

AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
March 18, 2013 6:00 PM

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- ③ 1. Approval of Minutes for the January 21, 2013 Special Meeting
- ④ 2. Approval of Minutes for the February 19, 2013 Regular Meeting
- ⑥ 3. Approval of Minutes for the February 27, 2013 Special Meeting

PUBLIC HEARINGS

- ⑦ 4. **PUD 77 – “Byrnes Mini-Storage” – JR Donelson, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 3.4 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.
- ↓ 5. **BZ-365 – William W. Wilson for Helene V. Byrnes Foundation.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to OL Office Low Intensity District for approximately 2.9 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial* and part of the NW/4 of Section 01, T17N, R13E.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

PLATS

- ⑧ 6. **Final Plat – Bixby Landing Second – JR Donelson, Inc. (PUD 57).** Discussion and consideration of a Final Plat for “Bixby Landing Second,” Part of the SW/4 of Section 01, T17N, R13E.
Property Located: Southeast of the intersection of 126th St. S. and 85th E. Ave.
- ⑩ 7. **Preliminary Plat – Scenic Village Park – Tanner Consulting, LLC (PUD 76).** Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for “Scenic Village Park” 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.

OTHER BUSINESS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyart
Date: 02/22/2013
Time: 3:40 PM

MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
January 21, 2013 **6:00 PM**

SPECIAL-CALLED MEETING

STAFF PRESENT:

Erik Enyart, AICP, City Planner

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

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

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the December 17, 2012 Regular Meeting
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Chair Thomas Holland introduced the item and asked to entertain a Motion. John Benjamin made a MOTION to APPROVE to the Minutes as presented by Staff. Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Benjamin, Holland, & Whisman
NAY: None.
ABSTAIN: Baldwin.
MOTION CARRIED: 3:0:1

During the Roll Call, Jeff Baldwin explained that he was voting "Abstain" as he was not present at that meeting.

PUBLIC HEARINGS

2. (Continued from December 17, 2012)
BCPA-7 – JR Donelson, Inc. for Clinton Miller and Roger Metcalf. Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan of the City of Bixby,

Oklahoma, specifically to redesignate certain property on the Comprehensive Plan Land Use map from "Water" to "Medium Intensity" with no specific land use designation.
Property Located: North dead-end of Riverview Rd.; Northwest corner of the intersection of Riverview Rd. and E. Westminster Pl. N.

3. (Continued from December 17, 2012)

PUD 74 – RiverLoft ADDITION – JR Donelson, Inc. Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for part of Government Lot 7 lying West of the Centerline of Old U.S. Hwy 64 and lying North of Bentley Park in Section 13, T17N, R13E.

Property Located: North dead-end of Riverview Rd.; Northwest corner of the intersection of Riverview Rd. and E. Westminster Pl. N.

4. (Continued from December 17, 2012)

BZ-362 – JR Donelson, Inc. for Clinton Miller and Roger Metcalf. Public Hearing, Discussion, and consideration of a rezoning request from RS-2 Residential Single-Family District to RM-1 Residential Multi-Family Medium Density District for part of Government Lot 7 lying West of the Centerline of Old U.S. Hwy 64 and lying North of Bentley Park in Section 13, T17N, R13E.

Property located: North dead-end of Riverview Rd.; Northwest corner of the intersection of Riverview Rd. and E. Westminster Pl. N.

Chair Thomas Holland introduced Agenda Items Numbered 2 through 4, inclusive, and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, January 10, 2013
RE: Report and Recommendations for:
BCPA-7 – Comprehensive Plan Amendment – JR Donelson, Inc. for Clinton Miller and Roger Metcalf,
PUD 74 – “RiverLoft ADDITION” – JR Donelson, Inc., and
BZ-362 – JR Donelson, Inc. for Clinton Miller and Roger Metcalf

LOCATION: – North dead-end of Riverview Rd.
– Northwest corner of the intersection of Riverview Rd. and E. Westminster Pl. N.
– Part of Government Lot 7 lying West of the Centerline of Old U.S. Hwy 64 and lying North of Bentley Park in Section 13, T17N, R13E

LOT SIZE: – 8 acres, more or less (entire tract)
– 0.61 acres, more or less (area requested for approval)

EXISTING ZONING: RS-2 Residential Single-Family District

EXISTING USE: Part of the Riverwalk Trail (area requested for approval) and part of the bank and bed of the Arkansas River (balance of subject property)

REQUESTED ZONING: RM-1 Residential Multi-Family District

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:
North: AG; Arkansas River.

South: RS-2, RS-1, & RD; The Bentley Park Sports Complex, single-family residential and vacant lots zoned RS-1 in Riverview Terrace Addition, and duplexes zoned RD in Riverview Terrace Addition.

East: AG; The Arkansas River, a vacant 1.7-acre parcel belonging to the City of Bixby, and a house and agricultural land to the southeast on a 13-acre parcel.

West: AG, RS-2, RM-1/PUD 5, & RM-1/PUD 56; The Bentley Park Sports Complex, the Arkansas River, and vacant land zoned RM-1/PUD 56. The Riverwalk Trail continues to the northwest of the subject property.

COMPREHENSIVE PLAN: Water + Existing Regional Trail + Planned Regional Trail

PREVIOUS/RELATED CASES:

BZ-65 – Omah Miller – Request for rezoning from AG to RM-0, RD, RS-3, & FD for approximately 95 acres mostly to the south/west of subject property (now the Pecan Valley Addition and part of 148th St. S. and Bentley Park) – subject property included in that area zoned RS-2 – PC Recommended Approval of RD and RS-2 zoning on 04/24/1978 and the City Council Approved per PC recommendation in 08/1978 after a possible appeal per correspondence and notes in the case file (Ord. # 363).

BZ-357 – JR Donelson for Clinton Miller and Roger Metcalf – Request for rezoning from RS-2 to CS for subject property – Withdrawn by Applicant 11/09/2012 in favor of BCPA-7, PUD 74, and BZ-362.

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

Preliminary and Conditional Final Plat of Garden Spot Estates – Request for Preliminary and Conditional Final Plat approval for Garden Spot Estates on part of the approximately 95 acres to the south/west of subject property (now the Pecan Valley Addition and part of 148th St. S. and Bentley Park) – PC Conditionally Approved the Preliminary Plat only 09/11/1978.

Conditional Final Plat of Garden Spot Estates – Request for Conditional Final Plat approval for Garden Spot Estates on part of the approximately 95 acres to the south/west of subject property (now the Pecan Valley Addition and part of 148th St. S. and Bentley Park) – PC Conditionally Approved 07/11/1979 (recording information not available; plat evidently later vacated).

BZ-79 – Luther Metcalf – Request for rezoning from RS-1 to RD for Lots 6 and 12, Block 2, Riverview Terrace Addition, located across Riverview Rd. to the southeast of subject property at 406 & 410 E. Westminster Place – PC Recommended Approval 09/24/1979 and the City Council Approved 10/01/1979 (Ord. # 381).

BZ-100 – Hillis Inv. Corp. – Request for rezoning from [RD and] RS-2 to RM-1 for approximately 30 acres to the south/west of subject property (now the Pecan Valley Addition and part of 148th St. S. and Bentley Park) – PC Recommended Approval 02/23/1981 and the City Council Approved 03/02/1981 (Ord. # 421).

BZ-105 – Philip & June Winsett – Request for rezoning from RS-1 to RD for Lots 3 and 4, Block 3, Riverview Terrace Addition, located to the southeast of subject property at 805 N. Terrace Dr. – PC Recommended Denial 05/26/1981 (evidently not appealed to City Council).

PUD 5 – Pecan Valley – WMD Development, LTD – Request for PUD zoning approval for a 160-unit townhouse development on approximately 31 acres to the south/west of subject property (now the Pecan Valley Addition and part of 148th St. S. and Bentley Park) – PC Recommended Approval of 03/28/1983 and the City Council Approved 04/04/1983 (Ord. # 479).

Preliminary and Conditional Final Plat of Pecan Valley Addition – Request for Preliminary and Conditional Final Plat approval for Pecan Valley Addition on part of the approximately 95 acres across Riverview Rd. to the west (now the Pecan Valley Addition and part of 148th St. S. and Bentley Park) – PC Approved 03/28/1983 and City Council Approved 04/04/1983 (plat recorded 05/11/1983).

BZ-220 – Joe Donelson for Jerry & Sandra Green – Request for rezoning from AG to CG & RM-1 for approximately 25 acres to the west/northwest of subject property – PC Recommended Approval 03/18/1996 and City Council Approved 04/22/1996 (Ord. # 740).

PUD # 42 – RiverOaks – Request for PUD overlay zoning for a mixed use riverfront development on approximately 20 acres to the west/northwest of subject property – PC Recommended Approval 06/20/2005 but not placed on the City Council agenda thereafter – PUD application assumed withdrawn.

BL-337 – JR Donelson for Jerry Green – Request for Lot-Split approval to separate a southerly area of approximately 20 acres from an original tract of approximately 25 acres to the west/northwest of subject property – PC approved in 2006.

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BL-338 – JR Donelson for Jerry Green – Request for Lot-Split approval to separate the southerly approximately 20 acres created pursuant to BL-337 into CG- and RM-1-zoned sections of approximately 8.0 acres and 12.165 acres, respectively – PC approved in 2006.

PUD # 56 – South Village – Request for PUD overlay zoning for a mixed use riverfront development on approximately 20 acres to the west/northwest of subject property – PC Recommended Approval 03/19/2007 and City Council Approved 04/09/2007 (Ord. # 965).

BZ-326 – Kevin Partin of Free Properties, LLC for Roger Green – Request for rezoning from RS-1 to RD for all of Block 1, Riverview Terrace Addition to the south of subject property – PC recommended Denial 03/19/2007 (evidently not appealed to City Council).

PUD # 56 – South Village – Minor Amendment # 1 – Request for PUD Minor Amendment for to amend height and other bulk and area Development Standards for a mixed use riverfront development on approximately 20 acres to the west/northwest of subject property – Approved by PC January 21, 2008.

BZ-350 – David Bergman for Free Properties, LLC – Request for rezoning from RS-1 to RS-3 for Lot 5, Block 1, Riverview Terrace Addition to the south of subject property – PC recommended Approval 07/19/2010 and City Council Approved 08/09/2010 (Ord. # 2043).

BACKGROUND INFORMATION:

History of the Applications. BZ-357 requested a rezoning from RS-2 to CS commercial for subject property entire tract of eight (8) acres, more or less.

The Comprehensive Plan designates the subject property as “Water.” The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan does not indicate whether or not the requested zoning would be in accordance with the Comprehensive Plan.

Staff interprets the “Water” designation to mean it is recognized as being in the Arkansas River and not planned for development. Therefore, Staff did not believe that the proposed CS zoning is in accordance with the Comprehensive Plan. Based on the Comprehensive Plan, in addition to lack of support from surrounding Zoning and land use patterns and other reasons, Staff did not recommend approval of CS Zoning per BZ-357. The Applicant Withdrew BZ-357 on 11/09/2012 in favor of these new applications BCPA-7, PUD 74, and BZ-362. BZ-362 requests RM-1 zoning, and all applications concern the 0.61 acres of the subject property lying south of the Riverwalk Trail, located immediately behind/north of the multipurpose building in Bentley Park.

The Nature and Value of the Comprehensive Plan. Comprehensive Plans are the result of intensive study, broadly garnered and comprehensive information, professional analysis and coordination, public input, and general consensus of the City’s staff, Planning Commission, and City Council. They bring together all planning functions (e.g., housing, land use, transportation, physical environment, energy, infrastructure and community facilities, demographics, etc.), analyze and compare them all on the community-wide scale, relate them to specific geographical areas within the community (i.e. the Land Use Map), and consider all this with a long-range time perspective (e.g., 15-20 years into the future).

The Comprehensive Plan is a thorough, complete, and well researched policy document used to inform the Planning Commission, City Council, and the Public at large how land can best be developed and used (among other things), and so how rezoning applications should be accepted or rejected. Comprehensive Plans, when followed, prevent arbitrary, unreasonable, or capricious exercise of the legislative power resulting in haphazard or piecemeal rezonings (read: rezoning decisions legally indefensible in a court of law).

Comprehensive Plans can be highly prescriptive, prescribing specific land uses and land use intensities to specific parcels of land, or can be highly generalized, merely mapping out large swaths of land which may be suitable for certain intensities of development, and including a broad range of zoning districts which may be authorized therein. Bixby’s Comprehensive Plan falls somewhere in between, specifically designating certain areas with specific land uses, and others more generally (e.g. the “Corridor” designation).

Zoning Code Section 11-5-2 prohibits rezonings which would conflict with the Comprehensive Plan, and requires that such rezonings “must be processed along with a request to amend the land use map and a PUD in order to be accepted and considered.” The Applicant has requested PUD 74 in support of BCPA-7 and the rezoning application.

Procedure for Comprehensive Plan Amendments. Certain passages in the Comprehensive Plan text (page 30, 55, etc.) suggest the anticipation of amendments to the Plan. However, the Comprehensive Plan does

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not provide, nor do State Statutes, a definite procedure or method for the City or property owners to request to amend the Comprehensive Plan. The City of Broken Arrow regularly (quarterly, etc.) considers applications to amend their Comprehensive Plan, for cases where a rezoning application would not be consistent with the Plan, but the plan amendment and rezoning application may be appropriate.

After receiving the first two (2) requests in mid-2008 (BCPA-1 and BCPA-2), Staff consulted the City of Broken Arrow to determine how that community goes about facilitating applications for Comprehensive Plan amendments, and followed the same method, which was supported by the Applicant's attorney in those cases, which was to advertise the public hearing in the same manner used for a rezoning application: By sign posting on the property, newspaper publication, and mailing a notice to all property owners within a 300' radius of the subject property. This method was used in the successful applications BCPA-3 and BCPA-4 in 2009, and BCPA-5 and BCPA-6 in 2011, and all of these have been done in this amendment case as well.

ANALYSIS:

Subject Property Conditions. The subject property contains a small amount of land at its southeast corner, which area contains part of the Riverwalk Trail, and the balance of the land contains part of the bank and bed of the Arkansas River. It is in the Floodway, with the exception of a small amount of land lying, more or less, south of the Trail, which is in the 100-year (1% Annual Chance) Regulatory Floodplain but outside the Floodway. The provided information does not indicate where the Floodway falls in relation to the 0.61-acre area requested for approval. The site plan does not overlay the FEMA Floodplain Maps or trace the elevation contour corresponding to the Base Flood Elevation (BFE) as modeled by FEMA. No BFE has been established for the 0.61-acre tract, such as by Elevation Certificate prepared by a Registered Professional Land Surveyor.

Comprehensive Plan. The Comprehensive Plan designates the subject property as "Water." The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan does not indicate whether or not the requested zoning would be in accordance with the Comprehensive Plan.

Staff interprets the "Water" designation to mean it is recognized as being in the Arkansas River and not planned for development. Therefore, by letter dated November 08, 2012, the Applicant has submitted BCPA-7, a request to change the "Water" designation to Medium Intensity with no specific land use designation, and has also submitted PUD 74 for the development on the subject property.

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.

There is presently no specific land use designation for the 0.61-acre area requested for approval, and BCPA-7 would not confer one.

If BCPA-7 is approved, the RM-1 zoning requested would be In Accordance with the Comprehensive Plan.

Per the Matrix, PUDs are In Accordance or May Be Found In Accordance with all designations of the Comprehensive Plan Land Use Map. The Matrix does not include the "Water" designation, however. If the property is redesignated per BCPA-7, the proposed PUD would be In Accordance with the Comprehensive Plan.

General. Because the review methodology is similar, and all three (3) applications are essentially rezoning-related and propose to prepare the subject property for the same single-building multifamily development, this review will, for the most part, include all three (3) applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

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The submitted site plans for the development exhibit a suburban-style design, with the building to be set somewhat perpendicularly to Riverview Rd.

Although not clearly indicated, due to the project size and design, the proposed internal automobile traffic and pedestrian flow and circulation and parking can be inferred from the provided site plan drawings, notwithstanding the fact that it does not represent the existing Riverwalk Trail or a sidewalk that would be required along Riverview Rd.

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.

In its present form, Staff believes the PUD and proposed development are not substantially consistent with these prerequisites for the following reasons:

1. Entire tract of approximately 8 acres is not included in the PUD. PUD does not show the relationship between the 0.61-acre area requested for approval and the balance of the approximately 8-acre subject property tract. Although adequate information is not provided, it appears, based on existing dimensions and configurations, that the balance of the approximately 8-acre subject property tract would not maintain the minimum 200' lot width (impossible without a front lot line, which is impossible without street frontage per definitions in Section 11-2-1). Subdivision Regulations Section 12-3-2.H requires access to public streets, and platting the 0.61-acre tract apart from the balance of the tract would cause the balance to be separated from the public street, or "landlocked." Regardless of code prohibitions, landlocking tracts of land is not good land use or development policy.
2. Item numbered 3 under Residential Area Policies on page 33 of the Comprehensive Plan provides, "Residential development within areas subject to periodic flooding will be strongly discouraged and regulated..." The subject property is entirely within the 100-year (1% Annual Chance) Regulatory Floodplain, and part of it may be in the Floodway. Placing residents on the bank of the Arkansas River, in an area that history has proven has flooded' [footnote: Water Management Analysis Report, Flood of September - October 1986, Appendix B, U.S. Army Corps of Engineers, Tulsa District, August 1987, Plate A-10.J and FEMA's models show will likely flood during the next 1% Annual Chance event, is not good land use and development policy. Even if the land is elevated above the 100-year Floodplain, the subject property would become an "island" during such an event, unable to be exited or reached in emergency situations. Also, even if elevated above the 100-year Floodplain, it would still likely be in the 500-Year (0.2% Annual Chance) Floodplain, meaning it would flood during such events. The 1986 flood event was larger than a "100-year," 1% Annual Chance event. The former residential subdivision

Garden Spot Estates, abutting to the south, was abandoned when it flooded in 1986. Its successor use, Bentley Park, is a more appropriate land use for flood-prone areas.

3. Item numbered 1 under Residential Area Policies on page 33 of the Comprehensive Plan discourages residential development along major street frontage, stating, "Residential lot arterial street frontage will be avoided and residential lot collector street frontage will be discouraged in development design" (emphasis added). Although it is not a highly-trafficked street at its north dead-end, and houses had traditionally fronted upon it in Riverview Terrace Addition, Privett Addition, Midland Addition, and [the Original Town of] Bixby, Riverview Road is designated a Minor Collector street on the Bixby Comprehensive Plan Land Use Map.
4. Based on a site inspection November 27, 2012, Staff did not observe evidence of utility service to the subject property. Critical utilities include water, sewer, and electricity. Ancillary utilities include natural gas, telephone, and cabled communications. The City Engineer's memo indicates water and sewer service will be extended [to the subject property]. PUD Section B.[6].c does not describe utilities other than water and sewer. Reference Bixby Comprehensive Plan Residential Area Goals item numbered 2 on page 32 and Residential Area Objectives item numbered 3 on page 33. Generally speaking, it is not good land use and development policy to grant development approval by means of rezoning lands which are not suited for development due to lack of utility infrastructure.

Regardless whether or not these three (3) applications are received favorably by the Planning Commission or City Council, certain PUD particulars require extensive corrections and site development considerations, such as providing plans and specifications for screening, buffering, and exterior materials.

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 BCPA-7 and PUD 74 at its regular meeting held December 05, 2012. Minutes of that meeting are attached to this report.

Access. Plans for access and circulation are adequately discussed in PUD Text Section B.[7]. Access, Circulation and Parking.

On the PUD site plan, a sidewalk is not indicated as planned along Riverview Rd., as required by the Subdivision Regulations. PUD Text Section B.[7]. Access, Circulation and Parking provides that a sidewalk along this street is not planned. A Modification/Waiver of the Subdivision Regulations would be required in order to remove the sidewalk requirement along Riverview Rd. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic. Bixby Comprehensive Plan policy numbered 3 on page 52 encourages enhancing pedestrian transportation by connecting trails to sidewalks. Regardless whether or not these three (3) applications are received favorably by the Planning Commission or City Council, Staff does not recommend removing sidewalk requirements generally.

Surrounding Zoning and Land Use Compatibility. The surrounding zoning pattern includes AG, RS-1, RS-2, RD, RM-1/PUD 5, and RM-1/PUD 56.

North and east of the subject property is the Arkansas River zoned AG. Also to the east is a vacant 1.7-acre parcel belonging to the City of Bixby, and a house and agricultural land to the southeast on a 13-acre parcel, all zoned AG.

To the south is the Bentley Park Sports Complex zoned RS-2. To the south of Riverview Rd. is single-family residential and vacant lots zoned RS-1 in Riverview Terrace Addition, and duplexes zoned RD in Riverview Terrace Addition.

West of the subject property is a mix of AG, RS-2, RM-1/PUD 5, and RM-1/PUD 56 zoning, and land uses include the Bentley Park Sports Complex, the Arkansas River, and vacant land zoned RM-1/PUD 56. The Riverwalk Trail continues to the northwest of the subject property.

The surrounding zoning is primarily residential, and area land uses include residential, Bentley Park, and the Arkansas River.

The requested RM-1 zoning would be consistent with the RM-1 districts to the west and northwest. However, those areas are fairly removed from the 0.61-acre area requested for approval, and much of the district is occupied by Bentley Park, a large, public use which will not likely change or develop consistent with RM-1 zoning. The nearest multifamily use is in Marquis on Memorial, located over 2,700' (over ½ a mile) to the west of the subject property's southeast corner. The approximately-halfway-leased townhouse

development, Pecan Valley Addition, is located over 2,300' to the west of the subject property's southeast corner.

The requested RM-1 zoning is not incompatible with RD zoning across Riverview Rd. to the southeast. The requested RM-1 zoning would not, however, be compatible with the surrounding RS-1, RS-2, and AG zoning.

The possible "fourplex" development anticipated for the subject property site would be somewhat compatible with the two (2) duplexes to across Riverview Rd. to the southeast, but is incompatible with the balance of the single-family residential use there in Riverview Terrace.

Residential use here may not be particularly compatible with the Bentley Park Sports Complex, which has elevated floodlights used, and amplified sounds produced at various times, consistent with a large sports park with local, regional, and interstate tournaments booked nearly year-round. The subject property's placement behind the multipurpose building, and next to its storage yard, may not make it a particularly attractive residential location. Further, the proposed building, as indicated on the site plan, would be quite close to the Riverwalk Trail, which can be seen as an amenity for the residents, but the trail itself may be so close that privacy is compromised at times. The site plan does not indicate a privacy fence would be employed.

The requested RM-1 zoning is not particularly compatible with existing and future surrounding land uses and zoning patterns.

Staff Recommendation. For all the reasons outlined above, Staff believes that the Comprehensive Plan, the surrounding zoning and land use patterns, and the physical facts of the area do not weigh in favor of the requested amendment and rezoning applications generally. Staff recommends Denial.

Erik Enyart referred to the aerial map on page 64 of the agenda packet, and stated that it would give the Commissioners the best visual representation of the subject property and its context.

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant JR Donelson of 12820 S. Memorial Dr. # 100 was present and stated that his clients owned 7.66 acres [in this parcel], and that the 0.61-acre portion south of the "walk trail" was the area being requested for approval. Mr. Donelson stated that the property actually went to the center of the Arkansas River. Mr. Donelson questioned why the entire property was designated "Water," when the portion south of the walk "trail was" not in the river. Mr. Donelson stated that the Comprehensive Plan was a thorough, well-researched document, and asked that it be amended for this application. Mr. Donelson stated that the property was only 0.61 acres in size. Mr. Donelson stated that the [U.S. Highway 64 / Mingo Road to Riverview Road] bridge went out in [a flood in] 1957. Mr. Donelson stated that the remainder of the property was in the Arkansas River or was riverbank, and could not be developed, nor was there desire to do so. Mr. Donelson stated that the balance of the property was landlocked, but that it had frontage on the river. Mr. Donelson stated that the City of Bixby was presently preparing a [FEMA Conditional Letter Of Map Revision] CLOMR for Bentley Park, and that the 0.61 acres was to be included. Mr. Donelson stated that the finished floor of the fourplex would have nothing lower than the floor of the multipurpose building. Mr. Donelson stated that the Base Flood Elevation would be established by the CLOMR. Mr. Donelson stated that the owner would elevate the property out of the [100-year] Floodplain. Mr. Donelson stated that his client had owned this property prior to the construction of Bentley Park. Mr. Donelson indicated the amount of elevation required would be approximately one (1) foot.

Jeff Baldwin stated that he was on the Bixby Soccer Club board and stated that he had seen that the new concession building was elevated six (6) or seven (7) feet, and asked how the one (1) foot JR Donelson was talking about compared to this. Mr. Donelson stated that the soccer fields were lower in elevation.

Erik Enyart addressed Chair Thomas Holland and asked to interject statements for the purpose of clarification. Mr. Holland recognized Mr. Enyart. Mr. Enyart stated that the City of Bixby had received a request to include the subject property in the Bentley Park CLOMR application, and that the current application only included Bentley Park and no private properties at this time. Mr. Enyart stated that the City Council will be given the opportunity to consider this request to include this private property.

JR Donelson stated that, if approved, the property could be developed with a fourplex with about four (4) to eight (8) cars. Mr. Donelson stated that this would not be noticeable compared to the traffic in Bentley Park. Mr. Donelson stated that there was existing public water that would be extended into the property. Mr. Donelson stated that there was sanitary sewer to the south of the multipurpose building, and that the property would drain [stormwater runoff] directly into the Arkansas River with a flap gate. Mr. Donelson stated that the lights affect existing properties in the area. Mr. Donelson stated that the subject property had worth. Mr. Donelson stated that the owner owned the land since before Bentley Park. Mr. Donelson stated that the owner gave the City of Bixby the opportunity to put the "walk trail" through their property, and did not complain when the Bentley Park multipurpose building was built, and did not complain when the City of Bixby stored materials on the property. Mr. Donelson stated that the Little League [parents] drive their cars across and park on the property, and the kids practice on the property. Mr. Donelson stated that [he and the owners] believed [a fourplex] would be a good fit, overlooking the Arkansas River. Mr. Donelson stated that the owners were present as well.

Chair Thomas Holland recognized Clinton Miller of 4420 N. Walnut, Broken Arrow, OK from the Sign-In Sheet. Mr. Miller stated that he had no comment at this time.

Chair Thomas Holland recognized Roger Metcalf of 15329 S. Sheridan Rd. from the Sign-In Sheet. Mr. Metcalf stated that there were "duplexes right across the street from us," and that he "can't see why this [would be] a problem." Mr. Metcalf stated that he was "not trying to cause any bad deals."

Chair Thomas Holland recognized D. R. Piercy of 806 N. Riverview Rd. from the Sign-In Sheet. Mr. Piercy stated that he lived across the street from the multipurpose building, and that he had separate issues with that as it is. Mr. Piercy asked if water and sanitary sewer had been taken into consideration. Mr. Piercy stated that there would be [concern for] a little extra traffic at the end of the street, but that he was "not necessarily against the project." Mr. Piercy urged the Commissioners to look at the project carefully. Mr. Piercy described the area as a "tight spot" with "a lot going on."

Jeff Baldwin stated that he had no empirical data but, two (2) years ago, a little kid was hit crossing the street [in this area]. Mr. Baldwin expressed concern for traffic and speeds, mostly because of Bentley Park. Mr. Baldwin stated that the soccer complex had been broken in to four (4) times last fall, and that it was difficult to get police to the area [fast enough]. Mr. Baldwin stated that there were also issues of vandalism.

JR Donelson stated that there has been an increase in traffic and activity going on, and that the speed limit was 25 [miles per hour]. Mr. Donelson stated that any speed limit reduction would have to go through [Police] Chief [Ike] Shirley. Mr. Donelson asked D. R. Piercy if he had observed any

concerns over security, and Mr. Piercy responded that he had, recently. Mr. Donelson asked Mr. Piercy if he had made any contact with Chief Shirley, and Mr. Piercy responded that he had, and was told the police would get out as fast as they could, but that the bank of the river was County jurisdiction.

JR Donelson stated that he recalled when this property was first developed in 1976, before FEMA [mapped the floodplain].

Jeff Baldwin asked if the owner had a projected rent structure. Roger Metcalf stated that it would "depend on the cost of the project." Mr. Metcalf stated that he would require an 18 month lease and would do background checks. Mr. Metcalf stated that he owned other properties and that [these units] would be fairly priced.

JR Donelson asked the Commissioners to put themselves in [the owners'] situation. Mr. Donelson stated that "the City of Bixby said they don't recommend anything there." Mr. Donelson stated that the owner "asked the City if they want[ed the property]," and that "there's been some negotiation, but the City has not come back favorably yet. The City wanted it at one time for the park." Mr. Donelson asked that the Comprehensive Plan be changed "because it's not water."

Jeff Baldwin thanked Clinton Miller and Roger Metcalf for granting the City of Bixby easement for the trail and the other accommodations they had made for the City.

Erik Enyart addressed Chair Thomas Holland and asked to interject statements for the purpose of clarification. Mr. Holland recognized Mr. Enyart. Mr. Enyart addressed Clinton Miller and Roger Metcalf and thanked them on behalf of the City and the citizens who use the trail, for giving easement to allow the trail. Mr. Enyart addressed the Commission and stated that JR Donelson had insinuated that the City of Bixby said there could be no development. Mr. Enyart stated that this was not correct. Mr. Enyart stated that the property was zoned RS-2, which would allow the construction of one (1) single-family house, provided that the property was elevated out of the floodplain and platted. Mr. Enyart stated, as it concerns the "Water" designation of the Comprehensive Plan, JR Donelson's argument made sense: the subject property was south of the bank of the Arkansas River, and so should not have been designated "Water." Mr. Enyart stated that he would amend the Staff recommendation to support redesignating the 0.61-acre subject property area from "Water" to Low Intensity. Mr. Enyart stated that there are or had been negotiations between the City and landowner on the acquisition of the property, but that he had not been involved in them and was in no position to comment on that. Mr. Enyart stated that the owners were present and could comment on the negotiations, if they desired to.

Chair Thomas Holland stated that his concern was over the Floodplain. Mr. Holland stated that the houses that were currently there were in jeopardy, but that, if the owner could bring the land up and out of the [100-year] Floodplain they have the right to build. Mr. Holland expressed concern for the Floodway.

JR Donelson stated that the Floodway was on the north side of the "walk trail" and clarified this point with Chair Thomas Holland.

JR Donelson stated that he had met with the Mayor and City Engineer, and the City Engineer indicated the property could be elevated as a part of the City's project.

Chair Thomas Holland stated, "I've seen it flood, and it will again."

Jeff Baldwin asked if the Floodplain elevation changes from time to time. Mr. Baldwin asked about the floodplain and certain elevations as related to the soccer club facility. JR Donelson responded that there had been several new maps in the past few years.

Roger Metcalf stated that he grew up in a house where Bentley Park is, and the area used to be a slough.

Erik Enyart addressed Jeff Baldwin and stated that JR Donelson was correct, and that there had been two (2) new Floodplain maps published by FEMA in the past few years. Mr. Enyart stated that he could not speak specifically to the facility Mr. Baldwin was referring to, but that the maps can change per new FEMA modeling of the floodplain, and also due to new, better elevation data. Mr. Enyart stated, as a point of clarification, that it appeared people discussing this matter may be referring to two (2) different things, the 1986 flood, which was greater than a 100-year flood event, and the 100-year Floodplain.

JR Donelson stated that the 1986 flood was [approximately] a 350-year flood event.

Lance Whisman stated that he was not against any development, but stated that all should be careful with the floodplain.

Clinton Miller, referring to the City's previous storage of materials on the subject property, stated "They didn't know any better" than to store the "containers and backhoes."

John Benjamin stated that he respected that the property owner wanted to develop the land. Mr. Benjamin stated that he used the trails and knew exactly where the properties were located. Mr. Benjamin referenced Staff's presentation and stated that the application was viewed more negatively than positively. Mr. Benjamin stated that, if the [Planning Commission and/or City Council] declined the requested change, then he would urge the City to work with the landowner to purchase the property. Mr. Benjamin stated that it would be perfect to combine with Bentley Park.

John Benjamin made a MOTION to Recommend DENIAL of BCPA-7, PUD 74, and BZ-362.

JR Donelson stated that, if the Commission declined the applications, [he and his clients] wanted [John Benjamin's] recommendation to be read to the City Council.

Roger Metcalf noted that [he and Clinton Miller] offered the land to the City. Mr. Miller noted the size of the whole parcel of land was 1240' in length [by some certain measurement].

Erik Enyart stated that Staff had revised the recommendation on BCPA-7 to approve the Comprehensive Plan map designation from "Water" to "Low Intensity," recognizing the 0.61-acre area was south of the bank of the Arkansas River. Chair Thomas Holland and Lance Whisman

clarified with Erik Enyart that they would prefer the amendment only be approved if the subject property was out of the Floodway, in addition to being south of the bank of the Arkansas River. Mr. Enyart stated that the Comprehensive Plan map was not particularly precise when it came to small areas, and that he would use GIS to determine if the shapefiles showed the 0.61-acre area out of the "Water" designation, and to confirm that all of the 0.61-acre area was south of both the Floodway line and the south bank of the river, before presenting the recommendation to the City Council.¹

The Commissioners discussed separating the items into different Motions.

Lance Whisman made a MOTION to Recommend APPROVAL of BCPA-7 for redesignating the subject property of 0.61-acres from "Water" to "Low Intensity," subject to Staff determining that it was out of the Floodway and south of the bank of the Arkansas River. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Benjamin, Holland, Baldwin, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

John Benjamin made a MOTION to Recommend DENIAL of PUD 74 and BZ-362. Lance Whisman SECONDED the Motion.

Lance Whisman asked if the Motion should include a recommendation on the purchase of the land to the City Council. After some discussion, Chair Thomas Holland stated that it should be a separate Motion and could be taken up as a matter of New Business.

Roll was called:

ROLL CALL:

AYE: Benjamin, Holland, & Whisman
NAY: Baldwin.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

5. (Continued from December 17, 2012)

BCPA-8 – JR Donelson for Roger & LeAnn Metcalf. Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan of the City of Bixby, Oklahoma, specifically to redesignate certain property on the Comprehensive Plan Land Use map from "Low Intensity" and/or "Special District # 4" to "Medium Intensity" and to remove the "Special District #4" designation.

Property Located: 15329 S. Sheridan Rd.

¹ After the meeting, Staff reviewed GIS and found that the 0.61-acre area was located fully outside the "Water" designation and was already designated "Low Intensity."

6. (Continued from December 17, 2012)
PUD 75 – LeAnn Acres – JR Donelson, Inc. Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for part of the W/2 of the NW/4 of Section 23, T17N, R13E.
Property located: 15329 S. Sheridan Rd.

7. (Continued from October 15, November 19, and December 17, 2012)
BZ-359 – Roger & LeAnn Metcalf. Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RM-2 Residential Multi-Family District for part of the W/2 of the NW/4 of Section 23, T17N, R13E.
Property located: 15329 S. Sheridan Rd.

Chair Thomas Holland introduced Agenda Items Numbered 2 through 4, inclusive, and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, January 10, 2013
RE: Report and Recommendations for:
BCPA-8 – Comprehensive Plan Amendment – JR Donelson, Inc. for Roger & LeAnn Metcalf,
PUD 75 – “LeAnn Acres” – JR Donelson, Inc., and
BZ-359 – Roger & LeAnn Metcalf

LOCATION: – 15329 S. Sheridan Rd.
– Part of the W/2 of the NW/4 of Section 23, T17N, R13E

LOT SIZE: 25 acres composed of a 15- and a 10-acre tract, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Agricultural with a single-family dwelling

REQUESTED ZONING: RM-2 Residential Multi-Family District & PUD 75

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: AG & CS; A 20-acre agricultural tract zoned AG and the Leonard & Marker Funeral Home zoned CS north of 151st St. S.

South: AG; Agricultural, rural residential, and vacant/wooded land along S. Sheridan Rd.

East: RMH & AG; The Shadow Valley Mobile Home Park zoned RMH and the Conrad Farms’ farmland further to the east and southeast.

West: (Across Sheridan Rd.) AG; The Bixby Cemetery and rural residential land.

COMPREHENSIVE PLAN:

Northerly 15 Acre Parcel: Corridor + Vacant, Agricultural, Rural Residences, and Open Land.

Southerly 10 Acre Parcel: Low Intensity/Development Sensitive + Vacant, Agricultural, Rural Residences, and Open Land + Special District # 4.

PREVIOUS/RELATED CASES: None found.

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

BZ-120 – Calvin Tinney – Request for rezoning from AG to RS-3 for approximately 80 acres (E/2 SW/4 Section 22, T17N, R13E) to the southwest of subject property – PC Recommended Approval 08/30/1982 and City Council Approved 09/07/1982 (Ord. # 460).

BZ-126 – Georgina Landman and/or W.S. Atherton – Request for rezoning from RS-3 to RS-1 for approximately 80 acres (E/2 SW/4 Section 22, T17N, R13E) to the southwest of subject property – Applicant did not own the property requested for downzoning – PC Recommended Approval

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12/27/1982 and City Council Denied 01/03/1983 upon recommendation of City Planner and City Attorney.

BBOA-137 – Lee Fox – Request for Special Exception to allow a mobile home on a previously 10.3-acre tract located to the north of subject property at 15015 S. Sheridan Rd. – BOA Denied 12/10/1984.

BZ-181 – W.S. Atherton – Request for rezoning from AG & RS-3 to CG, RM-3, and RE for approximately 240 acres to the southwest of subject property for an “Atherton Farms Equestrian Estates” residential subdivision (never built) – Approved by City Council 06/23/1987 (Ord. # 562).

BBOA-190 – W.S. Atherton – Request for “Use Variance” to allow the keeping of horses on individual lots as an accessory use for approximately 240 acres to the southwest of subject property for an “Atherton Farms Equestrian Estates” residential subdivision (never built) – Approved by BOA 07/13/1987.

BBOA-137 – Twilah A. Fox, M.D. – Request for Special Exception per Zoning Code Section 310 to allow a Use Unit 5 church (now the Church on the Hill) on the Southwest approximately 1.16 acres of a previously 10.3-acre tract located to the north of subject property at 15015 S. Sheridan Rd. – BOA Approved 09/04/1990.

BZ-199 – Dan Stilwell – Request for rezoning from RMH to CG for approximately 3 ¼ acres located to the northeast of subject property – now includes the commercial properties containing the Bixby Chiropractic and (existing or former) Living Water Family Church establishment buildings at 7100, 7102, and 7106 E. 151st St. S. – PC recommended Approval 05/18/1992 and City Council Approved 05/25/1992 (Ord. # 667). However, the legal description used does not close and the ordinance did not contain the approved Zoning District. The official Zoning Map reflects CS instead of CG. Needs to be corrected upon initiative effort of one or more of the affected property owners.

BBOA-293 – Lee & Twila[h] Fox – Request for Variance from the minimum size and width bulk and areas standards of the AG district, to allow a Lot-Split (BL-184) on a previously 10.3-acre tract located to the north of subject property at 15015 S. Sheridan Rd. – BOA Approved 04/17/1995.

BL-184 – Joe Donelson for Lee & Twilah A. Fox – Request for Lot-Split approval to separate a 1-acre tract at 6668 E. 148th St. S. from an original tract of 10.3 acres located to the north of subject property at 15015 S. Sheridan Rd. – PC Approved 04/17/1995.

PUD 20 – Atherton Farms Equestrian Estates – Phillip Faubert – Request for rezoning from AG & RS-3 to CG, RM-3, and RE for approximately 240 acres located to the southwest of subject property for an “Atherton Farms Equestrian Estates” residential subdivision (never built) – Recommended for Approval by PC 01/20/1998. However, this case was evidently never presented to the City Council, as it did not appear on any agenda from January 26, 1998 to April 27, 1998, no Ordinance was found relating to it, and there are no notes in the case file suggesting it ever went to City Council. Further, PUD 20 does not exist on the official Zoning Map. An undated application signed by Phillip Faubert from circa March, 2001 was found in the case file requesting to “rescind PUD 20,” but no records or notes were found to determine the eventual disposition of this request, if any.

BZ-238 – W.S. Atherton – Request for rezoning from AG to RE for approximately 10 acres located to the southwest of subject property for part of an “Atherton Farms Equestrian Estates” residential subdivision (never built) – Approved by City Council 02/23/1998 (Ord. # 768).

BL-228 – Phillip Faubert – Request for Lot-Split to separate a 2.7-acre tract from balance of 240 acres located to the southwest of subject property – Approved by PC 03/16/1998 and by City Council 03/23/1998.

BBOA-345 – Twilah Fox – Request for “Special Exception” from Zoning Code Section 310 to allow a Use Unit 9 mobile home to be temporarily placed in the AG district for a 9-acre tract located to the north of subject property at 15015 S. Sheridan Rd. – BOA Conditionally Approved 07/06/1999.

BZ-283 – Mike Marker – Request for rezoning from AG to CS for a 1.3-acre tract to the north of subject property and containing the Leonard & Marker Funeral Home main building at 6521 E. 151st St. S. – PC Recommended Approval 02/19/2002 and City Council Approved 03/11/2002 (Ord. # 848).

BBOA-381 – Mike Marker – Request for Variance from the parking standards of Zoning Code Chapter 10 Section 1011.4 for a 1.3-acre tract to the north of subject property and containing the Leonard & Marker Funeral Home main building at 6521 E. 151st St. S. – BOA Approved Variance, to include requiring 62 parking spaces, 05/06/2002.

BZ-287 – Randy King – Request for rezoning from AG to CG for a 4-acre tract to the north of subject property at 6825 E. 151st St. S. – PC (09/16/2002) Recommended Denial and suggested that the item be brought back as a PUD; denial recommendation evidently not appealed to City Council.

BZ-291 – Cleatus & Deloris Tate – Request for rezoning to CG for approximately 16 acres located to the northwest of subject property for the Allison Tractor Co. Inc. tractor sales business – PC (06/20/2003) recommended Approval for 4.6 acres as per the amended reduced acreage request and City Council (07/14/2003) approved as recommended/amended (Ord. # 870). Zoning acreage reduction amendment letter dated 06/18/2003 additionally requested a “plat waiver,” but Staff found no record of such being approved at that time. See Plat Waiver granted 04/14/2008.

BL-384 – K.S. Collins for Lee & Twilah A. Fox – Request for Lot-Split approval to separate a 0.81-acre tract from a 9-acre tract located to the north of subject property at 15015 S. Sheridan Rd. – PC Conditionally Approved 05/21/2012.

BZ-356 – K.S. Collins for Lee & Twilah A. Fox – Request for rezoning from AG to RS-1 for the proposed 0.81-acre tract section of a 9-acre tract located to the north of subject property at 15015 S. Sheridan Rd. – PC Recommended Approval 05/21/2012 and City Council Approved 06/11/2012.

BACKGROUND INFORMATION:

History of the Applications. As requested by the Applicant, BZ-359 was Continued from the October 15, 2012 regular meeting to the November 19, 2012 regular meeting agenda. The Applicant then requested that it be Continued to the December 17, 2012 regular meeting, so that it could be reviewed along with PUD 75 “LeAnn Acres” and the related request for Comprehensive Plan Amendment BCPA-8. The Planning Commission Continued the application to the December 17, 2012 meeting agenda as requested.

For any rezoning application that requests to approve multifamily uses, State Statutes now require the Public Notices be mailed to property owners within a ¼ mile radius of the property, rather than the 300’ that is required for all other cases: Title 11 O.S. Section 43-106 amended by HB 1424, c. 226, § 2, eff. November 1, 2009.

BCPA-7, PUD 74 “RiverLoft ADDITION,” BZ-362, BCPA-8, PUD 75 “LeAnn Acres,” and BZ-359 all request zoning approval for multifamily developments. All were all advertised for the December 17, 2012 meeting using the customary 300’ radius mailing, and thus, adequate Public Notice was not been achieved. Staff discovered this problem in the first part of December. As recommended by Staff, all applications were Continued to the January 21, 2013 Planning Commission meeting, to allow for revised, corrected Public Notice to be issued. Since then, adequate Public Notice has been achieved.

The Nature and Value of the Comprehensive Plan. Comprehensive Plans are the result of intensive study, broadly garnered and comprehensive information, professional analysis and coordination, public input, and general consensus of the City’s staff, Planning Commission, and City Council. They bring together all planning functions (e.g., housing, land use, transportation, physical environment, energy, infrastructure and community facilities, demographics, etc.), analyze and compare them all on the community-wide scale, relate them to specific geographical areas within the community (i.e. the Land Use Map), and consider all this with a long-range time perspective (e.g., 15-20 years into the future).

The Comprehensive Plan is a thorough, complete, and well researched policy document used to inform the Planning Commission, City Council, and the Public at large how land can best be developed and used (among other things), and so how rezoning applications should be accepted or rejected. Comprehensive Plans, when followed, prevent arbitrary, unreasonable, or capricious exercise of the legislative power resulting in haphazard or piecemeal rezonings (read: rezoning decisions legally indefensible in a court of law).

Comprehensive Plans can be highly prescriptive, prescribing specific land uses and land use intensities to specific parcels of land, or can be highly generalized, merely mapping out large swaths of land which may be suitable for certain intensities of development, and including a broad range of zoning districts which may be authorized therein. Bixby’s Comprehensive Plan falls somewhere in between, specifically designating certain areas with specific land uses, and others more generally (e.g. the “Corridor” designation.).

Zoning Code Section 11-5-2 prohibits rezonings which would conflict with the Comprehensive Plan, and requires that such rezonings “must be processed along with a request to amend the land use map and a PUD in order to be accepted and considered.” The Applicant has requested PUD 74 in support of BCPA-7 and the rezoning application.

Procedure for Comprehensive Plan Amendments. Certain passages in the Comprehensive Plan text (page 30, 55, etc.) suggest the anticipation of amendments to the Plan. However, the Comprehensive Plan does

not provide, nor do State Statutes, a definite procedure or method for the City or property owners to request to amend the Comprehensive Plan. The City of Broken Arrow regularly (quarterly, etc.) considers applications to amend their Comprehensive Plan, for cases where a rezoning application would not be consistent with the Plan, but the plan amendment and rezoning application may be appropriate.

After receiving the first two (2) requests in mid-2008 (BCPA-1 and BCPA-2), Staff consulted the City of Broken Arrow to determine how that community goes about facilitating applications for Comprehensive Plan amendments, and followed the same method, which was supported by the Applicant's attorney in those cases, which was to advertise the public hearing in the same manner used for a rezoning application: By sign posting on the property, newspaper publication, and mailing a notice to all property owners within a 300' radius of the subject property. This method was used in the successful applications BCPA-3 and BCPA-4 in 2009, and BCPA-5 and BCPA-6 in 2011, and all of these have been done in this amendment case as well.

ANALYSIS:

Subject Property Conditions. The subject property consists of a 15-acre tract on the north and a 10-acre tract on the south, and has over 800' of frontage on Sheridan Rd. It contains the top of a small hill and contains significant slope. It contains the northern tip of a pond located on another tract abutting to the south, which is part of a natural drainageway that skirts along the southerly line of the southern parcel.

The subject property appears to drain to the east and south, ultimately to Bixby Creek. It is zoned AG and appears to be agriculturally-used, with the exception of (1) a small grove of trees at the northeast corner of the 15-acre tract, and (2) the Applicant's residence toward the west end of the 10-acre tract.

Comprehensive Plan. The Comprehensive Plan designates the two (2) parcels of the subject property differently. The northerly 15-acre parcel is designated (1) Corridor and (2) Vacant, Agricultural, Rural Residences, and Open Land. The southerly 10-acre parcel is designated (1) Low Intensity/Development Sensitive, (2) Vacant, Agricultural, Rural Residences, and Open Land, and (3) Special District # 4.

The Development Sensitive designation is along the eastern lines of both tracts of land, and appears to correspond (more or less) to those parts of each located within the 500-year (0.2% Annual Chance) Floodplain. Floodplain areas may sometimes have soils which are not naturally conducive to construction, and may require remedial soil chemical work and/or special construction methods.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that RM-2 zoning Is In Accordance with the Corridor, Is Not In Accordance with the Low Intensity, and May Be Found In Accordance with the Development Sensitive designations of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the requested RM-2 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.

A southerly strip of the southerly 10-acre tract is designated within Special District # 4, for which the Bixby Comprehensive Plan provides on Pages 20 and 21:

- "d. Special District 4 is that area previously designated in the 1991 Bixby Comprehensive Plan in which a majority of the land is located within the 100 year flood plain. This development sensitive area is located approximately from one-quarter mile south of S. H. 67, west of S. Memorial Drive, north of 171st Street South, and east of the upland area along S. Sheridan Road. The majority of this land is used for agricultural purposes. This [is] prime farm land and contributes strongly to the "green theme" characteristic of Bixby. Preservation of those Special District areas should continue with AG zoning the primary designation. Certain select areas adjacent to major roadway intersections may be appropriate for different zoning designations in accordance with the other Urban Design Development Guidelines. Any change in use in this area should be designed to integrate continuing agribusiness uses, provide onsite drainage control solutions, it should provide appropriate buffers between adjoining land uses on the upland area along S. Sheridan Road, south of 171st Street South, and along S. Memorial Drive." (emphasis added)

Special District # 4 calls for areas within to "continue with AG zoning the primary designation," but that "[c]ertain select areas adjacent to major roadway intersections may be appropriate for different zoning designations..." It would appear that the part of the subject property located within Special District # 4 "should continue with AG zoning," as it is not within a reasonable distance of a major street intersection.

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.

There is presently no specific land use designation for the subject property, and BCPA-8 would not confer one.

Due to all of the factors listed and described above, Staff believes that the proposed RM-2 zoning should be found In Accordance with the Comprehensive Plan, but only partially. If approved for RM-2 zoning strictly in accordance with the differing designations of the Comprehensive Plan, a Low Intensity-designated strip of land in the center of the acreage would have to be disapproved. This pattern would likely confound any reasonable development pattern for the property. Within the context of a PUD, underlying Zoning districts may vary and remain In Accordance with the Comprehensive Plan, such as if an area of the subject property equal to the Low Intensity strip could be calculated and relocated outside the future development areas, to be reserved for the preservation of natural site features as an amenity to the development.

For the balance of the areas to be fully recognized as In Accordance, Staff recommends the RM-2 zoning only be approved with appropriate detailed planning and safeguards as per an appropriate PUD. The PUD may deal with the outlying conditions suggested in those designations within which RM-2 zoning is not fully in accordance, such as by reserving natural pond and drainageway areas, incorporating the appropriate parts of the small tree grove if not incompatible with development plans, and the properly-planned use and incorporation into site plans of areas of significant slope change. The PUD should also address buffering the subject property from the residential uses to the east (Shadow Valley Mobile Home Park), the agricultural uses to the south, and the more intensive development that may be expected on the 20-acre property at the 151st St. S. (State Hwy 67) and Sheridan Rd. intersection. Finally, the PUD should address what would be done with the existing improvements on the subject property (house and agricultural buildings).

BCPA-8 proposes to (1) redesignate those parts of the subject property presently designated "Low Intensity" and/or "Special District # 4" to "Medium Intensity" and (2) to remove the "Special District #4" designation. If BCPA-8 is approved, the RM-2 zoning requested would be fully In Accordance with the Comprehensive Plan.

Per the Matrix, PUDs are In Accordance or May Be Found In Accordance with all designations of the Comprehensive Plan Land Use Map, and thus PUD 75 would be In Accordance with the Comprehensive Plan.

General. Because the review methodology is similar, and all three (3) applications are essentially rezoning-related and propose to prepare the subject property for the same multifamily development, this review will, for the most part, include all three (3) applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

The submitted site plans for the development exhibit a suburban-style design. The plan indicates 15 apartment buildings, a leasing office, a pool within a common central area, a stormwater detention pond at the east end of the property, and parking lots, unidentified structures presumed to be carports or small garage buildings, and sidewalks located throughout the developed site.

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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 BCPA-8 and PUD 75 at its regular meeting held December 05, 2012. Minutes of that meeting are attached to this report.

Access. Plans for access and circulation are adequately discussed in PUD Text Section B.7. Access, Circulation and Parking. The proposed internal automobile traffic and pedestrian flow and circulation and parking can also be inferred from the provided site plan.

On the PUD site plan, a sidewalk is not indicated as planned along Sheridan Rd., as required by the Subdivision Regulations. PUD Text Section B.7.b. Access, Circulation and Parking provides that a sidewalk along this street is not planned. A Modification/Waiver of the Subdivision Regulations would be required in order to remove the sidewalk requirement along Sheridan Rd. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic. Staff recommends that the Applicant revise this section to remove the statement that sidewalks will not be constructed, and reword the same such as "A sidewalk shall be constructed by the developer along the entire frontage of Sheridan Road, as required by Subdivision Regulations Section 12-3-2.N. The sidewalk shall be a minimum of five (5) feet in width or otherwise four (4) feet in width with five (5) foot by five (5) foot minimum turnaround areas spaced no less than 200 feet apart, shall be ADA compliant, and shall be approved by the City Engineer."

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily AG, RMH, and CS.

To the north is a 20-acre agricultural tract zoned AG and the Leonard & Marker Funeral Home zoned CS north of 151st St. S.

South of the subject property, agricultural, rural residential, and vacant/wooded lands zoned AG lie along Sheridan Rd.

East of the subject property is the Shadow Valley Mobile Home Park zoned RMH and the Conrad Farms' farmland further to the east and southeast zoned AG.

Finally, to the west is the Bixby Cemetery and rural residential land zoned AG.

The requested RM-2 zoning would be fairly consistent with the established RMH district to the east, containing the Shadow Valley Mobile Home Park, as the densities allowed by each district and the overall land use category are similar. However, due to the significant slope change, the proximal relationship is more tenuous and areas "up on the hill" will be more directly impacted by the establishment of a new RM-2 district on the subject property. There should be no conflict with the Bixby Cemetery to the west, but care should be given when allowing the development and use of an apartment complex in respect to the agricultural land to the south, the rural residential land to the south and southwest, and the intensive use (commercial or greater) that may be anticipated on the 20-acre tract abutting to the north, which is located in a Corridor designation of the Comprehensive Plan, has ¼ mile of street frontage along 151st St. S. (State Hwy 67), and is located at the highway's intersection with Sheridan Rd.

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. If a "straight rezoning" was approved absent a PUD, it is unlikely that a PUD would later be requested. To ensure the highest value and quality for any multifamily development that may occur on the subject property, a PUD should be applied, and as recommended, the Applicant has submitted PUD 75. However, the provided PUD does not appear to address development value or quality. If approved, Staff recommends, at a minimum, the PUD specify the following, which should help ensure the development product is adequately invested to help ensure quality for the long term:

1. Consistent with the most recent and relevant two (2) apartment developments in Bixby, the adequacy of construction quality shall be determined by means of a PUD Detailed Site Plan, to

be reviewed and recommended upon by the Planning Commission and approved by the City Council.

2. Consistent with the Encore on Memorial project, the PUD should propose specific masonry requirement for each building type (Encore on Memorial included a 25% masonry requirement for the standard 3-story apartment buildings ("Type I"), a 35% masonry requirement for the modified-type 2/3-story apartment buildings ("Type III"), and a 40% masonry requirement for the leasing office. The garages and carport buildings had no masonry requirement).
3. Describe in the PUD text and amend the site plan as necessary to address what will be done with the existing natural site features: the pond and natural drainageway areas along the south property line, the small tree grove at the northeast corner of the acreage, and the hilltop and areas of significant slope change; i.e. will any of them be preserved within the development, or will they be removed and graded.
4. 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 (e.g. single-family housing or rural residential properties) in proportion to their relative elevations and proximities.

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 three requests supporting the development proposal if it (1) ensures full consistency with the purposes and intent of the Comprehensive Plan, (2) appropriately incorporates safeguards to sensitive geographical features, (3) provides for land use buffering and compatibility needs, and (4) helps ensure the highest value and quality for any multifamily development that may occur on the subject property. 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 amendment and rezoning applications generally. Therefore, Staff recommends Approval of all three (3) 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. Incorporate within the text and exhibits the four (4) numbered recommendations listed above.

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3. Title Page: "LeAnn Addition" is inconsistent with the name "LeAnn Acres" as used elsewhere throughout the PUD.
4. Page 1, Introduction: The provided site plan indicates a multifamily apartment development, but the specific development type is not included in the introduction, as it should be recognizing the intent is known. Please specify along the lines of, "LeAnn Acres is a planned for a multifamily development."
5. Page 1, Zoning: Zoning district requested by BZ-359 is "RM-2," not "RM."
6. Page 1, The Comprehensive land-use Plan: Final sentence uses word "amended" instead of "amend."
7. Page 1, The Comprehensive land-use Plan: Comprehensive Plan Map designations are incorrect. See correct designations cited in this report.
8. Page 1, Features of the Site and surrounding area; viability and compatibility: Please remove incorrect code citation as follows: "A Detailed Site Plan, adequate to demonstrate compliance with applicable standards and including details on proposed parking and landscape plans, shall be submitted for Bixby Planning Commission approval as required by the Zoning Code Sections ~~11-7G~~ and 11-7I-8.B.5 and this PUD."
9. Page 1, Features of the Site and surrounding area; viability and compatibility: Comprehensive Plan Map designations are incorrect. See correct designations cited in this report. Language should be added acknowledging that the designations are proposed to change per BCPA-8, and to describe the final result of the change if approved.
10. Page 2, Permitted Uses: Zoning district requested by BZ-359 is "RM-2," not "RM."
11. Page 2, Minimum Frontage: Please specify a minimum frontage standard. The provided site plan indicates a singular lot with 824.94' of frontage on Sheridan Rd.
12. Page 2, Maximum Building Floor Area: Use of FAR is not appropriate here for a multifamily residential development; proper density/intensity measure uses units per land area. Please specify maximum proposed units for the development in accordance with the formula provided in the PUD chapter and the Bulk and Area provisions for the RM-2 district of the Zoning Code.
13. Page 2, Minimum Building Setbacks: Zoning Code citation is incorrect.
14. Page 2, Minimum Building Setbacks: Please specify proposed setbacks standards. Consider adjoining land uses, existing and expected, when sizing setbacks. Development Standards Section B.1.b provides 20' setbacks from the north and south PUD boundaries.
15. Page 2, Development Standards: Acreages and percentages provided do not appear formatted or qualified to be operational in this context. Percentages and acreages should be qualified as "maximum" or "minimum" if intended as standards. Flexibility should be written into the standards, such as by using ranges. The Comprehensive Plan designations cited should be qualified as "existing" and the text should acknowledge that the designations are subject to change per BCPA-8, and what they would be if changed. Calculations provided should be adjusted if appropriate.
16. Page 3, Development Standards Section B.1: Please specify what screening will be proposed for which property lines (type and height).
17. Page 3, Development Standards Section B.1.a: Refers to Exhibit B as a "Preliminary Landscape and Screening Plan," when Exhibit B is named a "Conceptual Site Plan." Reconciliation could be achieved by modifying the text such as, "Preliminary plans for landscaping and screening are represented on Exhibit B."
18. Page 3, Development Standards Section B.1.a: Please correct: "... on Exhibit B ~~to the PUD Text~~."
19. Page 3, Development Standards Section B.1.b: The street yard landscape percentage requirement is proposed to be removed. Staff recommends this be retained. Even if that standard was removed, the language does not also remove the 10' minimum landscaped strip widths or minimum number landscaping tree requirements of the Zoning Code.
20. Page 3, Development Standards Section B.1.b: (If retained; see item above) Please clarify "The 15% street yard landscape percentage requirement along South Sheridan Road does not apply to this site" or as otherwise intended.
21. Page 4, Development Standards Section B.6.a: Refers to Exhibit D instead of Exhibit F.
22. Development Standards Section B.7.b: Please revise this section to state something along the lines of, "Sidewalks will be constructed within the development site to provide internal

- pedestrian access between apartment buildings, the management office, the pool, and other common site features.”
23. Development Standards Section B.7.b: Please revise this section to remove the statement that sidewalks will not be constructed along Sheridan Rd., and reword the same such as “A sidewalk shall be constructed by the developer along the entire frontage of Sheridan Road, as required by Subdivision Regulations Section 12-3-2.N. The sidewalk shall be a minimum of five (5) feet in width or otherwise four (4) feet in width with five (5) foot by five (5) foot minimum turnaround areas spaced no less than 200 feet apart, shall be ADA compliant, and shall be approved by the City Engineer.”
 24. Page 4, Development Standards Section B.9: Schedule does not include Earth Change Permit, Preliminary Plat, Final Plat, or PUD Detailed Site Plan.
 25. Page 5, Exhibits List: Exhibit B is inconsistent with the exhibit name actually used.
 26. Exhibit B: Please include, represent, identify/label, and/or dimension, or otherwise correct as follows:
 - a. North arrow
 - b. Scale
 - c. Date of preparation
 - d. Name and contact information of the site plan preparer
 - e. Unique identifier so that the plan may be related to the subject property if ever separated from the file, such as property owner’s name, property or building address, and/or legal description, or PUD #
 - f. 50’ dimension for Sheridan Rd. right-of-way: Please label as “to be dedicated by plat”
 - g. 17.5’ Perimeter Utility Easement: required around entire perimeter (including Reserve Area for stormwater detention facility)
 - h. Proposed building dimensions (“typical” qualifier may be used)
 - i. Proposed building setbacks (nearest buildings to each: west to Sheridan Rd. right-of-way, north/side, and south/side at a minimum)
 - j. Driveway widths (“typical” qualifier may be used)
 - k. Consistent with the recommendation for Development Standards Section B.1, please identify what screening will be proposed for which property lines
 27. Exhibits B, C, D, and E: Please add a North Arrow.
 28. Exhibit B: Please label Development Area A.
 29. Exhibit C: Please identify the subject property.
 30. Exhibit C, D, E, and F: Missing exhibit names as per Exhibits list on page 5.
 31. 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.
 32. 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, just prior to the meeting, the Applicant had submitted a revised PUD Text and Exhibits package, which may have addressed some or all of the recommended corrections, modifications, and Conditions of Approval. Mr. Enyart stated that he had not had opportunity to see what changes had been made. Mr. Enyart recommended approval with the corrections, modifications, and Conditions of Approval, to the extent they remained after the changes made to the submittal.

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Applicant JR Donelson stated that he had addressed all of the items except # 23, pertaining to building a sidewalk along Sheridan Rd. Mr. Donelson stated that a sidewalk would not be advantageous to the population of Bixby because "everything out there is [borrow] ditch." Mr. Donelson stated that, in the area, another developer had put money in escrow for sidewalks, rather than construct their own.

Roger Metcalf stated that he had lived in this house since 1984. Mr. Metcalf stated that he [would eventually] have commercial [developed on the acreage next to] his property along 151st St. S. Mr. Metcalf stated that he had a mobile home park below him [to the east], and a cemetery with tombstones across the street to the west.

Chair Thomas Holland asked Roger Metcalf what was to the south of his property. Mr. Metcalf responded that there was "one place there—he's got 40 acres—one resident, and [the] Atherton [acreage]." Mr. Metcalf stated that [the] McCutchin [family] owned 160 acres that "just sits there."

Chair Thomas Holland recognized Phil Faubert of 15802 S. Sheridan Rd. from the Sign-In Sheet. Mr. Faubert stated that he had the Atherton Farms property. Mr. Faubert stated that he did not think this was a good place for apartments, but indicated he would not necessarily object if they were of "high quality." Mr. Faubert expressed concern over traffic, and traffic safety at the intersection of Sheridan Rd. with 151st St. S. / State Highway 67, especially for westbound turns. Mr. Faubert stated that he had a ranch south of the subject property. Mr. Faubert stated that there seemed to be "apartments everywhere in Bixby," and that, for this, he was "a little concerned."

Certain Commissioners expressed concern over traffic and Sheridan Rd. itself, questioned if the road was capable of handling the traffic and the added stress that this development would bring, and questioned whether or not it was a County road or a City street, and if the acreage to the north of the subject property would be required to access 151st St. S. exclusively or would be permitted access to Sheridan Rd.

Erik Enyart stated that Sheridan Rd. was a County-maintained road to his knowledge, and that he agreed it needed improvement. Mr. Enyart stated that it was a "chicken-or-the-egg" situation, the question being whether to allow development to occur prior to adequate infrastructure being put in place, or to insist that the infrastructure be adequate before allowing development to occur. Mr. Enyart stated that, in this part of the country, it seemed to be the norm that development is allowed first, and the infrastructure improvements follow when public revenues allow. Mr. Enyart stated that approximately 400 residential lots had been platted in this area along 141st St. S. and Sheridan Rd. in the past few years, and all of them funnel down [Sheridan Rd. and other north-south arterial streets] to 151st St. S., in order to gain access east and west. Mr. Enyart stated that it was yet to be determined whether the 20-acre commercial development tract abutting to the north would have curb cuts allowed on 151st St. S. or Sheridan Rd. Mr. Enyart stated that, like the acreage to the north, the north 15 acres of the subject property was currently designated "Corridor" on the Comprehensive Plan, and that it was planned for something intensive to develop. Mr. Enyart stated that the sidewalk matter JR Donelson had mentioned stemmed from a conversation he had with Mr. Donelson prior to the meeting, wherein he pointed out that the developer of the *Southridge at Lantern Hill* housing addition to the north on Sheridan Rd. had objected to building a sidewalk due to the borrow ditches, and instead, agreed to put an amount of money equal to the cost of

constructing the sidewalk into an escrow account owned by the City of Bixby, that the City could then use to build sidewalks elsewhere when it had new street improvement projects. Mr. Enyart stated that this would probably be a rare event, as most developers want their money invested next to their property, where it would benefit their property values, and not be spent somewhere else in the City.

Chair Thomas Holland asked how many apartment units there would be. JR Donelson responded that the PUD would allow up to 454 units. Mr. Holland indicated this was a large number, and Mr. Donelson stated that this was just what the PUD would allow, and would not necessarily mean all of them would be constructed.

Chair Thomas Holland asked about the cost of constructing a sidewalk. JR Donelson responded that a 4'- to 5'-wide sidewalk would cost approximately \$1.50 per [square] foot, and so approximately \$6.00 per [linear] foot. Mr. Holland expressed concern that a developer would not want their money to go into escrow in lieu of building the sidewalk, and would rather see their money go into their own project.

Lance Whisman asked how a sidewalk would work with a borrow ditch, and JR Donelson answered that one would have to "engineer around it," and discussed the likely location of a sidewalk in relation to the borrow ditch.

JR Donelson expressed objection to the Comprehensive Plan's designation of the subject property, including narrow strips of one designation or another. Upon request for comment from a Commissioner, Erik Enyart responded that he believed the intent was to draw the map based on property lines, and that the narrow strips of different designations may have been a mapping oversight, or otherwise it should be permitted to amend it to correspond with the existing acreage property lines.

JR Donelson stated that he and Erik Enyart had discussed the need to use care when amending the Comprehensive Plan. Mr. Donelson expressed objection to there being five (5) different designations on one piece of land, and stated that he had talked to Mr. Enyart about various ways that property owners be notified when the Comprehensive Plan is being updated, since [consistency with the Plan was mandatory], and not eight (8) or nine (9) years after the fact.

Erik Enyart stated that, when the City Council decides to have the Comprehensive Plan updated, he will recommend to them that they broadcast the notice of the process as widely as possible, to secure the highest public participation rates, because only when there is significant participation in the planning process, when the public provides input and takes ownership of the Plan, will it have broad political support and stand the test of time and be useful down the road.

Chair Thomas Holland referred to the Staff Report and asked Erik Enyart about the narrow strip of "Special District # 4" designation, and if that would be problematic for the development. Mr. Enyart stated that the narrow strip would be removed by the Comprehensive Plan amendment, and so then would be moot.

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Chair Thomas Holland referred to the Staff Report and asked Erik Enyart if there would be an issue with the fact that the proposed amendment would not confer a specific land use designation. Mr. Enyart stated that the Comprehensive Plan text provided that, when the Plan Map had a specific land use designation, such as residential, commercial, or industrial, that is what type of land use should be developed there, but when it was designated "Vacant, Agricultural, Rural Residen[ces], and Open Land," that was not interpreted as a permanent land use, and so such areas "could be anything."

Erik Enyart stated that it was important to point out one recommended Condition of Approval was a departure from custom. Mr. Enyart stated that recommended Condition of Approval # 31 was based on conversations with the City Attorney, which pertained to PUDs that were not in their final form before being presented to the City Council for approval by ordinance. Mr. Enyart stated that the recommendation called for the receipt of "fixed copies" before the PUD was presented to the City Council for approval by ordinance. JR Donelson was asked, and stated that he agreed with the statement Erik just made, and that he had presented the revised PUD according to the recommendations.

Chair Thomas Holland asked to entertain a Motion. John Benjamin made a MOTION to Recommend APPROVAL of BCPA-8, PUD 75, and BZ-359 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff.

Jeff Baldwin asked Erik Enyart for clarification of the sidewalk matter, and expressed concern that the sidewalk would not connect to anything in the area, and expressed concern over the escrow matter. Mr. Enyart stated that, broadly speaking, the requirement could result in a patchwork of sidewalks, but, if the requirement was consistently enforced, through time as each property develops, there will ultimately be continuous sidewalks. Mr. Enyart stated that, in the area of 151st St. S. and Sheridan Rd. in particular, a continuous sidewalk would be likely because all the properties were primarily undeveloped at this time. Mr. Baldwin stated that he was still struggling with the recommendation # 23 [pertaining to sidewalks], and would Abstain from the vote because of that issue.

(The original Motion did not receive a Second).

Lance Whisman made a MOTION to Recommend APPROVAL of BCPA-8, PUD 75, and BZ-359 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Benjamin, Holland, & Whisman
NAY:	None.
ABSTAIN:	Baldwin.
MOTION CARRIED:	3:0:1

8. **PUD 63 – 101 South Memorial Plaza – Major Amendment # 1.** Discussion and possible action to approve Major Amendment # 1 to PUD 63 for all of *101 South Memorial Plaza*,

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which amendment proposes the modification of the maximum parking space standard and sign height restriction, among other things.

Property located: Along 102nd St. S. between Memorial Dr. and 85th E. Ave.

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, January 16, 2013
RE: Report and Recommendations for:
PUD 63 – 101 South Memorial Plaza – Major Amendment # 1

LOCATION: – Along 102nd St. S. between Memorial Dr. and 85th E. Ave.
– All of 101 South Memorial Plaza
LOT SIZE: 7.5 acres more or less, in four (4) platted lots
EXISTING ZONING: CS Commercial Shopping Center District and CG General Commercial District
SUPPLEMENTAL ZONING: PUD 63 & Corridor Appearance District (partial inclusion)
EXISTING USE: Vacant commercial lots in 101 South Memorial Plaza, and a Holiday Inn Express & Suites Tulsa South/Bixby hotel on Lot 1, Block 3 thereof
REQUEST: Major Amendment # 1 to PUD 63 for all of 101 South Memorial Plaza, which amendment proposes the modification of the maximum parking space standard and sign height restriction, among other things

SURROUNDING ZONING AND LAND USE:

North: CS; Vacant unplatted tracts and the vacant balance of Tract C in 101 South Memorial Center.
South: CS; Aldi grocery store, BancFirst, and The Palazzo shopping center, all in 101 South Memorial Center.
East: CS; Dickinson Starworld 20 movie theater and the vacant Tract D in 101 South Memorial Center and the Warren Clinic doctor's office in Landmark Center.
West: CG/CS/PUD 65, CG, & AG; CVS/Pharmacy, Whataburger, Sprouts Farmers Market (under construction), and vacant Lot 5, Block 1, all in 101 Memorial Square zoned CG/CS/PUD 65, the Schlotzsky's Deli restaurant zoned CG, and vacant land zoned AG across Memorial Dr. in the City of Tulsa.

COMPREHENSIVE PLAN: Corridor + Medium Intensity + Commercial Area.

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

BZ-89 – Ron Koeppe – Request for rezoning from AG to CG for 3.6 acres (included part of subject property) – Recommended for Approval by PC 04/28/1980 and Approved by City Council 05/19/1980 (Ord. # 401).

BZ-231 – American Southwest Properties, Inc. & Memorial Drive, LLC – Request for rezoning from RM-2 to CS for approximately 6 acres, which included part of subject property – PC Recommended Approval 05/17/1997 and City Council Approved 12/08/1997 (Ord. # 761).

BL-352 – American Southwest Properties, Inc. – Request for Lot-Split to separate northern part of Tract C of 101 South Memorial Center from balance of property, which was later included in PUD 63 and the plat of 101 South Memorial Plaza – Conditionally approved by PC 04/21/2008.

PUD 63 – 101 South Memorial Plaza – American Southwest Properties, Inc. – Request for PUD approval for subject property – Conditionally approved by PC and City Council in April/May of 2008 (Ord. # 1004).

Preliminary Plat of 101 South Memorial Plaza – Request for Preliminary Plat approval for subject property – Conditionally approved by PC and City Council in April of 2008. The City Council also approved a Modification/Waiver from the street right-of-way widths to allow the 30' to 40' right-of-way widths as proposed.

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Final Plat of 101 South Memorial Plaza – Request for Final Plat approval for subject property – PC recommended Conditional Approval on 10/20/2008 and City Council Conditionally Approved 10/27/2008. City Staff received and approved a request for extension on the plat approval for one (1) year from 10/27/2009.

AC-09-12-05 – Holiday Inn Express – ArcTech Incorporated, PC – Request for Detailed Site Plan approval for a hotel on Lot 1, Block 3, 101 South Memorial Plaza – Planning Commission Conditionally Approved 12/21/2009.

Plat Waiver for Holiday Inn Express – Request for temporary Waiver of the platting requirement per Zoning Code Section 11-8-13 for Lot 1, Block 3, 101 South Memorial Plaza – Approved by City Council 03/22/2010 subject to the approval and recording of the plat of 101 South Memorial Plaza before the end of calendar year 2010.

Revised Final Plat of 101 South Memorial Plaza – Request for revised Final Plat approval for subject property – PC recommended Conditional Approval on 04/19/2010 and City Council Conditionally Approved 04/26/2010 (plat recorded 07/30/2010).

BSP 2012-02 – Andy's Frozen Custard – Lewis Engineering, P.L.L.C. – Request for Detailed Site Plan approval for a frozen custard restaurant on Lot 2, Block 3, 101 South Memorial Plaza – Planning Commission Conditionally Approved 12/17/2012.

RELEVANT AREA CASE HISTORY: (not a complete list)

BZ-89 – Ron Koepf – Request for rezoning from AG to CG for 3.6 acres including the southerly 0.96 acres (more or less) of the land later platted as 101 Memorial Square abutting subject property to the north/west – Recommended for Approval by PC 04/28/1980 and Approved by City Council 05/19/1980 (Ord. 401).

BZ-148 – John Moody for William E. Manley, et al. – Request for rezoning from AG to CG (amended to CS) for land later platted as 101 Memorial Square, less the southerly 0.96 acres (more or less) thereof (abutting subject property to the north/west) – Recommended for Approval by PC 10/31/1983 and Approved by City Council 11/07/1983 (Ord. 496).

BBOA-341 – Roy D. Johnsen for William E. Manley – Request for Special Exception to allow used car sales on the northwest 0.7 acres of land later platted as 101 Memorial Square abutting subject property to the north/west – Denied by BOA 11/02/1998 – Notice of Appeal in District Court found in case file but with no followup information as to its ultimate disposition.

BBOA-409 – Eric Sack for William & Betty Manley – Request for Variance to Chapter 11, Section 1140(d) "Unenclosed off-street parking areas shall be surfaced with an all-weather material," and a Special Exception per Chapter 10 Section 1002.3(a) "Temporary open air activities, may continue for a period not to exceed thirty days per each application.... for the sale of Christmas Trees, wreaths, bows and other seasonal goods from November 25, 2003 through December 24, 2003 for land later platted as 101 Memorial Square abutting subject property to the north/west – Withdrawn by Applicant in September 2003.

BBOA-410 – Eric Sack for William & Betty Manley – Request for Variance to Chapter 11, Section 1140(d) "Unenclosed off-street parking areas shall be surfaced with an all-weather material," and a Special Exception per Chapter 10 Section 1002.3(a) "Temporary open air activities, may continue for a period not to exceed thirty days per each application.... for the sale of Halloween related items such as pumpkins, gourds, hay and other seasonal goods and related activities such as pony rides and miniature train rides, from September 26, 2003 through October 31, 2003 for land later platted as 101 Memorial Square abutting subject property to the north/west – Withdrawn by Applicant in September 2003.

PUD 65 – 101 Memorial Square – Manley 101st & Memorial, LLC – Request for PUD approval for 101 Memorial Square abutting subject property to the north/west – Recommended for Conditional Approval by PC 11/17/2008 and Conditionally Approved by City Council 01/05/2009.

Preliminary Plat of 101 Memorial Square – Manley 101st & Memorial, LLC – Request for Preliminary Plat approval for 101 Memorial Square abutting subject property to the north/west – Recommended for Conditional Approval by PC 11/17/2008 and Conditionally Approved by City Council 11/24/2008.

Final Plat of 101 Memorial Square – Request for Final Plat approval for 101 Memorial Square abutting subject property to the north/west – Recommended for Conditional Approval by PC 02/17/2009 and Conditionally Approved by City Council 03/02/2009.

AC-09-02-02 – CVS/Pharmacy – Jacobs Carter Burgess – Request for Detailed Site Plan approval for Lot 1, Block 1, 101 Memorial Square (northwest of subject property) – Architectural Committee Conditionally Approved 02/17/2009. Developer Appealed the Approval in order to do away with the landscaped berm and Council took no action on 03/09/2009 based on the City Attorney's opinion that the Council had removed the berm requirement for this Detailed Site Plan upon the approval of the Final Plat of 101 Memorial Square.

BSP 2009-01 – CVS/Pharmacy – Jacobs Carter Burgess – Request for Detailed Site Plan approval for Lot 1, Block 1, 101 Memorial Square as required by PUD 65 (northwest of subject property) – PC Conditionally Approved 02/17/2009. Developer Appealed the Approval in order to do away with the landscaped berm and Council took no action on 03/09/2009 based on the City Attorney's opinion that the Council had removed the berm requirement for this Detailed Site Plan upon the approval of the Final Plat of 101 Memorial Square.

BBOA-547 – Kimley-Horn & Associates, Inc. – Request for Special Exception per Zoning Code Section 11-10-2.H to allow a total of 40 parking spaces, in excess of the 24 space maximum standard for a proposed restaurant in the CG General Commercial District and CS Commercial Shopping Center District with PUD 65 for the S. 189.99' of Lot 3, Block 1, 101 Memorial Square abutting subject property to the west – BOA Approved 11/07/2011.

BL-382 – Sisemore, Weisz & Associates, Inc. – Request for Lot-Split approval for Lot 3, Block 1, 101 Memorial Square abutting subject property to the west – PC Approved 11/21/2011 subject to the attachment of the north 54.56' to Lot 2, Block 1, 101 Memorial Square.

AC-11-01-02 – Whataburger – Kimley-Horn & Associates, Inc. – Request for Detailed Site Plan approval for a Use Unit 12 fast-food restaurant for the S. 189.99' of Lot 3, Block 1, 101 Memorial Square abutting subject property to the west – PC Conditionally Approved 11/21/2011.

BSP 2012-01 / AC-12-04-05 – "Sprouts Farmers Market" – Sisemore, Weisz & Associates, Inc. – Request for Detailed Site Plan approval for a "Sprouts Farmers Market," a Use Unit 13 specialty grocery store development for Lots 2, 4, and the N. 54.56' of Lot 3, Block 1, 101 Memorial Square abutting subject property to the north/west – PC Conditionally Approved 04/16/2012.

PUD 65 – 101 Memorial Square – Major Amendment # 1 – Request for approval of a Major Amendment to PUD 65, abutting subject property to the north/west, which amendment proposed changes to parking and signage requirements – PC recommended Approval 04/16/2012 and City Council Approved 04/23/2012 (Ord. # 2082).

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The subject property consists of all of 101 South Memorial Plaza, containing vacant commercial lots, with the exception of a Holiday Inn Express & Suites Tulsa South/Bixby hotel on Lot 1, Block 3.

101 South Memorial Plaza is moderately sloped and drains through an underground stormsewer system in a southeasterly direction to an upstream tributary of Fry Creek # 1, which tributary flows to the southeast through 101 South Memorial Center, Regal Plaza, South Country Estates, and the Legacy additions before its confluence with Fry Creek No. 1 near 107th St. S. and 91st E. Ave.

Tract F in 101 South Memorial Center, located immediately south of the Dickinson Starworld 20 movie theater, contains a stormwater detention facility. This facility has been enlarged, and the stormsewer pipe systems have been extended and enlarged, to accommodate the additional stormwater detention and drainage capacity necessary to serve the new commercial developments in 101 South Memorial Plaza and 101 Memorial Square.

General. On Lot 2, Block 3, 101 South Memorial Plaza, the Planning Commission Conditionally Approved an Andy's Frozen Custard restaurant for a PUD Detailed Site Plan in December of 2012. Certain parking and signage aspects of that proposed development would not comply with PUD 63, and thus this Major Amendment # 1 has been requested.

The Andy's Frozen Custard restaurant is proposed to have 2,150 square feet of building floor area. Although this particular development precipitated the need for this PUD Major Amendment, the amendment proposes changes to certain parking and signage requirements for all of PUD 63 / 101 South Memorial Plaza. The changes would affect Section E of the PUD, which are "Development Standards for All Development Area Lots." Because the changes only pertain to parking and signage and all changes were explicitly represented on the Detailed Site Plan reviewed by the Technical Advisory Committee on

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December 05, 2012, and no objections were raised to any proposed consequence, this PUD Major Amendment # 1 was not placed on a TAC agenda for review or additional comment.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor, (2) Medium Intensity, and (3) Commercial Area.

Due to the relatively limited scope of proposed changes, the proposed PUD 63 Major Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily CS and CG. Surrounding Zoning and land use patterns would support the commercial development existing in 101 South Memorial Plaza and contemplated by this Major Amendment to PUD 63 and the existing underlying CS and CG zoning.

The Major Amendment proposed to PUD 63 would not appear to be inconsistent with surrounding Zoning or land use patterns.

Parking Requirements. Per BSP 2012-02, the provided site plan drawings for the Andy's Frozen Custard development in Development Area B indicate parking lots on the east and west sides of the building with a total of 30 parking spaces. Zoning Code Section 11-9-12.D requires a minimum of 14 parking spaces for a 2,150 square foot building. Zoning Code Section 11-10-2.H provides a "minimum plus 15%" maximum parking number cap, to prevent excessive parking that results in pressure to reduce greenspaces on the development site. The maximum number of parking spaces allowed for this property, for 2,150 square feet, is 16 parking spaces (reference Zoning Code Section 11-9-12.D). In other words, the site is proposed to have a total of 87.5% more parking spaces than the minimum number required. Therefore, by this proposed Major Amendment # 1, the Applicant has proposed that parking "may exceed the minimum [sic] requirement of the Bixby Zoning Code." The text will need to be amended to state that parking may exceed the "maximum" allowed. If approved, this would allow the proposed 30 parking spaces for the Development Area B (Andy's) lot and all of 101 South Memorial Plaza.

In the immediate vicinity, there is precedent for allowing the maximum parking number standard to be exceeded, and precedent for parking space number exceedances that occurred prior to advent of the maximum standard in 2009/2010.

Per PUD 65 Major Amendment # 1 in 2012, the Planning Commission recommended, and the City Council approved certain amendments to the PUD, which included a 10% increase in the number of parking spaces allowed for the Sprouts Farmers Market specialty foods grocery store development. PUD 65 (which consists of all of 101 Memorial Square) abuts the subject property to the west.

Per BBOA-547 in 2011, the Board of Adjustment approved a Special Exception allowing the Whataburger restaurant development on the lot abutting to the west to exceed the maximum parking space allowance. That development was approved for 40 parking spaces when 24 was the maximum, resulting in a total of 92.5% more parking spaces than the minimum required.

Per Aerial data and GIS, the Schlotzsky's Deli restaurant on another lot abutting to the west has approximately 3,440 square feet and 43 parking spaces. At 3,440 square feet, 23 parking spaces would be required, so the 43 parking spaces are 87% higher than the minimum number required.

Per Aerial data and GIS, further to the south, the Carl's Jr. restaurant has approximately 4,125 square feet and the Taco Bueno about 3,000 square feet, and they share approximately 96 parking spaces (48 required, or 102% higher than the minimum number required).

Compared to an un-weighted average of 94% more parking spaces than the minimum number required in the three (3) other restaurant developments, this restaurant development proposes only 87.5% more parking spaces than the minimum number required.

Zoning Code Section 11-7I-5.F provides a lot percentage landscaping standard for PUDs, which would be 10% of a commercial lot in this case. Per the "Site Plan" drawing A101 received for the Andy's Frozen Custard development in Development Area B on 01/10/2013, 4,600 square feet would be landscaped area, which would be approximately 14% of the lot area of approximately 0.73 acres. Per the "Site Plan" drawing for the same development prepared by Lewis Engineering, P.L.L.C. and received 01/08/2013, 5,846 square feet would be landscaped area, which would be approximately 18% of the lot. Regardless of which estimate is correct, the 10% minimum standard is exceeded. Further, as detailed in the Staff Report for BSP 2012-02, the development proposes certain landscaped strips which are wider than the minimum required by the Zoning Code and PUD 63. Most developments provide only the bare minimum required landscaped strip widths. Presuming approval of this amendment, all lots will still be subject to the minimum landscaping requirements of the Zoning Code.

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Lot 1, Block 3, 101 South Memorial Plaza is developed with a Holiday Inn Express & Suites Tulsa South/Bixby hotel, and it was constructed with precisely the minimum number of parking spaces required (92), and thus does not require an additional parking allowance at this time. The Andy's Frozen Custard development in Development Area B will require the additional parking allowance, per the conditionally approved Detailed Site Plan BSP 2012-02. Based on its size, configuration, and the character of the surrounding commercial area, it is fairly likely that Lot 1, Block 1 will be developed with a Use Unit-12 restaurant, which land use type regularly exceeds the new maximum parking number standard. The future use of the large Lot 1, Block 2 is not as easily predicted, but it is an interior lot with no frontage on Memorial Dr. or 101st St. S., and abuts a large parking lot serving ALDI to the south and a very large parking lot serving the Dickinson Starworld 20 movie theater to the south/east.

For all the reasons set forth above, Staff has no objections to removing the maximum parking number requirement for PUD 63 as proposed by this amendment.

Signage – General. The “detail sign plan” element of BSP 2012-02 was recognized as consisting of certain sign plan drawings by Pinnacle Sign Group and representation of signage information on other plan sheets. During the review process and after the Planning Commission's Conditional Approval of BSP 2012-02, certain plans replaced the original plan sets as they concern signs. This report will describe the latest plans and information as received on January 10, 2013.

The “Site Plan” drawing A101 indicates the location of certain ground signs, and certain Pinnacle Sign Group sign plan drawings represent the signage details. There is a proposed pylon ground sign at the southwest corner of the lot at 35' in height and a proposed “monument-style” ground sign at the southeast corner of the lot at approximately 10' to 12' in height.

The subject property will also have “incidental signage” for traffic control and general identification information. The Pinnacle Sign Group sign plan represents them on drawing # “Directional” and drawing # “Road Signs,” page numbers 12 and 17 of the Hufft Projects site plan package, respectively. The “Enter” and “Exit” signs would exceed the maximum of 3 square feet in display surface area permitted by Zoning Code Section 11-9-21.C.3.k; the others would comply. On the “Road Signs” drawing, it appears some of the incidental signs would not be directional in nature. Non-directional signs and directional signs exceeding the 3 square feet maximum would be recognized as ground signs, subject to the regulations for ground signs.

Signage – Maximum Sign Height. For the Andy's Frozen Custard development in Development Area B, the Pinnacle Sign Group sign plan drawing # 0107-13-PYLO-1 (page 10 of the Hufft Projects site plan drawings received 01/10/2013) represents the proposed pylon ground sign at a 35' height. Zoning Code Section 11-7I-4.B.2.d restricts ground signs to 25' in height in PUDs. Language in the PUD Major Amendment would increase the height restriction for ground signs to 40'.

The underlying CG district, in which all four (4) ground signs along 102nd St. S. would be located, has no maximum height restrictions. There are no height restrictions either in the CH, IL, IM, or IH districts. The CS district is the only commercial district with a maximum sign height restriction, and it allows up to 30', absent a PUD.

Zoning Code Section 11-9-21.C.3.d provides a categorical exemption from signage regulations for:

“d. Signs which are not visible from a public street.”

This suggests the primary intent of the signage regulations is to place restrictions on signage only when visible from public streets.

Within PUDs, Zoning Code Section 11-7I-4.B.2.d provides the following for ground signs in PUDs:

“d. Ground signs shall not exceed twenty five feet (25') in height, measured from the mean curb level of the lot upon which it is erected; except, a sign when located behind the building setback line may exceed twenty five feet (25'), but shall not exceed forty feet (40') in height.” (emphasis added)

The proposed pylon ground sign exceeding the height restriction would exceed the 25' building setback from the south property line per PUD 63, but would be about 10' short of the building setback line imposed by the plat of 101 South Memorial Plaza, which appears to be 25' from the existing northerly street curblin.

For the CS district absent a PUD, Zoning Code Section 11-9-21.D.1 provides the following:

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"A ground sign shall not exceed thirty feet (30') in height, measured from the mean curb level of the lot upon which it is erected, unless in addition to the minimum setback prescribed in subsection C5 of this section, the sign is set back one foot (1') for each foot of height exceeding thirty feet (30'); provided the sign shall not exceed fifty feet (50') regardless of setback."

The latter part of the above suggests the intent was to restrict, within CS districts, sign heights to an absolute maximum of 50', and that signs were encouraged to be located further from the street by allowing additional height. It appears to recognize an inverse relationship between the sign height and proximity to the street. This concept is echoed in the language found in Section 11-71-4.B.2.d quoted above and in certain other sections of the Zoning Code.

Lot 2, Block 3, 101 South Memorial Plaza (Andy's lot) has no public street frontage. Lot 1, Block 2, and Lot 1, Block 3 have public street frontage only on 85th E. Ave. All three (3) named lots are interior to the shopping center, and are thus not as visible from Memorial Dr. and 101st St. S. as Lot 1, Block 1 and other commercial lots with frontage on these commercial streets. Recognizing the intent of the Zoning Code, which permits additional sign height for lots when set back from public streets, and which does not restrict signs when not visible from public streets, by logical extension, it would encourage additional sign height for commercial lots less visible from public streets. Thus, it seems reasonable to allow additional sign height for these three (3) interior commercial lots. Staff recommends the pertinent section of the PUD Major Amendment be qualified to exclude Development Area A (Lot 1, Block 1, 101 South Memorial Plaza) from the additional height allowance. Other commercial businesses with Memorial Dr. frontage typically have approximately 25'-high signs (CVS/Pharmacy, Sprouts Farmers Market, Whataburger, Schlotzky's, etc.).

Signage – Maximum Number of Ground Signs. Zoning Code Section 11-9-21.C.8.b provides for the number of signs permitted: "b. CG and CH districts: One per one hundred feet (100') of arterial street frontage or a fraction thereof."

As the Development Area B (Andy's) lot is a lot interior to the shopping center development, the subject property does not have any arterial street frontage. Development Areas C and D have the same condition. The PUD Major Amendment would remove the "arterial" qualifier on the street frontage requirement, and would allow up to 10 ground signs per street frontage. Ten (10) ground signs is unlikely to be achieved in any instance, however, as the number is still restricted by available street frontage.

On the Development Area B (Andy's) lot, if the two (2) directional signs are added to the two (2) ground signs on the 102nd St. S. frontage due to the former exceeding the 3 square feet display surface area allowance, that would be a total of four (4) ground signs along 102nd St. S. Using the 1 to 100' frontage ratio, the 192' of street frontage would allow for a maximum of two (2). The text needs to be amended to specifically allow all four (4) as actually proposed on the Development Area B (Andy's) lot. Staff recommends this be done by (1) adding a "Signage" subsection to PUD 63 Section B (the development standards for Development Area B) stating that the maximum number of ground signs permitted shall be 1 for 50' of street frontage or fraction thereof, and (2) by changing the proposed amendment language in PUD 63 Section E.2.a as follows: "...fraction thereof, not to exceed ten (10), or as otherwise provided within the development standards of the specific Development Area."

Staff has no objections to this change as recommended herein, as the aggregate display surface area would not be increased by this amendment, and so additional signs merely cause the allowable copy areas of each to be reduced in size.

Signage – Maximum Display Surface Area and Sign Rotation. Zoning Code Section 11-9-21.E.1 restricts ground signage display surface area to "... two (2) square feet per each linear foot of street frontage if more than one such sign is erected."

For the Development Area B (Andy's) lot, 384 square feet of display surface area is allowable on 192' of street frontage on 102nd St. S. now that there are four (4) ground signs.

The Pinnacle Sign Group sign plan drawing # 0107-13-PYLO-1 (page 10 of the Hufft Projects site plan drawings received 01/10/2013) provides calculations for the pylon sign, which are interpreted as follows:

- The sign would have a main identification sign element measuring approximately 10' horizontally by 10' horizontally by approximately 5' vertically. Thus, it forms a cube-like design, with opposing sides having the same copy, alternating between "Andy's" and "Frozen Custard." This sign element will rotate per a note on that plan and previous statements by the Applicant.

The pertinent part of the original PUD 63 text would be amended to allow for the sign rotation. Due to its cube-like design and rotating function, by interpretation, the double-faced sign exclusion per Zoning Code Section 11-7I-4.B.2.e should not apply. Thus, all four (4) of the sign faces of should be added to the aggregate total display surface area. $5' \times 10' = 50 \text{ sq. ft.} \times 4 = 200 \text{ square feet}$.

- The pylon will also support, underneath the main identification sign, a non-rotating changeable-letter message board sign element measuring $8' \times 4' = 32 \text{ square feet}$.
- Finally, at the top, the pylon would support a large, $13' 2'' \times 6' 5''$, 3-dimensional frozen custard cone. Staff believes it reasonable to measure this 3-dimensional sign element by assuming each facet from every possible horizontal direction will contain an equal visible display surface area, but counting it only once because it is only humanly possible to see one facet at a time. However, this sign element will also rotate per a note on that plan and previous statements by the Applicant (the pertinent part of the original PUD 63 text would be amended to allow for the sign rotation). As recommended by Staff, the Applicant has added language to the PUD Major Amendment formally recognizing this interpretation and applying it to the subject property. The language used will need to be clarified as described in the recommendations section of this report. The recommended language calculates display surface area calculated by counting one (1) facet at a perpendicular angle to the street for each street abutting the Development Area in which the sign is located. Using this interpretation for the 102nd St. S. frontage and the mensuration method of the "smallest rectangle" containing the cone element, $13' 2'' \times 6' 5'' = 84.5 \text{ square feet}$.

The Pinnacle Sign Group sign plan drawing # Monument (page 11 of the Hufft Projects site plan drawings received 01/10/2013) provides information for the monument ground sign, which is interpreted as follows:

- The sign would have a main identification sign element measuring approximately $6' \times 3' 2\frac{1}{2}'' = 19.25 \text{ square feet}$.
- Under the identification sign element, a changeable-letter message board sign element is proposed measuring approximately $6' \times 3.5' = 21 \text{ square feet}$.
- Finally, to the side of the other two (2) sign elements, the sign would support a (presumably) 3-dimensional frozen custard cone. If 3-dimensional, counting its 102nd St. S. frontage facet only once as per the other cone sign element described above, and using the mensuration method of the "smallest rectangle" containing the cone element, $10' \times 5' 10'' = 58.3 \text{ square feet}$.

The Pinnacle Sign Group sign plan drawing # Directional (page 12 of the Hufft Projects site plan drawings received 01/10/2013) provides information for the directional ground signs ("Enter" and "Exit"), which are counted as ground signs because they exceed the 3 square foot exemption allowance. Although the "Site Plan" drawing A101 does not differentiate between types of ground signs, presumably the 102nd St. S. frontage will contain an "Exit" sign at the exit-only western driveway connection and an "Enter" sign at the eastern one. The two ground signs are interpreted as follows:

- The "Enter" sign would measure approximately $20'' \times 36'' = 5 \text{ square feet}$.
- The "Exit" sign would measure approximately $20'' \times 36'' = 5 \text{ square feet}$.

The aggregate display surface area for all four (4) ground signs on 102nd St. S. would be 316.5 square feet, which is within the 384 square feet permitted by Zoning Code Section 11-9-21.E.1.

The "incidental sign" at the driveway connection to 83rd E. Ave. will have no conformity issues due to being the only the second potential ground sign on that street frontage and the known dimensions of the monument sign and incidental signs.

Staff has no objections to adding to the PUD Staff's display surface area interpretation for 3-dimensional signs and allowing the sign rotation as proposed.

Signage – Minimum Spacing Between Ground Signs. Zoning Code Section 11-7I-4.B.c provides: "Any ground sign shall maintain a minimum separation of one hundred feet (100') from any other ground sign." As described elsewhere in this report, there are four (4) ground signs recognized along the 102nd St. S. frontage. Per the "Site Plan" drawing A101, this minimum spacing standard would not be met. Two (2) signs at the southwest lot corner will be spaced approximately 25' apart, and two (2) at the southeast lot corner will be spaced approximately 10' apart. The PUD Major Amendment currently does not have any language exempting the Development Area B (Andy's) lot from this restriction, and it will need to be added either to PUD 63 Section E or the previously-recommended "Signage" subsection of PUD 63

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Section B (Development Standards for Development Area B). As a matter of site development flexibility, Staff has no objections in either case.

Staff Recommendation. Staff believes that the proposed PUD Major Amendment # 1 is consistent with the purposes and intent of the Zoning Code and the original PUD 63, and is appropriate and in order for approval, as a tool to allow for the efficient and flexible development of the commercial property. Staff recommends Approval subject to the following corrections, modifications, and Conditions of Approval:

1. The text will need to be amended to state that parking may exceed the "maximum" allowed.
2. Staff recommends the amendment language for PUD 63 Section E.2.a be qualified to exclude Development Area A (Lot 1, Block 1, 101 South Memorial Plaza) from the additional height allowance.
3. Staff recommends this be done by (1) adding a "Signage" subsection PUD 63 Section B (the development standards for Development Area B) stating that the maximum number of ground signs permitted shall be 1 for 50' of street frontage or fraction thereof, and (2) by changing the proposed amendment language in PUD 63 Section E.2.a as follows: "...fraction thereof, not to exceed ten (10), or as otherwise provided within the development standards of the specific Development Area."
4. Staff recommends the amendment language for PUD 63 Section E.2.a be clarified by changing the following text: "Signs with multiple facets or surfaces will use only the sign surface facing the street frontage when calculating the surface area of the sign."

to read: "Signs with three (3) or more copy areas shall not enjoy the two-sided sign exclusion of Zoning Code Section 11-7I-4.B.2.e, and shall have their display surface area calculated by counting each copy area one time, regardless of rotation or non-rotation. Three-dimensional signs without flat-surfaced copy areas shall have their display surface area calculated by counting one (1) facet at a perpendicular angle to the street for each street abutting the Development Area in which the sign is located."

5. The PUD Major Amendment currently does not have any language exempting the Development Area B (Andy's) lot from the ground sign separation restriction of Section 11-7I-4.B.c, and it will need to be added either to PUD 63 Section E or the previously-recommended "Signage" subsection of PUD 63 Section B (Development Standards for Development Area B).

Chair Thomas Holland asked JR Donelson why there was a difference between the 35' sign height proposed for the Andy's project and the 40' height listed in the PUD Major Amendment. Mr. Donelson stated that he could not answer the question as to why there was a difference, but was instructed to list the height at 40'. Mr. Donelson stated that the architect had measured the height of two (2) other [Andy's] sites, including the new one in Joplin, and that they came close to 40'.

Chair Thomas Holland asked Erik Enyart what the Commission could do about the sign height. Mr. Enyart stated that it was the Commission's prerogative to recommend anything specifically in this regard.

Lance Whisman consulted the Minutes of the previous meeting in the agenda packet and noted that the approved height was 35'.

Lance Whisman asked Erik Enyart if the Andy's project had additional landscaping. Mr. Enyart responded that, as noted in the Staff Report, there was more landscaping proposed than would otherwise be required, and that was an argument in favor of allowing the additional parking proposed.

After further discussion of the sign height matter, Erik Enyart stated that the Commission could achieve the 35' sign height change by including in its Motion that recommended Condition of

Approval # 2 specify the maximum height would be 35'. Mr. Enyart stated that he would work out the particulars after the Motion.

Lance Whisman made a MOTION to Recommend APPROVAL of the proposed PUD 63 Major Amendment # 1 with all of the corrections, modifications, and Conditions of Approval as recommended by Staff, with the second recommendation to specify the maximum sign height would be 35'. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Benjamin, Holland, Baldwin, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	4:0:0

PLATS

Chair Thomas Holland asked if there were any plats to consider. Erik Enyart stated that there were none. No action taken.

OTHER BUSINESS

Chair Thomas Holland asked if there was any other business to consider. Erik Enyart stated that there was none. No action taken.

OLD BUSINESS:

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

NEW BUSINESS:

Chair Thomas Holland stated that the Commissioners had discussed taking up a matter of new business related to an item on the agenda.

John Benjamin read a statement (clarified later) recommending the City of Bixby purchase the Roger Metcalf and Clinton Miller property as an addition to Bentley Park.

JR Donelson stated that [he and his clients were going to] request an appeal [of the recommended Denial of PUD 74 and BZ-362] to the City Council, so that John Benjamin's statement could be read into the record.

John Benjamin stated that his statement was his Motion.

Jeff Baldwin recommended that the Motion be amended to qualify the purchase recommendation by adding the words, "make a good faith effort to."

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JR Donelson asked that the Motion be amended to replace the word "purchase" with "purchase or acquire," and noted that the City of Bixby sometimes trades for properties, rather than buying them outright.

John Benjamin accepted the recommended amendments to his Motion and made that his MOTION as follows:

"In reference to the property listed, item 3 of today's [Planning Commission] agenda, PUD 74 – Riverloft Addition, the Planning Commission recommends that the City of Bixby make a good faith effort to purchase or acquire said property as an addition to the Bentley Park acreage."

Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Benjamin, Holland, Baldwin, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 8:00 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

**LeAnn Acres
Bixby, Oklahoma**

January 15, 2013

*Placeholder for PUD
not fully re-
produced here*

Prepared For:

**Roger Metcalf and LeAnn Metcalf
15329 So. Sheridan Road
Bixby, Oklahoma 74008**

CITY OF BIXBY

JAN 21 2013

RECEIVED

By *Enyart*

Prepared By:

**J.R. Donelson, Inc.
12820 So. Memorial Dr., Office 100
Bixby, Oklahoma 74008**

LeAnn Acres, Planned Unit Development No. _____

**LeAnn Acres
Bixby, Oklahoma**

January 15, 2013

Prepared For:

**Roger Metcalf and LeAnn Metcalf
15329 So. Sheridan Road
Bixby, Oklahoma 74008**

CITY OF BIXBY

JAN 21 2013

RECEIVED

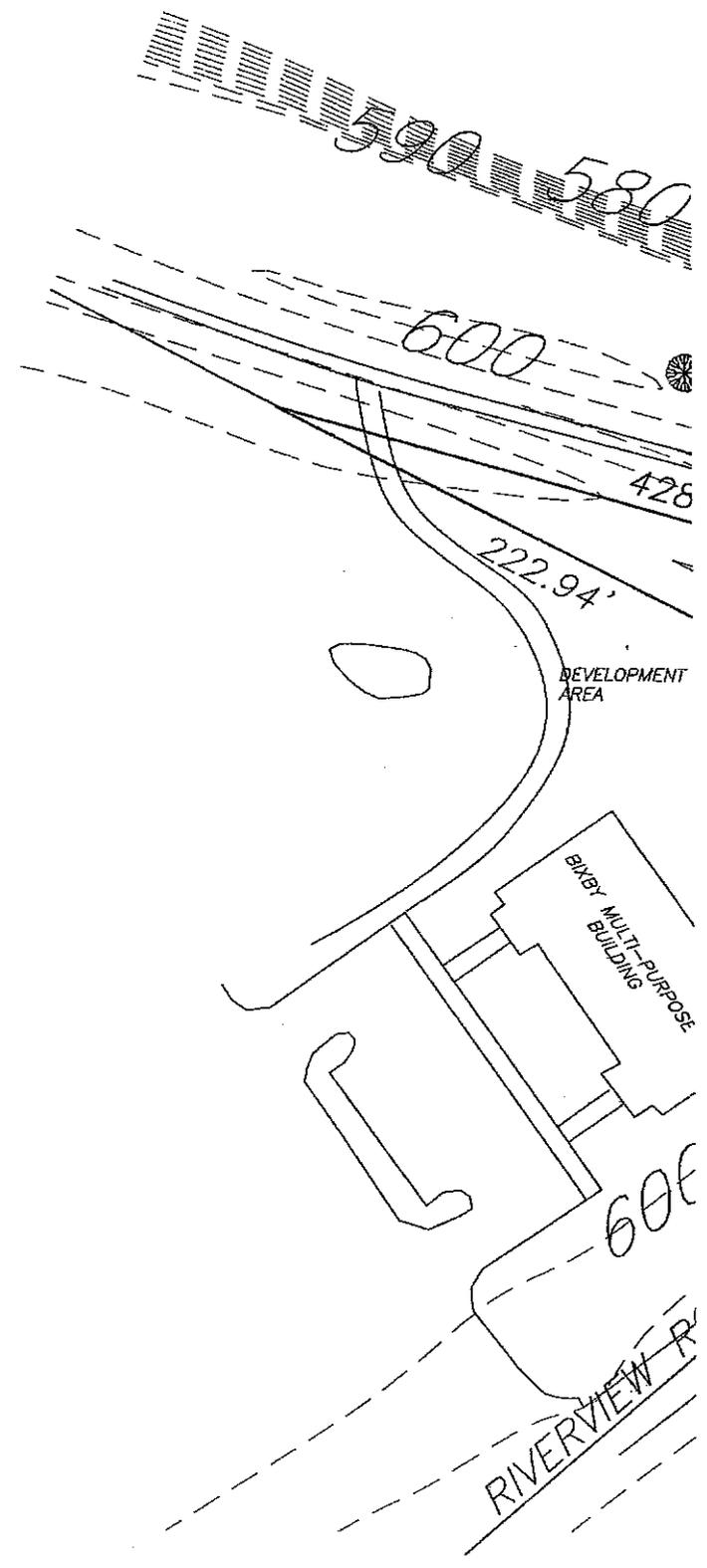
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Prepared By:

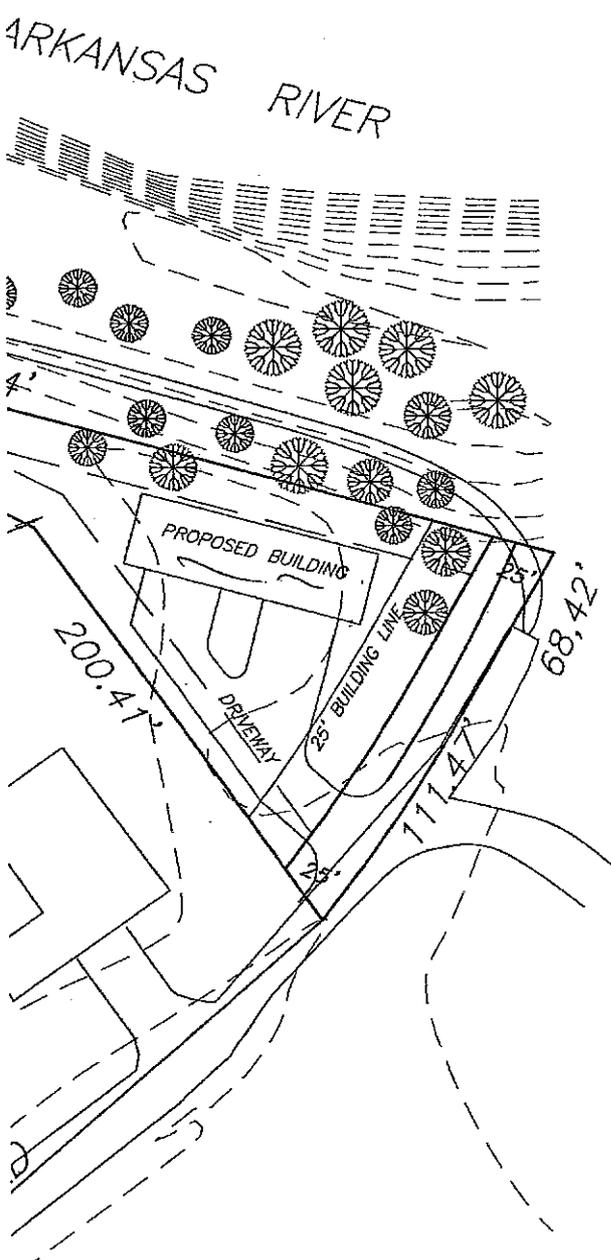
**J.R. Donelson, Inc.
12820 So. Memorial Dr., Office 100
Bixby, Oklahoma 74008**

LeAnn Acres, Planned Unit Development No. _____

RiverLoft



Addition



CITY OF BIXBY

JAN 21 2013

RECEIVED

By Enyark

cf. BCMA-7, PUD 74, +
BZ-36

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:00 PM.

ROLL CALL:

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

CONSENT AGENDA:

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

Chair Thomas Holland introduced Consent Agenda Item Number 1. It was determined that Larry Whiteley was not present at that meeting. The Commissioners clarified with Erik Enyart that it would be best to Pass the item to the next agenda. Chair Thomas Holland declared the item PASSED to the next Regular Meeting Agenda.

Chair Thomas Holland declared that, because of the length of time that agenda items number 2 and 3 would take, the agenda items would be taken out of order and that agenda item number 4 would be considered at this time.

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.
-

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, February 15, 2013
RE: Report and Recommendations for:
Preliminary Plat & Final Plat of Bixby Centennial Plaza II

LOCATION: – Approximately the 11900-block of S. Memorial Dr.
– Lot 7 and the N. 42' of Lot 8, Block 1, Bixby Centennial Plaza

LOT SIZE: 1 acre, more or less, in two (2) parcels

ZONING: CS Commercial Shopping Center District + PUD 73

SUPPLEMENTAL ZONING: Corridor Appearance District

EXISTING USE: Vacant commercial lots

REQUEST: Preliminary Plat & Final Plat approval for a 2-lot commercial subdivision

COMPREHENSIVE PLAN: Corridor + Medium Intensity + Commercial Area.

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

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, which became Bixby Centennial Plaza and Fox Hollow and an unplatted 11-acre tract later approved as 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). Subject property included in that part approved for CS zoning.

Preliminary Plat of Bixby Centennial Plaza – Request for Preliminary Plat approval including subject property – PC Approved 07/17/2006 and City Council Approved 07/24/2006.

Final Plat of Bixby Centennial Plaza – Request for Final Plat approval including subject property – PC Approved 10/16/2006 and City Council Approved 10/23/2006 (plat recorded 04/04/2007).

BL-351 – Khoury Engineering, Inc. – Request for Lot-Split approval to separate the north 42' of Lot 8 and add to Lot 7 of Bixby Centennial Plaza (included subject property) – PC Conditionally Approved 03/17/2008.

PUD 73 – Eagle SPE Multi I, Inc. – Rosenbaum Consulting, LLC – Request for approval of PUD 44 supplemental zoning for subject property – PC recommended Approval 11/19/2012 and City Council approved 11/26/2012 (Ord. # 2105).

V-43 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc. – Request to close a Utility Easement within subject property – PC recommended Approval 11/19/2012 and City Council approved 11/26/2012 (Ord. # 2104).

BL-387 – Rosenbaum Consulting, LLC for SPE Multi I, Inc. – Request for Lot-Split for subject property – PC Conditionally Approved 11/19/2012.

BACKGROUND INFORMATION:

As per the required Conditions of Approval of BL-351 and BL-387, the smaller pieces composing the southerly tract produced by the latter Lot-Split application were deed-restricted each to the other, to satisfy the minimum lot-width/frontage requirements of PUD 73. This plat will place the common lot line between the two (2) lots where they presently exist.

ANALYSIS:

Subject Property Conditions. The subject property is vacant and zoned CS. It consists of Lot 7 and the N. 42' of Lot 8, Block 1, Bixby Centennial Plaza (since divided into 2 tracts per BL-387; see above). It has a combined total of 174' of frontage on Memorial Dr., but access directly to Memorial Dr. is restricted by Limits of No Access (LNA) per the plat of Bixby Centennial Plaza. Instead, access is afforded via existing private drives within Mutual Access Easements (MAEs).

Part of the north and west sides of the property are covered by parts of MAEs, which MAEs contain existing private commercial drives. This was represented on the Exhibit 1 Conceptual Site Plan included with PUD 73.

Per the PUD 73 Exhibit 2 Topographic Survey, the land is relatively flat and appears to drain to the north and east, ultimately to the borrow ditch along S. Memorial Dr., which drains south. When developed, the land should drain through a stormsewer system to the temporary stormwater detention

pond located to the southwest of the subject property. This pond is ultimately planned to be replaced in favor of a stormsewer system to be installed along 121st St. S. and to drain west to the Fry Creek Ditch # 2.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor, (2) Medium Intensity, and (3) Commercial Area. The commercial development anticipated by this plat would be consistent with the Comprehensive Plan.

General. The proposed replat subdivision contains two (2) Lots, one (1) Block, and no (0) Reserve Areas.

The resulting tracts would not meet the 150' minimum lot frontage/width requirement in the CS district. However, PUD 73 reduced the lot frontage/width requirement such that would allow the Lot-Split. Both lots and the subdivision itself appear to meet the requirements of PUD 73.

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 February 06, 2013. Minutes of that meeting are attached to this report.

Access and Internal Circulation. As noted above, the subject property has Limits of No Access to Memorial Dr., but has access to Memorial Dr. and 121st St. S. via the Mutual Access Easements (MAEs) platted with Bixby Centennial Plaza, which MAEs contain existing drives.

Additional MAEs will be platted through the subject property, allowing cross-access between the two (2) lots in this plat, and also access through them between the MAE drive to the north and the former Santa Fe Cattle Co. restaurant to the south.

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

1. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
2. Title Block Page 1, Deed of Dedication / Restrictive Covenants (DoD/RCs) Preamble, Possible Other Places: Refers to the existing property as located within Bixby Centennial Plaza, "An Addition to the City of Bixby," when Bixby Centennial Plaza is known as "A Subdivision of Part of the..." Please reconcile all instances.
3. The 174' dimension for the LNA is in mathematical conflict with the subject property frontage minus the 20' Access Opening.
4. "Engineer/Surveyor" listed on the face of the plats should be clarified as "Rosenbaum Consulting, LLC, or the correct legal name of the corporate entity."
5. Subdivision statistics summary: 2.431 acres total area is incorrect; subject property is slightly more than one (1) acre.
6. Per by Ordinance # 2104, approving application V-43, the City Council closed a 10' U/E platted along the north line of the underlying Lot 8 portion of subject property. The easement does not show up on the plat. If the owner has had the easement permanently vacated through District Court, please provide a copy of the final Court Order. Otherwise, please represent the U/E on the plat along with qualifier such as "Closed by City of Bixby Ordinance # 2104."
7. Per SRs Section 12-4-2.A.5, the Location Map ("Vicinity Map") must include:
 - All platted additions represented with the Section:
 - The Links at Bixby (misrepresented as to configuration)
 - Resubdivision of Lots 3 and 4 of Bixby Commons (missing)
 - Woodcreek Village Amended (missing)
 - The Estates of Graystone (mislabeled)
 - Citizens Security Bank Addition (not labeled)
 - Amended Plat of Block 7, North Heights Addition (missing)
 - East 111th Street South (mislabeled)
 - South Sheridan Road (mislabeled)
 - Scale at 1" = 2,000'.
8. Plat missing notes pertaining to monumentation (reference SRs Section 12-1-8).
9. Add addresses to the lot such as follows (may be adjusted as desired provided changes are consistent with accepted addressing conventions):
 - Lot 1: 11910 S. Memorial Dr.

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- Lot 2: 11920 S. Memorial Dr.
10. Plat missing 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."
 11. MAEs on face of plat: Please clarify as follows: "24' Mutual Access Easement."
 12. Title Block Page 2: Reference to Broken Arrow needs to be changed to Bixby – match Title Block on Page 1.
 13. Title Block Page 2: Geographic citation incorrect – match Title Block on Page 1.
 14. Deed of Dedication / Restrictive Covenants (DoD/RCs): Does not appear to provide any section for the dedication, purpose, beneficiaries, use conditions, or division of shared maintenance responsibilities of the MAEs as indicated on the face of the plat.
 15. DoD/RCs Preamble: Per the deeds recorded pursuant to BL-387, there are new, different owners of the two (2) tracts being replatted (ZIM Holdings, LLC and Ward and Hall, LLC). The legal description of the land being platted does not differentiate between what part of the underlying land is owned by which property owner. 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 plat of 101 South Memorial Plaza.
 16. DoD/RCs Section I.D.4: Occurrence of "easement_ways" for "easement-ways" or "easements," as presumed intended.
 17. DoD/RCs Section I.F: Please qualify this section as follows: "...damage to landscaping and paving, when permitted by the City of Bixby, occasioned...."
 18. DoD/RCs Section II Preamble: Refers to "Sections 1100-1107 of Title 42, Bixby Revised Ordinances (Bixby Zoning Code)." This appears to point to the City of Tulsa's Zoning Code. Please revise to simply "... the provisions of the Bixby Zoning Code pertaining to Planned Unit Developments (PUDs)," or something to that effect.
 19. DoD/RCs Section II: Complete blanks and correct ordinance publication date pertaining to approval of PUD 73.
 20. DoD/RCs Section II: Confirm language contains all of the last and final version of PUD 73 as approved. For example, the "Parking" and "Signs" subsections appear to be missing part of the language of the approved PUD. Please check and correct thoroughly.
 21. DoD/RCs Section II.G: Refers to agreements to be executed as to shared parking, driveways, sidewalks, and signs. Such agreements should be incorporated into the DoD/RCs in an appropriate section, if same are completed prior to plat recording.
 22. DoD/RCs Section II.K: Please complete blank with acceptable date.
 23. 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.
 24. A copy of the approved PUD 73 including all recommended corrections shall be submitted for placement in the permanent file.
 25. A copy of the Preliminary Plat including all required corrections shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic/PDF copy).
 26. A copy of the Final Plat including all required corrections shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic/PDF copy).

Erik Enyart stated that he had not had opportunity to speak to the Applicant about the recommended corrections, modifications, and Conditions of Approval, but that the Applicant was present. Barrick Rosenbaum indicated agreement with the Staff recommendations.

Larry Whiteley made a MOTION to APPROVE the Preliminary and Final Plats subject to the Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

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ROLL CALL:

AYE: Holland, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

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.

Chair Thomas Holland introduced agenda items number 2 and 3 and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, February 14, 2013
RE: Report and Recommendations (Revised 02/19/2013 to reflect the revised plans and information received 02/19/2013) 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.

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.

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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:

On Tuesday, February 19, 2013, the Applicant submitted revised hard copies of the PUD Text & Exhibits package. This report has been revised to reflect recommendations from the original Staff Report which have been satisfied with this submittal. A copy of the revised PUD Text & Exhibits package 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.

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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 (some of which has changed with the revised PUD Text & Exhibits package received 02/19/2013, which the following may not reflect):

DA A: "Uses permitted as a matter of right in the CS District and customary accessory uses." This would include Use Units (UUs) 1, 4, 5, 10, 11, 12, 13, 14, and 19. Uses within UU 19 may be too intensive relative to the proximity of the Fox Hollow neighborhood. Staff recommends that, if UU 19 is retained, it be restricted to hotel use only, which would be restricted by the 2 stories and 35' maximum height restriction of Development Area A. The small size of the lots within DA A, however, would likely preclude hotel use.

DA B: "Life Care Retirement Center as set forth within Use Unit 8. Multifamily Dwelling and Similar Uses and customary accessory uses." ~~The period following the numeral "8" is potentially ambiguous, and may be interpreted as either restricting the use to a "Life Care Retirement Center" or that plus a standard multifamily development. Please clarify as appropriate. Regardless of clarification outcome, recommendations in this report pertaining to multifamily development quality apply to this Development Area.~~

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." Recommendations in this report pertaining to multifamily development quality apply to this Development Area.

DA D: "Uses permitted as a matter of right in the CG Zoning District and principal uses permitted by special exception within the CG Zoning District including Use Unit 15 - Other Trades and Services, Use Unit 23 - Warehousing and Wholesaling (office/warehouse), and Use Unit 15 - Mini-Storage, Use Unit 17 - Automotive and Allied Activities and permitted uses shall be conducted within enclosed buildings, provided however sexually oriented businesses shall be excluded. Notwithstanding the foregoing, open air storage may be permitted by minor amendment submitted to and approved by the Bixby Planning Commission."

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. The term "including" would be followed by "only" if the intent was to limit the use to those three (3) UUs. Without qualification, the "Uses permitted as a matter of right in the CG" part would also include UUs 1, 4, 5, 10, 11, 12, 13, 14, 15, 17, 18, and 19. Restriction on sexually-oriented businesses (SOBs) would appear applicable if including UUs 13, 14, and 19 (that specific restriction here is duplicative considering the overall prohibition in Section III.A "Restricted Uses"). If intended to qualify the "and principal uses permitted by special exception within the CG" part, it should not specify UU 15, as that is allowed by right. UU 15 mini-storage should be UU 16 ministorage. UU 16 ministorage developments are only permitted by PUD, not Special Exception. This section should be clarified.

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." This would include UUs 1, 4, 5, 10, 11, 12, 13, 14, and 19. 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 sexually oriented businesses and 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. ~~The~~

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~~specific SOBs restriction is duplicative considering the overall prohibition in Section III.A "Restricted Uses."~~

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.

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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. The PUD should specify proposed rights-of-way and roadway widths; a typical section for the collector street and the minor streets may also be employed for further illustration.

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 interior sidewalks will be constructed, and is generally adequate, but it should be amended to specify this is also the case along 121st St. S.

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.

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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.
2. Consistent with the Encore on Memorial project and PUD 75, this PUD should propose specific masonry requirement for each multifamily development building type (Encore on Memorial included a 25% masonry requirement for the standard 3-story apartment buildings ("Type I"), a 35% masonry requirement for the modified-type 2/3-story apartment buildings ("Type III"), and

a 40% masonry requirement for the leasing office. The garages and carport buildings had no masonry requirement). With the PUD version received 02/19/2013, this has been added for DAs C and H, but not for DA B (assisted living facility)

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

3. Describe in the PUD Text and amend the Exhibits as necessary to address what will be done with the existing stand of mature trees along the west side of the acreage; i.e. will any of the trees be preserved within the development?
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.

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. Please incorporate within the Development Standards the specific land use / Use Unit recommendations per Development Area listed in the analysis above.
4. Please incorporate within the Text and Exhibits the five (5) numbered recommendations listed above pertaining to development quality and multifamily developments.
5. Page 3, Development Concept: Per other recommendations in this report, in the final paragraph, please amend the text such as, "...detailed site plans of each phase of the development submitted to and approved by the Bixby Planning Commission and the Bixby City Council."

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6. ~~In satisfaction of Zoning Code Section 11-7I-8.B.1.a, please tie land uses to the site plan by adding to Exhibit C/C.1/C.2 verbiage reflecting that the letters used correspond to Development Areas described within the text.~~
7. ~~Exhibit C/C.1/C.2: Please include, represent, identify/label, and/or dimension, or otherwise correct as follows: Some elements have been satisfied by representation on other Exhibits, such as Exhibit B.~~
- a. ~~Date of preparation~~
 - b. ~~Internal dimensions such as were on the initial PUD site plan submittal~~
 - c. ~~Sufficient surrounding area elements (Section 11-7I-8.B.1.g) including, but not necessarily limited to:~~
 - i. ~~Encore on Memorial~~
 - ii. ~~Fry Creek Ditch # 1~~
 - iii. ~~Fry Creek Ditch # 2~~
 - iv. ~~Easton Sod sales lot~~
 - v. ~~Agricultural tracts abutting to the east~~
 - vi. ~~Fox Hollow and 73rd E. Ave. as recommended elsewhere herein~~
 - d. ~~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~~
 - e. ~~Rights-of-way and roadway widths per other recommendations in this report~~
 - f. ~~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)~~
 - g. ~~Sidewalks~~
 - h. ~~Fry Creek Ditch access roads on adjoining right-of-way tracts~~
 - i. ~~Perimeter and/or internal trails (if/as may be planned)~~
 - j. ~~Development entrance sign if/as may be proposed at 121st St. S.~~
8. ~~Missing elements: Soil analysis per Zoning Code Section 11-7I-8.B.2. This is a minimum requirement for PUDs per the Zoning Code.~~
9. ~~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.~~
10. ~~The PUD should specify proposed rights-of-way and roadway widths; a typical section for the collector street and the minor streets may also be employed for further illustration.~~
11. ~~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.~~
12. ~~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)~~
13. ~~Section III.D: Please correct: "...South Memorial Road Drive..."~~
14. ~~Section III.D: Please specify if the collector street and minor streets shown on the site plans will be publicly or privately owned and maintained.~~

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15. Section III.D: Please specify sidewalks will also be constructed by the developer along 121st St. S.
16. Section III.E: The text allowing off-site signs (circumventing the "billboard" prohibition) needs to have typos corrected: "A s Signs identifying an interior property..."
17. Section III.E: Consider revising the text allowing off-site signs to specify: (1) will such signs be allowed in addition to the ground signage otherwise allowed for the primary use of the lot on which located, and (2) if so, will it be allocated its own exclusive display surface area, or have to share it with the primary use, and (3) what will be the allowable height, display surface area, number, spacing, and other particulars?
18. ~~Consider the likelihood that the maximum parking number standard of Zoning Code Section 11-10-2.H would be exceeded by any particular use or Development Area, and whether the PUD should add a measure of flexibility in this regard. Consider also 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.~~
19. Development Standards.
 - a. ~~DA B: Double asterisks before "Minimum Off Street Parking" should be clarified or removed if not operative.~~
 - b. DA C: 320 maximum dwelling units proposed exceeds allowance of Zoning Code Section 11-7I-5.A.1 even presuming all multifamily apartment units would have less than 2 bedrooms. 16.014 acres would allow for a maximum of 291 dwelling units. Please revise.
 - c. DA C: Maximum density: 20 DUs (multifamily) per acre exceeds Zoning Code allowance (see above). Please revise.
 - d. DA C: Maximum density: 7 DUs (detached single family) per acre exceeds Zoning Code allowance (~5.808/acre for 16.014 acres). Please revise.
 - e. DA C: Maximum density: Please differentiate between multifamily dwelling units having 1 or fewer bedrooms and those having 2 or more.
 - f. 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."
 - g. DA C: In anticipation of possible multifamily development, provide a setback for multifamily buildings from DA and lot line boundaries, such as 20'.
 - h. 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.
 - i. 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).
 - j. 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).
 - k. ~~DA G: Minimum landscaped percentage: 15% is required by Code for office but 10% is proposed. Specify 15% or otherwise please remove (to allow default to Code).~~
 - l. DA H (Alt.): 300 maximum dwelling units proposed exceeds allowance of Zoning Code Section 11-7I-5.A.1 even presuming all multifamily apartment units would have less than 2 bedrooms. 15 acres would allow for a maximum of 272 dwelling units. Please revise.
 - m. ~~DA H (Alt.): Double asterisks before "Minimum Off Street Parking" should be clarified or removed if not operative.~~
20. 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

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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.

21. *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).*

Larry Whiteley indicated that he understood the Planning Commission had expressed that such applications with too many required corrections should be Continued to the next meeting agenda, to allow the Applicant to work out the issues with the Staff.

Larry Whiteley made a MOTION to CONTINUE PUD 76 and BZ-364 to the March 18, 2013 Regular Meeting.

Erik Enyart stated that the applications had been turned in about the application submission deadline, and, as a testament to how Bixby's development was rebounding, he had been so busy lately that it took every minute since then to finish the Staff Report. Mr. Enyart stated that, in the Applicant's defense, he had only the previous [Thursday] provided the Staff Report to the Applicant.

Chair Thomas Holland expressed concerns for the PUD and remarked that it was the most unusual PUD he had seen since he had been on the Planning Commission.

A Commissioner clarified with Erik Enyart a matter pertaining to the Detailed Site Plan. Mr. Enyart stated, "I anticipate the Applicant will ask that the scope of the Detailed Site Plan approval requirement by City Council be narrowed to multifamily use only." Chair Thomas Holland clarified with Mr. Enyart that [all developments within] all Development Areas would have to come back to the Planning Commission for its approval of a Detailed Site Plan.

Chair Thomas Holland recognized Applicant Roy Johnsen. Mr. Johnsen stated that the owner, Rick Dodson was present, but that Mr. Dodson's partner was not. Mr. Johnsen stated that Mr. Dodson was a good developer who built quality developments in the Tulsa area. Mr. Johnsen stated that the only contract for the sale of any lot so far was for a life care retirement center, which would have independent living, assisted living, and nursing homes. Mr. Johnsen indicated that that would be a quality development.

Larry Whiteley WITHDREW his Motion.

Roy Johnsen stated that he had met with David Wagner of the Seven Lakes subdivision.

Roy Johnsen stated that the application meets the Comprehensive Plan, which calls for this zoning.

Roy Johnsen stated that he would summarize the various Development Areas. Mr. Johnsen stated that Development Area A was designed for retail. Mr. Johnsen stated that the life care purchaser wanted to acquire and control what went in there, and may want something [conducive to the assisted living facility use] such as a pharmacy. Mr. Johnsen stated that Development Area C was originally planned to allow multifamily use, but that the owner met with city staff over technical issues and Mr. Dodson decided that a better use than apartments would be duplexes, townhomes—

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although that would not be likely, and possibly apartments limited to two (2) stories, four (4) units per building each. Mr. Johnsen that, in Development Area C, the maximum number of dwelling units was reduced from over 300 to 75. Mr. Johnsen stated that this Development Area had a good separation, by the 300'-wide [Fry Creek] Ditch, from the Seven Lakes subdivisions. Mr. Johnsen stated that Development Area D was planned for what he liked to call a "small businessman's [development]," and that it would be similar to the [Crosscreek "trade center" / "office/warehouse"] development to the south of the subject property. Mr. Johnsen stated that, with respect for the Seven Lakes subdivision, he added conditions for brick, restrictions on overhead doors on the west and east sides of the buildings, and restricting all activity to be conducted indoors. Mr. Johnsen stated that this would make it more compatible, and provide substantial separation. Mr. Johnsen stated that there would be a screening fence along the westernmost line [of Development Area D]. Mr. Johnsen stated that the Development Areas G and H are was originally planned for businesses or apartments, but with staff input, it was separated with offices to occupy the western part. Mr. Johnsen stated that there would be a collector street with an 80' right-of-way and 38' of paving. Mr. Johnsen stated that his clients have a contract to purchase or acquire [from the seller] the right-of-way [connecting the subject property to the existing 126th St. S. right-of-way]. Mr. Johnsen stated that the main entry [streets] into the life care [facility] would have a 50'-wide right-of-way and 26' of paving. Mr. Johnsen stated that the split between Development Areas G and H was designed to encourage apartment traffic to go to Memorial Dr., and maybe less so to 121st St. S.

Chair Thomas Holland asked Roy Johnsen if Development Area G would allow multifamily, and Mr. Johnsen responded that it would not and would be limited to office use. Mr. Johnsen stated that a community needs multifamily if it is going to be a city.

Larry Whiteley asked Roy Johnsen if [Development Area H] would be [sold to] the same people who own the [Encore on Memorial] apartments now. Mr. Johnsen stated that it would not. Larry Whiteley noted that this should be held to the same high standards for quality as previous apartment developments. Mr. Johnsen stated that, as it pertains to quality, there would be a masonry requirement for multifamily, and the site plan would be approved not only by the Planning Commission but by the City Council. Mr. Johnsen stated that, for other types, the Detailed Site Plan would be approved by the Planning Commission only, as one should not have to burden the City Council with them, but the aggrieved party can always appeal to the City Council.

Chair Thomas Holland asked Erik Enyart about language in the Staff Report pertaining to Development Area G and multifamily use. Mr. Enyart responded, "That should be [Development Area] H; I think that survived my first draft when there was no H."

Chair Thomas Holland expressed concern that the language would allow "open air storage by minor amendment" in Development Area D. Roy Johnsen stated that this would not be by right, and would still have to be approved by the Planning Commission. Mr. Johnsen stated that, perhaps, the interior areas may be used to store RVs or similar items.

Erik Enyart addressed Chair Thomas Holland and expressed intent to address the Applicant. Mr. Holland indicated approval. Mr. Enyart asked Roy Johnsen if there were any specific staff recommendations that his client had not agreed with. Mr. Johnsen responded that he had not read

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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: Thursday, February 14, 2013

RE: Report and Recommendations (Revised 02/19/2013 to reflect the revised plans and information received 02/19/2013) for:
PUD 76 – “Scenic Village Park” – Tanner Consulting, LLC, and
BZ-364 – Tanner Consulting, LLC

Placed in folder for Report Nov

Fully

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

Reproduced Here

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.



EAST 121ST STREET SOUTH

SOUTH MEMORIAL DRIVE

R 13 E



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

Placedholder for PUD No



CITY OF BIXBEE

FEB 19 2013

RECEIVED

By *[Signature]*

121ST AND MEMORIAL

SCENIC VILLAGE PARK

PUD# 76

PREPARED FEBRUARY 15TH, 2013

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Fully

Reproduced here

BIXBY PLANNING COMMISSION

SIGN IN SHEET

DATE: February 19, 2013

NAME	ADDRESS	ITEM
✓ 1. David Wagner	12563 S. 71 st E Ave	PUD 76
✓ 2. Brenda Isaacs	12559 S. 71 st E AVE ^{Bixby}	PUD 76
✓ 3. Jody Brown	11934 S 73 rd Ave	PUD 76
✓ 4. TODD HANSEN	6986 E. 127 th St	
✓ 5. Maimie Tollison	12824 S. 72 nd E. Ave	
✓ 6. Mike Harrell	12661 S. 71 st E Av.	
✓ 7. JAN SWAFFORD	11974 S 73 E Ave	PUD 76
✓ 8. JAY MAULDIN	7341 E 119 PL	2/3 (PUD 76)
9.		
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**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
February 19, 2013¹ 6:00 PM**

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

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

Chair Thomas Holland introduced the meeting as the "Continuation of the meeting February 19, 2013."

The agenda items were taken out of order and agenda items number 2 and number 3 were considered at this time.

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.

See Minutes for the February 19, 2013 Regular Meeting held on February 19, 2013.

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.

¹ This record reflects the Continued part of the February 19, 2013 Meeting held February 27, 2013.

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.

Chair Thomas Holland introduced agenda items number 2 and number 3 and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

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 McLearan – 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 McLearan – 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;

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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).*

Erik Enyart stated that the Applicant had, just prior to the meeting, submitted new PUD Text which satisfied most of Staff's recommendations. Mr. Enyart stated that, if it was the Planning Commission's intent to recommend Approval of the applications, he recommended the Motion for Approval be subject to Staff's recommendations, as that would cover all of those not yet [completed]. Mr. Enyart clarified that there were 14 recommended [corrections, modifications, and] Conditions of Approval.

Chair Thomas Holland addressed the audience and noted that these applications had been heard at the previous meeting, and admonished those speaking on the items, in the interest of time, to refrain from repeating concerns already expressed.

Chair Thomas Holland recognized Applicant Roy Johnsen. Mr. Johnsen stated that he believed he had pretty much covered all of Staff's recommendations. Mr. Johnsen stated that the current PUD [Text] was now the fourth version he had written in response to the recommendations. Mr. Johnsen noted that he had met with Erik Enyart on the Tuesday prior, and "I think I've pretty much covered" all the concerns. Mr. Johnsen stated that he would discuss the changes briefly. Mr. Johnsen stated that, in Development Area A, which was in front of the life care facility, the uses were limited to [those allowed within] CS, [and he anticipated] those things supporting of [the life care facility's] main business. Mr. Johnsen stated that there was a concern expressed about a hotel being allowed as within Use Unit 19, and so he made an adjustment to remove Use Unit [19] altogether. Mr. Johnsen stated that it was somewhat related: In Development Area E, [he and his client] left Use Unit 19 in, but limited it to a hotel, as the client actually considered a hotel to be a very good use. Mr. Johnsen stated that there had been a lot of discussion regarding Development Area C. Mr. Johnsen stated that, in the neighborhood meeting there was concern expressed from the single-family neighborhood to the west—Seven Lakes—and so he had made a series of adjustments in Development Area C. Mr. Johnsen stated that the changes included limiting the Development Area to 75 dwelling units and restricting multifamily buildings to no more than four (4) units within a two (2) story height. Mr. Johnsen stated that he expected the Development Area to have duplexes as the predominant use, but perhaps townhomes and perhaps single-family homes. Mr. Johnsen stated that his client intended to spend \$200,000 per unit for duplexes, so this would be a "very high" quality development, which would find a very good market here. Mr. Johnsen stated that, for Development Area D, [he and his client] had listened to the neighborhood's and City Planner's concerns. Mr. Johnsen stated that the west boundary will have a screening fence, even though there is already a very wide Fry Creek Ditch. Mr. Johnsen stated that there would also be, on the west and north side, a masonry requirement of 25%, and he had removed the language allowing open air storage with Planning Commission approval.

Chair Thomas Holland asked for clarification on whether the open air storage was [proscribed] by taking out the verbiage or restricting it outright. Erik Enyart consulted the latest PUD Text and responded that it had simply been taken out, and so it would default to the Zoning Code, which prohibited open air storage. Roy Johnsen stated that, if it would make the Commission more

comfortable, he could put in affirmative language that [open air storage] wouldn't be there. The Commissioners indicated agreement.

Roy Johnsen stated that Development Areas E and F would be planned for general commercial. Mr. Johnsen stated that Development Area G would be limited to office, which was a good use. Mr. Johnsen stated that 121st St. S. was "a very strong street," and was "basically five (5) lanes; four (4) and a turn lane," and was of "very good quality." Mr. Johnsen stated that there had been concern that the right-of-way did not presently exist [to connect the subject property to 126th St. S.]. Mr. Johnsen stated that, outside the PUD, "we have a contract with [the seller] at closing that they will dedicate" [the right-of-way], and "under the PUD we are required to extend [126th St. S.] to Memorial [Dr.]. Mr. Johnsen stated that this was covered in the words and circumstances. Mr. Johnsen stated that there may be some slight wording change, which he would work out with Erik before the City Council meeting. Mr. Johnsen noted that the Staff recommendation was favorable, and asked the Commission for approval with Staff recommendations to be finalized before the City Council.

Chair Thomas Holland clarified with the other Commissioners that they preferred that he invite other people in attendance to speak on the item before asking questions of the Applicant.

Chair Thomas Holland recognized Jan Swafford of 11974 S. 73rd E. Ave. from the Sign-In Sheet. Ms. Swafford thanked the Commission for working with [the area residents]. Ms. Swafford addressed the Applicant and stated, "If you do anything besides nasty apartments, we would appreciate and wish there would be more [single-family] residential." Ms. Swafford addressed the Applicant and reiterated a previous statement, that "Council asked you to do commercial—I am very disappointed in that."

Chair Thomas Holland recognized Jay Mauldin of 7341 E. 119th Pl. S. from the Sign-In Sheet. Mr. Mauldin summarized the following written statement:

"There are two things from last week's meeting that I want to clear up. Ms. Swafford made reference to the City Council commenting, three years ago, that there would be no more apartment complexes in this corridor and I recall some confusion on the part of a couple of Commissioners. I don't think that was a ruling that the City Council made. My recollection is that it was discussed by one or more Councilors and/or one or more Planning Commissioners, at that time.

"Also, last week, Ms. Toll[i]son made reference to and read a letter concerning 73rd East Avenue extending all the way to 131st Street. Three years ago, there was some master planning being contracted by the city and at that time, when we through the PUD 70 discussion, there was, in fact, a plan contemplated to take 73rd East Avenue all the way to 131st Street. I know that's not contemplated here, but since it was brought up last week, I just wanted to point out that she wasn't crazy. There was actually talk about that three years ago. She read you a letter from a neighbor who was opposed to this PUD on that basis and I wanted to address that concern.

"Regarding the PUD that is in front of us, hotel use has been removed from Area "A" and that is a good thing. As I understand the language, Area "B" is limited to Life Care Retirement Center only, the potential of multi-family use has been removed and that is a great thing. In Area "C", the building height has been reduced and the intensity of multi-family, to the extent that it exists, has been limited and that is a good thing. I have concerns about Area "D" but I will defer to my friends at Seven Lakes with regard to Area "D". In Area "E", as counsel has pointed out, Use Unit 19 has been limited to hotel use only. I would rather see that use in Area "H", but, nonetheless, I appreciate the limitation to hotel only for Use Unit 19 in Area "E". That's about all I have for you regarding the permitted uses of the land. I appreciate the developer and his folks receiving the feedback that has been provided and addressing the concerns that have been advanced.

"With regard to the "fairly debatable" argument, if you will, situating this proposal on this tract of land, I have always thought that 121st & Memorial is a great place for the City of Bixby to have serious sales tax revenue collection. Some years ago, I had suggested that all 180 acres should be retail. But, I also understood that was probably not going to happen and that we would end up with something like this collector street, which will provide some definition to this area and what it can be now.

"Regarding the permitted uses of this PUD on the west side of that collector street, for example, in Area "A", I believe the merchants would like having the traffic that would come with a large commercial environment at 121st & Memorial. The folks in the Retirement Center, I think, would like to be able to literally walk across the street to one of the nicest shopping environments in all of Tulsa County. I think that the folks in the upscale dwellings in Area "C" would be amenable to that as well.

"I've had a brief discussion with the developer and discussions with others, in both the public and private sectors. The consensus I have identified is that the window for this opportunity is closing. With this very PUD, it is beginning to close. I believe that the City should reorder its priorities and endeavor to have a public-private partnership to espouse a clear vision as to what should happen in this corridor. I know that the City is trying to un-tarnish its image and I believe that would go a long way towards helping to make it happen. This PUD, as it exists, would not necessarily preclude that from happening. It may even help to accelerate that process and act as a spark plug, if you will.

"Again, I want to thank Mr. Dodson and his associates. I want to thank you gentlemen and I want to thank the City Planner for the outstanding work that he does."

Chair Thomas Holland recognized David Wagner of 12563 S. 71st E. Ave. from the Sign-In Sheet. Mr. Wagner commended Erik Enyart for returning his voicemail and commended the developer for working with him and the neighboring property owners. Mr. Wagner stated that he did not hear if there was a height restriction in Development Area D. Mr. Wagner reiterated his statement from the previous meeting that a fence would be a disappointment, and that he would prefer a more substantial screening method, such as a [higher] berm topped with trees and shrubs. Mr. Wagner stated that a fence would catch trash. Mr. Wagner stated that, in regard to the matter of open air

storage, he appreciated the directives made. Mr. Wagner summarized his concerns as pertaining to (1) the building height and (2) a more aesthetically pleasing [screening method].

Chair Thomas Holland asked if anyone else in attendance had any questions or comments.

Erik Enyart addressed Chair Thomas Holland and stated that, while on the same topic, Development Area D had a 35' height restriction for general commercial, and a 12' height for ministorage buildings. Lance Whisman clarified the difference with Mr. Enyart. Roy Johnsen stated that there was a landscaping requirement along the west boundary of Development Area D as well [as a screening fence and masonry requirement].

Chair Thomas Holland stated that there was a pretty good berm on Fry Creek that separated the subject property from Seven Lakes. Mr. Holland stated that the 25% masonry requirement is usually on the bottom of the building, and thus applying that to the "wholesale distributorships like those on the south [side of Fry Creek # 1 in Crosscreek]" would "do no good aesthetically" for the residents of Seven Lakes. Mr. Holland noted that they would [each] be "still a metal building." Mr. Holland noted that, if the height was capped at 35', the developer still "could build a two (2) story structure there."

Chair Thomas Holland recognized Applicant Rick Dodson. Mr. Dodson stated that [he and his partner] wished the whole 160 acres could go commercial, but "we feel if we can get this going, it will bring additional [retail] to [the balance]" of the acreage. Mr. Dodson stated that he was waiting on [ordering] the site plan [for future building(s)] to discuss them with [representative(s) of] Seven Lakes, and he [would do that there then] if he had their approval. Mr. Dodson stated that there would be a "good aesthetic look to the west."

Chair Thomas Holland asked Erik Enyart, "Can that be added as # 15?" Mr. Enyart responded looked to Mr. Holland for clarification and stated, "I don't think I caught the full gist of that."

Rick Dodson stated he would have a "stucco finish on the west—100% masonry." Roy Johnsen added that there was a Detailed Site Plan approval process also. Mr. Dodson indicated that, in lieu of meeting with the Seven Lakes representative, [he was offering] "Stucco, fence, and landscaping, all per city—that's about the most you can ask [for]." Mr. Dodson addressed Erik Enyart and asked, "Would that be easier for you to write if that way?" Mr. Dodson clarified that he was volunteering 100% masonry on the west-facing buildings. Mr. Enyart responded, "That will actually be in the PUD itself."

Chair Thomas Holland stated, "I couldn't ask for more than that."

Chair Thomas Holland clarified with Roy Johnsen that there would be a maximum of 75 dwelling units in Development Area C.

Lance Whisman stated that he had one final comment on this matter: he heard someone in Seven Lakes state that the metal roof in [Crosscreek] reflected sunlight into the [upstairs] windows of their home. Mr. Whisman expressed desire that a Condition be placed on the Approval such that, if there is a reflective metal roof, the developer paint it so it does not reflect in to the houses [in Seven

Lakes]. Rick Dodson stated, "I haven't designed them yet, but my gut feeling is that [the roof would have a] north/south facing slope, and you would see the gable to the west." Mr. Whisman indicated that the green metal roof on the Bixby North Elementary school building did not reflect into his house because it was painted green. Mr. Whisman stated, "Stucco is more than accommodating."

Chair Thomas Holland asked to entertain a Motion. Erik Enyart suggested, if the Commission was inclined to recommend Approval, the wording of the Motion as follows, "Motion to Approve subject to the corrections, modifications, and Conditions of Approval as recommended by Staff, and to include the amendments made by the Applicant during this meeting." A Commissioner asked what those amendments were. Mr. Enyart scanned through his notes, and Ricky Jones of Tanner Consulting, LLC read from his notes the three (3) amendments the developer had offered as follows:

1. Adding positive language excluding open air storage [in Development Area D],
2. 100% stucco on the west side [of buildings in Development Area D], and
3. Colored roof [for metal roofs in Development Area D to prevent glare].

Larry Whiteley made a MOTION to Recommend APPROVAL of PUD 76 and BZ-364, subject to the corrections, modifications, and Conditions of Approval as recommended by Staff, and to include the three (3) amendments made by the Applicant during this meeting as follows:

1. Adding positive language excluding open air storage in Development Area D,
2. 100% stucco on the west side of buildings in Development Area D, and
3. Color painting of metal roofs in Development Area D to prevent glare.

Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Baldwin, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

CONSENT AGENDA:

1. Approval of Minutes for the January 21, 2013 Special Meeting²

Chair Thomas Holland introduced the item and asked to entertain a Motion. Jeff Baldwin made a MOTION to APPROVE to the Minutes as presented by Staff. Lance Whisman SECONDED the Motion. Roll was called:

² At the February 19, 2013 Regular Meeting held February 19, 2013, Chair Thomas Holland declared this item PASSED to the next Regular Meeting Agenda, which would be March 18, 2013. However, since it was still on the agenda during this Continued Meeting, new action was taken which nullified the previous action.

ROLL CALL:

AYE: Baldwin, Holland, & Whisman
NAY: None.
ABSTAIN: Whiteley.
MOTION CARRIED: 3:0:1

During the Roll Call, Larry Whiteley explained that he was voting "Abstain" as he was not present at that meeting.

OLD BUSINESS:

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

NEW BUSINESS:

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

ROLL CALL:³

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

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 6:44 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

³ The Roll Call was temporarily skipped and was completed just prior to Adjournment. All four (4) Planning Commission members reflected in the Roll Call were in the meeting at the time of the Call to Order and through the entire meeting to the Adjournment.

BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: February 27, 2013

NAME	ADDRESS	ITEM
1. JAW	11974 S 73 E AVE	Bud 76 BZ 364
2. Jay Mauldin	7341 E 119th	Pud 76
3. David Wagner	12563 S 71st E Ave	Pud 76
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CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Monday, March 11, 2013
RE: Report and Recommendations for:
PUD 77 – “Byrnes Mini-Storage” – JR Donelson, Inc., and
BZ-365 – William W. Wilson for Helene V. Byrnes Foundation

(NOTE: BZ-365 concerns two (2) tracts, while PUD 77 concerns three (3) tracts.).

LOCATION:

- PUD 77: – 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.
– Part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*
BZ-365: – 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.
– Part of Lot 1, Block 1, *The Boardwalk on Memorial* and part of the NW/4 of Section 01, T17N, R13E

LOT SIZE:

- PUD 77: approximately 3.4 acres in three (3) tracts
BZ-365: approximately 2.9 acres in two (2) tracts

EXISTING ZONING:

- PUD 77: AG Agricultural District/PUD 29A and RS-1 Residential Single-Family District
BZ-365: AG Agricultural District/PUD 29A

EXISTING USE:

- PUD 77: A soccer practice field and a single-family dwelling with accessory building
BZ-365: A soccer practice field and a residential accessory building

REQUESTED ZONING: OL Office Low Intensity District & PUD 77 (existing RS-1 zoning to remain in place)

SUPPLEMENTAL ZONING: Corridor Appearance District (part)

SURROUNDING ZONING AND LAND USE:

North: OL, AG, CS/OL/PUD 68, & RS-1; A single-family residence on a 7-acre tract zoned OL AG and the PUD 68 "North Bixby Commerce Park" pending development on a 16-acre tract, and a drainage channel and residential homes in *Houser Addition*.

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

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

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

COMPREHENSIVE PLAN: Low Intensity + Residential Area

ANALYSIS:

On March 08, 2013, Staff observed that the Comprehensive Plan designates the BZ-365 subject property as Low Intensity + Residential Area, with which OL zoning and a non-residential PUD are not consistent. Staff advised the Applicant by email that these applications needed to be Continued to the April 15, 2013 Regular Meeting, to allow for the preparation, submission, and concurrent review of a request for Comprehensive Plan Amendment, as would be required by Zoning Code Section 11-5-2.

By phone conversation on March 08, 2013, Applicant JR Donelson has consented to the Continuances of both cases to the April 15, 2013 Regular Meeting.



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: Thursday, March 14, 2013
RE: Report and Recommendations for:
Final Plat of "Bixby Landing Second" (PUD 57)

LOCATION: – Southeast of the intersection of 126th St. S. and 85th E. Ave.
– Part of the SW/4 of Section 01, T17N, R13E

SIZE: 12.232 acres, more or less

EXISTING ZONING: RS-4 Residential Single-Family District with PUD 57

EXISTING USE: Vacant

REQUEST: Final Plat approval

SURROUNDING ZONING AND LAND USE:

North: RS-1 and RS-2; Residential in *Southern Memorial Acres No. 2*

South: AG; Fry Ditch

East: AG; Fry Ditch

West: RS-4/PUD 57; Residential in *Bixby Landing*

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

PREVIOUS/RELATED CASES: (not a complete list)

PUD 57 – Bixby Station – Bruce Wood – Request for RM-3 (multi-family) and CS (Commercial Shopping) zoning and PUD approval for subject property and *Bixby Landing* – PC Recommended Denial 07/16/2007.

Staff Report – Final Plat of "Bixby Landing Second" (PUD 57)
March 18, 2013

80

PUD 57 – Bixby Station – Bruce Wood (Amended) – Request for RS-4 zoning and PUD approval for subject property – PC Recommended Approval 08/20/2007 and City Council Approved 09/24/2007 (Ord. # 979).

Preliminary Plat of Bixby Station – Bruce Wood – Request for Preliminary Plat approval for subject property and *Bixby Landing* – PC Recommended Approval 11/19/2007 and City Council Approved 11/26/2007.

Final Plat of Bixby Landing – Bruce Wood – Request for Final Plat approval for *Bixby Landing* (previously known as “Bixby Station”), which separated subject property from *Bixby Landing* – PC Recommended Conditional Approval 06/16/2008 and City Council Conditionally Approved 06/23/2008 (recorded 02/18/2009).

BL-359 – JR Donelson for MPR Family, LLC – Request for Lot-Split approval to allow the developers of this subdivision to acquire a small, triangularly-shaped portion of the northeast corner of the 18 acre-tract abutting to the west to make up the balance of the 50’ right-of-way for S. 85th E. Ave. – Approved by PC 08/18/2008.

BBOA-501 – Bruce Wood for Advent Development, LLC – Request for Special Exception per Zoning Code Sections 11-7B-2 Table 1 to allow a Use Unit 5 subdivision swimming pool and pool house and park facility on Reserve ‘A’ of *Bixby Landing* – BOA Approved 05/04/2009.

BBOA-502 – Bruce Wood for Advent Development, LLC – Request for (1) a Variance from the minimum number of parking spaces per Zoning Code Section 11-9-5.D., (2) a Variance from parking setback requirements of Zoning Code Section 11-10-3, (3) a Variance from the 7.5’ landscaped strip standard of Zoning Code Section 11-12-3.A.2, and (4) a Variance from certain other standards and restrictions of the Zoning Code pertaining to parking for Reserve ‘A’ in *Bixby Landing* – BOA Conditionally Approved 05/04/2009.

Final Plat of The Amended Plat of Bixby Landing – Request for Final Plat approval to amend the plat of *Bixby Landing* to incorporate Reserve ‘A’ as residential Lot 1, Block 5 – PC Recommended Approval 04/26/2010 and City Council Approved 05/10/2010 (not since recorded; approval expired 05/10/2011).

BACKGROUND INFORMATION:

The entire Bixby Landing residential subdivision development consists of 18.518 acres and 84 lots. The project was previously known as “Bixby Station” in the approved PUD 57, and when it was reviewed and approved as a Preliminary Plat. The *Bixby Landing* first phase contains 6.326 acres and 24 lots, and the Final Plat for same was recorded February 18, 2009.

In 2010, the City approved an amended plat of *Bixby Landing*, which proposed to convert Reserve ‘A,’ originally planned for a pool and poolhouse and park facility, to Block 5, Lot 1, to be used for another house. However, that plat was not since recorded, and the Final Plat approval expired 05/10/2011 (reference SRs Section 12-2-6.F).

The Subdivision Regulations do not have a time limitation for Preliminary Plat approvals, as there are with Final Plats. Therefore, the Preliminary Plat is still approved, and only the Final Plat is required to complete the development with *Bixby Landing Second*.

ANALYSIS:

Property Conditions. The subject property of 12.232 acres is relatively flat and appears to drain to the south and east to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned RS-4 with PUD 57 and is presently vacant.

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 east and south.

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

The residential use anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 12.232 acres proposes 61 lots, four (4) blocks, and one (1) Reserve Area. Typical lots range in size from approximately 65' X 110' (7,150 square feet, 0.164 acres) toward the west end to approximately 50' X 110' (5,500 square feet, 0.126 acres) toward the east end. The subdivision has previously been described as being designed for two (2) price points for homes, reflecting the different lot sizes. All lots appear to be conventionally configured and arranged around a suburban street system.

Bixby Landing contains 24 lots, and "Bixby Landing Second" proposes 61 lots (85 lots total). Between the Preliminary Plat approval in 2007 and today, an extra lot was squeezed in around the cul-de-sac in Block 3. PUD 57 restricts the development to 84 lots, so a lot will have to be removed in order to not exceed the maximum number of lots, or a PUD Amendment will be required. The change may be allowable as a Minor Amendment as the 85 lots would be far less than the RS-4 district would otherwise allow.

With the exceptions outlined in this report, the Final Plat and all lots appear to conform to PUD 57 and the underlying RS-4 District and the Subdivision Regulations.

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

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

Access and Internal Circulation. This subdivision has regular ingress/egress through *Bixby Landing*, which itself has access via S. 85th E. Ave. Access to Memorial Dr. is provided to S. 85th E. Ave. via E. 126th St. S. through *Southern Memorial Acres No. 2*.

In the *Bixby Landing* first phase, an 18'-wide emergency access only drive was constructed from the east-end of 126th Pl. S. through the subject property along the 126th Pl. S. alignment, and connects to 126th St. S. at 88th E. Ave. through City of Bixby-owned property (a part of Lot 7 Block 7) in *Southern Memorial Acres No. 2*. It is contained within an "Emergency Access

Easement” by separate instrument, accepted by the City Council and recorded with the Tulsa County Clerk (Document # 2008117745). The 126th Pl. S. alignment roadway will be enhanced by this second phase to become a full street. It will continue to exist through Reserve ‘C’ in this plat, and to connect to the east-end of 126th St. S. in *Southern Memorial Acres No. 2*. The emergency access drive within Reserve ‘C’ will by this second phase, however, be widened to 26’ in width, per JR Donelson at the TAC meeting.

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

1. As of the date of this report, the Tulsa County Assessor’s records reflect that the developer, RC Bixby Landing, LLC, owns a southerly, approximately 7-acre portion of the 12-acre subdivision (see Warranty Deed recorded 01/03/2013, Document # 2013001345), with the remainder owned by Patriot Bank of Broken Arrow. Please confirm developer now owns all, or has acquired the balance of subject property before recordation of Final Plat.
2. *Bixby Landing* contains 24 lots, and “Bixby Landing Second” proposes 61 lots (85 lots total). Between the Preliminary Plat approval in 2007 and today, an extra lot was squeezed in around the cul-de-sac in Block 3. PUD 57 restricts the development to 84 lots, so a lot will have to be removed in order to not exceed the maximum number of lots, or a PUD Amendment will be required. Change may be allowable as a Minor Amendment as the 85 lots would be far less than the RS-4 district would otherwise allow.
3. As a Condition of Approval of the Preliminary Plat: Lot 18, Block 7 has 16.07’ of frontage. Zoning Code Section 11-8-4 requires a minimum of 30’. PUD 57 does not presently provide for less than 30’ of frontage. [A PUD Minor Amendment or an extension of the ‘eyebrow’ turnaround at the intersection of 126th Pl. S. and 88th E. Ave. to provide at least 30’ of frontage, as recommended by the then Planning Commission Chair, shall be required, subject to the approval of the Fire Marshal].
4. As an alternative to the above, if the emergency-access-only road is to be constructed to 26’ in width and would otherwise meet the requirements as a city street, it can be dedicated as the extension of S. 88th E. Ave. from “Bixby Landing Second” to *Southern Memorial Acres No. 2*. The frontage would have to be widened to 50’, but this may allow for Lot 18, Block 7 to meet the frontage requirement (see previous item). The reconfiguration would remove the need to construct a “knuckle” / “eyebrow” turnaround, and may allow for the addition of one (1) lot, if requisite adjustments are made (and subject to an amendment to the PUD). The addition of a lot may compensate for the added expense of improving the fire access road to a City street. Further, the removal of Reserve ‘C’ would reduce the maintenance burden on the HOA, allowing for the reduced annual dues to be focused on the maintenance of the other two (2) Reserves in *Bixby Landing*. Finally, the HOA may someday ask the City to accept the 26’-wide roadway as a City street, which would then be problematic due to any difference between the requirements for a fire access road and a City street. The City Engineer, Fire Marshal, Fire Code Enforcement Official, and City Planner would support this change.
5. Lot 11, Block 3 has less than the 30’ of frontage required per Zoning Code Section 11-8-4, which PUD 57 does not provide flexibility for. An adjustment to the lot lines to achieve 30’ or a PUD Minor Amendment would be required.

6. It appears the screening fence required by PUD 57 along the boundary shared with *Southern Memorial Acres No. 2* was only partially installed with the first phase. The completion of the fence installation is required for this second phase.
7. Add the standard 17.5' Perimeter U/E or request a Modification/Waiver, which may be justified due to the existence of an 11' U/E within and along the east line of *Bixby Landing*, the 7.5' U/E within and along the south line of *Southern Memorial Acres No. 2*, and the Fry Creek right-of-way abutting to the east and south. The Modification/Waiver must be requested in writing.
8. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
9. Title Block on face of plat self-references as "A tract of land situated in..." Please change to something along the lines of "an Addition to the City of Bixby..." as used in the DoD/RCs.
10. Subdivision statistics on the plat face do not report block areas or number of lots within each block, as customary.
11. Update 61 lots reported in the subdivision statistics if/as required per other recommendations in this report.
12. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - a. *121st Center* (misrepresented as to configuration)
 - b. *Southern Memorial Acres No. 2* (misrepresented as to configuration)
 - c. *Gre-Mac Acres* (mislabeled)
 - d. Scale at 1" = 2,000'.
13. E. 127th Pl. S.: Street name is not appropriate. It should be redesignated an easterly extension of 127th St. S., or a southerly extension of S. 88th E. Ave. (preferable, as it would intersect 126th Ct. S.).
14. Readdress Lots 10 through 14, inclusive, according to the new street name per the item above.
15. Due to the small sizes of the lots, many of which are at the 5,500 square foot minimum required by PUD 57, and some of which are not purely rectangular in geometry, please add the lot sizes in square feet to the lots or list same in a table for Zoning Code compliance review.
16. Readdress Lots 11, 12, and 13, Block 3, as follows:
 - Lot 11: 8703 E. 126th Ct. S.
 - Lot 12: 8707 E. 126th Ct. S. (no change)
 - Lot 13: 8715 E. 126th Ct. S.
17. Consider adding alternative addresses to corner lots which have a reasonable probability of facing the house on the street other than as addressed, or adding a restriction to the RCs requiring that houses face the street with the widest Building Line.
18. Deed of Dedication and Restrictive Covenants (DoD/RCs) Preamble: Please correct and enhance critical wording such as "...the Undersigned Owner dedicates, grants, donates, and conveys ~~for to the public use of~~ the streets as shown..." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
19. DoD/RCs Section I Paragraph 1: Missing critical wording such as "and the Undersigned Owner has caused the described realty to be surveyed, staked, granted, donated, conveyed, dedicated, access rights reserved subdivided, and platted into..." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.

20. DoD/RCs Section I Paragraph 1/2: An unnecessary space separates the first paragraph of Section [I].
21. DoD/RCs Section I Paragraph 3/4: Occurrence of “it’s” (contraction) for “its” (possessive).
22. DoD/RCs Section I.B.2: Indentation irregularities.
23. DoD/RCs Section I.D: Please add language preferred by City of Bixby as follows: “...of damage to the properly-permitted landscaping and paving....”
24. DoD/RCs Section I.E.4: Should logically follow existing Section I.E.5.
25. DoD/RCs Section I.F: Refers to the HOA both as “Property Owners Association of BIXBY LANDING” and “Bixby Landing Home Owners Association” – please reconcile internally and with other instances throughout the DoD/RCs using the correct name of the existing or proposed entity.
26. DoD/RCs Section III.A: Refers to the HOA as the “‘BIXBY LANDING’ Property Owners Association. Please reconcile with other instances throughout the DoD/RCs using the correct name of the existing or proposed entity.
27. DoD/RCs Section III.B.1: Front yard setback at 20’ inconsistent with the 25’ setback per PUD 57 and the 25’ Building Lines regularly shown on the face of the plat – please change to 25’ to avoid confusion.
28. DoD/RCs Section IV.A: Refers to the HOA as the “Bixby Landing Property Owners Association, Inc.” Please reconcile with other instances throughout the DoD/RCs using the correct name of the existing or proposed entity.
29. DoD/RCs Section IV.A: Please add “BIXBY LANDING” to “BIXBY LANDING SECOND” to reflect the singular HOA serving both subdivisions.
30. DoD/RCs Section IV.C: Occurrence of “therefore” in place of “therefor,” as presumed intended.
31. DoD/RCs Section IV.C: Language should probably be clearer regarding the actual timing of the establishment of lien on the property, in relation to the time elapsed since the assessment became payable, and the method to be used for establishing the lien. Advisory.
32. DoD/RCs Section IV.D.2: Add to the list of exclusions: (1) Section I.F and (2) all of Section II.
33. DoD/RCs Final Dedication: Missing critical wording such as “As owner we hereby certify that we have caused the land described in this plat to be surveyed, divided, mapped, granted, donated, conveyed, dedicated and access rights reserved as represented on the plat.” as per the City Attorney’s recommendations regarding fee simple ownership of rights-of-ways.
34. Elevation contours, underlying Zoning district boundaries, 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.
35. A copy of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file.

Memo

To: ERIT ENYART, AICP, PLANNER

From: JIM SWEEDEN

Date: 2/21/2013

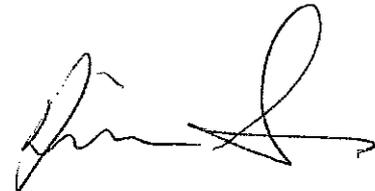
Re: PRELIMINARY PLAT OF "BIXBY LANDING SECOND"

FIRE HYDRANTS AND HARD SURFACE STREETS SHALL BE INSTALLED BEFORE CONSTRUCTION.

FIRE HYDRANTS LOCATION ARE BLOCK-3 LOT-5 / BLOCK-3 LOT 17,18 / BLOCK-4 LOT 12,13.

SECOND ACCESS SHALL BE HARD SURFACE 26 FEET WIDE AT RESERVE C FROM E. 126TH ST. SO. TO E. 126TH PL. SO.

SEE ATTACH COPYS:



Memo

To: JARED W. COTTLE

From: JIM SWEEDEN

Date: 9/24/2007

Re: BIXBY STATION, FIRE HYDRANTS LOCATIONS

FIRE HYDRANT LOCATIONS ARE APPROVED BY THIS OFFICE AS SHOWN ON UTILITY PLAN EXHIBIT E, RECEIVED ON 8/6/2007, A TOTAL OF 7 HYDRANTS. COPY OF THIS MEMO IS FAX TO J.R. DONELSON.

ALSO THE REVISED PLANS ON THE PURCHASE OF EXTRA LAND AT THE MAIN ENTRANCE AREA IS APPROVED.

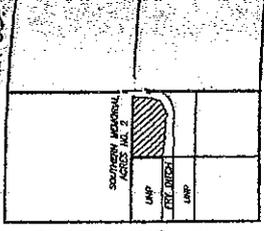
CC: J.R. DONELSON

ERIK ENYART



R-13-E

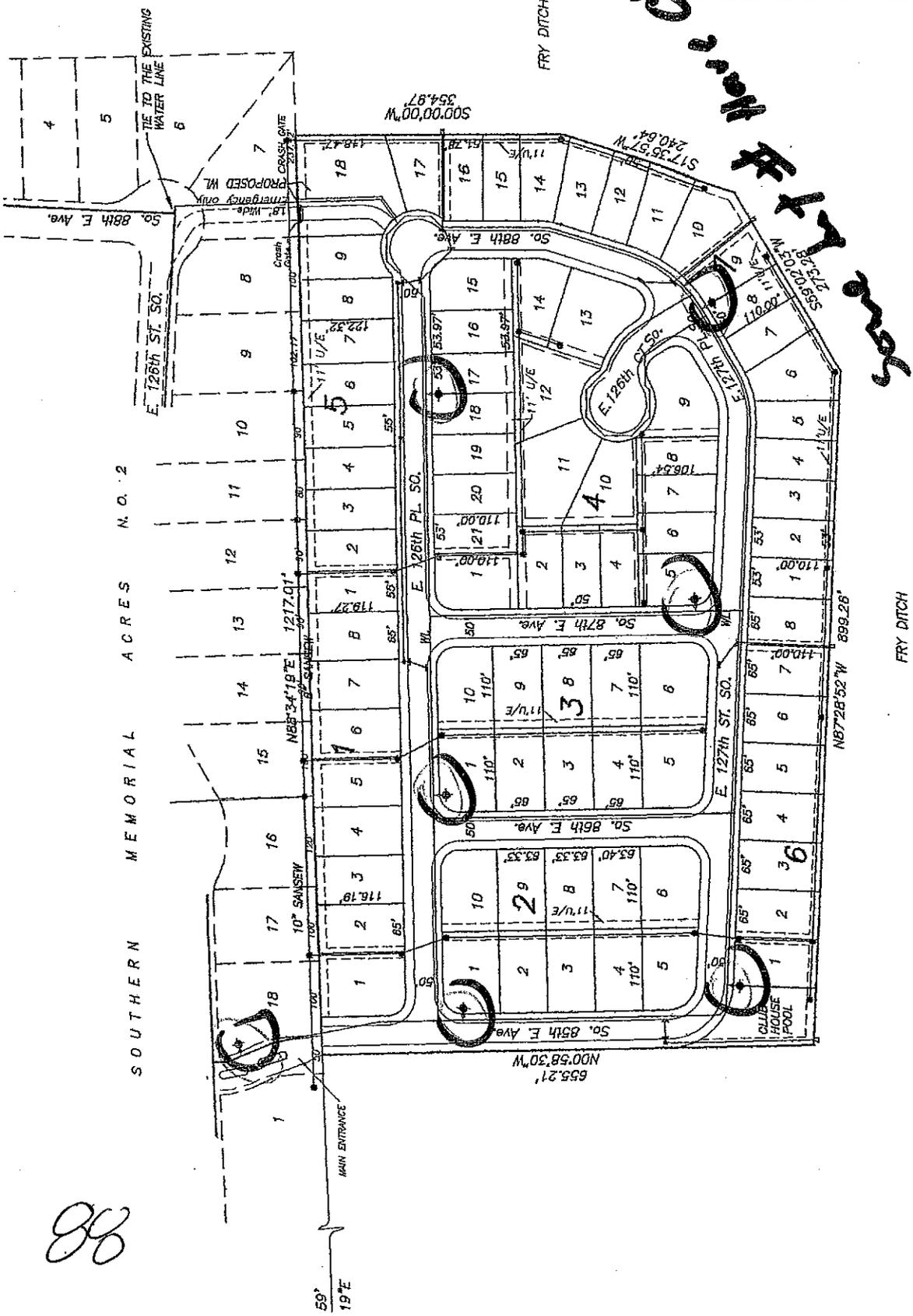
121ST STREET SO.



LOCATION MA

SUBDIVISION CONTAINS
 18.918 ACRES
 NO. 1078 B4
 JULY 28, 2007
 C. FRUITBROOKS

UTILITY PLAN
 EXHIBIT E

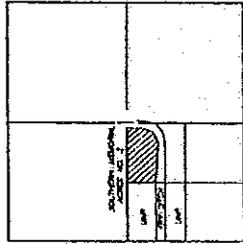


SOUTHERN MEMORIAL ACRES N.O. 2

88

R-13-E

21ST STREET SO.



90 MEMORIAL DR

211

31ST STREET SO.

LOCATION MAP

SUBDIVISION CONTAINS:
 19.916 ACRES
 N.C. LOTS 84
 September 21, 2007
 C. RUDOLPHUS

LEGEND

- AO ACCESS OPENING
- L.A. LIMITS OF NO ACCESS
- U.E. UTILITY EASEMENT
- B.L. BUILDING EASEMENT
- C.L. CENTER LINE
- R.O.W. ROAD RIGHT-OF-WAY
- O.D.E. OVERLAND DRAINAGE EASEMENT
- M.A.E. MUTUAL ACCESS EASEMENT
- W.E. WATER EASEMENT
- D.W. DUE WEST EASEMENT
- E.E. EAST EASEMENT

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.

CITY OF BIXBY

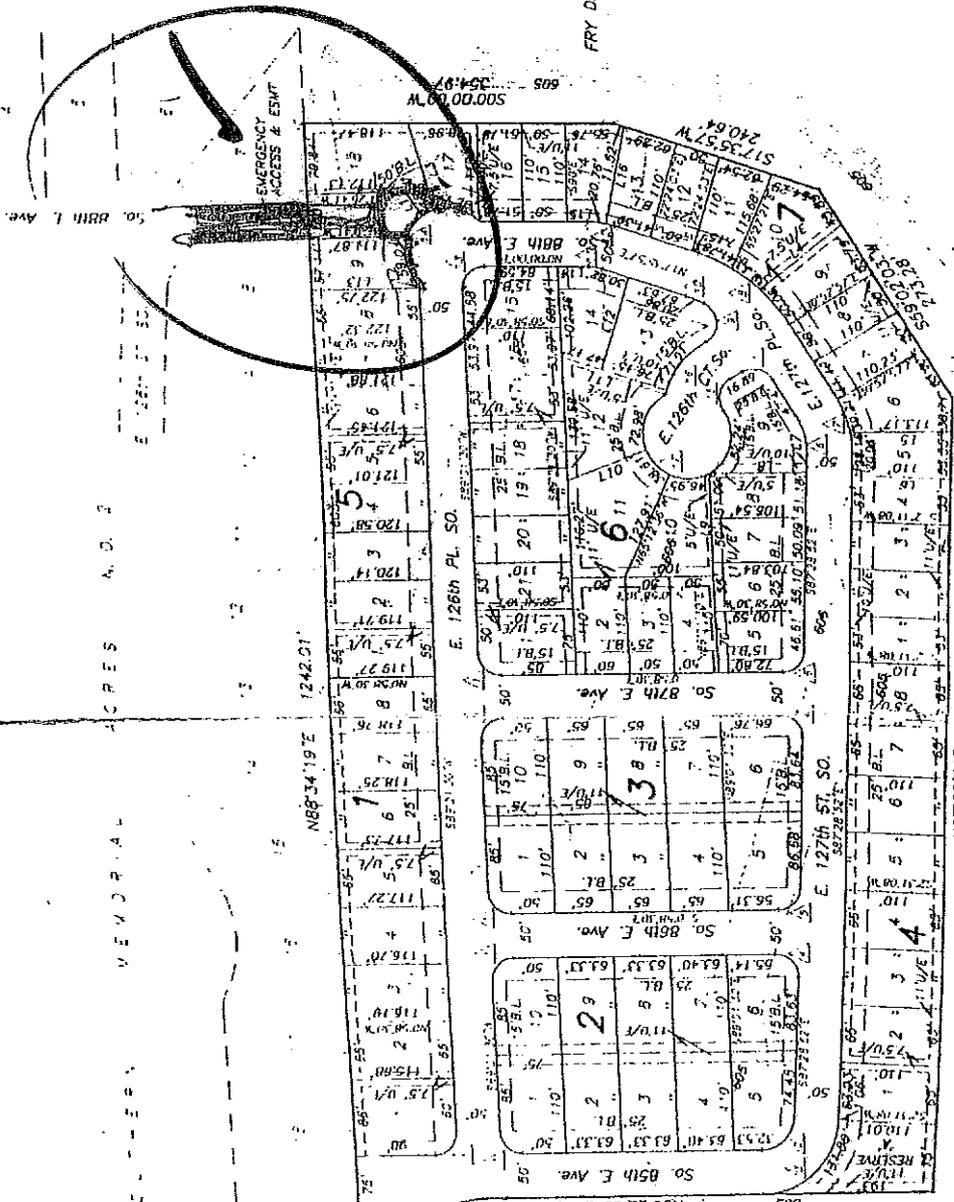
OCT 05 2007

RECEIVED

NOV 19 2007

DEBORAH FORBES

21ST STREET SO.
 Subdivision # 2
 SHEET 1 OF 2



LINE DATA			CURVE DATA			
NO.	DELTA	LENGTH	NO.	RADIUS	DELTA	LENGTH
1	N84°59'34"E	31.01'	1	25'	90°00'00"	25.00'
2	N69°51'30"E	101.31'	2	38'	86°30'22"	57.33'
3	N72°53'12"E	117.86'	3	88'	86°30'22"	132.86'
4	S71°29'12"E	113.17'	4	25'	81°29'38"	40.15'
5	S71°29'12"E	110.00'	5	25'	86°30'22"	37.75'
6	S87°11'08"W	110.00'	6	80'	86°30'22"	94.07'
7	S87°26'52"W	19.23'	7	30'	33°29'35"	16.74'
8	N0°58'10"W	109.29'	8	190'	12°21'24"	53.14'
9	S89°25'59"W	116.09'	9	120'	5°11'42"	30.88'
10	N0°57'42"W	116.09'	10	50'	17°35'37"	75.36'
11	N17°35'57"E	123.32'	11	100'	17°35'57"	30.70'
12	N72°24'03"W	100.00'	12	25'	90°58'30"	156.93'
13	N72°24'03"W	100.00'	13	50'	82°16'58"	40.27'
14	N00°00'00"E	33.26'	14	100'	44°01'58"	78.53'
15	N00°00'00"E	115.05'	15	50'	27°54'56"	240.78'
16	S70°06'27"E	115.05'	16	100'	27°54'56"	240.78'

68

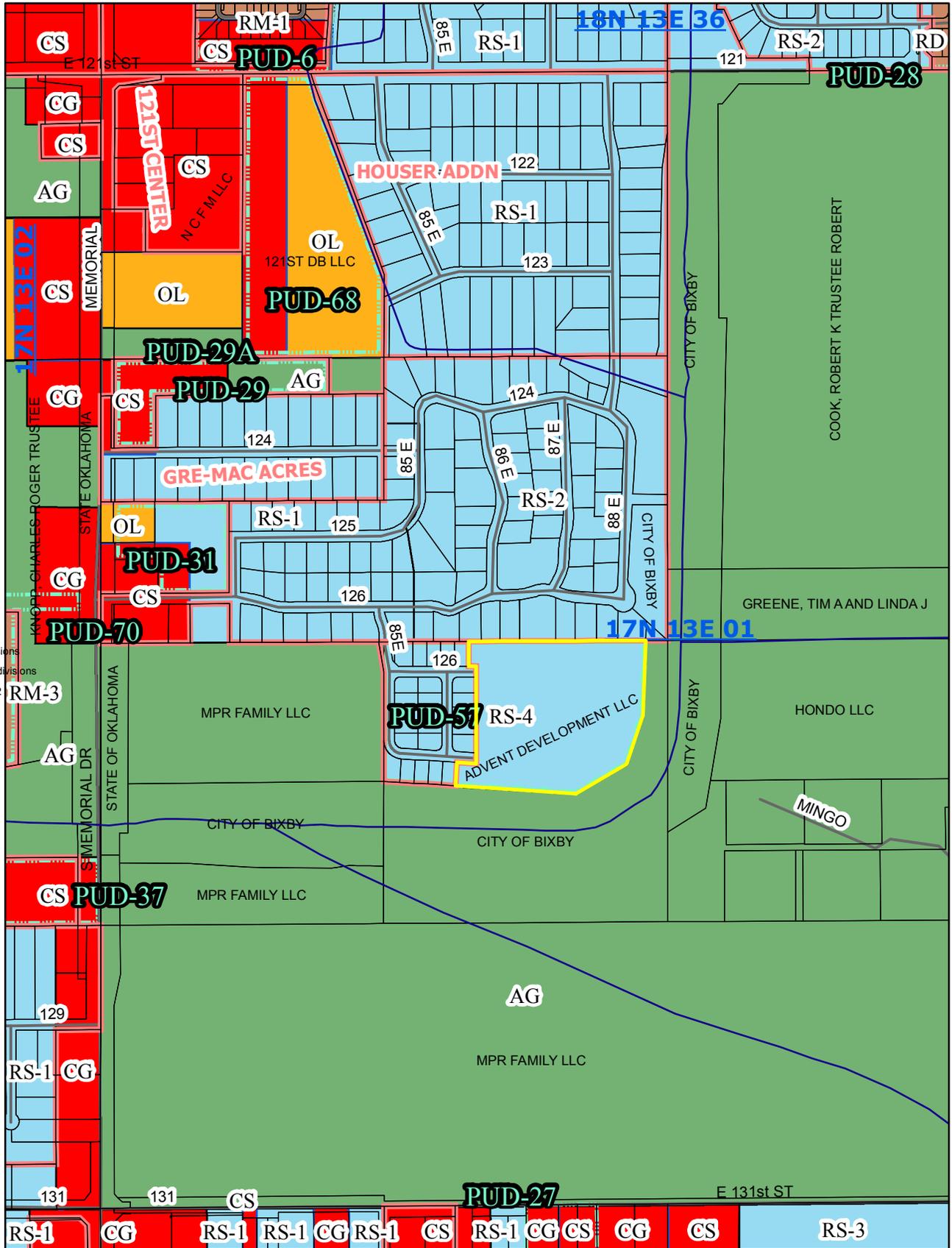
Memo

To: Erik Enyart
From: Jared Cottle *JWC*
CC: Bea Aamodt
File
Date: 02/28/13
Re: Bixby Landing 2nd Preliminary Plat Review

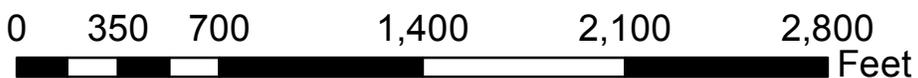
General Comment:

1. All infrastructure Plans previously approved. If no changes are proposed, no exceptions taken. If changes are proposed, they need to be delineated and explained for further review.
2. ODEQ Permits on the construction of Water and Sewer Utilities have likely expired and will need to be re-issued based on re-application by the Owner.
3. All reviews and approvals obtained from the US Army Corps of Engineers for the storm sewer connections to the Fry Creek Channel will be required on this project prior to construction.

Final Plat of Bixby Landing Second



- bixby_streams
- Tulsa Parcels 01/13
- WagParcels 01/13
- TulsaCountySubdivisions
- WagonerCountySubdivisions
- WagRoads_Aug2012
- E911Streets
- PUD
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- bixby_s-t-r
- county



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

MEMBERS PRESENT

Jim Peterson, *BTC Broadband*
Evelyn Shelton, *AEP-PSO*

STAFF PRESENT

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

OTHERS PRESENT

Ricky Jones, *Tanner Consulting, LLC*
Justin Morgan, *Tanner Consulting, LLC*
JR Donelson, *JR Donelson, Inc.*
Bill Wilson, Helene V. Byrnes Foundation
Betsy McConahy

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

JR Donelson proposed to take the agenda items out of order, as he had two (2) items on the agenda and Tanner Consulting, LLC only had one (1). Erik Enyart asked those present if they had any objections. Those present indicated they had no objections, Erik Enyart introduced agenda item # 4 at this time.

4. **Preliminary Plat – Scenic Village Park – Tanner Consulting, LLC (PUD 76).** Discussion and review of a Preliminary Plat and certain Modifications/Waivers for “Scenic Village Park” 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 summarized the project and its location. Mr. Enyart noted that the TAC probably recalled the PUD on this project from the previous month. Mr. Enyart stated that the Planning Commission, the previous Wednesday, recommended Conditional Approval of the PUD, and it would go to the City Council Monday for final approval. Mr. Enyart stated that this was the next step in the development process, the Preliminary Plat.

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

Ricky Jones noted that Tanner Consulting, LLC provided the first submittal engineering plans the previous week.

Erik Enyart asked the Applicant if they had received the Fire Marshal's memo, and Ricky Jones indicated he had.

Erik Enyart asked if there were any questions or comments from the utility companies.

Jim Peterson noted that there would be a big drainage project along 121st St. S., and noted that he would have a conflict with existing lines for a distance of about 50' to 60'. Mr. Peterson indicated he would work with the contractor if the contractor would call him. Mr. Peterson stated that, if there was enough slack, it may be moved, but otherwise would need to be relocated. Mr. Peterson stated that it could be relocated to the north side of 121st St. S., and would then be completely out of the way, but that would be expensive.

Erik Enyart asked if there were any further questions or comments.

Evelyn Shelton discussed with Tanner Consulting, LLC certain electrical line locations along the new street, and preferences for burying lines. Ms. Shelton noted there was an overhead electrical line along 121st St. S. Ms. Shelton asked if there would be easement between the Encore on Memorial apartment property and the southeast corner of the subject property. Justin Morgan stated that the owner did not get easement there. Erik Enyart asked if the owner did not have it in the contract with the seller that the seller would dedicate the right-of-way to allow 126th St. S. to be extended, and Ricky Jones confirmed this was correct. Ms. Shelton asked how wide the right-of-way would be, and Mr. Morgan and Mr. Enyart stated it would be 80' in width. Ms. Shelton indicated agreement, and stated that the electrical line could be placed across from the south to the north sides of the street to connect the subject property.

Erik Enyart asked Ricky Jones if the site plan for the assisted living facility was close to being ready for publication. Mr. Jones and Justin Morgan indicated it should be. Mr. Enyart stated that [the facility's developer] Joel Erickson had asked the City for assistance, and it would be preferable to have a current site plan to use for this purpose. Mr. Jones asked what kind of assistance Mr. Enyart was referring to, and Mr. Enyart responded, "Per our Mayor, we're putting something together for their benefit."

Jim Peterson asked if the assisted living facility was not being developed in two (2) phases. Justin Morgan and Ricky Jones responded that there would be two (2) or three (3) phases, and that the back acreage would be a future phase. Erik Enyart and Mr. Morgan clarified that the south/back acreage would be for detached, independent living housing.

Evelyn Shelton asked about service to the residential area to the south. Erik Enyart asked Ricky Jones if that [Development Area C] would not be replatted into individual lots, and Mr. Jones indicated agreement.

Erik Enyart stated that, as for the PUD, Roy Johnsen had already provided him nearly everything needed to satisfy the recommendations, but the site plan was still outstanding. Mr. Enyart stated that the PUD would go to the City Council Monday, and he knew the City Clerk would be "after me today to get the information packet." Mr. Enyart clarified with Ricky Jones that he would like the

final PUD submittal by the end of the day so he could get it to the City Clerk. Mr. Jones stated that he would see that this was done.

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

Ricky Jones and Justin Morgan left at this time.

2. **PUD 77 – “Byrnes Mini-Storage” – JR Donelson, Inc.** Discussion and review of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 3.4 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

Erik Enyart introduced the item and summarized the location and the development. Mr. Enyart stated that the property was located behind The Boardwalk on Memorial shopping center at 12345 S. Memorial Dr., and included a house in *Southern Memorial Acres No. 2*. Mr. Enyart stated that the vacant tracts were proposed for a ministorage development, and the house would remain a house but provide a second means of ingress and egress for emergency purposes.

Erik Enyart recognized Betsy McConahy from the neighborhood near the item. Mr. Enyart stated that Ms. McConahy had stopped by the previous day to ask about this project, and he had told her about this meeting, and so she was attending to see this part of the process. JR Donelson asked Ms. McConahy if she was from the neighborhood, and Ms. McConahy clarified that she was not from *Gre-Mac [Acres]* but lived in that area.

Erik Enyart asked if the Fire Marshal had any questions or comments.

Jim Sweeden asked if the primary means of access would be through the drive under the arch [along the north property line], and Bill Wilson confirmed and stated that he was still attempting to get additional easement from the property to the north. Mr. Wilson stated that he had already secured easement from [Lot 12, Block 2, *Southern Memorial Acres No. 2*]. Erik Enyart asked if the emergency access drive would not be located on [Lot 11, Block 2, *Southern Memorial Acres No. 2*], owned by the [Helene V. Burns] Foundation. Mr. Wilson and JR Donelson responded that it would. Mr. Wilson stated that he had secured additional easement in case it was needed. Mr. Enyart asked how wide the easement was, and Mr. Wilson stated that it was 15' in width. Mr. Enyart asked JR Donelson if it would not show up in a later site plan iteration, and Mr. Donelson indicated agreement.

JR Donelson stated that the emergency access drive would have a Knox Box [Rapid Entry System]. Jim Sweeden stated that the owner could elect to use a chain and lock, in the event they wanted to use it themselves, or could use a Knox Box with a number code, but that was more expensive.

Jim Sweeden took a call and left the meeting momentarily.

Jim Peterson asked if the only service needed would be at the office at the northwest corner of the development, and Bill Wilson indicated agreement but stated that the security [gate] at the east end

would need [electrical and perhaps also telecommunications] service. Evelyn Shelton indicated AEP-PSO could serve the office building through the shopping center and the security gate from the neighborhood at the east end.

Jim Sweeden returned.

Erik Enyart asked about the layout of the buildings. Mr. Enyart noted that he saw what appeared to be a 10'-wide corridor between 10' X 10' cells, which he suspected to be a walking corridor serving 10' X 10' storage units. JR Donelson confirmed and stated that it would be "temperature-controlled." Bill Wilson stated that the storage buildings on the outside would be 10' X 20'. Mr. Wilson stated that the buildings were [modular] standard units and came in 10' increment sizes.

Jim Sweeden stated that the buildings, if built on the property line, would have to have a four (4) hour fire wall rating. JR Donelson asked why Mr. Sweeden was requiring this. Erik Enyart clarified with Jim Sweeden that this was a Fire Code requirement. Mr. Enyart stated that it was not the City making up this rule.

Erik Enyart addressed JR Donelson and Bill Wilson and stated that putting the building on the property line presented other issues as well. Mr. Enyart stated that the Zoning Code has minimum setback requirements and landscaping requirements, and there was a Utility Easement that the building would be constructed over. Mr. Donelson asked where there was a Utility Easement, and Mr. Enyart responded that there was a U/E in the residual part of *The Boardwalk on Memorial* plat. Mr. Enyart clarified with Mr. Donelson that the owner would have to request this be vacated. Mr. Donelson stated that there were no utilities in the U/E, and the utility companies had just said they did not need to go through the development and would serve from either end. Mr. Enyart confirmed with Jim Sweeden that the City Engineer's memo noted that the waterline must be looped through the entire development. Mr. Enyart stated that, if no other utility needed easement, the City would for the water service. Mr. Donelson indicated the waterline would be placed along the north side of the property. Mr. Enyart clarified with Mr. Donelson that he meant he was proposing to dedicate a new U/E in the 30' drive between the northern two (2) buildings.

JR Donelson stated that the owner wanted the building wall to serve as the fence. Bill Wilson stated that the neighbors would probably prefer to see a masonry building wall as opposed to a fence and a metal building. Erik Enyart clarified that the Zoning Code required masonry on the building wall anyway, so to describe it as a "metal building," while technically accurate, would not be in order, since the metal building would be sided with masonry. Mr. Enyart stated that he expected the neighbors would not be happy with the ministorage buildings built on their property line, with all the trees removed. Bill Wilson stated that all the trees would stay in place. Mr. Enyart stated that he was not referring to the trees that may be on the neighbors' properties but the ones along the fenceline. Mr. Wilson stated that, with the ice storm that came through some years back, all the trees were dying and were not worth anything. Mr. Wilson stated that, when he constructed the soccer fields, he put in French drains to move the water away from the residential properties. JR Donelson stated that the roofs would be directed to drain into the development. Mr. Enyart noted that he understood the property was narrow, only 170' in width, and that the City required 30' of separation between, buildings, with the area left over for buildings. Mr. Enyart noted that he also understood the buildings were modular and came in specific sizes and configurations. Mr. Enyart

asked, hypothetically, how Mr. Wilson would respond if, by whatever means they would seize on the idea, the City Council told Mr. Wilson to give the homeowners some "breathing room," to have the buildings moved off the property line by some distance, and whatever condition they may be in, preserve the trees along the fenceline and add additional landscaping. Mr. Enyart asked if Mr. Wilson would have a "fallback plan" in this instance. JR Donelson restated Mr. Enyart's question to Mr. Wilson by asking what his position would be if the Planning Commission told him he had to have a 10' setback and plant trees or bushes. Mr. Wilson stated that he could not set the buildings back 10'. Jim Sweeden asked where the 10' requirement came from, and Mr. Enyart stated that Mr. Donelson had supplied the 10' figure. Mr. Donelson, Mr. Wilson, and Mr. Enyart discussed this matter briefly. Mr. Enyart stated that he expected the neighbors may not be happy to have a commercial building constructed on their property line and all the trees removed. Mr. Enyart reiterated that he understood the narrow, 170' width and the other parameters could cause Mr. Wilson to lose his third row of buildings, and that he understood that this was not a desirable outcome. Mr. Enyart asked if there was any flexibility [in the size of the buildings or drives] to allow for a setback along the south line, if a setback was ultimately required. Mr. Wilson asked why the City would require this. Mr. Enyart responded that he understood Mr. Wilson was trying to work within the 170' and other existing parameters, but it was Mr. Wilson that was proposing a plan in conflict with City requirements, which put the City in the position of having to say it was against Code.

Erik Enyart stated that Bill Wilson would know his neighbors better than he would, but he wanted to say these things so that he and Mr. Donelson could consider the matter and be prepared with a fallback position if need be. Mr. Wilson stated that he didn't know his neighbors all that well, but when he was going to put up a fence a few years back, they could not agree on what they wanted, so he did not build one and just put up netting to try to keep the soccer balls out.

Jim Sweeden stated that, due to the size of the buildings, they needed a sprinkler system. JR Donelson asked if a three (3) hour-rated fire wall could be used between building sections, and Mr. Sweeden confirmed. Mr. Sweeden and Mr. Donelson noted that "they don't make 3-hour doors." Mr. Enyart asked if that would mean the doors would have to be custom-built. Mr. Sweeden and Mr. Donelson stated that, in this case, they simply use 2-hour-rated fire doors. Mr. Sweeden noted that this is what was done in Crosscreek.

Bill Wilson asked if a third solution would not be to simply put the 3-hour fire wall between the two (2) building sections and have people come in from both ends of the building. Mr. Sweeden and Mr. Donelson indicated agreement.

Jim Sweeden noted that two (2) fire hydrants would be needed, and indicated the preferred locations for same.

Erik Enyart asked Bill Wilson, hypothetically, how he would respond if, at the same time as this would be developed, the land to the north was being developed—would he be willing to work with that property owner to share a drive along the common lot line. Mr. Wilson named the owners of the two (2) properties to the north and Mr. Enyart acknowledged and stated that he knew both were for sale. Mr. Wilson asked for clarification. Mr. Enyart asked Mr. Wilson if it would not give him

additional flexibility if there was a mutual access drive along the north side of his property. Mr. Wilson indicated he did not know.

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

3. **Final Plat – Bixby Landing Second – JR Donelson, Inc. (PUD 57)**. Discussion and review of a Final Plat for “Bixby Landing Second,” Part of the SW/4 of Section 01, T17N, R13E.
Property Located: Southeast of the intersection of 126th St. S. and 85th E. Ave.
-

Erik Enyart introduced the item and summarized the location and the development. Mr. Enyart noted that the PUD was approved in 2007, but the developer only platted the first phase, at 24 lots. Mr. Enyart noted that this would be the second phase, and would complete the development at 84 lots total. Mr. Enyart stated that, at the time of the first phase, the developer was approved for Preliminary Plat, which does not expire. Mr. Enyart stated that, therefore, the owner was asking for Final Plat approval at this time. Mr. Enyart confirmed with JR Donelson that the first phase was almost completely built out, and had only a couple lots left. Mr. Donelson stated that the developer wanted to apply for Building Permits in June. Mr. Enyart asked Mr. Donelson if all the engineering had been approved, and Mr. Donelson stated that it was approved with the Preliminary Plat, and they were just proceeding with those plans. Mr. Enyart asked Mr. Donelson if all the ODEQ permits had been approved and Mr. Donelson stated that they had.

Erik Enyart asked if the Fire Marshal had any questions or comments. Jim Sweeden confirmed JR Donelson had received his memo, including fire hydrant locations.

Erik Enyart asked if the utility companies had any questions or comments. Jim Peterson confirmed utility locations with JR Donelson.

Erik Enyart asked if there were any further questions or comments from anyone. Evelyn Shelton asked JR Donelson if he or the developer had the previously-approved electrical layout. Mr. Donelson stated that he was not sure. Ms. Shelton stated that she could not find the old layout, but had drawn a new one tentatively.

Jim Sweeden out at 10:57 AM.

Jim Peterson and Evelyn Shelton discussed utility locations briefly.

JR Donelson stated that Scott [Gideon of ONG] had sent him his layout of the development, and it was the same as before.

Erik Enyart stated that he was surprised ONG did not show up, especially for the [Scenic Village Park] development. Mr. Enyart noted that ONG and Cox Communications seemed to have stopped sending representatives to the TAC meetings.

Erik Enyart recognized Betsy McConahy and asked if she had any questions or comments. Ms. McConahy complained that the construction trucks were using the [emergency access drive] to drive down [126th St. S.] through her neighborhood. Mr. Enyart clarified with JR Donelson that

Ms. McConahy was referring to the existing street 126th St. S. Ms. McConahy stated that the roadway was in poor condition already and the trucks were causing damage. Mr. Enyart indicated that Ms. McConahy had visited with him the day before to ask about the two (2) developments near her neighborhood, and he had told her to report these issues to, and about the TAC agenda, where she could view the development plans online. Mr. Enyart indicated that he had informed Ms. McConahy that the meeting was open to the Public and she could attend this technical meeting to hear more about the development process. Ms. McConahy noted that a street shown on the plat was not in existence. Mr. Enyart advised Ms. McConahy that he knew the roadway was not there, but that area used to be part of the subdivision until the Fry Creek system was developed about 13 years prior. Ms. McConahy stated that the lots shown on the plat were not there either, and she didn't think the streets or lots were ever there, as she had lived there a long time. Mr. Enyart responded that the plat of the old subdivision would not change, and this new plat merely represented the old lots and streets as they were originally platted.

JR Donelson noted that the emergency access drive was being reconstructed from 18' to 26' in width per the Fire Marshal. Mr. Enyart clarified the location of the widened street with Mr. Donelson using the full-size copy of the plat. Mr. Enyart confirmed with Mr. Donelson that the [approximately 30'] of frontage of the Reserve Area would allow ample room for the 26'-wide paving.

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

5. Old Business
6. New Business
7. Meeting was adjourned at 11:10 AM.

I. Accessory and out-buildings.

- 1. Accessory buildings shall conform to the dwelling structure architecture, and shall be behind a privacy fence. No accessory building shall have a roof pitch of less than 6 in 12 and similar in design to residence.
- 2. All mailboxes in the subdivision shall conform to the model as set forth by the standards committee. Such mailboxes shall be provided by the developer at developer's costs at the closing of the lot or home purchase.
- 3. Each lot shall have two 2-inch (caliper measurement) trees (not including any existing trees) per lot.

J. 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 any seventy-two (72) hour period.

K. 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.

L. 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.

M. Existing structures: No existing, erected building or structure of any sort may be moved onto or placed on any of the Lots in BIXBY LANDING SECOND.

N. 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) feet and Six (6) feet above the roadways.

O. Lot division: No lot shall be split or further subdivided so as to reduce the area thereof, except as necessitated by correction of encroachments or other boundary deficiencies caused by errors in the platting, re-platting or surveying of the subdivision. This shall also include any changes necessary pursuant to any municipal direction.

P. The developers of BIXBY LANDING SECOND 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 developers and filed in the County Clerk's office in the Court House of Tulsa County, Oklahoma.

Q. 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 and covenant herein, and may be brought by the Owner or Owners of any lot or having any interest therein, whether acting jointly or severally. The developer or Property Owners Association shall not be obligated to enforce any covenant or restriction through legal proceedings.

SECTION IV. PROPERTY OWNERS ASSOCIATION

A. Property Owners Association: R.C. Bixby Landco, L.L.C., has formed the BIXBY LANDING PROPERTY OWNERS ASSOCIATION, INC. (hereinafter referred to as the "Association") 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 BIXBY LANDING SECOND. The creation of this Association shall be completed at the sole discretion of the R.C. Bixby Landco, L.L.C. However, the same shall be no later than the last day of construction of the last home in BIXBY LANDING SECOND.

B. Membership: At any time any house constructed on a Lot and that Lot and house has been sold and occupied, the Owner therefore become a member of the BIXBY LANDING PROPERTY OWNERS ASSOCIATION, INC. and membership shall be appurtenant to and may not be separated from the ownership of a lot or portion thereof. The owner of vacant lots 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 home owner shall constitute acceptance of the Association as of the date of incorporation, or as of the date of the recording of the deed, whichever occurs last.

C. Covenant for assessments: The homeowner, and each subsequent owner of a lot or portion thereof, by acceptance of a deed therefore, is deemed to covenant and agree to pay the Association an annual assessment as established by the board of directors. 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. Annual assessments together with 10% interest, costs and reasonable attorney's fees shall be 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.

D. Duration, Amendment and Severability.

- 1. Duration: These restrictions shall remain in full force and effect until January 1, 2025, and shall automatically be extended thereafter for successive periods of ten (10) years each unless terminated or amended as hereinafter provided.
- 2. Amendment or Termination: The private covenants and restrictions contained in this Deed of Dedication may be amended, modified, changed or canceled by a written instrument signed and acknowledged by the owners of two-thirds (2/3) of the lots in BIXBY LANDING and BIXBY LANDING SECOND. Provided, however, so long as the Owner, or any equity majority owned by a current shareholder of Owner, owns a lot in BIXBY LANDING or BIXBY LANDING SECOND, the Owner 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 (other than Sections I, II.B and II.G, which may be altered only with the written consent of the City of Bixby).
- 3. Severability: Invalidation of any restriction set forth herein, or any part thereof, by an order, judgement 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 V. SURFACE DRAINAGE

A. 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 property owner shall construct or permit to be constructed any fencing or other obstructions which would impede 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. 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. The covenants set forth in this paragraph shall be enforceable by any affected property owner and by the City of Bixby, Oklahoma.

Any successor(s) in title to the lots within BIXBY LANDING SECOND, to enforce any given restriction or covenant or condition at any time, or from time to time, shall not be deemed to be a waiver or relinquishment of any right or remedy, nor a modification of these restrictions and protective covenants.

As owner we hereby certify that we have caused the land described in this plat to be surveyed, divided, mapped, dedicated and access rights reserved as represented on the plat.

In witness whereof the owner have executed this Deed of Dedication on this _____ day of _____, 20____.

R.C. Bixby Landco, L.L.C.,
an Oklahoma Limited Liability Company

Member Manager

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

Before me the undersigned, a Notary Public in and for said County and State, on this _____ day of _____, 20____, personally appeared _____, to me known to be the identical person who subscribed the name thereof to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed for said limited liability company, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

Notary Public

My commission expires: _____

SURVEYORS CERTIFICATE

I, Charles K. Howard, a Registered Land Surveyor in the State of Oklahoma, hereby certifies 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 3545 Exp. 6-30-13

STATE OF OKLAHOMA)
)SS
COUNTY OF _____)

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 me hand and seal the day and year last above written.

Notary Public

My Commission expires: _____

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

BIXBY LANDING SECOND

(PUD 57)

KNOW ALL MEN BY THESE PRESENTS:

NOW THEREFORE, the Undersigned, R.C. Bixby Landings, L.L.C., an Oklahoma Limited Liability Company, being the owner in fee simple of the real estate and being situated in the City of Bixby, Tulsa County, State of Oklahoma, and described as follows:

A tract of land situated in a part of the NE 1/4 of the SW 1/4, Section 1, 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: 10-16.

Commencing at the Northwest Corner of the SW 1/4 of Section 1, T-17-N, R-13-E, according to the Corrected Plat of Southern Memorial Acres No. 2, a subdivision in the S 1/2 of the NW 1/4 of Section 1, T-17-N, R-13-E, thence there to with an assumed bearing of N 89°34'19"E being the North line of said SW 1/4 and the South line of said corrected plat of Southern Memorial Acres No. 2 a distance of 1719.78 feet to the point of beginning; thence continuing N 89°34'19"E and along said North line a distance of 822.01 feet to a point on Fry Creek Right-of-Way; thence S 00°00'00"W along said Right-of-Way a distance of 354.97 feet; thence S 17°35'51"W along said Right-of-Way a distance of 240.64 feet; thence S 59°20'03"W along said Right-of-Way a distance of 273.28 feet; thence N 87°28'52"W along said Right-of-Way a distance of 564.26 feet; thence N 02°51'00"E a distance of 110.00 feet; thence S 87°28'52"E a distance of 86.08 feet; thence N 00°58'30"W a distance of 456.64 feet; thence S 89°01'30"W a distance of 35.00 feet; thence N 00°58'30"W a distance of 117.75 feet to the point of beginning and containing 12.232 acres more or less.

and the Undersigned Owner has caused the described realty to be surveyed, plotted and platted into Lots and Blocks in accordance with the accompanying plat, and have designated the same as "BIXBY LANDING SECOND", an Addition to the City of Bixby, Tulsa County, State of Oklahoma.

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

Now, therefore, the Undersigned Owner dedicates for public use of the streets as shown on said plat and do hereby guarantee clear title to all land that is so dedicated. The Owner does further dedicate for the public use the easements and rights of way as shown for the several purposes of constructing, maintaining, operating, repairing, and removing or replacing any and all public utilities, including storm and sanitary sewers, telephone lines, power lines and transformers, gas lines and water lines, and cable television lines, together with all fittings and equipment for each of such facilities, including the poles, wires, conduits, pipes, valves, meters and any other such appurtenances thereto with the right of ingress and egress to and upon such easements and rights of way for the uses and purposes aforesaid; provided,

however that the Owner 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 over, across and along all of the utility easement areas as shown on the plat for the purpose of furnishing services to the area included within the plat.

The Undersigned Owner does hereby relinquish the rights of ingress and egress to the above described property within the bounds designated as "Limits of No Access" (LNA), and shown on the plat, except as may be hereafter released, altered, or amended by the City of Bixby and approved by the City Planning Commission or its successors, or as otherwise provided by the Statutes and Laws of the State of Oklahoma pertaining thereto. The foregoing covenant shall be enforceable by the City of Bixby, Oklahoma or its successors, and the owners of each lot agree to be bound thereby.

FURTHER, the Owner, for the purpose of providing and orderly development of the property above-described, (hereinafter referred to as BIXBY LANDING SECOND), and for the purpose of insuring adequate restrictions for the mutual benefit of the undersigned Owner, its successors, grantees and assigns, does hereby impose the following restrictions and covenants, which shall be enforceable by the lots within BIXBY LANDING SECOND.

A. Water and Sewer Service
In connection with the provisions for water and sanitary sewer services, all of the Lots in BIXBY LANDING SECOND are subject to the following covenants and restrictions, to-wit:

1. The owner of each lot shall be responsible for the protection of the public water mains and of the public sanitary facilities located in their lot and shall prevent the alteration of grade or any construction activity which may interfere with said public water main, public sanitary sewer main, or storm water. Within the utility 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 or sewer main, or any construction activity which would interfere with public water and sewer mains, shall be prohibited.

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

3. The City of Bixby or its successors through its proper agents and employees shall at all times have 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 said underground water and sewer facilities.

4. The foregoing covenants concerning water and sewer facilities shall be enforceable by the City of Bixby or its successors, and the owner of each lot agree to be bound hereby.

5. All water and sanitary sewer lines shall be maintained in good repair by the utility contractor in accordance with the terms and conditions of the Maintenance Bond of which the City of Bixby is the beneficiary. If any repair issues arise, the Developer shall assist the City of Bixby in coordination and facilitation with the appropriate contractor.

6. Waterlines less than 4" in diameter and sanitary sewer lines less than 8" in diameter are private service lines and the ownership, maintenance, repair, removal and/or replacement shall be the responsibility of the property owners served by said service lines.

B. Electric, Telephone, Cable Television and Natural Gas Service.

In connection with the installation of underground electric, telephone, cable television and natural gas services, all lots are subject to the following:

1. Overhead pole lines for the supply of electric service, telephone and cable television service may be located along the North, East and South lines of the subdivision. Street light poles or standards may be served by underground cables and elsewhere throughout said addition, all supply lines including electric, telephone, cable television and gas lines, shall be located underground, in the easement ways dedicated for the 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 of secondary voltages, may be located in such easement ways.

2. Except to houses on lots described in paragraph "A" above, which may be served from overhead electric service lines, telephone lines and cable television cables, underground service cables and gas service lines may be run from the nearest service pedestal, transformer or nearest gas main to the point of use determined by the location and construction of such structures as may be located upon the lot; provided that upon the installation of such service cable or gas service line to a particular structure, the supplier of electric service, telephone service, cable television service, or gas service line to a particular structure, the supplier of the service shall thereafter be deemed to have a definite, permanent, effective and non-exclusive right-of-way easement on each lot covering a five foot strip extending 2.5 feet on each side of such 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 natural gas services, through their proper agents and employees, shall at all times have the right of access to all easement ways shown on the plat, or provided for in this deed of dedication for the purposes of installing, maintaining, removing, or replacing any portion of said underground electric, telephone, cable television or gas facilities installed by the supplier of the utility service.

4. The owner of each lot shall be responsible for the protection of the underground electric, telephone, cable television and natural gas 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. Each supplier of service shall be responsible for ordinary maintenance of underground electric, telephone, cable television or natural gas facilities, but the owner will pay for damage or relocation of such facilities caused or necessitated by the acts of the owner or its agents or contractors.

5. The foregoing covenants concerning underground electric, telephone, cable television and natural gas facilities shall be enforceable by the supplier of electric, telephone, cable television or gas service, and the owner of each lot agree to be bound hereby.

C. The Undersigned Owner will do the following: All streets shall be graded, base material applied and surface paved in accordance with the current Engineering Design Standards of the City of Bixby to include curbs and gutters, street name signs in place, visual screens established, utilities and street lights installed, drainage structures constructed in accordance with the approved plans on file in the office of the City Engineer by the Owner, at his expense, and in compliance with the Engineering Design Standards of the City of Bixby. Interior sidewalks shall be constructed at the time of the construction of the lot improvements. The streets and storm sewer shall be maintained in good repair by the Owner for a period of Two (2) years after the City's written acceptance of the construction, and all other improvements shall be maintained in good repair by the Owner for a period of One (1) year after the City's written acceptance of the construction.

D. Paving and Landscaping Within Easements.

The owner of lot shall be responsible for repair of damage to the landscaping and paving occasioned by the necessary installation of, or maintenance to, the underground water, sewer, storm water, gas, communication, cable television, or electric facilities within the easements depicted on the accompanying plat, provided however, that the City of Bixby or the supplier of the utility service shall use reasonable care in the performance of such activities.

E. Storm Sewer

1. The City of Bixby, or its successors, through its proper agents and employees, shall at all times have right of access with their equipment to all storm sewer easements for the purpose of installing, maintaining, removing or replacing any portion of the underground storm sewer system.

2. No permanent fence, permanent wall, permanent building, or permanent structure which would cause the utility easement to be placed or maintained in the storm sewer easement area, and any construction activity which would interfere with the storm sewer system shall be prohibited.

3. The City of Bixby, or its successors, shall be responsible for ordinary maintenance of the public storm sewer system, but the owner of each lot will pay for damage or relocation of such facilities caused or necessitated by acts of the owner of each lot or its agents or contractors.

4. The foregoing covenants concerning the public storm sewer system shall be enforceable by the City of Bixby, or its successor, and the owner of each lot agree to be bound hereby.

5. The owner of each lot shall be responsible for the protection of the storm sewer located on their lot and shall prevent the alteration of grade or any construction activity which may interfere with said storm sewer. Within the utility easement areas depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of storm sewer, or any construction activity which would interfere with storm, shall be prohibited.

F. Reserve Area
Reserve areas designated "C" on the attached plat is an area that will be needed to the Property Owners Association of BIXBY LANDING for their use and benefit. This area shall be transferred to the Property Owners Association of BIXBY LANDING on or before the completion of the last home constructed in BIXBY LANDING SECOND. Maintenance of this reserve area will be the responsibility of the Bixby Landings Home Owners Association. Reserve "C" will be used for street and access to the subdivision.

SECTION II. PUD DEVELOPMENT STANDARDS

A. BIXBY LANDING DEVELOPMENT AREA A

Table with 3 columns: Gross / Net Lot Area, Gross, Net. Values: 18,518 acres, 806,644 sf, 18,518 acres, 806,644 sf.

Permitted Uses:
Underlying Zoning District: RS-4"
Limitation on Uses: Allowed uses within Development Area "A" include all Uses Listed in the City of Bixby Zoning Code within the RS-4" zoning district.

Max Number of Lots 2

Max Building Stories 84

Lot Width (min.ft.) 50 feet

Lot Area (min. sq.ft.) 5,500 sq ft

Land Area per D.U. (min. sq.ft.) 6,750 sf

Livability per D.U. (min.sq.ft.) 1,600 sf

Table with 2 columns: Minimum Building Setbacks (Yard Requirements), Front yard abutting a public / private street, Side yard abutting a public / private street, Rear Yards (min.ft.), Side Yards (min.ft.). Values: 20 feet, 15 feet, 20 feet, 5 feet.

B. Landscaped Area and Visual Screening.

1. All landscaping and screening shall meet or exceed the requirements of the PUD Chapter 9. All landscaping and screening shall be approved by the Bixby Planning Commission.

C. Signs.
1. All signs shall comply with the setback, height, size and other requirements of the Bixby Zoning Ordinance. The location of the proposed ground signs shall be shown on the site plan submitted to the City of Bixby for review.

D. Lighting.
1. Exterior light poles shall meet the requirements of the Bixby Zoning Ordinance.

2. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs with movement shall be prohibited, except as may be permitted by the Bixby Planning Commission as part of the approved detail sign plan.

E. Fencing.
1. Fencing shall be installed in accordance with the requirements of the Bixby Zoning Ordinance. A 6'-0" privacy fence will be installed along the north property line.

F. Access and Circulation.

1. The Streets in this PUD will be public and constructed to the City of Bixby standards, with sufficient right-of-way provided on the west access to allow construction and maintenance of the roadway. The road right of way is shown on the plat. Access to South 88th E. Ave. will be through a crash gate with a knock box for emergency vehicles.

SECTION III. PRIVATE RESTRICTIONS AND COVENANTS

A. Architectural Committee and Construction Standards. An Architectural Committee will be formed to review and approve any structure to be built on any lot and shall also be responsible for the interpreting the development and construction standards contained herein. R.C. Bixby Landings, L.L.C., the Developer, its successors, assigns or appointees are heretofore referred to as the Architectural Committee. After sixty-five percent (65%) of the lots in the subdivision have been purchased and houses constructed, the BIXBY LANDING SECOND Property Owners Association, and the Developer shall form a duly elected Architectural Committee consisting of members of the Association. The Developer, R.C. Bixby Landings, L.L.C., shall hold a three to one (3:1) proxy vote for any of the lots it holds. This in effect will give R.C. Bixby Landings, L.L.C. 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 Homeowners Association including but not limited to the approval and/or disapproval of any item brought before the Architectural Committee.

- B. The minimum building set-backs for dwelling units shall be as follows:
1. Front yard abutting a public street: Twenty feet (20') unless shown otherwise on the plat.
2. Side yard: Five feet (5')
3. Rear yard: Twenty feet (20')
4. Side yard abutting a public street: Fifteen feet (15') unless shown otherwise on the plat.

Easements take precedent to the above set-backs.

C. Lot use restrictions.

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

D. Fence restrictions.

- 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 BIXBY LANDING SECOND, and no fence or wall shall exceed six (6) feet in height above ground level.
2. No chain-link fences will be permitted in the subdivision.
3. All wood fences shall be constructed of #2 grade or better Cedar or Spruce.

E. Dwelling material and size restriction.

- 1. No building or dwelling unit on any lot shall be constructed with less than Sixteen Hundred (1600) 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 Twenty-one hundred (2100) square feet of floor space with a minimum of One thousand Fifty (1050) square feet on the first story, exclusive of open porches, garages, and breezeways.
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.

3. No dwelling, structure, garage, or accessory building shall have a roof pitch of less than 7 in 12 and any roof constructed of composition shingles, the shingles will be Driftwood, or equal grade shingles with a minimum 30 year guarantee.

F. Antennae and aerial restrictions.

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.

G. Garages.

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 developer of BIXBY LANDING SECOND, and the architectural committee of the subdivision.

H. Temporary structures.

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.



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner 
Date: Thursday, March 14, 2013
RE: Report and Recommendations for:
Preliminary Plat of "Scenic Village Park" (PUD 76)

LOCATION:

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

SIZE: 92 acres, more or less

EXISTING ZONING: AG Agricultural District (CG/PUD 76 zoning pending City Council consideration 03/25/2013)

EXISTING USE: Agricultural

REQUEST:

- Preliminary Plat approval
- Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2

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.

PUD 76 "Scenic Village Park" & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for subject property – PC recommended Approval 02/27/2013. Pending City Council consideration 03/25/2013.

BACKGROUND INFORMATION:

ANALYSIS:

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 and may or may not be presently used for agricultural crops. CG zoning and PUD 76 are pending City Council approval March 25, 2013.

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.

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

The multiple uses anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 92 acres proposes nine (9) lots and two (2) blocks (however, due to streets completely separating parts of Block 1, Staff recommends the designation of a third block). No (0) Reserve Areas are proposed. The lots are fairly large, and with the exception of Development Area A, appear consistent with their respective PUD 76 Development Area acreages. It is likely that certain lots will be replatted into smaller lots, especially for the lower-intensity residential Development Area C.

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

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

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

Access and Internal Circulation. The plat proposes Limits of No Access (LNA) along all of 121st St. S., to direct all traffic to the two (2) proposed street intersections.

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

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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. The Applicant has stated that the seller has agreed to dedicate the right-of-way. The Text of PUD 76 confirms that the connection will be required.

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 76, the collector street will have an 80' right-of-way and 38' roadway width. 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 acknowledges that such geometries must be approved by the Bixby City Council for Modification/Waiver from the Subdivision Regulations. The request for Modification/Waiver has been received and is attached to this report. Per the City Engineer's review memo, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify a Modification/Waiver.

The minor streets serving Development Areas A and B, at 50' in right-of-way width and 26' of roadway paving width, would be consistent with a minor low density residential street. It would incidentally serve the westernmost commercial lot in Development Area A, and perhaps the other commercial lot in Development Area A, but would primarily serve an assisted living community. Thus, it would appear more appropriate to be designated a Residential Collector or High Density Residential minor street, which calls for 60' of right-of-way and 36' of roadway width. These geometries, too, must receive City Council approval of a Modification/Waiver. Recognizing the Collector Road will facilitate most of the traffic, it is reasonable to argue that the ancillary minor streets, serving to allow for a future stoplight at 73rd E. Ave. and primarily serving the assisted living facility, should be afforded flexibility to reduce the minimum required widths.

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

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

1. Subject to City Council approval of CG zoning and PUD 76.
2. Subject to City Council approval of a Modification/Waiver of the Commercial Collector 42' paving width requirement of Subdivision Regulations Ordinance # 854 Section 9.2.2, to allow a 38'-wide roadway width as proposed. Per the City Engineer's review memo, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify a Modification/Waiver.
3. Subject to City Council approval of a Modification/Waiver of the Residential Collector or High Density Residential minor street 60' right-of-way and 36' paving width requirement of

- Subdivision Regulations Ordinance # 854 Section 9.2.2, to allow a 50'-wide right-of-way width and 26'-wide roadway width as proposed. Recognizing the Collector Road will facilitate most of the traffic, it is reasonable to argue that the ancillary minor streets, serving to allow for a future stoplight at 73rd E. Ave. and primarily serving the assisted living facility, should be afforded flexibility to reduce the minimum required widths.
4. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
 5. Plat name needs to be prefaced by "Preliminary Plat."
 6. Lot 2, Block 1 is completely separated from the balance of Block 1 by streets. Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
 7. Land Summary statistics on the plat face do not report block areas or number of lots within each block, as customary.
 8. Update Land Summary statistics to add the new block number recommended herein.
 9. The Land Summary statistics report 8 lots in error.
 10. The Land Summary statistics report "00.000 acres" in error.
 11. Preliminary Plat: Elevation contours at one (1) foot maximum intervals not represented as required per SRs Section 12-4-2.B.6.
 12. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - a. *LaCasa Movil Estates* (misrepresented as to configuration)
 - b. *LaCasa Movil Estates 2nd* (misrepresented as to configuration and not labeled)
 - c. *Village Ten Addition* (mislabeled)
 - d. *Poe Acreage* (misrepresented as to configuration)
 - e. *Seven Lakes II* (missing)
 - f. The Fry Creek Ditch # 1 and # 2 are represented by do not reflect channel reconstructions from circa 2000.
 13. Please add street names as follows (confirm first with all appropriate City Staff):
 - a. East-west Collector Street: East 126th Street South
 - b. North-south Collector Street: South 74th East Avenue
 - c. North-south minor Street: South 73rd East Avenue
 - d. East-west minor Street: East 121st Place South
 14. Please add proposed addresses to the lots. Such may be omitted for lots which will likely be further subdivided.
 15. Please add 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."
 16. Curve data appears missing from the southwest corner of the easternmost lot in Development Area A.
 17. Undefined linework along the north sides of Development Area A and a westerly part of the north side of Development Area E.
 18. DoD/RCs Preamble: Missing critical wording such as "And the Owner has caused the above described land to be surveyed, staked, platted, granted, donated, conveyed, dedicated, access rights reserved and subdivided into..." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
 19. DoD/RCs Preamble: Please update to three (3) blocks per other recommendations herein.

20. DoD/RCs Section I.A: Please add language preferred by City of Bixby as follows: "...the owner further reserves the right to construct and maintain within the utility easements properly-permitted: parking areas, landscaping, screening fences and walls and other nonobstructing improvements."
21. DoD/RCs Section I.D: Please add language preferred by City of Bixby as follows: "...of damage to the properly-permitted landscaping and paving...."
22. DoD/RCs Section II: Update with the final-as-approved version of the Text of PUD 76, presuming City Council approval 03/25/2013.
23. DoD/RCs Section III.C: Word "owner" misspelled.
24. DoD/RCs Section III.C: "Planning Commission" missing the final "n."
25. Certificate of Survey: Self-reference as "a Subdivision in the City of Bixby." Title Blocks on Pages 1 and 2, Deed of Dedication / Restrictive Covenants (DoD/RCs) Preamble (other instances possible) self-reference as "an Addition to the City of Bixby." Please reconcile all instances.
26. A copy of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file.

Memo

To: Erik Enyart, AICP, City Planner

From: Joey Wiedel

Date: 2/21/2013

Re: PUD 76 "Scenic Village Park"

PUD 76 Development concept and site plan is approved by this office with the following caveats.

Codes: ICC-2009, Electrical 2011

All lots 1-5, block 1-2 shall maintain a minimum of two (2) means of exit/egress.

Fire hydrants shall be no further than 300 feet apart. See city requirements on types of hydrants allowed in City district.

Roads shall be able to support the imposed load of no less than 75,000 pounds.

All roads and fire hydrants shall be operational before building construction begins.

Joey Wiedel 2/21/13
Joey Wiedel

Memo

To: Mr. Justin Morgan, PE
Tanner Consulting, LLC
5323 South Lewis Ave.
Tulsa, Ok 74105

From: Jared Cottle, PE *JWC*

CC: Bea Aamodt, PE
Erik Enyart, City Planner
File

Date: 03/08/13

Re: Scenic Village Park – PUD 76
Preliminary Plat
Grading, Drainage, and Paving Plans
Water & Sanitary Sewer Plans

General Comments:

1. A comment response letter addressing each item listed below must be provided with next submittal.
2. The checklist provided in the Engineering Design Manual must be submitted and included with all future submittals.
3. A Geotechnical Report should be provided for the proposed development. The Geotechnical Report should include pavement design recommendations based on future traffic projections and the Engineering Design Manual.

Preliminary Plat Comments:

4. Plat provisions/covenant language should prohibit paving over future sanitary sewer/storm sewer connection corridors/easements by adjacent properties, particularly in Block 2.
5. Plat provisions/covenant language should require the installation of entry turning lanes into each new development along Collector Street A. This will help maintain traffic flow through the corridor as future development occurs.

Grading, Paving, & Drainage Comments:

6. Sidewalks must be provided along 121st Street, particularly for Trail/Pedestrian crossing along the north side of the 121st Street Bridge.
7. The number of vertical curves along Collector Street A should be reduced to minimize the driver undulation. For instance, the VPIs at Sta. 7+00 and 9+00 should be eliminated in favor of a single sag curve at 6+00 with the VPI at 9+90 remaining the same. Also, the same approach should be followed by eliminating the VPIs at Sta. 11+66, Sta. 16+30, Sta. 22+46.87, Sta. 23+46.64, Sta. 27+00, Sta. 28+00, Sta. 30+00, and Sta. 31+00. The PI elevations will have to be modified slightly to meet minimum grades, but the overall ride will be improved.

8. At least 38' feet of paving width must be provided for the Street B entry onto 121st Street. The Street B entry onto 121st should include a dedicated left turn lane, with the through and right turn lane combined. At least 100 feet of storage should be provided for the dedicated left turn lane. For any future signalization projects, the lanes must be aligned with those on the opposite side of the intersection.
9. A Drainage Report covering both the off-site and on-site storm water drainage systems along with detailed calculation information must be provided.
10. Cadilloc or equal pipe wrap must be specified on the Plans for all storm sewer pipe joints.
11. The Drainage summary table should include a column for land use to verify "C" values and Times of Concentration (Tc).
12. Please verify that Tc values do not exceed the maximums provided in the Engineering Design Manual as it pertains to land use.
13. If the information for Area An is based on Bixby Centennial Plaza information, the data in the table that suggests recalculation should be deleted (i.e. "C", Tc, etc.). The pertinent portions of the Bixby Centennial Plaza report and model should be included in the Drainage Report.
14. A detail will be required for accommodation and protection of the 18" sanitary sewer crossing near the downstream end of storm line A1.
15. The vertical clearances between storm sewers and water/sewer crossings should be listed on the profiles.
16. A manhole on top of storm line A1 should be provided at the Structure 23 connection to the box.
17. Please verify that subcritical flow regimes are used in the EGL and HGL calculations for the storm sewer – a hydraulic jump (drop in the HGL) is shown at Structure Am on Line A1 and between Structures 20 and a on Line C3.
18. Both the 10-year and 100-year WSE elevations should be shown on the storm profiles. The source of the WSE data should be listed on the Plans and in the Drainage Report.
19. The existing grades out to the right-of-way lines should be shown for Line A4, north of Structure An.
20. The storm sewer connections to the Fry Creek Channel will have to be reviewed and approved by the US Army Corps of Engineers prior to construction.
21. The rip rap design and gradations for the storm sewer discharge points into Fry Creek should be no less than the original USACOE designs. Calculations for the rip rap sizing must be included in the Drainage Report.
22. Grading details should be provided for Structures An and P.
23. The RCB Transition Detail D should show steel reinforced concrete rather than bricks and mortar to fill voids.

Water System Comments:

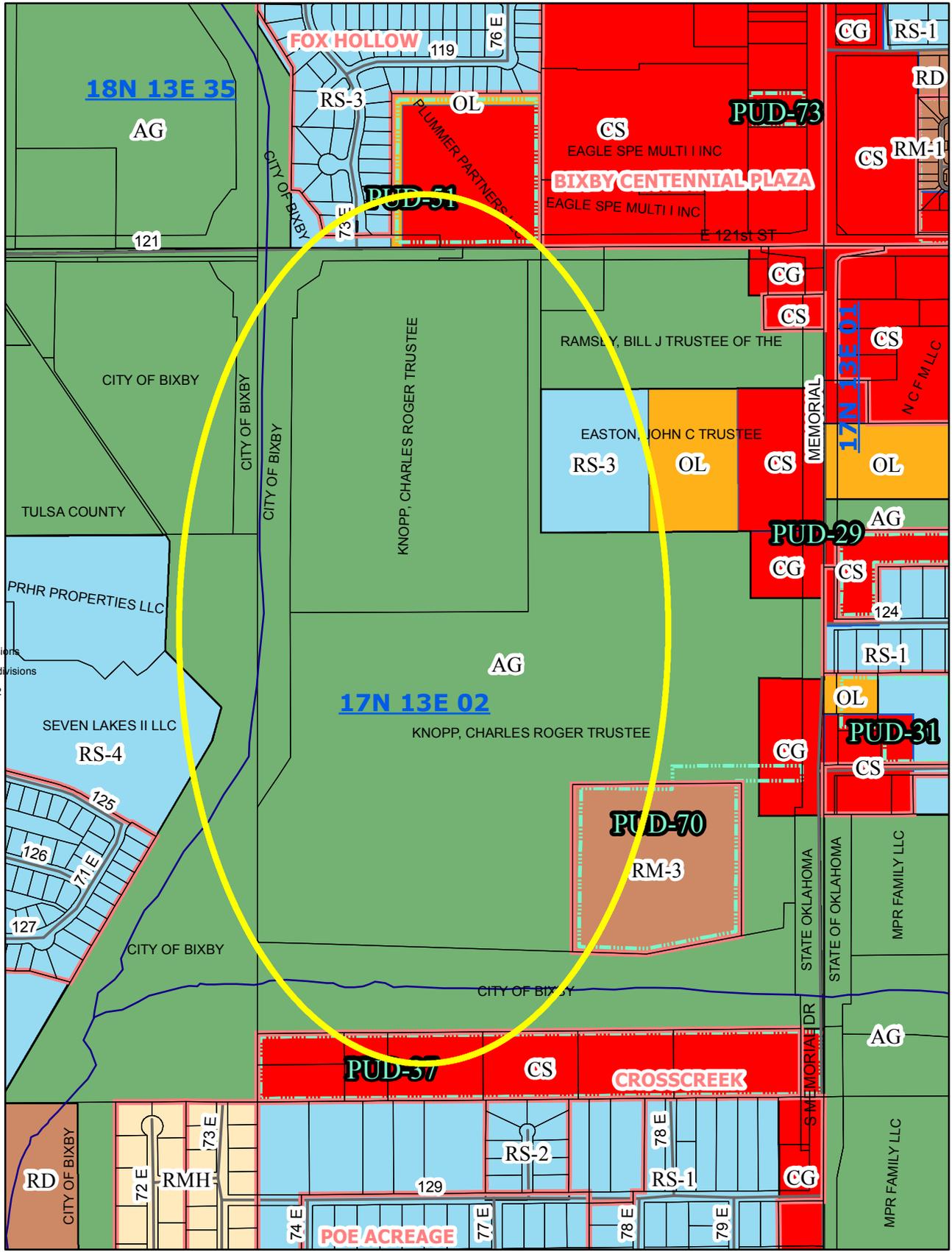
24. Fire Hydrant locations must be coordinated with and approved by the Fire Marshall.
25. Please verify that the hydrant brands specified are consistent with the City Standard Specifications.
26. The Key Map references on Sheet CD26 and there subsequent references on the profiles should be updated with the next submittal.
27. The vertical clearances between water and sanitary/storm crossings should be listed on the profiles.
28. A three-valve cluster should be provided at Sta. 3+27.6 on Line A.
29. Steel casings must be provided for storm sewer crossings on Line A between Sta. 12+00 and Sta. 13+00 as well as between 26+00 and 27+00.

30. Steel casings should be provided for the Line B crossing under the storm sewer and street between Sta. 3+00 and Sta. 4+50.

Sanitary Sewer System Comments:

31. A Sanitary Sewer Design Memorandum demonstrating the adequacy of the lines and grades to accommodate adjacent, undeveloped properties between the subject tract and Memorial is required.
32. The vertical clearances between sanitary sewers and water/storm crossings should be listed on the profiles.
33. Anticipated, future sanitary sewer connections from adjacent off-site properties should be shown on the Plans.

Preliminary Plat of Scenic Village Park



- bixby_streams
- Tulsa Parcels 01/13
- WagParcels 01/13
- TulsaCountySubdivisions
- WagonerCountySubdivisions
- WagRoads_Aug2012
- E911Streets
- PUD
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- bixby_s-t-r
- county





Scale: 1" = 150'
Tanner Consulting

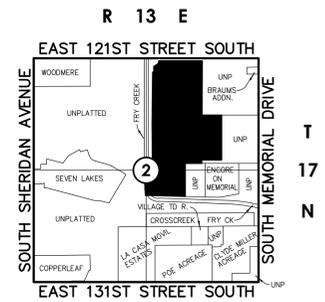
Scenic Village Park

PART OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN
AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

B/L = BUILDING LINE
B/U = BUILDING LINE & UTILITY EASEMENT
BK PG = BOOK & PAGE
CB = CHORD BEARING
CD = CHORD DISTANCE
DOC = DOCUMENT
ESMT = EASEMENT
ODE = OVERLAND DRAINAGE EASEMENT
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
SEP. INSTR. = SEPARATE INSTRUMENT
U/E = UTILITY EASEMENT

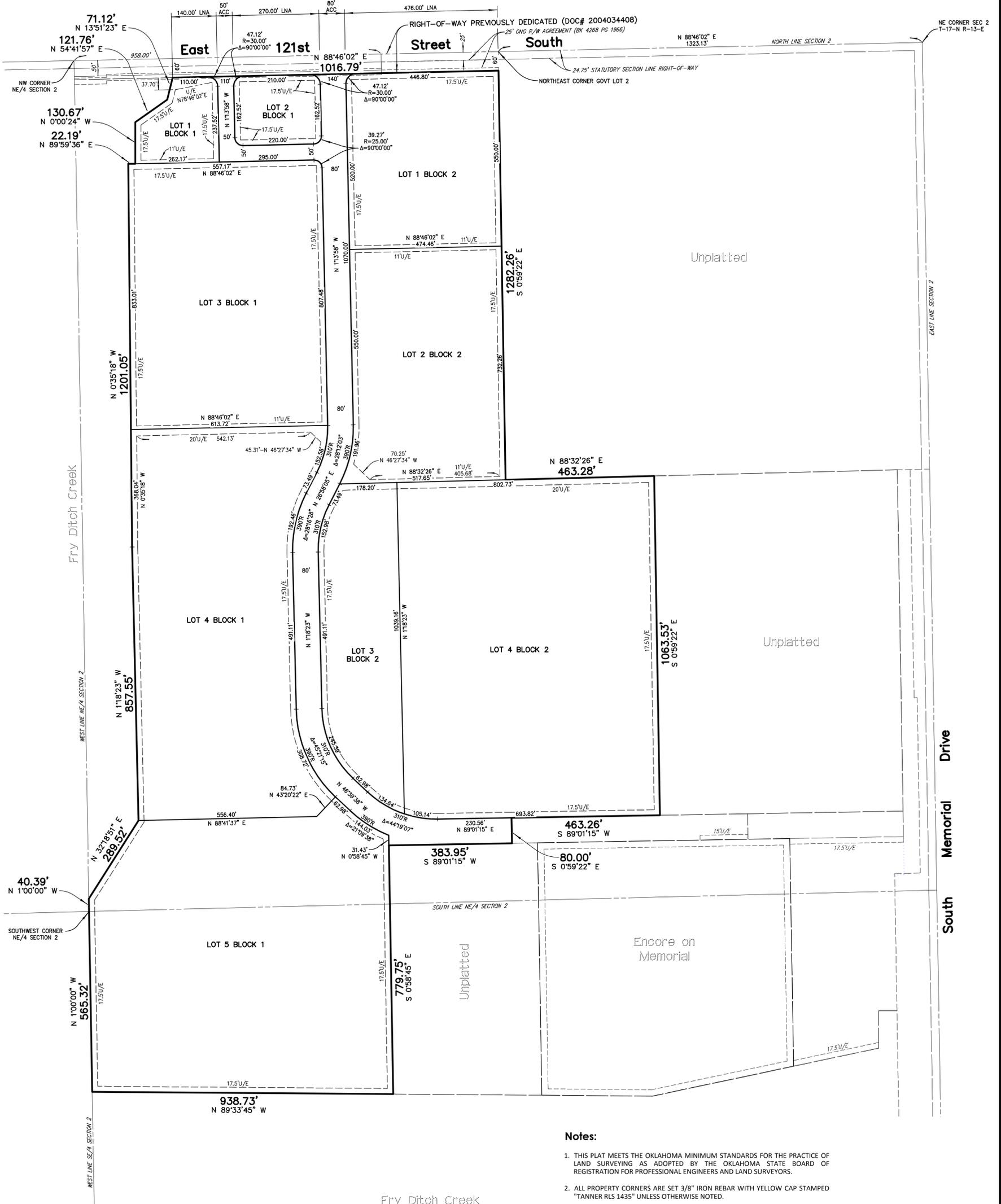
OWNER:
121st & Memorial, L.L.C.
6528 East 101st Street South
D-1, Suite 409
Tulsa, Oklahoma 74133
Phone: (918)638-3003
Contact: Rick Dodson

SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
DAN E. TANNER, P.L.S. NO. 1435
OK CA NO. 2661, EXPIRES 6/30/2013
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918)745-9929



Location Map
Scale: 1" = 2000'

SUBDIVISION CONTAINS
EIGHT (8) LOTS IN TWO (2) BLOCKS
GROSS SUBDIVISION AREA: 00.000 ACRES



Notes:

- THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER RLS 1435" UNLESS OTHERWISE NOTED.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM (NAD 83).

Scenic Village Park

PART OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN
AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION AND RESTRICTIVE COVENANTS FOR SCENIC VILLAGE PARK

KNOW ALL MEN BY THESE PRESENTS:

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

A TRACT OF LAND BEING A PART OF THE 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 GOVERNMENT 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 3°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 92.004 ACRES, MORE OR LESS.

AND THE OWNER HAS CAUSED THE ABOVE-DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED, DEDICATED, ACCESS RIGHTS RESERVED AND SUBDIVIDED INTO NINE (9) LOTS IN TWO (2) BLOCKS IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT") AND HAS ENTITLED AND DESIGNATED THE SUBDIVISION AS "SCENIC VILLAGE PARK" AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "SCENIC VILLAGE PARK").

SECTION I. EASEMENTS AND UTILITIES

A. UTILITY EASEMENTS.

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

B. WATER SANITARY SEWER AND STORM SEWER SERVICE.

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER, SANITARY SEWER MAINS AND STORM SEWER MAINS LOCATED ON THE LOT.
2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH PUBLIC WATER, SANITARY SEWER MAIN OR STORM SEWER MAINS, SHALL BE PROHIBITED. WITHIN THE UTILITY EASEMENTS, IF THE GROUND ELEVATIONS ARE ALTERED FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER, SANITARY SEWER MAIN OR STORM SEWER MAIN, ALL GROUND LEVEL APPURTENANCES, INCLUDING VALVE BOXES, FIRE HYDRANTS AND MANHOLES SHALL BE ADJUSTED TO THE ALTERED GROUND ELEVATIONS BY THE OWNER OF THE LOT OR AT ITS ELECTION, THE CITY OF BIXBY, OKLAHOMA MAY MAKE SUCH ADJUSTMENT AT THE LOT OWNER'S EXPENSE.

3. THE CITY OF BIXBY OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER, SANITARY SEWER MAIN AND STORM SEWER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.

4. THE CITY OF BIXBY OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.

5. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

C. UNDERGROUND SERVICE.

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE PUBLIC STREET RIGHT-OF-WAY ALONG EAST 121ST STREET SOUTH. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE EASEMENT WAYS.

2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT. PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE OR GAS

DATE OF PREPARATION: FEBRUARY 12, 2013

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.

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.

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.

5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH C SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. PAVING AND LANDSCAPING WITHIN EASEMENTS.

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

E. RIGHTS OF INGRESS AND EGRESS.

THE OWNER HEREBY RELINQUISHES RIGHTS OF INGRESS AND EGRESS TO AND FROM THE ABOVE-DESCRIBED PROPERTY TO AND FROM EAST 121ST STREET SOUTH WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" OR "L.N.A." ON THE PLAT, EXCEPT AS MAY HEREINAFTER BE RELEASED, ALTERED OR AMENDED BY THE CITY OF BIXBY, OKLAHOMA OR ITS SUCCESSORS, OR AS IS OTHERWISE PROVIDED BY THE STATUTES OR LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO.

SECTION II. PLANNED UNIT DEVELOPMENT

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

WHEREAS PUD NO. 76 WAS AFFIRMATIVELY RECOMMENDED BY THE CITY OF BIXBY PLANNING COMMISSION ON DATE, AND APPROVED BY THE BIXBY CITY COUNCIL ON DATE, AND

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

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

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

A. DEVELOPMENT STANDARDS

DEVELOPMENT AREA 'A'

GROSS LAND AREA: 4.037 AC

NET LAND AREA: 2.673 AC

PERMITTED USES: USES PERMITTED AS A MATTER OF RIGHT IN THE CS DISTRICT AND CUSTOMARY ACCESSORY USES.

MAXIMUM FLOOR AREA RATIO: 0.50

MAXIMUM BUILDING HEIGHT: 35 FT.

MAXIMUM STORIES: 2

MINIMUM 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.

MASONRY REQUIREMENTS: AN EXTERIOR BUILDING WALL FRONTING 121ST STREET SHALL HAVE A 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 AC

NET LAND AREA: 11.636 AC

PERMITTED USES: LIFE CARE RETIREMENT CENTER AS SET FORTH WITHIN USE UNIT 8. MULTIFAMILY DWELLING AND SIMILAR USES AND CUSTOMARY ACCESSORY USES.

MAXIMUM INDEPENDENT LIVING DWELLING UNITS: 91 DUS

MAXIMUM ASSISTED LIVING DWELLING UNITS: 39 DUS

SKILLED NURSING BEDS: 41 BEDS

MAXIMUM FLOOR AREA: 160,000 SF

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 SF

[OPEN SPACE NOT ALLOCATED TO PARKING OR DRIVES]

**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 AC

NET LAND AREA: 14.910 AC

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.

MAXIMUM DWELLING UNITS: 320 DUS

MAXIMUM DENSITY:

DETACHED DWELLING UNITS: 7 DUS PER ACRE
DUPLEX DWELLING UNITS: 10 DUS PER ACRE
TOWNHOUSE DWELLING UNITS: 16 DUS PER ACRE
MULTIFAMILY DWELLING UNITS: 20 DUS PER ACRE

MAXIMUM BUILDING HEIGHT: 58 FT.

MAXIMUM STORIES: 4

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.

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 AC

NET LAND AREA: 18.114 AC

PERMITTED USES: USES PERMITTED AS A MATTER OF RIGHT IN THE CG ZONING DISTRICT AND PRINCIPAL USES PERMITTED BY SPECIAL EXCEPTION WITHIN THE CG ZONING DISTRICT INCLUDING USE UNIT 15 - OTHER TRADES AND SERVICES, USE UNIT 23 - WAREHOUSING AND WHOLESALE (OFFICE/WAREHOUSE), AND USE UNIT 15 - MINI-STORAGE, USE UNIT 17 - AUTOMOTIVE AND ALLIED ACTIVITIES AND PERMITTED USES SHALL BE CONDUCTED WITHIN ENCLOSED BUILDINGS, PROVIDED HOWEVER SEXUALLY ORIENTED BUSINESSES SHALL BE EXCLUDED. NOTWITHSTANDING THE FOREGOING, OPEN AIR STORAGE MAY BE PERMITTED BY MINOR AMENDMENT SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

MAXIMUM FLOOR AREA RATIO: 0.50

MAXIMUM BUILDING HEIGHT: 40 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

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

MASONRY REQUIREMENTS: AN EXTERIOR BUILDING WALL FRONTING 121ST STREET SHALL HAVE A MASONRY FINISH OF NOT LESS THAN 25% EXCLUDING WINDOWS AND DOORS.

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

MAXIMUM FLOOR AREA RATIO: 0.50

MAXIMUM BUILDING HEIGHT: 40 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

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

OTHER BULK AND AREA REQUIREMENTS: AS REQUIRED WITHIN AN OM DISTRICT.

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 AC

NET LAND AREA: 6.001 AC

PERMITTED USES: USES PERMITTED AS A MATTER OF RIGHT IN THE CS ZONING DISTRICT, AND CUSTOMARY ACCESSORY 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.

MASONRY REQUIREMENTS: AN EXTERIOR BUILDING WALL FRONTING 121ST STREET SHALL HAVE A 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 AC

NET LAND AREA: 8.023 AC

PERMITTED USES: USES PERMITTED AS A MATTER OF RIGHT IN THE CG ZONING DISTRICT, AND OFFICE/WAREHOUSING AS SET FORTH WITHIN USE UNIT 23. WAREHOUSING AND WHOLESALE, AND CUSTOMARY ACCESSORY USE, PROVIDED HOWEVER SEXUALLY ORIENTED BUSINESSES AND 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 AC

NET LAND AREA: 5.278 AC

PERMITTED USES: USES PERMITTED AS A MATTER OF RIGHT IN THE OM ZONING DISTRICT, AND CUSTOMARY ACCESSORY USE.

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: 10% 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.

Scenic Village Park

PART OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN
AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION CONTINUED

DEVELOPMENT AREA 'H'

GROSS LAND AREA: 20.191 AC

NET LAND AREA: 19.452 AC

PERMITTED USES: USES PERMITTED AS A MATTER OF RIGHT IN THE CG ZONING DISTRICT, AND OFFICE/WAREHOUSING AS SET FORTH WITHIN USE UNIT 23 - WAREHOUSING AND WHOLESALING.

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 AC

NET LAND AREA: 19.452 AC

PERMITTED USES: 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.

MAXIMUM DWELLING UNITS: 300 DUS

MAXIMUM BUILDING HEIGHT: 48 FT.

MAXIMUM STORIES: 3

MINIMUM LIVABILITY SPACE PER DWELLING UNIT: 440 SF
(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.

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

OTHER BULK AND AREA REQUIREMENTS: AS REQUIRED WITHIN AN RM-2 DISTRICT.

B. GENERAL PROVISIONS

- RESTRICTED USES**
ALL USES CLASSIFIED AS "SEXUALLY ORIENTED" WITHIN THE CITY OF BIXBY ZONING CODE (SECTION 11-7D-6) ARE HEREBY EXCLUDED FROM ANY DEVELOPMENT AREA WITHIN PUD 76.
- LANDSCAPING AND SCREENING**
LANDSCAPING SHALL MEET THE REQUIREMENTS OF 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. 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.
- 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.
- ACCESS AND CIRCULATION**
THE PRINCIPAL ACCESS IS TO BE DERIVED FROM EAST 121ST SOUTH AND SOUTH MEMORIAL ROAD AND AN INTERIOR COLLECTOR STREET THAT CONNECTS TO THE TWO ARTERIAL STREETS. 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 SHALL BE CONSTRUCTED BY THE DEVELOPER IN ACCORDANCE WITH THE BIXBY SUBDIVISION REGULATIONS INCLUDING A MINIMUM WIDTH OF FOUR FEET AND ADA COMPLIANCE.

- 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. A 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.
- UTILITIES AND DRAINAGE**
UTILITIES ARE AT THE SITE OR ACCESSIBLE BY CUSTOMARY EXTENSION. FEE-IN-LIEU OF STORM WATER DETENTION FACILITIES WILL BE PROVIDED.
- 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.
- TRANSFER OF ALLOCATED FLOOR AREA**
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.
- SITE PLAN REVIEW**
DEVELOPMENT AREAS MAY BE DEVELOPED IN PHASES AND NO BUILDING PERMIT SHALL ISSUE UNTIL A DETAILED SITE PLAN (INCLUDING LANDSCAPING) OF THE PROPOSED IMPROVEMENTS HAS BEEN SUBMITTED TO THE BIXBY PLANNING COMMISSION AND APPROVED 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.
- 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.

SECTION III. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT.

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

B. DURATION.

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

C. AMENDMENT.

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

D. SEVERABILITY.

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

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

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

BY: _____
RICHARD DODSON, MANAGER

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2013, BY RICHARD DODSON, MANAGER OF 121ST & MEMORIAL, L.L.C.

MY COMMISSION EXPIRES _____ NOTARY _____

CERTIFICATE OF SURVEY

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



DAN E. TANNER
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1435

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON _____ DAY OF _____ 2013, PERSONALLY APPEARED TO ME DAN E. TANNER KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS REGISTERED LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

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

MY COMMISSION EXPIRES _____ NOTARY _____

F:\2012\212727\DWG\121277.DWG, COV2, 2/15/2013 10:55:16 AM, J:\MORGAN, H., TANNER CONSULTING, LLC



Scale: 1" = 150'
Tanner Consulting

B/L = BUILDING LINE
B/U = BUILDING LINE & UTILITY EASEMENT
BK PG = BOOK & PAGE
CB = CHORD BEARING
CD = CHORD DISTANCE
DOC = DOCUMENT
ESMT = EASEMENT
ODE = OVERLAND DRAINAGE EASEMENT
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
SEP. INSTR. = SEPARATE INSTRUMENT
U/E = UTILITY EASEMENT

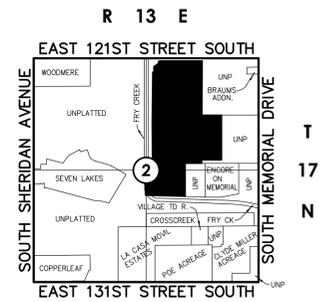
PUD #76

Scenic Village Park

PART OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN
AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

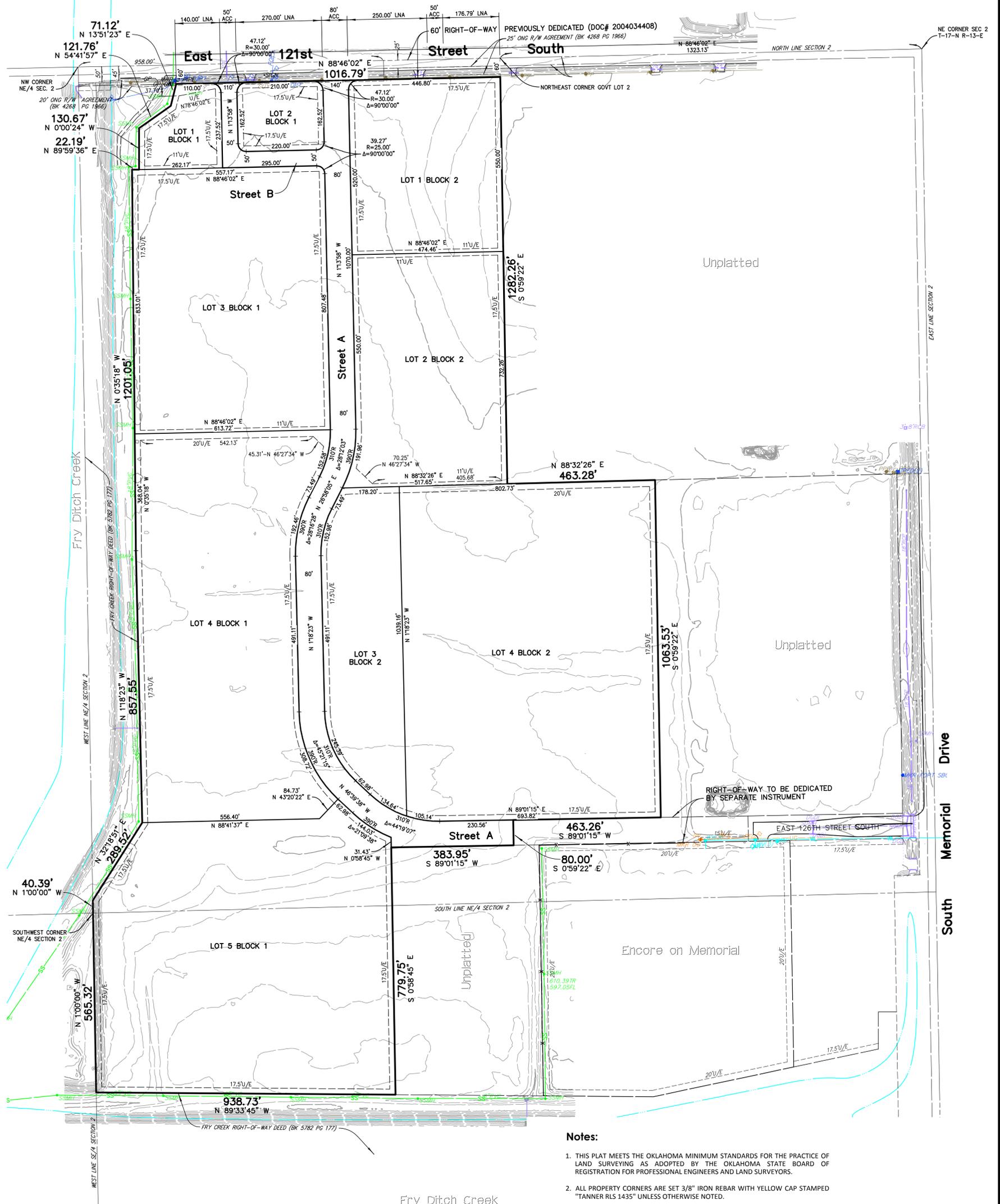
OWNER:
121st & Memorial, L.L.C.
6528 East 101st Street South
D-1, Suite 409
Tulsa, Oklahoma 74133
Phone: (918)638-3003
Contact: Rick Dodson

SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
DAN E. TANNER, P.L.S. NO. 1435
OK CA NO. 2661, EXPIRES 6/30/2013
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918)745-9929



Location Map
Scale: 1" = 2000'

SUBDIVISION CONTAINS
NINE (9) LOTS IN TWO (2) BLOCKS
GROSS SUBDIVISION AREA: 92.004 ACRES

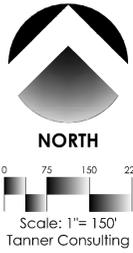


Notes:

1. THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
2. ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER RLS 1435" UNLESS OTHERWISE NOTED.
3. THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM (NAD 83).

DATE OF PREPARATION: FEBRUARY 12, 2013

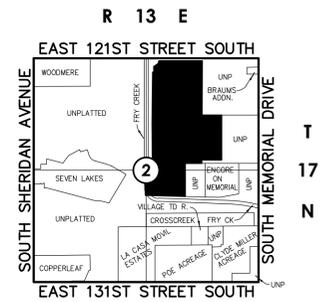
Scenic Village Park
SHEET 1 OF 3



CONCEPTUAL UTILITY PLAN

Scenic Village Park

PART OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN
AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA



Location Map
Scale: 1" = 2000'

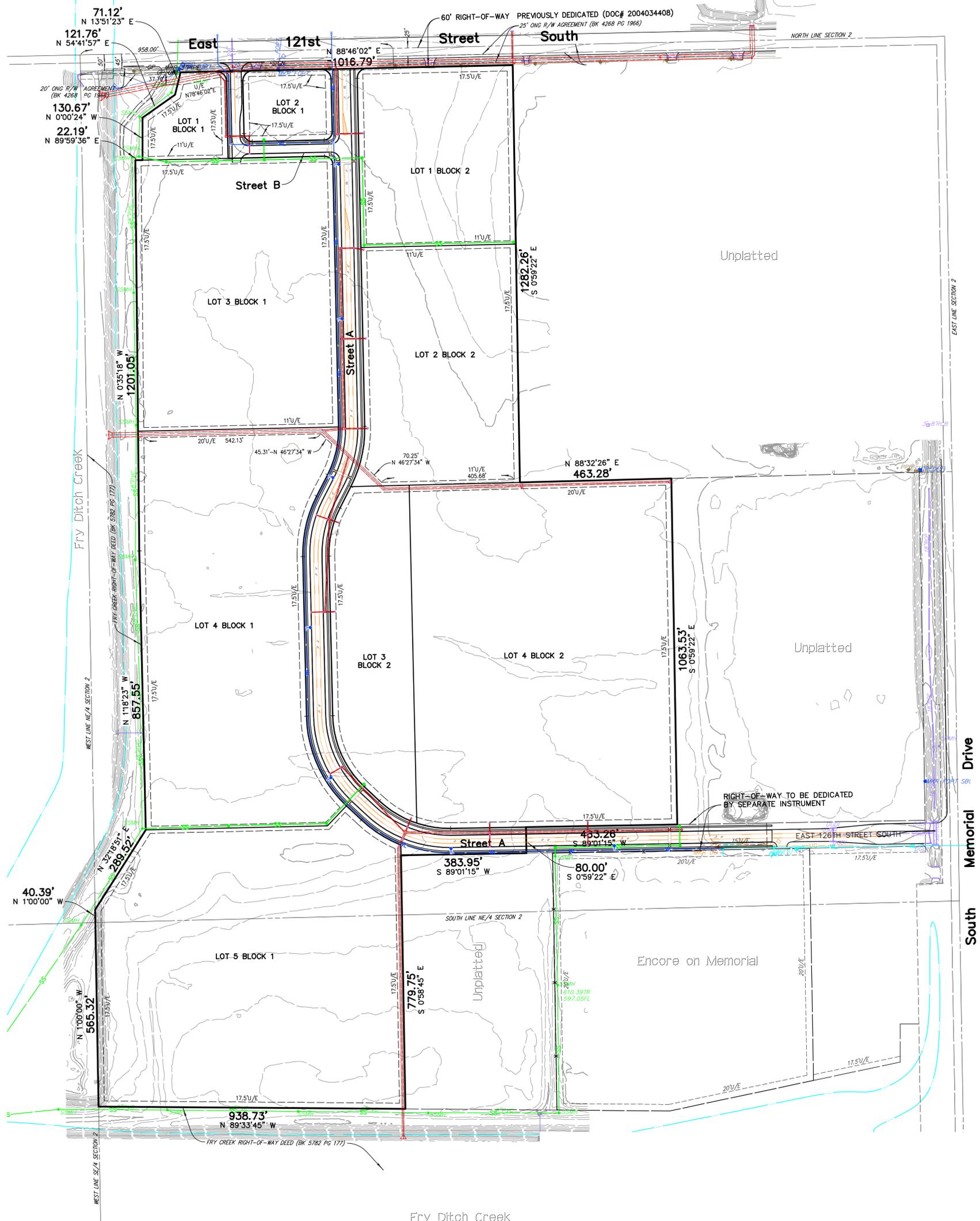


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OK CA NO. 2661, EXPIRES 6/30/2013
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918)745-9929





City of Bixby Application for Plat Approval

Applicant: Tanner Consulting, LLC - Justin Morgan
Address: 5323 S. Lewis Ave., Tulsa OK 74105
Telephone: 9187459929 Cell Phone: 9187459969 Email: justin@tannerbaitshop.com

Property Owner: 121st & Memorial, LLC - Rick Dodson
Property Address: 7300 Block of E. 121st St. S.
Legal Description: See Attached

Existing Zoning: AG Existing Use: Vacant Use Unit #: _____

APPROVAL REQUESTED: (Check all that apply)
Subject to ZONING Application B2-364

- SKETCH PLAT: A sketch plat application is voluntary. No application review fee is required for a sketch plat.
- PRELIMINARY PLAT: Application review fee is \$100.00.
- FINAL PLAT: Application review fee is based on the number of lots per the Fee Schedule.

PROPOSED SUBDIVISION / PLAT NAME: Scenic Village Park

ENGINEER'S NAME: Justin Morgan ADDRESS: SAME AS APPLICANT
PHONE NUMBER: _____ EMAIL: _____
SURVEYOR'S NAME: Dan Tanner ADDRESS: _____
PHONE NUMBER: _____ EMAIL: _____

Area being platted: 92 acres. Number of lots: 9 Average lot size: _____ Average lot width: _____
Is property subject to a PUD? YES PUD # 76 Other Case Number(s): _____

Type of Water Supply: City Main Rural Water District Wells
Type of Sanitation: City Sewer Lagoon Septic System Other _____
Type of Street surfacing Proposed: Portland Cement Asphalt Other _____

Does Record Owner consent to the filing of this application? YES NO
If Applicant is other than Owner, indicate interest: Engineer / Surveyor
Is subject tract located in the 100 year floodplain? YES NO

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

Signature: [Signature] Date: 2/15/13

*** FOR STAFF USE ONLY ***

Application Received: _____ By: _____
Application Fee Amount: _____
Date Fee Paid: _____ Rept. #: _____
Planning Commission Approval Date: _____
City Council Approval Date: _____
Date City Signatures Issued: _____
Date Plat Recorded: _____ Plat # _____

APPROVAL LETTERS:
Electricity: _____
Natural Gas (ONG): _____
Telephone: _____
Cable: _____
Other: _____

Exhibit "H"
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.