

**AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
December 15, 2014 6:00 PM**

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- (3) 1. Approval of Minutes for the November 17, 2014 Regular Meeting

PUBLIC HEARINGS

2. (Continued from 11/17/2014)

(18) **PUD 53-B – WoodMere – Major Amendment # 2 – Sack & Associates, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 2 to Planned Unit Development (PUD) # 53 for Lot 11, Block 1 and Lot 1, Block 4, *WoodMere*, to be known and designated on the official Zoning Map as “PUD 53-B” with underlying zoning CS Commercial and RS-2 Residential.
Property Located: 6810 E. 121st St. S. and 12155 S. 68th E. Ave.

- (20) 3. **BZ-378 – Bridle Creek Ranch, LLC, care of AAB Engineering, LLC.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RS-3 Residential Single-Family District for approximately 50.76 acres in part of the N/2 of the N/2 of Section 25, T17N, R13E.
Property located: 9040 E. 161st St. S.

PLATS

OTHER BUSINESS

- (32) 4. **PUD 60 – Brisbane Office Park – Minor Amendment # 1.** Discussion and possible action to approve Minor Amendment # 1 to PUD 60 for approximately 10 acres in part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E, with underlying zoning OL Office and AG Agricultural, which amendment proposes relaxing certain signage and building height restrictions and making certain other amendments.
Property Located: 9900-block of E. 111th St. S.

- (53) 5. **BL-394 – Allen Locke.** Discussion and possible action to approve a Lot-Split for Lot 24, Block 3, *Amended Deer Run Estates*.
Property located: 13200-block of E. 183rd Cir. S.

6. **BL-395 – SpiritBank care of AAB Engineering, LLC.** Discussion and possible action to approve a Lot-Split for part of Lot 4, Block 1, *Regal Plaza*.
Property located: 10423 S. Memorial Dr., 10424 S. 82nd E. Ave., and 10438 S. 82nd E. Ave.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Emyark

Date: 11/20/2014

Time: 5:00 PM

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
November 17, 2014 6:00 PM**

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Prior to the meeting, Erik Enyart stated that Steve Sutton conveyed his regrets that he was not able to attend due to a schedule conflict.

Prior to the meeting, Chair Thomas Holland recognized Bixby Metro Chamber of Commerce's Leadership Bixby XIII intern Valerie Watson, who introduced herself and her position at PrimeSource Mortgage, Inc. The Planning Commissioners and Staff welcomed Ms. Watson.

Chair Thomas Holland called the meeting to order at 6:05 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the October 20, 2014 Regular Meeting

Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the October 20, 2014 Regular Meeting as presented by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

2. Approval of schedule of meetings and application cutoff dates for 2015

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

Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to APPROVE the schedule of meetings and application cutoff dates for 2015 as presented by Staff as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, November 13, 2014
RE: Planning Commission meeting schedule and application deadlines for 2015

Staff proposes the following schedule for the Planning Commission:

<u>DATE</u>	<u>TIME</u>	<u>PLACE OF MEETING</u>
January 20, 2015 (Tues)	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
February 17, 2015 (Tues)	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
March 16, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
April 20, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
May 18, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
June 15, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
July 20, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
August 17, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
September 21, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
October 19, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
November 16, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
December 21, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby

APPLICATION DEADLINES

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

Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

3. **PUD 53-B – WoodMere – Major Amendment # 2 – Sack & Associates, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 2 to Planned Unit Development (PUD) # 53 for Lot 11, Block 1 and Lot 1, Block 4, *WoodMere*, to be known and designated on the official Zoning Map as “PUD 53-B” with underlying zoning CS Commercial and RS-2 Residential.
Property Located: 6810 E. 121st St. S. and 12155 S. 68th E. Ave.
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Chair Thomas Holland introduced the item. Erik Enyart stated that the Applicant had requested the item be Continued to the December 15, 2014 Regular Meeting.

Larry Whiteley made a MOTION to CONTINUE PUD 53-B to the December 15, 2014 Regular Meeting. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

4. **Preliminary Plat – “Seven Lakes V” – Tanner Consulting, LLC.** Discussion and consideration of a Preliminary Plat for and certain Modifications/Waivers for “Seven Lakes V” for approximately 13.787 acres in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.
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Chair Thomas Holland 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, November 12, 2014
RE: Report and Recommendations for:
Preliminary Plat of “Seven Lakes V”

LOCATION: – South and east of the intersection of 121st St. S. and Sheridan Rd.
– North of Seven Lakes I, II, III, and IV
– Part of the W/2 of Section 02, T17N, R13E.
SIZE: – 23 acres, more or less (parent tract parcel)
– 13.787 acres, more or less (plat area)
EXISTING ZONING: RS-4 Residential Single Family District
SUPPLEMENTAL ZONING: None
EXISTING USE: Vacant
REQUEST: – Preliminary Plat approval for 55-lot residential subdivision
– Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the width of the Perimeter U/E from 17.5' along certain perimeters

- Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to the unplatted tracts abutting to the northeast and east
- Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard

SURROUNDING ZONING AND LAND USE:

North: RS-3/PUD 80 & AG; 20-acre unplatted vacant/wooded area recently platted as Wood Hollow Estates, now under construction, and to the northeast, an unplatted 12-acre vacant tract owned by Tulsa County ("wetland mitigation area") and zoned AG and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby ("hardwood mitigation area") and zoned AG.

South: RS-4; Single family residential homes and vacant lots in Seven Lakes I, Seven Lakes II, Seven Lakes III, and Seven Lakes IV.

East: AG & CG/PUD 76; The Fry Creek Ditch # 2 right-of-way with 92-acres of former agricultural land to the east of that zoned CG with PUD 76 proposed for development with multiple uses.

West: (across Sheridan Rd.) AG; Unplatted agricultural and vacant land, including 64 acres recently acquired by the Bixby School District, and the City of Tulsa's lift station facility to the northwest, all in the City of Tulsa.

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

PREVIOUS/RELATED CASES:

BZ-309 – Wynona Brooks, Trustee of Mildred A. Kienlen A Revocable Living Trust – Request for rezoning from AG to RS-4 for area including all of the existing and planned "Seven Lakes" subdivisions and some vacant land to the south of Seven Lakes I – PC recommended Approval 01/18/2005 and City Council Approved 02/14/2005 (Ord. # 901).

Preliminary Plat of Seven Lakes I – Request for Preliminary Plat approval for Seven Lakes I to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Approval 06/20/2005 and City Council Approved 06/27/2005.

Final Plat of Seven Lakes I – Request for Final Plat approval for Seven Lakes I to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Approval 10/16/2006 and City Council Approved 10/23/2006 (Plat # 6113 recorded 04/26/2007).

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for "Seven Lakes II" for Seven Lakes II to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for Seven Lakes II to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 09/21/2011 and City Council Conditionally Approved 09/26/2011 (Approval recognized as expired 09/26/2012).

Preliminary Plat of Seven Lakes II (Resubmitted) – Request for Preliminary Plat approval for Seven Lakes II to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012.

Final Plat of Seven Lakes II – Request for Final Plat approval for Seven Lakes II to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012 (Plat # 6457 recorded 01/16/2013).

Sketch Plat of Seven Lakes III – Request for Sketch Plat approval for "Seven Lakes III" for 40.64 acres, including subject property parent tract and areas later platted as Seven Lakes III and Seven Lakes IV – PC Conditionally Approved 05/20/2013.

Preliminary Plat of Seven Lakes III – Request for approval of a Preliminary Plat and certain Modifications/Waivers for Seven Lakes III to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Preliminary Plat of Seven Lakes IV – Request for approval of a Preliminary Plat and certain Modifications/Waivers for Seven Lakes IV to the south of subject property plat area, likely separating

from subject property parent tract – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Final Plat of Seven Lakes III – Request for Final Plat approval for Seven Lakes III for to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014 (Plat # 6545 recorded 06/13/2014; surveyor of record changed prior to reprinting, signatures, and recording).

Final Plat of Seven Lakes IV – Request for Final Plat approval for Seven Lakes IV for to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014 (Plat # 6544 recorded 06/13/2014; surveyor of record changed prior to reprinting, signatures, and recording).

Preliminary Plat of Seven Lakes VI – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Seven Lakes VI” for subject property parent tract to the west of subject property plat area – PC consideration pending 11/17/2014.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The parent tract parcel contains approximately 23 acres and is vacant and zoned RS-4. “Seven Lakes V,” as per this Preliminary Plat, contains 13.787 acres. As with previous and other phases of “Seven Lakes,” this development will be designed to collect stormwater and drain it to the east to Fry Creek Ditch # 2. The “lakes” were platted in previous phases of the “Seven Lakes” development.

Based on GIS aerial and parcel data, it appears that northeastern-most area of the parent tract parcel includes the access road, and possibly even the concrete trickle-channel otherwise owned by Tulsa County and the City of Bixby (possibly known as a ‘wetland remediation’ or ‘wetland compensatory mitigation’ area). Per the Preliminary Plat of “Seven Lakes V,” there are two (2) easements in favor of Tulsa County in this area, affecting proposed Lots 16 and 17, Block 2. However, it is not clear that the easements contain all of the drainage features as designed or as necessary for the system to function. There appears to be a “drop off” area toward the back sides of these two (2) lots, along the drainage channel, as represented on the Sketch Plat of this area. Elevation contours and drainage channels, both of which are required for a Preliminary Plat, and such as would help elucidate the area, are not represented. This area should undergo careful study, the designs for this area must be approved by the City Engineer, and any remedial actions determined necessary should be taken (additional easement or right-of-way dedication to fully contain the drainageway system, recognition of any prescriptive easements or rights-of-way, imposing setbacks from any unstable areas along the drainageway, etc.).

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

The single family housing development anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 13.787, more or less, proposes 55 Lots, four (4) Blocks (a fifth is recommended), and one (1) Reserve Area.

The Seven Lakes development, and this plat, represents a conventional but attractive design, with uniquely crisscrossed curvilinear streets and no true cul-de-sacs, interspersed with Reserves for water amenities. Proposed “Seven Lakes V” and “Seven Lakes VI” are similar to Seven Lakes I, II, III, and IV to south, with relatively similar-sized and configured lots. Typical lots range from 65’ X 120’ (7,800 square feet, 0.18 acres) to 70’ X 120’ (8,400 square feet, 0.19 acres). As afforded by RS-4 zoning, however, a few lots are smaller than the typical lots, such as proposed Lot 17, Block 1, “Seven Lakes VI”: 62.76’ X ~123.29’ (7,738 square feet, 0.18 acres), Lot 1, Block 1, “Seven Lakes V”: 60’ X 120’ (7,200 square feet, 0.17 acres), and Lot 18, Block 3/4: 55’ X 120’ (6,600 square feet, 0.15 acres). However, all lots appear to meet RS-4 zoning standards.

Deed of Dedication and Restrictive Covenants (DoD/RCs) Section IV.B allows for incorporation of HOAs of different phases as previously recommended by Staff.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on November 05, 2014. The Minutes of the meeting are attached to this report.

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.

Access and Internal Circulation. Primary access to the subdivision would be via internal streets which ultimately connect all of the “Seven Lakes” subdivisions to Sheridan Rd. via 125th and 126th Streets South.

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South 68th and S. 71st E. Avenues will be extended north into the subject property from Seven Lakes IV and II, respectively. Further, 124th St. S. will be extended westerly in the proposed "Seven Lakes VI," also on this agenda for consideration.

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

1. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lots 11:14, Block 2 and Lot 18, Block 3/4 (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F.
2. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to the unplatted tracts abutting to the northeast and east. The Modification/Waiver was described as justified as it abuts the 'wetland mitigation' area owned by Tulsa County and the Fry Creek Ditch # 2 right-of-way owned by the City of Bixby, neither of which are expected to develop.
3. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-3.A for utility easements along the perimeters which would not achieve the 17.5' minimum width standards. Such request may be justified by observing most of the instances are mid-block and do not require U/Es, and otherwise by demonstrating where an 11' U/E will be back to back with another 11' in abutting subdivision, resulting in a 22'-wide U/E corridor between the subdivisions. Other justifications may be offered and deemed
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. It appears that the Reserve Areas are assigned unique letters A through H in the four (4) subdivisions. This may be for purposes of having a singular HOA responsible for maintenance of the Reserve Areas. Seven Lakes I has Reserve Areas D, E, F (part), G, and H. Seven Lakes II has Reserve Areas A, B, and C. Seven Lakes IV has Reserve Areas B (part), F (part), and I. Reserve Area B is a 20'-wide "handle" access Reserve Area which connects to Reserve Area B in Seven Lakes II. Also in Seven Lakes IV, Reserve Area "F" is one of the "lakes" which connects to the "handle" Reserve "F" in Seven Lakes I. Thus, in two (2) cases so far, uniquely named, singular Reserve Areas have been platted in two (2) parts. To ensure this is carried through for the balance of the Seven Lakes development, the 20'-wide "handle" access Reserve Area "B" connecting to Reserve Area B in Seven Lakes II should be renamed Reserve Area "B."
7. Lot 1, Block 3 is completely separated from the balance of Block 3 by a Reserve Area. Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
8. Subdivision Contains statistics: Please update the number of blocks to incorporate new block as recommended hereinabove.
9. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - Wood Hollow Estates (missing)
 - River Trail II (missing)
 - Seven Lakes I (misspelled)
 - Poe Acreage (misrepresented as to configuration)
 - Please identify project location in Location Map.
10. Please discuss design plans as pertain to proposed Lots 16 and 17, Block 2, containing easements and drainage infrastructure as described in the analysis above.
11. Please add angle/bearing and distance survey notation to the two (2) easements within Lots 16 and 17, Block 2, so that scaling the plat would not be required to determine the their location and extents. A detail diagram may be used to avoid unnecessary text/linework congestion.
12. Please add elevation contours (with labels) at one (1) foot maximum intervals as required per SRs Section 12-4-2.B.6.
13. The "Unplatted" label to the north should state "Wood Hollow Estates."
14. Consider replacing the "Unplatted" label to the west with "Seven Lakes VI (Proposed)," or something similar.
15. Please add proposed addresses to the lots. A table may be used if needed for map clarity.
16. Angle/bearing appears to be missing from north line of Lot 22, Block 2.

17. *The Subdivision Regulations requires sidewalks along interior streets and Sheridan Rd. To ensure this requirement is not inadvertently overlooked for the sidewalks along Sheridan Rd. and Reserve Area frontages (developer's responsibility prior to the construction of any homes), the engineering construction plans should show locations, widths, and design details, which are subject to the Engineering Design Criteria Manual and City Engineer approval.*
18. *Please consider adding lot areas either in a table as was done with Seven Lakes II or within each lot as was done with Seven Lakes III and Seven Lakes IV.*
19. *DoD/RCs: Language used is almost precisely the same between Seven Lakes III, Seven Lakes IV, and proposed "Seven Lakes V" and "Seven Lakes VI." Please ensure that recycled use of previous text does not cause internal conflicts, inaccurate self-references, etc. The subsections of DoD/RCs Section II pertaining to the Reserve Area(s) may benefit from specific attention.*
20. *DoD/RCs: Spacing appears to be off between pages 2 and 3.*
21. *DoD/RCs Section I.F.1: Please amend as follows: "...repair of damage to properly-permitted landscaping and paving occasioned..."*
22. *DoD/RCs Section II.B: Please rename "Reserve A" → "Reserve B" as recommended elsewhere herein.*
23. *DoD/RCs Section III.B.4 and III.E.2: Please discuss the appropriateness of allowing the minimum house size and minimum masonry standards to be waived by the Architectural Committee.*
24. *DoD/RCs Section V.B: Reference to "Seven Lakes IV" instead of "Seven Lakes V," as presumed intended.*
25. *DoD/RCs Section V.B: Please consider specifying that amendments to DoD/RCs Sections III.B and III.E also require the approval of the Bixby City Council; alternatively, please relocate these subsections to DoD/RCs Section II Land Use Restrictions.*
26. *DoD/RCs Section V.D: Please confirm intended use of date October 20, 2014.*
27. *DoD/RCs Signature Blocks: Specification of 2014 presumes plat will be recorded within this calendar year. Advisory.*
28. *Final Plat: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.*
29. *Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).*

Erik Enyart stated that there was a design issue in that the extreme, northeast corner of the "Seven Lakes V" subdivision appears to contain part of a drainage channel, but that the elevation contours were not represented, such as would allow for the illustration of the issue. Mr. Enyart stated that, further, it appeared likely that the easements to Tulsa County did not entirely contain the drainage channel as originally intended or as may be required to allow the drainage system to work. Lance Whisman clarified with Erik Enyart that the drainage channel issue only concerned the two (2) lots, Lots 16 and 17, Block 2.

The Applicant was not present.

Chair Thomas Holland expressed concern regarding the possible Modification/Waiver from the stub-out street requirement, and as the matter related to other subdivisions in the area, including Wood Hollow Estates. Erik Enyart noted that the City had recently had extensive discussions on street connectivity and the stub-out street requirement in the context of other developments, and that this was specifically discussed when Wood Hollow Estates was being platted. Mr. Enyart stated that the Modification/Waiver could be justified by recognizing that it will connect to previous phases of the "Seven Lakes" development to the south and Sheridan Rd. to the west, because it was bounded on the east and northeast by the Fry Creek drainage system and on the north by Wood Hollow Estates, which was not required to connect to the subject property since it had private streets

and adequate access otherwise, and as the plans for the subject property were known at that time and did not need or intend to connect to Wood Hollow Estates. Mr. Enyart stated that Wood Hollow Estates was granted a Modification/Waiver from the stub-out street requirement for similar reasons: because it connected to Woodmere to the north, connected to Sheridan Rd. on the west, was bounded on the east by the Fry Creek drainage system [and other government-owned, non-developable lands], and did not require a connection to the south to the subject property, for which plans were known as that time and did not need nor show a connection.

Chair Thomas Holland noted that technology would help emergency access/response.

Discussion ensued regarding recommendations pertaining to minimum house standards. Erik Enyart noted, "We've been having discussions and conversations regarding minimum standards for home construction internally and with the development community." Mr. Enyart stated, "We need to have that conversation with them." Mr. Enyart stated that the recommendations in the Staff Report say to "discuss with us these standards" and "consider moving them to the subsection that automatically requires City Council approval, or otherwise, cite the subsections specifically in the Amendments section of the Deed of Dedication and Restrictive Covenants."

Erik Enyart noted that, for the recommendations pertaining to the minimum masonry requirement for homes, "we interpret 'masonry' traditionally to include stone, brick, or stucco" and any "other masonry alternatives they would propose, they should identify specifically so that we are all clear at this time as we grant the entitlements."

Chair Thomas Holland expressed concern over the proposed 55'-wide lot, and asked if there were not other occasions when 55' lot widths created a problem. Erik Enyart confirmed that reductions in lot widths had been the topic of much discussion lately, but that the subject property was rezoned to RS-4 several years ago, which RS-4 only required a [50' lot width]. Mr. Enyart stated that the "Seven Lakes" subdivisions just happened to be platted with wider lots. Mr. Enyart noted that the RS-4 district was relatively rare in Bixby. Mr. Holland expressed concern for setting a bad precedent. Patrick Boulden stated that there had been some discussion about abolishing the RS-4 district. Mr. Holland asked if RS-4 was in compliance with the Comprehensive Plan. Mr. Enyart stated that he did not know because it was introduced to the Zoning Code after the 2002 adoption of the Comprehensive Plan.

Discussion ensued regarding the minimum standards for homes to be constructed. Erik Enyart read from the proposed Deed of Dedication and Restrictive Covenants and noted that they stated the minimum house size would be 2,200 square feet, or 2,400 square feet if two (2) or three (3) stories, and would have 100% masonry including brick, stone, or stucco, excluding windows and doors, but that "it goes on to say these standards can be waived." Mr. Enyart stated that the recommendation was for the Applicant to discuss this issue with Staff.

The Commissioners expressed favor for placing an item on a future agenda to discuss whether RS-4 zoning does nor does not comply with the Comprehensive Plan. Erik Enyart and Patrick Boulden indicated agreement.

Lance Whisman expressed concern regarding a conflict between lot and house sizes, and Erik Enyart stated, "If the lots were smaller, you probably would not see such house sizes in the Covenants."

There being no further discussion, Lance Whisman made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat of "Seven Lakes V" subject to all of the corrections, modifications, and Conditions of Approval as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

5. **Preliminary Plat – "Seven Lakes VI" – Tanner Consulting, LLC.** Discussion and consideration of a Preliminary Plat for and certain Modifications/Waivers for "Seven Lakes VI" for approximately 8.263 acres in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.
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Chair Thomas Holland 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, November 12, 2014
RE: Report and Recommendations for:
Preliminary Plat of "Seven Lakes VI"

LOCATION: – South and east of the intersection of 121st St. S. and Sheridan Rd.
– North of Seven Lakes I, II, III, and IV
– Part of the W/2 of Section 02, T17N, R13E.
SIZE: – 23 acres, more or less (parent tract parcel)
– 8.263 acres, more or less (plat area)
EXISTING ZONING: RS-4 Residential Single Family District
SUPPLEMENTAL ZONING: None
EXISTING USE: Vacant
REQUEST: – Preliminary Plat approval for 32-lot residential subdivision
– Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the width of the Perimeter U/E from 17.5' along certain perimeters
– Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard
– Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage along Sheridan Rd.

SURROUNDING ZONING AND LAND USE:

North: RS-3/PUD 80 & AG; 20-acre unplatted vacant/wooded area recently platted as Wood Hollow Estates, now under construction, and to the northeast, an unplatted 12-acre vacant tract owned by Tulsa County ("wetland mitigation area") and zoned AG and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby ("hardwood mitigation area") and zoned AG.

South: RS-4; Single family residential homes and vacant lots in Seven Lakes I, Seven Lakes II, Seven Lakes III, and Seven Lakes IV.

East: AG & CG/PUD 76; The Fry Creek Ditch # 2 right-of-way with 92-acres of former agricultural land to the east of that zoned CG with PUD 76 proposed for development with multiple uses.

West: (across Sheridan Rd.) AG; Unplatted agricultural and vacant land, including 64 acres recently acquired by the Bixby School District, and the City of Tulsa's lift station facility to the northwest, all in the City of Tulsa.

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

PREVIOUS/RELATED CASES:

BZ-309 – Wynona Brooks, Trustee of Mildred A. Kienlen A Revocable Living Trust – Request for rezoning from AG to RS-4 for area including all of the existing and planned “Seven Lakes” subdivisions and some vacant land to the south of Seven Lakes I – PC recommended Approval 01/18/2005 and City Council Approved 02/14/2005 (Ord. # 901).

Preliminary Plat of Seven Lakes I – Request for Preliminary Plat approval for Seven Lakes I to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Approval 06/20/2005 and City Council Approved 06/27/2005.

Final Plat of Seven Lakes I – Request for Final Plat approval for Seven Lakes I to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Approval 10/16/2006 and City Council Approved 10/23/2006 (Plat # 6113 recorded 04/26/2007).

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for “Seven Lakes II” for Seven Lakes II to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for Seven Lakes II to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 09/21/2011 and City Council Conditionally Approved 09/26/2011 (Approval recognized as expired 09/26/2012).

Preliminary Plat of Seven Lakes II (Resubmitted) – Request for Preliminary Plat approval for Seven Lakes II to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012.

Final Plat of Seven Lakes II – Request for Final Plat approval for Seven Lakes II to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012 (Plat # 6457 recorded 01/16/2013).

Sketch Plat of Seven Lakes III – Request for Sketch Plat approval for “Seven Lakes III” for 40.64 acres, including subject property parent tract and areas later platted as Seven Lakes III and Seven Lakes IV – PC Conditionally Approved 05/20/2013.

Preliminary Plat of Seven Lakes III – Request for approval of a Preliminary Plat and certain Modifications/Waivers for Seven Lakes III to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Preliminary Plat of Seven Lakes IV – Request for approval of a Preliminary Plat and certain Modifications/Waivers for Seven Lakes IV to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Final Plat of Seven Lakes III – Request for Final Plat approval for Seven Lakes III for to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014 (Plat # 6545 recorded 06/13/2014; surveyor of record changed prior to reprinting, signatures, and recording).

Final Plat of Seven Lakes IV – Request for Final Plat approval for Seven Lakes IV for to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014 (Plat # 6544 recorded 06/13/2014; surveyor of record changed prior to reprinting, signatures, and recording).

Preliminary Plat of Seven Lakes V – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Seven Lakes V” for subject property parent tract to the east of subject property plat area – PC consideration pending 11/17/2014.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The parent tract parcel contains approximately 23 acres and is vacant and zoned RS-4. “Seven Lakes VI,” as per this Preliminary Plat, contains 8.263 acres. As with previous and other phases of “Seven Lakes,” this development will be designed to collect stormwater and drain it to the east to Fry Creek Ditch # 2. The “lakes” were platted in previous phases of the “Seven Lakes” development.

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

The single family housing development anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 8.263, more or less, proposes 32 Lots, two (2) Blocks, and no (0) Reserve Areas.

The Seven Lakes development, and this plat, represents a conventional but attractive design, with uniquely crisscrossed curvilinear streets and no true cul-de-sacs, interspersed with Reserves for water amenities. Proposed “Seven Lakes V” and “Seven Lakes VI” are similar to Seven Lakes I, II, III, and IV to south, with relatively similar-sized and configured lots. Typical lots range from 65’ X 120’ (7,800 square feet, 0.18 acres) to 70’ X 120’ (8,400 square feet, 0.19 acres). As afforded by RS-4 zoning, however, a few lots are smaller than the typical lots, such as proposed Lot 17, Block 1, “Seven Lakes VI”: 62.76’ X ~123.29’ (7,738 square feet, 0.18 acres), Lot 1, Block 1, “Seven Lakes V”: 60’ X 120’ (7,200 square feet, 0.17 acres), and Lot 18, Block 3/4: 55’ X 120’ (6,600 square feet, 0.15 acres). However, all lots appear to meet RS-4 zoning standards.

Deed of Dedication and Restrictive Covenants (DoD/RCs) Section IV.B allows for incorporation of HOAs of different phases as previously recommended by Staff.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on November 05, 2014. The Minutes of the meeting are attached to this report.

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.

Access and Internal Circulation. Primary access to the subdivision would be via internal streets which ultimately connect all of the “Seven Lakes” subdivisions to Sheridan Rd. via 125th and 126th Streets South. South 66th E. Ave. will be extended north into the subject property from Seven Lakes IV, and 124th St. S. will be extended westerly into the subject property from the proposed “Seven Lakes V,” also on this agenda for consideration. “Seven Lakes VI” will need to be platted and built simultaneously with or subsequent to “Seven Lakes V” to ensure it has two (2) means of ingress/egress as required.

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

1. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lots 11:14, Block 2 and Lot 18, Block 3/4 (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F.
2. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-3.A for utility easements along the perimeters which would not achieve the 17.5’ minimum width standards. Such request may be justified by observing most of the instances are mid-block and do not require U/Es, and otherwise by demonstrating where an 11’ U/E will be back to back with another 11’ in abutting subdivision, resulting in a 22’-wide U/E corridor between the subdivisions. Other justifications may be offered and deemed adequate.
3. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for those lots whose rear lines abut Sheridan Rd. Provided Limits of No Access (LNA) are placed along the Sheridan Rd. frontage, City Staff is supportive of this design, which is incidental and unavoidable due to existing geometries.
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.

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6. *Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:*
 - *Wood Hollow Estates (missing)*
 - *River Trail II (missing)*
 - *Seven Lakes I (misspelled)*
 - *Poe Acreage (misrepresented as to configuration)*
 - *Please identify project location in Location Map.*
7. *Please add elevation contours (with labels) at one (1) foot maximum intervals as required per SRs Section 12-4-2.B.6.*
8. *The "Unplatted" label to the north should state "Wood Hollow Estates."*
9. *Please add proposed addresses to the lots. A table may be used if needed for map clarity.*
10. *The Subdivision Regulations requires sidewalks along interior streets and Sheridan Rd. To ensure this requirement is not inadvertently overlooked for the sidewalks along Sheridan Rd. and Reserve Area frontages (developer's responsibility prior to the construction of any homes), the engineering construction plans should show locations, widths, and design details, which are subject to the Engineering Design Criteria Manual and City Engineer approval.*
11. *Please consider adding lot areas either in a table as was done with Seven Lakes II or within each lot as was done with Seven Lakes III and Seven Lakes IV.*
12. *DoD/RCs: Language used is almost precisely the same between Seven Lakes III, Seven Lakes IV, and proposed "Seven Lakes V" and "Seven Lakes VI." Please ensure that recycled use of previous text does not cause internal conflicts, inaccurate self-references, etc. The subsections of DoD/RCs Section II pertaining to the Reserve Area(s) may benefit from specific attention.*
13. *DoD/RCs: Spacing appears to be off between pages 2 and 3.*
14. *DoD/RCs Section I.F.1: Please amend as follows: "...repair of damage to properly-permitted landscaping and paving occasioned..."*
15. *DoD/RCs Section I.G.4: indentation (on both ends) appears to have been compromised where paragraph is split between columns – advisory.*
16. *DoD/RCs Section III.B.2: indentation (on both ends) appears to have been compromised where paragraph is split between columns – advisory.*
17. *DoD/RCs Section III.B.4 and III.E.2: Please discuss the appropriateness of allowing the minimum house size and minimum masonry standards to be waived by the Architectural Committee.*
18. *DoD/RCs Section V.B: Reference to "Seven Lakes IV" instead of "Seven Lakes V," as presumed intended.*
19. *DoD/RCs Section V.B: Please consider specifying that amendments to DoD/RCs Sections III.B and III.E also require the approval of the Bixby City Council; alternatively, please relocate these subsections to DoD/RCs Section II Land Use Restrictions.*
20. *DoD/RCs Section V.D: Please confirm intended use of date October 20, 2014.*
21. *DoD/RCs Signature Blocks: Specification of 2014 presumes plat will be recorded within this calendar year. Advisory.*
22. *Final Plat: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.*
23. *Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).*

Erik Enyart stated that the recommendations for "Seven Lakes VI" were similar to those for "Seven Lakes V," except that this one was not complicated by the drainage system issue.

There being no further discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat of "Seven Lakes VI" subject to all of the corrections, modifications, and Conditions of Approval as recommended in the Staff Report. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

OTHER BUSINESS

Chair Thomas Holland asked if there was any Other Business to consider. Erik Enyart stated that he had none. No action taken.

OLD BUSINESS:

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

NEW BUSINESS:

Chair Thomas Holland asked, and Erik Enyart agreed to look into the proper density recommendation, as discussed earlier in the meeting, and report back to the Planning Commission.

Patrick Boulden noted that most of the Commissioners received, prior to the meeting, a subpoena pertaining to a case stemming from an incident located [in the *101 Memorial Square* shopping center]. Mr. Boulden read from the subpoena. Mr. Boulden ultimately counseled the Commissioners that they need not respond to the subpoena, as it was not issued by a court clerk, but rather by an attorney, who did not have the authority of the court to compel them. Mr. Boulden indicated that he would be handling the matter.

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

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 6:40 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

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Erik Enyart

From: Ted Sack [ted.sack@sackandassociates.com]
Sent: Monday, November 17, 2014 3:53 PM
To: Erik Enyart
Subject: RE: Bixby Planning Commission, November 17, 2014

Erik - I also spoke to Jenkins and he said that you called and that Mr. Wing also had the word so I did not call others.....thanks, Ted

From: Erik Enyart [mailto:eenyart@bixby.com]
Sent: Monday, November 17, 2014 3:48 PM
To: Ted Sack
Subject: RE: Bixby Planning Commission, November 17, 2014

I have informed Mssrs. Wing and Jenkins by telephone after we spoke, called and informed another party who asked about this today, and I emailed Richard Luebke. These were the only other contacts I recall I've received from the neighborhood.

FYI,

Erik

From: Ted Sack [mailto:ted.sack@sackandassociates.com]
Sent: Monday, November 17, 2014 1:59 PM
To: Erik Enyart
Subject: Bixby Planning Commission, November 17, 2014

Erik –

I just heard from the owner and we request Item 3 on tonight's Planning Commission Meeting, PUD 53-B – WoodMere be continued to the next meeting, December 15, 2014. I will try to reach the neighbors so they will know. Thanks, Ted

Ted Sack Cellular 918.633.9194
Sack and Associates, Inc.
Engineering - Surveying - Planning
3530 East 31st Street, Suite A Tulsa, OK 74135
PO Box 50070 Tulsa, OK 74150
Phone: 918-592-4111 Fax: 918-592-4229
tsack@sackandassociates.com

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BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: November 17, 2014

NAME	ADDRESS	ITEM
1. Dennis Wing	12204 S. 68 th E Ave	3
2. Paul A. Leath	12244 S. 68 th E Ave	3
3. Gene J. J. -	12205 S 68 th E Ave	3
4. _____	_____	_____
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20. _____	_____	_____



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Wednesday, December 10, 2014
RE: Report and Recommendations for:
PUD 53-B – “WoodMere” – Major Amendment # 2 – Sack & Associates, Inc.

LOCATION: – 6810 E. 121st St. S. and 12155 S. 68th E. Ave.
– Lot 11, Block 1 and Lot 1, Block 4, *WoodMere*

SIZE: 32,958 square feet, 0.76 acres, more or less, in two (2) lots

EXISTING ZONING: CS Commercial Shopping Center District, RS-2 Residential Single-Family District, & PUD 53

EXISTING USE: A two-story office building and a vacant/wooded residential lot

REQUEST: Approval of Major Amendment # 2 to Planned Unit Development (PUD) # 53 (“WoodMere”), to be known and designated on the official Zoning Map as “PUD 53-B” with underlying zoning CS Commercial and RS-2 Residential

ANALYSIS:

During the review of this application, Staff observed that Zoning Code Sections 11-7B-2 Table 1 and 11-7B-5.H specifically restrict Use Unit 10 parking lots / parking lots accessory to an adjacent nonresidential use to certain RM districts only. The Lot 1, Block 4, *WoodMere* subject property lot, zoned RS-2, is ineligible for the proposed parking lot use. Also, as was the case in PUD 53-A / Major Amendment # 1, the proposed commercial expansion onto Lot 1, Block 2, *WoodMere* was required to be rezoned to OL to allow for non-residential use in accordance

with Zoning Code Section 11-7I-5.A.2.b. Staff recommends this application be Tabled indefinitely or Denied due to the proposed land use's conflict with the Zoning Code.

NEW INFORMATION AS OF DECEMBER 10, 2014:

This application was Continued from the November 17, 2014 Regular Meeting as requested by the Applicant. Staff met with the Applicant on December 09, 2014. No new information has been received, and Staff's recommendation has not changed.



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Tuesday, December 02, 2014
RE: Report and Recommendations for:
BZ-378 – Bridle Creek Ranch, LLC, care of AAB Engineering, LLC

LOCATION: – 9040 E. 161st St. S.
– Part of the N/2 of the N/2 of Section 25, T17N, R13E

LOT SIZE: 50.76 acres, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Agricultural

REQUESTED ZONING: RS-3 Residential Single-Family District

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: (Across 161st St. S.) AG, CS, RS-3/PUD 39; The Bixby Public Schools' landholding and school facilities located between Riverview Rd. and Mingo Rd. zoned AG and CS, Bixby Creek, and a 2.6-acre rural residential tract at 703 S. Riverview Rd. zoned AG; the Bixby Central Intermediate campus is located immediately across the street at 9401 E. 161st St. S. To the north/northwest are single-family homes in *The Territory* zoned RS-3 with PUD 39 and Bixby Creek and its right-of-way further north zoned AG.

South: AG; Agricultural land.

East: AG, OL, CS, RM-1, RS-2, & RS-3; Rural residential along 161st St. S. and agricultural land; Further southeast across Mingo Rd. is additional agricultural land

and single-family residential homes and vacant lots in *Johns Park Addition* and *Johns Park Addition Revised* zoned RS-3; Other than the *Johns Park Addition* area and Bixby Creek, all other areas to the east of Mingo Rd. are in unincorporated Tulsa County.

West: AG, RMH, & CS; Agricultural land, and to the southwest: the *Pecan Park* manufactured home park at 164th St. S. and Memorial Dr. zoned RMH, additional agricultural land, and the *Southside Mobile Village* manufactured home park at 16601/16609/16613/16619 S. Memorial Dr. zoned RMH and CS.

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

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

BBOA-303 – J.C. Devine – Request for Variance from certain bulk and area requirements to allow a Lot-Split (BL-199) to separate from the subject property a 4-acre tract, now abutting subject property to the east and north at 8710 E. 161st St. S. – BOA Conditionally Approved 10/02/1995.

BL-199 – J.C. Devine, Trustee for the J.E. Devine Trust – Request for Lot-Split approval to separate from the subject property a 4-acre tract, now abutting subject property to the east and north at 8710 E. 161st St. S. – PC Conditionally Approved 10/16/1995 subject to the dedication of 50' of R/W along 161st St. S. from the 4.09-acre tract.

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

BZ-22 – Robert Leikam – request for rezoning from AG to CS, OL, RM-2, and RS-2 for approximately 75 acres abutting subject property to the east, the E/2 NE/4 Less & Except the W/2 NW/4 NE/4 of this Section – PC Recommended Approval, to include amending the RM-2 part to RM-1, on 05/07/1974 and City Council Approved with the amendment on 06/18/1974 (Ord. # 274).

BZ-20 – Chester Cue – Request for rezoning from R-1 to C-1 and R-3 for commercial and multifamily development for 5 acres to the north of subject property at the southwest corner of Stadium Rd. and Riverview Rd. – PC recommended Denial of C-1 zoning and Approval of R-3 zoning 10/06/1973 and Board of Trustees Denied C-1 zoning and Approved R-3 zoning 01/08/1974 (Ord. # 269 dated 02/05/1974).

BZ-95 – Morgan Jones for Sam Fryer, Jr. – request for rezoning “RS-2” to “AG” for approximately 75 acres abutting subject property parent tract to the south, the N/2 SE/4 of this Section Less & Except approximately 5 acres at 16590 and 16600 S. Mingo Rd. – Withdrawn 10/27/1980 per case notes. Circumstances were not found in the record, but contemporary case maps show the property was already zoned AG. See BBOA-79.

BBOA-79 – Morgan Jones for Sam Fryer, Jr. – request for approval of a Special Exception for oil well drilling in the AG district for approximately 75 acres abutting subject property parent tract to the south, the N/2 SE/4 of this Section Less & Except approximately 5 acres at 16590 and 16600 S. Mingo Rd. – BOA Approved 11/10/1980.

BBOA-92 – Triple “S” Drilling Company for Clifton W. Brown – Request for Special Exception to allow oil well drilling on the SE/4 SE/4 of Section 24, T17N, R13E located to the northeast of subject property at 9013/9017 E. 161st St. S. – BOA Conditionally Approved 11/09/1981.

BZ-117 – Frank Watkins for Watkins Sand Co. – request for rezoning from AG to RMH for approximately 20 acres abutting subject property parent tract to the southwest (now the *Pecan Park* manufactured home park at 164th St. S. and Memorial Dr.) – PC recommended Approval 03/29/1982 and City Council Approved 04/05/1982 (Ord. # 455).

BBOA-106 – William P. Pittman – Request for Special Exception to allow mobile homes in the AG district for a part of the *Southside Mobile Village* manufactured home park to the southwest of subject property parent tract at 16601/16609/16613/16619 S. Memorial Dr. – BOA Approved 06/14/1982.

BZ-192 – Deborah Andrews – request for rezoning from RMH to CG for an RV park for approximately 2½ acres of the 20-acre *Pecan Park* manufactured home park at 164th St. S. and Memorial Dr. abutting subject property parent tract to the southwest – PC recommended Denial 10/16/1989 and Board of Trustees Denied 11/13/1989 upon appeal.

BBOA-217 – [Deborah Andrews] – request for Special Exception to allow an RV park in the CG district for approximately 2½ acres of the 20-acre *Pecan Park* manufactured home park at 164th St. S. and Memorial Dr. abutting subject property parent tract to the southwest – Per case notes: No action taken since BZ-192 was Denied.

BBOA-198 – Bixby Public Schools – request for Variance from the 26' height restriction to allow up to 30' in height, to permit an addition to an existing school for the formerly 8- or 10-acre school property tract located to the north of subject property at 501/515/601 S. Riverview Rd. – BOA Approved 01/11/1988 per case notes.

BBOA-228 – Lisa Graves for Violet D. Young – Request for Variance from certain bulk and area requirements to allow a Lot-Split (BL-154) for approximately 5 acres to the north of subject property, including the tracts at 703/707 and 711 S. Riverview Rd. and an approximately 0.8-acre tract located just south of 711 S. Riverview Rd. – BOA Conditionally Approved 08/06/1990.

BBOA-282 – Bixby Public Schools – Request for Special Exception to allow a Use Unit 5 school on part of the SW/4 SE/4 of Section 24, T17N, R13E (appears to include all of the school-owned tracts in the SW/4 SE/4 lying south of Bixby Creek) across 161st St. S. to the north of subject property – BOA Approved 08/01/1994.

BBOA-294 – Carlene Hall for Mary V. Moore – request for Variance from bulk and area requirements of the AG district to allow for a Lot-Split (BL-185) separating approximately 2.7 acres at 8899 and 8899½ E. 171st St. S. from an approximately 71-acre tract abutting subject property parent tract to the south – BOA Approved 04/17/1995.

BBOA-299 – Carolyn Wagnon – request for (1) a Special Exception to permit Use Unit 15 in a CS district, and (2) a Variance of certain bulk and area requirements in the AG district to permit a Lot-Split for property located to the north of subject property at 711 S. Riverview Rd. – BOA Approved 06/05/1995.

BL-192 – Wagnon Construction – request for Lot-Split for an approximately 0.8-acre tract to the north of subject property located just south of 711 S. Riverview Rd. – PC Approved 06/19/1995.

BZ-213 – Carolyn Wagnon – request for rezoning from AG to CS for an approximately 0.8-acre tract to the north of subject property located just south of 711 S. Riverview Rd. – PC Recommended Approval 06/19/1995 and City Council Approved 07/24/1995 (Ord. # 720).

BZ-224 – Carolyn Wagnon – request to rezone from AG to CG approximately 1 acre to the north of subject property from AG to CG at about 703/707 S. Riverview Rd. – Withdrawn in 1996.

BBOA-321 – Carolyn Wagon – request for Special Exception to allow Use Unit 23 in the CS district for land to the north of subject property at about 703/707 S. Riverview Rd. – Withdrawn in 1996.

BBOA-314 – Guy & Wendy McCoy – Request for Special Exception to allow a Use Unit 9 mobile home in the AG district for an approximately 20-acre tract (now 16-acres after the acquisition of Bixby Creek right-of-way) to the northeast of subject property at 9013/9017 E. 161st St. S. – BOA Conditionally Approved 03/04/1996.

BBOA-340 – Bixby Public Schools – request for Special Exception for a Use Unit 5 school on approximately the west half of the Bixby Public Schools property to the north of subject property at 9401 E. 161st St. S. (now the Central Intermediate campus) – BOA Approved 08/03/1998.

BBOA-338 – James H. Powell – request for Variance to allow a Use Unit 9 mobile home on a former approximately 1.15-acre tract (now school property) to the northeast of subject property approximately at the 15700-block of S. Mingo Rd. – Denied 08/03/1998.

BZ-245 – James H. Powell – Request for rezoning from AG to RMH for a former, approximately 1.15-acre tract to the northeast of subject property approximately at the 15700-block of S. Mingo Rd. (now school property) for a mobile home site – Approved in November, 1998 (Ord. # 783).

Plat Waiver for Bixby Public Schools – Request for Waiver of the platting requirement per Zoning Code Section 11-8-13 for 32 acres of the school property to the northeast of subject property – City Council Approved 03/08/2010 after accepting right-of-way and U/E dedications at the same meeting.

BBOA-519 – JR Donelson for Bixby Public Schools – request for Special Exception per Zoning Code Section 11-7A-2 Table 1 to allow a Use Unit 5 school facility in an AG Agricultural District on 32 acres of the school property to the northeast of subject property at the 15600/15700-block of S. Mingo Rd. – BOA Approved 04/05/2010.

BLPAC-6 – JR Donelson, Inc. for Bixby Public Schools – request for approval of a Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D for a Vocational-Agriculture building for Bixby Public Schools on 32 acres of the school property to the northeast of subject property at the 15600/15700-block of S. Mingo Rd. – PC Conditionally Approved 04/19/2010.

BZ-348 – JR Donelson, Inc. for Bixby Public Schools – request for rezoning approximately 20 acres at approximately 15600 S. Mingo Rd. and the former approximately 1.15-acre tract to the northeast of subject property at the approximately 15800-block of S. Mingo Rd. from RMH to AG for school land use and development purposes – PC recommended Approval 04/19/2010 and City Council Approved 05/10/2010 (Ord. # 2037).

BBOA-579 – Paul & Jimmie Beth Hefner for Mary Elizabeth Brown – request for Special Exception per Zoning Code Section 11-8-5 to allow an Accessory Dwelling Unit in an AG Agricultural District on a 16-acre tract to the northeast at 9013/9017 E. 161st St. S. – BOA Conditionally Approved 07/01/2013.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property of approximately 50.76 acres is zoned AG and is agricultural in use. It has approximately 1,443.64' of frontage on 161st St. S.

The subject property parent tracts consist of three (3) existing parcels:

- (1) An approximately 40-acre tract, the NE/4 of the NW/4 of this Section, Assessor's Parcel Account # 97325732517190; the subject property includes the east 20 acres of this parcel,
- (2) An approximately 20-acre tract, the W/2, NW/4, NE/4, Assessor's Parcel Account # 97325732509690; Until earlier this year, it had a house, addressed 9040 E. 161st St. S., and various agricultural/accessory buildings. Until it was acquired by Bridle Creek Ranch, LLC by deed dated June 04, 2014, this 20-acre tract was a part of a larger parcel also containing the SE/4 of the NW/4 and the S/2 of the SW/4 of the NW/4 (80 acres total),
- (3) An approximately 51-acre tract with a "flag-lot" configuration, having a 60'-wide "handle" extending to 161st St. S., Assessor's Parcel Account # 97325732511690. It is, essentially, the SW/4 of the NE/4 and the SE/4 of the NW/4 of the NE/4 and the Westerly 60' of the W/2 of the NE/4 of the NW/4 of the NE/4. The subject property area, the northerly approximately 11 acres, excludes the SW/4 of the NE/4 of the parent tract. It contains an existing barn/storage building toward the northern end of the 60'-wide "handle." Per BL-199, the 60'-wide "handle" was intended to allow a future collector street to provide access to the back acreage when the 4-acre tract with the house was separated from the subject property parent tract.

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

The subject property is relatively flat. Easterly portions of the property appear to drain to the south and southeast, ultimately to Little Snake Creek, and westerly portions appear to drain to the southwest toward Memorial Dr., which would ultimately drain to Little Snake Creek or Bixby Creek (this is not clear).

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Low Intensity/Development Sensitive (2) Vacant, Agricultural, Rural Residences, and Open Land, and (3) Community Trail.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the requested RS-3 district is *In Accordance* with the Low Intensity and *May Be Found In Accordance* with the Development Sensitive designations of the Comprehensive Plan Land Use Map.

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

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

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

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

The Matrix does not indicate whether or not the requested RS-3 district would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

The Comprehensive Plan Land Use Map designates a Community Trail more or less east of and paralleling the north-south Half-Sectionline from 161st St. S. to 171st St. S. The Matrix only includes, and the Zoning Code only requires consistency with the land use elements for rezoning purposes, not the Public Facilities / Urban Design Elements such as trails. It remains to be seen whether future development plans will include any private or public trail elements.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily AG, RMH, RS-2, and RS-3/PUD 39, but there are also CS, OL, RM-1, and RS-3 districts in the area, all as depicted on the case map and as described in further detail in the paragraphs that follow.

Across 161st St. S. to the north is the Bixby Public Schools' landholding and school facilities located between Riverview Rd. and Mingo Rd. zoned AG and CS, Bixby Creek, and a 2.6-acre rural residential tract at 703 S. Riverview Rd. zoned AG. The Bixby Central Intermediate campus is located immediately across the street at 9401 E. 161st St. S. To the north/northwest are single-family homes in *The Territory* zoned RS-3 with PUD 39 and Bixby Creek and its right-of-way further north zoned AG. *The Territory* has six (6) Reserve Areas which are used for stormwater detention and/or private recreation, including a playground and sports field/court, a unified screening fence along 161st St. S. and Riverview Rd., and enhanced entrance features including signage and landscaping.

South of the subject property is primarily agricultural land zoned AG. Agricultural land in the SE/4 of this Section is primarily tree farmland, and is mostly in the 100-year (1% Annual Chance) Regulatory Floodplain.

To the east along 161st St. S. is rural residential and agricultural land zoned AG, OL, CS, RM-1, and RS-2. Further southeast across Mingo Rd. is additional agricultural land zoned AG and single-family residential homes and vacant lots in *Johns Park Addition* and *Johns Park Addition Revised* zoned RS-3. Other than the *Johns Park Addition* area and Bixby Creek, all other areas to the east of Mingo Rd. are zoned AG in unincorporated Tulsa County.

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The approximately 50-acre RS-2 district abutting to the east and the approximately 33-acre RS-3/PUD 39 district across 161st St. S. to the north are the nearest RS precedents. While *The Territory* has typically 52' X 112.5' lots (5,850 square feet; as afforded by PUD 39), the RS-2 requires a 75' minimum lot width and 9,000 square foot minimum lot area, compared to the 65' and 6,900 square foot minimums, respectively, in the requested RS-3 district. Beyond the approximately 50-acre RS-2 district abutting to the east, there is an approximately 20-acre RS-3 district containing *Johns Park Addition* and *Johns Park Addition Revised*. The former contains typically 115' X 122' (12,880 square feet) lots and the latter contains typically 80' X 122' (9,760 square feet) and 90' X 124' (11,160 square feet) lots.

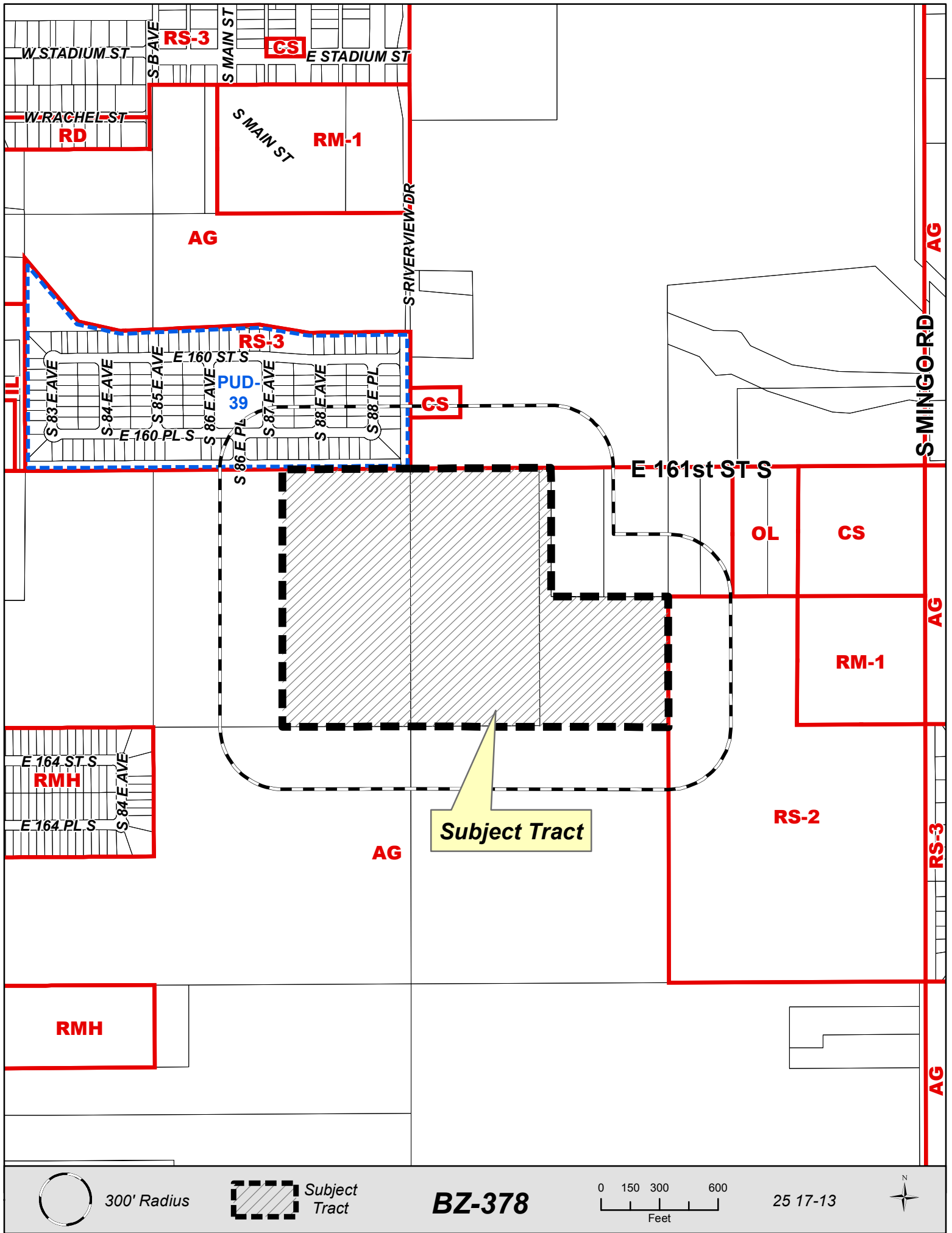
Immediately to the west is agricultural land zoned AG. The *Pecan Park* manufactured home park, zoned RMH, is located to the southwest at 164th St. S. and Memorial Dr. Further southwest is additional agricultural land zoned AG and the *Southside Mobile Village* manufactured home park at 16601/16609/16613/16619 S. Memorial Dr. zoned RMH and CS.

The surrounding zoning and land use patterns appear to support the requested rezoning to RS-3, but care should be taken to ensure compatibility, consistency, and overall development quality.

Whether residential or nonresidential, the City of Bixby has observed that better development outcomes result when properties develop by PUD. PUDs typically secure better planning and site design and afford the community the ability to provide more input into the design, minimum construction standards, and development amenities. Importantly, PUDs help the City achieve its goals and objectives as outlined in the Comprehensive Plan.

Conceptual plans for the development have not been provided. The application does not specify what minimum construction standards may be proposed for houses, or whether any neighborhood amenities are planned (Reserve areas for passive or active private recreation such as pools, clubhouses, playgrounds, water features, walking trails, etc., or Reserve Areas or easements along 161st St. S. to contain enhanced subdivision walls/fences, common landscaping, entrance features, etc.). A PUD would also specify whether the development planned to include a trail such as is designated on the Comprehensive Plan. A PUD would provide what is planned in this regard, and would give the City a better understanding of what it is being asked to approve. An application for "straight" rezoning may include offers and promises by the Applicant, but by law, these are not enforceable. "Contract/conditional rezoning" is not allowed by law, and so offers and promises can only be made part of the Zoning entitlement if included in a PUD.

Staff Recommendation. For the reasons outlined above, Staff is supportive of RS-3 zoning, but with a PUD if determined necessary by the City Council upon Planning Commission recommendation.





City of Bixby Application for Rezoning

Applicant: Bridle Creek Ranch, LLC, Care of AAB Engineering, LLC
Address: PO Box 2136 Sand Springs, OK 74063
Telephone: 918-514-4283 Cell Phone: 918-693-5105 Email: alan@aabeng.com
Property Owner: See Attached If different from Applicant, does owner consent? Yes
Property Address: See Attached
Existing Zoning: AG Requested Zoning: RS-3 Existing Use: Vacant
Proposed Use: Residential Single Family Use Unit #: 6

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

See Attached

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

If Applicant is other than Owner, indicate interest: Engineer

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

BILL ADVERTISING CHARGES TO: Bridle Creek Ranch, LLC, Care of Thurmond Consulting, Inc.
610 S Main Street Broken Arrow, OK 74012 918-294-0835
(ADDRESS) (CITY) (PHONE)

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

Signature: [Signature] Date: 10/27/2014

APPLICANT – DO NOT WRITE BELOW THIS LINE

BZ- Date Received Received By Receipt #
Planning Commission Date City Council Date

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

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

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

Owner of:

East 20 acres of the North Half of the Northwest Quarter (N/2, NW/4);

Hugh Edward and Margie Jeanne Robinson, Co-Trustees

Address:

C/O Gene Robinson
6440 E 161st St.
Bixby, OK 74008

Owner of:

The West Half of the Northwest Quarter of the Northeast Quarter (W/2, NW/4, NE/4);

Bridle Creek Ranch, LLC

Address:

C/O Thurmond Consulting, Inc.
610 S. Main St.
Broken Arrow, OK 74012

Owner of:

The western 60 feet of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE/4, NW/4, NE/4); And
The Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE/4, NW/4, NE/4);

John Charles Binney Trustee Binney Family Trust

Address:

PO Box 100
Leonard, OK 74043-0100

Bridle Creek Ranch Legal

The East 20 acres of the North Half of the Northwest Quarter (N/2, NW/4);

And

The West Half of the Northwest Quarter of the Northeast Quarter (W/2, NW/4, NE/4);

And

The western 60 feet of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE/4, NW/4, NE/4);

And

The Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE/4, NW/4, NE/4);

All in Section 25, Township 17 North, Range 13 East, Tulsa County, Oklahoma, Indian Base and Meridian, being more particularly described as follows:

Beginning at the northwest corner of the Northeast Quarter (NE/4) of said section 25, thence N88°05'44"E along the north line of said Northeast Quarter (NE/4) for a distance of 719.88 feet; Thence S01°14'11"E for a distance of 657.33 feet to a point on the north line of the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE/4, NW/4, NE/4); Thence N88°13'13"E along said north line for a distance of 599.88 feet; Thence S01°14'18"E along the east line of the said Southeast Quarter (SE/4) for a distance of 658.63 feet; Thence S88°20'42"W along the south line of the Northwest Quarter of the Northeast Quarter (NW/4, NE/4) for a distance of 1319.78 feet to a point on the East line of the Northwest Quarter of said section 25; Thence S88°45'06"W along the southern line of the North Half of the Northwest Quarter (N/2, NW/4) for a distance of 663.76 feet; Thence N01°14'05"W for a distance of 1313.35 feet to a point on the north line of said Northwest Quarter (NW/4); Thence N88°54'32"E along said north line for a distance of 663.76 feet to the point of beginning;

Said tract of land contains 2211068.37 square feet (50.76 acres), more or less;



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Wednesday, December 10, 2014
RE: Report and Recommendations for:
PUD 60 – “Brisbane Office Park” – Minor Amendment # 1

LOCATION:

- 10422 E. 111th St. S. (existing parcel address)
- 9900-block of E. 111th St. S.
- Part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E
- All of proposed “Brisbane Office Park” subdivision

SIZE: 9.87 acres, more or less

EXISTING ZONING: OL Office Low Intensity District, AG Agricultural District, & PUD 60

EXISTING USE: A house and vacant/wooded land

REQUEST: Approval of Minor Amendment # 1 to Planned Unit Development (PUD) # 60 (“Brisbane Office Park”), with underlying zoning OL Office Low Intensity District and AG Agricultural District, which amendment proposes relaxing certain signage and building height restrictions and making certain other amendments.

SURROUNDING ZONING AND LAND USE:

North: (Across 111th St. S.) CG & R-2; Vacant/wooded land zoned R-2 and CG (perhaps pending residential development), and to the northeast, the *Evergreen Baptist Church* on a 40-acre campus at 6000 W. Florence St. in Broken Arrow (perhaps also

addressed 10301 E. 111th St. S., "Bixby" per its website, www.evergreenbc.org), all in the City of Broken Arrow.

South: RS-2; Single-family residential in *Southwood East*.

East: AG & RS-3; An agricultural/rural residential 10-acre tract and single-family residential in *The Park at Southwood 3rd*.

West: AG & CS; Unplatted vacant and rural residential tracts fronting along S. Mingo Rd., the *Cedar Ridge* Kingdom Hall of Jehovah's Witnesses at 11355 S. Mingo Rd., and the City's water tower.

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

PREVIOUS/RELATED CASES:

BBOA-38 – Kenny Gibson – Request for Special Exception to allow Use Unit 4 utility building (Bixby Telephone) in the AG District on a 75' X 75' tract from and within the northeast corner of the subject property – BOA Approved with Conditions 01/14/1985.

BL-98 – Kenny Gibson – Request for Lot-Split to separate a 75' X 75' tract from and within the northeast corner of the subject property for a utility building (Bixby Telephone) – PC Approved with Conditions 01/28/1985.

PUD 60 – Riverside Group – Randy Pickard – Request to rezone from AG to CS and OL and approve PUD 60 for a ministorage and office development for subject property – replaced by an amended application for PUD 60 and rezoning application BZ-337.

Zoning Code Text Amendment – Applicant in PUD 60 proposed to the City Council that it amend the Zoning Code to allow ministorage in OL and OM office zoning districts by Special Exception / PUD. City Council directed Staff to prepare amendment 10/22/2007. PC reviewed 12/17/2007, 01/21/2008, 01/28/2008, 02/11/2008, 02/18/2008, and 03/06/2008, and recommended Approval of specific amendment on 03/17/2008. City Council Approved amendment 04/14/2008 (Ord. # 994). PC recommended City Council make changes to amendment 05/19/2008 but City Council struck from agenda 07/14/2008 per City Attorney.

PUD 60 & BZ-337 – Riverside Group – Randy Pickard (Amended Application) – Request to rezone from AG to OL and AG and to approve an amended application for PUD 60 for a ministorage and office development for subject property – PC Continued from 12/17/2007 to 01/21/2008 to 02/18/2008 to 05/19/2008. On 05/19/2008, PC voted 3:2:0 on a Motion to recommend approval of OL zoning per BZ-337, and failed to pass a Motion to recommend Conditional Approval of PUD 60 (Amended Application) by 2:3:0 vote. PC chose not to take a subsequent vote on the possible denial recommendation, choosing instead to allow the case to be taken to the City Council absent a recommendation. City Council Conditionally Approved by 3:2:0 vote 06/23/2008 (Ord. # 1001). Additional Condition of Approval by City Council was "8ft wall, and stucco or masonry finish."

PUD 60 Major Amendment # 1 "Riverside Group" / "Brisbane Office Park" – Matt Means of Landmark Constructive Solutions – Request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 60 for subject property – changed the name of the PUD to "Brisbane Office Park" – PC recommended Conditional Approval 06/16/2014 and City Council Conditionally Approved application 06/23/2014 and Approved by ordinance with Emergency Clause 08/11/2014 (Ord. # 2140).

Preliminary Plat of Brisbane Office Park – Request for approval of a Preliminary Plat and Modification/Waiver to allow Lot 2, Block 1, to have no frontage on a private or public street for subject property – PC recommended Conditional Approval 07/21/2014 and City Council Conditionally Approved plat and Modification/Waiver 08/11/2014.

Final Plat of Brisbane Office Park – Request for approval of a Final Plat and partial Modification/Waiver from 17.5' perimeter U/E requirement for subject property – PC recommended Conditional Approval 08/18/2014. City Council consideration pending 01/12/2015.

BSP 2014-03 – “Brisbane Office Park” – Matt Means of StoreTulsa.com (PUD 60) – Request for approval of a PUD Detailed Site Plan for subject property – PC recommended Conditional Approval 09/15/2014. City Council consideration pending 01/12/2015.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of the West 10 Acres of the East 20 Acres of Government Lot 1 (NW/4 NW/4) of Section 31, T18N, R14E, Less and Except a 75' X 75' tract from its northeast corner which belongs to *BTC Broadband* and contains a fenced communications building. The subject property contains an old house and accessory building(s) toward its northwestern lot corner, and is otherwise vacant and wooded. The subject property is moderately sloped and, per the elevation contours represented on the site plan, contains a ridgeline oriented north-south along the west side of the tract, apparently roughly coterminous with the property's westerly line. This ridgeline forms a watershed (drainage divide) separating the Fry Creek Ditch # 1 and the Haikey Creek drainage basins. Per the elevation contours on the Preliminary Plat, all or almost all of the subject property naturally drains to the east and south to the Haikey Creek drainage basin. Upon completion of grading, paving, stormwater drainage and detention, and masonry screening wall improvements, all of the property will drain to the east and south.

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

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

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the existing AG district is *In Accordance* and the existing OL district *May Be Found In Accordance* with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since OL zoning was approved by ordinance of the City Council, it has been recognized as being *In Accordance* with the Low Intensity designation of the Comprehensive Plan.

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

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

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

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

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

Per the Matrix, PUDs (as a zoning district) *May Be Found In Accordance* with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since PUD 60 and PUD 60 Major Amendment # 1 were both approved by ordinances of the City Council, PUD 60 has been recognized as being *In Accordance* with the Comprehensive Plan as a zoning district.

Due to the relatively limited scope of proposed changes, the proposed PUD 60 Minor Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

General. The Applicant is requesting a Minor Amendment to PUD 60 “Brisbane Office Park,” which amendment proposes relaxing certain signage and building height restrictions and making certain other amendments. This Minor Amendment would do two (2) things:

1. Replace with “One Story” the 8.5’ building height restriction in Development Area B (ministorage element), and
2. Allow a ground sign located within Development Area A (office element) to advertise the ministorage business in Development Area B (ministorage element), which relaxes the “billboard” prohibition of the Zoning Code in this instance.

The underlying zoning is OL and Zoning Code Section 11-7C-4 Table 3 does not provide any height restriction in the Office districts (however, another City Code provision may provide a citywide height restriction). The original PUD 60, as approved, included “One Story” here, and this Minor Amendment proposes to restore this language. It was the Major Amendment # 1 which restricted the height to 8.5’, and that specific number was based on the conceptual

35

building height listed on the site plan exhibit during Major Amendment # 1. The plans were refined during the preparation of the PUD Detailed Site Plan per BSP 2014-03. The plans show the buildings at 8.5' in height, but they will have a pitched roof shown at 10' 1" +/- in total height. Any further plan changes would have to be approved by the Planning Commission and City Council per the requirement for same in the PUD. Since the Zoning Code would allow the additional height by right, and the original PUD allowed "One Story" of height, the relaxation of the self-imposed 8.5' height restriction appears to be a reasonable accommodation by Minor Amendment, as requested here.

The BSP 2014-03 site plans represent the locations of the one (1) proposed ground sign at the northwest lot corner. The ground sign would advertise both the "Brisbane Office Park" and "Brisbane Mini-Storage" business. The Zoning Code (Section 11-2-1, etc.) would recognize the signage element advertising the ministorage business, located on the office park lot, as a "billboard," prohibited by the Zoning Code. However, signage advertising the ministorage business along 111th St. S. was to be expected by the specific allowance of the "back" ministorage development area / lot per the PUD. This is a common situation and relief from this restriction has commonly been done within PUDs either at the time of their initial approval or by amendment (PUD 65 Major Amendment # 1, PUD 73, PUD 76, PUD 47-C, PUD 81, etc.). This minor matter is proposed to be relieved by this Minor Amendment # 1.

The Technical Advisory Committee (TAC) was sent a comment response form seeking comments on this PUD Minor Amendment application and other items by December 03, 2014. Of the responses received, there were no objections to or relevant comments upon this application.

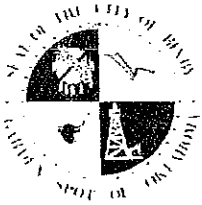
Access & Circulation. See Staff Reports for the Final Plat of "Brisbane Office Park" and the PUD Detailed Site Plan per BSP 2014-03.

Surrounding Zoning and Land Use. See summary hereinabove.

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

1. Title Page: Please update to reflect this Minor Amendment # 1 is being proposed, or otherwise replace PUD document with a smaller document more narrowly tailored to the parts of the PUD that are actually affected.
2. PUD Text: Please update to reflect this Minor Amendment # 1 is being proposed, or otherwise replace PUD document with a smaller document more narrowly tailored to the parts of the PUD that are actually affected.
3. PUD Text: Development Concept: Introduction: Whether using the entire PUD document or a smaller document more narrowly tailored to the parts of the PUD that are actually affected, please provide the proposed scope of this Minor Amendment # 1 that specifies the number and nature of the changes proposed and provides that no changes are made to PUD 60 except as specifically amended in this document. In the event a smaller document is used, this will ensure no ambiguity that the omitted informational elements are not superseded but remain in effect except as specifically modified.

4. PUD Text: Development Standards for All Lots: Signs: Please restore item # 1, but integrate the new relaxation provision here, by suffix appended to the sentence, by asterisk text, by adding a subsequent subsection, or by other method as appropriate.
5. PUD Text: Development Standards for All Lots: Signs: Please clarify wording of new relaxation provision here, such as “signage advertising uses located within Development Area B shall be permitted to be located within Development Area A.”
6. Exhibit A: Please update with latest site plan or otherwise remove.



City of Bixby Application for PUD

Applicant: MATT MEANS - STORE TULSA.COM, LLC
Address: P.O. Box 330199 TULSA, OK 74133
Telephone: 918-381-9655 Cell Phone: _____ Email: MATTE@STORETULSA.COM

Property Owner: PASIMON If different from Applicant, does owner consent? YES
Property Address: 10422 E. 111TH ST. SOUTH
Existing Zoning: OL Requested Zoning: _____ Existing Use: OFFICE / MINI STORAGE
Proposed Use: STORAGE UNIT BUILDING HEIGHT Use Unit #: _____

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

PUD-60 - SEE ATTACHED LEGAL DESCRIPTION

Does Record Owner consent to the filing of this application? ☒ YES ☐ NO
If Applicant is other than Owner, indicate interest: APPLICANT PURCHASING PROPERTY FROM OWNER
Is subject tract located in the 100 year floodplain? ☐ YES ☒ NO
Are 5 copies of the PUD text and exhibits package attached? ☒ YES ☐ NO

Application for: ☐ PUD ☐ Major Amendment ☒ Minor Amendment ☐ Abandonment

BILL ADVERTISING CHARGES TO: STORE TULSA.COM, LLC
P.O. Box 330199 TULSA 74133 918-381-9655
(ADDRESS) (CITY) (NAME) (PHONE)

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

Signature: [Signature] Date: 11.17.14

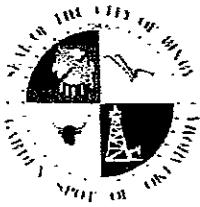
APPLICANT - DO NOT WRITE BELOW THIS LINE

PUD _____ Date Received _____ Received By _____ Receipt # _____
Planning Commission Date _____ City Council Date _____

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

FEES:	PUD TYPE	ACREAGE	BASE FEE	ADD.	TOTAL
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PC Action	_____	City Council Action	_____
DATE / VOTE	_____	DATE / VOTE	_____
STAFF REC.	_____	ORD. NO.	_____



City of Bixby Application for PUD

Applicant: MATT MEANS - STORE TULSA.COM, LLC
Address: P.O. Box 330199 TULSA, OK 74133
Telephone: 918-381-9655 Cell Phone: _____ Email: Matt@storetulsa.com

Property Owner: PASMON If different from Applicant, does owner consent? YES
Property Address: 10422 E. 111TH ST. SOUTH
Existing Zoning: OL Requested Zoning: _____ Existing Use: OFFICE / MINI STORAGE
Proposed Use: _____ Use Unit #: _____

SIGNAGE FOR MINI STORAGE

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

PUD-60 - SEE ATTACHED LEGAL DESCRIPTION

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

If Applicant is other than Owner, indicate interest: APPLICANT PURCHASING PROPERTY FROM OWNER

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

Are 5 copies of the PUD text and exhibits package attached? ☒ YES ☐ NO

Application for: ☐ PUD ☐ Major Amendment ☒ Minor Amendment ☐ Abandonment

BILL ADVERTISING CHARGES TO: STORE TULSA.COM, LLC
P.O. Box 330199 TULSA 74133 918-381-9655
(ADDRESS) (CITY) (PHONE)

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

Signature: [Signature] Date: 11.17.14

APPLICANT - DO NOT WRITE BELOW THIS LINE

PUD _____ Date Received _____ Received By _____ Receipt # _____
Planning Commission Date _____ City Council Date _____

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

FEES:	PUD TYPE	ACREAGE	BASE FEE	ADD.	TOTAL
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PC Action _____ City Council Action _____

DATE / VOTE _____ DATE / VOTE _____
STAFF REC. _____ ORD. NO. _____

39

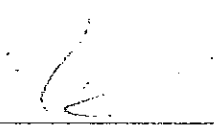
May 16, 2014

To: City of Bixby, OK

Pajimon consents to the attached application for an amendment to PUD 60 as submitted by Mr. Matthew Means, Landmark Constructive Solutions.

PAJIMON

By:



Paul B. Naylor, Managing Partner

Brisbane Office Park

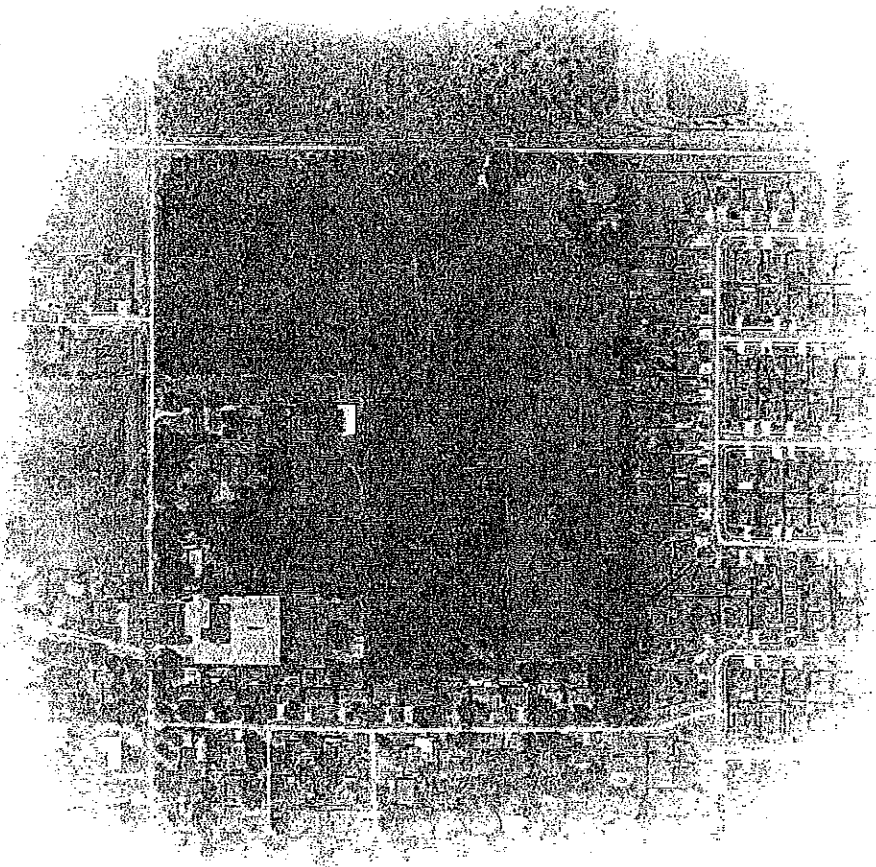
Bixby, Oklahoma

Planned Unit Development: Number 60

November 1, 2007

Major Amendment #1

Prepared August 11th, 2014



W Design, LLC
1513 East 15th Street,
Tulsa, Oklahoma 74120
Ph: 918.794.6616



**Brisbane Office Park
PUD No. 60**

TABLE OF CONTENTS

1. Development Concept	Page 3
2. Development Standards	Page 5
a. Development Area 'A'	Page 5
b. Development Area 'B'	Page 6
c. Reserve Area 'A'	Page 7
3. Development Standards for All Lots	Page 8

List of Exhibits:

Exhibit A:	Conceptual Site Plan
Exhibit B:	Site Plan with Development Areas Outlined
Exhibit B-1:	Overall PUD Site
Exhibit B-2:	Development Area 'A'
Exhibit B-3:	Development Area 'B'
Exhibit B-4:	Reserve Area 'A'
Exhibit C:	Existing Area Zoning
Exhibit C-1:	INCOG Aerial Photograph of Site and Surrounding Area
Exhibit D:	Existing Area Zoning / Proposed Site Rezoning
Exhibit E:	Site Plan with Existing Topography and Utilities
Exhibit F:	Site Plan with Proposed Detention and Utilities
Exhibit G:	Access, Traffic and Pedestrian Circulation Plan
Exhibit H:	Preliminary Landscape Plan

Brisbane Office Park

Planned unit Development No. 60

DEVELOPMENT CONCEPT

Introduction:

Brisbane Office Park is planned as a mixed-use development, including office and mini-storage uses. The overall site totals 9.87 acres. The site is approximately 550 feet east of South Mingo Road on the south side of 111th Street South. The property is in the Northwest Quarter of Section 31, Township 18 North, Range 14 East, in Tulsa County, Oklahoma. See Exhibit B to this Planned Unit Development (PUD) Text, which is a Site Plan with Development Area outlined. See also Exhibit C-1, which is a color aerial photograph of the Site and surrounding area produced by INCOG.

The Scope of this PUD Amendment removes Development Area 'C' and expands Development Area 'A'. Also, this Amendment decreases Development Area 'B' and renames the PUD from Riverside Group to Brisbane Office Park. Part of the allowable 0.40 FAR in Development Area A is being donated to Development Area B by this PUD Major Amendment #1. This Major Amendment #1 replaces the originally approved PUD #60 in its entirety.

As depicted and described on Exhibit B and Exhibit B-1, the proposed PUD consists of two development areas along with a reserve area. The PUD areas are depicted and labeled in more detail on Exhibit A, which is the Conceptual Site Plan.

Development Area A, which is planned for Office Use, is at the north and front or front side of the PUD. It extends south 384 feet from East 111th Street to the north line of Development Area B. Development Area A is legally described on Exhibit B-2.

Development Area B, described on Exhibit B-3, is planned for Mini-Storage use. It begins at the south line of Development Area A and extends south to Reserve Area A.

Reserve Area A is planned for storm water detention use for open space/buffer purposes. It begins at the south line of Development Area B and extends 320 feet to the south boundary of the overall site. Reserve Area A is legally described on Exhibit B-4.

By this Major Amendment #1, the original 50' MAE and 32' MAE roadway are being reduced to 26 feet wide. The 26' wide roadway extends along the east and west side of the PUD from East 111th Street to the southernmost area in Development Area B. This roadway provides access to all of the Development Areas. It also allows access to the detention pond and open space to the south end of the PUD, for maintenance purposes.

Zoning:

The overall site is currently zoned OL and AG by PUD 60. This Major Amendment #1 does not alter the underlying zoning or PUD designation on the official Zoning Map. Attached as Exhibit C is an exhibit that identifies the existing zoning of the site and surrounding areas. Exhibit C-1, which is an aerial photograph dated July 2014 obtained from INCOG, also depicts the existing zoning of the site and surrounding areas.

The Owner has applied for the rezoning of the entire tract to OL with a PUD overlay to help insure that the planned uses will be compatible with the surrounding, existing and planned development. The proposed rezoning districts are depicted on Exhibit D.

The Comprehensive Land-Use Plan:

The Site is located within the jurisdiction of the Bixby Comprehensive Plan 2001-2020 (the "Bixby Comprehensive Plan" or "Plan"). The Bixby Comprehensive Plan Map identifies the subject property as being located in the area designated for "low intensity" uses. According to the plan, OL zoning may be found to be in accordance with this Plan designation.

OL Zoning and Mini-Storage Use:

Mini-Storage use recently has been reclassified as Use Unit 16 according to the City of Bixby Zoning Code. The Zoning Code, as amended, allows for mini-storage use in the OL Zoning District as part of an approved PUD.

Features of the Site and Surrounding Area; Viability and Compatibility:

The Site is located in North Bixby, approximately 550 east of South Mingo Road on the south side of East 111th Street South. The site itself is relatively level, is not in the flood plain, and has all utilities available for development. The site has good public access along the north boundary (East 111th Street South).

The Site is bordered on the northwest by a vacant CS zoned corner property, and on the west by three, large residential parcels, a water tower and one church. It should be noted that the houses on the three residential parcels are located nearer the west side of each parcel, with the back of the houses being between 300-450 feet from the subject property. (See the aerial photograph submitted with this Text as Exhibit C-1.) To the south of the Site is a small lot residential subdivision. The closest lots in the subdivision will be more than 300 feet from the southernmost development area in the proposed PUD (Development Area B). Located on the east boundary is an AG zoned large lot residential property that is largely undeveloped.

The Site is relatively narrow in width, when compared to its depth. The PUD, which divides the depth of the site into three development areas and an open space reserve area, represents an efficient development of the site with Office and Mini-Storage uses that have proven to be compatible with the types of uses that surround the site. Compatibility of the site with surrounding uses is enhanced by the development standards described in the following sections of this text.

DEVELOPMENT STANDARDS

DEVELOPMENT AREA A (OFFICE USE)

LAND AREA*: 2.777 acres 120,960 square feet

* The Land Area includes one-half the designated primary arterial road right-of-way per Section 11-7I-5.A.2 of the Bixby Zoning Code.

PERMITTED USES (to be allowed by right):

Office use, specified as an "included use" in Use Unit 11 and which is allowed by right in the OL Zoning District pursuant to Section 11-7C-3 of the City of Bixby Zoning Code, and the accessory sign uses permitted by right in the OL Zoning District.

MINIMUM FRONTAGE: 75 feet

MAXIMUM BUILDING FLOOR AREA:

Office Use (maximum total floor area): 32,054 square feet*

(.30 Floor Area Ratio is specified in Section 11-7C-4 of the City of Bixby Zoning Code for the OL Zoning District and is incorporated into Section 11-7L-5A-2 of the Code)

*A portion of the allowable 0.40 maximum FAR is being donated to Development Area B as specified in the Development Standards for Development Area B resulting in a new FAR of 0.265

MAXIMUM BUILDING HEIGHT: 25 feet

MINIMUM BUILDING SETBACKS*

From the west boundary	10.0 feet
From the south boundary	N/A
From the north boundary	
In addition to the right-of-way designated on the Major Street and Highway Plan for East 111 th Street.	50.0 feet
From the east boundary**	10.0 feet

* The Conceptual Site Plan on Exhibit A depicts setbacks which exceed the minimum building setbacks identified above.

** To the distance add 1 foot for each 1 foot of building height exceeding 18 feet.

DEVELOPMENT AREA B (MINI-STORAGE USE)

LAND AREA: 4.681 acres 203,923 square feet

PERMITTED USES:

Mini-Storage use, specified as an "included use" in Use Unit 16, office use, and all accessory uses permitted in the OL Zoning District. (upon the original approval of the rezoning to the OL Zoning District and upon approval of the PUD by the City Council, no special exception shall be required for mini-storage use in Development Area B)

MINIMUM FRONTAGE (per lot): N/A

MAXIMUM BUILDING FLOOR AREA: 97,883 square feet*

*Part of the maximum allowable FAR of 0.40 from Development Area A is donated to Development Area B by this PUD Major Amendment #1 resulting in a new FAR of 0.48

MAXIMUM BUILDING HEIGHT: One Story
(One story height may vary depending on type of finish)

MAXIMUM BUILDING SETBACKS*

Pursuant to Section 11-7C-4 of the City of Bixby Zoning Code:

From the west boundary	10.0 feet
From the south boundary (Reserve Area A North Line)	N/A
From the north boundary (Development Area A South Line)	N/A
From the east boundary	10.0 feet

* The Conceptual Site Plan on Exhibit A depicts setbacks which exceed the minimum building setbacks identified above.

USE UNIT 16 STANDARDS – DETAILED SITE PLAN

Development of Area B for Mini-Storage use shall be subject to the Use Conditions identified in Section 11-9-16, Subsections C, D and E of the City of Bixby Zoning Code.

RESERVE AREA A

LAND AREA: 2.424 acres 105,589 square feet

PERMITTED USES:

Storm water detention and open space buffer, as conceptually depicted on Exhibit A.

DEVELOPMENT STANDARDS FOR ALL LOTS

STANDARD REQUIREMENTS

The Standard Requirements of the City of Bixby Fire Marshal, City Engineer, and City Attorney shall be met as a condition of approval.

LANDSCAPED AREA AND SCREENING

- (1) All development and construction in Development A and B shall comply with all applicable codes and regulations of the City of Bixby.
- (2) A Preliminary Landscape and Screening Plan is depicted on Exhibit H. Owner/Developer shall submit a detailed landscape and screening plan as required by the City of Bixby pursuant to the Planned Unit Development and Landscape Requirements chapters of the Bixby Zoning Code.
- (3) All landscaping and screening shall meet or exceed the requirements of the PUD Chapter (Chapter 7-I), the Landscape Requirements Chapter (Chapter 12), or an alternative plan may be approved by the City Council if it determines that, although not meeting the technical requirements of the foregoing chapters, the plan is equivalent to or better than the requirements of the foregoing chapters.
- (4) A detail landscape plan for the development areas shall be reviewed by the Bixby Planning Commission and approved by the City Council prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping has been installed in accordance with the approved landscape plan, prior to issuance of an occupancy permit. The landscape materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.

SIGNS

- (1) Signage advertising the mini storage will be permitted on the office park since the mini storage is on the "back" end of the development per the PUD / lot development
- (2) No sign permits shall be issued for erection of a sign within the PUD until a detail sign plan for that lot has been reviewed by the Bixby Planning Commission and approved by the City Council as being in compliance with the approved PUD development standards.

- (3) Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs with movements shall be prohibited, except as reviewed by the Bixby Planning Commission and approved by the City Council as part of the approved detail sign plan.

LIGHTING

- (1) Lighting used to illuminate the development area shall be so arranged as to shield and direct light away from adjacent residential areas and residential uses within the PUD. No light standard or building-mounted light shall exceed 14 feet. Light, as measured in footcandles, shall not exceed 0.0 footcandles at all PUD boundaries shared with a residential property. A lighting plan shall be a required element of the PUD Detailed Site Plan and shall include a photometric plan demonstrating compliance with the foregoing lighting requirements.

TRASH, MECHANICAL AND EQUIPMENT AREAS

- (1) There shall be no storage of recyclable materials, trash or similar material outside a screened receptacle. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

TOPOGRAPHY, DRAINAGE AND UTILITIES

- (1) *Topography.* Existing topography of the Site is depicted in Exhibit E.
- (2) *Drainage.* Storm water shall drain and be connected to the onsite storm water detention area depicted on Exhibit E to this PUD Text. All storm water drainage structures shall be installed and maintained in accordance with all applicable City of Bixby Ordinances and regulations, and as shall be more particularly described in Restrictive Covenants included in the Plat of the Site.

A Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required storm water drainage structures serving the Site have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.

During construction on the property, the owners of the development areas, and any platted lots within the development areas, will provide adequate and reasonable erosion control and, after construction, they will provide and maintain vegetative, landscaped ground cover so that soil does not erode on or from the property.

- (3) *Utilities.* Existing utilities are depicted on Exhibit E. Proposed detention and utilities are depicted on Exhibit F.

ACCESS, CIRCULATION AND PARKING

Access, traffic circulation and parking are depicted on Exhibit G. All drives and parking areas within the PUD shall be privately owned and maintained. Mutual access between and across individual lots and mutual parking privileges shall be provided by a mutual access agreement to be recorded in office of the Tulsa County Clerk by the Owner/Developer or by provisions in the Deed of Dedication and Restrictive Covenants that will be filed along with the plat of property.

Pedestrian access and circulation shall be depicted on any detailed site plan drawing and/or landscape plan required by the City of Bixby. As stated above, all mutual access drives in the Development Area lots shall be private drives, which shall be constructed in accordance with all applicable City of Bixby codes, regulations and standards.

The subdivision plat shall include a mutual parking agreement covenant for Development Areas A and B. Minimum and maximum parking requirements for Development Areas and B shall be determined upon City of Bixby Planning Commission recommendation and City Council PUD Detailed Site Plan approval.

RESTRICTIVE COVENANTS: ENFORCEMENT

Restrictive covenants will be adopted and recorded for the PUD as platted. Owners of the respective platted lots and or buildings in the PUD will be required by the covenants to keep and maintain the lots and improvements in a clean and professional manner (the "Maintenance Covenant"). The Maintenance Covenant will be enforced by the owner or the owners' association for each platted lot or building in the PUD.

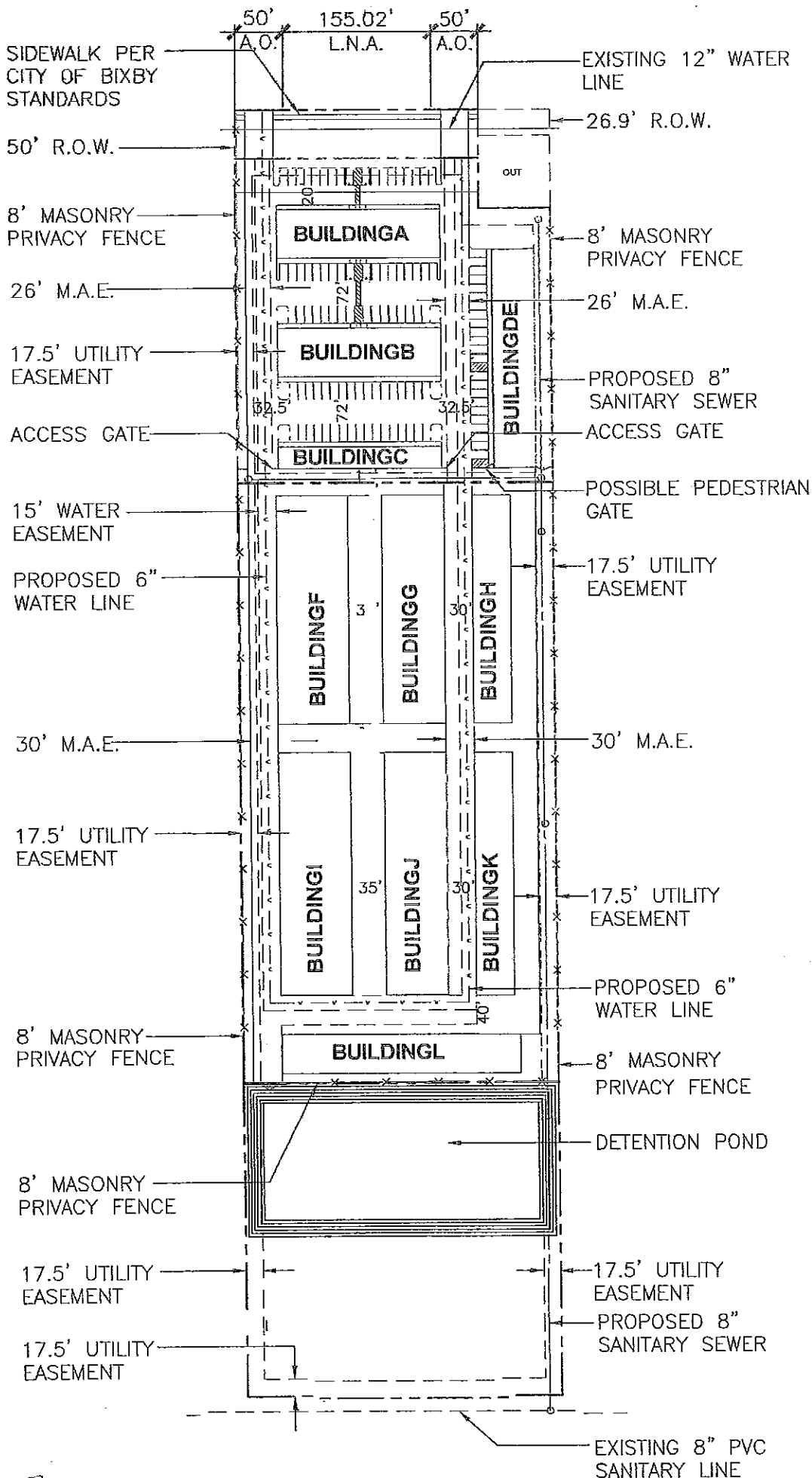
PERMIT PREREQUISITES

No zoning clearance permit shall be issued until a detail site plan, including all buildings, parking, drives, walkways, and landscape areas, has been submitted to the City of Bixby, reviewed by the Bixby Planning Commission and approved by the City Council as being in compliance with the PUD development standards and all other applicable standards of the City of Bixby.

SCHEDULE OF DEVELOPMENT

Development will commence upon the approval of the PUD and the plat by the appropriate governmental bodies. The proposed development schedule is as follows:

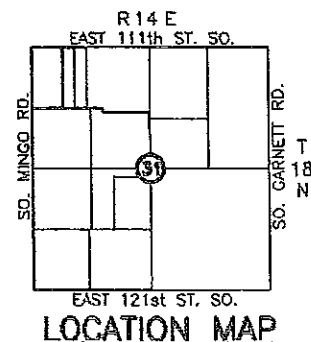
- | | |
|---|-------------------|
| 1. Approval of construction plans: | August 25, 2014 |
| 2. Installation of site erosion control: | September 1, 2014 |
| 3. Begin site grading: | September 8, 2014 |
| 4. Begin site utilities, storm water drainage and detention construction: | October 1, 2014 |
| 5. Begin Development Area A and B improvements: | October 1, 2014 |
| 6. Complete development/construction: | January 15, 2015 |



SCALE: 1"=150'

BUILDING SIZE INFO.

BLDG A:	50' x 170' x 25.0'
BLDG B:	50' x 170' x 25.0'
BLDG C:	22' x 170' x 25.0'
BLDG D/E:	45' x 225' x 25.0'
BLDG F:	75' x 235'
BLDG G:	65' x 235'
BLDG H:	40' x 235'
BLDG I:	75' x 250'
BLDG J:	65' x 250'
BLDG K:	40' x 250'
BLDG L:	40' x 250'



BRISBANE OFFICE PARK
PUD60
EXHIBIT 'A'
CONCEPTUAL SITE PLAN

5.2



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Monday, December 08, 2014
RE: Report and Recommendations for:
BL-394 – Allen Locke

LOCATION: – 13200-block of E. 183rd Cir. S.
– Lot 24, Block 3, *Amended Deer Run Estates*

LOT SIZE: 0.9 acres, more or less

ZONING: RS-1 Residential Single-Family District

SUPPLEMENTAL ZONING: None

EXISTING USE: Vacant

REQUEST: Lot-Split approval

COMPREHENSIVE PLAN: Low Intensity + Residential Area

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

BZ-133 – Clinton Miller for M & M Development – Request for rezoning from AG to RS-1 and CS for approximately 90 acres, more or less, which became *Amended Deer Run Estates* (includes subject property) – PC Recommended Approval of RS-1 only 02/28/1983 and City Council Approved RS-1 only 03/07/1983 (Ord. # 476) (that portion of the future subdivision lying northwesterly of the centerline of 129th E. Ave., requested for CS zoning, was completely omitted from legal description in Ordinance).

BZ-143 – Clinton Miller for M & M Development – Request for rezoning from AG to RS-1 for approximately 90 acres, more or less, which became *Amended Deer Run Estates*

(includes subject property) – same as BZ-133 but the initial annexation (reportedly January, 1983) was deemed invalid and the property had to be re-annexed (reportedly 06/06/1983) and rezoned – PC Recommended Approval 06/27/1983 and City Council Approved 07/05/1983 (Ord. # 488) (that portion of the future subdivision lying northwesterly of the centerline of 129th E. Ave. included).

Final Plat of Amended Deer Run Estates – Request for Final Plat approval for *Amended Deer Run Estates* (includes subject property) – City Council Approved 07/05/1983 (per the plat approval certificate) (Plat # 4366 recorded 07/06/1983) (Preliminary Plat and PC approvals not researched) (existence of a subdivision name prior to the “Amended” plat not known).

BL-214 – Allen Locke – Request for Lot-Split approval to split a part of Lot 25, Block 3, (13222 E. 183rd Cir. S.) abutting subject property to the south, to provide for access to part of Reserve B abutting subject property to the east, all in *Amended Deer Run Estates* (southerly portion of subject property proposed to be attached to this property) – Record of PC consideration not found; property does not appear to have been split pursuant to sketch and description found in case file.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of Lot 24, Block 3, *Amended Deer Run Estates*, and is zoned RS-1. It has over 55’ of frontage on the cul-de-sac turnaround of 183rd Cir. S. and is vacant and wooded. The property has a moderate downward slope to the east to a creek along its rear yard line.

General. The Applicant owns the property abutting the subject property to the south, Lot 25, Block 3, *Amended Deer Run Estates* (13222 E. 183rd Cir. S.), and adjacent land to the east and south. The Applicant and another property owner to the north/west, Nielsen, who owns Lot 22 (13219 E. 183rd Cir. S.) and the vacant Lot 23, have agreed to acquire the subject property. They intend to split it, with the Applicant retaining the southerly portion and Nielsen acquiring the northerly portion. The RS-1 district requires a minimum of 100’ of lot width and a minimum lot area of 13,500 square feet. The southerly proposed tract would not meet all the requirements for the RS-1 district or the 30’ minimum street frontage requirement of Zoning Code Section 11-8-4, and so it must be legally combined with the adopting Lot 25, Block 3 to the south. Provided this is done, all resulting lots would comply with the minimum bulk and area and other requirements of the Zoning Code.

The Technical Advisory Committee (TAC) was sent a comment response form seeking comments on this Lot-Split application and other items by December 03, 2014. Of the responses received, there were no objections to or relevant comments upon this application.

Staff Recommendation. Staff recommends Approval, subject to the southerly or both resulting tracts being attached to their respective adopting lots by deed restriction language such as:

[INSERT THE LEGAL DESCRIPTION OF THE NEW TRACT] .

The foregoing is restricted from being transferred or conveyed as described above without including:

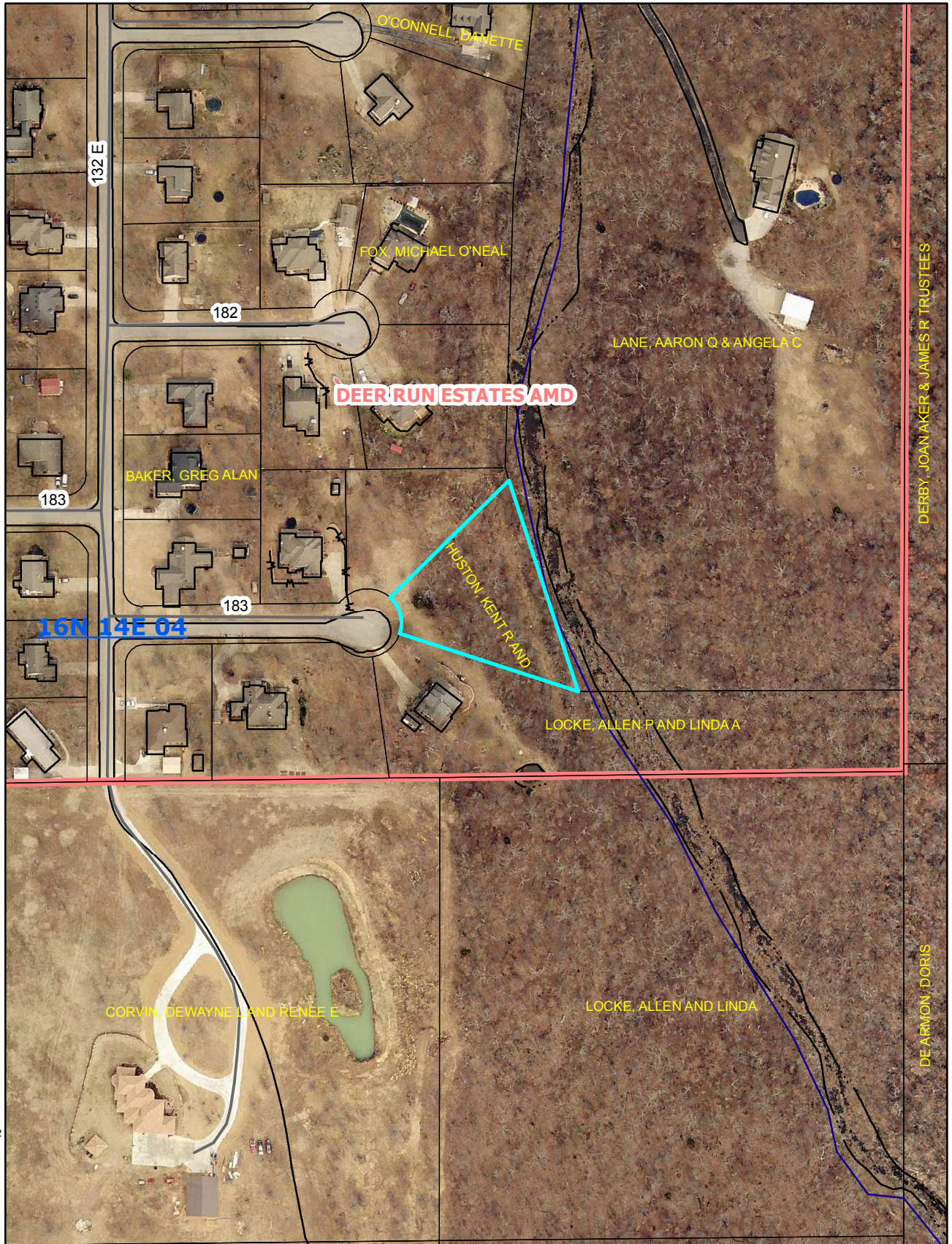
[INSERT THE LEGAL DESCRIPTION OF ADOPTING LOT 25 or 27]

unless otherwise approved by the Bixby Planning Commission, or its successors, and/or the Bixby City Council as provided by applicable State Law,

Or other language provided by the Applicant for this purpose subject to City Attorney approval.

55

BL-394 – Allen Locke



- Businesses
- bixby_streams
- Tulsa Parcels 08/14
- WagParcels 08/14
- TulSubdivision
- WagSubdivision
- WagRoads_Aug2012
- E911Streets
- PUD
- bixby_s-t-r
- county

0 105 210 420 630 840 Feet



City of Bixby

Application for Lot-Split

Applicant:

Address:

Telephone:

Allen Locke, & Eric Nielson

13222 E. 18th Circle

918 366-3812

Cell Phone:

Email:

Property Owner:

Existing Zoning:

Allen Locke & Eric Nielson

Property Address:

N/A

Existing Use:

VACANT

Use Unit #:

Attach four (4) copies of a survey drawing including existing and proposed lot lines, buildings and improvements dimensioned to existing and proposed lot lines, adjacent street and other rights-of-ways, street widths, easements of record, existing access limitations, north arrow, scale, and date.

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

FIRST TRACT TO BE CREATED	
Legal Description of Proposed Tract	Source of Water supply for this Tract
see attached	☒ CITY ☐ WELL ☐ OTHER <u>N/A</u>
	Type of Sewage Disposal to be Available for this Tract
	☐ SEWER ☐ SEPTIC ☐ OTHER <u>N/A</u>
	Street or Streets Tract will face
	Proposed Use of this Tract
	<u>VACANT</u>
	Average Lot Width
	Street frontage
	<u>55.18'</u>
SECOND TRACT TO BE CREATED	
Legal Description of Proposed Tract	Source of Water supply for this Tract
see attached	☐ CITY ☐ WELL ☐ OTHER
	Type of Sewage Disposal to be Available for this Tract
	☐ SEWER ☐ SEPTIC ☐ OTHER
	Street or Streets Tract will face
	Proposed Use of this Tract
	Average Lot Width
	Street frontage
THIRD TRACT TO BE CREATED	
Legal Description of Proposed Tract	Source of Water supply for this Tract
see attached	☐ CITY ☐ WELL ☐ OTHER
	Type of Sewage Disposal to be Available for this Tract
	☐ SEWER ☐ SEPTIC ☐ OTHER
	Street or Streets Tract will face
	Proposed Use of this Tract
	Average Lot Width
	Street frontage
FOURTH TRACT TO BE CREATED	
Legal Description of Proposed Tract	Source of Water supply for this Tract
see attached	☐ CITY ☐ WELL ☐ OTHER
	Type of Sewage Disposal to be Available for this Tract
	☐ SEWER ☐ SEPTIC ☐ OTHER
	Street or Streets Tract will face
	Proposed Use of this Tract
	Average Lot Width
	Street frontage

City of Bixby

Application for Lot-Split

Does Record Owner consent to the filing of this application?



YES



NO

If Applicant is other than Owner, indicate interest:

Is subject tract located in the 100 year floodplain?



YES



NO

Has \$50.00 application review fee been paid at City Hall?



YES



NO

BILL ADVERTISING CHARGES TO:

Allen Locke

(NAME)

13222

(ADDRESS)

E 183rd circle Bixby

(CITY)

918-366-3512

(PHONE)

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

Signature:

Allen Locke

Date:

11/5/14

APPLICANT - DO NOT WRITE BELOW THIS LINE

BL-399

Date Received

11/06/2014

Received By

Enyart

Receipt #

PC Action:

Conditions:

Date:

12/15/2014

Roll Call:

Staff Rec.

fee : \$50.00 appl. fee

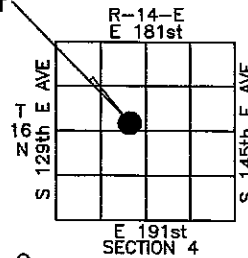
\$50.00 sign-posting fee

(ord. 599)

PLAT FOR LOT SPLIT

SUBJECT TRACT

LOCATION MAP



IRON PIN FOUND ⊕

UNDERGROUND LINE

IRON PIN SET ●

OVERHEAD LINE

FENCE

EASEMENT OR BLDG LINE

NOTE: NOT ALL ITEMS IN LEGEND MAY APPEAR ON THIS PLAT

PREPARED FOR: MR ALLEN LOCKE
13222 EAST 183rd CIR
BIXBY, OKLAHOMA 74008

BEARINGS SHOWN ARE NAD 83 (OKLAHOMA STATE PLANE)
WITH RELATION TO FILED SUBDIVISION PLAT SHOWN
HEREON.

NOTE NO ABSTRACT OR TITLE OPINION WAS
PROVIDED FOR THE EXECUTION OF THIS
LOT SPLIT SURVEY.

CORNERS OF LOT SPLIT AREA MARKED WITH 3/8" IRON PINS

RADIUS = 50'
ARC = 43.59'

ARC = 11.59'
CHORD

N 10°41'37"E 11.56'

LOT 24 REMAINDER AREA = 29867.96 S.F.

24

S 85°56'40"E 229.83'

N 72°42'26"W 269.37'

LOT SPLIT AREA 9951.96 S.F.

25



DESCRIPTION

A PART OF LOT TWENTY-FOUR (24), BLOCK THREE (3), AMENDED DEER RUN ESTATES, AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF, TO BECOME PART OF AND CONVEYED WITH LOT TWENTY-FIVE, BLOCK THREE (3) OF SAID DEER RUN ESTATES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 24, THENCE N 72°42'26"W ON A STATE PLANE BEARING ALONG THE SOUTHERLY LINE THEREOF FOR 269.37 FEET, THENCE NORTHERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 50 FEET FOR 11.59 FEET WITH A CHORD BEARING OF N 10°41'37"E FOR 11.56 FEET, THENCE S 85°56'40"E FOR 229.83 FEET TO THE EAST LINE OF SAID LOT 24, THENCE S 18°56'11"E ON A STATE PLANE BEARING ALONG SAID EAST LINE HAVING A SUBDIVISION PLAT BEARING OF S 17°47'41"E FOR 79.48 FEET TO THE POINT OF BEGINNING.

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE
PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD
OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

JACK D RAMSEY LS 387

OCTOBER 6, 2014

RAMSEY SURVEYING SERVICE

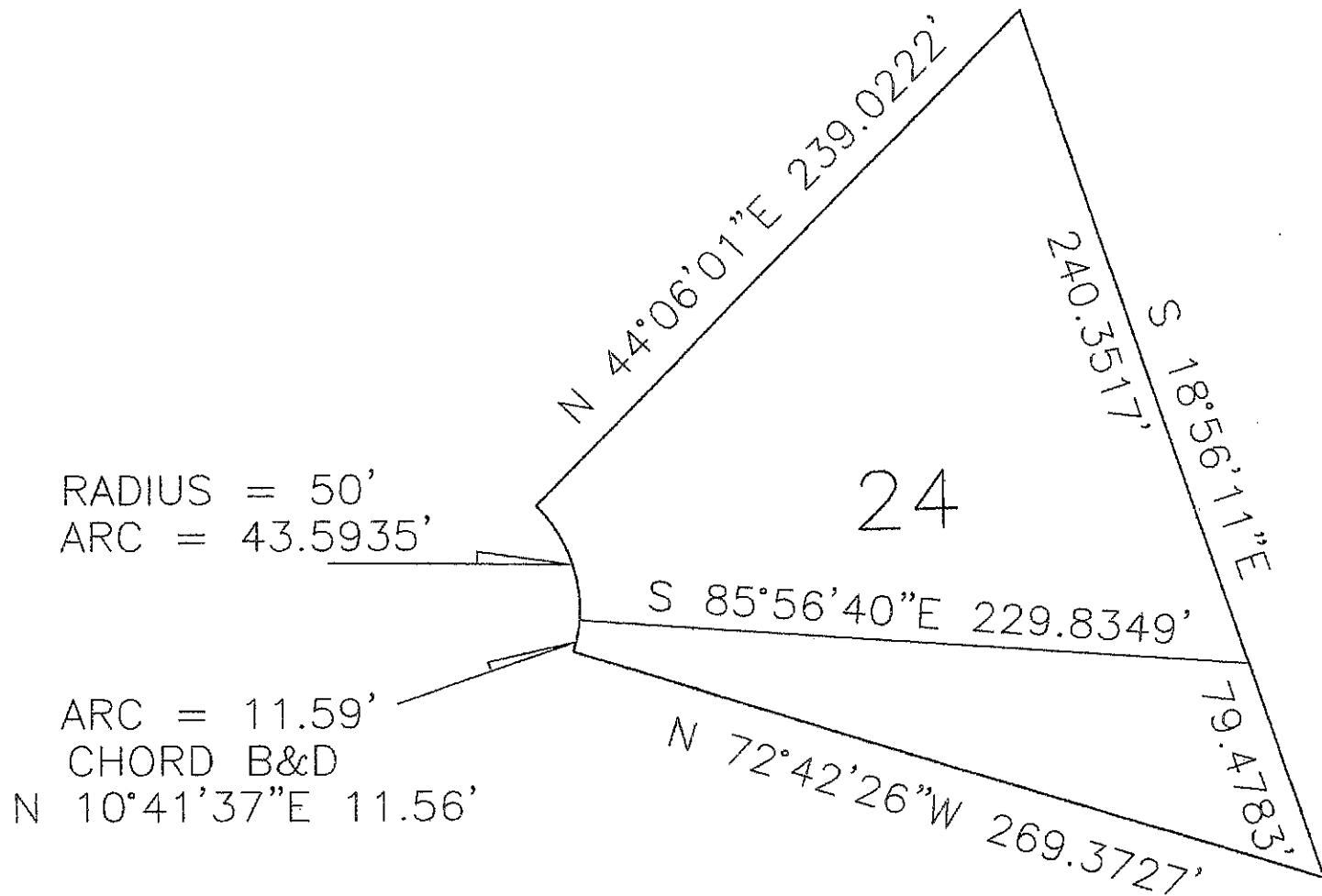
P.O. BOX 366 BIXBY, OKLAHOMA 74008

918 366 4520 FAX 918 970 8628

OKLAHOMA CERTIFICATE OF AUTHORIZATION

NUMBER 2112 EXPIRES JUNE 30, 2015

ramseysurvey4520 @ yahoo .com



TOTAL AREA LOT 24 = 39819.9197 S.F.
25% TOTAL LOT AREA = 9954.979925 S.F.
NEAREST SOUTH RADIAL 25% OF LOT 24 IS
9951.9601 S.F. (3.0198 S.F. UNDER 25%)

Erik Enyart

From: Erik Enyart
Sent: Tuesday, November 25, 2014 11:20 AM
To: 'Dobrinski, Tim'
Subject: RE: Bixby TAC Agenda 12/03/2014 (Request for Comments Only)

Received – thanks!

Erik

From: Dobrinski, Tim [mailto:DobrinTD@oge.com]
Sent: Tuesday, November 25, 2014 9:58 AM
To: Erik Enyart
Subject: RE: Bixby TAC Agenda 12/03/2014 (Request for Comments Only)

Find attached form with my comments for your records

From: Erik Enyart [mailto:eenyart@bixby.com]
Sent: Tuesday, November 25, 2014 9:28 AM
To: Dobrinski, Tim
Subject: RE: Bixby TAC Agenda 12/03/2014 (Request for Comments Only)

External email - Use caution with links and attachments.

Hi Tim:

Thanks for the notice. I understand our website experienced a technical issue and I had to go back and restore the updates I made last week. The TAC agenda is back up where it should be.

The Lot-Split in Deer Run Estates, as I understand it, is to allow the homeowners on both sides to split it and have larger side yards.

Hope it helps,

Erik Enyart

From: Dobrinski, Tim [mailto:DobrinTD@oge.com]
Sent: Tuesday, November 25, 2014 9:11 AM
To: Erik Enyart
Subject: RE: Bixby TAC Agenda 12/03/2014 (Request for Comments Only)

It appears that the Dec. 3rd notice is not on the site any longer. I reviewed it earlier and OG&E doesn't have any facilities between Lots 24 and 25. We are located in the easement located along the east side of both lots. There I have no concerns with this lot split. I am confused with the application for lot split which lot 23 has been included.

Thanks,

Tim Dobrinski

OG&E

Lead Engineering Tech.

Sapulpa District
Office 918-227-6203
Email dobrintd@oge.com
P O Box 1128
Sapulpa OK 74067

From: Erik Enyart [<mailto:eenyart@bixby.com>]

Sent: Friday, November 21, 2014 9:20 AM

To: 'sgideon@ong.com'; 'jpeterson@olp.net'; 'gary.hamilton@cox.com'; 'gahayes@bixbyps.org'; Mack, Douglas; 'kwilliams@ecoec.com'; 'bdangott@ecoec.com'; Jared Cottle; Bea Aamodt; Donna Crawford; 'Steve Williams'; 'Lonny Hicks'; Dobrinski, Tim; 'jbaxter@olp.net'; 'sc9761@att.com'; 'Rahe, Angela'; 'Hamilton, Scott'; 'rcollins@easytel.com'; Fire Marshal; 'Wade G Smith'; Patrick Boulden; 'dgaulden2@tulsa-health.org'

Cc: Justin Morgan; Ricky Jones; Ted Sack; tsack@sackandassociates.com

Subject: Bixby TAC Agenda 12/03/2014 (Request for Comments Only)

External email - Use caution with links and attachments.

AEP-PSO	Attn: Steve Williams, Lonny Hicks, & Wade Smith
ONG	Attn: Scott Gideon
BTC	Attn: Jim Peterson & Jason Baxter
Cox	Attn: Gary Hamilton
AT&T	Attn: Sherry Canalas
Bixby PS	Attn: Gabe Hayes
OG&E	Attn: Doug Mack
OG&E	Attn: Tim Dobrinski
ECOECO-Op	Attn: Kris Williams
ECOECO-Op	Attn: Bill Dangott
Windstream	Attn: Angela Rahe & Scott Hamilton
Easytel	Attn: Rob Collins
Tulsa Health Dept.	Attn: Daphne Gaulden, MPA, MPH, Program Coordinator

Bixby Fire Marshal Joey Wiedel
Bixby City Engineer Jared Cottle, PE
Bixby Public Works Director Bea Aamodt, PE
Bixby Community Development Coordinator Donna Crawford
Bixby City Attorney Patrick Boulden, Esq.

Greetings:

Note: THIS IS A REQUEST FOR COMMENTS ONLY – THERE WILL BE NO MEETING.

Items posted for comment can be found at <http://bixby.com/city-government/meeting-notice/technical-advisory-committee-meetings>

Thanks, and please call or email if you have any questions or need additional information.

Erik Enyart, AICP, City Planner
City of Bixby, PO Box 70
Bixby, OK 74008
Ph. (918) 366-0427

62

Fax (918) 366-4416
eenyart@bixby.com
www.bixby.com

Confidentiality Warning: This message and any attachments are intended only for the use of the recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of all or any portion of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return email and delete this message and any attachments from your system.

Confidentiality Warning: This message and any attachments are intended only for the use of the recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of all or any portion of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return email and delete this message and any attachments from your system.

REQUEST FOR COMMENTS

TECHNICAL ADVISORY COMMITTEE CITY OF BIXBY, OKLAHOMA

Request for Comments by December 03, 2014

Please complete the following and fax to (918) 366-4416 or email to [eenyart \(at\) bixby \(dot\) com](mailto:eenyart@bixby.com)

1. **PUD 60 – Brisbane Office Park – Minor Amendment # 1.** Discussion and comment on Minor Amendment # 1 to PUD 60 for approximately 10 acres in part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E, with underlying zoning OL Office and AG Agricultural, which amendment proposes relaxing certain signage and building height restrictions and making certain other amendments.
Property Located: 9900-block of E. 111th St. S.

Comments: _____

2. **BL-394 – Allen Locke.** Discussion and comment on a Lot-Split for Lot 24, Block 3, *Amended Deer Run Estates*.
Property located: 13200-block of E. 183rd Cir. S.

Comments: OGE doesn't have any facilities between
lots 24 & 25. We do not have any concerns
with this lot split

3. **BL-395 – SpiritBank care of AAB Engineering, LLC.** Discussion and comment on a Lot-Split for part of Lot 4, Block 1, *Regal Plaza*.
Property located: 10423 S. Memorial Dr., 10424 S. 82nd E. Ave., and 10438 S. 82nd E. Ave.

Comments: _____

Respondent Information

Agency: OG&E Contact Person: Tim Dobrinski
Address: P.O. Box 1128
City: Sapulpa State: OK Zip: 74067
Phone Number: (918) 227-6203 Fax Number: (918) 227-6237
Email: tdobrinski@oge.com

Posted By: _____

Date: _____

Time: _____

65



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Wednesday, December 10, 2014
RE: Report and Recommendations for:
BL-395 – SpiritBank care of AAB Engineering, LLC

LOCATION: – 10423 S. Memorial Dr. and 10424 and 10438 S. 82nd E. Ave.
– Lot 4, Block 1, *Regal Plaza*

LOT SIZE: 1.4 acres, more or less

ZONING: CS Commercial Shopping Center District / PUD 40

SUPPLEMENTAL ZONING: PUD 40 and Corridor Appearance District

EXISTING USE: Multitenant strip shopping center buildings at 10424 and 10438 S. 82nd E. Ave. and a parking lot formerly containing a small retail building addressed 10423 S. Memorial Dr.

REQUEST: Lot-Split approval

COMPREHENSIVE PLAN: Medium Intensity + Commercial Area + Corridor

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

BZ-92 – Allen G. Oliphant – Request for rezoning from AG to CS for an area platted as *Wildwood Garden Center*, since vacated in favor of *Regal Plaza* (includes subject property) – Recommended for Approval by PC 08/25/1980 and Approved by City Council 09/02/1980 (Ord. # 411).

Final Plat of Wildwood Garden Center – Request for Final Plat approval for part of what was latter platted as *Regal Plaza* (includes subject property) – Approved by PC 09/29/1980,

subsequently approved by City Council, and recorded 11/07/1980 (since vacated in favor of *Regal Plaza*).

BZ-244 – Gertrude Oliphant et al. – Request for rezoning from AG to CS for part of what later was platted as *Regal Plaza* (includes subject property) (related to PUD 24) – City Council Approved 02/22/1999 (Ord. # 787).

PUD 24 – Oliphant Center – Request for PUD approval for part of what later was platted as *Regal Plaza* (includes subject property) (related to BZ-244) – City Council Approved 02/22/1999 (Ord. # 788).

PUD 40 – Regal Plaza – Request for PUD approval for all of what later was platted as *Regal Plaza* (includes subject property) – Recommended for Approval by PC 05/16/2005 and Approved by the City Council 06/13/2005 (ordinance approved but not executed; approved ordinance document signed, sealed, assigned Ord. # 981, and recorded 11/21/2007) (Replaced PUD 24).

PUD 40 Minor Amendment # 1 – Request for approval of a Minor Amendment to PUD 40 for what later was platted as *Regal Plaza* (includes subject property) – PC Approved 12/19/2005.

Preliminary Plat of Regal Plaza – Request for Preliminary Plat approval for *Regal Plaza* (includes subject property) – PC Approved 08/15/2005 (older version of the plat, apparently) and then a revised, final version was approved by PC 02/21/2006 and by the City Council 02/27/2006.

Final Plat of Regal Plaza – Request for Final Plat approval for *Regal Plaza* (includes subject property) – PC Approved 06/19/2006 and City Council Approved 07/10/2006 (Plat # 6019 recorded 07/18/2006).

PUD 40 Minor Amendment # 2 – Request for approval of a Minor Amendment to PUD 40 for what later was platted as *Regal Plaza* (includes subject property) – PC Approved 05/21/2007.

BL-355 – Home Ventures, Inc. – Request for Lot-Split to create (1) an approximately 0.27-acre tract from Lot 4 to be attached to Lot 3 for the development of a *Chick-fil-a* restaurant and (2) the subject property – PC Approved 06/23/2008.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. Per BL-355, the original 1.67-acre Lot 4, Block 1, *Regal Plaza* was approved to be split, allowing the separation of the South 57.32 Memorial Dr. frontage-feet of the Westerly 210 feet of said Lot 4. That approximately 0.27-acre tract was added to the north side of Lot 3, Block 1, *Regal Plaza*, which combined lot was conveyed by a singular deed to Chick-fil-a, Inc., and it was subsequently developed as a *Chick-fil-a* restaurant. The remaining approximately 1.4-acre subject property contains multitenant strip shopping center buildings at 10424 and 10438 S. 82nd E. Ave. and a parking lot formerly containing a small retail building addressed 10423 S. Memorial Dr. The building, since removed, was originally the *Coppertown* coffee business and subsequently an *Elmer's BBQ Express* satellite/pickup store. The ground sign advertising the former *Elmer's* store remains in place. This area is now used as a parking lot and contains an east-west internal driveway connecting Memorial Dr. and the private 82nd E. Ave.

General. This Lot-Split is intended to allow for the separation of a 38' X 199.3' strip of land, containing the angled parking lot strip and north-south internal drive immediately east of the *Chick-fil-a* restaurant property, from the balance of Lot 4. The *Chick-fil-a* restaurant property is composed of Lot 3 and a part of Lot 4, Block 1, *Regal Plaza*. Staff understands that the strip is to be conveyed to the owner of the *Chick-fil-a* restaurant property. The *The Shoppes at Regal Plaza* shopping center building at 10438 S. 82nd E. Ave. continues to be served by the parking lot strip along the east side of the building, there are other parking spaces elsewhere on the lot, and there may be mutual parking privileges agreement(s) between various lots within the *Regal Plaza* plat area. This parking arrangement is evident already at the shopping center building at 10424 S. 82nd E. Ave., where approximately five (5) of the eight (8) parking spaces in front of that building are located on the *Popeyes* restaurant lot.

Lot 4 is in part of PUD 40 Development Areas A and B. Development Area A requires a minimum of 150' of street frontage (same as required by the underlying CS district). Development Area B has no frontage requirement.

At the time BL-355 was approved, it was noted that Lot 4 was originally platted with less than 150' of frontage on Memorial Dr., and was only being left with 68.06 frontage-feet upon the Lot-Split. However, it was also noted that it would continue to maintain approximately 600 frontage-feet along 82nd E. Ave. and Regal Place (perhaps, at that time or still, also known as 105th St. S.).

However, the "streets" within *Regal Plaza* consist of a parcel of land mutually exclusive from the development lots, which was dedicated as the "Mutual Access Easement" by the plat. The plat did not give names to the "Mutual Access Easement." The "Regal Place," "Regal Boulevard," "Regal Court," and "S. 82nd E. Ave." names became associated with the main four (4) such "street" segments at some point. The addresses used within the "back" areas only having frontage on these private ways are all addressed using these [street] names. Although not dedicated as "streets" per se, they were obviously intended as either streets or private mutual access drives. If they are not "streets," the subject property could be interpreted as having a frontage deficiency. Lot 4 was not platted with 150' of frontage on Memorial Dr., and has less since BL-355. However, since the lot exists simultaneously in two (2) Development Areas, and since the preponderance of the lot area and all existing buildings are located within Development Area B, the fact that the lot extends into Development Area A and has less than 150' of frontage for that westerly part is inconsequential. Staff believes that the intent was for commercial lots exclusively within Development Area A, the "outparcel" or "pad site" lots, to have 150' of frontage. In cases of ambiguity, deference should be given to that interpretation affording the landowner the most property rights.

If the proposed 38' X 199.3' strip of land became a discrete lot of record, it would have 38' of "frontage" on Regal Place. It is not required to have any frontage as it is within Development Area B. However, if it is being conveyed to the *Chick-fil-a* property owner, it could be attached thereto by deed restriction language such as recommended below.

For all the reasons outlined above, Staff believes that both lots would conform to the frontage requirements of PUD 40.

Per the Lot-Split exhibits, as the subject property is proposed to be divided, the *The Shoppes at Regal Plaza* shopping center building at 10438 S. 82nd E. Ave. would fall below the 10' setback, from the new westerly property line, required within Development Area B of PUD 40. Also, it is not known whether the minimum required parking would be compromised, or compromised further, upon the separation and conveyance of the parking lot strip. Since the underlying CS zoning has no setback required between CS-zoned lots, since the shopping center is built and no parking spaces are expected to be added or lost within the shopping center, and presuming there are mutual parking privileges in place, these matters may be addressed by a PUD Minor Amendment.

The Technical Advisory Committee (TAC) was sent a comment response form seeking comments on this Lot-Split application and other items by December 03, 2014. Of the responses received, there were no objections to or relevant comments upon this application.

Staff Recommendation. Staff recommends Approval, subject to a PUD Minor Amendment resolving setback, parking, and any other minor deficiencies to be caused by the Lot-Split.

If the buyer and seller choose to do so, the proposed 38'-wide tract could be attached to the *Chick-fil-a* adopting lot by deed restriction language such as:

[INSERT THE LEGAL DESCRIPTION OF THE NEW 38'-WIDE TRACT] .

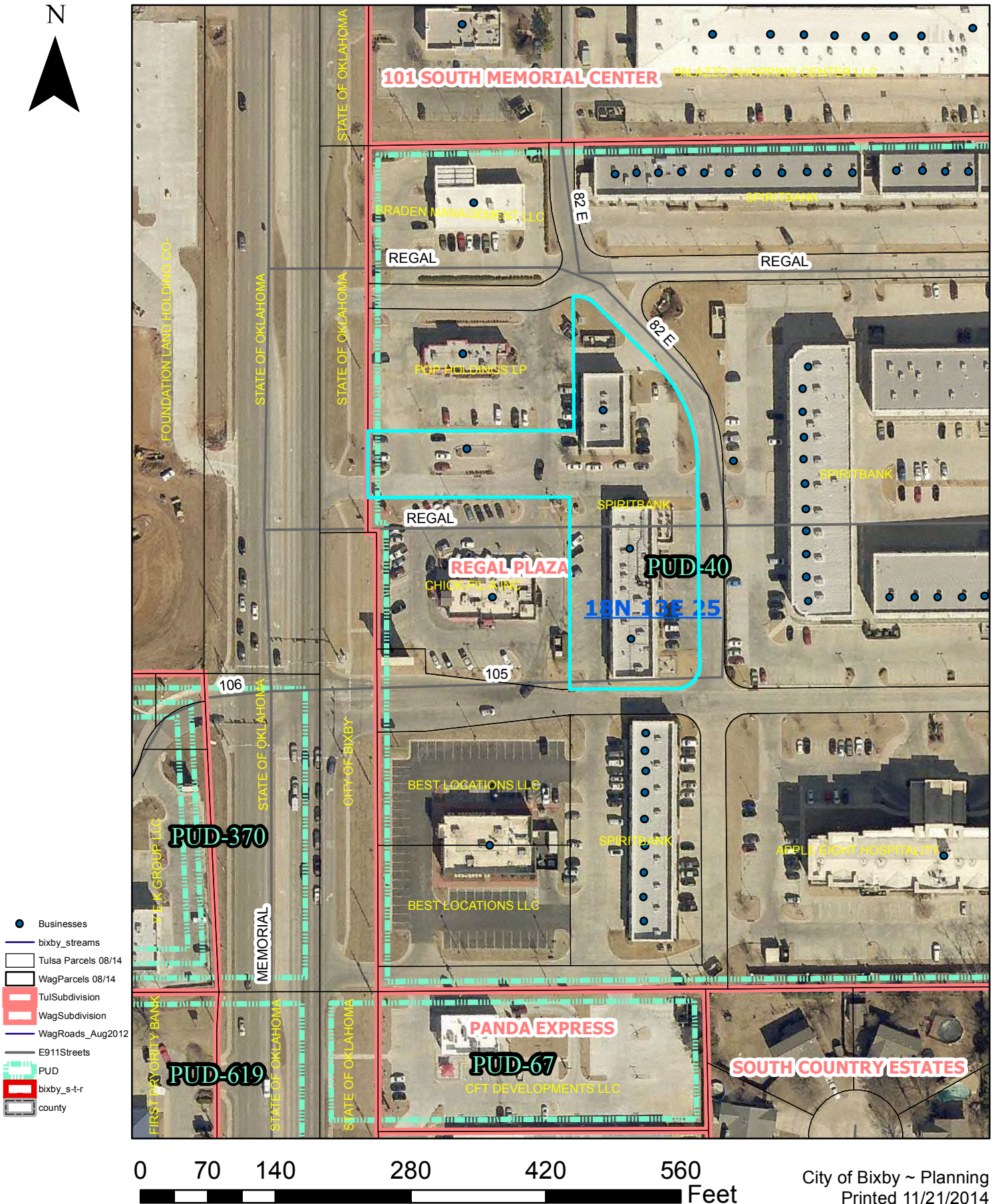
The foregoing is restricted from being transferred or conveyed as described above without including:

[INSERT THE LEGAL DESCRIPTION OF ADOPTING CHICK-FIL-A LOT]

unless otherwise approved by the Bixby Planning Commission, or its successors, and/or the Bixby City Council as provided by applicable State Law,

Or other language provided by the Applicant for this purpose subject to City Attorney concurrence.

BL-395 – SpiritBank care of AAB Engineering, LLC





City of Bixby

Application for Lot-Split

Applicant: AAB Engineering LLC
Address: PO Box 21316 Sand Springs OK 74063
Telephone: 918514 4283 Cell Phone: 9184935165 Email: alan@aabeng.com

Property Owner: Spirit Bank Property Address: 10438 S. 82nd Ave East
Existing Zoning: CS Pub 40 Existing Use: Commercial Restaurant Use Unit #: 12

Attach four (4) copies of a survey drawing including existing and proposed lot lines, buildings and improvements dimensioned to existing and proposed lot lines, adjacent street and other rights-of-ways, street widths, easements of record, existing access limitations, north arrow, scale, and date.

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

See Attached Exhibit "A"				
FIRST TRACT TO BE CREATED	Legal Description of Proposed Tract	Source of Water supply for this Tract ☒ CITY ☐ WELL ☐ OTHER		
	See Attached exhibit B	Type of Sewage Disposal to be Available for this Tract ☒ SEWER ☐ SEPTIC ☐ OTHER		
		Street or Streets Tract will face <u>Internal Private Streets</u>		
		Proposed Use of this Tract	Average Lot Width	Street frontage
		<u>Parking transfer to Lot 3</u>	<u>N/A</u>	
SECOND TRACT TO BE CREATED	Legal Description of Proposed Tract	Source of Water supply for this Tract ☐ CITY ☐ WELL ☐ OTHER		
	See Attached exhibit C	Type of Sewage Disposal to be Available for this Tract ☐ SEWER ☐ SEPTIC ☐ OTHER		
		Street or Streets Tract will face		
		Proposed Use of this Tract	Average Lot Width	Street frontage
		<u>Commercial</u>	<u>146'</u>	<u>68.06</u>
THIRD TRACT TO BE CREATED	Legal Description of Proposed Tract	Source of Water supply for this Tract ☐ CITY ☐ WELL ☐ OTHER		
		Type of Sewage Disposal to be Available for this Tract ☐ SEWER ☐ SEPTIC ☐ OTHER		
	Street or Streets Tract will face			
	Proposed Use of this Tract	Average Lot Width	Street frontage	
FOURTH TRACT TO BE CREATED	Legal Description of Proposed Tract	Source of Water supply for this Tract ☐ CITY ☐ WELL ☐ OTHER		
		Type of Sewage Disposal to be Available for this Tract ☐ SEWER ☐ SEPTIC ☐ OTHER		
	Street or Streets Tract will face			
	Proposed Use of this Tract	Average Lot Width	Street frontage	

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City of Bixby

Application for Lot-Split

Does Record Owner consent to the filing of this application?

☒

YES

☐

NO

If Applicant is other than Owner, indicate interest:

Engineering/Surveyor

Is subject tract located in the 100 year floodplain?

☐

YES

☒

NO

Has \$50.00 application review fee been paid at City Hall?

☒

YES

☐

NO

BILL ADVERTISING CHARGES TO:

SBK Properties LLC c/o Regal Properties

5810 E Skelly Drive 12 floor Tulsa OK 74135 918.510 3027

(ADDRESS)

(CITY)

(PHONE)

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

Signature: _____ Date: _____

APPLICANT - DO NOT WRITE BELOW THIS LINE

BL-____ Date Received _____ Received By _____ Receipt # _____

PC Action: _____ Conditions: _____

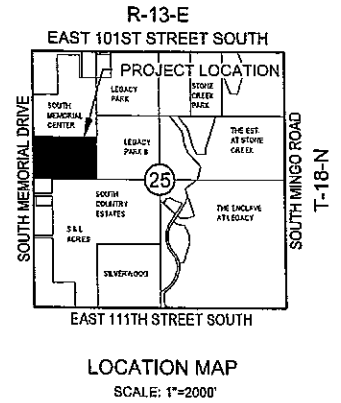
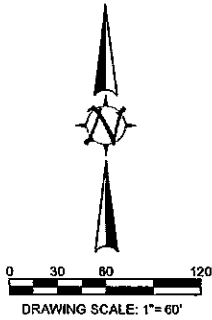
Date: _____ Roll Call: _____

Staff Rec. _____

72

Exhibit A

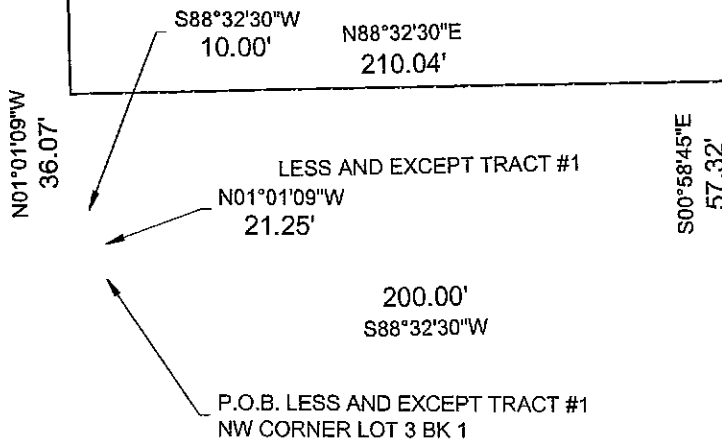
Lot Split - Parent Tract



SOUTH MEMORIAL DRIVE

LOT 5

LOT 4
BLOCK 1
REGAL PLAZA



LOT 3

AAB Engineering, LLC



Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063
OK CA#6316 Exp: June 30, 2016
KS CA#2292 Exp: Dec. 31, 2014

Office: (918) 514-4283 Fax: (918) 514-4288

Exhibit A

Lot Split - Parent Tract

LEGAL DESCRIPTION

LOT FOUR (4), BLOCK ONE (1), REGAL PLAZA, AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 6019 THEREOF, LESS AND EXCEPT;

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3, BLOCK 1 OF SAID REGAL PLAZA; THENCE NORTH 01°01'09" WEST, ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 21.25 FEET; THENCE SOUTH 88°32'30" WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 01°01'09" WEST, ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 36.07 FEET; THENCE NORTH 88°32'30" EAST A DISTANCE OF 210.04; THENCE SOUTH 00°58'45" EAST A DISTANCE OF 57.32 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 88°32'30" WEST, ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED TRACT CONTAINS AN AREA OF 11,825 SQUARE FEET OR 0.2715 ACRES, MORE OR LESS.

GENERAL NOTES

BASIS OF BEARINGS:

THE BASIS FOR BEARINGS IS THE WEST LINE OF SECTION 25, T-18-N, R-13-E, N 01°01'09" W.

SURVEYOR'S STATEMENT

I, ERIC ROLLSTON, OF AAB ENGINEERING, DO HEREBY CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORDANCE WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING FOR THE STATE OF OKLAHOMA.

CERTIFIED THIS DAY NOVEMBER 19, 2014.

Eric Rollston 11/19/2014

ERIC ROLLSTON, PLS
OKLAHOMA PLS NO. 1761



AAB Engineering, LLC

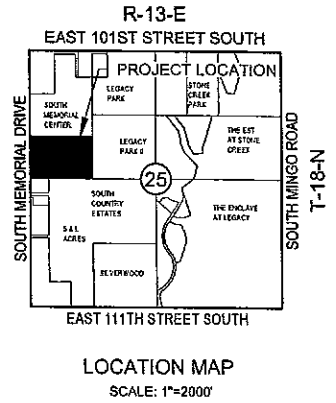
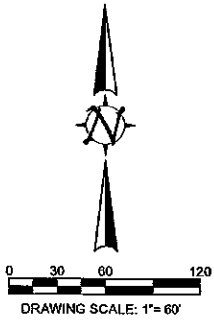


Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063
OK CA#6318 Exp: June 30, 2016
KS CA#2292 Exp: Dec. 31, 2014
Office: (918) 514-4283 Fax: (918) 514-4288

Exhibit B

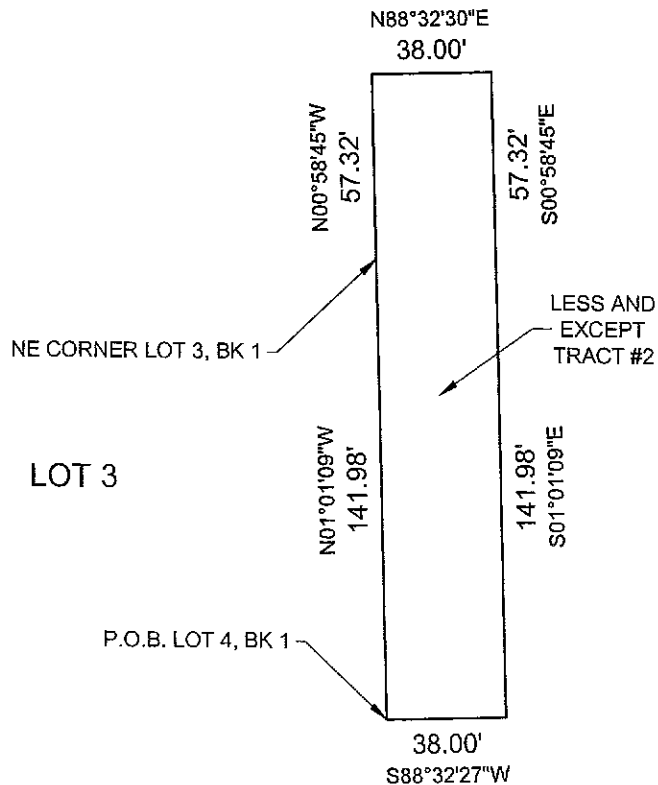
Split Tract



SOUTH MEMORIAL DRIVE

LOT 5

LOT 4
BLOCK 1
REGAL PLAZA



75

Exhibit B

Split Tract

LEGAL DESCRIPTION

A TRACT OF LAND BEING PART OF LOT FOUR (4), BLOCK ONE (1), REGAL PLAZA, AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 6019 THEREOF AND BEING MORE PARTICULARLY DESCRIBED AS;

BEGINNING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID LOT 4, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 3, BLOCK 1 OF SAID REGAL PLAZA; THENCE NORTH 01°01'09" WEST, ALONG THE COMMON LINE BETWEEN SAID LOTS 3 AND 4, A DISTANCE OF 141.98 FEET TO A POINT BEING THE NORTHEAST CORNER OF SAID LOT 3; THENCE NORTH 00°58'45" WEST A DISTANCE OF 57.32; THENCE NORTH 88°32'30" EAST, PARALLEL WITH THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 38.00 FEET; THENCE SOUTH 00°58'45" EAST A DISTANCE OF 57.32 FEET; THENCE SOUTH 01°01'09" EAST, PARALLEL WITH THE EAST LINE OF SAID LOT 3, A DISTANCE OF 141.98 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 4; THENCE SOUTH 88°32'27" WEST, ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 38.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS AN AREA OF 7573 SQUARE FEET OR 0.1739 ACRES, MORE OR LESS.

GENERAL NOTES

BASIS OF BEARINGS:

THE BASIS FOR BEARINGS IS THE WEST LINE OF SECTION 25, T-18-N, R-13-E, N 01°01'09" W.

SURVEYOR'S STATEMENT

I, ERIC ROLLSTON, OF AAB ENGINEERING, DO HEREBY CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORDANCE WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING FOR THE STATE OF OKLAHOMA.

CERTIFIED THIS DAY NOVEMBER 19, 2014.

Eric Rollston 11/19/2014

ERIC ROLLSTON, PLS
OKLAHOMA PLS NO. 1761



AAB Engineering, LLC



Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063

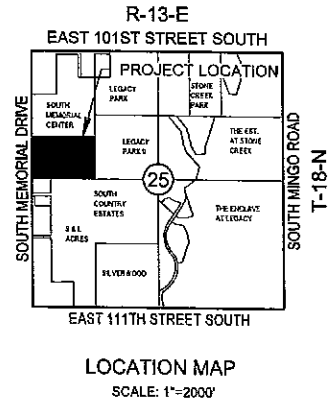
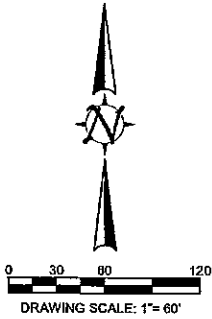
OK CA#6318 Exp: June 30, 2016

KS CA#2292 Exp: Dec. 31, 2014

Office: (918) 514-4283 Fax: (918) 514-4288

Exhibit C

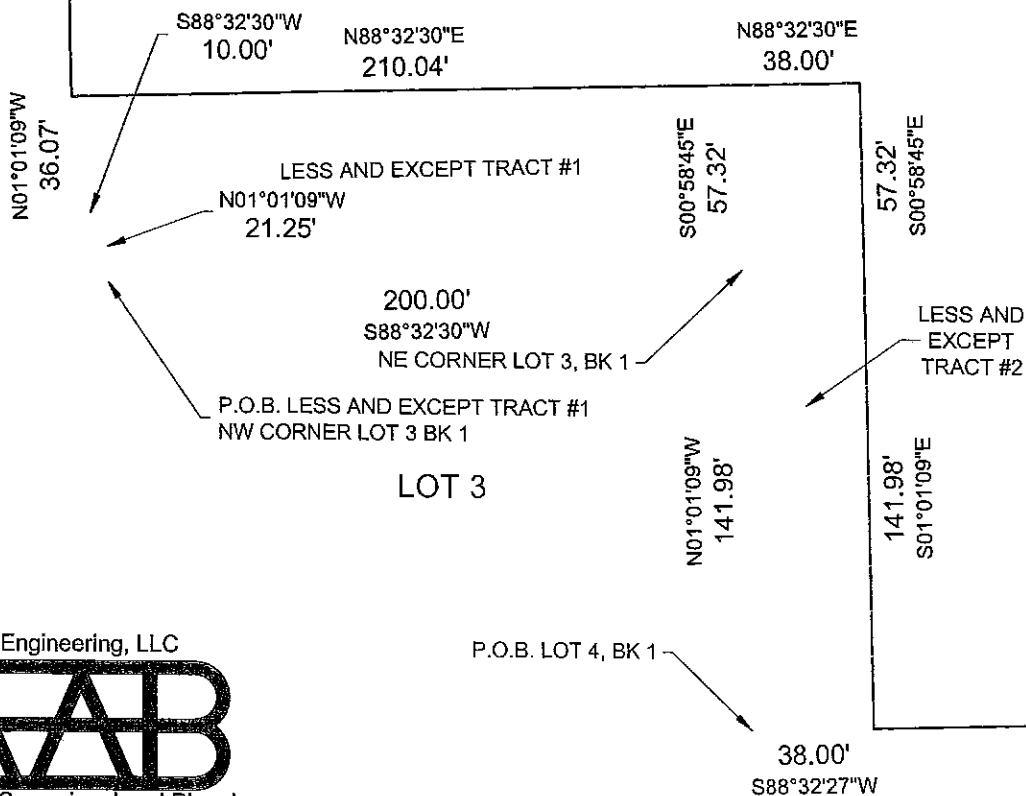
Split Tract



SOUTH MEMORIAL DRIVE

LOT 5

LOT 4
BLOCK 1
REGAL PLAZA



AAB Engineering, LLC



Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063
OK CA#86316 Exp. June 30, 2016
KS CA#2292 Exp. Dec. 31, 2014
Office: (918) 514-4283 Fax: (918) 514-4289

Exhibit C

Split Tract

LEGAL DESCRIPTION

LOT FOUR (4), BLOCK ONE (1), REGAL PLAZA, AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 6019 THEREOF, LESS AND EXCEPT;

BEGINNING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID LOT 4, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 3, BLOCK 1 OF SAID REGAL PLAZA; THENCE NORTH 01°01'09" WEST, ALONG THE COMMON LINE BETWEEN SAID LOTS 3 AND 4, A DISTANCE OF 141.98 FEET TO A POINT BEING THE NORTHEAST CORNER OF SAID LOT 3; THENCE NORTH 00°58'45" WEST A DISTANCE OF 57.32; THENCE NORTH 88°32'30" EAST, PARALLEL WITH THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 38.00 FEET; THENCE SOUTH 00°58'45" EAST A DISTANCE OF 57.32 FEET; THENCE SOUTH 01°01'09" EAST, PARALLEL WITH THE EAST LINE OF SAID LOT 3, A DISTANCE OF 141.98 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 4; THENCE SOUTH 88°32'27" WEST, ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 38.00 FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT;

BEGINNING AT THE NORTHWEST CORNER OF LOT 3, BLOCK 1, OF SAID REGAL PLAZA; THENCE NORTH 01°01'09" WEST, ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 21.25 FEET; THENCE SOUTH 88°32'30" WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 01°01'09" WEST, ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 36.07 FEET; THENCE NORTH 88°32'30" EAST A DISTANCE OF 210.04; THENCE SOUTH 00°58'45" EAST A DISTANCE OF 57.32 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 88°32'30" WEST, ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

GENERAL NOTES

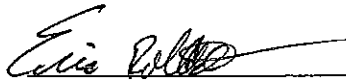
BASIS OF BEARINGS:

THE BASIS FOR BEARINGS IS THE WEST LINE OF SECTION 25, T-18-N, R-13-E, N 01°01'09" W.

SURVEYOR'S STATEMENT

I, ERIC ROLLSTON, OF AAB ENGINEERING, DO HEREBY CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORDANCE WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING FOR THE STATE OF OKLAHOMA.

CERTIFIED THIS DAY NOVEMBER 19, 2014.

 11/19/2014

ERIC ROLLSTON, PLS
OKLAHOMA PLS NO. 1761

AAB Engineering, LLC



Engineering • Surveying • Land Planning

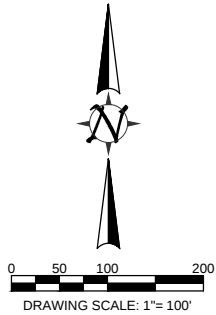
PO Box 2138 Sand Springs, OK 74093

OK CA#6316 Exp: June 30, 2016

KS CA#2292 Exp: Dec. 31, 2014

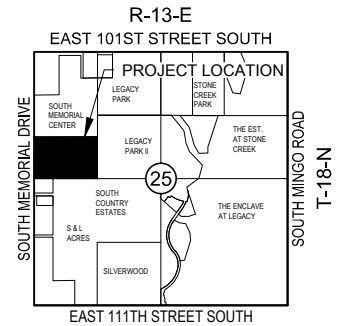
Office: (918) 514-4283 Fax: (918) 514-4288





Lot 4 Lot Split

Existing Improvements

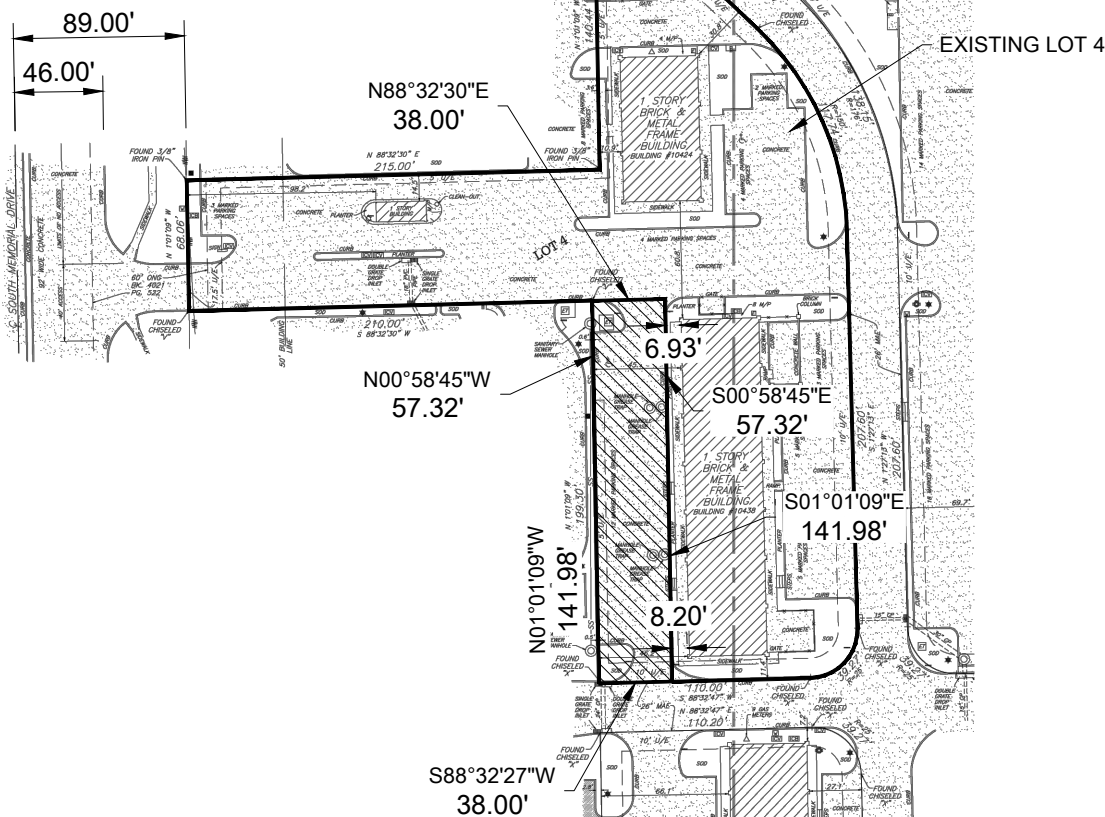


LOCATION MAP
SCALE: 1"=2000'

LEGEND



LOT SPLIT TRACTS



NOTE

EXISTING IMPROVEMENTS SHOWN AS DEPICTED
ON ALTA SURVEY PRODUCED BY WHITE
SURVEYING COMPANY.

AAB Engineering, LLC



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PO Box 2136 Sand Springs, OK 74063

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Office: (918) 514-4283 Fax: (918) 514-4288