, 2013, the new development plans may not require widening of the channel located on the subject property, or perhaps not as much widening, due to the creation of less impervious surface compared to the previous development plan. However, it is not clear if the channel on the subject property has already been widened or not. The plans may be modified and resubmitted to the City and FEMA in order to incorporate the 7-acre tract that is now a part of this development proposal. Pursuant to the original, approved CLOMR-F, the previous owner/developer proceeded with the grading; however, Staff has been informed that the grading has not been completed in accordance with the CLOMR-F as of this time. As acknowledged in the "Drainage" section of PUD 81, the floodplain issue must be resolved through the City and FEMA approval process before the subject property can be developed, and the development will pay a fee-in-lieu of providing onsite stormwater detention.

Subdivision Regulations § 12-3-2.O prohibits platting development lots within the 100-year (1% Annual Chance) Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby's Floodplain Regulations by ordinance. By Modification/Waiver, platting Reserve Areas may be permitted, provided their use is passive and use restrictions prohibit building construction. To fully comply with applicable regulations, the floodplain and drainage improvements must be completed, the developer must secure FEMA approval of a LOMR upon completion of these improvements, the 100-year Floodplain must be entirely contained within a Reserve Area, and the Applicant must request and be approved for a Partial Modification/Waiver of SRs Section § 12-3-2.O to allow the platting of a Reserve Area in the 100-year Floodplain.

The Zoning Code and PUD 81 prohibit the issuance of Building Permits until the land has been platted, and the Subdivision Regulations prohibit platting building lots in the 100-year Floodplain. Until all Floodplain-related requirements are satisfied, the development may be limited to grading and utility work, performed pursuant to an Earth Change Permit, utilities permits, and other permits as may be required.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has access to the stormwater drainage in the unnamed tributary to Fry Creek # 1 to the east. Plans for utilities were adequately described in the original PUD's Text and represented on the original Exhibit F, and is discussed further in the City Engineer's review memo.

Comprehensive Plan. *The Comprehensive Plan designates the 16-acre tract subject property as (1) Low/Medium Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land. The Medium Intensity designation covers the west 6.26 acres of the 16-acre tract, pursuant to BCPA-3 approved by Ordinance # 2030 in 2010. The 7-acre tract is designated (1) Medium Intensity and (2) Commercial Area.*

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that CS zoning is In Accordance, RM-3 zoning May Be Found In Accordance with the Medium Intensity designation, and OL zoning May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since RM-3 and OL zoning districts were approved by ordinance of the City Council, these districts have been recognized as being In Accordance with the Comprehensive Plan in the context of PUD 81.

During the review and approval of PUD 81, Staff worked with the Applicant to adjust relative proportions of CS, RM-3, and OL zoning and relative proportions of commercial floor area and numbers and types of multifamily dwelling units to conform to the Comprehensive Plan designations as amended by BCPA-3.

Per the Matrix, PUDs (as a zoning district) are In Accordance with the Medium Intensity and May Be Found In Accordance with the Low Intensity designations of the Comprehensive Plan Land Use Map. Since PUD 81 and its Major Amendment # 1 were approved by ordinances of the City Council, they have been recognized as being In Accordance with the Comprehensive Plan as a zoning district. PUD 81 Major Amendment # 1 proposed making certain changes to design features of the development, but no significant changes to the schedule of land uses compared to the original PUD 81.

The multifamily and commercial development anticipated by this plat would not be inconsistent with the Comprehensive Plan.

General. *This subdivision of 23 acres, more or less, proposes four (4) lots, one (1) Block, and four (4) Reserve Areas. Staff understands that the developer only intends to develop, at this time, (1) the multifamily Development Area (DA) B (proposed Lot 3, Block 1, "Chateau Villas") and (2) certain other DA B-dependent site elements (private street/drive connections to Memorial Dr. and 121st St. S. and the drainage channel along the east side of the plat).*

Reserve Area 'A,' roughly corresponding to PUD 81 Development Area D, contains the drainage channel. Upon completion of the floodplain and drainage improvements, it will contain 100-year (1% Annual Chance) Regulatory Floodplain. As noted elsewhere in this analysis, Subdivision Regulations § 12-3-2.O prohibits platting development lots within the 100-year Floodplain, but Reserve Areas may be permitted upon request and approval of a Modification/Waiver of this Section. Thus, the ultimate 100-year Floodplain, at a minimum, or otherwise all of the area planned for use for drainage and common features should be placed into a Reserve Area, and the Applicant must request and be approved for a Modification/Waiver of SRs Section § 12-3-2.O to allow the platting of a Reserve Area in the 100-year Floodplain.

Reserve Area 'B' is designed as a temporary Reserve Area containing the 100-year Regulatory Floodplain until such time as FEMA officially removes same by LOMR. After this occurs, the Applicant has stated they will combine this area with the originally-planned Lots 3 and 4, by Replat or Amended Plat, to form singular multifamily and commercial lots. The first phase of construction will occur on Lot 3 as originally platted, and by the time of the LOMR and Replat or Amended Plat, Reserve Area 'B' will become a second construction phase. As the Final Plat will be approved and recorded while Reserve Area 'B' is still in the 100-year Regulatory Floodplain, a Modification/Waiver of SRs Section § 12-3-2.O will also be required. Although the Deed of Dedication and Restrictive Covenants do not presently specify this, Reserve Area 'B' must have language prohibiting construction of buildings or structures, and providing for the defeasance of this restriction upon the recording of a Replat or Amended Plat.

Further, PUD 81 provides certain minimum standards for screening and landscaping, including a provision that "Landscape screening / buffering along the East boundary shall be at least as good, if not superior to that conditionally approved for the former "North Bixby Commerce Park" development, as will be determined by the City Council." Consistent with the "North Bixby Commerce Park" development, as described in the PUD 81 Major Amendment # 1 Staff Report, screening would include a minimum of 125' of 6'-high masonry wall along the northerly end, and a certain

minimum number of landscaping trees. Since PUD requirements pertain to Development Area D and not individual lots, and for practical reasons pertaining to screening fence/wall and drainage channel maintenance, as recommended by Staff, the Applicant has added Reserve Area 'A' to contain all of Development Area D⁴. Staff continues to recommend appropriate Restrictive Covenants pertaining to the dedication, purpose, right of access and use, and share of perpetual maintenance responsibilities for these common features. Reference how this was done for the Reserve Area in the Conditionally Approved Final Plat of "North Bixby Commerce Park."

Reserve Area 'C' corresponds to private street 123rd St. S. and Reserve Area 'D' corresponds to private street 83rd E. Ave. All proposed lots will meet the minimum frontage and lot width requirements per the Zoning Code, Subdivision Regulations, and PUD 81. Proposed Lot 3, Block 1, "Chateau Villas" will have access to Memorial Dr. and 121st St. S. via these private streets. The commercial lots will have direct frontage on either Memorial Dr. or 121st St. S. but will be restricted by Limits of No Access (LNA). Instead, access to commercial lots will be afforded via the private streets.

Per the PUD Detailed Site Plan, it cannot be determined whether some or all of the nearest existing ministorage building encroached proposed Lot 1. Per the response letter received December 21, 2015, "The signed Topographic & Boundary Survey does not show an encroachment."

With the exceptions outlined elsewhere in this report, the Final Plat appears to conform to the Zoning Code, Subdivision Regulations, and PUD 81 as amended by Major Amendment # 1.

The Technical Advisory Committee (TAC) reviewed the Preliminary Plat, Final Plat, and PUD Detailed Site Plan per BSP 2015-06 on September 02, 2015. The Minutes of the meeting are attached to this report.

Subdivision Regulations Section 12-3-3.A requires a 17.5' Perimeter U/E. The plat is missing the Perimeter U/E along substantial parts of the plat boundary. These should be added per Planning and Engineering Staff. The drainage channel along the east side will be contained within Reserve Area 'A.' The nature of the channel would make installation of utilitylines within this easterly perimeter difficult, and so the 17.5'-wide Perimeter U/E may need to be relocated parallel the west side of the channel. This will require a Partial Modification/Waiver of SRs Section 12-3-3.A, and the Applicant must request same in writing. Staff would not object to this partial Modification/Waiver, recognizing the design challenges the channel presents.

Per the discussion at the TAC meeting, it is possible that franchise utility companies will need internal utility corridors supported by easements specific to a utility or Public General Utility Easements. The Applicant should check with all utility companies and add appropriate easements as needed. Confirmation of utility approval of the provided easements will be achieved by the receipt of release letters from all required utility companies per the Subdivision Regulations and the related recommended Condition of Approval. Public General Utility Easements, if added, may require special water, sanitary sewer, and/or stormsewer infrastructure design modifications for those parts within or crossing the U/E.

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

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

Access and Internal Circulation. Plans for access and internal circulation are described in the "Vehicular and Pedestrian Access and Circulation" section of the PUD 81 Text as follows:

"The attached Exhibit B depicts the vehicular and pedestrian access points and circulation anticipated to accommodate the conceptual site plan. Access to the parcels of development area A and B will be provided by a private boulevard-style street and /or drive. This street will be maintained by the property owners association created for the development. The Multi-Family portion of the development will restrict access to the general public using gates, the specific location of which will be determined at detailed site plan submittal. All such gates will be subject to approval of the City of Bixby Fire Chief, Fire Marshal and Engineering. Access to the lots within Development Area C will be derived by privately maintained streets and / or drives and shall not be permitted more than one (1) direct connections to 121st Street South per lot. All

⁴ PUD 81 DA D is 45' in width, and proposed Reserve Area 'A' is 61' in width.

private driveway and/or street connections shall be subject to City Engineer curb cut and/or ODOT driveway permit approval for the proposed access points to Memorial Dr. (US Hwy 64) and 121st St. S., and the Fire Chief's and Fire Marshal's approval of locations, spacing, widths, and curb return radii.

Pedestrian connectivity will be provided by new sidewalks along all abutting public streets and all private streets as well as internal sidewalk circulation within the Multi-Family development. This sidewalk system will be designed to not only serve the immediate access issues to each building but also to serve as a walking trail system that will circulate throughout the property. All sidewalk layouts will be developed and presented in detail at the PUD detailed site plan submittal."

Plans for access can be further inferred from the site plans. Primary access to the development would be via one (1) boulevard-style private street/drive connecting to Memorial Dr. and serving DAs A and B, and a secondary private street/drive connecting to 121st St. S. within Reserve Areas 'C' and 'D,' to be named 123rd St. S. and 83rd E. Ave., respectively. Based on existing addresses and street names, measured dimensions, and/or Tulsa regional E-911 block numbering conventions, the proposed street names are appropriate and consistent with the related Conditions of Approval of the Preliminary Plat.

The multifamily development will be gated.

PUD 81 describes internal accessways as private streets and/or drives. This was pursuant to a review comment that called for clarification, which was ultimately resolved by using this more flexible terminology, allowing the decision on private access format to be resolved at a later date. With this Final Plat, the shared entrances are becoming private streets 123rd St. S. and 83rd E. Ave. However, internal parking lot drive aisles are not likely to be "streets" as they are presently termed on the Site Plan. If so, the plat would need to dedicate them as such and provide names for each. If otherwise, they should be retitled as "drives," "driveways," "drive lanes," "drive aisles," or similarly as appropriate.

As indicated on the PUD Detailed Site Plan, the entire development will be served by sidewalks along Memorial Dr. and 121st St. S. and by internal sidewalks and boardwalks.

Distribution of Private Maintenance Responsibilities. For developments such as this, and invariably when a Reserve Area will be platted, an Owners Association is customarily formed for the purposes of improvement and maintenance of the private and common development elements. In this case, such private and common elements would appear to include the private streets within Reserve Areas 'C' and 'D,' any stormwater drainage and detention/retention facility(ies), the drainage channel along the east side in Reserve Area 'A,' required screening fence and masonry wall along the drainage channel, canal and bridges, boardwalks, and other common or potentially common areas of the subdivision such as any signage, entrance features, and/or landscaping. Staff recommends the DoD/RCs of the plat provide for the formation of an Owners Association and/or otherwise adequately spell out the distribution of private maintenance responsibilities of the various lot owners in "Chateau Villas" for the privately-maintained common features. This has been suggested in new DoD/RCs language, but the DoD/RCs do not actually cause the formation as recommended.

Such DoD/RC covenants typically provide a specific percentage/formula for proportional maintenance responsibilities for each lot, based on its relative size and/or other appropriate factors. Staff recommends using clear and immutable formula language on the face of the plat, versus buried in the DoD/RCs (which may be fairly easily amended and without City approval, per the City Attorney).

The initial plat provided that the maintenance for the private streets would fall on the owner of the commercial lots on which the Mutual Access Easement (MAE) was located. The MAEs have now been converted to Reserve Areas 'C' and 'D,' and the Deed of Dedication and Restrictive Covenants provide that the "Chateau Villas Property Owners Association" will maintain them. As noted in the previous Staff Report, the private streets will serve as the only access to proposed multifamily Development Area B / Lot 3, Block 1, "Chateau Villas," and most of the traffic and wear and tear will be by the multifamily development. In order to avoid suppressing the chances of commercial/retail development on the commercial lots and the future value of these commercial lots, Staff recommends that the specific percentage/formula for proportional maintenance responsibilities be balanced equitably.

Also to avoid suppressing the chances of commercial/retail development on commercial Development Area (DA) C / proposed Lot 4, Block 1, "Chateau Villas," Staff recommends the Applicant consider constructing the minimum 125' of 6'-high masonry wall along the northerly end of DA D along with the development of the multifamily DA B, starting where feasible at the drainage channel and stopping at the southwest corner of the Fire Station # 2 property, and closing the intervening fence gap (if any) with the

8'-high wood fence that continues southeasterly. This was agreed to by the Applicant upon approval of BSP 2015-06 by the Planning Commission on December 21, 2015.

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

1. Subject to City Council approval of a Modification/Waiver of the restriction on platting within the 100-year (1% Annual Chance) Regulatory Floodplain per SRs Section 12-3-2.O, to allow platting of Reserve Areas 'A' and 'B,' as described more fully in the analysis above.

For Reserve Area 'A,' Staff believes that the intent of the subdivision Regulations will have been met and can support this Modification/Waiver subject to (1) the completion of the drainage channel, (2) FEMA's approval of the LOMR-F, (3) compliance with Floodplain Development Permit / Earth Change Permit requirements, and (4) the 100-year Floodplain being fully contained within a Reserve Area with provisions in the DoD/RCs restricting building development, as per the related recommendations of this plat.

For Reserve Area 'B,' Staff believes that the intent of the subdivision Regulations will have been met and can support this Modification/Waiver subject to modifying the Deed of Dedication and Restrictive Covenants to (1) prohibit construction of buildings or structures and (2) provide for the defeasance of this restriction upon the recording of a Replat or Amended Plat. See related recommendation(s).

2. PUD 81 describes internal accessways as private streets and/or drives. This was pursuant to a review comment that called for clarification, which was ultimately resolved by using this more flexible terminology, allowing the decision on private access format to be resolved at a later date. As per other recommendations in the analyses of the Preliminary and Final Plats and PUD Detailed Site Plan, some of the shared entrances may be or become private streets. However, internal parking lot drive aisles are not likely to be "streets" as they are presently termed on the Site Plan. If so, the plat would need to dedicate them as such and provide names for each.
3. Subject to City Council approval of a Partial Modification/Waiver of the 17.5' Perimeter U/E standard per Subdivision Regulations Section 12-3-3.A, as described more fully in the analysis above.
4. All Modification/Waiver requests must be submitted in writing.
5. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
6. Face of Plat: The plat excludes the existing 50' right-of-way (easement?) per cited Tulsa County Clerk's Office Document # 2007112986. Unless there was another dedication as fee-simple right-of-way, this may only be an easement, and should be rededicated as fee-simple right-of-way by this plat.
7. Please update legal descriptions, plat area citations, and any other affected information upon the inclusion of the 50' right-of-way (easement?) for 121st St. S.
8. Face of Plat: Please represent existing right-of-way (easement?) per cited Tulsa County Clerk's Office Document # 2007112986.
9. A 60' half-street right-of-way dedication is required for 121st St. S., which is designated a Primary Arterial on both the Bixby Comprehensive Plan and the TMAPC Major Street and Highway Plan. Primary Arterials require a total right-of-way width of 120'. The dedication must be increased to the minimum 60' required.
10. Please represent Temporary Construction Easement per Tulsa County Clerk's Office Document # 2007112987 if a subsequent instrument did not release same.
11. The recorded plat of 121st Center indicates a 10'-wide ONG easement along the east side of Memorial Dr. It is likely this easement continues farther south along Memorial Dr., and possibly through the subject property. Please research and add same if existing and if same affects subject property.
12. Several easements of record represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" are not represented on the plats. Per SRs Section 12-4-2.B.2, please represent all existing easements of record affecting the subject property, and those adjacent as pertain to the proposed development plans. An ALTA / ACSM survey is recommended to ensure

- all easements and other instruments of record are found and represented on the plat, and those requiring release are done as required prior to development.*
13. *Please provide ALTA / ACSM survey prior to Building Permit issuance as a part of the PUD Detailed Site Plan.*
 14. *Per the discussion at the TAC meeting, it is possible that franchise utility companies will need internal utility corridors supported by easements specific to a utility or Public General Utility Easements. Please check with all utility companies and add appropriate easements as needed. Confirmation of utility approval of the provided easements will be achieved by the receipt of release letters from all required utility companies per the Subdivision Regulations and the related recommended Condition of Approval.*
 15. *Public General Utility Easements, if added, may require special water, sanitary sewer, and/or stormsewer infrastructure design modifications for those parts within or crossing the U/E.*
 16. *Several monuments and other surveying elements are represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" that are not represented on the plats. This may be due to different surveying methodologies. However, please double-check for existing monuments useful for platting purposes and include those as may be appropriate.*
 17. *Subject to ODOT approval of the proposed curb cut / driveway permit location on Memorial Dr. / U.S. Hwy 64.*
 18. *Subject to City Engineer and/or Fire Marshal approval of proposed curb cut locations on 121st St. S.*
 19. *Upon completion of the Floodplain and drainage improvements pursuant to the FEMA-approved CLOMR, and after FEMA has effectively changed the 100-year Regulatory Floodplain boundaries by the approval of a LOMR, the new, reduced floodplain boundaries should be represented on the "Final As Approved" version of the Preliminary Plat. It is not required on the Final Plat per a related Condition of Approval pertaining to SRs Section 12-4-2.B.6.*
 20. *Please represent the PUD 81 building setback lines and labels, where missing, per SRs Section 12-5-2.A.5.*
 21. *The Location Map (Vicinity Map) is required to include all platted additions within the Section per SRs Section 12-4-2.A.5.*
 22. *Preliminary Plat & Final Plat: Underlying Zoning district boundary lines are not represented as required per SRs Section 12-4-2.B.3.*
 23. *Face of Plat: Please add proposed addresses to the lots; Lot 4 is recommended to be 8310 E. 121st St. S. as per the corresponding commercial lot fronting on 121st St. S. within the Conditionally Approved plat of "North Bixby Commerce Park."*
 24. *Face of Plat: Please add the standard address caveat/disclaimer: "Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied on in place of the legal description."*
 25. *Linetype used along the internal boundaries shared with Reserve Area 'A' of 121st Center is different than the solid linetypes used elsewhere to denote boundaries of mutually exclusive elements. Please address appropriately.*
 26. *Certain angle/bearing and dimension calls along certain plat boundaries do not correspond with recorded plats of 121st Center, Houser Addition, or The Boardwalk on Memorial or previous draft plats of "North Bixby Commerce Park" or "Byrnes Mini-Storages." This may be due to different surveying methodologies. However, please double-check and make any modifications necessary.*
 27. *Face of Plat: Missing notes pertaining to monumentation (reference SRs Section 12-1-8).*
 28. *DoD/RCs: Third page header/title "Restrictive Covenants Continued": The dedication of easements and Reserve Area(s) may necessitate the use of a Deed of Dedication. Should be styled "Deed of Dedication and Restrictive Covenants Continued," or this header may be removed.*
 29. *Please represent the S. 85th E. Ave. half-street platted in Houser Addition, such as was represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" (SRs Section 12-4-2.A.6).*
 30. *Please represent the abutting 20'-wide Road Easement platted in Southern Memorial Acres No. 2, Plat # 2794, such as was represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" (SRs Section 12-4-2.A.6).*

31. *Discuss the possibility of extending south the recommended Reserve Area corresponding to the drainage channel to incorporate the east 25' of Government Lot 4, or providing a B/L restriction in this area, to allow for potential future 85th E. Ave. half-street right-of-way.*
32. *All changes necessary for the PUD Detailed Site Plan, to the extent relevant for these plats, should also be made here.*
33. *Existing 11'-wide U/E and MAE along and within the abutting Lot 1, Block 1, The Boardwalk on Memorial: Please consolidate notation and use full name of plat as recorded.*
34. *Face of Plat and DoD/RCs: Includes term "Addition" in Title Blocks, DoD/RCs Preamble, and Certificate of Survey signature block. DoD/RCs Preamble states that further instances will use term "Addition," but certain parts of DoD/RCs cite "Subdivision." Please reconcile all instances.*
35. *DoD/RCs: Based on the PUD Detailed Site Plan, for proposed commercial Lots 1 and 2, Staff recommends the PUD and DoD/RCs of the plat include a Mutual Parking Privileges covenant, so that each lot may allow their excess spaces to be used by patrons of the other lot, which is common in developments such as this, especially when developed as a unit by a singular developer. Examples may be provided upon request.*
36. *DoD/RCs: Staff recommends employing reasonable Restrictive Covenants typical for commercial/nonresidential subdivisions. As an example, a "Maintenance Covenant" pertaining to maintenance and upkeep of properties free of trash, debris, and litter. Examples may be provided upon request.*
37. *DoD/RCs Section II Preamble: Please correct the PUD approval date by City Council to June 22, 2015.*
38. *DoD/RCs Section II: Please double-check and make any corrections necessary to achieve consistency with the "Final As Approved" version of PUD 81 as amended by Major Amendment # 1.*
39. *The proposed common propertyline between Lots 3 and 4 is projected through Reserve Area 'A,' creating an ambiguity. This is acceptable if the respective part of Lot 4 is made a new Reserve Area, copying the language for Reserve Area 'B.' Otherwise, please remove the dividing line.*
40. *DoD/RCs Section I: Reserve Area dedications sections are not integrated with the numbering system of Section I.*
41. *DoD/RCs Section I: "Chateau Villas - Reserve Area 'B'": Must have language prohibiting construction of buildings or structures, and providing for the defeasance of this restriction upon the recording of a Replat or Amended Plat.*
42. *DoD/RCs Section I: "Chateau Villas - Reserve Area 'C'" and "Chateau Villas - Reserve Area 'D'": Middle Paragraphs: Please remove the following clause, which is in conflict with the final paragraph: "...at the sole cost and expense of the owner of the lot upon which improvement serves."*
43. *Face of Plat: Owner appears to contain a typo.*
44. *Staff recommends the DoD/RCs of the plat provide for the formation of an Owners Association and/or otherwise adequately spell out the distribution of private maintenance responsibilities of the various lot owners in "Chateau Villas" for the privately-maintained common features. This has been suggested in new DoD/RCs language, but the DoD/RCs do not actually cause the formation as recommended.*

Such DoD/RC covenants typically provide a specific percentage/formula for proportional maintenance responsibilities for each lot, based on its relative size and/or other appropriate factors. Staff recommends using clear and immutable formula language on the face of the plat, versus buried in the DoD/RCs (which may be fairly easily amended and without City approval, per the City Attorney). In order to avoid suppressing the chances of commercial/retail development on the commercial lots and the future value of these commercial lots, Staff recommends that the specific percentage/formula for proportional maintenance responsibilities be balanced equitably.

45. *Face of Plat: Right-of-way dedication for 121st St. S.: please add width of dedication to "Right-of-way Dedicated by This Plat."*
46. *Reserve Area 'A' is 61' in width and there is a 15' B/L beyond. PUD 81 provides a 75' Zoning Setback / B/L. Please confirm intent to increase, by this plat, to 76', or advise.*

47. *Face of Plat: DoD/RCs Preamble: Final instance of "121st Center" has typo in term "Center."*
48. *Face of Plat: DoD/RCs Preamble: Equivocation of "Addition" and "Subdivision" does not appear to be appropriate. Please reconcile as per Condition of Approval of the Preliminary Plat and recommendation herein or advise.*
49. *Final Plat: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.*
50. *Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.*
51. *Any recommendations in the analysis inadvertently omitted from this itemized list are included as if fully set forth here.*
52. *Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 11" X 17", and 1 electronic copy).*
53. *Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 11" X 17", and 1 electronic copy).*

Erik Enyart stated that some of the most substantive issues included the Reserve Areas and their dedications providing that they will be maintained by an owners' association, and the inclusion of the 100-year Floodplain areas in Reserve Area B, which would be temporary until FEMA officially removed the floodplain by LOMR, at which point it would be recombined with the ultimate development lots by amended plat or replat. Mr. Enyart stated that the Deed of Dedication and Restrictive Covenants would need to clearly spell this out and include that the Reserve Areas are restricted from building structures until the Floodplain was removed.

Chair Lance Whisman recognized Applicant Jason Mohler, PE, of Cedar Creek Consulting from the Sign-In Sheet. Mr. Mohler stated that the Commissioners may have noticed the grading work going on, and that this was pursuant to an approved CLOMR. Mr. Mohler stated that work was done four (4) to five (5) years ago, but that the final cross-sections indicated the high- / west-side of the channel was not high enough, which was why the Floodplain was still shown on the map. Mr. Mohler stated that work was underway to finish the CLOMR, and that the grading would have been done two (2) weeks prior except for the weather. Mr. Mohler stated that, as soon as the grading was finished, Bill Smith would complete the LOMR with FEMA.

Erik Enyart stated, at this time or another, that the work was being completed pursuant to the approved CLOMR and presumably a City of Bixby Earth Change Permit, as required.

Jerod Hicks clarified with Erik Enyart certain particulars of previous site designs as listed in the Background Information section of the Staff Report.

Thomas Holland confirmed with Art Kennedy that the buildings would be 100% sprinklered.

Chair Lance Whisman recognized Art Kennedy from the Sign-In Sheet. Mr. Kennedy declined to speak at this time.

Chair Lance Whisman recognized Jay Mauldin. Mr. Mauldin stated that he was not able to attend the December Planning Commission meeting for the Site Plan item. Mr. Mauldin stated that he was

looking forward to this project happening, as this was not a “cookie-cutter” development as were some of the multifamily developments south of 51st St. Mr. Mauldin clarified with Erik Enyart that the development was subject to a 0.0 footcandle measured light standard, as would be demonstrated by a photometric plan. Mr. Mauldin stated that Mayor Easton and Councilor Guthrie had worked to get the best deal for the neighboring residents. Mr. Mauldin noted that previous designs included clay tile rooves, and expressed concern that the new designs with parapets adequately conceal the rooftop HVAC units from the perspectives of eastbound on 121st St. S. and southbound on Memorial Dr. Mr. Mauldin stated that this was the only multifamily development that he did not oppose, and had only opposed Major Amendment # 1. Mr. Mauldin stated that he was looking forward to seeing this project built.

Erik Enyart asked the Applicant if all of the HVAC units would be concealed by parapets, and Art Kennedy and Kevin Jordan confirmed they would.

Jerod Hicks noted that, from the perspective of southbound on Memorial Dr., this was downhill and the view was not controllable.

Chair Lance Whisman asked if anyone else wished to speak on the item. No one else spoke.

The Commissioners welcomed Terry Adams of 6626 E. 127th St. S., who expressed interest in attending meetings to hear about the projects on the agenda but declined to speak at this time.

Chair Lance Whisman asked Erik Enyart about the photometric plan. Mr. Enyart stated that the previous plans did not reflect compliance with the 0.0 footcandle standard, but that he had received revised site plans that day, including a revised photometric plan, and that he would review it and confirm it met the requirements prior to the City Council meeting.

There being no further discussion, Larry Whiteley made a MOTION to (1) Recommend APPROVAL of the Final Plat of “Chateau Villas” subject to all Staff recommendations. Chair Lance Whisman SECONDED the Motion.

A Commissioner asked if all of the TAC comments were included in the Motion. Erik Enyart stated that any unique TAC comments should be incorporated into the list of review comments, and any outstanding City Engineer, Fire Marshal, or City Attorney recommendations were covered by the standard Condition of Approval listed as # 5 in the Staff Report.

Roll was called:

ROLL CALL:

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

OLD BUSINESS:

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

NEW BUSINESS:

Chair Lance Whisman asked if there was further New Business to consider. Erik Enyart stated that this would be his last Planning Commission meeting as City Planner, as he had accepted an offer to work for a private consulting firm in Tulsa. The Planning Commissioners and Mr. Enyart exchanged compliments. A question was raised as to who would do the planning work going forward, and Mr. Enyart explained the effort underway to fill his position. Mr. Enyart stated that he was certain that, in the time until the position was filled, we was certain that business would go on.

ADJOURNMENT:

There being no further business, Chair Lance Whisman declared the meeting Adjourned at 6:45 PM.

APPROVED BY:

LANCE WHISMAN

Chair

4.18.16

Date

Marcae' Hilton, City Planner Jason Mohler, Secretary
City Planner/Recording Secretary

APPROVED