

**AGENDA**  
**PLANNING COMMISSION**  
**116 WEST NEEDLES**  
**BIXBY, OKLAHOMA**  
**February 18, 2014**                      **6:00 PM**

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- ③ 1. Approval of Minutes for the January 23, 2014 Special Meeting

PUBLIC HEARINGS

- ② 2. **PUD 70 – Encore on Memorial – Major Amendment # 1.** Discussion and consideration of Major Amendment # 1 to PUD 70 for approximately 15 acres located in the E/2 of Section 02, T17N, R13E, which amendment proposes to allow a Use Unit 21 sign within the Development Area B right-of-way for 126<sup>th</sup> St. S., provide development standards for same, and make certain other amendments.  
Property located: West of the intersection of 126<sup>th</sup> St. S. and Memorial Dr., including Lot 1, Block 1, *Encore on Memorial*.
- ④ 3. **PUD 82 – “Somerset” – JR Donelson for Kowen Properties, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for “Somerset” for approximately 18 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.  
Property Located: 6905 E. 121<sup>st</sup> St. S. & 11803 and 11809 S. Sheridan Rd.
4. **BZ-370 – JR Donelson for Kowen Properties, LLC.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RS-3 Residential Single Family District for approximately 18 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.  
Property located: 6905 E. 121<sup>st</sup> St. S. & 11803 and 11809 S. Sheridan Rd.
- ⑧ 5. **PUD 83 – “River Trail II” – Khoury Engineering, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for “River Trails of Bixby” for approximately 5 acres in part of the E/2 of Section 02, T17N, R13E.  
Property Located: Southwest corner of the intersection of 126<sup>th</sup> St. S. and Memorial Dr.

6. **BZ-371 – Khoury Engineering, Inc.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to CG General Commercial District for approximately 5 acres in part of the E/2 of Section 02, T17N, R13E.  
Property Located: Southwest corner of the intersection of 126<sup>th</sup> St. S. and Memorial Dr.

PLATS

7. **Final Plat – The Trails at White Hawk – Tulsa Engineering & Planning, Inc. (PUD 62).** Discussion and consideration of a Final Plat and certain Modifications/Waivers for “The Trails at White Hawk” for 32.5440 acres in part of the W/2 SE/4 of Section 15, T17N, R13E.  
Property located: Northwest corner of the intersection of 151<sup>st</sup> St. S. and Kingston Ave.

OTHER BUSINESS

8. **PUD 76 – Scenic Village Park – Minor Amendment # 1.** Discussion and possible action to approve Minor Amendment # 1 to PUD 76 for approximately 11.636 acres located in the E/2 of Section 02, T17N, R13E, which amendment proposes making certain changes to development standards pertaining to signage and making certain other amendments.  
Property Located: Lot 2, Block 1, *Scenic Village Park*, 7300 E. 121<sup>st</sup> Pl. S.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyart

Date: 02/14/2014

Time: 9:10 AM

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
January 23, 2014                      6:00 PM**

***SPECIAL-CALLED MEETING***

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

**STAFF PRESENT:**

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

**OTHERS ATTENDING:**

See attached Sign-In Sheet

**CALL TO ORDER:**

Chair Thomas Holland called the meeting to order at 6:01 PM.

**ROLL CALL:**

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

**CONSENT AGENDA:**

1. Approval of Minutes for the November 18, 2013 Regular Meeting
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Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. John Benjamin made a MOTION to APPROVE the Minutes of the November 18, 2013 Regular Meeting as presented by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Holland, Whiteley, and Benjamin  
NAY: None.  
ABSTAIN: None.  
MOTION PASSED: 3:0:0

2. Approval of Minutes for the December 16, 2013 Regular Meeting

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Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the December 16, 2013 Regular Meeting as presented by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, and Benjamin  
NAY: None.  
ABSTAIN: None.  
MOTION PASSED: 3:0:0

PUBLIC HEARINGS

PLATS

3. **Preliminary Plat – “Quail Creek Office Park” – Tanner Consulting, LLC.** Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek Office Park” for approximately 5.976 acres in part of the E/2 of Section 02, T17N, R13E. Property Located: South and west of the intersection of 121<sup>st</sup> St. S. and Memorial Dr.
- 

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, January 02, 2014  
**RE:** Report and Recommendations for:  
Preliminary Plat of “Quail Creek Office Park” (PUD 76)

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**LOCATION:** -- The 7300-block of E. 121<sup>st</sup> St. S.  
-- South and west of the intersection of 121<sup>st</sup> St. S. and Memorial Dr.  
-- Part of the E/2 of Section 02, T17N, R13E  
**SIZE:** -- 5.976 acres, more or less (plat area)  
-- 70 acres, more or less (parent tract)

**EXISTING ZONING:** CG General Commercial District with PUD 76

**EXISTING USE:** Agricultural

**REQUEST:** Preliminary Plat approval for a 1 Lot, 1 Block commercial development

**SURROUNDING ZONING AND LAND USE:**

**North:** CG/PUD 76; Vacant lots in Scenic Village Park.

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

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

**West:** AG & RS-4; Fry Creek Ditch #2; beyond this to the west is vacant/wooded land owned by the City of Bixby, and an RS-4 district containing the Seven Lakes I and Seven Lakes II residential subdivisions, and additional vacant land for a future “Seven Lakes” phase or phases.

COMPREHENSIVE PLAN: Corridor + Vacant, Agricultural, Rural Residences, and Open Land.  
PREVIOUS/RELATED CASES:

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

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

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

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

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

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for former parent tract subject property of 92 acres – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting (Ord. # 2116).

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 former parent tract subject property of 92 acres – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

Final Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres (PUD 76 Development Areas A, B, and E) of the former parent tract subject property of 92 acres – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

PUD 76 “Scenic Village Park” Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for subject property parent tract of 70 acres – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013. The Emergency Clause to approving Ordinance # 2123, having been on various City Council agendas in various forms since 10/14/2013, the City Council approved on 11/12/2013.

PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for subject property parent tract of 70 acres – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant’s letter dated 10/18/2013.

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Preliminary Plat of "Quail Creek of Bixby" – Tanner Consulting, LLC – Request for approval of a Preliminary Plat for part of parent tract subject property of 70 acres – PC recommended Conditional Approval 12/16/2013.

Preliminary Plat of "Quail Creek Villas of Bixby" – Tanner Consulting, LLC – Request for approval of a Preliminary Plat for part of parent tract subject property of 70 acres – PC recommended Conditional Approval 12/16/2013.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The parent tract subject property of 70 acres is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the south and west to the Fry Creek Ditch # 2 and # 1, respectively, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned CG and PUD 76 for "Scenic Village Park," which name became attached to the plat of 22 acres to the north of the subject property, recorded June 20, 2013.

The subject property appears to be able to be served by the critical utilities (water, sewer, electric, etc.) by existing lines and/or planned street and utility extensions and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the west and south.

The subject property plat area contains 5.976 acres and is situated between Scenic Village Park to the north and west and the proposed plat of "Quail Creek Villas of Bixby" to the south.

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

The commercial development anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 5.976 acres proposes one (1) Lot, one (1) Block, and no (0) Reserve Areas. The lot would have 550' of frontage on the proposed 74<sup>th</sup> E. Ave. collector road and an average depth of 473.295', and appears to meet PUD 76 Development Area F standards.

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

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

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held January 02, 2014. Minutes of that meeting are attached to this report.

Access and Internal Circulation. Primary access to the development would be via a proposed collector street connecting 121<sup>st</sup> St. S. to Memorial Dr. via the existing 126<sup>th</sup> St. S. constructed in the past couple years. By this collector road, all the Development Areas within PUD 76 would have access. On November 25, 2013, the City Council accepted a dedication of right-of-way from the Knopp family, allowing the extension of 126<sup>th</sup> St. S. from its current westerly terminus to the easterly lines of the proposed "Quail Creek of Bixby" and "Quail Creek Villas of Bixby." "Quail Creek of Bixby" would dedicate the connection between this newly-dedicated right-of-way and 74<sup>th</sup> E. Ave. platted with Scenic Village Park, thus completing the collector system. The subject property plat area would then have access on 74<sup>th</sup> E. Ave.

With the Preliminary Plat of "Scenic Village Park," on March 25, 2013, the City Council Approved a Modification/Waiver of the Commercial Collector 42' paving width requirement of Subdivision Regulations Ordinance # 854 Section 9.2.2, to allow a 38'-wide roadway width as proposed. Per the City Engineer's review memo at that time, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify the Modification/Waiver.

Per the recorded plat of Scenic Village Park, the 74<sup>th</sup> E. Ave. is proposed to intersect with 121<sup>st</sup> St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121<sup>st</sup> St. S. was widened. To the west of this, 73<sup>rd</sup> E. Ave., which serves Fox Hollow and the North Heights Addition, will be extended south of 121<sup>st</sup> St. S. and continue with the 73<sup>rd</sup> E. Ave. name. South 73<sup>rd</sup> and South 74<sup>th</sup> East Avenues will be connected via 121<sup>st</sup> Pl. S. Minor streets 73<sup>rd</sup> E. Ave. and 121<sup>st</sup> Pl. S. would incidentally serve the commercial lots in Development Area (DA) A, but would primarily serve an assisted living community in DA B. Their geometries (50' in right-of-way width and 26' of roadway paving width, versus the required 60' and 36', respectively) also received City Council approval of a Modification/Waiver with the Preliminary Plat on March 25, 2013.

Per the approved PUD 76 Major Amendment # 1, the 74<sup>th</sup> E. Ave. portion of the 74<sup>th</sup> E. Ave. / 126<sup>th</sup> St. S. collector road was shifted easterly, to accommodate more room for the single-family detached residential area west of the collector road system ("Quail Creek of Bixby"). No significant changes to access and circulation patterns were proposed, except to the extent necessary to allow conventional housing addition(s) to be developed in certain areas. The "Quail Creek of Bixby" and "Quail Creek Villas of Bixby" subdivisions will tie into the realigned collector street system.

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

The plat proposes a 26'-wide Mutual Access Easement (MAE) to allow cross-access between future lots if divided by Lot-Split or replat.

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 12-3-3.A for utility easements along the north and south perimeters which would not achieve the 17.5' minimum width standard. Such request may be justified by observing that where an 11' U/E will be back to back with a 17.5' U/E in an abutting subdivision, resulting in a 28.5'-wide U/E corridor between the subdivisions. A 22'-wide ultimate width utility corridor is fairly standard in the greater Tulsa area. Other justifications may be offered and deemed adequate.
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 east. The Modification/Waiver may be justified by the fact that the concerned abutting tracts (Ramsey Trust and the Easton Sod Farm property) will likely develop commercial/nonresidential, and both have adequate access available from 121<sup>st</sup> St. S. and / or Memorial Dr.
4. All Modification/Waiver requests must be submitted in writing.
5. Title Block area – the "Minor Amendment 1" text is inaccurate and should be removed.
6. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
  - a. LaCasa Movil Estates 2nd (misabeled)
  - b. Poe Acreage (misrepresented as to configuration)
  - c. Seven Lakes II (misrepresented as to configuration)
  - d. The Fry Creek Ditch # 1 and # 2 are represented but do not reflect channel reconstructions from circa 2000.
  - e. "Quail Creek of Bixby," "Quail Creek Villas of Bixby," "Seven Lakes III," "Seven Lakes IV," and/or "Wood Hollow Estates" should be added if recorded prior to this plat; it should be noted that "Quail Creek of Bixby" gives public street access to the subdivision so likely must be included, at a minimum.
7. An address for the lot may be added, but if to be replatted or if multiple buildings are anticipated for this "office park," please advise, and this review comment may be dismissed.
8. Preliminary Plat: Elevation contours at one (1) foot maximum intervals not represented as required per SRs Section 12-4-2.B.6.
9. DoD/RCs Section II.A: Other Bulk and Area Requirements: cites "CS" district instead of "CG" as per the approved PUD.
10. DoD/RCs Section II.B.5: Mutual Access Easement language added to PUD provisions. These should be in Section I or a new section as appropriate.
11. DoD/RCs Section II.B.9: Language attending reference to DA H should use the new language per Major Amendment # 1.
12. DoD/RCs Owners' Block: 2013 year should likely be changed to 2014.
13. Certificate of Survey: Inaccurate self-reference as "Scenic Village Park."
14. In satisfaction of the City Council's approval conditions of both the Preliminary Plat and Final Plat of "Scenic Village Park," and PUD 76 Major Amendment # 1, copies of the Preliminary Plat of Scenic Village Park, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size and 1 11" X 17").

15. *A copy of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file.*

Chair Thomas Holland referenced the following paragraph from the Access and Internal Circulation section of the Staff Report,

“With the Preliminary Plat of “Scenic Village Park,” on March 25, 2013, the City Council Approved a Modification/Waiver of the Commercial Collector 42’ paving width requirement of Subdivision Regulations Ordinance # 854 Section 9.2.2, to allow a 38’-wide roadway width as proposed. Per the City Engineer’s review memo at that time, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify the Modification/Waiver.”

and asked what had happened to the proposed turning lanes. Justin Morgan of *Tanner Consulting, LLC*, stated that they would be reflected on the Site Plans. Mr. Holland indicated agreement. Erik Enyart stated that, perhaps not in this report but in another related to this [PUD 76], he had pointed out that, since the [City] Council had approved the Modification/Waiver, the development had taken more of a low-density, single-family residential character, with single family residential composing ½ or perhaps more of the overall development. Mr. Morgan indicated agreement.

There being no further discussion, Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat of “Quail Creek Office Park” with the corrections, modifications, and Conditions of Approval as recommended by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, and Benjamin  
NAY: None.  
ABSTAIN: None.  
MOTION PASSED: 3:0:0

OTHER BUSINESS

4. **BSP 2013-06 – “Covenant Place of Tulsa” – Tanner Consulting, LLC (PUD 76).**  
Discussion and possible action to approve a PUD Detailed Site Plan and building plans for “Covenant Place of Bixby,” a Use Unit 8 assisted living facility development for approximately 11.636 acres consisting of Lot 2, Block 1, *Scenic Village Park*.  
Property Located: 7300 E. 121<sup>st</sup> Pl. 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:** Wednesday, January 08, 2014  
**RE:** Report and Recommendations for:  
BSP 2013-06 – “Covenant Place of Tulsa” – Tanner Consulting, LLC (PUD 76)

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LOCATION: - 7300 E. 121<sup>st</sup> Pl. S.  
- Lot 2, Block 1, Scenic Village Park  
SIZE: 11.636 acres, more or less  
EXISTING ZONING: CG General Commercial District with PUD 76  
SUPPLEMENTAL PUD 76 for "Scenic Village Park"  
ZONING:  
DEVELOPMENT Approval of Detailed Site Plan including as elements: (1) Detailed Site  
TYPE: Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign  
Plan, and (5) building plans and profile view / elevations pursuant to PUD 76 for a  
Use Unit 8 assisted living facility development  
SURROUNDING ZONING AND LAND USE:

North: CG/PUD 76 and (across 121<sup>st</sup> St. S.) RS-3, RS-1, AG, & OL/CS/PUD 51; Agricultural land for commercial development including Lot 1, Block 1 and Lot 1, Block 2, Scenic Village Park, and across 121<sup>st</sup> St. S., the Fox Hollow and North Heights Addition residential subdivisions; the Fry Creek Ditch # 2 and the North Elementary and North 5<sup>th</sup> & 6<sup>th</sup> Grade Center school campuses to the northwest zoned AG; agricultural land to the northeast zoned OL/CS/PUD 51.

South: CG/PUD 76; Agricultural land proposed for single-family residential ("Quail Creek of Bixby" and "Quail Creek Villas of Bixby") and commercial ("Quail Creek Office Park") development per PUD 76.

East: CG/PUD 76, AG, RS-3, OL, & CS; Agricultural land for commercial development including Lot 1, Block 3, Scenic Village Park, proposed Lot 1, Block 1, "Quail Creek Office Park," and a 1.6-acre tract recently rezoned to CS at the 7700-block of E. 121<sup>st</sup> St. S. (possibly previously addressed 7600 E. 121<sup>st</sup> St. S.); the Easton Sod sales lot is further east and is zoned RS-3, OL, & CS.

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

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

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

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

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

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

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

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance

Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

PUD 76 "Scenic Village Park" & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for former parent tract subject property of 92 acres – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting (Ord. # 2116).

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 former parent tract subject property of 92 acres – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

Final Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres (PUD 76 Development Areas A, B, and E) of the former parent tract subject property of 92 acres – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

#### BACKGROUND INFORMATION:

##### ANALYSIS:

Property Conditions. The subject property is a rectangular lot containing 11.636 acres. It is zoned CG and is located within Development Area B of PUD 76 "Scenic Village Park." It has a little more than 300' of frontage on 121<sup>st</sup> Pl. S. and a little more than 800' of frontage on collector road 74<sup>th</sup> E. Ave., both of which streets are, or are soon to be under construction.

The subject property is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the west to the Fry Creek Ditch # 2 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned CG and PUD 76 for "Scenic Village Park," which name became attached to the plat of 22 acres recorded June 20, 2013. The southerly 70-acre balance of PUD 76 is being proposed for other development under different names.

The subject property appears to be able to be served by the critical utilities (water, sewer, electric, etc.) by existing lines and/or planned street and utility extensions and has immediate access to the stormwater drainage capacity in Fry Creek Ditch # 2 abutting to the west.

General. The Detailed Site Plan represents a suburban-style design and indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking. The subject property lot conforms to PUD 76 and, per the plans generally, the [2]-story building would conform to the applicable bulk and area standards for PUD 76 and the underlying CG district, except as outlined in this report.

The submitted plan-view Site Plan drawing consists of "Detail Site Plan" drawing SD02 by Tanner Consulting, LLC. It does not represent the entire lot of record, as required by the Site Plan application, so the Applicant has submitted a rescaled version on January 03, 2014 in satisfaction of this requirement. PUD 76 allows a maximum of 160,000 square feet of floor area in this Development Area B. Proposed floor area information has not been provided. Based on the building elevations drawings (A1.10, A2.01, A2.02, A2.03, A2.06, and A2.07), the main building complex will contain two (2) stories throughout, except the "Village Center" projecting southeasterly from the east-west trunk, and possibly except a third story above the entrance, but this may be a cupola (with clerestory lighting?), an "architectural projection" allowed by PUD 76, not to exceed 25' above the second story. The projection is not labeled, and floor plans have not been provided. A third story would be disallowed by PUD 76, and if an architectural projection, its height above the second story must be dimensioned to demonstrate compliance with the 25' height maximum. In pre-application meetings with the Applicant and developer's architect, a small basement/storm shelter has been discussed, but this is not indicated on the plans. The main complex building would have 19' 9" to the truss supporting the pitched roof. Staff was not able to locate total height or roof pitch information. The building segments are identified on the elevations drawings as "ILU Wing," "V.C. & ALU Wing," and "Village Center," etc., with attendant codes such as "Q20," "H20," "E15," etc., but a drawing has not been provided to illustrate in plan-view where these different elements fall in relation to each other.

The main building complex will have (1) independent living, (2) assisted living, and (3) skilled nursing dwelling units. Zoning Code Sections 11-9-8.C.3 and .4 require that the facility must be licensed by the State of Oklahoma, which is expected. Zoning Code Section 11-9-8.C.5 provides:

"5. Elderly/Retirement Housing: Design requirements for elderly/retirement housing include as a minimum: a) elevators for multi-family structures other than townhouses over one story in height; b) emergency alarm systems in every dwelling unit; and c) safety "grab bars" in bathrooms."

The latter two (b and c) are expected, but the Applicant should advise if otherwise. The former, elevators for this two (2) story structure, should be confirmed by the Applicant. The provided plans do not indicate elevators.

Besides the main building complex, two (2) multi-bay detached garage structures are proposed along the westerly side of the development. The site plan also indicates two (2) future wings to project southerly from the "Village Center" stub.

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 January 02, 2014. The Minutes of the meeting are attached to this report.

Access and Internal Circulation. Per the recorded plat of Scenic Village Park, the collector road 74<sup>th</sup> E. Ave. is proposed to intersect with 121<sup>st</sup> St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121<sup>st</sup> St. S. was widened. 74<sup>th</sup> E. Ave. will connect 121<sup>st</sup> St. S. to Memorial Dr. via 126<sup>th</sup> St. S. On November 25, 2013, the City Council accepted a dedication of right-of-way from the Knopp family, allowing the extension of 126<sup>th</sup> St. S. from its current westerly terminus to the easterly lines of the proposed "Quail Creek of Bixby" and "Quail Creek Villas of Bixby." "Quail Creek of Bixby" would dedicate the connection between this newly-dedicated right-of-way and 74<sup>th</sup> E. Ave. platted with Scenic Village Park, thus completing the collector system. By this 74<sup>th</sup> E. Ave. / 126<sup>th</sup> St. S. collector road system, all the Development Areas within PUD 76 would have access.

North of 121<sup>st</sup> St. S., 73<sup>rd</sup> E. Ave. serves Fox Hollow and the North Heights Addition. It will be extended south of 121<sup>st</sup> St. S. and continue with the 73<sup>rd</sup> E. Ave. name. South 73<sup>rd</sup> and South 74<sup>th</sup> East Avenues will be connected via 121<sup>st</sup> Pl. S. Minor streets 73<sup>rd</sup> E. Ave. and 121<sup>st</sup> Pl. S. would incidentally serve the commercial lots in Development Area (DA) A, but would primarily serve the subject property in DA B. These minor street geometries (50' in right-of-way width and 26' of roadway paving width, versus the required 60' and 36', respectively) received City Council approval of a Modification/Waiver with the Preliminary Plat on March 25, 2013.

The site plan indicates the main entrance will be on 121<sup>st</sup> Pl. S., and the address will be 7300 E. 121<sup>st</sup> Pl. S. The subject property will have second driveway providing secondary access on 74<sup>th</sup> E. Ave.

With the Preliminary Plat of "Scenic Village Park," on March 25, 2013, the City Council Approved a Modification/Waiver of the Commercial Collector 42' paving width requirement of Subdivision Regulations Ordinance # 854 Section 9.2.2, to allow a 38'-wide roadway width as proposed. Per the City Engineer's review memo at that time, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify the Modification/Waiver. A turning lane is not indicated on this site plan. However, since the Modification/Waiver, the development has changed to have more of a low-intensity residential character, compared to the original commercial development proposed.

Per the approved PUD 76 Major Amendment # 1, the 74<sup>th</sup> E. Ave. portion of the 74<sup>th</sup> E. Ave. / 126<sup>th</sup> St. S. collector road system was shifted easterly, to accommodate more room for the single-family detached residential area west of the collector road system ("Quail Creek of Bixby"). No significant changes to access and circulation patterns were proposed, except to the extent necessary to allow conventional housing addition(s) to be developed in certain areas. The "Quail Creek of Bixby" and "Quail Creek Villas of Bixby" subdivisions to the south will tie into the realigned collector street system.

The proposed street intersections and driveway/street connections require City Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.

What appear to be sidewalks are shown along 74<sup>th</sup> E. Ave., as required by the Subdivision Regulations and PUD 76. However, they are not shaded gray, as employed elsewhere in the site plan to indicate paving [proposed at this time]. Also, the required sidewalk along 121<sup>st</sup> Pl. S. is not indicated. The sidewalk gaps matter was discussed at the pre-application meeting held October 16, 2013. The sidewalks are not labeled as such or dimensioned as to width. ADA standards call for a minimum 5' X 5' turnaround area every 200', which would be applicable here along the 74<sup>th</sup> E. Ave. frontage and perhaps also along the 121<sup>st</sup> St. S. frontage. These areas are not indicated if 4'-wide sidewalks are proposed, but

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the same would not be necessary if the sidewalks are uniformly 5' in width. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

Internal pedestrian accessibility will be afforded via what appear to be internal sidewalks, connecting pedestrians between parking areas and buildings entrances within the development (reference Zoning Code Section 11-10-4.C). The gray-shaded areas should be labeled as "sidewalk" and widths should be dimensioned (can be qualified as "typical" to reduce the number of labels).

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

PUD 76 Section III.E provides, in relevant part, "Within Development Areas B and C, pedestrian access from residential areas may be provided to the adjoining Fry Ditch." At the pre-application meeting with the Applicant on October 16, 2013, Staff observed that pedestrian access was not indicated to the existing Fry Creek maintenance access drive (gravel), and asked if, when such drive is paved as suitable for trail use, if the site was positioned to be able to connect to it, and the architect responded that this was the case with the parking lot along this westerly side. Although the gravel drive may serve as a de facto trail, the developer does not wish to connect to it at this time, for fear of encouraging residents walking on unstable surfaces.

Parking & Loading Standards. The "Detail Site Plan" drawing SD02 indicates a total of 88 off-street parking spaces. However, Staff counted 96 surface lot parking spaces and 42 garage parking spaces, for a total of 138 off-street parking spaces. This number should be corrected. By interpretation of the SD02 drawing in comparison to the elevations drawings, 28 of those garage spaces compose most of westerly side of the first floor of the westernmost north-south wing.

PUD 76 provides the following development standards for parking in DA B:

**"MINIMUM OFF-STREET PARKING:**

Independent Living Dwelling Units 0.75 spaces per du

Assisted Living Dwelling Units 0.50 spaces per du

Skilled Nursing Beds 0.35 spaces per bed"

Per the Site Data summary on "Detail Site Plan" drawing SD02, there will be 46 Independent Living Dwelling Units, 34 Assisted Living Dwelling Units, and 38 Skilled Nursing Beds to be built at this time. This would require a minimum of 64.8 parking spaces.

Zoning Code Section 11-10-2.H provides a "minimum plus 15%" maximum parking number cap, to prevent excessive parking that results in pressure to reduce greenspaces on the development site. The 138 parking spaces proposed would represent a 113% increase above the minimum number required, exceeding the 15% cap. However, PUD 76 Section III.D provides that the maximum can be modified by Planning Commission approval of a PUD Detailed Site Plan.

Per the Site Data summary on "Detail Site Plan" drawing SD02, the subject property is subject to a 15% minimum landscaped lot area standard. However, this is not supported by Zoning Code Section 11-71-5.F, the development standards for DA B, or the development standards for PUD 76 generally. Nonetheless, the Site Data summary on SD02 provides that 33% of the lot area will be impervious surface upon completion, leaving approximately 67% unpaved / greenspace. Per the same Site Data, 346,544 square feet of the lot will be provided landscaped area, which would be approximately 58% of the lot area. Secondly, most developments provide only the bare minimum required landscaped strip widths. The landscaping requirements of the Zoning Code call for a 10' minimum-width landscaped strip along 74<sup>th</sup> E. Ave., and a 7.5' minimum-width landscaped-strip along 121<sup>st</sup> Pl. S. The site plan demonstrates that these landscaped strips, to include landscaping trees, would be and 28' and 30' respectively, far in excess of the minimums required. Finally, although not required, the development proposes relatively wide landscaped strips along the west side (30.7' width) and south side (almost 300' in width) of the subject property. Also, it is likely that the parking is being constructed now to serve the future phases ("wings") of the main building complex. For all the reasons outlined above, most importantly the fact that the development proposes much more landscaping than is required in several instances, Staff has no objections to the 138 parking spaces as proposed by this Detailed Site Plan. Planning Commission approval of this PUD Detailed Site Plan will constitute a modification of the maximum parking space standard as allowed by PUD 76 Section III.D.

The proposed 9' X 18'/19' regular parking space dimensions comply with the minimum standards for the same per Zoning Code Section 11-10-4.B.

The eight (8) handicapped-accessible parking spaces proposed would comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces).

ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The Site Plan needs to indicate which ADA space(s) will be of van-accessible design, and the same must comply with the ADA van-accessible dimensional standards.

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

The parking lot is subject to a 10' minimum setback from 74<sup>th</sup> E. Ave. and a 7.5' setback from 121<sup>st</sup> Pl. S. per Zoning Code Section 11-10-3.B Table 1. Dimensions provided on the plan indicate that these setbacks will be met along both streets.

The plans show an internal drive encroaching part of the 17.5' Perimeter Utility Easement along the north side of the subject property. Paving over public Utility Easements is subject to City Engineer and Public Works Director approval.

Zoning Code Section 11-9-8.D requires, for a "Life care retirement center," one (1) loading berth per 10,000 to 200,000 square feet, plus 1 per each additional 200,000 square feet of floor area. Since total square footage has not been provided, the minimum number of loading berths cannot be determined. A loading berth is not indicated, but a paving strip of un-dimensioned width is indicated connecting the southeasterly parking lot to the east side of the "Village Center." The minimum number of loading berths must be identified and/or added, and the same must meet the 10' X 30' with 14' of vertical clearance standard of Zoning Code Section 11-10-5.A.

**Screening/Fencing.** Neither the Zoning Code nor PUD 76 require a sight-proof screening fence for the subject property, and none are indicated as proposed.

By interpretation of drawing A2.06 together with SD02, the trash dumpster enclosure area is indicated (but not labeled) at the southeast corner of the main building complex. The appearance and details of the enclosure are represented on A2.06, and propose a CMU (Concrete Masonry Unit") structure with a "manufactured stone veneer" and metal screening for the gates. It appears to be sited and designed appropriately. There appears to be another structure behind the [trash enclosure area], but it is not identified. The filltype used for this area shared by the [trash enclosure area] and the unidentified structure is different than the rest of the [paving] areas, perhaps suggesting concrete. These unidentified elements should be labeled appropriately or included in the Legend.

**Landscape Plan.** The SD02 site plan includes landscaping information, and is to be recognized as the Landscape Plan, until further detailed by a third party Landscape Architect, per communication with the Applicant and the following note on the site plan:

"SEE DETAIL LANDSCAPE PLANS TO BE PREPARED BY OTHERS FOR TREE TYPES, SIZES AND EXACT LOCATIONS. TREES SHOWN HEREON ARE TO DEMONSTRATE THE NUMBER OF TREES REQUIRED TO MEET CODE. THE DETAILED LANDSCAPE PLAN TO BE PREPARED BY OTHERS SHALL ADDRESS PROXIMITY OF TREES TO PARKING SPACES."

The proposed landscaping is compared to the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 25' from the 74<sup>th</sup> E. Ave. right-of-way and 20' from the 121<sup>st</sup> Pl. S. right-of-way per PUD 76. A 28' parking lot setback / landscaped strip is proposed along 74<sup>th</sup> E. Ave., and a 30' parking lot setback / landscaped strip is proposed along 121<sup>st</sup> Pl. S., to include landscaping trees in both cases. The landscaping summary information on the Site Data notes also demonstrates compliance. **This standard is met.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 10' along 74<sup>th</sup> E. Ave. and 7.5' along 121<sup>st</sup> Pl. S. The plan proposes 28' and 30' parking lot setbacks / landscaped strips, respectively, to include landscaping trees, as required. **This standard is met.**
3. 10' Buffer Strip Standard (Section 11-12-3.A.3): Standard requires a minimum 10' landscaped strip between a parking area and an R Residential Zoning District. There are no R districts abutting. **This standard is not applicable.**
4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. PUD 76 provides a 17.5' setback along the west

boundary, an 11' setback along the south boundary, and a 20' setback along the north line (excluding the portion fronting 121<sup>st</sup> Pl. S., which setback area is a Street Yard). Tree requirement calculations are as follows:

*West Boundary Setback Tree Requirements:* West line @ 833.01' X 17.5' = 14,577.675 square feet / 1,000 = 14.6 = 15 trees. Four (4) trees are proposed in the landscaped strip along the west line. **This standard is not met.**

*South Boundary Setback Tree Requirements:* South line @ (613.72' - 17.5' West Boundary Setback Area =) 596.22' X 11' = 6,558.42 square feet / 1,000 = 6.6 = 7 trees. No (0) trees indicated along the south line. **This standard is not met.**

*North Boundary Setback Tree Requirements:* (Non-frontage) north line @ (284.36' - 17.5' West Boundary Setback Area =) 266.86' X 20' = 5,337.2 square feet / 1,000 = 5.3 = 5 trees (3/10 of a tree is not possible, and minimum numbers of required trees are not rounded-down). One (1) tree is proposed in the landscaped strip along this line. **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' from a Landscaped Area, which Landscaped Area must contain at least one (1) or two (2) trees. Notes on the site plan SD02 provide "THE DETAILED LANDSCAPE PLAN TO BE PREPARED BY OTHERS SHALL ADDRESS PROXIMITY OF TREES TO PARKING SPACES." **Compliance with this standard cannot be determined.**
6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): The Street Yard is the Zoning setback along an abutting street [right-of-way], and calculations are as follows:

*74<sup>th</sup> E. Ave. Street Yard Tree Requirements:* The subject property has approximately 833.01' of frontage on collector road 74<sup>th</sup> E. Ave., for which PUD 76 and the CG district provide a 25' setback. (833.01' - South Boundary Setback Area of 11' =) 822.01' X 25' = 20,550.25 square feet / 1,000 = 20.6 = 21 trees in the 74<sup>th</sup> E. Ave. Street Yard. 24 trees are proposed in the greater landscaped strip area containing the 74<sup>th</sup> E. Ave. Street Yard.

*121<sup>st</sup> Pl. S. Street Yard Tree Requirements:* The subject property has approximately 329.36' of frontage on 121<sup>st</sup> Pl. S.; for which PUD 76 provides a 20' 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 25' setback here. (329.36' - 74<sup>th</sup> E. Ave. Street Yard width of 25' =) 304.36' X 25' = 7,609 square feet / 1,000 = 7.6 = 8 trees in the 121<sup>st</sup> Pl. S. Street Yard. Six (6) trees are proposed in the 121<sup>st</sup> Pl. S. Street Yard area.

*Due to the 121<sup>st</sup> Pl. S. Street Yard tree deficit, this standard is not met.*

7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. The "Detail Site Plan" drawing SD02 indicates a total of 88 off-street parking spaces. However, Staff counted 96 surface lot parking spaces and 42 garage parking spaces, for a total of 138 off-street parking spaces. 138 / 10 = 13.8 = 14 trees required by this standard. Excluding trees elsewhere accounted for, eight (8) trees proposed. When adding the three (3) excess trees proposed in the greater landscaped strip area containing the 111<sup>th</sup> St. S. Street Yard, 11 total are proposed. **This standard is not met.**
8. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard would be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
9. Irrigation Standards (Section 11-12-3.D.2): The "Irrigation Note" on site plan drawing SD02 provides, "AN UNDERGROUND, FULLY AUTOMATIC IRRIGATION SYSTEM WILL BE PROVIDED FOR ALL LANDSCAPED AREAS. THE LANDSCAPE CONTRACTOR WILL INSTALL THE IRRIGATION SYSTEM TO PROVIDE 100% COVERAGE TO ALL PLANTING AREAS AND TURF AREAS, INCLUDING THE STREET RIGHT-OF-WAYS. TURF AND PLANTING BEDS SHALL BE ON SEPARATE ZONES." Zoning Code Section 11-12-4.A.7 requires the submission of plans for irrigation. An irrigation plan was not submitted. **This standard is not met.**

10. Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.): The tree planting diagram(s), reported heights and calipers of the proposed trees, the notes on the drawings, and other information indicate compliance with other miscellaneous standards, with the following exceptions:

- a. In the Site Data summary, the "Total tract landscaped area (15%)" requirement cited does not exist, and should be clarified such as follows: "Total tract landscaped area (~~15%~~) provided...~~76,033~~/ 346,544 SF"
- b. In the Site Data summary, the number of trees required per the 1/10 tree to parking space ratio is inconsistent with the City of Bixby's interpretation as provided herein and should be reconciled or removed.
- c. In the Site Data summary, the number of trees required in the Street [Yard] 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 requires a certain minimum percentage of a non-residential lot to be landscaped open space. Development proposed is residential. **This standard is not applicable.**

Exterior Materials and Colors. The elevations drawings (A1.10, A2.01, A2.02, A2.03, A2.06, and A2.07) indicate the proposed exterior materials and overall appearance. Color information was not provided, but is not required by PUD 76. The pertinent Development Standards for PUD 76 Development Area requires:

"The exterior walls of buildings shall have a minimum masonry finish of not less than 25%, excluding windows and doors."

The main building complex's exterior material will primarily consist of (1) "Manufactured lap siding," (2) various manufactured masonry siding materials, (3) "Manufactured shingle siding," and (3) various trim materials (including "cast stone trim" cornices over the windows). The detached garage buildings appear to be similarly clad. Staff was not able to determine or locate claims as to compliance with the 25% minimum masonry standard of PUD 76.

The roof will be composed of asphalt shingles. The roof pitches have not been provided.

Outdoor Lighting. The lighting plans consists of "Site Lighting Plan" drawing ME1. It is not a photometric plan, and does not have a legend describing the different light fixtures proposed, proposed mounting height, or other particulars. What appear to be proposed [pole-mounted] lights appear typical for the proposed assisted living facility application, in terms of locations.

PUD 76 provides for lighting:

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

There are residential areas to the north, 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. The "cut sheets" must demonstrate compliance with the shielding and downward-directing standards of PUD 76. Recognizing the houses to the north, 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 north lot line, or otherwise within the north boundary of PUD 76.

Wall-mounted lights are not indicated on the lighting plan or represented on the elevations drawings. If planned, they should be incorporated into the lighting plan and represented on the elevations drawings.

Signage. A Sign Plan was not provided, but site plan drawing SD02 indicates what appears to be a ground sign at the northeast lot corner. It should be identified as such, and as to type. Based on its relative placement, it would appear to be the "Monument Sign" on drawing A2.08. A second symbol is located in the grassy area in front of the main entrance, which may be the "Directional Sign" per A2.08. It too should be identified.

PUD 76 provides the following for ground signs as applicable to the subject property:

"Within each lot, a ground sign may be located, but shall not exceed 20 feet in height and 75 square feet of display surface area."

At approximately 5 ½' in height and 14 square feet in display surface area, the "Monument Sign" would comply with this standard.

The "Directional Sign" would be approximately 4' in height and 8.75 square feet in display surface area. Directional signs are limited to a maximum of three (3) square feet in display surface area per Zoning Code Section 11-9-21.C.3.k. If recognized as a second ground sign, it would exceed the one (1) allowed per the relevant text in PUD 76, and Zoning Code Section 11-9-21.C.8.b would otherwise restrict ground signs to arterial street frontages, which the subject property does not have. It should be reduced to not exceed the three (3) square feet maximum display surface area, or an amendment to PUD 76 may be sought to relax applicable signage restrictions.

Wall signs are not indicated on the elevations drawings. If proposed, they need to be represented, dimensioned, and must comply with applicable standards for same.

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

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

1. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.
2. Please provide proposed floor area to demonstrate compliance with the maximum of 160,000 square feet of floor area in this Development Area B of PUD 76.
3. The highest elevation of the structure above the entrance: A third story would be disallowed by PUD 76, and if an architectural projection, its height above the second story must be dimensioned to demonstrate compliance with the 25' height maximum.
4. The building segments are identified on the elevations drawings as "ILU Wing," "V.C. & ALU Wing," and "Village Center," etc., with attendant codes such as "Q20," "H20," "E15," etc., but a drawing has not been provided to illustrate in plan-view where these different elements fall in relation to each other. Please provide.
5. Zoning Code Section 11-9-8.C.5 requires elevators for this two (2) story structure, but the provided plans do not indicate elevators. This should be confirmed by the Applicant.
6. The lot boundaries are missing dimensions (cf. Site Plan application requirements). These may be more appropriately applied to the rescaled version showing the entire lot.
7. The proposed street intersections and driveway/street connections require City Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.
8. What appear to be sidewalks are shown along 74<sup>th</sup> E. Ave., as required by the Subdivision Regulations and PUD 76. However, they are not shaded gray, as employed elsewhere in the site plan to indicate paving [proposed at this time]. Please clarify.
9. The required sidewalk along 121<sup>st</sup> Pl. S. is not indicated – please add.
10. Please label streetside sidewalks as such and dimension as to width.
11. ADA standards call for a minimum 5' X 5' turnaround area every 200', which would be applicable here along the 74<sup>th</sup> E. Ave. frontage and perhaps along the 121<sup>st</sup> St. S. frontage. These areas are not indicated if 4'-wide sidewalks are proposed, but the same would not be necessary if the sidewalks are uniformly 5' in width. Please address as appropriate.
12. Please label interior [sidewalks] as such and dimension as to width (can be qualified as "typical" to reduce number of labels).
13. An accessible path is not clear between the streetside sidewalks and the building entrance(s). These should be provided and/or described as appropriate; the same should comply with ADA standards.
14. The "Detail Site Plan" drawing SD02 indicates a total of 88 off-street parking spaces. However, Staff counted 96 surface parking spaces and 42 garage parking spaces, for a total of 138 off-street parking spaces. This number should be corrected.
15. Planning Commission approval of this PUD Detailed Site Plan will constitute a modification of the maximum parking space standard as allowed by PUD 76 Section III.D.
16. 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 ADA space(s) will be of van-accessible design, and the same must comply with the ADA van-accessible dimensional standards.
17. The plans show an internal drive encroaching part of the 17.5' Perimeter Utility Easement along the north side of the subject property. Paving over public Utility Easements is subject to City Engineer and Public Works Director approval.
  18. The minimum number of loading berths must be identified and/or added, and the same must meet the 10' X 30' with 14' of vertical clearance standard of Zoning Code Section 11-10-5.A.
  19. Please label appropriately or include in the Legend the unidentified elements at the southeast corner of the main building complex: [trash enclosure area], structure behind/south of [trash enclosure area], and the filltype used for this area shared by the [trash enclosure area] and the unidentified structure, which is different than the rest of the [paving] areas, perhaps suggesting concrete.
  20. Please resolve the Building Line Setback Tree Requirements (Section 11-12-3.A.4) matter as described in the Landscape Plan analysis above.
  21. Please resolve the Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2) matter as described in the Landscape Plan analysis above.
  22. Please resolve the Street Yard Tree Requirements (Section 11-12-3.C.1.a) matter as described in the Landscape Plan analysis above.
  23. Please resolve the Tree to Parking Space Ratio Standard (Section 11-12-3.C.2) matter as described in the Landscape Plan analysis above.
  24. Please resolve the Irrigation Standards (Section 11-12-3.D.2) matter as described in the Landscape Plan analysis above.
  25. 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.
  26. Please provide information to demonstrate compliance with the 25% minimum masonry standard of PUD 76.
  27. In respect to the residential areas to the north, please provide 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). The "cut sheets" must demonstrate compliance with the shielding and downward-directing standards of PUD 76.
  28. Recognizing the houses to the north, 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 north lot line, or otherwise within the north boundary of PUD 76.
  29. Wall-mounted lights are not indicated on the lighting plan or represented on the elevations drawings. If planned, they should be incorporated into the lighting plan and represented on the elevations drawings.
  30. On site plan drawing SD02, please identify the symbols which appear to be the "Monument Sign" and the "Directional Sign" per A2.08.
  31. The "Directional Sign" (approximately 8.75 square feet in display surface area) should be reduced to not exceed the three (3) square feet maximum display surface area per Zoning Code Section 11-9-21.C.3.k, or an amendment to PUD 76 may be sought to relax applicable signage restrictions.
  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.

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Chair Thomas Holland expressed concern over how the agenda item was styled, wherein it included the words "approve...and building plans." Mr. Holland indicated concern that the information provided was not a complete set of building plans. Erik Enyart responded that this was "boilerplate language probably owing to provisions in the Zoning Code." Mr. Enyart stated that the Commission was only being asked to approve building plans "to the extent they are included in what you have," and that they were informational elements of the overall, umbrella "PUD Detailed Site Plan," along with the plan-view site plan, the landscape plan, signage plans, screening/fence plans, lighting plans, and elevation drawings. Justin Morgan stated that the Zoning information provided for the building included such things as height, minimum masonry requirement, and setbacks.

Chair Thomas Holland recognized Joel Erickson of Scenic Development, LLC of Kansas City. Mr. Erickson stated that he was developing the site for Covenant, a company out of Chicago, and that it would include senior living and assisted living. Mr. Erickson stated that this would be phase one (1) of a potential two (2) phases. Mr. Erickson stated that the building would include a village center, which would feature such things as a coffee shop, small banking, and fitness facilities, and that "Wing 2" would be assisted living / apartments for seniors.

Larry Whiteley asked Joel Erickson about the nature of the separation between the units, and Mr. Erickson stated that it would be "like apartments." Mr. Whiteley asked if a sprinkler system would be employed, and Mr. Erickson responded that it would be "fully-sprinkled." Chair Thomas Holland asked if the attic would also be protected, and if there would be fire-[rated] doors and separations, and Mr. Erickson affirmed on both accounts.

Chair Thomas Holland reiterated his concern over the Commission's approval of building plans. Erik Enyart stated that certain building plans were elements of the umbrella PUD Detailed Site Plan, and to the extent they were included in the Detailed Site Plan, they were for the Commission's consideration. Mr. Enyart stated that, as Justin Morgan had said, the building plans include information showing height, the percentage masonry requirement, and setbacks.

Patrick Boulden had Joel Erickson describe certain design elements of the assisted living facility.

Chair Thomas Holland noted that there was a lot of discussion in the Staff Report about missing sidewalks, and asked if this had been resolved. Erik Enyart stated that a gray shading method was employed on the site plans, evidently indicating what paving was actually proposed at this time. Justin Morgan stated that the sidewalk along 74<sup>th</sup> E. Ave. was not shaded because it was considered "existing" because it was being constructed along with the street by the developer. Mr. Enyart addressed Mr. Morgan and stated that he could think of two (2) ways to resolve this. Mr. Enyart stated that, "For Detailed Site Plan purposes, it doesn't matter who does it, so you can show it as" you're doing it now, or you can "call it out as 'by developer' or 'by someone else.'" Mr. Morgan indicated agreement.

Chair Thomas Holland noted that there was a lot of discussion in the Staff Report about landscaping and asked, had it been "all satisfied?" Justin Morgan stated that the landscape plan was only designed to show compliance with minimum tree numbers and locations. Mr. Morgan stated that he had not previously realized that the back part of the lot, which was not being developed now, would

have to have trees as well, but that he was working to add these. Mr. Morgan estimated that 70% of the lot was being developed now. Larry Whiteley asked what would become of the other 30%, and Mr. Morgan stated that it would be “open space for now.”

Erik Enyart stated that the City of Bixby interpreted the landscaping requirement flexibly, and that the landscaping trees in the rear yard can be planted anywhere within the greater connected landscaped area, and not necessarily within the setback area. Mr. Enyart stated that this meant the trees could be planted closer to the building campus, which should save on irrigation. Joel Erickson clarified with Mr. Enyart and Justin Morgan that irrigation would be required.

Chair Thomas Holland stated that, within the TAC Minutes and notes, he had observed that the a fire lane was not proposed along the south, and that the [building] sprinklers requirement was already a requirement. Justin Morgan or Joel Erickson indicated this was correct. Mr. Holland stated, “I’m not sure what the trade-off is.” Mr. Holland, Mr. Morgan, and Mr. Erickson discussed standpipes and Fire Department Connection (FDC) locations proposed for the building in satisfaction of Fire Code standards. Mr. Morgan approached the dais and indicated the locations of these features. Mr. Holland indicated agreement.

Chair Thomas Holland asked if there were no plans to have the south drive connect [to 74<sup>th</sup> E. Ave.] even after Phase 2 was constructed, and Justin Morgan responded that there were not. Mr. Morgan stated that there had been some previous discussion about permeable pavement, but that ultimately, the first phase was seen as apartment construction, and that some or another building element would be constructed to a “full 13 system.”

Chair Thomas Holland asked, “If and when there is a second phase, will we see this again?” Erik Enyart responded, “We’ll have to review a brand new site plan, yes.”

Chair Thomas Holland reiterated his concern over the Commission approving “building plans,” and Erik Enyart reiterated his response that it was only within the context of the “umbrella” site plan.

In response to a question, Joel Erickson stated that he had been in on a two (2) hour phone call with the City Staff, and that “it’s all good.”

Erik Enyart confirmed with Justin Morgan that there were no recommended corrections, modifications, or Conditions of Approval that would be problematic to him.

Chair Thomas Holland asked to entertain a Motion. John Benjamin made a MOTION to APPROVE BSP 2013-06 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, and Benjamin
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	3:0:0

OLD BUSINESS:

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

NEW BUSINESS:

Chair Thomas Holland 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 6:30 PM.

APPROVED BY:

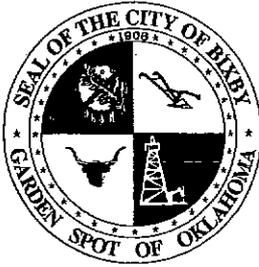
\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

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

BIXBY PLANNING COMMISSION  
SIGN IN SHEET  
DATE: January 23, 2014

NAME	ADDRESS	ITEM
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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:** Tuesday, February 04, 2014  
**RE:** Report and Recommendations for:  
PUD 70 – Encore on Memorial – Major Amendment # 1

**LOCATION:**

- 7860 E. 126<sup>th</sup> St. S.
- Intersection of 126<sup>th</sup> St. S. and Memorial Dr.
- Part of the E/2 of Section 02, T17N, R13E

**SIZE:** 15 acres, more or less

**EXISTING ZONING:** RM-3 Residential Multi-Family District, AG Agricultural District, CG General Commercial District, & PUD 70

**EXISTING USE:** Use Unit 8 *Encore on Memorial* multifamily development and 126<sup>th</sup> St. S.

**REQUEST:** Major Amendment to PUD 70, which amendment proposes to allow a Use Unit 21 sign within the Development Area B right-of-way for 126<sup>th</sup> St. S., provide development standards for same, and make certain other amendments

**SURROUNDING ZONING AND LAND USE:**  
North: AG, CG, RS-3, OL, CS, & CG/PUD 76; Agricultural land, the *Easton Sod* sales lot zoned RS-3, OL, & CS; to the northwest is the 92-acre PUD 76, proposed for development with multiple uses.

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

East: AG, CS, OL, RS-1, & PUD 31; Immediately east of the 14-acre *Encore on Memorial* subject property parcel is approximately five (5) acres of agricultural land zoned AG. Across Memorial Dr. is the *126 Center* shopping center, the *Mazzio’s Italian Eatery* restaurant, agricultural land, vacant land in PUD 31, and residential zoned RS-1 further to the northeast in *Gre-Mac Acres* and behind (east of) the *126 Center* in *Southern Memorial Acres No. 2*; the Fry Creek Ditch # 1 right-of-way continues upstream to the southeast.

West: AG & CG/PUD 76; Agricultural land zoned AG and agricultural land within the 92-acre PUD 76, proposed for development with multiple uses.

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

PREVIOUS/RELATED CASES:

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area at approximately the 12600-block of S. Memorial Dr., including part of the 126<sup>th</sup> St. S. right-of-way part of the subject property – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

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 the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – BOA Conditionally Approved 04/02/2001 (not since built).

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on the large 140-acre acreage tracts previously owned by Knopp, which includes subject property. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

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

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on the large 140-acre acreage tracts previously owned by Knopp, which includes 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.

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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 subject property – PC Conditionally Approved 07/19/2010.

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for 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 Final Plat approval for a subject property – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (Plat # 6380 recorded 04/12/2011).

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

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

BZ-139 – Eddie McLearn – Request for rezoning from AG to RM-2, OL, & CS for an approximately 19-acre tract to the north of the subject property at 12300 S. Memorial Dr. (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-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area to the north of subject property at approximately 12340 S. Memorial Dr. – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

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

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 92 acres to the northwest of subject property – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting.

PUD 76 “Scenic Village Park” Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for 92 acres to the northwest of subject property – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved 10/14/2013 and approved the Emergency Clause attachment 11/12/2014 (Ord. # 2123).

PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for southerly 70 acres of PUD 76 to the northwest of subject property – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant’s letter dated 10/18/2013.

## BACKGROUND INFORMATION:

This application was originally advertised for the January 21, 2014 Regular Meeting. However, due to lack of quorum, that meeting was cancelled and this application has been readvertised for this February 18, 2014 Regular Meeting.

## ANALYSIS:

Subject Property Conditions. The subject property consists of two (2) Development Areas (DAs) in PUD 70, corresponding to two (2) parcels: (1) DA A: the *Encore on Memorial* multifamily development zoned RM-3, consisting of Lot 1, Block 1, *Encore on Memorial*, and (2) DA B: the 80'-wide right-of-way for 126<sup>th</sup> St. S., zoned AG and CG. The subject property is relatively flat and appears to drain, if only slightly, to the south. The development drains to the south to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention.

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

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor and (2) Vacant, Agricultural, Rural Residences, and Open Land. The Community Trails designation is abutting to the south within the Fry Creek # 1 right-of-way, located on north side of water centerline.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the existing RM-3 district is *In Accordance*, and the AG and CG districts *May Be Found In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the existing 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.

By the approval of PUD 70, the current zoning districts were recognized as consistent with the Comprehensive Plan.

Per the Matrix, PUDs (as a zoning district) are *In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map, and thus PUD 70 is *In Accordance* with the Comprehensive Plan as a zoning district.

Due to the relatively limited scope of proposed changes, the proposed PUD 70 Major Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

General. The Applicant is requesting a Major Amendment to an approved PUD, to allow a Use Unit 21 sign within the Development Area B right-of-way for 126<sup>th</sup> St. S., provide development standards for same, and make certain other amendments. The same are described in greater detail in the text as follows:

“The PUD major amendment includes revising the ‘Development Standards’ section of the original PUD as follows:

- 1- Add [to] ‘Development Area B’ [with] the following development standards: It is permitted to install One (1) Use Unit 21 double sided ground sign in the E. 126<sup>th</sup> Street right-of-way, with a maximum height of 8 feet and a display surface area of 50 square feet (each side), to advertise the multifamily use in Development Area A only. The sign will be subject to the City Council granting a sign easement in accordance with the development agreement.”

*Encore on Memorial’s* owner, Encore Multi-Family, LLC notified Planning Staff on August 09, 2012 of their interest in installing a sign in the 126<sup>th</sup> St. S. right-of-way. At that time, Planning Staff was provided a copy of the Development Agreement between the City of Bixby, the seller (Knopp), and the buyer (Encore), dated May 24, 2010, which provided, in relevant part,

“7. **Sign Easement.** The City shall grant Buyer a permanent recordable sign easement in the median of the Roadway to advertise its apartment project, to include a utility easement to bring electricity and water to the sign easement area to allow for lighting and landscape watering.”

Planning Staff authenticated the document by comparing it to the version on file with the City Clerk, and confirmed the sign easement obligation. Planning Staff advised Encore’s sign contractor on August 09, 2012, and then in summary form to Encore Multi-Family, LLC on August 10, 2012, the following:

- “1. Sign Easement would have to be drawn up by, or at the direction of City Attorney Patrick Boulden, copied here, and granted and signed by the City Council or other authorized agent of the City of Bixby, and
2. PUD 70 will need to be amended to allow for a ground sign within Development Area B (which corresponds to the 126<sup>th</sup> St. S. right-of-way). The Major Amendment would have to be submitted, reviewed by the Planning Commission in an advertised Public Hearing, and approved by the City Council, and will need to specify development standards for same: height limit, display surface area maximum, and any other particulars as deemed necessary and appropriate.

PUD 70 does not provide any Development Standards specific to Development Area B (DA B), and only mentions that DA B is the street right-of-way. The part of the PUD which pertains to signage only states that one (1) ground sign is permitted on DA A (Encore’s private property), along its frontage of 126<sup>th</sup> St. S. That ground sign is already in place. That language specifically would have to be amended to allow for a ground sign in DA B.”

As requested by Encore Multi-Family, LLC, City Staff met with Encore Multi-Family, LLC and their sign contractor at the proposed sign site on January 24, 2013 as follows: Mayor, City Manager, City Engineer, Public Works Director, City Attorney, and City Planner. At the site visit, it was mutually agreed that the sign, instead of being in the median as per the Development Agreement, should be located on the north side of the roadway at the northeast corner of the right-of-way parcel.

Around that time, there were discussions as to whether the sign should be designed, by agreement between Encore Multi-Family, LLC and other interested parties, to accommodate advertisement for other uses within the area served by 126<sup>th</sup> St. S., specifically, developments anticipated by contemporary application PUD 76 "Scenic Village Park." Agreement was not reached, however, and the sign proposes to advertise only *Encore on Memorial*, as per the Development Agreement.

This PUD Major Amendment # 1 application was received in December, 2013, and, upon approval, would authorize the proposed sign in terms of the Zoning Code. The City Attorney worked with Encore Multi-Family, LLC, and other interested parties, to craft, for City Council consideration, a Right-of-Way Encroachment / License Agreement, in satisfaction of the Sign Easement obligation under the Development Agreement. The City Council approved this Agreement on February 10, 2014, demonstrating legislative support for the concept proposed by this application.

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

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held January 02, 2014. Minutes of that meeting are attached to this report.

Access & Circulation. The *Encore on Memorial* multifamily development has primary access to Memorial Dr. via 126<sup>th</sup> St. S. In order to secure the required second means of ingress/egress for emergency purposes, the developer upgraded, with gravel, the Fry Creek Ditch # 1 maintenance access road for use as the second emergency-only drive. It has a gate where it connects to the *Encore on Memorial* internal parking lot driveway system, as per Fire Marshal requirements.

Per PUD 76, a collector street system will be constructed connecting Memorial Dr. to 121<sup>st</sup> St. S. It will extend the existing 126<sup>th</sup> St. S. to the west, then turn north and become 74<sup>th</sup> E. Ave. Through PUD 76, the collector roads will have an 80' right-of-way and 38' roadway width, pursuant to a Modification / Waiver granted with the Preliminary Plat of "Scenic Village Park."

As proposed and approved with PUD 76 Major Amendment # 1, the 74<sup>th</sup> E. Ave. portion of the 74<sup>th</sup> E. Ave. / 126<sup>th</sup> St. S. collector road was shifted easterly, to accommodate more room for the single-family detached residential area west of the collector road system ("Quail Creek of Bixby"). No significant changes to access and circulation patterns were proposed, except to the extent necessary to allow conventional housing addition(s) to be developed in certain areas.

Per the exhibit to this PUD 70 Major Amendment # 1 application, and per aerial and GIS data, it appears that, at its intersection with Memorial Dr., the roadway occupies most of the 80' right-of-way width, leaving approximately 10' on either side of the curbs. A sidewalk was not constructed along 126<sup>th</sup> St. S. when it was built. If a 5' X 10' sign easement area is added, it may restrict the area in which to place the sidewalk required when the land to the north is platted and developed. Bixby Engineering Design Criteria Manual Section C.4.2 requires sidewalks be set back [from the curb] a minimum of 10' and a maximum of 1' inside the property line. In order to meet this standard, the sidewalk necessarily must be located within the property, and a Sidewalk Easement would be required. Otherwise, the minimum setback standard would have to be Waived, to allow it to be built next to the curb.

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

To the north is agricultural land zoned AG and CG and a 19-acre tract zoned RS-3, OL, and CS, which is primarily agricultural but contains the *Easton Sod* sales lot toward its east end at 12300 S. Memorial Dr. The CG zoning consists of two (2) areas: A 3.56-acre area at approximately the 12600-block of S. Memorial Dr., in which the 126<sup>th</sup> St. S. right-of-way is partially located, and the approximately 2.27-acre area at approximately 12340 S. Memorial Dr.

To the north and west is agricultural land zoned AG and agricultural land within the 92-acre PUD 76, with CG underlying zoning, proposed for development with multiple uses. Further to the west lies the Fry Creek Ditch #2, owned by the City of Bixby and zoned AG.

Immediately east of the 14-acre *Encore on Memorial* subject property parcel is approximately five (5) acres of agricultural land zoned AG. Across Memorial Dr. further east is the *126 Center* shopping center and the *Mazzio's Italian Eatery* restaurant, both zoned CS, vacant land zoned CS/OL/RS-1 and PUD 31, an 18-acre agricultural tract, and single-family residential zoned RS-1 further to the east behind the *126 Center* in *Southern Memorial Acres No. 2* and further to the northeast in *Gre-Mac Acres*. The Fry Creek Ditch # 1 right-of-way, zoned AG, continues upstream to the southeast.

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

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

Circa 2005, 121<sup>st</sup> St. S. between Sheridan Rd. and Memorial Dr. was widened to a 4-lane major street with a 5<sup>th</sup>, dedicated turning lane in the center, consistent with its designation on the

Tulsa City-County Major Street and Highway Plan (MHSP) and Bixby Comprehensive Plan as a Primary Arterial. This infrastructure improvement has further enabled the intensive development of this 1-mile major street corridor.

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

In a trend accelerating since the street widening, the 121<sup>st</sup> St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The Bixby North Elementary school is located on a 23-acre campus at 7101 E. 121<sup>st</sup> St. S., and west of that is the Bixby North 5<sup>th</sup> and 6<sup>th</sup> Grade Center on a 10-acre campus and the *LifeChurch* 4.4-acre facility. The *Three Oaks Smoke Shop* is located on a 2-acre tract at 7060 E. 121<sup>st</sup> St. S., and all of the balance of the land to the west along the south side of 121<sup>st</sup> St. S. has been zoned CS with PUD 53 and platted in *WoodMere* for commercial use and office buildings. An 11-acre Plummer Partners, LLC tract at the 7600-block of E. 121<sup>st</sup> St. S. was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre *Bixby Centennial Plaza* at the northwest corner of 121<sup>st</sup> St. S. and Memorial Dr. was approved for CS zoning, in 2001, and for commercial development by the plat of *Bixby Centennial Plaza* in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121<sup>st</sup> St. S. (possibly previously addressed 7600 E. 121<sup>st</sup> St. S.) was rezoned to CS in March of 2012.

The existing PUD 70 proposed a moderately intensive, suburban multifamily development of the subject property, and the property has been developed accordingly. Within the 180-acre area above-defined, there are three (3) instances of approved CG zoning immediately surrounding (and including part of) the subject property. The proposed CG underlying zoning should be considered a logical extension of the existing, established CG district, and consistent with the other two (2) CG districts in the immediately-surrounding area. Immediately south of Fry Creek Ditch # 1, the Crosscreek development is more consistent with CG zoning than its existing CS zoning. Across Memorial Dr. to the east of the 180-acre area above-defined, there is a 23-acre area Conditionally Approved for CS and RM-3 for commercial and multifamily development (PUD 81). Therefore, Staff believes that the existing underlying zoning and the original PUD 70 and its proposed Major Amendment # 1 are all consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

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;

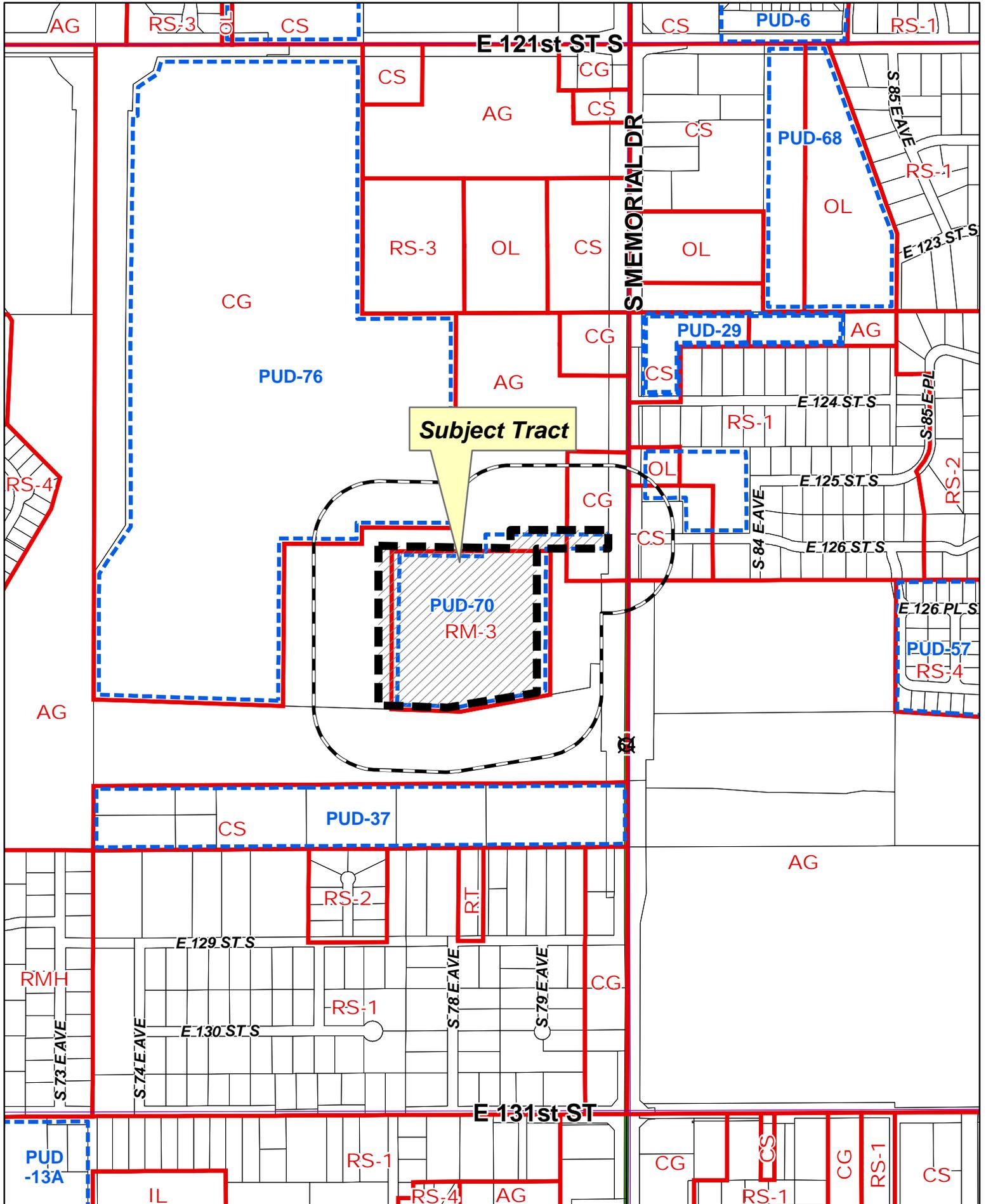
C. Provide and preserve meaningful open space; and

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

Due to the relatively limited changes proposed by this amendment, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this application.

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

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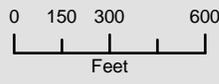


**Subject Tract**

PUD-70  
RM-3



**PUD-70  
Major Amendment 1**



02 17-13

**MINUTES**  
**TECHNICAL ADVISORY COMMITTEE**  
**DAWES BUILDING CITY OFFICES**  
**113 W. DAWES AVE.**  
**BIXBY, OK 74008**  
**January 02, 2014 – 10:00 AM**

MEMBERS PRESENT

Jim Peterson, *BTC Broadband*

STAFF PRESENT

Erik Enyart, AICP, City Planner, City of Bixby  
Joey Wiedel, Fire Marshal, City of Bixby

OTHERS PRESENT

Justin Morgan, PE, *Tanner Consulting, LLC*  
Ricky Jones, AICP, *Tanner Consulting, LLC*  
Malek Elkhoury, PE, *Khoury Engineering, Inc.*

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

Prior to the meeting, Erik Enyart noted that all three (3) of the applications on the Agenda were in the same Section of land, and within the same development area.

Also prior to the meeting, observing that the Applicant for Agenda Item # 2 had not yet arrived, Ricky Jones and Erik Enyart expressed favor for taking the agenda items out of order and considering Agenda Items # 3 and 4 at this time. This idea was agreed to by acclamation.

3. **Preliminary Plat – “Quail Creek Office Park” – Tanner Consulting, LLC.** Discussion and review of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek Office Park” for approximately 5.976 acres in part of the E/2 of Section 02, T17N, R13E.  
**Property Located:** South and west of the intersection of 121<sup>st</sup> St. S. and Memorial Dr.

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Erik Enyart introduced the item and summarized the project. Mr. Enyart noted that this would fill the gap between *Scenic Village Park* to the north and what would become “Quail Creek Villas of Bixby” to the south. Mr. Enyart noted that this was a one (1) Lot, one (1) Block development, and was fairly straightforward. Mr. Enyart noted that he had issued the draft Staff Report earlier in the week, and confirmed with Ricky Jones and Justin Morgan that they had received it. Mr. Enyart noted that the plat was “fairly clean,” and there were only a few review items. Mr. Enyart asked the Applicant if they cared to summarize the project further.

Justin Morgan stated that the only building proposed so far was a 30,000 square feet commercial building with [office/retail] on the front 10,000 square feet and 20,000 square feet of storage in the back. Mr. Morgan stated that this building would be on the south side of the lot, allowing further

development on the north side. Erik Enyart asked if the project would be replatted or otherwise. Mr. Morgan and Ricky Jones indicated that this was not planned at this time but may occur in the future if conditions require. Mr. Jones noted that there was a 26'-wide Mutual Access Easement (MAE) along the street frontage, allowing cross-access if the lots were ever split.

Jim Peterson of *BTC Broadband* stated that he had just returned from Christmas vacation and just got a chance to look at this project. Justin Morgan confirmed with Mr. Peterson that Mr. Peterson was also just getting a chance to look at "Quail Creek [Villas of Bixby]". Mr. Morgan stated that there would be overhead electric along the east line [of *Scenic Village Park*, the subject property, and "Quail Creek Villas"], and suggested that BTC would go through here. Mr. Peterson indicated agreement and stated that he expected to serve from the rear lot line in this case. Mr. Peterson expressed concern for easements from this line if the lots were split. Erik Enyart noted that, if this was done, the owner would need to do a Lot-Split or a replat, so the TAC would get a chance to review it [for easement adequacy] at that time. Ricky Jones noted that the lots would be split east-west anyway. Mr. Peterson indicated agreement. Mr. Peterson asked if 126<sup>th</sup> St. S. would go through. Mr. Enyart stated that the right-of-way for 126<sup>th</sup> St. S. was dedicated, and [on November 25, 2013], accepted by the City Council, which now allows the collector street to connect east to Memorial Dr. and [north], through "Quail Creek of Bixby," and through *Scenic Village Park*, to 121<sup>st</sup> St. S.

Malek Elkhoury in around this time at 10:07 AM.

Erik Enyart asked if there were any questions or comments from the Fire Marshal. Joey Wiedel indicated he had none. Mr. Enyart asked if such were more likely when the site plan was received, and Mr. Wiedel indicated agreement. Justin Morgan addressed Mr. Wiedel and stated that he will like the site plan, as it has wide-turning movements and lots of pavement.

Erik Enyart noted that, when he sent [to the Applicant] the "Draft" Staff Report, it was typically in its final form but is qualified as such in case additional changes are made. Mr. Enyart stated that, when they are issued, the review comments can be used to start making corrections. Mr. Enyart stated that, in this case, he will likely update the body of the report to discuss the MAE, which he had not previously acknowledged in the report. Mr. Enyart stated that the review comments will not change.

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

4. **BSP 2013-06 – "Covenant Place of Tulsa" – Tanner Consulting, LLC (PUD 76).**  
Discussion and review of a PUD Detailed Site Plan and building plans for "Covenant Place of Bixby," a Use Unit 8 assisted living facility development for approximately 11.636 acres consisting of Lot 2, Block 1, *Scenic Village Park*.  
Property Located: 7300 E. 121<sup>st</sup> Pl. S.

Erik Enyart introduced the item and summarized the project and its location. Mr. Enyart noted that this was a Detailed Site Plan for a Use Unit 8 assisted living community. Mr. Enyart noted that he was working on the Staff Report and hoped to have it finished and sent to the Applicant by today or tomorrow. Mr. Enyart noted that the Applicant had been meeting informally with City Staff and so

may already have received some review comments, and noted that he had provided the Fire Marshal's and City Engineer's review memos previously. Justin Morgan and Ricky Jones indicated agreement. Mr. Morgan asked Joey Wiedel if, between him and the project architect, the issues of the location and configuration of the FDC in the back of the building had been resolved. Mr. Wiedel indicated that progress had been made but the conversations were still ongoing with the project architect.

Jim Peterson asked about and discussed with Justin Morgan matters of access (121<sup>st</sup> Pl. S. and 73<sup>rd</sup> and 74<sup>th</sup> E. Aves.) and total number of living units (118). Mr. Morgan noted that the other number listed was the maximum allowed by the PUD. Ricky Jones noted that, although the site plan did not show all of the lot, there may be additional units in the back of the development lot in the future. Mr. Morgan noted that electrical service [and BTC's communication line(s)] would go down the street, and Mr. Enyart confirmed with Mr. Morgan that he was referring to 74<sup>th</sup> E. Ave.

Jim Peterson asked if the planned stormsewer development along 121<sup>st</sup> St. S. to the [stormwater detention] pond [in *Bixby Centennial Plaza*] was still proceeding. Mr. Morgan stated that there had been a hangup. Mr. Morgan stated that the project was proceeding as a Private-Public-Partnership, but the City Council asked to change it to a Public bid scenario, wherein the City would bid and build it and the developer would [pay his proportional share]. Mr. Morgan stated that this caused the project to be delayed 30 to 45 days. Mr. Peterson stated noted that they had discussed previously his concern about relocating the [BTC communication line(s)], and that this would need to be coordinated with the School, as it served the School campus there. Mr. Peterson suggested it be done when school was out of session.

Erik Enyart noted that the Site Plan application called for the representation of the entire lot of record. Mr. Enyart stated that it would not be necessary to rescale the site plan, if a [supplemental] drawing was provided representing the lot of record and the site features. Ricky Jones stated that he would get such a separate drawing to Mr. Enyart.

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

Justin Morgan and Ricky Jones left at this time.

2. **PUD 70 – Encore on Memorial – Major Amendment # 1.** Discussion and review of Major Amendment # 1 to PUD 70 for approximately 15 acres located in the E/2 of Section 02, T17N, R13E, which amendment proposes to allow a Use Unit 21 sign within the Development Area B right-of-way for 126<sup>th</sup> St. S., provide development standards for same, and make certain other amendments.

Property located: West of the intersection of 126<sup>th</sup> St. S. and Memorial Dr., including Lot 1, Block 1, *Encore on Memorial*.

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Erik Enyart introduced the item and summarized the location and the project. Mr. Enyart noted that the primary purpose of the Major Amendment was to allow a Use Unit 21 sign to be erected in the Development Area consisting only of the 126<sup>th</sup> St. S. right-of-way, which sign would advertise the *Encore on Memorial* apartments, and to provide development standards for same, including height

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and [display surface area] size. Mr. Enyart asked Malek Elkhoury if he cared to summarize the project further. Mr. Elkhoury confirmed that his clients wanted to have advertising on Memorial Dr.

Jim Peterson and Malek Elkhoury discussed utility locations. Mr. Elkhoury stated that the sign would be on the north side of the street. Erik Enyart confirmed with Malek Elkhoury that the sign would be clear of [underground] utility lines. Mr. Peterson stated that he believed [the BTC communication line] was located on the south side of the street, but that he would have to check. Mr. Elkhoury indicated agreement and stated that the waterline and the electrical line were both on the south side of the street, and that there was a 6" conduit there. Mr. Peterson indicated he believed the line was in that conduit.

Erik Enyart noted that, when Mr. Elkhoury dropped off the application, he observed that the 10' X 5' sign [easement] was not located in reference to the east line of the right-of-way. Mr. Elkhoury confirmed Mr. Enyart was referring to the exhibit. Mr. Enyart stated that, he supposed it could be scaled, but it would be better if it were dimensioned from the east line. Mr. Elkhoury stated that he would update the exhibit, and asked if it would be okay to email it. Mr. Enyart indicated agreement.

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

5. Old Business
6. New Business
7. Meeting was adjourned at 10:25 AM.

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BIXBY TAC MEETING  
SIGN IN SHEET  
Thursday, January 02, 2014

NAME	COMPANY	PHONE
1. <u>RICKY JONES</u>	<u>Tanner Consulting</u>	<u>918 745-9929</u>
2. <u>JUSTIN MORGAN</u>	<u>" "</u>	<u>"</u>
3. <u>Jim Peterson</u>	<u>BTC Broadband</u>	<u>918-366-0253</u>
4. <u>Erk Enyart</u>	<u>City of Bixby</u>	<u>918 366 4430</u>
5. <u>Joey Wiedel</u>	<u>City of Bixby GM</u>	<u>918 366 -0436</u>
6. <u>Malek Elkhouy</u>	<u>Khomy Eng'r</u>	<u>918 712-8768</u>
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
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14. _____	_____	_____
15. _____	_____	_____
16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____



# City of Bixby Application for PUD

Applicant: KHOURY ENGINEERING, INC.  
Address: 1435 E. 41ST STREET, TULSA, OK 74105  
Telephone: 918-712-8768 Cell Phone: 918 640-1727 Email: KENGINEC@KHOURYENG.COM

Property Owner: ENCORE MULTI-FAMILY, LLC If different from Applicant, does owner consent? YES  
Property Address: 7860 E. 126th Street South, Bixby, OK 74008  
Existing Zoning: PUD-70 Requested Zoning: N/A Existing Use: MULTI-FAMILY  
Proposed Use: ADD A MONUMENT SIGN IN DEVELOPEMENT AREA 'B' Use Unit #: 21

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

LOT 1, BLOCK 1 ENCORE ON MEMORIAL, AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT, DOC. # 6380.

Does Record Owner consent to the filing of this application?  YES  NO  
If Applicant is other than Owner, indicate interest: ENGINEER FOR THE OWNER  
Is subject tract located in the 100 year floodplain?  YES  NO  
Are 5 copies of the PUD text and exhibits package attached?  YES  NO

Application for:  PUD  Major Amendment  Minor Amendment  Abandonment

BILL ADVERTISING CHARGES TO: PAT IVIE (ENCORE MULTI-FAMILY, LLC)  
5005 LBJ FREEWAY, SUITE 1200 DALLAS, TX 75244 (NAME) 214-259-7038  
(ADDRESS) (CITY) (PHONE)

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

Signature:  Date: 12/10/2013

### APPLICANT - DO NOT WRITE BELOW THIS LINE

PUD 70 Date Received 12/11/2013 Received By Enyart Receipt # 01120097  
Planning Commission Date 01/21/2013 City Council Date \_\_\_\_\_

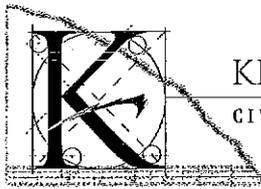
Sign(s) at \$ 50.00 each = \$ \_\_\_\_\_; Postage \$ \_\_\_\_\_; Total Sign + postage \$ 280.00

FEES:	PUD TYPE	ACREAGE	BASE FEE	ADD.	TOTAL

PC Action \_\_\_\_\_ City Council Action \_\_\_\_\_

DATE / VOTE \_\_\_\_\_ DATE / VOTE \_\_\_\_\_  
STAFF REC. \_\_\_\_\_ ORD. NO. \_\_\_\_\_

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December 10, 2013

**Mr. Erik Enyart, AICP**  
City Planner- City of Bixby  
P.O. Box 70  
Bixby, OK 74008

Re: Encore on Memorial - Major Amendment to PUD-70  
7860 E. 126<sup>th</sup> Street South, Bixby, OK 74008

Dear Mr. Enyart

We are requesting a major amendment to the original Encore on Memorial PUD-70. A complete application and fee is attached to support our request.

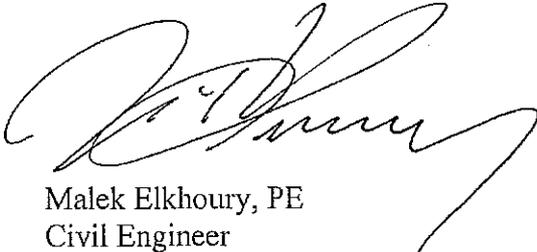
The PUD major amendment includes revising the "Development Standards" section of the original PUD as follows:

- 1- Add "Development Area B" with the following development standards: It is permitted to install One (1) Use Unit 21 double sided ground sign in the E. 126<sup>th</sup> Street right-of-way, with a maximum height of 8 feet and a display surface area of 50 square feet (each side), to advertise the multifamily use in Development Area A only. The sign will be subject to the City Council granting a sign easement in accordance with the development agreement.

We appreciate the City consideration and support of the above PUD amendment request. We'll pleased to provide any additional information related to this application if requested.

Please review the attached document and contact me at (918) 712-8768 if you have any questions.

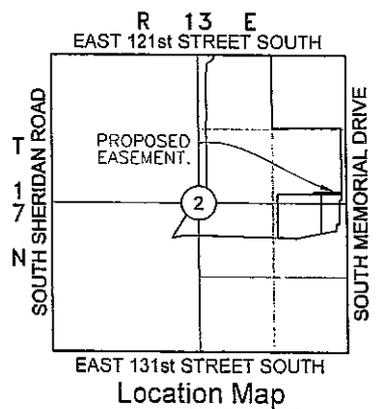
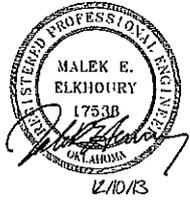
Sincerely,



Malek Elkhoury, PE  
Civil Engineer

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LOT 1, BLOCK 1  
ENCORE ON  
MEMORIAL

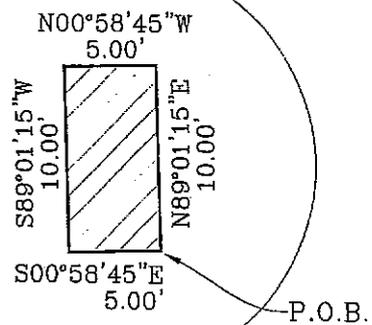


**SIGN EASEMENT LEGAL DESCRIPTION**

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE/4 NE/4) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 2; THENCE SOUTH 00°58'45" EAST ALONG THE EAST SECTION LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 2407.76 FEET; THENCE SOUTH 89°01'15" WEST A DISTANCE OF 110.90 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00° 58' 45" EAST A DISTANCE OF 5.00 FEET; THENCE SOUTH 89° 01' 15" WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 00° 58' 45" WEST A DISTANCE OF 5.00 FEET; THENCE NORTH 89° 01' 15" EAST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.



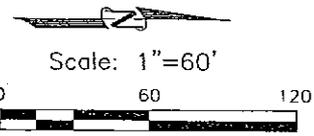
PROPOSED SIGN  
EASEMENT

ODOT RIGHT  
OF WAY

SECTION LINE

SOUTH MEMORIAL DRIVE

N.E. Corner Section 2  
N=366562.867  
E=2593705.964



Issue Date: 12/10/13

**Khoury Engineering, Inc.**  
Civil Engineering - Land Development

1435 East 41st Street  
Tulsa, OK 74105  
CA #3751, Renewal 06-30-15  
Tel 918.712.6768  
Fax 918.712.1069

ENCORE ON MEMORIAL  
7920 EAST 126th STREET SOUTH  
CITY OF BIXBY - TULSA COUNTY - OKLAHOMA

EXHIBIT No.

A

SIGN EASEMENT

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A

MEDIAN ID X 1 (D/F)



FOURCE  
COMMUNICATIONS

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JOB NO.

EE-712-1

**Encore Memorial**  
**Encore Enterprises**  
**Bixby, Oklahoma**

APPROVAL

Signature

Date  
Your signature acknowledges full approval of the design layout and its content, releasing Fource Communications, Ltd. from any responsibility regarding incorrect information and design.

Any colors shown are only representative of actual colors to be used. Final colors will be matched as closely as possible. Colors shown tend to vary due to some materials used in the industry.

DESIGNER INITIALS

SAM

DATE

01/22/13

SHEET TITLE

ADDITIONAL  
ENTRY SIGNAGE

SHEET NO.

**AES.01.00**

**REGULAR AGENDA ITEM**

ITEM TITLE: Consider, discuss and approve a License Agreement with Encore MF Tulsa, LLC to allow the placement of a ground sign identifying the location of its multifamily apartment complex, the "Encore on Memorial". Location: 12600 South Memorial Drive.

INITIATOR: City Attorney Patrick Boulden

STAFF SOURCE: City Attorney Patrick Boulden

BACKGROUND: In place of a sign easement being granted pursuant to the parties' Development Agreement, dated May 24, 2010, Encore MF Tulsa, LLC has requested from the City a license to install, use and maintain certain improvements within the right-of-way of East 126<sup>th</sup> Street just west of South Memorial Drive, for the placement of a ground sign identifying the location of its multifamily apartment complex, the "Encore on Memorial";

EXHIBITS: See the attached License Agreement.

KEY ISSUE: Whether the City Council should approve this License Agreement.

COUNCIL ACTION: Approval or rejection of this License Agreement.

RECOMMENDATION: Approval of this License Agreement.

Regular Agenda  
MEETING DATE: 02/10/2014  
MEETING: Regular

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## LICENSE AGREEMENT

THIS AGREEMENT is made and entered into by and between the City of Bixby, a municipal corporation, 116 West Needles Avenue, Post Office Box 70, Bixby, Oklahoma 74008 ("City") and Encore MF Tulsa, LLC, 7020 East 126<sup>th</sup> Street, Bixby, Oklahoma 74008 ("Licensee").

### RECITALS

Pursuant to a Deed of Dedication, filed as Document No. 2011028151, recorded in the Office of the Tulsa County Clerk, the City holds, in trust for the public, certain street right-of-way, identified as that portion of East 126<sup>th</sup> Street South extending west of South Memorial Drive located within a part of the Southeast Quarter of the Northeast Quarter (SE/4 NE/4) of Section Two (2), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma; and

In place of a sign easement being granted pursuant to the parties' Development Agreement, dated May 24, 2010, Licensee has requested from the City a license to install, use and maintain certain improvements within the right-of-way of East 126<sup>th</sup> Street described above, for the location of a ground sign identifying the location of its multifamily apartment complex, the "Encore on Memorial"; and

The City is agreeable to the issuance of such a license, subject to the covenants and conditions set forth below.

NOW, THEREFORE, IT IS AGREED BY AND BETWEEN CITY AND LICENSEE AS FOLLOWS:

1. City does, by this instrument, grant this license to Licensee to install and maintain a ground sign, in and upon City's street right-of-way, at a location more particularly described on the attached Exhibit "A" (Sign Legal Description), provided that such use does not unreasonably interfere with public use of the City's street right-of-way.

2. This license shall be revocable at any time at the will of City, and is subject to and subordinate to City's right to maintain, use, alter or excavate any portion of City's street right-of-way. Should removal, construction and/or excavation become necessary in City's opinion, Licensee agrees to hold City harmless for any loss or damage to Licensee's sign.

3. The Licensee's ground sign shall at all times be and remain the property of Licensee. It is specifically agreed that Licensee installs and maintains said sign at Licensee's own expense, and at Licensee's own risk. During the term of this agreement, Licensee shall maintain the said sign in a functional, safe and attractive condition.

4. Licensee shall indemnify and hold City harmless of and from any and all claims, suits, actions or judgments, including all expenses, attorney fees, witness fees and costs of defending any such claim, or appeals therefrom, which arise out of or from Licensee's use or maintenance of its ground sign, including any interference or damage to any third person or property.

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5. Upon termination of this license, Licensee shall, if City so desires, and after receiving prior written demand from City, remove said sign and restore the City's street right-of-way, as nearly as is practical, to the state and condition of their existence immediately prior to the installation of Licensee's sign, ordinary wear and tear excepted.

6. Nothing herein shall release Licensee or its contractors from their duty to comply with all laws and regulations, including electrical, mechanical and building codes, safety regulations and zoning ordinances.

7. As a condition to this license being effective, this license, shall be recorded by Licensee in the office of the Tulsa County Clerk and Licensee shall provide the City with a copy of such filed license. Thereafter, the rights granted by this license shall inure to the benefit of and bind Licensee, its successors in title and assigns, and these rights shall run with the land.

8. The date of this agreement shall be the date on which it is executed by the City of Bixby.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates set forth below.

"CITY"

"LICENSEE"

CITY OF BIXBY, a municipal corporation

ENCORE MF TULSA, LLC  
a limited liability company

By: \_\_\_\_\_  
Mayor

By: Patricia Sue Asset Manager  
Manager

Date: \_\_\_\_\_

Dated: January 20, 2014

Approved by the City Council of the City of Bixby, Oklahoma on:

Date: \_\_\_\_\_

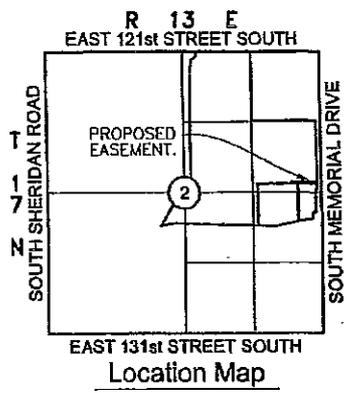
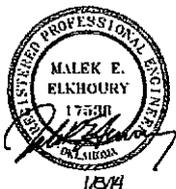
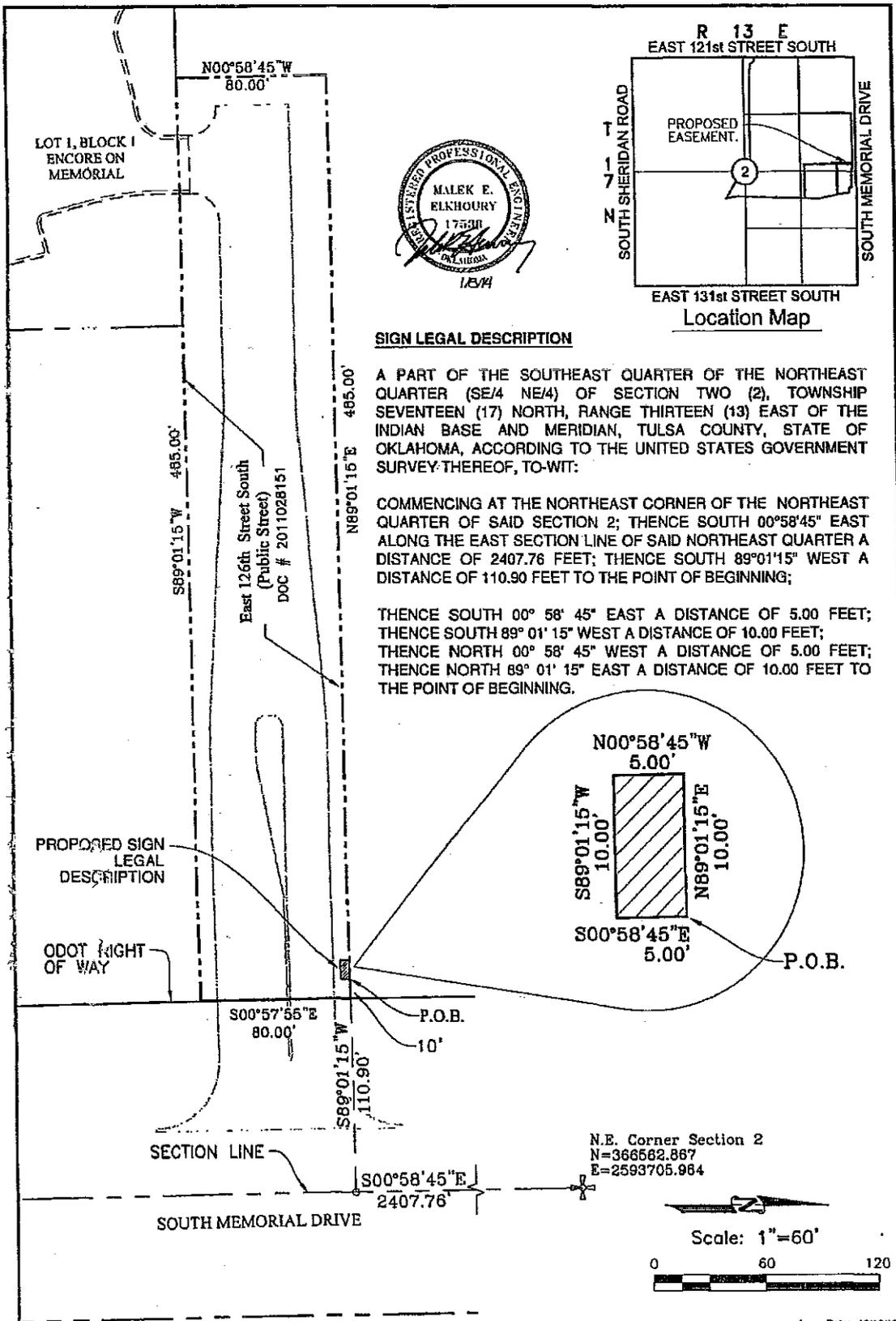
ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED:

\_\_\_\_\_  
City Attorney

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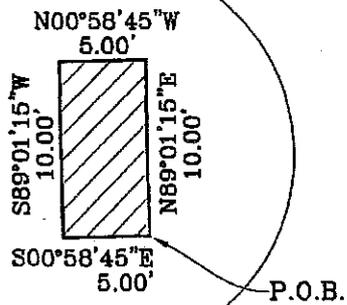


**SIGN LEGAL DESCRIPTION**

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE/4 NE/4) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 2; THENCE SOUTH 00°58'45" EAST ALONG THE EAST SECTION LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 2407.76 FEET; THENCE SOUTH 89°01'15" WEST A DISTANCE OF 110.90 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00° 58' 45" EAST A DISTANCE OF 5.00 FEET;  
 THENCE SOUTH 89° 01' 15" WEST A DISTANCE OF 10.00 FEET;  
 THENCE NORTH 00° 58' 45" WEST A DISTANCE OF 5.00 FEET;  
 THENCE NORTH 89° 01' 15" EAST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.



Issue Date: 12/10/13

**Khoury Engineering, Inc.**  
Civil Engineering - Land Development

1435 East 41st Street  
Tulsa, OK 74105  
CA #3751, Renewal 06-30-15

Tel 918.712.8768  
Fax 918.712.1069

ENCORE ON MEMORIAL  
7920 EAST 126th STREET SOUTH  
CITY OF BIXBY - TULSA COUNTY - OKLAHOMA

EXHIBIT No.  
**A**

**SIGN LEGAL DESCRIPTION**

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

## STAFF REPORT

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner *EE*  
**Date:** Thursday, February 13, 2014  
**RE:** Report and Recommendations for:  
PUD 82 – “Somerset” – JR Donelson for Kowen Properties, LLC, and  
BZ-370 – JR Donelson for Kowen Properties, LLC

**LOCATION:**

- 6905 E. 121<sup>st</sup> St. S. & 11803 and 11809 S. Sheridan Rd.
- Part of the SW/4 of the SW/4 of Section 35, T18N, R13E
- Northeast of the intersection of 121<sup>st</sup> St. S. and Sheridan Rd.

**SIZE:** 18 acres, more or less

**EXISTING ZONING:** AG Agricultural District

**EXISTING USE:** Rural residential and agricultural

**REQUESTED ZONING:** RS-2 Single-Family Dwelling District<sup>1</sup> & PUD 82

**SUPPLEMENTAL ZONING:** None

**SURROUNDING ZONING AND LAND USE:**

**North:** RS-2; Single family residential in *The Estates of Graystone*.

**South:** AG & CS/RS-2/PUD 53; Vacant/wooded land, and across 121<sup>st</sup> St. S., vacant commercial lots and a 2-story office building at 6810 E. 121<sup>st</sup> St. S. zoned CS, and vacant residential lots and new houses zoned RS-2, all in *WoodMere* in PUD 53. To the southwest are vacant lots zoned CS and OL with PUD 53-A. To the southeast

<sup>1</sup> RS-3 requested on BZ-370 application form and advertised to Public but RS-2 is actually requested. See Background Information section of this report for details.

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are a vacant/wooded 1-acre tract, the *Three Oaks Smoke Shop* located on a 2-acre tract at 7060 E. 121<sup>st</sup> St. S., the "wetland mitigation" land owned by Tulsa County, and the "hardwood mitigation" land owned by the City of Bixby, all zoned AG.

East: AG; The Bixby North 5<sup>th</sup> and 6<sup>th</sup> Grade Center on a 10-acre campus, the Bixby North Elementary school on a 23-acre campus, and the *LifeChurch* 4.4-acre facility between the former two.

West: AG and (across Sheridan Rd. in Tulsa) AG, RS-3, & RS-3/CS/PUD 759; Vacant/wooded land to Sheridan Rd., and unplatted residential estate acreages zoned AG and RS-3 to the west of Sheridan Rd. To the southwest are residential and commercial lots, homes, and businesses zoned RS-3 and CS with PUD 759 in *Crestwood Village*, all in the City of Tulsa.

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

PREVIOUS/RELATED CASES:

BBOA-147 – J.L. Shimp – Request for Special Exception approval to allow a mobile home in an AG District on the westerly approximately 8 acres of subject property – BOA could not achieve passage of a Motion for action at either the October, 1985 or 12/09/1985 meetings.

BBOA-160 – J.L. Shimp – Request for Special Exception approval to allow a mobile home in an AG District and a Variance to allow two (2) dwellings on a singular tract of land (requested mobile home and existing conventional house) on the westerly approximately 8 acres of subject property – BOA Conditionally Approved 03/10/1986.

RELEVANT AREA CASE HISTORY: (not a complete list; does not include case history for areas within the City of Tulsa)

BZ-67 – Charles Cousins – Request for rezoning from AG to CS for a 4.4-acre area of an 8-acre tract abutting subject property to the south at 11909 and/or 11919 S. Sheridan Rd. – PC recommended Denial 08/28/1978 (not appealed to City Council).

BBOA-56 – Charles Cousins – Request for Special Exception to allow two (2) mobile homes in an AG district for a 4.4-acre area of an 8-acre tract abutting subject property to the south at 11909 and/or 11919 S. Sheridan Rd. – BOA Approved for 5 years 02/13/1979.

BBOA-154 – Charles Cousins – Request for Special Exception to allow two (2) existing mobile homes in an AG district per Zoning Code Section 310 and a Variance from Zoning Code Section 208 to allow two (2) dwellings on a lot of record, all for a 4.4-acre area of an 8-acre tract abutting subject property to the south at 11909 and/or 11919 S. Sheridan Rd. – BOA Approved for 6 months 12/09/1985.

BZ-208 – D. Lindsay Perkins/Graystone Development, LLC – Request for rezoning from AG to RS-2 for approximately 120 acres abutting subject property to the north (SW/4 of the NW/4 and the N/2 of the SW/4 of this Section) for what became most of the "Graystone" subdivisions – PC recommended Approval in March, 1994 and City Council Approved 04/11/1994 (Ord. # 700).

BBOA-278 – Lindsay Perkins – Request for "blanket Variance" to reduce front yard setbacks to 25' for, essentially, what became *The Estates of Graystone* abutting subject property to the north – BOA Approved 06/06/1994

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BBOA-329 – Jon E. Brightmire – Request for Special Exception for a 100’ tall monopole communications tower on a 4.4-acre tract (now the *LifeChurch*) to the east of subject property at 7071 E. 121<sup>st</sup> St. S. – BOA Approved 05/05/1997.

BBOA-358 – Joe Gill for Bixby Public Schools – Request for Special Exception to allow a Use Unit 5 elementary school (Bixby North Elementary) on a 23-acre tract to the east of subject property – BOA Approved 05/01/2000.

BBOA-402 – Tulsa Engineering & Planning, Inc. for Fox Hollow, LLC – Request for Variance to reduce front yard setbacks to 25’ for certain lots located in the RS-2-zoned portion of *Fox Hollow* to the east of subject property – BOA Approved 05/05/2003.

PUD 53 – WoodMere – Marc & Donna Bullock – Request to rezone from AG to CS and RS-2 and to approve PUD 53 for a commercial/office and single-family residential development for 20 acres to the south of subject property across 121<sup>st</sup> St. S. (later platted as *WoodMere*) – PC recommended Conditional Approval 01/16/2007 and the City Council Conditionally Approved 02/12/2007 (Ord. # 961).

BBOA-466 – Travis Reynolds for LifeChurch – Request for Special Exception for a Use Unit 5 church on a 4.4-acre tract (now the *LifeChurch*) to the east of subject property at 7071 E. 121<sup>st</sup> St. S. – BOA Conditionally Approved 12/03/2007.

PUD 52 – Cypress Springs – Haynes Reynolds – Request to rezone from AG to RS-2 and to approve PUD 52 for a single-family residential development on an 8-acre tract abutting subject property to the south at 11909 and/or 11919 S. Sheridan Rd. – PC recommended Approval 01/16/2007 and the City Council took no action for the ordinance Second Reading on 02/12/2007, per the approved Minutes of that meeting. However, it appears that Ordinance # 960 was inadvertently signed and recorded with the Tulsa County Clerk. This was reported to the City Council 02/22/2010 as requested by the PC 02/16/2010. No action since taken.

PUD 53 “WoodMere” Major Amendment # 1 (PUD 53-A) & BZ-353 – Sack & Associates, Inc. for New Woodmere Properties, LLC – Request for PUD Major Amendment for Lots 1, 2, & 3, Block 1, and Lot 1, Block 2, and rezoning from RS-2 to OL of Lot 1, Block 2, all in *WoodMere* to the southwest of subject property – PC Recommended Approval 04/18/2011 and City Council Approved 05/09/2011 (Ord. # 2056).

#### BACKGROUND INFORMATION:

Abutting the subject property to the west and south is an unplatted 8-acre development tract zoned AG. It was the subject of PUD 52 “Cypress Springs” in 2007, proposing 17 to 18 estate-sized lots. The Planning Commission recommended Approval of PUD 52 on 01/16/2006 and City Council took no action for the ordinance Second Reading on 02/12/2007, per the approved Minutes of that meeting. The developer’s agent has also stated they recalled that the City Council did not approve the PUD and rezoning. However, it appears that Ordinance # 960 was inadvertently signed and recorded with the Tulsa County Clerk, causing the official Zoning Map to reflect RS-2 zoning and PUD 52. This was reported to the City Council on 02/22/2010, but the City Council did not direct, nor has the owner consented to having the Zoning Map corrected. Insufficient access was reportedly an objection raised to the approval of this development, perhaps causing, in part, the failure of the PUD’s approval. See the Access and Internal Circulation section of this report for analysis on how this property and the subject property are related.

RS-3 zoning is requested on the BZ-370 application form, and the Public Notice for these applications advertised RS-3 zoning. RS-3 zoning was initially discussed, prior to application submission, and Staff had advised to request RS-2 instead, due to it being more consistent with surrounding Zoning patterns and as it would allow the development density proposed. The PUD provides that RS-2 zoning is being requested. On February 13, 2014, the Applicant advised Staff by phone that RS-2 was intended. Zoning Code Section 11-5-1.C.2.a provides that the City of Bixby may consider and act upon less-intense residential zoning districts, and in this case, may consider RS-2 when RS-3 has been requested. Thus, adequate Public Notice has been achieved for RS-2 zoning.

#### ANALYSIS:

Subject Property Conditions. The subject property of approximately 18 acres is zoned AG and is rural residential and/or agricultural in use. It has approximately 427.15' of frontage on Sheridan Rd. and 333.27' of frontage on 121<sup>st</sup> St. S.

The subject property is presently composed of three (3) existing parcels:

- (1) An approximately four (4) acre tract composing the westernmost four (4) acres, containing two (2) existing dwellings possibly addressed 11803 and 11809 S. Sheridan Rd., Assessor's Parcel Account # 98335833545900,
- (2) An approximately four (4) acre agricultural and wooded tract between the westernmost 4-acre tract and the easterly 10-acre tract, Assessor's Parcel Account # 98335833546300,
- (3) An approximately 10-acre tract composing the easternmost 10 acres, containing an existing dwelling at its northern end, a pond at its southwest corner, and otherwise agricultural and wooded, addressed 6905 E. 121<sup>st</sup> St. S., Assessor's Parcel Account # 98335833547500.

The northernmost areas of the subject property slope moderately downward in a southward direction. The southerly portion of the 10-acre tract slopes slightly to the south. The development is proposed to drain to the Tulsa County "wetland mitigation" area located a couple blocks to the southeast across 121<sup>st</sup> St. S. As noted by the City Engineer, Tulsa County approval must be secured.

The subject property is presently served by the critical utilities (water, sewer, electric, etc.).

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-2 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 RS-2 zoning district 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

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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 and Medium Intensity designations of the Comprehensive Plan Land Use Map, and thus PUD 82 is *In Accordance* with the Comprehensive Plan as a zoning district.

General. The PUD proposes a single-family residential subdivision development with a maximum of 60 lots. The submitted site plan exhibits a suburban-style subdivision design, with 55 single-family residential lots. Minimum lot widths would be 65'. On the easterly 10-acre section of the PUD, the site plan indicates typically 65'-wide lots, with 141' of depth (9,165 square feet; 0.21 acres). On the westerly approximately eight (8) acres, 12 relatively large lots are arranged around two (2) cul-de-sac streets, 67<sup>th</sup> and 68<sup>th</sup> E. Aves., and 11 non-cul-de-sac lots front on the south side of 119<sup>th</sup> St. S. The latter are typically 70' X 125' (8,750 square feet; 0.20 acres). At the northern end of the existing 10-acre tract portion of the subject property, proposed Lot 17, Block 2 would contain the existing house, which will remain. The houses at the west end of the westernmost 4-acre tract will be removed by this development.

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 82 at its regular meeting held February 05, 2014. Minutes of that meeting are attached to this report.

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

"The streets in this PUD will be public and constructed to City of Bixby standards, with sufficient right-of-way provided to allow construction and maintenance of the roadway. Access and circulation areas are shown on the Exhibit A Site Plan. The streets in Somerset will be a minimum of 26'-0" wide face of curb to face of curb. The right-of-way will be a minimum of 50'-0" in width. The access to the site will be 121st Street South and South Sheridan. Sidewalks will be constructed along E. 121st Street and the public streets within Somerset. Communication with Bixby Public Schools will be made to

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discuss the construction along E. 121st Street south of the Bixby 5<sup>th</sup> and 6<sup>th</sup> Grade facility. A modification/waiver will be requested to permit no sidewalk construction along So. Sheridan Road.”

Plans for access can be further inferred from the site plans.

Abutting the subject property to the west and south is an unplatted 8-acre development tract, the subject of PUD 52 “Cypress Springs” in 2007. It was not approved at that time, and insufficient access was reportedly an objection raised to the approval of this development, perhaps causing, in part, the failure of the PUD’s approval. See Background Information section of this report for further details. The Bixby Subdivision Regulations require providing a stub-out street to all adjoining unplatted tracts. This plan does not provide such access to the abutting tract, which has a demonstrated access issue preventing its development. The City of Bixby has the responsibility to ensure that development properties are not hampered by lack of planning and access provision when abutting properties are developed. Avoiding the stub-out requirement would require a Waiver of the Subdivision Regulations. In this case, there is a demonstrated need for a second means of ingress/egress, and therefore, the City Staff will not be able to support the Waiver. However, Staff has expressed the ability to support a partial Waiver, as follows: Based on the Fire Marshal’s statement of need that emergency-access drives have at least 20’ in width, this development could provide an easement, split-down-the-middle 10’ on either side of a common lot line, for a possible future emergency access drive, which would be defeasible if not ultimately needed and which, if needed, would be built in the future at the other developer’s expense. Alternatively, if the owner of the development property expressed that a secondary means of access through the subject property would not be needed, Staff will have no objection to a full Waiver.

In pre-application meetings with the Applicant, the Applicant expressed desire, in lieu of sidewalk construction along Sheridan Rd., to extend the sidewalk offsite through the Bixby 5<sup>th</sup> & 6<sup>th</sup> Grade Center parcel to connect to the west line of *LifeChurch.tv*. This will require a Waiver of the Subdivision Regulations when the Preliminary Plat application is filed. The PUD Text acknowledges this. Staff noted that the distances may not equal out, but adding the ramp treatments on both sides of the School’s drive may bring parity to the cost versus the Sheridan Rd. location.

The exhibits indicate a proposed 50’ dedication for Sheridan Rd. and 60’ for 121<sup>st</sup> St. S. (Primary Arterial) as required.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, RS-2, RS-3, and CS. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

North of the subject property single family residential in *The Estates of Graystone* zoned RS-2. The RS-2 district there is approximately 142 acres and contains all of the “Graystone” subdivisions and the Fry Creek Ditch # 2 subdivision to the east of them.

To the west and south is vacant/wooded land to the 121<sup>st</sup> St. S. and Sheridan Rd. intersection, all zoned AG.

Across Sheridan Rd. to the west are vacant/wooded and unplatted residential estate acreages zoned AG and RS-3 in the City of Tulsa. To the southwest are residential and commercial lots, homes, and businesses zoned RS-3 and CS with PUD 759 in *Crestwood Village*, all in the City of Tulsa.

Across 121<sup>st</sup> St. S. to the south are vacant commercial lots and a 2-story office building at 6810 E. 121<sup>st</sup> St. S. zoned CS, and vacant residential lots and new houses zoned RS-2, all in *WoodMere* in PUD 53. At the northwest corner of WoodMere are four (4) lots zoned CS and OL with PUD 53-A. To the southeast is a vacant/wooded 1-acre tract, the *Three Oaks Smoke Shop* located on a 2-acre tract at 7060 E. 121<sup>st</sup> St. S., the “wetland mitigation” land owned by Tulsa County, and the “hardwood mitigation” land owned by the City of Bixby, all zoned AG.

To the east are the Bixby North 5<sup>th</sup> and 6<sup>th</sup> Grade Center on a 10-acre campus, the Bixby North Elementary school on a 23-acre campus, and the *LifeChurch* 4.4-acre facility between the former two, all zoned AG.

RS-2 zoning would be consistent with surrounding RS-2 zoning patterns: “Graystone” subdivisions to the north, *WoodMere* to the south, and as contemplated by PUD 52 “Cypress Springs.” RS-2 would also allow for the density proposed by this development, at least 70 lots, far more than the 60 proposed and 55 indicated on the site plans.

Certain flexibility is requested by this PUD from RS-2 bulk and area standards, including 65’ minimum lot widths (vs. 75’), 8,500 square feet minimum lot areas (vs. 9,000 s.f.), and reductions in certain setbacks. As suggested by Staff, in exchange for bulk and area reductions, the PUD proposes certain quality-enhancing standards. Firstly, the PUD proposes a 75% minimum masonry requirement for houses, excluding doors and windows. Secondly, the site plan represents existing mature trees, and the PUD Text also provides, “There are presently many mature trees on the site. Many of the existing trees will remain in the development.” The latter matter does not provide a measurable standard, but expresses intent to enhance the development quality by mature tree preservation.

For all the reasons outlined above, Staff believes that RS-2 zoning and PUD 82 are both consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

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:

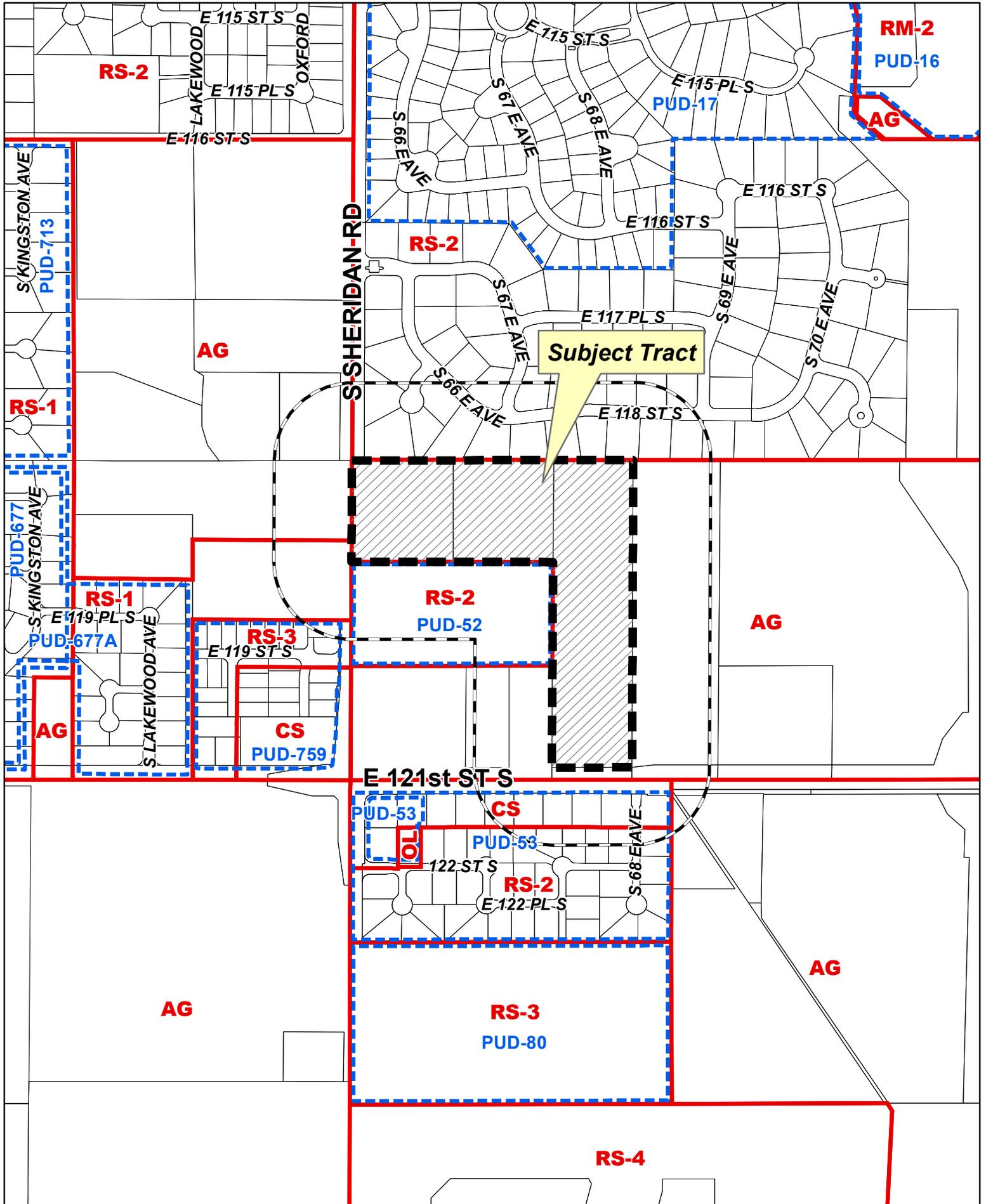
- A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;
- B. Permit flexibility within the development to best utilize the unique physical features of the particular site;
- C. Provide and preserve meaningful open space; and
- D. Achieve a continuity of function and design within the development.

Subject to certain design issues being resolved as recommended herein, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C are met in this application.

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

1. The approval of RS-2 zoning is subject to the final approval of PUD 82 and vice-versa.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item will be addressed by the section in the PUD Text entitled "Standard Requirements."
3. Subject to City Engineer and/or County Engineer curb cut approval for the proposed street intersections with Sheridan Rd. and 121<sup>st</sup> St. S., and the Fire Marshal's approval of locations, spacing, widths, and curb return radii. This item will be addressed by the section in the PUD Text entitled "Standard Requirements."
4. Staff cannot support a Waiver of the Subdivision Regulations requirement to provide a stub-out street, or alternative method of secondary access, to the 8-acre development property abutting to the south/west, which has a demonstrated lack of access potentially preventing its development. Please provide a plan for access in the Text and Exhibits.
5. Development Standards/Permitted Uses section of PUD Text: Language is not clear. Use Units allowed by Special Exception should not be allowed. However, if a UU 5 neighborhood pool/clubhouse/etc. is planned, it should be specified as such, with language that it is limited to one within the Development Area, its approval will attach only to the lot or lots on which it is built, and it is subject to PC site plan approval. Location should be specified on the conceptual site plan, if planned and if known. Otherwise, please clarify "...to include all Use Units of the City of Bixby Zoning Code permitted by right within the 'RS-2' zoning district."

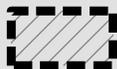
6. Landscaped Area and Visual Screening: Not expected within a SF Residential PUD. Mature tree preservation commentary would be appropriate here, but section may be more appropriately retitled in consideration of content. Chapter 9 citation is incorrect.
7. Landscaped Area and Visual Screening: Consider discussing in the PUD Text what kind of fences or walls will be proposed along arterial street frontages, if to be within a Reserve or Fence/Landscape Easement for common features, and other existing and proposed fences as represented on the site plans.
8. Signs: Language more consistent with a commercial PUD. Signage may be expected for the development entrances, however, and should be discussed here if known and if dimensional qualities would exceed Zoning Code standards for same. Text should describe if Reserve Area or easement would be employed for common features. Signage locations should be identified on the site plan. Statement, "...signs will meet or exceed the Bixby Zoning Ordinance" is not appropriate.
9. "Access and Circulation" section of the PUD Text: Please note that Limits of No Access (LNA) will be imposed along the arterial street frontages of the subject property and/or represent LNA on the site plans.
10. Table of Contents missing elements.
11. Table of Contents normally found after Title Page and prior to 1<sup>st</sup> page of PUD Text.
12. Exhibits: Does not show stub-out street or otherwise emergency access provisions to the unplatted 8-acre development property abutting to the south (contemplated by PUD 52 "Cypress Springs"). See related analysis in this report.
13. Exhibit A: Zoning Code Section 11-7I-8.B.1. g requires "g. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed." Please represent driveway on tract abutting to the west and the two (2) on the School parcel to the east at their connection points to 121<sup>st</sup> St. S. for access review purposes, and to clearly demonstrate the extent of the proposed offsite sidewalk. Offsite sidewalk is not clearly represented or dimensioned.
14. Exhibit A: House needs to show setbacks to nearest existing and proposed lot lines.
15. Missing elements: Soil analysis per Zoning Code Section 11-7I-8.B.2. This is a minimum requirement for PUDs per the Zoning Code.
16. 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.
17. 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).



**Subject Tract**

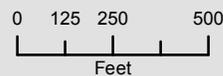


300' Radius



Subject Tract

**PUD-82**



35 18-13



## Memo

**To:** Erik Enyart, City Planner  
**From:** Jared Cottle, PE *JWC*  
**CC:** Bea Aamodt, PE  
File  
**Date:** 01/16/14  
**Re:** Somerset PUD  
PUD 82

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### General Comments:

1. The PUD should provide minimum building standards (square footage, exterior finish, etc.) for Council review and comment. They will likely wish to discuss location, context, and lot size relative to the surrounding development areas.
2. The water main should be located along the west side of 68<sup>th</sup> E. Ave. and south side of 119<sup>th</sup> Street.
3. The close proximity of the sanitary sewer and water lines around the cul-de-sac perimeters may be eliminated by moving the sanitary sewer alignment modifications in Block 2 as follows:
  - North side of Lots 27 & 28
  - West side of Lots 22, 23, & 24
  - East side of Lots 19, 20, and 21
4. The existing house in Lot 18 may be subject to any applicable provisions in the Code requiring connection to available sanitary sewer mains. The water meter would need to remain accessible.
5. Discharge of storm water to the County storm water management facilities without detention will need to be approved, in writing, by Tulsa County.
6. Based on previous attempts to provide separate emergency access points for the adjacent, Reynolds property (previously "Cypress Springs"), a stub street should be provided to the Reynolds property for emergency access and traffic circulation.
7. A 17.5' perimeter U/E should be provided.

# Memo

To: Erik Enyart, AICP, City Planner

From: Joey Wiedel

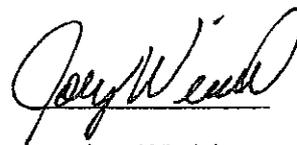
Date: 01-22-2014

Re: PUD 82 "Somerset"

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PUD 82 is approved by this office with the following caveats:

- Fire hydrants shall be spaced no further than 600 ft.



Joey Wiedel

**MINUTES**  
**TECHNICAL ADVISORY COMMITTEE**  
**DAWES BUILDING CITY OFFICES**  
**113 W. DAWES AVE.**  
**BIXBY, OK 74008**  
**February 05, 2014 – 10:00 AM**

MEMBERS PRESENT

Jim Peterson, *BTC Broadband*  
Scott Gideon, *ONG*

STAFF PRESENT

Erik Enyart, AICP, City Planner, City of Bixby  
Joey Wiedel, Fire Marshal, City of Bixby

OTHERS PRESENT

J. Pat Murphy, *Tulsa Engineering & Planning Associates, Inc.*  
Tim Terral, *Tulsa Engineering & Planning Associates, Inc.*  
Ricky Jones, AICP, *Tanner Consulting, LLC*  
Malek Elkhoury, PE, *Khoury Engineering, Inc.*  
JR Donelson, *JR Donelson, Inc.*  
Tom Wenrick, *Wenrick Development Co.*  
Curt Roberts, *McGraw Realtors*

1. Erik Enyart called the meeting to order at 9:58 AM.

Prior to the meeting, due to the minor nature of the item and the quickness with which it could be dispatched, those in attendance expressed favor for taking the agenda items out of order and considering Agenda Item # 5 at this time. This idea was agreed to by acclamation.

5. **PUD 76 – Scenic Village Park – Minor Amendment # 1.** Discussion and review of Minor Amendment # 1 to PUD 76 for approximately 11.636 acres located in the E/2 of Section 02, T17N, R13E, which amendment proposes making certain changes to development standards pertaining to signage.

Property Located: Lot 2, Block 1, *Scenic Village Park*, 7300 E. 121<sup>st</sup> Pl. S.

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Erik Enyart introduced the item and summarized the project. Mr. Enyart noted that the TAC had seen this PUD 76 in various forms several times before, and that this was a Minor Amendment pursuant to the Detailed Site Plan which the Planning Commission reviewed in January. Mr. Enyart stated that, during the review, a signage issue was identified, and that this would provide flexibility for the signage. Mr. Enyart stated that the plan was to have three (3) signs, two (2) of which would be directional signs, but larger than the Zoning Code allowed. Mr. Enyart stated that he believed one (1) of the directional signs was not actually proposed at this time, but would be installed when the facility was expanded, and asked Ricky Jones for confirmation.

Ricky Jones stated that the PUD was written by Roy Johnsen, and that it did not provide for signage at that time, and so this would address the signs proposed for the site. Mr. Jones stated that most directional signs only have an arrow pointing in a certain direction, but the signs proposed by his client would have additional information, such as a logo and other details. Mr. Jones stated that the PUD allowed for one (1) sign of a certain size, but this proposal would allow for three (3) smaller signs, which together would not exceed the maximum display surface area proposed.

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

Erik Enyart stated that the meeting would proceed to the next item on the agenda and thanked Ricky Jones for his attendance.

Ricky Jones left at this time.

2. **PUD 82 – “Somerset” – JR Donelson for Kowen Properties, LLC.** Discussion and review of a rezoning request for approval of a Planned Unit Development (PUD) for “Somerset” for approximately 18 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.  
Property Located: 6905 E. 121<sup>st</sup> St. S. & 11803 and 11809 S. Sheridan Rd.

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Erik Enyart introduced the item and summarized the project and its location. Mr. Enyart noted that this was a PUD for a residential subdivision development, and that there was also an application to change the underlying zoning to RS-3.

Malek Elkhoury and Curtis Roberts in at this time around 10:01 AM.

Erik Enyart asked if the Applicant would like to summarize the project further. JR Donelson stated that there was an existing house on the north end of the 10-acre piece that would stay. Mr. Donelson stated that the existing house had [City] water and a septic [system], and clarified with Tom Wenrick that the existing house had access to both [City] water and natural gas from [The Estates of] Graystone to the north.

Erik Enyart stated that JR Donelson was kind enough to provide an early, draft copy of the PUD for review, and that the City Staff had provided a courtesy review, which would, perhaps, help purchase some time and make the development review process go faster. Mr. Enyart stated that he had not reviewed the PUD in detail, but that his review would likely be the same as the courtesy review, with perhaps a few more items identified to address [after a more thorough review].

JR Donelson asked Erik Enyart if he had not had an issue with the Haynes Reynolds 8-acre tract to the south. Mr. Enyart confirmed and stated that, during the courtesy review, the largest design comment was the fact that it provided no stub-out streets to the adjoining 8-acre development property, which was last proposed for development as a PUD around 2007 and known as “Cypress Springs.” Mr. Enyart stated that, at that time, it was not allowed to develop [in part] because it only proposed one (1) way in and out, on Sheridan Rd. Mr. Enyart stated that the Subdivision Regulations require providing a stub-out street to all adjoining unplatted tracts. Mr. Enyart stated that avoiding this requirement would require a Waiver of the Subdivision Regulations. Mr. Enyart

stated that, in this case, there was a demonstrated need for a second means of ingress/egress, and that, therefore, the City Staff would not be able to support the Waiver.

Tom Wenrick provided arguments against providing a stub-out street, which could be summarized as follows: Providing a stub-out street would cause him to lose a lot; the property was too expensive to acquire to lose a lot; his streets were intentionally public to allow for traffic to go between 121<sup>st</sup> St. S. and Sheridan Rd. and avoid backups at the main intersection; the City of Bixby would not allow him to access the City of Tulsa sewer along 121<sup>st</sup> St. S. which the school and perhaps other developments were allowed to utilize; [rather than a sidewalk along Sheridan Rd.,] he would provide an off-site sidewalk through the school property all the way to *LifeChurch*, to allow children to walk to school; the adjoining property owner should purchase one of the three (3) tracts along 121<sup>st</sup> St. S. to gain their own secondary access; and, as for the tract at the corner with the pond on it, someone would someday figure out a way to relieve it. Mr. Wenrick also noted that he was planning for this to be a high-end subdivision, with three-car garages and deep lots for large yards to play in, but affordable, with prices in the \$300,000s but peaking just above \$400,000, to allow, rather than older retirees, families with children to be able to buy the homes and allow the children to walk to school, such as they used to be able to do when he was growing up.

JR Donelson stated that a stub-out street to the 8-acre tract would not ultimately work out for that tract [due to incompatible design].

Erik Enyart stated that the City of Bixby prided itself in being extremely flexible for development, while honoring its core responsibilities to the Public and all citizens of the City of Bixby. Mr. Enyart suggested there may be a more flexible means of achieving the same end. Mr. Enyart asked Joey Wiedel how wide an exclusive, emergency-access-only drive would need to be, and Mr. Wiedel reported 20'. Discussion ensued.

Erik Enyart reiterated that the requirement to provide a stub-out street to adjoining unplatted properties was to ensure that those properties would have adequate access to develop in turn, and also so that property owners not be obligated to buy other properties to get adequate access. Mr. Enyart stated that, in cases where it did not make sense to provide a stub-out street, the City would Waive that requirement, and that it would do so for the other tracts this property abuts for this reason. Mr. Enyart stated that, in this case, in addition to this being a requirement, as of the last the City heard about it, the adjoining 8-acre development tract had a demonstrated need for a second means of ingress/egress. Mr. Enyart suggested there may be a more flexible means of achieving the same end. Mr. Enyart asked if the Applicant had considered, based on the Fire Marshal's statement of need for a 20'-wide emergency-access drive, providing an easement, split-down-the-middle 10' on either side, for a possible future emergency access drive, which would be defeasible if not ultimately needed and which, if needed, would be built in the future at the other developer's expense. JR Donelson indicated favor for this concept. Tom Wenrick indicated this was an intriguing concept and stated that this was the first he had heard of it and would have to think about it.

Joey Wiedel stated that, at the last meeting, JR Donelson indicated he may get a statement from [Haynes Reynolds] that he did not need the stub-out street, and asked Mr. Donelson if he had secured this. Mr. Donelson reported that he had not yet. Erik Enyart clarified that this was another

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way the City was willing to be accommodating and flexible, in that, if the property owner in question stated that they did not need the stub-out street, the City would have no objection to Waiving the requirement.

After a time, Erik Enyart asked if there were any further questions or comments from anyone, or if this matter should be discussed further. Tom Wenrick indicated he was not finished with the access matter. Mr. Wenrick discussed his concerns further and stated that he was in agreement with all of the Staff recommendations with the exception of this one access matter.

Erik Enyart asked if there were any questions or comments from the utility companies. Jim Peterson and Scott Gideon indicated they had none.

Erik Enyart asked if there were any questions or comments from the Fire Marshal. Joey Wiedel had no further questions or comments at this time.

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

Erik Enyart stated that the meeting would proceed to the next item on the agenda and thanked Tom Wenrick and JR Donelson for their attendance.

Tom Wenrick and JR Donelson left at this time.

3. **PUD 83 – [“River Trail II”] – Khoury Engineering, Inc.** Discussion and review of a rezoning request for approval of a Planned Unit Development (PUD) for “River Trails of Bixby” for approximately 5 acres in part of the E/2 of Section 02, T17N, R13E.  
Property Located: Southwest corner of the intersection of 126<sup>th</sup> St. S. and Memorial Dr.

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Erik Enyart introduced the item and summarized the location and the project. Mr. Enyart clarified with Malek Elkhoury that the name of the project on the TAC Agenda, which came from the name on the PUD submitted, had since changed to “River Trail II.”

Erik Enyart greeted Curtis Roberts, who identified himself as the purchaser and developer of the property. Mr. Enyart stated that he had begun the review of this application, and that there were a few minor edits to be made, such as removing descriptions of “back,” “side,” etc. from setbacks. Mr. Enyart stated that the most significant review comment he had was a design issue pertaining to trails and sidewalks. Mr. Enyart provided to Malek Elkhoury, Curtis Roberts, and Joey Wiedel 11” X 17” copies of an aerial and parcel map highlighting the property in question. Mr. Enyart stated that the Bixby Comprehensive Plan identified a future trail along this north side of Fry Creek # 1, just outside the south boundary of the property. Mr. Enyart stated that it would pass along the south side of *Encore on Memorial*. Mr. Enyart stated that the City does not require developers install trails, but that the site plans would need to indicate how these could be designed in relation to this development. Mr. Enyart stated that the commercial developer across Fry Creek # 1 to the south, *Crosscreek*, had put in a trail along their Fry Creek right-of-way frontage, without the City requiring it, which was nice. Mr. Enyart stated that the City did have a sidewalk construction requirement. Mr. Enyart identified the existing Memorial Dr. pedestrian bridge and sidewalk over Fry Creek # 1, on this westerly side of the roadway. Mr. Enyart stated that, technically, the lots would need to

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build out their frontages of the sidewalk, across the wide and deep drainageway, along this Memorial Dr. proper. Mr. Enyart stated that the aerial and parcel map indicated that the City's Fry Creek maintenance access drive appeared to pass through easterly parts of the subject property. Curtis Roberts indicated agreement, and Malek Elkhoury confirmed, stating that he had investigated this when *Encore on Memorial* was developed and found this to be the case. Mr. Enyart stated that he had visited with City Engineer Jared Cottle about this, and Mr. Cottle noted that, when the new access drive is developed within this property, the old access drive would no longer be needed. Mr. Enyart stated that Mr. Cottle suggested that, when it was no longer needed, the existing old access drive bridge could be repurposed as a pedestrian / trail bridge. Mr. Enyart stated that the City was extending the existing Fry Creek trail along *Crosscreek* all the way up to an area just north of 121<sup>st</sup> St. S. in *Twin Creeks*, and to the west and south to 131<sup>st</sup> St. S. Mr. Enyart stated that it would actually cross to the north side of Fry Creek # 1 using the existing pedestrian bridge on Memorial Dr., and then would circle around and go under Memorial Dr. and proceed east. Mr. Enyart stated that, when this was done, the City would have continuous trails connecting, essentially, downtown Bixby at 151<sup>st</sup> St. S., through Bentley Park, along the Arkansas River, over the old bridge, through Washington Irving Park, up Fry Creek, along through this area up to an area just north of 121<sup>st</sup> St. S. in *Twin Creeks*. Mr. Enyart reiterated that, per the Comprehensive Plan, there was this planned trail along the north side of Fry Creek # 1. Mr. Enyart stated that, in time, there would be a trail all along this side of the Fry Creek system. Mr. Enyart stated that it could not go straight under Memorial Dr. because of the wide and deep drainageway along this westerly side of Memorial Dr., and a pedestrian bridge across the drainageway was [improbable]. Mr. Enyart stated that it would need to pass along the south and east sides of the subject property, across the [repurposed pedestrian] bridge, down along Memorial Dr. until it meets with the other trail and circles around the underside of Memorial Dr.

Malek Elkhoury and Erik Enyart discussed the elevations in the area. Mr. Enyart stated that it appeared to him, based on the contour data represented on the site plan, that the future trail would need to come onto the subject property to a certain extent, as the ditch otherwise fell off with a fairly steep slope. Mr. Elkhoury indicated agreement, and asked how wide the trail would need to be. Mr. Enyart stated that the City Engineer said it should be a 10'-wide multipurpose trail. Mr. Enyart stated that the City would not require the developer put in the trail, and that it would be flexible and ask the developer to propose a design that would be beneficial for all involved, [considering all these factors]. Mr. Enyart stated that a design could propose, in part, granting the City a trail easement, and/or [trail] paving in equal amount to what would be required if the sidewalk were built along Memorial Dr. frontages. Mr. Elkhoury asked how much of an easement would be needed, and Mr. Enyart stated that he did not know. Mr. Elkhoury suggested a 5' easement, and noted that the area couldn't be built upon anyway since it would be within the 17.5' Utility Easement. Curtis Roberts indicated agreement with a 5' trail easement. Mr. Elkhoury expressed concern that it would cut into the required landscape buffer. Mr. Enyart stated that he had considered that already and put in the Staff Report that "we wouldn't count that against the landscape buffer."

Erik Enyart asked if the Fire Marshal had any questions or comments. Joey Wiedel stated that, when *Encore on Memorial* was put in, the City allowed the existing access drive to be used as a second means of ingress/egress, with a gate at its southeast corner. Mr. Wiedel stated that, now that this was being developed, the gravel drive needed to be paved all the way through. Erik Enyart

clarified that Mr. Wiedel was referring to the "U"-shaped gravel area south of the new Mutual Access Easement drive and connecting to the southeast corner of *Encore on Memorial*. Discussion ensued. Mr. Enyart questioned Mr. Wiedel on the adequacy of the second driveway connection to 126<sup>th</sup> St. S. and noted that *Encore on Memorial* would ultimately have secondary access to 126<sup>th</sup> St. S. when it was extended. Mr. Wiedel noted that *Encore on Memorial* was only going to have a secondary access when and if the second phase was developed. Mr. Wiedel noted that, when *Encore on Memorial* was developed, the City had an agreement that allowed this temporary secondary access until this commercial development was put in, after which time the whole secondary access was required to be paved. Mr. Enyart acknowledged and noted to Malek Elkhoury and Curtis Roberts that paving this small "U"-shaped area would appear to be cheaper than building a second long drive up to 126<sup>th</sup> St. S. at this time. Mr. Elkhoury and Mr. Roberts stated that they would just plan to use the existing secondary drive that is being used for *Encore on Memorial's* secondary access as their own secondary access until such time as the other lots are developed. Mr. Roberts agreed to extend the paving down to the south line of his development, and suggested that *Encore on Memorial* should be responsible for paving the balance of the connection [because *Encore on Memorial* was the only one that would not have a secondary access without it]. Mr. Wiedel indicated agreement.<sup>1</sup>

Erik Enyart asked if the utility companies had any questions or comments. Jim Peterson with *BTC Broadband* and Scott Gideon with *ONG* both stated that they had lines along the south side of 126<sup>th</sup> St. S., and asked how they would be extended into the development. It was noted that *Encore on Memorial* had a 17.5'-wide Utility Easement along its east side, but also had a fence on the common property line. Discussion ensued. Mr. Elkhoury provided a draft Preliminary Plat, showing four (4) commercial lots, for the utility companies to review. The utility company representatives indicated disfavor for locating first in conduit under the Mutual Access Easement drive pavement, and favor for going within the greenspace between the drive and the west property line. Erik Enyart asked how wide the greenspace was as represented on the site plans, and Malek Elkhoury estimated 10'. After further discussion, Malek Elkhoury agreed to expand the greenspace area to 15' in width, noting that the MAE and U/Es would overlap. Mr. Elkhoury agreed to provide in the PUD and Restrictive Covenants that each of the four (4) commercial lots would provide a Mutual Access Easement through the front of their lots as each develops, with the locations to be determined.

Erik Enyart asked if the Fire Marshal had any further questions or comments. Malek Elkhoury stated that he had the Fire Marshal's memo on the number and 300' spacing of fire hydrants, and confirmed with Joey Wiedel that it would be acceptable for the fire hydrants to be installed as each lot develops. Mr. Elkhoury stated that the City of Tulsa had [recently] allowed commercial spacing more than 300'.

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

Erik Enyart reiterated that he was working on the staff report and would try to get it to the Applicant as soon as possible. Mr. Enyart noted that he would try to get the agenda packet published by Friday of this week, but that he was experiencing a lot of interruptions.

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<sup>1</sup> Joey Wiedel indicated agreement with the suggestion to ask *Encore on Memorial* to pave the balance of the "U"-shaped drive, not necessarily the reliance on the existing Fry Creek # 1 maintenance access road as the required secondary means of ingress/egress, and continued to recommend that full paving be done as a part of this project.

Erik Enyart noted that, on the 11" X 17" printout maps he had provided, it was evident that the parcel and aerial data did not align properly. Mr. Enyart noted that he had observed some time ago that they did not align, and expected the Tulsa County Assessor would find their mistake as these other things were going in around it. Mr. Enyart stated that INCOG, while making the case map and 300' radius mailing list, also observed the error and asked him about it. Mr. Enyart stated that he provided INCOG the plat of Encore on Memorial, which included the legal description, and explained the issue to them, and that INCOG was working with the County Assessor to fix the error. Mr. Enyart noted that the County Assessor also had not represented the 126<sup>th</sup> St. S. right-of-way, even though that had been dedicated years ago, but expected it would be discovered sooner or later.

Erik Enyart stated that the meeting would proceed to the next item on the agenda and thanked Malek Elkhoury and Curtis Roberts for their attendance.

Malek Elkhoury and Curtis Roberts left at this time.

4. **Final Plat – The Trails at White Hawk – Tulsa Engineering & Planning, Inc. (PUD 62).**  
Discussion and review of a Final Plat and certain Modifications/Waivers for "The Trails at White Hawk" for 32.5440 acres in part of the W/2 SE/4 of Section 15, T17N, R13E.  
Property located: Northwest corner of the intersection of 151<sup>st</sup> St. S. and Kingston Ave.

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Erik Enyart introduced the item and summarized the location and the project. Mr. Enyart noted that this was the Final Plat for the first phase of the residential development, which would be the southerly portion of the residential area, and would also include the new commercial lot on the west side of the Hudson Ave. collector street which was created pursuant to a recent PUD Amendment. Mr. Enyart noted that he could not see his copy of the plat well, and asked if there was some change to the configuration at the Kingston Ave. area. Tim Terral provided Mr. Enyart with a full-size copy of the plat. Mr. Enyart noted that the easterly end of the Reserve Area [containing the PSO electrical transmission line easement] appeared to have been cut off, and noted that the emergency access drive was to connect to Kingston Ave. through here. J. Pat Murphy stated that this area would be dedicated by separate instrument. Mr. Enyart noted that this was a "messy" way of doing this, as opposed to including it in the reserve. Mr. Enyart asked why it was cut off, and Mr. Murphy stated that this area was to have the cul-de-sac, which was not being built at this time, and in order to preserve flexibility in designing the connection when the commercial area is developed. Mr. Enyart asked when he would expect to receive the separate instrument dedication, as it needed City Council approval. Mr. Murphy and Mr. Terral stated that this could be done quickly. Mr. Enyart expressed his reservations about this arrangement and asked if the City Engineer had been asked for input on this. Mr. Murphy indicated he had met with the City Engineer and there were no issues there. Mr. Enyart stated that he would have to look at this matter more closely. Mr. Enyart asked if there were any other changes between the Preliminary and Final Plats, and Mr. Murphy indicated there were not. Mr. Murphy and/or Mr. Terral noted that the new commercial lot was added and that, next to that, the new plan had Hudson Ave. "skinny down," from 80' to 60', at the intersection with 151<sup>st</sup> St. S., removing the median. Mr. Enyart clarified that there were two (2) changes since the Preliminary Plat. Mr. Enyart stated that 60' was the minimum width required for a residential collector street, and confirmed with Mr. Terral and Mr. Murphy that Hudson Ave. would also serve as one of the means of access for the commercial development, in addition to the potential curb-cut

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in the center of the commercial development area's frontage. Mr. Enyart stated that the PUD may need to be inspected to see if it would allow for this. Mr. Enyart asked if this curb-cut had been sought from and approved by ODOT, and Mr. Terral reported that this had not yet occurred, but would be done. Mr. Terral confirmed with Mr. Enyart that Kingston Ave. would not be used for commercial traffic. Mr. Enyart asked if the City Engineer had been consulted on reducing the street width at the intersection, and Mr. Murphy stated that the City Engineer had agreed to it, and that it was necessary because ODOT said to reduce the curb-cut to 60' in width. Mr. Enyart expressed concern for reducing the width, and it was noted that this was agreed to several months ago. Joey Wiedel provided Mr. Enyart a printout of an email thread pertaining to this, and Mr. Enyart acknowledged, recalled the exchange in September of 2013, and withdrew his objection.

Erik Enyart noted that the Minor Amendment [# 1] to the PUD stated that the Kingston Ave. cul-de-sac turnaround would be required when Development Area B, or any part of it, was developed. Mr. Enyart noted that there was a commercial lot in this plat, and confirmed with J. Pat Murphy and Tim Terral that they understood and agreed that, if that commercial lot is built upon, that would trigger the cul-de-sac turnaround construction requirement.

Erik Enyart asked how the sewerage was ultimately routed. J. Pat Murphy stated that it would go through *White Hawk Golf Course*, and that the existing sewer through that area was not consistent with plans, with elevations too high to utilize, so a new sewerline was going to have to be laid closer to the creek.

Erik Enyart asked if the utility companies had any further questions or comments. There were none.

Erik Enyart asked if the Fire Marshal had any further questions or comments. Joey Wiedel had none.

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

6. Old Business

7. New Business

8. Meeting was adjourned at 11:10 AM.

BIXBY TAC MEETING  
SIGN IN SHEET  
Wednesday, February 05, 2014

NAME	COMPANY	PHONE
1. <u>JR Donelson</u>	<u></u>	<u>918-394-3030</u>
2. <u>Treas Wannek</u>	<u></u>	<u>" 749-5581</u>
3. <u>TIM TERRAL</u>	<u>TEP</u>	<u>918 359-<del>70</del> 6413</u>
4. <u>J Pat Murphy</u>	<u>TEP</u>	<u>918.359.6417</u>
5. <u>Erik Enyart</u>	<u>City of Bixby</u>	<u>918 366 4480</u>
6. <u>Scott Gibson</u>	<u>ONG</u>	<u>918-831-8386</u>
7. <u>Jon Will</u>	<u>COB FM</u>	<u>918 366-0436</u>
8. <u>Jim Peterson</u>	<u>BTC Broadband</u>	<u>918-366-0253</u>
9. <u>Malek Elkhoury</u>	<u>Khoury Eng'r</u>	<u>918 712-8768</u>
10. <u>Curt Roberts</u>	<u>Developer</u>	<u>918 231-0691</u>
11. <u></u>	<u></u>	<u></u>
12. <u></u>	<u></u>	<u></u>
13. <u></u>	<u></u>	<u></u>
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19. <u></u>	<u></u>	<u></u>
20. <u></u>	<u></u>	<u></u>



# City of Bixby Application for PUD

Applicant: JR DONELSON  
Address: 12820 S. MEMORIAL DR., #100, BIXBY, OK 74008  
Telephone: 918-394-3030 Cell Phone: 918-640-2041 Email: JRDON@EASTTELMAIL.COM

Property Owner: Tom Wenrick Town & Country Realtors If different from Applicant, does owner consent? Y  
Property Address: 6905 EAST 121ST ST. SO.  
Existing Zoning: AG Requested Zoning: RS-3 Existing Use: RESIDENTIAL  
Proposed Use: RESIDENTIAL Use Unit #: 6

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

SEE ATTACHED

Does Record Owner consent to the filing of this application?  YES  NO  
If Applicant is other than Owner, indicate interest: AGENT  
Is subject tract located in the 100 year floodplain?  YES  NO  
Are 5 copies of the PUD text and exhibits package attached?  YES  NO  
Application for:  PUD  Major Amendment  Minor Amendment  Abandonment

BILL ADVERTISING CHARGES TO: TOM WENRICK  
2930 E. 51ST TULSA, OK 74105 (NAME) 918-625-1155  
(ADDRESS) (CITY) (PHONE)

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

Signature: JR Donelson Date: 12/6/2013

APPLICANT - DO NOT WRITE BELOW THIS LINE

PUD 82 Date Received 01/14/2014 Received By Emyart Receipt # 01129881  
Planning Commission Date 02/18/2014 City Council Date \_\_\_\_\_

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

FEES:	PUD TYPE	ACREAGE	BASE FEE	ADD.	TOTAL
	<u>Res.</u>	<u>18</u>	<u>\$240.00</u>	<u>\$50.00</u>	<u>\$290.00</u>

PC Action \_\_\_\_\_ City Council Action \_\_\_\_\_

DATE / VOTE \_\_\_\_\_ DATE / VOTE \_\_\_\_\_  
STAFF REC. \_\_\_\_\_ ORD. NO. \_\_\_\_\_

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Somerset  
Legal Description  
Exhibit G

A tract of land located in the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section 35, T-18-N, R-13-E, Tulsa County, Oklahoma according to the U.S. Government Survey thereof, described as follows: Beginning at a point 412.5 feet East of the Northwest Corner of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of said Section, thence East 412.5 feet; thence South 425 feet; thence West 412.5 feet; thence North 425 feet to the point of beginning and containing 4.02 acres more or less.

And

A tract of land located in the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section 35, T-18-N, R-13-E, Tulsa County, Oklahoma according to the U.S. Government Survey thereof, described as follows: Beginning at the Northwest corner of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of said Section, thence East 412.5 feet; thence South 425 feet; thence West 412.5 feet; thence North 425 feet to the point of beginning and containing 4.02 acres more or less.

And

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**SOMERSET**  
**Bixby, Oklahoma**  
**PLANNED UNIT DEVELOPMENT NO. 82**

January 12, 2014

CITY OF BIXBY

JAN 14 2014

RECEIVED

By *Ernst*

Prepared by:  
JR Donelson, Inc.  
12820 So. Memorial Dr., Office 100  
Bixby, Oklahoma 74008  
918-394-3030  
email: jrdon@tulsacoxmail.com

68

**SOMERSET**  
*Bixby, Oklahoma*  
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**January 12, 2014**

Prepared by:  
JR Donelson, Inc.  
12820 So. Memorial Dr., Office 100  
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email: jrdon@tulsacoxmail.com

## **SOMERSET**

Planned Unit Development No. 82

### **DEVELOPMENT CONCEPT**

Site Description and Location. The project is planned as a residential development of not to exceed 60 single family lots. The Site included in this planned unit development (PUD) is located in the SW/4 of Section 35, T-18-N, R-13-E, Tulsa County, State of Oklahoma. The total gross property site is 18.04 acres. The property is located at the northeast corner of 121st Street South and South Sheridan Road. The areas adjacent to the Site include the Bixby Public School to the east, the "The Estates of Graystone" to the north and undeveloped property west of the site. See Exhibit "A", which is a Concept Illustration of the Site, including a Location Map insert.

Existing site zoning. The Site currently is zoned "AG".

Summary of the Development Area in the proposed PUD. The development consists of one development area. The property is to be re-zoned "RS-2" single family dwellings. The legal description is provided as Exhibit B.

Compatibility of the proposed planned unit development with the existing and planned uses surrounding the site further is achieved by the development standards explained in the text that follows.

#### Features of the Site Area.

The property is located adjacent to the west boundary of the Bixby Public School 5<sup>th</sup> and 6<sup>th</sup> Grade. The north boundary of the property abuts "The Estates of Graystone, which is zoned "RS2". The land to the west of the site to the intersection of 121<sup>st</sup> and South Sheridan, is vacant and is zoned "AG". The property presently has three single family houses and outbuildings on the site. The single family residence situated in east ten acres will remain. The other existing structures will be removed. The site slopes from north to south. The eastern ten acres has approximately seven acres that is relatively flat and open. Storm water from this site presently sheet flows from north to south toward the bar ditches along South Sheridan, E. 121<sup>st</sup> Street South and the existing pond at the northeast corner of South Sheridan Road and E. 121<sup>st</sup> Street South. The residential development on the west side of South Sheridan is located in the City of Tulsa. The existing farm pond situated in the east 10 acres will be removed.

**SOMERSET**

Planned Unit Development No. 82

DEVELOPMENT STANDARDS

GROSS LAND AREA:

Gross: 18.04 acres 785,822 sf  
Maximum Intensity of Use: 60 Lots

PERMITTED USES:

Proposed Underlying Zoning District: "RS-2"  
Detached single family residences and customary accessory uses.  
Limitation on Uses: Allowed uses to include all Use Units of the City of Bixby Zoning Code within the "RS-2" zoning district.

MAX BUILDING STORIES 2  
LOT WIDTH (min.ft.) 65 feet  
A flag lot can have a width of 35 feet at the building line.

LOT AREA (min.sq.ft.) 8,500 s.f

LAND AREA PER D.U. 10,988 s.f.  
(min.sq.ft.)

LIVABILITY PER D.U. (min.sq.ft.) 2,000 s.f.

MINIMUM BUILDING SETBACKS (YARD REQUIREMENTS):

Front yard abutting a public street 25 feet

Side yard abutting a public street 15 feet

Rear Yards (min.ft.) 20 feet

Side yards (min.ft.) 5 feet one side  
5 feet one side

MAXIMUM BUILDING HEIGHT 40 feet

Other Bulk and Area Requirements As provided within an RS-2 District

Off-Street parking Within each lot a minimum of 3 Spaces shall be provided.

MASONRY requirement (min.sq.ft.) 75% elevation surfaces, excluding elevation doors and windows.

**SOMERSET**

Planned Unit Development No. 82

LANDSCAPED AREA AND VISUAL SCREENING:

- (1) A preliminary Landscape and Screening Plan is depicted on Exhibit "A". All landscaping and screening shall meet or exceed the requirements of the Bixby Zoning PUD chapter. All landscaping and screening shall be approved by the Bixby Planning Commission. There are presently many mature trees on the site. Many of the existing trees will remain in the development.

SIGNS:

- (1) All signs shall comply with the setback, height, size and other requirements of the Bixby Zoning Ordinance. The location of the proposed development entrance signs will meet or exceed the Bixby Zoning Ordinance.
- (2) Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs with movement shall be prohibited, except as may be permitted by the Bixby Planning Commission as part of the approved detail sign plan.

STANDARD REQUIREMENTS:

- (1) The Standard Requirements of the City of Bixby Fire Marshall, City Engineer, and City Attorney shall be met as a condition of approval.

**SOMERSET**

Planned Unit Development No. 82

ACCESS AND CIRCULATION:

- (1) The streets in this PUD will be public and constructed to City of Bixby standards, with sufficient right-of-way provided to allow construction and maintenance of the roadway. Access and circulation areas are shown on the Exhibit A Site Plan. The streets in Somerset will be a minimum of 26'-0" wide face of curb to face of curb. The right-of-way will be a minimum of 50'-0" in width. The access to the site will be 121st Street South and South Sheridan. Sidewalks will be constructed along E. 121<sup>st</sup> Street and the public streets within Somerset. Communication with Bixby Public Schools will be made to discuss the construction along E. 121<sup>st</sup> Street south of the Bixby 5<sup>th</sup> and 6<sup>th</sup> Grade facility. A modification/waiver will be requested to permit no sidewalk construction along So. Sheridan Road.

UTILITIES and DRAINAGE:

- (1) Site utilities are either available at the development boundaries or will be provided by customary extension adjacent to the Site. Exhibit C shows the site utilities.

PLATTING REQUIREMENT:

- (1) No building permit shall issue until the area comprising the planned unit development has been included within a subdivision plat submitted to and approved by the Bixby Planning Commission and the Bixby City Council and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved planned unit development and the City of Bixby shall be a beneficiary thereof.

SCHEDULE OF DEVELOPMENT:

- (1) Development of the project is expected to commence within 6 months and to be completed as market conditions permit.

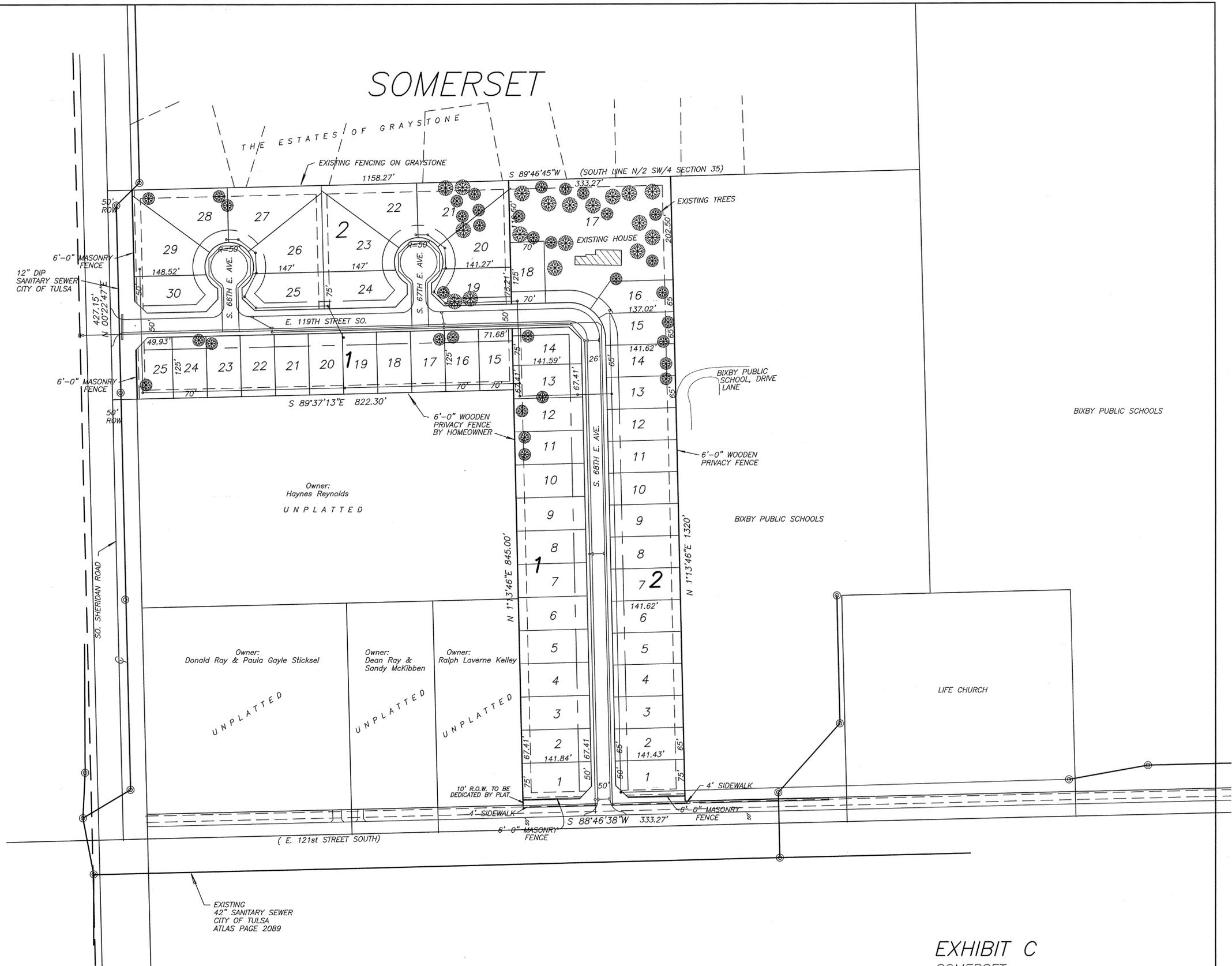
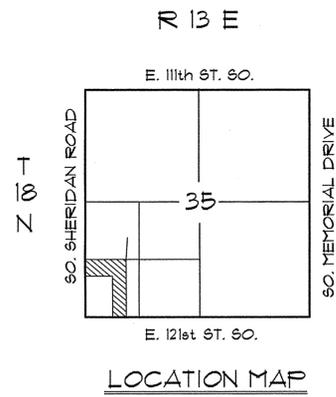
The foregoing PUD Text shall control in the event of any conflict between the terms of the PUD Text and the exhibits. Therefore, all exhibits shall be deemed to be modified as necessary to comply with the terms of the PUD text and with the requirements of the Bixby City Council.

TABLE OF CONTENTS

	Page
I. Development Concept	2
II. Development Standards	3
III. Landscaped Area and Visual Screening	4
IV. Signs	4
V. Access and Circulation	5
VI. Utilities and Drainage	5
VII. Schedule of Development	5
Exhibit A: Overall Concept Site Plan.	
Exhibit B: Topography.	
Exhibit C: Site Utilities.	
Exhibit D: Zoning Map	
Exhibit E: F.I.R.M. Map	
Exhibit F: Site Aerial	
Exhibit G: Legal Description	

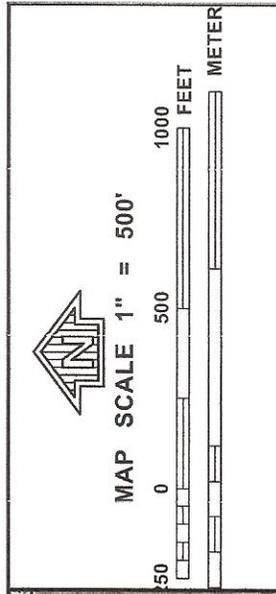






**EXHIBIT C**  
SOMERSET  
SITE UTILITIES





**NFIP** NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0432L

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

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

CONTAINS:	NUMBER	PANEL	SUFFIX
BIXBY, CITY OF	400207	0432	L
TULSA, CITY OF	400381	0432	L
TULSA COUNTY	400462	0432	L

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

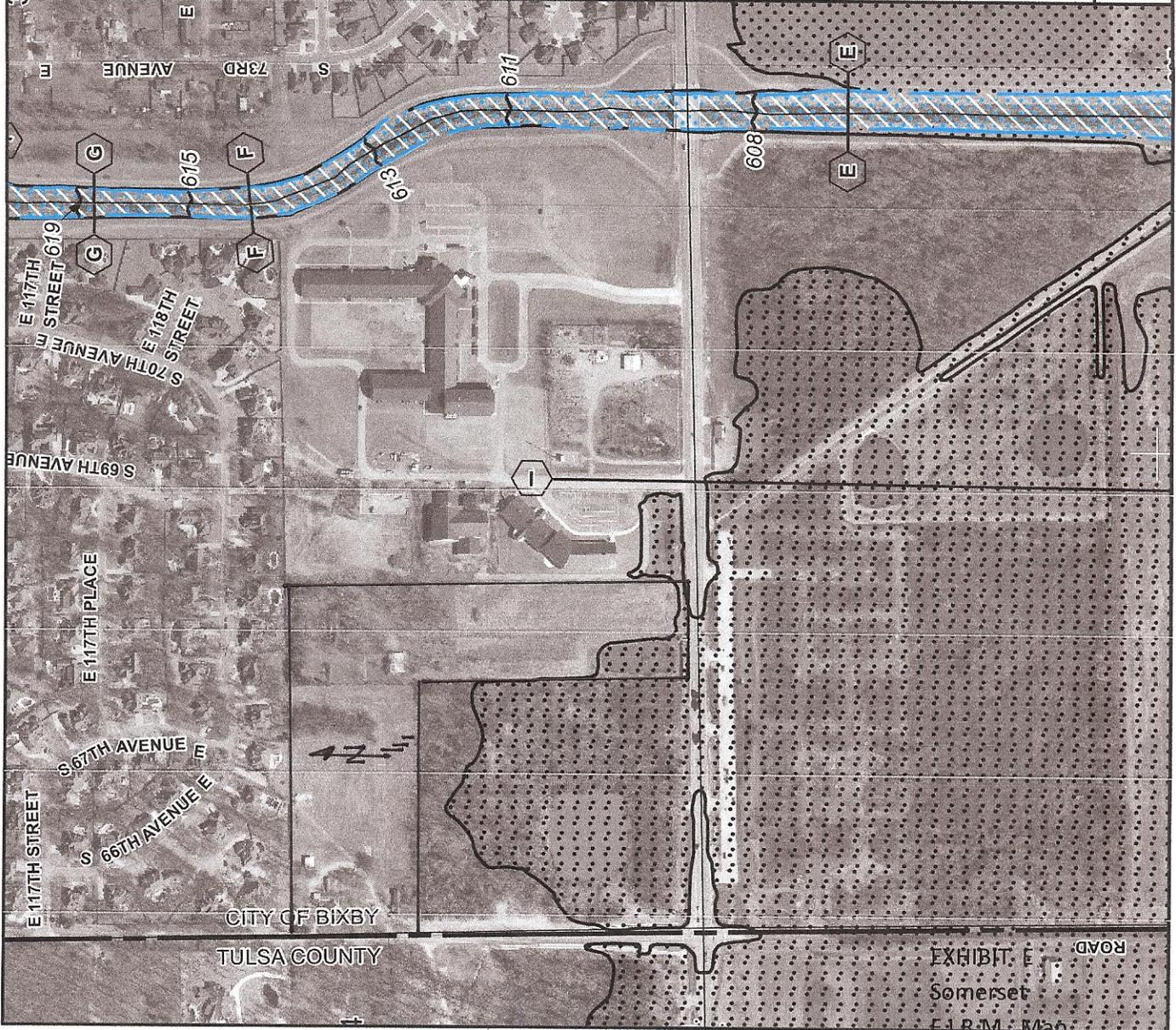
**MAP NUMBER**  
 40143C0432L

**MAP REVISED**  
 OCTOBER 16, 2012

Federal Emergency Management Agency



This is an official copy of a portion of the above referenced flood map. It was extracted using F-1011 Ch-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



S Sheridan Rd

Data SIO, NOAA, U.S. Navy, NGA, GEBCO

©2013 Google

©2013 Google



SITE AERIAL SOMERSET EXHIBIT F

Somerset  
Legal Description  
Exhibit G

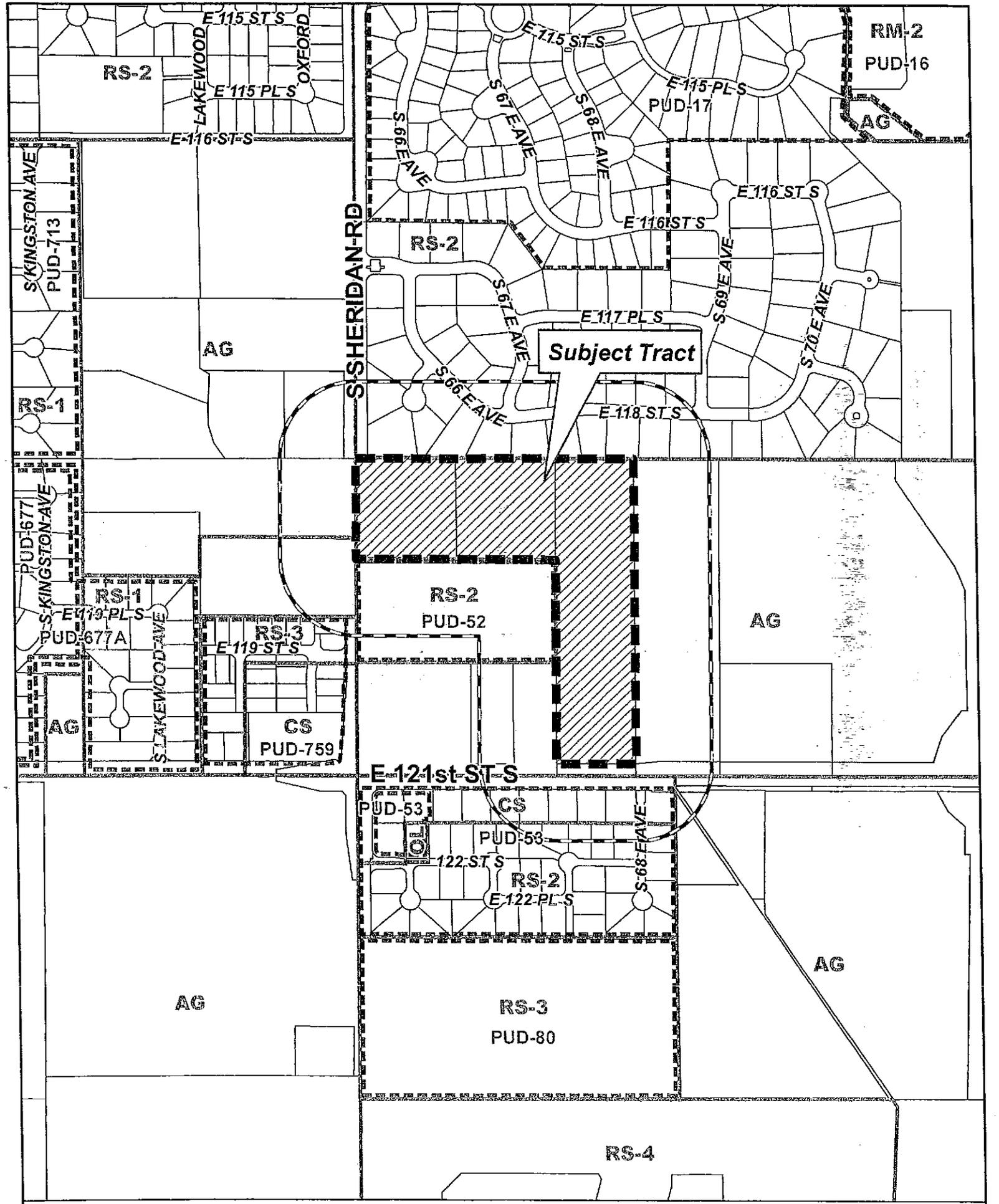
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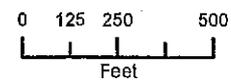


300' Radius



Subject Tract

**BZ-370**



35 18-13



27

# APPLICATION FOR ZONING

CITY OF BIXBY

Z- \_\_\_\_\_ CZM \_\_\_\_\_

STR \_\_\_\_\_ Atlas \_\_\_\_\_

PD \_\_\_\_\_

GENERAL LOCATION NE CORNER AREA, 121ST & SHERIDAN RD  
 REQUESTED ZONING RS-3 PROPOSED USE RESIDENTIAL  
 RECORD OWNER Tom Wenrick PRESENT USE RESIDENTIAL  
Town + Country Realtors

LEGAL DESCRIPTION OF TRACT (ATTACH PLAT OF SURVEY IF METES AND BOUNDS):

SEE ATTACHED

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

If Applicant is other than Owner, indicate interest: AGENT

Is subject tract located in 100 year floodplain?  YES  NO

BILL ADVERTISING CHARGES TO: TOM WENRICK

2930 E. 51ST, TULSA, OK 74105 (Name) 918-625-1155  
 (Address) (City) (Phone)

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

Signature [Signature] Date: 12/6/2013  
 Address: 12320 S. MEMORIAL DR, #100, BIXBY, OK Phone: 918-394-3030

APPLICANT - DO NOT WRITE BELOW THIS LINE

P.H. Date 02/18/2014 Date Received 01/14/2014 Received By Enyeat

PRESENT ZONING AG RECEIPT NOS. 01128881

FEES: TYPE	ZONING	ACREAGE	BASE FEE	ADD.	TOTAL
<u>DM H MP</u>	<u>RS-3</u>	<u>18 ac.</u>	<u>\$76.00</u>	<u>\$50.00</u>	<u>\$126.00</u>

1 Sign(s) at \$50.00 each = \$50.00 Postage - ~~\$50.00~~ Total Sign/postage \$50.00

PC ACTION \_\_\_\_\_

CITY ACTION \_\_\_\_\_

PROVISIONS \_\_\_\_\_

PROVISIONS \_\_\_\_\_

DATE/VOTE \_\_\_\_\_

DATE/VOTE \_\_\_\_\_

STAFF REC. \_\_\_\_\_

ORD. NO. \_\_\_\_\_

78

PLAT NAME \_\_\_\_\_

Somerset  
Legal Description  
Exhibit G

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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 *EKE*  
**Date:** Tuesday, February 11, 2014  
**RE:** Report and Recommendations for:  
PUD 83 – “River Trail II” – Khoury Engineering, Inc., and  
BZ-371 – Khoury Engineering, Inc.

**LOCATION:** – Part of the E/2 of Section 02, T17N, R13E  
– Southwest corner of the intersection of 126<sup>th</sup> St. S. and Memorial Dr.

**SIZE:** 5.02 acres, more or less

**EXISTING ZONING:** AG Agricultural District and CG General Commercial District

**EXISTING USE:** Vacant/Agricultural

**REQUESTED ZONING:** CG General Commercial District & PUD 83

**SUPPLEMENTAL ZONING:** Corridor Appearance District

**SURROUNDING ZONING AND LAND USE:**

**North:** AG, CG, RS-3, OL, CS, & AG/CG/PUD 70; Development Area B of PUD 70 (right-of-way for 126<sup>th</sup> St. S.), agricultural land, and the *Easton Sod* sales lot zoned RS-3, OL, & CS.

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

**East:** (Across Memorial Dr.) AG, CS, OL, RS-1, & PUD 31; The *126 Center* shopping center, the *Mazzio’s Italian Eatery* restaurant, agricultural land, vacant land in PUD

31, and residential zoned RS-1 further to the northeast in *Gre-Mac Acres* and behind (east of) the *126 Center* in *Southern Memorial Acres No. 2*; the Fry Creek Ditch # 1 right-of-way continues upstream to the southeast.

West: RM-3/PUD 70, AG, & CG/PUD 76; The 14-acre *Encore on Memorial* multifamily development, further west is approximately 8 acres of agricultural land zoned AG, and further west and to the northwest is agricultural land within the 92-acre PUD 76, proposed for development with multiple uses.

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

PREVIOUS/RELATED CASES:

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area at approximately the 12600-block of S. Memorial Dr., including part of the 126<sup>th</sup> St. S. right-of-way and part of the northeast corner of the subject property – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

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 the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – BOA Conditionally Approved 04/02/2001 (not since built).

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on the large 140-acre acreage tracts previously owned by Knopp, which includes subject property. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

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

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on the large 140-acre acreage tracts previously owned by Knopp, which includes 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.

Final Plat of Encore on Memorial (PUD 70) – Request for Final Plat approval for 14 acres abutting subject property to the west (caused separation of that 14 acres from subject property parent tract) – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (Plat # 6380 recorded 04/12/2011).

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

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

BZ-139 – Eddie McLearn – Request for rezoning from AG to RM-2, OL, & CS for an approximately 19-acre tract to the north of the subject property at 12300 S. Memorial Dr. (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-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area to the north of subject property at approximately 12340 S. Memorial Dr. – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

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

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 92 acres to the northwest of subject property – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting.

PUD 76 “Scenic Village Park” Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for 92 acres to the northwest of subject property – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved 10/14/2013 and approved the Emergency Clause attachment 11/12/2014 (Ord. # 2123).

PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for southerly 70 acres of PUD 76 to the northwest of subject property – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant’s letter dated 10/18/2013.

PUD 70 “Encore on Memorial” Major Amendment # 1 – Khoury Engineering, Inc. – Request for approval of Major Amendment # 1 to PUD 70 for 15 acres abutting to the west and north, to allow a Use Unit 21 sign within the Development Area B right-of-way for 126<sup>th</sup> St. S., provide development standards for same, and make certain other amendments – PC consideration pending 02/18/2014.

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## BACKGROUND INFORMATION:

Previous written listings of this development (e.g. TAC Agenda) referred to it as "River Trails of Bixby," as used on the initial PUD document. On February 04, 2014, the Applicant stated that the client would be renaming the development "River Trail II," so subsequent documents have been updated accordingly.

## ANALYSIS:

Subject Property Conditions. The subject property of 5.02 acres is zoned AG and is vacant and/or agricultural. It has approximately 545.45' of frontage on Memorial Dr. and 354.98' of frontage on 126<sup>th</sup> St. S. (PUD Text reports 662' and 355', respectively). The City of Bixby's maintenance access drive for the Fry Creek Ditch system appears to pass through parts of the front/east side of the property. It appears to have been rerouted at the time of the construction of *Encore on Memorial*, when it was enhanced with additional gravel and used for a construction entrance for that project.

The subject property parent tract is an approximately 32-acre part of a former 140-acre Knopp family landholding lying north and east of the Fry Creek Ditch system, less and except tracts since sold, and consists of approximately three (3) areas:

- (1) The subject property's 5.02 acres located between *Encore on Memorial* and Memorial Dr., south of 126<sup>th</sup> St. S.,
- (2) Approximately eight (8) acres lying immediately behind/west of *Encore on Memorial*, and
- (3) Approximately 19 acres along Memorial Dr. between the *Easton Sod* sales lot and 126<sup>th</sup> St. S.

The 5.02-acre subject property included in these applications is relatively flat and appears to drain, if only slightly, to the south. The development drains to the south to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention.

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

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor/Medium Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land. The Community Trails designation is abutting to the south within the Fry Creek # 1 right-of-way, located on north side of water centerline.

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

The Matrix does not indicate whether or not the requested CG zoning district 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 and Medium Intensity designations of the Comprehensive Plan Land Use Map, and thus PUD 83 is *In Accordance* with the Comprehensive Plan as a zoning district.

General. The PUD proposes a commercial development with multiple development lots. At least one (1) will consist of a proposed veterinary hospital on the southerly 1.5 acres. It is believed to be a second site for the existing *RiverTrail Animal Hospital and Pet Lodge* business at 10102 S. Delaware Ave. (a.k.a. Riverside Dr.). The northerly balance (the whole development believed to total 4 lots per a draft Preliminary Plat presented at the TAC meeting held February 04, 2014), will be "Proposed Commercial Development," but specific uses are not known at this time, and thus that area is not represented except for the Mutual Access Easement drive along their back/west sides. The lack of representation of future uses on the balance of the property notwithstanding, the submitted site plans for the development exhibit a conventional, suburban-style design.

Because the review methodology is similar, and both applications are essentially rezoning-related and propose to prepare the subject property for the same commercial 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 83 at its regular meeting held February 04, 2014. Minutes of that meeting are attached to this report.

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

"Two means of access points for ingress and egress to *River [Trail II]* are proposed on E. 126<sup>th</sup> Street South (Public Street). The western access will be constructed in the first phase of development, and will be platted as a mutual access easement that provides the main ingress and egress from E. 126<sup>th</sup> Street to each lot in this development. The eastern access point on E. 126<sup>th</sup> Street South will be constructed when the remaining lots develop. The exact location will be determined during the platting phase. There is a temporary access on S. Memorial drive to

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provide for emergency vehicles ingress and egress to the Encore on Memorial multifamily development. This access must remain in use until its location is revised during the plating of this development. Sidewalks, minimum 4 feet in width, will be installed by the developer along E. 126<sup>th</sup> Street South street frontage in accordance with the Subdivision Regulations. The sidewalks shall be ADA compliant and shall be approved by the City Engineer.”

Plans for access can be further inferred from the site plans.

This paragraph needs to clarify that the existing gravel drive adjacent to and through parts of the subject property is also used for maintenance access for the Fry Creek system, and that the Mutual Access Easement will also grant access to the City of Bixby and its agents and contractors for maintenance, in addition to emergency response.

At the TAC meeting held February 04, 2014, the Applicant agreed to provide in the PUD that each of the four (4) future commercial lots would provide a Mutual Access Easement through the front of their lots as each develops, with the locations to be determined. This will need to be specified in the “Access and Circulation” section of the PUD Text.

Proposed sidewalks are shown and labeled along 126<sup>th</sup> St. S., but not also along Memorial Dr. as required by the Subdivision Regulations. The PUD Text and Exhibits will need to be modified to reflect this; however, see other recommendations in this report pertaining to flexible design planning.

Dashed linework west of the westerly Memorial Dr. curblineline is represented but not labeled or defined in the Legend. The linework may be indicative of a borrow ditch top-of-bank, bottom of borrow ditch swale, an easement, a utility line, the required sidewalk, or some other physical feature. This should be labeled and/or defined on all drawings as represented.

The Bixby Comprehensive Plan designates a Community Trail within the Fry Creek # 1 right-of-way, located between the subject property and the water’s centerline. Since there is a planned trail adjacent to the subject property, the PUD Text should describe, and PUD Exhibits indicate potential areas for such purpose. Further, it would be appropriate to show how trail users could access the currently-proposed building’s entrance(s). The City of Bixby does not require commercial developers install planned trails adjacent to their developments, but developers have done this on their own in the past, across Fry Creek # 1 to the south in *Crosscreek*. Per the City Engineer, the future 10’-wide multiuse trail could tie into the Memorial Dr.-adjacent sidewalk using the existing Fry Creek maintenance access drive bridge, which will no longer be needed when the new access is established for this development from 126<sup>th</sup> St. S. The Memorial Dr.-adjacent sidewalk has a pedestrian bridge over Fry Creek # 1 along this west side. This bridge will also serve to connect the Fry Creek trail along the south side (including the existing *Crosscreek* trail) to a trail extension east of Memorial Dr., which will go along and within the north side of the Fry Creek # 1 right-of-way. This trail extension will circle under Memorial Dr. around the existing dead-end of the pedestrian bridge/sidewalk there. Due to existing property line geometries and grade elevations attending the deep borrow ditch along Memorial Dr., it may be necessary to secure a trail easement from part(s) of the easterly side of the subject property. The developer should have the flexibility, within this PUD, to propose alternative methods to accommodate a mutually-beneficial design, such as

providing trail easement(s) and/or trail improvements in equal amount of cost as would be required to install segments of sidewalks along Memorial Dr. Whatever may be proposed in this regard should be described in the PUD Text and represented on the site plans. This information 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."

At the TAC Meeting held February 04, 2014, the Fire Marshal recommended the completion of the "U"-shaped gravel drive between the southerly end of the proposed Mutual Access Easement drive and the emergency access entrance/gate to *Encore on Memorial* at its southeasterly corner. This recommendation will be covered under the recommended Condition of Approval of this PUD requiring compliance with Fire Marshal recommendations.

The PUD should describe in the "Access and Circulation" section of the PUD Text, and represent on Exhibit A (if not also B and C) what physical barrier(s) will be used to prevent automobiles from driving beyond the southerly end of the MAE drive, and potentially into the future trail or even into Fry Creek # 1.

Other recommended clarifications to the "Access and Circulation" section of the PUD Text, including Limits of No Access along Memorial Dr., are included in the recommendations section of this report.

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

To the north is Development Area B of PUD 70 (right-of-way for 126<sup>th</sup> St. S.) zoned AG and CG, agricultural land zoned AG and CG and a 19-acre tract zoned RS-3, OL, and CS, which is primarily agricultural but contains the *Easton Sod* sales lot toward its east end at 12300 S. Memorial Dr. The CG zoning consists of two (2) areas: A 3.56-acre area at approximately the 12600-block of S. Memorial Dr., in which the subject property and the 126<sup>th</sup> St. S. right-of-way are partially located, and the approximately 2.27-acre area at approximately 12340 S. Memorial Dr.

To the west is the 14-acre *Encore on Memorial* multifamily development, zoned RM-3 with PUD 70. Further west is approximately 8 acres of agricultural land zoned AG, and further west and to the northwest is agricultural land within the 92-acre PUD 76, with CG underlying zoning, proposed for development with multiple uses.

Across Memorial Dr. to the east is the *126 Center* shopping center and the *Mazzio's Italian Eatery* restaurant, both zoned CS, vacant land zoned CS/OL/RS-1 and PUD 31, an 18-acre agricultural tract zoned AG, and single-family residential zoned RS-1 further to the east behind the *126 Center* in *Southern Memorial Acres No. 2* and further to the northeast in *Gre-Mac Acres*. The Fry Creek Ditch # 1 right-of-way, zoned AG, continues upstream to the southeast.

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

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

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

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

In a trend accelerating since the street widening, the 121<sup>st</sup> St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The Bixby North Elementary school is located on a 23-acre campus at 7101 E. 121<sup>st</sup> St. S., and west of that is the Bixby North 5<sup>th</sup> and 6<sup>th</sup> Grade Center on a 10-acre campus and the *Life Church* 4.4-acre facility. The *Three Oaks Smoke Shop* is located on a 2-acre tract at 7060 E. 121<sup>st</sup> St. S., and all of the balance of the land to the west along the south side of 121<sup>st</sup> St. S. has been zoned CS with PUD 53 and platted in *WoodMere* for commercial use and office buildings. An 11-acre Plummer Partners, LLC tract at the 7600-block of E. 121<sup>st</sup> St. S. was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre *Bixby Centennial Plaza* at the northwest corner of 121<sup>st</sup> St. S. and Memorial Dr. was approved for CS zoning, in 2001, and for commercial development by the plat of *Bixby Centennial Plaza* in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121<sup>st</sup> St. S. (possibly previously addressed 7600 E. 121<sup>st</sup> St. S.) was rezoned to CS in March of 2012.

This PUD 83 proposes a moderately intensive, suburban commercial development of the subject property. Within the 180-acre area above-defined, there are three (3) instances of approved CG zoning immediately surrounding (and including part of) the subject property. The proposed CG underlying zoning should be considered a logical extension of the existing, established CG district, and consistent with the other two (2) CG districts in the immediately-surrounding area. The approval of 92 acres of CG zoning with PUD 76 in 2013 should be considered a particularly relevant precedent, due to its size, relative location, proximity, and recentness. Immediately south of Fry Creek Ditch # 1, the *Crosscreek* development is more consistent with CG zoning than its existing CS zoning. Across Memorial Dr. to the east of the 180-acre area above-defined, there is a 23-acre area Conditionally Approved for CS and RM-3 for commercial and multifamily development (PUD 81).

For all the reasons outlined above, Staff believes that the proposed CG zoning and PUD 83 are both consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

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.

Subject to certain design issues being resolved as recommended herein, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C are met in this application.

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

1. The approval of CG zoning is subject to the final approval of PUD 83 and vice-versa.
2. 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."

3. At the TAC meeting on February 04, 2014, the Applicant stated that the client would be renaming the development "River Trail II." Please update all occurrences in PUD document accordingly.
4. Subject to City Engineer curb cut approval for the proposed access points to 126<sup>th</sup> St. S., and the Fire Marshal's approval of drive locations, spacing, widths, and curb return radii. This item may be addressed by adding appropriate language to the "Access and Circulation" section of the PUD Text.
5. Development Standards/Development Area A section of PUD Text: Please clarify Permitted Use: "As permitted by right in CG, Commercial General District."
6. Development Standards/Development Area A section of PUD Text: Consider adding a minimum Arterial street frontage standard that would allow for the creation of the proposed southernmost lot, which appears to have less than the 100' minimum required for the CG district.
7. Development Standards/Development Area A section of PUD Text: Please remove the "front," "rear," and "side" yard qualifiers from setbacks, as they are potentially confusing and do not correspond to expected orientations (Memorial Dr. would normally be considered "front").
8. Development Standards/Development Area A section of PUD Text: Please replace the southerly and westerly term "line/s" with "PUD Boundary," to avoid interior lines from having setbacks, unless this is indeed intended.
9. Development Standards/Development Area A section of PUD Text: Please consider an appropriate Building Line setback for the two (2) southeastern-most lot lines that are neither Memorial Dr. frontage nor the southerly PUD boundary.
10. Development Standards; Parking Ratio: 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.
11. "Landscaping and Screening" section of the PUD Text: Parking lots and drives as represented on the site plans may conflict with 10' minimum-width landscape buffers along southerly and westerly PUD boundaries. Please reconcile.
12. "Landscaping and Screening" section of the PUD Text: Consider qualifying proposed landscape buffer standard text to state that the landscape buffers along easterly and southerly PUD boundaries may be reduced if needed to facilitate trail construction, which trail areas will not be counted against the minimum width standard (see related recommendations in this report).
13. "Landscaping and Screening" section of the PUD Text: Please clarify that the Street Yard tree planting requirement for Memorial Dr. will be the 50' Street Yard as would otherwise be required by the CG district pursuant to Zoning Code Section 11-7I-5.E.
14. "Access and Circulation" section of the PUD Text: Please revise the following text such as follows: "Sidewalks, minimum 4 feet in width, ~~will~~ shall be installed by the developer along both the Memorial Dr. and E. 126th Street South street frontages in accordance with the Subdivision Regulations." However, this may be modified to accommodate a more flexible, mutually-beneficial design proposal per other recommendations in this report.
15. "Access and Circulation" section of the PUD Text: This paragraph needs to clarify that the existing gravel drive adjacent to and through parts of the subject property is also used for maintenance access for the Fry Creek system, and that the Mutual Access

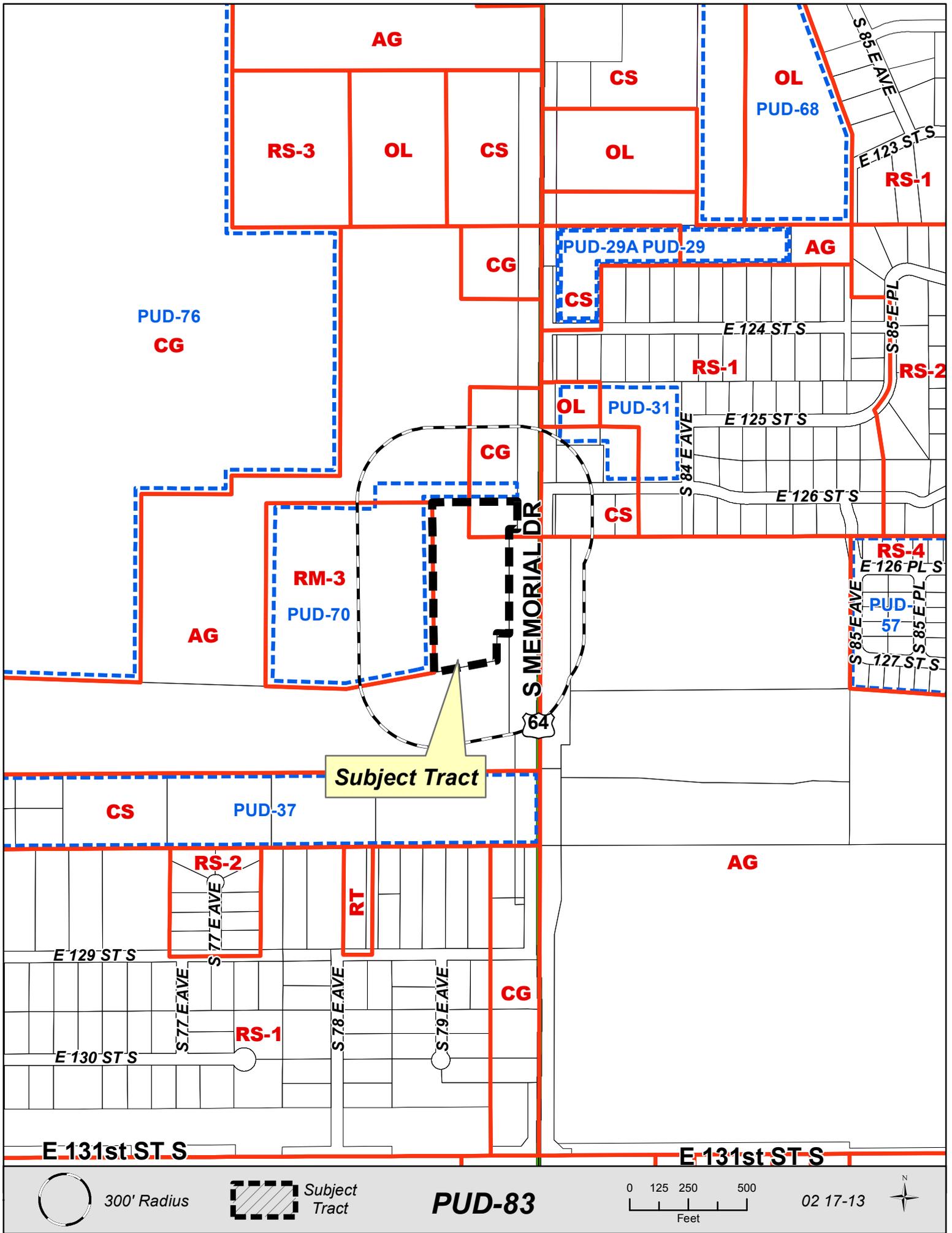
Easement will also grant access to the City of Bixby and its agents and contractors for maintenance, in addition to emergency response.

16. "Access and Circulation" section of the PUD Text: At the TAC meeting, the Applicant agreed to provide in the PUD that each of the four (4) future commercial lots would provide a Mutual Access Easement through the front of their lots as each develops, with the locations to be determined. Please add as appropriate.
17. "Access and Circulation" section of the PUD Text: Please note that Limits of No Access (LNA) will be imposed along the Memorial Dr. frontage of the subject property, but which LNA will not restrict emergency response vehicles or vehicles used in conjunction with Fry Creek maintenance.
18. "Access and Circulation" section of the PUD Text: Consider noting that sidewalks will be installed by the developer of each lot at the time of construction, utilizing Bixby's flexible policy in this regard, if such flexibility is contemplated, or otherwise alternative mutually-beneficial plans for trails/sidewalks if/as may be proposed by the Developer.
19. "Access and Circulation" section of the PUD Text: Needs to address future Fry Creek trail accommodations as discussed above in the analysis section of this report.
20. "Access and Circulation" section of the PUD Text: Please describe here, and represent on Exhibit A (if not also B and C), what physical barrier(s) will be used to prevent automobiles from driving beyond the southerly end of the MAE drive, and potentially into the future trail or even into Fry Creek # 1.
21. "Signs & Site Lighting" section of the PUD Text: Consider clarifying that each lot shall be permitted one (1) ground/business sign for each street frontage plus one (1) per lot along the Mutual Access Easement drive. The proposed veterinary hospital lot would not have the 100' of street frontage required for one (1) ground sign, nor the 200' required for the two (2) represented on the site plans.
22. "Signs & Site Lighting" section of the PUD Text: In light of the preceding item, consider qualifying the following sentence as follows: "All signage shall comply with the Bixby Zoning Code except as otherwise specifically provided herein."
23. PUD Text: Please add language acknowledging and describing Exhibit D "Building Elevations," to clarify that it is a photograph of the existing facility at 101<sup>st</sup> St. S. and Delaware Ave./Riverside Dr. in Tulsa, and that it is conceptual in nature and only pertains to the southernmost lot on which the veterinary clinic is presently proposed. If it is intended to be used as an architectural / aesthetic standard for all buildings to be constructed within the PUD, it should so state, along with measurable criteria for determining compliance during City of Bixby development reviews. Such text should also acknowledge that the subject property is within the Corridor Appearance District and that all buildings will comply with the masonry requirement therein.
24. PUD Text: Please add language excluding all sexually-oriented businesses (SOBs), as was done with PUD 76 and as will be required for the commercial development areas in PUD 81.
25. Consider specifying that the Deed of Dedication/Restrictive Covenants of the plat will contain 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. Examples may be provided upon request.
26. Missing elements: Soil analysis per Zoning Code Section 11-7I-8.B.2. This is a minimum requirement for PUDs per the Zoning Code.

27. Exhibits A, B, and C: Please dimension the 100.91' distance between the northeast corner Point of Beginning and the east Sectionline and the widths of the abutting street rights-of-way and roadways (or from westerly curb to centerline in the case of Memorial Dr.).
28. Exhibits A, B, and C: Dashed linework west of the westerly Memorial Dr. curblines is represented but not labeled or defined in the Legend. The linework may be indicative of a borrow ditch top-of-bank, bottom of borrow ditch swale, an easement, a utility line, the required sidewalk, or some other physical feature. This should be labeled and/or defined on all drawings as represented.
29. Exhibits A, B, and C: Undefined linework at northeast PUD corner needs clarified.
30. The following corrections or enhancements should be made to the Exhibit A Conceptual Site Plan (and Exhibits B and/or C if/as appropriate):
  - a. Please dimension the building footprint.
  - b. Please dimension the represented building to the proposed property lines.
  - c. Please dimension the represented street frontage of the southernmost lot.
  - d. Please label the width of the proposed sidewalk along 126<sup>th</sup> St. S.
  - e. Please indicate Limits of No Access (LNA) along the Memorial Dr. frontage.
  - f. Drive widths and particulars must be approved by the Fire Marshal and City Engineer. Please adjust if/as required.
  - g. Please label the distance between the centerline of the proposed secondary access to 126<sup>th</sup> St. S. and the northeast PUD boundary for City Engineer and Fire Marshal curb-cut review purposes. Alternatively, please represent LNA along the relevant easterly portion of the 126<sup>th</sup> St. S. frontage.
  - h. Please represent curb return radii for the two (2) driveway intersections with 126<sup>th</sup> St. S. as represented.
  - i. Please qualify the "32' Mutual Access Easement" (MAE) designation as "proposed."
  - j. 32'-wide MAE and U/E does not appear to correspond to width-defining arrows. If roadway would be less than MAE width, dimension both separately. Please reconcile.
  - k. The plans indicate parking lot paving will encroach the U/Es along the southerly and westerly property lines. Paving over easements requires the specific approval of the City Engineer and Public Works Director. Please adjust if/as required.
  - l. Staff counted 55 parking spaces on the site plan for the southernmost lot. The two (2) handicapped-accessible parking spaces does not appear consistent with ADA requirements in terms of number at a 1:25 ratio. The one (1) van-accessible space does appear to comply with the number of van-accessible spaces required per ADA guidelines (one (1) van-accessible design for up to seven (7) accessible spaces). Accessible spaces will need to comply with applicable standards, including both ADA and Bixby Zoning Code standards (see striping standards of Figure 3 in Section 11-10-4.C) at the time of Detailed Site Plan approval. The designer should consult with the Building Inspector to confirm the plans will comply with ADA standards. Any required changes pursuant to the above known at this time, in addition to adding the third accessible space, should be made at this time.
  - m. Legend includes area for shading or hatching to indicate paving, but does not appear to be filled. Thus, there is no differentiation between paved areas and

- greenspaces, nor future commercial development north of the veterinary clinic lot. Please resolve.
- n. Please dimension the width of the greenspace west of the MAE drive, reported at the TAC meeting to be 10' but planned to be expanded to 15' as discussed at the meeting.
  - o. Please incorporate changes to site plan as called for elsewhere in this report.
31. Exhibit D: Should probably be retitled "Conceptual Building Elevations," to allow for flexibility to deviate therefrom within reason (see related review recommendation above).
32. 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.
33. A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).

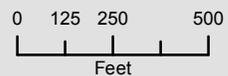
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**Subject Tract**



**PUD-83**



02 17-13





## Memo

**To:** Erik Enyart  
**From:** Jared Cottle *JWC*  
**CC:** Bea Aamodt  
File  
**Date:** 02/11/14  
**Re:** River Trails of Bixby PUD 83

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### **General Comments:**

1. No utility or drainage provisions are indicated for Development Area "A". The PUD or Preliminary Plat should indicate at least conceptual utility and drainage. The Clinic site must provide provisions for any Area "A" drainage or utility infrastructure.

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

2. This project is located within the Fry Creek drainage basin. Fee-in-lieu for storm water will be required.
3. Conceptual plans indicate uncontrolled sheet runoff into Fry Creek. A separate storm sewer system collecting water and discharging directly into Fry Creek will be required.

### **Sanitary Sewer Comments:**

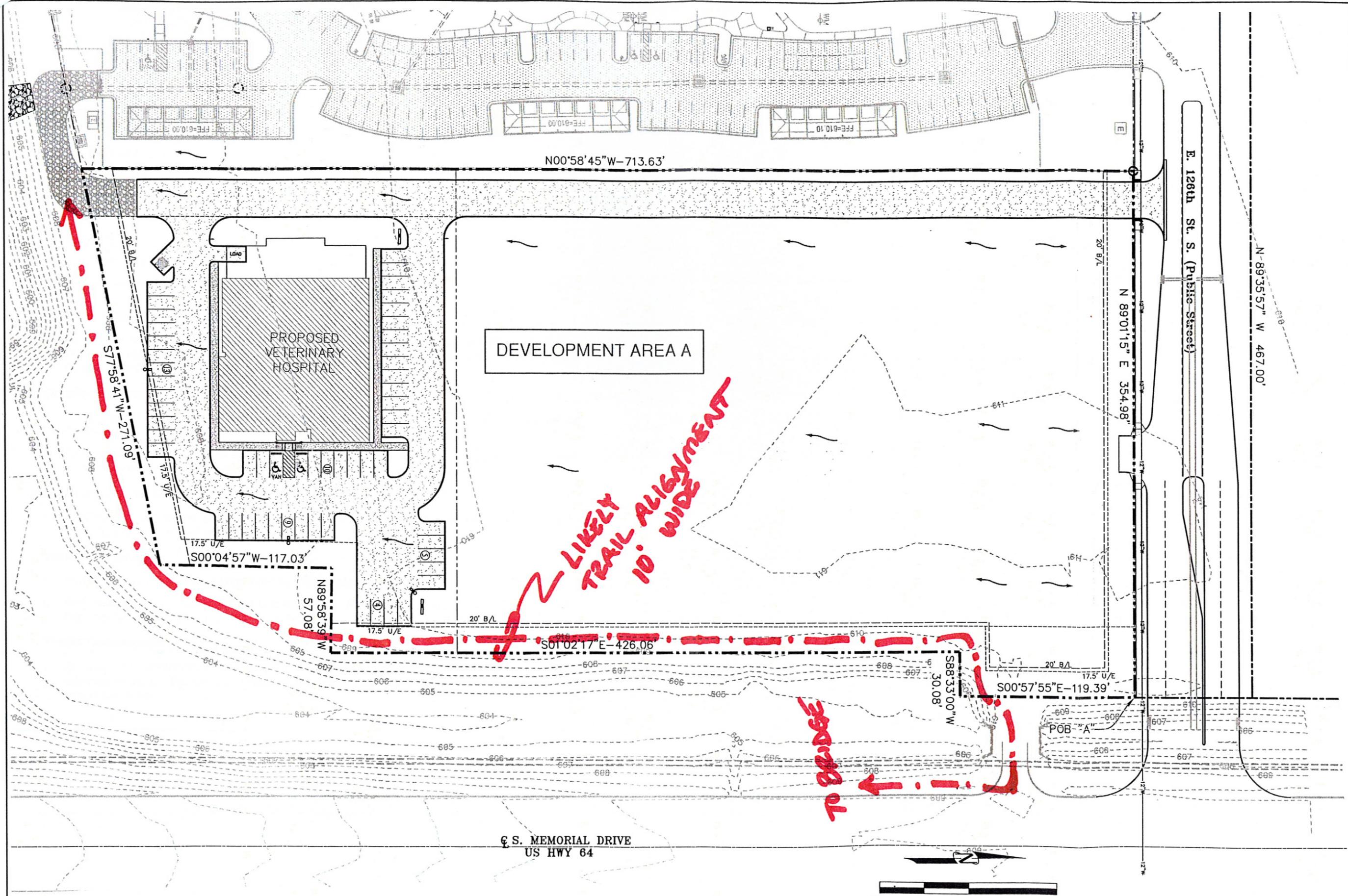
4. Only service taps for the proposed Clinic are shown. Any anticipated sewer line extensions for Area "A" should be shown on the Plans.

### **Water Comments:**

5. Fire hydrant locations must be approved by the Fire Marshall.
6. Only service lines for the proposed Clinic are shown. Any anticipated water main extensions or fire hydrants for Area "A" should be shown on the Plans.

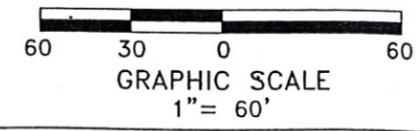
### **Trails Comments:**

7. A future trail connection is anticipated in this area. A conceptual alignment is shown on the attached drawing. The trail will connect to the bridge loop that is to be constructed on the north side of the bridge.



S. MEMORIAL DRIVE  
US HWY 64

**1 CONCEPTUAL DRAINAGE PLAN**  
SCALE: 1"=60'



# Memo

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

**From: Joey Wiedel**

**Date: 01-27-2014**

**Re: PUD 83 "River Trails of Bixby"**

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PUD 83 "River Trails of Bixby" is approved with the following caveats.

1. Fire Hydrants shall be no further than 300 ft. All hydrants shall be operable before construction begins.
  - Brand- AVK or Mueller , Color- Chrome Yellow
2. Fire line supporting the fire hydrants shall be looped.
3. All roads and Second means of access capable of supporting an imposed load of 75,000 pounds shall be in place before construction of homes. (IFC 2009 Appendix D)
4. Plans shall meet 2009 International Building Code and 2009 International Fire Code.



Joey Wiedel

# River Trails of Bixby

## Planned Unit Development PUD No. 83

Submitted to:

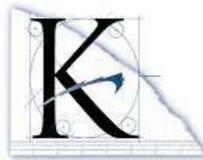
City of Bixby, Tulsa County, Oklahoma

January 15, 2014

*Property Owner:*

*The Charles Roger Knopp Revocable Trust  
4020 S. Birmingham Ave.  
Tulsa, Ok 74105*

*Prepared By:*



***Khoury Engineering, Inc.***

*1435 East 41<sup>st</sup> Street, Tulsa, OK 74105  
Tel (918) 712-8768 • Fax (918) 712-1069*

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**DEVELOPMENT CONCEPT & CHARACTER**

*River Trails of Bixby* is a proposed commercial development, submitted as a Planned Unit Development pursuant to the provisions of the City of Bixby Zoning Code. The PUD consists of one (1) Development Area as shown on Exhibit A. Development Area “A” contains 5.02 acres of land. The project consists of constructing a veterinary hospital on the south 1.5 acre. The remaining land will be marketed for commercial use. The subject property is partially zoned AG and CG. A CG zoning is being requested for development area A. The north side of the subject tract abuts E. 126<sup>th</sup> Street and the east side abuts S. Memorial Drive. It abuts Fry Creek Ditch #1 drainage channel on the South side, and Encore on Memorial multifamily development on the west side.

The site is currently a vacant land covered with vegetation. The development area will have approximately 355 feet of street frontage along East 126<sup>th</sup> Street South and 662 feet of frontage along S. Memorial Drive.

The purpose of a PUD is to permit flexibility within the development to best utilize the unique physical features of this particular site and provide and preserve meaningful open space. The proposed PUD meets and exceeds this requirement and the stated purposes of the Bixby Zoning Code.

**DEVELOPMENT STANDARDS**

This PUD shall be governed by the use and development regulations of Bixby Zoning Code except where provided otherwise as follows:

***Development Area A***

Permitted Use.....	As permitted in CG, Commercial General District.
Net Development Area.....	5.02 Acres (218,839.78 S.F.)
Maximum Floor Area Ratio Per Lot.....	0.75
Minimum Building Setback:	
From Memorial Dr. ROW line.....	20 feet
From Front/ 126 <sup>th</sup> St. ROW line .....	20 feet
From Rear/South line .....	20 feet
From Westerly side lines.....	20 feet
Maximum Building Height.....	50 feet (Not to exceed three stories)
Minimum Landscape Buffer .....	20 feet from E. 126 <sup>th</sup> Street South 15 feet from Easterly side Line 10 feet from Westerly side Line 10 feet from South Property Line
Parking Ratio.....	As permitted in CG, Commercial General District.

**PLATTING**

No building permit within *River Trails of Bixby* shall be issued until a subdivision plat has been approved by the City of Bixby as being in compliance with the planned unit development concept and development standards. A subdivision plat will be submitted to the City of Bixby after approval of the

PUD by the City Council. The platted area will establish covenants which set forth criteria which will establish and maintain a very high quality of development.

## **DETAIL SITE PLAN REVIEW**

A Detailed Site Plan shall be submitted to and approved by the City of Bixby prior to the issuance of a Building Permit. The applicant shall submit the Site Plan to the City and supply all information required.

## **LANDSCAPING AND SCREENING**

*River Trails of Bixby* landscaping plan will be submitted to the City of Bixby during the Detailed Site Plan phase. The plan will be designed to enhance both the E. 126<sup>th</sup> Street South frontage and Memorial Drive. The intent is to create an attractive view from said streets and adjacent properties. The planting theme will highlight the site entries and buildings, and will utilize plant selections indigenous to North East Oklahoma that are durable and require low maintenance. All landscaping shall be provided in accordance with the City of Bixby Zoning Code except as noted herein.

A minimum of fifteen percent (15%) of the land area shall be improved as internal landscape open space.

The frontage along S. 126<sup>st</sup> Street South will have a twenty (20) foot wide landscaped strip along the street right-of-way. This landscape strip will be planted with at least one (1) tree per 500 square feet of street yard and at least one half of the trees shall be evergreen. Shrubs will also be installed to exceed the requirements of the Bixby Zoning Code.

The frontage along S. Memorial Drive will have a fifteen (15) foot wide landscaped strip along the street right-of-way. This landscape strip will be planted with at least one (1) tree per 1000 square feet of street yard and at least one half of the trees shall be evergreen. Shrubs will also be installed to exceed the requirements of the Bixby Zoning Code.

All trees required by code will be planted at a minimum size of 2" caliper. Shrubs required by code will be planted with a minimum 3 gallon container size. All landscape areas will be irrigated with an underground sprinkler system, and maintained per requirements of the Bixby Zoning Code.

## **GRADING & UTILITY PLANS**

Site Grading & Utility Plans shall be submitted to the City of Bixby for review and approval. All utilities are available to serve this development including water and Sanitary Sewer. Drainage and Utility plans will be prepared in accordance with the City of Bixby engineering requirements.

The site is fairly flat. Existing topography ranges from elevation 611.00 at the North Side to elevation 608.00 at the south property line of the Development. The site is not located within the FEMA 100 year floodplain.

There is a 12-inch water lines located on the East side of Memorial Drive, and a 12-inch water lines located on the south side of E. 126<sup>th</sup> Street. Along the west side, there is an existing 8" water line located within a utility easement.

An 8" sanitary sewer line is located within a utility easement along the west side of the property. All other utilities and communication services are available along street right-of-ways and accessible to serve this project. Fire Hydrant spacing within this development will be 300 feet apart. A fire hydrant

layout plan will be submitted to the Fire Marshal for approval. All water mains will be looped outside of paved areas. Laterals sanitary sewer mains will be extended to locations within the development, with manholes located outside of paved areas.

## **ACCESS AND CIRCULATION**

Two means of access points for ingress and egress to *River Trails of Bixby* are proposed on E. 126<sup>th</sup> Street South (Public Street). The western access will be constructed in the first phase of development, and will be platted as a mutual access easement that provides the main ingress and egress from E. 126<sup>th</sup> Street to each lot in this development. The eastern access point on E. 126<sup>th</sup> Street South will be constructed when the remaining lots develop. The exact location will be determined during the platting phase. There is a temporary access on S. Memorial drive to provide for emergency vehicles ingress and egress to the Encore on Memorial multifamily development. This access must remain in use until its location is revised during the plating of this development. Sidewalks, minimum 4 feet in width, will be installed by the developer along E. 126<sup>th</sup> Street South street frontage in accordance with the Subdivision Regulations. The sidewalks shall be ADA compliant and shall be approved by the City Engineer.

## **TRASH COMPACTOR ENCLOSURE**

Outside trash compactor will be located within the development. They will be screened from the view from the residential area and roadways.

## **SIGNS & SITE LIGHTING**

One free standing sign will be installed along the frontage of E. 126<sup>th</sup> Street South. In addition, one free standing sign for each platted lot will be installed along the frontage of Memorial Drive. Additional signs will be installed on the buildings and along the mutual access drive. All Signage shall comply with the Bixby Zoning Code.

All outdoor lighting fixtures shall be shielded to avoid light spillage onto adjacent properties. A photometric plan will be submitted to the City of Bixby for approval during the design phase of the project.

## **SCHEDULED DEVELOPMENT**

Construction of *River Trails of Bixby* project will commence in spring/summer of 2014.

## **LEGAL DESCRIPTION**

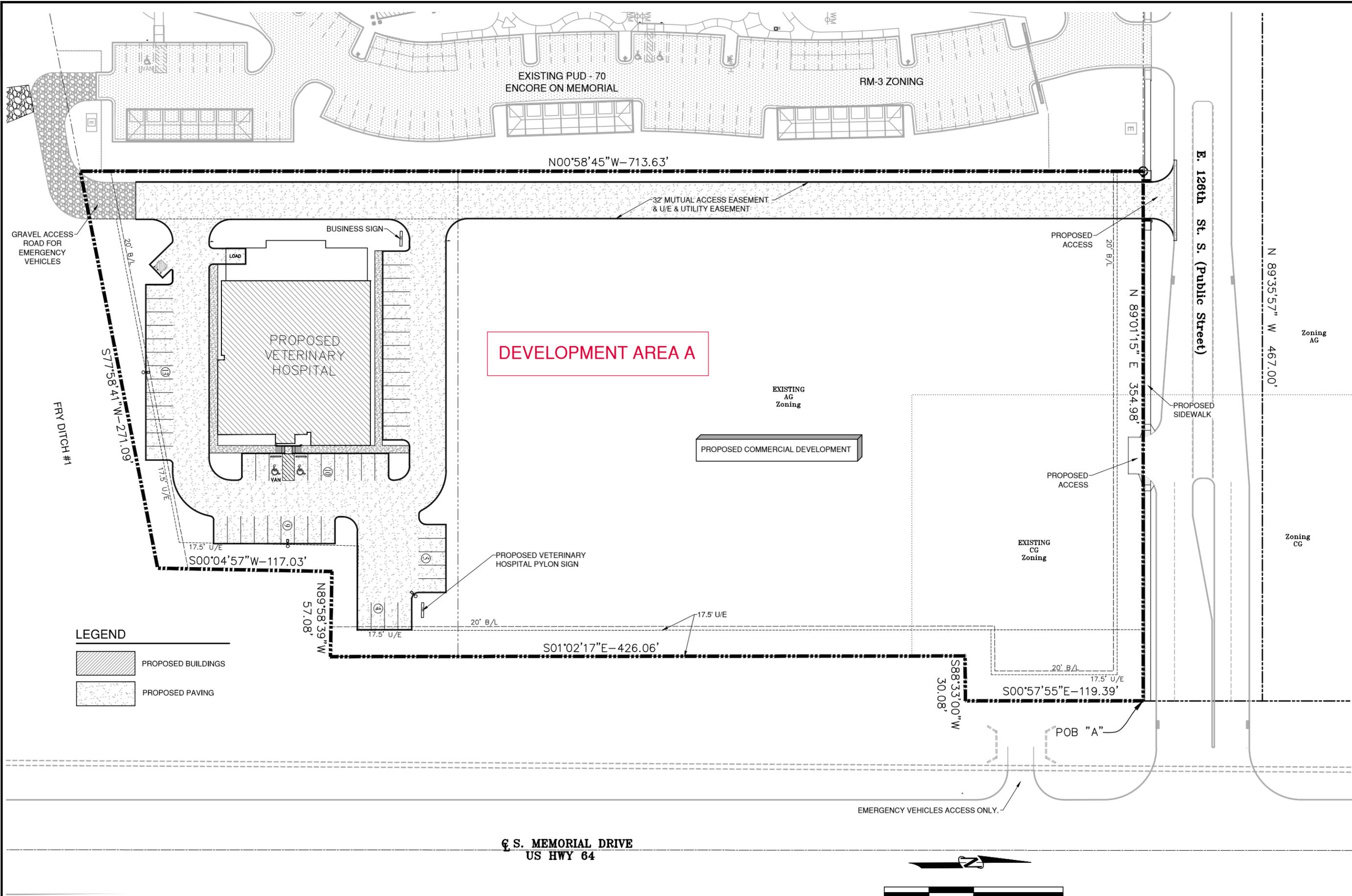
A TRACT OF LAND LOCATED IN THE EAST HALF (E/2) OF SECTION TWO (2) TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE & MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION TWO (2), SOUTH 00°58'45" EAST ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 2487.76; THENCE SOUTH 89°01'15" WEST A DISTANCE OF 100.91 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°57'55" EAST A DISTANCE OF 119.39 FEET; THENCE SOUTH 88°33'00" WEST A DISTANCE OF 30.08 FEET; THENCE SOUTH 01°02'17" EAST A DISTANCE OF 426.06 FEET; THENCE NORTH 89°58'39" WEST A DISTANCE OF 57.08 FEET; THENCE SOUTH 00°04'57"

WEST A DISTANCE OF 117.03 FEET; THENCE SOUTH 77°58'41" WEST A DISTANCE OF 271.09 FEET; THENCE NORTH 00°58'45" WEST A DISTANCE OF 713.63 FEET; THENCE NORTH 89°01'15" EAST A DISTANCE OF 354.98 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 218,839.78 SQUARE FEET OR 5.02 ACRES MORE OR LESS.

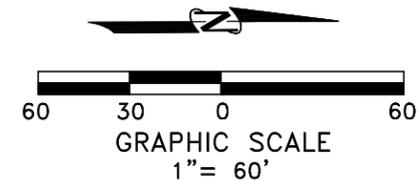
**EXHIBIT A**  
**CONCEPTUAL SITE PLAN**



**LEGEND**

	PROPOSED BUILDINGS
	PROPOSED PAVING

**CONCEPTUAL SITE PLAN**  
SCALE: 1"=60'

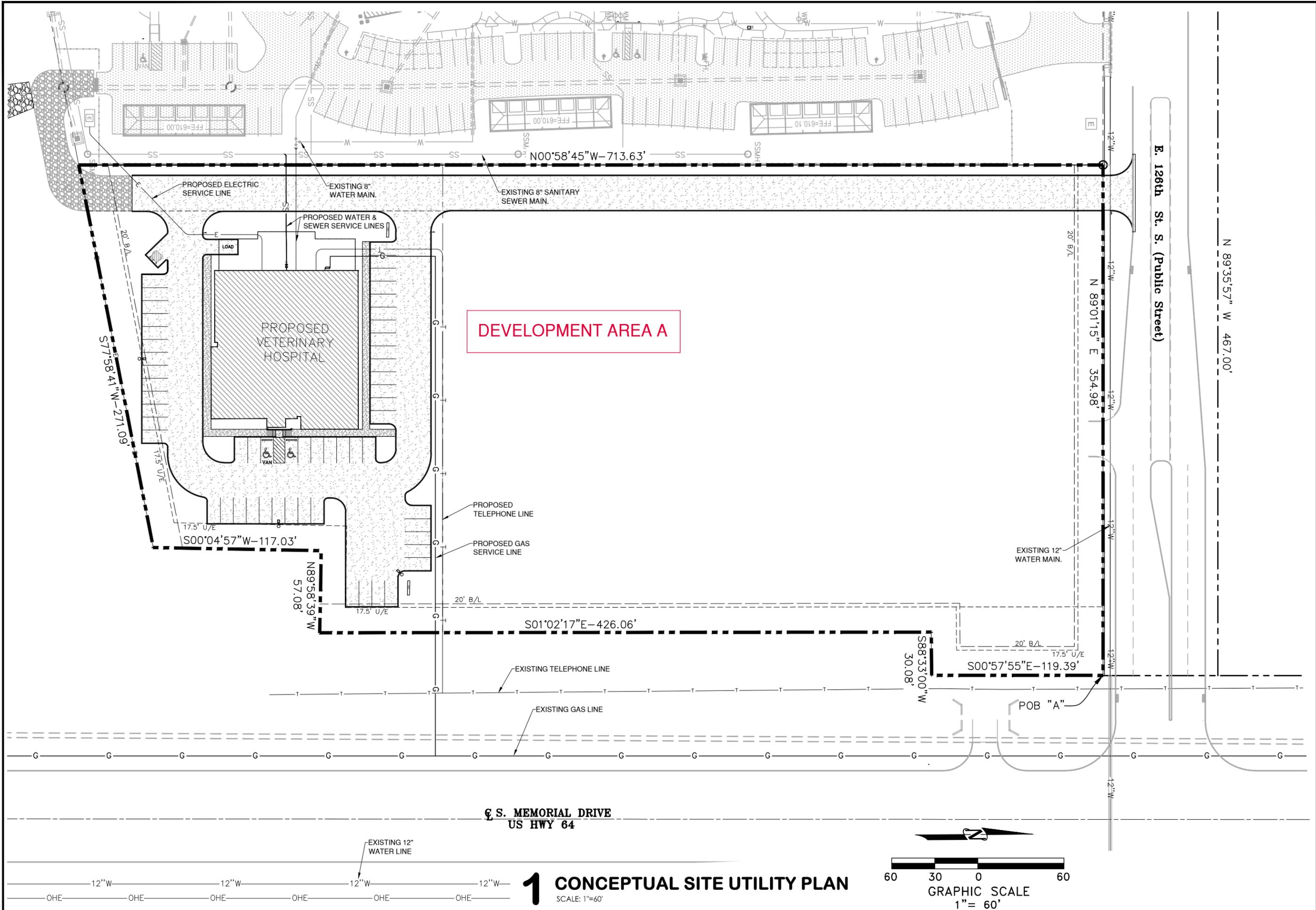


**EXHIBIT B**  
**CONCEPTUAL DRAINAGE PLAN**



**EXHIBIT C**

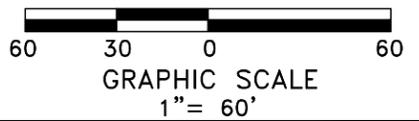
**CONCEPTUAL UTILITY PLAN**



DEVELOPMENT AREA A

☐ S. MEMORIAL DRIVE  
US HWY 64

E. 126th St. S. (Public Street)



# 1 CONCEPTUAL SITE UTILITY PLAN

SCALE: 1"=60'

## RIVER TRAILS OF BIXBY CITY OF BIXBY, OKLAHOMA

CONCEPTUAL SITE UTILITY PLAN  
PUD #83

**EXHIBIT D**  
**BUILDING ELEVATIONS**



**END OF PUD**



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, February 14, 2014  
**RE:** Report and Recommendations for:  
Final Plat of "The Trails at White Hawk" (PUD 62)

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

**SIZE:** – 75 acres, more or less (parent tract)  
– 32.5440 acres, more or less (plat area)

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

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

**EXISTING USE:** Vacant/Agricultural

**REQUEST:** Final Plat approval

**SURROUNDING ZONING AND LAND USE:**

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

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

**East:** AG, CG, & RS-3/PUD 72; Agricultural, rural residential, and commercial on several unplatted tracts along Kingston Ave. and 151<sup>st</sup> St. S. *The Mountain Creek*

*Equipment Sales* (formerly the *Allison Tractor Co. Inc.*) tractor/farm equipment sales business is to the east on approximately 2.4 acres zoned CG. The under-development *Southridge at Lantern Hill* abuts to the east on 40 acres zoned RS-3 with PUD 72.

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

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

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

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

PUD 62 – Hawkeye – Major Amendment # 1 – Request for Major Amendment approval for subject property, which amendment proposed to increase the maximum number of residential lots, reduce setbacks, and make certain other amendments – PC Recommended Conditional Approval, with recommendations pertaining to trails, on 06/17/2013 and City Council Approved sans action on trails recommendation 06/24/2013 (Ord. # 2122).

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

PUD 62 – Hawkeye – Minor Amendment # 1 – Request for Minor Amendment approval for subject property, which amendment proposed to provide for a cul-de-sac street design for Kingston Ave., provide certain requirements pertaining thereto, and make certain other amendments – PC Approved 09/30/2013.

PUD 62 – Hawkeye – Minor Amendment # 2 – Request for Minor Amendment approval for subject property, which amendment proposed to allow for the creation of a new commercial or office development tract within Development Area B, allow for the transfer of building floor area within Development Area B – PC Approved 12/16/2013.

#### BACKGROUND INFORMATION:

The Preliminary Plat of this subdivision, consisting of the entire parent tract of 75 acres, more or less, proposed 262 Lots, one (1) of which was a large commercial lot. The Planning Commission recommended Conditional Approval on July 17, 2013, and the City Council Conditionally Approved it July 22, 2013.

With the Preliminary Plat, on the City Council also approved the following Modifications/Waivers:

- Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard. The Modification/Waiver was described as justified by citing the appropriate plan to plat deeper lots along the *White Hawk*

*Golf Club*, and certain configurations necessitated by the geometries of the 130' PSO easement and Kingston Ave.

- Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the west and east. The Modification/Waiver was described as justified by the limited extent of the common line shared by the residential Development Area and the tract to the east and its existing access on Kingston Ave. A justification was also provided for not providing a stub-out street to the 8-acre tract to the west.
- Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for Lots 26 and 27, Block 2, whose rear lines abut Kingston Ave. City Staff was supportive of this design, which is incidental and unavoidable due to existing geometries.
- Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the widths of the standard 17.5' Perimeter U/Es along the north and east boundary lines as evident on the plat. To the extent they abutted existing 17.5' U/Es in *The Ridge at South County* and *Southridge at Lantern Hill*, Staff supported reducing them to 11', as the combined widths would exceed 22', the generally accepted standard for utility corridors on subdivision boundaries.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.F to be released from the half-street right-of-way dedication for Kingston Ave. north of the PSO easement, as described in this report. City Staff supported this Modification/Waiver, based on the cul-de-sac's superior design and the fact that continued legal access will be maintained for the residence at 14800 S. Kingston Ave. in the existing half-street right-of-way to the east.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.N to be released from the sidewalk construction requirement along the half-street right-of-way dedication for Kingston Ave. north of PSO easement, which was reflexive based on the new plans for Kingston Ave.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.O, along with a redesign of affected areas as recommended, to allow Reserve Areas (only) to be platted in the 100-year Regulatory Floodplain.

#### ANALYSIS:

Subject Property Conditions. The subject property parent tract of approximately 75 acres consists of two (2) tracts of land, which appear to share a common lot line corresponding to the northerly line of a 130'-wide AEP-PSO overhead electrical transmission powerline right-of-way easement. The northerly tract is zoned RS-3 and the southerly tract is zoned CG, with the west 330' thereof zoned OL. The entire acreage is supplementally zoned PUD 62. The Final Plat area consists of a southerly portion of the residential development area, with 119 lots, and part of the westerly side of the commercial development area, including one (1) commercial lot.

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

and have been approved for a Modification/Waiver to allow same in accordance with the Subdivision Regulations.

Part of the Kingston Ave. roadway falls along and within the east side of the subject property. See Access and Internal Circulation section of this report and PUD 62 Minor Amendment # 1 for additional information.

Comprehensive Plan. The subject property is designated Corridor, except for the west approximately 330', which is designated Low Intensity. A portion of the southerly area of the acreage is designated Development Sensitive. CG zoning *May Be Found In Accordance* with the Corridor designation, but is *Not In Accordance* with the Low Intensity designation. Therefore, in 2008, as recommended by Staff, the westerly 330' of Development Area B was zoned OL, which *May Be Found In Accordance* with Low Intensity designation.

RS-3 zoning *May Be Found In Accordance* with the Corridor designation, and is *In Accordance* with the Low Intensity designation.

All three (3) existing zoning districts *May Be Found In Accordance* with the Development Sensitive designation.

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

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

The Comprehensive Plan Land Use Map designates a Community Trail more or less along a line paralleling 330' from the westerly line of the subject property through its entire north-south length. It is more likely that any future trail here would follow the course of the tributary of Posey Creek, which only "clips" the southwest corner of the acreage. This area is designated as Reserve A on the Final Plat, and is to be used for stormwater detention, which would appear to be conducive to future trail development, as compared to residential or commercial/office development. The site plan provided with Major Amendment # 1 stated that no trails are proposed at this time, and the development plans do not propose trail construction through the subject property. However, the Preliminary Plat Deed of Dedication and Restrictive Covenants (DoD/RCs) provided that the Reserve Areas may be used for "passive and active open space" uses, such as "...recreation, ...sidewalks, and ingress and egress."

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

City Council Approved Major Amendment # 1 and did not make any special requirements pertaining to trails.

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

General. This subdivision of 32.5440 acres proposes 119 Lots, eight (8) Blocks, and five (5) Reserve Areas. With the exceptions outlined in this report, the Preliminary Plat appears to conform to the Zoning Code and Subdivision Regulations and PUD 62.

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

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held February 05, 2014. Minutes of that meeting are attached to this report.

Access and Internal Circulation. Access to the residential subdivision (Development Area A) would be via a proposed collector street connection to 151<sup>st</sup> St. S., which would be routed through the subdivision to connect to the Lakewood Ave. stub-out street in *The Ridge at South County*. It would have a secondary emergency-only access drive connecting to Kingston Ave. per the Fire Marshal. When the commercial development area is built, a cul-de-sac turnaround will be constructed toward the north end of Kingston Ave. to improve accessibility. The commercial Development Area B would have access via the Hudson Ave. collector street connection to 151<sup>st</sup> St. S., and may also extend a singular access drive connection to 151<sup>st</sup> St. S. toward the center of the frontage, which was previously shown on the Conceptual Development Plan for the original PUD 62. Commercial connections to Kingston Ave. are not recommended by Staff at this time, and the Preliminary Plat's 25'-wide right-of-way dedication would only support a low intensity residential level of service on Kingston Ave. The Preliminary Plat (as approved) has Limits of No Access (LNA) along the 151<sup>st</sup> St. S. frontage, with the exception of an access opening corresponding to the drive connection as shown on the site plan. Although City Staff do not object to this connection, both the City of Bixby and ODOT would have to allow a curb cut / driveway permit on this State Highway 67. The subject property is on the (westbound) downward slope of the hill at Sheridan Rd., and the speed limit is 55 MPH. The Preliminary Plat's representation of LNA and Access openings onto 151<sup>st</sup> St. S. / State Hwy 67 here does not guarantee the curb cut / driveway permit will be approved.

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

- (1) Commercial traffic for the commercial Development Area B will primarily use the driveway connection onto 151<sup>st</sup> St. S. as may then be approved, and not so much the [primarily] residential collector street in this development or Kingston Ave.,
- (2) The City of Bixby recognizes Kingston Ave. as currently functionally classified as a local minor residential street,
- (3) The subject property's right-of-way dedication should be based on its current functional classification; i.e. 25' as the balance of the 50' total width right-of-way,
- (4) If properties to the east of the subject property develop more intensively than single-family residential, as would be expected at this time, they would be responsible for dedicating additional right-of-way width commensurate with their intensity,
- (5) City Staff would (and did) support a Modification/Waiver of the right-of-way dedication requirement north of the cul-de-sac turnaround, based on its superior design and the fact that continued legal access will be maintained for the residence at 14800 S. Kingston Ave. in the existing half-street right-of-way to the east,
- (6) The cul-de-sac turnaround, represented on a certain Major Amendment # 1 site plan as to be located within the 130'-wide PSO easement, should be constructed with the commercial development at the time of that development. Connection to, and not improvement of, Kingston Ave. will be required at this time with the residential Development Area the only one now proposed for development, and
- (7) North of the cul-de-sac turnaround, Kingston Ave. will continue to be a Public street to the extent the roadway exists within the existing 25'-wide half-street right-of-way and/or prescriptive right-of-way/easement that may exist on the subject property (but the existence of, and extent of which has not been determined here).

PUD 62 Minor Amendment # 1 clarified and specified that the cul-de-sac street improvement will be required to be constructed at the time the commercial lot, or any part of it, is developed. This arrangement is described in the text as follows:

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

Per survey data, the Kingston Ave. roadway paving falls within the subject property about, or an average of roughly 2'. South of the AEP-PSO easement, there will be a 25'-wide right-of-way dedication from the subject property. North of the AEP-PSO easement, however, there was concern that fences could be constructed along the property line, with the paving cut off and disposed. At a meeting with City Staff held August 09, 2013, City Staff and the Applicant's design professionals agreed to allow the fenceline and two 2' of paving to be removed, with another 2' to allow for incidental drainage between the new edge of the paving and any future fences, provided the 4' was compensated for by paving along the east side of the roadway, where it would fall within the 25' of dedicated public right-of-way. This issue is not described in the PUD or any Amendment thereto, as it is an engineering design and review

function of the subdivision development process. It is to be addressed and considered at this Final Plat stage; if any changes from the above-described plan are determined necessary, they should be specifically discussed and made Conditions of Approval of this Final Plat.

At the TAC meeting held February 05, 2014, Staff discussed with the Applicant that the easterly (Kingston Ave.-adjacent) end of Reserve B had been "cut off" with this Final Plat. Upon reviewing the matter more comprehensively, Staff believes that this change is in order, as the Preliminary Plat, as approved, proposed the dedication of Kingston Ave. right-of-way for the cul-de-sac, which is not being built at this time. Public street right-of-way should not be platted until such time as the roadway will actually be constructed. However, the emergency-access drive must be constructed at this time, to connect to Kingston Ave., along with certain modifications to its northerly end to compensate for existing paving to be lost to new private rear yards. The drive is proposed to pass through an area outside the plat boundary. Thus, a separate-instrument easement must be dedicated at this time. As of the date of this report, such easement has not been provided to Staff for City Council acceptance. It should be prepared and presented to the City Council at the same time as the Final Plat, and recorded prior to the Final Plat. Further, it must be represented on the Final Plat, along with its Document # citation where recorded with the Tulsa County Clerk.

With this Final Plat, another change has occurred: The Hudson Ave. collector street has been reduced to 60' in width at its southern end near its intersection with 151<sup>st</sup> St. S. This was explained as driven by what the Oklahoma Department of Transportation (ODOT) will permit.

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

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

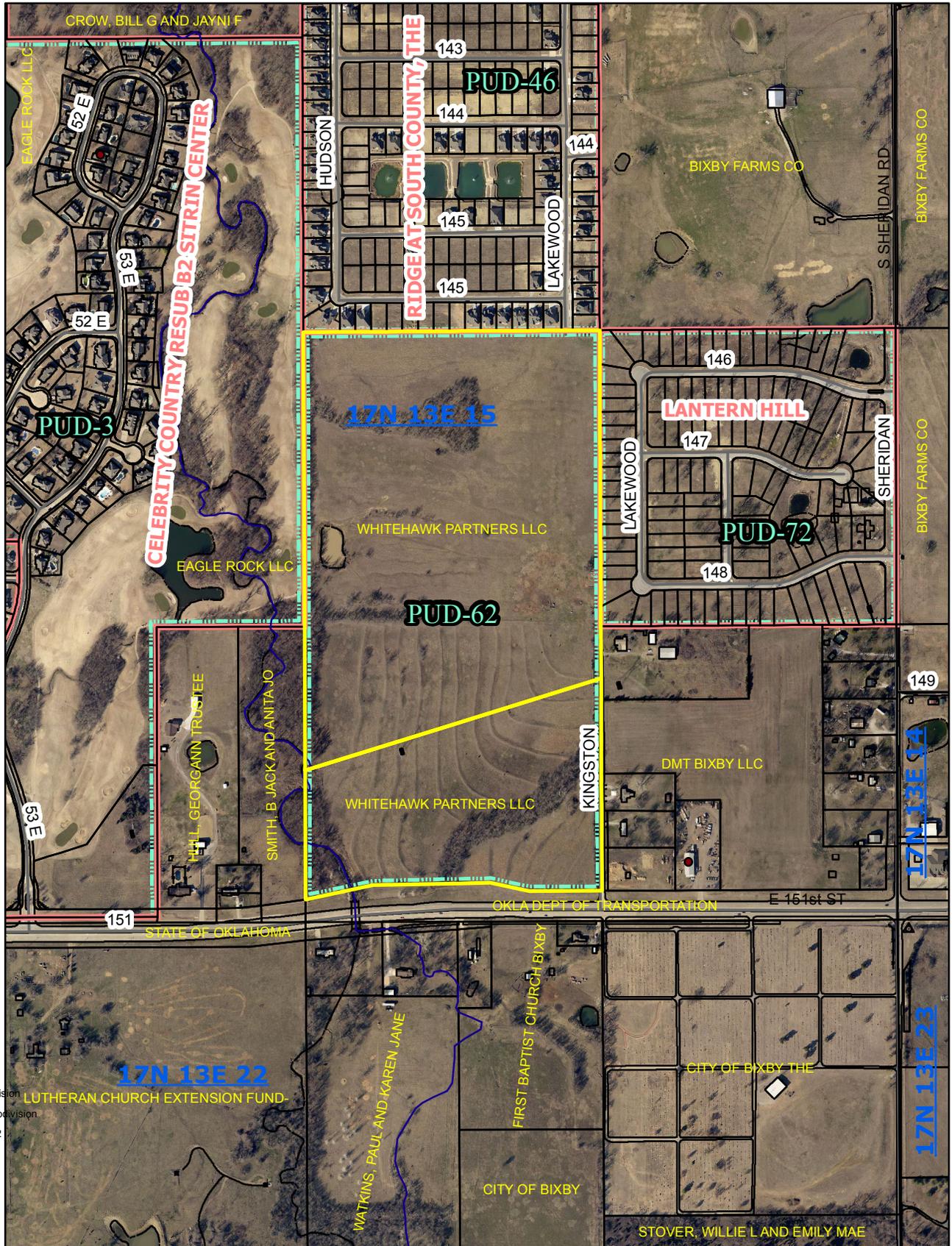
1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
2. A separate-instrument easement must be dedicated at this time for the construction of the emergency-access drive to Kingston Ave., and the same must be presented to the City Council for acceptance at the same time as the Final Plat, and recorded prior to the Final Plat.
3. The separate-instrument dedication for the emergency-access drive must be represented on the Final Plat, along with its Document # citation where recorded with the Tulsa County Clerk.
4. "Owner/Developer" block on face of plat: "OneFifty One Partners, L.L.C." should be changed to "Whitehawk Parnters, LLC" per Assessor's records and as used elsewhere throughout the plat.
5. Block 3 lot numbers do not appear to reflect the lost of the first 17 lots to the north with this first phase cutoff.
6. Commercial Lot 1, Block 12: Consider changing address to something in the 5600-block of E. 151<sup>st</sup> St. S., since Hudson Ave. has not yet been reached (e.g. 5665).
7. Please add Document # citation where all separate instrument easements will have been recorded with the Tulsa County Clerk (17.5'-wide U/E along the easterly side of

Hudson Ave., and any others that may be required/proposed). Such easements require City Council acceptance, and this should occur, and instruments be recorded, prior to Final Plat recording.

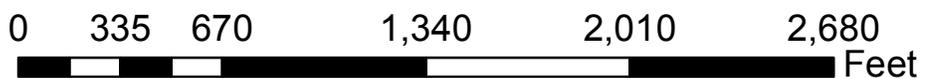
8. DoD/RCs Preamble: Missing critical wording such as “And does hereby certify that it has caused the above described land to be surveyed, divided, mapped, granted, donated, conveyed, dedicated and access rights reserved...” as per customary platting conventions and the City Attorney’s recommendations regarding fee simple ownership of rights-of-ways.
9. DoD/RCs Section 3.4: Missing language pertaining to sidewalks along 151<sup>st</sup> St. S.
10. DoD/RCs Section 3.5.2: Word “and” appears to have formatting error.
11. DoD/RCs Owners’ Signatory Blocks: Please update 2013 date.
12. DoD/RCs Surveyor’ Notary Block: Consider the accuracy of the April 23<sup>rd</sup> date provided.
13. Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11” X 17”, and 1 electronic copy).

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# Final Plat – The Trails at White Hawk Tulsa Engineering & Planning, Inc. (PUD 62)



- Businesses
- bixby\_streams
- Tulsa Parcels 11/13
- WagParcels 04/13
- TulsaCounty\_Subdivision
- WagonerCounty\_Subdivision
- WagRoads\_Aug2012
- E-911\_Streets
- PUD
- bixby\_s-t-r
- county



# Memo

To: Erik Enyart, AICP, City Planner

From: Joey Wiedel

Date: 01-22-2014

Re: Final Plat of "Trails of Whitehawk"

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Final Plat of "Trails of Whitehawk" is approved with the following caveats.

1. Fire Hydrants shall be no further than 600 ft. All hydrants shall be operable before construction begins.
  - Brand- AVK or Mueller, Color- Chrome Yellow
2. Fire line supporting the fire hydrants shall be looped.
3. All roads and Second means of access capable of supporting an imposed load of 75,000 pounds shall be in place before construction of homes. (IFC 2009 Appendix D)



Joey Wiedel

## Memo

**To:** Erik Enyart, City Planner  
**From:** Jared Cottle, PE *JWC*  
**CC:** Bea Aamodt, PE  
File  
**Date:** 01/17/14  
**Re:** The Trails at Whitehawk  
Final Plat

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### General Comments:

1. Infrastructure Plans have been reviewed and approved. As long as Platting information conforms to submitted infrastructure Plans, no exceptions taken.

# CITY OF BIXBY

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

## Engineering Department Memo

**To:** Mr. Jerry Ledford, PE  
Tulsa Engineering & Planning Assoc., LLC  
9820 East 41<sup>st</sup> Street South, Suite 102  
Tulsa, OK 74146

**From:** Jared Cottle, PE *Juc*

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

**Date:** 01/23/14

**Re:** Trails at White Hawk: Off-site Sanitary Sewer  
Plan Review

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### Force Main 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 will be required for submittal to the State.
3. Above ground force main markers should be provided at the Yale crossing and at the 45 degree bends west of Yale. The marker types and placements must be approved by the Utility Supervisor.
4. With the anticipated flow through the 12" force main (and subsequent discharge volumes/velocities), a connection at the manhole invert will be required rather than an inside drop connection at Sta. 0+00.

### Lift Station Comments:

5. The invert of MH 1 must be located at minimum grade above the existing lift station invert and connected to the existing lift station invert. Otherwise, no additional storage capacity is provided.
6. The size of MH 1 listed in the profile should reflect the size indicated on the Plan.
7. The size of the control building must be checked against the layout and spacing of the controls and drives to verify that a 10'x10' building is sufficient.
8. The building appears to be located within an easement that has yet to be obtained. Please clarify the plan for acquisition.

### Off-site Gravity Line Comments:

9. The proposed easements shown will need to be obtained before construction operations commence.

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# The Trails at White Hawk

ENGINEER / SURVEYOR

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

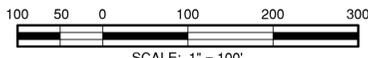
OWNER / DEVELOPER

Tulsa Engineering & Planning Associates, Inc.

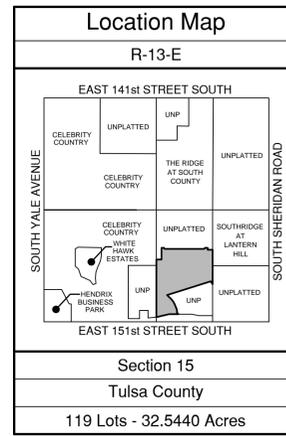
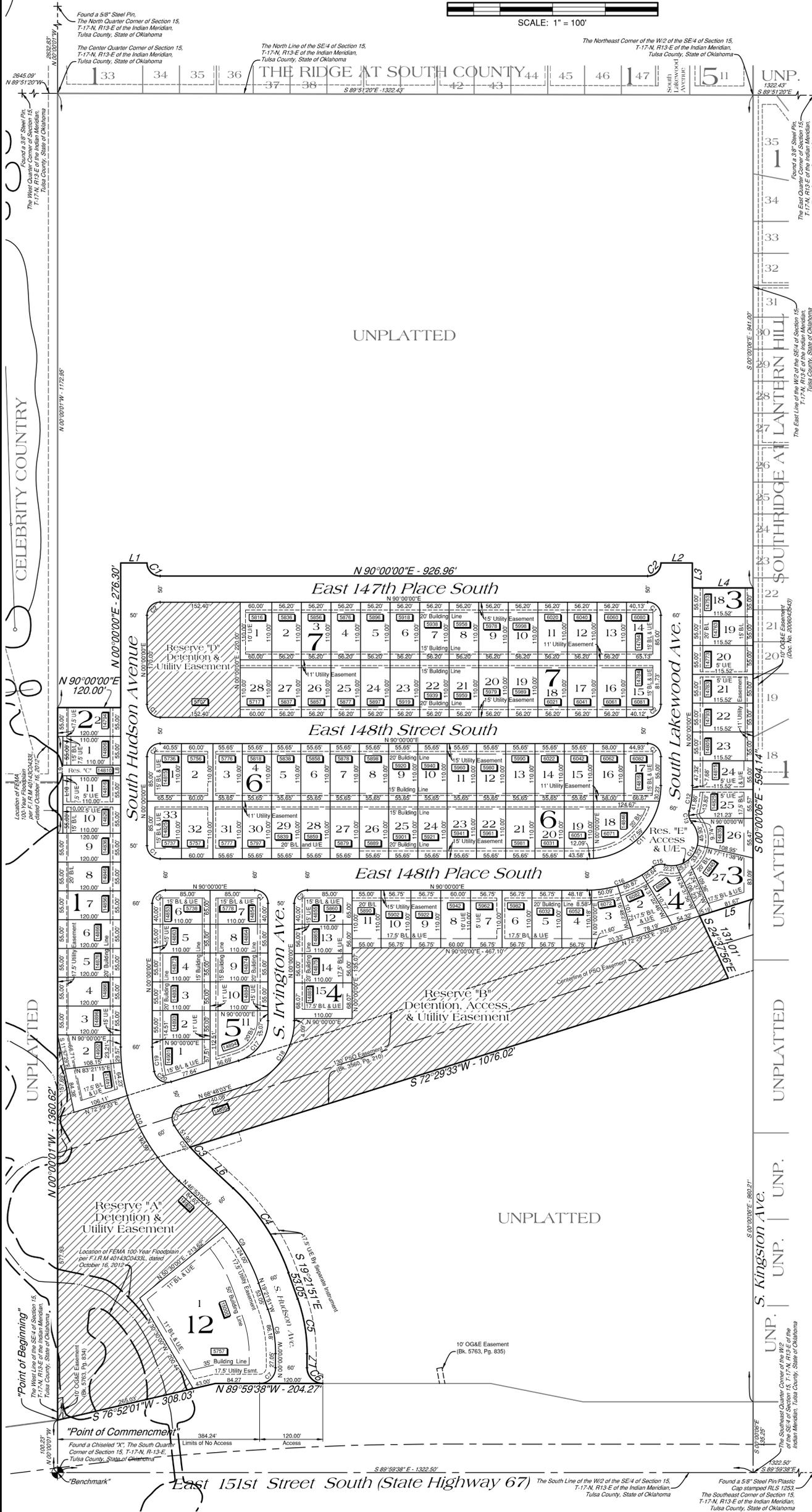
an Oklahoma corporation  
9820 East 41st Street South, Suite 102  
Tulsa, Oklahoma 74146  
918.252.9621

One FiftyOne Partners, LLC

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



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



**Legend**

B/L = Building Line  
 U/E = Utility Easement  
 [Hatched Box] = Reserve Areas

**Monument Notes**

A 5/8" x 1/8" deformed bar with a yellow plastic cap stamped "RS 1253" to be set at all plat boundary corners, prior to recordation unless noted otherwise.

A 3/8" x 1/8" deformed bar with a yellow plastic cap stamped "CA 531" to be set at all lot corners after completion of improvements, unless noted otherwise.

A 3/8" x 1/8" deformed bar with a yellow plastic cap stamped "CA 531" to be set at all street centerline intersections, points of curve, points of tangent, points of compound curve, points of reverse curve, center of cul-de-sacs and center of eyebrows, after completion of improvements, unless noted otherwise.

**Basis of Bearings**

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

**Benchmark**

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

**Backflow Preventer Valve**

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

**Line Table**

No.	Bearing	Distance	No.	Bearing	Distance
L1	N 90°00'00"E	50.00'	L6	S 46°53'00"E	84.63'
L2	N 90°00'00"E	60.00'	L7	S 00°00'00"W	27.06'
L3	S 00°00'00"W	47.68'	L8	N 00°00'00"E	20.00'
L4	N 90°00'00"E	115.52'	L9	N 00°00'01"W	185.00'
L5	N 72°29'33"E	106.86'	L10	N 00°00'01"W	55.00'

**Curve Table**

No.	Delta	Radius	Length	Chord Bearing	Chord Distance
C1	90°00'00"	25.00'	39.27'	S 45°00'00"E	35.36'
C2	90°00'00"	25.00'	39.27'	N 45°00'00"E	35.36'
C3	05°36'44"	290.00'	28.41'	S 44°04'37"E	28.40'
C4	27°31'09"	405.00'	194.52'	S 33°07'25"E	192.66'
C5	19°21'51"	315.00'	106.46'	S 09°40'56"E	105.95'
C6	89°59'38"	30.00'	47.12'	S 44°59'49"E	42.42'
C7	90°00'22"	30.00'	47.13'	N 45°00'11"E	42.43'
C8	19°21'51"	255.00'	86.18'	N 09°40'56"W	85.77'
C9	27°31'09"	345.00'	165.70'	N 33°07'25"W	164.11'
C10	46°53'00"	350.00'	286.39'	N 23°26'30"W	278.47'
C11	90°00'00"	140.00'	219.91'	S 45°00'00"W	197.99'
C12	14°11'28"	200.00'	49.54'	S 07°05'44"W	49.41'
C13	54°01'02"	25.00'	23.57'	S 12°49'03"E	22.71'
C14	145°07'11"	50.00'	126.64'	S 32°44'01"W	95.40'
C15	54°01'02"	25.00'	23.57'	S 78°17'06"W	22.71'
C16	38°43'25"	200.00'	135.17'	S 70°38'17"W	132.61'
C17	72°29'33"	80.00'	101.22'	S 36°14'46"W	94.60'
C18	72°29'33"	130.00'	164.48'	S 36°14'46"W	153.73'
C19	09°13'56"	290.00'	46.73'	S 04°36'58"E	46.68'
C20	98°16'31"	25.00'	42.88'	N 58°22'12"W	37.81'
C21	103°29'56"	25.00'	45.16'	S 20°44'35"W	39.27'
C22	10°15'52"	290.00'	80.36'	S 38°56'42"E	80.10'

**Lot Addresses**

Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied upon in place of the legal description.

# THE TRAILS AT WHITE HAWK

## DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

That Whitehawk Partners, L.L.C., an Oklahoma limited liability company, hereinafter referred to as the "Owner/Developer", is the owner of the following described land:

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

Commencing at the south quarter corner of Section 15, T-17-N, R-13-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof;

Thence N 00°00'01"W along the west line of the SE/4 of said Section 15 a distance of 100.23 feet to a point on the northerly line of the State Highway 67 Right-of-Way as described in the "Warranty Deed" (WD) recorded in Book 5681, Page 1134, and filed in the records of the Tulsa County Clerk's office, said point being also the "Point of Beginning";

Thence continuing N 00°00'01"W along the west line of the SE/4 of said Section 15 a distance of 1,360.62 feet;

Thence N 90°00'00"E a distance of 120.00 feet;

Thence N 00°00'00"E a distance of 276.30 feet;

Thence N 90°00'00"E a distance of 50.00 feet to a point of non-tangent curve to the left;

Thence along said non-tangent curve to the left with a central angle of 90°00'00", a radius of 25.00 feet, an arc length of 39.27 feet, a chord bearing of S 45°00'00"E, and a chord length of 35.36 feet;

Thence N 90°00'00"E a distance of 926.93 feet to a point of tangent curve to the left;

Thence along said tangent curve to the left with a central angle of 90°00'00", a radius of 25.00 feet, an arc length of 39.27 feet, a chord bearing of N 45°00'00"E, and a chord length of 35.36 feet;

Thence N 90°00'00"E a distance of 60.00 feet;

Thence S 00°00'00"W a distance of 47.68 feet;

Thence N 90°00'00"E a distance of 115.52 feet to a point on the east line of the W/2 of the SE/4 of said Section 15;

Thence S 00°00'06"E along the east line of the W/2 of the SE/4 of said Section 15 a distance of 594.14 feet to a point on the northerly line of the PSO Transmission Line Right-of-Way as described in the "Report of Commissioners" (RC) recorded in Book 3560, Page 210, and filed in the records of the Tulsa County Clerk's office;

Thence S 72°29'33"W along the northerly line of said PSO Transmission Line Right-of-Way a distance of 106.86 feet;

Thence S 24°37'56"E a distance of 131.01 feet to a point on the southerly line of said PSO Transmission Line Right-of-Way;

Thence S 72°29'33"W along the southerly line of said PSO Transmission Line Right-of-Way a distance of 1,072.82 feet to a point of non-tangent curve to the left;

Thence along said non-tangent curve to the left with a central angle of 05°36'44", a radius of 290.00 feet, an arc length of 28.41 feet, a chord bearing of S 44°04'37"E, and a chord length of 28.40 feet;

Thence S 46°53'00"E a distance of 84.63 feet to a point of tangent curve to the right;

Thence along said tangent curve to the right with a central angle of 27°31'09", a radius of 405.00 feet, an arc length of 194.52 feet, a chord bearing of S 33°07'25"E, and a chord length of 192.66 feet;

Thence S 19°21'51"E a distance of 53.05 feet to a point of tangent curve to the right;

Thence along said tangent curve to the right with a central angle of 19°21'51", a radius of 315.00 feet, an arc length of 106.46 feet, a chord bearing of S 09°40'56"E, and a chord length of 105.95 feet;

Thence S 00°00'00"W a distance of 27.06 feet to a point of tangent curve to the left;

Thence along said tangent curve to the left with a central angle of 89°59'38", a radius of 30.00 feet, an arc length of 47.12 feet, a chord bearing of S 44°59'49"E, and a chord length of 42.42 feet to a point on the northerly line of said State Highway 67 Right-of-Way;

Thence N 89°59'38"W along the northerly line of said State Highway 67 Right-of-Way a distance of 204.27 feet;

Thence S 76°52'01"W along the northerly line of said State Highway 67 Right-of-Way a distance of 308.03 feet to the "Point of Beginning".

Said tract contains 1,417,616 square feet or 32,544.00 acres.

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

And does hereby certify that it has caused the above described land to be surveyed, divided, mapped, dedicated and access rights reserved as represented on the plat and subdivided into

eight (8) blocks, one hundred and nineteen (119) lots, five (5) reserve areas, and streets and has designated the same as **"THE TRAILS AT WHITE HAWK"**, an addition to the City of Bixby, Tulsa County, State of Oklahoma (the "Subdivision").

### SECTION I STREETS, EASEMENTS AND UTILITIES

#### 1.1 Public Streets and Utility Easements

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

#### 1.2 Underground Service

1.2.1 Overhead lines for the supply of electric, telephone and cable television services may be located within the eastern perimeter easements of the subdivision. Street light poles or standards may be served by overhead line or underground cable here and elsewhere throughout the subdivision. All supply lines including electric, telephone, cable television and gas lines shall be located underground in the easement ways dedicated for general utility services and in the rights-of-way of the public streets as depicted on the accompanying plat. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in the easement ways. The Owner/Developer does hereby restrict the utility easements shown and designated on the accompanying plat to a single supplier of electrical service.

1.2.2 Underground service cables and gas service lines to all structures which are located within the subdivision may be run from the nearest gas main, service pedestal or transformer to the point of usage determined by the location and construction of such structure as may be located upon the lot. Provided that upon the installation of a service cable or gas service line to a particular structure, the supplier of service shall thereafter be deemed to have a definitive, permanent, effective and non-exclusive right-of-way easement on the lot, covering a 5 foot strip extending 2.5 feet on each side of the service cable or line extending from the gas main, service pedestal or transformer to the service entrance on the structure.

1.2.3 The supplier of electric, telephone, cable television and gas services, through its agents and employees, shall at all times have the right of access to all easement ways shown on the plat or otherwise provided for in this Deed of Dedication for the purpose of installing, maintaining, removing or replacing any portion of the underground electric, telephone, cable television or gas facilities installed by the supplier of the utility service.

1.2.4 The owner of the lot shall be responsible for the protection of the underground service facilities located on his lot and shall prevent the alteration of grade or any construction activity which would interfere with the electric, telephone, cable television or gas facilities. Each supplier of service shall be responsible for ordinary maintenance of underground facilities, but the owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the owner or his agents or contractors.

1.2.5 The foregoing covenants set forth in this sub-section 1.2 shall be enforceable by each supplier of the electric, telephone, cable television or gas service and the owner of the lot agrees to be bound hereby.

#### 1.3 Gas Service

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

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

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

#### 1.4 Water, Sanitary Sewer, and Storm Sewer Service

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

1.4.2 Within the utility easement, restricted waterline, sanitary sewer, storm sewer and drainage easement areas depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of a public water main, sanitary sewer main, or storm sewer or any construction

activity that would interfere with public water mains, sanitary sewer mains, and storm sewers shall be prohibited.

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

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

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

#### 1.5 Reservation of Rights and Covenant as to Obstructions

The Owner/Developer hereby reserves the right to construct, maintain, operate, lay and re-lay water lines and sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying and re-laying over, across and along all of the utility easements depicted on the plat, for the purpose of furnishing water and/or sewer services to the area included in the plat and to areas outside of the plat. The Owner/Developer herein imposes a restrictive covenant, which covenant shall be binding on each lot owner and shall be enforceable by the City of Bixby, Oklahoma, and by the supplier of any affected utility service, that within the utility easements depicted on the accompanying plat no building, structure or other above or below ground obstruction shall be placed, erected, installed or maintained, provided however, nothing herein shall be deemed to prohibit properly-permitted drives, parking areas, curbing and landscaping, that does not constitute an obstruction.

#### 1.6 Paving and Landscaping within Easements

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

#### 1.7 Lot Surface Drainage

Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation and from 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 paragraph 1.7 shall be enforceable by any affected lot owner and by the City of Bixby, Oklahoma.

#### 1.8 Sidewalks

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

#### 1.9 Limits of No Access

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

#### 1.10 Reserves "A", "B" and "D" - Detention Easement Area

1.10.1 The Owner/Developer does hereby dedicate to the City of Bixby, Oklahoma for public use (subject to easements of record) a perpetual easement on, over, and across the property designated and shown on the accompanying plat as Reserves "A", "B" and "D" (hereinafter referred to as the "Detention Easement Area") for the purposes of permitting the flow, conveyance, retention, detention and discharge of stormwater runoff from the various lots within **"THE TRAILS AT WHITE HAWK"** and from properties not included within **"THE TRAILS AT WHITE HAWK"**.

1.10.2 Detention, retention and other drainage facilities constructed within the Detention Easement Area shall be in accordance with standards and specifications approved by the City of Bixby.

1.10.3 No fence, wall, building, or other obstruction may be placed or maintained in the Detention Easement Area, nor shall there be any alteration of the grades or contours in such easement area unless approved by the Department of Public Works of the City of Bixby. Properly-permitted recreational equipment and fixtures will be allowed in the Detention Easement Area.

1.10.4 Detention, retention and other drainage facilities shall be maintained by THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC., to the extent necessary to achieve the intended drainage, retention, and detention functions including repair of appurtenances and removal of obstructions and siltation and THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC. shall provide customary grounds maintenance within the Detention Easement Area in accordance with the following standards:

a. Grass areas shall be mowed (in season) at regular intervals not exceeding four (4) weeks.

b. Concrete appurtenances shall be maintained in good condition and replaced if damaged.

c. The Detention Easement Area shall be kept free of debris.

d. Cleaning of siltation and vegetation from concrete channels shall be performed a minimum of twice yearly.

1.10.5 Landscaping and recreational equipment approved by the City of Bixby shall be allowed within the Detention Easement Area.

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

### SECTION II RESERVE AREAS

#### 2.1 Use of Land

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

Reserve Areas "A", "B" and "D" shall be used for passive and active open space, guest parking, signage, landscaping, walls, fencing, drainage, recreation, overland drainage, stormwater drainage, utilities, sidewalks, and ingress and egress, lighting and is reserved for subsequent conveyance to THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC., as set forth within Section VI hereof.

##### 2.1.2 Reserve Area "C"

Reserve Area "C" shall be used for open space, signage, landscaping, fencing, utilities, retaining walls, sidewalks, and ingress and egress and is reserved for subsequent conveyance to THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC., as set forth within Section VI hereof. The owners of Lots 10 and 11, Block 1 and Lot 1, Block 2 shall enjoy full use of that portion of Reserve Area "C" to include the ability to construct fencing along their respective side lot lines to the west boundary of the **"THE TRAILS AT WHITE HAWK"**, as well as construct fencing along the west boundary line of the **"THE TRAILS AT WHITE HAWK"**, immediately behind said Lots 10 and 11, Block 1 and Lot 1, Block 2. Said fencing shall be constructed in accordance with Section 4.3 Fence restrictions. Maintenance of Reserve Area "C" immediately west of Lots 10 and 11, Block 1 and Lot 1, Block 2 shall be the responsibility of the owners of said lots.

##### 2.1.3 Reserve Area "E"

Reserve Area "E" shall be used for passive and active open space, signage, landscaping, walls, fencing, drainage, recreation, overland drainage, stormwater drainage, utilities, sidewalks, and ingress and egress, emergency access, lighting and is reserved for subsequent conveyance to THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC., as set forth within Section VI hereof.

#### 2.2 All Reserves

2.2.1 All costs and expenses associated with all reserves, including maintenance of various improvements, sanitary sewer lift station and appurtenances, and recreational facilities will be the responsibility of THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC.

2.2.2 In the event THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC. should fail to properly maintain the reserve areas and facilities thereon located as above provided, the City of Bixby, Oklahoma, or its designated contractor may enter the reserve areas and perform such maintenance, and the cost thereof shall be paid by THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC.

2.2.3 In the event THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC. fails to pay the cost of said maintenance after completion of the maintenance and receipt of a statement of costs, the City of Bixby, Oklahoma may file of record a copy of the statement of costs, and thereafter the costs shall be a lien against each of the lots within the development. Such costs of maintenance shall become a lien on all the residential lots as hereinafter defined, which may be foreclosed by the City of Bixby, Oklahoma.

2.2.4 THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC., shall be responsible for maintenance of Reserves "A", "B", that portion of Reserve "C" located between Lot 11, Block 1 and Lot 1, Block 2, Reserve "D" and Reserve "E".

### SECTION III PLANNED UNIT DEVELOPMENT

WHEREAS, **"THE TRAILS AT WHITE HAWK"** was submitted as Planned Unit Development No. 62, as provided within Chapter 7 of the Zoning Code of the City of Bixby, Oklahoma as amended and as the same existed on August 13, 2012, and was approved by the Bixby Planning Commission on January 21st, 2008, and by the City of Bixby City Council on February 11, 2008, and

WHEREAS, the Planned Unit Development (PUD) provisions of the Bixby Zoning Code require the establishment of covenants of record, inuring to and enforceable by the City of Bixby, Oklahoma, sufficient to assure the implementation and continued compliance with the approved PUD, and

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

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

#### 3.1 General Standards

The development of **"THE TRAILS AT WHITE HAWK"** shall be subject to the Planned Unit Development provisions of the Bixby Zoning Code, as such provisions existed August 13, 2012, or as may be subsequently amended.

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

##### 3.2.1 Development Standards: Residential

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

3.2.1.2 Maximum Number of Dwelling Units: 265 DUs

3.2.1.3 Minimum Lot Area: 6,000 SF

3.2.1.4 Minimum Lot Width: Standard Lot 55 FT  
Cul-de-sac or Irregular Lot 30 FT

3.2.1.5 Maximum Building Height: 48 FT

3.2.1.6 Maximum Accessory Building Height: 35 FT

3.2.1.7 Livability Space per Dwelling Unit: 2,500 SF

3.2.1.8 Minimum Building Setbacks: Front Yards: 20 FT  
Side Yards: 5 FT/5FT  
Corner Lot (Not on Arterial): 15 FT  
Rear Yard (Not on an arterial): 15 FT

3.2.1.9 Parking: Two (2) enclosed off street parking spaces per dwelling unit and at least two (2) additional off street parking spaces in driveways.

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

#### 3.3 Block 12:

##### 3.3.1 Development Standards: Commercial General District

3.3.1.1 Permitted Uses: All principal use units permitted within the CG district except as modified below.

- Use Unit #2: Area Wide Special Exception Uses  
Government service NEC, post office shall be permitted as a matter of right. All other uses listed within Use Unit #2 shall not be permitted.

- Use Unit #4: Public Protection and Utility Services  
Antennas and antenna supporting structures shall be permitted as a matter of right. All other uses listed within Use Unit #4 shall not be permitted.

- Use Unit #6: Single-Family Dwelling  
Single-Family detached dwelling and similar uses shall be permitted as a matter of right. All other uses listed within Use Unit #6 shall not be permitted.

- Use Unit #7: Duplex Dwelling  
Duplex dwelling shall be permitted as a matter of right.

- Use Unit #7a: Townhouse Dwelling  
Townhouse dwelling shall be permitted as a matter of right.

- Use Unit #8: Multi-Family Dwelling and Similar Uses  
All uses under Use Unit #8 shall be permitted as a matter of right with the exception of the following uses which shall not be permitted:  
- Community group home  
- Convent, monastery, novitate  
- Roofing/boarding home

- Use Unit #15: Other Trades and Services  
All uses allowed under Use Unit #15 shall be permitted as a matter of right with the exception of the following uses which shall not be permitted:  
- Portable storage building sales  
- Kennels

## The Trails at White Hawk

Date of Preparation: December 18, 2013

Sheet 2 of 3

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- 3.3.1.2 Maximum Floor Area (.75 FAR): 37,705 SF
- 3.3.1.3 Minimum Lot Frontage: Along East 151st Street South 100 FT. Along non-arterial street 50 FT.
- 3.3.1.4 Maximum Building Height: 70 FT/5 Stories
- 3.3.1.5 Minimum Building Setbacks: From North and West Boundaries: 10 FT From South Hudson Avenue: 50 FT From centerline of E. 151st St. So.: 100 FT
- 3.3.1.6 Minimum Parking & Drive Aisle Setbacks (east and south property lines): 10 FT.
- 3.3.1.7 Parking Ratio: As required within applicable Use Unit.
- 3.3.1.8 Perimeter Screening: As required by the Specific Use Unit when abutting an R-District.
- 3.3.1.9 Minimum Landscaped Open Space: As required within applicable Use Unit.
- 3.3.1.10 Signage: A subdivision identification sign not exceeding 100 SF of display area shall be allowed in the island of the proposed residential street along the East 151st Street South frontage. Signage within Commercial Blocks will be as required within the applicable use unit.

3.4 Access and Circulation

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

3.5 Detailed Site Plan Approval and Building Permits

- 3.5.1 Within Residential Blocks, "THE TRAILS AT WHITE HAWK", for the purpose of site plan review requirements, the final plat approved by the City of Bixby Planning Commission and City Council shall constitute the required detailed site plan. No building permit shall be issued until the subdivision plat has been processed and approved by the City of Bixby Planning Commission and City Council in compliance with the approved Planned Unit Development and development standards.
- 3.5.2 Within Commercial Blocks, "THE TRAILS AT WHITE HAWK", may be subdivided developed into smaller tracts as approved by the City of Bixby Planning Commission. No building permit shall be issued until a detailed site plan has been processed and approved by the City of Bixby Planning Commission and City Council in compliance with the approved Planned Unit Development and development standards.

SECTION IV. PRIVATE BUILDING AND USE RESTRICTIONS (RESIDENTIAL BLOCKS)

4.1 Architectural Committee and Construction Standards

4.1.1 The Architectural Committee, as set forth in Section V, will be formed to review and approve any structure to be built on any lot and shall also be responsible for the development and construction standards contained herein. The Owner/Developer, its successors, assigns or appointees are hereafter referred to as the Architectural Committee. After sixty-five percent (65%) of the lots in the subdivision have been purchased and houses constructed, THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC., and the Owner/Developer shall form a duly elected Architectural Committee consisting of members of the Association. The Owner/Developer shall hold a three to one (3:1) proxy vote for any of the lots it holds. This in effect will give the Owner/Developer, three (3) votes per lot that it holds. This three to one (3:1) vote shall be used in all votes concerning any item that comes before THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC. including but not limited to the approval and/or disapproval of any item brought before the Architectural Committee.

4.2 Lot use restrictions

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

4.2.2 No noxious or offensive activity shall be carried on upon any lot. Nothing shall be done upon any lot which may be or become an annoyance or a nuisance to the neighborhood.

4.3 Fence restrictions

4.3.1 No fence or wall shall be erected, placed or altered on any lot nearer to the street than the minimum front yard set-back to an abutting street or minimum side yard set-back to an abutting street established herein and shown on the attached plat of "THE TRAILS AT WHITE HAWK", and no fence or wall shall exceed six (6) feet in height above ground level.

4.3.2 No chain-link fences will be permitted in the subdivision.

4.3.3 All wood fences shall be constructed of #2 grade or better Cedar or Spruce.

4.4 Dwelling material and size restriction

4.4.1 No building or dwelling unit on any lot shall be constructed with less than Eleven Hundred (1100) square feet of enclosed living area for any single family unit, exclusive of open porches, garages or breezeways; in the event of a dwelling having more than one (1) story there shall be a minimum of Eleven

Hundred (1100) square feet of floor space with a minimum of Eight Hundred (800) square feet on the first story, exclusive of open porches, garage, and breezeways.

4.4.2 No building or dwelling unit shall be erected, placed or constructed on any lot in this addition unless at least thirty-three percent (33%) of the exterior walls thereof be brick, brick veneer, stone or stone veneer, stucco-type plaster, up to the eight foot plate line. Any deviation of exterior construction materials shall be permitted only with the written consent of the Architectural Committee.

4.4.3 All residences shall be completed using composition shingles and shall be "weatherwood" in color or the equivalent. The roofs must have a minimum pitch of 5/12, except for dormers, porch roofs or patios.

4.5 Antennae and aerial restrictions

4.5.1 No exterior radio or television aerial wires or antennae shall be erected or attached on or near any structure on any lot of this subdivision.

4.6 Garages

4.6.1 All houses shall have a minimum of one attached two (2) car garage conforming to the architecture of the dwelling structure, conforming to all restrictions and covenants and codes and approved by the Owner/Developer of "THE TRAILS AT WHITE HAWK", and the Architectural Committee.

4.7 Temporary structures

4.7.1 No out-building, garage, shed, tent, trailer (i.e. any mobile or manufactured home), basement or temporary building shall be used for permanent or temporary residence purposes; provided that this paragraph shall not be deemed or construed to prevent the use of a temporary shed during the period of actual construction of any structure on any such property, nor the use of adequate sanitary toilet facilities for workmen which shall be provided by the builder during such construction.

4.8 Accessory and out-buildings

4.8.1 Accessory buildings shall conform to the dwelling structure architecture and shall be behind a privacy fence.

4.8.2 All mailboxes in the subdivision shall conform to the model as set forth by the Architectural Committee.

4.9 No truck, camper motor home, trailer, boat or vehicle of any type (whether operable or not) may be parked, kept or stored on any lot except in a garage or screened area behind the building line of the tract for more than forty-eight (48) hours during a seventy-two (72) hour period.

4.10 Livestock and poultry prohibited: No animals, livestock or poultry of any kind shall be raised, bred or kept on any part thereof, except that dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for commercial purposes.

4.11 Billboards prohibited: The construction or maintenance of billboards or advertising boards or structures on any lot is specifically prohibited, except temporary billboards advertising sale or rental of such property are permitted, provided they do not exceed nine (9) square feet in size.

4.12 Existing structures: No existing, erected building or structure of any sort may be moved onto or placed on any of the lots in "THE TRAILS AT WHITE HAWK".

4.13 Obstructions: No object, including vegetation, shall be permitted on any corner lot which obstructs reasonably safe and clear visibility of pedestrian or vehicular traffic through site lines parallel to the ground surface at elevations between two (2) and six (6) feet above the roadways.

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

4.15 The Owner/Developer of "THE TRAILS AT WHITE HAWK" reserve the right in their sole discretion and without joinder of any owner at any time so long as it is the owner of any lot or part thereof to amend, revise or abolish any one or more of the above covenants and restrictions by instrument duly executed and acknowledged by them as Owner/Developer and filed in the County Clerk's office in the Tulsa County Courthouse, Tulsa, Oklahoma.

4.16 Enforcement: Enforcement to restrain violation of the covenants or to recover damages shall be by proceedings at law in a court of competent jurisdiction or in equity against any person or persons violating or attempting to violate and covenant herein, and may be brought by the lot owner or lot owners of any lot(s) or having any interest therein, whether acting jointly or severally. The Owner/Developer or THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC. shall not be obligated to enforce any covenant or restriction through legal proceedings.

SECTION V. ARCHITECTURAL COMMITTEE

5.1 Architectural Committee - Plan Review

5.1.1 No residence, outbuilding, improvements, driveway, fence, wall, satellite receiver dish, or free standing mailbox shall be erected, placed, or altered on any lot in the subdivision until the plans and specifications have been approved in writing by the Owner/Developer, or its authorized representatives or successors, which are hereinafter referred to as the "Architectural Committee". For each residence or out building, the required plans and specifications shall be submitted in duplicate and shall include a site plan, floor plan, exterior elevations, drainage and grading plans, exterior materials, and exterior color scheme.

5.1.2 The Architectural Committee's purpose is to promote good design and compatibility within the subdivision and in its review of plans or determination of any waiver as hereinafter authorized may take into consideration the nature and character of the proposed building or structure, the materials of which it is to be

built, the availability of alternative materials, the site upon which it is proposed to be erected and the harmony thereof with the surrounding area. The Architectural Committee shall not be liable for any approval, disapproval, or failure to approve hereunder and its approval of building plans shall not constitute a warranty or responsibility for building methods, materials, procedures, structural design, grading or drainage, or code violations. The approval or failure to approve building plans shall not be deemed a waiver of any restriction. Nothing herein contained shall be deemed to prevent any lot owner in the subdivision from prosecuting any legal action relating to improvements within the subdivision which they would otherwise be entitled to prosecute.

5.1.3 The Architectural Committee's objective is to advance the harmonious use of landscaping, fencing, hardscaping, landscape lighting, and other landscape design items to promote compatibility and conformity within the subdivision. The Architectural Committee reserves the authority to review, approve, modify, or reject the type of landscaping or landscape design items which may be placed in public view by any lot owner and determined in the discretion of the Architectural Committee to be incompatible with the overall aesthetic standards of "THE TRAILS AT WHITE HAWK".

5.1.4 The powers and duties of the Architectural Committee shall, on the 1st day of January, 2023, be deemed transferred to THE TRAILS AT WHITE HAWK OWNERS' ASSOCIATION, INC. provided for in Section VI., or upon written assignment to THE TRAILS AT WHITE HAWK OWNERS' ASSOCIATION, INC. by the Architectural Committee, whichever event first occurs, and thereafter the foregoing powers and duties shall be exercised by the Owners' Association, or their designees.

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

SECTION VI. HOME OWNERS' ASSOCIATION

6.1 Home Owners' Association: The Owner/Developer shall form or cause to be formed THE TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC., a non-profit entity established pursuant to the Business Corporation Act of the State of Oklahoma and formed for the general purposes of maintaining the common open areas and for enhancing the value, desirability and attractiveness of "THE TRAILS AT WHITE HAWK". The creation of this Association shall be completed at the sole discretion of the Owner/Developer. However, the same shall be no later than the last day of construction of the last home in "THE TRAILS AT WHITE HAWK".

6.2 Membership: At any time, any house constructed on a residential lot and that lot and house have been sold and occupied, the lot owner therefore shall become a member of the TRAILS AT WHITE HAWK HOME OWNERS' ASSOCIATION, INC., and membership shall be appurtenant to and may not be separated from the ownership of a residential lot or portion thereof. The owner of vacant lot(s) will not be members of the Association, unless through the written consent of the owner. The acceptance of a deed to a lot by the homeowner shall constitute acceptance of the Association as of the date of incorporation, or as of the date of the recording of the deed, whichever is later.

6.3 Covenant for assessments: The homeowner, and each subsequent owner of a lot or portion thereof, by acceptance of a deed therefor, is deemed to covenant and agree to pay the Association an annual assessment as established by the Association. No vacant lot will be assessed, unless through a written consent of the owner. Annual assessment rates shall be established each year by the assent of 51% of the Lot owners within the subdivision. Delinquent assessments, as defined by the association, together with 10% interest, costs and reasonable attorney's fees shall be a continuing lien on the lot and the personal obligation of the ownership of the lot at the time of assessment. The lien of the assessments provided for herein shall be subordinate to the liens of any first mortgage.

6.4 Duration, Amendment or Termination and Severability

6.4.1 Duration. The restrictions shall remain in full force and effect until January 1, 2023, and shall automatically be extended thereafter for successive periods of ten (10) years unless terminated or amended as hereinafter provided.

6.4.2 Amendment or Termination. The items in Section VI may be amended, modified, changed or cancelled by a written instrument signed and acknowledged by the owners of two-thirds (2/3) of the lots in "THE TRAILS AT WHITE HAWK". Provided, however, so long as the Owner/Developer, or any equity majority owned by a current shareholder of the Owner/Developer, owns a lot in "THE TRAILS AT WHITE HAWK", the Owner/Developer retains the right, IN ITS SOLE DISCRETION, to (i) veto any proposed amendments and (ii) amend, in its discretion, any covenant or term contained herein.

6.4.3 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 of any part thereof as set forth herein, which shall remain in full force and effect.

SECTION VII. COMMERCIAL OWNERS' ASSOCIATION

7.1 Commercial Owners' Association: The Owner/Developer shall form or cause to be formed THE TRAILS AT WHITE HAWK COMMERCIAL OWNERS' ASSOCIATION, INC., a non-profit entity established pursuant to the Business Corporation Act of the State of Oklahoma and formed for the general purposes of maintaining the common open areas and for enhancing the value, desirability and attractiveness of "THE TRAILS AT WHITE HAWK". The creation of this Commercial Association shall be completed at the sole discretion of the Owner/Developer.

7.2 Membership: Every person or entity who is a record owner of the fee interest of a commercial lot within "THE TRAILS AT WHITE HAWK" shall be a member of THE TRAILS AT WHITE HAWK COMMERCIAL OWNERS' ASSOCIATION, INC., and membership shall be appurtenant to and may not be separated from the ownership of a commercial lot. The acceptance of a deed to a lot shall constitute acceptance of membership to THE TRAILS AT WHITE HAWK COMMERCIAL OWNERS' ASSOCIATION, INC. as of the date of incorporation, or as of the date of recording of the deed, whichever occurs last.

- 7.3 Each commercial lot owner within "THE TRAILS AT WHITE HAWK" shall be subject to assessment by THE TRAILS AT WHITE HAWK COMMERCIAL OWNERS' ASSOCIATION, INC. for the purposes of improvement and maintenance of Common Areas within the commercial lots, and for such other purposes of the Board of Directors of the Association shall, from time to time, determine pursuant to a separate declaration of covenants and conditions applicable to "THE TRAILS AT WHITE HAWK" and pursuant to the By-laws of the Association.
- 7.4 Duration: The restrictions shall remain in full force and effect until January 1, 2023, and shall automatically be extended thereafter for successive periods of ten (10) years unless terminated or amended as hereinafter provided.

SECTION VIII. ENFORCEMENT, DURATION, AMENDMENT, AND SEVERABILITY

8.1 Enforcement

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

8.2 Duration

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

8.3 Amendment

The covenants contained within Section I. Streets, Easements, and Utilities and Section II. Reserve Areas, may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the land to which the amendment or termination is to be applicable and approved by the Bixby Planning Commission, or its successors and the City of Bixby, Oklahoma. The covenants contained within Section III. Planned Unit Development may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the affected lot in "THE TRAILS AT WHITE HAWK" and approved by the Bixby Planning Commission, or its successor. The provisions of any instrument amending or terminating covenants as above set forth shall be effective from and after the date it is properly recorded. The "lot owners" may amend, revise or abolish any provision of Section IV. Private Building and Use Restrictions with a vote of a minimum of 60% of the "lot owners" favoring the proposed amendment, revision or abolishment, except as provided for in the following: the Owner/Developer, reserves the right in their sole discretion and without joinder of any lot owner at any time, so long as the Owner/Developer is the owner of any lot or part thereof to amend, revise, or abolish any one or more of the above covenants and restrictions within Section IV. Private Building and Use Restrictions by instrument duly executed and acknowledged by them and filed in the County Clerk's office in the Tulsa County Courthouse, Tulsa, Oklahoma. 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.

8.4 Severability

Invalidation of any restriction set forth herein, or any part thereof, by an order, judgment, or decree of any Court, or otherwise, shall not invalidate or affect any of the other restrictions or any part thereof as set forth herein, which shall remain in full force and effect.

WITNESS WHEREOF, the undersigned Owner/Developer, has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Whitehawk Partners, L.L.C.  
An Oklahoma Limited Liability Corporation

By: Dean Christopoulos, Manager

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

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by Dean Christopoulos, Manager of Whitehawk Partners, L.L.C.

Notary Public  
My commission no.  
expires \_\_\_\_\_

CERTIFICATE OF SURVEY

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

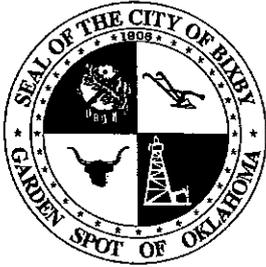
J. Patrick Murphy  
Registered Professional Land Surveyor



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

The foregoing Certificate of Survey was acknowledged before me this 23<sup>rd</sup> day of April, 2013, by J. Patrick Murphy.

Jack Taber, Notary Public  
My commission no. is 12005192  
My commission expires May 31, 2016



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, February 14, 2014  
**RE:** Report and Recommendations for:  
PUD 76 – Scenic Village Park – Minor Amendment # 1

**LOCATION:**

- 7300 E. 121<sup>st</sup> Pl. S.
- Lot 2, Block 1, *Scenic Village Park*
- Part of the E/2 of Section 02, T17N, R13E

**SIZE:** 11.636 acres, more or less

**EXISTING ZONING:** CG General Commercial District & PUD 76

**EXISTING USE:** Agricultural

**REQUEST:** Minor Amendment to PUD 76, which amendment proposes making certain changes to development standards pertaining to signage, and making certain other amendments

**SURROUNDING ZONING AND LAND USE:**

**North:** CG/PUD 76 and (across 121<sup>st</sup> St. S.) RS-3, RS-1, AG, & OL/CS/PUD 51; Agricultural land for commercial development including Lot 1, Block 1 and Lot 1, Block 2, *Scenic Village Park*, and across 121<sup>st</sup> St. S., the *Fox Hollow* and *North Heights Addition* residential subdivisions; the Fry Creek Ditch # 2 and the North Elementary and North 5<sup>th</sup> & 6<sup>th</sup> Grade Center school campuses to the northwest zoned AG; agricultural land to the northeast zoned OL/CS/PUD 51.

**South:** CG/PUD 76; Agricultural land proposed for single-family residential (“Quail Creek of Bixby” and “Quail Creek Villas of Bixby”) and commercial (“Quail Creek Office Park”) development per PUD 76.

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East: CG/PUD 76, AG, RS-3, OL, & CS; Agricultural land for commercial development including Lot 1, Block 3, *Scenic Village Park*, proposed Lot 1, Block 1, "Quail Creek Office Park," and a 1.6-acre tract recently rezoned to CS at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121<sup>st</sup> St. S.); the *Easton Sod* sales lot is further east and is zoned RS-3, OL, & CS.

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

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

PREVIOUS/RELATED CASES:

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

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

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

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

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

PUD 76 "Scenic Village Park" & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for former parent tract subject property of 92 acres – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting (Ord. # 2116).

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 former parent tract subject property of 92 acres – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

Final Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres (PUD 76 Development Areas A, B, and E) of the former parent tract subject property of 92 acres – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

BSP 2013-06 – "Covenant Place of Tulsa" – Tanner Consulting, LLC (PUD 76) – Request for PUD Detailed Site Plan approval for subject property for a Use Unit 8 assisted living facility development – PC Conditionally Approved 01/23/2014.

#### BACKGROUND INFORMATION:

#### ANALYSIS:

Property Conditions. The subject property is a rectangular lot containing 11.636 acres. It is zoned CG and is located within Development Area B of PUD 76 "Scenic Village Park." It has a little more than 300' of frontage on 121<sup>st</sup> Pl. S. and a little more than 800' of frontage on collector road 74<sup>th</sup> E. Ave., both of which streets are, or are soon to be under construction.

The subject property is relatively flat and appears to drain, if only slightly; to the south and west. The development will be planned to drain to the west to the Fry Creek Ditch # 2 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned CG and PUD 76 for "Scenic Village Park," which name became attached to the plat of 22 acres recorded June 20, 2013. The southerly 70-acre balance of PUD 76 is being proposed for other development under different names.

The subject property appears to be able to be served by the critical utilities (water, sewer, electric, etc.) by existing lines and/or planned street and utility extensions and has immediate access to the stormwater drainage capacity in Fry Creek Ditch # 2 abutting to the west.

Comprehensive Plan. See Staff Report for BSP 2013-06.

General. The Applicant is requesting approval of Minor Amendment # 1 to PUD 76 "Scenic Village Park," which amendment proposes making certain changes to development standards pertaining to signage, and making certain other amendments. The same are described in greater detail in the text as follows:

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“Applicant requests a minor amendment of the permitted signage for Lot 2 Block 1 from one (1) monument sign not to exceed 70 square feet in order to permit three monument signs not to exceed 20 square feet each (total monument signage not to exceed 60 square feet).

Additionally, applicant requests a minor amendment of the permitted size of directional signage from three (3) square feet maximum to nine (9) square feet per sign.”

This flexibility request has been submitted pursuant to review items made Conditions of Approval of the PUD Detailed Site Plan (BSP 2013-06) on January 23, 2014.

Additionally, as the Applicant has worked with Staff to resolve the outstanding Conditions of Approval of the Detailed Site Plan, a change was brought to the attention of Staff which change was inconsistent with what was represented to and approved by the Planning Commission as it concerns the appropriateness of the number of parking spaces proposed.

Per a conversation with the Applicant on February 07, 2014, Staff was informed that the skilled nursing beds were to be entirely located in the southerly wing which is to (ultimately) project from the “Village Center,” and that that wing was eliminated. Staff knew that that wing was eliminated some time ago (perhaps even before DSP submittal) but the plans received and a conversation with the Applicant on 01/27/2014 led Staff to believe the skilled nursing beds would be elsewhere in the building (floor plans were not submitted with the DSP). The staff report and calculations provided to the Planning Commission as to the adequacy/appropriateness of number of parking spaces continued to reflect the 38 beds reported on site plan up until 02/04/2014. The PC approved Waiving the maximum number of parking spaces based on the information provided, so Staff cannot say that they granted more of a Waiver than the Commission knew about at the time. Therefore, Staff recommends using the “and making certain other amendments” language in the agenda item to allow the Planning Commission to approve further Waiving the maximum number of parking spaces standard in light of this new information. Staff has no objection to this approval, recognizing (1) the site plan accurately reflected which wings of the building are proposed at this time, and how much parking is proposed at this time, and (2) the parking proposed is to serve the future wing, which will include the 38 skilled nursing beds, and thus the additional parking spaces will then be in synch with what was reported to the Planning Commission with the DSP.

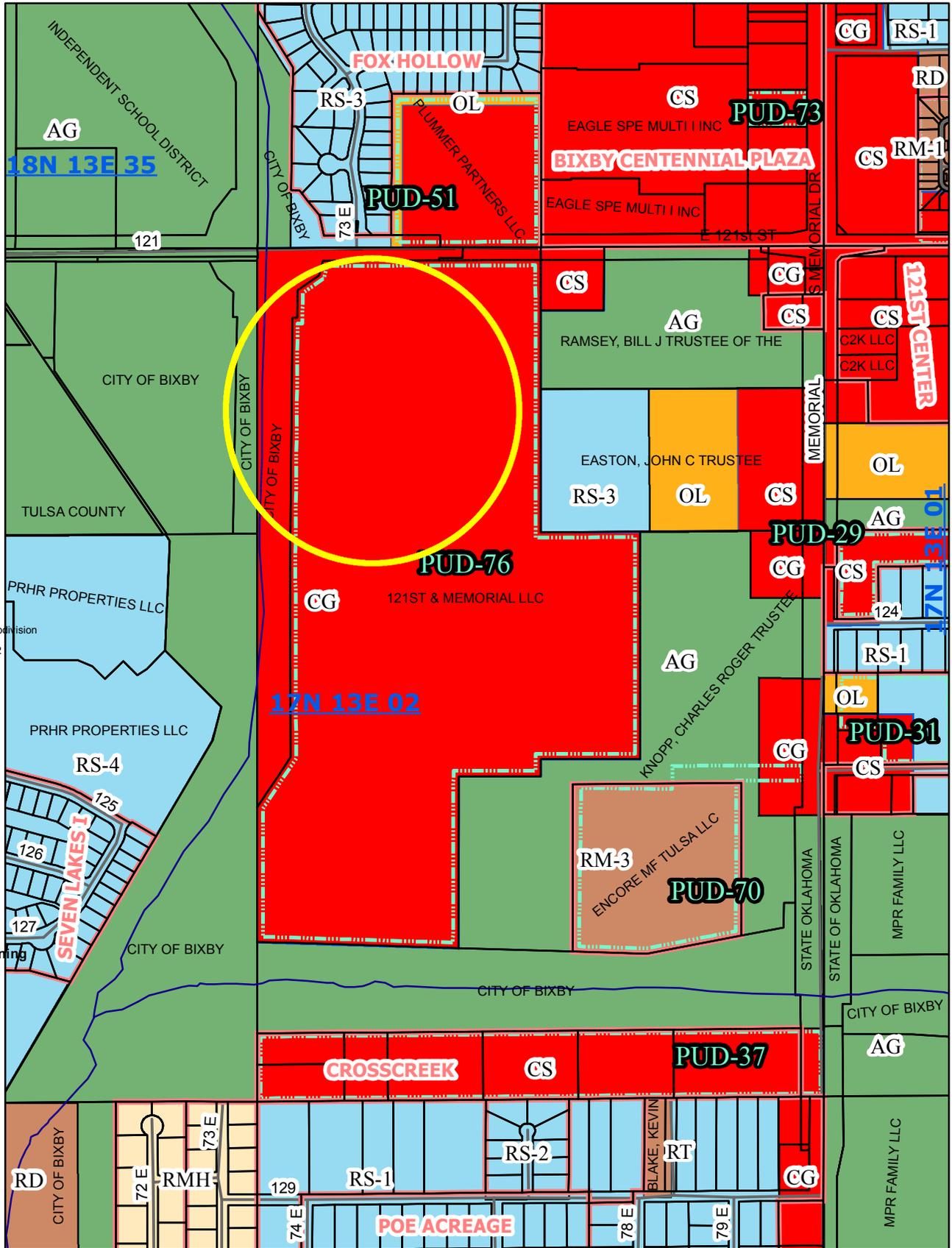
The Technical Advisory Committee (TAC) discussed this application at its regular meeting held February 05, 2014. Minutes of that meeting are attached to this report.

Access & Circulation. See Staff Report for BSP 2013-06.

Surrounding Zoning and Land Use. See Staff Report for BSP 2013-06.

Staff Recommendation. For all the reasons outlined above, Staff recommends Approval, which approval will be recognized as additionally approving further Waiving the maximum parking space standard of the Zoning Code as it pertains to this development, as described more fully in the analysis above. Language to this effect will need to be added to the proposed amendment document and resubmitted.

# PUD 76 – Scenic Village Park – Minor Amendment # 1



- bixby\_streams
- Tulsa Parcels 08/13
- WagParcels 01/13
- TulSubdivision
- WagonerCounty\_Subdivision
- WagRoads\_Aug2012
- E911Streets
- PUD
- Tulsa\_Zoning**
- <all other values>
- ZONE\_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- WagonerCounty\_Zoning**
- <all other values>
- ZONE\_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- bixby\_s-t-r
- county





# City of Bixby Application for PUD MINOR AMENDMENT

Applicant: Tanner Consulting, LLC  
Address: 5323 S. Lewis Ave. Tulsa, OK 74105  
Telephone: 918 745-9929 Cell Phone: \_\_\_\_\_ Email: ricky@tannerbaitshop.com

Property Owner: Scenic Development If different from Applicant, does owner consent? Yes  
Property Address: 7300 E. 121st Place South  
Existing Zoning: PUD 76 Requested Zoning: → Existing Use: \_\_\_\_\_  
Proposed Use: Assisted Living Use Unit #: \_\_\_\_\_

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

**LOT 2 BLOCK 1 SCENIC VILLAGE PARK  
(DOC. # 6471)**

Does Record Owner consent to the filing of this application?  YES  NO  
If Applicant is other than Owner, indicate interest: Engineer for owner  
Is subject tract located in the 100 year floodplain?  YES  NO  
Are 5 copies of the PUD text and exhibits package attached?  YES  NO

Application for:  PUD  Major Amendment  Minor Amendment  Abandonment  
(SEE ATTACHED)

BILL ADVERTISING CHARGES TO: Tanner Consulting, LLC  
(NAME)  
5323 S. Lewis Ave. Tulsa, OK 74105 918 745-9929  
(ADDRESS) (CITY) (PHONE)

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

Signature: Ricky L. Jones Date: JAN. 24, 2014

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

PUD \_\_\_\_\_ Date Received \_\_\_\_\_ Received By \_\_\_\_\_ Receipt # \_\_\_\_\_  
Planning Commission Date \_\_\_\_\_ City Council Date \_\_\_\_\_

\_\_\_\_ Sign(s) at \$ 50.00 each = \$ \_\_\_\_\_; Postage \$ \_\_\_\_\_; Total Sign + postage \$ \_\_\_\_\_

FEES:	PUD TYPE	ACREAGE	BASE FEE	ADD.	TOTAL

PC Action \_\_\_\_\_ City Council Action \_\_\_\_\_  
DATE / VOTE \_\_\_\_\_ DATE / VOTE \_\_\_\_\_  
STAFF REC. \_\_\_\_\_ ORD. NO. \_\_\_\_\_

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## **PUD 76 Minor Amendment**

Lot 2 Block 1 Scenic Park Village

Applicant requests a minor amendment of the permitted signage for Lot 2 Block 1 from one (1) monument sign not to exceed 70 square feet in order to permit three monument signs not to exceed 20 square feet each (total monument signage not to exceed 60 square feet).

Additionally, applicant requests a minor amendment of the permitted size of directional signage from three (3) square feet maximum to nine (9) square feet per sign.

