

**AGENDA  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
October 21, 2013 6:00 PM**

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- ③ 1. Approval of Minutes for the September 30, 2013 Special Meeting

PUBLIC HEARINGS

- 44  
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22
2. **PUD 76 – Scenic Village Park – Major Amendment # 2.** Public Hearing, discussion, and consideration of Major Amendment # 2 to PUD 76 for approximately 70 acres located in the E/2 of Section 02, T17N, R13E, which amendment proposes making certain changes to land uses, making certain changes to development standards, and making certain other amendments.

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

3. **PUD 80 – “Wood Hollow Estates” – Sack & Associates, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 20 acres, the S/2 of Government Lot 4 (NW/4 NW/4) of Section 02, T17N, R13E.

Property Located: 12307 S. Sheridan Rd.

4. **BZ-367 – Sack & Associates, Inc.** Public Hearing, discussion, and consideration of a rezoning request from AG Agricultural District to RS-3 Residential Single-Family District for approximately 20 acres, the S/2 of Government Lot 4 (NW/4 NW/4) of Section 02, T17N, R13E.

Property Located: 12307 S. Sheridan Rd.

PLATS

- 75  
5. **Preliminary Plat – “Wood Hollow Estates” – Sack & Associates, Inc.** Discussion and consideration of a Preliminary Plat for “Wood Hollow Estates” for approximately 20 acres, the S/2 of Government Lot 4 (NW/4 NW/4) of Section 02, T17N, R13E.

Property Located: 12307 S. Sheridan Rd.

OTHER BUSINESS

6. **BSP 2013-05 – “Woodcreek Office Park” – Sack & Associates, Inc. (PUD 47-C).**

Discussion and consideration of a PUD Detailed Site Plan and building plans for “Woodcreek Office Park,” a Use Unit 11 office development for approximately 1.1694 acres consisting All of Lot 1, Block 3, *Woodcreek Office Park*.

Property Located: 7500-block of 111<sup>th</sup> St. S.

94

7. **PUD 67 – SourceOne Carwash Company – Minor Amendment # 1.** Discussion and possible action to approve a Minor Amendment to PUD 67 to increase the maximum ground sign height allowance and make certain other amendments.

Property located: Part of the NW/4 SW/4 of Section 25, T18N, R13E; Lot 1, Block 1, *Panda Express*; 10535 S. Memorial Dr.

111

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyart

Date: 10/01/2013

Time: 2:15 PM

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
September 30, 2013 6:00 PM**

***SPECIAL-CALLED MEETING***

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

**STAFF PRESENT:**

Erik Enyart, AICP, City Planner

**OTHERS ATTENDING:**

See attached Sign-In Sheet

**CALL TO ORDER:**

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

**ROLL CALL:**

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

Members Absent: None.

**CONSENT AGENDA:**

1. Approval of Minutes for the August 19, 2013 Regular Meeting

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Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the August 19, 2013 Regular Meeting as presented by Staff. John Benjamin SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Holland, Whisman, Baldwin, Benjamin, and Whiteley  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 5:0:0

2. Approval of Minutes for the September 16, 2013 Regular Meeting (Record of No Meeting)

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Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. John Benjamin made a MOTION to APPROVE the Minutes of the September 16, 2013 Regular Meeting (Record of No Meeting) as presented by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whisman, Baldwin, Benjamin, and Whiteley  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 5:0:0

PUBLIC HEARINGS

3. **PUD 76 – Scenic Village Park – Major Amendment # 1.** Discussion and possible action to approve Major Amendment # 1 to PUD 76 for approximately 70 acres located in the E/2 of Section 02, T17N, R13E, which amendment proposes modifying development area boundaries, making certain changes to land uses, making certain changes to development standards, adjusting the alignment of the collector road system, and making certain other amendments.

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

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Chair Thomas Holland introduced the item 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, September 11, 2013  
**RE:** Report and Recommendations for:  
PUD 76 – Scenic Village Park – Major Amendment # 1

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LOCATION: – West of the west dead-end of 126<sup>th</sup> St. S. west of Memorial Dr.  
– South and west of the intersection of 121<sup>st</sup> St. S. and Memorial Dr.  
– Part of the E/2 of Section 02, T17N, R13E

SIZE: 70 acres, more or less

EXISTING ZONING: CG General Commercial District & PUD 76

EXISTING USE: Agricultural

REQUEST: Major Amendment to PUD 76, which amendment proposes modifying development area boundaries, making certain changes to land uses, making certain changes to development standards, adjusting the alignment of the collector road system, and making certain other amendments

SURROUNDING ZONING AND LAND USE:

North: CG/PUD 76, RS-3, RS-1, AG, & OL/CS/PUD 51; The agricultural 22 acres of development property platted as Scenic Village Park, and (Across 121<sup>st</sup> St. S.) the Fox Hollow and North Heights Addition residential subdivisions; the Fry Creek Ditch # 2 and the North Elementary and North 5<sup>th</sup> & 6<sup>th</sup> 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; to the northeast is 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. 121<sup>st</sup> St. S., the Seven Lakes I and Seven Lakes II residential subdivisions, and additional vacant land zoned RS-4 for a future "Seven Lakes" phase or phases.

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

PREVIOUS/RELATED CASES:

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

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

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

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

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

PUD 76 "Scenic Village Park" & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 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.

Final Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres of the parent tract subject property of 92 acres – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

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

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

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

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

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

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

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

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

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

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

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

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the east of subject property – PC recommended Conditional Approval 07/19/2010 and City Council Conditionally Approved 07/26/2010.

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

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

#### BACKGROUND INFORMATION:

##### ANALYSIS:

Subject Property Conditions. The subject property of approximately 70 acres is relatively flat and appears to drain, if only slightly, to the south and west. A northerly approximately 22-acre portion of the parent tract of 92 acres was separated from the subject property by the plat of Scenic Village Park, recorded June 20, 2013. The development will be planned to drain to the south and west to the Fry Creek Ditch # 2 and # 1, respectively, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned AG (CG and PUD 76 is requested) and may or may not be presently used for agricultural crops.

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

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

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

The Matrix does not indicate whether or not the requested CG zoning would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Thus, the current CG zoning is consistent with the Comprehensive Plan.

Per the Matrix, PUDs (as a zoning district) are In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map, and thus PUD 76 is In Accordance with the Comprehensive Plan as a zoning district.

Due to the relatively limited scope of proposed changes, the proposed PUD 76 Major Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

General. The Applicant is requesting a Major Amendment to an approved PUD, to modify development area boundaries, make certain changes to land uses, make certain changes to development standards, adjust the alignment of the collector road system, and make certain other amendments. The same are described in greater detail in the text as follows:

"PUD 76 Major Amendment #1 (this application) proposes to modify certain development areas in size and by adding both residential single-family detached and residential attached uses to certain areas. The alignment of South 74<sup>th</sup> East Avenue has been slightly altered in order to accommodate the single-family uses. The additional uses proposed in the major amendment are uses allowed by the underlying zoning and consistent with the Bixby Comprehensive Plan."

PUD 76 has eight (8) Development Areas, identified by letters A through H, inclusive. In sum, this Major Amendment # 1 would:

1. Combine Development Areas C and D, and redesignate by name,
2. Remove the multifamily (up to 4 units) use option and standards from DA C, remove the commercial uses and development standards from DA D, and replace both with development standards for single-family homes, including minimum lot width (65') and lot size (6,900 square feet) standards, and
3. Truncate the southerly part of DA F to correspond to the common line separating DAs B and C (8.696 acres gross → 5.976 acres)
4. Redesignate DA F,
5. Annex the DA-F-truncated area to the DAs G/H area,
6. Redivide the DAs G/H area on a north/south axis into roughly equal areas,
7. Redesignate DA G,
8. Redesignate DA H,
9. Shift the 74<sup>th</sup> E. Ave. portion of the 74<sup>th</sup> E. Ave. / 126<sup>th</sup> St. S. collector road easterly, to accommodate more room for the single-family detached residential area west of the collector road system,
10. Realign DA boundaries based on the realigned collector street system,
11. Change permitted land uses in DA G (mis-labeled DA "F" vis-à-vis as represented on Exhibit C) from those allowed by right in OM to detached or attached single-family and duplexes, etc., and replace OM development standards with such as consistent with the new residential uses, including minimum lot width (50') and lot size (5,000 square feet) standards.

The proposal to redesignate DA names is problematic, as it would create duplication and ambiguity. For example, Development Area E already exists, and would be duplicated under this plan. Development Area E is also included in the recorded plat of Scenic Village Park, and is described in the PUD Restrictive Covenants of same. To avoid ambiguity, Staff recommends the DAs retain their existing names, with this Major Amendment merely describing how they will be reconfigured in response to the

collector road system realignment, and in order to reorient the development toward more residential use. The Development Standards may combine DAs C and D into one section and provide development standards for same, just as they are written in the current draft.

Because the amendment proposes to approve residential land uses, which requires a Special Exception in a CG district, in DAs which were not approved for same in the original PUD, and as the overall changes constitute a significant departure from the original plan as approved by the City Council, it must take the form of a Major Amendment, rather than a Minor Amendment. Since the PUD Major Amendment removes all multifamily use allowance from the PUD (previously permitted up to a 'fourplex' in DA C), and as the assisted living community in DA B is excluded from this application, the Public Notice did not have to be mailed to a ¼ mile radius, and was instead mailed to the standard 300' radius.

The proposed residential densities/intensities are consistent with the PUD provisions of the Zoning Code, which would allow for significantly more lots than are proposed in this 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.

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held September 04, 2013. Minutes of that meeting are attached to this report.

Access & Circulation. Consistent with the original PUD 76 as approved, primary access to the PUD development would be via a proposed collector street connecting 121<sup>st</sup> St. S. to Memorial Dr. via the existing 126<sup>th</sup> 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 126<sup>th</sup> 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 126<sup>th</sup> 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 121<sup>st</sup> St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121<sup>st</sup> St. S. was widened. It will be known as 74<sup>th</sup> 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 73<sup>rd</sup> E. Ave., which serves Fox Hollow and the North Heights Addition. It will continue south of 121<sup>st</sup> St. S. with the 73<sup>rd</sup> 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 73<sup>rd</sup> E. Ave. and primarily serving the assisted living facility, should be afforded flexibility to reduce the minimum required widths.

As mentioned above, this PUD Major Amendment # 1 proposes to shift the 74<sup>th</sup> E. Ave. portion of the 74<sup>th</sup> E. Ave. / 126<sup>th</sup> St. S. collector road easterly, to accommodate more room for the single-family detached residential area west of the collector road system. Otherwise, no significant changes to access and circulation patterns are proposed, except to the extent necessary to allow conventional housing addition(s) to be developed in certain areas. These subdivisions will all tie into the realigned collector street system.

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

To the north is the agricultural 22 acres of development property platted as Scenic Village Park zoned CG with PUD 76 and, across 121<sup>st</sup> St. S., the Fox Hollow and North Heights Addition residential subdivisions are zoned RS-3 and RS-1, respectively, the Fry Creek Ditch # 2 to the northwest is zoned AG, and an 11-acre agricultural/vacant tract to the northeast is zoned OL/CS/PUD 51.

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

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

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

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

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

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

In a trend accelerating since the street widening, the 121<sup>st</sup> St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The land to the northwest is the Bixby North Elementary school on a 23-acre campus, and next to that is the Bixby North 5<sup>th</sup> and 6<sup>th</sup> Grade Center on a 10-acre campus and the LifeChurch 4.4-acre facility. The Three Oaks Smoke Shop is located on a 2-acre tract approximately 1,100 feet from the subject property on the south side of the street, and all of the balance of the land to the west along the south side of 121<sup>st</sup> St. S. has been zoned CS with PUD 53 and platted in WoodMere for commercial use and office buildings. The 11-acre tract to the northeast was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre Bixby Centennial Plaza is just beyond that to the east, and was approved for CS zoning, in 2001, and for commercial development by the plat of Bixby Centennial Plaza in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121<sup>st</sup> St. S. (possibly previously addressed 7600 E. 121<sup>st</sup> St. S.), to the northeast of the subject property, was rezoned to CS in March of 2012.

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

The amendments to PUD 76 contemplated by this application would serve to reduce the likely land use and development density/intensity, and such changes would not be inconsistent with surrounding Zoning and land use patterns or the character of PUD 76 as originally approved.

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.

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. Please restore DA names to avoid duplication and ambiguity as recommended hereinabove. Please remember to correct throughout document, including Table of Contents.
3. Table of Contents: L. City Department Requirements falls on page 11.
4. Table of Contents: V. Legal Description Exhibit H does not fall on page 12, and is not Exhibit I.
5. Section I Development Concept: Please add language pertaining to scope that specifies that no changes are made to PUD 76 except as specifically amended in this document. This will ensure no ambiguity that the omitted text under Development Concept, the omitted DAs, etc. are not superseded but remain in effect except as specifically modified.
6. The Other Bulk & Area Requirements of the Development Standards for DA G ("F" in the Text in error) should be changed from "As required within the applicable use unit" to: Detached SF: RS-3; Duplex Dwellings: RD; Townhouse Dwellings: RT, or something similar, as bulk and area standards are provided by Zoning Districts, not Use Units.
7. Discuss retaining the flexibility to allow commercial use in DA G, by adding alternative standards to the Development Standards therefor.
8. DA H (DA "F" on Exhibit C and DA "G" in Text) conflict in terms of gross area. Please reconcile.
9. Section I pertaining to transfer of [density/intensity]: Please retitle "Transfer of Density/Intensity" or otherwise as appropriate, to reflect the broader scope including transfer of residential density/intensity, which is not measured in floor area. Secondly, please remove the "(previous Development Area H)" as per other recommendations in this report.
10. Exhibit B – "PUD NO. 76-A" is not defined in this document. It would appear acceptable to remove this line; otherwise, please discuss how best to clarify. If desired, this can be retitled "PUD 76-A" and the approving ordinance can direct that the official Zoning Map be designated "PUD 76-A." In that case, this needs to be specified in the PUD Text, and consistency in nomenclature must be achieved throughout the amendment document.

11. *Exhibit F title does not match between exhibit and Table of Contents.*
12. *For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.*
13. *In satisfaction of the City Council's approval conditions of both the Preliminary Plat and Final Plat, copies of the Preliminary Plat of Scenic Village Park, 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").*
14. *A corrected PUD Major Amendment package, incorporating all of the corrections, modifications, and Conditions of Approval, shall be submitted as follows: 2 hard copies and 1 electronic copy (PDF preferred).*

In response to a question regarding the difference between commercial and residential use, Erik Enyart noted that this amendment would be considered a reduction in development intensity. Mr. Enyart stated that the City of Bixby would like to see retail commercial use, and so he had recommended the Applicant discuss including a parallel set of land use options, both commercial and residential, along with their related development standards. Mr. Enyart noted that the City would normally want to see the highest and best use of the land, which would normally be commercial as compared to single-family residential. Mr. Enyart stated that, for the same reasons as Staff supported the original PUD, Staff believed the amendments proposed here were consistent with the Comprehensive Plan and surrounding zoning and land use patterns. Mr. Enyart recommended Approval with the corrections, modifications, and Conditions of Approval as listed in the Staff Report.<sup>1</sup>

Erik Enyart noted that he had received an application for Major Amendment # 2 to PUD 76, which proposed certain changes to land uses and development standards, and would be heard by the Planning Commission at its October regular meeting.

In response to a question from Lance Whisman, Applicant Ricky Jones stated that Major Amendment # 2 would propose multifamily residential land use but would affect only Development Areas G and H, and that the [single-family Development Areas C and D] would remain the same [as proposed with Major Amendment # 1]. Mr. Jones noted that the Planning Commission had [recommended approval] of the multifamily use element [with the original PUD 76], but the City Council opted not to allow multifamily in the PUD. Mr. Jones stated that the owner went forward with the assisted living center and platted that property, which was needed quickly, as the buyer was going to walk away from the contract otherwise. Mr. Jones noted that the ministorage [use in Development Area D] would be going to single-family residential, which should make the residents in Seven Lakes happy. Mr. Jones noted that the Development Area G boundary was moved up, and that all the changes still left 65 acres of potential commercial area. Mr. Jones noted that there was a

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<sup>1</sup> Erik Enyart had clarified with Ricky Jones, prior to the meeting, that he was agreeable to all of the Staff recommendations. Mr. Jones had stated that he had, with him at the meeting, hard copies of the PUD amendment incorporating the recommended changes, which he would provide, presuming the Planning Commission made those recommendations.

possible commercial development for Development Area H that may encroach into Development Area G, and appropriate adjustments would be made.

Chair Thomas Holland asked Erik Enyart about the 50' lot width standard. Erik Enyart clarified that "That would be new with this amendment." Ricky Jones stated that this area would be planned for patio homes, as it would back up to commercial. Mr. Jones stated that it would be a small, gated community, an "enclave neighborhood."

(Throughout the discussion of this item, discussion ensued regarding the location of the different Development Areas, which had been reconfigured and renamed, but were to be restored as to names as recommended by Staff to avoid duplication and ambiguity. Throughout the discussion of this item, also, discussion ensued regarding concern over duplex use in Development Areas C and D, as compared to the fourplex multifamily use allowed in Development Area C originally, the differences between attached and detached single-family, townhomes, duplexes, and fourplex apartments, the total number of dwelling units that could mathematically fit into the combined Development Area C and D using the applicable parameters, and the 50' lot widths proposed in Development Area G. The following paragraphs have been paraphrased more loosely than usual, and their order may have been adjusted, in an effort to promote clarity and logical progression, rather than strict chronological order).

Chair Thomas Holland noted that the City had approved a Waiver of the collector street width, and asked Erik Enyart, are you "okay with reducing, to 3[8]', the street?" Mr. Enyart responded that, "Conceptually, there would be less traffic with this amendment as compared to commercial, so it would be justified now if not [when the Waiver was granted]."

It was noted that part of the area going to single-family residential [Development Area D] was to be ministorage [and trade center] use, and Chair Thomas Holland and Lance Whisman expressed to Ricky Jones that ministorage use would not in fact generate less traffic [than the single-family development which would replace it].

Discussion ensued.

Lance Whisman and Ricky Jones discussed the proposed 170 maximum dwelling unit standard in Development Areas C and D, as it would be affected by the allowed duplex use. Mr. Whisman stated that he counted approximately 130 lots shown on the conceptual site plan. Mr. Jones noted that there were 133 shown, and that, while not planned, his client would like to maintain the flexibility to have a small number of duplexes here. Mr. Jones noted that the development intensity, even with duplexes, would be limited by the 170 dwelling unit maximum.

Chair Thomas Holland recognized Jay Mauldin of 7341 E. 119<sup>th</sup> Pl. S. from the Sign-In Sheet. Mr. Mauldin indicated he had no objection to the changes proposed with Major Amendment # 1, but did have concerns over Major Amendment # 2. Mr. Mauldin stated that he understood that # 2 was not on the agenda for discussion, but he believed it was germane as regards the volume of traffic on the collector system. Mr. Holland and Mr. Mauldin discussed the relevancy and appropriateness of discussing Major Amendment # 2, which was not on the agenda for discussion, and Mr. Holland allowed Mr. Mauldin to discuss traffic issues only. Mr. Mauldin expressed concern over traffic, if

the City would allow multifamily use within the PUD, as it was not permitted originally. Mr. Mauldin noted that a Commercial Collector street would have to have 42' feet of paving in an 80'-wide right-of-way per City Standards, but the City allowed a 38'-wide roadway in a 60'-wide collector right-of-way by Waiver. Mr. Mauldin expressed concern over the adequacy of the street.

After Jay Mauldin concluded speaking, Erik Enyart addressed Chair Thomas Holland and asked to respond to Mr. Mauldin's comments. Mr. Holland indicated agreement. Mr. Enyart stated that he had two (2) comments: First, that he did not believe it appropriate to speculate on Major Amendment # 2, which he himself had not even had a chance to review yet, and secondly, when it comes to the level of service, there was a law of diminishing returns when the roadways get too narrow or too wide, but in cases like this, a narrower street, with [reduced] miles-per-hour speeds, can actually be safer compared to wider ones, which can encourage higher speeds on the collector streets and be more dangerous.

Chair Thomas Holland expressed concern over the 50' minimum lot widths [proposed in Development Area G]. Mr. Holland noted that there were several new developments in Bixby that would have these 50'-wide lots, and expressed concern over precedent. Ricky Jones stated that, from a zoning standpoint, buffer uses are typically planned between single-family and commercial areas, which are usually multifamily and office. Mr. Jones stated that, in this case, multifamily was not allowed, and there was no market for office use here, so his client proposed the smaller lots for patio homes. Mr. Jones stated that these would not be starter homes due to the land values here. Mr. Jones contrasted this property with a 40-acre tract somewhere in the "hinterlands." Mr. Jones stated that his clients originally wanted to do single-family residential, but were steered [by the City] to go commercial, and when the multifamily was disallowed, his clients wanted to return to single-family. Mr. Jones noted that, since then, his clients were steered back once again. Mr. Jones stated that his clients had to hurry up and plat [*Scenic Village Park*] for the assisted living center. Mr. Jones stated that the patio homes may be attached, such as in the Spicewood projects, which his firm had also designed. Mr. Jones noted that one Spicewood development was at 101<sup>st</sup> St. S. and Mingo Rd. [in Bixby], and the other Spicewood was at the Cedar Ridge Country Club in Broken Arrow, and had homes in the range of \$225,000 to \$275,000.

After discussion regarding concern over duplex use in Development Areas C and D, Ricky Jones stated, "I could go to 150 [maximum dwelling units in Development Areas C and D]."

After discussion regarding concern over the 50' lot width standard in Development Area G, Ricky Jones suggested that the Commission could require that lots with 50' minimum widths be restricted to attached single-family. Mr. Jones noted that, when using the attached format, the houses would be 50' wide, which would be the same 50' as in a detached format with 60'-wide lots and 5' setbacks on both sides.

Larry Whiteley clarified with Ricky Jones that there were different Building Code standards for attached homes versus detached homes, as concerned fire walls and other matters.

After further discussion, Chair Thomas Holland asked to entertain a Motion. Erik Enyart addressed Mr. Holland and asked to be able to clarify with Ricky Jones his statements for purposes of clarifying the Motion. Mr. Holland indicated agreement. Mr. Enyart addressed Mr. Jones and

asked if he had not heard correctly that Mr. Jones had amended his application twice: the first to reduce the maximum number of dwelling units in Development Areas C and D to 150, and the second to require an attached single-family format when allowing 50'-wide lots in Development Area G. Mr. Jones stated that, actually, he had not amended his application, but offered these items to the Planning Commission in case they [wanted to use them as recommendations for conditions of approval].

Erik Enyart noted that Ricky Jones had stated that the lots would be allowed as small as 50' in lot width if using the attached single-family format, but stated that this [concept] was silent on what it should be if otherwise. Mr. Enyart asked Mr. Jones what he would suggest for this case. Mr. Jones stated that a 60'-wide lot standard would seem appropriate to him, to act as a buffer between the different intensities, and to allow his client to have different housing products for different markets on either side of the street, and as he would be able to work with the 60' format when designing.

Upon clarification with Erik Enyart and the other Commissioners, John Benjamin made a MOTION to RECOMMEND APPROVAL of PUD 76 Major Amendment # 1 subject to requiring a 60' minimum lot width for residential lots in Development Area G if unattached, and subject to the Staff recommendations. Mr. Benjamin clarified with Larry Whiteley that his Motion did not include the suggestion to restrict dwelling units in Development Area C and D to 150, as "the lot width will dictate that." Erik Enyart clarified the Motion as follows:

"MOTION to RECOMMEND APPROVAL of PUD 76 Major Amendment # 1 subject to requiring a 60' minimum lot width for residential lots in Development Area G if unattached, and subject to the Staff recommendations."

Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whisman, Baldwin, Benjamin, and Whiteley  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 5:0:0

4. **PUD 62 – Hawkeye – Minor Amendment # 1.** Discussion and possible action to approve Minor Amendment # 1 to PUD 62 for property located in the W/2 SE/4 of Section 15, T17N, R13E, which amendment proposes to provide for a cul-de-sac street design for Kingston Ave., provide certain requirements pertaining thereto, and make certain other amendments.

Property located: Northwest corner of the intersection of 151<sup>st</sup> St. S. and Kingston Ave.

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

*To: Bixby Planning Commission*  
*From: Erik Enyart, AICP, City Planner*  
*Date: Thursday, September 12, 2013*  
*RE: Report and Recommendations for:*

PUD 62 – Hawkeye – Minor Amendment # 1

LOCATION: – Northwest corner of the intersection of 151<sup>st</sup> 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/Agricultural

REQUEST: Minor Amendment to PUD 62, which amendment proposes to provide for a cul-de-sac street design for Kingston Ave., provide certain requirements pertaining thereto, 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 151<sup>st</sup> 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 151<sup>st</sup> 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 approval for subject property, which amendment proposed to increase the maximum number of residential lots, reduce setbacks, and make certain other amendments – PC Recommended Conditional Approval, with recommendations pertaining to trails, on 06/17/2013 and City Council Approved sans action on trails recommendation 06/24/2013 (Ord. # 2122).

Preliminary Plat for The Trails at White Hawk – Tulsa Engineering & Planning Associates, Inc. (PUD 62) – Request for Preliminary Plat approval for subject property – PC Recommended Conditional Approval 07/17/2013 and City Council Conditionally Approved 07/22/2013.

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. 151<sup>st</sup> St. S. – PC Approved 12/06/1989.

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. 151<sup>st</sup> 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. 151<sup>st</sup> 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. 151<sup>st</sup> 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. 151<sup>st</sup> 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. 151<sup>st</sup> 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. 151<sup>st</sup> 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 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 and General sections 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 the development plans do not propose trail construction through the subject property. However, the Preliminary Plat Deed of Dedication and Restrictive Covenants (DoD/RCS) provided that the Reserve Areas may be used for "passive and active open space" uses, such as "...recreation, ...sidewalks, and ingress and egress."

The Bixby Comprehensive Plan shows a trail connecting Bixby Creek to the Arkansas River through Conrad Farms, various tracts along Sheridan Rd. and 151<sup>st</sup> St. S. and the City of Bixby's cemetery expansion acreage, the subject property and The Ridge at South County, certain other tracts along 141<sup>st</sup> 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.

Due to the relatively limited scope of proposed changes, the proposed PUD 62 Minor 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 151<sup>st</sup> 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 151<sup>st</sup> St. S. zoned CS and AG are all located to the west and zoned, variously, RS-3, RM-2, CS, and AG.

The Kingston Ave.-related 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 151<sup>st</sup> 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 turnaround will be constructed toward the north end of Kingston Ave. to improve accessibility. The commercial Development Area B would have access via the said collector street connection to 151<sup>st</sup> St. S., and may also extend a singular access drive connection to 151<sup>st</sup> St. S. toward the center of the frontage, which was previously shown on the Conceptual Development Plan for the original PUD 62. Commercial connections to Kingston Ave. are not recommended by Staff at this time, and the 25'-wide right-of-way dedication would only support a low intensity residential level of service on Kingston Ave. The Preliminary Plat has Limits of No Access (LNA) along the 151<sup>st</sup> 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 151<sup>st</sup> 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 Development Area B / Lot 1, Block 9 will primarily use the driveway connection onto 151<sup>st</sup> 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 would (and did) 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,
- (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, should 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, and
- (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).

See the General section of this report for access considerations addressed by this Minor Amendment.

As described above, no trails are indicated as proposed in the "Trails at Whitehawk" development at this time.

General. The Applicant is requesting a Minor Amendment to an approved PUD, to provide for a cul-de-sac street design for Kingston Ave., provide certain requirements pertaining thereto, and make certain other amendments.

This Minor Amendment would resolve two (2) outstanding issues. Firstly, the Applicant has previously provided, to the Planning Commission and City Council, certain site plan drawings representing a cul-de-sac turnaround street design toward the north end of Kingston Ave., but these were not approved or used in the final PUD Major Amendment # 1. An ultimate cul-de-sac design has been described by Staff in previous Staff

Reports pertaining to the Major Amendment and Preliminary Plat. This Minor Amendment would clarify and specify that this improvement will be required to be constructed, and at the time the commercial lot, or any part of it, is developed. This arrangement is described in the text as follows:

"... The owner of Development Area B shall construct a cul-de-sac in the area as represented on the attached Exhibit A to the standards in place for the City of Bixby at the time Development Area B is developed, or any part thereof."

Secondly, at the time of Preliminary Plat approval, Staff and the Planning Commission recommended, and the City Council approved as a Condition of Approval: "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."

Per survey data, the Kingston Ave. roadway paving falls within the subject property about, or an average of roughly 2'. South of the PSO easement, there will be a 25'-wide right-of-way dedication from the subject property. North of the AEP-PSO easement, however, there was concern that fences could be constructed along the property line, with the paving cut off and disposed. At a meeting with City Staff held August 09, 2013, City Staff and the Applicant's design professionals agreed to allow the fenceline and two 2' of paving to be removed, with another 2' to allow for incidental drainage between the new edge of the paving and any future fences, provided the 4' was compensated for by paving along the east side of the roadway, where it would fall within the 25' of dedicated public right-of-way.

This second issue is not described in the Minor Amendment, as it is an engineering design and review function of the subdivision development process. It will be addressed at the time the Final Plat application is considered by the Planning Commission and City Council.

The Exhibit A "Conceptual Development Plan" would replace its counterpart as adopted with PUD 62 Major Amendment # 1. The only significant change pertains to specifying design standards for Kingston Ave. as described above, including the cul-de-sac turnaround design, whereas the previous version left these matters open for future determination by City Staff.

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 Minor 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.

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held September 04, 2013. Minutes of that meeting are attached to this report.

Staff Recommendation. For all the reasons outlined above, Staff recommends Approval.

Applicant Tim Terral of Tulsa Engineering & Planning Associates, Inc. was present but was not asked to speak on the item.

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE PUD 62 Minor Amendment # 1. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whisman, Baldwin, Benjamin, and Whiteley  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 5:0:0

PLATS

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

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 7:23 PM.

APPROVED BY:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Planner/Recording Secretary

20

BIXBY PLANNING COMMISSION

SIGN IN SHEET

DATE: September 30, 2013

NAME	ADDRESS	ITEM
1. <u>Jay Mauldin</u>	<u>7341 E 119 PL</u>	<u>1 PUD 76</u>
2. _____	_____	_____
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CITY OF BIXBY  
P.O. Box 70  
116 W. Needles Ave.  
Bixby, OK 74008  
(918) 366-4430  
(918) 366-6373 (fax)

## STAFF REPORT

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner *EE*  
**Date:** Thursday, October 17, 2013  
**RE:** Report and Recommendations for:  
PUD 80 – “Wood Hollow Estates” – Sack & Associates, Inc., and  
BZ-367 – Sack & Associates, Inc.

LOCATION:  
– 12307 S. Sheridan Rd.  
– The S/2 of Government Lot 4 (NW/4 NW/4) of Section 02, T17N, R13E

LOT SIZE: 20 acres, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Vacant/wooded with a single-family house in the southwest corner

REQUESTED ZONING: RS-3 Residential Single-Family District & PUD 80

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: RS-2/CS/OL/PUD 53 and AG; The WoodMere commercial and residential subdivision on 20 acres and 121<sup>st</sup> St. S. to the north of that; to the northeast is a vacant/wooded 1-acre tract just east of WoodMere and a 2-acre “taxed Tribal Land” tract, which contains the *Three Oaks Smoke Shop* located at 7060 E. 121<sup>st</sup> St. S.; to the northwest are vacant commercial lots zoned CS in “Crestwood Crossing” section of *Crestwood Village* in the City of Tulsa.

South: RS-4; 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.

East: AG; Vacant/wooded land owned by Tulsa County and the City of Bixby for the “wetland mitigation” and “hardwood mitigation” areas, respectively, and a concrete-bottomed drainage channel, all related to the development of the Fry Creek channel system around the year 2000, and further east is the Fry Creek Ditch #2.

West: (Across Sheridan Rd.) AG; Agricultural land, including 64 acres recently purchased by Bixby Public Schools, and the City of Tulsa’s lift station facility, all in the Tulsa City Limits.

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

PREVIOUS/RELATED CASES:

Preliminary Plat of “Wood Hollow Estates” – Sack & Associates, Inc. – Request for Preliminary Plat approval for “Wood Hollow Estates” for subject property – PC consideration pending 10/21/2013.

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

BZ-214 – City of Bixby – Request for FD Floodway Supplemental District for all of the (then proposed) Fry Creek Ditch drainage system right-of-way, including the Fry Creek # 2 section to the east of subject property – PC Tabled Indefinitely 11/20/1995.

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 former Knopp family acreage across Fry Creek # 2 to the east of subject property – BOA Conditionally Approved 04/02/2001 (not since built).

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*, *Seven Lakes II*, and an additional 23 acres of unplatted property abutting subject property to the south for a future phase or phases of “Seven Lakes” – PC recommended Approval 01/18/2005 and City Council Approved 02/14/2005 (Ord. # 901).

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

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 former Knopp family acreage across Fry Creek # 2 to the east of subject property. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust – Request for Lot-Split approval to separate a 41.3384-acre tract from the southern end of the large 140-acre acreage tracts previously owned by Knopp across Fry Creek # 2 to the east of 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.

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

PUD 53 – WoodMere – Marc & Donna Bullock – Request to rezone from AG to CS and RS-2 and to approve PUD 53 for a commercial/office and single-family residential development for all of the N/2 NW/4 NW/4 of this Section (later platted as *WoodMere*), 20 acres abutting subject property to the north – PC recommended Conditional Approval 01/16/2007 and the City Council Conditionally Approved 02/12/2007 (Ord. # 961).

Preliminary Plat of WoodMere (PUD 53) – Request for Preliminary Plat approval for *WoodMere* on 20 acres abutting subject property to the north – PC recommended Approval 02/20/2007 and City Council Approved 02/26/2007.

Final Plat of WoodMere (PUD 53) – Request for Final Plat approval for *WoodMere* on 20 acres abutting subject property to the north – PC recommended Approval 04/16/2007 and City Council Conditionally Approved 12/10/2007 (Plat # 6176 recorded 01/07/2008).

V-23 – Sack & Associates, Inc. – Request to a request to Close/Vacate the four (4) foot Fence Easement and Close/Vacate part of the 15 foot U/E along the south side of the *WoodMere* Block 1 to reduce it to 11' in width – City Council approved an instrument 04/28/2008 (no ordinance).

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for *Seven Lakes II*, to the south of subject property, which at that time included additional acreage not ultimately platted with that subdivision – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.

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 the former Knopp family acreage across Fry Creek # 2 to the east of subject property – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting "for more research and information," based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

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

PUD 53-A – WoodMere – Major Amendment # 1 – Request for approval of a Major Amendment to PUD 53 for Lots 1, 2, & 3, Block 1, and Lot 1, Block 2, *WoodMere*, north of subject property – PC recommended Conditional Approval 04/18/2011 and City Council Conditionally Approved 05/09/2011 (Ord. # 2056).

BZ-353 – Sack & Associates, Inc. for New Woodmere Properties, LLC – Request for rezoning of Lot 1, Block 2, *WoodMere* from RS-2 to OL, north of subject property – PC recommended Approval 04/18/2011 and City Council Conditionally Approved 05/09/2011 (Ord. # 2056).

V-37 – Sack & Associates, Inc. – Request to a request to Close / Vacate part of the plat of *WoodMere*, concerning Lots 1, 2, & 3, Block 1, and Lot 1, Block 2 thereof, pending the recording of “WoodMere Square,” for property to the north of subject property – PC recommended Approval 04/18/2011 and City Council approved an instrument 05/09/2011 (no ordinance).

Preliminary Plat of WoodMere Square (PUD 53-A) – Request for Preliminary Plat approval for “WoodMere Square,” for property to the north of subject property – PC recommended Approval 04/18/2011 and City Council Conditionally Approved 04/25/2011.

Final Plat of WoodMere Square (PUD 53-A) – Request for Final Plat approval for “WoodMere Square,” for property to the north of subject property – PC recommended Approval 04/18/2011 and City Council Conditionally Approved 04/25/2011.

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* 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 (Plat # 6457 recorded 01/16/2013).

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 92 acres acquired from the Knopp family acreage across Fry Creek # 2 to the east of 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 92 acres acquired from the Knopp family acreage across Fry Creek # 2 to the east of subject property – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

Sketch Plat of Seven Lakes III – Request for Sketch Plat approval for “Seven Lakes III” on 40.64 acres abutting subject property to the south – PC Conditionally Approved 05/20/2013.

Final Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres of 92 acres acquired from the Knopp family acreage across Fry Creek # 2 to the east of subject property – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

PUD 76 "Scenic Village Park" Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for 92 acres acquired from the Knopp family acreage across Fry Creek # 2 to the east of subject property – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading October 14, 2013. Ordinance Second Reading and consideration at a future City Council meeting is pending.

BACKGROUND INFORMATION:

According to the Tulsa County Assessor's parcel data, the subject property was most recently owned by the Tiger family, and it was "Tribal land, taxed" per *Tulsa World* reporting on January 20, 2012. It was recently acquired by the Applicant, who plans to develop a residential subdivision on the subject property.

ANALYSIS:

Subject Property Conditions. The subject property of 20 acres is quite flat and appears to drain, if only slightly, in southerly and/or easterly directions. The development will be planned to drain to the east to Fry Creek Ditch # 2, or to a drainage channel which drains into Fry Creek Ditch # 2, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned AG (RS-3 and PUD 80 is requested) and is presently vacant and heavily wooded. It has a small, old house in its extreme southwest corner, addressed 12307 S. Sheridan Rd., which will be removed as a part of this development.

Plans for drainage are described in the "Drainage" section of the PUD Text as follows:

"Drainage within Wood Hollow Estates will be collected in standard drop inlets located in the private streets. The collected stormwater will then be conveyed in a system of pipes to an existing excavated stormwater holding facility. The stormwater holding facility is in the triangular tract of land that is owned by Tulsa County and is located just to the east of Wood Hollow Estates. The holding area will be a dry facility that will collect the stormwater and discharge it to several possible locations. These locations include the 121st and Sheridan Mitigation Area to the south, or possibly along the south property line directly to Fry Creek."

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has access to the stormwater drainage in the Fry Creek Ditch # 2 to the east. Plans for utilities are indicated on Exhibit B and are discussed in the City Engineer's memo.

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

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that RS-3 zoning is *In Accordance* with the Low Intensity designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the requested RS-3 zoning would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Per the Matrix, PUDs (as a zoning district) are *In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map, and thus PUD 80 is *In Accordance* with the Comprehensive Plan as a zoning district.

General. The primary purpose of PUD 80 is to allow for the creation of private/privately-maintained and gated streets in “Wood Hollow Estates,” as required by Subdivision Regulations 3.2.10 / City Code Section 12-3-2.J. The submitted site plan and Preliminary Plat exhibit a large-lot, suburban-style subdivision design, with 51 single-family residential lots.

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

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

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 80 at its regular meeting held October 02, 2013. Minutes of that meeting are attached to this report.

Access and Internal Circulation. Although not described in any great detail in the PUD Text, plans for access can be inferred from the site plans. Primary access to the subdivision would be via one (1) street connecting to Sheridan Rd. It is proposed to be gated at the intersection, and the streets will be private. Emergency access would be additionally afforded via 67<sup>th</sup> E. Ave., a private street extension of the existing 67<sup>th</sup> E. Ave. in WoodMere to the north. It is proposed to have a gate at the point of intersection with the common subdivision line. Streets in WoodMere are also gated and private/privately-maintained.

With the Preliminary Plat, the Applicant will request a Modification/Waiver from the Subdivision Regulations to reduce the minor residential street rights-of-way to 30’ from the 50’ required. Secondly, the Applicant will request a Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the south and east. The Modification/Waiver may be justified on the east as it abuts the ‘wetland mitigation’ area owned by Tulsa County, which is not expected to develop, and on the south by

the fact that Bixby has reviewed and conditionally approved a Sketch Plat for "Seven Lakes III," which did not propose a stub-out street connecting to the subject property, did not require additional access via the subject property, and as it is not always appropriate to allow private streets to connect to Public streets in such situations.

Zoning Code Section 11-7I-8.B.1.c calls for the provision of plans for pedestrian access and circulation, in addition to vehicular access and circulation. 4'-wide sidewalks are proposed along Sheridan Rd. and along all interior streets. The Preliminary Plat also indicates a 10' Sidewalk Easement ("SWE") in these areas.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, CS, OL, RS-2, and RS-4. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

To the north of the subject property is RS-2, CS, and OL zoning with PUD 53 in the WoodMere commercial and residential subdivision on 20 acres. 121<sup>st</sup> St. S. is to the north of that. To the northeast is a vacant/wooded 1-acre tract just east of WoodMere and a 2-acre "taxed Tribal Land" tract, which contains the *Three Oaks Smoke Shop* located at 7060 E. 121<sup>st</sup> St. S. To the northwest are vacant commercial lots zoned CS in the "Crestwood Crossing" section of *Crestwood Village* in the City of Tulsa.

South of the subject property are the *Seven Lakes I* and *Seven Lakes II* residential subdivisions, and additional vacant land for a future "Seven Lakes" phase or phases, all zoned RS-4.

Abutting to the east is vacant/wooded land owned by Tulsa County for the "wetland mitigation" area, further east is the City of Bixby's acreage for "hardwood mitigation," and between them is a concrete-bottomed drainage channel. All of this is related to the development of the Fry Creek channel system around the year 2000. Further east is the Fry Creek Ditch #2. All of this area is zoned AG.

Across Sheridan Rd. is agricultural land, including 64 acres recently purchased by Bixby Public Schools, and the City of Tulsa's lift station facility, all in the Tulsa City Limits. All is zoned AG.

Staff believes that the proposed RS-3 zoning and the specific development plans proposed by PUD 80 are consistent with the surrounding zoning, land use, and development patterns. In fact, the requested RS-3 zoning would be the most appropriate transition zone between the large RS-4 district to the south (containing the Seven Lakes subdivisions) and the larger lots and RS-2 zoning abutting to the north in WoodMere.

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 are met in this application.

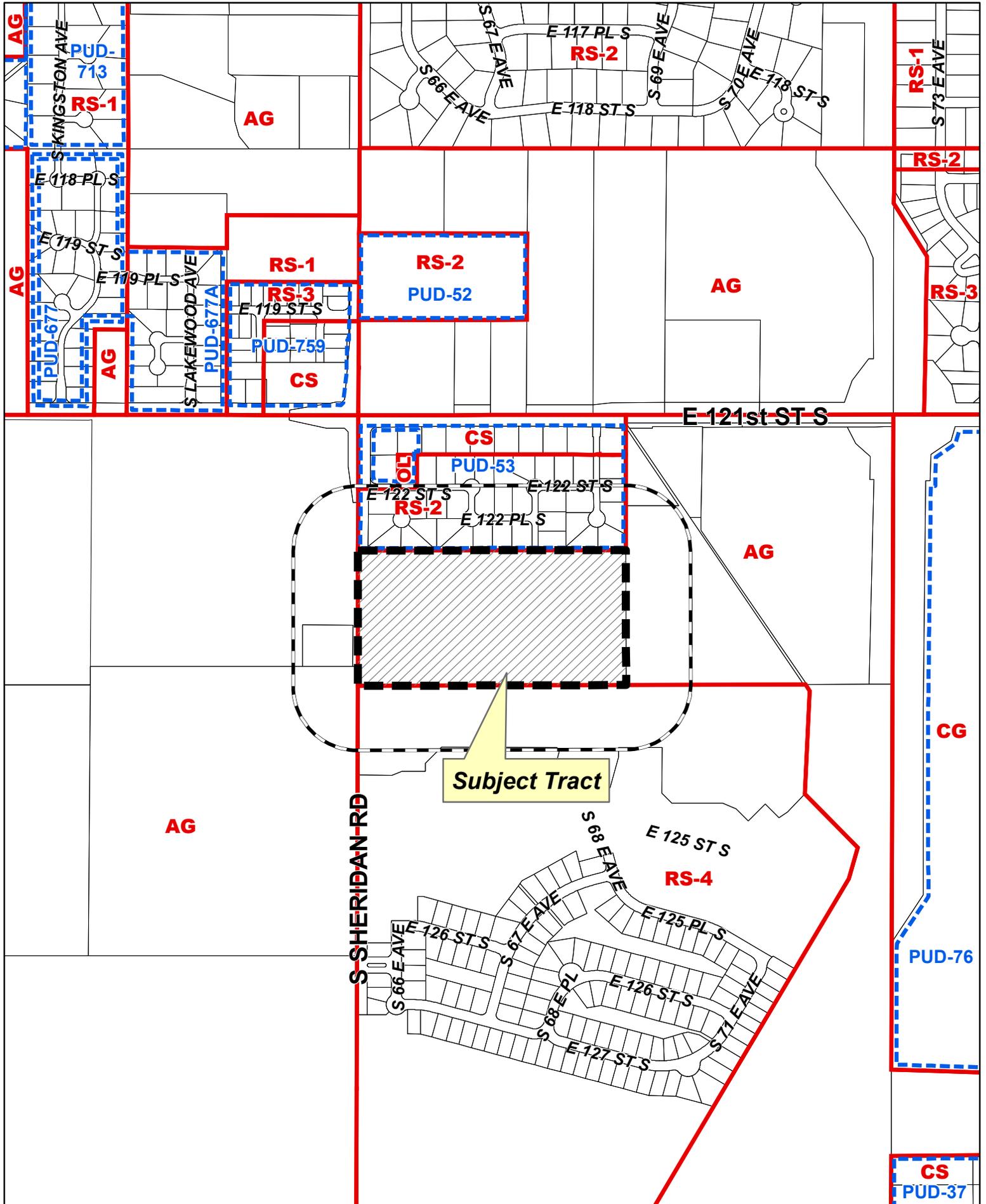
Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested PUD and rezoning applications generally. Therefore, Staff recommends Approval of both requests, subject to the following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

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item may be addressed by adding a section to the PUD Text, such as “Standard requirements of the City of Bixby Fire Marshal, City Engineer and City Attorney shall be met.”
2. Subject to City Engineer and/or County Engineer curb cut approval for the proposed access points to Sheridan Rd., and the Fire Marshal’s approval of locations, spacing, widths, and curb return radii.
3. Development Standards, Area: Please explain discrepancy between gross and net land areas, recognizing the unplatted subject property does not appear to have existing right-of-way excluded from this S/2 of Government Lot 4 of this Section, per County Assessor’s parcel records.
4. Exhibit D: Please replace the “Not Platted” label with *Scenic Village Park*.
5. 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.

6. 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).

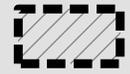
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**Subject Tract**

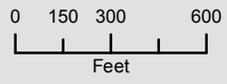


300' Radius



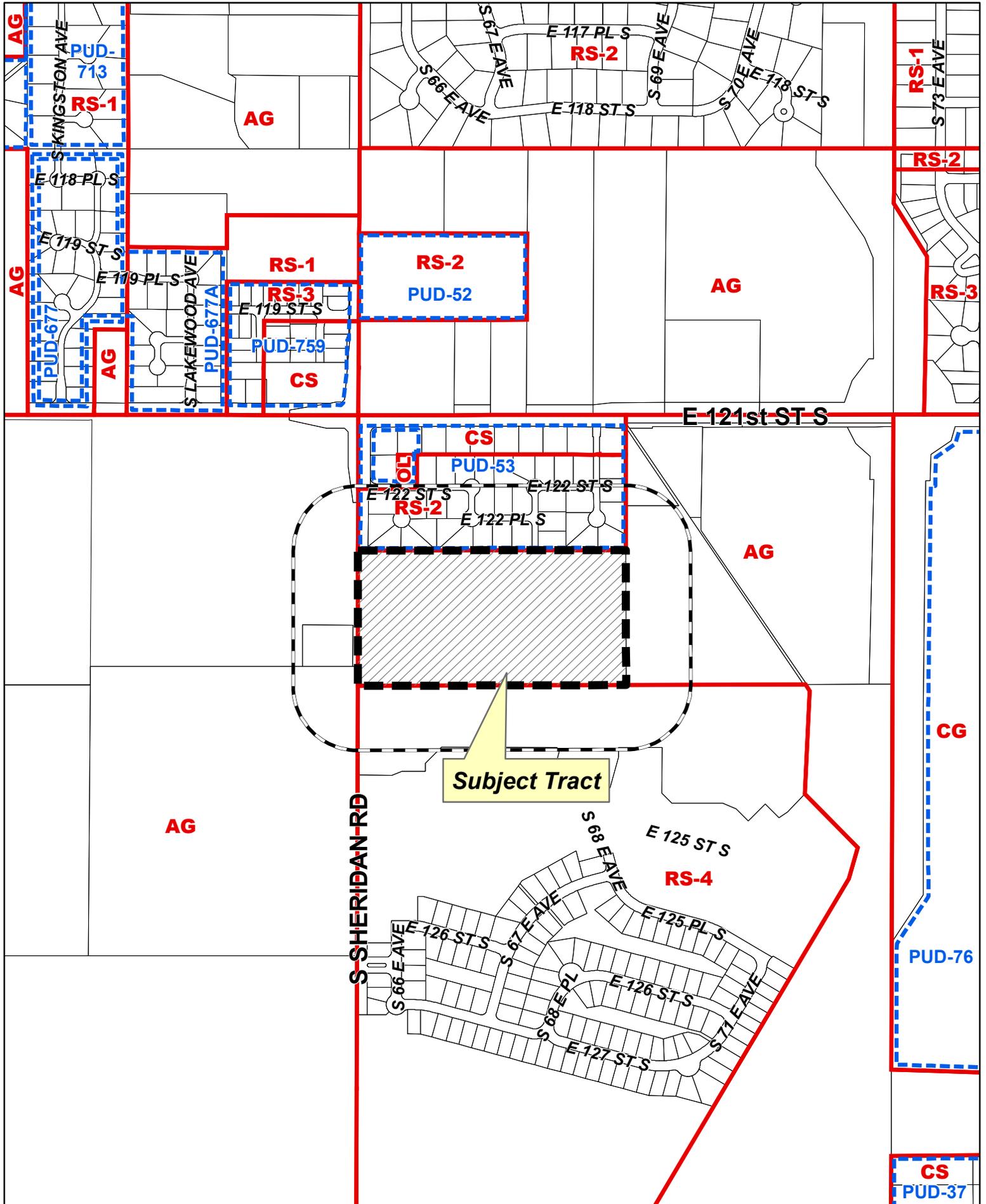
Subject Tract

**PUD-80**



02 17-13

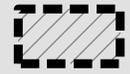




**Subject Tract**

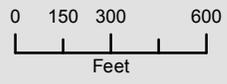


300' Radius



Subject Tract

**BZ-367**



02 17-13



## Memo

**To:** Erik Eryart  
**From:** Jared Cottle *JWC*  
**CC:** Bea Aamodt  
File  
**Date:** 10/10/13  
**Re:** Wood Hollow PUD 80 and Preliminary Plat Review

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### **General Comments:**

1. The perimeter utility easements are shown at 11' rather than 17.5' on the north and south boundaries. The additional width is particularly important with the sanitary sewer lines and connections on the south side of the project.
2. A minimum 15' U/E should be provided for the sanitary sewer line segments rather than the 10' shown.
3. For private developments, the streets and storm sewer systems are private. However, a U/E is shown for the storm sewer at the SE corner of the property. As per the engineering design manual, the minimum storm sewer easement is 10' on the property under which the line crosses. These conflicts must be addressed.
4. This project is located within the Fry Creek drainage basin. Fee-in-lieu for storm water will be required.

### **Grading/Drainage/Paving Comments:**

5. Off-site discharge of storm water is shown. Any off-site easements required for the storm sewer must be provided. If the discharge is connected to the 121<sup>st</sup> & Sheridan Mitigation site, concurrence from Tulsa County must be provided. If the discharge is connected to Fry Creek, review and approval of the outfall by the US Army Corps of Engineers will be required.
6. A soils report including pavement design recommendations based on the City Engineering Design Manual will be required.

### **Sanitary Sewer Comments:**

7. An encroachment is shown across Lot 10, Block 3. Adjustments to the alignment, easements, or lot will be required.
8. Service taps for Lots 1, 2, and 3 in both Block 1 and 2 must be located outside of paved areas.

### **Water Comments:**

9. All valves and fitting should be located outside of paved areas.
10. Fire hydrant locations must be approved by the Fire Marshall.

## Erik Enyart

---

**From:** Stuart Nyander [Stuart.Nyander@sackandassociates.com]  
**Sent:** Wednesday, October 16, 2013 10:20 AM  
**To:** Erik Enyart  
**Subject:** FW: Wood Hollow Estates (PUD 80), Fire Hydrant Locations, revised entry gate plan  
**Attachments:** SDOC5164.pdf; Wood Hollow Estates Entry.pdf

Erik: Communication/Coordination with the Fire Marshal, Joey Wiedel today.  
We've talked verbally since his e-mail, the revisions/information noted on the attachments are an extension of the same requirements he stated at the pre-development meeting.

Item #6, the detail plan for the entries would be a condition and a part of subdivision engineering plan submittal.

This e-mail is to keep you in the loop.....

Regards,

Stuart Nyander, PE

**Sack and Associates, Inc.**  
Engineering - Surveying - Planning  
3530 E. 31<sup>st</sup> St., Suite A | Tulsa, OK 74135-1519  
(P.O. Box 50070 | Tulsa, OK 74150-0070)  
Phone: 918.592.4111  
Fax: 918.592.4229  
E-Mail: [snnyander@sackandassociates.com](mailto:snnyander@sackandassociates.com)

---

**From:** Fire Marshal [<mailto:FireMarshal@BixbyOK.gov>]  
**Sent:** Wednesday, October 16, 2013 9:20 AM  
**To:** Stuart Nyander  
**Subject:** RE: Wood Hollow Estates (PUD 80), Fire Hydrant Locations, revised entry gate plan

Stuart:

I have reviewed the proposed drawings. We are moving in the right direction. Please see the attached drawings for comments.

- 1) Fire Hydrants are ok with the exception of FH#1 needs to be relocated inside of the gates.
- 2) Ensure the second entrance gate is also 20' wide.
- 3) Second entrance gate shall be accessible from both sides.
- 4) Knox Switch in place of Knox Box. The Knox Switches need to be placed above tenant keypads. Switches shall identified with F.D. Access sign. Ideal size of sign 8" X4" Red with white lettering.
- 5) Elite Brand gate openers.
- 6) Please submit a detail plan of the gate assemblies, mechanisms and location of Keypad and Switches with dimensions.

Note: I would recommend that you utilize the Radio Remote Gate openers. These particular systems allow the gates to be opened by all emergency vehicles that may respond to the addition via siren.

Feel free to contact me if you have any questions.

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

---

**From:** Stuart Nyander [<mailto:Stuart.Nyander@sackandassociates.com>]  
**Sent:** Tuesday, October 15, 2013 10:02 AM  
**To:** Fire Marshal  
**Cc:** Erik Enyart  
**Subject:** Wood Hollow Estates (PUD 80), Fire Hydrant Locations, revised entry gate plan

Joey: Working through the preliminary Plat draft review questions.

Preliminary Submittal #1, Proposed Fire Hydrant Layout

Please review the first PDF, that being the Fire Hydrant Layout/coverage for Wood Hollow Estates. I have numbered the Fire Hydrants so we focus easily on the ones that might need to be tweaked.

For your information, I have also enclosed the FH layout for Woodmere to the north. I believe we have similar subdivision coverage.

Preliminary Submittal #2, Proposed/Revised Gate Entry.

The bottle neck constriction at So. 65th East Place has been removed. The Gate openings are 20-feet wide each way.

Based on your comments at the Pre-development meeting concerning these two issues, are the preliminary plans submitted herein moving in the right/approvable direction ?

Thank you for your time in this matter.,

Stuart Nyander, PE

**Sack and Associates, Inc.**  
Engineering - Surveying - Planning  
3530 E. 31<sup>st</sup> St., Suite A | Tulsa, OK 74135-1519  
(P.O. Box 50070 | Tulsa, OK 74150-0070)  
Phone: 918.592.4111  
Fax: 918.592.4229  
E-Mail: [snyander@sackandassociates.com](mailto:snyander@sackandassociates.com)

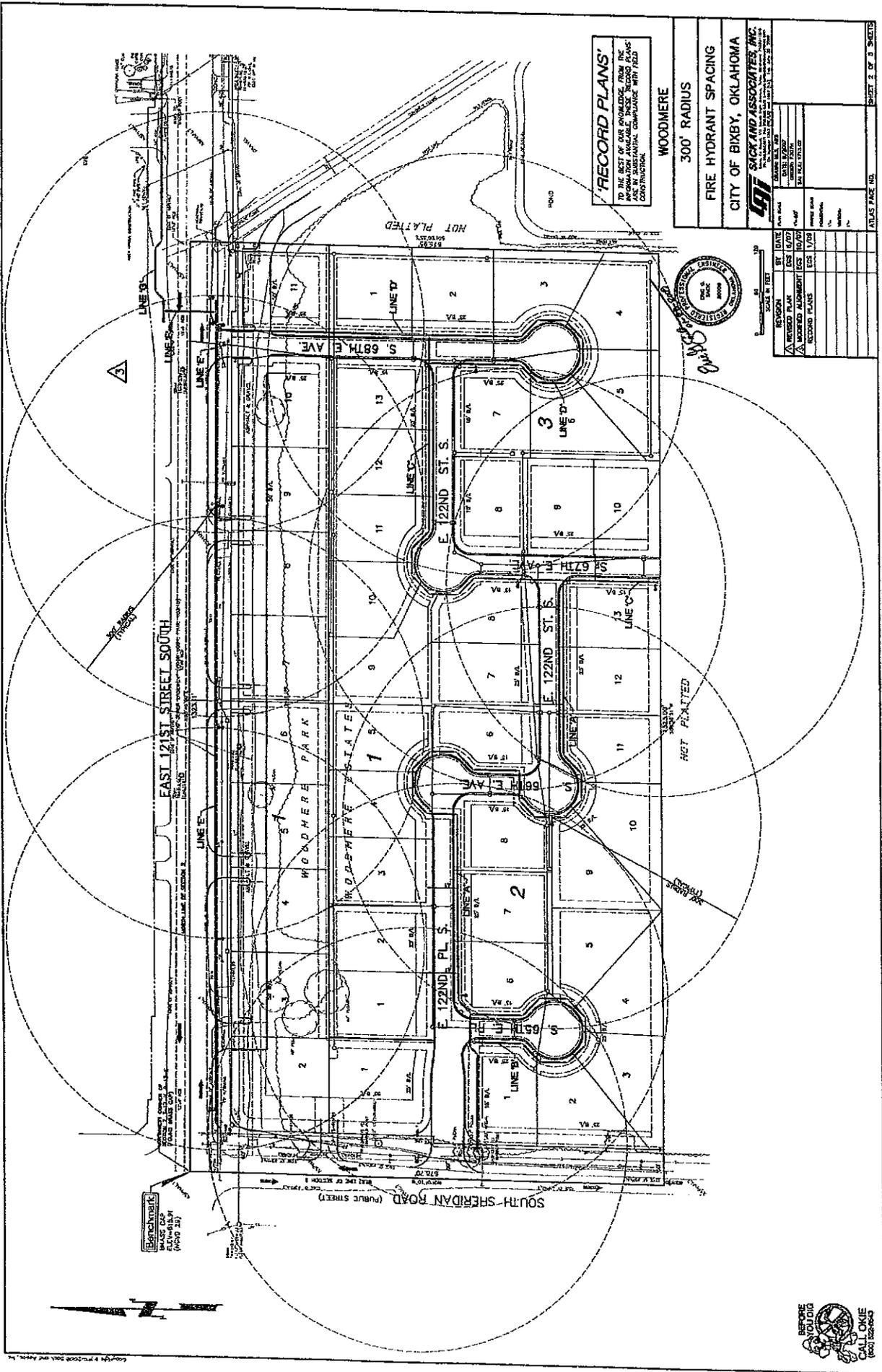
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No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2013.0.3408 / Virus Database: 3222/6748 - Release Date: 10/14/13





**'RECORD PLANS'**  
 IN THE SET OF BLUE PRINTS FOR THE  
 RECONSTRUCTION OF THE FIRE HYDRANT SPACING  
 ARE IN SUBSTANTIAL COMPLIANCE WITH FIELD  
 CONSTRUCTION.

**WOODMERE**  
**300' RADIUS**  
**FIRE HYDRANT SPACING**  
**CITY OF BIXBY, OKLAHOMA**  
**SACKLAND ASSOCIATES, INC.**



NO.	DATE	BY	REVISION
1	10/15/10	JMS	ISSUE FOR PERMITS
2	11/01/10	JMS	ISSUE FOR RECORDS
3	11/01/10	JMS	ISSUE FOR RECORDS
4	11/01/10	JMS	ISSUE FOR RECORDS
5	11/01/10	JMS	ISSUE FOR RECORDS
6	11/01/10	JMS	ISSUE FOR RECORDS
7	11/01/10	JMS	ISSUE FOR RECORDS
8	11/01/10	JMS	ISSUE FOR RECORDS
9	11/01/10	JMS	ISSUE FOR RECORDS
10	11/01/10	JMS	ISSUE FOR RECORDS
11	11/01/10	JMS	ISSUE FOR RECORDS
12	11/01/10	JMS	ISSUE FOR RECORDS
13	11/01/10	JMS	ISSUE FOR RECORDS
14	11/01/10	JMS	ISSUE FOR RECORDS
15	11/01/10	JMS	ISSUE FOR RECORDS

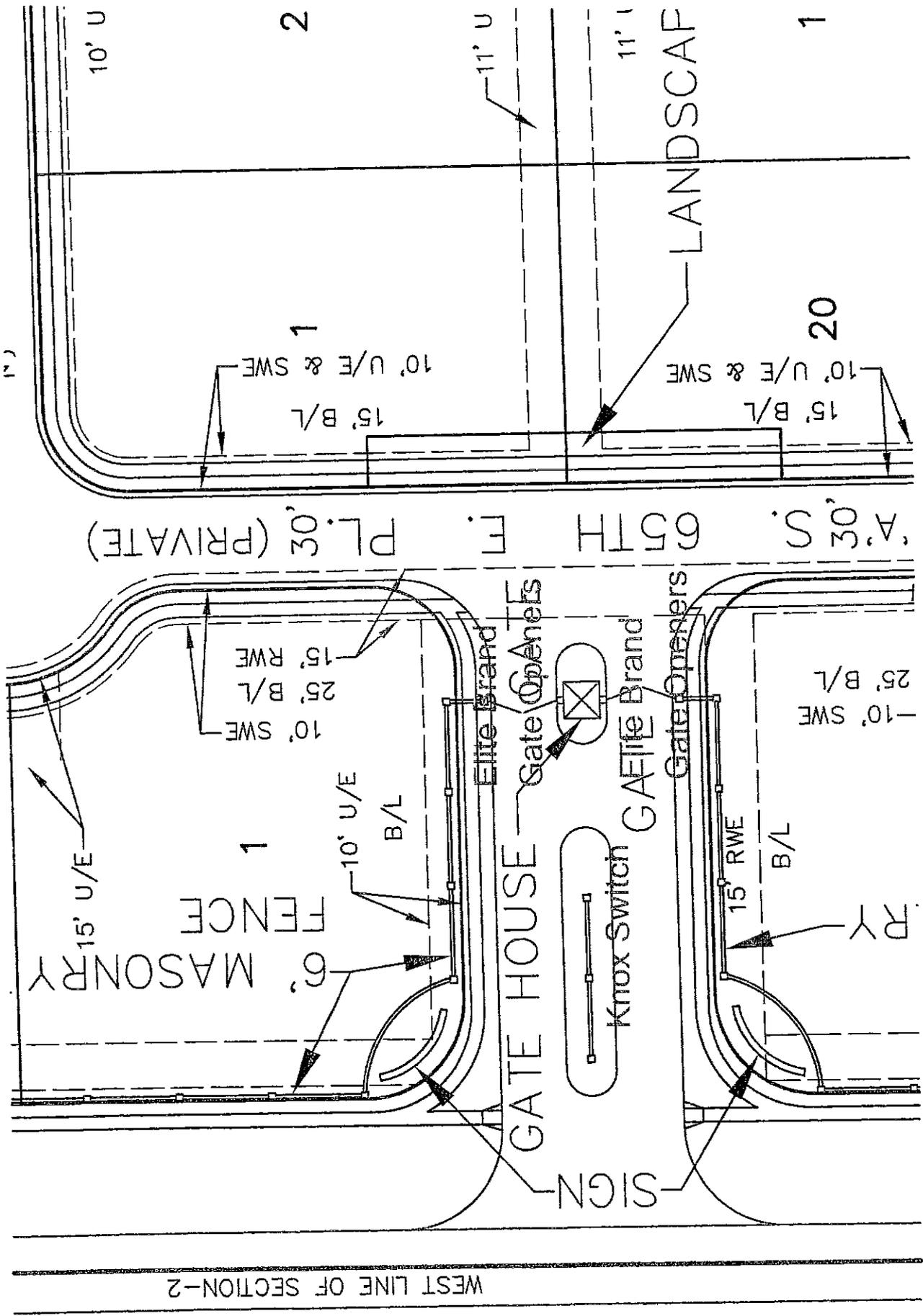


37

38

# SOUTH SHERIDAN ROAD

WEST LINE OF SECTION-2



**MINUTES**  
**TECHNICAL ADVISORY COMMITTEE**  
**DAWES BUILDING CITY OFFICES**  
**113 W. DAWES AVE.**  
**BIXBY, OK 74008**  
**October 02, 2013 – 10:00 AM**

MEMBERS PRESENT

Jim Peterson, *BTC Broadband*  
Lonny Hicks, *AEP-PSO*  
Scott Gideon, *ONG*

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

OTHERS PRESENT

Ricky Jones, AICP, *Tanner Consulting, LLC*  
Stacy White, *Tanner Consulting, LLC*  
Wayne Farabough, *Perfection Homes*  
Ted Sack, RPLS, *Sack & Associates, Inc.*  
Stuart Nyander, PE, *Sack & Associates, Inc.*

1. Erik Enyart called the meeting to order at 10:00 AM.
2. **PUD 80 – “Wood Hollow Estates” – Sack & Associates, Inc.** Discussion and review of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 20 acres, the S/2 of Government Lot 4 (NW/4 NW/4) of Section 02, T17N, R13E.  
Property Located: 12300-block of S. Sheridan Rd.
3. **Preliminary Plat – “Wood Hollow Estates” – Sack & Associates, Inc.** Discussion and review of a Preliminary Plat for “Wood Hollow Estates” for approximately 20 acres, the S/2 of Government Lot 4 (NW/4 NW/4) of Section 02, T17N, R13E.  
Property Located: 12300-block of S. Sheridan Rd.

---

Erik Enyart introduced the two (2) related item and summarized the project and its location. Mr. Enyart stated that WoodMere was a 20-acre development at the southeast corner of 121<sup>st</sup> St. S. and Sheridan Rd., and that this property was the second 20-acre tract to the south. Mr. Enyart stated that the lots would be of similar size to those in WoodMere. Mr. Enyart stated that it appeared to be a fairly straightforward development, and should be relatively easy to review. Mr. Enyart asked the Applicant if he cared to summarize the project further.

Ted Sack stated that the development would have private streets and would be gated. Mr. Sack stated that it would connect to Sheridan Rd. and to WoodMere to the north. Mr. Sack stated that Wayne Farabough, also present, was the developer.

Erik Enyart opened the item up for questions and comments.

Lonny Hicks of AEP-PSO noted that there was not a 17.5' U/E along the south and north perimeters. Ted Sack stated that there were 11' U/Es in WoodMere and in "Seven Lakes III" to the south. Mr. Sack stated that the water and sewer lines would be internal to the subdivision, not along these edges, and showed Mr. Hicks a utility plan map. Mr. Hicks stated that, if a wall was put up between the neighborhoods and PSO needed to get access on the other side of the wall, it would be too difficult. Mr. Hicks confirmed he was still requesting the 17.5' U/E. Mr. Sack stated that there would be no "wall," as the fences to the north and south would likely be installed by the homebuilders as customary. Mr. Hicks and Mr. Sack discussed the matter for a time, and Mr. Sack confirmed with Mr. Hicks that he was still requesting a 17.5' U/E on these boundaries. Erik Enyart noted that it was "pretty standard" in the greater Tulsa area to allow 11' U/Es when abutting existing 11' U/Es in another subdivision, as 22' was greater than 17.5'. Mr. Enyart stated that cities normally allow this situation. Mr. Enyart asked Mr. Hicks if this 17.5' U/E was a PSO standard. Scott Gideon stated, "There will be a wall of some sort [there]," and indicated support for Mr. Hicks' request. Jim Peterson stated that BTC and Cox Communications would likely be in those U/Es. Mr. Sack agreed to get the utility plans to Mr. Hicks and Mr. Hicks and Mr. Sack agreed to discuss the matter further and consider making adjustments where possible.

Jim Sweeden and Joey Wiedel in at 10:04 AM.

Jim Peterson asked what the schedule was for developing "Seven Lakes III," and Ted Sack stated that the [engineering construction] plans had already been submitted to the City, and it would be [developed] ahead of ["Wood Hollow Estates"].

Ted Sack noted that the sewerlines would be in the fronts of the lots.

Lonny Hicks confirmed with Ted Sack that the development would allow overhead lines along Sheridan Rd. Mr. Sack stated that this would be permitted because it was a Sectionline road. Mr. Hicks stated that this was good, because if the road was widened, [AEP-PSO] would have easement language allowing it to move its lines into the U/E.

Erik Enyart asked if there were any questions or comments from the Fire Marshals. Jim Sweeden stated that the fire hydrants could be spaced no more than 600' apart, starting at the entrance, and he estimated that this would mean about four (4) were needed. Joey Wiedel stated that [the Fire Department] would need a Knox switch-type rapid entry system, and recommended the "elite brand gate opener." Mr. Wiedel stated that he saw there would be two (2) gates, and asked about the entrance off of Sheridan Rd. Ted Sack stated that there would be two (2) [drive lanes] separated by 15'. Wayne Farabough stated that there would be 20' of separation between the two (2), 20'-wide gates. Upon consulting with Mr. Farabough, Ted Sack stated that [he and his client] agreed to "remove the bottleneck." Mr. Wiedel expressed concern about there being two (2) gates through which one would need to pass to get between 121<sup>st</sup> St. S. and Sheridan Rd. through the two (2)

subdivisions. Mr. Wiedel stated that, secondly, even if ["No Parking" signs were posted], the gated streets would be used [by the abutting homeowners] as a dead-end, and boats or trucks may be parked on either end[, obstructing emergency responders]. Mr. Sack and/or Mr. Farabough stated that this would be a high-end subdivision and would not likely have this issue, and Mr. Wiedel acknowledged and stated that this may still occur on weekends, especially with boats going to or coming from the lake. Mr. Wiedel stated, "We'll look at it to try to simplify access." Mr. Wiedel noted that there was a Knox Box [rapid entry system] at WoodMere, but a [Knox] Switch [rapid entry system] at the new subdivision, and it would get complicated with multiple codes and [different systems].

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

4. **BSP 2013-05 – "Woodcreek Office Park" – Sack & Associates, Inc. (PUD 47-C).**  
Discussion and review of a PUD Detailed Site Plan and building plans for "Woodcreek Office Park," a Use Unit 11 office development for approximately 1.1694 acres consisting All of Lot 1, Block 3, *Woodcreek Office Park*.  
Property Located: 7500-block of 111<sup>th</sup> St. S.
- 

Erik Enyart introduced the item and summarized the project and its location. Mr. Enyart stated that the TAC may recall this project, as it had been approved for PUD Major Amendment earlier in the year. Mr. Enyart noted that it appeared the site had been reconfigured to accommodate a larger, singular building on the west side, and Ted Sack indicated agreement. Mr. Sack described the project further.

Erik Enyart asked if the Fire Marshals had any questions or comments. Joey Wiedel stated that his office had received building plans recently. Mr. Enyart asked Mr. Wiedel what they were for, and Mr. Wiedel replied it was for an office building. Mr. Enyart joked that this was "fairly generic."

Lonny Hicks and Scott Gideon discussed with Ted Sack the 11' and 11' U/Es through the east-west middle of the lots. Mr. Sack stated that the plat showed the U/E through the middle, but that layer was not turned on for this site plan.

Erik Enyart clarified that the TAC had seen both a PUD Major Amendment and a Preliminary Plat earlier in the year. Mr. Enyart asked Ted Sack if he should expect to receive an application for a revised Preliminary Plat soon, and Mr. Sack stated that he had intended to submit a Final Plat next, and asked if this would be acceptable. Mr. Enyart stated that, "If it is not a radical departure [from the original Preliminary Plat], [the City could] accommodate a Final Plat without redoing the Preliminary Plat."

Erik Enyart confirmed with Ted Sack that the U/E went down the east-west middle of the lots on the original Preliminary Plat. Mr. Enyart asked if the new U/E followed along the new property lines, and Mr. Sack stated that he thought they did but would check into it.

Erik Enyart stated that the TAC should expect that the Final Plat will resolve the U/E questions.

Ted Sack stated to Lonny Hicks, "We'll get [electrical] loads [data] to you."

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

**ADDENDUM ITEM<sup>1</sup>:**

5. **PUD 76 – Scenic Village Park – Major Amendment # 2.** Discussion and review of Major Amendment # 2 to PUD 76 for approximately 70 acres located in the E/2 of Section 02, T17N, R13E, which amendment proposes making certain changes to land uses, making certain changes to development standards, and making certain other amendments.

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

---

Erik Enyart introduced the item and summarized the project and its location. Mr. Enyart stated that the TAC may recall this project, as it had been recently reviewed and approved for PUD Major Amendment # 1. Mr. Enyart stated that the principal theme of Major Amendment # 1 was converting a westerly acreage along Fry Creek # 2 to single-family residential [use], and it also introduced residential use to the Development Area [“G”] at the northeast corner of the intersection of the corridor street system. Mr. Enyart stated that this Major Amendment # 2 would make changes to land uses. Mr. Enyart asked Ricky Jones if he cared to summarize the project further.

Ricky Jones stated that the City Council had voted to take the multifamily element out of the [original] PUD, so his client reconfigured the project to Major Amendment # 1. Mr. Jones stated that this Major Amendment # 2 would allow multifamily use in the [Development Area H].

Ricky Jones asked when Major Amendment # 1 would go to the City Council, and Erik Enyart responded, “A week from Monday.”

Ricky Jones stated that there was a “viable user for multifamily” in this Development Area [H], and “also one from a commercial standpoint.” Mr. Jones stated that there were “three (3) active people looking at” it. Mr. Jones stated that he had filed the plat of *Scenic Village Park* for the assisted living facility. Mr. Jones stated, “We’re not far along yet to have platting but the Utility Easements should not be an issue.”

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

Jim Peterson confirmed with Ricky Jones that he was still working on the [stormsewer] drainage plans along 121<sup>st</sup> St. S.

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

6. Old Business

7. New Business

8. Meeting was adjourned at 10:34 AM.

---

<sup>1</sup> Items 5 through 8 have been renumbered to reflect the Addendum Item # 5.

BIXBY TAC MEETING  
SIGN IN SHEET  
Wednesday, October 02, 2013

NAME	COMPANY	PHONE
1. <u>LONNY HICKS</u>	<u>PSO</u>	<u>(918) 250-6211</u>
2. <u>Jim Peterson</u>	<u>BTC Broadband</u>	<u>918-366-0253</u>
3. <u>Wayne Forsbough</u>	<u>Wood Talkin Estates</u>	<u>(918) 810-0318</u>
4. <u>TED SACK</u>	<u>SACK &amp; ASSOC</u>	<u>918-592-4111</u>
5. <u>STUART NYLANDER</u>	<u>SACK &amp; ASSOC.</u>	<u>918-592-4111</u>
6. <u>Scott Gideon</u>	<u>ONEG</u>	<u>918-831-8386</u>
7. <u>Ricky Jones</u>	<u>Tanner</u>	<u>918 745-9929</u>
8. <u>Stacy White</u>	<u>Tanner</u>	<u>" "</u>
9. <u>Erik Enyart</u>	<u>COB</u>	<u>918 366 4430</u>
10. <u>[Jim Sweden]</u>	<u>COB</u>	<u>" "</u>
11. <u>[Joey Wiedel]</u>	<u>COB</u>	<u>" "</u>
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____
16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____

# *Wood Hollow Estates*

---

**Bixby, Oklahoma**

Planned Unit Development No. 80

**SEPTEMBER 2013**

**REVISED OCTOBER 15, 2013**

*PREPARED FOR:*

**Wood Hollow Estates, LLC  
Attn: Wayne Farabough  
11001 South Memorial Drive  
Tulsa, OK 74133**

*PREPARED BY:*

**SACK AND ASSOCIATES, INC.  
3530 East 31st Street, Suite A  
Tulsa, Oklahoma 74135-1519  
Phone: (918) 592-4111**



Wood Hollow Estates  
Planned Unit Development No. 80

**TABLE OF CONTENTS**

	<u>Page</u>
Development Concept .....	1
Exhibit A – Concept Illustration	
Development Standards .....	2
Environmental Analysis .....	4
Exhibit B – Site, Topography, Proposed Utilities, and Drainage	
Exhibit C – Area Zoning	
Subdivision Plat .....	6
Schedule of Development .....	6
Exhibit D – Aerial Photo	
Legal Description – PUD & RS-3 Zoning .....	7

Wood Hollow Estates  
Planned Unit Development No. 80

**DEVELOPMENT CONCEPT**

Wood Hollow Estates, LLC has acquired property on the east side of South Sheridan Road at 123rd Street for a residential development consisting of 20 acres with 51 residential lots in one development area.

Wood Hollow Estates is designed to provide private, secure lots for individually designed homes according to the development standards of the RS-3 single family zoning district. Primary access to Wood Hollow Estates will be from the main gated entrance on South Sheridan Road. Wood Hollow Estates will be compatible with the high-quality residential environment of several neighborhood subdivisions in the area. It will offer single family home sites with security, private streets, decorative screening and controlled-access gated entry. Sidewalks for pedestrian access will be constructed along Sheridan Road, the gated entry, and on both sides of Reserve "A" (private street). Except for the entryway off of South Sheridan Road the private streets will be the standard 26' wide street in the 30' wide Reserve "A".

The Wood Hollow Estates Development Concept is illustrated on Exhibit A.

The Development requests the following waivers:

- 1) Waiver from Subdivision Regulations Section 12-3-2.C to reduce the minor residential street rights-of-way to 30'.
- 2) Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the south and east.

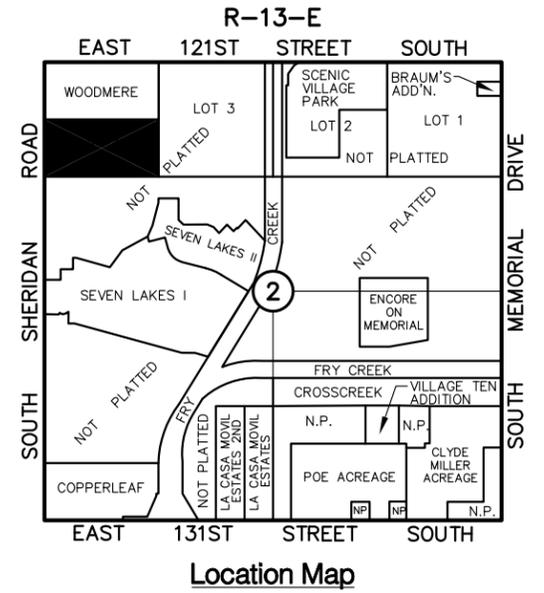


PROPOSED SEVEN LAKES III

Legend

- B/L BUILDING LINE
- F/E FENCE EASEMENT
- SWE SIDEWALK EASEMENT
- RWE RESTRICTED WATERLINE EASEMENT
- U/E UTILITY EASEMENT

NOT PLATTED



**Wood Hollow Estates**  
123rd Street and South Sheridan Road

CONCEPT ILLUSTRATION  
**EXHIBIT 'A'**  
Planned Unit Development Number 80

Wood Hollow Estates  
Planned Unit Development No. 80

**DEVELOPMENT STANDARDS**

**DEVELOPMENT AREA (RS-3 ZONING)**

AREA:

Gross:	20.57 acres	896,053 SF
Net:	19.79 acres	862,118 SF

PERMITTED USES:

Those uses included as a matter of right in the RS-3 Zoning District, including Use Unit 6, Single Family Dwellings, including customary accessory uses such as parking and landscaped areas and security gate entry.

MINIMUM LAND AREA PER DWELLING UNIT: 8,400 SF

MAXIMUM NUMBER OF LOTS: 51

MINIMUM LOT AREA: 12,000 SF

MAXIMUM BUILDING HEIGHT: 3 Stories, 48 Ft.

MINIMUM LIVABILITY SPACE PER DWELLING UNIT: 4,000 SF

OFF-STREET PARKING:

Two enclosed off-street parking spaces per dwelling unit and at least two additional off-street parking spaces per dwelling unit.

MINIMUM YARDS:

Front yard:  
Residences and front-entry garages: 25 FT

Side yard:	
One side	5 FT
Other side	5 FT
Side Street Yard - residences	15 FT
Side Street Yard - garages	20 FT
Rear yard:	20 FT

PRIVATE STREETS:

Minimum width:	26 FT
----------------	-------

All base and paving materials shall be of a quality and thickness which meet the City of Bixby standards for minor residential public streets.

ENTRY IDENTIFICATION SIGNS:

Two signs near the project entry, not exceeding 10 feet in height and 150 square feet display surface area shall be permitted on South Sheridan Road.

Wood Hollow Estates  
Planned Unit Development No. 80

**ENVIRONMENTAL ANALYSIS**

The Wood Hollow Estates site fronts on South Sheridan Road. Exhibit B indicates the site boundaries, topography, treed areas, existing and proposed utilities and drainage.

TOPOGRAPHY:

The Wood Hollow Estates property is very flat with little more than one foot of elevation difference anywhere on the site. The highest point on the property is near the west side where the elevation is approximately 610 feet MSL. The low point along the east side of the property is at approximately 609 feet MSL.

DRAINAGE:

Drainage within Wood Hollow Estates will be collected in standard drop inlets located in the private streets. The collected stormwater will then be conveyed in a system of pipes to an existing excavated stormwater holding facility. The stormwater holding facility is in the triangular tract of land that is owned by Tulsa County and is located just to the east of Wood Hollow Estates. The holding area will be a dry facility that will collect the stormwater and discharge it to several possible locations. These locations include the 121<sup>st</sup> and Sheridan Mitigation Area to the south, or possibly along the south property line directly to Fry Creek.

SOIL TYPE:

Soil properties and qualities within Wood Hollow Estates, per the National Resources Conservation Service Web Soil Survey, are hydrologic soil Group "D". Soil type is Wynona Silty Clay Loam, 0 to 1 percent slopes, occasionally flooded.

Soil Group "D" Characteristics:

Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

## UTILITIES:

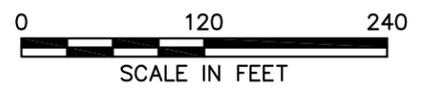
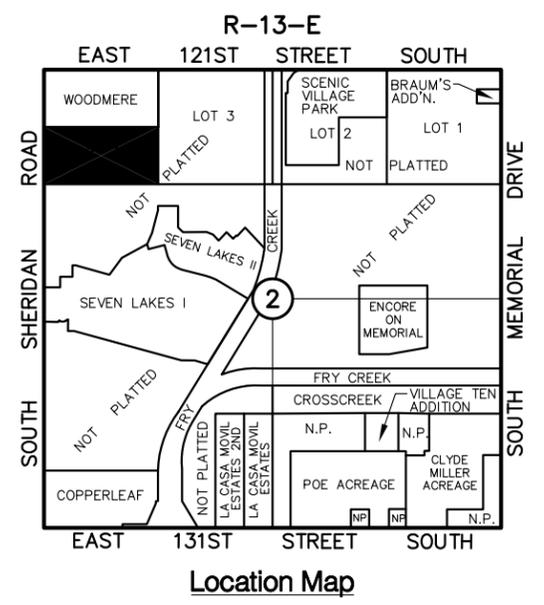
Wood Hollow Estates will be served by a 6-inch waterline running parallel to the private streets and connected to an existing 12-inch water main along South Sheridan Road as well as an existing 6-inch waterline within Woodmere Estates (S. 67th E. Ave.)

Wood Hollow Estates will be served by an existing 12-inch sanitary sewer in the southeast corner of Woodmere Estates. In addition, a second point of public sewer service can be provided by proposed Seven Lakes III on Wood Hollow Estates south line.

Other utilities and communications services are available and accessible to Wood Hollow Estates.

Area Zoning is shown on Exhibit C.

SOUTH SHERIDAN ROAD

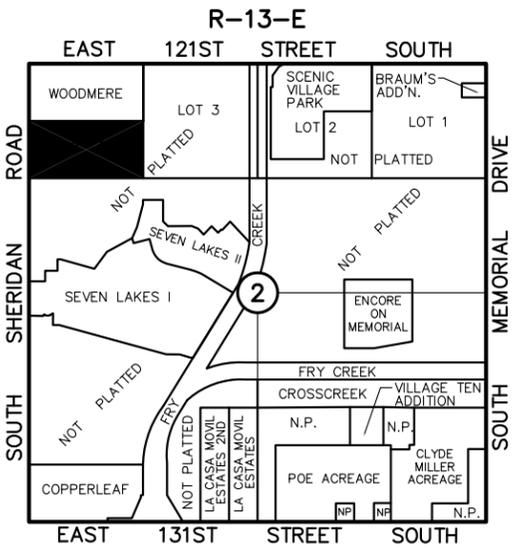
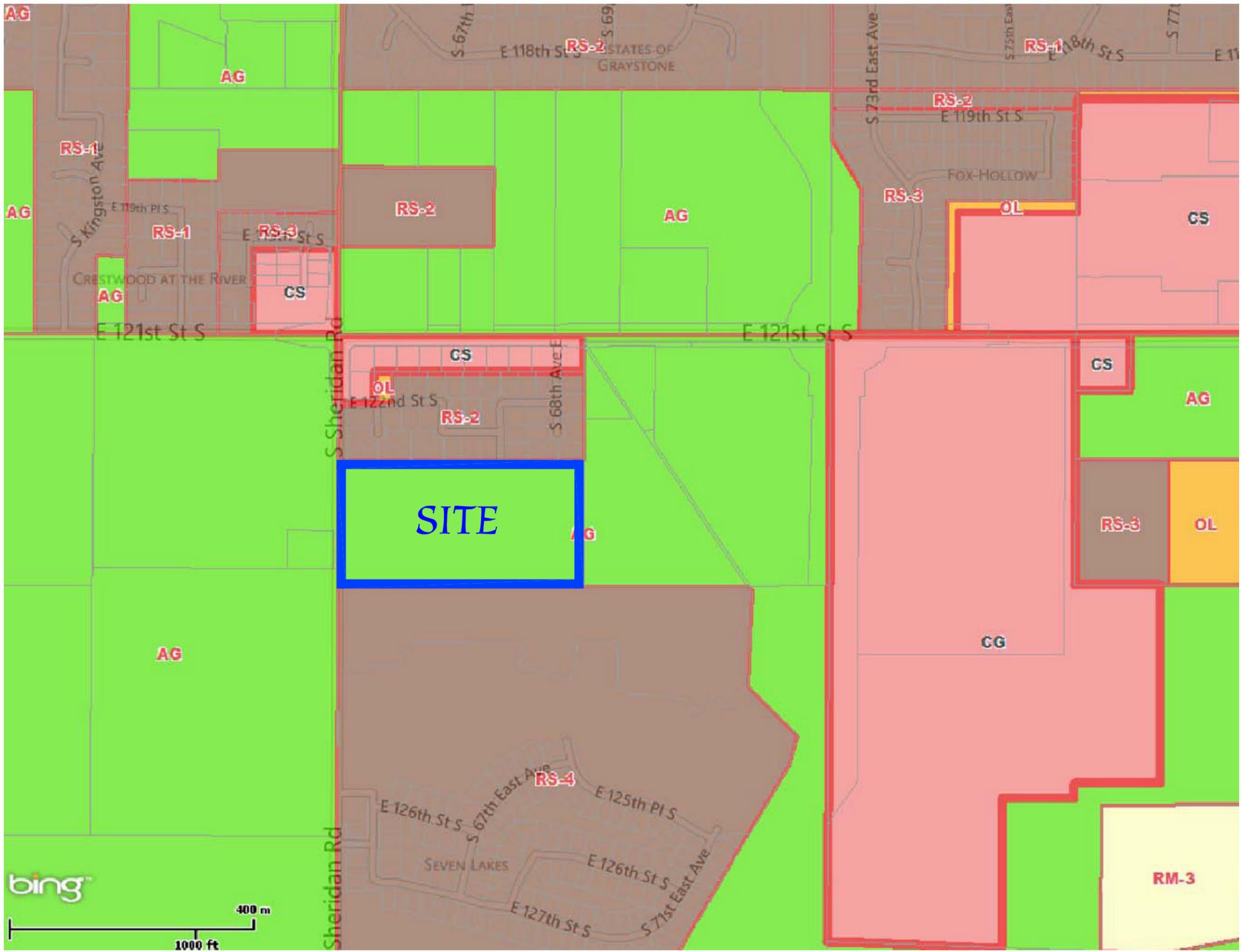


**Utility Legend**

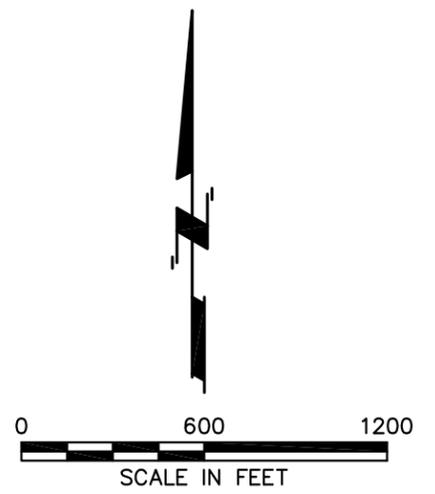
- SS--- EXISTING SANITARY SEWER
- WL--- EXISTING WATERLINE
- SD— PROPOSED STORM SEWER
- SS— PROPOSED SANITARY SEWER
- W— PROPOSED WATERLINE
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED STORM SEWER INLET
- PROPOSED STORM SEWER MANHOLE

**Wood Hollow Estates**  
 123rd Street and South Sheridan Road

**SITE MAP, TOPOGRAPHY,  
 PROPOSED UTILITIES & DRAINAGE  
 EXHIBIT 'B'**  
 Planned Unit Development Number 80



Location Map



# Wood Hollow Estates

123rd Street and South Sheridan Road

AREA ZONING  
**EXHIBIT 'C'**  
 Planned Unit Development Number 80

Wood Hollow Estates  
Planned Unit Development No. 80

**SUBDIVISION PLAT**

No building permit for a residence within Wood Hollow Estates shall be issued until a final subdivision plat has been approved: (1) City Council approval of plat, (2) plat recording with the Tulsa County Clerk, and (3) release of required infrastructure by the City Engineer and Public Works Director in compliance with the approved Wood Hollow Estates development standards.

**SCHEDULE OF DEVELOPMENT**

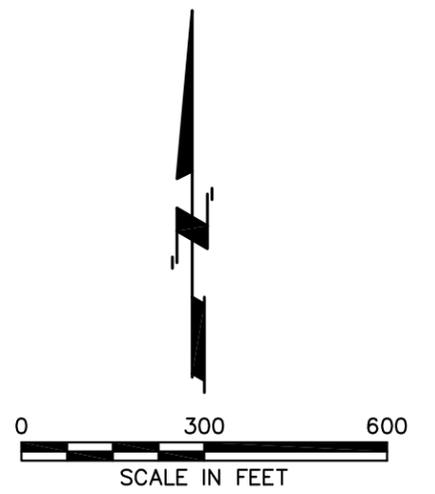
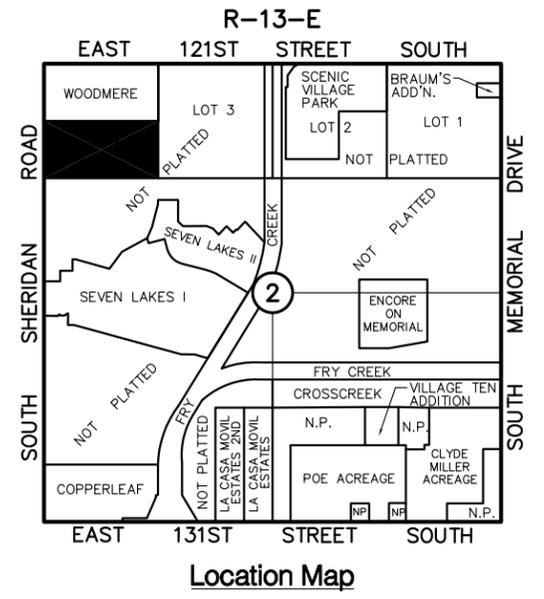
Development will begin in Spring 2014 upon completion of the platting of the property.

## Legal Description

(WOOD HOLLOW ESTATES PUD & RS-3 ZONING)

THE SOUTH HALF (S/2) OF LOT 4, SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA.





# Wood Hollow Estates

123rd Street and South Sheridan Road

**AERIAL PHOTO  
EXHIBIT 'D'**

Planned Unit Development Number 80



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

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## STAFF REPORT

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**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner *EE*  
**Date:** Thursday, October 10, 2013  
**RE:** Report and Recommendations for:  
PUD 76 – Scenic Village Park – Major Amendment # 2

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LOCATION:

- West of the west dead-end of 126<sup>th</sup> St. S. west of Memorial Dr.
- South and west of the intersection of 121<sup>st</sup> St. S. and Memorial Dr.
- Part of the E/2 of Section 02, T17N, R13E

SIZE:

- 70 acres, more or less (parent tract)
- 11.290 acres, more or less (Development Area H/subject property)

EXISTING ZONING: CG General Commercial District & PUD 76

EXISTING USE: Agricultural

REQUEST: Major Amendment to PUD 76, which amendment proposes making certain changes to land uses, making certain changes to development standards, and making certain other amendments

SURROUNDING ZONING AND LAND USE:

North: CG/PUD 76, RS-3, RS-1, AG, & OL/CS/PUD 51; The agricultural 22 acres of development property platted as *Scenic Village Park*, and (Across 121<sup>st</sup> St. S.) the *Fox Hollow* and *North Heights Addition* residential subdivisions; the Fry Creek Ditch # 2 and the North Elementary and North 5<sup>th</sup> & 6<sup>th</sup> 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; to the northeast is 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. 121<sup>st</sup> St. S., the *Seven Lakes I* and *Seven Lakes II* residential subdivisions, and additional vacant land zoned RS-4 for a future “Seven Lakes” phase or phases.

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

PREVIOUS/RELATED CASES:

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

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

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

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

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency

Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

PUD 76 "Scenic Village Park" & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 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.

Final Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres of the parent tract subject property of 92 acres – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

PUD 76 "Scenic Village Park" Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for subject property – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading October 14, 2013. Ordinance Second Reading and consideration at a future City Council meeting is pending.

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

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

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

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

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

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

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

46

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

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

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

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

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the east of subject property – PC recommended Conditional Approval 07/19/2010 and City Council Conditionally Approved 07/26/2010.

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

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

## BACKGROUND INFORMATION:

### ANALYSIS:

Subject Property Conditions. The subject property parent tract of approximately 70 acres is relatively flat and appears to drain, if only slightly, to the south and west. A northerly approximately 22-acre portion of the parent tract of 92 acres was separated from the subject property by the plat of *Scenic Village Park*, recorded June 20, 2013. The entire PUD 76 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. As it would be amended as to configuration per Major Amendment # 1, Development Area H is the focus of this Major Amendment # 2 application. It contains 11.290 acres, and is the easternmost portion of the original 92 acres, and current 70-acre parent tract.

The 70-acre parent tract property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the west and south. Plans for utilities are indicated on Exhibit E (this Major Amendment only) and are discussed in the City Engineer's memo pertaining to Major Amendment # 1.

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

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

The Matrix does not indicate whether or not the requested CG zoning would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Thus, the current CG zoning is consistent with the Comprehensive Plan.

Per the Matrix, PUDs (as a zoning district) are *In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map, and thus PUD 76 is *In Accordance* with the Comprehensive Plan as a zoning district.

Due to the relatively limited scope of proposed changes, the proposed PUD 76 Major Amendment # 2 should be recognized as being not inconsistent with the Comprehensive Plan.

General. The Applicant is requesting a Major Amendment to an approved PUD, to make certain changes to land uses, make certain changes to development standards, and make certain other amendments. The same are described in greater detail in the text as follows:

"PUD 76 Major Amendment #2 is a request to permit either commercial, multifamily [or] residential single-family use on a portion of the PUD. The location of the request is on a portion of the originally requested commercial/multifamily requested area (Development Area H)."

The proposed Development Standards for the single-family (attached and detached) and duplex use alternative are consistent with what was proposed, and Staff and the Planning Commission recommended for the same alternative in Development Area G as per Major Amendment # 1 (including the 60' minimum lot width). The proposed Development Standards for the multifamily use alternative is fairly consistent with the same as proposed with the original PUD 76, which Staff and the Planning Commission recommended, but which the Applicant ultimately removed at the March 25, 2013 City Council meeting, prior to its approval of same as amended.

Because the amendment proposes to approve residential land uses, which requires a Special Exception in a CG district, in Development Area H, which was not approved for same in the original PUD, and as the overall changes constitute a significant departure from the original plan as approved by the City Council, it must take the form of a Major Amendment, rather than a Minor Amendment. Since the PUD Major Amendment would reintroduce multifamily use allowance to DA H, the Public Notice was mailed to a ¼ mile radius of the parent tract subject property.

The proposed residential densities/intensities are consistent with the PUD provisions of the Zoning Code, which would allow for significantly more lots and dwelling units (multifamily) than are proposed in this 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.

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held October 02, 2013. Minutes of that meeting are attached to this report.

Access & Circulation. Consistent with the original PUD 76 as approved, primary access to the PUD development would be via a proposed collector street connecting 121<sup>st</sup> St. S. to Memorial Dr. via the existing 126<sup>th</sup> 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 126<sup>th</sup> 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 126<sup>th</sup> 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 121<sup>st</sup> St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121<sup>st</sup> St. S. was widened. It will be known as 74<sup>th</sup> 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 73<sup>rd</sup> E. Ave., which serves *Fox Hollow* and the *North Heights Addition*. It will continue south of 121<sup>st</sup> St. S. with the 73<sup>rd</sup> 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

4.9

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 73<sup>rd</sup> E. Ave. and primarily serving the assisted living facility, should be afforded flexibility to reduce the minimum required widths.

PUD Major Amendment # 1 proposes to shift the 74<sup>th</sup> E. Ave. portion of the 74<sup>th</sup> E. Ave. / 126<sup>th</sup> St. S. collector road easterly, to accommodate more room for the single-family detached residential area west of the collector road system. No significant changes to access and circulation patterns were proposed, except to the extent necessary to allow conventional housing addition(s) to be developed in certain areas. These subdivisions will all tie into the realigned collector street system. Likewise, no significant changes to access and circulation patterns are proposed with this Major Amendment # 2.

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

To the north is the agricultural 22 acres of development property platted as *Scenic Village Park* zoned CG with PUD 76 and, across 121<sup>st</sup> St. S., the *Fox Hollow* and *North Heights Addition* residential subdivisions are zoned RS-3 and RS-1, respectively, the Fry Creek Ditch # 2 to the northwest is zoned AG, and an 11-acre agricultural/vacant tract to the northeast is zoned OL/CS/PUD 51.

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

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

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

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

River, has all the necessary utilities, has Memorial Dr. frontage and improved access by the widened 121<sup>st</sup> St. S., and is out of the 100-year Floodplain.

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

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

In a trend accelerating since the street widening, the 121<sup>st</sup> St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The land to the northwest is the Bixby North Elementary school on a 23-acre campus, and next to that is the Bixby North 5<sup>th</sup> and 6<sup>th</sup> Grade Center on a 10-acre campus and the *LifeChurch* 4.4-acre facility. The *Three Oaks Smoke Shop* is located on a 2-acre tract approximately 1,100 feet from the subject property on the south side of the street, and all of the balance of the land to the west along the south side of 121<sup>st</sup> St. S. has been zoned CS with PUD 53 and platted in *WoodMere* for commercial use and office buildings. The 11-acre tract to the northeast was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre *Bixby Centennial Plaza* is just beyond that to the east, and was approved for CS zoning, in 2001, and for commercial development by the plat of *Bixby Centennial Plaza* in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121<sup>st</sup> St. S. (possibly previously addressed 7600 E. 121<sup>st</sup> St. S.), to the northeast of the subject property, was rezoned to CS in March of 2012.

The existing CG zoning and PUD 76 propose a moderately intensive, multiple use suburban development of the subject property. Within the 180-acre area above-defined, there are three (3) instances of approved CG zoning immediately east of the subject property. Immediately south of Fry Creek Ditch # 1, the Crosscreek development is more consistent with CG zoning than its existing CS zoning. Across Memorial Dr. to the east of the 180-acre area above-defined, there is an existing ministorage business, *Spartan Self Storage*, and just to the east of that is a 16-acre tract approved for "office/warehouse" / "trade center" and ministorage development (PUD 68). Thus, there is located in the immediate area precedent for CG zoning and all of the uses contemplated by this multiple-use PUD. Therefore, Staff believes that, for the most part, PUD 76 and its proposed Major Amendment # 2 are consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

The proposed introduction of single-family and duplex residential use and reintroduction of multifamily use to the reduced Development Area H has precedent in the area. Such changes would not appear to be inconsistent with surrounding Zoning and land use patterns or the character of PUD 76 as originally approved.

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

1. Consistent with the most recent and relevant three (3) multifamily development approvals in Bixby, the adequacy of multifamily construction quality shall be determined by means of a PUD Detailed Site Plan, to be recommended upon by the Planning Commission and approved by the City Council (see language in Section III.J Detailed Site Plan Review of PUD 76 version received 03/07/2013)
2. Consistent with the Encore on Memorial project and PUD 75, this PUD should propose specific masonry requirement for each multifamily development building type. Encore on Memorial included a 25% masonry requirement for the standard 3-story apartment buildings ("Type I"), a 35% masonry requirement for the modified-type 2/3-story apartment buildings ("Type III"), and a 40% masonry requirement for the leasing office. The garages and carport buildings had no masonry requirement.

As for the second recommendation, this Major Amendment # 2 proposes the same masonry standard as was recommended by Staff and the Planning Commission as worded in the PUD 76 version received 03/07/2013, "The exterior walls of multifamily buildings shall have a minimum masonry area of not less than 25% excluding windows and doors. The exterior walls of leasing offices shall have a minimum masonry area of not less than 45% excluding windows and doors." As such, it would appear to exceed the standard used for Encore on Memorial.

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 proposed reintroduction of multifamily to the reduced Development Area H if the PUD ensures the highest value and quality for any multifamily development that may occur on the subject property by means of (1) minimum masonry requirements and (2) a requirement for Detailed Site Plan approval by the City Council. If these were satisfactorily provided for, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will have been met.

Staff Recommendation. For all the reasons outlined above, Staff recommends Approval, subject to the following corrections, modifications, and Conditions of Approval:

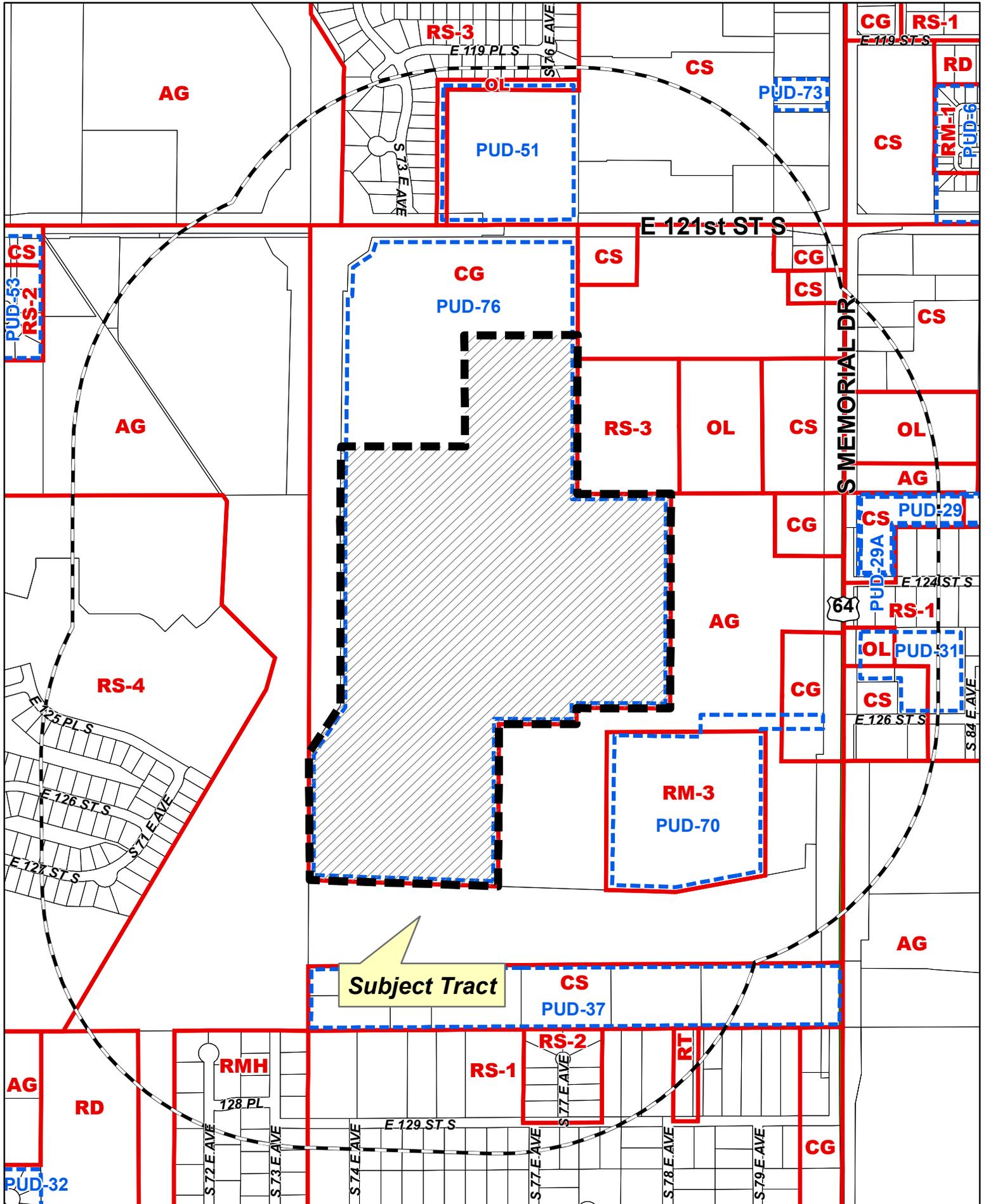
1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
2. Table of Contents: Section III.D is omitted and subsequent sections are shifted as a result. Please correct.
3. Section I Development Concept: Consider specifying that each of the different sets of Development Standards for Development Area H are mutually exclusive, unless another PUD amendment was created to allow and specifically plan and design for a true mixed-use development.
4. Section I Development Concept, 1<sup>st</sup> Paragraph: Tense change since previous version (“consists” to “consisted”) creates mixed tenses within the same sentence, the clause-initiating word “which” was removed (and the clause should be set apart with clarifying commas), and “Drive” was omitted from “South Memorial Drive.” Please restore original text or explain purposes of changes.
5. Section I Development Concept, 1<sup>st</sup> Paragraph: The description of the changes to the original PUD 76 were more accurately written in the last text version (Major Amendment # 1). Please restore this language or make other appropriate clarifications (e.g. City Council did not exclude the multifamily use). Further, please restore the helpful sentence explaining the platting of Development Areas A, B, and E.
6. Section I Development Concept, 2<sup>nd</sup> Paragraph: Please clarify that Major Amendment # 1 also (1) shifts the collector street system and (2) reconfigures development area boundaries, in part due to the street alignment shift, and (3) please clarify that the residential use would be introduced to multiple Development Areas by changing “in an area previously approved for office use” to “in Development Areas D and G, as they were reconfigured” or some variation of that theme.

7. Section I Development Concept, 3<sup>rd</sup> Paragraph: Consider combining sentences to avoid redundancy.
8. Section I Development Concept, 3<sup>rd</sup> Paragraph: Occurrence of “of” in place of “or,” as presumed intended.
9. Section I Development Concept, 5<sup>th</sup> Paragraph: PUD Detailed Site Plan is to be recommended upon by the Planning Commission and approved by the City Council, per other provisions in the PUD or as otherwise recommended by Staff.
10. Section I Development Concept, 6<sup>th</sup> Paragraph: Second occurrence of “#2” should be “#1.”
11. Exhibit C Current Zoning Map: Please restore 121<sup>st</sup> St. S. and S. Memorial Dr. labels.
12. Exhibit F Environmental Analysis: Please restore 121<sup>st</sup> St. S. and S. Memorial Dr. labels.
13. Section II Development Standards: Please qualify each of the parallel sets of Development Standards by “Alternative Development Area H (Commercial),” “Alternative Development Area H (Residential Multifamily),” and “Alternative Development Area H (Residential Single-Family)” as per the Table of Contents, as consistent with Major Amendment # 1, and as per other recommendations in this report. Please also update the Table of Contents to add the term “Alternative” to each.
14. Section II Development Standards for Residential Single-Family Alternative: 100 dwelling units would exceed maximum yield for 11.715 acres of gross land area (approximately 68).
15. Section II Development Standards for Residential Single-Family Alternative: Please restore Yard/Setback qualifiers as per Major Amendment # 1: “(public or private)” and “(detached dwellings).”
16. Section II Development Standards for Residential Single-Family Alternative: Yard/Setback between “Townhome Buildings” (“Townhouse Developments” per Zoning Code) is 20’ here versus 10’ in Development Area G per Major Amendment # 1. This could cause conflict if parts of both DAs are developed with townhouses. Consider reconciling.
17. Section II Development Standards for Residential Single-Family Alternative: Consider restoring “Internal Access” language as per Major Amendment # 1.
18. Section III.I pertaining to transfer of [density/intensity]: Please restore the historical reference of the initial transfer as made with PUD 76 approved 03/25/2013.
19. Section III.[J] title does not match between exhibit and Table of Contents.
20. Section III.[J]: Please use language pertaining to City Council approval of the PUD Detailed Site Plan in the event of the multifamily option, such as Staff and the Planning Commission recommended, as used in the PUD 76 version of Section III.J received 03/07/2013.
21. Section III General Provisions and Development Standards: Several sections have been substantially reworded, had substantial sections of text removed, and former subsection “City Department Requirements” has been removed. Please restore as per the final version of Major Amendment # 1 or explain purposes of changes.
22. 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.

23. In satisfaction of the City Council's approval conditions of the Preliminary and Final Plats of Scenic Village Park and PUD 76 Major Amendment # 1, copies of the Preliminary Plat of *Scenic Village Park*, 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").
24. A corrected PUD Major Amendment package, incorporating all of the corrections, modifications, and Conditions of Approval, shall be submitted as follows: 2 hard copies and 1 electronic copy (PDF preferred).

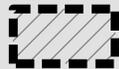
55



**Subject Tract**

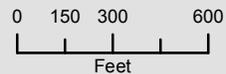


300' Radius



Subject Tract

**PUD-76-2**



02 17-13



## Memo

**To:** Erik Enyart, City Planner  
**From:** Jared Cottle, PE *JWC*  
**CC:** Bea Aamodt, PE  
File  
**Date:** 10/09/13  
**Re:** Scenic Village  
PUD 76 – Major Amendment #2

---

### General Comments:

1. Utility, paving, grading, and drainage information were not included with the Amendment. The site utilities will need to be compatible and included with the site master plan.
2. Additional review comments will be provided upon submittal of updated utility/paving/grading/drainage information.

# Scenic Village Park

PUD 76 Major Amendment # 2

11.290 acres West of South Memorial Drive,  
South of East 121<sup>st</sup> Street South

Bixby, Oklahoma

**Applicant/Owner**

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

**Development Engineer**

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

September 19, 2013

**TABLE OF CONTENTS**

I. Development Concept ..... 3

Exhibit List:

Exhibit A Aerial Photography ..... 4

Exhibit B Development Area Diagram ..... 5

Exhibit C Current Zoning Map ..... 6

Exhibit D Comprehensive Plan Map ..... 7

Exhibit E Proposed Utility Layout ..... 8

Exhibit F Environmental Analysis ..... 9

Exhibit G Legal Description ..... 10

II. Development Standards

Development Area H: Commercial ..... 11

Development Area H: Residential Multifamily ..... 12

Development Area H: Residential Single-Family ..... 13

III. General Provisions and Development Standards

A. Restricted Uses ..... 14

B. Landscaping and Screening ..... 14

C. Lighting ..... 14

D. Access and Circulation ..... 14

E. Signs ..... 15

F. Utilities and Drainage ..... 15

G. Parcelization ..... 15

H. Transfer of Allocated Floor Area ..... 15

I. Detailed Site Plan Review ..... 15

J. Platting Requirement ..... 16

IV. Expected Schedule of Development ..... 16

## **I. DEVELOPMENT CONCEPT**

Planned Unit Development No. 76 (hereinafter "PUD 76") was approved by the Bixby City Council on March 25, 2013 consisted of approximately 92 acres and is located on the south side of East 121<sup>st</sup> Street South, west of South Memorial. PUD 76 contains eight development areas permitting mixed uses including assisted living, commercial, office and residential. After approval by the Bixby Planning Commission of a Development Area permitting multifamily use, multifamily use was excluded from the PUD by the Bixby City Council.

At the time of this PUD text preparation, PUD 76 Major Amendment #1 is set for public hearing before the Bixby Planning Commission (hearing date of September 30, 2013). Major Amendment #1 is requesting a modification of permitted uses to allow residential uses in an area previously approved for office use.

PUD 76 Major Amendment #2 is a request to permit either commercial, multifamily or residential single-family use on a portion of the PUD. The location of the request is on a portion of the originally requested commercial/multifamily requested area (Development Area H).

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

This PUD 76 Major Amendment #2 is intended to establish permitted uses and development standards and conditions to be followed by a detailed site plan to be approved by the Bixby Planning Commission prior to development.

Unless specifically modified herein (PUD 76 Major Amendment #2), the approved permitted uses and development standards of the original PUD 76 and PUD Major Amendment #2) shall remain in full force and effect.

# Scenic Village Park

## EXHIBIT A

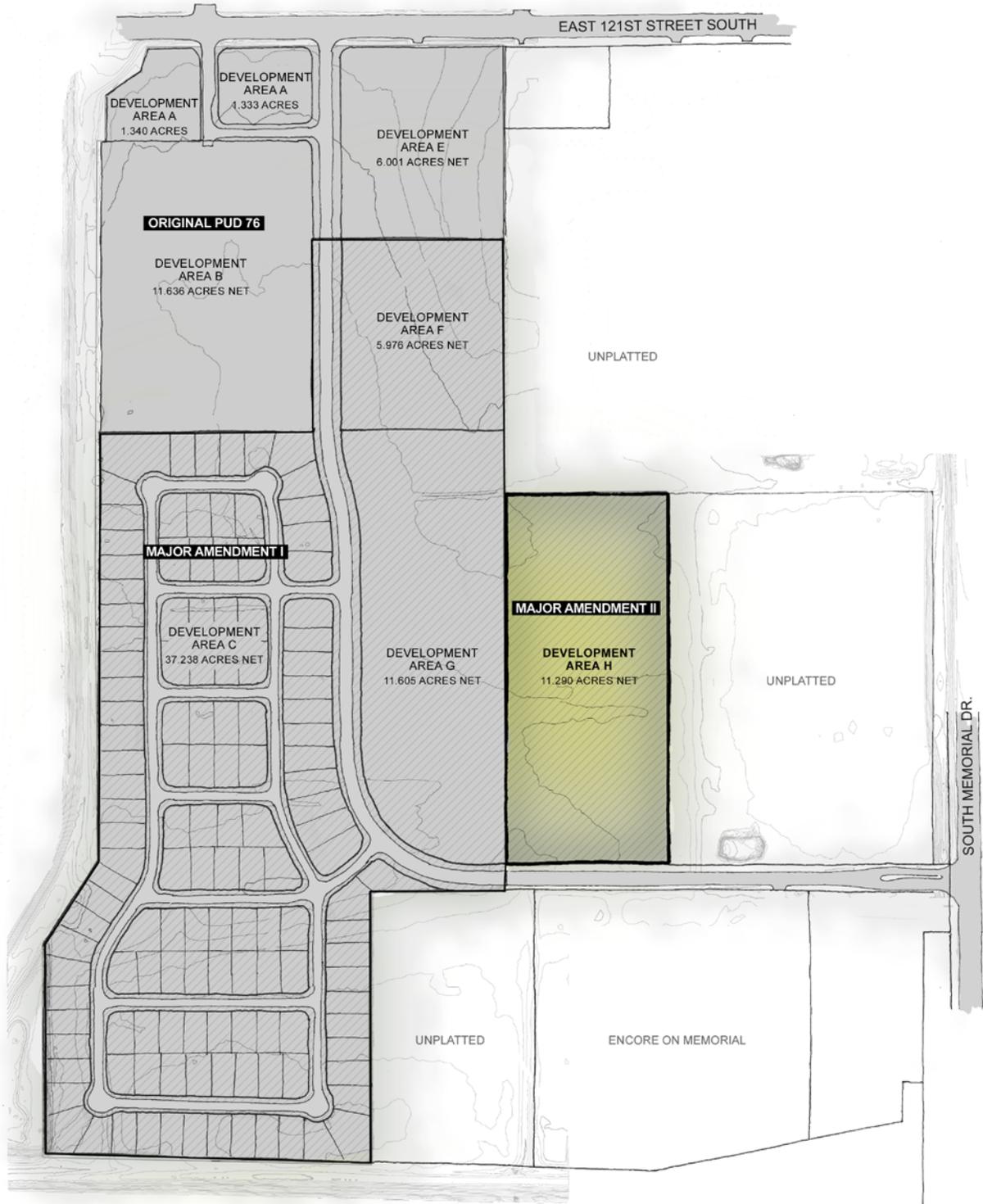
### AERIAL PHOTOGRAPHY OF EXISTING CONDITIONS



# Scenic Village Park

## EXHIBIT B

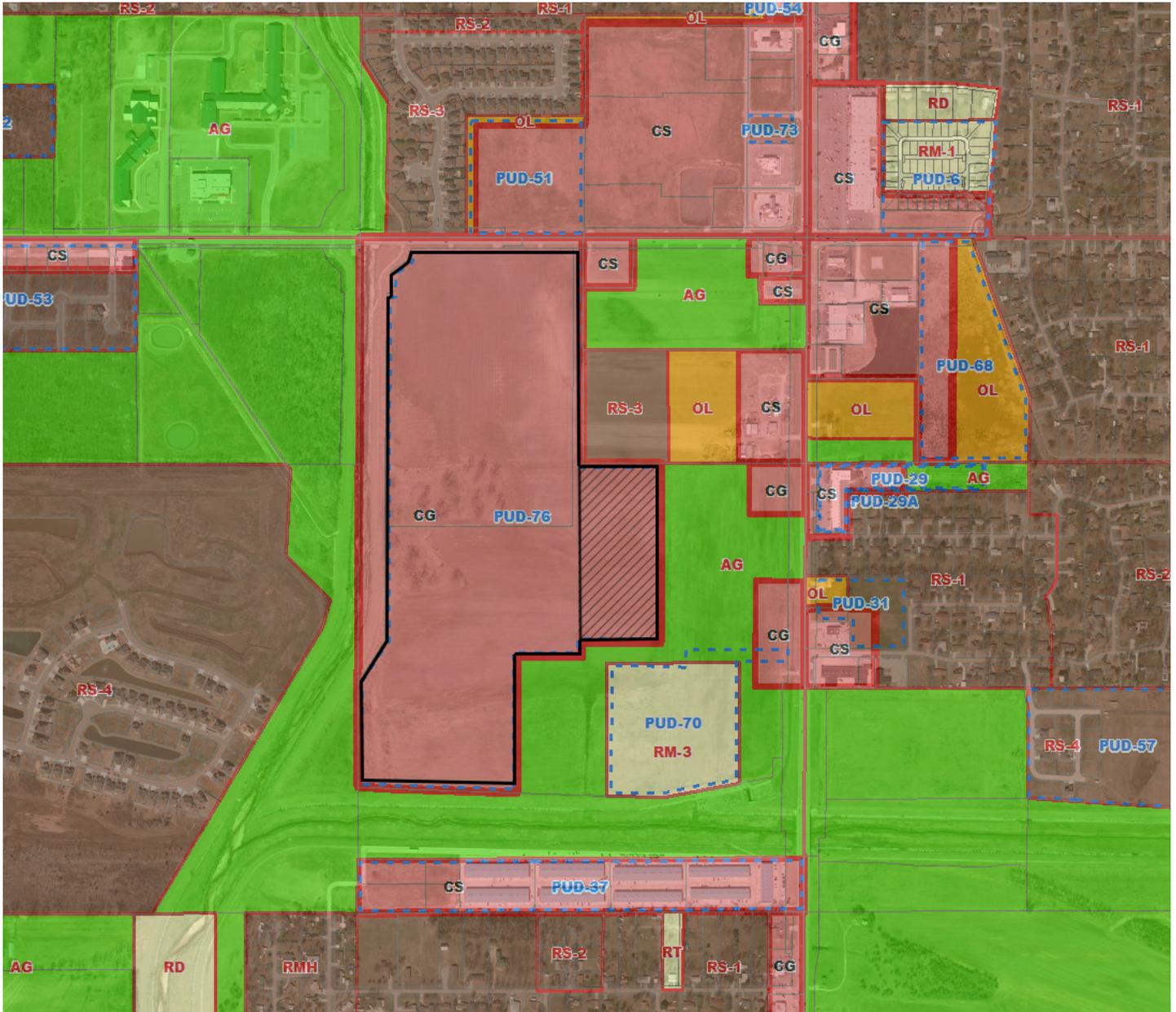
### DEVELOPMENT AREA DIAGRAM



# Scenic Village Park

## EXHIBIT C

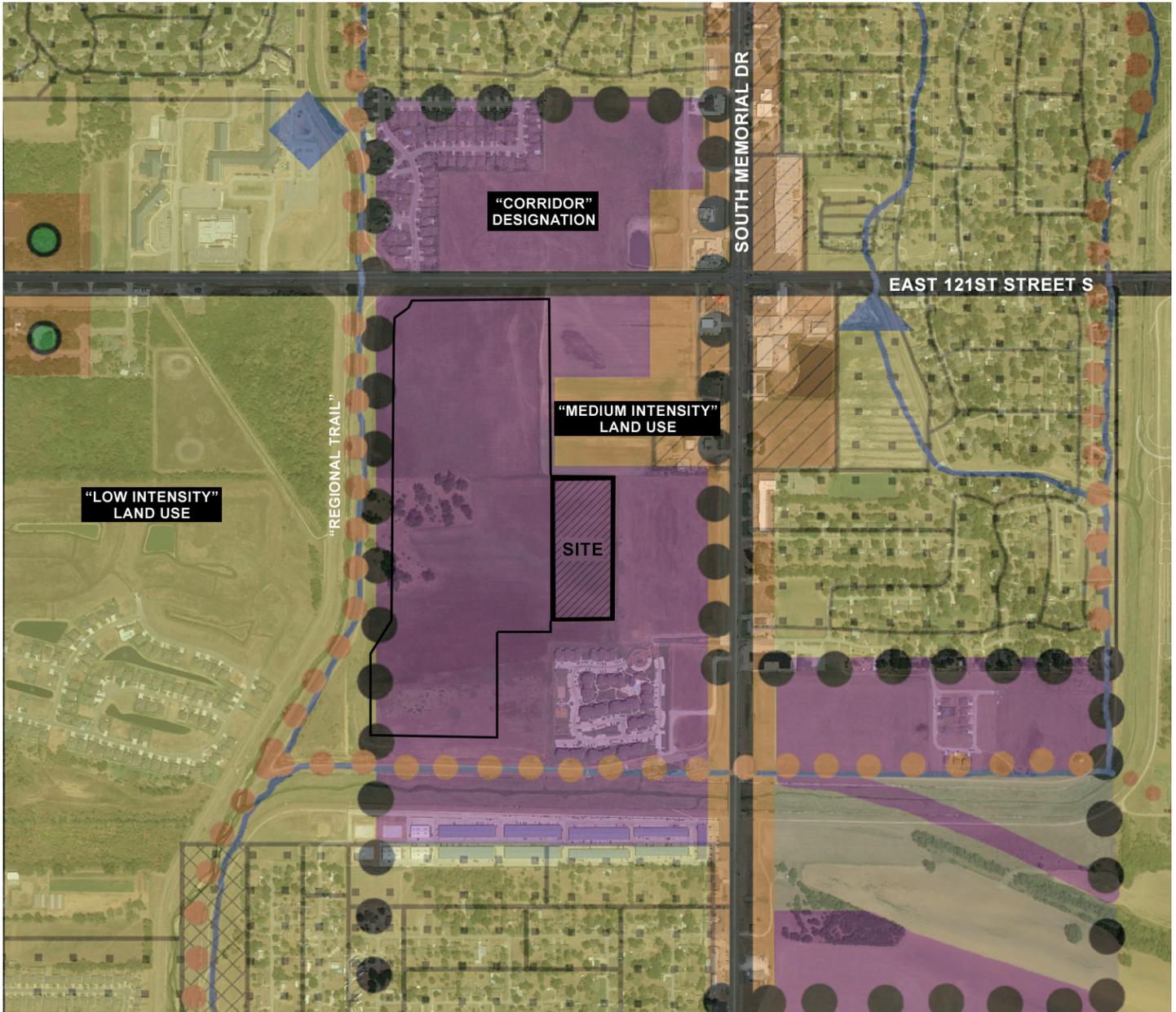
CURRENT ZONING MAP  
INCOG ZONING GIS SYSTEM 2013



# Scenic Village Park

## EXHIBIT D

### COMPREHENSIVE PLAN MAP CITY OF BIXBY



# Scenic Village Park

## EXHIBIT E

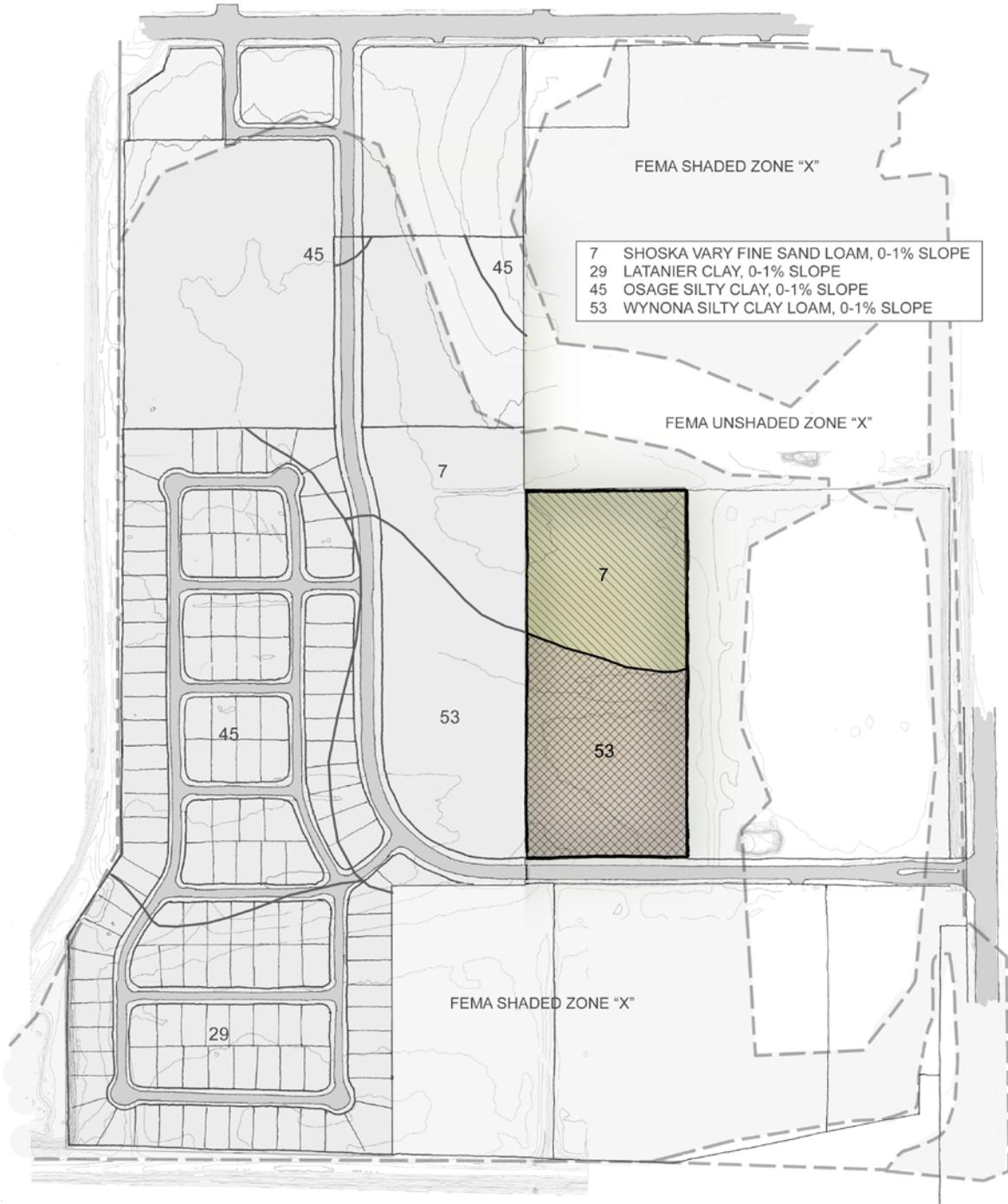
### PROPOSED UTILITY LAYOUT



# Scenic Village Park

## EXHIBIT F

### ENVIRONMENTAL ANALYSIS USDA SOILS, FIELD TOPOGRAPHY & FLOODPLAINS



# Scenic Village Park

## EXHIBIT G

### PUD LEGAL DESCRIPTION DEVELOPMENT AREA H

#### Description

A TRACT OF LAND THAT IS A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE/4 NE/4) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SE/4 NE/4; THENCE NORTH 88°32'26" EAST ALONG THE NORTH LINE OF THE SE/4 NE/4, FOR A DISTANCE OF 463.28 FEET TO A POINT; THENCE SOUTH 00°59'23" EAST AND PARALLEL WITH THE WEST LINE OF THE SE/4 NE/4, FOR A DISTANCE OF 1063.53 FEET TO A POINT; THENCE SOUTH 89°01'15" WEST, FOR A DISTANCE OF 463.26 FEET TO A POINT ON SAID WEST LINE; THENCE NORTH 00°59'23" WEST ALONG THE WEST LINE, FOR A DISTANCE OF 1059.64 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 491,795 SQUARE FEET OR 11.290 ACRES.

## **II. DEVELOPMENT STANDARDS**

### **DEVELOPMENT AREA H (COMMERCIAL)**

GROSS LAND AREA:	11.715 acres
NET LAND AREA:	11.290 acres
PERMITTED USES:	Uses permitted as a matter of right in the CG Zoning District, and office/warehousing as set forth within Use Unit 23 Warehousing and Wholesaling and customary accessory uses.
MAXIMUM FLOOR AREA RATIO:	0.50
MAXIMUM BUILDING HEIGHT:	40 ft.
MINIMUM BUILDING SETBACK:	
FROM NON-ARTERIAL STREET RIGHT-OF-WAY:	25 ft.
FROM RESIDENTIAL DEVELOPMENT AREAS:	50 ft.
FROM OTHER BOUNDARIES:	20 ft.
MINIMUM LANDSCAPING	10% of net lot area
MINIMUM OFF-STREET PARKING:	As required within the applicable use unit.
OTHER BULK AND AREA REQUIREMENTS	As Required within a CS District

**DEVELOPMENT AREA H (MULTIFAMILY)**

GROSS LAND AREA: 11.715 acres

NET LAND AREA 11.290 acres

PERMITTED USES: Multifamily dwellings are permitted and customary accessory uses, including common area facilities such as club house, swimming pool and recreational open space.

MAXIMUM DWELLING UNITS: 300 DUS

MAXIMUM BUILDING HEIGHT: 48 ft.

MAXIMUM STORIES: 4

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

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

**BUILDING DESIGN REQUIREMENTS FOR  
MULTIFAMILY BUILDINGS:**

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

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

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

**DEVELOPMENT AREA H (RESIDENTIAL)**

GROSS LAND AREA: 11.715 acres

NET LAND AREA: 11.290 acres

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

MAXIMUM DWELLING UNITS: 100 dus

MAXIMUM BUILDING HEIGHT: 35 ft.

MAXIMUM STORIES: 2

MINIMUM LOT WIDTH: 60 ft

MINIMUM LOT SIZE: 6,900 sf

**MINIMUM YARDS AND BUILDING SETBACKS:**

FROM STREET RIGHT-OF-WAY: 20 ft.  
FROM REAR LOT LINE: 20 ft.  
FROM SIDE YARD LOT LINE: 5 ft.  
BETWEEN DETACHED DWELLING UNITS: 10 ft.  
BETWEEN DUPLEX BUILDINGS: 10 ft.  
BETWEEN TOWNHOME BUILDINGS: 20 ft.  
FROM TOWNHOME ATTACHED SIDE 0 ft.

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

**OTHER BULK AND AREA REQUIREMENTS:**

DETACHED SINGLE FAMILY DWELLINGS: As required within a RS-3 District.  
DUPLEX DWELLINGS: As required within a RD District  
TOWNHOUSE DWELLINGS: As required within a RT District

### **III. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS**

#### **A. Restricted Uses**

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

#### **B. Landscaping and Screening**

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

#### **C. Lighting**

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

#### **D. Off Street Parking**

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

#### **E. Access and Circulation**

The principal access is to be derived from East 121<sup>st</sup> South and South Memorial Drive and an interior collector street that connects to the two arterial streets. Interior public and/or private minor street systems and mutual access easements will be established as needed. New public street construction shall comply with the applicable geometric street standards of the City of Bixby.

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

**F. Signs**

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

**G. Utilities and Drainage**

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

**H. Parcelization**

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

**I. Transfer of Density/Intensity**

Allocated commercial or residential density may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area or residential density is to be allocated, provided however, the allocation shall not exceed 15% of the initial allocation to the lot to which the transfer of floor area or residential density is to be made. Allocation exceeding 15% shall require an application for minor amendment to be reviewed and approved by the Bixby Planning Commission.

**J. Site Plan Review**

Development areas may be developed in phases and no building permit shall issue until a detailed site plan (including landscaping) of the proposed improvements has been submitted to the Bixby Planning Commission and approved as being in compliance with the development concept and the development standards. No certificate of occupancy shall issue for a building until the landscaping of the applicable phase of development has been installed in accordance with a landscaping plan and phasing schedule submitted to and approved by the Bixby Planning Commission.

**K. Platting Requirement**

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

**IV. EXPECTED SCHEDULE OF DEVELOPMENT**

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



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

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## STAFF REPORT

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**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner   
**Date:** Thursday, October 17, 2013  
**RE:** Report and Recommendations for:  
Preliminary Plat of "Wood Hollow Estates" (PUD 80)

---

**LOCATION:** – 12307 S. Sheridan Rd.  
– The S/2 of Government Lot 4 (NW/4 NW/4) of Section 02, T17N, R13E

**SIZE:** 20 acres, more or less

**EXISTING ZONING:** AG Agricultural District (RS-3 and PUD 80 for "Wood Hollow Estates" requested)

**SUPPLEMENTAL ZONING:** None

**EXISTING USE:** Vacant/wooded with a single-family house in the southwest corner

**REQUEST:** Preliminary Plat approval

**SURROUNDING ZONING AND LAND USE:**

**North:** RS-2/CS/OL/PUD 53 and AG; The WoodMere commercial and residential subdivision on 20 acres and 121<sup>st</sup> St. S. to the north of that; to the northeast is a vacant/wooded 1-acre tract just east of WoodMere and a 2-acre "taxed Tribal Land" tract, which contains the *Three Oaks Smoke Shop* located at 7060 E. 121<sup>st</sup> St. S.; to the northwest are vacant commercial lots zoned CS in "Crestwood Crossing" section of *Crestwood Village* in the City of Tulsa.

75

South: RS-4; 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.

East: AG; Vacant/wooded land owned by Tulsa County and the City of Bixby for the “wetland mitigation” and “hardwood mitigation” areas, respectively, and a concrete-bottomed drainage channel, all related to the development of the Fry Creek channel system around the year 2000, and further east is the Fry Creek Ditch #2.

West: (Across Sheridan Rd.) AG; Agricultural land, including 64 acres recently purchased by Bixby Public Schools, and the City of Tulsa’s lift station facility, all in the Tulsa City Limits.

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

PREVIOUS/RELATED CASES:

PUD 80 “Wood Hollow Estates” & BZ-367 – Sack & Associates, Inc. – Request for rezoning to RS-3 and PUD approval for subject property – PC consideration pending 10/21/2013.

BACKGROUND INFORMATION:

According to the Tulsa County Assessor’s parcel data, the subject property was most recently owned by the Tiger family, and it was “Tribal land, taxed” per *Tulsa World* reporting on January 20, 2012. It was recently acquired by the Applicant, who plans to develop a residential subdivision on the subject property.

ANALYSIS:

Subject Property Conditions. The subject property of 20 acres is quite flat and appears to drain, if only slightly, in southerly and/or easterly directions. The development will be planned to drain to the east to Fry Creek Ditch # 2, or to a drainage channel which drains into Fry Creek Ditch # 2, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned AG (RS-3 and PUD 80 is requested) and is presently vacant and heavily wooded. It has a small, old house in its extreme southwest corner, addressed 12307 S. Sheridan Rd., which will be removed as a part of this development.

Plans for drainage are described in the “Drainage” section of the PUD 80 Text as follows:

“Drainage within Wood Hollow Estates will be collected in standard drop inlets located in the private streets. The collected stormwater will then be conveyed in a system of pipes to an existing excavated stormwater holding facility. The stormwater holding facility is in the triangular tract of land that is owned by Tulsa County and is located just to the east of Wood Hollow Estates. The holding area will be a dry facility that will collect the stormwater and discharge it to several possible locations. These locations include the 121st and Sheridan Mitigation Area to the south, or possibly along the south property line directly to Fry Creek.”

76

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has access to the stormwater drainage in the Fry Creek Ditch # 2 to the east. Plans for utilities are indicated on Exhibit B and are discussed in the City Engineer's memo.

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

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the RS-3 zoning requested by BZ-367 is *In Accordance* with the Low Intensity designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the RS-3 zoning requested by BZ-367 would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Per the Matrix, PUDs (as a zoning district) are *In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map, and thus PUD 80 is *In Accordance* with the Comprehensive Plan as a zoning district.

The proposed subdivision plat is consistent with requested RS-3 zoning. Thus, the single-family residential subdivision anticipated by this plat should be consistent with the Comprehensive Plan.

General. This subdivision of 20 acres proposes 51 Lots, three (3) Blocks, and one (1) Reserve Area: Reserve Area A, the private street system. With the exceptions outlined in this report, the Preliminary Plat appears to conform to the Zoning Code and Subdivision Regulations and the proposed PUD 80.

The subdivision is of conventional design but with exceptionally large lots and private, gated streets. Enhanced landscaping and entry features are suggested by the site plans submitted with PUD 80. The subdivision is similar to WoodMere abutting to the north, with relatively similarly-sized and configured lots. However, whereas lots in WoodMere were fairly irregular, owing to its two (2) cul-de-sacs and its variegated street pattern with "knuckle" / "eyebrow" turnarounds at each intersection, this subdivision will have more regular, rectangular lots. Typical lots are 90' X 158' (14,220 square feet, 0.33 acres) and 95' X 150' (14,250 square feet, 0.33 acres). All lots appear to meet requested RS-3 and PUD 80 zoning standards.

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 80 at its regular meeting held October 02, 2013. Minutes of that meeting are attached to this report.

Access and Internal Circulation. Primary access to the subdivision would be via one (1) street connecting to Sheridan Rd. It is proposed to be gated at the intersection, and the streets will be private. Emergency access would be additionally afforded via 67<sup>th</sup> E. Ave., a private street extension of the existing 67<sup>th</sup> E. Ave. in WoodMere to the north. It is proposed to have a gate at the point of intersection with the common subdivision line. Streets in WoodMere are also gated and private/privately-maintained.

The Preliminary Plat indicates 10' Sidewalk Easements ("SWE") outside the 30'-wide Reserve A for private streets, in which 4'-wide sidewalks would be installed.

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

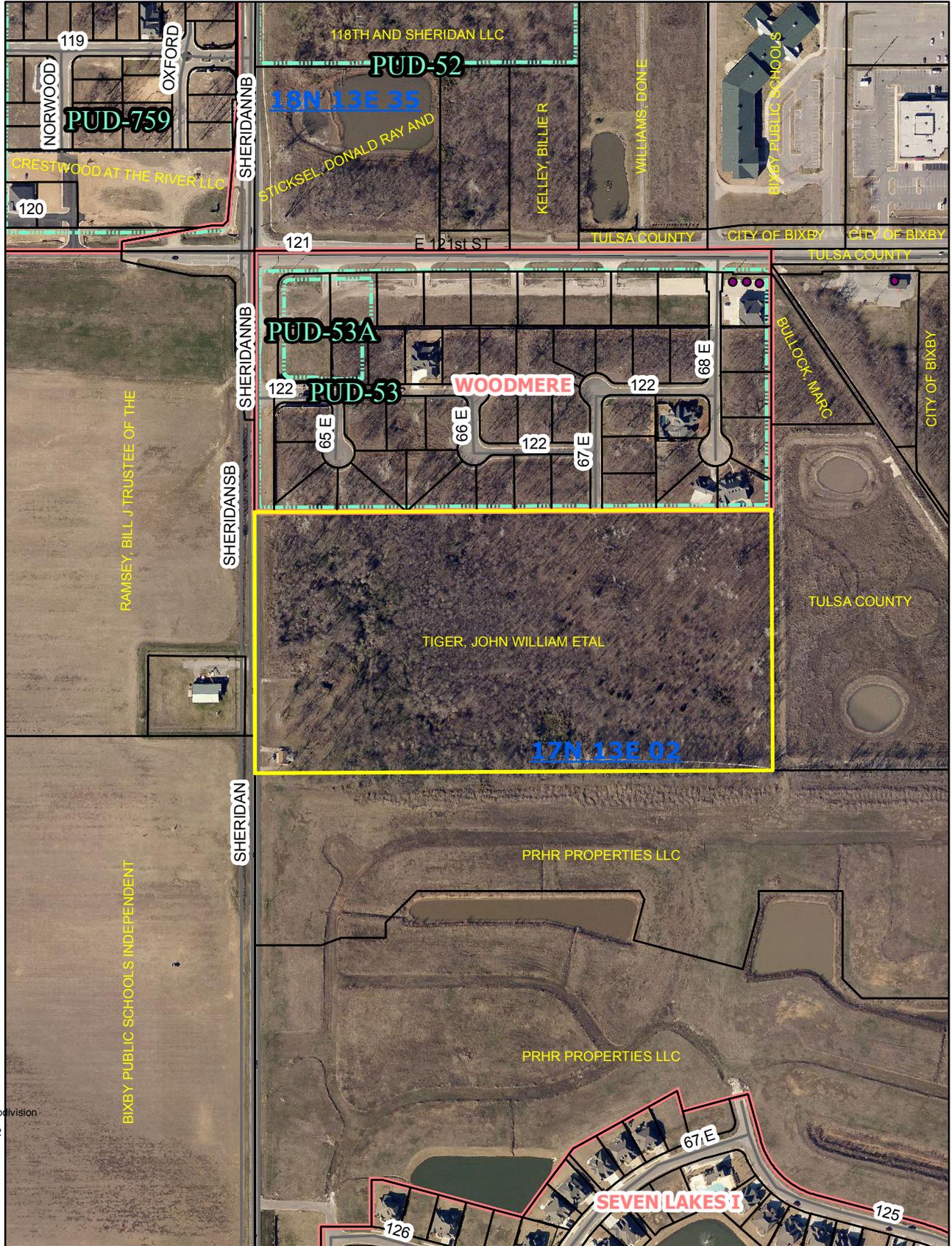
1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
2. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.C to reduce the minor residential street rights-of-way to 30' from the 50' required, which may be justified by noting these will be private streets, will be supported by front-yard U/Es in Block 3 and by Restricted Waterline and Sidewalk Easements, the latter which contain waterlines and sidewalks normally occupying the right-of-way difference, and by citing how the 30' width has been used successfully in other private street applications.
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 south and east. The Modification/Waiver may be justified on the east as it abuts the 'wetland mitigation' area owned by Tulsa County, which is not expected to develop, and on the south by the fact that Bixby has reviewed and conditionally approved a Sketch Plat for "Seven Lakes III," which did not propose a stub-out street connecting to the subject property, did not require additional access via the subject property, and as it is not always appropriate to allow private streets to connect to Public streets in such situations.
4. At the TAC meeting held October 02, 2013, representatives from BTC Broadband and ONG expressed support for the AEP-PSO's representative's request that the Utility Easements along the north and south subdivision boundaries be a minimum of 17.5' in width. The City Engineer's memo includes expanding the 11' U/Es here to 17.5' in width as a review comment. Please expand to 17.5' in width or request, along with justification, a Modification/Waiver from the 17.5' minimum width Perimeter U/E standard of Subdivision Regulations Section 12-3-3.A.
5. All Modification/Waiver requests must be submitted in writing.
6. Subject to City Engineer and/or County Engineer curb cut approval for the proposed access points to Sheridan Rd., and the Fire Marshal's approval of locations, spacing, widths, and curb return radii.
7. Per SRs Section 12-4-2.A.5, the Location Map must include:
  - All platted additions represented with the Section:
    - *Crosscreek* (missing)
    - *Encore on Memorial* (missing)
    - *Scenic Village Park* (missing)
    - *Seven Lakes I* (missing)

78

- *Seven Lakes II* (missing)
  - *Clyde Miller Acreage* (mislabeled)
  - Scale at 1" = 2,000' (currently uses 4" = 1 mile)
8. With the version of the plat received October 15, 2013, the elevation contours, as required by the Subdivision Regulations, have been removed – please restore.
  9. Please provide a property line separating the Sheridan Rd. Public street right-of-way dedication from Reserve A.
  10. Please adjust proposed addresses per the Address Schedule Recommendations provided to the Applicant.
  11. On the Exhibit A site plan to PUD 80, a Fence Easement (formerly designated thereon as a “Landscape Area”) is shown at the west end of Block 3, but no Fence Easement area was found with the plat. Please discuss plans for landscaping here and how it would relate to the plat.
  12. Face of Plat and DoD/RCs: On the Exhibit A site plan to PUD 80, what appears to be an area for “fencing, walls, landscaping and subdivision identification [signage]” (reference DoD/RCs Section II.A) is shown at the subdivision’s main entrance, but the Fence Easement does not appear to provide adequate spatial coverage. The Fence Easement language in the DoD/RCs does not mention signage.
  13. 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).

79

**PUD 80 – “Wood Hollow Estates” – Sack & Associates, Inc. & Preliminary Plat – “Wood Hollow Estates” – Sack & Associates, Inc.**



- Businesses
- bixby\_streams
- ▭ Tulsa Parcels 08/13
- ▭ WagParcels 08/13
- ▭ TulSubdivision
- ▭ WagonerCounty\_Subdivision
- WagRoads\_Aug2012
- E911Streets
- ▭ PUD
- ▭ bixby\_s-t-r
- ▭ county



## Memo

**To:** Erik Enyart  
**From:** Jared Cottle *JWC*  
**CC:** Bea Aamodt  
File  
**Date:** 10/10/13  
**Re:** Wood Hollow PUD 80 and Preliminary Plat Review

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### **General Comments:**

1. The perimeter utility easements are shown at 11' rather than 17.5' on the north and south boundaries. The additional width is particularly important with the sanitary sewer lines and connections on the south side of the project.
2. A minimum 15' U/E should be provided for the sanitary sewer line segments rather than the 10' shown.
3. For private developments, the streets and storm sewer systems are private. However, a U/E is shown for the storm sewer at the SE corner of the property. As per the engineering design manual, the minimum storm sewer easement is 10' on the property under which the line crosses. These conflicts must be addressed.
4. This project is located within the Fry Creek drainage basin. Fee-in-lieu for storm water will be required.

### **Grading/Drainage/Paving Comments:**

5. Off-site discharge of storm water is shown. Any off-site easements required for the storm sewer must be provided. If the discharge is connected to the 121<sup>st</sup> & Sheridan Mitigation site, concurrence from Tulsa County must be provided. If the discharge is connected to Fry Creek, review and approval of the outfall by the US Army Corps of Engineers will be required.
6. A soils report including pavement design recommendations based on the City Engineering Design Manual will be required.

### **Sanitary Sewer Comments:**

7. An encroachment is shown across Lot 10, Block 3. Adjustments to the alignment, easements, or lot will be required.
8. Service taps for Lots 1, 2, and 3 in both Block 1 and 2 must be located outside of paved areas.

### **Water Comments:**

9. All valves and fitting should be located outside of paved areas.
10. Fire hydrant locations must be approved by the Fire Marshall.

## Erik Enyart

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**From:** Stuart Nyander [Stuart.Nyander@sackandassociates.com]  
**Sent:** Wednesday, October 16, 2013 10:20 AM  
**To:** Erik Enyart  
**Subject:** FW: Wood Hollow Estates (PUD 80), Fire Hydrant Locations, revised entry gate plan  
**Attachments:** SDOC5164.pdf; Wood Hollow Estates Entry.pdf

Erik: Communication/Coordination with the Fire Marshal, Joey Wiedel today.  
We've talked verbally since his e-mail, the revisions/information noted on the attachments are an extension of the same requirements he stated at the pre-development meeting.

Item #6, the detail plan for the entries would be a condition and a part of subdivision engineering plan submittal.

This e-mail is to keep you in the loop.....

Regards,

Stuart Nyander, PE

**Sack and Associates, Inc.**  
Engineering - Surveying - Planning  
3530 E. 31<sup>st</sup> St., Suite A | Tulsa, OK 74135-1519  
(P.O. Box 50070 | Tulsa, OK 74150-0070)  
Phone: 918.592.4111  
Fax: 918.592.4229  
E-Mail: [snyander@sackandassociates.com](mailto:snyander@sackandassociates.com)

see whole email  
with attachments  
@ PUD 80  
Item

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**From:** Fire Marshal [<mailto:FireMarshal@BixbyOK.gov>]  
**Sent:** Wednesday, October 16, 2013 9:20 AM  
**To:** Stuart Nyander  
**Subject:** RE: Wood Hollow Estates (PUD 80), Fire Hydrant Locations, revised entry gate plan

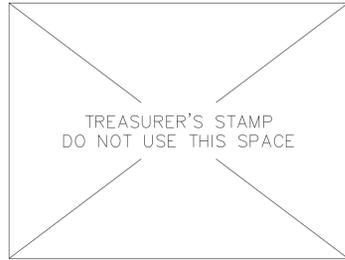
Stuart:

I have reviewed the proposed drawings. We are moving in the right direction. Please see the attached drawings for comments.

- 1) Fire Hydrants are ok with the exception of FH#1 needs to be relocated inside of the gates.
- 2) Ensure the second entrance gate is also 20' wide.
- 3) Second entrance gate shall be accessible from both sides.
- 4) Knox Switch in place of Knox Box. The Knox Switches need to be placed above tenant keypads. Switches shall identified with F.D. Access sign. Ideal size of sign 8" X4" Red with white lettering.
- 5) Elite Brand gate openers.
- 6) Please submit a detail plan of the gate assemblies, mechanisms and location of Keypad and Switches with dimensions.

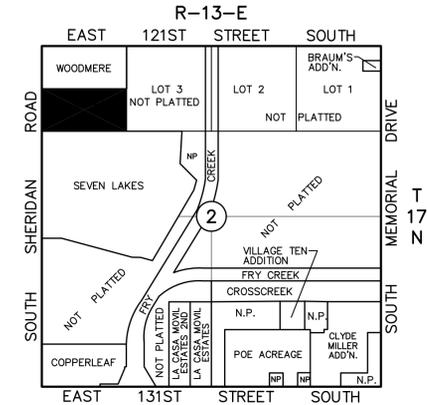
Note: I would recommend that you utilize the Radio Remote Gate openers. These particular systems allow the gates to be opened by all emergency vehicles that may respond to the addition via siren.

Feel free to contact me if you have any questions.



PLAT No. \_\_\_\_\_  
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

'PRELIMINARY PLAT'  
**Wood Hollow Estates**  
A SUBDIVISION OF PART OF THE  
S/2 OF GOVERNMENT LOT 4 OF SECTION 2, T-17-N, R-13-E  
CITY OF BIXBY, TULSA COUNTY, OKLAHOMA  
Planned Unit Development Number 80



**Location Map**  
SCALE: 4"=1 MILE

**Owner**  
WOOD HOLLOW ESTATES, LLC  
ATTN: WAYNE FARABOUGH  
1101 SOUTH MEMORIAL DRIVE  
TULSA, OKLAHOMA 74133  
PHONE: (918) 369-3181

**Engineer / Surveyor**  
SACK AND ASSOCIATES, INC.  
3530 EAST 31ST STREET SOUTH, SUITE A  
TULSA, OKLAHOMA 74135-1519  
PHONE: (918) 592-4111  
E-MAIL: SA@SACKANDASSOCIATES.COM  
C.A. No. 1783

**Basis of Bearings**

THE BEARINGS SHOWN HEREON ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM.

**Monumentation**

ALL CORNERS TO BE SET USING A 3/8"x18" IRON PIN WITH A YELLOW CAP STAMPED "SACK LS 1139" AFTER INSTALLATION OF UTILITIES AND COMPLETION OF STREET IMPROVEMENTS, UNLESS OTHERWISE NOTED.

**Legend**

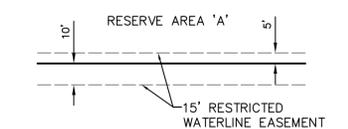
- ACC = ACCESS PERMITTED
- B/L = BUILDING LINE
- F/E = FENCE EASEMENT
- LNA = LIMITS OF NO ACCESS
- ODE = OVERLAND DRAINAGE EASEMENT
- RWE = RESTRICTED WATERLINE EASEMENT
- SWE = SIDEWALK EASEMENT
- U/E = UTILITY EASEMENT
- [ ] = STREET ADDRESS

**Subdivision Statistics**

SUBDIVISION CONTAINS 51 LOTS IN 3 BLOCKS AND RESERVE 'A'  
BLOCK 1 CONTAINS 3.2503 ACRES (141,585 S.F.)  
BLOCK 2 CONTAINS 7.5238 ACRES (327,735 S.F.)  
BLOCK 3 CONTAINS 6.5892 ACRES (287,024 S.F.)  
RESERVE 'A' CONTAINS 2.4283 ACRES (105,777 S.F.)

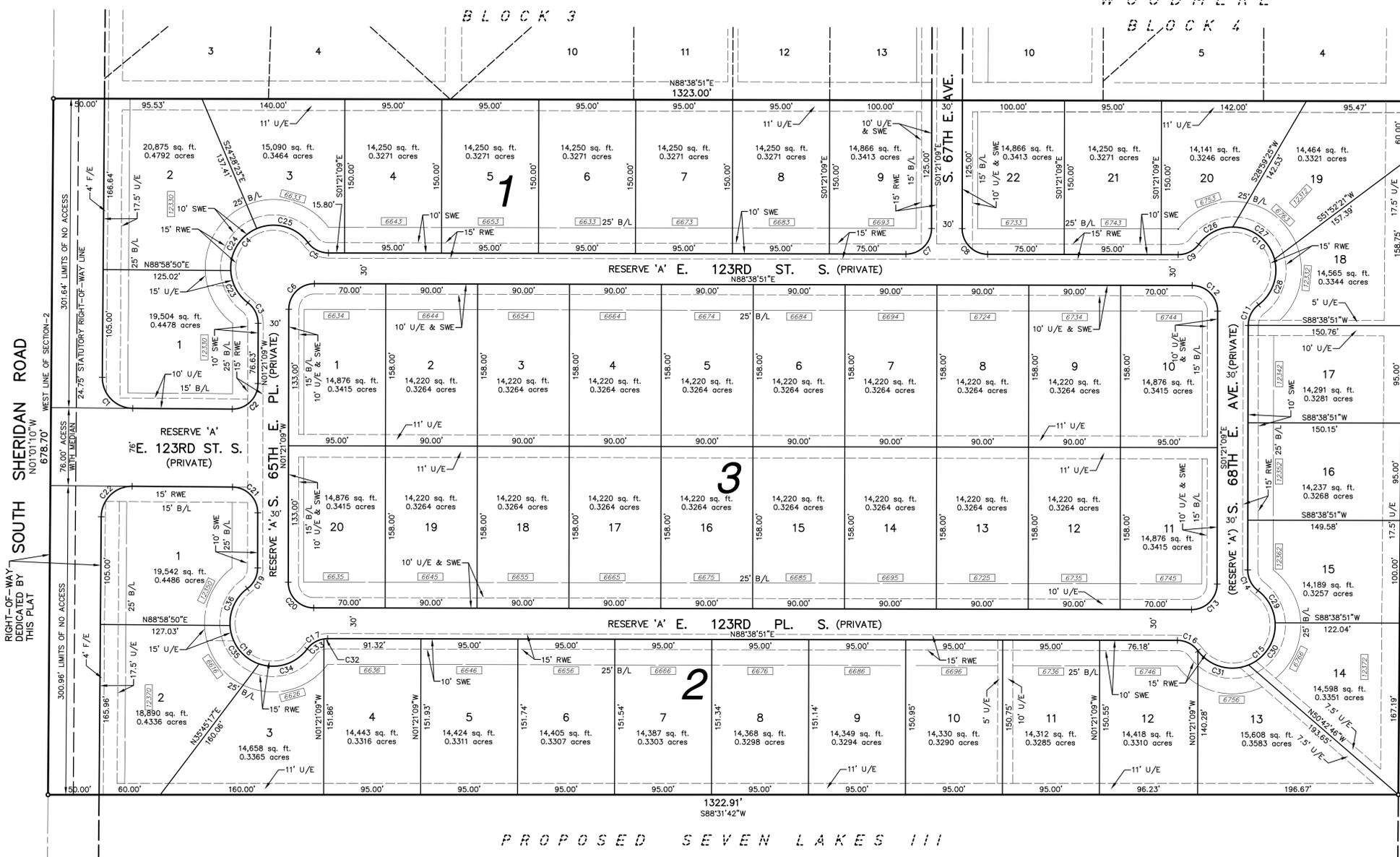
**Addresses**

ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.



Typical Location of 15' Restricted Waterline Easement

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	47.12'	30.00'	90°00'00"	S46°01'10"E	42.43'
C2	39.42'	25.00'	90°15'29"	N43°48'50"E	35.46'
C3	23.28'	25.00'	53°20'37"	N28°01'28"W	22.44'
C4	144.18'	42.00'	196°41'14"	S43°38'51"W	83.11'
C5	23.28'	25.00'	53°20'37"	S64°40'51"E	22.44'
C6	39.27'	25.00'	90°00'00"	S43°38'51"W	35.36'
C7	39.27'	25.00'	90°00'00"	N43°38'51"E	35.36'
C8	39.27'	25.00'	90°00'00"	S46°21'09"E	35.36'
C9	23.28'	25.00'	53°20'37"	N61°58'32"E	22.44'
C10	144.18'	42.00'	196°41'14"	N46°21'09"W	83.11'
C11	23.28'	25.00'	53°20'36"	S29°19'10"W	22.44'
C12	39.27'	25.00'	90°00'00"	N46°21'09"W	35.36'
C13	39.27'	25.00'	90°00'00"	N43°38'51"E	35.36'
C14	23.28'	25.00'	53°20'37"	S28°01'28"E	22.44'
C15	144.18'	42.00'	196°41'14"	N43°38'51"E	83.11'
C16	23.28'	25.00'	53°20'37"	N64°40'51"W	22.44'
C17	23.28'	25.00'	53°20'37"	S61°58'32"E	22.44'
C18	144.18'	42.00'	196°41'14"	S46°21'09"E	83.11'
C19	23.28'	25.00'	53°20'37"	N25°19'09"E	22.44'
C20	39.27'	25.00'	90°00'00"	S46°21'09"E	35.36'
C21	39.12'	25.00'	89°40'01"	N46°11'10"W	35.25'
C22	47.12'	30.00'	90°00'00"	S43°58'50"W	42.43'
C23	36.74'	42.00'	50°08'49"	S29°38'22"E	35.58'
C24	51.39'	42.00'	70°06'33"	S30°28'20"W	48.25'
C25	56.05'	42.00'	78°27'51"	N76°14'28"W	51.98'
C26	38.65'	42.00'	52°43'54"	S61°40'11"W	37.30'
C27	55.52'	42.00'	75°44'46"	N54°05'29"W	51.57'
C28	50.00'	42.00'	68°12'33"	N17°53'11"E	47.10'
C29	36.85'	42.00'	50°16'18"	N29°33'37"W	35.68'
C30	51.77'	42.00'	70°37'43"	N30°53'23"E	48.96'
C31	55.55'	42.00'	75°47'13"	S75°54'09"E	51.59'
C32	3.69'	25.00'	8°27'24"	S84°25'09"W	3.69'
C33	19.59'	25.00'	44°53'13"	S57°44'50"W	19.09'
C34	52.70'	42.00'	71°53'47"	N71°15'07"E	49.31'
C35	50.00'	42.00'	68°12'33"	S38°41'42"E	47.10'
C36	41.48'	42.00'	56°34'53"	S23°42'01"W	39.81'



# WOOD HOLLOW ESTATES

## Deed of Dedication and Restrictive Covenants

KNOW ALL MEN BY THESE PRESENTS:

THAT WOOD HOLLOW ESTATES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

THE SOUTH HALF (S/2) OF LOT 4, SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA.

AND HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED, GRANTED, DONATED, CONVEYED, AND DEDICATED ACCESS RIGHTS RESERVED, AND SUBDIVIDED INTO FIFTY-ONE LOTS IN THREE BLOCKS AND ONE (1) RESERVE AREA IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "WOOD HOLLOW ESTATES", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA.

### SECTION I. EASEMENTS AND UTILITIES

#### A. UTILITY EASEMENTS

THE OWNER 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 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 HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING

HEREIN SHALL BE DEEMED TO PROHIBIT PROPERLY-PERMITTED DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS, THAT DO NOT CONSTITUTE AN OBSTRUCTION.

B. UTILITY SERVICE

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE UTILITY EASEMENTS ALONG THE WEST PERIMETER OF THE SUBDIVISION. ELSEWHERE THROUGHOUT THE SUBDIVISION ALL SUPPLY LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENTWAYS DEDICATED FOR UTILITY SERVICES, AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN EASEMENTWAYS.
2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST SERVICE PEDESTAL, TRANSFORMER OR GAS SERVICE LINE TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON A 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 AND EFFECTIVE 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 SERVICE PEDESTAL, TRANSFORMER OR GAS MAIN 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 RIGHT OF ACCESS TO ALL EASEMENTWAYS 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 A LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH B SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF A LOT AGREES TO BE BOUND HEREBY.

C. WATER, SANITARY SEWER, AND STORM SEWER SERVICE

1. THE OWNER OF A LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS LOCATED ON THE LOT.
2. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH, IN THE JUDGMENT OF THE CITY OF BIXBY, WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS SHALL BE PROHIBITED.
3. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS AND SANITARY SEWER MAINS BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
4. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTWAYS 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 SANITARY SEWER FACILITIES.
5. THE WOOD HOLLOW ESTATES HOMEOWNER'S ASSOCIATION, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL STORM SEWER FACILITIES WITHIN THE SUBDIVISION AT ITS SOLE EXPENSE.
6. 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 A LOT AGREES TO BE BOUND HEREBY.

D. GAS SERVICE

1. THE OWNER OF A LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE GAS FACILITIES LOCATED ON THE 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 GAS MAIN, OR ANY CONSTRUCTION ACTIVITY THAT WOULD INTERFERE WITH GAS MAINS, SHALL BE PROHIBITED.
3. THE SUPPLIER OF GAS SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF GAS MAINS BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
4. THE SUPPLIER OF GAS SERVICE SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF GAS FACILITIES.

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

E. SURFACE DRAINAGE

EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM PUBLIC STREETS AND EASEMENTS. A LOT OWNER SHALL NOT CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS THE LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH E SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OR PARCEL OWNER AND BY THE CITY OF BIXBY, OKLAHOMA.

F. LIMITS OF NO ACCESS

THE UNDERSIGNED OWNER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO SOUTH SHERIDAN ROAD WITHIN THE BOUNDS DESIGNATED AS "LNA" OR "LIMITS OF NO ACCESS" ON THE ACCOMPANYING PLAT, WHICH LIMITS OF NO ACCESS MAY BE AMENDED OR RELEASED BY THE BIXBY 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 PERTAINING THERETO, AND THE LIMITS OF NO ACCESS ABOVE ESTABLISHED SHALL BE ENFORCEABLE BY THE CITY OF BIXBY.

G. RESTRICTED WATER LINE EASEMENT

THE OWNER DOES HEREBY DEDICATE FOR PUBLIC USE PERPETUAL EASEMENTS ON, OVER, AND ACROSS THOSE AREAS DEPICTED ON THE ACCOMPANYING PLAT AS "RWE" OR "RESTRICTED WATERLINE EASEMENT" FOR THE PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING WATERLINES TOGETHER WITH ALL FITTINGS INCLUDING THE PIPES, VALVES, METERS AND EQUIPMENT AND OTHER APPURTENANCES THERETO TOGETHER WITH RIGHTS OF INGRESS AND EGRESS TO AND UPON THE EASEMENTS.

H. RESERVE "A" - PRIVATE STREETS

RESERVE "A", AS DESIGNATED ON THE ACCOMPANYING PLAT, ARE HEREIN ESTABLISHED BY GRANT OF THE OWNER FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN WOOD HOLLOW ESTATES, THEIR GUESTS AND INVITEES, FOR THE PURPOSE OF CONSTRUCTING PRIVATE STREETS PROVIDING VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM THE VARIOUS RESIDENTIAL LOTS, TO AND FROM PUBLIC STREETS, FOR PROVIDING DRAINAGE FACILITIES TO CONTROL STORMWATER RUNOFF, FOR UTILITIES AND FOR PROVIDING ENTRANCE SECURITY FACILITIES, DECORATIVE FENCING AND LANDSCAPING, AND IS RESERVED FOR SUBSEQUENT CONVEYANCE TO A HOMEOWNER'S ASSOCIATION TO BE FORMED FOR THE PURPOSES OF THE ADMINISTRATION AND MAINTENANCE OF THE PRIVATE STREETS, STORM SEWER FACILITIES AND OTHER COMMON AREAS OF THE SUBDIVISION.

THE OWNER HEREIN GRANTS TO THE CITY OF BIXBY, OKLAHOMA, THE UNITED STATES POSTAL SERVICE, ANY PUBLIC UTILITY PROVIDING UTILITY SERVICE TO THE SUBDIVISION, AND TO ANY REFUSE COLLECTION SERVICE WHICH PROVIDES SERVICE WITHIN THE SUBDIVISION, THE RIGHT TO ENTER AND TRAVERSE THE PRIVATE STREETS WITHIN RESERVE "A" AND TO OPERATE THEREON ALL SERVICE, EMERGENCY AND GOVERNMENT VEHICLES INCLUDING, BUT NOT LIMITED TO, POLICE AND FIRE VEHICLES AND EQUIPMENT.

THE OWNER, FOR ITSELF AND ITS SUCCESSOR HOMEOWNER'S ASSOCIATION HEREIN COVENANTS WITH THE CITY OF BIXBY, OKLAHOMA, WHICH COVENANTS SHALL RUN WITH THE LAND AND INURE TO THE BENEFIT OF THE CITY OF BIXBY, OKLAHOMA, AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, TO:

1. CONSTRUCT AND MAINTAIN STREET SURFACING EXTENDING THE FULL LENGTH OF THE PRIVATE STREETS DEPICTED WITHIN RESERVE "A", AND MEETING OR EXCEEDING THE FOLLOWING STANDARDS:
  - A. SURFACING WIDTH SHALL BE NOT LESS THAN 26' MEASURED FROM FACE OF CURB TO FACE OF CURB;
  - B. STREETS SHALL BE CURBED;
  - C. GUTTERS, BASE AND PAVING MATERIALS SHALL BE OF A QUALITY AND THICKNESS MEETING THE NOW EXISTING STANDARDS OF THE CITY OF BIXBY, OKLAHOMA, FOR MINOR RESIDENTIAL PUBLIC STREETS;
  - D. THE MAXIMUM VERTICAL GRADE OF PRIVATE STREETS SHALL BE 12 PERCENT.
2. PROHIBIT THE ERECTION OF ANY ARCH OR SIMILAR STRUCTURE OVER ANY PRIVATE STREET DEPICTED WITHIN RESERVE "A" WHICH WOULD PROHIBIT ANY GOVERNMENTAL VEHICLE, SPECIFICALLY ANY FIRE VEHICLE, FROM FREE USAGE OF THE PRIVATE STREETS.
3. SECURE INSPECTION BY THE CITY OF BIXBY, OKLAHOMA OF THE PRIVATE STREETS AND SECURE CERTIFICATION BY THE CITY OF BIXBY, OKLAHOMA THAT THE PRIVATE STREETS HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS ABOVE SET FORTH, OR IF THE CITY OF BIXBY, OKLAHOMA DECLINES TO INSPECT THE PRIVATE STREETS, CERTIFICATION SHALL BE SECURED FROM A REGISTERED PROFESSIONAL ENGINEER THAT THE PRIVATE STREETS WERE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS ABOVE SET FORTH, AND THE REQUIRED CERTIFICATION SHALL BE FILED WITH THE BIXBY PLANNING COMMISSION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR ANY LOT THAT DERIVES ITS ACCESS FROM A PRIVATE STREET.

THE OWNER ACKNOWLEDGES FOR ITSELF AND ITS SUCCESSORS IN TITLE THAT THE PRIVATE STREETS AS DEPICTED WITHIN RESERVE "A" DO NOT MEET THE CITY OF BIXBY, OKLAHOMA STANDARD AS TO WIDTH OF RIGHT-OF-WAY, AND FURTHER ACKNOWLEDGES THAT THE CITY OF BIXBY, OKLAHOMA SHALL HAVE NO DUTY TO MAINTAIN ANY OF THE PRIVATE STREETS WITHIN THE SUBDIVISION, NOR HAVE ANY IMPLIED OBLIGATION TO ACCEPT ANY SUBSEQUENT TENDER OF DEDICATION OF ANY PRIVATE STREET WITHIN THE SUBDIVISION.

I. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO PROPERLY-PERMITTED LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OF OR NECESSARY MAINTENANCE OF UNDERGROUND WATER, SANITARY SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THE CITY OF BIXBY, OKLAHOMA OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

J. SIDEWALKS AND SIDEWALK EASEMENT

WITHIN THE SUBDIVISION, THERE SHALL BE CONTINUOUS SIDEWALKS ON BOTH SIDES OF THE PRIVATE STREET. THE OWNER SHALL BE RESPONSIBLE FOR CONSTRUCTION OF SIDEWALK WITHIN THE RIGHT-OF-WAY OF SOUTH SHERIDAN ROAD DEDICATED BY THIS DEED OF DEDICATION. WITHIN THE INTERIOR OF THE SUBDIVISION, PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT FOR THE DWELLING WITHIN A LOT, THE OWNER OF THE PARTICULAR LOT SHALL CONSTRUCT A SIDEWALK WITHIN THE AREA OF THE LOT DEPICTED ON THE PLAT AS "SIDEWALK EASEMENT" OR "SWE" HEREOF. THE SIDEWALK SHALL BE CONTINUOUS WITH ANY EXISTING SIDEWALKS IN ADJOINING LOTS AT THE LOT BOUNDARY. THE OWNER HEREBY ESTABLISHES AN EXCLUSIVE EASEMENT ON, OVER AND ACROSS THE SIDEWALKS TO BE CONSTRUCTED WITHIN THE AREAS DEPICTED ON THE PLAT AS "SIDEWALK EASEMENT" OR "SWE" FOR PEDESTRIAN ACCESS BY OWNERS OF LOTS WITHIN THE SUBDIVISION, THEIR FAMILIES, TENANTS, AGENTS, GUESTS AND INVITEES. WITHIN THE INTERIOR OF THE SUBDIVISION, THE OWNER OF EACH LOT SHALL MAINTAIN THE SIDEWALK LOCATED UPON OR ADJACENT TO THE OWNER'S LOT IN GOOD CONDITION.

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, "WOOD HOLLOW ESTATES" WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT (DESIGNATED AS PUD 80), AS THE BIXBY ZONING CODE EXISTED ON \_\_\_\_\_, 2013 AND PUD 80 WAS APPROVED BY THE BIXBY PLANNING COMMISSION ON \_\_\_\_\_, 2013 AND APPROVED BY THE COUNCIL OF THE CITY OF BIXBY ON \_\_\_\_\_, 2013, THE IMPLEMENTING ORDINANCE NO. \_\_\_\_, FILED ON \_\_\_\_\_, 2013.

WHEREAS, THE OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF ACHIEVING AN ORDERLY DEVELOPMENT OF PUD 80 FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS IN TITLE, AND THE CITY OF BIXBY, OKLAHOMA.

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.

WHEREAS, 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 AND ITS SUCCESSORS IN TITLE AND SHALL BE ENFORCEABLE

BY THE OWNER, ANY PERSON OWNING A LOT OR A PARCEL IN "WOOD HOLLOW ESTATES" AND BY THE CITY OF BIXBY AS HEREINAFTER SET FORTH.

A. DEVELOPMENT STANDARDS - BLOCKS 1, 2 AND 3

1. PERMITTED USES

THOSE USES PERMITTED AS A MATTER OF RIGHT IN THE RS-3 ZONING DISTRICT, INCLUDING USE UNIT 6, SINGLE FAMILY DWELLINGS, INCLUDING CUSTOMARY ACCESSORY USES SUCH AS PARKING AND LANDSCAPED AREAS AND SECURITY GATEHOUSES.

- 2. MAXIMUM LAND AREA PER DWELLING UNIT 8,400 SF
- 3. MAXIMUM NUMBER OF LOTS 52
- 4. MINIMUM LOT AREA 12,000 SF
- 5. MAXIMUM BUILDING HEIGHT 3 STORIES, 48 FT
- 6. MINIMUM LIVABILITY SPACE PER DWELLING UNIT 4,000 SF

7. OFF-STREET PARKING

TWO ENCLOSED OFF-STREET PARKING SPACES PER DWELLING UNIT AND AT LEAST TWO ADDITIONAL OFF-STREET PARKING SPACES PER DWELLING UNIT.

6. MINIMUM YARDS

FRONT YARD:

RESIDENCES AND FRONT-ENTRY GARAGES 25 FT

SIDE YARD:

ONE SIDE 5 FT  
OTHER SIDE 5 FT  
SIDE STREET YARD - RESIDENCES 15 FT  
SIDE STREET YARD - GARAGES 20 FT

REAR YARD: 20 FT

7. PRIVATE STREETS

MINIMUM WIDTH 26 FT

ALL BASE AND PAVING MATERIALS SHALL BE OF A QUALITY AND THICKNESS WHICH MEET THE CITY OF BIXBY STANDARDS FOR MINOR RESIDENTIAL PUBLIC STREETS.

8. ENTRY IDENTIFICATION SIGNS

TWO SIGNS NEAR THE PROJECT ENTRY, NOT EXCEEDING 10 FEET IN HEIGHT AND 150 SQUARE FEET DISPLAY SURFACE AREA SHALL BE PERMITTED ON SOUTH SHERIDAN ROAD.

### SECTION III. EASEMENTS FOR HOMEOWNERS' ASSOCIATION

#### A. FENCING AND LANDSCAPING

THE OWNER HEREIN RESERVES FOR SUBSEQUENT CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION TO BE FORMED PURSUANT TO SECTION IV. EXCLUSIVE PERPETUAL EASEMENTS TO ERECT AND MAINTAIN FENCING, WALLS, LANDSCAPING AND SUBDIVISION IDENTIFICATION WITHIN THE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT AS "FENCE EASEMENT" OR "F/E".

#### B. SIDEWALK MAINTENANCE

THE OWNER HEREIN RESERVES FOR SUBSEQUENT CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION DESCRIBED IN SECTION IV. HEREOF A PERPETUAL EASEMENT ON OVER AND ACROSS THE LOCATION OF THE SIDEWALKS CONSTRUCTED WITHIN THE SUBDIVISION TO IMPROVE, MAINTAIN OR REPLACE THE SIDEWALKS, AND ON, OVER AND ACROSS SUCH ADJOINING AREA AS IS NECESSARY TO ACCOMPLISH SUCH IMPROVEMENT, MAINTENANCE OR REPLACEMENT. THE HOMEOWNERS' ASSOCIATION SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO IMPROVE, MAINTAIN, OR REPLACE THE SIDEWALKS CONSTRUCTED WITHIN THE SUBDIVISION.

### SECTION IV. HOMEOWNERS' ASSOCIATION

#### A. FORMATION OF HOMEOWNERS' ASSOCIATION

THE OWNER HAS FORMED OR SHALL CAUSE TO BE FORMED AN ASSOCIATION OF THE OWNERS OF THE LOTS WITHIN WOOD HOLLOW ESTATES, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (THE "HOMEOWNERS' ASSOCIATION") TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, FOR THE GENERAL PURPOSE OF MAINTAINING THE COMMON AREAS, INCLUDING BUT WITHOUT LIMITATION THE PRIVATE STREETS AND GATES AND RESERVE AREAS, AND ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF WOOD HOLLOW ESTATES.

#### B. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A LOT IN WOOD HOLLOW ESTATES SHALL BE A MEMBER OF THE HOMEOWNERS' ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT.

#### C. ASSESSMENT

EACH RECORD OWNER OF A LOT IN WOOD HOLLOW ESTATES SHALL BE SUBJECT TO ASSESSMENT BY THE HOMEOWNERS' ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE COMMON AREAS.

SECTION V. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I, EASEMENTS AND UTILITIES, ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO AND WHETHER OR NOT THEREIN SO STATED THE COVENANTS WITHIN SECTION I SHALL INURE TO THE BENEFIT OF AND BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED IN SECTION II, PLANNED UNIT DEVELOPMENT RESTRICTIONS, ARE ESTABLISHED PURSUANT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE AND SHALL INURE TO THE BENEFIT OF AND BE ENFORCEABLE BY THE OWNERS OF ANY LOT OR PARCEL WITHIN "WOOD HOLLOW ESTATES" AND SHALL INURE TO THE BENEFIT OF AND BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA. IF THE UNDERSIGNED OWNER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION I, THE SUPPLIER OF UTILITY SERVICE OR THE CITY OF BIXBY, OKLAHOMA MAY BRING AN 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 OR TO RECOVER DAMAGES. IF THE UNDERSIGNED OWNER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION II, IT SHALL BE LAWFUL FOR ANY PERSON OWNING ANY LOT OR PARCEL WITHIN "WOOD HOLLOW ESTATES" OR THE CITY OF BIXBY TO BRING AN 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 OR TO RECOVER DAMAGES.

B. DURATION

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

C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I, EASEMENTS AND UTILITIES, MAY BE AMENDED OR TERMINATED AT ANY TIME BY WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF THE AFFECTED LOT OR PARCEL AND BY THE BIXBY PLANNING COMMISSION OR ITS SUCCESSORS WITH THE APPROVAL OF THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS AND RESTRICTIONS WITHIN SECTION II, PLANNED UNIT DEVELOPMENT RESTRICTIONS, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LOT OR PARCEL AND APPROVED BY THE BIXBY PLANNING COMMISSION AND CITY OF BIXBY, OKLAHOMA, AND THE PROVISIONS OF SUCH INSTRUMENT SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY EXECUTED AND RECORDED.



STATE OF OKLAHOMA     )  
                                  ) SS.  
COUNTY OF TULSA     )

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2013, BY THEODORE A. SACK.

\_\_\_\_\_  
MY COMMISSION EXPIRES

\_\_\_\_\_  
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:** Thursday, October 17, 2013  
**RE:** Report and Recommendations for:  
BSP 2013-05 – “Woodcreek Office Park” – Sack & Associates, Inc. (PUD 47-C)

LOCATION: – 7500-block of E. 111<sup>th</sup> St. S.  
– Lot 1, Block 3, *Woodcreek Village Amended*

SIZE: 1.1694 acres, more or less

EXISTING ZONING: CS Commercial Shopping Center District and PUD 47-C

SUPPLEMENTAL ZONING: PUD 47-C for “Woodcreek Office Park”

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 47-C for office development

SURROUNDING ZONING AND LAND USE:

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

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

East: CS; *Lowe’s* in *Bixby Commons*.

West: (Across 75<sup>th</sup> E. Ave.) RS-3; Residential in *WoodCreek*.

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

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

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

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

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

Final Plat of Woodcreek Village – Sack & Associates, Inc. – Request for Final Plat approval for “Woodcreek Village” (now all of *Woodcreek Village Amended*), including subject property – PC Recommended Approval 07/17/2006 and City Council Approved 07/24/2006 (Plat # 6084 recorded February 13, 2007; later replatted as *Woodcreek Village Amended*, Plat # 6165).

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

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

Final Plat Woodcreek Village Amended – Sack & Associates, Inc. – Request for Final Plat approval for Woodcreek Village Amended (including subject property) – Approved by PC 10/15/2007 and by City Council 10/22/2007. A Modification/Waiver from street standards was also approved (Plat # 6165 recorded 12/05/2007).

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

Preliminary Plat of Woodcreek Office Park – Sack & Associates, Inc. – Request for Preliminary Plat approval for subject property – PC Continued from 12/15/2008 meeting to 01/20/2009 meeting to allow the Applicant to attend the meeting and represent the case. PC Tabled 01/20/2009 (Applicant did not attend either of PC meeting or other meeting scheduled with Staff earlier that day 01/20/2009). New application filed in early 2013 (see below).

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

PUD 47-C – Woodcreek Office Park – Sack & Associates, Inc. – Request for Major Amendment # C to PUD 47A for subject property – PC recommended Conditional Approval 04/18/2013 and City Council Approved 04/22/2013 as modified as recommended (Ord. # 2117).

Preliminary Plat of Woodcreek Office Park – Sack & Associates, Inc. – Request for Preliminary Plat approval for subject property – PC recommended Conditional Approval 04/18/2013 and City Council Conditionally Approved 04/22/2013.

#### BACKGROUND INFORMATION:

Per PUD 47A, a May, 2007 Major Amendment to the original PUD, the “Woodcreek Village” development was approved to convert the subject property area to a large, singular commercial lot, consistent with the original CS zoning conferred in 2004. *Woodcreek Village* was subsequently replatted as *Woodcreek Village Amended*. The subject property consists of Lot 1, Block 3, *Woodcreek Village Amended*.

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

In early 2013, the owner made new applications for PUD Major Amendment and Preliminary Plat approval, which the City Council Approved and Conditionally Approved, respectively, on April 22, 2013. To account for PUD 47-B, the latest Major Amendment application was designated Amendment # C, and the resulting Zoning Map designation is “PUD 47-C.”

With the early 2013 submittal, the overall concept changed significantly as compared to that proposed in 2008. The initial concept was to have a north-south drive connecting 111<sup>th</sup> St. S. to 75<sup>th</sup> E. Ave., with most buildings oriented to face west onto the drive. The second concept proposed five (5) of the eight (8) buildings to face north toward 111<sup>th</sup> St. S., with three (3) behind, and the internal access drive located along the east line of the development.

This new PUD Detailed Site Plan significantly modifies the overall concept again, primarily by combining the westernmost lots into a larger lot, and rearranging the parking lot layout accordingly. The new development concept proposes five (5) lots. See the site plan for details.

#### ANALYSIS:

Subject Property Conditions. The vacant subject property contains 1.1694 acres and is zoned CS with PUD 47-C. It is moderately sloped and primarily drains to the southwest toward the stormwater detention pond in *WoodCreek*, in the watershed of an upstream tributary of Fry Creek # 2. It is bordered on the north by 111<sup>th</sup> St. S., on the west by the private 75<sup>th</sup> E. Ave.

with residential in *WoodCreek* beyond that, on the south by residential in *Woodcreek Village Amended*, and on the east by *Lowe's* in *Bixby Commons*.

General. The Applicant is proposing a small, multiple-lot office park development.

Section VII of PUD 47-C requires a PUD Detailed Site Plan be approved for the subject property, prior to Building Permit issuance, as follows:

“As part of this PUD, a detailed site plan, detail lighting plan, and detail landscape plan for the entire development shall be submitted to the Bixby Planning Commission and approved as being in compliance with the development concept and the development standards prior to the issuance of the first building permit. Subsequent building permits may revise the overall detail site plan if necessary.”

This PUD “overall” Detailed Site Plan is fairly basic, as specific building plans have not been received. Upon this approval, the PUD Text cited above would allow for revisions to the “overall” plan. This is what Staff recommended with the PUD Major Amendment, that the site planning and landscaping, etc. be coordinated, rather than done piecemeal on each individual lot as it develops. This is a somewhat unfamiliar arrangement, however, and so Staff must take care, after approval, to ensure that subsequent revisions by Building Permit application do not substantively undermine the overall site plan concept or PUD standards.

The submitted PUD Detailed Site Plan drawing consists of “Detail Site Plan” drawing by Sack & Associates, Inc. The landscaping plan consists of a “Detailed Landscape Plan.” Per the Site Plan application form, signage, building elevations / height information, screening fences/walls and waste receptacle screening enclosures, and lighting information is all provided in the “text” and “notes” on the “Detail Site Plan.”

The development consists of 1.1694 acres, more or less, proposed to be subdivided into five (5) lots in one (1) block and zero (0) Reserves. Interior lot dimensions have not been provided, and a plat application has not been submitted, so the lot layout has not been compared to PUD 47-C zoning standards. There is no “typical lot.” Lot 1 would be the largest, Lots 2 and 3 would be the smallest and would be of rectangular configuration, and Lots 4 and 5 would be “flag lots,” extending “handles” westerly in order to have frontage on 75<sup>th</sup> E. Ave.

75<sup>th</sup> E. Ave. has a sharp bend from northwest to southeast, as it approaches the gated entrance to the residential part of *Woodcreek Village Amended*. Earlier designs included buildings and/or parking spaces in fairly close proximity to the roadway surface. Due to the sharp curve and the tendency for motorists to ‘cut corners,’ especially on sharp curves, Staff expressed concerns for line-of-sight impedence, which could have presented a traffic safety hazard. With the PUD 47-C redesign, the 25’ Building Line of the *Woodcreek Village Amended* plat was restored. With this latest redesign, parking has also been removed from the 25’ setback area. Thus, this issue appears to have been satisfactorily addressed.

Commercial/nonresidential parking areas should be screened from view of residential streets, so screening here is in order. However, to mitigate future traffic accident hazards, landscaping should not impede the view of motorists coming from north to south and from south to north.

One possible solution would be to depress the west end of the parking lot along the west side of Lot 8, along with height-limited berms and/or landscaping combinations. Depressing the west end of the parking lot would likely require the installation of a stormsewer drain, which this parking lot presently does not propose. PUD 47-C was updated to Section III Landscaping and Screening Concept regarding use of trees and berms for screening parking areas. These details can be refined when actual construction plans are proposed for the concerned lots in "Woodcreek Office Park" (Lots 1, 4, and 5).

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 47-C. It is presumed the future buildings would conform to the applicable bulk and area standards for PUD 47-C and the underlying CS district, as the site plan merely states the applicable bulk and area standards. The site plan indicates each building will be only one (1) story, but the PUD allows up to 40' of building height, with allowable exceedances for architectural features.

As measures of site design flexibility, Staff suggested the reduction in the number of parking spaces can be reduced through the PUD, if this is desired by the developer, and reducing the 17.5' Utility Easement along the east side to 11' in width, recognizing the 50' Utility Easement abutting to the east. These were not ultimately included in PUD 47-C, but could be done by future PUD amendment if future development designs dictate.

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 October 02, 2013. The Minutes of the meeting are attached to this report.

Access and Internal Circulation. Primary access to the subdivision would be via one (1) proposed entrance drive on 111<sup>th</sup> St. S., with two (2) secondary access points on 75<sup>th</sup> E. Ave., an existing private street providing access to the residential lots in *Woodcreek Village Amended*.

The site plan and Preliminary Plat both indicate internal Mutual Access Easement (MAE) drives are proposed to provide inter-lot access between the lots in the development and between 111<sup>th</sup> St. S. and 75<sup>th</sup> E. Ave. The MAEs will presumably be relocated on the plat to coincide with the revised parking lot/drive lane configuration.

By the approval and recording of the future Final Plat, the Limits of No Access (LNA) along the entire 111<sup>th</sup> St. S. frontage of the subject property will be amended to allow a 40'-wide Access Opening toward the east end of the frontage, which is subject to the approval of the City Engineer and County Engineer. This is suggested in the PUD 47-C text. However, the LNA and Access Openings are not represented on the site plan; they should be added.

The provided drawings indicate driveway access points and certain widths of proposed driveways. However, they do not specify all drive widths or any proposed curb return radii.

All these dimensions must comply with applicable standards and City Engineer and/or Fire Marshal requirements.

Sidewalks are shown along both 111<sup>th</sup> St. S. and 75<sup>th</sup> E. Ave., as required by the Subdivision Regulations and PUD 47-C. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

Because the right-of-way for 75<sup>th</sup> E. Ave., at approximately 30' in width, is too narrow to contain a sidewalk (a 26' roadway leaves only 2' on either side), it appears it will be necessary to add a "sidewalk easement" along the northeast side of 75<sup>th</sup> E. Ave., along with appropriate language in the Deed of Dedication/Restrictive Covenants specifying that the lot owners collectively, or the affected lot owner only, are responsible for their maintenance. Alternatively, an additional width should be added to the 30' current right-of-way width on the subject property side to accommodate the sidewalk. The former alternative was shown on the Preliminary Plat and is also provided for in the PUD 47-C text.

Pedestrian accessibility will also be afforded via proposed internal sidewalks, connecting pedestrians between parking areas and most buildings within the development (reference Zoning Code Section 11-10-4.C). The sidewalks are adequately dimensioned on the plans and appear appropriate in width. However, a sidewalk would not connect the three (3) northernmost buildings to the two (2) southernmost buildings. It is likely that the front/northernmost parking areas will fill first, and additional parking will subsequently be sought in the southern parking lot, but there would be no sidewalk to connect between the two areas. A sidewalk connection is recommended.

An accessible path is not clear between the streetside sidewalks and the building entrances. These should be provided or described as appropriate; the same should comply with ADA standards.

Parking & Loading Standards. PUD 47-C Section II "Off-Street Parking" provides:

"As required by City of Bixby Zoning Code (1[ parking space]/300[ square feet of building floor area]). 'Cross parking' shall be permitted across Woodcreek Office Park.

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

All parking area and access [a]isles within Woodcreek Village to be maintained by the Property Owner's Association."

The provided drawings indicate parking lots on the west, north, and south sides of the buildings with a total of 44 parking spaces proposed. PUD 47-C provides a minimum parking space ratio of 1 parking space per 300 square foot building floor area. The site plan indicates a 13,060 or 13,080 aggregate building square footage. Thus, the total site would require a minimum of 44 parking spaces in either instance. 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 44 total spaces proposed are in compliance.

Three (3) handicapped-accessible parking spaces are indicated on the provided Site Plan. At 44 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). It appears that each of the three (3) parking lot areas would have one (1) handicapped-accessible space.

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 determine whether the entire development will be considered as a singular parking lot for ADA compliance purposes, or whether the lot lines and/or plainly evident divisions between the parking areas (i.e. westerly, northerly, and southerly) will require each section (or lot) have its own accessible space, and if that space should not be of van-accessible design.

If the accessible space in the southerly parking lot area should be of van-accessible design for ADA compliance purposes, 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.

Only two (2) of the three (3) handicapped-accessible parking spaces and access aisles are dimensioned, but they do not indicate compliance with the space width or striping standards Zoning Code Section 11-10-4.C Figure 3. Secondly, signage to reserve the regular handicapped-accessible and van-accessible spaces is not indicated. 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. Van-accessible space designs are not subject to Zoning Code Section 11-10-4.C Figure 3.

The parking lot setback/landscaped strip width along 111<sup>th</sup> St. S. is approximately 11.2', which complies with the 10' minimum setback per Zoning Code Section 11-10-3.B Table 1. The parking lot setback/landscaped strip width along 75<sup>th</sup> E. Ave. ranges between 14.2' along the northerly section of frontage to something less than 25' (per the B/L) toward the middle, to something less than 15' (per RWE) at the southerly end. It is subject to a 7.5' minimum setback per Zoning Code Section 11-10-3.B Table 1. The two (2) areas that are not dimensioned need to be so, and the southernmost sections' setback/landscaped strip needs to be increased to 7.5' in width if not already such. 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 south. The setback here is proposed to be 10.8', which would meet this requirement.

The plans show internal drives and parking spaces being paved over Utility Easements along the northerly, easterly, and southerly sides of the subject property. Further, the waste disposal enclosure area is proposed at the southerly end of the easterly 17.5' U/E. Paving and constructing improvements over public Utility Easements is subject to City Engineer and Public Works Director approval.

A loading berth is not indicated, but none are required, as no Use Unit 11 building would meet the 10,000 square foot threshold per Zoning Code Section 11-9-11.D.

Screening/Fencing. The "Site Plan" drawing represents an "Existing 8' wooden screening fence" along the east line of the PUD. Per the Text and Exhibits A and B of PUD 47-C, there is an "Existing brick masonry wall" along the south line of the subject property, which "will remain." Linework suggesting a fence or wall of some sort is indicated on the site plan needs to be labeled and described as to composition and height and the Applicant needs to provide a profile view/elevation drawing showing the required screening wall along the south property line.

The site plan indicates the trash dumpster area will be located at the southerly end of the 17.5'-wide U/E along the east line of the subject property. Siting such features on a U/E requires specific City Engineer and Public Works Director approval, as noted elsewhere in this report. It is labeled as

- "8'X14' solid waste disposal
- screening south & west
  - gates on north
  - exist screening wall east"

Recognizing the immediate residential adjacency for this feature, the waste disposal enclosure screening needs to be described as to composition and height. Staff respectfully requests a profile view/elevation exhibit be submitted for the Planning Commission's review and approval as a part of this Detailed Site Plan. Please also confirm the existing screening on the east is a "wall," and not a 6' wooden fence as indicated elsewhere on the site plan.

Landscape Plan. The Landscape Plan consists of a "Detail Landscape Plan" drawing. PUD 47-C provides that landscaping shall meet or exceed minimum landscaping standards of the Zoning Code, and that landscaping will be planned for the entire development, rather than lot-by-lot.

PUD 47-C also provides,

"Landscape Buffer

From southern boundary of development area: 10 feet

Required Trees\* 1 tree per 20 linear feet of southern boundary

\*Screening trees are required to be evergreen and a minimum of 10' tall at the time of planting."

At 121.30' of south property line length, 6.065 = 7 ten-foot-high evergreen trees would be required along the south 10' "landscape buffer" (65/1,000 of a tree is not possible and required minimum landscape trees are not rounded down). However, the landscape plan only proposes six (6) Loblolly Pine trees, at 8' in height. This will need to be resolved.

Landscape information is further compared to the PUD requirements and 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 along an abutting street [right-of-way]. Notes on the plan indicate this standard will be exceeded along both 111<sup>th</sup> St. S. and 75<sup>th</sup> E. Ave. **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. Per the "Detail Site Plan," the parking lot setback/landscaped strip width along 111<sup>th</sup> St. S. is approximately 11.2', which exceeds the 10' required here.

Also per the "Detail Site Plan," the parking lot setback/landscaped strip width along 75<sup>th</sup> E. Ave. ranges between 14.2' along the northerly section of frontage to something less than 25' (per the B/L) toward the middle, to something less than 15' (per RWE) at the southerly end. It is subject to a 7.5' minimum setback per Zoning Code Section 11-10-3.B Table 1. The two (2) areas that are not dimensioned on either the "Detail Site Plan" or the "Detail Landscape Plan," and need to be so, and the southernmost sections' setback/landscaped strip needs to be increased to 7.5' in width if not already such.

**Compliance with this standard cannot be determined.**

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 south. The parking lot setback/landscaped strip width here is proposed to be 10.8'. **This standard is met.**
4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Building setbacks per PUD 47-C include a 20' setback along the south PUD boundary. Resultant tree requirement calculations are as follows:

*South Boundary Setback Tree Requirements:* 20' setback X DA A south property line at 121.30' - 75<sup>th</sup> E. Ave. Street Yard width of 25' =) 96.3' = 1,926 square feet / 1,000 square feet = 2 trees required in the South Boundary Setback Area. However, as noted above, PUD 47-C requires seven (7) 10'-tall evergreen trees every 20' in the south 10' "landscape buffer." The landscape plan only proposes six (6) Loblolly Pine trees, at 8' in height. This will need to be resolved. **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 1.17 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], and calculations are as follows:

*111<sup>th</sup> St. S. Street Yard Tree Requirements*: The subject property has approximately 193.5' of frontage along 111<sup>th</sup> St. S., for which PUD 47-C provides a 35' setback. However, the Zoning Code does not allow a PUD to reduce landscaping standards by virtue of setback reductions, and the Zoning Code would otherwise require a 50' setback here.  $(193.5' - 75^{\text{th}} \text{ E. Ave. Street Yard width of } 25' =) 168.5' \times 50' = 8,425 \text{ square feet} / 1,000 = 8.4 = 9 \text{ trees}$  in the 111<sup>th</sup> St. S. Street Yard (425/1,000 of a tree is not possible and required minimum landscape trees are not rounded down). Nine (9) trees are proposed in the 111<sup>th</sup> St. S. Street Yard area.

*75<sup>th</sup> E. Ave. Street Yard Tree Requirements*: The subject property has approximately 317.63' of frontage along 75<sup>th</sup> E. Ave., for which PUD 47-C and the CS district provide a 25' setback.  $317.63' \times 25' = 7,940.75 \text{ square feet} / 1,000 = 8 \text{ trees}$  in the 75<sup>th</sup> E. Ave. Street Yard. Eight (8) trees are proposed in the 75<sup>th</sup> E. Ave. Street Yard area.

**This standard is met.**

7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. 44 parking spaces proposed.  $44 / 10 = 4.4 = 5 \text{ trees}$  required by this standard. Excluding the Setback Area and Street Yard trees already accounted for, five (5) additional trees are proposed. **This standard is met.**
8. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard would be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
9. Irrigation Standards (Section 11-12-3.D.2): PUD text suggests an irrigation system may be employed. The Legend in the Detail Landscape Plan notes, "Irrigation required" for [all] "Landscape Area[s]." 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.): Standard tree planting diagram(s), reported calipers of proposed trees, and notes on plan drawings and other information adequately demonstrate compliance with other miscellaneous standards with the following exceptions:
- Please add the percentage of Block 1 total landscaped area from the "Detail Site Plan" to the "Detail Landscape Plan."
  - The proposed 1 1/2" caliper of the Shumard Oaks does not meet the 2" minimum if recognized as a "canopy tree."
  - The South Boundary landscaping requirement of the "Landscape Summary" is inconsistent with the City of Bixby's interpretation as provided herein and should be reconciled or removed.

103

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. Per the notes on the "Detail Site Plan" drawing, 25% of Block 1 would be "landscape area." **This standard is met.**

Exterior Materials and Colors. No elevations or building plans were submitted with the application. The property is not in the Corridor Appearance District and the PUD does not require building elevations or plans be approved as a part of the Detailed Site Plan. Individual buildings will be reviewed in the context of their respective Building Permit application for Zoning Code and PUD compliance.

Outdoor Lighting. The Detail Site Plan does not provide information on proposed locations, types, heights, etc. of proposed outdoor lighting, pole- or building-mounted. Notes on the plan state, "Site lighting for Woodcreek Office Park shall be coordinated" and repeats the first paragraph of the relevant part of the PUD text.

PUD 47-C requires for lighting: "Light standards shall not exceed 25 feet in height or 12 feet within 50 feet of adjacent residential areas. All lighting shall be hooded and directed downward and away from the property lines in common with residential areas.

Lighting for Woodcreek Office Park shall be coordinated, installed for the entire development. A Detailed Lighting Plan shall be submitted and approved at the time of Detail Site Plan approval prior to issuance of a building permit."

The notes on the Detail Site Plan drawing do not appear to be sufficient to satisfy the PUD requirement of a "Detailed Lighting Plan."

There are residential areas to the south and west, and proposed lighting should be clearly represented and described in detail. A photometric plan and the customary "cut sheets" showing actual lighting fixtures to be used, with specific mounting height information (grade to top of lighting element) should be required. Recognizing the houses abutting to the east, the photometric lighting plan should demonstrate that the footcandle effects of the proposed lighting will be reduced to 0.0 at all points on the south and west lines of the development.

Signage. PUD 47-C provides for signage:

"A. One center identification ground sign not exceeding 30 feet in height and 200 square feet in display surface area shall be permitted along the East 111<sup>th</sup> Street frontage. Individual business identification shall be permitted on the center identification sign.

B. Wall signs shall not be permitted to exceed 2.0 square feet of display surface area per lineal foot of building wall to which attached. The length of a tenant wall sign shall not exceed seventy-five percent of the frontage of the tenant space."

104

The Detail Site Plan represents the proposed location of the one (1) “pylon signage” sign at the northwest corner of the subject property. Details as to height and appearance have not been submitted.

Most developments of this size will have incidental signage for traffic control and general identification information, but the site plan does not indicate locations of incidental signage. 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.

The subject property is not in a Corridor Appearance District and PUD 47-C does not require submission of detailed information for signage. Sign Permit applications for the one (1) ground sign, the wall signs, and incidental signage may be submitted at a future date and will be reviewed for compliance with PUD and Zoning Code standards. Since no details on any particular sign have been submitted, this Detailed Site Plan will not confer any signage approval.

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. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.
2. As per the Condition of Approval of the Preliminary Plat, please represent/dimension centerline, extent of improved roadway, and rights-of-way of both abutting streets.
3. As per the Condition of Approval of the Preliminary Plat, please add proposed addresses to the lots.
4. Please represent the east-west 11’ and 11’ U/Es shown on the Preliminary Plat, and any other internal easements, along with appropriate qualifiers “per Plat # 6165” or “proposed by plat.”
5. Building sizes and setbacks need to be dimensioned on the site plans, so that math, scaling the site plan, and/or “guesstimation” are not required for zoning, Fire Marshal, and City Engineer review. Site plan can be qualified as “conceptual only” as needed. Missing dimensions include, but may not be limited to:
  - a. Lot 1 setback from 75<sup>th</sup> E. Ave.
  - b. Lot 1 north-south and southwest corner building dimensions.
  - c. Lots 2 and 3 north-south building dimensions.
  - d. Lots 4 and 5 building dimensions.
6. Although the buildings proposed Lots 4 and 5 are not dimensioned, they appear to be of similar size to those on proposed Lots 2 and 3, 28’ X [50’] = 1,400 square feet. However, they are labeled as 2,100 square feet in size. The buildings on the south are labeled as one (1) story. Reconciliation is recommended.
7. Mutual Access Easements (MAE) in Legend needs to be qualified as “proposed by plat” or as otherwise appropriate.
8. Detail Site Plan’s Location Map should point to the project’s location.

9. Detail Site Plan's Location Map should correspond with the Location Map required with the Preliminary Plat, and so should accurately represent the following subdivisions:
  - a. *Resubdivision of Lots 3 and 4 of Bixby Commons* (missing)
  - b. *The Links at Bixby* (misrepresented as to configuration)
  - c. *The Estates of Graystone* (mislabeled)
  - d. *Amended Plat of Block 7, North Heights Addition* (mislabeled)
  - e. *Bixby Centennial Plaza II* (missing)
10. Please add the proposed LNA and Access Openings corresponding to the Preliminary Plat.
11. Please add missing drive widths and curb return radii.
12. The proposed driveways and their curb return radii must comply with applicable standards and City Engineer and/or Fire Marshal requirements.
13. Please consider adding a sidewalk connecting the northern and southern development areas as described in the analysis above.
14. An accessible path is not clear between the streetside sidewalks and the building entrances. Please provide or describe as appropriate; the same should comply with ADA standards.
15. The Site Plan needs to indicate which of the proposed ADA spaces will be of van-accessible design, as required.
16. The Applicant should determine whether the entire development will be considered as a singular parking lot for ADA compliance purposes, or whether the lot lines and/or plainly evident divisions between the parking areas (i.e. westerly, northerly, and southerly) will require each section (or lot) have its own accessible space, and if that space should not be of van-accessible design.
17. If the accessible space in the southerly parking lot area should be of van-accessible design for ADA compliance purposes, 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.
18. Only two (2) of the three (3) handicapped-accessible parking spaces and access aisles are dimensioned, but they do not indicate compliance with the space width or striping standards Zoning Code Section 11-10-4.C Figure 3. Secondly, signage to reserve the regular handicapped-accessible and van-accessible spaces is not indicated. 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. Van-accessible space designs are not subject to Zoning Code Section 11-10-4.C Figure 3.
19. The parking lot setback/landscaped strip width along 75<sup>th</sup> E. Ave. ranges between 14.2' along the northerly section of frontage to something less than 25' (per the B/L) toward the middle, to something less than 15' (per RWE) at the southerly end. It is subject to a 10' minimum setback per Zoning Code Section 11-10-3.B Table 1. The two (2) areas that are not dimensioned need to be so, and the southernmost sections' setback/landscaped strip needs to be increased to 7.5' in width if not already such.
20. The plans show internal drives and parking spaces being paved over Utility Easements along the northerly, easterly, and southerly sides of the subject property. Further, the waste disposal enclosure area is proposed at the southerly end of the easterly 17.5' U/E.

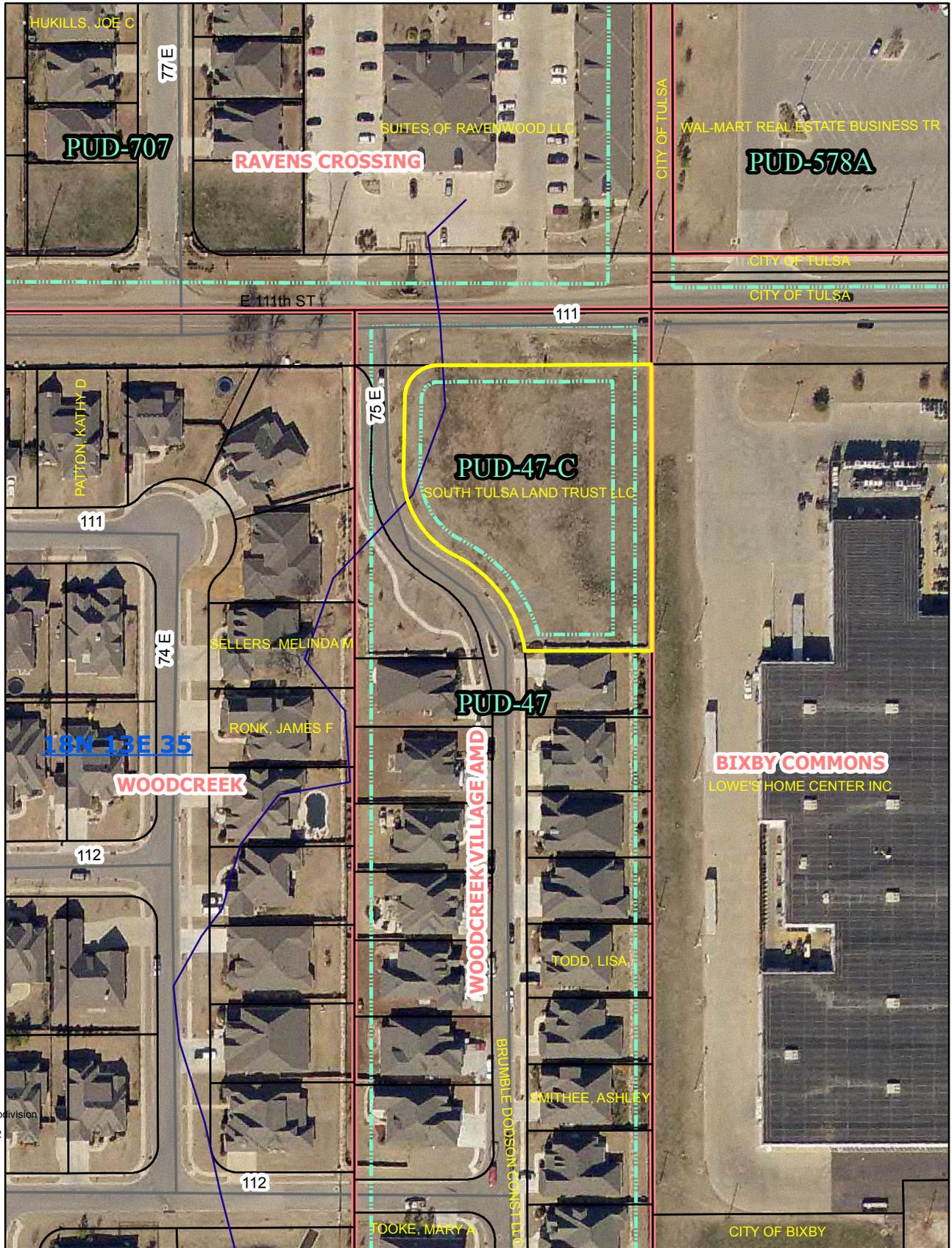
Paving and constructing improvements over public Utility Easements is subject to City Engineer and Public Works Director approval.

21. Per the Text and Exhibits A and B of PUD 47-C, there is an "Existing brick masonry wall" along the south line of the subject property, which "will remain." Linework suggesting a fence or wall of some sort is indicated on the site plan needs to be labeled and described as to composition and height and the Applicant needs to provide a profile view/elevation drawing showing the required screening wall along the south property line.
22. Recognizing the immediate residential adjacency for this feature, the waste disposal enclosure screening needs to be described as to composition and height. Staff respectfully requests a profile view/elevation exhibit be submitted for the Planning Commission's review and approval as a part of this Detailed Site Plan.
23. Please confirm the existing screening on the east is a "wall," and not a 6' wooden fence as indicated elsewhere on the site plan.
24. PUD 47-C requires minimum 10'-tall evergreen trees be planted within a 20'-wide "landscape buffer" along the south property line. At 121.30' of south property line length, 12.13 = 13 ten-foot-high evergreen trees would be required along the south 10' "landscape buffer" (13/100 of a tree is not possible and required minimum landscape trees are not rounded down). However, the landscape plan only proposes six (6) Loblolly Pine trees, at 8' in height. This will need to be resolved.
25. Please resolve the Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7) matter as described in the Landscape Plan analysis above.
26. Please resolve the Building Line Setback Tree Requirements (Section 11-12-3.A.4) matter as described in the Landscape Plan analysis above.
27. Please resolve the Irrigation Standards (Section 11-12-3.D.2) matter as described in the Landscape Plan analysis above.
28. 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.
29. The notes on the Detail Site Plan drawing do not appear to be sufficient to satisfy the PUD requirement of a "Detailed Lighting Plan." There are residential areas to the south and west, and proposed lighting should be clearly represented and described in detail. A photometric plan and the customary "cut sheets" showing actual lighting fixtures to be used, with specific mounting height information (grade to top of lighting element) should be required.
30. Recognizing the houses abutting to the east, the photometric lighting plan should demonstrate that the footcandle effects of the proposed lighting will be reduced to 0.0 at all points on the south and west lines of the development.
31. Copies of the Preliminary Plat including all recommended corrections shall be submitted for placement in the permanent file: 1 full size folded to 8.5" X 11", 1 11" X 17", and 1 electronic (PDF preferred).
32. 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).
33. 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.

100

**BSP 2013-05 – “Woodcreek Office Park”  
Sack & Associates, Inc. (PUD 47-C)**



- Businesses
- bixby\_streams
- ▭ Tulsa Parcels 08/13
- ▭ WagParcels 08/13
- ▭ TulSubdivision
- ▭ WagonerCounty\_Subdivision
- WagRoads\_Aug2012
- E911Streets
- ▭ PUD
- ▭ bixby\_s-t-r
- ▭ county



## Memo

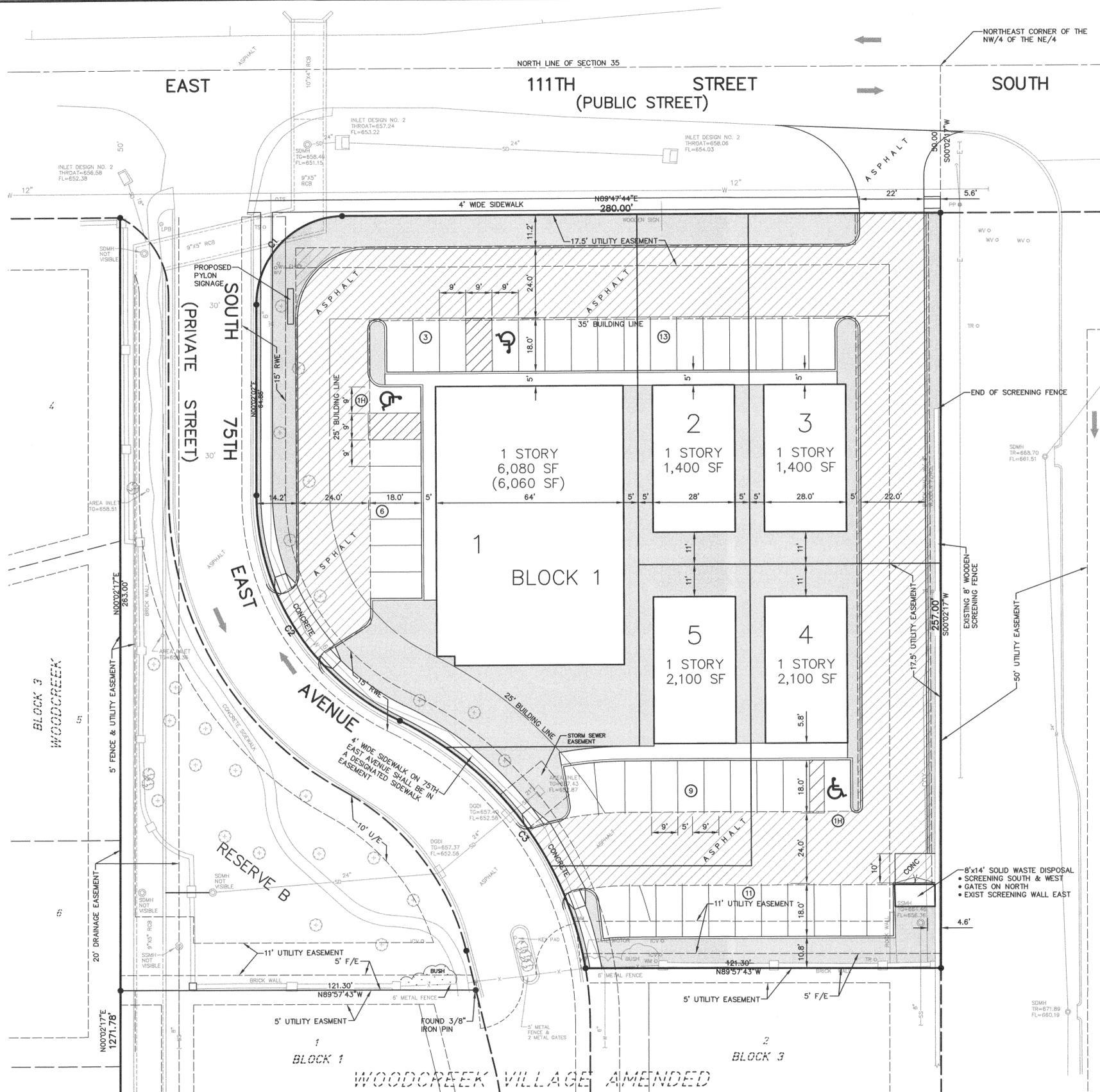
**To:** Erik Enyart  
**From:** Jared Cottle *JWC*  
**CC:** Bea Aamodt  
File  
**Date:** 10/09/13  
**Re:** WoodCreek Office Park Detailed Site Plan Review

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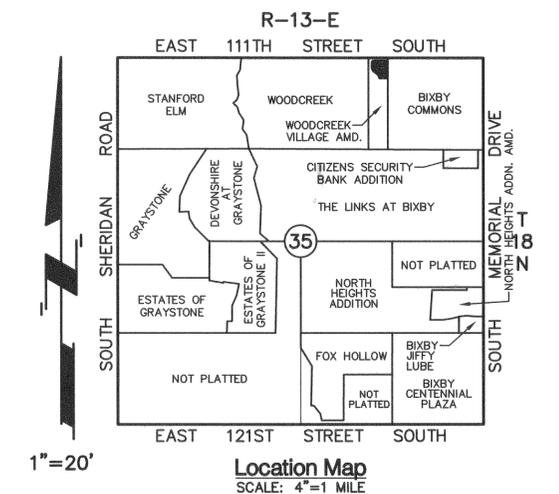
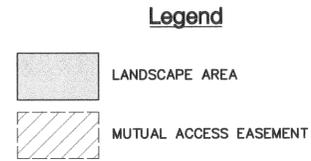
### General Comments:

1. No updated Utility, Grading, or Drainage Plans provided. Previous comments still stand until further submittal.

110



Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	47.00'	30.00'	89°45'27"	S44°55'00"W	42.34'
C2	95.65'	85.00'	64°28'23"	S32°11'55"E	90.68'
C3	110.13'	115.00'	54°52'11"	S37°00'01"E	105.97'



**Landscape Summary**

BLOCK 1 AREA:	50,937 S.F.
REQUIRED LANDSCAPE AREA:	7,641 S.F. (15%)
PROVIDED LANDSCAPE AREA:	12,713 S.F. (25%)
<b>STREET YARD</b>	
E. 111TH ST. S.:	7,981 S.F.
REQUIRED LANDSCAPE AREA:	1,197 S.F. (15%)
PROVIDED LANDSCAPE AREA:	2,340 S.F. (29.3%)
<b>S. 75TH E. AVE.:</b>	
REQUIRED LANDSCAPE AREA:	6,639 S.F.
PROVIDED LANDSCAPE AREA:	996 S.F. (15%)
	2,965 S.F. (44.7%)

**Parking Summary**

PUD NO.47-C  
 REQUIRED: 1 PER 300 S.F. BUILDING AREA  
 PROVIDED: 44 (INCLUDES 3 HANDICAP SPACES)

**Site Lighting**

SITE LIGHTING FOR WOODCREEK OFFICE PARK SHALL BE COORDINATED  
 ALL LIGHTING SHALL BE HOODED AND DIRECTED DOWNWARD AND AWAY FROM THE PROPERTY LINES IN COMMON WITH RESIDENTIAL AREAS  
 MAXIMUM LAMP HEIGHT: 25 FEET  
 12-FT LAMP HEIGHT WITHIN 50 FEET OF ADJACENT RESIDENTIAL AREAS

**Signage**

ONE CENTER ID GROUND SIGN NOT EXCEEDING 30-FT IN HEIGHT AND 200 SF IN DISPLAY SURFACE AREA ALONG EAST 111TH STREET FRONTAGE  
 INDIVIDUAL BUSINESS ID SHALL BE PERMITTED ON CENTER ID SIGN

**Maximum Building Height**

OFFICE: 40 FEET  
 ARCHITECTURAL ELEMENTS AND BUSINESS LOGOS MAY EXCEED THE MAXIMUM HEIGHT WITH DETAIL SITE PLAN APPROVAL

**Owner / Developer**

81ST & MEMORIAL LLC  
 ATTN: RICK DODSON  
 6528 D-1 E. 101ST STREET SOUTH  
 SUITE 409  
 TULSA, OKLAHOMA 74133  
 PHONE: (918) 298-0022



PUD NO. 47-C (09-17-2013)  
 WOODCREEK OFFICE PARK

**DETAIL SITE PLAN**

CITY OF BIXBY, OKLAHOMA



REVISION	BY	DATE	PLAN SCALE	DRAWN: LWR
			1"=20'	DATE: 9/2013
				ORDER: G020B
				SAI FILE: 1813.35
			PROFILE SCALE	
			HORIZONTAL:	
			VERTICAL:	
			1"=	
			1"=	
			ATLAS PAGE NO.	
				SHEET 1 OF 1 SHEETS







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

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## STAFF REPORT

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**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner *EE*  
**Date:** Thursday, October 17, 2013  
**RE:** Report and Recommendations for:  
PUD 67 – SourceOne Carwash Company – Minor Amendment # 1

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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 and PUD 67 for “SourceOne Carwash Company”

**EXISTING USE:** Vacant (Use Unit 12 *Panda Express* restaurant under construction)

**REQUEST:** Minor Amendment to PUD 67, which amendment proposes to increase the maximum ground sign height allowance and make certain other amendments

**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 / JWJ 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 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.

Preliminary Plat and Final Plat of Panda Express – Crafton Tull & Associates, Inc. (PUD 67) – Request for PUD Detailed Site Plan approval for a Use Unit 12 restaurant development as required by PUD 67 – PC Conditionally Approved 07/15/2013 and City Council Conditionally Approved 07/22/2013 (Plat # 6491 recorded 09/13/2013).

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. The Preliminary Plat and Final Plat were approved in July, 2013, and Plat # 6491 was recorded September 13, 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 has been issued a Building Permit and construction has commenced. 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* 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 is consistent with the Comprehensive Plan.

Due to the relatively limited scope of proposed changes, the proposed PUD 67 Minor Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

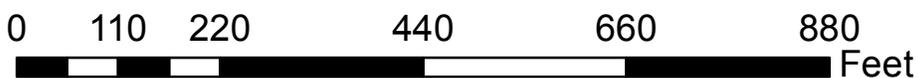
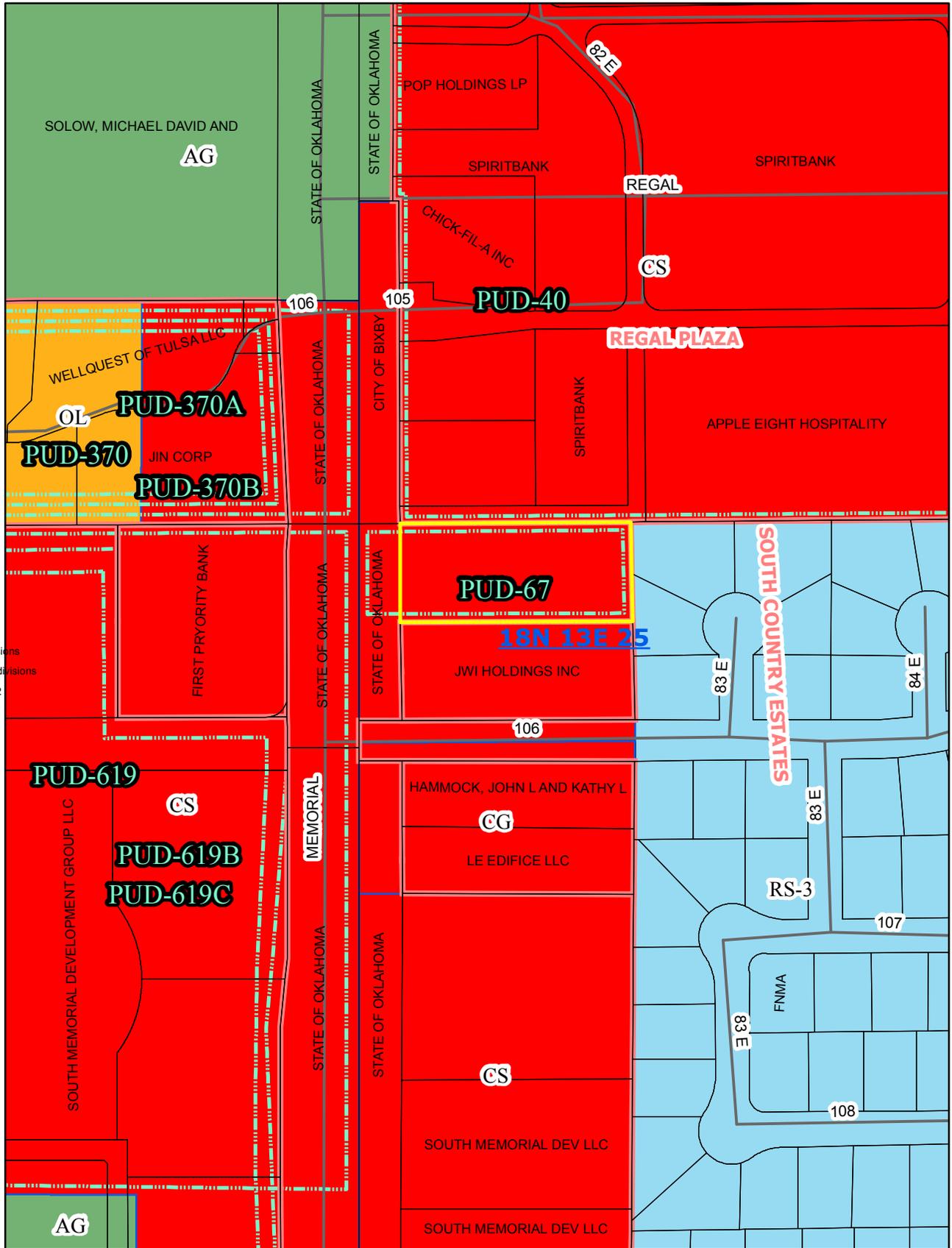
General. Per PUD 67, the property is permitted one (1) ground sign, a maximum of 10' in height, which may include an LED/Electronic Message Board sign element. The Applicant is requesting a Minor Amendment to an approved PUD, to provide for a cul-de-sac street design for Kingston Ave., provide certain requirements pertaining thereto, and make certain other amendments.

Per the signage drawings, the proposed ground sign is 25' in height. The Zoning Code would allow up to 25' by right, and thus it is the PUD itself which restricts the sign height. Ground signs in the area, especially those for fast-food and sit-down restaurants, typically have signs at or about the 25' height maximum (in PUDs) or 30' maximum (outside PUDs).

To the north is the *Applebee's* restaurant in *Regal Plaza*, and to the south is the *Home Hardware / Builder's Center / JWI Supply / CWC Interiors* hardware, interiors, and supply store in the *Grigsby's Carpet Center* subdivision. Both appear to have pole-mounted ground signs at or about the 25' height. Between 101<sup>st</sup> St. S. and 111<sup>th</sup> St. S. on the east (Bixby) side of Memorial Dr., it appears only the *Dry Clean Super Center's* sign at 10401 S. Memorial Dr. and the *South Park Self Storage's* new LED sign at 10901 S. Memorial Dr. are of "monument style," with heights below 25'.

Staff Recommendation. Staff has no objection to the proposed change.

# PUD 67 "SourceOne Carwash Company" – Minor Amendment # 1





9520 E. 55<sup>th</sup>. Place, Tulsa, OK 74145 ph.918-622-0651 fax918-622-0659

09-18-2013

Mr. Erik Enyart, AICP  
Bixby City Planner  
City of Bixby, PO Box 70  
Bixby, OK 74008

RE: Panda Express PUD 67 Dev.-A, 10535 S. Memorial Dr. Tulsa, OK

Dear Erik,

Per our recent discussion on the above project, the sign is to be located to the north of E.106<sup>th</sup> St. S. and 60' setback from the center of S. Memorial Dr. Please note the amendment we are requesting to the original Panda Express (PUD 67 Dev.-A) approved by the city in 2008. We feel that the requested amendment is a minor amendment as follows:

1. Amendment of the existing 'signage' section text of the PUD Development standard as follows:

Existing text: 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.

Proposed text: Signs are subject to the use conditions of use unit 21, business signs and outdoor advertising. Signs will be limited to a 25' high digital message board.

We appreciate the cities consideration and support of the above PUD Amendment request and will provide any additional information the city may require. You may contact either me or Brian Ward if you need further information.

Best Regards,

*Lori Worthington*

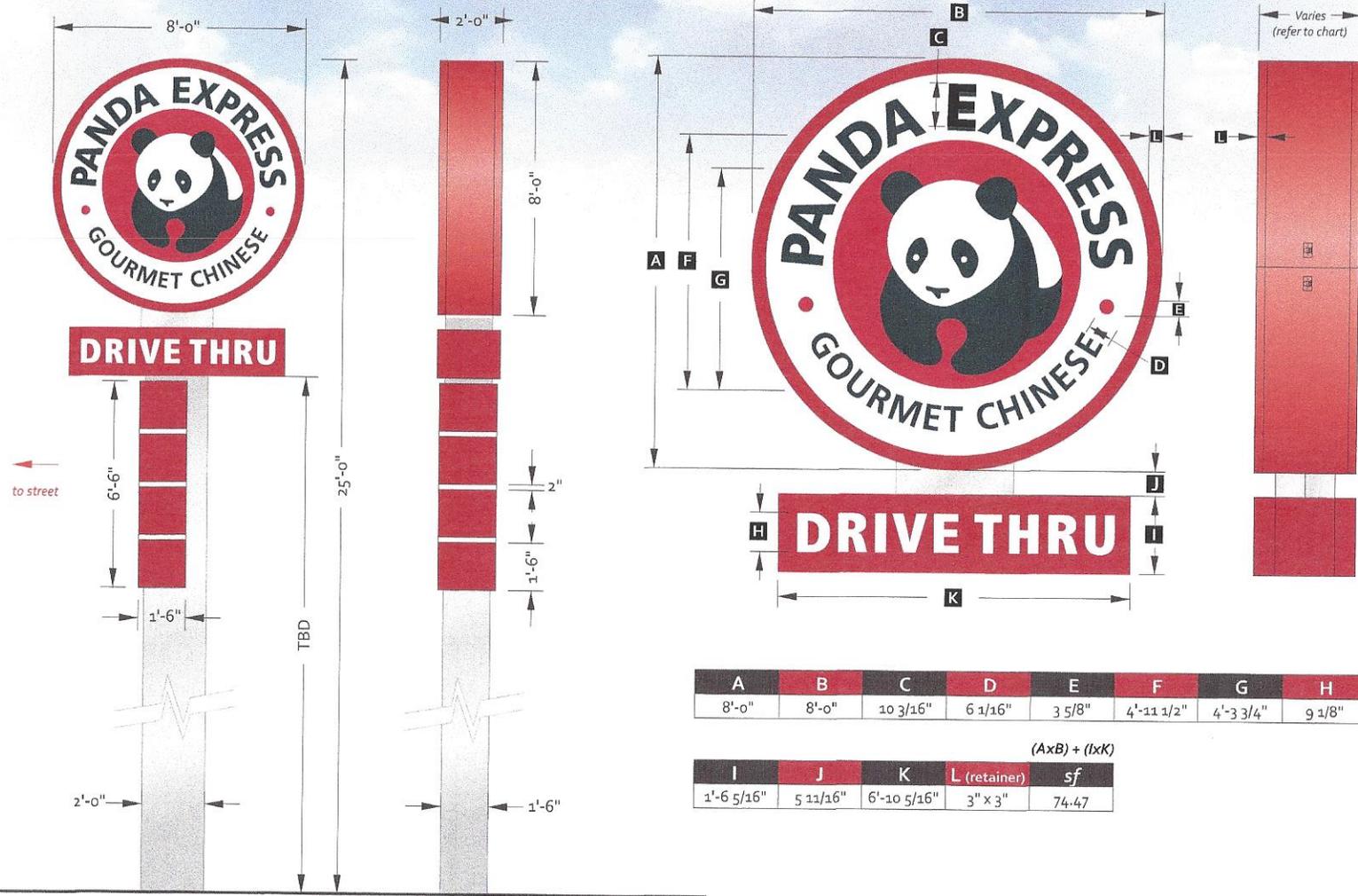
Lori Worthington  
A-max Sign Co., Inc.  
918-622-0651  
918-622-0659  
[lori@amaxsign.com](mailto:lori@amaxsign.com)  
[brian@amaxsign.com](mailto:brian@amaxsign.com)

115

S6

**Illuminated Pylon Sign - (Qty. 1)**

Install new internally illuminated double-faced pylon sign. Refer to site plan for exact location.



Left Elevation  
Scale: 3/16" = 1'

Street Elevation  
Scale: 3/16" = 1'

A	B	C	D	E	F	G	H
8'-0"	8'-0"	10 3/16"	6 1/16"	3 5/8"	4'-11 1/2"	4'-3 3/4"	9 1/8"

(AxB) + (IxK)				
I	J	K	L (retainer)	Sf
1'-6 5/16"	5 11/16"	6'-10 5/16"	3" x 3"	74.47

**Decor Panels**

- .063 Aluminum Cladding
- Color: Panda Red
- Finish: Akzo Nobel Baked Enamel, Matte Finish
- Arlon #4100-02 Reflective White Film (Reveals)

**Pole Cover**

- .080 Aluminum
- Color: Panda Silver
- Finish: Akzo Nobel Baked Enamel, Matte Finish

**Main Cabinet Face**

- 3M Panagraphics III
- Flex Face Material
- Color: White
- Arlon #2500-83 Regal Red Film
- Arlon #2100-03 Black Film

**Main Cabinet Retainer**

- .080 Routed Aluminum Ring with Welded Return
- Color: to match Hunter Red Coil
- Finish: Akzo Nobel Baked Enamel, Gloss Finish to match Coil Stock
- Interior Painted Ultra White

**Main Cabinet Return**

- .080 Aluminum
- Color: to match Hunter Red Coil
- Finish: Akzo Nobel Baked Enamel, Gloss Finish to match Coil Stock
- Interior Painted Ultra White

**"DRIVE THRU" Cabinet**

- .080 Aluminum Face and Return
- Color: to match Hunter Red Coil
- Finish: Akzo Nobel Baked Enamel, Gloss Finish to match Coil Stock
- Interior Painted Ultra White

**"DRIVE THRU" Copy**

- .177" SG 404 #7328 White Polycarbonate (Routed and Backed)



FILE LOCATION:  
ArtDept\CoreColors\Panda Express  
DATE: 6-11-13  
DESIGNER: MH PM: MS

REVISIONS:	
X	
X	
X	

CITY/STATE: Tulsa, OK

ADDRESS: 105th and Memorial

Drawing #  
Site Name

C37582

-

Site Plan

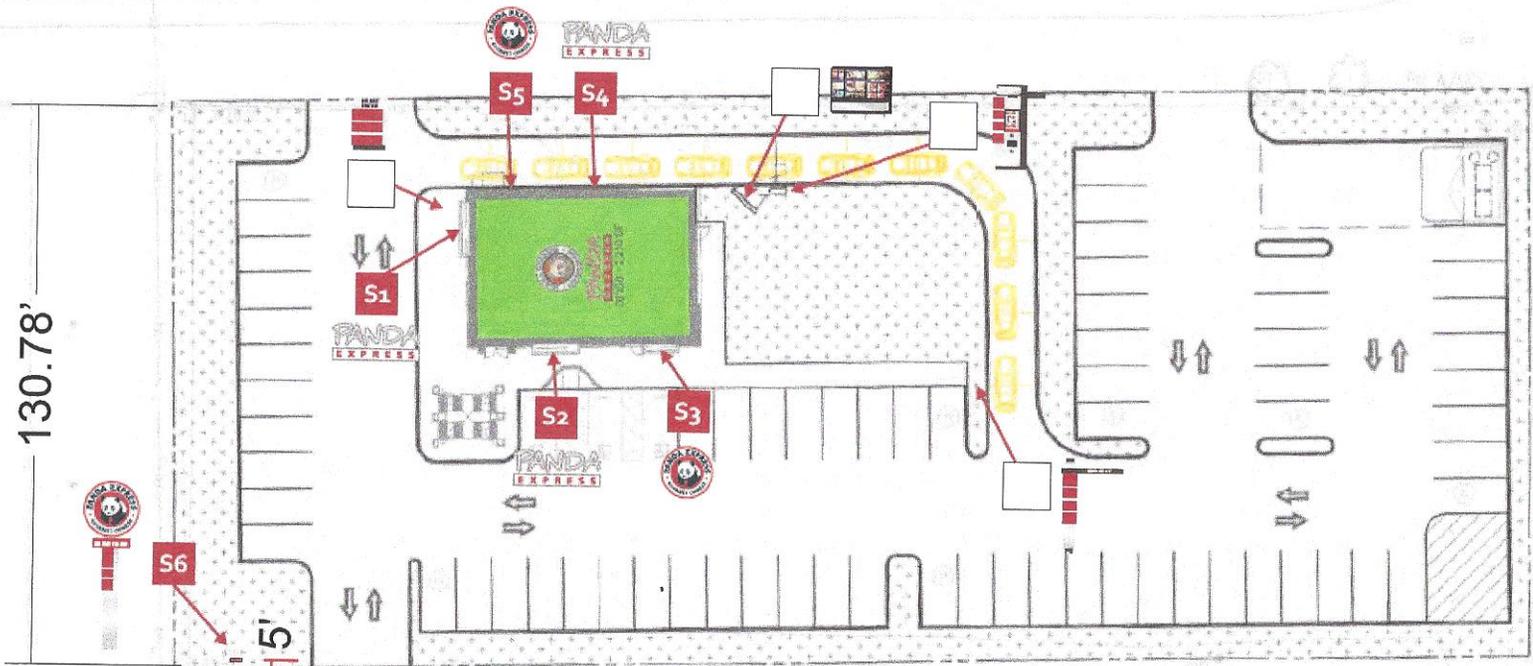
north

s. memorial

130.78'

60'

5'



FILE LOCATION:  
A:\Client\Draws\Colors\Priority Express  
DATE: 6-22-23  
DESIGNER: MH PM: MS

REVISIONS:

X	
X	
X	

CITY/STATE: Tulsa, OK

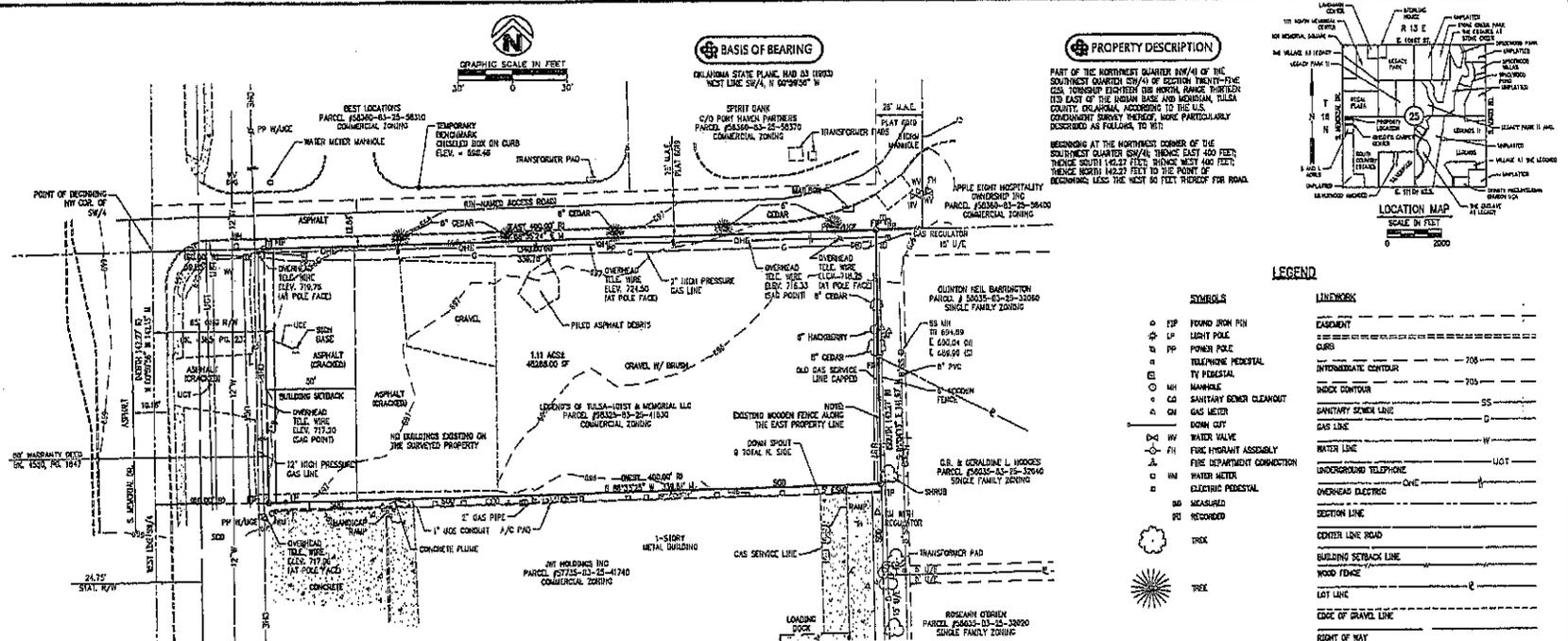
ADDRESS: 105th and Memorial

Drawing #  
Site Name

C37582

-

119



**SCHEDULE B - II**  
 EXCEPTIONS  
 COMMITMENT NO. 170277-000

**STANDARD EXCEPTIONS**

A. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS:  
 NOT APPLICABLE TO THE SURVEYOR.

B. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS:  
 NOT APPLICABLE TO THE SURVEYOR.

C. ENCROACHMENTS, OVERLAPS, DISCREPANCIES OR CONFLICTS IN BOUNDARY LINES, SHOWN BY AERIAL, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE SURVEY OR INSPECTION OF THE PREMISES:  
 ANY DISCREPANCIES WILL BE SHOWN ON THE SURVEY.

D. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR, OR MATERIALS HEREON, OR ON INDICATED PREMISES, IMPROVED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS:  
 NOT APPLICABLE TO THE SURVEYOR.

**SPECIAL EXCEPTIONS**

1. AD VALOREM TAXES FOR 2011, AMOUNT OF WHICH IS NOT ASCERTAINABLE, ONE OR PAYABLE:  
 NOT APPLICABLE TO THE SURVEYOR.

2. ALL INTEREST IN AND TO ALL OIL, GAS, COAL AND OTHER MINERALS AND ALL RIGHTS PERTAINING THEREIN:  
 NOT APPLICABLE TO THE SURVEYOR.

3. STATUTORY RIGHT-OF-WAY ALONG ALL SECTION LINES SHOWN ON SURVEY:  
 NOT APPLICABLE TO THE SURVEYOR.

4. RIGHTS OF TENANTS IN POSSESSION:  
 NOT APPLICABLE TO THE SURVEYOR.

5. ANY AERIAL MATTERS WHICH WOULD BE DISCLOSED BY A ACCURATE SEARCH ON THE WITHIN RANGED DISTRICT:  
 NOT APPLICABLE TO THE SURVEYOR.

6. EASEMENT IN FAVOR OF THE STATE OF OKLAHOMA RECORDED IN BOOK 130A, PAGE 454, 180

**SPECIAL EXCEPTIONS CONTINUED**

7. RIGHT-OF-WAY IN FAVOR OF CANTER POWER GAS COMPANY, RECORDED IN BOOK 105, PAGE 218, PROPERLY RESTRICTED BY THE RESTRICTION OF RIGHT-OF-WAY RECORDED IN BOOK 456A, PAGE 232, 228 & 311  
 THIS RIGHT-OF-WAY AFFECTS THE WEST 60 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28, T-10-N, R-13-E, AND IS SHOWN ON SURVEY.

8. RIGHT-OF-WAY IN FAVOR OF PUBLIC SERVICE COMPANY OF OKLAHOMA, RECORDED IN BOOK 3707, PAGE 11, 670  
 THIS RIGHT OF WAY EASEMENT DOES NOT AFFECT THE SUBJECT PROPERTY.

9. DEDICATION DEED FOR HIGHWAY PURPOSES IN FAVOR OF STATE OF OKLAHOMA, ACTING BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION, RECORDED IN BOOK 456A, PAGE 1847, 1848  
 THIS DEED OF DEDICATION REFERS TO THE WEST SIXTY (60) FEET THAT IS DEDICATED FROM THE SUBJECT PROPERTY. IT IS ADJACENT TO THE SUBJECT PROPERTY AND IS USED FOR HIGHWAY PURPOSES.

10. LEASE AGREEMENT AND OPERATION AND MAINTENANCE CONTRACT BY AND BETWEEN THE TOWN OF HOUSTON, OKLAHOMA, LESSOR, AND THE TRUSTEES OF THE NORTH OIL FIELD, HOUSTON ALPHABETIC, LESSEE, RECORDED IN BOOK 426A, PAGE 732, 733  
 THE PROPERTY IS SUBJECT TO THE LEASE AGREEMENT AND OPERATION MAINTENANCE CONTRACT.

11. ORDINANCE NO. 154 OF THE CITY OF BUSHY, RECORDED IN BOOK 9710, PAGE 431, 1330  
 THE PROPERTY IS SUBJECT TO THIS ORDINANCE.

**BENCHMARK**  
 VERTICAL DATUM  
 NAVD 1983, AZS AND 9/8' HEIGHT - 1 1/2" ALUMINUM CAP - PLUSH SET IN CONCRETE - STAMPED 'SET' IN THE CENTER MEDIUM OF METAL, AVE. AN APPROX. 100' SOUTH OF 19151.  
 HORIZONTAL DATUM  
 NAD 83, AZS 200 USE DESCRIPTION ABOVE  
 HORIZONTAL STATIONING  
 EASTING: 289481.705

**FLOODPLAIN REFERENCE**  
 FROM PARCEL NO. 49103303001 DATED OCTOBER 15, 2012 CLASSIFIED THE PROPERTY DESCRIBED HEREON AS ZONE 'X', AN AREA DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN.  
 ACCORDING TO THE CITY OF TULSA REGULATORY FLOODPLAIN PANEL NO. 67 DATED MAY 10, 2011 CLASSIFIED THE PROPERTY DESCRIBED HEREON AS BEING OUTSIDE OF THE CORPORATE LIMITS FOR THE CITY OF TULSA.  
 THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAPS, IN ADDITION, THE ABOVE STATEMENT DOES NOT REPRESENT THIS SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING.

**UTILITY STATEMENT**  
 THE UNDERGROUND UTILITIES SHOWN ON THIS PLAT HAVE BEEN LOCATED FROM FILES, SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED. THE SURVEYOR, FURTHER, DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ON THIS PLAT ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH, HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL GUY BEFORE DIGGING 800-552-6543.

**SURVEYOR'S ALTA CERTIFICATION**  
 TO PANDA RESTAURANT GROUP, INC., OTT DEVELOPMENTS, LLC, CHEUNG FAMILY TRUST, PANDA EXPRESS, INC. AND THEIR AFFILIATED ENTITIES, LESSORS OF TULSA, LLC, HOUST & MEMORIAL, AN OKLAHOMA LIMITED LIABILITY COMPANY AS WELL AS FIRST AMERICAN TITLE INSURANCE COMPANY:  
 THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 OKLAHOMA STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, WHOLLY ESTABLISHED AND ADOPTED BY ALTA AND NEPS, AND INCLUDES STANDARDS 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16 & 18 OF TABLE A INDEXED. THE FIELD WORK WAS COMPLETED ON NOVEMBER 12, 2012.  
 WITNESS MY HAND AND SEAL THIS 12th DAY OF November, 2012.  
 CRAFTON TULL & ASSOCIATES, INC.  
 BY A.L. WATSON, JR. (L) 1007  
 A.L. WATSON, JR.



**ALTA/ACSM LAND TITLE SURVEY**  
 PREPARED FOR:  
 PANDA RESTAURANT GROUP, INC.  
 1681 WALNUT GROVE AVE.  
 ROSEMEAD, CA  
 91770

10235 S. MEMORIAL DRIVE  
 TULSA, OK  
 74133  
 TULSA COUNTY  
 STATE OF OKLAHOMA

**ALTA/ACSM LAND TITLE SURVEY**  
 C-101