

MINUTES OF THE REGULARLY SCHEDULED MEETING BIXBY PLANNING COMMISSION

CITY HALL, COUNCIL CHAMBERS ~ 116 WEST NEEDLES, BIXBY, OKLAHOMA

MONDAY, JULY 17, 2017 ~ 6:00 PM

Comments by Tammy Ewing, City Attorney

CALL TO ORDER TIME: 6:10 PM

ROLL CALL

Planning Commission Members	HERE	ABSENT
Chris Cloyde	H	
Jerod Hicks (VICE CHAIR)	H	
Tom Holland	H	
Joshua Nave	H	
Lance Whisman (CHAIR)	H	
Other staff present: Tammy Ewing, City Attorney, Jason Mohler, Development Services Director, Marcae' Hilton, City Planner		

CONSENT AGENDA

(LANCE) *Introduction of consent items, Lance stated he did not have time to review the minutes and asked if they could be moved to the next agenda. Everyone verbally agreed.*

1. Approval of Minutes: Planning Commission Meeting ~ May 15, 2017
2. Approval of Minutes: Planning Commission Meeting ~ June 19, 2017

1.-2. CONSENT MOTION: Tom Holland		SECOND: Josh Nave
MOTION: Tom made a motion to continue the meeting minutes to the next meeting for approval		
Planning Commission Members	Yes	No
Chris Cloyde	Y	
Tom Holland	Y	
Jerod Hicks	Y	
Joshua Nave	Y	
Lance Whisman	Y	

PUBLIC HEARINGS

3. (LANCE) Discussion and recommendation of approval of a Major Amendment to the Planned Unit Development (PUD-16), for the purpose of additional apartments. Property location: 11500 Links Blvd., West of Memorial Road and south of E. 111th Street, Bixby, OK, containing approximately 80.07 Acres (BXPUD-17.07LINKS A MAJOR AMENDMENT TO PUD-16)

PRESENTATION FROM STAFF~Marcae' Hilton, City Planner, the applicant has contacted staff and asked the item be continued until the next meeting (August 21, 2017) the applicant is present to answer questions related to the continuation.

(LANCE) IS THE APPLICANT PRESENT? YES, HUGH JARRETT, reiterated the request to continue the item to the next meeting, the applicant planned to meet with the public prior to the July 17, 2017 Planning Commission meeting, however, the community meeting notices did not get mailed in a timely fashion. The applicant would like to meet with the public before having a public hearing with the Planning Commission. According to the applicant, the notices arrived the day of or the day after the community/developer meeting.

REQUEST: RECOMMENDATION OF APPROVAL FOR PROPOSED AMENDMENT FOR A SUPPLEMENTAL ZONING PLANNED UNIT DEVELOPMENT DISTRICT OF THE CITY OF BIXBY, OKLAHOMA (PUD) PLANNED UNIT DEVELOPMENT

EXISTING ZONING: BZ-219, RESIDENTIAL MULTI-FAMILY (RM-1), COMMERCIAL SHOPPING (CS) (RM-1, CS:PUD 16 PER ORDINANCE 738

REQUESTED ZONING: (MAJOR AMENDMENT TO PUD 16) **BXPUD-17.07 LINKS**

EXISTING LAND USE: UNDEVELOPED COMMERCIAL, APARTMENTS, GOLF COURSE

PROPOSED: NO CHANGE IN COMP PLAN

LOCATION: 11500 Links Blvd, Bixby, OK, West of Memorial Road and south of E. 111th Street

STR: Section 35, Township 18, Range 13

LOT SIZE: **80.07 Acres (less due to right-of-way dedication) BXPUD-17.07**
6.12 Acres COMMERCIAL PER BX-219:PUD16
80.12 Acres MULTI-FAMILY PER BX219:PUD16

PROPOSED USE: Additional Apartments, change in Golf Course hole configuration

PUBLIC INPUT: Approximately 12 calls/emails

BACKGROUND INFORMATION:

Staff believes the proposed PUD amendment meets the requirements of the Zoning Regulations and Land Use objectives per Ordinance 272, 4-2-1974: 11-7I-2:

PURPOSES OF A PUD:  The purposes of the planned unit development are to:
A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties-this project does not increase the boundary of the existing Multi-family lot area and still meets the requirements of the zoning code.

B. Permit flexibility within the development to best utilize the unique physical features of the particular site; the development does not loose the golf course which is considered a high end amenity

C. Provide and preserve meaningful open space; the golf course allows for beautiful well manicured open space, the other amenities such as tennis courts and pool will not be impacted by the proposed development changes

D. Achieve a continuity of function and design within the development; the overall project provides improvements for existing buildings and higher end new development

This major amendment to PUD 16 (BXPUD-17.07) is considered an expansion of bulk and area requirements. The original PUD consisted of a 90.8 Acre golf course, multi-family residential and commercial development. The overall design concept continues to consist of a boulevard entry street with a landscaped median leading to the golf course and a Multi-family apartment complex. The frontage along Memorial is zoned commercial and not part of PUD 16. Originally, Planning Commission staff recommended RM-2 zoning limiting the number of dwelling units to 504. However, the approved zoning of RM-1 allowed for higher density or increased bulk and area requirements of up to 820 dwelling units per straight zoning code.

Zoning Case and PUD Staff Recommendation dated 3-6-96-Based on the Comprehensive Plan and pattern of existing zoning staff is supportive of the CS and not greater than RM-1 zoning and recommends APPROVAL of CS to a maximum depth not to exceed that of the existing CS to the south, and APPROVAL of RM-1 in the alternative to RM-2 based on the PUD Text and approval of PUD 16 with underlying RM-1 and uses to be a golf course and a maximum of 504 multi-family units as stated above and otherwise as presented in the PUD 16 Text and Outline Development Plan

<i>BULK AND AREA REQUIREMENTS</i>	<i>RM-1</i>	<i>PUD-16</i>	<i>PROPOSED</i>
RM-1 PREVIOUS PROPOSED			
Lot Width (minimum feet):	100	100	100
Lot area (minimum square feet);			
Multi-family	10,000	10,000	10,000
Land area per dwelling unit (min sq. ft.):			
Multi-family, less than 2 bedrooms	3,100	3,100	3,100
Multi-family, 2 or more bedrooms	4,356	4,356	4,356
Height	48	26	48
Maximum number of stories	3	3	3
Livability space	1,000	556	556
Front yards arterial	35	35	35
Front yards not arterial	25	25	25
Rear yards	20	10	20
One side	10	10	10
Other side	10	10	10

NOTE LIVABILITY SPACE: 556 sf FOR 1-BEDROOM AND 967 FOR 2-BEDROOM

SURROUNDING ZONING AND LAND USE:

North: (CS) Commercial Shopping-BIXBY COMMONS (LOWES, REASORS), (RT:PUD47)
Residential Townhouse-WOODCREEK VILLAGE AMENDED, (RS-3) Single-Family
Residential-WOODCREEK

South: FRY DITCH CREEK, (AG) Agriculture-Single-family & undeveloped, (RS-1) Single-Family Residential, North Heights Addition
East: (OL) Office Low Intensity-(BANK), (CS) Commercial Shopping, 2 undeveloped lots, one developed lot, (CG) Commercial General (SOD STORE)
West: FRY DITCH CREEK (HEAVILY VEGETATED), (RS-2:PUD17) Single-family Residential, GRAYSTONE, DEVONSHIRE AT GRAYSTONE RE-SUBDIVISION

COMPREHENSIVE PLAN:

Land Use Intensities: MEDIUM, DEVELOPMENT SENSITIVE, WATER
Land Use: COMMERCIAL AREA, RESIDENTIAL, OPEN LAND
Urban Design Elements: CORRIDOR, PLANNED REGIONAL TRAIL

Staff believes the proposed amendment meets the intent of the Comprehensive Plan land use and policy guide. On Page 12 of the Comprehensive Plan, "5. Corridors are defined as specific areas located along expressways and are to contain major employment and region-serving functions in concert with a relatively high residential base. In specific instances, a corridor may be defined along corridor-arterials in cases where existing and planned development, zoning, existing and planned highway improvements and traffic patterns warrant such a designation. Corridors are characterized by the following standards; a. High intensity zoning classifications that may or may not be appropriate within a corridor include CG, CH, IL, IM and IH. If such districts are approved for a corridor, it should be when a PUD is also applied...The medium intensity zoning classifications of RD, RM-1, RM-2, RM~3, OL, OM, CS, and ST are appropriate within a corridor. Less intense zoning classifications or an RMH may OT may not be appropriate within a corridor... An FD district is appropriate if a flood hazard area is in the corridor, it is intended that medium and high intensity zoning for corridor-designated areas be allowed for large undeveloped areas (40 acres +/-)...b. Land uses that are more intense in nature should have exposure and convenient access to high-speed transportation facilities. c. Multiple land uses may be allowed within a corridor and those land uses will be interrelated by internal vehicular and pedestrian traffic system. The corridor may be ultimately connected to the regional transit system. d. Appropriate access should be provided to arterial streets from corridor collector streets. All tracts within corridors should have direct access to the corridor collector streets or service roads...f. Higher intensity development should be designed by utilization of extensive setbacks, buffering uses and other separations or transitions to be compatible with any adjoining low intensity development. g. Refer to the Corridor-Arterial Exhibit for special corridor-arterial standards.

ATTACHMENTS:

1. BXPUD-17.07 LINKS WITH COMMENTS
2. CONCEPT PLAN
3. ZONING MAP

Planning Commission has the right to make the following recommendations:

11-5-4: ZONING MAP AMENDMENTS:

D. Planning Commission Action On Zoning Map Amendments:

1. After notice and public hearing, the planning commission shall vote to:

- a. Recommend to the city council that the application be approved:
 1. As submitted
 2. As amended
 3. Approved subject to modification; or
 - b. Recommend to the city council that the application be denied.
2. An application recommended for approval, or approval subject to modification, shall be transmitted, with the report and recommendation of the planning commission, to the city council within fifteen (15) days from the date of the planning commission action.
 3. An application recommended for denial, shall not be considered further unless the applicant, within fifteen (15) days from the date of the planning commission action, files a written request with the city clerk for a hearing by the city council. The request for hearing shall be accompanied by the payment of a fee in such amount as established by resolution of the city council. Upon notice of such request, the planning commission shall forthwith transmit the application and its report and recommendations to the city council.
 4. In the event the planning commission arrives at a tie vote, the application shall be transmitted with a report and notation of the tie vote to the city council within fifteen (15) days from the date of the planning commission action. (Ord. 272, 4-2-1974; amd. 2006 Code)

STAFF RECOMMENDATION: Staff recommends Approval of the PLANNED UNIT DEVELOPMENT MAJOR AMENDMENT BXPUD-17.07 with the following conditions (not a complete list):

- All requested Planning Commission (PUD changes) shall be corrected before submittal to City Council
- Meet or exceed comments from Fire Marshal (NOT INCLUDED)
- Meet or exceed comments from City Engineer (NOT INCLUDED)
- Provide improved traffic signage and awareness for motorist entering Memorial
 - Add stop sign at 115th St. South at entrance to Memorial Road
 - Paint "STOP" on pavement to indicate stop requirement
 - Add stop sign at Links Boulevard and Birdie Lane
 - Paint striping on pavement to indicate stop requirement

(LANCE) ARE THERE ANY COMMENTS FROM PC?

Discussion ensued, Tom Holland asked if we could hear public comment since so many people showed up for the case. The representative from the Links, Hugh Jarrett indicated changes have been made to the project and guessed many of the public concerns will be addressed with the additional proposed changes.

(LANCE) DO WE HAVE A MOTION? See Below

3. MOTION: Tom Holland	SECOND: Chris Cloyde
MOTION: Move to continue until August 21, 2017 meeting	
NOTES: Hugh Jarrett, spoke as representative of LINKS <u>18</u> people completed the <i>Planning commission Public Hearing Request</i> • 11 registered "wish to speak in opposition" • 1 person registered "not present" "do not wish to speak-opposed" • 6 registered "do not wish to speak-opposed"	

Planning Commission Members	Yes	No
Chris Cloyde	Y	
Tom Holland	Y	
Jerod Hicks	Y	
Joshua Nave	Y	
Lance Whisman	Y	

4. (LANCE) Discussion and recommendation of approval of a landscape plan for PUD-40, Regal Plaza for the purpose of having an enforceable landscape plan approved. Property Location: 8220 E. Regal Place South, East of Memorial Road and south of E. 101st Street, Bixby, containing approximately 25.57 Acres
PRESENTATION FROM STAFF~Marcae' Hilton, City Planner

REQUEST: RECOMMENDATION OF APPROVAL OF ENFORCEABLE LANDSCAPE PLAN

EXISTING ZONING: COMMERCIAL SHOPPING (CS) CS:PUD-40

REQUESTED ZONING: NO CHANGE

EXISTING LAND USE: HOTEL, HAMPTON INN

PROPOSED: NO CHANGE IN COMP PLAN

LOCATION: 8220 E. Regal Place South, Bixby, OK, East of Memorial Road and south of E. 101st Street

STR: Section 25, Township 18, Range 13

LOT SIZE: 3.45 Acres or 150,490 SQ FT for Lot 10, Block 1 of Regal Plaza

PROPOSED USE: NO CHANGE, HOTEL

PUBLIC INPUT: Joey Marshal, resident, 10510 S 84 Circle E

BACKGROUND INFORMATION:

SURROUNDING ZONING AND LAND USE:

North: CS:PUD-40 (CS) Commercial Shopping-REGAL PLAZA, Strip Shopping

South: (RS-3) Single-Family Residential, SOUTH COUNTRY ESTATES

East: CS: PUD-40 (CS) Commercial Shopping-REGAL PLAZA PARKING GARAGE for Event Center

West: CS: PUD-40 (CS) Commercial Shopping-REGAL PLAZA, Strip shopping

The City of Bixby has for some time been dealing with complaints of zoning violations allegedly committed by the operation of the Hampton Inn & Suites, 8220 East Regal Place, Bixby Oklahoma. A neighbor living in a single-family residence immediately south of the Hampton Inn, Mr. Joseph (Joey) W. Marshall, has lodged complaints. Mr. Marshall complains the Hampton Inn has failed to comply with landscaping requirements

imposed by PUD-40 and its related restrictive covenants, as well as restrictions placed on parapet/roof-border lighting mounted on the hotel.

Mr. Marshall's grievance is that PUD-40 as approved, provided a twenty-five foot (25') landscape easement or "Green Belt Area" as a buffer between the Lot 10, Block 1, Regal Plaza and the adjacent single-family residences to the south. This green belt was discussed at length during the hearings relevant to the approval of Regal Plaza (PUD-40). However, in the recent past, the area's electric utility service provider, American Electric Power/Public Service Company of Oklahoma (AEP/PSO) removed about five (5) of the existing trees, stating they were native trees and considered a hazard to their electric lines. PSO has the right to remove trees when they pose a threat. Mr. Marshall would like these trees replaced to restore the "vegetative buffer." However, legal and planning staff have difficulty in responding to Mr. Marshall's complaint; it appears a detailed landscape plan was not submitted to the City for approval, even though it was mandated in the PUD's landscaping restrictive covenant.

Staff has searched the Planning Department's records and found no evidence that a detail landscape plan was ever submitted to the Bixby Planning Commission or Architectural Committee, which functioned at that time, for approval. The only landscape plan in the Department's records is a "Regal Plaza Landscape Plan" which appears to have been received October 31, 2007. For this reason, staff is requesting the approval of the submitted detailed Landscape Plan. If approved, staff recommends owners of Lot 10, Block 1, Regal Plaza replace the trees cut down by PSO in the south easement buffer area, located between the masonry-screening fence and the subdivision private fences, with approved trees from the list provided by PSO (see attached list).

(LANCE) IS THE APPLICANT PRESENT? *Michael Bura 8220 E. Regal Plaza, MCR Development LLC., Philip Koepf, 8220 E. Regal Plaza, Tulsa, OK 74133*

APPLICANT PRESENTATION-*Hampton General Manager and representative of MCR is not clear why they need to preplace the trees removed by PSO, but will comply with findings of hearing.*

(LANCE) IS ANYONE HERE TO SPEAK ON THIS ITEM? *Joey Marshal, Citizen-see below*

(LANCE) THE PUBLIC HEARING PORTION IS CLOSED.

(LANCE) ARE THERE ANY COMMENTS FROM PC? *Discussion ensue*

DO WE HAVE A MOTION? *See Below*

4. MOTION: Tom Holland		SECOND: Chris Cloyde
MOTION: Approve per Staff recommendation		
NOTES: Joey Marshal signed up to speak; Joey previously brought his concerns to the attention of the City. He spoke about the landscaping, especially trees removed by PSO which were required in the PUD, trash in the landscaping area and lighting of Hampton Inn		
Planning Commission Members	Yes	No
Chris Cloyde	Y	
Tom Holland	Y	
Jerod Hicks	Y	
Joshua Nave	Y	
Lance Whisman	Y	

5. (LANCE) Discussion and recommendation of approval of a Planned Unit Development, BXPUD-17.08 WINDRUSH, for the purpose of a Mixed-use Development including: Commercial, Office and Residential uses. Property location: West of Mingo Road and south of 131st Street, Bixby, OK, containing approximately 8.93 Acres

PRESENTATION FROM STAFF~MARCAE' HILTON, CITY PLANNER

REQUEST: RECOMMENDATION OF APPROVAL FOR PROPOSED SUPPLEMENTAL ZONING PLANNED UNIT DEVELOPMENT DISTRICT OF THE CITY OF BIXBY, OKLAHOMA, (PUD) PLANNED UNIT DEVELOPMENT

EXISTING ZONING: (CS)COMMERCIAL SHOPPING

REQUESTED ZONING: (CS) COMMERCIAL SHOPPING and (PUD) BXPUD-17.08

EXISTING LAND USE: UNDEVELOPED

PROPOSED: NO CHANGE IN COMP PLAN

LOCATION: West of Mingo Road and south of 131st Street

STR: Section 12, Township 17, Range 13

LOT SIZE: 8.93 Acres

PROPOSED USE: Residential, Commercial-Retail, Office

PUBLIC INPUT: None

BACKGROUND INFORMATION: This PUD is comprised of two development areas, Development Area A has dedicated a rectangle parcel (420 feet by 510 feet or 3.016 acres) for retail and office space with two primary accesses, 131 Street and Mingo Rd. Development Area B, is approximately 5.9 acres dedicated to Single-family Residential.

Staff believes the proposed PUD amendment meets the requirements of the Zoning Regulations and Land Use objectives per Ordinance 272, 4-2-1974: 11-7I-2: PURPOSES OF A PUD: The purposes of the planned unit development are to:

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

DEVELOPMENT AREA A: 3.016 Acres

BULK AND AREA REQUIREMENTS	CS	BXPUD-17.08 (CS)
Lot Width (minimum feet):	150 ft.	100 ft.
Height	70 ft. (5*)	35 ft.
Setback from Mingo (Arterial)	50 ft.	100 ft.
Setback from 131st (Arterial)	50 ft.	100 ft.
Setback from south property line (RS-3:PUD-78)	10 ft.	15 ft.
Setback from west lot line (RM-2:PUD-78)	10 ft.	18 ft.

Maximum Dwelling Units	N/A	3
Minimum Lot Size	N/A	26,200 sq. ft.
Permitted Uses: 1, 4, 5, 10, 11, 12, 13, 14, 19		
*stories		

DEVELOPMENT AREA B: 5.914 Acres

BULK AND AREA REQUIREMENTS	CS	BXPUD-17.08 (CS)
Lot Width (minimum feet):	50 ft.	50 ft.
Height	70 (5*)	35 ft.
Setback front building line	50 ft.	25 ft.
Setback side yard	50 ft.	5 ft.
Setback rear yard	10 ft.	20 ft.
Setback corner lot	10 ft.	15 ft.

Minimum House Size	N/A	1600 sq. ft.
Maximum Dwelling Units	N/A	20
Minimum Lot Size	N/A	6,850 sq. ft.
Permitted Uses: 1, 4, 5, 10, 11, 12, 13, 14, 19		
*stories		

SURROUNDING ZONING AND LAND USE:

North: (AG) Agriculture, undeveloped

South: (RS-3) Single-Family Residential, (PUD-78) PLATTED AS WILLOW CREEK

East: (CS) Commercial Shopping, (OL) Office Low Intensity, 2 undeveloped lots, AG USE

West: (CS) Commercial Shopping, CHURCH USE, (RS-3, RM-2:PUD78) Platted as Single-family Residential, WILLOW CREEK

(LANC) IS THE APPLICANT PRESENT? *JR Donelson* APPLICANT PRESENTATION? *Yes*

(LANC) IS ANYONE HERE TO SPEAK ON THIS ITEM? *No Public Comment*

(LANC) THE PUBLIC HEARING PORTION IS CLOSED.

(LANC) ARE THERE ANY COMMENTS FROM PC? *See Below*

DO WE HAVE A MOTION? *See Below*

5. MOTION: Tom Holland	SECOND: Chris Cloyde
MOTION: Continue to August 21, 2017 Planning Commission Meeting	
NOTES: Check Lot Dimensions, Block 2, 5 Lots revised to 4 lots likely to be reduced to 16 lots Tom Holland: concern with 50' minimum lot width, proposed the developer change to 65' JR would only agree to 60' max. JR states cul-de-sac lots 60', staff to check Chris Cloyde asked about a screening fence	

Josh Nave asked about building materials, they are to be added to the PUD		
Planning Commission Members	Yes	No
Chris Cloyde	Y	
Tom Holland	Y	
Jerod Hicks	Y	
Joshua Nave	Y	
Lance Whisman	Y	

OTHER BUSINESS: NONE

ADJOURNMENT TIME: 7:24 PM

APPROVED BY:

Chair: 

Date: 10-16-17

Marcae' Hilton, Jason Mohler 
City Planner or Recording Secretary