

AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
July 15, 2013 6:00 PM

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- ② 1. Approval of Minutes for the May 20, 2013 Regular Meeting
④ 2. Approval of Minutes for the June 17, 2013 Regular Meeting

PUBLIC HEARINGS

PLATS

- ⑤ 3. **Preliminary Plat – Trails at Whitehawk – Tulsa Engineering & Planning, Inc. (PUD 62).** Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for “Trails at Whitehawk” for 75 acres in part of the W/2 SE/4 of Section 15, T17N, R13E.
Property located: Northwest corner of the intersection of 151st St. S. and Kingston Ave.
- ⑩ 4. **Preliminary Plat / Final Plat – Panda Express – Crafton Tull & Associates, Inc. (PUD 67).** Discussion and consideration of a Preliminary Plat and a Final Plat and certain Modifications/Waivers for “Panda Express,” part of the NW/4 SW/4 of Section 25, T18N, R13E.
Property Located: 10535 S. Memorial Dr.

OTHER BUSINESS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyart
Date: 06/19/2013
Time: 1:55 PM

MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
May 20, 2013 **6:00 PM**

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:07 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Annual nominations and elections for Chairperson, Vice-Chairperson, and Secretary (City Code Section 10-1-3).

Chair Thomas Holland introduced the item and declared that it would be Skipped and reintroduced at the end of the agenda.

2. Approval of Minutes for the May 02, 2013 Special Meeting

Chair Thomas Holland introduced the item. Larry Whiteley made a MOTION to APPROVE the Minutes of the May 02, 2013 Special Meeting as presented by Staff.

Patrick Boulden advised that, as a part of the discussion of Agenda Item # 3, [the draft Minutes reflect that] the vote to change the Comprehensive Plan per BCPA-9 on a Motion to [Recommend Denial] failed by a two (2) to one (1) vote [with no Abstentions]. Mr. Boulden advised that he could not find any authority to require three (3) votes to pass a Motion, and so that Motion did pass by a 2:1 vote. Mr. Boulden recommended that this wording be inserted into the Minutes.

Erik Enyart advised that the Motion to Approve the Minutes be subject to the City Attorney's edits "with the wording the City Attorney put in there." Larry Whiteley amended his Motion as follows: a MOTION to APPROVE the Minutes of the May 02, 2013 Special Meeting as presented by Staff with the wording the City Attorney recommended being inserted.

Patrick Boulden advised that Agenda Item # 3 would need a Motion to Reconsider, recognizing the approved Motion to [Recommend Denial].

It was discussed and determined that Public Notice was adequate.

Chair Thomas Holland asked Erik Enyart if he had any recommendations, and Mr. Enyart responded, "I defer to our City Attorney."

Patrick Boulden stated that the thee (3) member vote is the rule for the Board of Adjustment, but not for this application to the Planning Commission. Mr. Boulden suggested the wording to be inserted into the Minutes on page 18 [of the Agenda Packet and page 16 of the Minutes] be as follows: "On advice of Staff the Motion failed 2:1:0, but note at this meeting [May 20, 2013] the Motion actually Passed. Subsequently, Staff advised that the Motion actually Passed and all maters were Continued to this meeting [May 20, 2013]."

Larry Whiteley made a MOTION to RECONSIDER BCPA-9.

Erik Enyart stated that, as a point of order, the Commission still had a Motion on the Minutes.

Larry Whiteley withdrew his Motion to Reconsider BCPA-9 at this time.

Lance Whisman SECONDED the existing Motion to Approve the Minutes of the May 02, 2013 Special Meeting as presented by Staff with the wording the City Attorney recommended being inserted. Erik Enyart confirmed he would work with the City Attorney to get the wording and formatting correct for the Minutes after the vote on the Motion.

Roll was called:

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

PUBLIC HEARINGS

- 3. (Continued from April 15 and May 02, 2013)
BCPA-9 – JR Donelson for Helene V. Byrnes Foundation. Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the

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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.

Chair Thomas Holland introduced Agenda Item # 3 and noted that it would need a Motion to Reconsider. Larry Whiteley made a MOTION to RECONSIDER BCPA-9. Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

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

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, May 15, 2013
RE: Report and Recommendations for:
[BCPA-9 – JR Donelson for Helene V. Byrnes Foundation,]
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.

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

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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:

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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 a May 02, 2013 Special Meeting agenda. This report has been updated to reflect changes made to the PUD, received on 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.

At the May 02, 2013 Special Meeting, after extensive discussion, a Motion to Recommend Denial of BCPA-9 failed by split vote (2:1:0). As suggested by Staff, BCPA-9, PUD 77, and BZ-365 were Continued to this May 20, 2013 Regular Meeting, in order to allow other Commissioners to attend and possibly achieve a quorum majority vote.

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 1 of the Comprehensive Plan states:

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

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

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

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 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.

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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.

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:
 - a. 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).
 - b. 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).
 - c. 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).
 - d. 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:
 - a. The gated emergency-only ingress/egress through Lot 11, Block 2, Southern Memorial Acres No. 2 to S. 85th Pl. E., to include
 - b. Whether and to what extent that 26'-wide drive will fall on Lot 12, Block 2, Southern Memorial Acres No. 2, and
 - c. 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 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).

Chair Thomas Holland clarified with Erik Enyart that, at the last meeting, all three (3) requests were introduced together and discussed together, but the Motion was only on the Comprehensive Plan Amendment request [per BCPA-9].

Chair Thomas Holland noted that he had made comments on this project in a letter provided at the last meeting.

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant JR Donelson of 8410 E. 111th St. S. was present and stated that the Comprehensive Plan was changed in 2009 [for the 16-acre tract abutting to the north], and in 2010, the Planning Commission approved a ministorage an office/warehouse development there. Mr. Donelson stated that, in February of 2013, the Planning Commission approved a PUD for Scenic Village Park including a ministorage-zoned area. Mr. Donelson stated that this would be a continuance of the zoning to the west and would create a buffer [from uses] to the north and west. Mr. Donelson stated, "We believe this is the best use for the property. The PUD is in harmony with surrounding uses and is consistent with the Comprehensive Plan."

Chair Thomas Holland confirmed with JR Donelson that the house on the east end of the PUD was for emergency egress, and that it would not be removed.

Chair Thomas Holland asked if the property was in an AE zone [100-year Floodplain on the FEMA floodplain maps], and JR Donelson responded that only the northeast corner was. Mr. Donelson approached the dais and showed the Commissioners the FEMA floodplain map for the property. Mr. Donelson stated that, with the stroke of a wide marker [the Zone AE 100-year Floodplain would not show up on the map], and suggested FEMA "could have gotten it wrong." Erik Enyart noted that page 81 of the agenda packet was a different version of the same floodplain map Mr. Donelson was exhibiting.

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JR Donelson asked Erik Enyart if the Jim Butler property [of 16 acres abutting subject property to the north] was submitted as a CLOMR [Conditional Letter Of Map Revision]. Mr. Enyart responded, "They're approved for CLOMR; I don't know if they've submitted yet for LOMR."

Chair Thomas Holland recognized Matt Talley of 8113 E. 124th St. S. from the Sign-In Sheet. Mr. Talley stated, "I'll let Jim [Specht] speak on my behalf right now."

Chair Thomas Holland recognized Jim Specht of 8109 E. 124th St. S. from the Sign-In Sheet. Mr. Specht stated expressed concern, "In addition to what may have been expressed previously," that the developer had made changes to the screening "after the fact." Mr. Specht asked how the applications compared to the County Zoning Code. Patrick Boulden and Chair Thomas Holland stated that the Tulsa County Zoning Code did not apply. Erik Enyart and the Commissioners noted that the Tulsa County Zoning Code only had jurisdiction outside City Limits. Mr. Specht questioned the different applications and their necessity. Mr. Enyart explained the three (3) parts necessary to make ministorage development work. Mr. Specht asked the Commission to "protect the character of the neighborhood and exclude inharmonious industrial activities." Mr. Specht expressed concern for buffering. Mr. Specht stated that there were ongoing issues and "Flooding has always been an issue back there." Mr. Specht stated that the soil was "gumbo" and that the field crown was made out of the fill from the shopping center, which had been stored on the property for a long time. Mr. Specht stated that the field crown directed water north and south to the swales:

Chair Thomas Holland advised Jim Specht that, if he had concerns [the dirtwork] was "not done properly," he should "get with the City Engineer."

Chair Thomas Holland asked if all of the property was "gumbo" soil, and Jim Specht responded he was not sure if all of it was or just some.

Chair Thomas Holland confirmed with Erik Enyart that the City Engineer would have to approve this. Mr. Enyart stated that it "will be necessary to submit a full round of engineering exercises before it can be built." Mr. Holland clarified with Mr. Enyart that the development would have a [stormwater] detention pond. Mr. Enyart stated that it would be located at the northeast corner of the development site.

Larry Whiteley asked Jim Specht what the [drainage conditions] looked like. Mr. Specht stated that his property was "on the lesser end of [the drainage issue]." Mr. Whiteley stated that he had walked the whole length of the property and saw the backyards [abutting to the south]. Mr. Whiteley stated that he had talked to the City Engineer earlier that day. Mr. Whiteley stated that [the City] should not "hold [the developer] accountable for what happened through the years in your backyards." Mr. Whiteley stated that he had talked to the City Engineer, and "Their plan will not [negatively] affect [the drainage conditions for] you people out there."

Chair Thomas Holland asked JR Donelson about the contours of the land and asked, "Are you elevating?" Mr. Donelson stated that the buildings would be four (4) feet off the [south] property line and the roof would drain into the development. Mr. Donelson stated that he had not worked out the grading plan yet, but that the crown would go away in favor of stormdrains and inlets between the buildings. Mr. Donelson stated that the crown would be taken off and it may be that that dirt is

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added to the pad sites. Mr. Donelson stated that a soils engineer would give recommendations for the foundations and pavement. Mr. Donelson stated that there were three (3) ways to stabilize soils.

Bill Wilson stated that, in addition, there was a French drain 6' deep and 3' wide filled with gravel, and [if approved] it would be moved to the south side of the [southerly building] wall. Mr. Wilson stated, in regard to the elevation of his property, "Mine is lower than theirs."

Larry Whiteley asked the Applicant, "Will [your development plans] help their property drain?" Bill Wilson stated that it should but the tree line needed to be "knocked down."

JR Donelson stated that the City of Bixby had put a lot of money into improving the borrow ditches and drainage in the east end of the subdivision.

Lance Whisman discussed his experience with stormwater regulations and expressed concern for stormwater drainage. Erik Enyart clarified with Mr. Whisman that Bixby's stormwater regulations do allow more stormwater drainage as "necessarily there will be more, but it cannot exceed the rate [of discharge] as before development." Mr. Whisman expressed concern that the development may serve as a barrier to drainage patterns as existed before, and that he had not heard anything about that. Discussion ensued.

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to RECOMMEND APPROVAL of BCPA-9. Mr. Whiteley stated, "I don't see what they want to do will affect you."

Lance Whisman stated, "I don't have a comfort level with what happened before and what they're doing now."

Chair Thomas Holland stated, "I haven't heard anyone complain that they would back up to storage units." Mr. Holland stated that this was an "extremely sensitive area," and he had "seen it flood horribly. It never dries out back there. I don't have a warm and fuzzy feeling."

Chair Thomas Holland observed that there had not been a Second.

Patrick Boulden declared that the Motion "Fails for lack of Second."

Lance Whisman made a MOTION to RECOMMEND DENIAL of BCPA-9. Mr. Whisman stated that his Motion was based on the concerns he had.

Chair Thomas Holland stated that the subject property was in "an extremely sensitive area," and expressed concern that the NFIP was making changes which he was concerned would affect this area.

Chair Thomas Holland SECONDED the Motion. Roll was called:

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ROLL CALL:

AYE: Holland & Whisman
NAY: Whiteley.
ABSTAIN: None.
MOTION CARRIED: 2:1:0

JR Donelson clarified with Erik Enyart that this application would be on the City Council agenda the following [Tuesday]. Mr. Enyart asked Patrick Boulden if BCPA-9 would have to be appealed to be on that agenda. Mr. Boulden responded, "I see no provisions" requiring appeal.

Chair Thomas Holland asked Erik Enyart if the other two (2) related applications had to be voted on [recognizing the Commission's vote on BCPA-9]. Mr. Enyart responded that they were on the agenda and requested by the Applicant for an "up or down vote." Mr. Holland stated that the other two (2) applications could not be approved if the Comprehensive Plan Amendment was not approved. Mr. Enyart stated that the Applicant could make these applications without the Comprehensive Plan Amendment request, but in that case, it would automatically be recommended for denial. Mr. Enyart stated that, in that case, "it still gets an up or down vote."

4. (Continued from March 18, April 15, and May 02, 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, April 15, and May 02, 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.

Chair Thomas Holland introduced Agenda Items # 4 and 5 and asked JR Donelson if he had any preferences on whether or not they were voted on together or separately. Mr. Donelson requested that they be voted on separately.

Lance Whisman made a MOTION to RECOMMEND DENIAL of PUD 77 "because it does not currently meet the Comprehensive Plan." Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland & Whisman
NAY: Whiteley.
ABSTAIN: None.
MOTION CARRIED: 2:1:0

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Lance Whisman made a MOTION to RECOMMEND DENIAL of BZ-365 "because it does not currently meet the Comprehensive Plan." Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland & Whisman
NAY: Whiteley.
ABSTAIN: None.
MOTION CARRIED: 2:1:0

Chair Thomas Holland stated that PUD 77 and BZ-365 should be brought back to the Planning Commission for public hearing and possible recommendations on conditions. Discussion ensued.

Erik Enyart asked Patrick Boulden if it was acceptable for the Commission to consider such a Motion if "outside the context of a specific item," since they had been [dispatched], or if the Commission should reintroduce the items. Mr. Boulden indicated that the Commission could take up the Motion at this time.

Upon clarification on wording with Erik Enyart, Chair Thomas Holland made a MOTION that, in regard to Agenda Items # 4 [PUD 77] and 5 [BZ-365], if the Council approved them, it remand them to the Planning Commission for further deliberation on possible Conditions of Approval. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

JR Donelson clarified with Erik Enyart that all three (3) applications would be on the City Council agenda for Tuesday, May 28, 2013, since Monday was the Memorial Day holiday.

Someone asked, and Erik Enyart responded that it would be necessary to readvertise the Public Notice for such remanded cases, "because the Public Notice is complete as of these cases."

PLATS

6. **Sketch Plat – Seven Lakes III – HRAOK, Inc.** Discussion and consideration of a Sketch Plat for "Seven Lakes III" for approximately 40 acres in part of the W/2 of Section 02, T17N, R13E.

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

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

To: *Bixby Planning Commission*

From: Erik Enyart, AICP, City Planner
Date: Wednesday, May 15, 2013
RE: Report and Recommendations for:
Sketch Plat of "Seven Lakes III"

LOCATION: – South and east of the intersection of 121st St. S. and Sheridan Rd.
– North of Seven Lakes I and Seven Lakes II
– Part of the W/2 of Section 02, T17N, R13E.

LOT SIZE: 40.64 acres, more or less

EXISTING ZONING: RS-4 Residential Single Family District

EXISTING USE: Vacant

REQUEST: Sketch Plat approval for 131-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

North: AG; A 20-acre unplatted tract containing a house and otherwise vacant/wooded land owned by John Tiger et al., an unplatted 12-acre vacant tract owned by Tulsa County, and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby.

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

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

West: (across Sheridan Rd.) AG; Unplatted agricultural and vacant land owned by the Bixby School District in the City of Tulsa.

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

PREVIOUS/RELATED CASES:

BZ-309 – Wynona Brooks, Trustee of Mildred A. Kienlen A Revocable Living Trust – Request for rezoning from AG to RS-4 for area including Seven Lakes I, subject property, and 23 acres abutting to the north – PC recommended Approval 01/18/2005 and City Council Approved 02/14/2005 (Ord. # 901).

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for "Seven Lakes II" for Seven Lakes II, which at that time included 36.24 acres of the subject property – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.

RELEVANT AREA CASE HISTORY: (not a complete list)

Preliminary Plat of Seven Lakes I – Request for Preliminary Plat approval for Seven Lakes I abutting subject property to the south – PC recommended Approval 06/20/2005 and City Council Approved 06/27/2005.

Final Plat of Seven Lakes I – Request for Final Plat approval for Seven Lakes I abutting subject property to the south – PC recommended Approval 10/16/2006 and City Council Approved 10/23/2006 (Plat # 6113 recorded 04/26/2007).

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

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

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

BACKGROUND INFORMATION:

Sketch Plats are to be encouraged, in order to get the City's, TAC's, and Planning Commission's early and constructive input, and to gain approval of the conceptual subdivision layout, without significant developer investments in a singular plan, which can be expensive to modify once it has reached the Preliminary Plat and Preliminary Engineering Plans stage.

Ordinance # 2026, adopted October 12, 2009, introduced a Sketch Plat application process, by which this Sketch Plat is being reviewed. In addition to reviewing for basic Zoning Code and Subdivision Regulations compliance and subdivision design, this report focuses more on correcting provided information, and not listing items missing from the Sketch Plat in order for it to meet a standard for a Preliminary or Final Plat. The Applicant should review the Subdivision Regulations for informational requirements for those plat applications when they are being prepared.

ANALYSIS:

Property Conditions. The subject property of 40.64 acres is vacant and zoned RS-4. The development will be designed to collect stormwater and drain it to the east to Fry Creek Ditch # 2. Within this plat area, the streets and two (2) of the "lakes" in "Seven Lakes" were already "rough cut" during or after the development of the first phase.

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

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

General. This subdivision of 40.64 acres, more or less, proposes 131 lots, seven (7) blocks, and three (3) Reserves (only 2 reported in the Land Summary statistics). The plat divides the subdivision into two (2) phases. Phase I will include the new street connection to Sheridan Rd., providing a secondary means of ingress/egress for the entire Seven Lakes development. This second street intersection will replace the temporary access road built with Seven Lakes I just to the north of 126th St. S.

The Seven Lakes development, and this plat, represents a conventional but attractive design, with uniquely crisscrossed curvilinear streets and no true cul-de-sacs, interspersed with Reserves for water amenities. The subdivision is similar to Seven Lakes I and Seven Lakes II, both abutting to the south, with relatively similar-sized and configured lots. Typical lots range from 65' X 120' (7,800 square feet, 0.18 acres) to 75' X 120' (9,000 square feet, 0.21 acres). All lots appear to meet RS-4 zoning standards.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on May 01, 2013. The Minutes of the meeting are attached to this report.

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

Access and Internal Circulation. Primary access to the subdivision would be via one (1) street connecting to Sheridan Rd.

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

1. With the Preliminary Plat, the Applicant will need to request a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lot 15, Block 2, and Lot 7, Block 1 (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F. The Modification/Waiver may be justified by citing its necessity as a product of an attractive subdivision design defined by the crisscrossing, curvilinear street network with no true cul-de-sacs, interspersed with Reserves for water amenities.
2. With the Preliminary Plat, the Applicant will need to request a Modification/Waiver from Subdivision Regulations Section 12-3-3.A, if any utility easements would not achieve the minimum width standards at 17.5' for perimeters. Such request may be justified by demonstrating where an 11' U/E will be back to back with another 11' in abutting subdivision, resulting in a 22'-wide U/E corridor between the subdivisions. Other justifications may be offered and deemed adequate.
3. Based on GIS aerial and parcel data, it appears that the northeastern-most lots, Lots 34 and 35, Block 5, include the access road, and possibly even the concrete trickle-channel otherwise owned by Tulsa County and the City of Bixby (possibly known as a 'wetland remediation' or 'wetland compensatory mitigation' area). Please confirm property ownership patterns and/or any public easements that may affect this area.
4. It appears that the Reserve Areas are assigned unique letters A through H in the three (3) subdivisions. This may be for purposes of having a singular HOA responsible for maintenance of the Reserve Areas. Seven Lakes I has Reserve Areas D, E, F, G, and H. Seven Lakes II has Reserve Areas A, B, and C. "Seven Lakes III" would have Reserve Areas "C," "F," and two (2) unnamed 20'-wide "handle" access Reserve Areas which connect to Reserve Area B in Seven

Lakes II. In this phase III, "C" would be a duplicate name as that found in Seven Lakes I. Also in phase III, Reserve Area "F" is one of the "lakes" which would connect to the "handle" Reserve "F" in Seven Lakes I. This would make sense if the Reserve Areas are to be uniquely named and "F" was to be recognized as a singular Reserve Area platted in two (2) parts. If that is the case, the unnamed 20'-wide "handle" access Reserve Areas connecting to Reserve Area B in Seven Lakes II could also be named Reserve Area "B." The duplication of Reserve Area C, however, may need to be addressed.

5. Please label the width of the 'handle' access to "Reserve C."
6. Block 5: Similar to Reserve C in Seven Lakes II, consider adding a pedestrian access Reserve Area to connect the neighborhoods to the Fry Creek # 2, which may ultimately have a trail on this west side. Please update Block numbers if added.
7. Please indicate the Sectionline, label Sheridan Rd. and indicate its roadway width and centerline, and dimension the right-of-way dedication.
8. Please change the Sheridan Rd. intersection street name to "East 125th Street South."
9. Please change the "E. 125th Pl." street name to 68th E. Ave. corresponding with Seven Lakes II.
10. Per the SRs provisions pertaining to Sketch Plat approvals, please add the legal description and point of beginning, if available.
11. Per the SRs provisions pertaining to Sketch Plat approvals, please add "lot areas (in square feet or fractional acres) on each lot or in a chart or schedule for Zoning Code compliance review."
12. The Location Map should label Seven Lakes II (reference SRs Section 12-4-2.A.5).
13. The Land Summary statistics report two (2) Reserve Areas, but there are two (2) named and two (2) unnamed Reserve Areas in the plat. If the unnamed are identified as Reserve Area "B," as suggested herein, that would Reserve Area # 3.
14. For the sake of clarity, the Land Summary statistics on the plat face should list the total for the plat (rather than by Phase) or otherwise list both phases on both pages.
15. Lots 1 and 2, Block 6, and Lot 18, Block 6 are completely separated from the balance of Block 6 by an unnamed 20' Reserve Area. Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the areas need to be separate blocks.
16. Please update Land Summary statistics to add the new block numbers recommended herein.
17. As noted and requested by the TAC, where they are missing, please add 20' front yard U/Es for front-yard utility service as done throughout the balance of the Seven Lakes development (electric and natural gas, at a minimum).
18. Rather than 25'-wide front-yard U/Es as sometimes shown, consider a 20' U/E to provide a 5' buffer area, or the amount necessary to protect the integrity of the foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.
19. Streets should be labeled as to width.
20. Consider the size and configuration of Lot 16, Block 4 for possible enhancement.
21. A copy of the Sketch Plat including all recommended corrections shall be submitted for placement in the permanent file.

The Applicant was not present. Erik Enyart offered to forward to the Applicant information on the Planning Commission's action.

Upon a question, Erik Enyart confirmed that the typical lot in this phase of "Seven Lakes" was larger than the typical lot in the first two (2) phases.

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Sketch Plat subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

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ROLL CALL:

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

7. **Final Plat – Scenic Village Park – Tanner Consulting, LLC (PUD 76).** Discussion and consideration of a Final Plat and certain Modifications/Waivers for “Scenic Village Park” for 22 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, May 15, 2013
RE: Report and Recommendations for:
Final Plat of “Scenic Village Park” (PUD 76)

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

SIZE: – 21.965 acres, more or less (plat area)
– 92 acres, more or less (parent tract)

EXISTING ZONING: CG General Commercial District with PUD 76

EXISTING USE: Agricultural

REQUEST: Final Plat approval

SURROUNDING ZONING AND LAND USE:

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

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

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

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

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

PREVIOUS/RELATED CASES:

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

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

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

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

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

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

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

BACKGROUND INFORMATION:

At its February 27, 2013 meeting, the Planning Commission held a Public Hearing and recommended Conditional Approval by unanimous vote. The Motion was to Recommend APPROVAL of PUD 76 and BZ-364, subject to the corrections, modifications, and Conditions of Approval as recommended by Staff, and to include the three (3) amendments made by the Applicant during the meeting as follows:

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

At its meeting March 11, 2013, the City Council Continued the PUD and rezoning per BZ-364 to the March 25, 2013 Regular Meeting, to allow the attendance of the Councilor in whose Ward the subject property was located.

At its meeting March 25, 2013, the City Council Conditionally Approved PUD 76, to include two (2) additional amendments made by the Applicant during the meeting as follows:

1. Removing language inadvertently allowing, by interpretation, multifamily use in Development Area D ("...and uses permitted by Special Exception within the CG Zoning District..."), and
2. Removing the Alternative Standards in Development Area H allowing multifamily use.

The PUD and rezoning was approved by Ordinance # 2116, which approves the "Outline Development Plan" (Text & Exhibits package) dated as received March 07, 2013. That version included all of the staff and Planning Commission recommendations from the meeting held February 27, 2013 and the three (3) amendments made by the Applicant during that meeting. It did not, however, include the two (2) amendments made by the Applicant at the City Council meeting held March 25, 2013. However, Section 3 of the ordinance provides:

"SECTION 3. That PUD 76 and its Outline Development Plan shall be subject to the development standards and conditions recommended by the City of Bixby Planning Commission in Case No. PUD 76,

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as set forth within the record and minutes of the Commission meeting of February 27, 2013, and approved by the City Council on the date of this ordinance." (emphasis added)

Since the amendments were made to the Outline Development Plan during the March 25, 2013 meeting, Section 3 includes them.

For the sake of clarity in the record, Staff recommends the Applicant submit a final copy of the Text and Exhibits incorporating the final two (2) amendments made by the Applicant at the March 25, 2013 City Council meeting.

ANALYSIS:

Property Conditions. The parent tract subject property of 92 acres is relatively flat and appears to drain, if only slightly, to the south and west. The Final Plat area contains the northernmost 21.965 acres of the parent tract subject property. The development will be planned to drain to the south and west to the Fry Creek Ditch # 2 and # 1, respectively, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned CG with PUD 76 and may or may not be presently used for agricultural crops.

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

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

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

General. This subdivision of 21.965 acres proposes four (4) lots, three (3) blocks, and no (0) Reserve Areas. The lots appear consistent with their respective PUD 76 Development Area standards.

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

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

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held May 01, 2013. Minutes of that meeting are attached to this report.

Access and Internal Circulation. The plat proposes Limits of No Access (LNA) along all of 121st St. S., to direct all traffic to the two (2) proposed street intersections. However, an Access Opening has been added, with this Final Plat, to a middle part of the 121st St. S. frontage for Lot 1, Block 3 (PUD 76 Development Area E).

As proposed, primary access to the PUD development would be via a proposed collector street connecting 121st St. S. to Memorial Dr. via the existing 126th St. S. constructed in the past couple years. By this collector road, all the Development Areas within the PUD would have access. There is a gap between the existing 126th St. S. right-of-way and the parent tract subject property, suggesting the necessity of separate instrument dedication of right-of-way to connect to 126th St. S. The Applicant has stated that the seller has agreed to dedicate the right-of-way. The Text of PUD 76 confirms that the connection will be required.

The collector street is proposed to intersect with 121st St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121st St. S. was widened. It will be known as 74th E. Ave. to the extent it is a north-south corridor. To the west of this, there is a smaller street proposed to intersect with 73rd E. Ave., which serves Fox Hollow and the North Heights Addition. It will continue south of 121st St. S. with the 73rd E. Ave. name.

Per PUD 76, the collector street will have an 80' right-of-way and 38' roadway width. Per Subdivision Regulations Ordinance # 854 Section 9.2.2, these geometries would be consistent with a residential and/or office collector road. As this is a commercial development, a "Commercial Collector" street would have 80' of right-of-way and 42' of roadway width. Thus, the PUD acknowledges that such geometries must be approved by the Bixby City Council for Modification/Waiver from the Subdivision Regulations, which was requested and approved by the City Council with the Preliminary Plat on March 25, 2013. Per the City Engineer's PUD/Preliminary Plat review memo, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify a Modification/Waiver.

The minor streets serving Development Areas A and B, at 50' in right-of-way width and 26' of roadway paving width, would be consistent with a minor low density residential street. It would

incidentally serve the westernmost commercial lot in Development Area A, and perhaps the other commercial lot in Development Area A, but would primarily serve an assisted living community. Thus, it would appear more appropriate to be designated a Residential Collector or High Density Residential minor street, which calls for 60' of right-of-way and 36' of roadway width. These geometries, too, received City Council approval of a Modification/Waiver with the Preliminary Plat on March 25, 2013. Recognizing the Collector Road will facilitate most of the traffic, it is reasonable to argue that the ancillary minor streets, serving to allow for a future stoplight at 73rd E. Ave. and primarily serving the assisted living facility, should be afforded flexibility to reduce the minimum required widths.

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

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

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
2. 11' U/E along the south side of plat needs to be increased to 17.5' or supplemented by separate instrument dedication as per Subdivision Regulations and City Engineer.
3. The proposed access points to 121st St. S. require City Engineer and/or County Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.
4. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - LaCasa Movil Estates 2nd (misabeled)
 - Poe Acreage (misrepresented as to configuration)
 - Seven Lakes II (misrepresented as to configuration)
 - The Fry Creek Ditch # 1 and # 2 are represented but do not reflect channel reconstructions from circa 2000.
5. Based on existing addresses and street names, please adjust addresses such as follows:

• Lot 1, Block 1:	7275 S. 73 rd E. Ave.	→	7274 E. 121 st St. S.
• Lot 2, Block 1:	12300 S. 74 th E. Ave.	→	7300 E. 121 st Pl. S.
• Lot 1, Block 2:	7305 S. 74 th E. Ave.	→	7330 E. 121 st St. S.
• Lot 1, Block 3:	7450 S. 74 th E. Ave.	→	7450 E. 121 st St. S.
6. Please restore the label designating the W. Line of NE/4 of Section 2.
7. DoD/RCs Section II: Update with the final-as-approved version of the Text of PUD 76, per City Council approval 03/25/2013, including, but not necessarily limited to:
 - DoD/RCs Section II.A DA B: Permitted Uses missing "Other uses within Use Unit 8 are excluded."
 - DoD/RCs Section II.A DA B: Yards/Setbacks missing West and South boundaries and Other needs to be updated to 20'.
 - DoD/RCs Section II.A DA B: Double asterisks before "Minimum Off-Street Parking" should be clarified or removed.
 - DoD/RCs Section II.A DA E: Permitted Uses missing language pertaining to UU 19.
 - DoD/RCs Section II.B.2: Landscaping and Screening language not updated.
 - DoD/RCs Section II.B: Missing off-street parking language.
 - DoD/RCs Section II.B.4: Access and Circulation language not updated.
 - DoD/RCs Section II.B.5: The text allowing off-site signs (circumventing the "billboard" prohibition) needs to have typos corrected: "A-s Signs identifying an interior property..." as per the final approved PUD.
 - DoD/RCs Section II.B.5: Signs language not updated.
 - DoD/RCs Section II.B.8 .9. and .10: Please confirm language updated.
 - DoD/RCs Section II.B: Missing "City Department Requirements" language.
8. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.

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9. Copies of PUD 76, including the final two (2) amendments made by the Applicant at the March 25, 2013 City Council meeting, shall be submitted for placement in the permanent file (2 hard copies and 1 electronic copy).
10. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size and 1 11" X 17").
11. Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size and 1 11" X 17").

Chair Thomas Holland asked Erik Enyart what the "certain Modifications/Waivers" part of the agenda item meant [in this case]. Mr. Enyart responded that this was standard language he included in the event some were discovered during the review. Mr. Enyart indicated there were no additional Modifications/Waivers requested with this Final Plat application.

Erik Enyart recommended Approval subject to the corrections, modifications, and Conditions of Approval as listed in the Staff Report. Mr. Enyart stated that all of the recommended corrections were "cosmetic issues that can be addressed with changing words or lines on paper."

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant Ricky Jones was present and stated, "We are in agreement with all the Staff's recommendations."

Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to Recommend APPROVAL of the Final Plat subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

OTHER BUSINESS

8. **BSP 2013-02 – Panda Express – Bannister Engineering, LLC (PUD 67).** Discussion and possible action to approve a PUD Detailed Site Plan and building plans for "Panda Express," a Use Unit 12 restaurant development for part of the NW/4 SW/4 of Section 25, T18N, R13E.
Property located: 10535 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:	<i>Bixby Planning Commission</i>
From:	<i>Erik Enyart, AICP, City Planner</i>
Date:	<i>Monday, May 13, 2013</i>
RE:	<i>Report and Recommendations for: BSP 2013-02 – "Panda Express" – Bannister Engineering, LLC (PUD 67)</i>

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LOCATION: – 10535 S. Memorial Dr.
– Part of the NW/4 SW/4 of Section 25, T18N, R13E
SIZE: 48,352 square feet; 1.11 acres, more or less
EXISTING ZONING: CS Commercial Shopping Center District
SUPPLEMENTAL ZONING: – PUD 67 for “SourceOne Carwash Company”
– Corridor Appearance District
DEVELOPMENT TYPE: Approval of Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to PUD 67 for a Use Unit 12 restaurant development

SURROUNDING ZONING AND LAND USE:

North: CS & PUD 40; The Applebee’s restaurant, the Hampton Inn & Suites hotel, and a commercial strip shopping center, all in Regal Plaza.

South: CS; The Home Hardware / Builder’s Center / JWI Supply / CWC Interiors hardware, interiors, and supply store in the Grigsby’s Carpet Center subdivision.

East: RS-3; Residential in South Country Estates.

West: (Across Memorial Dr.) CS/PUD 619 and CS/PUD 370; The First Priority Bank, the Avalon Park commercial/office development, and the Life Time Fitness and other businesses being developed in Memorial Commons and/or “The Vinyards on Memorial,” all in the City of Tulsa.

COMPREHENSIVE PLAN: Medium Intensity + Commercial Area

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

BBOA-283 – L.C. Neel – Request for Special Exception for a Use Unit 17 used car sales lot – Approved by BOA 08/01/1994.

PUD 67 – SourceOne Carwash Company – Crafton Tull Sparks – Request for PUD approval for subject property – PC Recommended Conditional Approval 12/15/2008 and City Council Conditionally Approved 01/28/2009 (Ord. # 2008 [1008]).

Preliminary Plat of Legend’s Carwash – Request for Final Plat approval for the “Legend’s Carwash” subject property – PC Recommended Conditional Approval 12/15/2008 and City Council Conditionally Approved 01/05/2009.

Final Plat of “Legend’s Carwash” / “Boomerang Carwash” – Request for Final Plat approval for “Legend’s Carwash” for the subject property – PC Recommended Conditional Approval 03/16/2009 and City Council Conditionally Approved 03/23/2009. Approval expired 03/23/2010 per Subdivision Regulations / City Code Section 12-2-6.F. By memo dated 04/14/2010, Developer requested City Council re-approve the Final Plat, to be renamed “Boomerang Carwash.” City Council re-approved Final Plat 04/26/2010. Final Plat approval expired 04/26/2011 per Subdivision Regulations / City Code Section 12-2-6.F.

BSP 2009-02 & AC-09-02-02 – “Legend’s Carwash” – Crafton Tull Sparks – Request for Detailed Site Plan approval for a carwash and retail development as required by PUD 67 – Conditionally Approved by the Planning Commission and Architectural Committee 02/17/2009.

BSP 2010-02 / AC-10-06-01 – Boomerang Carwash – The McLain Group, LLC (PUD 67) – Request for Detailed Site Plan approval for a carwash and retail development as required by PUD 67 – PC Conditionally Approved 06/21/2010.

BACKGROUND INFORMATION:

The subject property was previously a small used car sales lot, previously operated by Nelson Mazda, occupying the front/west approximately 120’. It was previously Conditionally Approved for a Use Unit 17 “Legend’s Carwash” / “Boomerang Carwash” development, including PUD 67, Preliminary and Final Plats, and PUD Detailed Site Plans. However, that proposal was not ultimately developed. The current application is to develop a Use Unit 12 Panda Express restaurant. PUD 67 allows the proposed use.

ANALYSIS:

Subject Property Conditions. The subject property moderately slopes downward to the south and east, in the watershed that drains to the Oliphant Drainage and Detention system (an upstream portion of Fry Creek # 1). It is presently vacant and zoned CS with PUD 67. It is bordered on the north by a private drive separating it from the Applebee’s restaurant and the Hampton Inn & Suites hotel in Regal Plaza, on the south by the existing or former Home Hardware / Builder’s Center / JWI Supply / CWC Interiors

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hardware, interiors, and supply store in the Grigsby's Carpet Center subdivision, on the east by residential in South Country Estates, and on the west by Memorial Dr.

General. The submitted plan-view Site Plan drawing consists of "Site Plan" drawing by Bannister Engineering, LLC. Per the "Site Plan," the building will have 2,210 square feet of floor area. Based on building "Exterior Color Elevations" drawings A-200 and A-201, the building's flat roof will not exceed 20' 3" in overall height, and the parapet wall and other architectural features will not exceed 22' 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 67 and, per the plans generally, the 1-story building would conform to the applicable bulk and area standards for PUD 67 and the underlying CS district.

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

The Technical Advisory Committee (TAC) reviewed this application on May 01, 2013. The Minutes of the meeting are attached to this report.

Access and Internal Circulation. The development will access Memorial Dr. via driveways connecting to private drives to the north and south. The north access is a private drive along the south side of Applebee's in Regal Plaza. At the south end, the driveway will connect to the Home Hardware / Builder's Center / JWI Supply / CWC Interiors hardware, interiors, and supply store parking lot in the Grigsby's Carpet Center subdivision. Any private access easements or agreements necessary to accomplish this should be secured as needed, and submission of cop(ies) of same is respectfully requested. The preexisting driveway connection to Memorial Dr. would appear to be removed under this plan.

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.

Pedestrian accessibility will be afforded via an existing sidewalk along and within the Memorial Dr. right-of-way, which ODOT constructed in mid-2009. Per the plans, part of the sidewalk will be reconstructed at 5' in width and a 5'-wide pedestrianway will connect pedestrians from the sidewalk through the parking lot to the building's front entrance.

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 adequately dimensioned on the plans and appear appropriate in width.

Parking Standards. The provided drawings indicate parking lots on the west, south, and east sides of the building with a total of 67 parking spaces proposed. Zoning Code Section 11-9-12.D requires a minimum of 15 parking spaces for a 2,210 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. However, PUD 67 removed the parking requirements as applicable to the front Development Area A.

Development Area A provides, in relevant part:

"Off Street Parking:

As required by applicable use unit by Bixby Zoning Code.

Parking Spaces and Loading Berths are Not Applicable" (emphasis added)

Thus, there is no required minimum or maximum parking standard applicable for the front lot, where the building and most of its parking will be located. This was done this way because it was to be a carwash, which does not need parking. It is unfortunate that the first sentence remains in that section, as it creates somewhat of an ambiguity, but it is overridden by the second sentence, which follows the first, and which is more specific and direct to the point.

Similarly, DA B provides, in relevant part:

"Off Street Parking:

No parking is anticipated"

Unlike the previous carwash development plans, the land will be platted as a singular lot. Regardless of parking spaces falling within DAs A or B, the use is exempt from the minimum and maximum parking number requirement. Therefore, the proposed number of parking spaces complies with the Zoning Code

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and PUD 67. The 23 spaces reported as required, based on an inaccurate 1:100 parking ratio, is reported in error.

Three (3) handicapped-accessible parking spaces are indicated on the provided Site Plan. At 67 spaces, the three (3) 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 needs to indicate which one (1) ADA space will be of van-accessible design, as required. The Applicant should consider assigning van-accessible ADA space such 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. 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 16.9', 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 also requires a 10' setback between the parking lot and the R district abutting to the east. The present setback indicated is 5.6', which does not meet this requirement and must be increased to a minimum of 10'.

The survey (Exhibit G) included with PUD 67 did not indicate any existing utility or other easements affect the subject property. An application for subdivision plat approval for this development has not yet been submitted. Therefore, as of yet, there are no conflicts with internal drives and parking paving over utility or other easements. The City Engineer and Public Works Director will review the site development plans for proper utility and paving locations and conflict avoidance. Per the survey included with PUD 67 and statements by TAC members at the May 01, 2013 meeting, there are existing overhead electric lines and natural gaslines along and within the north side of the subject property. During the platting of the subject property, utility easements (if not already in existence) should be placed here for proper utility line maintenance.

A loading berth is not indicated, but none is required for the restaurant development per the provisions of PUD 67. Bulk loading will presumably be handled via truck parking within the parking lot or drive-through lane.

Screening/Fencing. The "Site Plan" drawing represents an existing 6' fence along the east line of the PUD. Per PUD 67, the screening fence is required to be replaced and must be a 6' high opaque cedar wood fence (or better). The "Site Plan" needs to represent the proposed location of the required screening fence, and the Applicant needs to provide a profile view/elevation drawing showing the required 6' screening fence replacement along the east property line.

The trash dumpster area will be enclosed within a screening wall enclosure, to be composed EIFS with a 2.5'-tall "Mesa LedgeStone" base and "galvanized steel" gates. The trash enclosure details are provided on "Patio & Trash Enclosure Details" drawing A-407, and appear typical for this type of application.

The trash dumpster is proposed to be located at the northeast corner of the development, which is abutting residential use. The Applicant may want to consider another location more removed from the houses in South Country Estates. Staff notes, however, that there appear to be two (2) other dumpster areas located closer to the houses, serving the "The Shoppes at Regal Plaza" shopping center and Hampton Inn & Suites. They appear to be located approximately 15' and 68' from the northeast corner of the subject property. Increasing the parking lot setback from 5.6' to 10' from the east property line, per other recommendations in this report, will increase the distance between the trash enclosure area and the existing houses.

Landscape Plan. The Landscape Plan consists of "Landscape Plan" drawing L-1.0 and "Landscape Details" drawing L-1.1 and is compared to the Landscape Chapter standards of 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

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along an abutting street [right-of-way]. The parking lot setback/landscaped strip width along Memorial Dr. is approximately 16.9', which would be approximately 34% (excluding driveways) of the 142.27' X 50' 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 rights-of-way. The parking lot setback/landscaped strip width along Memorial Dr. is approximately 16.9', which exceeds the 15' required along Memorial Dr. **This standard is met.**
3. 10' Buffer Strip Standard (Section 11-12-3.A.3): Standard requires a minimum 10' landscaped strip between a parking area and an R Residential Zoning District. There is an R district abutting to the east. The parking lot setback/landscaped strip width here is only 5.6', which does not meet the requirement. **This standard is not met.**
4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Building setbacks per PUD 67 are as follows:

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: 20' setback X width of east PUD boundary at 142.27' = approximately 2,845.4 square feet / 1,000 square feet = 3 trees required in the East Boundary Setback Area. However, PUD 67 requires not less than five (5) trees in this area of Development Area B. Excluding those elsewhere accounted for, one (1) unidentified tree, and roughly five (5) "IA" Fosters Holly are proposed in this Setback Area. The Landscape Plan does not indicate that the existing trees along and within the east side of the subject property will be preserved and maintained (6" [caliper] cedar, 6" [caliper] hackberry, and 8" [caliper] cedar), but the same are not required for compliance. Based on their relative location, they will not be removed for parking lot construction (which has a 10' setback requirement from the east property line). **This standard is met for the East Boundary Setback Area.**

North Boundary Setback Tree Requirements: 17.5' setback X DA A north property line at (263 feet – Memorial Dr. Street Yard width of 50' =) 213' = 2,130 square feet / 1,000 square feet = 3 trees required in the North Boundary Setback Area. There are no setbacks along the north or south lines of DA B. One (1) "QS" Red Oak tree, and roughly seven (7) "IA" Fosters Holly are proposed in this Setback Area. **This standard is met for the North Boundary Setback Area.**

South Boundary Setback Tree Requirements: 10' setback X DA A south property line at (263 feet – Memorial Dr. Street Yard width of 50' =) 213' = 2,130 square feet / 1,000 square feet = 3 trees required in the South Boundary Setback Area. There are no setbacks along the north or south lines of DA B. No (0) trees not already counted are proposed in this Setback Area. **This standard is not met for the South Boundary Setback Area.**

Due to the South Boundary Setback Area, **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 1.11 acres, the standard calls for a maximum of 50' spacing, with one (1) tree. **This standard is met.**
6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of street yard. The Street Yard is the Zoning setback along an abutting street [right-of-way]. Memorial Dr. has a 50' setback. 142.17' X 50' = 7,108.5 square feet / 1,000 = 8 trees in the Memorial Dr. Street Yard. 4 trees are proposed. **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. 67 parking spaces proposed. 67 / 10 = 6.7 = 7 trees required by this standard. Excluding the Setback Area and Street Yard trees already accounted for, four (4) additional trees proposed. Including those "IA" Fosters Holly proposed at the northeast corner of the

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development and which are beyond the number required for the north and east boundary setback areas, six (6) trees are proposed. Four (4) + six (6) = 10 trees. **This standard is met.**

8. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard would be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
9. Irrigation Standards (Section 11-12-3.D.2): "General Notes" # 21 provides "An automatic irrigation system shall be provided to maintain all landscape areas..." 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:
 - a. Please label the unidentified tree at the southeast lot corner.
 - b. Certain elements of the "Landscape Tabulation" are inconsistent with the City of Bixby's interpretation as provided herein and should be reconciled or removed.
 - c. Please reconcile the 26% versus 27% "pervious area" / "landscape area" with the "Site Plan" drawing.

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, 26% of the lot would be "pervious area" post-construction. The Landscape Plan reports 27% of the site will be landscaped. Whichever is correct, **this standard is met.**

Exterior Materials and Colors. "Exterior Color Elevations" drawings A-200 and A-201 indicate the proposed exterior materials and overall appearance. The exterior material will primarily consist of (1) EIFS and (2) stone/masonry base, with various trim materials (such as "Building Accent Tile," aluminum "Rain Screen System," and "Bamboo Poles."). Color information is represented on the elevations drawings, but is no longer required within the Corridor Appearance District per Ordinance # 2091 approved September 10, 2012, and is not required by PUD 67. 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, primarily composed of (1) EIFS and (2) stone/masonry base (excluding, by interpretation, windows and accent/trim), will comply with the new standard.

The roof will not be visible at ground level due to the parapet wall.

Outdoor Lighting. "Photometric Site Plan" Drawing A-100.1 indicates locations and types of outdoor lighting, and lighting levels. All proposed lights appear typical for a suburban fast-food restaurant application.

PUD 67 requires for lighting: "The lights will be arranged as to direct the light away from properties within the R district." There is a residential area to the east, and proposed lighting should be clearly represented and described in detail. As it concerns the east property line, the plan indicates light levels up to, and exceeding 15 footcandles near one particular light fixture. The lighting plan previously approved for the former carwash development demonstrated that the footcandle effects of the proposed lighting were reduced to 0.0 at all points on the east line of the development. Recognizing the houses abutting to the east, the lighting plan should be revised to demonstrate the same 0.0 footcandles on the east line of the development.

PUD 67 also provides that the maximum height for pole-mounted lights in Development Area B is 10'. The "Pole Mounting Detail" of the lighting plan represents lights at 10' in height for all of the PUD.

Signage. The sign plan drawings by Allen Industries represent the locations of the wall signs, the one (1) proposed business/ground sign, and incidental and directional signage. The "Patio & Trash Enclosure Details" drawing A-407 also indicates a "Coming Soon" construction sign, which appears to be in order per Zoning Code Section 11-7I-4.B.2.f.2.

The Allen Industries drawings demonstrate compliance with wall signage regulations.

Per PUD 67, the property is permitted one (1) ground sign, a maximum of 10' in height, which may include an LED/Electronic Message Board sign element. Per the Allen Industries drawings, the proposed ground sign is 25' in height, and must be reduced to 10' or be permitted by PUD Minor Amendment. The Zoning Code would allow up to 25' by right, and thus it is the PUD itself which restricts the sign height.

Most restaurants and other developments of this size will have incidental signage for traffic control and general identification information, and the provided Allen Industries plans do indicate locations of incidental signage. However, the details for same are not provided. Zoning Code Section 11-9-21.C.3.k allows standard directional signs at a maximum of 3 square feet in display surface area. Signs reserving the ADA accessible parking spaces and directional signage painted to the pavement of the driveways (not visible from adjoining public streets) should conform to applicable standards or are otherwise exempt Federal standards.

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

1. 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.
3. Please provide copy of recorded version of any necessary and appropriate easement or agreement pertaining to access to and/or through the properties to the north and south.
4. The proposed driveways and their curb return radii must comply with applicable standards and City Engineer and/or Fire Marshal requirements.
5. The 23 spaces reported as required, based on an inaccurate 1:100 parking ratio, is reported in error. There is no parking required per PUD 67.
6. ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The Site Plan needs to indicate which one (1) ADA space will be of van-accessible design, as required. The Applicant should consider assigning van-accessible ADA space such that the access aisle will be on the right/passenger side of the van-accessible space.
7. 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. 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.
8. Zoning Code Section 11-10-3.B Table 1 requires a 10' setback between the parking lot and the R district abutting to the east. The present setback indicated is 5.6', which does not meet this requirement and must be increased to a minimum of 10'.
9. The "Site Plan" needs to represent the proposed location of the required screening fence, and the Applicant needs to provide a profile view/elevation drawing showing the required 6' screening fence replacement along the east property line.
10. Please resolve the 10' Buffer Strip Standard (Section 11-12-3.A.3) matter as described in the Landscape Plan analysis above.
11. Please resolve the Building Line Setback Tree Requirements (Section 11-12-3.A.4) matter as described in the Landscape Plan analysis above.
12. Please resolve the Street Yard Tree Requirements (Section 11-12-3.C.1.a) matter as described in the Landscape Plan analysis above.
13. Please resolve the Irrigation Standards (Section 11-12-3.D.2) matter as described in the Landscape Plan analysis above.
14. 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.
15. PUD 67 requires for lighting: "The lights will be arranged as to direct the light away from properties within the R district." There is a residential area to the east, and proposed lighting should be clearly represented and described in detail. As it concerns the east property line, the

plan indicates light levels up to, and exceeding 15 footcandles near one particular light fixture. The lighting plan previously approved for the former carwash development demonstrated that the footcandle effects of the proposed lighting were reduced to 0.0 at all points on the east line of the development. Recognizing the houses abutting to the east, the lighting plan should be revised to demonstrate the same 0.0 footcandles on the east line of the development.

16. *Per the Allen Industries drawings, the proposed ground sign is 25' in height, and must be reduced to 10' or be permitted by PUD Minor Amendment.*
17. *Please provide details for proposed incidental signage for traffic control and general identification information.*
18. *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).*
19. *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.*

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant Jeff Linder of Bannister Engineering, LLC, 1696 Country Club Dr., Mansfield, TX 76063 was present and indicated that he had reviewed the Staff Report and found that all of the items which were significant could be resolved without a problem. Mr. Linder stated that there had to be a 10' [parking lot] setback to the east, and this was an error that [he and his associates] have modified, which reduced parking from 67 to 64 spaces. Mr. Linder stated that this would not be a problem since parking was not an issue. Mr. Linder stated that three (3) additional trees were required, and would be added, but there were some existing there that he would see if could be maintained, but "we may lose a couple." Mr. Linder stated that the utility lines were in the easement on the residential side [of the common property line]. Mr. Linder stated that the lighting plans would be revised to achieve zero (0) footcandles in the area adjacent to residential.

A Commissioner asked how this would be determined after the Commission approved the Detailed Site Plan. Erik Enyart responded, "As Staff, we will make sure that the light is cut off at the property line by whatever means necessary, such as by moving light standards or making modifications to achieve that." Mr. Enyart stated that he was responsible for approving the site plan himself in the context of the Building Permit application. Mr. Enyart stated that the Commission's approval of the PUD Detailed Site Plan would constitute the required approval [in the Corridor Appearance District], as his [review items and] approval and theirs would coincide.

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE BSP 2013-02 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

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9. **BSP 2013-03 – Grand Bank – Sisemore, Weisz & Associates, Inc. (PUD 65).**
 Discussion and possible action to approve a PUD Detailed Site Plan and building plans for “Grand Bank,” a Use Unit 11 bank and retail development for Lot 5, Block 1, 101 Memorial Square.
Property located: 8200 E. 101st St. S.

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: Tuesday, May 14, 2013
RE: Report and Recommendations for:
 BSP 2013-03 – Grand Bank – Sisemore, Weisz & Associates, Inc. (PUD 65)

LOCATION: – 8200 E. 101st St. S.
 – Lot 5, Block 1, 101 Memorial Square
SIZE: 53,399 square feet; 1.2259 acres, more or less
EXISTING ZONING: CS Commercial Shopping Center District
SUPPLEMENTAL – PUD 65 for “101 Memorial Square”
ZONING: – Corridor Appearance District
DEVELOPMENT Approval of Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to PUD 65 for a Use Unit 11 bank and retail development

SURROUNDING ZONING AND LAND USE:

North: (across 101st St. S.) CO (Corridor)/PUD-411C; “South Town Market” commercial development, including Super Target, all in the City of Tulsa.
South: CS, CG, PUD 65 & PUD 63; The new Sprouts Farmers Market specialty grocery store and the new Whataburger fast-food restaurant, both in 101 Memorial Square, the Andy’s Frozen Custard frozen custard restaurant under construction in 101 South Memorial Plaza, and 102nd St. S.
East: (across 83rd E. Ave.) CS & CS/PUD 63; Vacant north balance of Tract C, 101 South Memorial Center zoned CS, the Holiday Inn Express & Suites Tulsa South/Bixby in 101 South Memorial Plaza zoned CS with PUD 63, and 85th E. Ave.
West: CS/PUD 378 & AG; CVS/Pharmacy and (across Memorial Dr. in the City of Tulsa) commercial in the Memorial Crossing shopping center and a new US Cellular store in Blockbuster Center. The QuikTrip gas station is to the northwest zoned CS in the City of Tulsa.

COMPREHENSIVE PLAN: Corridor + Medium Intensity + Commercial Area
PREVIOUS/RELATED CASES: (Not necessarily a complete list and does not include TMAPC-jurisdiction areas)

BZ-89 – Ron Koepf – Request for rezoning from AG to CG for 3.6 acres including part of 101 Memorial Square (includes subject property) – Recommended for Approval by PC 04/28/1980 and Approved by City Council 05/19/1980 (Ord. # 401).
BZ-148 – John Moody for William E. Manley, et al. – Request for rezoning from AG to CG (amended to CS) for the area which was eventually platted as 101 Memorial Square, including subject property, less the southerly 0.96 acres (more or less) thereof – Recommended for Approval by PC 10/31/1983 and Approved by City Council 11/07/1983 (Ord. # 496).
BBOA-341 – Roy D. Johnsen for William E. Manley – Request for Special Exception to allow used car sales on the northwest 0.7 acres of the area which was eventually platted as 101 Memorial Square (includes subject property) – Denied by BOA 11/02/1998 – Notice of Appeal in District Court found in case file but with no followup information as to its ultimate disposition.

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

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

PUD 65 – 101 Memorial Square – Manley 101st & Memorial, LLC – Request for PUD approval for area which was eventually platted as 101 Memorial Square, including subject property – Recommended for Conditional Approval by PC 11/17/2008 and Conditionally Approved by City Council 01/05/2009 (Ord. # 2007 [1007]).

Preliminary Plat of 101 Memorial Square – Manley 101st & Memorial, LLC – Request for Preliminary Plat approval for area which was eventually platted as 101 Memorial Square, including subject property – Recommended for Conditional Approval by PC 11/17/2008 and Conditionally Approved by City Council 11/24/2008.

Final Plat of 101 Memorial Square – Request for Final Plat approval for area which was eventually platted as 101 Memorial Square, including subject property – Recommended for Conditional Approval by PC 02/17/2009 and Conditionally Approved by City Council 03/02/2009 (plat recorded 03/27/2009, Plat # 6282).

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

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

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

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

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

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

BSP 2012-01 / AC-12-04-05 – “Sprouts Farmers Market” – Sisemore, Weisz & Associates, Inc. – Request for Detailed Site Plan approval for a Use Unit 13 specialty grocery store development in 101 Memorial Square abutting subject property to the south – PC Conditionally Approved 04/16/2012.

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BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The subject property consists of Lot 5, Block 1, 101 Memorial Square, is zoned CS with PUD 65, and is presently vacant. It is moderately sloped and will drain through an underground stormsewer system in a southeasterly direction to the Oliphant Drainage and Detention system (an upstream portion of Fry Creek # 1).

General. The submitted plan-view Site Plan drawing consists of "Detail Site Plan" drawing DSP-1 by Sisemore, Weisz & Associates, Inc. Per DSP-1, the 1-story building will have 6,840 square feet of floor area, including the bank's 4,511 square feet and the retail shop's 2,329 square feet. Based on building elevations drawings A6 and A7, the bank's parapet wall will be at an elevation of 25' and the retail shop's parapet wall will be at an elevation of 20'. The bank's pitched roof beyond the parapet is not dimensioned, but appears to be roughly 7', and so the building will peak at approximately 32'.

The Site Plan represents a suburban-style design with urban features, and indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking. The subject property lot conforms to PUD 65 and, per the plans generally, the 1-story building would conform to the applicable bulk and area standards for PUD 65 and the underlying CS district. The bank portion of the building will have an elevated stature befitting its use, achieved by having an 'attic' for storage above the first floor ceiling. The building complex will feature an enclosed courtyard on the east side and an informal courtyard/patio area, formed in part by a curved retaining wall, on the west side, next to the retail shop.

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

The Technical Advisory Committee (TAC) reviewed this application on May 01, 2013. The Minutes of the meeting are attached to this report.

Access and Internal Circulation. The subject property will access 101st St. S. via an existing north-south roadway which crosses through the western part of the subject property. The roadway connects Sprouts Farmers Market in Lots 2, 4, and part of Lot 3, Block 1, 101 Memorial Square to 101st St. S. Its connection at 101st St. S. is also used for access to the subject property and CVS/Pharmacy on Lot 1, Block 1, 101 Memorial Square, abutting to the west. The roadway is located within existing Mutual Access Easements (MAEs) by separate instrument and/or the recorded plat of 101 Memorial Square.

Along the south side of the subject property is an east-west roadway shared with Sprouts Farmers Market and built with that project earlier this year. It is contained within an MAE by separate instrument.

The subject property will also have driveway connections to 83rd E. Ave. at the north and south sides of the building. The bank's three (3) drive-through exit lanes will be part of the connection to the south of the building.

The provided drawings indicate driveway access points and the widths of the proposed driveways. Curb return radii have not been provided, but need to be. All these dimensions must comply with applicable standards and City Engineer and/or Fire Marshal requirements.

A sidewalk will flank the north/front, west/side, and part of the south/rear of the building, and will connect pedestrians from the existing sidewalk along 101st St. S. and the proposed sidewalk along 83rd E. Ave. (reference Zoning Code Section 11-10-4.C). The sidewalk widths are dimensioned on the plans and appear appropriate. The sidewalk along 83rd E. Ave. is (in significant part) located within a 5' Sidewalk Easement per the plat of 101 Memorial Square, but is not identified on DSP-1.

The proposed Use Unit 11 bank and the retail shop (Use Unit not yet known) are not large enough to require a loading berth, and none are proposed.

Parking Standards. The "Detail Site Plan" drawing DSP-1 indicates a total of 31 parking spaces. Zoning Code Section 11-10-2.H provides a "minimum plus 15%" maximum parking number cap, to prevent excessive parking that results in pressure to reduce greenspaces on the development site.

The Applicant has provided calculations as follows, which are consistent with Staff's interpretation (which allows rounding-up if so claimed):

"OFF-STREET PARKING SHALL BE PROVIDED AS REQUIRED BY THE APPLICABLE USE UNIT OF THE BIXBY ZONING CODE. EACH SPACE WILL BE A MINIMUM OF 9' WIDTH AND 18' IN DEPTH. THE MINIMUM NUMBER OF PARKING SPACES REQUIRED FOR THE PROPOSED FINANCIAL INSTITUTION USE IS 16, BASED UPON THE 4,511 SF OF BUILDING FLOOR AREA AND PARKING SPACE REQUIREMENT OF 1 PARKING SPACE PER 300 SF OF BUILDING FLOOR AREA. THE MINIMUM NUMBER OF

PARKING SPACES REQUIRED FOR THE PROPOSED RETAIL USE IS 11, BASED UPON THE 2,329 SF OF BUILDING FLOOR AREA AND PARKING SPACE REQUIREMENT OF 1 PARKING SPACE PER 225 SF OF BUILDING FLOOR AREA (ACTUAL NUMBER OF PARKING SPACES PROPOSED FOR SITE = 31)."

Therefore, the site complies with the minimum and maximum parking space standards.

The proposed 9'10' X 18' regular parking space dimensions comply with the minimum standards for the same per PUD 65.

The two (2) handicapped-accessible parking spaces would comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces).

ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The Site Plan indicates one (1) ADA space will be of van-accessible design, as required.

The regular and van-accessible handicapped-accessible parking spaces and access aisles are dimensioned and indicate compliance with the space width and striping standards of Zoning Code Section 11-10-4.C Figure 3.

The parking lot is subject to a 10' minimum setback from 101st St. S. and a 7.5' setback from 83rd E. Ave. per Zoning Code Section 11-10-3.B Table 1. Dimensions provided on the plan indicate that these setbacks will be met along both streets.

The plans show internal drives and parking spaces being paved over the 17.5' Perimeter Utility Easement along the north side of the subject property. Paving over public Utility Easements is subject to City Engineer and Public Works Director approval.

Screening/Fencing. The Zoning Code does not require a sight-proof screening fence for the subject property, as it does not abut an R district. No fences are proposed.

PUD 65 provides:

"All trash, mechanical and equipment areas (excluding utility service transformers, pedestals or equipment provided by a franchise utility providers), including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by a person standing at ground level."

The trash dumpster enclosure area is identified at the southeast lot corner, and compliance with this standard is further indicated in a note on the site plan. The appearance and details of the enclosure have not been submitted, and are respectfully requested (profile view/elevations, with notation as to materials to be used, colors, and opacity of walls and gates).

Landscape Plan. The Landscape Plan consists of "Landscape Plan (Northern Portion)" drawing L1 and "Landscape Plan (Southern Portion)" plan sheet L2 by architect Jack Arnold, AIA. The proposed landscaping is compared to the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 60' from the 101st St. S. right-of-way per PUD 65. The subject property does not have a "Street Yard" along S. 83rd E. Ave., as that street has no right-of-way and the setback applies to the property line (presumably the centerline of S. 83rd E. Ave.) per PUD 65. A 10' parking lot setback / landscaped strip is proposed along 101st St. S., to include landscaping trees. 10' / 60' = approximately 16 2/3%. The Landscape Summary notes also demonstrate compliance. **This standard is met.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 10' along 101st St. S., and a 10' parking lot setback / landscaped strip is proposed, to include landscaping trees, as required.

The subject property does not have the typical 7.5' landscaped strip requirement along S. 83rd E. Ave., as that street has no right-of-way and the setback applies to the property line (presumably the centerline of S. 83rd E. Ave.) per PUD 65. Instead, PUD 65 specifically calls for a 7.5'-width landscaped strip. A landscaped strip measuring at least 11' is proposed along S. 83rd E. Ave., to include landscaping trees. **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. Excluding the building line setback along 101st St. S. (which is a Street Yard), PUD 65 provides a 25' setback along the east property line (presumably the centerline of S. 83rd E. Ave., but no setbacks for interior lot lines. Tree requirement calculations are as follows:

East line @ 248.59' X 25' = 6,214.75 square feet / 1,000 = 7 trees. Seven (7) Burford Holly trees are proposed in this setback area. **This standard is met.**

5. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 50' from a Landscaped Area, which Landscaped Area must contain at least one (1) or two (2) trees. **This standard is met.**
6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of Street Yard. The Street Yard is the Zoning setback along an abutting street right-of-way. There is a Street Yard for 101st St. S., but not for 83rd E. Ave. (see Building Line Setback Tree Requirements section).

The subject property has 213.17' of frontage along 101st St. S., which has a 60' setback per PUD 65. 213.17' X 60' = 12,790.2 square feet / 1,000 = 13 trees required in the 101st St. S. Street Yard. Nine (9) Oklahoma Redbud trees are identified. Two (2) larger trees (perhaps canopy forms) are indicated but not identified. Three (3) "Nellie Stevens Hollies" and 18 "Sky Rocket Junipers" are indicated but are not identified as to tree or shrub forms. **Compliance with this standard cannot be determined.**

7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. The "Detail Site Plan" drawing DSP-1 indicates a total of 31 parking spaces. 31 / 10 = 3.1 = 4 (1/10 of a tree is not possible, and minimum numbers of required trees are not rounded-down) trees required by this standard. Excluding trees elsewhere accounted for, 5 Burford Holly trees proposed along the west side of the property. **This standard is met.**
8. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard would be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
9. Irrigation Standards (Section 11-12-3.D.2): A note on "Landscape Plan (Northern Portion)" drawing L1 states "All landscape area required by the Landscape Ordinance shall be irrigated by an underground sprinkler system." Zoning Code Section 11-12-4.A.7 requires the submission of plans for irrigation. An irrigation plan was not submitted. **This standard is not met.**
10. Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.): The tree planting diagram(s), reported heights and calipers of the proposed trees, the notes on the drawings, and other information indicate compliance with other miscellaneous standards, with the following exceptions:

- a. Please label the larger unidentified trees at the northeast and northwest lot corners.
- b. Certain elements of the "Landscape Summary" are inconsistent with the City of Bixby's interpretation as provided herein and should be reconciled or removed.
- c. The Burford Holly trees proposed in partial satisfaction to landscaping requirements are indicated at 4' to 5' in height. Zoning Code Section 11-12-3.C.7.b requires a minimum 5' height for conifer/evergreen trees. Please amend to not less than 5' in height.
- d. Certain other plants proposed in partial satisfaction to landscaping requirements, including two (2) unidentified (perhaps canopy form) [trees] at the northeast and northwest corners, three (3) "Nellie Stevens Hollies," 18 "Sky Rocket Junipers," and certain crape myrtles. Per internet sources, it would appear that some of these may be classified as trees, while others appear to be shrubs. If they are intended to be recognized as trees, the Applicant's Architect, Landscape Architect, or Engineer should provide a statement to that effect, preferably on the plan sheet. This would also aid the plan executors in selecting the correct tree form cultivar.
- e. Five (5) Burford Holly trees are represented along the west side of the property, but the label indicates there would be seven (7). Please reconcile.

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

11. Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard is 15% of an office lot must be landscaped open space. Staff was not able to locate information to demonstrate compliance with this standard. Compliance with this standard cannot be determined.

Exterior Materials and Colors. Elevations drawings A1 and A2 indicate the proposed exterior materials and overall appearance. Color information was not provided, but is no longer required within the Corridor Appearance District per Ordinance # 2091 approved September 10, 2012, and is not required by PUD 65. 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 exterior material, including the north/101st St. S.-facing building elevation, will primarily consist of (1) Stucco and (2) what appears to be a brick base (but not labeled), with various trim materials (including "cast stone trim" cornices over the windows). Block-like structures are located along the sides of window and door areas, but their composition is not indicated. The materials should comply with the new standard. However, the Applicant should identify what appears to be brick material at the base of the building and the block-like structures on the sides of the window areas for review for compliance with the masonry requirements of the Corridor Appearance District.

The pitched roof over the bank portion of the building will be "Barrel Clay Tile." The flat roofs over the retail shop portion of the building and parts of the front and rear elevations of the bank portion will be hidden by parapet walls.

Outdoor Lighting. The lighting plans consist of drawings SL1 and SL2 and elevations drawings A1 and A2 and indicate the location of pendant and pole- and wall-mounted lights ("lamps"). All proposed lights appear typical for the proposed bank/retail application, in terms of locations, but appear to be fairly upscale fixtures. According to drawing SL1, the pole- and wall-mounted light fixtures will be mounted at approximately 17' and 12' in height, respectively. The three (3) pendant lights will illuminate the arcade-style portico covering the north/front entryway. PUD 65 has a 20' maximum height restriction for lights. Although the height for the pendant lights is not shown on SL1 (or SL2), their locations are identified on SL1 and their relative heights are indicated on elevation drawing A1. They are indicated at a height just above the wall-mounted lights but well below the 20' top of parapet of the retail shop portion of the building. Therefore, those, too, will comply with the 20' maximum height. There are no residential areas remotely close to the subject property. The proposed lighting complies with applicable standards and appears appropriate for this development in its context.

Signage. The sign plan consists of drawings ST-1.0, ST-2.0, ST-3.0, and ST-4.0 by Claude Neon Federal Signs (CNF Signs), Inc.

Per PUD 65, the maximum ground sign height standard applicable to the subject property is 25'. Display surface area and other signage standards are as per the underlying Zoning district.

Per ST-4.0, the existing ground sign, located toward the center of the 101st St. S. frontage of the subject property per DSP-1, is identical to the one in front of the Sprouts Farmers Market abutting to the south in 101 Memorial Square, save that the top-most of the two cabinets reflects the business on whose lot the respective sign is located. Both signs were constructed at the same time with the Sprouts Farmers Market project. The sign on the subject property complies with the 25' maximum height and maximum display surface area standard. Per Zoning Code Sections 11-2-1 and 11-9-21.F, any sign not physically located on the lot containing the business would be recognized as an "Outdoor Advertising Sign (Billboard)," which are not permitted in Bixby. Therefore, if a singular ground sign located on the subject property contained a second sign cabinet for the Sprouts Farmers Market, and vice-versa, those would be unallowable "Outdoor Advertising Signs." However, the approved PUD 65 Major Amendment # 1 now allows "... a total of two (2) 25' height double-cabinet display sign advertising the Sprouts store and the proposed business to the north ("Bank" or future user, to be constructed upon Lot 5, Block 1, 101 Memorial Square) shall be permitted, provided that only one (1) such sign along each respective arterial street frontage (S. Memorial Dr. and E. 101st St. S.) shall be allowed upon the respective Sprouts store and Bank or future use development lots as conceptually illustrated upon the signage plan documentation provided with the Sprouts Detail Site Plan documentation under separate application." Therefore, both ground signs are allowed to cross-advertise each business on the different lots.

ST-1.0 and ST-2.0 indicate the "Grand Bank" wall signs will be applied only to the north-facing (front) and south-facing (back) elevations of the building. Both will comply with maximum display surface area standards.

Most commercial developments of this size will have incidental signage for traffic control and general identification information, and the ST-3.0 drawing indicates the locations of two (2) directional signs. Zoning Code Section 11-9-21.C.3.k allows standard directional signs at a maximum of three (3) square feet in display surface area, but each would have six (6) square feet. However, they may be permitted as the second ground sign allowed on the 101st St. S. frontage, and the first allowed on the 83rd E. Ave. frontage, and the aggregate display surface area will not exceed that allowed by Zoning Code Sections 11-7I-4.B.3.b and 11-9-21.D.3.

Signs reserving the ADA accessible parking spaces and directional signage painted to the pavement of the driveways (not visible from adjoining public streets) should conform to applicable standards or are otherwise exempt per Federal standards.

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

1. 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.
3. Please label proposed curb return radii.
4. The proposed driveways and their curb return radii must comply with applicable standards and City Engineer and/or Fire Marshal requirements.
5. The plans show internal drives and/or parking spaces being paved over the 17.5' Perimeter Utility Easement along the north side of the subject property. Paving over public Utility Easements is subject to City Engineer and Public Works Director approval.
6. Please label the 5' Sidewalk Easement per the plat of 101 Memorial Square.
7. Please submit appearance and details for the trash dumpster enclosure area (profile view/elevations, with notation as to materials to be used, colors, and opacity of walls and gates).
8. Please resolve the Street Yard Tree Requirements (Section 11-12-3.C.1.a) matter as described in the Landscape Plan analysis above.
9. Please resolve the Irrigation Standards (Section 11-12-3.D.2) matter as described in the Landscape Plan analysis above.
10. 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.
11. Please resolve the Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only) matter as described in the Landscape Plan analysis above.
12. Please identify what appears to be brick material at the base of the building and the block-like structures on the sides of the window and door areas for review for compliance with the masonry requirements of the Corridor Appearance District.
13. 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).
14. Minor changes in the placement / locating individual trees or parking spaces, or other such minor site details, are approved as a part of this Detailed Site Plan, subject to administrative review and approval by the City Planner. The City Planner shall determine that the same are minor in scope and that such changes are an alternative means for compliance and do not compromise the original intent, purposes, and standards underlying the original placement as approved on this Detailed Site Plan, as amended. An appeal from the City Planner's determination that a change is not sufficiently minor in scope shall be made to the Board of Adjustment in accordance with Zoning Code Section 11-4-2.

Erik Enyart noted that the Applicant "gave us a courtesy copy" of the site plan prior to formal submittal, which allowed for early review input that could expedite the review process.

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant Darin Akerman was present and stated that [he and his firm were] working with Jim Stanton, an architect with Jack Arnold, and other consultants on the lighting and signage plans. Mr. Akerman stated that he had reviewed the [Staff's recommended] Conditions and discussed them with the other consultants, and indicated no objections.

Lance Whisman asked for clarification on the location. Erik Enyart responded that it was "next to CVS, one (1) lot away from the intersection."

Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to APPROVE BSP 2013-03 with all of the corrections, modifications, and Conditions of Approval as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

CONSENT AGENDA:

1. Annual nominations and elections for Chairperson, Vice-Chairperson, and Secretary (City Code Section 10-1-3).
-

Chair Thomas Holland re-introduced Agenda Item # 1 under the Consent Agenda and called for nominations.

Erik Enyart stated that he would be happy to serve as Secretary again if nominated. The Commissioners unanimously Nominated and Elected Erik Enyart as Secretary by acclamation.

Lance Whisman made a MOTION to NOMINATE and ELECT Thomas Holland as Chair. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

Lance Whisman and Larry Whiteley discussed serving as Vice-Chair. Larry Whiteley expressed interest in serving another one (1) year term. Chair Thomas Holland made a MOTION to NOMINATE and ELECT Larry Whiteley as Vice-Chair. Lance Whisman SECONDED the Motion. Roll was called:

SW
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ROLL CALL:

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

OLD BUSINESS:

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

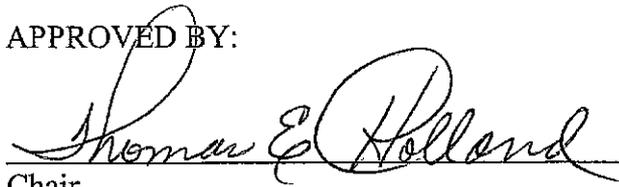
NEW BUSINESS:

Chair Thomas Holland noted that NFIP rules had changed per the Biggert-Waters [Flood Insurance Reform] Act [of 2012], and would have a significant impact on Bixby and so should be studied. No action taken.

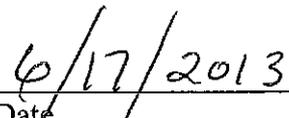
ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:37 PM.

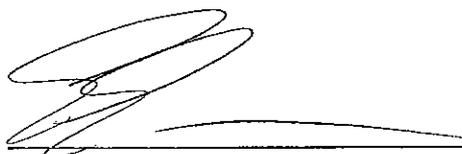
APPROVED BY:



Chair



Date



City Planner/Recording Secretary

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BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: May 20, 2013

NAME	ADDRESS	ITEM
1. <u>JR Donelson</u>	<u>8410 E. 1114th St</u>	<u>3, 4, 5</u>
2. <u>Matt Talley</u>	<u>8113 E 124th St</u>	<u>345</u>
3. <u>Jean Speltz</u>	<u>8109 E 124th St</u>	<u>345</u>
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**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA**

June 17, 2013

6:00 PM

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:06 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the May 20, 2013 Regular Meeting

Chair Thomas Holland introduced the item. Erik Enyart observed that there was not a quorum present of those in attendance at the May 20, 2013 meeting. Chair Thomas Holland declared the item Continued to the July 15, 2013 Regular Meeting.

PUBLIC HEARINGS

2. **PUD 62 – Hawkeye – Major Amendment # 1.** Discussion and possible action to approve Major Amendment # 1 to PUD 62 for property located in the W/2 SE/4 of Section 15, T17N, R13E, which amendment proposes to increase the maximum number of residential lots, reduce setbacks, and make certain other amendments.
Property located: Northwest corner of the intersection of 151st St. S. and S. Kingston Ave.

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

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To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, June 12, 2013
RE: Report and Recommendations for:
PUD 62 – Hawkeye – Major Amendment # 1

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

SIZE: 75 acres, more or less

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

EXISTING USE: Vacant

REQUEST: Major Amendment to PUD 62, which amendment proposes to increase the maximum number of residential lots, reduce setbacks, and make certain other amendments

SURROUNDING ZONING AND LAND USE:

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

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

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

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

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

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

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

RELEVANT AREA CASE HISTORY:

BZ-11 – Louis Levy for Tom Sitrin – Request for I-1, C-1, and R-1 zoning for approximately 660 acres (all of Sitrin Center Addition) to the west of subject property – believed to have been rezoned with modifications, per case notes and correspondence found in case file (Ordinance not found) by City Council on 02/06/1973.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BACKGROUND INFORMATION:

ANALYSIS:

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

The subject property is moderately sloped and primarily drains to the west to an unnamed tributary of Posey Creek. Just north of the northerly dead-end of Kingston Ave., the subject property contains part of the top of a small hill located west of the ridgeline at Sheridan Rd. A small portion of the north side of the east line appears to drain to the east into Southridge at Lantern Hill. The property is presently pasture

land. There is some 100-year (1% Annual Chance) Regulatory Floodplain within a southwesterly portion of the acreage corresponding to the tributary of Posey Creek.

It appears that part of the Kingston Ave. roadway falls along and within the east side of the subject property. Per aerial and GIS data, a fenceline is located along the west side of the roadway, and is located several feet within the subject property. The City Attorney and City Staff are determining whether or not this fenceline is indicative of the ultimate width of the right-of-way dedication for the residential portion of the PUD.

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

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

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

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

The Comprehensive Plan Land Use Map also designates a Community Trail more or less along a line paralleling 330' from the westerly line of the subject property through its entire north-south length. It is more likely that any future trail here would follow the course of the tributary of Posey Creek, which only "clips" the southwest corner of the acreage. This area is designated for stormwater detention on the Conceptual Development Plan, which would appear to be conducive to future trail development, as compared to residential or commercial/office development.

Due to the relatively limited scope of proposed changes, the proposed PUD 62 Major Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

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

PUD 62 presently allows a 55' minimum lot width and 6,000 square foot (0.14 acres) minimum lot size. These standards would not change. A typical lot at 55' lot width and consisting of the minimum 6,000 square foot lot size would be 110' in depth. Actual typical lots proposed in the pending Preliminary Plat of "Trails at Whitehawk" have not been provided as of the date of this report.

For comparison, typical lots in Southridge at Lantern Hill range from 60' X 155' (9,300 square feet, 0.21 acres) to 60' X 165' (9,900 square feet, 0.23 acres). Lots in The Ridge at South County are typically 70' X 120' (8,400 square feet, 0.19 acres). Smaller lots in this area are not unprecedented, however. Lots in The Auberge' and The Auberge' Village each contain lots at 50' and 55' typical widths. Some lots in The Auberge' Village are as small as 50' X 100', (5,000 square feet; 0.11 acres).

Per the analysis provided in the proposed amendment, Zoning Code Section 11-7I-5.A.1.a would allow up to 275 lots on the 53.14-acre residential Development Area A. Thus, it was the original PUD 62 itself which restricted the Development Area to 250 lots. Therefore, although the minimum lot width and lot size standards are not being modified, the PUD presently "caps" the maximum lot yield at 250. This Major Amendment seeks to adjust this cap upward to 265 lots. Although this would be a realized increase in development density, increasing to 265 lots would be still less than would otherwise be allowed by the PUD provisions of the Zoning Code.

Somewhat similarly to this development, the City of Bixby recently approved PUD 72, allowing Lantern Hill at abutting on 40 acres to the east to be replatted as Southridge at Lantern Hill with 60'-wide

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lots, resulting in an increase in residential development density. 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..."

Recognizing the recentness and adjacency of this precedent and that this Major Amendment would similarly allow for an increase in residential development density, the Developer should be advised that the City Council may request certain standards for quality in exchange for the benefits conferred upon the development by this PUD Major Amendment.

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

Access. Access to the residential subdivision would be via a proposed collector street connection to 151st St. S., which would be routed through the subdivision to connect to the Lakewood Ave. stub-out street in The Ridge at South County. It would have a secondary emergency-only access drive connecting to Kingston Ave. per the Fire Marshal. The commercial Development Area B would have access via the said collector street connection to 151st St. S., and may also access that street via Kingston Ave. The site plan indicates a singular access drive connection to 151st St. S. toward the center of the frontage, which was previously shown on the Conceptual Development Plan for the original PUD 62. It is not known if the City of Bixby or ODOT will allow a curb cut on this State Highway 67. The subject property is on the (westbound) downward slope of the hill at Sheridan Rd., and the speed limit is 65 MPH. The site plan's continued representation of a driveway connection directly onto 151st St. S. / State Hwy 67 here does not guarantee the curb cut / driveway permit will be approved.

Perhaps due to scale issues, sidewalks are not shown within the residential subdivision or along 151st St. S. or Kingston Ave., but will be required per the Subdivision Regulations. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

Any trails to be constructed in the "Trails at Whitehawk" development should be indicated, and may be qualified as "conceptual only" or otherwise as appropriate.

General. The Applicant is requesting a Major Amendment to an approved PUD, to increase the maximum number of residential lots, reduce residential lot setbacks, and reduce the minimum livability space per dwelling unit requirement. The same are described in greater detail in the text as follows:

- "1). Increase the Maximum Number of Dwelling Units from 250 to 265. This increase of 15 dwelling units, represents an increase in residential density of 6.00%. The Maximum Number of Dwelling Units allowed, based on the 53.14 acres of underlying RS-3 zoning, would be 275.
- 2). Reduce the following Minimum Building Setbacks -
 - Front Yard from 25 ft. to 20 ft.
 - Rear Yard from 20 ft. to 15 ft.
- 3). Reduce the Livability Space per Dwelling Unit from 3,500 SF to 2,500 SF. When taking into account the Livability Space for Dwelling Unit and the detention ponds and open space area that will be provided, the total amount of Livability Space per Dwelling Unit will exceed 2,500 SF."

The livability space change would appear to be a measure reflexive to the setback reduction. The Applicant has estimated that the setback reduction, allowing houses to cover more of the lot area, will compromise the minimum livability space, essentially defined as the unpaved part of a residential lot. Although the lots within the residential Development Area A would be relatively small, reducing the setbacks and livability space requirements would presumably allow the house sizes to approach or achieve parity with the house sizes in other subdivisions in the area. Staff has suggested the Applicant provide a typical lot site plan, to demonstrate this relationship to Staff and the Planning Commission. If received before the meeting, Staff will provide it to the Planning Commission at that time.

The Exhibit A "Conceptual Development Plan" would appear to replace Exhibit D "Conceptual Development Plan" in the original PUD 62. Unlike that in the original PUD 62, as a measure of flexibility, this site plan does not represent conceptual buildings, proposed location of uses, off-street parking, open spaces, public and private vehicular and pedestrian circulation, or signage within the commercial Development Area B. The PUD chapter of the Zoning Code may anticipate such generalized

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PUDs, as it includes in Sections 11-7I-8.B.1.b and .d requirements that are conventionally expressed in the PUD Text, and not on the site plan itself.

In satisfaction of Zoning Code Section 11-7I-8.B.1.a, the proposed land uses are tied to the replacement site plan by corresponding to Development Areas (DAs) described within the text. DA A is the single-family residential area and DA B is the commercial/office area.

The Exhibit A Conceptual Development Plan is lacking certain critical information, as listed in the recommendations section of this report. Further, it should be noted that approval of Exhibit A as a part of this PUD Major Amendment will not presuppose the future approval of Modifications/Waivers of the Subdivision Regulations required for certain subdivision design elements, including, but not necessarily limited to: lot depth to width ratio exceeding 2:1, lack of stub-out streets to adjacent unplatted tracts, and lack of right-of-way width required by SRs Section 9.2.2.

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.

Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this PUD Major Amendment.

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

In lieu of a meeting, Staff requested the Technical Advisory Committee (TAC) review this application electronically and submit written comments. No objections were raised nor significant comments received.

Staff Recommendation. For all the reasons outlined above, Staff recommends Approval, 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. Exhibit A needs to label significant street names, to include, but not necessarily be limited to: Kingston Ave., Lakewood Ave. and 145th Pl. S. in The Ridge at South County, and Lakewood Pl. E., 146th St. S., 147th St. S., and 148th St. S. in Southridge at Lantern Hill.
3. Exhibit A needs to represent sidewalks where the scale will allow, such as along 151st St. S.
4. Unless all sidewalks can be represented, please add a note to Exhibit A that sidewalks will be installed by the developer or individual lot builder as permitted.
5. Any trails to be constructed in the "Trails at Whitehawk" development should be indicated, and may be qualified as "conceptual only" or otherwise as appropriate.

6. *Exhibit A needs to represent and label a 25'-wide half-street right-of-way dedication for the residential frontage of Kingston Ave., and an appropriate-width half-street right-of-way dedication for the commercial frontage of Kingston Ave. Since it is conceptual, both width sections should be qualified as "width to be determined by City of Bixby." An established fence line along the west side of Kingston Ave., which encroaches the subject property at a width apparently exceeding 25', may be determined indicative of the ultimate right-of-way width, to be determined by the City Attorney.*
7. *Exhibit A needs the Location Map to accurately represent the represented subdivision names of Southridge at Lantern Hill and The Ridge at South County.*
8. *Exhibit A needs to label the "Emergency Access" [Reserve Area] and pavement widths.*
9. *Exhibit A needs to represent existing zoning district boundaries.*
10. *A corrected PUD Major Amendment package shall be submitted incorporating all of the corrections, modifications, and Conditions of Approval as follows: 2 hard copies and 1 electronic copy (PDF preferred).*

Erik Enyart stated that, prior to the meeting, he had provided to the Commissioners a revised site plan, which resolved all of the recommended correction items. Mr. Enyart stated that the only Condition of Approval remaining was the standard "Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations."

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant Tim Terral of Tulsa Engineering & Planning, Inc., 9820 E. 41st St. S., Suite 102, Tulsa, was present and described the project briefly.

Chair Thomas Holland asked Erik Enyart why, on page 4 of the Staff Report, he stated that "the proposed PUD 62 Major Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan," rather than stating that it was consistent. Mr. Enyart responded that he had been writing it this way recently, as the Comprehensive Plan was a large document primarily [composed] of text, and indicated it was difficult to state with certainty that there is nothing in the text that a particular project may conflict with. Mr. Enyart stated that, rather than make a definitively positive statement, he considered it more appropriate to state it was "not inconsistent."

Chair Thomas Holland noted that, per the Staff Report, the Comprehensive Plan shows a trail through the subject property, but the Applicant has stated that no trails are planned. Mr. Holland asked Erik Enyart how this could be consistent with the Comprehensive Plan. Mr. Enyart stated that he had never had to answer about a trail shown on the Comprehensive Plan Land Use Map, "so, it would seem to be not entirely consistent." Discussion ensued. Mr. Enyart noted that it appeared more likely to him that the trail would actually follow the unnamed tributary to Posey Creek, and not along a line approximately 330' east of and parallel to the west line of the subject property. A Commissioner asked if the Comprehensive Plan would have to be amended first, and Mr. Enyart responded that it would not, but that the Planning Commission could make a recommendation as it concerns the trails matter and, ultimately, the City Council would make the final determination. Discussion ensued. It was observed that the trail would also go through *The Ridge at South County*, which did not occur, or otherwise through the [*White Hawk Golf Club*] to the west, on which possibility doubt was generally cast. Mr. Enyart responded to a question by stating that it did not appear to him that the trails shown on the Comprehensive Plan map had been included in those developments constructed in the last 10 years. A question was raised as to the frequency with which this was the issue. Mr. Enyart stated that he had the opportunity to work on a GIS shapefile of trails using different sources, including the Bixby Comprehensive Plan and INCOG, and

[combined them and then] removed duplicates, and that he had seen that the entire greater Bixby area was “covered in [planned] trails.” Mr. Enyart stated, “We have a plan [for trails], but it doesn’t appear to have been made mandatory in new developments.” Chair Thomas Holland expressed concern that the Planning Commission could “knowingly allow” this development without heeding the planned trail.

Jeff Baldwin noted that the amendment proposed to increase the number of lots from 250 to about 260, a small increase, and asked, rhetorically, if this discussion on trails was germane to the expansion. Mr. Baldwin responded that he did not think it was.

Tim Terral asked when the Comprehensive Plan was adopted, and Erik Enyart stated that the last major update was in 2002. Chair Thomas Holland stated that [the 2002 update] was recent.

A question was asked why this fact was not identified previously. Erik Enyart stated, “I recall I put it in the report for the original PUD in 2008—it wasn’t made an issue then.”

Chair Thomas Holland stated, “If it’s on the map, I don’t see how we can close our eyes and say it’s not there.”

Chair Thomas Holland recognized Donna Scobee of 5992 E. 145th Pl. S. from the Sign-In Sheet. Ms. Scobee stated that she had only received the [case] map in the mail, and was hoping for a drawing. Erik Enyart provided her a copy of the site plan he received just prior to the meeting. Ms. Scobee asked three (3) questions: (1) if the houses would back up to each other, and if fencing would be put up between the communities, (2) if Lakewood Ave. would become a shortcut for people going south and through her [*The Ridge at South County*] neighborhood, and (3) if it was true, a rumor she had heard that there would be commercial property.

Erik Enyart offered to answer the questions. Mr. Enyart referred to the site plan and stated that, firstly, the backs of the houses would in fact back up to each other, secondly, Lakewood Ave. would be connected through to 151st St. S., but that he expected most of the traffic to be going south to the highway, including from Ms. Scobee’s neighborhood, and not much to be going north to 141st St. S., and thirdly, there would be an approximately 22-acre commercial development site along the highway.

Donna Scobee asked if there would be a fence. Tim Terral stated that there was not a plan to put up a fence, but that the homeowners will normally put up their own. Ms. Scobee confirmed with Mr. Terral that it would likely not be a chain-link fence, but rather a normal privacy fence. Mr. Terral stated that the covenants would cover that. Mr. Terral stated that the fences would likely be a 6’ stockade privacy fence.

Chair Thomas Holland recognized Stan Taylor of 6040 E. 145th Pl. S. from the Sign-In Sheet. Mr. Taylor asked about the overhead powerline and required building setback restrictions therefrom. Tim Terral stated that there was a 130’-wide PSO easement, with the powerline more or less in the middle, and that there would be no building on the easement. Discussion ensued. Erik Enyart stated that the electric company presumably bought enough width of right-of-way to correspond to their clearance needs. A Commissioner clarified with Erik Enyart that the electric company had a

chance to review and comment on the development and took no exceptions, and Mr. Enyart confirmed that AEP-PSO's comment response email was included in the agenda packet and expressed no concerns.

Stan Taylor expressed concern over property values and asked about the size and value of the houses to be built. In response to a question from a Commissioner, Mr. Taylor stated that the homes in [*The Ridge at South County*] ranged in size from 2,000 square feet to 3,800 square feet, and that his was one of the largest, with two (2) stories. Mr. Enyart clarified with a Commissioner that the lots in *Southridge at Lantern Hill* were replatted at 60' lot widths. Mr. Taylor asked, and it was reported that the residential lot widths in this development would be 55'. Mr. Taylor asked about the side yard setbacks, and Mr. Terral stated that they would be 5' and 5', "same as yours." Mr. Taylor asked about the house sizes, and Julius Puma stated they may be in the range of 1,500 to 2,200 square feet. Mr. Puma stated that he was not sure what size homes would ultimately be built as [he and his associates] had sold all the lots to a large homebuilder. Mr. Taylor stated that this would "definitely hurt our property values." Mr. Taylor and Mr. Puma compared prices per square foot, but Mr. Taylor objected to this comparison. Mr. Taylor stated that the houses in [*The Ridge at South County*] were in the range of \$160,000 to \$300,000 and expressed concern over property values. Jeff Baldwin asked Mr. Taylor if the houses in *Eagle Rock* to the north of [*The Ridge at South County*] were not million-dollar homes, and Mr. Taylor confirmed. Mr. Baldwin asked Mr. Taylor if he thought the houses in his addition hurt the values in that one, and Mr. Taylor indicated he did not. Mr. Taylor speculated as to the quality of houses to be built on the subject property in certain terms, including siding and the use of 3-tab shingles versus architectural shingles. Mr. Taylor asked Mr. Puma the prices for the lots, since Mr. Puma had said they were already sold, and Mr. Puma estimated \$35,000 to \$55,000. Mr. Taylor estimated that lots in [*The Ridge at South County*] were in the range of \$40,000 to \$45,000. Mr. Taylor stated that Bixby had an "up and coming reputation" with people wanting "to come here for the good schools." Mr. Taylor stated that, if the City allowed too many cheap houses, next, the "schools go," and then the City would go down with it. Mr. Taylor indicated Bixby could become like Sapulpa and Sand Springs and other communities with "a lot of \$140,000 houses all around."

Chair Thomas Holland responded to Stan Taylor and noted that the lot widths had already been approved with the original PUD, and stated "Our hands are tied to the original PUD." Mr. Holland stated, "I share your concerns and I hear you, but we can't speak to that." Mr. Taylor stated that the Commission could make the roofs "match ours." Tim Terral stated that, with the commercial in front, "you won't see the houses." Mr. Taylor asked the Commission to work with the developer "on siding, shingles, and quality" to "keep the value up." Mr. Holland stated that the developer was asking for three (3) amendments, and "if we had the latitude we would." Mr. Holland stated that the Commission does "try to get the best" development it is able.

Stan Taylor asked why he and his neighbors did not get notice when the development was originally approved with 55' lot widths. Erik Enyart stated that PUD 62 was approved in January of 2008, and Building Permits [in *The Ridge at South County*] did not start being issued until about 2008. Mr. Enyart stated, "There were no houses out there at that time." Mr. Taylor stated that his builder had told him that land would not develop, but that he had known better. Someone stated that people normally do not check the City records to see what has been approved next to a neighborhood they would buy into.

Chair Thomas Holland asked about sidewalks. Erik Enyart confirmed that sidewalks were required internally and externally along all streets. Mr. Holland and Larry Whiteley asked if the builder could build them, and Mr. Enyart stated, "That's, by interpretation, what we do allow." A Commissioner asked for clarification on what would be considered "external," and Mr. Enyart responded, "External would be along 151st St. S. and Kingston Ave."

Chair Thomas Holland asked about the floodplain. Erik Enyart stated that the 100-year Floodplain would be contained within a Reserve Area. Tim Terral discussed the issue and confirmed with Mr. Holland that the developer would take care of it with a LOMR-F.

Chair Thomas Holland expressed concern over the Fire Marshal's email, which stated that fire hydrants should be spaced no further than 600' apart. Erik Enyart stated that, in the memo in the agenda packet, the 600' refers to the residential section of the PUD, not the commercial section. Mr. Holland acknowledged and stated that that was not the point, and indicated concern that some areas will not have the required separation [due to unusual geometries/configurations]. Mr. Enyart stated that, during the review of the Preliminary Plat, which he had received that day and which the Planning Commission would see at the July meeting, the Fire Marshal would take a copy of the plat and mark where all the fire hydrants must be located. Mr. Enyart stated that the correspondence in the agenda packet was putting the developer on notice that the hydrants must be at [most] 600' separated, but this would depend on how that worked out.

Patrick Boulden suggested that the Commission take up the matter of the right-of-way dedication for Kingston Ave. Tim Terral stated that this was still undetermined. Mr. Boulden stated that there was evidently no right-of-way on record. Mr. Boulden stated that there may be an implied dedication, and this would be subject to whatever evidence there is. Mr. Terral stated that the right-of-way would be 25' on one side and 25' on the other. Mr. Boulden stated that there was a fenceline that may have created the perception of [a right-of-way line]. Mr. Boulden asked, "Have we been maintaining" the street up to the fenceline? Mr. Terral stated that he did not know. Mr. Boulden stated that he agreed that, absent such evidence, [the dedication] should be 25'.

Tim Terral referred to a revised site plan he had submitted at the meeting, which drawing represented a design option including a cul-de-sac. Erik Enyart distributed copies of the site plan to the Commissioners. Patrick Boulden confirmed with Mr. Terral that the cul-de-sac design met the Fire Code. Mr. Terral stated that the street needed a turnaround, as it can't dead-end at *Southridge at Lantern Hill*. Mr. Terral stated that the developer was offering to put [the turnaround] "all on our property." Mr. Terral stated that, otherwise, this would create double-frontage lots. Mr. Terral stated that this would not get rid of the [emergency access only] driveway. Discussion ensued regarding the number of houses that were currently served by Kingston Ave., and Erik Enyart stated that there were a total of three (3). Mr. Terral stated that the dedication of the commercial frontage on Kingston Ave. would be addressed at the appropriate time, probably when the Preliminary Plat would be reviewed. Chair Thomas Holland expressed objection to deferring the decision until later and asked when the streets would be built. Mr. Enyart stated that the streets would be "built along with the housing addition as per normal."

Jeff Baldwin stated that there were already 50'-wide lots in Bixby, and Erik Enyart indicated agreement. Mr. Baldwin stated that he lived on a 50'-wide lot currently. Tim Terral stated that he did as well, and had now lived on two (2) 50'-wide lots in Tulsa, and that they still allowed for nice homes.

Patrick Boulden asked about the timing of the development of the residential and commercial development areas, and Tim Terral responded that the residential area would be developed first.

Patrick Boulden asked about the width of the Kingston Ave. roadway, and if it was perhaps 20' in width. Tim Terral stated that it was much less than that, and was merely a one-lane road toward its north end. Mr. Boulden asked, if it were to be widened to 20', would it likely be 13' on one side and 7' on the other. Erik Enyart, in response to Mr. Boulden's statement and a question from a Commissioner, stated that the requirement for the emergency-access only drive connecting to Kingston Ave. came out of a conversation as City Staff. Mr. Enyart stated that Staff noted that "Willow Creek" was a significantly large development, but there was no standard for how many means of ingress and egress were required based on the number of lots. Mr. Enyart stated that the City Staff asked themselves and determined that three (3) means of ingress and egress were adequate based on the number of lots in that development. Mr. Enyart stated that, similarly, City Staff observed that, with this change, this would also be a significantly large development, and asked themselves if the two (2) means of ingress and egress proposed were adequate. Mr. Enyart stated that, from those conversations, and based primarily on the Fire Marshal's recommendation, the consensus was that there should be a third means of access, but the Fire Marshal only stated that it was necessary to connect to Kingston Ave.; the Fire Marshal made no comment as to a requirement to widen the roadway.

Patrick Boulden stated that, if the question was to be answered tonight, he would advise a 25' dedication be required. Erik Enyart clarified with Mr. Boulden that he was referring to the subject property's residential frontage on Kingston Ave., and that the commercial frontage dedication was yet to be determined. Mr. Enyart noted that the site plan stated that the width of the dedication for the commercial frontage would be determined by the City at a later date.

Chair Thomas Holland asked Tim Terral if the reduction in the setbacks would allow for building bigger homes. Mr. Terral responded that this was correct but that most of the houses would not be built from Building Line to Building Line. Mr. Holland asked, if the houses could be bigger, would they be? Larry Whiteley addressed the Applicant and stated, "You'll have the space if you want to build bigger," but they would not have to. Mr. Holland stated, "We usually get from the builder the size of the homes."

Larry Whiteley addressed Julius Puma and stated, "You said you sold to another company—who?" Mr. Puma responded, "Rausch Coleman." Chair Thomas Holland speculated that the houses would only have brick three (3) feet up the sides and on the front.

Jeff Baldwin stated, "I see the need for this—that's what I'm in now." Mr. Baldwin expressed concern for the large "jump" in prices in homes available in Bixby between the \$150,000 and \$300,000 range. Mr. Baldwin stated that builders "don't put out junk."

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Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to RECOMMEND APPROVAL of PUD 62 Major Amendment # 1, subject to the Staff recommendations.

Upon questioning, Erik Enyart confirmed that, with the version of the site plan he provided prior to the meeting, all of the recommendations had been taken care of, except the standard "Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations." A Commissioner asked about the trail issue, and Mr. Enyart responded, "If it is the desire of the Planning Commission to give a specific recommendation on the matter of the trail, this would be the point at which to do it." Mr. Enyart stated that the Commissioners would need to specify this in their Motion.

Chair Thomas Holland asked if the Comprehensive Plan had to be amended. Erik Enyart responded that, what he meant earlier was that the Zoning Code provided that Zoning Map amendments, or rezonings, necessarily must comply with the Comprehensive Plan Land Use Map, but not the details such as the urban design elements, like trails. Mr. Enyart stated that it would not be necessary to amend the Comprehensive Plan, and so any Motion to require trails would attach to the PUD as a Condition of Approval.

Larry Whiteley amended his Motion as follows: MOTION to RECOMMEND APPROVAL of PUD 62 Major Amendment # 1, subject to the Staff recommendations, plus to recommend the City Council address the matter of trails.

Chair Thomas Holland suggested the Motion wording be amended to "...as it pertains to this PUD."

Patrick Boulden suggested the Motion wording be amended to "...consider the Comprehensive Plan..."

Erik Enyart confirmed with Larry Whiteley that he accepted Chair Thomas Holland's and Patrick Boulden's suggested wording changes to his Motion, which now was as follows: "MOTION to RECOMMEND APPROVAL of PUD 62 Major Amendment # 1, subject to the Staff recommendations, and to recommend the City Council consider the Comprehensive Plan as it pertains to the matter of trails in this PUD."

Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

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

OTHER BUSINESS

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

OLD BUSINESS:

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

NEW BUSINESS:

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

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:20 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

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BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: June 17, 2013

NAME	ADDRESS	ITEM
1. Stan Taylor	6040 E. 145 th St S	PUD 62 - Hawkeye
2. Donna Sube	5992 E 145 th St S	PUD 62 - Hawkeye
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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 
Date: Wednesday, July 10, 2013
RE: Report and Recommendations for:
Preliminary Plat of "The Trails at Whitehawk" (PUD 62)

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

SIZE: 75 acres, more or less

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

SUPPLEMENTAL ZONING: -- PUD 62 for "Hawkeye"
-- Corridor Appearance District (partial)

EXISTING USE: Vacant/Agricultural

REQUEST: Preliminary Plat approval

SURROUNDING ZONING AND LAND USE:

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

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

East: AG, CG, & RS-3/PUD 72; Agricultural, rural residential, and commercial on several unplatted tracts along Kingston Ave. and 151st St. S. The *Mountain Creek Equipment Sales* (formerly the *Allison Tractor Co. Inc.*) tractor/farm equipment

states business is to the east on approximately 2.4 acres zoned CG. The vacant *Southridge at Lantern Hill* subdivision abuts to the east on 40 acres zoned RS-3 with PUD 72.

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

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

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

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

PUD 62 – Hawkeye – Major Amendment # 1 – Request for Major Amendment to PUD 62 for subject property – PC Recommended Conditional Approval 06/17/2013 and City Council Approved 06/24/2013 (Ord. # 2122).

BACKGROUND INFORMATION:

ANALYSIS:

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

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

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

Comprehensive Plan. The subject property is designated Corridor, except for the west approximately 330', which is designated Low Intensity. A portion of the southerly area of the acreage is designated Development Sensitive. CG zoning *may be found in accordance* with the Corridor designation, but *is not in accordance* with the Low Intensity designation. Therefore,

in 2008 as recommended by Staff, the westerly 330' of Development Area B was zoned OL, which *may be found in accordance* with Low Intensity designation.

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

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

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

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

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

The Bixby Comprehensive Plan shows a trail connecting Bixby Creek to the Arkansas River through Conrad Farms, various tracts along Sheridan Rd. and 151st St. S. and the City of Bixby's cemetery expansion acreage, the subject property and *The Ridge at South County*, certain other tracts along 141st St. S., and *Eagle Rock*. An amendment to the Comprehensive Plan would not have been required to approve the Major Amendment, because the Zoning Code requires only consistency with the land use elements for rezoning purposes, not the Public Facilities / Urban Design Elements such as trails. At its regular meeting held June 24, 2013, the City Council Approved the Major Amendment and did not make any special requirements pertaining to trails.

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

General. This subdivision of 1.11 acres proposes 262 Lots, nine (9) Blocks (however, recommendations in this report would cause there to be more), and five (5) Reserve Areas. With the exceptions outlined in this report, the Preliminary Plat appears to conform to the Zoning Code and Subdivision Regulations and PUD 62.

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

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held July 03, 2013. Minutes of that meeting are attached to this report.

Access. Access to the residential subdivision would be via a proposed collector street connection to 151st St. S., which would be routed through the subdivision to connect to the Lakewood Ave. stub-out street in *The Ridge at South County*. It would have a secondary emergency-only access drive connecting to Kingston Ave. per the Fire Marshal. When the commercial development area is built, a cul-de-sac design may be employed to improve this connection. The commercial Development Area B would have access via the said collector street connection to 151st St. S., and may also access that street via Kingston Ave. The site plan submitted with Major Amendment # 1 indicates a singular access drive connection to 151st St. S. toward the center of the frontage, which was previously shown on the Conceptual Development Plan for the original PUD 62. This plat has Limits of No Access (LNA) along the 151st St. S. frontage, with the exception of an access opening corresponding to the drive connection as shown on the site plan. Although City Staff do not object to this connection, both the City of Bixby and ODOT would have to allow a curb cut / driveway permit on this State Highway 67. The subject property is on the (westbound) downward slope of the hill at Sheridan Rd., and the speed limit is 55 MPH. The plat's representation of LNA and Access openings onto 151st St. S. / State Hwy 67 here does not guarantee the curb cut / driveway permit will be approved.

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

- (1) Commercial traffic for the commercial Lot 1, Block 9 will primarily use the driveway connection onto 151st St. S. as may then be approved, and not so much the residential collector street in this development or Kingston Ave.,
- (2) The City of Bixby recognizes Kingston Ave. as currently functionally classified as a local minor residential street,
- (3) The subject property's right-of-way dedication should be based on its current functional classification; i.e. 25' as the balance of the 50' total width right-of-way,
- (4) If properties to the east of the subject property develop more intensively than single-family residential, as would be expected at this time, they would be responsible for dedicating additional right-of-way width commensurate with their intensity,
- (5) City Staff will support a Modification/Waiver of the right-of-way dedication requirement north of the cul-de-sac turnaround, based on its superior design and the fact that continued legal access will be maintained for the residence at 14800 S. Kingston Ave. in the existing half-street right-of-way to the east,

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

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

No trails are indicated as proposed in the "Trails at Whitehawk" development at this time.

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

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
2. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard. The Modification/Waiver may be justified by citing the appropriate plan to plat deeper lots along the White Hawk Golf Club, and certain configurations necessitated by the geometries of the 130' PSO easement and Kingston Ave.
3. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the west and east. The Modification/Waiver may be justified by the limited extent of the common line shared by the residential Development Area and the tract to the east and its existing access on Kingston Ave. A justification would be required for not providing a stub-out street to the 8-acre tract to the west.
4. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for Lots 26 and 27, Block 2, whose rear lines abut Kingston Ave. City Staff is supportive of this design, which is incidental and unavoidable due to existing geometries.
5. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the widths of the standard 17.5' Perimeter U/Es along the north and east boundary lines as evident on the plat. To the extent they abut existing 17.5' U/Es in *The Ridge at South County* and *Southridge at Lantern Hill*, Staff would support reducing them to 11', as the combined widths would exceed 22', the generally accepted standard for utility corridors on subdivision boundaries. However, see next item.

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6. Block 2: 17.5' Perimeter U/E not represented. Linework suggesting an easement observed, but it is not labeled as such. To the extent it abuts *Southridge at Lantern Hill*, which has a 17.5' U/E along its westerly line, an 11' U/E would be in order (with a Modification/Waiver). For the balance of the east line abutting unplatted properties, 17.5' would be the minimum. Please add U/Es as appropriate.
7. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.F to be released from the half-street right-of-way dedication for Kingston Ave. north of the PSO easement, as described in this report. City Staff will support this Modification/Waiver, based on the cul-de-sac's superior design and the fact that continued legal access will be maintained for the residence at 14800 S. Kingston Ave. in the existing half-street right-of-way to the east. However, see next item.
8. Because the fenceline and the Kingston Ave. roadway itself appear to extend onto the subject property, and may have implications for prescriptive right-of-way/easement, the fence should not be removed, unless agreed to by the affected property owner at 14800 S. Kingston Ave., and any other affected property owners not having a boundary agreement in place, and the City of Bixby. An easement over the affected area would be in order to secure the continued maintenance of the fenceline and roadway on the new residential lots platted, and is hereby recommended.
9. Presupposing the approval of the Modification/Waiver from Subdivision Regulations Section 12-3-2.F to be released from the half-street right-of-way dedication for Kingston Ave. north of PSO easement, subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.N to be released from the sidewalk construction requirement along the half-street right-of-way dedication for Kingston Ave. north of PSO easement.
10. Subdivision Regulations Section 12-3-2.O prohibits the approval of building lots within the 100-year Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby's Floodplain Regulations by ordinance; by Modification/Waiver, plating Reserve Areas may be permitted, provided their use is passive and use restrictions prohibit building construction. Parts of the back/west sides of current Lots 10, 11, and 12, Block 1 are in the 100-year Floodplain, as well as part of the back/west side of Reserve C. Unless there is intent to go through the FEMA Letter Of Map Amendment (LOMA) based on more accurate and favorable survey data, or the Conditional/Letter Of Map Revision based on Fill (C/LOMR-F) process to remove the parts of the building lots from the 100-year Floodplain, a redesign is in order. A Modification/Waiver will be required if redesigned such that the 100-year Floodplain is fully contained by Reserve Areas, and is required for the balance of Reserve C and for Reserve A, the latter which contains the upstream tributary of Posey Creek.
11. Please label the 100-year Floodplain designation as represented on and about Lots 10, 11, and 12, Block 1, and Reserve C.
12. All Modification/Waiver requests must be submitted in writing.
13. "Owner/Developer" block on face of plat, DoD/RCs Preamble, and Owner Signature Block: These data provide "OneFifty One Partners, L.L.C." is the owner of the subdivision. According to the Tulsa County Assessor's parcel data, as of a website query July 10, 2013, this name in title is correct for the southerly part of the subject property (lying south of the northerly line of the 130' PSO easement), but is not correct for the northerly acreage parcel, which the Assessor recognizes to be "Whitehawk Parnters, LLC."

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Secondly, the legal description of the land being platted does not differentiate between what part of the underlying land is owned by which property owner name in title. For clear title and tax purposes, Staff believes that each dedicating owner should have their respective legal description specified in the DoD/RCs.

Alternatively, all of this would appear to be reconcilable by conveying that part of the subject property plat area from one owner name in title to the other, and using that for all instances required on the plat.

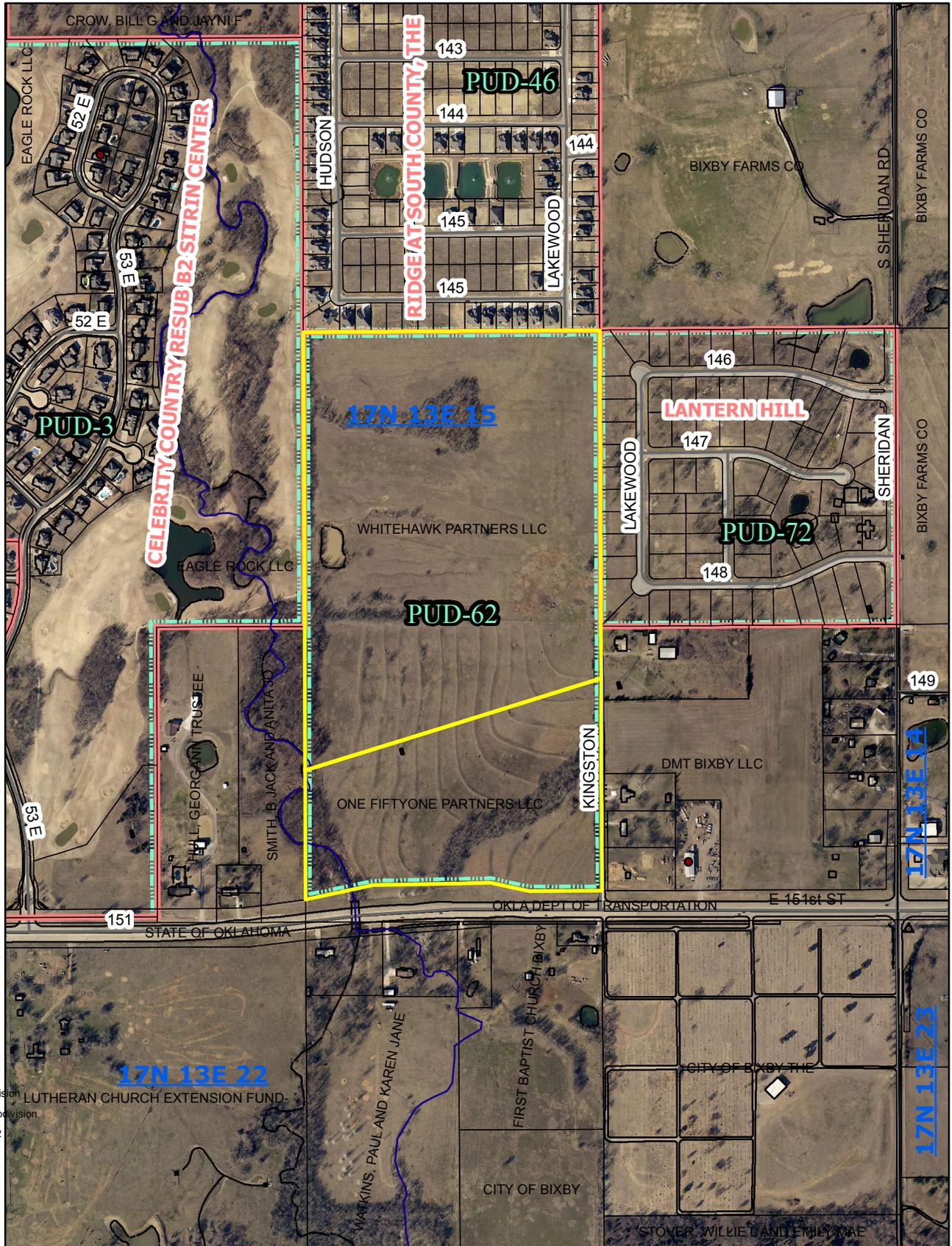
14. Lots 12 through 51, inclusive, Block 1, are completely separated from the balance of Block 1 by Reserve Area C. Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
15. Lots 28 through 42, inclusive, Block 2, are completely separated from the balance of Block 2 by Reserve Area B. Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
16. DoD/RCs Preamble: Please update the number of blocks to incorporate new blocks as recommended hereinabove.
17. In the TAC meeting held July 03, 2013, the TAC requested consistent front-yard U/Es throughout the subdivision, and the Applicant agreed to add these. Front yard B/Ls are 20' and the TAC, Applicant, and City Staff agreed that the front yard U/Es should be 15' in width, to provide a 5' buffer area to protect the integrity of the foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.
18. Present Block 1, Lots 1 : 32, inclusive, and Block 2, Lots 24 through 27, inclusive: Consider increasing the rear-yard B/Ls to 20', to provide a 2.5' buffer area to protect the integrity of the foundation and supporting wall, in the event of excavation of the 17.5'-wide U/E up to its interior edge.
19. Block 3: Please label the widths of the rear yard U/Es.
20. Lot 1, Block 3: Please label the width of the B/L & U/E along the south line.
21. Lot 1, Block 3: Survey data not included to specify the extent of the PSO easement affecting the southerly side of the lot. For example, does the northerly line of the easement intersect precisely at its southeasterly lot corner? Please clarify as appropriate.
22. Lot 11, Block 3: Please label the width of the U/E along the south line at its westerly full extent, and the angle/bearing, so that it can be precisely located on the lot without scaling.
23. Lots 1 & 2, Block 1: Please label the angle/bearing along the back/westerly lines.
24. Title Block: Please remove the "-1" qualifier from PUD 62, as the PUD 62 Major Amendment # 1 approving ordinance did not redesignate the PUD on the official Zoning Map.
25. PUD 62 provides a 100' zoning setback from the centerline of 151st St. S. This plat proposes a 35' front setback from same. The centerline of 151st St. S. is not indicated, labeled, or dimensioned as to distance to the southerly line of commercial Development Area B / Lot 1, Block 9. Please confirm that the 35' setback is not less than 100' from the centerline of the street for the entire frontage of Lot 1, Block 9.
26. Per SRs Section 12-4-2.A.5, the Location Map must include a scale at 1" = 2,000'.
27. Please rename the street separating current Blocks 2 and 3 to S. Irvington Ave. to avoid duplicate street name "S. Hudson Ave."
28. Please add proposed addresses to the lots. A table may be used if needed for map clarity.

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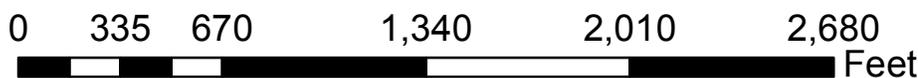
29. Please add the standard address caveat/disclaimer: "Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied on in place of the legal description."
30. Consider making the common lot line between Lots 18 and 19, Block 4, and Lots 30 and 31, Block 2, perpendicular/radial to the arc of the curved street in order to eliminate the 2.05' variance (in both cases) between the westerly points of tangent/curvature of C28 and C14 and the common lot corners. It is not clear if the 2.05' variances are to the west or to the east of the common lot corners, due to their exceptionally small size and the scale of the plat.
31. Consider adjusting southward, or otherwise making the south line of Lot 42, Block 2 perpendicular/radial to the arc of the curved street in order to eliminate the 2.57' variance between the northerly point of tangent/curvature of C16 and the common lot corner. It is not clear if the 2.57' variance is to the north or south of the southwest lot corner, due to its exceptionally small size and the scale of the plat.
32. Please confirm the accuracy of the relative representation of the Southeast Quarter Corner, which appears significantly to the east of the Kingston Ave. alignment.
33. Along the west line of Reserve A, consider using arrows to indicate the extent of the 225.84' and 577.93' dimensions (e.g. to the PSO easement north line, centerline, or south line).
34. 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 customary platting conventions and the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
35. DoD/RCs Section 1.1: Missing critical wording such as "The Owner/Developer does hereby grant, donate, convey, and dedicate to the public the street rights-of-way..." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
36. DoD/RCs Section 1.1: Please qualify this section as follows: "...nothing herein shall be deemed to prohibit properly-permitted drives, parking areas, curbing, landscaping and customary screening fences that do not constitute an obstruction."
37. DoD/RCs Section 1.2.1: Word possibly omitted: "...may be served by overhead line or underground cable here and elsewhere throughout the subdivision."
38. DoD/RCs Section 1.12.6 – occurrence of "potion" instead of "portion," as presumed intended.
39. DoD/RCs Section I.3.1 – Words "certificate of dedication" used in place of "Deed of Dedication."
40. DoD/RCs Section 1.5: Please qualify this section as follows: "...nothing herein shall be deemed to prohibit properly-permitted drives, parking areas, curbing, and landscaping; that do not constitute an obstruction."
41. DoD/RCs Section 1.8: Please clarify qualifying text in this section as follows: "...along the private streets ~~reserve areas~~..."
42. DoD/RCs Section 1.9: Please remove term "Metropolitan" from the name of the Bixby Planning Commission.
43. DoD/RCs Section 1.12.3: Please qualify this section as follows: "Properly-permitted [r]ecreational equipment and fixtures will be allowed in the Detention Easement Area."
44. DoD/RCs Section 1.12.4.d: Possibly redundant word "channel" may be removed.

45. DoD/RCs Section 2.1.1 and 2.1.2: "Owners' Associations" may be unintentionally plural, unless there is intent to establish a secondary Owners Association for the commercial Lot 1, Block 9, and/or any lots subdivided therefrom.
46. DoD/RCs Section 2.1.1: Period missing from end of sentence.
47. DoD/RCs Section III (3) Preamble: Please replace "Ordinance" with "Code" as in "Zoning Code."
48. DoD/RCs Section III (3) Preamble: Please complete blanks with date information intended.
49. DoD/RCs Section III (3) Preamble: Please remove term "Metropolitan" from the name of the Bixby Planning Commission.
50. DoD/RCs Section III (3) Preamble: Please revise wording such as "WHEREAS, the Planned Unit Development (PUD) provisions of the Bixby Zoning Code.....compliance with the approved PUD, and"
51. DoD/RCs Section 3.2.1.9: Second occurrence of "two" misspelled.
52. DoD/RCs Section 3.3.2.4: Setback from non-arterial increased from 50' in PUD 62 to 100' here, which is inconsistent with the B/L as shown on the plat from Hudson Ave.
53. DoD/RCs Section IV (4): Private restrictions should be submitted for review for conflicts with City Codes and enhanced quality control.
54. DoD/RCs Section 6.1: Provides "The Owner/Developer has formed or caused to be formed the" HOA. If this has occurred or will have occurred prior to plat recording, please submit a copy of the Secretary of State incorporation documents for placement in the permanent file and for notification to the Bixby Neighborhood Coordinator. If otherwise, the wording may more appropriately be tensed "...shall form or cause to be formed..."
55. DoD/RCs Section 6.3: "Owners' Associations" may be unintentionally plural.
56. DoD/RCs Section 6.3: "An assessment shall be a lien on the lot..." Please clarify if the assessment = a lien at the time of assessment, or only if unpaid after a time, or only if unpaid after a time and after an instrument is duly recorded with the County Clerk.
57. DoD/RCs Section 6.3: Occurrence of "Board of Directions," evidently without definition here or elsewhere.
58. DoD/RCs Owners' Notary Block: Please update 2009 date.
59. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

Preliminary Plat – Trails at Whitehawk Tulsa Engineering & Planning, Inc. (PUD 62)



- Businesses
- bixby_streams
- Tulsa Parcels 04/13
- WagParcels 04/13
- TulsaCounty_Subdivision
- WagonerCounty_Subdivision
- WagRoads_Aug2012
- E-911_Streets
- PUD
- bixby_s-t-r
- county



Memo

To: Erik Enyart
From: Jared Cottle *JWC*
CC: Bea Aamodt
File
Date: 06/20/13
Re: The Trails at Whitehawk – Preliminary Plat Review

Plat Comments:

1. The location of the existing public road easement is established by legal description rather than fencing. The existing easement should be shown as described in the original dedication with Book and Page listed. We will not want to approve a dedication of right-of-way that is less than the previously obtained easement.
2. Based on the size (almost 14 Acres) and distances between proposed roadways (800+ feet), Hudson will not provide the most desirable entrance for the commercial development in Block 9. Therefore, an intermediate point of entry will need to be established. In evaluating curb cut locations, the drives and roadways on the opposite side of 151st need to be provided in order to determine a layout that can be approved and recommended to ODOT for approval by the City.
3. Due to the distance from 151st, it likely that the unplatted properties without 151st Street frontage will be developed as residential properties. Therefore, since it is likely that Hudson will serve primarily as residential street rather than a main access to commercial developments, it is appropriate that it be dedicated either as a residential or residential collector street.
4. The cul-de-sac option on Kingston is a reasonable option for meeting the various site constraints. It will ensure that none of the unplatted properties on the east boundary will be excluded from an access to 151st and preserve/upgrade Kingston as previously dedicated. Future developments on the unplatted tracts can connect both to Sheridan and to this roadway (and/or the cul-de-sac) to establish separate points of access. However, without any existing dedications, commitments, or proposals on the part of the unplatted properties, it is not possible to predict their future use or layout and make the current plan compatible.
5. The Limits of No Access extends across the road right-of-way for Kingston Ave. onto 151st.

Conceptual Grading, Paving, & Drainage Comments:

6. Connections and drives onto 151st Street must be approved by ODOT.
7. Drainage facilities should utilize existing drainage ways for detention facility discharge points. Impacts to the White Hawk Golf Course must be considered.
8. The storage of the existing ponds must be considered in evaluating pre-development runoff conditions.
9. Drainage from the commercial portion of the development must be accounted for and coordinated with the overall drainage system design.
10. The storm sewer along 147th Pl. should be relocated to the north side of the roadway.

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11. The storm sewer at the intersection of Hudson and 146th Pl. should be relocated to the east side of Hudson.

Conceptual Water Comments:

12. Fire hydrant locations must be coordinated with Jim Sweeden, City Fire Marshall.
13. Three valve clusters should be used at all tee location on the main lines.
14. All valves must be located outside of roadway paving areas.

Conceptual Sanitary Sewer Comments:

15. Sufficient depths and connection points must be provided on the east side of the development to accommodate future connection by adjacent properties.
16. The connection to the Celebrity Country sewer line will be required as part of this project.
17. The sanitary sewer on the west end of E. 148th Pl. should be relocated to the north side of the roadway, opposite the water line main.
18. The design plans must include the profiles of the existing sewer lines that will be serving lots along the north and east side of the development. Pad elevations and proposed tee locations should be shown.
19. The proposed lift station must be sized, designed, and constructed with this project to serve not only the proposed development but also the remaining potential drainage basin service areas. A Design Memorandum addressing the proposed service area and lift station design will be required.
20. The lift station must be equipped with SCADA data and communication equipment compatible with the existing system.

Memo

To: ERIK ENYART, AICP, CITY PLANNER

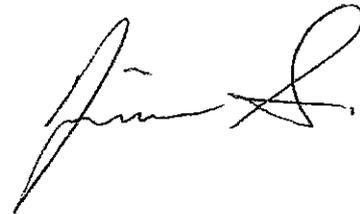
From: JIM SWEEDEN

Date: 6/19/2013

Re: PRELIMINARY PLAT OF "THE TRAILS AT WHITEHAWK"

PLANS ARE APPROVED BY THIS OFFICE :

PLEASE SEE ATTACH COPIES.



Joey Wiedel

From: Joey Wiedel <firemarshal@bixby.com>
Sent: Wednesday, May 29, 2013 9:48 AM
To: 'Erik Enyart'
Subject: RE: Bixby TAC Agenda (REQUEST FOR COMMENTS ONLY)

Erik,

- The Emergency Access Road shall comply with IFC 2009 Appendix D, Section D102.1, Section D103.1, Section D103.2, Section D103.5 and Section D103.6.
- Hydrants shall be no further than 600 ft.
- Hard surface shall be installed to handle the imposed load of 75,000 pounds before construction begins.

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: Wednesday, May 29, 2013 8:41 AM
To: 'sgideon@ong.com'; 'jpeterson@olp.net'; 'gary.hamilton@cox.com'; 'gahayes@bixbyps.org'; 'millerjd@oge.com'; 'kwilliams@ecoec.com'; 'bdangott@ecoec.com'; Jim Sweeden; Jared Cottle; Bea Aamodt; Donna Crawford; 'rabynum@aep.com'; 'emshelton@aep.com'; 'Dobrinski, Tim'; 'jbaxter@olp.net'; 'rx2547@att.com'; 'Rahe, Angela'; 'Hamilton, Scott'; 'rcollins@easytel.com'; 'Joey Wiedel (firemarshal@bixby.com)'; 'rlpiercejr@aep.com'; Patrick Boulden; 'dgaulden2@tulsa-health.org'
Cc: Jack Taber; Hannah Cox; Tim Terral
Subject: Bixby TAC Agenda (REQUEST FOR COMMENTS ONLY)

AEP-PSO	Attn: Rick Bynum, Evelyn Shelton, & Robert Pierce
ONG	Attn: Scott Gideon
BTC	Attn: Jim Peterson & Jason Baxter
Cox	Attn: Gary Hamilton
AT&T	Attn: Rob Myers
Bixby PS	Attn: Gabe Hayes
OG&E	Attn: Jim Miller
OG&E	Attn: Tim Dobrinski
ECOECO-Op	Attn: Kris Williams
ECOECO-Op	Attn: Bill Dangott
Windstream	Attn: Angela Rahe & Scott Hamilton
Easytel	Attn: Rob Collins
Tulsa Health Dept.	Attn: Daphne Gaulden, MPA, MPH, Program Coordinator

Bixby Fire Marshal Jim Sweeden and Joey Wiedel
Bixby City Engineer Jared Cottle, PE
Bixby Public Works Director Bea Aamodt, PE
Bixby Community Development Coordinator Donna Crawford
Bixby City Attorney Patrick Boulden, Esq.

Greetings:

Note: THIS IS A REQUEST FOR COMMENTS ONLY -- THERE WILL BE NO MEETING.

Thanks, and please call or email if you have any questions or need additional information.

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

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THE RIDGE AT SOUTH COUNTY

Proposed Detention Pond

28

34

34

Proposed Detention Pond

DEVELOPMENT AREA 'A'

28

33

Emergency Access

PSO Easement

Proposed Detention Pond

Proposed Detention Pond

UNPLATTED

Proposed Detention Pond

100-Year FEMA Floodplain

Proposed Detention Pond

DEVELOPMENT AREA 'B'

Commercial/Office

Existing Asphalt Paving

East 151st Street South/Hwy 67

73

1955.84'

1322.43'

50'

60'

1535.14'

60'

50'

60'

60'

92'

1386.70'

860.21'

577.93'

308.03'

523.61'

178.47'

323.91'

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

MEMBERS PRESENT

Evelyn Shelton, *AEP-PSO*
James Savage, *ONG*
Scott Gideon, *ONG*
Tim Dobrinski, *OG+E*

STAFF PRESENT

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

OTHERS PRESENT

Wynn Johnson, *Crafton Tull & Associates, Inc.*
Jerry Ledford, Sr., PE, *Tulsa Engineering & Planning, Inc.*
Tim Terral, *Tulsa Engineering & Planning, Inc.*

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

Erik Enyart apologized for arriving late and explained that he was discussing a matter related to one of the agenda items with the City Engineer and Fire Marshals, and that the City Engineer may be able to attend later in the meeting.

Erik Enyart asked Jerry Ledford, Tim Terral, and those in attendance if they would allow the agenda items to be taken out of order and to take up the *Panda Express* item first, [as it should not take as long]. Mr. Terral suggested he would be happy to wait to allow Jared Cottle to attend, and it was agreed by all by acclamation.

3. **Preliminary Plat / Final Plat – Panda Express – Crafton Tull & Associates, Inc. (PUD 67).**
Discussion and review of a Preliminary Plat and a Final Plat and certain Modifications/Waivers for “Panda Express,” part of the NW/4 SW/4 of Section 25, T18N, R13E.
Property Located: 10535 S. Memorial Dr.

Erik Enyart introduced the item and summarized the project and its location. Mr. Enyart noted that the TAC had previously seen this development a few years prior, when it was proposed to be a carwash development, and the TAC members would recall more recently that it was reviewed for

Detailed Site Plan a couple months prior. Mr. Enyart noted that the Detailed Site Plan had been approved, somewhat out of the normal order, as the plat was only now being submitted for review.

Erik Enyart asked if there were any questions or comments. Scott Gideon asked about the 17.5' Perimeter Utility Easement. Mr. Enyart referred to the plat copy included in the agenda packet and noted that some of the property lines were not shown with the standard 17.5' Perimeter U/E. Mr. Enyart stated that he, the City Engineer, Bannister Engineering, and Brady Watson had had an email conversation about the matter, and that the City Engineer had asked for certain U/Es to be restored, in order to have adequate room for City utilities maintenance. Mr. Enyart stated that he expected that some of the property lines may have a reduced U/E width or have them removed, similar to what was done with the plat for the carwash project a few years ago. Mr. Enyart asked Wynn Johnson if he had received a copy of this email exchange, and Mr. Johnson indicated he had not.

Erik Enyart, Scott Gideon, and Wynn Johnson discussed easements for a time. It was noted that there was a 15'-wide U/E along the east, and a 5'-wide U/E along the south property line. Mr. Gideon indicated agreement with this arrangement. Mr. Enyart clarified that these U/Es were to the east of the east property line, in *South Country Estates*, and to the south of the south property line. It was noted that the property to the south was the [plat of the] former *Grigsby's Carpet Center*. Mr. Enyart asked Evelyn Shelton if *AEP-PSO* did not have an electrical line along the north line of the property, as he recalled from the Detailed Site Plan discussed in an earlier TAC meeting, and Ms. Shelton indicated agreement but noted that she did not know where the service drop would be located. Mr. Enyart asked Mr. Gideon if he did not recall correctly that *ONG* also served from this north line, and Mr. Gideon indicated agreement. Mr. Enyart asked Mr. Gideon if the 17.5' U/E along the north line was adequate or if *ONG* needed additional U/Es along the east or south sides, and Mr. Gideon stated that this was adequate and that he was only suggesting the other [perimeter U/E portions may be useful for other utilities].

Erik Enyart stated that, ultimately, the Applicant needed to submit a request for Waiver in writing.

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

- 2. Preliminary Plat – [The] Trails at Whitehawk – Tulsa Engineering & Planning, Inc. (PUD 62).** Discussion and review of a Preliminary Plat and certain Modifications/Waivers for “[The] Trails at Whitehawk” for 75 acres in part of the W/2 SE/4 of Section 15, T17N, R13E.
Property located: Northwest corner of the intersection of 151st St. S. and Kingston Ave.

Erik Enyart introduced the item and summarized the project and its location. Mr. Enyart stated that the plat contained 262 lots, but one of them, on the south side along the highway, was a large commercial lot, so there were 261 residential lots in the plat. Mr. Enyart noted that there would be a collector street going into the addition [from 151st St. S.], crossing to the east, and then becoming Lakewood Ave. connecting to *The Ridge at South County*. Mr. Enyart stated that the other defining characteristic was the large PSO easement going through the property. Mr. Enyart asked the design professionals if they cared to summarize the project further.

Tim Terral asked the utility company representatives if they had any issues with easements.

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Scott Gideon stated that some of the blocks had 20' front yard easements and 20' Building Lines, but others only had the 20' Building Lines. Mr. Gideon recommended consistency. Tim Terral indicated agreement. Erik Enyart asked why there was a 20' U/E on certain blocks but not others, and Mr. Terral stated that those were where the stormsewerlines would be located. Mr. Enyart stated that, from a design standpoint, it is a common recommendation that there be a buffer area between the U/E and the Building Line, so that, if the U/E is excavated up to its outside edge, it would not run up against the foundation. Mr. Enyart stated that, as 25' Building Lines were most common, where there are front yard easements, he suggested there not be more than 20' of U/E, and so in this case, with a 20' B/L, the U/E not exceed 15' in width. Mr. Terral and Jerry Ledford indicated agreement. Mr. Enyart stated that, perhaps, if the City Engineer is able to attend later, he could ask if this 15' would be adequate for the stormsewer purposes.

Jim Sweeden and Joey Wiedel arrived around this time.

Tim Dobrinski asked for a certain 5' U/E in Block 2, and Tim Terral to coordinate with him on this.

Erik Enyart asked if any of the utility representatives had any particular preferences as it concerns Kingston Ave. Discussion ensued. Mr. Enyart asked Evelyn Shelton if she had any concerns about Kingston Ave., and Ms. Shelton indicated that she did not. Mr. Enyart asked Scott Gideon if this property was served by *ONG*, and Mr. Gideon stated that it was served but that he did not have with him information on how. Mr. Gideon indicated that *ONG* provided service in *The Ridge at South County* from the north, and stated that it also served the workout business to the west. Mr. Enyart clarified for a question that that business [*Adrenaline Body Worx*] was located to the west at Yale Ave. [and 151st St. S.]. Mr. Enyart asked if there was a gasline along 151st St. S. and Mr. Gideon stated that there was but he was not sure if it was on this side or not, and would have to check the records. Mr. Enyart asked Mr. Gideon if *ONG* had a gasline along Kingston Ave., and Mr. Gideon indicated he did not know.

Tim Dobrinski stated that *OG+E* had an overhead electrical line along the west side of Kingston Ave., along the fenceline. Mr. Dobrinski stated that there was an agreement with the developer to move it, but he was not sure if this was the same developer or not. Tim Terral indicated it was the same developer.

Erik Enyart asked if the utility providers had any additional questions or comments. There were none. Mr. Enyart indicated that the next discussion topic would be the Kingston Ave. matter. Evelyn Shelton, Scott Gideon, James Savage, and Wynn Johnson left around this time.

Erik Enyart addressed Jim Sweeden and Joey Wiedel and asked if there were any special instructions from Jared [Cottle], or if they thought he might be available at this time. Mr. Wiedel stated that he was not sure. Mr. Enyart called Mr. Cottle, who agreed to come shortly.

Jerry Ledford provided Erik Enyart a parcel map from the Tulsa County Assessor showing the Kingston Ave. area, which indicated 25'-wide [rights-of-ways and/or easements] along both sides of the quarter Section line. Mr. Enyart noted that the southernmost parcel's frontage indicated a 0.11-acre area, which indicated right-of-way, and asked what the blue line on the map indicated.

Tim Terral stated that it may be indicative of a right-of-way line, but he was not sure. Mr. Enyart noted that, as he recalled, that southernmost parcel with Kingston Ave. frontage was previously owned by ODOT as right-of-way, but was returned to the private sector, and it appeared that they retained that 25' strip as right-of-way [for Kingston Ave.]. Mr. Ledford stated that, when these areas used to be Lot-Split in the County, they would say in the legal description "Less and Except the West 25' for road," but acknowledged that this was not a proper dedication. Mr. Enyart stated that he was aware, and that it needed specific words to be used to effect the dedication, such as "convey, grant, or donate."

Jared Cottle arrived at 10:35 AM. Erik Enyart addressed Mr. Cottle and stated that he had asked the utility companies if they had any particular concerns over Kingston Ave., and only *OG+E* reported having an electrical line along the west side of the street, but that they were working with the developer on a possible relocation.

Jared Cottle stated that he was aware there was no documentation that Kingston Ave. was a City street, and there was only word-of-mouth that it was the City's. Mr. Cottle noted other examples where he was told a certain street was a City street, only to find out there was no dedicated right-of-way and sometimes only private easements between owners. Tim Terral and Erik Enyart confirmed that they had found no easement or right-of-way dedications.

Jared Cottle confirmed with Joey Wiedel that they were recommending a third (3) means of ingress/egress be through connecting to Kingston Ave. Mr. Cottle stated that, if it was not a City street, perhaps that drive could be constructed within the subject property next to Kingston Ave.

Erik Enyart stated that he had received Jared's memo, and that resolved a number of the outstanding questions, and that agreed that the cul-de-sac design was appropriate, but that he was still concerned that, if the cul-de-sac design was employed, the balance of the current roadway would be abandoned, and the property owner at the north end may not be happy to find out that it became a private driveway that they are now responsible for maintaining. Mr. Enyart explained that they may realize an actual loss in value as a consequence. Mr. Enyart stated that, if it was not abandoned, it would defeat the purpose, as the right-of-way north of the cul-de-sac turnaround would still have to be dedicated. Mr. Enyart estimated that, from the common corner between the commercial and residential development areas of the subject property, there was approximately 115' of roadway that appeared, per all available evidence, to dead-end where the residence's driveway "T-ed off."

Tim Dobrinski stated that there was a right-of-way on the east side. Mr. Dobrinski shared a parcel map with Book and Page recording references, and copies of the "Deed of Dedication" right-of-way dedications to "the Public." Several in attendance inspected the dedication document copies and indicated agreement. Mr. Dobrinski stated that it appeared that the road was on the east side of the common property line, and Tim Terral indicated agreement. Mr. Dobrinski stated that he did this research to confirm that *OG+E* had the right to be there, after the ALTA survey was done in the past and did not show easements [on the subject property]. Mr. Terral discussed with Mr. Dobrinski that the fenceline went onto the subject property per the ALTA survey, up to about 31' at the north end. Mr. Dobrinski asked again if the developer was the same as when this first was proposed, and Mr. Terral stated it was, but that Vern Suess had conveyed his partnership to Julius Puma.

Jared Cottle stated that, if there was right-of-way, that settles the matter and Kingston Ave. is a City street. Mr. Cottle stated that there could be a 25' dedication for Kingston Ave.

Jerry Ledford or Tim Terral confirmed with City Staff present that the cul-de-sac could be used and there would need to be no right-of-way dedication north of it. Erik Enyart stated that this could be done by Waiver. All indicated agreement.

Tim Terral noted that Kingston Ave. would never be built further north to [*Southridge at*] *Lantern Hill*, and all indicated agreement. Mr. Terral stated that the developer could build a connection intersection between the cul-de-sac turnaround and the existing paving. Mr. Terral stated that the actual road improvements would likely not occur until the commercial portion was developed. Jerry Ledford clarified with those present that the City was still only recommending that Kingston Ave. be connected to, and not improved at this time. Agreement was mutual.

Erik Enyart clarified with Jared Cottle that he no longer held his previous concern, as he was basing his understanding of the [prescriptive] right-of-way easement on the evidence of the roadway, but that if there was actual right-of-way, it would not be abandoned [by terminating the roadway with the cul-de-sac]. Mr. Enyart stated that the Applicant could request a Waiver from the right-of-way dedication requirement north of the cul-de-sac turnaround. Mr. Enyart stated that it was a small matter but, also consequently, the City would be waiving the sidewalk construction requirement along this street segment.

Joey Wiedel and Jim Sweeden announced intent to depart for another meeting at 11:00 AM. Tim Terral asked if they would need a crash gate, and Mr. Wiedel stated that they would and agreed to get the particulars to him. Mr. Wiedel clarified with Mr. Terral that the gate would need to be 25' in width. Jim Sweeden stated that it would be subject to Appendix D of International Fire Code (IFC) 2009. Mr. Terral clarified with Mr. Wiedel that the gates would need a "Knox Switch," the current [technology] that replaces the "Knox Box" in Bixby.

Joey Wiedel and Jim Sweeden out at 10:55 AM.

Jared Cottle and Erik Enyart discussed the right-of-way dedication for Kingston Ave. Mr. Enyart asked Mr. Cottle what functional classification Kingston Ave. would presently be considered to be. Mr. Cottle stated that it was not on a half-Section line [alignment] and asked Mr. Enyart what the Comprehensive Plan said the land to the east would be. Mr. Enyart stated that he was not sure but he thought it was in a Corridor designation, but he expected it would actually be developed residential single family. Mr. Cottle indicated that it should be deemed a residential Collector or local street. Mr. Enyart stated that, if a Collector, it would have a 60' total width dedication required. Mr. Cottle stated that it was unlikely traffic for this development or on other tracts to the east of Kingston would need Kingston as a main entrance, as they could exit to the east on Sheridan Rd. or south on 151st St. S., and that the commercial development on the subject property could enter and exit directly onto 151st St. S. Mr. Enyart agreed with Mr. Cottle that a 25' dedication was appropriate for the entire length of frontage, due to its current functional classification as a local minor street. Mr. Enyart stated that, in the future, if the land to the east developed more intensely, the City could have those property owners dedicate the balance.

Erik Enyart noted that the Waiver request would need to be submitted in writing, and Tim Terral and Jerry Ledford indicated agreement. Mr. Terral clarified with Mr. Enyart that the letter would be on letterhead and would be addressed to the Planning Commission, in care of Mr. Enyart.

Erik Enyart noted that, when he initially considered the possibility of an entrance directly onto 151st St. S., he was not sure it would be safe, as in his mind's eye he pictured it at the top of the hill [with high-speed traffic]. Mr. Enyart stated that, since then, as he traveled that street every day to and from work, he had seen it was actually on the downside of the hill, and seemed to have plenty of line-of-sight visibility. Tim Terral stated that this was his perception as well.

Jared Cottle discussed sanitary sewer options with Tim Terral and Jerry Ledford.

Erik Enyart advised Jared Cottle that, earlier in the meeting, he had recommended that the front-yard U/Es be reduced to 15' in width, so that, if the U/E is excavated up to its full extent, it would not run up against the foundation. Mr. Enyart noted that he understood that there were front-yard U/Es where there was to be a stormsewerline. Mr. Enyart asked Mr. Cottle if this 15' would be adequate for the stormsewer purposes, and Mr. Cottle indicated agreement, noting that the city utilities were typically as close to the right-of-way line as possible, to avoid conflicts with peoples' yards.

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

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

79



Sheet of

25' → ← Bk 3030
Pg 239

Bk 3030
Pg 239

Bk 3030
Pg 237

Bk 3046
Pg 510

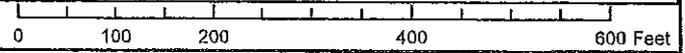
Bk 3030
Pg 238

SE corn
w/2 SE/4
Sec 15

T17N E 151 ST S
R13E

N KINGSTON AV W

80



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

NAME	COMPANY	PHONE
1. <u>Wynn - Hanson</u>	<u>CRAFTON 7611</u>	<u>918-588-4182</u>
2. <u>James Savage</u>	<u>ONB</u>	<u>918-831-8219</u>
3. <u>Scott G. Geau</u>	<u>ONG</u>	
4. <u>Evelyn Shetton</u>	<u>PSU</u>	<u>918-250-6249</u>
5. <u>Jerry W. Ledford</u>	<u>TEP</u>	<u>918.252.9621</u>
6. <u>Tim Dobrinski</u>	<u>OG&E</u>	<u>918-227-6203</u>
7. <u>TIM TERRAL</u>	<u>TEP</u>	<u>918.359.6413</u>
8. <u>Erik Enyart</u>	<u>COB</u>	
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____
16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____

The Trails at White Hawk

ENGINEER / SURVEYOR

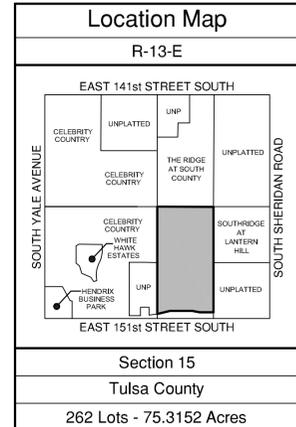
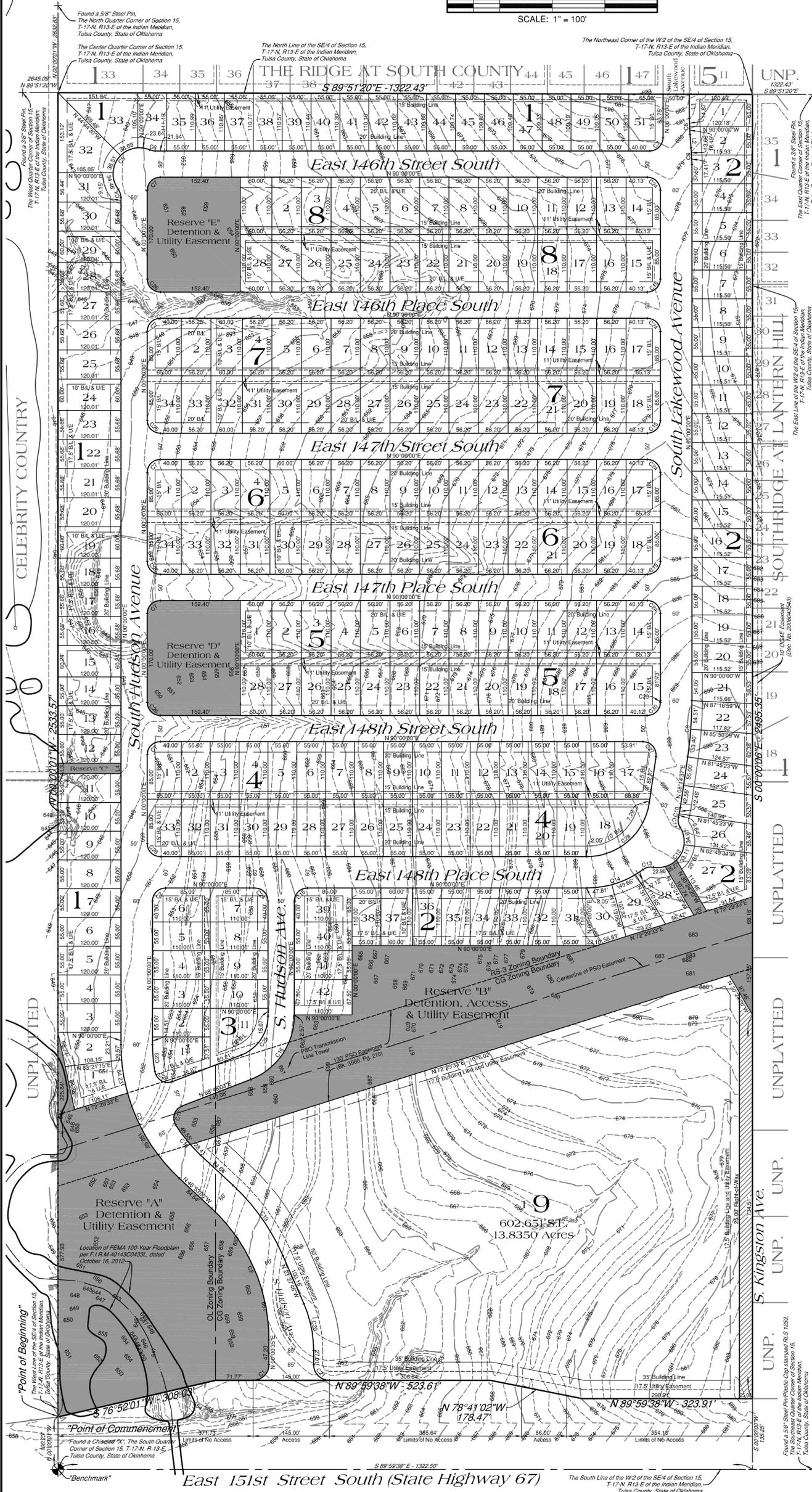
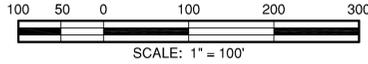
Tulsa Engineering & Planning Associates, Inc.
an Oklahoma corporation
9820 East 41st Street South, Suite 102
Tulsa, Oklahoma 74146
918.252.9621

A subdivision in the City of Bixby, being a subdivision of a part of the W/2 of the SE/4 of Section 15, Township 17 North, Range 13 East, Tulsa County, State of Oklahoma

OWNER / DEVELOPER

One FiftyOne Partners, LLC
an Oklahoma limited liability company
8315 East 111th Street, Suite H
Bixby, Oklahoma 74008
918.481.1285

CERTIFICATE OF AUTHORIZATION NO. 531
RENEWAL DATE: JUNE 30, 2015



Legend

- B/L = Building Line
- U/E = Utility Easement
- = Right of Way Dedicated by this Plat

Monument Notes

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

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

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

Basis of Bearings

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

Benchmark

Chiseled "X" on top of concrete pavement, The South Quarter Corner of Section 15, T-17-N, R-13-E, Tulsa County, State of Oklahoma
Elevation = 657.94 NGVD 1988

Backflow Preventer Valve

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

Line Table

No.	Bearing	Distance	No.	Bearing	Distance
L1	S 00°00'00"W	46.43'	L3	N 00°00'01"W	20.00'
L2	S 05°05'09"E	25.31'	L4	N 00°00'00"E	20.00'

Curve Table

No.	Delta	Radius	Length	Chord Bearing	Chord Distance
C1	89°59'47"	30.00'	47.12'	N 45°00'28"E	42.43'
C2	46°53'35"	345.00'	282.36'	N 23°26'12"W	274.55'
C3	46°53'00"	350.00'	286.39'	N 23°26'30"W	278.47'
C4	36°52'51"	25.00'	16.09'	N 18°26'26"W	15.82'
C5	150°22'17"	50.00'	131.30'	N 38°20'47"E	96.69'
C6	23°34'25"	25.00'	10.29'	S 79°12'47"E	10.21'
C7	90°00'00"	25.00'	39.27'	N 45°00'00"E	35.36'
C8	05°05'09"	350.00'	31.07'	S 02°32'35"E	31.06'
C9	08°14'37"	750.00'	107.91'	S 04°07'18"W	107.81'
C10	06°04'54"	180.00'	19.11'	S 11°17'04"W	19.10'
C11	46°52'50"	25.00'	20.46'	S 09°06'54"E	19.89'
C12	132°57'43"	50.00'	116.03'	S 33°55'33"W	91.69'
C13	46°52'50"	25.00'	20.46'	S 76°58'00"W	19.89'
C14	36°28'25"	180.00'	114.58'	S 71°45'48"W	112.66'
C15	90°00'00"	25.00'	39.27'	S 45°00'00"W	35.36'
C16	68°48'03"	130.00'	156.10'	S 34°24'01"W	146.89'
C17	100°52'33"	25.00'	44.02'	S 18°21'47"W	38.55'
C18	14°48'30"	290.00'	74.95'	S 39°28'45"E	74.74'
C19	23°25'14"	405.00'	165.55'	S 35°10'23"E	164.40'
C20	23°28'21"	225.00'	92.18'	S 11°43'35"E	91.53'
C21	90°00'13"	30.00'	47.13'	S 44°59'32"E	42.43'
C22	100°52'33"	25.00'	44.02'	N 60°45'41"W	38.55'
C23	10°19'25"	290.00'	52.25'	N 05°09'42"W	52.18'
C24	90°00'00"	25.00'	39.27'	S 45°00'00"E	35.36'
C25	68°48'03"	80.00'	96.06'	S 34°24'01"W	90.40'
C26	90°00'00"	25.00'	39.27'	N 45°00'00"W	35.36'
C27	90°00'00"	25.00'	42.87'	S 40°52'42"E	37.81'
C28	81°45'23"	120.00'	171.23'	S 49°07'18"W	157.07'
C29	00°16'53"	690.00'	3.39'	S 00°08'26"W	3.39'
C30	89°43'07"	25.00'	39.15'	S 45°08'26"W	35.27'

Conceptual Utility Plan
Planned Unit Development No. 62 - 1

The Trails at White Hawk

ENGINEER / SURVEYOR

Tulsa Engineering & Planning Associates, Inc.

9820 East 41st Street South, Suite 102
Tulsa, Oklahoma 74146
918.252.9621

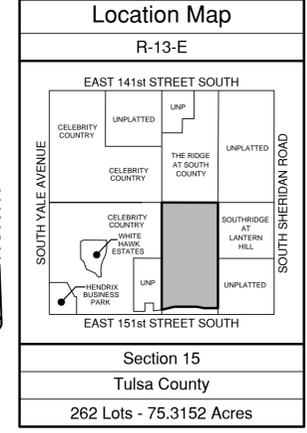
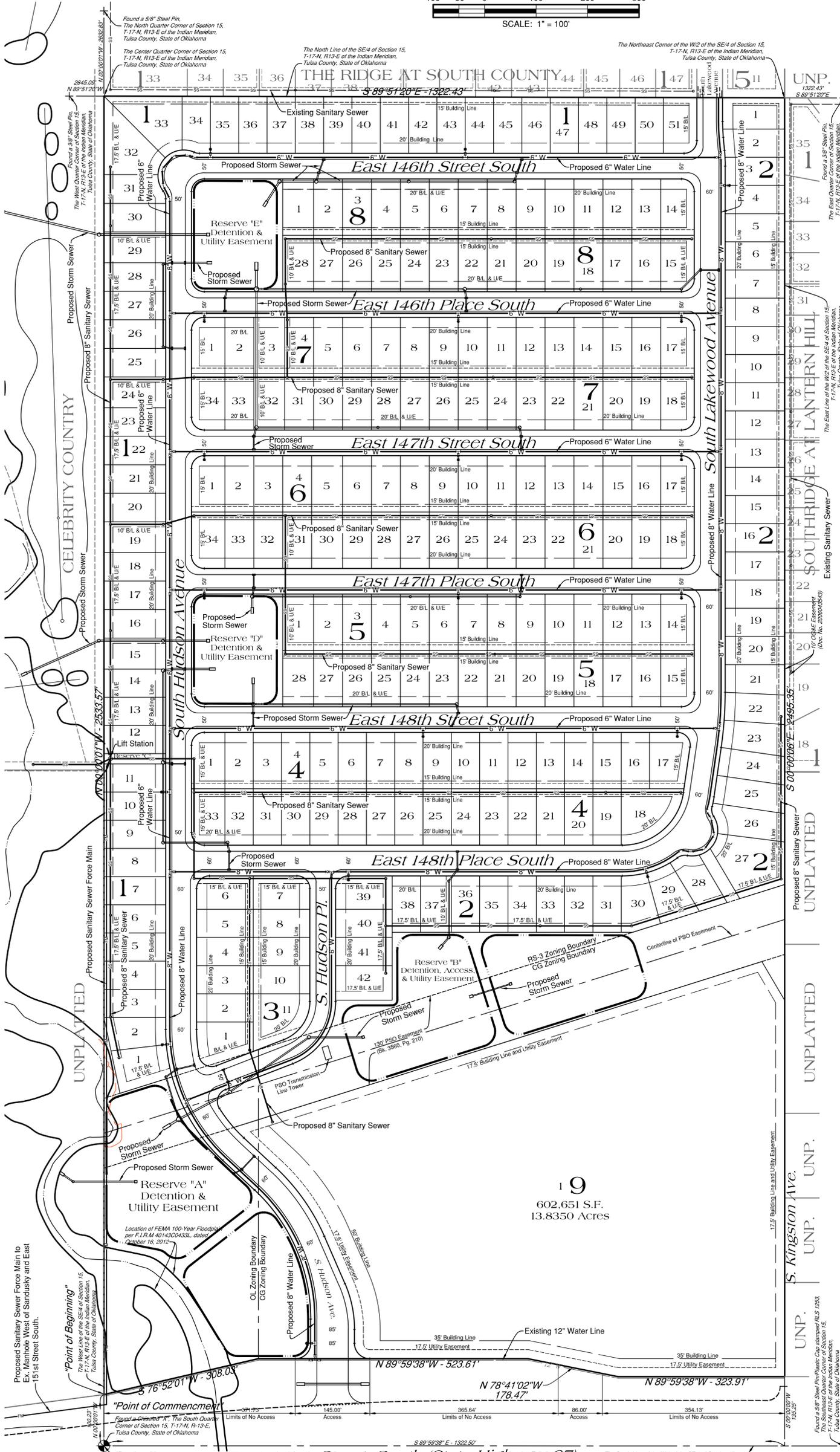
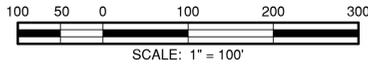
CERTIFICATE OF AUTHORIZATION NO. 531
RENEWAL DATE: JUNE 30, 2015

A subdivision in the City of Bixby, being a subdivision of a part of the W/2 of the SE/4 of Section 15, Township 17 North, Range 13 East, Tulsa County, State of Oklahoma

OWNER / DEVELOPER

One FiftyOne Partners, LLC

8315 East 111th Street, Suite H
Bixby, Oklahoma 74008
918.481.1285



Legend

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

Monument Notes

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Basis of Bearings

The non-astronomic bearings for this plat are based on a recorded plat bearing of N 89°51'20"W along the south line of "The Ridge of South County", a subdivision in the City of Bixby, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 8213, as filed in the records of the Tulsa County Clerk's office.

Benchmark

Chiseled "X" on top of concrete pavement. The South Quarter Corner of Section 15, T-17-N, R-13-E, Tulsa County, State of Oklahoma
Elevation = 657.94 NGVD 1988

THE TRAILS AT WHITE HAWK

**DEED OF DEDICATION
AND
RESTRICTIVE COVENANTS**

CITY OF BIXBY
JUN 17 2013
RECEIVED
By Enyark

KNOW ALL MEN BY THESE PRESENTS:

One FiftyOne Partners, L.L.C., hereinafter referred to as the "Owner/Developer" is the owner of the following described real estate situated in the City of Bixby, Tulsa County, State of Oklahoma, to wit:

A tract of land located in the W/2 of the SE/4 of Section 15, T-17-N, R-13-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows:

Commencing at the south quarter corner of Section 15, T-17-N, R-13-E of the Indian Meridian;

Thence N 00°00'01" W along the west line of the SE/4 of Section 15, a distance of 100.23 feet to the northerly right of way for State Highway 67, the "Point of Beginning";

Thence continuing N 00°00'01" W along the west line of the SE/4 of Section 15, a distance of 2533.57 feet to the center quarter corner of Section 15;

Thence S 89°51'20" E along the north line of the SE/4 of Section 15, a distance of 1322.43 feet to the northeast corner of the W/2 of the SE/4 of Section 15;

Thence S 00°00'06" E along the east line of the W/2 of the SE/4 of Section 15, a distance of 2495.35 feet to the north right of way for State Highway 67;

Thence N 89°59'38" W along the north right of way for State Highway 67, a distance of 323.91 feet;

Thence N 78°41'02" W along the north right of way for State Highway 67, a distance of 178.47 feet;

Thence N 89°59'38" W along the north right of way for State Highway 67, a distance of 523.61 feet;

Thence S 76°52'01" W along the north right of way for State Highway 67, a distance of 308.03 feet to the "Point of Beginning".

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Said tract contains 3,280,729 square feet or 75.3152 acres.

The non-astronomic bearings for said tract are based on an assumed bearing of N 00°00'01" W along the west line of the SE/4 of Section 15, T-17-N, R-13-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof.

and has caused the above described land to be surveyed, staked, platted, subdivided into two hundred and sixty two (262) lots and five (5) blocks, in conformity with the accompanying plat, and has designated the subdivision as "**THE TRAILS AT WHITE HAWK**", a subdivision in the City of Bixby, Tulsa County, Oklahoma.

SECTION I. STREETS, EASEMENTS, AND UTILITIES

1.1 Public Streets and Utility Easements

The Owner/Developer does hereby dedicate to the public the street rights-of-way as depicted on the accompanying plat. Additionally, the Owner/Developer does hereby dedicate to the public the utility easements designated as "U/E" or "Utility Easement" for the several purposes of constructing, maintaining, operating, repairing, replacing, and/or removing any and all public utilities, including storm sewers, sanitary sewers, telephone and communication lines, electric power lines and transformers, gas lines, water lines and cable television lines, together with all fittings, including the poles, wires, conduits, pipes, valves, meters, manholes and equipment for each of such facilities and any other appurtenances thereto, with the rights of ingress and egress to and upon the utility easements for the uses and purposes aforesaid, provided however, the owner hereby reserves the right to construct, maintain, operate, lay and re-lay water lines and sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all of the utility easements depicted on the plat, for the purpose of furnishing water and/or sewer services to the area included in the plat. The Owner/Developer herein imposes a restrictive covenant, which covenant shall be binding on each lot owner and shall be enforceable by the City of Bixby, Oklahoma, and by the supplier of any affected utility service, that within the utility easements depicted on the accompany plat no building, structure or other above or below ground obstruction that interferes with the above set forth uses and purposes of an easement shall be placed, erected, installed or maintained, provided however, nothing herein shall be deemed to prohibit drives, parking areas, curbing, landscaping and customary screening fences that do not constitute an obstruction.

1.2. Underground Service

1.2.1 Overhead lines for the supply of electric, telephone and cable television services may be located within the eastern perimeter easements of the subdivision. Street light poles or standards may be served by overhead line or underground cable and elsewhere

throughout the subdivision. All supply lines including electric, telephone, cable television and gas lines shall be located underground in the easement ways dedicated for general utility services and in the rights-of-way of the public streets as depicted on the accompanying plat. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in the easement ways. The Owner/Developer does hereby restrict the utility easements shown and designated on the accompanying plat to a single supplier of electrical service.

- 1.2.2 Underground service cables and gas service lines to all structures which are located within the subdivision may be run from the nearest gas main, service pedestal or transformer to the point of usage determined by the location and construction of such structure as may be located upon the lot. Provided that upon the installation of a service cable or gas service line to a particular structure, the supplier of service shall thereafter be deemed to have a definitive, permanent, effective and non-exclusive right-of-way easement on the lot, covering a 5 foot strip extending 2.5 feet on each side of the service cable or line extending from the gas main, service pedestal or transformer to the service entrance on the structure.
- 1.2.3 The supplier of electric, telephone, cable television and gas services, through its agents and employees, shall at all times have the right of access to all easement ways shown on the plat or otherwise provided for in this deed of dedication for the purpose of installing, maintaining, removing or replacing any portion of the underground electric, telephone, cable television or gas facilities installed by the supplier of the utility service.
- 1.2.4 The owner of the lot shall be responsible for the protection of the underground service facilities located on his lot and shall prevent the alteration of grade or any construction activity which would interfere with the electric, telephone, cable television or gas facilities. Each supplier of service shall be responsible for ordinary maintenance of underground facilities, but the owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the owner or his agents or contractors.
- 1.2.5 The foregoing covenants set forth in this sub-section 1.2 shall be enforceable by each supplier of the electric, telephone, cable television or gas service and the owner of the lot agrees to be bound hereby.

1.3 Gas Service

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

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

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

1.4 Water, Sanitary Sewer, and Storm Sewer Service

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

1.4.2 Within the utility easement, restricted waterline, sanitary sewer, storm sewer and drainage easement areas depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of a public water main, sanitary sewer main, or storm sewer or any construction activity that would interfere with public water mains, sanitary sewer mains, and storm sewers shall be prohibited.

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

1.4.4 The City of Bixby, Oklahoma, or its successors, shall at all times have right of access to all easements depicted on the accompanying plat, or otherwise provided for in this deed of dedication, for the purpose of installing, maintaining, removing or replacing any portion of underground water, sanitary sewer, or storm sewer facilities.

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

1.5 Reservation of Rights and Covenant as to Obstructions

The Owner/Developer hereby reserves the right to construct, maintain, operate, lay and re-lay water lines and sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying and re-laying over, across and along all of the utility easements depicted on the plat, for the purpose of furnishing water and/or sewer services to the area included in the plat and to areas outside of the plat. The

Owner/Developer herein imposes a restrictive covenant, which covenant shall be binding on each lot owner and shall be enforceable by the City of Bixby, Oklahoma, and by the supplier of any affected utility service, that within the utility easements depicted on the accompanying plat no building, structure or other above or below ground obstruction shall be placed, erected, installed or maintained, provided however, nothing herein shall be deemed to prohibit drives, parking areas, curbing and landscaping, that do not constitute an obstruction.

1.6 Paving and Landscaping within Easements

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

1.7 Lot Surface Drainage

Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation and from private streets and easements. No lot owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across his lot. The foregoing covenants set forth in this paragraph 1.8 shall be enforceable by any affected lot owner and by the City of Bixby, Oklahoma.

1.8 Sidewalks

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

1.9 Limits of No Access

The undersigned Owner/Developer hereby relinquishes rights of vehicular ingress or egress from any portion of the property adjacent to East 151st Street South (State Highway 67) within the bounds designated as "Limits of No Access" (L.N.A.) on the accompanying plat, which "Limits of No Access" may be amended or released by the Bixby Metropolitan Area Planning Commission, or its successor, and with the approval of the City of Bixby, Oklahoma, or as otherwise provided by the statutes and laws of the State of Oklahoma thereto, and the limits of no access above established shall be enforceable by the City of Bixby.

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1.11 Reserves "A", "B", "D" and "E"- Stormwater Detention Easement

- 1.11.1 The Owner/Developer does hereby dedicate to the City of Bixby, Oklahoma for public use (subject to easements of record) a perpetual easement on, over, and across the property designated and shown on the accompanying plat as Reserves "A", "B", "D", and "E" (hereinafter referred to as the "Detention Easement Area") for the purposes of permitting the flow, conveyance, retention, detention and discharge of stormwater runoff from the various lots within **"THE TRAILS AT WHITE HAWK"** and from properties not included within **"THE TRAILS AT WHITE HAWK"**.
- 1.12.2 Detention, retention and other drainage facilities constructed within the Detention Easement Area shall be in accordance with standards and specifications approved by the City of Bixby.
- 1.12.3 No fence, wall, building, or other obstruction may be placed or maintained in the Detention Easement Area nor shall there be any alteration of the grades or contours in such easement area unless approved by the Department of Public Works of the City of Bixby. Recreational equipment and fixtures will be allowed in the Detention Easement Area.
- 1.12.4 Detention, retention and other drainage facilities shall be maintained by THE TRAILS AT WHITE HAWK OWNERS' ASSOCIATION, to the extent necessary to achieve the intended drainage, retention, and detention functions including repair of appurtenances and removal of obstructions and siltation and THE TRAILS AT WHITE HAWK OWNERS' ASSOCIATION shall provide customary grounds maintenance within the Detention Easement Area in accordance with the following standards:
- a. Grass areas shall be mowed (in season) at regular intervals not exceeding four (4) weeks.
 - b. Concrete appurtenances shall be maintained in good condition and replaced if damaged.
 - c. The Detention Easement Area shall be kept free of debris.
 - d. Cleaning of siltation and vegetation from concrete channel channels shall be performed a minimum of twice yearly.
- 1.12.5 Landscaping and recreational equipment approved by the City of Bixby shall be allowed within the Detention Easement Area.

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

SECTION II. RESERVE AREAS

2.1 Use of Land

2.1.1 Reserve Areas "A", "B", "D" & "E"

Reserve Areas "A", "B", "D" and "E" shall be used for passive and active open space, guest parking, signage, landscaping, walls, fencing, drainage, recreation, overland drainage, stormwater drainage, utilities, sidewalks, and ingress and egress, emergency access, lighting and is reserved for subsequent conveyance to the Owners' Associations, as set forth within Section VI hereof

2.1.2 Reserve Area "C"

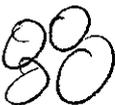
Reserve Area "C" shall be used for open space, signage, landscaping, fencing, utilities, sidewalks, and ingress and egress and is reserved for subsequent conveyance to the Owners' Associations, as set forth within Section VI hereof.

2.2 All Reserves

2.2.1 All costs and expenses associated with all reserves, including maintenance of various improvements and recreational facilities will be the responsibility of the Owners' Association.

2.2.2 In the event the Owners' Association should fail to properly maintain the reserve areas and facilities thereon located as above provided, the City of Bixby, Oklahoma, or its designated contractor may enter the reserve areas and perform such maintenance, and the cost thereof shall be paid by the Owners' Association.

2.2.3 In the event the Owners' Association fails to pay the cost of said maintenance after



completion of the maintenance and receipt of a statement of costs, the City of Bixby, Oklahoma may file of record a copy of the statement of costs, and thereafter the costs shall be a lien against each of the lots within the development. Such costs of maintenance shall become a lien on all the residential lots as hereinafter defined, which may be foreclosed by the City of Bixby, Oklahoma.

- 2.2.4 THE TRAILS AT WHITE HAWK OWNERS' ASSOCIATION INC., shall be responsible for maintenance of Reserves "A", "B", "C", "D", and "E".

SECTION III. PLANNED UNIT DEVELOPMENT

WHEREAS, "THE TRAILS AT WHITE HAWK" was submitted as Planned Unit Development No. 62, as provided within Chapter 7 of the Zoning Ordinance of the City of Bixby, Oklahoma as amended and as the same existed on _____, ____, and was approved by the Bixby Metropolitan Area Planning Commission on January 21st, 2008, and by the City of Bixby City Council on February 11th, 2008, and

WHEREAS, the Corridor District Site Plan provisions of the Bixby Zoning Code require the establishment of covenants of record, inuring to and enforceable by the City of Bixby, Oklahoma, sufficient to assure the implementation and continued compliance with the approved Corridor District Site Plan, and

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

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

3.1 General Standards

The development of "THE TRAILS AT WHITE HAWK" shall be subject to the Planned Unit Development provisions of the Bixby Zoning Code, as such provisions existed December 4, 2007, or as may be subsequently amended.

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3.2 Blocks 1, 2, 3, 4, 5, 6, 7 & 8 :

3.2.1 Development Standards: Residential

3.2.1.1 Permitted Uses:

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

3.2.1.2 Maximum Number of Dwelling Units: 265 DUs

3.2.1.3 Minimum Lot Area: 6,000 SF

3.2.1.4 Minimum Lot Width:

Standard Lots 55 FT

Culdesac or Irregular Lots 30 FT

3.2.1.5 Maximum Building Height: 48 FT

3.2.1.6 Maximum Accessory Building Height: 35 FT

3.2.1.7 Livability Space per Dwelling Unit: 2,500 SF

3.2.1.8 Minimum Building Setbacks:

Front Yards: Standard 20 FT

Side Yards: One Side 5 FT

Other Side 5 FT

Corner/Not on Arterial 15 FT

Rear Yard: Not on Arterial 15 FT

3.2.1.9 Parking:

Two (2) enclosed off street parking spaces per dwelling unit and at least tow (2) additional off street parking spaces in driveways.

3.2.1.10 *Accessory Buildings:

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

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- 3.3.2.2 Maximum Floor Area: 75% (724,293 SF)
- 3.3.2.3 Maximum Building Height: 70 FT or 5 Stories
- 3.3.2.4 Setbacks:
- From East Boundary: 10 FT
 - From North Boundary: 130 FT
 - From Non Arterial: 100 FT
 - From Centerline of 151st Street (HWY 67): 15 FT
 - (for buildings taller than 15 feet – 10 FT + 2 FT of setback for each 1 FT over 15 FT)
- 3.3.2.5 Minimum Parking & Drive Aisle Setbacks: 10 FT
(at north & east property lines)
- 3.3.2.6 Parking Ratio:
As required within the applicable use unit.
- 3.3.2.7 Perimeter Screening:
As required by the specific use unit when abutting an R-District.
- 3.3.2.8 Minimum Landscaped Open Space:
As required within the applicable use unit.
- 3.3.2.9 Signage:
A subdivision identification sign not exceeding 100 square feet of display area shall be allowed in island of the proposed residential street along the 151st street frontage.
- Within Block 9 as required within the applicable use unit.
- 3.3.2.10 Minimum Frontage:
- Along 151st Street (HWY 67): 100 FT*
 - Along Non Arterial: 50 FT*
- *= Future subdivided lots behind the pad sites shall be allowed to have frontage as long as mutual access is provided by the plat or a separate mutual access easement agreement which provides access to 151st Street (HWY 67) and/or the non arterial street.

3.4 Off-street parking

As required per application use unit of the City of Bixby zoning code.

3.5 Access and Circulation

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

3.6 Detailed Site Plan Approval and Building Permits

3.6.1 Within Blocks 1 through 8, "THE TRAILS AT WHITE HAWK", for the purpose of site plan review requirements, the final plat approved by the City of Bixby Planning Commission and City Council shall constitute the required detailed site plan. No building permit shall be issued until the subdivision plat has been processed and approved by the City of Bixby Planning Commission and City Council in compliance with the approved Planned Unit Development and development standards.

3.6.2 Block 9, "THE TRAILS AT WHITE HAWK", may be subdivided and developed into smaller tracts. No building permit shall be issued until a detailed site plan and final plat for the entire block or any part thereof have been processed and approved by the City of Bixby Planning Commission and City Council in compliance with the approved Planned Unit Development and development standards.

SECTION IV.
PRIVATE BUILDING AND USE RESTRICTIONS

WHEREAS, the Owner/Developer desires to establish restrictions for the purpose of providing for the orderly development of the subdivision and conformity and compatibility of improvements therein.

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.

(PRIVATE RESTRICTIONS TO BE INSERTED HERE)

SECTION V.
ARCHITECTURAL COMMITTEE

WHEREAS, the Owner/Developer desires to establish restrictions for the purpose of providing for the orderly development of the subdivision and conformity and compatibility of improvements therein.

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.

5.1 Architectural Committee - Plan Review

- 5.1.1 No residence, outbuilding, improvements, driveway, fence, wall, satellite receiver dish, or free standing mailbox shall be erected, placed, or altered on any lot in the subdivision until the plans and specifications have been approved in writing by One FiftyOne Partners, L.L.C., or its authorized representatives or successors, which are hereinafter referred to as the "Architectural Committee". For each residence or out building, the required plans and specifications shall be submitted in duplicate and shall include a site plan, floor plan, exterior elevations, drainage and grading plans, exterior materials, and exterior color scheme.
- 5.1.2 The Architectural Committee's purpose is to promote good design and compatibility within the subdivision and in its review of plans or determination of any waiver as hereinafter authorized may take into consideration the nature and character of the proposed building or structure, the materials of which it is to be built, the availability of alternative materials, the site upon which it is proposed to be erected and the harmony thereof with the surrounding area. The Architectural Committee shall not be liable for any approval, disapproval, or failure to approve hereunder and its approval of building plans shall not constitute a warranty or responsibility for building methods, materials, procedures, structural design, grading or drainage, or code violations. The approval or failure to approve building plans shall not be deemed a waiver of any restriction. Nothing herein contained shall be deemed to prevent any lot owner in the subdivision from prosecuting any legal action relating to improvements within the subdivision which they would otherwise be entitled to prosecute.
- 5.1.3 The Architectural Committee's objective is to advance the harmonious use of landscaping, fencing, hardscaping, landscape lighting, and other landscape design items to promote compatibility and conformity within the subdivision. The Architectural Committee reserves the authority to review, approve, modify, or reject the type of landscaping or landscape design items which may be placed in public view by any lot owner and determined in the discretion of the Architectural Committee to be incompatible with the overall landscape standards of **"THE TRAILS AT WHITE HAWK"**.
- 5.1.4 The powers and duties of the Architectural Committee shall, on the 1st day of January, 2018, be deemed transferred to the Owners' Association (THE TRAILS AT WHITE HAWK OWNERS' ASSOCIATION, INC.) provided for in Section VI., or upon written assignment to the Owners' Association by the Architectural Committee, whichever event first occurs, and thereafter the foregoing powers and duties shall be exercised by the board of directors of the Owners' Association, or their designees.

- 5.1.5 The Architectural Committee reserves the right in their sole discretion and without joinder of any lot owner at any time, so long as One FiftyOne Partners, L.L.C., is the owner of any lot or part thereof to amend, revise, or abolish any one or more of the above covenants and restrictions within this Section V., by instrument duly executed and acknowledged by them as the Architectural Committee and filed in the County Clerk's office in the Tulsa County Courthouse, Tulsa, Oklahoma.

SECTION VI. OWNERS' ASSOCIATION

6.1 Formation of Owners' Association

The Owner/Developer has formed or caused to be formed THE TRAILS AT WHITE HAWK Owners' Association, Inc., (hereinafter the "Owners' Association"), consisting of all owners of residential lots within "**THE TRAILS AT WHITE HAWK**", established in accordance with the statutes of the State of Oklahoma for the general purposes of maintaining the common areas and enhancing the value, desirability, and attractiveness of "**THE TRAILS AT WHITE HAWK**".

6.2 Membership

Every person or entity who is a record owner (herein referred to as a "lot owner") of the fee interest of a residential lot platted as part of "**THE TRAILS AT WHITE HAWK**" subdivision, shall be a member of Owners' Associations and shall be subject to assessment by the Owners' Associations for maintenance of common areas within the "**THE TRAILS AT WHITE HAWK**" subdivision. Membership shall be appurtenant to and may not be separated from the ownership of a lot.

6.3 Covenant for Assessments

Each lot owner, by acceptance of a deed to such lot, is deemed to covenant and agree to pay to the Owners' Associations assessments to be established by the Owner/Developer in accordance with this Deed of Dedication and Restrictive Covenants or any subsequent declaration that is executed and recorded by the Owner/Developer or by the Board of Directors, in accordance with the Bylaws of the Owner's Association, as the case may be. An assessment shall be a lien on the lot against which it is made, but the lien shall be subordinate to the lien of any first mortgage. Assessments not paid within thirty (30) days of the date that notification of the assessment is mailed to a lot owner, shall accrue interest at the rate of 18% per annum. The lien may be foreclosed in the same manner as a mortgage lien. The Owners' Association shall be entitled to recover all court costs and other costs of foreclosure, including reasonable attorney fees.

SECTION VII.
ENFORCEMENT, DURATION, AMENDMENT, AND SEVERABILITY

7.1 Enforcement

The restrictions herein set forth are covenants to run with the land and shall be binding upon the Owner/Developer, its successors and assigns. Within the provisions of Section I. Easements, and Utilities are set forth certain covenants and the enforcement rights pertaining thereto, and additionally the covenants within Section I whether or not specifically therein so stated shall inure to the benefit of and shall be enforceable by the City of Bixby, Oklahoma. The covenants contained in Section III. Planned Unit Development are established pursuant to the Planned Unit Development provisions of the City of Bixby Zoning Code and shall inure to the benefit of the City of Bixby, Oklahoma, the Owners' Association and the owners of the lot or a parcel herein. If the undersigned Owner/Developer, or its successors or assigns, shall violate any of the covenants within Section III., it shall be lawful for the City of Bixby, the Owners' Association, or any owner of a lot to maintain any action at law or in equity against the person or persons violating or attempting to violate any such covenant, to prevent him or them from so doing or to compel compliance with the covenant. If the undersigned Owner/Developer, or its successors or assigns, shall violate any of the covenants within Section IV. Private Building and Use Restrictions, it shall be lawful for the Owners' Association, or any owner of a lot to maintain any action at law or in equity against the person or persons violating or attempting to violate any such covenant, to prevent him or them from so doing or to compel compliance with the covenant. In any judicial action brought by the Owners' Association, or a lot owner which action seeks to enforce the covenants or restrictions set forth herein or to recover damages for the breach thereof, the prevailing party shall be entitled to recover reasonable attorneys fees and costs and expenses incurred in such action.

7.2 Duration

These restrictions, to the extent permitted by applicable law, shall be perpetual but in any event shall be in force and effect for a term of not less than thirty (30) years from the date of the recording of this Deed of Dedication unless terminated or amended as hereinafter provided.

7.3 Amendment

The covenants contained within Section I. Streets, Easements, and Utilities and Section II. Reserve Areas, may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the land to which the amendment or termination is to be applicable and approved by the Bixby Planning Commission, or its successors and the City of Bixby, Oklahoma. The covenants contained within Section III. Planned Unit Development, may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the affected lot in "THE TRAILS AT WHITE HAWK" and approved by the Bixby Planning Commission, or its successor. The provisions of any

CERTIFICATE OF SURVEY

I, J. Wesley Bills, of Tulsa Engineering & Planning Associates, Inc., a professional land surveyor registered in the State of Oklahoma, hereby certify that I have carefully and accurately surveyed, subdivided, and platted the tract of land described above, and that the accompanying plat designated herein as "THE TRAILS AT WHITE HAWK", a subdivision in the City of Bixby, Tulsa County, State of Oklahoma, is a representation of the survey made on the ground using generally accepted land surveying practices and meets or exceeds the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted.

Executed this _____ day of _____, 2013.

J. Wesley Bills
Registered Professional Land Surveyor

State of Oklahoma)
) s.s.
County of Tulsa)

Before me the undersigned, a notary public in and for said county and state, on this _____ day of _____, 2013, personally appeared J. Wesley Bills, to me known to be the identical person who subscribed his name as Registered Professional Land Surveyor to the foregoing Certificate of Survey and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

Notary Public
My commission no.
expires _____.

98



Sheet of

25' → ←

Bk 3030
Pg 239

Bk 3030
Pg 239

Bk 3030
Pg 237

Bk 3046
Pg 510

Bk 3030
Pg 238

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Sec 15

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29



DEED OF DEDICATION

BOOK 3030 PAGE 237

STATE OF OKLAHOMA }
COUNTY OF TULSA } SS

1279

He, the undersigned, being the sole owner of all interests, both legal and equitable, in the following described property, to-wit:

The North half of the Northwest Quarter of the Southwest quarter of the Southeast Quarter of the Southeast Quarter (Section 15, Township Seventeen (17) North, Range Thirteen (13) East, Tulsa County, Oklahoma and containing 1 1/2 acres more or less.

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the special benefits to the remainder of the above described property, accruing thereto upon this dedication, do hereby dedicate to the Public, for the use and enjoyment of the Public, the following described portion thereof, to-wit:

The West Twenty five (25) Feet of the above described property.

To have and to hold said described premises unto the said Public, forever.

Signed and delivered this 12th day of December, 1952

Joseph D. Hovings
Notary Public
Tulsa, Oklahoma

STATE OF OKLAHOMA }
COUNTY OF TULSA } SS

Before me, the undersigned, a Notary Public in and for said State of this

12th day of December, 1952, personally appeared

Joseph D. Hovings and Thelma L. Hovings, husband and wife

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 have hereunto set my hand and official seal the day and year first above written.

Joseph D. Hovings
Notary Public

My commission expires

100

BOOK 3090 PAGE 238

DEEDS DEDICATION

STATE OF OKLAHOMA }
COUNTY OF TULSA }

SS

1940

Me, the undersigned, being the sole owner of all interests, both legal and equitable, in the following described property, to-wit:

The West Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (1/16) of Section Fifteen (15), Township Seventeen (17) North, Range Thirteen (13) East, containing 1/16 acres more or less, Tulsa County, Oklahoma.

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the special benefits to the remainder of the above described property, accruing thereto upon this dedication, do hereby dedicate to the Public, for the use and enjoyment of the Public, the following described portion thereof, to-wit:

The West Twenty-five (25) feet of the above described land.

FILED
JUL 15 10 54 AM '40
TULSA COUNTY, OKLA.

have and to hold said described premises into the said Public, forever, signed and delivered this 21st day of December, 1939.

Ernest Belding
Ernest Belding
Ernest Belding

STATE OF OKLAHOMA }
COUNTY OF TULSA }

SS

Before me, the undersigned, a Notary Public in and for said State on this 21st day of December, 1939, personally appeared Ernest Belding and Ernest Belding, husband and wife.

to me known to be the identical person 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 have hereunto set my hand and official seal the day and first part above written.

S. T. King
Notary Public

My commission expires

DEED OF DEDICATION

BOOK 3030 PAGE 239

STATE OF OKLAHOMA }
COUNTY OF TULSA } SS

1241

WE, the undersigned, being the sole owners of all interests, both legal and equitable, in the following described property, to-wit:

THE NORTHWEST QUARTER OF SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (NE. 1/16E4) SECTION FIFTEEN (15), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, TULSA COUNTY, OKLAHOMA, CONTAINING 10 ACRES MORE OR LESS.

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the special benefits to the remainder of the above described property, accruing thereto upon this dedication, do hereby dedicate to the Public, for the use and enjoyment of the Public, the following described portion thereof, to-wit:

THE WEST TWENTY-FIVE (25) FEET OF THE ABOVE DESCRIBED LAND.

do have and to hold said described premises into the said Public, forever.

Signed and delivered this 12th day of DECEMBER, 1959.

Thomas J. Brasfield
THOMAS J. BRASFIELD
Sudie S. Brasfield
SUDIE S. BRASFIELD

STATE OF OKLAHOMA }
COUNTY OF TULSA } SS

Before me, the undersigned, a Notary Public in and for said State on this 12th day of DECEMBER, 1959, personally appeared THOMAS J. BRASFIELD AND SUDIE S. BRASFIELD, HUSBAND AND WIFE to me known to be the identical person 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 have hereunto set my hand and official seal the day and year last above written.

My commission expires

Mildred M. Murray
MILDRED MURRAY Notary Public

102

3046 510

DEDICATION DEED
PUBLIC HIGHWAY

KNOW ALL MEN BY THESE PRESENTS:

That Edward P. Harrison and Esther O. Harrison, husband and wife

of Tulsa County, State
of Oklahoma, hereinafter called the Grantors (whether one or more), for and in consideration of the sum of
- - ONE DOLLAR - - (\$ 1.00)

and other goods, valuable and sufficient considerations, do hereby grant, bargain, sell, convey and dedicate unto the County of
Tulsa, Oklahoma, the following described lots or parcels of land for the purpose of establishing thereon a public highway or
facilities necessary and incidental thereto, to-wit:

The West 25' feet of the S 1/2 NW 1/4 SW 1/4 SE 1/4
SE 1/4 of Section 15, Township 17 North, Range 13 East,
Tulsa County, Oklahoma.



RECORDED
FEB 11 1960
TULSA COUNTY, OKLA.

For the same considerations hereinbefore recited, said Grantors hereby waive, relinquish and release any and all right, title or
interest in and to the surface of the above granted and dedicated tract of land and the appurtenances thereto belonging, in-
cluding any and all dirt, rock, gravel, sand and other road building materials, reserving and excepting unto said Grantors the
mineral rights therein; provided, however, that any exploration or development of said reserved mineral rights shall not directly
or indirectly interfere with the use of said land for the purposes herein granted; and reserving unto said Grantors the right of
ingress and egress to said public highway from the remaining lands of the Grantors, except as may be provided otherwise herein.

To have and to hold said above described premises unto the said County of Tulsa, Oklahoma, free, clear and discharged from
any and all claims of damages or injury that may be sustained directly or indirectly to the remaining lands of the Grantors by reason
of the construction and maintenance of a public highway and all highway excavations, embankments, structures, bridges, drains,
right of way or safety areas and other facilities that may now or hereafter be, in the discretion of the grantors, necessary for the
construction and maintenance of a public highway and incidental facilities over, across or along the above described road estate;
the supervision and control of said public highway to be in such municipality, county or other agency of the State of Oklahoma as has
or may have jurisdiction thereof by the laws of the State of Oklahoma; and such municipality, county or other agency of the State
of Oklahoma, their officers, agents, contractors and employees are hereby granted free access to said highway for the purposes of
entering upon, constructing, maintaining or regulating the use of said public highway and incidental facilities.

Said Grantors hereby covenant and warrant that at the time of the delivery of these presents they are the owners in the
sole and severalty of the above described premises and that same are free and clear of all liens and claims whatsoever except

In witness whereof the Grantors herein named have hereunto set their hands and seals this the _____

day of _____, 19__ 60

x Edward P. Harrison
x Esther O. Harrison

State of Oklahoma,
County of Tulsa ss.

Before me, a Notary Public in and for said county and state, on this _____ day
of _____, 19__ 60, personally appeared Edward P. Harrison and
Esther O. Harrison, husband and wife

to me known to be the individual person... who executed the within and foregoing instrument, and each for himself acknowledged
to me that they executed the same their free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal this day and year last above written.

My commission expires 1-6-62 [Signature] Notary Public



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Monday, July 08, 2013
RE: Report and Recommendations for:
Preliminary Plat & Final Plat of "Panda Express" (PUD 67)

LOCATION: – 10535 S. Memorial Dr.
– Part of the NW/4 SW/4 of Section 25, T18N, R13E

SIZE: 48,352 square feet; 1.11 acres, more or less

EXISTING ZONING: CS Commercial Shopping Center District

SUPPLEMENTAL ZONING: – PUD 67 for "SourceOne Carwash Company"
– Corridor Appearance District

EXISTING USE: Vacant

REQUEST: Preliminary Plat and Final Plat approval

SURROUNDING ZONING AND LAND USE:

North: CS & PUD 40; The *Applebee's* restaurant, the *Hampton Inn & Suites* hotel, and a commercial strip shopping center, all in *Regal Plaza*.

South: CS; The *Home Hardware / Builder's Center / JWI Supply / CWC Interiors* hardware, interiors, and supply store in the *Grigsby's Carpet Center* subdivision.

East: RS-3; Residential in *South Country Estates*.

West: (Across Memorial Dr.) CS/PUD 619 and CS/PUD 370; The *First Priority Bank*, the *Avalon Park* commercial/office development, and the *Life Time Fitness* and other businesses being developed in *Memorial Commons* and/or "The Vinyards on Memorial," all in the City of Tulsa.

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COMPREHENSIVE PLAN: Medium Intensity + Commercial Area

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

BBOA-283 – L.C. Neel – Request for Special Exception for a Use Unit 17 used car sales lot – Approved by BOA 08/01/1994.

PUD 67 –SourceOne Carwash Company – Crafton Tull Sparks – Request for PUD approval for subject property – PC Recommended Conditional Approval 12/15/2008 and City Council Conditionally Approved 01/28/2009 (Ord. # 2008 [1008]).

Preliminary Plat of Legend’s Carwash – Request for Final Plat approval for the “Legend’s Carwash” subject property – PC Recommended Conditional Approval 12/15/2008 and City Council Conditionally Approved 01/05/2009.

Final Plat of “Legend’s Carwash” / “Boomerang Carwash” – Request for Final Plat approval for “Legend’s Carwash” for the subject property – PC Recommended Conditional Approval 03/16/2009 and City Council Conditionally Approved 03/23/2009. Approval expired 03/23/2010 per Subdivision Regulations / City Code Section 12-2-6.F. By memo dated 04/14/2010, Developer requested City Council re-approve the Final Plat, to be renamed “Boomerang Carwash.” City Council re-approved Final Plat 04/26/2010. Final Plat approval expired 04/26/2011 per Subdivision Regulations / City Code Section 12-2-6.F.

BSP 2009-02 & AC-09-02-02 – “Legend’s Carwash” – Crafton Tull Sparks – Request for PUD Detailed Site Plan approval for a carwash and retail development as required by PUD 67 – Conditionally Approved by the Planning Commission and Architectural Committee 02/17/2009.

BSP 2010-02 / AC-10-06-01 – Boomerang Carwash – The McLain Group, LLC (PUD 67) – Request for PUD Detailed Site Plan approval for a carwash and retail development as required by PUD 67 – PC Conditionally Approved 06/21/2010.

BSP 2013-02 – Panda Express – Bannister Engineering, LLC (PUD 67) – Request for PUD Detailed Site Plan approval for a Use Unit 12 restaurant development as required by PUD 67 – PC Conditionally Approved 05/20/2013.

BACKGROUND INFORMATION:

The subject property was previously a small used car sales lot, previously operated by *Nelson Mazda*, occupying the front/west approximately 120’. It was previously Conditionally Approved for a Use Unit 17 “Legend’s Carwash” / “Boomerang Carwash” development, including PUD 67, Preliminary and Final Plats, and PUD Detailed Site Plans. However, that proposal was not ultimately developed. The current application is to develop a Use Unit 12 *Panda Express* restaurant. PUD 67 allows the proposed use. The Planning Commission Conditionally Approved the Detailed Site Plan per BSP 2013-02 on May 20, 2013.

ANALYSIS:

Subject Property Conditions. The subject property moderately slopes downward to the south and east, in the watershed that drains to the Oliphant Drainage and Detention system (an upstream portion of Fry Creek # 1). It is presently vacant and zoned CS with PUD 67. It is bordered on the north by a private drive separating it from the *Applebee’s* restaurant and the

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Hampton Inn & Suites hotel in *Regal Plaza*, on the south by the existing or former *Home Hardware / Builder's Center / JWI Supply / CWC Interiors* hardware, interiors, and supply store in the *Grigsby's Carpet Center* subdivision, on the east by residential in *South Country Estates*, and on the west by Memorial Dr.

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

The Use Unit 12 commercial restaurant use anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 1.11 acres proposes one (1) Lot, one (1) Block, and no (0) Reserve Areas. The lot appears consistent with the PUD 67 Development Standards.

With the exceptions outlined in this report, the Preliminary Plat and Final Plat appear to conform to the Zoning Code and Subdivision Regulations and PUD 67.

The Applicant may request a Modification/Waiver of Subdivision Regulations/City Code Section 12-3-3.A to reduce or remove the 17.5' Perimeter Utility Easement along certain property lines. For comparison, when this property was last approved for plat ("Boomerang Carwash"), the City Council approved a Modification/Waiver to reduce the northerly and westerly U/Es to 15' in width. AEP-PSO and ONG serve the subject property from lines along the north line, and a 17.5' U/E is represented there. At the TAC meeting, neither company objected to the lack of easements shown on the balance of the plat, and no other utility companies have raised any objection; however, the City Engineer has requested a U/E along the east line, and City Staff are all in agreement on this matter. Staff would be supportive of a Modification/Waiver, subject to receiving the request in writing, as long as there was no objection raised by any concerned utility company or the City Engineer or Public Works Department.

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

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held July 03, 2013. Minutes of that meeting are attached to this report.

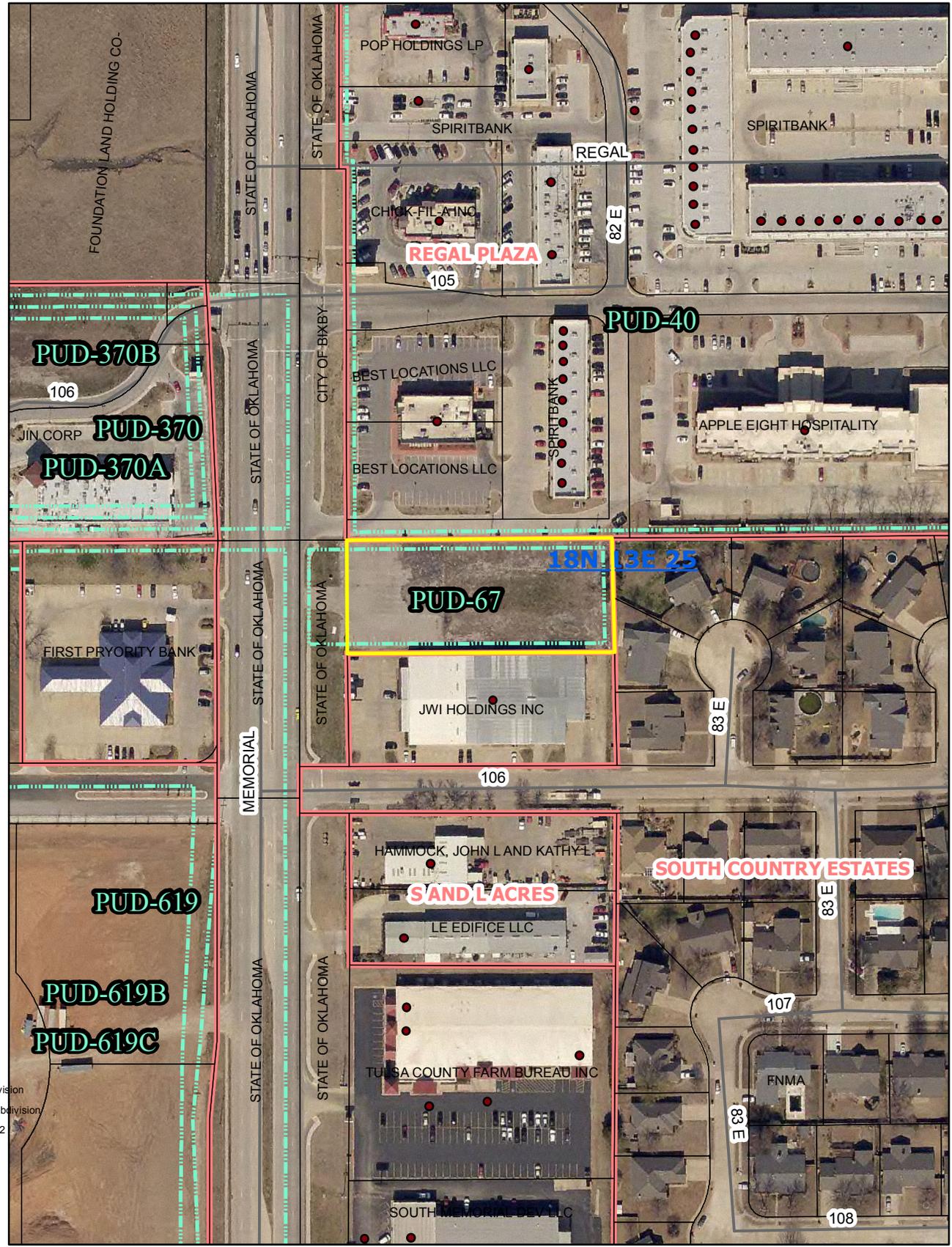
Access and Internal Circulation. The development will access Memorial Dr. via driveways connecting to private drives to the north and south. The north access is a private drive along the south side of *Applebee's* in *Regal Plaza*. At the south end, the driveway will connect to the *Home Hardware / Builder's Center / JWI Supply / CWC Interiors* hardware, interiors, and supply store parking lot in the *Grigsby's Carpet Center* subdivision. Any private access easements or agreements necessary to accomplish this should be secured as needed, and submission of cop(ies) of same is respectfully requested. The preexisting driveway connection to Memorial Dr. would appear to be removed under this plan. Limits of No Access (LNA) are indicated across the entire Memorial Dr. frontage on the plat.

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

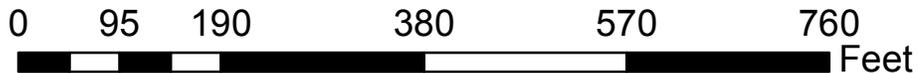
1. Please add a perimeter U/E to the east side at a width as requested by the City Engineer and Public Works Department.
2. Staff would be supportive of a Modification/Waiver for reducing or removing standard 17.5' Perimeter U/Es along the east, south, and/or west property lines, subject to receiving the request in writing, as long as there was no objection raised by any concerned utility company or the City Engineer or Public Works Department.
3. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
4. Please provide copy of recorded version of any necessary and appropriate easement or agreement pertaining to access to and/or through the properties to the north and south.
5. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - a. *101 Memorial Square* (missing)
 - b. *101 South Memorial Plaza* (missing)
 - c. *First National* (missing)
 - d. *Sterling House* (misrepresented as to configuration)
 - e. *Landmark Center* (misspelled)
 - f. *Stone Creek Park* (misspelled)
 - g. *101 South Memorial Center* (misspelled)
 - h. *Grigsby's Carpet Center* (misspelled)
 - i. *Trinity Presbyterian Church USA* (misspelled)
 - j. *Silverwood Amended* (missing)
 - k. *Block 2 Lots 8-13 The Enclave at Legacy* (missing)
 - l. *The Enclave at Legacy* (misrepresented as to configuration)
6. *Grigsby's Carpet Center* appears to be incorrectly spelled in situ.
7. Property address, 10535 S. Memorial Dr., is Tulsa 74133 and not Bixby 74008.
8. 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."
9. DoD/RCs Preamble: Please correct wording "And the [the Owner/Developer] has caused the above described tract of land to be surveyed, staked, platted..."
10. DoD/RCs Section I.D.1 – Words "certificate of dedication" used in place of "Deed of Dedication."
11. DoD/RCs Section I.F: Please qualify this section as follows: "...damage to **properly-permitted** landscaping and paving occasioned...."
12. DoD/RCs Section I.J – Discusses Mutual Access Easements (MAEs) but no such easements are represented on the plat.
13. DoD/RCs Section I.K – Discusses a "Landscape Easement" but no such easement is represented on the plat.
14. DoD/RCs Section I.K – leaves a blank for the plat name – please add if this section remains in the DoD/RCs.
15. DoD/RCs Section II Preamble – Update PUD approval language using the case history contained within this report.

16. DoD/RCs Section II – It appears that the previously-planned “Lot 2” portion of the Development Standards was simply removed. Since the subject property is being platted as a singular lot but containing both of the two (2) PUD Development Areas (DAs), please restore missing DA B language and re-title the sections as “Development Area A” and “Development Area B,” respectively.
17. Certificate of Survey signature block appears to have text shifted above signature line.
18. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.
19. Please submit complete, corrected copies of the Detailed Site Plan (BSP 2013-02) 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).
20. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11” X 17”, and 1 electronic copy).
21. Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11” X 17”, and 1 electronic copy).

Preliminary Plat & Final Plat – Panda Express Crafton Tull & Associates, Inc. (PUD 67)



- Businesses
- bixby_streams
- Tulsa Parcels 04/13
- WagParcels 04/13
- TulsaCounty_Subdivision
- WagonerCounty_Subdivision
- WagRoads_Aug2012
- E-911_Streets
- PUD
- bixby_s-t-r
- county



Memo

To: Erik Enyart
From: Jared Cottle *JWC*
CC: Bea Aamodt
File
Date: 06/19/13
Re: Panda Express Preliminary & Final Plat

General Comments:

1. Perimeter easements per City Standards have not been included along the west, south, or east side of the Plat. An easement along the east side is essential for access to existing sanitary sewer lines.
2. The purposed of the 20'x15' water easement is not clear. All City mains are located within the road right-of-way.
3. The detention area(s) should be delineated on the Plat, and the covenants reflective of the need for and on-going maintenance of the detention area(s). The downstream O/D/E's that receive runoff from the site should also be shown and labeled on the Plat with the appropriate book and page.
4. Utility Plans have not been received, reviewed, or approved.
5. The Paving, Grading, Detention Plans have been submitted but not approved.

Memo

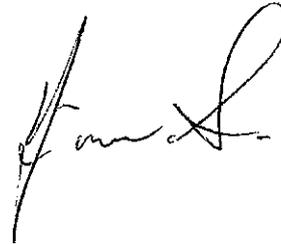
To: ERIK ENYART, AICP, CITY PLANNER

From: JIM SWEEDEN

Date: 6/19/2013

Re: PRELIMINARY PLAT & FINAL PLAT OF "PANDA EXPRESS"

PLANS ARE APPROVED BY THIS OFFICE



11



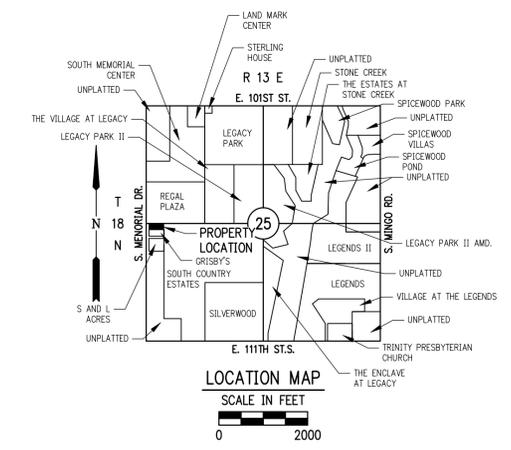
CRAFTON TULL
CELEBRATING
50 YEARS

PRELIMINARY PLAT PANDA EXPRESS

A PART OF THE NW/4 OF THE SW/4 OF SECTION 25,
T-18-N, R-13-E, OF THE I.B.&M.,
CITY OF BIXBY, TULSA COUNTY,
STATE OF OKLAHOMA.

PUD NO. 67

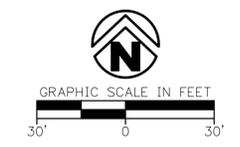
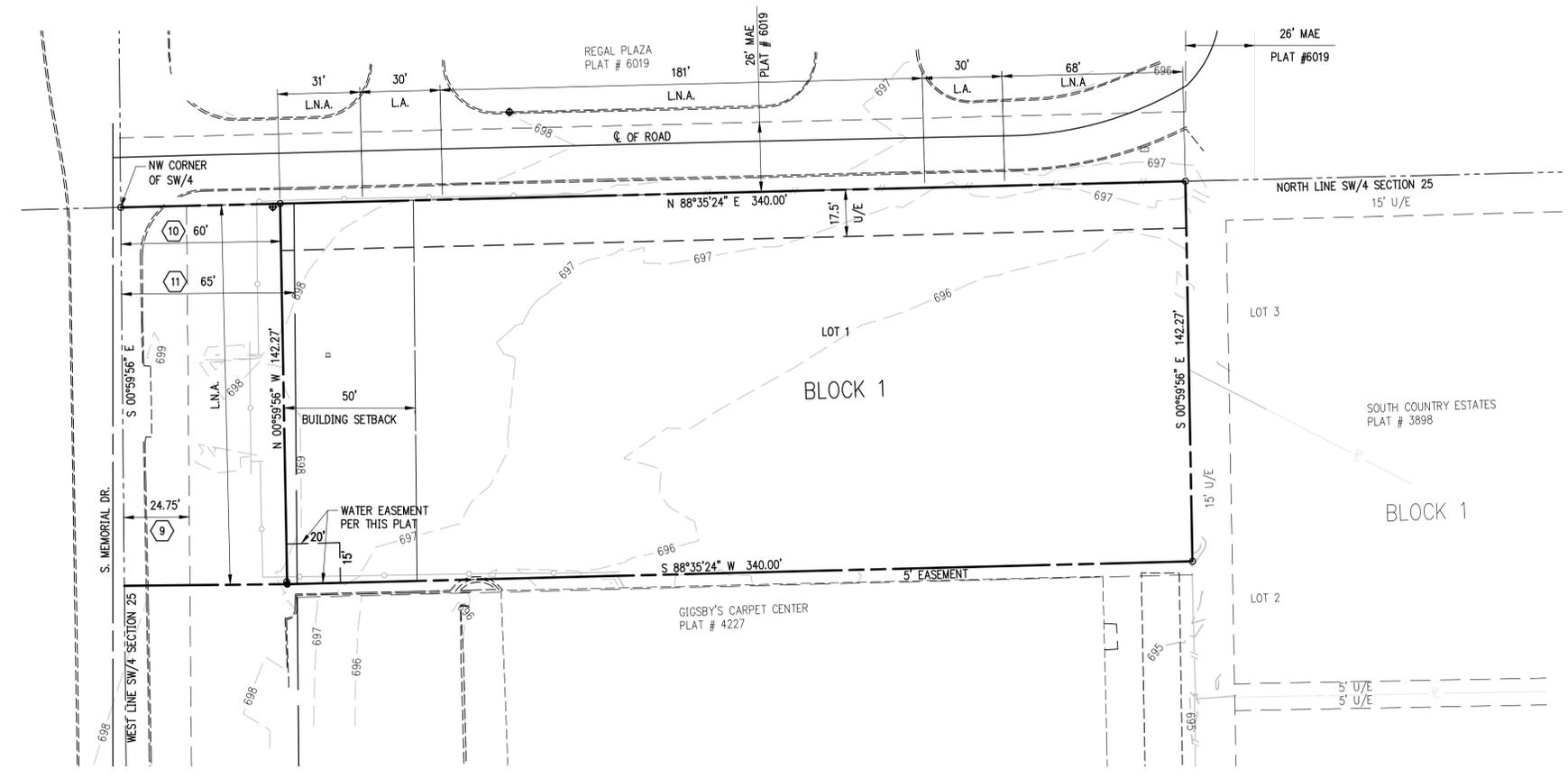
SUBDIVISION HAS 1 LOT IN 1 BLOCK
AND CONTAINS 1.108 ACRES, MORE OR LESS.



INSTRUMENT NOTES

ALL EASEMENTS AND RIGHT-OF-WAY CONTAINED IN FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE, CASE NO. 08-8279, EFFECTIVE DATE AUGUST 18, 2008 AT 7:59 A.M. ARE SHOWN HEREON.

- 9 24.75' STATUTORY ROAD RIGHT-OF-WAY ALONG THE WEST SECTION LINE AS PROVIDED BY LAW.
- 10 WARRANTY DEED TO THE STATE OF OKLAHOMA, DATED OCTOBER 28, 1981, FILED NOVEMBER 18, 1981, AND FILED IN BOOK 4580 AT PAGE 1847.
- 11 RIGHT-OF-WAY AGREEMENT TO CANEY RIVER GAS COMPANY, DATED NOVEMBER 23, 1915, FILED NOVEMBER 24, 1915 IN BOOK 185 AT PAGE 212; PARTIALLY RELEASED BY RESTRICTION OF RIGHT-OF-WAY DATED FEBRUARY 29, 1979, FILED MARCH 6, 1979 IN BOOK 4385 AT PAGE 232



LEGEND

SYMBOLS
○ 3/8" IRON PIN W/ CAP "CA973" AT LOT CORNER

LINEWORK

- ==== CURB AND GUTTER
- - - - EASEMENT LINE
- EXISTING EASEMENT
- SECTION LINE
- PROPERTY LINE
- EXISTING CENTER LINE OF ROAD
- MAE - MUTUAL ACCESS EASEMENT
- L.N.A. - LIMITS OF NO ACCESS

DEVELOPER

PANDA EXPRESS
RESTAURANT GROUP, INC.
1683 WALNUT GROVE AVE.
ROSEMead, CA 91770

PROPERTY ADDRESS:
10535 S. MEMORIAL DR.
BIXBY, OK 74008

SURVEYOR/ENGINEER

CRAFTON TULL & ASSOCIATES
220 E. 8TH STREET
TULSA, OKLAHOMA 74119
(918) 584-0347
C.A. NO. 973
EXPIRES JUNE 30, 2014

BASIS OF BEARING

OKLAHOMA STATE PLANE, NAD 83
(2002) WEST LINE SW/4
S 00°59'56" E
A.D.S. MONUMENT #30
N-376957.393
E-2593481.766

FLOOD NOTE

FIRM PANEL NO. 40143C0369L DATED 10-16-2012 CLASSIFIES THE PROPERTY DESCRIBED HEREON AS ZONE X UNSHADED, AN AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN

VERTICAL DATUM

NAVD 1988: A.D.S. MONUMENT #30
5/8" REBAR - 1 1/2 IN. ALUMINIUM
CAP-FLUSH-SET IN CONCRETE - STAMPED "30",
SET IN THE CENTER MEDIAN OF MEMORIAL DRIVE,
APPROXIMATELY 150' SOUTH OF
101st ST. ELEV. 717.74

DESCRIPTION (DOC.# 2009015647)

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/4); THENCE EAST 400 FEET; THENCE SOUTH 142.27 FEET; THENCE WEST 400 FEET; THENCE NORTH 142.27 FEET TO THE POINT OF BEGINNING, LESS THE WEST 60 FEET THEREOF FOR ROAD.

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

PANDA EXPRESS, HEREAFTER 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:

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/4); THENCE EAST 400 FEET; THENCE SOUTH 142.27 FEET; THENCE WEST 400 FEET; THENCE NORTH 142.27 FEET TO THE POINT OF BEGINNING, LESS THE WEST 60 FEET THEREOF FOR ROAD.

AND HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED, DEDICATED, ACCESS RIGHTS RESERVED, AS ONE (1) LOT, ONE (1) BLOCK IN THE CONFORMITY WITH THE ACCOMPANYING PLAT AND HAS DESIGNATED THE SUBDIVISION AS "PANDA EXPRESS", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA (REFERRED TO AS "SUBDIVISION").

SECTION I. EASEMENTS AND UTILITIES

A. GENERAL UTILITY EASEMENTS

THE OWNER/DEVELOPER DOES HEREBY 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 RELAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER/DEVELOPER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH SHALL BE BINDING ON THE LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF AN EASEMENT SHALL BE PLACED, ERRECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND 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 WITHIN THE PERIMETER EASEMENTS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE AND ELSEWHERE THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE EASEMENT WAYS.

2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT. PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL EASEMENT WAYS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

4. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON HIS LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.

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

C. WATER, SANITARY SEWER AND STORM SEWER SERVICES

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS LOCATED ON HIS LOT.

2. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER MAINS OR STORM SEWERS SHALL BE PROHIBITED.

3. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF PUBLIC WATER AND SEWER MAINS AND STORM SEWERS, BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF HIS LOT, HIS 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 THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. GAS SERVICE

1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OR AS PROVIDED FOR IN THIS CERTIFICATE OF DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.

2. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED IN THEIR LOT AND SHALL PREVENT THE ALTERATION, GRADE, OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE GAS SERVICE. THE SUPPLIER OF THE GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF THE SAID FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR ITS AGENTS OR CONTRACTORS.

3. 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 THE 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.

4. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH D SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

E. SURFACE AND UNDERGROUND DRAINAGE

1. EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM STREETS AND EASEMENTS FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE AND DISCHARGE OF STORM WATER RUNOFF FROM PROPERTIES WITHIN THE SUBDIVISION. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS ANY LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH E SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BIXBY, OKLAHOMA.

2. DRAINAGE FACILITIES OR OTHER IMPROVEMENTS CONSTRUCTED IN THE SUBDIVISION SHALL BE IN ACCORDANCE WITH THE ADOPTED STANDARDS OF THE CITY OF BIXBY, OKLAHOMA.

F. MAINTENANCE

1. OWNER'S MAINTENANCE RESPONSIBILITY. IT SHALL BE THE RESPONSIBILITY OF ALL OWNERS OF PROPERTY, WHETHER UNDEVELOPED, DEVELOPED, OR UNDERGOING DEVELOPMENT TO:

A. MOW AND PROVIDE MINOR MAINTENANCE OF DRAINAGE CHANNELS AND THEIR SLOPES FOR THAT PORTION OF THE CHANNEL LYING WITHIN THEIR PROPERTY LINE.

B. KEEP CLEAR ALL DRAINAGE CHANNELS WITHIN THE BOUNDARIES OF THEIR PROPERTIES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE.

C. CONTROL ALL STORM WATER RUNOFF AND DRAINAGE, EROSION AND SEDIMENTATION FROM POINTS AND SURFACES ON THE PROPERTY.

D. PREVENT ANY AND ALL DRAINAGE INTERFERENCES, OBSTRUCTIONS, BLOCKAGES, OR OTHER ADVERSE EFFECTS UPON DRAINAGE, INTO, THROUGH, OR OUT OF THE PROPERTY.

E. NOT TAKE ANY ACTION WHICH WILL ALTER OR OTHERWISE CHANGE DESIGNED AND INSTALLED STORM WATER MANAGEMENT CONTROL SYSTEMS AND NOT TAKE ANY ACTION ON EXISTING PROPERTY THAT SHALL ADVERSELY AFFECT STORMWATER RUNOFF IN ANY MANNER CONTRARY TO THE PROVISIONS OF THIS SECTION, WHETHER TEMPORARY, PERMANENT, OR A COMBINATION THEREOF.

2. THE CITY MAY REQUIRE IMPROVEMENTS, PROVISION OF DRAINAGE EASEMENTS, AND FOR PROVISION OF IMPROVEMENTS, AGREEMENTS, AND/OR EASEMENT BEYOND THE BOUNDARIES OF THE SUBDIVISION, DEVELOPMENT, OR PROPERTY IMPROVEMENT TO FACILITATE FLOW OF STORMWATER FROM OR THROUGH THE PROPERTY. TO AVOID DAMAGE FROM CHANGED RUNOFF CONDITIONS, TO PROVIDE CONTINUOUS IMPROVEMENT OF THE OVERALL STORM DRAINAGE SYSTEM, AND TO ACCOMMODATE ALL DRAINAGE CONDITIONS AND REQUIREMENTS. WHERE STORMWATER RUNOFF FLOWS REQUIRE THE LOGICAL EXTENSION OF ANY STREET OR ITS ASSOCIATED DRAINAGE IN ORDER TO PREVENT FLOODING, POOLING, PONDING, OR UNCONTROLLED RUNOFF, THE EXTENSION SHALL BE PROVIDED BY THE DEVELOPER.

3. DURING ALL CONSTRUCTION ACTIVITY AND ALL OTHER NON-CONSTRUCTION ACTIVITY DEVELOPERS, PROPERTY OWNERS AND CONTRACTORS SHALL BE REQUIRED TO KEEP STREETS, GUTTERS, INLETS, DRAINAGE PIPES, SWALES DITCHES, DRAINAGE CHANNEL, AND ALL DRAINAGE DEVICES AND STRUCTURES CLEAN AND FREE FROM DEBRIS, SEDIMENTATION, SOIL, AND ANY MATERIALS. ANY FAILURE TO MEET THIS REQUIREMENT SHALL, UPON NOTICE AND FAILURE TO IMMEDIATELY CORRECT THE NOTIFIED CONDITION, CONSTITUTE SUFFICIENT GROUNDS FOR STOPPING ALL WORK UNTIL CORRECTION IS COMPLETED.

4. DEVELOPERS, PROPERTY OWNERS, OR THEIR LEGAL AGENTS, UPON RECEIPT OF NOTICE BY THE CITY OF BIXBY THAT REPAIR OR MAINTENANCE IS REQUIRED WITHIN A CHANNEL LYING WITHIN THEIR PROPERTY, SHALL BE RESPONSIBLE FOR EFFECTING SUCH REPAIR OR MAINTENANCE WITHIN THE TIME SPECIFIED, OR THE CITY SHALL HAVE REPAIR AND MAINTENANCE PERFORMED AT THE EXPENSE OF THE PROPERTY OWNER.

G. OFF SITE DRAINAGE

EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM OFF-SITE PROPERTIES AND DRAINAGE AREA OF HIGHER ELEVATION AND FROM STREETS AND EASEMENTS FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE AND DISCHARGE OF STORM WATER RUNOFF FROM OFF-SITE PROPERTIES THROUGH THE SUBDIVISION. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS ANY LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH G SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BIXBY, OKLAHOMA.

H. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LOT 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 UTILITY 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.

I. LIMITS OF NO ACCESS

THE DECLARANTS DO HEREBY RELINQUISH RIGHTS OF VEHICULAR INGRESS OR EGRESS WITHIN ANY PORTION OF THE PROPERTY ADJACENT TO PUBLIC STREETS WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" ON THE ACCOMPANYING PLAT, WHICH "LIMITS OF NO ACCESS" MAY BE AMENDED OR RELEASED BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSOR, OR AS OTHERWISE PROVIDED BY THE LAWS AND STATUTES OF THE STATE OF OKLAHOMA PERTAINING THERETO.

J. MUTUAL ACCESS EASEMENTS

THE OWNER/DEVELOPER HEREBY GRANTS AND ESTABLISHES A PERPETUAL NON-EXCLUSIVE MUTUAL ACCESS EASEMENT FOR THE PURPOSES OF PERMITTING VEHICULAR AND PEDESTRIAN PASSAGE TO AND FROM THE LOT TO AND FROM PUBLIC STREETS ON, OVER AND ACROSS THE AREA WITHIN THE LOT DEPICTED ON THE ACCOMPANYING PLAT AS "MUTUAL ACCESS EASEMENT".

K. LANDSCAPE EASEMENT

THE OWNER DOES HEREBY ESTABLISH AND GRANT LANDSCAPE EASEMENTS OVER AND UPON THE AREAS DESIGNATED AS "LANDSCAPE EASEMENT" AND SHOWN ON THE ACCOMPANYING PLAT. THE LANDSCAPE EASEMENTS ARE FOR THE LIMITED PURPOSE OF CONSTRUCTING AND MAINTAINING PERIMETER LANDSCAPING INCLUDING LANDSCAPING, FENCES, WALLS, SPRINKLER SYSTEM AND UTILITIES AND FOR THE PURPOSES OF MAINTAINING AND REPAIR THEREOF, TOGETHER WITH THE RIGHT OF ACCESS OVER, ACROSS AND ALONG SUCH EASEMENTS AND OVER, ACROSS AND ALONG THE LOT IN " ", WHICH ABUT SUCH EASEMENTS. NO BUILDINGS OR PARKING SHALL BE PERMITTED WITHIN THE LANDSCAPE EASEMENTS.

L. DRAINAGE EASEMENT

1. DRAINAGE EASEMENTS WILL BE REQUIRED FOR ALL STORMWATER MANAGEMENT FACILITIES, NOT IN PUBLIC RIGHTS OF WAY; INCLUDING STORM SEWERS, CHANNELS, STORAGE AREAS AND OTHER HYDRAULIC STRUCTURES. DRAINAGE EASEMENTS NEED NOT BE EXCLUSIVE, BUT OTHER USES SHALL NOT RESTRICT THE DRAINAGE PURPOSES WITHIN THE EASEMENT.

2. THE EASEMENT DEDICATION SHOULD CLEARLY IDENTIFY THAT THE PURPOSE INCLUDES OPERATION AND MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES. WIDTHS AND SPECIFIC PURPOSES (I.E.: STORM SEWER, MAINTENANCE ACCESS, CHANNEL, ETC.) FOR DRAINAGE EASEMENTS SHALL BE SHOWN ON ALL PLATS.

3. FOR STORM SEWERS, THE WIDTHS OF THE EASEMENTS ARE DETERMINED BY THE SIZE OF THE SEWER AND EQUIPMENT NEEDED TO REMOVE, REPLACE OR REPAIR THE SEWER. FOR CHANNELS, STORAGE AREAS AND OTHER STRUCTURES, THE WIDTH OF THE EASEMENT IS GENERALLY DETERMINED BY THE SIZE OF THE FACILITY AND THE EQUIPMENT NEEDED FOR MAINTENANCE. TYPICALLY, THE EASEMENT WILL COVER THE ENTIRE FACILITY, PLUS 20 FEET FOR MAINTENANCE ACCESS.

4. THE OVERLAND FLOW PORTION OF THE COLLECTOR SYSTEM SHALL BE CONFINED TO DEDICATED RIGHTS-OF-WAY, OR RESTRICTED DRAINAGE EASEMENTS TO ASSURE THAT STORMWATER CAN PASS THROUGH THE DEVELOPMENT WITHOUT INUNDATING THE LOWEST LEVEL OF ANY BUILDING, DWELLING, OR STRUCTURE. RESTRICTED DRAINAGE EASEMENTS SHALL BE SHOWN ON THE PLAT. THE STORMWATER RUNOFF FROM NO MORE THAN 3 LOTS, OR 1/2 ACRE WHICHEVER IS LESS, SHALL BE ALLOWED ONTO ANOTHER LOT OR BETWEEN 2 LOTS. IF MORE LOTS OR AREA NEEDS TO BE DRAINED, THEN AN UNDERGROUND STORM SEWER SHALL BE REQUIRED.

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, PANDA EXPRESS HAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT (PUD) DESIGNATED AS PUD-67, SAID PUD-67 HAS NOT BEEN APPROVED BY THE BIXBY AREA PLANNING COMMISSION TO DATE.

WHEREAS, THE OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF ACHIEVING AN ORDERLY DEVELOPMENT OF THE PLANNED UNIT DEVELOPMENT FOR THE MUTUAL BENEFIT IF THE OWNER, THE OWNER'S GRANTEEES AND SUCCESSORS IN TITLE AND THE CITY OF BIXBY, OKLAHOMA; AND

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

KNOW, THEREFORE, THE OWNER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS GRANTEEES AND SUCCESSORS IN TITLE, AND THE CITY OF BIXBY, OKLAHOMA, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

DEVELOPMENT STANDARDS: LOT 1

PERMITTED USES: USES PERMITTED BY RIGHT IN THE COMMERCIAL SHOPPING CENTER DISTRICT OF THE CITY OF BIXBY. USE UNIT 17 AUTOMOTIVE AND ALLIED ACTIVITIES-AUTO WASH

OFF STREET PARKING: AS REQUIRED BY APPLICABLE USE UNIT BY BIXBY ZONING CODE. PARKING SPACES AND LOADING BERTHS ARE NOT APPLICABLE.

MAXIMUM BUILDING HEIGHT: 1 STORY / 25 FEET

MAXIMUM BUILDING FLOOR AREA RATIO: 0.5 IS THE MAXIMUM BUILDING FLOOR AREA RATIO.

SIGNAGE: SIGNS ARE SUBJECT TO THE USE CONDITIONS OF USE UNIT 21, BUSINESS SIGNS AND OUTDOOR ADVERTISING. SIGNS WILL BE LIMITED TO A 10' HIGH DIGITAL MESSAGE BOARD.

LANDSCAPING STANDARDS: AS REQUIRED BY THE BIXBY ZONING CODE. TREES WILL BE REQUIRED AT A RATIO OF 1 PER 1000 SQUARE FEET OF SETBACK AREA IN ACCORDANCE WITH THE ZONING CODE. THIS EQUATES TO 7 TREES PLANTED ALONG THE WEST SETBACK AREA AND 3 TREES PLANTED ALONG THE NORTH SETBACK AREA FOR A TOTAL OF 10 TREES.

LIGHTING STANDARDS: THERE WILL BE LIGHTS ON THE BUILDING AND LIGHTS TO ILLUMINATE THE VACUUM AREA. THE LIGHTS WILL BE ARRANGED AS TO DIRECT THE LIGHT AWAY FROM PROPERTIES WITHIN THE R DISTRICT.

PERIMETER REQUIREMENTS: TRASH RECEPTACLES LOCATIONS SHALL BE SCREENED BY A WOOD FENCE.



SECTION III. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. EASEMENTS AND COVENANTS 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. IF THE UNDERSIGNED OWNER/DEVELOPER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION I. IT SHALL BE LAWFUL FOR THE CITY OF BIXBY OR THE OWNER OF ANY LOT OR PARCEL WITHIN THE SUBDIVISION OR THE ASSOCIATION TO MAINTAIN ANY ACTION AT LAW IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM DOING SO OR TO COMPEL COMPLIANCE WITH THE COVENANT.

B. DURATION

THESE RESTRICTIONS AND COVENANTS, 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 (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

C. AMENDMENT

THE RESTRICTIONS AND COVENANTS CONTAINED WITHIN SECTION I. EASEMENTS AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE CITY OF BIXBY, OR ITS SUCCESSORS. 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 IN THE RECORDS OF THE CLERK OF TULSA COUNTY.

D. SEVERABILITY

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

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

BY: _____
NAME: _____

STATE OF OKLAHOMA)
) S.S.
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2013,

BY _____, AS _____ OF _____.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

CERTIFICATE OF SURVEY

I, A.B. WATSON, JR. OF CRAFTON TULL AND ASSOCIATES, 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 "PANDA EXPRESS", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND BY ME USING ACCEPTED SURVEYING PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

EXECUTED THIS ____ DAY OF _____, 2013.

A.B. WATSON, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR, OKLAHOMA NO. 1057
CRAFTON TULL & ASSOCIATES



STATE OF OKLAHOMA)
) S.S.
COUNTY OF TULSA)

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2013 BY A.B. WATSON, JR.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC



CERTIFICATE OF AUTHORIZATION
CA 973 (PEA) EXPIRES 6/30/2014



CRAFTON TULL
CELEBRATING
50 YEARS

INSTRUMENT NOTES

ALL EASEMENTS AND RIGHT-OF-WAY CONTAINED IN FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE, CASE NO. 08-8279, EFFECTIVE DATE AUGUST 18, 2008 AT 7:59 A.M. ARE SHOWN HEREON.

- 9 24.75' STATUTORY ROAD RIGHT-OF-WAY ALONG THE WEST SECTION LINE AS PROVIDED BY LAW.
- 10 WARRANTY DEED TO THE STATE OF OKLAHOMA, DATED OCTOBER 28, 1981, FILED NOVEMBER 18, 1981, AND FILED IN BOOK 4580 AT PAGE 1847.
- 11 RIGHT-OF-WAY AGREEMENT TO CANEY RIVER GAS COMPANY, DATED NOVEMBER 23, 1915, FILED NOVEMBER 24, 1915 IN BOOK 185 AT PAGE 212; PARTIALLY RELEASED BY RESTRICTION OF RIGHT-OF-WAY DATED FEBRUARY 29, 1979, FILED MARCH 6, 1979 IN BOOK 4385 AT PAGE 232

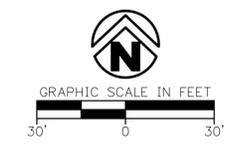
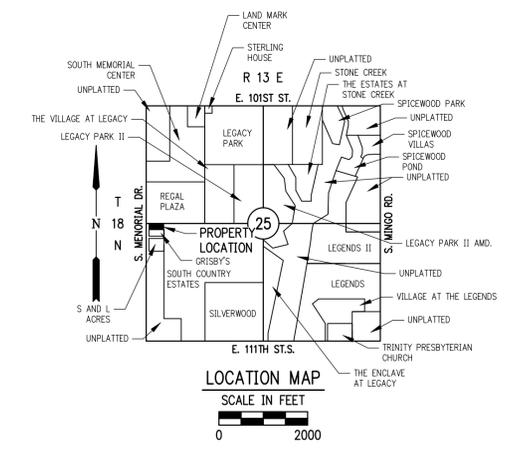
FINAL PLAT
CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE CITY OF BIXBY:
ON _____
BY _____
MAYOR - VICE MAYOR
THIS APPROVAL IS VOID IF THE ABOVE SIGNATURE IS NOT ENDORSED BY THE CITY MANAGER OR CITY CLERK.
BY _____
CITY MANAGER - CITY CLERK

CERTIFICATE
STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA
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 _____

FINAL PLAT
PANDA EXPRESS
A PART OF THE NW/4 OF THE SW/4 OF SECTION 25,
T-18-N, R-13-E, OF THE I.B.& M.,
CITY OF BIXBY, TULSA COUNTY,
STATE OF OKLAHOMA.

PUD NO. 67

SUBDIVISION HAS 1 LOT IN 1 BLOCK
AND CONTAINS 1.108 ACRES, MORE OR LESS.

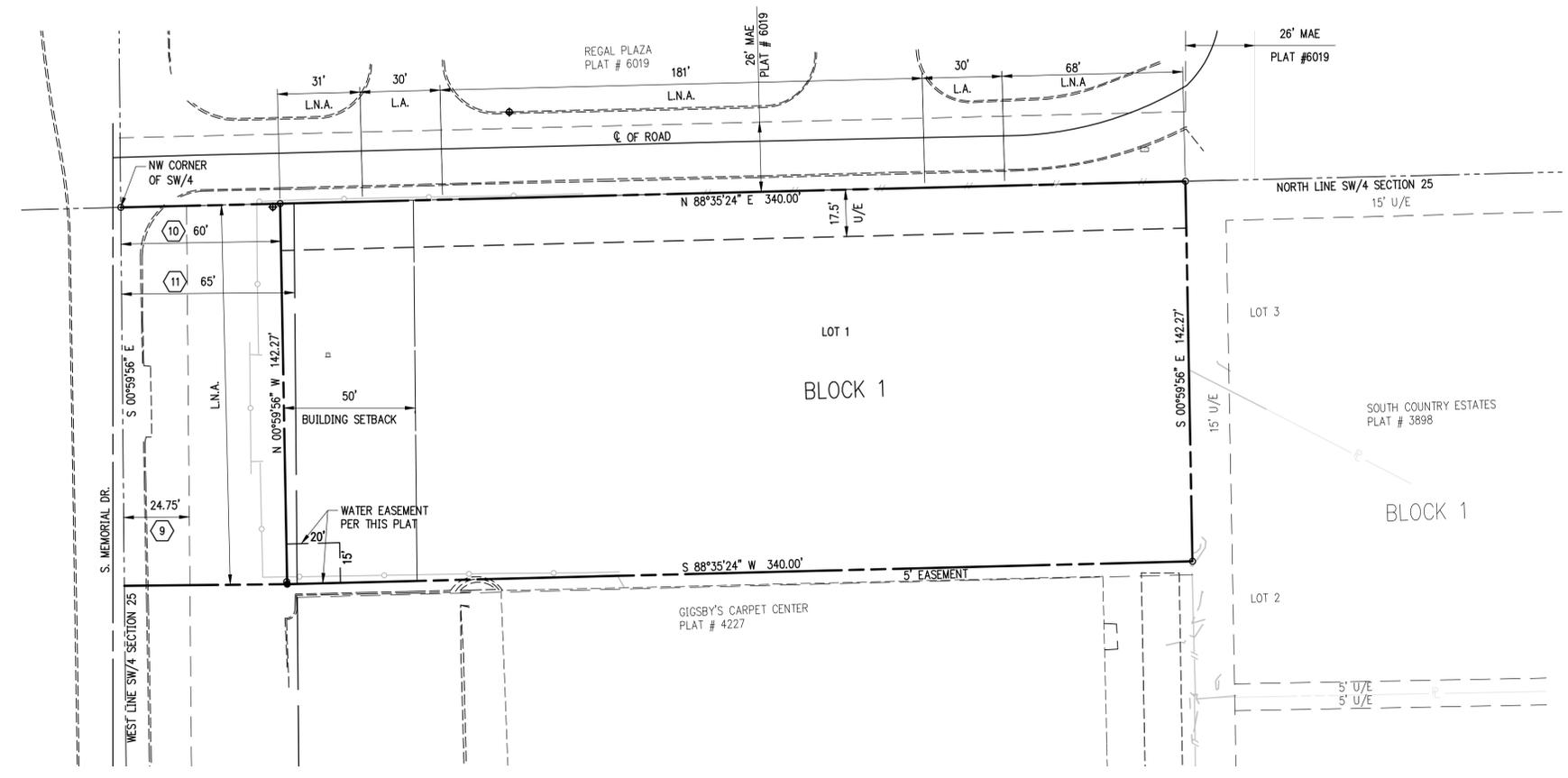


LEGEND

SYMBOLS
○ 3/8" IRON PIN W/ CAP "CA973" AT LOT CORNER

LINEWORK

- ==== CURB AND GUTTER
- EASEMENT LINE
- EXISTING EASEMENT
- SECTION LINE
- PROPERTY LINE
- EXISTING CENTER LINE OF ROAD
- MAE - MUTUAL ACCESS EASEMENT
- L.N.A. - LIMITS OF NO ACCESS



DESCRIPTION (DOC.# 2009015647)

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/4); THENCE EAST 400 FEET; THENCE SOUTH 142.27 FEET; THENCE WEST 400 FEET; THENCE NORTH 142.27 FEET TO THE POINT OF BEGINNING, LESS THE WEST 60 FEET THEREOF FOR ROAD.

FLOOD NOTE

FIRM PANEL NO. 40143C0369L DATED 10-16-2012 CLASSIFIES THE PROPERTY DESCRIBED HEREON AS ZONE X UNSHADED, AN AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN

VERTICAL DATUM

NAVD 1988: A.D.S. MONUMENT #30
5/8" REBAR - 1 1/2 IN. ALUMINUM
CAP-FLUSH-SET IN CONCRETE - STAMPED "30",
SET IN THE CENTER MEDIAN OF MEMORIAL DRIVE,
APPROXIMATELY 150' SOUTH OF
101st ST. ELEV. 717.74

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

PANDA EXPRESS, HEREAFTER 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:

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/4); THENCE EAST 400 FEET; THENCE SOUTH 142.27 FEET; THENCE WEST 400 FEET; THENCE NORTH 142.27 FEET TO THE POINT OF BEGINNING, LESS THE WEST 60 FEET THEREOF FOR ROAD.

AND HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED, DEDICATED, ACCESS RIGHTS RESERVED, AS ONE (1) LOT, ONE (1) BLOCK IN THE CONFORMITY WITH THE ACCOMPANYING PLAT AND HAS DESIGNATED THE SUBDIVISION AS "PANDA EXPRESS", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA (REFERRED TO AS "SUBDIVISION").

SECTION I. EASEMENTS AND UTILITIES

A. GENERAL UTILITY EASEMENTS

THE OWNER/DEVELOPER DOES HEREBY 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 RELAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER/DEVELOPER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH SHALL BE BINDING ON THE LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF AN EASEMENT SHALL BE PLACED, ERRECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND 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 WITHIN THE PERIMETER EASEMENTS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE AND ELSEWHERE THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE EASEMENT WAYS.

2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT. PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL EASEMENT WAYS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

4. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON HIS LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.

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

C. WATER, SANITARY SEWER AND STORM SEWER SERVICES

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS LOCATED ON HIS LOT.

2. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER MAINS OR STORM SEWERS SHALL BE PROHIBITED.

3. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF PUBLIC WATER AND SEWER MAINS AND STORM SEWERS, BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF HIS LOT, HIS 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 THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. GAS SERVICE

1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OR AS PROVIDED FOR IN THIS CERTIFICATE OF DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.

2. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED IN THEIR LOT AND SHALL PREVENT THE ALTERATION, GRADE, OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE GAS SERVICE. THE SUPPLIER OF THE GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF THE SAID FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR ITS AGENTS OR CONTRACTORS.

3. 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 THE 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.

4. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH D SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

E. SURFACE AND UNDERGROUND DRAINAGE

1. EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM STREETS AND EASEMENTS FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE AND DISCHARGE OF STORM WATER RUNOFF FROM PROPERTIES WITHIN THE SUBDIVISION. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS ANY LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH E SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BIXBY, OKLAHOMA.

2. DRAINAGE FACILITIES OR OTHER IMPROVEMENTS CONSTRUCTED IN THE SUBDIVISION SHALL BE IN ACCORDANCE WITH THE ADOPTED STANDARDS OF THE CITY OF BIXBY, OKLAHOMA.

F. MAINTENANCE

1. OWNER'S MAINTENANCE RESPONSIBILITY. IT SHALL BE THE RESPONSIBILITY OF ALL OWNERS OF PROPERTY, WHETHER UNDEVELOPED, DEVELOPED, OR UNDERGOING DEVELOPMENT TO:

A. MOW AND PROVIDE MINOR MAINTENANCE OF DRAINAGE CHANNELS AND THEIR SLOPES FOR THAT PORTION OF THE CHANNEL LYING WITHIN THEIR PROPERTY LINE.

B. KEEP CLEAR ALL DRAINAGE CHANNELS WITHIN THE BOUNDARIES OF THEIR PROPERTIES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE.

C. CONTROL ALL STORM WATER RUNOFF AND DRAINAGE, EROSION AND SEDIMENTATION FROM POINTS AND SURFACES ON THE PROPERTY.

D. PREVENT ANY AND ALL DRAINAGE INTERFERENCES, OBSTRUCTIONS, BLOCKAGES, OR OTHER ADVERSE EFFECTS UPON DRAINAGE, INTO, THROUGH, OR OUT OF THE PROPERTY.

E. NOT TAKE ANY ACTION WHICH WILL ALTER OR OTHERWISE CHANGE DESIGNED AND INSTALLED STORM WATER MANAGEMENT CONTROL SYSTEMS AND NOT TAKE ANY ACTION ON EXISTING PROPERTY THAT SHALL ADVERSELY AFFECT STORMWATER RUNOFF IN ANY MANNER CONTRARY TO THE PROVISIONS OF THIS SECTION, WHETHER TEMPORARY, PERMANENT, OR A COMBINATION THEREOF.

2. THE CITY MAY REQUIRE IMPROVEMENTS, PROVISION OF DRAINAGE EASEMENTS, AND FOR PROVISION OF IMPROVEMENTS, AGREEMENTS, AND/OR EASEMENT BEYOND THE BOUNDARIES OF THE SUBDIVISION, DEVELOPMENT, OR PROPERTY IMPROVEMENT TO FACILITATE FLOW OF STORMWATER FROM OR THROUGH THE PROPERTY. TO AVOID DAMAGE FROM CHANGED RUNOFF CONDITIONS, TO PROVIDE CONTINUOUS IMPROVEMENT OF THE OVERALL STORM DRAINAGE SYSTEM, AND TO ACCOMMODATE ALL DRAINAGE CONDITIONS AND REQUIREMENTS. WHERE STORMWATER RUNOFF FLOWS REQUIRE THE LOGICAL EXTENSION OF ANY STREET OR ITS ASSOCIATED DRAINAGE IN ORDER TO PREVENT FLOODING, POOLING, PONDING, OR UNCONTROLLED RUNOFF, THE EXTENSION SHALL BE PROVIDED BY THE DEVELOPER.

3. DURING ALL CONSTRUCTION ACTIVITY AND ALL OTHER NON-CONSTRUCTION ACTIVITY DEVELOPERS, PROPERTY OWNERS AND CONTRACTORS SHALL BE REQUIRED TO KEEP STREETS, GUTTERS, INLETS, DRAINAGE PIPES, SWALES DITCHES, DRAINAGE CHANNEL, AND ALL DRAINAGE DEVICES AND STRUCTURES CLEAN AND FREE FROM DEBRIS, SEDIMENTATION, SOIL, AND ANY MATERIALS. ANY FAILURE TO MEET THIS REQUIREMENT SHALL, UPON NOTICE AND FAILURE TO IMMEDIATELY CORRECT THE NOTIFIED CONDITION, CONSTITUTE SUFFICIENT GROUNDS FOR STOPPING ALL WORK UNTIL CORRECTION IS COMPLETED.

4. DEVELOPERS, PROPERTY OWNERS, OR THEIR LEGAL AGENTS, UPON RECEIPT OF NOTICE BY THE CITY OF BIXBY THAT REPAIR OR MAINTENANCE IS REQUIRED WITHIN A CHANNEL LYING WITHIN THEIR PROPERTY, SHALL BE RESPONSIBLE FOR EFFECTING SUCH REPAIR OR MAINTENANCE WITHIN THE TIME SPECIFIED, OR THE CITY SHALL HAVE REPAIR AND MAINTENANCE PERFORMED AT THE EXPENSE OF THE PROPERTY OWNER.

G. OFF SITE DRAINAGE

EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM OFF-SITE PROPERTIES AND DRAINAGE AREA OF HIGHER ELEVATION AND FROM STREETS AND EASEMENTS FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE AND DISCHARGE OF STORM WATER RUNOFF FROM OFF-SITE PROPERTIES THROUGH THE SUBDIVISION. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS ANY LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH G SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BIXBY, OKLAHOMA.

H. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LOT 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 UTILITY 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.

I. LIMITS OF NO ACCESS

THE DECLARANTS DO HEREBY RELINQUISH RIGHTS OF VEHICULAR INGRESS OR EGRESS WITHIN ANY PORTION OF THE PROPERTY ADJACENT TO PUBLIC STREETS WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" ON THE ACCOMPANYING PLAT, WHICH "LIMITS OF NO ACCESS" MAY BE AMENDED OR RELEASED BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSOR, OR AS OTHERWISE PROVIDED BY THE LAWS AND STATUTES OF THE STATE OF OKLAHOMA PERTAINING THERETO.

J. MUTUAL ACCESS EASEMENTS

THE OWNER/DEVELOPER HEREBY GRANTS AND ESTABLISHES A PERPETUAL NON-EXCLUSIVE MUTUAL ACCESS EASEMENT FOR THE PURPOSES OF PERMITTING VEHICULAR AND PEDESTRIAN PASSAGE TO AND FROM THE LOT TO AND FROM PUBLIC STREETS ON, OVER AND ACROSS THE AREA WITHIN THE LOT DEPICTED ON THE ACCOMPANYING PLAT AS "MUTUAL ACCESS EASEMENT".

K. LANDSCAPE EASEMENT

THE OWNER DOES HEREBY ESTABLISH AND GRANT LANDSCAPE EASEMENTS OVER AND UPON THE AREAS DESIGNATED AS "LANDSCAPE EASEMENT" AND SHOWN ON THE ACCOMPANYING PLAT. THE LANDSCAPE EASEMENTS ARE FOR THE LIMITED PURPOSE OF CONSTRUCTING AND MAINTAINING PERIMETER LANDSCAPING INCLUDING LANDSCAPING, FENCES, WALLS, SPRINKLER SYSTEM AND UTILITIES AND FOR THE PURPOSES OF MAINTAINING AND REPAIR THEREOF, TOGETHER WITH THE RIGHT OF ACCESS OVER, ACROSS AND ALONG SUCH EASEMENTS AND OVER, ACROSS AND ALONG THE LOT IN " ", WHICH ABUT SUCH EASEMENTS. NO BUILDINGS OR PARKING SHALL BE PERMITTED WITHIN THE LANDSCAPE EASEMENTS.

L. DRAINAGE EASEMENT

1. DRAINAGE EASEMENTS WILL BE REQUIRED FOR ALL STORMWATER MANAGEMENT FACILITIES, NOT IN PUBLIC RIGHTS OF WAY; INCLUDING STORM SEWERS, CHANNELS, STORAGE AREAS AND OTHER HYDRAULIC STRUCTURES. DRAINAGE EASEMENTS NEED NOT BE EXCLUSIVE, BUT OTHER USES SHALL NOT RESTRICT THE DRAINAGE PURPOSES WITHIN THE EASEMENT.

2. THE EASEMENT DEDICATION SHOULD CLEARLY IDENTIFY THAT THE PURPOSE INCLUDES OPERATION AND MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES. WIDTHS AND SPECIFIC PURPOSES (I.E.: STORM SEWER, MAINTENANCE ACCESS, CHANNEL, ETC.) FOR DRAINAGE EASEMENTS SHALL BE SHOWN ON ALL PLATS.

3. FOR STORM SEWERS, THE WIDTHS OF THE EASEMENTS ARE DETERMINED BY THE SIZE OF THE SEWER AND EQUIPMENT NEEDED TO REMOVE, REPLACE OR REPAIR THE SEWER, FOR CHANNELS, STORAGE AREAS AND OTHER STRUCTURES, THE WIDTH OF THE EASEMENT IS GENERALLY DETERMINED BY THE SIZE OF THE FACILITY AND THE EQUIPMENT NEEDED FOR MAINTENANCE. TYPICALLY, THE EASEMENT WILL COVER THE ENTIRE FACILITY, PLUS 20 FEET FOR MAINTENANCE ACCESS.

4. THE OVERLAND FLOW PORTION OF THE COLLECTOR SYSTEM SHALL BE CONFINED TO DEDICATED RIGHTS-OF-WAY, OR RESTRICTED DRAINAGE EASEMENTS TO ASSURE THAT STORMWATER CAN PASS THROUGH THE DEVELOPMENT WITHOUT INUNDATING THE LOWEST LEVEL OF ANY BUILDING, DWELLING, OR STRUCTURE. RESTRICTED DRAINAGE EASEMENTS SHALL BE SHOWN ON THE PLAT. THE STORMWATER RUNOFF FROM NO MORE THAN 3 LOTS, OR 1/2 ACRE WHICHEVER IS LESS, SHALL BE ALLOWED ONTO ANOTHER LOT OR BETWEEN 2 LOTS. IF MORE LOTS OR AREA NEEDS TO BE DRAINED, THEN AN UNDERGROUND STORM SEWER SHALL BE REQUIRED.

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, PANDA EXPRESS HAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT (PUD) DESIGNATED AS PUD-67, SAID PUD-67 HAS NOT BEEN APPROVED BY THE BIXBY AREA PLANNING COMMISSION TO DATE.

WHEREAS, THE OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF ACHIEVING AN ORDERLY DEVELOPMENT OF THE PLANNED UNIT DEVELOPMENT FOR THE MUTUAL BENEFIT IF THE OWNER, THE OWNER'S GRANTEEES AND SUCCESSORS IN TITLE AND THE CITY OF BIXBY, OKLAHOMA; AND

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

KNOW, THEREFORE, THE OWNER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS GRANTEEES AND SUCCESSORS IN TITLE, AND THE CITY OF BIXBY, OKLAHOMA, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

DEVELOPMENT STANDARDS: LOT 1

PERMITTED USES: USES PERMITTED BY RIGHT IN THE COMMERCIAL SHOPPING CENTER DISTRICT OF THE CITY OF BIXBY. USE UNIT 17 AUTOMOTIVE AND ALLIED ACTIVITIES-AUTO WASH

OFF STREET PARKING: AS REQUIRED BY APPLICABLE USE UNIT BY BIXBY ZONING CODE. PARKING SPACES AND LOADING BERTHS ARE NOT APPLICABLE.

MAXIMUM BUILDING HEIGHT: 1 STORY / 25 FEET

MAXIMUM BUILDING FLOOR AREA RATIO: 0.5 IS THE MAXIMUM BUILDING FLOOR AREA RATIO.

SIGNAGE: SIGNS ARE SUBJECT TO THE USE CONDITIONS OF USE UNIT 21, BUSINESS SIGNS AND OUTDOOR ADVERTISING. SIGNS WILL BE LIMITED TO A 10' HIGH DIGITAL MESSAGE BOARD.

LANDSCAPING STANDARDS: AS REQUIRED BY THE BIXBY ZONING CODE. TREES WILL BE REQUIRED AT A RATIO OF 1 PER 1000 SQUARE FEET OF SETBACK AREA IN ACCORDANCE WITH THE ZONING CODE. THIS EQUATES TO 7 TREES PLANTED ALONG THE WEST SETBACK AREA AND 3 TREES PLANTED ALONG THE NORTH SETBACK AREA FOR A TOTAL OF 10 TREES.

LIGHTING STANDARDS: THERE WILL BE LIGHTS ON THE BUILDING AND LIGHTS TO ILLUMINATE THE VACUUM AREA. THE LIGHTS WILL BE ARRANGED AS TO DIRECT THE LIGHT AWAY FROM PROPERTIES WITHIN THE R DISTRICT.

PERIMETER REQUIREMENTS: TRASH RECEPTACLES LOCATIONS SHALL BE SCREENED BY A WOOD FENCE.



SECTION III. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. EASEMENTS AND COVENANTS 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. IF THE UNDERSIGNED OWNER/DEVELOPER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION I. IT SHALL BE LAWFUL FOR THE CITY OF BIXBY OR THE OWNER OF ANY LOT OR PARCEL WITHIN THE SUBDIVISION OR THE ASSOCIATION TO MAINTAIN ANY ACTION AT LAW IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM DOING SO OR TO COMPEL COMPLIANCE WITH THE COVENANT.

B. DURATION

THESE RESTRICTIONS AND COVENANTS, 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 (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

C. AMENDMENT

THE RESTRICTIONS AND COVENANTS CONTAINED WITHIN SECTION I. EASEMENTS AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE CITY OF BIXBY, OR ITS SUCCESSORS. 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 IN THE RECORDS OF THE CLERK OF TULSA COUNTY.

D. SEVERABILITY

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

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

BY: _____
NAME: _____

STATE OF OKLAHOMA)
) S.S.
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2013,

BY _____, AS _____ OF _____.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

CERTIFICATE OF SURVEY

I, A.B. WATSON, JR. OF CRAFTON TULL AND ASSOCIATES, 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 "PANDA EXPRESS", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND BY ME USING ACCEPTED SURVEYING PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

EXECUTED THIS ____ DAY OF _____, 2013.

A.B. WATSON, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR, OKLAHOMA NO. 1057
CRAFTON TULL & ASSOCIATES



STATE OF OKLAHOMA)
) S.S.
COUNTY OF TULSA)

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2013 BY A.B. WATSON, JR.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC