

AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
March 17, 2014 6:00 PM

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- ② 1. Approval of Minutes for the February 18, 2014 Regular Meeting

PUBLIC HEARINGS

PLATS

2. (Tabled from November 18, 2013 pending final PUD approval)

③⑨ **Preliminary Plat – “Byrnes Mini-Storages” – JR Donelson, Inc. (PUD 77).**

Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for “Byrnes Mini-Storages,” approximately 3.4 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*.

Property Located: 12355 & 12365 S. Memorial Dr. and 12404 S. 85th E. Pl.

3. **Final Plat – “Wood Hollow Estates” – Sack & Associates, Inc. (PUD 80).**

⑤⑦ Discussion and consideration of a Final Plat for “Wood Hollow Estates” for approximately 20 acres, the S/2 of Government Lot 4 (NW/4 NW/4) of Section 02, T17N, R13E.

Property Located: 12307 S. Sheridan Rd.

4. **Preliminary Plat & Final Plat – “River Trail II” – Khoury Engineering, Inc. (PUD 83).**

⑦⑥ Discussion and consideration of a Preliminary Plat and a Final Plat for “River Trail II” for approximately 5 acres in part of the E/2 of Section 02, T17N, R13E.

Property Located: Southwest corner of the intersection of 126th St. S. and Memorial Dr.

5. **Final Plat – “Seven Lakes III” – HRAOK, Inc.** Discussion and consideration of a Final Plat for “Seven Lakes III” for approximately 1 acre in part of the W/2 of Section 02, T17N, R13E.

⑧⑦ Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.

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

OTHER BUSINESS

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- 7. **BL-390 – Steve Owens.** Discussion and possible action to approve a Lot-Split for Lot 6, Block 1, *The Reserve at Harvard Ponds*.
Property located: 14992 S. Gary Ct.

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- 8. **V-46 – Movers, Martin, LLP for Helene V. Byrnes Foundation.** Discussion and consideration of a request to Close Utility Easements within Lot 1, Block 1, *The Boardwalk on Memorial*.
Property Located: 12345 S. Memorial Dr.

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- 9. **Modification/Waiver (PUD 82) – JR Donelson, Inc. for Kowen Properties, LLC.** Discussion and consideration of a request for Modification/Waiver of the “stub-out street” requirement of Subdivision Regulations Section 12-3-2.C pursuant to Subdivision Regulations Section 12-3-5.B for approximately 18 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E, proposed as PUD 82 “Somerset.”
Property Located: 6905 E. 121st St. S. & 11803 and 11809 S. Sheridan Rd.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyart
 Date: 02/28/2014
 Time: 9:05 AM

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**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA**

February 18, 2014

6:00 PM

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:02 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the January 23, 2014 Special Meeting
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Chair Thomas Holland introduced the Consent Agenda item. Discussion ensued.

Chair Thomas Holland declared the agenda items would be taken out of order and the Minutes would be taken up at the end of the agenda in the event Larry Whiteley arrived.

OTHER BUSINESS

Erik Enyart addressed Chair Thomas Holland and suggested that, since it should not take long at all, the agenda items be taken out of order and the final item on the agenda (# 8) be considered at this time, if all were in agreement. The Commissioners indicated agreement.

Whiteley in at 6:03 PM.

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. 121st Pl. S.

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: *Friday, February 14, 2014*
RE: *Report and Recommendations for:
PUD 76 – Scenic Village Park – Minor Amendment # 1*

LOCATION: – 7300 E. 121st 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 121st 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 121st St. S., the *Fox Hollow* and *North Heights Addition* residential subdivisions; the *Fry Creek Ditch # 2* and the *North Elementary* and *North 5th & 6th Grade Center* school campuses to the northwest zoned AG; agricultural land to the northeast zoned OL/CS/PUD 51.

South: 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. 121st St. S. (possibly previously addressed 7600 E. 121st 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. 121st 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

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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 121st Pl. S. and a little more than 800' of frontage on collector road 74th 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:

"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.

Erik Enyart stated that he had spoken with Ricky Jones prior to the meeting about the second matter [additional parking exceedance waiver] being added to the amendment document, and Mr. Jones had indicated agreement.

Chair Thomas Holland recognized Ricky Jones of Tanner Consulting, LLC, 5323 S. Lewis Ave. Mr. Jones confirmed that the amendment would do two (2) things, including clearing up the maximum parking space matter. Mr. Jones stated that the second phase was already engineered and that [he and his client] hope to build this summer. Mr. Jones stated, "We want to build all the parking at one time."

There being no further discussion, Larry Whiteley made a MOTION to APPROVE PUD 76 Minor Amendment # 1 as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Whisman, and Baldwin
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

PUBLIC HEARINGS

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 126th St. S., provide development standards for same, and make certain other amendments.
Property located: West of the intersection of 126th St. S. and Memorial Dr., including Lot 1, Block 1, *Encore on Memorial*.

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

LOCATION: – 7860 E. 126th St. S.
– Intersection of 126th 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 126th 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 126th 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 126th 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.

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).

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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 126th 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 126th 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. 126th 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 126th 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 126th 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 126th 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 126th 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 126th 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 121st St. S. It will extend the existing 126th St. S. to the west, then turn north and become 74th 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 74th E. Ave. portion of the 74th E. Ave. / 126th 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 126th 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 126th 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 121st 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 121st St. S., and is out of the 100-year Floodplain.

Circa 2005, 121st St. S. between Sheridan Rd. and Memorial Dr. was widened to a 4-lane major street with a 5th, 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 121st St. S. belonging to Fox Hollow, all of the private land along 121st 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 121st 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. 121st St. S., and west of that is the Bixby North 5th and 6th 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. 121st St. S., and all of the balance of the

land to the west along the south side of 121st 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. 121st 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 121st 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. 121st St. S. (possibly previously addressed 7600 E. 121st 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.

Larry Whiteley asked if the sign would have flashing lighting or be LED. Malek Elkhoury of Khoury Engineering, Inc., 1435 E. 41st St. S., Tulsa, stated that the sign was included in the application and was not going to be like that. Erik Enyart stated that the exhibit showing the proposed sign was on page 40 of the agenda packet.

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A Commissioner expressed concern over who would maintain the sign, recognizing the sign would be on the City's right-of-way, and Erik Enyart confirmed with Patrick Boulden that these details were in the License Agreement that the City Council approved.

A Commissioner confirmed with Malek Elkhoury that the sign would not have a planting bed.

Referencing commentary in the Staff Report, a Commissioner expressed concern pertaining to the location of a future sidewalk and asked for clarification. Erik Enyart stated that the location of the sign may conflict with the location of the future sidewalk, but the owner or developer of the property to the north of 126th St. S. would be the one that would have to design around it, by use of a sidewalk easement or some other creative design. Malek Elkhoury stated that[, although in a 10'-wide License Agreement area,] the sign would only be 8" deep, and so would allow plenty of room for the sidewalk. Mr. Enyart asked Patrick Boulden if the License Agreement would still allow for[, in the 10'-wide License Agreement area,] normal infrastructure otherwise permitted in rights-of-ways. Mr. Boulden indicated agreement, stating "I'm not concerned with that." The Commissioners clarified with Mr. Elkhoury that the sign would be perpendicular to Memorial Dr.

The Commissioners confirmed with Malek Elkhoury that no other parties were going to be added to the sign as there were no agreements between Encore Multifamily and other parties.

The Commissioners asked Erik Enyart if he continued to have any problem with the sidewalk location, and Mr. Enyart responded that he did not, stating, "It doesn't appear to be a logistical issue."

Lance Whisman confirmed with Erik Enyart that Mr. Enyart had no specific recommended Conditions of Approval.

Lance Whisman made a MOTION to RECOMMEND APPROVAL of PUD 70 Major Amendment # 1 as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Whisman, and Baldwin
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

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. 121st 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. 121st St. S. & 11803 and 11809 S. Sheridan Rd.

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Chair Thomas Holland confirmed with Erik Enyart that it was appropriate to introduce both the PUD and the rezoning application items and hear them together, as they were included in the same Staff Report.

Chair Thomas Holland introduced Agenda Item #s 3 and 4 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, 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. 121st 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 121st 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 District¹ & 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 121st St. S., vacant commercial lots and a 2-story office building at 6810 E. 121st 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 are a vacant/wooded 1-acre tract, the Three Oaks Smoke Shop located on a 2-acre tract at 7060 E. 121st 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 5th and 6th 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)

¹ 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.

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

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. 121st 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 121st 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. 121st 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

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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 121st 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. 121st 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 121st 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 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, 67th and 68th E. Aves., and 11 non-cul-de-sac lots front on the south side of 119th 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.

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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 discuss the construction along E. 121st Street south of the Bixby 5th and 6th 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 5th & 6th 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 121st 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 121st 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 121st St. S. to the south are vacant commercial lots and a 2-story office building at 6810 E. 121st 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. 121st 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 5th and 6th 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 121st 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 1st 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 121st 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).*

Chair Thomas Holland recognized JR Donelson from the Sign-In Sheet. Mr. Donelson stated that the owner had requested that the streets be private, as the need is for a gated community. Mr. Donelson stated that the development had two (2) points of access. Mr. Donelson questioned the Subdivision Regulation's requirement for a stub-out street and stated that it "doesn't apply to us." Mr. Donelson indicated that the owner of the 8-acre tract to the south/west could purchase a second means of access, and secondly, the location of such a connection was not known. Mr. Donelson stated, from a planning standpoint, providing a stub-out street without knowing the other developer's layout would be like "throwing a dart at a dartboard." Mr. Donelson stated that the lots would be 65' to 67' wide. Mr. Donelson stated that, rather than build a sidewalk along Sheridan Rd., it would be moved to [extend east along 121st St. S. through the Bixby North 5th & 6th Grade Center] to *LifeChurch*, so that children [from this new neighborhood] could walk to school. Mr. Donelson stated that this development could not access the City of Tulsa's sewer because Bixby and Tulsa had "an agreement to disagree," even though Tulsa had extended the sewer to the school. Mr. Donelson stated that there was a sewerline right next to the owner's project, but he could not access it and had to connect to the Bixby sewer.

Patrick Boulden and JR Donelson discussed sewerage for the existing house to remain in this development. Mr. Donelson stated that the house was on a septic system and the owner didn't want to change the plumbing, but that a tap would be provided so that it could tie on in the future.

Jeff Baldwin asked how common it was to Waive the stub-out street requirement. Erik Enyart stated that it was common, but only where it was not needed, and that in this case, there was a demonstrated need.

Chair Thomas Holland recognized Haynes Reynolds of 1805 N. York Street, Suite B, Muskogee, from the Sign-In Sheet. Mr. Reynolds stated that he was not against what the Applicant was trying to do, but that [he and his co-owner(s)] needed the access the City was talking about and access to utilities. Mr. Reynolds described issues he had with accessing utilities, including that he would not be allowed to access the City of Tulsa's sewerline along Sheridan Rd. Mr. Reynolds stated that he was not against the Zoning or anything but was concerned that [he and his co-owner(s)] "may be limited in the future as to what we can do with our property." Mr. Reynolds stated that this may contradict what was said earlier, but that he had had many discussions with the Applicant about access issues and "we can easily find a location for" [connection]. Mr. Reynolds stated that the Applicant may lose a lot or make them smaller. Mr. Reynolds stated that he was not aware of a previous meeting or he would have attended it. Erik Enyart stated that he was referring to the Technical Advisory Committee (TAC) meeting, which was standard and involved discussions with utility companies.

Discussion ensued.

Chair Thomas Holland stated, "I like the Subdivision Regulations' rule, but when the streets are private and gated, and has two (2) ways of ingress/egress, they've met the critical concerns of the City." Discussion ensued by various parties touching on subjects, but reaching no conclusions, such as follows: Developer is spending a lot of money; if coordinated, expenses such as water and sewer could be shared; burden of property unbuilt for 10 to 15 years; availability of three (3) parcels to the south that could be acquired for access; 8-acre tract has enough frontage on Sheridan Rd.; streets are now proposed to be private; sewer along the south side of the westernmost portion of development is uphill from 8-acre tract and so cannot be accessed unless using a lift station; where such roadway and utility connections would be made; whether a stub-out street to this 8-acre property would be appropriate if it was developed commercial; inability to connect to the City of Tulsa's sewerlines in the area.

Responding to an objection based on the streets becoming private, Erik Enyart stated that the Subdivision Regulations have the same requirements when streets are private as when they are public. Mr. Enyart stated that, just across the street to the south was *WoodMere*, which had private streets and provided a stub-out street to the south, and that a new development, "Wood Hollow Estates," would actually be tying into it.

After further discussion, Patrick Boulden recommended the Commission strike recommendations # 4 and 12. Discussion ensued. Erik Enyart stated that Mr. Boulden was offering a third, middle way, not making any recommendation on the stub-out street at this time, as it would come up later with the Preliminary Plat. Mr. Boulden indicated agreement that it be "determined later."

Tom Wenrick stated that there was a stub-out street in *WoodMere* because the two (2) developers agreed to connect because the streets would be private in both additions. Mr. Wenrick stated that, in this case, "we don't have a known entity."

JR Donelson recommended the Commission adopt the City Attorney's recommendation to strike recommendations # 4 and 12.

Chair Thomas Holland asked for clarification on the RS-2 versus RS-3 zoning. Erik Enyart stated that the PUD and rezoning application forms both requested RS-3 zoning, but the Applicant informed him a few days prior that RS-2 zoning was intended. Mr. Enyart stated that the RS-3 request would be recognized as an RS-2 request, and that the Zoning Code allowed the flexibility to do just that.

Larry Whiteley made a MOTION to RECOMMEND APPROVAL of PUD 82 and BZ-370 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff, with the exception of recommendations # 4 and 12, which would be determined later. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Whisman, and Baldwin
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

- 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 126th 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 126th St. S. and Memorial Dr.

Chair Thomas Holland introduced Agenda Item #s 5 and 6 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: 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 126th 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 126th 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:

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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 126th 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 McLearan – 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 McLearan – 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

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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 126th St. S., provide development standards for same, and make certain other amendments – PC consideration pending 02/18/2014.

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 126th 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 126th 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 126th 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.

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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. 126th 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. 126th Street to each lot in this development. The eastern access point on E. 126th 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 platting of this development. Sidewalks, minimum 4 feet in width, will be installed by the developer along E. 126th 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 126th 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 126th St. S. The Memorial Dr.-adjacent sidewalk has a pedestrian bridge over Fry Creek # 1 along this west side. This

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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 126th 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 126th 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.

Per the Comprehensive Plan, all the land between Fry Creek Ditch # 1 and # 2 and 121st 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 121st St. S., and is out of the 100-year Floodplain.

Circa 2005, 121st St. S. between Sheridan Rd. and Memorial Dr. was widened to a 4-lane major street with a 5th, 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 121st St. S. belonging to Fox Hollow, all of the private land along 121st 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 121st 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. 121st St. S., and west of that is the Bixby North 5th and 6th 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. 121st St. S., and all of the balance of the land to the west along the south side of 121st 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. 121st 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 121st 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. 121st St. S. (possibly previously addressed 7600 E. 121st 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.

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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 126th 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

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- 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 101st 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. curbline 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 126th St. S.*

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- 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 126th 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 126th St. S. frontage.
 - h. Please represent curb return radii for the two (2) driveway intersections with 126th 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).

Chair Thomas Holland recognized Curtis Roberts. Mr. Roberts described the proposed development and stated that another potential business was an "AA Glass office building with a showroom."

The Commission took an "informal recess" for a couple minutes at this time, which Chair Thomas Holland recognized at the time. When all Commissioners returned to the room, Chair Thomas Holland called the meeting back to order.

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Addressing the various access issues described by Staff as outlined in the Staff Report, Malek Elkhoury stated that the site plans had been redesigned and drives reconfigured, and that there was the potential to relocate the gate to *Encore on Memorial*. Mr. Elkhoury indicated he would work out the access issues with the City Staff.

After further discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of PUD 83 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Whisman, and Baldwin
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

Chair Thomas Holland asked to entertain a Motion on Item # 6. Larry Whiteley made a MOTION to RECOMMEND APPROVAL of BZ-371. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Whisman, and Baldwin
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

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 151st St. S. and Kingston Ave.

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: 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 151st 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 – PUD 62 for “Hawkeye”
ZONING: – Corridor Appearance District (partial)

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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 151st St. S. The Mountain Creek Equipment Sales (formerly the Allison Tractor Co. Inc.) tractor/farm equipment sales business is to the east on approximately 2.4 acres zoned CG. The 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 151st St. S. zoned CS and AG.

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

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

PUD 62 – Hawkeye – Hawkeye Holding, LLC – Request for rezoning to CG and RS-3 for a residential and commercial development for the subject property – PC Recommended Conditional Approval 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

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"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 151st St. S. and the City of Bixby's cemetery expansion acreage, the subject property and The Ridge at South County, certain other tracts along 141st St. S., and Eagle Rock. An amendment to the Comprehensive Plan would not have been required to approve the Major Amendment, because the Zoning Code requires only consistency with the land use elements for rezoning purposes, not the Public Facilities / Urban Design Elements such as trails. At its regular meeting held June 24, 2013, the City Council Approved 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 151st St. S., which would be routed through the subdivision to connect to the Lakewood Ave. stub-out street in The Ridge at South County. It would have a secondary emergency-only access drive connecting to Kingston Ave. per the Fire Marshal. When the commercial development area is built, a cul-de-sac 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 151st St. S., and may also extend a singular access drive connection to 151st St. S. toward the center of the frontage, which was previously shown on the Conceptual Development Plan for the original PUD 62. 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 151st St. S. frontage, with the exception of an access opening corresponding to the drive connection as shown on the site plan. Although City Staff do not object to this connection, both the City of Bixby and ODOT would have to allow a curb cut / driveway permit on this State Highway 67. The subject property is on the (westbound) downward slope of the hill at Sheridan Rd., and the speed limit is 55 MPH. The Preliminary Plat's representation of LNA and Access openings onto 151st St. S. / State Hwy 67 here does not guarantee the curb cut / driveway permit will be approved.

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

- (1) Commercial traffic for the commercial Development Area B will primarily use the driveway connection onto 151st 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,

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- (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 151st 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.

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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. 151st 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 151st 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 23rd 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).

The Commissioners discussed with Erik Enyart the history of the recommendations pertaining to trails within the development related to trails shown as planned in the Comprehensive Plan. A Commissioner asked why the development was called "The Trails at White Hawk" when it did not propose any trails. Mr. Enyart stated, "The Applicant is present and can speak on this." Larry Whiteley confirmed with Tim Terral that it was "just a name."

Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to RECOMMEND APPROVAL of the Final Plat of "The Trails at White Hawk" subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, Whisman, and Baldwin
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

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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.

CONSENT AGENDA:

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

Chair Thomas Holland reintroduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the January 23, 2014 Special Meeting as presented by Staff. Chair Thomas Holland SECONDED the Motion. Discussion ensued over who could vote for the Minutes if they were not present at the meeting. Jeff Baldwin stated that he could not vote on the Minutes since he was not present at the meeting. Lance Whisman stated that, as long as the two (2) [present at that and this meeting] say they agree to the Minutes, he did not mind voting for them. Patrick Boulden and Erik Enyart indicated agreement. Mr. Baldwin indicated agreement. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, Whisman, and Baldwin
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:31 PM.

APPROVED BY:

Chair

Date

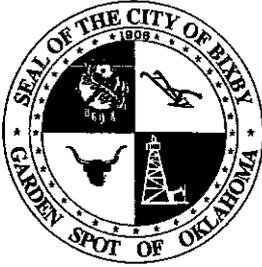
City Planner/Recording Secretary

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BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: February 18, 2014

NAME	ADDRESS	ITEM
1. JR Donelson		3 + 4
2. Haynes Reynolds	1805 N York Street SH 'D'	3 + 4
3. Tom Wenrick		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

8 acres on
East side of
Sheridan



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: Monday, March 03, 2014
RE: Report and Recommendations for:
Preliminary Plat of "Byrnes Mini-Storages" (PUD 77)

LOCATION:

- 12355 and 12365 S. Memorial Dr. (proposed addresses) and
- 12404 S. 85th E. Pl. (existing parcel address)
- Part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*

SIZE: Approximately 3.4 acres in three (3) tracts

EXISTING ZONING: OL Office Low Intensity District & RS-2 Residential Single-Family District with PUD 77

SUPPLEMENTAL ZONING:

- Corridor Appearance District (part)
- PUD 77 "Byrnes Mini-Storages"

EXISTING USE: A soccer practice field and a single-family dwelling with accessory building

REQUEST:

- Preliminary Plat approval
- Modification/Waiver from Subdivision Regulations Section 12-3-2.O to allow platting within the 100-year Regulatory Floodplain
- Modification/Waiver from the 17.5' minimum Perimeter U/E dedication requirement of Subdivision Regulations Section 12-3-3.A

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SURROUNDING ZONING AND LAND USE:

- North: CS/RM-3/OL/PUD 81 & RS-1; A single-family residence on a 7-acre tract and a vacant 16-acre tract, both pending development pursuant to PUD 81 "Chateau Villas PUD," a drainage channel, and residential homes in *Houser Addition* zoned RS-1. To the northwest at 12113 S. Memorial Dr. is the *Spartan Self Storage* ministorage development on an unplatted 1-acre tract zoned CS, and commercial development in *121st Center*.
- South: RS-1 & RS-2; Single-family residential zoned RS-1 in *Gre-Mac Acres* along 124th St. S. and RS-2 in *Southern Memorial Acres No. 2*.
- East: RS-2; Single-family residential in *Southern Memorial Acres No. 2*.
- West: CS/PUD 29-A; The *The Boardwalk on Memorial* shopping center and Memorial Dr.

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

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

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

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

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

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

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

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

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

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

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

BL-373 – William Wilson for Boardwalk on Memorial I, LP – Request for Lot-Split approval to separate the east approximately 472' from the balance of Lot 1, Block 1, *The Boardwalk on Memorial* (includes part of subject property) – PC Approved 02/16/2010.

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

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

BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove in part the Residential Area specific land use designation, rezone in part from AG to OL, and approve PUD 77 for a ministorage development on subject property – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. City Council Approved Ordinance # 2127 on 02/24/2014.

V-46 – Moyers, Martin, LLP for Helene V. Byrnes Foundation – Request to close Utility Easements within subject property – Pending PC consideration 03/17/2014.

BACKGROUND INFORMATION:

This Preliminary Plat application was Tabled at the November 18, 2013 Planning Commission meeting because the Comprehensive Plan Amendment request (BCPA-9), PUD 77, and rezoning per BZ-365 had not yet been approved by ordinance by the City Council. On February 24, 2014, the City Council received the final version of the PUD as it had Conditionally Approved 06/10/2013 and approved all three (3) applications by Ordinance # 2127. Thus, the plat is being returned to the Planning Commission for consideration.

ANALYSIS:

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

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

Tract "1" contains a soccer practice field and is now zoned OL with PUD 77.. Tract "2" contains a residential accessory building historically associated with Tract "3" and is now zoned OL with PUD 77. Tract "3" has retained is RS-2 zoning and will continue to maintain the house structure as a residential dwelling. All three (3) tracts are zoned PUD 77, which has superseded PUD 29A for "Tract 1." Tracts "1" and "2" are in Development Area A, and Tract "3" is in Development Area B.

Per PUD 77, the northernmost buildings are now proposed to have a 4' setback from the north line, as the Applicant did not secured an easement or agreement with the owner(s) of the lots to the north to permit a 0' setback. Also per the PUD, the Applicant now proposes to build an office building at the east end of the remaining part of Lot 1, Block 1, *The Boardwalk on Memorial*, which office building will contain, among other things, the ministorage leasing office. This will allow the west end of the northwestern-most building to be reclaimed for storage units. Staff has not investigated the status of PUD 29A to determine what issues this new change may present. See relevant discussion within the attached November 06, 2013 TAC Minutes for additional information.

All of the subject property is relatively flat and drains to the east to an un-named tributary of Fry Creek # 1. Portions of the northerly side of the subject property are located in the 100-year Regulatory Floodplain per the FEMA FIRM maps in effect, as adopted by ordinance of the City of Bixby. Actual elevations may differ from the representation of the 100-year Floodplain, as they are alternatively higher or lower than the Base Flood Elevation (BFE) for this area, which is between 606' and 607' + Mean Sea Level (MSL), and is 606.40' + MSL per the Floodplain Note on the plat.

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Low Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land, pursuant to the approved BCPA-9.

The ministorage development anticipated by this plat would not be inconsistent with the Comprehensive Plan as amended by BCPA-9.

General. This subdivision of 3.4616 acres, more or less, proposes three (3) lots, one (1) block, and one (1) Reserve Area. Reserve Area A would be used as a stormwater detention facility serving this development.

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

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

Access and Internal Circulation. Primary access would be through an "Existing 25' Access Easement" through *The Boardwalk on Memorial* shopping center parking lot. The entrance will be gated past the leasing office and parking area. Secondary, emergency-only ingress/egress would be through a driveway connecting the southeast corner of Development Area A through the south/west side of the residential lot to S. 85th E. Pl. Per PUD 77, another emergency-only gated entrance will be installed at the west end of the southerly drive in Development Area A, to allow a "straight shot" drive to the emergency-only ingress/egress at the southeast corner of the PUD. This "straight shot" arrangement will allow the reduction in the 30' minimum building spacing for that drive per the Fire Marshal, since the 30' spacing between buildings is primarily to ensure adequate spacing for fire apparatus turning movements and thus, removing the need for turning movements from that drive reduces the drive width requirement. With the latest PUD version received, which was ultimately approved, the northerly east-west drive was also reduced from 30' to 26' in width, to allow a 4' setback for the northerly buildings. This reduction was permitted by the Fire Marshal since the turning movement may be maintained at the easterly end of the drive by means of a large, open, paved area.

Lots 1 and 2 are "landlocked," having no frontage on a dedicated and built public street. Access will be provided by means of Mutual Access Easements from adjoining lots with public street frontage and between lots within the development. PUD 77 provides that no frontage is required for these lots.

As noted above, the development is planned to have two (2) means of ingress / egress through *The Boardwalk on Memorial* shopping center, which will lead to two (2) entrances / gates at the west end of DA A. The routes as planned for the two (2) drives through the shopping center must be legally provided by dedication of Mutual Access Easement(s), including extending fully to Memorial Dr. and/or 124th St. S. The MAE is represented on the plat as [proposed] by separate instrument. This must be recorded prior to Final Plat approval and recording, and the text needs to be updated to cite the Document # where such easement(s) is/are recorded.

At the east end of the PUD, a 26'-wide emergency-only ingress/egress drive will be constructed through Development Area B, connecting DA A to 85th Pl. E. The 26'-wide drive will fall on part of Lot 12, Block 2, *Southern Memorial Acres No. 2* by means of a 15'-wide Mutual Access Easement. The original "Roadway Easement" was granted from Gail & John Horne to the Helene V. Byrnes Foundation, recorded at Document # 2013018388 on 02/22/2013. The legal description used was deficient, and so a corrected easement has been executed and recorded at Document # 2013122754 on 12/17/2013.

Development Area A / proposed Lot 2 has frontage on the northerly dead-end of S. 85th E. Ave., a half-street platted in *Gre-Mac Acres* but not built. Limits of No Access (LNA) have been placed across the frontage as recommended.

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

1. Subdivision Regulations Section 12-3-2.O prohibits the approval of building lots within the 100-year Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby's Floodplain Regulations by ordinance; by Modification/Waiver, platting Reserve Areas may be permitted, provided their use is passive and use restrictions prohibit building construction. Parts of the northerly sides of Lot 1 and possibly Lot 2 are represented as being in the 100-year Floodplain, as well as part of the northerly side of Reserve A. Unless there is intent to go through the FEMA Letter Of Map Amendment (LOMA) based on more accurate and favorable survey data, or the Conditional/Letter Of Map Revision based on Fill (C/LOMR-F) process to remove the parts of the building lots from the 100-year Floodplain, a redesign may be in order. A Modification/Waiver will still be required if redesigned such that the 100-year Floodplain is fully contained by Reserve Area A. It may be possible that the CLOMR-F approved for the PUD 68 "North Bixby Commerce Park" development, now proposed to be part of the PUD 81 "Chateau Villas PUD" development, would result in a FEMA Floodplain Map change / Letter Of Map Change which would benefit the subject property.
2. Subject to a Modification/Waiver from the 17.5' minimum Perimeter U/E dedication requirement of Subdivision Regulations Section 12-3-3.A, which may be justified by pointing to the building placement particulars of PUD 77, the U/Es along adjoining boundaries, and the alternative U/E placement proposed within the subject property.
3. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
4. Please represent the 100-year Regulatory Floodplain as represented on the official FEMA Floodplain maps, as adopted by City of Bixby ordinance, per SRs Section 12-4-2.B.5.
5. FEMA data indicates the 100-year Floodplain's Base Flood Elevation (BFE) is between 606' and 607' + MSL in this area (606.4' per Floodplain Note). There is a 606' elevation along the north line of Lot 2, and there is an unlabeled contour line well within Lot 2, suggesting elevation 606' due to representation of 1' contour intervals. Interpolating the two 606' lines suggests elevations below 606' between them. If this is not the case, the point of lowest lot elevation should be identified with existing elevation, and a surveyor should establish the BFE at this precise point using the standard Elevation Certificate. Please adjust representation of the 100-year Regulatory Floodplain per SRs Section 12-4-2.B.5 as needed for areas which may be below the 100-year BFE.
6. Please modify FEMA Floodplain Map note to recognize portions of the property in the 100-year Regulatory Floodplain per the official FEMA Floodplain Maps, as adopted by ordinance the City of Bixby.
7. The MAE(s) in *The Boardwalk on Memorial* must be recorded prior to Final Plat approval and recording, and the pertinent text needs to be updated to cite the Document # where such easement(s) is/are recorded. The MAEs must extend fully to Memorial Dr. and/or 124th St. S.
8. Existing U/Es "to be vacated" (cf. V-46) should have the ordinance effecting easement closing approved and recorded prior to Final Plat approval and recording. The pertinent text needs to be updated to cite the Document # where such ordinance is recorded.

Further, if court has permanently vacated easement / foreclosed the Public's right to reopen, cite instead the Document # where the court order is recorded with the Tulsa County Clerk.

9. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - a. *121st Center* (misrepresented as to configuration)
 - b. *Southern Memorial Acres No. 2* (misrepresented as to configuration)
10. Please label north-south segment of [MAE] on Lot 2 (easement linetype not differentiated from elevation linetype).
11. Solid linetype demarcating Reserve A has been removed and a new linetype is now evident, but it is the same as used for the MAEs and elevation contours, and perhaps other features. Reserve A would need a solid linetype to make it mutually exclusive from Lot 2.
12. Reserve A has also been reconfigured. If there remains any 100-year Floodplain on the property, it is along the westerly side of its north line, where elevation is at 606' + MSL. FEMA data indicates BFE is between 606' and 607' in this area (606.40' BFE per Floodplain Note). The concerned area used to be a part of Reserve A. Platting a Reserve area within the 100-year Floodplain is acceptable by Modification/Waiver, with proper restrictions on building. Please confirm no portion of the 100-year Floodplain encroaches Lot 2 and if so, please re-extend Reserve A to contain such area.
13. A reconfiguration of the intersections of the different MAEs at the east end of Lot 2 appears necessary to ensure a full 26' of paving width where the roadway here bends.
14. Please resolve text and linework congestion at the ~45° angle "bend" in the 10' RWLE.
15. Please add different linetypes to the Legend for the sake of clarity and/or consider using shading or hatching to differentiate areas currently congested with multiple linetypes. In any event, use different linetypes for different features.
16. Please represent existing building on Lot 2 and dimension to nearest property lines, as required by SRs Section 12-4-2.A.8.
17. Please add 12.7' dimension (such as shown on Exhibit B to PUD 77) between existing house and the nearest point on its easterly property line as required by SRs Section 12-4-2.A.8. Such details may be removed on Final Plat by standard Modification/Waiver written into Staff Report as a Condition of Approval.
18. DoD/RCs Preamble: Missing critical wording such as "and have caused the above-described land to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided ..." as per customary platting conventions and the City Attorney's recommendations regarding fee simple ownership of rights-of-ways. The first three (3) underlined terms may be omitted in this instance, as no right-of-way would be dedicated by this plat, but the access rights reservation needs to be included per other recommendations in this report.
19. DoD/RCs Section 2: Does not provide customary PUD RCs preamble.
20. DoD/RCs Section 2: Does not provide RCs pertaining to the hours of operation, restriction on residential use, etc. as per PUD 77 Development Standards Section C.8.
21. DoD/RCs Section 2: Please update with final version of PUD 77 language as approved.
22. DoD/RCs Section 3.A.2: Consider replacing "Helene V. Byrnes Foundation" with "Owner, or its successors or assigns," or something similarly appropriate.
23. Submit release letters from all utility companies serving the addition as per SRs Section 12-2-6.B.

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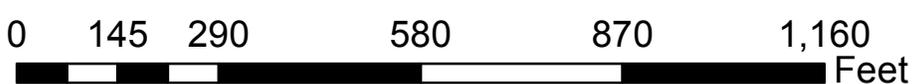
24. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

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Preliminary Plat – “Byrnes Mini-Storages” – JR Donelson, Inc. [PUD 77]



- Businesses
- bixby_streams
- Tulsa Parcels 08/13
- WagParcels 08/13
- TulSubdivision
- WagonerCounty_Subdivision
- WagRoads_Aug2012
- E911Streets
- PUD
- bixby_s-t-r
- county



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: Erik Enyart
From: Jared Cottle
CC: Bea Aamodt
File
Date: 02/21/14
Re: Byrnes Mini-Storage
PUD 77

Comments – General:

1. *As previously commented*, no perimeter easements are indicated for either the north or south sides of the property. Perimeter easements are particularly important on the north side where the property is undeveloped as yet. Mutually beneficial utility easements/lines serving both tracts could be provided in lieu of standard perimeter utility easements.
2. *As previously commented*, storm water conveyance from property to the north must be addressed with this project via the grading and drainage plans and easements as necessary.
3. *As previously commented*, City water mains must be installed within green areas. The green corridor versus paved areas must be clearly delineated on the Plans.
4. *As previously commented*, water line easements must be at least 15' wide.
5. Fire hydrant locations must be approved by the Fire Marshall.
6. Sanitary sewer extensions must be located in green areas. However, service connections directly into the existing sanitary sewer line in Gre-Mac Acres are preferred to additional sewer mains.
7. Clarification regarding sanitary sewer service for Development Area "B" will be required – i.e. existing versus proposed.
8. ***Coordination of water and sewer utilities with Chateau Villas is strongly recommended as a means to resolve development comments.***

Memo

To: Erik Enyart, AICP, City Planner

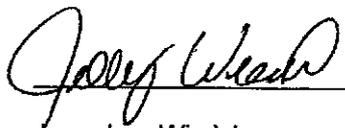
From: Joey Wiedel

Date: 03-03-2014

Re: Preliminary Plat of "Brynes Mini- Storages"

Preliminary plat of "Brynes Mini- Storage" is approved with the following caveats.

1. Fire Hydrants shall be operable before construction begins.
 - Brand- AVK or Mueller , Color- Chrome Yellow
2. Fire hydrant shall be installed outside of fenced area as previously discussed.
3. Fire line supporting the fire hydrants shall be looped.
4. All roads and Second means of access capable of supporting an imposed load of 75,000 pounds shall be in place before construction of storage units. (IFC 2009 Appendix D)
5. New 26 foot access drive is approved.


Joey Wiedel


Date

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

MEMBERS PRESENT

Lonny Hicks, *AEP-PSO*

STAFF PRESENT

Erik Enyart, AICP, City Planner, City of Bixby

Joey Wiedel, Fire Marshal, City of Bixby

Jim Sweeden, Fire Code Enforcement Official, City of Bixby

OTHERS PRESENT

Jarred Sanders, *AAB Engineering, LLC*

Alan C. Hall, PLS, *HRAOK, Inc.*

JR Donelson, *JR Donelson, Inc.*

Bill Wilson, Helene V. Byrnes Foundation

Ted Sack, RPLS, *Sack & Associates, Inc.*

Stuart Nyander, PE, *Sack & Associates, Inc.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Joey Wiedel in at 10:08 AM.

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

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

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

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

4. **Preliminary Plat – “Seven Lakes III” – HRAOK, Inc.** Discussion and review of a Preliminary Plat for “Seven Lakes III” for approximately 1 acre in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.
5. **Preliminary Plat – “Seven Lakes IV” – HRAOK, Inc.** Discussion and review of a Preliminary Plat for “Seven Lakes IV” for approximately 17 ½ acres in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Old Business

9. New Business

10. Meeting was adjourned at 10:46 AM.

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

NAME	COMPANY	PHONE
1. <u>Lonny Hicks</u>	<u>PSO</u>	<u>(918)250-6211 ldhicks@aep.com</u>
2. <u>Erik Emyart</u>	<u>City of Bixby</u>	<u>918 366 4430</u>
3. <u>Alan Hill</u>	<u>HR/OK</u>	<u>918-258-3737</u>
4. <u>Bill Wilson</u>	<u>Byrnes Fwd</u>	<u>918-269-1000</u>
5. <u>JR DONELSON</u>	<u>JR DONELSON INC</u>	<u>918-394-3030</u>
6. <u>Jarrod Sanders</u>	<u>AAB Engineering</u>	<u>918-514-4283</u>
7. <u>STUART NYLANDER</u>	<u>Sack's Asso.</u>	<u>918-592-4111</u>
8. <u>TEO SACK</u>	<u>Sack's Assoc.</u>	<u>918-592-4111</u>
9. <u>John Sweeney</u>	<u>City of Bixby F.C.</u>	<u>918-366-0436</u>
10. <u>Joey Wiedel</u>	<u>COB F.M</u>	<u>918-366-0436</u>
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____
16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____

DEED OF DEDICATION AND STATEMENT OF RESTRICTIVE COVENANTS

BYRNES MINI-STORAGES
PUD NO. 77

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Helene V. Byrnes Foundation is the owner in fee simple to the following described property in the City of Bixby, Tulsa County, Oklahoma, to-wit:

An Addition situated in a part of the NW/4, Section 1, T-17-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described by metes and bounds, by Charles K. Howard, L.S. 297, as follows, to-wit:

Beginning at the northeast corner of "The Boardwalk on Memorial", PUD 29; thence with an assumed bearing of S 89°59'21"E being the north line of "The Boardwalk on Memorial" a distance of 251.74 feet to the northwest corner of Lot 11, Block 2, Corrected plat of Southern Memorial Acres No. 2; thence continuing S 89°59'21"E and along the north line of said Lot 11, Block 2 a distance of 90.00 feet to the northeast corner of said Lot 11, Block 2; thence S 26°30'37"E and along the east line of said Lot 11, Block 2 a distance of 206.32 feet; thence along a curve to the left with a radius of 100.00 feet and a delta angle of 37°43'04" for 65.83 feet, with a chord bearing of S 35°48'20"W and a chord distance of 64.65 feet; thence thence N 54°52'56"W a distance of 177.62 feet; thence S 00°24'08"W a distance of 35.00 feet; thence N 89°59'21"W a distance of 471.88 feet; thence N 00°00'39"E a distance of 170.00 feet to the north line of "The Boardwalk on Memorial"; thence S 89°59'21"E and along the north line of "The Boardwalk on Memorial" a distance of 473.04 feet to the point of beginning and containing 3.4616 acres more or less.

and have caused the above-described land to be surveyed, staked, platted and subdivided into lots, blocks, reserve areas and streets, and have designated the same as "Byrnes Mini-Storage", an Addition to the City of Bixby, Tulsa County, Oklahoma (hereinafter sometimes referred to as the "Subdivision").

SECTION 1. PUBLIC COVENANTS

A. UTILITY EASEMENTS

The Owners hereby dedicate to the public use forever the easements as shown and designated on the accompanying plat for the several purposes of constructing, maintaining, operating, repairing, removing, replacing any and all utilities including storm sewer, sanitary sewer, telephone and communication lines, electric power lines and transformers, gas lines and water lines, together with all fittings, including the poles, wires, conduits, pipes, valves, meters and equipment for each of such facilities and any other appurtenances thereto with the rights of ingress and egress into and upon said utility easements and rights-of-way for the uses and purposes aforesaid. No building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed or permitted upon the easement or rights-of-way as shown, provided however, that the owner hereby reserves the right to construct, maintain, operate, lay and relay water lines and sanitary sewer lines together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all public streets, alleys, and utility easements, shown on said plat, for the purposes of furnishing water and/or sanitary sewer services to the area included in said plat.

B. WATER AND SANITARY SEWER SERVICE

In connection with the provision of water and sanitary sewer service, all lots are subject to the following provisions, to-wit:

The owner of each lot shall be responsible for the protection of the public water mains and the public sanitary sewer facilities located on his lot and within the depicted street right-of-way and utility easement areas, if ground elevations are altered from the contours existing upon the completion of the installation of a public water or sewer main, all ground level apertures, to include: valve boxes, fire hydrants and manholes will be adjusted to the new grade by the owner or at the owner's expense.

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

The City of Bixby or its successors through its agents and employees shall at all times have the right of access with their equipment to all such easement ways shown on said plat, including the "10' Restricted Water Line Easement", (to be used only for water lines) or provided for in this deed of dedication for the purpose of installing, maintaining, removing or replacing any portion of underground water and sewer facilities.

The foregoing covenants concerning water and sewer facilities shall be enforceable by the City of Bixby or its successors, and the owner of the lot agrees to be bound hereby.

C. ELECTRIC, TELEPHONE, CABLE TELEVISION AND NATURAL GAS SERVICE.

In connection with the installation of underground electric, telephone, cable television and natural gas service lines, the lot is subject to the following:

1. Street light poles or standards shall be served by underground cable and elsewhere throughout said Addition all supply lines shall be located underground, in the easement-ways reserved for the general utility services and streets, shown on the attached plat. Service pedestals and transformers, as sources of supply of secondary voltages, may also be located in said easement-ways.

2. All supply lines in the Subdivision including electric, telephone, cable television and natural gas service lines shall be located underground in the easements reserved for general utility services and streets shown on the plan of the subdivision. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in said easements.

3. Underground service cables and natural gas service lines to all buildings which may be located in the Subdivision may be run from the nearest natural gas main, service pedestal or transformer to the point of usage determined by the location and construction of such building as may be located upon said lot: provided that upon that the installation of such a service cable or a natural gas service line to a particular building, the supplier of service shall thereafter be deemed to have a definitive, permanent, and effective right-of-way easement on said lot, covering a five-foot strip extending 2.5 feet on each side of such service cable or line, extending from the service pedestal, transformer or natural gas main to the service entrance on the building.

4. The supplier of electric, telephone, cable television and natural gas services, through its authorized agents and employees, shall at all times have right of access to all such easements shown on the plat to the Subdivision or provided for in this deed of dedication for the purpose of installing, maintaining, removing or replacing any portion of the underground electric, telephone, cable television or natural gas service facilities so installed by it.

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

D. STORM SEWER

1. The storm sewers will be privately owned and privately maintained.

2. The Helene V. Byrnes Foundation, or its successors, through its proper agents and employees, shall at all times have right of access with their equipment to all storm sewer systems for the purpose of installing, maintaining, removing or replacing any portion of the underground storm sewer system.

3. No permanent fence, permanent wall, permanent building, or permanent structure which would cause an obstruction shall be placed or maintained in the Reserve "A" area, and any construction activity which would interfere with the storm sewer system shall be prohibited.

4. The storm sewers shall be owned by and maintained, at the sole cost and expense, of the owner of the lot upon which the storm sewers are located.

5. In the event that the storm sewers are accepted by the City of Bixby, the City of Bixby or its successors, shall be responsible for ordinary maintenance of the public storm sewer system, but the owner of each lot will pay for damage or relocation of such system caused or necessitated by the acts of the owner of each lot or its agent or contractors.

6. The owner of each lot shall be responsible for the protection of the storm sewer located on their lot and shall prevent the alteration of grade or any construction activity which may interfere with said storm sewer. Within the utility easement areas depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of storm sewer, or any construction activity which would interfere with storm, shall be prohibited.

E. SURFACE DRAINAGE

1. Surface Drainage. Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation and from public streets and easements.

2. No property owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across his lot. No property owner shall modify or change the direction of drainage of surface stormwater from the original approved construction plans on file at the City of Bixby.

3. The property owner shall prevent the alteration of grade within all easement areas from the original contours (finish grade) and shall prevent any construction activity which may interfere with such public water mains, valves, storm sewers, and or public sanitary sewer facilities.

4. The covenants set forth in this section shall be enforceable by any affected property owner and by the City of Bixby, Oklahoma.

F. OWNER RESPONSIBILITY WITHIN EASEMENTS.

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

G. LAND USE

All construction shall be strictly according to the ordinances of the City of Bixby, Oklahoma.

H. "RESERVE A", DETENTION POND.

1. The Stormwater drainage system shall be designed and constructed in accordance with the Adopted Ordinances, Resolutions standards and design requirements as adopted by the City of Bixby, as appropriate, and shall be so designed to collect and pass the runoff from a 100-year frequency flood under conditions of full urbanization. The 2, 5, 10, 50, 100 year flows shall be modeled and 500 year flow analyzed. The entire flow shall be confined within the said stormwater drainage systems.

2. The stormwater detention facility if required by City of Bixby adopted standards, shall be designed and constructed in accordance with said standards.

SECTION 2. PLANNED UNIT DEVELOPMENT RESTRICTIONS

A. DEVELOPMENT AREA A

LAND AREA:

Gross: 2,826 acres 123,110 square feet
Net: 2,826 acres 123,110 square feet

PERMITTED USES (to be allowed by right):

Those uses permitted are all the Use Units allowed by right within the "OL" zoning district of the City of Bixby Zoning Code as well as Use Unit 16 mini-storage business use; and all accessory uses permitted in the underlying zoning district and in the Planned Unit Development Chapter of the City of Bixby Zoning Code.

MINIMUM FRONTAGE 0
MAXIMUM BUILDING FLOOR AREA 47,600 sf
MAXIMUM BUILDING HEIGHT (mini-storage buildings) 12 sf
MAXIMUM BUILDING HEIGHT (office building) 24 sf
F.A.R. (floor to area ratio) 0.387

MINIMUM BUILDING SETBACKS

Lot 1, Block 1 West 17.5 feet
North 4 feet
South 4 feet
East 0 feet

Lot 2, Block 1 West 0 feet
North 4 feet
South 4 feet
East 5 feet

STORMWATER DETENTION AREA

Minimum 12,311sf, 10% of the development area
Maximum 18,466sf, 15% of the development area

BUILDING WALL MATERIAL

Building walls and screening fences adjacent to the north, south and east property lines (adjoining RS-2 zoning) will be of masonry construction. The option is either brick or a split faced concrete block.

The east-facing ends of three (3) easternmost buildings adjoining RS-2 zoning and the west-facing ends of three (3) westernmost buildings (visible from RS-2 zoning), will be of masonry construction. Interior facing walls will be metal or masonry.

BUILDING DESIGN

The buildings in Development Area A will have shed roofs slanted inward to the development site, ensuring all roof drainage is directed into the internal storm water drainage system, and will not drain onto adjoining properties. The roof will not overhang adjacent property lines and the roof pitch will be between 1/12 and 4/12.

B. DEVELOPMENT AREA B

LAND AREA:

Gross: (includes 1/2 abutting ROW) 0.6356 acres 27,690 sf
Net: 0.6018 acres 26,215 sf

PERMITTED USES (to be allowed by right):

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

MINIMUM FRONTAGE 65.83 lin.ft
MAXIMUM BUILDING FLOOR AREA 1 unit
MAXIMUM BUILDING HEIGHT 35 feet
MINIMUM BUILDING SETBACKS

Pursuant to Section 11-7B-4 Table 3, of the City of Bixby Zoning Code.

LANDSCAPE/GREEN AREA minimum 3,932sf 15% gross land area

C. DEVELOPMENT STANDARDS FOR ALL DEVELOPMENT AREAS

1. LANDSCAPED AREA AND SCREENING

a. Preliminary landscaping and screening area represented on Exhibit G of the PUD 77. Development Area A - Any building wall visible from an adjacent residential zoned property will be screened by a 6'-0" concrete block or brick wall. Screening any portion of the North or South property line will be accomplished by utilizing the exterior wall of the building, which will be either brick or split faced concrete block and/or a 6'-0" concrete block or brick wall. This is shown on Exhibit G of PUD 77. There will be a 4'-0" landscape area south of the south building, adjacent to the south property line. Constructing the south building 4'-0" north of the south property line will allow 14 trees situated along the south property line to remain. Development Area B - The existing trees and landscaping will remain on the site. No screening fences area required. The existing 6' wooden privacy fence west of this site on "The Boardwalk on Memorial" will be replaced with a concrete block wall similar to the existing wall on the east side of "The Boardwalk on Memorial."

b. A 4'-0" easement described as, "Existing Tree Preservation and Landscape Easement", will be shown on the south 4'-0" of the entire Development Area A.

c. Three trees are required along the west property line. Two trees are required along the east property line. One tree is required along the north property line. Eight trees are required along the south property line. A total of 24 trees, 6" in diameter or larger will be preserved on the site. The preserved tree credit will be equal to 48 trees. These are shown on Exhibit G of PUD 77. Fourteen trees area required and a 48 tree count is provided. No trees will be planted.

d. The south property line area will have a landscape area of 4'-0" x 723.62', which equals 2,894.48 sf. The total landscape area, including the detention area is 18,654.28 sf or 15.15% of Development Area "A".

e. Exhibit G of PUD 77 shows the landscape areas and percentages for each property line.

2. SIGNS

a. Signage shall comply with the PUD Chapter (Chapter 7-1). One (1) ground monument sign will be permitted in Development Area A and shall not exceed 15'-0" in height.

b. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving rotating signs and movement shall be prohibited in this PUD for Development Areas A and B, except as may be permitted by the Bixby Planning Commission as part of the approved detail sign plan.

3. LIGHTING

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

4. TRASH, MECHANICAL AND EQUIPMENT AREAS

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

5. SITE GRADING

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

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

6. TOPOGRAPHY AND UTILITIES

a. Topography. Topography of the Site is depicted on Exhibit F of PUD 77.
b. Utilities. Water and sanitary sewer service will be provided by the City of Bixby. An existing water line is located on the east side of South Memorial Drive. A water line will be installed connecting the water line along South Memorial Drive to the existing water line along So. 85th Place. An existing sanitary sewer line is located running parallel to the south property line. A sanitary sewer line will be installed along the west property line and extended to the north property line. Storm water runoff will be collected in area inlets and piped to the on site detention facility.

7. ACCESS, CIRCULATION AND PARKING

a. Access, traffic circulation and parking are depicted on Exhibit B of PUD 77. All drives and parking areas within the PUD shall be privately owned and maintained.
b. There will be two (2) access gates along the west property line of Development Area A. One gate access to the Byrnes Mini-Storages is for customers. The 26' wide gated emergency-only ingress/egress through Lot 11, Block 2, Southern Memorial Acres No. 2 to South 85th Place E. will be accessed using a Knox-switch.
c. Two (2) mutual access easements across "The Boardwalk on Memorial", will allow access to "Byrnes Mini-Storages". The mutual access easements will be filed at the Tulsa County Court House prior to the issuance of an occupancy permit for buildings in "Byrnes Mini-Storages".
d. The access to the site, built un-built, So. 85th E. Ave. will not be allowed in the PUD.
e. A 15 foot Roadway Easement, Doc.No. 2013018388, has been filed on Lot 12, Block 2, Southern Memorial Acres No. 2 allowing emergency access to South 85th E. Place. The south 20 feet of the existing Lot 11, Block 2, Southern Memorial Acres No. 2, which will be Lot 3, "Byrnes Mini-Storage", will be dedicated as a mutual access easement. Eighteen (18) feet of the proposed emergency ingress/egress will be located on Lot 3, Byrnes Mini-Storage and eight (8) feet located on Lot 11, Block 2, Southern Memorial Acres No. 2.
f. Two (2) mutual access easements will allow cross access between Lots 1 and 2, Development Area A.

SECTION 3. PRIVATE COVENANTS AND RESTRICTIONS.

Usage of the following words shall having the following meanings, unless the context clearly requires otherwise: "City" shall mean the City of Bixby; "lot" shall mean a lot in the Subdivision; "lot owner" shall mean a lot owner in the Subdivision; "plat" shall mean the accompanying plat of the Subdivision; and "zoning code" shall mean the City of Bixby Zoning Code.

For the purpose of providing an orderly development of the Subdivision and for maintaining conformity of the improvements therein, the following covenants and restrictions hereby are imposed upon the use and occupancy of the lots within the Subdivision.

A. Private Covenants and Restrictions Applicable to all Lots. The following standards shall apply to all lots of the Subdivision unless specifically modified or superceded by more specific provisions adopted by the Owner as hereinafter provided.

1. Mutual Access Easements. Mutual Access Easements, as depicted on the accompanying plat, are hereby established for the purposes of permitting vehicular and pedestrian access to and from all areas adjacent to and contained within the plat, and such easements shall be for the mutual use and benefit of each affected lot owner, their guests, and invitees, and shall be appurtenant to each affected lot. Provided, however, governmental agencies and suppliers of utilities shall have the reasonable use of the easements incidental to the provision of services within the lots within the plat.

2. Mutual Access Easement Maintenance. The Helene V. Byrnes Foundation will be responsible for the maintenance of the Mutual Access Easement and any and all improvements situated in the Mutual Access Easement.

3. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements no structure, planting or other material, other than properly permitted paved parking, shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow or drainage in the easements or which may obstruct or retard the flow of water, and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible or for repairing or replacing any damaged parking lot paving.

4. No lot shall be used or maintained as a dumping ground. Rubbish, trash, garbage and/or other wastes shall not be kept except in approved sanitary containers. All equipment for the storage and/or disposal of such rubbish, trash, garbage or other wastes shall be fenced from view and kept in a clean and sanitary condition.

4. Maintaining the landscape and trees in the "4' Existing Tree Preservation and Landscape Easement, will be the responsibility of each lot Owner for their own lot.

B. Duration, Amendment and Severability.

1. Duration. These restrictions shall remain in full force and effect until January 1, 2025, and shall automatically be extended thereafter for successive periods of ten (10) years each unless terminated or amended as hereinafter provided.

2. Amendment or Termination. The private covenants and restrictions contained in this Deed of Dedication may be amended, modified, changed or canceled by a written instrument signed and acknowledged by the Helene V. Byrnes Foundation, except Sections I.A., I.B, I.C, I.D., I.E., 3.A.3., 3.B.2. and 3.B.4. and all of Sections 2 (PUD restrictions), which may be altered only with the written consent of the City of Bixby.

3. Severability. Invalidation of any restriction set forth herein, or any part thereof, by an order, judgement or decree of any court or otherwise, shall not invalidate or affect any of the other restrictions of any part thereof as set forth herein, which shall remain in full force and effect.

4. Enforcement. The restrictions herein set forth are covenants to run with the land shall be binding upon the Owner, its successors and assigns and all parties claiming under it, and otherwise shall be enforceable as set forth and shall be binding upon the Owner, its successors and assigns and all parties claiming under it. If the Owner, or its successors or assigns, shall violate any of the covenants herein, it shall be lawful for the City of Bixby, Oklahoma (as to the violation of the Covenants contained in Section I), to maintain any action at law or in equity against the Owner to prevent the Owner from so doing, to compel compliance with the covenants, or to recover damages for such compliance with the covenant.

Any successor(s) in title to the lots within BYRNES MINI-STORAGES, to enforce any given restriction or covenant or condition at any time, or from time to time, shall not be deemed to be a waiver or relinquishment of any right or remedy, nor a modification of these restrictions and protective covenants.

As owner we hereby certify that we have caused the land described in this plat to be surveyed, divided, mapped, granted, donated, conveyed, dedicated and access rights reserved as represented on the plat.

In witness whereof the owner have executed this Deed of Dedication on this _____ day of _____, 20____.

Helene V. Byrnes Foundation

By: _____

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

Before me the undersigned, a Notary Public in and for said County and State, on this _____ day of _____, 20____, personally appeared _____ to me known to be the identical person who subscribed the name thereof to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed for said limited liability company, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

Notary Public

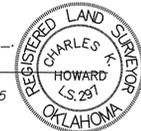
My commission expires: _____

SURVEYORS CERTIFICATE

I, Charles K. Howard, a Registered Land Surveyor in the State of Oklahoma, hereby certifies that I have fully complied with the requirements of this regulation and the subdivision laws of the State of Oklahoma governing surveying, dividing and mapping of the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; and, that the plat represents a survey made under my direct supervision.

WITNESS my hand and seal this _____ day of _____, 20____.

Charles K. Howard, RLS #297
C.A. No. 5611 Exp.Date: 6/30/2015



STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public in and for said County and State, on this _____ day of _____, 20____, personally appeared Charles K. Howard, to me known to be the identical person who executed the foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under me hand and seal the day and year last above written.

Notary Public

My Commission expires: _____



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Wednesday, March 05, 2014
RE: Report and Recommendations for:
Final Plat of "Wood Hollow Estates" (PUD 80)

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

SIZE: 20 acres, more or less

EXISTING ZONING: RS-3 with PUD 80 for "Wood Hollow Estates"

SUPPLEMENTAL ZONING: PUD 80 for "Wood Hollow Estates"

EXISTING USE: Vacant/wooded

REQUEST: Final Plat approval

SURROUNDING ZONING AND LAND USE:

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

South: RS-4; The *Seven Lakes I* and *Seven Lakes II* residential subdivisions, and additional vacant land zoned RS-4 for a future "Seven Lakes" phase or phases.

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

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

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

PREVIOUS/RELATED CASES:

PUD 80 “Wood Hollow Estates” & BZ-367 – Sack & Associates, Inc. – Request for rezoning to RS-3 and PUD approval for subject property – PC recommended Conditional Approval 10/21/2013 and City Council Approved as recommended 10/28/2013.

Preliminary Plat of “Wood Hollow Estates” – Sack & Associates, Inc. – Request for approval of a Preliminary Plat and certain Modifications/Waivers for subject property – PC recommended Conditional Approval 10/21/2013 and City Council Conditionally Approved 10/28/2013.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property of 20 acres is quite flat and appears to drain, if only slightly, in southerly and/or easterly directions. The development will be planned to drain to the east to Fry Creek Ditch # 2, or to a drainage channel which drains into Fry Creek Ditch # 2, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned RS-3 with PUD 80 and is presently vacant and heavily wooded. In late 2013, the small, old house in its extreme southwest corner, addressed 12307 S. Sheridan Rd., was removed in preparation for this development.

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

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

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

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

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

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

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

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

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

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

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

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

Access and Internal Circulation. Primary access to the subdivision would be via one (1) street connecting to Sheridan Rd. It is proposed to be gated at the intersection, and the streets will be private. Emergency access would be additionally afforded via 67th E. Ave., a private street

extension of the existing 67th E. Ave. in *WoodMere* to the north. It is proposed to have a gate at the point of intersection with the common subdivision line. Streets in *WoodMere* are also gated and private/private-maintained.

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

1. Modification/Waiver from Subdivision Regulations Section 12-3-2.C to reduce the minor residential street rights-of-way to 30' from the 50' required, which was described as justified by noting these will be private streets, will be supported by front-yard U/Es in Block 3 and by Restricted Waterline and Sidewalk Easements, the latter which contain waterlines and sidewalks normally occupying the right-of-way difference, and by citing how the 30' width has been used successfully in other private street applications.
2. Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the south and east. The Modification/Waiver was described as justified on the east as it abuts the 'wetland mitigation' area owned by Tulsa County, which is not expected to develop, and on the south by the fact that Bixby has reviewed and conditionally approved a Sketch Plat for "Seven Lakes III," which did not propose a stub-out street connecting to the subject property, did not require additional access via the subject property, and as it is not always appropriate to allow private streets to connect to Public streets in such situations.

Since the Preliminary Plat, the entrance street has been widened. See related recommendations in this report below.

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

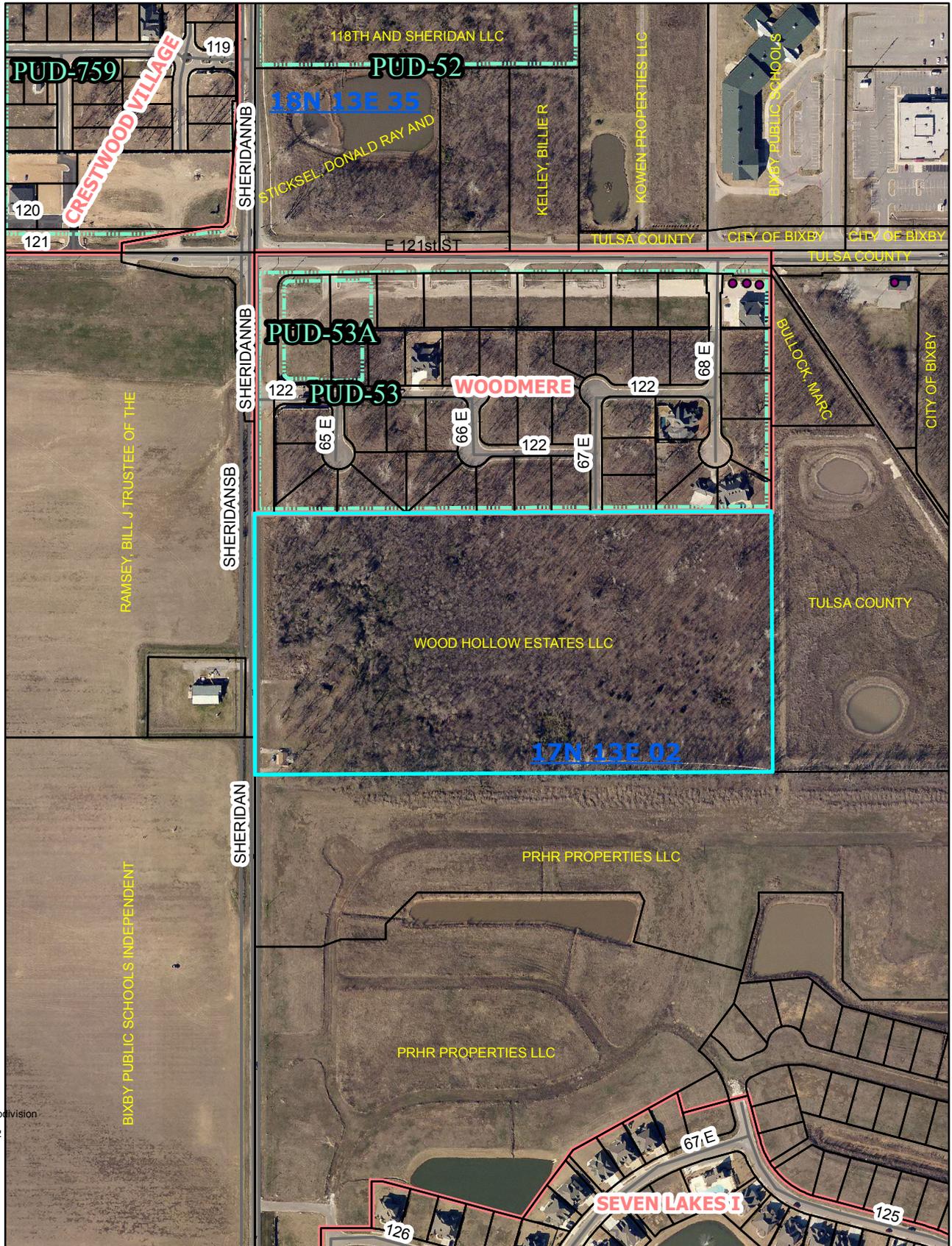
Staff Recommendation. Staff recommends Approval of the Preliminary Plat subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
2. Subject to City Engineer and/or County Engineer curb cut approval for the proposed access points to Sheridan Rd., and the Fire Marshal's approval of locations, spacing, widths, and curb return radii.
3. Please restore the 17.5'-wide Perimeter Utility Easement along the north and south plat boundaries and restore to the full width along the east boundary, or otherwise request, along with justification, a Modification/Waiver from the 17.5' minimum width Perimeter U/E standard of Subdivision Regulations Section 12-3-3.A, for TAC and City Staff review and recommendation to the City Council.
4. All requests for Modification/Waiver must be submitted in writing per Subdivision Regulations Section 12-3-5.B.
5. Numerous internal U/Es reduced in width or removed altogether since the Preliminary Plat. Such changes must meet with the approval of the TAC utility providers and the City Engineer and Public Works Director. Please restore or advise as the case may be.
6. Per SRs Section 12-4-2.A.5, the Location Map must include:

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- Scale at 1" = 2,000'
7. Please adjust proposed addresses per the Address Schedule Recommendations provided to the Applicant with the Preliminary Plat.
 8. Face of Plat and DoD/RCs: On the Exhibit A site plan to PUD 80, what appears to be an area for "fencing, walls, landscaping and subdivision identification [signage]" (reference DoD/RCs Section II.A) is shown at the subdivision's main entrance, but the Fence Easement does not appear to provide adequate spatial coverage. Now that the entrance street has been widened, some of this area has been absorbed, but not all of it as compared to the Preliminary Plat (see corner-clipped areas).
 9. The entrance has been widened, and the proposed signage may now fall, at least in part, within Reserve Area A. However, the Reserve A language in the DoD/RCs does not provide for signage.
 10. DoD/RCs Section II Preamble: Please complete blanks with date information intended.
 11. DoD/RCs Section II.6: "Other side yard" setback is 5' per PUD 80. Private restrictions are the place to impose stricter setbacks than the PUD, if that was what was intended.
 12. DoD/RCs Section III.B: This "Duration" section of DoD/RCs customarily provides language allowing for the automatic renewal of the DoD/RCs for successive periods unless voided by an adequate majority of the then owners. Please incorporate or advise.
 13. Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
 14. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.
 15. 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).

Final Plat – “Wood Hollow Estates” – Sack & Associates, Inc.



CITY OF BIXBY

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

Engineering Department Memo

To: Mr. Stuart Nyander, PE
Sack and Associates, Inc.
3530 E. 31st St., Ste. A
Tulsa, OK 74135

From: Jared Cottle, PE *JWC*

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

Date: 03/03/14

Re: Wood Hollow
Plat and Plan Review

General Comments:

1. A comment response letter addressing each item listed below must be provided with the next submittal.
2. A Geotechnical Report with pavement design recommendations per City Engineering Design Manual is required. Lime modification of sandy soils will not be approved.
3. ODEQ Report forms and fees will be required for submittal to the State.
4. An Earth Change Permit Application must be filed with the Community Development Coordinator.

Plat Comments:

5. No perimeter easements whatsoever are shown on the north or south perimeter of the project. Perimeter easements are required.
6. An 11' U/E is shown on the east boundary rather than a 17.5' U/E as required.
7. See individual Plan review comments below for additional easement commentary.

Drainage Report:

8. The Drainage Area Maps, Inlet Summaries, Pipe Design, Tables that are provided in the Plans should be included in the Drainage Report.
9. The discussion of the Off-site discharge to the South should reference the drainage area maps and calculations that were used to prepare the Summary Table on page 7 of the Report.
10. A discussion of the Fry Creek Discharge and 10-yr WSE should be included in the Report, including the pipe size, discharge rate, headwall design (U-shape) and flow velocity.
11. A discussion of the erosion control measures at the outfall, including the use of rip rap to match the original US Army Corps of Engineers design must be provided in the Report.

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Grading/Drainage/Paving Comments:

12. Proposed contours must be included in the Plans.
13. Proposed building pads should be provided for each lot as per the Legend.
14. Drainage area AA should be labeled on the Drainage Area Map.
15. Storm Lines A, B, and C are not labeled on the Plans or Profiles. These tables should be correlated to a map that substantiates the calculations shown if the information is derived from a source other than the summation of the Inlet Design Summary Table.
16. The HGL exceeds the proposed structure elevations at numerous locations, e.g. inlets j, k, h, l, f, g, q, r, v, etc. Storm sewer surcharge onto the proposed finished grade is not approved.
17. The structure list is not correlated to any design or layout information. Please provide additional information or delete.
18. The Inlet Legend does not provide many of the configurations listed in the Inlet Design Table. Please review and revise.
19. The time of concentration must not exceed 10 minutes for Residential areas as per the Drainage Design Manual, e.g. area AA.
20. Please verify bypass when flow depths exceed roadway crown, e.g. Areas A and C.
21. The grading and drainage information for the connection to Sheridan must be included in the Plans as discussed in the Drainage Report. Sheet flow across the intersection is not approved.
22. Profiles are not provided for any of the inlets and associated lateral drains. These profiles will be required.
23. The Profile on 123rd show that the HGL exceeds the proposed structure finished grade elevation at Structures 14 – 16.
24. The downstream HGL reference (10-year WSE for Fry Creek) must be shown and labeled on the Plans.
25. The discharge structure is labeled as structure "1" in the Plans and "A".
26. EGL and HGL lines are not provided for all lines on the profiles included on Sheet 10.
27. Finished and proposed grades are not shown completely or labeled on Sheet 10.
28. The Typical Paving Sections must be provided in the Plans.
29. Existing and proposed grades must be labeled on the Street Profiles. Some profile information appears to be missing – e.g. 67th E. Ave.
30. The Street Profiles do not have a terminus at each end. Vertical alignments and slopes of connections back into existing roadways must be shown.
31. The design speed must be provided for each vertical curve.
32. The number, length, and proximity of the vertical curves should be evaluated to determine if some of the curves can be eliminated to reduce the roller coaster effect, e.g. curve at Sta. 5+25.
33. Flow arrows, elevations, and drainage inlets should be shown on all intersection details, including the intersection with Sheridan. A grading/drainage plan must be provided for the Sheridan right-of-way.

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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)

34. Due to the incomplete nature of the submittal, additional comments may result with future submittals.

Off-site Storm Sewer Comments:

35. Alignment approval is required by Tulsa County.
36. Easements, property lines, and property ownership must be included on the Off-site storm sewer plans.
37. Existing features such as maintenance access roads, the Tulsa County Mitigation Facility, the Fry Creek Tributary (with concrete liner), and Fry Creek main stem should be labeled on the Plans.
38. Manhole 3 is located in the center of the maintenance access roadway. The manhole should be located outside of the driving lane.
39. Details are required for the outfall into the Fry Creek. The invert of the structure should be located at the toe of Fry Creek. Details for this outlet must be provided with the Plans, including the rip rap design which should mirror the original US Army Corps of Engineers design.
40. Plans for the outfall must be submitted to the USACE for review and approval prior to construction start.
41. Due to the incomplete nature of the submittal, additional comments may result with future submittals.

Sanitary Sewer Comments:

42. All Utility Easements must be shown on the Plans.
43. No easements are indicated for the sewer line segment serving Lots 12 and 13, Block 2.
44. The easement lines for Lots 18 and 19 are not shown on the Plans.
45. Please verify that sufficient U/E's are provided for the sanitary sewer line serving Lots 1 and 2, Block 1 as well as Lots 1 and 2, Block 2.
46. Please verify that the pipe runs between MH 3 and MH 4 as well as MH 8 and MH 9 lie within the proposed easements. The easements are not shown at these locations.
47. Manholes must be used at all locations. Structure "a" must be changed to a manhole rather than a lamphole.
48. Pad elevations are shown in the legend, but none are provided on the Plans or in the Profiles. Backflow preventers, if required due to elevation, must be indicated on the Profiles.
49. Profiles appear to be missing proposed grades in some areas – e.g. MH 1 to MH 3, MH 2 to MH 14.
50. Pipe installed under all roadways must be C900 and extend to the next manhole on either side. This information must be shown on the Plans.
51. Please note that the pipe alignment may not coincide with the easement lines. Sufficient maintenance clearances (at least 5') must be provided between the edge of pipe and the easement line.
52. Water and storm sewer crossings must be shown on the Profiles with clearance distances labeled.

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53. The "Public Utilities Cross-section" must be modified to provide at least 5' of clearance to the back of curb. No clearance distances have been labeled on the sketch.
54. City Standard Details should be referenced and used for this project. Only special details should be included in the Plans.
55. Due to the incomplete nature of the submittal, additional comments may result with future submittals.

Water Comments:

56. All Utility Easements must be shown on the Plans.
57. The U/Es on 67th E. Ave must be increased to 15', consistent with all of the other streets.
58. Fire hydrant locations must be approved by the Fire Marshall.
59. All valves and fitting should be located outside of paved areas. The water line alignments may need to be modified, i.e. moving connection to Sheridan further south, etc.
60. Pipe deflections are not approved for changes in alignment. The connection to WoodMere should continue south along the same alignment as the existing water line.
61. Please verify the proposed grades shown between Sta. 3+00 and 5+00 and between Sta. 17+50 and Sta. 19+50 on Sheet 5.
62. The water line must be shown on the Profiles.
63. Pipe specifications, i.e. size and type, must be included in the Profiles.
64. Sanitary and storm sewer crossings must be shown on the Profiles with clearance distances labeled.
65. City Standard Details should be referenced and used for this project. Only special details should be included in the Plans. An unnumbered Sheet labeled Sanitary Sewer Details is included in the Water Line Plans.
66. See Sanitary Sewer items for additional comments on "Public Utilities Cross-Section".
67. Due to the incomplete nature of the submittal, additional comments may result with future submittals.

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Memo

To: Erik Enyart

From: JOEY WIEDEL

Date: 2/24/2014

Re: Final Plat of "Wood Hollow Estates"

Plans are approved by this office with the following caveats:

- Fire Hydrants shall be on lot lines.
- Fire Hydrant shall be placed at the main entrance of 123rd Pl. S.
- Fire Hydrants spacing shall be no further than 600 feet.
- Fire Hydrants shall have a ground clearance of no less than 18 inches from center of caps.
- Need a set of drawings for main entrance and emergency gate entrance. Shall meet IFC 503.5 – 503.6. Knox switch shall be installed for both gates.



Joey Wiedel, Fire Marshal

2/24/2014

Date:

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TAC Sign-In Sheet

03/05/2014

Troy Guedgel

Malek Elkhoumy (918) 712-8768

TED SACK

Jim Peterson

BTC Broadband

LONNY HICKS

PSO

(918) 250-6211

Echo Brown

PSO

(918) 250-6252

STUART NYANDER SACKÉ ASSO. 918-592-4111

Joy Weid

COB SM

(918) 366-0436

Eric Emyart

COB

918 366 0427

JR DONELSON

918-394-3030

Man L. Hall

HR/HR

918-258-3737

Wayne Farabough

WoodHollow

(918) 810-0918

GARY HAMILTON

(918) 286-4666

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

MEMBERS PRESENT

Jim Peterson, *BTC Broadband*
Lonny Hicks, *AEP-PSO*
Echo Brown, *AEP-PSO*
Gary Hamilton, *Cox Communications*

STAFF PRESENT

Erik Enyart, AICP, City Planner, City of Bixby
Joey Wiedel, Fire Marshal, City of Bixby
Jared Cottle, PE, City Engineer

OTHERS PRESENT

Ted Sack, RPLS, *Sack & Associates, Inc.*
Stuart Nyander, PE, *Sack & Associates, Inc.*
Wayne Farabough, *Perfection Homes*
Alan C. Hall, PLS, *HRAOK, Inc.*
Malek Elkhoury, PE, *Khoury Engineering, Inc.*
JR Donelson, *JR Donelson, Inc.*
Troy Gudgel, *McGraw Realtors*

1. Erik Enyart called the meeting to order at 10:18 AM.

Erik Enyart apologized for the delay in starting the meeting [and meeting room availability], and explained that he and the other City Staff were meeting with the Applicants for the development listed as the second item on the agenda. Mr. Enyart stated that that meeting was planned prior to this TAC meeting, as they would be discussing details that would otherwise have taken up TAC meeting time, but the meeting lasted longer than was planned.

Erik Enyart stated that [City Engineer] Jared [Cottle] had another engagement, but would stay in the meeting to discuss agenda item # 8.

8. **Modification/Waiver (PUD 82).** Discussion and consideration of a request for Modification/Waiver of the “stub-out street” requirement of Subdivision Regulations Section 12-3-2.C pursuant to Subdivision Regulations Section 12-3-5.B for approximately 18 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E, proposed as PUD 82 “Somerset.”
Property Located: 6905 E. 121st St. S. & 11803 and 11809 S. Sheridan Rd.

Erik Enyart introduced the item and described the location and the situation. Mr. Enyart observed with JR Donelson that Tom Wenrick was not also in attendance. Mr. Donelson stated that Mr. Wenrick had to go to another meeting before this one got started, since the previous meeting [in this room] was taking so long.

Erik Enyart noted that this was a secondary access provision matter pertaining to the "Somerset" development at 121st St. S. and Sheridan Rd., PUD 83, which the TAC had seen and discussed at the February meeting. Mr. Enyart stated that, when the PUD was reviewed, Staff observed that the plans did not indicate a stub-out street to the adjoining 8-acre development property to the south. Mr. Enyart stated that the 8-acre tract was last proposed for development as a PUD around 2007, but, at that time, it was not allowed to develop, in part because of inadequate access. Mr. Enyart stated that Staff had a design review comment about the secondary access provision being missing, and recommended that, since this issue was known at this time, it should be called out and addressed in the PUD. Mr. Enyart stated that he was aware that Staff and the developer were not in agreement on this. Mr. Enyart stated that, at the Planning Commission meeting, the Planning Commission could not reach a consensus, so essentially kicked the matter down the line to the City Council, and that the City Council discussed it at length, and ultimately approved the PUD with the Staff recommendations on the access provision, but also called for the Applicant to bring a request for Modification/Waiver. Mr. Enyart stated that these are normally reviewed in the context of a plat application, but the plat application had not yet been submitted, so it was submitted at this time. Mr. Enyart asked Joey Wiedel and Jared Cottle if there had been any change in the Staff recommendations since that time, and Mr. Wiedel and Mr. Cottle indicated there had not been. Mr. Enyart asked JR Donelson if there had been any new developments on the part of the developer, and Mr. Donelson reported there was none. Mr. Cottle confirmed with Mr. Donelson that no agreement had been made.

Erik Enyart stated that there was one new development on this matter. Mr. Enyart stated that the owner of the adjoining 8-acre tract in question had expressed intent to restart the PUD, and so the TAC may be reviewing that the following month. Mr. Enyart stated that it would be for the same housing addition development, but that he understood it would be redesigned with more lots. Mr. Enyart stated that this would be another aspect to consider.

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

Erik Enyart stated, "Hearing none, we'll move on to the next item."

Jared Cottle left at this time.

2. **Final Plat – "Wood Hollow Estates" – Sack & Associates, Inc. (PUD 80).** Discussion and consideration of a Final Plat for "Wood Hollow Estates" for approximately 20 acres, the S/2 of Government Lot 4 (NW/4 NW/4) of Section 02, T17N, R13E.
Property Located: 12307 S. Sheridan Rd.

Erik Enyart introduced the item and described the location and the project. Mr. Enyart stated that the TAC may recall seeing the PUD and the Preliminary Plat, both of which were approved the previous Fall. Mr. Enyart stated that this was a housing addition development of 51 lots. Mr.

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Enyart stated that he had provided to Ted Sack the draft staff report the previous day, and that the report was essentially the same as that for the Preliminary Plat, but that he had one new review item: regarding the duration the Restrictive Covenants would be in effect, normally about a 30-year period, most Covenants provide that they are automatically renewed for successive 30-year periods unless terminated. Ted Sack indicated agreement. Mr. Enyart advised Mr. Sack and Wayne Farabough that this was a suggestion, and that it was ultimately up to the owner how this was structured. Mr. Sack and Mr. Farabough indicated agreement.

Erik Enyart asked if there were any questions or comments.

Ted Sack stated that, regarding the review comment asking for the Preliminary Plat, he thought he had completed this already. Erik Enyart confirmed he had received the final version of the Preliminary Plat as approved and stated that he would remove this item.

Ted Sack noted that the Perimeter Utility Easements were removed from the north and south lines as he had discussed this with Jared [Cottle] and the utility companies, and as the utilities would all be in the fronts of the lots, leaving the trees in the back sides of the lots free from being "marred." Mr. Sack described the aesthetic values for preserving the trees on the site. Erik Enyart stated that he should have asked the City Engineer to stay behind, as he had not yet heard from him on this matter, but only saw review comments in the City Engineer's review memo pertaining to these easements. Mr. Sack stated that he had talked to Jared about this. Mr. Enyart stated that, he also recalled at the last TAC meeting the TAC members present had specifically expressed interest in these perimeter U/Es. Mr. Enyart asked the utility service providers present if this was not still the case.

Ted Sack addressed the utility companies present, *AEP-PSO*, *BTC Broadband*, and *Cox Communications*, and discussed plans for utility locations. Discussion ensued. Jim Peterson with *BTC Broadband* stated that he had planned to provide service to the north side from the existing line in *WoodMere*, and to the south side from Seven Lakes, but that the Seven Lakes development was pulled back. Mr. Peterson stated that, if the utilities were to be provided from the "island" in the middle, that "doubles my cost," as he had told the Applicant at the last meeting. Discussion ensued. Mr. Sack confirmed with Mr. Enyart that the review comment pertaining to providing for the Restricted Waterline Easement was not applicable since the RWE was removed in favor of a general U/E per conversation with Jared [Cottle]. At the end of the discussion, Erik Enyart clarified with Mr. Sack and the utility company representatives that this discussion could be summarized as: the utility companies have concerns about [not having a perimeter U/E], but that they and Ted Sack would discuss this further to come to a resolution. This statement was generally agreed by all. Mr. Enyart stated that, typically, he hears these issues at the TAC meeting, but then proceeds to the Planning Commission and City Council without having heard from the TAC how they were resolved. Mr. Enyart stated that the City requires release letters from all of the utility companies prior to releasing the Final Plat, so when he receives these in the future, it will signal to him that all the utility companies are satisfied with the easements as represented on the plat.

Erik Enyart stated that there was another review comment observing that most of the internal U/Es had been reduced in size if not removed altogether. Mr. Enyart asked Ted Sack if this was intentional, and Mr. Sack confirmed it was. Mr. Enyart stated that, in this case, he wanted to bring

it to the attention of the utility providers, since things that are removed from plats are hard to see, if no one points these things out. Mr. Enyart confirmed with the utility companies that they would review the plats for the adequacy of easements when issuing the release letters.

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

Erik Enyart stated that, hearing none, the meeting would proceed to the next item on the agenda.

Erik Enyart stated that this was a great development and he looked forward to seeing it built. Mr. Enyart thanked the Applicants for their attendance.

Ted Sack provided Erik Enyart a perspective rendering showing the proposed entrance gates and features.

Ted Sack, Stuart Nyander, and Wayne Farabough left at this time.

3. **Preliminary Plat & Final Plat – “River Trail II” – Khoury Engineering, Inc. (PUD 83).**
Discussion and consideration of a Preliminary Plat and a Final Plat for “River Trail II” for approximately 5 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: Southwest corner of the intersection of 126th St. S. and Memorial Dr.
-

Erik Enyart introduced the item and summarized the location and the project. Mr. Enyart stated that he had provided the Applicant a draft Staff Report the previous day, and asked the Applicant if there were any items which they had an issue with.

Malek Elkhoury stated that there was an issue with the rededication of the 126th St. S. right-of-way [as discussed prior to the meeting]. Mr. Elkhoury, Troy Gudgel, and Erik Enyart discussed the options. Mr. Enyart stated, “Up until recently, we all understood we own the right-of-way,” like the City owns the Fry Creek right-of-way, like the railroads own their right-of-way, like the highway department owns the highway right-of-way, but that legal minds have different opinions on these things, and that “the legal minds here today believe that, unless you ‘donate,’ and ‘grant,’ and ‘convey’ the right-of-way, you haven’t really granted it, you still own it and only gave an easement.” Mr. Enyart stated that it may be easier for the Knopps to simply rededicate the entire thing [rather than platting this part now and redoing the other parts later]. Mr. Elkhoury and Mr. Gudgel indicated agreement.

Erik Enyart asked if there were any questions or comments. Discussion ensued between the utility service providers and Malek Elkhoury. Discussion focused on the locations of current services, preferred routes for service extensions, spacing requirements between utilities, use of conduits/sleeves, preference for location outside of paved areas, availability of the 20’ U/E within the easterly side of *Encore on Memorial*, possible connections through *Encore*, the preferred locations along the westerly side of the development with the possible exception of *AEP-PSO*, which may utilize the U/E along the easterly side of the development, etc. Mr. Elkhoury noted that the City had a required landscape buffer along Memorial Dr., and asked if it would be okay if the trail occupied that area. Mr. Enyart stated that the Perimeter U/E may be reduced in width, and that the City Staff supported with the PUD the flexibility to allow the trail to occupy the 15’ minimum

landscaped strip width, but that the 15' strip was also a minimum parking lot setback and the City had never allowed that area to be reduced along the Memorial Dr. corridor. Mr. Elkhoury indicated agreement.

During the discussion on utilities, JR Donelson discussed with Erik Enyart the items he had intended to represent, agenda items # 6 and 7. Mr. Enyart noted that the owner [in the case of BL-390] had expressed to him interest in additionally closing the interior U/E, so that he could build a garage over onto this westerly area, and asked if the utility companies would object to this. Mr. Donelson stated that he would be preparing the easement closing application and indicated he had talked to the utility companies about this prior to the meeting and that there should be no problem. Mr. Donelson left for another meeting at this time at 10:57 AM.

At the end of the discussion on utilities, Erik Enyart clarified with Malek Elkhoury and the utility company representatives that this discussion could be summarized as: MAE/UE along the westerly side of the development to be increased from 40' → 50', the City's waterline would be located on the easterly side of the MAE drive (avoiding a dead-end line [with automatic blowoff valve] which had been previously discussed), the other utilities would be located along the westerly side of the MAE drive, and the U/E along the easterly side would be reduced by some amount. This statement was generally agreed by all.

Malek Elkhoury stated that he would provide Erik Enyart the updated PUD as previously discussed.

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 Malek Elkhoury and Troy Gudgel for their attendance.

Malek Elkhoury and Troy Gudgel left at this time.

4. **Final Plat – “Seven Lakes III” – HRAOK, Inc.** Discussion and consideration of a Final Plat for “Seven Lakes III” for approximately 1 acre in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.
5. **Final Plat – “Seven Lakes IV” – HRAOK, Inc.** Discussion and consideration of a Final Plat for “Seven Lakes IV” for approximately 17 ½ acres in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.

Erik Enyart introduced the two (2) related items and summarized the location and the project. Mr. Enyart stated that the Final Plats were the same as the Preliminary Plat, with the exception of most of Staff's review comments being incorporated. Mr. Enyart stated that there remained a few comments but they were fairly minor and would be easily resolved.

Erik Enyart asked if there were any questions or comments. Jim Peterson asked about the [construction entrance road]. Mr. Enyart confirmed that there would be a new lot platted there. Mr. Peterson and Alan Hall discussed plans for utility locations. Mr. Hall noted that there were side-

yard easements connecting to Sheridan Rd., and Mr. Peterson indicated he would use the U/Es paralleling Sheridan Rd. Mr. Peterson and confirmed with Mr. Hall that he would be establishing all the property boundaries according to State Law, and the lot corners.

(Erik Enyart advised Alan Hall earlier in the meeting that he had provided the draft staff report just prior to the meeting).

Erik Enyart stated that one of his review comments was to provide, in situations where there are front-yard U/Es, a 5' buffer area between the U/E and the Building Line, to allow for the protection of the foundations in the event any utility line was installed at the exterior edge of the U/E [from the perspective of the street]. Mr. Enyart stated that, in this case, he recommended the front-yard U/Es be pulled back to 20' in width, leaving the 25' Building Lines, and asked the utility service providers if they had any objection to this. The utility service providers indicated agreement. Alan Hall stated that he would update this on the plat. Jim Peterson asked Mr. Hall if he would get the updated Final Plat, and Mr. Hall indicated agreement. Mr. Enyart noted that he would need release letters from the utility providers, so they would be getting the final version of the Final Plats.

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 Alan Hall for his attendance.

Alan Hall left at this time.

6. **BL-390 – Steve Owens.** Discussion and possible action to approve a Lot-Split for Lot 6, Block 1, *The Reserve at Harvard Ponds*.
Property located: 14992 S. Gary Ct.
-

Erik Enyart introduced the item and summarized the location and the project. Mr. Enyart noted that the owner would also be asking to close the internal side-yard U/E, and asked if the utility companies would have any objection. Gary Hamilton and Jim Peterson stated that they had already talked to JR Donelson prior to the meeting and indicated they had no objection. Mr. Enyart asked if this meant that they either were not utilizing the U/E or had agreed with the owner to relocate it. Mr. Hamilton and Mr. Peterson indicated they were not utilizing the U/E.

Gary Hamilton left at this time at 11:05 AM.

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

7. **V-46 – Moyers, Martin, LLP for Helene V. Byrnes Foundation.** Discussion and consideration of a request to Close Utility Easements within Lot 1, Block 1, *The Boardwalk on Memorial*.
Property Located: 12345 S. Memorial Dr.
-

Erik Enyart introduced the item and summarized the location and the project. Mr. Enyart stated that the old plat of *The Boardwalk on Memorial* had a Perimeter U/E that was in the way of proposed

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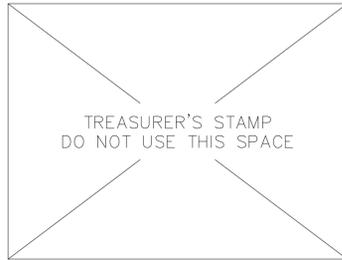
development, and so this was a request to close the U/Es. Mr. Enyart stated that the plans provided for a new U/E lengthwise within the development. Mr. Enyart discussed with Jim Peterson and Lonny Hicks the plans for utility service provision. Mr. Hicks stated that *AEP-PSO* had a line along the back sides of the residential lots to the south [in *Gre-Mac Acres*], fairly well off the south line of the subject property. Mr. Enyart confirmed with Mr. Hicks that it was an overhead line. Mr. Enyart stated that, for the storage units that would be climate controlled, he expected the need for electricity. Mr. Hicks stated that he had service at the back end of the *Boardwalk on Memorial* shopping center and would extend it eastward from there. Mr. Peterson asked Mr. Enyart about the north building, and Mr. Enyart stated that, in the latest redesign, it was pulled off the north line by 4'. Mr. Enyart stated that this area was presently not shown to be used for anything, but he could ask that a U/E be put here if the TAC members needed it. Mr. Peterson indicated it would not be needed at this time. Mr. Enyart noted that the development to the north, "Chateau Villas," was moving forward. Mr. Peterson stated that he believed there should be a Perimeter U/E along the south line of that property, so he should be covered. Mr. Enyart stated that it should be 17.5' in width unless it were Waived. Mr. Peterson or Mr. Hicks stated that he had told [JR Donelson] that each development needed to be designed for their own developments, regardless of what happened on the other property. Mr. Enyart indicated agreement.

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

9. Old Business

10. New Business

11. Meeting was adjourned at 11:10 AM.



PLAT No. _____

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

ON _____

BY _____
MAYOR - VICE MAYOR

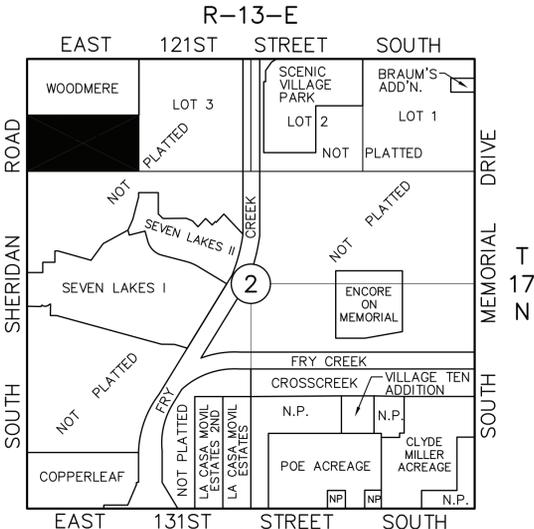
THIS APPROVAL IS VOID IF THE
ABOVE SIGNATURE IS NOT
ENDORSED BY THE CITY MANAGER
OR CITY CLERK.

BY _____
CITY MANAGER - CITY CLERK

'FINAL PLAT'

Wood Hollow Estates

A SUBDIVISION OF PART OF THE
S/2 OF GOVERNMENT LOT 4 OF SECTION 2, T-17-N, R-13-E
CITY OF BIXBY, TULSA COUNTY, OKLAHOMA
Planned Unit Development Number 80



Location Map
SCALE: 1"=1000'

Owner
WOOD HOLLOW ESTATES, LLC
ATTN: WAYNE FARABOUGH
11001 SOUTH MEMORIAL DRIVE
TULSA, OKLAHOMA 74133
PHONE: (918) 369-3181

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

Basis of Bearings

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

Monumentation

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

Legend

- ACC = ACCESS PERMITTED
- B/L = BUILDING LINE
- F/E = FENCE EASEMENT
- LNA = LIMITS OF NO ACCESS
- ODE = OVERLAND DRAINAGE EASEMENT
- SWE = SIDEWALK EASEMENT
- U/E = UTILITY EASEMENT
- 12345 = STREET ADDRESS

Subdivision Statistics

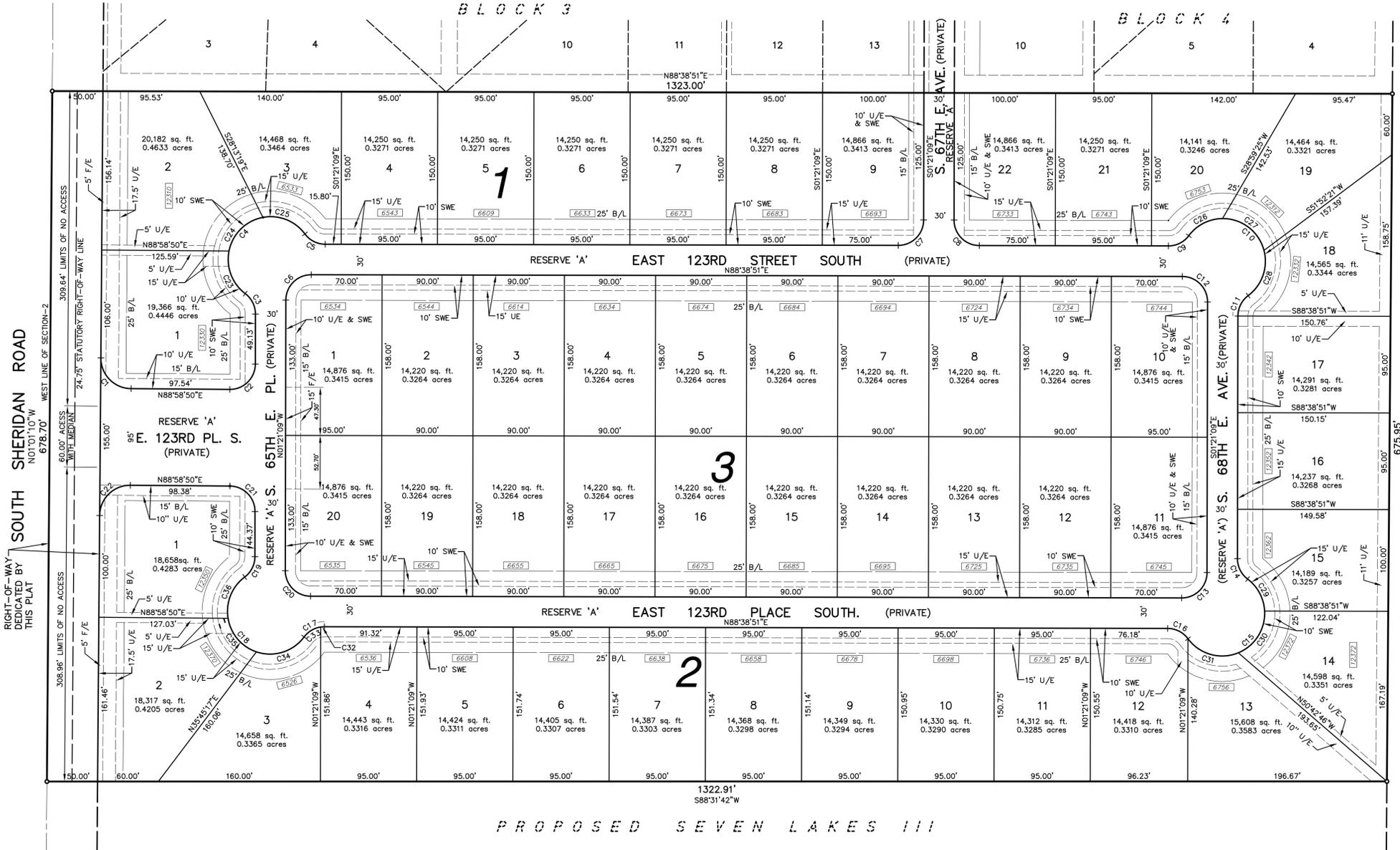
SUBDIVISION CONTAINS 51 LOTS IN 3 BLOCKS AND RESERVE 'A'

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

Addresses

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

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	47.12'	30.00'	90°00'00"	S46°01'10"E	42.43'
C2	39.42'	25.00'	89°19'59"	N43°48'50"E	35.46'
C3	23.28'	25.00'	53°20'37"	N28°01'28"W	22.44'
C4	144.18'	42.00'	196°41'14"	S43°38'51"W	83.11'
C5	23.28'	25.00'	53°20'37"	S64°40'51"E	22.44'
C6	39.27'	25.00'	90°00'00"	S43°38'51"W	35.36'
C7	39.27'	25.00'	90°00'00"	N43°38'51"E	35.36'
C8	39.27'	25.00'	90°00'00"	S46°21'09"E	35.36'
C9	23.28'	25.00'	53°20'37"	N61°58'32"E	22.44'
C10	144.18'	42.00'	196°41'14"	N46°21'09"W	83.11'
C11	23.28'	25.00'	53°20'36"	S29°19'10"W	22.44'
C12	39.27'	25.00'	90°00'00"	N46°21'09"W	35.36'
C13	39.27'	25.00'	90°00'00"	N43°38'51"E	35.36'
C14	23.28'	25.00'	53°20'37"	S28°01'28"E	22.44'
C15	144.18'	42.00'	196°41'14"	N43°38'51"E	83.11'
C16	23.28'	25.00'	53°20'37"	N64°40'51"W	22.44'
C17	23.28'	25.00'	53°20'37"	S61°58'32"W	22.44'
C18	144.18'	42.00'	196°41'14"	S46°21'09"E	83.11'
C19	23.28'	25.00'	53°20'37"	N25°19'09"E	22.44'
C20	39.27'	25.00'	90°00'00"	S46°21'09"E	35.36'
C21	39.12'	25.00'	89°40'01"	N46°11'10"W	35.25'
C22	47.12'	30.00'	90°00'00"	S43°58'50"W	42.43'
C23	47.28'	42.00'	64°30'15"	N22°26'39"W	44.83'
C24	49.98'	42.00'	68°11'18"	N43°54'07"W	47.09'
C25	46.91'	42.00'	63°59'42"	S70°00'28"E	51.98'
C26	38.65'	42.00'	52°43'54"	S61°40'11"W	37.30'
C27	55.52'	42.00'	75°44'46"	N54°05'29"W	51.57'
C28	50.00'	42.00'	68°12'33"	N17°53'11"E	47.10'
C29	36.85'	42.00'	50°16'18"	N29°33'37"W	35.68'
C30	51.77'	42.00'	70°37'43"	N30°53'23"E	48.56'
C31	55.55'	42.00'	75°42'13"	S79°54'09"E	51.59'
C32	3.69'	25.00'	8°27'24"	S84°25'09"W	3.69'
C33	19.59'	25.00'	44°53'13"	S57°44'50"W	19.09'
C34	52.70'	42.00'	71°53'47"	N71°15'07"E	49.31'
C35	45.47'	42.00'	62°01'36"	N41°47'11"W	43.28'
C36	46.01'	42.00'	62°45'51"	N20°36'32"W	43.74'



Deed of Dedication and Restrictive Covenants

KNOW ALL MEN BY THESE PRESENTS:

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

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

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

SECTION I. EASEMENTS AND UTILITIES

A. UTILITY EASEMENTS

THE OWNER DOES HEREBY DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT", FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT AND TO AREAS OUTSIDE OF THE PLAT. THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE, OR BELOW GROUND OBSTRUCTION SHALL BE PLACED, ERRECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT PROPERLY-PERMITTED DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS, THAT DO NOT CONSTITUTE AN OBSTRUCTION.

B. UTILITY SERVICE

- OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE UTILITY EASEMENTS ALONG THE WEST PERIMETER OF THE SUBDIVISION. ELSEWHERE THROUGHOUT THE SUBDIVISION ALL SUPPLY LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENTWAYS DEDICATED FOR UTILITY SERVICES, AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN EASEMENTWAYS.
- UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST SERVICE PEDESTAL, TRANSFORMER OR GAS SERVICE LINE TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON A LOT, PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT AND EFFECTIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE SERVICE PEDESTAL, TRANSFORMER OR GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE.
- THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTWAYS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.
- THE OWNER OF A LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
- THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH B SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF A LOT AGREES TO BE BOUND HEREBY.

C. WATER, SANITARY SEWER, AND STORM SEWER SERVICE

- THE OWNER OF A LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS LOCATED ON THE LOT.
- WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH, IN THE JUDGMENT OF THE CITY OF BIXBY, WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS SHALL BE PROHIBITED.
- THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS AND SANITARY SEWER MAINS BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
- THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTWAYS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, OR SANITARY SEWER FACILITIES.
- THE WOOD HOLLOW ESTATES HOMEOWNER'S ASSOCIATION, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL STORM SEWER FACILITIES WITHIN THE SUBDIVISION AT ITS SOLE EXPENSE.
- THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH C SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF A LOT AGREES TO BE BOUND HEREBY.

D. GAS SERVICE

- THE OWNER OF A LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE GAS FACILITIES LOCATED ON THE LOT.
- WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A GAS MAIN, OR ANY CONSTRUCTION ACTIVITY THAT WOULD INTERFERE WITH GAS MAINS, SHALL BE PROHIBITED.

- THE SUPPLIER OF GAS SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF GAS MAINS BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.

- THE SUPPLIER OF GAS SERVICE SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF GAS FACILITIES.

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

E. SURFACE DRAINAGE

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

F. LIMITS OF NO ACCESS

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

G. RESERVE "A" - PRIVATE STREETS

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

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

THE OWNER, FOR ITSELF AND ITS SUCCESSOR HOMEOWNER'S ASSOCIATION HEREIN GRANTS TO THE CITY OF BIXBY, OKLAHOMA, THE RIGHT TO ENTER AND TRAVEL WITH THE LAND AND INURE TO THE BENEFIT OF THE CITY OF BIXBY, OKLAHOMA, AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, TO:

- CONSTRUCT AND MAINTAIN STREET SURFACING EXTENDING THE FULL LENGTH OF THE PRIVATE STREETS DEPICTED WITHIN RESERVE "A", AND MEETING OR EXCEEDING THE FOLLOWING STANDARDS:
 - SURFACING WIDTH SHALL BE NOT LESS THAN 26' MEASURED FROM FACE OF CURB TO FACE OF CURB;
 - STREETS SHALL BE CURBED;
 - GUTTERS, BASE AND PAVING MATERIALS SHALL BE OF A QUALITY AND THICKNESS MEETING THE NOW EXISTING STANDARDS OF THE CITY OF BIXBY, OKLAHOMA, FOR MINOR RESIDENTIAL PUBLIC STREETS;
 - THE MAXIMUM VERTICAL GRADE OF PRIVATE STREETS SHALL BE 12 PERCENT.

- PROHIBIT THE ERECTION OF ANY ARCH OR SIMILAR STRUCTURE OVER ANY PRIVATE STREET DEPICTED WITHIN RESERVE "A" WHICH WOULD PROHIBIT ANY GOVERNMENTAL VEHICLE, SPECIFICALLY ANY FIRE VEHICLE, FROM FREE USAGE OF THE PRIVATE STREETS.
- SECURE INSPECTION BY THE CITY OF BIXBY, OKLAHOMA OF THE PRIVATE STREETS AND SECURE CERTIFICATION BY THE CITY OF BIXBY, OKLAHOMA THAT THE PRIVATE STREETS HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS ABOVE SET FORTH, OR IF THE CITY OF BIXBY, OKLAHOMA DECLINES TO INSPECT THE PRIVATE STREETS, CERTIFICATION SHALL BE SECURED FROM A REGISTERED PROFESSIONAL ENGINEER THAT THE PRIVATE STREETS WERE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS ABOVE SET FORTH, AND THE REQUIRED CERTIFICATION SHALL BE FILED WITH THE BIXBY PLANNING COMMISSION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR ANY LOT THAT DERIVES ITS ACCESS FROM A PRIVATE STREET.

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

H. PAVING AND LANDSCAPING WITHIN EASEMENTS

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

I. SIDEWALKS AND SIDEWALK EASEMENT

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

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

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

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

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

WHEREAS, THE OWNER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER AND ITS SUCCESSORS IN TITLE AND SHALL BE ENFORCEABLE BY THE OWNER, ANY PERSON OWNING A LOT OR A PARCEL IN "WOOD HOLLOW ESTATES" AND BY THE CITY OF BIXBY AS HEREINAFTER SET FORTH.

A. DEVELOPMENT STANDARDS - BLOCKS 1, 2 AND 3

- PERMITTED USES
THOSE USES PERMITTED AS A MATTER OF RIGHT IN THE RS-3 ZONING DISTRICT, INCLUDING USE UNIT 6, SINGLE FAMILY DWELLINGS, INCLUDING CUSTOMARY ACCESSORY USES SUCH AS PARKING AND LANDSCAPED AREAS AND SECURITY GATEHOUSES.
- MAXIMUM LAND AREA PER DWELLING UNIT 8,400 SF
- MAXIMUM NUMBER OF LOTS 51
- MINIMUM LOT AREA 12,000 SF
- MAXIMUM BUILDING HEIGHT 3 STORIES, 48 FT
- MINIMUM LIVABILITY SPACE PER DWELLING UNIT 4,000 SF
- OFF-STREET PARKING

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

- MINIMUM YARDS

FRONT YARD:	
RESIDENCES AND FRONT-ENTRY GARAGES	25 FT
SIDE YARD:	
ONE SIDE	5 FT
OTHER SIDE	10 FT
SIDE STREET YARD - RESIDENCES	15 FT
SIDE STREET YARD - GARAGES	20 FT
REAR YARD:	
PRIVATE STREETS	20 FT

- MINIMUM WIDTH 26 FT

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

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

SECTION III. EASEMENTS FOR HOMEOWNERS' ASSOCIATION

A. FENCING AND LANDSCAPING

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

B. SIDEWALK MAINTENANCE

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

SECTION IV. HOMEOWNERS' ASSOCIATION

A. FORMATION OF HOMEOWNERS' ASSOCIATION

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

B. MEMBERSHIP

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

C. ASSESSMENT

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

SECTION V. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

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

B. DURATION

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

C. AMENDMENT

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

D. SEVERABILITY

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

IN WITNESS WHEREOF, WOOD HOLLOW ESTATES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF _____, 2014.

WOOD HOLLOW ESTATES, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____
WAYNE FARABOUGH, MANAGER

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2014, BY WAYNE FARABOUGH AS MANAGER OF WOOD HOLLOW ESTATES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC



COMMISSION NO. 01012356

Certificate of Survey

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

EXECUTED THIS ____ DAY OF _____, 2014.

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



DATE SIGNED:

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2014, BY THEODORE A. SACK.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC



COMMISSION NO. 01012356



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: Tuesday, March 04, 2014
RE: Report and Recommendations for:
Preliminary Plat & Final Plat of "River Trail II" (PUD 83)

LOCATION:

- Part of the E/2 of Section 02, T17N, R13E
- Southwest corner of the intersection of 126th St. S. and Memorial Dr.

SIZE: 5.025 acres, more or less

EXISTING ZONING: AG Agricultural District and CG General Commercial District (CG zoning and PUD 83 for entire acreage pending City Council consideration)

SUPPLEMENTAL ZONING: Corridor Appearance District (PUD 83 pending City Council consideration)

EXISTING USE: Vacant/Agricultural

REQUEST: Preliminary Plat approval

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 126th 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.

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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 single-family 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 126th 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.

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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.

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).

PUD 83 & BZ-371 – River Trail II – Khoury Engineering, Inc. – Request to rezone from AG and CG to CG and approve PUD 83 for a commercial development on subject property – PC recommended Approval 02/18/2014. On 02/24/2014, the City Council Approved BZ-371 and Conditionally Approved PUD 83. City Council consideration of the ordinance effecting the rezoning and PUD approval pending 03/24/2014.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property of 5.025 acres is zoned AG and is vacant and/or agricultural. It has approximately 546' of frontage on Memorial Dr. and 355' of frontage on 126th St. S. (PUD 83 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, and today serves as *Encore's* second required means of ingress/egress for emergency purposes.

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 5.025 acres located between *Encore on Memorial* and Memorial Dr., south of 126th 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 126th St. S.

The 5.025-acre subject property included in these applications is relatively flat and appears to drain, if only slightly, to the south. The development will drain to the south to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention.

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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 existing and proposed CG zoning and commercial development anticipated by this plat would not be inconsistent with the Comprehensive Plan.

General. This subdivision of 5.025 acres, more or less, proposes four (4) lots, one (1) block, and no (0) reserve areas.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on March 05, 2014. The Minutes of the meeting are attached to this report.

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

Access and Internal Circulation. Plans for access and internal circulation are described in the "Access and Circulation" section of the proposed PUD 83 Text presently reads as follows:

"Two means of access points for ingress and egress to *River Trail II* are proposed on E. 126th 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. 126th Street to each lot in this development. The eastern access point on E. 126th Street South will be constructed when the remaining lots develop. The location of this access is subject to the City Engineer and Fire Marshal approval; 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. The existing gravel drive adjacent to and through parts of the subject property is used for maintenance access for the Fry Creek system. 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. A secondary access easement that will provide a Mutual Access through the front of each lot as each develops will be established during the platting process.

Sidewalks, minimum 4 feet in width, 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. The sidewalks shall be ADA compliant and shall be approved by the City Engineer. Sidewalks will be installed by the developer of each lot at the time of construction, or otherwise alternative mutually-beneficial plans for trails/sidewalks if/as may be proposed by the Developer.

Limits of No Access (LNA) will be imposed along the Memorial Dr. Frontage of the subject property; which LNA will not restrict emergency response vehicles or vehicles used in conjunction with Fry Creek maintenance.

A [10] feet wide trail easement will be shown on the plat along the southern and eastern boundaries. A mountable curb will be installed at the south end of the paved western drive to discourage vehicles from driving past the paved area.”

Plans for access can be further inferred from the site plans provided with the PUD and by the Mutual Access Easements (MAEs) represented on the plats.

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. 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 126th 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., the plat proposes a 10'-wide Trail Easement along the easterly and southerly plat boundaries. The developer should have the flexibility, within this PUD, to propose alternative methods to accommodate a mutually-beneficial design, such as the proposed Trail Easement and perhaps also 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 PUD Text provision requiring compliance with Fire Marshal recommendations and the related Condition of Approval recommended herein.

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

1. Subject to the City Council's final approval of PUD 83 & BZ-371 and the completion of all requirements pertaining thereto.
2. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.

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3. Per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways, the plat should dedicate with appropriate language (see related item below), at a minimum, ½ of the abutting 126th St. S. right-of-way, if not the entire 80' width.
4. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - a. *Encore on Memorial* (missing)
 - b. *Seven Lakes II* (missing)
 - c. *Scenic Village Park* (missing)
5. Please add proposed addresses to the lots.
6. Certain elements on the Preliminary Plat appear to be missing or have errors as follows:
 - a. The westerly Limits of No Access (LNA) label at 126th St. S. appears to be duplicated.
 - b. 20' B/L linetype missing along north line of Lot 1.
 - c. 17.5' U/E label missing from along 117.02' plat boundary.
 - d. 17.5' U/E label missing from along 57.86' plat boundary on Detail 1.
 - e. Angle/bearing and distance on Lot 1/2 common line.
 - f. Text/linework conflict at west line of Lot 1.
 - g. 20 B/L along north and easternmost lines of Lot 1 missing.
 - h. 17.5' U/E along north and easternmost lines of Lot 1 missing.
 - i. 360.6' call along easterly line of Lot 2: please clarify.
 - j. 260.5' and 270.5' calls along the southerly line of Lot 4 missing.
7. 20' B/L linetype and label missing from along 117.02' and 57.86' plat boundaries.
8. Please dimension the respective widths of MAE shared by proposed Lots 3 and 4.
9. Title Block: Includes term "Addition" in development statistics but Title Block itself does not specify whether an "Addition" or a "Subdivision." DoD/RCs Preamble and Certificate of Survey describes as "Subdivision." Please reconcile all instances.
10. DoD/RCs Preamble: Missing critical wording such as "and have caused the above described tract of land to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided ..." as per customary platting conventions and the City Attorney's recommendations regarding fee simple ownership of rights-of-ways. The first four (4) underlined terms may be omitted in this instance, if no right-of-way would be dedicated by this plat, but the access rights reservation would need to be included at a minimum.
11. DoD/RCs: As per the Condition of Approval of PUD 83, consider providing 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.
12. DoD/RCs: Consider providing a "Maintenance Covenant" pertaining to maintenance and upkeep of properties free of trash, debris, and litter, as is customary in commercial/nonresidential developments. Examples may be provided upon request.
13. DoD/RCs: Does not provide for the formation of a property owners' association, such as would be made responsible for the MAEs and any other common features developed within the addition. At a minimum, please update DoD/RCs Section I.E to provide a formula for the respective maintenance responsibilities of the MAE (e.g. only responsible for that part located within lot boundaries, or an equal share between the four (4) lot owners, or a proportional share, etc.). Use of clear and immutable formula

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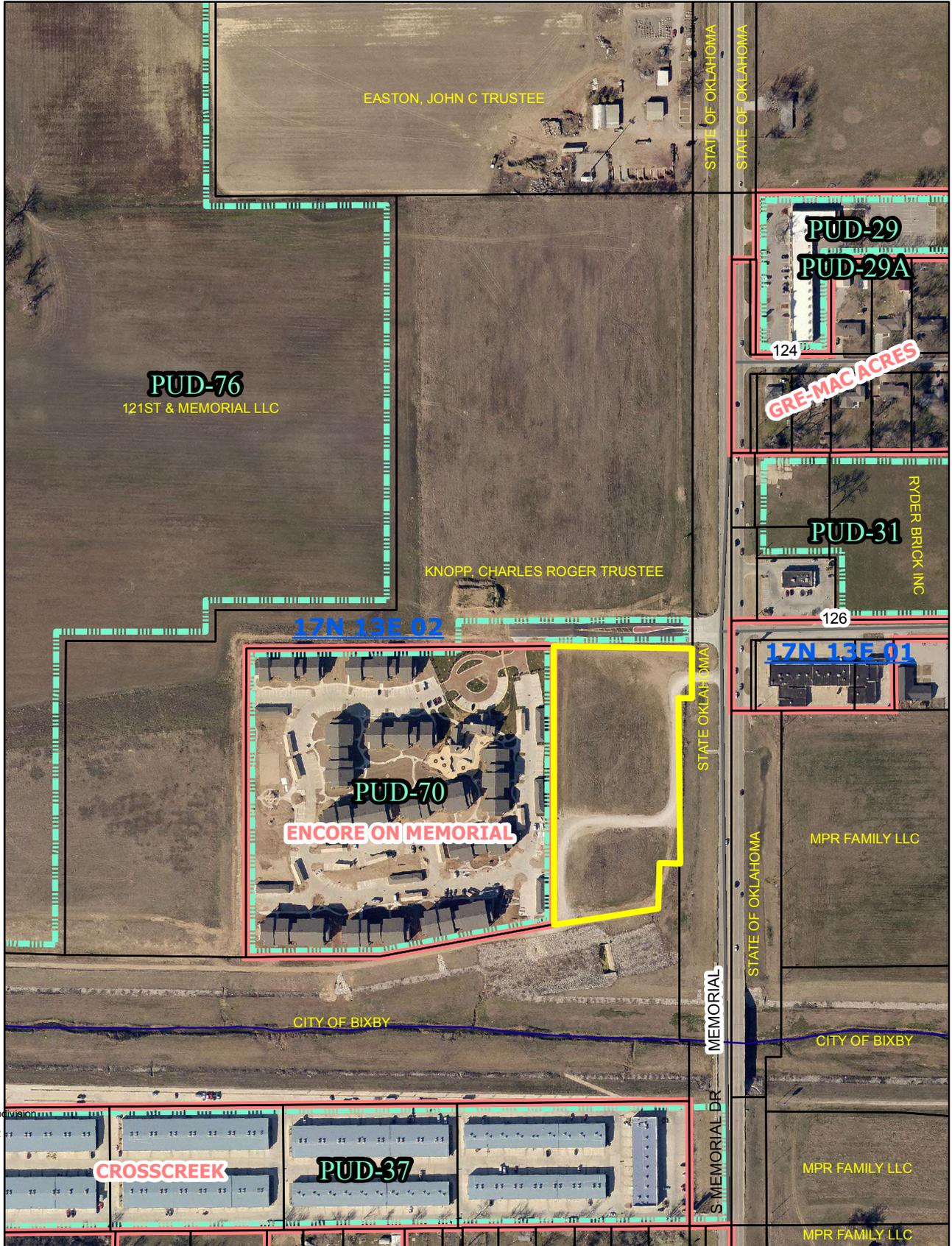
- language on the face of the plat, versus buried in the DoD/RCs (which may be fairly easily amended and commonly without City approval) is recommended.
14. DoD/RCs Section I: Does not provide dedication language pertaining to the 10'-wide Trail Easement as represented on the face of the plat.
 15. DoD/RCs Section I.A: Please qualify this section as follows: "...nothing herein shall be deemed to prohibit properly-permitted drives, parking areas, ..."
 16. DoD/RCs Section I.B.1: Occurrence of "parameter" in lieu of "perimeter," as presumed intended.
 17. DoD/RCs Section I.B.1: Word possibly omitted: "...may be served by overhead line or underground cable here and elsewhere throughout the subdivision."
 18. DoD/RCs Section I.D.1: Words "certificate of dedication" used in place of "Deed of Dedication" as used in this plat.
 19. DoD/RCs Section I.G: Please qualify this section as follows: "...repair of damage to properly-permitted landscaping and paving occasioned ..."
 20. DoD/RCs Section I.H: Please provide an exclusion from the LNA restriction along Memorial Dr. for "emergency response vehicles or vehicles used in conjunction with Fry Creek maintenance" as per the PUD.
 21. DoD/RCs Section II Preamble: Please replace all occurrences of "Ordinance" with "Code" as in "Zoning Code."
 22. DoD/RCs Section II Preamble: Please complete blanks with date information intended upon and presuming City Council approval.
 23. DoD/RCs Section II: Please update with final version of PUD 83 language upon and presuming City Council approval.
 24. DoD/RCs Section III.A: Please add Section II (PUD restrictions) to list of sections for which the City of Bixby has enforcement capability.
 25. DoD/RCs Section III.A: Refers to "the Association," but the formation of an association of property owners is not presently provided in the DoD/RCs.
 26. DoD/RCs Section III.B: This "Duration" section of DoD/RCs customarily provides language allowing for the automatic renewal of the DoD/RCs for successive periods unless voided by an adequate majority of the then owners. Please incorporate or advise.
 27. DoD/RCs Section III.C: Please add Section II (PUD restrictions) to list of sections for which the City of Bixby has amendment approval authority.
 28. Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
 29. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.
 30. A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of PUD 83: two (2) hard copies and one (1) electronic copy (PDF preferred).
 31. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

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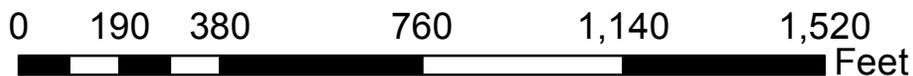
32. Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

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**Preliminary Plat & Final Plat – “River Trail II” –
Khoury Engineering, Inc. (PUD 83)**



- bixby_streams
- Tulsa Parcels 02/14
- WagParcels 08/13
- TulSubdivision
- WagonerCounty_Subdivision
- WagRoads_Aug2012
- E911Streets
- PUD
- bixby_s-t-r
- county



Memo

To: Erik Enyart

From: JOEY WIEDEL

Date: 2/28/2014

Re: Preliminary Plat and Final Plat "River Trails II"

Plans are approved by this office with the following caveats:

- Fire Hydrants shall be spaced no further than 600 feet in commercial district.
- Fire Hydrant shall be within 150 feet of any sprinkled building.
- Two means of egress/ingress shall be established before construction begins.
- Fire Hydrants shall have a ground clearance of no less than 18 inches from center of caps.
- Fire Apparatus access to be discussed in Tac Meeting.
- Hydrants shall be Mueller or AVK brand, chrome yellow per city standards.

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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)

Engineering Department Memo

To: Erik Enyart
From: Jared Cottle *JWC*
CC: Bea Aamodt
File
Date: 02/26/14
Re: River Trail II Preliminary and Final Plat

General Comments:

1. No utility or drainage plans have been provided other than those included in the PUD.
2. No additional reviews or comments can be provided until plans have been submitted and previous comments based on the PUD information addressed.

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Deed of Dedication and Restrictive Covenants

KNOW ALL MEN BY THESE PRESENTS:

The Charles Roger Knopp Revocable Trust, hereinafter referred to as the "Owner", is the owner of the following described land in the City of Bixby, Tulsa County, State of Oklahoma, to-wit:

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 AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

POINT OF BEGINNING BEING THE NORTHEAST CORNER OF LOT ONE (1), OF BLOCK ONE (1) OF "ENCORE ON MEMORIAL", FILED AS PLAT NUMBER 6380 AT THE OFFICE OF THE TULSA COUNTY CLERK;

THENCE S00°58'45"E A DISTANCE OF 713.63 FEET TO THE SOUTHEAST CORNER OF SAID LOT ONE (1), OF BLOCK ONE (1);

THENCE N77°58'41"E A DISTANCE OF 270.51 FEET;

THENCE N00°01'17"W A DISTANCE OF 117.02 FEET;

THENCE N89°58'43"E A DISTANCE OF 57.86 FEET TO THE RIGHT OF WAY OF STATE HIGHWAY 64;

THENCE ALONG THE RIGHT OF WAY OF STATE HIGHWAY 64, N00°58'57"W A DISTANCE OF 426.14 FEET;

THENCE N89°01'06"E A DISTANCE OF 30.04 FEET;

THENCE N00°58'57"W A DISTANCE OF 119.63 FEET;

THENCE DEPARTING THE RIGHT OF WAY OF STATE HIGHWAY 64, S89°01'15"W A DISTANCE OF 355.32 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 218901 SQUARE FEET OR 5.025 ACRES.

BEARINGS BASED ON THE PLATTED LINES OF "ENCORE ON MEMORIAL".

and have caused the above described tract of land to be surveyed, staked, platted and subdivided into Four (4) lots and One (1) block, in conformity with the accompanying plat, and has designated the subdivision as "RIVER TRAIL II" a Subdivision in the City of Bixby, Tulsa County, Oklahoma (hereinafter referred to as "RIVER TRAIL II" or the "Subdivision").

SECTION I. EASEMENTS AND UTILITIES

A. General Utility Easements

The Owner/Developer does hereby dedicate for public use the utility easements as depicted on the accompanying plat as "U/E" or "utility easement" for the several purposes of constructing, maintaining, operating, repairing, replacing, and/or removing any and all public utilities, including storm sewers, sanitary sewers, telephone and communication lines, electric power lines and transformers, gas lines, water lines and cable television lines, together with all fittings, including the poles, wires, conduits, pipes, valves, meters, and equipment for each of such facilities and any other appurtenances thereto, with the rights of ingress and egress to and upon the utility easements for the uses and purposes aforesaid; provided however, the Owner/Developer hereby reserves the right to construct, maintain, operate, lay and re-lay water lines and sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all of the utility easements depicted on the plat, for the purpose of furnishing water and/or sewer services to the area included in the plat. The Owner/Developer herein imposes a restrictive covenant, which 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 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.

B. Underground Service

1. Overhead lines for the supply of electric, telephone and cable television services may be located within the parametric easements of the subdivision. Street light poles or standards may be served by overhead line or underground cable and elsewhere throughout the subdivision. All supply lines including electric, telephone, cable television and gas lines shall be located underground in the easement ways dedicated for general utility services and in the rights-of-way of the public streets as depicted on the accompanying plat. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in the easement ways.

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

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

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

5. The foregoing covenants set forth in this paragraph B shall be enforceable by each supplier of the electric, telephone, cable television or gas service and the owner of the lot agrees to be bound hereby.

C. Water, Sanitary Sewer and Storm Sewer Services

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

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

3. The City of Bixby, Oklahoma, or its successors, shall be responsible for the ordinary maintenance of public water and sewer mains and storm sewers, but the owner of the lot shall pay for damage or relocation of such facilities

caused or necessitated by acts of the owner of his lot, his agents or contractors.

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

5. The foregoing covenants set forth in this paragraph C shall be enforceable by the City of Bixby, Oklahoma, or its successors, and the owner of the lot agrees to be bound hereby.

D. Gas Service

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

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

3. Underground gas service lines to all structures which may be located within the subdivision may be run from the nearest gas main to the point of usage determined by the location and construction of such structure as may be located upon the lot, provided that upon the installation of a service line to a particular structure, the supplier of service shall thereafter be deemed to have a definitive, permanent and effective easement on the lot, covering a 5 foot strip extending 2.5 feet on each side of the service line, extending from the gas main to the service entrance on the structure.

4. The foregoing covenants set forth in this paragraph shall be enforceable by the supplier of the gas service and the Owner of the lot agrees to be bound hereby.

E. Surface and Underground Drainage

1. Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation and from streets and easements for the purpose of permitting the flow, conveyance and discharge of storm water runoff from properties within the subdivision. No lot owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across any lot. The foregoing covenants set forth in this paragraph shall be enforceable by any affected lot owner and by the City of Bixby, Oklahoma.

2. Drainage facilities or other improvements constructed in the subdivision shall be in accordance with the adopted standards of the City of Bixby, Oklahoma.

F. Off-Site Drainage

Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from off-site properties and drainage areas of higher elevation and from streets and easements for the purpose of furnishing the flow, conveyance and discharge of storm water runoff from off-site properties through the subdivision. No lot owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across any lot. The foregoing covenants set forth in this paragraph shall be enforceable by any affected lot owner and by the City of Bixby, Oklahoma.

G. Paving and Landscaping within Easements

The owner of the lot shall be responsible for the repair of damage to landscaping and paving occasioned by necessary installation or maintenance of underground water, sewer, storm sewer, natural gas, communication, cable television, or electric facilities within the utility easement areas depicted upon the accompanying plat, provided however, the City of Bixby, Oklahoma or the supplier of the utility service shall use reasonable care in the performance of such activities.

H. Limits of No Access

The Owners hereby relinquish rights of vehicular ingress or egress from any portion of the property adjacent to E. 126th Street South and S. Memorial Drive 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 City of Bixby Planning Commission, or its successor, or as otherwise provided by the statutes and laws of the State of Oklahoma pertaining thereto, and the limits of no access above established shall be enforceable by the City of Bixby.

E. Mutual Access Easement

The owners of the tracts in which the easements are located herein establish, for the benefit of the Owners and their respective successors in title to the lots within the Subdivision, a perpetual non-exclusive mutual access easement for the purposes of permitting vehicular and pedestrian passage to and from the lots within the Subdivision to and from E. 126th Street South, and to and from any other public or private roadway or access easement adjacent to the Subdivision, on, over and across the areas depicted on the accompanying plat as "Mutual Access Easement".

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

Whereas, RIVER TRAIL II was submitted as a planned unit development (designated as PUD No. 83) as provided within Title 11, Chapter 7, Article I of Bixby Zoning Ordinance, and Whereas PUD No. 83 was affirmatively recommended by the City of Bixby Planning Commission on _____, 2014 and approved by the Council of the City of Bixby, Oklahoma, on _____, 2014.

Whereas, the planned unit development provisions of the Bixby Zoning Ordinance 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 planned unit development, and

Whereas, the Owners desire to establish restrictions for the purpose of providing for an orderly development and to insure adequate restrictions for the mutual benefit of the Owners, their respective successors and assigns, and the City of Bixby, Oklahoma.

THEREFORE, the Owners hereby impose the following restrictions and covenants which shall be covenants running with the land and shall be binding upon the Owners, their respective successors and assigns, and shall be enforceable as hereinafter set forth.

Development Area A

Permitted Use..... As permitted by right in CG, Commercial General District; excluding sexually oriented business.

Net Development Area..... 5.025 Acres (218,901.0 S.F.)

Maximum Floor Area Ratio Per Lot..... 0.75

Minimum Building Setback:

From Easterly side lines.....20 feet

From Front/ North line20 feet

From Rear/South line20 feet

From Westerly side lines.....20 feet

Maximum Building Height.....50 feet (Not to exceed three stories)

Minimum Landscape Buffer20 feet from E. 126th Street South

15 feet from Easterly side Lines

10 feet from Westerly side Lines

10 feet from South Property Line

Parking Ratio..... As permitted in CG, Commercial General District

PLATTING

No building permit within RIVER TRAIL II 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 private 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.

LANDSCAPING AND SCREENING

RIVER TRAIL II landscaping plan will be designed to enhance the E. 126th Street South and Memorial drive frontages; and to create an attractive view from said street 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. 126st 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.

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.

ACCESS AND CIRCULATION

Two means of access points for ingress and egress to River Trails of Bixby are proposed on E. 126th 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. 126th Street to each lot in this development. The eastern access point on E. 126th 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 platting of this development. Sidewalks, minimum 4 feet in width, will be installed by the developer along E. 126th 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. 126th 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.

SECTION III. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. Enforcement

The restrictions herein set forth are covenants to run with the land and shall be binding upon the Owner/Developer, its successors and assigns. Within the provisions of Section I. Easements, and 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. If the undersigned Owner/Developer, or its successors or assigns, shall violate any of the covenants within Section I, it shall be lawful for the City of Bixby or the owner of any lot or parcel within the Subdivision or the Association to maintain any action at law 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.

B. Duration

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

C. Amendment

The restrictions and covenants contained within Section I. Easements, and Utilities may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the land to which the amendment or termination is to be applicable and approved by the City of Bixby, or its successors. The provisions of any instrument amending or terminating covenants as above set forth shall be

effective from and after the date it is properly recorded in the records of the Clerk of Tulsa County.

D. Severability

Invalidation of any restriction set forth herein, or any part thereof, by an order, judgment, or decree of any court, or otherwise, shall not invalidate or affect any of the other restrictions or any part thereof as set forth herein, which shall remain in full force and effect.

In Witness Whereof, The Charles Roger Knopp Revocable Trust, has executed this instrument this _____ day of _____, 2014.

The Charles Roger Knopp Revocable Trust, dated July 2, 1986

By: _____ Lisa K. Lawrence, Successor Co-Trustee

By: _____ Kelly Knopp, Successor Co-Trustee

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

This instrument was acknowledged before me on this _____ day of _____, 2014, by Lisa K. Lawrence and Kelly Knopp, Successors Co-Trustees of The Charles Roger Knopp Revocable Trust, dated July 2, 1986.

My commission expires _____ Notary Public

Certificate of Survey

I, Russell Muzika of Tulsa County, State of Oklahoma, and a Professional Surveyor, do hereby certify that I have carefully and accurately surveyed, subdivided, and platted the tract of land described above, and that the accompanying plat designated herein as "RIVER TRAIL II", a Subdivision in the City of Bixby, Tulsa County, State of Oklahoma, is a true representation of the survey made on the ground using generally accepted practices and meets or exceeds the Oklahoma minimum standards for the practice of land surveying.

Executed this _____ day of _____, 2014.

Russell Muzika
Registered Professional Land
Surveyor, Oklahoma No. 1603

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

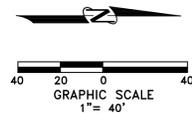
The foregoing certificate of survey was acknowledged before me this day of _____ day of _____, 2014 by Russell Muzika.

My commission expires _____ Notary Public

FINAL PLAT River Trail II PUD-83

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 and Meridian, City of Bixby, Tulsa County, State of Oklahoma

Addition has 4 Lots in 1 Block
and contains 5.025 acres, more or less.

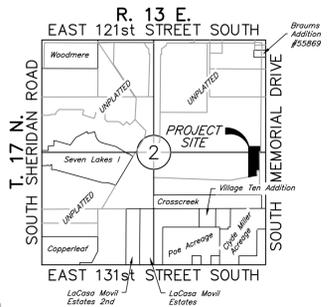
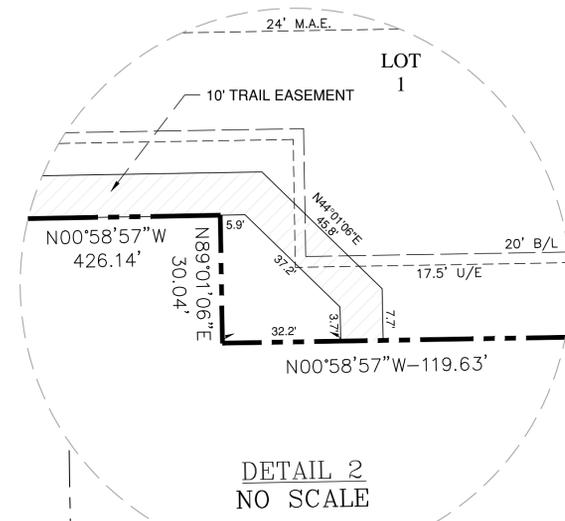
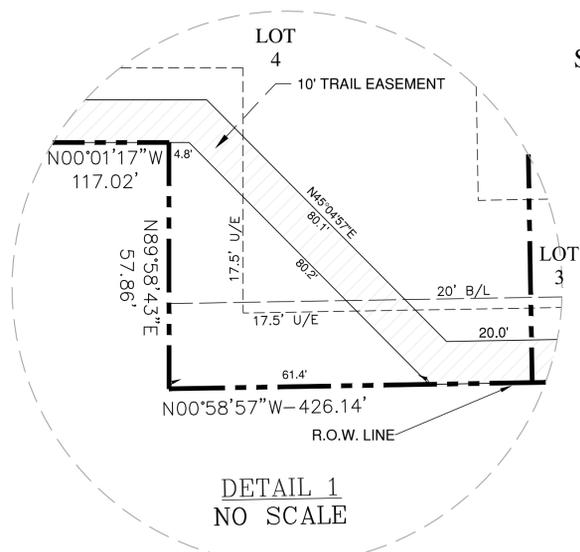


BENCHMARK

5/8" rebar w/yellow cap
(LS1253) set in East
Quarter corner of Section 2.
EL=609.14

DATUM

Horizontal: NAD83(1993) Oklahoma
State Plane - HARN Adjustment
Zone: 3501 Oklahoma North
Vertical: NAVD 1988 Datum.



LOCATION MAP
SCALE: 1" = 2,000'

OWNER

The Charles Roger Knopp
Revocable Trust
4020 South Birmingham Ave.
Tulsa, OK 74105

SURVEYOR

Geodeca, LLC
Land Surveying Company
6028 South 66th East Avenue Suite 101
Tulsa, Oklahoma 74133
(918) 949-4064
E-MAIL: info@geodeca.com

ENGINEER

Khoury Engineering, Inc.
1435 East 41st Street
Tulsa, Oklahoma 74105
(918) 712-8768
E-MAIL: kenginc@khouryeng.com
Certificate of Authorization No. 3751
Expires June 30, 2015

BASIS OF BEARING

THE BEARINGS SHOWN HEREON ARE BASED ON OKLAHOMA
STATE PLANE COORDINATE SYSTEM, NAD 1983 (1993).

MONUMENTATION

ALL LOT CORNERS ARE TO BE MONUMENTED WITH A 3/8" IRON
PIN WITH PLASTIC CAP UPON COMPLETION OF THE
INFRASTRUCTURE CONSTRUCTION.

LEGEND

B/L = BUILDING LINE
U/E = UTILITY EASEMENT
M.A.E. = MUTUAL ACCESS EASEMENT
L.N.A. = LIMITS OF NO ACCESS

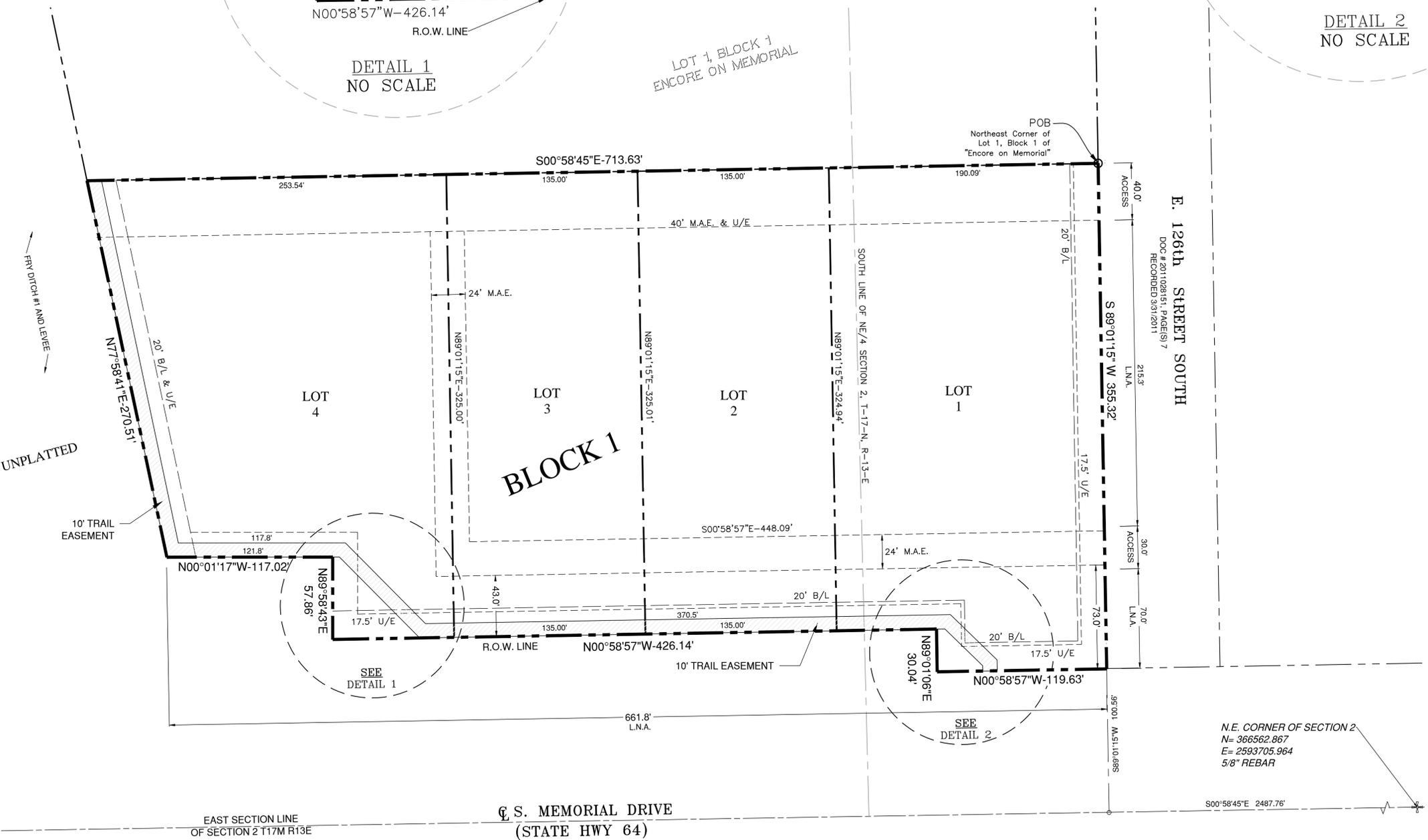
LEGAL DESCRIPTION

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 AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POINT OF BEGINNING BEING THE NORTHEAST CORNER OF LOT ONE (1), OF BLOCK ONE (1) OF "ENCORE ON MEMORIAL", FILED AS PLAT NUMBER 6380 AT THE OFFICE OF THE TULSA COUNTY CLERK;
THENCE S00°58'45"E A DISTANCE OF 713.63 FEET TO THE SOUTHEAST CORNER OF SAID LOT ONE (1), OF BLOCK ONE (1);
THENCE N77°58'41"E A DISTANCE OF 270.51 FEET;
THENCE N00°01'17"W A DISTANCE OF 117.02 FEET;
THENCE N89°58'43"E A DISTANCE OF 57.86 FEET TO THE RIGHT OF WAY OF STATE HIGHWAY 64;
THENCE ALONG THE RIGHT OF WAY OF STATE HIGHWAY 64, N00°58'57"W A DISTANCE OF 426.14 FEET;
THENCE N89°01'06"E A DISTANCE OF 30.04 FEET;
THENCE N00°58'57"W A DISTANCE OF 119.63 FEET;
THENCE DEPARTING THE RIGHT OF WAY OF STATE HIGHWAY 64, S89°01'15"W A DISTANCE OF 355.32 FEET TO THE POINT OF BEGINNING, HAVING AN AREA OF 218901 SQUARE FEET OR 5.025 ACRES.
BEARINGS BASED ON THE PLATTED LINES OF "ENCORE ON MEMORIAL".

ADDRESSES

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



N.E. CORNER OF SECTION 2
N = 366562.867
E = 2593705.964
5/8" REBAR

EAST SECTION LINE
OF SECTION 2 T17M R13E

§ S. MEMORIAL DRIVE
(STATE HWY 64)

S00°58'45"E 2487.76'

Deed of Dedication and Restrictive Covenants

KNOW ALL MEN BY THESE PRESENTS:

The Charles Roger Knopp Revocable Trust, hereinafter referred to as the "Owner", is the owner of the following described land in the City of Bixby, Tulsa County, State of Oklahoma, to-wit:

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 AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

POINT OF BEGINNING BEING THE NORTHEAST CORNER OF LOT ONE (1), OF BLOCK ONE (1) OF "ENCORE ON MEMORIAL", FILED AS PLAT NUMBER 6380 AT THE OFFICE OF THE TULSA COUNTY CLERK;

THENCE S00°58'45"E A DISTANCE OF 713.63 FEET TO THE SOUTHEAST CORNER OF SAID LOT ONE (1), OF BLOCK ONE (1);

THENCE N77°58'41"E A DISTANCE OF 270.51 FEET;

THENCE N00°01'17"W A DISTANCE OF 117.02 FEET;

THENCE N89°58'43"E A DISTANCE OF 57.86 FEET TO THE RIGHT OF WAY OF STATE HIGHWAY 64;

THENCE ALONG THE RIGHT OF WAY OF STATE HIGHWAY 64, N00°58'57"W A DISTANCE OF 426.14 FEET;

THENCE N89°01'06"E A DISTANCE OF 30.04 FEET;

THENCE N00°58'57"W A DISTANCE OF 119.63 FEET;

THENCE DEPARTING THE RIGHT OF WAY OF STATE HIGHWAY 64, S89°01'15"W A DISTANCE OF 355.32 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 218901 SQUARE FEET OR 5.025 ACRES.

BEARINGS BASED ON THE PLATTED LINES OF "ENCORE ON MEMORIAL".

and have caused the above described tract of land to be surveyed, staked, platted and subdivided into Four (4) lots and One (1) block, in conformity with the accompanying plat, and has designated the subdivision as "RIVER TRAIL II" a Subdivision in the City of Bixby, Tulsa County, Oklahoma (hereinafter referred to as "RIVER TRAIL II" or the "Subdivision").

SECTION I. EASEMENTS AND UTILITIES

A. General Utility Easements

The Owner/Developer does hereby dedicate for public use the utility easements as depicted on the accompanying plat as "U/E" or "utility easement" for the several purposes of constructing, maintaining, operating, repairing, replacing, and/or removing any and all public utilities, including storm sewers, sanitary sewers, telephone and communication lines, electric power lines and transformers, gas lines, water lines and cable television lines, together with all fittings, including the poles, wires, conduits, pipes, valves, meters, and equipment for each of such facilities and any other appurtenances thereto, with the rights of ingress and egress to and upon the utility easements for the uses and purposes aforesaid; provided however, the Owner/Developer hereby reserves the right to construct, maintain, operate, lay and re-lay water lines and sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all of the utility easements depicted on the plat, for the purpose of furnishing water and/or sewer services to the area included in the plat. The Owner/Developer herein imposes a restrictive covenant, which 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 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.

B. Underground Service

- 1. Overhead lines for the supply of electric, telephone and cable television services may be located within the parametric easements of the subdivision. Street light poles or standards may be served by overhead line or underground cable and elsewhere throughout the subdivision. All supply lines including electric, telephone, cable television and gas lines shall be located underground in the easement ways dedicated for general utility services and in the rights-of-way of the public streets as depicted on the accompanying plat. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in the easement ways.
2. Underground service cables and gas service lines to all structures which may be located within the subdivision may be run from the nearest gas main, service pedestal or transformer to the point of usage determined by the location and construction of such structure as may be located upon the lot. Provided that upon the installation of a service cable or gas service line to a particular structure, the supplier of service shall thereafter be deemed to have a definitive, permanent, effective and non-exclusive right-of-way easement on the lot, covering a 5 foot strip extending 2.5 feet on each side of the service cable or line extending from the gas main, service pedestal or transformer to the service entrance on the structure.
3. The supplier of electric, telephone, cable television and gas services, through its agents and employees, shall at all times have the right of access to all easement ways shown on the plat or otherwise provided for in this Deed of Dedication for the purpose of installing, maintaining, removing or replacing any portion of the underground electric, telephone, cable television or gas facilities installed by the supplier of the utility service.
4. The owner of the lot shall be responsible for the protection of the underground service facilities located on his lot and shall prevent the alteration of grade or any construction activity which would interfere with the electric, telephone, cable television or gas facilities. Each supplier of service shall be responsible for ordinary maintenance of underground facilities, but the owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the owner or his agents or contractors.
5. The foregoing covenants set forth in this paragraph B shall be enforceable by each supplier of the electric, telephone, cable television or gas service and the owner of the lot agrees to be bound hereby.

C. Water, Sanitary Sewer and Storm Sewer Services

- 1. The owner of the lot shall be responsible for the protection of the public water mains, sanitary sewer mains and storm sewers located on his lot.
2. Within the utility easement areas depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of a public water main, sanitary sewer main or storm sewer, or any construction activity which would interfere with public water mains, sanitary sewer mains or storm sewers shall be prohibited.
3. The City of Bixby, Oklahoma, or its successors, shall be responsible for the ordinary maintenance of public water and sewer mains and storm sewers, but the owner of the lot shall pay for damage or relocation of such facilities

caused or necessitated by acts of the owner of his lot, his agents or contractors.

- 4. The City of Bixby, Oklahoma, or its successors, shall at all times have right of access to all easements depicted on the accompanying plat, or otherwise provided for in this deed of dedication, for the purpose of installing, maintaining, removing or replacing any portion of underground water or sewer facilities.
5. The foregoing covenants set forth in this paragraph C shall be enforceable by the City of Bixby, Oklahoma, or its successors, and the owner of the lot agrees to be bound hereby.

D. Gas Service

- 1. The supplier of gas service through its agents and employees shall at all times have the right of access to all such easements shown on the plat or as provided for in this certificate of dedication for the purpose of installing, removing, repairing, or replacing any portion of the facilities installed by the supplier of gas service.
2. The Owner of the lot shall be responsible for the protection of the underground gas facilities located in their lot and shall prevent the alteration, grade, or any other construction activity which would interfere with the gas service. The supplier of the gas service shall be responsible for the ordinary maintenance of said facilities, but the Owner shall pay for damage or relocation of facilities caused or necessitated by acts of the Owner, or its agents or contractors
3. Underground gas service lines to all structures which may be located within the subdivision may be run from the nearest gas main to the point of usage determined by the location and construction of such structure as may be located upon the lot, provided that upon the installation of a service line to a particular structure, the supplier of service shall thereafter be deemed to have a definitive, permanent and effective easement on the lot, covering a 5 foot strip extending 2.5 feet on each side of the service line, extending from the gas main to the service entrance on the structure.
4. The foregoing covenants set forth in this paragraph shall be enforceable by the supplier of the gas service and the Owner of the lot agrees to be bound hereby.

E. Surface and Underground Drainage

- 1. Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation and from streets and easements for the purpose of permitting the flow, conveyance and discharge of storm water runoff from properties within the subdivision. No lot owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across any lot. The foregoing covenants set forth in this paragraph shall be enforceable by any affected lot owner and by the City of Bixby, Oklahoma.
2. Drainage facilities or other improvements constructed in the subdivision shall be in accordance with the adopted standards of the City of Bixby, Oklahoma.

F. Off-Site Drainage

Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from off-site properties and drainage areas of higher elevation and from streets and easements for the purpose of permitting the flow, conveyance and discharge of storm water runoff from off-site properties through the subdivision. No lot owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across any lot. The foregoing covenants set forth in this paragraph shall be enforceable by any affected lot owner and by the City of Bixby, Oklahoma.

G. Paving and Landscaping within Easements

The owner of the lot shall be responsible for the repair of damage to landscaping and paving occasioned by necessary installation or maintenance of underground water, sewer, storm sewer, natural gas, communication, cable television, or electric facilities within the utility easement areas depicted upon the accompanying plat, provided however, the City of Bixby, Oklahoma or the supplier of the utility service shall use reasonable care in the performance of such activities.

H. Limits of No Access

The Owners hereby relinquish rights of vehicular ingress or egress from any portion of the property adjacent to E. 126th Street South and S. Memorial Drive 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 City of Bixby Planning Commission, or its successor, or as otherwise provided by the statutes and laws of the State of Oklahoma pertaining thereto, and the limits of no access above established shall be enforceable by the City of Bixby.

E. Mutual Access Easement

The owners of the tracts in which the easements are located herein establish, for the benefit of the Owners and their respective successors in title to the lots within the Subdivision, a perpetual non-exclusive mutual access easement for the purposes of permitting vehicular and pedestrian passage to and from the lots within the Subdivision to and from E. 126th Street South, and to and from any other public or private roadway or access easement adjacent to the Subdivision, on, over and across the areas depicted on the accompanying plat as "Mutual Access Easement".

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

Whereas, RIVER TRAIL II was submitted as a planned unit development (designated as PUD No. 83) as provided within Title 11, Chapter 7, Article I of Bixby Zoning Ordinance, and Whereas PUD No. 83 was affirmatively recommended by the City of Bixby Planning Commission on _____, 2014 and approved by the Council of the City of Bixby, Oklahoma, on _____, 2014.

Whereas, the planned unit development provisions of the Bixby Zoning Ordinance 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 planned unit development, and

Whereas, the Owners desire to establish restrictions for the purpose of providing for an orderly development and to insure adequate restrictions for the mutual benefit of the Owners, their respective successors and assigns, and the City of Bixby, Oklahoma.

THEREFORE, the Owners hereby impose the following restrictions and covenants which shall be covenants running with the land and shall be binding upon the Owners, their respective successors and assigns, and shall be enforceable as hereinafter set forth.

Development Area A

Permitted Use..... As permitted by right in CG, Commercial General District; excluding sexually oriented business.
Net Development Area..... 5.025 Acres (218,901.0 S.F.)
Maximum Floor Area Ratio Per Lot..... 0.75

Minimum Building Setback:

From Easterly side lines.....20 feet
From Front/ North line20 feet
From Rear/South line20 feet
From Westerly side lines.....20 feet
Maximum Building Height.....50 feet (Not to exceed three stories)
Minimum Landscape Buffer20 feet from E. 126th Street South
15 feet from Easterly side Lines
10 feet from Westerly side Lines
10 feet from South Property Line
Parking Ratio..... As permitted in CG, Commercial General District

PLATTING

No building permit within RIVER TRAIL II 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 private 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.

LANDSCAPING AND SCREENING

RIVER TRAIL II landscaping plan will be designed to enhance the E. 126th Street South and Memorial drive frontages; and to create an attractive view from said street 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. 126st 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.

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.

ACCESS AND CIRCULATION

Two means of access points for ingress and egress to River Trails of Bixby are proposed on E. 126th 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. 126th Street to each lot in this development. The eastern access point on E. 126th 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 platting of this development. Sidewalks, minimum 4 feet in width, will be installed by the developer along E. 126th 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. 126th 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.

SECTION III. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. Enforcement

The restrictions herein set forth are covenants to run with the land and shall be binding upon the Owner/Developer, its successors and assigns. Within the provisions of Section I. Easements, and 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. If the undersigned Owner/Developer, or its successors or assigns, shall violate any of the covenants within Section I, it shall be lawful for the City of Bixby or the owner of any lot or parcel within the Subdivision or the Association to maintain any action at law 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.

B. Duration

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

C. Amendment

The restrictions and covenants contained within Section I. Easements, and Utilities may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the land to which the amendment or termination is to be applicable and approved by the City of Bixby, or its successors. The provisions of any instrument amending or terminating covenants as above set forth shall be

effective from and after the date it is properly recorded in the records of the Clerk of Tulsa County.

D. Severability

Invalidation of any restriction set forth herein, or any part thereof, by an order, judgment, or decree of any court, or otherwise, shall not invalidate or affect any of the other restrictions or any part thereof as set forth herein, which shall remain in full force and effect.

In Witness Whereof, The Charles Roger Knopp Revocable Trust, has executed this instrument this _____ day of _____, 2014.

The Charles Roger Knopp Revocable Trust, dated July 2, 1986

By: _____
Lisa K. Lawrence, Successor Co-Trustee

By: _____
Kelly Knopp, Successor Co-Trustee

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

This instrument was acknowledged before me on this _____ day of _____, 2014, by Lisa K. Lawrence and Kelly Knopp, Successors Co-Trustees of The Charles Roger Knopp Revocable Trust, dated July 2, 1986.

My commission expires _____ Notary Public

Certificate of Survey

I, Russell Muzika of Tulsa County, State of Oklahoma, and a Professional Surveyor, do hereby certify that I have carefully and accurately surveyed, subdivided, and platted the tract of land described above, and that the accompanying plat designated herein as "RIVER TRAIL II", a Subdivision in the City of Bixby, Tulsa County, State of Oklahoma, is a true representation of the survey made on the ground using generally accepted practices and meets or exceeds the Oklahoma minimum standards for the practice of land surveying.

Executed this _____ day of _____, 2014.

Russell Muzika
Registered Professional Land
Surveyor, Oklahoma No. 1603

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

The foregoing certificate of survey was acknowledged before me this day of _____ day of _____, 2014 by Russell Muzika.

My commission expires _____ Notary Public



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner 
Date: Wednesday, March 05, 2014
RE: Report and Recommendations for:
Final Plat of "Seven Lakes III"

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

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

EXISTING ZONING: RS-4 Residential Single Family District

EXISTING USE: Vacant

REQUEST: Final Plat approval for 4-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

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

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

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

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

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

PREVIOUS/RELATED CASES:

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

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

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

Preliminary Plat of Seven Lakes III – Request for approval of a Preliminary Plat and certain Modifications/Waivers for subject property – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Preliminary Plat of Seven Lakes IV – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Seven Lakes IV” for parts of parent tract parcels abutting subject property – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Final Plat of Seven Lakes IV – Request for Final Plat approval for “Seven Lakes IV” for parts of parent tract parcels abutting subject property – PC consideration pending 03/17/2014.

RELEVANT AREA CASE HISTORY: (not a complete list)

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

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

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

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

Final Plat of Seven Lakes II – Request for Final Plat approval for *Seven Lakes II* abutting subject property to the south (area reduced in size and to 59 lots as compared to original

submittal) – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012 (Plat # 6457 recorded 01/16/2013).

BACKGROUND INFORMATION:

On May 20, 2013, the Planning Commission Conditionally Approved the Sketch Plat for “Seven Lakes III,” proposing 131 lots and consisting of all of the 40.64 acres contained in the two (2) parent tract parcels. Per that Sketch Plat version, the “Seven Lakes” development would have been completely platted. A subsequent version of the plat increased the number of lots to 142 but covered the same 40.64 acres. At this time, the Applicant is seeking Preliminary Plat approval for the next two (2) phases of “Seven Lakes,” which together propose only 55 lots on 18 ½ acres. As currently proposed by these Preliminary Plats, “Seven Lakes III” proposes four (4) lots on 1.08 acres, and “Seven Lakes IV” proposes 51 lots on 17.48 acres. Thus, it would appear at least one (1) more phase may be planned to complete the “Seven Lakes” development.

ANALYSIS:

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

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

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

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

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

The Seven Lakes development, and this plat, represents a conventional but attractive design, with uniquely crisscrossed curvilinear streets and no true cul-de-sacs, interspersed with Reserves for water amenities. The subdivision is similar to *Seven Lakes I* and *Seven Lakes II*,



to the south and east, with relatively similar-sized and configured lots. The typical lot measures 65' X 120' (7,800 square feet, 0.18 acres). All lots appear to meet RS-4 zoning standards.

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

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

1. Modification/Waiver from Subdivision Regulations Section 12-3-3.A for utility easements along the perimeters which would not achieve the 17.5' minimum width standards. Such request was described as justified by observing most of the instances are mid-block and do not require U/Es, and otherwise by demonstrating where an 11' U/E will be back to back with another 11' in abutting subdivision, resulting in a 22'-wide U/E corridor between the subdivisions. Other justifications may be offered and deemed adequate.
2. Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for those lots whose rear lines abut Sheridan Rd. Since Limits of No Access (LNA) were placed along the Sheridan Rd. frontage as recommended, City Staff was supportive of this design, which is incidental and unavoidable due to existing geometries.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on March 05, 2014. The Minutes of the meeting are attached to this report.

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

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

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

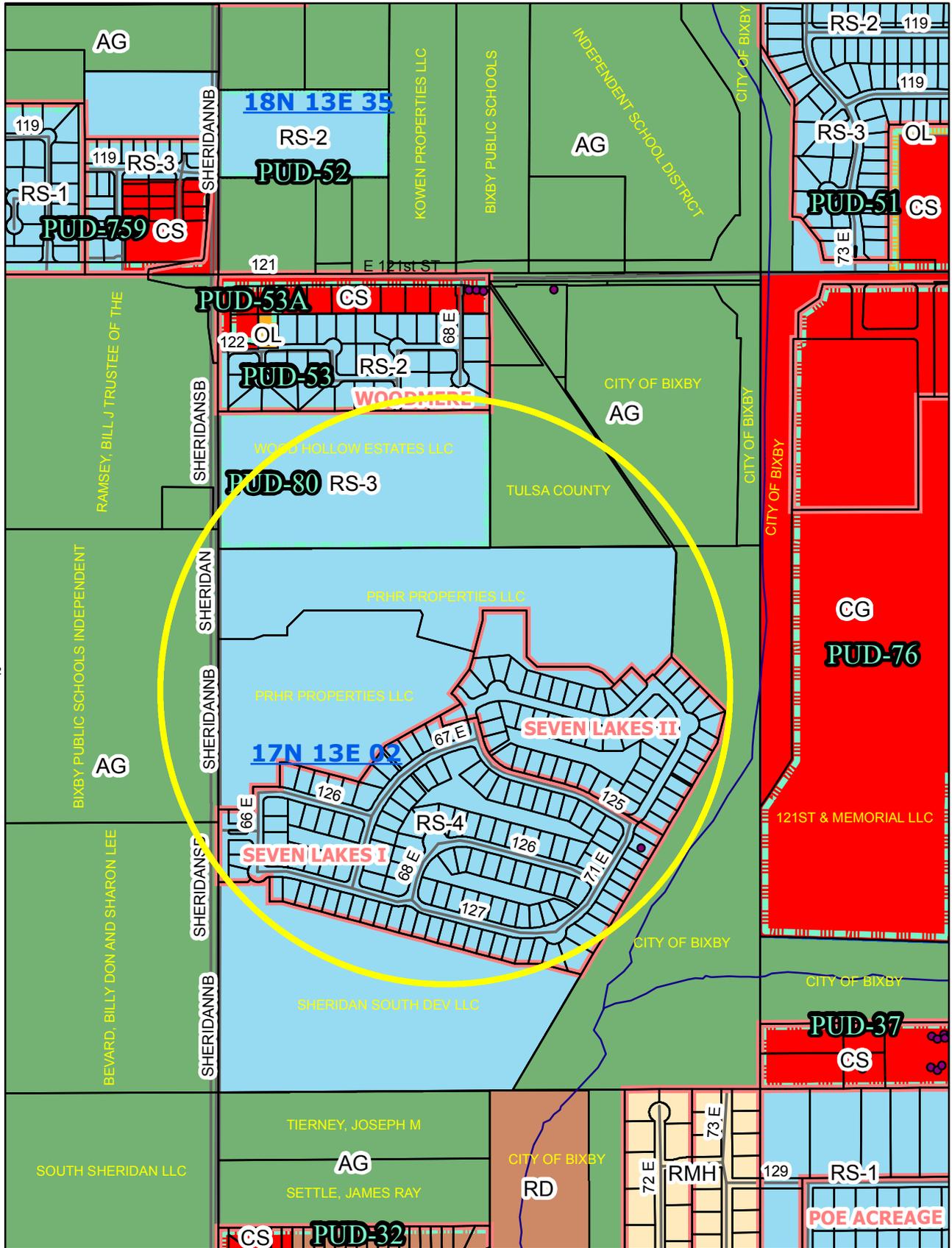
Staff Recommendation. Staff recommends Approval of the Preliminary Plat with the following corrections, modifications, and Conditions of Approval:

1. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
2. Per SRs Section 12-4-2.A.5, the Location Map must include:
 - All platted additions represented with the Section:
 - *Scenic Village Park* (missing)

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3. Please add proposed addresses to the lots. A table may be used if needed for map clarity.
4. Submit release letters from all utility companies serving the addition as per SRs Section 12-2-6.B.
5. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.
6. Copies of the Sketch Plat of "Seven Lakes III," including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).
7. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).
8. 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).

Final Plat – “Seven Lakes III” – HRAOK, Inc. and Final Plat – “Seven Lakes IV” – HRAOK, Inc.



- Businesses
- bixby_streams
- Tulsa Parcels 02/14
- TulSubdivision
- WagRoads_Aug2012
- E911Streets
- PUD
- TulsaZoning**
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- bixby_s-t-r
- county



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: Erik Enyart, City Planner

From: Jared Cottle, PE *JWC*

CC: Bea Aamodt, PE
File

Date: 02/26/14

Re: Seven Lakes III
Final Plat

General Comments:

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

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Memo

To: Erik Enyart

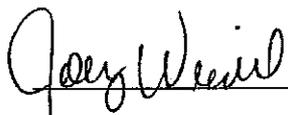
From: JOEY WIEDEL

Date: 2/21/2014

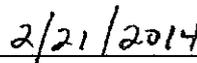
Re: Final Plat of "Seven Lakes III"

Plans are approved by this office with the following caveats:

- Fire Hydrants shall be on lot lines.
- Fire Hydrants spacing shall be no further than 600 feet.
- Fire Hydrants shall have a ground clearance of no less than 18 inches from center of caps.



Joey Wiedel, Fire Marshal



Date:

ay

SEVEN LAKES III
DEED OF DEDICATION AND RESTRICTIVE COVENANTS

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

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

SEVEN LAKES III

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 02; THENCE S 01°01'10" E ALONG THE WEST LINE OF THE NORTHWEST ONE-QUARTER (NW/4) OF SAID SECTION 02 A DISTANCE OF 2418.69 FEET TO THE POINT OF BEGINNING; THENCE N 88°58'50" E A DISTANCE OF 220.45 FEET TO A POINT AT BEGINNING OF CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 250,000 FEET, A CENTRAL ANGLE OF 08°05'50". A CHORD BEARING OF N 06°28'08" E AND A CHORD LENGTH OF 35.30 FEET; THENCE NORTHERLY AN ARC DISTANCE OF 35.33 FEET; THENCE N 88°58'50" E A DISTANCE OF 74.95 FEET TO A POINT AT THE NORTHWEST CORNER OF LOT 1, BLOCK 6, SEVEN LAKES I, A SUBDIVISION IN THE CITY OF BIXBY, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, PLAT NO. 6113; THENCE ALONG THE WEST LINE OF SAID LOT 1, BLOCK 6, S 01°01'10" E A DISTANCE OF 120.58 FEET TO A POINT AT THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 6, SAID POINT BEING AT THE BEGINNING OF CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 04°22'32", A CHORD BEARING OF N 88°49'54" W AND A CHORD LENGTH OF 15.27 FEET; THENCE WESTERLY AN ARC DISTANCE OF 15.27 FEET; THENCE S 88°58'50" W A DISTANCE OF 114.74 FEET; THENCE A S 01°01'10" E A DISTANCE OF 110.00 FEET TO THE NORTHEAST CORNER OF LOT 1 BLOCK 2 OF SEVEN LAKES I; THENCE S 88°58'50" W AND ALONG THE NORTH LINE OF SAID LOT 1 BLOCK 2, A DISTANCE OF 170.00 FEET TO POINT ON WEST LINE OF THE NORTHWEST ONE-QUARTER (NW/4) OF SAID SECTION 2; THENCE A N 01°01'10" W ALONG SAID WEST LINE A DISTANCE OF 195.00 FEET TO THE POINT OF BEGINNING.

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

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

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

SECTION I - PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS. THE OWNER/DEVELOPER HEREBY GRANTS, DONATES, CONVEYS AND DEDICATES FOR PUBLIC USE THE STREETS AS DEPICTED ON THE ACCOMPANYING PLAT AND FURTHER DEDICATES FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "UE" OR "UTILITY EASEMENT". FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO, OVER AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, OWNER/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. OWNER/DEVELOPER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE STREETS AND UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF A STREET OR EASEMENT SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT PROPERLY-PERMITTED DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS.

B. UNDERGROUND SERVICE

- OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED ALONG THE WEST BOUNDARY OF THE SUBDIVISION IF LOCATED WITHIN THE PUBLIC STREET AND UTILITY EASEMENTS HEREIN ESTABLISHED. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINES OR UNDERGROUND CABLE BUT ELSEWHERE THROUGHOUT THE SUBDIVISION ALL SUPPLY LINES, INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES, SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS, AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN EASEMENT WAYS.
- UNDERGROUND SERVICE CABLES TO ALL STRUCTURES LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE, PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.
- THE SUPPLIERS OF ELECTRIC, TELEPHONE, CABLE TELEVISION, COMMUNICATIONS AND GAS SERVICES, THROUGH THEIR AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENT WAYS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.
- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UTILITY SERVICE FACILITIES LOCATED ON SUCH OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION, COMMUNICATION OR GAS FACILITIES. THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.
- THE COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE SUPPLIERS OF WATER, SEWER, ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF EACH LOT WITHIN THE SUBDIVISION AGREES TO BE BOUND HEREBY.

C. GAS SERVICE

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

D. WATER AND SANITARY SEWER SERVICE

- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS AND PUBLIC SANITARY SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID PUBLIC WATER MAIN OR PUBLIC SANITARY SEWER. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN OR SANITARY SEWER, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER AND SANITARY SEWER, SHALL BE PROHIBITED.
- THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, OR PUBLIC SANITARY SEWER MAINS, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR SUCH OWNER'S AGENTS OR CONTRACTORS.
- THE CITY OF BIXBY OR ITS SUCCESSORS THROUGH ITS PROPER AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL SUCH EASEMENT WAYS SHOWN ON SAID PLAT OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF SAID UNDERGROUND WATER AND SEWER FACILITIES.
- ALL WATER AND SANITARY SEWER LINES SHALL BE MAINTAINED IN GOOD REPAIR BY THE UTILITY CONTRACTOR FOR THE TERM OF AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE MAINTENANCE BOND OF WHICH THE CITY OF BIXBY IS THE BENEFICIARY. IF ANY REPAIR ISSUES ARISE, THE DEVELOPER SHALL ASSIST THE CITY OF BIXBY IN COORDINATION AND FACILITATION WITH THE APPROPRIATE CONTRACTOR.
- THE FOREGOING COVENANTS CONCERNING WATER AND SEWER FACILITIES SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

E. SURFACE DRAINAGE

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

F. PAVING AND LANDSCAPING WITHIN EASEMENTS

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

G. STORM SEWER

- THE CITY OF BIXBY, OR ITS SUCCESSORS, THROUGH ITS PROPER AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL UTILITY EASEMENTS SHOWN ON THE ACCOMPANYING PLAT FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND STORM SEWER SYSTEM.
- NO PERMANENT FENCE, PERMANENT WALL, PERMANENT BUILDING, OR PERMANENT STRUCTURE WHICH WOULD CAUSE AN OBSTRUCTION SHALL BE PLACED OR MAINTAINED IN THE UTILITY EASEMENT AREAS, AND ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE STORM SEWER SYSTEM IS PROHIBITED.
- THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE PUBLIC STORM SEWER SYSTEM, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH SYSTEM CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF EACH LOT OR ITS AGENTS OR CONTRACTORS.
- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE STORM SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID STORM SEWER FACILITIES. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF STORM SEWER FACILITIES, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH SUCH STORM SEWER FACILITIES, IS PROHIBITED WITHOUT THE CONSENT OF THE CITY OF BIXBY.
- THE FOREGOING COVENANTS CONCERNING UTILITY EASEMENTS AND THE PUBLIC STORM SEWER SYSTEM SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OR ITS SUCCESSOR, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

SECTION II - LAND USE RESTRICTIONS

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

B. SETBACKS

- STREET SETBACK. NO BUILDING OR ACCESSORY STRUCTURE SHALL BE ERECTED NEARER TO A PUBLIC STREET THAN THE BUILDING SETBACK LINES DEPICTED ON THE ACCOMPANYING PLAT.
- SIDE YARD. EACH LOT SHALL MAINTAIN SIDE YARDS WHICH IN THE AGGREGATE ARE NOT LESS THAN 10 FEET IN WIDTH AND NO SIDE YARD SHALL BE LESS THAN FIVE (5) FEET IN WIDTH. SIDE YARDS ABUTTING A STREET SHALL NOT BE LESS THAN 15 FEET, UNLESS THE GARAGE ENTRY IS LOCATED ON SUCH SIDE, WHERE IT WILL BE NO LESS THAN 20 FEET.
- REAR YARD. THE MINIMUM REAR YARD SETBACK SHALL BE 20 FEET. CUSTOMARY ACCESSORY STRUCTURES MAY BE LOCATED WITHIN THE REQUIRED REAR YARD SET BACK AREA, BUT NO BUILDING SHALL BE ERECTED NEARER THAN 5 FEET TO ANY LOT LINE.
- EASEMENT SETBACKS. NO BUILDING, WHETHER PRINCIPAL OR ACCESSORY, SHALL ENCR OACH UPON ANY UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT.

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

SECTION III - PRIVATE BUILDING AND USE RESTRICTIONS

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

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

A. ARCHITECTURAL COMMITTEE - PLAN REVIEW

- AN ARCHITECTURAL COMMITTEE IS HEREBY FORMED AND SHALL APPROVE ALL PLANS FOR ANY STRUCTURE TO BE BUILT ON ANY LOT AND SHALL ALSO BE RESPONSIBLE FOR INTERPRETING THE DEVELOPMENT AND CONSTRUCTION STANDARDS CONTAINED IN THIS SUBSECTION. THE ARCHITECTURAL COMMITTEE SHALL CONSIST OF NOT LESS THAN ONE (1) NOR MORE THAN THREE (3) MEMBERS TO BE APPOINTED BY OWNER/DEVELOPER UNTIL RESIDENCES HAVE BEEN CONSTRUCTED ON ALL LOTS IN THE SUBDIVISION; AND, THEREAFTER, THE MEMBERS OF THE ARCHITECTURAL COMMITTEE SHALL BE APPOINTED BY THE ASSOCIATION, PROVIDED, HOWEVER, THAT OWNER/DEVELOPER MAY AT ANY TIME, IN ITS SOLE DISCRETION, ASSIGN AND TRANSFER THE RESPONSIBILITY FOR THE APPOINTMENT OF THE ARCHITECTURAL COMMITTEE TO THE ASSOCIATION.
- NO BUILDING, FENCE, WALL OR FREE STANDING MAILBOX SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT IN THE SUBDIVISION UNTIL THE PLANS AND SPECIFICATIONS THEREFORE HAVE BEEN APPROVED IN WRITING BY THE ARCHITECTURAL COMMITTEE. FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND SHALL INCLUDE A SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE OF SUCH PLANS AND

SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN 20 DAYS AFTER SUBMISSION, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.

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

B. FLOOR AREA OF DWELLING

- SINGLE STORY. A SINGLE STORY DWELLING SHALL HAVE AT LEAST 2,200 SQUARE FEET OF FINISHED HEATED LIVING AREAS.
- TWO STORY AND THREE STORY. IF A DWELLING HAS TWO LEVELS OR STORIES IMMEDIATELY ABOVE AND BELOW EACH OTHER MEASURED VERTICALLY AND ALL SUCH LEVELS OR STORIES ARE ABOVE THE FINISHED EXTERIOR GRADE OF SUCH DWELLING, THEN SUCH DWELLING SHALL HAVE AT LEAST 1,800 SQUARE FEET OF FINISHED HEATED LIVING AREA ON THE FIRST STORY OR LEVEL AND SHALL HAVE A TOTAL OF THE VARIOUS LEVELS OR STORIES OF AT LEAST 2,400 SQUARE FEET OF FINISHED HEATED LIVING AREA.
- COMPUTATION OF LIVING AREA. THE COMPUTATION OF LIVING AREA SHALL NOT INCLUDE ANY BASEMENT, GARAGE, OR ATTIC AREA USED FOR STORAGE. ALL LIVING AREA MEASUREMENTS SHALL BE TAKEN HORIZONTALLY AT THE TOP PLATE LEVEL TO THE FACE OF THE OUTSIDE WALL. REQUIRED LIVING AREA MUST AVERAGE AT LEAST SEVEN (7) FEET SIX (6) INCHES IN HEIGHT, EXCEPT THAT IN THE COMPUTATION OF SECOND OR UPPER STORY LIVING AREA, THE HEIGHT SHALL BE SEVEN (7) FEET SIX (6) INCHES FOR AT LEAST ONE HALF (1/2) OF THE REQUIRED LIVING AREA, AND ANY AREA OF LESS THAN FIVE (5) FEET IN HEIGHT SHALL BE EXCLUDED.
- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FLOOR AREA REQUIREMENTS SET OUT IN PARAGRAPH 1 AND 2 OF THIS SUBSECTION B.

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

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

E. MASONRY

- THE FIRST STORY EXTERIOR WALLS OF THE DWELLING ERECTED ON ANY LOT SHALL BE 100% BRICK, STONE, OR STUCCO (EXCLUDING WINDOWS AND DOORS). AT THE DISCRETION OF THE ARCHITECTURAL COMMITTEE, THE 100% REQUIRED MASONRY MAY BE WAIVED FOR PORCHES AND PATIOS.
- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE REQUIREMENTS SET OUT IN PARAGRAPHS 1 OF THIS SUBSECTION E.

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

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

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

I. ROOF PITCH

- NO DWELLING SHALL HAVE A ROOF PITCH OF LESS THAN 6/12 OVER 75% OF THE HORIZONTAL AREA COVERED BY ROOF AND NO ROOF SHALL HAVE A PITCH OF LESS THAN 3/12.
- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTIONS TO PERMIT A DWELLING HAVING A FLAT ROOF OVER MORE THAN 25% OF THE HORIZONTAL AREA COVERED BY ROOF.

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

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

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

M. OUTBUILDINGS

- OUTBUILDINGS ARE PROHIBITED.
- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.

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

O. FENCING

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

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

P. ANTENNAS

- EXTERIOR TELEVISION, "CB" RADIO OR OTHER ANTENNA INCLUDING SATELLITE DISHES SHALL BE PROHIBITED WITH THE FOLLOWING EXCEPTION. SMALL SATELLITE DISHES WHICH DO NOT EXCEED 20" IN DIAMETER SHALL BE ALLOWED SO LONG AS THE DISH IS INSTALLED ON THE BACK OF THE DWELLING AND IS NOT VISIBLE FROM ANY STREET WITHIN THE SUBDIVISION.
- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.

Q. LANDSCAPING AND LOT MAINTENANCE

1. EACH LOT OWNER SHALL SOD THE YARD OF A LOT AT THE TIME OF CONSTRUCTION OF A RESIDENCE THEREON. AT THE TIME OF SUCH CONSTRUCTION, THE LOT OWNER SHALL INSTALL A MINIMUM EQUIVALENT WORTH OF \$500.0 OF LANDSCAPING MATERIALS (TREES, SHRUBS, GROUND COVER, ETC.) EXCLUSIVE OF SODDING.
 2. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION FREE OF RUBBISH, TRASH AND OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOWED TO PREVENT GROWTH OF WEEDS OR TALL GRASS.
 3. NO LUMBER, METALS, BULK MATERIALS, REFUSE OR TRASH SHALL BE KEPT, STORED OR ALLOWED TO ACCUMULATE ON ANY LOT OR ON THE RESERVE AREA, EXCEPT THAT BUILDING MATERIALS MAY BE STORED ON A LOT DURING THE COURSE OF CONSTRUCTION OF ANY APPROVED STRUCTURE. IF TRASH OR OTHER REFUSE IS TO BE DISPOSED OF BY BEING PICKED UP AND CARRIED AWAY ON A REGULAR AND RECURRING BASIS, CONTAINERS MAY BE PLACED IN THE OPEN ON ANY DAY THAT A PICKUP IS TO BE MADE, AT SUCH PLACE ON THE LOT SO AS TO PROVIDE ACCESS TO PERSONS MAKING SUCH PICKUP. AT ALL OTHER TIMES, SUCH CONTAINERS SHALL BE STORED IN SUCH A MANNER SO THAT THEY CANNOT BE SEEN FROM ADJACENT AND SURROUNDING PROPERTY. THE ARCHITECTURAL COMMITTEE, IN ITS DISCRETION, MAY ADOPT AND PROMULGATE REASONABLE RULES AND REGULATIONS RELATING TO THE SIZE, SHAPE, COLOR AND TYPE OF CONTAINERS PERMITTED AND THE MANNER OF STORAGE OF THE SAME.
- R. RECREATIONAL VEHICLES AND BOATS. BOATS, TRAILERS, CAMPERS, MOTOR HOMES AND SIMILAR RECREATIONAL VEHICLES AND EQUIPMENT SHALL NOT BE STORED ON ANY LOT FOR A PERIOD OF IN EXCESS OF 48 HOURS PER WEEK IF IT IS WITHIN VIEW FROM ADJOINING PROPERTY OWNERS OR THE STREET.
- S. INOPERATIVE VEHICLES. NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT EXCEPT WITHIN AN ENCLOSED GARAGE. NO MAINTENANCE OR REPAIRS TO VEHICLES, BOATS, MOTOR HOMES OR RECREATIONAL VEHICLES SHALL BE PERFORMED, EXCEPT IN AN ENCLOSED GARAGE.
- T. CLOTHESLINES. EXPOSED CLOTHESLINE POLES OR OTHER OUTSIDE DRYING APPARATUS ARE PROHIBITED.
- U. TRASH CONTAINERS. TRASH CONTAINERS, EXCEPT DURING PERIODS OF COLLECTION, AND WITHIN TWELVE (12) HOURS OF COLLECTION, SHALL BE STORED OUT OF VIEW FROM ABUTTING STREETS. NO EXPOSED GARBAGE CANS, TRASH CAN OR ANY TRASH BURNING APPARATUS OR STRUCTURE SHALL BE PLACED ON ANY LOT.
- V. MAILBOXES. AS LONG AS A RURAL TYPE MAILBOX IS IN USE IN THE SUBDIVISION FOR UNITED STATES POSTAL SERVICE, ALL MAILBOX PEDESTALS SHALL CONFORM IN DESIGN TO SPECIFICATIONS FOR THE SUBDIVISION TO BE ESTABLISHED BY THE ARCHITECTURAL COMMITTEE. ALL MAILBOXES SHALL BE POSITIONED SO THAT THE FRONT FACE IS APPROXIMATELY 6 INCHES IN FROM THE BASE OF THE CURB AND 6 FEET FROM THE "INSIDE EDGE" OF THE DRIVEWAY. "INSIDE EDGE" SHALL MEAN THE EDGE OF THE DRIVEWAY WHICH BORDERS THE LARGEST CONTINUOUS LOT AREA. THE TOP OF THE MAILBOX SHALL BE 42 INCHES FROM STREET LEVEL.
- W. ANIMALS. NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED, BRED, SOLD OR KEPT IN THE SUBDIVISION, EXCEPT THAT TWO DOGS, TWO CATS OR OTHER HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT USED FOR COMMERCIAL PURPOSES.
- X. NOXIOUS ACTIVITY. NO ACTIVITY OF A NOXIOUS OR OFFENSIVE NATURE SHALL BE CARRIED OUT OR ALLOWED BY ANY RESIDENT FOR ANY PURPOSE UPON ANY LOT, NOR SHALL ANY COMMERCIAL OR TRADE ACTIVITY TAKE PLACE OR BE ALLOWED THEREON THAT MIGHT BE OR MIGHT BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
- Y. SIGNAGE. NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE SIGN OF NOT MORE THAN 6 SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT OR SIGNS USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD; EXCEPT, HOWEVER, OWNER/DEVELOPER MAY MAINTAIN SIGNS OF ANY SIZE ON RESERVE AREAS AND ON LOTS OWNED BY IT SO LONG AS IT OWNS A LOT IN THE SUBDIVISION.
- Z. MATERIALS AND STORAGE. NO LOT SHALL BE USED FOR THE STORAGE OF MATERIALS FOR A PERIOD OF GREATER THAN 30 DAYS PRIOR TO THE START OF CONSTRUCTION AND ALL CONSTRUCTION SHALL BE COMPLETED WITHIN 9 MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION. READY MIX CONCRETE TRUCKS SHALL WASH OUT ONLY ON THE PROPERTY ON WHICH THE CONCRETE IS BEING DELIVERED. PROPERTY OWNERS SHALL BE RESPONSIBLE FOR ASSURING THAT CONCRETE DELIVERED TO THEIR LOT STAYS ON THEIR LOT AND SHALL BE RESPONSIBLE FOR CLEANUP IF CONCRETE DELIVERED TO A LOT IS SPILLED OR WASHED ONTO STREETS OR OTHER LOTS.
- AA. TEMPORARY TRASH RECEPTACLE. A TEMPORARY TRASH RECEPTACLE IS REQUIRED ON EACH LOT DURING THE CONSTRUCTION OF ANY DWELLING IN THE SUBDIVISION. THE TEMPORARY TRASH RECEPTACLE SHALL BE MAINTAINED BY THE LOT OWNER AND SHALL BE EMPTIED ON A REGULAR BASIS OR AS NEEDED.
- AB. BASKETBALL GOAL. NO BASKETBALL GOAL OR STRUCTURES ARE ALLOWED IN THE STREET RIGHTS OF WAY.

SECTION IV - HOMEOWNERS' ASSOCIATION

- A. FORMATION OF HOMEOWNERS' ASSOCIATION. THE OWNER/DEVELOPER HAS FORMED OR SHALL CAUSE THE SEVEN LAKES HOMEOWNERS' ASSOCIATION, INC. (THE "ASSOCIATION"), A NON-PROFIT CORPORATE ENTITY TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA. THE ASSOCIATION SHALL BE FORMED FOR THE GENERAL PURPOSES OF MAINTAINING THE COMMON AREAS, RESERVES AREAS, LANDSCAPING, FENCING AND FOR THE PURPOSE OF ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF THE SUBDIVISION.
- B. MEMBERSHIP. EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST IN A LOT IN THE SUBDIVISION SHALL BE A MEMBER OF THE ASSOCIATION AND MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. THE ACCEPTANCE OF A DEED TO A LOT SHALL CONSTITUTE ACCEPTANCE OF MEMBERSHIP TO THE ASSOCIATION AS OF THE DATE OF INCORPORATION, OR AS OF THE DATE OF RECORDING OF THE DEED, WHICHEVER OCCURS LAST. THE ASSOCIATION SHALL ALSO INCLUDE THE RECORD OWNERS OF LOTS IN THE OTHER PHASES OF SEVEN LAKES TO BE CONTIGUOUS TO THE SUBDIVISION. OWNER/DEVELOPER OR ITS AFFILIATE MAY, BY DESIGNATION OF THE ASSOCIATION IN THE PLATS, DEEDS OF DEDICATION AND COVENANTS OF OTHER PHASES OF SEVEN LAKES AS THE OPERATIVE HOMEOWNERS ASSOCIATION FOR SUCH ADDITIONS, EFFECT THE INCLUSION OF ALL OF THE LOT OWNERS IN SUCH ADDITIONS AS MEMBERS OF THE ASSOCIATION.
- C. COVENANT FOR ASSESSMENTS. THE OWNER/DEVELOPER AND EACH SUBSEQUENT OWNER OF A LOT, BY ACCEPTANCE OF A DEED THEREFOR, COVENANTS AND AGREES TO PAY TO THE ASSOCIATION ASSESSMENTS TO BE ESTABLISHED BY THE ASSOCIATION IN ACCORDANCE WITH A DECLARATION TO BE EXECUTED AND RECORDED BY THE OWNER/DEVELOPER PRIOR TO THE CONVEYANCE OF A LOT WITHIN THE SUBDIVISION. ALL ASSESSMENTS SHALL BE A LIEN UPON THE LOT(S) AGAINST WHICH IT IS MADE, BUT THE LIEN SHALL BE SUBORDINATE TO THE LIEN OF ANY FIRST MORTGAGE.
- D. ENFORCEMENT RIGHTS OF THE ASSOCIATION. WITHOUT LIMITATION OF SUCH OTHER POWERS AND RIGHTS AS THE ASSOCIATION MAY HAVE, THE ASSOCIATION SHALL BE A BENEFICIARY, TO THE SAME EXTENT AS A LOT OWNER, OF THE VARIOUS COVENANTS SET FORTH WITHIN THIS DEED OF DEDICATION AND SHALL HAVE THE RIGHT TO ENFORCE THE COVENANTS TO THE SAME EXTENT AS A LOT OWNER.

SECTION V - ENFORCEMENT, DURATION, AMENDMENT & SEVERABILITY

- A. ENFORCEMENT AND DURATION. THE RESTRICTIONS HEREIN SET FORTH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS GRANTEEES, TRANSFEREEES, SUCCESSORS AND ASSIGNS AND ALL PARTIES CLAIMING UNDER IT FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE OF RECORDING OF THIS DEED OF DEDICATION, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS AMENDED OR TERMINATED AS HEREAFTER PROVIDED. IF ANY LOT OWNER SHALL VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR THE CITY OF BIXBY OR ANY PERSONS OWNING A LOT WITHIN THE SUBDIVISION TO MAINTAIN AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT(S) TO PREVENT HIM/HER OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT(S) OR TO RECOVER DAMAGES FOR SUCH VIOLATION(S).
- B. AMENDMENT. THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LOT OR LOTS TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS WITH THE APPROVAL OF THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION II, LAND USE RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, AND BY THE OWNERS OF MORE THAN 75% OF THE LOTS WITHIN THE SUBDIVISION. THE COVENANTS WITHIN SECTION III, PRIVATE BUILDING AND USE RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER/DEVELOPER DURING SUCH PERIOD THAT THE OWNER/DEVELOPER IS THE RECORD OWNER OF AT LEAST ONE (1) LOT WITHIN SEVEN LAKES III OR ALTERNATIVELY, THE COVENANTS WITHIN SECTION III, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF MORE THAN 75% OF THE LOTS WITHIN THE SUBDIVISION, PROVIDED HOWEVER IN THE EVENT OF A CONFLICT OF AMENDING OR TERMINATING INSTRUMENTS, THE INSTRUMENT EXECUTED BY THE OWNER/DEVELOPER SHALL GOVERN. THE PROVISIONS OF ANY SUCH INSTRUMENT AMENDING OR TERMINATING COVENANTS SHALL BE EFFECTIVE FROM AND AFTER THE DATE THE INSTRUMENT IS PROPERLY RECORDED.
- C. SEVERABILITY. THESE RESTRICTIVE COVENANTS, TOGETHER WITH THE OTHER DOCUMENTS INCORPORATED HEREIN BY REFERENCE, SHALL BE CONSTRUED AS AN ENTITY AND THE PERTINENT SECTIONS OF ALL INSTRUMENTS AS A WHOLE. THE INVALIDITY OF ANY PHASE, CLAUSE OR PROVISIONS HEREIN CONTAINED SHALL NOT RENDER THE BALANCE OF THIS INSTRUMENT VOID, OR UNENFORCEABLE, AND

THE SAME SHALL BE THEREAFTER CONSTRUED AS IF SUCH PHRASE, CLAUSE OR PROVISION WERE NOT HEREIN CONTAINED, OR TO OTHERWISE GIVE MAXIMUM EFFECT TO THE INTENT OF THE OWNER/DEVELOPER. THE FAILURE OF THE OWNER/DEVELOPER OR ANY SUCCESSOR IN TITLE, TO ENFORCE ANY RESTRICTION, COVENANT, OR CONDITION AT ANY TIME, OR FROM TIME TO TIME, SHALL NOT BE DEEMED TO BE A WAIVER OR RELINQUISHMENT OF ANY RIGHT OR REMEDY NOR A MODIFICATION OF THESE RESTRICTIONS, COVENANTS OR CONDITIONS.

- D. DEFINITIONS. IN THE EVENT OF AMBIGUITY OF ANY WORD OR TERM SET FORTH HEREIN, THE MEANING THEREOF SHALL BE DEEMED TO BE DEFINED AS SET FORTH WITHIN THE CITY OF BIXBY ZONING CODE AS THE SAME EXISTED ON _____, 201__ OR AS SUBSEQUENTLY AMENDED.

IN WITNESS WHEREOF, OWNER/DEVELOPER HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF _____, 201__.

DANIEL RUHL, MANAGER
PRHR PROPERTIES, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 201__, BY THE ABOVE MANAGER OF PRHR PROPERTIES, LLC.

NOTARY PUBLIC
MY COMMISSION EXPIRES:
MY COMMISSION NUMBER IS:

CERTIFICATE OF SURVEY

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

ALAN C. HALL
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1283

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 201__, BY ALAN C. HALL.

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



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Wednesday, March 05, 2014
RE: Report and Recommendations for:
Final Plat of "Seven Lakes IV"

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

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

EXISTING ZONING: RS-4 Residential Single Family District

EXISTING USE: Vacant

REQUEST: Final Plat approval for 51-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

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

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

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

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

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

PREVIOUS/RELATED CASES:

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

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

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

Preliminary Plat of Seven Lakes III – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Seven Lakes III” for parts of parent tract parcels abutting subject property – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Preliminary Plat of Seven Lakes IV – Request for approval of a Preliminary Plat and certain Modifications/Waivers for subject property – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Final Plat of Seven Lakes III – Request for Final Plat approval for “Seven Lakes III” for parts of parent tract parcels abutting subject property – PC consideration pending 03/17/2014.

RELEVANT AREA CASE HISTORY: (not a complete list)

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

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

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

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

Final Plat of Seven Lakes II – Request for Final Plat approval for *Seven Lakes II* abutting subject property to the south (area reduced in size and to 59 lots as compared to original

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submittal) – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012 (Plat # 6457 recorded 01/16/2013).

BACKGROUND INFORMATION:

On May 20, 2013, the Planning Commission Conditionally Approved the Sketch Plat for “Seven Lakes III,” proposing 131 lots and consisting of all of the 40.64 acres contained in the two (2) parent tract parcels. Per that Sketch Plat version, the “Seven Lakes” development would have been completely platted. A subsequent version of the plat increased the number of lots to 142 but covered the same 40.64 acres. At this time, the Applicant is seeking Preliminary Plat approval for the next two (2) phases of “Seven Lakes,” which together propose only 55 lots on 18 ½ acres. As currently proposed by these Preliminary Plats, “Seven Lakes III” proposes four (4) lots on 1.08 acres, and “Seven Lakes IV” proposes 51 lots on 17.48 acres. Thus, it would appear at least one (1) more phase may be planned to complete the “Seven Lakes” development.

ANALYSIS:

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

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

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

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

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

The Seven Lakes development, and this plat, represents a conventional but attractive design, with uniquely crisscrossed curvilinear streets and no true cul-de-sacs, interspersed with Reserves for water amenities. The subdivision is similar to *Seven Lakes I* and *Seven Lakes II*,

to the south and east, with relatively similar-sized and configured lots. Typical lots range from 65' X 120' (7,800 square feet, 0.18 acres) to 70' X 120' (8,400 square feet, 0.19 acres). All lots appear to meet RS-4 zoning standards.

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

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

1. Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lot 3, Block 1, and Lot 20, Block 4 of "Seven Lakes IV" (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F. The Modification/Waiver was described as justified by citing its necessity as a product of an attractive subdivision design defined by the crisscrossing, curvilinear street network with no true cul-de-sacs, interspersed with Reserves for water amenities.
2. Modification/Waiver from Subdivision Regulations Section 12-3-3.A for utility easements along the perimeters which would not achieve the 17.5' minimum width standards. Such request was described as justified by observing most of the instances are mid-block and do not require U/Es, and otherwise by demonstrating where an 11' U/E will be back to back with another 11' in abutting subdivision, resulting in a 22'-wide U/E corridor between the subdivisions, among other things.
3. Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for those lots whose rear lines abut Sheridan Rd. Provided Limits of No Access (LNA) are placed along the Sheridan Rd. frontage, City Staff was supportive of this design, which is incidental and unavoidable due to existing geometries.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on March 05, 2014. The Minutes of the meeting are attached to this report.

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

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

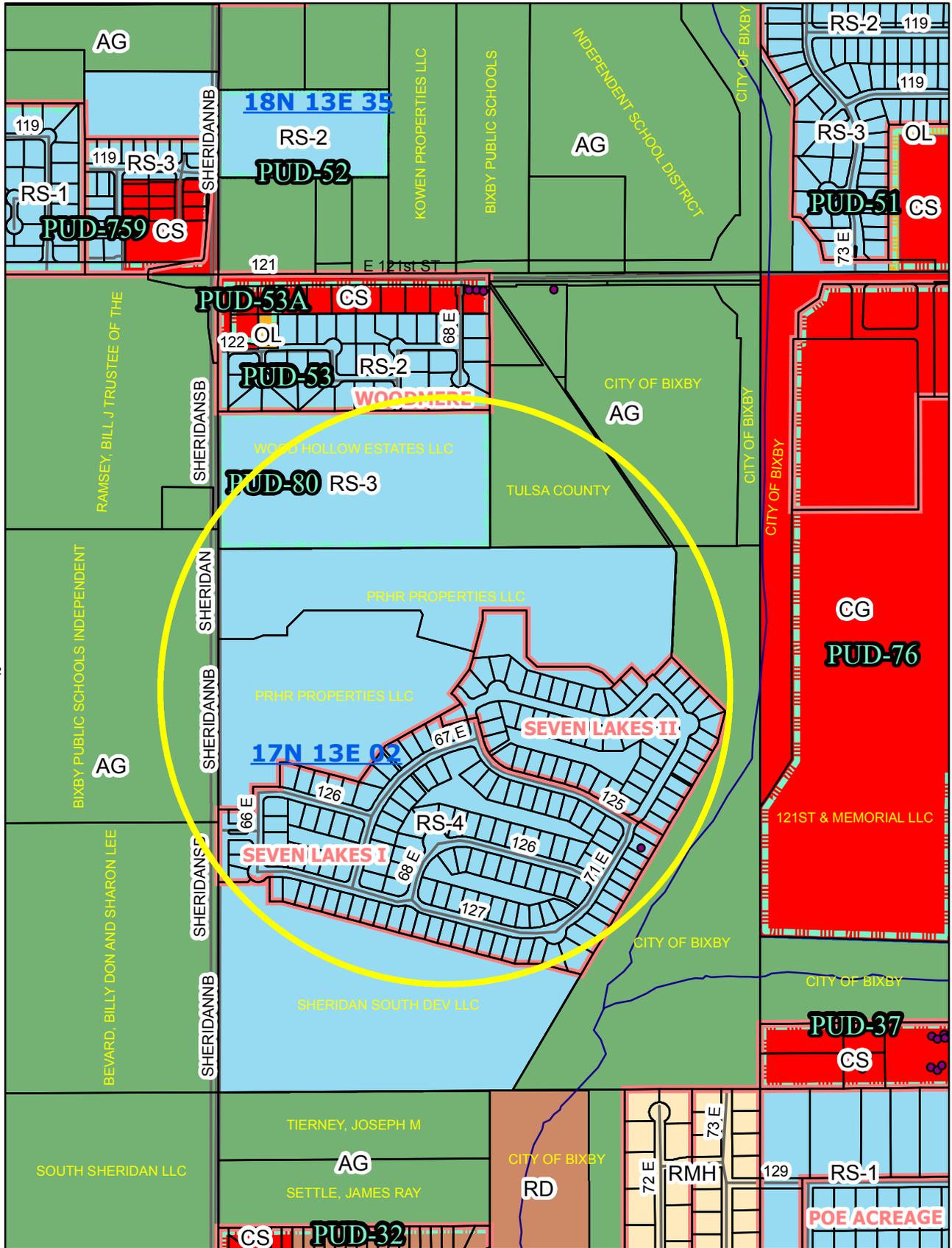
Staff Recommendation. Staff recommends Approval of the Preliminary Plat with the following corrections, modifications, and Conditions of Approval:

1. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
2. Please relocate the "Unplatted" label from the Reserve Area B area of *Seven Lakes II*.

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3. Please remove the leftover linework from the northerly sides of both of the “handles” of Reserve Areas B and C.
4. Per SRs Section 12-4-2.A.5, the Location Map must include:
 - All platted additions represented with the Section:
 - *Scenic Village Park* (missing/misrepresented as to configuration)
5. The Land Summary statistics report two (2) Reserve Areas, but there are a total of three (3).
6. Rather than 25'-wide front-yard U/Es as sometimes shown, consider a 20' U/E to provide a 5' buffer area, or the amount necessary to protect the integrity of the foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.
7. Consider the size and configuration of Lot [1], Block 2 for possible enhancement.
8. Consider making the common lot line between Lots [6] and [7], Block 2, perpendicular/radial to the arc of the curved street in order to eliminate the 1.00' variance between the westerly point of tangent/curvature of C37 and the common lot corner. It is not clear if the 1.00' variance is to the west or to the east of the common lot corner, due to its exceptionally small size and the scale of the plat.
9. Please add proposed addresses to the lots. A table may be used if needed for map clarity.
10. Title Block: Please correct spelling of “Subdivision.”
11. DoD/RCs Section II.B, II.C, and II.D: Uses almost identical language to that used in *Seven Lakes II*, with only Reserve Area names changed. Please confirm this is all accurate. See other recommendation herein pertaining to the avoidance of duplicating the “C” name.
12. Submit release letters from all utility companies serving the addition as per SRs Section 12-2-6.B.
13. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.
14. Copies of the Sketch Plat of “Seven Lakes III,” including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11” X 17”, and 1 electronic copy).
15. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11” X 17”, and 1 electronic copy).
16. 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).

Final Plat – “Seven Lakes III” – HRAOK, Inc. and Final Plat – “Seven Lakes IV” – HRAOK, Inc.



- Businesses
- bixby_streams
- Tulsa Parcels 02/14
- TulSubdivision
- WagRoads_Aug2012
- E911Streets
- PUD
- TulsaZoning**
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- bixby_s-t-r
- county



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: Erik Enyart, City Planner

From: Jared Cottle, PE *JWC*

CC: Bea Aamodt, PE
File

Date: 02/26/14

Re: Seven Lakes IV
Final Plat

General Comments:

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

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Memo

To: Erik Enyart

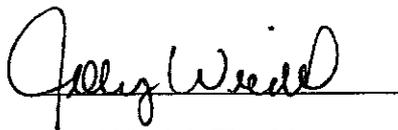
From: JOEY WIEDEL

Date: 2/21/2014

Re: Final Plat of "Seven Lakes IV"

Plans are approved by this office with the following caveats:

- Fire Hydrants shall be on lot lines.
- Fire Hydrant shall be at the entrance of 125th St. S.
- Fire Hydrants spacing shall be no further than 600 feet.
- Fire Hydrants shall have a ground clearance of no less than 18 inches from center of caps.



Joey Wiedel, Fire Marshal

2/21/2014

Date:

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Land Summary

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

SEVEN LAKES IV INCLUDES 17.52 ACRES:

BLOCK 1	5 LOTS
BLOCK 2	13 LOTS
BLOCK 3	16 LOTS
BLOCK 4	12 LOTS
BLOCK 5	3 LOTS
BLOCK 6	2 LOTS

RESERVE C _____ 1.39 ACRES
RESERVE F _____ 1.18 ACRES

SUBDIVISION CONTAINS 17.52 ACRES

Legend

B/L BUILDING LINE
U/E UTILITY EASEMENT
[234] STREET ADDRESS

Monumentation

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

Basis of Bearings

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

PROJECT Benchmark

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

Notes

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

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

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

Conditional Final Plat Seven Lakes IV

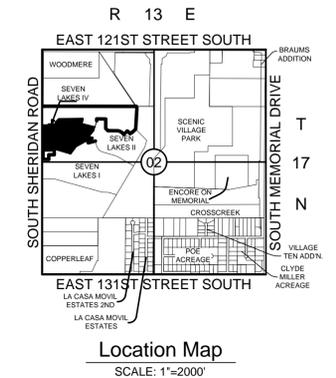
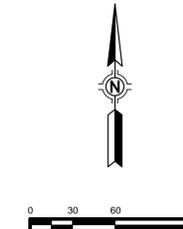
A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, BEING A SUBDIVISION OF A PART OF THE NORTH WEST ONE-QUARTER OF SECTION 02, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN

Owner / Developer

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

Engineer / Surveyor

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



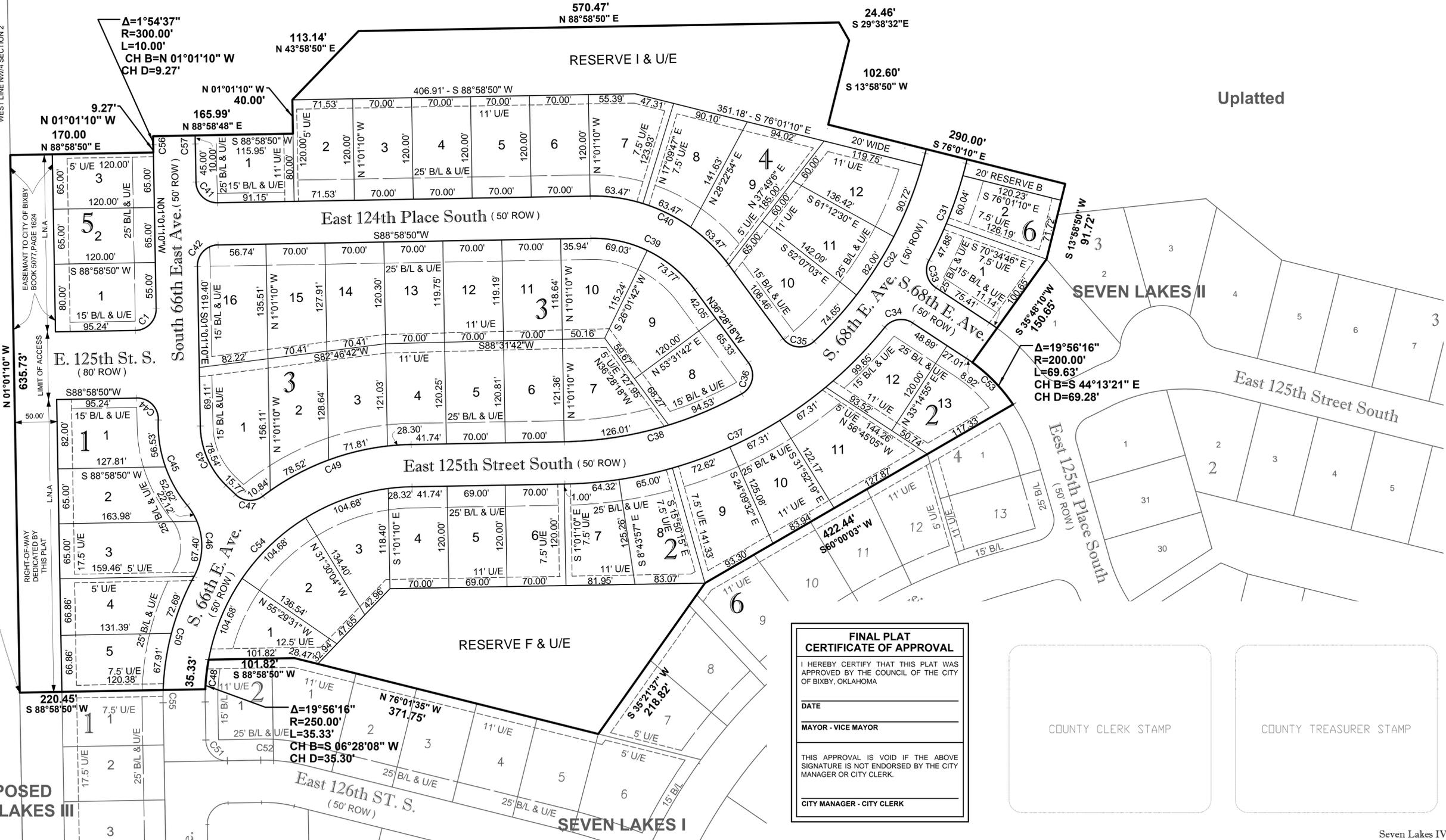
BRASS CAP NW CORNER SECTION 2T-17-N, R-13-E, TULSA COUNTY, OKLAHOMA

LOT AREA TABLE

BLOCK	LOT NO.	AREA (SF)	
BLOCK 1	1	7801.88	
	2	7800.00	
	3	7800.00	
	4	7800.00	
	5	7800.00	
BLOCK 2	1	8535.68	
	2	10418.58	
	3	9007.98	
	4	8384.92	
	5	8280.00	
	6	8400.00	
	7	8948.25	
	8	9689.95	
	9	10854.64	
	10	9270.87	
	11	12284.31	
	12	9519.21	
	13	9277.03	
BLOCK 3	1	10482	
	2	9832.40	
	3	8636.07	
	4	8410.88	
	5	8437.01	
	6	8475.43	
	7	10544.47	
	8	9839.61	
BLOCK 4	1	9157.39	
	2	8583.22	
	3	8400.00	
	4	8400.00	
	5	8400.00	
	6	8400.00	
	7	10165.15	
	8	9941.09	
BLOCK 5	1	10165.15	
	2	12149.92	
	3	11484.68	
	4	9939.26	
	5	9553.49	
	6	9465.87	
	7	7800.00	
	8	7800.03	
	BLOCK 6	1	9772.26
		2	8060.86

CURVE TABLE

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



FINAL PLAT CERTIFICATE OF APPROVAL

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

DATE _____

MAYOR - VICE MAYOR _____

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

CITY MANAGER - CITY CLERK _____

COUNTY CLERK STAMP

COUNTY TREASURER STAMP

PROPOSED SEVEN LAKES III

SEVEN LAKES IV
DEED OF DEDICATION AND RESTRICTIVE COVENANTS

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

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

SEVEN LAKES IV

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 02; THENCE S 01°01'10" E AND ALONG THE WEST LINE OF SAID SECTION 02 A DISTANCE OF 2418.69 FEET TO THE POINT OF BEGINNING; THENCE N 1°01'10" W AND ALONG THE WEST LINE OF SECTION 2 A DISTANCE OF 635.73 FEET; THENCE N 88°58'50" E A DISTANCE OF 170.00 FEET; THENCE N 01°01'10" W A DISTANCE OF 9.27 FEET TO A POINT AT THE BEGINNING CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 01°54'37", A CHORD BEARING OF N 00°03'52" W AND A CHORD LENGTH OF 10.00 FEET; THENCE NORTHERLY ALONG SAID CURVE, ARC DISTANCE OF 10.00 FEET; THENCE N 88°58'48" E A DISTANCE OF 165.99 FEET; THENCE N 01°01'10" W A DISTANCE OF 40.00 FEET; THENCE N 43°58'50" E A DISTANCE OF 113.14 FEET; THENCE N 88°58'50" E A DISTANCE OF 570.47 FEET; THENCE S 29°38'32" E A DISTANCE OF 24.46 FEET; THENCE S 13°58'50" W A DISTANCE OF 102.60 FEET; THENCE S 76°00'10" E A DISTANCE OF 290.00 FEET; THENCE S 13°58'50" W A DISTANCE OF 91.72 FEET; THENCE S 35°48'10" W A DISTANCE OF 150.65 FEET TO A POINT AT THE BEGINNING OF CURVE TO THE RIGHT; SAID CURVE HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 19°56'50", A CHORD BEARING OF S 44°13'25" E AND A CHORD LENGTH OF 69.28 FEET; THENCE SOUTH EASTERLY ALONG SAID CURVE, ARC DISTANCE OF 69.63 FEET TO THE POINT AT THE NORTHEASTERLY CORNER OF LOT 1 BLOCK 4 OF SEVEN LAKES II, A SUBDIVISION IN THE CITY OF BIXBY, COUNTY OF TULSA, SADE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, PLAT NO. 6457; THENCE ALONG THE NORTH LINE OF LOT 1, BLOCK 4 OF SAID SEVEN LAKES II AND THE NORTHERLY LINE OF BLOCK 6, SEVEN LAKES I, A SUBDIVISION IN THE CITY OF BIXBY, COUNTY OF TULSA, SATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, PLAT NO. 6113, THE FOLLOWING FOUR COURSES, S 60°00'03" W DISTANCE OF 422.44 FEET; THENCE A S 35°21'37" W A DISTANCE OF 218.82 FEET; THENCE N 76°01'35" W A DISTANCE OF 371.75 FEET; THENCE S 88°58'50" W A DISTANCE OF 101.82 FEET TO A POINT AT BEGINNING OF CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 08°15'50", A CHORD BEARING OF S 06°28'09" W AND A CHORD LENGTH OF 35.30 FEET; THENCE A SOUTHERLY ARC DISTANCE OF 35.33 FEET; THENCE S 88°58'50" W A DISTANCE OF 220.45 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 736.044 SQUARE FEET/ 17.52 ACRES, MORE OR LESS.

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

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

SECTION I - PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS. THE OWNER/DEVELOPER HEREBY GRANTS, DONATES, CONVEYS AND DEDICATES FOR PUBLIC USE THE STREETS AS DEPICTED ON THE ACCOMPANYING PLAT AND FURTHER DEDICATES FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT". FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO, OVER AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, OWNER/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. OWNER/DEVELOPER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE STREETS AND UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF A STREET OR EASEMENT SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT PROPERLY-PERMITTED DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS.

B. UNDERGROUND SERVICE

- OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED ALONG THE WEST BOUNDARY OF THE SUBDIVISION IF LOCATED WITHIN THE PUBLIC STREET AND UTILITY EASEMENTS HEREIN ESTABLISHED. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINES OR UNDERGROUND CABLE BUT ELSEWHERE THROUGHOUT THE SUBDIVISION ALL SUPPLY LINES, INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES, SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS, AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN EASEMENT WAYS.
- UNDERGROUND SERVICE CABLES TO ALL STRUCTURES LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE, PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.
- THE SUPPLIERS OF ELECTRIC, TELEPHONE, CABLE TELEVISION, COMMUNICATIONS AND GAS SERVICES, THROUGH THEIR AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENT WAYS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.
- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UTILITY SERVICE FACILITIES LOCATED ON SUCH OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION, COMMUNICATION OR GAS FACILITIES. THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.
- THE COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE SUPPLIERS OF WATER, SEWER, ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF EACH LOT WITHIN THE SUBDIVISION AGREES TO BE BOUND HEREBY.

C. GAS SERVICE

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

D. WATER AND SANITARY SEWER SERVICE

- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS AND PUBLIC SANITARY SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID PUBLIC WATER MAIN OR PUBLIC SANITARY SEWER. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN OR SANITARY SEWER, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER AND SANITARY SEWER, SHALL BE PROHIBITED.
- THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, OR PUBLIC SANITARY SEWER MAINS, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR SUCH OWNER'S AGENTS OR CONTRACTORS.
- THE CITY OF BIXBY OR ITS SUCCESSORS THROUGH ITS PROPER AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL SUCH EASEMENT WAYS SHOWN ON SAID PLAT OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF SAID UNDERGROUND WATER AND SEWER FACILITIES.
- ALL WATER AND SANITARY SEWER LINES SHALL BE MAINTAINED IN GOOD REPAIR BY THE UTILITY CONTRACTOR FOR THE TERM OF AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE MAINTENANCE BOND OF WHICH THE CITY OF BIXBY IS THE BENEFICIARY. IF ANY REPAIR ISSUES ARISE, THE DEVELOPER SHALL ASSIST THE CITY OF BIXBY IN COORDINATION AND FACILITATION WITH THE APPROPRIATE CONTRACTOR.
- THE FOREGOING COVENANTS CONCERNING WATER AND SEWER FACILITIES SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

E. SURFACE DRAINAGE

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

F. PAVING AND LANDSCAPING WITHIN EASEMENTS

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

G. STORM SEWER

- THE CITY OF BIXBY, OR ITS SUCCESSORS, THROUGH ITS PROPER AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL UTILITY EASEMENTS SHOWN ON THE ACCOMPANYING PLAT FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND STORM SEWER SYSTEM.
- NO PERMANENT FENCE, PERMANENT WALL, PERMANENT BUILDING, OR PERMANENT STRUCTURE WHICH WOULD CAUSE AN OBSTRUCTION SHALL BE PLACED OR MAINTAINED IN THE UTILITY EASEMENT AREAS, AND ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE STORM SEWER SYSTEM IS PROHIBITED.
- THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE PUBLIC STORM SEWER SYSTEM, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH SYSTEM CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF EACH LOT OR ITS AGENTS OR CONTRACTORS.
- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE STORM SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID STORM SEWER FACILITIES. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF STORM SEWER FACILITIES, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH SUCH STORM SEWER FACILITIES, IS PROHIBITED WITHOUT THE CONSENT OF THE CITY OF BIXBY.
- THE FOREGOING COVENANTS CONCERNING UTILITY EASEMENTS AND THE PUBLIC STORM SEWER SYSTEM SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OR ITS SUCCESSOR, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY

SECTION II - LAND USE RESTRICTIONS

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

B. RESERVES "I", "B", "F"

- FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF LOTS WITHIN THE SUBDIVISION AND FOR THE BENEFIT OF THE CITY OF BIXBY, STORM SEWER AND DRAINAGE FACILITIES ARE TO BE CONSTRUCTED IN RESERVE AREAS "I" AND "B" AND "F" FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE AND DISCHARGE OF STORM WATER RUNOFF FROM THE VARIOUS LOTS WITHIN THE SUBDIVISION AND FROM PROPERTIES OUTSIDE THE SUBDIVISION.
- RESERVE "I" AND "B" ARE HEREBY ESTABLISHED FOR GREEN BELT ACCESS FOR SUBSEQUENT CONVEYANCE TO THE ASSOCIATION. RESERVE "I" AND "B" ARE ALSO DEDICATED AS A GENERAL UTILITY EASEMENT.
- STORM SEWER AND DRAINAGE FACILITIES CONSTRUCTED IN RESERVE EASEMENTS SHALL BE IN ACCORDANCE WITH ADOPTED STANDARDS OF THE CITY OF BIXBY AND PLANS AND SPECIFICATIONS APPROVED BY THE CITY ENGINEER OF THE CITY OF BIXBY.
- NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN THE RESERVE EASEMENT AREAS, NOR SHALL THERE BY ANY ALTERATION OF THE GRADES OR CONTOURS IN SUCH EASEMENT AREAS UNLESS APPROVED BY THE CITY ENGINEER OF THE CITY OF BIXBY; PROVIDED, HOWEVER, THAT THE PLANTING OF TURF OR SINGLE TRUNK TREES HAVING A CALIPER OF NOT MORE THAN TWO AND ONE-HALF (2-1/2) INCHES SHALL NOT REQUIRE THE APPROVAL OF THE CITY ENGINEER OF BIXBY.
- THE DRAINAGE FACILITIES LOCATED IN RESERVES SHALL BE MAINTAINED BY THE ASSOCIATION IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - THE RESERVE AREAS SHALL BE KEPT FREE OF SILT, OBSTRUCTION AND DEBRIS;
 - THE RESERVE AREAS SHALL BE MOWED DURING THE GROWING SEASON AT INTERVALS NOT EXCEEDING TWO (2) WEEKS;
 - CONCRETE APPURTENANCES, IF ANY, SHALL BE MAINTAINED IN GOOD AND WORKING CONDITION;

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

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

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

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

E. SETBACKS

- STREET SETBACK. NO BUILDING OR ACCESSORY STRUCTURE SHALL BE ERECTED NEARER TO A PUBLIC STREET THAN THE BUILDING SETBACK LINES DEPICTED ON THE ACCOMPANYING PLAT.
- SIDE YARD. EACH LOT SHALL MAINTAIN SIDE YARDS WHICH IN THE AGGREGATE ARE NOT LESS THAN 10 FEET IN WIDTH AND NO SIDE YARD SHALL BE LESS THAN FIVE (5) FEET IN WIDTH. SIDE YARDS ABUTTING A STREET SHALL NOT BE LESS THAN 15 FEET, UNLESS THE GARAGE ENTRY IS LOCATED ON SUCH SIDE, WHERE IT WILL BE NO LESS THAN 20 FEET.
- REAR YARD. THE MINIMUM REAR YARD SETBACK SHALL BE 20 FEET. CUSTOMARY ACCESSORY STRUCTURES MAY BE LOCATED WITHIN THE REQUIRED REAR YARD SET BACK AREA, BUT NO BUILDING SHALL BE ERECTED NEARER THAN 5 FEET TO ANY LOT LINE.
- EASEMENT SETBACKS. NO BUILDING, WHETHER PRINCIPAL OR ACCESSORY, SHALL ENCROACH UPON ANY UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT.

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

SECTION III - PRIVATE BUILDING AND USE RESTRICTIONS

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

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

A. ARCHITECTURAL COMMITTEE - PLAN REVIEW

- AN ARCHITECTURAL COMMITTEE IS HEREBY FORMED AND SHALL APPROVE ALL PLANS FOR ANY STRUCTURE TO BE BUILT ON ANY LOT AND SHALL ALSO BE RESPONSIBLE FOR INTERPRETING THE DEVELOPMENT AND CONSTRUCTION STANDARDS CONTAINED IN THIS SUBSECTION. THE ARCHITECTURAL COMMITTEE SHALL CONSIST OF NOT LESS THAN ONE (1) NOR MORE THAN THREE (3) MEMBERS TO BE APPOINTED BY OWNER/DEVELOPER UNTIL RESIDENCES HAVE BEEN CONSTRUCTED ON ALL LOTS IN THE SUBDIVISION; AND, THEREAFTER, THE MEMBERS OF THE ARCHITECTURAL COMMITTEE SHALL BE APPOINTED BY THE ASSOCIATION, PROVIDED, HOWEVER, THAT OWNER/DEVELOPER MAY AT ANY TIME, IN ITS SOLE DISCRETION, ASSIGN AND TRANSFER THE RESPONSIBILITY FOR THE APPOINTMENT OF THE ARCHITECTURAL COMMITTEE TO THE ASSOCIATION.
- NO BUILDING, FENCE, WALL OR FREE STANDING MAILBOX SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT IN THE SUBDIVISION UNTIL THE PLANS AND SPECIFICATIONS THEREFORE HAVE BEEN APPROVED IN WRITING BY THE ARCHITECTURAL COMMITTEE. FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND SHALL INCLUDE A SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE OF SUCH PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN 20 DAYS AFTER SUBMISSION, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.
- THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITHIN THE SUBDIVISION AND IN ITS REVIEW OF PLANS OR DETERMINATION OF ANY WAIVER AS HEREINAFTER AUTHORIZED MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING, STRUCTURE OR ALTERATION, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HEREUNDER AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR RECOMMENDATION OF BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR BUILDING CODE COMPLIANCE. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION.

B. FLOOR AREA OF DWELLING

- SINGLE STORY. A SINGLE STORY DWELLING SHALL HAVE AT LEAST 2,200 SQUARE FEET OF FINISHED HEATED LIVING AREAS.
- TWO STORY AND THREE STORY. IF A DWELLING HAS TWO LEVELS OR STORIES IMMEDIATELY ABOVE AND BELOW EACH OTHER MEASURED VERTICALLY AND ALL SUCH LEVELS OR STORIES ARE ABOVE THE FINISHED EXTERIOR GRADE OF SUCH DWELLING, THEN SUCH DWELLING SHALL HAVE AT LEAST 1,800 SQUARE FEET OF FINISHED HEATED LIVING AREA ON THE FIRST STORY OR LEVEL AND SHALL HAVE A TOTAL OF THE VARIOUS LEVELS OR STORIES OF AT LEAST 2,400 SQUARE FEET OF FINISHED HEATED LIVING AREA.
- COMPUTATION OF LIVING AREA. THE COMPUTATION OF LIVING AREA SHALL NOT INCLUDE ANY BASEMENT, GARAGE, OR ATTIC AREA USED FOR STORAGE. ALL LIVING AREA MEASUREMENTS SHALL BE TAKEN HORIZONTALLY AT THE TOP PLATE LEVEL TO THE FACE OF THE OUTSIDE WALL. REQUIRED LIVING AREA MUST AVERAGE AT LEAST SEVEN (7) FEET SIX (6) INCHES IN HEIGHT, EXCEPT THAT IN THE COMPUTATION OF SECOND OR UPPER STORY LIVING AREA, THE HEIGHT SHALL BE SEVEN (7) FEET SIX (6) INCHES FOR AT LEAST ONE HALF (1/2) OF THE REQUIRED LIVING AREA, AND ANY AREA OF LESS THAN FIVE (5) FEET IN HEIGHT SHALL BE EXCLUDED.
- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FLOOR AREA REQUIREMENTS SET OUT IN PARAGRAPH 1 AND 2 OF THIS SUBSECTION B.

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

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

E. MASONRY

- THE FIRST STORY EXTERIOR WALLS OF THE DWELLING ERECTED ON ANY LOT SHALL BE 100% BRICK, STONE, OR STUCCO (EXCLUDING WINDOWS AND DOORS). AT THE DISCRETION OF THE ARCHITECTURAL COMMITTEE, THE 100% REQUIRED MASONRY MAY BE WAIVED FOR PORCHES AND PATIOS.
- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE REQUIREMENTS SET OUT IN PARAGRAPHS 1 OF THIS SUBSECTION E.

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

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

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

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

J. ROOF PITCH

- NO DWELLING SHALL HAVE A ROOF PITCH OF LESS THAN 6/12 OVER 75% OF THE HORIZONTAL AREA COVERED BY ROOF AND NO ROOF SHALL HAVE A PITCH OF LESS THAN 3/12.
- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTIONS TO PERMIT A DWELLING HAVING A FLAT ROOF OVER MORE THAN 25% OF THE HORIZONTAL AREA COVERED BY ROOF.

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

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

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

- M. OUTBUILDINGS
1. OUTBUILDINGS ARE PROHIBITED.
 2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.

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

O. FENCING

1. ALL FENCING SHALL BE IN ACCORDANCE WITH THE CITY OF BIXBY ZONING CODE. INTERIOR FENCING OR WALLS SHALL NOT EXTEND BEYOND THE BUILDING LINES OF THE LOT AND, IF A DWELLING IS BUILT BEHIND THE FRONT BUILDING LINE OF A LOT, NO FENCE MAY EXTEND BEYOND THE POINT NEAREST THE STREET AT EACH END CORNER OF THE DWELLING, PROVIDED HOWEVER, ON CORNER LOTS FENCING MAY EXTEND TO THE SIDE YARD LOT LINE. EXCEPT AS SPECIFIED IN SECTION III, SUBSECTION P.2 IMMEDIATELY BELOW (I) ALL FENCING SHALL BE 6" PRIVACY CONSTRUCTED OF STANDARD WOOD, AND (II) CHAIN LINK, BARBED WIRE, MESH AND OTHER METAL FENCING SHALL BE PROHIBITED. NO FENCE SHALL EXCEED 6 FEET IN HEIGHT. FENCES FACING THE STREET AND INSTALLED IN SIDE YARDS BETWEEN DWELLINGS SHALL BE ALIGNED WITH EXISTING FENCES ON ADJOINING LOTS WHERE POSSIBLE. THE GOOD SIDE OF EVERY FENCE SHALL FACE THE STREET. OTHER TYPES OF FENCING CONSTRUCTED OF WROUGHT IRON, BRICK, OR STONE MAY BE PERMITTED IF PRE-APPROVED BY THE ARCHITECTURAL COMMITTEE. VINYL COATED CHAIN LINK FENCE, WITH WOODEN POST AND TOP RAIL IS RESTRICTED TO RESERVE AREAS ONLY.
2. WITH RESPECT TO LOTS WHICH ARE CONTIGUOUS WITH LAKES OR PONDS IN RESERVE AREAS, THE SIDE YARD FENCES SHALL BE TAPERED IN HEIGHT TO FOUR FEET (4') WITHIN THIRTY FEET (30') OF THE PERIMETER FENCING FACING THE LAKE AREA AND WITHIN SAID 30' AREA SHALL BE OF THE SAME SPECIFICATIONS AS THE PERIMETER FENCING DESCRIBED BELOW. PERIMETER FENCING SHALL BE REQUIRED ALONG AND PARALLEL TO THE COMMON BOUNDARY OF ALL LOTS WITH THE RESERVE AREAS WITH LAKES. SAID PERIMETER FENCING SHALL BE CONSTRUCTED OF VINYL COATED CHAIN LINK RESIDENTIAL GRADE MATERIAL WITH WOODEN TOP RAILS AND POSTS. SUCH PERIMETER FENCING SHALL BE FOUR FEET (4') IN HEIGHT AND UNIFORM IN HEIGHT, DESIGN AND MATERIAL.

P. ANTENNAS

1. EXTERIOR TELEVISION, "CB" RADIO OR OTHER ANTENNA INCLUDING SATELLITE DISHES SHALL BE PROHIBITED WITH THE FOLLOWING EXCEPTION. SMALL SATELLITE DISHES WHICH DO NOT EXCEED 20" IN DIAMETER SHALL BE ALLOWED SO LONG AS THE DISH IS INSTALLED ON THE BACK OF THE DWELLING AND IS NOT VISIBLE FROM ANY STREET WITHIN THE SUBDIVISION.
2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.

Q. LANDSCAPING AND LOT MAINTENANCE

1. EACH LOT OWNER SHALL SOO THE YARD OF A LOT AT THE TIME OF CONSTRUCTION OF A RESIDENCE THEREON. AT THE TIME OF SUCH CONSTRUCTION, THE LOT OWNER SHALL INSTALL A MINIMUM EQUIVALENT WORTH OF \$500.0 OF LANDSCAPING MATERIALS (TREES, SHRUBS, GROUND COVER, ETC.) EXCLUSIVE OF SODDING.
2. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION FREE OF RUBBISH, TRASH AND OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOWED TO PREVENT GROWTH OF WEEDS OR TALL GRASS.
3. NO LUMBER, METALS, BULK MATERIALS, REFUSE OR TRASH SHALL BE KEPT, STORED OR ALLOWED TO ACCUMULATE ON ANY LOT OR ON THE RESERVE AREA, EXCEPT THAT BUILDING MATERIALS MAY BE STORED ON A LOT DURING THE COURSE OF CONSTRUCTION OF ANY APPROVED STRUCTURE. IF TRASH OR OTHER REFUSE IS TO BE DISPOSED OF BY BEING PICKED UP AND CARRIED AWAY ON A REGULAR AND RECURRING BASIS, CONTAINERS MAY BE PLACED IN THE OPEN ON ANY DAY THAT A PICKUP IS TO BE MADE, AT SUCH PLACE ON THE LOT SO AS TO PROVIDE ACCESS TO PERSONS MAKING SUCH PICKUP. AT ALL OTHER TIMES, SUCH CONTAINERS SHALL BE STORED IN SUCH A MANNER SO THAT THEY CANNOT BE SEEN FROM ADJACENT AND SURROUNDING PROPERTY. THE ARCHITECTURAL COMMITTEE, IN ITS DISCRETION, MAY ADOPT AND PROMULGATE REASONABLE RULES AND REGULATIONS RELATING TO THE SIZE, SHAPE, COLOR AND TYPE OF CONTAINERS PERMITTED AND THE MANNER OF STORAGE OF THE SAME.

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

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

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

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

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

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

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

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

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

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

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

SECTION IV - HOMEOWNERS' ASSOCIATION

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

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

COVENANTS OF OTHER PHASES OF SEVEN LAKES AS THE OPERATIVE HOMEOWNERS ASSOCIATION FOR SUCH ADDITIONS, EFFECT THE INCLUSION OF ALL OF THE LOT OWNERS IN SUCH ADDITIONS AS MEMBERS OF THE ASSOCIATION.

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

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

SECTION V - ENFORCEMENT, DURATION, AMENDMENT & SEVERABILITY

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

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

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

D. DEFINITIONS. IN THE EVENT OF AMBIGUITY OF ANY WORD OR TERM SET FORTH HEREIN, THE MEANING THEREOF SHALL BE DEEMED TO BE DEFINED AS SET FORTH WITHIN THE CITY OF BIXBY ZONING CODE AS THE SAME EXISTED ON _____, 201__ OR AS SUBSEQUENTLY AMENDED.

IN WITNESS WHEREOF, OWNER/DEVELOPER HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF _____, 201__.

DANIEL RUHL, MANAGER
PRHR PROPERTIES, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

STATE OF OKLAHOMA)
)SS.
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 201__, BY THE ABOVE MANAGER OF PRHR PROPERTIES, LLC.

NOTARY PUBLIC
MY COMMISSION EXPIRES:
MY COMMISSION NUMBER IS:

CERTIFICATE OF SURVEY

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

ALAN C. HALL
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1283

STATE OF OKLAHOMA)
)SS.
COUNTY OF TULSA)

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 201__, BY ALAN C. HALL.

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



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Friday, November 15, 2013
RE: Report and Recommendations for:
BL-390 – Steve Owens

LOCATION: – 14992 S. Gary Ct.
– Lot 6, Block 1, *The Reserve at Harvard Ponds*

LOT SIZE: 0.21 acres, more or less

ZONING: RS-3 Residential Single-Family District

SUPPLEMENTAL ZONING: None

EXISTING USE: Vacant

REQUEST: Lot-Split approval

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

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

BZ-134 – Clinton Miller for Roger P. Metcalf – Request for rezoning from AG to RS-2 for approximately 74 acres (including a northerly part of subject property), the easterly approximately 42/43 acres of which was eventually platted as part of *The Reserve at Harvard Ponds* subdivision. PC Recommended Approval 02/28/1983 and City Council Approved 03/07/1983 (Ord. # 477).

BZ-226 – George Suppes – Request for rezoning from RS-2 to RS-3 for approximately 42/43 acres (including a northerly part of subject property) which was eventually platted as

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part of *The Reserve at Harvard Ponds* subdivision. PC Recommended Approval 10/21/1996 and City Council Approved 11/25/1996 (Ord. # 748).

BZ-299 – Tanner Consulting, LLC – Request for rezoning for “Pierce Tract Description” of 6.230 acres and the “Sexton Tract Description” of 3.251 acres (including a southerly part of subject property) for the *The Reserve at Harvard Ponds* subdivision. PC Recommended Approval 12/15/2003 and City Council Approved the “Pierce Tract Description” of 6.230 acres 02/02/2004 (Ord. # 884). “Sexton Tract Description” added to Ord. # 2085 correcting Ord. # 884 approved 06/25/2012.

Preliminary Plat of The Reserve at Harvard Ponds – Request for Preliminary Plat approval for *The Reserve at Harvard Ponds* (including subject property) – PC Recommended Approval 12/15/2003 and City Council Approved 02/02/2004.

BL-293 – Tanner Consulting, LLC – Request for Lot-Split to separate a 1-acre tract from the surrounding 2.251 acres (balance of “Sexton Tract Description,” including a southerly part of subject property), the latter of which was subsequently platted as part of *The Reserve at Harvard Ponds* – Prior Approval granted 03/10/2004.

Final Plat of The Reserve at Harvard Ponds – Request for Final Plat approval for *The Reserve at Harvard Ponds* (including subject property) – PC Recommended Approval 09/23/2004 and City Council Approved 09/27/2004 (Plat # 5822 recorded 10/13/2004).

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of vacant Lot 6, Block 1, *The Reserve at Harvard Ponds*. It belongs to the Applicant, whose house is located on the adjoining Lot 5, Block 1 to the east, at the southern end of the Gary Ct. cul-de-sac turnaround.

General. The Lot-Split is proposed to allow the houses on the east and west sides to have larger side yards. The westerly portion would be sold to the adjoining neighbor, and the easterly portion would be retained. The Applicant has expressed desire to use the new yard area to reconfigure the driveway and build a new garage on it. Building over what is now a lot line would encroach a Public Utility Easement, and so this would have to be Closed/Vacated prior to building permitting.

As the resulting tracts would otherwise be too small, they must be attached to the adopting lots on both sides. Provided this is done, the combined, enlarged lots would comply with the minimum bulk and area and other requirements of the RS-3 district.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application on March 05, 2014. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval, subject to both resultant tracts being attached to the adopting lots on both sides by deed restriction language such as:

[INSERT THE LEGAL DESCRIPTION OF THE EASTERLY OR WESTERLY TRACT].

The foregoing is restricted from being transferred or conveyed as described above without including:

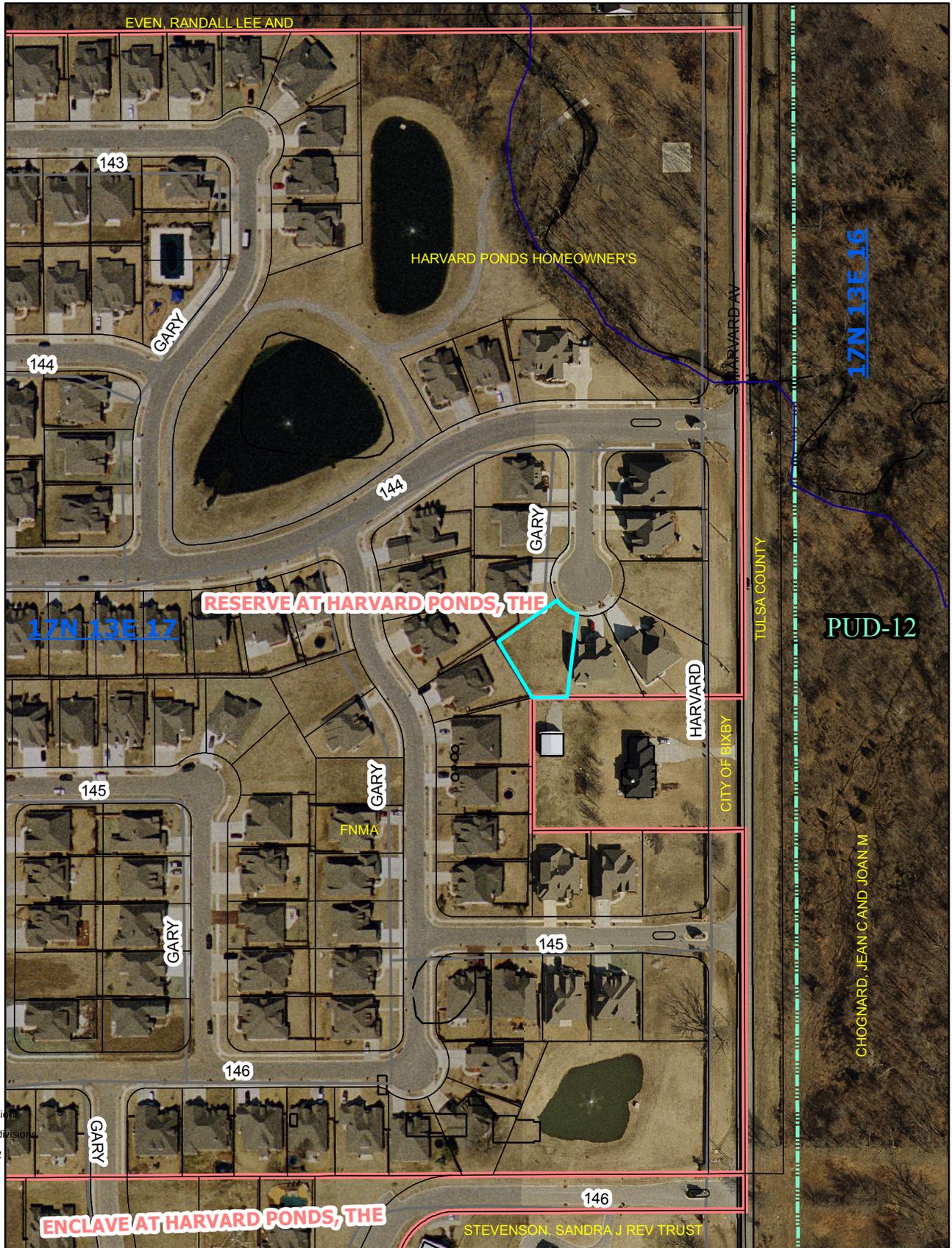
[INSERT THE LEGAL DESCRIPTION OF THE RESPECTIVE ADOPTING LOT]

unless otherwise approved by the Bixby Planning Commission, or its successors, and/or the Bixby City Council as provided by applicable State Law,

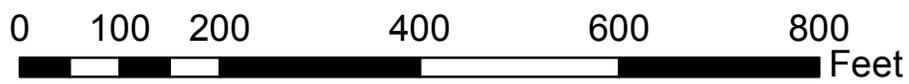
Or other language provided by the Applicant for this purpose subject to City Attorney approval.

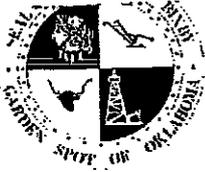
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BL-390 – Steve Owens



-  bixby_streams
-  Tulsa Parcels 08/12
-  WagParcels 08/12
-  TulsaCountySubdivisions
-  WagonerCountySubdivisions
-  WagRoads_Aug2012
-  E911Streets
-  PUD
-  bixby_s-t-r





City of Bixby Application for Lot-Split

Applicant: Steve Owens & Brenda Owens
 Address: 14492 S. Gary Court
 Telephone: 918-943-6543 Cell Phone: 918-~~943~~ 519-3977 Email: swow.pls@gmail.com
 Property Owner: Steve & Brenda Owens Property Address: Lot 6 Tract 6B
 Existing Zoning: Res. Existing Use: empty lot Use Unit #: _____

Attach four (4) copies of a survey drawing including existing and proposed lot lines, buildings and improvements dimensioned to existing and proposed lot lines, adjacent street and other rights-of-ways, street widths, easements of record, existing access limitations, north arrow, scale, and date.

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

see attached deed

FIRST TRACT TO BE CREATED	Legal Description of Proposed Tract <u>Lot 6 B</u>	Source of Water supply for this Tract <input checked="" type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER		
		Type of Sewage Disposal to be Available for this Tract <input checked="" type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER		
		Street or Streets Tract will face <u>South Gary Court</u>		
		Proposed Use of this Tract <u>Free Standers 2 Car garage</u>	Average Lot Width <u>52.79'</u>	Street frontage <u>17.31</u>
SECOND TRACT TO BE CREATED	Legal Description of Proposed Tract <u>Lot 6 A</u>	Source of Water supply for this Tract <input checked="" type="checkbox"/> CITY <input checked="" type="checkbox"/> WELL <input type="checkbox"/> OTHER		
		Type of Sewage Disposal to be Available for this Tract <input checked="" type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER		
		Street or Streets Tract will face <u>South Gary Court</u>		
		Proposed Use of this Tract <u>addition to house</u>	Average Lot Width <u>52.01</u>	Street frontage <u>17.32</u>
THIRD TRACT TO BE CREATED	Legal Description of Proposed Tract	Source of Water supply for this Tract <input type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER		
		Type of Sewage Disposal to be Available for this Tract <input type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER		
		Street or Streets Tract will face		
		Proposed Use of this Tract	Average Lot Width	Street frontage
FOURTH TRACT TO BE CREATED	Legal Description of Proposed Tract	Source of Water supply for this Tract <input type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER		
		Type of Sewage Disposal to be Available for this Tract <input type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER		
		Street or Streets Tract will face		
		Proposed Use of this Tract	Average Lot Width	Street frontage

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City of Bixby Application for Lot-Split

Does Record Owner consent to the filing of this application?

YES

NO

If Applicant is other than Owner, indicate interest: _____

Is subject tract located in the 100 year floodplain?

YES

NO

Has \$50.00 application review fee been paid at City Hall?

YES

NO

BILL ADVERTISING CHARGES TO: Steve Owens

14492 S. Gony Court Bixby Ok
(ADDRESS) (CITY)

(NAME)
918-519-3977
(PHONE)

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

Signature: Steve Owens

Date: 1-3-14

APPLICANT - DO NOT WRITE BELOW THIS LINE

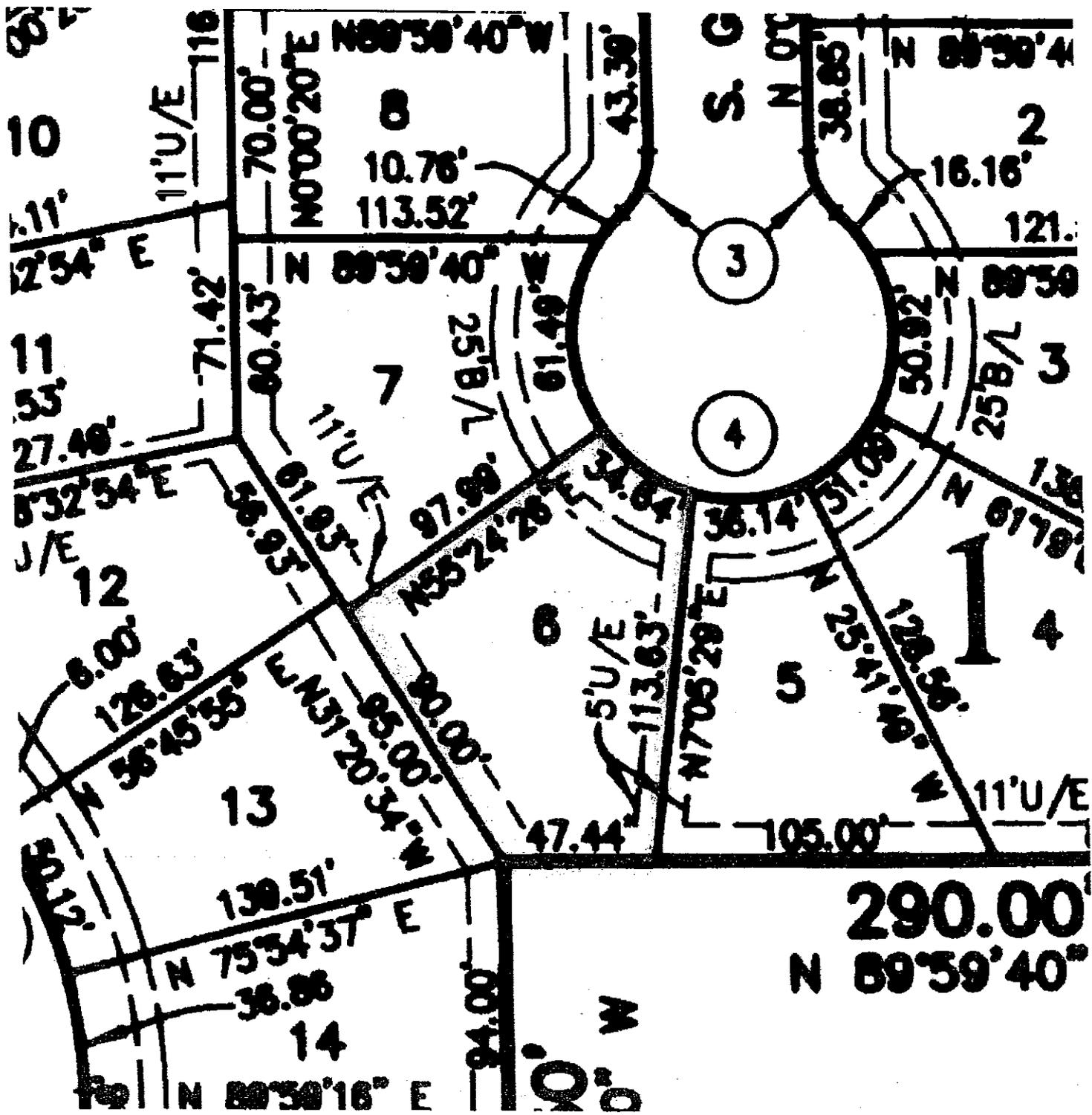
BL-390 Date Received 02/12/2014 Received By Enyard Receipt # 01135215

PC Action: _____ Conditions: _____

Date: _____ Roll Call: _____

Staff Rec. _____

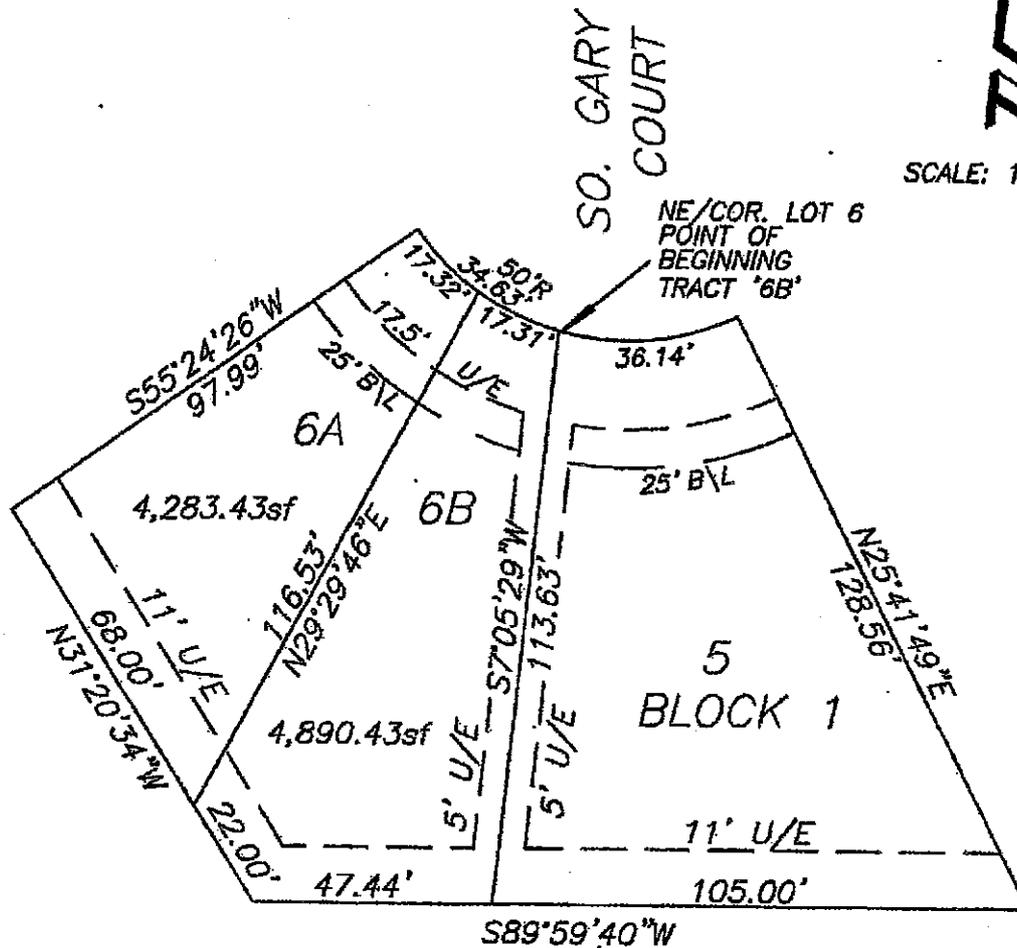
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LOT SPLIT PLAT
THE RESERVE AT HARVARD PONDS



SCALE: 1"=50'



LEGAL DESCRIPTION
TRACT '6B', BLOCK 1

A PART OF LOT 6, BLOCK 1, THE RESERVE AT HARVARD PONDS, AN ADDITION TO THE CITY OF BIXBY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 5822.

BEGINNING AT THE NORTHEAST CORNER OF LOT 6, BLOCK 1, THE RESERVE AT HARVARD PONDS, THENCE ON AN ASSUMED BEARING OF S 7°05'29" W ALONG THE EAST LINE OF LOT 6, A DISTANCE OF 113.63 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE S 89°59'40" W A DISTANCE OF 47.44 FEET TO A LOT CORNER; THENCE N 31°20'34" W AND ALONG THE SOUTHWEST LINE OF LOT 6 A DISTANCE OF 22.00 FEET TO A POINT; THENCE N 29°29'46" E A DISTANCE OF 116.53' TO A POINT OF CURVE; THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, A LENGTH OF 17.31 FEET, A CHORD BEARING OF S 64°23'22" E, AND A CHORD DISTANCE OF 17.23 FEET TO THE POINT OF BEGINNING AND CONTAINING 4,890.43 SQUARE FEET, OR 0.112 ACRES, MORE OR LESS.

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Tulsa County Clerk - PAT KEY
 Doc # 2014008979 Page(s): 1
 Recorded 01/27/2014 at 03:19 PM
 Receipt # 451393 Fee \$13.00
 Doc Stamps: \$55.50

Grantee Mailing Address: 14492 S. Gary Ct., Bixby, OK 74008
 Documentary Stamps: \$55.50

**GENERAL WARRANTY DEED
 (INDIVIDUAL FORM - WITH SURVIVORSHIP)**

THIS INDENTURE is made this 23rd day of January, 2014, by and between John William Carter and M. Jane Carter, husband and wife, (referred to herein as "Grantor" whether one or more), and Steve Owens and Brenda Owens, husband and wife, (referred to herein as "Grantees" whether one or more).

WITNESSETH, in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor does hereby grant, bargain, sell and convey unto Grantees, not as tenants in common, but as joint tenants with the right of survivorship, and to the survivor of them, and to the heirs and assigns of such survivor, forever, all the following described real estate situated in the county of Tulsa, State of Oklahoma, to-wit:

Lot Six (6), Block One (1), The Reserve at Harvard Ponds*, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 5822.

*a Subdivision in the City of Bixby,

TO HAVE AND TO HOLD THE SAME, as joint tenants, and not as tenants in common, with the fee simple title in the survivor, the heirs and assigns of the survivor, together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining forever.

And said Grantor, their successors and assigns, does hereby covenant, promise and agree to and with said Grantees that at the delivery of these presents they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance in fee simple, of and in, all and singular, the above granted and described premises, with the appurtenances; that the same are free, clear and discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of whatsoever nature and kind, EXCEPT: Easements, building restrictions of record and special assessments not yet due, and that said Grantor will WARRANT AND FOREVER DEFEND the same unto said Grantees, their heirs, successors and assigns against said Grantor, their successors or assigns, and all and every person or persons whomsoever lawfully claiming or to claim the same.

Signed and delivered the date first above written.

John William Carter

M. Jane Carter

STATE OF OKLAHOMA)
) ss.
 COUNTY OF TULSA)

This instrument was acknowledged before me on 23rd day of January, 2014, by John William Carter and M. Jane Carter, husband and wife.

Notary Public

My Commission Expires: _____
 Commission Number: _____



TULSA ABSTRACT & TITLE CO.
 819 S. DENVER AVE.
 TULSA, OK 74119

241042
 Tulsa Abstract
 & Title Company
 8023 E. 83rd Place
 Suite 101
 Tulsa, OK 74138
 918-250-9920

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Erik Enyart

From: Erik Enyart
Sent: Wednesday, February 05, 2014 4:18 PM
To: 'SWO.PLS@gmail.com'
Subject: Your property at 14492 S. Gary Ct. - see attached Lot-Split application
Attachments: Application - Lot-Split.pdf

Steve Owens
14492 S. Gary Ct.
Bixby, OK 74008
(918) 519-3977

Mr. Owens:

Per our discussion, I understand that you have acquired the vacant lot to the west, Lot 6, Block 1, The Reserve at Harvard Ponds, and want to split it to sell a westerly part to your neighbor to the west, (Lot 7, Block 1, 14472 S. Gary Ct.), also for a larger side yard area. I understand that you would keep the easterly part, on which you will eventually construct a new garage and driveway. I understand that the existing garage would be converted to a room. As you requested, the Lot-Split application form is attached.

There is a \$100.00 application fee, payable to City of Bixby at the Water Billing desk in City Hall, 116 W. Needles Ave. You may leave the application there and they will place it in my mailbox, or you can bring it to my office in the Dawes Building at 113 W. Dawes Ave. You may also mail the entire application. The South County Leader will bill you directly for the public notice publication to PO Box 70, Bixby, OK 74008. The *South County Leader* will invoice directly for newspaper publication of the Public Notice. All other costs are included in the review fee.

If submitted by 02/14/2014, it will be placed on the 03/05/2014 Technical Advisory Committee (TAC) meeting (10:00 AM in Dawes Building, 113 W. Dawes Ave.) and 03/17/2014 Planning Commission meeting (6:00 PM in City Hall). City Council approval of a Lot-Split is not required unless there is "protest" at the Planning Commission meeting or before.

The survey will need to represent all three (3) lots involved, to demonstrate that the minimum standards will be achieved upon the combination of the smaller tracts with the adopting lots on either side.

As we discussed, the two (2) smaller tracts will be required to be attached to an adopting lot in order to meet minimum lot size, lot width, and other requirements. There is no special City approval required to combine lots. In this case, most Lot-Split applicants achieve the combination by use of deed restriction language, such as

[INSERT THE LEGAL DESCRIPTION OF THE PROPOSED SALE TRACT].

The foregoing is restricted from being transferred or conveyed as described above without including:

[INSERT THE LEGAL DESCRIPTION OF THE ADOPTING LOT]

unless otherwise approved by the Bixby Planning Commission, or its successors; and/or the Bixby City Council as provided by applicable State Law,

Or other language provided by the Applicant for this purpose subject to City Attorney approval.

This deed restriction would need to be used on both deeds (sale tract deed and retained tract deed).

Thank you for this opportunity to provide information on development and building codes and standards in Bixby. Please call or email if you have any questions or need additional information.

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

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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, March 07, 2014
RE: Report and Recommendations for:
V-46 – Moyers, Martin, LLP for Helene V. Byrnes Foundation

LOCATION: – 12345 S. Memorial Dr.
– Lot 1, Block 1, *The Boardwalk on Memorial*

LOT SIZE: 5 acres, more or less

EXISTING ZONING: CS Commercial Shopping Center District/PUD 29A & OL Office Low Intensity District/PUD 77

EXISTING USE: The *The Boardwalk on Memorial* strip commercial shopping center along the Memorial Dr. frontage (PUD 29A Development Area A), with vacant/soccer field land further to the east (former PUD 29A Development Area B)

REQUEST: Close Utility Easements

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

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

PUD 29A – The Boardwalk on Memorial – Request for Major Amendment to PUD 29, known as PUD 29A, which expanded the original PUD and underlying CS zoning to an

Staff Report – V-46 – Moyers, Martin, LLP for Helene V. Byrnes Foundation
March 17, 2014

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unplatted area to the north of Lots 1 and 2, Block 1, *Gre-Mac Acres*, and rezoned former Development Area B to AG for "open space" – PC Recommended Approval 03/17/2003 and City Council Approved 04/28/2003 (Ordinance # 867).

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

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

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

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

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

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

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

BL-373 – William Wilson for Boardwalk on Memorial I, LP – Request for Lot-Split approval to separate the east approximately 472' from the balance of subject property Lot 1, Block 1, *The Boardwalk on Memorial* – PC Approved 02/16/2010.

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

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

BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove the Residential Area specific land use

designation, rezone from AG to OL, and approve PUD 77 for a ministorage development for the former Development Area B portion of subject property and portions of properties to the east thereof – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. City Council Approved Ordinance # 2127 on 02/24/2014.

Preliminary Plat of Byrnes Mini-Storages – Request for Preliminary Plat approval for the former Development Area B portion of subject property and portions of properties to the east thereof – Pending PC consideration 03/17/2014.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of two (2) parcels of land:

1. The Easterly approximately 472' of Lot 1, Block 1, *The Boardwalk on Memorial* (approximately 1.4 acres), formerly known as Development Area B, separated from the balance of the platted lot with the shopping center and parking lot by Lot-Split BL-373 in 2010, Tulsa County Assessor's Parcel # 57623730115240, and
2. The balance of Lot 1, Block 1, *The Boardwalk on Memorial* (approximately 3 ½ acres), PUD 29A Development Area A, containing the shopping center and associated parking lots, Tulsa County Assessor's Parcel # 57623730115230.

The first parcel contains a soccer practice field and is the one for which the closing is requested. It is now zoned OL with PUD 77.

General. The Applicant is requesting approval of an application (V-46) to close certain Utility Easements within the former Development Area B portion of the subject property that would otherwise frustrate development plans pursuant to PUD 77 "Byrnes Mini-Storages." The request is to close "all of the utility and other easements platted and dedicated in Development Area B of *The Boardwalk on Memorial* Addition." This would include the following, according to the plat of *The Boardwalk on Memorial*:

- 11' U/E along the northerly line of the Development Area B portion of Lot 1, Block 1, *The Boardwalk on Memorial*.
- 17.5' U/E along the easterly line of the Development Area B portion of Lot 1, Block 1, *The Boardwalk on Memorial*.
- 10' U/E along the southerly line of the Development Area B portion of Lot 1, Block 1, *The Boardwalk on Memorial*.
- 15' U/E along the westerly line of the Development Area B portion of Lot 1, Block 1, *The Boardwalk on Memorial*.

The plat of *The Boardwalk on Memorial* should represent all easements of record as of the time it was recorded, 08/19/2003. However, this is not always the case. The scope of this closing should be limited to those easements as represented on the plat, unless others are discovered and the same are within the City of Bixby's authority to receive and execute a request for

closing by ordinance. In that case, they must be identified and brought to the City of Bixby as a part of this action.

Additionally, the PUD and Preliminary Plat of "Byrnes Mini-Storages" represent the 15' westerly U/E remaining in situ with the new plat. Therefore, this one should be excluded.

For the reasons outlined above, Staff would not object to a closing as follows:

"All of the Utility Easements located within Development Area B of Lot 1, Block 1, *The Boardwalk on Memorial*, LESS AND EXCEPT the westerly 15 feet thereof, all in the City of Bixby, Tulsa County, State of Oklahoma, according to the Recorded Plat # 5717 thereof."

Per the Applicant, "There are no utilities presently in this easement." Further, Staff has received no objections to this closure request.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application on March 05, 2014. The TAC members present raised no objections during the meeting. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff has no objection to the closing using the modified legal description above-quoted.

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V-46 – Moyers, Martin, LLP for Helene V. Byrnes Foundation



- Businesses
- bixby_streams
- Tulsa Parcels 08/13
- WagParcels 08/13
- TulSubdivision
- WagonerCounty_Subdivision
- WagRoads_Aug2012
- E911Streets
- PUD
- bixby_s-t-r
- county



MOYERS, MARTIN, LLP
ATTORNEYS AND COUNSELORS AT LAW
ESTABLISHED 1910

Jack H. Santee
John M. Imel
Steven A. Stecher
James H. Ferris
Patrick D. O'Connor
John E. Rooney, Jr.
Terry M. Kollmorgen
James E. Maupin
Michael E. Esmond
Scott Morgan
Scott Grier
Of Counsel
Jerry E. Rothrock

401 South Boston Ave., Suite 1100
Tulsa, Oklahoma 74103
Telephone (918) 582-5281
Facsimile (918) 585-8318

12345 South Memorial Drive
Suite 109
Bixby, Oklahoma 74008
Telephone (918) 366-3935

www.moyersmartin.com

Villard Martin
(1889-1965)
Garrett Logan
(1901-1975)
Donald P. Moyers
(1907-1995)
Villard Martin, Jr.
(1918-2002)

January 29, 2014

VIA HAND DELIVERY

Erik Enyart
City of Bixby
116 West Needles
Bixby, OK 74008

RE: Vacation of Easements
Development Area B
The Boardwalk on Memorial

CITY OF BIXBY

JAN 29 2014

RECEIVED

By Enyart

Dear Erik:

I am assisting Bill Wilson and the Helene V. Byrnes Foundation in connection with their efforts to plat Byrnes Mini-Storages addition to be located in part, on Development Area B of The Boardwalk on Memorial Addition.

As a result of the platting of Development Area B of The Boardwalk as part of the new plat for the Byrnes Mini-Storages addition which will have its own easements dedicated, we would like to vacate the easements platted on Development Area B. I have enclosed a copy of The Boardwalk on Memorial plat showing the easement which need to be vacated. As we discussed, title wise, I believe the best descriptions to use in the easement vacation process is "all of the utility and other easements platted and dedicated in Development Area B of The Boardwalk on Memorial Addition." Please let me know if you have any issues with that description. There are no utilities presently in this easement.

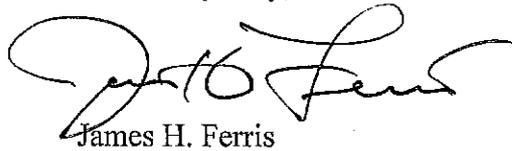
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Erik Enyart
City of Bixby
January 29, 2014
Page Two

Please proceed with your review of this request and the necessary formalities prior to presentation to the City Council for approval. Let me know if you need any further information and if a City fee is due for this application.

Thanks for your assistance.

Yours very truly,



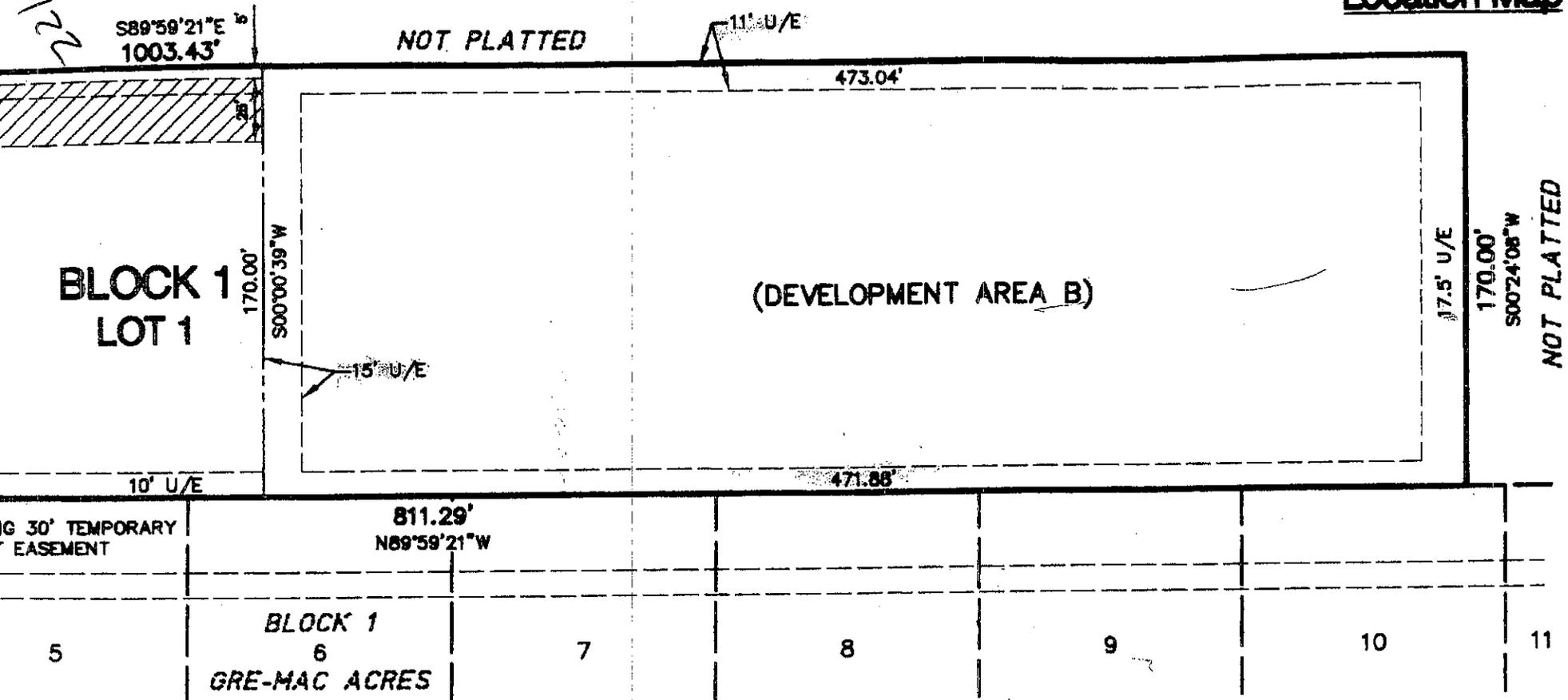
James H. Ferris

JHF/bcs

Attachments

SCALE IN FEET

Unit Development Number 29-A



Owner

THE BOARDWALK ON MEMORIAL I, L.P.
 ATTN: WILLIAM WILSON, JR.
 14441 SOUTH 50TH EAST AVENUE
 BIXBY, OKLAHOMA 74008
 PHONE: (918) 366-9091

Basis of Bearings

THE BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHERLY LINE OF BLOCK 1 OF 'GRE-MAC ACRES' HAVING AN ASSUMED BEARING OF N89°59'21"W.

Engineer / Surveyor

SACK AND ASSOCIATES, INC.
 SANTA FE DEPOT
 111 SOUTH ELGIN AVENUE
 TULSA, OKLAHOMA 74120-1818
 PHONE: (918) 592-4111
 C.A. No. 1783 (EXP. JUNE 30, 2005)

Monumentation

ALL CORNERS WERE SET USING A 3/8"x18" IRON PIN WITH A YELLOW CAP STAMPED 'SACK LS 1139'.

Subdivision Statistics

SUBDIVISION CONTAINS 1 LOT IN 1 BLOCK CONTAINING 4.9529 ACRES

CERTIFICATE

I hereby certify that all real estate taxes on this plat have been paid as reflected on the tax rolls. Security as required has been deposited in the amount of \$ 686.00 per acre 4777 to be applied to 2 certificates. This certificate is NOT to be construed as a release of taxes in full but is given in lieu of a release. It may be filed on record. 20⁰³ taxes may be filed on record. 20⁰³ taxes in full but is given in lieu of a release. amount of the security deposit.

Legend

Dated August 19, 2003



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: Monday, March 10, 2014
RE: Report and Recommendations for:
Modification/Waiver (PUD 82) – JR Donelson for Kowen Properties, LLC

LOCATION:

- 6905 E. 121st 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 121st St. S. and Sheridan Rd.

SIZE: 18 acres, more or less

EXISTING ZONING: AG Agricultural District (RS-2 zoning and PUD 82 requested)

EXISTING USE: Rural residential and agricultural

REQUEST: Modification/Waiver of the “stub-out street” requirement of Subdivision Regulations Section 12-3-2.C pursuant to Subdivision Regulations Section 12-3-5.B for approximately 18 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E, proposed as PUD 82 “Somerset.”

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 121st St. S., vacant commercial lots and a 2-story office building at 6810 E. 121st 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

are a vacant/wooded 1-acre tract, the *Three Oaks Smoke Shop* located on a 2-acre tract at 7060 E. 121st 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 5th and 6th 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.

BZ-370 & PUD 82 – "Somerset" – JR Donelson for Kowen Properties, LLC – Request to rezone from AG to RS-2 and to approve PUD 82 for a single-family residential development subject property – PC recommended Conditional Approval 02/18/2014, with the exception of abutting access provision recommendations from Staff. City Council Conditionally Approved with Staff's recommendations on abutting access provision, "subject to a[n] application for waiver of subdivision regulations," on 02/24/2014. Ordinance approval items Tabled until PUD returned with required Conditions of Approval incorporated.

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

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. 121st 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 121st 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. 121st 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

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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 General section of this report for analysis on how this property and the subject property are related.

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 121st 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. 121st 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 121st 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.).

General. PUD 82 ("Somerset") 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, 67th and 68th E. Aves., and 11 non-cul-de-sac lots front on the south side of 119th St. S. The latter are typically 70' X 125' (8,750 square feet; 0.20 acres). Per the Applicant's statement at the Planning Commission meeting held February 18, 2014, the streets are now planned to be private and gated. 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.

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 01/16/2007 and City Council took no action for the ordinance Second Reading on 02/12/2007, per the approved Minutes of that meeting. 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. 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. This plan does not provide such access to the abutting tract, which has a demonstrated access issue preventing its development. Avoiding the stub-out requirement would require a Waiver of the Subdivision Regulations, and since this issue is known it should be addressed in the PUD. 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.

Staff had also offered, in the alternative, that if the owner of the development property expressed that a secondary means of access through the subject property would not be needed, Staff would have no objection to a full Waiver. However, abutting owner Haynes Reynolds attended the Planning Commission meeting February 18, 2014 and the City Council meeting on February 24, 2014 and expressed need for secondary access through this development. On Thursday, March 06, 2014, Mr. Reynolds provided a draft PUD ("Sheridan Cottages") for City Staff input prior to formal application submittal. City Staff provided a courtesy review as requested on March 07, 2014. The draft plans indicate 23 lots along an east-west street with two (2) short cul-de-sac streets projecting northward therefrom. The proposed subdivision appears to be virtually identical to that shown in the westerly 8-acre portion of the subject property ("Somerset"), in terms of street layout and number and sizes of lots. The east-west street is shown as connecting to the 10-acre tract portion of the subject property ("Somerset") via a 25'-wide Emergency Access Easement, which would intersect the west line of "Somerset's" proposed Lot 9, Block 1.

On February 18, 2014, the Planning Commission recommended Approval of PUD 82 with the corrections, modifications, and Conditions of Approval as recommended by Staff, with the exception of the two (2) abutting access provision recommendations, over which consensus was not reached. On February 24, 2014, the City Council Conditionally Approved PUD 82 with all of Staff's recommendations, including the two (2) on abutting access provision, "subject to a[n] application for waiver of subdivision regulations." The Ordinance approval items were Tabled until the PUD returned with required Conditions of Approval incorporated.

The Applicant has submitted a letter requesting a Modification/Waiver of the "stub-out street" requirement of Subdivision Regulations Section 12-3-2.C pursuant to Subdivision Regulations

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Section 12-3-5.B. Such Modifications/Waivers are normally requested in the context of a plat application. However, a Preliminary Plat application has not yet been filed. The Subdivision Regulations do not prohibit the request of a Modification/Waiver be filed along with a plat application. Thus, it is presented here for the Planning Commission's recommendation to the City Council.

Subdivision Regulations / City Code Section 12-3-2.C provides:

"C. Abutting Unsubdivided Land: Where adjoining areas are not subdivided, the proposed streets shall be constructed to the boundary of the proposed subdivision with provisions made for a temporary right of way and the construction of a turnaround of a size acceptable to the city engineer. Permanent barricades shall be installed at dead end streets. Alignments, grades, drainage and other appropriate design criteria of all streets within and bordering new subdivisions shall be governed by this title, where applicable, and by the engineering design standards of the city."

Modifications/Waivers may be granted if the same meet the following requirements of Subdivision Regulations / City Code Section 12-3-5.B:

"B. Undue Hardship:

1. Standards To Determine Hardship: In any particular case where the subdivider can show in writing that by reason of exceptional topographic or other physical conditions, none of which are self-imposed, literal compliance with any requirement of this title would cause exceptional and undue hardship, the city council may modify such requirement to the extent necessary so as to relieve such difficulty or hardship; provided, that such relief may be granted only without resulting detriment to the public interest and without impairing the intent and purpose of this title or the comprehensive land use plan and the zoning code. Modifications may be granted by the city council only after receiving written recommendations from the planning commission and staff.

2. Written Application: Where unusual or exceptional factors or conditions exist, the city council may modify any of the provisions of this title, except those providing for the time of installation of improvements or requirement of improvement performance bonds and maintenance bonds. Any subdivider applying for a modification shall set forth in writing the reasons for the requested modification and the extent of the modification requested. The planning commission and staff shall review the petition for a hardship exception and shall make recommendations, including suggested modifications, to the city council. The city council shall hear the petition, review the planning commission and staff recommendations and grant such relief as may be proper. If granted, such modifications shall be added and attached to all copies of the construction plans and/or the final plat. (Ord. 854, 9-9-2002)"

The Applicant has provided the following arguments in support of the requested Modification/Waiver:

"Undue Hardship: Somerset Addition has private streets and two points of access, one from 121st Street South and one from South Sheridan Road. It is our understanding that there is no planned time table for the development of the abutting 8 acres. Constructing a street to the 8 acre abutting unsubdivided land provides no benefit to Somerset Addition and it is impossible to plan for the proper location of a proposed street or emergency access point. The installation of a street would likely serve no purpose to the 8 acres partial of land, as it would probably be placed in a location that would conflict with any future residential lot layout. The abutting 8 acres of land has 425 l.f. of frontage abutting South Sheridan Road. It is our belief that this footage presents options to allow for two points of access to the tract of land. The subdivision to the north of Somerset Addition, "The Estates of Graystone" does not have a stub street to the Somerset Addition tract of land, indicating a Waiver of the requirement was granted for this

subdivision.

Installing this stub street would eliminate at least one lot in Somerset Addition and downsize the lot widths of the remaining lots adjacent to the stub street. In addition, it would stub a private street with a privacy gate, to a possible public street. In today's unstable economy, losing the projected revenue from one residential lot, and reducing prices for the remaining adjacent lots to the stub street, plus the added cost to construct the stub street creates, an unforeseen financial burden on the Somerset Addition project.

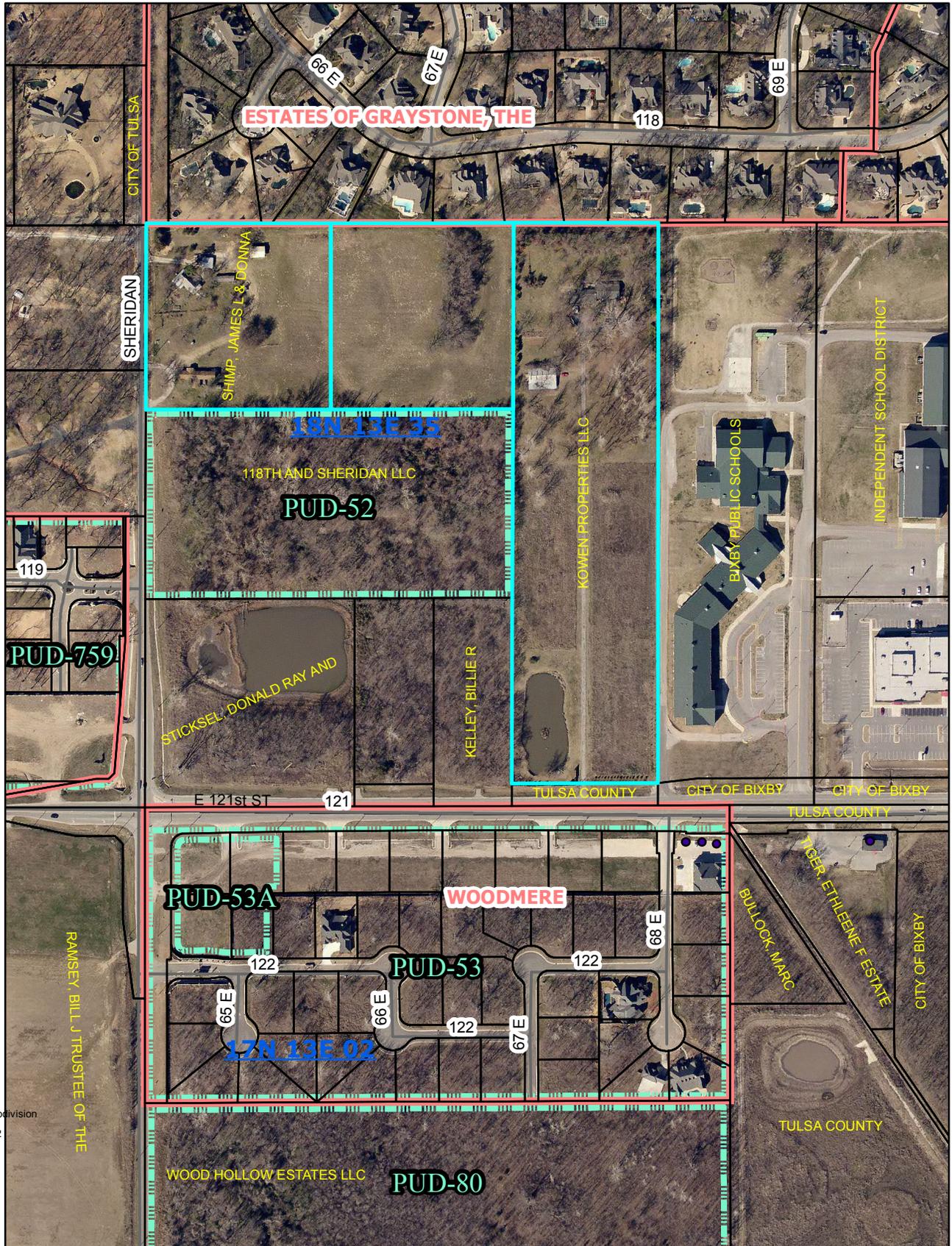
For the above reasons we respectfully request the Bixby Planning Commission and the Bixby City Council grant our Waiver request.”

As noted above, the proposed “Sheridan Cottages” PUD proposes a specific location for the Emergency Access drive, intersecting the west line of “Somerset’s” proposed Lot 9, Block 1. The draft PUD site plan is attached for reference. At 20’ in width, it would not appear necessary to lose a lot, nor would it be an expense to the Somerset developer if structured such that the adjoining developer needing access was responsible for its construction. The proposed “Sheridan Cottages” streets are proposed to be private, not public. Staff does not believe the arguments presented meet the standard for Modification/Waiver, namely, that “by reason of exceptional topographic or other physical conditions, none of which are self-imposed, literal compliance with any requirement of this title would cause exceptional and undue hardship.” (emphasis added).

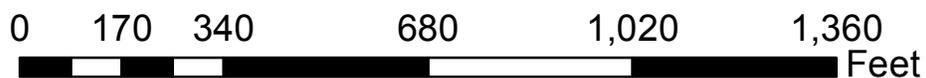
The Technical Advisory Committee (TAC) discussed this request at its regular meeting held March 05, 2014. Minutes of that meeting are attached to this report.

Staff Recommendation. For all the reasons outlined above, Staff cannot support a Waiver of the Subdivision Regulations requirement to provide a stub-out street, or alternative method of secondary access provision, to the 8-acre development property abutting to the south/west, which has a demonstrated lack of access potentially preventing its efficient development. The Applicant should provide a plan for access in the PUD Text and Exhibits, or at a minimum, describe in the PUD Text that there will be an abutting access means provided somewhere within the development.

Modification/Waiver (PUD 82) – JR Donelson, Inc. for Kowen Properties, LLC



- Businesses
- bixby_streams
- Tulsa Parcels 02/14
- WagParcels 02/14
- TulSubdivision
- WagonerCounty_Subdivision
- WagRoads_Aug2012
- E-911_Streets
- PUD
- bixby_s-t-r
- county



JR Donelson, Inc.

12820 So. Memorial Dr., Office 100

Bixby, Oklahoma 74008

918-394-3030

Email: jrdon@tulsacoxmail.com

C.A. No. 5611 Exp.Date: 6/30/15

February 25, 2014

Bixby City Council and Bixby Planning Commission
Bixby, Oklahoma

Re: Request for Waiver, Somerset Addition

Mayor Ray Bowen and Mr. Tom Holland

We are requesting a Waiver of the Subdivision Regulation, City of Bixby Code Section 12-3-2.C. A proportion of the Subdivision Regulation for 12-3-2.C states, "C. Abutting Unsubdivided Land: Where adjoining areas are not subdivided, the proposed streets shall be constructed to the boundary of the proposed subdivision with the provisions made for a temporary right of way and the construction of a turnaround of a size acceptable to the city engineer."

Somerset Addition, PUD 82, was approved by the Bixby Planning Commission and the Bixby City Council with the staff recommendation for the following removed from the motion.

No. 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".....and.....

No. 12, "Exhibits: Does not show stub-out street or otherwise emergency access provisions to the unplatted 8 acre development property abutting to the south"

Undue Hardship: Somerset Addition has private streets and two points of access, one from 121st Street South and one from South Sheridan Road. It is our understanding that there is no planned time table for the development of the abutting 8 acres. Constructing a street to the 8 acre abutting unsubdivided land provides no benefit to Somerset Addition and it is impossible

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to plan for the proper location of a proposed street or emergency access point. The installation of a street would likely serve no purpose to the 8 acres partial of land, as it would probably be placed in a location that would conflict with any future residential lot layout. The abutting 8 acres of land has 425 l.f. of frontage abutting South Sheridan Road. It is our belief that this footage presents options to allow for two points of access to the tract of land. The subdivision to the north of Somerset Addition, "The Estates of Graystone" does not have a stub street to the Somerset Addition tract of land, indicating a Waiver of the requirement was granted for this subdivision.

Installing this stub street would eliminate at least one lot in Somerset Addition and downsize the lot widths of the remaining lots adjacent to the stub street. In addition, it would stub a private street with a privacy gate, to a possible public street. In today's unstable economy, losing the projected revenue from one residential lot, and reducing prices for the remaining adjacent lots to the stub street, plus the added cost to construct the stub street creates, an unforeseen financial burden on the Somerset Addition project.

For the above reasons we respectfully request the Bixby Planning Commission and the Bixby City Council grant our Waiver request.

Sincerely,


J.R. Donelson

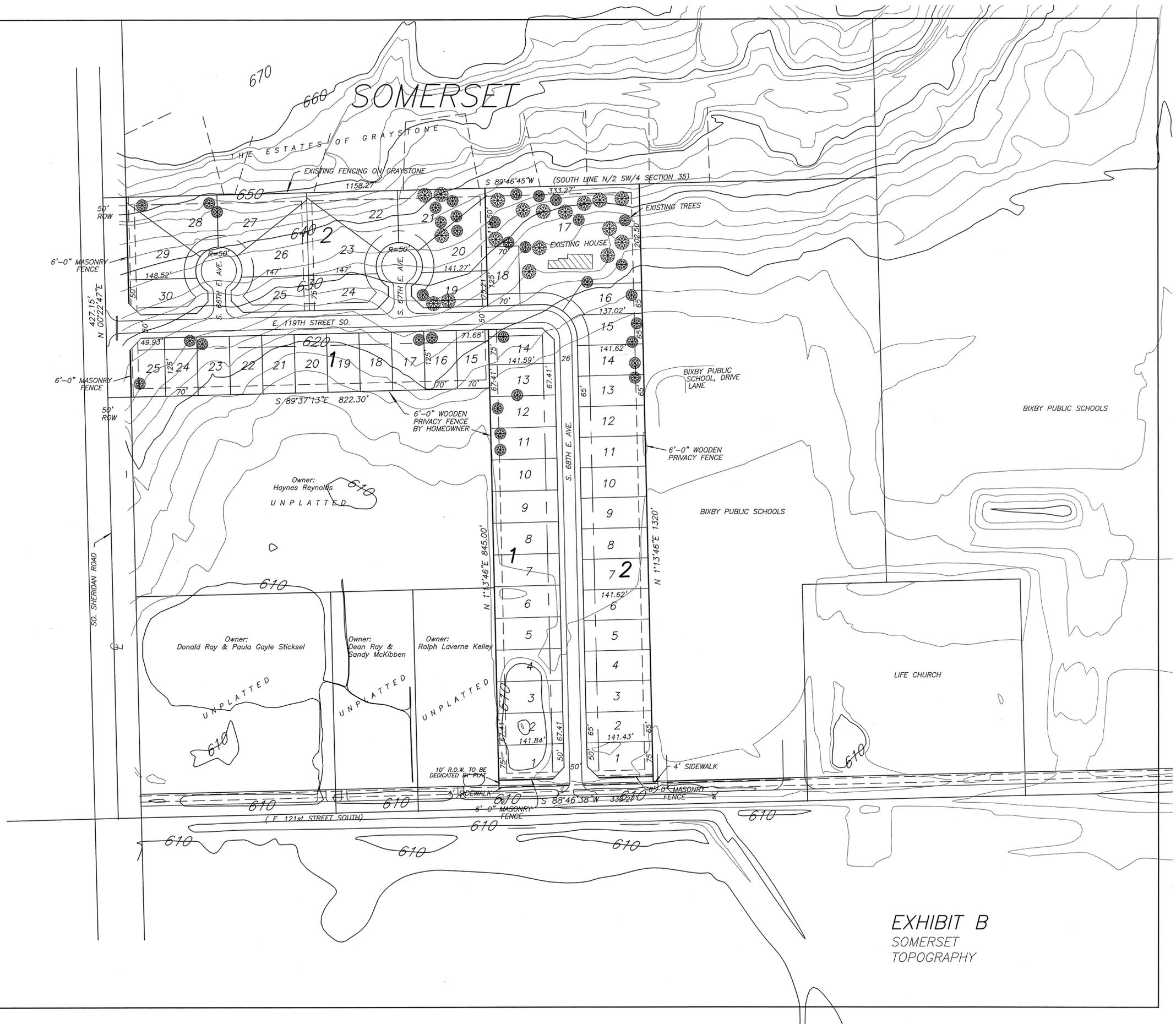
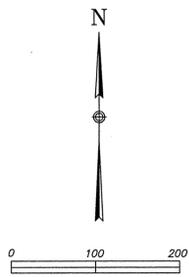
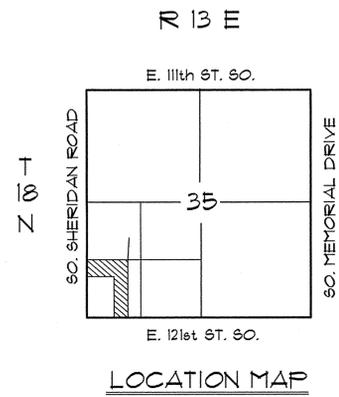


EXHIBIT B
SOMERSET
TOPOGRAPHY

Erik Enyart

From: Haynes Reynolds [haynesreyn@gmail.com]
Sent: Monday, March 10, 2014 5:12 PM
To: Erik Enyart
Subject: Re: New PUD
Attachments: PUD 84.pdf; Sheridan Cottages - E. 'D' Surrounding Zoning-Land Use Plan.pdf; Sheridan Cottages - Ex. 'A' Conceptual Development Plan.pdf; Sheridan Cottages - Ex. 'B' Existing Conditions Plan.pdf; Sheridan Cottages - Ex. 'C' Slope Analysis.pdf; ATT00001.txt

Erik,

Attached is the PUD with some of the changes. Time did not allow to finalize. However feel free to make this version public and put it in your package for planning commission one week from tonight on the summerset proposed development. I will submit officially in the next two days.

Thanks – Haynes

No virus found in this message.

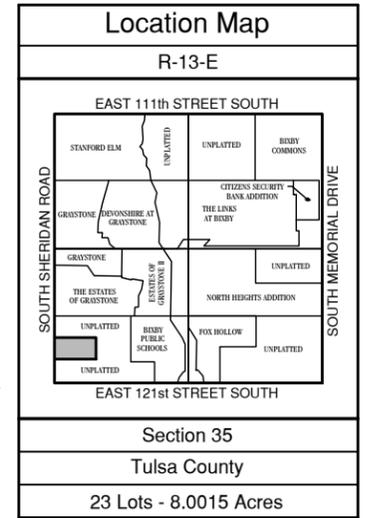
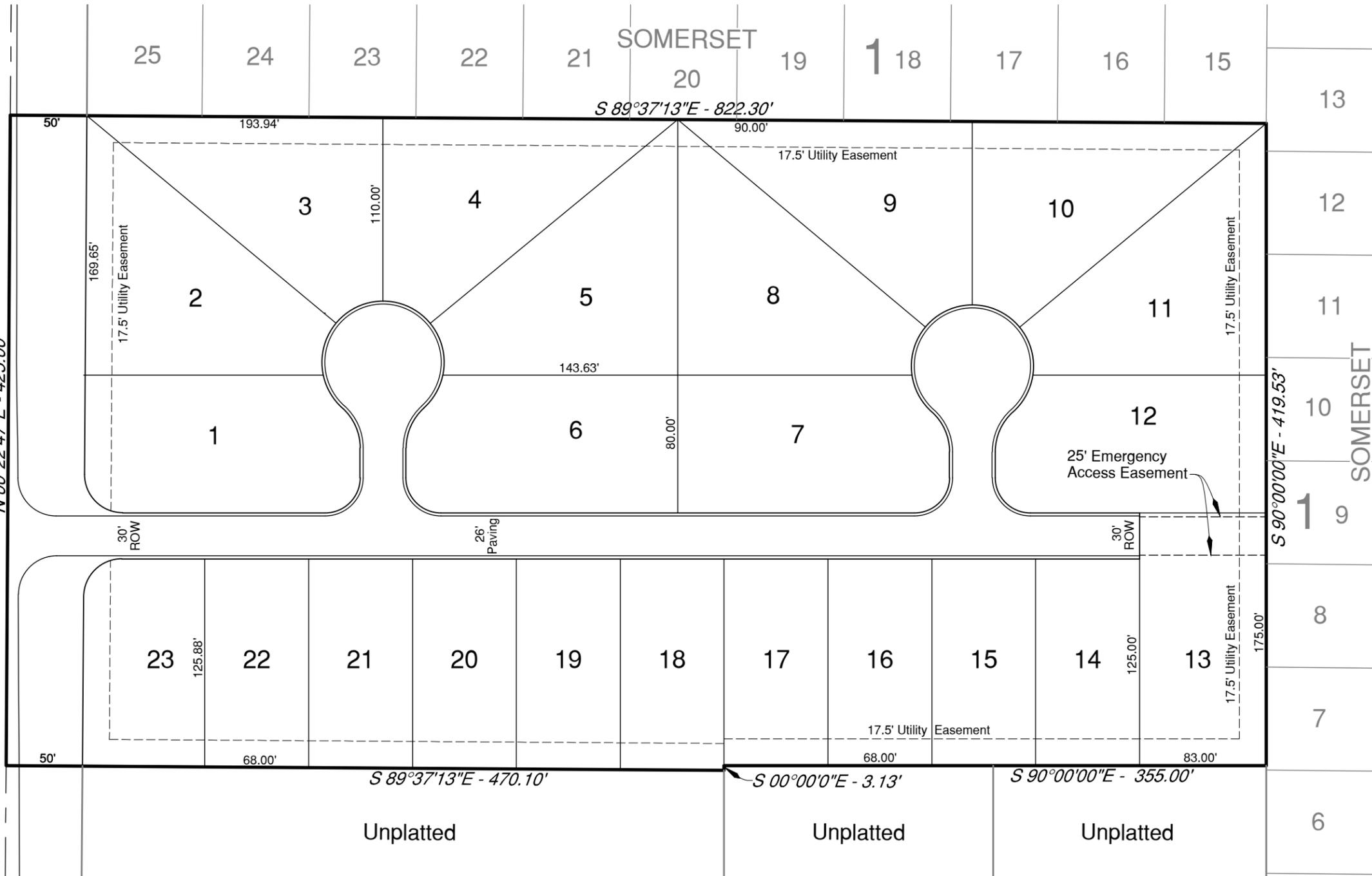
Checked by AVG - www.avg.com

Version: 2013.0.3462 / Virus Database: 3722/7171 - Release Date: 03/09/14

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South Sheridan Road

N 00°22'47"E - 425.00'



Not To Scale

Sheridan Cottages

Conceptual Development Plan
EXHIBIT 'A'

