

AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
January 21, 2014 **6:00 PM**

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- (3)
- (46)
1. Approval of Minutes for the November 18, 2013 Regular Meeting
 2. Approval of Minutes for the December 16, 2013 Regular Meeting

PUBLIC HEARINGS

- (69)
3. **PUD 70 – Encore on Memorial – Major Amendment # 1.** Discussion and possible action to approve Major Amendment # 1 to PUD 70 for approximately 15 acres located in the E/2 of Section 02, T17N, R13E, which amendment proposes to allow a Use Unit 21 sign within the Development Area B right-of-way for 126th St. S., provide development standards for same, and make certain other amendments.
Property located: West of the intersection of 126th St. S. and Memorial Dr., including Lot 1, Block 1, *Encore on Memorial*.

PLATS

- (88)
4. **Preliminary Plat – “Quail Creek Office Park” – Tanner Consulting, LLC.** Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek Office Park” for approximately 5.976 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

OTHER BUSINESS

- (97)
5. **BSP 2013-06 – “Covenant Place of Tulsa” – Tanner Consulting, LLC (PUD 76).** Discussion and possible action to approve a PUD Detailed Site Plan and building plans for “Covenant Place of Bixby,” a Use Unit 8 assisted living facility development for approximately 11.636 acres consisting of Lot 2, Block 1, *Scenic Village Park*.
Property Located: 7300 E. 121st Pl. S.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enya

Date: 12/26/2013

Time: 2:00 PM

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**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
November 18, 2013 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:

Chair Thomas Holland called the meeting to order at 6:04 PM.

ROLL CALL:

Members Present: Larry Whiteley, Lance Whisman, John Benjamin, and Thomas Holland.
Members Absent: Jeff Baldwin.

CONSENT AGENDA:

1. Approval of Minutes for the October 21, 2013 Regular Meeting

Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. John Benjamin made a MOTION to APPROVE the Minutes of the October 21, 2013 Meeting as presented by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whisman, Benjamin, and Whiteley
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

2. Approval of schedule of meetings and application cutoff dates for 2014

Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. After the Commissioners confirmed with Erik Enyart that all meeting dates would be on the customary

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third Monday of the month, with the exception of the January and February meetings, which always fall on Federal holidays, Larry Whiteley made a MOTION to APPROVE the schedule of meeting dates and application cutoff dates for 2014 as presented by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whisman, Benjamin, and Whiteley
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

Chair Thomas Holland announced that one of the Commissioners suggested moving Agenda Items # 3 and 4 to be the last two (2) action items on the agenda. John Benjamin asked what the reason was, and Mr. Holland stated that it was considered they would take more time to discuss than the others. Mr. Holland asked Erik Enyart if he had any objections, and Mr. Enyart responded, "None here."

Chair Thomas Holland declared that the agenda items would be taken out of order and Agenda Items # 3 and 4 would be moved to become the last two (2) action items on the agenda.

PLATS

5. Final Plat – "Woodcreek Office Park" – Sack & Associates, Inc. Discussion and consideration of a Final Plat for "Woodcreek Office Park" for approximately 1.1694 acres consisting All of Lot 1, Block 3, *Woodcreek Office Park*.
Property Located: 7500-block of 111th St. S.

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 13, 2013
RE: Report and Recommendations for:
Final Plat of "Woodcreek Office Park" – Sack & Associates, Inc. (PUD 47-C)

LOCATION: – 7500-block of E. 111th St. S.
– Lot 1, Block 3, *Woodcreek Village Amended*
SIZE: 1.1694 acres, more or less
EXISTING ZONING: CS Commercial Shopping Center District and PUD 47-C
REQUEST: Preliminary Plat approval for an office park subdivision development
SURROUNDING ZONING AND LAND USE:

North: (Across 111th St. S.) OL, RD, PUD 707, RS-3 & PUD 578A; Ravens Crossing residential subdivision, the The Office Suites of Ravenwood office park development, and the Wal-Mart Supercenter in the City of Tulsa.

South: RT/PUD 47A; Residential in *Woodcreek Village Amended*.

East: CS; Lowe's in Bixby Commons.

West: (Across 75th E. Ave.) RS-3; Residential in *WoodCreek*.

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

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

BZ-304 – Brumble Dodson Construction, LLC – Request for rezoning for approximately 65 acres from AG to RS-3, RT, & CS (subject property included in that part requested for CS) – PC Recommended Approval 06/21/2004 and City Council Approved 07/12/2004 (Ord. # 891).

PUD 47 – Woodcreek Village – Sack & Associates, Inc. – Request for PUD approval for all of Woodcreek Village Amended, including subject property – PC Recommended Approval 11/21/2005 and City Council Approved 12/12/2005 (Ord. # 928).

Preliminary Plat of Woodcreek Village – Sack & Associates, Inc. – Request for Preliminary Plat approval for “Woodcreek Village” (now all of Woodcreek Village Amended), including subject property – PC Recommended Approval 12/19/2005 and City Council Approved 01/09/2006.

Final Plat of Woodcreek Village – Sack & Associates, Inc. – Request for Final Plat approval for “Woodcreek Village” (now all of Woodcreek Village Amended), including subject property – PC Recommended Approval 07/17/2006 and City Council Approved 07/24/2006 (Plat # 6084 recorded February 13, 2007; later replatted as Woodcreek Village Amended, Plat # 6165).

PUD 47A – Amendment to PUD 47 – Sack & Associates, Inc. – Request for Amendment to PUD 47 to allow commercial use in the commercially-zoned 111th St. S. frontage area (subject property) – PC Approved 05/21/2007 and City Council Approved 05/29/2007.

Preliminary Plat Woodcreek Village Amended – Sack & Associates, Inc. – Application for Preliminary Plat of Woodcreek Village Amended (including subject property) submitted on or about April 19, 2007 – No record of PC review of this application. Final Plat approved also as a Preliminary Plat (as required) by PC 10/15/2007 and by City Council 10/22/2007.

Final Plat Woodcreek Village Amended – Sack & Associates, Inc. – Request for Final Plat approval for Woodcreek Village Amended (including subject property) – Approved by PC 10/15/2007 and by City Council 10/22/2007. A Modification/Waiver from street standards was also approved (Plat # 6165 recorded 12/05/2007).

PUD 47-B – Woodcreek Office Park – Sack & Associates, Inc. – Request for Major Amendment to PUD 47-A for subject property – PC Continued from 12/15/2008 meeting to 01/20/2009 meeting to allow the Applicant to attend the meeting and represent the case. PC Tabled 01/20/2009 (Applicant did not attend either of PC meeting or other meeting schedule with Staff earlier that day 01/20/2009).

Preliminary Plat of Woodcreek Office Park – Sack & Associates, Inc. – Request for Preliminary Plat approval for subject property – PC Continued from 12/15/2008 meeting to 01/20/2009 meeting to allow the Applicant to attend the meeting and represent the case. PC Tabled 01/20/2009 (Applicant did not attend either of PC meeting or other meeting scheduled with Staff earlier that day 01/20/2009). New application filed in early 2013 (see below).

Modification/Waiver in Woodcreek Village Amended – Danny Brumble of Brumble Construction Co. – Request for Modification/Waiver from the sidewalk construction requirement along E. 112th Pl. S. in (Subdivision Regulations Section 12-3-2.N) – City Council Approved 09/26/2011.

PUD 47-C – Woodcreek Office Park – Sack & Associates, Inc. – Request for Major Amendment # C to PUD 47A for subject property – PC recommended Conditional Approval 04/18/2013 and City Council Approved 04/22/2013 as modified as recommended (Ord. # 2117).

Preliminary Plat of Woodcreek Office Park – Sack & Associates, Inc. – Request for Preliminary Plat approval for subject property – PC recommended Conditional Approval 04/18/2013 and City Council Conditionally Approved 04/22/2013.

BSP 2013-05 – “Woodcreek Office Park” – Sack & Associates, Inc. – Request for PUD Detailed Site Plan approval for subject property – PC Conditionally Approved 10/21/2013.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

Per PUD 47A, a May, 2007 Major Amendment to the original PUD, the “Woodcreek Village” development was approved to convert the subject property area to a large, singular commercial lot, consistent with the original CS zoning conferred in 2004. Woodcreek Village was subsequently replatted as Woodcreek Village Amended. The subject property consists of Lot 1, Block 3, Woodcreek Village Amended.

Amendment # B “Woodcreek Office Park” to PUD 47-A, and the Preliminary Plat of “Woodcreek Office Park” were both proposed in late 2008. The proposal was to convert the large, singular commercial lot into an office park with several, smaller lots for detached office buildings. Due to a large number of outstanding issues identified by Staff and the lack of representation at the December 20, 2008 Planning Commission (PC) meeting and two (2) January 20, 2009 meetings (one with Staff and the PC

Regular Meeting that evening), the Planning Commission Tabled both items indefinitely. Since then, the "Great Recession" technically ended in mid-2009 and development locally bottomed out and now appears to be in recovery.

In early 2013, the owner made new applications for PUD Major Amendment and Preliminary Plat approval, which the City Council Approved and Conditionally Approved, respectively, on April 22, 2013. To account for PUD 47-B, the latest Major Amendment application was designated Amendment # C, and the resulting Zoning Map designation is "PUD 47-C."

With the early 2013 submittal, the overall concept changed significantly as compared to that proposed in 2008. The initial concept was to have a north-south drive connecting 111th St. S. to 75th E. Ave., with most buildings oriented to face west onto the drive. The second concept proposed five (5) of the eight (8) buildings to face north toward 111th St. S., with three (3) behind, and the internal access drive located along the east line of the development.

BSP 2013-05, the PUD Detailed Site Plan for the subject property, significantly modified the overall concept again, primarily by combining the westernmost lots into a larger lot, and rearranging the parking lot layout accordingly. The new development concept proposes five (5) lots. See the plat for details.

Because the internal lot line adjustments do not represent a major departure from the Preliminary Plat, and the Subdivision Regulations do not require it, no new Preliminary Plat approval is required.

ANALYSIS:

Subject Property Conditions. The vacant subject property contains 1.1694 acres and is zoned CS with PUD 47-C. It is moderately sloped and primarily drains to the southwest toward the stormwater detention pond in WoodCreek, in the watershed of an upstream tributary of Fry Creek # 2. It is bordered on the north by 111th St. S., on the west by the private 75th E. Ave. with residential in WoodCreek beyond that, on the south by residential in Woodcreek Village Amended, and on the east by Lowe's in Bixby Commons.

The Comprehensive Plan. The Comprehensive Plan designates the subject property Corridor + Vacant, Agricultural, Rural Residences, and Open Land (the latter not being interpreted as permanently-planned land use). The current CS zoning is in accordance with the Comprehensive Plan. The office park development anticipated by this plat would be in accordance with the Comprehensive Plan.

Access and Internal Circulation. Primary access to the subdivision would be via one (1) proposed entrance drive on 111th St. S., with two (2) secondary access points on 75th E. Ave., an existing private street providing access to the residential lots in Woodcreek Village Amended.

The Final Plat indicates internal Mutual Access Easement (MAE) drives are proposed to provide inter-lot access between the lots in the development and between 111th St. S. and 75th E. Ave. The MAEs have been relocated on the plat to coincide with the revised parking lot/drive lane configuration.

By the approval and recording of the Final Plat, the Limits of No Access (LNA) along the entire 111th St. S. frontage of the subject property will be amended to allow a 25'-wide Access Opening toward the east end of the frontage, which is subject to the approval of the City Engineer and County Engineer.

Sidewalks were shown on the site plan along both 111th St. S. and 75th E. Ave., as required by the Subdivision Regulations and PUD 47-C. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

Because the right-of-way for 75th E. Ave., at approximately 30' in width, is too narrow to contain a sidewalk (a 26' roadway leaves only 2' on either side), it appears it will be necessary to add a "sidewalk easement" along the northeast side of 75th E. Ave., along with appropriate language in the Deed of Dedication/Restrictive Covenants (DoD/RCs) specifying that the lot owners collectively, or the affected lot owner only, are responsible for their maintenance. Alternatively, an additional width should be added to the 30' current right-of-way width on the subject property side to accommodate the sidewalk. The former alternative was provided for in the PUD 47-C text. The sidewalk easement is not represented on the Final Plat, however, nor is appropriate language found in the DoD/RCs.

General. This subdivision of 1.1694 acres, more or less, proposes five (5) lots in one (1) block and zero (0) Reserves. All lots appear to meet PUD 47-C zoning standards. There is no "typical lot." Lot 1 would be the largest, Lots 2 and 3 would be the smallest and would be of rectangular configuration, and Lots 4 and 5 would be "flag lots," extending "handles" westerly in order to have frontage on 75th E. Ave.

75th E. Ave. has a sharp bend from northwest to southeast, as it approaches the gated entrance to the residential part of Woodcreek Village Amended. Earlier designs included buildings and/or parking spaces in fairly close proximity to the roadway surface. Due to the sharp curve and the tendency for motorists to 'cut corners,' especially on sharp curves, Staff expressed concerns for line-of-sight

impedance, which could have presented a traffic safety hazard. With the PUD 47-C redesign, the 25' Building Line of the Woodcreek Village Amended plat was restored. With this latest redesign, parking has also been removed from the 25' setback area. The 25' Existing Building Line is shown on the Final Plat as appropriate. Thus, this issue appears to have been satisfactorily addressed.

As measures of site design flexibility, Staff suggested the reduction in the number of parking spaces can be reduced through the PUD, if this is desired by the developer, and reducing the 17.5' Utility Easement along the east side to 11' in width, recognizing the 50' Utility Easement abutting to the east. These were not ultimately included in PUD 47-C, but could be done by future PUD amendment if future development designs dictate.

The private maintenance responsibilities of residential and commercial lot owners in Woodcreek Village Amended for the private streets and stormwater detention pond(s) in WoodCreek, and the responsibilities of the commercial lot owners for the screening fence to be located in the "Fence Easement," sidewalks (if allowed within a 'sidewalk easement), and any common parking, signage, entrance features, and landscaping, were addressed with PUD 47-C, as approved by the City Council on April 22, 2013, with the following PUD language:

"There will be a Property Owners Association that will be formed by all lot owners of Woodcreek Office Park. The association will be responsible for the maintenance of common areas such as pavements, sidewalks, landscape and irrigation etc. The association will also retain responsibilities of Lot 1 Block 3 of Woodcreek Village Amended as spelled out in the deed of dedication of Woodcreek Village Amended and existing private agreements. Specific responsibility allocations will be spelled out in the proposed plat or a private agreement.

...

All parking area and access isles within Woodcreek Village to be maintained by the Property Owner's Association.

...

The landscape will be coordinated, designed, installed by the developer and maintained by the Property Owner's Association."

However, language pertaining to shared maintenance responsibilities has not been located in the Deed of Dedication and Restrictive Covenants (DoD/RCs). Please see the recommendations below pertaining to DoD/RCs, including DoD/RCs Section III.B/C, for recommendations pertaining to the distribution of private maintenance responsibilities.

The Fire Marshal's, City Engineer's, and City Attorney's review correspondence 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.

The Technical Advisory Committee (TAC) discussed this Final Plat at its regular meeting held November 06, 2013. Minutes of that meeting are attached to this report.

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

Conditions of Approval of the Preliminary Plat not yet satisfied with this submittal:

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
2. Proposed Mutual Access Easement encroaches 17.5' Existing Perimeter Utility Easement along the north line of the subdivision, suggesting plans to pave over the easement. If allowed, paving over such easements requires the specific approval of the City Engineer and Public Works Director.
3. Sidewalks, required per Subdivision Regulations Section 12-3-2.N, must be installed by the developer. Sidewalks, where they would not fit within the narrow Mutual Access Easement streets, must be put into a "Sidewalk Easement." Language pertaining to their dedication and maintenance responsibilities must be included in the DoD/RCs. Alternatively, additional Reserve for private street right-of-way should be dedicated for S. 75th E. Ave. to the extent necessary to provide for the sidewalks.
4. Location Map – needs to identify the subject property's location in the Location Map.

5. Location Map – needs to accurately represent the following subdivisions:
 - a. Resubdivision of Lots 3 and 4 of Bixby Commons (misrepresented as to configuration)
 - b. The Links at Bixby (misrepresented as to configuration)
 - c. The Estates of Graystone (mislabeled)
 - d. Amended Plat of Block 7, North Heights Addition (mislabeled)
6. DoD/RCs: Based on the PUD site plan (see PUD staff report), Staff recommends the PUD and DoD/RCs of the plat include a Mutual Parking Privileges covenant, so that all lots may allow their excess spaces to be used by patrons of other lots, which is common in developments such as this, especially when developed as a unit by a singular developer.

Additionally, some of the shown parking spaces are divided by lot lines. As plats allow for buildings and lots to be sold separately, to avoid future ownership disputes which can be avoided by proper planning, Staff would recommend that all parking spaces be maintained commonly by all of the lot owners within the development, utilizing appropriate language in the PUD and DoD/RCs of the plat.

7. DoD/RCs: Reasonable Restrictive Covenants, as are typical for commercial/nonresidential subdivisions, should be employed. As an example, a "Maintenance Covenant" pertaining to maintenance and upkeep of properties free of trash, debris, and litter, as is customary in commercial/nonresidential developments, would be reasonable and appropriate.
8. DoD/RCs Section I.A: Missing critical wording such as "And the Owner has caused the above described land to be surveyed, staked, platted, dedicated, access rights reserved, and subdivided into XX Blocks, XX Lots, XX Reserve Areas, and Streets in conformity with the accompanying plat, and has designated the subdivision as XXX, a Subdivision in the City of Bixby, Tulsa County, Oklahoma."
9. DoD/RCs Section I.A: Says nothing about the [re-]dedicating the Fence Easement, or pulling through from underlying plat.
10. DoD/RCs Section I.A: Please add language preferred by City of Bixby as follows: "...provided nothing herein shall be deemed to prohibit properly-permitted drives, parking areas, curbing, landscaping and customary screening fences...."
11. DoD/RCs Section I.F: Insert street name where indicated.
12. DoD/RCs Section I.F: Name of Bixby Planning Commission is "Bixby Planning Commission."
13. DoD/RCs Section I.G: Please add language preferred by City of Bixby as follows: "...damage to properly-permitted landscaping and paving...."
14. DoD/RCs Section II: Update to include the latest PUD development standards.
15. DoD/RCs Section II Preamble: Please correct: "...designated as PUD 47, PUD 47A, and 47B 47A as amended by Major Amendment # C..."
16. DoD/RCs Section II Preamble: Please complete the blanks with dates as appropriate.
17. DoD/RCs Section III.B/C: A previous version of the plat stated each record owner of a lot within 'Woodcreek Office Park' shall be subject to assessment by the Owners Association for the purposes of improvement and maintenance of the stormwater detention facilities and other common areas of the subdivision. This did not specify which detention facilities it is referring to, and in which subdivision(s) such facilit(ies) are located. Referring to Reserve areas within platted subdivisions is the accepted method for legally describing a specific tax parcel containing the stormwater detention facilit(ies) mentioned. Other provisions of the DoD/RCs made the Owners Association responsible for maintenance of the Reserve A private streets, Reserve B, and other common features (Fence Easement, etc.). The new plat, however, does not include language referring to maintenance of any stormwater detention facility or other common features.

Unless otherwise directed by the City Engineer and/or City Attorney, the DoD/RCs must adequately spell out the private maintenance responsibilities of residential and commercial lot owners in Woodcreek Village Amended for the private streets and stormwater detention pond(s) in Woodcreek, and the responsibilities of the commercial lot owners for the "Mutual Access Easement," drives traversing the subject property, the screening fence to be located in the "Fence Easement," sidewalks (if allowed within a 'sidewalk easement'), and any common parking, signage, entrance features, and/or landscaping.

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PUD 47-C provided that a singular sign may advertise all businesses within the development (in satisfaction of Zoning Code Section 11-9-21.F). Will an easement be employed for maintenance of common signage, entrance features, and/or landscaping enjoyed by all the lot owners in the subdivision?

Unless otherwise directed by the City Engineer and/or City Attorney, the DoD/RC provisions should specifically designate a percentage/formula for proportional maintenance responsibilities for each lot, based on its relative size and/or other appropriate factors. Use of clear and immutable formula language on the face of the plat, versus buried in the DoD/RCs (which may be fairly easily amended and without City approval, per the City Attorney) is recommended.

The plat needs to specify if the future owners of the individual office lots will split the singular Owners Association membership (and thus singular vote) five (5) ways or if each of the five (5) lot owners will severally be members of the Owners Association. Regardless of how this is done, the DoD/RCs need to specify the respective responsibilities of the owners of the commercial lot(s) and the residential lots.

18. *Copies of the Preliminary Plat including all recommended corrections shall be submitted for placement in the permanent file: 1 full size folded to 8.5" X 11", 1 11" X 17", and 1 electronic (PDF preferred).*

Conditions of Approval of this Final Plat:

19. *Please correct addresses such as follows:*
 - a. *Lot 1: 7501 → 7510*
 - b. *Lot 2: 7503 → 7520*
 - c. *Lot 3: 7505 → 7530*
20. *Since the latest redesign, the east-west U/E no longer connects the east and west sides of the development. Is a north-south U/E necessary or appropriate along the common lot lines between Lots 1 and 5, and/or 1 and 2, as discussed at the October 02, 2013 TAC meeting?*
21. *Dimensions identifying respective widths of MAE shared by (now) Lots 4 and 5 have been removed since the Preliminary Plat version; please restore or advise.*
22. *Linework at northwest corner obscures (1) Reserve A label, (2) 15' RWE label, and (3) dimensions between lot line and 25' MAE. Please remove conflicts and designate linetype if it is intended to signify something.*
23. *Copies of the PUD Detailed Site Plan including all recommended corrections shall be submitted for placement in the permanent file: 2 full sizes folded to 8.5" X 11", 1 11" X 17", and 1 electronic (PDF preferred).*
24. *Copies of the Final Plat including all recommended corrections shall be submitted for placement in the permanent file: 1 full size folded to 8.5" X 11", 1 11" X 17", and 1 electronic (PDF preferred).*

Chair Thomas Holland asked Erik Enyart if the Commission had not had concerns when the Detailed Site Plan was approved the previous month, and Mr. Enyart responded that he did recall this, and that the concerns were primarily that the buffering was all still proposed as determined when the PUD Major Amendment was approved earlier in the year. Mr. Holland indicated agreement and expressed desire for assurance. Mr. Enyart stated, "I will make sure that all Building Permits comply with the PUD and [PUD Detailed] Site Plan" requirements.

Chair Thomas Holland observed that Ted Sack, RPLS, of Sack & Associates, Inc., 3530 E. 31st St. S., Tulsa, OK 74135 had signed the Sign-In Sheet, and asked Mr. Sack if he cared to speak on the item. Mr. Sack stated, "I'm okay with the Staff recommendations," and offered to answer any questions.

There being no further discussion, Chair Thomas Holland asked to entertain a Motion. John Benjamin made a MOTION to RECOMMEND APPROVAL of the Final Plat of "Woodcreek Office Park" with the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whisman, Benjamin, and Whiteley
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

6. **Preliminary Plat – "Seven Lakes III" – HRAOK, Inc.** Discussion and consideration of a Preliminary Plat for "Seven Lakes III" for approximately 1 acre 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: Thursday, November 14, 2013
RE: Report and Recommendations for:
Preliminary Plat of "Seven Lakes III"*

LOCATION: – 7500-block of E. 111th St. S.
– Lot 1, Block 3, Woodcreek Village Amended
SIZE: 1.1694 acres, more or less
EXISTING ZONING: CS Commercial Shopping Center District and PUD 47-C
LOCATION: – South and east of the intersection of 121st St. S. and Sheridan Rd.
– North of Seven Lakes I and Seven Lakes II
– Part of the W/2 of Section 02, T17N, R13E.
SIZE: – 40.64 acres, more or less (2 parent tract parcels)
– 1.07 or 1.08 acres, more or less (plat area)
EXISTING ZONING: RS-4 Residential Single Family District
EXISTING USE: Vacant
REQUEST: Preliminary Plat approval for 4-lot residential subdivision
SURROUNDING ZONING AND LAND USE:
North: RS-4 and RS-3/PUD 80; Balance of parent tract parcels, and to the north of that, a 20-acre unplatted vacant/wooded tract recently rezoned to RS-3 and PUD 80 for "Wood Hollow Estates," and to the northeast, an unplatted 12-acre vacant tract owned by Tulsa County ("wetland mitigation area") and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby ("hardwood mitigation area").
South: RS-4; Single family residential homes and vacant lots in Seven Lakes I and Seven Lakes II.
East: AG & CG/PUD 76; The Fry Creek Ditch # 2 right-of-way with a 92-acre tract of agricultural land to the east of that zoned CG with PUD 76.
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 Seven Lakes I, subject property, and balance of unplatted “Seven Lakes” development areas – PC recommended Approval 01/18/2005 and City Council Approved 02/14/2005 (Ord. # 901).

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for “Seven Lakes II” for Seven Lakes II on parts of subject property parent tracts – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.

Sketch Plat of Seven Lakes III – Request for Sketch Plat approval for “Seven Lakes III” for all of 40.64 acres of both parent tract parcels – PC Conditionally Approved 05/20/2013.

Preliminary Plat of Seven Lakes IV – Request for Preliminary Plat approval for “Seven Lakes IV” for parts of parent tract parcels abutting subject property – PC consideration pending 11/18/2013.

RELEVANT AREA CASE HISTORY: (not a complete list)

Preliminary Plat of Seven Lakes I – Request for Preliminary Plat approval for Seven Lakes I abutting subject property to the south – 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 abutting subject property to the south – 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 to the south of subject property (area reduced in size and to 59 lots as compared to original submittal) – PC recommended Conditional Approval 09/21/2011 and City Council Conditionally Approved 09/26/2011 (Approval expired 09/26/2012 per the Subdivision Regulations).

Preliminary Plat of Seven Lakes II (Resubmitted) – Request for Preliminary Plat approval for Seven Lakes II to the south of subject property (area reduced in size and to 59 lots as compared to original submittal) – 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 abutting subject property to the south (area reduced in size and to 59 lots as compared to original submittal) – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012 (Plat # 6457 recorded 01/16/2013).

BACKGROUND INFORMATION:

On May 20, 2013, the Planning Commission Conditionally Approved the Sketch Plat for “Seven Lakes III,” proposing 131 lots and consisting of all of the 40.64 acres contained in the two (2) parent tract parcels. Per that Sketch Plat version, the “Seven Lakes” development would have been completely platted. A subsequent version of the plat increased the number of lots to 142 but covered the same 40.64 acres. At this time, the Applicant is seeking Preliminary Plat approval for the next two (2) phases of “Seven Lakes,” which together propose only 55 lots on 18 ½ acres. As currently proposed by these Preliminary Plats, “Seven Lakes III” proposes four (4) lots on 1.07 or 1.08 acres, and “Seven Lakes IV” proposes 51 lots on 17.48 acres. Thus, it would appear at least one (1) more phase may be planned to complete the “Seven Lakes” development.

ANALYSIS:

Property Conditions. The two (2) parent tract parcels consisting of 40.64 acres are vacant and zoned RS-4. “Seven Lakes III,” as per this Preliminary Plat, contains 1.07 or 1.08 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 “Seven Lakes IV” plat area contains the final two (2) “lakes” in “Seven Lakes” development. These “lakes” and the streets contained within “III” and “IV” were rough-cut during or after the development of the first phase.

Although no longer a part of “Seven Lakes III” or “Seven Lakes IV,” the northernmost of the two (2) parent tract parcels include an area which appears to have a potential land use conflict. Based on GIS aerial and parcel data, it appears that northeastern-most area of the 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). Before the affected area is platted and developed, the owner/developer should confirm property ownership patterns and/or any public easements that may affect this area.

- * 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 1.07 or 1.08 acres, more or less, proposes 4 lots, two (2) blocks, and no (0) Reserves.

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. The subdivision is similar to Seven Lakes I and Seven Lakes II, to the south and east, with relatively similar-sized and configured lots. The typical lot measures 65' X 120' (7,800 square feet, 0.18 acres). 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 06, 2013. 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 to Sheridan Rd.

Lots in "Seven Lakes III" will utilize existing roadways as previously platted and constructed, with the exception of proposed Lot 6, Block 1. There is an existing temporary emergency-access drive through the north and northeast sides of this lot, which will be removed when the second permanent street connection to Sheridan Rd. is built. This second street connection will be contained within "Seven Lakes IV" and will provide a secondary means of ingress/egress for the entire Seven Lakes development.

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 12-3-3.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.
2. 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.
3. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
4. Per SRs Section 12-4-2.A.5, the Location Map must include:
 - All platted additions represented with the Section:
 - Scenic Village Park (missing)
 - Scale at 1" = 2,000'.
5. Please add elevation contours (with labels) as required per SRs Section 12-4-2.B.6.
6. As noted and requested by the TAC during the Sketch Plat review, where they are missing, please add 20' front yard U/Es for front-yard utility service as done throughout the balance of the Seven Lakes development (electric and natural gas, at a minimum).
7. Rather than 25'-wide front-yard U/Es as sometimes shown, consider a 20' U/E to provide a 5' buffer area, or the amount necessary to protect the integrity of the foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.
8. Please label street widths.
9. Please reconcile 1.07 versus 1.08 acres discrepancy in Land Summary statistics.
10. Please relocate the 7.5' north/side yard U/E label more appropriately within Lot "6" Block 1.
11. Please label the southerly point of tangent/curvature of C55.
12. Please enlarge the westerly point of tangent/curvature of C52 to ensure visibility.
13. Per SRs Section 12-5-3.B, lots in Block 1 should be numbered consecutively starting with "1."
14. Please provide Limits of No Access (LNA) restrictions along the Sheridan Rd. frontage.
15. Please label Sheridan Rd. right-of-way dedication width (50').

16. Please label Sheridan Rd. right-of-way dedication area as "Right-of-way dedicated by this plat," or by similar label with equal effect.
17. Please relocate the Sheridan Rd. / W. Line of NW/4 label more appropriately.
18. Please reorient the angle/bearing label within Lot "7" to be consistent with the balance of the vertically-oriented text used there.
19. Please resolve text/linework conflict at the northeast corner of Lot "6" Block 1.
20. To avoid any future ambiguities, please label "S. 66th E. Ave." also within the street segment located within the plat boundaries.
21. Please label E. 126th St. S. as represented on the face of the plat.
22. To avoid ambiguity, please label the Block numbers in Seven Lakes I and proposed "Seven Lakes IV" as represented on the face of the plat.
23. Please add proposed addresses to the lots. A table may be used if needed for map clarity.
24. Deed of Dedication / Restrictive Covenants (DoD/RCs) Preamble: Please resolve 1.07 versus 1.08 acres discrepancy with Land Summary statistics.
25. Title Block: describes both as "an Addition" and "a Subdivision." DoD/RCs Preamble, Surveyor's Certificate, etc. describe as "Subdivision." Please reconcile.
26. DoD/RCs Section I.C.2.: Missing period at end of sentence.
27. DoD/RCs Section I.C.2.: Confirm intended use of term "reported."
28. DoD/RCs Section I.C.4.: Term "agents" has typos.
29. DoD/RCs Section I.C.6: Self-reference to subsection "D," instead of "C" as presumed intended.
30. DoD/RCs Section I.C.6.: Terms "subsection" and "agrees" have typos.
31. DoD/RCs Section I.E.1: Self-reference to subsection "D," instead of "E.1" as presumed intended.
32. DoD/RCs Section II.B and II.C: Describes Reserve Areas not located in this plat. Other plats in this series only list the Reserve Areas located within plat boundaries.
33. DoD/RCs Section V.B: Reference to "Seven Lakes II" instead of "Seven Lakes III," as presumed intended.
34. DoD/RCs Section V.D: Please confirm intended use of date September 9, 2013.
35. DoD/RCs Signature Blocks: Specification of 2013 presumes plat will be recorded within this calendar year. Advisory.
36. Submit release letters from all utility companies serving the addition as per SRs Section 12-2-6.B.
37. Copies of the Sketch Plat of "Seven Lakes III," 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).
38. 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).

One of the Commissioners indicated that the reported 1-acre lot size and number of lots proposed seemed small, and asked for clarification. Erik Enyart confirmed the area at just over one (1) acre and four (4) lots to be produced by the subdivision. Mr. Enyart noted that three (3) of the four (4) lots would be served by existing streets built with the first phase of Seven Lakes. Upon a question, Mr. Enyart stated that the developer was wanting to do this as it would allow for homes to be built quickly, and the current two (2) phases were "almost out of lots." Mr. Enyart clarified that the northernmost lot on the west side of the development currently contained the temporary emergency access drive built with the first phase of Seven Lakes, which was required because it had to have two (2) means of ingress and egress, and "They'll take [this drive] out when they build 66th E. Ave."

Chair Thomas Holland observed that Alan Hall, PLS, of HRAOK, Inc., 1913 W. Tacoma - Suite 'C', Broken Arrow, OK 74012 had signed the Sign-In Sheet, and asked Mr. Hall if he cared to speak on the item. Mr. Hall responded that he had nothing to say on this item.

There being no further discussion, Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat of "Seven Lakes III" with the corrections, modifications, and Conditions of Approval as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whisman, Benjamin, and Whiteley
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

7. **Preliminary Plat – "Seven Lakes IV" – HRAOK, Inc.** Discussion and consideration of a Preliminary Plat for "Seven Lakes IV" for approximately 17 ½ 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.

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: Thursday, November 14, 2013
RE: Report and Recommendations for:
Preliminary Plat of "Seven Lakes IV"

LOCATION: – 10535 S. Memorial Dr.
– Part of the NW/4 SW/4 of Section 25, T18N, R13E
SIZE: 48,352 square feet; 1.11 acres, more or less
LOCATION: – South and east of the intersection of 121st St. S. and Sheridan Rd.
– North of Seven Lakes I and Seven Lakes II
– Part of the W/2 of Section 02, T17N, R13E.
SIZE: – 40.64 acres, more or less (2 parent tract parcels)
– 17.48 acres, more or less (plat area)
EXISTING ZONING: RS-4 Residential Single Family District
EXISTING USE: Vacant
REQUEST: Preliminary Plat approval for 4-lot residential subdivision
SURROUNDING ZONING AND LAND USE:

North: RS-4 and RS-3/PUD 80; Balance of parent tract parcels, and to the north of that, a 20-acre unplatted vacant/wooded tract recently rezoned to RS-3 and PUD 80 for "Wood Hollow Estates," and to the northeast, an unplatted 12-acre vacant tract owned by Tulsa County ("wetland mitigation area") and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby ("hardwood mitigation area").

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

East: AG & CG/PUD 76; The Fry Creek Ditch # 2 right-of-way with a 92-acre tract of agricultural land to the east of that zoned CG with PUD 76.

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 Seven Lakes I, subject property, and balance of unplatted “Seven Lakes” development areas – PC recommended Approval 01/18/2005 and City Council Approved 02/14/2005 (Ord. # 901).

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for “Seven Lakes II” for Seven Lakes II on parts of subject property parent tracts – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.

Sketch Plat of Seven Lakes III – Request for Sketch Plat approval for “Seven Lakes III” for all of 40.64 acres of both parent tract parcels – PC Conditionally Approved 05/20/2013.

Preliminary Plat of Seven Lakes III – Request for Preliminary Plat approval for “Seven Lakes III” for parts of parent tract parcels abutting subject property – PC consideration pending 11/18/2013.

RELEVANT AREA CASE HISTORY: (not a complete list)

Preliminary Plat of Seven Lakes I – Request for Preliminary Plat approval for Seven Lakes I abutting subject property to the south – 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 abutting subject property to the south – 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 to the south of subject property (area reduced in size and to 59 lots as compared to original submittal) – PC recommended Conditional Approval 09/21/2011 and City Council Conditionally Approved 09/26/2011 (Approval expired 09/26/2012 per the Subdivision Regulations).

Preliminary Plat of Seven Lakes II (Resubmitted) – Request for Preliminary Plat approval for Seven Lakes II to the south of subject property (area reduced in size and to 59 lots as compared to original submittal) – 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 abutting subject property to the south (area reduced in size and to 59 lots as compared to original submittal) – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012 (Plat # 6457 recorded 01/16/2013).

BACKGROUND INFORMATION:

On May 20, 2013, the Planning Commission Conditionally Approved the Sketch Plat for “Seven Lakes III,” proposing 131 lots and consisting of all of the 40.64 acres contained in the two (2) parent tract parcels. Per that Sketch Plat version, the “Seven Lakes” development would have been completely platted. A subsequent version of the plat increased the number of lots to 142 but covered the same 40.64 acres. At this time, the Applicant is seeking Preliminary Plat approval for the next two (2) phases of “Seven Lakes,” which together propose only 55 lots on 18 ½ acres. As currently proposed by these Preliminary Plats, “Seven Lakes III” proposes four (4) lots on 1.07 or 1.08 acres, and “Seven Lakes IV” proposes 51 lots on 17.48 acres. Thus, it would appear at least one (1) more phase may be planned to complete the “Seven Lakes” development.

ANALYSIS:

Property Conditions. The two (2) parent tract parcels consisting of 40.64 acres are vacant and zoned RS-4. “Seven Lakes IV,” as per this Preliminary Plat, contains 17.48 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 “Seven Lakes IV” plat area contains the final two (2) “lakes” in “Seven Lakes” development. These “lakes” and the streets contained within “III” and “IV” were rough-cut during or after the development of the first phase.

Although no longer a part of “Seven Lakes III” or “Seven Lakes IV,” the northernmost of the two (2) parent tract parcels include an area which appears to have a potential land use conflict. Based on GIS aerial and parcel data, it appears that northeastern-most area of the 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). Before the affected area is platted and developed, the owner/developer should confirm property ownership patterns and/or any public easements that may affect this area.

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 17.48 acres, more or less, proposes 51 lots, six (6) blocks, and three (3) Reserves (although only 2 are reported in the Land Summary statistics).

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. The subdivision is similar to Seven Lakes I and Seven Lakes II, to the south and east, 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). 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 06, 2013. 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 to Sheridan Rd. A new entrance street will be constructed with this subdivision, recommended to be named E. 125th St. S. It is platted at a width apparently wider than the rest of those in the subdivision, but its width is not dimensioned. Together with 126th St. S., it will be the second means of ingress/egress serving the entire Seven Lakes development.

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 Lot 3, Block 1, and Lot 20, Block 4 of "Seven Lakes IV" (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F. The Modification/Waiver may be justified by citing its necessity as a product of an attractive subdivision design defined by the crisscrossing, curvilinear street network with no true cul-de-sacs, interspersed with Reserves for water amenities.
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. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
5. It appears that the Reserve Areas are assigned unique letters A through H in the three (3) 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, G, and H. Seven Lakes II has Reserve Areas A, B, and C. "Seven Lakes IV" would have Reserve Areas "C," "F," and one (1) unnamed 20'-wide "handle" access Reserve Area which will connect to Reserve Area B in Seven Lakes II. In this phase IV, "C" would be a duplicate name as that found in Seven Lakes I. Also in phase IV, Reserve Area "F" is one of the "lakes" which would connect to the "handle" Reserve "F" in Seven Lakes I. This would make sense if the Reserve Areas are to be uniquely named and "F" was to be recognized as a singular Reserve Area platted in two (2) parts. If that is the case, the unnamed 20'-wide "handle" access Reserve Areas connecting to Reserve Area B in Seven Lakes II could also be named Reserve Area "B." The duplication of Reserve Area C, however, should be addressed.
6. Please label the width of the 'handle' access to "Reserve C."
7. Water features located in the Reserve Areas must be provided access for routine maintenance and emergency response. Handle access is to be a minimum of 20' in width, per previous City

Engineer recommendations. The unnamed Reserve Area connecting to Reserve B in Seven Lakes II is labeled at 15' in width. Although not labeled as to width, the one connecting Reserve Area C to 68th E. Ave. appears to be the same 15' width. Formats, widths, locations, and improved surface design and construction standards for access are all subject to the approval of the Fire Marshal and City Engineer.

8. Please change the Sheridan Rd. intersection street name to "East 125th Street South."
9. Please change the "E. 125th Pl." street name to 68th E. Ave. corresponding with Seven Lakes II.
10. Per SRs Section 12-4-2.A.5, the Location Map must include:
 - All platted additions represented with the Section:
 - Scenic Village Park (missing)
 - Scale at 1" = 2,000'.
11. Please add elevation contours (with labels) as required per SRs Section 12-4-2.B.6.
12. The Land Summary statistics report two (2) Reserve Areas, but there are two (2) named and one (1) unnamed Reserve Areas in the plat. If the unnamed are identified as Reserve Area "B," as suggested herein, that would be the third Reserve Area.
13. As noted and requested by the TAC during the Sketch Plat review, where they are missing, please add 20' front yard U/Es for front-yard utility service as done throughout the balance of the Seven Lakes development (electric and natural gas, at a minimum).
14. Rather than 25'-wide front-yard U/Es as sometimes shown, consider a 20' U/E to provide a 5' buffer area, or the amount necessary to protect the integrity of the foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.
15. Please label street widths.
16. Consider the size and configuration of Lot [1], Block 2 for possible enhancement.
17. Consider making the common lot line between Lots [6] and [7], Block 2, perpendicular/radial to the arc of the curved street in order to eliminate the 1.00' variance between the westerly point of tangent/curvature of C37 and the common lot corner. It is not clear if the 1.00' variance is to the west or to the east of the common lot corner, due to its exceptionally small size and the scale of the plat.
18. Per SRs Section 12-5-3.B, lots in Blocks 2 and 4 should be numbered consecutively starting with "1."
19. Please provide Limits of No Access (LNA) restrictions along the Sheridan Rd. frontage.
20. Please label Sheridan Rd. right-of-way dedication width (50').
21. Please label Sheridan Rd. right-of-way dedication area as "Right-of-way dedicated by this plat," or by similar label with equal effect.
22. Please relocate the Sheridan Rd. / W. Line of NW/4 label more appropriately.
23. Please resolve text/linework conflicts in Lots "21" and "22" of Block 4.
24. To avoid any future ambiguities, please label "S. 66th E. Ave." also within the street segment located between Blocks 1 and 2.
25. Please label street names in Seven Lakes I and Seven Lakes II as represented on the face of the plat.
26. Please add proposed addresses to the lots. A table may be used if needed for map clarity.
27. Title Block: describes both as "an Addition" and "a Subdivision." DoD/RCs Preamble, Surveyor's Certificate, etc. describe as "Subdivision." Please reconcile.
28. DoD/RCs Section I.C.2.: Missing period at end of sentence.
29. DoD/RCs Section I.C.2.: Confirm intended use of term "reported."
30. DoD/RCs Section I.C.4.: Term "agents" has typos.
31. DoD/RCs Section I.C.6: Self-reference to subsection "D," instead of "C" as presumed intended.
32. DoD/RCs Section I.C.6.: Terms "subsection" and "agrees" have typos.
33. DoD/RCs Section I.G.6.: Subsection with no verbiage.
34. DoD/RCs Section I.E.1: Self-reference to subsection "D," instead of "E.1" as presumed intended.
35. DoD/RCs Section II.B, II.C, and II.D: Uses almost identical language to that used in Seven Lakes II, with only Reserve Area names changed. Please confirm this is all accurate. See other recommendation herein pertaining to the avoidance of duplicating the "C" name.
36. DoD/RCs Section V.B: Reference to "Seven Lakes II" instead of "Seven Lakes IV," as presumed intended.

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37. *DoD/RCs Section V.D: Please confirm intended use of date September 9, 2013.*
38. *DoD/RCs Signature Blocks: Specification of 2013 presumes plat will be recorded within this calendar year. Advisory.*
39. *Submit release letters from all utility companies serving the addition as per SRs Section 12-2-6.B.*
40. *Copies of the Sketch Plat of "Seven Lakes III," 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).*
41. *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).*

Chair Thomas Holland recognized Alan Hall, PLS, from the Sign-In Sheet. Mr. Hall stated, "We're in agreement with the exceptions [taken in the Staff Report]." Mr. Hall, referring to Condition of Approval # 2, pertaining to a Modification/Waiver of the 17.5' Perimeter U/E width standard of Subdivision Regulations Section 12-3-3.A, asked the Commission to allow 11' U/Es "where it's contiguous to existing" 11' U/Es in previous Seven Lakes plats, as the 11' and 11' U/Es would total 22' in width. Mr. Hall noted that this was allowed in other jurisdictions.

One of the Commissioners asked Erik Enyart about this matter, and Mr. Enyart stated that it was standard practice to allow 11' U/Es to abut other 11' U/Es in the greater Tulsa area, and that he had received no comments from the utility providers or the City Engineer as far as [proposed] widths or locations of easements.

Chair Thomas Holland asked Erik Enyart if there was not floodplain at the northeast corner of the subdivision, and Mr. Enyart responded, "You may recall the Sketch Plat was reviewed earlier in the year," and stated that the northeast corner of the former, larger plat included an area that appeared to be presently occupied by the concrete drainage channel connecting to Fry Creek # 2. Mr. Enyart stated that that area was not included in this area being platted at this time. Mr. Enyart stated that, as noted in the Sketch Plat recommendations, this issue needed to be investigated and resolved prior to platting that area.

Chair Thomas Holland asked about "wetlands," Erik Enyart deferred to the Applicant, and Alan Hall indicated there were no wetlands on the subject property.

Chair Thomas Holland asked to entertain a Motion. John Benjamin made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat of "Seven Lakes IV," subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whisman, Benjamin, and Whiteley
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	4:0:0

8. **Preliminary Plat – “Byrnes Mini-Storages” – JR Donelson, Inc. (PUD 77).** Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for “Byrnes Mini-Storages,” approximately 3.4 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*.
Property Located: 12355 & 12365 S. Memorial Dr. and 12404 S. 85th E. Pl.

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: Friday, November 15, 2013
RE: Report and Recommendations for:
Preliminary Plat of “Byrnes Mini-Storages” (PUD 77, pending)

LOCATION:

- 12355 and 12365 S. Memorial Dr. (proposed addresses) and
- 12404 S. 85th E. Pl. (existing parcel address)
- Part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*

SIZE: Approximately 3.4 acres in three (3) tracts

EXISTING ZONING: AG Agricultural District/PUD 29A & RS-2 Residential Single-Family District
(OL requested for AG-zoned portion and PUD 77 requested for entire acreage)

SUPPLEMENTAL ZONING: Corridor Appearance District (part)

EXISTING USE: A soccer practice field and a single-family dwelling with accessory building

REQUEST: Preliminary Plat approval

SURROUNDING ZONING AND LAND USE:

North: OL, AG, CS/OL/PUD 68, & RS-1; A single-family residence on a 7-acre tract zoned OL and AG and the PUD 68 “North Bixby Commerce Park” pending development on a 16-acre tract, a drainage channel, and residential homes in Houser Addition. To the northwest at 12113 S. Memorial Dr. is the Spartan Self Storage ministorage development on an unplatted 1-acre tract zoned CS, and commercial development in 121st Center.

South: RS-1 & RS-2; Single-family residential zoned RS-1 in Gre-Mac Acres along 124th St. S. and RS-2 in Southern Memorial Acres No. 2.

East: RS-2; Single-family residential in Southern Memorial Acres No. 2.

West: CS/PUD 29-A; *The Boardwalk on Memorial* shopping center and Memorial Dr.

COMPREHENSIVE PLAN: Low Intensity + Residential Area (BCPA-9 requests removal of Residential Area specific land use designation)

PREVIOUS/RELATED CASES: (Not a complete list; Minor Architectural Committee and Planning Commission signage approvals in the Boardwalk shopping center not included here):

PUD 29 – The Boardwalk on Memorial – Part of Lot 1, Block 1, *The Boardwalk on Memorial* (includes part of subject property), Lots 1 and 2, Block 1, Gre-Mac Acres, requested for rezoning and PUD approval – PC Recommended Approval 05/20/2002 and City Council Approved PUD 29 and CS zoning for Gre-Mac Acres Lot 1 and OL zoning for Lot 2 06/10/2002 (Ordinance # 850, evidently dated 06/11/2001 in error).

PUD 29A – The Boardwalk on Memorial – Request for Major Amendment to PUD 29, known as PUD 29A, which expanded the original PUD and underlying CS zoning to an unplatted area to the north of Lots 1 and 2, Block 1, Gre-Mac Acres, and rezoned Development Area B to AG for “open space” – PC Recommended Approval 03/17/2003 and City Council Approved 04/28/2003 (Ordinance # 867).

Preliminary Plat of The Boardwalk on Memorial – Request for Preliminary Plat approval for part of subject property – Recommended for Approval by PC 04/21/2003 and Approved by City Council 04/28/2003.

Final Plat of The Boardwalk on Memorial: Request for Final Plat approval for part of subject property – Recommended for Approval by PC 05/19/2003 and Approved by City Council 05/27/2003 (Plat # 5717 recorded 08/19/2003).

"Minor Amendment PUD 29b to PUD 29, 29a" – Request for Planning Commission approval of the first Minor Amendment to PUD 29A (could have been called "Minor Amendment # 1) to approve a drive through bank window on the south side of the building for Grand Bank – PC Approved 02/22/2005.

AC-07-08-01 – Request for Architectural Committee approval of a masonry archway over an internal access drive on the north side of the The Boardwalk on Memorial (of which subject property was a part) – AC Approved 08/20/2007.

"PUD 29A Minor Amendment # 1 [2]" – Second request for Minor Amendment to PUD 29A to (1) Remove restrictions from east-facing signs and (2) Increase maximum display surface area for wall signs from 2 square feet per lineal foot of building wall to 3 square feet per lineal foot of building wall as permitted by the Zoning Code – Planning Commission Conditionally Approved 11/19/2007. Should have been called "Minor Amendment # 2."

AC-07-10-11 & AC-07-10-13 – Request for Architectural Committee approval of two (2) wall signs for The Boardwalk on Memorial (of which subject property was a part) for The Eye Center South Tulsa – Tabled by AC 10/15/2007 pending resolution of outstanding PUD zoning issues and Approved by AC 12/17/2007 after Minor Amendment # 2 was approved.

PUD 29A Minor Amendment # 3 – Request for Minor Amendments to PUD 29A to remove Development Area B from the PUD – Planning Commission Continued the application from the January 19, 2010 meeting to the February 16, 2010 meeting. The submission of PUD 29A Major Amendment # 1 in lieu of this application was recognized as the Withdrawal of this application.

BL-373 – William Wilson for Boardwalk on Memorial I, LP – Request for Lot-Split approval to separate the east approximately 472' from the balance of Lot 1, Block 1, The Boardwalk on Memorial (includes part of subject property) – PC Approved 02/16/2010.

PUD 29A Major Amendment # 1 – Request for Major Amendments to PUD 29A to relax Zoning Code bulk and area requirements for Development Area B to allow for Lot-Split per BL-373, which Development Area B was required to be legally attached to lots having the minimum required amount of public street frontage – PC Recommended Approval 02/16/2010 and City Council Approved 03/08/2010 (Ord. # 2033).

AC-11-06-03 – The Boardwalk on Memorial – Request for Planning Commission approval of an Electronic/LED ground sign for The Boardwalk on Memorial (of which subject property was a part), which became the second allowable ground sign on the property upon the attachment of the archway sign (cf. AC-07-08-01, AC-07-10-11, & AC-07-10-13) to the north side of the building as an extension of the building wall, which thus became a wall sign as originally approved by the City – PC Approved 06/20/2011.

BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove in part the Residential Area specific land use designation, rezone in part from AG to OL, and approve PUD 77 for a ministorage development on subject property – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. Ordinance First Reading held 06/24/2013. Ordinance Second Reading and consideration pending receipt of final PUD Text & Exhibits as Conditionally Approved.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of three (3) parcels of land:

1. The Easterly approximately 472' of Lot 1, Block 1, The Boardwalk on Memorial (approximately 1.4 acres), separated from the balance of the platted lot with the shopping center and parking lot by Lot-Split BL-373 in 2010, Tulsa County Assessor's Parcel # 57623730115240,
2. One (1) acre unplatted tract, being the E. 256.23' of the N. 170' of the NW/4 of Section 01, T17N, R13E, Tulsa County Assessor's Parcel # 97301730154670, and
3. Lot 11, Block 2, Southern Memorial Acres No. 2 (approximately 0.6 acres), Tulsa County Assessor's Parcel # 58100730101130.

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Tract "1" contains a soccer practice field and is zoned AG with PUD 29A. Tract "2" contains a residential accessory building historically associated with Tract "3" and is zoned AG. Tract "3" contains a single-family dwelling and is zoned RS-2.

Tracts "1" and "2" are requested for Comprehensive Plan amendment and rezoning from AG to OL. All three (3) tracts are to be covered by PUD 77. PUD 77 would supersede PUD 29A for the concerned part thereof. Tracts "1" and "2" are in Development Area A, and Tract "3" is in Development Area B. Tract "3" / Development Area B will remain zoned RS-2 and will continue to maintain the house structure as a residential dwelling.

On May 20, 2013, the Planning Commission recommended Denial of all three (3) applications by 2:1:0 vote. On June 10, 2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. The Ordinance First Reading was held 06/24/2013. The Ordinance Second Reading and consideration is pending receipt of final PUD Text & Exhibits as Conditionally Approved. The Applicant has expressed to Staff an interest in "holding off" on the PUD until the potential for coordination with the proposed PUD 81 "Chateau Villas PUD" to the north can be explored.

Per the most recent version of the PUD 77 Text and Exhibits, received October 15, 2013, the northernmost buildings may be proposed to have a 4' setback from the north line, if an easement or agreement is not secured allowing a 0' setback. Also per that version, the Applicant now proposes to build an office building at the east end of the remaining part of Lot 1, Block 1, The Boardwalk on Memorial, which office building will contain, among other things, the ministorage leasing office. This will allow the west end of the northwestern-most building to be reclaimed for storage units. Staff has not investigated the status of PUD 29A to determine what issues this new change may present. See relevant discussion within the attached TAC Minutes for additional information.

All of the subject property is relatively flat and drains to the east to an un-named tributary of Fry Creek # 1.

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Low Intensity and (2) Residential Area. BCPA-9 requests removal of Residential Area specific land use designation, to allow Development Area A to be rezoned to OL and be developed with a ministorage business. If approved to remove the Residential Area specific land use designation, BCPA-9 would not confer a new one.

The ministorage development anticipated by this plat would be consistent with the Comprehensive Plan upon the approval of BCPA-9.

General. This subdivision of 3.4616 acres, more or less, proposes three (3) lots, one (1) block, and one (1) Reserve Area. Reserve Area A would be used as a stormwater detention facility serving this development.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on November 06, 2013. 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 would be through an "Existing 25' Access Easement" through The Boardwalk on Memorial shopping center parking lot. The entrance will be gated past the leasing office and parking area. Secondary, emergency-only ingress/egress would be through a driveway connecting the southeast corner of Development Area A through the south/west side of the residential lot to S. 85th E. Pl. Per revised PUD plans received April 09, 2013, another emergency-only gated entrance will be installed at the west end of the southerly drive in Development Area A, to allow a "straight shot" drive to the emergency-only ingress/egress at the southeast corner of the PUD. This revision will allow the reduction in the 30' minimum building spacing for that drive only per the Fire Marshal, since the 30' spacing between buildings is primarily to ensure adequate spacing for fire apparatus turning movements and thus, removing the need for turning movements from that drive reduces the drive width requirement.

Development Area (DA) A is "landlocked," having no frontage on a dedicated and built public street. Access will be provided by means of Mutual Access Easements from adjoining lots with public street frontage and between lots within the development. PUD 77 provides that no frontage is required for this DA.

The development is planned to have two (2) means of ingress / egress through The Boardwalk on Memorial shopping center, which will lead to two (2) entrances / gates at the west end of DA A. The

routes as planned for the two (2) drives through the shopping center must be legally provided by dedication of Mutual Access Easement(s). The MAE is represented on the plat as [proposed] by separate instrument. This must be recorded prior to Final Plat approval and recording, and the text needs to be updated to cite the Document # where such easement(s) is/are recorded.

At the east end of the PUD, a 26'-wide emergency-only ingress/egress drive will be constructed through Development Area B, connecting DA A to 85th Pl. E. Per certain PUD site plans, it appears that the 26'-wide drive will fall on part of Lot 12, Block 2, Southern Memorial Acres No. 2. Per the PUD site plans, part of the drive may fall on that residential lot by means of a 15'-wide Mutual Access Easement. The plans cite the recordation of the easement with Document # 2013018388, which is a "Roadway Easement" granted from Gail & John Horne to The Helene V. Byrnes Foundation, recorded 02/22/2013. The document grants easement over "The Northwestern 15 feet" of Lot 12. Based on its representation on the provided exhibits, it is assumed to have meant the "Northeasterly 15 feet." Otherwise, the described area may be a pie-shaped piece extending southeasterly from the northwest corner of said Lot 12, which may not allow for the emergency-only 26'-wide drive as shown on the plans. The Applicant should clarify and/or amend the easement if/as needed.

Development Area A / proposed Lot 2 has frontage on the northerly dead-end of S. 85th E. Ave., a half-street platted in Gre-Mac Acres but not built. Limits of No Access (LNA) need to be represented across this frontage.

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

1. Subject to the City Council's final approval of BCPA-9, PUD 77, & BZ-365 and the completion of all requirements pertaining thereto.
2. Subdivision Regulations Section 12-3-2.O prohibits the approval of building lots within the 100-year Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby's Floodplain Regulations by ordinance; by Modification/Waiver, platting Reserve Areas may be permitted, provided their use is passive and use restrictions prohibit building construction. Parts of the northerly sides of Lot 1 and possibly Lot 2 are in the 100-year Floodplain, as well as part of the northerly side of Reserve A. Unless there is intent to go through the FEMA Letter Of Map Amendment (LOMA) based on more accurate and favorable survey data, or the Conditional/Letter Of Map Revision based on Fill (C/LOMR-F) process to remove the parts of the building lots from the 100-year Floodplain, a redesign may be in order. A Modification/Waiver will still be required if redesigned such that the 100-year Floodplain is fully contained by Reserve Area A. It may be possible that the CLOMR-F approved for the PUD 68 "North Bixby Commerce Park" development, now proposed to be part of the PUD 81 "Chateau Villas PUD" development, would result in a FEMA Floodplain Map change / Letter Of Map Change which would benefit the subject property.
3. Subject to a Modification/Waiver from the 17.5' minimum Perimeter U/E dedication requirement of Subdivision Regulations Section 12-3-3.A, which may be justified by pointing to the building placement particulars of PUD 77, the U/Es along adjoining boundaries, and the alternative U/E placement proposed within the subject property.
4. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
5. Please represent the 100-year Regulatory Floodplain per SRs Section 12-4-2.B.5.
6. Please add an appropriate FEMA Floodplain Map note.
7. The MAE(s) in The Boardwalk on Memorial must be recorded prior to Final Plat approval and recording, and the pertinent text needs to be updated to cite the Document # where such easement(s) is/are recorded.
8. If an easement (or other acceptable form of legal agreement) is secured to allow incidental construction activities and future building wall maintenance activities on the two (2) parcels adjoining to the north, to allow the buildings to be constructed on the north property line, represent spatial extent on plat and cite the Document # where such instrument(s) is/are recorded.
9. Existing U/Es "to be vacated" should have ordinance effecting easement closing approved and recorded prior to Final Plat approval and recording. The pertinent text needs to be updated to cite the Document # where such ordinance is recorded. Further, if court has permanently

- vacated easement / foreclosed the Public's right to reopen, cite instead the Document # where the court order is recorded with the Tulsa County Clerk.*
10. *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:*
 - a. *121st Center (misrepresented as to configuration)*
 - b. *Southern Memorial Acres No. 2 (misrepresented as to configuration)*
 - c. *Gre-Mac Acres (mislabelled)*
 - d. *Bixby Landing Second (missing)*
 - e. *Scale at 1" = 2,000'.*
 11. *Please add elevation contours (with labels) as required per SRs Section 12-4-2.B.6.*
 12. *Please correct name of S. 85th E. Ave.*
 13. *Please provide Limits of No Access (LNA) restrictions along the S. 85th E. Ave. frontage.*
 14. *Title Block: Does not specify whether an "Addition" or a "Subdivision." DoD/RCs Preamble describes as "an Addition... sometimes referred to as the "Subdivision")." Please identify in Title Block and reconcile all instances.*
 15. *Please label and dimension north-south segment of [MAE] on Lot 2.*
 16. *Please clarify label along west line of Lot 1 that 15' U/E is per Plat # 5717.*
 17. *Please identify distance from north lines of lots to north line of 10' Restricted Water Line Easement.*
 18. *Please identify the two (2) perpendicular protrusions from RWLE, and the angled line at the easterly end of the RWLE, dimension all widths, and dimension all of them each between the other and between the eastern-most or western-most protrusion to its nearest north-south Lot 1 lot line.*
 19. *Please clarify the area where Reserve A and the 26'-wide MAE appear to overlap and coincide in part.*
 20. *Please add different linetypes to the Legend for the sake of clarity and/or consider using shading or hatching to differentiate areas currently congested with multiple linetypes.*
 21. *Please label the 15' "Utilities Easement" along the westerly line of Lot 3 as "per Plat # 2794" or "2804," as the case may be.*
 22. *Please represent and label the 15' "Utilities Easement" along the northerly line of Lot 3 as "per Plat # 2794" or "2804," as the case may be.*
 23. *Please represent existing buildings and dimension to nearest property lines, such as shown on Exhibit B to PUD 77, as required by SRs Section 12-4-2.A.8. Such details may be removed on Final Plat by standard Modification/Waiver written into Staff Report as a Condition of Approval.*
 24. *Please add "M.A.E. / MAE" to the Legend.*
 25. *Please resolve text / linework conflict with 170' call along east line of Lot 1.*
 26. *"Doc#" on face of plat does not match "DOC.NO" in Legend.*
 27. *"B/L" on face of plat does not match "BL" in Legend.*
 28. *DoD/RCs Preamble: Missing critical wording such as "and have caused the above-described land to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided ..." as per customary platting conventions and the City Attorney's recommendations regarding fee simple ownership of rights-of-ways. The first four (4) underlined terms may be omitted in this instance, as no right-of-way would be dedicated by this plat, but the access rights reservation needs to be included per other recommendations in this report. See also text above Owner's Dedication Signature Block.*
 29. *DoD/RCs Section 1.D: Discusses stormwater easements which are not represented on face of plat.*
 30. *DoD/RCs: Does not provide dedication language pertaining to the 10' Restricted Water Line Easement represented on the face of the plat.*
 31. *DoD/RCs: Does not provide dedication language pertaining to the 4' Existing Tree Preservation and Landscape Easement represented on the face of the plat. Needs to have appropriate dedication, purpose, and terms of responsibility and responsible part(ies) established. Language in PUD section of DoD/RCs only provides that easement will be established with plat.*
 32. *DoD/RCs Section 1.E.3: Please replace "or allow" with "and shall prevent."*
 33. *DoD/RCs Section 2: Please update with final version of PUD 77 language when / as approved.*

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34. DoD/RCs Section 3.A.3: Please qualify this section as follows: "...other than properly-permitted paved parking, ..."
35. DoD/RCs Section 3.B.2: Please add to list of sections requiring City of Bixby approval: all of Sections 2 (PUD restrictions), 3.A.3, 3.B.2, and 3.B.4.
36. Owner's Dedication Signature Block: First paragraph of text above this signature block may be more appropriately integrated into DoD/RCs Section 3.
37. Owner's Dedication Signature Block: Second paragraph of text above this signature block is missing critical wording such as "As owner we hereby certify that we have caused the land described in this plat to be surveyed, divided, mapped, granted, donated, conveyed, dedicated and access rights reserved as represented on the plat." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
38. Submit release letters from all utility companies serving the addition as per SRs Section 12-2-6.B.
39. 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).

Chair Thomas Holland asked Erik Enyart to confirm that the Planning Commission had recommended Denial but the City Council approved the [Comprehensive Plan Amendment, PUD, and rezoning applications]. Mr. Enyart indicated that this was correct, and stated that the Council approved the appeal of the rezoning, approved the PUD application, and approved the Comprehensive Plan Amendment request, and that the only outstanding item was the approval of an ordinance effecting the approvals. Mr. Enyart stated that he was working with [JR] Donelson to get the final PUD in order for approval, but that he understood that there was a design issue that Mr. Donelson would be speaking to.

Chair Thomas Holland recognized JR Donelson of JR Donelson, Inc., 12820 S. Memorial Dr. # 100 from the Sign-In Sheet. Mr. Holland asked Mr. Donelson if anything had changed since [the PUD the Commission saw earlier in the year]. Mr. Donelson stated that the only thing that would be considered a change was along the north property line. Mr. Donelson stated that, at the TAC meeting, he provided plans showing the buildings 4' off the north property line, and that, with the original PUD, the buildings were going to be set on the property line with a maintenance easement from the owner[s] of those properties abutting to the north. Mr. Donelson stated that, since then, there have been "new developments," and that [he and his client have] discussed this project with [the PUD 81 "Chateau Villas PUD" project] engineer [plans for coordination]. Mr. Donelson stated that he had turned in plans for water and sewer, but [the City Engineer] Jared [Cottle] "asked us to look at [coordination]." Mr. Donelson stated that the original PUD had a finished concrete panel exterior proposed for the required building walls, but when the City Council approved the PUD, it "defined" split-face concrete block as masonry.¹ Mr. Donelson stated that this would be used for the north and south walls of the project. Mr. Holland clarified with Mr. Donelson that the same would be used for the west and east sides of the building, and anywhere else required. Mr. Donelson stated that the interior-facing walls would not be masonry, as they would be metal doors.

Chair Thomas Holland indicated the roofs would be flat, and JR Donelson stated that they would have a 1:12 pitch [from outer edge downward] to the center [of the development] to drain [properly].

¹ Note: The City Council did not "define" split-face concrete block as "masonry," but did permit its use in this PUD 77.

Chair Thomas Holland stated that the buildings would be higher than existing grade, and there had been concern expressed previously that the properties to the south would have drainage blocked by the new development. JR Donelson stated, "In our analysis, we couldn't determine any water on the properties to the south that drain back to us."

Chair Thomas Holland stated that this would not be so bad, with the width of the property and it being isolated, but that his concern was that this was a sensitive land use area, and he would like to see the buildings['] architecture] be compatible with the residential area as opposed to commercial. JR Donelson stated that the building walls would be masonry, and Mr. Holland confirmed with Mr. Donelson that the buildings would be metal structures.

Patrick Boulden addressed Chair Thomas Holland and stated that he was concerned Mr. Holland was debating the zoning, which had been decided already, and that the question should be whether this meets the Subdivision Regulations. Mr. Boulden stated that it was in order to question when the ordinance will be approved, and indicated that, if "the PUD is not effective yet, this can't go forward."

JR Donelson stated that [the final PUD] depended on the next item [on the agenda]. Mr. Donelson stated that the City Engineer had confirmed at a City Council meeting that this development would not drain to the south, and would not impede drainage from other properties. Mr. Donelson stated that the other properties were "lower than ours," and that, at the previous meeting, he asked if the City had any money to take care of these [off-site drainage issues], and "they said no."

Larry Whiteley stated that this area has "always had drainage problems," and "this development won't cause more flooding."

Lance Whisman stated that nothing had changed since the PUD.

John Benjamin stated that this would not intensify the drainage problems, and that it could be changed to meet City standards.

Chair Thomas Holland stated, "All the pieces are not in place," and made a MOTION to RECOMMEND DENIAL of the Preliminary Plat of "Byrnes Mini-Storages." A Commissioner asked Mr. Holland if he thought it should be Denied or Tabled until after the PUD was finalized, and Mr. Holland stated that it should be denied based on the PUD being not in effect yet.

Patrick Boulden suggested that it could be "Continued till such time as the PUD is approved." Chair Thomas Holland indicated agreement, and replaced his Motion with a new Motion as follows: a MOTION to [TABLE] the Preliminary Plat of "Byrnes Mini-Storages" until such time as the PUD is resolved and the ordinance passed. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whisman, Benjamin, and Whiteley
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	4:0:0

OTHER BUSINESS

9. **BL-388 – Jon Ward.** Discussion and possible action to approve a Lot-Split for Lots 1 and 2 and the E. 100' of Lot 5, Block 1, *Hickory Creek Estates*.
Property Located: 13001 E. 181st St. S.

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: Friday, November 15, 2013
RE: Report and Recommendations for:
BL-388 – Jon Ward

LOCATION: – 13001 E. 181st St. S.
– Lots 1 and 2 and the E. 100' of Lot 5, Block 1, *Hickory Creek Estates*
LOT SIZE: 2 acres, more or less
ZONING: RS-1 Residential Single-Family District
SUPPLEMENTAL ZONING: None
EXISTING USE: Use Unit 6 single-family house
REQUEST: Lot-Split approval
COMPREHENSIVE PLAN: Low Intensity/Rural/Development Sensitive
PREVIOUS/RELATED CASES: (Not necessarily a complete list)

BZ-184 – Timothy Keim for Hickory Creek Estates – Request for rezoning from AG to RS-1 for 10 acres, more or less, which became Hickory Creek Estates (includes subject property) – PC Recommended Approval 01/25/1988 and City Council Approved 02/23/1988 (Ord. # 577) (that portion of the future subdivision lying within the SE/4 SE/4 of Section 32, T17N, R14E requested but omitted from legal description in Ordinance).

Final Plat of Hickory Creek Estates – Request for Final Plat approval for Hickory Creek Estates (includes subject property) – City Council Approved 06/27/1988 (per the plat approval certificate) (Plat # 4726 recorded 07/12/1988) (Preliminary Plat and PC approvals not researched).

BL-142 – Tim Keim – Request for Lot-Split approval to separate the east 100' of Lot 5 and add to Lot 1 of Hickory Creek Estates (included subject property) – Staff recommended Approval subject to attachment by inclusion of 100'-wide tract in the Warranty Deed to Lot [1] and PC [Conditionally] Approved as recommended 08/15/1988.

BACKGROUND INFORMATION:

Per the BZ-184 Staff Report, the land which became the Hickory Creek Estates subdivision was annexed December 08, 1987.

ANALYSIS:

Subject Property Conditions. The subject property consists of Lots 1 and 2 and the E. 100' of Lot 5, Block 1, *Hickory Creek Estates*. It has a total of 200' of frontage on 181st St. S. The house appears to be situated on Lot 1. The Lot 2 and the E. 100'-wide tract areas are both vacant and wooded.

General. The Lot-Split is proposed to allow for the separation of the Lot 2 and the E. 100'-wide tract areas from Lot 1, which contains the house. Lot 2 would meet the requirements for the RS-1 district, but the 100'-wide tract area would not have street frontage. It is being sold to the owner of the balance of Lot 5, on which a house was recently constructed. In order to meet the Zoning Code requirements, the 100'-wide tract must be legally combined with the balance of Lot 5 adopting lot. 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) reviewed this Lot-Split application on November 06, 2013. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval, subject to the 100'-wide tract being attached to the balance of Lot 5 adopting lot to the west by deed restriction language such as:

*[INSERT THE LEGAL DESCRIPTION OF THE 100-FOOT-WIDE TRACT] .
The foregoing is restricted from being transferred or conveyed as described above without including:
[INSERT THE LEGAL DESCRIPTION OF THE BALANCE OF LOT 5 ADOPTING 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 approval.*

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE BL-388 subject to the Staff recommendation. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whisman, Benjamin, and Whiteley
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

During the Roll Call, John Benjamin confirmed that there was no one protesting the application. No one spoke at this time.

PUBLIC HEARINGS

3. **PUD 81 – “Chateau Villas PUD” – AAB Engineering, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 23 acres in part of the NW/4 NW/4 of Section 01, T17N, R13E.
Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S.
4. **BZ-368 – AAB Engineering, LLC.** Public Hearing, discussion, and consideration of a rezoning request from CS Commercial Shopping Center District, OL Office Low Intensity District, and AG Agricultural District to CS Commercial Shopping Center District and RM-3 Residential Multi-Family District for approximately 23 acres in part of the NW/4 NW/4 of Section 01, T17N, R13E.
Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S.

Chair Thomas Holland introduced related items 3. (PUD 81 – “Chateau Villas PUD” – AAB Engineering, LLC) and 4. (BZ-368 – AAB Engineering, LLC) and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, November 14, 2013
RE: Report and Recommendations for:
PUD 81 – “Chateau Villas PUD” – AAB Engineering, LLC, and
BZ-368 – AAB Engineering, LLC

LOCATION:

16-Acre Tract: 8300-block of E. 121st St. S.
7-Acre Tract: 12303 S. Memorial Dr.

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

EXISTING ZONING:

16-Acre Tract: CS Commercial Shopping Center District and OL Office Low Intensity District with PUD 68

7-Acre Tract: OL Office Low Intensity District and AG Agricultural District

EXISTING USE:

16-Acre Tract: Vacant

7-Acre Tract: Single-family house

REQUESTED ZONING: CS Commercial Shopping Center District, RM-3 Residential Multi-Family District, & PUD 81

SUPPLEMENTAL ZONING:

16-Acre Tract: PUD 68 "North Bixby Commerce Park"

7-Acre Tract: Corridor Appearance District

SURROUNDING ZONING AND LAND USE:

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

South: CS & AG/PUD 29A, RS-1, and RS-2; The Boardwalk on Memorial commercial strip shopping center with vacant land behind and single-family residential in Gre-Mac Acres and Southern Memorial Acres No. 2 zoned RS-1 and RS-2. The vacant land was Conditionally Approved for OL and PUD 77 zoning for a ministorage development, but zoning is pending ordinance approval.

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

West: CG, CS, OL, RS-3, & AG; Commercial development in 121st Center, the Spartan Self Storage ministorage business on an unplatted 1-acre tract zoned CS at 12113 S. Memorial Dr., and (west of Memorial Dr.) agricultural land and the Easton Sod sales lot zoned RS-3, OL, & CS.

COMPREHENSIVE PLAN:

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

7-Acre Tract: Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES:

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

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

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

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

and City Council Conditionally Approved 05/24/2010. City Council approved a revised Final Plat 09/13/2010.

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

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

BBOA-11 – Richard Ketchum for Tri-Kay Developers, Inc. – Request for [Variance] from bulk and area standards for the Town and Country Shopping Center on All of Block 18, Southern Memorial Acres Extended to the northwest of subject property – (“amended application” received 12/26/1972 deleted the additional request for a Variance from the off street parking requirements). Bulk and area standards requested for Variance appear to have been from Zoning Ordinance Section 6.3A “Waive the 2 acre maximum” lot area standard and Section 6.4 “Change the Floor area ratio from (1 to 4) to (1 to 3 ½)” in the C-1 District – BOA Approved 01/16/1973 “to change the floor area from (1 to 4) to (1 to 3 ½)” per case notes and a draft letter found in the case file (Minutes not found for any BOA meetings in 1973).

BBOA-20 – City of Bixby – Request for Special Exception to allow a Use Unit 5 use in an RS-1 district, the original Bixby Fire Station # 2, on Lot 2, Block 4, Houser Addition abutting subject property to the east at 8300 E. 121st St. S. – BOA Conditionally Approved 06/09/1975.

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area to the southwest of subject property at approximately the 12600-block of S. Memorial Dr. – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

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

BZ-135 – Eddie McLearn – Request for rezoning from AG to CS for an approximately 19-acre tract at 12300 S. Memorial Dr. to the west of subject property (now the Easton Sod business) – Withdrawn by Applicant 03/21/1983.

BZ-139 – Eddie McLearn – Request for rezoning from AG to RM-2, OL, & CS for an approximately 19-acre tract at 12300 S. Memorial Dr. to the west of subject property (now the Easton Sod business) – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. # 482).

BZ-140 – Patrick L. Murray – Request for rezoning from RM-1 to CS for approximately 1.6 acres consisting of Lots 7 through 12, inclusive, Block 17, Southern Memorial Acres Extended (later replatted as part of Memorial Square) across 121st St. S. to the north of subject property – PC Recommended Denial 05/31/1983 and City Council Approved 06/13/1983 (Ord. # 486).

B/PUD 6 – “South Memorial Duplexes” – Richard Hall & Associates for George E. Day – Request for PUD approval for a duplex development for approximately 9.4 acres consisting of Lots 7 through 12, inclusive, Block 16, and all of Block 17, Southern Memorial Acres Extended (later replatted as Memorial Square) across 121st St. S. to the north of subject property – PC Recommended Approval 11/28/1983 and City Council Approved 12/05/1983 (Ordinance # 498).

Final Plat of Memorial Square – Request for Final Plat approval for Memorial Square for approximately 9.4 acres, a resubdivision of Lots 7 through 12, inclusive, Block 16, and all of Block 17, Southern Memorial Acres Extended across 121st St. S. to the north of subject property – City Council Approved 02/1984 (per the plat approval certificate) (Plat # 4511 recorded 08/03/1984) (Preliminary Plat and PC approvals not researched).

BBOA-135 – Alan Hall of A. C. Hall & Associates, Surveying for Milton H. Berry – Request for Special Exception to allow a Use Unit 17 carwash development in the CS district for the S. 200’ of the W. 210’ of the N. 825’ of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – BOA Approved 11/13/1984 subject to platting (not developed as a carwash; ultimately developed as the Spartan Self Storage).

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for 121st Center (abutting subject property to west and north) – PC Conditionally Approved 12/28/1987 (Council action not researched).

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

Final Plat of 121st Center – Request for Final Plat approval for 121st Center (abutting subject property to west and north) – PC Conditionally Approved 02/29/1988 and City Council Approved 07/11/1988 (per the plat approval certificate) (Plat # 4728 recorded 08/05/1988).

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area to the southwest of subject property in the 12300-block of S. Memorial Dr. (perhaps then addressed 12340 S. Memorial Dr.) – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

BBOA-261 – Jack Spradling for Arkansas Valley Development Corporation – Request for Variance for Lot 5, Block 1, 121st Center (abutting subject property to west and north), to reduce the minimum lot width/frontage in CS from 150' to 0' to permit a Lot-Split creating the E. 215' of the S. 125' of Lot 5, which tract is now the Atlas General Contractors office – BOA Conditionally Approved 02/01/1993 (Mutual Access Easement created to give access to 121st St. S.).

BBOA-300 – Tom Christopoulos – Request for Variance to the setback; an increase of the allowed maximum density; and a reduction of the parking standards of the RM-3 district (requested per BZ-212) for a multifamily development for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – BOA Conditionally Approved 07/03/1995 (not developed as multifamily; ultimately developed as the Spartan Self Storage).

BZ-212 – Tom Christopoulos – Request for rezoning from CS to RM-3 for a multifamily development for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – PC Recommended Approval 06/05/1995 and City Council Denied 07/10/1995 (not developed as multifamily; ultimately developed as the Spartan Self Storage).

BBOA-335 – Tom Christopoulos – Request for Special Exception to allow a ministorage development in the CS district for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – BOA Approved 12/01/1997 (now the Spartan Self Storage).

PUD 29 – The Boardwalk on Memorial – Part of future Lot 1, Block 1, The Boardwalk on Memorial (abutting subject property to south) and Lots 1 and 2, Block 1, Gre-Mac Acres requested for rezoning and PUD approval – PC Recommended Approval 05/20/2002 and City Council Approved PUD 29 and CS zoning for Gre-Mac Acres Lot 1 and OL zoning for Lot 2 06/10/2002 (Ordinance # 850, evidently dated 06/11/2001 in error).

PUD 29A – The Boardwalk on Memorial – Request for Major Amendment to PUD 29 (abutting subject property to south), known as PUD 29A, which expanded the original PUD and underlying CS zoning to an unplatted area to the north of Lots 1 and 2, Block 1, Gre-Mac Acres, and rezoned Development Area B to AG for "open space" – PC Recommended Approval 03/17/2003 and City Council Approved 04/28/2003 (Ordinance # 867).

Preliminary Plat of The Boardwalk on Memorial – Request for Preliminary Plat approval for property abutting subject property to south – Recommended for Approval by PC 04/21/2003 and Approved by City Council 04/28/2003.

Final Plat of The Boardwalk on Memorial – Request for Final Plat approval for property abutting subject property to south – Recommended for Approval by PC 05/19/2003 and Approved by City Council 05/27/2003 (Plat # 5717 recorded 08/19/2003).

"Minor Amendment PUD 29b to PUD 29, 29a" – Request for Planning Commission approval of the first Minor Amendment to PUD 29A (could have been called "Minor Amendment # 1) for property abutting subject property to south to approve a drive through bank window on the south side of the building for Grand Bank – PC Approved 02/22/2005.

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BBOA-444 – City of Bixby – Request for Special Exception to allow a Use Unit 5 use in an RS-1 district, allowing the expansion of Bixby Fire Station # 2 onto Lot 1, Block 4, Houser Addition located to east of subject property at 8300 E. 121st St. S. – BOA Approved 06/05/2006.

“PUD 29A Minor Amendment # 1 [2]” – Second request for Minor Amendment to PUD 29A to (1) Remove restrictions from east-facing signs and (2) Increase maximum display surface area for wall signs from 2 square feet per lineal foot of building wall to 3 square feet per lineal foot of building wall as permitted by the Zoning Code for property abutting subject property to south – Planning Commission Conditionally Approved 11/19/2007. Should have been called “Minor Amendment # 2.”

PUD 29A Minor Amendment # 3 – Request for Minor Amendments to PUD 29A to remove Development Area B from the PUD – Planning Commission Continued the application from the January 19, 2010 meeting to the February 16, 2010 meeting. The submission of PUD 29A Major Amendment # 1 in lieu of this application was recognized as the Withdrawal of this application.

BL-373 – William Wilson for Boardwalk on Memorial I., LP – Request for Lot-Split approval to separate the east approximately 472’ from the balance of the property abutting subject property to south – PC Approved 02/16/2010.

PUD 29A Major Amendment # 1 – Request for Major Amendments to PUD 29A to relax Zoning Code bulk and area requirements for Development Area B to allow for Lot-Split per BL-373, which Development Area B was required to be legally attached to lots having the minimum required amount of public street frontage – PC Recommended Approval 02/16/2010 and City Council Approved 03/08/2010 (Ord. # 2033).

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of Knopp family property of approximately 140 acres to the southwest of subject property – PC Continued the application on 12/21/2009 at the Applicant’s request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting “for more research and information,” based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

BSP 2010-03 – Encore on Memorial – Khoury Engineering, Inc. (PUD 70) – Request for Detailed Site Plan approval for a multifamily development on 14 acres to the southwest of subject property – PC Conditionally Approved 07/19/2010.

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the southwest of subject property – PC recommended Conditional Approval 07/19/2010 and City Council Conditionally Approved 07/26/2010.

Final Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the southwest of subject property – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (Plat # 6380 recorded 04/12/2011).

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 92 acres acquired from the Knopp family acreage to the west of subject property – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting.

Preliminary Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and a Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2 for 92 acres acquired from the

Knopp family acreage to the west of subject property – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove in part the Residential Area specific land use designation, rezone in part from AG to OL, and approve PUD 77 for a ministorage development on property abutting subject property to the south – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. Ordinance First Reading held 06/24/2013. Ordinance Second Reading and consideration pending receipt of final PUD Text & Exhibits as Conditionally Approved. Final Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres of a 92-acre PUD west of subject property – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

PUD 76 “Scenic Village Park” Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for a 92-acre PUD west of subject property – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading October 14, 2013. Emergency Clause attachment approval items or otherwise Ordinance Second Reading and consideration at a future City Council meeting is pending.

PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for 92-acre PUD west of subject property – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant.

Preliminary Plat of “Byrnes Mini-Storages” – JR Donelson, Inc. – Request for approval of a Preliminary Plat for property abutting subject property to the south – PC consideration pending 11/18/2013

Staff searched for but did not find any Zoning or site plan approval records related to the Spartan Self Storage, a 1-acre ministorage development at 12113 S. Memorial Dr. which appears to have 0' setbacks along the north/side, east/rear, and south/side property lines. The Tulsa County Assessor's records indicate the facility was constructed in 1998.

BACKGROUND INFORMATION:

By letter dated October 28, 2013, the Applicant sent an invitation to property owners within ¼ mile of the subject property (using the INCOG list of property owners from the Tulsa County Assessor's parcel records which is used for mailing the Public Notice) to attend a presentation and discussion on the proposed development in the Council Meeting Room in City Hall on Monday, November 11, 2013, at 6:00 PM. The City Planner was invited and attended. Besides the Applicant team and City Planner, five (5) others attended, two (2) of which represented adjoining commercial property owners. The meeting lasted approximately 1 ½ hours.

ANALYSIS:

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

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

The 16-acre tract is zoned CS and OL with PUD 68 “North Bixby Commerce Park,” and the 7-acre tract is zoned OL and AG (CS, RM-3, and PUD 81 is requested for the combined land).

The subject property is moderately sloped and primarily drains to the southeast to an unnamed tributary of Fry Creek # 1, and presently contains an area of 100-year floodplain, attendant to an improved drainage channel along and within the eastern boundary of the 16-acre tract. Per a letter dated September 21, 2009, the previous owner/developer was approved by FEMA for a CLOMR-F to widen the channel and increase its capacity to a level providing for the 100-year flow and use the borrow material as fill to elevate the development land above the 100-year Floodplain. Widening the channel, under the approved CLOMR-F, would remove the need for onsite stormwater detention for the 16-acre tract. As originally conceived, the channel was only going to be widened enough to drain the 16-acre tract, and no other properties in the area. The area downstream of the southeast corner of the property may have already been widened. Per Alan Betchan on November 11, 2013, the new development plans may not require widening of the channel located on the subject property, or perhaps not as much widening, due to the creation of less impervious surface compared to the previous development plan. However, it is not

clear if the channel on the subject property has already been widened or not. The plans may be modified and resubmitted to the City and FEMA in order to incorporate the 7-acre tract that is now a part of this development proposal. Pursuant to the original, approved CLOMR-F, the previous owner/developer proceeded with the grading; however, Staff has been informed that the grading has not been completed in accordance with the CLOMR-F as of this time. The floodplain issue must be resolved through the City and FEMA approval process before the subject property can be developed. The development will pay a fee-in-lieu of providing onsite stormwater detention. This situation is only partially described in the "Drainage" section of the PUD Text; a more robust description is in order.

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

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

The 7-acre tract is designated (1) Medium Intensity and (2) Commercial Area.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that both CS and RM-3 zoning are In Accordance with the Medium Intensity designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the requested CS and RM-3 zoning 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. The requested CS would be consistent with the Commercial Area designation of the 7-acre tract. Commercial Development Area A contains about 4 acres (net area) of the westerly side of the 7-acre tract. The Commercial Development Area C would contain approximately 1.67 acres of the northerly side of the 16-acre tract. The 16.28-acre multifamily Development Area B is roughly equivalent to the 16.418-acre easterly tract, for which there is no specific land use designation. Thus, the land uses proposed are consistent with the land use designations of the Comprehensive Plan in this PUD context.

Per the Matrix, PUDs (as a zoning district) are In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map, and thus PUD 81 is In Accordance with the Comprehensive Plan as a zoning district.

For PUD 68 "North Bixby Commerce Park," Staff and the Applicant recognized that the commercial elements required a certain minimum amount of CS zoning, which worked out to be 6.26 acres. The west 6.26 acres of the 16-acre tract was zoned CS, and the 10.158-acre balance was zoned OL, which allowed ministorage use. The west 6.26 acres was only zoned CS upon the approval of Comprehensive Plan Amendment case # BCPA-3. The area east of this CS/OL line is still designated Low Intensity on the Comprehensive Plan, which would not support RM-3 or CS zoning.

The 7-acre tract is designated Medium Intensity + Commercial Area on the Comprehensive Plan map, which would support either CS or RM-3 zoning. Per GIS, it appears the gross area of the 7-acre tract is 7.5 acres (includes ½ of Memorial Dr. right-of-way).

Thus, the 6.26 acres + 7.5 acres = 13.76 acres of Medium Intensity available.

Development Areas (DAs) A and C propose commercial use, with 85,000 square feet and 40,000 square feet of maximum floor area proposed, respectively. At 0.50 Floor Area Ratio in the CS district (reference Zoning Code Sections 11-7I-5.A.2.a and 11-7D-4 Table 2), that would require $(85,000 + 40,000 = 125,000 * 2 =) 250,000$ square feet, or 5.74 acres. $13.76 - 5.74 = 8$ acres of Medium Intensity left.

If all 8 acres was approved for RM-3 zoning (which would yield the highest number of units), per Zoning Code Sections 11-7I-5.A.1.a and .b and 11-7B-4.A.1 Table 3:

8 acres = 348,480 square feet / 1,742 = 200 units.

That leaves 10.158 acres of OL zoning remaining.

Per Zoning Code Section 11-7C-5.B, OL zoning translates into RM-1 bulk and area standards. At this density and with the mixture of RM-3, CS, and OL districts the Comprehensive Plan would support,

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the 375 units could not be fully supported. In response, the Applicant has reduced the proposed maximum floor area of commercial use, and converted the former CS-zoned areas to RM-3 zoning.

Per a phone conversation with Applicant Alan Betchan on October 31, 2013, Mr. Betchan estimated it was not possible to achieve the original amount of commercial floor area proposed due to parking and other spatial requirements. Staff confirmed with Mr. Betchan that the relative sizes of the commercial buildings represented on the site plan would not be compromised by this change.

The PUD Text version received November 11, 2013 updates the relative proportions of commercial and multifamily development consistent with the first option above. The commercial floor area requested is now 85,400 square feet. Alan Betchan confirmed on November 11, 2013 that this floor area would still support all of the commercial buildings as proportionally represented on the site plan. However, BZ-358 must still be amended and the development intensity (multifamily units and/or commercial square footage) must be reduced such that the size of the CS and RM-3 zoning requested and development intensities do not exceed that which is supported by available Medium Intensity designation of the Comprehensive Plan (7-acre tract plus the west 6.26 acres of the 16-acre tract). Further, the application should be amended to include OL zoning for the area which is designated Low Intensity.

General. The PUD proposes a multifamily residential ("multifamily") and commercial development, with commercial uses along the Memorial Dr. and 121st St. S. frontages, and incorporates a widened drainage channel along the east side. The submitted site plans for the development exhibit a conventional, suburban-style design. The plan indicates essentially three (3) commercial lots along Memorial Dr., two (2) commercial lots along 121st St. S., and 12 multifamily buildings, in a campus-style setting with curvilinear internal drive pattern, replete with a clubhouse/leasing office, pool area, and some garage or carport structures. However, none of the buildings are presently labeled on the Exhibit B Conceptual Site Plan.

When PUD 68 was proposed in 2009, Staff observed the potential for an enhanced range of development possibilities if the 16-acre tract was combined with the 7-acre tract. That has been achieved with this PUD.

Because the review methodology is similar, and both applications are essentially rezoning-related and propose to prepare the subject property for the same single-family residential subdivision development, this review will, except as noted, include both applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

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

The Fire Marshal's, City Engineer's, and City Attorney's review correspondence 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.

The Technical Advisory Committee (TAC) discussed PUD 81 at its regular meeting held November 06, 2013. Minutes of that meeting are attached to this report.

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

"The attached Exhibit E depicts the vehicular and pedestrian access points and circulation anticipated to accommodate the conceptual site plan. Access to the parcels of development area A and B will be provided by a privately maintained street. This street will be maintained by the property owners association created for the development. Access to the lots within Development Area C will be derived by not more than 2 direct connections to 121st Street South."

Plans for access can be further inferred from the site plans. Primary access to the development would be via one (1) boulevard-style street connecting to Memorial Dr., and a secondary drive connecting to 121st St. S. The outparcel lots on 121st St. S. are described as connecting directly to the street, but the Access and Circulation Plan Exhibit E show them having access via the north-south street/drive. The internal streets will be private. The multifamily development has previously been described as being gated, but gates are not discussed in the PUD Text or shown on the Access and Circulation Plan Exhibit E.

Sidewalks internal to the multifamily development are indicated, but not labeled. The Exhibit B Conceptual Site Plan does not indicate sidewalks along Memorial Dr. or 121st St. S., as required, nor along the private streets/drives connecting to both arterials, as would be required if they are dedicated as

private streets. Sidewalks are also not indicated connecting the multifamily and commercial development areas. Per other recommendations in this report pertaining to development quality, the Applicant may also wish to consider utilizing the drainageway along the east side as a walking trail amenity. These enhancements would help the PUD provide a "unified treatment of the development possibilities of the project site" and "achieve a continuity of function and design within the development."

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, RS-1, RS-2, RS-3, RD, CS/RM-1/PUD 6, OL, CS, CG, and CS/OL/PUD 29A. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

Across 121st St. S. to the north is the Memorial Square duplex-style condo/apartments and vacant lots zoned CS & RM-1/PUD-6, and single-family residential to the northeast zoned RS-1, commercial in the Town and Country Shopping Center to the northwest zoned CS, and further north, duplexes along 119th St. S. zoned RD, all in Southern Memorial Acres Extended.

South of the subject property is The Boardwalk on Memorial commercial strip shopping center zoned CS/PUD 29A, vacant land behind it zoned CS and AG (but Conditionally Approved for OL and PUD 77 zoning for a ministorage development, pending ordinance approval). Further south is single-family residential in Gre-Mac Acres and Southern Memorial Acres No. 2 zoned RS-1 and RS-2.

Abutting to the east is single-family residential and the Bixby Fire Station #2, all in the Houser Addition and zoned RS-1.

Abutting to the west is commercial development in 121st Center and the Spartan Self Storage ministorage business on an unplatted 1-acre tract zoned at 12113 S. Memorial Dr., all zoned CS. Across Memorial Dr. to the west is Rd. is agricultural land zoned AG and CG and the Easton Sod sales lot zoned RS-3, OL, and CS.

Duplex residential uses in Memorial Square are fairly well buffered by the 121st St. S. primary arterial and its stormwater detention facility to the north of the street. Residential uses to the northeast in Southern Memorial Acres Extended are buffered by Bixby Fire Station # 2 and the large stormwater drainage and detention facility on Lots 8 and 9, Block 15, Southern Memorial Acres Extended. Residential uses to the south in Gre-Mac Acres are buffered by the 170'-wide vacant tract of land behind The Boardwalk on Memorial shopping center, which has been conditionally approved for OL zoning and PUD 77 (pending ordinance approval), which zoning districts and ministorage use are appropriate buffers between residential and more intensive uses.

However, the PUD should specify what screening and landscaping will be proposed for which property lines (type and height) per Zoning Code Section 11-7I-8.B.1.e. Rather than adding landscaping sections under DAs B and C, a separate section pertaining to "Development Standards for All Development Areas" (or titled similarly) may also be used to describe height and setback restrictions within specific non-residential Development Areas in relation to residential land uses and zoning districts. Specifics should address proximate properties and zoning districts including, but not necessarily limited to:

1. Single-family residential in Houser Addition and Southern Memorial Acres No. 2 to the east and southeast
2. Non-residential Development Areas A and C in relation to multifamily DA B

Staff believes that, if properly enhanced as recommended herein, the proposed CS and RM-3 zoning and the specific development plans proposed by PUD 81 are consistent with the surrounding zoning, land use, and development patterns, provided the ultimate zoning pattern is consistent with the Comprehensive Plan Land Use Map as amended by BCPA-3. The multifamily use of the majority of the acreage, and OL district which should remain on the easterly approximately 10 acres of the 16-acre tract, would provide an appropriate transition zone between the large commercial area and CS district to the west and the single-family residential uses to the east and southeast in Houser Addition and Southern Memorial Acres No. 2.

For PUD 68, the "Screening" Development Standards for Development Areas C (ministorage on Lot 3) and D (drainage channel, etc.) provided:

"[The east boundary of] Development Area ["C" / "D"] shall be [permanently] screened from the [adjoining] residential district [to the east and south] by an opaque wall or fence which shall be:

1. Designed, constructed and arranged to provide a visible separation of uses, irrespective of vegetation;

2. A minimum height of 6 FT placed inside the [D]evelopment [A]rea boundary line;
and

3. Constructed with all braces and supports on the interior.

The visual screening shall be maintained by the owner of the lot or lots comprising Development Area "C".

Per the Conditionally Approved revised plat of "North Bixby Commerce Park," the easterly 55' to 85' of the 16-acre tract was to be platted as Reserve A. The 85'-wide section had an additional 30' to accommodate the private commercial street, and the 55' balance was to contain the widened drainage channel. When the Planning Commission Conditionally Approved the Detailed Site Plan (BSP 2010-01) for PUD 68 on July 19, 2010, it approved a low masonry wall for not less than the northerly 100' of the easterly property line, and for the balance, a 6'-high wood screening fence along the east, south, and west borders of the 16-acre tract, the west border to the extent it abutted the 7-acre subject property. For the masonry wall section, it was allowed to be a low-slung wall, matching the height and masonry style used in front of the Fire Station # 2. Ultimately, the developer proposed to provide 125' of this masonry wall, corresponding to the southerly line of Fire Station # 2 (but stopping shy of the northeast lot corner due to drainage infrastructure). The PUD requirements for DAs C and D were interpreted at that time as requiring only one (1) screening wall/fence, provided that there was adequate overlap toward the southerly end of the easterly line, where the drainage channel exited the east property line. The PUD 68 exhibit indicated 25 landscaping trees along the easterly property line, and BSP 2010-01 as approved included 32 along this boundary. For the most part of the easterly line, the trees were on the top of the west bank of the widened channel, providing additional screening. Conceptual Site Plan Exhibit B does not represent any proposed screening or landscaping in the Development Area D section (which is also not dimensioned as to width). Recognizing that the most critical areas in need of buffering are to the east and southeast, Staff recommends, for this PUD, that the commercial and multifamily uses be screened by no less a standard than was last approved for the subject property. Plans for such should be specified in the PUD text and represented on an appropriate exhibit. The exception to this recommendation is the masonry wall element, as that was likely in response to the need to screen "trade center" / "office-warehouse" buildings from view on 121st St. S., which buildings would likely have been metal. In this PUD, the uses would consist of multifamily buildings and conventional retail along the street frontage.

The northeastern-most multifamily building especially, but all four (4) easternmost buildings are fairly close to single-family residential uses in Houser Addition. The Applicant should propose a plan to address this situation, such as massing (height, especially) restrictions for such buildings, a specific height limitation based on a formula factoring the distance to the nearest single-family residential property line, building placement and/or orientation, window-facing or window-screening measures, etc.

Development Quality / Multifamily Use PUD Element. Not including assisted living facilities, Bixby has four (4) apartment complexes. Parkwood Apartments was constructed in or around 1973. The Links at Bixby was developed in or around 1996, and was done with PUD 16. Marquis on Memorial was developed in 2008/2009, and was done with PUD 61. Encore on Memorial was developed in 2011 and was done with PUD 70. Since 1973, no apartment development has been developed in Bixby absent a PUD, and the PUDs arguably contribute to the improvement of the value and quality of such projects.

To ensure the highest value and quality for any multifamily development that may occur on the subject property, consistent with the City Council's recent Conditional Approvals of multifamily PUD 75 and PUD 76 (which originally included limited multifamily use elements), and to a certain extent multifamily PUD 61 ("Marquis on Memorial"), Staff recommends multifamily PUDs incorporate an appropriate variation of the following, which should help ensure the development product is of adequate quality and is adequately invested for the long term:

1. Consistent with the most recent and relevant three (3) multifamily development approvals in Bixby, the adequacy of multifamily construction quality shall be determined by means of a PUD Detailed Site Plan, to be reviewed and recommended upon by the Planning Commission and approved by the City Council.
2. Consistent with the Encore on Memorial project and PUD 75, multifamily PUDs should propose a specific masonry requirement for all buildings or otherwise each multifamily development building type (Encore on Memorial included a 25% masonry requirement for the standard 3-story apartment buildings ("Type I"), a 35% masonry requirement for the modified-type 2/3-

story apartment buildings ("Type III"), and a 40% masonry requirement for the leasing office. The garages and carport buildings had no masonry requirement). This PUD proposes "not less than 75% masonry materials from the ground to the top floor top plate." (emphasis added to incorporate clarification as recommended elsewhere in this report). As such, this PUD would have the highest masonry standards of any multifamily PUD proposed in Bixby to date. No further action for this PUD.

3. Consistent with PUDs 70, 75, and 76, multifamily PUDs should describe in the PUD what will be done with existing natural features; In this case, the approximately half-dozen mature trees attending the existing house on the 7-acre tract; i.e. will any of these trees be preserved within the development? It would appear the boulevard-style entrance street could be shifted if/as necessary to avoid removing the trees.
4. Consistent with similar recommendations for PUDs 70 and 76, consider whether the west bank of the unnamed tributary to Fry Creek # 1 could be improved as a sidewalk or otherwise walking trail amenity for the development. Internal sidewalks could link to the perimeter trails. Further, consider whether to link the multifamily and commercial development areas with sidewalks, as suggested elsewhere herein. If the developer would be willing to make such improvements, appropriate language should also be added to the PUD Text section entitled "Vehicular and Pedestrian Access and Circulation."
5. Describe specific plans and add measurable minimum standards for land use buffering and compatibility needs. Plans for landscaping and screening is a minimum requirement per Zoning Code Section 11-7I-8.B.1.e. Perimeter treatments normally include screening fences or walls and vegetative screening, and setbacks and massing adjustments are normally provided to buffer less-intensive land uses in proportion to their relative elevations and proximities. See the analysis above describing (1) the minimum screening, buffering, and landscaping standards as per the previous development associated with PUD 68, and (2) measures to mitigate land use interface issues between multifamily and commercial uses and parking lots and single-family residential uses to the east and southeast.

Staff has the following additional recommendations pertaining to overall development quality:

6. Consider proposing more than 10% minimum lot area landscaping for the multifamily DA. Zoning Code Section 11-7I-8.C requires PUDs be found to comply with the following prerequisites:

1. Whether the PUD is consistent with the comprehensive plan;
2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;
3. Whether the PUD is a unified treatment of the development possibilities of the project site; and
4. Whether the PUD is consistent with the stated purposes and standards of this article.

Regarding the fourth item, the "standards" refer to the requirements for PUDs generally and, per Section 11-7I-2, the "purposes" include:

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

For the sake of development and land use compatibility, as described more fully above, Staff would be supportive of the Zoning approvals supporting the development proposal if it (1) offers quality-enabling

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standards such as outlined above and (2) provides for land use buffering and compatibility needs. If these were satisfactorily provided for, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will have been met.

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested PUD and rezoning applications generally. Therefore, Staff recommends Approval of both requests, subject to the following corrections, modifications, and Conditions of Approval:

1. BZ-358 must be amended and the development intensity (multifamily units and/or commercial square footage) must be reduced such that the size of the CS and RM-3 zoning requested and development intensities do not exceed that which is supported by available Medium Intensity designation of the Comprehensive Plan (7-acre tract plus the west 6.26 acres of the 16-acre tract). Further, the application should be amended to include OL zoning for the area which is designated Low Intensity.
2. The approval of CS and RM-3 zoning is subject to the final approval of PUD 8I and vice-versa.
3. The subject property presently contains an area of 100-year floodplain, attendant to an improved drainage channel along and within the eastern boundary of the 16-acre tract. Per a letter dated September 21, 2009, the previous owner/developer was approved by FEMA for a CLOMR-F to widen the channel and increase its capacity to a level providing for the 100-year flow and use the borrow material as fill to elevate the development land above the 100-year Floodplain. As described more fully above, the floodplain issue must be resolved through the City and FEMA approval process before the subject property can be developed. This situation is only partially described in the "Drainage" section of the PUD Text; a more robust description is in order.
4. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item may be addressed by adding a section to the PUD Text, such as "Standard requirements of the City of Bixby Fire Marshal, City Engineer and City Attorney shall be met."
5. Subject to City Engineer curb cut and/or ODOT driveway permit approval for the proposed access points to Memorial Dr. (US Hwy 64) and 121st St. S., and the Fire Marshal's approval of locations, spacing, widths, and curb return radii. This item may be addressed by adding language to the "Vehicular and Pedestrian Access and Circulation" section of the PUD Text as recommended elsewhere herein.
6. "Vehicular and Pedestrian Access and Circulation" section of the PUD Text: Please specify if there will be gates on internal streets or drives.
7. "Vehicular and Pedestrian Access and Circulation" section of the PUD Text: Please describe pedestrian accessibility (sidewalks and any internal trails, if planned).
8. "Vehicular and Pedestrian Access and Circulation" section of the PUD Text: Please amend final sentence such as follows: "Access to the lots within Development Area C will be derived by privately maintained streets and shall not be permitted more than 2 one (1) direct connections to 121st Street South per lot. However, curb cut and driveway permit approvals shall be secured by the jurisdiction having authority."
9. Missing elements: Proposed screening and landscaping per Zoning Code Section 11-7I-8.B.1.e (see related recommendations in this analysis).
10. Missing elements: Soil analysis per Zoning Code Section 11-7I-8.B.2. This is a minimum requirement for PUDs per the Zoning Code.
11. Missing elements: Conceptual Site Plan Exhibit B: Zoning Code Section 11-7I-8.B.1.g requires a site plan reflecting "Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed." The site plan does not reflect land uses in the surrounding area. Please add. Critically, it should incorporate significant adjoining land uses for implications on this development and to adequately plan for and mitigate any impacts on such adjoining properties, including, but not necessarily limited to:
 - a. Single-family residential land uses in Houser Addition to the east.
 - b. The southeast corner of the 16-acre tract, where it adjoins City-owned property and platted right-of-way at the "bend" in the drainage channel, which is also the proposed discharge point for "Byrnes Mini-Storages" (PUD 77).
 - c. Proposed "Byrnes Mini-Storages" (PUD 77).
 - d. The Boardwalk on Memorial shopping center.

- e. *The Spartan Self Storage ministorage business on an unplatted 1-acre tract zoned CS at 12113 S. Memorial Dr., which appears to have buildings on the common property line (no / zero setback).*
 - f. *The total retention pond in Reserve A of 121st Center, which appears to have the high backs of the retaining pond on the common property line.*
12. Exhibits B, C, E, and F: Please include, represent, identify/label, and/or dimension, or otherwise correct as follows:
- a. *Date of preparation*
 - b. *PUD and DA boundary dimensions such as were on the initial PUD site plan submittal*
 - c. *Street names for all streets as represented and in the "sufficient surrounding area."*
 - d. *Abutting right-of-way and roadway widths*
 - e. *Consistent with other recommendations in this report, please identify what screening will be proposed for which property lines (where known; can be qualified as appropriate)*
 - f. *Sidewalks*
 - g. *Fry Creek Ditch tributary*
 - h. *Perimeter and/or internal trails (if/as may be planned)*
 - i. *Development entrance sign(s) if/as may be proposed along Memorial Dr. and 121st St. S.*
13. *Conceptual Site Plan Exhibit B: Although not dimensioned, relative widths of parking lot setbacks / landscaped strips along Memorial Dr. (15') and 121st St. S. (10') do not appear adequate. Minimum number of street yard landscaping trees also may not be adequately indicated on the plan.*
14. *Conceptual Site Plan Exhibit B: Please label the types of buildings indicated (may qualify as "typical" for standard multifamily buildings if/as appropriate).*
15. *PUD Text: Please add language excluding all sexually-oriented businesses (SOBs), as was done with PUD 76.*
16. *PUD Text: Consider adding "Development Standards for All Development Areas" (or titled similarly) to contain standards which will apply to all development areas, which do not adequately receive treatment when discussed under each individual DA.*
17. *PUD Text, Property Description and Development Concept: term "multifamily" in second paragraph contains a typo.*
18. *Please address within the Text and Exhibits or otherwise by letter to the Planning Commission the six (6) numbered recommendations listed above pertaining to development quality and multifamily developments.*
19. *PUD text needs to state that widened channel will be contained within additional Drainage Easement area to be dedicated with the plat, if that is in fact the case.*
20. *Development Standards; DAs B and C: Permitted Uses – typographical error with term "accessory."*
21. *Development Standards; DA A and C: Parking – discussion of "single car garages" is not customarily relevant to commercial DAs.*
22. *Development Standards; DA A and C: Landscaping – 10% minimum landscaped percentage is already required by Code if commercial, but 15% would be required if office. Please specify 15% for office or otherwise please remove (to allow default to Code).*
23. *Development Standards; DAs B and C: Landscaping – phrase, "...a single car garages..." should be corrected for number.*
24. *Development Standards; DAs A, B, and C: Lighting – occurrence of "sights" in lieu of "lights," as presumed intended.*
25. *Development Standards; DAs A, B, and C: Lighting – third sentence appears to be missing a word or two.*
26. *Development Standards; DAs A, B, and C: Lighting – fourth sentence should include specific term "height" in reference to 30' standard.*
27. *Development Standards; DAs A, B, and C: Lighting – Staff recommends creating a zero (0) footcandle standard for all lot boundaries shared with a Residential zoning district or residential DA.*

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28. Development Standards; DA A: Signage – reference to Memorial “Avenue” instead of correct Memorial “Drive” or “Dr.” Please search and replace for all instances throughout PUD Text.
29. Development Standards; DA A: Screening – Although silence on the topic would default to the underlying Zoning Code standards, consider specifying a minimum screening standard for all lot boundaries shared with a Residential zoning district or residential DA (see related recommendations in this report pertaining to “Development Standards for All Development Areas and minimum standards for screening and landscaping).
30. Development Standards; DA B: Maximum Number of Dwelling Units – Please clarify that the single-bedroom and two+ bedroom units listed under 375 are a part of the 375 total unit count.
31. Development Standards; DA B: Minimum Building Setbacks – Staff recommends adding a reasonable minimum setback from the Easterly PUD Boundary, which would be responsive to building height, in respect to the single-family residential uses to the east in Houser Addition (see related recommendations in this report).
32. Development Standards; DA B: Minimum Building Setbacks – 5' setback proposed along south PUD boundary. Please discuss how this would affect and/or be affected by PUD 77, a ministorage development which was conditionally approved to have a 0' setback from the common lot line, but may be set back as much as 4' therefrom. This would result in 5' to 9' of setback between buildings. Please discuss any coordination efforts made with developer of adjoining development to south.
33. Development Standards; DA B: Building Façade – consider removing potential ambiguity with “...75% from the ground to the top floor top plate.”
34. Development Standards; DA B: Building Façade – refers to “conceptual building elevations” but same were not included with the PUD. Please clarify or provide. PUD 70 included proposed building elevations, which were part of the approved PUD.
35. Development Standards; DA B: Parking – Consider specifying a minimum and maximum number of parking spaces to serve the DA. Defaulting to the underlying Zoning Code may prove problematic if not calculated and determined of no issue at this time.
36. Development Standards; DA B: Signage – discussion of wall signage is not customarily relevant to a multifamily DA. Consider noting that directional signs (limited to _____ square feet each in display surface area) and customary parking and driveway signage will be permitted in this DA, subject to Detailed Site Plan approval.
37. Development Standards; DA B: Landscaping – 10% minimum should be increased, per other recommendations in this report.
38. Development Standards; DAs B and C: Landscaping – occurrence of “manor” in lieu of “manner,” as presumed intended.
39. Development Standards; DAs B and C: would allow “Uses permitted by right (including all uses customarily access[o]ry thereto) within the CS district” and special exception uses within Use Units 17 (Automotive and Allied Activities) and 18 (Drive-In Restaurants). This would include Use Units (UUs) 1, 4, 5, 10, 11, 12, 13, 14, 17, 18, and 19. Uses within UUs 17, 18, and 19 may be too intensive relative to the proximity of single-family residential in the Houser Addition neighborhood. Staff recommends that, if UU 19 is retained, it be restricted to hotel use only, which would be restricted by the 30' maximum height restriction of Development Area A. The small size of DA C, however, would likely preclude hotel use.
40. Development Standards; DA D: Permitted Uses – please positively proscribe buildings and other above-ground structures, excluding fences and drainage improvements.
41. For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.

42. *A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).*

Erik Enyart noted that he had received a revised PUD [Text] prior to the meeting but had not had opportunity to review it or update the Staff Report, but expected it addressed most of the review comments.

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant Alan Betchan began to describe the project.

Larry Whiteley asked about the landscaping to be used along the east side of the development. Alan Betchan responded, "Extensive," and stated that the project would have "more green than you normally have." Mr. Betchan stated that the "vast majority of problems [outlined in the Staff Report] have been addressed." Mr. Betchan stated that there would be a screening fence on the east side of the channel which would be the same as was approved for the last PUD, and it would conform to the Zoning Code [standards]. Mr. Betchan stated that there would also be an on-site fence providing security and maintenance for the multifamily use, and that [the screening fence] would be wood with masonry and [the security fence would be] wrought iron with columns. Mr. Betchan stated that there would not be screening between the commercial and multifamily areas [in an effort to promote an aesthetic of] "openness and [inviting] along the commercial." Mr. Betchan stated that the wood screening would be between this development and the residential to the east, and the project would be coordinated with the ministorage to the south.

Larry Whiteley noted that screening would not be a problem with the ministorage to the south.

Alan Betchan stated that there would be a 75% minimum masonry requirement for the apartment development, and that there were "none that I know of in the Tulsa metro" which had this. Mr. Betchan stated that these would be "upper end, luxury apartments," and that the project would have "so much masonry" and be "so open," and would be "high masonry apartments." Mr. Betchan stated that the apartments would have lots of amenities and would be three (3) stories in height.

Larry Whiteley asked if the apartments would have elevators. Alan Betchan stated that they would not but would be three (3) stories with a mix of units, including two (2) and three (3) bedrooms.

Larry Whiteley asked if the clubhouse would be located south of 121st St. S., and Alan Betchan referred to the site plan and described the location for the clubhouse in front of the apartments near Memorial Dr.

Kevin Jordan provided perspective elevation renderings of the apartment buildings and clubhouse, and observed that they would have clay tile roofs. Mr. Jordan stated that he was the owner of Black Gold Group, and this would not be a speculative project—"what you see is what you get"—as he and his partners planned to be owners and operators of the project. Mr. Jordan stated that this would be a "high-end product," and it would "have to be to make a return to build it like this." Mr. Jordan stated that he had "never seen one like this in the metro," and it would be "par excellence for the metro."

Larry Whiteley expressed favor for this arrangement, rather than other apartment developments that the developers would build and then "sell off."

Alan Betchan noted that the [16-acre tract] was zoned now for ministorage, and the new plan would be for "high-end, luxury apartments," which would bring in "sales tax spenders" that would benefit the City. Mr. Betchan stated that this would "turn a net loss," or no-net-benefit, "into something that will add to the City of Bixby as a whole."

Larry Whiteley stated that he had tried to get [the previous 16-acre tract developer] to buy the [7-acre tract with the] [split-level] house. Alan Betchan stated that he had screamed to the original developer to do this, as it makes it viable. Mr. Betchan stated that his clients were ready to move today. Mr. Betchan stated, rhetorically, that he "will have to fight with this [precedent of quality] whenever I ask for multifamily zoning again."

John Benjamin stated that this was the "largest clubhouse I've seen." Kevin Jordan estimated the clubhouse at 7,500 square feet and Nick Goedereis of Tri Star Contractors estimated it at 8,000 square feet.

Chair Thomas Holland asked if more multifamily would be allowed on the front of the development, and Alan Betchan stated responded in the negative, and stated that it would be zoned CS for commercial, office, retail use and would follow along the commercial guidelines. Mr. Betchan stated that there is pent-up demand for single office buildings on individual lots. Mr. Holland and Mr. Betchan discussed how the existing OL zoning and PUD would work together to achieve the number of dwelling units needed for the project. Mr. Holland noted that this "looks like an excellent project," but expressed concern for land use changes. Mr. Betchan and Erik Enyart confirmed that all uses must comply with this PUD. Mr. Betchan stated that any changes would have to go back through the process and would be before this Commission before they could be approved.

Alan Betchan stated that the channel would serve as a buffer and would be platted with a drainage easement, would have FEMA Floodplain, etc., and so would have multiple layers "to make sure it is never developed."

Chair Thomas Holland recognized Jay Mauldin of 7341 E. 119th Pl. S. from the Sign-In Sheet. Mr. Mauldin stated that he would "reserve comment at this time."

Lance Whisman stated, "Of all [the multifamily projects] we've seen, this is very" [good].

Larry Whiteley stated, "This beats what we've had before."

Alan Betchan stated that this PUD would have at least as much [buffering along the east PUD boundary] as the original PUD, plus a redundant fence on the west side [of the channel]. Mr. Betchan stated that the "only exception" [to the Staff recommendations] was relocating the [Memorial Dr. entrance] drive. Mr. Betchan stated that this "doesn't fit," and observed that the developers would be grading the site to drain to the east, and so it would be impractical to save the trees.

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Kevin Jordan stated, "We have an interest in a nursery so we will put a lot of mature trees in here."

A Commissioner asked about the different-looking building shown at the southwest corner of the multifamily area on the site plan. Alan Betchan stated that, in site designing, there is sometimes a corner that doesn't fit with everything else, and so this was designated for a special type of multifamily building. Crystal Goedereis with Tri Star Contractors stated that it would have units with three (3) bedrooms, the "deluxe" apartments, with 1,400 square feet.

Alan Betchan stated that the development would have walking amenities within the development itself, as the sidewalks would be located to allow for this.

A Commissioner asked if the [multifamily development] would be gated, and Alan Betchan responded that it would, with controlled access.

Kevin Jordan stated that [he and his associates] had studied the *Encore on Memorial* project, and found that there were a lot of people like him, 50-somethings without kids that would prefer this lifestyle. Mr. Jordan stated that the apartments would have a "family feel," and would attract "young professionals and more mature people." Mr. Jordan stated that the clubhouse would have a kid pool and another pool. Mr. Jordan stated that [he and his associates] were "making a bet" that people would be willing to pay more for [apartments with these amenities]. Mr. Jordan stated that they expected it to pay off, as it works in Dallas. Mr. Jordan stated, "We believe this will be, to-date, the nicest in Oklahoma," and would be a successful project such as are built in Dallas and Kansas City.

Patrick Boulden stated that, procedurally, he would ask the Commission to approve the rezoning first, and then the PUD, as the PUD depended on the underlying zoning.

Chair Thomas Holland asked to entertain a Motion. John Benjamin made a MOTION to RECOMMEND APPROVAL of BZ-368 as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whisman, Benjamin, and Whiteley
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	4:0:0

Larry Whiteley made a MOTION to RECOMMEND APPROVAL of PUD 81 with the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whisman, Benjamin, and Whiteley
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

Chair Thomas Holland clarified with Alan Betchan that all the [apartment buildings] would be served with fire sprinklers.

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 if there was any New Business to consider. Erik Enyart stated that he had none. No action taken.

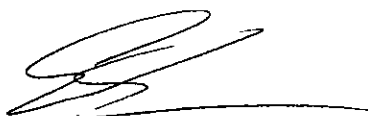
ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:12 PM.

APPROVED BY:


Chair

12/16/13
Date


City Planner/Recording Secretary

BIXBY PLANNING COMMISSION

SIGN IN SHEET

DATE: November 18, 2013

NAME	ADDRESS	ITEM
1. <u>TED SACK</u>	<u>3530 E. 31ST. TULSA</u>	<u>#5 WOOD CREEK</u>
2. <u>JR DONELSON</u>	<u>12820 S MEMPHIS</u>	<u>#8</u>
3. <u>JAY MAULDIN</u>	<u>7341 E 119 PL</u>	<u>#3/4</u>
4. <u>Jim Hall</u>	<u>1913 W. TULSA</u>	<u>3-7 6-7</u>
5. _____	_____	_____
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**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
December 16, 2013 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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:01 PM.

ROLL CALL:

Members Present: Jeff Baldwin, John Benjamin, and Thomas Holland.

Members Absent: Larry Whiteley and Lance Whisman.

CONSENT AGENDA:

1. Approval of Minutes for the November 18, 2013 Regular Meeting
-

Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion.

Jeff Baldwin stated that he was not in attendance at that meeting.

John Benjamin made a MOTION to APPROVE the Minutes of the November 18, 2013 Meeting as presented by Staff. Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland and Benjamin

NAY: None.

ABSTAIN: Baldwin.

MOTION FAILED: 2:0:1

Erik Enyart stated that he would return the item to the next meeting agenda.

Erik Enyart discussed Agenda Items # 2 and # 6 with Chair Thomas Holland. Mr. Enyart noted that the Applicant was not in attendance, and recommended that Agenda Item # 2 be moved to the end of the action items, to allow the Applicant to arrive as expected.

Chair Thomas Holland declared that the agenda items would be taken out of order and that Agenda Item # 2 would be moved to the end of the action items.

PLATS

3. **Preliminary Plat – “Quail Creek of Bixby” – Tanner Consulting, LLC.** Discussion and consideration of a Preliminary Plat for “Quail Creek of Bixby” for approximately 41 acres in part of the E/2 of Section 02, T17N, R13E.

Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

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: Thursday, December 05, 2013
RE: Report and Recommendations for:
Preliminary Plat of “Quail Creek of Bixby” (PUD 76)

LOCATION: – The 7300-block of E. 121st St. S.
– South and west of the intersection of 121st St. S. and Memorial Dr.
– Part of the E/2 of Section 02, T17N, R13E
SIZE: – 41.168 acres, more or less (plat area)
– 70 acres, more or less (parent tract)

EXISTING ZONING: CG General Commercial District with PUD 76

EXISTING USE: Agricultural

REQUEST: Preliminary Plat approval for a 133-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

North: CG/PUD 76; Vacant lots in Scenic Village Park.

South: AG & CS/PUD 37; Fry Creek Ditch # 1 to the south zoned AG and the Crosscreek “office/warehouse” heavy commercial / trade center and retail strip center zoned CS with PUD 37.

East: AG, CG, RS-3, OL, CS, & RM-3/PUD 70; Agricultural land, the Easton Sod sales lot zoned RS-3, OL, & CS, the Encore on Memorial upscale apartment complex zoned RM-3/PUD 70, a Pizza Hut zoned CG, and a My Dentist Dental Clinic zoned CS; Memorial Dr. is further to the east.

West: AG & RS-4; Fry Creek Ditch #2; beyond this to the west is vacant/wooded land owned by the City of Bixby, and an RS-4 district containing the Seven Lakes I and Seven Lakes II residential subdivisions, and additional vacant land for a future “Seven Lakes” phase or phases.

COMPREHENSIVE PLAN: Corridor + Vacant, Agricultural, Rural Residences, and Open Land.

PREVIOUS/RELATED CASES:

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 “golf teaching and practice facility” on part of the subject property parent tract – BOA Conditionally Approved 04/02/2001 (not since built).

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on part of the subject property parent tract.

Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust – Request for Lot-Split approval to separate a 41.3384-acre tract from the southern end of the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – It appears it was Administratively Approved by the City Planner on 07/20/2006, but the Assessor's parcel records do not reflect that the land was ever since divided as approved.

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of subject property – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting "for more research and information," based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

PUD 76 "Scenic Village Park" & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for former parent tract subject property of 92 acres – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting (Ord. # 2116).

Preliminary Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and a Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2 for former parent tract subject property of 92 acres – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

Final Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres (PUD 76 Development Areas A, B, and E) of the former parent tract subject property of 92 acres – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

PUD 76 "Scenic Village Park" Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for former subject property parent tract of 92 acres – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013. The Emergency Clause to approving Ordinance # 2123, having been on various City Council agendas in various forms since 10/14/2013, the City Council approved on 11/12/2013.

PUD 76 "Scenic Village Park" Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for former subject property parent tract of 92 acres – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant's letter dated 10/18/2013.

Preliminary Plat of "Quail Creek Villas of Bixby" – Tanner Consulting, LLC – Request for approval of a Preliminary Plat for part of former parent tract subject property of 92 acres – PC consideration pending 12/16/2013.

BACKGROUND INFORMATION:

Major Amendment # 1 to PUD 76 was approved in October/November 2013, and permitted the construction of residential single-family housing additions in Development Areas C, D, and G. This application is located within Development Areas C and D. A Preliminary Plat proposing a related single-family housing addition in Development Area G, "Quail Creek Villas of Bixby," is also on the December 16, 2013 Planning Commission agenda for consideration.

ANALYSIS:

Property Conditions. The parent tract subject property of 70 acres is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the south and west to the Fry Creek Ditch # 2 and # 1, respectively, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned CG and PUD 76 for "Scenic Village Park," which name became attached to the plat of 22 acres to the north of the subject property, recorded June 20, 2013.

The subject property appears to be able to be served by the critical utilities (water, sewer, electric, etc.) by existing lines and/or planned street and utility extensions and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the west and south.

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

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

General. This subdivision of 41.168 acres proposes 133 lots, eight (8) blocks, and one (1) Reserve Area. Typical lots are 68' to 70' in width and 123' to 130' in depth. Typical lot sizes range between 8,487 and 9,100 square feet (0.19 to 0.21 acres, respectively). All lots appear to meet PUD 76 Development Areas C and D standards.

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

The Fire Marshal's, City Engineer's, and City Attorney's review correspondence 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.

At the Technical Advisory Committee (TAC) meeting held December 04, 2013, Staff noted that the PUD allows for a "common area facility such as club house, swimming pool, [or] recreational open space." Observing that the conversion of building lots to neighborhood facilities have proven problematic in other subdivisions, Staff asked the Applicant if such would be included in "Quail Creek of Bixby" or "Quail Creek Villas of Bixby," and the Applicant responded that none were planned at this time. If any become planned in either addition before plat recording, they should be modified appropriately to plan for and address design issues.

Minutes of the TAC meeting are attached to this report.

Access and Internal Circulation. Primary access to the development would be via a proposed collector street connecting 121st St. S. to Memorial Dr. via the existing 126th St. S. constructed in the past couple years. By this collector road, all the Development Areas within the PUD would have access. On November 25, 2013, the City Council accepted a dedication of right-of-way from the Knopp family, allowing the extension of 126th St. S. from its current westerly terminus to the east line of the subject property plat area. This plat area will dedicate the connection between this newly-dedicated right-of-way and 74th E. Ave. platted with Scenic Village Park, thus completing the collector system.

With the Preliminary Plat of "Scenic Village Park," on March 25, 2013, the City Council Approved a Modification/Waiver of the Commercial Collector 42' paving width requirement of Subdivision Regulations Ordinance # 854 Section 9.2.2, to allow a 38'-wide roadway width as proposed. Per the City Engineer's review memo at that time, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify the Modification/Waiver.

Per the recorded plat of Scenic Village Park, the 74th E. Ave. is proposed to intersect with 121st St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121st St. S. was widened. To the west of this, 73rd E. Ave., which serves Fox Hollow and the North Heights Addition, will be extended south of 121st St. S. and continue with the 73rd E. Ave. name. South 73rd and South 74th East Avenues will be connected via 121st Pl. S. Minor streets 73rd E. Ave. and 121st Pl. S. would incidentally serve the commercial lots in Development Area (DA) A, but would primarily serve an assisted living community in DA B. Their geometries (50' in right-of-way width and 26' of roadway paving width, versus the required 60' and 36', respectively) also received City Council approval of a Modification/Waiver with the Preliminary Plat on March 25, 2013.

Per the approved PUD Major Amendment # 1, the 74th E. Ave. portion of the 74th E. Ave. / 126th St. S. collector road was shifted easterly, to accommodate more room for the single-family detached residential area west of the collector road system. No significant changes to access and circulation patterns were proposed, except to the extent necessary to allow conventional housing addition(s) to be developed in

certain areas. The "Quail Creek of Bixby" and "Quail Creek Villas of Bixby" subdivisions will tie into the realigned collector street system.

The proposed access points to 121st St. S. require City Engineer and/or County Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.

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

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
2. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lots 1 through 10, inclusive, Block 2 (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F. The Modification/Waiver may be justified by citing its necessity to create additional lot depth along 74th E. Ave. collector road.
3. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the west, south, and east. The Modification/Waiver may be justified by the fact that the abutting tracts to the west and south are Fry Creek Ditch rights-of-way and will not develop conventionally, and that the tract to the east will have adequate access available from an extended 126th St. S.
4. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for those lots in Blocks 1 and 2 whose rear lines abut 74th E. Ave. Provided Limits of No Access (LNA) are placed along the 74th E. Ave. frontage, City Staff is supportive of this design, which is incidental and unavoidable due to existing geometries.
5. All Modification/Waiver requests must be submitted in writing.
6. Title Block area – please add PUD 76 where appropriate.
7. Please provide Limits of No Access (LNA) restrictions along the 74th E. Ave. frontage.
8. Preliminary Plat: Elevation contours at one (1) foot maximum intervals not represented as required per SRs Section 12-4-2.B.6.
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:
 - a. LaCasa Movil Estates 2nd (misabeled)
 - b. Poe Acreage (misrepresented as to configuration)
 - c. Seven Lakes II (misrepresented as to configuration)
 - d. The Fry Creek Ditch # 1 and # 2 are represented but do not reflect channel reconstructions from circa 2000.
10. Please add street names as per the street name recommendations drawing dated 12/02/2013, or with appropriate modifications.
11. Please add proposed addresses to the lots. A table may be used if needed for map clarity.
12. Block 2 and part of Block 1 has 25'-wide U/Es, which may have been intended as B/Ls as found elsewhere throughout the subdivision.
13. Curve data missing at street intersections throughout. Curve data table may be expected.
14. Northerly point of tangent/curvature not indicated for 135.79' call along east side of 74th E. Ave.
15. Please label the Document # citation where the extended 126th St. S. right-of-way dedication has been/is being recorded, as accepted from the Knopp family by the City Council on November 25, 2013.
16. Please update linework to represent new 126th St. S. right-of-way dedication.
17. Text along north line of Lot 58, Block 1 may obscure linework. A Curve may be indicated to relieve text/linework congestion for 54.91'/150.00'R call.
18. Please clarify 10' and 20' U/E indications along north line of Lot 11, Block 2 and south line of Lot 1, Block 1.
19. Width of southerly entrance street (recommended to be 126th St. S.) not dimensioned.
20. Will a median be employed at southerly entrance street? Please discuss.
21. Linework at Lot 1, Block 2, suggests an easement (probably the Fence & Landscape Easement) clips the lot corner, but dimensions not provided. Please clarify this area.
22. Staff found no language in the DoD/RCs that provides for the purpose, dedication, or maintenance responsibilities for the 5' Fence & Landscape Easement along the 74th E. Ave. frontage of Blocks 1 and 2. DoD/RCs Section IV.M merely provides that fences and walls cannot be restricted within it.

23. The Fry Creek maintenance access drives may at some point in time be upgraded for trail use, as was done with the drive on the west side of Fry Creek # 2. The subdivision layout does not presently provide any access easements or Reserve Areas to allow access to such trails. Please discuss.
24. POB at "Southeast Corner E/2" may not be the correct call, and is at variance with legal description in DoD/RCs preamble.
25. Break between 857.55' and 368.04' calls along westerly side of plat boundary does not appear to be indicated. 14.45' call in Lot 15, Block 1 suggests it should be somewhere along the west line of this lot.
26. 7/5' U/Es along both sides of common line separating Lots 26 and 27, Block 1, do not appear to correspond to relative widths as represented.
27. 70' call along north line of Lot 5, Block 6 does not appear to correspond to relative width (cf. Lot 4, Block 6).
28. U/E widths along east-west center of Block 3 not designated.
29. U/E width along east side of Block 3 not designated.
30. U/E width along east side of Block 6 not designated.
31. Points of tangent/curvature not indicated for Lots 3/4, 6/7, 9/10, 12/13, or 37, Block 1.
32. DoD/RCs Preamble: Missing critical wording such as "And the Owner has caused the above described land to be surveyed, staked, platted, granted, donated, conveyed, dedicated, access rights reserved and subdivided into...." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
33. DoD/RCs Section I.1: Missing critical wording such as "The Owner/Developer does hereby grant, donate, convey, and dedicate for public use the street rights-of-way..." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
34. DoD/RCs Section I.A: Mention of Reserve A next to "U/E" and "Utility Easement" suggests intent to include [all of] Reserve A as a U/E, but the language here is not clear. Please clarify here and/or specify in DoD/RCs Section IV.X, which specifically pertains to Reserve A. Conceptual Utility [Plan] indicates stormsewer lines will be located through this area.
35. DoD/RCs Section I.C.1: Specification of 121st St. S. does not appear appropriate here.
36. DoD/RCs Section II Preamble: Major Amendment # 1 was recommended by the PC on September 30, 2013.
37. DoD/RCs Section II.A: Three (3) instances of "townhouse"-related development standards found; these were removed from PUD 76 Major Amendment # 1. Please check to confirm use of final version as approved.
38. DoD/RCs Sections II.B.5 and II.B.6: Final paragraph from "Access and Circulation" section and parts of "Signs" section of PUD Text missing. Please check to confirm use of final version as approved.
39. DoD/RCs Sections II.B.6: Reference to "Quail Creek of Bixby" is not appropriate when referring to other parts of the "Scenic Village Park" PUD.
40. DoD/RCs Section III.A: Refers to "private streets and gates," but none are known to be proposed within "Quail Creek of Bixby" or "Quail Creek Villas of Bixby."
41. DoD/RCs Section III.A: "Quail Creek of Bixby adjoins Quail Creek of Bixby and shall be annexed..." First instance probably intended to read "Quail Creek Villas of Bixby."
42. DoD/RCs Section IV.A.1: Typo in term "floor."
43. DoD/RCs Section IV.A.2: Punctuation error in first sentence.
44. DoD/RCs Section IV.A.3: Confirm intent to use date January 1, 2014.
45. DoD/RCs Section IV.A.3: Punctuation typo at last instance of term "homeowners."
46. DoD/RCs Section IV.M: Refers to "Reserve 'B'," which does not presently exist in the plat.
47. DoD/RCs Section IV.N: Occurrence of term "tile" in lieu of "the," as presumed intended.
48. DoD/RCs Section V.A: Period appears to be missing after "Association" and preceding "[I]f."
49. DoD/RCs Section V.A: Occurrence of term "Homer" in lieu of "Home," as presumed intended.
50. DoD/RCs Section V.A: Sentence beginning "If the undersigned Owner/Developer..." appears to be duplicated within section.
51. DoD/RCs Section V.C: Please correct "...~~Fulsa~~ Bixby Planning Commission..."
52. DoD/RCs Owners' and Surveyor's Notary Blocks: 2013 year should likely be changed to 2014.

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53. *In satisfaction of the City Council's approval conditions of both the Preliminary Plat and Final Plat of "Scenic Village Park," and PUD 76 Major Amendment # 1, copies of the Preliminary Plat of Scenic Village Park, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size and 1 11" X 17").*
54. *A copy of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file.*

Erik Enyart noted at this time or another during the first part of the meeting that the TAC Minutes had been inadvertently left out of the Agenda Packet as published, and copies were distributed to the Commissioners prior to the meeting.

Chair Thomas Holland asked Erik Enyart about the two (2) "please discuss" review items, starting with the question of whether there would be a median at the street intersection. Mr. Enyart noted that, although the width was not provided, the relative width appeared to be adequate to allow for a median, if one was planned, and that if it was, it should be identified at this time. Mr. Enyart noted that there was another "please discuss" issue, but it was discussed at the TAC meeting and so was removed from being a review comment.

Chair Thomas Holland recognized Ricky Jones, AICP of *Tanner Consulting, LLC*, 5373 S. Lewis Ave., Tulsa, OK 74105. Mr. Jones stated that the street was wider to allow for the intersection with the collector road, and that no median was proposed at this time. Erik Enyart stated that, if one was proposed, it would be best if it was in a Reserve Area maintained by the Homeowners Association. Mr. Jones indicated agreement.

Chair Thomas Holland asked about the "please discuss" review item pertaining to pedestrian access to the Fry Creek. Mr. Enyart noted that "Seven Lakes" included a small, approximately 10'-wide Reserve Area allowing for access to the trail along Fry Creek. Mr. Enyart stated that, although there was no trail on this side at this time, he would expect one "sooner than later." Mr. Enyart stated that providing access would prevent the interior lots from being "landlocked" from the Fry Creek. Ricky Jones indicated he did not know if his client would support this design change, and he would have to discuss it with his client and with Erik Enyart. Mr. Jones asked Mr. Enyart if a trail was planned there, and Mr. Enyart stated that there was a maintenance access drive, a gravel drive, at this time, and it could be used for recreational purposes [in the meantime], but that a trail was not shown on any trail plans at this time. Mr. Enyart stated that, however, he would expect there to be one there in the future. Mr. Jones stated that he would not want to encumber [the development] if a trail wasn't there and won't be there. Mr. Enyart stated that he had discussed this design concept with Justin Morgan at the TAC meeting, and provided Mr. Jones a copy of the TAC Minutes. Chair Thomas Holland asked about the review comment and if it would result in a design change. Mr. Enyart stated that it was not written to require a change, but to [bring it to everyone's attention and] call for its discussion. Mr. Enyart stated that it had been discussed as recommended. After further discussion, Mr. Enyart noted that he would consider it a design improvement, and would have hoped that Mr. Jones' client would have been notified of the design concept after it was discussed at the TAC meeting. Mr. Holland asked if the Commission could make that a recommendation. Mr. Jones indicated disagreement. Mr. Holland asked if the Commission would miss the opportunity to do this if not now. Mr. Enyart stated that, if the Applicant did not propose it between now and then, the Commission could always make this recommendation at the Final Plat stage, "as if it was thought of for the first time."

Chair Thomas Holland asked Erik Enyart if there was anything else to be discussed on this item. Mr. Enyart stated that the only other "please discuss" review comment was a former one pertaining to the possibility of a neighborhood pool and/or clubhouse. Mr. Enyart noted that, for developments of this size, it was common to have such facilities, and that, if planned, it should be planned at this time, rather than it being a "retrofit" situation. Mr. Enyart noted that retrofits are problematic, and have design issues pertaining to setbacks, etc. Mr. Enyart stated that he had talked to Justin Morgan at the TAC meeting, and Mr. Morgan indicated it was not planned at this time. Mr. Enyart looked to Ricky Jones for confirmation, and Mr. Jones indicated agreement.

There being no further discussion, Chair Thomas Holland asked to entertain a Motion. John Benjamin made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat of "Quail Creek of Bixby" and also to RECOMMEND APPROVAL of the Preliminary Plat of "Quail Creek Villas of Bixby" with the corrections, modifications, and Conditions of Approval as recommended by Staff. Jeff Baldwin SECONDED the Motion.

4. **Preliminary Plat – "Quail Creek Villas of Bixby" – Tanner Consulting, LLC.**
Discussion and consideration of a Preliminary Plat for "Quail Creek Villas" for approximately 12 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

Erik Enyart asked Ricky Jones if he was okay with both plats being included in the Motion, and Mr. Jones indicated agreement.

Roll was called:

ROLL CALL:

AYE:	Holland, Baldwin, and Benjamin
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

Ricky Jones stated that, when the PUD Major Amendment # 1 was being proposed, he provided [the City Council] a draft copy of the plat of "Quail Creek Villas of Bixby," including the 60'-minimum width lots, and was asked, "Ricky, do us proud." Mr. Jones stated that this plat was the same as he had shown [the City Council] then.

Ricky Jones left at this time.

OTHER BUSINESS

5. **PUD 62 – Hawkeye – Minor Amendment # 2.** Discussion and possible action to approve Minor Amendment # 2 to PUD 62 for property located in the W/2 SE/4 of Section 15, T17N, R13E, which amendment proposes to allow for the creation of a new commercial or office development tract within Development Area B, allow for the transfer of building floor area within Development Area B, and make certain other amendments.
Property located: Northwest corner of the intersection of 151st St. S. and Kingston Ave.

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: Friday, December 06, 2013
RE: Report and Recommendations for:
PUD 62 – Hawkeye – Minor Amendment # 2

LOCATION: – Northwest corner of the intersection of 151st St. S. and Kingston Ave.
– Part of the W/2 SE/4 of Section 15, T17N, R13E

SIZE: 75 acres, more or less

EXISTING ZONING: CG, OL, & RS-3 and PUD 62

EXISTING USE: Vacant/Agricultural

REQUEST: Minor Amendment to PUD 62, which amendment proposes to allow for the creation of a new commercial or office development tract within Development Area B, allow for the transfer of building floor area within Development Area B, and make certain other amendments

SURROUNDING ZONING AND LAND USE:

North: RS-3/PUD 46; Residential single family homes and vacant lots in The Ridge at South County.

South: AG, CG, OM; Agricultural and rural residential to the south, the Bixby Cemetery to the southeast, and a 150-acre Lutheran Church Extension Fund-Missouri Synod agricultural tract to the southwest zoned CG, OM, RM-3, and RE.

East: AG, CG, & RS-3/PUD 72; Agricultural, rural residential, and commercial on several unplatted tracts along Kingston Ave. and 151st St. S. The Mountain Creek Equipment Sales (formerly the Allison Tractor Co. Inc.) tractor/farm equipment sales business is to the east on approximately 2.4 acres zoned CG. The under-development Southridge at Lantern Hill subdivision abuts to the east on 40 acres zoned RS-3 with PUD 72.

West: RS-3, RM-2, CS, & AG; The White Hawk Golf Club, residential in Celebrity Country and White Hawk Estates in PUD 3, and vacant, rural residential, and agricultural tracts fronting on 151st St. S. zoned CS and AG.

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

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

PUD 62 – Hawkeye – Hawkeye Holding, LLC – Request for rezoning to CG and RS-3 for a residential and commercial development for the subject property – PC Recommended Conditional Approval of CG, OL, and RS-3 01/21/2008 and City Council Approved CG, OL, and RS-3 02/11/2008 (Ord. # 991).

PUD 62 – Hawkeye – Major Amendment # 1 – Request for Major Amendment approval for subject property, which amendment proposed to increase the maximum number of residential lots, reduce setbacks, and make certain other amendments – PC Recommended Conditional Approval, with recommendations pertaining to trails, on 06/17/2013 and City Council Approved sans action on trails recommendation 06/24/2013 (Ord. # 2122).

Preliminary Plat for The Trails at White Hawk – Tulsa Engineering & Planning Associates, Inc. (PUD 62) – Request for Preliminary Plat approval for subject property – PC Recommended Conditional Approval 07/17/2013 and City Council Conditionally Approved 07/22/2013.

PUD 62 – Hawkeye – Minor Amendment # 1 – Request for Minor Amendment approval for subject property, which amendment proposed to provide for a cul-de-sac street design for Kingston Ave., provide certain requirements pertaining thereto, and make certain other amendments – PC Approved 09/30/2013.

RELEVANT AREA CASE HISTORY:

BZ-11 – Louis Levy for Tom Sitrin – Request for I-1, C-1, and R-1 zoning for approximately 660 acres (all of Sitrin Center Addition) to the west of subject property – believed to have been rezoned

with modifications, per case notes and correspondence found in case file (Ordinance not found) by City Council on 02/06/1973.

BZ-86 – Louis Levy – Request for RS-3, RD, RM-2, OL, OM, and CS zoning for approximately 602 acres (Sitrin Center Addition Less & Except Lot 1, Block 1, and Less & Except the E. 300' of Lot 6, Block 1) to the west of subject property – PC Recommended Modified Approval 04/28/1980 and City Council Approved 06/16/1980 (Ord. # 402).

PUD 1 – Royal Park Estates – Louis Levy – Request for PUD approval for approximately 602 acres (Sitrin Center Addition Less & Except Lot 1, Block 1, and Less & Except the E. 300' of Lot 6, Block 1) to the west of subject property – PC Recommended Approval 04/28/1980 and City Council Approved 06/16/1980 (Ord. # 403).

PUD 3 – Celebrity Country – Replaced PUD 1 but retained underlying zoning for property to the west of subject property – PC Recommended Approval 09/27/1982 and City Council Approved 10/04/1982 (Ord. # 465).

BZ-185 – J. Edward Bates for Preferred Investments – Request for rezoning to CG, OM, RM-3, and RE for a 150-acre Lutheran Church Extension Fund-Missouri Synod agricultural tract to the southwest – Approved in May, 1988 (Ord. # 585).

BL-150 – Joseph McCormick – Request for Lot-Split approval for an approximately 1 acre to the southwest at 5805 E. 151st St. S. – PC Approved 12/06/1989.

BZ-291 – Cleatus & Deloris Tate – Request for rezoning to CG for approximately 16 acres to the east for the Mountain Creek Equipment Sales (formerly the Allison Tractor Co. Inc.) tractor sales business – Approved for 2.4 acres of CG as per the amended reduced acreage request in July, 2003 (Ord. # 870).

BZ-295 – Norbert Young – Request for rezoning to CS for approximately 1 acre to the southwest at 5805 E. 151st St. S. – Withdrawn by Applicant September 15, 2003 upon sale of the property.

BZ-300 – Jerry Hull – Request for rezoning to CS for 3.3 acres located approximately 300' to the west on a 10-acre tract at 5801 E. 151st St. S. – Approved in January, 2004 (Ord. # 883).

AC-04-04-01 – JR Donelson for Jerry Hull/Trophy Tack Co. – Request for building plan [and detailed site plan] approval for "Trophy Tack Co.," a commercial reuse of a 10-acre tract to the west at 5801 E. 151st St. S., evidently converting the existing single-family home to a commercial business – Architectural Committee Conditionally Approved 04/19/2004 (evidently never redeveloped as approved).

BZ-312 – Roy Johnsen for Stone Creek Partners, LLC – Request for rezoning to RS-4 for 65 acres abutting the subject property to the north for the (now) The Ridge at South County residential subdivision – Application abandoned in favor of PUD 46.

PUD 46 – Roy Johnsen for Stone Creek Partners, LLC – Request for rezoning to RS-4 and PUD approval for 65 acres abutting the subject property to the north for the (now) The Ridge at South County residential subdivision – City Council Denied 12/12/2005 and then reconsidered and Approved for RS-3 on 01/09/2006 (Ord. # 934).

BZ-315 – B. Jack Smith – Request for rezoning to CG for an 8-acre vacant tract abutting the subject property to the west – Approved for CS in May, 2006 (Ord. # 941).

BZ-333 – Lantern Hill – Request for rezoning to RS-3 for 40 acres for the (now) Southridge at Lantern Hill residential subdivision abutting the subject property to the east – PC Recommended Approval 07/16/2007 and City Council Approved 08/13/2007 (Ord. # 974).

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

BBOA-516 – Georgeann Hull – Request for (1) A Variance from Zoning Code Section 11-8-5 to be permitted to maintain two (2) dwellings on a singular lot of record, and (2) a Variance from certain bulk and area standards for an existing lot of record in the AG Agricultural District for a 10-acre tract to the west at 5801 and 5815 E. 151st St. S. – BOA Conditionally Approved 02/01/2010.

BBOA-545 – Sydney Hull Freeman for Georgeann Hull – Request for A Variance from (1) the Zoning Code including, but not limited to, Section 11-8-5, to be permitted to maintain three (3) dwellings on a singular lot of record, and (2) from certain bulk and area standards for an existing lot of record in the AG Agricultural District and CS Commercial Shopping Center District for a 10-acre tract to the west at 5801 and 5815 E. 151st St. S. – BOA Conditionally Approved 10/03/2011.

PUD 72 – Southridge at Lantern Hill – Lantern Hill, LLC – Request for PUD approval for 40 acres for the Southridge at Lantern Hill residential subdivision abutting the subject property to the east – PC Recommended Approval 08/20/2012 and City Council Conditionally Approved 08/27/2012 (Ord. # 2089, repealed and replaced with Ord. # 2108 on 01/14/2013).

Preliminary & Final Plat for Southridge at Lantern Hill – Lantern Hill, LLC – Request for Preliminary and Final Plat approval for the Southridge at Lantern Hill residential subdivision abutting the subject property on 40 acres to the east – PC Recommended Conditional Approval 10/24/2012 and City Council Conditionally Approved 11/13/2012 (Plat # 6454 recorded 01/03/2013).

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property contains approximately 75 acres consisting of two (2) tracts of land, which appear to share a common lot line corresponding to the northerly line of a 130'-wide AEP-PSO overhead electrical transmission powerline right-of-way easement. The northerly tract is zoned RS-3 and the southerly tract is zoned CG, with the west 330' thereof zoned OL. The entire acreage is supplementally zoned PUD 62.

The subject property is moderately sloped and primarily drains to the west to an unnamed tributary of Posey Creek. Just north of the northerly dead-end of Kingston Ave., the subject property contains part of the top of a small hill located west of the ridgeline at Sheridan Rd. A small portion of the north side of the east line appears to drain to the east into Southridge at Lantern Hill. The property is presently pasture land. There is some 100-year (1% Annual Chance) Regulatory Floodplain within westerly and southwesterly portions of the acreage corresponding to the tributary of Posey Creek.

It appears that part of the Kingston Ave. roadway falls along and within the east side of the subject property. Per aerial and GIS data, a fenceline is located along the west side of the roadway, and is located several feet within the subject property. See the Access and Internal Circulation and General sections of this report for additional information.

Comprehensive Plan. The subject property is designated Corridor, except for the west approximately 330', which is designated Low Intensity. A portion of the southerly area of the acreage is designated Development Sensitive. CG zoning may be found in accordance with the Corridor designation, but is not in accordance with the Low Intensity designation. Therefore, in 2008, as recommended by Staff, the westerly 330' of Development Area B was zoned OL, which may be found in accordance with Low Intensity designation.

RS-3 zoning may be found in accordance with the Corridor designation, and is in accordance with the Low Intensity designation.

All three (3) existing zoning districts may be found in accordance with the Development Sensitive designation.

Thus, the current zoning patterns are consistent with the Comprehensive Plan.

At its June 17, 2013 Regular Meeting, the Planning Commission held a Public Hearing and recommended Conditional Approval of PUD 62 Major Amendment # 1 by unanimous vote, and to additionally recommend that "the City Council consider the Comprehensive Plan as it pertains to trails in this PUD Major Amendment."

The Comprehensive Plan Land Use Map designates a Community Trail more or less along a line paralleling 330' from the westerly line of the subject property through its entire north-south length. It is more likely that any future trail here would follow the course of the tributary of Posey Creek, which only "clips" the southwest corner of the acreage. This area is designated as Reserve A on the Preliminary Plat, and is to be used for stormwater detention, which would appear to be conducive to future trail development, as compared to residential or commercial/office development. The site plan provided with the Major Amendment states that no trails are proposed at this time, and the development plans do not propose trail construction through the subject property. However, the Preliminary Plat Deed of Dedication and Restrictive Covenants (DoD/RCS) provided that the Reserve Areas may be used for "passive and active open space" uses, such as "...recreation, ...sidewalks, and ingress and egress."

The Bixby Comprehensive Plan shows a trail connecting Bixby Creek to the Arkansas River through Conrad Farms, various tracts along Sheridan Rd. and 151st St. S. and the City of Bixby's cemetery expansion acreage, the subject property and The Ridge at South County, certain other tracts along 141st St. S., and Eagle Rock. An amendment to the Comprehensive Plan would not have been required to approve the Major Amendment, because the Zoning Code requires only consistency with the land use elements for rezoning purposes, not the Public Facilities / Urban Design Elements such as trails. At its

regular meeting held June 24, 2013, the City Council Approved the Major Amendment and did not make any special requirements pertaining to trails.

The Trail designation notwithstanding, the single-family residential and commercial developments anticipated by this development would be not inconsistent with the Comprehensive Plan.

Due to the relatively limited scope of proposed changes, the proposed PUD 62 Minor Amendment # 2 should be recognized as being not inconsistent with the Comprehensive Plan.

Surrounding Zoning and Land Use. Surrounding zoning patterns reflect a mixture of AG, CS, CG, OM, RM-2, and RS-3. To the north are residential single family homes and vacant lots in The Ridge at South County zoned RS-3 with PUD 46. Agricultural, rural residential uses, and the Bixby Cemetery are to the south and southeast zoned AG and a 150-acre Lutheran Church Extension Fund-Missouri Synod agricultural tract is to the southwest zoned CG, OM, RM-3, and RE. East of the subject property are agricultural, rural residential, and commercial uses on several unplatted tracts along Kingston Ave. and 151st St. S., primarily zoned AG. The Mountain Creek Equipment Sales (formerly the Allison Tractor Co. Inc.) tractor/farm equipment sales business is to the east on approximately 2.4 acres zoned CG. The under-development Southridge at Lantern Hill subdivision abuts to the east on 40 acres zoned RS-3 with PUD 72. The White Hawk Golf Club, residential in Celebrity Country and White Hawk Estates in PUD 3, and vacant, rural residential, and agricultural tracts fronting on 151st St. S. zoned CS and AG are all located to the west and zoned, variously, RS-3, RM-2, CS, and AG.

The minor amendments to PUD 62 contemplated by this application would not be inconsistent with surrounding Zoning and land use patterns or the character of PUD 62 as originally approved.

Access. Access to the residential subdivision (Development Area A) would be via a proposed collector street connection to 151st St. S., which would be routed through the subdivision to connect to the Lakewood Ave. stub-out street in The Ridge at South County. It would have a secondary emergency-only access drive connecting to Kingston Ave. per the Fire Marshal. When the commercial development area is built, a cul-de-sac turnaround will be constructed toward the north end of Kingston Ave. to improve accessibility. The commercial Development Area B would have access via the said collector street connection to 151st St. S., and may also extend a singular access drive connection to 151st St. S. toward the center of the frontage, which was previously shown on the Conceptual Development Plan for the original PUD 62. Commercial connections to Kingston Ave. are not recommended by Staff at this time, and the 25'-wide right-of-way dedication would only support a low intensity residential level of service on Kingston Ave. The Preliminary Plat has Limits of No Access (LNA) along the 151st St. S. frontage, with the exception of an access opening corresponding to the drive connection as shown on the site plan. Although City Staff do not object to this connection, both the City of Bixby and ODOT would have to allow a curb cut / driveway permit on this State Highway 67. The subject property is on the (westbound) downward slope of the hill at Sheridan Rd., and the speed limit is 55 MPH. The plat's representation of LNA and Access openings onto 151st St. S. / State Hwy 67 here does not guarantee the curb cut / driveway permit will be approved.

The subject property's Kingston Ave. frontage and particulars have been the source of question for this development since it was first rezoned and approved for PUD 62 in 2008. At the TAC meeting held July 03, 2013, the City Planner, City Engineer, Fire Marshal, Fire Code Enforcement Official, and the developer's engineer were presented with right-of-way dedication documents from 1959 and 1960 reflecting a 25'-wide, half-street road right-of-way for Kingston Ave. along the east side of the common line separating the subject property from the rural residential and undeveloped tracts to the east. It was generally agreed by all that:

- (1) Commercial traffic for the commercial Development Area B / Lot 1, Block 9 will primarily use the driveway connection onto 151st St. S. as may then be approved, and not so much the residential collector street in this development or Kingston Ave.,
- (2) The City of Bixby recognizes Kingston Ave. as currently functionally classified as a local minor residential street,
- (3) The subject property's right-of-way dedication should be based on its current functional classification; i.e. 25' as the balance of the 50' total width right-of-way,
- (4) If properties to the east of the subject property develop more intensively than single-family residential, as would be expected at this time, they would be responsible for dedicating additional right-of-way width commensurate with their intensity,
- (5) City Staff would (and did) support a Modification/Waiver of the right-of-way dedication requirement north of the cul-de-sac turnaround, based on its superior design and the fact that

continued legal access will be maintained for the residence at 14800 S. Kingston Ave. in the existing half-street right-of-way to the east,

- (6) The cul-de-sac turnaround, represented on a certain Major Amendment # 1 site plan as to be located within the 130'-wide PSO easement, should be constructed with the commercial development at the time of that development. Connection to, and not improvement of, Kingston Ave. will be required at this time with the residential Development Area the only one now proposed for development, and
- (7) North of the cul-de-sac turnaround, Kingston Ave. will continue to be a Public street to the extent the roadway exists within the existing 25'-wide half-street right-of-way and/or prescriptive right-of-way/easement that may exist on the subject property (but the existence of, and extent of which has not been determined here).

PUD 62 Minor Amendment # 1 clarified and specified that the cul-de-sac street improvement will be required to be constructed at the time the commercial lot, or any part of it, is developed. This arrangement is described in the text as follows:

At the time of Preliminary Plat approval, Staff and the Planning Commission recommended, and the City Council approved as a Condition of Approval: "because the fenceline and the roadway itself appear to extend onto the subject property, and may have implications for prescriptive right-of-way/easement, the fence should not be removed, unless agreed to by the affected property owner at 14800 S. Kingston Ave., and any other affected property owners not having a boundary agreement in place, and the City of Bixby. An easement over the affected area would be in order to secure the continued maintenance of the fenceline and roadway on the new residential lots platted, and is hereby recommended."

Per survey data, the Kingston Ave. roadway paving falls within the subject property about, or an average of roughly 2'. South of the PSO easement, there will be a 25'-wide right-of-way dedication from the subject property. North of the AEP-PSO easement, however, there was concern that fences could be constructed along the property line, with the paving cut off and disposed. At a meeting with City Staff held August 09, 2013, City Staff and the Applicant's design professionals agreed to allow the fenceline and two 2' of paving to be removed, with another 2' to allow for incidental drainage between the new edge of the paving and any future fences, provided the 4' was compensated for by paving along the east side of the roadway, where it would fall within the 25' of dedicated public right-of-way. This issue is not described in the PUD or any Amendment thereto, as it is an engineering design and review function of the subdivision development process. It will be addressed at the time the Final Plat application is considered by the Planning Commission and City Council.

As described above, no trails are indicated as proposed in the "Trails at White Hawk" development at this time.

General. The Applicant is requesting a Minor Amendment to an approved PUD, to allow for the creation of a new commercial or office development tract within Development Area B, allow for the transfer of building floor area within Development Area B, and make certain other amendments.

The PUD Amendment text provides as follows:

"1). Allow for commercial and/or office use in Tract 'A'. Tract 'A' is located at the northwest corner of the intersection of East 151st Street South and South Hudson Avenue (see Exhibit 'A' - Conceptual Development Plan). A portion of this area was originally located within the 100-year floodplain, but has since been taken out of the floodplain through the updating of the FEMA FIRM panels. Additionally, it was thought that this area would need to be utilized for stormwater detention, which after a recent hydrology study was completed, it was determined that this was not the case.

2). Allow for the translocation of density of 37,705 SF (FAR 0.75) of commercial and/or office floor area into Tract 'A', from the portion of Development Area 'B' located on the east side of South Hudson Avenue."

The Exhibit A "Conceptual Development Plan" would not replace its counterpart as adopted with PUD 62 Minor Amendment # 1, and will only supplement it as concerns the proposed new development "Tract 'A'" within Development Area B.

Zoning Code Section 11-7I-8.C requires PUDs be found to comply with the following prerequisites:

1. Whether the PUD is consistent with the comprehensive plan;

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2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;

3. Whether the PUD is a unified treatment of the development possibilities of the project site; and

4. Whether the PUD is consistent with the stated purposes and standards of this article.

Regarding the fourth item, the "standards" refer to the requirements for PUDs generally and, per Section 11-71-2, the "purposes" include:

A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;

B. Permit flexibility within the development to best utilize the unique physical features of the particular site;

C. Provide and preserve meaningful open space; and

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

Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-71-8.C will be met in this PUD Minor Amendment.

The Fire Marshal's, City Engineer's, and City Attorney's review correspondence 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.

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held December 04, 2013. Minutes of that meeting are attached to this report.

Staff Recommendation. For all the reasons outlined above, Staff recommends Approval, provided that the Exhibit A "Conceptual Development Plan" not replace its counterpart as adopted with PUD 62 Minor Amendment # 1, but only supplement it as concerns the proposed new development "Tract 'A'" within Development Area B.

Chair Thomas Holland and Jeff Baldwin asked about the [100-year Regulatory] Floodplain as concerned the area, and asked Erik Enyart if he had checked the accuracy. Mr. Enyart stated that he had not attempted to overlay the site plan and FEMA floodplain data, as he trusted that the Applicant used appropriate methods for this purpose. Mr. Holland asked for confirmation. Mr. Enyart deferred to Applicant Tim Terral and asked him, "What were your methods?" Mr. Terral described the overlay method and assured the Commissioners of the accuracy of the site plan. A Commissioner asked how the [100-year Regulatory] Floodplain was reduced in size. Mr. Enyart stated that the October 2012 new FEMA Floodplain maps for Tulsa County, which were adopted by the City of Bixby, did not include remodeling of floodplains, but rather [reconfigured their outlines] based on 2008 aerial remote sensing that captured [elevation] contours. Mr. Enyart stated that the new maps should be more accurate.

Chair Thomas Holland asked to entertain a Motion.

Jeff Baldwin requested, and was granted, some time for him and the Commissioners to read the part of the TAC Minutes pertaining to this item.

John Benjamin made a MOTION to APPROVE. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Baldwin, and Benjamin
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

Tim Terral left at this time.

PUBLIC HEARINGS

2. BZ-369 – Lee & Twilah A. Fox. Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RS-1 Residential Single Family District for part of the SW/4 of the SW/4 of Section 14, T17N, R13E.
Property located: 15015 S. Sheridan Rd.

OTHER BUSINESS (resumed)

6. BL-389 – Lee & Twilah A. Fox. Discussion and possible action to approve a Lot-Split for part of the SW/4 of the SW/4 of Section 14, T17N, R13E.
Property located: 15015 S. Sheridan Rd.

Chair Thomas Holland introduced the item(s). Erik Enyart noted that the Applicant was expected to attend, but had not shown up. Mr. Enyart described the location and the situation. Mr. Enyart stated that the Commissioners may recall the Applicants from the previous year, when they rezoned and did a Lot-Split on their house. Mr. Enyart stated that this would similarly rezone and split an existing church on the property, to allow its sale. Mr. Enyart stated that Staff supported the Lot-Split subject to securing proper access to utilities and easements as may be required between the buyer and seller.

Jeff Baldwin made a MOTION to RECOMMEND APPROVAL of BZ-369, and to APPROVE BL-389 with the Conditions of Approval as recommended by Staff as follows:

1. Subject to the approval of RS-1 zoning per BZ-369.
2. Subject to the Applicant ensuring that easements or other acceptable agreements secure, for all involved properties, continued legal access to Sheridan Rd., continued access to existing drives irrespective of existing or proposed lot lines if/as planned, and continued access to the private septic system (lagoon) in the northeast corner of the subject property parent tract, or otherwise other sewerage service as may be required, and subject to the establishment of separate water service for the church.

John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Baldwin, and Benjamin
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

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 if there was any 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 6:30 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

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MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
December 04, 2013 – 10:00 AM

MEMBERS PRESENT

Lonny Hicks, *AEP-PSO*

STAFF PRESENT

Erik Enyart, AICP, City Planner, City of Bixby

Joey Wiedel, Fire Marshal, City of Bixby

OTHERS PRESENT

Justin Morgan, *Tanner Consulting, LLC*

Butch Ketenbrink, *Tanner Consulting, LLC*

Tim Terral, *Tulsa Engineering & Planning Associates, Inc.*

1. Erik Enyart called the meeting to order at 10:05 AM.

Prior to the meeting, Justin Morgan of *Tanner Consulting, LLC* and Lonny Hicks of *AEP-PSO* discussed locations and arrangements for electrical service provision. Mr. Morgan noted that a certain conduit would cost \$1 Million, which was do-able for the developer when the project was more commercial with higher densities, but not so much now that it was primarily [single-family] residential. Mr. Morgan stated that some of the lots were sold to the developer of the assisted living facility, and were no longer under his client's control.

2. **Preliminary Plat – “Quail Creek of Bixby” – Tanner Consulting, LLC.** Discussion and review of a Preliminary Plat for “Quail Creek of Bixby” for approximately 41 acres in part of the E/2 of Section 02, T17N, R13E.

Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

3. **Preliminary Plat – “Quail Creek Villas” – Tanner Consulting, LLC.** Discussion and review of a Preliminary Plat for “Quail Creek Villas” for approximately 12 acres in part of the E/2 of Section 02, T17N, R13E.

Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

Erik Enyart noted that Agenda Items # 2 and 3 were both housing addition developments and were located in the same place, and were related, and so he introduced the two (2) related items and summarized the projects.

Erik Enyart asked if the utility company had any questions and comments. Lonny Hicks of *AEP-PSO* and Justin Morgan with *Tanner Consulting, LLC* described plans to provide electrical service,

summarized as follows: Overhead electric along the east line of *Scenic Village Park*, through the unplatted area (PUD 76 Development Area F), along the east side of "Quail Creek Villas," crossing 126th St. S. and extending to the east to "loop" to Memorial Dr. along 126th St. S. through *Encore on Memorial*. From this overhead line, lines will extend westward underground through "Quail Creek Villas" to serve "Quail Creek of Bixby" with an additional loop around the west and south sides of same or within the Fry Creek Ditch # 2 right-of-way, and that another person within the AEP-PSO organization was working out the internal electrical service layout, and would have that shortly. Erik Enyart clarified with Mr. Hicks his statement that the internal layout will answer the question of whether and where additional easements may be needed.

Joey Wiedel and Tim Terral in around this time at 10:07 AM.

Erik Enyart clarified with Lonny Hicks and Justin Morgan that the 17.5' Perimeter U/E along the east line of *Scenic Village Park* would need to be modified to expressly allow overhead lines, that the easement along the east line of the unplatted area (PUD 76 Development Area F) would need to be dedicated, and that the 17.5' Perimeter U/E proposed along the east side of "Quail Creek Villas" will need to have its dedication language amended to allow for the overhead lines. Mr. Hicks stated that the U/E needed to be a "General Utility Easement," as the communications companies will always follow along after the electric company on the same poles, and an exclusive PSO easement would not allow for this. Mr. Enyart stated that he would send Mr. Morgan a copy of the General U/E dedication form, which would allow for the City Council to accept it, and that it could be used for both the unplatted tract area (PUD 76 Development Area F) and the rededication of the 17.5' U/E in *Scenic Village Park*.

Lonny Hicks asked if there was right-of-way for 126th St. S. between the subject properties [and *Encore on Memorial*]. Erik Enyart stated that, at the previous City Council meeting [held November 25, 2013], the Council accepted the dedication of right-of-way from the Knopp family to allow for the street extension to the subject property from where it currently dead-ends just west of Memorial Dr., and then the right-of-way would be completed when dedicated with ["Quail Creek of Bixby"].

Erik Enyart confirmed with Justin Morgan that Mr. Morgan had received the draft staff report, and the street name recommendations drawing, along with the correction [to "124th St. S."] of the northernmost east-west street. Mr. Enyart stated that the most significant review comments, in his opinion, were the design-related issues. Mr. Enyart noted that Brumble and Dodson had done five (5) subdivisions in two (2) developments: two (2) for "WoodCreek" and three (3) for "Legends": "Legends," "Legends II," and "Village at the Legends." Mr. Enyart stated that, in those two (2) developments, neighborhood pools and clubhouses were not originally planned, but housing lots were converted to these uses, which were problematic from a design standpoint, including parking issues, etc. Mr. Enyart stated that, if these were planned, they should be specifically sited and designed for. Mr. Enyart noted that the PUD allowed for these uses throughout the Development Areas, and did not restrict them as was customarily done in these situations, by stating that they are limited to one (1) facility, and the use approval will only attach to the lot or lots on which the facility is actually constructed, and be subject to site plan approval by the Planning Commission. Mr. Enyart noted that this was an oversight. Mr. Enyart asked Mr. Morgan if his clients intended to build such facilities [as suggested in the PUD text], and Mr. Morgan stated that his clients were

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indicating against these at this time, but could change their minds later. Mr. Morgan stated that these developments were not as big as those in the Legends developments. Mr. Morgan stated that, if one was to be built, it would be more likely in the "[Quail Creek]Villas" subdivision, but they were not planned at this time. Mr. Enyart stated that he would take Mr. Morgan's comments at this meeting as a response to the draft review comment, and will pull that item into the body of the staff report for background.

Erik Enyart stated that the other design-related review comment observed that the "Quail Creek of Bixby" subdivision had a lot of frontage on the Fry Creek right-of-way. Mr. Enyart stated that, in his opinion, sooner than later, the maintenance access drives will become trails, as they were on the west side of Fry Creek. Mr. Enyart stated that it would seem appropriate to him to plan for access for the balance of the subdivision, so that we do "not landlock those folks with backyard fences." Mr. Enyart stated that access could be in the form of a Reserve Area, as the Seven Lakes developments included approximately 10'-wide Reserve Areas for access to the Fry Creek, or could be an easement. Mr. Morgan indicated agreement, and that his client would likely appreciate this change, and that there should be plenty of room to do this. Mr. Enyart noted that the corner lots were especially large.

Erik Enyart asked if there were any questions or comments from the Fire Marshal. Joey Wiedel stated that he had none, as he had already discussed fire hydrants and confirmed there would be no dead-ends.

Erik Enyart noted that there was one (1) lot in the "Villas" subdivision which literally resembled a pie piece, Lot 19, Block 2. Mr. Enyart noted that it did not have a rear yard line, but that the two (2) side yard lines came together at a point, which point could technically be recognized as a [degenerate] rear lot line. Mr. Enyart stated that he was recommending the designation of a 20' radius from this rear yard point to reflect the 20' rear yard setback. Mr. Morgan indicated agreement, and suggested this may become the pool/clubhouse lot.

Justin Morgan stated that he had a letter requesting Waivers, but did not bring it with him, and that it would need to be [updated or supplemented with another] for the "Villas" subdivision. Mr. Enyart indicated agreement, and stated that, as per his partial review so far, he identified the need for width-to-length ratio, double frontage, and other Waivers needed. Mr. Morgan asked if the double-frontage would be an issue, and Mr. Enyart stated that it should not be, as it was unavoidable with these [geometries] related to 74th E. Ave. Mr. Morgan stated that his client would put up a nice fence all along the frontages.

Lonny Hicks stated that, if a Reserve Area is used to give access [to Fry Creek], and if it is not also dedicated as a U/E, it should have a U/E cross through it. Justin Morgan and Erik Enyart indicated agreement.

Erik Enyart asked Justin Morgan if there was anything else in the draft staff report that warranted discussion. Mr. Morgan indicated there was not, but that he was sorry to see so many review comments. Mr. Enyart stated that he intended to get the agenda packet published by Friday, and so a revised plat received by Thursday should allow him enough time to update the report and,

hopefully, drastically reduce the number of review comments. Mr. Enyart stated that he hoped to get the "Villas" report done and sent to Mr. Morgan as soon as possible.

Erik Enyart asked if there were any further questions or comments. There were none.

Erik Enyart asked Justin Morgan, out of curiosity, if he knew where the "Quail Creek" name came from, and Mr. Morgan stated that it came from Rick Dodson. Mr. Enyart noted that there was a "Quail Creek Park" in Bixby, but it was not near this location. Mr. Morgan noted that there was a "Quail Creek" subdivision in Tulsa, but the Assessor's Office would allow for there to be a "Quail Creek of Bixby."

Justin Morgan and Butch Ketenbrink left at this time.

4. **PUD 62 – Hawkeye – Minor Amendment # 2.** Discussion and review of Minor Amendment # 2 to PUD 62 for property located in the W/2 SE/4 of Section 15, T17N, R13E, which amendment proposes to allow for the creation of a new commercial or office development tract within Development Area B, allow for the transfer of building floor area within Development Area B, and make certain other amendments.

Property located: Northwest corner of the intersection of 151st St. S. and Kingston Ave.

Erik Enyart introduced the item and summarized the project and its location. Mr. Enyart noted that the original PUD was approved in January/February 2008, and that there had been, now, two (2) Minor Amendments and one (1) Major Amendment in this calendar year. Tim Terral indicated agreement. Mr. Enyart stated that this Minor Amendment would provide for a commercial/office development lot on the west side of Hudson Ave., where previous site plans indicated would be stormwater detention, and asked Mr. Terral for confirmation. Mr. Terral indicated agreement, and said that the area was also previously designated Floodplain, but that this had been since revised on the FEMA maps. Mr. Terral stated that it should make a nice development lot.

Erik Enyart asked if the Fire Marshal had any questions or comments. Joey Wiedel indicated he had none.

Erik Enyart asked if the utility company had any questions or comments. Lonny Hicks stated that he did not think this area was served by *AEP-PSO*. Mr. Enyart indicated agreement and said that he believed it was *OG+E* territory. Mr. Hicks indicated agreement. Mr. Enyart stated that he had received an email from Tim Dobrinski of *OG+E* that sent his regrets, and also said that he had no concerns about this application.

Erik Enyart advised Tim Terral that he would attempt to get the Staff Report done and Planning Commission agenda packet published by the end of the week. Mr. Enyart stated that he did not anticipate much in the way of review comments, as the Applicant had provided a draft for review and comments before formal submittal, and all the details were worked out then. Mr. Terral indicated agreement.

Erik Enyart asked if there were any further questions or comments. There were none.

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Tim Terral left at this time.

5. **BL-389 – Lee & Twilah A. Fox.** Discussion and review of a Lot-Split for part of the SW/4 of the SW/4 of Section 14, T17N, R13E.

Property located: 15015 S. Sheridan Rd.

Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.

Erik Enyart introduced the item and noted that neither the Applicant nor the Applicant's surveyor were present, and the property was probably also served by *OG+E*. Lonny Hicks indicated agreement.

Erik Enyart asked if there were any questions or comments. There were none.

6. Old Business

7. New Business

8. Meeting was adjourned at 10:27 AM.

BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, December 04, 2013

NAME	COMPANY	PHONE
1. Butch Kettenbrink	Tanner Consulting	745-9929
2. Justin Morgan	" "	" "
3. LONNY HICKS	PSO	(918) 250-6211
4. Erik Enjav	City of Bixby	918 366 4430
5. Joey Wiedel	3M COB	(918) 366-0436
6. TIM TERPAC	TEP	(918) 359-6413
7.		
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BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: December 16, 2013

NAME	ADDRESS	ITEM
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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: Tuesday, January 14, 2014
RE: Report and Recommendations for:
PUD 70 – Encore on Memorial – Major Amendment # 1

LOCATION: – 7860 E. 126th St. S.
– Intersection of 126th St. S. and Memorial Dr.
– Part of the E/2 of Section 02, T17N, R13E

SIZE: 15 acres, more or less

EXISTING ZONING: RM-3 Residential Multi-Family District, AG Agricultural District, CG General Commercial District, & PUD 70

EXISTING USE: Use Unit 8 *Encore on Memorial* multifamily development and 126th St. S.

REQUEST: Major Amendment to PUD 70, which amendment proposes to allow a Use Unit 21 sign within the Development Area B right-of-way for 126th St. S., provide development standards for same, and make certain other amendments

SURROUNDING ZONING AND LAND USE:

North: AG, CG, RS-3, OL, CS, & CG/PUD 76; Agricultural land, the *Easton Sod* sales lot zoned RS-3, OL, & CS; to the northwest is the 92-acre PUD 76, proposed for development with multiple uses.

South: AG & CS/PUD 37; Fry Creek Ditch # 1 right-of-way zoned AG and the *Crosscreek* "office/warehouse" heavy commercial / trade center and retail strip center zoned CS with PUD 37.

East: AG, CS, OL, RS-1, & PUD 31; Immediately east of the 14-acre *Encore on Memorial* subject property parcel is approximately five (5) acres of agricultural land zoned AG. Across Memorial Dr. is the *126 Center* shopping center, the *Mazzio's Italian Eatery* restaurant, agricultural land, vacant land in PUD 31, and residential zoned RS-1 further to the northeast in *Gre-Mac Acres* and behind (east of) the *126 Center* in *Southern Memorial Acres No. 2*; the Fry Creek Ditch # 1 right-of-way continues upstream to the southeast.

West: AG & CG/PUD 76; Agricultural land zoned AG and agricultural land within the 92-acre PUD 76, proposed for development with multiple uses.

COMPREHENSIVE PLAN: Corridor/Medium Intensity + [Existing] Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES:

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area at approximately the 12600-block of S. Memorial Dr., including part of the 126th St. S. right-of-way part of the subject property – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 "golf teaching and practice facility" on the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – BOA Conditionally Approved 04/02/2001 (not since built).

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on the large 140-acre acreage tracts previously owned by Knopp, which includes subject property. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust – Request for Lot-Split approval to separate a 41.3384-acre tract from the southern end of the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – It appears it was Administratively Approved by the City Planner on 07/20/2006, but the Assessor's parcel records do not reflect that the land was ever since divided as approved.

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting "for more research and information," based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

BSP 2010-03 – Encore on Memorial – Khoury Engineering, Inc. (PUD 70) – Request for Detailed Site Plan approval for subject property – PC Conditionally Approved 07/19/2010.

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for subject property – PC recommended Conditional Approval 07/19/2010 and City Council Conditionally Approved 07/26/2010.

Final Plat of Encore on Memorial (PUD 70) – Request for Final Plat approval for a subject property – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (Plat # 6380 recorded 04/12/2011).

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

BZ-135 – Eddie McLearn – Request for rezoning from AG to CS for an approximately 19-acre tract to the north of the subject property at 12300 S. Memorial Dr. (now the *Easton Sod* business) – Withdrawn by Applicant 03/21/1983.

BZ-139 – Eddie McLearn – Request for rezoning from AG to RM-2, OL, & CS for an approximately 19-acre tract to the north of the subject property at 12300 S. Memorial Dr. (now the *Easton Sod* business) – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. # 482).

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area to the north of subject property at approximately 12340 S. Memorial Dr. – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

BZ-214 – City of Bixby – Request for FD Floodway Supplemental District for all of the (then proposed) Fry Creek Ditch drainage system right-of-way, including a section abutting the subject property to the south – PC Tabled Indefinitely 11/20/1995.

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 92 acres to the northwest of subject property – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting.

PUD 76 “Scenic Village Park” Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for 92 acres to the northwest of subject property – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading October 14, 2013. Ordinance Second Reading and consideration at a future City Council meeting is pending.

PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for southerly 70 acres of PUD 76 to the northwest of subject property – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant’s letter dated 10/18/2013.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of two (2) Development Areas (DAs) in PUD 70, corresponding to two (2) parcels: (1) DA A: the *Encore on Memorial* multifamily development zoned RM-3, consisting of Lot 1, Block 1, *Encore on Memorial*, and (2) DA B: the 80'-wide right-of-way for 126th St. S., zoned AG and CG. The subject property is relatively flat and appears to drain, if only slightly, to the south and west. The development drains to the south to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention.

The subject property is presently served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the west and south.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor and (2) Vacant, Agricultural, Rural Residences, and Open Land. The Community Trails designation is abutting to the south within the Fry Creek # 1 right-of-way, located on north side of water centerline.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the existing RM-3 district is *In Accordance*, and the AG and CG districts *May Be Found In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the existing zoning 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.

By the approval of PUD 70, the current zoning districts were recognized as consistent with the Comprehensive Plan.

Per the Matrix, PUDs (as a zoning district) are *In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map, and thus PUD 70 is *In Accordance* with the Comprehensive Plan as a zoning district.

Due to the relatively limited scope of proposed changes, the proposed PUD 70 Major Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

General. The Applicant is requesting a Major Amendment to an approved PUD, to allow a Use Unit 21 sign within the Development Area B right-of-way for 126th St. S., provide development

standards for same, and make certain other amendments. The same are described in greater detail in the text as follows:

"The PUD major amendment includes revising the 'Development Standards' section of the original PUD as follows:

- 1- Add [to] 'Development Area B' [with] the following development standards: It is permitted to install One (1) Use Unit 21 double sided ground sign in the E. 126th Street right-of-way, with a maximum height of 8 feet and a display surface area of 50 square feet (each side), to advertise the multifamily use in Development Area A only. The sign will be subject to the City Council granting a sign easement in accordance with the development agreement."

Encore on Memorial's owner, Encore Multi-Family, LLC notified Planning Staff on August 09, 2012 of their interest in installing a sign in the 126th St. S. right-of-way. At that time, Planning Staff was provided a copy of the Development Agreement between the City of Bixby, the seller (Knopp), and the buyer (Encore), dated May 24, 2010, which provided, in relevant part,

"7. **Sign Easement.** The City shall grant Buyer a permanent recordable sign easement in the median of the Roadway to advertise its apartment project, to include a utility easement to bring electricity and water to the sign easement area to allow for lighting and landscape watering."

Planning Staff authenticated the document by comparing it to the version on file with the City Clerk, and confirmed the sign easement obligation. Planning Staff advised Encore's sign contractor on August 09, 2012, and then in summary form to Encore Multi-Family, LLC on August 10, 2012, the following:

- "1. Sign Easement would have to be drawn up by, or at the direction of City Attorney Patrick Boulden, copied here, and granted and signed by the City Council or other authorized agent of the City of Bixby, and
2. PUD 70 will need to be amended to allow for a ground sign within Development Area B (which corresponds to the 126th St. S. right-of-way). The Major Amendment would have to be submitted, reviewed by the Planning Commission in an advertised Public Hearing, and approved by the City Council, and will need to specify development standards for same: height limit, display surface area maximum, and any other particulars as deemed necessary and appropriate.

PUD 70 does not provide any Development Standards specific to Development Area B (DA B), and only mentions that DA B is the street right-of-way. The part of the PUD which pertains to signage only states that one (1) ground sign is permitted on DA A (Encore's private property), along its frontage of 126th St. S. That ground sign is already in place. That language specifically would have to be amended to allow for a ground sign in DA B."

As requested by Encore Multi-Family, LLC, City Staff met with Encore Multi-Family, LLC and their sign contractor at the proposed sign site on January 24, 2013 as follows: Mayor, City Manager, City Engineer, Public Works Director, City Attorney, and City Planner. At the site

visit, it was mutually agreed that the sign, instead of being in the median as per the Development Agreement, should be located on the north side of the roadway at the northeast corner of the right-of-way parcel.

Around that time, there were discussions as to whether the sign should be designed, by agreement between Encore Multi-Family, LLC and other interested parties, to accommodate advertisement for other uses within the area served by 126th St. S., specifically, developments anticipated by contemporary application PUD 76 "Scenic Village Park." Agreement was not reached, however, and the sign proposes to advertise only *Encore on Memorial*, as per the Development Agreement.

This PUD Major Amendment # 1 application was received in December, 2013, and, upon approval, would authorize the proposed sign in terms of the Zoning Code. The City Attorney is presently working with Encore Multi-Family, LLC, and other interested parties, to craft, for City Council consideration, a Right-of-Way Encroachment / License Agreement, in satisfaction of the Sign Easement obligation under the Development Agreement.

The Fire Marshal's, City Engineer's, and City Attorney's review correspondence 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.

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held January 02, 2014. Minutes of that meeting are attached to this report.

Access & Circulation. The *Encore on Memorial* multifamily development has primary access to Memorial Dr. via 126th St. S. In order to secure the required second means of ingress/egress for emergency purposes, the developer upgraded, with gravel, the Fry Creek Ditch # 1 maintenance access road for use as the second emergency-only drive. It has a gate where it connects to the *Encore on Memorial* internal parking lot driveway system, as per Fire Marshal requirements.

Per PUD 76, a collector street system will be constructed connecting Memorial Dr. to 121st St. S. It will extend the existing 126th St. S. to the west, then turn north and become 74th E. Ave. Through PUD 76, the collector roads will have an 80' right-of-way and 38' roadway width, pursuant to a Modification / Waiver granted with the Preliminary Plat of "Scenic Village Park."

As proposed and approved with PUD 76 Major Amendment # 1, the 74th E. Ave. portion of the 74th E. Ave. / 126th St. S. collector road was shifted easterly, to accommodate more room for the single-family detached residential area west of the collector road system ("Quail Creek of Bixby"). No significant changes to access and circulation patterns were proposed, except to the extent necessary to allow conventional housing addition(s) to be developed in certain areas.

Per the exhibit to this PUD 70 Major Amendment # 1 application, and per aerial and GIS data, it appears that, at its intersection with Memorial Dr., the roadway occupies most of the 80' right-of-way width, leaving approximately 10' on either side of the curbs. A sidewalk was not constructed along 126th St. S. when it was built. If a 5' X 10' sign easement area is added, it may restrict the area in which to place the sidewalk required when the land to the north is

platted and developed. Bixby Engineering Design Criteria Manual Section C.4.2 requires sidewalks be set back [from the curb] a minimum of 10' and a maximum of 1' inside the property line. In order to meet this standard, the sidewalk necessarily must be located within the property, and a Sidewalk Easement would be required. Otherwise, the minimum setback standard would have to be Waived, to allow it to be built next to the curb.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, CG, CS, OL, RS-1, and RS-3. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

To the north is agricultural land zoned AG and CG and a 19-acre tract zoned RS-3, OL, and CS, which is primarily agricultural but contains the *Easton Sod* sales lot toward its east end at 12300 S. Memorial Dr. The CG zoning consists of two (2) areas: A 3.56-acre area at approximately the 12600-block of S. Memorial Dr., in which the 126th St. S. right-of-way is partially located, and the approximately 2.27-acre area at approximately 12340 S. Memorial Dr.

To the north and west is agricultural land zoned AG and agricultural land within the 92-acre PUD 76, with CG underlying zoning, proposed for development with multiple uses. Further to the west lies the Fry Creek Ditch #2, owned by the City of Bixby and zoned AG.

Immediately east of the 14-acre *Encore on Memorial* subject property parcel is approximately five (5) acres of agricultural land zoned AG. Across Memorial Dr. further east is the *126 Center* shopping center and the *Mazzio's Italian Eatery* restaurant, both zoned CS, vacant land zoned CS/OL/RS-1 and PUD 31, an 18-acre agricultural tract, and single-family residential zoned RS-1 further to the east behind the *126 Center* in *Southern Memorial Acres No. 2* and further to the northeast in *Gre-Mac Acres*. The Fry Creek Ditch # 1 right-of-way, zoned AG, continues upstream to the southeast.

The Fry Creek Ditch # 1 to the south is zoned AG and the *Crosscreek* "office/warehouse" heavy commercial / trade center and retail strip center is zoned CS with PUD 37.

Per the Comprehensive Plan, all the land between Fry Creek Ditch # 1 and # 2 and 121st St. S. and Memorial Dr., including the subject property, approximately 180 acres in all, is planned for Corridor-intensity development, which provides that all of the available Zoning districts are either *In Accordance* or *May Be Found In Accordance* with the Comprehensive Plan. This 180-acre area is anticipated to be developed intensively, as it is in a prime location, is one of the last, exceptionally large undeveloped acreages in all of South Tulsa County north of the Arkansas River, has all the necessary utilities, has Memorial Dr. frontage and improved access by the widened 121st St. S., and is out of the 100-year Floodplain.

Circa 2005, 121st St. S. between Sheridan Rd. and Memorial Dr. was widened to a 4-lane major street with a 5th, dedicated turning lane in the center, consistent with its designation on the Tulsa City-County Major Street and Highway Plan (MHSP) and Bixby Comprehensive Plan as a Primary Arterial. This infrastructure improvement has further enabled the intensive development of this 1-mile major street corridor.

It appears that, with the exception of the approximately 320' of frontage on 121st St. S. belonging to *Fox Hollow*, all of the private land along 121st St. S. between Sheridan Rd. and Memorial Dr. has, or is planned or expected to develop/redevelop with intense uses.

In a trend accelerating since the street widening, the 121st St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The Bixby North Elementary school is located on a 23-acre campus at 7101 E. 121st St. S., and west of that is the Bixby North 5th and 6th Grade Center on a 10-acre campus and the *LifeChurch* 4.4-acre facility. The *Three Oaks Smoke Shop* is located on a 2-acre tract at 7060 E. 121st St. S., and all of the balance of the land to the west along the south side of 121st St. S. has been zoned CS with PUD 53 and platted in *WoodMere* for commercial use and office buildings. An 11-acre Plummer Partners, LLC tract at the 7600-block of E. 121st St. S. was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre *Bixby Centennial Plaza* at the northwest corner of 121st St. S. and Memorial Dr. was approved for CS zoning, in 2001, and for commercial development by the plat of *Bixby Centennial Plaza* in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.) was rezoned to CS in March of 2012.

The existing PUD 70 proposed a moderately intensive, suburban multifamily development of the subject property, and the property has been developed accordingly. Within the 180-acre area above-defined, there are three (3) instances of approved CG zoning immediately surrounding (and including part of) the subject property. Immediately south of Fry Creek Ditch # 1, the Crosscreek development is more consistent with CG zoning than its existing CS zoning. Across Memorial Dr. to the east of the 180-acre area above-defined, there is a 23-acre area Conditionally Approved for CS and RM-3 for commercial and multifamily development (PUD 81). Therefore, Staff believes that the existing underlying zoning and the original PUD 70 and its proposed Major Amendment # 1 are all consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

Zoning Code Section 11-7I-8.C requires PUDs be found to comply with the following prerequisites:

1. Whether the PUD is consistent with the comprehensive plan;
2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;
3. Whether the PUD is a unified treatment of the development possibilities of the project site; and
4. Whether the PUD is consistent with the stated purposes and standards of this article.

Regarding the fourth item, the "standards" refer to the requirements for PUDs generally and, per Section 11-7I-2, the "purposes" include:

A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;

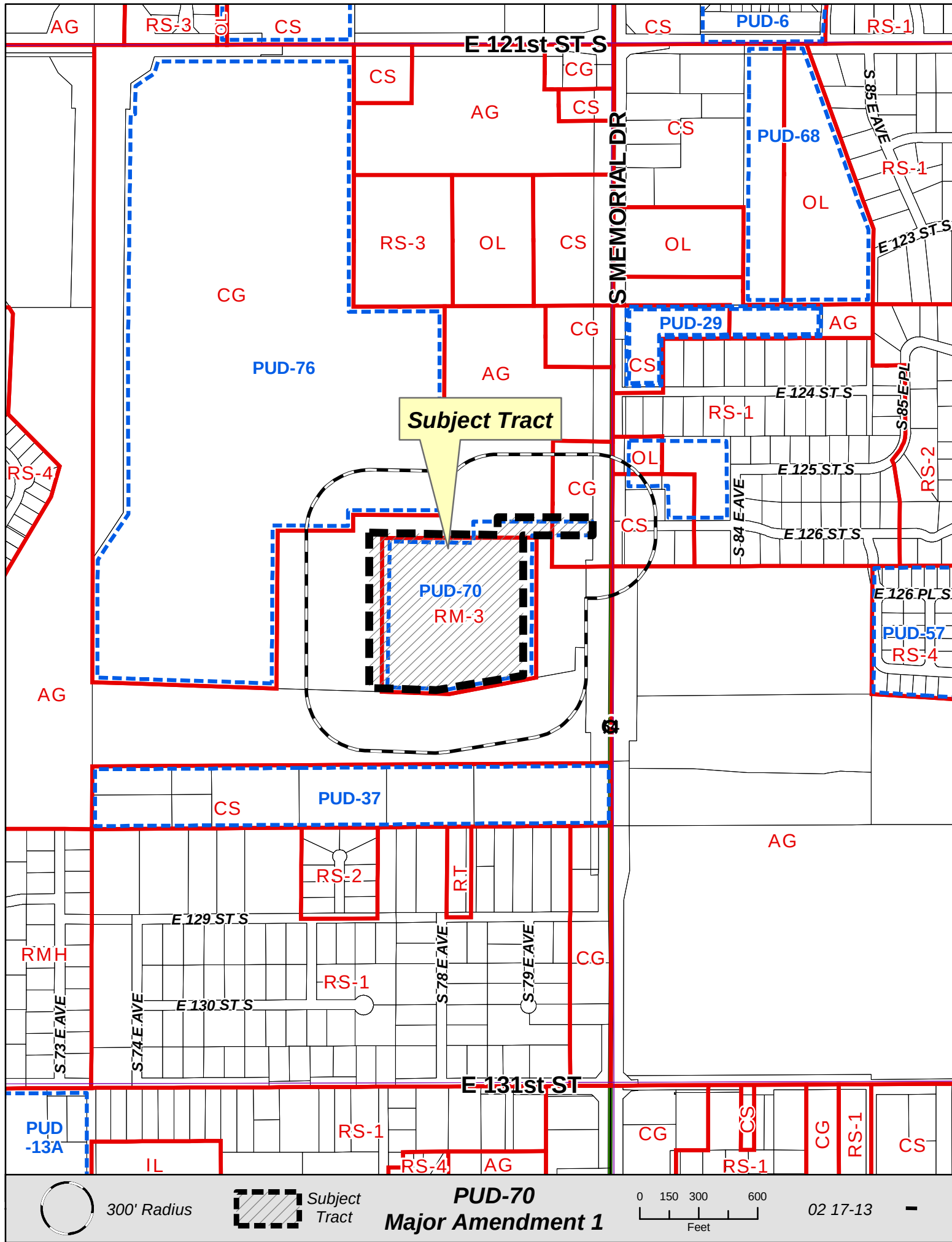
B. Permit flexibility within the development to best utilize the unique physical features of the particular site;

C. Provide and preserve meaningful open space; and

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

Due to the relatively limited changes proposed by this amendment, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this application.

Staff Recommendation. For all the reasons outlined above, Staff recommends Approval.



**MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
January 02, 2014 – 10:00 AM**

MEMBERS PRESENT

Jim Peterson, *BTC Broadband*

STAFF PRESENT

Erik Enyart, AICP, City Planner, City of Bixby
Joey Wiedel, Fire Marshal, City of Bixby

OTHERS PRESENT

Justin Morgan, PE, *Tanner Consulting, LLC*
Ricky Jones, AICP, *Tanner Consulting, LLC*
Malek Elkhoury, PE, *Khoury Engineering, Inc.*

1. Erik Enyart called the meeting to order at 10:00 AM.

Prior to the meeting, Erik Enyart noted that all three (3) of the applications on the Agenda were in the same Section of land, and within the same development area.

Also prior to the meeting, observing that the Applicant for Agenda Item # 2 had not yet arrived, Ricky Jones and Erik Enyart expressed favor for taking the agenda items out of order and considering Agenda Items # 3 and 4 at this time. This idea was agreed to by acclamation.

3. **Preliminary Plat – “Quail Creek Office Park” – Tanner Consulting, LLC.** Discussion and review of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek Office Park” for approximately 5.976 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

Erik Enyart introduced the item and summarized the project. Mr. Enyart noted that this would fill the gap between *Scenic Village Park* to the north and what would become “Quail Creek Villas of Bixby” to the south. Mr. Enyart noted that this was a one (1) Lot, one (1) Block development, and was fairly straightforward. Mr. Enyart noted that he had issued the draft Staff Report earlier in the week, and confirmed with Ricky Jones and Justin Morgan that they had received it. Mr. Enyart noted that the plat was “fairly clean,” and there were only a few review items. Mr. Enyart asked the Applicant if they cared to summarize the project further.

Justin Morgan stated that the only building proposed so far was a 30,000 square feet commercial building with [office/retail] on the front 10,000 square feet and 20,000 square feet of storage in the back. Mr. Morgan stated that this building would be on the south side of the lot, allowing further

development on the north side. Erik Enyart asked if the project would be replatted or otherwise. Mr. Morgan and Ricky Jones indicated that this was not planned at this time but may occur in the future if conditions require. Mr. Jones noted that there was a 26'-wide Mutual Access Easement (MAE) along the street frontage, allowing cross-access if the lots were ever split.

Jim Peterson of *BTC Broadband* stated that he had just returned from Christmas vacation and just got a chance to look at this project. Justin Morgan confirmed with Mr. Peterson that Mr. Peterson was also just getting a chance to look at "Quail Creek [Villas of Bixby]". Mr. Morgan stated that there would be overhead electric along the east line [of *Scenic Village Park*, the subject property, and "Quail Creek Villas"], and suggested that BTC would go through here. Mr. Peterson indicated agreement and stated that he expected to serve from the rear lot line in this case. Mr. Peterson expressed concern for easements from this line if the lots were split. Erik Enyart noted that, if this was done, the owner would need to do a Lot-Split or a replat, so the TAC would get a chance to review it [for easement adequacy] at that time. Ricky Jones noted that the lots would be split east-west anyway. Mr. Peterson indicated agreement. Mr. Peterson asked if 126th St. S. would go through. Mr. Enyart stated that the right-of-way for 126th St. S. was dedicated, and [on November 25, 2013], accepted by the City Council, which now allows the collector street to connect east to Memorial Dr. and [north], through "Quail Creek of Bixby," and through *Scenic Village Park*, to 121st St. S.

Malek Elkhoury in around this time at 10:07 AM.

Erik Enyart asked if there were any questions or comments from the Fire Marshal. Joey Wiedel indicated he had none. Mr. Enyart asked if such were more likely when the site plan was received, and Mr. Wiedel indicated agreement. Justin Morgan addressed Mr. Wiedel and stated that he will like the site plan, as it has wide-turning movements and lots of pavement.

Erik Enyart noted that, when he sent [to the Applicant] the "Draft" Staff Report, it was typically in its final form but is qualified as such in case additional changes are made. Mr. Enyart stated that, when they are issued, the review comments can be used to start making corrections. Mr. Enyart stated that, in this case, he will likely update the body of the report to discuss the MAE, which he had not previously acknowledged in the report. Mr. Enyart stated that the review comments will not change.

Erik Enyart asked if there were any further questions or comments. There were none.

4. **BSP 2013-06 – "Covenant Place of Tulsa" – Tanner Consulting, LLC (PUD 76).**
Discussion and review of a PUD Detailed Site Plan and building plans for "Covenant Place of Bixby," a Use Unit 8 assisted living facility development for approximately 11.636 acres consisting of Lot 2, Block 1, *Scenic Village Park*.
Property Located: 7300 E. 121st Pl. S.

Erik Enyart introduced the item and summarized the project and its location. Mr. Enyart noted that this was a Detailed Site Plan for a Use Unit 8 assisted living community. Mr. Enyart noted that he was working on the Staff Report and hoped to have it finished and sent to the Applicant by today or tomorrow. Mr. Enyart noted that the Applicant had been meeting informally with City Staff and so

may already have received some review comments, and noted that he had provided the Fire Marshal's and City Engineer's review memos previously. Justin Morgan and Ricky Jones indicated agreement. Mr. Morgan asked Joey Wiedel if, between him and the project architect, the issues of the location and configuration of the FDC in the back of the building had been resolved. Mr. Wiedel indicated that progress had been made but the conversations were still ongoing with the project architect.

Jim Peterson asked about and discussed with Justin Morgan matters of access (121st Pl. S. and 73rd and 74th E. Aves.) and total number of living units (118). Mr. Morgan noted that the other number listed was the maximum allowed by the PUD. Ricky Jones noted that, although the site plan did not show all of the lot, there may be additional units in the back of the development lot in the future. Mr. Morgan noted that electrical service [and BTC's communication line(s)] would go down the street, and Mr. Enyart confirmed with Mr. Morgan that he was referring to 74th E. Ave.

Jim Peterson asked if the planned stormsewer development along 121st St. S. to the [stormwater detention] pond [in *Bixby Centennial Plaza*] was still proceeding. Mr. Morgan stated that there had been a hangup. Mr. Morgan stated that the project was proceeding as a Private-Public-Partnership, but the City Council asked to change it to a Public bid scenario, wherein the City would bid and build it and the developer would [pay his proportional share]. Mr. Morgan stated that this caused the project to be delayed 30 to 45 days. Mr. Peterson stated noted that they had discussed previously his concern about relocating the [BTC communication line(s)], and that this would need to be coordinated with the School, as it served the School campus there. Mr. Peterson suggested it be done when school was out of session.

Erik Enyart noted that the Site Plan application called for the representation of the entire lot of record. Mr. Enyart stated that it would not be necessary to rescale the site plan, if a [supplemental] drawing was provided representing the lot of record and the site features. Ricky Jones stated that he would get such a separate drawing to Mr. Enyart.

Erik Enyart asked if there were any further questions or comments. There were none.

Justin Morgan and Ricky Jones left at this time.

2. **PUD 70 – Encore on Memorial – Major Amendment # 1.** Discussion and review of Major Amendment # 1 to PUD 70 for approximately 15 acres located in the E/2 of Section 02, T17N, R13E, which amendment proposes to allow a Use Unit 21 sign within the Development Area B right-of-way for 126th St. S., provide development standards for same, and make certain other amendments.

Property located: West of the intersection of 126th St. S. and Memorial Dr., including Lot 1, Block 1, *Encore on Memorial*.

Erik Enyart introduced the item and summarized the location and the project. Mr. Enyart noted that the primary purpose of the Major Amendment was to allow a Use Unit 21 sign to be erected in the Development Area consisting only of the 126th St. S. right-of-way, which sign would advertise the *Encore on Memorial* apartments, and to provide development standards for same, including height

and [display surface area] size. Mr. Enyart asked Malek Elkhoury if he cared to summarize the project further. Mr. Elkhoury confirmed that his clients wanted to have advertising on Memorial Dr.

Jim Peterson and Malek Elkhoury discussed utility locations. Mr. Elkhoury stated that the sign would be on the north side of the street. Erik Enyart confirmed with Malek Elkhoury that the sign would be clear of [underground] utility lines. Mr. Peterson stated that he believed [the BTC communication line] was located on the south side of the street, but that he would have to check. Mr. Elkhoury indicated agreement and stated that the waterline and the electrical line were both on the south side of the street, and that there was a 6" conduit there. Mr. Peterson indicated he believed the line was in that conduit.

Erik Enyart noted that, when Mr. Elkhoury dropped off the application, he observed that the 10' X 5' sign [easement] was not located in reference to the east line of the right-of-way. Mr. Elkhoury confirmed Mr. Enyart was referring to the exhibit. Mr. Enyart stated that, he supposed it could be scaled, but it would be better if it were dimensioned from the east line. Mr. Elkhoury stated that he would update the exhibit, and asked if it would be okay to email it. Mr. Enyart indicated agreement.

Erik Enyart asked if there were any further questions or comments. There were none.

5. Old Business

6. New Business

7. Meeting was adjourned at 10:25 AM.

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BIXBY TAC MEETING
SIGN IN SHEET
Thursday, January 02, 2014

NAME	COMPANY	PHONE
1. <u>RICKY JONES</u>	<u>Tanner Consulting</u>	<u>918 745-9929</u>
2. <u>JUSTIN MORGAN</u>	<u>" "</u>	<u>"</u>
3. <u>Jim Peterson</u>	<u>BTC Broadband</u>	<u>918-366-0253</u>
4. <u>Enli Enyart</u>	<u>City of Bixby</u>	<u>918 366 4430</u>
5. <u>Joey Wiedel</u>	<u>City of Bixby JM</u>	<u>918 366 -0436</u>
6. <u>Malek ELKhomy</u>	<u>Khomy Eng'r</u>	<u>918 712-8768</u>
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____
16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____



City of Bixby Application for PUD

Applicant: KHOURY ENGINEERING, INC.
Address: 1435 E. 41ST STREET, TULSA, OK 74105
Telephone: 918-712-8768 Cell Phone: 918 640-1727 Email: KENGINC@KHOURYENG.COM

Property Owner: ENCORE MULTI-FAMILY, LLC If different from Applicant, does owner consent? YES
Property Address: 7860 E. 126th Street South, Bixby, OK 74008
Existing Zoning: PUD-70 Requested Zoning: N/A Existing Use: MULTI-FAMILY
Proposed Use: ADD A MONUMENT SIGN IN DEVELOPEMENT AREA 'B' Use Unit #: 21

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

LOT 1, BLOCK 1 ENCORE ON MEMORIAL, AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY
STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT, DOC. # 6380.

Does Record Owner consent to the filing of this application? ☒ YES ☐ NO
If Applicant is other than Owner, indicate interest: ENGINEER FOR THE 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: PAT IVIE (ENCORE MULTI-FAMILY, LLC)

5005 LBJ FREEWAY, SUITE 1200

DALLAS, TX 75244

(NAME)

214-259-7038

(ADDRESS)

(CITY)

(PHONE)

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

Signature: [Signature]

Date: 12/10/2013

APPLICANT - DO NOT WRITE BELOW THIS LINE

PUD 70 Date Received 12/11/2013 Received By Enyart Receipt # 01120097
Planning Commission Date 01/21/2013 City Council Date _____

____ Sign(s) at \$ 50.00 each = \$ _____; Postage \$ _____; Total Sign + postage \$ 280.00

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

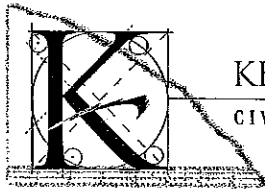
City Council Action _____

DATE / VOTE _____

DATE / VOTE _____

STAFF REC. _____

ORD. NO. _____



KHOURY ENGINEERING, INC.

CIVIL ENGINEERING • LAND DEVELOPMENT

December 10, 2013

Mr. Erik Enyart, AICP
City Planner- City of Bixby
P.O. Box 70
Bixby, OK 74008

Re: Encore on Memorial - Major Amendment to PUD-70
7860 E. 126th Street South, Bixby, OK 74008

Dear Mr. Enyart

We are requesting a major amendment to the original Encore on Memorial PUD-70. A complete application and fee is attached to support our request.

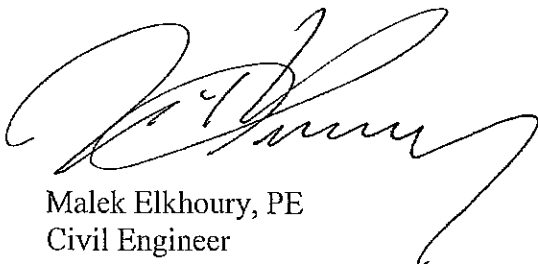
The PUD major amendment includes revising the "Development Standards" section of the original PUD as follows:

- 1- Add "Development Area B" with the following development standards: It is permitted to install One (1) Use Unit 21 double sided ground sign in the E. 126th Street right-of-way, with a maximum height of 8 feet and a display surface area of 50 square feet (each side), to advertise the multifamily use in Development Area A only. The sign will be subject to the City Council granting a sign easement in accordance with the development agreement.

We appreciate the City consideration and support of the above PUD amendment request. We'll pleased to provide any additional information related to this application if requested.

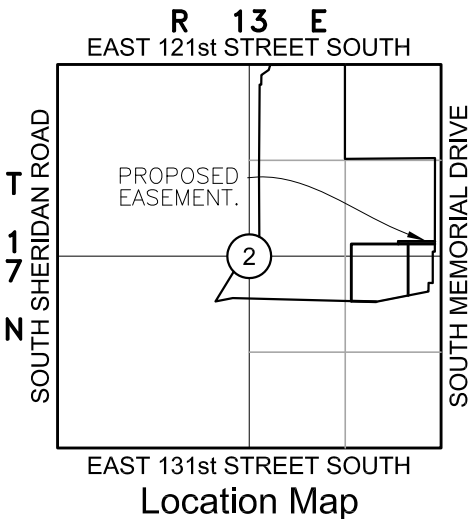
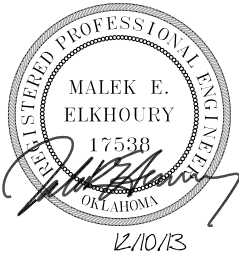
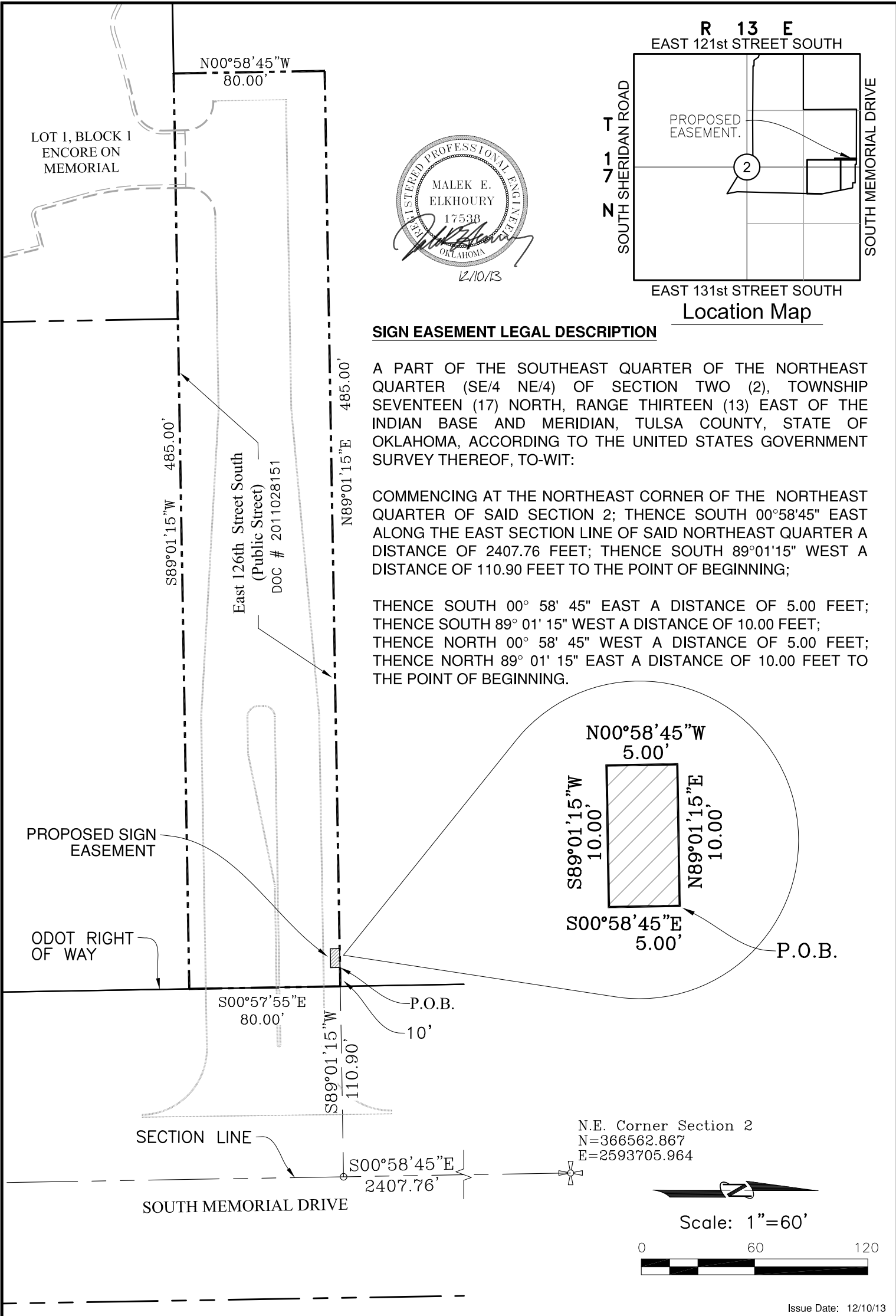
Please review the attached document and contact me at (918) 712-8768 if you have any questions.

Sincerely,



Malek Elkhoury, PE
Civil Engineer

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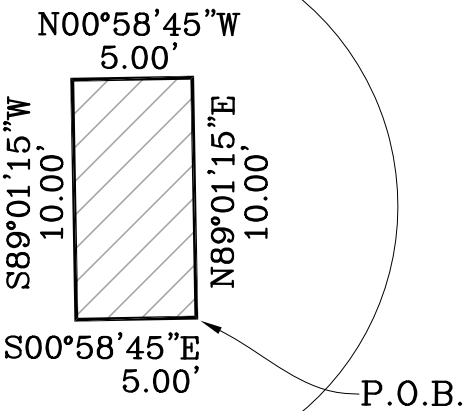


SIGN EASEMENT LEGAL DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE/4 NE/4) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 2; THENCE SOUTH 00°58'45" EAST ALONG THE EAST SECTION LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 2407.76 FEET; THENCE SOUTH 89°01'15" WEST A DISTANCE OF 110.90 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00° 58' 45" EAST A DISTANCE OF 5.00 FEET; THENCE SOUTH 89° 01' 15" WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 00° 58' 45" WEST A DISTANCE OF 5.00 FEET; THENCE NORTH 89° 01' 15" EAST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.



PROPOSED SIGN EASEMENT

ODOT RIGHT OF WAY

SECTION LINE

SOUTH MEMORIAL DRIVE

P.O.B.

10'

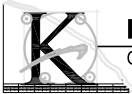
N.E. Corner Section 2
N=366562.867
E=2593705.964



Scale: 1"=60'



Issue Date: 12/10/13



Khoury Engineering, Inc.
Civil Engineering – Land Development

1435 East 41st Street
Tulsa, OK 74105
CA #3751, Renewal 06-30-15

Tel 918.712.8768
Fax 918.712.1069

ENCORE ON MEMORIAL
7920 EAST 126th STREET SOUTH
CITY OF BIXBY - TULSA COUNTY - OKLAHOMA

SIGN EASEMENT

EXHIBIT No.

A



©2011 All ideas, arrangements and plans indicated or represented by these drawings are the property of Fource Communications, Ltd. and were created, evolved and developed for use on and in connection with the specified project. No part of the drawings, designs, arrangements or ideas herein shall be duplicated or used for any purpose whatsoever without the express written consent of Fource Communications, Ltd.

JOB NO.

EE-712-1

Encore Memorial
Encore Enterprises
Bixby, Oklahoma

APPROVAL

Signature

Date
Your signature acknowledges full approval of the design layout and its content, releasing Fource Communications, Ltd. from any responsibility regarding incorrect information and design.

Any colors shown are only representative of actual colors to be used. Final colors will be matched as closely as possible. Colors shown tend to vary due to some materials used in the industry.

DESIGNER INITIALS

SAM

DATE

01/22/13

SHEET TITLE

ADDITIONAL
ENTRY SIGNAGE

SHEET NO.

AES.01.00



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
Date: Thursday, January 02, 2014
RE: Report and Recommendations for:
Preliminary Plat of "Quail Creek Office Park" (PUD 76)

LOCATION:

- The 7300-block of E. 121st St. S.
- South and west of the intersection of 121st St. S. and Memorial Dr.
- Part of the E/2 of Section 02, T17N, R13E

SIZE:

- 5.976 acres, more or less (plat area)
- 70 acres, more or less (parent tract)

EXISTING ZONING: CG General Commercial District with PUD 76

EXISTING USE: Agricultural

REQUEST: Preliminary Plat approval for a 1 Lot, 1 Block commercial development

SURROUNDING ZONING AND LAND USE:

North: CG/PUD 76; Vacant lots in *Scenic Village Park*.

South: AG & CS/PUD 37; Fry Creek Ditch # 1 to the south zoned AG and the *Crosscreek* "office/warehouse" heavy commercial / trade center and retail strip center zoned CS with PUD 37.

East: AG, CG, RS-3, OL, CS, & RM-3/PUD 70; Agricultural land, the *Easton Sod* sales lot zoned RS-3, OL, & CS, the *Encore on Memorial* upscale apartment complex zoned RM-3/PUD 70, a *Pizza Hut* zoned CG, and a *My Dentist Dental Clinic* zoned CS; Memorial Dr. is further to the east.

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West: AG & RS-4; Fry Creek Ditch #2; beyond this to the west is vacant/wooded land owned by the City of Bixby, and an RS-4 district containing the *Seven Lakes I* and *Seven Lakes II* residential subdivisions, and additional vacant land for a future "Seven Lakes" phase or phases.

COMPREHENSIVE PLAN: Corridor + Vacant, Agricultural, Rural Residences, and Open Land.

PREVIOUS/RELATED CASES:

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 "golf teaching and practice facility" on part of the subject property parent tract – BOA Conditionally Approved 04/02/2001 (not since built).

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on part of the subject property parent tract. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust – Request for Lot-Split approval to separate a 41.3384-acre tract from the southern end of the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – It appears it was Administratively Approved by the City Planner on 07/20/2006, but the Assessor's parcel records do not reflect that the land was ever since divided as approved.

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of subject property – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting "for more research and information," based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

PUD 76 "Scenic Village Park" & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for former parent tract subject property of 92 acres – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting (Ord. # 2116).

Preliminary Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and a Modification/Waiver from certain right-of-way and roadway

paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2 for former parent tract subject property of 92 acres – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

Final Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres (PUD 76 Development Areas A, B, and E) of the former parent tract subject property of 92 acres – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

PUD 76 “Scenic Village Park” Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for subject property parent tract of 70 acres – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013. The Emergency Clause to approving Ordinance # 2123, having been on various City Council agendas in various forms since 10/14/2013, the City Council approved on 11/12/2013.

PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for subject property parent tract of 70 acres – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant’s letter dated 10/18/2013.

Preliminary Plat of “Quail Creek of Bixby” – Tanner Consulting, LLC – Request for approval of a Preliminary Plat for part of parent tract subject property of 70 acres – PC recommended Conditional Approval 12/16/2013.

Preliminary Plat of “Quail Creek Villas of Bixby” – Tanner Consulting, LLC – Request for approval of a Preliminary Plat for part of parent tract subject property of 70 acres – PC recommended Conditional Approval 12/16/2013.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The parent tract subject property of 70 acres is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the south and west to the Fry Creek Ditch # 2 and # 1, respectively, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned CG and PUD 76 for “Scenic Village Park,” which name became attached to the plat of 22 acres to the north of the subject property, recorded June 20, 2013.

The subject property appears to be able to be served by the critical utilities (water, sewer, electric, etc.) by existing lines and/or planned street and utility extensions and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the west and south.

The subject property plat area contains 5.976 acres and is situated between *Scenic Village Park* to the north and west and the proposed plat of “Quail Creek Villas of Bixby” to the south.

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

The commercial development anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 5.976 acres proposes one (1) Lot, one (1) Block, and no (0) Reserve Areas. The lot would have 550' of frontage on the proposed 74th E. Ave. collector road and an average depth of 473.295', and appears to meet PUD 76 Development Area F standards.

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

The Fire Marshal's, City Engineer's, and City Attorney's review correspondence 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.

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held January 02, 2014. Minutes of that meeting are attached to this report.

Access and Internal Circulation. Primary access to the development would be via a proposed collector street connecting 121st St. S. to Memorial Dr. via the existing 126th St. S. constructed in the past couple years. By this collector road, all the Development Areas within PUD 76 would have access. On November 25, 2013, the City Council accepted a dedication of right-of-way from the Knopp family, allowing the extension of 126th St. S. from its current westerly terminus to the easterly lines of the proposed "Quail Creek of Bixby" and "Quail Creek Villas of Bixby." "Quail Creek of Bixby" would dedicate the connection between this newly-dedicated right-of-way and 74th E. Ave. platted with *Scenic Village Park*, thus completing the collector system. The subject property plat area would then have access on 74th E. Ave.

With the Preliminary Plat of "Scenic Village Park," on March 25, 2013, the City Council Approved a Modification/Waiver of the Commercial Collector 42' paving width requirement of Subdivision Regulations Ordinance # 854 Section 9.2.2, to allow a 38'-wide roadway width as proposed. Per the City Engineer's review memo at that time, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify the Modification/Waiver.

Per the recorded plat of *Scenic Village Park*, the 74th E. Ave. is proposed to intersect with 121st St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121st St. S. was widened. To the west of this, 73rd E. Ave., which serves *Fox Hollow* and the *North Heights Addition*, will be extended south of 121st St. S. and continue with the 73rd E. Ave. name. South 73rd and South 74th East Avenues will be connected via 121st Pl. S. Minor streets 73rd E. Ave. and 121st Pl. S. would incidentally serve the commercial lots in Development Area (DA) A, but would primarily serve an assisted living community in DA B. Their geometries (50' in right-of-way width and 26' of roadway paving width, versus the required 60' and 36', respectively) also received City Council approval of a Modification/Waiver with the Preliminary Plat on March 25, 2013.

Per the approved PUD 76 Major Amendment # 1, the 74th E. Ave. portion of the 74th E. Ave. / 126th St. S. collector road was shifted easterly, to accommodate more room for the single-family detached residential area west of the collector road system ("Quail Creek of Bixby"). No significant changes to access and circulation patterns were proposed, except to the extent necessary to allow conventional housing addition(s) to be developed in certain areas. The "Quail Creek of Bixby" and "Quail Creek Villas of Bixby" subdivisions will tie into the realigned collector street system.

The proposed access points to 121st St. S. require City Engineer and/or County Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.

The plat proposes a 26'-wide Mutual Access Easement (MAE) to allow cross-access between future lots if divided by Lot-Split or replat.

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

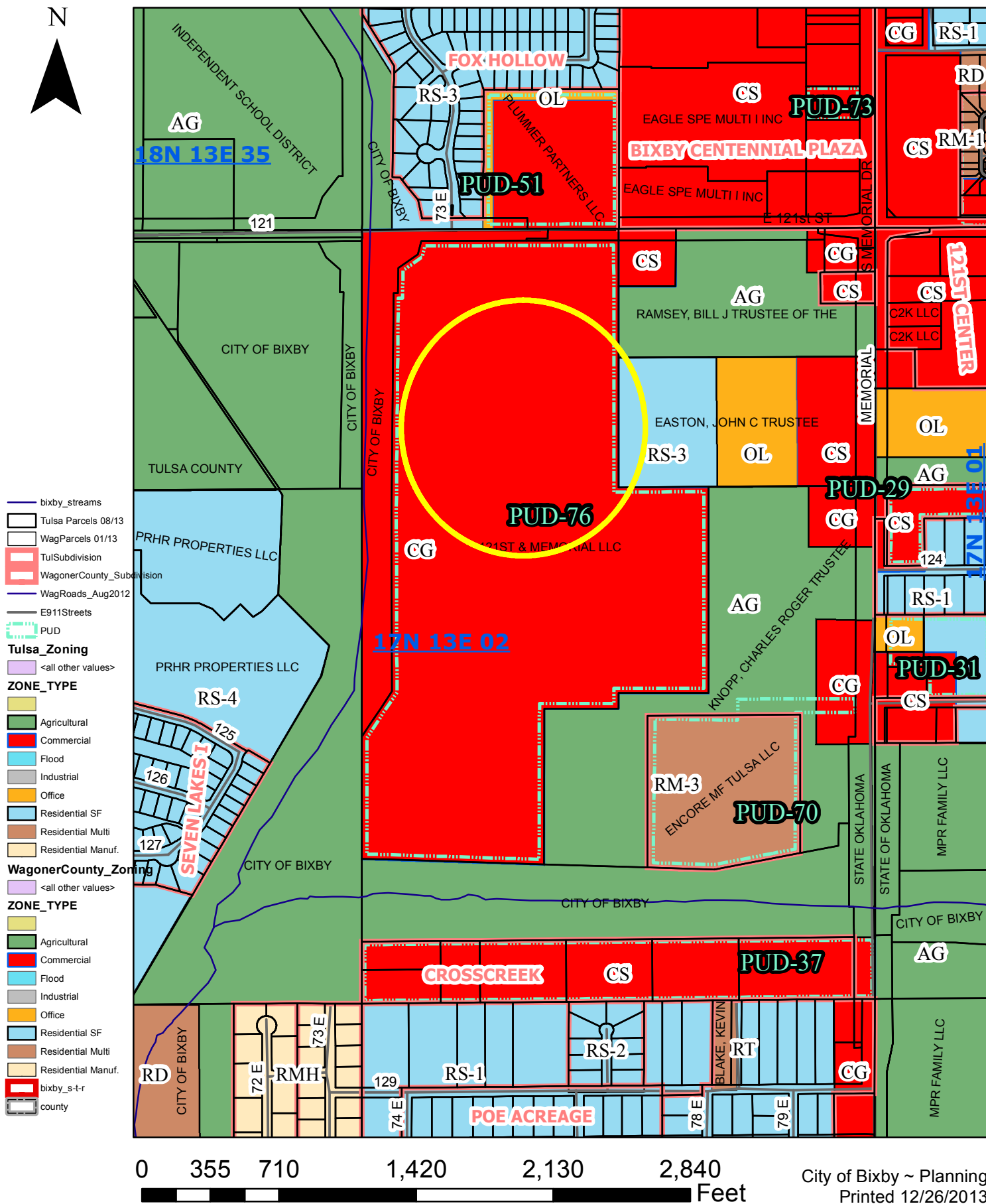
1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
2. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-3.A for utility easements along the north and south perimeters which would not achieve the 17.5' minimum width standard. Such request may be justified by observing that where an 11' U/E will be back to back with a 17.5' U/E in an abutting subdivision, resulting in a 28.5'-wide U/E corridor between the subdivisions. A 22'-wide ultimate width utility corridor is fairly standard in the greater Tulsa area. Other justifications may be offered and deemed adequate.
3. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the east. The Modification/Waiver may be justified by the fact that the concerned abutting tracts (Ramsey Trust and the *Easton Sod Farm* property) will likely develop commercial/nonresidential, and both have adequate access available from 121st St. S. and / or Memorial Dr.
4. All Modification/Waiver requests must be submitted in writing.
5. Title Block area – the "Minor Amendment 1" text is inaccurate and should be removed.
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:
 - a. *LaCasa Movil Estates 2nd* (misabeled)
 - b. *Poe Acreage* (misrepresented as to configuration)
 - c. *Seven Lakes II* (misrepresented as to configuration)
 - d. The Fry Creek Ditch # 1 and # 2 are represented but do not reflect channel reconstructions from circa 2000.
 - e. "Quail Creek of Bixby," "Quail Creek Villas of Bixby," "Seven Lakes III," "Seven Lakes IV," and/or "Wood Hollow Estates" should be added if recorded prior to this plat; it should be noted that "Quail Creek of Bixby" gives public street access to the subdivision so likely must be included, at a minimum.

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7. An address for the lot may be added, but if to be replatted or if multiple buildings are anticipated for this "office park," please advise, and this review comment may be dismissed.
8. Preliminary Plat: Elevation contours at one (1) foot maximum intervals not represented as required per SRs Section 12-4-2.B.6.
9. DoD/RCs Section II.A: Other Bulk and Area Requirements: cites "CS" district instead of "CG" as per the approved PUD.
10. DoD/RCs Section II.B.5: Mutual Access Easement language added to PUD provisions. These should be in Section I or a new section as appropriate.
11. DoD/RCs Section II.B.9: Language attending reference to DA H should use the new language per Major Amendment # 1.
12. DoD/RCs Owners' Block: 2013 year should likely be changed to 2014.
13. Certificate of Survey: Inaccurate self-reference as "Scenic Village Park."
14. In satisfaction of the City Council's approval conditions of both the Preliminary Plat and Final Plat of "Scenic Village Park," and PUD 76 Major Amendment # 1, copies of the Preliminary Plat of *Scenic Village Park*, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size and 1 11" X 17").
15. A copy of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file.

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Preliminary Plat – “Quail Creek Office Park” – Tanner Consulting, LLC



City of Bixby ~ Planning
Printed 12/26/2013

Memo

To: Erik Enyart, City Planner
From: Jared Cottle, PE *JWC*
CC: Bea Aamodt, PE
File
Date: 12/31/13
Re: Quail Creek Office Park
Preliminary Plat – Conceptual Utility Plan

General Comments:

1. The north and south perimeter U/Es are 11' in width rather than 17.5'
2. No City utilities are proposed within the north and south perimeter U/E. Sanitary sewer lines are located within the perimeter easements on the adjacent project phases.
3. No additional utilities are proposed with this Plat. An individual Earth Change Permit and storm water drainage report/plan will be required upon future site development.

Memo

To: Erik Eynart

From: Joey Wiedel *Joey Wiedel*

Date: 12/26/2013

Re: Preliminary Plat "Quail Creek Office Park"

Preliminary Plat is approved by this office.

Thank You!

PRELIMINARY PLAT

PUD #76

MINOR AMENDMENT 1

Quail Creek Office Park

PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH,
RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN
A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION AND RESTRICTIVE COVENANTS
FOR SCENIC VILLAGE PARK

KNOW ALL MEN BY THESE PRESENTS:

121st & MEMORIAL L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, (HEREINAFTER THE "OWNER"), IS THE OWNER OF THE FOLLOWING-DESCRIBED REAL PROPERTY SITUATED IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND BEING A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE SOUTH 88°46'02" WEST AND ALONG THE NORTH LINE OF THE NE/4 FOR A DISTANCE OF 1323.13 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF GOVERNMENT LOT 2; THENCE SOUTH 0°59'22" EAST AND ALONG THE EAST LINE OF SAID GOVERNMENT LOT 2, FOR A DISTANCE OF 610.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 0°59'22" EAST ALONG SAID EAST LINE, FOR A DISTANCE OF 550.01 FEET TO A POINT; THENCE SOUTH 88°46'02" WEST FOR A DISTANCE OF 472.13 FEET TO A POINT ON THE PRESENT EAST RIGHT-OF-WAY LINE OF SOUTH 74TH EAST AVENUE; THENCE NORTH 88°46'02" EAST AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF SOUTH 74TH EAST AVENUE, FOR A DISTANCE OF 550.00 FEET TO A POINT; THENCE NORTH 88°46'02" EAST FOR A DISTANCE OF 474.46 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 260,314 SQUARE FEET, OR 5.976 ACRES.

AND THE OWNER HAS CAUSED THE ABOVE-DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED, GRANTED, DONATED, CONVEYED, DEDICATED, ACCESS RIGHTS RESERVED AND SUBDIVIDED INTO 1 (1) LOT IN ONE (1) BLOCK IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT") AND HAS ENTITLED AND DESIGNATED THE SUBDIVISION AS "QUAIL CREEK OFFICE PARK" A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "QUAIL CREEK OFFICE PARK").

SECTION I. EASEMENTS AND UTILITIES

A. UTILITY EASEMENTS.

THE OWNER DOES HEREBY DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE PLAT AS "UIE" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTION, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES, AND CABLE TELEVISION LINES, TOGETHER WITH ALL VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, TOGETHER WITH SIMILAR EASEMENT RIGHTS IN THE PUBLIC STREETS, PROVIDED HOWEVER, THAT THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WATER LINES AND SEWER LINES WITHIN THE UTILITY EASEMENTS FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICE TO AREAS WITHIN OR OUTSIDE THE PLAT AND THE OWNER FURTHER RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WITHIN THE UTILITY EASEMENTS PROPERLY PERMITTED PARKING AREAS, LANDSCAPING, SCREENING FENCES AND WALLS AND OTHER NONOBSTRUCTING IMPROVEMENTS.

B. WATER SANITARY SEWER AND STORM SEWER SERVICE.

- THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER, SANITARY SEWER MAINS AND STORM SEWER MAINS LOCATED ON THE LOT.
- WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH PUBLIC WATER, SANITARY SEWER MAIN OR STORM SEWER MAINS, SHALL BE PROHIBITED. WITHIN THE UTILITY EASEMENTS, IF THE GROUND ELEVATIONS ARE ALTERED FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER, SANITARY SEWER MAIN OR STORM SEWER MAIN, ALL GROUND LEVEL, ARPS, VALVE BOXES, FIRE HYDRANTS AND MANHOLES SHALL BE ADJUSTED TO THE ALTERED GROUND ELEVATIONS BY THE OWNER OF THE LOT OR AT ITS ELECTION, THE CITY OF BIXBY, OKLAHOMA MAY MAKE SUCH ADJUSTMENT AT THE LOT OWNER'S EXPENSE.
- THE CITY OF BIXBY OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER, SANITARY SEWER MAIN AND STORM SEWER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
- THE CITY OF BIXBY OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.
- THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

C. UNDERGROUND SERVICE.

- OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE PUBLIC STREET RIGHT-OF-WAY ALONG EAST 121ST STREET SOUTH AND ALONG THE EAST PROPERTY LINE OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE EASEMENT WAYS.
- UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT. PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.
- THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL EASEMENT WAYS SHOWN ON THE PLAT

OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

- THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON HIS LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.
- THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH C SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. PAVING AND LANDSCAPING WITHIN EASEMENTS.

THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR REPAIR OF DAMAGE TO THE PROPERLY PERMITTED LANDSCAPING AND PAVING OCCASIONED BY THE NECESSARY INSTALLATION OF OR MAINTENANCE TO THE UNDERGROUND WATER, SEWER, STORM WATER, GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THAT THE CITY OF BIXBY, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

SECTION II. PLANNED UNIT DEVELOPMENT

WHEREAS, SCENIC VILLAGE PARK WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT (DESIGNATED AS PUD NO. 76) AS PROVIDED WITHIN TITLE 11 OF THE BIXBY, OKLAHOMA CITY CODE (BIXBY ZONING CODE), AND

WHEREAS PUD NO. 76 WAS AFFIRMATIVELY RECOMMENDED BY THE CITY OF BIXBY PLANNING COMMISSION ON FEBRUARY 27, 2013, AND APPROVED BY THE BIXBY CITY COUNCIL ON MARCH 25, 2013, AND

WHEREAS, PUD NO. 76 MAJOR AMENDMENT NO. 1 WAS SUBMITTED AND WAS AFFIRMATELY RECOMMENDED FOR APPROVAL BY THE CITY OF BIXBY PLANNING COMMISSION ON SEPTEMBER 30, 2013, AND WAS APPROVED BY THE BIXBY CITY COUNCIL ON OCTOBER 14, 2013, AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD INURING TO AND ENFORCEABLE BY THE CITY OF BIXBY, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND ANY AMENDMENTS THERETO, AND

WHEREAS, THE OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF BIXBY, OKLAHOMA.

THEREFORE, THE OWNER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. DEVELOPMENT STANDARDS

DEVELOPMENT AREA "F"

GROSS LAND AREA: 6.481 AC

NET LAND AREA: 5.976 AC

PERMITTED USES: USES PERMITTED AS A MATTER OF RIGHT IN THE CG ZONING DISTRICT, AND OFFICE/WAREHOUSING AS SET FORTH WITHIN USE UNIT 23 WAREHOUSING AND WHOLESALE, AND CUSTOMARY ACCESSORY USE, PROVIDED HOWEVER USES SET FORTH IN USE UNIT 17, AUTOMOTIVE AND ALLIED ACTIVITIES, SHALL BE EXCLUDED.

MAXIMUM FLOOR AREA RATIO: 0.50

MAXIMUM BUILDING HEIGHT: 40 FT.

MINIMUM SETBACKS:
FROM NON-ARTERIAL STREET RIGHT-OF-WAY: 25 FT.
FROM RESIDENTIAL DEVELOPMENT AREAS: 50 FT.
FROM OTHER BOUNDARIES: 20 FT.

MINIMUM LANDSCAPING: 10% OF NET LOT AREA

MINIMUM OFF-STREET PARKING: AS REQUIRED WITHIN THE APPLICABLE USE UNIT.

OTHER BULK AND AREA REQUIREMENTS: AS REQUIRED WITHIN A CS DISTRICT.

B. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

- RESTRICTED USES
ALL USES CLASSIFIED AS "SEXUALLY ORIENTED" WITHIN THE CITY OF BIXBY ZONING CODE (SECTION 11-7D-6) ARE HEREBY EXCLUDED FROM ANY DEVELOPMENT AREA WITHIN PUD 76.
- LANDSCAPING AND SCREENING
LANDSCAPING SHALL MEET THE REQUIREMENTS OF CHAPTER 12 LANDSCAPE REQUIREMENTS OF THE BIXBY ZONING CODE, EXCEPT AS HEREINAFTER MODIFIED. WITHIN DEVELOPMENT AREAS PERMITTING RETAIL USE, THE LANDSCAPING FOR A MIXED USE BUILDING WHICH CONTAINS BOTH RETAIL AND OFFICE TENANTS SHALL BE 10%. IN ADDITION TO THE REQUIREMENTS OF CHAPTER 12 OF THE BIXBY ZONING CODE, PERIMETER LANDSCAPING SHALL INCLUDE PLANT MATERIALS DESIGNED TO ACHIEVE AN ATTRACTIVE STREET VIEW. REASONABLE EFFORTS SHALL BE MADE TO PRESERVE EXISTING MATURE TREES. EACH MATURE TREE WHICH IS IN A REQUIRED STREET YARD AND WHICH IS REMOVED FOR THE PURPOSE OF PROVIDING PARKING FOR MULTIFAMILY DWELLINGS OR COMMERCIAL ESTABLISHMENTS SHALL BE REPLACED WITHIN THE AFFECTED LOT OR LOTS AT A TWO TO ONE (2:1) RATIO IN ACCORDANCE WITH CHAPTER 12 OF THE BIXBY ZONING CODE. A SCREENING FENCE NOT LESS THAN 6 FEET IN HEIGHT AND A LANDSCAPED AREA OF NOT LESS THAN 10 FEET

IN WIDTH SHALL BE MAINTAINED ALONG THE BOUNDARIES OF COMMERCIAL AREAS ADJOINING RESIDENTIAL DEVELOPMENT OR A RESIDENTIAL ZONING DISTRICT, PROVIDED HOWEVER, IF AN ADJOINING RESIDENTIAL DISTRICT IS UNDEVELOPED OR USED FOR NONRESIDENTIAL PURPOSES, REQUIRED SCREENING MAY BE DEFERRED UNTIL RESIDENTIAL DEVELOPMENT OCCURS.

3. LIGHTING

EXTERIOR LIGHTING SHALL BE LIMITED TO SHIELDED FIXTURES DESIGNED TO DIRECT LIGHT DOWNWARD. LIGHTING SHALL BE DESIGNED SO THAT THE LIGHT PRODUCING ELEMENT OF THE SHIELDED FIXTURE SHALL NOT BE VISIBLE TO A PERSON STANDING WITHIN AN ADJACENT RESIDENTIAL DISTRICT OR RESIDENTIAL DEVELOPMENT AREA.

4. OFF STREET PARKING

THE LIMITATION ESTABLISHING A MAXIMUM NUMBER OF PARKING SPACES AS SET FORTH WITHIN PARAGRAPH H, SECTION 11-10-2 MAY BE MODIFIED BY THE BIXBY PLANNING COMMISSION PURSUANT TO ITS REVIEW AND APPROVAL OF A PUD DETAIL SITE PLAN.

5. ACCESS AND CIRCULATION

THE PRINCIPAL ACCESS IS TO BE DERIVED FROM AN INTERIOR PUBLIC COLLECTOR STREET, SOUTH 74TH EAST AVENUE, TO BE CONSTRUCTED THAT CONNECTS TO THE TWO ARTERIAL STREETS. THE CONNECTION OF THE TWO ARTERIALS IS A REQUIREMENT. THERE IS AN AREA OUTSIDE THE AREA OF PUD NO.76 WHICH IS PROPOSED FOR A SEGMENT OF THE COLLECTOR STREET BUT WITHIN WHICH, REQUIRED RIGHT OF WAY DOES NOT PRESENTLY EXIST. THE OWNER OF THE AREA REQUIRED FOR RIGHT OF WAY IS UNDER CONTRACT THAT THE REQUIRED RIGHT OF WAY WILL BE DEDICATED. THE COLLECTOR STREET WILL REQUIRE A RIGHT OF WAY WIDTH OF 90 FEET AND A PAVING WIDTH OF 38 FEET. PROVIDED HOWEVER A PAVING WIDTH OF 38 FEET SHALL REQUIRE A WAIVER BY THE BIXBY CITY COUNCIL OF THE BIXBY SUBDIVISION REGULATIONS. INTERIOR PUBLIC AND/OR PRIVATE MINOR STREET SYSTEMS AND MUTUAL ACCESS EASEMENTS WILL BE ESTABLISHED AS NEEDED. NEW PUBLIC STREET CONSTRUCTION SHALL COMPLY WITH THE APPLICABLE GEOMETRIC STREET STANDARDS OF THE CITY OF BIXBY.

SIDEWALKS ALONG THE INTERIOR STREETS AND ALONG 121ST STREET SHALL BE CONSTRUCTED BY THE DEVELOPER IN ACCORDANCE WITH THE BIXBY SUBDIVISION REGULATIONS INCLUDING A MINIMUM WIDTH OF FOUR FEET AND ADA COMPLIANCE. WITHIN DEVELOPMENT AREAS B AND C, PEDESTRIAN ACCESS FROM RESIDENTIAL AREAS MAY BE PROVIDED TO THE ADJOINING FRY DITCH.

MUTUAL ACCESS EASEMENTS, DEPICTED AS "MAE" OR "MUTUAL ACCESS EASEMENT" ON THE ACCOMPANYING PLAT, ARE HEREBY ESTABLISHED FOR THE PURPOSES OF PERMITTING VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM ALL STREETS AND AREAS ADJACENT TO AND CONTAINED WITHIN THE SUBDIVISION. SUCH EASEMENTS SHALL BE FOR THE MUTUAL USE AND BENEFIT OF EACH AFFECTED LOT OWNER, THEIR GUESTS, AND INVITEES, AND SHALL BE APPURTENANT TO EACH AFFECTED LOT OWNER, PROVIDED GOVERNMENTAL AGENCIES AND THE SUPPLIERS OF UTILITY SERVICES SHALL HAVE THE REASONABLE USE OF SUCH EASEMENTS INCIDENTAL TO THE PROVISION OF SERVICES TO THE LOTS WITHIN THE SUBDIVISION.

6. SIGNS

SIGNS SHALL COMPLY WITH THE APPLICABLE PROVISIONS OF THE BIXBY ZONING CODE, PROVIDED HOWEVER, PRIOR TO INSTALLATION, A DETAILED SIGN PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION. SIGNS IDENTIFYING AN INTERIOR PROPERTY MAY BE LOCATED OFF SITE WITHIN A PARCEL LOCATED WITHIN SCENIC VILLAGE PARK, BUT SHALL REQUIRE A DETAILED SIGN PLAN SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

BUSINESS SIGNS SHALL BE LIMITED AS FOLLOWS:

- WALL OR CANOPY SIGNS SHALL NOT EXCEED 1.5 SQUARE FEET OF DISPLAY SURFACE AREA PER LINEAL FOOT OF THE BUILDING WALL OR CANOPY TO WHICH AFFIXED.
- A PROJECT IDENTIFICATION SIGN MAY BE LOCATED ALONG 121ST STREET, BUT SHALL NOT EXCEED 35 FEET IN HEIGHT AND 230 SQUARE FEET OF DISPLAY SURFACE AREA.
- WITHIN EACH LOT, A GROUND SIGN MAY BE LOCATED, BUT SHALL NOT EXCEED 20 FEET IN HEIGHT AND 75 SQUARE FEET OF DISPLAY SURFACE AREA.

7. UTILITIES AND DRAINAGE

UTILITIES ARE AT THE SITE OR ACCESSIBLE BY CUSTOMARY EXTENSION. FEE-IN-LIEU OF STORM WATER DETENTION FACILITIES WILL BE PROVIDED.

8. PARCELIZATION

AFTER INITIAL PLATTING SETTING FORTH PERMITTED USES AND THE ALLOCATION OF COMMERCIAL FLOOR AREA OR RESIDENTIAL DENSITY, DIVISION OF PLATTED LOTS MAY OCCUR BY APPROVED LOT SPLIT APPLICATION AND SUBJECT TO THE APPROVAL BY THE BIXBY PLANNING COMMISSION OF PROPOSED FLOOR AREA OR RESIDENTIAL DENSITY ALLOCATIONS AND CONFIRMATION OF THE EXISTENCE OF ANY NECESSARY CROSS PARKING AND MUTUAL ACCESS EASEMENTS.

9. TRANSFER OF ALLOCATED FLOOR AREA

AN INITIAL TRANSFER OF 65 DWELLING UNITS FROM DEVELOPMENT AREA C TO DEVELOPMENT AREA H IS HEREIN ESTABLISHED. ALLOCATED COMMERCIAL OR RESIDENTIAL DENSITY MAY BE TRANSFERRED TO ANOTHER LOT OR LOTS BY WRITTEN INSTRUMENT EXECUTED BY THE OWNER OF THE LOT FROM WHICH THE FLOOR AREA OR RESIDENTIAL DENSITY IS TO BE ALLOCATED, PROVIDED HOWEVER, THE ALLOCATION SHALL NOT EXCEED 15 % OF THE INITIAL ALLOCATION TO THE LOT TO WHICH THE TRANSFER OF FLOOR AREA OR RESIDENTIAL DENSITY IS TO BE MADE. ALLOCATION EXCEEDING 15% SHALL REQUIRE AN APPLICATION FOR MINOR AMENDMENT TO BE REVIEWED AND APPROVED BY THE BIXBY PLANNING COMMISSION.

10. DETAILED SITE PLAN REVIEW

DEVELOPMENT AREAS MAY BE DEVELOPED IN PHASES. WITHIN DEVELOPMENT AREAS INTENDED FOR MULTIFAMILY DWELLINGS NO BUILDING PERMIT SHALL ISSUE UNTIL A DETAILED SITE PLAN (INCLUDING LANDSCAPING) OF THE PROPOSED IMPROVEMENTS HAS BEEN SUBMITTED TO THE BIXBY PLANNING COMMISSION FOR RECOMMENDATION AND SUBMITTED TO AND APPROVED BY THE BIXBY CITY COUNCIL AS BEING IN COMPLIANCE WITH THE DEVELOPMENT CONCEPT AND THE DEVELOPMENT STANDARDS. WITHIN DEVELOPMENT AREAS THAT DO NOT INCLUDE MULTIFAMILY DWELLINGS, NO BUILDING PERMIT SHALL ISSUE UNTIL A DETAILED SITE PLAN (INCLUDING LANDSCAPING) OF THE PROPOSED IMPROVEMENTS HAS BEEN SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION AS BEING IN COMPLIANCE WITH THE DEVELOPMENT CONCEPT AND THE DEVELOPMENT STANDARDS. NO CERTIFICATE OF OCCUPANCY SHALL ISSUE FOR A BUILDING UNTIL THE LANDSCAPING OF THE APPLICABLE PHASE OF DEVELOPMENT HAS BEEN INSTALLED IN ACCORDANCE WITH A LANDSCAPING PLAN AND PHASING SCHEDULE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

11. PLATTING REQUIREMENT

DEVELOPMENT AREAS MAY BE DEVELOPED IN PHASES, AND NO BUILDING PERMIT SHALL ISSUE UNTIL THE DEVELOPMENT PHASE FOR WHICH A PERMIT IS SOUGHT HAS BEEN INCLUDED WITHIN A SUBDIVISION PLAT SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION AND THE COUNCIL OF THE CITY OF BIXBY, AND DULY FILED OF RECORD. THE REQUIRED SUBDIVISION PLAT SHALL INCLUDE COVENANTS OF RECORD IMPLEMENTING THE DEVELOPMENT STANDARDS OF THE APPROVED PLANNED UNIT DEVELOPMENT AND THE CITY OF BIXBY SHALL BE A BENEFICIARY THEREOF.

12. CITY DEPARTMENT REQUIREMENTS

STANDARD REQUIREMENTS OF THE CITY OF BIXBY FIRE MARSHALL, CITY ENGINEER AND CITY ATTORNEY SHALL BE MET.

SECTION III. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT.

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, WITHIN THE PROVISIONS OF SECTION I. EASEMENTS AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA.

B. DURATION.

THESE RESTRICTIONS, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL BUT IN ANY EVENT SHALL BE IN FORCE AND EFFECT FOR A TERM OF NOT LESS THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

C. AMENDMENT.

THE COVENANTS CONTAINED WITHIN SECTION I. EASEMENTS AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS AND THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED IN SECTION II. PLANNED UNIT DEVELOPMENT MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BIXBY PLANNING COMMISSION OR ITS SUCCESSORS. NOTWITHSTANDING THE FOREGOING, THE RESTRICTIONS AND COVENANTS WITHIN SECTION II SHALL BE DEEMED AMENDED (WITHOUT NECESSITY OF EXECUTION OF AN AMENDING DOCUMENT) TO CONFORM TO AMENDMENTS TO BULK AND AREA REQUIREMENTS THAT MAY BE SUBSEQUENTLY APPROVED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, PURSUANT TO ITS REVIEW OF A MINOR AMENDMENT PROCESSED IN ACCORDANCE WITH THE PROVISIONS OF THE BIXBY ZONING CODE AND A FILING OF A CERTIFIED COPY OF THE MINUTES OF THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, WITH THE TULSA COUNTY CLERK. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AS ABOVE SET FORTH SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

D. SEVERABILITY.

INVALIDATION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY AN ORDER, JUDGMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OR ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, THE UNDERSIGNED OWNER, HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF _____, 2013.

121ST & MEMORIAL, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____

RICHARD DODSON, MANAGER

STATE OF OKLAHOMA)

) SS.

COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2014, BY RICHARD DODSON, MANAGER OF 121ST & MEMORIAL, L.L.C.

MY COMMISSION EXPIRES _____ NOTARY

CERTIFICATE OF SURVEY

I, DAN E. TANNER, A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "SCENIC VILLAGE PARK", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

DAN E. TANNER

REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1435

STATE OF OKLAHOMA)

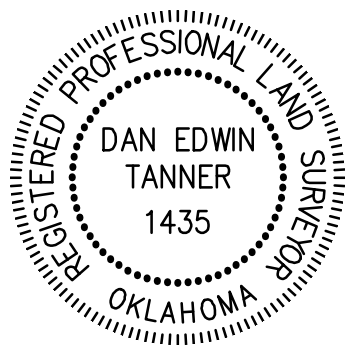
) SS.

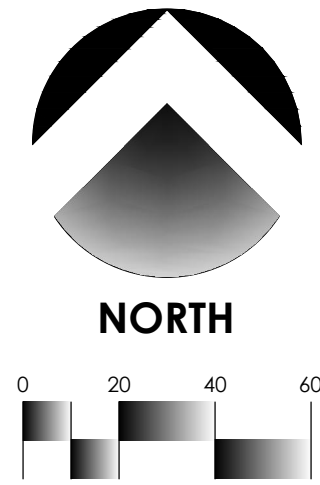
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON ____ DAY OF _____, 2014, PERSONALLY APPEARED TO ME DAN E. TANNER KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS REGISTERED LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES _____ NOTARY





B/L = BUILDING LINE
L/B = LANDSCAPE BUFFER
MAE = MUTUAL ACCESS EASEMENT
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
U/E = UTILITY EASEMENT

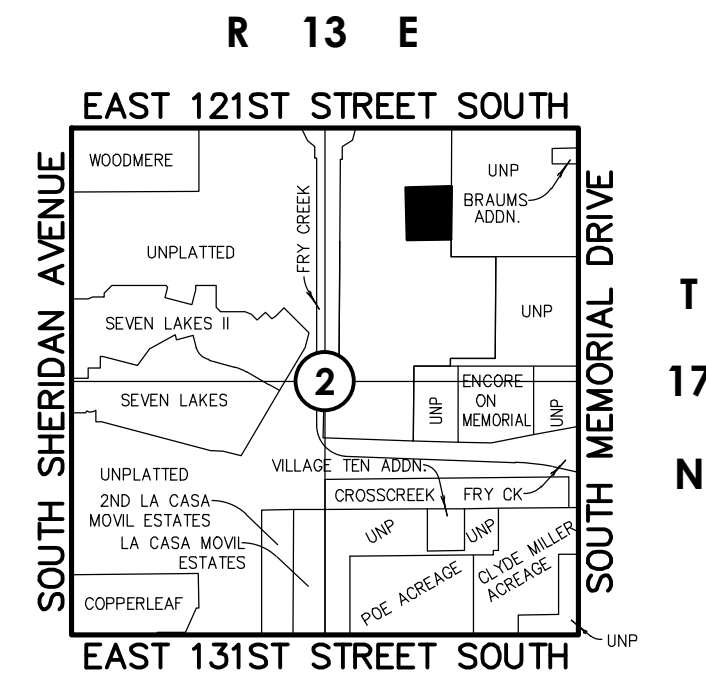
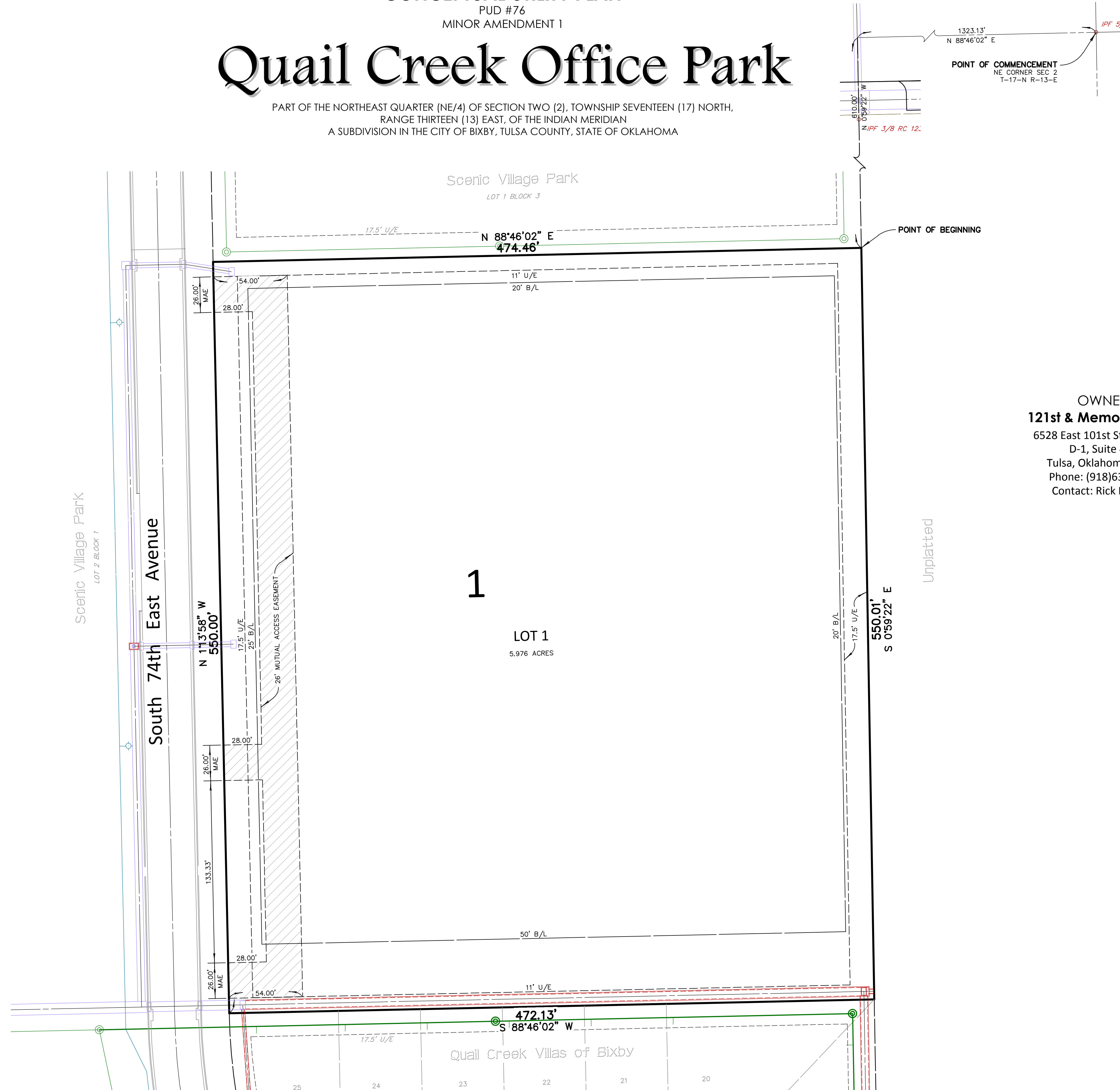
Notes:

1. THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
2. ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER RLS 1435" UNLESS OTHERWISE NOTED.
3. THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM (NAD 83).
4. ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED UPON IN PLACE OF THE LEGAL DESCRIPTION.

CONCEPTUAL UTILITY PLAN
PUD #76
MINOR AMENDMENT 1

Quail Creek Office Park

PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH,
RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN
A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA



Location Map
Scale: 1"= 2000'

SUBDIVISION CONTAINS
ONE (1) LOT IN ONE (1) BLOCK
GROSS SUBDIVISION AREA: 5.976 ACRES

OWNER:
121st & Memorial, L.L.C.
6528 East 101st Street South
D-1, Suite 409
Tulsa, Oklahoma 74133
Phone: (918)638-3003
Contact: Rick Dodson

SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
DAN E. TANNER, P.L.S. NO. 1435
OK CA NO. 2661, EXPIRES 6/30/2015
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918)745-9929



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, January 08, 2014
RE: Report and Recommendations for:
BSP 2013-06 – “Covenant Place of Tulsa” – Tanner Consulting, LLC (PUD 76)

LOCATION:
– 7300 E. 121st Pl. S.
– Lot 2, Block 1, *Scenic Village Park*

SIZE: 11.636 acres, more or less

EXISTING ZONING: CG General Commercial District with PUD 76

SUPPLEMENTAL ZONING: PUD 76 for “Scenic Village Park”

DEVELOPMENT TYPE: Approval of Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to PUD 76 for a Use Unit 8 assisted living facility development

SURROUNDING ZONING AND LAND USE:

North: CG/PUD 76 and (across 121st St. S.) RS-3, RS-1, AG, & OL/CS/PUD 51; Agricultural land for commercial development including Lot 1, Block 1 and Lot 1, Block 2, *Scenic Village Park*, and across 121st St. S., the *Fox Hollow* and *North Heights Addition* residential subdivisions; the Fry Creek Ditch # 2 and the North Elementary and North 5th & 6th Grade Center school campuses to the northwest zoned AG; agricultural land to the northeast zoned OL/CS/PUD 51.

South: CG/PUD 76; Agricultural land proposed for single-family residential ("Quail Creek of Bixby" and "Quail Creek Villas of Bixby") and commercial ("Quail Creek Office Park") development per PUD 76.

East: CG/PUD 76, AG, RS-3, OL, & CS; Agricultural land for commercial development including Lot 1, Block 3, *Scenic Village Park*, proposed Lot 1, Block 1, "Quail Creek Office Park," and a 1.6-acre tract recently rezoned to CS at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.); the *Easton Sod* sales lot is further east and is zoned RS-3, OL, & CS.

West: AG & RS-4; Fry Creek Ditch #2; beyond this to the west is vacant/wooded land owned by the City of Bixby, the *Three Oaks Smoke Shop* located on a 2-acre tract at 7060 E. 121st St. S., and additional vacant land zoned RS-4 for a future "Seven Lakes" phase or phases.

COMPREHENSIVE PLAN: Corridor + Vacant, Agricultural, Rural Residences, and Open Land.

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

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 "golf teaching and practice facility" on part of the subject property parent tract – BOA Conditionally Approved 04/02/2001 (not since built).

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on part of the subject property parent tract. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust – Request for Lot-Split approval to separate a 41.3384-acre tract from the southern end of the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – It appears it was Administratively Approved by the City Planner on 07/20/2006, but the Assessor's parcel records do not reflect that the land was ever since divided as approved.

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of subject property – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting "for more research and information," based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City

Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

PUD 76 "Scenic Village Park" & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for former parent tract subject property of 92 acres – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting (Ord. # 2116).

Preliminary Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and a Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2 for former parent tract subject property of 92 acres – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

Final Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres (PUD 76 Development Areas A, B, and E) of the former parent tract subject property of 92 acres – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The subject property is a rectangular lot containing 11.636 acres. It is zoned CG and is located within Development Area B of PUD 76 "Scenic Village Park." It has a little more than 300' of frontage on 121st Pl. S. and a little more than 800' of frontage on collector road 74th E. Ave., both of which streets are, or are soon to be under construction.

The subject property is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the west to the Fry Creek Ditch # 2 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned CG and PUD 76 for "Scenic Village Park," which name became attached to the plat of 22 acres recorded June 20, 2013. The southerly 70-acre balance of PUD 76 is being proposed for other development under different names.

The subject property appears to be able to be served by the critical utilities (water, sewer, electric, etc.) by existing lines and/or planned street and utility extensions and has immediate access to the stormwater drainage capacity in Fry Creek Ditch # 2 abutting to the west.

General. The Detailed Site Plan represents a suburban-style design and indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking. The subject property lot conforms to PUD 76 and, per the plans generally, the [2]-story building would conform to the applicable bulk and area standards for PUD 76 and the underlying CG district, except as outlined in this report.

The submitted plan-view Site Plan drawing consists of "Detail Site Plan" drawing SD02 by Tanner Consulting, LLC. It does not represent the entire lot of record, as required by the Site Plan application, so the Applicant has submitted a rescaled version on January 03, 2014 in satisfaction of this requirement. PUD 76 allows a maximum of 160,000 square feet of floor

area in this Development Area B. Proposed floor area information has not been provided. Based on the building elevations drawings (A1.10, A2.01, A2.02, A2.03, A2.06, and A2.07), the main building complex will contain two (2) stories throughout, except the "Village Center" projecting southeasterly from the east-west trunk, and possibly except a third story above the entrance, but this may be a cupola (with clerestory lighting?), an "architectural projection" allowed by PUD 76, not to exceed 25' above the second story. The projection is not labeled, and floor plans have not been provided. A third story would be disallowed by PUD 76, and if an architectural projection, its height above the second story must be dimensioned to demonstrate compliance with the 25' height maximum. In pre-application meetings with the Applicant and developer's architect, a small basement/storm shelter has been discussed, but this is not indicated on the plans. The main complex building would have 19' 9" to the truss supporting the pitched roof. Staff was not able to locate total height or roof pitch information. The building segments are identified on the elevations drawings as "ILU Wing," "V.C. & ALU Wing," and "Village Center," etc., with attendant codes such as "Q20," "H20," "E15," etc., but a drawing has not been provided to illustrate in plan-view where these different elements fall in relation to each other.

The main building complex will have (1) independent living, (2) assisted living, and (3) skilled nursing dwelling units. Zoning Code Sections 11-9-8.C.3 and .4 require that the facility must be licensed by the State of Oklahoma, which is expected. Zoning Code Section 11-9-8.C.5 provides:

"5. Elderly/Retirement Housing: Design requirements for elderly/retirement housing include as a minimum: a) elevators for multi-family structures other than townhouses over one story in height; b) emergency alarm systems in every dwelling unit; and c) safety "grab bars" in bathrooms."

The latter two (b and c) are expected, but the Applicant should advise if otherwise. The former, elevators for this two (2) story structure, should be confirmed by the Applicant. The provided plans do not indicate elevators.

Besides the main building complex, two (2) multi-bay detached garage structures are proposed along the westerly side of the development. The site plan also indicates two (2) future wings to project southerly from the "Village Center" stub.

Fire Marshal's and City Engineer'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.

The Technical Advisory Committee (TAC) reviewed this application on January 02, 2014. The Minutes of the meeting are attached to this report.

Access and Internal Circulation. Per the recorded plat of *Scenic Village Park*, the collector road 74th E. Ave. is proposed to intersect with 121st St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121st St. S. was widened. 74th E. Ave. will connect 121st St. S. to Memorial Dr. via 126th St. S. On November 25, 2013, the City Council accepted a dedication of right-of-way from the Knopp family, allowing the extension of 126th

St. S. from its current westerly terminus to the easterly lines of the proposed "Quail Creek of Bixby" and "Quail Creek Villas of Bixby." "Quail Creek of Bixby" would dedicate the connection between this newly-dedicated right-of-way and 74th E. Ave. platted with *Scenic Village Park*, thus completing the collector system. By this 74th E. Ave. / 126th St. S. collector road system, all the Development Areas within PUD 76 would have access.

North of 121st St. S., 73rd E. Ave. serves *Fox Hollow* and the *North Heights Addition*. It will be extended south of 121st St. S. and continue with the 73rd E. Ave. name. South 73rd and South 74th East Avenues will be connected via 121st Pl. S. Minor streets 73rd E. Ave. and 121st Pl. S. would incidentally serve the commercial lots in Development Area (DA) A, but would primarily serve the subject property in DA B. These minor street geometries (50' in right-of-way width and 26' of roadway paving width, versus the required 60' and 36', respectively) received City Council approval of a Modification/Waiver with the Preliminary Plat on March 25, 2013.

The site plan indicates the main entrance will be on 121st Pl. S., and the address will be 7300 E. 121st Pl. S. The subject property will have second driveway providing secondary access on 74th E. Ave.

With the Preliminary Plat of "Scenic Village Park," on March 25, 2013, the City Council Approved a Modification/Waiver of the Commercial Collector 42' paving width requirement of Subdivision Regulations Ordinance # 854 Section 9.2.2, to allow a 38'-wide roadway width as proposed. Per the City Engineer's review memo at that time, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify the Modification/Waiver. A turning lane is not indicated on this site plan. However, since the Modification/Waiver, the development has changed to have more of a low-intensity residential character, compared to the original commercial development proposed.

Per the approved PUD 76 Major Amendment # 1, the 74th E. Ave. portion of the 74th E. Ave. / 126th St. S. collector road system was shifted easterly, to accommodate more room for the single-family detached residential area west of the collector road system ("Quail Creek of Bixby"). No significant changes to access and circulation patterns were proposed, except to the extent necessary to allow conventional housing addition(s) to be developed in certain areas. The "Quail Creek of Bixby" and "Quail Creek Villas of Bixby" subdivisions to the south will tie into the realigned collector street system.

The proposed street intersections and driveway/street connections require City Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.

What appear to be sidewalks are shown along 74th E. Ave., as required by the Subdivision Regulations and PUD 76. However, they are not shaded gray, as employed elsewhere in the site plan to indicate paving [proposed at this time]. Also, the required sidewalk along 121st Pl. S. is not indicated. The sidewalk gaps matter was discussed at the pre-application meeting held October 16, 2013. The sidewalks are not labeled as such or dimensioned as to width. ADA standards call for a minimum 5' X 5' turnaround area every 200', which would be applicable here along the 74th E. Ave. frontage and perhaps also along the 121st St. S. frontage. These

areas are not indicated if 4'-wide sidewalks are proposed, but the same would not be necessary if the sidewalks are uniformly 5' in width. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

Internal pedestrian accessibility will be afforded via what appear to be internal sidewalks, connecting pedestrians between parking areas and buildings entrances within the development (reference Zoning Code Section 11-10-4.C). The gray-shaded areas should be labeled as "sidewalk" and widths should be dimensioned (can be qualified as "typical" to reduce the number of labels).

An accessible path is not clear between the streetside sidewalks and the building entrance(s). These should be provided and/or described as appropriate; the same should comply with ADA standards.

PUD 76 Section III.E provides, in relevant part, "Within Development Areas B and C, pedestrian access from residential areas may be provided to the adjoining Fry Bitch." At the pre-application meeting with the Applicant on October 16, 2013, Staff observed that pedestrian access was not indicated to the existing Fry Creek maintenance access drive (gravel), and asked if, when such drive is paved as suitable for trail use, if the site was positioned to be able to connect to it, and the architect responded that this was the case with the parking lot along this westerly side. Although the gravel drive may serve as a de facto trail, the developer does not wish to connect to it at this time, for fear of encouraging residents walking on unstable surfaces.

Parking & Loading Standards. The "Detail Site Plan" drawing SD02 indicates a total of 88 off-street parking spaces. However, Staff counted 96 surface lot parking spaces and 42 garage parking spaces, for a total of 138 off-street parking spaces. This number should be corrected. By interpretation of the SD02 drawing in comparison to the elevations drawings, 28 of those garage spaces compose most of westerly side of the first floor of the westernmost north-south wing.

PUD 76 provides the following development standards for parking in DA B:

"MINIMUM OFF-STREET PARKING:

- Independent Living Dwelling Units 0.75 spaces per du
- Assisted Living Dwelling Units 0.50 spaces per du
- Skilled Nursing Beds 0.35 spaces per bed"

Per the Site Data summary on "Detail Site Plan" drawing SD02, there will be 46 Independent Living Dwelling Units, 34 Assisted Living Dwelling Units, and 38 Skilled Nursing Beds to be built at this time. This would require a minimum of 64.8 parking spaces.

Zoning Code Section 11-10-2.H provides a "minimum plus 15%" maximum parking number cap, to prevent excessive parking that results in pressure to reduce greenspaces on the development site. The 138 parking spaces proposed would represent a 113% increase above the minimum number required, exceeding the 15% cap. However, PUD 76 Section III.D

provides that the maximum can be modified by Planning Commission approval of a PUD Detailed Site Plan.

Per the Site Data summary on "Detail Site Plan" drawing SD02, the subject property is subject to a 15% minimum landscaped lot area standard. However, this is not supported by Zoning Code Section 11-7I-5.F, the development standards for DA B, or the development standards for PUD 76 generally. Nonetheless, the Site Data summary on SD02 provides that 33% of the lot area will be impervious surface upon completion, leaving approximately 67% unpaved / greenspace. Per the same Site Data, 346,544 square feet of the lot will be provided landscaped area, which would be approximately 68% of the lot area. Secondly, most developments provide only the bare minimum required landscaped strip widths. The landscaping requirements of the Zoning Code call for a 10' minimum-width landscaped strip along 74th E. Ave., and a 7.5' minimum-width landscaped-strip along 121st Pl. S. The site plan demonstrates that these landscaped strips, to include landscaping trees, would be 28' and 30' respectively, far in excess of the minimums required. Finally, although not required, the development proposes relatively wide landscaped strips along the west side (30.7' width) and south side (almost 300' in width) of the subject property. Also, it is likely that the parking is being constructed now to serve the future phases ("wings") of the main building complex. For all the reasons outlined above, most importantly the fact that the development proposes much more landscaping than is required in several instances, Staff has no objections to the 138 parking spaces as proposed by this Detailed Site Plan. Planning Commission approval of this PUD Detailed Site Plan will constitute a modification of the maximum parking space standard as allowed by PUD 76 Section III.D.

The proposed 9' ~~X~~ 18'/19' regular parking space dimensions comply with the minimum standards for the same per Zoning Code Section 11-10-4.B.

The eight (8) handicapped-accessible parking spaces proposed would comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces).

ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The Site Plan needs to indicate which ADA space(s) will be of van-accessible design, and the same must comply with the ADA van-accessible dimensional standards.

The regular handicapped-accessible parking spaces and access aisles are dimensioned and indicate compliance with the space width and striping standards of Zoning Code Section 11-10-4.C Figure 3.

The parking lot is subject to a 10' minimum setback from 74th E. Ave. and a 7.5' setback from 121st Pl. S. per Zoning Code Section 11-10-3.B Table 1. Dimensions provided on the plan indicate that these setbacks will be met along both streets.

The plans show an internal drive encroaching part of the 17.5' Perimeter Utility Easement along the north side of the subject property. Paving over public Utility Easements is subject to City Engineer and Public Works Director approval.

Zoning Code Section 11-9-8.D requires, for a "Life care retirement center," one (1) loading berth per 10,000 to 200,000 square feet, plus 1 per each additional 200,000 square feet of floor area. Since total square footage has not been provided, the minimum number of loading berths cannot be determined. A loading berth is not indicated, but a paving strip of un-dimensioned width is indicated connecting the southeasterly parking lot to the east side of the "Village Center." The minimum number of loading berths must be identified and/or added, and the same must meet the 10' X 30' with 14' of vertical clearance standard of Zoning Code Section 11-10-5.A.

Screening/Fencing. Neither the Zoning Code nor PUD 76 require a sight-proof screening fence for the subject property, and none are indicated as proposed.

By interpretation of drawing A2.06 together with SD02, the trash dumpster enclosure area is indicated (but not labeled) at the southeast corner of the main building complex. The appearance and details of the enclosure are represented on A2.06, and propose a CMU (Concrete Masonry Unit) structure with a "manufactured stone veneer" and metal screening for the gates. It appears to be sited and designed appropriately. There appears to be another structure behind the [trash enclosure area], but it is not identified. The filltype used for this area shared by the [trash enclosure area] and the unidentified structure is different than the rest of the [paving] areas, perhaps suggesting concrete. These unidentified elements should be labeled appropriately or included in the Legend.

Landscape Plan. The SD02 site plan includes landscaping information, and is to be recognized as the Landscape Plan, until further detailed by a third party Landscape Architect, per communication with the Applicant and the following note on the site plan:

"SEE DETAIL LANDSCAPE PLANS TO BE PREPARED BY OTHERS FOR TREE TYPES, SIZES AND EXACT LOCATIONS. TREES SHOWN HEREON ARE TO DEMONSTRATE THE NUMBER OF TREES REQUIRED TO MEET CODE. THE DETAILED LANDSCAPE PLAN TO BE PREPARED BY OTHERS SHALL ADDRESS PROXIMITY OF TREES TO PARKING SPACES."

The proposed landscaping is compared to the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 25' from the 74th E. Ave. right-of-way and 20' from the 121st Pl. S. right-of-way per PUD 76. A 28' parking lot setback / landscaped strip is proposed along 74th E. Ave., and a 30' parking lot setback / landscaped strip is proposed along 121st Pl. S., to include landscaping trees in both cases. The landscaping summary information on the Site Data notes also demonstrates compliance. **This standard is met.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 10' along 74th

E. Ave. and 7.5' along 121st Pl. S. The plan proposes 28' and 30' parking lot setbacks / landscaped strips, respectively, to include landscaping trees, as required. **This standard is met.**

3. 10' Buffer Strip Standard (Section 11-12-3.A.3): Standard requires a minimum 10' landscaped strip between a parking area and an R Residential Zoning District. There are no R districts abutting. **This standard is not applicable.**
4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. PUD 76 provides a 17.5' setback along the west boundary, an 11' setback along the south boundary, and a 20' setback along the north line (excluding the portion fronting 121st Pl. S., which setback area is a Street Yard). Tree requirement calculations are as follows:

West Boundary Setback Tree Requirements: West line @ 833.01' X 17.5' = 14,577.675 square feet / 1,000 = 14.6 = 15 trees. Four (4) trees are proposed in the landscaped strip along the west line. **This standard is not met.**

South Boundary Setback Tree Requirements: South line @ (613.72' - 17.5' West Boundary Setback Area =) 596.22' X 11' = 6,558.42 square feet / 1,000 = 6.6 = 7 trees. No (0) trees indicated along the south line. **This standard is not met.**

North Boundary Setback Tree Requirements: (Non-frontage) north line @ (284.36' - 17.5' West Boundary Setback Area =) 266.86 X 20' = 5,337.2 square feet / 1,000 = 5.3 = 6 trees (3/10 of a tree is not possible, and minimum numbers of required trees are not rounded-down). One (1) tree is proposed in the landscaped strip along this line. **This standard is not met.**

5. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 50' from a Landscaped Area, which Landscaped Area must contain at least one (1) or two (2) trees. Notes on the site plan SD02 provide "THE DETAILED LANDSCAPE PLAN TO BE PREPARED BY OTHERS SHALL ADDRESS PROXIMITY OF TREES TO PARKING SPACES." **Compliance with this standard cannot be determined.**
6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): The Street Yard is the Zoning setback along an abutting street [right-of-way], and calculations are as follows:

74th E. Ave. Street Yard Tree Requirements: The subject property has approximately 833.01' of frontage on collector road 74th E. Ave., for which PUD 76 and the CG district provide a 25' setback. (833.01' - South Boundary Setback Area of 11' =) 822.01' X 25' = 20,550.25 square feet / 1,000 = 20.6 = 21 trees in the 74th E. Ave. Street Yard. 24 trees are proposed in the greater landscaped strip area containing the 74th E. Ave. Street Yard.

121st Pl. S. Street Yard Tree Requirements: The subject property has approximately 329.36' of frontage on 121st Pl. S., for which PUD 76 provides a 20' setback. However, the Zoning Code does not allow a PUD to reduce landscaping standards by virtue of setback reductions, and the Zoning Code would otherwise require a 25' setback here. (329.36' - 74th E. Ave. Street Yard width of 25' =) 304.36' X 25' =

7,609 square feet / 1,000 = 7.6 = 8 trees in the 121st Pl. S. Street Yard. Six (6) trees are proposed in the 121st Pl. S. Street Yard area.

Due to the 121st Pl. S. Street Yard tree deficit, **this standard is not met.**

7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. The "Detail Site Plan" drawing SD02 indicates a total of 88 off-street parking spaces. However, Staff counted 96 surface lot parking spaces and 42 garage parking spaces, for a total of 138 off-street parking spaces. $138 / 10 = 13.8 = 14$ trees required by this standard. Excluding trees elsewhere accounted for, eight (8) trees proposed. When adding the three (3) excess trees proposed in the greater landscaped strip area containing the 111th St. S. Street Yard, 11 total are proposed. **This standard is not met.**
8. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard would be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
9. Irrigation Standards (Section 11-12-3.D.2): The "Irrigation Note" on site plan drawing SD02 provides, "AN UNDERGROUND, FULLY AUTOMATIC IRRIGATION SYSTEM WILL BE PROVIDED FOR ALL LANDSCAPED AREAS. THE LANDSCAPE CONTRACTOR WILL INSTALL THE IRRIGATION SYSTEM TO PROVIDE 100% COVERAGE TO ALL PLANTING AREAS AND TURF AREAS, INCLUDING THE STREET RIGHT-OF-WAYS. TURF AND PLANTING BEDS SHALL BE ON SEPARATE ZONES." Zoning Code Section 11-12-4.A.7 requires the submission of plans for irrigation. An irrigation plan was not submitted. **This standard is not met.**
10. Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.): The tree planting diagram(s), reported heights and calipers of the proposed trees, the notes on the drawings, and other information indicate compliance with other miscellaneous standards, with the following exceptions:
 - a. In the Site Data summary, the "Total tract landscaped area (15%)" requirement cited does not exist, and should be clarified such as follows: "Total tract landscaped area (~~15%~~) / provided...76,033 / 346,544 SF"
 - b. In the Site Data summary, the number of trees required per the 1/10 tree to parking space ratio is inconsistent with the City of Bixby's interpretation as provided herein and should be reconciled or removed.
 - c. In the Site Data summary, the number of trees required in the Street [Yard] is inconsistent with the City of Bixby's interpretation as provided herein and should be reconciled or removed.

Until the above are resolved, **this standard is not met.**

11. Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard requires a certain minimum percentage of a non-residential lot to be landscaped open space. Development proposed is residential. **This standard is not applicable.**

Exterior Materials and Colors. The elevations drawings (A1.10, A2.01, A2.02, A2.03, A2.06, and A2.07) indicate the proposed exterior materials and overall appearance. Color information was not provided, but is not required by PUD 76. The pertinent Development Standards for PUD 76 Development Area requires:

"The exterior walls of buildings shall have a minimum masonry finish of not less than 25%, excluding windows and doors."

The main building complex's exterior material will primarily consist of (1) "Manufactured lap siding," (2) various manufactured masonry siding materials, (3) "Manufactured shingle siding," and (3) various trim materials (including "cast stone trim" cornices over the windows). The detached garage buildings appear to be similarly clad. Staff was not able to determine or locate claims as to compliance with the 25% minimum masonry standard of PUD 76.

The roof will be composed of asphalt shingles. The roof pitches have not been provided.

Outdoor Lighting. The lighting plans consists of "Site Lighting Plan" drawing ME1. It is not a photometric plan, and does not have a legend describing the different light fixtures proposed, proposed mounting height, or other particulars. What appear to be proposed [pole-mounted] lights appear typical for the proposed assisted living facility application, in terms of locations.

PUD 76 provides for lighting:

"Exterior lighting shall be limited to shielded fixtures designed to direct light downward. Lighting shall be designed so that the light producing element of the shielded fixture shall not be visible to a person standing within an adjacent residential district or residential development area."

There are residential areas to the north, and proposed lighting should be clearly represented and described in detail. A photometric plan and the customary "cut sheets" showing actual lighting fixtures to be used, with specific mounting height information (grade to top of lighting element) should be required. The "cut sheets" must demonstrate compliance with the shielding and downward-directing standards of PUD 76. Recognizing the houses to the north, the photometric lighting plan should demonstrate that the footcandle effects of the proposed lighting will be reduced to 0.0 at all points on the north lot line, or otherwise within the north boundary of PUD 76.

Wall-mounted lights are not indicated on the lighting plan or represented on the elevations drawings. If planned, they should be incorporated into the lighting plan and represented on the elevations drawings.

Signage. A Sign Plan was not provided, but site plan drawing SD02 indicates what appears to be a ground sign at the northeast lot corner. It should be identified as such, and as to type. Based on its relative placement, it would appear to be the "Monument Sign" on drawing A2.08. A second symbol is located in the grassy area in front of the main entrance, which may be the "Directional Sign" per A2.08. It too should be identified.

PUD 76 provides the following for ground signs as applicable to the subject property:

"Within each lot, a ground sign may be located, but shall not exceed 20 feet in height and 75 square feet of display surface area."

At approximately 5 ½' in height and 14 square feet in display surface area, the "Monument Sign" would comply with this standard.

The "Directional Sign" would be approximately 4' in height and 8.75 square feet in display surface area. Directional signs are limited to a maximum of three (3) square feet in display surface area per Zoning Code Section 11-9-21.C.3.k. If recognized as a second ground sign, it would exceed the one (1) allowed per the relevant text in PUD 76, and Zoning Code Section 11-9-21.C.8.b would otherwise restrict ground signs to arterial street frontages, which the subject property does not have. It should be reduced to not exceed the three (3) square feet maximum display surface area, or an amendment to PUD 76 may be sought to relax applicable signage restrictions.

Wall signs are not indicated on the elevations drawings. If proposed, they need to be represented, dimensioned, and must comply with applicable standards for same.

Signs reserving the ADA accessible parking spaces and directional signage painted to the pavement of the driveways (not visible from adjoining public streets) should conform to applicable standards or are otherwise exempt per Federal standards.

Staff Recommendation. The Detailed Site Plan adequately demonstrates compliance with the Zoning Code and is in order for approval, subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.
2. Please provide proposed floor area to demonstrate compliance with the maximum of 160,000 square feet of floor area in this Development Area B of PUD 76.
3. The highest elevation of the structure above the entrance: A third story would be disallowed by PUD 76, and if an architectural projection, its height above the second story must be dimensioned to demonstrate compliance with the 25' height maximum.
4. The building segments are identified on the elevations drawings as "ILU Wing," "V.C. & ALU Wing," and "Village Center," etc., with attendant codes such as "Q20," "H20," "E15," etc., but a drawing has not been provided to illustrate in plan-view where these different elements fall in relation to each other. Please provide.
5. Zoning Code Section 11-9-8.C.5 requires elevators for this two (2) story structure, but the provided plans do not indicate elevators. This should be confirmed by the Applicant.
6. The lot boundaries are missing dimensions (cf. Site Plan application requirements). These may be more appropriately applied to the rescaled version showing the entire lot.
7. The proposed street intersections and driveway/street connections require City Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.
8. What appear to be sidewalks are shown along 74th E. Ave., as required by the Subdivision Regulations and PUD 76. However, they are not shaded gray, as employed elsewhere in the site plan to indicate paving [proposed at this time]. Please clarify.
9. The required sidewalk along 121st Pl. S. is not indicated – please add.
10. Please label streetside sidewalks as such and dimension as to width.

11. ADA standards call for a minimum 5' X 5' turnaround area every 200', which would be applicable here along the 74th E. Ave. frontage and perhaps along the 121st St. S. frontage. These areas are not indicated if 4'-wide sidewalks are proposed, but the same would not be necessary if the sidewalks are uniformly 5' in width. Please address as appropriate.
12. Please label interior [sidewalks] as such and dimension as to width (can be qualified as "typical" to reduce number of labels).
13. An accessible path is not clear between the streetside sidewalks and the building entrance(s). These should be provided and/or described as appropriate; the same should comply with ADA standards.
14. The "Detail Site Plan" drawing SD02 indicates a total of 88 off-street parking spaces. However, Staff counted 96 surface parking spaces and 42 garage parking spaces, for a total of 138 off-street parking spaces. This number should be corrected.
15. Planning Commission approval of this PUD Detailed Site Plan will constitute a modification of the maximum parking space standard as allowed by PUD 76 Section III.D.
16. ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The Site Plan needs to indicate which ADA space(s) will be of van-accessible design, and the same must comply with the ADA van-accessible dimensional standards.
17. The plans show an internal drive encroaching part of the 17.5' Perimeter Utility Easement along the north side of the subject property. Paving over public Utility Easements is subject to City Engineer and Public Works Director approval.
18. The minimum number of loading berths must be identified and/or added, and the same must meet the 10' X 30' with 14' of vertical clearance standard of Zoning Code Section 11-10-5.A.
19. Please label appropriately or include in the Legend the unidentified elements at the southeast corner of the main building complex: [trash enclosure area], structure behind/south of [trash enclosure area], and the filltype used for this area shared by the [trash enclosure area] and the unidentified structure, which is different than the rest of the [paving] areas, perhaps suggesting concrete.
20. Please resolve the Building Line Setback Tree Requirements (Section 11-12-3.A.4) matter as described in the Landscape Plan analysis above.
21. Please resolve the Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2) matter as described in the Landscape Plan analysis above.
22. Please resolve the Street Yard Tree Requirements (Section 11-12-3.C.1.a) matter as described in the Landscape Plan analysis above.
23. Please resolve the Tree to Parking Space Ratio Standard (Section 11-12-3.C.2) matter as described in the Landscape Plan analysis above.
24. Please resolve the Irrigation Standards (Section 11-12-3.D.2) matter as described in the Landscape Plan analysis above.
25. Please resolve the Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.) matter as described in the Landscape Plan analysis above.
26. Please provide information to demonstrate compliance with the 25% minimum masonry standard of PUD 76.

27. In respect to the residential areas to the north, please provide a photometric plan and the customary "cut sheets" showing actual lighting fixtures to be used, with specific mounting height information (grade to top of lighting element). The "cut sheets" must demonstrate compliance with the shielding and downward-directing standards of PUD 76.
28. Recognizing the houses to the north, the photometric lighting plan should demonstrate that the footcandle effects of the proposed lighting will be reduced to 0.0 at all points on the north lot line, or otherwise within the north boundary of PUD 76.
29. Wall-mounted lights are not indicated on the lighting plan or represented on the elevations drawings. If planned, they should be incorporated into the lighting plan and represented on the elevations drawings.
30. On site plan drawing SD02, please identify the symbols which appear to be the "Monument Sign" and the "Directional Sign" per A2.08.
31. The "Directional Sign" (approximately 8.75 square feet in display surface area) should be reduced to not exceed the three (3) square feet maximum display surface area per Zoning Code Section 11-9-21.C.3.k, or an amendment to PUD 76 may be sought to relax applicable signage restrictions.
32. Please submit complete, corrected copies of the Detailed Site Plan incorporating all of the corrections, modifications, and conditions of approval as follows: Two (2) full-size hard copies, one (1) 11" X 17" hard copy, and one (1) electronic copy (PDF preferred).
33. Minor changes in the placement / locating individual trees or parking spaces, or other such minor site details, are approved as a part of this Detailed Site Plan, subject to administrative review and approval by the City Planner. The City Planner shall determine that the same are minor in scope and that such changes are an alternative means for compliance and do not compromise the original intent, purposes, and standards underlying the original placement as approved on this Detailed Site Plan, as amended. An appeal from the City Planner's determination that a change is not sufficiently minor in scope shall be made to the Board of Adjustment in accordance with Zoning Code Section 11-4-2.

Memo

To: Erik Eynart

From: Joey Wiedel *Joey Wiedel*

Date: 12/26/2013

Re: Covenant Place Detailed Site Plan

Fire Line:

- Water Main location and size to be addressed.
- Fire Line shall be a dedicated looped line.

Fire Hydrants: (IFC Appendix B&C)

- Fire Hydrants shall be no further than 300 feet.
- Fire Hydrants to be installed at finish grade and steamer connection to face parking lot or access road for fire apparatus hook-up. Fire lanes may be designated to ensure hydrants are un-obstructed.
- The fire hydrants supporting the Fire Department Connection (FDC) for sprinkled buildings must be within 100 driving feet of the connection on hard surface. The FDC shall be located not less than 18 inches from the bottom of the cap(s) and not more than 3 feet from the top of the cap(s) above the level of the adjacent grade or access level.
- Required fire flow (gpm) per construction type (IFC Appendix B)
- Fire hydrants shall be Mueller, Centurian or AVK and chrome yellow per Bixby City Standards.
- Fire hydrants shall be in place and operable before construction.

Fire Apparatus Access Roads: (IFC Section 503 & Appendix D)

- Fire Lane Marking (IFC 503.3)
- All weather hard surface capable of supporting 75,000 pounds shall be in place before construction.
- Fire apparatus road shall comply with the requirements of (IFC Section 503) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story.

Memo

To: Erik Enyart, City Planner
From: Jared Cottle, PE *JWC*
CC: Bea Aamodt, PE
File
Date: 12/31/13
Re: Covenant Place
Detailed Site Plan

General Comments:

1. No Conceptual Utility, Paving, Grading, or Drainage Plans have been submitted for review. No further review can be completed until infrastructure information provided.
2. An individual Earth Change Permit will be required for this development as detailed drainage and site design information was not provided with overall Scenic Village submittal.

Erik Enyart

From: Fire Marshal
Sent: Thursday, November 14, 2013 4:46 PM
To: Ron
Cc: Bill 'Inspector1' May; Donna Crawford; Jared Cottle; Jim Sweeden; Erik Enyart; Steve Abel
Subject: RE: Covenant Place of Bixby_
Attachments: FDC Valve locations (2).pdf

Ron,

Please see the attached plans and items to be addressed in order to omit the South Drive Access.

- NFPA 13 Automatic fire suppression system Shall be installed and monitored in all buildings in compliance with NFPA Standard requirements. Class 1 standpipes shall extend to both floors and the basement.
- Ensure that all portions of the building are within 150' of a FDC connection per hose lay requirements.
- Although the Fire Hydrants appear to be located correctly I cannot confirm until I receive a set of plans that are dimensional. Ensure hydrant spacing is 300 feet, and a hydrant located within 150 feet of Standpipe and Riser supply connections.
- Fire Hydrant brands allowed, Mueller, AVK in Chrome Yellow per City Standards.
- Standpipe and Riser supply connection locations will be addressed when a set of dimensioned plans are received also.

Although the Standpipe proposals are intended to omit the South Drive Access, there may have to be changes made when a set of dimensioned plans are reviewed.

Please feel free to contact me with any questions you may have.

Thanks,

Joey Wiedel/ Fire Marshal
City of Bixby Fire Dept.
116 W. Needles
Bixby, Ok 74008
PH: (918)366-0436
F: (918)366-4416

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From: Ron [mailto:ron@rra-a.com]
Sent: Wednesday, November 13, 2013 4:44 PM

To: Fire Marshal

Cc: Justin Morgan; Joel Erickson; Tim Fisher (tjf@fisher-arch.com); Tom Mazacek

Subject: Covenant Place of Bixby_

Hi Joey,

Following up on our recent discussions regarding the use of providing an NFPA 13 Automatic Sprinkler System and Class 1 Standpipe System as an exemption for providing a South Drive access road, I am submitting for your review the following;

On the attached Site Plan sketch, we have overlaid the locations for both the fire hydrants as proposed by Justin Morgan with Tanner Consulting Engineers, and the proposed locations for two Standpipes and the FDC Valves (these standpipes would extend to both floors and the basement). Approximate horizontal distances from the valve locations to the one story SNF building is indicated.

We request that your office consider granting approval for something similar to what we are proposing. If you have any questions, suggestions or comments please give me a call. I look forward to hearing from you. Thank you!

Ron

Ron Reid Associates, Architects

38 Westwoods Drive, Suite B

Liberty, MO 64068

P: 816.792.3800

C: 816.516.2796

www.rra-a.com



No virus found in this message.

Checked by AVG - www.avg.com

Version: 2013.0.3426 / Virus Database: 3629/6835 - Release Date: 11/14/13

No virus found in this message.

Checked by AVG - www.avg.com

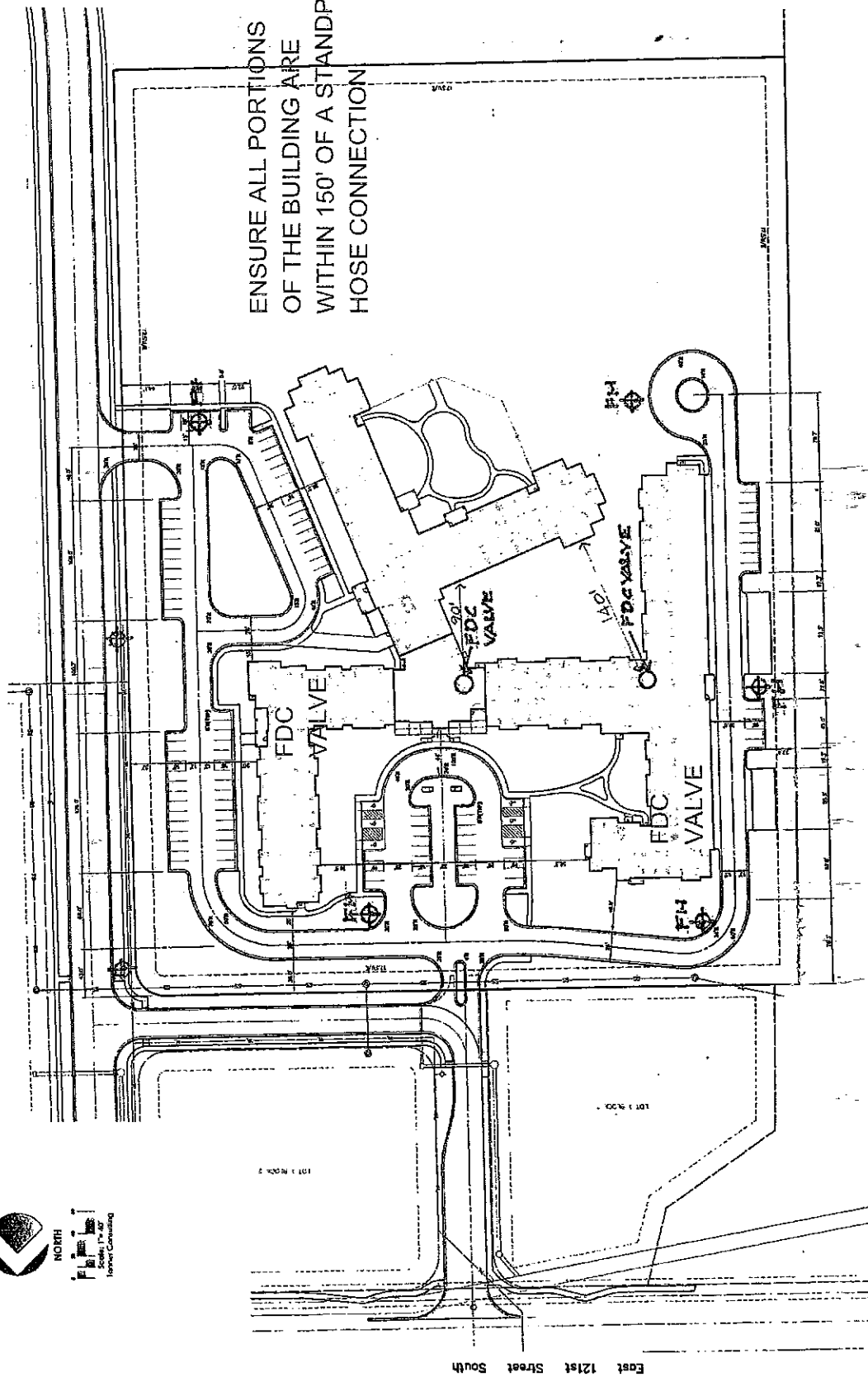
Version: 2013.0.3426 / Virus Database: 3222/6832 - Release Date: 11/13/13

Lot 2, Block 1, Scenic Village Park
Bixby, Oklahoma

PROJECT
 DATE
 DRAWN BY
 CHECKED BY
 DATE
 SCALE
 SHEET NO.

SP1

ENSURE ALL PORTIONS
OF THE BUILDING ARE
WITHIN 150' OF A STAND
HOSE CONNECTION



DATE: _____
MONTH: _____

FEBRUARY 2006



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City of Bixby Site Plan Application

Applicant: Tanner Consulting, L.L.C.
Address: 5323 South Lewis Avenue
Telephone: (918) 745-9929 **Cell Phone:** _____ **Email:** justin@tannerbaitshop.com

Property Owner: Scenic Development, LLC If different from Applicant, does owner consent? Yes
Property Address: 7300 East 121st Place South
Existing Zoning: CG **Existing Use:** Ag **Proposed Use:** Commercial **Use Unit #:** 8

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

All of lot Two (2), Block One (1), "Scenic Village Park" (plat No. 6477) an addition in the city of Bixby, Tulsa County, Oklahoma.

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

All new structures requiring a Building Permit, other than a small job permit, within Use Units 2, 5, and 8 through 27, inclusive, shall require the submission of a site plan demonstrating compliance with the requirements of the Zoning Code. A site plan shall be submitted with the Building Permit application as follows: Five (5) full-size hard copies, four (4) 11" X 17" hard copies, and one (1) copy in an acceptable electronic file format. Compliance with the approved site plan shall be a condition of Building Permit approval and continued occupancy. The site plan shall specifically include:

- ☒ All property lines with dimensions of the parcel or parcels on which the building permit is sought.
- ☒ All existing and proposed improvements represented to scale and dimensioned from the lot lines.
- ☒ The names and widths of all adjacent street, road, highway, alley, and railroad rights-of-way of record.
- ☒ Any roadway paving edges, curb lines, sidewalks, culverts, and/or borrow ditch centerlines, if the same are located within or along the boundary of the subject property.
- ☒ Any road, access, drainage, utility, and other such easements, including County Clerk recording references (i.e. Book/Page or Document #) for each.
- ☒ Amount of post-construction impervious area in square feet and percentage of lot area, calculated by a surveyor, architect, or engineer.
- ☒ The topographical layout of the land at no greater than two (2) foot contours if site elevation changes 10 feet or more, or if necessary for proper site design review in the opinion of City staff.
- ☒ Any Special Flood Hazard Areas and Flood zone designations as identified by the adopted, effective Floodplain maps.
- ☒ Any significant streams, swales, ditches, or natural drainageways.
- ☒ Any existing or proposed ponds or stormwater detention or retention facilities.
- ☒ All existing and/or proposed driveways and internal drives, to include labeling the surface material to be used (e.g. concrete or asphalt) for each.
- ☒ Dimensions and labels for any existing access limitations and access openings.
- ☒ Water wells, septic or other on-site disposal systems, oil or gas wells or underground lines, significant oil or gas extraction appurtenances, and other critical site features.
- ☒ Unique identifiers so that the plan may be related to the subject property if ever separated from the file, such as property owner's name, property or building address, and/or legal description.
- ☒ Name, address, and contact information of the site plan preparer.
- ☒ A unique drawing number or name to distinguish the site plan from any other drawings submitted.

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City of Bixby Site Plan Application

- ☒ Seal and signature of the design professional preparing the site plan if/as required.
- ☒ Date of the site plan, including any dates of revision.
- ☒ North arrow.
- ☒ Graphic scale; a numeric scale may also be used if the native paper size is specified on the site plan.
- ☒ Location map identifying the site within the land Section, arterial or larger streets within or along the boundaries of the land Section, along with sufficient subdivisions or other land features to allow for the identification of the site within the land Section.
- ☒ Other existing and/or proposed critical features not listed above if necessary for proper site design review in the opinion of City staff.
- ☒ Representation of critical features within a sufficient area outside the site if necessary for proper site design review in the opinion of City staff.

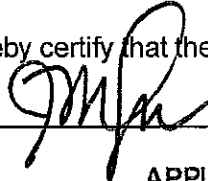
All information and items listed below must be completed and submitted prior to application review.

Included		Submittal Items	Comments
Yes	N/A		
☒		Site plan showing the information listed above	
☒	☐	A landscape plan representing all existing and/or proposed landscaping.	Tree plan provided. Detailed landscape plan to be provided by Alaback Design.
☒	☐	A sign plan representing all existing and/or proposed signs.	Shown on site plan and detailed in architects elevation plans.
☒	☐	Building elevations or building height information.	
☒	☐	A screening and fence plan or representation on another drawing of all existing and/or proposed fences, walls, gates, and trash receptacle screening enclosures.	No fencing, walls or gates are proposed.
☒	☐	A lighting plan and lighting information.	

Is the subject property located in a Planned Unit Development (PUD)? Yes PUD #: 76

If within a PUD, does the PUD require Planning Commission approval of a site plan? Yes

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

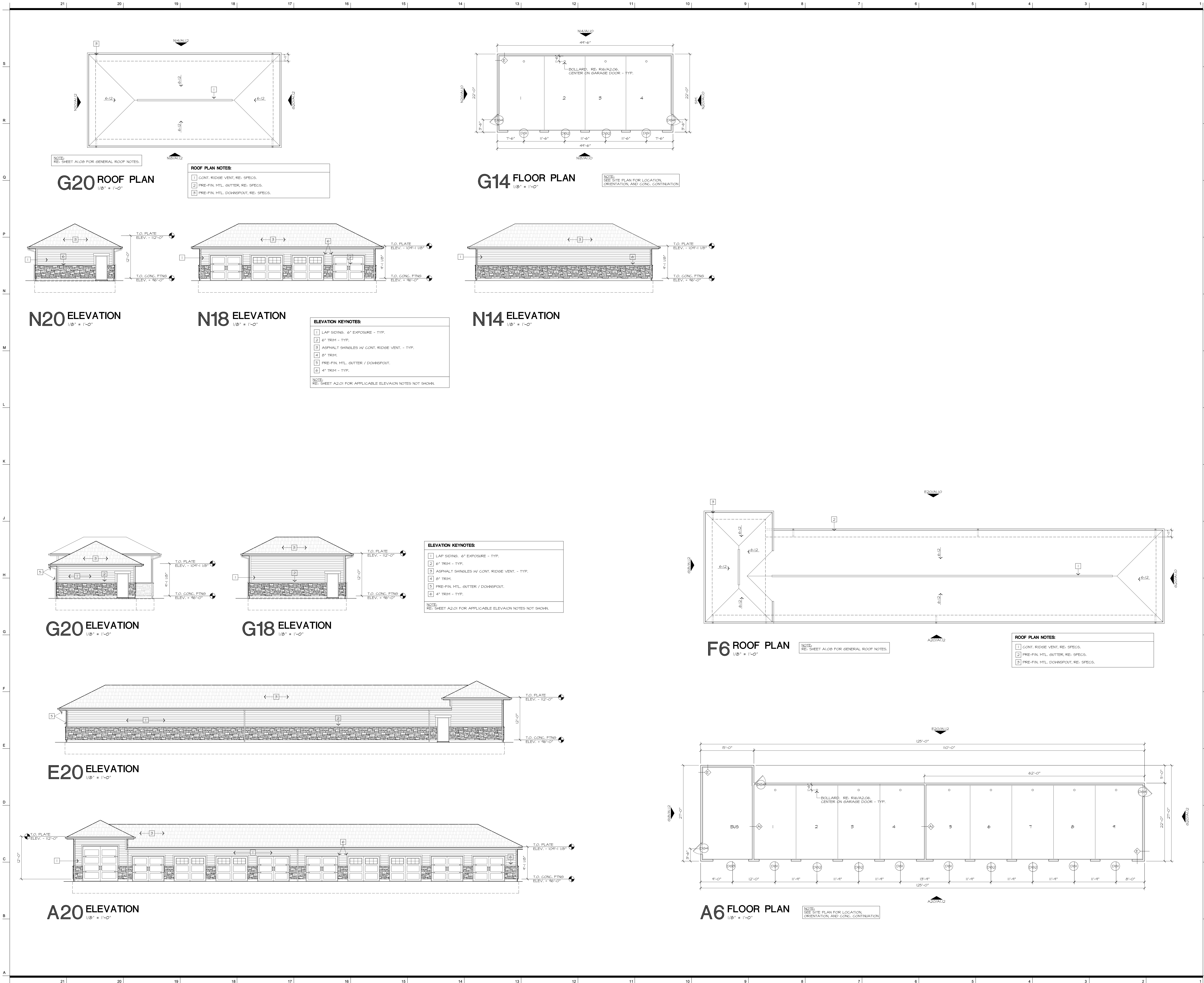
Signature:  Date: 12/23/13

APPLICANT – DO NOT WRITE BELOW THIS LINE

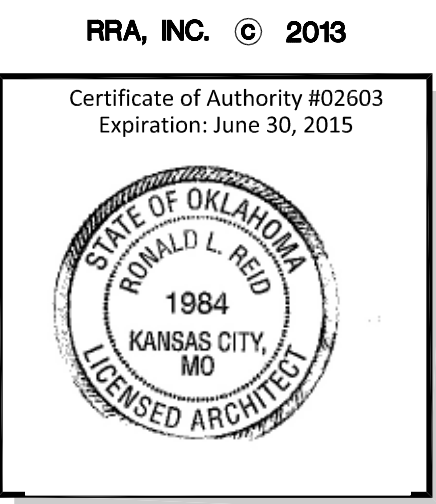
.....
 Date Received 12/23/2013 Received By Enxart Date Approved _____
 Building Permit # _____ Case Reference # _____

BSP 2013-06

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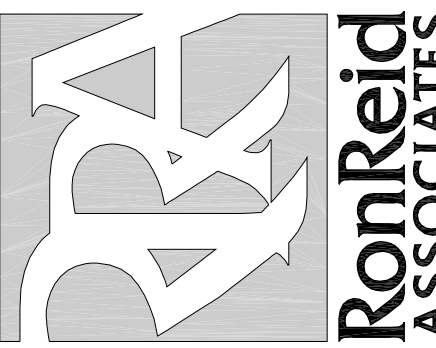


JOB NUMBER	0000
ISSUE DATE	00 / 00 / 00
REVISIONS	



COVENANT PLACE OF BIXBY
7300 East 121st Place South
Bixby, Oklahoma 74008

SCENIC DEVELOPMENT, LLC
ARCHITECTURE · CONSULTING · PLANNING · LANDSCAPE ARCHITECTURE · INTERIOR DESIGN
Ron Reid Associates, P.C. · 38 Westwoods Drive, Suite B · Liberty, Missouri 64068 · P : 816/7923800 F : 816/7923804



DETACHED GARAGES

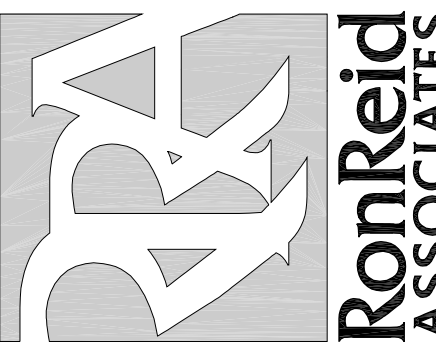
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ISSUE DATE	00 / 00 / 00
REVISIONS	



COVENANT PLACE OF BIXBY
7300 East 121st Place South
Bixby, Oklahoma 74008
SCENIC DEVELOPMENT, LLC
ARCHITECTURE · CONSULTING · PLANNING · LANDSCAPE ARCHITECTURE · INTERIOR DESIGN
Ron Reid Associates, P.C. · 38 Westwoods Drive, Suite B · Liberty, Missouri 64068 · P : 816/7923800 F : 816/7923804



EXTERIOR ELEVATIONS
A2.01



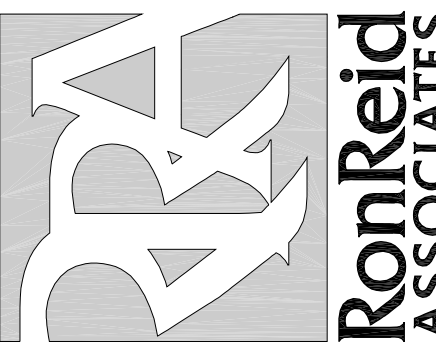
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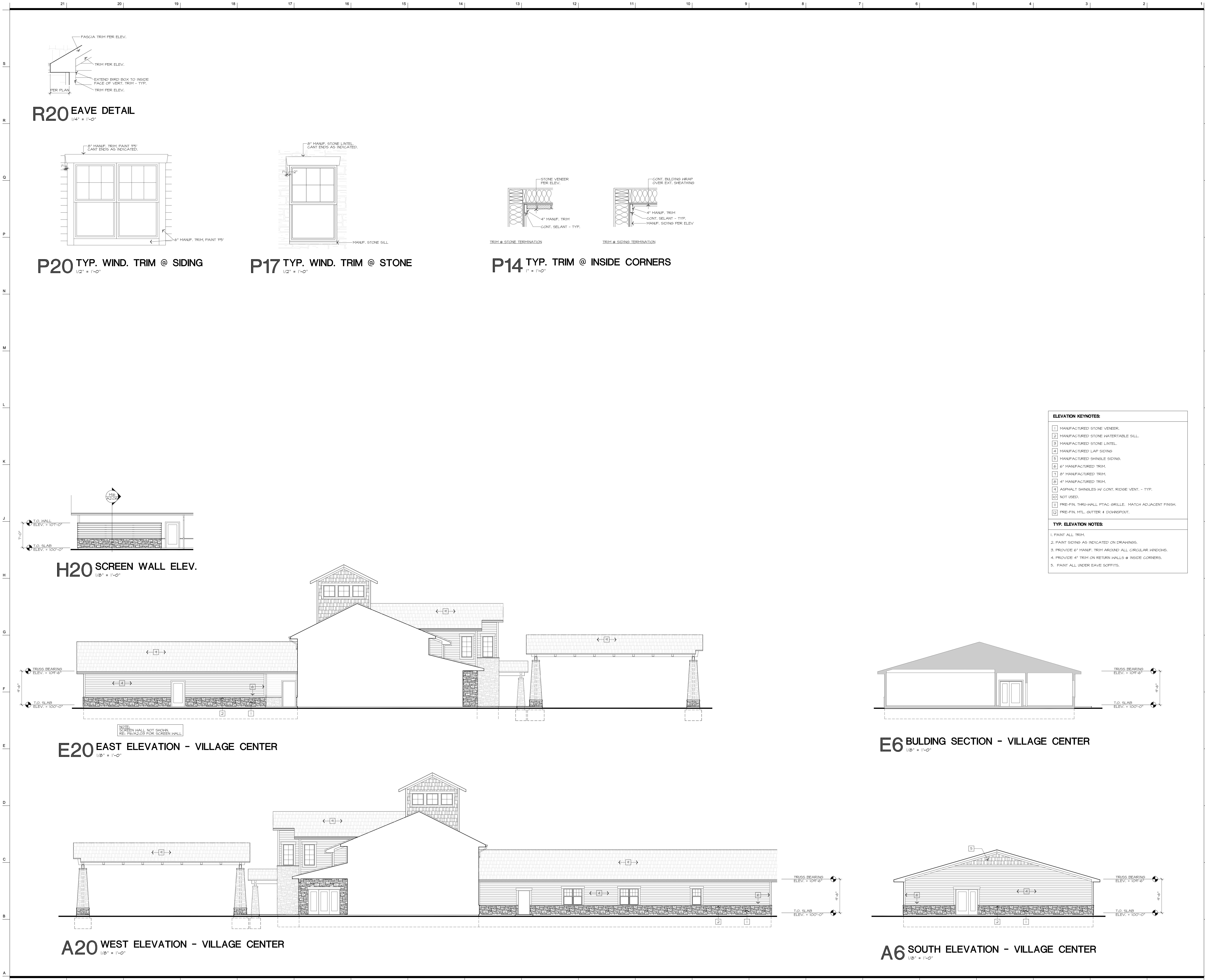
ELEVATION KEYNOTES:
1) MANUFACTURED STONE VENEER.
2) MANUFACTURED STONE WATERTABLE SILL.
3) MANUFACTURED STONE LINTEL.
4) MANUFACTURED LAP SIDING.
5) MANUFACTURED SHINGLE SIDING.
6) 6" MANUFACTURED TRIM.
7) 8" MANUFACTURED TRIM.
8) 4" MANUFACTURED TRIM.
9) ASPHALT SHINGLES W/ CONT. RIDGE VENT. - TYP.
10) NOT USED.
11) PRE-FIN. THRU-HALL PTAG GRILLE. MATCH ADJACENT FINISH.
12) PRE-FIN. MTL. GUTTER & DOWNSPOUT.
TYP. ELEVATION NOTES:
1. PAINT ALL TRIM.
2. PAINT SIDING AS INDICATED ON DRAWINGS.
3. PROVIDE 6" MANUF. TRIM AROUND ALL CIRCULAR WINDOWS.
4. PROVIDE 4" TRIM ON RETURN WALLS @ INSIDE CORNERS.
5. PAINT ALL UNDER EAVE SOFFITS.

COVENANT PLACE OF BIXBY
7300 East 121st Place South
Bixby, Oklahoma 74008

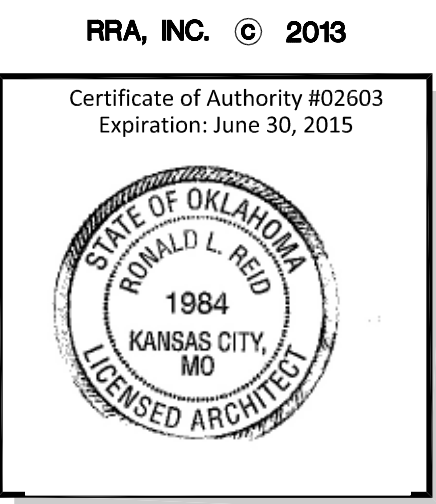
SCENIC DEVELOPMENT, LLC
ARCHITECTURE · CONSULTING · PLANNING · LANDSCAPE ARCHITECTURE · INTERIOR DESIGN
Ron Reid Associates, P.C. · 38 Westwoods Drive, Suite B · Liberty, Missouri 64068 · P : 816/7923800 F : 816/7923804



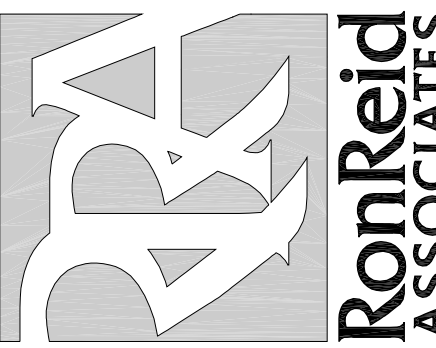
EXTERIOR ELEVATIONS
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JOB NUMBER	0000
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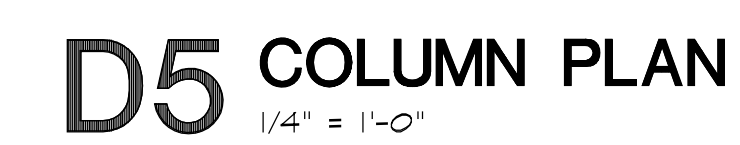
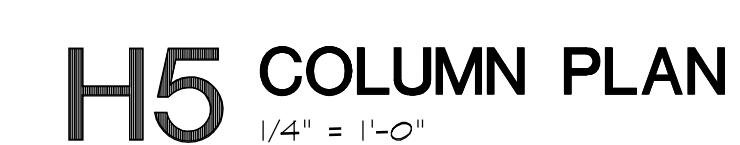
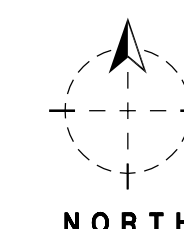


EXTERIOR
ELEVATIONS
A2.03

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Certificate of Authority #02603
Expiration: June 30, 2015

STATE OF OKLAHOMA
RONALD L. REID
1984
KANSAS CITY,
MO
LICENSED ARCHITECT

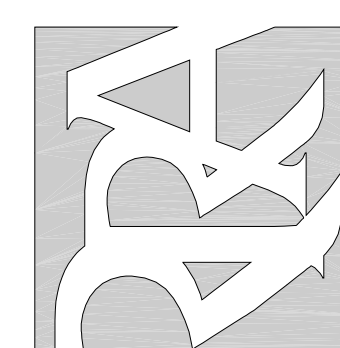


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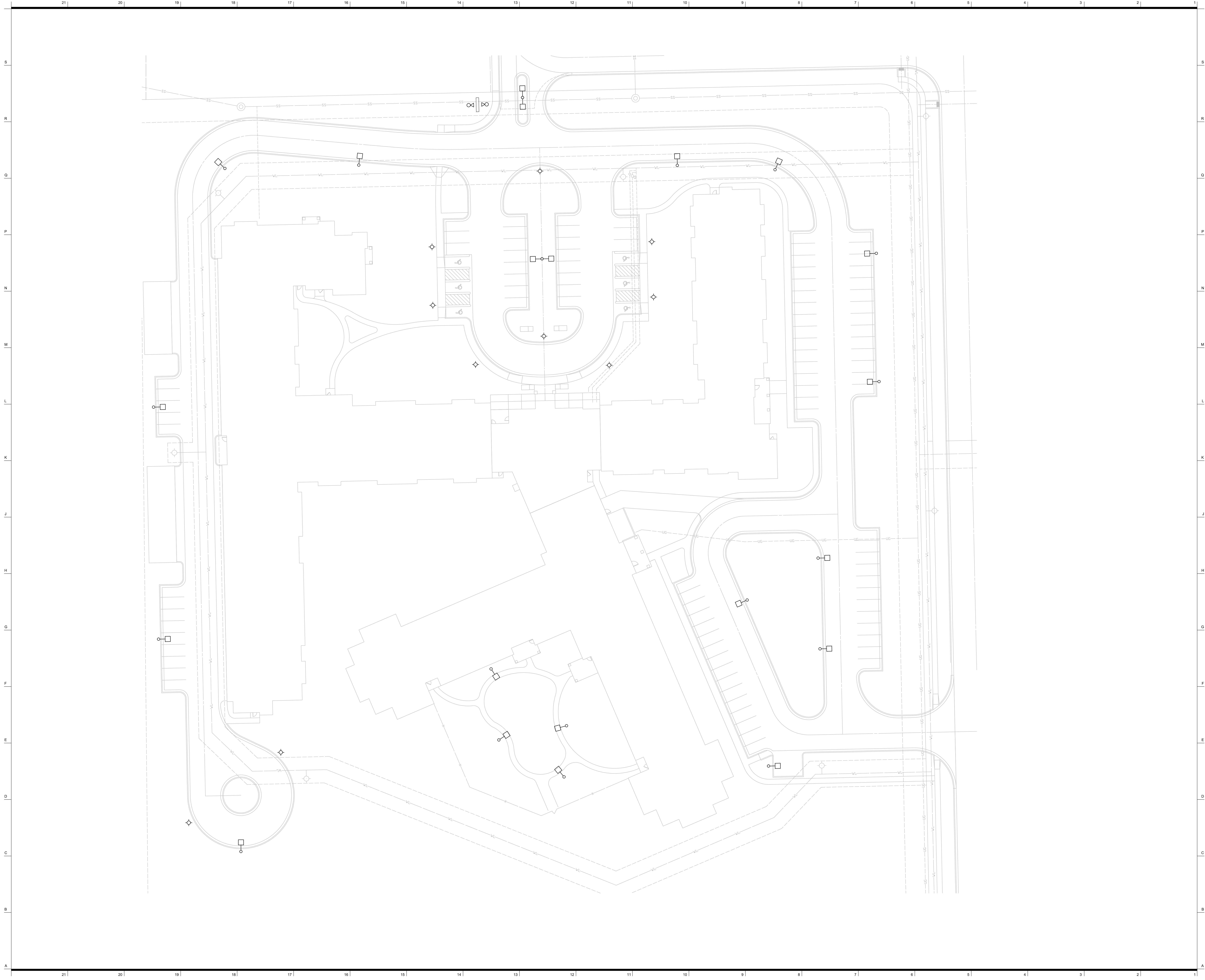


RonReid
ASSOCIATES

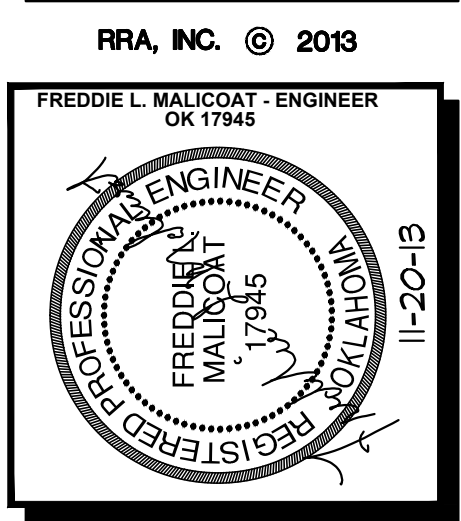
PORTE-COCHERE DETAILS

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SITE LIGHTING PLAN
ME1