

AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
October 19, 2015 **6:00 PM**

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- (3)
(48)
(63)
1. Approval of Minutes for the September 21, 2015 Regular Meeting
 2. Approval of Minutes for the October 06, 2015 Special Meeting
 3. Approval of schedule of meetings and application cutoff dates for 2016

PUBLIC HEARINGS

- (64)
4. **BZ-386 – Chad Bland.** Public Hearing, discussion, and consideration of a rezoning request from RS-2 Residential Single-Family District to AG Agricultural District for approximately 80 acres, the N/2 of the SE/4 of Section 20, T17N, R13E.
Property Located: 15600-block of S. Harvard Ave.

PLATS

- (76)
5. **Preliminary Plat – “Misty Hollow Estates” – JR Donelson, Inc.** Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for “Misty Hollow Estates,” approximately 11.4 acres in part of the NE/4 of Section 11, T17N, R13E.
Property located: 13200-block of S. 78th E. Ave.
 6. **Final Plat – “The Trails at White Hawk II” – Tulsa Engineering & Planning Associates, Inc. (PUD 62).** Discussion and consideration of a Final Plat and certain Modifications/Waivers for “The Trails at White Hawk II,” approximately 28.613 acres in part of the W/2 SE/4 of Section 15, T17N, R13E.
Property located: North and east of the intersection of 151st St. S. and Hudson Ave.
- (93)

- 106
7. **Preliminary Plat – “The Village at Twin Creeks” – AAB Engineering, LLC (PUD 91).** Discussion and review of a Preliminary Plat and certain Modifications/Waivers for “The Village at Twin Creeks,” approximately 6 acres in part of the W/2 of the W/2 of Section 31, T18N, R14E.
Property Located: 11625 S. Mingo Rd.

OTHER BUSINESS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By:

Enyart

Date:

10/13/2015

Time:

3:00 PM

AGENDA – Bixby Planning Commission

October 19, 2015

Page 2 of 2

All items are for Public Hearing unless the item is worded otherwise

Persons who require a special accommodation to participate in this meeting should contact City Planner Erik Enyart, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: eenyart@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

2

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
September 21, 2015 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:

Vice/Acting Chair Steve Sutton called the meeting to order at 6:05 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the August 17, 2015 Regular Meeting

Vice/Acting Chair Steve Sutton introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the August 17, 2015 Regular Meeting as presented by Staff. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

PLATS

2. **Preliminary Plat & Final Plat – “Chateau Villas” – Cedar Creek Consulting (PUD 81).** Discussion and consideration of a Preliminary Plat, a Final Plat, and certain Modifications/Waivers for “Chateau Villas,” approximately 23 acres in part of the NW/4 NW/4 of Section 01, T17N, R13E.
Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S.

Vice/Acting Chair Steve Sutton 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, September 18, 2015
RE: Report and Recommendations for:
Preliminary Plat & Final Plat of “Chateau Villas” (PUD 81)

LOCATION:

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

7-Acre Tract: 12303 S. Memorial Dr.

SIZE:

26.99 acres, more or less, in three (3) tracts

EXISTING ZONING:

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

SUPPLEMENTAL ZONING:

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

EXISTING USE:

16-Acre Tract: Vacant

7-Acre Tract: Single-family house

REQUEST:

- Preliminary Plat approval
- Final Plat approval
- A Partial Modification/Waiver from the standard 17.5' Perimeter Utility Easement per Subdivision Regulations/City Code Section 12-3-3.A

SURROUNDING ZONING AND LAND USE:

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

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

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

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

COMPREHENSIVE PLAN:

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

7-Acre Tract: Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES:

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

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

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

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

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

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

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

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

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

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

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

5

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

BSP 2015-06 – “Chateau Villas” – Cedar Creek Consulting (PUD 81) – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for subject property – Pending PC consideration 09/21/2015.

BACKGROUND INFORMATION:

Per the original PUD 81 Exhibit B Conceptual Site Plan, the multifamily element of the “Chateau Villas” development included 12 multifamily buildings and one (1) clubhouse/leasing office. All multifamily buildings were understood to be three (3) stories in height with clay tile rooves and a “Tuscan” theme. The clubhouse was to be between 7,500 and 8,000 square feet, and was to cost \$1 Million. The artist’s/architect’s perspective renderings of the original designs were included in a PUD Text & Exhibits package received November 25, 2013, and these and certain other drawings were presented at certain meetings including the City Council meeting held on that date. One of the drawings was published in a November 14, 2013 Tulsa World article entitled “High-end apartment complex likely coming to Bixby.” Per these exhibits, the buildings appeared to be five-tone, box-like structures with flat façades except for protruding exterior stairwells. The façades, considering their description as “masonry,” appeared to be traditional stucco or otherwise another cementitious product resembling stucco. The original intent was not clear.

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

PUD 81 Major Amendment # 1 originally proposed:

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

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

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

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

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

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

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

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

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

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

These applications for Preliminary and Final Plat approval were received August 21, 2015, along with PUD Detailed Site Plan application BSP 2015-06, also on this Planning Commission agenda for consideration. The building designs and site layout changed again. A non-exhaustive list of the most significant changes includes:

1. New building designs, featuring:
 - a. 12 multifamily buildings including:
 - i. 2 large, segmented buildings (Buildings A and B)
 - ii. 4 3-story buildings
 - iii. 6 smaller, 2-story garage/apartment buildings
 - b. Clubhouse is now smaller¹ and embedded (Segment B) within large Building A
 - c. Only 1 4th story, Segment D of Building A, versus 5 4-story buildings
 - d. Evidently less brick/stone and less façade articulation/variegation (Building A)
 - e. Evidently fewer parapet roof articulations and embellishments (Building A)
 - f. New unit mix with 57 studio units now proposed and fewer 1-, 2-, and 3-bedroom units
2. New site layout featuring:
 - a. Incorporation and modification of stormwater retention pond in Reserve A of 121st Center
 - b. Pond / canal water feature added along west side of Development Area B
 - c. Removal of tower feature next to clubhouse
 - d. Realignment of boulevard entrance street/drive and removal of roundabout/water feature
 - e. Reconfiguration of buildings and internal drives layout
 - f. Pool/spa appears larger
 - g. 16 carports removed and 6 detached 6-car garages added
 - h. Fry Creek tributary channel area widened from roughly 45' to 60'

ANALYSIS:

Subject Property Conditions. The subject property of approximately 26.99 acres in three (3) tracts:

¹ Roughly 3,300 : 6,402 square feet versus 7,000 square feet by interpolation of site and elevations drawings

1. An approximately 16-acre vacant tract at the 8300-block of E. 121st St. S.,
2. An approximately 7-acre tract at 12303 S. Memorial Dr. with what appears to be an unoccupied split-level house on it, and
3. The approximately 4-acre Reserve Area 'A' of 121st Center containing an existing stormwater retention pond.

The subject property is zoned CS, RM-3, and OL with PUD 81 "Chateau Villas PUD." Reserve Area 'A' of 121st Center is zoned CS and is not within a PUD.

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

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

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

Per the Tulsa County Assessor's parcel records, there would be two (2) different owners: Chateau Villas, LP and NCFM, LLC et al. The latter owns Reserve Area 'A' of 121st Center. In order to make modifications to the existing stormwater retention pond and in order to replat this Reserve as a part of "Chateau Villas," Chateau Villas, LP must acquire full title to the property, or Chateau Villas, LP (or another entity controlled by the developer) must acquire a partial interest adequate to allow the replatting.

The plats and Site Plan propose constructing parts of the pool, spa, and patio on existing Reserve Area 'A' of 121st Center. The Reserve is not within PUD 81 and is not presently entitled for multifamily use, and cannot support part of the multifamily complex in its present state. As previously discussed with the Applicant, a PUD Major Amendment to annex the Reserve to the PUD may be sought at the time the Applicant is in title to the property or has the legal right to make permanent zoning changes to the property. Alternatively, the site plan may be modified to remove these multifamily land use elements from the Reserve area. Pedestrian pathways serve the multifamily and commercial Development Areas and so should be interpreted as being allowable use elements in CS zoning.

If acquired by the Applicant and if supported by a future PUD Major Amendment, the use of Reserve Area 'A' of 121st Center for multifamily development site elements may cause conflict with the continued function of as a stormwater retention pond benefitting, and potentially still an obligation to the owners of lots in 121st Center. The Deed of Dedication and Restrictive Covenants of the plat must clearly specify all entities owning or having an interest in, benefitting from use, and responsible for maintenance of Reserve Area 'A' of 121st Center.

Per the recorded plat of 121st Center, Reserve Area 'A' was dedicated as "a perpetual easement" and the DoD/RCs of that plat contain specific ownership, use, and performance provisions which may conflict with present plans for modifications to the existing stormwater retention pond. These dedications and/or restrictions may be released upon the successful approval and recording of a new plat, such as "Chateau Villas" or, prior to or upon the successful recording of the Final Plat of "Chateau Villas," it may be necessary to vacate or partially vacate the concerned part of the underlying plat of 121st Center to completely extinguish these elements.

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

Comprehensive Plan. The Comprehensive Plan designates the 16-acre tract subject property as (1) Low/Medium Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land. The Medium Intensity designation covers the west 6.26 acres of the 16-acre tract, pursuant to BCPA-3 approved by Ordinance # 2030 in 2010. The 7-acre tract and the 4-acre Reserve Area 'A' of 121st Center are both designated (1) Medium Intensity and (2) Commercial Area.

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

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

The existing CS zoning for the 4-acre Reserve Area 'A' of 121st Center is consistent with its Medium Intensity and Commercial Area designations.

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

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

General. This subdivision of 26.99 acres, more or less, proposes four (4) lots, one (1) block, and one (1) Reserve Area, the existing Reserve Area 'A' of 121st Center. Staff understands that the developer only intends to develop, at this time, (1) the multifamily Development Area (DA) B (proposed Lot 3, Block 1, "Chateau Villas"), (2) certain other DA B-dependent site elements (private street/drive connections to Memorial Dr. and 121st St. S. and the drainage channel along the east side of the plat), and (3) a modified stormwater retention pond in Reserve Area 'A' of 121st Center.

The draft plat and site plan propose to split Development Area D between proposed Lots 3 (multifamily lot) and 4 (commercial lot). Development Area D contains the drainage channel, and upon completion of the floodplain and drainage improvements, it will contain 100-year (1% Annual Chance) Regulatory Floodplain. As noted elsewhere in this analysis, Subdivision Regulations § 12-3-2.O prohibits platting development lots within the 100-year Floodplain, but Reserve Areas may be permitted upon request and approval of a Modification/Waiver of this Section. Thus, the ultimate 100-year Floodplain, at a minimum, or otherwise all of the area planned for use for drainage and common features should be

placed into a Reserve Area, and the Applicant must request and be approved for a Modification/Waiver of SRs Section § 12-3-2.O to allow the platting of a Reserve Area in the 100-year Floodplain.

Further, PUD 81 provides certain minimum standards for screening and landscaping, including a provision that "Landscape screening / buffering along the East boundary shall be at least as good, if not superior to that conditionally approved for the former "North Bixby Commerce Park" development, as will be determined by the City Council." Consistent with the "North Bixby Commerce Park" development, as described in the PUD 81 Major Amendment # 1 Staff Report, screening would include a minimum of 125' of 6'-high masonry wall along the northerly end, and a certain minimum number of landscaping trees. Since PUD requirements pertain to Development Area D and not individual lots, and for practical reasons pertaining to screening fence/wall and drainage channel maintenance, Staff recommends the Applicant consider making all of Development Area D a Reserve Area and provide appropriate Restrictive Covenants pertaining to the dedication, purpose, right of access and use, and share of perpetual maintenance responsibilities. Reference how this was done for the Reserve Area in the Conditionally Approved Final Plat of "North Bixby Commerce Park."

Per the plat, proposed Lot 3, Block 1, "Chateau Villas" will have no frontage on either Memorial Dr. or 121st St. S., and will instead have access to both via Mutual Access Easements (MAEs). Unless proposed Lot 3 is modified to have at least 75' of frontage on a Public street, or the MAE is converted to private street right-of-way, the present configuration will require a PUD Minor Amendment to relieve the frontage requirement of Zoning Code Sections 11-7C-4 Table 3 and 11-8-4, and also a Modification/Waiver from Subdivision Regulations Section 12-3-4.B. If proposed Lot 3, Block 1, "Chateau Villas" is modified using either of these methods, proposed Lot 1 may need to be reconfigured to have at least 150' of frontage on Memorial Dr. per Zoning Code Section 11-7D-4 Table 2, or a PUD Minor Amendment may be sought to reduce the lot width.

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

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

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

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

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

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

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

"The attached Exhibit B depicts the vehicular and pedestrian access points and circulation anticipated to accommodate the conceptual site plan. Access to the parcels of development area A and B will be provided by a private boulevard-style street and /or drive. This street will be maintained by the property owners association created for the development. The Multi-Family portion of the development will restrict access to the general public using gates, the specific

location of which will be determined at detailed site plan submittal. All such gates will be subject to approval of the City of Bixby Fire Chief, Fire Marshal and Engineering. Access to the lots within Development Area C will be derived by privately maintained streets and / or drives and shall not be permitted more than one (1) direct connections to 121st Street South per lot. All private driveway and/or street connections shall be subject to City Engineer curb cut and/or ODOT driveway permit approval for the proposed access points to Memorial Dr. (US Hwy 64) and 121st St. S., and the Fire Chief's and Fire Marshal's approval of locations, spacing, widths, and curb return radii.

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

Plans for access can be further inferred from the site plans. Primary access to the development would be via one (1) boulevard-style private street/drive connecting to Memorial Dr. and serving DAs A and B, and a secondary private street/drive connecting to 121st St. S. The multifamily development will be gated.

PUD 81 describes internal accessways as private streets and/or drives. This was pursuant to a review comment that called for clarification, which was ultimately resolved by using this more flexible terminology, allowing the decision on private access format to be resolved at a later date. As per other recommendations in the analyses of the Preliminary and Final Plats and PUD Detailed Site Plan, some of the shared entrances may be or become private streets. However, internal parking lot drive aisles are not likely to be "streets" as they are presently termed on the Site Plan. If so, the plat would need to dedicate them as such and provide names for each. If otherwise, they should be retitled as "drives," "driveways," "drive lanes," "drive aisles," or similarly as appropriate.

As indicated on the PUD Detailed Site Plan, the entire development will be served by sidewalks along Memorial Dr. and 121st St. S. and by internal sidewalks, boardwalks, and [pedestrian] asphalt paths. Distribution of Private Maintenance Responsibilities. For developments such as this, and invariably when a Reserve Area will be platted, an Owners Association is customarily formed for the purposes of improvement and maintenance of the private and common development elements. In this case, such private and common elements would appear to include the private streets/drives within the MAEs, Reserve Area A and any other Reserve Area(s) which may be platted, the stormwater drainage and detention/retention facilities, the drainage channel along the east side, required screening fence and masonry wall along the drainage channel, canal and bridges, boardwalks, and other common or potentially common areas of the subdivision such as any signage, entrance features, and/or landscaping. Staff recommends the DoD/RCs of the plat provide for the formation of an Owners Association and/or otherwise adequately spell out the distribution of private maintenance responsibilities of the various lot owners in "Chateau Villas" for the privately-maintained common features.

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

Finally, Deed of Dedication and Restrictive Covenants Section I.G.1 presently provides that the maintenance for the Mutual Access Easement (MAE) falls on the owner of the lot on which the MAE is located. All of the MAE falls on proposed commercial Lots 1, 2, and 4, Block 1, "Chateau Villas," but the drives will serve as the only access to proposed multifamily Development Area B / Lot 3, Block 1, "Chateau Villas." Staff is not supportive of the present approach, as most of the traffic and wear and tear on these MAEs will be by the multifamily development, which may suppress the chances of commercial/retail development on the commercial lots and the future value of these commercial lots.

Also to avoid suppressing the chances of commercial/retail development on commercial Development Area (DA) C / proposed Lot 4, Block 1, "Chateau Villas," Staff recommends the Applicant consider constructing the minimum 125' of 6'-high masonry wall along the northerly end of DA D along with the development of the multifamily DA B, stopping at the southwest corner of the Fire Station # 2 property, and closing the intervening fence gap with the 8'-high wood fence.

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

1. Subject to City Council approval of a Modification/Waiver of the restriction on platting within the 100-year (1% Annual Chance) Regulatory Floodplain per SRs Section 12-3-2.O, to allow platting a Reserve Area, corresponding to part or all of Development Area D, within the 100-year Floodplain, as described more fully in the analysis above.
Staff believes that the intent of the subdivision Regulations will have been met and can support this Modification/Waiver subject to (1) the completion of the drainage channel, (2) FEMA's approval of the LOMR-F, (3) compliance with Floodplain Development Permit / Earth Change Permit requirements, and (4) the 100-year Floodplain being fully contained within a Reserve Area with provisions in the DoD/RCs restricting building development, as per the related recommendations of this plat.
2. Per the Tulsa County Assessor's parcel records, there would be two (2) different owners: Chateau Villas, LP and NCFM, LLC et al. The latter owns Reserve Area 'A' of 121st Center. In order to replat this Reserve as a part of "Chateau Villas," Chateau Villas, LP must acquire full title to the property, or Chateau Villas, LP (or another entity controlled by the developer) must acquire a partial interest adequate to allow the replatting.
3. The Site Plan proposes constructing parts of the pool, spa, and patio on existing Reserve Area 'A' of 121st Center. The Reserve is not within PUD 81 and is not presently entitled for multifamily use, and cannot support part of the multifamily complex in its present state. As previously discussed with the Applicant, a PUD Major Amendment to annex the Reserve to the PUD may be sought at the time the Applicant is in title to the property or has the legal right to make permanent zoning changes to the property. Alternatively, the site plan may be modified to remove these multifamily land use elements from the Reserve area. Pedestrian pathways serve the multifamily and commercial Development Areas and so should be interpreted as being allowable use elements in CS zoning.
4. If acquired by the Applicant and if supported by a future PUD Major Amendment, the use of Reserve Area 'A' of 121st Center for multifamily development site elements may cause conflict with the continued function of as a stormwater retention pond benefitting, and potentially still an obligation to the owners of lots in 121st Center. The Deed of Dedication and Restrictive Covenants of the plat must clearly specify all entities owning or having interest in, benefitting from use, and responsible for maintenance of Reserve Area 'A' of 121st Center.
5. Unless proposed Lot 3, Block 1, "Chateau Villas" is modified to have at least 75' of frontage on a Public street, or the MAE is converted to private street right-of-way, subject to a PUD Minor Amendment to relieve the frontage requirement of Zoning Code Sections 11-7C-4 Table 3 and 11-8-4.
6. Unless proposed Lot 3, Block 1, "Chateau Villas" is modified to have at least 30' of frontage on a Public street, or the MAE is converted to private street right-of-way, subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.B to allow Lot 3, Block 1, to have no frontage on a private or public street.
7. If proposed Lot 3, Block 1, "Chateau Villas" is modified to have at least 30' of frontage on a Public street, or the MAE is converted to private street right-of-way, proposed Lot 1 may need to be reconfigured to have at least 150' of frontage on Memorial Dr. per Zoning Code Section 11-7D-4 Table 2, or a PUD Minor Amendment may be sought to reduce the lot width.
8. Whether it remains an MAE or is converted to private street right-of-way, the private street / drive connecting to Memorial Dr. will serve as the singular point of access for proposed Lots 1 and 2 and will also serve as the primary access for proposed Lot 3, Block 1, "Chateau Villas." If dedicated as private streets within an MAE or in the form of private street right-of-way (mutually exclusive of lot areas), it should be given an appropriate street name. Based on existing addresses and street names, measured dimensions, and/or Tulsa regional E-911 block numbering conventions, this street should be 123rd St. S.
9. If the private street / drive connecting to 121st St. S. is dedicated as a private street, it also should be given an appropriate street name (e.g. 83rd E. Ave.).
10. PUD 81 describes internal accessways as private streets and/or drives. This was pursuant to a review comment that called for clarification, which was ultimately resolved by using this more flexible terminology, allowing the decision on private access format to be resolved at a later

- date. As per other recommendations in the analyses of the Preliminary and Final Plats and PUD Detailed Site Plan, some of the shared entrances may be or become private streets. However, internal parking lot drive aisles are not likely to be "streets" as they are presently termed on the Site Plan. If so, the plat would need to dedicate them as such and provide names for each.
11. Subject to City Council approval of a Partial Modification/Waiver of the 17.5' Perimeter U/E standard per Subdivision Regulations Section 12-3-3.A, as described more fully in the analysis above.
 12. All Modification/Waiver requests must be submitted in writing.
 13. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
 14. Per the recorded plat of 121st Center, Reserve Area 'A' was dedicated as "a perpetual easement" and the DoD/RCs of that plat contain specific ownership, use, and performance provisions which may conflict with present plans for modifications to the existing stormwater retention pond. These dedications and/or restrictions may be released upon the successful approval and recording of a new plat, such as "Chateau Villas" or, prior to or upon the successful recording of the Final Plat of "Chateau Villas," it may be necessary to vacate or partially vacate the concerned part of the underlying plat of 121st Center to completely extinguish these elements.
 15. Face of Plat: The plat excludes the existing 50' right-of-way (easement?) per cited Tulsa County Clerk's Office Document # 2007112986. Unless there was another dedication as fee-simple right-of-way, this may only be an easement, and should be rededicated as fee-simple right-of-way by this plat.
 16. Please update legal descriptions, plat area citations, and any other affected information upon the inclusion of the 50' right-of-way (easement?) for 121st St. S.
 17. Face of Plat: Please represent existing right-of-way (easement?) per cited Tulsa County Clerk's Office Document # 2007112986.
 18. A 60' half-street right-of-way dedication is required for 121st St. S., which is designated a Primary Arterial on both the Bixby Comprehensive Plan and the TMAPC Major Street and Highway Plan. Primary Arterials require a total right-of-way width of 120'. The dedication must be increased to the minimum 60' required.
 19. Please label right-of-way dedication for 121st St. S. as "Right-of-way Dedicated by This Plat," or similarly as appropriate.
 20. Please represent Temporary Construction Easement per Tulsa County Clerk's Office Document # 2007112987 if a subsequent instrument did not release same.
 21. The recorded plat of 121st Center indicates a 10'-wide ONG easement along the east side of Memorial Dr. It is likely this easement continues farther south along Memorial Dr., and possibly through the subject property. Please research and add same if existing and if same affects subject property.
 22. Several easements of record represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" are not represented on the plats. Per SRs Section 12-4-2.B.2, please represent all existing easements of record affecting the subject property, and those adjacent as pertain to the proposed development plans. An ALTA / ACSM survey is recommended to ensure all easements and other instruments of record are found and represented on the plat, and those requiring release are done as required prior to development.
 23. Please provide ALTA / ACSM survey prior to Building Permit issuance as a part of the PUD Detailed Site Plan.
 24. Per the discussion at the TAC meeting, it is possible that franchise utility companies will need internal utility corridors supported by easements specific to a utility or Public General Utility Easements. Please check with all utility companies and add appropriate easements as needed. Confirmation of utility approval of the provided easements will be achieved by the receipt of release letters from all required utility companies per the Subdivision Regulations and the related recommended Condition of Approval.
 25. Public General Utility Easements, if added, may require special water, sanitary sewer, and/or stormsewer infrastructure design modifications for those parts within or crossing the U/E.
 26. Several monuments and other surveying elements are represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" that are not represented on the plats. This may be

13

due to different surveying methodologies. However, please double-check for existing monuments useful for platting purposes and include those as may be appropriate.

27. Subject to ODOT approval of the proposed curb cut / driveway permit location on Memorial Dr. / U.S. Hwy 64.
28. Subject to City Engineer and/or Fire Marshal approval of proposed curb cut locations on 121st St. S.
29. Please add Limits of No Access (LNA) and access openings corresponding to approved curb cut locations.
30. Please add appropriate LNA access restrictions to the DoD/RCs.
31. Upon completion of the Floodplain and drainage improvements pursuant to the FEMA-approved CLOMR, and after FEMA has effectively changed the 100-year Regulatory Floodplain boundaries by the approval of a LOMR, the new, reduced floodplain boundaries should be represented on the "Final As Approved" version of the Preliminary Plat.
32. Please represent the PUD 81 building setback lines, where missing, per SRs Section 12-5-2.A.5.
33. The Location Map (Vicinity Map) is required to include all platted additions within the Section per SRs Section 12-4-2.A.5.
34. Preliminary Plat & Final Plat: Underlying Zoning district boundary lines are not represented as required per SRs Section 12-4-2.B.3.
35. Face of Plat: Please add proposed addresses to the lots; Lot 4 is recommended to be 8310 E. 121st St. S. as per the corresponding commercial lot fronting on 121st St. S. within the Conditionally Approved plat of "North Bixby Commerce Park."
36. Face of Plat: Please add the standard address caveat/disclaimer: "Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied on in place of the legal description."
37. Final Plat: Please correct typo in Mutual Access Easement in Legend.
38. Survey data apparently missing along curve of MAE within proposed Lot 4, Block 1.
39. Survey data apparently missing for widened part of U/E within proposed Lot 4, Block 1.
40. Survey data apparently missing for 15'-wide U/E stub from northeast corner of 90'-wide MAE within proposed Lot 1, Block 1.
41. 15'-wide U/E stub from northeast corner of 90'-wide MAE within proposed Lot 1, Block 1 does not appear to correspond to any feature on the draft PUD Detailed Site Plan. Advisory.
42. Preliminary Plat: Per the draft PUD Detailed Site Plan, it cannot be determined whether some or all of the nearest three (3) existing ministorage buildings encroach the subject property. If any does, such building needs to be represented, with dimensions of encroachment from each of its building corners, per SRs Section 12-4-2.A.8.
43. The southerly two (2) of the three (3) 228.52' dimensions along the westerly side of proposed Lot 3 appear to be in error.
44. The 41.85' call along the westerly side of proposed Lot 3 needs to be clarified as to its relation to the other call which appears to share the same line, in terms of both extent and angle/bearing, which do not match.
45. Linetype used along the internal boundaries shared with Reserve Area 'A' of 121st Center is different than the solid linetypes used elsewhere to denote boundaries of mutually exclusive elements. Please address appropriately.
46. Angle/bearing and dimension calls missing along the internal boundaries shared with Reserve Area 'A' of 121st Center.
47. Linetype appears to represent common lotline between 7-acre and 16-acre tracts. Line does not appear to have function within proposed plat. Please remove or discuss.
48. Certain angle/bearing and dimension calls along certain plat boundaries do not correspond with recorded plats of 121st Center, Houser Addition, or The Boardwalk on Memorial or previous draft plats of "North Bixby Commerce Park" or "Byrnes Mini-Storages." This may be due to different surveying methodologies. However, please double-check and make any modifications necessary.
49. Face of Plat: Notes: Second note states that FEMA Floodplain maps are for City of Tulsa. Please correct.
50. Face of Plat: Please add block with name(s) and address(es) of owner(s) (SRs Section 12-4-2.A.4, 12-5-2.A.1, etc.).

51. Document # 2009043186 labels (2 instances observed) refers to the Spartan Self Storage business located outside the plat boundaries and should be removed or relocated and explained.
52. Document # 2009070094 label within the adjacent Spartan Self Storage business property refers to the 7-acre tract portion of subject property and should be removed or relocated and explained.
53. Face of Plat: Missing notes pertaining to monumentation (reference SRs Section 12-1-8).
54. Face of Plat: Missing customary statistics (e.g. area of plat, number of lots, blocks, and Reserve Areas, etc.).
55. Face of Plat: "Existing Drainage Easement": Please clarify extents of leaderlines.
56. Face of Plat: "Existing Drainage Easement": Please cite source of "Existing Drainage Easement" (Book/Page or Document #).
57. Face of Plat: "Existing Drainage Easement": Please add width dimension.
58. DoD/RCs: Second page is titled "Restrictive Covenants," but the dedication of easements and Reserve Area(s) may necessitate the use of a Deed of Dedication.
59. Text within Reserve Area A, "Storm Water Retention Pond," may not be appropriate for a plat, as it reflects current land use and may create an unintended private use restriction, and as it does not provide for the entire scope of presently-planned uses (parts of the pool, clubhouse patio, boardwalk, [pedestrian] asphalt path, and potentially other private recreational uses).
60. West lines of proposed Lots 1 and 2 missing dimensions.
61. Please add missing dimension to part of the north line of proposed Lot 1 and relocate dimension labels as needed to avoid ambiguity.
62. South lines of proposed Lots 2 and 3 missing dimensions. Please add these and any others missing.
63. Dimension between west line of proposed Lot 2 and Sectionline is illegible on the electronic version of the plat. Please enlarge to resolve or otherwise address appropriately.
64. Please represent the S. 85th E. Ave. half-street platted in Houser Addition, such as was represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" (SRs Section 12-4-2.A.6).
65. Please represent the abutting 20'-wide Road Easement platted in Southern Memorial Acres No. 2, Plat # 2794, such as was represented on the Conditionally Approved Final Plat of "North Bixby Commerce Park" (SRs Section 12-4-2.A.6).
66. Discuss the possibility of extending south the recommended Reserve Area corresponding to the drainage channel to incorporate the east 25' of Government Lot 4, or providing a B/L restriction in this area, to allow for potential future 85th E. Ave. half-street right-of-way.
67. All changes necessary for the PUD Detailed Site Plan, to the extent relevant for these plats, should also be made here.
68. Please represent the existing 17.5'-wide U/E along and within the abutting Lot 5, Block 1, 121st Center.
69. Please represent the existing 11'-wide U/E and MAE along and within the abutting Lot 1, Block 1, The Boardwalk on Memorial.
70. Please label adjacent plats The Boardwalk on Memorial and Southern Memorial Acres No. 2 (SRs Section 12-4-2.A.3).
71. BSP 2015-06 indicates a proposed 45'-wide Drainage Easement along the east side of the subject property, but the same is not indicated on the plats. Please reconcile.
72. If a Drainage Easement is added, please provide appropriate dedication language to the DoD/RCs.
73. Face of Plat: Scale of symbols used for found and set monuments at variance in Legend and in situ.
74. Face of Plat: Please correct name of street from 101st St. S. → 121st St. S.
75. 224.84' dimension along the west line of proposed Lot 4, Block 1, "Chateau Villas" is inconsistent with the 225.00' dimension on the draft site plan. Please reconcile.
76. Title Blocks, DoD/RCs Preamble, etc.: Plat boundaries include Reserve Area 'A' of 121st Center. Legal description on face of plat, and anywhere else affected, should include appropriate reference to same in the legal descriptions.
77. Title Blocks, DoD/RCs Preamble, etc.: Plat boundaries include Reserve Area 'A' of 121st Center. The Title Blocks, DoD/RCs Preamble, and anywhere else affected needs to reflect that

15

this will be "a Replat of ("Reserve Area 'A' " or "part") of 121st Center" in the legal descriptions (Subdivision Regulations Sections 12-4-2.A.2 and 12-5-3.B).

78. Face of Plat and DoD/RCs: Includes term "Addition" in Title Blocks, DoD/RCs Preamble, and Certificate of Survey signature block. DoD/RCs Preamble states that further instances will use term "Addition," but certain parts of DoD/RCs cite "Subdivision." Please reconcile all instances.
79. "Owner / Developer" block on face of plat, DoD/RCs Preamble, Owner Signature Block, etc.: Plat boundaries include Reserve Area 'A' of 121st Center. Per the Tulsa County Assessor's parcel records, there would be two (2) different owners (Chateau Villas, LP and NCFM, LLC et al.). "Owner / Developer" block on the face of the plat, the DoD/RCs preamble, the Owner Signature Block at the end of the DoD/RCs, and all other elements affected must include both title owners.

Secondly, the legal description of the land being platted does not differentiate between what part of the underlying land is owned by which property owner name in title. For clear title and tax purposes, Staff believes that each dedicating owner should have their respective legal description specified in the DoD/RCs. Reference how this was done with the plats of 101 South Memorial Plaza, Bixby Centennial Plaza II, and "Bixby Memory Care."

If Chateau Villas, LP acquires full title to the property, this would be resolved. If Chateau Villas, LP (or another entity controlled by the developer) acquires only a partial interest, but adequate to allow the replatting of Reserve Area 'A' of 121st Center, the title owner in name will need to be separately specified as per this item, and it may be necessary for all requisite signatories to that title owner in name to sign the plat.

80. DoD/RCs Preamble: Missing critical wording such as "...subdivided into four (4) Lots in one (1) Block and X Reserve Area(s)..."
81. DoD/RCs: Based on the PUD Detailed Site Plan, for proposed commercial Lots 1 and 2, Staff recommends the PUD and DoD/RCs of the plat include a Mutual Parking Privileges covenant, so that each lot may allow their excess spaces to be used by patrons of the other lot, which is common in developments such as this, especially when developed as a unit by a singular developer. Examples may be provided upon request.
82. DoD/RCs: Staff recommends employing reasonable Restrictive Covenants typical for commercial/nonresidential subdivisions. As an example, a "Maintenance Covenant" pertaining to maintenance and upkeep of properties free of trash, debris, and litter. Examples may be provided upon request.
83. DoD/RCs Section I.D and I.E: Section numbers are out of order.
84. DoD/RCs Section I.G.1: As noted in the analysis above, Staff is not supportive of the present approach to place the MAE maintenance responsibility entirely on proposed commercial Lots 1, 2, and 4, Block 1, "Chateau Villas."
85. DoD/RCs Section II Preamble: Refers to "Bixby Memory Care."
86. DoD/RCs Section II Preamble: Please complete the PUD approval date information.
87. DoD/RCs Section II: Building Façades: Includes typos between paragraphs.
88. DoD/RCs Section II: Please double-check and make any corrections necessary to achieve consistency with the "Final As Approved" version of PUD 81 as amended by Major Amendment # 1.
89. DoD/RCs Section III.B.1: This "Duration" section of DoD/RCs customarily provides language allowing for the automatic renewal of the DoD/RCs for successive periods unless voided by an adequate majority of the then owners. Language is found in DoD/RCs Section III.A.1 "Enforcement," but more appropriately belongs in Section III.B.1. Please incorporate or advise.
90. Final Plat: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
91. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.
92. Any recommendations in the analysis inadvertently omitted from this itemized list are included as if fully set forth here.

93. *Due to the number of minor errors, Staff advises the Applicant to re-review the plat and Deed of Dedication and Restrictive Covenants and satisfy themselves as to its correctness.*
94. *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).*
95. *Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).*

Patrick Boulden expressed concern for the proposed inclusion of Reserve Area 'A' of 121st Center in the plat when the Applicant was not in title to the property and asked the Applicant how much of the land he owned. Applicant/Developer Kevin Jordan stated that he had [reached agreement to acquire] 40% of the property, which ownership was a "fractional undivided interest."

Tim Homburg, AIA, NCARB, of *NSPJ Architects*, Prairie Village, KS, stated that the [pool/patio features] could be shifted back [off of Reserve Area 'A' of 121st Center]. Erik Enyart noted that the Agenda Item open at this point was the Preliminary and Final Plats, and that the site design details would be addressed later under the PUD Detailed Site Plan item. Discussion ensued regarding site elements and design issues for same. Mr. Enyart stated that there were two (2) issues identified [regarding Reserve Area 'A' of 121st Center]: For the plats, it would need to be removed, and for the Site Plan, the Applicant would need to modify the design to move the apartment elements from the Reserve Area.

Larry Whiteley noted that there were 95 things to work out for the plats, and made a Motion to CONTINUE the Preliminary Plat and Final Plat of "Chateau Villas" and BSP 2015-05 to the October 19, 2015 Regular Meeting.

Erik Enyart stated that there was a range of options between Continuing both items to the next meeting and approving both as submitted. Mr. Enyart suggested that, if the Applicant was willing to remove the Reserve Area ['A' of 121st Center], the Planning Commission could recommend Approval of the Preliminary Plat only, and indicated that this might have the benefit of granting the Applicant a development entitlement allowing for securing financing to do the grading and utility improvements, which would take some time before the site was ready to "go vertical." Mr. Enyart suggested that, under this scenario, the other applications, the Final Plat and PUD Detailed Site Plan, could be Tabled and allowed to be brought back when they were ready. Mr. Enyart asked, and Kevin Jordan indicated agreement with Mr. Enyart's suggestion that removing the Reserve Area would not be a problem from a financing standpoint, and that the Preliminary Plat entitlement may be beneficial from a financing standpoint, allowing the project to move forward. Mr. Jordan noted that the situation was tenuous with [a barrel of] oil selling for \$46.

Thomas Holland SECONDED the Motion.

Vice/Acting Chair Steve Sutton asked Jerod Hicks if he had any questions or comments. Mr. Hicks expressed concern that the plans had changed since the last time the Planning Commission had seen the project. Mr. Hicks noted that it would be difficult [for the Applicant] to be held up on the development. Mr. Hicks stated, "I understand your perspective—you need some City approval," and indicated favor for an intermediate step, such as Preliminary Plat approval with the removal of the Reserve Area ['A' of 121st Center].

Thomas Holland asked about the 100-year Floodplain situation, and it was noted that the developer was supposed to do the grading work per the FEMA-approved CLOMR.

Applicant Jason Mohler, PE, of Cedar Creek Consulting, Inc. stated that the As-Built survey shots indicated that the grading work previously done did not match the [CLOMR] plans, and that the intent was to finish the grading and make the Floodplain such that it is contained within the channel.

Erik Enyart stated that, even with the most optimistic timetable, in his mind, "going vertical" would take quite some time, and that was why he suggested that approving only the Preliminary Plat, with the removal of Reserve Area ['A' of 121st Center], together with the City Engineer's approval of the engineering construction plans for grading and utilities, would allow the development to move forward with floodplain/drainage/grading and utility work.

Larry Whiteley was asked if he wanted to Withdraw his Motion [in favor of the revised Staff recommendation]. Mr. Whiteley indicated he still took issue with trying to work out all of the [95 review comments] at that meeting.

Thomas Holland Withdrew his Second but stated that he was not in agreement with approving everything as included in the Agenda Packet.

Vice/Acting Chair Steve Sutton asked for a new Second. After a time, Mr. Sutton and Erik Enyart recognized that the Motion had died for lack of a Second.

Vice/Acting Chair Steve Sutton asked to entertain a new Motion.

Discussion ensued.

Discussion of the Motion included action to be taken on Agenda Item # 3, the PUD Detailed Site Plan for "Chateau Villas":

OTHER BUSINESS

3. **BSP 2015-07² – "Chateau Villas" – Cedar Creek Consulting (PUD 81).** Discussion and possible action to approve a PUD Detailed Site Plan and building plans for "Chateau Villas," a Use Unit 8 multifamily residential and commercial development 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.

Erik Enyart noted that the PUD Detailed Site Plans show precisely what will be built in great detail and was the very last step before "going vertical," as the Building Permits could be issued the day after the site plan was approved.

² Previous agendas and documents have erroneously listed this application with case number BSP 2015-06, which was a case number associated with a different, previous site plan application. All residual references to the "Chateau Villas" site plan should be recognized as associated with case number BSP 2015-07.

Kevin Jordan indicated favor for receiving approval of only the Preliminary Plat and allowing the Final Plat and PUD Detailed Site Plan to be brought back later. Mr. Jordan stated that, when they are brought back, he would like it to be a “four-minute item.” Erik Enyart indicated agreement.

After further discussion, Erik Enyart suggested the following Motion: “To recommend Approval of the Preliminary Plat only, subject to the removal of Reserve Area ‘A’ of *121st Center* and all of the recommendations included in the Staff Report, and to Table the Final Plat and PUD Detailed Site Plan, and allow them to come back to a future meeting when they are ready.”

There being no further discussion, Jerod Hicks made a MOTION to Recommend APPROVAL of the Preliminary Plat only, subject to the removal of Reserve Area ‘A’ of *121st Center* and all of the recommendations included in the Staff Report, and to TABLE the Final Plat and PUD Detailed Site Plan, and allow them to come back to a future meeting when they are ready. Thomas Holland SECONDED the Motion.

Vice/Acting Chair Steve Sutton asked if there was any discussion of the Motion. Larry Whiteley noted that the approval would only authorize groundwork, and others indicated agreement.

Roll was called:

ROLL CALL:

AYE: Holland, Sutton, and Hicks.
NAY: None.
ABSTAIN: Whiteley.
MOTION PASSED: 3:0:1

Vice/Acting Chair Steve Sutton recognized Jay Mauldin of 7341 E. 119th Pl. S. Mr. Mauldin clarified the Motion and vote. Mr. Mauldin stated that he agreed with Larry [Whiteley], and stated that the Chateau Villas development had changed three (3) times this year.

3. (Continued from 05/18/2015, 07/20/2015, & 08/17/2015)

BSP 2015-05 – “Jiffy Lube Office Building” – W Design, LLC (PUD 54). Discussion and possible action to approve a PUD Detailed Site Plan and building plans for “Jiffy Lube Office Building,” a Use Unit 11 office with incidental storage building development for approximately ½ acre consisting of Lot 2, Block 1, *Bixby Jiffy Lube*.
Property Located: 7700:8000-block of E. 118th St. S.

Vice/Acting Chair Steve Sutton 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, September 18, 2015
RE: Report and Recommendations for:
BSP 2015-05 – “Jiffy Lube Office Building” – W Design, LLC (PUD 54)

LOCATION: – 8000-block of E. 118th St. S.
– 7740 E. 118th St. S. (previously associated address)

- 7712 E. 118th St. S. (current address assigned per plat; reassignment recommended)
- Lot 2, Block 1, Bixby Jiffy Lube

SIZE: ½ acre, more or less

EXISTING ZONING: OL Office Low Intensity District & PUD 54

SUPPLEMENTAL PUD 54 for "Jiffy Lube"

ZONING:

EXISTING USE: Vacant lot

DEVELOPMENT Approval of Detailed Site Plan including as elements: (1) Detailed Site

TYPE: 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 54 for "Jiffy Lube Office Building," an office/storage building development

COMPREHENSIVE PLAN: Medium/Low Intensity + Residential Area

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

BZ-182 – Eugene Green – Request for rezoning from RS-1 to CG for Lots 1 and 2 of Block 5, North Heights Addition (later replatted as Lot 1, Block 1, Bixby Jiffy Lube) at 11800 S. Memorial Dr. for a car lot (abutting subject property to the east) – City Council Approved 08/11/1987 (Ord. # 569).

BBOA-449 – Patrick Moore for SBM Corporation – Request for Special Exception to authorize a Use Unit 17 Automotive and Allied Activities for a Jiffy Lube auto service facility for Lots 1 and 2 of Block 5, North Heights Addition (later replatted as Lot 1, Block 1, Bixby Jiffy Lube) at 11800 S. Memorial Dr. (abutting subject property to the east) – BOA Denied 10/02/2006.

BZ-318 – SBM Corporation for Eugene & Norma Green – Request for rezoning from RS-1 to OL for subject property Lot 3 Block 5, North Heights Addition (later replatted as Lot 2, Block 1, Bixby Jiffy Lube) – PC Recommended Approval 10/16/2006 and City Council Approved 11/13/2006 (Ord. # 953).

PUD # 54 – Jiffy Lube – Request for PUD overlay zoning for Lots 1, 2, and 3 of Block 5, North Heights Addition (later replatted as Bixby Jiffy Lube; includes subject property) – PC Recommended Approval 03/19/2007 and City Council Approved 04/09/2007 (Ord. # 963).

AC-07-04-01 – Request for Architectural Committee approval of site plans and the proposed Jiffy Lube and office buildings for Lots 1, 2, and 3 of Block 5, North Heights Addition (later replatted as Bixby Jiffy Lube; includes subject property) – Approved in April, 2007 per contemporary sources (Minutes of 04/16/2007 meeting not found).

AC-07-10-07 – Request for Architectural Committee approval of site plans and the proposed Jiffy Lube and office buildings for Lots 1, 2, and 3 of Block 5, North Heights Addition (later replatted as Bixby Jiffy Lube; includes subject property) – Tabled/No Action on 10/15/2007 due to realization that the site plans and buildings were already approved as per AC-07-04-01.

PUD # 54 Minor Amendment # 1 – Request for PUD Minor Amendment for Lots 1, 2, and 3 of Block 5, North Heights Addition (later replatted as Bixby Jiffy Lube; includes subject property) to revise building setback lines to reflect the newly-dedicated additional right-of-way as proposed by the plat – PC Approved 01/21/2008.

Preliminary Plat of Bixby Jiffy Lube – Request for Preliminary Plat approval for "Bixby Jiffy Lube," a replat of Lots 1, 2, and 3 of Block 5, North Heights Addition (includes subject property) – PC Recommended Conditional Approval 12/17/2007 and City Council Conditionally Approved 01/14/2008.

Final Plat of Bixby Jiffy Lube – Request for Final Plat approval for "Bixby Jiffy Lube," a replat of Lots 1, 2, and 3 of Block 5, North Heights Addition (includes subject property) – PC Recommended Conditional Approval 01/21/2008 and City Council Conditionally Approved 01/28/2008 (Plat # 6276 recorded 03/02/2009).

AC-08-01-02 – Request for Architectural Committee approval of revised site plans and the proposed Jiffy Lube and office buildings for Lots 1, 2, and 3 of Block 5, North Heights Addition (later replatted as Bixby Jiffy Lube; includes subject property) – AC Conditionally Approved 02/18/2008.

AC-08-08-01 & AC-08-08-02 – Request for Architectural Committee approval of ground and wall signs for Jiffy Lube for Lots 1 and 2, Block 5, North Heights Addition (later replatted as Lot 1, Block 1, Bixby Jiffy Lube) abutting subject property to the east – AC Approved 08/18/2008.

BACKGROUND INFORMATION:

History of the Application. As requested by the Applicant, the Planning Commission Continued this application from the May 18, 2015 agenda.

By email on June 12, 2015, the Applicant requested that the application be Continued to the July 20, 2015 Planning Commission meeting. As there were no other applications to consider, as recommended by Staff, Chair Thomas Holland Cancelled the June Regular Meeting.

As requested by the Applicant by phone on July 17, 2015, the Planning Commission Continued this application from the July 20, 2015 Planning Commission meeting to the August 17, 2015 meeting.

Staff met with the Applicant August 03, 2015 to discuss Staff's previous recommendation for a PUD Major Amendment to address the initial plans' apparent Use Unit 23 storage / warehousing use of a majority or significant part of the "office" building, and to address other design issues which may require an amendment to the PUD, and/or to provide a new proposal as to the design to address the issues outlined by Staff. At the meeting, the owner stated that the building was no longer planned for use for storage of automotive-related supplies, and a statement to that effect was received Friday, August 07, 2015. New site plans and information was received August 13, 2015, and this report has been updated to reflect this new information.

At its Regular Meeting held August 18, 2015, as agreed to by the Applicant, the Planning Commission Continued this application to the 09/21/2015 Regular Meeting to allow Applicant to meet with North Heights HOA / neighborhood to help inform building / site design, and make any changes pursuant to that meeting.

Staff has not received any new information or had any contact from the Applicant since the last meeting. Staff's recommendation has not changed.

Previous Recommendations Pertaining to Land Use. Per pre-application discussions with the Applicant and per the initial Site Plan submittal, the proposed building was originally intended to contain "incidental storage." Staff had advised the Applicant that, in order for the building to be deemed a Use Unit 11 office building with incidental storage, greater than 50% of the floor area should be actually devoted to general business office use. It was not clear, based on the floor plan provided with the application, whether or how the "future office" areas³ would be restricted from being actually used for storage until completed. The previous "storage" area was roughly 40% of the building floor area, and the "future office" areas were roughly 36% of the building floor area. If roughly 76% (or any part at or greater than 50%) of the building were to be used for storage, that would appear to cause the building's principal use to be recognized as a Use Unit 23 warehousing and/or storage use, which is not permitted per PUD 54. PUD 54 restricts Development Area A (Jiffy Lube site) to CS uses plus Use Unit 17 automotive oil changing/repair/[lubrication], and Development Area B (subject property) to uses allowed [by right] within the OL district. If Use Unit 23 was actually being proposed, and if the City was amenable to allowing same, this should have required a PUD Major Amendment to "unlock" Use Unit 23 from the available CG zoning in Development Area A, allow its allocation to Development Area B, and specify a maximum building floor area corresponding to the percentage of the building actually to be devoted to Use Unit 23 use. Staff advised the Applicant that such a Major Amendment would allow the City of Bixby to further inform the design and development standards, such as building and/or other building and/or site enhancements as a part of the prerequisites for PUDs pursuant to Zoning Code Section 11-7I-8.C, especially:

1. Harmonizing with the existing and expected development of surrounding areas,
2. Presenting a unified treatment of the development possibilities of the project site, and
3. Maintaining consistency with the stated purposes and standards the Zoning Code provisions for PUDs, which, per Zoning Code Section 11-7I-2, include purposes pertinent to this PUD such as:
 - (A) Permitting innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties, and
 - (B) Achieving a continuity of function and design within the development.

If a PUD Major Amendment is ultimately proposed at some future point, such building and/or site design enhancements, to be proposed by the Applicant and to be considered and approved by the Planning

³ The revised AS201, received August 13, 2015, has the "Storage" and "Future Office" area designations removed, and the entire open area is now designated "General Business Office....Owner Plans to Construct Additional Office as Necessary for its Future Growth."

21

Commission and City Council in exchange for the special benefit of more intensive land use approval, could include:

- Upgrading the EIFS siding to traditional masonry,
- Increasing the overall percentage of minimum masonry and/or approved masonry alternatives,
- Restoring the EIFS that "wrapped around" the south end of the building as per the initial submittal,
- Adding minimum masonry and/or approved masonry alternatives to all sides of the building,
- Changing the pitch and/or material of the white metal roof to be more compatible and consistent with the residential neighborhood abutting to the west,
- Bringing the Jiffy Lube development area up to code for minimum landscaping,
- Completing the required sidewalk along the Jiffy Lube development area, and/or
- Enhancing the proposed landscaping back to the initial submittal quality, if not further.

Purpose of the Application. Language in the landscaping section of PUD 54 provides that the final landscaping and screening standards are to be determined as a part of the "PUD site plan." Although the text does not specify, this language indicates subjectivity, and suggests to Staff that a board or body would review and approve the "PUD site plan." The City of Bixby took the initial site plan (AC-07-04-01), and subsequent revised site plan (AC-08-01-02) through the Bixby Architectural Committee in April, 2007 and January/February, 2008. It is believed these site plan approvals were presented to the Architectural Committee (AC) because the property is located in the Corridor Appearance District, which required AC site plan approval at that time. It may have served a secondary purpose, approving the PUD-required "PUD site plan."

Upon Staff review of the documents pertaining the site plan per AC-08-01-02, PUD 54 Minor Amendment # 1, the Preliminary Plat, and the Final Plat, Staff discovered that certain language in the PUD section of the Deed of Dedication and Restrictive Covenants of the recorded plat differed from that of the PUD Text. Staff Reports and contemporary review emails do not reflect that the City of Bixby requested this change; the origination of the change is not known. The Deed of Dedication and Restrictive Covenants (DoD/RCs) Section 2 "Development Standards for All Lots" provides that (1) there shall be a "detailed landscape and screening plan," and (2) the "detail landscape plan...shall be approved by the Bixby Planning Commission." Read together, the PUD Text and the DoD/RCs text should be construed to require that the Bixby Planning Commission review and approve the required "PUD site plan," which "PUD site plan" should include the required "detailed landscape and screening plan." This BSP 2015-05 application requests approval as determined required by Staff.

The subject property shares a development history with the Jiffy Lube on the lot abutting to the east. The Zoning and development entitlements granted between 2006 and 2008 for the Jiffy Lube included the office building on the subject property, entitled and previously shown to be (60' X 100' =) 6,000 square feet in floor area. However, the office building was not built at the same time, and more detailed plans for same have just now been received. According to Tulsa County Assessor's parcel records, both lots are presently owned by the same entity, Auto Oil Change, LC.

ANALYSIS:

Subject Property Conditions. The subject property consists of vacant Lot 2, Block 1, Bixby Jiffy Lube, and is zoned OL with PUD 54 "Jiffy Lube." The subject property slopes moderately downward to the south. It appears to partially drain southeasterly along the borrow ditch attending Memorial Dr., and partially to the south through the stormwater drainage system in Bixby Centennial Plaza, which presently utilizes a temporary stormwater detention pond to the west of the Bank of Oklahoma. This pond is ultimately planned to be replaced in favor of a stormsewer system installed along 121st St. S. and to drain west to the Fry Creek Ditch # 2, which may be accessed upon payment of applicable excess capacity fees and fees-in-lieu of continued onsite stormwater detention. The borrow ditch along Memorial Dr. may be in either or both of the Fry Creek Ditch # 1 or Fry Creek Ditch # 2 drainage basins.

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

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 lots conforms to PUD 54 and, per the plans generally, the office building development would conform to the applicable bulk and area standards for PUD 54 and the underlying OL district, except as otherwise outlined herein.

Compared to the site plan last approved in 2008 per AC-08-01-02, a few changes have been made, including, but not necessarily limited to:

- Building is (109' X 55' =) 5,995 square feet, compared to (100 X 60' =) 6,000 square feet per the original site plan.
- The west setback has been increased from 25' to 30'.
- The north setback has been increased from ~28' to ~31'.
- The parking lots along the north and south sides of the building have been removed, and more parking relocated to the east side of the building.
- The required sidewalk will be added along the frontage of 118th St. S.
- The building's interior and exterior designs have changed.

The site plan proposes approval of a building to be known as the "Jiffy Lube Office Building," which Staff understands is intended to be considered a Use Unit 11 "general business office" for the entity owning all of the Jiffy Lube franchise locations in "Tulsa County." Per the Applicant's letter received August 07, 2015, the building is no longer planned to contain "incidental storage."

The Detailed Site Plan was prepared by W Design, LLC of Tulsa. The submitted plan-view Site Plan drawing consists of "Architectural Site Plan" drawing AS100 and "Floor Plan First Floor" drawing A201 (hereinafter, individually or together, sometimes "Site Plan" or "site plan"). The landscape plan consists of a "Landscape Plan" drawing AS101. Appearance and height information is provided on the "Exterior Elevations" drawing A301. Fence/screening information is provided by the representation of such information on AS100. The Lighting Plan consists of "Photometric Site Plan" drawing AS102. The application form indicates that the Sign Plan is "N/A." Per a site inspection, there are no signs on site, and no signs are indicated as proposed on any of the drawings; however, see Screening/Fencing and Signage analyses sections of this report.

The building is proposed to be a one (1) story metal building with EIFS and a synthetic stone wainscot along the north and east elevations, and a metal gable roof with a 1:12 pitch. The revised site plans provided August 13, 2015 have reduced the number of loading bay / overhead doors from three (3) to two (2). The former stairwell leading to an area of unspecified size represented on the plans as "unoccupied mechanical platform," and described as a "mezzanine or second floor" in the pre-application coordination meeting held March 12, 2015, has been removed.

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 May 06, 2015. The Minutes of the meeting are attached to this report.

Access & Circulation. Per the plat of Bixby Jiffy Lube and the site plan, the subject property has 105.64' of frontage on 118th St. S., and one (1) driveway connections is planned thereto. The driveway connection would correspond to a 25'-wide Mutual Access Easement (MAE) as represented on the plat of Bixby Jiffy Lube, half of which MAE is located on the subject property, and the easterly half on the Jiffy Lube property. Primarily to the east of this MAE, there is an existing north-south drive connecting 118th St. S. to an existing east-west private drive along the north side of the Bixby Centennial Plaza development to the south.

Plans for access can be further inferred from the site plans.

Staff could not find language in the recorded plat of Bixby Jiffy Lube pertaining to the dedication, purpose, beneficiaries, intended use, or maintenance responsibility for the MAE.

The MAE may have been intended to provide mutual access between Lots 1 and 2 of Bixby Jiffy Lube. Although the Applicant's response received August 13, 2015 notes that the original language pertaining to the MAE was not found, it also claims that the purpose was exclusively to provide mutual access between the owners of Lots 1 and 2. As per the actual site construction and as per the first Jiffy Lube site plans (AC-08-01-02), the 25'-wide MAE does not correspond to the north-south driveway connecting 118th St. S. to the east-west private drive along the north side of the Bixby Centennial Plaza development to the south. However, per contemporary development review narratives, rather than or in addition to this purpose, it is possible that the MAE may have been intended to secure an additional access through Bixby Centennial Plaza, by agreement with the developer of that commercial subdivision, "as the Applicant has stated has been reached." A copy of such agreement was provided, and the legal description used appears to correspond to where the drive lanes were actually constructed. Regardless of whether the MAE was or

was not (at least also) intended to secure mutual access with the Bixby Centennial Plaza development to the south, the Applicant should consider and advise how the MAE may be modified, and potentially expanded, to reconcile actual use areas (e.g. parking, garbage bin enclosure, and landscaping versus drive lanes) according to current site designs.

Most of the pavement for the existing north-south drive is located on the Jiffy Lube property, but there is some measure located on the subject property as well. Per the site plan, most of the MAE on the subject property will be occupied by the parking lot strip along the east side of the building. Per the site plan, the 18'-deep parking lot stalls will be located 15' on the subject property and three (3) feet on the Jiffy Lube property. There will also be a curb-protected landscaped area defining the new curb return that will modify the existing north-south drive at the northeast corner of the subject property lot. The landscaped area will occupy all of the subject property's MAE here, and extend approximately three (3) feet into the abutting Lot 1, Block 1, Bixby Jiffy Lube, which area is part of the existing drive lane.

Since the site design calls for three (3) feet of the 18'-deep parking lot stalls to be located on the Jiffy Lube Lot 1, Block 1, Bixby Jiffy Lube, the Applicant should research, determine positively, and advise whether ADA standards will allow the handicap-accessible space and access aisle to be divided by a common property line which will separate different lots, which may be independently owned, now or in the future. The Applicant should advise what accommodations will be used to ensure continued maintenance and shared expenses of all of the shared areas (formal dedication or rededication and modification of existing MAE, new easement agreement, etc.). The Applicant's response received August 13, 2015 does not appear to address the misaligned nature of the MAE and drive locations or the additional mutual use purposes (parking, garbage bin enclosure, etc.) discussed in this report. If ADA standards do not allow this even with accommodations, the Applicant will need to amend the site plan such that the areas are wholly on the subject property.

The proposed new and any modifications to existing driveway/street intersections require City Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii. Internal drives also require Fire Marshal's approval in terms of locations, widths, and curb return radii.

The required sidewalk along 118th St. S. is indicated. 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 internal sidewalks, connecting pedestrians between parking areas and building entrances within the development (reference Zoning Code Section 11-10-4.C). With the revised site plan drawings received August 13, 2015, a connection has been added to connect the building's public entrance to the public sidewalk along 118th St. S.

Parking & Loading Standards. For a Use Unit 11 office building, Zoning Code Section 11-9-11.D would require 1 space / 300 square feet of floor area. At 5,995 square feet, 20 parking spaces would be required. With the revised site plan drawings received August 13, 2015, the parking lot along 118th St. S. has been removed, and the parking lot strip along the east side of the building has been slightly reconfigured. The site plan now reports, and Staff counted 11 off-street parking spaces to serve the subject property.

PUD 54 requires compliance with the parking requirements of the Zoning Code, but also provides the following mutual parking privileges provision:

"...parking spaces required in one development area may be satisfied by spaces in another area, as long as "the total spaces provided shall not be less than the sum of the individual requirements and the spaces required for each use, and shall be under the ownership or permanent control of the owners of the use for which the spaces are required." Mutual use shall be authorized by a duly recorded mutual access or reciprocal access agreement."

For a Use Unit 11 office building, as the number of spaces has been reduced from 20 to 11, the subject property would require credit or use of parking spaces located within Development Area A / Lot 1, Block 1, Bixby Jiffy Lube. Per the 1976 Zoning Code, parking and loading requirements did not apply to oil lubrication and service business uses previously classified under Use Unit 16. Per the 2008 Zoning Code Text Amendment pertaining to Use Unit 16 ministorage developments, oil lubrication and service businesses uses were reclassified under Use Unit 17, and no parking or loading standards were added to the Zoning Code upon the reclassification. Thus, the Jiffy Lube does not have parking or loading requirements. Per the revised site plan drawings received August 13, 2015, the nine (9) spaces located in Development Area A / Lot 1, Block 1, Bixby Jiffy Lube will be used as credit toward the 20 required. An

24

amendment to the Mutual Access Easement or some other legal instrument should be used to adequately transfer the legal right to use parking spaces on Lot 1 to the owner of Lot 2, which lots may be sold independently at any point in the future.

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. At 11 parking spaces proposed, the number of parking spaces proposed would not conflict with this standard if the building were deemed a Use Unit 11 office use.

With 11 parking spaces on site, the one (1) handicapped-accessible parking space appears to comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces) and Zoning Code Section 11-10-4.D Table 2.

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 provides that the one (1) accessible space will be of van-accessible design, and the dimensions provided on the space appear to comply with ADA dimensional standards. The dimensional design standards of per Zoning Code Section 11-10-4.C Figure 3 do not apply to van-accessible spaces. Per the revised site plans received August 13, 2015, the van-accessible space is now to the left of the accessible aisle, allowing for passenger-side convenience, as appropriate.

During the design of the ADA parking features, the designer should consult with the Building Inspector to confirm the plans will comply with ADA standards (locations, proximity to primary entrance, maximum slopes, transition areas, level landing areas, pavement coloring, etc.).

The individual parking space dimensions have been provided and demonstrate compliance with standards for the same Zoning Code Section 11-10-4.

The parking lot is subject to a 10' minimum setback from 118th St. S., a Collector Street, per Zoning Code Section 11-10-3.B Table 1. The former northwestern parking lot has been removed. Based on its relative representation compared to the 11'-wide U/E, this standard appears to be met.

The parking lot is subject to a 10' minimum setback from an R district per Zoning Code Section 11-10-3.B Table 1. The subject property abuts an R district to the west, and meets this parking lot setback standard.

The Site Plan shows parking area and driveway paving would encroach on the 20'-wide U/E along the north side (Tulsa County Assessor's Document # 2007138858) and the 7.5'-wide U/E along the east side of the subject property. Paving and site improvements on public Utility Easements is subject to City Engineer and Public Works Director approval.

For Use Unit 11 office buildings, Zoning Code Section 11-9-11.D requires one (1) loading berth per 10,000 to 100,000 square feet, plus 1 per each additional 100,000 square feet of floor area, and thus the building does not meet the threshold for requiring any. The east side of the building will have two (2) loading bay areas, which the Applicant has stated are not intended as loading bays but as garage doors for the current owner's private vehicles.

Screening/Fencing. PUD 54 requires for screening "[a]n eight (8) feet high screening fence...along the west boundary of Development Area B consisting of a block wall or other acceptable material." The site plan represents the location of the existing 8'-high masonry wall, and depicts it in a photograph (or Google Street View image capture) as Diagram # 2. The City required the masonry wall be erected when the Jiffy Lube was built as there was a delay in the construction of the office building. However, the image and previous correspondence with the owner indicate that the northerly end of the fence is not at the 8' height, but is rather "stepped down" at its approach to the street. Staff has previously advised the owner that this would require a PUD Amendment. In the response received August 13, 2015, the Applicant has stated, "During some previous discussions with the Neighborhood, the residents had wanted a lower fence height at the corner for safer visibility. The owner is currently coordinating with the neighborhood to determine if they want the height of the fence increased, or left as is. Depending on the outcome of the Neighborhoods desires, we will take the proper steps in the minor amendments to the PUD."

Previous discussions and correspondence with the owner indicate that the owner may have, at one point, intended to install signage in the screening wall identifying the North Heights Addition, as a part of the owner's discussions with the neighborhood to secure zoning entitlements for the Jiffy Lube and office building development on the subject property. It does not appear, however, that such a design element was included as a development standard in the PUD or as a condition of approval for any other development entitlement. Staff discussed this matter with the owner during a pre-application coordination

meeting held March 12, 2015 and again during the meeting held August 03, 2015. See signage analysis section of this report for further information on this matter.

PUD 54 requires the following for garbage dumpster screening:

"There shall be no storage of recyclable materials, trash or similar material outside a screened receptacle. An opaque fence of at least 8 feet in height shall be placed around all dumpsters. All dumpsters shall be located behind the front building lines."

The site plan identifies one (1) trash can enclosure area, which has been relocated with the latest site plans to the southeast corner of the building, which new location also complies with the locational restriction of the PUD. The revised plans call for it to be an 8'-high cedar wood dumpster enclosure, and the profile view/elevation is indicated as diagram #s 4 and 5 on drawings AS101, and appears to demonstrate compliance with the opacity requirement. As recommended, the screening height and composition details have been submitted, for the Planning Commission's review and approval as a part of this Detailed Site Plan.

In a meeting with the Applicant and owners August 03, 2015, the owners stated that they would consolidate the existing, unscreened commercial dumpster serving Jiffy Lube with the new dumpster enclosure, and that they will amend the Mutual Access Easement (or use another method) to allow for the shared use of the singular enclosure.

Landscape Plan. PUD 54 requires compliance with the landscaping standards of the Zoning Code and provides the following special standards for landscaping:

"Provided open space and landscape areas shall be calculated to comprise no less than ten percent (10%) of the gross development area of the PUD. The actual [quantity] and quality of open space and landscape areas within a particular development area shall be approved and determined through the PUD site plan. The plan shall include, but not be limited to, a 25 feet wide landscaped open space area along the west boundary of Lot 3, Block 5, North Heights, which is Development Area B..."

Notwithstanding the subjectivity of the second sentence, which is subject to the Planning Commission's approval of this PUD site plan, all specific and special PUD-imposed landscaping requirements outlined in the above paragraph have been met with this landscape plan.

The initial landscape plans submitted have been changed upon the issuance of the initial Staff Report. Some landscaping trees have been removed (new calculations removed duplication of tree requirements at overlapping Street Yard and setback area strips, and all trees not required have been removed), and plans for an underground irrigation system have been removed in favor of hose bibs.

The proposed landscaping is compared to the Zoning Code and PUD 54 as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of the Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 25' along 118th St. S., on which the subject property has 105.64' of frontage. PUD 54 does not increase the 25' setback required by the OL district. The Street Yard thus contains (105.64' X 25' =) 2,641 square feet, 15% of which would be 396.15 square feet. Based on the calculations provided, and per dimensions indicated on the site plan, **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 7.5', 10', or 15' along abutting street rights-of-way. A 10' minimum width strip is required along 118th St. S., a Collector Street. The former northwestern parking lot has been removed. The proposed parking lot setback / landscaped strip does not appear to be provided, but the 11'-wide U/E is. Based on its relative representation, **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 is an RS-1 district abutting to the west. Based on dimensions on the site plan and the relative representation of site features, **this standard is met.**
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. Excluding the building line setback along 118th St. S. (which is a Street Yard), the PUD provides setbacks along the east, south, and west boundaries of Development Area B / Lot 2, Block 1, Bixby Jiffy Lube. The PUD-imposed setbacks are greater than the underlying OL district in all cases, so are the ones which apply to this standard. The revised landscape plan received August 13, 2015 identifies how the various

26

setback and Street Yard tree requirements can be calculated, which Staff recognizes as consistent with the Zoning Code and its interpretation as follows:

197.63' Easterly Boundary Setback Tree Requirements: East line @ (197.63' – 25' Street Yard =) $172.63' \cdot 10' = 1,726.3$ square feet / 1,000 = 2 trees. Excluding Boundary Setback Trees elsewhere accounted for, two (2) trees are proposed in the landscaped area containing the setback along this line (at southeast lot corner). **This standard is met.**

105' South Boundary Setback Tree Requirements: South line @ (105' – 10' East Setback =) $95' \cdot 20' = 1,900$ square feet / 1,000 = 2 trees. Excluding Boundary Setback Trees elsewhere accounted for, two (2) trees are proposed in the landscaped area containing the setback along this line (centermost 2 along south line). **This standard is met.**

185.99' West Boundary Setback Tree Requirements: West line @ (185.99' – 25' Street Yard – 20' South Setback =) $140.99' \cdot 25' = 3,524.75$ square feet / 1,000 = 3.525 = 4 trees. Excluding trees elsewhere accounted for, four (4) trees are proposed in the landscaped area containing the setback along this line (southernmost 4 trees along the west line). **This standard is 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' or 75' from a Landscaped Area, which Landscaped Area must contain at least 30, 100, or 200 square feet and one (1) or two (2) trees. For the subject property, the standard calls for a maximum of 50' of spacing, with one (1) tree required within the Landscaped Area. With the initial submittal, it was not clear, based on the dimensions provided, whether the centermost parking spaces along the east side of the building would have met this standard from available landscaped areas. However, the revised site plans received August 13, 2015 have removed this parking space. **This standard appears to be met.**
6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of Street Yard. The Street Yard is the Zoning setback along an abutting street. The subject property has 105.64' of frontage on 118th St. S. which requires $(105.64' \times 25') = 2,641$ square feet / 1,000 = 2.6 = 3 trees. Excluding trees elsewhere accounted for, three (3) trees are proposed in the Street Yard. **This standard is met.**
7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. 11 parking spaces now proposed / 10 = 1.1 = 2 trees required (1/10 of a tree is not possible, and minimum numbers of required trees are not rounded-down). Excluding the Street Yard and Building Setback trees reported above, two (2) trees proposed. **This standard is 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): Zoning Code Section 11-12-4.A.7 requires the submission of plans for irrigation. Note # 6 (and perhaps others) on the landscape plan indicates compliance is now proposed by hose bibs on the building. 100' radii are indicated from each hose bib and demonstrate compliance minimum requirements of the Zoning Code. **This standard is met.**
10. Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.): The reported heights and calipers of the proposed trees, tree planting diagram(s), the notes on the drawings, other information indicate compliance with other miscellaneous standards. With the changes made to the plan drawing received August 13, 2015, **this standard appears to be met.**
11. Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard is 15% of an office lot within a PUD must be landscaped open space. Although PUD 54 preempts the 15% standard with a 10% standard, per the Site Plan, 48% of the lot area will be pervious surface (sod). **This standard is not applicable.**

Exterior Materials and Colors. Appearance and height information is provided on the "Exterior Elevations" drawing A301. The PUD has a 35' maximum building height in Development Area B / Lot 2, Block 1, Bixby Jiffy Lube. The previous shed-roof design has changed, and the plans now call for a white gable roof design with a 22' 3.5" ridge height and a 1:12 pitch.

PUD 54 provides for "Building Facades": "All construction shall comply with City of Bixby ordinances."

The subject property is within the Corridor Appearance District, which, as of 2013, has a masonry and/or approved masonry alternatives requirement for all building elevations facing a Public street. Per the elevations drawing, the building is to be a white metal building with white EIFS veneer and a 3'-tall "tan blend" manufactured stone veneer (sometimes a/k/a "wainscot") along the north/118th St. S.-facing elevation and east/Memorial Dr.-facing elevation. The synthetic stone veneer was added with the revised plans received August 13, 2015. The originally-submitted plans "wrapped" the EIFS around the easterly end of the south-facing elevation for an unspecified distance, but the plans received August 13, 2015 have removed this.

Although the office building was represented on the AC-07-10-07 and AC-08-01-02 site plans along with the Jiffy Lube to the east, elevations for the office building were not included with either application. However, Staff found building elevations and floor plans drawings for the original office building as proposed, and as the Architectural Committee apparently approved per AC-07-04-01 in April, 2007. The plans only included the front building elevation, and showed it to be a stucco building with a high-pitched shingle roof with four (4) dormers, a projecting portico and/or recessed vestibule with temple-front design, including a pediment and two (2) columns or pilasters, and what appears to resemble a brick "wainscot" roughly 2'-high. The floor plan reflected no loading docks or storage areas.

As Staff advised the owner and Applicant in the pre-application coordination meeting held March 12, 2015, and by subsequent email to the Applicant, if there are any particular design elements that would be superior to what is now proposed, those will be included as a review comment for comparison and discussion. In Staff's estimation, this metal building with large loading bay doors, which resembles a storage building even if not currently proposed for storage, at least as compared to the previous "pure" office building, would represent a diminished quality design.

The OL zoning and office building on the subject property were originally intended or otherwise should be recognized as serving as a buffer and transitional zoning district and land use between the heavy commercial Jiffy Lube to the east and the single-family residential neighborhood to the west.

Staff notes that a large metal building primarily composed of open areas served by two (2) large loading bay doors, with parking now reduced below what is considered adequate for office occupancy under the Zoning Code, if not now by this building owner, may at some point become attractive for use for storage/warehousing. Thus, construction of this building at this time may ultimately result in an intermittent or chronic code enforcement situation throughout the life of the building.

For all the reasons outlined above, as provided for plans exhibiting "exceptional character" within the Corridor Appearance District per Zoning Code Section 11-7G-5.C, if and upon Planning Commission approval, Staff will refer the site and building plans to the City Council for its consideration as well.

Outdoor Lighting. The Lighting Plan consists of "Photometric Site Plan" drawing AS102, which includes a photometric plan and a legend describing the different light fixtures proposed and certain other particulars. There do not appear to be any pole-mounted lights; all are building-mounted and appear typical for an office building application.

PUD 54 provides for lighting:

"Exterior light poles shall meet the requirements of the Bixby Zoning Ordinance. Lighting used to illuminate the development area shall shield and direct the light away from properties with[in] an R District that are residentially developed. Shielding of such light shall be designed so as to prevent the light producing element of the light fixture from being visible to a person standing in an R District that is residentially developed. Exterior lighting mounted on building walls shall be permitted."

Per the photometric plan, it appears that the footcandle effects of the proposed lighting will be reduced to 0.0 at the westerly propertyline shared with an existing single-family dwelling. This appears to demonstrate compliance with the PUD requirements and Zoning Code restrictions on lighting used to illuminate off-street parking areas.

Signage. PUD 54 requires compliance with the signage standards of the Zoning Code and provides no special standards for signage other than the representation of any proposed ground signs on the site plan.

The application form indicates that the Sign Plan is "N/A." Per a site inspection, there are no signs on site, and no signs are indicated as proposed on any of the drawings.

As noted in the Screening section of this report, Staff has recommended the Applicant advise if there is still intent to install signage in the screening wall identifying the North Heights Addition, and if so, amend the plans accordingly. The Applicant has responded to this recommendation by stating "The owner is currently coordinating with the neighborhood to determine if they want the identification signage, or left as is. Depending on the outcome of the Neighborhoods desires, this placard will be

installed onto the existing screening fence. If the signage is to be installed it will be submitted to the City of Bixby for a signage permit and follow all requirements set forth by the City of Bixby." Unless PUD 54 is amended to provide specific allowance and development standards for such a sign, it should otherwise be permitted pursuant to Zoning Code Section 11-9-21.C.3.f: "Tablets built into the wall of a building or other structure and used for inscriptions or as memorial tablets or for similar purposes."

Building-wall-mounted signs are expected, but are not indicated on any of the plans. The Applicant has responded by stating, "There are no building-wall-mounted signs proposed at this time. Any future signage will go through the City of Bixby's sign permit application process."

Directional signs, although not indicated, are limited to a maximum of three (3) square feet in display surface area per Zoning Code Section 11-9-21.C.3.k.

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. For all the reasons outlined above, as provided for plans exhibiting "exceptional character" within the Corridor Appearance District per Zoning Code Section 11-7G-5.C, if and upon Planning Commission approval, Staff will refer the site and building plans to the City Council for its consideration as well.
2. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.
3. Staff could not find language in the recorded plat of Bixby Jiffy Lube pertaining to the dedication, purpose, beneficiaries, intended use, or maintenance responsibility for the MAE. Regardless of whether the MAE was (at least also) intended to secure mutual access with the Bixby Centennial Plaza development to the south, the Applicant should consider and advise how the MAE may be modified, and potentially expanded, to reconcile actual use areas (e.g. parking and landscaping versus drive lanes) according to current site designs. The Applicant's response received August 13, 2015 does not appear to address the misaligned nature of the MAE and drive locations or the additional mutual use purposes (parking, garbage bin enclosure, etc.) discussed in this report. See Access & Circulation section of this report for further details.
4. Since the site design calls for three (3) feet of the 18'-deep parking lot stalls to be located on the Jiffy Lube Lot 1, Block 1, Bixby Jiffy Lube, the Applicant should research, determine positively, and advise whether ADA standards will allow the handicap-accessible space and access aisle to be divided by a common property line which will separate different lots, which may be independently owned, now or in the future. The Applicant should advise what accommodations will be used to ensure continued maintenance and shared expenses of all of the shared areas (formal dedication or rededication and modification of existing MAE, new easement agreement, etc.). The Applicant's response received August 13, 2015 does not appear to address the misaligned nature of the MAE and drive locations or the additional mutual use purposes (parking, garbage bin enclosure, etc.) discussed in this report. If ADA standards do not allow this even with accommodations, the Applicant will need to amend the site plan such that the areas are wholly on the subject property.
5. The proposed new and any modifications to existing driveway/street intersections require City Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.
6. Internal drives require Fire Marshal's approval in terms of locations, widths, and curb return radii.
7. Per the revised site plan drawings received August 13, 2015, the nine (9) spaces located in Development Area A / Lot 1, Block 1, Bixby Jiffy Lube will be used as credit toward the 20 required. An amendment to the Mutual Access Easement or some other legal instrument should be used to adequately transfer the legal right to use parking spaces on Lot 1 to the owner of Lot 2, which lots may be sold independently at any point in the future.
8. During the design of the ADA parking features, the designer should consult with the Building Inspector to confirm the plans will comply with ADA standards (locations, proximity to primary entrance, maximum slopes, transition areas, level landing areas, pavement coloring, etc.).

9. *The Site Plan shows parking area and driveway paving would encroach on the 20'-wide U/E along the north side (Tulsa County Assessor's Document # 2007138858) and the 7.5'-wide U/E along the east side of the subject property. Paving and site improvements on public Utility Easements is subject to City Engineer and Public Works Director approval.*
10. *PUD 54 requires for screening an 8'-high screening fence along the west boundary of the subject property, consisting of a block wall or other acceptable material. It appears that the northerly end of the existing fence is not at the 8' height, but is rather "stepped down" at its approach to the street. As Staff has previously advised the owner, this would require a PUD Amendment.*
11. *The owner should advise if the owner still intends to install signage in the screening wall identifying the North Heights Addition. If there is still intent to do this, the plans should be amended accordingly. See Screening/Fencing and Signage analyses sections of this report for further information on this matter.*
12. *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).*
13. *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.*

Erik Enyart noted that this application was Continued from the last meeting because the Applicant stated that they would meet with the *North Heights Addition* neighborhood and that the outcome could cause a change in the site and/or building design. Mr. Enyart stated that he had received revised plans that day, but that he was out of the office and had not had a chance to see them. Mr. Enyart stated that there was a new siding material that the Applicant was proposing or may want to propose in the alternative.

Applicant Weldon Bowman, AIA, NCARB, of *W Design, LLC*, 815 E. 3rd St. S., Suite C, Tulsa, provided one (1) hard copy of revised plans to the Commissioners and briefly described same.

Vice/Acting Chair Steve Sutton recognized Patrick Moore of 11465 S. Harvard Ave. Mr. Moore stated that he was the Applicant and owner and operator of the *Jiffy Lube* stores in Tulsa. Mr. Moore stated that the building would be for internal use and business office storage. Mr. Moore stated that he would store invoices, about 10,000 per month, which he had to keep for four (4) years for the Federal government. Mr. Moore stated that he would move the storage from the individual stores to [this building]. Mr. Moore stated that he had brought the new siding material to [Erik Enyart's] attention that day, that he had mentioned it to him the previous Friday. Mr. Moore stated that he was ready to move forward with an all EIFS building, but that the new siding material represented cost savings and a longer life, and had the same basic appearance as EIFS.

Vice/Acting Chair Steve Sutton recognized Ryan Coulter of 7366 E. 119th St. S. Mr. Coulter stated that EIFS had been around since the 1960s and showed the Planning Commissioners examples of the manufactured/synthetic/cast stone for the wainscot, the EIFS, and the new siding product being considered, which he described as a "stucco-coated metal panel." Mr. Coulter described the various siding materials for a time, including the use of Styrofoam, mounting methods, and the need for seams, as the expansion and contraction for all masonry types would otherwise cause the material to

30

crack and fall off. Mr. Coulter and Pat Moore stated that there would be a 3'-high [manufactured/synthetic/cast stone] wainscot on all sides of the building.

Jerod Hicks asked if there would be insulation behind the panels or within the metal building, and Ryan Coulter responded affirmatively to the latter. Mr. Hicks asked what the product was called, and Mr. Coulter responded "Custom Panel[Systems]" of St. Louis.

Pat Moore stated that the [EIFS or alternative siding material] color would be white or matte or as close as possible to the *Jiffy Lube* building.

Thomas Holland asked about the new siding material. Erik Enyart paraphrased the masonry and approved masonry alternatives standard of the Corridor Appearance District, which required all sides of a building facing a Public street be brick, stone, stucco, "EIFS or similar masonry-like product..." Mr. Enyart stated that the City had not interpreted or determined any other materials to be a "similar masonry-like product," and that he was not confident that the City or City Council would ultimately deem the metal panels with applied stucco-type material to be consistent. Mr. Enyart stated that the standard would require EIFS specifically on the front and 118th St. S. façades, and whether the rest of the sides could be the new material would be subject to the Commission's and City Council's approvals.

Vice/Acting Chair Steve Sutton recognized Lynn Ledford of 7734 E. 118th St. S. from the Sign-In Sheet. Mr. Ledford stated that he owned the house adjacent to the Jiffy Lube [subject property]. Mr. Ledford stated that there had been a meeting [with the subject property owner] the previous Tuesday, and that there were no plans to look at but it was determined there would be all EIFS all around and they would lower the [eave of the] roof.

Thomas Holland and Larry Whiteley clarified with Erik Enyart that the masonry and approved masonry alternative standard was introduced to the Corridor Appearance District in 2013 and that the language used at the time had not changed.

Lynn Ledford described a drainage issue he was concerned about.

Thomas Holland expressed concern about the 20' building height, and Pat Moore stated that the building was now proposed to be 14' in eave height and would now have a 3:12 roof pitch.

Vice/Acting Chair Steve Sutton recognized Harley Lundy of 11647 S. 73rd E. Ave. from the Sign-In Sheet. Mr. Lundy stated that he was Vice-President of the North Heights Homeowners Association, and that [he and the HOA] had had a meeting with the developer and were 100% in agreement with the EIFS, new colors, [roof] pitch, and size of the building, but that, if the developer changed to the metal panels, he would have to go back to his people. Mr. Lundy stated that Pat Moore was a good neighbor.

Jerod Hicks confirmed with Harley Lundy that he was okay with the aesthetics and height.

Vice/Acting Chair Steve Sutton asked Erik Enyart about landscaping, and Mr. Enyart stated that the plans meet the minimum standards in its current form.

Pat Moore stated that there was some concern that the roof would be reflective, and so this had now changed to a flat brown finish. It was noted that the eave height had been reduced from 20' to 14' and the pitch was increased to 3:12, and the top of the ridge was now 20' 10".

Vice/Acting Chair Steve Sutton recognized Noel Malan of 11655 S. 75th E. Ave. Mr. Malan asked about the discussion of aesthetics, and Erik Enyart responded that he expected aesthetics could be part of the consideration of the application. Mr. Malan stated that it was previously mentioned that EIFS had been around since the 1960s, and that, since that time, new products have been introduced. Mr. Malan suggested that the new product being contemplated may be superior for purposes of powerwashing and aesthetics.

Harold King asked if the City Council could not have a Worksession meeting to discuss the new product. Patrick Boulden responded that it could but that it would not be ready for this project. Larry Whiteley asked the Applicant when they would want to start building, and Pat Moore responded, "As soon as we get the okay." Erik Enyart stated that, if the Planning Commission approved the revised plans subject to the Staff recommendations, it could approve the new siding material in the alternative, subject to the City Staff and the City Council deeming it to be consistent with the language in the Zoning Code.

Thomas Holland addressed Pat Moore and stated, "I applaud you on your meeting with the neighborhood." Mr. Moore stated, "Their requests were reasonable."

Greg Moore of 9156 E. 120th St. S. stated that the EIFS on the current *Jiffy Lube* building was showing some yellowing, and had water issues on the roof and signage. Mr. Moore stated that the building could only be powerwashed so many times because it takes [EIFS material] off the wall, and the building now had "puncture wounds." Mr. Moore stated that the new siding material had [fewer] seams, was longer wearing, and suggested it was more stain resistant. Mr. Moore stated that he would get the data [on the new materials] in to Erik.

Weldon Bowman stated that EIFS had mold issues as well.

Jay Mauldin thanked Pat and Greg Moore for their Thursday meeting, and stated that they were open minded and receptive. Mr. Mauldin stated that he looked forward to moving this forward. Mr. Mauldin described the proposed changes to the building, and asked about the siding on the west side of the building. Mr. Mauldin stated that he did not know about the new product.

Pat Moore noted that he had agreed with the neighbors to plant more trees along the west side and that he would not move any.

Thomas Holland made a MOTION to APPROVE BSP 2015-05, subject to all of the recommendations in the Staff Report, and to incorporate the new plans presented at the meeting.

Erik Enyart stated that, per the discussion, he was not clear on the final status of the wainscot along the west side of the building. Discussion ensued. Lynn Ledford was asked, and stated that he did not mind if it was not included because of (the) other design change(s). Harley Lundy stated that [removing the wainscot] would not be what [he and the HOA] had agreed to the other night, but

32

otherwise, he personally did not see a problem with [the removal]. Pat Moore stated that he had told the HOA he would put it on all sides so he would do this.

Thomas Holland Amended his Motion to be as follows: MOTION to APPROVE BSP 2015-05, subject to all of the recommendations in the Staff Report, and to approve, in the alternative, the new material discussed, if City Staff and the City Council can deem it to be consistent with the language in the Zoning Code, and to incorporate the new plans presented at the meeting, with the exception of adding the wainscot to the 4th / west façade. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

Vice/Acting Chair Steve Sutton asked if there was any Old Business to consider. Erik Enyart stated that he had none. No action taken.

NEW BUSINESS:

Vice/Acting Chair Steve Sutton asked if there was further New Business to consider. Erik Enyart stated that he had none. No action taken.

ADJOURNMENT:

There being no further business, Vice/Acting Chair Steve Sutton declared the meeting Adjourned at 7:46 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary



**JEFFERY LUBE
OFFICE
BUILDING**

PUD 54A

PROJECT #
15038

**BIXBY, OK
74008**

1990, 1991

Surveys

1	REV #1	05/05/2015
2	REV #2	08/13/2015
3	REV #3	09/16/2015

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840.

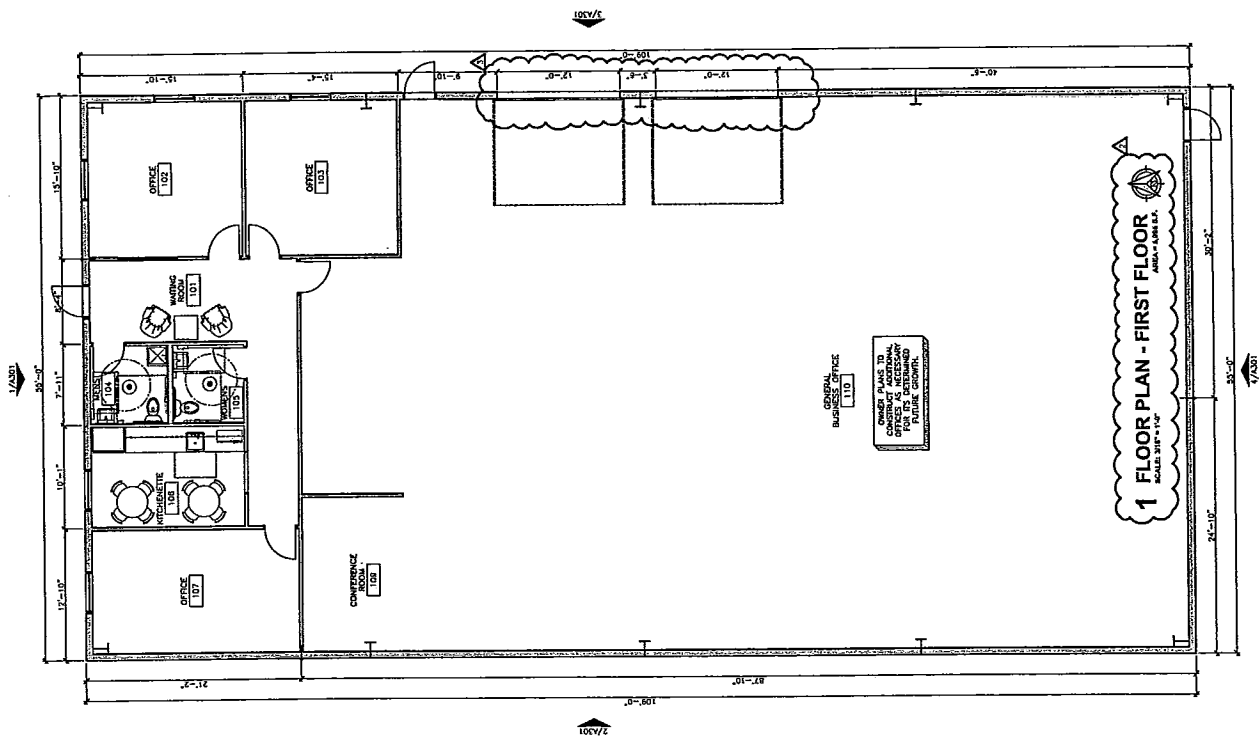
04.17.2015

$$e^{-\beta H} = \int d\mu \, \delta(\mu - \frac{1}{N} \sum_{i,j} \sigma_i \sigma_j) e^{-\beta H(\mu)}$$

**FLOOR PLAN
FIRST FLOOR**

1. $\frac{1}{2}$

A201



35



wdesign
ARCHITECTURE & INTERIORS
3115 E. 3rd Street, Suite C
Tulsa, OK 74120
Office: 918.794.6616
Fax: 918.794.6602
www.wdesignsite.com

**JEFFERY LUBE
OFFICE
BUILDING**

PUD 54A

PROJECT #
15038

BIXBY, OK
74008

W. L. A. I.

3000-11-15-10

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|---|--------|------------|
| 1 | REV #1 | 05/05/2015 |
| 2 | REV #2 | 08/13/2015 |
| 3 | REV #3 | 09/18/2015 |

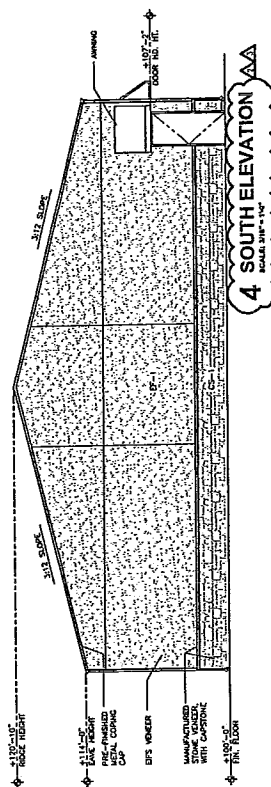
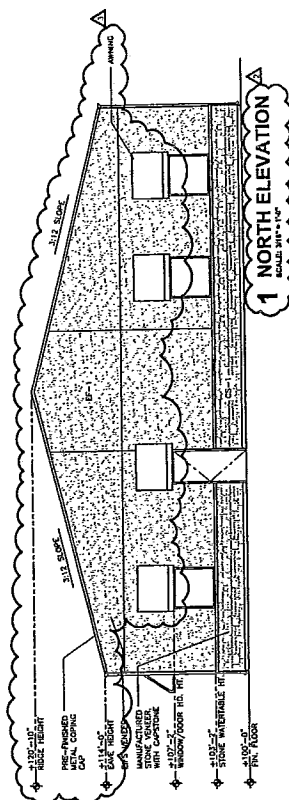
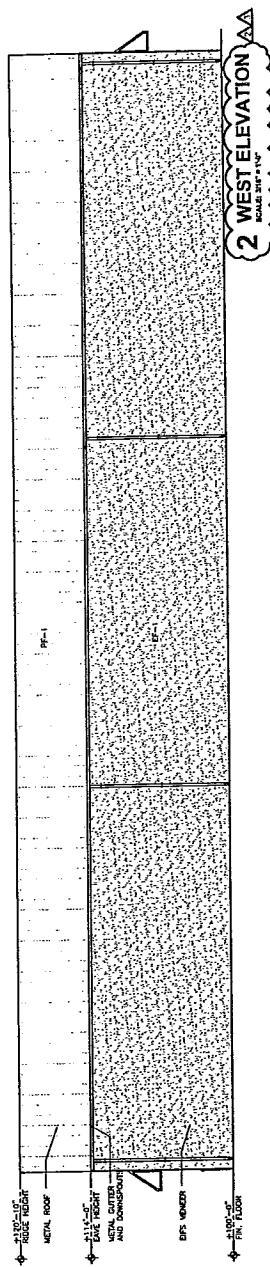
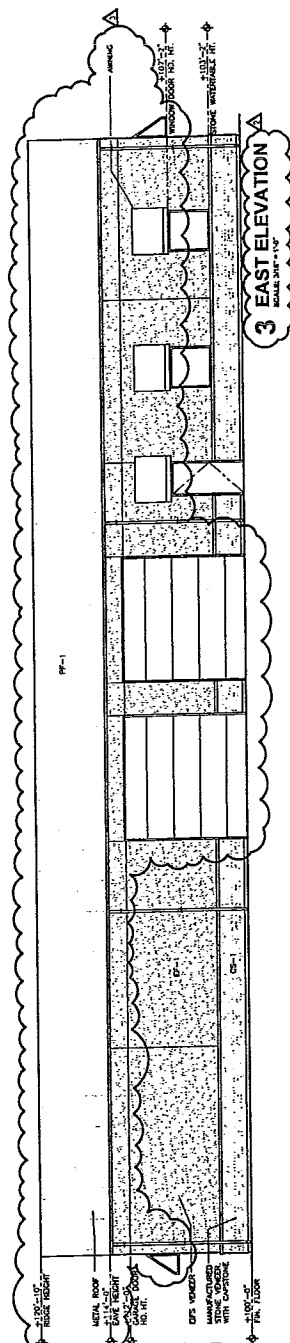
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Journal of Management Education

EXTERIOR ELEVATIONS

A301

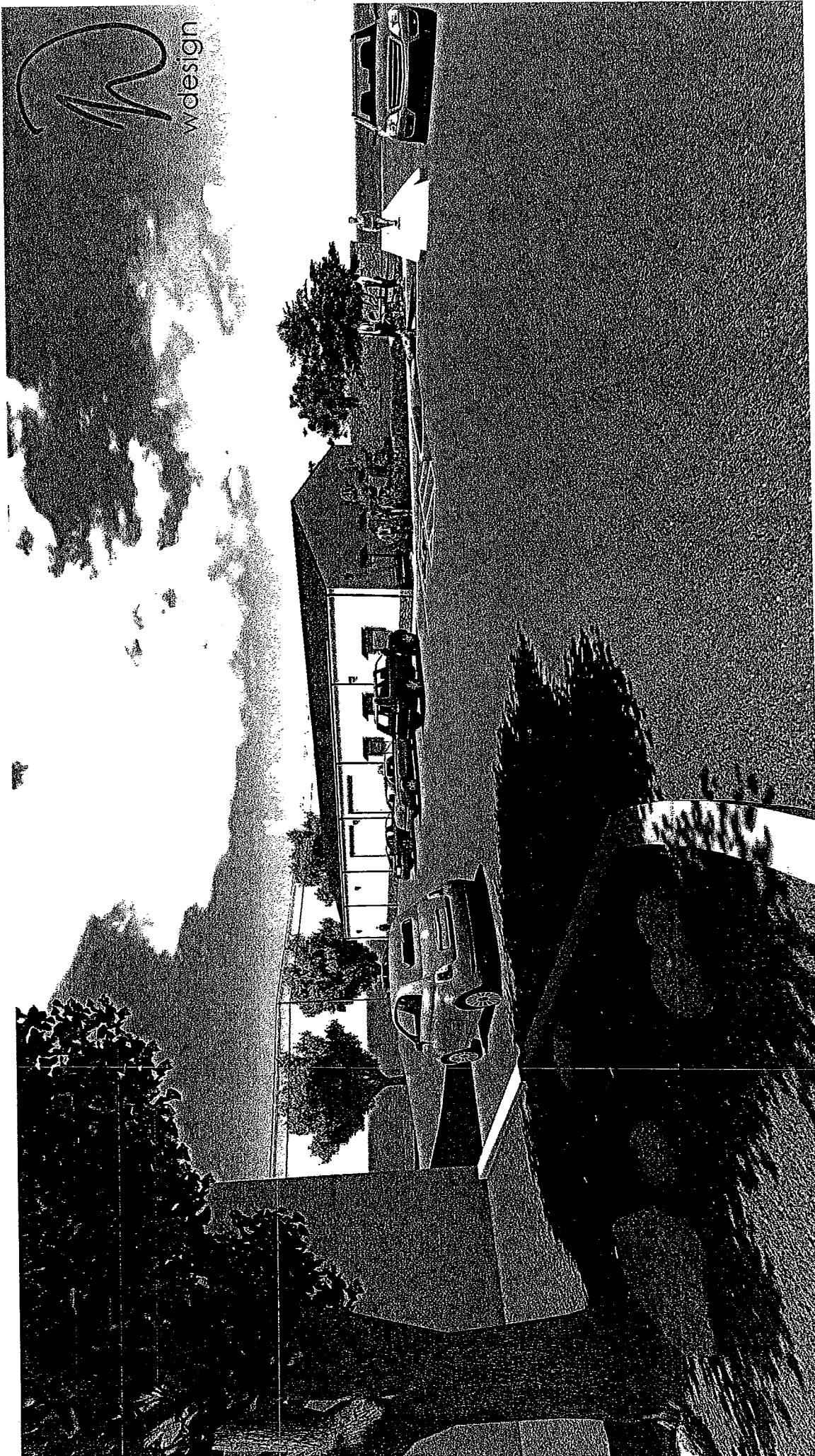


GENERAL NOTES

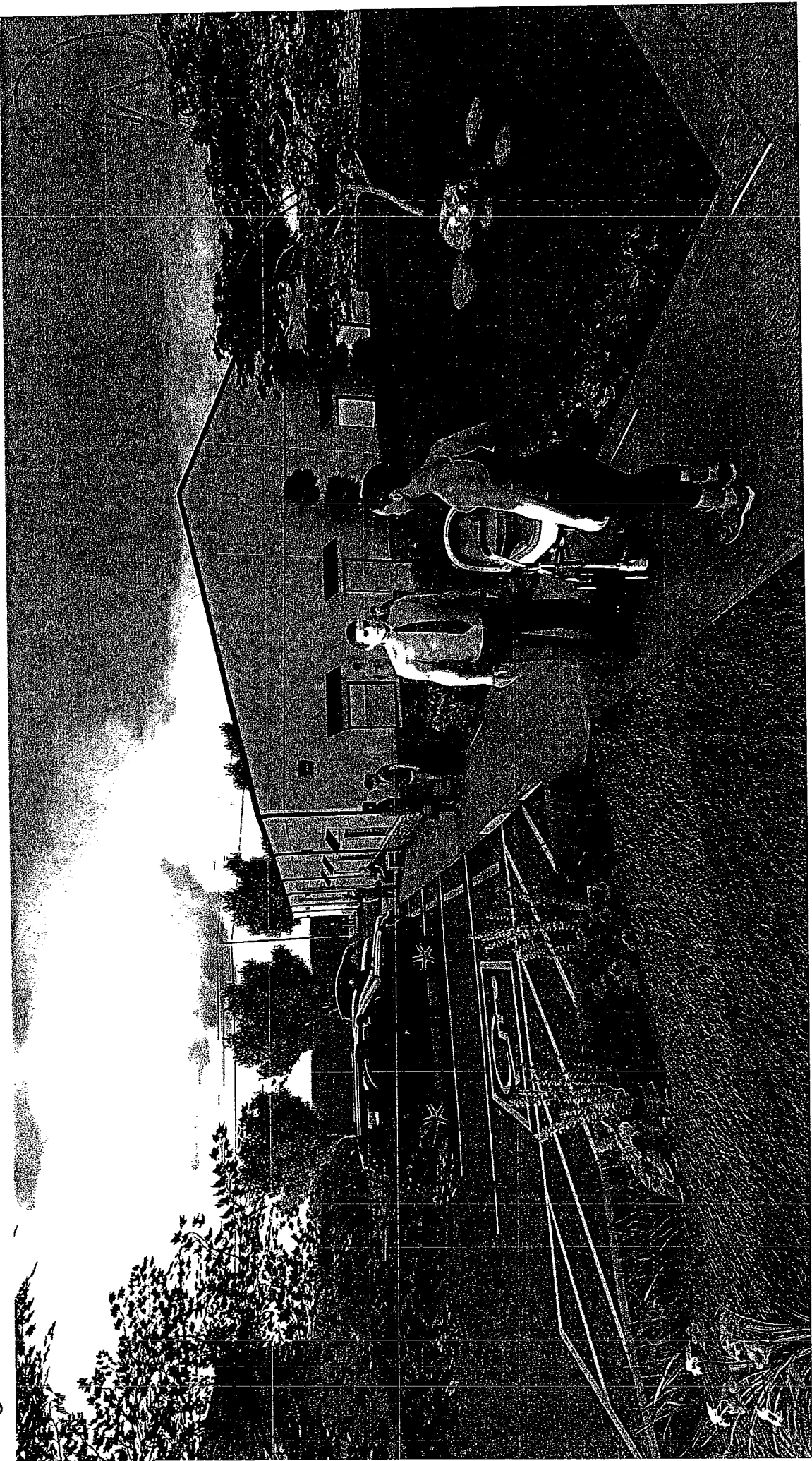
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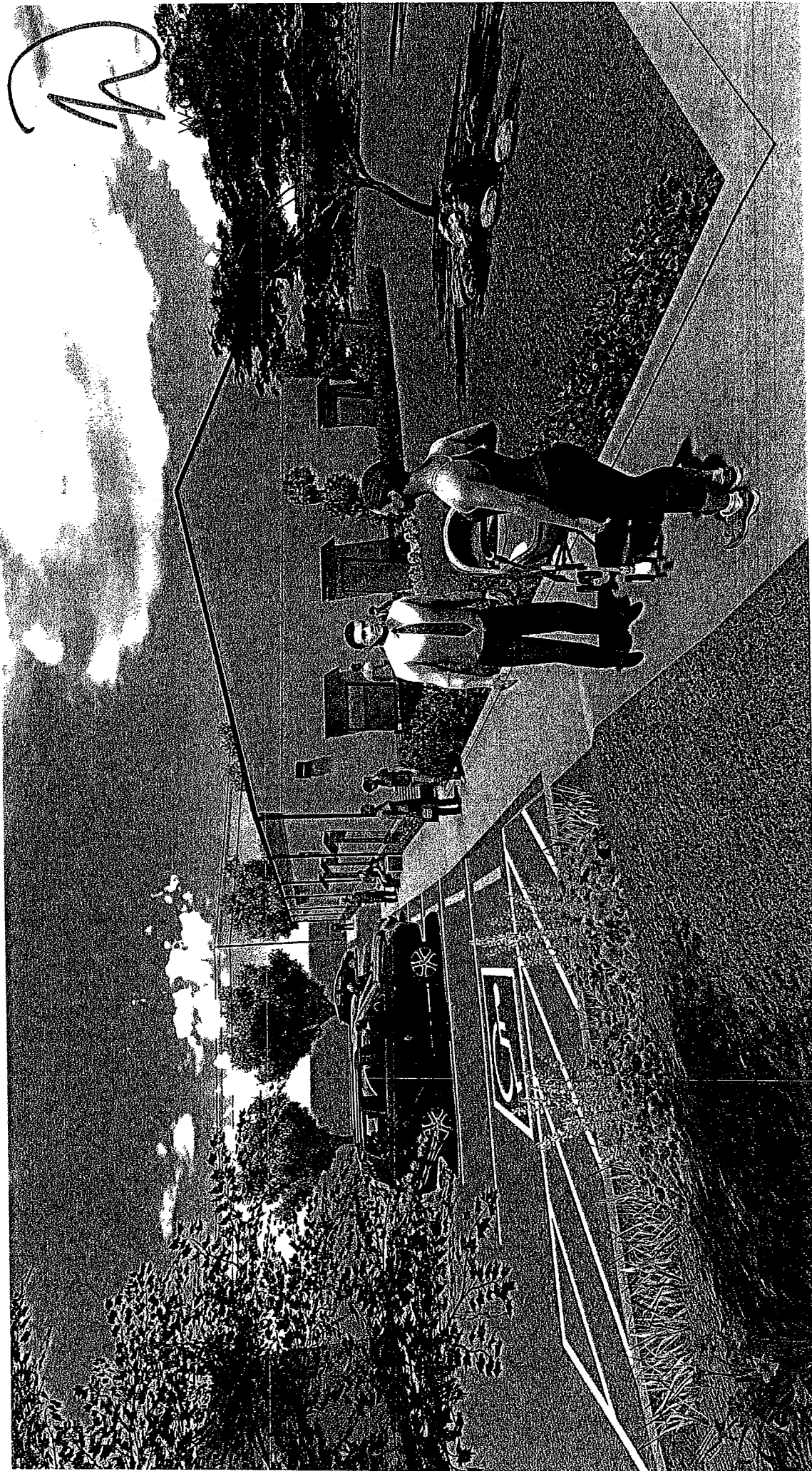
| EXTERIOR FINISH LEGEND | | | | |
|------------------------|----------------|-----------|----------------|------------------------|
| MARK | MATERIAL | COLOR | MANUF. / MODEL | REMARKS |
| RF-4 | W/FL. ROOF | BROWN | CENTRAL/LAND | |
| RF-1 | W/FL. | WHITE | TID | W/FL. COLOR W/ CHIMNEY |
| CB-1 | CULTURED STONE | TAN BLIND | TID | W/FL. COLOR W/ CHIMNEY |
| | | RED | TID | W/FL. COLOR W/ CHIMNEY |

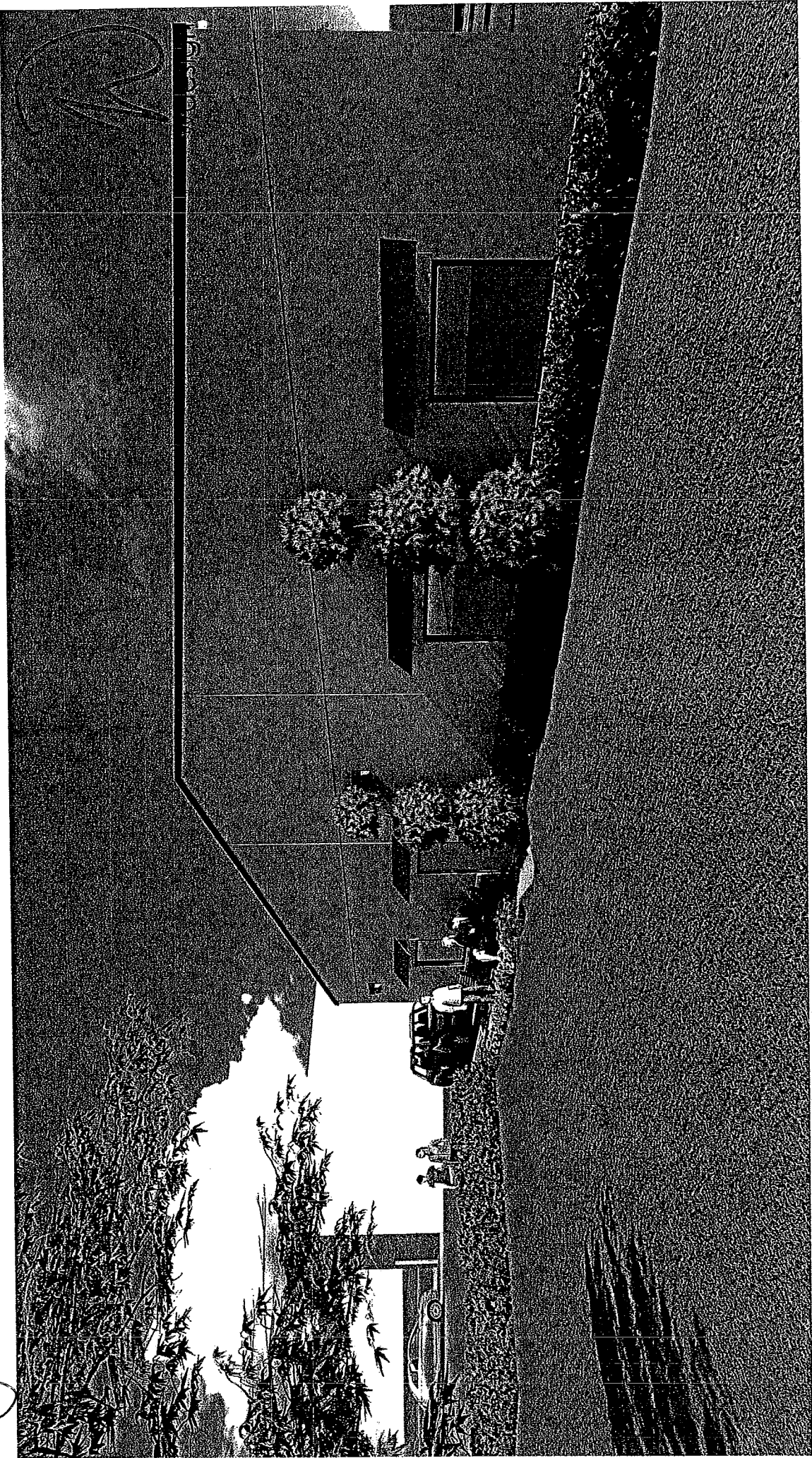
THERE ARE NO BUILDING-WALL-MOUNTED SIGNS PROPOSED AT THIS TIME. ANY FUTURE SIGNAGE WILL GO THROUGH THE CITY OF BOSTON'S SIGN PERMIT APPLICATION PROCESS.

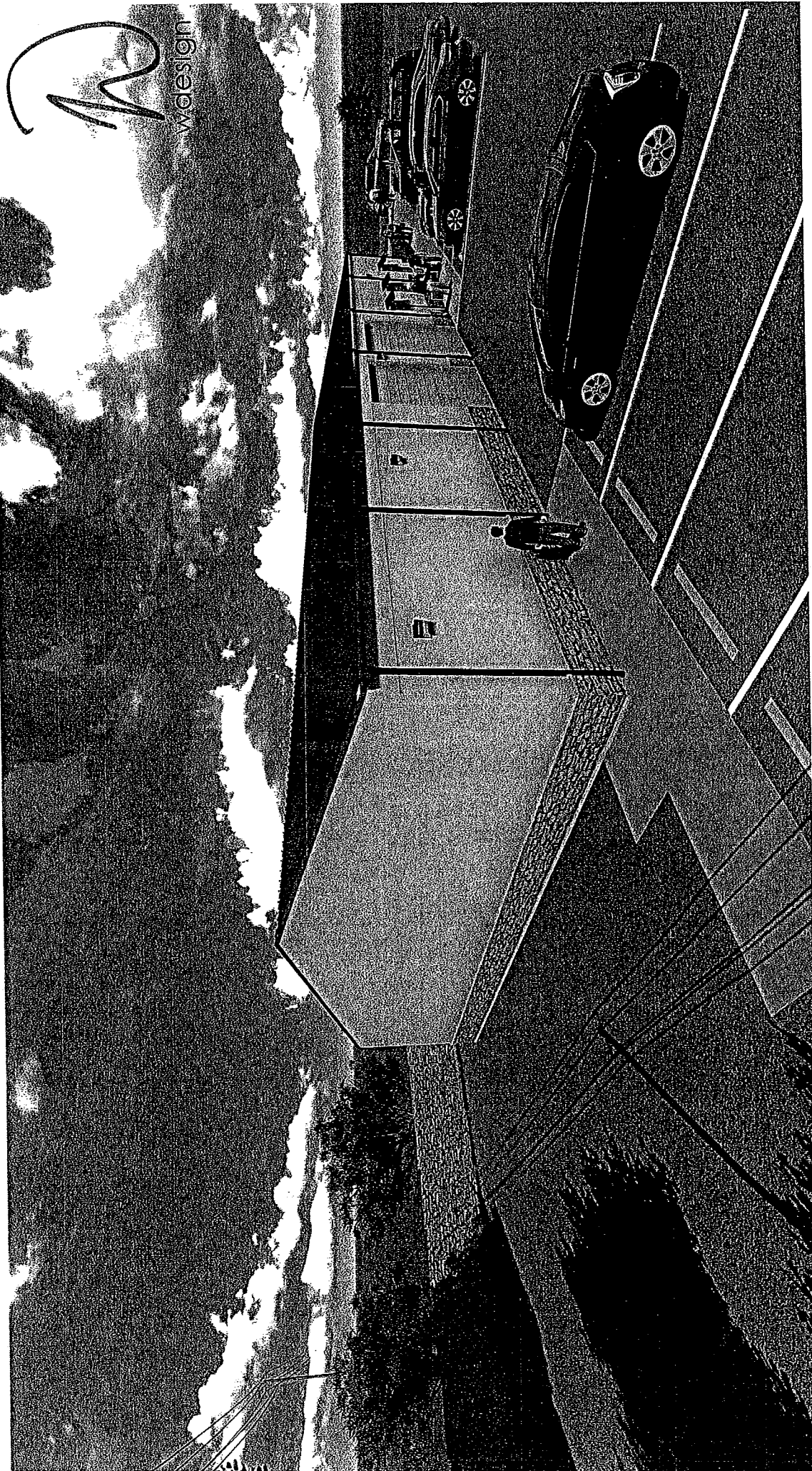


W
wdesign



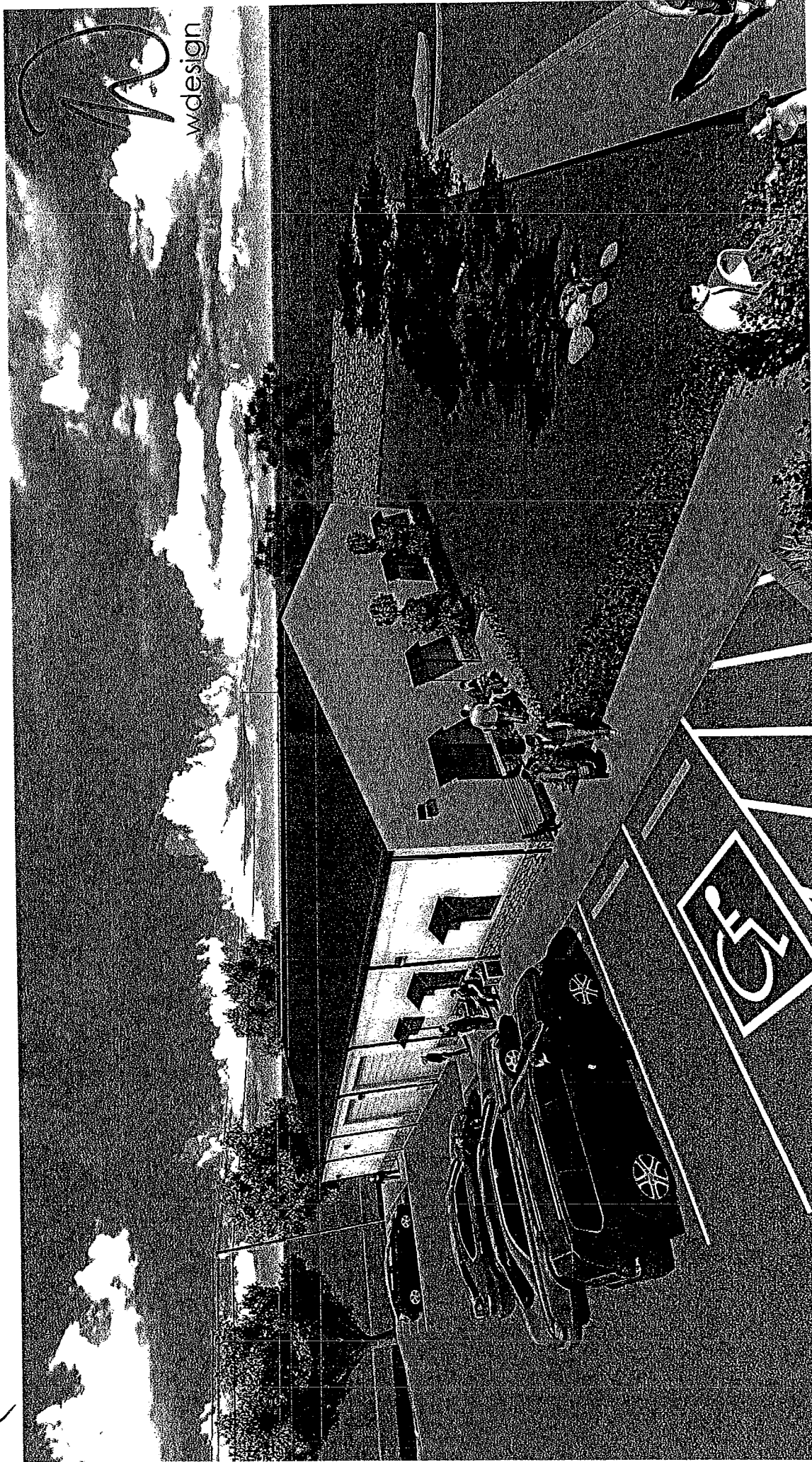


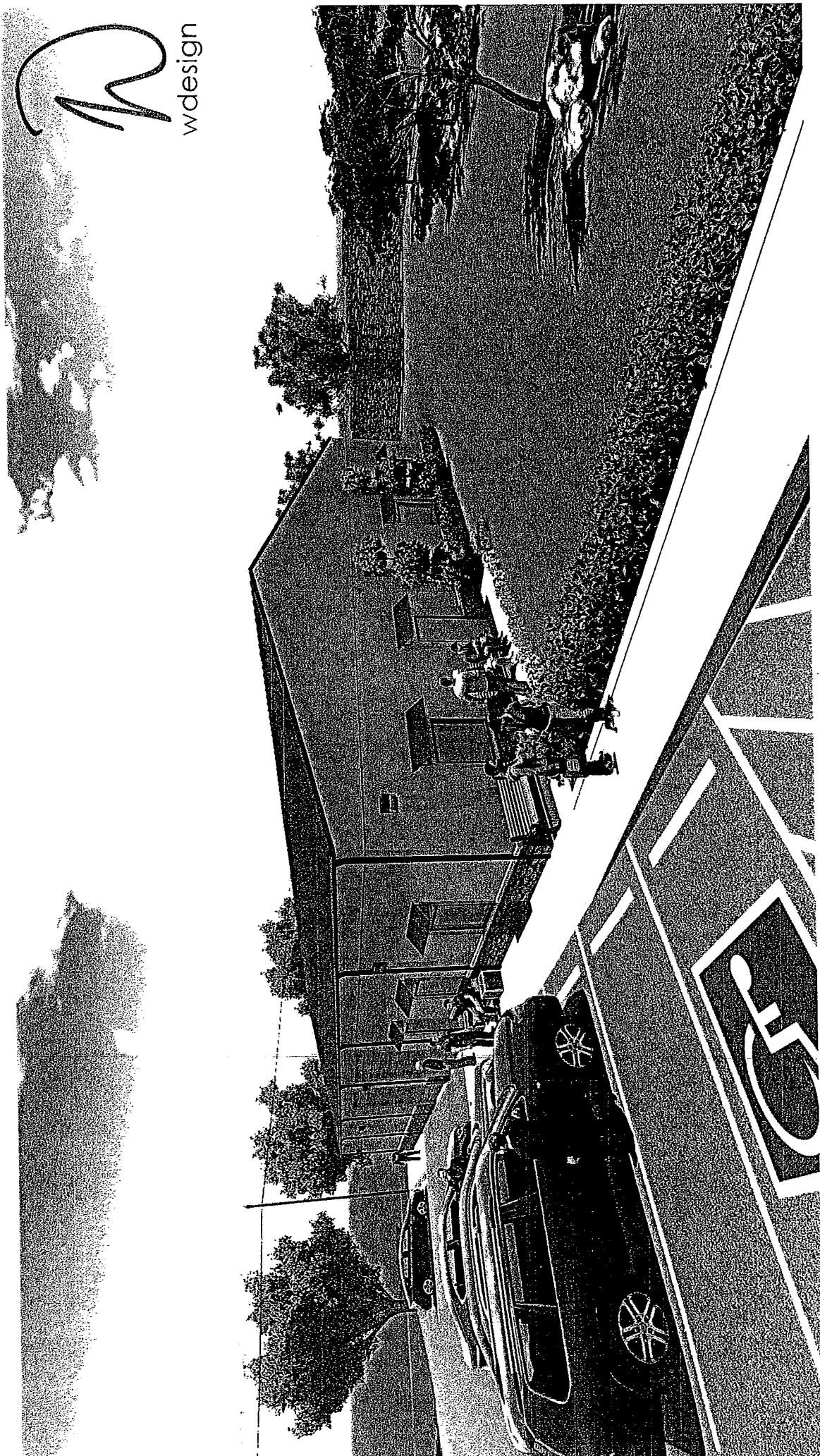


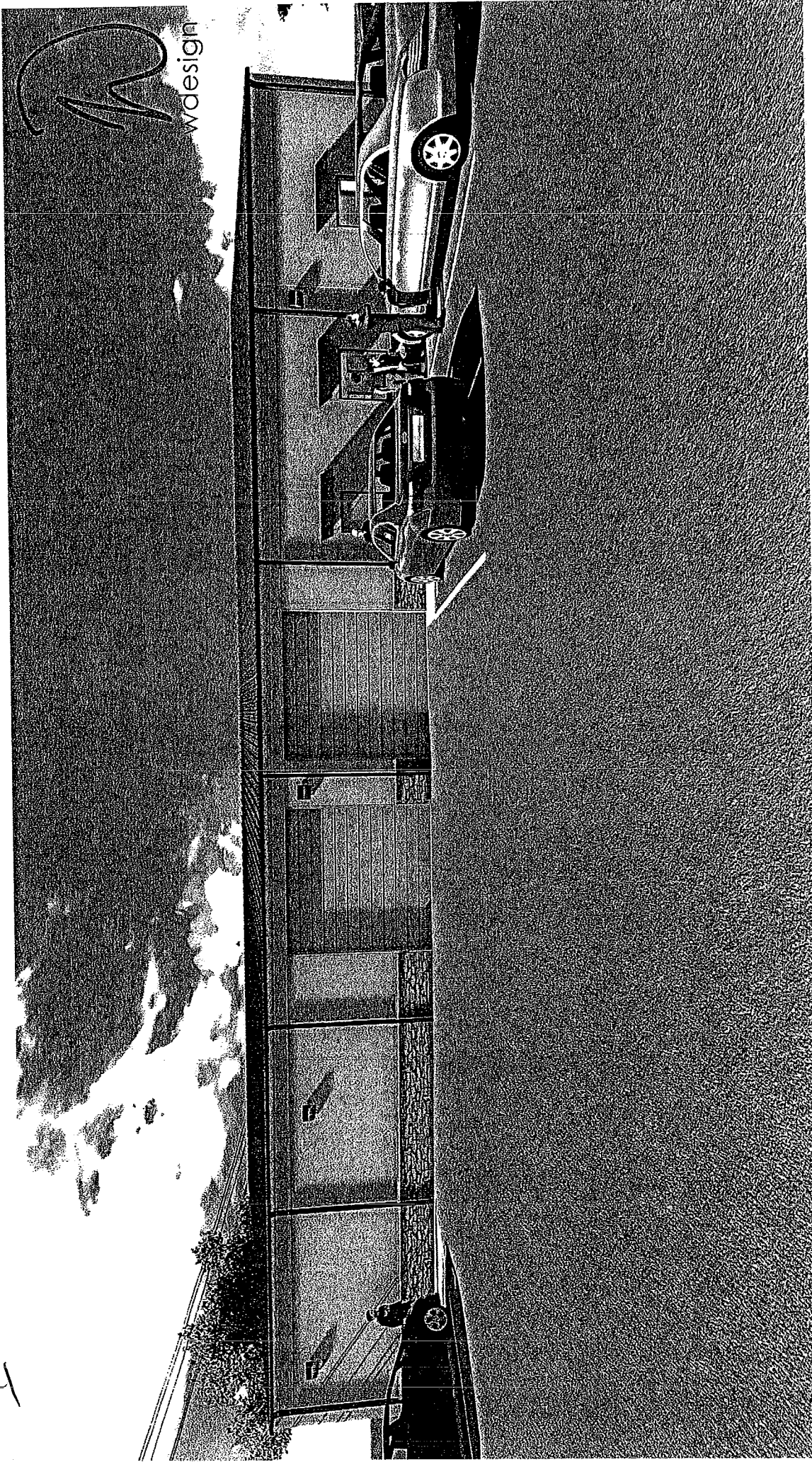


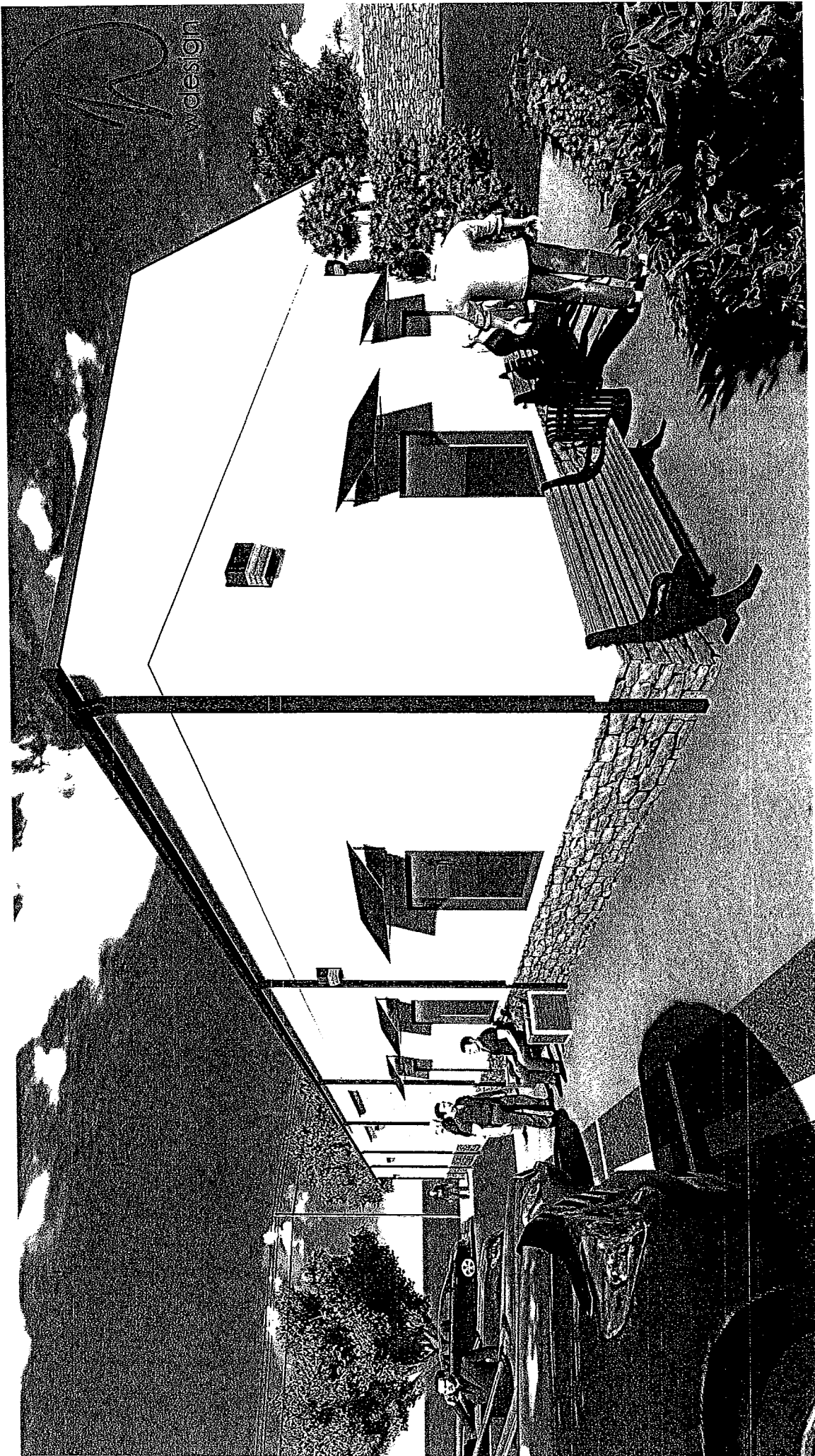
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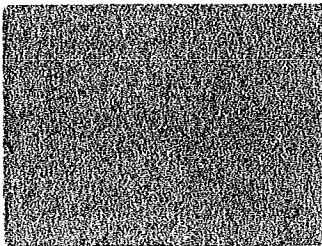
CUSTOM PANEL SYSTEMS

3991 Green Park Rd. • St. Louis, MO 63125 • 314.631.9244 FAX 314.631.3003

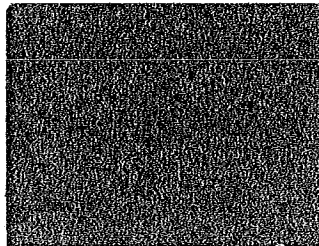
Pre-Finished Stucco Wall Panels

Standard Colors

SUMMER



PUEBLO



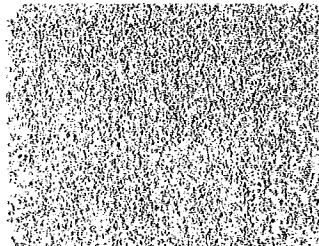
SUNSET



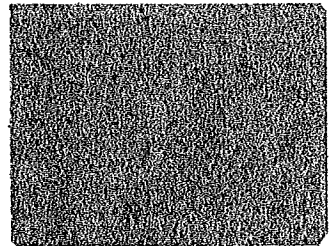
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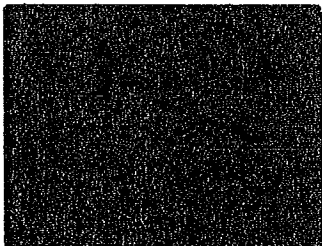
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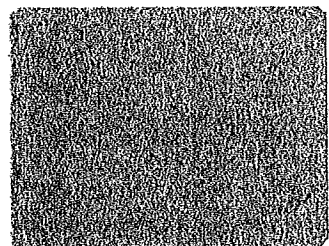
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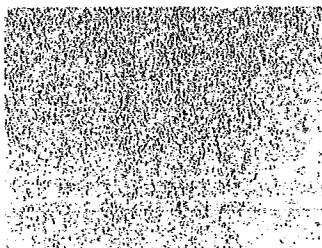
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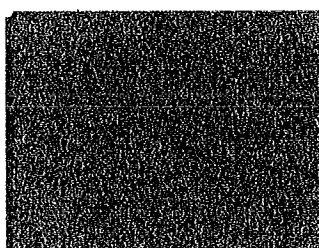
GRAY



SLATE



HACIENDA



DUNE



HORIZON



SKY



OLIVE



46
*NOTE: These color chips are to give a basic representation of standard colors. Slight color variations may occur between sample materials and finished product. Samples are not intended to show texture of actual panels.

BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: September 21, 2015

| NAME | ADDRESS | ITEM |
|------------------------|-----------------------------|----------------------|
| 1. ART KEDD | 7220 S TOLEDO ST | 2 & 3 |
| 2. Jay MAULDIN | 7341 E 119 PL | 2/3 CHATEAU VILLAS |
| 3. Jay MAULDIN | 7341 E 119 PL | Jiffy LUBE |
| 4. LYNN LEDFORD | 7734 E. 118th | Jiffy Lube |
| 5. Greg Moore | 9156 E 120th STS. | Jiffy Lube office #4 |
| 6. Harley Luddy | 11647 S. 73rd Ave | JLOB |
| 7. RYAN COULTER | 7366 E 119th | Jiffy Lube |
| 8. WELDON BOWMAN | 815 E. 3rd St, SEC C | JIFFY LUBE OFFICE #4 |
| 9. TIM HAMBURG | 3515 W. 75th PRV. KR | 2 & 3 |
| 10. Kevin Brown | | 2 & 3 |
| 11. Patrick Moore | | Jiffy Lube |
| 12. Noel Malin | | Jiffy Lube |
| 13. | | |
| 14. | | |
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**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
October 06, 2015 6:00 PM**

SPECIAL-CALLED MEETING

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:

Brian Wiesman

Rob Brewer

Alan Betchan, PE, CFM

Gary Thurmond

See attached Sign-In Sheet

CALL TO ORDER:

Chair Lance Whisman called the meeting to order at 6:15 PM.

ROLL CALL:

Members Present: Larry Whiteley, Lance Whisman, and Thomas Holland.

Members Absent: Steve Sutton and Jerod Hicks.

CONSENT AGENDA:

PUBLIC HEARINGS

1. **PUD 91 – “The Village at Twin Creeks” – AAB Engineering, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 6 acres in part of the W/2 of the W/2 of Section 31, T18N, R14E.
Property Located: 11625 S. Mingo Rd.

2. **BZ-385 – AAB Engineering, LLC.** Public Hearing, discussion, and consideration of a rezoning request from AG Agricultural District to RS-2 Residential Single-Family District for approximately 6 acres in part of the W/2 of the W/2 of Section 31, T18N, R14E.
Property Located: 11625 S. Mingo Rd.
-

Chair Lance Whisman introduced the two (2) related items 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, October 01, 2015
RE: Report and Recommendations for:
PUD 91 – “The Village at Twin Creeks” – AAB Engineering, LLC &
BZ-385 – AAB Engineering, LLC

LOCATION: – 11625 S. Mingo Rd.
– Part of the W/2 of the W/2 of Section 31, T18N, R14E

SIZE: 6 acres, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Agricultural/rural residential

REQUESTED ZONING: RS-2 Residential Single-Family District & PUD 91

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

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

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

East: RS-2 & RS-3; Single-family residential in Southwood East Second zoned RS-2 and The Park at Southwood zoned RS-3.

West: (Across Mingo Rd.) RE & RS-2; Single-family residential in Amended Southwood Extended zoned RE and in Twin Creeks II and Twin Creeks zoned RS-2.

COMPREHENSIVE PLAN: Low Intensity + Residential Area

PREVIOUS/RELATED CASES:

Preliminary Plat of “The Village at Twin Creeks” – AAB Engineering, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for subject property – PC consideration pending 10/19/2015.

RELEVANT AREA CASE HISTORY (Not researched)

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The AG-zoned agricultural/rural residential subject property of 6 acres, more or less, contains a single-family dwelling addressed 11625 S. Mingo Rd. and two (2) barns/accessory buildings toward the center of the acreage.

The subject property appears to slope moderately downward to the south, ultimately to the borrow ditch attending Mingo Rd., which appears to ultimately drain to Haikey Creek.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.), or otherwise will be served by line extensions as required. Plans for utilities are adequately described in the PUD Text and represented on Exhibit C, and are discussed further in the City Engineer's memo.

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

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the requested RS-2 district is In Accordance with both the Low Intensity designation of the Comprehensive Plan Land Use Map.

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

“The Bixby Comprehensive Plan map depicts desired land uses, intensities and use and development patterns to the year 2020. Intensities depicted for undeveloped lands are intended to

develop as shown. Land uses depicted for undeveloped lands are recommendations which may vary in accordance with the Intensities depicted for those lands." (emphasis added)

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

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

The subject property is partially developed with the rural residence and agricultural/accessory buildings, but may not be considered "developed" if contrasted with the "Vacant, Agricultural, Rural Residences, and Open Land" designation that could have been applied here. Staff believes that the requested RS-2 district should be found In Accordance with the Residential Area designation of the Land Use Map.

Per the Matrix, PUDs (as a zoning district) May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Provided it is approved with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below, Staff believes that PUD 91 should be found In Accordance with the Comprehensive Plan as a zoning district.

Due to all of the factors listed and described above, Staff believes that the requested RS-2 zoning and proposed and single-family residential development proposed per PUD 91 should be found In Accordance with the Comprehensive Plan, provided it is approved with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below.

General. The PUD proposes to prepare the subject property for a gated, single-family residential development to be known as "The Village at Twin Creeks."

The PUD is being requested for two (2) reasons: (1) Subdivision Regulations Section 12-3-2.J requires a PUD when developing subdivisions with private streets, and (2) for subdivision design flexibility. Similar to other "villas"-style housing additions in Bixby, the lots are proposed to be narrow and setbacks reduced, allowing larger homes on smaller lots as compared to standard housing additions typically designed according to RS-3 district development standards. PUD 91 proposes for lots to have a 60' minimum lot width and 7,500 square-foot minimum lot area, compared to the RS-2 district's 75' minimum lot width and 9,000 square foot minimum lot area standards.

See the analysis below pertaining to minimum development standards for individual houses.

In the interest of efficiency and avoiding redundancy, regarding PUD particulars for needed corrections and site development considerations, please refer to 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 91 at its regular meeting held September 02, 2015. Minutes of that meeting are attached to this report.

Access and Internal Circulation. The subject property has 330' of frontage on Mingo Rd. and 50' of frontage on the westerly dead-end of 116th Pl. S. in Southwood East Second.

The subject property is presently accessed from a private, gravel driveway connecting to Mingo Rd. at approximately the 11600-block thereof. The PUD site plan and Preliminary Plat of "The Village at Twin Creeks" indicate the new street, 116th Pl. S., will intersect Mingo Rd. to the north of the present driveway connection, and will terminate at a cul-de-sac turnaround toward the east end of the subject property, with a 20'-wide emergency access drive connection to the present westerly dead-end of 116th Pl. S. in Southwood East Second.

The "Access and Circulation" section of the PUD Text describes plans for access as follows: "All streets within the development will be private and will largely conform the with the attached conceptual site plan. The primary entry to the subdivision will be derived from South Mingo Road as shown. A secondary "crash gate" access will be provided at the eastern end of the property where the existing 116th Place South currently dead ends. This will provide two points of access to the development as required by the City of Bixby Fire Marshal. Gates will be

constructed to limit public access to subdivision and provide additional security for the lot owners. All such gates will be constructed according to the requirements of the City of Bixby Fire Marshal.

In keeping with the character of the development desired by the owner, sidewalks will not be constructed within the development. This will not reduce or eliminate any master planned pedestrian connectivity within the surrounding developments since no sidewalks currently extend to any portion of the property. Sidewalks will similarly not be constructed along Mingo since this is one of the last tracts with frontage left to development and not sidewalks have been constructed along Mingo Road to date."

Plans for access can also be inferred from the PUD Exhibits.

The PUD Text and Exhibits indicate the singular street, 116th Pl. S., will be private and gated. The PUD Text provides that the roadway will be 26' in width, and the Preliminary Plat of "The Village at Twin Creeks" indicates an unidentified 26' dimension within the proposed 30'-wide private street right-of-way (or Reserve Area A), which likely suggests an intended 26'-wide roadway width. Notwithstanding the right-of-way not meeting the 50' minimum width standard and the present proposal to not construct the required sidewalks, the streets are understood to be otherwise designed and constructed to meet City of Bixby minimum standards for Minor Residential Public Streets. The PUD Exhibit(s) should dimension the intended roadway width and the PUD Text should acknowledge that the 30'-wide rights-of-way will require a Modification/Waiver during the platting process.

As discussed during the pre-application coordination meetings held November 24, 2014 and July 31, 2015 and/or the TAC Meeting held September 02, 2015, the gate setback and/or other gate design requirements may cause need for a reconfiguration of the subdivision at the west entrance. Any necessary modifications should be reflected in the PUD Exhibits as appropriate.

The above-quoted PUD Text expresses opposition to constructing the required sidewalk along Mingo Rd. or along the internal street. As discussed during the pre-application coordination meeting held November 24, 2014, and perhaps also the one held July 31, 2015, sidewalks are required along Mingo Rd. and the private street, and may be contained within Sidewalk Easements in the latter instance.

The City of Bixby has not granted unmitigated Waivers of sidewalks for housing additions since the January 11, 2010 "transitional period" Waivers of sidewalks for the Chisholm Ranch/Villas and River's Edge housing additions. Options extended to and utilized by developers since include:

1. Alternative sidewalk locations (e.g. Somerset constructing sidewalks to/through Bixby Public Schools and LifeChurch.tv properties and River Trail II trail construction option versus sidewalk),
2. Payment of fee-in-lieu into a City of Bixby escrow account for sidewalk construction on future street improvement projects (extended to, but not utilized by Southridge at Lantern Hill), and
3. Payment of fee-in-lieu into a City of Bixby escrow account for onsite sidewalk construction (extended to and expected to be utilized by QuikTrip).

Because the internal street network is so small and this is a gated subdivision with private streets, in lieu of internal sidewalks on one or both sides of 116th Pl. S., provided the linear distances equal, Staff would support a future Modification/Waiver of the Subdivision Regulations during the platting stage to allow construction of sidewalk extensions northerly and/or southerly along Mingo Rd., or by paying a fee-in-lieu as per # 2 above.

If internal sidewalks will be constructed, it appears that the proposed rights-of-way, at 30' in width, will not be adequate to contain a sidewalk (a 26' roadway leaves only ~1.5' on either side of both ~½' curbs), and so it appears it will be necessary to add a "Sidewalk Easement" along the streets. Alternatively, additional width could be added to the 30' current right-of-way / Reserve Area A width to accommodate the sidewalks.

The PUD Text pertaining to sidewalks should be replaced with new text such as: "Sidewalks shall be constructed by the developer along Mingo Rd. and Reserve Area B and shall be constructed by the developer or individual lot owners along all internal streets in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer." The Text should also explain plans for use of Sidewalk Easements or wider Reserve Area A / private street right-of-way.

Alternatively, the PUD Text pertaining to sidewalks should be replaced with new text describing intent to construct the sidewalk along the Mingo Rd. frontage only and use the alternative methods for internal sidewalk Modification/Waiver mitigation listed above.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily RS-2, RS-3, and RE. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

To the north, east, and south is single-family residential in Southwood East and Southwood East Second zoned RS-2 and single-family residential farther east in The Park at Southwood zoned RS-3.

Across Mingo Rd. to the west is single-family residential in Amended Southwood Extended zoned RE and in Twin Creeks II and Twin Creeks zoned RS-2.

The proposed RS-2 zoning and single-family residential housing addition development contemplated by this PUD would be consistent with the surrounding RS-2 and residential zoning and single-family land use patterns and represents a logical extension thereof.

For the past few years, the City Council has discussed with developers the minimum standards for houses to be constructed within in new housing additions in Bixby, and how proposals for such would compare to the same in other developments in context and in Bixby as a whole. Specifically, the City Council has previously considered (1) minimum house size and (2) minimum masonry content. These matters are always considered when granting a PUD entitlement to reduce lot widths or other bulk and area standards, as is the case in this application.

In 2012/2013, the City Council approved PUD 72, permitting the reduction of certain minimum bulk and area standards for what was later replatted as Southridge at Lantern Hill at 146th St. S. and Sheridan Rd. The City Council and the then-owner agreed to impose minimum standards as to house sizes and masonry as follows:

- 1,800 square foot minimum house size
- 100% minimum masonry to the top plate line.

In 2013, the City Council approved PUD 78, permitting the reduction of certain minimum bulk and area standards for "Willow Creek" at 131st St. S. and Mingo Rd. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:

- 1,500 square foot minimum house size
- 50% minimum masonry.

In 2014, the City Council approved PUD 82, permitting the reduction of certain minimum bulk and area standards for "Somerset" at 119th St. S. and Sheridan Rd. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:

- 75% minimum masonry
- Mature tree preservation.

The Preliminary Plat of "Somerset," as approved by the City Council, included:

- 2,200 square foot minimum dwelling size for one-story houses, and 2,600 square foot minimum for two-story houses.

After a three (3) month long review process, on November 10, 2014, the City Council Conditionally Approved the "Conrad Farms" housing addition development for Comprehensive Plan amendment per BCPA-12, rezoning to RS-3 per BZ-377, and specific development plans per PUD 85 for approximately 136.48 acres between 151st St. S. and 161st St. S., Sheridan Rd. and Memorial Dr. The City observed that, in exchange for the special benefits afforded by amending the Comprehensive Plan and the PUD, the Applicant in that case proposed:

- 1,500 square foot minimum house size
- 100% minimum "masonry, or approved masonry alternatives" up to the first floor top plate, including:
 - 35% minimum brick
 - Approved masonry alternatives included "stucco, EIFS, and James Hardie fiber cement"
- Specific plans for neighborhood amenities, including the neighborhood clubhouse and entry features.

In November, 2014, the City Council approved a Preliminary Plat of "Pine Valley Addition." In accordance with its purview of land use restrictions required to attend a plat according to the Bixby Subdivision Regulations, the City observed that the Restrictive Covenants in that case proposed:

- 1,700 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses
- 100% / "full masonry."¹

In November, 2014, the City Council approved the Final Plats of "Seven Lakes V" and "Seven Lakes VI." In accordance with its purview of land use restrictions required to attend a plat according to the Bixby Subdivision Regulations, the City observed that the Restrictive Covenants in that case proposed:

- 2,200 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses
- 100% masonry including brick, stone, or stucco.²

In January, 2015, the City Council approved straight RS-3 zoning per BZ-378 for the "Bridle Creek Ranch" housing addition of 50.76 acres at 9040 E. 161st St. S. The Council accepted the suggestion by City Staff that the minimum standards could be established by the Restrictive Covenants of the plat, in lieu of a PUD as City Staff originally suggested. At the December 15, 2014 Planning Commission meeting, the Applicant stated that the houses would be:

- 1,600 square foot minimum dwelling size for one-story houses, and 2,000 square foot minimum for two-story houses
- 100% masonry to the top plate.

In January, 2015, the City Council approved the Final Plat of "Quail Creek of Bixby." In accordance with its purview of land use restrictions required to attend a plat according to the Bixby Subdivision Regulations, the City observed that the Restrictive Covenants in that case proposed:

- 2,200 square foot minimum dwelling size for one-story houses, and 2,600 square foot minimum for two-story houses
- 75% masonry including brick, natural rock, or stucco.³

On 07/27/2015, the City Council approved PUD 90, permitting the reduction of certain minimum bulk and area standards for "Chisholm Ranch Villas II" at 10158 E. 121st St. S. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:

- 2,000 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses
- 100% masonry excluding windows and beneath covered porches.
- Minimum 10/12 roof pitch, with provisions for "Architectural Committee" waiver.

On 08/24/2015, the City Council approved straight RS-3 zoning per BZ-384 for the "Presley Heights" housing addition of 42.488 acres at the 2800-block of E. 141st St. S. The Council accepted the suggestion by City Staff that the minimum standards could be established by the Restrictive Covenants of the plat, in lieu of a PUD as City Staff also suggested. At the August 17, 2015 Planning Commission meeting, the Applicant stated that the houses would be:

- 2,000 square foot minimum dwelling size for one-story houses, and 2,500 square foot minimum for two-story houses
- 100% masonry for first stories, except underneath porches, windows, and doors.

¹ As recommended/required, one of the Conditions of Approval included that any changes to the DoD/RCs pertaining to the concerned restrictions cannot be amended unless such amendment is also approved by the City Council.

² At the time, Staff expressed concern about DoD/RCs allowing the minimum masonry standards to be waived by the subdivision's Architectural Committee (typically = developer) and recommended that the DoD/RCs provisions pertaining to minimum house size and masonry content cannot be amended without the approval of the City Council. These changes were included as the Council's modifications and/or Conditions of Approval. As recommended/required, the Applicant made the appropriate adjustments, including removing the waiver provision and relocating the concerned provisions to another section of the DoD/RCs requiring City Council approval for amendments, before the Final Plat was submitted and approved by CC January 26, 2015.

³ Staff expressed concern about DoD/RCs Section IV.E allowing the minimum masonry standards to be waived by the subdivision's Architectural Committee (typically = developer). The City Council required that the City Council also approve any waivers of the masonry requirement and that the DoD/RCs provisions pertaining to minimum house size and masonry content cannot be amended without the approval of the City Council.

As the above listing indicates, minimum standards vary by application and consider contextual factors specific to each development site.

The plat of Twin Creeks, recorded 09/03/1999, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 2,000 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses
- 50% masonry excluding windows and doors, with provisions for "Architectural Design Committee" waiver
- Minimum 8/12 roof pitch over at least 75% of horizontal area covered by roof, with an absolute minimum 4/12 roof pitch, with provisions for "Architectural Design Committee" partial waiver.

The plat of Twin Creeks II, recorded 11/06/2000, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 2,200 square foot minimum dwelling size for one-story houses, and 2,600 square foot minimum for two-story houses
- 50% masonry excluding windows and doors, with provisions for "Architectural Design Committee" waiver
- Minimum 8/12 roof pitch over at least 75% of horizontal area covered by roof, with an absolute minimum 4/12 roof pitch, with provisions for "Architectural Design Committee" partial waiver.

The plat of Twin Creeks III, recorded 04/07/2003, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 2,200 square foot minimum dwelling size for one-story houses, and 2,600 square foot minimum for two-story houses
- 50% masonry excluding windows and doors, with provisions for "Architectural Design Committee" waiver
- Minimum 9/12 roof pitch over at least 75% of horizontal area covered by roof, with an absolute minimum 4/12 roof pitch, with provisions for "Architectural Design Committee" partial waiver.

The plat of Twin Creeks III Extended, recorded 02/13/2004, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 2,200 square foot minimum dwelling size for one-story houses, and 2,600 square foot minimum for two-story houses
- 75% masonry excluding windows and doors, and 100% masonry for exteriors facing a public street
- Minimum 9/12 roof pitch over at least 75% of horizontal area covered by roof, with an absolute minimum 4/12 roof pitch.

The plat of Twin Creeks Villas, recorded 06/26/2003, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 1,800 square foot minimum dwelling size
- 60% masonry excluding windows and doors, and 100% masonry for front and "Common Use Easement" side yard façades, with provisions for "Architectural Design Committee" waiver
- Minimum roof pitch of "combination of 14/12 sides and 9/12 over [at least] 75% M/L [of horizontal area covered by roof]," with an absolute minimum 6/12 roof pitch, except for a 4/12 pitch over porches or covered patios, with provisions for "Architectural Design Committee" partial waiver.

As it pertains to minimum standards for individual home construction, this PUD 91 proposes:

- 2,400 square foot minimum dwelling size
- 100% masonry to the first floor top plate excluding windows, covered porches, and patios.

Staff believes that the proposed minimum standards for home construction are substantially consistent with the nearby "Twin Creeks" subdivisions and with recent precedents for such standards as approved in Bixby for the past few years, and exceeds those of the comparable Twin Creeks Villas subdivision.

For all the reasons outlined above, Staff believes that PUD 91 would be consistent with the surrounding zoning, land use, and development patterns and is 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:

54

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.

Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C are met in this application.

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. The approval of RS-2 zoning shall be subject to the final approval of PUD 91 and vice-versa.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item will be addressed by language to this effect in the "Development Concept" and "Site Plan Review" sections of the PUD Text (if the latter is retained).
3. Please update all PUD number blanks with number 91.
4. Please update all BZ- number blanks with case number BZ-385.
5. PUD Text: Development Concept: First Paragraph: Please identify by name the one (1) Development Area (DA), such as "Development Area A," label the one (1) DA on Exhibit B, and specify name with the Development Standards.
6. PUD Text: Development Concept: First Paragraph: Please clarify sentence such as "This PUD is being requested in conjunction with an application for zoning change to RS-2 per BZ-385."
7. PUD Text: Development Concept: First Paragraph: Please clarify sentence such as "One reserve will consist of a private gated street right-of-way with the other reserve containing the "wet-design" stormwater detention facility."
8. PUD Text: Development Concept: Second Paragraph: Please clarify sentence such as "... "wet-design" stormwater detention facility..."
9. PUD Text: Development Standards: Permitted Uses: Please replace term "Ordinance" with "Code."
10. PUD Text: Development Standards: Permitted Uses: Does not appear to provide for Use Unit 5 passive recreational uses (such as private park) in Reserve Area B, as is suggested by the PUD Text language pertaining to same. Alternatively, a sentence may be added that refers to additional uses in the "Reserve Area 'A'" and "Reserve Area 'B'" sections that follow, provided the Reserve Area B section specifies Use Unit 5.
11. PUD Text: Development Standards: Reserve Area 'B': Please capitalize "The Village at Twin Creeks" as used elsewhere throughout the PUD document and the Preliminary Plat of "The Village at Twin Creeks."

12. PUD Text: Development Standards: Reserve Area 'B': Please clarify such as "...construction of a stormwater detention facility..."
13. PUD Text: Development Standards: Reserve Area 'B': Please add a Minimum Land Area standard to address the fact that most of the lots will only have benefit of 15' of R/W, and so would need the 10,875 square foot minimum land area standard of the RS-2 district relaxed.
14. PUD Text: Development Standards: The minimum livability space is essentially defined as the unpaved part of a residential lot. The Exhibits do not indicate likely house sizes on the lots. A sentence in the Reserve Area B section pertains to the potential transfer of livability area to residential lots, as provided in Zoning Code Section 11-7I-5.C, but this section should be enhanced to make the transfer or provide for the mechanism of transfer. The minimum livability area standard of the RS-2 district is 5,000 square feet, which would require a grand total of ~2.5 acres of livability space for the 22 lots proposed. Please consider providing a typical lot site plan, to demonstrate this relationship to Staff and the Planning Commission and demonstrate that the standard will be met. Alternatively, please run calculations to determine whether this provision and the lot area of Reserve Area B will be adequate to cover all livability space required. If not, consider providing a reduced livability space standard in the Development Standards and specifically provide that this relieves compliance from Zoning Code Section 11-7I-5.C.
15. PUD Text: Development Standards: Private Streets: Please correct typo in term "Association."
16. PUD Text: Development Standards: Private Streets: Please acknowledge that the 30' private street R/W width will require a Modification/Waiver of the Subdivision Regulations, which will be requested with the [Preliminary] Plat application.
17. PUD Text: Development Standards: Drainage & Utilities: Final Sentence: Please correct typo in term "platting."
18. PUD Text: Development Standards: Drainage & Utilities: Final Sentence: Please remove words "and site plan."
19. PUD Text: Development Standards: Access and Circulation: The term "crash gate" may be inappropriate. Please coordinate with Fire Marshal on appropriate terminology.
20. PUD Text: Development Standards: Access and Circulation: The PUD Text pertaining to sidewalks should be replaced with new text such as: "Sidewalks shall be constructed by the developer along Mingo Rd. and Reserve Area B and shall be constructed by the developer or individual lot owners along all internal streets in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer." The Text should also explain plans for use of Sidewalk Easements or the sizing of Reserve Area A / private street right-of-way with adequate width to accommodate the sidewalks.

Alternatively, the PUD Text pertaining to sidewalks should be replaced with new text describing intent to construct the sidewalk along the Mingo Rd. frontage only and use the alternative methods for internal sidewalk Modification/Waiver mitigation listed above.

21. PUD Text: Development Standards: Access and Circulation: Please add appropriate language such as "Limits of No Access (LNA) will be imposed by the future plat along the Mingo Rd. frontage, except at the street intersection. The location of the curb cut and design of the intersection shall be approved by the Fire Marshal and City Engineer."
22. PUD Text: Development Standards: Screening Walls and Fences: Text here indicates intent to construct a screening wall along Mingo Rd. Please describe intent to include same within a Reserve Area or "Fence Easement" by the plat of "The Village at Twin Creeks," or what other method will be employed for this common neighborhood feature. If an entry sign and/or landscaping will also be employed, please describe here or elsewhere in the PUD Text as appropriate (Zoning Code Sections 11-7I-8.B.1.e and f).
23. PUD Text: Development Standards: Site Plan Review: A site plan does not appear to be necessary for a housing addition development. See Zoning Code Sections 11-7I-8.B.5. Please remove this section or explain.
24. PUD Text: Schedule of Development: Please remove ambiguity by restating such as "late fall or early winter 2015:2016."

56

25. PUD Exhibit(s): If known at this time and agreeable to the Fire Marshal, please represent and identify the location(s) of the proposed gates.
26. PUD Exhibit(s): As discussed during the pre-application coordination meetings held November 24, 2014 and July 31, 2015 and/or the TAC Meeting held September 02, 2015, the gate setback and/or other gate design requirements may cause need for a reconfiguration of the subdivision at the west entrance. Any necessary modifications should be reflected in the PUD Exhibits as appropriate.
27. PUD Exhibit(s): Please identify 20'-wide area as "Emergency Access Drive" or similarly as appropriate.
28. PUD Exhibit(s): Should dimension the intended roadway width.
29. PUD Exhibit(s): Should be amended to represent sidewalks and label their widths.
30. PUD Exhibit(s): Should represent Limits of No Access (LNA).
31. PUD Exhibit(s): PUD Text Section entitled "Screening Walls and Fences" indicates intent to construct a screening wall along Mingo Rd. Please represent on appropriate Exhibit(s). If an entry sign and/or landscaping will also be employed and the design of such entry features is known at this time and agreeable to the Fire Marshal, please represent on appropriate PUD Exhibit(s) (Zoning Code Sections 11-7I-8.B.1.e and .f).
32. Exhibit B: Discrepancies with Preliminary Plat of "The Village at Twin Creeks" observed for certain dimensions and angle/bearing information. See especially within and along Reserve Area B and Lot 1, Block 1. Please reconcile or remove.
33. Exhibits A : F: Please reconcile Exhibit titles with "The Village at Twin Creeks" as used elsewhere throughout the PUD document and the Preliminary Plat of "The Village at Twin Creeks."
34. 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.
35. 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 stated that there were two (2) substantive issues to discuss specifically. Mr. Enyart stated that the PUD contained an expression of intent not to build sidewalks. Mr. Enyart stated that the City of Bixby had not granted unmitigated sidewalk Waivers for any housing additions since its "transition period" in 2010. Mr. Enyart stated that the City had offered alternative compliance methods for these situations. Mr. Enyart stated that, in the previous two (2) months, the City reviewed the "Chisholm Ranch Villas II" housing addition, and its PUD similarly expressed intent not to build sidewalks, but the Planning Commission, City Staff, and City Council all agreed that the sidewalks would have to be built or an alternative compliance method could be used, such as constructing them internally on one (1) side of the street and compensating for the difference by building sidewalks along the Arterial Street. Mr. Enyart stated that another method was to pay a fee-in-lieu of sidewalk construction into an escrow account that the City would use to build sidewalks for a future street improvement project. Mr. Enyart stated that this could, for example, be used to build [part or all of] the sidewalk component of the intersection improvements at 111th St. S. and Mingo Rd. Mr. Enyart stated that the City was also working to improve intersections at 121st St. S. and Mingo Rd. and 131st St. S. and Mingo Rd. Mr. Enyart stated that he had spoken with the Applicant prior to the meeting and understood that the Applicant and his clients would agree to use

one of the available alternative compliance methods recommended by Staff. Mr. Enyart stated that the Applicant had noted that the fee-in-lieu option may be preferred, as the future widening of Mingo Rd., due to the existing borrow ditches, would likely require sidewalk removal and replacement. Mr. Enyart stated that it made sense to allow for alternative compliance methods, as the proposed street would be a short, gated street, and so the traffic volumes would be small and the traffic speeds should be low due to the gate. Mr. Enyart stated that he typically tries to word recommendations flexibly, to allow for options to be determined at a later date, but in this case, he needed to modify the relevant recommendation # 20, second paragraph, to read: "...to construct the sidewalk along the Mingo Rd. frontage only and/or use the alternative methods for internal sidewalk Modification/Waiver mitigation..."

Chair Lance Whisman asked when Mingo Rd. would be widened. Erik Enyart stated that he did not know, but knew that there was no money to widen the street at this time. Mr. Enyart noted that the City was focusing first in intersection improvements such as the Mingo Rd. intersections with 111th St. S., 121st St. S., and 131st St. S. Mr. Enyart clarified with Mr. Whisman at this time or later that the benefit of actual sidewalk construction would be the years of benefit before road widening.

Erik Enyart stated that the other substantive issue was the livability space requirement in the RS-2 district. Mr. Enyart stated that, in his discussion with the Applicant prior to the meeting, the Applicant stated that he had run the numbers and that, due to the typical [house layouts] and size of the proposed Reserve Area at the southwest corner, the lots should be adequately covered. Mr. Enyart stated that the Applicant would likely describe this situation in greater detail.

Erik Enyart offered to answer any questions for him and noted that the Applicant was also present and could speak on the items.

Chair Lance Whisman recognized Applicant Alan Betchan, PE, CFM. Mr. Betchan stated that the [minimum house size and masonry content standards proposed by the PUD] were "at least on par if not more restrictive than" [other comparable housing additions in Bixby]. Mr. Betchan stated that, regarding the livability space standard, the wet[-design stormwater] detention facility would lend livability space to the lots, and that, rather than the City checking each permit for how much was being drawn from the [livability space] "pool," he and Erik Enyart had discussed [having the PUD itself make the transfer]. Mr. Betchan stated that, if one would equally allocate the available livability space from the Reserve Area, it would provide approximately 1,250 square feet, reducing the amount needed to approximately 3,750 square feet. Mr. Betchan stated that, based on a typical lot model with the house and driveways, etc., the standard should be met on even the smallest lot, and most of the lots will standalone meet the standard [without the need for transfer from the Reserve Area]. Mr. Betchan stated that he would break down the numbers and allocate the transfer in the PUD.

Chair Lance Whisman asked Erik Enyart if he was okay with this approach, and Mr. Enyart responded affirmatively.

Alan Betchan or Erik Enyart stated that Staff's wording of the sidewalk recommendation leaves flexibility to handle this matter at the Final Plat stage. Mr. Betchan stated that it would involve [measuring the] equivalent length [of the mitigated sidewalks]. Mr. Betchan stated that there were

no other sidewalks on this mile [stretch of Mingo Rd. between 111th St. S. and 121st St. S.]. Mr. Betchan stated that the sidewalks [money] could better be used elsewhere. Mr. Betchan stated that [sidewalks here would] not make sense internally nor would [external sidewalks] connect to others in the adjacent subdivisions. Mr. Betchan stated that this was a straightforward development and that “the class and style [of homes to be constructed here] are” what was “moving in the market right now.”

Chair Lance Whisman confirmed with Alan Betchan that the minimum house size would be 2,400 square feet. Mr. Betchan noted that there was also a 2,000 square foot minimum size for first floors [of two-story buildings].

Larry Whiteley asked about sidewalks. Bryan Wiesman of High Pointe Homes stated that he had built approximately 20 houses in the *Village at the Legends* subdivision and stated that he did not think sidewalks should be required. Mr. Whiteley stated that he did not believe the citizens of Bixby should stand good for sidewalks that should have been put in when properties were developed. Mr. Wiesman stated that the *Village at the Legends* subdivision average lots were typically 60' X 120', and sidewalks would have made “the project look industrial.” Mr. Wiesman stated that homes there sell for an average of \$400,000. Victor Mendoza of 10009 E. 116th Pl. S. stated that sidewalks would require edging.

Alan Betchan stated that, the way the recommendation was written by Staff, [the specific alternative compliance method] could be selected at the Final Plat stage, but “Probably the best impact for the money would be fee-in-lieu,” because he could “guarantee it would not work with widening Mingo [Rd.]”

Chair Lance Whisman asked Erik Enyart the correct terminology for the gate, and Mr. Enyart responded, “Knox Rapid Entry System,” and specifically, “Knox Lock.”

Thomas Holland asked if there would be a masonry wall on the east end of the development where the gate will be located, and Alan Betchan stated that it would be a screening fence.

Thomas Holland referred to the TAC Minutes in the Agenda Packet and asked about the fire flow test. Alan Betchan stated that this was a standard comment from the Fire Marshal. Mr. Holland clarified with Erik Enyart that the water tower near 111th St. S. and Mingo Rd. was not used. Mr. Holland asked how the results of the test could impact the development, and Mr. Betchan responded that it could change the distribution of the [fire] hydrants within the subdivision. Mr. Betchan discussed water design plans for the development in its context, and noted that this development would complete a circuit not in place today [at the current west dead-end of 116th Pl. S.], and would provide a shorter connection to adjacent homes. Mr. Holland noted that it could enhance the volume and pressure of the water to the adjacent homes, and Mr. Betchan stated that, if a waterline were to break, it would provide a secondary point of service to them. Victor Mendoza suggested this could cause waterline breaks.

Thomas Holland stated that it is nice when people have sidewalks and do not have to walk in the streets. Bryan Wiesman stated that his target market was near- and empty-nesters. Mr. Holland stated that sidewalks promote community. Larry Whiteley stated that sidewalks were safer for kids.

Mr. Holland clarified with Mr. Whiteley that the [target demographic] would likely not include too many kids.

Chair Lance Whisman recognized Victor Mendoza of 10009 E. 116th Pl. S. from the Sign-In Sheet. Mr. Mendoza stated that he lived at the east end of this property and that his street did not have sidewalks. Mr. Mendoza stated that the "traffic is not there." A Commissioner noted that this was likely due to it being a dead-end street. Mr. Mendoza stated that he did not speak for all of his neighbors. Mr. Mendoza stated that, if a sidewalk was put in, he would have to edge it on both sides, or pay someone extra to do it.

Chair Lance Whisman recognized Steve Rayl of 11608 S. 99th E. Ave. from the Sign-In Sheet. Mr. Rayl stated that he had a cyclone fence and asked what would happen to his and others' fences. Alan Betchan responded that this could be discussed with the builder, but there will likely be new fences put up. Mr. Rayl stated that he had talked to "Mr. Brewer" and asked if it would not be an 8'-high fence, and Mr. Betchan noted that the fence would be wood. Mr. Rayl asked if the houses with second stories would have windows facing his backyard, and Mr. Betchan indicated that he did not know.

Thomas Holland stated that this would be a nice project.

Larry Whiteley asked about the purpose of the Reserve Area, and Erik Enyart responded that it would contain the stormwater detention pond, which was needed because all the new rooftops and paving areas would cause additional stormwater runoff, which must be captured and detained in the stormwater detention pond and metered out slowly, not exceeding the pre-developed rate of flow.

Thomas Holland asked if the land was more or less flat, and Erik Enyart stated that it sloped a little to the south. Alan Betchan stated that there was approximately 8' of fall on the property, and that the grade was a design issue to deal with. Mr. Betchan stated that this would be a "wet pond," and that the Reserve Area would also serve as a neighborhood amenity.

Larry Whiteley asked if the developer would take all the trees out. Alan Betchan stated that, if they were in [the right places], the developer would try to save them, and that, due to the front-side [sanitary] sewer service, there would be less intrusion in the backs of the lots. Mr. Betchan indicated that most of the trees would have to be removed, however, due to their locations. The Commissioners observed the aerial exhibit(s) in the Agenda Packet and noted that most of the trees were located where houses would be. It was noted that this was a former pecan grove and/or orchard. Mr. Betchan noted that the developers would also be the builders, and it was cheaper for them to remove [the trees which were not to be retained] now[, rather than on each individual lot later].

There being no further discussion, Chair Lance Whisman asked to entertain a Motion. Thomas Holland made a MOTION to Recommend APPROVAL of PUD 91 and BZ-385, subject to all of the recommendations in the Staff Report, including the amended recommendation # 20. Larry Whiteley SECONDED the Motion. Roll was called:

60

ROLL CALL:

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

Thomas Holland asked about the other item on the TAC Agenda as described in the TAC Minutes [of September 02, 2015], and if that needed to be discussed. Erik Enyart stated that the "Chateau Villas" development was the other thing on that Agenda, and the Planning Commission had heard those cases at its Regular Meeting held September 21, 2015. Mr. Enyart noted that these applications were delayed due to a Public Notice snafu at the newspaper.

PLATS

OTHER BUSINESS

OLD BUSINESS:

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

NEW BUSINESS:

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

ADJOURNMENT:

There being no further business, Chair Lance Whisman declared the meeting Adjourned at 6:49 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

BIXBY PLANNING COMMISSION

SIGN IN SHEET

DATE: September 06, 2015

| NAME | ADDRESS | ITEM |
|-------------------------|-----------------------------|------------|
| 1. <u>STEVE RAYL</u> | <u>11608 S. 99TH E. AVE</u> | <u>#1</u> |
| 2. <u>Victor Mendez</u> | <u>10009 E. 116TH PL.</u> | <u>1+2</u> |
| 3. _____ | _____ | _____ |
| 4. _____ | _____ | _____ |
| 5. _____ | _____ | _____ |
| 6. _____ | _____ | _____ |
| 7. _____ | _____ | _____ |
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| 10. _____ | _____ | _____ |
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| 15. _____ | _____ | _____ |
| 16. _____ | _____ | _____ |
| 17. _____ | _____ | _____ |
| 18. _____ | _____ | _____ |
| 19. _____ | _____ | _____ |
| 20. _____ | _____ | _____ |



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

MEMORANDUM

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Wednesday, October 14, 2015
RE: Planning Commission meeting schedule and application deadlines for 2016

Staff proposes the following schedule for the Planning Commission:

| <u>DATE</u> | <u>TIME</u> | <u>PLACE OF MEETING</u> |
|--------------------------|-------------|---|
| January 19, 2016 (Tues) | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| February 16, 2016 (Tues) | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| March 21, 2016 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| April 18, 2016 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| May 16, 2016 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| June 20, 2016 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| July 18, 2016 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| August 15, 2016 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| September 19, 2016 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| October 17, 2016 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| November 21, 2016 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| December 19, 2016 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |

APPLICATION DEADLINES

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



CITY OF BIXBY
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Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Friday, October 09, 2015
RE: Report and Recommendations for:
BZ-386 – Chad Bland

LOCATION:
– 15600-block of S. Harvard Ave.
– The N/2 of the SE/4 of Section 20, T17N, R13E

LOT SIZE: 80 acres, more or less

EXISTING ZONING: RS-2 Residential Single-Family District

EXISTING USE: Agricultural and vacant/wooded land

REQUESTED ZONING: AG Agricultural District

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: AG, RS-2, & CS; An automobile junkyard on a 5-acre tract at 15556 S. Harvard Ave., a single-family house and the "The RG Tool Company" farrier tool home-based business on a 5-acre tract at 15506 S. Harvard Ave., a single-family house and the "Automotive Specialists" automotive repair business on 10 acres at 15504 S. Harvard Ave., and agricultural, vacant, and rural residential tracts along the west side of Harvard Ave., all zoned AG. To the northeast is agricultural land zoned RS-2 except for approximately 40 acres of CS zoning at the southeast corner of 151st St. S. and Harvard Ave.

South: AG, RS-2, RD, & CS; Agricultural, vacant/wooded, and rural residential tracts along 161st St. S. and Harvard Ave., all zoned AG in unincorporated Tulsa County. To the

southeast is agricultural land zoned RS-2, RD, and CS in the City of Bixby, with agricultural and rural residential land farther southeast zoned AG in unincorporated Tulsa County.

East: (Across Harvard Ave.) RS-2 & AG; Agricultural land including 26 acres belonging to Bixby Public Schools at the 15500:15600-block of S. Harvard Ave. and a rural residential tract at 15625 S. Harvard Ave.

West: AG; Vacant/wooded and agricultural land in unincorporated Tulsa County.

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

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

BZ-75 – B. V. Blackburn for McRae Development Co. – Request for rezoning from AG to RS-1 for approximately 198.5 acres including subject property and land to the east in Sections 20 and 21, T17N, R13E – PC recommended Approval 01/29/1979 per approved Minutes but case notes state the PC “Denied” 01/29/1979. City Council action documentation not found.

BZ-128 – Lynn Burrow for D.A.L. Corporation / The Timbercrest Companies, Inc. – Request for rezoning from AG to RE and CS for approximately 318 acres including the subject property and land to the east in Sections 20 and 21, T17N, R13E – Withdrawn December 1982.

BZ-154 – Charles E. Norman for D.A.L. Management Corporation Defined Pension Trust, et al. – Request for rezoning from AG to RS-3, RM-1, and CS for approximately 315 acres including subject property and land to the east in Sections 20 and 21, T17N, R13E – PC recommended Modified Approval for CS, RD, and RS-2 on 08/02/1984 and City Council Approved Modified zoning per the PC recommendation 08/14/1984 (Ord. # 508).

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

BBOA-127 – Aubrey Miller – Request for Special Exception to allow a Use Unit 5 church in an AG district for a 3-acre agricultural tract, the E/2 NE/4 NW/4 of Section 21, T17N, R13E, located to the northeast of the subject property at the 3600-block of E. 151st St. S. (abuts New Beginnings Baptist Church to the west) – BOA Conditionally Approved 05/14/1984.

BZ-175 – Gerald Pope – Request for rezoning approximately 30 acres from AG to CS, the NW/4 NW/4 less the NW/4 NW/4 NW/4 of Section 21, T17N, R13E, located to the north of the subject property – PC recommended Approval 06/30/1986 and City Council Approved 07/22/1986 (Ord. # 542).

BBOA-182 – Paul Hughart – Request for Variance from the 300’ required lot width in the AG district for a then-20-acre tract to the north of subject property, the S/2 SE/4 NE/4 of Section 20, T17N, R13E, addressed 15504 S. Harvard Ave., to allow a Lot-Split per BL-120 – Applicant amended the request to only the south 10 acres – BOA Approved as modified 02/09/1987.

BL-120 – Paul Hughart – Request for Lot-Split for a 20-acre tract to the north of subject property, the S/2 SE/4 NE/4 of Section 20, T17N, R13E, addressed 15504 S. Harvard Ave., to separate the S. 8.25’, which S. 8.25’ became part of the 5-acre tract at 15506 S. Harvard Ave. – PC Denied 01/26/1987 and Conditionally Approved 02/23/1987.

BL-203 – Pastor Kevin Lewis for Midwest Agape Chapel, Inc. – Request for Lot-Split approval for a 3-acre agricultural tract, the E/2 NE/4 NW/4 NW/4 of Section 21, T17N, R13E, located to the northeast of the subject property at the 3600-block of E. 151st St. S. (abuts New Beginnings Baptist Church to the west), to separate the 3-acre tract from the north 250', taken as right-of-way for State Highway 67 – PC Conditionally Approved 11/20/1995.

BZ-241 – George Suppes for Paul Hughart / Mike's Lawn Service, Inc. – Request for rezoning approximately 5 acres from AG to CG, the S/2 S/2 S/2 SE/4 NE/4 of Section 20, T17N, R13E, for a landscaping business, abutting subject property to the north at 15556 S. Harvard Ave. – PC Tabled the application 07/20/1998 (no documentation found indicating appeal to the City Council).

BBOA-353 – Midwest Agape Chapel Foundation for Sitton Properties – Request for Variance to allow an outdoor advertising / billboard sign in a CS district for a 3-acre agricultural tract, the E/2 NE/4 NW/4 NW/4 of Section 21, T17N, R13E, located to the northeast of the subject property at the 3600-block of E. 151st St. S. (abuts New Beginnings Baptist Church to the west) – BOA Denied 02/07/2000.

BBOA-355 – New Beginnings Baptist Church – Request for Special Exception to allow a Use Unit 5 church in an AG district for 17-acre church property to the northeast of subject property at 4104 E. 151st St. S. – BOA Approved 03/06/2000.

PUD 41 – CedarCrest Business Park – Randall Pickard for Kevin Walsh – Request for rezoning from AG to CS and PUD 41 for a “CedarCrest Business Park” commercial and “office warehouse” development on an 8.32-acre tract to the northeast of subject property (abuts New Beginnings Baptist Church to the east) – PC Recommended Approval 06/20/2005 and City Council Approved 07/11/2005 (Ord. # 908).

BZ-324 – Jim Ham – Request for rezoning approximately 0.9 acres from AG to CG for commercial resale, located to the north of subject property at the southwest corner of the 151st St. S. and Harvard Ave. intersection – Applicant amended the request to CS zoning at the PC meeting on 01/16/2007 – PC recommended Approval of CS zoning 01/16/2007 and City Council Approved CS 02/12/2007 (Ord. # 959).

BBOA-522 – JR Donelson, Inc. for Bixby Public Schools – Request for Special Exception per Zoning Code Section 11-7A-2 Table 1 to allow a Use Unit 5 school facility, including a football field, in an RS-2 Residential Single Family District for 26 acres abutting subject property to the east at the 15500:15600-block of S. Harvard Ave. – BOA Approved 06/22/2010.

BBOA-523 – JR Donelson for Bixby Public Schools – Request for a temporary Variance from Zoning Code Section 11-10-4.H to allow a gravel parking lot and drives for the school football field facility in an RS-2 Residential Single Family District for 26 acres abutting subject property to the east at the 15500:15600-block of S. Harvard Ave. – BOA Conditionally Approved 09/07/2010.

BBOA-602 – Roger H. Grant – Request for Special Exception per Zoning Code Section 11-7A-3.A Table 2 to allow to allow the “The RG Tool Company” farrier hammer and tools assembly, online sales, and related activities as a home occupation within a detached accessory building in the AG Agricultural District for a 5-acre tract to the north of subject property at 15506 S. Harvard Ave. – BOA Conditionally Approved 07/06/2015.

BBOA-602 – Roger H. Grant – Request for Variance from Zoning Code Sections 11-2-1 and 11-7B-5.B to allow to allow to allow the “The RG Tool Company” farrier hammer and tools assembly, online sales, and related activities as a home occupation within a detached

accessory building in the AG Agricultural District for a 5-acre tract to the north of subject property at 15506 S. Harvard Ave. – BOA Tabled 07/06/2015 as Variance was determined not necessary.

BACKGROUND INFORMATION:

The Applicant acquired the subject property per deed recorded October 02, 2014, and in July, the Applicant's Architect Doug Huber presented the City of Bixby with plans for a large storage building, which building would contain vehicles/equipment and/or certain other business activities connected to the Applicant's professional inspections and consulting business. Staff advised Mr. Huber and the Applicant that the Zoning Code does not allow a storage building except as an accessory building to a house, which house was not yet planned, that the storage building could not be used for business activities absent approval of a Special Exception for a home occupation, if allowed, and that the size of the building was larger than that permitted in the RS-2 district. Large storage buildings in rural areas are also not encouraged, as they tend to become attractive to business uses which are not zoned for such commercial use. The Applicant has since revised plans for the property, and is now proposing to build the Applicant's house and have restricted business activities within an office portion of the house, subject to Special Exception approval requested pursuant to BBOA-605, which the Board of Adjustment is scheduled to hear November 02, 2015, pending rezoning to AG. See the narrative provided by the Applicant, attached to this report. Staff understands that the Applicant is seeking to "downzone" the subject property from RS-2 to AG in order to be permitted a larger accessory building by right. Staff has counseled the Applicant about some of the pros and cons of "downzoning" from RS-2 to AG, including the relative difficulty of securing zoning entitlements today and in the future.

ANALYSIS:

Subject Property Conditions. The subject property consists of the N/2 of the SE/4 of Section 20, T17N, R13E (approximately 80 acres), is zoned RS-2 Residential Single-Family District, and is agricultural in use, except for vacant/wooded areas attending drainageways. It has approximately ¼ mile of frontage on Harvard Ave.

The subject property is not served by Bixby sanitary sewer or water service. The subject property may lie within the service district of Creek County Rural Water District # 2, and may or may not have access to a waterline. Electric, natural gas, telephone, and cable utility access is not known. Borrow ditches attend Harvard Ave. to provide street and streetside drainage.

The subject property is moderately sloped and appears to primarily drain to several upstream tributaries of Posey Creek, which all flow northeasterly. A small part of the front/east end of the subject property appears to drain to the southeast corner of the subject property, which is within the 100-Year (1% Annual Chance) Regulatory Floodplain attending one of the tributaries. The balance of the property appears to drain to the other upstream reaches / tributaries of Posey Creek. There appear to be one or more existing "farm ponds" along the tributaries.

There is a driveway with gate toward the center of the Harvard Ave. frontage. Along the north side, there appears to be the remains of a former house or other structure.

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

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the requested AG zoning is *In Accordance* with the Development Sensitive and Low Intensity designations of the Comprehensive Plan Land Use Map.

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

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

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

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

The Matrix does not indicate whether or not the requested AG zoning 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.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily AG, RS-2, RD, and CS, all as depicted on the case map and as described in further detail in the paragraphs that follow.

Abutting the subject property to the north is an automobile junkyard on a 5-acre tract at 15556 S. Harvard Ave. zoned AG. Farther north is a single-family house and the "The RG Tool Company" farrier tool home-based business on a 5-acre tract at 15506 S. Harvard Ave., a single-family house and the "Automotive Specialists" automotive repair business on 10 acres at 15504 S. Harvard Ave., and agricultural, vacant, and rural residential tracts along the west side

68

of Harvard Ave., all zoned AG. To the northeast is agricultural land zoned RS-2 except for approximately 40 acres of CS zoning at the southeast corner of 151st St. S. and Harvard Ave.

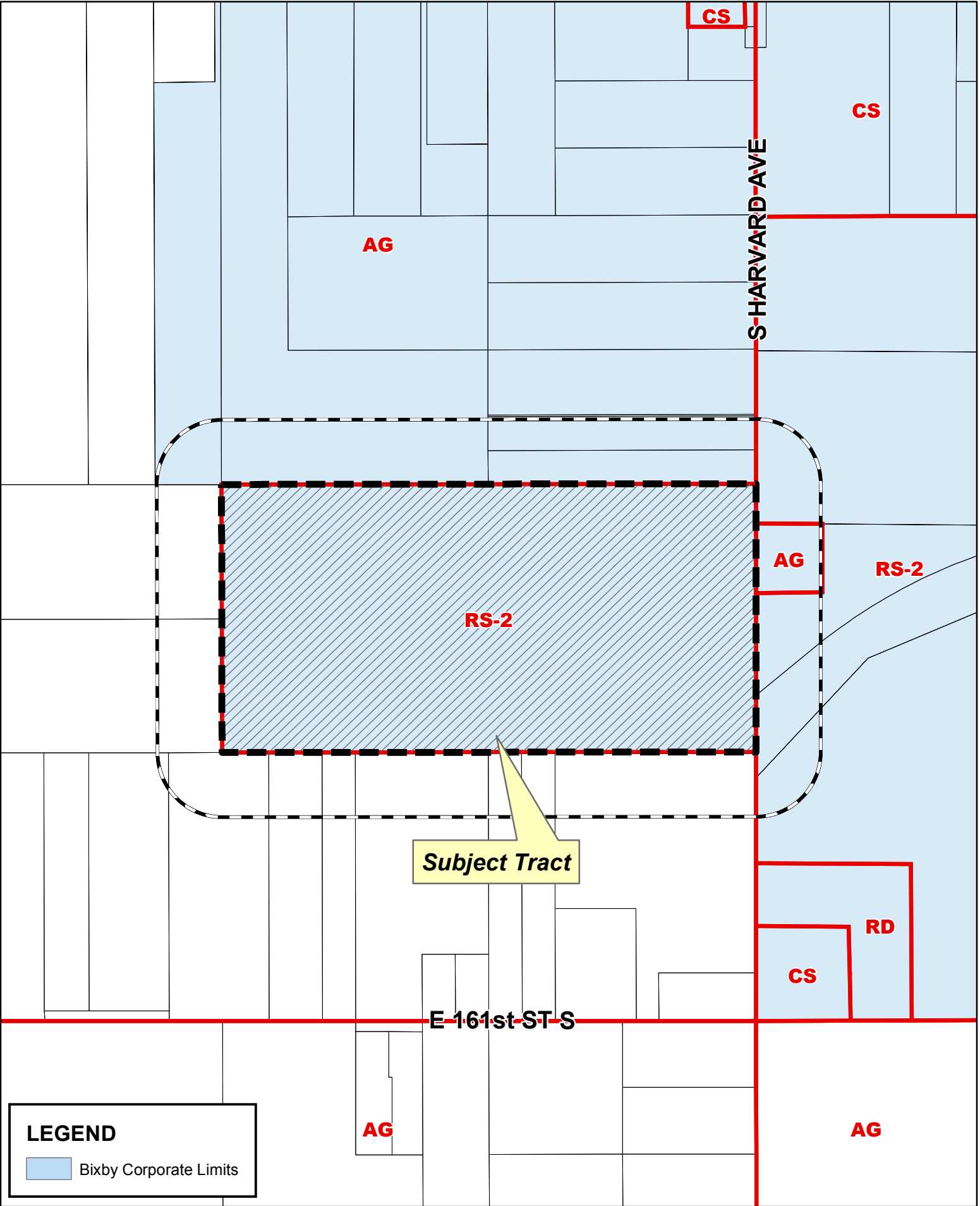
To the south are agricultural, vacant/wooded, and rural residential tracts along 161st St. S. and Harvard Ave., all zoned AG in unincorporated Tulsa County. To the southeast is agricultural land zoned RS-2, RD, and CS in the City of Bixby, with agricultural and rural residential land farther southeast zoned AG in unincorporated Tulsa County.

Across Harvard Ave. to the east is agricultural land, including 26 acres belonging to Bixby Public Schools at the 15500:15600-block of S. Harvard Ave., and a rural residential tract at 15625 S. Harvard Ave.

West of the subject property is vacant/wooded and agricultural land zoned AG in unincorporated Tulsa County.

The existing RS-2 zoning is an appropriate zoning pattern for the subject property, particularly when/if the property is prepared for residential development. However, the requested AG zoning is *In Accordance* with the Comprehensive Plan and is consistent with existing and surrounding zoning and land use patterns and the proposed current use of the property, a single-family house with the potential for a professional business home occupation.

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



LEGEND

 Bixby Corporate Limits

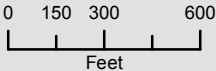


300' Radius



Subject Tract

BZ-386



20 17-13





City of Bixby

Application for Rezoning

Applicant: CHAD BLAND
Address: 1825 E 12th St, Jenks OK 74037
Telephone: _____ Cell Phone: 918-629-4727 Email: chad.bland@industrialinspection.net
Property Owner: _____ If different from Applicant, does owner consent? _____
Property Address: 156th Harvard
Existing Zoning: RS-2 Requested Zoning: AG Existing Use: AG
Proposed Use: AG Use Unit #: _____

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

North 1/2 of the SE Quarter (N 1/2 SE 1/4) of section 20, township 67, north range 13 East of the Indian Base and Meridian, Tulsa Co. OK.

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

If Applicant is other than Owner, indicate interest: No

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

BILL ADVERTISING CHARGES TO: See above

(NAME)

(ADDRESS)

(CITY)

(PHONE)

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

Signature: Chad M Bland Date: 9/03/2015

APPLICANT - DO NOT WRITE BELOW THIS LINE

BZ- 386 Date Received 09/09/2015 Received By Enyok Receipt # 01278706
Planning Commission Date 10/19/2015 City Council Date 10/26/2015

1 Sign(s) at \$ 50.00 each = \$ 110.00; Postage \$ 102.00; Total Sign + postage \$ 212.00

| FEES: | TYPE | ZONING | ACREAGE | BASE FEE | ADD. | TOTAL |
|-------|----------|--------|---------|------------------|------------------|------------------|
| | L M H MP | | | \$ <u>235.00</u> | \$ <u>212.00</u> | \$ <u>447.00</u> |

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

PROFESSIONAL LAND SURVEYOR'S INSPECTION PLAT
FOR MORTGAGE LOAN PURPOSE

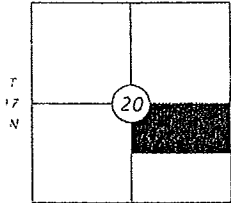


AMERICAN EAGLE
LAND SURVEYING, LLC

2023 West 11th Street Jenks, OK. 74037
OFFICE (918)640-4162 FAX (918)894-5248
darrellbible@gmail.com

Order No. 1409076
Client: Allegiance Title & Escrow LLC
Borrower: Chad Bland
File Number: 14-725
Lender: Arvest Bank

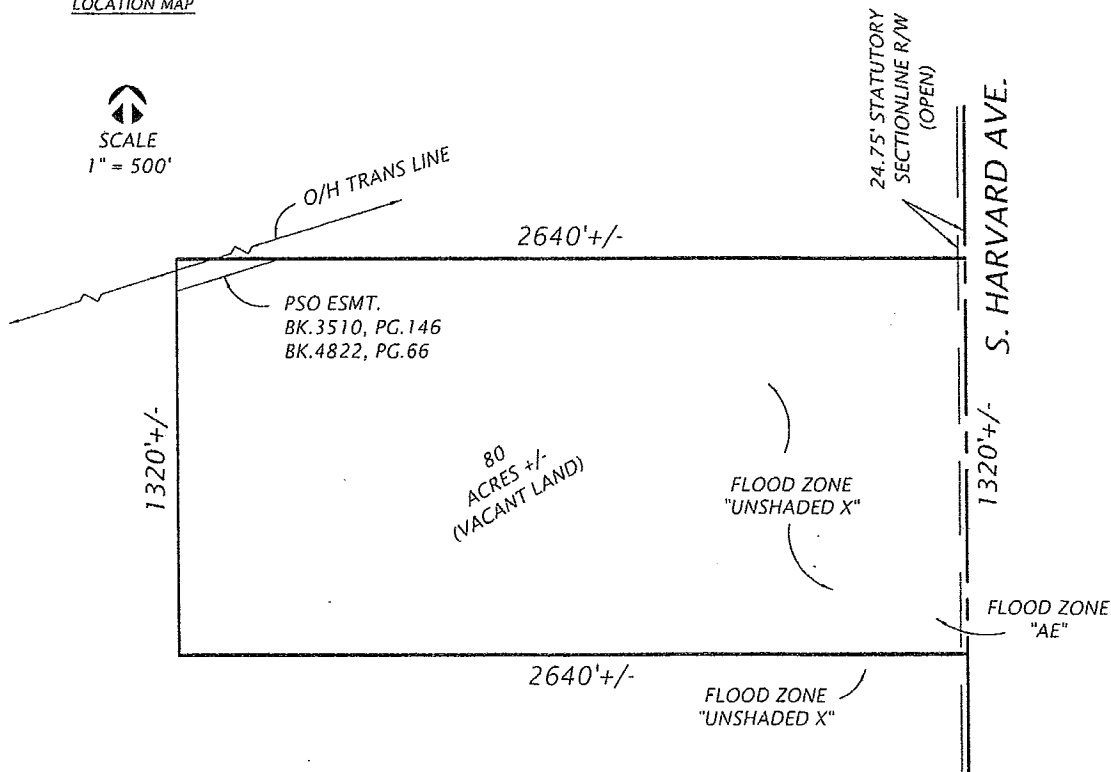
R-13-E



Tulsa County
LOCATION MAP

Legal Description

The North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of
Section Twenty (20), Township Seventeen (17) North,
Range Thirteen (13) East of the Indian Base and
Meridian, Tulsa County, State of Oklahoma,
according to the U. S. Government Survey thereof.



NOTE: FLOOD ZONE LOCATIONS
ARE APPROXIMATE.

X *Mean Bland atty in fact*
for Chad Bland

SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "AE" "SHADED X" AND "UNSHADED X"
AS SHOWN ON FIRM MAP#400207 0440L, DATED 10/16/12.

Property address: TBD South Harvard Avenue, Bixby, Oklahoma

SURVEYORS STATEMENT

I DARRELL BIBLE PROFESSIONAL LAND SURVEYOR DO HEREBY STATE THAT IN MY PROFESSIONAL OPINION, THE ABOVE
INSPECTION PLAT SHOWS THE DWELLING AS LOCATED ON THE PREMISES DESCRIBED, THAT IT IS ENTIRELY WITHIN THE

72

Erik Enyart

From: Erik Enyart
Sent: Wednesday, September 02, 2015 1:06 PM
To: 'Chad Bland'
Subject: RE: Chad Bland, 156th Harvard

I understand – the explanation provided suffices.

Erik

From: Chad Bland [mailto:chad.bland@industrial-inspection.net]
Sent: Wednesday, September 02, 2015 12:53 PM
To: Erik Enyart <eenyart@bixby.com>
Subject: RE: Chad Bland, 156th Harvard

Erik,

I can get plans but that would delay my application. I'm also hesitant to get plans as I would assume this would cost several thousand dollars. I have already wasted considerable money getting plans drawn prior to consulting with you/Bixby in my prior building application. Don't take this the wrong way, I'm not complaining just don't want to waste money again on plans that would be denied.

Thoughts?

Chad Bland

From: Erik Enyart [mailto:eenyart@bixby.com]
Sent: Wednesday, September 02, 2015 11:56 AM
To: Chad Bland
Subject: RE: Chad Bland, 156th Harvard

Hi Chad Bland:

Yes, these are the critical details that I think will help everyone understand the scope of the business activities contemplated. If you have conceptual building plans, that's good, if not, the explanation suffices.

Hope it helps,

Erik

From: Chad Bland [mailto:chad.bland@industrial-inspection.net]
Sent: Wednesday, September 02, 2015 10:12 AM
To: Erik Enyart <eenyart@bixby.com>
Subject: RE: Chad Bland, 156th Harvard

Erik,

Is this more what you are looking for? I will put this with the form after your review

Chad Bland, Application for Home Occupation Special Exemption for property located at 156th and Harvard

Background

1. I currently operate my engineering and inspection business from my home office
2. I have done so since 2007 and started my company in October of 2008
3. Business activity occurs only within my home office, current size approximately 200ft²
4. This includes my desk, small table, library, and computer equipment.
5. Clients do not visit the office, I perform work for clientele all over the country as well as the Caribbean and Canada.
6. I do have some employees visit the office from time to time; however this would be less than once a week and does not significantly increase local traffic

Plan for 156th Harvard Property

1. Build house on the north east corner of property that will have room for home office
2. Business activity will occur as it does in my current situation, within the home, I would like to build an additional two rooms for the office that would be part of the house, to be less than 1000ft² if the agricultural zoning change is approved, would be less than 650ft² if it is not approved. (I'm hesitant to be more specific here because I don't have exact plans or drawings yet, do I need completed drawings for the application?)
3. New space would allow for more room for library and large layout work table for drawings.
4. After completion or during construction of the house I would like to build an accessory building that would include wood shop, metal shop, storage of farm equipment, RV storage all of which are personnel and not business related.
5. Site would permit the storage of two business mobile office trailers. Each are similar, roughly 35ft campers that have been modified internally with desks. Generally most of the year these trailers are on job sites. In most cases these trailers travel from one job site to the next, it would be less than 5 times a year either of these would move into or out of the property. In other words the storage of these trailers will not significantly increase local traffic.

Chad Bland

Metallurgical Engineer / President

Industrial Inspection & Consulting

Cell: 918-629-4727

Alternate Phone: 918-949-5144 (John Hixon, Inspection)

Alternate Phone: 918-397-4601 (Brent Morrison, Engineering)

Alternate Phone: 281-658-3195 (Sheldon Rudin, Failure Analysis)

Email: chad.bland@industrial-inspection.net

Web: www.industrial-inspection.net

1812 E. 122nd St.

Jenks, OK 74037

74

Chad Bland, Application for Home Occupation Special Exemption for property located at 156th and Harvard

Background

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Plan for 156th Harvard Property

1. Build house on the north east corner of property that will have room for home office
2. Business activity will occur as it does in my current situation, within the home, I would like to build an additional two rooms for the office that would be part of the house, to be less than 1000ft² if the agricultural zoning change is approved, would be less than 650ft² if it is not approved.
3. New space would allow for more room for library and large layout work table for drawings.
4. After completion or during construction of the house I would like to build an accessory building that would include wood shop, metal shop, storage of farm equipment, RV storage all of which are personnel and not business related.
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Chad M Bland 9/3/2015



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, October 14, 2015
RE: Report and Recommendations for:
Preliminary Plat of "Misty Hollow Estates"

LOCATION: – 13200-block of S. 78th E. Ave.
 – Part of the NE/4 of Section 11, T17N, R13E

LOT SIZE: 11.4 acres, more or less

EXISTING ZONING: RS-1 Residential Single-Family District

SUPPLEMENTAL None
ZONING:

EXISTING USE: Agricultural/vacant

REQUEST:

- Preliminary Plat approval for a 4-lot residential subdivision
- Modification/Waiver from Subdivision Regulations Section 12-3-2.O to allow platting Reserve Area(s) within the 100-year Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby's Floodplain Regulations by ordinance,
- Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard
- Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the west and north
- Other Modifications/Waivers possible—see recommendations

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

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

BL-21 – Leticia Smith – Request for Lot-Split, evidently to separate the northerly portion with 131st St. S. street frontage from the eastern tract of subject property – right-of-way for (then or future) 78th E. Ave. may or may not have been involved per case notes – PC Approved 06/27/1976 and Board of Trustees Approved 07/20/1976 per case notes.

BZ-63 – Alfred A. Smith – Request for rezoning from AG to RS-1 for property of approximately 13.75 acres including the eastern tract of subject property, the *Abbie Raelyn Estates* residential subdivision, three (3) unplatted residential tracts along 78th E. Ave., and the Bixby Telephone Company / *BTC Broadband* communications building at 13119 S. 78th E. Ave. – PC Recommended Conditional Approval 02/27/1978 and City Council Approved 08/07/1978 (Ord. # 362).

BZ-88 – Leticia Smith for Alfred Smith – Request for rezoning from AG to RS-1 for westerly 5.7-acre tract of subject property – PC Recommended Approval 03/31/1980 and City Council Approved 04/21/1980 (Ord. # 398) (AG zoning represented on Zoning Map evidently in error; correction request to INCOG pending).

BZ-235 – Ron Koepp for Tulsa Tie-Scaping, Inc. – Request for rezoning from RS-1 to CG for the subject property – PC Recommended Denial 10/20/1997 and evidently denied by or not appealed to City Council.

BZ-251 – Sitton Properties, LLC for Tulsa Tie-Scaping, Inc. – Request for rezoning from “AG” and RS-1 to RMH for a manufactured home park for the subject property – PC Recommended Denial 01/19/1999, appealed to City Council, and evidently Denied.

BZ-254 – Sitton Properties, LLC – Request for rezoning from “AG” and RS-1 to RS-3 for a single-family housing addition development for the subject property – PC Recommended Approval 04/19/1999 and City Council Denied 05/24/1999.

BL-399 – Ahmad Moradi – Request for Lot-Split approval for the eastern tract of subject property – PC Tabled indefinitely directed owner/Applicant to resolve the outstanding Floodplain Development and Earth Change Permit requirements and submit a subdivision plat for the division and development of the subject property 08/17/2015.

BACKGROUND INFORMATION:

As reported with the previous Lot-Split application (BL-399), concerning the easterly 5.65-acre tract, the subject property is the subject of a code enforcement case for deposition of construction debris fill materials without an Earth Change Permit. Although the location of the deposited materials appears to be out of the 100-year (1% Annual Chance) Regulatory Floodplain per the official FEMA Floodplain Maps, elevation/contour data indicates part of the area may be low enough in elevation to actually be subject to a 1% Annual Chance Flood. An Earth Change Permit application has been filed and review is ongoing. Per the City Engineer, the application’s disposition will likely require the removal of the fill materials and submission of a grading plan reflecting the removal. In the context of the Lot-Split application, the City Engineer has previously recommended land development not proceed until after the property has achieved compliance with the Floodplain Development and Earth Change Permit regulations.

Further, the subject property was rezoned by owner application per BZ-63 -- Alfred A. Smith in 1978. Per Zoning Code Section 11-8-13, no Building Permit for any future home or otherwise may be issued until the property has been platted. Staff did not recommend approval of a Lot-Split generating four (4) tracts of land, each of which would have to have been independently platted. Staff recommended the owner/Applicant apply for a subdivision plat to divide the property and provide appropriate development standards through the platting process, including appropriate stormwater drainage and detention design, right-of-way and Utility Easement dedication, sidewalk construction, the provision of access for the owner's westerly 5.7-acre tract which presently appears "landlocked," and the provision of appropriate development standards through Restrictive Covenants.

As recommended by Staff, on August 18, 2015, the Planning Commission indefinitely Tabled BL-399 and directed the owner/Applicant to resolve the outstanding Floodplain Development and Earth Change Permit requirements and submit a subdivision plat for the division and development of the subject property.

ANALYSIS:

Subject Property Conditions. The subject property is unplatted agricultural land zoned RS-1 and contains 11.4 acres, more or less, in two (2) tracts: The easterly portion of approximately 5.65 acres and the westerly 5.7-acre tract. Both properties contain significant portions of 100-year (1% Annual Chance) Regulatory Floodplain as described more fully in the Background Information section of this report.

Although drainage patterns are not immediately clear, the subject property appears to slope slightly downward to the northwest. The property may ultimately drain to the Fry Creek Ditch and/or the Arkansas River.

Utility access and utilization plans are not known.

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

The existing RS-1 zoning and single-family residential development anticipated by this plat should be found *In Accordance* and/or otherwise not inconsistent with the Comprehensive Plan.

General. This subdivision of 11.4 acres, more or less, proposes four (4) Lots, one (1) Block, and one (1) Reserve Area. With the exceptions outlined in this report, the Preliminary Plat appears to conform to the Subdivision Regulations and Zoning Code.

Proposed Reserve Area A corresponds with the owner's westerly 5.7-acre tract. Per discussions with the Applicant, Staff understands this area will be used to provide "borrow" dirt to fill the pad sites on the proposed development lots. Staff has advised the Applicant to configure the Reserve Area to include all areas which will remain at or below the 100-year Floodplain Base Flood Elevation (BFE) upon the completion of the grading pursuant to an approved Earth Change Permit / Floodplain Development Permit. This will avoid conflict with the restriction

from platting in the 100-year Floodplain pursuant to Subdivision Regulations Section 12-3-2.O. The Reserve Area may be platted in the Floodplain pursuant to a Modification/Waiver, as is customary, provided it contains restrictions on development.

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 October 07, 2015. Minutes of that meeting are attached to this report.

Access and Internal Circulation. The subject property has 639.60' of frontage on 78th E. Ave. and 338.15' of frontage on an unnamed east-west half-street right-of-way approximately corresponding with 132nd Ct. S. The Tulsa County Assessor's parcel records reflect that both rights-of-way are composed by a singular, reverse-"L"-shaped parcel, but does not reflect Book/Page or other recording references. The 78th E. Ave. right-of-way is 50' in width, and the east-west segment is 25' in width.

The lots will all have direct access to 78th E. Ave., which neither the Bixby Comprehensive Plan nor the Tulsa Metropolitan Area Major Street and Highway Plan indicate is or should be a major street. Thus, the existing 50' R/W requires no further R/W dedication.

Subdivision Regulations Section 12-3-2.F requires the dedication of the 25' north-half-street R/W balance for the existing 25'-wide R/W approximately corresponding to 132nd Ct. S. Otherwise, the Applicant must request and be approved for a Modification/Waiver.

As Staff has advised the Applicant, the westerly 5.7-acre tract presently appears "landlocked," and provision for legal access should be afforded through the proposed subdivision. This could take the form of the 25' R/W dedication and additional width to achieve 50' of frontage for the 5.7-acre tract, or other methods to provide legal access. The "front" lots will ultimately be sold to parties other than the current owner, so provisions for access should be provided now while the owner has control over the situation.

Land Use Restrictions. The Deed of Dedication and Restrictive Covenants (DoD/RCs) of the plat include proposed land use restrictions, as required by Subdivision Regulations Section 12-5-3.A, and the same appear to be in order, except as otherwise outlined herein.

The land use restrictions include proposed minimum house size and masonry standards. For the past few years, the City Council has discussed with developers the minimum standards for houses to be constructed within in new housing additions in Bixby, and how proposals for such would compare to the same in other developments in context and in Bixby as a whole. Specifically, the City Council has previously considered (1) minimum house size and (2) minimum masonry content. These matters are always considered when granting a PUD entitlement to reduce lot widths or other bulk and area standards, and during the review of plats pursuant to Subdivision Regulations Section 12-5-3.A.

Minimum standards vary by application and consider contextual factors specific to each development site.

The plat of *Abbie Raelyn Estates*, recorded 11/15/2005, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 900 square foot minimum dwelling size
- (No masonry requirement)

As it pertains to minimum standards for individual home construction, this plat proposes:

- 1,800 square foot minimum dwelling size
- 75% masonry to the first floor plate line, excluding trim.

Staff believes that the proposed minimum standards for home construction are substantially consistent with recent precedents for such standards as approved in Bixby for the past few years, and exceeds those of the nearest *Abbie Raelyn Estates* subdivision.

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

1. Proposed Reserve Area A corresponds with the owner's westerly 5.7-acre tract. Per discussions with the Applicant, Staff understands this area will be used to provide "borrow" dirt to fill the pad sites on the proposed development lots. Staff recommends the Reserve Area be reconfigured to include all areas which will remain at or below the 100-year Floodplain Base Flood Elevation (BFE) upon the completion of the grading pursuant to an approved Earth Change Permit / Floodplain Development Permit. This will avoid conflict with the restriction from platting in the 100-year Floodplain pursuant to Subdivision Regulations Section 12-3-2.O.
2. As Staff has advised the Applicant, the westerly 5.7-acre tract presently appears "landlocked," and provision for legal access should be afforded through the proposed subdivision. This could take the form of the 25' R/W dedication and additional width to achieve 50' of frontage for the 5.7-acre tract, or other methods to provide legal access. The "front" lots will ultimately be sold to parties other than the current owner, so provisions for access should be provided now while the owner has control over the situation.
3. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
4. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.O to allow platting Reserve Area(s) within the 100-year Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby's Floodplain Regulations by ordinance, corresponding to part or all that land which will remain within the 100-year Floodplain upon completion of the Earth Change Permit / Floodplain Development Permit requirements.

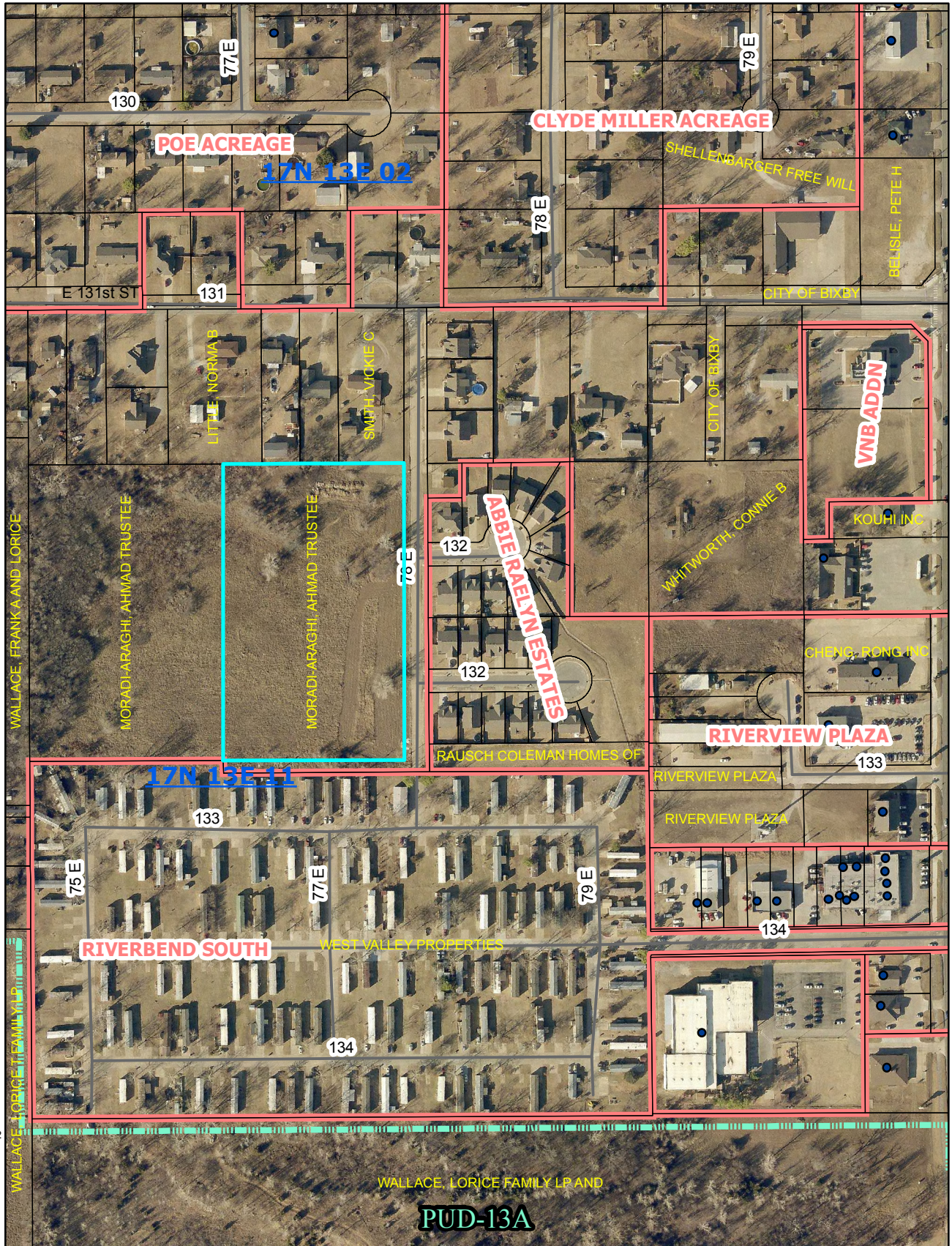
Staff believes that the intent of the subdivision Regulations will have been met and can support this Modification/Waiver subject to (1) compliance with Floodplain

- Development Permit / Earth Change Permit requirements and (2) the 100-year Floodplain being fully contained within (a) Reserve Area(s) with provisions in the DoD/RCs restricting building development.
5. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard. The Modification/Waiver may be justified by citing the subject tract's original width and the use of a relatively narrow private street / Reserve Area.
 6. As required by Subdivision Regulations Section 12-3-2.F, please dedicate the 25' north-half-street balance approximately corresponding to 132nd Ct. S. Otherwise, subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.F to be released from the half-street right-of-way dedication for the existing half-street R/W.
 7. 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 and north. The Modification/Waiver may be justified by stating that, notwithstanding the potential half-street right-of-way dedication, no new streets are being built.
 8. All Modification/Waiver requests must be provided in writing.
 9. Except for the one corresponding to *Abbie Raelyn Estates*, the two (2) "Zoned RS4" labels should be corrected to "RS-1" or be removed.
 10. Missing notes pertaining to monumentation (reference SRs Section 12-1-8).
 11. Missing FEMA-designated 100-year (1% Annual Chance) Regulatory Floodplain boundary (reference SRs Sections 12-4-2.B.5, etc.).
 12. Please add Floodplain Note with FEMA Floodplain map citation on face of plat.
 13. Please add U/Es and other easements of record abutting plat boundary as customary and pursuant to SRs Section 12-4-2.A.8.
 14. Date of plat reflects year 2017. Please use current date of plat preparation.
 15. DoD/RCs: Missing provisions for the creation, powers, rights, responsibilities, dues, assessments, etc. of the HOA or other association to be formed to provide for perpetual maintenance of any Reserve Area(s), if any of the same are incorporated into the plat.
 16. DoD/RCs Preamble: Missing critical wording such as "and has caused the described realty to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided into lots and blocks and streets..." as per customary platting conventions and the City Attorney's recommendations regarding fee simple ownership of rights-of-ways. The access rights reservation may be omitted if no LNA is provided, and the balance of the underlined terms may be omitted if no right-of-way would be dedicated by this plat.
 17. DoD/RCs: Please use consistent section numbering system (cf. "Article II Section 1 A" vs. "Article III Section 1. 1 (a)" vs "Article IV Section 2.1 (1)").
 18. DoD/RCs Preamble: Please correct the second of the two personal conjugations, "...Owner has caused... and have designated..." The singular third person appears to be otherwise preferred throughout the DoD/RCs.
 19. DoD/RCs Preamble: "...TRUST" shall be referred to in this Deed of Dedication as "Owner\Developer." "Owner\Developer" was not otherwise found in the DoD/RCs, which appears to prefer the pronoun "Declarant." It conflicts with the first paragraph in the Preamble and with the definitions in Article I. Consider removing. If modified and retained, please clarify such as "...TRUST" shall be referred to in this Deed of Dedication and Restrictive Covenants..."

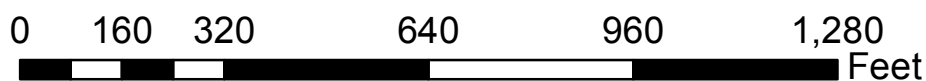
20. DoD/RCs Preamble: Second-to-last paragraph: Consider clarifying text such as "...which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and shall be binding on all parties..."
21. DoD/RCs Article I Section 1: Consider clarifying such as, "...Trust, or its successors and assigns, if..."
22. DoD/RCs Article II Section 1 B First Paragraph: Please clarify such as "...easement areas, and if ground elevations are altered...to include: valve boxes, fire hydrants and manholes, shall be adjusted..."
23. DoD/RCs Article II Section 1 B Second Paragraph: Please clarify such as "...owner will pay damage or relocation of such facilities necessitated by the acts of the owner or his agents or contractors."
24. DoD/RCs Article II Section 1 B: Please specify both water and sewer in all instances in second and final paragraphs.
25. DoD/RCs Article II Section 1 C Preamble: Please clarify such as "...each lot is subject to the following:"
26. DoD/RCs Article II Section 1 C 1: Please restrict overhead electric, telephone, and cable service and street light poles by (1) removing the first sentence and (2) revising the second sentence to replace "said Addition" with "the Addition." The existing overhead utilityline(s) appear to be located within the R/W containing 78th E. Ave. and the 25'-wide half-street approximately corresponding with 132nd Ct. S. and/or the U/E platted along the north side of *Riverbend South*.
27. DoD/RCs Article II Section 1 C 2: Duplicative of preceding section. Please remove and renumber accordingly.
28. DoD/RCs Article II Section 1 C 3: Please restrict overhead electric, telephone, and cable service and street light poles by removing the first part of the sentence, and start the sentence with word "Underground."
29. DoD/RCs Article II Section 1 C 3, 4, and 5 [2, 3, and 4]: Please replace all instances of "Subdivision" with "Addition" as used elsewhere throughout the plat.
30. DoD/RCs Article II Section 1 C [3]: Word "or" duplicated.
31. DoD/RCs Article II Section 1 D 3: Please replace "or allow" with "and shall prevent."
32. DoD/RCs Article II Section 1 E: Please qualify this section as follows: "...repair and replacement of any properly-permitted landscaping and paving..."
33. DoD/RCs Article III Section 1. 1 (a): Consider removing provisions pertaining to a temporary sales office, as the same is not in order or expected.
34. DoD/RCs Article III Section 1. 1 (b): Consider appending the following to the final sentence, "All such signs must be approved by the Declarant or the Association."
35. DoD/RCs Article III Section 1. 1 (c): Word "kept" duplicated.
36. DoD/RCs Article III Section 1. 1 (d): Phrase "which will increase the rate of insurance on any building, or on the contents thereon" duplicated.
37. DoD/RCs Article III Section 1. 1 (c): Consider appending the following to the final sentence, "...by the Declarant or the Association."
38. DoD/RCs Article III Section 1. 1 (e): Consider appending the following as follows, "...Declarant or the Association..."
39. DoD/RCs Article III Section 1. 1 (e): "there over" may be more appropriately rendered "thereover" or "over same" or similar; removing terms would also appear appropriate.
40. DoD/RCs Article III Section 1. 1 (g) Second Sentence: Refers to guest parking, which is not expected. Consider removing sentence.

41. DoD/RCs Article III Section 1. 1 (i): Consider making more flexible by allowing the Association to approve all these elements, and specifically satellite dishes, rather than just solar panels as provided in the final sentence. Advisory.
42. DoD/RCs Article III Section 1. 1 (l): Please clarify such as “No properly-permitted structure, planting or other material...”
43. DoD/RCs Article III Section 1. 1 (m): Consider appending the following to the final sentence, “...by the Declarant or its designee, or the Association, no fence...”
44. DoD/RCs Article III Section 2.1: The proposed blanket U/Es would likely prevent houses from being constructed. U/Es are provided for adequately elsewhere. Please remove and renumber accordingly or explain.
45. DoD/RCs Article III Section 8.1: Consider appending the following to the final sentence, “...of the Declarant or the Association.”
46. DoD/RCs Article IV Section 2.1 (6): Consider adding an exception provision.
47. DoD/RCs Article V Section 1. 1: Term “patio home” is not expected and should be replace with “dwelling” or similar.
48. DoD/RCs Article V Section 2.1: Duplicate of DoD/RCs Article VII Section 2.1 and does not belong in this instance as well as the latter. Please remove.
49. DoD/RCs Article V Section 3.1: Please make all sections clearly subject to City of Bixby approval.
50. DoD/RCs Article V Section 3.1: Should be relocated to DoD/RCs Article VII.
51. DoD/RCs Article VII Section 1. 1: Please replace “anyone” with “any one,” as presumed intended.
52. DoD/RCs Article VII Section 3.1: Should likely be titled “Duration,” due to the scope and nature of the following text.
53. DoD/RCs Article VII Section 3.1: Please amend such as “...(2/3) of the Lot Owners, subject to the approval of the City of Bixby...”
54. DoD/RCs Article VII Section 3.1: Please remove plural and extra space from “...(other than Sections II).”
55. DoD/RCs Article VII Section 3.1: Please amend final sentence such as “...~~ADDITIONAL~~ amendments, which amendments shall be subject to the approval of the City of Bixby...”
56. 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).

Preliminary Plat of "Misty Hollow Estates" – JR Donelson, Inc.



- Businesses
- bixby_streams
- Tulsa Parcels 04/15
- WagParcels 04/15
- Tulsa_Subdivision
- WagSubdivision
- WagRoads_Aug2012
- E911_Streets
- PUD
- bixby_s-t-r
- county



CITY OF BIXBY

PO Box 70
116 W. Needles Ave
BIXBY, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

Engineering Department Memo

To: Erik Enyart, City Planner

From: Jared Cottle, City Engineer *JWC*

CC: Bea Aamodt, Public Works Director
File

Date: 10/06/15

Re: Misty Hollow Estates
Preliminary Plat Review

General Comments:

1. No Conceptual Utility or Paving/Grading/Drainage Plans submitted. No further comments can be provided on these items until additional information is provided.
2. Code Enforcement actions on this property remain outstanding. Compliance requirements have not been met.
3. The development areas shown lie within mapped 100-year floodplain boundaries. A CLOMR may be required to permit development.
4. Conveyance of storm water discharges from 78th E. Ave. will be required as part of the storm water drainage improvements associated with the project.

Memo

To: Erik Enyart, AICP, City Planner

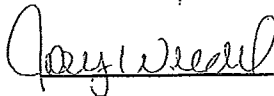
From: Joey Wiedel

Date: 09-22-2015

Re: Preliminary Plat "Misty Hollow Estates"

Preliminary plat "Misty Hollow Estates" are approved by this office with the following conditions:

1. Second means of ingress/egress required. Will take this item up at TAC meeting.



Joey Wiedel

9-22-2015

Date

MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
October 07, 2015 – 10:00 AM

MEMBERS PRESENT

Jim Peterson, *BTC Broadband*
Tim Dobrinski, *OG+E*

STAFF PRESENT

Erik Enyart, AICP, City Planner, City of Bixby

OTHERS PRESENT

Alan Betchan, PE, CFM, *AAB Engineering, LLC*
JR Donelson, *JR Donelson, Inc.*
J. Pat Murphy, P.L.S., Director of Land Surveying, *Tulsa Engineering & Planning Associates, Inc.*
Tim Terral, Director of Land Planning, *Tulsa Engineering & Planning Associates, Inc.*
Gary Thurmond, *Thurmond Consulting, Inc.*

1. Erik Enyart called the meeting to order at 10:00 AM.
2. **Preliminary Plat – “Misty Hollow [Estates]” – JR Donelson, Inc.** Discussion and review of a Preliminary Plat and certain Modifications/Waivers for “Misty Hollow [Estates],” approximately 5.65 acres in part of the NE/4 of Section 11, T17N, R13E.
Property located: 13200-block of S. 78th E. Ave.

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart noted that there was a typo in the Agenda and that the full name was “Misty Hollow Estates.” Mr. Enyart noted that the TAC had seen a Lot-Split application in the previous months, but for a couple reasons, it was Tabled [by the Planning Commission]. Mr. Enyart stated that the property had been rezoned to single-family residential some years ago, and that the Zoning Code required properties be platted before any Building Permit is issued, and so a Lot-Split prior to platting would have been superfluous. Mr. Enyart stated that the property was also in the 100-year Floodplain, and that, per the elevations data, the FEMA-designated Floodplain may not fully represent the full extent of the Floodplain. JR Donelson stated that Mr. Enyart meant to say that the ground was lower than the FEMA maps showed, and Mr. Enyart indicated agreement. Mr. Enyart noted that he understood that the back acreage, to the west of the plat area, would be used for borrow dirt to fill the development lots. Mr. Enyart asked Mr. Donelson if all of the lots as shown would be brought out of the Floodplain or just the building pads, and Mr. Donelson indicated the latter. Mr. Donelson stated that the owner was going to dig a big hole back there for a pond and build up the pad sites for the owner’s home and the other lots. Mr. Enyart stated that, from a planning standpoint, as he had

pointed out to the Applicant when the application was submitted, the back acreage should not be allowed to be landlocked, and this might be remedied by platting the balance of the half street and/or providing some other method of access. Mr. Donelson indicated agreement. Mr. Donelson suggested including the back acreage in the plat as a Reserve Area, and Mr. Enyart indicated agreement, and stated that the City, by Modification/Waiver of the Subdivision Regulations, would allow platting Reserve Areas in the Floodplain, but not building lots. Mr. Enyart stated that platting more land is better than platting less. Mr. Enyart stated that the Reserve Area should be expanded to include all of the areas which will remain in the Floodplain upon completion of grading. Mr. Enyart stated that the Preliminary Plat could be approved under these conditions, but that the Final Plat could not be recorded until FEMA removed officially the Floodplain from the remaining building lots by LOMR.

Erik Enyart confirmed with Tim Dobrinski that this area was served by *AEP-PSO*.

Erik Enyart stated that he would be working on the Staff Report and would provide it to the Applicant as soon as he could finish it.

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

Erik Enyart stated that, hearing none, the meeting would proceed to the next item on the agenda. JR Donelson left at this time and Mr. Enyart thanked Mr. Donelson for his attendance.

3. **Final Plat – “The Trails at White Hawk II” – Tulsa Engineering & Planning Associates, Inc.** Discussion and review of a Final Plat for “The Trails at White Hawk II,” approximately 28.613 acres in part of the W/2 SE/4 of Section 15, T17N, R13E..
Property located: North and east of the intersection of 151st St. S. and Hudson Ave.
-

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart noted that this was the second and final phase of “The Trails at White Hawk” housing addition, whose first phase was developed a couple years prior. Mr. Enyart stated that the underlying zoning was RS-3 and the property was in PUD 62. Mr. Enyart noted that, since the PUD was approved for Major Amendment a couple years prior, the City had begun discussing minimum house size and masonry standards for new housing addition entitlements, in the context of PUDs when done that way, and in the context of the Restrictive Covenants of the plat [when already entitled per Zoning]. Mr. Enyart noted that this [new method] had been discussed during the [pre-application coordination] meeting with the Applicant and Developer earlier that year. Mr. Enyart asked what was being proposed in this regard, and Tim Terral stated that the PUD did not include these standards, but that the Restrictive Covenants of the first phase provided these standards, because the client wanted to include them. Mr. Terral stated that the Restrictive Covenants of this second phase would provide the same standards as the first, which were 1,100 square feet for a single-story, and 33% masonry. Mr. Enyart stated that 1,500 square feet was the smallest that he could recall being proposed in the past few years, and 33% was also probably smaller than anything proposed previously. Mr. Terral asked if the City would be asking them to increase these standards. Mr. Enyart stated that he did not know. Mr. Enyart stated that he understood this was a different market segment than other housing additions recently entitled, but that it was the City Council’s and Planning Commission’s prerogative to discuss these standards per the Subdivision Regulations.

Erik Enyart asked Tim Dobrinski if he had any questions or comments from a utility standpoint. Mr. Dobrinski discussed the need for certain U/Es between certain areas and agreed to discuss the details further with Tim Terral and J. Pat Murphy.

Jim Peterson arrived at this time at 10:12 AM.

Tim Dobrinski advised J. Pat Murphy and Tim Terral that Doug Mack was the project manager for *OG+E*.

Erik Enyart advised Jim Peterson that attendees were discussing the "The Trails at White Hawk II" project and described key items discussed thus far. Mr. Enyart asked Mr. Peterson if he had any questions or comments on this item. Mr. Peterson asked J. Pat Murphy and Tim Terral if he had provided them a conduit layout yet, and offered to do so if he had not.

Erik Enyart stated that, when the PUD Major Amendment # 1 was being reviewed, he recalled asking for a livability space exhibit, reflecting the typical house on the typical lot, since the setbacks had been reduced. Mr. Enyart stated that he had requested this because the concern at the time was that the setback reduction might cause the minimum livability space standard to be compromised. Tim Terral stated that the PUD provided for the transfer of livability space from the Reserve Areas. Mr. Enyart stated that he did not recall if the lots ended up needing relief from the standard or not. Mr. Enyart stated that he believed it would be beneficial to have an exhibit showing the typical lot and footprint of the typical house [as actually constructed in the first phase]. Mr. Terral agreed to do this and noted that it would look like or be the same as the one previously sent.

Tim Terral asked Erik Enyart if there were any other Planning Staff comments. Mr. Enyart responded that he had provided the biggest comment already, the matter of house size and masonry standards. Mr. Enyart stated that he did not want them to be surprised when this was brought up and discussed.

Erik Enyart asked about the sequencing of the plat approval and construction. J. Pat Murphy and/or Tim Terral responded that all the construction plans had been approved and construction had already begun, and that there were contractual agreements to sell a certain portion of the lots upon recording the Final Plat. Mr. Enyart asked, and Mr. Terral or Mr. Murphy indicated that it was likely that some of the infrastructure would be completed but not all of it before the Final Plat was recorded. Mr. Enyart clarified with them that this would require bonds or PFPI-type agreements. Mr. Enyart noted that he knew the City allowed completion of all the required infrastructure and then plat recording, or plat recording with submission of required bonds and/or PFPI documents, but he expected there could be degrees between the two [for completion of different types of infrastructure elements].

Erik Enyart stated that he would be working on the Staff Report and would provide it to the Applicant as soon as he could finish it, which would likely not be until the following week. Mr. Enyart noted that the Planning Commission meeting was October 19, 2015 and the City Council meeting would be October 26, 2015.

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

89

Erik Enyart stated that, hearing none, the meeting would proceed to the next item on the agenda. J. Pat Murphy, Tim Terral, and Tim Dobrinski left at this time and Mr. Enyart thanked them for their attendance.

4. **Preliminary Plat – “The Village at Twin Creeks” – AAB Engineering, LLC.** Discussion and review of a Preliminary Plat and certain Modifications/Waivers for “The Villas at Twin Creeks,” approximately 6 acres in part of the W/2 of the W/2 of Section 31, T18N, R14E.
Property Located: 11625 S. Mingo Rd.
-

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart noted that the Planning Commission heard the PUD and rezoning the previous evening, and that the underlying zoning would be RS-2, consistent with the surrounding zoning patterns, including in *Southwood East* to the north and *Southwood East Second* to the east and south. Mr. Enyart stated that the property was at approximately 116th Pl. S. and Mingo Rd., east side, and would be a housing addition with gated, private streets. Mr. Enyart stated that 116th Pl. S. would be a cul-de-sac street intersecting with Mingo Rd. and that there would be an emergency access only drive on the east end of the property. Mr. Enyart stated that the property would have a Reserve Area at the southwest corner for stormwater detention and neighborhood amenities. Mr. Enyart asked Alan Betchan and Gary Thurmond if they cared to summarize the project further.

Alan Betchan stated that this would be a “Villas”-type development. Mr. Betchan stated that, because most of the utilities were along the street, there may end up being more [Utility Easement width along the street]. Mr. Betchan stated that there was an 11’-wide U/E along the east side of the property in [*Southwood East Second*], and there was an *AEP-PSO* easement along this east side within the property that he would like to remove or have reduced, as it did not appear to be in use. Mr. Betchan stated that, since there was an 11’-wide U/E to the east, an 11’-wide U/E may be used here. Erik Enyart acknowledged that the lots were cramped at the east end near the cul-de-sac turnaround, but noted that, unlike the City of Tulsa and probably most of the other cities in the area, Bixby’s Subdivision Regulations had a 17.5’ minimum width Perimeter U/E standard, and Bixby has had a history with this width standard. Mr. Enyart stated that, if most of the utilities are going along an east-west axis and this east-end U/E was not used for much, he could see an argument for reducing this, but noted that this would be subject to City Engineer and Public Works Director recommendations.

Alan Betchan stated that *AEP-PSO* would likely want to go along the front, with street crossings, rather than [have two (2) lines along the back sides of both tiers of lots]. Erik Enyart confirmed with Mr. Betchan that this would be for cost savings purposes.

Jim Peterson stated that both [north and south] sides had copper [wire] and indicated *BTC Broadband* would want to install fiber [optic cable] for this new subdivision. Mr. Peterson stated that he did not think *BTC Broadband* would need to use the U/E along the east side of the plat. Mr. Peterson stated that he would prefer the new lines go along the rear yards with a crossing on the front [of the development tract along Mingo Rd.]. Mr. Peterson discussed issues with other recent developments that had all or almost all utilitylines along the streets and none in the rear yards, done

in both cases in order to preserve the trees along the rear yard lines. Mr. Enyart confirmed with Mr. Peterson which subdivisions he was referring to in Bixby.

Alan Betchan stated that he had received the Fire Marshal's review memo and that the comments appeared to be fairly standard. Erik Enyart noted that the review comments were identical to those provided for the PUD.

Erik Enyart stated that he would be working on the Staff Report and would provide it to the Applicant as soon as he could finish it, which would likely not be until the following week.

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

Erik Enyart stated that, hearing none, the meeting would proceed to the next item on the agenda. Alan Betchan and Gary Thurmond left at this time and Mr. Enyart thanked them for their attendance.

5. **V-49 – Candace McNeese.** Discussion and consideration of a request to Close a Drainage/Detention Easement within Lot 2, Block 4, *The Enclave at Legacy*.
Property Located: 10629 S. 91st E. Ave.
-

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart stated that this appeared to be a preexisting, separate instrument Drainage/Detention Easement identified on the plat. Mr. Enyart stated that, similar to the previous request on the lot abutting to the north, the elevation survey showed that the lot was not in the Floodplain and the City had determined it did not need the Easement for drainage purposes. Mr. Enyart asked Jim Peterson if he had any objection, and Mr. Peterson stated that it was not a Utility Easement and so he did not. Mr. Enyart and Mr. Peterson discussed all of the U/E closings in this area along the Oliphant Drainage / Detention system. Mr. Peterson noted that most of the utilities were in the fronts of the lots in those cases, and Mr. Enyart noted that the [City] utility(ies) behind the houses were actually out in the Oliphant right-of-way, which the City owned.

6. Old Business – None.
7. New Business – None.
8. Meeting was adjourned at 10:40 AM.

BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, October 07, 2015

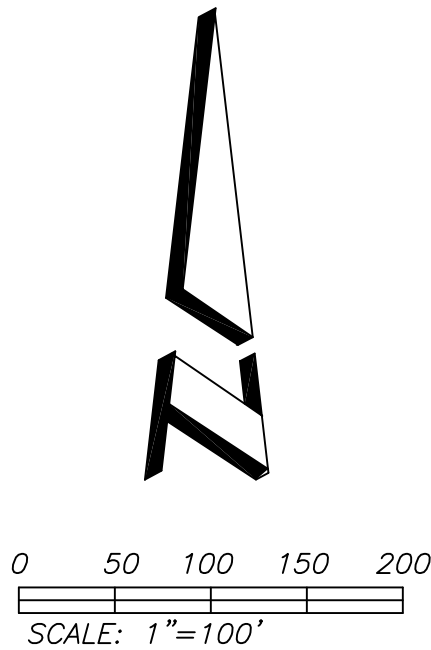
| NAME | COMPANY | PHONE |
|------------------|---------------------|--------------|
| 1. JR DONELSON | | 918-394-3030 |
| 2. Tim Dobrinski | OG&E | 918-227-6203 |
| 3. TIM TERRAE | TEP | 918-359-6413 |
| 4. J Pat Murphy | TEP | 918-359-6417 |
| 5. Gary Thurmond | Thurmond Consulting | 918-728-0288 |
| 6. Erik Enyart | City of Bixby | 918 366 0427 |
| 7. Alan Betanc | AAB Engineering | 918-514-4083 |
| 8. Jim Petersen | BTC | 918-366-0253 |
| 9. | | |
| 10. | | |
| 11. | | |
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| 17. | | |
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| 19. | | |
| 20. | | |

PLAT No.

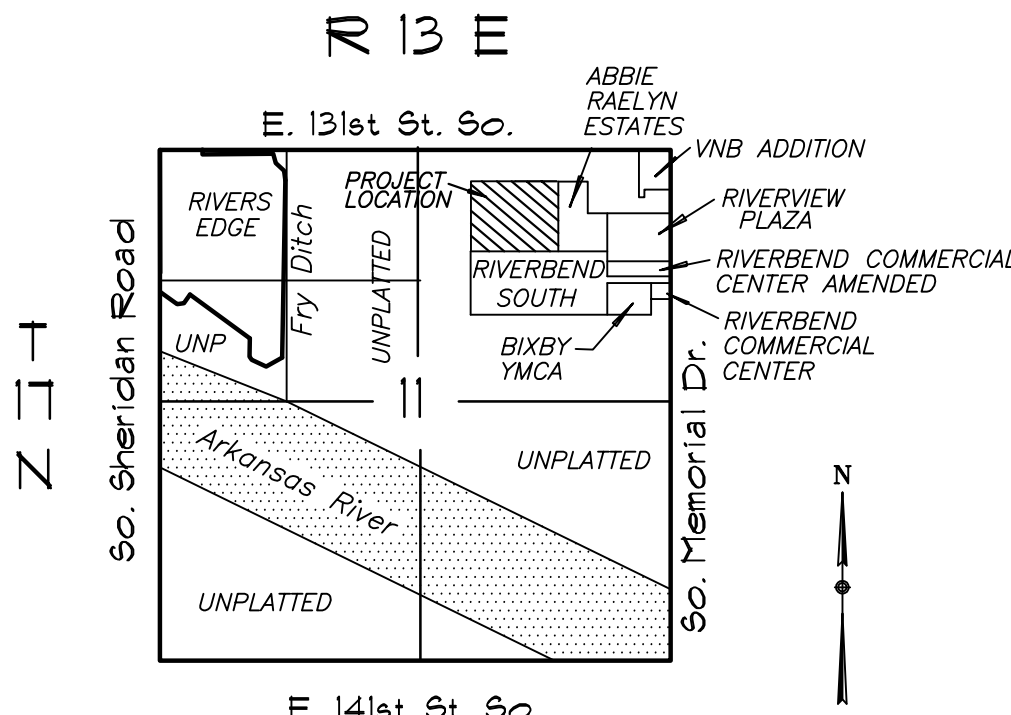
ENGINEER/SURVEYOR:
JR DONELSON, INC.
12820 SO. MEMORIAL DR.
OFFICE 100
BIXBY, OKLAHOMA 74008
PHONE: 918-394-3030
C.A. NO. 5611 EXP. DATE: 6-30-17

OWNER:
AHMAD MORADI-ARAGHI TRUST
5635 E. 141ST ST. SO.
BIXBY, OKLAHOMA 74008
CONTACT: AHMAD MORADI
PHONE: 918-661-9660

PRELIMINARY PLAT
MISTY HOLLOW ESTATES
AN ADDITION TO THE CITY OF BIXBY SITUATED IN
NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4) IN
SECTION 11, T-17-N, R-13-E, TULSA COUNTY, OKLAHOMA.



| LEGEND | |
|--------|-------------------|
| U/E | UTILITY EASEMENT |
| B/L | BUILDING LINE |
| ROW | ROAD RIGHT-OF-WAY |
| CL | CENTER LINE |
| 13210 | ADDRESS |
| NE/4 | NORTHEAST QUARTER |
| NW/4 | NORTHWEST QUARTER |
| NW/COR | NORTHWEST CORNER |
| NE/COR | NORTHEAST CORNER |



LOCATION MAP
SCALE: 1"= 2000'
FILE: 2014\moradi2.dwg

SUBDIVISION CONTAINS:
Area: 496,714 sf or 11.40 Acres
NO. LOTS: 4 BLOCKS: 1
Reserve Areas: 1

Preparation date: September 15, 2015
C: Moradi\Moradi-fp.dwg

| LOT ADDRESSES | | | |
|---------------|-------|------------------------|----------|
| LOT | BLOCK | ADDRESS | AREA |
| 1 | 1 | 13190 So. 78th E. Ave. | 68,900sf |
| 2 | 1 | 13202 So. 78th E. Ave. | 59,789sf |
| 3 | 1 | 13206 So. 78th E. Ave. | 59,789sf |
| 4 | 1 | 13210 So. 78th E. Ave. | 59,834sf |

CERTIFICATE

STATE OF OKLAHOMA }
COUNTY OF TULSA } SS

I, Pat Key, Tulsa County Clerk, in and
for the County and State of Oklahoma above
named, do hereby certify that the foregoing is
a true and correct copy of a like instrument
now on file in my office.

Dated the ____ day of _____
Pat Key, Tulsa County Clerk

Deputy _____

"Addresses shown on this plat were accurate
at the time this plat was filed. Addresses
are subject to change and should never be
relied on in place of legal descriptions.

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 Surveyors.

BENCHMARK:
Top of 3/8" iron pin, located
81.05 feet North and 11.49 feet
East of the Southeast Corner
of Lot 4, Block 1, Riverbend Four.
Elevation: 604.97, NAVD88

BASIS FOR BEARINGS:
The basis for bearings is the North line
of the NE/4 of the NE/4 of Section 11,
T-17-N, R-13-E, with an assume
bearing of S 88°35'28" W

PROPERTY DESCRIPTION

A tract of land situated in a part of the N/2 of the NE/4, Section 11,
T-17-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of
Oklahoma, being more particularly described by Charles K. Howard, LS 297,
as follows, to-wit:

Commencing at the Northeast Corner of the NE/4 of Section 11, T-17-N,
R-13-E, thence with an assumed bearing S 88°35'28" W and along the
North line of the NE/4 of the NE/4 a distance of 1322.19 feet to the
Northwest Corner of the NW/4 of the NE/4 of the NE/4; thence
S 01°14'21" E a distance of 332.34 feet; thence N 88°34'26" E a distance
of 140.27 feet to the Point of Beginning;

Thence S 01°14'18" E a distance of 639.60 feet; thence S 88°32'21" W
a distance of 776.31 feet; thence N 01°14'26" W a distance of 640.07 feet;
thence N 88°34'26" E a distance of 776.33 feet to the Point of Beginning
and containing 11.40 acres, more or less.

MISTY HOLLOW ESTATES
Preparation date: September 15, 2015
SHEET 1 OF 3

DEED OF DEDICATION AND RESTRICTIVE COVENANTS
MISTY HOLLOW ESTATES

KNOW ALL MEN BY THESE PRESENTS:

The Ahmad Moradi–Araghi Trust, hereafter referred to as "Declarant", is the Owner of the following described property.

A tract of land situated in a part of the N/2 of the NE/4, Section 11, T–17–N, R–13–E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described by Charles K. Howard, LS 297, as follows, to–wit:

Commencing at the Northeast Corner of the NE/4 of Section 11, T–17–N, R–13–E, thence with an assumed bearing S 88°35'28" W and along the North line of the NE/4 of the NE/4 a distance of 1322.19 feet to the Northwest Corner of the NW/4 of the NE/4 of the NE/4; thence S 01°14'21" E a distance of 332.34 feet; thence N 88°34'26" E a distance of 140.27 feet to the Point of Beginning;

Thence S 01°14'18" E a distance of 639.60 feet; thence S 88°32'21" W a distance of 776.31 feet; thence N 01°14'26" W a distance of 640.07 feet; thence N 88°34'26" E a distance of 776.33 feet to the Point of Beginning and containing 11.40 acres, more or less.

and the Undersigned Owner has caused the described realty to be surveyed, staked, platted and subdivided into lots and blocks in conformity with the accompanying plat and have designated the same as "MISTY HOLLOW ESTATES", an Addition to the City of Bixby, Tulsa County, State of Oklahoma.

"AHMAD MORADI–ARAGHI TRUST" shall be referred to in this Deed of Dedication as "Owner\Developer".

The Ahmad Moradi–Araghi Trust, hereby declares that all of the properties described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants, liens and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

The Declarant hereby declares that the Property shall be held, sold and conveyed subject to the Covenants, Conditions and Restrictions set forth below.

ARTICLE I
DEFINITIONS

1. "Declarant" shall mean and refer to Ahmad Moradi–Araghi Trust, its successors and assigns, if such successors or assigns should acquire more than one undeveloped lot from the Declarant for the purpose of development and the rights of the Declarant reserved herein are transferred by an express assignment of such rights in a recorded deed.

2. "Lot" shall mean and refer to any plot of land designated as a residential lot upon any recorded subdivision plat of the Properties.

3. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

4. "Home" shall mean and refer to any portion of a building situated upon the Properties designed and intended for use and occupancy as a residence by a single family.

5. "Properties" shall mean and refer to Lots shown on the recorded subdivision plat of "Misty Hollow Estates" and (in the sole discretion of Declarant)Lots shown on a recorded subdivision plat dedicated by Declarant, its written designee, successors and assigns of realty situated in the North Half of the Northeast Quarter (N/2 NE/4) of Section 11, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

ARTICLE II
SECTION 1. UTILITIES, EASEMENTS, ELECTRIC, GAS, WATER,
SEWER SERVICE AND COMMUNICATIONS.

A. UTILITY EASEMENTS

The Undersigned owner does hereby dedicate to the public use forever, the easements as shown and designated on the accompanying plat for the several purposes of constructing, maintaining, operating, repairing, removing, replacing any and all utilities including storm sewer, sanitary sewer, telephone and communication lines, electric power lines and transformers, gas lines, together with all fittings, including the poles, wires, conduits, pipes, valves, meters and equipment for each of such facilities and any other appurtenances thereto with the rights of ingress and egress into and upon said utility easements for purposes aforesaid. No building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed or permitted upon the easements or rights–of–way as shown, provided however, that the owner hereby reserves the right to construct, maintain, operate, lay and relay sanitary sewer lines together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all utility easements, shown on said plat, for the purposes of furnishing sanitary sewer services to the area included in said plat.

B. WATER AND SANITARY SEWER SERVICE

In connection with the provision of water and sanitary sewer service, all lots are subject to the following provisions, to be placed, erected, installed or permitted upon the easements or rights–of–way as shown, provided however, that the owner hereby reserves the right to construct, maintain, operate, lay and relay sanitary sewer lines together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all utility easements, shown on said plat, for the purposes of furnishing sanitary sewer services to the area included in said plat.

The City of Bixby or its successors will be responsible for ordinary maintenance of public sanitary sewer facilities, but the owner will pay damage for relocation of such facilities or necessitated by the acts of the owner or his agents or contractors.

The City of Bixby or its successors through its agents and employees shall at all times have the right of access with their equipment to all such easement ways shown on said plat, or provided for in this deed of dedication for the purpose of installing, maintaining, removing or replacing any portion of underground sewer facilities. The foregoing covenants concerning sewer facilities shall be enforceable by the City of Bixby or its successors, and the owner of the lot agrees to be bound hereby.

C. ELECTRIC, TELEPHONE, CABLE TELEVISION AND NATURAL GAS SERVICE.

In connection with the installation of underground electric, telephone, cable television and natural gas service lines, the lot is subject to the following:

1. Overhead pole lines for the supply of electric, telephone and cable television service may be located along the South and East boundary of the addition as shown on the attached plat. Street light poles or standards shall be served by underground cable and elsewhere throughout said Addition all supply lines shall be located underground, in the easement ways reserved for the general utility services and streets, shown on the attached plat. Service pedestals and transformers, as sources of supply of secondary voltages, may also be located in said easement–ways.

2. All supply lines in the Subdivision including electric, telephone, cable television and natural gas service lines shall be located underground in the easements' reserved for general utility services and streets shown on the plan of the subdivision. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in said easements.

3. Except for buildings on lots described in paragraph 1 above, which may be served from overhead electric service lines, underground service cables and natural gas service lines to all buildings which may be located in the Subdivision may be run from the nearest natural gas main, service pedestal or transformer to the point of usage determined by the location and construction of such building as may be located upon said lot; provided that upon that the installation of such a service cable or a natural gas service line to a particular building, the supplier of service shall thereafter by deemed to have a definitive, permanent, and effective right–of–way easement on said lot, covering a five–foot strip extending 2.5 feet on each side of such service cable or line, extending from the service pedestal, transformer or natural gas main to the service entrance on the building.

4. The supplier of electric, telephone, cable television and natural gas services, through its authorized agents and employees, shall at all times have right of access to all such easements shown on the plat to the Subdivision or 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 or natural gas service facilities so installed by it.

5. The owner of each lot in the Subdivision shall be responsible for the protection to the underground electric facilities located on his property and shall prevent the alteration of grade or any construction activity which may interfere with said electric, telephone, cable television or natural gas facilities. The supplier of service will be responsible for the ordinary maintenance of underground facilities, but the owner of the lot in the Subdivision will pay for damage or relocation of such facilities caused or necessitated by acts of such owner or his agents or contractors.

D. SURFACE DRAINAGE

1. Surface Drainage. Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation and from public streets and easements.

2. No property owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across his lot. No property owner shall modify or change the direction of drainage of surface stormwater from the original approved construction plans on file at the City of Bixby.

3. The property owner shall prevent the alteration of grade within all easement areas from the original contours (finish grade) or allow any construction activity which may interfere with such public water mains, valves, storm sewers, and or public sanitary sewer facilities.

4. The covenants set forth in this section shall be enforceable by any affected property owner and by the City of Bixby, Oklahoma.

E. OWNER RESPONSIBILITY WITHIN EASEMENTS.

The owner of the lots shall be responsible for the repair and replacement of any landscaping and paving within the utility easements on the lot in the event it is necessary to repair any underground sewer mains, electric, natural gas, cable television, or telephone service.

ARTICLE III
USE RESTRICTIONS AND PROPERTY RIGHTS

Section 1. 1 The Lots and Homes shall be occupied and used as follows:

(a) Each Home shall be situated on a single Lot and shall be used as a private dwelling, and for no other purpose, except such temporary uses as shall be permitted by Declarant while the Properties are being developed and Homes are being sold by Declarant; provided, however, that Declarant reserves the right, for itself for a period of five (5) years from recordation hereof or until all homes are sold, whichever shall first occur, to carry on normal sales activity on the Properties, including the operation of models and a sales office, which may be located within a Home, as Declarant may elect from time to time.

(b) No sign, billboard or advertisement or other sign of any kind shall be displayed to the public View on or from any Lot without the approval of the Association, except such signs as may be used by the Declarant in connection with the development of the project and the initial sale of the Lots and Homes. House For Sale Signs may be used as needed by Lot Owner. All such signs must be approved by the Declarant.

(c) No animals of any kind shall be raised, bred or kept on any Lot or in any Home, except that dogs, cats or other household pets may be kept kept subject to rules and regulations Adopted by the Declarant.

(d) No Owner shall permit or suffer anything to be done or kept upon the premises which will increase the rate of insurance on any building, or on the contents thereon, or which will increase the rate of insurance on any building, or on the contents thereon, or which will obstruct or interfere with the rights of other occupants, or annoy them by unreasonable noises or otherwise, nor will any owner commit or permit any nuisance on the premises. Without limiting the generality of the foregoing, no speaker, horn whistle, siren, bell, amplifier or other sound device, except such devices as may be used exclusively for security devices, shall be located, installed or maintained upon the exterior of any Home or upon the exterior of any other improvements constructed upon any Lot.

(e) There shall be no structural alteration, construction or removal of any perimeter fence or other structure without the approval of the Declarant as set forth in Article III hereof and upon such consent, such alteration, construction or removal shall be in accordance with the rules and regulations of the City of Bixby or any other regulatory authority having jurisdiction there over.

(f) No garage or outbuilding erected on a Lot shall at any time be used for human habitation, temporarily or permanently, nor shall any structure of a temporary character be used for human habitation.

(g) No Owner, guest, tenant, invitee or person shall park, store or keep any vehicle except wholly within the parking area designated therefore. No Owner shall park, store or keep any vehicle within any area designated for guest parking. No Owner shall park, store or keep any large commercial type vehicle (dump truck, cement mixer truck or gas truck, etc.), or any recreational vehicle (camper unit, motor home, trailer, boat trailer mobile home or other similar vehicles), boats over twenty (20) feet in length or any vehicle other than a private passenger vehicle upon any uncovered parking space. The above excludes pick–up and camper trucks up to and including three–quarter (3/4) ton when used for everyday transportation. No Owner of a Lot shall conduct major repairs or major restorations of any motor vehicle, boat, trailer, aircraft or other vehicle upon any portion of any Lot, including the garage spaces, except for emergency repairs thereto and then only to the extent necessary to enable movement thereof to a proper repair facility.

(h) The rights of Declarant in these Restrictions may be assigned by Declarant to any successor to all or any part of Declarant's interest in the Development, as developer, by an express assignment incorporated in a recorded deed or other instrument transferring such interest to such successor.

(i) No Owner shall install or cause to be installed any television or radio antenna or other similar electronic receiving device on any portion of the exterior of any building in the Properties. No Owner shall install or cause to be installed any wind generators on any Lot. No solar collectors shall be installed on any Lot without the prior written approval of the Association.

(j) No exterior lighting, emanating from a Lot, shall be directed outside the boundaries of the Lot.

(k) With the exception of a foreclosure proceeding or any deed or other arrangement in lieu of foreclosure, no Owner shall be permitted to lease a Home for transient or hotel purposes. No Owner may lease less than the entire Home. Any lease agreement shall provide that the terms of the lease shall be subject in all respects to the provisions of the Declaration of Covenants, Conditions and Restrictions and the Bylaws and that any failure by the lessee to comply with the terms of such documents shall be a default under the lease. All leases shall be in writing.

(l) No structure, planting or other material shall be placed or permitted to remain upon any Lot which may damage or interfere with any easement for the installation or maintenance of any utilities, or which may unreasonably change, obstruct or retard direction or flow of any drainage.

(m) Except for original construction authorized by Declarant or its designee, no fence or wall of any kind shall be erected, placed or maintained or permitted to remain upon a Lot.

(n) All trash, garbage and refuse stored outside any Home shall be stored in covered receptacles and be regularly removed from the Lots and shall not be allowed to accumulate thereon. Trash and garbage containers shall not be permitted to remain in public view except on days of trash collection.

Section 2.1 Easements for Utilities.

There is hereby reserved to Declarant, or their duly authorized agents and representatives, blanket easements upon, across, over and under all of the Lots for ingress, egress, installation, replacing, repairing and maintaining cable television systems, television antenna systems, security and similar systems, and all utilities, including but not limited to sewer, telephones, gas, and electricity.

Section 3.1 Easement to Declarant.

There is hereby reserved to Declarant and the Association, or their duly authorized agents and representatives, such access easements as are necessary to perform the duties and obligations of the Declarant as are set forth in this Declaration, or in the Bylaws or the Articles.

Section 4.1 Utility and Drainage Easement. Notwithstanding anything herein expressed or implied to the contrary, this Declaration shall be subject to all easements heretofore or hereafter granted by Declarant for the installation and maintenance of utilities and drainage facilities that are necessary for the development of the property.

Section 5.1 Owner's Responsibilities. Except as otherwise provided in this Declaration, all maintenance of the Lots and all improvements, structures, Homes, parking areas, and other improvements with the Lots, shall be the sole responsibility of the Owner thereof who shall perform such maintenance in good order consistent with community wide standards of the Project.

Section 6.1 Minimum Home Area. No Home unit on any Lot shall be constructed with less than eighteen hundred (1,800) square feet of enclosed living area for a one story single family unit and twenty-four hundred (2,400) square feet of enclosed living area for two story family unit, exclusive of open porches, garages or breezeways.

Section 7.1 Home Materials. Material used for the construction of any improvements shall be composed of 75% brick or masonry to the "plate line", of the first floor of the dwelling.

Section 8.1 Roofing Materials. No structure shall be erected, altered or permitted with a roof made from composition, shingle or roll-type granulated surface material. Provided, however, certain high quality composition and existing and future types of synthetic or natural roofing materials such as "Tamko Heritage II with a weathered wood appearance" (or its equivalent) may be used upon written approval of the Declarant.

ARTICLE IV
ARCHITECTURAL COMMITTEE

Section 1. 1. Formation. An architectural committee is hereby formed and shall approve all plans for any structure to be built on any lot and shall also be responsible for interpreting the development and construction standards contained herein. The architectural committee shall consist of the Declarant, its designees, successors and assigns, until residences have been constructed on all lots.

Section 2.1 Plans. Architectural plans to be submitted and approved in accordance herewith shall include, at a minimum, the following with regard to each improvement to be constructed or situated upon any lot in the subdivision:

- (1) an accurate site plan; and
- (2) an accurate floor plan; and
- (3) all exterior elevations; and
- (4) the composition of all roofing and external building materials.
- (5) The nature, color, kind, shape, height, materials and location.
- (6) No owner shall paint the exterior of any Home or doors with a color of paint or other material that is different from the original color and material.

In the event the Declarant fails to approve or disapprove such color, design and location within thirty (30) days after the plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.

ARTICLE V
INSURANCE

Section 1. 1. Each Owner of a Home shall acquire, pay for and continuously maintain a policy of property insurance in an amount equal to one hundred percent (100%) of the current replacement cost of the Patio Home, exclusive of land, foundation (excluding slab), excavation and other items normally excluded from coverage, insuring against loss or damage by fire, vandalism, malicious mischief or such other hazard as are covered under standard extended coverage endorsement.

Section 2.1. Severability. Invalidation of anyone of the covenants or restrictions by judgement or court order shall in no way affect any other provisions, which shall remain in full force and effect.

Section 3.1. Amendment. The covenants contained within Article II easements and utilities, may be amended or terminated at any time by written instrument signed and acknowledged by the owners of the affected Lot or parcel and by the Bixby Planning Commission or its successors with the approval of the City of Bixby, Oklahoma. The covenants and restrictions with Article III, Use Restrictions and Property Use, may be amended or terminated at any time by a written instrument signed and acknowledged by the owners of the affected Lot or parcel and approved by the Bixby Planning Commission and the City of Bixby, Oklahoma, and the provisions of such instrument shall be effective from and after the date it is properly executed and recorded. Any remaining covenant may be amended, modified, changed, or canceled only by written instrument signed and acknowledged by the owners of two-thirds (2/3) of the Lots. Provided, however, so long as Declarant, or its designee, owns a Lot, Declarant, or its designee, retains the right, IN ITS SOLE DISCRETION, to: (a) veto any proposed amendments; (b) amend, in its discretion, any covenant or term contained herein (other than in Article II.); and (c) file with the Bixby Planning Commission and the City of Bixby such Additional amendments it deems appropriate.

ARTICLE VI
OBLIGATIONS TO MAINTAIN AND REPAIR

Section 1. 1. Subject to the provisions of this Declaration regarding Architectural approval, each Owner shall, at the Owner's sole cost and expense, maintain and repair the Home on the Lot, keeping the same in good condition and making all repairs as they may be required.

ARTICLE VII
GENERAL PROVISIONS

Section 1. 1. Enforcement. The Declarant, or any Owner, shall have the right to enforce, by any proceeding at Law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Declarant or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. No breach of any of the foregoing covenants and restrictions shall cause any forfeiture of title or reversion or bestow any right of re-entry whatsoever, but violation of anyone or more of the covenants or restrictions contained in this Declaration may be enjoined or abated by Declarant, its successors and assigns, or by an Owner of a Lot in "Misty Hollow Estates" by action of any court of competent jurisdiction, and damages may also be awarded against such violations.

Section 2.1 Severability. Invalidation of anyone of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

Section 3.1 Amendment. The covenants and restrictions of this Declaration shall run with and bind the land, for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended at any time by an instrument signed by not less than two-thirds (2/3) of the Lot Owners. Provided, however, so long as Declarant, or its designee, owns a Lot, Declarant, or its designee, retains the right, IN ITS SOLE DISCRETION, to (a) veto any proposed amendments; (b) amend, in its discretion, any covenant, or term contained herein (other than Sections II.); and (c) file with the Bixby Planning Commission and the City of Bixby such ADDITIONAL amendments.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand and seal this ____ day of _____, 20_____.

"Declarant"
Ahmad Moradi-Araghi Trust

By: Ahmad Moradi, Trustee

STATE OF OKLAHOMA)
COUNTY OF TULSA) SS

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by Ahmad Moradi, trustee, on behalf of "Misty Hollow Estates".

Notary Commission No. _____
My commission expires: _____ Notary

SURVEYORS CERTIFICATE

I, Charles K. Howard, a Registered Land Surveyor in the State of Oklahoma, hereby certify that I have fully complied with the requirements of this regulation and the subdivision laws of the State of Oklahoma governing surveying, dividing and mapping of the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; and, that the plat represents a survey made under my direct supervision.

WITNESS my hand and seal this ____ day of _____, 20_____.

Charles K. Howard, RLS #297
CA 5611 Exp.Date 6-30-2017

STATE OF OKLAHOMA)
COUNTY OF TULSA) SS

Before me, the undersigned, a Notary Public in and for said County and State, on this ____ day of _____, 20____, personally appeared Charles K. Howard, to me known to be the identical person who executed the foregoing instrument, and acknowledged to me that he executed the same 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.

Notary Commission No. _____
My commission expires: _____ Notary



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: Tuesday, October 13, 2015
RE: Report and Recommendations for:
Final Plat of "The Trails at White Hawk II" (PUD 62)

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

SIZE: 28.613 acres, more or less

EXISTING ZONING: RS-3 and PUD 62 "Hawkeye"

SUPPLEMENTAL ZONING: PUD 62 for "Hawkeye"

EXISTING USE: Vacant/Agricultural

REQUEST: Final Plat approval

SURROUNDING ZONING AND LAND USE:

North: RS-3/PUD 46 & AG; Residential single family homes and vacant lots in *The Ridge at South County*. To the northeast is an 80-acre agricultural tract zoned AG.

South: RS-3/CG/OL/PUD 62, AG, CG, & CS; Residential single family homes and vacant lots in *The Trails at White Hawk*, and vacant commercial land along 151st St. S. zoned CG and OL with PUD 62. To the southeast is 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 southeast on approximately 2.4 acres

zoned CG. To the southwest are vacant, rural residential, and agricultural tracts fronting on 151st St. S. zoned CS and AG.

East: RS-3/PUD 72; Residential single family homes and vacant lots in *Southridge at Lantern Hill*.

West: RS-3/RM-2/PUD 3; The *White Hawk Golf Club* and residential in *Celebrity Country* and *White Hawk Estates*.

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 75 acres including subject property – PC Recommended Conditional Approval and approval of underlying zoning change to 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 approval of Major Amendment # 1 to PUD 62 for 75 acres including 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 of The Trails at White Hawk – Tulsa Engineering & Planning Associates, Inc. (PUD 62) – Request for Preliminary Plat approval for 75 acres including 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 approval of Minor Amendment # 1 to PUD 62 for 75 acres including 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.

PUD 62 – Hawkeye – Minor Amendment # 2 – Request for approval of Minor Amendment # 2 to PUD 62 for 75 acres including subject property, which amendment proposed 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 – PC Approved 12/16/2013.

Final Plat of The Trails at White Hawk – Tulsa Engineering & Planning Associates, Inc. (PUD 62) – Request for Final Plat approval for *The Trails at White Hawk*, 32.544 acres of the original 75-acre parent tract including subject property – PC Recommended Conditional Approval 02/18/2014 and City Council Conditionally Approved 02/24/2014 (Plat # 6542 recorded 06/09/2014).

BACKGROUND INFORMATION:

The Preliminary Plat of this subdivision, consisting of the entire parent tract of 75 acres, more or less, proposed 262 Lots, one (1) of which was a large commercial lot. The Planning Commission recommended Conditional Approval on July 17, 2013, and the City Council Conditionally Approved it July 22, 2013.

With the Preliminary Plat, on the City Council also approved the following Modifications/Waivers:

- Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard. The Modification/Waiver was described as justified by citing the appropriate plan to plat deeper lots along the *White Hawk Golf Club*, and certain configurations necessitated by the geometries of the 130' PSO easement and Kingston Ave.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the west and east. The Modification/Waiver was described as justified by the limited extent of the common line shared by the residential Development Area and the tract to the east and its existing access on Kingston Ave. A justification was also provided for not providing a stub-out street to the 8-acre tract to the west.
- Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for Lots 26 and 27, Block 2, whose rear lines abut Kingston Ave. City Staff was supportive of this design, which is incidental and unavoidable due to existing geometries.
- Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the widths of the standard 17.5' Perimeter U/Es along the north and east boundary lines as evident on the plat. To the extent they abutted existing 17.5' U/Es in *The Ridge at South County* and *Southridge at Lantern Hill*, Staff supported reducing them to 11', as the combined widths would exceed 22', the generally accepted standard for utility corridors on subdivision boundaries.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.F to be released from the half-street right-of-way dedication for Kingston Ave. north of the PSO easement, as described in this report. City Staff supported this Modification/Waiver, based on the cul-de-sac's 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.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.N to be released from the sidewalk construction requirement along the half-street right-of-way dedication for Kingston Ave. north of PSO easement, which was reflexive based on the new plans for Kingston Ave.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.O, along with a redesign of affected areas as recommended, to allow Reserve Areas (only) to be platted in the 100-year Regulatory Floodplain.

ANALYSIS:

Subject Property Conditions. The subject property of 28.613 acres, more or less, consists of that part of the original PUD 62 area lying north of the first phase, platted as *The Trails at White Hawk*. Now under construction, the subject property was previously pasture land.

The subject property is moderately sloped and primarily drains to the west to an unnamed tributary of Posey Creek. A small portion of the north side of the east line appears to drain to the east into *Southridge at Lantern Hill*.

Comprehensive Plan. The subject property is designated Corridor, except for the west approximately 330', which is designated Low Intensity. A portion of the easterly area of the acreage is designated Development Sensitive.

The existing RS-3 zoning *May Be Found In Accordance* with the Corridor and Development Sensitive designations, and is *In Accordance* with the Low Intensity designation.

Thus, the current zoning pattern is 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 original PUD 62 acreage. This area was platted as Reserve A of *The Trails at White Hawk*, 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 Major Amendment # 1 stated that no trails were proposed at that time, and the first phase of the development did not propose trail construction through the original PUD 62 acreage. However, the Dedication and Restrictive Covenants (DoD/RCs) of *The Trails at White Hawk* 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 Major Amendment # 1 and did not make any special requirements pertaining to trails.

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

General. This subdivision of 28.613 acres proposes 151 Lots, five (5) Blocks, and one (1) Reserve Area. With the exceptions outlined in this report, the Final Plat appears to conform to the Preliminary Plat as approved, the Subdivision Regulations, the Zoning Code, and PUD 62.

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 October 07, 2015. Minutes of that meeting are attached to this report.

Access and Internal Circulation. Access to PUD 62 residential Development Area (DA) A (the *The Trails at White Hawk* and the proposed “The Trails at White Hawk II”) is via the Collector Street system, beginning at Hudson Ave. at 151st St. S., then 148th Pl. S., then Lakewood Ave., which will be extended northward as a Collector Street connecting to the Lakewood Ave. stub-out street in *The Ridge at South County*. Due to the number of lots proposed with PUD 62 Major Amendment # 1, residential DA A is required to have three (3) points of ingress/egress, two (2) of which consist of the Collector Street connections to 151st St. S. and Lakewood Ave. in *The Ridge at South County*. In addition to serving the accessibility needs of PUD 62 DA A, this connection will improve emergency and regular accessibility for residents of *The Ridge at South County* and points northward, by providing another point of access and a direct connection to 151st St. S.

Constructed with the first phase, *The Trails at White Hawk*, there is an additional emergency-only access drive connecting Lakewood Ave. to Kingston Ave.

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. See previous Staff Reports for discussion on commercial Development Area B access and Kingston Ave. frontage and particulars.

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

Land Use Restrictions. The Deed of Dedication and Restrictive Covenants (DoD/RCs) of the plat include proposed land use restrictions, as required by Subdivision Regulations Section 12-5-3.A, and the land use restrictions include proposed minimum house size and masonry standards.

For the past few years, the City Council has discussed with developers the minimum standards for houses to be constructed within in new housing additions in Bixby, and how proposals for such would compare to the same in other developments in context and in Bixby as a whole. Specifically, the City Council has previously considered (1) minimum house size and (2) minimum masonry content. These matters are always considered when granting a PUD entitlement to reduce lot widths or other bulk and area standards, and during the review of plats pursuant to Subdivision Regulations Section 12-5-3.A.

In 2012/2013, the City Council approved PUD 72, permitting the reduction of certain minimum bulk and area standards for what was later replatted as *Southridge at Lantern Hill* at 146th St. S. and Sheridan Rd. The City Council and the then-owner agreed to impose minimum standards as to house sizes and masonry as follows:

- 1,800 square foot minimum house size
- 100% minimum masonry to the top plate line.

In 2013, the City Council approved PUD 78, permitting the reduction of certain minimum bulk and area standards for “Willow Creek” at 131st St. S. and Mingo Rd. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:

- 1,500 square foot minimum house size
- 50% minimum masonry.

In 2014, the City Council approved PUD 82, permitting the reduction of certain minimum bulk and area standards for “Somerset” at 119th St. S. and Sheridan Rd. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:

- 75% minimum masonry
- Mature tree preservation.

The Preliminary Plat of “Somerset,” as approved by the City Council, included:

- 2,200 square foot minimum dwelling size for one-story houses, and 2,600 square foot minimum for two-story houses.

After a three (3) month long review process, on November 10, 2014, the City Council Conditionally Approved the “Conrad Farms” housing addition development for Comprehensive Plan amendment per BCPA-12, rezoning to RS-3 per BZ-377, and specific development plans per PUD 85 for approximately 136.48 acres between 151st St. S. and 161st St. S., Sheridan Rd. and Memorial Dr. The City observed that, in exchange for the special benefits afforded by amending the Comprehensive Plan and the PUD, the Applicant in that case proposed:

- 1,500 square foot minimum house size
- 100% minimum “masonry, or approved masonry alternatives” up to the first floor top plate, including:
 - 35% minimum brick
 - Approved masonry alternatives included “stucco, EIFS, and James Hardie fiber cement”
- Specific plans for neighborhood amenities, including the neighborhood clubhouse and entry features.

In November, 2014, the City Council approved a Preliminary Plat of “Pine Valley Addition.” In accordance with its purview of land use restrictions required to attend a plat according to the Bixby Subdivision Regulations, the City observed that the Restrictive Covenants in that case proposed:

- 1,700 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses
- 100% / “full masonry.”¹

¹ As recommended/required, one of the Conditions of Approval included that any changes to the DoD/RCs pertaining to the concerned restrictions cannot be amended unless such amendment is also approved by the City Council.

In November, 2014, the City Council approved the Final Plats of “Seven Lakes V” and “Seven Lakes VI.” In accordance with its purview of land use restrictions required to attend a plat according to the Bixby Subdivision Regulations, the City observed that the Restrictive Covenants in that case proposed:

- 2,200 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses
- 100% masonry including brick, stone, or stucco.²

In January, 2015, the City Council approved straight RS-3 zoning per BZ-378 for the “Bridle Creek Ranch” housing addition of 50.76 acres at 9040 E. 161st St. S. The Council accepted the suggestion by City Staff that the minimum standards could be established by the Restrictive Covenants of the plat, in lieu of a PUD as City Staff originally suggested. At the December 15, 2014 Planning Commission meeting, the Applicant stated that the houses would be:

- 1,600 square foot minimum dwelling size for one-story houses, and 2,000 square foot minimum for two-story houses
- 100% masonry to the top plate.

In January, 2015, the City Council approved the Final Plat of “Quail Creek of Bixby.” In accordance with its purview of land use restrictions required to attend a plat according to the Bixby Subdivision Regulations, the City observed that the Restrictive Covenants in that case proposed:

- 2,200 square foot minimum dwelling size for one-story houses, and 2,600 square foot minimum for two-story houses
- 75% masonry including brick, natural rock, or stucco.³

On 07/27/2015, the City Council approved PUD 90, permitting the reduction of certain minimum bulk and area standards for “Chisholm Ranch Villas II” at 10158 E. 121st St. S. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:

- 2,000 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses
- 100% masonry excluding windows and beneath covered porches.

² At the time, Staff expressed concern about DoD/RCs allowing the minimum masonry standards to be waived by the subdivision’s Architectural Committee (typically = developer) and recommended that the DoD/RCs provisions pertaining to minimum house size and masonry content cannot be amended without the approval of the City Council. These changes were included as the Council’s modifications and/or Conditions of Approval. As recommended/required, the Applicant made the appropriate adjustments, including removing the waiver provision and relocating the concerned provisions to another section of the DoD/RCs requiring City Council approval for amendments, before the Final Plat was submitted and approved by CC January 26, 2015.

³ Staff expressed concern about DoD/RCs Section IV.E allowing the minimum masonry standards to be waived by the subdivision’s Architectural Committee (typically = developer). The City Council required that the City Council also approve any waivers of the masonry requirement and that the DoD/RCs provisions pertaining to minimum house size and masonry content cannot be amended without the approval of the City Council.

- Minimum 10/12 roof pitch, with provisions for “Architectural Committee” waiver.

On 08/24/2015, the City Council approved straight RS-3 zoning per BZ-384 for the “Presley Heights” housing addition of 42.488 acres at the 2800-block of E. 141st St. S. The Council accepted the suggestion by City Staff that the minimum standards could be established by the Restrictive Covenants of the plat, in lieu of a PUD as City Staff also suggested. At the August 17, 2015 Planning Commission meeting, the Applicant stated that the houses would be:

- 2,000 square foot minimum dwelling size for one-story houses, and 2,500 square foot minimum for two-story houses
- 100% masonry for first stories, except underneath porches, windows, and doors.

On 10/06/2015, the Planning Commission recommended approval of PUD 91, permitting the reduction of certain minimum bulk and area standards for “The Village at Twin Creeks” at 11625 S. Mingo Rd. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:

- 2,400 square foot minimum dwelling size
- 100% masonry to the first floor top plate excluding windows, covered porches, and patios.

As the above listing indicates, minimum standards vary by application and consider contextual factors specific to each development site.

The plat of *Celebrity Country*, recorded 10/28/1983, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 2,600 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses
- 50% masonry excluding windows and doors, with provisions for “Building Committee” waiver.

The plat of *The Ridge at South County*, recorded 06/27/2008, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 1,800 square foot minimum dwelling size
- [100%] masonry excluding windows and doors, with provisions for “Architectural Committee” waiver.

The plat of *The Trails at White Hawk*, recorded 06/09/2014, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 1,100 square foot minimum dwelling size
- 33% masonry to the 8’ plate line, excluding trim, with provisions for “Architectural Committee” waiver.

As it pertains to minimum standards for individual home construction, this plat proposes:

- 1,100 square foot minimum dwelling size
- 33% masonry to the 8' plate line, excluding trim, with provisions for "Architectural Committee" waiver.

Although identical to the minimum standards for home construction included with *The Trails at White Hawk*, Staff believes that the proposed standards are not consistent with the abutting *Southridge at Lantern Hill*, *The Ridge at South County*, or *Celebrity Country* subdivisions or with recent precedents for such standards as approved in Bixby for the past few years. This second phase will be closer to *Southridge at Lantern Hill* and *The Ridge at South County* than the first phase. To improve consistency and compatibility with the surrounding context and recent precedents, the developer could propose to:

1. Increase minimum dwelling size,
2. Increase minimum masonry,
3. Require approved masonry alternatives for the non-masonry balance of the exteriors, and/or
4. Propose other methods of improved compatibility and consistency as may be found acceptable to the City Council.

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

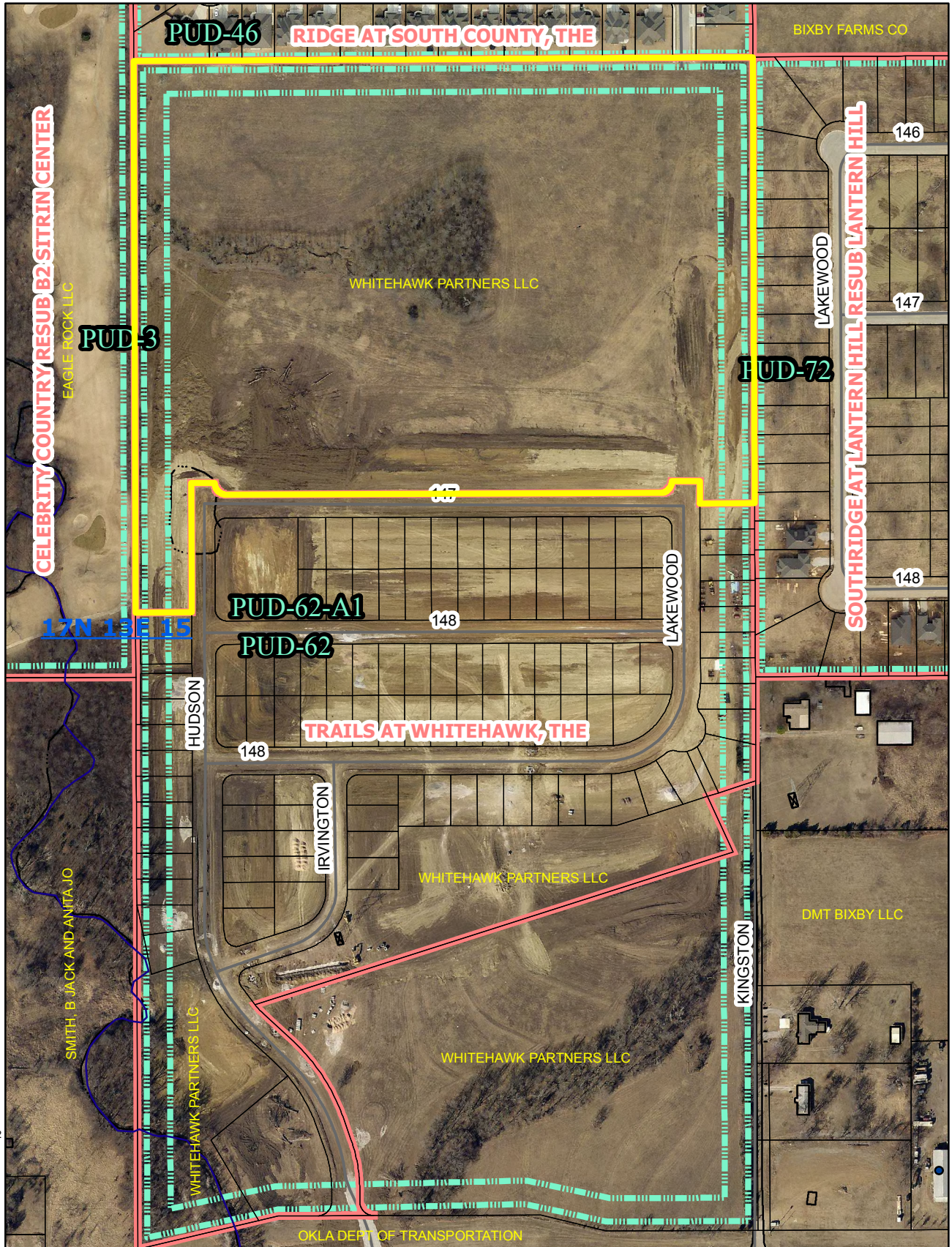
1. Subdivision Regulations Section 12-5-3.A requires plats include proposed land use restrictions, allowing for City review and approval. See relevant analysis above. The Developer should discuss with the Planning Commission and City Council methods for improving consistency and compatibility with the surrounding context and recent housing addition entitlement precedents.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
3. Phases 1 and 2 will evidently share a Homeowners Association. Consider renaming the Reserve Area "F" to avoid confusion with Reserve Area A in the first phase.
4. Per Subdivision Regulations Section 12-5-3.B and the typical block numbering conventions, the block numbering sequence should start at one (1).
5. DoD/RCs Section 1.2.1: Please restrict overhead electric, telephone, and cable service and street light poles by removing the first two (2) sentences.
6. DoD/RCs Section 3.2: Please update Block numbers as per other recommendations herein.
7. DoD/RCs Section 4.2.2: Consistent with other recent housing addition entitlements, please remove provision allowing Architectural Committee waiver of the masonry standard.
8. DoD/RCs Section 4.15: Gives vast authority to the developer. Advisory only.
9. DoD/RCs Section 4.16: Staff would suggest the following addition be considered "Enforcement to restrain violation of, or compel compliance with, these covenants..." as violation of certain covenants can be by non-action.

101

10. DoD/RCs Section 6.2: "...the Owner therefore shall become a member..." The quoted phrase should be corrected by replacing "therefore" with "thereof," as was done in the case of *River's Edge* with similar DoD/RCs language.
11. DoD/RCs Section 6.2: "...shall constitute acceptance of the Association..." Perhaps should be "...shall constitute acceptance of membership in the Association..."
12. DoD/RCs Section 6.4.3: "...other restrictions or any part thereof..." Use of term "of" in place of "or."
13. Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
14. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.
15. Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

102

Preliminary Plat of "The Trails at White Hawk II" Tulsa Engineering & Planning Associates, Inc.



- Businesses
- bixby_streams
- Tulsa Parcels 04/15
- WagParcels 04/15
- Tulsa_Subdivision
- WagSubdivision
- WagRoads_Aug2012
- E911_Streets
- PUD
- bixby_s-t-r
- county

0 160 320 640 960 1,280 Feet

City of Bixby ~ Planning
Printed 09/21/2015

Memo

To: Erik Enyart, AICP, City Planner

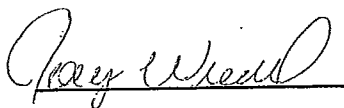
From: Joey Wiedel

Date: 09-28-2015

Re: PUD 62 "The Trails at White Hawk II"

"The Trails at White Hawk II" is approved by this office with the following conditions:

1. All roads second means of access shall be capable of supporting an imposed load of 75,000 pounds. All roadways shall be in place before construction of homes.(IFC 2009 Appendix D)
2. Water line and fire hydrant plans shall be submitted to this office before approval of the Final Plat.
 - Fire Hydrant Brand- AVK or Mueller, Color- Chrome Yellow
 - 600 feet spacing maximum
 - All hydrants shall be operable prior to construction of homes.
 - Fire line shall be looped.



Joey Wiedel

9-28-2015

Date

CITY OF BIXBY

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

Engineering Department Memo

To: Erik Enyart, City Planner

From: Jared Cottle, City Engineer *JWC*

CC: Bea Aamodt, Public Works Director
File

Date: 10/06/15

Re: Trails at White Hawk II
Final Plat Review

General Comments:

1. Water/Sewer/Paving/Grading Plans for all phases of the Trails at White Hawk have been previously approved. No additional comments unless modifications to the original design or layout are proposed.
2. All off-site sanitary sewer construction (i.e. Lift Station Control Building) must be completed prior to acceptance of this project phase.

The Trails at White Hawk II

A subdivision in the City of Bixby, being a part of the NW/4 of the SE/4 of Section 15,
Township 17 North, Range 13 East, of the Indian Meridian, Tulsa County, State of Oklahoma

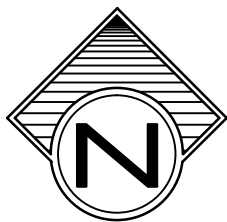
OWNER / DEVELOPER

Whitehawk Partners, L.L.C.

an Oklahoma limited liability company

8315 East 111th Street, Suite H
Bixby, Oklahoma 74008

918.481.1285



100 50 0 100 200 300

Scale: 1"=100'

ENGINEER / SURVEYOR

Tulsa Engineering & Planning Associates, Inc.

an Oklahoma corporation

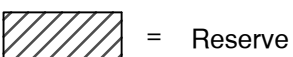
9820 East 41st Street South, Suite 102
Tulsa, Oklahoma 74146

918.252.9621

CERTIFICATE OF AUTHORIZATION NO. 531
RENEWAL DATE: JUNE 30, 2017

Legend

B/L = Building Line
U/E = Utility Easement



Monument Notes

A 5/8" x 18" deformed bar with a yellow plastic cap stamped "RS 1253" to be set at all plat boundary corners, prior to recordation unless noted otherwise.

A 3/8" x 18" deformed bar with a yellow plastic cap stamped "CA 531" to be set at all lot corners after completion of improvements, unless noted otherwise.

A 3/8" x 18" deformed bar with a yellow plastic cap stamped "CA 531" to be set at all street centerline intersections, points of curve, points of tangent, points of compound curve, points of reverse curve, center of cul-de-sacs and center of eyebrows, after completion of improvements, unless noted otherwise.

Basis of Bearings

The non-astronomic bearings for this plat are based on a recorded plat bearing of N 89°51'20"W along the south line of "The Ridge at South County", a subdivision in the City of Bixby, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 6213, as filed in the records of the Tulsa County Clerk's office.

Benchmark

Chiseled "X" on top of concrete pavement. The South Quarter Corner of Section 15, T-17-N, R-13-E, Tulsa County, State of Oklahoma

Elevation = 657.94 NGVD 1988

Backflow Preventer Valve

If the actual finished floor elevation is lower than one (1) foot above the upstream sanitary sewer manhole top of rim elevation, it shall be the builder's responsibility to install a backflow preventer valve near the building. The builder is responsible to comply with all city ordinances regarding the installation of any required backflow preventer valve.

Line Table

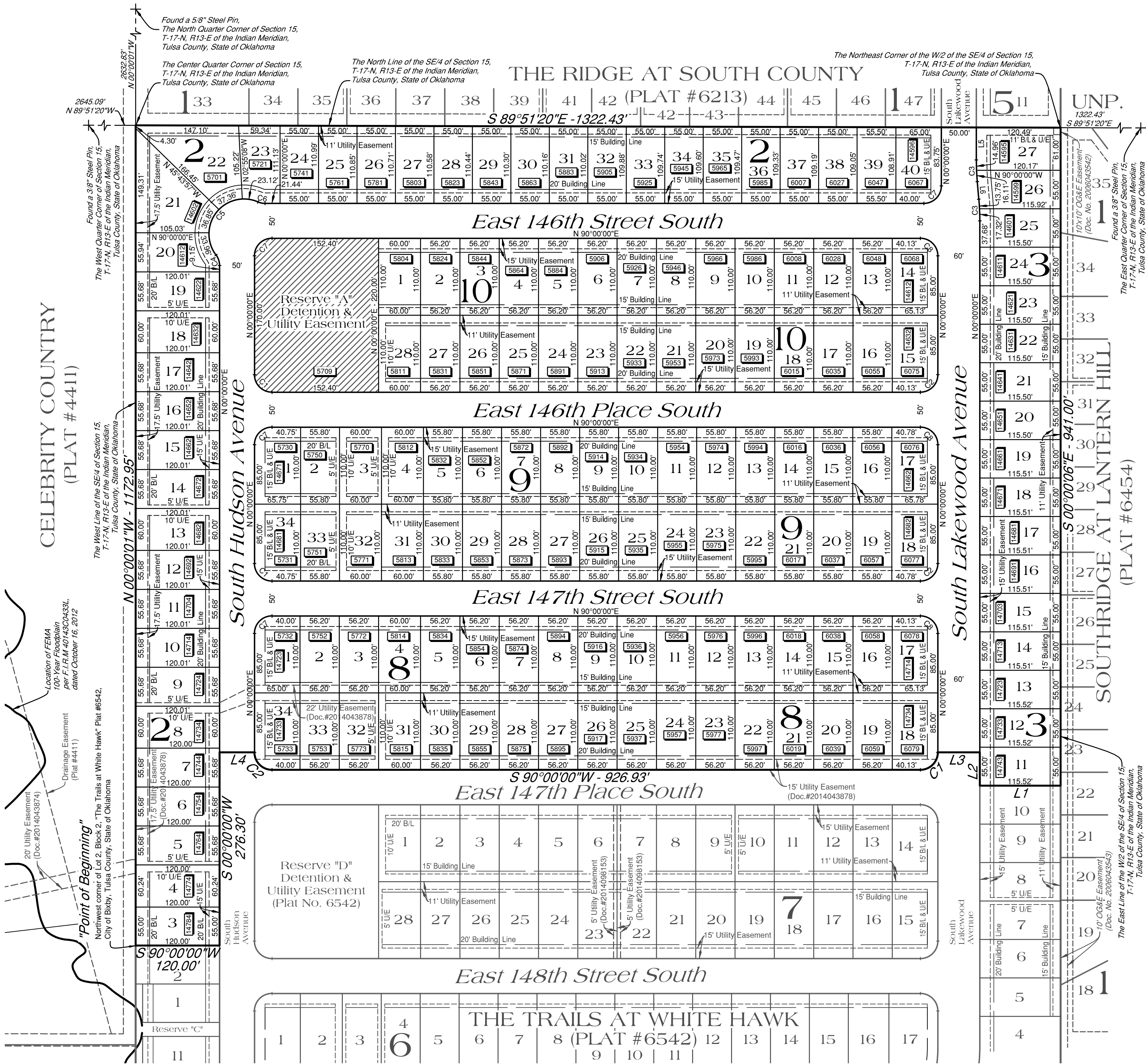
| No. | Bearing | Distance | No. | Bearing | Distance |
|-----|--------------|----------|-----|--------------|----------|
| L1 | S 90°00'00"W | 115.52' | L4 | S 90°00'00"W | 50.00' |
| L2 | N 00°00'00"E | 47.68' | L5 | S 00°00'00"E | 46.35' |
| L3 | S 90°00'00"W | 60.00' | L6 | S 05°05'09"E | 25.31' |

Curve Table

| No. | Delta | Radius | Length | Chord Bearing | Chord Distance |
|-----|------------|---------|---------|---------------|----------------|
| C1 | 90°00'00" | 25.00' | 39.27' | S 45°00'00"W | 35.36' |
| C2 | 90°00'00" | 25.00' | 39.27' | N 45°00'00"W | 35.36' |
| C3 | 05°05'09" | 350.00' | 31.07' | S 02°32'35"E | 31.06' |
| C4 | 36°52'51" | 25.00' | 16.09' | N 18°26'26"W | 15.82' |
| C5 | 150°27'17" | 50.00' | 131.30' | N 38°20'47"E | 96.69' |
| C6 | 23°34'25" | 25.00' | 10.29' | S 78°12'47"E | 10.21' |
| C7 | 90°00'00" | 25.00' | 39.27' | N 45°00'00"E | 35.36' |
| C8 | 90°00'00" | 25.00' | 39.27' | S 45°00'00"E | 35.36' |

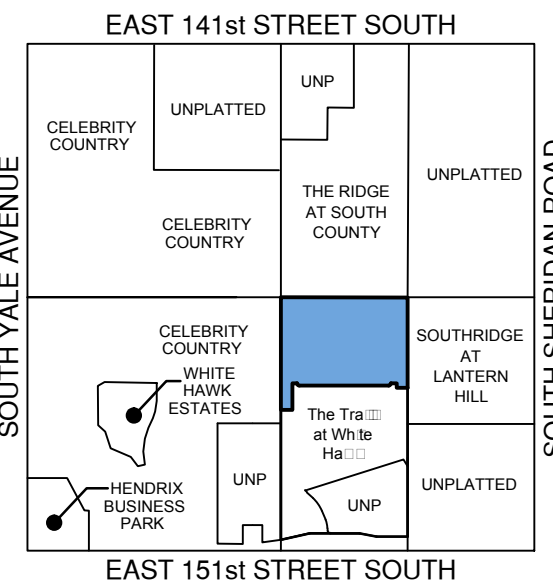
Lot Addresses

Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied upon in place of the legal description.



Location Map

R-13-E



Section 15

Tulsa County

151 Lots - 28.6130 Acres

Scale: 1"= 2000'

THE TRAILS AT WHITE HAWK II

DEED OF DEDICATION
AND
RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

That Whitehawk Partners, L.L.C., an Oklahoma limited liability company, hereinafter referred to as the "Owner/Developer", is the owner of the following described land:

A tract of land located in the NW/4 of the SE/4 of Section 15, T-17-N, R-13-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows:

Beginning at the northwest corner of Lot 2, Block 2, "The Trails at White Hawk", a subdivision in the City of Bixby, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 6542, as filed in the records of the Tulsa County Clerk's office, said point being also on the west line of the SE/4 of Section 15, T-17-N, R-13-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof;

Thence N 00°00'01"W along the west line of the SE/4 of said Section 15 a distance of 1,172.95 feet to the center quarter corner of said Section 15;

Thence S 89°51'20"E along the north line of the SE/4 of said Section 15 a distance of 1,322.43 feet to the northeast corner of the W/2 of the SE/4 of said Section 15;

Thence S 00°00'06"E along the east line of the W/2 of the SE/4 of said Section 15 a distance of 941.00 feet to the northeast corner of Lot 10, Block 3 in said "The Trails at White Hawk";

Thence S 90°00'00"W along the northerly line of said "The Trails at White Hawk" a distance of 115.52 feet (and continuing along the northerly line of said "The Trails at White Hawk" for the next 8 courses);

Thence N 00°00'00"E a distance of 47.68 feet;

Thence S 90°00'00"W a distance of 60.00 feet to a point of non-tangent curve to the right;

Thence along a non-tangent curve to the right with a central angle of 90°00'00", a radius 25.00 feet, an arc length of 39.27 feet, a chord bearing of S 45°00'00"W and a chord length of 35.36 feet;

Thence S 90°00'00"W a distance of 926.93 feet to a tangent curve to the right;

Thence along a tangent curve to the right with a central angle of 90°00'00", a radius of 25.00 feet, an arc length of 39.27 feet, a chord bearing of N 45°00'00"W and a chord length of 35.36 feet;

Thence S 90°00'00"W a distance of 50.00 feet;

Thence S 00°00'00"W a distance of 276.30 feet;

Thence S 90°00'00"W for the final course along the northerly line of said "The Trails at White Hawk" a distance of 120.00 feet to the "Point of Beginning".

Said tract contains 1,246,381 square feet or 28.6130 acres.

The non-astronomic bearings for this plat are based on a recorded plat bearing of N 89°51'20"W along the south line of "The Ridge of South County", a subdivision in the City of Bixby, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 6213, as filed in the records of the Tulsa County Clerk's office.

And does hereby certify that it has caused the above described land to be surveyed, divided, mapped, granted, donated, conveyed, dedicated and access rights reserved as represented on the plat and subdivided into five (5) blocks, one hundred fifty-one (151) lots, one (1) reserve area, and streets and has designated the same as "THE TRAILS AT WHITE HAWK II", an addition to the City of Bixby, Tulsa County, State of Oklahoma (the "Subdivision").

SECTION I.
STREETS, EASEMENTS AND UTILITIES

1.1 Public Streets and Utility Easements

The Owner/Developer does hereby grant, donate, convey and dedicate to the public the street rights-of-way as depicted on the accompanying plat. Additionally, the Owner/Developer does hereby dedicate to the public the utility easements designated as "U/E" or "Utility Easement" for the several purposes of constructing, 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 fittings, including the poles, wires, conduits, pipes, valves, meters, manholes and equipment for each of such facilities and any other appurtenances thereto, with the rights of ingress and egress to and upon the utility easements for the uses and purposes aforesaid, provided however, the Owner/Developer hereby reserves the right to construct, maintain, operate, lay and re-lay water lines and sewer

lines, together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all of the utility easements depicted on the plat, for the purpose of furnishing water and/or sewer services to the area included in the plat. The Owner/Developer herein imposes a restrictive covenant, which covenant shall be binding on each lot owner and shall be enforceable by the City of Bixby, Oklahoma, and by the supplier of any affected utility service, that within the utility easements depicted on the accompany plat no building, structure or other above or below ground obstruction that interferes with the above set forth uses and purposes of an easement shall be placed, erected, installed or maintained, provided however, nothing herein shall be deemed to prohibit properly-permitted drives, parking areas, curbing, landscaping and customary screening fences that do not constitute an obstruction.

1.2. Underground Service

1.2.1 Overhead lines for the supply of electric, telephone and cable television services may be located within the eastern perimeter easements of the subdivision. Street light poles or standards may be served by overhead line or underground cable here and elsewhere 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. The Owner/Developer does hereby restrict the utility easements shown and designated on the accompanying plat to a single supplier of electrical service.

1.2.2 Underground service cables and gas service lines to all structures which are 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.

1.2.3 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.

1.2.4 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.

1.2.5 The foregoing covenants set forth in this sub-section 1.2 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.

1.3 Gas Service

1.3.1 The supplier of gas service through its agents and employees shall at all times have the right of access to all such easements shown on the plat or as provided for in this Deed of Dedication for the purpose of installing, removing, repairing, or replacing any portion of the facilities installed by the supplier of gas service.

1.3.2 The owner of the lot shall be responsible for the protection of the underground gas facilities located in their lot and shall prevent the alteration, grade, or any other construction activity that would interfere with the gas service. The supplier of the gas service shall be responsible for the ordinary maintenance of said facilities, but the owner shall pay for damage or relocation of facilities caused or necessitated by acts of the owner, or its agents or contractors.

1.3.3 The foregoing covenants set forth in this sub-section 1.3 shall be enforceable by the supplier of the gas service and the owner of the lot agrees to be bound hereby.

1.4 Water, Sanitary Sewer, and Storm Sewer Service

1.4.1 The owner of the lot shall be responsible for the protection of the public water mains, sanitary sewer mains, and storm sewers located on his lot.

1.4.2 Within the utility easement, restricted waterline, sanitary sewer, storm sewer and drainage easement areas depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of a public water main, sanitary sewer

main, or storm sewer or any construction activity that would interfere with public water mains, sanitary sewer mains, and storm sewers shall be prohibited.

1.4.3 The City of Bixby, Oklahoma, or its successors, shall be responsible for ordinary maintenance of public water mains, sanitary sewer mains, and storm sewers but the owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the owner, his agents or contractors.

1.4.4 The City of Bixby, Oklahoma, or its successors, shall at all times have right of access to all easements depicted on the accompanying 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.

1.4.5 The foregoing covenants set forth in the above paragraphs shall be enforceable by the City of Bixby, Oklahoma, or its successors, and the owner of the lot agrees to be bound.

1.5 Reservation of Rights and Covenant as to Obstructions

The Owner/Developer hereby reserves the right to construct, maintain, operate, lay and re-lay water lines and sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying and re-laying over, across and along all of the utility easements depicted on the plat, for the purpose of furnishing water and/or sewer services to the area included in the plat and to areas outside of the plat. The Owner/Developer herein imposes a restrictive covenant, which covenant shall be binding on each lot owner and shall be enforceable by the City of Bixby, Oklahoma, and by the supplier of any affected utility service, that within the utility easements depicted on the accompanying plat no building, structure or other above or below ground obstruction shall be placed, erected, installed or maintained, provided however, nothing herein shall be deemed to prohibit properly-permitted drives, parking areas, curbing and landscaping, that does not constitute an obstruction.

1.6 Paving and Landscaping within Easements

The owner of the lots shall be responsible for the repair and replacement of any landscaping and paving within the utility easements on the lot, in the event that it is necessary to repair any underground water, sanitary sewer, storm sewer, electric, natural gas, cable television or telephone service.

1.7 Lot Surface Drainage

Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation and from public streets and easements. No lot owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across his lot. The foregoing covenants set forth in this paragraph 1.7 shall be enforceable by any affected lot owner and by the City of Bixby, Oklahoma.

1.8 Sidewalks

Sidewalks are required along streets designated by and in accordance with City of Bixby subdivision regulations. Required sidewalks shall be constructed in conformance with City of Bixby engineering design standards. The Owner/Developer shall construct required sidewalks along the streets, within reserve areas, common areas and along arterial street frontages of abutting lots having access onto minor streets. Where sidewalks are not constructed by the Owner/Developer, the builder of each lot shall construct the required sidewalk.

1.9 Reserve "A" - Detention Easement Area

1.9.1 The Owner/Developer does hereby dedicate to the City of Bixby, Oklahoma for public use (subject to easements of record) a perpetual easement on, over, and across the property designated and shown on the accompanying plat as Reserve "A" (hereinafter referred to as the "Detention Easement Area") for the purposes of permitting the flow, conveyance, retention, detention and discharge of stormwater runoff from the various lots within "THE TRAILS AT WHITE HAWK II" and from properties not included within "THE TRAILS AT WHITE HAWK II".

1.9.2 Detention, retention and other drainage facilities constructed within the Detention Easement Area shall be in accordance with standards and specifications approved by the City of Bixby.

1.9.3 No fence, wall, building, or other obstruction may be placed or maintained in the Detention Easement Area, nor shall there be any alteration of the grades or contours in such easement area unless approved by the Department of Public Works of the City of Bixby. Properly-permitted recreational equipment and fixtures will be allowed in the Detention Easement Area.

1.9.4 Detention, retention and other drainage facilities shall be maintained by THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC., to the extent necessary to achieve the intended drainage, retention, and detention functions including repair of appurtenances and removal of obstructions and siltation and THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC. shall provide customary grounds maintenance within the Detention Easement Area in accordance with the following standards:

a. Grass areas shall be mowed (in season) at regular intervals not exceeding four (4) weeks.

b. Concrete appurtenances shall be maintained in good condition and replaced if damaged.

c. The Detention Easement Area shall be kept free of debris.

d. Cleaning of siltation and vegetation from concrete channels shall be performed a minimum of twice yearly.

1.9.5 Landscaping and recreational equipment approved by the City of Bixby shall be allowed within the Detention Easement Area.

1.9.6 In the event THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION should fail to properly maintain the detention, retention, and other drainage facilities or, in the event of the placement of an obstruction within, or the alteration of the grade or contour within the Detention Easement Area, the City of Bixby, or its designated contractor, may enter and perform maintenance necessary to the achievement of the intended drainage functions and may remove any obstruction or correct any alteration of grade or contour, and the cost shall be paid by THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC.. In the event the Association fails to pay the cost of maintenance after completion of the maintenance and receipt of a statement of costs, the City of Bixby, Oklahoma, may file of record a copy of the statement of costs, and thereafter the costs shall be a lien against each lot within "THE TRAILS AT WHITE HAWK II", provided however, the lien against each lot shall not exceed that lot's prorata portion of the costs. A lien established as above provided may be foreclosed by the City of Bixby, Oklahoma.

SECTION II.
RESERVE AREA "A"

2.1 Use of Land

2.1.1 Reserve Area "A"

Reserve Area "A" shall be used for passive and active open space, guest parking, signage, landscaping, walls, fencing, drainage, recreation, overland drainage, stormwater drainage, utilities, sidewalks, and ingress and egress, lighting and is reserved for subsequent conveyance to THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC., as set forth within Section VI hereof.

2.1.2 All costs and expenses associated with Reserve "A", including maintenance of various improvements and recreational facilities will be the responsibility of THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC.

2.1.3 In the event THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC. should fail to properly maintain the reserve areas and facilities thereon located as above provided, the City of Bixby, Oklahoma, or its designated contractor may enter the Reserve "A" and perform such maintenance, and the cost thereof shall be paid by THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC.

2.1.4 In the event THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC. fails to pay the cost of said maintenance after completion of the maintenance and receipt of a statement of costs, the City of Bixby, Oklahoma may file of record a copy of the statement of costs, and thereafter the costs shall be a lien against each of the lots within the development. Such costs of maintenance shall become a lien on all the residential lots as hereinafter defined, which may be foreclosed by the City of Bixby, Oklahoma.

2.1.5 THE TRAILS AT WHITE HAWK OWNERS' ASSOCIATION INC., shall be responsible for maintenance of Reserve "A".

SECTION III.
PLANNED UNIT DEVELOPMENT

WHEREAS, "THE TRAILS AT WHITE HAWK II" was submitted as Planned Unit Development No. 62, as provided within Chapter 7 of the Zoning Code of the City of Bixby, Oklahoma as amended and as the same existed on August 13, 2012, and was approved by the Bixby Planning Commission on January 21st, 2008, and by the City of Bixby City Council on February 11, 2008, and

WHEREAS, the Planned Unit Development (PUD) provisions of the Bixby Zoning Code require the establishment of covenants of record, inuring to and enforceable by the City of Bixby, Oklahoma, sufficient to assure the implementation and continued compliance with the approved PUD, and

WHEREAS, the Owner/Developer desires to establish restrictions for the purpose of providing for an orderly development and to assure adequate restrictions for the mutual benefit of the Owner/Developer, its successors and assigns, and the City of Bixby, Oklahoma.

THEREFORE, the Owner/Developer does hereby impose the following restrictions and covenants which shall be covenants running with the land and shall be binding upon the Owner/Developer, its successors and assigns, and shall be enforceable by the Owner/Developer, any person owning the lot or a parcel in "THE TRAILS AT WHITE HAWK II", and by the City of Bixby as hereinafter set forth.

3.1 General Standards

The development of "THE TRAILS AT WHITE HAWK II" shall be subject to the Planned Unit Development provisions of the Bixby Zoning Code, as such provisions existed August 13, 2012, or as may be subsequently amended.

3.2 Blocks 2, 3, 8, 9 & 10:

3.2.1 Development Standards: Residential

3.2.1.1 Permitted Uses:
Single Family detached dwellings & customary accessory uses as permitted under RS-3 Zoning regulations except as modified below*.

3.2.1.2 Maximum Number of Dwelling Units: 265 DUs

3.2.1.3 Minimum Lot Area: 6,000 SF

3.2.1.4 Minimum Lot Width:
Standard Lot 55 FT
Cul-de-sac or Irregular Lot 30 FT

3.2.1.5 Maximum Building Height: 48 FT

3.2.1.6 Maximum Accessory Building Height: 35 FT

3.2.1.7 Livability Space per Dwelling Unit: 2,500 SF

3.2.1.8 Minimum Building Setbacks:
Front Yards: 20 FT
Side Yards: 5 FT/5FT
Corner Lot (Not on Arterial): 15 FT
Rear Yard (Not on an arterial): 15 FT

3.2.1.9 Parking:
Two (2) enclosed off street parking spaces per dwelling unit and at least two (2) additional off street parking spaces in driveways.

3.2.1.10 *Accessory Buildings:
Detached accessory buildings, such as a garage, including one living or servants quarters per lot may be permitted on lots with a minimum lot area of 12,000 SF. Any accessory living quarters may include a bath or kitchen provided such quarters may only be occupied by servants or by members of the family related by blood adoption or marriage. Such living quarters must be a part of the accessory garage structure. The living area of any such quarters shall not exceed 1,100 square feet.

3.3 Access and Circulation

Access shall be provided in substantial conformance with the Preliminary Plat. Sidewalks shall be provided on both sides of all interior streets within the project limits and along the south boundary line abutting East 151st Street South per City of Bixby subdivision regulations and the approved Planned Unit Development.

3.4 Detailed Site Plan Approval and Building Permits

3.4.1 Within Residential Blocks, "THE TRAILS AT WHITE HAWK II", for the purpose of site plan review requirements, the final plat approved by the City of Bixby Planning Commission and City Council shall constitute the required detailed site plan. No building permit shall be issued until the subdivision plat has been processed and approved by the City of Bixby Planning Commission and City Council in compliance with the approved Planned Unit Development and development standards.

SECTION IV.
PRIVATE BUILDING AND USE RESTRICTIONS

4.1 Architectural Committee and Construction Standards

4.1.1 The Architectural Committee, as set forth in Section V, will be formed to review and approve any structure to be built on any lot and shall also be responsible for the development and construction standards contained herein. The Owner/Developer, its successors, assigns or appointees are hereafter referred to as the Architectural Committee. After sixty-five percent (65%) of the lots in the subdivision have been purchased and houses constructed, THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC., and the Owner/Developer shall form a duly elected Architectural Committee consisting of members of the Association. The Owner/Developer, shall hold a three to one (3:1) proxy vote for any of the lots it holds. This in effect will give the Owner/Developer, three (3) votes per lot that it holds. This three to one (3:1) vote shall be used in all votes concerning any item that comes before THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC. including but not limited to the approval and/or disapproval of any item brought before the Architectural Committee.

4.2 Lot use restrictions

4.2.1 No lot shall be used for business or professional purposes of any kind or for any commercial or manufacturing purpose.

4.2.2 No noxious or offensive activity shall be carried on upon any lot. Nothing shall be done upon any lot which may be or become an annoyance or a nuisance to the neighborhood.

4.3 Fence restrictions

4.3.1 No fence or wall shall be erected, placed or altered on any lot nearer to the street than the minimum front yard set-back to an abutting street or minimum side yard set-back to an abutting street established herein and shown on the attached plat of "THE TRAILS AT WHITE HAWK II", and no fence or wall shall exceed six (6) feet in height above ground level.

4.3.2 No chain-link fences will be permitted in the subdivision.

4.3.3 All wood fences shall be constructed of #2 grade or better Cedar or Spruce.

4.4 Dwelling material and size restriction

4.4.1 No building or dwelling unit on any lot shall be constructed with less than Eleven Hundred (1100) square feet of enclosed living area for any single family unit, exclusive of open porches, garages or breezeways; in the event of a dwelling having more than one (1) story there shall be a minimum of Eleven Hundred (1100) square feet of floor space with a minimum of Eight Hundred (800) square feet on the first story, exclusive of open porches, garage, and breezeways.

4.4.2 No building or dwelling unit shall be erected, placed or constructed on any lot in this addition unless at least thirty-three percent (33%) of the exterior walls thereof be brick, brick veneer, stone or stone veneer, stucco-type plaster, up to the eight foot plate line. Any deviation of exterior construction materials shall be permitted only with the written consent of the Architectural Committee.

4.4.3 All residences shall be completed using composition shingles and shall be "weatherwood" in color or the equivalent. The roofs must have a minimum pitch of 5/12, except for dormers, porch roofs or patios.

4.5 Antennae and aerial restrictions

4.5.1 No exterior radio or television aerial wires or antennae shall be erected or attached on or near any structure on any lot of this subdivision.

4.6 Garages

4.6.1 All houses shall have a minimum of one attached two (2) car garage conforming to the architecture of the dwelling structure, conforming to all restrictions and covenants and codes and approved by the Owner/Developer of "THE TRAILS AT WHITE HAWK II", and the Architectural Committee.

4.7 Temporary structures

4.7.1 No out-building, garage, shed, tent, trailer (i.e. any mobile or manufactured home), basement or temporary building shall be used for permanent or temporary residence purposes; provided that this paragraph shall not be deemed or construed to prevent the use of a temporary shed during the period of actual construction of any structure on any such property, nor the use of adequate sanitary toilet facilities for workmen which shall be provided by the builder during such construction.

4.8 Accessory and out-buildings

4.8.1 Accessory buildings shall conform to the dwelling structure architecture and shall be behind a privacy fence.

4.8.2 All mailboxes in the subdivision shall conform to the model as set forth by the Architectural Committee.

4.9 No truck, camper motor home, trailer, boat or vehicle of any type (whether operable or not) may be parked, kept or stored on any lot except in a garage or screened area behind the building line of the tract for more than forty-eight (48) hours during a seventy-two (72) hour period.

4.10 Livestock and poultry prohibited: No animals, livestock or poultry of any kind shall be raised, bred or kept on any part thereof, except that dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for commercial purposes.

4.11 Billboards prohibited: The construction or maintenance of billboards or advertising boards or structures on any lot is specifically prohibited, except temporary billboards advertising sale or rental of such property are permitted, provided they do not exceed nine (9) square feet in size.

4.12 Existing structures: No existing, erected building or structure of any sort may be moved onto or placed on any of the lots in "THE TRAILS AT WHITE HAWK II".

4.13 Obstructions: No object, including vegetation, shall be permitted on any corner lot which obstructs reasonably safe and clear visibility of pedestrian or vehicular traffic through site lines parallel to the ground surface at elevations between two (2) and six (6) feet above the roadways.

4.14 Lot division: No lot shall be split or further subdivided so as to reduce the area thereof, except as necessitated by the correction of encroachments or other boundary deficiencies caused by errors in house construction, platting, re-platting or surveying of the subdivision. This shall also include any changes pursuant by any municipal direction.

4.15 The Owner/Developer of "THE TRAILS AT WHITE HAWK II" reserve the right in their sole discretion and without joinder of any owner at any time so long as it is the owner of any lot or part thereof to amend, revise or abolish any one or more of the above covenants and restrictions by instrument duly executed and acknowledged by them as Owner/Developer and filed in the County Clerk's office in the Tulsa County Courthouse, Tulsa, Oklahoma.

4.16 Enforcement: Enforcement to restrain violation of the covenants or to recover damages shall be by proceedings at law in a court of competent jurisdiction or in equity against any person or persons violating or attempting to violate any covenant herein, and may be brought by the lot owner or lot owners of any lot(s) or having any interest therein, whether acting jointly or severally. The Owner/Developer or THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC. shall not be obligated to enforce any covenant or restriction through legal proceedings.

SECTION V.
ARCHITECTURAL COMMITTEE

5.1 Architectural Committee - Plan Review

5.1.1 No residence, outbuilding, improvements, driveway, fence, wall, satellite receiver dish, or free standing mailbox shall be erected, placed, or altered on any lot in the subdivision until the plans and specifications have been approved in writing by the Owner/Developer, or its authorized representatives or successors, which are hereinafter referred to as the "Architectural Committee". For each residence or out building, the required plans and specifications shall be submitted in duplicate and shall include a site plan, floor plan, exterior elevations, drainage and grading plans, exterior materials, and exterior color scheme.

5.1.2 The Architectural Committee's purpose is to promote good design and compatibility within the subdivision and in its review of plans or determination of any waiver as hereinafter authorized may take into consideration the nature and character of the proposed building or structure, the materials of which it is to be built, the availability of alternative materials, the site upon which it is proposed to be erected and the harmony thereof with the surrounding area. The Architectural Committee shall not be liable for any approval, disapproval, or failure to approve hereunder and its approval of building plans shall not constitute a warranty or responsibility for building methods, materials, procedures, structural design, grading or drainage, or code violations. The approval or failure to approve building plans shall not be deemed a waiver of any restriction. Nothing herein contained shall be deemed to prevent any lot owner in the subdivision from prosecuting any legal action relating to improvements within the subdivision which they would otherwise be entitled to prosecute.

5.1.3 The Architectural Committee's objective is to advance the harmonious use of landscaping, fencing, hardscaping, landscape lighting, and other landscape design items to promote compatibility and conformity within the subdivision. The Architectural Committee reserves the authority to review, approve, modify, or reject the type of landscaping or landscape design items which may be placed in public view by any lot owner and determined in the discretion of the Architectural Committee to be incompatible with the overall aesthetic standards of "THE TRAILS AT WHITE HAWK II".

5.1.4 The powers and duties of the Architectural Committee shall, on the 1st day of January, 2023, be deemed transferred to THE TRAILS AT WHITE

HAWK OWNERS' ASSOCIATION, INC. provided for in Section VI., or upon written assignment to THE TRAILS AT WHITE HAWK OWNERS' ASSOCIATION, INC. by the Architectural Committee, whichever event first occurs, and thereafter the foregoing powers and duties shall be exercised by the Owners' Association, or their designees.

5.1.5 The Architectural Committee reserves the right in their sole discretion and without joinder of any lot owner at any time, so long as the Owner/Developer, is the owner of any lot or part thereof to amend, revise, or abolish any one or more of the above covenants and restrictions within this Section V., by instrument duly executed and acknowledged by them as the Architectural Committee and filed in the County Clerk's office in the Tulsa County Courthouse, Tulsa, Oklahoma.

SECTION VI.
HOME OWNERS' ASSOCIATION

6.1 Home Owners' Association: The Owner/Developer shall form or cause to be formed THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC., a non-profit entity established pursuant to the Business Corporation Act of the State of Oklahoma and formed for the general purposes of maintaining the common open areas and for enhancing the value, desirability and attractiveness of "THE TRAILS AT WHITE HAWK II". The creation of this Association shall be completed at the sole discretion of the Owner/Developer. However, the same shall be no later than the last day of construction of the last home in "THE TRAILS AT WHITE HAWK II".

6.2 Membership: At any time, any house constructed on a residential lot and that lot and house have been sold and occupied, the lot owner therefore shall become a member of the TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC., and membership shall be appurtenant to and may not be separated from the ownership of a residential lot or portion thereof. The owner of vacant lot(s) will not be members of the Association, unless through the written consent of the owner. The acceptance of a deed to a lot by the homeowner shall constitute acceptance of the Association as of the date of incorporation, or as of the date of the recording of the deed, whichever is later.

6.3 Covenant for assessments: The homeowner, and each subsequent owner of a lot or portion thereof, by acceptance of a deed therefor, is deemed to covenant and agree to pay the Association an annual assessment as established by the Association. No vacant lot will be assessed, unless through a written consent of the owner. Annual assessment rates shall be established each year by the assent of 51% of the Lot owners within the subdivision. Delinquent assessments, as defined by the association, together with 10% interest, costs and reasonable attorney's fees shall be a continuing lien on the lot and the personal obligation of the ownership of the lot at the time of assessment. The lien of the assessments provided for herein shall be subordinate to the liens of any first mortgage.

6.4 Duration, Amendment or Termination and Severability

6.4.1 Duration. The restrictions shall remain in full force and effect until January 1, 2023, and shall automatically be extended thereafter for successive periods of ten (10) years unless terminated or amended as hereinafter provided.

6.4.2 Amendment or Termination. The items in Section VI may be amended, modified, changed or cancelled by a written instrument signed and acknowledged by the owners of two-thirds (2/3) of the lots in "THE TRAILS AT WHITE HAWK II". Provided, however, so long as the Owner/Developer, or any equity majority owned by a current shareholder of the Owner/Developer, owns a lot in "THE TRAILS AT WHITE HAWK", the Owner/Developer retains the right, IN ITS SOLE DISCRETION, to (i) veto any proposed amendments and (ii) amend, in its discretion, any covenant or term contained herein.

6.4.3 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 of any part thereof as set forth herein, which shall remain in full force and effect.

SECTION VII.
ENFORCEMENT, DURATION, AMENDMENT, AND SEVERABILITY

7.1 Enforcement

The restrictions herein set forth are covenants to run with the land and shall be binding upon the Owner/Developer, its successors and assigns. Within the provisions of Section I. Streets, 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. The covenants contained in Section III. Planned Unit Development are established pursuant to the Planned Unit Development provisions of the City of Bixby Zoning Code and shall inure to the benefit of the City of Bixby, Oklahoma, THE TRAILS AT WHITE HAWK OWNERS' ASSOCIATION, INC., and the owners of the lot or a parcel herein. If the undersigned Owner/Developer, or its successors or assigns, shall violate any of the covenants within Section III., it shall be lawful for the City of Bixby, THE TRAILS AT WHITE HAWK OWNERS' ASSOCIATION, INC., or any owner of a lot to maintain any action at law or in equity against the person or persons violating or attempting to violate any such covenant, to prevent him or them from so doing or to compel compliance with the covenant. If the

undersigned Owner/Developer, or its successors or assigns, shall violate any of the covenants within Section IV. Private Building and Use Restrictions, it shall be lawful for THE TRAILS AT WHITE HAWK OWNERS' ASSOCIATION, INC., or any owner of a lot to maintain any action at law or in equity against the person or persons violating or attempting to violate any such covenant, to prevent him or them from so doing or to compel compliance with the covenant. In any judicial action brought by THE TRAILS AT WHITE HAWK OWNERS' ASSOCIATION, INC., or a lot owner which action seeks to enforce the covenants or restrictions set forth herein or to recover damages for the breach thereof, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs and expenses incurred in such action.

7.2 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.

7.3 Amendment

The covenants contained within Section I. Streets, Easements, and Utilities and Section II. Reserve Areas, 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 within Section III. Planned Unit Development may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the affected lot in "THE TRAILS AT WHITE HAWK II" and approved by the Bixby Planning Commission, or its successor. 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. The "lot owners" may amend, revise or abolish any provision of Section IV. Private Building and Use Restrictions with a vote of a minimum of 60% of the "lot owners" favoring the proposed amendment, revision or abolishment, except as provided for in the following: The Owner/Developer, reserves the right in their sole discretion and without joinder of any lot owner at any time, so long as the Owner/Developer is the owner of any lot or part thereof to amend, revise, or abolish any one or more of the above covenants and restrictions within Section IV. Private Building and Use Restrictions by instrument duly executed and acknowledged by them and filed in the County Clerk's office in the Tulsa County Courthouse, Tulsa, Oklahoma. 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.

7.4 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.

WITNESS WHEREOF, the undersigned Owner/Developer, has executed this instrument this _____ day of _____, 2015.

Whitehawk Partners, L.L.C.
an Oklahoma limited liability corporation

By: Dean Christopoulos, Manager

State of Oklahoma)
) s.s.
County of Tulsa)

This instrument was acknowledged before me this _____ day of _____, 2015, by Dean Christopoulos, Manager of Whitehawk Partners, L.L.C.

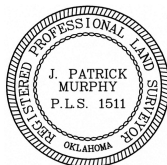
Notary Public
My commission no. _____
expires _____

CERTIFICATE OF SURVEY

I, J. Patrick Murphy, of Tulsa Engineering & Planning Associates, Inc., a professional land surveyor registered in the State of Oklahoma, 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 "THE TRAILS AT WHITE HAWK II", a subdivision in the City of Bixby, Tulsa County, State of Oklahoma, is a representation of the survey made on the ground using generally accepted land surveying practices and meets or exceeds the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted.

Executed this _____ day of _____, 2015.

J. Patrick Murphy
Registered Professional Land Surveyor

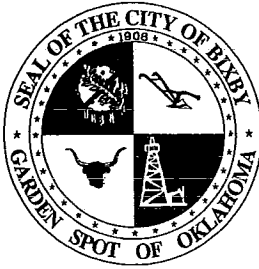


State of Oklahoma)
) s.s.
County of Tulsa)

The foregoing Certificate of Survey was acknowledged before me this _____ day of _____, 2015, by J. Patrick Murphy.

Jack Taber, Notary Public
My commission no. is 12005192
My commission expires May 31, 2016

The Trails at White Hawk II
Date of Preparation: September 17, 2015 Sheet 3 of 3



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, October 13, 2015
RE: Report and Recommendations for:
Preliminary Plat of "The Village at Twin Creeks" (PUD 91)

LOCATION: – 11625 S. Mingo Rd.
– Part of the W/2 of the W/2 of Section 31, T18N, R14E

SIZE: 6 acres, more or less

EXISTING ZONING: AG (RS-2 and PUD 91 "The Village at Twin Creeks" pending City Council consideration October 26, 2015)

SUPPLEMENTAL ZONING: None (PUD 91 "The Village at Twin Creeks" pending City Council consideration October 26, 2015)

EXISTING USE: Agricultural/rural residential

REQUEST:

- Preliminary Plat approval for a 22-lot residential subdivision
- Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the width of the Perimeter U/E from 17.5' along certain perimeters
- Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard
- Modification/Waiver from Subdivision Regulations Section 12-3-2.N to allow alternative compliance for the sidewalk construction requirement

106

SURROUNDING ZONING AND LAND USE:

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

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

East: RS-2 & RS-3; Single-family residential in *Southwood East Second* zoned RS-2 and *The Park at Southwood* zoned RS-3.

West: (Across Mingo Rd.) RE & RS-2; Single-family residential in *Amended Southwood Extended* zoned RE and in *Twin Creeks II* and *Twin Creeks* zoned RS-2.

COMPREHENSIVE PLAN: Low Intensity + Residential Area

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

PUD 91 "The Village at Twin Creeks" & BZ-385 – AAB Engineering, LLC – Request for rezoning from AG to RS-2 and approval of PUD 91 for subject property – PC recommended Conditional Approval 10/06/2015 and City Council consideration pending 10/26/2015.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The agricultural/rural residential subject property of 6 acres, more or less, contains a single-family dwelling addressed 11625 S. Mingo Rd. and two (2) barns/accessory buildings toward the center of the acreage. It is presently zoned AG but RS-2 and PUD 91 zoning is pending City Council consideration October 26, 2015.

The subject property appears to slope moderately downward to the south, ultimately to the borrow ditch attending Mingo Rd., which appears to ultimately drain to Haikey Creek.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.), or otherwise will be served by line extensions as required. Plans for utilities are adequately described in the PUD Text and represented on Exhibit C, and are discussed further in the City Engineer's memo.

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

As described more fully in the PUD 91 and BZ-385 Staff Report, Staff believes that the requested RS-2 district and PUD 91 should be found *In Accordance* with the Comprehensive Plan.

The single-family residential development anticipated by this plat would not be inconsistent with the Comprehensive Plan.

General. This subdivision of 6 acres proposes 22 Lots, two (2) Blocks, and two (2) Reserve Areas. With the exceptions outlined in this report, the Preliminary Plat appears to conform to the Subdivision Regulations, the Zoning Code, and PUD 91 as recommended by the Planning Commission and Staff.

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 October 07, 2015. Minutes of that meeting are attached to this report.

Access and Internal Circulation. The subject property has 330' of frontage on Mingo Rd. and 50' of frontage on the westerly dead-end of 116th Pl. S. in *Southwood East Second*.

The subject property is presently accessed from a private, gravel driveway connecting to Mingo Rd. at approximately the 11600-block thereof. The PUD site plan and Preliminary Plat of "The Village at Twin Creeks" indicate the new street, 116th Pl. S., will intersect Mingo Rd. to the north of the present driveway connection, and will terminate at a cul-de-sac turnaround toward the east end of the subject property, with a 20'-wide emergency access drive connection to the present westerly dead-end of 116th Pl. S. in *Southwood East Second*. Both connections to Public streets will be gated.

The "Access and Circulation" section of the PUD Text (as originally submitted/prior to modifications pursuant to Planning Commission and Staff recommendations) describes plans for access as follows:

"All streets within the development will be private and will largely conform the with the attached conceptual site plan. The primary entry to the subdivision will be derived from South Mingo Road as shown. A secondary "crash gate" access will be provided at the eastern end of the property where the existing 116th Place South currently dead ends. This will provide two points of access to the development as required by the City of Bixby Fire Marshal. Gates will be constructed to limit public access to subdivision and provide additional security for the lot owners. All such gates will be constructed according to the requirements of the City of Bixby Fire Marshal.

In keeping with the character of the development desired by the owner, sidewalks will not be constructed within the development. This will not reduce or eliminate any master planned pedestrian connectivity within the surrounding developments since no sidewalks currently extend to any portion of the property. Sidewalks will similarly not be constructed along Mingo since this is one of the last tracts with frontage left to development and not sidewalks have been constructed along Mingo Road to date."

Plans for access can also be inferred from the Preliminary Plat and PUD Exhibits.

The PUD Text and Exhibits indicate the singular street, 116th Pl. S., will be private and gated. The PUD Text provides that the roadway will be 26' in width, and the Preliminary Plat of "The Village at Twin Creeks" indicates an unidentified 26' dimension within the proposed 30'-wide private street right-of-way (or Reserve Area A), which likely suggests an intended 26'-wide roadway width. Notwithstanding the right-of-way not meeting the 50' minimum width standard and PUD Text's language indicating no intent to construct the required sidewalks

(which will be modified), 116th Pl. S. is understood to be otherwise designed and constructed to meet City of Bixby minimum standards for Minor Residential Public Streets. The PUD Exhibit(s) should dimension the intended roadway width and the PUD Text should acknowledge that the 30'-wide right-of-way will require a Modification/Waiver during the platting process.

As discussed during the pre-application coordination meetings held November 24, 2014 and July 31, 2015 and/or the TAC Meeting held September 02, 2015, the gate setback and/or other gate design requirements may cause need for a reconfiguration of the subdivision at the west entrance. Any necessary modifications should be reflected in the PUD Exhibits as appropriate.

The above-quoted PUD Text expresses opposition to constructing the required sidewalk along Mingo Rd. or along the internal street. As discussed during the pre-application coordination meeting held November 24, 2014, and perhaps also the one held July 31, 2015, sidewalks are required along Mingo Rd. and the private street, and may be contained within Sidewalk Easements in the latter instance.

The City of Bixby has not granted unmitigated Waivers of sidewalks for housing additions since the January 11, 2010 "transitional period" Waivers of sidewalks for the *Chisholm Ranch/Villas* and *River's Edge* housing additions. Options extended to and utilized by developers since include:

1. Alternative sidewalk locations (e.g. *Somerset* constructing sidewalks to/through Bixby Public Schools and *LifeChurch.tv* properties and *River Trail II* trail construction option versus sidewalk),
2. Payment of fee-in-lieu into a City of Bixby escrow account for sidewalk construction on future street improvement projects (extended to, but not utilized by *Southridge at Lantern Hill*), and
3. Payment of fee-in-lieu into a City of Bixby escrow account for onsite sidewalk construction (extended to and expected to be utilized by *QuikTrip*).

Because the internal street network is so small and this is a gated subdivision with private streets, in lieu of sidewalk construction, provided the linear distances equal, Staff would support a Modification/Waiver of the Subdivision Regulations to allow construction of sidewalk extensions northerly and/or southerly along Mingo Rd., or by paying a fee-in-lieu as per # 2 above.

If internal sidewalks will be constructed, it appears that the proposed rights-of-way, at 30' in width, will not be adequate to contain a sidewalk (a 26' roadway leaves only ~1.5' on either side of both ~½' curbs), and so it appears it will be necessary to add a "Sidewalk Easement" along the streets. Alternatively, additional width could be added to the 30' current right-of-way / Reserve Area A width to accommodate the sidewalks.

The plat proposes a 50' right-of-way dedication for Mingo Rd. (Secondary Arterial) as required.

Land Use Restrictions. The Deed of Dedication and Restrictive Covenants (DoD/RCs) of the plat include proposed land use restrictions, as required by Subdivision Regulations Section 12-5-3.A, and the land use restrictions include proposed minimum house size and masonry standards which are consistent with the PUD 91, pending City Council consideration October 26, 2015.

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. No U/E indicated along the east line. Please add the 17.5' minimum width Perimeter U/E here as required by Subdivision Regulations Section 12-3-3.A. Otherwise, subject to a Modification/Waiver from Subdivision Regulations Section 12-3-3.A to remove or reduce the width of the Perimeter U/E from 17.5' along the east perimeter.
3. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard. The Modification/Waiver may be justified by citing the subject tract's original width and the use of a relatively narrow private street / Reserve Area.
4. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.N to allow alternative compliance for the sidewalk construction requirement. Staff is supportive of this request as described more fully in the analysis above.
5. All Modification/Waiver requests must be provided in writing.
6. Please add U/Es and other easements of record abutting plat boundary as customary and pursuant to SRs Section 12-4-2.A.8.
7. PUD 91 Text indicates intent to construct a screening wall along Mingo Rd. The plat does not indicate a Reserve Area, "Fence Easement," or other method to contain and provide for this common neighborhood feature. Housing additions typically also contain entry signage and/or landscaping. Please revise or advise.
8. As discussed during the pre-application coordination meetings held November 24, 2014 and July 31, 2015 and/or the TAC Meeting held September 02, 2015, the gate setback and/or other gate design requirements may cause need for a reconfiguration of the subdivision at the west entrance. Any necessary modifications should be reflected in the Reserve Area configurations.
9. Please add width dimension to the "ROW ESMT. TO PUBLIC SERVICE BK. 4500, PG. 1674."
10. "ROW ESMT. TO PUBLIC SERVICE" Book 4500, Page 1674 and Book 901 Page 442: Please clarify if either or both of these are to "Public Service Company of Oklahoma" or provide copies of cited documents.
11. Unidentified 26' dimension within the proposed 30'-wide private street right-of-way (or Reserve Area A), likely suggests an intended 26'-wide roadway width. This is an appropriate mapping detail for a PUD exhibit but is not appropriate for a plat. Please remove or clarify.
12. Discrepancies with PUD 91 Exhibit B observed for certain dimensions and angle/bearing information. Please correct whichever of the two contains incorrect survey data.

13. Title Block: Please update to "A Subdivision in the City of Bixby, Tulsa County, Oklahoma..."
14. Curves C1 and C14, "tickmarks" indicating points of tangent/curvature, the 15.48', 10.82', 104.39', and 145.47' calls, and a solid linetype along 116th Pl. S. projected west of the 50' R/W dedication, and another north-south solid linetype all appear to correspond to existing and/or proposed curblines within the proposed R/W. These should be removed from the plat or explained.
15. A dashed, north-south linetype is represented approximately 35' east of and parallel to the Mingo Rd. Sectionline. Please identify or otherwise address appropriately.
16. The dashed linetype(s) used for elevation contours and propertylines of adjacent properties appear the same or otherwise not adequately distinct. Please resolve appropriately.
17. Subdivision Statistics and DoD/RCs Preamble: Report 5.62 acres. The 330' X 790' plat boundaries would suggest a full 6 acres. The discrepancy may be attributed to the 50' R/W to be dedicated by the plat, but the plat will contain the dedicated R/W so should include that area. Please revise or advise.
18. A solid linetype should be used to demarcate the west line of Reserve A, to demonstrate it is mutually exclusive from the R/W to be platted for Mingo Rd.
19. Please renumber curves appropriately upon removal of extraneous ones in the R/W.
20. SRs Section 12-4-2.B.6 requires elevation contours at one (1) foot maximum intervals. Contours appear to be represented but are not labeled.
21. 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 0.43' variance between the easterly point of tangent/curvature of C11 and the common lot corner. It is not clear if the 0.43' 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.
22. Please clarify the 0.86' dimension at the southwest corner of Lot 1, Block 1.
23. Please add proposed addresses to the lots.
24. Face of Plat: Please add the standard address caveat/disclaimer: "Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied on in place of the legal description."
25. DoD/RCs: Missing provisions for the creation, powers, rights, responsibilities, dues, assessments, etc. of the HOA or other association to be formed to provide for perpetual maintenance of private street, Reserve B, and other common features.
26. DoD/RCs: Missing land use restriction Covenants customary and required pursuant to Subdivision Regulations Section 12-5-3.A. Typical such Covenants include minimum standards and restrictions such as: business use of residential lots, noxious or offensive activity, fences, RV and trailer parking, farm animals, exotic animals, and/or pets, trash cans, holiday lights, relocation of existing structures, outbuildings/accessory buildings, etc. It is common to find, during the review of plats, that some of these Covenants are in conflict with the Zoning Code or other City codes or standards. Please provide or discuss.
27. DoD/RCs Preamble: Missing critical wording such as "and has caused the above described tract of 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.

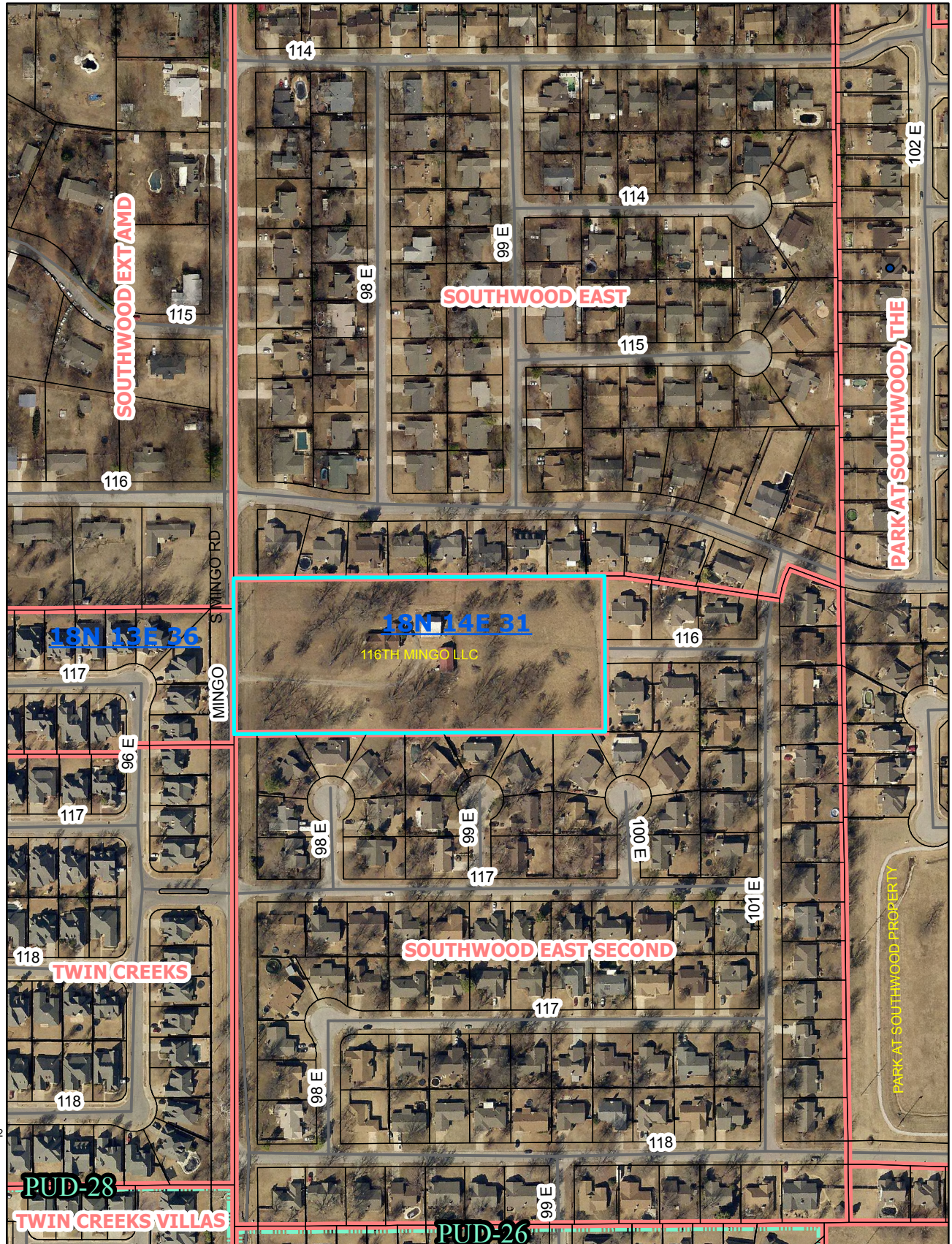
28. DoD/RCs Section I: Please retitle, such as "Public Streets and Utilities," consistent with scope of section and as referenced in DoD/RCs Sections III.A and III.C.
29. DoD/RCs Section I.A, First Sentence: Missing critical wording such as "The owner hereby grants, donates, conveys, and dedicates..." as per customary platting conventions and the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
30. DoD/RCs Section I.A, Final Sentence: Please qualify this section as follows: "...provided nothing herein shall be deemed to prohibit properly-permitted drives, parking areas, curbing, landscaping, ..."
31. DoD/RCs Section C: Consider whether subsections 5, 6, and 7 (and perhaps others) should be subsections of Section I.C.4.
32. DoD/RCs Section C: Does not appear to provide for passive recreational uses (such as walking trails or simply "open space") in Reserve Area B. PUD 91 suggested this possibility by use of term "open space park."
33. DoD/RCs Section [D]: Section "C" is duplicated. Please renumber accordingly.
34. DoD/RCs Section I.[D]: Please qualify this section as follows: "...damage to properly-permitted landscaping and paving occasioned..."
35. DoD/RCs Section I.[D]: Consider qualifying the easement reference such as "...facilities within the utility easement areas..."
36. DoD/RCs Section I.[F].1: Please restrict overhead electric, telephone, and cable service and street light poles by removing the first sentence and revising the second sentence such as: "~~STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE, AND ELSEWHERE~~ THROUGHOUT THE SUBDIVISION, ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AS DEPICTED ON THE ACCOMPANYING PLAT." The existing overhead utilityline(s) are located in the right-of-way to be dedicated by the plat, and not within the 17.5'-wide Perimeter U/E along Mingo Rd. The existing overhead utilityline(s) extending along the existing private drive are expected to be removed by this development.
37. DoD/RCs Section I.[H]: Please replace "Tulsa Metropolitan Area Planning Commission" with "Bixby Planning Commission."
38. DoD/RCs Section I.[J]: Consider adding a provision allowing for sidewalk construction on individual lots by the homebuilder, such as "Where sidewalks are not constructed by the Owner/Developer, the builder of each lot shall construct the required sidewalk."
39. DoD/RCs Section I.[J]: Period missing at end of final sentence.
40. DoD/RCs Section II: Missing customary introduction/preamble to PUD restrictions. Please add or advise.
41. DoD/RCs Section II: Please update with final version of PUD 91.
42. DoD/RCs Section III.A: Please replace reference to "Tulsa" with "Bixby."
43. DoD/RCs Section III.A: Does not provide for the enforcement of Section II (PUD restrictions) or other Sections, such as a sections to be added to provide for the HOA and for customary land use restrictions.
44. DoD/RCs Section III.C: Please replace "Tulsa Metropolitan Area Planning Commission" with "Bixby Planning Commission" (4 instances observed).

112

45. DoD/RCs Section III.C: Please provide for amendment of other Sections added pursuant to these recommendations, such as sections providing for the HOA and/or for customary land use restrictions.
46. DoD/RCs Signatory Blocks: Use of "TH" at the ends of date blanks presupposes none of these dates will fall on the 1st, 2nd, 3rd, 21st, etc. days of the month.
47. DoD/RCs Signatory Blocks: Notary signatory blocks have an expiration date of 11/20/2015; plat is unlikely to be recorded by then.
48. A corrected PUD 91 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).
49. 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).

113

Preliminary Plat of "The Village at Twin Creek" – AAB Engineering, LLC



- Businesses
- bixby_streams
- Tulsa Parcels 04/15
- WagParcels 04/15
- Tulsa_Subdivision
- WagSubdivision
- WagRoads_Aug2012
- E911_Streets
- PUD
- bixby_s-t-r
- county

0 160 320 640 960 1,280 Feet

City of Bixby ~ Planning
Printed 09/21/2015

Memo

To: Erik Enyart, AICP, City Planner

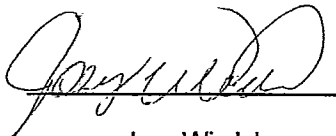
From: Joey Wiedel

Date: 09-01-2015

Re: PUD 91 "The Village at Twin Creeks"

PUD 91 "The Village at Twin Creeks" are approved by this office with the following conditions:

1. Fire Hydrants shall be installed at the main entrance and no further than 600 feet separation thereafter. All hydrants shall be operable before construction begins.
 - Brand- AVK or Mueller , Color- Chrome Yellow
2. Fire line supporting the fire hydrants shall be looped.
3. All roads and Second means of access capable of supporting an imposed load of 75,000 pounds shall be in place before construction of homes. (IFC 2009 Appendix D)
4. Gates:
 - Security gate/barricade construction submittals shall be submitted to this office for approval.
 - Approved access gate shall be installed utilizing a Knox Rapid Entry System.
 - Signage and fire lane signage shall be installed.
 - Security gate/barricade shall be in compliance with City of Bixby Ordinance 9-7-2.
5. Grades for fire department access roads shall not exceed 10%.
6. Fire flow test and report shall be provided prior to final site plan approval.



Joey Wiedel

9-28-2015

Date

PLOT DATE: MAR. 21, 2016 FILE: P114151.VLASE AT TWIN CREEKS.VLASE

PRELIMINARY PLAT

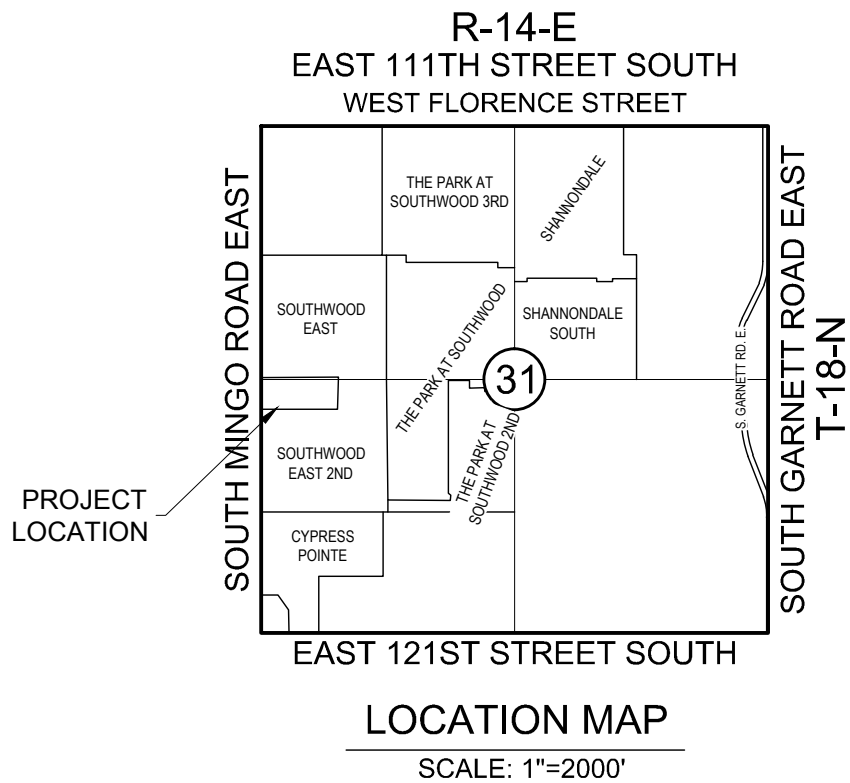
The Village at Twin Creeks

PUD 91

A SUBDIVISION IN TULSA COUNTY, OKLAHOMA BEING A PART OF THE WEST HALF (W/2) OF SECTION THIRTY-ONE (31),
TOWNSHIP 18 NORTH, RANGE 14 EAST, OF THE INDIAN BASE AND MERIDIAN.

OWNER:
116th MINGO, LLC
11831 E. 121ST STREET
BROKEN ARROW, OK 74011

ENGINEER/SURVEYOR:
AAB ENGINEERING, LLC
CERTIFICATE OF AUTHORIZATION NO. 6318, EXP. JUNE 30, 2016
PO BOX 2136
SAND SPRINGS, OKLAHOMA 74063
PHONE: (918) 514-4283
EMAIL: ALAN@AABENG.COM



SUBDIVISION STATISTICS

SUBDIVISION CONTAINS TWENTY-TWO (22)
LOTS IN 2 BLOCKS AND TWO (2) RESERVE
AREAS (5.62 TOTAL ACRES)

BLOCK 1.....2.48 ACRES
BLOCK 2.....2.06 ACRES
RESERVE AREA "A".....0.59 ACRES
RESERVE AREA "B".....0.49 ACRES

CURVE TABLE

| NUMBER | DELTA ANGLE | RADIUS | ARC LENGTH |
|--------|-------------|---------|------------|
| C1 | 88°12'27" | 25.00' | 38.49' |
| C2 | 13°46'53" | 335.00' | 87.79' |
| C3 | 22°00'00" | 335.00' | 128.63' |
| C4 | 15°08'45" | 365.00' | 96.49' |
| C5 | 22°33'53" | 335.00' | 137.78' |
| C6 | 41°14'19" | 25.00' | 17.99' |
| C7 | 132°51'22" | 44.00' | 102.03' |
| C8 | 128°18'31" | 44.00' | 98.53' |
| C9 | 68°39'30" | 25.00' | 29.09' |
| C10 | 21°37'09" | 365.00' | 137.72' |
| C11 | 15°08'45" | 335.00' | 88.56' |
| C12 | 22°00'00" | 365.00' | 140.15' |
| C13 | 13°46'53" | 335.00' | 80.58' |
| C14 | 91°47'33" | 25.00' | 40.05' |

SUBDIVISION DATA

BENCHMARK
CHISELED BOX SET ON SOUTHWEST CORNER OF STORM
DRAIN MANHOLE ON THE WEST SIDE OF MINGO ROAD.

ELEV=639.94' (NAVD 88)

BASIS OF BEARINGS
ASSUMED BEARING OF THE WESTERLY LINE
OF SECTION THIRTY-ONE (31) TOWNSHIP 18
NORTH, RANGE 14 EAST BEING N01°06'06"W

MONUMENTATION
A 3/8" X 18" REBAR WITH A YELLOW PLASTIC CAP
STAMPED "CA6038" TO BE SET AT ALL LOT CORNERS, ALL
STREET CENTERLINE INTERSECTIONS, POINTS OF
CURVE, POINTS OF TANGENT, POINTS OF COMPOUND
CURVE, POINTS OF REVERSE CURVE, CENTER OF
CUL-DE-SACS AND CENTER OF EYEBROWS, AFTER
COMPLETION OF IMPROVEMENTS, UNLESS NOTED
OTHERWISE.

LEGEND

B/L.....BUILDING LINE
LNA.....LIMITS OF NO ACCESS
POB.....POINT OF BEGINNING
POC.....POINT OF COMMENCEMENT
ROW.....RIGHT OF WAY
U/E.....UTILITY EASEMENT
BK.....BOOK
PG.....PAGE

FLOODPLAIN

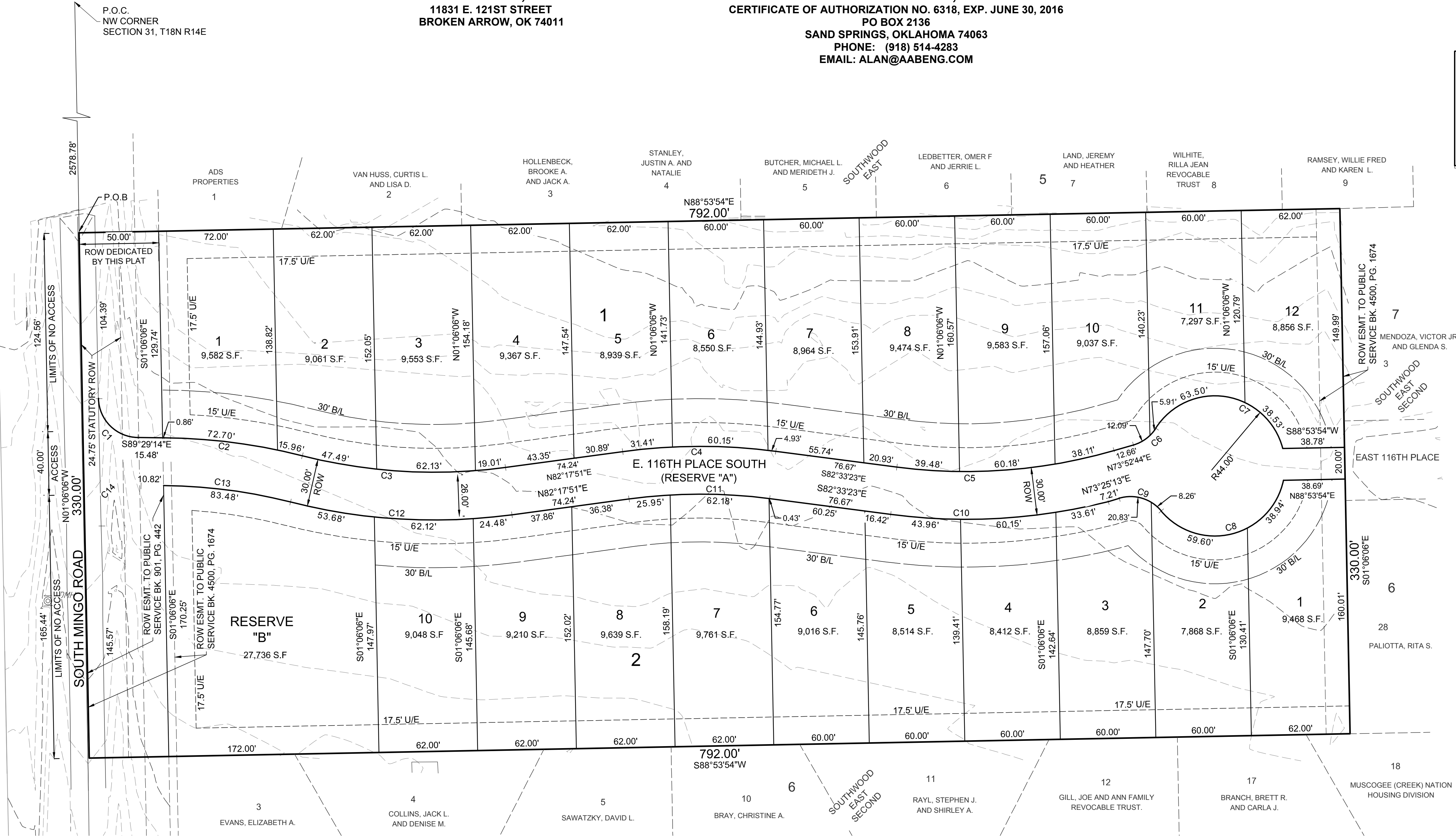
ALL OF THE PROPERTY IS CONTAINED IN FEMA ZONE
X (UNSHADED) (AREAS DETERMINED TO BE OUTSIDE
THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN
ON FIRM PANEL "4002070451L" DATED OCTOBER 16,
2012.

CONTACTS

MUNICIPAL AUTHORITY
CITY OF BIXBY
116 W. NEEDLES
P.O. BOX 70
BIXBY, OK 74008

UTILITY

| | |
|---|--|
| OKLAHOMA NATURAL GAS COMPANY
2319 W. EDISON ST.
TULSA, OK 74127
918-834-8000 | PUBLIC SERVICE COMPANY
OF OKLAHOMA
212 E. 6TH ST.
TULSA, OK 74119
1-888-216-3523 |
| BTC
11134 S. MEMORIAL DR.
BIXBY, OK 74104
918-366-8000 | COX COMMUNICATIONS
11811 EAST 51ST STREET
TULSA, OK 74145
918-286-4658 |



The Village at Twin Creeks

PUD 91

A SUBDIVISION IN TULSA COUNTY, OKLAHOMA BEING A PART OF THE WEST HALF (W/2) OF SECTION THIRTY-ONE (31), TOWNSHIP 18 NORTH, RANGE 14 EAST, OF THE INDIAN BASE AND MERIDIAN.

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SAND SPRINGS, OKLAHOMA 74063
PHONE: (918) 514-4283
EMAIL: ALAN@AABENG.COM

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS: 116TH MINGO, LLC., HEREINAFTER REFERRED TO AS THE 'OWNER', IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND IN SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U. S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST; THENCE SOUTH 01°06'08" EAST A DISTANCE OF 2678.78 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°53'54" EAST A DISTANCE OF 792.00 FEET; THENCE SOUTH 01°06'08" EAST A DISTANCE OF 330.00 FEET; THENCE SOUTH 88°53'54" WEST A DISTANCE OF 792.00 FEET; THENCE NORTH 01°06'08" WEST A DISTANCE OF 330 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 244,864 SQUARE FEET, 5.62 ACRES MORE OR LESS.

AND HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO 22 LOTS IN 2 BLOCKS, IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "THE VILLAGE AT TWIN CREEKS", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (HEREINAFTER REFERRED TO AS "THE VILLAGE AT TWIN CREEKS" OR THE "SUBDIVISION").

THE OWNER DOES HEREBY MAKE THE FOLLOWING DEDICATIONS AND GRANTS AND AGREES TO BE BOUND BY THE FOLLOWING PROTECTIVE COVENANTS AND RESTRICTIONS FOR THE SUBDIVISION OF THE ABOVE DESCRIBED LAND WHICH SHALL BE DESIGNATED AND REFERRED TO HEREIN AS "THE VILLAGE AT TWIN CREEKS".

SECTION I. UTILITIES

- A. PUBLIC STREETS AND UTILITY EASEMENTS
- THE OWNER HEREBY DEDICATES TO THE PUBLIC THE STREET RIGHTS-OF-WAY DEPICTED ON THE ACCOMPANYING PLAT. THE OWNER FURTHER DEDICATES TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "UE" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, 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 FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, MANHOLES AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES STATED, PROVIDED THE OWNER RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND REPAIR OR REPLACE WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO AREAS DEPICTED ON THE PLAT. THE OWNER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH STATED USES AND PURPOSES OF THE UTILITY EASEMENTS SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES WHICH DO NOT CONSTITUTE AN OBSTRUCTION.
- B. WATER, SANITARY SEWER, AND STORM SEWER SERVICE
1. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS LOCATED ON THE OWNER'S LOT.
2. WITHIN UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, OR STORM SEWER OR ANY CONSTRUCTION ACTIVITY WHICH, IN THE JUDGMENT OF THE CITY OF BIXBY, WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS SHALL BE PROHIBITED.
3. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER SYSTEMS, SANITARY SEWER MAINS, AND STORM SEWERS BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR THE OWNER'S AGENTS AND/OR CONTRACTORS.
4. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING 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.
5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND BY THESE COVENANTS.
- C. RESERVE 'B' (STORMWATER DETENTION EASEMENT)
1. THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THE PROPERTY & UTILITY EASEMENT DESIGNATED AND SHOWN ON THE ACCOMPANYING PLAT AS "RESERVE 'B'" FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, RETENTION, DETENTION AND DISCHARGE OF STORMWATER RUNOFF FROM THE SUBDIVISION.
2. DETENTION, RETENTION AND OTHER DRAINAGE FACILITIES LOCATED WITHIN THE RESERVE 'B' SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF BIXBY, OKLAHOMA.
3. NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN RESERVE 'B' NOR SHALL THERE BE ANY ALTERATION OF GRADE IN SAID EASEMENTS UNLESS APPROVED BY THE CITY OF BIXBY, OKLAHOMA.
4. DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES SHALL BE MAINTAINED BY THE OWNER, TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE, RETENTION, AND DETENTION FUNCTIONS INCLUDING REPAIR OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION. DETENTION FACILITIES SHALL BE MAINTAINED BY THE OWNER IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS:
5. GRASS AREAS SHALL BE MOWED (IN SEASON) AT REGULAR INTERVALS OF FOUR WEEKS, OR LESS.
6. CONCRETE APPURTENANCES SHALL BE MAINTAINED IN GOOD CONDITION AND REPLACED IF DAMAGED.
7. THE DETENTION EASEMENT SHALL BE KEPT FREE OF DEBRIS.
8. LANDSCAPING, APPROVED BY THE CITY OF BIXBY, OKLAHOMA, SHALL BE ALLOWED WITHIN THE RESERVE 'B'.

9. IN THE EVENT THE OWNER SHOULD FAIL TO PROPERLY MAINTAIN THE DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION WITHIN, OR THE ALTERATION OF GRADE, THE CITY OF BIXBY, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED DRAINAGE FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR CORRECT ANY ALTERATION OF GRADE, AND THE COSTS THEREOF SHALL BE PAID BY THE OWNER. IN THE EVENT THE OWNER FAILS TO PAY THE COST OF MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF BIXBY, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS IN THE LAND RECORDS OF THE TULSA COUNTY CLERK, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST THE PROPERTY. A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA.
10. THE OWNER FURTHER DEDICATES ALL PARTS OF RESERVE 'B' AS A UTILITY EASEMENT AS HEREIN DEFINED.

C. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF ANY LOT DEPICTED ON THE ACCOMPANYING PLAT SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY MAINTENANCE OF UNDERGROUND WATER, SANITARY SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

D. CERTIFICATE OF OCCUPANCY RESTRICTIONS

NO CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN THE SUBDIVISION SHALL BE ISSUED BY THE CITY OF BIXBY, OKLAHOMA UNTIL CONSTRUCTION OF THE REQUIRED INFRASTRUCTURE (STREETS, WATER, SANITARY SEWER AND STORM SEWER SYSTEMS) SERVING THE ENTIRE SUBDIVISION HAS BEEN COMPLETED AND ACCEPTED BY THE CITY OF BIXBY, OKLAHOMA. NOTWITHSTANDING THE FOREGOING, THE CITY OF BIXBY, OKLAHOMA MAY AUTHORIZE THE PHASING OF THE CONSTRUCTION OF INFRASTRUCTURE WITHIN THE SUBDIVISION, AND IF PHASING IS AUTHORIZED, A CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN AN AUTHORIZED PHASE MAY ISSUE UPON THE COMPLETION AND ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE. BUILDING CONSTRUCTION OCCURRING PRIOR TO THE CITY'S ACCEPTANCE OF THE INFRASTRUCTURE SHALL BE AT RISK OF THE OWNER OF THE LOT, NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT.

E. UTILITY SERVICE

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE PERIMETER EASEMENTS ALONG MINGO ROAD. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE, AND ELSEWHERE THROUGHOUT THE SUBDIVISION, ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN GENERAL UTILITY EASEMENTS.
2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WITHIN THE SUBDIVISION MAY BE EXTENDED FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE UPON THE LOT. PROVIDED UPON 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 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.
3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICE, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS 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.
4. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE OWNER'S 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 THESE SERVICES 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 THE OWNER'S AGENTS OR CONTRACTORS.
5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF ANY LOT AGREES TO BE BOUND BY THESE COVENANTS.

F. GAS SERVICE

1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR AS OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.
2. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED WITHIN THE LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH GAS SERVICE. THE SUPPLIER OF GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF ITS FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR THE OWNER'S AGENTS OR CONTRACTORS.
3. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND BY THESE COVENANTS.

G. LIMITS OF NO ACCESS

THE OWNER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO SOUTH MINGO ROAD WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" ON THE ACCOMPANYING PLAT, WHICH LIMITS OF NO ACCESS MAY BE AMENDED OR RELEASED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSOR, WITH THE APPROVAL OF THE CITY OF BIXBY, OKLAHOMA, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO, AND THE LIMITS OF NO ACCESS ESTABLISHED ABOVE SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA.

H. SURFACE DRAINAGE

EACH LOT WITHIN THE VILLAGE AT TWIN CREEKS SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS THE OWNERS LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BIXBY.

I. SIDEWALKS

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BIXBY, OKLAHOMA, AND ALL SUCH SIDEWALKS SHALL BE CONSTRUCTED BY THE OWNER PRIOR TO THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT FOR ANY BUILDING WITHIN THE SUBDIVISION. THE OWNER SHALL CONSTRUCT SIDEWALKS IN CONFORMANCE WITH THE STANDARDS OF THE CITY OF BIXBY ENGINEERING DESIGN STANDARDS

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

- A. GROSS LAND AREA 261,361 SQ. FT. 6.00 AC
- B. PERMITTED USES
- USES PERMITTED AS A MATTER OF RIGHT BY THE CITY OF BIXBY ZONING ORDINANCE WITHIN THE RS-2 DISTRICT, INCLUDING ALL USES CUSTOMARILY ACCESSARY THERETO.
- C. MINIMUM LOT WIDTH 60 FT.
- D. MINIMUM LOT AREA 7,500 SF.
- E. MAXIMUM NUMBER OF LOTS 22
- F. MINIMUM SETBACKS
- FRONT YARDS 30 FT.*
- REAR YARDS 25 FT.
- SIDE YARD (BOTH SIDES) 5 FT.
- *MEASURED FROM THE EDGE OF RESERVE AREA 'A'.
- G. MAXIMUM BUILDING HEIGHT: 48 FT.
- H. RESERVE AREA 'A'
- RESERVE AREA 'A' SHALL BE ESTABLISHED BY THE OWNER FOR THE CONSTRUCTION OF PRIVATE STREETS PROVIDING ACCESS TO EACH LOT OWNER AND THEIR INVITEES TO AND FROM SOUTH MINGO ROAD. GATES, FENCING, AND LANDSCAPING, INCLUDING ALL APPURTENANCES INCIDENTAL THERETO, SHALL BE ALLOWED WITHIN RESERVE AREA 'A'. PROVIDED ALL SUCH IMPROVEMENTS ARE APPROVED BY THE CITY OF BIXBY PRIOR TO INSTALLATION. RESERVE AREA 'A' SHALL BE CONVEYED TO THE HOMEOWNER'S ASSOCIATION WHICH SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL IMPROVEMENTS CONTAINED WITHIN THAT RESERVE.
- I. RESERVE AREA 'B'
- RESERVE AREA 'B' SHALL BE ESTABLISHED BY THE OWNER FOR THE CONSTRUCTION OF A DETENTION FACILITY AND OPEN SPACE PARK. SUCH PARK SHALL BE FOR THE SOLE USE AND ENJOYMENT OF THE LOT OWNERS WITH THE VILLAGE AT TWIN CREEKS AND THEIR INVITEES. ALL STRUCTURES OR IMPROVEMENTS RELATED TO THE DETENTION FUNCTION OF THE FACILITY SHALL BE CONSTRUCTED ACCORDING TO CITY OF BIXBY STANDARDS. LIVABILITY SPACE WITHIN RESERVE AREA 'B' MAY BE ALLOCATED TO ANY LOT OR LOTS WITHIN THE SUBDIVISION. RESERVE AREA 'B' SHALL BE CONVEYED TO THE HOMEOWNER'S ASSOCIATION WHICH SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL IMPROVEMENTS CONTAINED WITHIN THAT RESERVE.
- J. PRIVATE STREETS
- ALL STREETS WITHIN THE PUD WILL BE PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATE. ALL STREETS SHALL BE CONSTRUCTED ACCORDING TO THE CITY OF BIXBY MINOR RESIDENTIAL PUBLIC STREET STANDARDS PROVIDED THAT A MINIMUM RESERVE WIDTH OF 30' WILL BE SUFFICIENT ALONG 116TH STREET SOUTH WITH A MINIMUM RADIUS OF 44' FOR ALL CUL-DE-SACS. STREETS SHALL BE CONSTRUCTED WITH A MINIMUM WIDTH OF 36' FACE OF CURB TO FACE OF CURB AND A MINIMUM RADIUS OF 40' WITHIN CUL-DE-SACS. STREETS MAY BE GATED PROVIDED ALL SUCH GATES MEET THE ACCESS REQUIREMENTS OF THE CITY OF BIXBY FIRE MARSHAL.
- K. SCREENING WALLS AND FENCES
- INTERIOR FENCING AND/OR WALLS SHALL NOT EXTEND BEYOND THAT POINT NEAREST THE STREET AT EACH END CORNER OF THE RESIDENCE. FENCING ALONG MINGO ROAD SHALL BE 6' FEET IN HEIGHT AND CONSIST OF WOOD, MASONRY OR WROUGHT IRON MATERIAL OR A COMBINATION THEREOF.
- L. ARCHITECTURAL REQUIREMENTS
- ALL HOMES CONSTRUCTED WITHIN THE PUD SHALL HAVE A MINIMUM SQUARE FOOTAGE OF 2,400 SQUARE FEET WITH A MINIMUM FIRST FLOOR SQUARE FOOTAGE OF 2,000 SQUARE FEET. ALL HOMES SHALL BE CONSTRUCTED OF 100% MASONRY (STUCCO, STONE, OR BRICK) TO THE FIRST FLOOR TOP PLATE, EXCLUDING WINDOWS, COVERED PORCHES, AND PATIOS.

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, PUBLIC STREETS AND UTILITIES, ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO AND WHETHER OR NOT THEREIN SO STATED, THE COVENANTS WITHIN SECTION I SHALL INURE TO THE BENEFIT OF, AND BE ENFORCEABLE BY THE CITY OF TULSA OKLAHOMA. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED IN THIS DEED OF DEDICATION THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED.

- B. DURATION
- THESE RESTRICTIONS SHALL REMAIN IN FULL FORCE AND EFFECT FOR 25 YEARS AND SHALL AUTOMATICALLY BE CONTINUED THEREAFTER FOR SUCCESSIVE PERIODS OF 10 YEARS, UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

- C. AMENDMENT
- THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS AND UTILITIES, MAY BE AMENDED OR TERMINATED AT ANY TIME BY WRITTEN INSTRUMENTS SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSORS, AND THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION II, PLANNED UNIT DEVELOPMENT RESTRICTIONS 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 TULSA METROPOLITAN AREA PLANNING COMMISSION, OR IT SUCCESSORS. NOTWITHSTANDING THE FOREGOING, THE COVENANTS CONTAINED WITHIN SECTION II, SHALL BE DEEMED AMENDED (WITHOUT NECESSITY OF EXECUTION OF AN AMENDING DOCUMENT) UPON APPROVAL OF A MINOR AMENDMENT TO PUD NO. 91 BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION OR ITS SUCCESSORS AND RECORDING OF A CERTIFIED COPY OF THE MINUTES OF THE TULSA METROPOLITAN AREA PLANNING COMMISSION OR ITS SUCCESSORS WITH THE TULSA COUNTY CLERK.

- 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 OF ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF: 116TH MINGO, LLC., HAS EXECUTED THIS INSTRUMENT THIS ____TH DAY OF _____, 2015.

116TH MINGO, LLC.

BY: _____
MANAGER

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____TH DAY OF _____, 2015, BY _____, MANAGER OF 116TH MINGO, LLC.

NOTARY PUBLIC
MY COMMISSION EXPIRES: NOVEMBER 20, 2015
COMMISSION NUMBER: 11010522

CERTIFICATE OF SURVEY

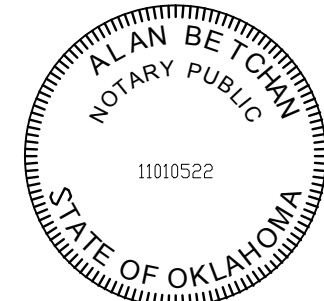
I, ERIC ROLLSTON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT I HAVE SURVEYED, SUBDIVIDED AND PLATTED THE ABOVE TRACT DESIGNATED AS "THE VILLAGE AT TWIN CREEKS" A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA. THE ABOVE PLAT IS AN ACCURATE REPRESENTATION OF SAID SURVEY.

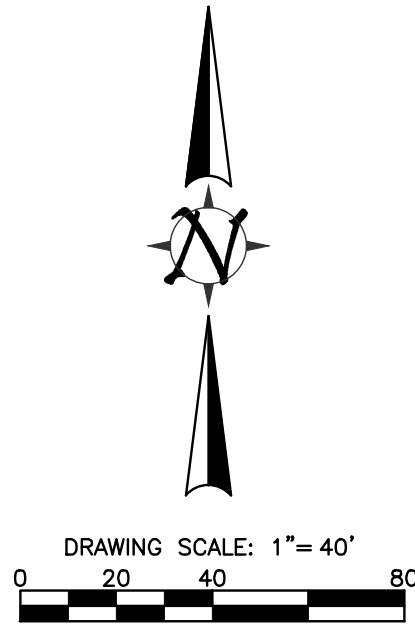
ERIC ROLLSTON
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1761

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, ON THIS ____TH DAY OF _____, 2015, PERSONALLY APPEARED ERIC ROLLSTON, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSE THEREIN SET FORTH.

NOTARY PUBLIC
MY COMMISSION EXPIRES: NOVEMBER 20, 2015
COMMISSION NUMBER: 11010522



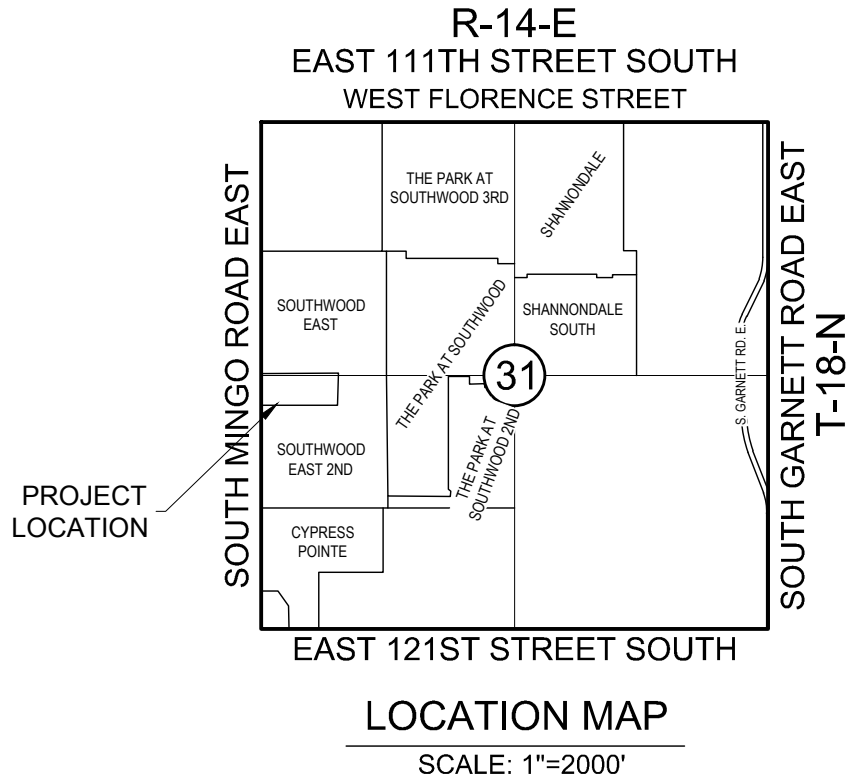


CONCEPTUAL IMPROVEMENTS
 The Village at Twin Creeks
 PUD 91

A SUBDIVISION IN TULSA COUNTY, OKLAHOMA BEING A PART OF THE WEST HALF (W/2) OF SECTION THIRTY-ONE (31),
 TOWNSHIP 18 NORTH, RANGE 14 EAST, OF THE INDIAN BASE AND MERIDIAN.

OWNER:
 116th MINGO, LLC
 11831 E. 121ST STREET
 BROKEN ARROW, OK 74011

ENGINEER/SURVEYOR:
 AAB ENGINEERING, LLC
 CERTIFICATE OF AUTHORIZATION NO. 6318, EXP. JUNE 30, 2016
 PO BOX 2136
 SAND SPRINGS, OKLAHOMA 74063
 PHONE: (918) 514-4283
 EMAIL: ALAN@AABENG.COM



LEGEND

- B/L BUILDING SETBACK LINE
 U/E UTILITY EASEMENT
 BK BOOK
 PG PAGE
 POB POINT OF BEGINNING
 ROW RIGHT OF WAY
 ESMT EASEMENT
 WL PROPOSED WATER LINE
 SS PROPOSED SANITARY SEWER LINE
 SS EXISTING SANITARY SEWER LINE
 WL EXISTING WATER LINE

