

NOTICE: THE BIXBY PLANNING COMMISSION'S REGULAR MEETING ON FEBRUARY 19, 2013 WAS CONVENED AND, AFTER CONDUCTING SOME BUSINESS, THAT MEETING WAS CONTINUED TO 6:00 P.M. ON WEDNESDAY, FEBRUARY 27, 2013, AT 116 WEST NEEDLES, BIXBY, OKLAHOMA FOR THE PURPOSE OF FINISHING BUSINESS ON ITS REGULAR MEETING AGENDA AS REFLECTED BELOW.

**AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
February 19, 2013 6:00 PM**

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

1. Approval of Minutes for the January 21, 2013 Special Meeting

PUBLIC HEARINGS

2. **PUD 76 – Scenic Village Park – Tanner Consulting, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for 92 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.
3. **BZ-364 – Tanner Consulting, LLC.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to CG General Commercial District for 92 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

PLATS

4. **Preliminary Plat / Final Plat – Bixby Centennial Plaza II – Rosenbaum Consulting, LLC.** Discussion and consideration of a Preliminary Plat and a Final Plat and certain Modifications/Waivers for “Bixby Centennial Plaza II,” Lot 7 and the N. 42’ of Lot 8, Block 1, *Bixby Centennial Plaza*.
Property Located: Approximately the 11900-block of S. Memorial Dr.

OTHER BUSINESS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyart Date: 02/20/2013 Time: 11:30Am



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: Friday, February 22, 2013
RE: Report and Recommendations for:
PUD 76 – “Scenic Village Park” – Tanner Consulting, LLC, and
BZ-364 – Tanner Consulting, LLC

LOCATION:

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

LOT SIZE: 92 acres, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Agricultural

REQUESTED ZONING: CG General Commercial District & PUD 76

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: (Across 121st St. S.) RS-3, RS-1, AG, & OL/CS/PUD 51; The *Fox Hollow* and *North Heights Addition* residential subdivisions; the Fry Creek Ditch # 2 and the North Elementary and North 5th & 6th Grade Center school campuses to the northwest zoned AG; agricultural land to the northeast zoned OL/CS/PUD 51.

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

East: AG, CG, RS-3, OL, CS, & RM-2/PUD 70; Agricultural land, the *Easton Sod* sales lot zoned RS-3, OL, & CS, the *Encore on Memorial* upscale apartment complex zoned RM-2/PUD 70, a *Pizza Hut* zoned CG, and a *My Dentist Dental Clinic* zoned CS; Memorial Dr. is further to the east.

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

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

PREVIOUS/RELATED CASES:

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

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

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

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

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

Preliminary Plat of “Scenic Village Park” – Request for Preliminary Plat approval for a subject property – Pending PC consideration March 18, 2013.

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

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

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

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

BZ-196 – Donna Saunders for Nuel/Noel Burns – Request for rezoning from AG to CG for a 2-acre tract at the 7700-block of E. 121st St. S. (then possibly addressed 7600 E. 121st St. S.) abutting the subject property to the east – PC Recommended Denial 01/21/1991 per notes on the application form. Lack of ordinance and other notes in the case file indicate it was either withdrawn, not appealed, or not finally approved by the City Council.

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

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

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, located across 121st St. S. to the north of the subject property, which 73 acres became *Bixby Centennial Plaza* and *Fox Hollow* and an unplatted 11-acre tract later approved for PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on November 19, 2001 and Approved by City Council December 10, 2001 (Ord. # 842).

BZ-317 – Sack & Associates, Inc. for Martha Roberts et al. – Request for rezoning from OL to CS for part of an unplatted 11-acre tract located across 121st St. S. to the north of subject property – PC Action 08/21/2006: Motion to Approve failed for lack of a Second, and Chair declared the item “denied by virtue of there being no second to the motion.” See PUD 51.

PUD 51 – [No Name] – [Sack & Associates, Inc.] – Request to approve PUD 51 and a partial rezoning from OL to CS for an unplatted 11-acre tract located across 121st St. S. to the north of subject property – No application submitted, but prepared by Sack & Associates, Inc. in support of the CS and OL zoning proposed per BZ-317 – PC recommended Approval 10/02/2006 and City Council Approved 10/23/2006 (Ord. # 951/951A).

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

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the east of subject property – PC

recommended Conditional Approval 07/19/2010 and City Council Conditionally Approved 07/26/2010.

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

BZ-355 – Town & Country Real Estate Co. – Request for rezoning from AG to CS for 1.6 acres, more or less, located at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.) abutting the subject property to the east – PC Recommended Approval 03/19/2012 and City Council Approved 03/26/2012 (Ord. # 2077).

BACKGROUND INFORMATION:

At its regular meeting Tuesday, February 19, 2013, the Planning Commission held a Public Hearing and considered these two (2) applications. After a lengthy discussion, the Planning Commission Continued both applications to a Special Meeting on February 27, 2013 (or rather, Continued the February 19, 2013 Regular Meeting to a special meeting date, February 27, 2013 per the City Attorney).

Also on February 19, 2013, the Applicant submitted hard copies of the PUD Text and Exhibits package, and the Staff Report was revised to reflect recommendations from the original Staff Report which have been satisfied with that submittal. Staff presented both the revised Report and revised Text and Exhibits package to the Planning Commission at its meeting.

On the date of this report, February 22, 2013, Staff received a revised copy of the PUD Text and has updated this report to reflect recommendations from the last Staff Report which have been satisfied with this submittal. The revised PUD Text is attached to this report.

ANALYSIS:

Subject Property Conditions. The subject property of 92 acres is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the south and west to the Fry Creek Ditch # 2 and # 1, respectively, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned AG (CG and PUD 76 is requested) and may or may not be presently used for agricultural crops.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the west and south. Plans for utilities are indicated on Exhibit F and are discussed in the City Engineer's memo.

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

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that CG zoning *May Be Found In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the requested CG 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.

Per the Matrix, PUDs are *In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map.

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

The submitted site plans do not show specific planned improvements, but rather, general land use categories associated with each of the eight (8) Development Areas (DAs) by means of permitted uses listed in the Development Standards within each, summarized and commented upon as follows:

DA A: “Uses permitted as a matter of right in the CS District and customary accessory uses, provided however, uses within Use Unit 19 Hotel, Motel And Recreation Facilities are excluded.” This would include Use Units (UUs) 1, 4, 5, 10, 11, 12, 13, and 14. Uses within UU 19, otherwise allowable in CS, may be too intensive relative to the proximity of the Fox Hollow neighborhood, and the Applicant has excluded this Use Unit as previously recommended.

DA B: “Life Care Retirement Center as set forth within Use Unit 8 Multi-family Dwelling And Similar Uses and customary accessory uses. Other uses within Use Unit 8 are excluded.”

DA C: “Detached or attached residential dwelling units including single-family, duplex, patio home, townhouse, and multifamily, and customary accessory uses, including common area facilities such as club house, swimming pool and recreational open space.”

DA D: “Uses permitted as a matter of right in the CG Zoning District, and uses permitted by special exception within the CG Zoning District or uses required to be submitted within a Planned Unit Development, which include but not limited to Use Unit 23 Warehousing And Wholesaling (office/warehouse), and Use Unit 16 Ministorage and customary accessory uses. Permitted uses shall be conducted within enclosed buildings.”

Staff understands this DA is intended for multi-tenant “office/warehouse” / “trade center” (such as that found in Crosscreek to the south), ministorage, and/or automotive-related businesses. These three (3) land use types are found in UUs 15, 16, and 17, respectively. This DA would include UUs 1, 4, 5, 10, 11, 12, 13, 14, 15, 17, 18, and 19.

Staff believes that the location and configuration of Development Area D and the character surrounding area satisfactorily meet the expectations of Zoning Code Section 11-9-16.C.13 for ministorage developments.

DA E: “Uses permitted as a matter of right in the CS Zoning District, and customary accessory use, provided however, Use Unit 19 Hotel, Motel And Recreation Facilities shall be limited to hotel use.” This would include UUs 1, 4, 5, 10, 11, 12, 13, 14, and 19 (hotel only). Although, like DA A, DA E is relatively close to Fox Hollow, it is separated therefrom by the collector street and an 11-acre commercial development tract on the north side of 121st St. S., so the recommendation for DA A regarding UU 19 is not held here.

DA F: “Uses permitted as a matter of right in the CG Zoning District, and office/warehousing as set forth within Use Unit 23 Warehousing And Wholesaling, and customary accessory use, provided however uses set forth in Use Unit 17 Automotive And Allied Activities shall be excluded.” This would include UUs 1, 4, 5, 10, 11, 12, 13, 14, 15, 18, 19, and 23.

DA G: “Uses permitted as a matter of right in the OM Zoning District, and customary accessory use.” This would include UU 1, 5, 10, and 11 (offices).

DA H: “Uses permitted as a matter of right in the CG Zoning District, and office/warehousing as set forth within Use Unit 23 - Warehousing and Wholesaling uses.”

And alternative standards: “As an alternative use within Development Area G, multifamily dwellings are permitted, not exceeding 15 acres, and customary accessory uses, including common area facilities such as club house, swimming pool and recreational open space.”

Combined, this would include UUs 1, 4, 5, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, and 23.

As noted above, the PUD development appears to have been written for maximum land use and design flexibility. Although there may be a limited number of development types expected, no absolutely known land uses are indicated for any particular development area. Probable land uses may be inferred by reading the lists of land uses permitted in each Development Area. Thus, the PUD Text does not describe, nor do the Exhibits reflect particular buildings, parking areas, internal driveways, or other such site development particulars.

Zoning Code Section 11-7I-8.B.1 requires:

“1. A site plan reflecting:

a. Proposed location of uses, including off street parking, open spaces and public uses;

b. Development standards for location, height, setback and size of buildings and other structures;

c. Public and private vehicular and pedestrian circulation;

- d. The approximate intensity of residential uses expressed in number of dwelling units and the approximate intensity of nonresidential uses expressed in floor area, allocated to each identifiable segment of the planned unit development;
- e. Proposed screening and landscaping;
- f. Proposed location, height and size of any ground sign; and
- g. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.” (emphasis added)

Because of the way the PUD is structured in terms of land use flexibility, the Applicant has not represented proposed location of uses, off-street parking, open spaces, public and private vehicular and pedestrian circulation, or signage. The PUD chapter of the Zoning Code may anticipate such generalized PUDs, as it includes in Sections 11-7I-8.B.1.b and .d requirements that are conventionally expressed in the PUD Text, and not on the site plan itself.

To satisfy the spirit and intent of the specific informational elements of the PUD conceptual site plan, Staff has listed certain recommendations at the end of this report, including the connection of required elements between the Text and the site plan Exhibits.

Zoning Code Section 11-7I-6 gives the Planning Commission authority and discretion to require adequate perimeter treatments, including screening, landscaping, and setbacks. Staff believes that the site plan should, regardless of the absence of other elements, reflect any and all proposed screening, perimeter landscaping, sidewalks, and perimeter trails (existing and as may be improved) on the site plans Exhibits C, C.1, and C.2. This also goes for a development entrance sign if/as may be proposed at 121st St. S., advertising developments without arterial street frontage and accessed via the proposed collector street. Such may be anticipated per language in PUD Section III.E.

Grade elevation changes, minimalistic signage, and generous landscaping can be used to good effect and result in attractive, upscale developments, and the developer should consider incorporating standards for these measures in the PUD.

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

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

The Technical Advisory Committee (TAC) discussed PUD 76 at its regular meeting held February 06, 2013. Minutes of that meeting are attached to this report.

Access & Circulation. As proposed, primary access to the development would be via a proposed collector street connecting 121st St. S. to Memorial Dr. via the existing 126th St. S. constructed in the past couple years. By this collector road, all the Development Areas within the PUD would have access. There is a gap between the existing 126th St. S. right-of-way and the subject property, suggesting the necessity of separate instrument dedication of right-of-way to connect to 126th St. S. This should be explained in the Access section of the PUD Text and connection will be a Condition of Approval of this PUD.

The collector street is proposed to intersect with 121st St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121st St. S. was widened. To the west of this, there is a smaller street proposed to intersect with 73rd E. Ave., which serves *Fox Hollow* and the *North Heights Addition*.

Per PUD Section III.E, the collector street will have an 80' right-of-way and 38' roadway width. A typical section for the collector street and the minor streets may also be employed for further illustration. Per Subdivision Regulations Ordinance # 854 Section 9.2.2, these geometries would be consistent with a residential and/or office collector road. As this is a commercial development, a "Commercial Collector" street would have 80' of right-of-way and 42' of roadway width. Thus, the PUD should qualify this statement that such geometries must be recommended by the City of Bixby Staff and be approved by the Bixby City Council for Waiver from the Subdivision Regulations.

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

Subdivision Regulations Section 12-3-2.S provides:

"S. Street Offsets: Street centerline offsets of less than one hundred twenty five feet (125') for minor streets shall be avoided."

The City Engineer and City Planner believe that the intent of this Subdivision Regulations design standard is to have streets and/or major curb cut/driveway entrances align, for traffic safety, flow, and accessibility purposes.

To facilitate acceptable traffic flow and accessibility, in the future, traffic lights may be warranted at certain of the intersections of these streets with Memorial Dr. and/or 121st St. S.

Sidewalks are required by the Subdivision Regulations along 121st St. S. and along internal streets to be constructed within the PUD. The PUD Text section entitled "Access and Circulation" reflects that sidewalks will be constructed as required.

During the TAC meeting held February 06, 2013, Staff suggested to Tanner Consulting, LLC that the Fry Creek Ditch access drives could be improved as a walking trail amenity for the development. If the developer would be willing to make this improvement, appropriate language should also be added to the PUD Text section entitled "Access and Circulation."

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

To the north (across 121st St. S.), the *Fox Hollow* and *North Heights Addition* residential subdivisions are zoned RS-3 and RS-1, respectively, the Fry Creek Ditch # 2 to the northwest is zoned AG, and an 11-acre agricultural/vacant tract to the northeast is zoned OL/CS/PUD 51.

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

The Fry Creek Ditch #2 abuts to the west and is zoned AG. Beyond this to the west is vacant/wooded land owned by the City of Bixby, the *Three Oaks Smoke Shop* located on a 2-acre tract at 7060 E. 121st St. S., and along Sheridan Rd., the *Seven Lakes I* and *Seven Lakes II* residential subdivisions and additional vacant land zoned RS-4 for a future “Seven Lakes” phase or phases.

To the east is agricultural land zoned AG, CS, and CG, the *Easton Sod* sales lot zoned RS-3, OL, & CS, the *Encore on Memorial* upscale apartment complex zoned RM-2/PUD 70, a *Pizza Hut* zoned CG, and a *My Dentist Dental Clinic* zoned CS. Memorial Dr. is further to the east.

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

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

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

In a trend accelerating since the street widening, the 121st St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The land to the northwest is the Bixby North Elementary school on a 23-acre campus, and next to that is the Bixby North 5th and 6th Grade Center on a 10-acre campus and the *LifeChurch* 4.4-acre facility. The *Three Oaks Smoke Shop* is located on a 2-acre tract approximately 1,100 feet from the subject property on the south side of the street, and all of the balance of the land to the west along the south side of 121st St. S. has been zoned CS with PUD 53 and platted in

WoodMere for commercial use and office buildings. The 11-acre tract to the northeast was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre *Bixby Centennial Plaza* is just beyond that to the east, and was approved for CS zoning, in 2001, and for commercial development by the plat of *Bixby Centennial Plaza* in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.), abutting the subject property to the east, was rezoned to CS in March of 2012.

The requested CG zoning and PUD 76 propose a moderately intensive, multiple use suburban development of the subject property. Within the 180-acre area above-defined, there are three (3) instances of approved CG zoning immediately east of the subject property. Immediately south of Fry Creek Ditch # 1, the Crosscreek development is more consistent with CG zoning than its existing CS zoning. Across Memorial Dr. to the east of the 180-acre area above-defined, there is an existing ministorage business, *Spartan Self Storage*, and just to the east of that is a 16-acre tract approved for “office/warehouse” / “trade center” and ministorage development (PUD 68). Thus, there is located in the immediate area precedent for CG zoning and all of the uses contemplated by this multiple-use PUD. Therefore, Staff believes that, for the most part, the applications are consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

Development Quality / Multifamily Use PUD Element. Not including assisted living facilities, Bixby has four (4) apartment complexes. Parkwood Apartments was constructed in or around 1973. The Links at Bixby was developed in or around 1996, and was done with PUD 16. Marquis on Memorial was developed in 2008/2009, and was done with PUD 61. Encore on Memorial was developed in 2011 and was done with PUD 70. Since 1973, no apartment development has been developed in Bixby absent a PUD, and the PUDs arguably contribute to the improvement of the value and quality of such projects. To ensure the highest value and quality for any multifamily development that may occur on the subject property, consistent with the City Council’s recent Conditional Approval of multifamily PUD 75, Staff recommends the PUD specify the following, which should help ensure the development product is of adequate quality and is adequately invested for the long term:

1. Consistent with the most recent and relevant three (3) multifamily development approvals in Bixby, the adequacy of multifamily construction quality shall be determined by means of a PUD Detailed Site Plan, to be approved by both the Planning Commission and the City Council. The Applicant has provided this requirement in PUD Section III.J.
2. Consistent with the Encore on Memorial project and PUD 75, this PUD should and has proposed a specific masonry requirement for each multifamily development building type: a 25% masonry requirement for any apartment buildings and a 45% masonry requirement for any leasing office.

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

3. There is an existing stand of mature trees along the west side of the acreage. As recommended by Staff, the Applicant has provided in PUD Section III.B, “Reasonable

efforts shall be made to preserve existing mature trees.” Staff recommends this language be enhanced further, such as “Each such tree which is removed for the purpose of parking shall be replaced within the concerned lot or lots at a two to one (2:1) ratio in accordance with the landscaping requirements of the Bixby Zoning Code.”

4. During the TAC meeting held February 06, 2013, Staff suggested to Tanner Consulting, LLC that the Fry Creek Ditch access drives could be improved as a walking trail amenity for the development. Internal trails could also be planned, linking each DA to the Fry Creek trails. If the developer would be willing to make such improvements, appropriate language should also be added to the PUD Text section entitled “Access and Circulation.”
5. Describe specific plans and add measurable minimum standards for land use buffering and compatibility needs. Perimeter treatments normally include screening fences or walls and vegetative screening, and setbacks and massing adjustments are normally provided to buffer less-intensive land uses in proportion to their relative elevations and proximities. An appropriate narrative can be added to Section III.B, summarizing plans and requirements that can otherwise only be inferred from the Development Standards provided in the text (setbacks, height restrictions, etc.).

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

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

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

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

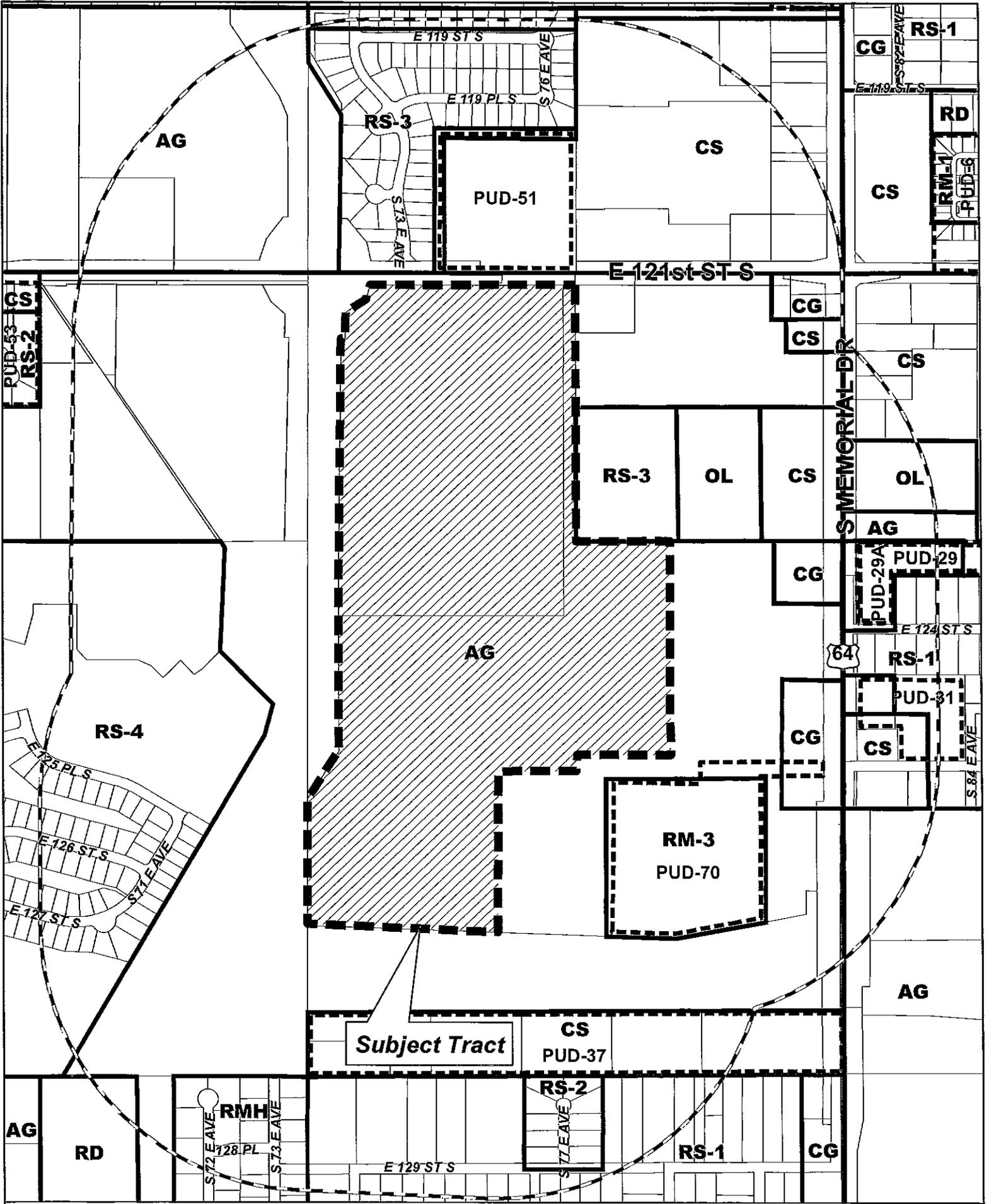
For the sake of development and land use compatibility, as described more fully above, Staff would be supportive of the Zoning approvals supporting the development proposal if it (1) offers quality-enabling standards such as mature tree preservation plans and quality of life upgrades (e.g. walking trails), (2) provides for land use buffering and compatibility needs, and (3) helps ensure the highest value and quality for any multifamily development that may occur on the subject property by means of minimum masonry requirements and a requirement for Detailed Site Plan approval by both the Planning Commission and City Council. If these were satisfactorily provided for, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will have been met.

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

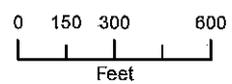
1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
2. The approval of CG zoning is subject to the final approval of PUD 76 and vice-versa.
3. There is an existing stand of mature trees along the west side of the acreage. As recommended by Staff, the Applicant has provided in PUD Section III.B, "Reasonable efforts shall be made to preserve existing mature trees." Staff recommends this language be enhanced further, such as "Each such tree which is removed for the purpose of parking shall be replaced within the concerned lot or lots at a two to one (2:1) ratio in accordance with the landscaping requirements of the Bixby Zoning Code."
4. During the TAC meeting held February 06, 2013, Staff suggested to Tanner Consulting, LLC that the Fry Creek Ditch access drives could be improved as a walking trail amenity for the development. Internal trails could also be planned, linking each DA to the Fry Creek trails. If the developer would be willing to make such improvements, appropriate language should also be added to the PUD Text section entitled "Access and Circulation."
5. Site Plan Exhibits B, C/C.1/C.2, etc.: Please include, represent, identify/label, and/or dimension, or otherwise correct site plan drawings as follows:
 - a. Street names as follows (confirm first with all appropriate City Staff):
 - i. East-west Collector Street: East 126th Street South
 - ii. North-south Collector Street: South 74th East Avenue
 - iii. North-south minor Street: South 73rd East Avenue
 - iv. East-west minor Street: East 121st Place South
 - b. Rights-of-way and roadway widths per other recommendations in this report
 - c. Consistent with other recommendations in this report, please identify what screening will be proposed for which property lines (where known; can be qualified as appropriate)
 - d. Sidewalks
 - e. Fry Creek Ditch access roads on adjoining right-of-way tracts
 - f. Perimeter and/or internal trails (if/as may be planned)
 - g. Development entrance sign if/as may be proposed at 121st St. S.
6. There is a gap between the existing 126th St. S. right-of-way and the subject property, suggesting the necessity of separate instrument dedication of right-of-way to connect to

- 126th St. S. This should be explained in the Access section of the PUD Text and connection will be a Condition of Approval of this PUD.
7. Per PUD Section III.E, the collector street will have an 80' right-of-way and 38' roadway width. A typical section for the collector street and the minor streets may also be employed for further illustration. Per Subdivision Regulations Ordinance # 854 Section 9.2.2, these geometries would be consistent with a residential and/or office collector road. As this is a commercial development, a "Commercial Collector" street would have 80' of right-of-way and 42' of roadway width. Thus, the PUD should qualify this statement that such geometries must be recommended by the City of Bixby Staff and be approved by the Bixby City Council for Waiver from the Subdivision Regulations.
 8. Subject to City Engineer and/or County Engineer curb cut approval for the proposed access points to 121st St. S., and the Fire Marshal's approval of locations, spacing, widths, and curb return radii.
 9. Section III.B: Please specify what screening and landscaping will be proposed for which property lines (type and height) per Zoning Code Section 11-7I-8.B.1.e. This section may also be used to describe height and setback restrictions within specific non-residential Development Areas in relation to residential land uses and zoning districts. Specifics should address proximate properties and zoning districts including, but not necessarily limited to:
 - a. Fox Hollow to the north
 - b. Non-residential Development Area D in relation to Seven Lakes subdivisions to the west, residential areas to the southwest, and multifamily residential to the east (Encore multifamily)
 - c. RS-3 zoning in the *Easton Sod* sales lot abutting to the east (may be qualified as appurtenant only if actually developed residentially)
 - d. Non-residential alternate for Development Area H in relation to multifamily residential to the south (Encore multifamily)
 10. Section V: Please correct citation to Exhibit I.
 11. Consider whether the PUD should add a measure of flexibility with mutual parking privileges language, in an effort to reduce unnecessary parking and its construction and maintenance expense, and the other externalities excessive parking may generate.
 12. Development Standards.
 - a. DA C: 5' side yard setback and 20' setbacks between "townhome buildings" provided, but setback not provided between townhouse units within a "townhouse development." Please add per Zoning Code Section 11-7B-4.A.1 Table 3: "...0 feet on attached side only."
 - b. DA C: In anticipation of possible multifamily development (up to a fourplex), provide a setback for multifamily buildings from DA and lot line boundaries, such as 20'.
 - c. DA D: In anticipation of possible ministorage development, add height restrictions commensurate with those listed in UU 16 or specify in the Development Standards that the height listed also applies to ministorage buildings.
 - d. DA D: In anticipation of possible ministorage development, add proposed setbacks between ministorage buildings as required by Zoning Code (30' or as otherwise required by the Fire Marshal).

- e. DA E, F, & H: Minimum landscaped percentage: 10% is already required by Code if commercial, but 15% would be required if office. Specify 15% for office or otherwise please remove (to allow default to Code).
13. 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.
 14. 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).

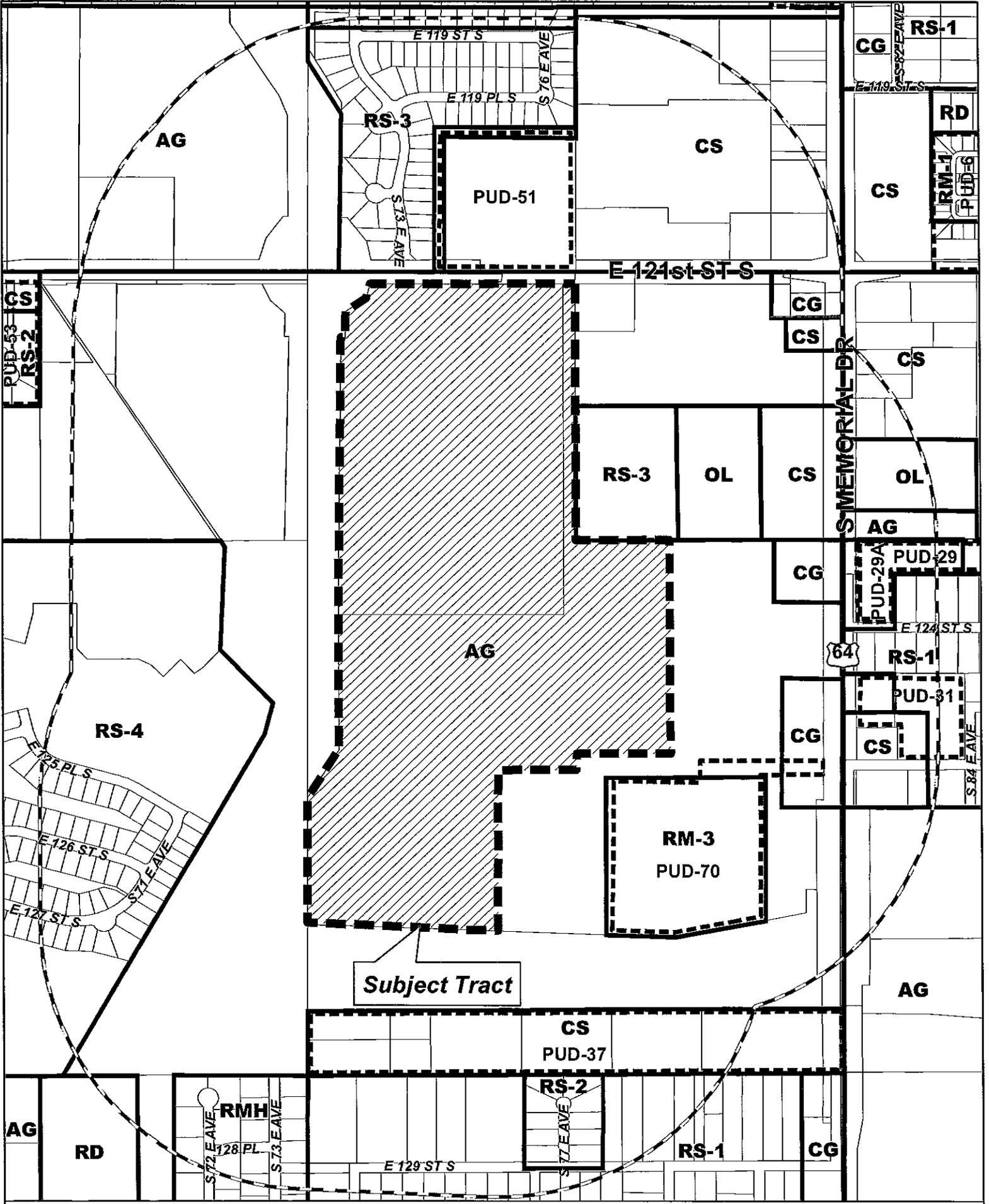


PUD-76

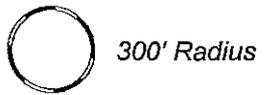


02 17-13

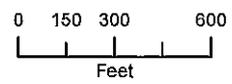




Subject Tract



BZ-364



02 17-13



Memo

To: Erik Enyart, City Planner

From: Jared Cottle, PE

CC: Bea Aamodt, PE
File

Date: 02/05/13

Re: Scenic Village
PUD 76

General Comments:

1. An Infrastructure Master Plan for the project will be required that addresses sanitary sewer, storm water, and water systems with the Preliminary Plat.
2. Infrastructure Master Plan will need to include sanitary sewer and storm sewer connections available to off-site properties that are not currently served.
3. The storm sewer system must accommodate runoff from adjacent properties under fully developed conditions. Project development should not inhibit the existing drainage patterns.
4. Fee-in-lieu charges of \$0.20/sf of impervious area are applicable to this area. Detention is not required.
5. A water loop extending service to Lot 1, Block 1 must be provided.
6. Street right-of-way should be of sufficient width to permit future roadway widening and/or turning lanes to serve future development of adjacent tracts.

Memo

To: ERIT ENYART, AICP, CITY PLANNER

From: JIM SWEEDEN

Date: 1/24/2013

Re: PUD 76 "SCENIC VILLAGE PARK"

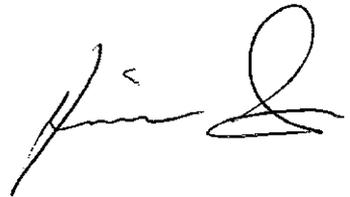
PUD 76 DEVELOPMENT CONCEPT & SITE PLAN IS APPROVED BY THIS OFFICE, AS PER FOLLOWING.

CODES: ICC – 20009: IBC/IFC CODES, PLUMBING CODES, MECHANICAL CODES, ADA CODES, ELECTRICAL CODES 2011 AND CITY CODES & ORDINANCES.

ALL LOTS (A THRU G) MUST MAINTAIN TWO (2) MEANS OF EXIT/EGRESS. PLEASE BE PREPARED TO ILLUSTRATE HOW WE WILL BE ABLE TO ACCOMPLISH THIS.

ALL FIRE HYDRANTS SHALL BE NO FURTHER THAN 300 FEET APART. SEE CITY REQUIREMENTS ON TYPES OF HYDRANTS ALLOWED IN CITY DISTRICT.

ALSO NEED TO DISCUSS THE SITE PLAN (SECTION "D") OF THE ENTRANCES AND POSSIBLE DEAD END STREETS IN THAT AREA.



**MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
February 06, 2013 – 10:00 AM**

MEMBERS PRESENT

Jim Peterson, *BTC Broadband*

STAFF PRESENT

Erik Enyart, AICP, City Planner, City of Bixby
Jim Sweeden, Fire Code Enforcement Official, City of Bixby
Joey Wiedel, Fire Marshal, City of Bixby

OTHERS PRESENT

Ricky Jones, *Tanner Consulting, LLC*
Justin Morgan, *Tanner Consulting, LLC*
Weldon Bowman, AIA, NCARB, *W Design, LLC*
Brian Letzig, *W Design, LLC*
Ken Adams
Claudette Adams

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

Ricky Jones proposed to take the agenda items out of order, and indicated that the PUD 76 item would take longer to discuss. After some discussion, those present indicated their agreement.

3. **Preliminary Plat / Final Plat – Bixby Centennial Plaza II – Rosenbaum Consulting, LLC.**
Discussion and review of a Preliminary Plat and a Final Plat and certain Modifications/Waivers for “Bixby Centennial Plaza II,” Lot 7 and the N. 42’ of Lot 8, Block 1, *Bixby Centennial Plaza*.
Property Located: Approximately the 11900-block of S. Memorial Dr.

Erik Enyart introduced the item and summarized the project and its location. Mr. Enyart addressed Weldon Bowman and stated that the owners had decided to divide their interests prior to platting, and that he was presently working with the title company on the deeds for the approved Lot-Split. Mr. Enyart stated that, due to the previous Lot-Splits that affected the property and the sequencing of events, it was a requirement of Lot-Split approval that the southerly tract pieces be legally attached each to the other, to meet the frontage requirements of the PUD. Mr. Enyart stated that, when the lots were split, the plat would follow along and place the common property line in the same location.

Jim Peterson asked why the land was being platted. Erik Enyart responded that the frontage was not adequate for the Lot-Split, so the owners did a PUD to reduce the frontage requirement, and after a PUD is approved, a plat is required.

Erik Enyart asked if there were any questions or comments at this time.

Jim Peterson asked if the Mutual Access Easement would be paved, and Weldon Bowman responded that it would. Mr. Bowman stated that it was actually part of the parking lot and indicated it would connect the two (2) lots to the parking areas and drives to the south and north. Mr. Peterson stated that a conduit under the drive would be necessary.

Erik Enyart stated that, at the time the Lot-Split application was submitted, the owners made application to close an easement, and the City approved it. Mr. Enyart asked Weldon Bowman if he knew if the owner followed through and had the easement permanently vacated by the court. Mr. Bowman stated that he did not know.

Erik Enyart asked Weldon Bowman if he recalled whether the PUD included a PUD Detailed Site Plan approval requirement. Mr. Bowman stated that he was not sure. Mr. Enyart stated that, if it was a requirement of the PUD, the PUD Detailed Site Plan would have to be approved by the Planning Commission; if otherwise, it would simply need site plan approval by Staff in the context of a Building Permit application. Mr. Enyart stated that there was now an application form for site plan approval. Mr. Enyart stated that he knew there was a conceptual plan submitted with the PUD, but that it would need to be refined for permitting purposes.

Erik Enyart asked Weldon Bowman if Barrick Rosenbaum would also be in attendance. Mr. Bowman stated that he would not, and that is why he was attending instead.

Erik Enyart asked Weldon Bowman if he knew the preferred timeline for the development, and Mr. Bowman indicated the owners wanted to proceed as soon as possible.

Erik Enyart advised Weldon Bowman that he hoped to have the draft Staff Report completed and sent to him and Barrick Rosenbaum by the end of the week.

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

Weldon Bowman and Brian Letzig left at this time.

2. **PUD 76 – Scenic Village Park – Tanner Consulting, LLC.** Discussion and review of a rezoning request for approval of a Planned Unit Development (PUD) for 92 acres in part of the E/2 of Section 02, T17N, R13E.

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

Erik Enyart introduced the item and stated that the PUD was 92 acres in size.

Ricky Jones stated that the PUD had changed somewhat as [the developer and the design professionals] were continually meeting to discuss the project. Mr. Jones stated that Development

Area G had been divided into two (2) Development Areas, and that this did two (2) things: (1) that lot originally planned for multifamily was too big, so this reduced the size, and (2) the [new Development Area G] would be planned for office use, which would be a buffer, and would direct multifamily traffic toward Memorial Dr. via 126th St. S., rather than north to 121st St. S.

Ricky Jones stated that Development Area A would be planned for retail type uses. Mr. Jones stated that the developer had secured only one (1) [sale] so far, to an assisted living / independent living facility. Mr. Jones indicated this was planned for Development Area B, and stated that the south side of the land would be for independent living, to take the form of duplexes or similar freestanding small structures. Mr. Jones stated that the development standards were amended to provide for residential intensity for the independent living part.

Erik Enyart asked Ricky Jones if this use was to be done by Scenic Development of Kansas City, and Mr. Jones confirmed. Mr. Enyart stated that the City had been talking to them for some time and knew they were interested in the site. Mr. Jones stated that [he and his associates] had toured the project Scenic Development was building in Kansas and that it was a high quality development.

Ricky Jones stated that the retail uses for Development Area A would likely compliment the assisted living facility's use, such as a pharmacy. Justin Morgan stated that [Scenic Development] was under contract to buy [Development Area A] also.

Ricky Jones stated that Roy Johnsen was the attorney working on the PUD, and that he would be proposing a neighborhood meeting the following week. Mr. Jones stated that the invitation would be mailed to the property owners that received the Public Notice. Erik Enyart stated that there were about 220 addresses to which he had mailed the Public Notice, and remarked at how large the number was. Mr. Jones acknowledged and stated that it was because of the new law pertaining to multifamily use. Mr. Enyart stated that he would get the address list to Mr. Jones [to send out invitations].

Ricky Jones stated that there would be an 80' [right-of-way width] collector road built in the development. Mr. Jones noted that the City had been insisting on this collector road connection for some time, and Erik Enyart indicated agreement.

Erik Enyart asked if the Fire Marshals had any questions or comments. Joey Wiedel stated that fire hydrants would need to be spaced no more than 300' apart. Mr. Wiedel stated that Development Area D did not appear to have much street frontage, and stated that it would have to have two (2) ways in and out.

Ricky Jones addressed Joey Wiedel and stated that he was firming up the site plans, and that they were not 100% completed, but that he would work with him on the access matter.

Erik Enyart asked how much street frontage was available for Development Area D. Justin Morgan referred to a draft plat drawing and specified the street frontage at well over 100'.

Erik Enyart pointed to the location of the Encore on Memorial multifamily development. Mr. Enyart stated that the Encore development had only 126th St. S. for access, but had improved the

existing Fry Creek Ditch maintenance drive from Memorial Dr. west for fire access and emergency ingress/egress, and that it connected to a gated driveway located at its southeast corner. Jim Sweeden stated that this was a good outcome. Mr. Enyart stated that the same could be done by extending the improved surface west to Development Area D, if necessary.

Erik Enyart stated that, as it was related to the improved access drive, when the Encore on Memorial project was being planned, Staff had recommended that the improved access drive be used as a walking trail amenity. Mr. Enyart asked Ricky Jones if the developer had considered this possibility of making an off-site improvement for the benefit of the development as an amenity. Mr. Jones stated that he was a proponent of walking trails and would talk to the client about the issue. Mr. Jones stated that it would appear a good fit for the assisted living facility. Claudette Adams indicated favor for walking trails at this location.

Justin Morgan asked Erik Enyart if the Comprehensive Plan did not show a trail along the Fry Creek Ditch. Mr. Enyart stated that it showed it along the west side of Fry Creek # 2, but not on this east side. Mr. Enyart stated that, in the long term, however, he would expect trails on both sides of both channels.

Ricky Jones stated that he would work with Jared [Cottle] on the off-site stormsewer extension matter.

Erik Enyart stated that the City has long recognized the value of this acreage from an economic development standpoint, due to its size and location. Mr. Enyart stated the City has wanted to see this property developed with quality development for some time.

Erik Enyart advised Ricky Jones that the City Staff will recommend, for the multifamily element of the development, certain Conditions of Approval to ensure the highest development quality. Mr. Enyart stated that the City had seen two (2) multifamily developments in the past five (5) years or so, the first of which, Marquis on Memorial, Tanner Consulting had planned, and the other being Encore on Memorial. Mr. Enyart stated that, in both cases, the developments were of the highest quality, and the City wanted to be sure that any new such facilities are built to at least that level of quality. Mr. Jones confirmed with Mr. Enyart the original site the Encore on Memorial development was planned for, and Mr. Enyart confirmed it was directly across from the Fox Hollow neighborhood at 73rd E. Ave. Mr. Jones confirmed with Mr. Enyart that that development was relocated to its current site based on the negative response from surrounding areas. Mr. Enyart stated that that particular development experienced an overwhelming amount of protest, including from residents living over a mile away from the site. Mr. Enyart stated that, when the developer agreed to relocate it to 126th St. S. and Memorial Dr., at that next meeting, there was absolutely no protest. Claudette Adams indicated agreement, and stated that she was part of the meeting with the City and the developer when the site was relocated.

Erik Enyart stated that, related to the quality matter, in the past month, the City had approved a multifamily development south of the [Arkansas] River, at about 153rd and Sheridan Rd. Mr. Enyart stated that, per Staff recommendation, there were Conditions of Approval placed on that development designed to ensure that the development would be high quality. Mr. Enyart stated that those Conditions included, in part, (1) requiring a PUD Detailed Site Plan be [recommended upon]

not only by the Planning Commission but also be approved by the City Council, which can confirm at that time that the development is of sufficient quality, and (2) a specific masonry requirement, consistent with that specified with the Encore on Memorial development. Mr. Jones indicated agreement. Mr. Enyart stated that Mr. Jones may expect to find similar recommendations from Staff.

Justin Morgan stated that the assisted living facility building's footprint would be 80,000 square feet, and that the independent living element would consist of freestanding homes in the back [south side of Development Area B]. Mr. Morgan stated that the company ultimately planned to develop three (3) to five (5) such facilities in the Tulsa market.

Erik Enyart stated that he had just started to review the PUD but had found some things that needed corrected or clarified as far as uses permitted in specific Development Areas. Mr. Enyart stated that Development Area A allowed uses permitted by right in the OM district, which would not support retail use. Justin Morgan stated that that was the change that he had sent Mr. Enyart recently. Mr. Enyart acknowledged and stated that he had started the review using the original submittal posted on the City's website.

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

Erik Enyart recognized guests Ken and Claudette Adams from the Fox Hollow neighborhood and asked if they had any questions or comments. Mr. Adams clarified with Ricky Jones using the draft plat where the new Development Area G was located.

Ricky Jones asked Ken and Claudette Adams if either or both of them were executive officers of the Fox Hollow Homeowners Association. Claudette Adams stated her position at the Association but stated she was not an executive officer. Ms. Adams stated that she was one at the time that Encore on Memorial was first proposed. Mr. Adams stated that he was retired and had time to meet during the day, whereas other officers of the HOA worked during the day.

Claudette Adams stated that it has been helpful coming to this meeting and seeing the plans.

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

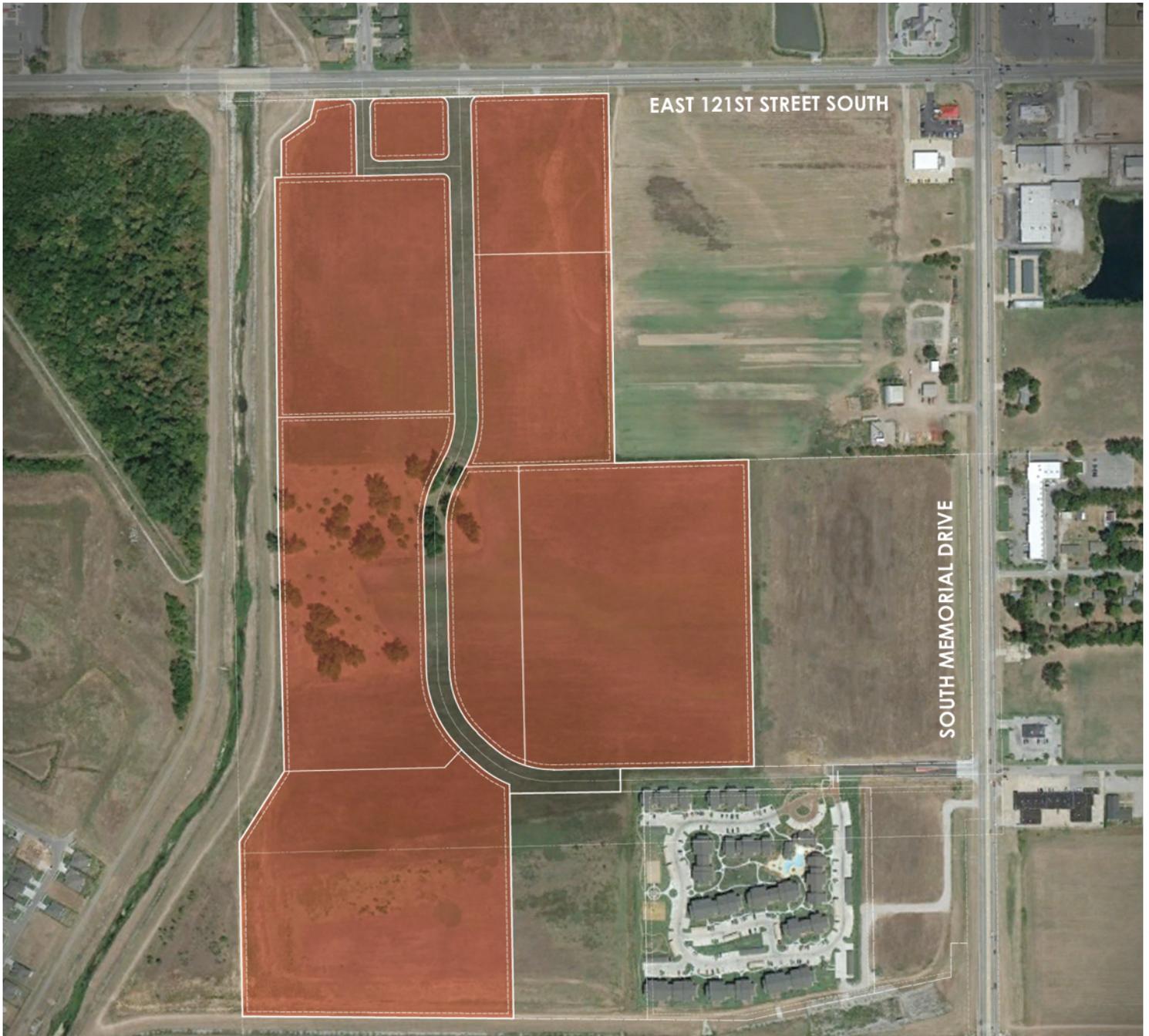
4. Old Business

5. New Business

6. Meeting was adjourned at 11:00 AM.

BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, February 06, 2013

NAME	COMPANY	PHONE
1. <u>Ken Adams</u>	<u>Fox Hollow</u>	<u>918-369-1969</u>
2. <u>Claudette Olson</u>	<u>Fox Hollow</u>	<u>"</u>
3. <u>BRIAN LETZIG</u>	<u>W DESIGN</u>	<u>918-794-6616</u>
4. <u>WELTON BOWMAN</u>	<u>W DESIGN</u>	<u>918.794.6616</u>
5. <u>RICKY JONES</u>	<u>Tanner</u>	<u>918-745-9929</u>
6. <u>Justin Morgan</u>	<u>"</u>	<u>"</u>
7. <u>Jim Peterson</u>	<u>BTC Broadband</u>	<u>918-366-0253</u>
8. <u>Jim Sweeden</u>	<u>Fire Marshal office</u>	<u>918-366-0436</u>
9. <u>Joey Wiedel</u>	<u>JM O</u>	<u>918-366-0436</u>
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____
16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____



APPLICANT/OWNER:
 121ST AND MEMORIAL, L.L.C.
 C/O RICK DODSON, MANAGER
 6205 E. 105TH STREET
 TULSA, OK 74137
 DODSONBUILDING@COX.NET

DEVELOPMENT ENGINEER:
 TANNER CONSULTING LLC
 C/O RICKY JONES
 5323 SOUTH LEWIS AVENUE
 TULSA, OK 74105
 RICKY@TANNERBAITSHOP.COM



121ST AND MEMORIAL
SCENIC VILLAGE PARK

PUD# 76

PREPARED FEBRUARY 15TH, 2013

SCENIC VILLAGE PARK

Planned Unit Development No. 76

92 acres West of the Southwest Corner of
East 121st Street South and South Memorial Road

Bixby, Oklahoma

Applicant/Owner:

121st and Memorial, LLC
c/o Rick Dodson, Manager
6205 E. 105th Street
Tulsa, OK 74137
dodsonbuilding@cox.net

Development Engineer:

Tanner Consulting, LLC
c/o Ricky Jones
5323 South Lewis Avenue
Tulsa, OK 74105
ricky@tannerbaitshop.com

February 22, 2013

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Exhibit I	Legal Description

I. DEVELOPMENT CONCEPT

Planned Unit Development No. 76 (hereinafter "PUD 76") comprises 92 acres (hereinafter the "Property" or "Site") located approximately 1320 feet west of the southwest corner of East 121st Street South and South Memorial Drive, Bixby Oklahoma. The Property is presently zoned AG.

Scenic Village Park is planned as a mixed-use development, including retail, general commercial, office, office warehouse, mini-storage, continuing care and various residential uses.

The Property is located within the South Memorial Corridor Development Area established by the Bixby Comprehensive Plan 2001-2020 which principally designates the Corridor for commercial uses. Current development of proximate sites include retail, mini-storage, office warehouse and apartment uses.

This planned unit development is intended to establish a conceptual site plan with designation of development areas, allocation of uses and intensity of uses and development standards and conditions to be followed by detailed site plans of each phase of development submitted to and approved by the Bixby Planning Commission. The Property is presently zoned AG Agriculture District. In order to implement this Planned Unit Development, an accompanying application has been filed to rezone the Property to a CG Commercial General District.

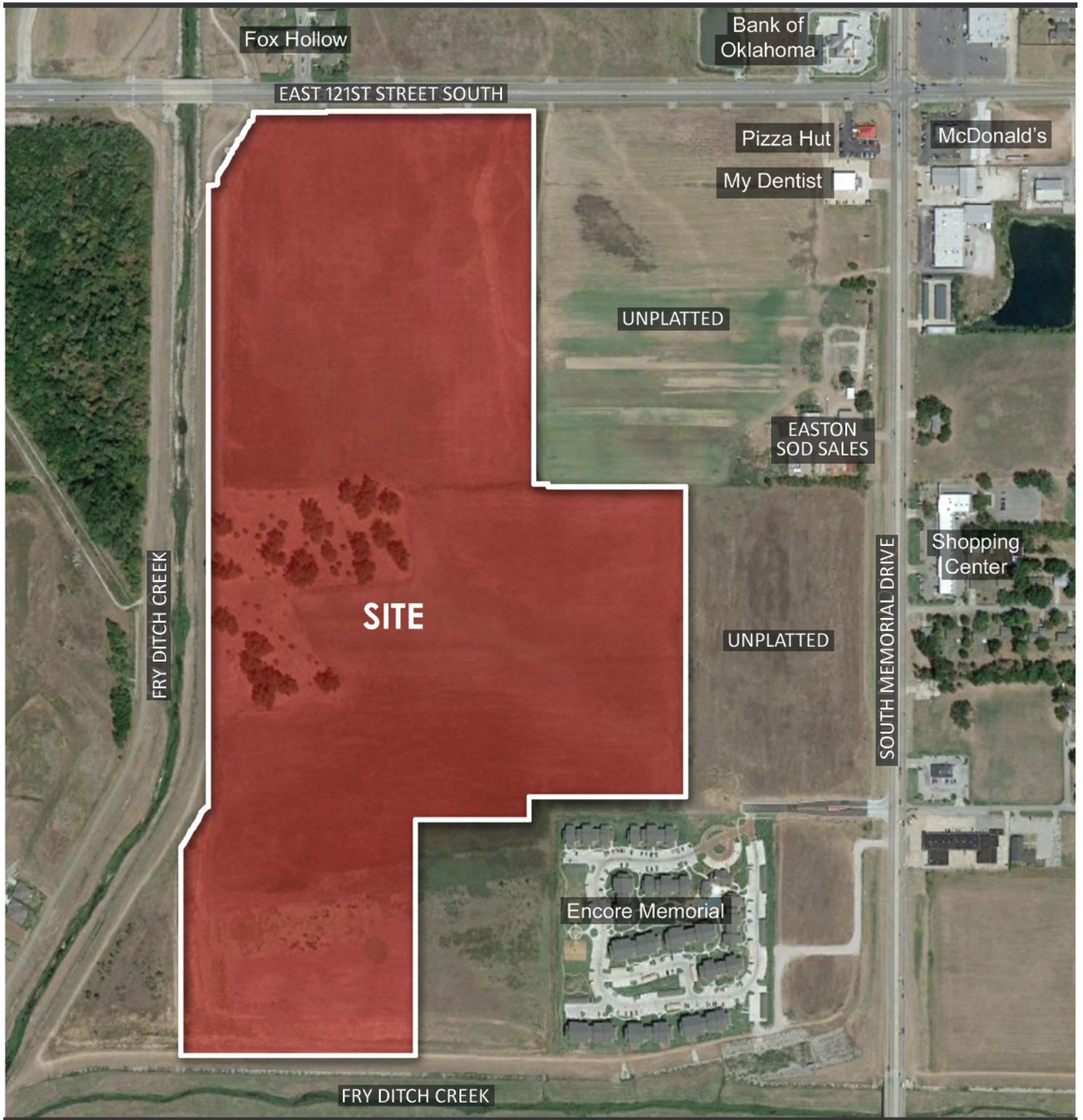
EXHIBIT A AERIAL PHOTOGRAPHY



SCENIC VILLAGE PARK PUD# 76

TANNER CONSULTING, LLC. | 5323 S LEWIS AVE., TULSA, OKLAHOMA 74105 | 918.745.9929

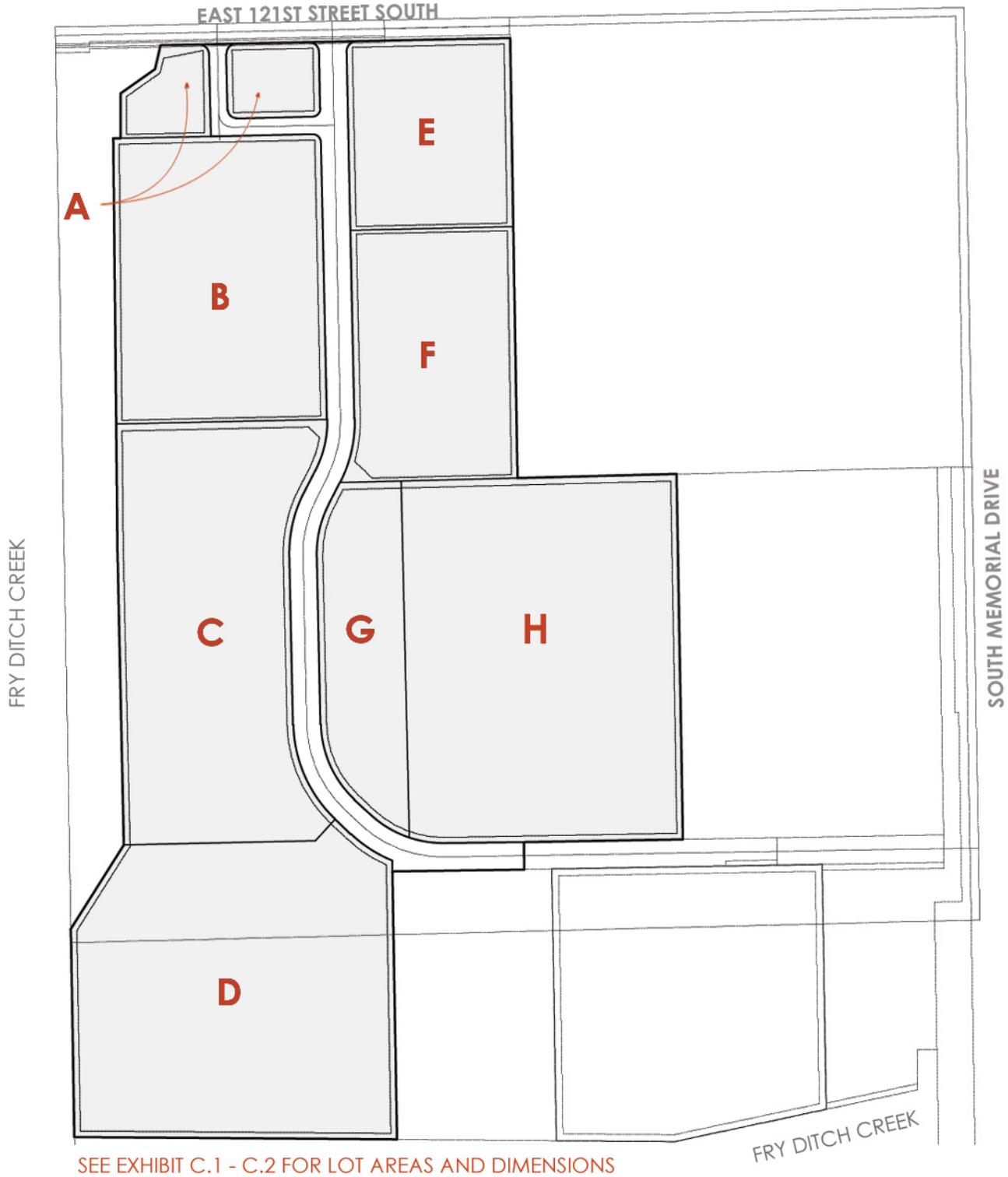
EXHIBIT B AERIAL PHOTOGRAPHY WITH CONTEXT



SCENIC VILLAGE PARK PUD# 76

TANNER CONSULTING, LLC. | 5323 S LEWIS AVE., TULSA, OKLAHOMA 74105 | 918.745.9929

EXHIBIT C OVERALL CONCEPT PLAN



PREPARED FEBRUARY 15TH, 2013

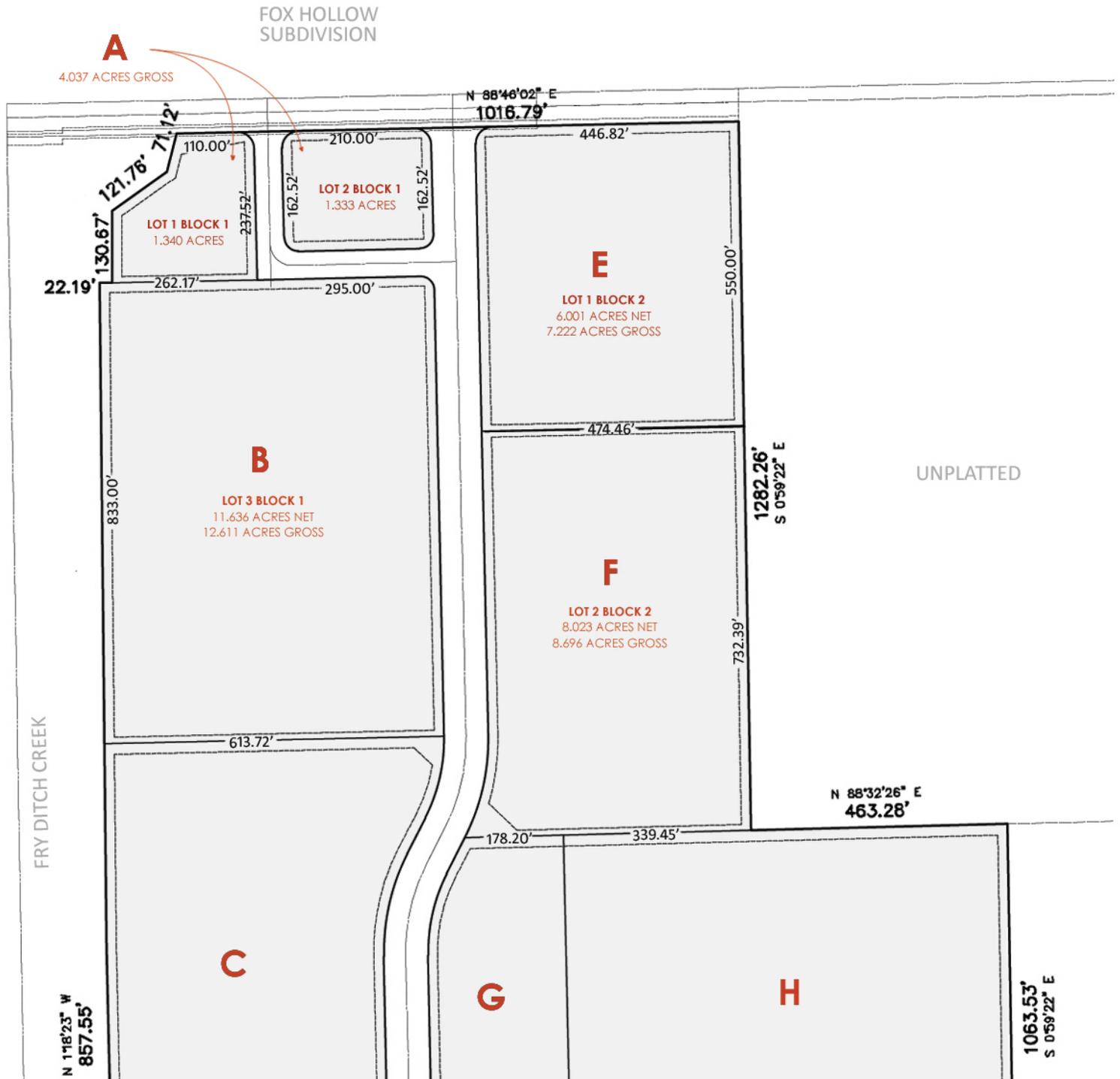
* LOTS LABELED "A" THROUGH "H" CORRESPOND WITH DEVELOPMENT AREAS AS DESCRIBED BY THE PUD TEXT.



SCENIC VILLAGE PARK PUD# 76

TANNER CONSULTING, LLC. | 5323 S LEWIS AVE., TULSA, OKLAHOMA 74105 | 918.745.9929

EXHIBIT C.1 CONCEPT PLAN WITH DEVELOPMENT AREAS (NORTH)



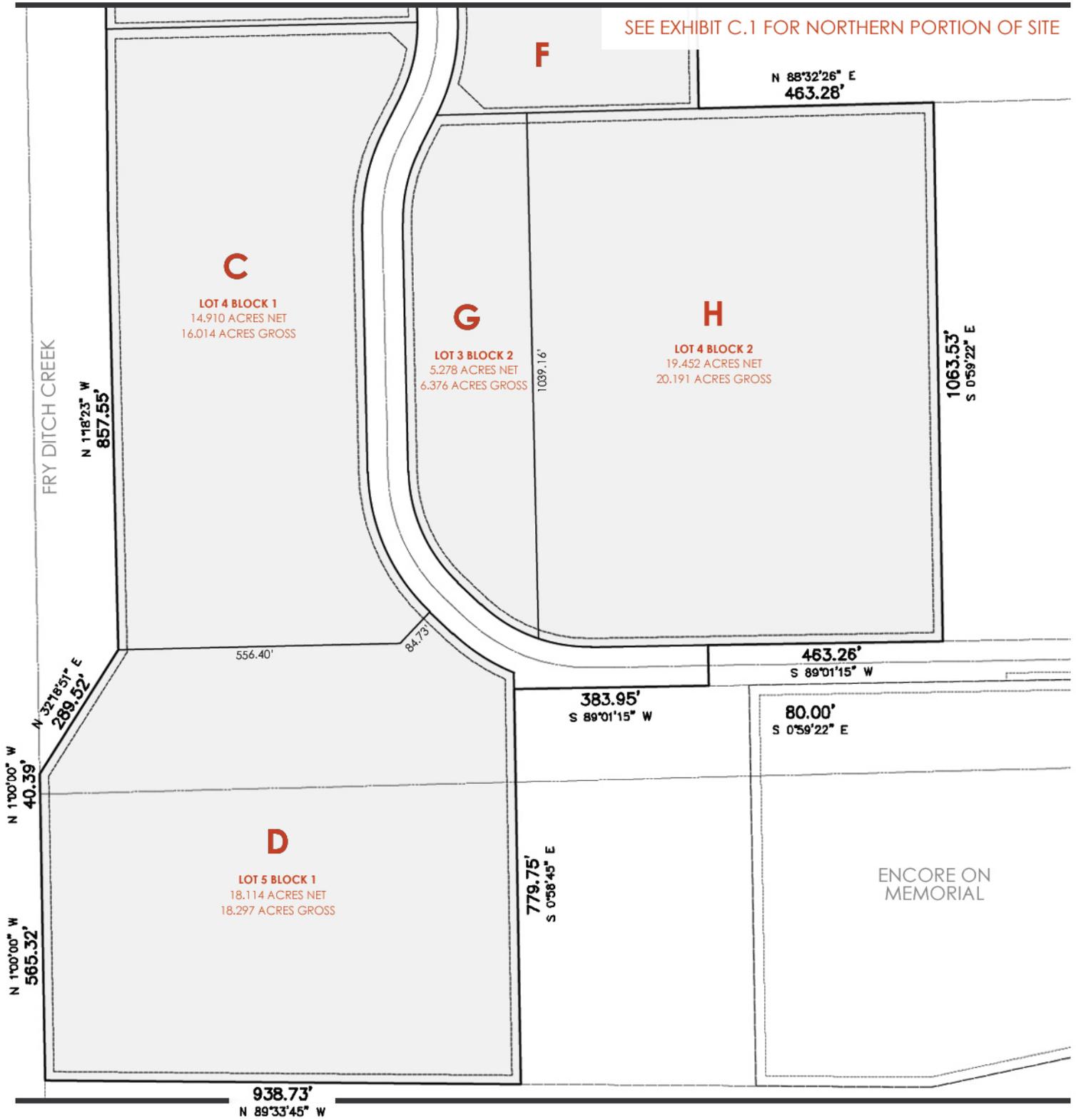
SEE EXHIBIT C.2 FOR SOUTHERN PORTION OF SITE



SCENIC VILLAGE PARK PUD# 76

TANNER CONSULTING, LLC. | 5323 S LEWIS AVE., TULSA, OKLAHOMA 74105 | 918.745.9929

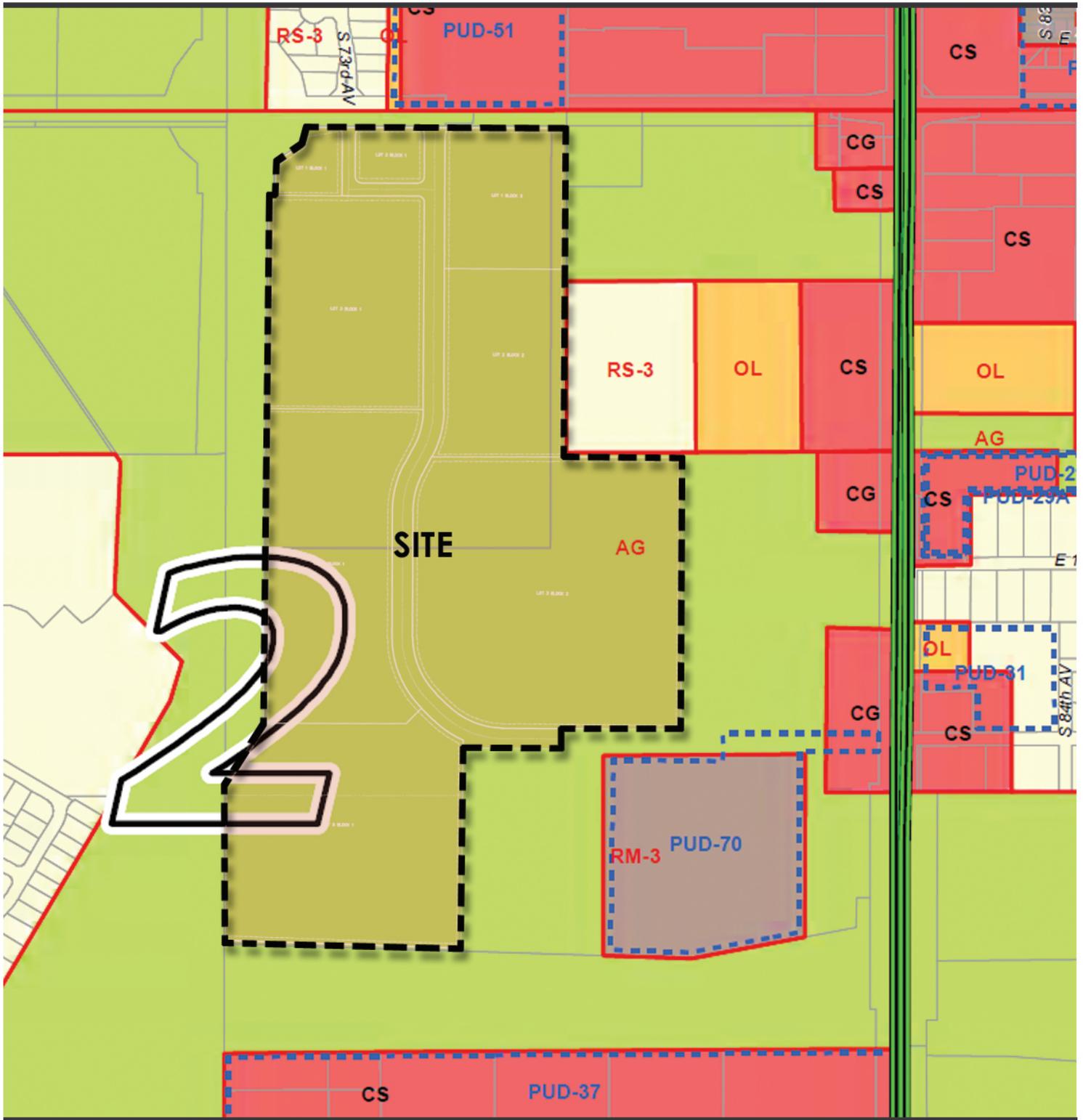
EXHIBIT C.2 CONCEPT PLAN WITH DEVELOPMENT AREAS (SOUTH)



SCENIC VILLAGE PARK PUD# 76

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EXHIBIT D CURRENT ZONING MAP



Legend

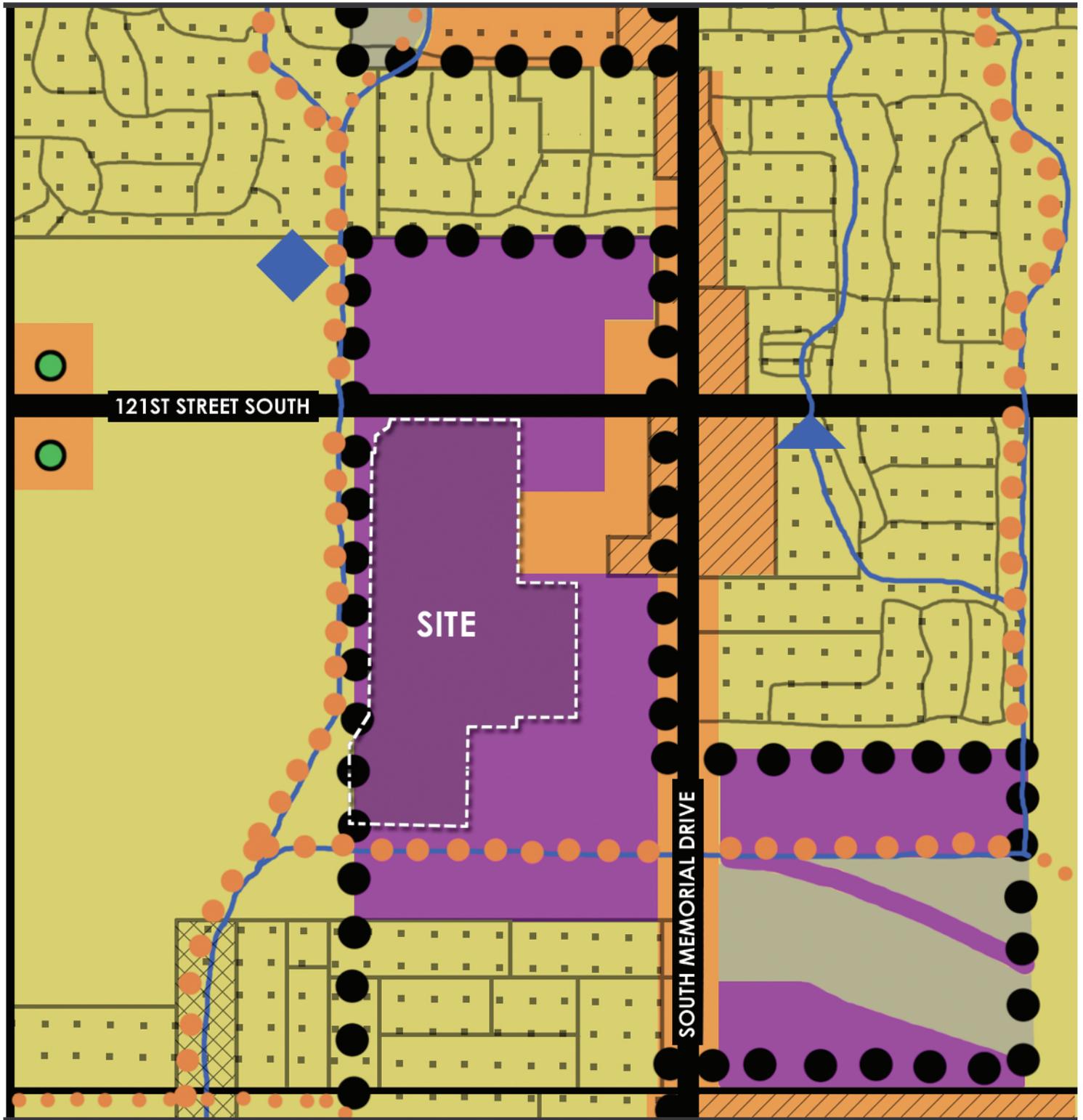
- | | | | |
|-----------------------|------------|---------------------------|----------------|
| Historic Preservation | Commercial | Residential Single-Family | Flood District |
| PUD | Corridor | Residential Multi-Family | |
| Agriculture | Office | Industrial | |



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EXHIBIT E COMPREHENSIVE PLAN MAP



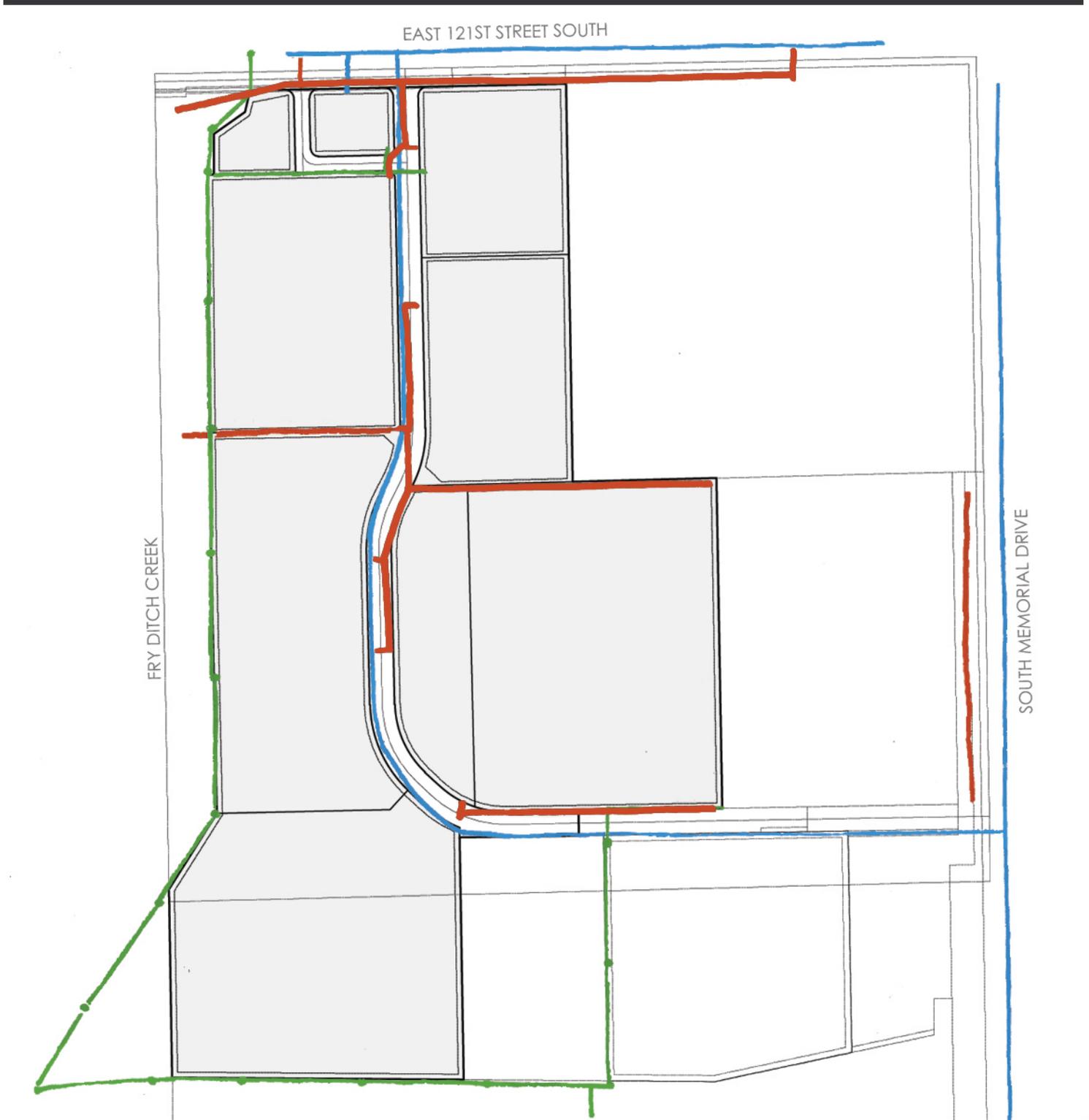
Existing	Planned	Corridor Arterial	Commercial Area	High
■ Neighborhood Park	■ Elementary School	— Primary Arterial	■ Industrial Area	■ Medium
◆ Secondary School	◆ Fire Station	— Secondary Arterial	■ Public + Quasi-Public	■ Low
▲ Regional Trail	● Community Trails	— Collector Streets	■ Recreation and Open Space	■ Rural
●●●● Community Trails	●●●● Entry Treatment	— Bixby Fence Line	■ Residential Area	■ Development Sensitive
		— Corridor	■ Vacant, Agricultural, Rural Residences, and Open Land	■ Water



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EXHIBIT F EXISTING AND PROPOSED UTILITY LAYOUT



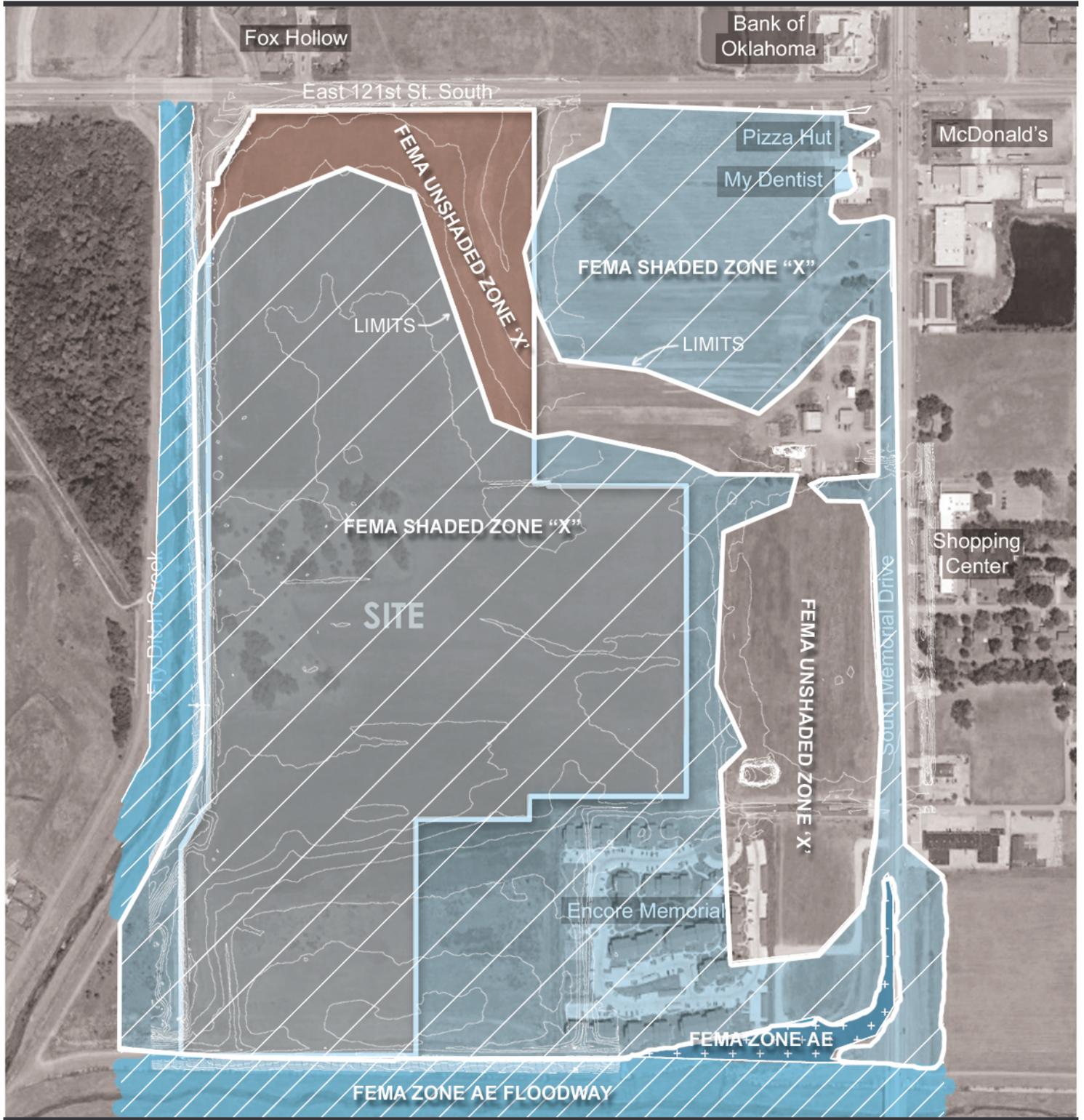
- STORM SEWER
- SANITARY SEWER
- WATERLINE



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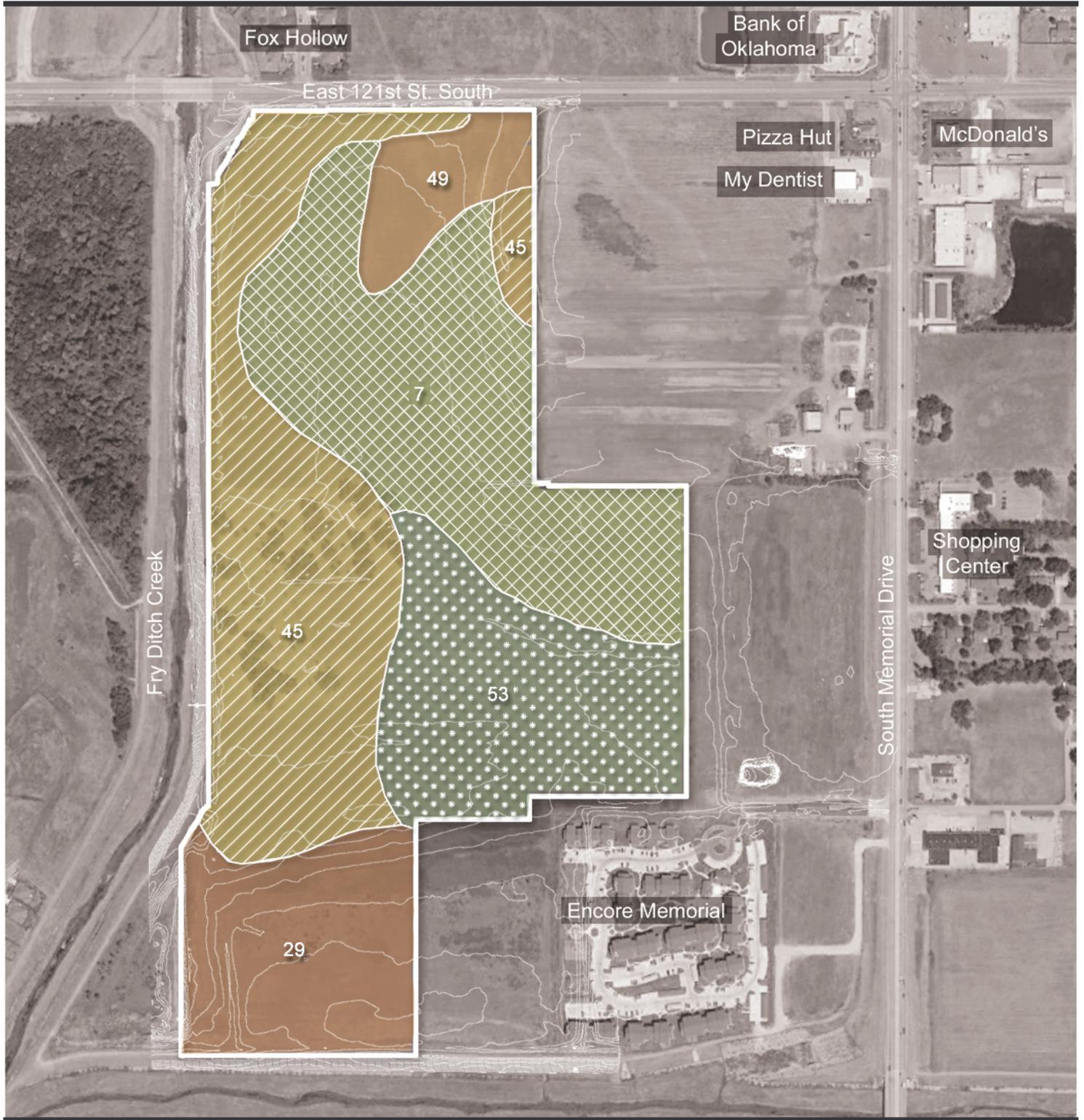
EXHIBIT G EXISTING TOPOGRAPHY AND FLOODPLAIN



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EXHIBIT H EXISTING SOILS



- | | |
|---|--|
| 7 CHOSKA VERY FINE SAND LOAM, 0-1% SLOPE | 49 SEVERN VERY FINE SANDLY LOAM, 0-3% SLOPE |
| 29 LATANIER CLAY, 0-1% SLOPE | 53 WYNONA SILTY CLAY LOAM, 0-1% SLOPE |
| 45 OSAGE SILTY CLAY, 0-1% SLOPE | |



SCENIC VILLAGE PARK PUD# 76

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II. DEVELOPMENT STANDARDS

DEVELOPMENT AREA A

GROSS LAND AREA 4.037 acres

NET LAND AREA 2.673 acres

PERMITTED USES: Uses permitted as a matter of right in the CS District, and customary accessory uses, provided however, uses within Use Unit 19 Hotel, Motel And Recreation Facilities are excluded.

MAXIMUM FLOOR AREA RATIO: 0.50

MAXIMUM BUILDING HEIGHT: 35 ft.

MAXIMUM STORIES: 2

MINIMUM BUILDING SETBACKS:

FROM NON-ARTERIAL STREET RIGHT-OF-WAY: 20 ft.

FROM ARTERIAL STREET RIGHT-OF-WAY: 20 ft.

FROM RESIDENTIAL DEVELOPMENT AREAS: 20 ft.

FROM OTHER BOUNDARIES: 11 ft.

MINIMUM LANDSCAPING: 15 % of net lot area

MINIMUM OFF-STREET PARKING: As required within the applicable use unit

BUILDING DESIGN REQUIREMENTS :

Exterior building walls shall have a minimum masonry finish of not less than 25% excluding windows and doors.

OTHER BULK AND AREA REQUIREMENTS: As required within a CS District

DEVELOPMENT AREA B

GROSS LAND AREA 12.611 acres

NET LAND AREA 11.636 acres

PERMITTED USES: Life Care Retirement Center as set forth within Use Unit 8 Multi-family Dwelling And Similar Uses and customary accessory uses. Other uses within Use Unit 8 are excluded.

MAXIMUM INDEPENDENT LIVING DWELLING UNITS: 91 dus

MAXIMUM ASSISTED LIVING DWELLING UNITS: 39 dus

SKILLED NURSING BEDS: 41 beds

MAXIMUM FLOOR AREA: 160,000 sq.ft.

MAXIMUM STORIES: 2*

*Architectural features may extend a maximum of 25' above the second story.

MINIMUM YARDS AND BUILDING SETBACKS:

FROM MINOR STREET RIGHT-OF-WAY: 20 ft.

FROM COLLECTOR STREET RIGHT-OF-WAY: 25 ft.

FROM OTHER BOUNDARIES: 17.5 ft.

MINIMUM LIVABILITY SPACE PER DWELLING UNIT: 440 sq.ft.

[open space not allocated to parking or drives]

BUILDING DESIGN REQUIREMENTS:

The exterior walls of buildings shall have a minimum masonry finish of not less than 25%, excluding windows and doors.

MINIMUM OFF-STREET PARKING:

Independent Living Dwelling Units 0.75 spaces per du

Assisted Living Dwelling Units 0.50 spaces per du

Skilled Nursing Beds 0.35 spaces per bed

OTHER BULK AND AREA REQUIREMENTS

As required within a RM-2 District.

DEVELOPMENT AREA C

GROSS LAND AREA: 16.014 acres

NET LAND AREA: 14.910 acres

PERMITTED USES: Detached or attached residential dwelling units including single-family, duplex, patio home, townhouse, and multifamily, and customary accessory uses, including common area facilities such as club house, swimming pool and recreational open space. Multifamily uses shall be limited to buildings containing not more than 4 dwelling units and shall not exceed 2 stories in height.

MAXIMUM DWELLING UNITS: 75 dus

MAXIMUM BUILDING HEIGHT: 35 ft.

MAXIMUM STORIES: 2

MINIMUM YARDS AND BUILDING SETBACKS:

FROM STREET RIGHT-OF-WAY:	20 ft.
FROM REAR LOT LINE:	20 ft.
FROM SIDE YARD LOT LINE:	5 ft.
BETWEEN DETACHED DWELLING UNITS:	10 ft.
BETWEEN DUPLEX BUILDINGS:	10 ft.
BETWEEN TOWNHOME BUILDINGS:	20 ft.
BETWEEN MULTIFAMILY BUILDINGS:	20 ft.

BUILDING DESIGN REQUIREMENTS FOR MULTIFAMILY BUILDINGS:

The exterior walls of multifamily buildings shall have a minimum masonry finish of not less than 25% excluding windows and doors. The exterior walls of leasing offices shall have a minimum masonry finish of not less than 45% excluding windows and doors.

MINIMUM OFF-STREET PARKING: As required within the applicable use unit.

OTHER BULK AND AREA REQUIREMENTS:

DETACHED SINGLE FAMILY DWELLINGS: As required within a RS-3 District.

DUPLEX DWELLINGS: As required within a RD District

TOWNHOUSE DWELLINGS:	As required within a RT District
MULTIFAMILY DWELLINGS	As required within a RM-2 District

DEVELOPMENT AREA D

GROSS LAND AREA: 18.297 acres

NET LAND AREA: 18.114 acres

PERMITTED USES: Uses permitted as a matter of right in the CG Zoning District, and uses permitted by special exception within the CG Zoning District or uses required to be submitted within a Planned Unit Development, which include but not limited to Use Unit 23 Warehousing And Wholesaling (office/warehouse), and Use Unit 16 Ministorage and customary accessory uses. Permitted uses shall be conducted within enclosed buildings.

MAXIMUM FLOOR AREA RATIO: 0.50

MAXIMUM BUILDING HEIGHT: 35 ft.

MINIMUM BUILDING SETBACK:

FROM STREET RIGHT-OF-WAY:	50 ft.
FROM RESIDENTIAL DEVELOPMENT AREAS:	50 ft.
FROM OTHER EXTERIOR BOUNDARIES:	20 ft.

MINIMUM LANDSCAPING: 10% of net lot area

BUILDING DESIGN REQUIREMENTS AND SCREENING

1. The west exterior wall of the westernmost buildings and the north exterior wall of the northernmost buildings shall have a minimum of 25% masonry finish, excluding windows and doors.
2. Overhead doors shall be limited to the north and south walls of buildings located within 100 feet of the westerly development area boundary line.
3. Exterior lighting shall be limited to shielded fixtures designed to direct light downward. Lighting shall be designed so that the light producing element of the shielded fixture shall not be visible to a person standing within an adjacent residential district or residential development area.
4. A screening fence not less than 6 feet in height shall be constructed and maintained along the westerly development area boundary line.

MINIMUM OFF-STREET PARKING: As required within the applicable use unit.

OTHER BULK AND AREA REQUIREMENTS: As required within a CG District.

DEVELOPMENT AREA E

GROSS LAND AREA: 7.222 acres

NET LAND AREA: 6.001 acres

PERMITTED USES: Uses permitted as a matter of right in the CS Zoning District, and customary accessory use, provided however, Use Unit 19 Hotel, Motel And Recreation Facilities shall be limited to hotel use.

MAXIMUM FLOOR AREA RATIO: 0.50

MAXIMUM BUILDING HEIGHT: 40 ft.

MINIMUM BUILDING SETBACK:
FROM ARTERIAL STREET RIGHT-OF-WAY: 50 ft.
FROM NON-ARTERIAL STREET RIGHT-OF-WAY: 25 ft.
FROM RESIDENTIAL DEVELOPMENT AREAS: 50 ft.
FROM OTHER EXTERIOR BOUNDARIES: 20 ft.

MINIMUM LANDSCAPING: 10% of net lot area

MINIMUM OFF-STREET PARKING: As required within the applicable use unit.

BUILDING DESIGN REQUIREMENTS:

Exterior building walls fronting 121st Street shall have a minimum masonry finish of not less than 25% excluding windows and doors.

OTHER BULK AND AREA REQUIREMENTS As Required within a CS District

DEVELOPMENT AREA F

GROSS LAND AREA: 8.696 acres

NET LAND AREA 8.023 acres

PERMITTED USES: Uses permitted as a matter of right in the CG Zoning District, and office/warehousing as set forth within Use Unit 23 Warehousing And Wholesaling, and customary accessory use, provided however uses set forth in Use Unit 17 Automotive And Allied Activities shall be excluded.

MAXIMUM FLOOR AREA RATIO: 0.50

MAXIMUM BUILDING HEIGHT: 40 ft.

MINIMUM BUILDING SETBACK:

FROM NON-ARTERIAL STREET RIGHT-OF-WAY: 25 ft.

FROM RESIDENTIAL DEVELOPMENT AREAS: 50 ft.

FROM OTHER BOUNDARIES: 20 ft.

MINIMUM LANDSCAPING: 10% of net lot area

MINIMUM OFF-STREET PARKING: As required within the applicable use unit.

OTHER BULK AND AREA REQUIREMENTS: As Required within a CG District

DEVELOPMENT AREA G

GROSS LAND AREA: 6.376 acres

NET LAND AREA 5.278 acres

PERMITTED USES: Uses permitted as a matter of right in the OM Zoning District, and customary accessory uses.

MAXIMUM FLOOR AREA RATIO: 0.40

MAXIMUM BUILDING HEIGHT: 40 ft.

MINIMUM BUILDING SETBACK:

FROM NON-ARTERIAL STREET RIGHT-OF-WAY: 25 ft.

FROM RESIDENTIAL DEVELOPMENT AREAS: 10 ft.

FROM OTHER BOUNDARIES: 10 ft.

MINIMUM LANDSCAPING: 15% of net lot area

MINIMUM OFF-STREET PARKING: As required within the applicable use unit.

OTHER BULK AND AREA REQUIREMENTS: As Required within an OM District

DEVELOPMENT AREA H

GROSS LAND AREA: 20.191 acres

NET LAND AREA: 19.452 acres

PERMITTED USES: Uses permitted as a matter of right in the CG Zoning District, and office/warehousing as set forth within Use Unit 23 Warehousing And Wholesaling and customary accessory uses.

MAXIMUM FLOOR AREA RATIO: 0.50

MAXIMUM BUILDING HEIGHT: 40 ft.

MINIMUM BUILDING SETBACK:
FROM NON-ARTERIAL STREET RIGHT-OF-WAY: 25 ft.
FROM RESIDENTIAL DEVELOPMENT AREAS: 50 ft.
FROM OTHER BOUNDARIES: 20 ft.

MINIMUM LANDSCAPING 10% of net lot area

MINIMUM OFF-STREET PARKING: As required within the applicable use unit.

OTHER BULK AND AREA REQUIREMENTS As Required within a CS District

ALTERNATIVE STANDARDS - DEVELOPMENT AREA H

GROSS LAND AREA: 20.191 acres

NET LAND AREA 19.452 acres

PERMITTED USES: As an alternative use within Development Area H, multifamily dwellings are permitted, not exceeding 15 acres, and customary accessory uses, including common area facilities such as club house, swimming pool and recreational open space.

MAXIMUM DWELLING UNITS: 300 dus

MAXIMUM BUILDING HEIGHT: 48 ft.

MAXIMUM STORIES: 3

MINIMUM LIVABILITY SPACE PER DWELLING UNIT: 440 sq.ft.
[open space not allocated to parking or drives]

MINIMUM YARDS AND BUILDING SETBACKS:
FROM STREET RIGHT-OF-WAY: 20 ft.
FROM OTHER BOUNDARIES: 20 ft.
BETWEEN MULTIFAMILY BUILDINGS: 20 ft.

**BUILDING DESIGN REQUIREMENTS FOR
MULTIFAMILY BUILDINGS:**

The exterior walls of multifamily buildings shall have a minimum masonry area of not less than 25% excluding windows and doors. The exterior walls of leasing offices shall have a minimum masonry area of not less than 45% excluding windows and doors.

MINIMUM OFF-STREET PARKING: As required within the applicable use unit.

OTHER BULK AND AREA REQUIREMENTS: As required within an RM-2 District.

III. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

A. Restricted Uses

All uses classified as “Sexually Oriented” within the City of Bixby Zoning Code (Section 11-7D-6) are hereby excluded from any development area within PUD 76.

B. Landscaping and Screening

Landscaping shall meet the requirements of the Bixby Zoning Code, except as hereinafter modified. In addition to the requirements of the Zoning Code, perimeter landscaping shall include plant materials designed to achieve an attractive street view. Reasonable efforts shall be made to preserve existing mature trees. A screening fence not less than 6 feet in height and a landscaped area of not less than 10 feet in width shall be maintained along the boundaries of commercial areas adjoining residential development.

C. Lighting

Exterior lighting shall be limited to shielded fixtures designed to direct light downward. Lighting shall be designed so that the light producing element of the shielded fixture shall not be visible to a person standing within an adjacent residential district or residential development area.

D. Off Street Parking

The limitation establishing a maximum number of parking spaces as set forth within paragraph H, Section 11-10-2 may be modified by the Bixby Planning Commission pursuant to its review and approval of a PUD Detail Site Plan.

E. Access and Circulation

The principal access is to be derived from East 121st South and South Memorial Drive and an interior public collector street to be constructed that connects to the two arterial streets. The collector will require a right-of-way width of 80 feet and a paving width of 38 feet. Interior public and/or private minor street systems and mutual access easements will be established as needed. New public street construction shall comply with the applicable geometric street standards of the City of Bixby.

Sidewalks along the interior streets and along 121st Street shall be constructed by the developer in accordance with the Bixby Subdivision regulations including a minimum width of four feet and ADA compliance.

F. Signs

Signs shall comply with the applicable provisions of the Bixby Zoning Code, provided however, prior to installation; a detailed sign plan shall be submitted to and approved by the Bixby Planning Commission. Signs identifying an interior property may be located off site within a parcel located within Scenic Village Park, but shall require a detailed sign plan submitted to an approved by the Bixby Planning Commission.

Business signs shall be limited as follows:

1. Wall or canopy signs shall not exceed 1.5 square feet of display surface area per lineal foot of the building wall or canopy to which affixed.
2. A project identification sign may be located along 121st Street, but shall not exceed 35 feet in height and 230 square feet of display surface area.
3. Within each lot, a ground sign may be located, but shall not exceed 20 feet in height and 75 square feet of display surface area.

G. Utilities and Drainage

Utilities are at the site or accessible by customary extension. Fee-in-lieu of storm water detention facilities will be provided.

H. Parcelization

After initial platting setting forth permitted uses and the allocation of commercial floor area or residential density, division of platted lots may occur by approved lot split application and subject to the approval by the Bixby Planning Commission of proposed floor area or residential density allocations and confirmation of the existence of any necessary cross parking and mutual access easements.

I. Transfer of Allocated Floor Area

An initial transfer of 65 dwelling units from Development Area C to Development Area H is herein established. Allocated commercial or residential density may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area or residential density is to be allocated, provided however, the allocation shall not exceed 15% of the initial allocation to the lot to which the transfer of floor area or residential density is to be made. Allocation exceeding 15%

shall require an application for minor amendment to be reviewed and approved by the Bixby Planning Commission.

J. Site Plan Review

Development areas may be developed in phases. Within development areas intended for multifamily dwellings no building permit shall issue until a detailed site plan (including landscaping) of the proposed improvements has been submitted to the Bixby Planning Commission for recommendation and submitted to and approved by the Bixby City Council as being in compliance with the development concept and the development standards. Within development areas that do not include multifamily dwellings, no building permit shall issue until a detailed site plan (including landscaping) of the proposed improvements has been submitted to and approved by the Bixby Planning Commission as being in compliance with the development concept and the development standards. No certificate of occupancy shall issue for a building until the landscaping of the applicable phase of development has been installed in accordance with a landscaping plan and phasing schedule submitted to and approved by the Bixby Planning Commission.

K. Platting Requirement

Development areas may be developed in phases, and no building permit shall issue until the development phase for which a permit is sought has been included within a subdivision plat submitted to and approved by the Bixby Planning Commission and the Council of the City of Bixby, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved planned unit development and the City of Bixby shall be a beneficiary thereof.

IV. EXPECTED SCHEDULE OF DEVELOPMENT

Development of the project is expected to commence and be completed as market conditions permit.

V. LEGAL DESCRIPTION

The legal description of the Property is set forth within the attached Exhibit H.

Exhibit "I"
121st & Memorial
Zoning Legal Description

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

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 2; THENCE SOUTH 88°46'02" WEST AND ALONG THE NORTH LINE OF SAID SECTION 2, FOR A DISTANCE OF 1323.13 FEET TO THE NORTHEAST CORNER OF THE GOVERNMENT LOT 2 OF SAID SECTION 2; THENCE SOUTH 0°59'22" EAST AND ALONG THE EAST LINE OF SAID LOT 2, FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°59'22" EAST AND CONTINUING ALONG SAID EAST LINE, FOR A DISTANCE OF 1282.26 FEET; THENCE NORTH 88°32'26" EAST AND ALONG THE SOUTH LINE OF GOVERNMENT LOT 1 OF SAID SECTION 2, FOR A DISTANCE OF 463.28 FEET; THENCE SOUTH 0°59'22" EAST, FOR A DISTANCE OF 1063.53 FEET; THENCE SOUTH 89°01'15" WEST, FOR A DISTANCE OF 463.26 FEET; THENCE SOUTH 0°59'22" EAST, FOR A DISTANCE OF 80.00 FEET; THENCE SOUTH 89°01'15" WEST, FOR A DISTANCE OF 383.95 FEET; THENCE SOUTH 0°58'45" EAST, FOR A DISTANCE OF 779.75 FEET; THENCE NORTH 89°33'45" WEST, FOR A DISTANCE OF 938.73 FEET TO A POINT ON THE WEST LINE OF THE SE/4 OF SECTION 2; THENCE NORTH 1°00'00" WEST AND ALONG SAID WEST LINE, FOR A DISTANCE OF 565.32 FEET TO THE SOUTHWEST CORNER OF THE NE/4 OF SAID SECTION 2; THENCE CONTINUING NORTH 1°00'00" WEST AND ALONG THE WEST LINE OF SAID NE/4, FOR A DISTANCE OF 40.39 FEET; THENCE NORTH 32°18'51" EAST, FOR A DISTANCE OF 289.52 FEET; THENCE NORTH 1°18'23" WEST, FOR A DISTANCE OF 857.55 FEET; THENCE NORTH 0°35'18" WEST, FOR A DISTANCE OF 1201.05 FEET; THENCE NORTH 89°59'36" EAST, FOR A DISTANCE OF 22.19 FEET; THENCE NORTH 0°00'24" WEST, FOR A DISTANCE OF 130.67 FEET; THENCE NORTH 54°41'57" EAST, FOR A DISTANCE OF 121.76 FEET; THENCE NORTH 13°51'23" EAST, FOR A DISTANCE OF 71.12 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF EAST 121ST STREET SOUTH; THENCE NORTH 88°46'02" EAST AND ALONG SAID RIGHT-OF-WAY, FOR A DISTANCE OF 1016.79 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 92.00 ACRES, MORE OR LESS.