

MINUTES OF THE REGULARLY SCHEDULED MEETING BIXBY PLANNING COMMISSION

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

MONDAY, JUNE 19, 2017 ~ 6:00 PM

Comments by Tammy Ewing, City Attorney

CALL TO ORDER-Lance Whisman, Chair~ 6:07 PM

ROLL CALL

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

CONSENT AGENDA

1. Approval of Minutes: Planning Commission Meeting ~ ~~May 22, 2017~~ May 15, 2017

CONSENT MOTION: LANCE W., CHAIR this item will be pulled the meeting minutes are not prepared.

PUBLIC HEARINGS

2. **(LANCE)** Discussion and approval of the Declaration of Amended Private Covenants and Restrictions submitted by Ray Neel, acting President of the HOA (Home Owners Association) for The Village at the Legends, PLAT NO 6083, Bixby, OK
MARCAE' HILTON, CITY PLANNER~PRESENTATION FROM STAFF
REQUEST: The applicant request approval of the amendment to the private Covenants of the Village at the Legends
EXISTING ZONING: (RS-4) Residential Single-Family District
LOCATION: Near the northwest corner of 111th Street South and Mingo Road
STR: Section 25, Township18N, Range13E
LOT INFO: 49 Lots
2 Blocks 1 Reserve
SIZE OF TRACT: 10.85 acres EXISTING USE: Single-Family Residential
PUBLIC INPUT: No Public Notice required
The residents of The Village at the Legends have requested to amend their private covenants: Section III (T.) Noxious Activity see attached Declaration for detailed language. The HOA President, Ray Neel has submitted signatures from 100% of the homeowners.
78% or 38 lot owners voted to approve the amendment

22% or 11 lot owners voted to disapprove the amendment
 Per the private covenants of Plat No. 6083, The Village at the Legends, "the covenants contained within Section II, Section III or Section IV may be amended or terminated at any time by a written instrument signed and acknowledged by the owners of more than 75% of the residential lots and approved by the Bixby Planning Commission or its successors." Based on the information presented Staff believes the HOA for The Village at the Legends meets the requirements of the private covenants.

EXHIBITS: The Covenant Amendment Documents/Signatures
 The Village at the Legends Final filed plat

STAFF RECOMMENDATIONS:

Staff recommends approval of the Declaration of Amended Private Covenants and Restrictions for The Village at the Legends, PLAT NO 6083

(LANCE) IS THE APPLICANT PRESENT? Ray Neal APPLICANT PRESENTATION-short comment

(LANCE) IS ANYONE HERE TO SPEAK ON THIS ITEM? NONE

(LANCE) THE PUBLIC HEARING PORTION IS CLOSED.

(LANCE) ARE THERE ANY COMMENTS FROM PC? Brief comments

DO WE HAVE A MOTION?

2. MOTION: Tom Holland, Move to Approve		SECOND: Chris Cloyde
MOTION/NOTES: Minimal discussion: Approved 5:0		
Ray Neal, HOA President made presentation		
Planning Commission Members	Yes	No
Chris Cloyde	Y	
Tom Holland	Y	
Jerod Hicks	Y	
Joshua Nave	Y	
Lance Whisman	Y	

3. **(LANCE)** Discussion and approval of a recommendation to amend the Comprehensive Plan and Re-zone the subject property from Agriculture (AG) to Commercial Shopping (CS), accompanied by a Planned Unit Development, for the purpose of retail and office development. Property location: 7060 EAST 121ST SOUTH, Bixby, OK (South of 121ST East of Sheridan), containing approximately 2.115 Acres (BXPUD-17.06, BXCP-17.01, & BXZO-17.03 PARKWOOD POINTE)

MARCAE' HILTON, CITY PLANNER~PRESENTATION FROM STAFF

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

EXISTING ZONING: OFFICE LOW INTENSITY (OL) & AGRICULTURE (AG) **BXCP-17.01**
 AGRICULTURE (AG) **BXZO-17.03 & BXPUD-17.06**

REQUESTED ZONING: (CS) (COMMERCIAL SHOPPING) **BXZO-17.03 & BXPUD-17.06**

EXISTING LAND USE: **LOW INTENSITY BXCP-17.01**

PROPOSED: **MEDIUM INTENSITY BXCP-17.01**

LOCATION: 7060 EAST 121ST SOUTH (South of 121ST East of Sheridan)

STR: Section 02, Township 17, Range 13

LOT SIZE: 2.115 Acres **BXZO-17.03 & BXPUD-17.06**
3.287 Acres **BXCP-17.01**

EXISTING USE: Vacant

PROPOSED USE: Commercial Development

PUBLIC INPUT: NONE

BACKGROUND INFORMATION:

Staff believes the proposed Commercial Development 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; and
- D. Achieve a continuity of function and design within the development.

This PUD is the third phase of development for the applicant along 121st Street. The land was previously restricted Indian Land until Fall 2016, when Tulsa District Court ordered it be sold at auction on behalf of the remaining Tiger family members. The Applicant has included plans to improve the 708-foot frontage (Hardwood Mitigation Area) along 121st Street to provide parking for the commercial development and trailhead. Staff has reviewed the preliminary concept and is acceptable to the proposal noting it will need approval from the appropriate parties. If the BXPUD-17.06 and proposed trail entry parking is approved the applicant will complete a zoning application requesting a change from AG to the required OL (Use Unit 10), no Comp Plan change will be necessary.

SURROUNDING ZONING AND LAND USE:

North: (AG) Agriculture, Bixby Public Schools, Life Church

South: (AG) Agriculture, Tulsa County Corps of Engineers wetland mitigation pond area, undeveloped agriculture parcel

East: (AG) Agriculture, City of Bixby Hardwood Mitigation Area, undeveloped agriculture parcel
West: PUD 53:CS & RS-2 (CS) Commercial Shopping, mostly undeveloped, (RS-2) Single-family Residential, Woodmere Estates

COMPREHENSIVE PLAN:

Land Use Intensities: LOW

Land Use: VACANT, AGRICULTURE, RURAL, RESIDENCES AND OPEN LAND

Urban Design Elements: PRIMARY ARTERIAL

Planning Staff recognizes there have been inadequate record keeping of Comprehensive Plan Changes for the City of Bixby both hard copy and digital. In researching the corner of 121st and Sheridan, current staff believes the following interpretation to be true: on Page 10 of the Comprehensive Plan, (3) Type Two Activity Centers are "defined as land allocated around the intersection of a primary arterial (121st) and a secondary arterial (Sheridan)," this would properly identify the southeast corner in question. It is further believed the Planning Commission took the approach to allow commercial development to be approved and built according to the following concept... "the PUD zoning classification is encouraged....provided, the configuration of a ten acre corner may be varied such that the minimum arterial frontage may be 440 feet and the maximum arterial frontage may be 990 feet. Neighborhood shopping, service and office facilities and medium intensity residential uses should be located at these activity centers." The Commercial portion of PUD 53 is approximately 200 feet by 1325 feet or 7 acres. The remaining lots were dedicated as residential. Staff has recommended the OL and requested CS portion of BXPUD-17.06 be changed from Low Intensity to Medium Intensity to meet the intent of the Comprehensive Land Use Policy Matrix on page 27 of the Bixby Comp Plan.

ATTACHMENTS:

1. BXPUD-17.06 PARKWOOD
2. INCOG 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 COMPREHENSIVE PLAN AMENDMENT BXCP-17.01, ZONING AMENDMENT BXZO-17.03, and PLANNED UNIT DEVELOPMENT AMENDMENT BXPUD-17.06 with the following conditions (not a complete list):

- All requested Planning Commission (PUD changes) shall be corrected before submittal to City Council
- Exhibit M "Trail Connection and Parking to Fry Creek Trail" requires the following:
 - Conceptual approval through this PUD
 - Detailed Mitigation approval documents
 - Acceptance of plan by City of Bixby
 - Change in the zoning from AG to OL
 - Detailed Site plan

(LANCE) IS THE APPLICANT PRESENT? APPLICANT PRESENTATION, Marc Bullock

(LANCE) IS ANYONE HERE TO SPEAK ON THIS ITEM? PUBLIC COMMENT One person was present, no comment

(LANCE) THE PUBLIC HEARING PORTION IS CLOSED.

(LANCE) ARE THERE ANY COMMENTS FROM PC? DO WE HAVE A MOTION?

3. MOTION 1: Jared Hicks, Vice Chair	SECOND: Tom Holland		
MOTION 2: Chris Cloyde	SECOND: Tom Holland		
MOTION 3: Chris Cloyde	SECOND: Josh Nave		
MOTION/NOTES: no public comment, ALL THREE MOTIONS PASSED			
Planning Commission Members	Item No. 1	Item No. 2	Item No. 3
Chris Cloyde	Y	Y	Y
Tom Holland	Y	Y	Y
Jerod Hicks	Y	Y	Y
Joshua Nave	Y	Y	Y
Lance Whisman	Y	Y	Y

4. **(LANCE)** Continuation, discussion and recommendation to Re-zone the subject property from Commercial Shopping (CS), accompanied by a Planned Unit Development (PUD) with the following underlying zoning: Residential Single-Family, Residential Multi-Family, Commercial Shopping and PUD (RS-3, RM-3, OL, CS & PUD) for the purpose of a Mixed-use Development, for an undeveloped parcel containing approximately 28.46 Acres. Property generally located North of 121st Street and West of Memorial in the City of Bixby, OK (BXZO-17.02 & BXPUD-17.04 VILLAGE)

MARCAE' HILTON, CITY PLANNER~PRESENTATION FROM STAFF

REQUEST:

RECOMMENDATION OF APPROVAL FOR A MASTER PLANNED, MULTI-USE DEVELOPMENT THROUGH A PROPOSED AMENDMENT TO A ZONING DISTRICT OF THE CITY OF BIXBY, OKLAHOMA & PROPOSED AMENDMENT FOR A SUPPLEMENTAL ZONING PLANNED UNIT DEVELOPMENT DISTRICT OF THE CITY OF BIXBY, OKLAHOMA, (PUD) PLANNED UNIT DEVELOPMENT

EXISTING ZONING: (CS) COMMERCIAL SHOPPING, (OL) OFFICE LOW INTENSITY

REQUESTED ZONING: (RS-3, RM-3, OL, **CS**) SINGLE FAMILY, MULTI-FAMILY, OFFICE, COMMERCIAL
LOCATION: North of 121ST and west of Memorial

STR: Section 35, T17N, R13E

LOT SIZE: 28.46 Acres +-

EXISTING USE: Undeveloped, Vacant

PUD CHANGES BT STAFF: Staff requests Planning Commission keep the underlying (CS) Commercial Shopping rather than the previously suggested (CH) Commercial High Intensity Zoning.

PROPOSED USE/DETAILS: This item was continued from the May 15, 2017 Planning Commission Meeting. This property belongs to "The Bridge Church," the current zoning (CS) supports a church use. Per the Bixby Zoning and Land Use regulations, in a CS Zoned District a church use is allowed by right. **(11-7D-2: PRINCIPAL USES PERMITTED:** ). The applicant requests a zoning and PUD change on behalf of The Bridge Church to provide a Master Planned, multi-use development, which encompasses the northwest corner of 121st and Memorial less and except Lots 5-9 of Bixby Centennial Plaza, Plat No. 6107. This proposal is based on a Village concept. When fully developed a resident of the Village could potentially live, work, dine and be entertained within the 28-acre development. The theme is a Classic Americana Downtown Square with public gathering spaces. In addition, the concept dedicates commercial development potentially providing additional tax dollar opportunities to the City of Bixby.

Staff requested and has included a map from INCOG identifying the parcel types in the area within a 0.5 miles and 1 mile radius of the property line.

Summary of Map at (1) One mile:

- 03 Multi-family (LINKS-504) (ENCORE-248) (BOARDWALK-375) 1175 TOTAL
- 25 Duplex
- 2,541 Single-family Residential (2541+483=3024 TOTAL)
- 483 Single-family Residential (NO FIELD)
- 1 Senior Facilities
- 12 Mobile Home
- 102 Commercial
- 113 unidentified (113 other) (~~483 Single Family~~) (~~1 Apartment (Boardwalk)~~)

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

PURPOSES: 

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; and*
- D. Achieve a continuity of function and design within the development.*

PUBLIC INPUT: 2 requests for new PUD upon submittal

BACKGROUND INFORMATION:

SURROUNDING ZONING AND LAND USE:

North: (RS-1) Single-family Residential, North Heights Addition, near Jiffy Lube

South: (CS) Commercial Shopping, undeveloped agriculture parcel

East: (CG) General Commercial: PUD 76 Scenic Village, Bixby Creek

West: (RS-3) Single-family Residential, Fox Hollow, PUD 51: CS, OL-St Johns

COMPREHENSIVE PLAN:

Land Use Intensities: Medium at Corner,

Land Use: NA

Urban Design Elements: Corridor

The Comp Plan recognizes High Intensity zoning classifications within Corridors specifically including and recommending CG, CH, IL, IM, and IH when used with a PUD. The Comp Plan also recommends medium intensity zoning classification are appropriate including RM-3, OL within a corridor classification. (Page 12 of Comp Plan)

ATTACHMENTS:

- 3. See May 15, 2017 Planning Commission Meeting Minutes for previous PUD details*
- 4. Revised PUD, June 16, 2017*
- 5. Fox Hollow HOA comments, Friday, January 17, 2017*
- 6. Parcels by Property Type 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:*
 - 4. As submitted*
 - 5. As amended*
 - 6. 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 BXZO-17.02 & BXPUD-17.04 with the following conditions (not a complete list):

- Remove previously requested (CH) Commercial High Intensity Zoning and keep (CS) Commercial Shopping for BXZO-17.02
- **CONDITIONALLY APPROVE BXPUD-17.04**
- All requested Planning Commission (PUD changes) shall be corrected before submittal to City Council
- Provide language-requiring stub out streets to adjacent undeveloped properties
- City Legal Staff will prepare the Ordinance
- See Attached MARKED-UP PUD for detailed comments

COMMENTS FOUND IN PUD FROM 6.15.17

PAGE 3 Add total acres
PAGE 6 IDENTIFY PRIMARY DRIVE ISLES
PAGE 9 PROVIDE LEGEND FOR COLORS
PAGE 14 IDENTIFY BUILDING ON SOUTHWEST CORNER
 IDENTIFY BUILDING IN MIDDLE ALONG SOUTH
PAGE 17 DEFINE NUMBER OF UNITS (120 + 30)=150 TOTAL UNITS
 CHANGE MIN DWELLING UNIT SQUARE FT. 1,700 SQ FT
 ADD MINIMUM LOT SIZE
 PROVIDE DETAILED SCREENING INFORMATION
 WHAT TYPE OF SCREENING FOR RESIDENTIAL
 LOCATION OF SCREENING
PAGE 18 PROVIDE WIDTH OF LANDSCAPE BUFFER
 WILL RESIDENTS ON WEST AND NORTH BE ALLOWED ACCESS TO
 TRAIL AT THEIR EXPENSE?
PAGE 19 PROVIDE LANDSCAPE BUFFER WIDTH
 ITEMS 5-8 SHOULD BE TABBED UNDER 4.
 5. IRRIGATION..... (4)
 HVAC SCREENING REQUIREMENTS SHOULD BE ADDED
PAGE 20 ADD: 6. MUST BE PERIOD APPROPRIATE, SEE SAMPLES ON PAGE
 8 OF STAFF REPORT
 WILL TRAIL BE LIGHTED?
PAGE 21 (DONE) CORRECT NUMBERING UNDER G. PARKING
PAGE 22 HOA OR SIMILAR ESTABLISHMENT IDENTIFIED DURING PLATTING
PAGE 23 N. CONFIRM ISLE WIDTH WITH FIRE MARSHALL
 O. ESTABLISHED DURING SITE PLAN PHASE
PAGE 25 PROVIDE LIGHTING SAMPLES
 PROVIDE SCREENING SAMPLES
 PROVIDE MATERIALS LIST
 PROVIDE LANDSCAPING LIST
 (DONE) (PAGE 60-75) CONSIDER ADDING DESIGN GUIDELINES

PC STAFF COMMENTS 6.19.17

Remove previously requested (CH) Commercial High Intensity Zoning and keep (CS) Commercial Shopping for BXZO-17.02
CONDITIONALLY APPROVE BXPUD-17.04
All requested Planning Commission (PUD changes) shall be corrected before submittal to City Council
Provide language-requiring stub out streets to adjacent undeveloped properties
City Legal Staff will prepare the Ordinance
See Attached MARKED-UP PUD for detailed comments

PUD ITEMS JEFF BLACKARD AGREED TO CORRECT/CHANGE 6.19.17

NOTE: Reduce Commercial Heavy (CH) zoning request to Commercial Shopping (CS)
SITE WAS MOVED 35 FEET SOUTH AND EAST AWAY FROM FOX HOLLOW AND NORTH HEIGHTS

PAGE 14 (B1-B4) 150 total multi-family units, 120 in main complex
30 on main street (excluding first floor option)
Change Square Foot Minimum to 800 on multi-family
Certificate of Occupancy cannot be issued on B-1 until building permits are issued on Lots 10-13

PAGE 15 RETAIL IS PRIORITY ON FIRST FLOOR BUT USE WILL BE DICTATED BY MARKET

PAGE 16 (C1) ADD WATER TOWER TO DEVELOPMENT AREA
WATER TOWER HEIGHT LIMITED TO 70 FEET
BUILDING LIMITED TO 2 STORY OR 38 FT

PAGE 17 (D1-D3) Single-family 3 stories reduced to 2 stories or 38ft.
800 SQ FT CHANGES TO 1,700 SQ FT

Page 19-20 ADD LOW LIGHTING TO TRAIL

ADDITIONAL REQUESTS FROM FOX HOLLOW 6.19.17

IDENTIFY SQUARE FOOTAGE FOR RETAIL, OFFICE, RESIDENTIAL
IDENTIFY ALL BUILDINGS ON SITE PLAN

PAGE 10 DEVELOPMENT AREA A RESTRICT HEIGHT TO 3 STORY

PAGE 11 IDENTIFY WATER TOWER IN PUD

PAGE 12 RESTRICT MAX BUILDING HEIGHT 3 STORY

PAGE 14 REQUIRE ELEVATOR AS STATED 1.27.17 TO ATTRACT OLDER TENANTS

PAGE 15 RESTRICT MAX BUILDING HEIGHT 3 STORY
ADD NUMBER OF APARTMENTS AND RESTRICT MULTI FAMILY USE ON FIRST FLOOR

PAGE 16 RESTRICT MAX BUILDING HEIGHT 3 STORY

PAGE 17 LIST NUMBER OF SINGLE FAMILY, DUPLEX, TOWNHOUSE
IDENTIFY LOCATION
ADDITIONAL SCREENING NOT ADDRESSED
WROUGHT IRON FENCE?
IDENTIFY MIN SQ FT.

ADD ADDITIONAL SCREENING FOR MIDDLE HOUSE
 PAGE 18 INSTALLATION OF LOW LIGHTING TO WALKING PATH
 MINIMIZE HEIGHT OF PARKING STRUCTURE
 PREFER INDIVIDUAL DEVELOPMENT AREAS FOR EACH FREE STANDING
 BUILDING
 REMOVE SOME OF THE USE UNITS (page 10, 11, 12, 13, 16,
 PAGE 11 Limit Max building height to 3 story

4. MOTION: Jerod Hicks		SECOND: Josh Nave
MOTION/NOTES: Move to Approve per staff recommendation and Modification by Planning Commission. APPROVED 5:0		
RECESSED: 7:02 PM		
RECONVENED: 7:14 PM		
Planning Commission Members	Yes	No
Chris Cloyde	Y	
Tom Holland	Y	
Jerod Hicks	Y	
Joshua Nave	Y	
Lance Whisman	Y	

OTHER BUSINESS

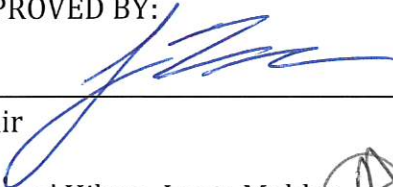
NO MOTION REQUIRED:
MOTION/NOTES:
ANNOUNCED COMP PLAN WEBSITE, EMAILS AND OFFICE HOURS

ADJOURNMENT

MOTION: CHRIS CLOYDE		SECOND: JEROD HICKS
Planning Commission Members	Yes	No
Chris Cloyde	Y	
Tom Holland	Y	
Jerod Hicks	Y	
Joshua Nave	Y	
Lance Whisman	Y	

ADJOURNMENT: 8:25 PM

APPROVED BY:



 Chair

10-16-17

 Date


 Marcae' Hilton, Jason Mohler
 City Planner or Recording Secretary