

**AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
May 02, 2013 6:00 PM**

SPECIAL-CALLED MEETING

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- ②
⑬
1. Approval of Minutes for the April 15, 2013 Regular Meeting
 2. Approval of Minutes for the April 18, 2013 Special Meeting

PUBLIC HEARINGS

- ⑤
3. (Continued from April 15, 2013)
BCPA-9 – JR Donelson for Helene V. Byrnes Foundation. 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 remove the “Residential Area” specific land use designation.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.
 4. (Continued from March 18 and April 15, 2013)
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. (Continued from March 18 and April 15, 2013)
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.

103

6. PUD 78 – “Willow Creek” – Rosenbaum Consulting, LLC. Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 104.78 acres consisting of part of the NE/4 of Section 12, T17N, R13E.

Property Located: South and west of the intersection of 131st St. S. and Mingo Rd.

PLATS

148

7. Preliminary Plat of “Willow Creek” – Rosenbaum Consulting, LLC (PUD 78). Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for “Willow Creek” for 104.78 acres in part of the NE/4 of Section 12, T17N, R13E.

Property Located: South and west of the intersection of 131st St. S. and Mingo Rd.

OTHER BUSINESS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyark

Date: 04/16/2013

Time: 10:50 AM

2

MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
April 15, 2013 **6:00 PM**

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Acting/Vice-Chair Larry Whiteley called the meeting to order at 6:05 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the February 19, 2013 Regular Meeting
2. Approval of Minutes for the February 27, 2013 Special Meeting
3. Approval of Minutes for the March 18, 2013 Regular Meeting

Acting/Vice-Chair Larry Whiteley introduced Agenda Items numbered 1, 2, and 3. John Benjamin noted that he and Erik Enyart had discussed approving the Minutes despite the quorum issue. Mr. Enyart stated that there was no quorum present of those in attendance at those meetings, and that it is customary to Continue the Minutes' approval [until a quorum of those in attendance are present to vote on the Minutes]. Mr. Enyart stated that, in the past, however, commissions and boards had decided to approve Minutes of meetings they had not attended, if they had trust in Staff and their fellow members who were present that they were correct. Mr. Benjamin noted that there were a lot of Minutes' approvals held up due to the quorum issue.

Acting/Vice-Chair Larry Whiteley asked to entertain a Motion. Lance Whiteman made a MOTION to APPROVE Agenda Items numbered 1, 2, and 3, the Minutes of the three (3) meetings as presented by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

4. **BCPA-9 – JR Donelson for Helene V. Byrnes Foundation.** 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 remove the “Residential Area” specific land use designation.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

5. (Continued from March 18, 2013)
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.

6. (Continued from March 18, 2013)
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.

Acting/Vice-Chair Larry Whiteley introduced Agenda Items numbered 4, 5, and 6 and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart stated that, prior to the meeting, he had placed at the Commissioners’ seats copies of a letter from the Applicant requesting all three (3) applications be Continued to the May 02, 2013 Special Meeting. Mr. Enyart stated that he believed the request was to allow additional time for the Applicant to address the long list of recommended correction items and other design issues.

A Commissioner asked if these applications had not been Continued from the last meeting. Erik Enyart responded that BZ-365 and PUD 77 were Continued from the March 18, 2013 Regular Meeting to allow the Comprehensive Plan amendment request [BCPA-9] to “catch up.”

Acting/Vice-Chair Larry Whiteley asked to entertain a Motion. Lance Whisman made a MOTION to CONTINUE BCPA-9, PUD 77, and BZ-365 to the May 02, 2013 Special Meeting. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

Acting/Vice-Chair Larry Whiteley recognized several people in attendance and asked if they had any questions about these items. Several people from the neighborhood expressed concerns about historic drainage issues and the impact the development of the subject property may have on drainage as concerned their properties. Betsy McConahy of 12426 S. 86th E. Ave. stated that she did not have enough information to say anything about these applications at this time, and anticipated receiving more information first.

Discussion ensued.

Erik Enyart assured those attending that, if the development was approved, the City Engineer would make sure the development drained properly into the drainage channel to the northeast and away from the neighborhood, and the rate of drainage would not exceed the pre-developed conditions. Mr. Enyart stated that the building roofs would be slanted inward to the development. Some in attendance made certain claims about dirt being brought into the drainage area on this or other area properties, and that there was a "dike" along the north line of the subject property that had been removed, and that the subject property had been previously graded improperly. Lance Whisman expressed concern that, even if the site is developed to drain entirely into the development, that the project could still cause drainage issues by blocking water from adjoining properties if they normally drained across the undeveloped subject property. Mr. Enyart stated that he was aware of previous claims about grading changes in the area and Earth Change Permits, but that he had not seen this information first-hand and that the City Engineer was the one who could best speak to the issue. Mr. Enyart stated that he had not walked the subject property and had not discussed the drainage of the property with the City Engineer specifically. Mr. Enyart stated that he would ask the City Engineer for a 'synopsis' of the subject property's drainage in preparation for the meeting May 02, 2013. Mr. Enyart told those in attendance that, if they had any particular concerns, they could contact him after the meeting or any time that week, and he would forward those concerns to the City Engineer.

PLATS

OTHER BUSINESS

7. PUD 45 – Spicewood Neighborhood Center – Minor Amendment # 1. Discussion and possible action to approve a Minor Amendment to PUD 45 to allow the maximum ground sign height to be increased from 20' to 25'.

Property located: Part of the NE/4 NE/4 Section 25, T18N, R13E; Southwest corner of the intersection of 101st St. S. and Mingo Rd.

Acting/Vice-Chair Larry Whiteley introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

5

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Monday, April 01, 2013
RE: Report and Recommendations for:
PUD 45 – “Spicewood Neighborhood Center” – Minor Amendment # 1

LOCATION: – Southwest corner of the intersection of 101st St. S. and Mingo Rd.
– Part of the NE/4 NE/4 Section 25, T18N, R13E

SIZE: 10 acres, more or less

ZONING: CS & OL with PUD 45

EXISTING USE: Use Unit 11 “Firststar Bank” under construction in Lot 1, Block 1, First National;
Vacant in the balance of subject property

REQUEST: Minor Amendment to PUD 45 to allow the maximum ground sign height to be
increased from 20’ to 25’

SURROUNDING ZONING AND LAND USE:

North: (across 101st St. S.) RS-3, CS, RM-0, & CS/PUD 364; Single-family residential homes and the City of Tulsa Robert J. Riggs Jr. Park in Cedar Ridge Park Phase I to the northwest, a Kum & Go gas station and the “Cedar Ridge Village” shopping center in Cedar Ridge Village to the north, single-family residential in Cedar Ridge Village to the northwest, and the Plaza del Sol shopping center in PUD 364 across Mingo Rd. to the northeast, all in the City of Tulsa.

South: RT/PUD 36; Single-family residential homes and lots in Spicewood Villas.

East: (across Mingo Rd.) R-2; Single family residential The Greens at Cedar Ridge in the City of Broken Arrow.

West: AG & RD/PUD 30; A tributary of the Fry Creek Ditch # 1 and single family residential townhouses in Spicewood Park.

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

PREVIOUS/RELATED CASES:

BZ-165 – Pittman-Poe & Associates, Inc. for Allen G. Oliphant – Request to rezone approximately 383 acres from AG to RS-3, RD, RM-2, & CS for a residential and commercial development for parts of the NW/4, NE/4, and SE/4 of this Section – Included subject property, which part was requested for CS zoning – PC recommended Approval of an amended request (including RS-2 instead of RS-3) 05/28/1985 and the City Council Approved the amended request 06/11/1985 (Ord. # 530).

PUD 11 – Edgewood Farm – Pittman-Poe & Associates, Inc. for Allen G. Oliphant – Request to approve PUD 11 for approximately 383 acres for a residential and commercial for parts of the NW/4, NE/4, and SE/4 of this Section – Included subject property – PC recommended Approval 05/28/1985 and the City Council Approved 06/11/1985 (Ord. # 531).

BZ-202 – W. Douglas Jones for Tercero Corporation – Request to rezone 382 acres, more or less, from RS-3, RD, RM-2, & CS to AG (includes subject property) – PC recommended Approval 10/19/1992 and City Council Approved 10/26/1992 (Ord. # 673).

PUD 11 Abandonment – W. Douglas Jones for Tercero Corporation – Request to abandon PUD 11 – PC recommended Approval 10/19/1992 and City Council Approved 10/26/1992 (Ord. # 674).

BZ-282 – Tanner Consulting, LLC – Request to rezone 10 acres, more or less, from AG to CS & OL for commercial and office use – Included subject property – PC recommended Approval 01/22/2002 and City Council Approved 02/11/2002 (Ord. # 847).

PUD 45 – Spicewood Neighborhood Center – Tanner Consulting, LLC – Request to approve a PUD for subject property of 10 acres, more or less – PC recommended Approval 09/22/2005 and City Council Approved 10/10/2005 (Ord. # 920).

BL-379 – Tanner Consulting, LLC – Request for Lot-Split approval for to separate the land being platted as First National from the balance of the original 10-acre tract – PC Approved 06/20/2011.

Preliminary & Final Plat of First National – Request for Preliminary Plat and Final Plat approval for First National part of subject property – PC Recommended Conditional Approval 06/20/2011 and City Council Conditionally Approved 06/27/2011 (Plat # 6416 recorded 03/16/2012).

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

The application was filed by Weldon Bowman, owner of W Design, LLC and architect for Firststar Bank, which owns Lot 1, Block 1, First National, located in a part of PUD 45, and in order to facilitate the bank's interest. This Minor Amendment will be applicable to all of PUD 45. In a March 19, 2013 conversation with Joe Westervelt of Mapview Associates, Inc., representative of the owner of the balance of PUD 45, Mr. Westervelt expressed no objection to this proposal.

ANALYSIS:

Property Conditions. The subject property contains a Use Unit 11 "Firststar Bank" under construction in Lot 1, Block 1, First National, and is otherwise vacant and zoned CS with PUD 45. The land appears to slope gently to the south and west and drains to a stormwater detention facility on City of Bixby-owned property immediately west of Spicewood Pond. This is part of the Oliphant drainage and detention system located between 101st St. S. and 111th St. S., which is itself an upstream part of Fry Creek Ditch # 1.

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

The proposed land use element, an increase in the maximum sign height, does not appear to find favor in or be discouraged by the Comprehensive Plan.

General. The Applicant is requesting a Minor Amendment to allow an increase in maximum sign height from 20' to 25'.

The underlying zoning is CS and would permit up to 30' in sign height. As it is within an PUD, the PUD provisions of the Zoning Code restrict to 25' in sign height. It was the original PUD 45 itself which restricted the height further to 20'. Since the Zoning Code would allow a 25'-high sign by right, removal of the self-imposed 20' height restriction may be accommodated by Minor Amendment, as requested here.

Staff Recommendation. Staff believes this PUD Minor Amendment is in order and recommends Approval.

Lance Whisman stated that he thought it was considered desirable that sign heights be limited, and asked why the Applicant wanted the additional sign height. Erik Enyart deferred to the Applicant.

Applicant Brian Letzig of W Design, LLC, 1513 E. 15th St. S., Suite A, Tulsa, OK 74120, stated that the client wanted a taller sign because of the trees and sign visibility. If the sign were lower, the trees would have to be pulled back in order not to block the sign.

Larry Whiteley asked Brian Letzig, "Did you not realize you would get in this predicament?" Mr. Letzig stated that the height was also preferred by the client to prevent vandalism. Lance Whisman asked Erik Enyart how the site could be redesigned around the trees but with a lower sign height. Mr. Enyart stated that it was up to [the Applicant] to design their site. After further discussion, Mr. Letzig provided a drawing showing the proposed bank sign in profile, and clarified his comment regarding the sign height as a measure to prevent vandalism. Mr. Whisman asked about plans being changed after the Public viewed them [with the original PUD]. Mr. Enyart stated that he would try to answer the question asked. Mr. Enyart stated that, commonly, the developer will conceive a plan for a development site, but sometimes it takes years before the developer actually sells a lot for development. Mr. Enyart stated that this PUD was approved in 2005, and the developer did not sell the first piece of land until [2011]. Mr. Enyart stated that, when an actual development is proposed for a specific site, that is commonly when changes to the original PUD or plan are proposed, in order to make them "fit."

Acting/Vice-Chair Larry Whiteley asked to entertain a Motion. John Benjamin made a MOTION to APPROVE PUD 45 Minor Amendment # 1. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

8. **PUD 57 – Bixby Station – Minor Amendment # 1.** Discussion and possible action to approve a Minor Amendment to PUD 57 to increase to 90 the maximum number of lots permitted and to make changes to certain bulk and area standards.
Property located: Part of the SW/4 of Section 01, T17N, R13E; Southeast of the intersection of 126th St. S. and 85th E. Ave.

Acting/Vice-Chair Larry Whiteley 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: Monday, April 01, 2013
RE: Report and Recommendations for:
PUD 57 – “Bixby Station” – Minor Amendment # 1

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

SIZE: 18.518 acres, more or less

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

EXISTING USE: Residential in Bixby Landing; Vacant in the pending “Bixby Landing Second”

REQUEST: Minor Amendment(s) to PUD 57

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:

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

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 – PC Recommended Conditional Approval 11/19/2007 and City Council Conditionally Approved 11/26/2007.

Final Plat of Bixby Landing – Bruce Wood – Request for Final Plat approval for Bixby Landing (previously known as “Bixby Station”) – 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 “Bixby Landing” developers 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).

Final Plat of Bixby Landing Second – Request for "Bixby Landing Second" Final Plat approval for eastern approximately 12 acres of subject property – PC Recommended Conditional Approval 03/18/2013 and City Council Conditionally Approved 03/25/2013.

RELEVANT AREA CASE HISTORY:

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 18.518 acres is zoned RS-4 with PUD 57. The land 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. Bixby Landing is nearly or now completely built out with single family residential homes, and the easterly portion (for "Bixby Landing Second") 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 Minor Amendment will be applicable to all of PUD 57. During the review of the Final Plat of "Bixby Landing Second," certain Zoning deficiencies were outlined and made Conditions of Approval. The Applicant is requesting a Minor Amendment to PUD 57 to address these deficiencies as follows:

1. 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. This PUD Minor Amendment proposes to relax the maximum lot number restriction, which may be allowable as a Minor Amendment as the 85 lots would be far less than the RS-4 district would otherwise allow.

The pertinent part of the amended text under section B Amended Standards is proposed to be as follows:

"DEVELOPMENT AREA A

MAX NUMBER OF LOTS

90"

2. "Bixby Landing Second" Lot 18, Block 7 is proposed to have 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. As a Condition of Approval of the Preliminary Plat of "Bixby Station" (Bixby Landing / "Bixby Landing Second") in 2007, the development required (1) a PUD Minor Amendment or (2) 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, subject to the approval of the Fire Marshal.

3. As an alternative to the above, if the emergency-access-only road is to be constructed to 20' or 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 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. However, per the Applicant on the date of this report, this option is not favored.
4. 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. At the Planning Commission meeting held March 18, 2013, Applicant JR Donelson indicated that this may be resolved by adjusting the lots to achieve 30' of frontage. If this is not done, this PUD Minor Amendment would resolve the issue for this cul-de-sac frontage lot.

For the above three (3) numbered items, the pertinent part of the amended text under section B Amended Standards is proposed to be as follows:

"LOT WIDTH (min. ft.)

30 feet*

....

* The 30' minimum frontage requirement of Bixby Zoning Code Section 11-8-4 is relaxed within PUD 57, provided the lot complies with the minimum lot width requirement imposed herein, as measured at the building line."

Staff Recommendation. Staff believes this PUD Minor Amendment is in order and recommends Approval with 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. Please correct Section A Introduction as follows: "Thereafter, a portion was platted as Bixby Landing, an addition to the City of Bixby, Tulsa County, State of Oklahoma, on June 16, 2008. ~~The plat was filed of record on February 18, 2009.~~"

Erik Enyart stated that the underlying zoning would allow more lots than were proposed by this Minor Amendment. Mr. Enyart stated that the second thing the Minor Amendment would do was provide frontage flexibility. Mr. Enyart stated that the minimum frontage requirement was 30', and a "flag lot" at the northeast corner of the development would have just a little over 16' of frontage, and the Minor Amendment would allow this. Mr. Enyart stated that that lot would be larger than the others. Mr. Enyart stated that the "flag lot" was caused by a design issue: the required emergency-access-only drive to serve as the secondary ingress/egress for the subdivision. Mr. Enyart stated that this resulted in the "flag lot."

A Commissioner asked if the emergency drive was gated. Erik Enyart deferred to the Applicant.

Applicant JR Donelson stated that, per the Fire Marshal, the gate was being changed to a "Knox Switch" from a "Knox Box." Larry Whiteley asked if the drive would not be closed to regular

traffic, and Mr. Donelson confirmed, and stated that the [Knox system] would allow access only to the Fire Department and ambulance.

JR Donelson stated that Rausch Coleman regularly gains one (1) lot in a cul-de-sac due to their [house] designs.

Lance Whisman asked Erik Enyart why the Planning Commission and City Council approved a plat with 85 lots but this Minor Amendment would allow up to 90 lots. Mr. Enyart stated that he did not know where the 90-lot number came from and deferred to JR Donelson. Mr. Donelson and Mr. Whisman discussed the number of lots in the original PUD and Preliminary Plat and the 85 lots in the new Final Plat for "Bixby Landing Second." Mr. Donelson stated that he had written 90 lots because, "in the event something happened, we don't want to [have to] come back [here] again." Mr. Donelson stated that his client wanted to file the plat before the month was over. Mr. Donelson reiterated that Rausch Coleman designs their own houses, and they design them in such a way as to allow one (1) more lot around the cul-de-sac [street].

John Benjamin asked what prices the houses would sell for, and JR Donelson stated that he thought the sign [for the Bixby Landing development] said that they sell for prices starting in the \$130,000s to \$140,000s.

Acting/Vice-Chair Larry Whiteley asked to entertain a Motion. John Benjamin made a MOTION to APPROVE PUD 45 Minor Amendment # 1 with all of the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

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

NEW BUSINESS:

Acting/Vice-Chair Larry Whiteley asked if there was any New Business to consider. Erik Enyart stated that there was none. No action taken.

ADJOURNMENT:

There being no further business, Acting/Vice-Chair Larry Whiteley declared the meeting Adjourned at 6:32 PM.

11

Erik Enyart asked City Attorney Patrick Boulden if it would be acceptable to re-convene the meeting, in order to approve changes to the Minutes of the [February 27, 2013 Special Meeting]. Mr. Boulden recognized that no one that was in the meeting prior to Adjournment had left the meeting room, and said this would be acceptable.

CONSENT AGENDA:

2. Approval of Minutes for the February 27, 2013 Special Meeting

Acting/Vice-Chair Larry Whiteley called the meeting back to order at 6:35 PM and re-introduced Agenda Item # 2.

Erik Enyart stated that, in the Minutes of the [February 27, 2013 Special Meeting], he had written certain quotes and [paraphrased] statements made by Jan Swafford, and Ms. Swafford asked for certain changes to be made. Mr. Enyart stated that, in response, he had suggested to Ms. Swafford that he simply reduce the section to a generalized statement about the nature of what she said. Mr. Enyart stated that the previous statements on page 12 of the Minutes were reduced to, "Ms. Swafford expressed concern over the land uses proposed." Mr. Enyart stated that Ms. Swafford indicated she agreed with this change.

Acting/Vice-Chair Larry Whiteley asked to entertain a Motion. John Benjamin made a MOTION to APPROVE Agenda Item Number 2, the Minutes of the February 27, 2013 Special Meeting with the change on page 12 as amended by Staff. Lance Whiteman SECONDED the Motion. Roll was called:

ROLL CALL:

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

There being no further business, Acting/Vice-Chair Larry Whiteley declared the meeting Adjourned at 6:35 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

JR Donelson, Inc.

12820 So. Memorial Dr., Office 100

Bixby, Oklahoma 74008

918-394-3030

Email: jrdon@easytelmail.com

April 13, 2013

Erik Enyart
City Planner
City of Bixby
Bixby, Oklahoma

CITY OF BIXBY

APR 15 2013

RECEIVED

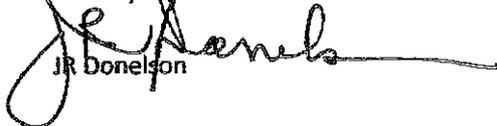
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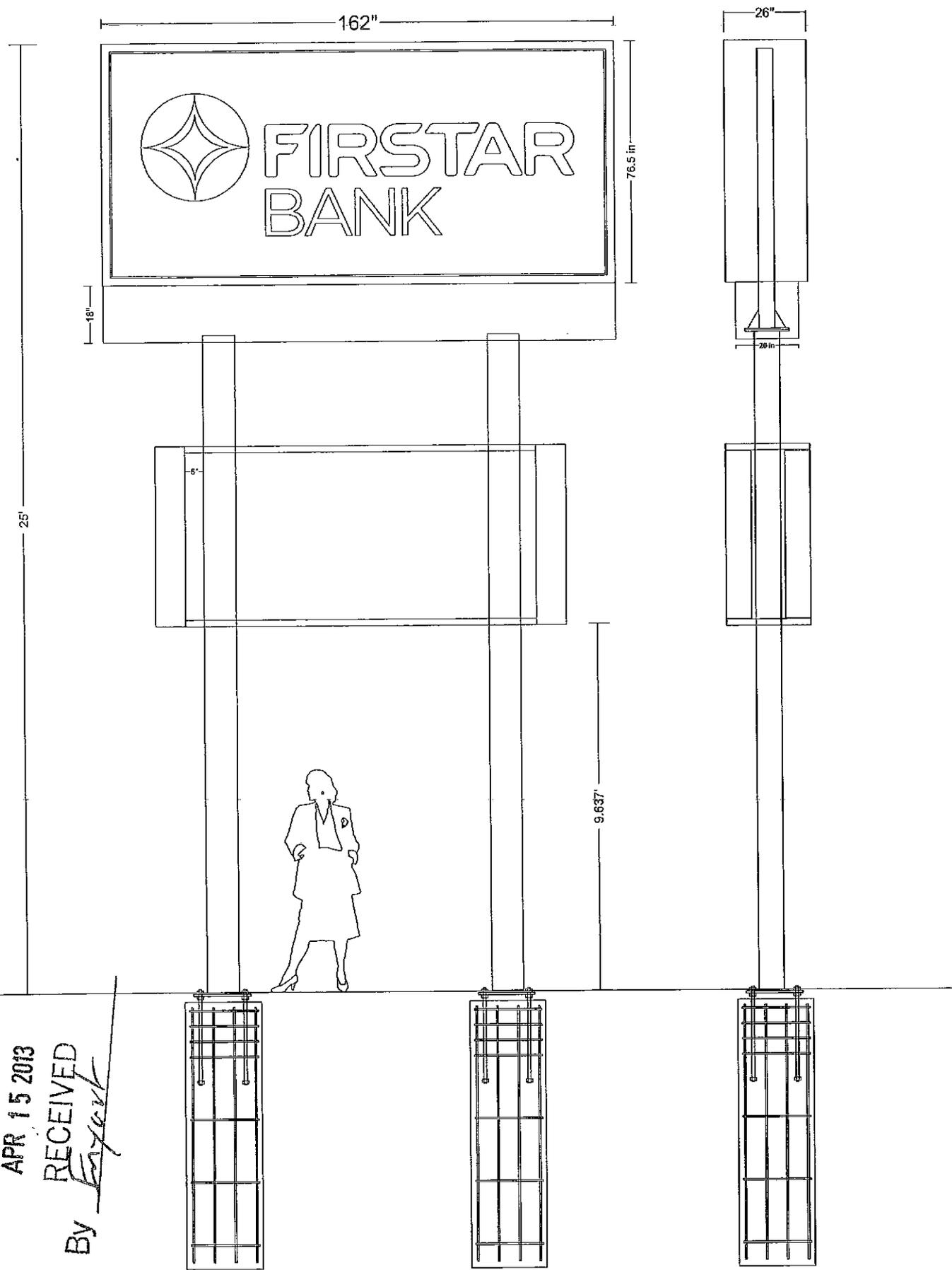
Enyart

Re: Byrnes Mini-Storage project.

William Wilson, representing the Helene V. Byrnes Foundation, requests BCPA-9, PUD77 and BZ-365 be rescheduled to the May 2, 2013 Bixby Planning Commission meeting.

Thank you,


JR Donelson



CITY OF BIXBY
 APR 15 2013
 RECEIVED
 By *Royark*

H

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
April 18, 2012 6:00 PM**

SPECIAL-CALLED MEETING

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

STAFF PRESENT:

Erik Enyart, AICP, City Planner
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.

ROLL CALL:

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

CONSENT AGENDA:

Chair Thomas Holland clarified with Erik Enyart that there were no Minutes to approve on this agenda. Mr. Enyart explained this was because this was a Special Meeting and its timing. No action taken.

PUBLIC HEARINGS

1. **PUD 47-C – Woodcreek Office Park – Sack & Associates, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Major Amendment to part of Planned Unit Development (PUD) # 47 for Lot 1, Block 3, *Woodcreek Village Amended*, with underlying zoning CS Commercial.
Property Located: 7500-block of E. 111th St. S.

16

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, April 12, 2013
RE: Report and Recommendations for:
PUD # 47-C – Woodcreek Office Park – Sack & Associates, Inc.

LOCATION: – 7500-block of E. 111th St. S.
– Lot 1, Block 3, Woodcreek Village Amended
SIZE: 1.1694 acres, more or less
EXISTING ZONING: CS Commercial Shopping Center District and PUD 47A
EXISTING USE: Vacant
REQUEST: Major Amendment (# C) to PUD 47A for office development
SURROUNDING ZONING AND LAND USE:

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

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

East: CS; Lowe's in Bixby Commons.

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

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

PREVIOUS/RELATED CASES: (not necessarily a complete list; does not include City of Tulsa cases)

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

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

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

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

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

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

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

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

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

01/20/2009). New application filed for April, 2013 Planning Commission meeting and is pending PC consideration 04/18/2013.

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

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

Amendment # B "Woodcreek Office Park" to PUD 47-A, and the Preliminary Plat of "Woodcreek Office Park" were both proposed in late 2008. Due to a large number of outstanding issues identified by Staff and the lack of representation at the December 20, 2008 Planning Commission (PC) meeting and two (2) January 20, 2009 meetings (one with Staff and the PC Regular Meeting that evening), the Planning Commission Tabled both items indefinitely. Since then, the "Great Recession" technically ended in mid-2009 and development locally bottomed out and now appears to be in recovery.

The owner has made new applications for PUD Major Amendment and Preliminary Plat approval. The overall concept appears to have changed significantly as compared to that proposed in 2008. The initial concept was to have a north-south drive connecting 111th St. S. to 75th E. Ave., with most buildings oriented to face west onto the drive. The new concept proposes five (5) of the eight (8) buildings to face north toward 111th St. S., with three (3) behind, and the internal access drive located along the east line of the development.

To account for PUD 47-B, this application has been designated Amendment # C.

A letter from a neighboring property owner to the north in Tulsa submitted a letter in relation to this application, attached to this report.

ANALYSIS:

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

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

Surrounding Zoning and Land Use. Surrounding zoning is primarily CS, RT/PUD 47, RS-3, and a mixture of OL, RD, and RS-3 in Tulsa PUDs 578A and PUD 707 to the north across 111th St. S. in the City of Tulsa.

To the northwest the land use is residential in the Ravens Crossing subdivision, due north is the The Office Suites of Ravenwood office park development, and to the northeast is the Wal-Mart Supercenter in the City of Tulsa. Lowe's is to the east in Bixby Commons, vacant residential lots are to the south in Woodcreek Village Amended, and residential homes are to the west in WoodCreek.

Surrounding Zoning and land use patterns would support the office park development contemplated by this PUD and the existing underlying CS zoning.

Access. Primary access to the subdivision would be via one (1) proposed entrance drive on 111th St. S., with a secondary access point on S. 75th E. Ave., an existing private street providing access to the residential lots in Woodcreek Village Amended. A parking lot constructed wholly on proposed Lot 8 would have its own driveway connection to S. 75th E. Ave.

Internal Mutual Access Easement drives are proposed to provide inter-lot access between the lots in the development and between 111th St. S. and 75th E. Ave.

Sidewalks are not shown along 111th St. S. or S. 75th E. Ave., but are required by the Subdivision Regulations. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

Because the right-of-way for S. 75th E. Ave., at approximately 30' in width, is too narrow to contain a sidewalk (a 26' roadway leaves only 2' on either side), it appears is will be necessary to add a "sidewalk easement" along the northeast side of S. 75th E. Ave., along with appropriate language in the Deed of Dedication/Restrictive Covenants specifying that the lot owners collectively, or the affected lot owner only, are responsible for their maintenance. Alternatively, an additional width should be added to the 30' current right-of-way width on the subject property side to accommodate the sidewalk.

By the approval of this PUD and plat, the former Limits of No Access (LNA) along the entire 111th St. S. frontage of the subject property will be amended to allow a 40'-wide Access Opening toward the east end of the frontage, which is subject to the approval of the City Engineer and County Engineer.

General. The Applicant is requesting a Major Amendment to an approved PUD, to change the subject property from a single commercial lot to a small multiple-lot office park development.

Per the Preliminary Plat, there is no "typical lot," but the modal lot would measure approximately 38' X 119' and so would contain 4,522 square feet (0.1 acres). Proposed buildings would contain approximately (28' X 50' =>) 1,400 square feet (0.31 FAR), based on a scaling of the Exhibit A "Conceptual Illustration" site plan and 5' internal lot line setbacks required by this PUD.

75th E. Ave. has a sharp bend from northwest to southeast, as it approaches the gated entrance to the residential part of Woodcreek Village Amended. Parking spaces are proposed to be within 10' or so of the roadway surface. Commercial/nonresidential parking areas should be screened from view of residential streets, so screening here is in order. However, due to the sharp curve and the tendency for motorists to 'cut corners,' especially on sharp curves, to mitigate future traffic accident hazards, landscaping should not impede the view of motorists coming from north to south and from south to north. One possible solution would be to depress the west end of the parking lot along the west side of Lot 8, along with height-limited berms and/or landscaping combinations. Depressing the west end of the parking lot would likely require the installation of a stormsewer drain, which this parking lot presently does not propose. A 3D visualization model was recommended to the developer's engineer when this project was discussed in the summer of 2008, and has been recommended again as of April 04, 2013, to show how the view from the motorists perspectives will be preserved while screening commercial/nonresidential parking areas as needed.

If the buildings were connected, resembling townhouses, the 10' or so of wasted space between individual buildings would be avoided, and additional space could be reclaimed for parking or meaningful landscaped areas. Further, the units would likely be more energy efficient if connected. Alternatively, Staff believes that the buildings could be moved closer to 111th St. S. with parking between the two (2) rows of buildings, the buildings could be consolidated and/or more of them could go to two (2) stories, parking areas could be consolidated and interspersed with landscaping islands, and additional meaningful landscaped areas could be provided along the perimeters, all without compromising building floor areas or parking space numbers or the general layout of utilities. Staff has raised questions to the developer over the design proposing to construct a commercial parking lot constructed off the side of the residential street, a 12-space commercial parking lot strip within about 10' of the side of residential Lot 2, Block 3, and a large parking lot within clear view of the house on Lot 1, Block 1.

As measures of site design flexibility, Staff suggested the reduction in the number of parking spaces can be reduced through the PUD, if this is desired by the developer, and reducing the 17.5' Utility Easement along the east side to 11' in width, recognizing the 50' Utility Easement abutting to the east.

Most of these recommendations were given to the developer's engineer when the project was proposed in 2008, and some new recommendations based on the redesign were provided to the developer by email on April 04, 2013. Staff prepared a new conceptual sketch showing a singular parking lot between the two (2) rows of buildings, and provided same to the developer and developer's engineer by email on April 04, 2013.

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

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.

19

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 this application if it adequately provides for line-of-sight/traffic visibility, distribution of private maintenance responsibilities, and land use buffering and compatibility needs. If these were satisfactorily provided for, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will have been met.

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 47-C at its regular meeting held April 03, 2013. Minutes of that meeting are attached to this report.

Distribution of Private Maintenance Responsibilities. (Reference Preliminary Plat DoD/RCs Section III.B/C) A previous version of the plat stated each record owner of a lot within 'Woodcreek Office Park' shall be subject to assessment by the Owners Association for the purposes of improvement and maintenance of the stormwater detention facilities and other common areas of the subdivision. This did not specify which detention facilities it is referring to, and in which subdivision(s) such facilit(ies) are located. Referring to Reserve areas within platted subdivisions is the accepted method for legally describing a specific tax parcel containing the stormwater detention facilit(ies) mentioned. Other provisions of the DoD/RCs made the Owners Association responsible for maintenance of the Reserve A private streets, Reserve B, and other common features (Fence Easement, etc.). The new plat, however, does not include language referring to maintenance of any stormwater detention facility or other common features.

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

Unless otherwise provided for in the PUD, all signs must be located on the lot or lots on which the business being advertised is located, per Zoning Code Section 11-9-21.F. Will an easement be employed for maintenance of common parking, signage, entrance features, and/or landscaping enjoyed by all the lot owners in the subdivision?

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

The PUD and Preliminary Plat need to specify if the future owners of the individual office lots will split the singular Owners Association membership (and thus singular vote) eight (8) ways or if each of the eight (8) lot owners will severally be members of the Owners Association. Regardless of how this is done, the PUD and DoD/RCs need to specify the respective responsibilities of the owners of the commercial lot(s) and the residential lots.

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 generally. Therefore,

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

1. Subject to the satisfaction of all outstanding Fire Marshal and City Engineer recommendations.
2. The developer should respond to the traffic visibility and other issues related to the sharp bend in 75th E. Ave. described above. By email on 04/10/2013, the Applicant stated,

"In regards to the traffic visibility and the bend in 75th Street, we believe that there is adequate distance for a driver to see as indicated on the attached sketch. We are proposing to change the setback to 20' as part of this Major Amendment. This road has a very low traffic flow and the gate and curve natural slow the traffic down. The remainder of Woodcreek Village Amended front building setback is also 20'. Therefore, we request that the building setback part of the amendment stay intact."

The Applicant also provided a sight-line exhibit, but it does not correspond to a northbound lane perspective. The Staff's recommendations have not changed.

3. The developer should respond to the matter of the distribution of private maintenance responsibilities of residential and commercial lot owners in Woodcreek Village Amended as described above.
4. Title Page: Please specify that it is a "PUD Major Amendment."
5. Development Concept on page 1: Please cite the scope of this Major Amendment by adding appropriate language to the development concept, following the second paragraph, such as "This application is for approval of a Major Amendment to PUD 47A, to be known and designated on the official Zoning Map as "PUD 47-C," and concerns Lot 1, Block 2 of Woodcreek Village Amended, in accordance with Bixby Zoning Code Section 11-7I-8.G. For all other areas within PUD 47A, no changes are made by this amendment."
6. Development Standards Section II, Permitted Uses – Consider removing final sentence, "Any permitted use must provide required parking spaces based on square footage of the building containing that use." Parking is covered in other parts of the PUD. This language could cause conflict if the minimum number of required parking spaces per lot (4 and a fraction, as previously calculated), are not actually located on the lot with the building, and if the overall number of parking spaces is reduced, all as per other recommendations in this report.
7. Development Standards Section II of the text, Minimum Lot Frontage – correct to 75th E. Ave.
8. Development Standards Section II of the text, Off-Street Parking – Staff recommends the PUD and DoD/RCs of the plat include a Mutual Parking Privileges covenant, so that all lots may allow their excess spaces to be used by patrons of other lots, which is common in developments such as this, especially when developed as a unit by a singular developer. Here is a previously-approved example (PUD 56):

"Parking spaces. Parking space requirements established by the City of Bixby Zoning Code for buildings on lots in the Development Areas and which shall be applicable at the time of issuance of a building occupancy permit may be met by excess parking spaces available in other lots in PUD [47-C]. For purposes of this provision, the term "excess parking spaces" shall mean the total number of parking spaces provided in PUD [47-C] as developed, less the number of parking spaces required for all buildings for which occupancy permits previously have been issued. Provided, it is understood that mutual parking privileges shall be granted by restrictive covenants in the Deed of Dedication recorded in the office of the Tulsa County Clerk."

9. Development Standards Section II of the text, Off-Street Parking – Some of the shown parking spaces are divided by lot lines. As plats allow for buildings and lots to be sold separately, to avoid future ownership disputes which can be avoided by proper planning, Staff would recommend that all parking spaces be maintained commonly by all of the lot owners within the development, utilizing appropriate language in the PUD and DoD/RCs of the plat.
10. Development Standards Section II, Minimum Building Setbacks – 11' setback "From the Internal Rear Lot Lines" – This is problematic as the rear lot lines of Lots 6, 7, and 8 are their easterly lot lines, per the definitions in the Zoning Code. Staff does not see why a "Rear Lot Line" setback would be useful in this development. It may also cause landscape plan difficulties.

21

11. *Development Standards Section II, Minimum Building Setbacks – 5' setback "From Internal Side Lot Lines" – A singular owner of two (2) or more lots may want to construct a singular building over the common lot lines. Staff suggests the developer consider returning this to 0'.*
12. *Development Standards Section II, Minimum Building Setbacks – 20' setback "From South 76th East Avenue (Private Mutual Access Easement)" – Please correct to "From South 75th East Avenue (Private Mutual Access Easement)."*
13. *Development Standards Section II, Minimum Building Setbacks – 20' setback "From South [75th] East Avenue [(Private)]" – Should be 25' as per the plat of Woodcreek Village Amended, and not 20'. With line-of-sight issues as presented by the sharp curve in 75th E. Ave., reducing to 20' by this development, on Lot 1 at least, is not advisable.*
14. *Development Standards Section II, Minimum Building Setbacks – 10' setback "From an Abutting R District Boundary" – This would apply to the south line of the subject property, which appears to abut an RT district. Staff suggests a minimum of 20', as would be found in the rear yard of a residential structure.*
15. *Development Standards Section II, Signage – Unless it specifically provides otherwise here, all signs must be located on the lot or lots on which the business being advertised is located, per Zoning Code Section 11-9-21.F. Current language does not clearly permit this.*
16. *Development Standards Section II, Lighting – There is very little information on proposed lighting – are there existing street lights? Are they adequate? How will they affect the location of outdoor lighting on individual sites, and will there be coordination? Is the 25' height standard appropriate for this setting, or would 15' or 20' be more appropriate?*
17. *Development Standards Section III, Landscaping and Screening Concept – Details on landscaping and screening as per Zoning Code Section 11-7G-8.B.1.e. (conceptual landscape and screening plans in addition to describing more fully the landscaping in the text) are sparse. Will trash receptacles locations be coordinated, or shared? What standards will be applied for screening dumpster areas? If parking lots will be allowed in front of the buildings, how will they be screened? Consider grade elevation changes for partial parking area screening as has been done for the Walgreens at 111th St. S. and Memorial Dr.*

What does the screening fence to the south look like? What is the existing screening fence on the east line (between subject property and Lowe's), in terms of height and composition? No details are provided on Exhibit B. A profile view / elevations is customarily used to depict screening appearance.

Zoning Code Section 11-7I-6 gives the Planning Commission authority and discretion to require adequate perimeter treatments, including screening, landscaping, and setbacks. The developer should specify what they propose to do in this regard for this Planned Unit Development. Will landscaping and streetscaping be coordinated? Will a theme or consistent pattern be planned, or will each lot planned independently?

18. *Development Standards Section III, Landscaping and Screening Concept – Please specify that the overall development or each individual lot will maintain at least 15% of lot area as landscaped space, per Zoning Code requirements for office developments.*
19. *Development Standards Section V, Traffic and Transportation – Needs to have wording to acknowledge that sidewalks will be provided such as follows, "Sidewalks shall be constructed by the developer along the entire frontage of every lot along 111th St. S. and S. 75th E. Ave. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer."*

Because the right-of-way for S. 75th E. Ave., at approximately 30' in width, is too narrow to contain a sidewalk (a 26' roadway leaves only 2' on either side), it appears it will be necessary to add a "sidewalk easement" along the east side of S. 75th E. Ave., along with appropriate language in the Deed of Dedication/Restrictive Covenants specifying that the lot owners collectively, or the affected lots owner individually, are responsible for their maintenance. Alternatively, the plat may dedicate additional width to the 30' current right-of-way width on the subject property side to accommodate the sidewalk.

22

20. *Development Standards Section V, Traffic and Transportation – includes language describing parking, which would logically belong under a “Parking” or similarly-titled section. Language states “Since the parking spaces are for the common use of all buildings,” but this arrangement does not appear to be provided for elsewhere in the PUD. Reference mutual parking privileges and other parking-related recommendations in this report.*
21. *Development Standards Section V, Traffic and Transportation – please describe changes in LNA and Access Openings from as currently platted with Woodcreek Village Amended and as proposed with this development.*
22. *Development Standards Section VII, Site Plan Review – Staff recommends specifying that the developer must submit an overall Detailed Site Plan, or each individual lot must be approved for a Detailed Site Plan in accordance with the standards provided in this PUD prior to issuing a building permit for that lot.*
23. *Exhibits: Building sizes and setbacks need to be dimensioned on the site plans, so that math, scaling the site plan, and/or “guesstimation” are not required for zoning, Fire Marshal, and City Engineer review. Site plan can be qualified as “conceptual only” as needed.*
24. *Exhibits need to represent all abutting public and private street widths and street centerlines, and dimension Mutual Access Easements. MAEs need to qualified as “proposed by plat” or as otherwise appropriate.*
25. *Exhibits need to be corrected to reflect that there is a 25’ (not 20’) setback from 75th E. Ave. per the plat of Woodcreek Village Amended.*
26. *Exhibits need to point to the project’s location in the Location Map.*
27. *Exhibits need their Location Maps to accurately represent the following subdivisions:*
 - a. *Resubdivision of Lots 3 and 4 of Bixby Commons (missing)*
 - b. *The Links at Bixby (misrepresented as to configuration)*
 - c. *The Estates of Graystone (mislabeled)*
 - d. *Amended Plat of Block 7, North Heights Addition (mislabeled)*
28. *Exhibits need to be corrected to reflect at least one (1) ADA accessible parking space on Lot 8.*
29. *Exhibits: ADA requires handicapped-accessible parking spaces at a 1:25 ratio. There are three (3) parking lot areas, but some parking areas are divided onto multiple lots. Consult with the Building Inspector to confirm the number and location of ADA parking spaces complies with ADA standards. ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces. Please indicate which spaces will be of van-accessible design in compliance with ADA standards and please provide a detail diagram demonstrating compliance with applicable standards, including both ADA and Bixby Zoning Code standards (see striping standards of Figure 3 in Section 11-10-4.C). The designer should consult with the Building Inspector to confirm the plans will comply with ADA standards.*
30. *Exhibit B Landscape Concept: Add to Required Landscape Summary something general speaking to the minimum required landscaping tree requirement such as, “1 Tree per 1,000 square feet of Street Yard area and 1 Tree per 1,000 square feet of Zoning Setback area.”*
31. *A corrected PUD text and exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD (2 hard copies and 1 PDF).*

Erik Enyart explained that the most significant item in the PUD was the design around the 75th E. Ave. frontage, which street had a sharp curve, because of the tendency of motorists to cut corners, especially when the curve is sharp. Mr. Enyart noted that, prior to the meeting, the Applicant had submitted a revised PUD, which revision restored the original 25’ Building Line setback and made certain modifications to the parking lot off of 75th E. Ave. to improve sight visibility, which was a welcome change.

Erik Enyart stated that he had received a response letter and a revised PUD package plan but had not had the chance to review it line-by-line to the recommended correction items or compare it to the previous submittal (copies of the response letter and the revised PUD package were placed in front of the Commissioners’ seats prior to the meeting). Mr. Enyart stated that he did review them

23

briefly and it appeared that the Applicant had made the design changes recommended and had made all or almost all of the recommended corrections.

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicants Ted Sack and Mark Capron of Sack & Associates, Inc., 3530 E. 31st St. S., Tulsa, were present. Mr. Capron stated that the developer agreed to make the design change, which spoke to the major concern from Staff. Mr. Capron stated that this change caused the need to shift the buildings, and adjust the west parking lot, which now had less square footage. Mr. Capron stated that the developer agreed to put in the sidewalks, so those were added. Mr. Capron stated that, for the lighting and landscaping, his client would make it a requirement that a Detailed Site Plan be approved, which will include Detailed Lighting and Detailed Landscaping Plans. Mr. Capron stated that different design professionals would be available at that time. Mr. Capron stated that the Detailed Site Plan would be required for the overall development before the first building was constructed.

Chair Thomas Holland expressed concern over one of the review items: the lack of a lighting plan. Erik Enyart stated that, in their response, the Applicant proposed to make the lighting plan a required element of the PUD Detailed Site Plan. Mr. Enyart stated that the details will depend on the buildings actually proposed. Mark Capron stated that there was no light designer to work on the project yet.

Chair Thomas Holland confirmed with Mark Capron that there would be sidewalks constructed. Mr. Holland referred to the Staff Report and expressed concern that the Planning Commission could make it a requirement but the City Council could waive that requirement. Erik Enyart stated that this comment likely originated from the case history he wrote in the Staff Report. Mr. Enyart stated that that case was in the residential section of Woodcreek Village Amended, and was a builder-driven issue with extenuating circumstances: there was a gate on the street between WoodCreek and Woodcreek Village Amended, among other differences. Mr. Enyart reiterated that that was a builder-driven issue. Mr. Holland expressed concern that the sidewalk requirement would be waived. Mr. Enyart stated, "They're putting it in the PUD that they will do sidewalks. If it is in the PUD, that [adds] one (1) more step that makes it more difficult [to waive the sidewalk requirement]."

Lance Whisman clarified with Erik Enyart that the development would have three (3) connections to adjoining streets: two (2) connections to 75th E. Ave. and one (1) to 111th St. S.

Mark Capron stated that there would be a 20' setback along the south side of the development.

Chair Thomas Holland asked about the required setback from the east side shared with *Lowe's*, and Mr. Enyart stated that a setback was not required by the underlying zoning.

John Benjamin asked how the surfacewater drainage would be handled. Mark Capron stated that it would be handled by the public stormsewer system in Woodcreek Village [Amended].

Lance Whisman expressed concern that the two (2) story buildings in the southerly tier may have neon or other such signage that may be visible from the homes to the south. Erik Enyart stated that

there was a PUD in Bixby at 123rd St. S. and Memorial Dr. that originally restricted lighted signage as faced the rear of the development, which abutted housing. Mr. Enyart stated that the Commission could ask the Applicant to put in the PUD restrictions on lighted signage as faces south.

Ted Sack conferred with Mark Capron. Mr. Capron noted that there was a “good 75’ from the masonry fence [to the buildings],” and there was a 10’ landscaped buffer [along the south line of the development]. Mr. Capron described the proposed landscaping within the 10’ landscaped buffer. Erik Enyart asked Mark Capron if there was not some standard language that he was familiar with that said that the trees must reach a certain height in a certain amount of time. Mr. Capron responded negatively, but stated that the language could state the trees must be “evergreen.”

Ted Sack noted that [this office park development] would be a much better use than what the zoning would allow. Mark Capron asked Erik Enyart what the underlying zoning would allow. Mr. Enyart responded that the CS zoning would allow retail and fast food uses.

Mark Capron stated that he could be more specific in the language describing the landscaped buffer and specify that the trees would be evergreen, and the size. Mr. Capron suggested the trees should be 8’ to 10’ at the time of planting. Chair Thomas Holland asked Erik Enyart for a response on this proposal, and Mr. Enyart stated that it “would be an improvement.”

Lance Whisman asked Erik Enyart if the Applicant had not adjusted the sight line issue. Mr. Enyart confirmed and stated that the PUD would adhere to the original 25’ Building Line, and the Applicant had adjusted the parking lot in consideration of that [sight line] concern.

Chair Thomas Holland asked if there was any more discussion. There being none, Chair Thomas Holland asked to entertain a Motion. Upon clarification of the Motion and Second among the Planning Commissioners and Erik Enyart, John Benjamin made a MOTION to Recommend APPROVAL of Major Amendment # C to PUD 47-A subject to all the corrections, modifications, and Conditions of Approval as recommended by Staff, as may yet need to be made, and incorporating all the amendments made at this meeting. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

2. **Preliminary Plat of “Woodcreek Office Park” – Sack & Associates, Inc. (PUD 47).**
Discussion and consideration of a Preliminary Plat, being a replat of Lot 1, Block 3, *Woodcreek Village Amended*.
Property Located: 7500-block of E. 111th St. S.

25

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, April 12, 2013
RE: Report and Recommendations for:
Preliminary Plat of "Woodcreek Office Park" – Sack & Associates, Inc. (PUD 47)

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

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

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

East: CS; Lowe's in Bixby Commons.

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

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

PREVIOUS/RELATED CASES: (not necessarily a complete list; does not include City of Tulsa cases)

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

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

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

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

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

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

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

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

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

26

PUD 47-C – Woodcreek Office Park – Sack & Associates, Inc. – Request for Major Amendment # C to PUD 47A for subject property – Pending PC consideration 04/18/2013.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

Amendment # B “Woodcreek Office Park” to PUD 47-A, and the Preliminary Plat of “Woodcreek Office Park” were both proposed in late 2008. Due to a large number of outstanding issues identified by Staff and the lack of representation at the December 20, 2008 Planning Commission (PC) meeting and two (2) January 20, 2009 meetings (one with Staff and the PC Regular Meeting that evening), the Planning Commission Tabled both items indefinitely. Since then, the “Great Recession” technically ended in mid-2009 and development locally bottomed out and now appears to be in recovery.

The owner has made new applications for PUD Major Amendment and Preliminary Plat approval. The overall concept appears to have changed significantly as compared to that proposed in 2008. The initial concept was to have a north-south drive connecting 111th St. S. to 75th E. Ave., with most buildings oriented to face west onto the drive. The new concept proposes five (5) of the eight (8) buildings to face north toward 111th St. S., with three (3) behind, and the internal access drive located along the east line of the development.

To account for PUD 47-B, the Major Amendment application has been designated Amendment # C.

A letter from a neighboring property owner to the north in Tulsa submitted a letter in relation to this application, attached to this report.

ANALYSIS:

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

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

Access. Primary access to the subdivision would be via one (1) proposed entrance drive on 111th St. S., with a secondary access point on S. 75th E. Ave., an existing private street providing access to the residential lots in Woodcreek Village Amended. A parking lot constructed wholly on proposed Lot 8 would have its own driveway connection to S. 75th E. Ave.

Internal Mutual Access Easement drives are proposed to provide inter-lot access between the lots in the development and between 111th St. S. and 75th E. Ave.

In the PUD, sidewalks are not shown along 111th St. S. or S. 75th E. Ave., but are required by the Subdivision Regulations. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

Because the right-of-way for S. 75th E. Ave., at approximately 30’ in width, is too narrow to contain a sidewalk (a 26’ roadway leaves only 2’ on either side), it appears it will be necessary to add a “sidewalk easement” along the northeast side of S. 75th E. Ave., along with appropriate language in the Deed of Dedication/Restrictive Covenants specifying that the lot owners collectively, or the affected lot owner only, are responsible for their maintenance. Alternatively, an additional width should be added to the 30’ current right-of-way width on the subject property side to accommodate the sidewalk.

By the approval of this PUD and plat, the former Limits of No Access (LNA) along the entire 111th St. S. frontage of the subject property will be amended to allow a 40’-wide Access Opening toward the east end of the frontage, which is subject to the approval of the City Engineer and County Engineer.

General. The Applicant is requesting a Major Amendment to an approved PUD, to change the subject property from a single commercial lot to a small multiple-lot office park development.

This subdivision of 1.1694 acres, more or less, proposes eight (8) lots in one (1) block and zero (0) Reserves. All lots appear to meet proposed PUD 47-C zoning standards. There is no “typical lot,” but the modal lot would measure approximately 38’ X 119’ and so would contain 4,522 square feet (0.1 acres). Lots 1 and 5 are larger than the modal lots, as they are or effectively are “corner lots,” Lots 6 and 7 are “flag lots,” and Lot 8 is relatively large due to its design-plan to contain its own exclusive parking lot.

27

Please see the PUD staff report for additional related analysis and recommendations, most of which would affect this plat by the incorporation of updated PUD text to Section II of the Deed of Dedication and Restrictive Covenants (DoD/RCs).

The Fire Marshal's and City Engineer'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 Preliminary Plat at its regular meeting held April 03, 2013. Minutes of that meeting are attached to this report.

Distribution of Private Maintenance Responsibilities. Unless otherwise directed by the City Engineer and/or City Attorney, the PUD and the DoD/RCs of the plat must adequately spell out the private maintenance responsibilities of residential and commercial lot owners in Woodcreek Village Amended for the private streets and stormwater detention pond(s) in WoodCreek, and the responsibilities of the commercial lot owners for the screening fence to be located in the "Fence Easement," sidewalks (if allowed within a 'sidewalk easement), and any common parking, signage, entrance features, and landscaping. They should specifically designate a percentage/formula for proportional maintenance responsibilities for each lot, based on its relative size and/or other appropriate factors. Use of clear and immutable formula language on the face of the plat, versus buried in the DoD/RCs (which may be fairly easily amended and without City approval, per the City Attorney) is recommended.

Unless otherwise provided for in the PUD, all signs must be located on the lot or lots on which the business being advertised is located, per Zoning Code Section 11-9-21.F. Will an easement be employed for maintenance of common parking, signage, entrance features, and/or landscaping enjoyed by all the lot owners in the subdivision?

Please see the recommendations below pertaining to DoD/RCs Section III.B/C and the PUD staff report for additional related analysis and recommendations pertaining to the distribution of private maintenance responsibilities.

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

1. Subject to the final approval of PUD 47A Major Amendment # C.
2. Subject to the satisfaction of all outstanding Fire Marshal and City Engineer recommendations.
3. Proposed Mutual Access Easement encroaches 17.5' Existing Perimeter Utility Easement along the north line of the subdivision, suggesting plans to pave over the easement. If allowed, paving over such easements requires the specific approval of the City Engineer and Public Works Director.
4. The area around a proposed 5' X 15' U/E on parts of Lots 7 and 8 is not clear, and may have elements held over from previous subdivision design. It is also not clear that the 5' X 15' area would connect to any other existing U/E. Please clarify this area if/as needed.
5. Sidewalks, required per Subdivision Regulations Section 12-3-2.N, must be installed by the developer. Sidewalks, where they would not fit within the narrow Mutual Access Easement streets, must be put into a "Sidewalk Easement." Language pertaining to their dedication and maintenance responsibilities must be included in the DoD/RCs. Alternatively, additional Reserve for private street right-of-way should be dedicated for S. 75th E. Ave. to the extent necessary to provide for the sidewalks.
6. Represent/dimension centerline, extent of improved roadway, and rights-of-way of both abutting streets.
7. Location Map – needs to identify the subject property's location in the Location Map.
8. Location Map – needs to accurately represent the following subdivisions:
 - a. Resubdivision of Lots 3 and 4 of Bixby Commons (missing)
 - b. The Links at Bixby (misrepresented as to configuration)
 - c. The Estates of Graystone (mislabeled)
 - d. Amended Plat of Block 7, North Heights Addition (mislabeled)
9. Add proposed addresses to the lots.
10. DoD/RCs: Based on the PUD site plan (see PUD staff report), Staff recommends the PUD and DoD/RCs of the plat include a Mutual Parking Privileges covenant, so that all lots may allow their excess spaces to be used by patrons of other lots, which is common in developments such as this, especially when developed as a unit by a singular developer.

28

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

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

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

Unless otherwise provided for in the PUD, all signs must be located on the lot or lots on which the business being advertised is located, per Zoning Code Section 11-9-21.F. Will an easement be employed for maintenance of common signage, entrance features, and/or landscaping enjoyed by all the lot owners in the subdivision?

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

29

The PUD and Preliminary Plat need to specify if the future owners of the individual office lots will split the singular Owners Association membership (and thus singular vote) eight (8) ways or if each of the eight (8) lot owners will severally be members of the Owners Association. Regardless of how this is done, the PUD and DoD/RCs need to specify the respective responsibilities of the owners of the commercial lot(s) and the residential lots.

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

The Commissioners clarified with Mark Capron and Erik Enyart that a revised Preliminary Plat had not been submitted at this time. Mr. Capron noted that the Preliminary Plat primarily followed the PUD, and some of the lot lines had moved as shown on the revised PUD site plans.

There being no further discussion, Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to Recommend APPROVAL of the Preliminary Plat subject to all the corrections, modifications, and Conditions of Approval as recommended by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

OTHER BUSINESS

3. **BSP 2013-01 – “Raising Cane’s” – Smith Roberts Baldischwiler, LLC (PUD 63).**
Discussion and consideration of a Detailed Site Plan and building plans for “Raising Cane’s,” a Use Unit 12 restaurant development for Lot 1, Block 1, 101 South Memorial Plaza.
Property located: 10255 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, April 12, 2013
RE: Report and Recommendations for:
BSP 2013-01 – “Raising Cane’s” – Smith Roberts Baldischwiler, LLC (PUD 63)

LOCATION: – Lot 1, Block 1, 101 South Memorial Plaza
– 10255 S. Memorial Dr.
SIZE: 0.94 acres, more or less
EXISTING ZONING: CS Commercial Shopping Center District with PUD 63 for “101 South Memorial Plaza”
SUPPLEMENTAL ZONING: Corridor Appearance District
DEVELOPMENT Approval of Detailed Site Plan including as elements: (1) Detailed Site

30

TYPE: Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to PUD 63 for a Use Unit 12 restaurant development

SURROUNDING ZONING AND LAND USE:

North: (across 102nd St. S.) CG & CG/CS/PUD 65; The Schlotzsky's Deli restaurant on unplatted land and a part of 101 South Memorial Center zoned CG & CS, the new Whataburger fast-food restaurant and the new Sprouts Farmers Market specialty grocery store, both in 101 Memorial Square, and the CVS/Pharmacy and the vacant Lot 5, Block 1, both in 101 Memorial Square.

South: CS; The BancFirst bank branch, the Carl's Jr. and Taco Bueno fast-food restaurants, and the Palazzo Shopping Center to the southeast, all in 101 South Memorial Center.

East: (across 82nd E. Ave.) CS & CG/CS/PUD 63; The Andy's Frozen Custard restaurant under construction across 102nd St. S. to the northeast in 101 South Memorial Plaza, the Holiday Inn Express & Suites Tulsa South/Bixby across 102nd St. S. to the northeast in 101 South Memorial Plaza, the vacant Lot 1, Block 2, 101 South Memorial Plaza, and the Dickinson Starworld 20 movie theater to the east and the ALDI grocery store to the southeast, both in 101 South Memorial Center.

West: (across Memorial Dr.) AG or AG/CS; Two (2) unplatted tracts of land containing a house, a communications tower, and field and wooded areas containing approximately 46 acres, which may have been rezoned in part to CS per Tulsa zoning application Z-7212 in December 2012 or early 2013 (final disposition requested of INCOG as of 04/09/2013).

COMPREHENSIVE PLAN: Corridor + Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES: (Not a complete list and does not include TMAPC-jurisdiction areas)

PUD 63 – 101 South Memorial Plaza – American Southwest Properties, Inc. – Request for PUD approval for land later platted as 101 South Memorial Plaza (includes 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 101 South Memorial Plaza (includes 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.

Final Plat of 101 South Memorial Plaza – Request for Final Plat approval for 101 South Memorial Plaza (includes subject property) – PC recommended Conditional Approval on 10/20/2008 and City Council Conditionally Approved 10/27/2008.

Revised Final Plat of 101 South Memorial Plaza – Request for Revised Final Plat approval for 101 South Memorial Plaza (includes subject property) – PC recommended Conditional Approval on 04/19/2010 and City Council Conditionally Approved 04/26/2010 (plat # 6355 recorded 07/30/2010).

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The vacant subject property consists of Lot 1, Block 1, 101 South Memorial Plaza and is zoned CS with PUD 63. The subject property is gently sloped and will drain 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. The submitted plan-view Site Plan drawing consists of "Site Plan" drawing C1 by Smith Roberts Baldischwiler, LLC. Per the number reported in the notes on the "Site Plan," the building will have 3,613 square feet of floor area. A note placed on the building polygon reports "40,784 square feet," which appears to be a reference to the total site area, not the building itself. To avoid confusion, this should be replaced with the correct 3,613 square foot number, if the label remains in its present location. Based on building "Exterior Elevations" drawings A04.1 and A04.2, the building roof will not exceed 16'

31

7" in overall height, and the parapet wall and other architectural features will not exceed 23' 4" in overall height.

The Site Plan represents a conventional, suburban-style design and indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking. The subject property lot conforms to PUD 63 and, per the plans generally, the 1-story building would conform to the applicable bulk and area standards for PUD 63 and the underlying CS district.

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

The application was received too late to be placed on the April 03, 2013 Technical Advisory Committee (TAC) Agenda. Staff mentioned the Detailed Site Plan at the April meeting and emailed it to the TAC members on April 03, 2013, requesting comments be submitted via email. As of the date of this report, no pertinent comments have been received. The Applicant should coordinate with the TAC utility providers to ensure their utility service provision concerns are satisfied.

Access and Internal Circulation. The development will utilize an existing driveway entrance on Memorial Dr. shared with BancFirst to the south, and will have an additional easterly driveway connection to 82nd E. Ave., a private street located within a Mutual Access Easement (MAE). 82nd E. Ave. is represented on the C1 Site Plan drawing, but is identified as a "Public Street" in error, and needs to be corrected. A driveway along the west/front side of the building is planned to connect to the driveway on the Schlotzsky's Deli restaurant to the north. That driveway connection appears to be as per a 29'-wide Mutual Access Easement recorded on Book 7111, Page 2261 of the records of the Tulsa County Clerk. Per the Site Plan drawing C1 and aerial imagery, the Schlotzsky's Deli parking lot is already configured to allow connection.

The existing driveway entrance on Memorial Dr. shared with BancFirst was constructed several years ago (likely at the time of the construction of the bank, which the Tulsa County Assessor's records indicate was in or around 2007). The plat of 101 South Memorial Plaza (# 6355) was recorded 07/30/2010, and placed Limits of No Access (LNA) over the area of the existing driveway connection. Thus, the preexisting driveway connection would appear to be 'grandfathered'. It may be appropriate, at some point, to resolve this inconsistency by removing the LNA.

The provided drawings indicate driveway access points and the widths of the proposed driveways and their curb return radii. All these dimensions must comply with applicable standards and City Engineer and/or Fire Marshal requirements.

The Site Plan represents the existing sidewalk along Memorial Dr. and the sidewalk required to be constructed along 82nd E. Ave., the latter of which will be located within a 10'-wide Sidewalk Easement per the plat of 101 South Memorial Plaza. Its north end will be turned east into 83rd E. Ave. to avoid conflict with the existing stormsewer inlet and other existing structures on the Schlotzsky's Deli property to the north.

A sidewalk will flank parts of the west/front, south/side, and east/rear of the building, and will connect pedestrians between the parking lots to the building entrances on these sides (reference Zoning Code Section 11-10-4.C). The sidewalks are dimensioned on the plans and appear appropriate in width.

Parking Standards. The provided drawings indicate parking lots on all four (4) sides of the building with a total of 35 parking spaces (34 spaces reported in error). Zoning Code Section 11-9-12.D requires a minimum of 24 parking spaces for a 3,613 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. PUD 63 Major Amendment # 1, approved by the City Council January 28, 2013, removed the maximum parking restriction within PUD 63. Therefore, the proposed number of parking spaces complies with the Zoning Code and PUD 63.

The proposed 9'-wide regular parking space dimensions (10 at a 90° angle, 5 parallel parking spaces along the north line, and the 20 spaces in the strips along the south and east property lines at an undefined, acute angle) comply with the minimum standards for the same per Zoning Code Section 11-10-4.A, or otherwise are appropriate and may be approved by this Detailed Site Plan per Section 11-10-4. However, the proposed angle of the parking needs to be labeled.

Two (2) handicapped-accessible parking spaces are indicated on the provided Site Plans, one (1) of which is stated will be of a van-accessible design. At 35 spaces, the two (2) handicapped-accessible parking spaces meet the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces).

ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The Site Plan indicates one (1) ADA space will be of van-accessible design, as required. The Applicant should consider reassigning the regular and van-accessible ADA spaces, so that the access aisle will be on the right/passenger side of the van-accessible space.

The regular and van-accessible handicapped-accessible parking spaces and access aisles are dimensioned, but do not indicate compliance with the space width or striping standards Zoning Code Section 11-10-4.C Figure 3. These design items need to be corrected. The Applicant should make use of a handicapped-accessible parking space/access aisle/accessible route detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards. During the design of these features, the Applicant should consult with the Building Inspector to confirm the plans will comply with ADA standards.

The parking lot setback/landscaped strip width along Memorial Dr. is approximately 19.7', which complies with the 15' minimum setback per Zoning Code Section 11-10-3.B Table 1.

Zoning Code Section 11-10-3.B Table 1 would normally require a 7.5' minimum parking lot setback from 82nd E. Ave. However, that street has no public or private right-of-way per the plat of 101 South Memorial Plaza. The setback cannot be reduced less than 5', however, due to minimum landscaping requirements (see landscaping analysis in this report). Per the C1 Site Plan drawing, it appears that the parking lot will be located approximately 14' from the westerly curb of the street.

The plans show internal drives and parking spaces being paved over certain Utility Easement areas along the north and east sides of the subject property. If allowed, paving over such easements requires the specific approval of the City Engineer and Public Works Director.

A loading berth is not indicated. A minimum of one (1) loading berth is required per Zoning Code Section 11-9-12.D and the same must comply with the dimensional standards of Zoning Code Section 11-10-5.A, or a Variance or PUD Minor Amendment may be requested in order to remove the loading berth requirement.

Screening/Fencing. The subject property does not abut an R district, and so the Zoning Code and PUD 63 do not require sight-proof screening for any of the property lines. No fences are proposed.

PUD 63 Section E.4.a provides:

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

A "Masonry Dumpster Enclosure" area will be placed at the southeast corner of the site, facing east-northeast. Its details are provided on the "Site Details" drawing A10.3. The location, orientation, composition, and other details appear in order for this site.

Landscape Plan. The Landscape Plan consists of the "Landscape Plan" drawing L1.01. The proposed landscaping is compared to the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of the Street Yard area shall be landscaped. The Street Yard is the Zoning setback along an abutting street [right-of-way]. The parking lot setback/landscaped strip width along Memorial Dr. is approximately 19.7', which would be approximately 39.4% (excluding driveways) of the 150.59' X 50' Street Yard.

Because 82nd E. Ave. has no right-of-way and PUD 63 provided setbacks applicable to Development Area boundaries instead, there is no "Street Yard" attending 82nd E. Ave. However, even if interpreted otherwise, per the C1 Site Plan drawing, it appears that the parking lot will be located approximately 14' from the westerly curb of the street, the westerly approximately 5.2' thereof being the required sidewalk. This leaves an unqualified landscaped strip width of approximately 8.8', which, would be approximately 35% (excluding driveways) of the roughly 154.98' X 25' 'Street Yard.'

This standard is met.

2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 7.5', 10', or 15' along abutting street

33

rights-of-way. The parking lot setback/landscaped strip width along Memorial Dr. is approximately 19.7', which exceeds the 15' required along Memorial Dr.

The subject property does not have the typical 7.5' landscaped strip requirement along non-arterial street 82nd E. Ave., as that street has no right-of-way and the setback applies to the property lines (often the centerlines) per PUD 63. However, the landscaped areas must have a minimum diameter or strip width of 5' per Zoning Code Section 11-12-3.B.1 and contain at least one (1) tree. Per the C1 Site Plan drawing, it appears that the parking lot will be located approximately 14' from the westerly curb of the street, the westerly approximately 5.2' thereof being the required sidewalk. This leaves an unqualified landscaped strip width of approximately 8.8'.

This standard is met.

3. 10' Buffer Strip Standard (Section 11-12-3.A.3): Standard requires a minimum 10' landscaped strip between a parking area and an R Residential Zoning District. There are no R districts abutting. **This standard is not applicable.**
4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Building setbacks per Development Area A of PUD 63 are as follows:

From the west boundary (east right-of-way line for South Memorial)	50.0 feet
From the south boundary	10.0 feet
From the north boundary	17.5 feet
From the east boundary	25.0
	feet

The West Boundary setback area is a Street Yard. See the analysis for Zoning Code Section 11-12-3.C.1.a.

Resultant tree requirement calculations are as follows:

East Boundary Setback Tree Requirements: 25' setback X width of east PUD boundary at 154.98' = approximately 3,874.5 square feet / 1,000 square feet = 4 trees required in the East Boundary Setback Area. Excluding those elsewhere accounted for, four (4) "CP" trees are proposed in this Setback Area. **This standard is met for the East Boundary Setback Area.**

North Boundary Setback Tree Requirements: 17.5' setback X north property line at (258.75 feet – Memorial Dr. Street Yard width of 50' – East Boundary Setback width of 25' =) 183.75' = approximately 3,216 square feet / 1,000 square feet = 4 trees required in the North Boundary Setback Area. One (1) "SO" tree proposed in this Setback Area. **This standard is not met for the North Boundary Setback Area.**

South Boundary Setback Tree Requirements: 10' setback X south property line at (282.38 feet – Memorial Dr. Street Yard width of 50' – East Boundary Setback width of 25' =) 207.38' = 2,073.8 square feet / 1,000 square feet = 3 trees required in the South Boundary Setback Area. Two (2) trees not already counted are proposed in this Setback Area (1 "SO" and 1 "CP"). **This standard is not met for the South Boundary Setback Area.**

Due to the North and South Boundary Setback Areas, **this standard is not met.**

5. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 50' or 75' from a Landscaped Area, which Landscaped Area must contain at least one (1) or two (2) trees. For a lot containing 0.94 acres, the standard calls for a maximum of 50' spacing, with one (1) tree. The 19.7' landscaped strip along the west property line presently contains no (0) landscape trees (see next item), and so the west parking lot strip does not comply with this standard. The other parking lot strips comply with the standard. **This standard is not met.**

34

6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of Street Yard. The Street Yard is the Zoning setback along an abutting street [right-of-way]. Memorial Dr. has a 50' setback. $50' \times$ west property line at 150.59' = 7,529.5 square feet / 1,000 square feet = 8 trees required in the West Boundary Setback Area. No (0) trees are proposed in this Setback Area. Five (5) trees are claimed in the "Landscape Tabulations" notes, and five (5) "SO" trees are indicated within the Memorial Dr. right-of-way, west of the existing sidewalk. Trees must be located within the 19.7' landscaped strip within the subject property to be claimed; it is unlikely that ODOT will grant permission to install trees and the required irrigation system in the right-of-way, and the City of Bixby does not have experience allowing right-of-way trees to be counted toward minimum landscaping required within the development lot. These trees will likely need to be relocated to within the 19.7' landscaped strip within the property, and increased to the minimum eight (8) required.

Because 82nd E. Ave. has no right-of-way and PUD 63 provided setbacks applicable to Development Area boundaries instead, and because the tree ratio standard is the same as required for Setback Areas per Section 11-12-3.A.4, analysis for this standard is provided in the section pertaining to Section 11-12-3.A.4 for this easterly property line.

This standard is not met.

7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. 35 parking spaces proposed. $35 / 10 = 3.5 = 4$ trees required by this standard. Excluding the Setback Area and Street Yard trees already accounted for, three (3) additional trees proposed just east of the building (1 "CC," 1 "MG," and 1 "RB."). **This standard is not met.**
8. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard would be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
9. Irrigation Standards (Section 11-12-3.D.2): "Landscape Notes" # 8 provides "All required landscape areas shall be provided with an automatic underground irrigation system with rain and freeze sensors...." Zoning Code Section 11-12-4.A.7 requires the submission of plans for irrigation. An irrigation plan was not submitted. **This standard is not met.**
10. Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.): The tree planting diagram(s), reported calipers of the proposed trees, the notes on the "Landscape Plan" drawing, and other information indicates compliance with other miscellaneous standards, with the following exceptions:
- The schedule of tree and other landscaping materials was not submitted. This analysis presupposes that all of the "SO," "CP," "CC," "MG," and "RB" trees qualify as landscaping trees under the Bixby landscaping requirements. A schedule should be submitted or added to an appropriate landscape plan drawing. If any of the proposed tree species have popular shrub-form cultivars, the Landscape Architect should qualify on the plans that the species will be the tree-form cultivar.
 - The proposed tree heights are not provided (6' height minimum if trees are considered "ornamental," 8' in height if considered "canopy," and 5' in height if considered "coniferous/evergreen.").
 - Certain elements of the "Landscape Tabulations" are inconsistent with the City of Bixby's interpretation as provided herein and should be reconciled or removed.

Until the above are resolved, **this standard is not met.**

11. Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard is 10% of a commercial lot must be landscaped open space. Per the notes on the "Site Plan" drawing CI, 8,183.3 square feet (0.188 acres) would be "pervious area" post-construction, which would be approximately 20% of the lot area of 0.94 acres. **This standard is met.**

Exterior Materials and Colors. "Exterior Elevations" drawings A04.1 and A04.2 indicate the proposed exterior materials and overall appearance. The exterior material will primarily consist of (1) "Face Brick" and (2) "7/8" Stucco," with various trim materials. Color information was not specified, but is no longer required within the Corridor Appearance District per Ordinance # 2091 approved September 10,

35

2012, and is not required by PUD 63. Per Ordinance # 2107 adopted January 14, 2013, Zoning Code Section 11-7G-5.A now requires within the Corridor Appearance District:

"All sides of buildings facing public streets shall be full masonry to the first floor top plate, to include brick, stucco, EIFS or similar masonry like product, stone, finished concrete tilt-up panels, or some combination thereof."

The west/Memorial Dr.-facing building elevation, composed of "Face Brick" and "7/8 Stucco," which will comply with the new standard.

The roof will not be visible at ground level due to the parapet wall / "roof screen," which will additionally "conceal roof top equipment."

Outdoor Lighting. The "Electrical Site Plan" drawing E1.1 is a photometric plan that indicates lighting patterns and the locations of pole-mounted lights. The elevations drawings indicate building-mounted lights. All proposed lights appear typical for a suburban fast-food restaurant application.

As there are no single family residential areas within relatively close proximity, and recognizing the location of the property in relation to existing and planned commercial in all directions, the proposed lighting appears appropriate for this development in its context.

PUD 63 limits lighting to 20' in vertical height. "Cut sheets" were not provided and Staff was unable to locate details on proposed lighting fixtures in the provided plans. The Applicant needs to submit information necessary to demonstrate compliance with the 20' maximum vertical height lighting restriction of PUD 63.

Signage. As per PUD 63 Section E.2.b, the required PUD "detail sign plan" is recognized as consisting of (1) a ground sign elevation drawing "Raising Canes Pylon" by Complete Signs, LLC, Dothan, AL, (2) representation of signage information on "Exterior Elevations" drawings A04.1 and A04.2, (3) representation of the location of the ground sign, the ADA parking space reservation signs, and the directional paintings applied to the driveway pavement, all as represented on "Site Plan" drawing C1, and (3) representation of the menuboard sign on "Site Details" drawing A10.3.

The "Site Plan" drawing C1 indicates the location of one (1) proposed ground sign at the southwest corner of the lot, and the one (1) proposed menuboard sign east of the building at the drive-through entrance. The one (1) proposed ground sign would be 25' in height and would have a main identification sign on top with an Electronic / LED message center below, which is permit-able as a part of this Detailed Site Plan per PUD 63 Section E.2.c. The display surface area complies with the maximum allowed. Based on the site plan and details, it appears the menuboard sign will face east toward the driver's side windows of cued cars. Thus, the sign would not appear to be visible from a public street, and so appears to be permit-able per Zoning Code Sections 11-7I-4.B.2.f.3 and 11-9-21.C.3.d.

"Exterior Elevations" drawings A04.1 and A04.2 indicate the locations and relative sizes of (1) certain wall signs (some indicated as "when permitted"), one (1) "Banner (By Owner)" sign on the north/side elevation, and 14 corporate flags lining and projecting above the north, west, and south parapet walls. In aggregate, the wall signage complies with the maximum display surface area standards for PUD 63.

Zoning Code Section 11-7I-4.B.2.a prohibits projecting signs, and Section 11-2-1 only allows an exemption for one (1) corporate flag. Therefore, the 14 corporate flags exceed the signage allowances of the Zoning Code and PUD 63, as amended by Major Amendment # 1. They will either need to be removed or permitted by Minor Amendment to PUD 63.

Most restaurants and other developments of this size will have incidental signage for traffic control and general identification information, and the provided plans do indicate incidental signage. Of those indicated, signs reserving the ADA accessible parking spaces and directional signage painted to the pavement of the driveways (not visible from adjoining public streets) appear to conform to applicable standards. Although not represented, if eventually proposed, Zoning Code Section 11-9-21.C.3.k allows standard directional signs at a maximum of 3 square feet in display surface area, but the same must be submitted for approval by sign permit at that time.

Staff Recommendation. The Detailed Site Plan adequately demonstrates compliance with the Zoning Code and is in order for approval, subject to the following corrections, modifications, and Conditions of Approval:

1. This PUD Detailed Site Plan approval additionally constitutes the site plan approval requirement within the Corridor Appearance District.
2. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.

36

3. *The proposed driveways and their curb return radii must comply with applicable standards and City Engineer and/or Fire Marshal requirements.*
4. *A note placed on the building polygon reports "40,784 square feet," which appears to be a reference to the total site area, not the building itself. To avoid confusion, this should be replaced with the correct 3,613 square foot number, if the label remains in its present location. Appears also on Landscape Plan drawing L1.01.*
5. *The Applicant should coordinate with the TAC utility providers to ensure their utility service provision concerns are satisfied.*
6. *82nd E. Ave. is represented on the C1 Site Plan drawing, but is identified as a "Public Street" in error, and needs to be corrected.*
7. *Please correct the reported number of parking spaces to 35 in the summary block area on C1.*
8. *Please label the angle of the parking spaces along the west property line.*
9. *The Applicant should consider reassigning the regular and van-accessible ADA spaces, so that the access aisle will be on the right/passenger side of the van-accessible space.*
10. *The regular and van-accessible handicapped-accessible parking spaces and access aisles are dimensioned, but do not indicate compliance with the space width or striping standards Zoning Code Section 11-10-4.C Figure 3. These design items need to be corrected. The Applicant should make use of a handicapped-accessible parking space/access aisle/accessible route detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards. During the design of these features, the Applicant should consult with the Building Inspector to confirm the plans will comply with ADA standards.*
11. *The plans show internal drives and parking spaces being paved over certain Utility Easement areas along the north and east sides of the subject property. If allowed, paving over such easements requires the specific approval of the City Engineer and Public Works Director.*
12. *Please add a minimum of one (1) loading berth per Zoning Code Section 11-9-12.D; the same must comply with the dimensional standards of Zoning Code Section 11-10-5.A, or a Variance or PUD Minor Amendment may be requested in order to remove the loading berth requirement.*
13. *Please resolve the Building Line Setback Tree Requirements (Section 11-12-3.A.4) matter as described in the Landscape Plan analysis above.*
14. *Please resolve the Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2) matter as described in the Landscape Plan analysis above.*
15. *Please resolve the Street Yard Tree Requirements (Section 11-12-3.C.1.a) matter as described in the Landscape Plan analysis above.*
16. *Please resolve the Tree to Parking Space Ratio Standard (Section 11-12-3.C.2) matter as described in the Landscape Plan analysis above.*
17. *Please resolve the Irrigation Standards (Section 11-12-3.D.2) matter as described in the Landscape Plan analysis above.*
18. *Please resolve the Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.) matter as described in the Landscape Plan analysis above.*
19. *The Applicant needs to submit information necessary to demonstrate compliance with the maximum 20' vertical height lighting restriction of PUD 63.*
20. *Zoning Code Section 11-7I-4.B.2.a prohibits projecting signs, and Section 11-2-1 only allows an exemption for one (1) corporate flag. Therefore, the 14 corporate flags exceed the signage allowances of the Zoning Code and PUD 63, as amended by Major Amendment # 1. They will either need to be removed or permitted by Minor Amendment to PUD 63.*
21. *Please submit complete, corrected copies of the Detailed Site Plan incorporating all of the corrections, modifications, and conditions of approval as follows: Two (2) full-size hard copies, one (1) 11" X 17" hard copy, and one (1) electronic copy (PDF preferred).*
22. *Minor changes in the placement / locating individual trees or parking spaces, or other such minor site details, are approved as a part of this Detailed Site Plan, subject to administrative review and approval by the City Planner. The City Planner shall determine that the same are minor in scope and that such changes are an alternative means for compliance and do not compromise the original intent, purposes, and standards underlying the original placement as approved on this Detailed Site Plan, as amended. An appeal from the City Planner's determination that a change is not sufficiently minor in scope shall be made to the Board of Adjustment in accordance with Zoning Code Section 11-4-2.*

37

Erik Enyart stated that he had received a PDF of the revised site plan but had not had the chance to review it line-by-line to the recommended correction items or compare it to the previous submittal. Mr. Enyart stated that he did review them briefly and it appeared that the Applicant had made the all or almost all of the recommended corrections. Mr. Enyart stated that the Applicant was present and may have revised copies of the plan drawings.

Erik Enyart stated that there were only two (2) significant items in the plan, one (1) of which was the requirement to have a loading berth or do a PUD Amendment to remove that requirement. Mr. Enyart stated that, in the revised plans, he observed that the one (1) required loading berth was added in the drive-through lane as recommended. Mr. Enyart stated that the other item was the *Raising Cane's* corporate flags lining three (3) sides of the building's parapet walls. Mr. Enyart stated that the Zoning Code allowed only one (1) corporate flag, and the others it would recognize as "projecting flags." Mr. Enyart stated that, as listed in the Staff Report, the recommendation pertaining to this item was written so that the Applicant could either remove them or the Approval would be Conditioned upon getting a PUD Amendment at a later date. Mr. Enyart stated that it would work either way.

Erik Enyart stated that the Applicant was to be commended, as the plans contained a lot of detail and information and yet were drawn clearly.

Andy McCall of CSRS, Inc., Baton Rouge, LA, stated that his firm was the architect for *Raising Cane's*. Mr. McCall introduced Jack Page of Smith Roberts Baldischwiler, LLC. Mr. McCall stated that the first restaurant started at the gates of [Louisiana State University] 16 years ago, and the 150th one just opened. Mr. McCall stated that *Raising Cane's* was a big company but with a small feeling. Mr. McCall stated that the company did not cut corners. Mr. McCall stated that the mural used on all of the buildings was hand-painted, and was based on the mural uncovered at the first restaurant. Mr. McCall stated that the flags on the building were another standard design for *Raising Cane's*. Mr. McCall stated that, until just hours ago, his client was negotiating with the owner on a [PUD] Amendment, but decided to take the flags off the building. Mr. McCall stated that the revised site plan drawings show the elevations without the flags.

Erik Enyart noted that this was a fairly straightforward development, and the subject property had the benefit of being built all around, and most utilities were already put in and merely had to be tapped into.

There being no further discussion, Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

38

OLD BUSINESS:

Chair Thomas Holland confirmed with Erik Enyart that there was no new business to consider. No action taken.

NEW BUSINESS:

Chair Thomas Holland confirmed with Erik Enyart that there was no old business to consider.

Chair Thomas Holland referred to review recommendation # 8 in the Staff Report for Major Amendment # C to PUD 47-A and expressed concern for the use of language making one case a precedent for another.

Larry Whiteley expressed concern for allowing [payment] in lieu of building sidewalks. Mr. Whiteley stated that, as the City grows, there is a need for sidewalks so people can walk from place to place. Chair Thomas Holland expressed concern for the City Council waiving the sidewalk requirement. Erik Enyart stated that, for years, there was no compliance with the sidewalk construction requirement in commercial developments and along the perimeters of housing additions. Mr. Enyart stated that City Staff had just started enforcing the requirement a few years ago, and encountered "growing pains." Mr. Enyart stated that the developers were not used to having to do them, and several of them asked not to be required "just this one last time." Mr. Enyart stated that the City had been successful in getting sidewalks constructed recently.

No action taken.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 6:53 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

39

BIXBY PLANNING COMMISSION

SIGN IN SHEET

DATE: April 18, 2013

NAME	ADDRESS	ITEM
1. <u>Fred Sack</u>	<u>3530 E 31st St. Tulsa</u>	<u>#1 & #2</u>
2. <u>MARK CAPRON</u>	<u>"</u>	<u>#1 & #2</u>
3. _____	_____	_____
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SACK AND ASSOCIATES, INC.

• ENGINEERING • SURVEYING • PLANNING •

CA No. 1783 (PE/LS) and 1462 (LA)

3530 E. 31st St., Ste. A, Tulsa, OK 74135-1519

P.O. Box 50070, Tulsa, OK 74150-0070

Phone: 918.592.4111 Fax: 918.592.4229

E-mail: sai@sackandassociates.com

April 17, 2013

Erik Enyart, AICP,
City Planner
City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008

Via Email

RE: PUD # 47C -- Woodcreek Office Park

Dear Mr. Enyart:

We have addressed comments for Woodcreek Office Park per comments received on April 12, 2013. The following are our responses, original comments are shown for reference:

1. Subject to the satisfaction of all outstanding Fire Marshal and City Engineer recommendations.

Response: Acknowledged. Both the Fire Marshal and City Engineer's comments have been addressed.

2. The developer should respond to the traffic visibility and other issues related to the sharp bend in 75th E. Ave. described above. By email on 04/10/2013, the Applicant stated, "In regards to the traffic visibility and the bend in 75th Street, we believe that there is adequate distance for a driver to see as indicated on the attached sketch. We are proposing to change the setback to 20' as part of this Major Amendment. This road has a very low traffic flow and the gate and curve natural slow the traffic down. The remainder of Woodcreek Village Amended front building setback is also 20'. Therefore, we request that the building setback part of the amendment stay intact."

The Applicant also provided a sight-line exhibit, but it does not correspond to a northbound lane perspective. The Staff's recommendations have not changed.

Response: PUD text and exhibits have been revised to not to change the building setback. Also, the subject parking lot has been reduced in size and reoriented to minimize visibility concerns.

3. The developer should respond to the matter of the distribution of private maintenance responsibilities of residential and commercial lot owners in *Woodcreek Village Amended* as described above.

Response: A paragraph has been added in Section I stating a property association will be formed. The maintenance responsibilities will be specifically called out in the plat deed of dedication or private agreements.

4. Title Page: Please specify that it is a "PUD Major Amendment."

Response: Title Page has been revised as requested.

5. Development Concept on page 1: Please cite the scope of this Major Amendment by adding appropriate language to the development concept, following the second paragraph, such as "This application is for approval of a Major Amendment to PUD 47A, to be known and designated on the official Zoning Map as "PUD 47-C," and concerns Lot 1, Block 2 of *Woodcreek Village Amended*, in accordance with Bixby Zoning Code Section 11-7I-8.G. For all other areas within PUD 47A, no changes are made by this amendment."

Response: Paragraph added as requested.

6. Development Standards Section II, Permitted Uses – Consider removing final sentence, "Any permitted use must provide required parking spaces based on square footage of the building containing that use." Parking is covered in other parts of the PUD. This language could cause conflict if the minimum number of required parking spaces per lot (4 and a fraction, as previously calculated), are not actually located on the lot with the building, and if the overall number of parking spaces is reduced, all as per other recommendations in this report.

Response: Sentence removed as requested.

7. Development Standards Section II of the text, Minimum Lot Frontage – correct to 75th E. Ave.

Response: Text corrected as requested.

8. Development Standards Section II of the text, Off-Street Parking – Staff recommends the PUD and DoD/RCs of the plat include a Mutual Parking Privileges covenant, so that all lots may allow their excess spaces to be used by patrons of other lots, which is common in developments such as this, especially when developed as a unit by a singular developer. Here is a previously-approved example (PUD 56):

"Parking spaces. Parking space requirements established by the City of Bixby Zoning Code for buildings on lots in the Development Areas and which shall be applicable at the time of issuance of a building occupancy permit may be met by excess parking spaces

available in other lots in PUD [47-C]. For purposes of this provision, the term “excess parking spaces” shall mean the total number of parking spaces provided in PUD [47-C] as developed, less the number of parking spaces required for all buildings for which occupancy permits previously have been issued. Provided, it is understood that mutual parking privileges shall be granted by restrictive covenants in the Deed of Dedication recorded in the office of the Tulsa County Clerk.”

Response: Paragraph added as requested.

9. Development Standards Section II of the text, Off-Street Parking – Some of the shown parking spaces are divided by lot lines. As plats allow for buildings and lots to be sold separately, to avoid future ownership disputes which can be avoided by proper planning, Staff would recommend that all parking spaces be maintained commonly by all of the lot owners within the development, utilizing appropriate language in the PUD and DoD/RCs of the plat.

Response: Paragraph added as requested.

10. Development Standards Section II, Minimum Building Setbacks – 11’ setback “From the Internal Rear Lot Lines” – This is problematic as the rear lot lines of Lots 6, 7, and 8 are their easterly lot lines, per the definitions in the Zoning Code. Staff does not see why a “Rear Lot Line” setback would be useful in this development. It may also cause landscape plan difficulties.

Response: Rear lot line changed to 0 ft.

11. Development Standards Section II, Minimum Building Setbacks – 5’ setback “From Internal Side Lot Lines” – A singular owner of two (2) or more lots may want to construct a singular building over the common lot lines. Staff suggests the developer consider returning this to 0’.

Response: Side lot line changed to 0 ft.

12. Development Standards Section II, Minimum Building Setbacks – 20’ setback “From South 76th East Avenue (Private Mutual Access Easement)” – Please correct to “From South 75th East Avenue (Private Mutual Access Easement).”

Response: Text corrected.

13. Development Standards Section II, Minimum Building Setbacks – 20’ setback “From South [75th] East Avenue [(Private)]” – Should be 25’ as per the plat of *Woodcreek*

Village Amended, and not 20'. With line-of-sight issues as presented by the sharp curve in 75th E. Ave., reducing to 20' by this development, on Lot 1 at least, is not advisable.

Response: Setback changed to 25' as requested and Site Plan revised accordingly. This resulted in a minor revision on the lot configuration.

14. Development Standards Section II, Minimum Building Setbacks – 10' setback "From an Abutting R District Boundary" – This would apply to the south line of the subject property, which appears to abut an RT district. Staff suggests a minimum of 20', as would be found in the rear yard of a residential structure.

Response: Setback changed to 20' as requested.

15. Development Standards Section II, Signage – Unless it specifically provides otherwise here, all signs must be located on the lot or lots on which the business being advertised is located, per Zoning Code Section 11-9-21.F. Current language does not clearly permit this.

Response: Text added to paragraph to permit individual business identification on center identification sign.

16. Development Standards Section II, Lighting – There is very little information on proposed lighting – are there existing street lights? Are they adequate? How will they affect the location of outdoor lighting on individual sites, and will there be coordination? Is the 25' height standard appropriate for this setting, or would 15' or 20' be more appropriate?

Response: It is our understanding that from lighting designers that short poles cause more light pollution due to reflection off the ground, vehicles etc. Also, taller poles also allow lights to be directed more downward rather than outward. At this time, no lighting design has been done. A requirement of a detailed lighting plan submittal and approval at the time of Detail Site Plan has been added to the PUD.

17. Development Standards Section III, Landscaping and Screening Concept – Details on landscaping and screening as per Zoning Code Section 11-7G-8.B.1.e. (conceptual landscape and screening plans in addition to describing more fully the landscaping in the text) are sparse. Will trash receptacles locations be coordinated, or shared? What standards will be applied for screening dumpster areas? If parking lots will be allowed in front of the buildings, how will they be screened? Consider grade elevation changes for partial parking area screening as has been done for the *Walgreens* at 111th St. S. and Memorial Dr.

Response: We have added PUD text stating that a landscape plan for the entire site will be required at the time of Detail Site Plan approval. Refuse will be handled by individual lot owners and no dumpsters will be utilized. Text forbidding dumpsters added. Parking lot screen text has been added.

What does the screening fence to the south look like? What is the existing screening fence on the east line (between subject property and *Lowe's*), in terms of height and composition? No details are provided on Exhibit B. A profile view / elevations is customarily used to depict screening appearance.

Response: Existing brick fence is described with text. Notes locating and describing fence is added to exhibit. The fence to the east is existing and presumably a requirement of that commercial property and not a requirement of the subject property. A section view is added to Exhibit 'B' as requested.

Zoning Code Section 11-7I-6 gives the Planning Commission authority and discretion to require adequate perimeter treatments, including screening, landscaping, and setbacks. The developer should specify what they propose to do in this regard for this Planned Unit Development. Will landscaping and streetscaping be coordinated? Will a theme or consistent pattern be planned, or will each lot planned independently?

Response: Text is added to the PUD to require a Detail Landscape Plan be submitted at the time of Detail Site Plan submittal. Also, the landscape within Woodcreek Office Park shall be installed by the developer and maintained by the Property Owners Association. This will insure the entire landscape design will be coordinated and planned.

18. Development Standards Section III, Landscaping and Screening Concept – Please specify that the overall development or each individual lot will maintain at least 15% of lot area as landscaped space, per Zoning Code requirements for office developments.

Response: Text added to 'Landscape Area' in Section II designating the requirement for 15% of landscape area for the entire development.

19. Development Standards Section V, Traffic and Transportation – Needs to have wording to acknowledge that sidewalks will be provided such as follows, "Sidewalks shall be constructed by the developer along the entire frontage of every lot along 111th St. S. and S. 75th E. Ave. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer."

Response: Text added as requested.

Because the right-of-way for S. 75th E. Ave., at approximately 30' in width, is too narrow to contain a sidewalk (a 26' roadway leaves only 2' on either side), it appears is will be necessary to add a "sidewalk easement" along the east side of S. 75th E. Ave., along with appropriate language in the Deed of Dedication/Restrictive Covenants specifying that the lot owners collectively, or the affected lots owner individually, are responsible for their maintenance. Alternatively, the plat may dedicate additional width to the 30' current right-of-way width on the subject property side to accommodate the sidewalk.

Response: Text added to that the sidewalk adjacent to S. 75 E. Ave. shall be in a designated sidewalk easement. There is not a right-of-way for S.75th E. Ave. and the expansion of the reserve area would required the involvement of several Woodcreek Village Amended residents. Therefore, a sidewalk easement shall be platted. Subject easement is now shown on PUD exhibits.

20. Development Standards Section V, Traffic and Transportation – includes language describing parking, which would logically belong under a "Parking" or similarly-titled section. Language states "Since the parking spaces are for the common use of all buildings," but this arrangement does not appear to be provided for elsewhere in the PUD. Reference mutual parking privileges and other parking-related recommendations in this report.

Response: Paragraph title changed to more correctly describe the text.

21. Development Standards Section V, Traffic and Transportation – please describe changes in LNA and Access Openings from as currently platted with *Woodcreek Village Amended* and as proposed with this development.

Response: Text added to PUD describing 'limits of access' as requested. The City Engineer and the County Engineer have approved this access as shown.

22. Development Standards Section VII, Site Plan Review – Staff recommends specifying that the developer must submit an overall Detailed Site Plan, or each individual lot must be approved for a Detailed Site Plan in accordance with the standards provided in this PUD prior to issuing a building permit for that lot.

Response: Text revised to include detail lighting plan and detail landscape to be submitted with the detail site plan for the whole development.

23. Exhibits: Building sizes and setbacks need to be dimensioned on the site plans, so that math, scaling the site plan, and/or "guesstimation" are not required for zoning, Fire Marshal, and City Engineer review. Site plan can be qualified as "conceptual only" as needed.

Response: Dimensions added to exhibits as requested.

24. Exhibits need to represent all abutting public and private street widths and street centerlines, and dimension Mutual Access Easements. MAEs need to qualified as "proposed by plat" or as otherwise appropriate.

Response: Information added to exhibits as requested.

25. Exhibits need to be corrected to reflect that there is a 25' (not 20') setback from 75th E. Ave. per the plat of *Woodcreek Village Amended*.

Response: Exhibit revised as requested.

26. Exhibits need to point to the project's location in the Location Map.

Response: Exhibit revised as requested.

27. Exhibits need their Location Maps to accurately represent the following subdivisions:

- a. *Resubdivision of Lots 3 and 4 of Bixby Commons* (missing)
- b. *The Links at Bixby* (misrepresented as to configuration)
- c. *The Estates of Graystone* (mislabeled)
- d. *Amended Plat of Block 7, North Heights Addition* (mislabeled)

Response: Location map revised as requested.

28. Exhibits need to be corrected to reflect at least one (1) ADA accessible parking space on Lot 8.

Response: Parking lot revised as requested.

29. Exhibits: ADA requires handicapped-accessible parking spaces at a 1:25 ratio. There are three (3) parking lot areas, but some parking areas are divided onto multiple lots. Consult with the Building Inspector to confirm the number and location of ADA parking spaces complies with ADA standards. ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces. Please indicate which spaces will be of van-accessible design in compliance with ADA standards and please provide a detail diagram demonstrating compliance with applicable standards,

Mr. Erik Enyart
April 17, 2013
Page 8

including both ADA and Bixby Zoning Code standards (see striping standards of Figure 3 in Section 11-10-4.C). The designer should consult with the Building Inspector to confirm the plans will comply with ADA standards.

Response: Building Inspector contacted as requested. Exhibits have been designated as conceptual as suggested. More detail of parking striping will be provided on the Detail Site Plan.

30. Exhibit B Landscape Concept: Add to Required Landscape Summary something general speaking to the minimum required landscaping tree requirement such as, "1 Tree per 1,000 square feet of Street Yard area and 1 Tree per 1,000 square feet of Zoning Setback area."

Response: Exhibit revised as requested. Landscape Buffer requirements added to Section II.

31. A corrected PUD text and exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD (2 hard copies and 1 PDF).

Response: Acknowledged.

Thank you for your time. Please contact us with any questions or comments.

Sincerely,
SACK AND ASSOCIATES, INC.


Mark B. Capron
Project Manager

Cc: New WoodMere Properties

MBC:mbc

F8-44A (09)
1713.02

48

Placeholder
for PUD Not fully
reproduced
here

Woodcreek Office Park

City of Bixby, Tulsa County, Oklahoma
PUD Major Amendment
Planned Unit Development Number 47-C
April 2013

Prepared For:
81st and Memorial LLC
6528 D-1 East 101st Street, 409
Tulsa, Ok 74133

CITY OF BIXBY

APR. 18 2013

RECEIVED

By Enyerb

Prepared By:



SACK AND ASSOCIATES, INC.

3530 East 31st Street South, Suite A, Tulsa, Oklahoma 74135-1519
Ph: 918.592.4111 Fax: 918.592.4229 E-mail: sai@sackandassociates.com
CA Number 1783 (PE/LS) and 1462 (LA)

49

ID
 1/2" SIGNAL
 1/2" CONTROL
 1/2" SIDE
 1/2" FACE
 1/2" FEED
 1/2" HANDLE
 1/2" WHEEL
 1/2" WALK
 1/2" METEOR
 1/2" POLE
 1/2" GATE
 1/2" 5
 1/2" 10

ZONING:
 RUD-63 (CS ZONING)

PARKING:

REGULAR (ONSITE)	REQUIRED	PROVIDED
ACCESSIBLE	24 SPACES	32 SPACES
TOTAL	1 SPACES	2 SPACES
	25 SPACES	34 SPACES

EXISTING CONDITIONS:

PERVIOUS AREA:	37,569.8 S.F.	0.862 ACRES
BUILDING:	0.0 S.F.	0.000 ACRES
PAVEMENT:	3,214.2 S.F.	0.074 ACRES
TOTAL IMPERVIOUS:	3,214.2 S.F.	0.074 ACRES
TOTAL SITE AREA:	40,784.0 S.F.	0.936 ACRES

POST-CONSTRUCTION CONDITIONS:

PERVIOUS AREA:	8,183.3 S.F.	0.188 ACRES
BUILDING:	3,813.0 S.F.	0.083 ACRES
PAVEMENT:	28,987.7 S.F.	0.665 ACRES
IMPERVIOUS AREA:	32,800.7 S.F.	0.748 ACRES
TOTAL SITE AREA:	40,784.0 S.F.	0.936 ACRES
IMPERVIOUS INCREASE:	29,386.5 S.F.	0.675 ACRES

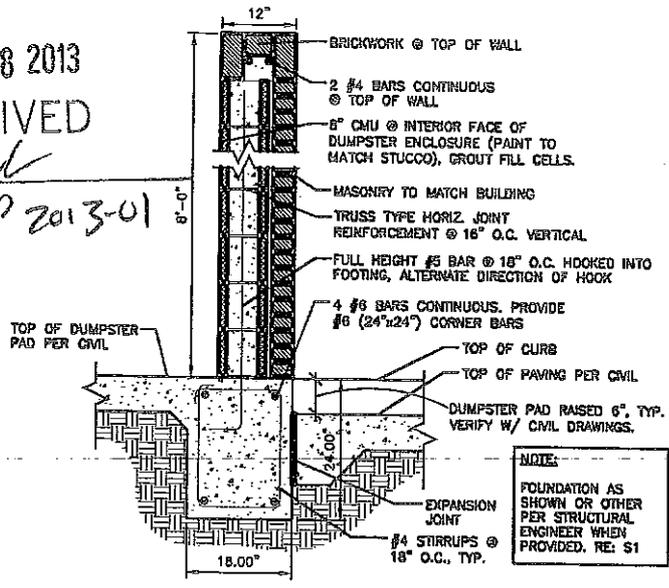
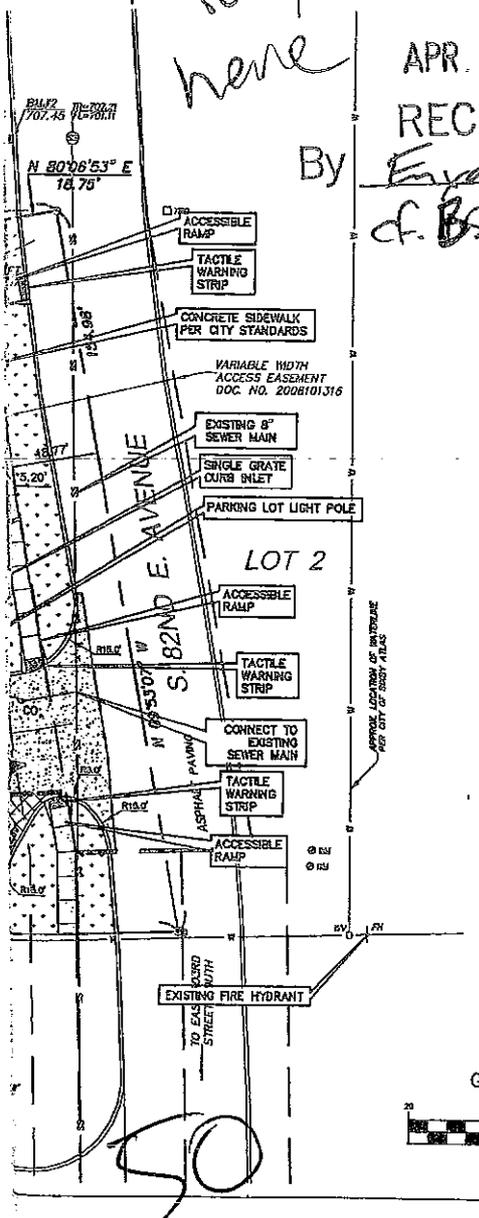
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 site plans not
 fully reproduced
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CITY OF BIXBY

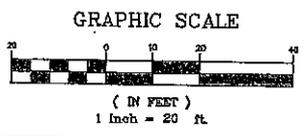
APR. 18 2013
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 By *Erin*
 cf. BSP 2013-01

GENERAL SITE CONSTRUCTION NOTES:

1. ALL WORK PERFORMED AND MATERIALS SUPPLIED SHALL CONFORM TO THE PLANS AND/OR PROJECT SPECIFICATIONS. ANY WORK NOT COVERED, THE PLANS OR SPECIFICATIONS SHALL CONFORM TO THE CITY'S "STANDARD SPECIFICATIONS FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS."
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ALL UTILITY COMPANIES AND GOVERNMENTAL AGENCIES WHO MIGHT HAVE UTILITY LINES ON OR ABOUT THE PREMISES, OR WHO MIGHT BE AFFECTED BY THE CONSTRUCTION. THE CONTRACTOR SHALL ALSO COORDINATE HIS ACTIVITIES WITH THE UTILITY COMPANIES TO ENSURE COMPLIANCE WITH THE PROJECT SCHEDULE. THE CONTRACTOR SHALL MAKE EVERY EFFORT TO PROTECT EXISTING UTILITY LINES, AND SHALL REPAIR ANY DAMAGES AT HIS OWN EXPENSE.
3. UNLESS OTHERWISE SPECIFIED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS OWN CONSTRUCTION STAKING.
4. ALL SIGNS, PAVEMENT MARKINGS, AND OTHER TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION. ALL PAVEMENT STRIPING SHALL BE FOUR (4) INCHES WIDE, UNLESS SHOWN OTHERWISE ON THE PLANS.
5. IN AREAS WHERE CONCRETE PAVING IS TO ABUT EXISTING PAVING, THE CONTRACTOR SHALL CONSTRUCT A THICKENED EDGE IN THE CONCRETE.
6. ALL PAVEMENT REMOVAL CONTIGUOUS TO PAVEMENT REMAINING, SHALL BE SAW CUT IN STRAIGHT LINE TO THE FULL DEPTH OF THE EXISTING PAVEMENT. ALL DEBRIS FROM REMOVAL OPERATIONS SHALL BE REMOVED FROM THE SITE AT THE TIME OF EXCAVATION. STOCKPILING OF DEBRIS WILL NOT BE PERMITTED.
7. UNLESS OTHERWISE STATED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TESTING. THE SOILS LABORATORY SHALL DETERMINE THE SUITABILITY OF EXISTING ON SITE MATERIAL PRIOR TO BEGINNING ANY FILL OPERATIONS.
8. THE CONTRACTOR SHALL PROVIDE A MEDIUM BROOM FINISH ON ALL CONCRETE WALKS, RAMPS AND PAVING SURFACES.
9. UPON COMPLETION OF WORK, THE CONTRACTOR SHALL BE RESPONSIBLE FOR BACK FILLING ALL ISLANDS, BEHIND CURBS AND ALL OTHER AREAS TO BE LANDSCAPED, WITH A MINIMUM 4" DEPTH OF TOPSOIL. THE CONTRACTOR SHALL FURTHER BE RESPONSIBLE FOR SEEDING AND/OR SLAB SOODING AS DIRECTED BY THE OWNER.
10. MAINTENANCE OF SEEDED AND SOODED AREAS SHALL INCLUDE ALL NECESSARY FERTILIZATION AND WATERING UNTIL SUCH TIME AS PROPER VEGETATION AND ROOT GROWTH IS ESTABLISHED.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ERECTING AND MAINTAINING BARRICADES AND OTHER TRAFFIC CONTROL DEVICES AS NECESSARY AROUND THE PERIMETER.
12. CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL SIDEWALKS AND ACCESSIBLE RAMPS ARE IN COMPLIANCE WITH THE ADAAG (28 CFR PART 37) REGULATIONS. CONTRACTOR SHALL NOTIFY THE ENGINEER OR ENGINEER'S DESIGNER OF ANY DISCREPANCIES BETWEEN DESIGN INFORMATION AND THE ADAAG REGULATIONS PRIOR TO CONSTRUCTION.
13. REFER TO ARCHITECTURAL DRAWINGS FOR ACTUAL BUILDING DIMENSIONS.
14. DIMENSIONS SHOWN ARE TO FACE OF CURB.



DRAINAGE AND DETENTION NOTE:
 STORM DRAIN RUN-OFF AND DETENTION HAS BEEN ACCOUNTED FOR IN THE DESIGN AND CONSTRUCTION OF THE DETENTION FACILITIES FOR ALL OF 101 SOUTH MEMORIAL PLAZA. REFER TO PPPI PLANS FOR 101ST & MEMORIAL DATED JULY 23, 2009 BY SACK AND ASSOCIATES.



SMITH ROBERTS BALDISCHWILER, LLC
 engineering, surveying, planning

OKLAHOMA CITY OFFICE: 101 W. 3rd Street, Oklahoma City, OK 73102
 Telephone: (405) 810-7094 Fax: (405) 810-9115

CHICKASHA OFFICE: 101 S. 2nd Street, Chickasha, OK 73018
 Telephone: (405) 224-1444 Fax: (405) 224-1443

TULSA OFFICE: 1601 S. Main Street, Ste. 200, Tulsa, OK 74119
 Telephone: (918) 893-7000 Fax: (918) 893-7872

CERTIFICATE OF AUTHORIZATION NO. 3949 EXPIRES JUNE 30, 2013



Store Support Office
 5600 TENNYSON PARKWAY, STE 200
 Tulsa, OK 74119
 Phone: 918.769.3357 Fax: 918.769.3101

Proposed Store:
Raising Cane's
 Site Sketch
 10255 S MEMORIAL DR
 BIXBY, OK 74133

Prototype 2



CSR, Inc.
 6767 Perkins Road Suite 200 Baton Rouge, LA 70808
 Telephone: 225.769.0546 Fax: 225.767.0060
 www.csrsonline.com

Site Data:

Zoning	CS
Setbacks	Front: - Side: - Rear: -
Flood Zone	Zone: -
B.F.E	To be determined

Statistics:

Total area	40,785
Parking Spaces	37
Required Spaces	37
Drive-Thru stack	-

SITE PLAN

Date: MARCH 26, 2013
 Revised: -
 Scale: -

Drawn By: MDE
 113944

Sheet Number:

C1



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: Friday, April 26, 2013
RE: Report and Recommendations for:
PUD 77 – “Byrnes Mini-Storages” – JR Donelson, Inc., and
BZ-365 – William W. Wilson for Helene V. Byrnes Foundation

(NOTE: BCPA-9 and BZ-365 concern 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*

BCPA-9/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
BCPA-9/BZ-365: approximately 2.9 acres in two (2) tracts

EXISTING ZONING:

PUD 77: AG Agricultural District/PUD 29A & RS-2 Residential Single-Family District
BCPA-9/BZ-365: AG Agricultural District/PUD 29A

EXISTING USE:

- PUD 77: A soccer practice field and a single-family dwelling with accessory building
- BCPA-9/BZ-365: A soccer practice field and a residential accessory building

REQUESTED ZONING: OL Office Low Intensity District & PUD 77 (existing RS-2 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 and AG and the PUD 68 "North Bixby Commerce Park" pending development on a 16-acre tract, a drainage channel, and residential homes in *Houser Addition*. To the northwest at 12113 S. Memorial Dr. is the *Spartan Self Storage* ministorage development on an unplatted 1-acre tract zoned CS, and commercial development in *121st Center*.
- South: RS-1 & RS-2; Single-family residential zoned RS-1 in *Gre-Mac Acres* along 124th St. S. and RS-2 in *Southern Memorial Acres No. 2*.
- East: RS-2; Single-family residential in *Southern Memorial Acres No. 2*.
- West: CS/PUD 29-A; *The Boardwalk on Memorial* shopping center and Memorial Dr.

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

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

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

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

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

Final Plat of The Boardwalk on Memorial: Request for Final Plat approval for part of subject property – Recommended for Approval by PC 11/21/2005 and Approved by City Council 11/28/2005.

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

52

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

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

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

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

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

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

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

RELEVANT AREA CASE HISTORY: (Not a complete list)

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

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

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

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

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for a multiple-use development, including ministorage, on 92 acres located approximately 1/3 of a mile west of subject property – PC recommended Conditional Approval 02/27/2013 and City Council Approved 03/25/2013 (Ord. # 2116).

Preliminary Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for Preliminary Plat approval for a multiple-use development, including ministorage, on 92 acres located approximately 1/3 of a mile west of subject property – PC recommended Conditional Approval 03/18/2013 and City Council Conditionally Approved 03/25/2013 (Ord. # 2116).

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

BACKGROUND INFORMATION:

History of the Applications. When beginning the review of PUD 77 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 consented to the Continuance to the April Regular Meeting. On March 18, 2013, the Planning Commission Continued both cases to the April 15, 2013 Regular Meeting.

BCPA-9 was submitted and advertised for the April 15, 2013 Regular Meeting, and is covered by this Staff Report.

At the TAC meeting held March 04, 2013, Staff discussed with the developer and developer’s agent JR Donelson some of the issues presented by the original proposal to build ministorage

buildings on the north and south property lines. Upon further reflection, Staff advised the Applicant by email on March 08, 2013 that this situation will apparently create need to secure easements from the adjoining property owners:

1. Temporary construction easement (or license) to allow construction activities that marginally fall on the adjoining properties during the erection of the buildings and installation of masonry facades
2. Permanent easement for building wall maintenance (repair, painting, repointing/"tuck-pointing," cleaning, etc.)

Securing multiple easements would be a significant issue to undertake, and considering the number of residential property owners abutting the south side of the property, may be nearly impossible to completely secure.

In addition to the other issues noted at the TAC meeting and the above, there may be other consequences 0' setback building may present that Staff has not yet considered due to there being no local experience with such a situation where a commercial building would be built on a residential property line. Zero-lot-line developments are typically residential (townhouses, etc.) or downtown/storefront-style buildings, the latter which are not constructed locally anymore. In those cases, residential abuts residential, and commercial abuts commercial. Staff requested input from Tulsa area community planners, and received many comments, but none of them provided insight into the question of construction or maintenance easements for 0' setback situations, or alternative solutions or new issues this would present.

Given:

1. 170' lot width
2. 30' minimum spacing between buildings
3. 70' desired main building with (20' exterior access, 10' interior access, 10' internal walking corridor, 10' interior access, 20' exterior access)
4. 20' desired south line building (10' X 20' storage units)
5. 20' desired north line building (10' X 20' storage units),

It appears that any setback along the south line would not allow all three (3) buildings to be in their current configurations. The modular pre-fabricated storage buildings come in 10' X 10' increments. That would appear to require reducing one (1) tier of exterior access units from 20' to 10' in depth. Other than reducing the building with, the only other flexibility would come from reducing drive(s), which is subject to the review and approval of the Fire Marshal.

JR Donelson, Bill Wilson, Fire Code Enforcement Official Jim Sweeden, and City Planner Erik Enyart met on April 02, 2013, to discuss this situation and options. It was determined that the Zoning Code's 30' minimum separation between buildings was intended to allow turning movements for fire apparatuses within the site. Upon agreement in the meeting, the southerly east-west drive was enhanced with an additional gate at its west end, allowing for a singular drive with no required turning movements from east to west ends. This allowed the reduction in the drive width from 30' to 26', with the 4' to be applied along the south line as the building setback. Per the Fire Marshal, the full 26' drive width is required to be carried through to 85th

Pl. E. The northernmost buildings continue to be proposed on the northerly property line, with expectation that the property owner will be able to secure easement or other legal permission to allow temporary construction activities and future building wall maintenance as described above. As of the date of this report, documentation regarding easement or other legal permission has not been received.

Staff encourages the revision adding a 4' setback from the southerly property line of Development Area A ("DA A"), as a 0' commercial building setback from single-family residential properties was problematic for several reasons. Further, the 4' setback, as per statements by the Applicant in the April 02, 2013 meeting with Staff, would allow for the several existing mature trees along the fenceline to be preserved. Installing a required fence or redesigning the site in accordance with the Zoning Code requirements, which would normally result in an internal drive constructed here (which has no required setback) would result in the loss of these trees. To ensure this design element is incorporated in this PUD, Staff recommends adding a 4'-wide "Existing Tree Preservation and Landscaping Easement" along the entirety of the south line of DA A, as per other recommendations in this report. Due to the 4' building-to-property line proximity and the intent to use materials required by the Zoning Code, the building wall is proposed to serve as the screening fence along this south property line. Staff has reservations about the proposed use of "stamped concrete to resemble brick." Unless the Planning Commission and City Council can be convinced that the "stamped concrete" will be consistent in quality in terms of appearance and resistance to weathering, cracking, and fading, Staff recommends actual brick be used along the south line, in respect to the residential neighborhood. This also applies to the east end of the southernmost building, which appears to be approximately 5' from the west/rear yard line of the residential Lot 12, Block 2, *Southern Memorial Acres No. 2*, rather than having the 10' setback required.

While resuming the review of PUD 77 on April 05, 2013, Staff found that the PUD proposed a maximum floor area of 40,000 square feet, which would be an effective FAR of 0.33. Staff calculated the proposed square footage based on the site plan, at 57,500 square feet, which is an FAR of 0.47. The maximum allowable in the OL district is 0.30, but it may be increased to 0.40 by Special Exception (or PUD, in this case). In response, on April 09, 2013, the Applicant submitted a revised PUD removing certain portions of building areas as originally proposed. The revised plan now proposes approximately 47,600 square feet, an FAR of 0.39, which may be allowed by this PUD.

As requested by the Applicant, this PUD was Continued from the April 15, 2013 Regular Meeting to this May 02, 2013 Special Meeting agenda. This report has been updated to reflect changes made to the PUD, received on the date of this report, April 26, 2013. The name of the PUD was changed from "Byrnes Mini-Storage" to "Byrnes Mini-Storages." In the interest of time, Staff has dispensed with the customary detailed re-review of the report for resolution of internal inconsistencies, and focused most attention to the recommended corrections, modifications, and Conditions of Approval.

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 77 in support of BCPA-9 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, BCPA-5 and BCPA-6 in 2011, and BCPA-7 and BCPA-8 in 2012, and all of these have been done in this amendment case as well.

ANALYSIS:

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

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

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

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

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

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Low Intensity and (2) Residential Area. BCPA-9 requests removal of Residential Area specific land use designation, to allow Development Area A to be rezoned to OL and be developed with a ministorage business.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that OL zoning *May Be Found In Accordance* with the Low Intensity designations of the Comprehensive Plan Land Use Map.

Page 7, item numbered I 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.

If approved to remove the Residential Area specific land use designation, BCPA-9 would not confer a new one.

Per the Matrix, PUDs (as a zoning district) are *In Accordance* or *May Be Found In Accordance* with all designations of the Comprehensive Plan Land Use Map, and thus PUD 77 would be *In Accordance* with the Comprehensive Plan as a zoning district.

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 ministorage 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 essentially three (3) rows of ministorage buildings, with internal drives connecting them. Primary access would be through an "Existing 25' Access Easement" through the Boardwalk on Memorial shopping center parking lot. The entrance will be gated past the leasing office and parking area. Secondary, emergency-only ingress/egress would be through a driveway connecting the southeast corner of Development Area A through the south/west side of the residential lot to S. 85th E. Pl. Per revised plans received April 09, 2013, another emergency-only gated entrance will be installed at the west end of the southerly drive in Development Area A, to allow a "straight shot" drive to the emergency-only ingress/egress at the southeast corner of the PUD. This revision will allow the reduction in the 30' minimum building spacing for that drive only per the Fire Marshal, since the 30' spacing between buildings is primarily to ensure adequate spacing for fire apparatus turning movements and thus, removing the need for turning movements from that drive reduces the drive width requirement.

For stormwater drainage and detention purposes, a stormwater detention pond will be constructed at the northeast corner of DA A. This will, in turn, drain into the un-named upstream tributary of Fry Creek # 1.

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 77 at its regular meeting held March 04, 2013. Minutes of that meeting are attached to this report.

Access. The proposed internal automobile traffic and pedestrian flow and circulation and parking can be inferred from the provided site plans.

Development Area A is "landlocked," having no frontage on a dedicated and built public street. Access will be provided by means of Mutual Access Easements from adjoining lots with public street frontage and between lots within the development.

The development is planned to have two (2) means of ingress / egress through *The Boardwalk on Memorial* shopping center, which will lead to two (2) entrances / gates at the west end of DA A. The routes as planned for the two (2) drives through the shopping center must be legally provided by dedication of Mutual Access Easement(s). The Applicant needs to provide in the appropriate section of the Text a timeline for the dedication or a citation of Document # where such easement(s) is/are recorded.

The two (2) Mutual Access Easements to connect and allow cross access between proposed Lots 1 and 2, Block 1, "Byrnes Mini-Storages," must be represented on the Exhibit A "Preliminary Plat" and other Exhibits as appropriate.

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

Development Area A has frontage on the northerly dead-end of S. 85th E. Ave., a half-street platted in *Gre-Mac Acres* but not built. The PUD Text needs to specify that access to this platted right-of-way will not be allowed within this PUD.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily CS, OL, AG, RS-1, and RS-2.

To the north is a single-family residence on a 7-acre tract zoned OL and AG, the PUD 68 "North Bixby Commerce Park" pending development on a 16-acre tract with underlying zoning CS and OL, a drainage channel, and residential homes in *Houser Addition* zoned RS-1. "North Bixby Commerce Park" consisted of (1) a ministorage development on the southerly approximately 8 acres, a "trade center" / "office-warehouse" development on the middle approximately 5 acres, and a retail commercial site on the balance of the acreage at its north end along 121st St. S. Thus, the City of Bixby has recently approved OL zoning and ministorage development for the tract abutting to the north, similar to the present applications. To the northwest at 12113 S. Memorial Dr. is the *Spartan Self Storage*, a 1-acre ministorage

60

development which appears to have 0' setbacks along the north/side, east/rear, and south/side property lines. The Tulsa County Assessor's parcel records indicate the facility was constructed in 1998.

The *The Boardwalk on Memorial* shopping center to the west is zoned CS/PUD 29-A, and Memorial Dr. is further west zoned CS and CG. On March 25, 2013, the City Council Approved/Conditionally approved PUD 76, CG zoning per BZ-364, and a Preliminary Plat of "Scenic Village Park," a multiple-use development, including ministorage, on 92 acres located approximately 1/3 of a mile west of subject property.

South and east of the subject property is single-family residential zoned RS-1 in *Gre-Mac Acres* along 124th St. S. and RS-2 in *Southern Memorial Acres No. 2*. Care must be applied when allowing the non-residential zoning and ministorage business land use to abut residential zoning and land use.

The requested OL zoning would be a logical extension of the two (2) established OL districts to the north, one (1) of which is abutting. Further, the location of BZ-365 would place the OL district between CS districts abutting to the north and west and the RS districts abutting to the south and east, and so the OL could serve as a buffer zoning district between CS and RS. OL zoning is the lowest-intensity non-residential district available in the City of Bixby, and is commonly used as a buffer zoning district between higher-intensity uses and residential districts. Ministorage itself is commonly used as a buffer land use between higher intensity uses and residential districts.

Recognizing its landlocked position and long and narrow tract configuration, Staff believes that the location and configuration of Development Area A and the character surrounding area satisfactorily meet the expectations of Zoning Code Section 11-9-16.C.13 for ministorage developments.

Therefore, Staff is supportive of BCPA-9 and OL zoning as requested by BZ-365, as refined by PUD 77. Staff has certain recommendations as to the specifics of PUD 77 to enhance the compatibility of the development with the residential neighborhood to the south and east, listed in the Staff Recommendation section of this report.

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

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested amendment 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. Please secure and submit easements (or other acceptable form of legal agreement) to allow incidental construction activities and future building wall maintenance activities on the two (2) parcels adjoining to the north, to allow the buildings to be constructed on the north property line.
3. Please submit clear and compelling information on what the building wall would look like on the south side, as facing the residential homes, in order to not have to install a screening fence along the south line, 4’ from the building. A note on site plan states “Back wall of building to be stamped concrete to resemble brick.” This needs to be operationalized by placing text into the Development Standards for DA A. Further, please submit an example or exhibit of the “stamped concrete” actually proposed, for the review and approval of the Planning Commission and City Council. Unless the Planning Commission and City Council can be convinced that the “stamped concrete” will be consistent in quality in terms of appearance and resistance to weathering, cracking, and fading, Staff recommends actual brick be used along the south line, in respect to the residential neighborhood. This also applies to the east end of the southernmost building, which appears to be approximately 5’ from the west/rear yard line of the residential Lot 12, Block 2, *Southern Memorial Acres No. 2*.

In the PUD received April 26, 2013, certain standards have been proposed but which are not fully consistent with Staff’s recommendations. Reconciliation is recommended.

62

4. In addition to the southerly property line as discussed elsewhere, Zoning Code Section 11-9-16.C.3, the masonry building wall and screening fence requirements would appear to apply to:
 - a. The north building wall of the northernmost buildings (to the extent adjoining OL zoning, and potentially visible from RS-1 zoning in *Houser Addition*),
 - b. The north property line (to the extent adjoining OL zoning, and potentially visible from RS-1 zoning in *Houser Addition*),
 - c. The east property line (adjoining RS-2 zoning),
 - d. The east-facing ends of three (3) easternmost buildings (adjoining RS-2 zoning).
 - e. The west-facing ends of three (3) westernmost buildings (visible from RS-2 zoning).
 The PUD Text needs to list and describe building wall and screening fence materials to be applied to each of the above, and the same need to be labeled on the appropriate Exhibit(s).

In the PUD received April 26, 2013, certain standards have been proposed but which are not fully consistent with Staff's recommendations. Reconciliation is recommended.

5. The modular pre-fabricated storage buildings come in 10' X 10' increments. Please confirm that these dimensions incorporate the thickness of exteriorly-applied siding materials (masonry or "stamped concrete" tilt-up panels, etc.), or adjust site plans as necessary. For the sake of the residential properties to the south and the other reasons expressed elsewhere in this report, Staff is not supportive of reducing the setback from the south line less than 4' as currently proposed.
6. The PUD needs to specify that the existing U/Es will be vacated, and the Applicant will request a Modification/Waiver of the 17.5' Perimeter U/E requirement when platting, and specify to propose, in lieu thereof, a U/E between the northernmost buildings to allow the waterline loop, and future utilities as may be necessary.
7. "Roadway Easement" granted from Gail & John Horne to The Helene V. Byrnes Foundation, Document # 2013018388, recorded 02/22/2013, grants easement over "The Northwesterly 15 feet" of Lot 12. Based on its representation on the provided exhibits, it is assumed to have meant the "Northeasterly 15 feet." Otherwise, the described area may be a pie-shaped piece extending southeasterly from the northwest corner of said Lot 12, which may not allow for the emergency-only 26'-wide drive as shown on the plans. Please clarify and/or correct easement if/as needed.
8. Page 2, DA B Minimum Building Setbacks: Zoning Code citation needs to use a period instead of a colon to remove ambiguity.
9. Page 3, Section C.1.a: First sentence wording suggests a screening fence will be installed along the north line. Please clarify.
10. Page 3, Section C.1.a: Staff recommends adding a 4'-wide "Existing Tree Preservation and Landscaping Easement" along the entirety of the south line of DA A, as per other recommendations in this report. Please add this to the narrative here, stating that all existing mature trees of a certain minimum caliper (and define same) within the 4' easement will be preserved, or replaced through time at a 2:1 ratio, and new landscaping will be planted, spaced X' (20' maximum) on center, for areas currently containing no trees, in consideration of the requested removal of the requirement for a screening fence along the south property line of DA A. Describe what new landscaping will be installed, which must be found satisfactory to the Planning Commission and City Council. Specify that the new landscaping will be replaced through time at a 1:1 ratio.

Describe how new landscaping will be irrigated and how the minimum "drip line" requirements of the landscaping chapter of the Zoning Code will be met, at least in spirit and intent.

In the PUD received April 26, 2013, certain standards have been proposed but which are not fully consistent with Staff's recommendations. Reconciliation is recommended.

11. Page 3, Section C.1: Please quantify how much landscaping will be proposed for which property lines (landscaped strip widths, landscaped areas, and tree counts), recognizing the following minimum setbacks/minimum required landscaped areas and landscaping tree requirements as per Zoning Code Sections 11-7I-5.E and 11-7C-4 Table 3 and this PUD:
- The west approximately 68' of the north line of DA A abutting AG zoning has a 10' setback therefrom (680 square feet = 1 landscaping tree; 15% of this area must be landscaped).
 - The East Line of DA A, abutting RS-2 zoning for a distance of 170', has a 10' setback therefrom (1,700 square feet = 2 landscaping trees; 15% of this area must be landscaped).
 - The South Line of DA A, abutting RS-1 zoning for a distance of approximately 723.74', has a 10' setback therefrom (7,237.4 square feet = 8 landscaping trees; 15% of this area must be landscaped).
 - The 170'-long West Line of DA A has a 15' setback therefrom (2,550 square feet = 3 landscaping trees; 15% of this area must be landscaped).

Any proposed reductions from the above must be spelled out and approved as a part of this PUD and the same must be compensated for by alternative landscape plans, in recognition of Zoning Code Section 11-7I-5.E. Recognizing that this PUD, as proposed, grants flexibility from the setbacks per a., b., and c. and from the screening fence requirement for ministorage uses along the north and south lines of DA A, the proposed standards should demonstrate that the combination of existing tree preservation and new tree plantings will be more than the minimum standards as would otherwise be required.

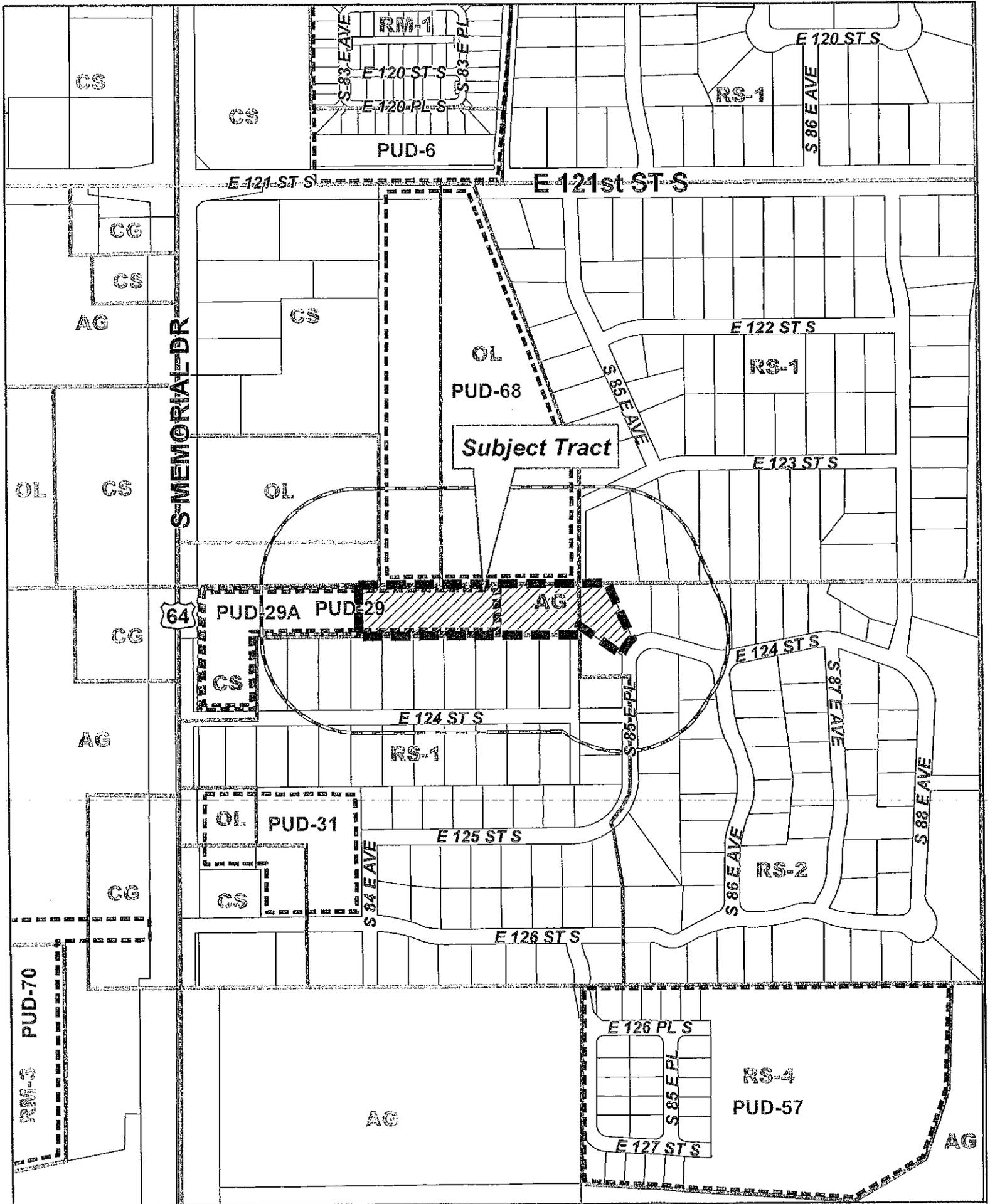
~~In the PUD received April 26, 2013, certain standards have been proposed but which are not fully consistent with Staff's recommendations. Reconciliation is recommended.~~

12. Page 3, Section C.2.a: Please specify that the one (1) "ground monument sign" "shall" not exceed 15' in height (used term "will" connotes intent at this point in time, and does not clearly have obligatory effect in this context).
13. Page 4, Section C.7 Access, Circulation and Parking: Describe plans for access such as identified in this analysis:
- The gated emergency-only ingress/egress through Lot 11, Block 2, *Southern Memorial Acres No. 2* to S. 85th Pl. E., to include
 - Whether and to what extent that 26'-wide drive will fall on Lot 12, Block 2, *Southern Memorial Acres No. 2*, and
 - If the "Roadway Easement" on Lot 12, Block 2, *Southern Memorial Acres No. 2* was adequately described therein or requires amendment.
14. Exhibits A, B, F, & G: Please represent and label existing U/Es (with notation that same are subject to being vacated) and proposed new U/E (see related review item).
15. Exhibit A "Preliminary Plat": Approval of Exhibit A as a part of this PUD, though titled "Preliminary Plat," would not constitute the approval of an application for

64

Preliminary Plat of "Byrnes Mini-Storages," which will require submission of an application and a full review for Preliminary Plat approval. Staff has not reviewed Exhibit A fully as if it were a Preliminary Plat.

16. Exhibit B: Please dimension existing and proposed setbacks as follows:
 - a. Three (3) westernmost buildings from the west property line.
 - b. Northernmost two (2) buildings from the east line of proposed Lot 1, Block 1, "Byrnes Mini-Storages."
 - c. Southernmost building from the east line of proposed Lot 2, Block 1, "Byrnes Mini-Storages."
 - d. House in Development Area B / proposed Lot 3, Block 1, "Byrnes Mini-Storages" from (at a minimum) front, northeast/side, and 135'-wide west/rear property lines.
17. Exhibit B: Please label Development Areas as stated in Introduction section on page 1.
18. Exhibit B: Please label proposed fence height and materials as per other recommendations in this report. Fence notation completely missing at southwest corner of DA A.
19. Exhibit C: Please restore PUD name or add PUD #.
20. Exhibit G: Please confirm all existing trees of a certain minimum caliper (must be defined) are represented within X' (4' minimum) north and south of the south line of DA A and represent any currently missing. Aerial and satellite imagery indicate several other trees than are represented on the exhibit, but their sizes are not known.
21. 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.
22. 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).



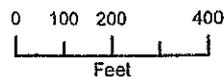
66

300' Radius



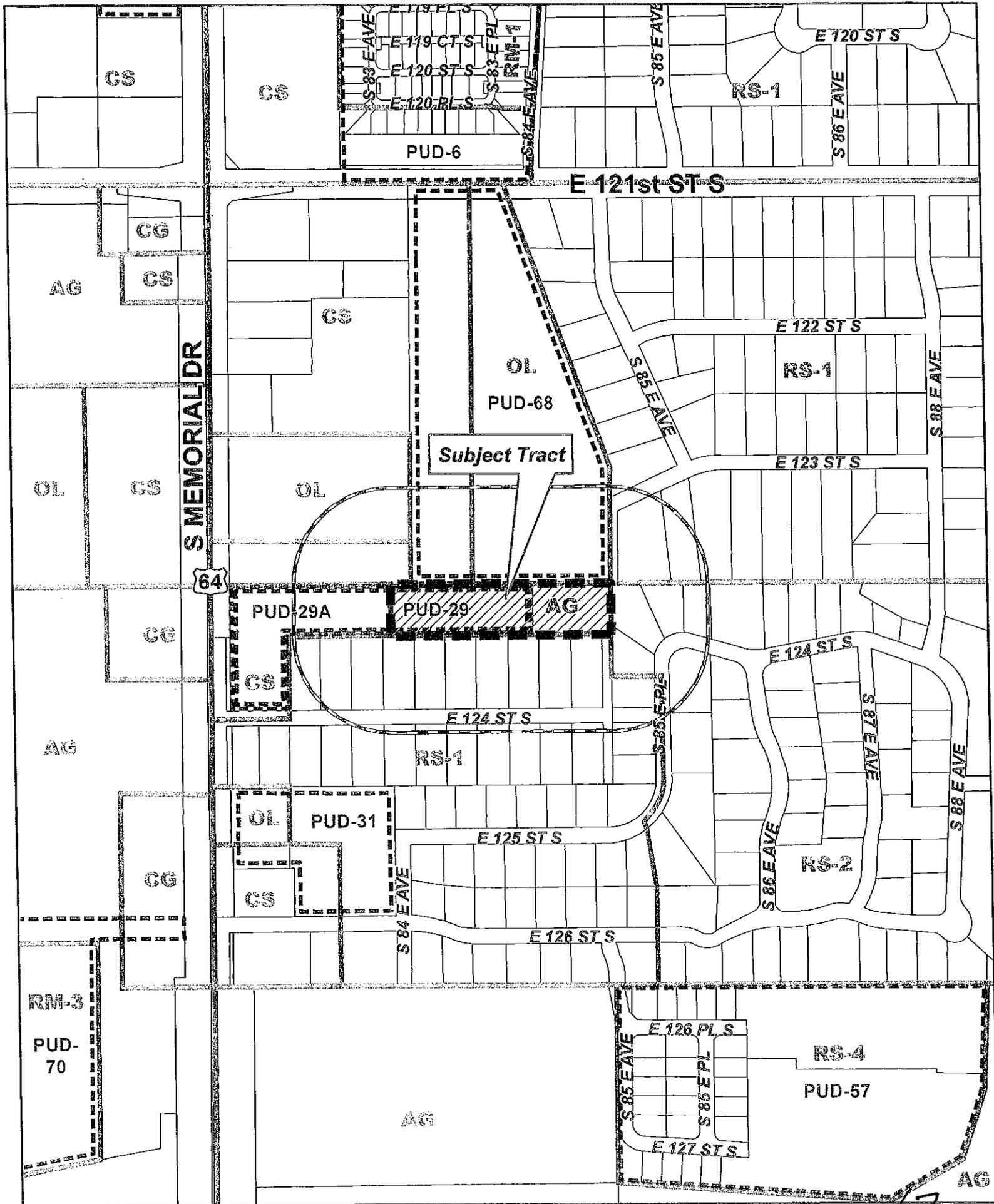
Subject Tract

PUD-77



01 17-13





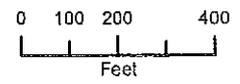
Subject Tract

MEMORIAL DR

64

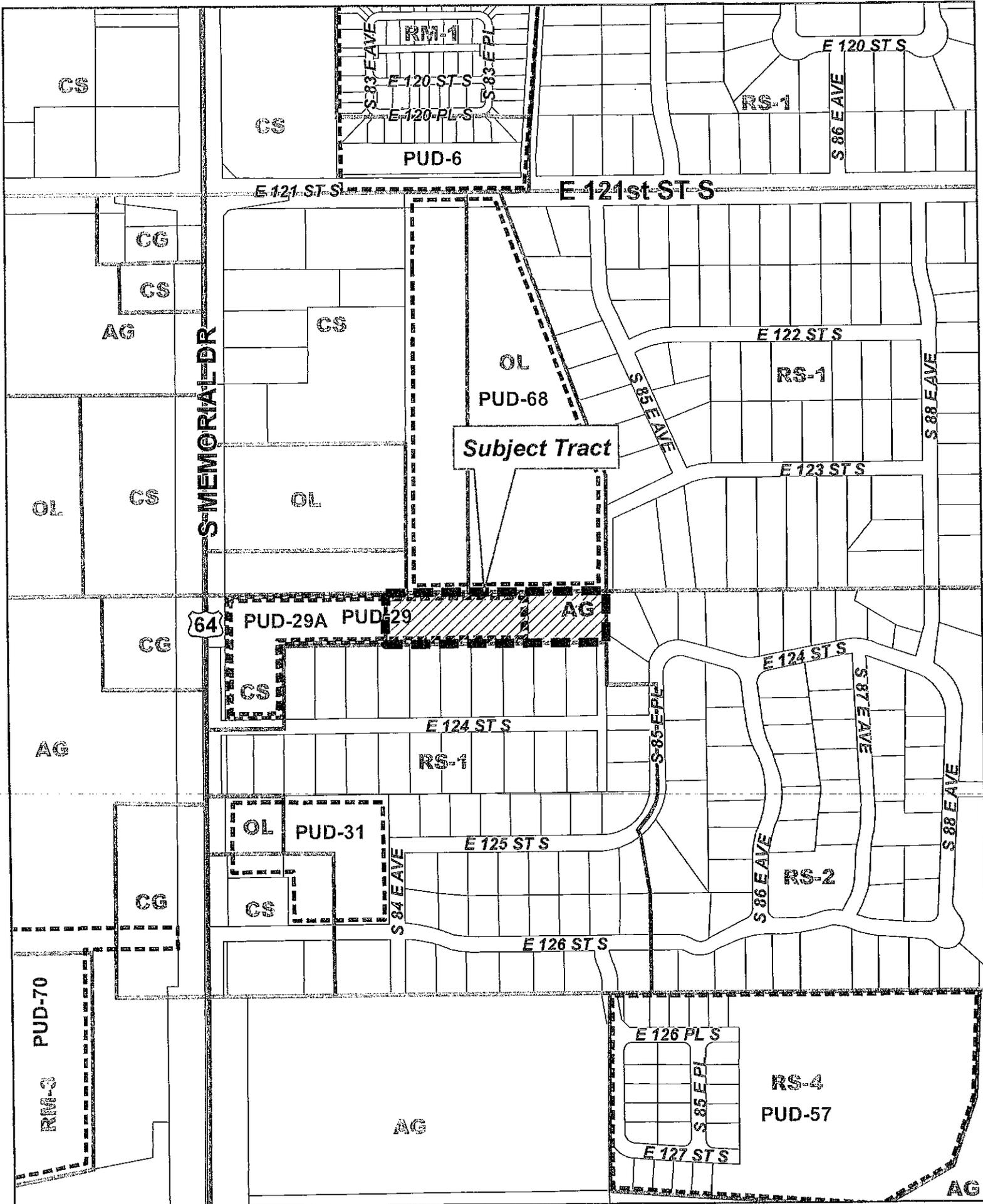


BCPA-9



01 17-13





Subject Tract

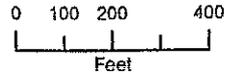


300' Radius



Subject Tract

BZ-365



01 17-13



Erik Enyart

From: Joey Wiedel [firemarshal@bixby.com]
Sent: Monday, April 08, 2013 9:54 AM
To: jrdon@easytelmail.com
Cc: Erik Enyart
Subject: RE: from JR Donelson / Bill Wilson project

JR. Donelson,

Please note that we will need more hydrants than is presented on the drawing. Also the driveway that is coming off of 85th E. Ave needs to be at least 26' wide.

Joey Wiedel/ Fire Marshal
City of Bixby Fire Dept.
116 W. Needles
Bixby, Ok 74008
PH: (918)366-0436
F: (918)366-4416

From: Erik Enyart [mailto:eenyart@bixby.com]
Sent: Thursday, April 4, 2013 3:50 PM
To: Jim Sweeden; 'Joey Wiedel (firemarshal@bixby.com)'
Subject: FW: from JR Donelson / Bill Wilson project

Jim / Joey:

I just noticed that JR did not copy you on this. He is looking for your input prior to completing the PUD revision. Please advise as appropriate and thanks,

Erik

From: JR Donelson [mailto:jrdon@easytelmail.com]
Sent: Thursday, April 04, 2013 7:24 AM
To: Erik Enyart
Subject: from JR Donelson / Bill Wilson project

Erik,
Please review and have Jim review. I am revising the PUD now. Let me know if I need to modify this or add language.

JR Donelson

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2013.0.3267 / Virus Database: 3162/6221 - Release Date: 04/02/13

Memo

To: Erik Enyart, AICP, City Planner

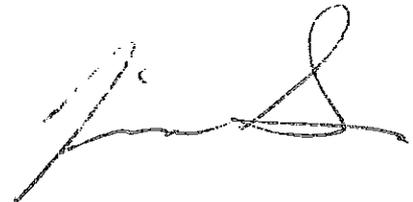
From: JOEY WIEDEL

Date: 2/21/2013

Re: PUD 77 "Byrnes Mini Storage"

PUD 77 concept site plans are not approved. Need larger set of plans that is legible. Plans need to be no smaller than 11½ by 17½.

See code attachment.



building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.6 Suspension or revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

105.7 Placement of permit. The building *permit* or copy shall be kept on the site of the work until the completion of the project.

SECTION 106 FLOOR AND ROOF DESIGN LOADS

106.1 Live loads posted. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m²), such design live loads shall be conspicuously posted by the owner in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

106.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

106.3 Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

SECTION 107 SUBMITTAL DOCUMENTS

107.1 General. Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

107.2 Construction documents. *Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.5.

107.2.1 Information on construction documents. *Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed

and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

107.2.2 Fire protection system shop drawings. Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance to this code and the *construction documents* and shall be *approved* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

107.2.3 Means of egress. The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

107.2.4 Exterior wall envelope. *Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe the *exterior wall* system which was tested, where applicable, as well as the test procedure used.

107.2.5 Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *design flood* elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

107.2.5.1 Design flood elevations. Where *design flood* elevations are not specified, they shall be established in accordance with Section 1612.3.1.

107.3 Examination of documents. The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Memo

To: Erik Enyart
From: Jared Cottle *JWC*
CC: Bea Aamodt
File
Date: 02/28/13
Re: Byrnes Mini-Storage
PUD 77

General Comments:

1. Any previous restrictions on the property from the Boardwalk on Memorial and the construction of the soccer fields should be considered and incorporated into the proposed PUD.
 2. Detention is required for all runoff that does not discharge directly to the Fry Creek Channel. However, because the area drains into the Fry Creek Channel, fee-in-lieu charges of \$0.20/sf of impervious area may still apply.
 3. The storm water drainage system must accommodate runoff from adjacent properties and in no way inhibit the existing drainage patterns or cause any discharge onto the properties to the south.
 4. Water and sewer mains are accessible from the site.
 5. The location of fire hydrants as determined by the Fire Marshall may require extension of water mains onto the site. Water main extension will need to be looped.
 6. Lot access to streets and internal circulation must be addressed to the satisfaction of both the Zoning Code and the Fire Marshall.
-

72

JR Donelson, Inc.

12820 So. Memorial Dr., Office 100

Bixby, Oklahoma 74008

918-394-3030

Email: jrdon@easytelmail.com

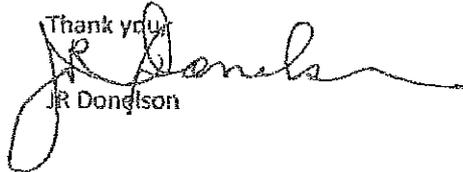
March 13, 2013

Erik Enyart
City Planner
City of Bixby
Bixby, Oklahoma

Re: Request to modify the Bixby Comprehensive Plan

William Wilson, representing the Helene V. Byrnes Foundation, requests the Bixby Comprehensive Plan be modified to allow the "OL", Office Low Intensity District zoning classification be allowed on their property. It is presently defined as a residential area by the Bixby Comprehensive Plan. The legal description of the property is attached.

Thank you,



JR Donelson

PROPERTY DESCRIPTION

A tract of land situated in a part of the NW/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 metes and bounds, by Charles K. Howard, LS 297, as follows, to-wit:

Beginning at the northeast corner of "The Boardwalk on Memorial", PUD 29; thence with an assumed bearing of S 89°59'21"E being the north line of "The Boardwalk on Memorial" a distance of 251.74 feet to the northwest corner of Lot 11, Block 2, Corrected plat of Southern Memorial Acres No. 2; thence S00°24'08"W and along the West line of said Lot 11, Block 2 a distance of 170.00 feet; thence N 89°59'21"W a distance of 723.62 feet; thence N 00°00'39"E a distance of 170.00 feet to the north line of "The Boardwalk on Memorial"; thence S 89°59'21"E and along the north line of "The Boardwalk on Memorial" a distance of 473.04 feet to the point of beginning and containing 2.82 acres more or less.

City of Bixby, Oklahoma

City Manager

City

Emergency Plan

Emergency Plan

Emergency Plan

Emergency Plan

CITY OF BIXBY

APR 26 2013

RECEIVED

By Enx

Emergency Plan

Emergency Plan

Emergency Plan

Emergency Plan

Emergency Plan

75

Byrnes Mini-Storages
Bixby, Oklahoma

April 8, 2013

Prepared For:

Helene V. Byrnes Foundation
12345 So. Memorial Dr., #108
Bixby, Oklahoma 74008

Prepared By:

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

Byrnes Mini-Storages, Planned Unit Development No. 77

Byrnes Mini-Storages

Planned Unit Development Number 77

Introduction.

Byrnes Mini-Storages is planned for a Mini-Storage and Office development. The overall site totals 3.4616 acres. The site is located on the east side of South Memorial Drive and includes the east parcel of "The Boardwalk on Memorial" and Lot 11, Block 2, Southern Memorial Acres No.2. See Exhibit A, which is a Preliminary Plat of the Site.

As depicted on Exhibit B to this Planned Unit Development (PUD), the proposed PUD consists of two development areas. Development Area A will be used as Mini-Storage and Development Area B will remain residential. Development Area B will serve to provide a secondary, emergency only access drive for Development Area A. The legal description for this PUD is shown in Exhibit B1.

Zoning.

The Site, Development Area A currently consists of two parcels. The eastern parcel will be known as Lot 2, Block 1 and is presently zoned "AG", (Agriculture District). The western parcel will be known as Lot 1, Block 1 and is presently zoned "AG" and is a part of "The Boardwalk on Memorial", PUD 29A. An underlying zoning change is requested to "OL", (Office Low Intensity District). Development Area B will be known as Lot 3, Block 1 and is presently zoned "RS-2" (Residential District) and will remain "RS-2". Attached is Exhibit C, which is a map from INCOG that identifies the existing zoning of the site and surrounding area. All uses by right of "OL", (Office Low Intensity District) zoning will be allowed in Development Area A as well as Use Unit 16, mini-storage business use. All uses by right of "RS-2" will be allowed in Development Area B. The underlying zoning change application is case no. BZ-365.

The Comprehensive land-use Plan.

The Site is located within the jurisdiction of the Bixby Comprehensive Plan 2001-2020. The Helene V. Byrnes Foundation is requesting the Bixby Comprehensive Plan be modified to allow the "OL", Office Low Intensity District zoning classification be allowed on this property. It is presently defined as a residential area by the Comprehensive Plan.

Detailed Site Plan.

Prior to building permit issuance a Detailed Site Plan, adequate to demonstrate compliance with applicable standards and including details on proposed parking and landscape plans, shall be submitted for Planning Commission approval as required by the Zoning Code Section 11-7I-8.B.5 and this PUD.

Site Soil Conditions

The Soil Survey of Tulsa County, Oklahoma list the soil for this site to be "Choska very fine loam". The site is nearly level and has moderately permeable soil.

B. DEVELOPMENT AREA B

LAND AREA:

Gross: (includes ½ abutting ROW)	0.6356 acres	27,690square feet
Net:	0.6018 acres	26,215square feet

PERMITTED USES (to be allowed by right):

Those uses permitted are all the Use Units allowed by right within the “RS-2” zoning district of the City of Bixby Zoning Code; and all accessory uses permitted in the underlying zoning district and in the Planned Unit Development Chapter of the City of Bixby Zoning Code.

MINIMUM FRONTAGE	65.83 lin.ft.
MAXIMUM PROPOSED UNITS	1 units
MAXIMUM BUILDING HEIGHT:	35 feet
MINIMUM BUILDING SETBACKS	
Pursuant to Section 11-7B-4 Table 3, of the City of Bixby Zoning Code:	
LANDSCAPE/GREEN AREA	minimum 3,932 sf 15% gross land area

C. DEVELOPMENT STANDARDS FOR ALL DEVELOPMENT AREAS

1. LANDSCAPED AREA AND SCREENING

- a. Preliminary landscaping and screening area represented on Exhibit G. Development Area A - The screening of the North and South property line will be accomplished by utilizing the exterior wall of the building and a screening fence. The building material for the exterior wall of the building will be either brick or a concrete panel stamped to resemble brick. There will be a 4’-0” landscape area south of the south building adjacent to the south property line. Constructing the south building 4’-0” north of the south property line will allow 12 trees situated along the south property line to remain. A 6’-0” screening privacy fence will be installed along the west and east property lines. Any wall visible from an adjacent residential zoned property will be constructed from masonry or a concrete panel stamped to resemble brick. Development Area B – The existing trees and landscaping will remain on the site. No screening fences area required.
- b. A 4’-0” easement described as, “Existing Tree Preservation and Landscape Easement”, will be shown on the south 4’-0” of Development Area A.
- c. Three trees are required along the west property line, one will be proposed. Two trees are required along the east property line, four will be proposed. One tree is required along the north property line, two will be proposed. Eight trees are required along the south property line, twelve will be preserved by setting the building 4’-0” north of the south property line. None will be planted.
- d. The west property line area will have a minimum of 5% of landscape area. The east property line area will have a minimum of 15% landscape area. The south property line area will have a minimum of landscape of 4’-0” x 723.62’, which equals 2,894.48 sf. The north property line will have a minimum of 2500sf of landscaping.

2. SIGNS

- a. Signage shall comply with the PUD Chapter (Chapter 7-I). One (1) ground monument sign will be permitted in Development Area A and will not exceed 15'-0" in height.
- b. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs with movement shall be prohibited in this PUD for Development Areas A and B, except as may be permitted by the Bixby Planning Commission as part of the approved detail sign plan.

3. LIGHTING

- a. Lighting used to illuminate the development area shall be so arranged as to shield and direct the light away from adjacent properties. Building-mounted lights will not exceed 12 feet in height.

4. TRASH, MECHANICAL AND EQUIPMENT AREAS

- a. There shall be no storage of recyclable materials, trash or similar material. All trash, ground supported mechanical and equipment areas, shall be screened from adjacent properties.

5. SITE GRADING

- a. According to the adopted and effective FEMA floodplain maps, the site has some amount of Flood Zone "AE" 100 year floodplain along the north line of Development Area A. An Earth Change / Floodplain Development permit will be requested and will determine if and how much area is in the "AE" zone. The Earth Change/ Floodplain Development permit will be approved by the City of Bixby to allow site grading as proposed for this development. An Elevation Certificate by an Oklahoma Register Professional Land Surveyor will be required prior to the issuance of a Building Permit / Floodplain Development Permit for the construction of the foundation of each building within Development Area A, which Elevation Certificate must demonstrate the 100-year Base Flood Elevation for the building site and the existing finished grade. A second Elevation Certificate will be required upon the completion of the foundation of each building in Development Area A prior to the issuance of a Building Permit / Flood Plain Development Permit for the balance of the building and must demonstrate the First Finish Floor of each structure's foundation is at least one (1) foot above the 100 year Base Flood Elevation. Alternately, the Elevation Certificate requirement may be avoided if the lot is fully removed from the adopted and effective FEMA floodplain maps at the time a building permit is sought.

The site will be graded so that storm water runoff flows to surface area drains located in the drive lanes, between the mini-storage buildings. The storm water will flow to a proposed dry storm water detention facility in the northeast portion of Lot 2. An existing French drain located approximately 2.5 feet north of the south property line presently collects storm water runoff along the south line of Development Area A and directs it to the Fry Ditch. The French drain will remain in place. Storm water runoff along the east boundary of Development Area A will be collected and directed to the proposed detention facility in the northeast portion of Lot 2. A Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required storm water drainage requirements serving the Site have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot. During construction on the property, the owner will provide adequate and reasonable erosion control methods, and after construction, will provide and maintain vegetative, landscaped ground cover so that soil does not erode on or from the property.

6. TOPOGRAPHY AND UTILITIES

- a. Topography. Topography of the Site is depicted on Exhibit F.
- b. Utilities. Water and sanitary sewer service will be provided by the City of Bixby. An existing water line is located on the east side of South Memorial Drive. A water line will be installed connecting the water line along South Memorial Drive to the existing water line along So. 85th Place. An existing sanitary sewer line is located running parallel to the south property line. A sanitary sewer line will be installed along the west property line and extended to the north property line. Storm water runoff will be collected in area inlets and piped to the on site detention facility.

7. ACCESS, CIRCULATION AND PARKING

- a. Access, traffic circulation and parking are depicted on Exhibit B. All drives and parking areas within the PUD shall be privately owned and maintained.
- b. There will be two (2) access gates along the west property line of Development Area A. One gate access the Byrnes Mini-Storages for customers. One gate will be for emergency vehicles and will be accessed using a knox-switch.
- c. Two (2) mutual access easements across "The Boardwalk on Memorial", will allow access to "Byrnes Mini-Storages". The mutual access easements will be filed at the Tulsa County Court House prior to the issuance of an occupancy permit for buildings in "Byrnes Mini-Storages".
- d. The access to the site, but un-built, So. 85th E. Ave. will not be allowed in the PUD.
- e. A 15 foot Roadway Easement, Doc. No. 2013018388, has been filed on Lot 12, Block 2, Southern Memorial Acres No. 2, allowing emergency access to South 85th E. Place.
- f. Two (2) mutual access easements will allow cross access between Lots 1 and 2, Development Area A.

8. RESTRICTIVE COVENANTS; ENFORCEMENT

- a. Restrictive covenants will be adopted and recorded for the PUD as platted. The hours of daily operation will be from 6:00 am to 10:00 pm. There will be no space used as a residential dwelling. A security system will be installed for the project to monitor client movement within the facility and serve as a deterrent for non clients.

9. SCHEDULE OF DEVELOPMENT

Development will commence upon the approval of the PUD, preliminary plat and the constructions drawings by the appropriate government agencies. The proposed development schedule is as follows :

- a. Earth Change Permit 5/15/2013
- b. Preliminary Plat 5/22/2013
- c. Approval of construction plans: 6/1/2013
- d. Final Plat / Detailed Site Plan 6/20/2013
- e. Installation of site erosion control: 6/24/2013
- f. Begin site grading: 6/25/2013
- g. Begin building construction: 8/1/2013

Exhibits

Exhibit A.	Preliminary Plat.
Exhibit B.	Conceptual Site Plan.
Exhibit B-1.	PUD Site Legal Description.
Exhibit C.	Existing Area Zoning.
Exhibit D.	FEMA Firm Map.
Exhibit E.	Aerial of the Site.
Exhibit F.	Topography of Site.
Exhibit G.	Landscape Plan.

PRELIMINARY PLAT BYRNES MINI-STORAGES

A TRACT OF LAND SITUATED IN THE NW/4 OF SECTION 1, T-17-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, BEING A RE-PLAT OF A PORTION OF "THE BOARDWALK ON MEMORIAL" AND "LOT 11, BLOCK 2, SOUTHERN MEMORIAL ACRES NO.2", TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA.

PUD NO. 77

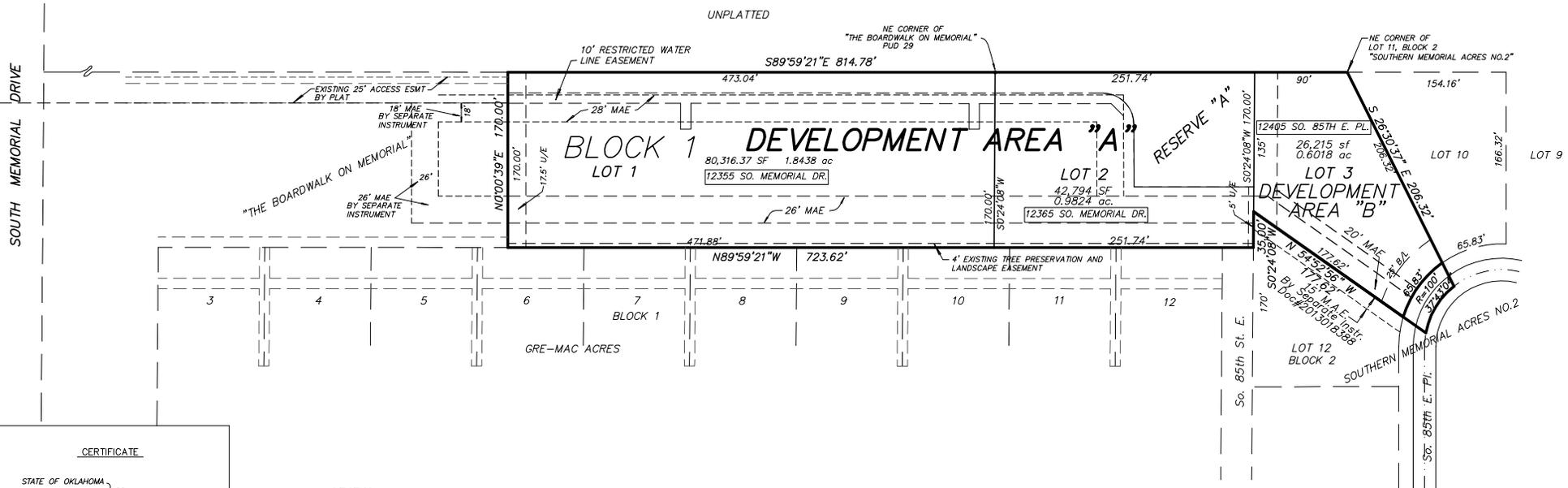


**FINAL PLAT
CERTIFICATE OF APPROVAL**
I hereby certify that this plat was approved by the City Council of the City of Bixby on _____
By: _____ Mayor - Vice Mayor
This approval is void if the above signature is not endorsed by the City Manager or City Clerk.
By: _____ City Manager - City Clerk

PLAT No.

ENGINEER/SURVEYOR:
JR DONELSON, INC.
12820 SO. MEMORIAL DR. #109
OFFICE 100
BIXBY, OKLAHOMA 74008
PHONE: 918-394-3030
C.A. NO. 5611 EXP. 6-30-13

OWNER:
HELENE V. BYRNES FOUNDATION
12345 SO. MEMORIAL DR. #109
BIXBY, OKLAHOMA 74008
CONTACT: BILL WILSON
PHONE: 918-263-1000
EMAIL: WILSON@OLP.NET

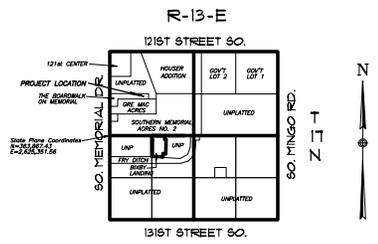


CERTIFICATE
STATE OF OKLAHOMA }
COUNTY OF TULSA } SS
I, Pat Key, Tulsa County Clerk, in and for the County and State of Oklahoma above named, do hereby certify that the foregoing is a true and correct copy of a like instrument now on file in my office.
Dated the _____ day of _____
Pat Key, Tulsa County Clerk
Deputy

LEGEND

U/E	UTILITY EASEMENT
BL	BUILDING LINE
ROW	ROAD RIGHT-OF-WAY
DOCNO.	DOCUMENT NUMBER

PROPERTY DESCRIPTION
A tract of land situated in a part of the NW/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 metes and bounds, by Charles K. Howard, LS 297, as follows, to-wit:
Beginning at the northeast corner of "The Boardwalk on Memorial", PUD 29; thence with an assumed bearing of S 89°59'21"E being the north line of "The Boardwalk on Memorial" a distance of 251.74 feet to the northwest corner of Lot 11, Block 2, Corrected plat of Southern Memorial Acres No. 2; thence continuing S 89°59'21"E an along the north line of said Lot 11, Block 2 a distance of 90.00 feet to the northeast corner of said Lot 11, Block 2; thence S 26°30'37"E and along the east line of said Lot 11, Block 2 a distance of 206.32 feet; thence along a curve to the left with a radius of 100.00 feet and a delta angle of 374°3'04" for 65.83 feet, with a chord bearing of S35°48'20"W and a chord distance of 64.65 feet; thence N 54°52'56"W a distance of 177.62 feet; thence S 00°24'08"W a distance of 35.00 feet; thence N 89°59'21"W a distance of 471.88 feet; thence N 00°00'39"E a distance of 170.00 feet to the north line of "The Boardwalk on Memorial"; thence S 89°59'21"E and along the north line of "The Boardwalk on Memorial" a distance of 473.04 feet to the point of beginning and containing 3.4616 acres more or less.



**SECTION 1
LOCATION MAP**
SCALE: 1" = 2000'
SUBDIVISION CONTAINS:
AREA = 3.4616 ACRES 180,800 SF
NO. LOTS 3 BLOCKS 1
April 6, 2013
C: WILSON\EXHIBIT-ADUG

*Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied on in place of legal descriptions.
This plat meets the Oklahoma minimum standards for the practice of Land Surveying as adapted by the Oklahoma State Board of Registration for Professional Engineers and Surveyors.
BENCHMARK:
Flowline of Sanitary Sewer Manhole, located 16 feet South and 15 feet East of the Northwest Corner of Lot 11, Block 2, Southern Memorial Acres No. 2
Elevation: 598.42, NGVD29
BASIS FOR BEARINGS:
The basis for bearings is the North line "The Boardwalk on Memorial" with an assumed bearing of S 89°59'21"E.

**EXHIBIT A
PRELIMINARY
PLAT**

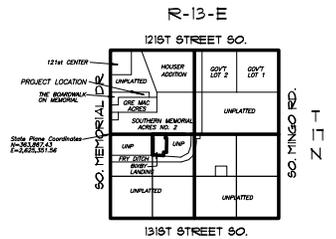
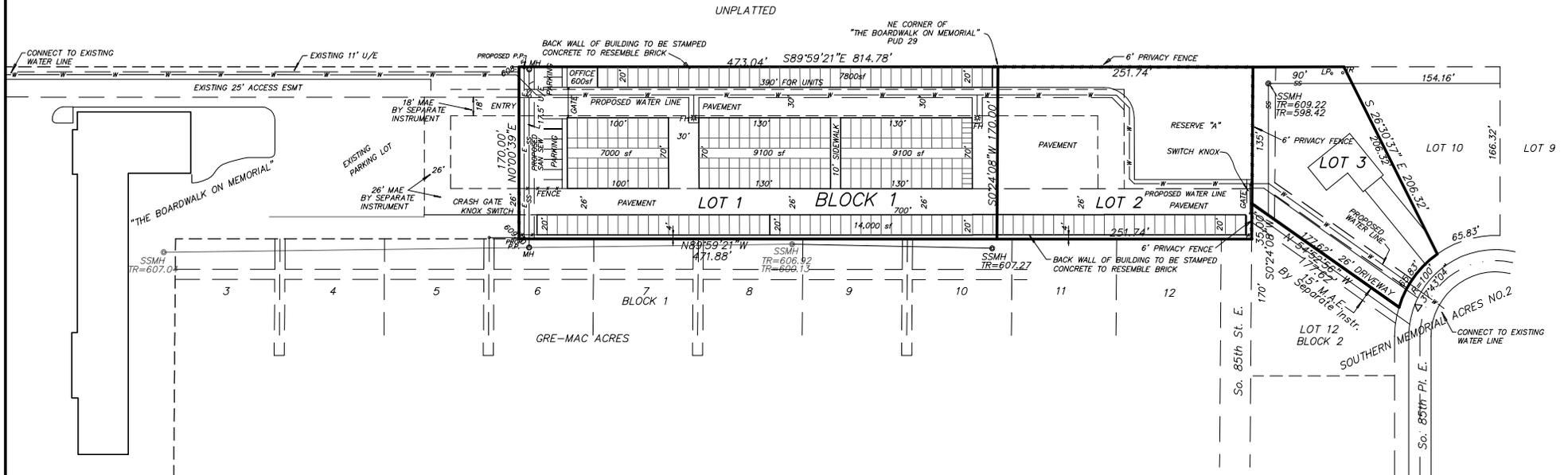
BYRNES MINI-STORAGES
Preparation date: April 6, 2013
SHEET 1 OF 2

ENGINEER/SURVEYOR:
 JR DONELSON, INC.
 12829 SO. MEMORIAL DR.
 OFFICE 100
 BIXBY, OKLAHOMA 74008
 PHONE: 918-394-3030
 C.A. NO. 5611 EXP. 6-30-13

OWNER:
 HELENE V. BYRNES FOUNDATION
 13419 SO. MEMORIAL DR. #608
 BIXBY, OKLAHOMA 74008
 CONTACT: BILL WILSON
 PHONE: 918-269-1000
 EMAIL: WILSON@OLP.NET

BYRNES MINI-STORAGES

CONCEPTUAL SITE PLAN



SECTION 1 LOCATION MAP

SCALE: 1" = 2000'

SUBDIVISION CONTAINS:
 AREA = 36.82 ACRES 160,400 sf
 NO. LOTS 3 BLOCKS 1
 April 6, 2013
 C: WILSON/EXHIBIT-B.DWG

EXHIBIT B
 CONCEPTUAL
 SITE PLAN

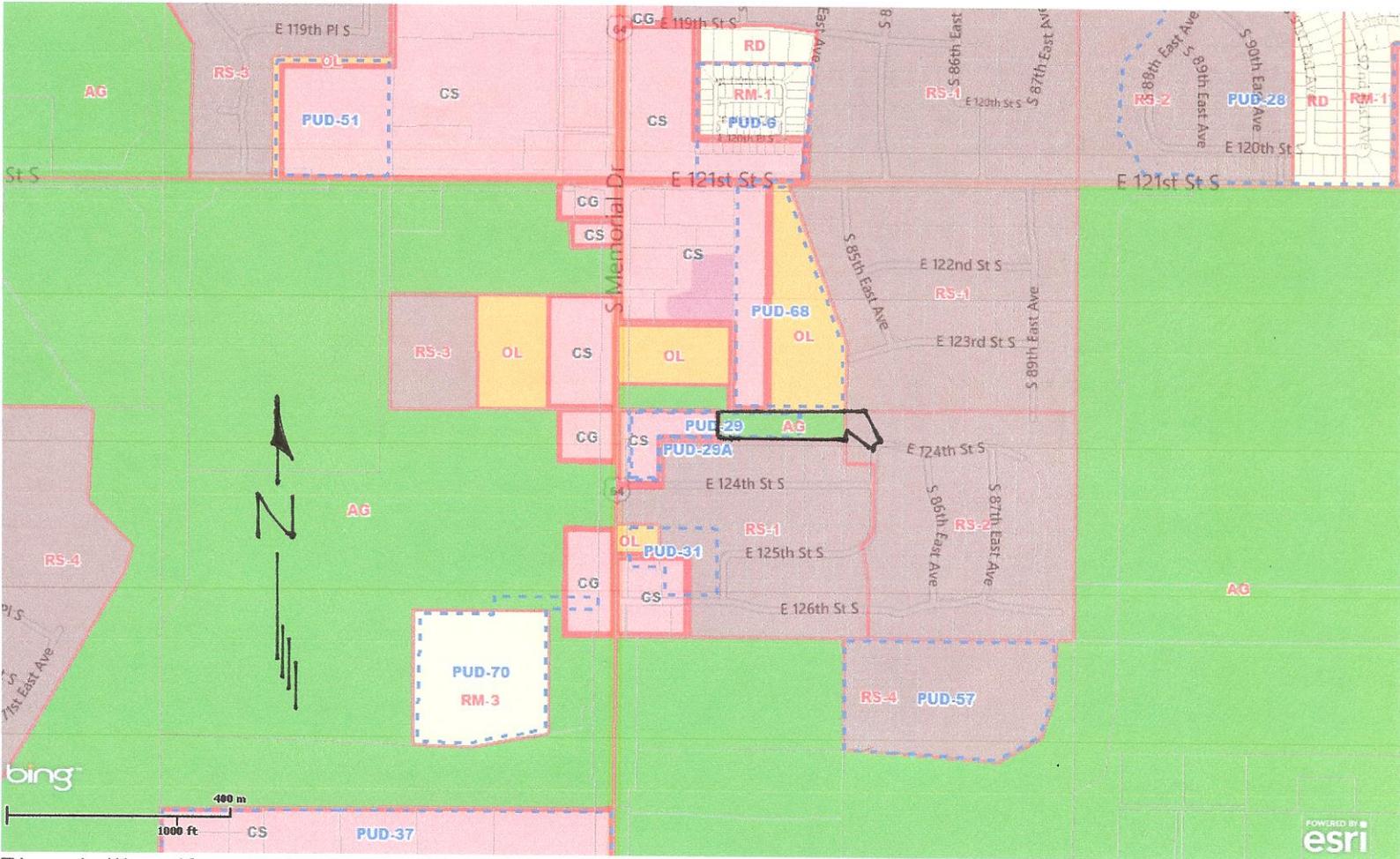
EXHIBIT B-1

PROPERTY DESCRIPTION

A tract of land situated in a part of the NW/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 metes and bounds, by Charles K. Howard, LS 297, as follows, to-wit:

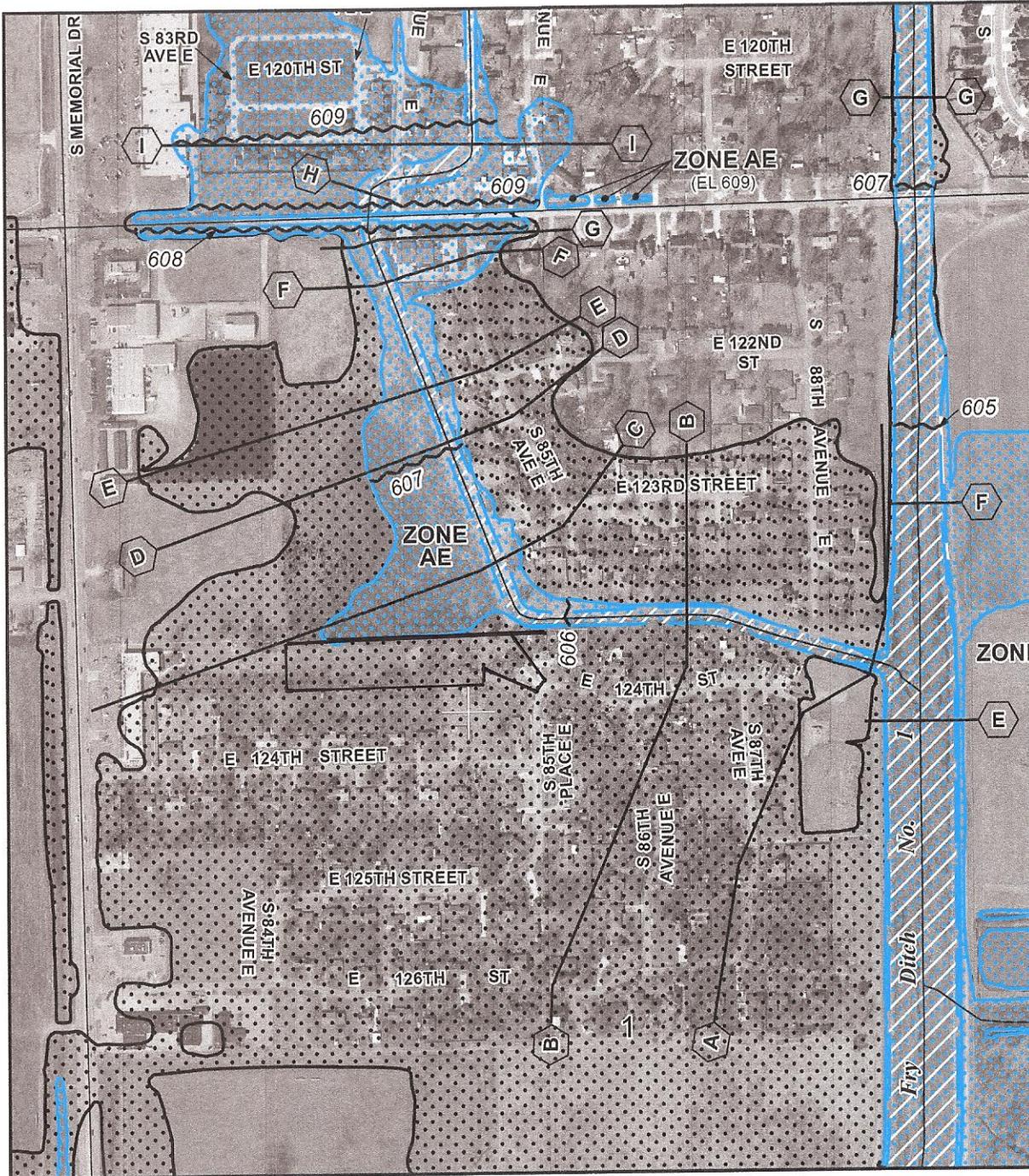
Beginning at the northeast corner of "The Boardwalk on Memorial", PUD 29; thence with an assumed bearing of S 89°59'21"E being the north line of "The Boardwalk on Memorial" a distance of 251.74 feet to the northwest corner of Lot 11, Block 2, Corrected plat of Southern Memorial Acres No. 2; thence continuing S 89°59'21"E an along the north line of said Lot 11, Block 2 a distance of 90.00 feet to the northeast corner of said Lot 11, Block 2; thence S 26°30'37"E and along the east line of said Lot 11, Block 2 a distance of 206.32 feet; thence along a curve to the left with a radius of 100.00 feet and a delta angle of 37°43'04" for 65.83 feet, with a chord bearing of S35°48'20"W and a chord distance of 64.65 feet; thence N 54°52'56"W a distance of 177.62 feet; thence S 00°24'08"W a distance of 35.00 feet; thence N 89°59'21"W a distance of 471.88 feet; thence N 00°00'39"E a distance of 170.00 feet to the north line of "The Boardwalk on Memorial"; thence S 89°59'21"E and along the north line of "The Boardwalk on Memorial" a distance of 473.04 feet to the point of beginning and containing 3.4616 acres more or less.

PUD SITE LEGAL DESCRIPTION



This map should be used for general reference purpose only. Areas in question should be verified at the INCOG office or at the respective municipality. Thu Feb 14 2013 03:29:06 PM.

EXISTING AREA ZONING
EXHIBIT C



MAP SCALE 1" = 500'

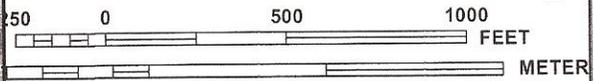


EXHIBIT D
FIRM MAP

NFIP

PANEL 0432L

FIRM
FLOOD INSURANCE RATE MAP
TULSA COUNTY,
OKLAHOMA
AND INCORPORATED AREAS

PANEL 432 OF 530
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BIKBY, CITY OF	400207	0432	L
TULSA, CITY OF	405381	0432	L
TULSA COUNTY	400462	0432	L

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
40143C0432L

MAP REVISED
OCTOBER 16, 2012

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



EXHIBIT E
AERIAL OF SITE

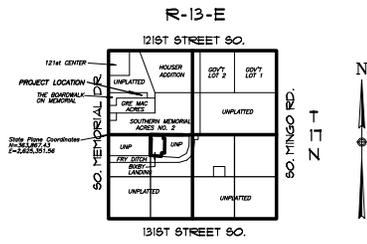
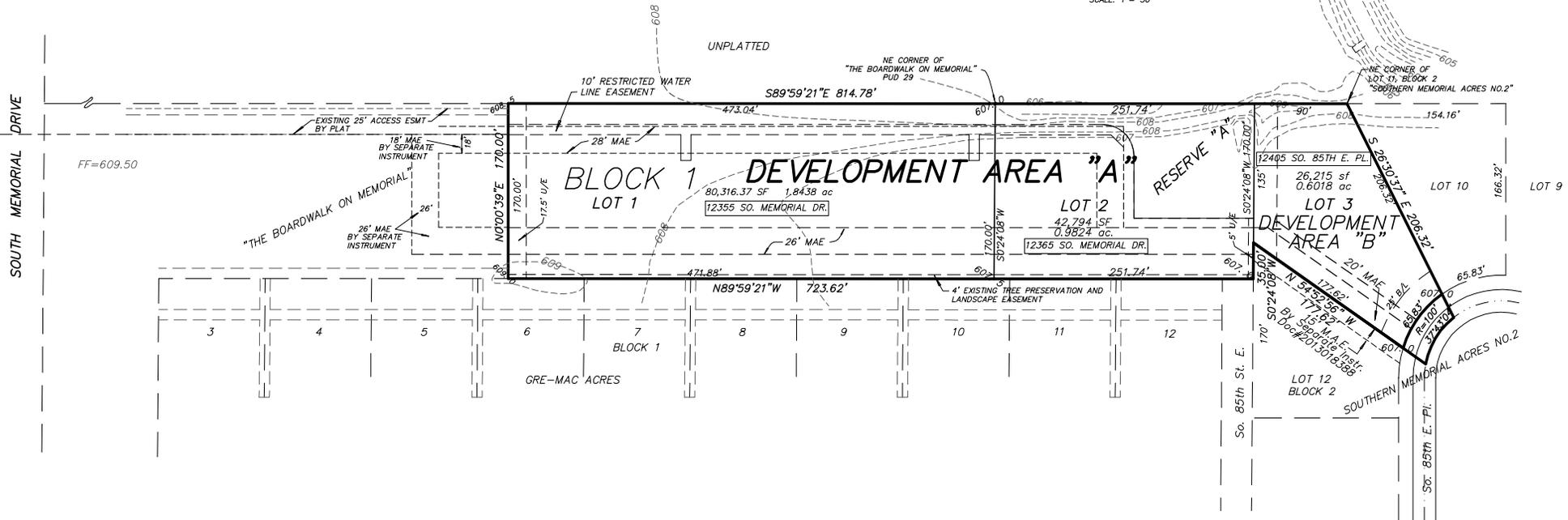
ENGINEER/SURVEYOR:
 JR. DONELSON, INC.
 12912 SO. MEMORIAL DR.
 OFFICE 100
 BIXBY, OKLAHOMA 74008
 PHONE: 918-394-3030
 C.A. NO. 5611 EXP. 6-30-13

OWNER:
 HELENE V. BYRNES FOUNDATION
 12345 SO. MEMORIAL DR. #108
 BIXBY, OKLAHOMA 74008
 CONTACT: BILL WILSON
 PHONE: 918-269-1000
 EMAIL: WILSON@OLP.NET

BYRNES MINI-STORAGES

A TRACT OF LAND SITUATED IN THE NW/4 OF SECTION 1,
 T-17-N, R-13-E OF THE INDIAN BASE AND MERIDIAN,
 BEING A RE-PLAT OF A PORTION OF "THE BOARDWALK ON
 MEMORIAL" AND "LOT 11, BLOCK 2, SOUTHERN MEMORIAL
 ACRES NO. 2", TO THE CITY OF BIXBY, TULSA COUNTY,
 STATE OF OKLAHOMA.

PUD NO. 77



**SECTION 1
 LOCATION MAP**
 SCALE: 1" = 2000'
 SUBDIVISION CONTAINS:
 AREA = 3.4616 ACRES 150,800 SF
 NO. LOTS 3 BLOCKS 1
 April 6, 2013
 C: WILSON/EXHIBIT-ADJUG

EXHIBIT F
 TOPOGRAPHY



ROADWAY EASEMENT

The Roadway Easement described herein (the "Easement") is hereby granted this 19th day of FEBRUARY, 2013, by GAIL D. HORNE and JOHN W. HORNE, wife and husband, ("Grantors") to THE HELENE V. BYRNES FOUNDATION, an Oklahoma not-for-profit corporation, ("Grantees") and its assignees as herein provided.

Grantee owns the property described below, to-wit:

Lot Eleven (11), Block Two (2), SOUTHERN MEMORIAL ACRES NO. TWO, an Addition in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof

AND

UNO THE EAST 256.23 FEET OF THE NORTH 170 FEET OF THE NORTH HALF (N/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION ONE (1), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF COPY

(collectively the "Grantee's Property")

This Easement is granted to Grantee and its successors and assignees of the Grantee's Property (the "Grantees' Assigns") to assure access to Grantee's Property.

Grantors, as the legal and equitable title owner of the real estate subject to the Easement described herein hereby grant and convey unto Grantee and the Grantee's assigns a private, permanent, non-exclusive access easement over and across the property described below, to-wit:

The Northwesterly 15 feet of Lot Twelve (12), Block Two (2), abutting the Southwesterly line of Lot Eleven (11), Block Two (2), of CORRECTED SOUTHERN MEMORIAL ACRES NO. TWO, an Addition in Tulsa County, State of Oklahoma, according to the recorded plat No. 2802

(the "Easement Property")

for a private roadway for the purposes of providing vehicular and other access for the exclusive use of the owners of the Grantee's Property, its successors and assigns, refuse collection service, the United States Post Office, law enforcement agencies, personnel of the City of Bixby, Tulsa County, Oklahoma, the State of Oklahoma and United States of America, the operators of all emergency vehicles, and the guests, tenants, invitees and licensees of the owners, from time-to-time, of the

90

Grantee's Property. No owner, tenant, guest, invitee, or other person using said Easement shall in any manner obstruct said Easement or interfere with the use of said Easement for vehicular or other access. Said Easement shall be used only for a private roadway. No above ground structures shall be permitted on the Easement.

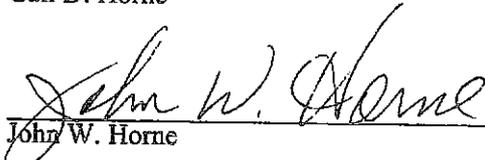
This Easement, and the rights granted hereunder to Grantee and the owners of the Grantee's Property and its successors and assigns, may be released or limited at any time by Grantee or Grantee's Assigns.

IN WITNESS WHEREOF, the Grantors have executed this Roadway Easement the date

^{first above written}
UNOFFICIAL COPY



Gail D. Horne



John W. Horne

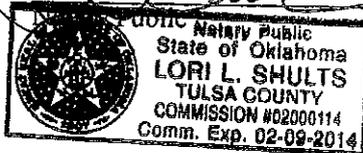
STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

Before me, a Notary Public in and for said county and State, on this 19th day of FEBRUARY, 2013, personally appeared Gail D. Horne and John W. Horne, wife and husband, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial seal the day and year last above written.

Commission: 02000114
Date 2-09-14.





JHF.HORNE BYRNES.ROADWAY EASEMENT

91

Erik Enyart

From: Jared Cottle
Sent: Tuesday, April 16, 2013 4:26 PM
To: Erik Enyart
Cc: Bea Aamodt; Patrick Boulden
Subject: RE: Yesterday's Planning Commission meeting

Erik,

The Earth Change Permit approval for the Wilson property included constructing a crown along the east/west axis of the soccer field at the same elevation as the original dike between the Butler/Wilson property on the north. The dike's purpose was to prevent runoff from the Butler site from entering or crossing the Wilson property, a function that is now to be performed by the field crown.

The Wilson Earth Change Permit also included providing drainage swale along the south boundary of the Wilson property to receive and convey neighborhood runoff to the east end of the Wilson property.

A specific drainage plan has yet to be submitted, but any future development will continue to be required to receive and convey off-site runoff (from either the neighborhood or the Butler property) and convey the water to the Fry Channel without allowing bypass from the north or creating a dam on the south.

Jared Cottle, City Engineer
City of Bixby
Ph: 918/366-4430
Fax: 918/366-4416

From: Erik Enyart
Sent: Tuesday, April 16, 2013 9:21 AM
To: Jared Cottle
Cc: Bea Aamodt; Patrick Boulden
Subject: FW: Yesterday's Planning Commission meeting

Jared:

~~At the meeting, regarding Bill Wilson's ministorage development (it wasn't discussed during the item but the~~
Chair allowed those in attendance to speak on it after they Continued all three applications to 05/02/2013), several people from the neighborhood expressed concerns about the drainage on this property and the Jim Butler 16 acres to the north. I assured them that the City Engineer would make sure the development drained properly into the drainage channel to the northeast and away from the neighborhood, and the rate of drainage would not exceed the pre-developed conditions. They made certain claims about dirt being brought into the site (I think that was the Jim Butler property they were referring to), and then removed, and that there was a "dike" along the property line between the Wilson and Butler properties that was removed, and that Wilson did not grade his site properly. One of our Planning Commissioners also raised the concern that, even if the site is developed to drain entirely into the development, through inward-sloping roofs and stormsewers, then straight to the channel, with 0 runoff, that the project could still cause drainage issues by blocking water from the residential properties along 124th St. S., if they normally drained across the undeveloped Wilson lot. I told those in attendance and the Planning Commission that I had not discussed drainage of the property with you specifically, and would ask for a 'synopsis' of the drainage in preparation for the meeting 05/02/2013. I also told those in attendance that, if they had any particular concerns, they could contact me after the meeting or any time this week, and I would forward them to you.

Please advise as you have time and thanks in advance,

Erik

From: Erik Enyart

Sent: Tuesday, April 16, 2013 8:50 AM

To: '<djenevoldsen@olp.net>'; Jared Cottle; 'mayor@bixby.com'; Bea Aamodt; 'Donna Crawford'; Patrick Boulden

Subject: Yesterday's Planning Commission meeting

Hi All:

Here's the outcome of yesterday's meeting:

PUBLIC HEARINGS

4. **BCPA-9 – JR Donelson for Helene V. Byrnes Foundation.** 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 remove the "Residential Area" specific land use designation.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.
5. (Continued from March 18, 2013)
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.
6. (Continued from March 18, 2013)
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.

As requested by the Applicant, these 3 related items Continued to the 05/02/2013 PC Special Meeting agenda. Prior to the meeting, JR Donelson had expressed to me that he wanted the extra time to work out the long list of recommended correction and design issues. There were several people from the neighborhood that expressed concerns over drainage. I agreed to follow up with Jared to ask about drainage design issues as pertain to this property.

PLATS

OTHER BUSINESS

7. **PUD 45 – Spicewood Neighborhood Center – Minor Amendment # 1.** Discussion and possible action to approve a Minor Amendment to PUD 45 to allow the maximum ground sign height to be increased from 20' to 25'.
Property located: Part of the NE/4 NE/4 Section 25, T18N, R13E; Southwest corner of the intersection of 101st St. S. and Mingo Rd. Approved as recommended by Staff.

8. **PUD 57 – Bixby Station – Minor Amendment # 1.** Discussion and possible action to approve a Minor Amendment to PUD 57 to increase to 90 the maximum number of lots permitted and to make changes to certain bulk and area standards.

Property located: Part of the SW/4 of Section 01, T17N, R13E; Southeast of the intersection of 126th St. S. and 85th E. Ave. **Approved as recommended by Staff.**

FYI and thanks,

Erik Enyart, AICP, City Planner
City of Bixby, PO Box 70
Bixby, OK 74008
Ph. (918) 366-0427
Fax (918) 366-4416
eenyart@bixby.com
www.bixby.com

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2013.0.3272 / Virus Database: 3162/6246 - Release Date: 04/15/13

94

**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

96

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

97

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

99

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

100

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.

101

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

NAME	COMPANY	PHONE
1. JR Donelson		394-3030
2. Bill Wilson		369-9091 - 209-1000
3. Justin Morgan	Tanner Consulting	918 745 9929
4. Ricky Jones	" "	"
5. Detsy McConahy		918-633-8186
6. Erik Enyart	City of Bixby	918 366 4430
7. Jim Sweedon	Fire Marshal office	918-366-0936
8. Jim Peterson	BTC Broadband	918-366-0253
9. Evelyn Steinhilber	PSC	918-250-6249
10.		
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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, April 25, 2013
RE: Report and Recommendations for:
PUD 78 – “Willow Creek” – Rosenbaum Consulting, LLC

LOCATION: – South and west of the intersection of 131st St. S. and Mingo Rd.
– Part of the NE/4 of Section 12, T17N, R13E

LOT SIZE: 104.78 acres, more or less

EXISTING ZONING: – RS-3 Residential Single Family District
– RM-2 Residential Multifamily District

SUPPLEMENTAL ZONING: Corridor Appearance District (300' south from centerline of 131st St. S.)

EXISTING USE: Agricultural

REQUEST: Approval of PUD 78

SURROUNDING ZONING AND LAND USE:

North: CS & AG; The *Faith Temple Assembly* church, agricultural land, and a house on a 3-acre tract zoned CS, and agricultural land to the north of 131st St. S.

South: RS-3 & RE; Single family residential in *Blue Ridge Estates*, *Blue Ridge II*, *Southbridge*, and *Southwood South Addition*.

East: CS & AG; The *Faith Temple Assembly* church, agricultural land zoned CS, and, across Mingo Rd.: *AAA Landscaping*, *Four Seasons Lawn Care*, agricultural land, and a cell tower, all in unincorporated Tulsa County.

West: RS-3, CG, & CS; Single family residential in *Blue Ridge II* and *Sun Burst* and, along 131st St. S.: a house on a 3-acre tract zoned CS, the *WW Sprinkler Repair* business, and the *Broken Arrow Hitch & Trailer*, and miscellaneous other uses, all zoned CS and CG.

COMPREHENSIVE PLAN:

- (1) Medium Intensity + Residential
- (2) Development Sensitive/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land
- (3) Medium Intensity + Commercial Area

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

BZ-23 – Robert Leikam – Request for rezoning from AG to OL, CS, RM-2, & RS-2 for approximately 117 acres, including subject property – Modified approval as per Staff granted in 1974 (Ord. # 282).

BZ-31 – Robert Weir – Request for rezoning from AG to RS-2 for 8.0 acres of the subject property at about the 13400-block of S. Mingo Rd. – Approved together with BZ-23 November 19, 1974 (Ord. # 282).

BZ-236 – Faith Temple Assembly, Inc. – Request for rezoning from RM-1 to CS for area of subject property currently zoned RM-2 for future church parking lot – Recommended/Approved for RM-2 zoning in November 1997/January 1998 (Ord. # 765).

BZ-338 – Cardinal Industries, Inc. c/o Bob Lemons – Request for rezoning from RM-2, RM-1, CS, OL, RD, and RS-2 to RS-3 for approximately 104.74 acres (includes subject property) for a future “Willow Creek” residential subdivision – PC recommended Approval 05/19/2008 and City Council Approved 06/09/2008 (Ord. # 1000).

Preliminary Plat of Willow Creek – Cardinal Industries, Inc. c/o Bob Lemons – Request for Preliminary Plat and Modification/Waiver (maximum cul-de-sac length) approval for 104.74 acres (includes subject property) – PC recommended Conditional Approval on 05/19/2008 and City Council Conditionally Approved 05/27/2008.

BL-353 – Faith Temple Assembly, Inc. c/o Tony Genoff – Request for Lot-Split approval for 13 acres abutting to the north and east (but including approximately 2 acres of subject property currently zoned RM-2) to separate the church property from its surrounding acreage – PC Approved 05/19/2008.

BL-364 – HRAOK, Inc. for Prestige Trading Company – Request for Lot-Split approval for 104.74 acres (includes subject property) to allow for the conveyance of approximately 2.3 acres on the east side of the Old Fry Creek Ditch to adjoining property owner (Genoff) to the north (part of a land trade along with BL-365) – PC Approved 12/15/2008.

BL-365 – HRAOK, Inc. for Tony Genoff – Request for Lot-Split approval for 9 acres abutting to the north and east, to allow for the conveyance of the approximately 2 acres of subject property currently zoned RM-2 for attachment to the subject property (part of a land trade along with BL-364) – PC Conditionally Approved 12/15/2008.

Revised Preliminary Plat of Willow Creek – HRAOK, Inc. – Request for revised Preliminary Plat and Modification/Waiver (to exceed the 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F) approval for subject property – PC recommended Conditional Approval on 06/15/2009 and probably Conditionally Approved by City Council 06/22/2009.

BBOA-562 – Hank Spieker for Cardinal Industries, LLC – Request for Special Exception per Zoning Code Section 11-7B-2 Table 1 to allow a Use Unit 5 church and Use Unit 5 private elementary school in the RS-3 and RM-2 Residential districts for subject property – Withdrawn by Applicant 07/03/2012.

Preliminary Plat of Willow Creek – Rosenbaum Consulting, LLC – Request for Preliminary Plat approval for subject property – Pending PC consideration 05/02/2013.

RELEVANT AREA CASE HISTORY: (not necessarily a complete list and does not include cases located in unincorporated Tulsa County)

BZ-342 – JR Donelson for Cardinal Industries – Request for rezoning from RS-3 to CS for southerly approximately 2.3 acres of the planned plat of “Willow Creek Plaza” – PC recommended Approval 04/20/2009 and City Council Conditionally Approved 05/11/2009 (Ord. # 2015).

Preliminary Plat of Willow Creek Plaza – Request for Preliminary Plat approval for approximately 9 acres abutting subject property to the east – PC recommended Conditional Approval on 04/20/2009 and City Council Conditionally Approved 04/27/2009.

BACKGROUND INFORMATION:

The subject property was approved for a Preliminary Plat (and Modification/Waiver of the 300’ maximum cul-de-sac/dead end street standard, to allow cul-de-sacs in the 350’ range based on local precedent) for a 254-lot development in 2008. The Planning Commission recommended Conditional Approval of the Preliminary Plat on 05/19/2008 and City Council Conditionally Approved it 05/27/2009.

As part of a series of Lot-Splits reallocating ownership patterns, the subject property acquired approximately two (2) acres on the west side of the “Twin Hills Creek” / “Old Fry Creek” in exchange for approximately 2.33 acres on the east side of the same. Per an older rezoning case, (BZ-236 – Faith Temple Assembly, Inc., 1998), the approximately two (2) acres retains RM-2 zoning.

The subject property was redesigned for a 276-lot development with more stormwater drainage/detention Reserve areas in 2009. The Planning Commission recommended Conditional Approval of the Preliminary Plat on 06/15/2009 and City Council probably Conditionally Approved it 06/22/2009 (electronic copy of Minutes appears to have been overwritten by a later meeting date’s Minutes), along with a Modification/Waiver to exceed the 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F.

The property ownership has since changed. The new owner has proposed a new Preliminary Plat for a 291-lot development, but has retained the overall framework (streets and blocks) as proposed and Conditionally Approved in 2009. This PUD would allow for the 65’ minimum lot widths per RS-3 to be reduced to 60’, which would allow for the increase in the number of lots as compared to the previous plat proposal.

The developer has expressed this situation within the PUD as follows, “Due to market conditions the Willow Creek is primarily based on a smaller lot size and excellent location to drive the residential market to this area of Bixby. With great access and a consistent market of

105

residential home construction in this range PUD# [78] will greatly improve the Willow Creek success for the City of Bixby's continued growth.

This Planned Unit Development (PUD# [78]) is an overlay covering the RS-3 zoning district and will generally follow RS-3 dimensional and density standards with certain notable exceptions. The purpose of this PUD# [78] is to modify the dimensional and development standards allowing the site to be developed into 60' minimum lot widths."

The Preliminary Plat for the subject property is also pending Planning Commission consideration at this May 02, 2013 Special Meeting.

ANALYSIS:

Subject Property Conditions. The subject property is agriculturally-used and contains 104.78 acres, more or less. It is zoned RS-3, with the exception of approximately two (2) acres zoned RM-2. It has approximately 1,470 feet of frontage on 131st St. S. and approximately 1,505 feet of frontage on Mingo Rd. It is bounded on the east by Mingo Rd., on the south and west by residential subdivisions *Southwood South Addition*, *Southbridge*, *Blue Ridge Estates / Blue Ridge II*, and *Sun Burst*, on the west by the *Broken Arrow Hitch & Trailer* business on a 4-acre tract zoned CG and a house on a 3-acre tract zoned CS, on the north by 131st St. S., and on the northeast by "Twin Hills Creek" / "Old Fry Creek." Per the EPA My WATERS Mapper, "Twin Hills Creek" was that drainageway that, since the Fry Ditch project was constructed, is now known as Fry Creek # 2 from its northernmost extent to its confluence with Fry Creek # 1. The creek was also previously rerouted southwest of the intersection of 141st St. S. and Mingo Rd. to discharge directly to the Arkansas River.

The land is relatively flat and appears to slope slightly to the southeast along a trajectory paralleling "Twin Hills Creek" / "Old Fry Creek," which then drains more or less due south after it crosses to the east side of Mingo Rd.

Although the Haikey Creek Flood Improvement project may affect the floodplain situation, the subject property currently contains substantial areas of 100-year (1% Annual Chance) Regulatory Floodplain. Per the City Engineer, any development of the subject property must coordinate with the Haikey Creek engineering design plans.

Development of the property at this time, and prior to the completion of the Haikey Creek drainage improvement project will result in the requirement to (1) Submit and receive FEMA approval of a Conditional Letter Of Map Revision based on Fill (CLOMR-F), (2) Fill / elevate the property to above the current 100-year Base Flood Elevation (BFE), (3) Provide compensatory storage for the fill / elevation, (6) Submit and receive FEMA approval of a LOMR-F, and (5) provide on-site stormwater detention. Elevating the subject property out of the 100-year floodplain would avoid conflict with the restriction from platting lots within the 100-year floodplain per SRs § 12-3-2.O. The subject property was approved for a CLOMR-F (Case No. 10-06-2013C) per letter from FEMA dated September 09, 2010. The balance of the actions remains to be done.

106

Access. Primary access to the subdivision would be via one (1) entrance from 131st St. S. and another from Mingo Road, and the third via 133rd St. S. through *Sun Burst*. There are no other stub-out streets abutting the subject property to connect to, and no undeveloped residential acreages to provide a new stub-out street to.

The Subdivision Regulations do not contain a ratio schedule for the number of required points of access to a subdivision based on the number of lots within it. Recommendations as to adequacy of the three (3) means of ingress and egress in ratio to the number of lots proposed should come from the City Planner, Fire Marshal, and Police Chief, all of whom have expressed that the three (3) should be considered adequate when 254 lots were proposed. All three (3) verbally indicated that the three (3) were still adequate when that number was increased to 276 lots. 291 lots are now proposed, and Staff is soliciting input from these officials as to the adequacy at this number of lots.

A Residential Collector Street is planned, at 60' in right-of-way width (and presumed roadway width at 36', when infrastructure plans are submitted), as per Subdivision Regulations standards, connecting 131st St. S. to Mingo Rd., located between Blocks 1, 2, 3, and 7 on the west and Blocks 4, 5, 6, 8, and 9 on the east.

General. This PUD primarily proposes to reduce the RS-3 minimum lot width requirement from 65' to 60', to allow for platting as "Willow Creek." The submitted site plan for the development (Concept Plat) exhibits a suburban-style subdivision design.

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) reviewed this PUD on April 03, 2013. The Minutes of the meeting are attached to this report.

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

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity + Residential, (2) Development Sensitive/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land, and (3) Medium Intensity + Commercial Area.

The existing RS-3 and RM-2 districts both allow the single-family development as proposed. Per the Matrix, the existing RS-3 and RM-2 districts are *In Accordance* or *May Be Found In Accordance* with all the Comprehensive Plan designations.

Per the Matrix, PUDs (as a zoning district) are *In Accordance* or *May Be Found In Accordance* with all designations of the Comprehensive Plan Land Use Map, and thus PUD 78 would be *In Accordance* with the Comprehensive Plan as a zoning district.

Therefore, Staff believes that the proposed single-family residential PUD should be recognized as being consistent with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily AG, RS-3, RE, CS, and CG. To the south and west are single family residential subdivisions *Sun Burst*, *Blue Ridge Estates*, *Blue Ridge II*, *Southbridge*, and *Southwood South Addition* zoned RS-3 and RE.

Along 131st St. S. to the northwest are a house, the *WW Sprinkler Repair* business, and the *Broken Arrow Hitch & Trailer* business, and miscellaneous other uses, all zoned CS and CG. Along 131st St. S. To the north of 131st St. S. is agricultural land zoned AG. To the northeast (across "Twin Hills Creek" / "Old Fry Creek") is the *Faith Temple Assembly* church and agricultural land zoned CS.

Land east of the subject property, across Mingo Rd., includes the *AAA Landscaping* and *Four Seasons Lawn Care* businesses, agricultural land, a communications tower, and land recently acquired by the City of Bixby for the Haikey Creek Flood Improvement project, all zoned AG in unincorporated Tulsa County.

Staff believes that the proposed single-family residential development contemplated by this PUD would be compatible with and complimentary to the surrounding residential uses and zoning patterns, and future uses anticipated in the areas to the north and east.

The subject property is within the Corridor Appearance District, to the extent located within 300' of the centerline of 131st St. S. However, Zoning Code Sections 11-7G-3 exempts residential zoning districts.

Within the nearest subdivisions, lots in *Sun Burst*, *Blue Ridge Estates*, *Blue Ridge II*, and *Southbridge* are all typically 65' in width, consistent with their RS-3 zoning. Lots in *Southwood South Addition* to the south are typically 150' in width, consistent with RE zoning. The closest additions with smaller lots is the recently-approved "Bixby Landing Second," which has lots varying in width but as narrow as 50', as permitted by PUD 57 and its underlying RS-4 zoning. *Abbie Raelyn Estates* at 132nd St. S. and 78th E. Ave. and *Copperleaf* at 131st St. S. and Sheridan Rd. each contain lots at roughly 50' typical widths.

Somewhat similarly to this development, the City of Bixby recently approved PUD 72, allowing *Lantern Hill* at 146th St. S. and Sheridan Rd. to be replatted as *Southridge at Lantern Hill* with 60'-wide lots. Upon its August 27, 2012 approval of PUD 72, the City Council imposed the following Conditions of Approval:

"...subject to the corrections, modifications, and conditions provided by staff and the additional conditions that houses constructed will be a minimum of 1,800 square feet up to 3,000 square feet, with full masonry up to the plate line, which masonry shall not include "hardi board. This approval is subject to final review by the City Planner for inclusion of language in PUD-72 providing for these conditions..."

Within this PUD, similar language has been added, but is different:

“The minimum home square footage shall be 1,500 square foot.

Home exterior shall be 50% masonry up to the first floor plate line.”

The Developer should note the difference and be advised that the City Council may request changes to such standards for quality in exchange for the benefits conferred upon the development by this PUD.

Regardless of area precedent for lots narrower than 65’, recognizing that the subject property contains approximately two (2) acres of RM-2 zoning, and that this PUD will exclude multifamily use in favor of an exclusively single-family development, it seems reasonable that the RM-2 zoning be translated to a small measure of added intensity in the form of the relaxation of the 65’ lot widths to 60’. This 60’ width appears to have allowed for a (291 – 276 =) 15 lot net increase in lot yield, or 5.4% increase over the 276 last proposed and Conditionally Approved. For comparison, even when excluding the approximately two (2) acres of RM-2 zoning and counting the same as RS-3, provisions for residential intensity within a PUD would permit approximately 540 lots per Zoning Code Section 11-7I-5.A.1.a.

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

Potential Subdivision Design Enhancements. In the Staff Reports for the original and revised Preliminary Plat applications, Staff identified several potential design enhancements, some of which have been incorporated as of the 2009 redesign (more reserve areas, and reserve areas connecting to other reserve areas, etc.). One of the recommended potential design enhancements was to use the 130’ PSO electric powerline right-of-way easement as a greenway / walking trail amenity (for illustration, consider the walking trail in the *Churchill Park* subdivision in Jenks). This could connect to the corresponding open space Reserve along the north side of the *Southbridge* subdivision. This trajectory would allow it to connect to the planned trail along the south side of *Southbridge* and into the Tulsa Metropolitan Trails system connection at *Washington Irving Park* to the west. The other Reserve Areas used for drainage/detention may also allow for passive recreational uses.

Studies have shown that lots abutting greenways, linear parks, and parks in general, fetch higher prices in the marketplace and maintain their values better than others not abutting such amenities. Use as a walking trail amenity could enhance the attractiveness, and thus value, of the entire subdivision.*

Such design enhancements could be discussed and decided at an early date, and without significant developer investment in a singular plan, if a Sketch Plat were submitted first for the Planning Commission’s approval of the conceptual layout.

These recommendations were not incorporated into the design, but there are now more Reserve areas, primarily designed for stormwater drainage/detention. The Planning Commission should discuss with the developer the likelihood of adding walking trails around the high banks of the drainage/detention areas.

* <http://www.tpl.org/research/parks/economic-health-benefits.html>

Staff Recommendation. Staff believes that the proposed PUD is consistent with Zoning Code Section 11-7I-8.C and the purposes and intent of the Zoning Code generally and recommends Approval subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to the satisfaction of any outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
2. Per the City Engineer, any development of the subject property must coordinate with the Haikey Creek engineering design plans.
3. Development of the property at this time, and prior to the completion of the Haikey Creek drainage improvement project will result in the requirement to (1) Submit and receive FEMA approval of a Conditional Letter Of Map Revision based on Fill (CLOMR-F), (2) Fill / elevate the property to above the current 100-year Base Flood Elevation (BFE), (3) Provide compensatory storage for the fill / elevation, (6) Submit and receive FEMA approval of a LOMR-F, and (5) provide on-site stormwater detention. Elevating the subject property out of the 100-year floodplain would avoid conflict with the restriction from platting lots within the 100-year floodplain per SRs § 12-3-2.O. The subject property was approved for a CLOMR-F (Case No. 10-06-2013C) per letter from FEMA dated September 09, 2010. The balance of the actions remains to be done.
4. Entire document: Please add PUD number where appropriate (PUD # 78 presuming approval).
5. Project Description: Correct geographical description such as follows: "The project is located ~~approximately ½ mile south of South-131st Street east South~~ and on the west side of Mingo Road in Bixby, Oklahoma."
6. Soil Characteristics: Reference to "Southridge at Lantern Hill" rather than "Willow Creek."
7. Platting: Please clarify language such as follows: "Prior to issuance of a ~~certificate of occupancy~~ a **building permit**, restrictive covenants, enforceable by the City of Bixby, setting forth the ~~design~~ standards of this approved Planned Unit Development (PUD # 78) shall be filed of record in the Office of the County Clerk. The required covenants ~~may~~ shall be filed in conjunction with a ~~re-plat~~ the subdivision plat of the property ~~or as a separate instrument.~~"
8. The "Concept Plat" is recognized as the site plan required by Zoning Code Section 11-7I-8.B.1. The following corrections or enhancements should be made:
 - a. Please change the street names as per the "Street Names Plat" provided to the Applicant on April 03, 2013.
 - b. The Reserve Areas should indicate the purpose(s) for each per the PUD site plan requirement to represent land uses. Reserve Areas A, B, C, and D are labeled "Drainage and Detention Easement." If the Developer is agreeable to Staff's suggestion to allow their additional passive recreational use such as for walking trails, this can be added to each.
 - c. Reserve Areas E and F are not labeled as to intended use (landscaping and/or entry features presumed).
 - d. The 130'-wide AEP/PSO easement (Book 3600 Page 16) is not represented on this or the Preliminary Plat.

- e. Please represent locations of identification signage per Zoning Code Section 11-7I-8.B.1.f (if known at this time).
 - f. Please represent locations and descriptions of screening and landscaping per Zoning Code Section 11-7I-8.B.1.e (if known at this time).
 - g. The graphic scale does not appear to correspond to map features. The numeric scale was not checked as its native paper size is not known.
9. Zoning Code Section 11-7I-8.B.1.c calls for the provision of plans for pedestrian access and circulation, in addition to vehicular access and circulation. The PUD needs to have wording to acknowledge that the Subdivision Regulations require sidewalks along the perimeter and internal streets, such as follows, "Sidewalks shall be constructed by the developer or individual lot owners along perimeter and internal streets in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer." If walking trails will be permitted within Reserve Areas, as suggested by Staff, this should be described here as well.
 10. Information on signage, as required per Zoning Code Section 11-7I-8.B.1.f, is missing. Modern subdivisions with frontage along main arterial streets typically have identification signage at the entrances, maintained by the Homeowners Association. If plans for signage are known at this time, they should be described in an appropriate section of the PUD and represented on the "Concept Plat" site plan if known as to location. If otherwise, the PUD text can state something general, such as "Identification signage, if to be installed for this development, shall comply with Bixby Zoning Code Section 11-7B-3.B.4.b."
 11. Zoning Code Section 11-7I-8.B.1.e calls for the provision of plans for screening and landscaping. Modern subdivisions with frontage along main arterial streets typically have a uniform fence or wall along these streets, sometimes enhanced with landscaping, maintained by the Homeowners Association. If plans for perimeter walls/fences are known at this time, they should be described in an appropriate section of the PUD and represented on the "Concept Plat" site plan as to location. The development also has Reserve Areas that may someday have landscaping (sod, trees, etc.). The PUD does not have, and needs to describe in the text and represent on the "Concept Plat" site plan proposed screening/walls, entry features, and landscaping throughout, if known at this time. If otherwise, the PUD text can state something general.
 12. 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.
 13. A corrected PUD text and exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: One (1) hard copy and one (1) electronic copy (PDF preferred).

AG

AG

Subject Tract

CS

E 131st ST S

CS

FD

CS

OL

CS

NS-1

PUD-27 CG

CS

CG

CS

E 132 ST S

S 86 EAVE

S 87 EAVE

E 133 ST S

S 86 EAVE

S 87 EAVE

E 133 PL S

RS-3

E 134 ST S

S 87 EAVE

S 88 EAVE

S 89 EAVE

E 135 ST S

S 89 EAVE

S 90 EAVE

S 91 EAVE

RM-2
PUD-10

S 86 EAVE

S 87 EAVE

S 88 EAVE

S 89 EAVE

S 90 EAVE

S 91 EAVE

E 136 ST S

E 136 PL S

S 90 EAVE

S 91 EAVE

S 92 EAVE

E 137 ST S

E 138 ST S

E 139 ST S

E 139 ST S

S 95 EAVE

S-MINGO RD

AG

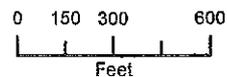


300' Radius



Subject Tract

PUD-78



12 17-13



MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
April 03, 2013 – 10:00 AM

MEMBERS PRESENT

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

Mark Capron, LLA, *Sack & Associates, Inc.*

Barrick Rosenbaum, PE, *Rosenbaum Consulting, LLC*

Jerry Emanuel

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

Mark Capron and Jerry Emmanuel noted that they had questions pertaining to the City Engineer's comments on the waterlines, especially as concerns Lot 7. Erik Enyart offered to see if Jared Cottle could attend the meeting. Mr. Enyart left and returned later and reported that Mr. Cottle and the Public Works Director were out of the office until this afternoon.

2. **PUD 47-C – Woodcreek Office Park – Sack & Associates, Inc.** Discussion and review of a rezoning request for approval of a Major Amendment to part of Planned Unit Development (PUD) # 47 for Lot 1, Block 3, *Woodcreek Village Amended*, with underlying zoning CS Commercial.
Property Located: 7500-block of E. 111th St. S.
3. **Preliminary Plat of “Woodcreek Office Park” – Sack & Associates, Inc. (PUD 47).** Discussion and review of a Preliminary Plat, being a replat of Lot 1, Block 3, *Woodcreek Village Amended*.
Property Located: 7500-block of E. 111th St. S.

Erik Enyart introduced the two (2) items related to the same project and summarized the project and its location. Mr. Enyart noted that the last time this was proposed was “going on five and a half years ago.” Mr. Enyart stated that the Planning Commission and TAC had seen this project in December of 2008, and it was ultimately Tabled in January of 2009. Mr. Enyart stated that, since then, there had been a downturn in the national economy that the area was now recovering from. Mr. Enyart asked Mark Capron and Jerry Emmanuel if the plans had changed since as they were proposed originally.

113

Jerry Emmanuel stated that the original plan had interior roads connecting all the lots, but that the market dictated that more lots face 111th St. S., so the new plan included as many lots along 111th St. S. as possible. Mr. Emmanuel stated that there were the same number and sizes of lots, and the buildings would be the same size. Mr. Emmanuel stated that it was still the same plan for single-owner buildings.

Erik Enyart asked what the impetus was behind the plan at this time, and if there was any particular business wanting to go into the site at this time.

Jerry Emmanuel stated that a CPA had approached the owner with interest, as had a dentist, in recent months.

Jim Sweeden clarified with Jerry Emmanuel and/or Mark Capron that there were still the same number of buildings, eight (8), proposed.

Erik Enyart asked if the City Engineer's review memo did not call out the matter of the driveway location. Jerry Emmanuel stated that the comment asked them to get approval from Tulsa County for the curb cut. Mr. Enyart asked if the driveway comment had anything to do with alignment with existing driveways on the other side of the street, and Mr. Emmanuel stated that it was only on the Tulsa County approval matter.

Erik Enyart asked Evelyn Shelton if she had any questions or comments at this time. Ms. Shelton stated, "We're okay."

Erik Enyart advised Mark Capron and Jerry Emmanuel that he was working on the Staff Report for the Planning Commission Special Meeting on April 18, 2013. Mr. Capron asked if there was anything else on that agenda. Mr. Enyart stated that the Willow Creek PUD and Preliminary Plat were supposed to have been on that agenda, but the Public Notice listed the meeting date at March 18, rather than April 18, and so he would have to talk to Barrick Rosenbaum later in the meeting to determine another Special Meeting date, if to be heard before the May 20, 2013 Regular Meeting. Mr. Enyart stated that, also on the April 18, 2013 Special Meeting agenda was a Detailed Site Plan for a *Raising Cane's* restaurant. Mr. Enyart advised Evelyn Shelton that he had not sent that out to the TAC yet [as it was received too late for this agenda], but would be sending that out by email soon for comments by email.

Mark Capron stated that the *Lowe's* development installed their fire hydrant(s) in a way that required this project locate a new hydrant on 111th St. S. Mr. Capron clarified with Jim Sweeden that the project would need two (2) fire hydrants: One on 111th St. S. and one on 75th E. Ave.

Mark Capron stated that the City Engineer had commented that Lot 7 did not have direct access to a waterline, but it was an "L"-shaped lot. Erik Enyart confirmed that it was a "flag lot," and that the plat showed it extended to 75th E. Ave. Mr. Enyart confirmed that the water meter would be along 75th E. Ave., and the service line would take whatever route needed through the lot to the building. Mr. Enyart stated that, if one only looked at the site plan, it would be hard to see this, but that configuration shows up better on the plat. Mr. Enyart stated that one would have to look at the two (2) together to see what was going on.

114

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

Jim Sweeden confirmed with Jerry Emmanuel that the buildings would not have sprinkler systems. Mr. Sweeden stated that he thought this would be the case due to the size of the buildings. Mr. Sweeden stated that it appeared the buildings would be for offices, but asked if any would be for assembly [occupancy]. Mr. Emmanuel asked if he meant assembly as in manufacturing. Erik Enyart stated that Mr. Sweeden meant assembly occupancy, such as a church. Mr. Emmanuel stated that he did not think the buildings were big enough for this, but that he did not know.

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

Jerry Emmanuel and Mark Capron left at this time.

4. **PUD 78 – “Willow Creek” – Rosenbaum Consulting, LLC.** Discussion and review of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 104.78 acres consisting of part of the NE/4 of Section 12, T17N, R13E.
Property Located: South and west of the intersection of 131st St. S. and Mingo Rd.
5. **Preliminary Plat – Willow Creek – Rosenbaum Consulting, LLC (PUD 78).** Discussion and review of a Preliminary Plat and certain Modifications/Waivers for “Willow Creek” for 104.78 acres in part of the NE/4 of Section 12, T17N, R13E.
Property Located: South and west of the intersection of 131st St. S. and Mingo Rd.

Erik Enyart introduced the two (2) items related to the same project and summarized the project and its location. Mr. Enyart stated that he understood the PUD was primarily designed to allow for the lot widths to be reduced to 60', as was done with the *Southridge at Lantern Hill* project. Barrick Rosenbaum indicated agreement. Mr. Enyart confirmed with Mr. Rosenbaum that the new owner was Simmons Homes. Mr. Enyart stated that he had reviewed the plat only briefly, but had observed some overlapping text and duplicate street names, and street names that will need to be changed. Mr. Enyart asked Mr. Rosenbaum if he had sent to him the previous Staff Report with review comments, and Mr. Rosenbaum stated that he would have to check, as he did not get all of the information from HRAOK, Inc. when he split with them (It was later found that it was sent 11/20/2012, and then was resent again on 04/03/2013). Mr. Enyart stated that his review would follow that report closely, and in fact, he would use the latest report, compare the review comments to the new plat, and the new plat to the old plat. Mr. Enyart asked who the surveyor was for the project, and Mr. Rosenbaum stated that it was Tulsa Land Surveying, LLC, Josh Lamb. Mr. Enyart stated that the subdivision appeared to be the same as the last version submitted. Mr. Rosenbaum stated that the streets were the same, as [his client] wanted to operate under the approved CLOMR. Mr. Rosenbaum stated that the stormwater detention areas were the same, but they were changing them to dry detention areas, rather than the wet areas as originally planned, as the water in the ponds required additional offsets. Mr. Rosenbaum stated that [the City Engineer] had indicated that some of the excavated dirt from the Haikey Creek Flood Improvement project could be applied to this property.

115

Erik Enyart stated that the City Engineer's review memo indicated that there would be some sort of interaction with the Sun Burst and Blue Ridge II neighborhoods, and that he saw the stormwater detention pond connection to Blue Ridge II, but did not know if that was the same type of interaction with Sun Burst. Barrick Rosenbaum stated that the pond in Sun Burst was a retention pond, and that the plan since HRAOK, Inc. worked on it was to give it an outlet. Mr. Rosenbaum stated that the water would drain from this pond through the subdivision, through the pond in Blue Ridge II, and back through the subdivision along the south side. Mr. Rosenbaum stated that the developer was making arrangements with the owner of the pond lot in Blue Ridge II. Mr. Rosenbaum and Erik Enyart observed that there were fence issues pertaining to that lot. Mr. Rosenbaum stated that the survey was going to identify all of this.

Barrick Rosenbaum stated that the plan was to get rid of the Sun Burst lift station, and not to have to install a new one along Mingo Rd. as was previously planned. Mr. Rosenbaum stated that he was working with [the City Engineer] to redo the sewer system so that it would gravity flow to the Blue Ridge lift station at 136th St. S. at the west end of Southbridge. Mr. Rosenbaum stated that the plan was then to remove that lift station as well. Mr. Rosenbaum noted that Jared Cottle had recommended a slight change in the routing of the new sewerline around Reserve C, which he would do.

Erik Enyart stated that, as he recalled from the last time this was reviewed that he had suggested the additional use of the Reserves for stormwater drainage and detention as a walking trail amenity. Mr. Enyart asked Barrick Rosenbaum if his client had considered this, and Mr. Rosenbaum stated that he would talk to them about it. Mr. Enyart stated that part of that area was within a PSO overhead transmission line right-of-way. Mr. Enyart asked Evelyn Shelton if it was not still acceptable to allow a passive walking trail amenity in these areas, if done within specifications, and Ms. Shelton indicated agreement but stated that it was a different division that handled this. Mr. Rosenbaum confirmed with Ms. Shelton that it was Robert [Pierce] that handled this. Mr. Rosenbaum and Mr. Enyart noted that they had received the materials [Mr. Pierce] had sent them. Mr. Enyart stated that he had actually read them to be sure that they still permitted walking trails. Mr. Rosenbaum stated that [Mr. Pierce] had commented on the Southridge at Lantern Hill project that the easement needed to have language saying that the owner should contact AEP before building anything. Mr. Enyart stated that he had seen in Jenks, in Churchill Park, that they used the powerline easements for meandering walking trails, and that he had seen walking trails in other communities within stormwater drainage and detention reserves.

Erik Enyart noted that, as he recalled from the last time this was reviewed, there were certain cul-de-sac streets that exceeded the 300' maximum length standard, and were required to be connected. Mr. Enyart stated that he had not yet compared this plat to the approval conditions of the plat the last time this was reviewed, or the previous version of the plat to see if that had already been done, but wanted to point this out. Barrick Rosenbaum stated that he would check. Mr. Enyart stated that, on the one hand, connecting the streets provided a configuration that allowed more lots, as the lots around the cul-de-sac [turnarounds] were larger, but on the other hand, developers like those lots, as they are more attractive and can be sold for a higher price. Mr. Enyart stated that Mr. Rosenbaum's client was in the business to sell lots so they would know what their market was, and the City knew the codes.

Erik Enyart asked if anyone had any questions or comments.

Jim Sweeden confirmed with Barrick Rosenbaum that there were still three (3) entrances/exits to the addition. Mr. Sweeden confirmed with Mr. Rosenbaum that this would not be a gated community. Mr. Sweeden asked Mr. Rosenbaum about the width of the entry at 131st St. S. with the median. Mr. Sweeden stated that the roadways needed to be no less than 14' from curb to curb. Mr. Rosenbaum stated that that connection would have one (1) lane in and two (2) lanes out. Mr. Sweeden stated that "California-type curbs" would be allowed. Mr. Rosenbaum confirmed with Mr. Sweeden that the curbs he was referring to are often called "mountable" curbs. Mr. Sweeden stated that he did not think the Code allowed that for regular City streets. Rosenbaum stated that he preferred the mountable curbs in his neighborhood in Broken Arrow, and that they required no curb cuts since one simply drives over them.

Erik Enyart observed that there would be one (1) collector road connecting 131st St. S. to Mingo Rd., and that the plat reflected that they would have a 60' right-of-way width, which met the requirement of the Subdivision Regulations for a residential collector street. Mr. Enyart asked Mr. Rosenbaum to confirm the plan was to have the roadway at 36' in width, and Mr. Rosenbaum confirmed. Mr. Enyart stated that the 36' width was also required by Subdivision Regulations.

Jim Sweeden stated that his office wanted to locate the fire hydrants, and discussed the 300' cul-de-sac street length requirement and hydrant spacing standards and as applied to certain areas of the subdivision. Mr. Sweeden stated that he could not tell on the plans he was provided where the waterlines would be. Barrick Rosenbaum stated that it was on the conceptual utilities plan, and that he would get this to him. Mr. Rosenbaum noted that he had placed a waterline along one side of a street to cut down on the number of service lines crossing the road but the City Engineer wanted it on the other side for the sake of consistency, which he would do.

Erik Enyart asked Barrick Rosenbaum when he and his client would want to schedule a Special Meeting to hear the PUD and plat, and Mr. Rosenbaum stated, "ASAP." Mr. Enyart stated that, if he could get the Public Notice in the next available *South County Leader*, April 11, 2013, the earliest Special Meeting date would be May 1st or 2nd, and that the 1st would probably be preferable. Mr. Rosenbaum stated that May 01, 2013 would be fine. Mr. Enyart stated that this would be about 18 days prior to the regular Planning Commission meeting date and would put the applications in front of the City Council on May 13, 2013, saving a couple weeks. Mr. Enyart stated that, since it was the City's error, the City would pay the republication costs.

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

Evelyn Shelton asked if there was a known time frame for the development. Barrick Rosenbaum stated that the development would be done in three (3) phases starting from west to southeast, and that they would like to get the dirtwork started in summer and start building by the end of the year.

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

117

6. V-45 – Eller & Detrich, PC for Eagle SPE Multi I, Inc. Discussion and review of a request to Close a Utility Easement within Lot 6, Block 1, *Bixby Centennial Plaza*.
Property Located: Approximately the 11800-block of S. Memorial Dr.
-

Erik Enyart introduced the item and summarized the location and the development. Mr. Enyart noted that this case was not to be confused with the last one in *Bixby Centennial Plaza*, which the TAC saw a few months ago and was related to the office development project Barrick Rosenbaum had worked on. Mr. Enyart stated that this case was for the development lot located north of [Communications Federal Credit Union].

Erik Enyart asked Evelyn Shelton if she had any questions or comments. Ms. Shelton stated that she gets confused in this area with all of the changes, and she would have to look at the records. Mr. Enyart stated that there had been several Lot-Splits over the years, cobbling together development lots, which tended to leave Utility Easements in the middle of the development.

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

7. Old Business
8. New Business
9. Meeting was adjourned at 10:40 AM.

118

BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, April 03, 2013

NAME	COMPANY	PHONE
1. <u>Zurick Rosenbaum</u>	<u>Rosenbaum Consult</u>	<u>918 798 0210</u>
2. <u>Mark Caproni</u>	<u>Sbi</u>	<u>918-592-4111</u>
3. <u>Jerry Emanuel</u>	<u>client</u>	<u>918-691-4955</u>
4. <u>Evelyn Shelton</u>	<u>RSO</u>	<u>918-250-6249</u>
5. <u>Eric Egnart</u>	<u>City of Bixby</u>	<u>918 366 4430</u>
6. <u>Jim Lueders</u>	<u>Fire Marshal office</u>	<u>918-366-0436</u>
7.		
8.		
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Willow Creek

A residential development in the City of Bixby
Tulsa County, Oklahoma.

Planned Unit Development

Location:

Willow Creek located south of 131st street south and west of Mingo Road in Bixby, Oklahoma

Land Area:

Total land area 104.78 acres

Date Prepared:

March 15, 2013

Owner:

Willow Creek Development, L.L.C.

12150 East 96th Street North Suite 200
Bixby, Oklahoma 74055

Prepared By:

Rosenbaum Consulting, LLC

2608 West Kenosha #304
Broken Arrow OK, 74012
918.798.0210

CITY OF BIXBY

MAR 15 2013

RECEIVED

BY Ernest

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Tulsa County, Oklahoma.

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TABLE OF CONTENTS

Project description	Page 3
Development Standards	Page 4
General Provisions	Page 5
Legal description	Page 6
Conceptual Plat	Page 7
Exhibit of Soil Characteristics	Page 8

Project Description:

Willow Creek is a residential subdivision in Bixby with the full development of streets, sanitary sewer, water lines and storm sewers. The project is located approximately ½ mile south of South 131st Street east and on the west side of Mingo Road in Bixby, Oklahoma.

Due to market conditions the Willow Creek is primarily based on a smaller lot size and excellent location to drive the residential market to this area of Bixby. With great access and a consistent market of residential home construction in this range PUD# will greatly improve the Willow Creek success for the City of Bixby's continued growth.

Willow Creek currently is located partly within FEMA flood plains. A previously approved CLOMR-f is still in existence and will be adhered to with the new development scheme. The previous preliminary plat for Willow Creek shows a proposed street network that will also be maintained with the new Willow Creek development. Civil construction plans for the previous Willow Creek development included wet detention facilities to be constructed. Willow Creek as proposed will include dry ponds for all detention and retention facilities.

This Planned Unit Development (PUD#) is an overlay covering the RS-3 zoning district and will generally follow RS-3 dimensional and density standards with certain notable exceptions. The purpose of this PUD# is to modify the dimensional and development standards allowing the site to be developed into 60' minimum lot widths.

Public utility systems will be installed with this project development along with public streets throughout.

Development Standards

This PUD # shall be developed in accordance with the Bixby Zoning Ordinance and the use and development regulations of the RS-3 district except as described below.

Use Regulations:

Permitted uses: All uses allowed by right in the RS-3 zoning district and specifically single-family residential homes

One (1) Use unit 5 "Neighborhood swimming pool and/or clubhouse" is allowed on a lot or lots as determined by the developer/owner of Willow Creek. The facility shall be subject to a site plan and, upon completion of construction pursuant to an approved Building Permit, the approval of use of the singular facility shall attach only to the lot or lots on which the Building Permit was issued.

Dimensional Standards:

Lot Width:

The minimum lot width proposed in the Willow Creek will be 60'.

The minimum home square footage shall be 1,500 square foot.

Home exterior shall be 50% masonry up to the first floor plate line.

All other dimensional standards will be as per RS-3 zoning guidelines.

Soil Characteristics:

An exhibit is attached showing the soil characteristics at Southridge at Lantern Hill. These soils are sufficient for construction types as proposed within this development.

General Provisions

Utilities:

Storm sewer, water, and sanitary sewer service already exist at the site and will be extended to all phases of the development. Franchise utilities will also serve the project with communications, gas and electric service as necessary. Coordination of any proposed modifications to the private franchise utilities will be done during the platting phase of the project.

Platting:

Prior to issuance of a certificate of occupancy a restrictive covenants, enforceable by the City of Bixby, setting forth the design standards of this approved Planned Unit Development (PUD #) shall be filed of record in the Office of the County Clerk. The required covenants may be filed in conjunction with a re-plat of the property or as a separate instrument.

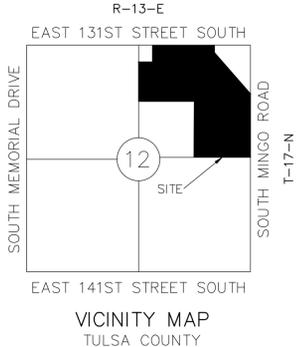
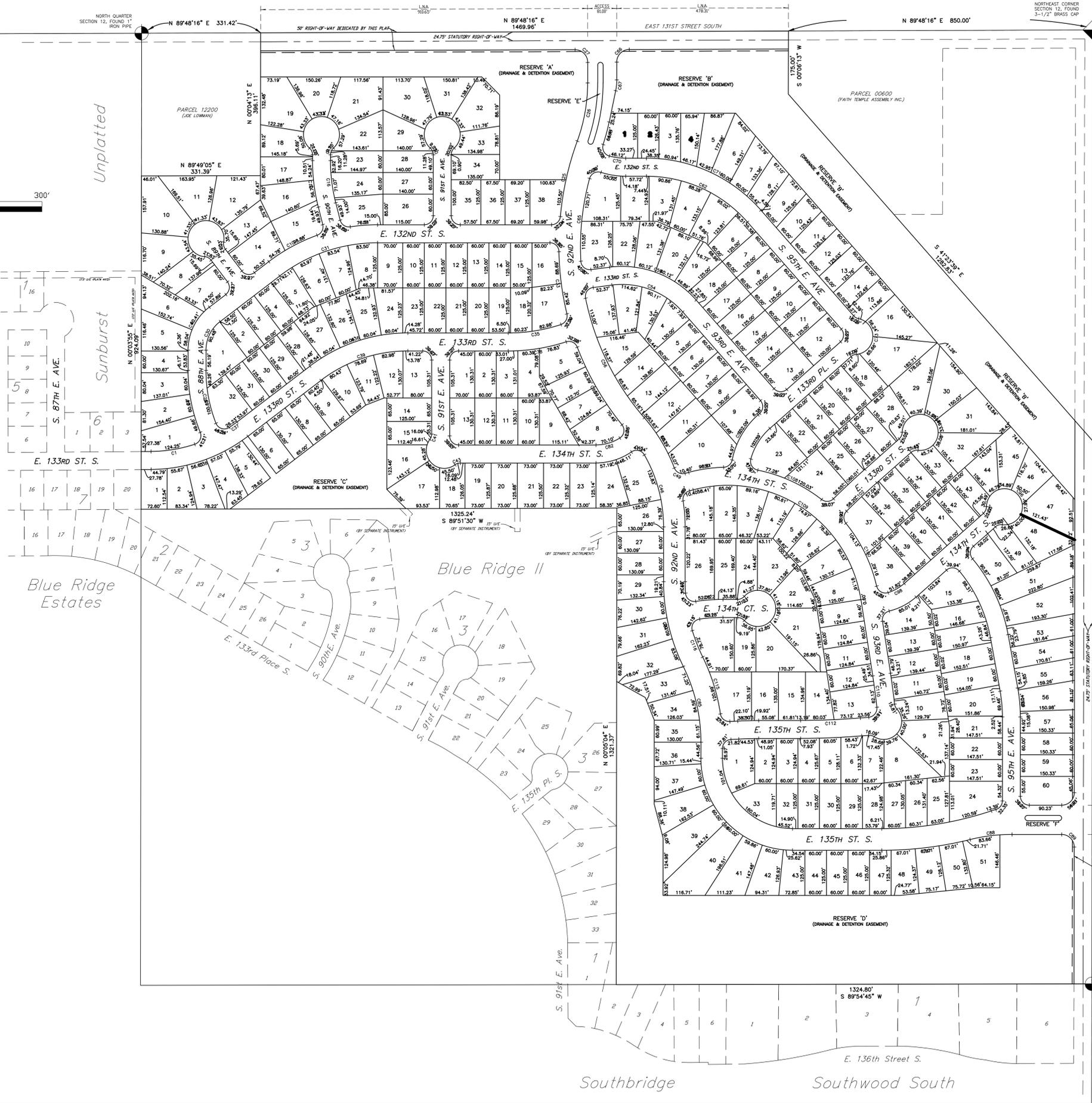
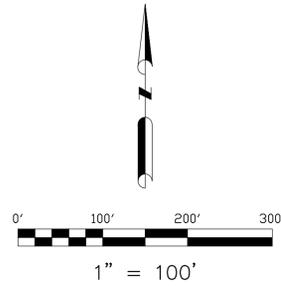
Schedule:

The Willow Creek development is expected to proceed immediately upon completion of the planning and/or platting process.

Legal Description

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWELVE (12), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE US GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SAID SECTION TWELVE (12); THENCE S 00°06'13" W ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE/4) A DISTANCE OF 1140.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 00°06'13" W ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE/4) A DISTANCE OF 1504.98 FEET TO THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER (NE/4); THENCE S 89°54'45" W ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER (NE/4) A DISTANCE OF 1324.80 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER (SE/4 NE/4); THENCE 00°05'04" E ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER (SE/4 NE/4) A DISTANCE OF 1321.37 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER (SE/4 NE/4); THENCE S 89 DEG 51'30" W ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER (NW/4 NE/4) A DISTANCE OF 1325.24 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER (NW/4 NE/4); THENCE N 00°03'55" E ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER (NW/4 NE/4) A DISTANCE OF 924.09 FEET A POINT THAT IS 66.00 FEET SOUTH OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER (NW/4 NW/4 NE/4); THENCE N 89°49'05" E PARALLEL WITH AND 66.00 FEET SOUTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER (NW/4 NW/4 NW/4 NE/4) A DISTANCE OF 331.39 FEET TO A POINT THAT IS 66.00 FEET SOUTH OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER (NW/4 NW/4 NW/4 NE/4); THENCE N 00°04'13" E ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER (E/2 NW/4 NW/4 NE/4) A DISTANCE OF 396.11 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER (NE/4); THENCE N 89°48'16" E ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER (NE/4) A DISTANCE OF 1469.96 FEET TO A POINT THAT IS 850.00 FEET FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER (NE/4); THENCE S 00°06'13" W PARALLEL WITH AND 850.00 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER (NE/4) A DISTANCE OF 175.00 FEET; THENCE S 41°23'39" E A DISTANCE OF 1282.83 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER (NE/4) AND THE POINT OF BEGINNING.



SUBDIVISION CONTAINS 291 LOTS IN 9 BLOCKS
TOTAL AREA: 104.8 ACRES

CONCEPT PLAT WILLOW CREEK

A PART OF THE NE/4, SECTION 12, T-17-N, R-13-E
TULSA COUNTY, STATE OF OKLAHOMA.

Owner:

WILLOW CREEK DEVELOPMENT, LLC
12150 EAST 96th STREET NORTH SUITE 200
OWASSO, OK 74055

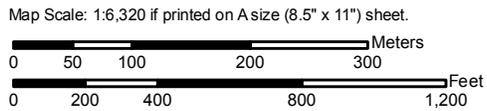
Engineer:

Rosenbaum Consulting, LLC
Certificate of Authorization No. 6470, Exp. June 30, 2013
2608 W. Kenosha St., #304
Broken Arrow, OK 74012
PHONE: (918) 895-0669

Surveyor:

Tulsa Land Surveying LLC
Certificate of Authorization No. 6038, Exp. June 30, 2013
1903 S. Boston Ave.
Tulsa, OK 74119
PHONE: (539) 664-5539

Soil Map—Tulsa County, Oklahoma
(Willow Creek - Bixby Oklahoma)



MAP LEGEND

 Area of Interest (AOI)	 Very Stony Spot
 Soils	 Wet Spot
 Area of Interest (AOI)	 Other
 Soil Map Units	Special Line Features
Special Point Features	 Gully
 Blowout	 Short Steep Slope
 Borrow Pit	 Other
 Clay Spot	Political Features
 Closed Depression	 Cities
 Gravel Pit	Water Features
 Gravelly Spot	 Streams and Canals
 Landfill	Transportation
 Lava Flow	 Rails
 Marsh or swamp	 Interstate Highways
 Mine or Quarry	 US Routes
 Miscellaneous Water	 Major Roads
 Perennial Water	 Local Roads
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	
 Spoil Area	
 Stony Spot	

MAP INFORMATION

Map Scale: 1:6,320 if printed on A size (8.5" x 11") sheet.
 The soil surveys that comprise your AOI were mapped at 1:12,000.
 Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: UTM Zone 15N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Tulsa County, Oklahoma
 Survey Area Data: Version 7, Sep 16, 2008
 Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Tulsa County, Oklahoma (OK143)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
7	Choska very fine sandy loam, 0 to 1 percent slopes, rarely flooded	55.3	51.8%
29	Latanier clay, 0 to 1 percent slopes, occasionally flooded	30.3	28.4%
49	Severn very fine sandy loam, 0 to 3 percent slopes, rarely flooded	21.2	19.8%
Totals for Area of Interest		106.8	100.0%

Memo

To: Erik Enyart
From: Jared Cottle *JWC*
CC: Bea Aamodt
File
Date: 04/02/13
Re: Willow Creek PUD 78 and Preliminary Plat Review

General Comments:

1. The proposed project includes utilization of off-site properties (Blue Ridge II & Sunburst). The written arrangements/agreements that provide for the use of these properties must be provided before Construction Plan approval.

Grading/Drainage/Paving Comments:

2. An updated Drainage Report should be submitted covering the proposed project and noting any changes to previously submitted documentation.
3. A CLOMR has already been filed covering the site grading and storm water drainage plans. If any changes are proposed, they should be included in an updated Drainage Report.
4. Any drainage or grading coordination with the Willow Creek Plaza project should be described and provided with future submittals.
5. A soils report including pavement design recommendations based on the City Engineering Design Manual will be required.

Sanitary Sewer Comments:

6. The sewer plan should include the installation of the off-site interceptor sewer along the south and west perimeter. The interceptor extension should be aligned directly across line Reserve "C" from Lot 17 to Lot 3. Installation of a deep, 24" interceptor under City streets and through abutting back or side yards is not desirable.
7. For future accessibility, the interceptor sewer line should terminate at the NW corner of Lot 19, Block 1 rather than in Lot 10, Block 1.
8. A sanitary sewer design memorandum should be provided with the design that indicates the potential drainage basin based on drainage areas and the depth of the lateral and interceptor lines.
9. All terminal manholes should be located within 15' of the street curb – i.e. the manhole between Lot 24 and Lot 25, Block 9 should be extended further south to 135th St.

Water Comments:

10. All valves and fitting should be located outside of paved areas.
11. The water line on S. 95th E. Ave. should be located on the east side of the roadway for continuity.
12. The water line on S. 92nd E. Ave. should be located on the east side of the roadway for its entirety.

130

13. The water line on S. 88th E. Ave. and E. 132nd St. should be located on the north side of the roadway.
14. Fire hydrant locations must be approved by the Fire Marshall.



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: Friday, April 26, 2013
RE: Report and Recommendations for:
Preliminary Plat of Willow Creek (PUD 78)

LOCATION: – South and west of the intersection of 131st St. S. and Mingo Rd.
– Part of the NE/4 of Section 12, T17N, R13E

LOT SIZE: 104.78 acres, more or less

EXISTING ZONING: – RS-3 Residential Single Family District
– RM-2 Residential Multifamily District

SUPPLEMENTAL ZONING: – Corridor Appearance District (300' south from centerline of 131st St. S.)
– PUD 78 (pending consideration 05/2013)

EXISTING USE: Agricultural

REQUEST: Preliminary Plat approval for a 291-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

North: CS & AG; The *Faith Temple Assembly* church, agricultural land, and a house on a 3-acre tract zoned CS, and agricultural land to the north of 131st St. S.

South: RS-3 & RE; Single family residential in *Blue Ridge Estates*, *Blue Ridge II*, *Southbridge*, and *Southwood South Addition*.

East: CS & AG; The *Faith Temple Assembly* church, agricultural land zoned CS, and across Mingo Rd.: *AAA Landscaping*, *Four Seasons Lawn Care*, agricultural land, and a cell tower, all in unincorporated Tulsa County.

148

West: RS-3, CG, & CS; Single family residential in *Blue Ridge II* and *Sun Burst* and, along 131st St. S.: a house on a 3-acre tract zoned CS, the *WW Sprinkler Repair* business, and the *Broken Arrow Hitch & Trailer*, and miscellaneous other uses, all zoned CS and CG.

COMPREHENSIVE PLAN:

- (1) Medium Intensity + Residential
- (2) Development Sensitive/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land
- (3) Medium Intensity + Commercial Area

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

BZ-23 – Robert Leikam – Request for rezoning from AG to OL, CS, RM-2, & RS-2 for approximately 117 acres, including subject property – Modified approval as per Staff granted in 1974 (Ord. # 282).

BZ-31 – Robert Weir – Request for rezoning from AG to RS-2 for 8.0 acres of the subject property at about the 13400-block of S. Mingo Rd. – Approved together with BZ-23 November 19, 1974 (Ord. # 282).

BZ-236 – Faith Temple Assembly, Inc. – Request for rezoning from RM-1 to CS for area of subject property currently zoned RM-2 for future church parking lot – Recommended/Approved for RM-2 zoning in November 1997/January 1998 (Ord. # 765).

BZ-338 – Cardinal Industries, Inc. c/o Bob Lemons – Request for rezoning from RM-2, RM-1, CS, OL, RD, and RS-2 to RS-3 for approximately 104.74 acres (includes subject property) for a future “Willow Creek” residential subdivision – PC recommended Approval 05/19/2008 and City Council Approved 06/09/2008 (Ord. # 1000).

Preliminary Plat of Willow Creek – Cardinal Industries, Inc. c/o Bob Lemons – Request for Preliminary Plat and Modification/Waiver (maximum cul-de-sac length) approval for 104.74 acres (includes subject property) – PC recommended Conditional Approval on 05/19/2008 and City Council Conditionally Approved 05/27/2008.

BL-353 – Faith Temple Assembly, Inc. c/o Tony Genoff – Request for Lot-Split approval for 13 acres abutting to the north and east (but including approximately 2 acres of subject property currently zoned RM-2) to separate the church property from its surrounding acreage – PC Approved 05/19/2008.

BL-364 – HRAOK, Inc. for Prestige Trading Company – Request for Lot-Split approval for 104.74 acres (includes subject property) to allow for the conveyance of approximately 2.3 acres on the east side of the Old Fry Creek Ditch to adjoining property owner (Genoff) to the north (part of a land trade along with BL-365) – PC Approved 12/15/2008.

BL-365 – HRAOK, Inc. for Tony Genoff – Request for Lot-Split approval for 9 acres abutting to the north and east, to allow for the conveyance of the approximately 2 acres of subject property currently zoned RM-2 for attachment to the subject property (part of a land trade along with BL-364) – PC Conditionally Approved 12/15/2008.

Revised Preliminary Plat of Willow Creek – HRAOK, Inc. – Request for revised Preliminary Plat and Modification/Waiver (to exceed the 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F) approval for subject property – PC recommended Conditional Approval on 06/15/2009 and probably Conditionally Approved by City Council 06/22/2009.

BBOA-562 – Hank Spieker for Cardinal Industries, LLC – Request for Special Exception per Zoning Code Section 11-7B-2 Table 1 to allow a Use Unit 5 church and Use Unit 5 private elementary school in the RS-3 and RM-2 Residential districts for subject property – Withdrawn by Applicant 07/03/2012.

PUD 78 – Willow Creek – Rosenbaum Consulting, LLC – Request for PUD approval for subject property – Pending PC consideration 05/02/2013.

RELEVANT AREA CASE HISTORY: (not necessarily a complete list and does not include cases located in unincorporated Tulsa County)

BZ-342 – JR Donelson for Cardinal Industries – Request for rezoning from RS-3 to CS for southerly approximately 2.3 acres of the planned plat of “Willow Creek Plaza” – PC recommended Approval 04/20/2009 and City Council Conditionally Approved 05/11/2009 (Ord. # 2015).

Preliminary Plat of Willow Creek Plaza – Request for Preliminary Plat approval for approximately 9 acres abutting subject property to the east – PC recommended Conditional Approval on 04/20/2009 and City Council Conditionally Approved 04/27/2009.

BACKGROUND INFORMATION:

The subject property was approved for a Preliminary Plat (and Modification/Waiver of the 300' maximum cul-de-sac/dead end street standard, to allow cul-de-sacs in the 350' range based on local precedent) for a 254-lot development in 2008. The Planning Commission recommended Conditional Approval of the Preliminary Plat on 05/19/2008 and City Council Conditionally Approved it 05/27/2009.

As part of a series of Lot-Splits reallocating ownership patterns, the subject property acquired approximately two (2) acres on the west side of the “Twin Hills Creek” / “Old Fry Creek” in exchange for approximately 2.33 acres on the east side of the same. Per an older rezoning case, (BZ-236 – Faith Temple Assembly, Inc., 1998), the approximately two (2) acres retains RM-2 zoning.

The subject property was redesigned for a 276-lot development with more stormwater drainage/detention Reserve areas in 2009. The Planning Commission recommended Conditional Approval of the Preliminary Plat on 06/15/2009 and City Council probably Conditionally Approved it 06/22/2009 (electronic copy of Minutes appears to have been overwritten by a later meeting date's Minutes), along with a Modification/Waiver to exceed the 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F.

The property ownership has since changed. The new owner has proposed a new Preliminary Plat for a 291-lot development, but has retained the overall framework (streets and blocks) as proposed and Conditionally Approved in 2009. Also pending Planning Commission consideration at this May 02, 2013 Special Meeting, PUD 78 would allow for the 65' minimum lot widths per RS-3 to be reduced to 60', which would allow for the increase in the number of lots as compared to the previous plat proposal.

The developer has expressed this situation within PUD 78 as follows, “Due to market conditions the Willow Creek is primarily based on a smaller lot size and excellent location to

150

drive the residential market to this area of Bixby. With great access and a consistent market of residential home construction in this range PUD# [78] will greatly improve the Willow Creek success for the City of Bixby's continued growth.

This Planned Unit Development (PUD# [78]) is an overlay covering the RS-3 zoning district and will generally follow RS-3 dimensional and density standards with certain notable exceptions. The purpose of this PUD# [78] is to modify the dimensional and development standards allowing the site to be developed into 60' minimum lot widths."

ANALYSIS:

Subject Property Conditions. The subject property is agriculturally-used and contains 104.78 acres, more or less. It is zoned RS-3, with the exception of approximately two (2) acres zoned RM-2. It has approximately 1,470 feet of frontage on 131st St. S. and approximately 1,505 feet of frontage on Mingo Rd. It is bounded on the east by Mingo Rd., on the south and west by residential subdivisions *Southwood South Addition*, *Southbridge*, *Blue Ridge Estates / Blue Ridge II*, and *Sun Burst*, on the west by the *Broken Arrow Hitch & Trailer* business on a 4-acre tract zoned CG and a house on a 3-acre tract zoned CS, on the north by 131st St. S., and on the northeast by "Twin Hills Creek" / "Old Fry Creek." Per the EPA My WATERS Mapper, "Twin Hills Creek" was that drainageway that, since the Fry Ditch project was constructed, is now known as Fry Creek # 2 from its northernmost extent to its confluence with Fry Creek # 1. The creek was also previously rerouted southwest of the intersection of 141st St. S. and Mingo Rd. to discharge directly to the Arkansas River.

The land is relatively flat and appears to slope slightly to the southeast along a trajectory paralleling "Twin Hills Creek" / "Old Fry Creek," which then drains more or less due south after it crosses to the east side of Mingo Rd.

Although the Haikey Creek Flood Improvement project may affect the floodplain situation, the subject property currently contains substantial areas of 100-year (1% Annual Chance) Regulatory Floodplain. Per the City Engineer, any development of the subject property must coordinate with the Haikey Creek engineering design plans.

Development of the property at this time, and prior to the completion of the Haikey Creek drainage improvement project will result in the requirement to (1) Submit and receive FEMA approval of a Conditional Letter Of Map Revision based on Fill (CLOMR-F), (2) Fill / elevate the property to above the current 100-year Base Flood Elevation (BFE), (3) Provide compensatory storage for the fill / elevation, (6) Submit and receive FEMA approval of a LOMR-F, and (5) provide on-site stormwater detention. Elevating the subject property out of the 100-year floodplain would avoid conflict with the restriction from platting lots within the 100-year floodplain per SRs § 12-3-2.O. The subject property was approved for a CLOMR-F (Case No. 10-06-2013C) per letter from FEMA dated September 09, 2010. The balance of the actions remains to be done.

Access. Primary access to the subdivision would be via one (1) entrance from 131st St. S. and another from Mingo Road, and the third via 133rd St. S. through *Sun Burst*. There are no other

151

stub-out streets abutting the subject property to connect to, and no undeveloped residential acreages to provide a new stub-out street to.

The Subdivision Regulations do not contain a ratio schedule for the number of required points of access to a subdivision based on the number of lots within it. Recommendations as to adequacy of the three (3) means of ingress and egress in ratio to the number of lots proposed should come from the City Planner, Fire Marshal, and Police Chief, all of whom have expressed that the three (3) should be considered adequate when 254 lots were proposed. All three (3) verbally indicated that the three (3) were still adequate when that number was increased to 276 lots. 291 lots are now proposed, and Staff is soliciting input from these officials as to the adequacy at this number of lots.

A Residential Collector Street is planned, at 60' in right-of-way width (and presumed roadway width at 36', when infrastructure plans are submitted), as per Subdivision Regulations standards, connecting 131st St. S. to Mingo Rd., located between Blocks 1, 2, 3, and 7 on the west and Blocks 4, 5, 6, 8, and 9 on the east.

General. This subdivision of 104.78 acres, more or less, proposes 291 lots, nine (9) blocks (however, due to Reserve "C" completely separating parts of Block 3, Staff recommends the designation of a tenth block), and seven (7) Reserve areas. The typical lot appears to be 60' X 125' (7,500 square feet) to 60' X 130' (7,800 square feet).

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) reviewed this PUD on April 03, 2013. The Minutes of the meeting are attached to this report.

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

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity + Residential, (2) Development Sensitive/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land, and (3) Medium Intensity + Commercial Area.

The existing RS-3 and RM-2 districts both allow the single-family development as proposed. Per the Matrix, the existing RS-3 and RM-2 districts are *In Accordance* or *May Be Found In Accordance* with all the Comprehensive Plan designations.

Per the Matrix, PUDs (as a zoning district) are *In Accordance* or *May Be Found In Accordance* with all designations of the Comprehensive Plan Land Use Map, and thus PUD 78 would be *In Accordance* with the Comprehensive Plan as a zoning district.

Therefore, Staff believes that the proposed Preliminary Plat for a single-family residential development should be recognized as being consistent with the Comprehensive Plan.

152

Potential Subdivision Design Enhancements. In the Staff Reports for the original and revised Preliminary Plat applications, Staff identified several potential design enhancements, some of which have been incorporated as of the 2009 redesign (more reserve areas, and reserve areas connecting to other reserve areas, etc.). One of the recommended potential design enhancements was to use the 130' PSO electric powerline right-of-way easement as a greenway / walking trail amenity (for illustration, consider the walking trail in the *Churchill Park* subdivision in Jenks). This could connect to the corresponding open space Reserve along the north side of the *Southbridge* subdivision. This trajectory would allow it to connect to the planned trail along the south side of *Southbridge* and into the Tulsa Metropolitan Trails system connection at *Washington Irving Park* to the west. The other Reserve Areas used for drainage/detention may also allow for passive recreational uses.

Studies have shown that lots abutting greenways, linear parks, and parks in general, fetch higher prices in the marketplace and maintain their values better than others not abutting such amenities. Use as a walking trail amenity could enhance the attractiveness, and thus value, of the entire subdivision.*

Such design enhancements could be discussed and decided at an early date, and without significant developer investment in a singular plan, if a Sketch Plat were submitted first for the Planning Commission's approval of the conceptual layout.

These recommendations were not incorporated into the design, but there are now more Reserve areas, primarily designed for stormwater drainage/detention. The Planning Commission should discuss with the developer the likelihood of adding walking trails around the high banks of the drainage/detention areas.

Access. Primary access to the subdivision would be via one (1) entrance from 131st St. S. and another from Mingo Road, and the third via 133rd St. S. through *Sun Burst*. There are no other stub-out streets abutting the subject property to connect to, and no undeveloped residential acreages to provide a new stub-out street to.

The Subdivision Regulations do not contain a ratio schedule for the number of required points of access to a subdivision based on the number of lots within it. Recommendations as to adequacy of the three (3) means of ingress and egress in ratio to the number of lots proposed should come from the City Planner, Fire Marshal, and Police Chief, all of whom have expressed that the three (3) should be considered adequate when 254 lots were proposed. All three (3) verbally indicated that the three (3) were still adequate when that number was increased to 276 lots. 291 lots are now proposed, and Staff is soliciting input from these officials as to the adequacy at this number of lots.

A Residential Collector Street is planned, at 60' in right-of-way width (and presumed roadway width at 36', when infrastructure plans are submitted), as per Subdivision Regulations standards, connecting 131st St. S. to Mingo Rd., located between Blocks 1, 2, 3, and 7 on the west and Blocks 4, 5, 6, 8, and 9 on the east.

* <http://www.tpl.org/research/parks/economic-health-benefits.html>

153

Subdivision Regulations Section 3.2.20 (Section 12-3-2.T of the codified City Code) has a maximum 300' street length standard, but provides that "longer cul-de-sac designs than stipulated in the engineering design manual may be approved upon the consent of the city staff, including city engineer, fire marshal, police chief, public works director and city planner."

For the previous Preliminary Plat, the Fire Marshal, City Planner, City Engineer, and Public Works Director previously agreed that all cul-de-sacs in the 500' range must be connected, but that the two (2) that were in the 350' length range may be allowed based on local precedent. The City Council approved the Modification/Waiver for the cul-de-sacs in the 350' length range as supported by Staff. With the Staff's and Planning Commission's favorable recommendation, when the Preliminary Plat was first approved in 2008, the City Council approved a Modification/Waiver from this standard to allow one (1) certain street to marginally exceed this distance. This Modification/Waiver applied to "Street Alignment C," at approximately 320' in length, and "Street Alignment J," at approximately 348' in length, based on the local precedent for streets in the 350' range in *Blue Ridge II*. These street alignments are now/should be known as 91st E. Ave. and 134th St. S., respectively. As of the 2009 redesign, all of the streets are in compliance with the approved Modification/Waiver, which is recognized as still in effect for this marginally-revised Preliminary Plat. 134th St. S. was shortened to 348' and it appears that 91st E. Ave. has been shortened to 300' or less.

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

1. The Modification/Waiver from the 300' maximum length standard of Subdivision Regulations Section 3.2.20, which the City Council approved with Planning Commission's favorable recommendation when the Preliminary Plat was first approved in 2008. This Modification/Waiver applied to "Street Alignment C," at approximately 320' in length, and "Street Alignment J," at approximately 348' in length, based on the local precedent for streets in the 350' range in *Blue Ridge II*. These street alignments are now/should be known as 91st E. Ave. and 134th St. S., respectively. As of the 2009 redesign, all of the streets are in compliance with the approved Modification/Waiver, which is recognized as still in effect for this marginally-revised Preliminary Plat. 134th St. S. was shortened to 348' and it appears that 91st E. Ave. has been shortened to 300' or less, but the actual distance cannot be determined.
2. Please designate the length of the cul-de-sac street centerlines from intersection with centerline(s) of connecting streets to the center of the cul-de-sac turnaround, so that street lengths can be determined.
3. The Modification/Waiver from 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F, which the City Council approved with Planning Commission's favorable recommendation when the Preliminary Plat was approved in 2009, is recognized to still be in effect and shall apply to all such lots exceeding this ratio. More lots exceed this ratio now than previously due to the lot narrowing.
4. Subject to the satisfaction of any outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
5. Per the City Engineer, any development of the subject property must coordinate with the Haikey Creek engineering design plans.

6. Development of the property at this time, and prior to the completion of the Haikey Creek drainage improvement project will result in the requirement to (1) Submit and receive FEMA approval of a Conditional Letter Of Map Revision based on Fill (CLOMR-F), (2) Fill / elevate the property to above the current 100-year Base Flood Elevation (BFE), (3) Provide compensatory storage for the fill / elevation, (6) Submit and receive FEMA approval of a LOMR-F, and (5) provide on-site stormwater detention. Elevating the subject property out of the 100-year floodplain would avoid conflict with the restriction from platting lots within the 100-year floodplain per SRs § 12-3-2.O. The subject property was approved for a CLOMR-F (Case No. 10-06-2013C) per letter from FEMA dated September 09, 2010. The balance of the actions remains to be done.
7. Lots 1 through 5, inclusive, Block 3, are completely separated from the balance of Block 3 by Reserve Area 'C.' Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
8. The 2009 plat included a "Reserve 'G'" between the north-south collector street and the "Park" Lot 34, Block 3, *Blue Ridge II*, which contains a stormwater detention/retention facility. This plat contains linework suggesting an extra-wide easement of some sort, but the same is not dimensioned or labeled. Please dimension and label. Will this area be used for emergency or other access to the stormwater detention pond? If so, its width is normally required to be 30' per the Fire Marshal, or otherwise it must be approved as to design by the Fire Marshal.
9. Lot, Block, and Reserve number statistics on the first page is missing number of Reserve Areas.
10. Update Lot, Block, and Reserve number statistics on the first page to add the new block number.
11. The 130'-wide AEP/PSO easement (Book 3600 Page 16) is not represented on this or the PUD 78 "Concept Plat" site plan.
12. Please confirm Lot 3, Block 6 and Lot 49, Block 4 have an average lot width not less than 60'.
13. Lot 3, Block 6 missing dimensions along rear-most lines.
14. Please indicate the breakpoints between 131st Pl. S. and 95th E. Ave. and 132nd Pl. S. and 94th E. Ave.
15. Please change the street names as per the "Street Names Plat" provided to the Applicant on April 03, 2013.
16. Please add proposed addresses to the lots.
17. 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."
18. Per SRs Section 12-4-2.A.5, the Location Map ("Vicinity Map") must include:
 - All platted additions represented with the Section
 - Scale at 1" = 2,000'.
19. Plat missing notes pertaining to monumentation (reference SRs Section 12-1-8).
20. The graphic scale does not appear to correspond to map features. The numeric scale was not checked as its native paper size is not known.
21. Angle/bearing data missing throughout plat.

155

22. Linework along the west sides of Lots 17, 18, and 19, suggestive of an easement, is missing label and dimension. It was last known as a "17.5' U/E & OD/E" in 2009.
23. Easements lacking labels and dimensions throughout plat.
24. Easements represented on the 2009 plat along 131st St. S., "Report of Commissioners (Case No. 74808)" and "15' City of Bixby Easement (Book 5428, Page 2167)" missing from this plat.
25. All easements of record affecting the subject property must be represented on the plat (SRs Section 12-4-2.B.2, etc.).
26. Contour data should be muted to improve legibility. See 2009 version for example.
27. Survey data missing for Reserves E and F.
28. Please represent the underlying RS-3 and RM-2 zoning district boundary lines as per SRs Section 12-4-2.B.3.
29. Please add lot sizes to lots for purposes of reviewing for Zoning Code compliance. A schedule may be used in order not to clutter the lots with more text.
30. Similar to the 2009 version, this plat contains an overall layout on the first page and then north and south parts on the following two (2) pages. However, this version does not have a Sheet Legend or labels indicating "Overall Layout," "North Part," or "South Part," and has no Matchlines.
31. Certain lots are not fully represented on either the north or south part sections (e.g. Lot 47, Block 4, Lots 1:4, Block 8).
32. Curve Data Table has no name (reference 2009 version).
33. Linework suggesting easements (10' U/E per the 2009 version) not labeled. Please label as to width and designate "U/E" if that is what they are.
34. The 2009 plat had an FL/E (Fence and Landscape Easement) along 131st St. S. and Mingo Rd. Linework suggesting an easement is represented in the same place, but is not dimensioned or labeled. Please dimension and label.
35. For the FL/E (Fence and Landscape Easement), please add appropriate dedication and maintenance responsibility language in the DoD/RCs. This was DoD/RCs Section II.L in the 2009 plat.
36. Dimension missing between northwest corner of Lot 1, Block 4 and C67. Last reported to be 63.59'.

37. Dimension missing from south line of Reserve C.
38. Dimension missing on common line between Lot 12, Block 3 and Reserve C.
39. Dimensions missing from several areas throughout the plat.
40. 134th St. S. in *Blue Ridge II* mislabeled.
41. Please correct name of subdivision abutting to the west to *Sun Burst*.
42. Text congestion at Lots 12 and 13, Block 6, Lot 4 and 15, Block 3, and text and linework conflicts throughout the plat make reading difficult.
43. North-south dimension missing from west end of Reserve A.
44. Consider making the common lot line between Lots 33 and 34, Block 1, coterminous with the southerly endpoint of C22 in order to eliminate the 0.90' variance between the southerly endpoint of C22 and the common lot corner. It is not clear if the 0.90' variance is to the north or to the south of the common lot corner, due to its exceptionally small size and the scale of the plat.
45. Three (3) separate instrument U/Es indicated suggest public U/Es will be dedicated. Please submit at your convenience for City Council acceptance of the public easement dedication.

156

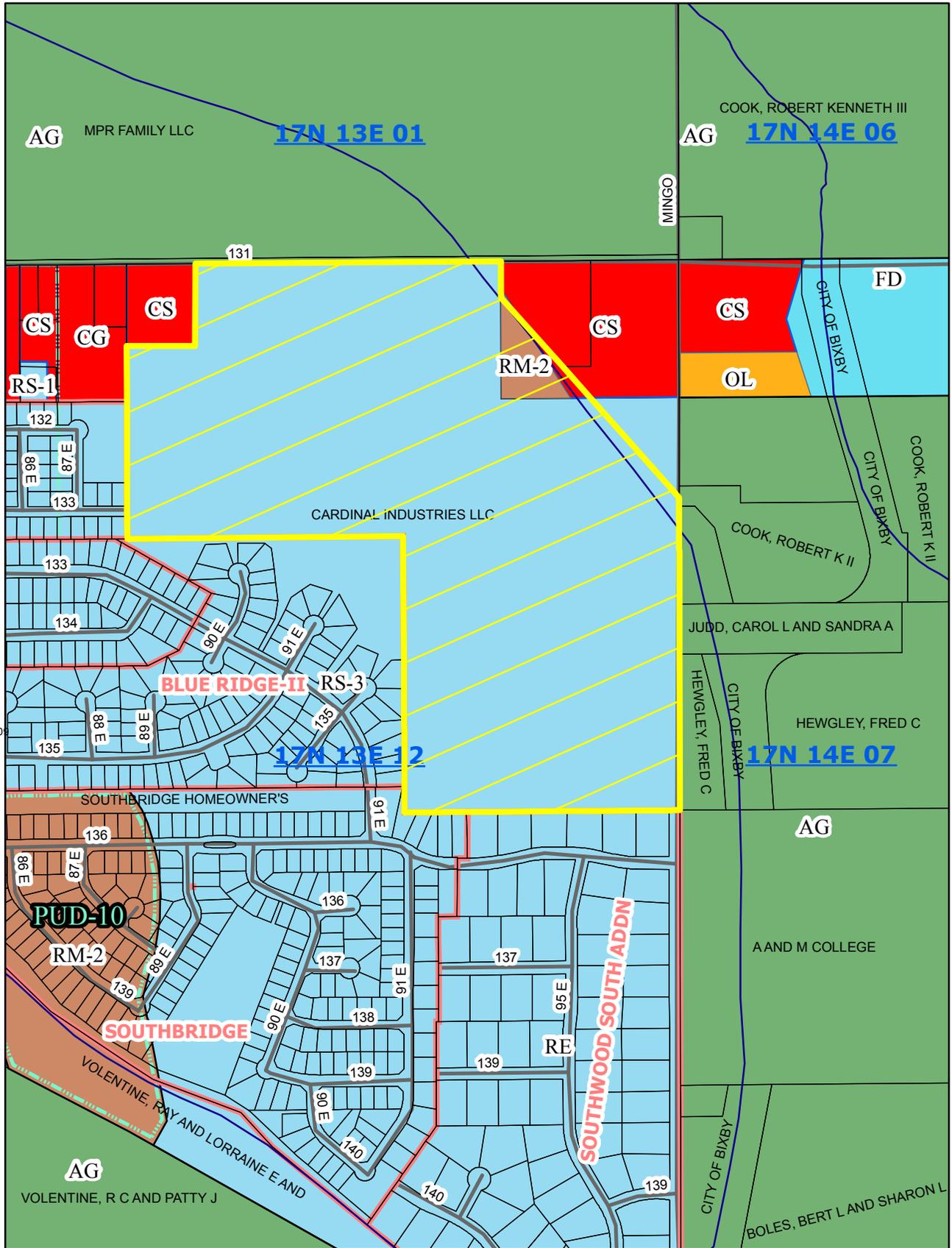
46. Three (3) separate instrument U/Es indicated: Cite Document # recording reference where instruments are recorded with the Tulsa County Clerk.
47. DoD/RCs Preamble: Missing legal description.
48. DoD/RCs Preamble: Missing critical wording such as “And has caused the above described land to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided ...” as per the City Attorney’s recommendations regarding fee simple ownership of rights-of-ways.
49. DoD/RCs Section I.A: Please qualify this section as follows: “...provided however, nothing herein shall be deemed to prohibit **properly-permitted** drives, parking areas, curbing, landscaping, customary screening fences and walls that do not constitute an obstruction.”
50. DoD/RCs Section I.E: Does not appear to provide for passive recreational uses (such as walking trails) in Reserve Areas, if the Developer is willing to incorporate this design suggestion.
51. DoD/RCs Section I.E.3: Refers to HOA formation in DoD/RCs Section III, but should be Section IV.
52. DoD/RCs Section I.H: Please qualify this section as follows: “...damage to landscaping and paving, when permitted by the City of Bixby, occasioned....”
53. DoD/RCs Section I.I: Refers to HOA formation in DoD/RCs Section III, but should be Section IV.
54. DoD/RCs Section I.I: Does not appear to provide for passive recreational uses (such as walking trails) in Reserve Areas, if the Developer is willing to incorporate this design suggestion.
55. DoD/RCs Section I.I & I.J: Appears to be missing use, ownership, and related provisions for Reserve Areas A, B, C, and D. See Section I.I of 2009 plat for illustration of language which could be used here.
56. DoD/RCs Section I.I & I.J: Will these Reserve Areas also be designated Utility Easement?.
57. DoD/RCs Section I.J.2: The description of the 5’ and 5’ is somewhat awkwardly written – is it intended to state that 10’ will be maintained between residences, rather than the sum of the two 5’ side yards? Advisory.
58. Deed of Dedication / Restrictive Covenants: Section I.J.2: Provision allowing side yards at 15’ along streets conflicts with 20’ Building Lines shown throughout the plat. Advisory. Language was modified in 2009 and now states “(except where easements are greater),” but this does not resolve the issue when the Building Lines are more restrictive. Probably intended to state “(except where Building Lines are more restrictive as shown on the plat).”
59. DoD/RCs Section II: Please complete blanks with appropriate information pertaining to the approval of PUD 78 (pending approval).
60. DoD/RCs Section II.D.1: Provides a 60’ Lot Frontage standard, when PUD 78 proposes a 60’ minimum Lot Width standard.
61. DoD/RCs Section II: Please update with the final wording of PUD 78 (pending approval).
62. DoD/RCs Section III: Refers to the “Declarant,” but the term does not appear to be identified within the DoD/RCs.
63. 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

157

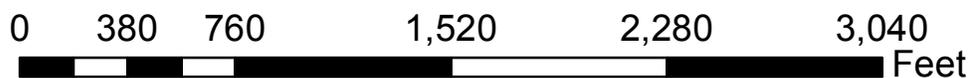
- Zoning Code. Please revise to simply "... the provisions of the Bixby Zoning Code pertaining to Planned Unit Developments (PUDs)," or something to that effect.
64. DoD/RCs Section II.D: Contains a subsection .1 and no other subsections. Advisory.
 65. DoD/RCs Section III.A: Does not appear to provide for the transfer of duties from the subdivision's Architectural Committee to the HOA. Advisory.
 66. DoD/RCs Section III.A.1.a: Indicates minimum square footage requirement of PUD 78 may be waived by the subdivision's Architectural Committee. Please qualify appropriately.
 67. DoD/RCs Section III.A.1.b: Indicates masonry requirement of PUD 78 may be waived by the subdivision's Architectural Committee. Please qualify appropriately.
 68. DoD/RCs Section III.A.1.e: Requires concrete driveway construction. Would cobblestone or Belgian block be permitted? Advisory.
 69. DoD/RCs Section III.A.3: Provides a 20' front-yard, 0' side yard, and 15' rear yard setbacks in conflict with RS-3 zoning and PUD 78 as proposed, and the 25' front yard Building Lines shown on the plat. Please revise.
 70. DoD/RCs Section III.A.4.e: Refers to enforcement provisions in DoD/RCs Section V instead of IV as presumed intended.
 71. DoD/RCs Section IV Enforcement, Duration, Amendment and Severability: Duplicate Section number. Section V is presumed intended.
 72. DoD/RCs Section [VI].C: Refers to DoD/RCs Section II.B "Use," when Section III.B "Use" of the 2009 version was presumed intended. Section III of this plat appears to be substantially rewritten as compared to the 2009 version, so this former reference may no longer be valid.
 73. DoD/RCs Section [VI].C. Has an extra period with attendant spacing.
 74. DoD/RCs Section [VI].C. Please include PUD number in space indicated.
 75. A copy of the Preliminary Plat including all recommended corrections shall be submitted for placement in the permanent file.
 76. Due to the number of minor errors, Staff advises the Applicant to re-review the plat and Deed of Dedication and Restrictive Covenants and satisfy themselves as to its correctness.
-

150

PUD 78 – “Willow Creek” – Rosenbaum Consulting, LLC, & Preliminary Plat of Willow Creek (PUD 78)



- Tulsa Parcels 01/13
 - Subdivisions
 - E911 Streets
 - PUD
 - Wag. Co. PUD
 - WagParcels-Clip 01-01
 - <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
 - bixby_streams



Erik Enyart

From: Barrick Rosenbaum, P.E., CFM [barrick@rosenbaumconsultingllc.com]
Sent: Monday, April 01, 2013 12:04 PM
To: Erik Enyart
Subject: RE: Bixby TAC Agenda for 04/03/2013

Received and thanks!
Have a great day.
Sincerely
Barrick

From: Erik Enyart [mailto:eenyart@bixby.com]
Sent: Monday, April 01, 2013 11:50 AM
To: Barrick Rosenbaum, P.E., CFM
Subject: FW: Bixby TAC Agenda for 04/03/2013

Barrick:

See below and attached as pertains to the Willow Creek project.

Erik Enyart

From: rlpiercejr@aep.com [mailto:rlpiercejr@aep.com]
Sent: Wednesday, March 27, 2013 2:10 PM
To: Erik Enyart
Cc: emshelton@aep.com
Subject: Re: Bixby TAC Agenda for 04/03/2013

Erik,
I have reviewed the agenda items for the April 3, 2013 Bixby TAC meeting, as forwarded to my attention via email on 3-20-2013.
The following comments apply:

Woodcreek Office Park (Preliminary Plat):

Neither American Electric Power Company, Inc. (AEP), Public Service Company of Oklahoma (PSO) nor AEP Oklahoma Transmission Company, Inc. (OKTRANSCO) currently maintain any high voltage electric transmission facilities or own Transmission right-of-way easement rights upon the subject property.

Willow Creek (Concept Plat):

PSO is owner of a transmission line right-of-way easement across the south 130 feet of the subject property. reference file attachment below.....

...certain restrictions as to the use of this easement area will apply - for more information reference the two attachments below....

Utility Easement Closure Request - Lot 6, Block 1 Bixby Centennial Plaza:

No objections to requested action.

160

This correspondence is intended to address only those issues regarding any AEP/PSO and OKTRANSCO owned high voltage transmission system facilities and does not represent or imply the concurrence of Public Service Company of Oklahoma as regards its existing or proposed electric distribution facilities on the properties. Further, this concurrence is not to be construed as to preempt the grant of any additional easements necessary to provide electrical service to the properties at some future date.

Robert Pierce
Lead Right-of-Way Agent
AEP Transmission Line Engineering
212 E. 6th St., GO4E, Tulsa, OK 74119-1295
Office Telephone: (918) 599-2257
Office AudiNet: 8-700-2257
Cell Phone: (918) 706-2111
Facsimile (Fax): 866-947-0823
E-Mail: rlpiercejr@aep.com

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Version: 2013.0.2904 / Virus Database: 2641/6205 - Release Date: 03/26/13

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Checked by AVG - www.avg.com

Version: 2013.0.3267 / Virus Database: 3161/6218 - Release Date: 04/01/13

161

Memo

To: ERIK ENYART, AICP, CITY PLANNER

From: JIM SWEEDEN

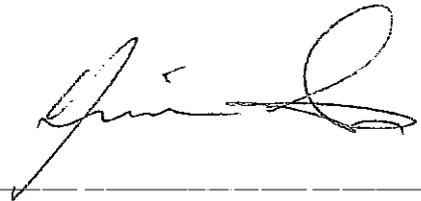
Date: 3/20/2013

Re: REVISED PRELIMINARY PLAT OF "WILLOW CREEK"

RESIDENTIAL HYDRANT SPACING IS 600 FEET. THIS OFFICE SHALL LOCATE AND APPROVE HYDRANT LOCATIONS AND SHALL BE INSTALLED ON PROPERTY LINES. HYDRANTS NEED TO BE AS CLOSE TO ENTRANCES OF CUL-DE-SAC AS POSSIBLE.

MINIMUM PAVEMENT WIDTHS FOR RESIDENTIAL IS 26 FEET.

EACH SIDE OF ENTRANCES AND EXITS AREAS WITH ISLANDS SHALL BE NO LESS THAN 14 FEET FROM CURB TO CURB. THE ISLANDS AT THE TWO ENTRANCES SHALL HAVE CALIFORNIA TYPE CURBS.



Erik Enyart

From: Joey Wiedel [firemarshal@bixby.com]
Sent: Friday, April 26, 2013 1:58 PM
To: Erik Enyart
Subject: RE: Staff Report PUD 78 - Willow Creek - Rosenbaum Consulting, LLC - DRAFT version drafted 04-25-13

Erik,
Everything in questions seems to be sufficient to me.

Thanks,
Joey Wiedel/ Fire Marshal
City of Bixby Fire Dept.
116 W. Needles
Bixby, Ok 74008
PH: (918)366-0436
F: (918)366-4416

From: Erik Enyart [mailto:eenyart@bixby.com]
Sent: Thursday, April 25, 2013 11:19 AM
To: Ike Shirley; 'Joey Wiedel (firemarshal@bixby.com)'; Jim Sweeden
Cc: Jared Cottle; Bea Aamodt
Subject: FW: Staff Report PUD 78 – Willow Creek – Rosenbaum Consulting, LLC – DRAFT version drafted 04-25-13

Ike, Joey, and Jim:

Please see the attached draft report and street names plat.

1) Part of the report is:

“The Subdivision Regulations do not contain a ratio schedule for the number of required points of access to a subdivision based on the number of lots within it. Recommendations as to adequacy of the three (3) means of ingress and egress in ratio to the number of lots proposed should come from the City Planner, Fire Marshal, and Police Chief, all of whom have expressed that the three (3) should be considered adequate when 254 lots were proposed. All three (3) verbally indicated that the three (3) were still adequate when that number was increased to 276 lots. 291 lots are now proposed, and Staff is soliciting input from these officials as to the adequacy at this number of lots.”

Do you now that there are 291 lots, do you still concur that the three (3) points of access are adequate?

2) Please take a look at the street name plat and see if I have made any errors or if enhancements are in order.

Thanks in advance!

Erik

163

From: Erik Enyart
Sent: Thursday, April 25, 2013 10:56 AM
To: 'Barrick Rosenbaum, P.E., CFM'
Cc: Jared Cottle; Bea Aamodt; 'Jim Sweeden'; 'Joey Wiedel (firemarshal@bixby.com)'; Patrick Boulden
Subject: Staff Report PUD 78 – Willow Creek – Rosenbaum Consulting, LLC – DRAFT version drafted 04-25-13

Hi Barrick:

Draft report attached. Please review and contact me with any questions or if you need additional information. Others copied here for review and edits as may be needed.

Thanks~

Erik Enyart, AICP, City Planner
City of Bixby, PO Box 70
Bixby, OK 74008
Ph. (918) 366-0427
Fax (918) 366-4416
eenyart@bixby.com
www.bixby.com

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2013.0.3272 / Virus Database: 3162/6264 - Release Date: 04/22/13

164

Memo

To: Erik Enyart
From: Jared Cottle *JWC*
CC: Bea Aamodt
File
Date: 04/02/13
Re: Willow Creek PUD 78 and Preliminary Plat Review

General Comments:

1. The proposed project includes utilization of off-site properties (Blue Ridge II & Sunburst). The written arrangements/agreements that provide for the use of these properties must be provided before Construction Plan approval.

Grading/Drainage/Paving Comments:

2. An updated Drainage Report should be submitted covering the proposed project and noting any changes to previously submitted documentation.
3. A CLOMR has already been filed covering the site grading and storm water drainage plans. If any changes are proposed, they should be included in an updated Drainage Report.
4. Any drainage or grading coordination with the Willow Creek Plaza project should be described and provided with future submittals.
5. A soils report including pavement design recommendations based on the City Engineering Design Manual will be required.

Sanitary Sewer Comments:

6. The sewer plan should include the installation of the off-site interceptor sewer along the south and west perimeter. The interceptor extension should be aligned directly across line Reserve "C" from Lot 17 to Lot 3. Installation of a deep, 24" interceptor under City streets and through abutting back or side yards is not desirable.
7. For future accessibility, the interceptor sewer line should terminate at the NW corner of Lot 19, Block 1 rather than in Lot 10, Block 1.
8. A sanitary sewer design memorandum should be provided with the design that indicates the potential drainage basin based on drainage areas and the depth of the lateral and interceptor lines.
9. All terminal manholes should be located within 15' of the street curb – i.e. the manhole between Lot 24 and Lot 25, Block 9 should be extended further south to 135th St.

Water Comments:

10. All valves and fitting should be located outside of paved areas.
11. The water line on S. 95th E. Ave. should be located on the east side of the roadway for continuity.
12. The water line on S. 92nd E. Ave. should be located on the east side of the roadway for its entirety.

13. The water line on S. 88th E. Ave. and E. 132nd St. should be located on the north side of the roadway.
14. Fire hydrant locations must be approved by the Fire Marshall.

166

PRELIMINARY PLAT

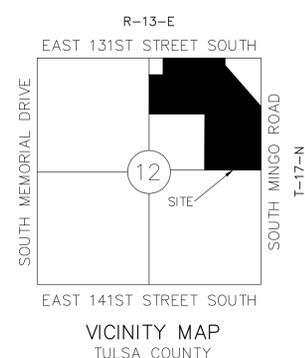
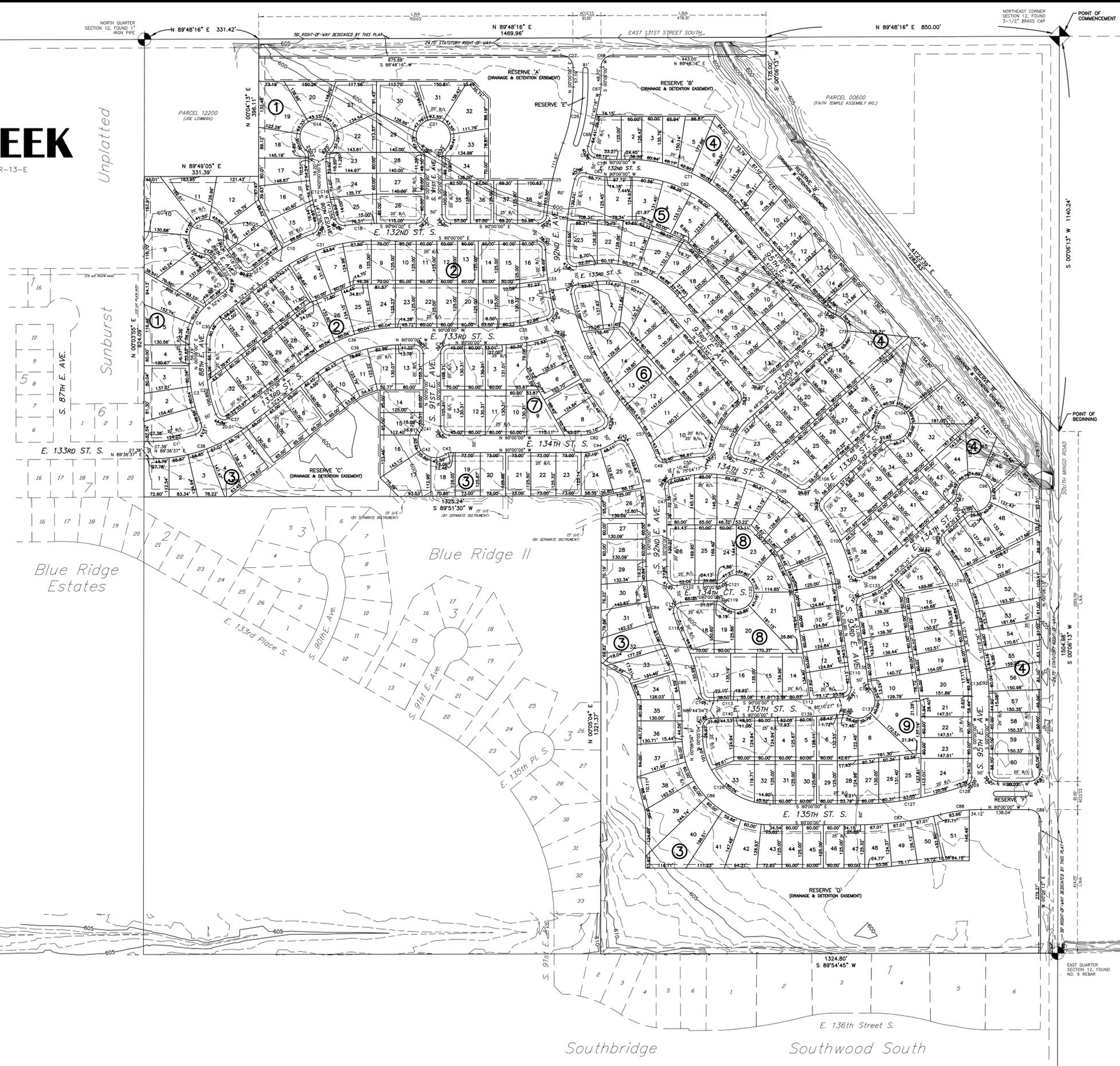
WILLOW CREEK

A PART OF THE NE/4, SECTION 12, T-17-N, R-13-E
TULSA COUNTY, STATE OF OKLAHOMA.

PLAT No.

LEGEND

- B/L BUILDING LINE
- D/E DRAINAGE EASEMENT
- L/E LANDSCAPE EASEMENT
- LNA LIMITS OF NO ACCESS
- MAE MUTUAL ACCESS EASEMENT
- U/E UTILITY EASEMENT



VICINITY MAP
TULSA COUNTY

SUBDIVISION CONTAINS 291 LOTS IN 9 BLOCKS

TOTAL AREA: 104.8 ACRES

BASIS OF BEARING:
EASTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 12
BEING SOUTH 00°06'13\"/>

Owner:

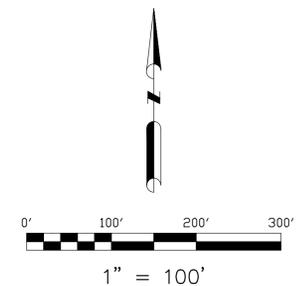
WILLOW CREEK DEVELOPMENT, LLC
12150 EAST 96th STREET NORTH SUITE 200
OWASSO, OK 74055

Engineer:

Rosenbaum Consulting, LLC
Certificate of Authorization No. 6470, Exp. June 30, 2013
2608 W. Kenosha St., #304
Broken Arrow, OK 74012
PHONE: (918) 895-0669

Surveyor:

Tulsa Land Surveying LLC
Certificate of Authorization No. 6038, Exp. June 30, 2013
1903 S. Boston Ave.
Tulsa, OK 74119
PHONE: (539) 664-5539



Southridge Southwood South

PLAT No.

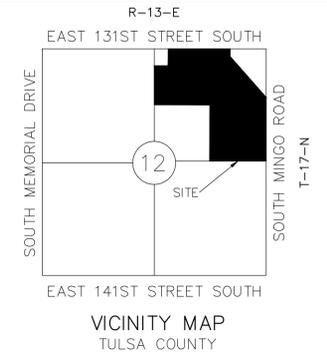
PRELIMINARY PLAT WILLOW CREEK

A PART OF THE NE/4, SECTION 12, T-17-N, R-13-E
TULSA COUNTY, STATE OF OKLAHOMA.

SUBDIVISION CONTAINS 291 LOTS IN 9 BLOCKS

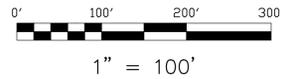
TOTAL AREA: 104.8 ACRES

BASIS OF BEARING:
EASTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 12
BEING SOUTH 00°06'13" WEST



LEGEND

- B/L BUILDING LINE
- D/E DRAINAGE EASEMENT
- L/E LANDSCAPE EASEMENT
- LNA LIMITS OF NO ACCESS
- MAE MUTUAL ACCESS EASEMENT
- U/E UTILITY EASEMENT



Owner:

Engineer:

Surveyor:

WILLOW CREEK DEVELOPMENT, LLC
12150 EAST 96th STREET NORTH SUITE 200
OWASSO, OK 74055

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1903 S. Boston Ave.
Tulsa, OK 74119
PHONE: (539) 664-5539



NORTHEAST CORNER SECTION 12, FOUND 3-1/2" BRASS CAP
POINT OF COMMENCEMENT

S 00°06'13" W 1140.24'
POINT OF BEGINNING

PLAT No.



LEGEND

- B/L BUILDING LINE
- D/E DRAINAGE EASEMENT
- L/E LANDSCAPE EASEMENT
- LNA LIMITS OF NO ACCESS
- MAE MUTUAL ACCESS EASEMENT
- U/E UTILITY EASEMENT

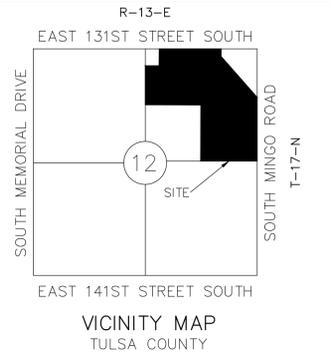


1" = 100'



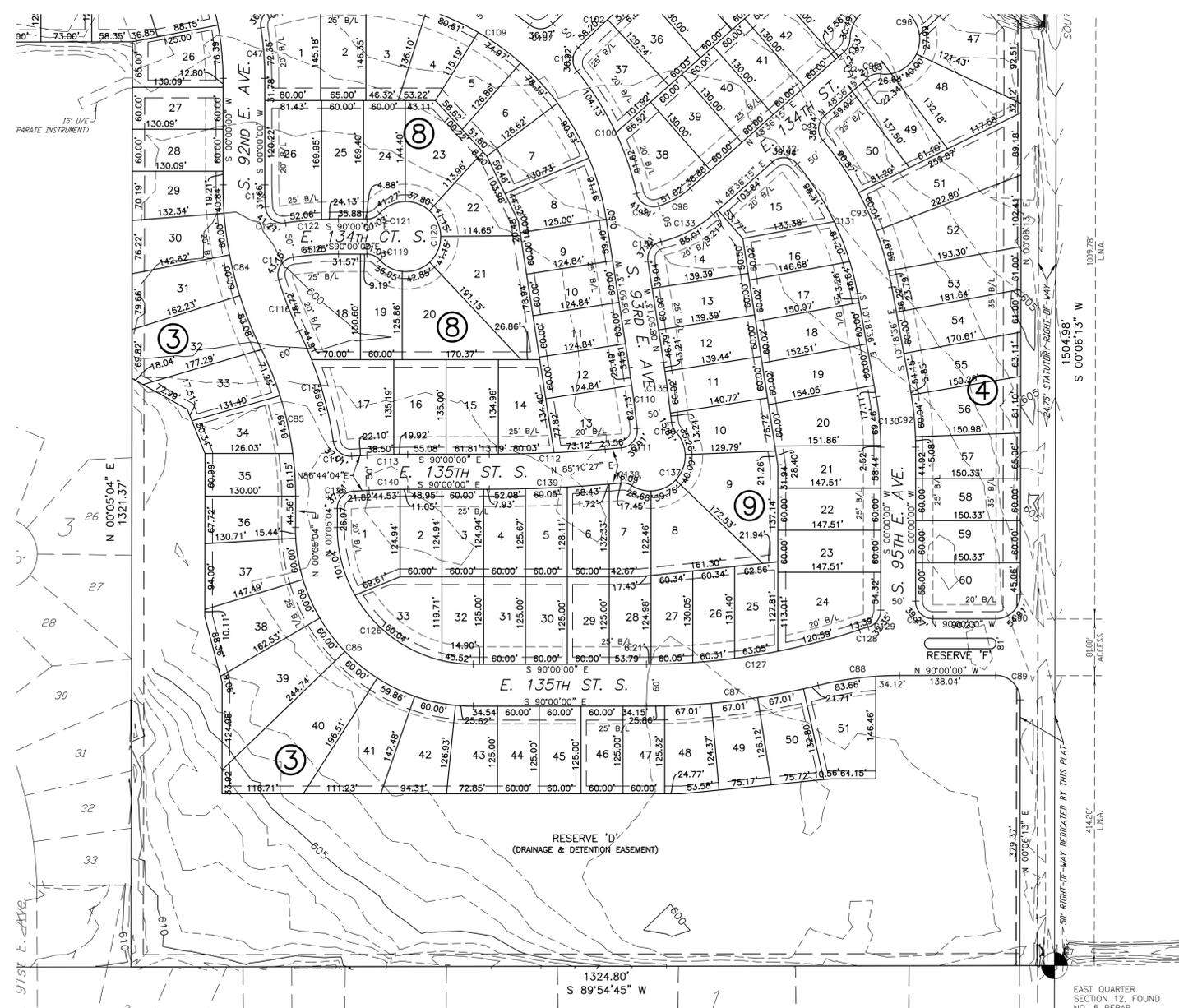
PRELIMINARY PLAT WILLOW CREEK

A PART OF THE NE/4, SECTION 12, T-17-N, R-13-E
TULSA COUNTY, STATE OF OKLAHOMA.



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	400.00'	124.25'	17°47'53"	123.76'	N 80°42'41" E
C2	25.00'	41.11'	94°12'39"	36.63'	N 24°42'24" E
C3	450.00'	175.92'	22°23'55"	174.80'	S 11°11'58" E
C4	150.00'	137.95'	52°41'38"	133.14'	S 26°20'49" W
C5	25.00'	39.27'	90°00'00"	35.36'	N 07°41'38" E
C6	25.00'	21.03'	48°11'23"	20.41'	N 61°24'03" W
C7	50.00'	241.19'	276°22'46"	66.67'	S 52°41'38" W
C8	25.00'	21.03'	48°11'23"	20.41'	S 13°12'40" E
C9	25.00'	39.27'	90°00'00"	35.36'	S 82°18'22" E
C10	500.00'	153.66'	17°36'30"	153.06'	S 61°29'53" W
C11	25.00'	36.89'	84°32'06"	33.63'	N 28°02'05" E
C12	525.00'	130.42'	14°13'58"	130.08'	S 07°06'59" E
C13	25.00'	21.03'	48°11'23"	20.41'	N 24°05'41" W
C14	50.00'	241.19'	276°22'46"	66.67'	N 90°00'00" W
C15	25.00'	21.03'	48°11'23"	20.41'	S 24°05'41" W
C16	475.00'	117.99'	14°13'58"	117.69'	S 07°06'59" E
C17	25.00'	36.89'	84°32'06"	33.63'	S 56°30'01" E
C18	500.00'	76.51'	6°46'04"	76.44'	S 85°36'58" W
C19	25.00'	39.27'	90°00'00"	35.36'	N 45°00'00" E
C20	25.00'	21.03'	48°11'23"	20.41'	N 24°05'41" W
C21	50.00'	241.19'	276°22'46"	66.67'	N 90°00'00" W
C22	25.00'	21.03'	48°11'23"	20.41'	S 24°05'41" W
C23	25.00'	39.27'	90°00'00"	35.36'	S 45°00'00" E
C24	25.00'	37.04'	84°53'36"	33.75'	N 47°33'12" E
C25	812.00'	215.17'	15°10'58"	214.54'	S 12°41'53" W
C26	464.50'	164.49'	20°17'22"	163.63'	N 10°08'41" E
C27	35.00'	55.10'	90°11'44"	49.58'	N 45°05'52" W
C28	25.00'	44.54'	102°04'35"	38.88'	N 72°30'36" E
C29	400.00'	149.90'	21°28'19"	149.03'	S 10°44'09" E
C30	100.00'	91.97'	52°41'38"	88.76'	S 26°20'49" W
C31	450.00'	293.00'	37°18'22"	287.85'	S 71°20'49" W
C32	25.00'	38.85'	89°01'51"	35.06'	N 45°29'04" W
C33	780.00'	174.11'	12°47'22"	173.75'	N 07°21'50" W
C34	25.00'	37.39'	85°42'07"	34.00'	N 29°05'33" E
C35	475.00'	149.69'	18°03'23"	149.08'	N 80°58'18" E
C36	450.00'	293.00'	37°18'22"	287.85'	N 71°20'49" E
C37	400.00'	26.23'	3°45'28"	26.23'	N 54°34'22" E
C38	450.00'	289.94'	36°54'59"	284.95'	N 71°09'08" E
C39	400.00'	260.45'	37°18'22"	255.87'	S 71°20'49" W
C40	25.00'	39.27'	90°00'00"	35.36'	N 45°00'00" E
C41	25.00'	16.09'	36°52'18"	15.81'	N 18°26'09" E
C42	50.00'	142.89'	16°34'36"	142.89'	S 45°00'00" E
C43	25.00'	16.09'	36°52'18"	15.81'	S 71°33'51" W
C44	175.00'	105.29'	34°28'25"	103.71'	N 72°45'47" E
C45	25.00'	41.24'	94°30'17"	36.72'	N 77°13'17" W
C46	400.00'	209.22'	29°58'08"	206.85'	N 14°59'04" W
C47	460.00'	72.35'	9°00'41"	72.27'	N 04°30'20" W
C48	25.00'	36.69'	84°04'58"	33.48'	S 33°01'48" W
C49	25.00'	36.69'	84°04'58"	33.48'	N 62°53'14" W
C50	425.00'	98.81'	13°19'15"	98.59'	S 81°43'55" W
C51	25.00'	33.70'	77°14'10"	31.21'	S 49°46'28" W
C52	225.00'	147.06'	37°26'52"	144.45'	S 29°52'49" W
C53	25.00'	39.27'	90°00'00"	35.36'	S 03°36'15" W
C54	225.00'	219.42'	55°52'30"	210.83'	S 69°20'00" E
C55	25.00'	41.07'	94°07'32"	36.61'	N 35°39'59" E
C56	720.00'	373.87'	29°45'05"	369.68'	N 26°16'19" W
C57	460.00'	162.99'	20°18'06"	162.14'	N 30°59'48" W
C58	25.00'	41.07'	94°07'32"	36.61'	S 50°12'29" E
C59	275.00'	268.18'	55°52'30"	257.68'	S 69°20'00" E
C60	25.00'	39.27'	90°00'00"	35.36'	S 86°23'45" E
C61	25.00'	39.27'	90°00'00"	35.36'	N 03°36'15" E
C62	375.00'	318.11'	48°36'15"	308.66'	N 65°41'52" W

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C63	225.00'	69.95'	17°48'48"	69.67'	N 81°05'36" W
C64	25.00'	40.39'	92°33'22"	36.14'	S 61°32'08" W
C65	720.00'	231.25'	18°24'09"	230.26'	S 06°03'22" W
C66	35.00'	54.86'	89°48'16"	49.41'	S 44°54'08" W
C67	150.00'	30.56'	11°40'18"	30.50'	N 05°50'09" E
C68	535.50'	64.41'	6°53'31"	64.38'	N 15°07'03" E
C69	25.00'	40.78'	93°27'53"	36.41'	N 28°10'08" E
C70	175.00'	46.12'	15°05'55"	45.98'	S 82°27'02" E
C71	425.00'	360.53'	48°36'15"	349.82'	N 65°41'52" W
C72	25.00'	16.09'	36°52'12"	15.81'	S 59°49'51" E
C73	50.00'	142.89'	16°34'23"	142.89'	N 03°36'15" E
C74	25.00'	16.09'	36°52'12"	15.81'	S 67°02'21" W
C75	175.00'	101.39'	33°11'48"	99.98'	S 32°00'21" W
C76	25.00'	41.07'	94°07'29"	36.60'	S 31°39'18" E
C77	25.00'	39.27'	90°00'00"	35.36'	S 45°00'00" W
C78	525.00'	164.22'	17°55'21"	163.55'	S 81°02'19" W
C79	25.00'	37.98'	87°02'29"	34.43'	N 64°24'07" W
C80	780.00'	249.56'	18°19'54"	248.50'	N 30°02'49" W
C81	25.00'	42.36'	97°04'50"	37.42'	N 09°19'39" E
C82	125.00'	70.10'	32°07'56"	69.19'	N 73°56'02" E
C83	25.00'	39.27'	90°00'00"	35.36'	S 45°00'00" E
C84	530.00'	243.92'	26°22'08"	241.77'	S 13°11'04" E
C85	470.00'	217.00'	26°27'12"	215.08'	N 13°08'32" W
C86	255.00'	400.93'	90°05'04"	360.89'	S 44°57'28" E
C87	1030.00'	248.60'	13°49'43"	247.99'	N 83°05'08" E
C88	488.00'	117.78'	13°49'43"	117.50'	S 83°05'08" W
C89	35.00'	55.04'	90°06'13"	49.54'	N 44°56'54" W
C90	35.00'	54.91'	89°53'47"	49.45'	N 45°03'06" E
C91	25.00'	39.27'	90°00'00"	35.36'	S 45°00'00" E
C92	450.00'	80.97'	10°18'36"	80.86'	N 05°09'18" W
C93	450.00'	234.67'	29°52'47"	232.02'	N 25°14'59" W
C94	25.00'	38.74'	88°47'37"	34.98'	S 04°12'26" W
C95	25.00'	21.03'	48°11'23"	20.41'	S 72°41'56" W
C96	50.00'	241.19'	276°22'46"	66.67'	N 41°23'45" W
C97	25.00'	21.03'	48°11'23"	20.41'	N 24°30'34" E
C98	125.00'	51.82'	23°45'02"	51.45'	N 60°28'46" E
C99	25.00'	41.31'	94°40'37"	36.77'	S 60°18'25" E
C100	425.00'	195.74'	26°23'20"	194.02'	N 26°09'46" W
C101	25.00'	36.92'	84°37'05"	33.66'	S 02°57'07" W
C102	1975.00'	115.24'	3°20'36"	115.23'	S 46°55'57" W
C103	25.00'	21.03'	48°11'23"	20.41'	S 72°41'56" W
C104	50.00'	241.19'	276°22'46"	66.67'	N 41°23'45" W
C105	25.00'	21.03'	48°11'23"	20.41'	N 24°30'34" E
C106	2025.00'	119.88'	3°23'31"	119.86'	S 46°54'30" W
C107	25.00'	36.07'	82°40'12"	33.02'	N 86°32'50" E
C108	425.00'	197.31'	26°35'59"	195.54'	N 65°25'03" W
C109	375.00'	628.92'	96°05'30"	557.76'	N 56°52'58" W
C110	1975.00'	87.62'	2°32'31"	87.61'	N 07°33'57" W
C111	25.00'	39.91'	91°28'09"	35.81'	N 39°26'23" E
C112	1975.00'	166.34'	4°49'33"	166.29'	N 87°35'14" E
C113	1025.00'	58.42'	3°15'56"	58.41'	S 88°22'02" W
C114	25.00'	37.01'	84°49'52"	33.73'	S 50°51'00" E
C115	530.00'	165.90'	17°56'04"	165.22'	N 17°24'06" W
C116	470.00'	78.72'	9°35'47"	78.63'	S 21°34'15" E
C117	25.00'	43.15'	98°54'09"	37.99'	S 32°40'43" W
C118	475.00'	65.25'	7°52'12"	65.19'	S 86°03'54" W
C119	25.00'	21.03'	48°11'23"	20.41'	N 65°54'19" W
C120	50.00'	241.19'	276°22'46"	66.67'	N 00°00'00" W
C121	25.00'	21.03'	48°11'23"	20.41'	N 65°54'19" E
C122	525.00'	76.19'	8°18'54"	76.12'	S 85°50'33" W
C123	25.00'	41.21'	94°27'18"	36.70'	S 31°05'15" E
C124	470.00'	31.66'	3°51'36"	31.66'	S 01°55'48" E



EAST QUARTER SECTION 12, FOUND NO. 5 REBAR

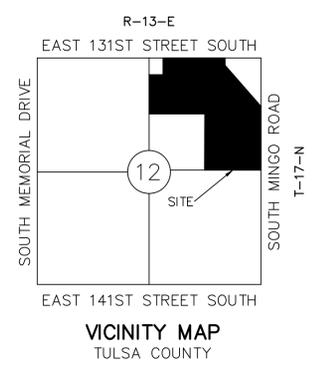
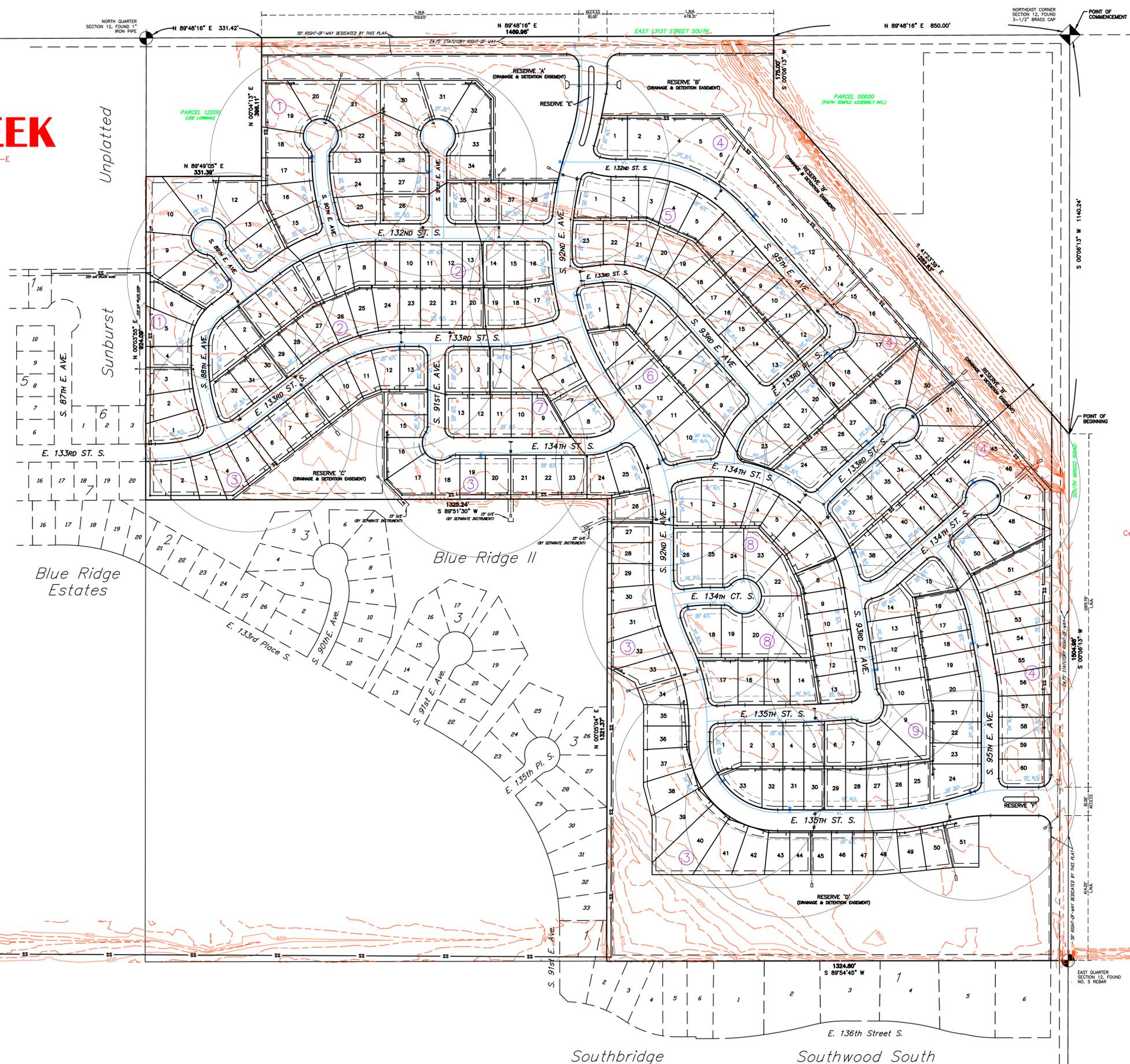
Conceptual Utilities

WILLOW CREEK

A PART OF THE NE/4, SECTION 12, T-17-N, R-13-E
TULSA COUNTY, STATE OF OKLAHOMA.

LEGEND

- B/L BUILDING LINE
- D/E DRAINAGE EASEMENT
- L/E LANDSCAPE EASEMENT
- LNA LIMITS OF NO ACCESS
- MAE MUTUAL ACCESS EASEMENT
- U/E UTILITY EASEMENT

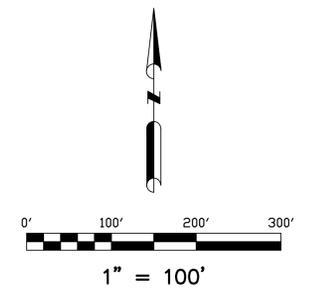


SUBDIVISION CONTAINS 291 LOTS IN 9 BLOCKS
TOTAL AREA: 104.8 ACRES
BASIS OF BEARING:
EASTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 12
BEING SOUTH 00°06'13\"/>

Owner:
WILLOW CREEK DEVELOPMENT, LLC
12150 EAST 96th STREET NORTH SUITE 200
OWASSO, OK 74055

Engineer:
Rosenbaum Consulting, LLC
Certificate of Authorization No. 6470, Exp. June 30, 2013
2608 W. Kenosha St., #304
Broken Arrow, OK 74012
PHONE: (918) 895-0669

Surveyor:
Tulsa Land Surveying LLC
Certificate of Authorization No. 6038, Exp. June 30, 2013
1903 S. Boston Ave.
Tulsa, OK 74119
PHONE: (539) 664-5539



WILLOW CREEK
DEED OF DEDICATION
AND
RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

Willow Creek Development, L.L.C., an Oklahoma limited liability company, hereinafter together referred to as the "Owner/Developer" is the owner of the following described land in the City of Bixby, Tulsa County, State of Oklahoma, to wit:

Insert legal here

and has caused the above described land to be surveyed, staked, platted and subdivided into lots, blocks, reserve areas and streets, in conformity with the accompanying plat and survey (hereinafter the "Plat" and has entitled and designated the subdivision as "Willow Creek", a Subdivision in the City of Bixby, Tulsa County, Oklahoma (hereinafter "Willow Creek" or the "Subdivision").

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

A. Public Streets and General Utility Easements

The Owner/Developer does hereby dedicate for public use the streets depicted on the accompanying plat and does further dedicate for public use the utility easements as depicted on the accompanying plat as "u/e" or "utility easement", for the several purposes of constructing, maintaining, operating, repairing, replacing, and/or removing any and all public utilities, including storm sewers, sanitary sewers, telephone and communication lines, electric power lines and transformers, gas lines, water lines and cable television lines, together with all fittings, including the poles, wires, conduits, pipes, valves, meters and equipment for each of such facilities and any other appurtenances thereto, with the rights of ingress and egress to and upon the utility easements for the uses and purposes aforesaid, provided however, the Owner/Developer hereby reserves the right to construct, maintain, operate, lay and re-lay water lines and sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying and re-laying over, across and along all of the utility easements depicted on the plat, for the purpose of furnishing water and/or sewer services to the area included in the plat. The Owner/Developer herein imposes a restrictive covenant, which covenant shall be binding on each lot owner and shall be enforceable by the City of Bixby, Oklahoma, and by the supplier of any affected utility service, that within the utility easements depicted on the

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CITY OF BIXBY

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132

accompanying plat no building, structure or other above or below ground obstruction shall be placed, erected, installed or maintained, provided however, nothing herein shall be deemed to prohibit drives, parking areas, curbing, landscaping, customary screening fences and walls that do not constitute an obstruction.

B. Underground Service

1. Overhead lines for the supply of electric, telephone and cable television services may be located along the south side perimeter boundary of the subdivision, if located within a general utility easement as depicted on the accompanying plat. Street light poles or standards may be served by overhead line or underground cable and elsewhere throughout the subdivision all supply lines shall be located underground in the general utility easements. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in the general utility easements.
2. Underground service cables to all structures which may be located within the subdivision may be run from the nearest 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 to a particular structure, the supplier of service shall thereafter be deemed to have a definitive, permanent and effective easement on the lot, covering a 5 foot strip extending 2.5 feet on each side of the service cable, extending from the service pedestal or transformer to the service entrance on the structure.
3. The supplier of electric, telephone and cable television services, through its agents and employees, shall at all times have right of access to all general utility easements depicted on the accompanying plat or otherwise provided for in this Deed of Dedication for the purpose of installing, maintaining, removing or replacing any portion of the underground electric, telephone or cable television facilities installed by the supplier of the utility service.
4. Lot owners shall be responsible for the protection of the underground service facilities located on their respective lots and each shall prevent the alteration of grade or any construction activity that would interfere with the electric, telephone or cable television facilities. The 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 B shall be enforceable by the supplier of the electric, telephone or cable television service and Lot owners agree to be bound hereby.

133

C. Water, Sanitary Sewer and Storm Sewer Service

1. Lot owners shall be responsible for the protection of the public water mains, sanitary sewer mains and storm sewers located on their respective lots 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 sewer.
2. Within the utility easement areas depicted on the accompanying plat, 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, or any construction activity which would interfere with public water mains, sanitary sewer mains and storm sewers shall be prohibited.
3. The City of Bixby, Oklahoma, or its successors, shall be responsible for ordinary maintenance of public water and sewer mains, but Lot owners shall pay for damage or relocation of such facilities caused or necessitated by their acts and/or the acts of their agents or contractors.
4. The City of Bixby, Oklahoma, or its successors, shall at all times have right of access to all easements depicted on the accompanying plat, or otherwise provided for in this Deed of Dedication, for the purpose of installing, maintaining, removing or replacing any portion of underground water or sewer facilities.
5. The foregoing covenants set forth in this paragraph C shall be enforceable by the City of Bixby, Oklahoma, or its successors, and Lot owners agree to be bound hereby.

D. Gas Service

1. Lot owners shall be responsible for the protection of gas facilities located on their respective lots.
2. Within the utility easement areas depicted on the accompanying plat, the alteration of grade in excess of 3 feet from the contours existing upon the completion of the installation of a gas main or any construction activity which would interfere with a gas main shall be prohibited.
3. The supplier of gas service shall be responsible for ordinary maintenance of gas mains, but Lot owners shall pay for damage or relocation of such facilities caused or necessitated by their acts and/or the acts of their agents or contractors.

134

4. The supplier of gas service shall at all times have right of access to all easements depicted on the accompanying plat, or otherwise provided for in this Deed of Dedication, for the purpose of installing, maintaining, removing or replacing any portion of gas facilities.
5. Underground gas service lines to all structures which may be located within the subdivision may be run from the nearest gas main 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 line to a particular structure, the supplier of service shall thereafter be deemed to have a definitive, permanent and effective easement on the lot, covering a 5 foot strip extending 2.5 feet on each side of the service line, extending from the gas main to the service entrance on the structure.
6. The foregoing covenants set forth in this paragraph D shall be enforceable by the supplier of gas service and Lot owners agree to be bound hereby.

E. Overland Drainage Easement

1. The Owner/Developer does hereby grant and establish a perpetual easement on, over and across Reserve Area A, B, C, and D (hereinafter referred to as the "Overland Drainage Easement Areas") for the purposes of permitting the flow, conveyance, detention and discharge of stormwater runoff from the various lots within the subdivision.
2. Detention and other drainage facilities constructed within the Overland Drainage Easement Areas shall be in accordance with standards and specifications approved by the City of Bixby, Oklahoma.
3. Drainage facilities shall be maintained by the Homeowners' Association (to be formed pursuant to Section III) to the extent necessary to achieve the intended drainage and detention functions including repair of appurtenances and removal of obstructions and siltation. The Homeowners' Association shall provide routine and customary grounds maintenance within the Overland Drainage Easement Areas which shall be in accordance with the following standards:
 - a. The Overland Drainage Easement Areas shall be kept free of litter.
 - b. The Overland Drainage Easement Areas shall be mowed during the growing season at intervals not exceeding 4 weeks.

- c. In the event the Homeowners' Association should fail to properly maintain the Overland Drainage Easement Areas as above provided, the City of Bixby, Oklahoma, or its designated contractor may enter the Overland Drainage Easement Areas and perform such maintenance, and the cost thereof shall be paid by the Homeowners' Association.
- d. In the event the Homeowners' Association, after completion of the maintenance and receipt of a statement of costs, fails to pay the cost of maintenance as above set forth, the City of Bixby, Oklahoma may file of record a copy of the statement of costs and thereafter the costs shall be a lien against each residential lot within the subdivision, provided however, the lien against each residential lot shall not exceed 1/291th of the costs.
- e. A lien established as above provided may be foreclosed by the City of Bixby, Oklahoma.

F. Surface Drainage and Lot Grading Restriction

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

G. Limits of No Access

The undersigned Owner/Developer hereby relinquishes rights of vehicular ingress or egress from any portion of the property adjacent to South Mingo Road and East 131st Street South designated as "Limits of No Access" (LNA.) on the accompanying plat. ~~The LNA may be amended or released by the Bixby Planning Commission, or its successor, with the approval of the City of Bixby, Oklahoma, or as otherwise provided by the statutes and laws of the State of Oklahoma. The LNA established shall be enforceable by the City of Bixby, Oklahoma.~~

H. Paving and Landscaping Within Easements

Lot owners affected shall be responsible for the repair of damage to landscaping and paving occasioned by necessary installation or maintenance of underground water, sewer, storm sewer, natural gas, communication, cable television or electric facilities within the easement areas depicted upon the accompanying plat. Provided, however, the City of Bixby, Oklahoma or the supplier of the utility service shall use reasonable care in the performance of such activities.

136

I. Reserve Area E and Reserve Area F

The use of Reserve Area E and Reserve Area F shall be limited to use as open space, landscaping and is reserved for subsequent conveyance to the Homeowners' Association, as set forth within Section III, to be formed for the purposes of the administration and maintenance of the common areas of the Subdivision.

J. Minimum Building Setbacks and Yards

1. No building or part thereof, except open porches and terraces, shall be located nearer to the right of way of an adjoining public street than the building line depicted on the accompanying plat.
2. No residence shall be built nearer than five (5) feet to any side lot on one side, and five (5) feet on the other side, thus requiring a combined total of at least ten (10) feet between the residence and both side lot lines. Where side lot easements are shown greater than the foregoing, no encroachment shall be allowed on the easement. Buildings abutting a side street may be constructed up to the fifteen (15) foot building line (except where easements are greater), provided that if the garage abuts the side street, the setback shall be twenty (20) feet.
3. The minimum rear yard shall be twenty (20) feet.
4. No building, whether principal or accessory, shall encroach upon any utility easement as depicted on the accompanying plat.
5. All buildings must face the most restrictive building line.

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

Whereas, Willow Creek was submitted as a planned unit development (designated as PUD No.) as provided within Sections 1100-1107 of Title 42, Bixby Revised Ordinances (Bixby Zoning Code), and

Whereas, PUD No. was affirmatively recommended by the Bixby Planning Commission on _____, and approved by the City Council of the City of Bixby, Oklahoma, on _____, the implementing Ordinance No. _____ being adopted on _____, and published on _____, and

Whereas, the planned unit development provisions of the Bixby Zoning Code require the establishment of covenants of record,

37

insuring to and enforceable by the City of Bixby, Oklahoma, sufficient to assure the implementation and continued compliance with the approved planned unit development, and

Whereas, the Owner/Developer 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/Developer, its successors and assigns, and the City of Bixby, Oklahoma.

THEREFORE, the Owner/Developer does hereby impose the following restrictions and covenants which shall be covenants running with the land and shall be binding upon the Owner/Developer, its successors and assigns, and shall be enforceable as hereinafter set forth.

A. Development in Accordance With PUD

Willow Creek shall be developed and used in substantial accordance with the restrictions and development standards of PUD No. _____ approved by the City Council of the City of Bixby, Oklahoma, or in substantial accordance with such modifications or amendments of the restrictions and development standards of PUD No. _____ as may be subsequently approved.

B. Applicable Ordinance

The development of Willow Creek shall be subject to the planned unit development provisions of the Bixby Zoning Code, as such provisions existed on _____.

C. Use

All uses allowed by right in the RS-3 zoning district and specifically single-family residential homes.

D. DEVELOPMENT STANDARDS

1) Development Area – Single Family Lots

Permitted uses single family residences and customary accessory uses.

Minimum Lot Frontage: 60 feet, measured at the building line if the lot fronts a cul-de-sac

138

Other Bulk and Area Requirements As set forth within an RS-3 District

E. Site Plan Review And Compliance With Approved Plans

The approved final Plat of the Subdivision shall constitute the detailed site plan required by the Bixby Zoning Code. The development and use of Willow Creek shall be in compliance with the approved building plans and sign plans, as may be later approved by the Bixby Planning Commission or its successor.

F. Definitions

In the event of ambiguity of any word or term set forth in this Section II., the meaning thereof shall be deemed to be defined as set forth within the Bixby Zoning Code as the same existed on _____.

SECTION III. PRIVATE RESTRICTIONS

A. Architectural Committee.

1. PLANS AND SPECIFICATIONS: A complete set of plans and construction specifications including materials for any structure proposed to be erected must first be submitted to the Declarant and written approval thereof obtained from the Declarant or its agent prior to the commencement of any construction upon each and all of the Lots in Willow Creek. In addition, unless waived by the Declarant in writing, based on hardship, economic considerations or other reasons which will not interfere with the harmony of design or diminish property values in the neighborhood, the following standards shall apply to all dwellings in Willow Creek:

(a). Dwelling Size. All dwellings shall have a minimum living space of at least 1,500 square feet. Square footage shall be computed for living space, exclusive of porches, patios, and garages.

(b). Masonry. All dwellings shall have at least fifty percent (50%) of the exterior walls thereof comprised of brick, stone or masonry siding. The front exterior walls of the dwelling shall be 100% comprised of brick, stone or masonry siding; provided, however, that the area of all windows, covered porches and doors located in the exterior walls shall be excluded in the determination of the area of said exterior walls. In particular cases, the Declarant reserves the right to permit Dryvit brand or similar exterior construction material in lieu of brick or stone.

139

(c). Garages. All dwellings shall have attached garages suitable for accommodating a minimum of two (2) standard size automobiles. All garages shall be accessed by an overhead garage door. Carports shall not be permitted.

(d). Patio Roof. All patio roofs shall be an integral part of the residence such that they are contained within the roofline and shall be constructed with the same design, shingle color and materials as the residence.

(e). Driveways. All driveways into a Lot from any street shall be constructed of concrete and shall not be less than sixteen (16) feet in width.

(f). Mailboxes. All mailboxes shall be of a uniform structure and color and shall be constructed in accordance with a written plan/diagram and specifications to be approved by Declarant prior to construction.

(g). Roof Pitch; Materials. Roof materials shall be Heritage II or comparable composition shingles of equal or better quality, and shall be of such color scheme approved by the Declarant prior to installation.

(h). Sodding; Landscaping. The front, back and side yards of each lot shall be fully sodded upon the completion of the construction of any residence. Each lot shall have a reasonable landscape package in the front yard upon completion of the construction of any residence.

(i). Heating and Air Conditioning Requirements. All residences in Willow Creek shall be constructed with central heat and air systems. No portable, window or wall-type heating or air conditioning units shall be permitted.

2. ~~NO WARRANTY AS TO PLANS: Notwithstanding anything herein to the contrary, the Declarant shall not be liable for any approval, disapproval or failure to approve any plans or specifications hereunder, and its approval of building plans shall not constitute a warranty of or responsibility for building methods, materials, procedures, structural design, grading, drainage, restrictive covenant compliance or code compliance. The approval, disapproval or failure to approve of any building plans shall not be deemed a waiver of any restrictions, unless the Declarant is herein authorized to grant the waiver and the Declarant did, in fact, grant the waiver. It is the responsibility of each Lot Owner, and not the Declarant, to insure that such Owner's grantor and/or builder has caused the subject Lot, and all improvements thereto, to be in full compliance with all relevant codes, covenants and restrictions imposed upon Willow Creek.~~

140

3 **SET-BACK LINES AND LOT DIMENSIONS:** No buildings, outbuildings, structures, or parts thereof shall be constructed or maintained on lots nearer to the property lines than the set-back lines provided herein or shown on the accompanying plat. Unless otherwise provided by easement or set-back lines shown on the accompanying plat, the minimum building set-back lines for dwellings or other outbuilding structures shall be:

- Front Yard: 20 feet
- Corner Lot Side Yards: 15 feet
- Side Yards (except corner lot): 5 feet (each side) or 10 feet one side and 0 feet on the other side provided no side yard shall be less than the width of any utility easement located within the Lot and along the side lot line
- Back yard: 15 feet

The frontage and minimum depth of a Lot shall be as shown on the recorded Plat for Willow Creek. No building, whether principal or accessory, shall encroach upon any easement. Except as above modified or otherwise set forth in PUD-_____, a Lot shall comply with the bulk and area requirements of the RS-3 Residential Single Family District as set forth within the Bixby Zoning Ordinance.

4. **FENCES:** No front yard fence shall be erected on any Lot closer to any street than the front of the main structure without the prior written approval of the Declarant. Except as described below, all fences shall be six (6) feet in height and made of wood privacy fencing. No fences shall be constructed upon walkways or access easements, which would impair or hinder the intended use thereof. A fence must be erected and well-maintained between each house from the side of the house extending to each respective owner's lot line. Said fence should be installed so as to prevent a view into the back yard of a lot from the street fronting the lot. No fences shall be constructed on overland drainage areas or upon walkway or access easements which would impair or hinder the intended use thereof. Furthermore, wood privacy fences shall, if necessary, be trimmed at the bottom of the fence so as to permit storm water to run under the fence to an area with a lower grade of elevation. Interior Fencing or Walls shall not extend beyond that point nearest the street at each end corner of the residence on the Lot. On corner lots, side yard fences shall be installed and well-maintained, so as to prevent a view into the back yard from the street running along the side of the structure. Side yard fences can be no closer to the street than five (5) feet from the property line for that side yard.

Comment [ERB1]: BRIAN TO REVIEW

(a) The Declarant reserves the right and easement, in its sole discretion, to construct fence of its choosing along the property lines of the Subdivision, which fence shall be maintained by the Association.

141

(b) In the event a side or rear fence is constructed adjacent to a Reserve Area, the Owners of such Lots shall construct a woodrail with attached black coated chainlink fence along such side and/or rear yard(s) which abuts a Reserve.

(c) The Declarant, in its sole discretion, reserves the right and easement (but in no event shall be obligated) to construct a fence of its choosing within any Reserve shown on the Plat which shall be maintained by the Homeowner's Association.

(d) All other fences shall be a wood privacy except the Declarant may, in its sole discretion, approve in writing the use of an alternative fencing material on a case by case basis. No barbed wire, meshed or other metal fencing is allowed in any area of the Subdivision. No fence over six feet (6') tall is permitted unless approved by the Declarant in writing. Fences located on exterior sides of corner Lots facing a street shall not extend beyond seven and one-half (7.5') feet from the exterior sidelines and shall be wood privacy fencing.

(e) All fencing shall be approved by the Declarant in writing prior to its construction; provided, however, upon the transfer of a Lot to an Owner occupant, the construction, repair or replacement of any fence and the materials used therefor upon such Lot shall be approved by the Association in writing prior to such construction, repair or replacement. All fences within Willow Creek shall be neatly maintained by the Owner thereof. The Declarant reserves the right, but shall not be obligated, to enter upon such Lots in order to maintain, repair or stain such fencing in a manner which the Declarant, in its sole discretion, believes to be reasonable and appropriate, and the cost thereof shall be charged back to the Lot Owner as a lien and shall be governed by Article V hereof.

5. OUTBUILDINGS: Portable storage buildings are allowed provided they do not exceed 100 square feet in size and 8 feet in height, unless otherwise approved in writing by the Declarant. Further, no detached structure or building for purely ornamental or other purposes shall be erected on any part of any Lot without the prior written consent of the Declarant.
6. ANTENNAE: No television, radio, or other antennae or reception devices, other than an eighteen (18) inch or smaller television satellite dish, shall be constructed or maintained on any Lot without the written approval of the Declarant. Satellite dishes permitted herein shall be installed and maintained on the backside of the residential structure and shall not be visible from streets in front of said structure.
7. NOISE POLLUTION: Each builder of residences on the Lots will cause adequate noise pollution control measures to be incorporated into the design and construction of the single-family residences as may be required by the City of Bixby, or any other governmental (state or federal) body or agency.

SECTION IV. HOMEOWNERS' ASSOCIATION

A. Formation of Homeowners' Association

The Owner/Developer has formed or shall cause to be formed an association of the owners of the Lots within Willow Creek (hereinafter referred to as the "Homeowners' Association") to be established in accordance with the statutes of the State of Oklahoma, and to be formed for the general purposes of maintaining the common areas, including but without limitation the storm water detention facilities and reserve areas, and enhancing the value, desirability and attractiveness of Willow Creek.

B. Membership

Every person or entity who is a record owner of the fee interest of a Lot shall be a member of the Homeowners' Association. Membership shall be appurtenant to and may not be separated from the ownership of a Lot.

C. Assessment

Each record owner of a Lot shall be subject to assessment by the Homeowners' Association for the purposes of improvement and maintenance of the storm water detention facilities, reserve areas and other common areas.

SECTION IV. 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/Developer, its successors and assigns. Within the provisions of Section I. Public Streets, Easements and Utilities are set forth certain covenants and the enforcement rights pertaining thereto, and additionally the covenants within Section I. whether or not specifically therein so stated shall inure to the benefit of and shall be enforceable by the City of Bixby, Oklahoma. The covenants contained in Section II. Planned Unit Development Restrictions are established pursuant to the Planned Unit Development provisions of the Bixby Zoning Code and shall inure to the benefit of and shall be enforceable by the City of Bixby, Oklahoma, any owner of a Lot and the Homeowners' Association. If the undersigned Owner/Developer, or its successors or assigns, shall violate any of the covenants within Section II., it shall be lawful for the City of Bixby, any owner of a Lot or the Homeowners' Association to maintain any action at law or in equity against the person or persons violating or attempting to violate any such covenant, to prevent him or them from so doing or to compel compliance with the covenant. The covenants contained in Section III. Private Restrictions and Section IV. Homeowners'

Association shall inure to the benefit of any owner of a Lot and the Homeowners' Association. If the undersigned Owner/Developer, or its successors or assigns, shall violate any of the covenants within Section III it shall be lawful for any owner of a Lot or the Homeowners' Association to maintain any action at law or in equity against the person or persons violating or attempting to violate any such covenant, to prevent him or them from so doing or to compel compliance with the covenant. In any judicial action brought to enforce the covenants established within this Deed of Dedication, the defense that the party initiating the equitable proceeding has an adequate remedy at law, is hereby waived. In any judicial action brought by any owner of a Lot or the Association, which action seeks to enforce the covenants contained in Section IV and/or to recover damages for the breach thereof, the prevailing party shall be entitled to receive reasonable attorney fees and costs and expenses incurred in such action.

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 twenty (20) 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, Public Streets, 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 City of Bixby, Oklahoma, or its successors. The covenants contained within Section II, Planned Unit Development Restrictions may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the land to which the amendment or termination is to be applicable and approved by the Bixby Planning Commission, or its successors. Notwithstanding the foregoing the covenants contained within Section II, shall be deemed amended (without necessity of execution of an amending document) upon approval of a minor amendment to PUD No. by the Bixby Planning Commission or its successors and re-recording of a certified copy of the minutes of the Bixby Planning Commission or its successors with the Tulsa County Clerk. The covenants and restrictions contained within Section III, Private Restrictions, may be amended or terminated at any time by a written instrument signed and acknowledged by the Owner/Developer during such period that the Owner/Developer is the owner of at least one (1) Lot, or alternatively the covenants and restrictions may be amended or terminated at any time by a written instrument signed and acknowledged by the owners of 60% of the Lots within the Subdivision. In the event of any conflict between an amendment or termination properly executed by the Owner/Developer during its ownership of at least one (1) Lot and any amendment or termination properly executed by the owners of at least 60% of the Lots, the instrument executed by the Owner/Developer shall prevail during its ownership of at least one (1) Lot. The covenants and restrictions contained within Section IV, Homeowners' Association may be amended or terminated at any time by a written instrument signed and acknowledged by the

144

Owner/Developer during such period that the Owner/Developer is the owner of at least one (1) Lot, or alternatively the covenants and restrictions may be amended or terminated at any time by a majority vote of the members of the Homeowner' Association as evidenced by written instrument signed and acknowledged by the president of the Homeowners' Association. In the event of any conflict between an amendment or termination properly executed by the Owner/Developer during its ownership of at least one (1) Lot and any amendment or termination evidenced by an instrument properly executed by the president of the Homeowners' Association, the instrument executed by the Owner/Developer shall prevail during its ownership of at least one (1) Lot. 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. No amendment or termination of a covenant or restriction shall be drafted as to affect a specific Lot(s) except as provided herein under Section II (B), Use.

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, Willow Creek Development, L.L.C., an Oklahoma limited liability company, has executed this instrument this ___ day of _____, 2013.

Willow Creek Development, L.L.C.
an Oklahoma limited liability company

By: Kourtis Property Management, Inc.
an Oklahoma corporation
Its Manager

By: _____
Pete Kourtis, President

145

STATE OF OKLAHOMA)

) ss.

COUNTY OF TULSA)

Before me, the undersigned, Notary Public, in and for said County and State, on this _____ day of _____, 2013, personally appeared Pete Kourtis, to me known to be the identical person who executed the foregoing Declaration of Covenants, Conditions and Restrictions as President of Kourtis Property Management, Inc., an Oklahoma corporation, as Manager of Willow Creek, L.L.C., an Oklahoma limited liability company, 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 of said Company, for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year above written.

Notary Public

My Commission Expires:

Commission No.: _____

CERTIFICATE OF SURVEY

I, Joshua R. Lamb, 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 "Willow Creek", a subdivision in the City of Bixby, Tulsa County, State of Oklahoma, is a representation of the survey made on the ground using generally accepted practices and meets or exceeds the Oklahoma Minimum Standards for the Practice of Land Surveying.

Joshua R. Lamb
Registered Professional Land Surveyor
Oklahoma No. 1678

146

