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

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

3 1. Approval of Minutes for the October 21, 2013 Regular Meeting
32 2. Approval of schedule of meetings and application cutoff dates for 2014

PUBLIC HEARINGS

33 3. **PUD 81 – "Chateau Villas PUD" – AAB Engineering, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 23 acres in part of the NW/4 NW/4 of Section 01, T17N, R13E.
Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S.

4. **BZ-368 – AAB Engineering, LLC.** Public Hearing, discussion, and consideration of a rezoning request from CS Commercial Shopping Center District, OL Office Low Intensity District, and AG Agricultural District to CS Commercial Shopping Center District and RM-3 Residential Multi-Family District for approximately 23 acres in part of the NW/4 NW/4 of Section 01, T17N, R13E.
Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S.

PLATS

81 5. **Final Plat – "Woodcreek Office Park" – Sack & Associates, Inc.** Discussion and consideration of a Final Plat for "Woodcreek Office Park" for approximately 1.1694 acres consisting All of Lot 1, Block 3, *Woodcreek Office Park.*
Property Located: 7500-block of 111th St. S.

104 6. **Preliminary Plat – "Seven Lakes III" – HRAOK, Inc.** Discussion and consideration of a Preliminary Plat for "Seven Lakes III" for approximately 1 acre in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.

7. **Preliminary Plat – "Seven Lakes IV" – HRAOK, Inc.** Discussion and consideration of a Preliminary Plat for "Seven Lakes IV" for approximately 17 ½ acres in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.

8. **Preliminary Plat – "Byrnes Mini-Storages" – JR Donelson, Inc. (PUD 77).** Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for "Byrnes Mini-Storages," approximately 3.4 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*.
Property Located: 12355 & 12365 S. Memorial Dr. and 12404 S. 85th E. Pl.

OTHER BUSINESS

9. **BL-388 – Jon Ward.** Discussion and possible action to approve a Lot-Split for Lots 1 and 2 and the E. 100' of Lot 5, Block 1, *Hickory Creek Estates*.
Property Located: 13001 E. 181st St. S.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Fmyank

Date: 11/15/2013

Time: 11:20 AM


All items are for Public Hearing unless the item is worded otherwise

# MINUTES
# PLANNING COMMISSION
# 116 WEST NEEDLES
# BIXBY, OKLAHOMA
# October 21, 2013 6:00 PM

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

**STAFF PRESENT:**
Erik Enyart, AICP, City Planner

**OTHERS ATTENDING:**
See attached Sign-In Sheet

CALL TO ORDER:

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

ROLL CALL:

Members Present: Larry Whiteley, Lance Whisman,[1] Jeff Baldwin, John Benjamin, and Thomas Holland.
Members Absent: None.

CONSENT AGENDA:

1. Approval of Minutes for the September 30, 2013 Special 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 September 30, 2013 Meeting as presented by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

| | |
|---|---|
| AYE: | Holland, Benjamin, Baldwin, and Whiteley |
| NAY: | None. |
| ABSTAIN: | None. |
| MOTION CARRIED: | 4:0:0 |

[1] In at 6:02 PM

PUBLIC HEARINGS

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 121st St. S. and Memorial Dr.

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Chair Thomas Holland introduced the item confirmed with Erik Enyart that the Applicant had requested that the application be "Tabled indefinitely." Larry Whiteley made a MOTION to TABLE INDEFINTELY PUD 76 Scenic Village Park Major Amendment # 2. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:
AYE: Baldwin, Whiteley

(Discussion ensued and the Roll Call was not completed at this time).

Lance Whisman in at 6:02 PM.

Chair Thomas Holland recognized Jay Mauldin of 7341 E. 119th Pl. S. from the Sign-In Sheet. Mr. Mauldin asked for clarification on the meaning of "Tabled indefinitely." Erik Enyart stated that it would mean the application was "off the table" and could not be acted upon, unless the Applicant wanted to "resurrect" the application, in which case the entire process would have to start over, including notice published in the newspaper, the sign posting, and mailed notices to property owners within ¼ mile, and the costs would have to be borne by the Applicant.

Roll was called:

ROLL CALL:

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

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.

Chair Thomas Holland introduced related items 3. (PUD 80 – "Wood Hollow Estates" – Sack & Associates, Inc.) and 4. (BZ-367 – Sack & Associates, Inc.) and 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, October 17, 2013*
***RE:*** *Report and Recommendations for:*
*PUD 80 – "Wood Hollow Estates" – Sack & Associates, Inc., and*
*BZ-367 – Sack & Associates, Inc.*

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*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 121st 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. 121st 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.*

*<u>BBOA-442 – Charles Roger Knopp</u> – 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).*
*<u>BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust</u> – 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.*
*<u>Final Plat of Seven Lakes I</u> – 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).*
*<u>PUD 53 – WoodMere – Marc & Donna Bullock</u> – 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).*
*<u>Preliminary Plat of WoodMere (PUD 53)</u> – 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.*
*<u>Final Plat of WoodMere (PUD 53)</u> – 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).*
*<u>V-23 – Sack & Associates, Inc.</u> – 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).*
*<u>Preliminary Plat of Seven Lakes II</u> – 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.*
*<u>PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc.</u> – 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.*
*<u>PUD 53-A – WoodMere – Major Amendment # 1</u> – 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).*
*<u>BZ-353 – Sack & Associates, Inc. for New Woodmere Properties, LLC</u> – 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 67th E. Ave., a private street extension of the existing 67th 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.*

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*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. 121st 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. 121st 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:*



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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).*

Chair Thomas Holland recognized Ted Sack from the Sign-In Sheet. Mr. Sack stated that this would be a "high-end residential" development with homes ranging in price from $750,000 to $1 Million plus; it would be gated, exclusive with private streets, and would have a "double-entrance" and an emergency access [street connection] to the north in WoodMere, consistent with the Fire Marshal's recommendations. Mr. Sack stated that the streets would have sidewalks on both sides, along the entrance street, and along Sheridan Rd.

Jeff Baldwin asked for clarification between the 26' and 30' street width measurements. Erik Enyart stated that there would be 26' of paving from curb-to-curb, and 30' was the width of the "Reserve [Area A] for private street right-of-way," so there would be "a couple feet on either side [of the curbs]." Ted Sack stated that there would be Sidewalk Easements [outside the 30' area] for sidewalks.

Chair Thomas Holland recognized Stuart Nyander from the Sign-In Sheet. Mr. Nyander had no comment.

Chair Thomas Holland asked if anyone else present had any questions. There were none.

Chair Thomas Holland expressed concern about drainage and asked if there was a potential problem with wetlands. Ted Sack responded, "No, I don't think so," and stated that he was getting approval from [a male representative of] Tulsa County to [allow drainage into] "the wetland [mitigation] area to the east. He's consistent with that and [said he] would work with us." Mr. Sack stated that his firm "did WoodMere to the north, so we're very familiar with the area."

Chair Thomas Holland asked about the Floodplain and the Base Flood Elevation in relation to the subject property. Erik Enyart responded that the 100-year Floodplain was entirely contained within Fry Creek # 2, but that the surrounding area was in the 500-year Floodplain. Mr. Holland acknowledged and asked again about the Base Flood Elevation. Ted Sack described elevations and responded that the development would "be above the Base Flood as we were in WoodMere to the north."

Chair Thomas Holland asked if there were any further questions. There were none.

Chair Thomas Holland asked to entertain a Motion. Upon clarification of the Motion with John Benjamin, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of PUD 80 and BZ-367 with the corrections, modifications, and Conditions of Approval as recommended 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 |

PLATS

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.

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Chair Thomas Holland introduced the item and 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, October 17, 2013* |
| ***RE:*** | *Report and Recommendations for:* |
| | *Preliminary Plat of "Wood Hollow Estates" (PUD 80)* |

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| | |
|---|---|
| *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 121st 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. 121st 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:*

*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."

*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.*

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*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 67th E. Ave., a private street extension of the existing 67th 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)*
     - *Seven Lakes II (missing)*

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- *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).*

Jeff Baldwin asked if the recommendations were from the City Attorney. Erik Enyart responded, "There were no special recommendations from Patrick's office. These are all my own."

Larry Whiteley clarified with Erik Enyart that the 20-acre WoodMere subdivision, abutting the subject property to the north, was described as a "commercial and residential" subdivision because it got zoned commercial [in part] in 200[7].

A Commissioner asked about lot widths, and Erik Enyart referred to the Staff Report and stated that the typical lots were 90' X 158' and 95' X 150'. It was remarked how large these lots would be.

Chair Thomas Holland asked why the Applicant was requesting RS-3 zoning if the lots were so large. Erik Enyart stated that this was a recommendation by Staff, and that the RS-3 district would be a nice transition district, buffering between the RS-2 district to the north in WoodMere and the RS-4 district to the south [containing the] Seven Lakes [subdivisions]. Mr. Holland asked why it could not be RS-2 with these lot sizes. Ted Sack stated that it was a good transition between RS-2 and RS-4, and that his client would like to maintain the flexibility [of the RS-3 district].

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat of "Wood Hollow Estates" with the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion.

John Benjamin addressed the Applicant and stated, "My compliments on the [Restrictive Covenants]," adding that they were "very well written."

Roll was called:

ROLL CALL:

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

Wayne Farabough left at this time.

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 111th St. S.

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Chair Thomas Holland introduced the item and 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, October 17, 2013* |
| ***RE:*** | *Report and Recommendations for:* |
| | *BSP 2013-05 – "Woodcreek Office Park" – Sack & Associates, Inc. (PUD 47-C)* |

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

*SIZE:* *1.1694 acres, more or less*

*EXISTING ZONING:* *CS Commercial Shopping Center District and PUD 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 111th St. S.) OL, RD, PUD 707, RS-3 & PUD 578A; Ravens Crossing residential subdivision, the The Office Suites of Ravenwood office park development, and the Wal-Mart Supercenter in the City of Tulsa.*

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

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

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

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

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

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*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 111th St. S. frontage area (subject property) – PC Approved 05/21/2007 and City Council Approved 05/29/2007.*

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

*Final Plat Woodcreek Village Amended – Sack & Associates, Inc. – Request for Final Plat approval for Woodcreek Village Amended (including subject property) – Approved by PC 10/15/2007 and by City Council 10/22/2007. A Modification/Waiver from street standards was also approved (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. 112th 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 111th St. S. to 75th E.*

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*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 111th 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 111th St. S., on the west by the private 75th E. Ave. with residential in WoodCreek beyond that, on the south by residential in Woodcreek Village Amended, and on the east by Lowe's in Bixby Commons.*

*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 75th E. Ave.*

*75th E. Ave. has a sharp bend from northwest to southeast, as it approaches the gated entrance to the residential part of Woodcreek Village Amended. 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 impedance, 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).*

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*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 111th St. S., with two (2) secondary access points on 75th 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 111th St. S. and 75th 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 111th St. S. frontage of the subject property will be amended to allow a 40'-wide Access Opening toward the east end of the frontage, which is subject to the approval of the City Engineer and County Engineer. 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 111th St. S. and 75th 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 75th E. Ave., at approximately 30' in width, is too narrow to contain a sidewalk (a 26' roadway leaves only 2' on either side), it appears is will be necessary to add a "sidewalk easement" along the northeast side of 75th E. Ave., along with appropriate language in the Deed of Dedication/Restrictive Covenants specifying that the lot owners collectively, or the affected lot owner only, are responsible for their maintenance. Alternatively, an additional width should be added to the 30' current right-of-way width on the subject property side to accommodate the sidewalk. 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].*

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*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 111th 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 75th 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.*

*<u>Screening/Fencing</u>. 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*

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*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 111th St. S. and 75th 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 111th 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 75th 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' – 75th E. Ave. Street Yard width of 25' =) 96.3' = 1,926 square feet / 1,000 square feet = 2 trees*

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*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:*

   *111th St. S. Street Yard Tree Requirements: The subject property has approximately 193.5' of frontage along 111th 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' – 75th E. Ave. Street Yard width of 25' =) 168.5' X 50' = 8,425 square feet / 1,000 = 8.4 = 9 trees in the 111th 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 111th St. S. Street Yard area.*

   *75th E. Ave. Street Yard Tree Requirements: The subject property has approximately 317.63' of frontage along 75th E. Ave., for which PUD 47-C and the CS district provide a 25' setback. 317.63' X 25' = 7,940.75 square feet / 1,000 = 8 trees in the 75th E. Ave. Street Yard. Eight (8) trees are proposed in the 75th 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 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 ½" 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.*

    *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*

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*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 111th 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."*

*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 75th 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 75th 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.*

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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.*

Erik Enyart noted that this was a different PUD site plan arrangement than was customary, as it included all the lots together, as Staff had recommended when the PUD Major Amendment was approved earlier in the year. Mr. Enyart stated that this application would give overall site plan [approval] coverage for the entire development, and then Staff would compare the individual Building Permits to the overall site plan for consistency. Mr. Enyart stated that, otherwise, each

Building Permit would potentially have its own [theme] as far as setbacks and landscaping, and this could result in a mix-match of different [themes], rather than having a consistent theme.

Chair Thomas Holland expressed concern about the residential uses abutting to the south and confirmed with Ted Sack that the screening to the south would be the same as proposed with [PUD 47-C].

A Commissioner asked how this had changed [since the last time the Planning Commission saw it], and Erik Enyart responded that the biggest change was that the original plan and plat had about seven (7) or eight (8) lots, and this plan combined the westernmost lots into one bigger one, and now had five (5) lots total. Ted Sack confirmed that the previous plat had eight (8) lots, and that the large lot was to allow them to build a bigger building. Mr. Sack stated that "The building on the table right now is 6,000 square feet." Mr. Sack stated that the market called for the smaller lots for individual offices at the prior time, and still called for the smaller lots for the balance of the subdivision. Mr. Sack stated that he had "no problem with the [recommended] conditions—we can meet the conditions."

Jeff Baldwin recognized Betsy Bromley from the Sign-In Sheet and noted that she did not indicate if she was signed up for this or another item. Mr. Baldwin asked Ms. Bromley if she cared to speak on the item. Ms. Bromley declined.

Jeff Baldwin confirmed with Ted Sack that he had prepared the overall site plan at the request of the City, and that he was okay with the recommendations.

Chair Thomas Holland asked about the landscaping trees along the south property line, and Ted Sack responded, "We're short one—we'll add another one."

Chair Thomas Holland asked to entertain a Motion. John Benjamin made a MOTION to APPROVE BSP 2013-05 with the corrections, modifications, and Conditions of Approval as recommended by Staff. 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 |

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.

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Chair Thomas Holland introduced the item and 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, 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 / JWI Supply / CWC Interiors hardware, interiors, and supply store in the Grigsby's Carpet Center subdivision.*

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

*West: (Across Memorial Dr.) CS/PUD 619 and CS/PUD 370; The First Pryority 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 101st St. S. and 111th 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.*

Erik Enyart noted that this property was the one with the *Panda Express* under construction at this time.

Erik Enyart stated that it appeared to him that, with perhaps two (2) exceptions, most of the ground signs along the Bixby side of Memorial Dr. between 101st St. S. and 111th St. S. were "pole signs" at about 25' in height. Chair Thomas Holland asked Erik Enyart, rhetorically, if they were not beautiful, and Mr. Enyart responded, "No comment."

Chair Thomas Holland recognized Brian Ward of *A-Max Sign Company, Inc.*, 9520 E. 55th Pl. S., from the Sign-In Sheet. Mr. Ward stated that he was representing the application, and noted that the sign for *Panda Express* would be the standard 25' height, but would not have an LED message board component.

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE PUD 67 Minor Amendment # 1. 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 |

Erik Enyart addressed Chair Thomas Holland and noted that at least one (1) intern from the Bixby Metro Chamber of Commerce's Leadership Bixby program was present. Dave Myers introduced himself and stated that he was with *Atlas General Contractors*. Rachel Brewer introduced herself and stated that she was with *Liberty Mutual*. Mr. Enyart observed that both of this year's two (2) interns were present. The Commissioners recognized and welcomed Mr. Myers and Ms. Brewer to the Planning Commission. Chair Thomas Holland expressed his hope that they would get good things from their experience.

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 6:34 PM.

APPROVED BY:

_____ _____

Chair Date

_____

City Planner/Recording Secretary

## Erik Enyart

**From:** Erik Enyart
**Sent:** Monday, October 21, 2013 8:29 AM
**To:** Jeff Baldwin; 'John Benjamin'; thol46@aol.com; 'Lance Whisman'
**Cc:** Patrick Boulden
**Subject:** FW: PUD #76, Major Amendment #2
**Attachments:** 13098 Major Amend Table Letter.pdf

FYI on this.

Erik

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**From:** Ricky Jones [mailto:ricky@tannerbaitshop.com]
**Sent:** Friday, October 18, 2013 2:43 PM
**To:** Erik Enyart
**Cc:** Patrick Boulden
**Subject:** PUD #76, Major Amendment #2

Erik,
Per our previous e-mails, please find attached the letter requesting the item be 'Tabled Indefinitely'. Let me know if you have any questions.


**Ricky Jones, Principal, AICP**

**Tanner Consulting, LLC**
**Architecture · Civil Engineering**
**Surveying · Land Planning**

**5323 South Lewis Avenue**
**Tulsa, Oklahoma 74105** **Ph: (918) 745-9929**
**Ricky@tannerbaitshop.com** **Fx: (918) 745-9969**


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**Tanner**
Consulting, LLC
5323 S. Lewis Ave
Tulsa, Ok 74105

*Civil Engineering • Architecture •*
*Surveying • Land Planning*
*Ph: (918) 745-9929*
*ricky@tannerbaitshop.com*

October 18, 2013

Mr. Erik Enyart
116 W. Needles
Bixby, Oklahoma 74008

**RE: Planned Unit Development 76, Major Amendment #2**

Dear Erik,

On behalf of the developer, we would respectfully request that PUD 76, Major Amendment #2 be tabled indefinitely. It is our desire not to withdraw the application but rather postpone the hearings before the Bixby Planning Commission and City Council to a future date. We will certainly pay for costs associated with new advertising prior to the item being reconsidered.

I will be at the meeting Monday night in case any of the Planning Commission members or Staff has any questions. Thank you for your help.

Respectfully,

Ricky L. Jones

Ricky L. Jones, AICP, Principal

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BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: October 21, 2013

| NAME | ADDRESS | ITEM |
|---|---|---|
| 1. JAY MAULDIN | 7341 E 119 PL | (2) PUD 76 ✓ |
| 2. TED SACK | SACK & ASSOCIATES | PUD 80 ✓ |
| 3. BRIAN WARD | 9520 E 55TH | PUD 67 |
| 4. Betsy Bromley | 12559 S 71st AVE | |
| STEWART 5. ~~SCHAFER NEWLON~~ | | ~~PUD 80~~ |
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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)

# MEMORANDUM

**To:** Bixby Planning Commission

**From:** Erik Enyart, AICP, City Planner EE

**Date:** Friday, November 15, 2013

**RE:** Planning Commission meeting schedule and application deadlines for 2014

Staff proposes the following schedule for the Planning Commission:

| DATE | TIME | PLACE OF MEETING |
|---|---|---|
| January 21, 2014 (Tues) | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| February 18, 2014 (Tues) | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| March 17, 2014 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| April 21, 2014 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| May 19, 2014 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| June 16, 2014 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| July 21, 2014 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| August 18, 2014 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| September 15, 2014 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| October 20, 2014 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| November 17, 2014 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |
| December 15, 2014 | 6:00 PM | 116 W. Needles, City Hall Council Chambers, Bixby |

## APPLICATION DEADLINES

Four (4) weeks prior to the Planning Commission meeting, or the South County Leader's Public Notice publication deadline plus one (1) working day, whichever is sooner. The City Manager shall have the authority to make an exception to the deadline in cases of hardship or unusual circumstances.

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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, November 14, 2013

**RE:** Report and Recommendations for:
PUD 81 – "Chateau Villas PUD" – AAB Engineering, LLC, and
BZ-368 – AAB Engineering, LLC

LOCATION:
16-Acre Tract: 8300-block of E. 121st St. S.
7-Acre Tract: 12303 S. Memorial Dr.

SIZE: 23 acres, more or less, in two (2) tracts

EXISTING ZONING:
16-Acre Tract: CS Commercial Shopping Center District and OL Office Low Intensity District with PUD 68
7-Acre Tract: OL Office Low Intensity District and AG Agricultural District

EXISTING USE:
16-Acre Tract: Vacant
7-Acre Tract: Single-family house

REQUESTED ZONING: CS Commercial Shopping Center District, RM-3 Residential Multi-Family District, & PUD 81

SUPPLEMENTAL ZONING:
16-Acre Tract: PUD 68 "North Bixby Commerce Park"
7-Acre Tract: Corridor Appearance District

SURROUNDING ZONING AND LAND USE:

North: CS & RM-1/PUD-6, RD, and RS-1; The *Memorial Square* duplex-style condo/apartments and vacant lots, and single-family residential to the northeast, commercial in the *Town and Country Shopping Center* to the northwest, and further north, duplexes along 119th St. S., all in *Southern Memorial Acres Extended.*

South: CS & AG/PUD 29A, RS-1, and RS-2; *The Boardwalk on Memorial* commercial strip shopping center with vacant land behind and single-family residential in *Gre-Mac Acres* and *Southern Memorial Acres No. 2* zoned RS-1 and RS-2. The vacant land was Conditionally Approved for OL and PUD 77 zoning for a ministorage development, but zoning is pending ordinance approval.

East: RS-1; Single-family residential in the *Houser Addition* and the Bixby Fire Station #2.

West: CG, CS, OL, RS-3, & AG; Commercial development in *121st Center*, the *Spartan Self Storage* ministorage business on an unplatted 1-acre tract zoned CS at 12113 S. Memorial Dr., and (west of Memorial Dr.) agricultural land and the *Easton Sod* sales lot zoned RS-3, OL, & CS.

COMPREHENSIVE PLAN:

16-Acre Tract: Low/Medium Intensity + Vacant, Agricultural, Rural Residences, and Open Land

7-Acre Tract: Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES:

BZ-30 – Frank Moskowitz – Request for rezoning from AG to CS for the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E (including 7-acre tract subject property) – PC on 01/27/1975 recommended CS for N. approx. 12.5 acres, OL for the S. approx. 5 acres of the N. approx. 17.5 acres, and AG zoning to remain for the balance of the 20 acres. City Council approved as PC recommended 03/18/1975 (Ord. # 270).

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

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

Final Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Final Plat and certain Modifications/Waivers for a ministorage, "trade center / office-warehouse," and

retail development on 16-acre tract subject property – PC recommended Conditional Approval 05/17/2010 and City Council Conditionally Approved 05/24/2010. City Council approved a revised Final Plat 09/13/2010.

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

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

BBOA-11 – Richard Ketchum for Tri-Kay Developers, Inc. – Request for [Variance] from bulk and area standards for the *Town and Country Shopping Center* on All of Block 18, *Southern Memorial Acres Extended* to the northwest of subject property – ("amended application" received 12/26/1972 deleted the additional request for a Variance from the off street parking requirements). Bulk and area standards requested for Variance appear to have been from Zoning Ordinance Section 6.3A "Waive the 2 acre maximum" lot area standard and Section 6.4 "Change the Floor area ratio from (1 to 4) to (1 to 3 ½)" in the C-1 District – BOA Approved 01/16/1973 "to change the floor area from (1 to 4) to (1 to 3 ½)" per case notes and a draft letter found in the case file (Minutes not found for any BOA meetings in 1973).

BBOA-20 – City of Bixby – Request for Special Exception to allow a Use Unit 5 use in an RS-1 district, the original Bixby Fire Station # 2, on Lot 2, Block 4, *Houser Addition* abutting subject property to the east at 8300 E. 121st St. S. – BOA Conditionally Approved 06/09/1975.

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area to the southwest 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).

BL-45 – Milton Berry – Request for Lot-Split approval to separate the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E (now the *Spartan Self Storage*) from the balance of the property, which balance was later platted as *121st Center* – both resultant tracts abut subject property to west and north – PC Motion to Approve died for lack of a Second 02/26/1979; City Council Conditional Approval is suggested by case notes. Deeds recorded evidently without approval certificate stamps 05/23/1978, which would have preceded the Lot-Split application.

BZ-135 – Eddie McLearan – Request for rezoning from AG to CS for an approximately 19-acre tract at 12300 S. Memorial Dr. to the west of subject property (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. to the west of subject property (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-140 – Patrick L. Murray – Request for rezoning from RM-1 to CS for approximately 1.6 acres consisting of Lots 7 through 12, inclusive, Block 17, *Southern Memorial Acres Extended* (later replatted as part of *Memorial Square*) across 121st St. S. to the north of subject property – PC Recommended Denial 05/31/1983 and City Council Approved 06/13/1983 (Ord. # 486).

B/PUD 6 – "South Memorial Duplexes" – Richard Hall & Associates for George E. Day – Request for PUD approval for a duplex development for approximately 9.4 acres consisting of Lots 7 through 12, inclusive, Block 16, and all of Block 17, *Southern Memorial Acres Extended* (later replatted as *Memorial Square*) across 121st St. S. to the north of subject property – PC Recommended Approval 11/28/1983 and City Council Approved 12/05/1983 (Ordinance # 498).

Final Plat of Memorial Square – Request for Final Plat approval for *Memorial Square* for approximately 9.4 acres, a resubdivision of Lots 7 through 12, inclusive, Block 16, and all of Block 17, *Southern Memorial Acres Extended* across 121st St. S. to the north of subject property – City Council Approved 02/1984 (per the plat approval certificate) (Plat # 4511 recorded 08/03/1984) (Preliminary Plat and PC approvals not researched).

BBOA-135 – Alan Hall of A. C. Hall & Associates, Surveying for Milton H. Berry – Request for Special Exception to allow a Use Unit 17 carwash development in the CS district for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – BOA Approved 11/13/1984 subject to platting (not developed as a carwash; ultimately developed as the *Spartan Self Storage*).

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for *121st Center* (abutting subject property to west and north) – PC Conditionally Approved 12/28/1987 (Council action not researched).

BBOA-199 – Spradling & Associates for Arkansas Valley Development Corporation – Request for Variance to reduce the minimum lot width/frontage in CS from 150' to 125' to permit platting the subject tract as *121st Center* (abutting subject property to west and north) – BOA Approved 01/11/1988.

Final Plat of 121st Center – Request for Final Plat approval for *121st Center* (abutting subject property to west and north) – PC Conditionally Approved 02/29/1988 and City Council Approved 07/11/1988 (per the plat approval certificate) (Plat # 4728 recorded 08/05/1988).

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area to the southwest of subject property in the 12300-block of S. Memorial Dr. (perhaps then addressed 12340 S. Memorial Dr.) – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

BBOA-261 – Jack Spradling for Arkansas Valley Development Corporation – Request for Variance for Lot 5, Block 1, *121st Center* (abutting subject property to west and north), to reduce the minimum lot width/frontage in CS from 150' to 0' to permit a Lot-Split creating the E. 215' of the S. 125' of Lot 5, which tract is now the *Atlas General Contractors* office – BOA Conditionally Approved 02/01/1993 (Mutual Access Easement created to give access to 121st St. S.).

BBOA-300 – Tom Christopoulos – Request for Variance to the setback; an increase of the allowed maximum density; and a reduction of the parking standards of the RM-3 district (requested per BZ-212) for a multifamily development for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – BOA Conditionally Approved 07/03/1995 (not developed as multifamily; ultimately developed as the *Spartan Self Storage*).

BZ-212 – Tom Christopoulos – Request for rezoning from CS to RM-3 for a multifamily development for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the

NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – PC Recommended Approval 06/05/1995 and City Council Denied 07/10/1995 (not developed as multifamily; ultimately developed as the *Spartan Self Storage*).

BBOA-335 – Tom Christopoulos – Request for Special Exception to allow a ministorage development in the CS district for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – BOA Approved 12/01/1997 (now the *Spartan Self Storage*).

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

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

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

Final Plat of The Boardwalk on Memorial – Request for Final Plat approval for property abutting subject property to south – Recommended for Approval by PC 05/19/2003 and Approved by City Council 05/27/2003 (Plat # 5717 recorded 08/19/2003).

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

BBOA-444 – City of Bixby – Request for Special Exception to allow a Use Unit 5 use in an RS-1 district, allowing the expansion of Bixby Fire Station # 2 onto Lot 1, Block 4, *Houser Addition* located to east of subject property at 8300 E. 121st St. S. – BOA Approved 06/05/2006.

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

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

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

PUD 29A Major Amendment # 1 – Request for Major Amendments to PUD 29A to relax Zoning Code bulk and area requirements for Development Area B to allow for Lot-Split per BL-373, which Development Area B was required to be legally attached to lots having the minimum required amount of public street frontage – PC Recommended Approval 02/16/2010 and City Council Approved 03/08/2010 (Ord. # 2033).
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 Knopp family property of approximately 140 acres to the southwest 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.
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 southwest 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 southwest 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 southwest of subject property – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (Plat # 6380 recorded 04/12/2011).
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 to the west 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 to the west of subject property – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove in part the Residential Area specific land use designation, rezone in part from AG to OL, and approve PUD 77 for a ministorage development on property abutting subject property to the south – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. Ordinance First Reading held 06/24/2013. Ordinance Second Reading and consideration pending receipt of final PUD Text & Exhibits as Conditionally Approved.

Final Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres of a 92-acre PUD west 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 a 92-acre PUD west 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. Emergency Clause attachment approval items or otherwise Ordinance Second Reading and consideration at a future City Council meeting is pending.

PUD 76 "Scenic Village Park" Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for 92-acre PUD west of subject property – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant.

Preliminary Plat of "Byrnes Mini-Storages" – JR Donelson, Inc. – Request for approval of a Preliminary Plat for property abutting subject property to the south – PC consideration pending 11/18/2013

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

BACKGROUND INFORMATION:

By letter dated October 28, 2013, the Applicant sent an invitation to property owners within ¼ mile of the subject property (using the INCOG list of property owners from the Tulsa County Assessor's parcel records which is used for mailing the Public Notice) to attend a presentation and discussion on the proposed development in the Council Meeting Room in City Hall on Monday, November 11, 2013, at 6:00 PM. The City Planner was invited and attended. Besides the Applicant team and City Planner, five (5) others attended, two (2) of which represented adjoining commercial property owners. The meeting lasted approximately 1 ½ hours.

ANALYSIS:

Subject Property Conditions. The subject property of approximately 23 acres in two (2) tracts:

1. An approximately 16-acre vacant tract at the 8300-block of E. 121st St. S., and
2. An approximately 7-acre tract at 12303 S. Memorial Dr. with what appears to be an unoccupied split-level house on it.

The 16-acre tract is zoned CS and OL with PUD 68 "North Bixby Commerce Park," and the 7-acre tract is zoned OL and AG (CS, RM-3, and PUD 81 is requested for the combined land).

The subject property is moderately sloped and primarily drains to the southeast to an unnamed tributary of Fry Creek # 1, and presently contains an area of 100-year floodplain, attendant to an improved drainage channel along and within the eastern boundary of the 16-acre tract. Per a letter dated September 21, 2009, the previous owner/developer was approved by FEMA for a CLOMR-F to widen the channel and increase its capacity to a level providing for the 100-year flow and use the borrow material as fill to elevate the development land above the 100-year Floodplain. Widening the channel, under the approved CLOMR-F, would remove the need for onsite stormwater detention for the 16-acre tract. As originally conceived, the channel was only going to be widened enough to drain the 16-acre tract, and no other properties in the area. The area downstream of the southeast corner of the property may have already been widened. Per Alan Betchan on November 11, 2013, the new development plans may not require widening of the channel located on the subject property, or perhaps not as much widening, due to the creation of less impervious surface compared to the previous development plan. However, it is not clear if the channel on the subject property has already been widened or not. The plans may be modified and resubmitted to the City and FEMA in order to incorporate the 7-acre tract that is now a part of this development proposal. Pursuant to the original, approved CLOMR-F, the previous owner/developer proceeded with the grading; however, Staff has been informed that the grading has not been completed in accordance with the CLOMR-F as of this time. The floodplain issue must be resolved through the City and FEMA approval process before the subject property can be developed. The development will pay a fee-in-lieu of providing onsite stormwater detention. This situation is only partially described in the "Drainage" section of the PUD Text; a more robust description is in order.

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 unnamed tributary to Fry Creek # 1 to the east. Plans for utilities are adequately described in the text and represented on Exhibit F, and are discussed further in the City Engineer's memo.

Comprehensive Plan. The Comprehensive Plan designates the 16-acre tract subject property as (1) Low/Medium Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land. The Medium Intensity designation covers the west 6.26 acres of the 16-acre tract, pursuant to BCPA-3 approved by Ordinance # 2030 in 2010.

The 7-acre tract is designated (1) Medium Intensity and (2) Commercial Area.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that both CS and RM-3 zoning are *In Accordance* with the Medium Intensity designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the requested CS and RM-3 zoning districts 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. The requested CS would be consistent with the Commercial Area designation of the 7-acre tract. Commercial Development Area A contains about 4 acres (net area) of the westerly side of the 7-acre tract. The Commercial Development Area C would contain approximately 1.67 acres of the northerly side of the 16-acre tract. The 16.28-acre multifamily Development Area B is roughly equivalent to the 16.418-acre easterly tract, for which there is no specific land use designation. Thus, the land uses proposed are consistent with the land use designations of the Comprehensive Plan in this PUD context.

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 81 is *In Accordance* with the Comprehensive Plan as a zoning district.

For PUD 68 "North Bixby Commerce Park," Staff and the Applicant recognized that the commercial elements required a certain minimum amount of CS zoning, which worked out to be 6.26 acres. The west 6.26 acres of the 16-acre tract was zoned CS, and the 10.158-acre balance was zoned OL, which allowed ministorage use. The west 6.26 acres was only zoned CS upon the approval of Comprehensive Plan Amendment case # BCPA-3. The area east of this CS/OL line is still designated Low Intensity on the Comprehensive Plan, which would not support RM-3 or CS zoning.

The 7-acre tract is designated Medium Intensity + Commercial Area on the Comprehensive Plan map, which would support either CS or RM-3 zoning. Per GIS, it appears the gross area of the 7-acre tract is 7.5 acres (includes ½ of Memorial Dr. right-of-way).

Thus, the 6.26 acres + 7.5 acres = 13.76 acres of Medium Intensity available.

Development Areas (DAs) A and C propose commercial use, with 85,000 square feet and 40,000 square feet of maximum floor area proposed, respectively. At 0.50 Floor Area Ratio in the CS district (reference Zoning Code Sections 11-7I-5.A.2.a and 11-7D-4 Table 2), that would require (85,000 + 40,000 = 125,000 * 2 =) 250,000 square feet, or 5.74 acres. 13.76 – 5.74 = 8 acres of Medium Intensity left.

If all 8 acres was approved for RM-3 zoning (which would yield the highest number of units), per Zoning Code Sections 11-7I-5.A.1.a and .b and 11-7B-4.A.1 Table 3:

8 acres = 348,480 square feet / 1,742 = 200 units.

That leaves 10.158 acres of OL zoning remaining.

Per Zoning Code Section 11-7C-5.B, OL zoning translates into RM-1 bulk and area standards. At this density and with the mixture of RM-3, CS, and OL districts the Comprehensive Plan would support, the 375 units could not be fully supported. In response, the Applicant has reduced the proposed maximum floor area of commercial use, and converted the former CS-zoned areas to RM-3 zoning.

Per a phone conversation with Applicant Alan Betchan on October 31, 2013, Mr. Betchan estimated it was not possible to achieve the original amount of commercial floor area proposed due to parking and other spatial requirements. Staff confirmed with Mr. Betchan that the relative sizes of the commercial buildings represented on the site plan would not be compromised by this change.

The PUD Text version received November 11, 2013 updates the relative proportions of commercial and multifamily development consistent with the first option above. The commercial floor area requested is now 85,400 square feet. Alan Betchan confirmed on November 11, 2013 that this floor area would still support all of the commercial buildings as proportionally represented on the site plan. However, BZ-358 must still be amended and the development intensity (multifamily units and/or commercial square footage) must be reduced such that the size of the CS and RM-3 zoning requested and development intensities do not exceed that which is supported by available Medium Intensity designation of the Comprehensive Plan (7-acre tract plus the west 6.26 acres of the 16-acre tract). Further, the application should be amended to include OL zoning for the area which is designated Low Intensity.

General. The PUD proposes a multifamily residential ("multifamily") and commercial development, with commercial uses along the Memorial Dr. and 121st St. S. frontages, and incorporates a widened drainage channel along the east side. The submitted site plans for the development exhibit a conventional, suburban-style design. The plan indicates essentially three (3) commercial lots along Memorial Dr., two (2) commercial lots along 121st St. S., and 12 multifamily buildings, in a campus-style setting with curvilinear internal drive pattern, replete with a clubhouse/leasing office, pool area, and some garage or carport structures. However, none of the buildings are presently labeled on the Exhibit B Conceptual Site Plan.

When PUD 68 was proposed in 2009, Staff observed the potential for an enhanced range of development possibilities if the 16-acre tract was combined with the 7-acre tract. That has been achieved with this PUD.

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 81 at its regular meeting held November 06, 2013. Minutes of that meeting are attached to this report.

Access and Internal Circulation. Plans for access and internal circulation are described in the "Vehicular and Pedestrian Access and Circulation" section of the PUD Text as follows:

"The attached Exhibit E depicts the vehicular and pedestrian access points and circulation anticipated to accommodate the conceptual site plan. Access to the parcels of development area A and B will be provided by a privately maintained street. This street will be maintained by the property owners association created for the development. Access to the lots within Development Area C will be derived by not more than 2 direct connections to 121st Street South."

Plans for access can be further inferred from the site plans. Primary access to the development would be via one (1) boulevard-style street connecting to Memorial Dr., and a secondary drive connecting to 121st St. S. The outparcel lots on 121st St. S. are described as connecting directly to the street, but the Access and Circulation Plan Exhibit E show them having access via the north-south street/drive. The internal streets will be private. The multifamily development has previously been described as being gated, but gates are not discussed in the PUD Text or shown on the Access and Circulation Plan Exhibit E.

Sidewalks internal to the multifamily development are indicated, but not labeled. The Exhibit B Conceptual Site Plan does not indicate sidewalks along Memorial Dr. or 121st St. S., as required, nor along the private streets/drives connecting to both arterials, as would be required if they are dedicated as private streets. Sidewalks are also not indicated connecting the multifamily and commercial development areas. Per other recommendations in this report pertaining to development quality, the Applicant may also wish to consider utilizing the drainageway along the east side as a walking trail amenity. These enhancements would help the PUD provide a "unified treatment of the development possibilities of the project site" and "achieve a continuity of function and design within the development."

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, RS-1, RS-2, RS-3, RD, CS/RM-1/PUD 6, OL, CS, CG, and CS/OL/PUD 29A. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

Across 121st St. S. to the north is the *Memorial Square* duplex-style condo/apartments and vacant lots zoned CS & RM-1/PUD-6, and single-family residential to the northeast zoned RS-1, commercial in the *Town and Country Shopping Center* to the northwest zoned CS, and further north, duplexes along 119th St. S. zoned RD, all in *Southern Memorial Acres Extended.*

South of the subject property is *The Boardwalk on Memorial* commercial strip shopping center zoned CS/PUD 29A, vacant land behind it zoned CS and AG (but Conditionally Approved for OL and PUD 77 zoning for a ministorage development, pending ordinance approval). Further south is single-family residential in *Gre-Mac Acres* and *Southern Memorial Acres No. 2* zoned RS-1 and RS-2.

Abutting to the east is single-family residential and the Bixby Fire Station #2, all in the *Houser Addition* and zoned RS-1.

Abutting to the west is commercial development in *121st Center* and the *Spartan Self Storage* ministorage business on an unplatted 1-acre tract zoned at 12113 S. Memorial Dr., all zoned CS. Across Memorial Dr. to the west is Rd. is agricultural land zoned AG and CG and the *Easton Sod* sales lot zoned RS-3, OL, and CS.

Duplex residential uses in *Memorial Square* are fairly well buffered by the 121st St. S. primary arterial and its stormwater detention facility to the north of the street. Residential uses to the northeast in *Southern Memorial Acres Extended* are buffered by Bixby Fire Station # 2 and the large stormwater drainage and detention facility on Lots 8 and 9, Block 15, *Southern Memorial Acres Extended*. Residential uses to the south in *Gre-Mac Acres* are buffered by the 170'-wide vacant tract of land behind *The Boardwalk on Memorial* shopping center, which has been conditionally approved for OL zoning and PUD 77 (pending ordinance approval), which zoning districts and ministorage use are appropriate buffers between residential and more intensive uses.

However, the PUD should specify what screening and landscaping will be proposed for which property lines (type and height) per Zoning Code Section 11-7I-8.B.1.e. Rather than adding landscaping sections under DAs B and C, a separate section pertaining to "Development Standards for All Development Areas" (or titled similarly) may also be used to describe height and setback restrictions within specific non-residential Development Areas in relation to residential land uses and zoning districts. Specifics should address proximate properties and zoning districts including, but not necessarily limited to:

1. Single-family residential in *Houser Addition* and *Southern Memorial Acres No. 2* to the east and southeast
2. Non-residential Development Areas A and C in relation to multifamily DA B

Staff believes that, if properly enhanced as recommended herein, the proposed CS and RM-3 zoning and the specific development plans proposed by PUD 81 are consistent with the surrounding zoning, land use, and development patterns, provided the ultimate zoning pattern is consistent with the Comprehensive Plan Land Use Map as amended by BCPA-3. The multifamily use of the majority of the acreage, and OL district which should remain on the easterly approximately 10 acres of the 16-acre tract, would provide an appropriate transition zone between the large commercial area and CS district to the west and the single-family residential uses to the east and southeast in *Houser Addition* and *Southern Memorial Acres No. 2*.

For PUD 68, the "Screening" Development Standards for Development Areas C (ministorage on Lot 3) and D (drainage channel, etc.) provided:

"[The east boundary of] Development Area ["C" / "D"] shall be [permanently] screened from the [adjoining] residential district [to the east and south] by an opaque wall or fence which shall be:

1. Designed, constructed and arranged to provide a visible separation of uses, irrespective of vegetation;

2. A minimum height of 6 FT placed inside the [D]evelopment [A]rea boundary line; and

3. Constructed with all braces and supports on the interior.

The visual screening shall be maintained by the owner of the lot or lots comprising Development Area "C"."

Per the Conditionally Approved revised plat of "North Bixby Commerce Park," the easterly 55' to 85' of the 16-acre tract was to be platted as Reserve A. The 85'-wide section had an additional 30' to accommodate the private commercial street, and the 55' balance was to contain the widened drainage channel. When the Planning Commission Conditionally Approved the Detailed Site Plan (BSP 2010-01) for PUD 68 on July 19, 2010, it approved a low masonry wall for not less than the northerly 100' of the easterly property line, and for the balance, a 6'-high wood screening fence along the east, south, and west borders of the 16-acre tract, the west border to the extent it abutted the 7-acre subject property. For the masonry wall section, it was allowed to be a low-slung wall, matching the height and masonry style used in front of the Fire Station # 2. Ultimately, the developer proposed to provide 125' of this masonry wall, corresponding to the southerly line of Fire Station # 2 (but stopping shy of the northeast lot corner due to drainage infrastructure). The PUD requirements for DAs C and D were interpreted at that time as requiring only one (1) screening wall/fence, provided that there was adequate overlap toward the southerly end of the easterly line, where the drainage channel exited the east property line. The PUD 68 exhibit indicated 25 landscaping trees along the easterly property line, and BSP 2010-01 as approved included 32 along this boundary. For the most part of the easterly line, the trees were on the top of the west bank of the widened channel, providing additional screening. Conceptual Site Plan Exhibit B does not represent any proposed screening or landscaping in the Development Area D section (which is also not dimensioned as to width). Recognizing that the most critical areas in need of buffering are to the east and southeast, Staff recommends, for this PUD, that the commercial and multifamily uses be screened by no less a standard than was last approved for the subject property. Plans for such should be specified in the PUD text and represented on an appropriate exhibit. The exception to this recommendation is the masonry wall element, as that was likely in response to the need to screen "trade center" / "office-warehouse" buildings from view on 121st St. S., which buildings would likely have been metal. In this PUD, the uses would consist of multifamily buildings and conventional retail along the street frontage.

The northeastern-most multifamily building especially, but all four (4) easternmost buildings are fairly close to single-family residential uses in *Houser Addition*. The Applicant should propose a plan to address this situation, such as massing (height, especially) restrictions for such buildings, a specific height limitation based on a formula factoring the distance to the nearest single-family residential property line, building placement and/or orientation, window-facing or window-screening measures, etc.

<u>Development Quality / Multifamily Use PUD Element</u>. 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 Approvals of multifamily PUD 75 and PUD 76 (which originally included limited multifamily use elements), and to a certain extent multifamily PUD 61 ("Marquis on Memorial"), Staff recommends multifamily PUDs incorporate an appropriate variation of 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 reviewed and recommended upon by the Planning Commission and approved by the City Council.
2. Consistent with the Encore on Memorial project and PUD 75, multifamily PUDs should propose a specific masonry requirement for all buildings or otherwise 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). This PUD proposes "not less than 75% masonry materials from <u>the ground to</u> the top floor top plate." (emphasis added to incorporate clarification as recommended elsewhere in this report). As such, this PUD would have the highest masonry standards of any multifamily PUD proposed in Bixby to date. No further action for this PUD.
3. Consistent with PUDs 70, 75, and 76, multifamily PUDs should describe in the PUD what will be done with existing natural features; In this case, the approximately half-dozen mature trees attending the existing house on the 7-acre tract; i.e. will any of these trees be preserved within the development? It would appear the boulevard-style entrance street could be shifted if/as necessary to avoid removing the trees.
4. Consistent with similar recommendations for PUDs 70 and 76, consider whether the west bank of the unnamed tributary to Fry Creek # 1 could be improved as a sidewalk or otherwise walking trail amenity for the development. Internal sidewalks could link to the perimeter trails. Further, consider whether to link the multifamily and commercial development areas with sidewalks, as suggested elsewhere herein. If the developer would be willing to make such improvements, appropriate language should also be added to the PUD Text section entitled "Vehicular and Pedestrian Access and Circulation."
5. Describe specific plans and add measurable minimum standards for land use buffering and compatibility needs. Plans for landscaping and screening is a minimum requirement per Zoning Code Section 11-7I-8.B.1.e. Perimeter treatments normally include screening fences or walls and vegetative screening, and setbacks and massing adjustments are normally provided to buffer less-intensive land uses in proportion to their relative elevations and proximities. See the analysis above describing (1) the

minimum screening, buffering, and landscaping standards as per the previous development associated with PUD 68, and (2) measures to mitigate land use interface issues between multifamily and commercial uses and parking lots and single-family residential uses to the east and southeast.

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

6. Consider proposing more than 10% minimum lot area landscaping for the multifamily DA.

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

1. Whether the PUD is consistent with the comprehensive plan;

2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;

3. Whether the PUD is a unified treatment of the development possibilities of the project site; and

4. Whether the PUD is consistent with the stated purposes and standards of this article.

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

A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;

B. Permit flexibility within the development to best utilize the unique physical features of the particular site;

C. Provide and preserve meaningful open space; and

D. Achieve a continuity of function and design within the development.

For the sake of development and land use compatibility, as described more fully above, Staff would be supportive of the Zoning approvals supporting the development proposal if it (1) offers quality-enabling standards such as outlined above and (2) provides for land use buffering and compatibility needs. If these were satisfactorily provided for, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will have been met.

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested PUD and

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rezoning applications generally. Therefore, Staff recommends Approval of both requests, subject to the following corrections, modifications, and Conditions of Approval:

1. BZ-358 must be amended and the development intensity (multifamily units and/or commercial square footage) must be reduced such that the size of the CS and RM-3 zoning requested and development intensities do not exceed that which is supported by available Medium Intensity designation of the Comprehensive Plan (7-acre tract plus the west 6.26 acres of the 16-acre tract). Further, the application should be amended to include OL zoning for the area which is designated Low Intensity.
2. The approval of CS and RM-3 zoning is subject to the final approval of PUD 81 and vice-versa.
3. The subject property presently contains an area of 100-year floodplain, attendant to an improved drainage channel along and within the eastern boundary of the 16-acre tract. Per a letter dated September 21, 2009, the previous owner/developer was approved by FEMA for a CLOMR-F to widen the channel and increase its capacity to a level providing for the 100-year flow and use the borrow material as fill to elevate the development land above the 100-year Floodplain. As described more fully above, the floodplain issue must be resolved through the City and FEMA approval process before the subject property can be developed. This situation is only partially described in the "Drainage" section of the PUD Text; a more robust description is in order.
4. 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."
5. Subject to City Engineer curb cut and/or ODOT driveway permit approval for the proposed access points to Memorial Dr. (US Hwy 64) and 121st St. S., and the Fire Marshal's approval of locations, spacing, widths, and curb return radii. This item may be addressed by adding language to the "Vehicular and Pedestrian Access and Circulation" section of the PUD Text as recommended elsewhere herein.
6. "Vehicular and Pedestrian Access and Circulation" section of the PUD Text: Please specify if there will be gates on internal streets or drives.
7. "Vehicular and Pedestrian Access and Circulation" section of the PUD Text: Please describe pedestrian accessibility (sidewalks and any internal trails, if planned).
8. "Vehicular and Pedestrian Access and Circulation" section of the PUD Text: Please amend final sentence such as follows: "Access to the lots within Development Area C will be derived by privately maintained streets and shall not be permitted more than ~~2~~ one (1) direct connection~~s~~ to 121st Street South per lot. However, curb cut and driveway permit approvals shall be secured by the jurisdiction having authority."
9. Missing elements: Proposed screening and landscaping per Zoning Code Section 11-7I-8.B.1.e (see related recommendations in this analysis).
10. Missing elements: Soil analysis per Zoning Code Section 11-7I-8.B.2. This is a minimum requirement for PUDs per the Zoning Code.
11. Missing elements: Conceptual Site Plan Exhibit B: Zoning Code Section 11-7I-8.B.1.g requires a site plan reflecting "Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed." The site plan does not reflect land uses in the surrounding area. Please add. Critically, it should incorporate significant adjoining land uses for implications on this development and to

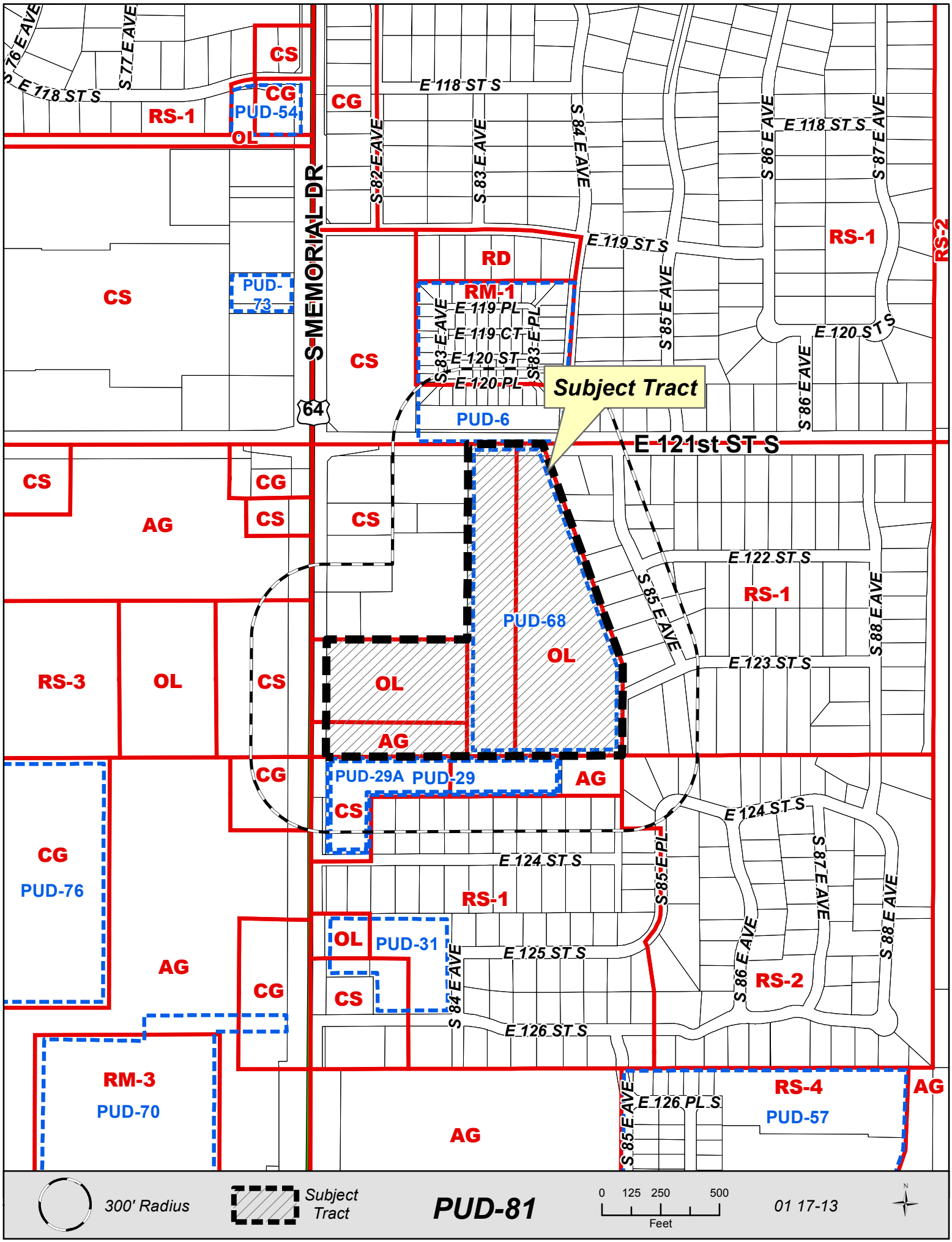
adequately plan for and mitigate any impacts on such adjoining properties, including, but not necessarily limited to:

a. Single-family residential land uses in *Houser Addition* to the east.
b. The southeast corner of the 16-acre tract, where it adjoins City-owned property and platted right-of-way at the "bend" in the drainage channel, which is also the proposed discharge point for "Byrnes Mini-Storages" (PUD 77).
c. Proposed "Byrnes Mini-Storages" (PUD 77).
d. *The Boardwalk on Memorial* shopping center.
e. The *Spartan Self Storage* ministorage business on an unplatted 1-acre tract zoned CS at 12113 S. Memorial Dr., which appears to have buildings on the common property line (no / zero setback).
f. The total retention pond in Reserve A of *121st Center*, which appears to have the high backs of the retaining pond on the common property line.

12. Exhibits B, C, E, and F: Please include, represent, identify/label, and/or dimension, or otherwise correct as follows:
    a. Date of preparation
    b. PUD and DA boundary dimensions such as were on the initial PUD site plan submittal
    c. Street names for all streets as represented and in the "sufficient surrounding area."
    d. Abutting right-of-way and roadway widths
    e. Consistent with other recommendations in this report, please identify what screening will be proposed for which property lines (where known; can be qualified as appropriate)
    f. Sidewalks
    g. Fry Creek Ditch tributary
    h. Perimeter and/or internal trails (if/as may be planned)
    i. Development entrance sign(s) if/as may be proposed along Memorial Dr. and 121st St. S.
13. Conceptual Site Plan Exhibit B: Although not dimensioned, relative widths of parking lot setbacks / landscaped strips along Memorial Dr. (15') and 121st St. S. (10') do not appear adequate. Minimum number of street yard landscaping trees also may not be adequately indicated on the plan.
14. Conceptual Site Plan Exhibit B: Please label the types of buildings indicated (may qualify as "typical" for standard multifamily buildings if/as appropriate).
15. PUD Text: Please add language excluding all sexually-oriented businesses (SOBs), as was done with PUD 76.
16. PUD Text: Consider adding "Development Standards for All Development Areas" (or titled similarly) to contain standards which will apply to all development areas, which do not adequately receive treatment when discussed under each individual DA.
17. PUD Text, Property Description and Development Concept: term "multifamily" in second paragraph contains a typo.
18. Please address within the Text and Exhibits or otherwise by letter to the Planning Commission the six (6) numbered recommendations listed above pertaining to development quality and multifamily developments.
19. PUD text needs to state that widened channel will be contained within additional Drainage Easement area to be dedicated with the plat, if that is in fact the case.

20. Development Standards; DAs B and C: Permitted Uses – typographical error with term "accessory."
21. Development Standards; DA A and C: Parking – discussion of "single car garages" is not customarily relevant to commercial DAs.
22. Development Standards; DA A and C: Landscaping – 10% minimum landscaped percentage is already required by Code if commercial, but 15% would be required if office. Please specify 15% for office or otherwise please remove (to allow default to Code).
23. Development Standards; DAs B and C: Landscaping – phrase, "...a single car garages..." should be corrected for number.
24. Development Standards; DAs A, B, and C: Lighting – occurrence of "sights" in lieu of "lights," as presumed intended.
25. Development Standards; DAs A, B, and C: Lighting – third sentence appears to be missing a word or two.
26. Development Standards; DAs A, B, and C: Lighting – fourth sentence should include specific term "height" in reference to 30' standard.
27. Development Standards; DAs A, B, and C: Lighting – Staff recommends creating a zero (0) footcandle standard for all lot boundaries shared with a Residential zoning district or residential DA.
28. Development Standards; DA A: Signage – reference to Memorial "Avenue" instead of correct Memorial "Drive" or "Dr." Please search and replace for all instances throughout PUD Text.
29. Development Standards; DA A: Screening – Although silence on the topic would default to the underlying Zoning Code standards, consider specifying a minimum screening standard for all lot boundaries shared with a Residential zoning district or residential DA (see related recommendations in this report pertaining to "Development Standards for All Development Areas and minimum standards for screening and landscaping).
30. Development Standards; DA B: Maximum Number of Dwelling Units – Please clarify that the single-bedroom and two+ bedroom units listed under 375 are a part of the 375 total unit count.
31. Development Standards; DA B: Minimum Building Setbacks – Staff recommends adding a reasonable minimum setback from the Easterly PUD Boundary, which would be responsive to building height, in respect to the single-family residential uses to the east in *Houser Addition* (see related recommendations in this report).
32. Development Standards; DA B: Minimum Building Setbacks – 5' setback proposed along south PUD boundary. Please discuss how this would affect and/or be affected by PUD 77, a ministorage development which was conditionally approved to have a 0' setback from the common lot line, but may be set back as much as 4' therefrom. This would result in 5' to 9' of setback between buildings. Please discuss any coordination efforts made with developer of adjoining development to south.
33. Development Standards; DA B: Building Façade – consider removing potential ambiguity with "...75% from <u>the ground to</u> the top floor top plate."
34. Development Standards; DA B: Building Façade – refers to "conceptual building elevations" but same were not included with the PUD. Please clarify or provide. PUD 70 included proposed building elevations, which were part of the approved PUD.

35. Development Standards; DA B: Parking – Consider specifying a minimum and maximum number of parking spaces to serve the DA. Defaulting to the underlying Zoning Code may prove problematic if not calculated and determined of no issue at this time.
36. Development Standards; DA B: Signage – discussion of wall signage is not customarily relevant to a multifamily DA. Consider noting that directional signs (limited to _____ square feet each in display surface area) and customary parking and driveway signage will be permitted in this DA, subject to Detailed Site Plan approval.
37. Development Standards; DA B: Landscaping – 10% minimum should be increased, per other recommendations in this report.
38. Development Standards; DAs B and C: Landscaping – occurrence of "manor" in lieu of "manner," as presumed intended.
39. Development Standards; DAs B and C: would allow "Uses permitted by right (including all uses customarily access[o]ry thereto) within the CS district" and special exception uses within Use Units 17 (Automotive and Allied Activities) and 18 (Drive-In Restaurants). This would include Use Units (UUs) 1, 4, 5, 10, 11, 12, 13, 14, 17, 18, and 19. Uses within UUs 17, 18, and 19 may be too intensive relative to the proximity of single-family residential in the *Houser Addition* neighborhood. Staff recommends that, if UU 19 is retained, it be restricted to hotel use only, which would be restricted by the 30' maximum height restriction of Development Area A. The small size of DA C, however, would likely preclude hotel use.
40. Development Standards; DA D: Permitted Uses – please positively proscribe buildings and other above-ground structures, excluding fences and drainage improvements.
41. 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.
42. 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).




300' Radius

Subject Tract

**PUD-81**

0 125 250 500 Feet

01 17-13

CITY OF BIXBY FIRE CODE ENFORCEMENT

# Memo

To: ERIK, AICP, CITY PLANNER

From: JIM SWEEDEN

Date: 10/29/2013

Re: PUD 81 "CHATEAU VILLAS PUD"

---

CHATEAU VILLAS DEVELOPMENT SHALL BE UNDER THE 2009 ICC CODES, 2011 ELECTRICAL CODES AND THE CITY OF BIXBY CODES.

FIRE HYDRANTS SHALL NOT BE SPACED OVER 300 FEET APART, CHROME YELLOW OF COLOR AND OF THE AVK OR MUELLER BRANDS. FDC ON SPRINKLER BUILDINGS SHALL BE WITHIN 150 FEET OF A HYDRANT.

COMMERCIAL AREA A & C SHALL HAVE ACCESS TO TWO (2) SIDES OF BUILDINGS AND /OR SPRINKLED.

THIS OFFICE IS REQUESTING THAT KNOX BOXES BE USED ON COMMERCIAL BUILDING.



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**City of Bixby**
**Engineering Department**

# Memo

**To:** Erik Enyart

**From:** Jared Cottle

**CC:** Bea Aamodt
File

**Date:** 11/01/13

**Re:** Chateau Villas PUD 81

---

## General Comments:

1. This project is located within the Fry Creek drainage basin. Fee-in-lieu for storm water will be required.

## Grading/Drainage/Paving Comments:

2. A Drainage Report addressing all on-site and off-site runoff conveyed across the property will be required.

3. For private developments, the streets and storm sewer systems are private. Any storm sewer located within Public easements or right-of-way must be designated as Public and meet City standards for materials and installation in those locations.

4. The conceptual drainage plan indicates multiple discharge points. This approach differs from the approved HRA Drainage Plan and FEMA submittal regarding discharge of on-site storm water into the Fry Tributary. The final hydrologic model utilized will need to be submitted to FEMA for approval with the LOMR. Any changes or modifications required by FEMA will need to be completed by the Developer prior to final project approval.

5. Cross-sections of the channel and adjacent property must be provided for verification prior to LOMR submittal. The cross-sections must include the original design in the background along with the as-built conditions.

6. A soils report including pavement design recommendations based on the City Engineering Design Manual will be required for proposed streets.

## Sanitary Sewer Comments:

7. An updated layout will be required. In general, lines should run parallel and perpendicular to streets/drives. See attached sheet for suggested alternative.

8. Manholes & lines should lie outside of parking areas, avoiding long, oblique crossings under drives, and generally should be located on the opposite side of the street from the water mains.

9. Connection(s) to the proposed Byrnes Mini-storage on the south could reduce the overall system length required. (*J.R. Donelson is the local contact for the project.*)

## Water Comments:

10. An updated layout will be required. In general, lines should run parallel and perpendicular to streets/drives. See attached sheet for suggested alternative.

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11. Lines should lie outside of parking areas, avoiding long, oblique crossings under drives, and generally be located on the opposite side of the street from the sanitary sewer.
12. Connection(s) to the proposed Byrnes Mini-storage on the south could reduce the overall system length/loops required. (*J.R. Donelson is the local contact for the project.*)
13. All valves and fitting should be located outside of paved areas.
14. Fire hydrant locations must be approved by the Fire Marshall.

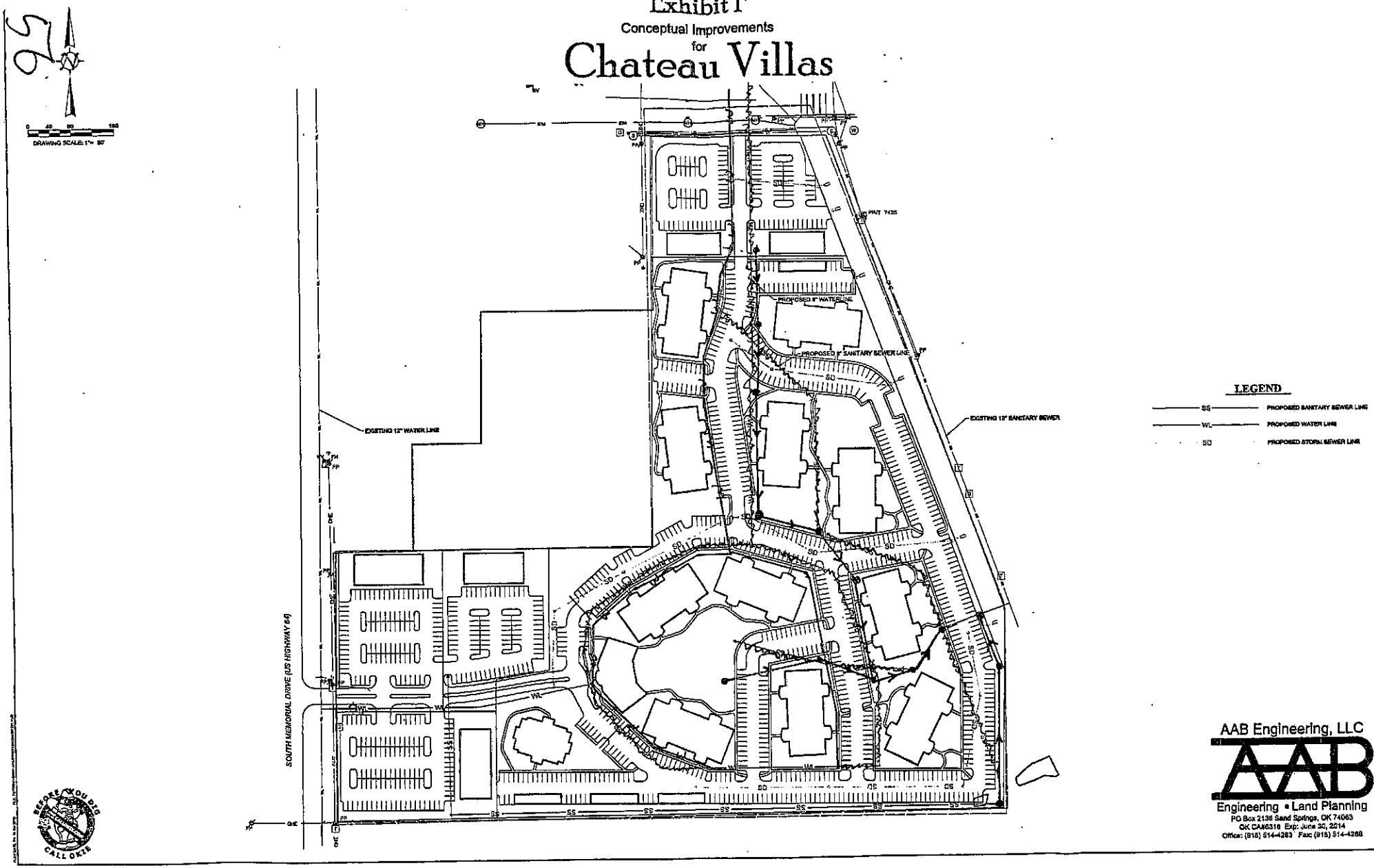


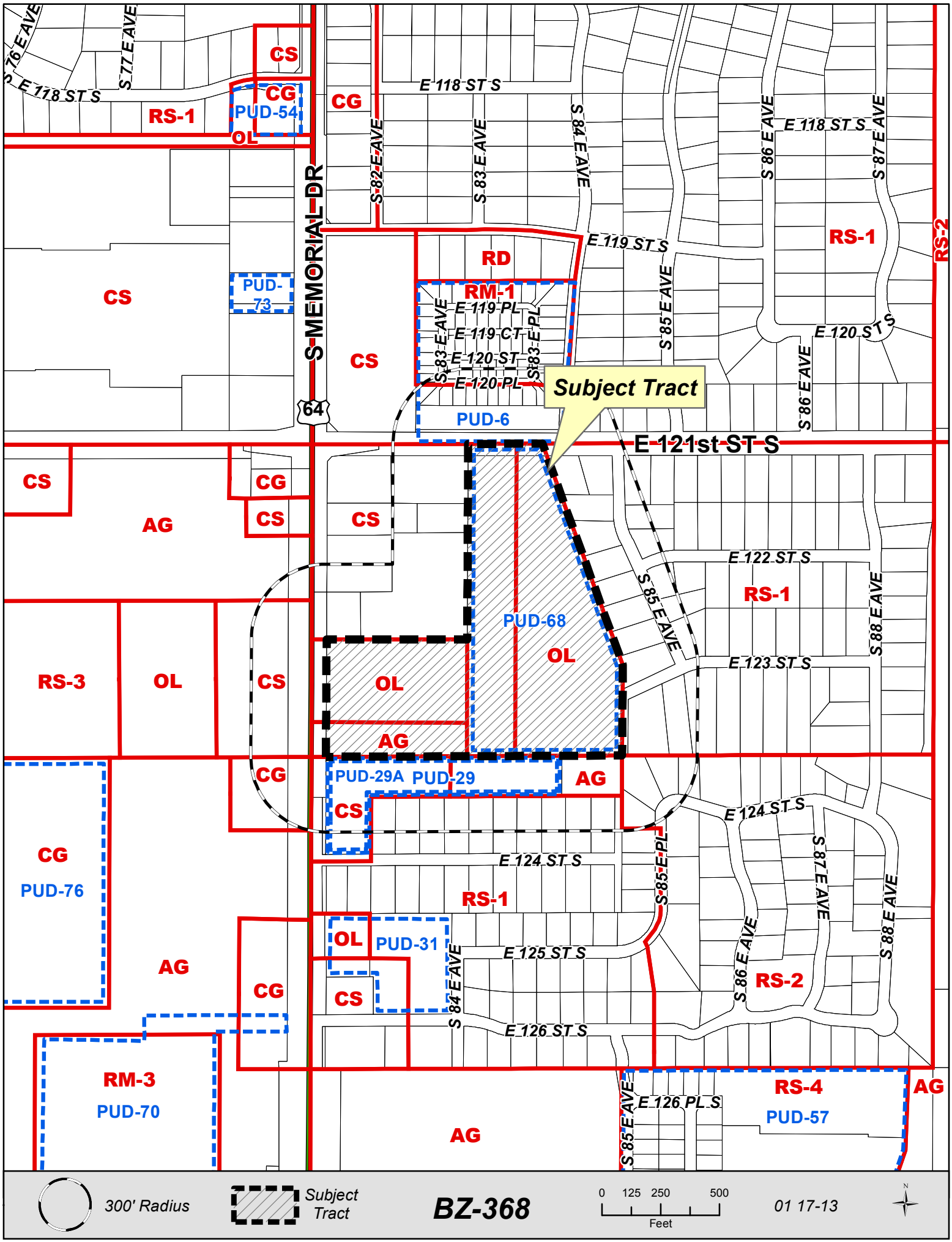
55

# Exhibit F

Conceptual Improvements
for

# Chateau Villas






300' Radius

Subject Tract

**BZ-368**

0 125 250 500 Feet

01 17-13

# City of Bixby
# Application for Rezoning

Applicant: AAB Engineering LLC / Alan Betchan
Address: PO Box 2136, Sand Springs, OK 74063
Telephone: 514-4283 Cell Phone: 693-8005 Email: alan@aabeng.com

Property Owner: See Attached If different from Applicant, does owner consent? Yes
Property Address: See Attached
Existing Zoning: CS/OL/AG Requested Zoning: CS/RM-3 Existing Use: Vacant / Residential
Proposed Use: Commerical Retail / Multi Family Use Unit #: CS uses + 8

LEGAL DESCRIPTION (If unplatted, attach a survey with legal description or copy of deed):

See Attached

Exhibit A → RM-3 Exhibit B → CS

Does Record Owner consent to the filing of this application? ☒ YES ☐ NO

If Applicant is other than Owner, indicate interest: Engineer for proposed purchaser

Is subject tract located in the 100 year floodplain? ☒ YES ☐ NO

BILL ADVERTISING CHARGES TO: Applicant
(NAME)

(ADDRESS) (CITY) (PHONE)

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

Signature: [signature] Date: 10-18-2013

**APPLICANT – DO NOT WRITE BELOW THIS LINE**

BZ-368 Date Received 10/18/2013 Received By Enyart Receipt # 01109169
Planning Commission Date 11/18/2013 City Council Date

1 Sign(s) at $ 50.00 each = $ 50.00; Postage $ —; Total Sign + postage $ 50.00

| FEES: TYPE L M H MP | ZONING | ACREAGE | BASE FEE | $ ADD. | TOTAL |
|---|---|---|---|---|---|
| | | 23.044 | $290.00 | $50.00 | $340.00 |

PC Action City Council Action

DATE / VOTE DATE / VOTE
STAFF REC. ORD. NO.
Building Permit # Case Reference #

58

# Property Owners

121st DB, LLC
11337 E. 60th Place
Tulsa, OK 74146

And

Ted Warren & Patricia S. Kelly
Co-Trustees Kelly Trust
11213 S. 91st E. Avenue
Bixby, OK 74008

# EXHIBIT "A"

PART OF NW/4 OF SECTION 1
T-17-N R-13-E
TULSA COUNTY, STATE OF OKLAHOMA
PARCEL EXHIBIT

A TRACT OF LAND BEING PART OF THE NW/4 OF SECTION 1, T-17-N R-13-E, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 1; THENCE NORTH 88°39'06" EAST ALONG THE NORTH LINE OF SAID NW/4 SECTION 1, FOR A DISTANCE OF 663.98 FEET; THENCE SOUTH 01°20'54" EAST FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°39'06" EAST AND PARALLEL TO SAID NORTH LINE, FOR A DISTANCE OF 330.71 FEET; THENCE SOUTH 21°10'49" EAST ALONG THE WEST LINE OF BLOCK 4, HOUSER ADDITION, SUBDIVISION IN THE CITY OF TULSA, FOR A DISTANCE OF 952.20 FEET TO A POINT ON THE EAST LINE OF GOVERNMENT LOT 4 SECTION 1; THENCE SOUTH 01°00'25" EAST ALONG THE EAST LINE OF LOT 4 SECTION 1, FOR A DISTANCE OF 386.00 FEET TO THE SOUTHEAST CORNER OF LOT 4 SECTION 1; THENCE SOUTH 88°30'56" WEST ALONG THE SOUTH LINE OF LOT 4 SECTION 1, FOR A DISTANCE OF 755.29 FEET; THENCE NORTH 00°59'41" WEST FOR A DISTANCE OF 508.54 FEET TO A POINT ON THE SOUTH LINE OF 121st CENTER, AN ADDITION TO THE CITY OF TULSA; THENCE NORTH 88°39'06" EAST ALONG THE SOUTH LINE OF 121ST CENTER FOR A DISTANCE OF 95.96 FEET TO THE SOUTHEAST CORNER OF 121ST CENTER; THENCE NORTH 00°59'54" WEST ALONG THE EAST LINE OF 121ST CENTER FOR A DISTANCE OF 775.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 747,133 SQUARE FEET OR 17.152 ACRES.

BASIS OF BEARING OF PROPERTY DESCRIPTIONS IS THE NORTH LINE OF THE NW/4 SECTION 1, BEING NORTH 88°39'06" EAST.

## REAL PROPERTY CERTIFICATION

I, JOSHUA R. LAMB, CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORDANCE WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

LICENSED PROFESSIONAL LAND SURVEYOR
Joshua R. Lamb
1678
10/17/13
OKLAHOMA

JOSHUA R. LAMB, PLS, PE
OKLAHOMA P.L.S. #1678

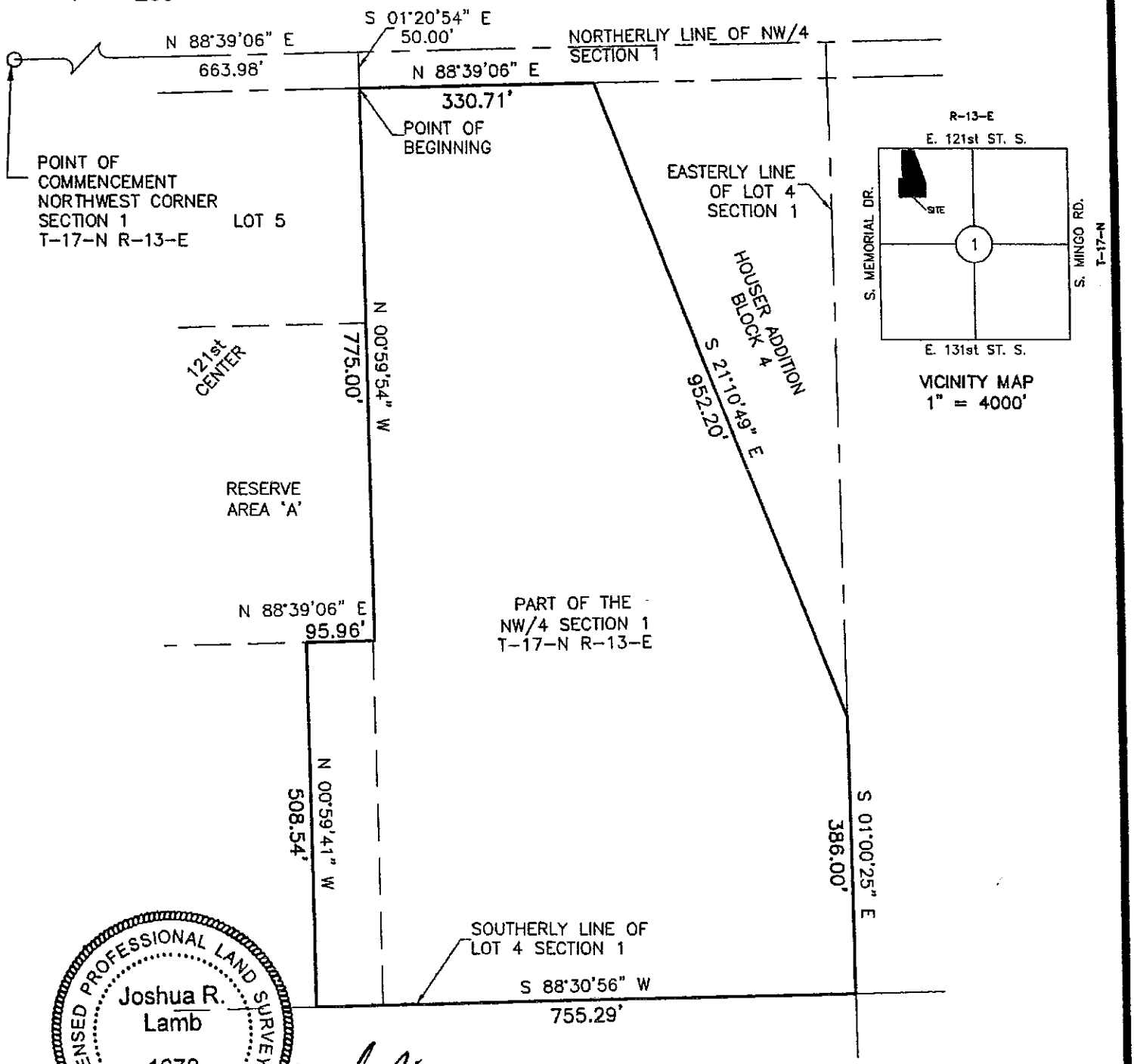
TULSA LAND SURVEYING LLC
CERTIFICATE OF AUTHORIZATION NO. 6038
CA EXPIRATION DATE: JUNE 30, 2015

60

# EXHIBIT 'A.1'

PART OF NW/4 OF SECTION 1
T-17-N R-13-E
TULSA COUNTY, STATE OF OKLAHOMA
PARCEL EXHIBIT

1" = 200'




LICENSED PROFESSIONAL LAND SURVEYOR
Joshua R. Lamb
1678
10/17/13
OKLAHOMA

TULSA LAND SURVEYING LLC
1903 S. BOSTON AVE.
TULSA, OK 74119
(539) 664-5539
CA 6038
EXPIRES 6/30/2015

Date prepared: OCT. 17, 2013
TLS# 13-114 121st

61

# EXHIBIT "B"

PART OF NW/4 OF SECTION 1
T-17-N R-13-E
TULSA COUNTY, STATE OF OKLAHOMA
PARCEL EXHIBIT

A TRACT OF LAND BEING PART OF THE NW/4 OF SECTION 1, T-17-N R-13-E, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF GOVERNMENT LOT 4 SECTION 1; THENCE NORTH 88°30'56" EAST ALONG THE SOUTH LINE OF SAID LOT 4 SECTION 1, FOR A DISTANCE OF 64.38 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 88°30'56" EAST CONTINUING ALONG THE SOUTH LINE OF SAID LOT 4 SECTION 1, FOR A DISTANCE OF 504.30 FEET; THENCE NORTH 00°59'41" WEST FOR A DISTANCE OF 508.54 FEET TO A POINT ON THE SOUTH LINE OF 121ST CENTER, AN ADDITION TO THE CITY OF TULSA; THENCE SOUTH 88°38'59" WEST ALONG THE SOUTH LINE OF 121ST CENTER, FOR A DISTANCE OF 503.85 FEET; THENCE SOUTH 00°56'41" EAST FOR A DISTANCE OF 509.72 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 256,633 SQUARE FEET OR 5.892 ACRES.

BASIS OF BEARING OF PROPERTY DESCRIPTIONS IS THE SOUTH LINE OF GOVERNMENT LOT 4 SECTION 1, BEING NORTH 88°30'56" EAST.

## REAL PROPERTY CERTIFICATION

I, JOSHUA R. LAMB, CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORDANCE WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

LICENSED PROFESSIONAL LAND SURVEYOR
Joshua R. Lamb
1678
10/17/13
OKLAHOMA

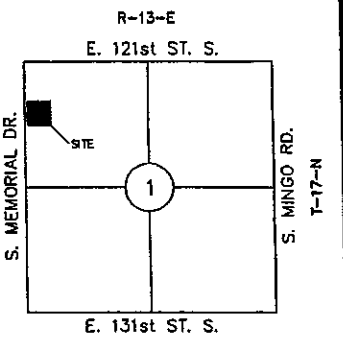
JOSHUA R. LAMB, PLS, PE
OKLAHOMA P.L.S. #1678

TULSA LAND SURVEYING LLC
CERTIFICATE OF AUTHORIZATION NO. 6038
CA EXPIRATION DATE: JUNE 30, 2015

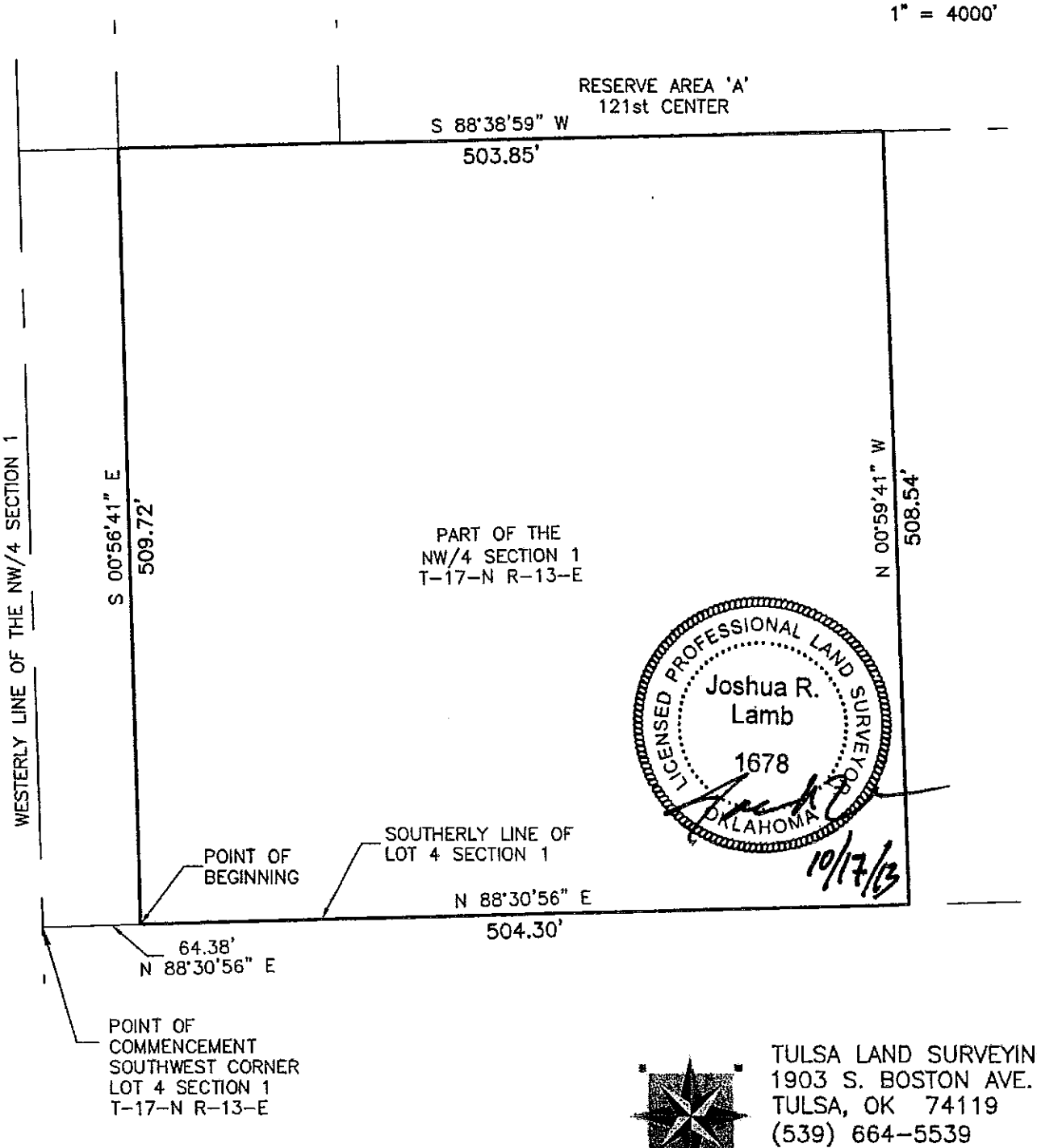
# EXHIBIT 'B.1'

PART OF NW/4 OF SECTION 1
T-17-N R-13-E
TULSA COUNTY, STATE OF OKLAHOMA
PARCEL EXHIBIT

1" = 100'




VICINITY MAP
1" = 4000'





TULSA LAND SURVEYING LLC
1903 S. BOSTON AVE.
TULSA, OK 74119
(539) 664-5539
CA 6038
EXPIRES 6/30/2015


0' 100' 200' 300'

Date prepared: OCT. 17, 2013
TLS# 13-114 121st

63

CITY OF BIXBY

OCT 29 2013

RECEIVED

By Enyark

cf. PUD 81 / BZ-368

BLACK GOLD GROUP

**KEVIN L. JORDAN,** CEO
Kevin@blackgoldgroup.com
www.blackgoldgroup.com

October 28, 2013

To: Bixby Residents
From: Kevin Jordan, Black Gold Group
Re: New Multi-family and commercial development at 123rd and Memorial

We are pleased to announce the planned development of a commercial retail development and a high-end multi family project, located on 23 acres that wraps around McDonalds and other businesses located in Bixby on the SE corner of 121st and Memorial. The entrance to both the commercial and the residential projects will be at about 123rd and Memorial, on the east side, where there is presently an unoccupied red brick home. The other entrance will be on 121st, about one block east of Memorial, just west of the fire station.

While the commercial lots will be developed for ultimate use for restaurants, commercial, or retail users, the multi family project is slated for commencement in the Spring of 2014. Chateau Villas will be the highest end suburban multi family project to be built to date in the Tulsa area. With amenities too numerous to mention, these clay tile roofed structures will be spacious inside, and will be far less dense than most metro area apartments. There will be lots of green space and heavily landscaped areas between the buildings. The 8,000 square foot clubhouse and meeting rooms will be twice as large as many large apartment projects, and will feature spacious meeting rooms, workout facilities, business center for residents, two salt water pools, and ample social gathering spaces for the Chateau residents.

This proposed use would replace the currently zoned and planned mini storage project that has been approved for about 16 acres of this site by the Bixby City Council. You will be receiving official notice of the PUD filing from the City Planners office of Bixby. However, in addition to the statutory legal notice that contains very few details, we wanted to give you more information about what we have planned.

We are a long term Tulsa area private equity and development company, and are proud to be a part of this Bixby project. If you want to learn more about this project, please look at our website, www.blackgoldgroup.com, and click on Chateau Villas under 'See what's new for 2013'.

We will be at the Bixby City Hall in the council chambers on Monday evening, November 11th, at 6 pm for anyone that has questions, or that would like to know more about our proposed project. Come and meet our team members and partners. The Bixby city planner will also be there to answer any questions you might have. If you are unable to attend but have questions, please drop by our offices at 21st and Lewis, or call us at 585-5900, ext. 202.

Sincerely,

Kevin Jordan, CEO
Black Gold Group

2021 S Lewis Ave., Ste. 301 • Tulsa, OK 74104
918-585-5900 Ext. 202 • 918-605-5600 cell • 918-895-9775 fax

64

Planned Unit Development No. 81

Zoning Case BZ-368

# Chateau Villas PUD

October 18, 2013
Revised November 11, 2013

Owner:
Black Gold Group, LLC

Prepared By:

AAB Engineering, LLC

Engineering • Land Planning
PO Box 2136 Sand Springs, OK 74063
Office: (918) 514-4283 Fax: (918) 514-4288

65.

## Property Description and Development Concept

PUD 81 is a Planned Unit Development overlay of existing OL, AG, and CS zoned parcels (see Exhibit A for existing zoning map) along the east side of Memorial Drive and along the south side of 121st Street South. This PUD is being filed in conjunction with a rezoning application (BZ-368) for approximately 10 acres of RM-3 with the balance of the medium intensity designated area being rezoned to CS. The OL zoning will remain on the balance of the property. The majority of the site is vacant land with the exception of a single story residential house along Memorial Drive on the western part of the site which will be razed and replaced with commercial uses. The south and east part of the site will consist of luxury multi-family development. The northern part of the site will consist of commercial shopping. The conceptual site plan for the project can be seen in the attached Exhibit B.

The mutli-family component of development will provide a style of apartment living more often found in condominium developments than apartments. One, two, and three bedroom layouts will be intermixed throughout the project. The building architecture will be predominantly masonry with many articulations and balconies. It will feature numerous high-end amenities including a luxury club house, a fitness room, a business service area, opulent landscaping, a zero entry pool, and a separate kid's splash pool. The development aims to provide a truly unmatched apartment living experience.

The PUD consists of four development areas matching the above described development configuration (see the attached Exhibit C for development areas). Access to development area B will be provided via a privately maintained road through development area A and development area C.

## PUD Legal Description

See Attached Exhibit G for the full PUD Legal Description.

## Development Standards-Area A

**Land Area**

| | | |
|---|---|---|
| Gross Lot Area | 209,987 sq. ft. | 4.83 ac |
| Net Lot Area | 177,082 sq. ft. | 4.03 ac |

**Permitted Uses**

Uses permitted by right (including all uses customarily accessary thereto) within the CS district and the following special exception uses:

Use Unit 17: Automotive and Allied Activities

Use Unit 18: Drive-in Restaurants

| | |
|---|---|
| **Maximum Building Square Footage** | 56,600 sq. ft. |

**Minimum Building Setbacks**

| | |
|---|---|
| South Memorial Drive Right of Way | 50 FT |
| All other Boundaries | 10 FT |

| | |
|---|---|
| **Maximum Building Height:** | 30 FT |

**Parking**

Parking will be provided in accordance with Chapter 9 of the City of Bixby Zoning Code. For the purposes of meeting the required parking amount a single car garages shall be counted as one parking spot.

**Lighting**

All parking and building mounted lighting shall be oriented to minimize light leaving the development. All sights shall face down and away from the boundary of the development. All pole mounted to minimize light crossing property lines. No lighting standard shall exceed 30' from the pavement to the light fixture.

**Signage**

Signs shall be limited to the following:

- One double sided project identification ground sign not exceeding 25' in height shall be permitted along Memorial Avenue, provided it does not exceed 175 square feet of display surface area per side. Signage for both Development Areas A and B shall be allowed on this sign.
- One double sided ground sign not exceeding 20' in height shall be permitted for each lot along Memorial Avenue, provided it does not exceed 100 square feet of display surface area per side.
- Wall signs shall be limited to 2 square feet per linear foot of building wall to which the signs are affixed.
- No roof or projecting signs shall be permitted.

**Screening**

All trash and mechanical areas shall be screened from public view of person standing at ground level. A fabric mesh with a minimum opacity of 95% may be allowed on enclosure doors.

## Development Standards-Area B

**Land Area**

| | | |
|---|---|---|
| Gross Lot Area | 709,114 sq. ft. | 16.28 ac |
| Net Lot Area | 709,114 sq. ft. | 16.28 ac |

**Permitted Uses**

Uses permitted by right (including all uses customarily accessary thereto) within the following Use Units:

Use Unit 8: Multi-Family Dwelling and Similar Uses

| | |
|---|---|
| **Maximum Number of Dwelling Units** | 375 Units |
| | 75 Single Bedroom |
| | 300 Two+ Bedroom |

**Minimum Building Setbacks**

| | |
|---|---|
| South Development Area Boundary | 5 FT |
| All other Boundaries | 10 FT |

| | |
|---|---|
| **Maximum Building Height:** | 48 FT |

**Building Façade**
All buildings shall be constructed of not less than 75% masonry materials from the top floor top plate. Building architecture shall substantially conform to the conceptual building elevations with regard to building articulation, height, and materials.

**Parking**
Parking will be provided in accordance with Chapter 9 of the City of Bixby Zoning Code. For the purposes of meeting the required parking amount a single car garages shall be counted as one parking spot.

**Lighting**
All parking and building mounted lighting shall be oriented to minimize light leaving the development. All sights shall face down and away from the boundary of the development. All pole mounted to minimize light crossing property lines. No lighting standard shall exceed 30' from the pavement to the light fixture.

**Signage**

Signs shall be limited to the following:

- Wall signs shall be limited to 2 square feet per linear foot of building wall to which the signs are affixed.
- No roof or projecting signs shall be permitted.

**Screening**
All trash and mechanical areas shall be screened from public view of person standing at ground level. A fabric mesh with a minimum opacity of 95% may be allowed on enclosure doors.

**Landscaping**

| | |
|---|---|
| Minimum internal landscaped space | 10% |

The PUD shall meet the requirements of Chapter 12 Landscape Requirements of the City of Bixby Zoning code in all other manors.

## Development Standards-Area C

**Land Area**

| | | |
|---|---|---|
| Gross Lot Area | 86,466 sq. ft. | 1.99 ac |
| Net Lot Area | 72,824 sq. ft. | 1.67 ac |

**Permitted Uses**

Uses permitted by right (including all uses customarily accessary thereto) within the CS district and the following special exception uses:

Use Unit 17: Automotive and Allied Activities

Use Unit 18: Drive-in Restaurants

**Maximum Building Square Footage** 28,800 sq. ft.

**Minimum Building Setbacks**

| | |
|---|---|
| East 121st Street South Right of Way | 50 FT |
| All other Boundaries | 10 FT |

**Maximum Building Height:** 30 FT

**Parking**

Parking will be provided in accordance with Chapter 9 of the City of Bixby Zoning Code. For the purposes of meeting the required parking amount a single car garages shall be counted as one parking spot.

**Lighting**

All parking and building mounted lighting shall be oriented to minimize light leaving the development. All sights shall face down and away from the boundary of the development. All pole mounted to minimize light crossing property lines. No lighting standard shall exceed 30' from the pavement to the light fixture.

**Signage**

Signs shall be limited to the following:

- One double sided ground sign not exceeding 20' in height shall be permitted for each lot along 121st, provided it does not exceed 100 square feet of display surface area per side.
- Wall signs shall be limited to 2 square feet per linear foot of building wall to which the signs are affixed.
- No roof or projecting signs shall be permitted.

**Screening**
All trash and mechanical areas shall be screened from public view of person standing at ground level. A fabric mesh with a minimum opacity of 95% may be allowed on enclosure doors.

**Landscaping**

| | |
|---|---|
| Minimum internal landscaped space | 10% |

The PUD shall meet the requirements of Chapter 12 Landscape Requirements of the City of Bixby Zoning code in all other manors.

## Development Standards-Area D

**Land Area**

| | | |
|---|---|---|
| Gross Lot Area | 47,190 sq. ft. | 1.03 ac |
| Net Lot Area | 44,747 sq. ft. | 1.08 ac |

**Permitted Uses**

Development Area D will be an open area used for storm sewer conveyance, floodplain, and landscaping. No parking, lighting, or signage shall be permitted.

## Topography

The elevation of the existing site varies from approximately 612' along the Memorial frontage to 607' at the top of the tributary channel bank (all elevations referenced to the North American Vertical Datum). The Tributary channel drains from north to south with elevations ranging from 603' at the north to 601' at the south. The developed site will maintain this drainage pattern with the inclusion of a storm sewer system

The attached Exhibit D depicts an aerial of the existing site as well as topography.

## Drainage

The tributary of Fry Ditch No. 1 has been widened to allow for the majority of the site to be removed from the FEMA floodplain. The widening of the tributary also removes the requirement of onsite detention. The majority of the site will be graded to allow for surface water to drain directly to the improved tributary or be collected in an internal storm sewer system that will route it to the improved tributary.

## Vehicular and Pedestrian Access and Circulation

The attached Exhibit E depicts the vehicular and pedestrian access points and circulation anticipated to accommodate the conceptual site plan. Access to the parcels of development area A and B will be provided by a privately maintained street. This street will be maintained by the property owners association created for the development. Access to the lots within Development Area C will be derived by not more than 2 direct connections to 121st Street South.

## Utilities

Water service is provided to the site by an existing 12" waterline along the north side of 121st Street South and an existing 12" waterline along the east side of Memorial Drive. A waterline loop will be constructed to provide fire protection and water service to Development Area B.

An 10" sanitary sewer line extends northwest to southeast on the east side of the tributary of Fry Ditch No. 1 along the eastern property line of the PUD. A line will be extended of this existing line to serve the site as required by the City of Bixby.

Other utility services are currently provided to the site and will continue to be provided via underground services. See attached Exhibit F for the conceptual improvements plan.

## Detailed Site Plan Review

No building permit shall be issued until a detailed site plan is submitted to and approved by the Bixby Planning Commission in accordance with the City of Bixby Zoning Code.

## Requirement to Plat

No building permit shall be issued until a plat containing restrictive covenants memorializing the above development standards is prepared and filed in accordance with the City of Bixby Subdivision Regulations.

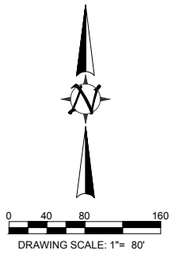
## Schedule of Development

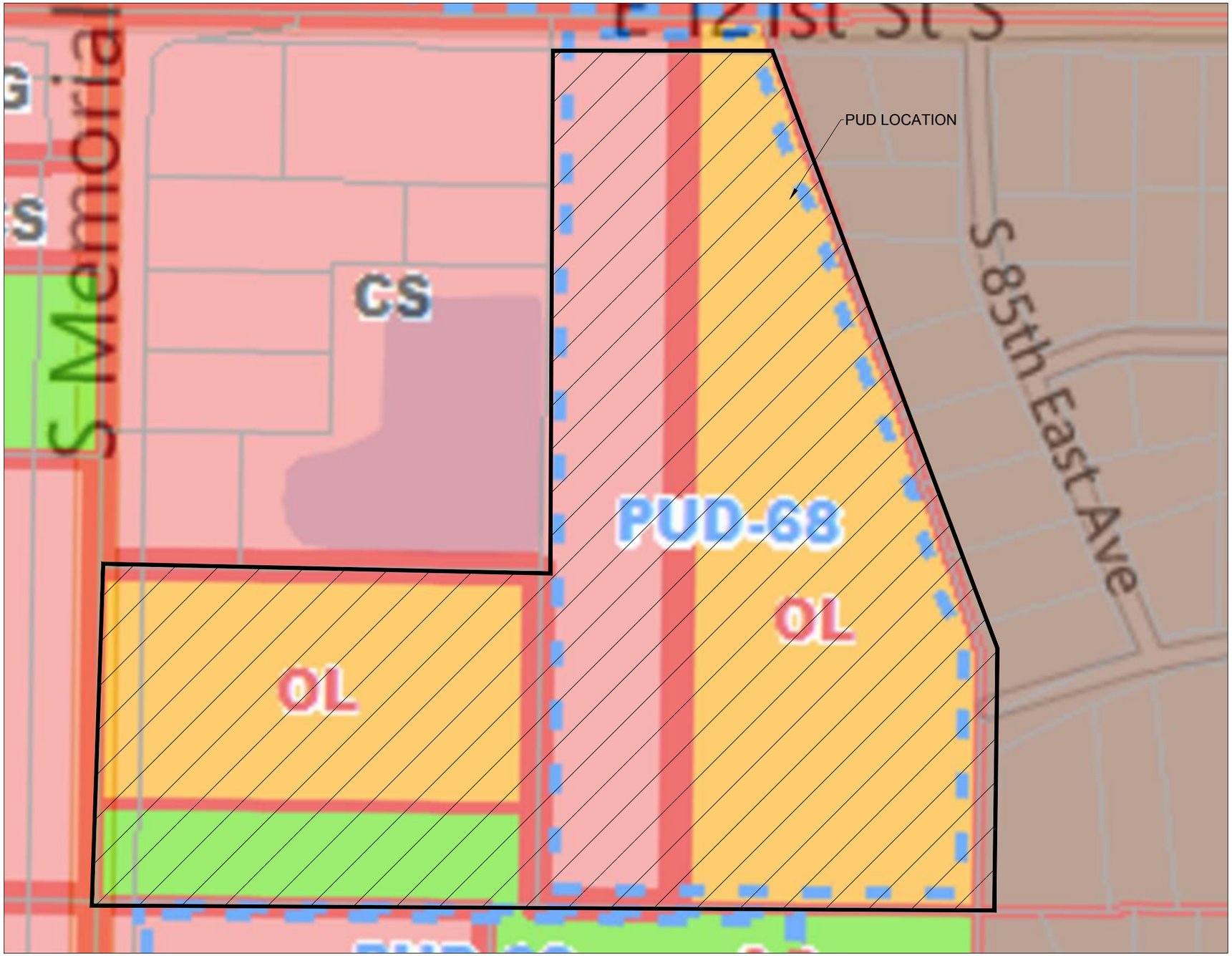
Development of the apartment complex is expected to begin in Spring of 2014.

# Exhibit A

Existing Zoning Map
for

# Chateau Villas




AAB Engineering, LLC
Engineering • Land Planning
PO Box 2136 Sand Springs, OK 74063
OK CA#6318 Exp: June 30, 2014
Office: (918) 514-4283 Fax: (918) 514-4288

BEFORE YOU DIG CALL OKIE
1-800-522-OKIE (6543)
www.okieonline.com

PLOT DATE: Fri, 18 Oct 2013 FILE: P:\17530\8-BOBH APARTMENTS\CONCEPT\PUD

# Exhibit B

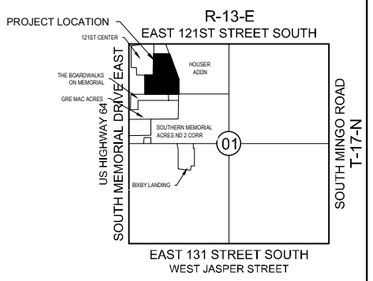
Conceptual Site Plan

for

# Chateau Villas

0 40 80 160

DRAWING SCALE: 1"= 80'




LOCATION MAP

SCALE: 1"=2000'

AAB Engineering, LLC

Engineering • Land Planning

PO Box 2136 Sand Springs, OK 74063

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PLOT DATE: Fri, 18 Oct 2013 FILE: P:\17370\17-8009\APARTMENTS\CONCEPT01.DWG

# Exhibit C

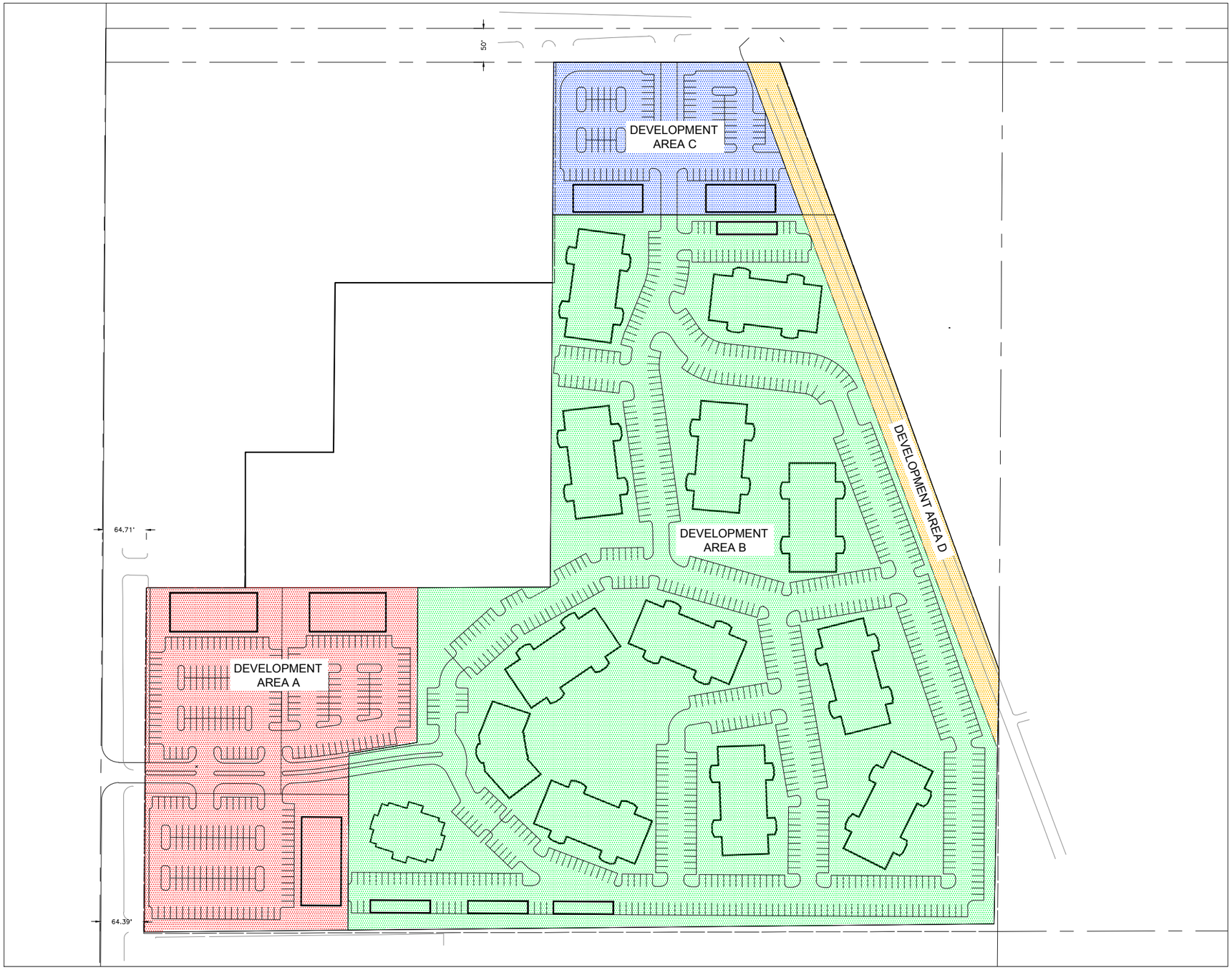
Developmental Areas

for

# Chateau Villas

0 40 80 160

DRAWING SCALE: 1"= 80'





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PLOT DATE: Fri, 18 Oct 2013 FILE: P:\17570\17570-8000\APARTMENTS\CONCEPT\01.PKD

# Exhibit D

Existing Aerial and Topo

for

# Chateau Villas

0 40 80 160

DRAWING SCALE: 1"= 80'

AAB Engineering, LLC

Engineering • Land Planning

PO Box 2136 Sand Springs, OK 74063

OK CA#6318 Exp: June 30, 2014

Office: (918) 514-4283 Fax: (918) 514-4288


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PLOTDATE: Fri, 18 Oct 2013 FILE: P:\1713\00 BIRD\ APARTMENTS\CHAPTER 10.DWG

# Exhibit E

Access and Circulation Plan

for

# Chateau Villas

0 40 80 160

DRAWING SCALE: 1"= 80'

AAB Engineering, LLC

Engineering • Land Planning

PO Box 2136 Sand Springs, OK 74063

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Office: (918) 514-4283 Fax: (918) 514-4288


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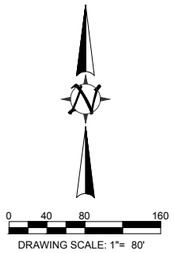
PLOT DATE: Fri, 18 Oct 2013 FILE: P:\17030\17030-0000\APARTMENTS\CONCEPTS\PUD

# Exhibit F

Conceptual Improvements
for

# Chateau Villas



## LEGEND

| | |
|---|---|
| SS | PROPOSED SANITARY SEWER LINE |
| WL | PROPOSED WATER LINE |
| SD | PROPOSED STORM SEWER LINE |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PLOT DATE: Fri, 18 Oct 2013 FILE: P:\17030-B0080 APARTMENTS\CONCEPTW.PUD

# EXHIBIT G

Legal Description

A TRACT OF LAND BEING PART OF THE NW/4 OF SECTION 1, T-17-N R-13-E, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 1; THENCE NORTH 88°39'06" EAST ALONG THE NORTH LINE OF SAID NW/4 SECTION 1, FOR A DISTANCE OF 663.98 FEET; THENCE SOUTH 01°20'54" EAST FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°39'06" EAST AND PARALLEL TO SAID NORTH LINE, FOR A DISTANCE OF 330.71 FEET; THENCE SOUTH 21°10'49" EAST ALONG THE WEST LINE OF BLOCK 4, HOUSER ADDITION, SUBDIVISION IN THE CITY OF TULSA, FOR A DISTANCE OF 952.20 FEET TO A POINT ON THE EAST LINE OF GOVERNMENT LOT 4 SECTION 1; THENCE SOUTH 01°00'25" EAST ALONG THE EAST LINE OF LOT 4 SECTION 1, FOR A DISTANCE OF 386.00 FEET TO THE SOUTHEAST CORNER OF LOT 4 SECTION 1; THENCE SOUTH 88°30'56" WEST ALONG THE SOUTH LINE OF LOT 4 SECTION 1, FOR A DISTANCE OF 755.29 FEET; THENCE NORTH 00°59'41" WEST FOR A DISTANCE OF 508.54 FEET TO A POINT ON THE SOUTH LINE OF 121st CENTER, AN ADDITION TO THE CITY OF TULSA; THENCE NORTH 88°39'06" EAST ALONG THE SOUTH LINE OF 121ST CENTER FOR A DISTANCE OF 95.96 FEET TO THE SOUTHEAST CORNER OF 121ST CENTER; THENCE NORTH 00°59'54" WEST ALONG THE EAST LINE OF 121ST CENTER FOR A DISTANCE OF 775.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 747,133 SQUARE FEET OR 17.152 ACRES.

AND

A TRACT OF LAND BEING PART OF THE NW/4 OF SECTION 1, T-17-N R-13-E, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF GOVERNMENT LOT 4 SECTION 1; THENCE NORTH 88°30'56" EAST ALONG THE SOUTH LINE OF SAID LOT 4 SECTION 1, FOR A DISTANCE OF 64.38 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 88°30'56" EAST CONTINUING ALONG THE SOUTH LINE OF SAID LOT 4 SECTION 1, FOR A DISTANCE OF 504.30 FEET; THENCE NORTH 00°59'41" WEST FOR A DISTANCE OF 508.54 FEET TO A POINT ON THE SOUTH LINE OF 121ST CENTER, AN ADDITION TO THE CITY OF TULSA; THENCE SOUTH 88°38'59" WEST ALONG THE SOUTH LINE OF 121ST CENTER, FOR A DISTANCE OF 503.85 FEET; THENCE SOUTH 00°56'41" EAST FOR A DISTANCE OF 509.72 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 256,633 SQUARE FEET OR 5.892 ACRES.

BASIS OF BEARING OF PROPERTY DESCRIPTIONS IS THE SOUTH LINE OF GOVERNMENT LOT 4 SECTION 1, BEING NORTH 88°30'56" EAST.

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

MEMBERS PRESENT
Lonny Hicks, *AEP-PSO*

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
Jarred Sanders, *AAB Engineering, LLC*
Alan C. Hall, PLS, *HRAOK, Inc.*
JR Donelson, *JR Donelson, Inc.*
Bill Wilson, Helene V. Byrnes Foundation
Ted Sack, RPLS, *Sack & Associates, Inc.*
Stuart Nyander, PE, *Sack & Associates, Inc.*

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

Erik Enyart noted that Jim Peterson of *BTC Broadband* had visited with him the day prior and asked to forward his regrets, stating that he had a scheduling conflict, and to give his business cards to the developers to contact him to discuss utility planning and coordination. Mr. Enyart distributed Mr. Peterson's business cards to representatives of *Sack & Associates, Inc.*, *HRAOK, Inc.*, *AAB Engineering, LLC*, *JR Donelson, Inc.*, and *AEP-PSO*.

2. **PUD 81 – "Chateau Villas PUD" – AAB Engineering, LLC.** Discussion and review of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 23 acres in part of the NW/4 NW/4 of Section 01, T17N, R13E.
   Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S.

---

Erik Enyart introduced the item and summarized the project and its location. Mr. Enyart stated that the development consisted of two (2) tracts, a 16-acre tract about two (2) or three (3) blocks east of Memorial Dr. on the south side of 121st St. S., which had been approved a few years ago for a ministorage development that has not been since built, and a 7-acre tract at 12303 S. Memorial Dr. that has a split-level house on it, one of the last houses on this section of Memorial Dr. which fronts on Memorial Dr. Mr. Enyart stated that the development proposed, as its principal use, an upscale multifamily development, with the Memorial Dr. frontage and the 121st St. S. frontage having sites for commercial development. Mr. Enyart stated that this PUD was accompanied by an application

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for rezoning to RM-3 and CS. Mr. Enyart asked Jarred Sanders of *AAB Engineering, LLC* if he cared to summarize the project further. Mr. Sanders stated that this was an adequate summary.

Erik Enyart noted that he was working on the Staff Report and would get that to the Applicant as soon as he was able to complete it. Mr. Enyart stated that he had identified a few things that would need to be fixed in the PUD, and he would include a complete list of these in the report. Mr. Enyart stated that he had corresponded with Alan Betchan about some issues pertaining to acreages of the underlying zoning as related to the development intensity and number of units, and he understood Mr. Betchan would be providing him a revised rezoning application amending the underlying zoning areas requested. Mr. Enyart noted that the reason for this was that, when the last PUD was approved, it required an amendment to the Comprehensive Plan, which only approved Medium Intensity zoning and use for the westerly 6.26 acres of the 16-acre tract, meaning the area east of that would have to remain zoned OL. Jarred Sanders indicated agreement.

Erik Enyart asked if the utility company had any questions and comments. Lonny Hicks of *AEP-PSO* indicated he had none. Mr. Enyart confirmed with Mr. Hicks that the entire development was surrounded by utilities.

Erik Enyart asked if there were any questions or comments from the Fire Marshals. Mr. Enyart confirmed with Jim Sweeden that he had received and transmitted his memo to the Applicant. Mr. Sweeden indicated that was the information he needed to convey.

Erik Enyart looked to JR Donelson and asked if anyone else in attendance had any questions or comments. Mr. Donelson addressed Jarred Sanders and stated that his client's project was abutting to the south, and that he would like to talk to Mr. Sanders after the meeting.

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

Jarred Sanders, JR Donelson, and Bill Wilson left at this time.

3. **Final Plat – "Woodcreek Office Park" – Sack & Associates, Inc.** Discussion and review of a Final Plat for "Woodcreek Office Park" for approximately 1.1694 acres consisting All of Lot 1, Block 3, *Woodcreek Office Park.*
   Property Located: 7500-block of 111th St. S.

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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 and Preliminary Plat earlier in the year. Mr. Enyart noted that, since the Preliminary Plat, the area along the west side of the development has been converted to a larger lot, to allow for a larger building. Mr. Enyart asked Ted Sack if he cared to describe the project further, and Mr. Sack did so briefly, noting the locations of drives and utility easements. Mr. Sack stated that, when the development was reconfigured earlier in the year, it responded to market conditions which called for smaller buildings on individually-owned lots. Mr. Sack stated that, since then, the larger building came in. Mr. Sack stated that the balance of the smaller lots may have individual buildings, or may be combined to allow for larger buildings. Mr. Sack stated that it would be more likely that the two (2) lots on the north or the two (2) on the south side would be combined, as there was an east-west

utility easement between the north and south sides, and it would be difficult to vacate the easement if a larger building would come in.

Joey Wiedel in at 10:08 AM.

Lonny Hicks discussed with Stuart Nyander locations for transformer(s) and pedestals. Mr. Hicks stated that the transformers needed to be accessible by paving.

Ted Sack indicated that electric and natural gas were intended for this east-west U/E. Erik Enyart asked if water and[/or] sewer would also be in this easement, and Mr. Sack stated that water would be served from the streets but that sewer was intended here. Mr. Enyart stated that he understood that the large building would be proposed first, and asked if it the plan was to install the utilities in the east-west U/E at this time, or only when buildings were proposed on the smaller lots. Mr. Sack stated that sewer would come across the street and so the sewerline would not need to go here, but the other utilities would probably go in all at once. Mr. Enyart stated that, in that case, it would be much more difficult to vacate the U/E to allow for a larger building.

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

Erik Enyart advised the Applicant that he would attempt to get the Staff Report done and sent to them by the end of the week, his unofficial deadline to publish the Planning Commission agenda packet, but that he was quite busy with all of the cases and would likely not get it done until the following week. Mr. Enyart stated that he would get it to the Applicant as soon as he was able.

4. **Preliminary Plat – "Seven Lakes III" – HRAOK, Inc.** Discussion and review of a Preliminary Plat for "Seven Lakes III" for approximately 1 acre in part of the W/2 of Section 02, T17N, R13E.
   Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.

5. **Preliminary Plat – "Seven Lakes IV" – HRAOK, Inc.** Discussion and review of a Preliminary Plat for "Seven Lakes IV" for approximately 17 ½ acres in part of the W/2 of Section 02, T17N, R13E.
   Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.

---

Erik Enyart confirmed with Alan Hall that he would agree to introduce the two (2) related items at one time and discuss them together. Mr. Enyart summarized the project and its location. Mr. Enyart asked Alan Hall if he cared to summarize the project further, and Mr. Hall did so briefly. Mr. Hall indicated that phase three (3) would use existing street frontage, but that the water and sewer had not been previously extended and so would have to be. Later in the meeting, Mr. Hall stated that, due to distances, he would have to have a fire hydrant installed in the third phase, to go along with the waterline extension.

Erik Enyart asked Alan Hall if either of the two (2) subdivisions would reach the north property line of the undeveloped tract, and Mr. Hall responded that they would not.

Ted Sack and Alan Hall discussed utility coordination between the "Seven Lakes" developments and the "Wood Hollow Estates" for a time. Mr. Hall stated that his client originally planned to finish the entire development with phase three (3), but then called him and pulled back due to an "issue at the northeast corner." Mr. Hall stated that his client told him not to worry about the next phases, as they would be "two years down the road," but he believed it would be closer to one and a half (years).

Erik Enyart asked if the Fire Marshals had any questions or comments. Joey Wiedel confirmed with Alan Hall that the next set of plans would include fire hydrants, and that they would be spaced no more than 600' apart. Jim Sweeden stated that the 600' distance must start at the development entrance street.

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

Later in the meeting, Alan Hall clarified with Joey Wiedel his comment on fire hydrants, and confirmed that he had not yet received those plans. Mr. Hall stated that he would make sure Mr. Wiedel received them.

7. **BL-388 – John Ward.** Discussion and review of a Lot-Split for Lots 1 and 2 and the E. 100' of Lot 5, Block 1, *Hickory Creek Estates.*
   Property Located: 13001 E. 181st St. S.

---

Erik Enyart noted that the Applicant for the next item on the agenda had stepped out of the meeting momentarily, and so he would introduce the following item next. Mr. Enyart introduced Agenda Item # 7 and summarized the project and its location. Mr. Enyart stated that he did not expect the Applicant to attend the meeting, as it was a fairly simple Lot-Split, involving reattaching part of Lot 5 to the balance of Lot 5, and all of the utilities were already in place and served from the adjoining streets.

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

After a while, JR Donelson and Bill Wilson returned to the meeting.

6. **Preliminary Plat – "Byrnes Mini-Storages" – JR Donelson, Inc. (PUD 77).** Discussion and review of a Preliminary Plat and certain Modifications/Waivers for "Byrnes Mini-Storages," approximately 3.4 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2.*
   Property Located: 12355 & 12365 S. Memorial Dr. and 12404 S. 85th E. Pl.

---

Erik Enyart introduced the item and summarized the project and its location. Mr. Enyart stated that the proposed ministorage development was immediately behind [the] *The Boardwalk on Memorial* shopping center at 12345 S. Memorial Dr., and included the vacant land and a house to the east in Southern Memorial Acres No. 2. Mr. Enyart stated that the house was included to provide a second means of ingress/egress for the development. Mr. Enyart stated that, earlier in the year, the City Council Conditionally Approved applications for rezoning [to OL], a Comprehensive Plan

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Amendment, and PUD 77. Mr. Enyart stated that, because the final PUD Text and Exhibits package had not yet been received, the ordinance had not yet been returned to the City Council agenda, which ordinance would effect the approvals officially. Mr. Enyart stated that the Preliminary Plat was the next stage in the development review process. Mr. Enyart asked JR Donelson if he cared to summarize the project further.

JR Donelson stated that Bill [Wilson] made an effort to get a maintenance/access easement from the properties to the north, but this effort had not been successful. Mr. Donelson stated that, in response, the plans changed to set the northern buildings four (4) feet off the north property line, like had been done for the buildings along the south property line. Mr. Donelson stated that, after his client became aware of the proposed development on the properties to the north, he decided to wait to move forward [until he could talk to them about coordination]. Mr. Donelson stated that this was why he wanted to talk to [Jarred Sanders] at this meeting, and Mr. Sanders told him he would check on that with the owner.

JR Donelson discussed plans to reduce the northerly east-west drive (and building separation) from 30' to 26'. Mr. Donelson identified a large open space at the east end of the northernmost building, and indicated this area would allow for the turning radius needed for the fire trucks. Mr. Donelson indicated the most likely route for a fire truck, a diagonal line connecting the northern east-west drive to the southern east-west drive. Joey Wiedel and Jim Sweeden indicated agreement. Erik Enyart confirmed with Mr. Donelson that the area would be entirely paved, as per the "pavement" notation on the site plan Mr. Donelson had brought for discussion. Mr. Donelson confirmed with Mr. Enyart that the City would not allow gravel surfacing. Mr. Enyart stated that the area was quite large, and asked what the area would be used for. Mr. Donelson stated that there was no plan for the use of the area, other than to allow fire trucks to make their turns. Mr. Enyart stated that his concern was that the area may be used for open-air storage, which the Zoning Code prohibited in ministorage developments. Mr. Donelson indicated that he did not think this area would not be used for this. Mr. Enyart asked Bill Wilson what he saw the area being used for in the future. Mr. Wilson stated that he was planning to install solar panels on the buildings. Mr. Wilson stated that it would be a good, green project, and would be a feather in the cap for the City to take pride in, and would be good for business. Mr. Enyart stated that this sounded like a great idea. Mr. Enyart stated that, if Mr. Wilson did want to utilize the area for storage, it would have to be covered, but the Zoning Code did not specify what sort of covering was required. Mr. Enyart stated that[, if to be used for storing vehicles], the required covering could take the form of a carport-type structure, which could support solar panels. Mr. Wilson indicated agreement.

Joey Wiedel stated that, in that case, he would need to brush up on codes for solar panels. Mr. Wiedel stated expressed concern that the solar panels may not have a shutoff. Erik Enyart asked if it was not true that the excess electric generation not consumed onsite would be fed back into the overall distribution system. Lonny Hicks indicated this was the case. Mr. Enyart stated that, in that case, it would seem possible to shut off the system [and feed all electric generation back to the grid]. Mr. Hicks and Mr. Wiedel indicated agreement. Mr. Wiedel asked Mr. Hicks about this question directly, and Mr. Hicks responded affirmatively, stating "it can be shut off." Mr. Wiedel indicated agreement.

Erik Enyart stated that, if Mr. Wilson did ultimately plan covered storage in the large pavement area, that would have implications for the Fire Department's turning radius. JR Donelson, Joey Wiedel, Jim Sweeden, and Bill Wilson discussed possible routes for the fire lane, turning radius needs, and other such details for the project.

JR Donelson identified the proposed office building at the back end of *The Boardwalk on Memorial* shopping center. Erik Enyart clarified with Mr. Donelson that the leasing office for the ministorage would be conducted from within this new office building, freeing up the west end of the northernmost building for additional storage units. Bill Wilson stated that his PUD allowed for additional floor area to be built. Mr. Enyart addressed Mr. Wilson and stated that Mr. Wilson would likely be more familiar with his PUD 29A that Mr. Enyart was, but that the PUD probably requires the Planning Commission approve a PUD Detailed Site Plan for the new office building. Mr. Enyart advised Mr. Wilson that building on the shopping center lot would trigger reviews and cause need for bringing certain elements "up-to-code," and that such elements commonly include parking and landscape issue mitigation. Mr. Enyart asked Mr. Wilson about the timing of the development of the office building, and Mr. Wilson stated that it would actually need to be constructed first, or otherwise at the same time as the ministorage buildings, as otherwise there would be no place to lease them from. Mr. Enyart stated that the next application deadline for the December 16, 2013 Planning Commission meeting would be Monday, November 18, 2013. Mr. Wilson indicated he would not move forward on either the office building or the ministorage development until he heard back on coordination with the development abutting to the north. JR Donelson stated that coordination would affect the 4' setback matter, along with who puts in what water and sewerlines and where. Mr. Enyart indicated agreement and confirmed with Mr. Wilson and Mr. Donelson that they still intended to get the Preliminary Plat approved at this time.

Bill Wilson confirmed with Joey Wiedel and Jim Sweeden that it would be acceptable to angle the storage units to allow for easy loading and unloading for trucks.

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

8. Old Business

9. New Business

10. Meeting was adjourned at 10:46 AM.

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

| NAME | COMPANY | PHONE |
|---|---|---|
| 1. LONNY HICKS | PSO | (918)250-6211 ldhicks@aep.com |
| 2. Erik Enyart | City of Bixby | 918 366 4430 |
| 3. [illegible] | HRA OK | 918-258-3735 |
| 4. BILL WILSON | BYRNES FND | 918-269-1000 |
| 5. JR DONELSON | JR DONELSON INC | 918-394-3030 |
| 6. Jarrod Sanders | AAB Engineering | 918-514-4283 |
| 7. STUART NTANTZER | SACK & ASSO. | 918-592-4111 |
| 8. TED SACK | SACK & ASSOC. | 918-592-4111 |
| 9. John Sweeden | City of Bixby F.C. | 918-366-0436 |
| 10. Joey Wiedel | COB F.M | 918-366-0436 |
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CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

# STAFF REPORT

**To:** Bixby Planning Commission

**From:** Erik Enyart, AICP, City Planner

**Date:** Wednesday, November 13, 2013

**RE:** Report and Recommendations for:
Final Plat of "Woodcreek Office Park" – Sack & Associates, Inc. (PUD 47-C)

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

SIZE: 1.1694 acres, more or less

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

REQUEST: Preliminary Plat approval for an office park subdivision development

SURROUNDING ZONING AND LAND USE:

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

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

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

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

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

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

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)

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– 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 111th St. S. frontage area (subject property) – PC Approved 05/21/2007 and City Council Approved 05/29/2007.

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

Final Plat Woodcreek Village Amended – Sack & Associates, Inc. – Request for Final Plat approval for Woodcreek Village Amended (including subject property) – Approved by PC 10/15/2007 and by City Council 10/22/2007. A Modification/Waiver from street standards was also approved (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. 112th 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.

BSP 2013-05 – "Woodcreek Office Park" – Sack & Associates, Inc. – Request for PUD Detailed Site Plan approval for subject property – PC Conditionally Approved 10/21/2013.

RELEVANT AREA CASE HISTORY:

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 111th St. S. to 75th 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 111th St. S., with three (3) behind, and the internal access drive located along the east line of the development.

BSP 2013-05, the PUD Detailed Site Plan for the subject property, significantly modified 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 plat for details.

Because the internal lot line adjustments do not represent a major departure from the Preliminary Plat, and the Subdivision Regulations do not require it, no new Preliminary Plat approval is required.

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



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stormwater detention pond in *WoodCreek*, in the watershed of an upstream tributary of Fry Creek # 2. It is bordered on the north by 111th St. S., on the west by the private 75th E. Ave. with residential in *WoodCreek* beyond that, on the south by residential in *Woodcreek Village Amended*, and on the east by *Lowe's* in *Bixby Commons*.

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

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

The Final Plat indicates internal Mutual Access Easement (MAE) drives are proposed to provide inter-lot access between the lots in the development and between 111th St. S. and 75th E. Ave. The MAEs have been relocated on the plat to coincide with the revised parking lot/drive lane configuration.

By the approval and recording of the Final Plat, the Limits of No Access (LNA) along the entire 111th St. S. frontage of the subject property will be amended to allow a 25'-wide Access Opening toward the east end of the frontage, which is subject to the approval of the City Engineer and County Engineer.

Sidewalks were shown on the site plan along both 111th St. S. and 75th 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 75th E. Ave., at approximately 30' in width, is too narrow to contain a sidewalk (a 26' roadway leaves only 2' on either side), it appears is will be necessary to add a "sidewalk easement" along the northeast side of 75th E. Ave., along with appropriate language in the Deed of Dedication/Restrictive Covenants (DoD/RCs) 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 provided for in the PUD 47-C text. The sidewalk easement is not represented on the Final Plat, however, nor is appropriate language found in the DoD/RCs.

General. This subdivision of 1.1694 acres, more or less, proposes five (5) lots in one (1) block and zero (0) Reserves. All lots appear to meet 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 75th E. Ave.

75th E. Ave. has a sharp bend from northwest to southeast, as it approaches the gated entrance to the residential part of *Woodcreek Village Amended.* 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 impedance, 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. The 25' Existing Building Line is shown on the Final Plat as appropriate. Thus, this issue appears to have been satisfactorily addressed.

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.

The private maintenance responsibilities of residential and commercial lot owners in *Woodcreek Village Amended* for the private streets and stormwater detention pond(s) in *WoodCreek*, and the responsibilities of the commercial lot owners for the screening fence to be located in the "Fence Easement," sidewalks (if allowed within a 'sidewalk easement), and any common parking, signage, entrance features, and landscaping, were addressed with PUD 47-C, as approved by the City Council on April 22, 2013, with the following PUD language:

> "There will be a Property Owners Association that will be formed by all lot owners of Woodcreek Office Park. The association will be responsible for the maintenance of common areas such as pavements, sidewalks, landscape and irrigation etc. The association will also retain responsibilities of Lot 1 Block 3 of Woodcreek Village Amended as spelled out in the deed of dedication of Woodcreek Village Amended and existing private agreements. Specific responsibility allocations will be spelled out in the proposed plat or a private agreement.
>
> ...
>
> All parking area and access isles within Woodcreek Village to be maintained by the Property Owner's Association.
>
> ...
>
> The landscape will be coordinated, designed, installed by the developer and maintained by the Property Owner's Association."

However, language pertaining to shared maintenance responsibilities has not been located in the Deed of Dedication and Restrictive Covenants (DoD/RCs). Please see the recommendations below pertaining to DoD/RCs, including DoD/RCs Section III.B/C, for recommendations pertaining to the distribution of private maintenance responsibilities.

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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 Final Plat at its regular meeting held November 06, 2013. Minutes of that meeting are attached to this report.

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

Conditions of Approval of the Preliminary Plat not yet satisfied with this submittal:

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
2. Proposed Mutual Access Easement encroaches 17.5' Existing Perimeter Utility Easement along the north line of the subdivision, suggesting plans to pave over the easement. If allowed, paving over such easements requires the specific approval of the City Engineer and Public Works Director.
3. Sidewalks, required per Subdivision Regulations Section 12-3-2.N, must be installed by the developer. Sidewalks, where they would not fit within the narrow Mutual Access Easement streets, must be put into a "Sidewalk Easement." Language pertaining to their dedication and maintenance responsibilities must be included in the DoD/RCs. Alternatively, additional Reserve for private street right-of-way should be dedicated for S. 75th E. Ave. to the extent necessary to provide for the sidewalks.
4. Location Map – needs to identify the subject property's location in the Location Map.
5. Location Map – needs to accurately represent the following subdivisions:
   a. *Resubdivision of Lots 3 and 4 of Bixby Commons* (misrepresented as to configuration)
   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)
6. DoD/RCs: Based on the PUD site plan (see PUD staff report), Staff recommends the PUD and DoD/RCs of the plat include a Mutual Parking Privileges covenant, so that all lots may allow their excess spaces to be used by patrons of other lots, which is common in developments such as this, especially when developed as a unit by a singular developer.

   Additionally, some of the shown parking spaces are divided by lot lines. As plats allow for buildings and lots to be sold separately, to avoid future ownership disputes which can be avoided by proper planning, Staff would recommend that all parking spaces be maintained commonly by all of the lot owners within the development, utilizing appropriate language in the PUD and DoD/RCs of the plat.
7. DoD/RCs: Reasonable Restrictive Covenants, as are typical for commercial/nonresidential subdivisions, should be employed. As an example, a "Maintenance Covenant" pertaining to maintenance and upkeep of properties free of trash, debris, and litter, as is customary in commercial/nonresidential developments, would be reasonable and appropriate.

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

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

    PUD 47-C provided that a singular sign may advertise all businesses within the development (in satisfaction of Zoning Code Section 11-9-21.F). Will an easement be employed for maintenance of common signage, entrance features, and/or landscaping enjoyed by all the lot owners in the subdivision?

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

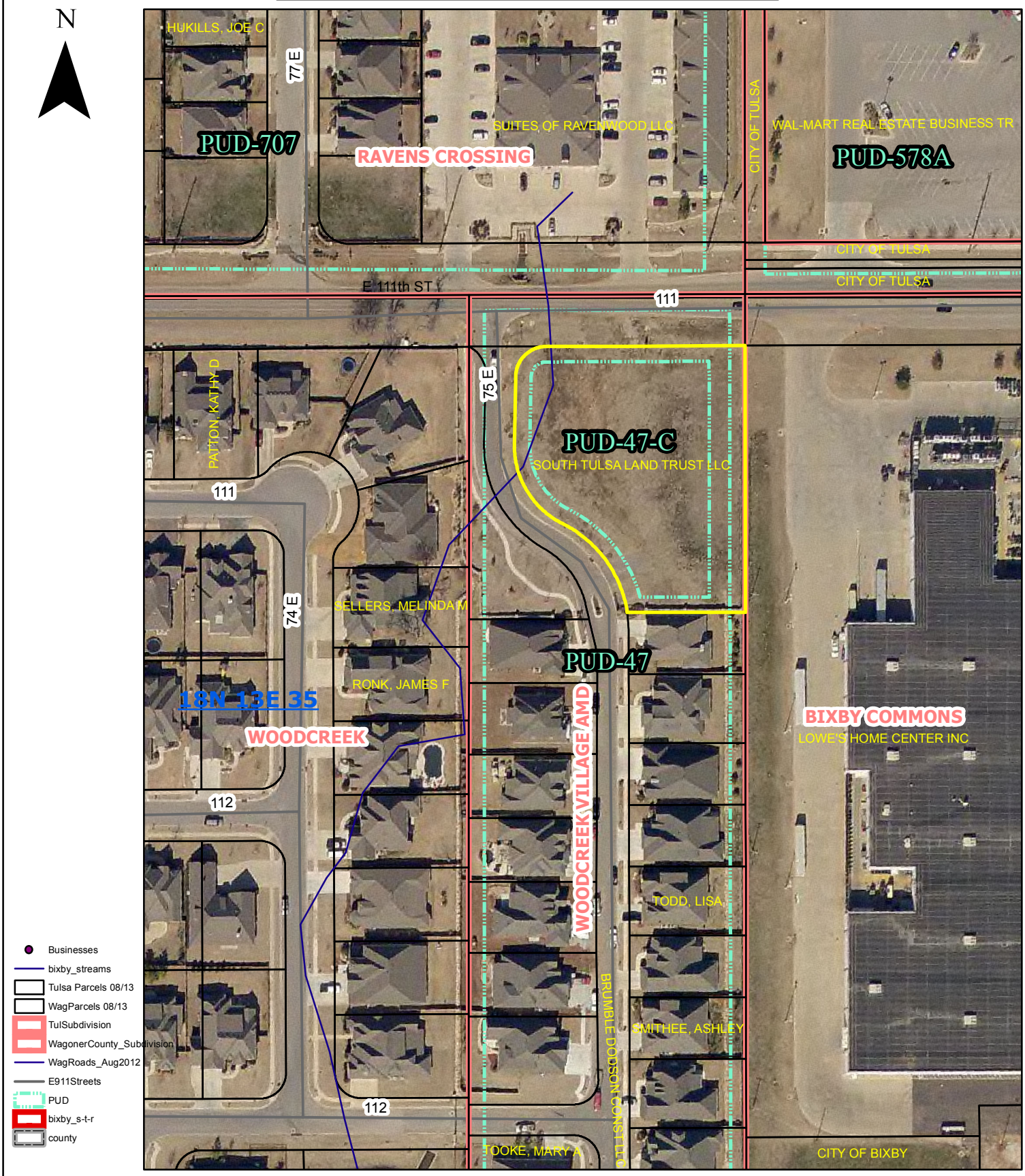
The plat needs to specify if the future owners of the individual office lots will split the singular Owners Association membership (and thus singular vote) five (5) ways or if each of the five (5) lot owners will severally be members of the Owners Association. Regardless of how this is done, the DoD/RCs need to specify the respective responsibilities of the owners of the commercial lot(s) and the residential lots.

18. 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).

Conditions of Approval of this Final Plat:

19. Please correct addresses such as follows:
    a. Lot 1: 7501 → 7510
    b. Lot 2: 7503 → 7520
    c. Lot 3: 7505 → 7530
20. Since the latest redesign, the east-west U/E no longer connects the east and west sides of the development. Is a north-south U/E necessary or appropriate along the common lot lines between Lots 1 and 5, and/or 1 and 2, as discussed at the October 02, 2013 TAC meeting?
21. Dimensions identifying respective widths of MAE shared by (now) Lots 4 and 5 have been removed since the Preliminary Plat version; please restore or advise.
22. Linework at northwest corner obscures (1) Reserve A label, (2) 15' RWE label, and (3) dimensions between lot line and 25' MAE. Please remove conflicts and designate linetype if it is intended to signify something.
23. Copies of the PUD Detailed Site Plan including all recommended corrections shall be submitted for placement in the permanent file: 2 full sizes folded to 8.5" X 11", 1 11" X 17", and 1 electronic (PDF preferred).
24. Copies of the Final 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).

# Final Plat – "Woodcreek Office Park"
# Sack & Associates, Inc. (PUD 47-C)

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City of Bixby ~ Planning
Printed 10/31/2013

**City of Bixby**
**Engineering Department**

# Memo

**To:** Mr. Stuart Nyander, P.E.
Sack and Associates, LLC
3530 E. 31st St., Ste. A
Broken Arrow, Ok 74135

**From:** Jared Cottle, PE

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

**Date:** 10/25/13

**Re:** Wood Creek Office Park
Plan, Drainage Report, and Plat Review

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## General Comments:

1. A comment response letter addressing each of the items listed below is required with the next submittal.
2. ODEQ Report forms and fees for the proposed sanitary sewer improvements will be required for submittal to the State.
3. An Earth Change Permit Application must be filed with the Community Development Coordinator.

## Plat Comments:

4. The diagonal U/E across the northeast corner of Lot 1 (and parking lot/drive) should be eliminated. The connection between "a" and "1" should become private or moved north to within the 17.5' U/E, parallel to the property line.

## Drainage Report Comments:

5. A separate table in the Report should be provided to clarify the original nomenclature for the discharge points – i.e. "o" original = "e" proposed; "k" original = "b" proposed; and "p" original = "f" proposed.
6. All development areas should be included in the comparison between discharge points between the original design and the proposed design.
   - The Report only compares "O" to "E" when areas "D" and "C" also contribute to the flows at "e".
   - No comparison is provided for "k" and "b". The proposed conditions indicate that "C" also contributes flows at "b".
   - "P" is correctly compared to "F", "G", "H", and "J". However, it is appears from the contours that a significant portion of "A" will also runoff over the top of the proposed curb and find its way into "h". The drainage areas should be revised to reflect actual field conditions, or additional measures must be provided to intercept and convey off-site runoff.

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7. An analysis of off-site runoff values and conveyance must be provided in the Drainage Report. The proposed plan does not adequately receive or convey runoff from the south. The plan must be revised to receive and convey off-site runoff that is currently received and conveyed across the site.

8. The pipe capacity (along with the original vs. proposed flow values) must be provided at each of the discharge points.

9. HGL and EGL calculations must be provided in the Drainage Report.

10. Please site source and values for loss coefficients used at structures for minor loss calculations.

11. All inlet capacity calculations must include both the orifice and weir flow regimes when generating rating curves. Please verify both regimes for all inlet calculations. The lower of the two values controls.

12. The capacity of "b" should be calculated using Figure 908 of the Tulsa Drainage Criteria Manual. The curves should be included in the Drainage Report.

## Paving, Grading, & Storm Sewer Comments:

13. Although a "j" structure is shown on the Plan, no "j" is shown anywhere else. "J" does not discharge to "g".

14. Contours and elevations indicate that water from "J" will be bypassed directly onto 75th with flows traveling down the center of the driveway. Please revise.

15. The proposed drainage boundaries should follow proposed contour and curb data – e.g. areas "D" and "F".

16. Please verify contour configuration in area "F". It appears that the northwest portion of this area is to discharge directly onto the street. The contours also need to be corrected to indicate diversion of water within "G" to "g".

17. If bypass onto 75th is proposed, specific discussion and calculations must be provided to verify the capacity of the street and downstream drainage structures.

18. Contours at the south end of the site indicate that existing runoff will not be conveyed but rather blocked and diverted with the proposed development. Runoff from the properties to the south must be received and conveyed by the proposed development.

19. Contours indicate that runoff will be diverted directly toward the center of the building in Lot 1. Please verify that the design intent within the interior of the development by providing flow arrows and spot elevations. In addition, typical drainage swale section with the 100-year WSE shown must be provided on Sheet 3.

20. The diagonal pipe run across the corner of Lot 1 should be addressed as per comment 4. above.

21. Minimum permitted storm sewer size = 15" within City right-of-way or easements. The pipe runs between "e" and "2" and between "g" and "3" must be updated accordingly.

22. The drainage summary table should, in a separate column, list the previously calculated flows for the existing pipes that are listed – e.g. "e" to "b" along with the proposed design. The design flows must be updated per the drainage discussion above.

23. The downstream HGL reference should be described and the source of the data referenced on the profiles.

24. The pipe run "1" to "a" must be labeled private if diagonal orientation is maintained.

25. Water and sanitary sewer clearances must be shown and labeled on the Profiles. City minimums must be met. An existing water main is shown within the storm sewer pipe on 2 of the 4 profiles.

## Sewer Comments:

26. MH 3 and MH 4 should be located in the 30' U/E to the east of the property. This will move the line outside of proposed driveway areas.
27. DR 14, C900 pipe is required from MH to MH under all street/drive crossings – e.g. between MH 1 & MH 2 and between MH 4 and MH 5.
28. All water and storm sewer crossing clearances should be labeled on the Profiles.

## Water Comments:

29. Fire hydrant locations must be approved by the Fire Marshall.
30. The existing hydrant that is being used for development coverage should be labeled on the Plans.

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CITY OF BIXBY FIRE CODE ENFORCEMENT

# Memo

To: ERIK, AICP, CITY PLANNER

From: JIM SWEEDEN

Date: 10/28/2013

Re: FINAL PLAT OF "WOODCREEK OFFICE PARK"

---

FINAL PLAT OF WOODCREEK OFFICE PARK IS APPROVED BY THIS OFFICE AS PER 2009 ICC CODES AND AS PER BIXBY CITY CODES.

NOTE: THE NEXT PLANS SHALL SHOW THE LOCATION OF FIRE HYDRANTS.

Jim Sweeden



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'CONDITIONAL FINAL PLAT'

# Woodcreek Office Park

A RE-SUBDIVISION OF

LOT 1 IN BLOCK 3 OF WOODCREEK VILLAGE AMENDED

IN PART OF THE

N/2 OF THE N/2 OF SECTION 35, T-18-N, R-13-E

CITY OF BIXBY, TULSA COUNTY, OKLAHOMA

20 0 20 40
SCALE IN FEET

Planned Unit Development Number 47-C

TREASURER'S STAMP
DO NOT USE THIS SPACE

| PLAT No. |
|---|
| |

FINAL PLAT
CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE CITY OF BIXBY:

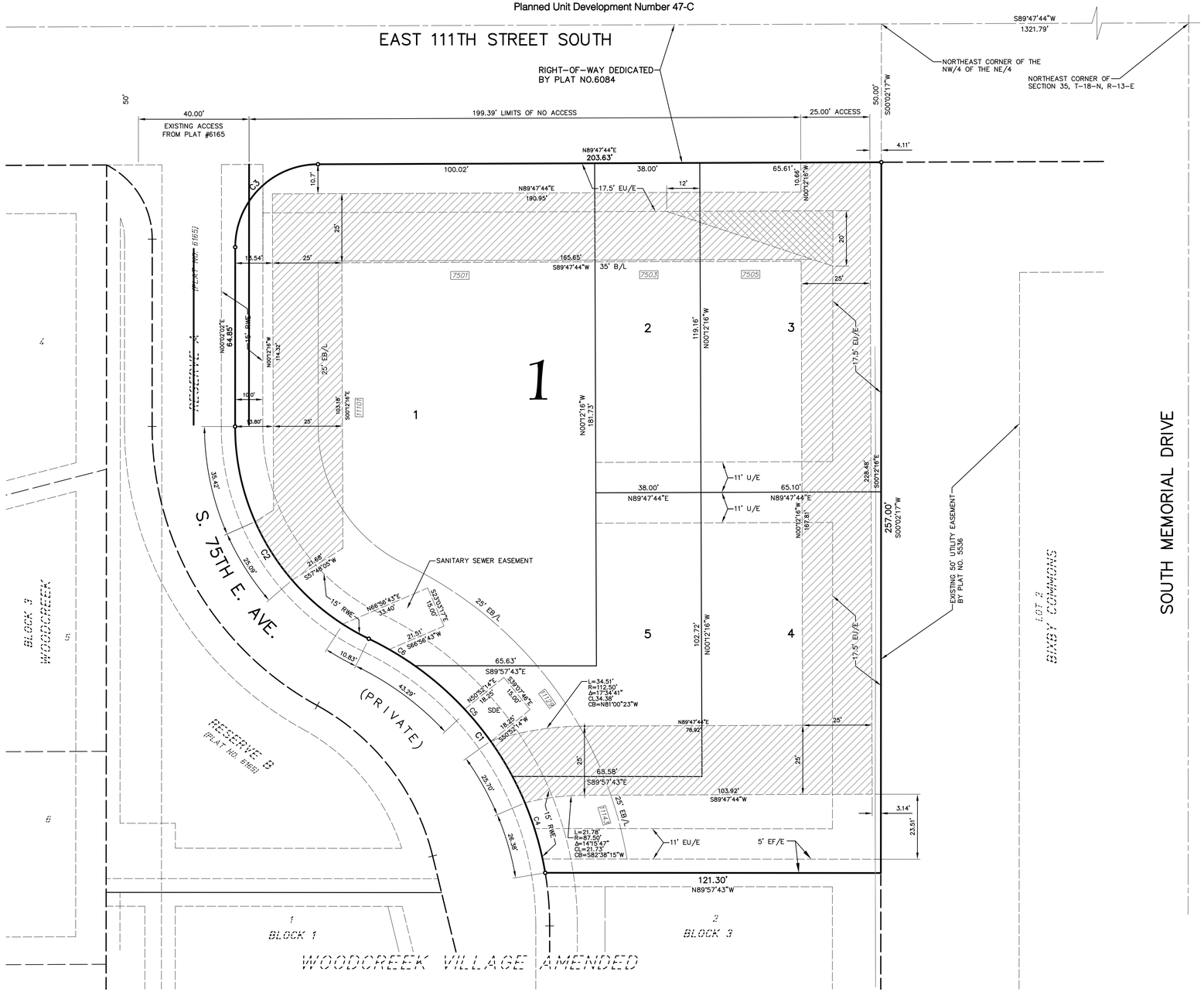
ON _____

BY _____
MAYOR - VICE MAYOR

THIS APPROVAL IS VOID IF THE ABOVE SIGNATURE IS NOT ENDORSED BY THE CITY MANAGER OR CITY CLERK.

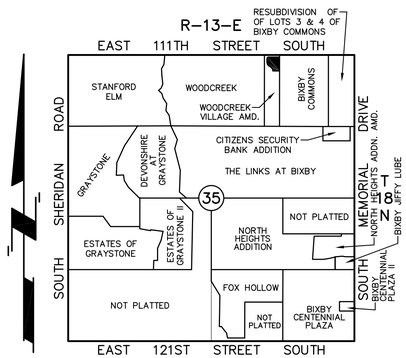
BY _____
CITY MANAGER - CITY CLERK

COUNTY CLERK STAMP
DO NOT USE THIS SPACE




## Curve Table

| CURVE | LENGTH | RADIUS | DELTA | CHORD BEARING | CHORD LENGTH |
|---|---|---|---|---|---|
| C1 | 110.13' | 115.00' | 54°52'11" | N37°00'01"W | 105.97' |
| C2 | 95.65' | 85.00' | 64°28'23" | S32°11'55"E | 90.68' |
| C3 | 47.00' | 30.00' | 89°45'27" | S44°55'00"W | 42.34' |
| C4 | 36.36' | 115.00' | 18°06'56" | N18°46'21"W | 36.80' |
| C5 | 53.84' | 115.00' | 26°49'28" | N41°23'31"W | 53.35' |
| C6 | 19.33' | 115.00' | 09°37'51" | N59°15'52"W | 19.31' |




## Location Map

SCALE: 4"=1 MILE

## Owner / Developer

SOUTH TULSA LAND TRUST LLC
ATTN: RICK DODSON
6205 E. 105TH STREET
TULSA, OKLAHOMA 74137
PHONE: (918) 298-0022

## Engineer / Surveyor

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

## Basis of Bearings

THE BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF 'WOODCREEK VILLAGE AMENDED', PLAT NUMBER 6165

## 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.

## Subdivision Statistics

SUBDIVISION CONTAINS 5 LOTS IN 1 BLOCK

BLOCK 1 CONTAINS 1.1694 ACRES (50,937 SQ. FT.)

LOT 1 CONTAINS 0.5014 ACRES (21,840 SQ. FT.)
LOT 2 CONTAINS 0.1039 ACRES (4,528 SQ. FT.)
LOT 3 CONTAINS 0.1788 ACRES (7,788 SQ. FT.)
LOT 4 CONTAINS 0.2541 ACRES (11,070 SQ. FT.)
LOT 5 CONTAINS 0.1311 ACRES (5,711 SQ. FT.)

## Legend

B/L = BUILDING LINE DEDICATED BY THIS PLAT
EB/L = EXISTING BUILDING LINE BY PLAT #6165
EF/E = EXISTING FENCE EASEMENT BY PLAT #6165
EU/E = EXISTING UTILITY EASEMENT BY PLAT #6165
RWE = EXISTING RESTRICTED WATERLINE EASEMENT BY PLAT #6165
SDE = EXISTING STORM SEWER EASEMENT BY PLAT #6165
U/E = UTILITY EASEMENT DEDICATED BY THIS PLAT
1,2,3,4 = STREET ADDRESS
MUTUAL ACCESS EASEMENT DEDICATED BY THIS PLAT
MUTUAL ACCESS & UTILITY EASEMENT DEDICATED BY THIS PLAT

## 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.

CITY OF BIXBY
OCT 22 2013
RECEIVED

# "WOODCREEK OFFICE PARK"
## DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

THAT SOUTH TULSA LAND TRUST 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:

> ALL OF LOT 1 IN BLOCK 3 OF "WOODCREEK VILLAGE AMENDED", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 6165.

AND THE OWNER HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO FIVE LOTS, IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "WOODCREEK OFFICE PARK", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA.

### SECTION I. EASEMENTS AND UTILITIES

A. GENERAL UTILITY EASEMENTS

THE OWNER HEREBY DEDICATES TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, MANHOLES AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES STATED, PROVIDED THE OWNER RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND REPAIR OR REPLACE WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING 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 AREAS DEPICTED ON 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 ACCOMPANY PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH STATED USES AND PURPOSES

*08/22/08 sky*
*03/13/13 sky*
*10/21/13 sky*

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OF THE UTILITY EASEMENTS SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES WHICH 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 PERIMETER EASEMENTS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE, AND ELSEWHERE THROUGHOUT THE SUBDIVISION, ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN GENERAL UTILITY EASEMENTS.

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

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICE, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS 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 ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF THESE SERVICES SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR THE OWNER'S AGENTS OR CONTRACTORS.

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

C. WATER, SANITARY SEWER, AND STORM SEWER SERVICE

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

2. WITHIN UTILITY EASEMENTS, RESTRICTED WATERLINE, SANITARY SEWER, STORM SEWER AND DRAINAGE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, OR STORM SEWER OR ANY CONSTRUCTION ACTIVITY WHICH, 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 SYSTEMS, SANITARY SEWER MAINS, AND STORM SEWERS BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR THE OWNER'S AGENTS AND/OR CONTRACTORS.

4. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS, RESTRICTED WATERLINE, SANITARY SEWER, STORM SEWER AND DRAINAGE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER, OR STORM SEWER FACILITIES.

5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND BY THESE COVENANTS.

D. GAS SERVICE

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

2. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED WITHIN THE LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY OTHER

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CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH GAS SERVICE. THE SUPPLIER OF GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF ITS FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR THE OWNER'S AGENTS OR CONTRACTORS.

3. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND BY THESE COVENANTS.

E. SURFACE DRAINAGE

EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORMWATER FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS THE OWNER'S LOT. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BIXBY, OKLAHOMA.

F. LIMITS OF NO ACCESS

THE OWNER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO EAST 111TH STREET SOUTH WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" ON THE ACCOMPANYING PLAT, WHICH LIMITS OF NO ACCESS MAY BE AMENDED OR RELEASED BY THE BIXBY METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSOR, WITH THE APPROVAL OF THE CITY OF BIXBY, OKLAHOMA, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO, AND THE LIMITS OF NO ACCESS ESTABLISHED ABOVE SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA.

G. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF ANY LOT DEPICTED ON THE ACCOMPANYING PLAT SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION 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 THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

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H. MUTUAL ACCESS EASEMENT

MUTUAL ACCESS EASEMENTS, DEPICTED AS "MAE" OR "MUTUAL ACCESS EASEMENT" ON THE ACCOMPANYING PLAT, ARE HEREBY ESTABLISHED FOR THE PURPOSES OF PERMITTING VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM ALL STREETS AND AREAS ADJACENT TO AND CONTAINED WITHIN THE SUBDIVISION, SUCH EASEMENTS SHALL BE FOR THE MUTUAL USE AND

BENEFIT OF EACH AFFECTED LOT OWNER, THEIR GUESTS, AND INVITEES, AND SHALL BE APPURTENANT TO EACH AFFECTED LOT OWNER, PROVIDED GOVERNMENTAL AGENCIES AND THE SUPPLIERS OF UTILITY SERVICES SHALL HAVE THE REASONABLE USE OF SUCH EASEMENTS INCIDENTAL TO THE PROVISION OF SERVICES TO THE LOTS WITHIN THE SUBDIVISION.

## SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, "WOODCREEK OFFICE PARK" WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT (DESIGNATED AS PUD 47, 47A AND 47B) AND PUD 47 WAS APPROVED BY THE BIXBY PLANNING COMMISSION ON NOVEMBER 21, 2005 AND APPROVED BY THE BIXBY CITY COUNCIL ON DECEMBER 12, 2005 AND PUD 47A WAS APPROVED BY THE BIXBY PLANNING COMMISSION ON MAY 21, 2007 AND APPROVED BY THE BIXBY CITY COUNCIL ON MAY 29, 2007, AND PUD 47B WAS APPROVED BY THE BIXBY PLANNING COMMISSION ON _____, 20__ AND APPROVED BY THE BIXBY CITY COUNCIL ON _____, 20__.

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

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE CITY OF 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.

THEREFORE, OWNER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON OWNER, ITS SUCCESSORS IN TITLE AND SHALL BE ENFORCEABLE BY OWNER, ANY PERSON OWNING A LOT IN "WOODCREEK OFFICE PARK" AND BY THE CITY OF BIXBY AS HEREINAFTER SET FORTH.

A. GENERAL STANDARDS

THE DEVELOPMENT OF "WOODCREEK OFFICE PARK" SHALL BE SUBJECT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE CITY OF BIXBY ZONING CODE, AS SUCH PROVISIONS EXISTED _____, 20__, OR AS MAY BE SUBSEQUENTLY AMENDED.

B. DEVELOPMENT STANDARDS

1. NET LAND AREA — 1.1694 ACRES<br>50,937 SF

2. PERMITTED USES

ANY OF THOSE USES PERMITTED AS A MATTER OF RIGHT IN THE CS COMMERCIAL SHOPPING DISTRICT, AND USES CUSTOMARILY ACCESSORY TO THOSE PERMITTED USES, AND EXCLUDING AUTOMOTIVE USES, BODY PIERCING/TATTOO PARLORS AND EXCLUDING SEXUALLY ORIENTED BUSINESSES. ANY PERMITTED USE MUST PROVIDE REQUIRED PARKING

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SPACES BASED ON SQUARE FOOTAGE OF THE BUILDING CONTAINING THAT USE.

3. MAXIMUM BUILDING FLOOR AREA

| | | |
|---|---|---|
| OFFICE | LOT 1 | 6,060 SF PER LOT |
| | LOTS 4-5 | 2,800 SF PER LOT |
| | LOTS 2-3 | 1,400 SF PER LOT |
| | | NOT TO EXCEED .50 FAR |

4. MINIMUM LOT FRONTAGE

| | |
|---|---|
| ALL LOTS ALONG EAST 111TH STREET SOUTH OR SOUTH 75th EAST AVENUE (PRIVATE) (MUTUAL ACCESS EASEMENT) | 35 FT |

5. MAXIMUM BUILDING HEIGHT

| | |
|---|---|
| OFFICE | 40 FT |

ARCHITECTURAL ELEMENTS AND BUSINESS LOGOS MAY EXCEED THE MAXIMUM BUILDING HEIGHT WITH DETAIL SITE PLAN APPROVAL.

6. OFF-STREET PARKING

AS REQUIRED BY CITY OF BIXBY ZONING CODE (1/300). 'CROSS PARKING' SHALL BE PERMITTED ACROSS THE "WOODCREEK OFFICE PARK".

7. MINIMUM BUILDING SETBACKS

| | |
|---|---|
| FROM THE EAST 111TH STREET RIGHT-OF-WAY | 35 FT |
| FROM THE INTERNAL REAR LOT LINES | 11 FT |
| FROM THE INTERNAL SIDE LOT LINES | 5 FT |
| FROM SOUTH 75th EAST AVENUE (PRIVATE) | 25 FT |
| FROM THE SOUTH LOT LINE OF LOT 4 | 11 FT |
| FROM AN ABUTTING R DISTRICT BOUNDARY | 11 FT |

8. LANDSCAPED AREA

A MINIMUM OF 15% OF THE STREET YARD SHALL BE IMPROVED AS LANDSCAPED OPEN SPACE IN ACCORD WITH THE LANDSCAPE CHAPTER OF THE ZONING CODE OF THE CITY OF BIXBY.

9. 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 111TH STREET FRONTAGE.

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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.

9. 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.

10. CROSS PARKING

THE OWNER HEREBY DEDICATES, GRANTS AND ESTABLISHES FOR THE BENEFIT OF THE WOODCREEK OFFICE PARK PORTION OF THE PROPERTIES AND FOR THE BENEFIT OF THE ENTIRE PROPERTIES AND THE OWNERS OF ANY LOT THEREOF, THEIR EMPLOYEES, AGENTS, GUESTS, INVITEES, MORTGAGEES, TENANTS, LESSEES, SUBTENANTS, LICENSEES, HEIRS, SUCCESSORS AND ASSIGNS A NON-EXCLUSIVE EASEMENT FOR PARKING OF VEHICLES OVER, ON AND ACROSS THE AREA WITHIN THE PROPERTIES CONSTITUTING PARKING AREAS.

## SECTION III. OWNERS ASSOCIATION

A. FORMATION OF OWNERS ASSOCIATION

THE OWNER HAS FORMED OR SHALL CAUSE TO BE FORMED AN ASSOCIATION OF THE OWNERS OF THE WITHIN "WOODCREEK OFFICE PARK" (HEREINAFTER REFERRED TO AS THE "OWNERS ASSOCIATION") TO BE FORMED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AND TO BE FORMED FOR THE GENERAL PURPOSE OF MAINTAINING THE COMMON AREAS OF THE SUBDIVISION, INCLUDING BUT WITHOUT LIMITATION FOR THE FURTHER PURPOSES OF ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF "WOODCREEK OFFICE PARK". THE DETAILS OF ASSOCIATION MEMBERSHIP, INCLUDING ASSESSMENTS SHALL BE ESTABLISHED BY A DECLARATION RECORDED OR TO BE RECORDED IN THE OFFICE OF THE COUNTY CLERK, TULSA COUNTY, OKLAHOMA.

B. MANDATORY MEMBERSHIP

EACH RECORD OWNER OF A LOT WITHIN "WOODCREEK OFFICE PARK" SHALL BE A MEMBER OF THE OWNERS ASSOCIATION. MEMBERSHIP IN THE OWNERS ASSOCIATION SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF ANY LOT.

C. ASSESSMENT

EACH RECORD OWNER OF A LOT WITHIN "WOODCREEK OFFICE PARK" SHALL BE SUBJECT TO ASSESSMENT BY THE OWNERS ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE STORMWATER DETENTION FACILITIES AND OTHER COMMON AREAS OF THE SUBDIVISION.

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## SECTION IV. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

### A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I, 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 OWNER OF ANY LOT WITHIN "WOODCREEK OFFICE PARK" AND/OR THE OWNERS ASSOCIATION AND/OR THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED IN SECTION III, OWNERS ASSOCIATION SHALL INURE ONLY TO THE BENEFIT OF AND BE ENFORCEABLE BY THE OWNERS OF LOT AND/OR THE OWNERS ASSOCIATION. IF THE UNDERSIGNED OWNER/DEVELOPER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION I, THE SUPPLIER OF UTILITY SERVICE AND/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/DEVELOPER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION II, IT SHALL BE LAWFUL FOR ANY PERSON OWNING ANY LOT WITHIN "WOODCREEK OFFICE PARK", AND/OR THE OWNERS ASSOCIATION AND/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. IF THE UNDERSIGNED OWNER/DEVELOPER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION III, IT SHALL BE LAWFUL FOR ANY PERSON OWNING ANY LOT WITHIN "WOODCREEK OFFICE PARK" AND/OR THE OWNERS ASSOCIATION 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. IN ANY JUDICIAL ACTION TO ENFORCE THE PROVISIONS OF SECTION III, THE PREVAILING PARTY MAY RECOVER REASONABLE COSTS AND ATTORNEY FEES.

### 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.

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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 OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS AND THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION II, PLANNED UNIT DEVELOPMENT RESTRICTIONS, SECTION III, OWNERS ASSOCIATION, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY SOUTH TULSA LAND TRUST LLC DURING SUCH PERIOD THAT SOUTH TULSA LAND TRUST LLC IS THE OWNER OF AT LEAST 75% OF THE LOTS WITHIN "WOODCREEK OFFICE PARK" OR ALTERNATIVELY THE COVENANTS CONTAINED WITHIN SECTION II OR SECTION III MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF MORE THAN 75% OF THE LOTS AND APPROVED BY THE BIXBY PLANNING COMMISSION OT ITS SUCCESSORS. IN THE EVENT OF ANY CONFLICT BETWEEN AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY SOUTH TULSA LAND TRUST LLC (DURING ITS OWNERSHIP OF AT LEAST 75% OF THE LOTS), AND ANY AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNERS OF 75% OF THE LOTS WITHIN "WOODCREEK OFFICE PARK", THE INSTRUMENT EXECUTED BY SOUTH TULSA LAND TRUST LLC SHALL PREVAIL DURING THE TIME OF SOUTH TULSA LAND TRUST LLC'S OWNERSHIP OF AT LEAST 75% OF THE LOTS. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AS ABOVE SET FORTH SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

D. SEVERABILITY

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

IN WITNESS WHEREOF, SOUTH TULSA LAND TRUST LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY HAS EXECUTED THIS INSTRUMENT THE ____ DAY OF _____, 201_.

SOUTH TULSA LAND TRUST LLC, AN
OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____
RICHARD L. DODSON, MANAGER

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STATE OF OKLAHOMA )
) SS.
COUNTY OF TULSA )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 201_, BY RICHARD L. DODSON, AS MANAGER OF SOUTH TULSA LAND TRUST LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY.

_____ _____

MY COMMISSION EXPIRES NOTARY PUBLIC

CERTIFICATE OF SURVEY

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

EXECUTED THIS ____ DAY OF _____, 201_.

_____

THEODORE A. SACK
REGISTERED PROFESSIONAL LAND
SURVEYOR, OKLAHOMA NO. 1139

STATE OF OKLAHOMA )
) SS.
COUNTY OF TULSA )

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 201_, BY THEODORE A. SACK.

_____ _____

MY COMMISSION EXPIRES NOTARY PUBLIC

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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, November 14, 2013

**RE:** Report and Recommendations for:
Preliminary Plat of "Seven Lakes III"

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

SIZE:
- 40.64 acres, more or less (2 parent tract parcels)
- 1.07 or 1.08 acres, more or less (plat area)

EXISTING ZONING: RS-4 Residential Single Family District

EXISTING USE: Vacant

REQUEST: Preliminary Plat approval for 4-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

North: RS-4 and RS-3/PUD 80; Balance of parent tract parcels, and to the north of that, a 20-acre unplatted vacant/wooded tract recently rezoned to RS-3 and PUD 80 for "Wood Hollow Estates," and to the northeast, an unplatted 12-acre vacant tract owned by Tulsa County ("wetland mitigation area") and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby ("hardwood mitigation area").

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

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

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West: (across Sheridan Rd.) AG; Unplatted agricultural and vacant land, including 64 acres recently acquired by the Bixby School District, and the City of Tulsa's lift station facility to the northwest, all in the City of Tulsa.

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

PREVIOUS/RELATED CASES:

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

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for "Seven Lakes II" for *Seven Lakes II* on parts of subject property parent tracts – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.

Sketch Plat of Seven Lakes III – Request for Sketch Plat approval for "Seven Lakes III" for all of 40.64 acres of both parent tract parcels – PC Conditionally Approved 05/20/2013.

Preliminary Plat of Seven Lakes IV – Request for Preliminary Plat approval for "Seven Lakes IV" for parts of parent tract parcels abutting subject property – PC consideration pending 11/18/2013.

RELEVANT AREA CASE HISTORY: (not a complete list)

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

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

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

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

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

BACKGROUND INFORMATION:

On May 20, 2013, the Planning Commission Conditionally Approved the Sketch Plat for "Seven Lakes III," proposing 131 lots and consisting of all of the 40.64 acres contained in the two (2) parent tract parcels. Per that Sketch Plat version, the "Seven Lakes" development

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would have been completely platted. A subsequent version of the plat increased the number of lots to 142 but covered the same 40.64 acres. At this time, the Applicant is seeking Preliminary Plat approval for the next two (2) phases of "Seven Lakes," which together propose only 55 lots on 18 ½ acres. As currently proposed by these Preliminary Plats, "Seven Lakes III" proposes four (4) lots on 1.07 or 1.08 acres, and "Seven Lakes IV" proposes 51 lots on 17.48 acres. Thus, it would appear at least one (1) more phase may be planned to complete the "Seven Lakes" development.

ANALYSIS:

Property Conditions. The two (2) parent tract parcels consisting of 40.64 acres are vacant and zoned RS-4. "Seven Lakes III," as per this Preliminary Plat, contains 1.07 or 1.08 acres. As with previous and other phases of "Seven Lakes," this development will be designed to collect stormwater and drain it to the east to Fry Creek Ditch # 2. The "Seven Lakes IV" plat area contains the final two (2) "lakes" in "Seven Lakes" development. These "lakes" and the streets contained within "III" and "IV" were rough-cut during or after the development of the first phase.

Although no longer a part of "Seven Lakes III" or "Seven Lakes IV," the northernmost of the two (2) parent tract parcels include an area which appears to have a potential land use conflict. Based on GIS aerial and parcel data, it appears that northeastern-most area of the parcel includes the access road, and possibly even the concrete trickle-channel otherwise owned by Tulsa County and the City of Bixby (possibly known as a 'wetland remediation' or 'wetland compensatory mitigation' area). Before the affected area is platted and developed, the owner/developer should confirm property ownership patterns and/or any public easements that may affect this area.

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

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

General. This subdivision of 1.07 or 1.08 acres, more or less, proposes 4 lots, two (2) blocks, and no (0) Reserves.

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

Deed of Dedication and Restrictive Covenants (DoD/RCs) Section IV.B allows for incorporation of HOAs of different phases as previously recommended by Staff.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on November 06, 2013. The Minutes of the meeting are attached to this report.

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

Access and Internal Circulation. Primary access to the subdivision would be via internal streets which ultimately connect to Sheridan Rd.

Lots in "Seven Lakes III" will utilize existing roadways as previously platted and constructed, with the exception of proposed Lot 6, Block 1. There is an existing temporary emergency-access drive through the north and northeast sides of this lot, which will be removed when the second permanent street connection to Sheridan Rd. is built. This second street connection will be contained within "Seven Lakes IV" and will provide a secondary means of ingress/egress for the entire Seven Lakes development.

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

1. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-3.A for utility easements along the perimeters which would not achieve the 17.5' minimum width standards. Such request may be justified by observing most of the instances are mid-block and do not require U/Es, and otherwise by demonstrating where an 11' U/E will be back to back with another 11' in abutting subdivision, resulting in a 22'-wide U/E corridor between the subdivisions. Other justifications may be offered and deemed adequate.
2. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for those lots whose rear lines abut Sheridan Rd. Provided Limits of No Access (LNA) are placed along the Sheridan Rd. frontage, City Staff is supportive of this design, which is incidental and unavoidable due to existing geometries.
3. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
4. Per SRs Section 12-4-2.A.5, the Location Map must include:
   - All platted additions represented with the Section:
     - *Scenic Village Park* (missing)
   - Scale at 1" = 2,000'.
5. Please add elevation contours (with labels) as required per SRs Section 12-4-2.B.6.
6. As noted and requested by the TAC during the Sketch Plat review, where they are missing, please add 20' front yard U/Es for front-yard utility service as done throughout the balance of the Seven Lakes development (electric and natural gas, at a minimum).
7. Rather than 25'-wide front-yard U/Es as sometimes shown, consider a 20' U/E to provide a 5' buffer area, or the amount necessary to protect the integrity of the foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.
8. Please label street widths.
9. Please reconcile 1.07 versus 1.08 acres discrepancy in Land Summary statistics.
10. Please relocate the 7.5' north/side yard U/E label more appropriately within Lot "6" Block 1.

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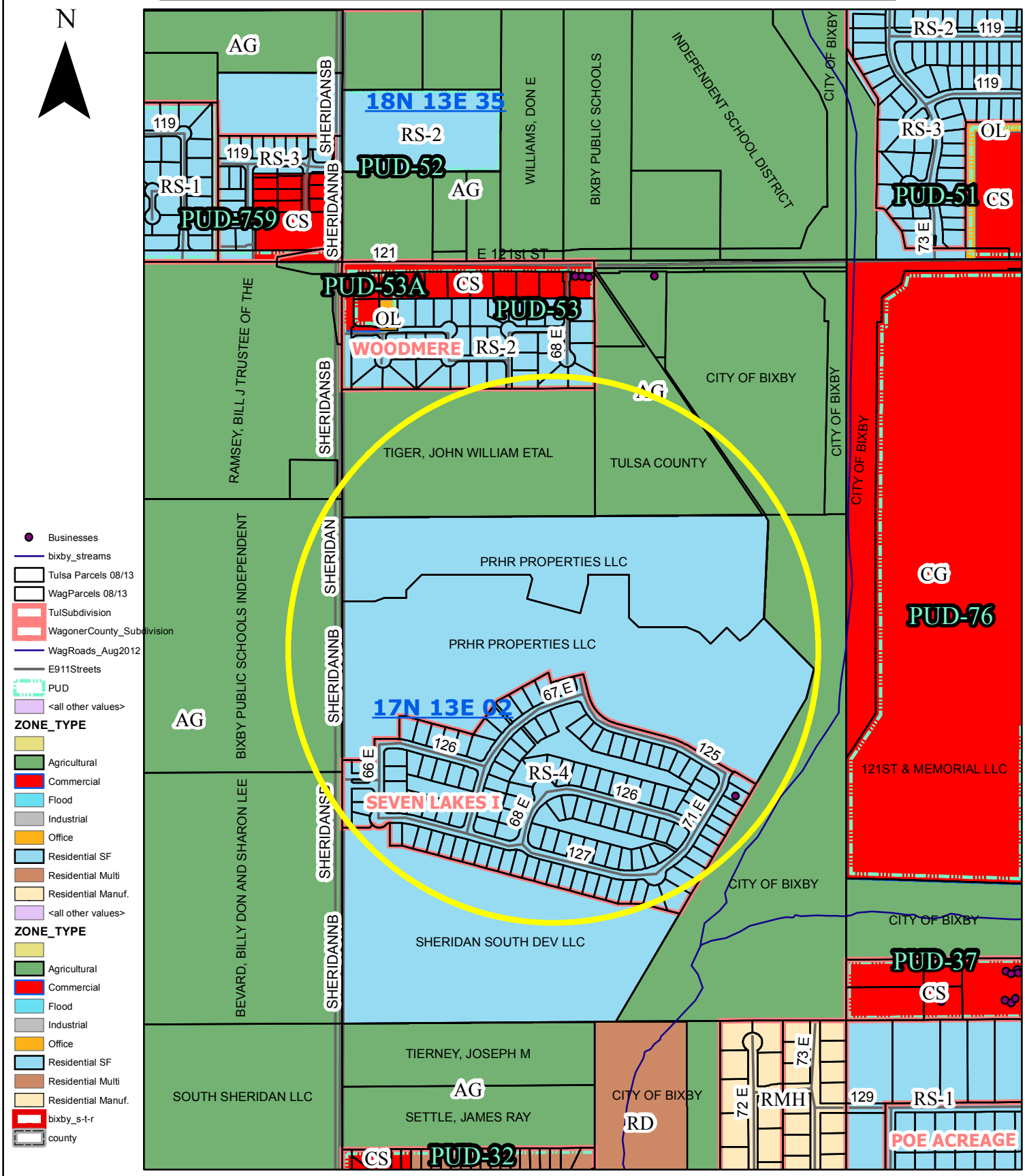
11. Please label the southerly point of tangent/curvature of C55.
12. Please enlarge the westerly point of tangent/curvature of C52 to ensure visibility.
13. Per SRs Section 12-5-3.B, lots in Block 1 should be numbered consecutively starting with "1."
14. Please provide Limits of No Access (LNA) restrictions along the Sheridan Rd. frontage.
15. Please label Sheridan Rd. right-of-way dedication width (50').
16. Please label Sheridan Rd. right-of-way dedication area as "Right-of-way dedicated by this plat," or by similar label with equal effect.
17. Please relocate the Sheridan Rd. / W. Line of NW/4 label more appropriately.
18. Please reorient the angle/bearing label within Lot "7" to be consistent with the balance of the vertically-oriented text used there.
19. Please resolve text/linework conflict at the northeast corner of Lot "6" Block 1.
20. To avoid any future ambiguities, please label "S. 66th E. Ave." also within the street segment located within the plat boundaries.
21. Please label E. 126th St. S. as represented on the face of the plat.
22. To avoid ambiguity, please label the Block numbers in *Seven Lakes I* and proposed "Seven Lakes IV" as represented on the face of the plat.
23. Please add proposed addresses to the lots. A table may be used if needed for map clarity.
24. Deed of Dedication / Restrictive Covenants (DoD/RCs) Preamble: Please resolve 1.07 versus 1.08 acres discrepancy with Land Summary statistics.
25. Title Block: describes both as "an Addition" and "a Subdivision." DoD/RCs Preamble, Surveyor's Certificate, etc. describe as "Subdivision." Please reconcile.
26. DoD/RCs Section I.C.2.: Missing period at end of sentence.
27. DoD/RCs Section I.C.2.: Confirm intended use of term "reported."
28. DoD/RCs Section I.C.4.: Term "agents" has typos.
29. DoD/RCs Section I.C.6: Self-reference to subsection "D," instead of "C" as presumed intended.
30. DoD/RCs Section I.C.6.: Terms "subsection" and "agrees" have typos.
31. DoD/RCs Section I.E.1: Self-reference to subsection "D," instead of "E.1" as presumed intended.
32. DoD/RCs Section II.B and II.C: Describes Reserve Areas not located in this plat. Other plats in this series only list the Reserve Areas located within plat boundaries.
33. DoD/RCs Section V.B: Reference to "Seven Lakes II" instead of "Seven Lakes III," as presumed intended.
34. DoD/RCs Section V.D: Please confirm intended use of date September 9, 2013.
35. DoD/RCs Signature Blocks: Specification of 2013 presumes plat will be recorded within this calendar year. Advisory.
36. Submit release letters from all utility companies serving the addition as per SRs Section 12-2-6.B.
37. Copies of the Sketch Plat of "Seven Lakes III," 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).
38. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

# Preliminary Plat – "Seven Lakes III" – HRAOK, Inc. and Preliminary Plat – "Seven Lakes IV" – HRAOK, Inc.




City of Bixby ~ Planning
Printed 10/31/2013

**City of Bixby**
**Engineering Department**

# Memo

**To:** Erik Enyart, City Planner

**From:** Jared Cottle, PE Jrc

**CC:** Bea Aamodt, PE
File

**Date:** 10/25/13

**Re:** Seven Lakes III
Preliminary Plat

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## General Comments:

1. Utility, Grading, and Drainage Plans have been reviewed and approved. Provided that the Plat incorporates all of the requirements of the construction plans, no additional comments.

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CITY OF BIXBY FIRE CODE ENFORCEMENT

# Memo

To: ERIK, AICP, CITY PLANNER

From: JIM SWEEDEN

Date: 10/28/2013

Re: PRELIMINARY PLAT OF "SEVEN LAKES III"

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.PLANS ARE APPROVED BY THIS OFFICE AS PER CITY OF BIXBY SUBDIVISION REGULATIONS & ENGINEER DESIGN STANDARDS.

NOTE: NEXT SET OF PLANS SHALL SHOW LOCATION OF FIRE HYDRANTS, NOT OVER 600 FEET APART AND LOCATED ON PROPERTY LINES.

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## Land Summary

SUBDIVISION CONTAINS FOUR(4) LOTS IN TWO (2) BLOCKS

SEVEN LAKES III INCLUDES 1.07 ACRES:

| | |
|---|---|
| BLOCK 1 | 3 LOTS |
| BLOCK 2 | 1 LOTS |

SUBDIVISION CONTAINS 1.08 ACRES

## Legend

| | |
|---|---|
| B/L | BUILDING LINE |
| U/E | UTILITY EASEMENT |
| 123 | STREET ADDRESS |

## Monumentation

ALL CORNERS SHOWN HEREON WERE SET USING A 3/8"X 18" STEEL PIN WITH A PLASTIC CAP STAMPED "PLS 1283" AT ALL CORNERS.

## Basis of Bearings

THE BEARING BASE FOR THIS SURVEY IS GRID BEARINGS BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM - NORTH ZONE - NAD83 (1993).

## PROJECT Benchmark

ADS BRASS CAP LOCATED AT THE NORTHWEST CORNER OF SECTION 02, T-17N, R-13E, TULSA COUNTY, OKLAHOMA. ELEV = 611.97 (NAVD 1988)

## Notes

ALL STREET RIGHT-OF-WAY SHALL BE DEDICATED AS PUBLIC STREETS BY THIS PLAT.

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

ALL WATER AND SANITARY SEWER SERVICES WILL BE SUPPLIED AND MAINTAINED BY THE CITY OF BIXBY.

Preliminary Plat

# Seven Lakes III

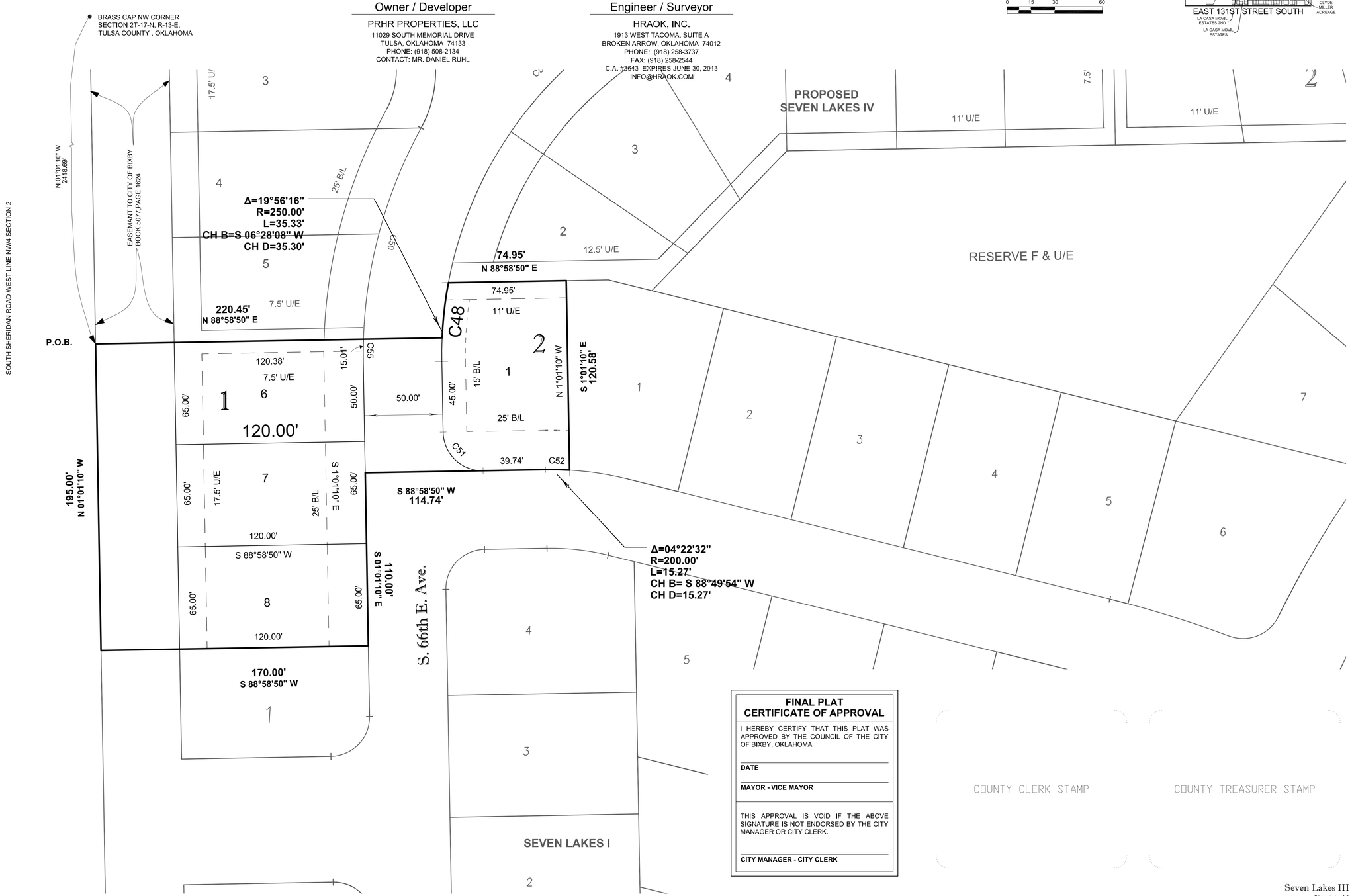
AN ADDITION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, BEING A SUBDIVISION OF A PART OF THE NORTH WEST ONE-QUARTER OF SECTION 02, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN

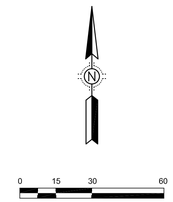

Owner / Developer

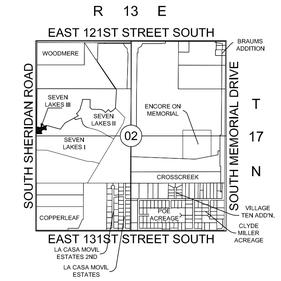
PRHR PROPERTIES, LLC
11029 SOUTH MEMORIAL DRIVE
TULSA, OKLAHOMA 74133
PHONE: (918) 508-2134
CONTACT: MR. DANIEL RUHL

Engineer / Surveyor

HRAOK, INC.
1913 WEST TACOMA, SUITE A
BROKEN ARROW, OKLAHOMA 74012
PHONE: (918) 258-3737
FAX: (918) 258-2544
C.A. #3643 EXPIRES JUNE 30, 2013
INFO@HRAOK.COM


### LOT AREA TABLE

| | LOT NO. | AREA (SF) | | | |
|---|---|---|---|---|---|
| BLOCK 1 | 6 | 7801,88 | BLOCK 2 | 1 | 7800,00 |
| | 7 | 7800,00 | | | |
| | 8 | 7800,00 | | | |

### CURVE TABLE

| NUMBER | DELTA ANGLE | RADIUS | ARC LENGTH |
|---|---|---|---|
| C48 | 11°32'13" | 250.00 | 50.34 |
| C51 | 90°00'00" | 25.00 | 39.27 |
| C52 | 04°22'32" | 200.00 | 15.27 |
| C55 | 02°05'58" | 300.00 | 15.01 |

### FINAL PLAT CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA

DATE

MAYOR - VICE MAYOR

THIS APPROVAL IS VOID IF THE ABOVE SIGNATURE IS NOT ENDORSED BY THE CITY MANAGER OR CITY CLERK.

CITY MANAGER - CITY CLERK

COUNTY CLERK STAMP

COUNTY TREASURER STAMP



Date Prepared: OCTOBER 04, 2013

**SEVEN LAKES III**
DEED OF DEDICATION AND RESTRICTIVE COVENANTS

PRHR PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "OWNER/DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA:

A TRACT OF LAND IN THE NORTHWEST ONE-QUARTER (NW/4) OF SECTION TWO (02), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SEVEN LAKES III

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 02; THENCE S 01°01'10" E ALONG THE WEST LINE OF THE NORTHWEST ONE-QUARTER (NW/4) OF SAID SECTION 02 A DISTANCE OF 2418.69 FEET TO THE POINT OF BEGINNING; THENCE N 88°58'50" E A DISTANCE OF 220.45 FEET TO A POINT AT BEGINNING OF CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 250.000 FEET, A CENTRAL ANGLE OF 08°05'50", A CHORD BEARING OF N 06°28'08" E AND A CHORD LENGTH OF 35.30 FEET; THENCE NORTHERLY AN ARC DISTANCE OF 35.33 FEET; THENCE N 88°58'50" E A DISTANCE OF 74.95 FEET TO A POINT AT THE NORTHWEST CORNER OF LOT 1, BLOCK 6, SEVEN LAKES I, A SUBDIVISION IN THE CITY OF BIXBY, COUNTY OF TULSA, SATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, PLAT NO. 6113; THENCE ALONG THE WEST LINE OF SAID LOT 1, BLOCK 6, S 01°01'10" E A DISTANCE OF 120.58 FEET TO A POINT AT THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 6, SAID POINT BEING AT THE BEGINNING OF CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 04°22'32", A CHORD BEARING OF N 88°49'54" W AND A CHORD LENGTH OF 15.27 FEET; THENCE WESTERLY AN ARC DISTANCE OF 15.27 FEET; THENCE S 88°58'50" W A DISTANCE OF 114.74 FEET; THENCE A S 01°01'10"E A DISTANCE OF 110.00 FEET TO THE NORTHEAST CORNER OF LOT 1 BLOCK 2 OF SEVEN LAKES I; THENCE S 88°58'50" W AND ALONG THE NORTH LINE OF SAID LOT 1 BLOCK 2, A DISTANCE OF 170.00 FEET TO POINT ON WEST LINE OF THE NORTHWEST ONE-QUARTER (NW/4) OF SAID SECTION 2; THENCE A N 01°01'10" W ALONG SAID WEST LINE A DISTANCE OF 195.00 FEET TO THE POINT OF BEGINNING .

SAID TRACT CONTAINS 46,921 SQUARE FEET/ 1.08 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS FOR SAID TRACT ARE BASED ON PLATTED BEARINGS OF N 01°01'10" W ALONG THE WEST LINE OF NORTHWEST CORNER OF SEVEN LAKES I A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6113), FILED IN THE OFFICES OF THE TULSA COUNTY CLERK.

PRHR PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED, GRANTED, DONATED, CONVEYED, DEDICATED, ACCESS RIGHTS RESERVED, AND SUBDIVIDED INTO BLOCKS, LOTS, RESERVE AREAS AND STREETS AND HAS DESIGNATED THE SAME AS "SEVEN LAKES III", A SUBDIVISION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (THE "SUBDIVISION").

**SECTION I - PUBLIC STREETS, EASEMENTS AND UTILITIES**

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS. THE OWNER/DEVELOPER HEREBY GRANTS, DONATES, CONVEYS AND DEDICATES FOR PUBLIC USE THE STREETS AS DEPICTED ON THE ACCOMPANYING PLAT AND FURTHER DEDICATES 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, OVER AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, OWNER/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. OWNER/DEVELOPER HEREBY 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 STREETS AND UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF A STREET OR EASEMENT 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.

B. UNDERGROUND SERVICE

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

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

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

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

5. THE COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE SUPPLIERS OF WATER, SEWER, ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF EACH LOT WITHIN THE SUBDIVISION AGREES TO BE BOUND HEREBY.

C. GAS SERVICE

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON THE LOT.
2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY, WHICH MAY INTERFERE WITH THE UNDERGROUND GAS FACULTIES, SHALL BE REPORTED
3. UNDERGROUND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN TO THE POINT OF USA.G.E DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURES MAY BR LOCATED UPON THE LOT, PROVIDED THAT UPON THE INSTALLATION OF A SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE LINE, EXTENDING FROM THE GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE
4. THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE GAS FACILITIES BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE LOT, HIS A.G.ENTS OR CONTRACTORS.
5. THE SUPPLIER OF GAS OR ITS SUCCESSORS AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT-WAYS DEPICTED ON THE PLAT OR OTHERWISE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND GAS FACILITIES.
6. THE FOREGOING COVENANTS SET FORTH IN THIS SUBJECTION D SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS AND THE OWNER OF THE LOT A.G.RESS TO BE BOUND HEREBY.

D. WATER AND SANITARY SEWER SERVICE

1. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS AND PUBLIC SANITARY SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID PUBLIC WATER MAIN OR PUBLIC SANITARY SEWER. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN OR SANITARY SEWER, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER AND SANITARY SEWER, SHALL BE PROHIBITED.

2. THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, OR PUBLIC SANITARY SEWER MAINS, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR SUCH OWNER'S AGENTS OR CONTRACTORS.

3. THE CITY OF BIXBY OR ITS SUCCESSORS THROUGH ITS PROPER AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL SUCH EASEMENT WAYS SHOWN ON SAID PLAT OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF SAID UNDERGROUND WATER AND SEWER FACILITIES.
4. ALL WATER AND SANITARY SEWER LINES SHALL BE MAINTAINED IN GOOD REPAIR BY THE UTILITY CONTRACTOR FOR THE TERM OF AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE MAINTENANCE BOND OF WHICH THE CITY OF BIXBY IS THE BENEFICIARY. IF ANY REPAIR ISSUES ARISE, THE DEVELOPER SHALL ASSIST THE CITY OF BIXBY IN COORDINATION AND FACILITATION WITH THE APPROPRIATE CONTRACTOR.

5. THE FOREGOING COVENANTS CONCERNING WATER AND SEWER FACILITIES SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

E. SURFACE DRAINAGE

1. EACH LOT WITHIN THE SUBDIVISION SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM PUBLIC STREETS AND EASEMENTS. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS HIS LOT. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION D SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER, THE HOMEOWNERS' ASSOCIATION DEFINED HEREINAFTER IN SECTION IV (THE "ASSOCIATION") AND BY THE CITY OF BIXBY, OKLAHOMA.

F. PAVING AND LANDSCAPING WITHIN EASEMENTS

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

G. STORM SEWER

1. THE CITY OF BIXBY, OR ITS SUCCESSORS, THROUGH ITS PROPER AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL UTILITY EASEMENTS SHOWN ON THE ACCOMPANYING PLAT FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND STORM SEWER SYSTEM.

2. NO PERMANENT FENCE, PERMANENT WALL, PERMANENT BUILDING, OR PERMANENT STRUCTURE WHICH WOULD CAUSE AN OBSTRUCTION SHALL BE PLACED OR MAINTAINED IN THE UTILITY EASEMENT AREAS, AND ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE STORM SEWER SYSTEM IS PROHIBITED.

3. THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE PUBLIC STORM SEWER SYSTEM, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH SYSTEM CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF EACH LOT OR ITS AGENTS OR CONTRACTORS.

4. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE STORM SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID STORM SEWER FACILITIES. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF STORM SEWER FACILITIES, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH SUCH STORM SEWER FACILITIES, IS PROHIBITED WITHOUT THE CONSENT OF THE CITY OF BIXBY.

5. THE FOREGOING COVENANTS CONCERNING UTILITY EASEMENTS AND THE PUBLIC STORM SEWER SYSTEM SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OR ITS SUCCESSOR, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

**SECTION II - LAND USE RESTRICTIONS**

A. USE OF LAND. ALL LOTS WITHIN THE SUBDIVISION SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS AND SHALL BE USED SOLELY FOR SINGLE FAMILY RESIDENCES, SINGLE FAMILY PURPOSES AND ONE (1) COMMUNITY SWIMMING POOL. ALL ELSE HEREIN NOTWITHSTANDING, ANY LOT OWNED OR DESIGNATED BY OWNER/DEVELOPER MAY BE USED FOR MODEL HOMES OR REAL ESTATE OFFICES UNTIL RESIDENCES HAVE BEEN CONSTRUCTED ON ALL LOTS.

B. RESERVE "F"

1. RESERVE "F" IS HEREBY ESTABLISHED FOR GREEN BELT ACCESS FOR SUBSEQUENT CONVEYANCE TO THE ASSOCIATION. RESERVE "C" IS ALSO DEDICATED AS A GENERAL UTILITY EASEMENT.

2. STORM SEWER AND DRAINAGE FACILITIES CONSTRUCTED IN RESERVE EASEMENTS SHALL BE IN ACCORDANCE WITH ADOPTED STANDARDS OF THE CITY OF BIXBY AND PLANS AND SPECIFICATIONS APPROVED BY THE CITY ENGINEER OF THE CITY OF BIXBY.

3. NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN THE RESERVE EASEMENT AREAS, NOR SHALL THERE BY ANY ALTERATION OF THE GRADES OR CONTOURS IN SUCH EASEMENT AREAS UNLESS APPROVED BY THE CITY ENGINEER OF THE CITY OF BIXBY; PROVIDED, HOWEVER, THAT THE PLANTING OF TURF OR SINGLE TRUNK TREES HAVING A CALIPER OF NOT MORE THAN TWO AND ONE-HALF (2-1/2) INCHES SHALL NOT REQUIRE THE APPROVAL OF THE CITY ENGINEER OF BIXBY.

4. THE DRAINAGE FACILITIES LOCATED IN RESERVES SHALL BE MAINTAINED BY THE ASSOCIATION IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

(1. THE RESERVE AREAS SHALL BE KEPT FREE OF SILT, OBSTRUCTION AND DEBRIS;

(2. THE RESERVE AREAS SHALL BE MOWED DURING THE GROWING SEASON AT INTERVALS NOT EXCEEDING TWO (2) WEEKS;

(3. CONCRETE APPURTENANCES, IF ANY, SHALL BE MAINTAINED IN GOOD AND WORKING CONDITION;

AND IN THE EVENT THE ASSOCIATION SHOULD FAIL TO PROPERLY MAINTAIN THE RESERVE AREAS AND FACILITIES THERE SITUATED THE CITY OF BIXBY, OR ITS DESIGNATED CONTRACTOR, MAY ENTER THE RESERVE AREAS AND PERFORM MAINTENANCE NECESSARY TO THE ACHIEVEMENT OF THE INTENDED DRAINAGE FUNCTIONS, AND THE COST THEREOF SHALL BE PAID BY THE ASSOCIATION. AT LEAST 15 DAYS PRIOR TO ITS ENTRY TO PERFORM SUCH MAINTENANCE, THE CITY OF BIXBY SHALL PROVIDE NOTICE ADDRESSED TO THE REGISTERED AGENT OF THAT ASSOCIATION OF ITS INTENTION TO PERFORM SUCH MAINTENANCE.

5. IN THE EVENT THE ASSOCIATION FAILS TO PAY THE COST OF LAND MAINTENANCE PERFORMED BY THE CITY OF BIXBY AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COST, THE CITY OF BIXBY MAY FILE OF RECORD A COPY OF THE STATEMENT OF COST, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH OF THE LOTS WITHIN THE SUBDIVISION: PROVIDED, HOWEVER, THE LIEN AGAINST EACH LOT SHALL NOT EXCEED ITS PROPORTIONATE SHARE, BASED ON THE TOTAL NUMBER OF LOTS IN THE ASSOCIATION, OF THE ASSOCIATION'S COST OF MAINTENANCE.

C. RESERVE "F" SHALL ONLY BE USED FOR DRAINAGE FACILITIES AND UTILITY EASEMENT AND SHALL NOT BE USED FOR RECREATION.

D. SETBACKS

1. STREET SETBACK. NO BUILDING OR ACCESSORY STRUCTURE SHALL BE ERECTED NEARER TO A PUBLIC STREET THAN THE BUILDING SETBACK LINES DEPICTED ON THE ACCOMPANYING PLAT.

2. SIDE YARD. EACH LOT SHALL MAINTAIN SIDE YARDS WHICH IN THE AGGREGATE ARE NOT LESS THAN 10 FEET IN WIDTH AND NO SIDE YARD SHALL BE LESS THAN FIVE (5) FEET IN WIDTH. SIDE YARDS ABUTTING A STREET SHALL NOT BE LESS THAN 15 FEET, UNLESS THE GARAGE ENTRY IS LOCATED ON SUCH SIDE, WHERE IT WILL BE NO LESS THAN 20 FEET.

3. REAR YARD. THE MINIMUM REAR YARD SETBACK SHALL BE 20 FEET. CUSTOMARY ACCESSORY STRUCTURES MAY BE LOCATED WITHIN THE REQUIRED REAR YARD SET BACK AREA, BUT NO BUILDING SHALL BE ERECTED NEARER THAN 5 FEET TO ANY LOT LINE.

4. EASEMENT SETBACKS. NO BUILDING, WHETHER PRINCIPAL OR ACCESSORY, SHALL ENCROACH UPON ANY UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT.

F. BUILDING HEIGHT. NO BUILDING SHALL EXCEED 3 STORIES OR 48 FEET IN HEIGHT.

**SECTION III - PRIVATE BUILDING AND USE RESTRICTIONS**

WHEREAS, THE OWNER/DEVELOPER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND FOR THE CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN.

THEREFORE, THE OWNER/DEVELOPER HEREBY IMPOSES THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND, AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, EACH LOT OWNER AND THEIR SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. ARCHITECTURAL COMMITTEE - PLAN REVIEW

1. AN ARCHITECTURAL COMMITTEE IS HEREBY FORMED AND SHALL APPROVE ALL PLANS FOR ANY STRUCTURE TO BE BUILT ON ANY LOT AND SHALL ALSO BE RESPONSIBLE FOR INTERPRETING THE DEVELOPMENT AND CONSTRUCTION STANDARDS CONTAINED IN THIS SUBSECTION. THE ARCHITECTURAL COMMITTEE SHALL CONSIST OF NOT LESS THAN ONE (1) NOR MORE THAN THREE (3) MEMBERS TO BE APPOINTED BY OWNER/DEVELOPER UNTIL RESIDENCES HAVE BEEN CONSTRUCTED ON ALL LOTS IN THE SUBDIVISION; AND, THEREAFTER, THE MEMBERS OF THE ARCHITECTURAL COMMITTEE SHALL BE APPOINTED BY THE ASSOCIATION, PROVIDED, HOWEVER, THAT OWNER/DEVELOPER MAY AT ANY TIME, IN ITS SOLE DISCRETION, ASSIGN AND TRANSFER THE RESPONSIBILITY FOR THE APPOINTMENT OF THE ARCHITECTURAL COMMITTEE TO THE ASSOCIATION.

2. NO BUILDING, FENCE, WALL OR FREE STANDING MAILBOX SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT IN THE SUBDIVISION UNTIL THE PLANS AND SPECIFICATIONS THEREFORE HAVE BEEN APPROVED IN WRITING BY THE ARCHITECTURAL COMMITTEE. FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND SHALL INCLUDE A SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE OF SUCH PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN 20 DAYS AFTER SUBMISSION, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.

3. THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITHIN THE SUBDIVISION AND IN ITS REVIEW OF PLANS OR DETERMINATION OF ANY WAIVER AS HEREINAFTER AUTHORIZED MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING, STRUCTURE OR ALTERATION, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HEREUNDER AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR RECOMMENDATION OF BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR BUILDING CODE COMPLIANCE. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION.

B. FLOOR AREA OF DWELLING

1. SINGLE STORY. A SINGLE STORY DWELLING SHALL HAVE AT LEAST 2,200 SQUARE FEET OF FINISHED HEATED LIVING AREAS.

2. TWO STORY AND THREE STORY. IF A DWELLING HAS TWO LEVELS OR STORIES IMMEDIATELY ABOVE AND BELOW EACH OTHER MEASURED VERTICALLY AND ALL SUCH LEVELS OR STORIES ARE ABOVE THE FINISHED EXTERIOR GRADE OF SUCH DWELLING, THEN SUCH DWELLING SHALL HAVE AT LEAST 1,800 SQUARE FEET OF FINISHED HEATED LIVING AREA ON THE FIRST STORY OR LEVEL AND SHALL HAVE A TOTAL OF THE VARIOUS LEVELS OR STORIES OF AT LEAST 2,400 SQUARE FEET OF FINISHED HEATED LIVING AREA.

3. COMPUTATION OF LIVING AREA. THE COMPUTATION OF LIVING AREA SHALL NOT INCLUDE ANY BASEMENT, GARAGE, OR ATTIC AREA USED FOR STORAGE. ALL LIVING AREA MEASUREMENTS SHALL BE TAKEN HORIZONTALLY AT THE TOP PLATE LEVEL TO THE FACE OF THE OUTSIDE WALL. REQUIRED LIVING AREA MUST AVERAGE AT LEAST SEVEN (7) FEET SIX (6) INCHES IN HEIGHT, EXCEPT THAT IN THE COMPUTATION OF SECOND OR UPPER STORY LIVING AREA, THE HEIGHT SHALL BE SEVEN (7) FEET SIX (6) INCHES FOR AT LEAST ONE HALF (1/2) OF THE REQUIRED LIVING AREA, AND ANY AREA OF LESS THAN FIVE (5) FEET IN HEIGHT SHALL BE EXCLUDED.

4. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FLOOR AREA REQUIREMENTS SET OUT IN PARAGRAPH 1 AND 2 OF THIS SUBSECTION B.

C. GARAGES. EACH DWELLING SHALL HAVE AN ATTACHED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES ON EACH LOT. GARAGES SHALL BE ENCLOSED AND CARPORTS ARE PROHIBITED. GLASS IN GARAGE DOORS IS PROHIBITED.

D. FOUNDATIONS. ANY EXPOSED FOUNDATION SHALL BE OF BRICK, STONE OR STUCCO. NO STEM WALL SHALL BE EXPOSED.

E. MASONRY

1. THE FIRST STORY EXTERIOR WALLS OF THE DWELLING ERECTED ON ANY LOT SHALL BE 100% BRICK, STONE, OR STUCCO (EXCLUDING WINDOWS AND DOORS). AT THE DISCRETION OF THE ARCHITECTURAL COMMITTEE, THE 100% REQUIRED MASONRY MAY BE WAIVED FOR PORCHES AND PATIOS.

2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE REQUIREMENTS SET OUT IN PARAGRAPHS 1 OF THIS SUBSECTION E.

F. SEASONAL DECORATIONS. ALL SEASONAL DECORATIONS SHALL BE REMOVED NO LATER THAN THIRTY (30) CALENDAR DAYS FROM THE DAY OF THE ACTUAL HOLIDAY.

G. GARAGE SALES/YARD SALES. GARAGE SALES/YARD SALES WILL BE ALLOWED TWICE EACH CALENDAR YEAR. THE DATES THEREOF SHALL BE SET BY THE BOARD OF DIRECTORS OF THE ASSOCIATION.

H. WINDOWS. ALUMINUM WINDOWS HAVING A MILL FINISH ARE PROHIBITED.

I. ROOF PITCH

1. NO DWELLING SHALL HAVE A ROOF PITCH OF LESS THAN 6/12 OVER 75% OF THE HORIZONTAL AREA COVERED BY ROOF AND NO ROOF SHALL HAVE A PITCH OF LESS THAN 3/12.

2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTIONS TO PERMIT A DWELLING HAVING A FLAT ROOF OVER MORE THAN 25% OF THE HORIZONTAL AREA COVERED BY ROOF.

J. ROOFING MATERIALS. ROOFING SHALL BE SELF-SEALING COMPOSITION ROOFING SHINGLES (NOT LESS THAN 230-LB 30 YEAR AND WEATHERED WOOD IN COLOR), PROVIDED HOWEVER, IN THE EVENT THAT SUCH ROOFING SHOULD HEREINAFTER NOT BE REASONABLY AVAILABLE, ALTERNATIVE ROOFING OF COMPARABLE QUALITY SHALL BE PERMITTED UPON THE DETERMINATION OF THE ARCHITECTURAL COMMITTEE THAT THE PROPOSED ALTERNATIVE IS OF COMPARABLE OR BETTER QUALITY AND OF A DESIGN AND COLOR WHICH IS COMPATIBLE WITH THE ROOFING FIRST ABOVE DESCRIBED.

K. ROOFTOP PROTRUSIONS. METAL ROOFTOP PROTRUSIONS ON THE RESIDENCE SHALL BE PAINTED TO MATCH THE ROOF COLOR SELECTIONS (WEATHERED WOOD).

L. ON-SITE CONSTRUCTION. NO EXISTING OR OFF-SITE BUILT STRUCTURE SHALL BE MOVED ONTO OR PLACED ON ANY LOT.

M. OUTBUILDINGS

1. OUTBUILDINGS ARE PROHIBITED.

2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.

N. SWIMMING POOLS. ABOVE GROUND SWIMMING POOLS ARE PROHIBITED.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O. FENCING

1. ALL FENCING SHALL BE IN ACCORDANCE WITH THE CITY OF BIXBY ZONING CODE. INTERIOR FENCING OR WALLS SHALL NOT EXTEND BEYOND THE BUILDING LINES OF THE LOT AND, IF A DWELLING IS BUILT BEHIND THE FRONT BUILDING LINE OF A LOT, NO FENCE MAY EXTEND BEYOND THE POINT NEAREST THE STREET AT EACH END CORNER OF THE DWELLING, PROVIDED HOWEVER, ON CORNER LOTS FENCING MAY EXTEND TO THE SIDE YARD LOT LINE. EXCEPT AS SPECIFIED IN SECTION III, SUBSECTION P.2 IMMEDIATELY BELOW (I) ALL FENCING SHALL BE 6' PRIVACY CONSTRUCTED OF STANDARD WOOD, AND (II) CHAIN LINK, BARBED WIRE, MESH AND OTHER METAL FENCING SHALL BE PROHIBITED. NO FENCE SHALL EXCEED 6 FEET IN HEIGHT. FENCES FACING THE STREET AND INSTALLED IN SIDE YARDS BETWEEN DWELLINGS SHALL BE ALIGNED WITH EXISTING FENCES ON ADJOINING LOTS WHERE POSSIBLE. THE GOOD SIDE OF EVERY FENCE SHALL FACE THE STREET. OTHER TYPES OF FENCING CONSTRUCTED OF WROUGHT IRON, BRICK, OR STONE MAY BE PERMITTED IF PRE-APPROVED BY THE ARCHITECTURAL COMMITTEE. VINYL COATED CHAIN LINK FENCE, WITH WOODED POST AND TOP RAIL IS RESTRICTED TO RESERVE AREAS ONLY.

2. WITH RESPECT TO LOTS WHICH ARE CONTIGUOUS WITH LAKES OR PONDS IN RESERVE AREAS, THE SIDE YARD FENCES SHALL BE TAPERED IN HEIGHT TO FOUR FEET (4') WITHIN THIRTY FEET (30') OF THE PERIMETER FENCING FACING THE LAKE AREA AND WITHIN SAID 30' AREA SHALL BE OF THE SAME SPECIFICATIONS AS THE PERIMETER FENCING DESCRIBED BELOW. PERIMETER FENCING SHALL BE REQUIRED ALONG AND PARALLEL TO THE COMMON BOUNDARY OF ALL LOTS WITH THE RESERVE AREAS WITH LAKES. SAID PERIMETER FENCING SHALL BE CONSTRUCTED OF VINYL COATED CHAIN LINK RESIDENTIAL GRADE MATERIAL WITH WOODEN TOP RAILS AND POSTS. SUCH PERIMETER FENCING SHALL BE FOUR FEET (4') IN HEIGHT AND UNIFORM IN HEIGHT, DESIGN AND MATERIAL.

P. ANTENNAS

1. EXTERIOR TELEVISION, "CB" RADIO OR OTHER ANTENNA INCLUDING SATELLITE DISHES SHALL BE PROHIBITED WITH THE FOLLOWING EXCEPTION. SMALL SATELLITE DISHES WHICH DO NOT EXCEED 20" IN DIAMETER SHALL BE ALLOWED SO LONG AS THE DISH IS INSTALLED ON THE BACK OF THE DWELLING AND IS NOT VISIBLE FROM ANY STREET WITHIN THE SUBDIVISION.

2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.

Q. LANDSCAPING AND LOT MAINTENANCE

1. EACH LOT OWNER SHALL SOD THE YARD OF A LOT AT THE TIME OF CONSTRUCTION OF A RESIDENCE THEREON. AT THE TIME OF SUCH CONSTRUCTION, THE LOT OWNER SHALL INSTALL A MINIMUM EQUIVALENT WORTH OF $500.0 OF LANDSCAPING MATERIALS (TREES, SHRUBS, GROUND COVER, ETC.) EXCLUSIVE OF SODDING.

2. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION FREE OF RUBBISH, TRASH AND OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOWED TO PREVENT GROWTH OF WEEDS OR TALL GRASS.

3. NO LUMBER, METALS, BULK MATERIALS, REFUSE OR TRASH SHALL BE KEPT, STORED OR ALLOWED TO ACCUMULATE ON ANY LOT OR ON THE RESERVE AREA, EXCEPT THAT BUILDING MATERIALS MAY BE STORED ON A LOT DURING THE COURSE OF CONSTRUCTION OF ANY APPROVED STRUCTURE. IF TRASH OR OTHER REFUSE IS TO BE DISPOSED OF BY BEING PICKED UP AND CARRIED AWAY ON A REGULAR AND RECURRING BASIS, CONTAINERS MAY BE PLACED IN THE OPEN ON ANY DAY THAT A PICKUP IS TO BE MADE, AT SUCH PLACE ON THE LOT SO AS TO PROVIDE ACCESS TO PERSONS MAKING SUCH PICKUP. AT ALL OTHER TIMES, SUCH CONTAINERS SHALL BE STORED IN SUCH A MANNER SO THAT THEY CANNOT BE SEEN FROM ADJACENT AND SURROUNDING PROPERTY. THE ARCHITECTURAL COMMITTEE, IN ITS DISCRETION, MAY ADOPT AND PROMULGATE REASONABLE RULES AND REGULATIONS RELATING TO THE SIZE, SHAPE, COLOR AND TYPE OF CONTAINERS PERMITTED AND THE MANNER OF STORAGE OF THE SAME.

R. RECREATIONAL VEHICLES AND BOATS. BOATS, TRAILERS, CAMPERS, MOTOR HOMES AND SIMILAR RECREATIONAL VEHICLES AND EQUIPMENT SHALL NOT BE STORED ON ANY LOT FOR A PERIOD OF IN EXCESS OF 48 HOURS PER WEEK IF IT IS WITHIN VIEW FROM ADJOINING PROPERTY OWNERS OR THE STREET.

S. INOPERATIVE VEHICLES. NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT EXCEPT WITHIN AN ENCLOSED GARAGE. NO MAINTENANCE OR REPAIRS TO VEHICLES, BOATS, MOTOR HOMES OR RECREATIONAL VEHICLES SHALL BE PERFORMED, EXCEPT IN AN ENCLOSED GARAGE.

T. CLOTHESLINES. EXPOSED CLOTHESLINE POLES OR OTHER OUTSIDE DRYING APPARATUS ARE PROHIBITED.

U. TRASH CONTAINERS. TRASH CONTAINERS, EXCEPT DURING PERIODS OF COLLECTION, AND WITHIN TWELVE (12) HOURS OF COLLECTION, SHALL BE STORED OUT OF VIEW FROM ABUTTING STREETS. NO EXPOSED GARBAGE CANS, TRASH CAN OR ANY TRASH BURNING APPARATUS OR STRUCTURE SHALL BE PLACED ON ANY LOT.

V. MAILBOXES. AS LONG AS A RURAL TYPE MAILBOX IS IN USE IN THE SUBDIVISION FOR UNITED STATES POSTAL SERVICE, ALL MAILBOX PEDESTALS SHALL CONFORM IN DESIGN TO SPECIFICATIONS FOR THE SUBDIVISION TO BE ESTABLISHED BY THE ARCHITECTURAL COMMITTEE. ALL MAILBOXES SHALL BE POSITIONED SO THAT THE FRONT FACE IS APPROXIMATELY 6 INCHES IN FROM THE BASE OF THE CURB AND 6 FEET FROM THE "INSIDE EDGE" OF THE DRIVEWAY. "INSIDE EDGE" SHALL MEAN THE EDGE OF THE DRIVEWAY WHICH BORDERS THE LARGEST CONTINUOUS LOT AREA. THE TOP OF THE MAILBOX SHALL BE 42 INCHES FROM STREET LEVEL

W. ANIMALS. NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED, BRED, SOLD OR KEPT IN THE SUBDIVISION, EXCEPT THAT TWO DOGS, TWO CATS OR OTHER HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT USED FOR COMMERCIAL PURPOSES.

X. NOXIOUS ACTIVITY. NO ACTIVITY OF A NOXIOUS OR OFFENSIVE NATURE SHALL BE CARRIED OUT OR ALLOWED BY ANY RESIDENT FOR ANY PURPOSE UPON ANY LOT, NOR SHALL ANY COMMERCIAL OR TRADE ACTIVITY TAKE PLACE OR BE ALLOWED THEREON THAT MIGHT BE OR MIGHT BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

Y. SIGNAGE. NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE SIGN OF NOT MORE THAN 6 SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT OR SIGNS USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD; EXCEPT, HOWEVER, OWNER/DEVELOPER MAY MAINTAIN SIGNS OF ANY SIZE ON RESERVE AREAS AND ON LOTS OWNED BY IT SO LONG AS IT OWNS A LOT IN THE SUBDIVISION.

Z. MATERIALS AND STORAGE. NO LOT SHALL BE USED FOR THE STORAGE OF MATERIALS FOR A PERIOD OF GREATER THAN 30 DAYS PRIOR TO THE START OF CONSTRUCTION AND ALL CONSTRUCTION SHALL BE COMPLETED WITHIN 9 MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION. READY MIX CONCRETE TRUCKS SHALL WASH OUT ONLY ON THE PROPERTY ON WHICH THE CONCRETE IS BEING DELIVERED. PROPERTY OWNERS SHALL BE RESPONSIBLE FOR ASSURING THAT CONCRETE DELIVERED TO THEIR LOT STAYS ON THEIR LOT AND SHALL BE RESPONSIBLE FOR CLEANUP IF CONCRETE DELIVERED TO A LOT IS SPILLED OR WASHED ONTO STREETS OR OTHER LOTS.

AA. TEMPORARY TRASH RECEPTACLE. A TEMPORARY TRASH RECEPTACLE IS REQUIRED ON EACH LOT DURING THE CONSTRUCTION OF ANY DWELLING IN THE SUBDIVISION. THE TEMPORARY TRASH RECEPTACLE SHALL BE MAINTAINED BY THE LOT OWNER AND SHALL BE EMPTIED ON A REGULAR BASIS OR AS NEEDED.

AB. BASKETBALL GOAL. NO BASKETBALL GOAL OR STRUCTURES ARE ALLOWED IN THE STREET RIGHTS OF WAY.

**SECTION IV - HOMEOWNERS' ASSOCIATION**

A. FORMATION OF HOMEOWNERS' ASSOCIATION. THE OWNER/DEVELOPER HAS FORMED OR SHALL CAUSE THE SEVEN LAKES HOMEOWNERS' ASSOCIATION, INC. (THE "ASSOCIATION"), A NON-PROFIT CORPORATE ENTITY TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA. THE ASSOCIATION SHALL BE FORMED FOR THE GENERAL PURPOSES OF MAINTAINING THE COMMON AREAS, RESERVES AREAS, LANDSCAPING, FENCING AND FOR THE PURPOSE OF ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF THE SUBDIVISION.

B. MEMBERSHIP. EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST IN A LOT IN THE SUBDIVISION SHALL BE A MEMBER OF THE ASSOCIATION AND MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. THE ACCEPTANCE OF A DEED TO A LOT SHALL CONSTITUTE ACCEPTANCE OF MEMBERSHIP TO THE ASSOCIATION AS OF THE DATE OF INCORPORATION, OR AS OF THE DATE OF RECORDING OF THE DEED, WHICHEVER OCCURS LAST. THE ASSOCIATION SHALL ALSO INCLUDE THE RECORD OWNERS OF LOTS IN THE OTHER PHASES OF SEVEN LAKES TO BE CONTIGUOUS TO THE SUBDIVISION. OWNER/DEVELOPER OR ITS AFFILIATE MAY, BY DESIGNATION OF THE ASSOCIATION IN THE PLATS, DEEDS OF DEDICATION AND COVENANTS OF OTHER PHASES OF SEVEN LAKES AS THE OPERATIVE HOMEOWNERS ASSOCIATION FOR SUCH ADDITIONS, EFFECT THE INCLUSION OF ALL OF THE LOT OWNERS IN SUCH ADDITIONS AS MEMBERS OF THE ASSOCIATION.

C. COVENANT FOR ASSESSMENTS. THE OWNER/DEVELOPER AND EACH SUBSEQUENT OWNER OF A LOT, BY ACCEPTANCE OF A DEED THEREFOR, COVENANTS AND AGREES TO PAY TO THE ASSOCIATION ASSESSMENTS TO BE ESTABLISHED BY THE ASSOCIATION IN ACCORDANCE WITH A DECLARATION TO BE EXECUTED AND RECORDED BY THE OWNER/DEVELOPER PRIOR TO THE CONVEYANCE OF A LOT WITHIN THE SUBDIVISION. ALL ASSESSMENTS SHALL BE A LIEN UPON THE LOT(S) AGAINST WHICH IT IS MADE, BUT THE LIEN SHALL BE SUBORDINATE TO THE LIEN OF ANY FIRST MORTGAGE.

D. ENFORCEMENT RIGHTS OF THE ASSOCIATION. WITHOUT LIMITATION OF SUCH OTHER POWERS AND RIGHTS AS THE ASSOCIATION MAY HAVE, THE ASSOCIATION SHALL BE A BENEFICIARY, TO THE SAME EXTENT AS A LOT OWNER, OF THE VARIOUS COVENANTS SET FORTH WITHIN THIS DEED OF DEDICATION AND SHALL HAVE THE RIGHT TO ENFORCE THE COVENANTS TO THE SAME EXTENT AS A LOT OWNER.

**SECTION V - ENFORCEMENT, DURATION, AMENDMENT & SEVERABILITY**

A. ENFORCEMENT AND DURATION. THE RESTRICTIONS HEREIN SET FORTH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS GRANTEES, TRANSFEREES, SUCCESSORS AND ASSIGNS AND ALL PARTIES CLAIMING UNDER IT FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE OF RECORDING OF THIS DEED OF DEDICATION, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS AMENDED OR TERMINATED AS HEREAFTER PROVIDED. IF ANY LOT OWNER SHALL VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR THE CITY OF BIXBY OR ANY PERSONS OWNING A LOT WITHIN THE SUBDIVISION TO MAINTAIN AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT(S) TO PREVENT HIM/HER OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT(S) OR TO RECOVER DAMAGES FOR SUCH VIOLATION(S).

B. AMENDMENT. THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LOT OR LOTS TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS WITH THE APPROVAL OF THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION II, LAND USE RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, AND BY THE OWNERS OF MORE THAN 75% OF THE LOTS WITHIN THE SUBDIVISION. THE COVENANTS WITHIN SECTION III, PRIVATE BUILDING AND USE RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER/DEVELOPER DURING SUCH PERIOD THAT THE OWNER/DEVELOPER IS THE RECORD OWNER OF AT LEAST ONE (1) LOT WITHIN SEVEN LAKES II OR ALTERNATIVELY, THE COVENANTS WITHIN SECTION III, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF MORE THAN 75% OF THE LOTS WITHIN THE SUBDIVISION, PROVIDED HOWEVER IN THE EVENT OF A CONFLICT OF AMENDING OR TERMINATING INSTRUMENTS, THE INSTRUMENT EXECUTED BY THE OWNER/DEVELOPER SHALL GOVERN. THE PROVISIONS OF ANY SUCH INSTRUMENT AMENDING OR TERMINATING COVENANTS SHALL BE EFFECTIVE FROM AND AFTER THE DATE THE INSTRUMENT IS PROPERLY RECORDED.

C. SEVERABILITY. THESE RESTRICTIVE COVENANTS, TOGETHER WITH THE OTHER DOCUMENTS INCORPORATED HEREIN BY REFERENCE, SHALL BE CONSTRUED AS AN ENTITY AND THE PERTINENT SECTIONS OF ALL INSTRUMENTS AS A WHOLE. THE INVALIDITY OF ANY PHASE, CLAUSE OR PROVISIONS HEREIN CONTAINED SHALL NOT RENDER THE BALANCE OF THIS INSTRUMENT VOID, OR UNENFORCEABLE, AND THE SAME SHALL BE THEREAFTER CONSTRUED AS IF SUCH PHRASE, CLAUSE OR PROVISION WERE NOT HEREIN CONTAINED, OR TO OTHERWISE GIVE MAXIMUM EFFECT TO THE INTENT OF THE OWNER/DEVELOPER. THE FAILURE OF THE OWNER/DEVELOPER OR ANY SUCCESSOR IN TITLE, TO ENFORCE ANY RESTRICTION, COVENANT, OR CONDITION AT ANY TIME, OR FROM TIME TO TIME, SHALL NOT BE DEEMED TO BE A WAIVER OR RELINQUISHMENT OF ANY RIGHT OR REMEDY NOR A MODIFICATION OF THESE RESTRICTIONS, COVENANTS OR CONDITIONS.

D. DEFINITIONS. IN THE EVENT OF AMBIGUITY OF ANY WORD OR TERM SET FORTH HEREIN, THE MEANING THEREOF SHALL BE DEEMED TO BE DEFINED AS SET FORTH WITHIN THE CITY OF BIXBY ZONING CODE AS THE SAME EXISTED ON SEPTEMBER 9, 2013 OR AS SUBSEQUENTLY AMENDED.

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

_____
DANIEL RHUL, MANAGER
PRHR PROPERTIES, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

STATE OF OKLAHOMA )
) SS.
COUNTY OF TULSA )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2013, BY THE ABOVE MANAGER OF PRHR PROPERTIES, LLC.

_____
NOTARY PUBLIC
MY COMMISSION EXPIRES:
MY COMMISSION NUMBER IS:

CERTIFICATE OF SURVEY

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

_____
ALAN C. HALL
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1283

STATE OF OKLAHOMA )
)SS.
COUNTY OF TULSA )

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2013, BY ALAN C. HALL.

_____

NOTARY PUBLIC : GLORIA J. SHOWMAN
MY COMMISSION EXPIRES: AUGUST 26, 2017
MY COMMISSION NUMBER IS 13007902

_____

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, November 14, 2013

**RE:** Report and Recommendations for:
Preliminary Plat of "Seven Lakes IV"

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

SIZE:
- 40.64 acres, more or less (2 parent tract parcels)
- 17.48 acres, more or less (plat area)

EXISTING ZONING: RS-4 Residential Single Family District

EXISTING USE: Vacant

REQUEST: Preliminary Plat approval for 4-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

North: RS-4 and RS-3/PUD 80; Balance of parent tract parcels, and to the north of that, a 20-acre unplatted vacant/wooded tract recently rezoned to RS-3 and PUD 80 for "Wood Hollow Estates," and to the northeast, an unplatted 12-acre vacant tract owned by Tulsa County ("wetland mitigation area") and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby ("hardwood mitigation area").

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

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

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West: (across Sheridan Rd.) AG; Unplatted agricultural and vacant land, including 64 acres recently acquired by the Bixby School District, and the City of Tulsa's lift station facility to the northwest, all in the City of Tulsa.

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

PREVIOUS/RELATED CASES:

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

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for "Seven Lakes II" for *Seven Lakes II* on parts of subject property parent tracts – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.

Sketch Plat of Seven Lakes III – Request for Sketch Plat approval for "Seven Lakes III" for all of 40.64 acres of both parent tract parcels – PC Conditionally Approved 05/20/2013.

Preliminary Plat of Seven Lakes III – Request for Preliminary Plat approval for "Seven Lakes III" for parts of parent tract parcels abutting subject property – PC consideration pending 11/18/2013.

RELEVANT AREA CASE HISTORY: (not a complete list)

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

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

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

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

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

BACKGROUND INFORMATION:

On May 20, 2013, the Planning Commission Conditionally Approved the Sketch Plat for "Seven Lakes III," proposing 131 lots and consisting of all of the 40.64 acres contained in the two (2) parent tract parcels. Per that Sketch Plat version, the "Seven Lakes" development

would have been completely platted. A subsequent version of the plat increased the number of lots to 142 but covered the same 40.64 acres. At this time, the Applicant is seeking Preliminary Plat approval for the next two (2) phases of "Seven Lakes," which together propose only 55 lots on 18 ½ acres. As currently proposed by these Preliminary Plats, "Seven Lakes III" proposes four (4) lots on 1.07 or 1.08 acres, and "Seven Lakes IV" proposes 51 lots on 17.48 acres. Thus, it would appear at least one (1) more phase may be planned to complete the "Seven Lakes" development.

ANALYSIS:

Property Conditions. The two (2) parent tract parcels consisting of 40.64 acres are vacant and zoned RS-4. "Seven Lakes IV," as per this Preliminary Plat, contains 17.48 acres. As with previous and other phases of "Seven Lakes," this development will be designed to collect stormwater and drain it to the east to Fry Creek Ditch # 2. The "Seven Lakes IV" plat area contains the final two (2) "lakes" in "Seven Lakes" development. These "lakes" and the streets contained within "III" and "IV" were rough-cut during or after the development of the first phase.

Although no longer a part of "Seven Lakes III" or "Seven Lakes IV," the northernmost of the two (2) parent tract parcels include an area which appears to have a potential land use conflict. Based on GIS aerial and parcel data, it appears that northeastern-most area of the parcel includes the access road, and possibly even the concrete trickle-channel otherwise owned by Tulsa County and the City of Bixby (possibly known as a 'wetland remediation' or 'wetland compensatory mitigation' area). Before the affected area is platted and developed, the owner/developer should confirm property ownership patterns and/or any public easements that may affect this area.

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

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

General. This subdivision of 17.48 acres, more or less, proposes 51 lots, six (6) blocks, and three (3) Reserves (although only 2 are reported in the Land Summary statistics).

The Seven Lakes development, and this plat, represents a conventional but attractive design, with uniquely crisscrossed curvilinear streets and no true cul-de-sacs, interspersed with Reserves for water amenities. The subdivision is similar to *Seven Lakes I* and *Seven Lakes II*, to the south and east, with relatively similar-sized and configured lots. Typical lots range from 65' X 120' (7,800 square feet, 0.18 acres) to 70' X 120' (8,400 square feet, 0.19 acres). All lots appear to meet RS-4 zoning standards.

Deed of Dedication and Restrictive Covenants (DoD/RCs) Section IV.B allows for incorporation of HOAs of different phases as previously recommended by Staff.

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The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on November 06, 2013. The Minutes of the meeting are attached to this report.

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

Access and Internal Circulation. Primary access to the subdivision would be via internal streets which ultimately connect to Sheridan Rd. A new entrance street will be constructed with this subdivision, recommended to be named E. 125th St. S. It is platted at a width apparently wider than the rest of those in the subdivision, but its width is not dimensioned. Together with 126th St. S., it will be the second means of ingress/egress serving the entire Seven Lakes development.

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

1. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lot 3, Block 1, and Lot 20, Block 4 of "Seven Lakes IV" (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F. The Modification/Waiver may be justified by citing its necessity as a product of an attractive subdivision design defined by the crisscrossing, curvilinear street network with no true cul-de-sacs, interspersed with Reserves for water amenities.
2. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-3.A for utility easements along the perimeters which would not achieve the 17.5' minimum width standards. Such request may be justified by observing most of the instances are mid-block and do not require U/Es, and otherwise by demonstrating where an 11' U/E will be back to back with another 11' in abutting subdivision, resulting in a 22'-wide U/E corridor between the subdivisions. Other justifications may be offered and deemed adequate.
3. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for those lots whose rear lines abut Sheridan Rd. Provided Limits of No Access (LNA) are placed along the Sheridan Rd. frontage, City Staff is supportive of this design, which is incidental and unavoidable due to existing geometries.
4. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
5. It appears that the Reserve Areas are assigned unique letters A through H in the three (3) subdivisions. This may be for purposes of having a singular HOA responsible for maintenance of the Reserve Areas. *Seven Lakes I* has Reserve Areas D, E, F, G, and H. *Seven Lakes II* has Reserve Areas A, B, and C. "Seven Lakes IV" would have Reserve Areas "C," "F," and one (1) unnamed 20'-wide "handle" access Reserve Area which will connect to Reserve Area B in *Seven Lakes II*. In this phase IV, "C" would be a duplicate name as that found in *Seven Lakes I*. Also in phase IV, Reserve Area "F" is one of the "lakes" which would connect to the "handle" Reserve "F" in *Seven Lakes I*. This would make sense if the Reserve Areas are to be uniquely named and "F" was to be recognized as a singular Reserve Area platted in two (2) parts. If that is the case, the unnamed 20'-wide "handle" access Reserve Areas connecting to Reserve Area B in

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*Seven Lakes II* could also be named Reserve Area "B." The duplication of Reserve Area C, however, should be addressed.

6. Please label the width of the 'handle' access to "Reserve C."
7. Water features located in the Reserve Areas must be provided access for routine maintenance and emergency response. Handle access is to be a minimum of 20' in width, per previous City Engineer recommendations. The unnamed Reserve Area connecting to Reserve B in Seven Lakes II is labeled at 15' in width. Although not labeled as to width, the one connecting Reserve Area C to 68th E. Ave. appears to be the same 15' width. Formats, widths, locations, and improved surface design and construction standards for access are all subject to the approval of the Fire Marshal and City Engineer.
8. Please change the Sheridan Rd. intersection street name to "East 125th Street South."
9. Please change the "E. 125th Pl." street name to 68th E. Ave. corresponding with *Seven Lakes II.*
10. Per SRs Section 12-4-2.A.5, the Location Map must include:
    - All platted additions represented with the Section:
      - *Scenic Village Park* (missing)
    - Scale at 1" = 2,000'.
11. Please add elevation contours (with labels) as required per SRs Section 12-4-2.B.6.
12. The Land Summary statistics report two (2) Reserve Areas, but there are two (2) named and one (1) unnamed Reserve Areas in the plat. If the unnamed are identified as Reserve Area "B," as suggested herein, that would be the third Reserve Area.
13. As noted and requested by the TAC during the Sketch Plat review, where they are missing, please add 20' front yard U/Es for front-yard utility service as done throughout the balance of the Seven Lakes development (electric and natural gas, at a minimum).
14. Rather than 25'-wide front-yard U/Es as sometimes shown, consider a 20' U/E to provide a 5' buffer area, or the amount necessary to protect the integrity of the foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.
15. Please label street widths.
16. Consider the size and configuration of Lot [1], Block 2 for possible enhancement.
17. Consider making the common lot line between Lots [6] and [7], Block 2, perpendicular/radial to the arc of the curved street in order to eliminate the 1.00' variance between the westerly point of tangent/curvature of C37 and the common lot corner. It is not clear if the 1.00' variance is to the west or to the east of the common lot corner, due to its exceptionally small size and the scale of the plat.
18. Per SRs Section 12-5-3.B, lots in Blocks 2 and 4 should be numbered consecutively starting with "1."
19. Please provide Limits of No Access (LNA) restrictions along the Sheridan Rd. frontage.
20. Please label Sheridan Rd. right-of-way dedication width (50').
21. Please label Sheridan Rd. right-of-way dedication area as "Right-of-way dedicated by this plat," or by similar label with equal effect.
22. Please relocate the Sheridan Rd. / W. Line of NW/4 label more appropriately.
23. Please resolve text/linework conflicts in Lots "21" and "22" of Block 4.
24. To avoid any future ambiguities, please label "S. 66th E. Ave." also within the street segment located between Blocks 1 and 2.

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25. Please label street names in *Seven Lakes I* and *Seven Lakes II* as represented on the face of the plat.
26. Please add proposed addresses to the lots. A table may be used if needed for map clarity.
27. Title Block: describes both as "an Addition" and "a Subdivision." DoD/RCs Preamble, Surveyor's Certificate, etc. describe as "Subdivision." Please reconcile.
28. DoD/RCs Section I.C.2.: Missing period at end of sentence.
29. DoD/RCs Section I.C.2.: Confirm intended use of term "reported."
30. DoD/RCs Section I.C.4.: Term "agents" has typos.
31. DoD/RCs Section I.C.6: Self-reference to subsection "D," instead of "C" as presumed intended.
32. DoD/RCs Section I.C.6.: Terms "subsection" and "agrees" have typos.
33. DoD/RCs Section I.G.6.: Subsection with no verbage.
34. DoD/RCs Section I.E.1: Self-reference to subsection "D," instead of "E.1" as presumed intended.
35. DoD/RCs Section II.B, II.C, and II.D: Uses almost identical language to that used in *Seven Lakes II*, with only Reserve Area names changed. Please confirm this is all accurate. See other recommendation herein pertaining to the avoidance of duplicating the "C" name.
36. DoD/RCs Section V.B: Reference to "Seven Lakes II" instead of "Seven Lakes IV," as presumed intended.
37. DoD/RCs Section V.D: Please confirm intended use of date September 9, 2013.
38. DoD/RCs Signature Blocks: Specification of 2013 presumes plat will be recorded within this calendar year. Advisory.
39. Submit release letters from all utility companies serving the addition as per SRs Section 12-2-6.B.
40. Copies of the Sketch Plat of "Seven Lakes III," 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).
41. 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).

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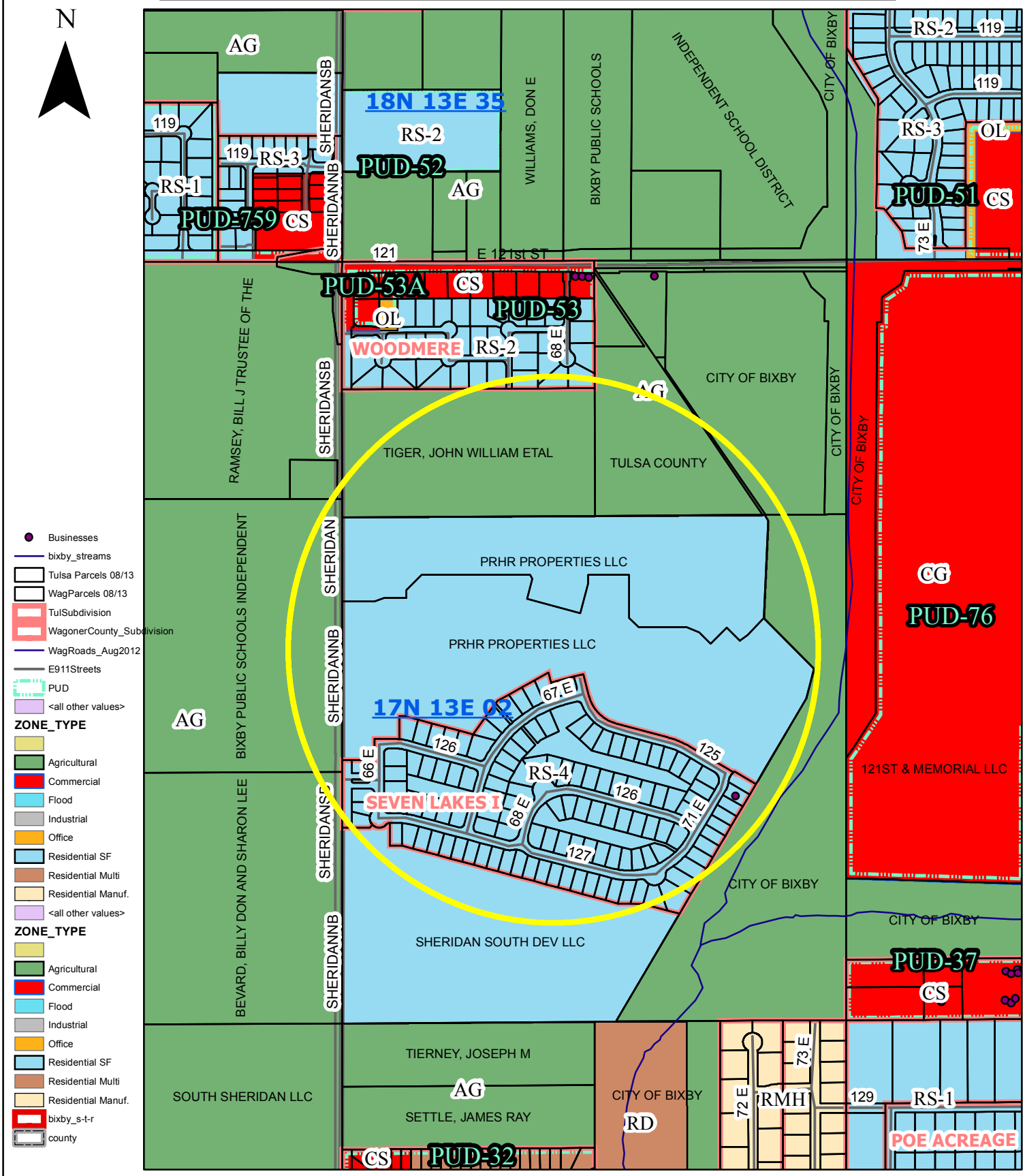
# Preliminary Plat – "Seven Lakes III" – HRAOK, Inc. and Preliminary Plat – "Seven Lakes IV" – HRAOK, Inc.




City of Bixby ~ Planning
Printed 10/31/2013

**City of Bixby**
**Engineering Department**

# Memo

**To:** Erik Enyart, City Planner

**From:** Jared Cottle, PE

**CC:** Bea Aamodt, PE
File

**Date:** 10/25/13

**Re:** Seven Lakes IV
Preliminary Plat

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## General Comments:

1. Utility, Grading, and Drainage Plans have been reviewed and approved. Provided that the Plat incorporates all of the requirements of the construction plans, no additional comments.

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CITY OF BIXBY FIRE CODE ENFORCEMENT

# Memo

To: ERIK, AICP, CITY PLANNER

From: JIM SWEEDEN

Date: 10/28/2013

Re: PRELIMINARY PLAT OF "SEVEN LAKES IV"

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PLANS ARE APPROVED BY THIS OFFICE AS PER CITY OF BIXBY SUBDIVISION REGULATIONS & DESIGN STANDARDS.

NOTE: NEXT SET OF PLANS SHALL SHOW LOCATION OF FIRE HYDRANTS STARTING AT INSIDE OF ENTRANCE DRIVE. HYDRANTS ARE NOT TO BE OVER 600 FEET APART AND LOCATED ON PROPERTY LINES.

Jim Sweeden

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## Land Summary

SUBDIVISION CONTAINS FIFTY ONE LOTS (51) IN SIX (6) BLOCKS AND TWO (2) RESERVE AREAS

SEVEN LAKES IV INCLUDES 17.48 ACRES:

| | |
|---|---|
| BLOCK 1 | 5 LOTS |
| BLOCK 2 | 13 LOTS |
| BLOCK 3 | 16 LOTS |
| BLOCK 4 | 12 LOTS |
| BLOCK 5 | 3 LOTS |
| BLOCK 6 | 2 LOTS |
| RESERVE C | 1.39 ACRES |
| RESERVE F | 1.18 ACRES |

SUBDIVISION CONTAINS 17.48 ACRES

## Legend

| | |
|---|---|
| B/L | BUILDING LINE |
| U/E | UTILITY EASEMENT |
| 1234 | STREET ADDRESS |

## Monumentation

ALL CORNERS SHOWN HEREON WERE SET USING A 3/8"X 18" STEEL PIN WITH A PLASTIC CAP STAMPED "PLS 1283" AT ALL CORNERS.

## Basis of Bearings

THE BEARING BASE FOR THIS SURVEY IS GRID BEARINGS BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM - NORTH ZONE - NAD83 (1993).

## PROJECT Benchmark

ADS BRASS CAP LOCATED AT THE NORTHWEST CORNER OF SECTION 02, T-17N, R-13E, TULSA COUNTY, OKLAHOMA. ELEV = 611.97 (NAVD 1988)

## Notes

ALL STREET RIGHT-OF-WAY SHALL BE DEDICATED AS PUBLIC STREETS BY THIS PLAT.

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

ALL WATER AND SANITARY SEWER SERVICES WILL BE SUPPLIED AND MAINTAINED BY THE CITY OF BIXBY.

Preliminary Plat

# Seven Lakes IV

AN ADDITION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, BEING A SUBDIVISION OF A PART OF THE NORTH WEST ONE-QUARTER OF SECTION 02, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN


### Owner / Developer

PRHR PROPERTIES, LLC
11029 SOUTH MEMORIAL DRIVE
TULSA, OKLAHOMA 74133
PHONE: (918) 508-2134
CONTACT: MR. DANIEL RUHL

### Engineer / Surveyor

HRAOK, INC.
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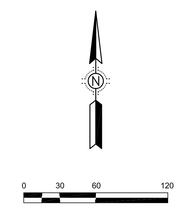


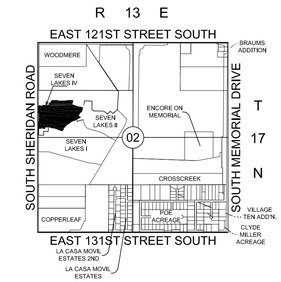


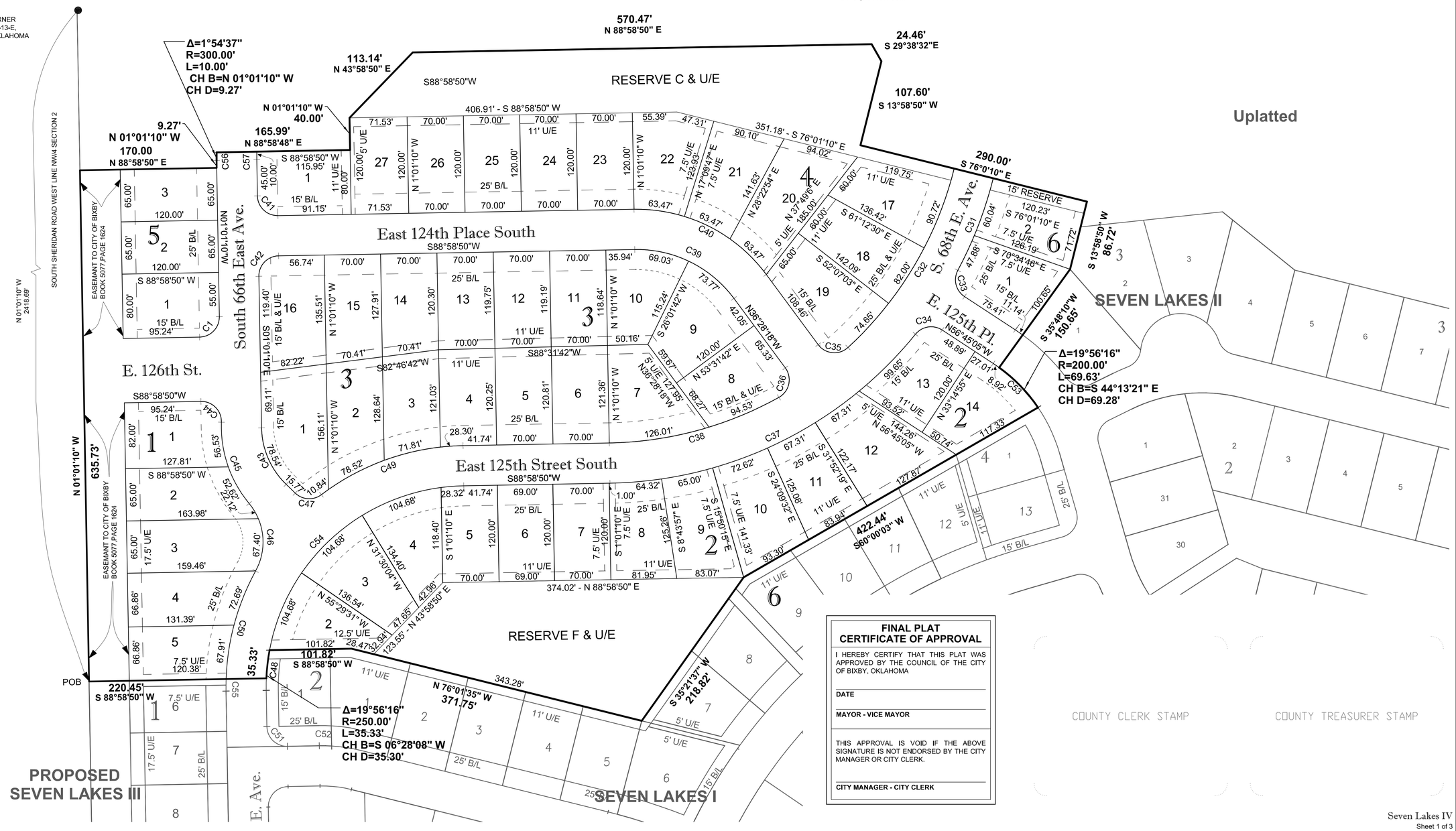


### LOT AREA TABLE

| | LOT NO. | AREA (SF) |
|---|---|---|
| BLOCK 1 | 1 | 7801.88 |
| | 2 | 7800.00 |
| | 3 | 7800.00 |
| | 4 | 7800.00 |
| | 5 | 7800.00 |
| BLOCK 2 | 3 | 10418.58 |
| | 4 | 9007.98 |
| | 5 | 8384.92 |
| | 6 | 8280.00 |
| | 7 | 8400.00 |
| | 8 | 8948.25 |
| | 9 | 9689.95 |
| | 10 | 10854.64 |
| | 11 | 9270.87 |
| | 12 | 12284.31 |
| | 13 | 9519.21 |
| | 14 | 9277.03 |
| BLOCK 3 | 1 | 10482 |
| | 2 | 9832.40 |
| | 3 | 8636.07 |
| | 4 | 8410.88 |
| | 5 | 8437.01 |
| | 6 | 8475.43 |
| | 7 | 10544.47 |
| | 8 | 9839.61 |
| BLOCK 3 | 9 | 10417.34 |
| | 10 | 9109.35 |
| | 11 | 8324.05 |
| | 12 | 8362.99 |
| | 13 | 8401.67 |
| | 14 | 8687.26 |
| | 15 | 9219.75 |
| | 16 | 11305.83 |
| BLOCK 4 | 1 | 9157.39 |
| | 17 | 9553.49 |
| | 18 | 9939.26 |
| | 19 | 11484.68 |
| | 20 | 12149.92 |
| | 21 | 9941.09 |
| | 22 | 10165.15 |
| | 23 | 8400.00 |
| | 24 | 8400.00 |
| | 25 | 8400.00 |
| | 26 | 8400.00 |
| | 27 | 8583.22 |
| BLOCK 5 | 1 | 9465.87 |
| | 2 | 7800.00 |
| | 3 | 7800.03 |
| BLOCK 6 | 1 | 9772.26 |
| | 2 | 8060.86 |

### CURVE TABLE

| NUMBER | DELTA ANGLE | RADIUS | ARC LENGTH |
|---|---|---|---|
| C1 | 90°00'00" | 25.00 | 39.27 |
| C2 | 30°27'32" | 300.00 | 159.48 |
| C31 | 14°05'06" | 500.00 | 122.91 |
| C32 | 33°24'22" | 450.00 | 262.37 |
| C33 | 84°49'01" | 25.00 | 37.01 |
| C34 | 84°15'11" | 25.00 | 36.76 |
| C35 | 96°08'30" | 25.00 | 41.95 |
| C36 | 97°22'19" | 25.00 | 42.49 |
| C37 | 49°59'05" | 500.00 | 436.20 |
| C38 | 28°04'50" | 450.00 | 220.54 |
| C39 | 54°32'52" | 150.00 | 142.81 |
| C40 | 54°32'52" | 200.00 | 190.41 |
| C43 | 45°00'00" | 100.00 | 78.54 |
| C45 | 41°41'41" | 150.00 | 109.16 |
| C46 | 68°23'16" | 75.00 | 89.52 |
| C47 | 81°11'11" | 25.00 | 35.42 |
| C48 | 11°32'13" | 250.00 | 50.34 |
| C49 | 36°11'11" | 300.00 | 189.47 |
| C50 | 29°43'09" | 300.00 | 155.61 |
| C51 | 90°00'00" | 25.00 | 39.27 |
| C53 | 22°30'05" | 200.00 | 78.55 |
| C54 | 78°27'47" | 250.00 | 342.36 |
| C56 | 01°54'37" | 300.00 | 10.00 |
| C57 | 02°17'33" | 250.00 | 10.00 |

### FINAL PLAT CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA

DATE

MAYOR - VICE MAYOR

THIS APPROVAL IS VOID IF THE ABOVE SIGNATURE IS NOT ENDORSED BY THE CITY MANAGER OR CITY CLERK.

CITY MANAGER - CITY CLERK



Date Prepared: OCTOBER 04, 2013

**SEVEN LAKES IV**
DEED OF DEDICATION AND RESTRICTIVE COVENANTS

PRHR PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "OWNER/DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA:

A TRACT OF LAND IN THE NORTHWEST ONE-QUARTER (NW/4) OF SECTION TWO (02), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SEVEN LAKES IV

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 02; THENCE S 01°01'10" E AND ALONG THE WEST LINE OF SAID SECTION 02 A DISTANCE OF 2418.69 FEET TO THE POINT OF BEGINNING;THENCE N 1°01'10" W AND ALONG THE WEST LINE OF SECTION 2 A DISTANCE OF 635.73 FEET; THENCE N 88°58'50" E A DISTANCE OF 170.00 FEET; THENCE N 01°01'10" W A DISTANCE OF 9.27 FEET TO A POINT AT THE BEGINNING CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 01°54'37", A CHORD BEARING OF N 00°03'52" W AND A CHORD LENGTH OF 10.00 FEET; THENCE NORTHERLY ALONG SAID CURVE, ARC DISTANCE OF 10.00 FEET; THENCE N 88°58'48" E A DISTANCE OF 165.99 FEET; THENCE N 01°01'10" W A DISTANCE OF 40.00 FEET; THENCE N 43°58'50" E A DISTANCE OF 113.14 FEET; THENCE N 88°58'50" E A DISTANCE OF 570.47 FET; THENCE S 29°38'32"E A DISTANCE OF 24.46 FEET; THENCE S 13°58'50" W A DISTANCE OF 107.60 FEET; THENCE S 76°00'10" E A DISTANCE OF 290.00 FEET; THENCE S 13°58'50" W A DISTANCE OF 86.72 FEET; THENCE S 35°48'10"W A DISTANCE OF 150.65 FEET TO A POINT AT THE BEGINNING OF CURVE TO THE RIGHT; SAID CURVE HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 19°56'50". A CHORD BEARING OF S 44°13'25" E AND A CHORD LENGTH OF 69.28 FEET; THENCE SOUTH EASTERLY ALONG SAID CURVE, ARC DISTANCE OF 69.63 FEET TO THE POINT AT THE NORTHEASTERLY CORNER OF LOT 1 BLOCK 4 OF SEVEN LAKES II, A SUBDIVISION IN THE CITY OF BIXBY, COUNTY OF TULSA, SATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, PLAT NO. 6457; THENCE ALONG THE NORTH LINE OF LOT 1, BLOCK 4 OF SAID SEVEN LAKES II AND THE NORTHERLY LINE OF BLOCK 6, SEVEN LAKES I, A SUBDIVISION IN THE CITY OF BIXBY, COUNTY OF TULSA, SATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, PLAT NO. 6113, THE FOLLOWING FOUR COURSES, S 60°00'03" W DISTANCE OF 422.44 FEET; THENCE A S 35°21'37" W A DISTANCE OF 218.82 FEET; THENCE N 76°01'35" W A DISTANCE OF 371.75 FEET; THENCE S 88°58'50" W A DISTANCE OF 101.82 FEET TO A POINT AT BEGINNING OF CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 08°05'50", A CHORD BEARING OF S 06°28'08" W AND A CHORD LENGTH OF 35.30 FEET; THENCE A SOUTHERLY ARC DISTANCE OF 35.33 FEET; THENCE S 88°58'50" W A DISTANCE OF 220.45 FEET TO THE POINT OF BEGINNING .

SAID TRACT CONTAINS 761,594 SQUARE FEET/ 17.48 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS FOR SAID TRACT ARE BASED ON PLATTED BEARINGS OF N 01°01'10" W ALONG THE WEST LINE OF NORTHWEST CORNER OF SEVEN LAKES I A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6113), FILED IN THE OFFICES OF THE TULSA COUNTY CLERK.

PRHR PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED, GRANTED, DONATED, CONVEYED, DEDICATED, ACCESS RIGHTS RESERVED, AND SUBDIVIDED INTO BLOCKS, LOTS, RESERVE AREAS AND STREETS AND HAS DESIGNATED THE SAME AS "SEVEN LAKES IV", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (THE "SUBDIVISION").

**SECTION I - PUBLIC STREETS, EASEMENTS AND UTILITIES**

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS. THE OWNER/DEVELOPER HEREBY GRANTS, DONATES, CONVEYS AND DEDICATES FOR PUBLIC USE THE STREETS AS DEPICTED ON THE ACCOMPANYING PLAT AND FURTHER DEDICATES 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, OVER AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, OWNER/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. OWNER/DEVELOPER HEREBY 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 STREETS AND UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF A STREET OR EASEMENT 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.

B. UNDERGROUND SERVICE

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

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

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

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

5. THE COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE SUPPLIERS OF WATER, SEWER, ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF EACH LOT WITHIN THE SUBDIVISION AGREES TO BE BOUND HEREBY.

C. GAS SERVICE

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON THE LOT.
2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY, WHICH MAY INTERFERE WITH THE UNDERGROUND GAS FACULTIES, SHALL BE REPORTED
3. UNDERGROUND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN TO THE POINT OF USA.G.E DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURES MAY BR LOCATED UPON THE LOT, PROVIDED THAT UPON THE INSTALLATION OF A SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE LINE, EXTENDING FROM THE GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE
4. THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE GAS FACILITIES BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE LOT, HIS A.G.ENTS OR CONTRACTORS.
5. THE SUPPLIER OF GAS OR ITS SUCCESSORS AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT-WAYS DEPICTED ON THE PLAT OR OTHERWISE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND GAS FACILITIES.
6. THE FOREGOING COVENANTS SET FORTH IN THIS SUBJECTION D SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS AND THE OWNER OF THE LOT A.G.RESS TO BE BOUND HEREBY.

D. WATER AND SANITARY SEWER SERVICE

1. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS AND PUBLIC SANITARY SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID PUBLIC WATER MAIN OR PUBLIC SANITARY SEWER. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN OR SANITARY SEWER, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER AND SANITARY SEWER, SHALL BE PROHIBITED.

2. THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, OR PUBLIC SANITARY SEWER MAINS, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR SUCH OWNER'S AGENTS OR CONTRACTORS.

3. THE CITY OF BIXBY OR ITS SUCCESSORS THROUGH ITS PROPER AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL SUCH EASEMENT WAYS SHOWN ON SAID PLAT OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF SAID UNDERGROUND WATER AND SEWER FACILITIES.
4. ALL WATER AND SANITARY SEWER LINES SHALL BE MAINTAINED IN GOOD REPAIR BY THE UTILITY CONTRACTOR FOR THE TERM OF AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE MAINTENANCE BOND OF WHICH THE CITY OF BIXBY IS THE BENEFICIARY. IF ANY REPAIR ISSUES ARISE, THE DEVELOPER SHALL ASSIST THE CITY OF BIXBY IN COORDINATION AND FACILITATION WITH THE APPROPRIATE CONTRACTOR.

5. THE FOREGOING COVENANTS CONCERNING WATER AND SEWER FACILITIES SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

E. SURFACE DRAINAGE

1. EACH LOT WITHIN THE SUBDIVISION SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM PUBLIC STREETS AND EASEMENTS. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS HIS LOT. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION D SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER, THE HOMEOWNERS' ASSOCIATION DEFINED HEREINAFTER IN SECTION IV (THE "ASSOCIATION") AND BY THE CITY OF BIXBY, OKLAHOMA.

F. PAVING AND LANDSCAPING WITHIN EASEMENTS

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

G. STORM SEWER

1. THE CITY OF BIXBY, OR ITS SUCCESSORS, THROUGH ITS PROPER AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL UTILITY EASEMENTS SHOWN ON THE ACCOMPANYING PLAT FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND STORM SEWER SYSTEM.

2. NO PERMANENT FENCE, PERMANENT WALL, PERMANENT BUILDING, OR PERMANENT STRUCTURE WHICH WOULD CAUSE AN OBSTRUCTION SHALL BE PLACED OR MAINTAINED IN THE UTILITY EASEMENT AREAS, AND ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE STORM SEWER SYSTEM IS PROHIBITED.

3. THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE PUBLIC STORM SEWER SYSTEM, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH SYSTEM CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF EACH LOT OR ITS AGENTS OR CONTRACTORS.

4. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE STORM SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID STORM SEWER FACILITIES. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF STORM SEWER FACILITIES, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH SUCH STORM SEWER FACILITIES, IS PROHIBITED WITHOUT THE CONSENT OF THE CITY OF BIXBY.

5. THE FOREGOING COVENANTS CONCERNING UTILITY EASEMENTS AND THE PUBLIC STORM SEWER SYSTEM SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OR ITS SUCCESSOR, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY
6. .

**SECTION II - LAND USE RESTRICTIONS**

A. USE OF LAND. ALL LOTS WITHIN THE SUBDIVISION SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS AND SHALL BE USED SOLELY FOR SINGLE FAMILY RESIDENCES, SINGLE FAMILY PURPOSES AND ONE (1) COMMUNITY SWIMMING POOL. ALL ELSE HEREIN NOTWITHSTANDING, ANY LOT OWNED OR DESIGNATED BY OWNER/DEVELOPER MAY BE USED FOR MODEL HOMES OR REAL ESTATE OFFICES UNTIL RESIDENCES HAVE BEEN CONSTRUCTED ON ALL LOTS.

B. RESERVES "C", "F"

1. FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF LOTS WITHIN THE SUBDIVISION AND FOR THE BENEFIT OF THE CITY OF BIXBY, STORM SEWER AND DRAINAGE FACILITIES ARE TO BE CONSTRUCTED IN RESERVE AREAS "C" AND "F" FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE AND DISCHARGE OF STORM WATER RUNOFF FROM THE VARIOUS LOTS WITHIN THE SUBDIVISION AND FROM PROPERTIES OUTSIDE THE SUBDIVISION.

2. RESERVE "C" IS HEREBY ESTABLISHED FOR GREEN BELT ACCESS FOR SUBSEQUENT CONVEYANCE TO THE ASSOCIATION. RESERVE "C" IS ALSO DEDICATED AS A GENERAL UTILITY EASEMENT.

3. STORM SEWER AND DRAINAGE FACILITIES CONSTRUCTED IN RESERVE EASEMENTS SHALL BE IN ACCORDANCE WITH ADOPTED STANDARDS OF THE CITY OF BIXBY AND PLANS AND SPECIFICATIONS APPROVED BY THE CITY ENGINEER OF THE CITY OF BIXBY.

4. NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN THE RESERVE EASEMENT AREAS, NOR SHALL THERE BY ANY ALTERATION OF THE GRADES OR CONTOURS IN SUCH EASEMENT AREAS UNLESS APPROVED BY THE CITY ENGINEER OF THE CITY OF BIXBY; PROVIDED, HOWEVER, THAT THE PLANTING OF TURF OR SINGLE TRUNK TREES HAVING A CALIPER OF NOT MORE THAN TWO AND ONE-HALF (2-1/2) INCHES SHALL NOT REQUIRE THE APPROVAL OF THE CITY ENGINEER OF BIXBY.

5. THE DRAINAGE FACILITIES LOCATED IN RESERVES SHALL BE MAINTAINED BY THE ASSOCIATION IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

(1. THE RESERVE AREAS SHALL BE KEPT FREE OF SILT, OBSTRUCTION AND DEBRIS;

(2. THE RESERVE AREAS SHALL BE MOWED DURING THE GROWING SEASON AT INTERVALS NOT EXCEEDING TWO (2) WEEKS;

(3. CONCRETE APPURTENANCES, IF ANY, SHALL BE MAINTAINED IN GOOD AND WORKING CONDITION;

AND IN THE EVENT THE ASSOCIATION SHOULD FAIL TO PROPERLY MAINTAIN THE RESERVE AREAS AND FACILITIES THERE SITUATED THE CITY OF BIXBY, OR ITS DESIGNATED CONTRACTOR, MAY ENTER THE RESERVE AREAS AND PERFORM MAINTENANCE NECESSARY TO THE ACHIEVEMENT OF THE INTENDED DRAINAGE FUNCTIONS, AND THE COST THEREOF SHALL BE PAID BY THE ASSOCIATION. AT LEAST 15 DAYS PRIOR TO ITS ENTRY TO PERFORM SUCH MAINTENANCE, THE CITY OF BIXBY SHALL PROVIDE NOTICE ADDRESSED TO THE REGISTERED AGENT OF THAT ASSOCIATION OF ITS INTENTION TO PERFORM SUCH MAINTENANCE.

6. IN THE EVENT THE ASSOCIATION FAILS TO PAY THE COST OF LAND MAINTENANCE PERFORMED BY THE CITY OF BIXBY AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COST, THE CITY OF BIXBY MAY FILE OF RECORD A COPY OF THE STATEMENT OF COST, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH OF THE LOTS WITHIN THE SUBDIVISION: PROVIDED, HOWEVER, THE LIEN AGAINST EACH LOT SHALL NOT EXCEED ITS PROPORTIONATE SHARE, BASED ON THE TOTAL NUMBER OF LOTS IN THE ASSOCIATION, OF THE ASSOCIATION'S COST OF MAINTENANCE.

C. RESERVE "F" SHALL ONLY BE USED FOR DRAINAGE FACILITIES AND UTILITY EASEMENT AND SHALL NOT BE USED FOR RECREATION.

D. RESERVE "C". RESERVE "C" SHALL BE USED FOR DRAINAGE USAGE AND BY THE ASSOCIATION MEMBERS AND GUESTS FOR RECREATION.

E. SETBACKS

1. STREET SETBACK. NO BUILDING OR ACCESSORY STRUCTURE SHALL BE ERECTED NEARER TO A PUBLIC STREET THAN THE BUILDING SETBACK LINES DEPICTED ON THE ACCOMPANYING PLAT.

2. SIDE YARD. EACH LOT SHALL MAINTAIN SIDE YARDS WHICH IN THE AGGREGATE ARE NOT LESS THAN 10 FEET IN WIDTH AND NO SIDE YARD SHALL BE LESS THAN FIVE (5) FEET IN WIDTH. SIDE YARDS ABUTTING A STREET SHALL NOT BE LESS THAN 15 FEET, UNLESS THE GARAGE ENTRY IS LOCATED ON SUCH SIDE, WHERE IT WILL BE NO LESS THAN 20 FEET.

3. REAR YARD. THE MINIMUM REAR YARD SETBACK SHALL BE 20 FEET. CUSTOMARY ACCESSORY STRUCTURES MAY BE LOCATED WITHIN THE REQUIRED REAR YARD SET BACK AREA, BUT NO BUILDING SHALL BE ERECTED NEARER THAN 5 FEET TO ANY LOT LINE.

4. EASEMENT SETBACKS. NO BUILDING, WHETHER PRINCIPAL OR ACCESSORY, SHALL ENCROACH UPON ANY UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT.

F. BUILDING HEIGHT. NO BUILDING SHALL EXCEED 3 STORIES OR 48 FEET IN HEIGHT.

**SECTION III - PRIVATE BUILDING AND USE RESTRICTIONS**

WHEREAS, THE OWNER/DEVELOPER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND FOR THE CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN.

THEREFORE, THE OWNER/DEVELOPER HEREBY IMPOSES THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND, AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, EACH LOT OWNER AND THEIR SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. ARCHITECTURAL COMMITTEE - PLAN REVIEW

1. AN ARCHITECTURAL COMMITTEE IS HEREBY FORMED AND SHALL APPROVE ALL PLANS FOR ANY STRUCTURE TO BE BUILT ON ANY LOT AND SHALL ALSO BE RESPONSIBLE FOR INTERPRETING THE DEVELOPMENT AND CONSTRUCTION STANDARDS CONTAINED IN THIS SUBSECTION. THE ARCHITECTURAL COMMITTEE SHALL CONSIST OF NOT LESS THAN ONE (1) NOR MORE THAN THREE (3) MEMBERS TO BE APPOINTED BY OWNER/DEVELOPER UNTIL RESIDENCES HAVE BEEN CONSTRUCTED ON ALL LOTS IN THE SUBDIVISION; AND, THEREAFTER, THE MEMBERS OF THE ARCHITECTURAL COMMITTEE SHALL BE APPOINTED BY THE ASSOCIATION, PROVIDED, HOWEVER, THAT OWNER/DEVELOPER MAY AT ANY TIME, IN ITS SOLE DISCRETION, ASSIGN AND TRANSFER THE RESPONSIBILITY FOR THE APPOINTMENT OF THE ARCHITECTURAL COMMITTEE TO THE ASSOCIATION.

2. NO BUILDING, FENCE, WALL OR FREE STANDING MAILBOX SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT IN THE SUBDIVISION UNTIL THE PLANS AND SPECIFICATIONS THEREFORE HAVE BEEN APPROVED IN WRITING BY THE ARCHITECTURAL COMMITTEE. FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND SHALL INCLUDE A SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE OF SUCH PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN 20 DAYS AFTER SUBMISSION, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.

3. THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITHIN THE SUBDIVISION AND IN ITS REVIEW OF PLANS OR DETERMINATION OF ANY WAIVER AS HEREINAFTER AUTHORIZED MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING, STRUCTURE OR ALTERATION, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HEREUNDER AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR RECOMMENDATION OF BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR BUILDING CODE COMPLIANCE. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION.

B. FLOOR AREA OF DWELLING

1. SINGLE STORY. A SINGLE STORY DWELLING SHALL HAVE AT LEAST 2,200 SQUARE FEET OF FINISHED HEATED LIVING AREAS.

2. TWO STORY AND THREE STORY. IF A DWELLING HAS TWO LEVELS OR STORIES IMMEDIATELY ABOVE AND BELOW EACH OTHER MEASURED VERTICALLY AND ALL SUCH LEVELS OR STORIES ARE ABOVE THE FINISHED EXTERIOR GRADE OF SUCH DWELLING, THEN SUCH DWELLING SHALL HAVE AT LEAST 1,800 SQUARE FEET OF FINISHED HEATED LIVING AREA ON THE FIRST STORY OR LEVEL AND SHALL HAVE A TOTAL OF THE VARIOUS LEVELS OR STORIES OF AT LEAST 2,400 SQUARE FEET OF FINISHED HEATED LIVING AREA.

3. COMPUTATION OF LIVING AREA. THE COMPUTATION OF LIVING AREA SHALL NOT INCLUDE ANY BASEMENT, GARAGE, OR ATTIC AREA USED FOR STORAGE. ALL LIVING AREA MEASUREMENTS SHALL BE TAKEN HORIZONTALLY AT THE TOP PLATE LEVEL TO THE FACE OF THE OUTSIDE WALL. REQUIRED LIVING AREA MUST AVERAGE AT LEAST SEVEN (7) FEET SIX (6) INCHES IN HEIGHT, EXCEPT THAT IN THE COMPUTATION OF SECOND OR UPPER STORY LIVING AREA, THE HEIGHT SHALL BE SEVEN (7) FEET SIX (6) INCHES FOR AT LEAST ONE HALF (1/2) OF THE REQUIRED LIVING AREA, AND ANY AREA OF LESS THAN FIVE (5) FEET IN HEIGHT SHALL BE EXCLUDED.

4. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FLOOR AREA REQUIREMENTS SET OUT IN PARAGRAPH 1 AND 2 OF THIS SUBSECTION B.

C. GARAGES. EACH DWELLING SHALL HAVE AN ATTACHED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES ON EACH LOT. GARAGES SHALL BE ENCLOSED AND CARPORTS ARE PROHIBITED. GLASS IN GARAGE DOORS IS PROHIBITED.

D. FOUNDATIONS. ANY EXPOSED FOUNDATION SHALL BE OF BRICK, STONE OR STUCCO. NO STEM WALL SHALL BE EXPOSED.

E. MASONRY

1. THE FIRST STORY EXTERIOR WALLS OF THE DWELLING ERECTED ON ANY LOT SHALL BE 100% BRICK, STONE, OR STUCCO (EXCLUDING WINDOWS AND DOORS). AT THE DISCRETION OF THE ARCHITECTURAL COMMITTEE, THE 100% REQUIRED MASONRY MAY BE WAIVED FOR PORCHES AND PATIOS.

2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE REQUIREMENTS SET OUT IN PARAGRAPHS 1 OF THIS SUBSECTION E.

F. TRAFFIC CALMING DEVICES. IF THE CITY OF BIXBY REQUIRES THE APPROVAL OF THE SEVEN LAKES IV SUBDIVISION BEFORE IT DETERMINES IT WILL INSTALL SPEED BUMPS WITHIN THE SUBDIVISION, APPROVAL OF THE SUBDIVISION SHALL NOT BE PROVIDED UNLESS APPROVED BY 75% OF THE LOT OWNERS.

G. SEASONAL DECORATIONS. ALL SEASONAL DECORATIONS SHALL BE REMOVED NO LATER THAN THIRTY (30) CALENDAR DAYS FROM THE DAY OF THE ACTUAL HOLIDAY.

H. GARAGE SALES/YARD SALES. GARAGE SALES/YARD SALES WILL BE ALLOWED TWICE EACH CALENDAR YEAR. THE DATES THEREOF SHALL BE SET BY THE BOARD OF DIRECTORS OF THE ASSOCIATION.

I. WINDOWS. ALUMINUM WINDOWS HAVING A MILL FINISH ARE PROHIBITED.

J. ROOF PITCH

1. NO DWELLING SHALL HAVE A ROOF PITCH OF LESS THAN 6/12 OVER 75% OF THE HORIZONTAL AREA COVERED BY ROOF AND NO ROOF SHALL HAVE A PITCH OF LESS THAN 3/12.

2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTIONS TO PERMIT A DWELLING HAVING A FLAT ROOF OVER MORE THAN 25% OF THE HORIZONTAL AREA COVERED BY ROOF.

J. ROOFING MATERIALS. ROOFING SHALL BE SELF-SEALING COMPOSITION ROOFING SHINGLES (NOT LESS THAN 230-LB 30 YEAR AND WEATHERED WOOD IN COLOR), PROVIDED HOWEVER, IN THE EVENT THAT SUCH ROOFING SHOULD HEREINAFTER NOT BE REASONABLY AVAILABLE, ALTERNATIVE ROOFING OF COMPARABLE QUALITY SHALL BE PERMITTED UPON THE DETERMINATION OF THE ARCHITECTURAL COMMITTEE THAT THE PROPOSED ALTERNATIVE IS OF COMPARABLE OR BETTER QUALITY AND OF A DESIGN AND COLOR WHICH IS COMPATIBLE WITH THE ROOFING FIRST ABOVE DESCRIBED.

K. ROOFTOP PROTRUSIONS. METAL ROOFTOP PROTRUSIONS ON THE RESIDENCE SHALL BE PAINTED TO MATCH THE ROOF COLOR SELECTIONS (WEATHERED WOOD).

L. ON-SITE CONSTRUCTION. NO EXISTING OR OFF-SITE BUILT STRUCTURE SHALL BE MOVED ONTO OR PLACED ON ANY LOT.

M. OUTBUILDINGS

1. OUTBUILDINGS ARE PROHIBITED.

2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.

N. SWIMMING POOLS. ABOVE GROUND SWIMMING POOLS ARE PROHIBITED.


Date Prepared: OCTOBER 04, 2013

O. FENCING

1. ALL FENCING SHALL BE IN ACCORDANCE WITH THE CITY OF BIXBY ZONING CODE. INTERIOR FENCING OR WALLS SHALL NOT EXTEND BEYOND THE BUILDING LINES OF THE LOT AND, IF A DWELLING IS BUILT BEHIND THE FRONT BUILDING LINE OF A LOT, NO FENCE MAY EXTEND BEYOND THE POINT NEAREST THE STREET AT EACH END CORNER OF THE DWELLING, PROVIDED HOWEVER, ON CORNER LOTS FENCING MAY EXTEND TO THE SIDE YARD LOT LINE. EXCEPT AS SPECIFIED IN SECTION III, SUBSECTION P.2 IMMEDIATELY BELOW (I) ALL FENCING SHALL BE 6' PRIVACY CONSTRUCTED OF STANDARD WOOD, AND (II) CHAIN LINK, BARBED WIRE, MESH AND OTHER METAL FENCING SHALL BE PROHIBITED. NO FENCE SHALL EXCEED 6 FEET IN HEIGHT. FENCES FACING THE STREET AND INSTALLED IN SIDE YARDS BETWEEN DWELLINGS SHALL BE ALIGNED WITH EXISTING FENCES ON ADJOINING LOTS WHERE POSSIBLE. THE GOOD SIDE OF EVERY FENCE SHALL FACE THE STREET. OTHER TYPES OF FENCING CONSTRUCTED OF WROUGHT IRON, BRICK, OR STONE MAY BE PERMITTED IF PRE-APPROVED BY THE ARCHITECTURAL COMMITTEE. VINYL COATED CHAIN LINK FENCE, WITH WOODED POST AND TOP RAIL IS RESTRICTED TO RESERVE AREAS ONLY.

2. WITH RESPECT TO LOTS WHICH ARE CONTIGUOUS WITH LAKES OR PONDS IN RESERVE AREAS, THE SIDE YARD FENCES SHALL BE TAPERED IN HEIGHT TO FOUR FEET (4') WITHIN THIRTY FEET (30') OF THE PERIMETER FENCING FACING THE LAKE AREA AND WITHIN SAID 30' AREA SHALL BE OF THE SAME SPECIFICATIONS AS THE PERIMETER FENCING DESCRIBED BELOW. PERIMETER FENCING SHALL BE REQUIRED ALONG AND PARALLEL TO THE COMMON BOUNDARY OF ALL LOTS WITH THE RESERVE AREAS WITH LAKES. SAID PERIMETER FENCING SHALL BE CONSTRUCTED OF VINYL COATED CHAIN LINK RESIDENTIAL GRADE MATERIAL WITH WOODEN TOP RAILS AND POSTS. SUCH PERIMETER FENCING SHALL BE FOUR FEET (4') IN HEIGHT AND UNIFORM IN HEIGHT, DESIGN AND MATERIAL.

P. ANTENNAS

1. EXTERIOR TELEVISION, "CB" RADIO OR OTHER ANTENNA INCLUDING SATELLITE DISHES SHALL BE PROHIBITED WITH THE FOLLOWING EXCEPTION. SMALL SATELLITE DISHES WHICH DO NOT EXCEED 20" IN DIAMETER SHALL BE ALLOWED SO LONG AS THE DISH IS INSTALLED ON THE BACK OF THE DWELLING AND IS NOT VISIBLE FROM ANY STREET WITHIN THE SUBDIVISION.

2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.

Q. LANDSCAPING AND LOT MAINTENANCE

1. EACH LOT OWNER SHALL SOD THE YARD OF A LOT AT THE TIME OF CONSTRUCTION OF A RESIDENCE THEREON. AT THE TIME OF SUCH CONSTRUCTION, THE LOT OWNER SHALL INSTALL A MINIMUM EQUIVALENT WORTH OF $500.0 OF LANDSCAPING MATERIALS (TREES, SHRUBS, GROUND COVER, ETC.) EXCLUSIVE OF SODDING.

2. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION FREE OF RUBBISH, TRASH AND OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOWED TO PREVENT GROWTH OF WEEDS OR TALL GRASS.

3. NO LUMBER, METALS, BULK MATERIALS, REFUSE OR TRASH SHALL BE KEPT, STORED OR ALLOWED TO ACCUMULATE ON ANY LOT OR ON THE RESERVE AREA, EXCEPT THAT BUILDING MATERIALS MAY BE STORED ON A LOT DURING THE COURSE OF CONSTRUCTION OF ANY APPROVED STRUCTURE. IF TRASH OR OTHER REFUSE IS TO BE DISPOSED OF BY BEING PICKED UP AND CARRIED AWAY ON A REGULAR AND RECURRING BASIS, CONTAINERS MAY BE PLACED IN THE OPEN ON ANY DAY THAT A PICKUP IS TO BE MADE, AT SUCH PLACE ON THE LOT SO AS TO PROVIDE ACCESS TO PERSONS MAKING SUCH PICKUP. AT ALL OTHER TIMES, SUCH CONTAINERS SHALL BE STORED IN SUCH A MANNER SO THAT THEY CANNOT BE SEEN FROM ADJACENT AND SURROUNDING PROPERTY. THE ARCHITECTURAL COMMITTEE, IN ITS DISCRETION, MAY ADOPT AND PROMULGATE REASONABLE RULES AND REGULATIONS RELATING TO THE SIZE, SHAPE, COLOR AND TYPE OF CONTAINERS PERMITTED AND THE MANNER OF STORAGE OF THE SAME.

R. RECREATIONAL VEHICLES AND BOATS. BOATS, TRAILERS, CAMPERS, MOTOR HOMES AND SIMILAR RECREATIONAL VEHICLES AND EQUIPMENT SHALL NOT BE STORED ON ANY LOT FOR A PERIOD OF IN EXCESS OF 48 HOURS PER WEEK IF IT IS WITHIN VIEW FROM ADJOINING PROPERTY OWNERS OR THE STREET.

S. INOPERATIVE VEHICLES. NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT EXCEPT WITHIN AN ENCLOSED GARAGE. NO MAINTENANCE OR REPAIRS TO VEHICLES, BOATS, MOTOR HOMES OR RECREATIONAL VEHICLES SHALL BE PERFORMED, EXCEPT IN AN ENCLOSED GARAGE.

T. CLOTHESLINES. EXPOSED CLOTHESLINE POLES OR OTHER OUTSIDE DRYING APPARATUS ARE PROHIBITED.

U. TRASH CONTAINERS. TRASH CONTAINERS, EXCEPT DURING PERIODS OF COLLECTION, AND WITHIN TWELVE (12) HOURS OF COLLECTION, SHALL BE STORED OUT OF VIEW FROM ABUTTING STREETS. NO EXPOSED GARBAGE CANS, TRASH CAN OR ANY TRASH BURNING APPARATUS OR STRUCTURE SHALL BE PLACED ON ANY LOT.

V. MAILBOXES. AS LONG AS A RURAL TYPE MAILBOX IS IN USE IN THE SUBDIVISION FOR UNITED STATES POSTAL SERVICE, ALL MAILBOX PEDESTALS SHALL CONFORM IN DESIGN TO SPECIFICATIONS FOR THE SUBDIVISION TO BE ESTABLISHED BY THE ARCHITECTURAL COMMITTEE. ALL MAILBOXES SHALL BE POSITIONED SO THAT THE FRONT FACE IS APPROXIMATELY 6 INCHES IN FROM THE BASE OF THE CURB AND 6 FEET FROM THE "INSIDE EDGE" OF THE DRIVEWAY. "INSIDE EDGE" SHALL MEAN THE EDGE OF THE DRIVEWAY WHICH BORDERS THE LARGEST CONTINUOUS LOT AREA. THE TOP OF THE MAILBOX SHALL BE 42 INCHES FROM STREET LEVEL

W. ANIMALS. NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED, BRED, SOLD OR KEPT IN THE SUBDIVISION, EXCEPT THAT TWO DOGS, TWO CATS OR OTHER HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT USED FOR COMMERCIAL PURPOSES.

X. NOXIOUS ACTIVITY. NO ACTIVITY OF A NOXIOUS OR OFFENSIVE NATURE SHALL BE CARRIED OUT OR ALLOWED BY ANY RESIDENT FOR ANY PURPOSE UPON ANY LOT, NOR SHALL ANY COMMERCIAL OR TRADE ACTIVITY TAKE PLACE OR BE ALLOWED THEREON THAT MIGHT BE OR MIGHT BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

Y. SIGNAGE. NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE SIGN OF NOT MORE THAN 6 SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT OR SIGNS USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD; EXCEPT, HOWEVER, OWNER/DEVELOPER MAY MAINTAIN SIGNS OF ANY SIZE ON RESERVE AREAS AND ON LOTS OWNED BY IT SO LONG AS IT OWNS A LOT IN THE SUBDIVISION.

Z. MATERIALS AND STORAGE. NO LOT SHALL BE USED FOR THE STORAGE OF MATERIALS FOR A PERIOD OF GREATER THAN 30 DAYS PRIOR TO THE START OF CONSTRUCTION AND ALL CONSTRUCTION SHALL BE COMPLETED WITHIN 9 MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION. READY MIX CONCRETE TRUCKS SHALL WASH OUT ONLY ON THE PROPERTY ON WHICH THE CONCRETE IS BEING DELIVERED. PROPERTY OWNERS SHALL BE RESPONSIBLE FOR ASSURING THAT CONCRETE DELIVERED TO THEIR LOT STAYS ON THEIR LOT AND SHALL BE RESPONSIBLE FOR CLEANUP IF CONCRETE DELIVERED TO A LOT IS SPILLED OR WASHED ONTO STREETS OR OTHER LOTS.

AA. TEMPORARY TRASH RECEPTACLE. A TEMPORARY TRASH RECEPTACLE IS REQUIRED ON EACH LOT DURING THE CONSTRUCTION OF ANY DWELLING IN THE SUBDIVISION. THE TEMPORARY TRASH RECEPTACLE SHALL BE MAINTAINED BY THE LOT OWNER AND SHALL BE EMPTIED ON A REGULAR BASIS OR AS NEEDED.

AB. BASKETBALL GOAL. NO BASKETBALL GOAL OR STRUCTURES ARE ALLOWED IN THE STREET RIGHTS OF WAY.

**SECTION IV - HOMEOWNERS' ASSOCIATION**

A. FORMATION OF HOMEOWNERS' ASSOCIATION. THE OWNER/DEVELOPER HAS FORMED OR SHALL CAUSE THE SEVEN LAKES HOMEOWNERS' ASSOCIATION, INC. (THE "ASSOCIATION"), A NON-PROFIT CORPORATE ENTITY TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA. THE ASSOCIATION SHALL BE FORMED FOR THE GENERAL PURPOSES OF MAINTAINING THE COMMON AREAS, RESERVES AREAS, LANDSCAPING, FENCING AND FOR THE PURPOSE OF ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF THE SUBDIVISION.

B. MEMBERSHIP. EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST IN A LOT IN THE SUBDIVISION SHALL BE A MEMBER OF THE ASSOCIATION AND MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. THE ACCEPTANCE OF A DEED TO A LOT SHALL CONSTITUTE ACCEPTANCE OF MEMBERSHIP TO THE ASSOCIATION AS OF THE DATE OF INCORPORATION, OR AS OF THE DATE OF RECORDING OF THE DEED, WHICHEVER OCCURS LAST. THE ASSOCIATION SHALL ALSO INCLUDE THE RECORD OWNERS OF LOTS IN THE OTHER PHASES OF SEVEN LAKES TO BE CONTIGUOUS TO THE SUBDIVISION. OWNER/DEVELOPER OR ITS AFFILIATE MAY, BY DESIGNATION OF THE ASSOCIATION IN THE PLATS, DEEDS OF DEDICATION AND COVENANTS OF OTHER PHASES OF SEVEN LAKES AS THE OPERATIVE HOMEOWNERS ASSOCIATION FOR SUCH ADDITIONS, EFFECT THE INCLUSION OF ALL OF THE LOT OWNERS IN SUCH ADDITIONS AS MEMBERS OF THE ASSOCIATION.

C. COVENANT FOR ASSESSMENTS. THE OWNER/DEVELOPER AND EACH SUBSEQUENT OWNER OF A LOT, BY ACCEPTANCE OF A DEED THEREFOR, COVENANTS AND AGREES TO PAY TO THE ASSOCIATION ASSESSMENTS TO BE ESTABLISHED BY THE ASSOCIATION IN ACCORDANCE WITH A DECLARATION TO BE EXECUTED AND RECORDED BY THE OWNER/DEVELOPER PRIOR TO THE CONVEYANCE OF A LOT WITHIN THE SUBDIVISION. ALL ASSESSMENTS SHALL BE A LIEN UPON THE LOT(S) AGAINST WHICH IT IS MADE, BUT THE LIEN SHALL BE SUBORDINATE TO THE LIEN OF ANY FIRST MORTGAGE.

D. ENFORCEMENT RIGHTS OF THE ASSOCIATION. WITHOUT LIMITATION OF SUCH OTHER POWERS AND RIGHTS AS THE ASSOCIATION MAY HAVE, THE ASSOCIATION SHALL BE A BENEFICIARY, TO THE SAME EXTENT AS A LOT OWNER, OF THE VARIOUS COVENANTS SET FORTH WITHIN THIS DEED OF DEDICATION AND SHALL HAVE THE RIGHT TO ENFORCE THE COVENANTS TO THE SAME EXTENT AS A LOT OWNER.

**SECTION V - ENFORCEMENT, DURATION, AMENDMENT & SEVERABILITY**

A. ENFORCEMENT AND DURATION. THE RESTRICTIONS HEREIN SET FORTH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS GRANTEES, TRANSFEREES, SUCCESSORS AND ASSIGNS AND ALL PARTIES CLAIMING UNDER IT FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE OF RECORDING OF THIS DEED OF DEDICATION, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS AMENDED OR TERMINATED AS HEREAFTER PROVIDED. IF ANY LOT OWNER SHALL VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR THE CITY OF BIXBY OR ANY PERSONS OWNING A LOT WITHIN THE SUBDIVISION TO MAINTAIN AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT(S) TO PREVENT HIM/HER OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT(S) OR TO RECOVER DAMAGES FOR SUCH VIOLATION(S).

B. AMENDMENT. THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LOT OR LOTS TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS WITH THE APPROVAL OF THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION II, LAND USE RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, AND BY THE OWNERS OF MORE THAN 75% OF THE LOTS WITHIN THE SUBDIVISION. THE COVENANTS WITHIN SECTION III, PRIVATE BUILDING AND USE RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER/DEVELOPER DURING SUCH PERIOD THAT THE OWNER/DEVELOPER IS THE RECORD OWNER OF AT LEAST ONE (1) LOT WITHIN SEVEN LAKES II OR ALTERNATIVELY, THE COVENANTS WITHIN SECTION III, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF MORE THAN 75% OF THE LOTS WITHIN THE SUBDIVISION, PROVIDED HOWEVER IN THE EVENT OF A CONFLICT OF AMENDING OR TERMINATING INSTRUMENTS, THE INSTRUMENT EXECUTED BY THE OWNER/DEVELOPER SHALL GOVERN. THE PROVISIONS OF ANY SUCH INSTRUMENT AMENDING OR TERMINATING COVENANTS SHALL BE EFFECTIVE FROM AND AFTER THE DATE THE INSTRUMENT IS PROPERLY RECORDED.

C. SEVERABILITY. THESE RESTRICTIVE COVENANTS, TOGETHER WITH THE OTHER DOCUMENTS INCORPORATED HEREIN BY REFERENCE, SHALL BE CONSTRUED AS AN ENTITY AND THE PERTINENT SECTIONS OF ALL INSTRUMENTS AS A WHOLE. THE INVALIDITY OF ANY PHASE, CLAUSE OR PROVISIONS HEREIN CONTAINED SHALL NOT RENDER THE BALANCE OF THIS INSTRUMENT VOID, OR UNENFORCEABLE, AND THE SAME SHALL BE THEREAFTER CONSTRUED AS IF SUCH PHRASE, CLAUSE OR PROVISION WERE NOT HEREIN CONTAINED, OR TO OTHERWISE GIVE MAXIMUM EFFECT TO THE INTENT OF THE OWNER/DEVELOPER. THE FAILURE OF THE OWNER/DEVELOPER OR ANY SUCCESSOR IN TITLE, TO ENFORCE ANY RESTRICTION, COVENANT, OR CONDITION AT ANY TIME, OR FROM TIME TO TIME, SHALL NOT BE DEEMED TO BE A WAIVER OR RELINQUISHMENT OF ANY RIGHT OR REMEDY NOR A MODIFICATION OF THESE RESTRICTIONS, COVENANTS OR CONDITIONS.

D. DEFINITIONS. IN THE EVENT OF AMBIGUITY OF ANY WORD OR TERM SET FORTH HEREIN, THE MEANING THEREOF SHALL BE DEEMED TO BE DEFINED AS SET FORTH WITHIN THE CITY OF BIXBY ZONING CODE AS THE SAME EXISTED ON SEPTEMBER 9, 2013 OR AS SUBSEQUENTLY AMENDED.

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

_____
DANIEL RHUL, MANAGER
PRHR PROPERTIES, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

STATE OF OKLAHOMA )
) SS.
COUNTY OF TULSA )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2013, BY THE ABOVE MANAGER OF PRHR PROPERTIES, LLC.

_____
NOTARY PUBLIC
MY COMMISSION EXPIRES:
MY COMMISSION NUMBER IS:

CERTIFICATE OF SURVEY

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

_____
ALAN C. HALL
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1283

STATE OF OKLAHOMA )
)SS.
COUNTY OF TULSA )

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2013, BY ALAN C. HALL.

_____
NOTARY PUBLIC : GLORIA J. SHOWMAN
MY COMMISSION EXPIRES: AUGUST 26, 2017
MY COMMISSION NUMBER IS 13007902

_____

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

# STAFF REPORT

**To:** Bixby Planning Commission

**From:** Erik Enyart, AICP, City Planner

**Date:** Friday, November 15, 2013

**RE:** Report and Recommendations for:
Preliminary Plat of "Byrnes Mini-Storages" (PUD 77, pending)

LOCATION:
- 12355 and 12365 S. Memorial Dr. (proposed addresses) and
- 12404 S. 85th E. Pl. (existing parcel address)
- Part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*

SIZE: Approximately 3.4 acres in three (3) tracts

EXISTING ZONING: AG Agricultural District/PUD 29A & RS-2 Residential Single-Family District (OL requested for AG-zoned portion and PUD 77 requested for entire acreage)

SUPPLEMENTAL ZONING: Corridor Appearance District (part)

EXISTING USE: A soccer practice field and a single-family dwelling with accessory building

REQUEST: Preliminary Plat approval

SURROUNDING ZONING AND LAND USE:

North: OL, AG, CS/OL/PUD 68, & RS-1; A single-family residence on a 7-acre tract zoned OL and AG and the PUD 68 "North Bixby Commerce Park" pending development on a 16-acre tract, a drainage channel, and residential homes in *Houser Addition*. To the northwest at 12113 S. Memorial Dr. is the *Spartan Self Storage* ministorage

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development on an unplatted 1-acre tract zoned CS, and commercial development in *121st Center*.

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

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

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

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

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

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

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

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

Final Plat of The Boardwalk on Memorial: Request for Final Plat approval for part of subject property – Recommended for Approval by PC 05/19/2003 and Approved by City Council 05/27/2003 (Plat # 5717 recorded 08/19/2003).

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

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

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

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

PUD 29A Minor Amendment # 3 – Request for Minor Amendments to PUD 29A to remove Development Area B from the PUD – Planning Commission Continued the application from the January 19, 2010 meeting to the February 16, 2010 meeting. The submission of

PUD 29A Major Amendment # 1 in lieu of this application was recognized as the Withdrawal of this application.

BL-373 – William Wilson for Boardwalk on Memorial I., LP – Request for Lot-Split approval to separate the east approximately 472' from the balance of Lot 1, Block 1, *The Boardwalk on Memorial* (includes part of subject property) – PC Approved 02/16/2010.

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

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

BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove in part the Residential Area specific land use designation, rezone in part from AG to OL, and approve PUD 77 for a ministorage development on subject property – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. Ordinance First Reading held 06/24/2013. Ordinance Second Reading and consideration pending receipt of final PUD Text & Exhibits as Conditionally Approved.

BACKGROUND INFORMATION:

ANALYSIS:

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

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

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

Tracts "1" and "2" are requested for Comprehensive Plan amendment and rezoning from AG to OL. All three (3) tracts are to be covered by PUD 77. PUD 77 would supersede PUD 29A for the concerned part thereof. Tracts "1" and "2" are in Development Area A, and Tract "3" is in

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Development Area B. Tract "3" / Development Area B will remain zoned RS-2 and will continue to maintain the house structure as a residential dwelling.

On May 20, 2013, the Planning Commission recommended Denial of all three (3) applications by 2:1:0 vote. On June 10, 2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. The Ordinance First Reading was held 06/24/2013. The Ordinance Second Reading and consideration is pending receipt of final PUD Text & Exhibits as Conditionally Approved. The Applicant has expressed to Staff an interest in "holding off" on the PUD until the potential for coordination with the proposed PUD 81 "Chateau Villas PUD" to the north can be explored.

Per the most recent version of the PUD 77 Text and Exhibits, received October 15, 2013, the northernmost buildings may be proposed to have a 4' setback from the north line, if an easement or agreement is not secured allowing a 0' setback. Also per that version, the Applicant now proposes to build an office building at the east end of the remaining part of Lot 1, Block 1, *The Boardwalk on Memorial*, which office building will contain, among other things, the ministorage leasing office. This will allow the west end of the northwestern-most building to be reclaimed for storage units. Staff has not investigated the status of PUD 29A to determine what issues this new change may present. See relevant discussion within the attached TAC Minutes for additional information.

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

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Low Intensity and (2) Residential Area. BCPA-9 requests removal of Residential Area specific land use designation, to allow Development Area A to be rezoned to OL and be developed with a ministorage business. If approved to remove the Residential Area specific land use designation, BCPA-9 would not confer a new one.

The ministorage development anticipated by this plat would be consistent with the Comprehensive Plan upon the approval of BCPA-9.

General. This subdivision of 3.4616 acres, more or less, proposes three (3) lots, one (1) block, and one (1) Reserve Area. Reserve Area A would be used as a stormwater detention facility serving this development.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on November 06, 2013. The Minutes of the meeting are attached to this report.

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

Access and Internal Circulation. Primary access would be through an "Existing 25' Access Easement" through *The Boardwalk on Memorial* shopping center parking lot. The entrance will be gated past the leasing office and parking area. Secondary, emergency-only ingress/egress

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would be through a driveway connecting the southeast corner of Development Area A through the south/west side of the residential lot to S. 85th E. Pl. Per revised PUD plans received April 09, 2013, another emergency-only gated entrance will be installed at the west end of the southerly drive in Development Area A, to allow a "straight shot" drive to the emergency-only ingress/egress at the southeast corner of the PUD. This revision will allow the reduction in the 30' minimum building spacing for that drive only per the Fire Marshal, since the 30' spacing between buildings is primarily to ensure adequate spacing for fire apparatus turning movements and thus, removing the need for turning movements from that drive reduces the drive width requirement.

Development Area (DA) A is "landlocked," having no frontage on a dedicated and built public street. Access will be provided by means of Mutual Access Easements from adjoining lots with public street frontage and between lots within the development. PUD 77 provides that no frontage is required for this DA.

The development is planned to have two (2) means of ingress / egress through *The Boardwalk on Memorial* shopping center, which will lead to two (2) entrances / gates at the west end of DA A. The routes as planned for the two (2) drives through the shopping center must be legally provided by dedication of Mutual Access Easement(s). The MAE is represented on the plat as [proposed] by separate instrument. This must be recorded prior to Final Plat approval and recording, and the text needs to be updated to cite the Document # where such easement(s) is/are recorded.

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

Development Area A / proposed Lot 2 has frontage on the northerly dead-end of S. 85th E. Ave., a half-street platted in *Gre-Mac Acres* but not built. Limits of No Access (LNA) need to be represented across this frontage.

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

1. Subject to the City Council's final approval of BCPA-9, PUD 77, & BZ-365 and the completion of all requirements pertaining thereto.
2. Subdivision Regulations Section 12-3-2.O prohibits the approval of building lots within the 100-year Regulatory Floodplain, as designated by FEMA and adopted as part of

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Bixby's Floodplain Regulations by ordinance; by Modification/Waiver, platting Reserve Areas may be permitted, provided their use is passive and use restrictions prohibit building construction. Parts of the northerly sides of Lot 1 and possibly Lot 2 are in the 100-year Floodplain, as well as part of the northerly side of Reserve A. Unless there is intent to go through the FEMA Letter Of Map Amendment (LOMA) based on more accurate and favorable survey data, or the Conditional/Letter Of Map Revision based on Fill (C/LOMR-F) process to remove the parts of the building lots from the 100-year Floodplain, a redesign may be in order. A Modification/Waiver will still be required if redesigned such that the 100-year Floodplain is fully contained by Reserve Area A. It may be possible that the CLOMR-F approved for the PUD 68 "North Bixby Commerce Park" development, now proposed to be part of the PUD 81 "Chateau Villas PUD" development, would result in a FEMA Floodplain Map change / Letter Of Map Change which would benefit the subject property.

3. Subject to a Modification/Waiver from the 17.5' minimum Perimeter U/E dedication requirement of Subdivision Regulations Section 12-3-3.A, which may be justified by pointing to the building placement particulars of PUD 77, the U/Es along adjoining boundaries, and the alternative U/E placement proposed within the subject property.
4. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
5. Please represent the 100-year Regulatory Floodplain per SRs Section 12-4-2.B.5.
6. Please add an appropriate FEMA Floodplain Map note.
7. The MAE(s) in *The Boardwalk on Memorial* must be recorded prior to Final Plat approval and recording, and the pertinent text needs to be updated to cite the Document # where such easement(s) is/are recorded.
8. If an easement (or other acceptable form of legal agreement) is secured to allow incidental construction activities and future building wall maintenance activities on the two (2) parcels adjoining to the north, to allow the buildings to be constructed on the north property line, represent spatial extent on plat and cite the Document # where such instrument(s) is/are recorded.
9. Existing U/Es "to be vacated" should have ordinance effecting easement closing approved and recorded prior to Final Plat approval and recording. The pertinent text needs to be updated to cite the Document # where such ordinance is recorded. Further, if court has permanently vacated easement / foreclosed the Public's right to reopen, cite instead the Document # where the court order is recorded with the Tulsa County Clerk.
10. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
    a. *121st Center* (misrepresented as to configuration)
    b. *Southern Memorial Acres No. 2* (misrepresented as to configuration)
    c. *Gre-Mac Acres* (mislabeled)
    d. *Bixby Landing Second* (missing)
    e. Scale at 1" = 2,000'.
11. Please add elevation contours (with labels) as required per SRs Section 12-4-2.B.6.
12. Please correct name of S. 85th E. Ave.
13. Please provide Limits of No Access (LNA) restrictions along the S. 85th E. Ave. frontage.

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14. Title Block: Does not specify whether an "Addition" or a "Subdivision." DoD/RCs Preamble describes as "an Addition… sometimes referred to as the "Subdivision")." Please identify in Title Block and reconcile all instances.
15. Please label and dimension north-south segment of [MAE] on Lot 2.
16. Please clarify label along west line of Lot 1 that 15' U/E is per Plat # 5717.
17. Please identify distance from north lines of lots to north line of 10' Restricted Water Line Easement.
18. Please identify the two (2) perpendicular protrusions from RWLE, and the angled line at the easterly end of the RWLE, dimension all widths, and dimension all of them each between the other and between the eastern-most or western-most protrusion to its nearest north-south Lot 1 lot line.
19. Please clarify the area where Reserve A and the 26'-wide MAE appear to overlap and coincide in part.
20. Please add different linetypes to the Legend for the sake of clarity and/or consider using shading or hatching to differentiate areas currently congested with multiple linetypes.
21. Please label the 15' "Utilities Easement" along the westerly line of Lot 3 as "per Plat # 2794" or "2804," as the case may be.
22. Please represent and label the 15' "Utilities Easement" along the northerly line of Lot 3 as "per Plat # 2794" or "2804," as the case may be.
23. Please represent existing buildings and dimension to nearest property lines, such as shown on Exhibit B to PUD 77, as required by SRs Section 12-4-2.A.8. Such details may be removed on Final Plat by standard Modification/Waiver written into Staff Report as a Condition of Approval.
24. Please add "M.A.E. / MAE" to the Legend.
25. Please resolve text / linework conflict with 170' call along east line of Lot 1.
26. "Doc#" on face of plat does not match "DOC.NO" in Legend.
27. "B/L" on face of plat does not match "BL" in Legend.
28. DoD/RCs Preamble: Missing critical wording such as "and have caused the above-described land to be surveyed, staked, platted, <u>granted, donated, conveyed, and dedicated, access rights reserved,</u> and subdivided …" as per customary platting conventions and the City Attorney's recommendations regarding fee simple ownership of rights-of-ways. The first four (4) underlined terms may be omitted in this instance, as no right-of-way would be dedicated by this plat, but the access rights reservation needs to be included per other recommendations in this report. See also text above Owner's Dedication Signature Block.
29. DoD/RCs Section 1.D: Discusses stormwater easements which are not represented on face of plat.
30. DoD/RCs: Does not provide dedication language pertaining to the 10' Restricted Water Line Easement represented on the face of the plat.
31. DoD/RCs: Does not provide dedication language pertaining to the 4' Existing Tree Preservation and Landscape Easement represented on the face of the plat. Needs to have appropriate dedication, purpose, and terms of responsibility and responsible part(ies) established. Language in PUD section of DoD/RCs only provides that easement will be established with plat.
32. DoD/RCs Section 1.E.3: Please replace "or allow" with "and shall prevent."
33. DoD/RCs Section 2: Please update with final version of PUD 77 language when / as approved.

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34. DoD/RCs Section 3.A.3: Please qualify this section as follows: "...other than properly-permitted paved parking, ..."
35. DoD/RCs Section 3.B.2: Please add to list of sections requiring City of Bixby approval: all of Sections 2 (PUD restrictions), 3.A.3, 3.B.2, and 3.B.4.
36. Owner's Dedication Signature Block: First paragraph of text above this signature block may be more appropriately integrated into DoD/RCs Section 3.
37. Owner's Dedication Signature Block: Second paragraph of text above this signature block is missing critical wording such as "As owner we hereby certify that we have caused the land described in this plat to be surveyed, divided, mapped, granted, donated, conveyed, dedicated and access rights reserved as represented on the plat." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
38. Submit release letters from all utility companies serving the addition as per SRs Section 12-2-6.B.
39. 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).

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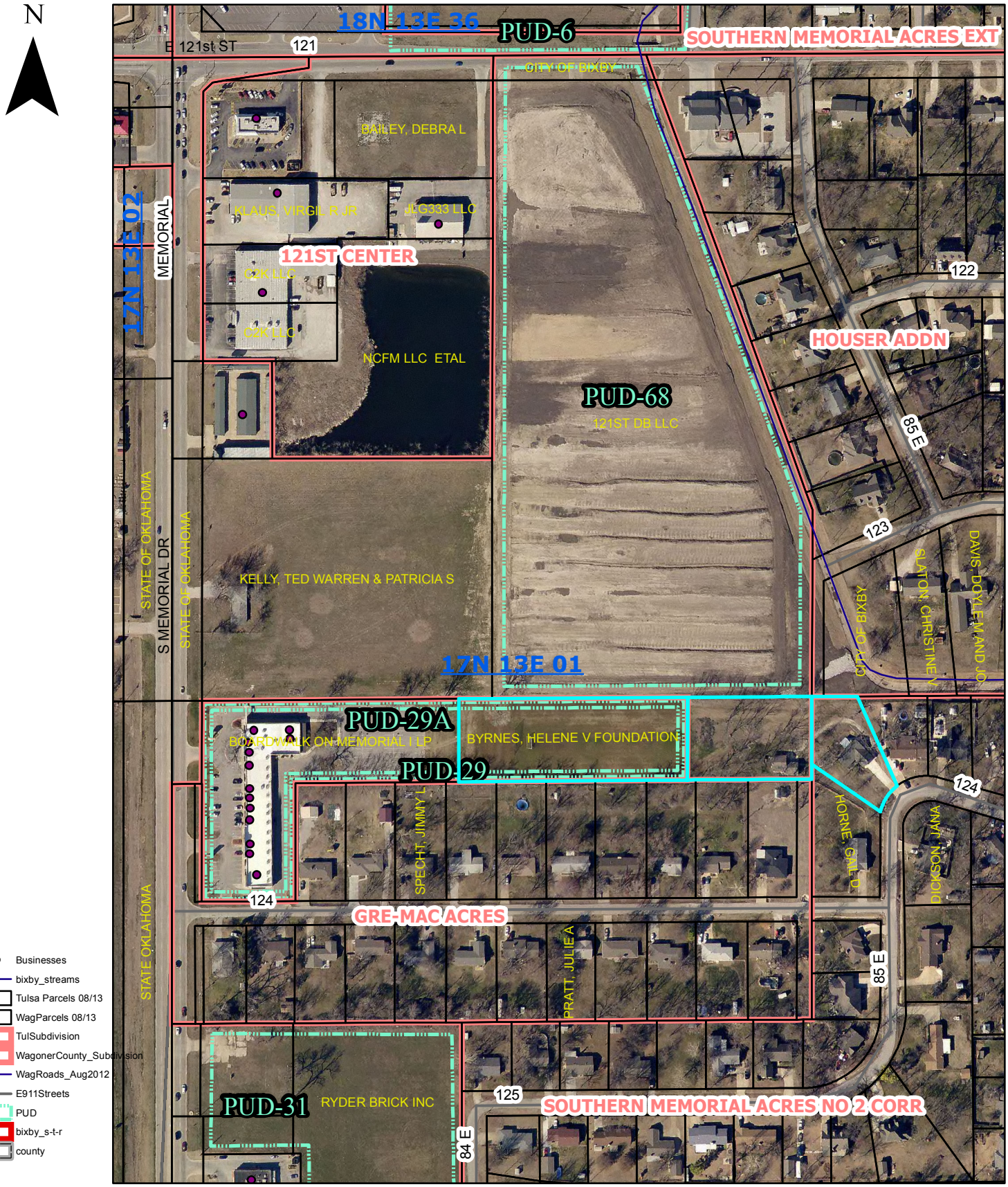
# Preliminary Plat – "Byrnes Mini-Storages" – JR Donelson, Inc. [PUD 77]




City of Bixby ~ Planning
Printed 10/31/2013

**City of Bixby**
**Engineering Department**

# Memo

**To:** Mr. J.R. Donelson
12820 S. Memorial Dr., Suite 100
Bixby, Ok 74008

**From:** Jared Cottle, PE

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

**Date:** 10/31/13

**Re:** Byrnes Mini-Storage
Water & Sanitary Sewer Plans

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## Comments – General:

1. A comment response letter addressing each of the items listed below is required with the next submittal.
2. No perimeter easements are indicated for either the north or south sides of the property. Perimeter easements are particularly important on the north side where the property is undeveloped as yet. Mutually beneficial utility easements/lines serving both tracts could be provided in lieu of standard perimeter utility easements.
3. Storm water conveyance from property to the north must be addressed with this project via the grading and drainage plans and easements as necessary.
4. ODEQ Report forms and fees will be required for submittal to the State.
5. A Storm Water Pollution Prevention Plan prepared in accordance with OKR10 is required for this project.
6. A Storm Water Drainage & Detention Report and approved Earth Change Permit will be required prior to any grading and paving operations.

## Comments – Water:

7. City water mains must be installed within green areas. The green corridor versus paved areas must be clearly delineated on the Plans.
8. Water line easements must be at least 15' wide.
9. Fire hydrant locations must be approved by the Fire Marshall.
10. Only special details that are not addressed in the Bixby Standard Infrastructure Specifications should be included in the Plans. Otherwise, City Standard Details should be incorporated by reference only.

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## Comments – Sanitary Sewer:

11. The storm sewer system layout should be shown in the background of the plans.
12. Storm sewer and water clearances must be shown and labeled on the Profiles.
13. DR 14, C900 pipe is required from MH to MH under all street and driveway crossings. Manholes and sewer lines should be located outside of paved areas. The green corridor versus paved areas must be clearly delineated on the Plans.
14. Only special details that are not addressed in the Bixby Standard Infrastructure Specifications should be included in the Plans. Otherwise, City Standard Details should be incorporated by reference only.

CITY OF BIXBY FIRE CODE ENFORCEMENT

# Memo

To: ERIK, AICP, CITY PLANNER

From: JIM SWEEDEN

Date: 10/29/2013

Re: PRELIMINARY PLAT OF "BYRNES MINI-STORAGES

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THE ISSUES ON THE DRIVE LANE OF 26 FEET WIDE WILL BE TAKEN UP WITH THE STAFF AT THE TAC MEETING @ 10 AM NOV. 6, 2013.

Jim Sweeden

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PRELIMINARY PLAT

# BYRNES MINI-STORAGES

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

PUD NO. 77

| PLAT No. |
|---|
| |


**ENGINEER/SURVEYOR:**
JR DONELSON, INC.
12820 SO. MEMORIAL DR.
OFFICE 100
BIXBY, OKLAHOMA 74008
PHONE: 918-394-3030
C.A. NO. 5611 EXP. 6-30-15

**OWNER:**
HELENE V. BYRNES FOUNDATION
12345 SO. MEMORIAL DR. #106
BIXBY, OKLAHOMA 74008
CONTACT: BILL WILSON
PHONE: 918-269-1000
EMAIL: WWILSON@OLP.NET


**FINAL PLAT**
**CERTIFICATE OF APPROVAL**

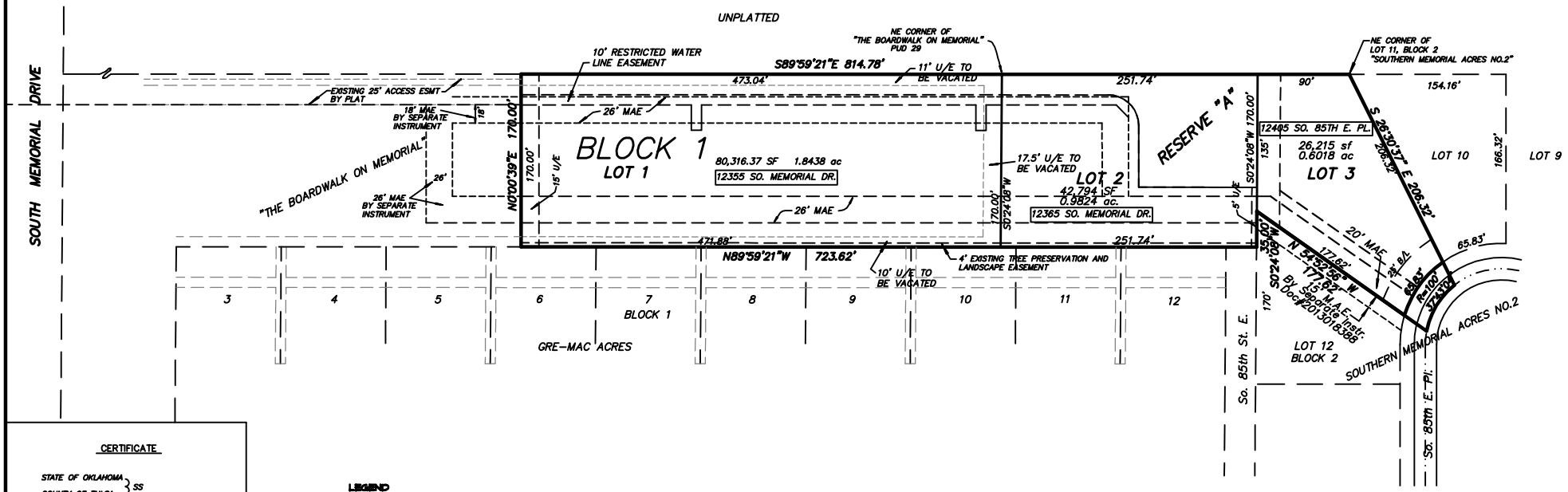
I Hereby certify that this plat was approved by the City Council of the City of Bixby on _____

By: _____
Mayor - Vice Mayor

This approval is void if the above signature is not endorsed by the City Manager or City Clerk.

By: _____
City Manager - City Clerk

0 25 50 75 100
SCALE: 1"= 50'




**CERTIFICATE**

STATE OF OKLAHOMA }
COUNTY OF TULSA } SS

I, Pat Key, Tulsa County Clerk, in and for the County and State of Oklahoma above named, do hereby certify that the foregoing is a true and correct copy of a like instrument now on file in my office.

Dated the _____ day of _____
Pat Key, Tulsa County Clerk

_____
Deputy

**LEGEND**

| | |
|---|---|
| U/E | UTILITY EASEMENT |
| BL | BUILDING LINE |
| ROW | ROAD RIGHT-OF-WAY |
| DOC.NO. | DOCUMENT NUMBER |

"Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied on in place of legal descriptions.

This plat meets the Oklahoma minimum standards for the practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Surveyors.

BENCHMARK:
Flowline of Sanitary Sewer Manhole, located 16 feet South and 15 feet East of the Northwest Corner of Lot 11, Block 2, Southern Memorial Acres No. 2
Elevation: 598.42, NGVD29

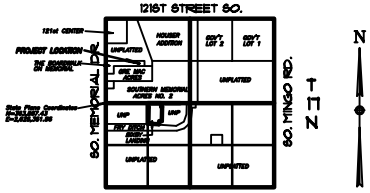
BASIS FOR BEARINGS:
The basis for bearings is the North line "The Boardwalk on Memorial", with an assumed bearing of S 89°59'21"E.

**PROPERTY DESCRIPTION**

A tract of land situated in a part of the NW/4 , Section 1, T-17-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described by metes and bounds, by Charles K. Howard, LS 297, as follows, to-wit:

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

R-13-E

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SECTION 1
LOCATION MAP

SCALE: 1"= 2000'

SUBDIVISION CONTAINS:
AREA = 3.4616 ACRES 150,800 SF
NO. LOTS 3 BLOCKS 1
April 6, 2013
C: WILSON\EXHIBIT-A.DWG

BYRNES MINI STORAGES
Preparation date: October 1, 2013
SHEET 1 OF 2

## DEED OF DEDICATION AND STATEMENT OF RESTRICTIVE COVENANTS
## BYRNES MINI-STORAGES
## PUD NO. 77

**KNOW ALL MEN BY THESE PRESENTS:**

WHEREAS, Helene V. Byrnes Foundation is the owner in fee simple to the following described property in the City of Bixby, Tulsa County, Oklahoma, to-wit:

A tract of land situated in a part of the NW/4, Section 1, T-17-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described by metes and bounds, by Charles K. Howard, L.S. 297, as follows, to-wit:

Beginning at the northeast corner of "The Boardwalk on Memorial", PUD 29; thence with an assumed bearing of S 89°59'21"E being the north line of "The Boardwalk on Memorial" a distance of 251.74 feet to the northwest corner of Lot 11, Block 2, Corrected plat of Southern Memorial Acres No. 2; thence continuing S 89°59'21"E and along the north line of said Lot 11, Block 2 a distance of 90.00 feet to the northeast corner of said Lot 11, Block 2; thence S 26°30'37"E and along the east line of said Lot 11, Block 2 a distance of 206.32 feet; thence along a curve to the left with a radius of 100.00 feet and a delta angle of 37°43'04" for 65.83 feet, with a chord bearing of S 35°48'20"W and a chord distance of 64.65 feet; thence thence N 54°52'56"W a distance of 177.62 feet; thence S 00°24'08"W a distance of 35.00 feet; thence N 89°59'21"W a distance of 471.88 feet; thence N 00°00'39"E a distance of 170.00 feet to the north line of "The Boardwalk on Memorial"; thence S 89°59'21"E and along the north line of "The Boardwalk on Memorial" a distance of 473.04 feet to the point of beginning and containing 3.4616 acres more or less.

and have caused the above-described land to be surveyed, staked, plotted and subdivided into lots, blocks, reserve areas and streets, and have designated the same as "Byrnes Mini-Storage", an Addition to the City of Bixby, Tulsa County, Oklahoma (hereinafter sometimes referred to as the "Subdivision").

### SECTION 1. PUBLIC COVENANTS

**A. UTILITY EASEMENTS**

The Owners hereby dedicate to the public use forever the easements as shown and designated on the accompanying plat for the several purposes of constructing, maintaining, operating, repairing, removing, replacing any and all utilities including storm sewer, sanitary sewer, telephone and communication lines, electric power lines and transformers, gas lines and water 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 into and upon said utility easements and rights-of-way for the uses and purposes aforesaid. No building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed or permitted upon the easement or rights-of-way as shown, provided however, that the owner hereby reserves the right to construct, maintain, operate, lay and relay water lines and sanitary sewer lines together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all public streets, alleys, and utility easements, shown on said plat, for the purposes of furnishing water and/or sanitary sewer services to the area included in said plat.

**B. WATER AND SANITARY SEWER SERVICE**

In connection with the provision of water and sanitary sewer service, all lots are subject to the following provisions, to-wit:

The owner of each lot shall be responsible for the protection of the public water mains and the public sanitary sewer facilities located on his lot and within the depicted street right-of way and utility easement areas, if ground elevations are altered from the contours existing upon the completion of the installation of a public water or sewer main, all ground level apertures, to include: valve boxes, fire hydrants and manholes will be adjusted to the new grade by the owner or at the owner's expense.

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

The City of Bixby or its successors through its agents and employees shall at all times have the right of access with their equipment to all such easement ways shown on said plat, or provided for in this dead of dedication for the purpose of installing, maintaining, removing or replacing any portion of underground water and sewer facilities.

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

**C. ELECTRIC, TELEPHONE, CABLE TELEVISION AND NATURAL GAS SERVICE.**

In connection with the installation of underground electric, telephone, cable television and natural gas service lines, the lot is subject to the following:

1. Street light poles or standards shall be served by underground cable and elsewhere throughout said Addition all supply lines shall be located underground, in the easement-ways reserved for the general utility services and streets, shown on the attached plat. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in said easement-ways.

2. All supply lines in the Subdivision including electric, telephone, cable television and natural gas service lines shall be located underground in the easements reserved for general utility services and streets shown on the plan of the subdivision. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in said easements.

3. Underground service cables and natural gas service lines to all buildings which may be located in the Subdivision may be run from the nearest natural gas main, service pedestal or transformer to the point of usage determined by the location and construction of such building as may be located upon said lot; provided that upon that the installation of such a service cable or a natural gas service line to a particular building, the supplier of service shall thereafter be deemed to have a definitive, permanent, and effective right-of-way easement on said lot, covering a five-foot strip extending 2.5 feet on each side of such service cable or line, extending from the service pedestal, transformer or natural gas main to the service entrance on the building.

4. The supplier of electric, telephone, cable television and natural gas services, through its authorized agents and employees, shall at all times have right of access to all such easements shown on the plat to the Subdivision or 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 natural gas service facilities so installed by it.

5. The owner of each lot in the Subdivision shall be responsible for the protection of the underground electric facilities located on his property and shall prevent the alteration of grade or any construction activity which may interfere with said electric, telephone, cable television or natural gas facilities. The supplier of service will be responsible for the ordinary maintenance of underground facilities, but the owner of the lot in the Subdivision will pay for damage or relocation of such facilities caused or necessitated by acts of such owner or his agents or contractors.

**D. STORM SEWER**

1. The storm sewers will be private and privately maintained.

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

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

4. The storm sewers shall be owned by and maintained, at the sole cost and expense, of the owner of the lot upon which the storm sewers are located.

5. In the event that the storm sewers are accepted by the City of Bixby, the City of Bixby or its successors, shall be responsible for ordinary maintenance of the public storm sewer system, but the owner of each lot will pay for damage or relocation of such system caused or necessitated by the acts of the owner of each lot or its agent or contractors.

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

**E. SURFACE DRAINAGE**

1. 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.

2. No property owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across his lot. No property owner shall modify or change the direction of drainage of surface stormwater from the original approved construction plans on file at the City of Bixby.

3. The property owner shall prevent the alteration of grade within all easement areas from the original contours (finish grade) or allow any construction activity which may interfere with such public water mains, valves, storm sewers, and or public sanitary sewer facilities.

4. The covenants set forth in this section shall be enforceable by any affected property owner and by the City of Bixby, Oklahoma.

**F. OWNER RESPONSIBILITY WITHIN EASEMENTS.**

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

**G. LAND USE**

All construction shall be strictly according to the ordinances of the City of Bixby, Oklahoma.

**H. "RESERVE A", DETENTION POND.**

1. The Stormwater drainage system shall be designed and constructed in accordance with the Adopted Ordinances, Resolutions standards and design requirements as adopted by the City of Bixby, as appropriate, and shall be so designed to collect and pass the runoff from a 100-year frequency flood under conditions of full urbanization. The 2, 5, 10, 50, 100 year flows shall be modeled and 500 year flow analyzed. The entire flow shall be confined within the said stormwater drainage systems.

2. The stormwater detention facility if required by City of Bixby adopted standards, shall be designed and constructed in accordance with said standards.

### SECTION 2. PLANNED UNIT DEVELOPMENT RESTRICTIONS

**A. DEVELOPMENT AREA A**

LAND AREA:

| | | |
|---|---|---|
| Gross: | 2.826 acres | 123,110 square feet |
| Net: | 2.826 acres | 123,110 square feet |

PERMITTED USES (to be allowed by right):
Those uses permitted are all the Use Units allowed by right within the "OL" zoning district of the City of Bixby Zoning Code as well as Use Unit 16 mini-storage business use; and all accessory uses permitted in the underlying zoning district and in the Planned Unit Development Chapter of the City of Bixby Zoning Code.

| | |
|---|---|
| MINIMUM FRONTAGE | 0 |
| MAXIMUM BUILDING FLOOR AREA | 47,600 sf |
| MAXIMUM BUILDING HEIGHT (mini-storage buildings) | 12 sf |
| MAXIMUM BUILDING HEIGHT (office building) | 24 sf |
| F.A.R. (floor to area ratio) | 0.387 |

MINIMUM BUILDING SETBACKS

| | | | |
|---|---|---|---|
| Lot 1, Block 1 | West | 17.5 | feet |
| | North | 4 | feet |
| | South | 4 | feet |
| | East | 0 | feet |
| Lot 2, Block 1 | West | 0 | feet |
| | North | 4 | feet |
| | South | 4 | feet |
| | East | 5 | feet |

STORMWATER DETENTION AREA
Minimum 12,311sf, 10% of the development area
Maximum 18,466sf, 15% of the development area

BUILDING WALL MATERIAL

Building walls and screening fences adjacent to the north, south and east property lines (adjoining RS-2 zoning) will be of masonry construction. The option is either brick or a split faced concrete block.

The east-facing ends of three (3) easternmost buildings adjoining RS-2 zoning and the west-facing ends of three (3) westernmost buildings (visible from RS-2 zoning), will be of masonry construction. Interior facing walls will be metal or masonry.

BUILDING DESIGN

The buildings in Development Area A will have shed roofs slanted inward to the development site, ensuring all roof drainage is directed into the internal storm water drainage system, and will not drain onto adjoining properties. The roof will not overhang adjacent property lines and the roof pitch will be between 1/12 and 4/12.

**B. DEVELOPMENT AREA B**

LAND AREA:

| | | | |
|---|---|---|---|
| Gross: | (includes 1/2 abutting ROW) | 0.6356 acres | 27,690 sf |
| Net: | | 0.6018 acres | 26,215 sf |

PERMITTED USES (to be allowed by right):
Those uses permitted are all the Use Units allowed by right within the "RS-2" zoning district of the City of Bixby Zoning Code; and all accessory uses permitted in the underlying zoning district and in the Planned Unit Development Chapter of the City of Bixby Zoning Code.

| | |
|---|---|
| MINIMUM FRONTAGE | 65.83 lin.ft |
| MAXIMUM BUILDING FLOOR AREA | 1 unit |
| MAXIMUM BUILDING HEIGHT | 35 feet |

MINIMUM BUILDING SETBACKS
Pursuant to Section 11-7B-4 Table 3, of the City of Bixby Zoning Code.

LANDSCAPE/GREEN AREA minimum 3,932sf 15% gross land area

**C. DEVELOPMENT STANDARDS FOR ALL DEVELOPMENT AREAS**

1. LANDSCAPED AREA AND SCREENING
a. Preliminary landscaping and screening area represented on Exhibit G of the PUD 77. Development Area A – Any building wall visible from an adjacent residential zoned property will be screened by a 6'-0" concrete block or brick wall. Screening any portion of the North or South property line will be accomplished by utilizing the exterior wall of the building, which will be either brick or split faced concrete block and/or a 6'-0" concrete block or brick wall. This is shown on Exhibit G of PUD 77. There will be a 4'-0" landscape area south of the south building adjacent to the south property line. Constructing the south building 4'-0" north of the south property line will allow 14 trees situated along the south property line to remain. Development Area B – The existing trees and landscaping will remain on the site. No screening fences area required. The existing 6' wooden privacy fence west of this site on "The Boardwalk on Memorial" will be replaced with a concrete block wall similar to the existing wall on the east side of "The Boardwalk on Memorial."

b. A 4'-0" easement described as, "Existing Tree Preservation and Landscape Easement", will be shown on the south 4'-0" of the entire Development Area A.

c. Three trees are required along the west property line. Two trees are required along the east property line. One tree is required along the north property line. Eight trees are required along the south property line. A total of 24 trees, 6" in diameter or larger will be preserved on the site. The preserved tree credit will be equal to 48 trees. These are shown on Exhibit G of PUD 77. Fourteen trees area required and a 48 tree count is provided. No trees will be planted.

d. The south property line area will have a landscape area of 4'-0" x 723.62', which equals 2,894.48 sf. The total landscape area, including the detention area is 18,654.28 sf or 15.15% of Development Area "A".

e. Exhibit G of PUD 77 shows the landscape areas and percentages for each property line.

2. SIGNS
a. Signage shall comply with the PUD Chapter (Chapter 7-I). One (1) ground monument sign will be permitted in Development Area A and shall not exceed 15'-0" in height.

b. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving rotating signs and movement shall be prohibited in this PUD for Development Areas A and B, except as may be permitted by the Bixby Planning Commission as part of the approved detail sign plan.

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

4. TRASH, MECHANICAL AND EQUIPMENT AREAS
a. There shall be no storage of recyclable materials, trash or similar material. All trash, ground supported mechanical and equipment areas, shall be screened from adjacent properties.

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

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

6. TOPOGRAPHY AND UTILITIES

a. Topography. Topography of the Site is depicted on Exhibit F of PUD 77.

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

7. ACCESS, CIRCULATION AND PARKING

a. Access, traffic circulation and parking are depicted on Exhibit B of PUD 77. All drives and parking areas within the PUD shall be privately owned and maintained.

b. There will be two (2) access gates along the west property line of Development Area A. One gate access to the Byrnes Mini-Storages is for customers. The 26' wide gated emergency-only ingress/egress through Lot 11, Block 2, Southern Memorial Acres No. 2 to South 85th Place E. will be accessed using a knox-switch.

c. Two (2) mutual access easements across "The Boardwalk on Memorial", will allow access to "Byrnes Mini-Storages". The mutual access easements will be filed at the Tulsa County Court House prior to the issuance of an occupancy permit for buildings in "Byrnes Mini-Storages".

d. The access to the site, built un-built, So. 85th E. Ave. will not be allowed in the PUD.

e. A 15 foot Roadway Easement, Doc.No. 2013018388, has been filed on Lot 12, Block 2, Southern Memorial Acres No. 2 allowing emergency access to South 85th E. Place. The south 20 feet of the existing Lot 11, Block 2, Southern Memorial Acres No. 2, which will be Lot 3, "Byrnes Mini-Storage", will be dedicated as a mutual access easement. Eighteen (18') feet of the proposed emergency ingress/egress will be located on Lot 3, Byrnes Mini-Storage and eight (8') feet located on Lot 11, Block 2, Southern Memorial Acres No. 2.

f. Two (2) mutual access easements will allow cross access between Lots 1 and 2, Development Area A.

## SECTION 3. PRIVATE COVENANTS AND RESTRICTIONS.

Usage of the following words shall having the following meanings, unless the context clearly requires otherwise: "City" shall mean the City of Bixby; "lot" shall mean a lot in the Subdivision.; "lot owner" shall mean a lot owner in the Subdivision; "plat" shall mean the accompanying plat of the Subdivision; and "zoning code" shall mean the City of Bixby Zoning Code.

For the purpose of providing an orderly development of the Subdivision and for maintaining conformity of the improvements therein, the following covenants and restrictions hereby are imposed upon the use and occupancy of the lots within the Subdivision.

A. Private Covenants and Restrictions Applicable to all Lots. The following standards shall apply to all lots of the Subdivision unless specifically modified or superceded by more specific provisions adopted by the Owner as hereinafter provided.

1. Mutual Access Easements. Mutual Access Easements, as depicted on the accompanying plat, are hereby established for the purposes of permitting vehicular and pedestrian access to and from all areas adjacent to and contained within the plat, and such easements shall be for the mutual use and benefit of each affected lot owner, their guests, and invitees, and shall be appurtenant to each affected lot. Provided, however, governmental agencies and suppliers of utilities shall have the reasonable use of the easements incidental to the provision of services within the lots within the plat.

2. Mutual Access Easement Maintenance.
The Helene V. Byrnes Foundation will be responsible for the maintenance of the Mutual Access Easement and any and all improvements situated in the Mutual Access Easement.

3. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements no structure, planting or other material, other than paved parking, shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow or drainage in the easements or which may obstruct or retard the flow of water, and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible or for repairing or replacing any damaged parking lot paving.

4. No lot shall be used or maintained as a dumping ground. Rubbish, trash, garbage and/or other wastes shall not be kept except in approved sanitary containers. All equipment for the storage and/or disposal of such rubbish, trash, garbage or other wastes shall be fenced from view and kept in a clean and sanitary condition.

B. Duration, Amendment and Severability.

1. Duration. These restrictions shall remain in full force and effect until January 1, 2025, and shall automatically be extended thereafter for successive periods of ten (10) years each unless terminated or amended as hereinafter provided.

2. Amendment or Termination. The private covenants and restrictions contained in this Deed of Dedication may be amended, modified, changed or canceled by a written instrument signed and acknowledged by the Helene V. Byrnes Foundation, except Sections I.A., I.B, I.C, I.D., I.E., which may be altered only with the written consent of the City of Bixby.

3. Severability. Invalidation of any restriction set forth herein, or any part thereof, by an order, judgement or decree of any court or otherwise, shall not invalidate or affect any of the other restrictions of any part thereof as set forth herein, which shall remain in full force and effect.

4. Enforcement. The restrictions herein set forth are covenants to run with the land shall be binding upon the Owner, its successors and assigns and all parties claiming under it, and otherwise shall be enforceable as set forth and shall be binding upon the Owner, its successors and assigns and all parties claiming under it. If the Owner, or its successors or assigns, shall violate any of the covenants herein, it shall be lawful for the City of Bixby, Oklahoma (as to the violation of the Covenants contained in Section I), to maintain any action at law or in equity against the Owner to prevent the Owner from so doing, to compel compliance with the covenants, or to recover damages for such compliance with the covenant.

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

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

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

Helene V. Byrnes Foundation

_____

By:

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA )

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

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

_____
Notary Public

My commission expires:_____

SURVEYORS CERTIFICATE

I, Charles K. Howard, a Registered Land Surveyor in the State of Oklahoma, hereby certifies that I have fully complied with the requirements of this regulation and the subdivision laws of the State of Oklahoma governing surveying, dividing and mapping of the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; and, that the plat represents a survey made under my direct supervision.

WITNESS my hand and seal this _____day of_____, 20____.

_____
Charles K. Howard, RLS #297
C.A. No. 5611 Exp.Date: 6/30/2015

REGISTERED LAND SURVEYOR
CHARLES K. HOWARD
L.S. 297
OKLAHOMA

STATE OF OKLAHOMA )
)SS
COUNTY OF TULSA )

Before me, the undersigned, a Notary Public in and for said County and State, on this _____day of_____, 20____, personally appeared Charles K. Howard, to me known to be the identical person who executed the foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

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

_____
Notary Public

My Commission expires: _____

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

# STAFF REPORT

**To:** Bixby Planning Commission

**From:** Erik Enyart, AICP, City Planner EE

**Date:** Friday, November 15, 2013

**RE:** Report and Recommendations for:
BL-388 – Jon Ward

LOCATION: – 13001 E. 181st St. S.
– Lots 1 and 2 and the E. 100' of Lot 5, Block 1, *Hickory Creek Estates*

LOT SIZE: 2 acres, more or less

ZONING: RS-1 Residential Single-Family District

SUPPLEMENTAL ZONING: None

EXISTING USE: Use Unit 6 single-family house

REQUEST: Lot-Split approval

COMPREHENSIVE PLAN: Low Intensity/Rural/Development Sensitive

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

BZ-184 – Timothy Keim for Hickory Creek Estates – Request for rezoning from AG to RS-1 for 10 acres, more or less, which became *Hickory Creek Estates* (includes subject property) – PC Recommended Approval 01/25/1988 and City Council Approved 02/23/1988 (Ord. # 577) (that portion of the future subdivision lying within the SE/4 SE/4 of Section 32, T17N, R14E requested but omitted from legal description in Ordinance).

Final Plat of Hickory Creek Estates – Request for Final Plat approval for *Hickory Creek Estates* (includes subject property) – City Council Approved 06/27/1988 (per the plat

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approval certificate) (Plat # 4726 recorded 07/12/1988) (Preliminary Plat and PC approvals not researched).
BL-142 – Tim Keim – Request for Lot-Split approval to separate the east 100' of Lot 5 and add to Lot 1 of *Hickory Creek Estates* (included subject property) – Staff recommended Approval subject to attachment by inclusion of 100'-wide tract in the Warranty Deed to Lot [1] and PC [Conditionally] Approved as recommended 08/15/1988.

BACKGROUND INFORMATION:

Per the BZ-184 Staff Report, the land which became the Hickory Creek Estates subdivision was annexed December 08, 1987.

ANALYSIS:

Subject Property Conditions. The subject property consists of Lots 1 and 2 and the E. 100' of Lot 5, Block 1, *Hickory Creek Estates*. It has a total of 200' of frontage on 181st St. S. The house appears to be situated on Lot 1. The Lot 2 and the E. 100'-wide tract areas are both vacant and wooded.

General. The Lot-Split is proposed to allow for the separation of the Lot 2 and the E. 100'-wide tract areas from Lot 1, which contains the house. Lot 2 would meet the requirements for the RS-1 district, but the 100'-wide tract area would not have street frontage. It is being sold to the owner of the balance of Lot 5, on which a house was recently constructed. In order to meet the Zoning Code requirements, the 100'-wide tract must be legally combined with the balance of Lot 5 adopting lot. Provided this is done, all resulting lots would comply with the minimum bulk and area and other requirements of the Zoning Code.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application on November 06, 2013. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval, subject to the 100'-wide tract being attached to the balance of Lot 5 adopting lot to the west by deed restriction language such as:

> [INSERT THE LEGAL DESCRIPTION OF THE 100-FOOT-WIDE TRACT] .
>
> The foregoing is restricted from being transferred or conveyed as described above without including:
>
> [INSERT THE LEGAL DESCRIPTION OF THE BALANCE OF LOT 5 ADOPTING LOT]
>
> unless otherwise approved by the Bixby Planning Commission, or its successors, and/or the Bixby City Council as provided by applicable State Law,

Or other language provided by the Applicant for this purpose subject to City Attorney approval.

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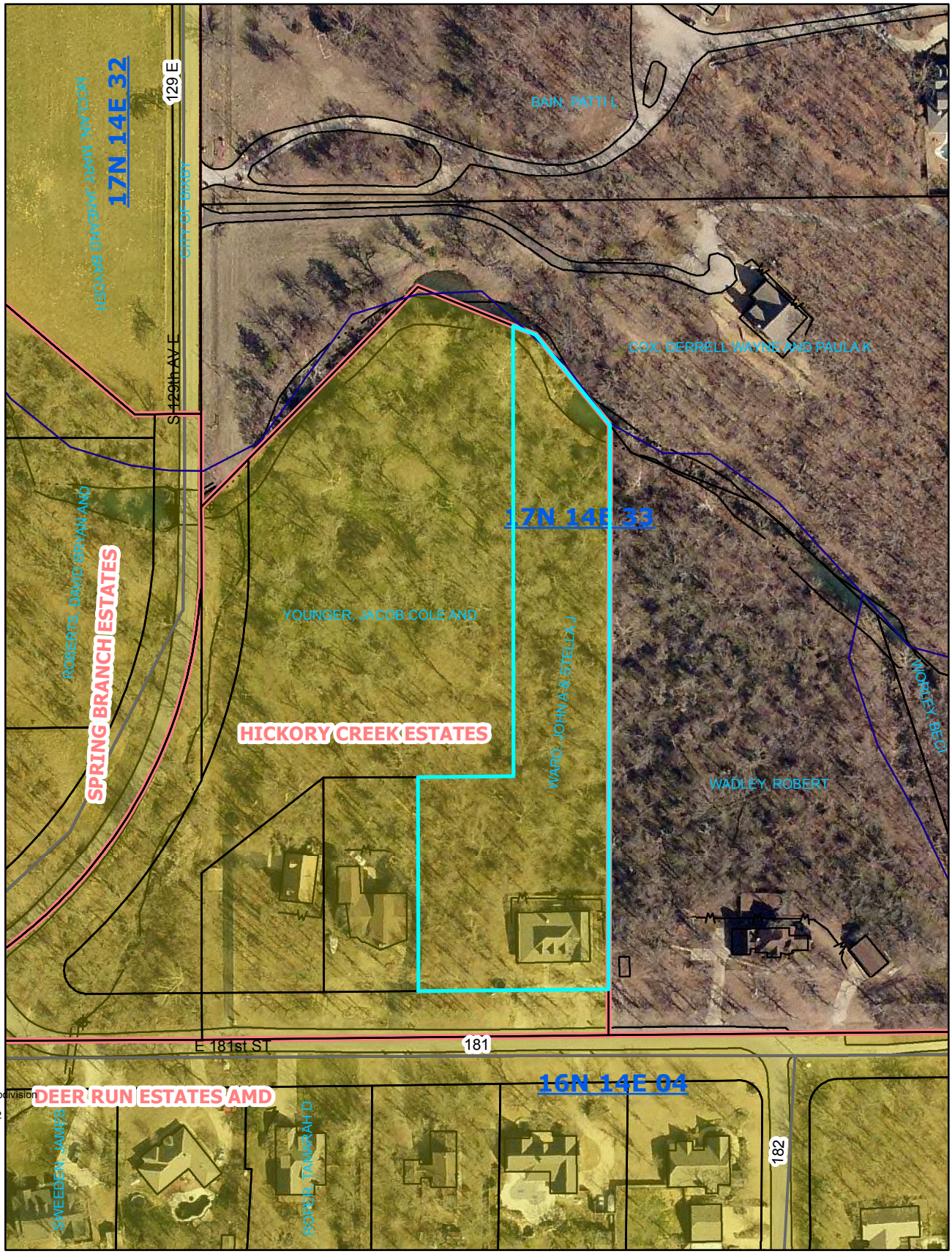
# BL-388 – John Ward




City of Bixby ~ Planning
Printed 10/31/2013

# City of Bixby
# Application for Lot-Split

Applicant: Jon Ward
Address: 13001 E. 181st St S.
Telephone: 918-869-6890 Cell Phone: _____ Email: transformingtruth@gmail.com

Property Owner: Jon and Stella Ward Property Address: 13001 E 181st St S.
Existing Zoning: _____ Existing Use: _____ Use Unit #: _____

Attach four (4) copies of a survey drawing including existing and proposed lot lines, buildings and improvements dimensioned to existing and proposed lot lines, adjacent street and other rights-of-ways, street widths, easements of record, existing access limitations, north arrow, scale, and date.

LEGAL DESCRIPTION (If unplatted, attach a survey with legal description or copy of deed):

| | | | | |
|---|---|---|---|---|
| FIRST TRACT TO BE CREATED | Legal Description of Proposed Tract: Lot 2, Block 1 Hickory Creek Estates | Source of Water supply for this Tract: [✓] CITY [ ] WELL [ ] OTHER | | |
| | | Type of Sewage Disposal to be Available for this Tract: [✓] SEWER [ ] SEPTIC [ ] OTHER | | |
| | | Street or Streets Tract will face: E 181st St South | | |
| | | Proposed Use of this Tract: residential | Average Lot Width: 100 ft | Street frontage: 100 ft |
| SECOND TRACT TO BE CREATED | Legal Description of Proposed Tract: East 100 feet of Lot 5, Block 1 Hickory Creek Estates | Source of Water supply for this Tract: [✓] CITY [ ] WELL [ ] OTHER | | |
| | | Type of Sewage Disposal to be Available for this Tract: [✓] SEWER [ ] SEPTIC [ ] OTHER | | |
| | | Street or Streets Tract will face: No frontage | | |
| | | Proposed Use of this Tract: Residential | Average Lot Width: 100 ft | Street frontage: none |
| THIRD TRACT TO BE CREATED | Legal Description of Proposed Tract | Source of Water supply for this Tract: [ ] CITY [ ] WELL [ ] OTHER | | |
| | | Type of Sewage Disposal to be Available for this Tract: [ ] SEWER [ ] SEPTIC [ ] OTHER | | |
| | | Street or Streets Tract will face | | |
| | | Proposed Use of this Tract | Average Lot Width | Street frontage |
| FOURTH TRACT TO BE CREATED | Legal Description of Proposed Tract | Source of Water supply for this Tract: [ ] CITY [ ] WELL [ ] OTHER | | |
| | | Type of Sewage Disposal to be Available for this Tract: [ ] SEWER [ ] SEPTIC [ ] OTHER | | |
| | | Street or Streets Tract will face | | |
| | | Proposed Use of this Tract | Average Lot Width | Street frontage |

CITY OF BIXBY
OCT 17 2013

136

# City of Bixby
# Application for Lot-Split

Does Record Owner consent to the filing of this application? ☑ YES ☐ NO
If Applicant is other than Owner, indicate interest: _____
Is subject tract located in the 100 year floodplain? ☐ YES ☐ NO
Has $50.00 application review fee been paid at City Hall? ~~YES~~ ~~NO~~ YES

BILL ADVERTISING CHARGES TO: Jon Ward
(NAME)

13001 E. 181st St. S. Bixby, OK 918-869-6890
(ADDRESS) (CITY) (PHONE)

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

Signature: Jon A Ward Date: 9-13-13

**APPLICANT – DO NOT WRITE BELOW THIS LINE**

BL-____ Date Received _____ Received By _____ Receipt # _____

PC Action: _____ Conditions: _____

Date: _____ Roll Call: _____
Staff Rec. _____

CITY OF BIXBY
OCT 17 2013
RECEIVED

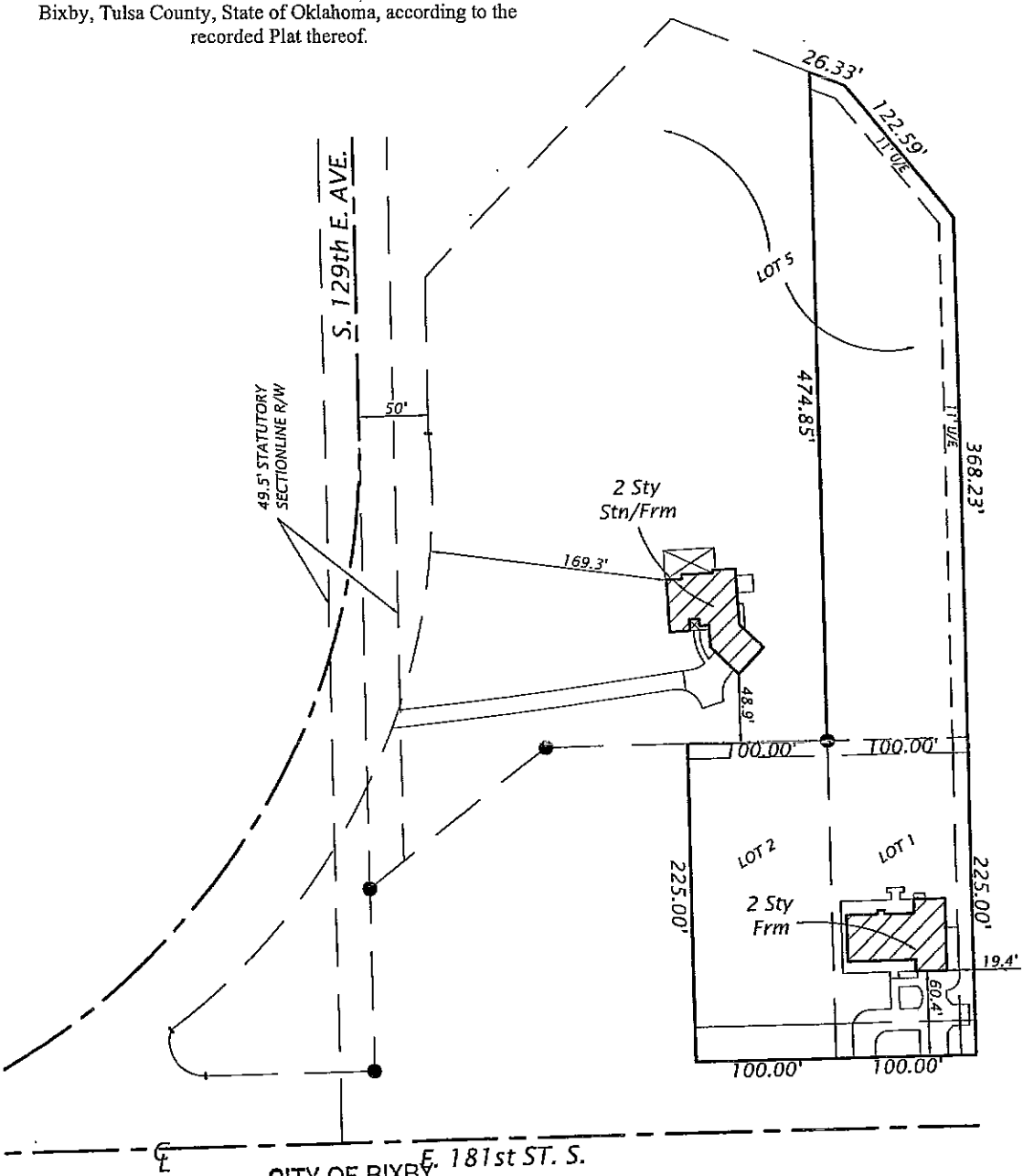
137

SCALE: 1"=80'

NORTH

## LEGAL DESCRIPTION

The East (100) One-hundred feet of Lot Five (5), in Block One (1), HICKORY CREEK ESTATES, a subdivision in the City of Bixby, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.




CITY OF BIXBY

NOV 04 2013

RECEIVED

By Ewart cf. BL-388

Revised; 10/22/2013; Hse placement

LEGEND

| | |
|---|---|
| ● | = FD. IRON PIN |
| ○ | = SET IRON PIN |
| ⊗ | = SET P.K. NAIL |
| I.P. | = IRON PIN |
| X | = CHISELED X IN CONC. |
| —x— | = FENCE |
| F.M. | = FIELD MEASUREMENT |


COLLINS LAND SURVEYING, INC.
3340 W. 151st ST. S. – P.O. Box 250
KIEFER, OK. 74041
OFFICE (918)321-9400 FAX (918)321-9404
CA#2656 EXPIRES: 06/30/2014


Improvement Survey

Part of Lot 5, HICKORY CREEK ESTATES

J.O. NO. 13-10-060 DATE: 10/17/2013

THIS PLAT IS MADE FOR AND AT THE REQUEST OF:

Jacob Younger

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

CERTIFICATE

I K.S. COLLINS, REGISTERED LAND SURVEYOR #1259 IN AND FOR THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT THE ABOVE PLAT AND LEGAL DESCRIPTION REPRESENTS A BOUNDARY SURVEY PERFORMED UNDER MY DIRECT SUPERVISION. THE ABOVE PLAT MAY BE SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAYS OF RECORD. NO RESEARCH OF ABSTRACT OR RECORD OFFICES HAS BEEN CONDUCTED.

K.S. COLLINS
OKLAHOMA REGISTERED
LAND SURVEYOR NO. 1259

REGISTERED LAND SURVEYOR K.S. COLLINS L.S. 1259 OKLAHOMA

SEAL

138

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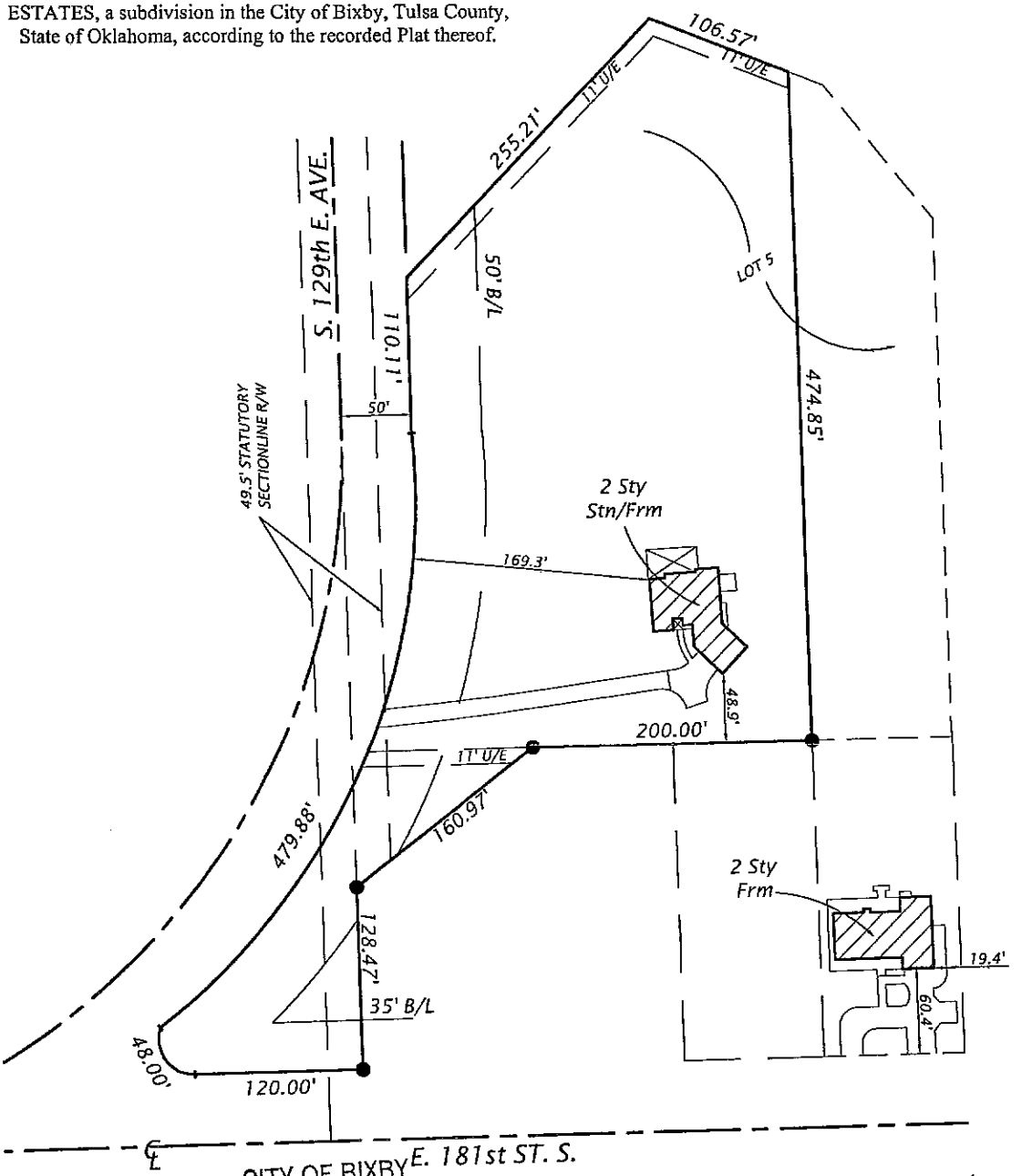


Revised; 10/22/2013: Hse. placement

NOV 04 2013
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By Export of BL-388

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J.O. NO. 13-10-060 DATE: 10/17/2013

K.S. COLLINS
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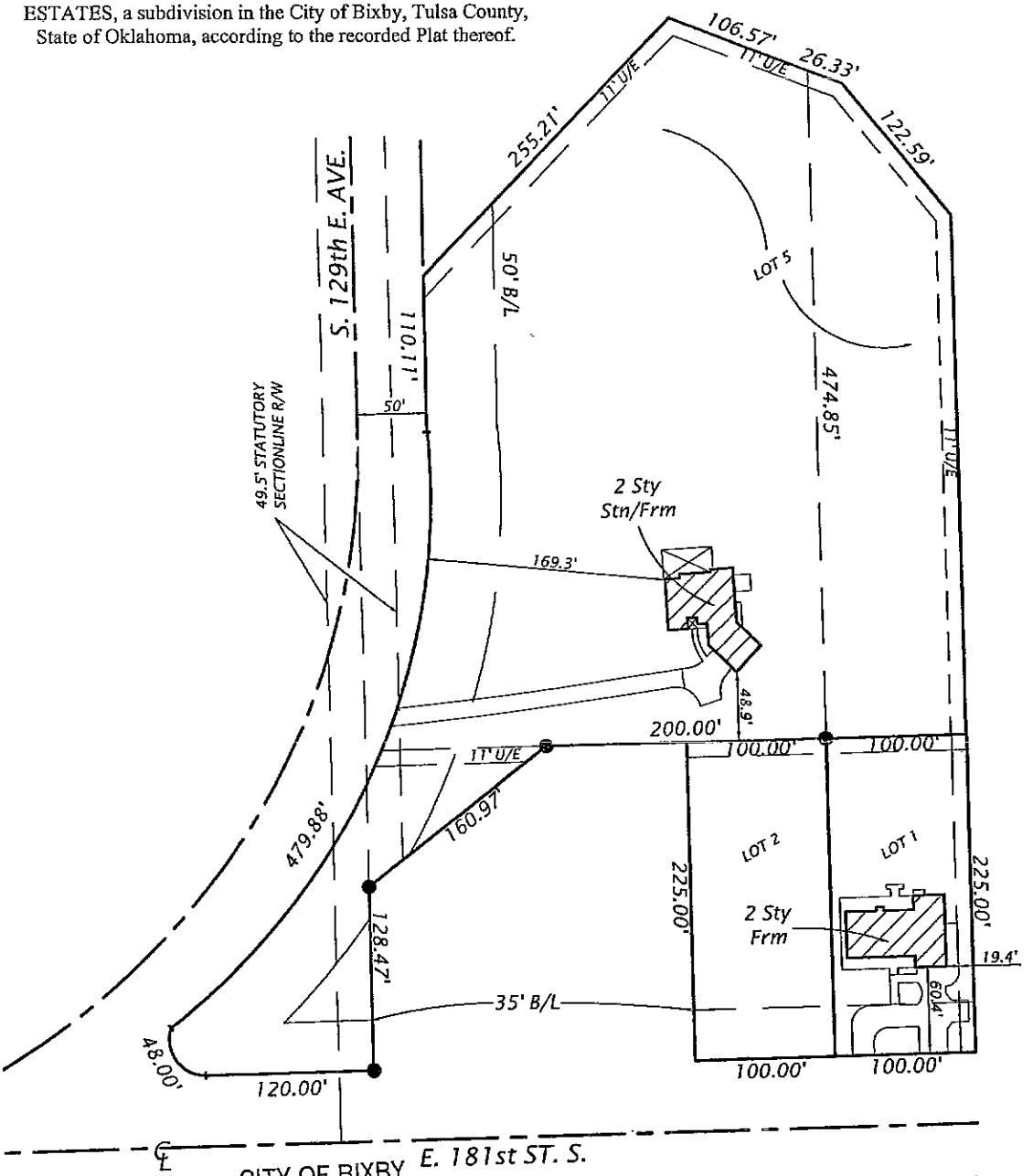


CITY OF BIXBY

NOV 04 2013

RECEIVED

By Enyart cf. BL-398

Revised; 10/22/2013; Hse placement

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140