

AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
April 21, 2014 **6:00 PM**

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

3

1. Approval of Minutes for the March 17, 2014 Regular Meeting

PUBLIC HEARINGS

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2. **BZ-372 – Ronnie L. Davis.** Public Hearing, Discussion, and consideration of a rezoning request from RS-3 Residential Single-Family District to RM-1 Residential Multi-Family District for approximately 0.3 acres, Lots 19, 20, 21, and 22, Block 30, *Midland Addition*.
Property Located: 211 & 215 E. Breckenridge Ave.

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3. **PUD 84 – “Sheridan Cottages” – Haynes Reynolds for 118th & Sheridan, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for “Sheridan Cottages” for approximately 8 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.
Property Located: 11909 and/or 11919 S. Sheridan Rd.

4. **BZ-373 – Haynes Reynolds for 118th & Sheridan, LLC.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RS-2 Residential Single Family District for approximately 8 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.
Property located: 11909 and/or 11919 S. Sheridan Rd.

PLATS

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5. **Final Plat of “Willow Creek I” – Rosenbaum Consulting, LLC (PUD 78).** Discussion and consideration of a Final Plat and certain Modifications/Waivers for “Willow Creek I” for 43.964 acres in part of the NE/4 of Section 12, T17N, R13E.
Property Located: South and west of the intersection of 131st St. S. and Mingo Rd.

OTHER BUSINESS

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6. **PUD 80 – Wood Hollow Estates – Minor Amendment # 1.** Discussion and possible action to approve Minor Amendment # 1 to PUD 80 for approximately 20 acres, the S/2 of Government Lot 4 (NW/4 NW/4) of Section 02, T17N, R13E, which amendment proposes making certain subdivision design modifications pertaining to Utility Easements and making certain other amendments.
Property Located: 12307 S. Sheridan Rd.

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7. **Modification/Waiver – “Wood Hollow Estates” – Sack & Associates, Inc. (PUD 80).** Discussion and consideration of a request for Modification/Waiver to reduce and/or remove certain portions of the 17.5’ Perimeter Utility Easement as required by Subdivision Regulations Section 12-3-3.A pursuant to Subdivision Regulations Section 12-3-5.B 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.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Emyork
Date: 03/28/2014
Time: 11:20 AM

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**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
March 17, 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 6:03 PM.

ROLL CALL:

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

CONSENT AGENDA:

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

Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the February 18, 2014 Regular Meeting as presented by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

None.

PLATS

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

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.

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

- 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
- 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
- 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):

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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.”

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.

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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.

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.*
 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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Erik Enyart noted that this Preliminary Plat was Tabled from a previous Planning Commission meeting because the PUD had only been approved as an application, and not by ordinance. Mr. Enyart stated that, at its last meeting, the City Council approved the PUD and rezoning by ordinance, and so the plat was returned to the agenda. Mr. Enyart stated that the development consisted primarily of ministorage, but also included a lot currently in *Southern Memorial Acres No. 2* which would remain a house but also serve as the required second means of ingress/egress for the ministorage business. Mr. Enyart stated that there were several recommended Conditions of Approval pertaining to floodplain issues, and that these may be addressed by certain [surveying and] engineering exercises.

Chair Thomas Holland asked if anyone had signed up to speak on the item. Erik Enyart provided Mr. Holland the Sign-In Sheet and stated, "The Applicant is here."

Chair Thomas Holland asked if the Commissioners had any questions. A Commissioner asked Erik Enyart about how the Applicant would comply with the recommended Conditions, and Mr. Enyart deferred to the Applicant.

Applicant JR Donelson of 12820 S. Memorial Dr. # 100 stated that, earlier that day, he had received a copy of the CLOMR for the [Jim] Butler property to the north, and that it referred to "fully urbanized" conditions. Mr. Donelson stated that, if "fully urbanized" included the subject property, Reserve A could go away.

Chair Thomas Holland expressed concern that this development would create more of a problem than exists.

Lance Whisman stated that he had read the City Engineer's memo and was not sure that the drainage would be okay.

Larry Whiteley stated, "We can't penalize them for what's on [the neighbors'] propert[ies]."

JR Donelson stated that, when this came up last time, he asked, "Does the City have any money" [to fix the neighborhood's drainage], and he was told no, and secondly, "some of the people said they don't want a drain," so this is a "Catch 22."

John Benjamin stated that this development may help the drainage, by draining the development site, as it mitigates the problem and collects and discharges responsibly. Mr. Benjamin stated that the developer "can't go outside the perimeter and solve problems" in the neighbors' properties.

Lance Whisman described a case he saw in Glenpool where a ministorage development was constructed and backed up water onto other properties. Mr. Whisman stated, when the developer here raises the concrete, "no one has said this will not make it worse."

JR Donelson stated, "I can't confirm it won't make it worse; no one has spent the money to run topo every 25' in these backyards." Mr. Donelson asked that the Preliminary Plat be approved with the Staff's recommendations. Mr. Donelson stated that this project "can't move forward until the Preliminary Plat" was approved. Mr. Donelson stated, "Right now, the detention pond has been designed and the pipe has been designed," and that [City Engineer] Jared [Cottle] had asked him to review the CLOMR maps, print them out, and discuss them with him.

Chair Thomas Holland asked Erik Enyart if Staff had reviewed this CLOMR matter. Mr. Enyart stated that [City Engineer] Jared [Cottle] and JR [Donelson] had discussed this, "but I myself haven't been involved in that part yet."

Chair Thomas Holland expressed concern for drainage, and Erik Enyart stated that the plans must ultimately meet with [City Engineer] Jared [Cottle's] approval.

Erik Enyart stated that the property is still shown on the FEMA Floodplain maps until and unless FEMA approves a LOMR.

Lance Whisman stated that he had an issue [approving this] since the Commission had denied the PUD.

There being no further discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat of "Byrnes Mini-Storages" as recommended by Staff, and that the CLOMR / LOMR must take the property out of the [100-Year] Floodplain. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Whiteley and Benjamin
NAY:	Holland.
ABSTAIN:	Whisman.
MOTION PASSED:	2:1:1

Erik Enyart stated that this would proceed, without a recommendation, to the City Council's meeting a week from this date, since the Abstention vote counts as a "no."¹ Patrick Boulden stated that an Abstention vote doesn't count, so it was approved 2:1. Mr. Enyart reiterated Mr. Boulden's statement so that all could hear.

Chair Thomas Holland observed that it was out of order to address this now, but expressed concern for open air storage.

3. **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.

¹ Per 11 O.S. Section 8-111, Abstention votes count as "Nay" for governing bodies (as defined *ibidem* at Section 1-102); the same may not hold for appointed bodies such as the Planning Commission.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, 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.

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.

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/privately-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:
 - 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).

Erik Enyart stated that the Final Plat was consistent with the Preliminary Plat as approved, except that the perimeter Utility Easements on the north and south had been removed, and other easements as well, so this must meet with the utility companies' approval, including City's utilities.

Chair Thomas Holland recognized Ted Sack of Sack & Associates, Inc., 3035 E. 31st St. S., Tulsa, from the Sign-In Sheet. Mr. Sack recognized and stated that he was representing Wayne Farabough

of Perfection Homes, also in attendance. Mr. Sack stated that this subdivision was very unique, and had hundreds of native trees. Mr. Sack stated that his client had the street area cleared, but this marred, scarred the property, and his client did not want to do the utilities in the rear yards and remove the trees. Mr. Sack stated that [he and his firm] had been working hard with all the utility companies to have them all in the front yards. Mr. Sack stated that his client had approached a group who would have homes built here, and asked them if they would prefer the pedestals and transformers be located in the front yards and keep the trees, or the other way around, and they all wanted the trees and would deal with the pedestals in the front yards. Mr. Sack stated that the Seven Lakes subdivisions had utilities in the front. Mr. Sack expressed willingness to do a Minor Amendment to the PUD if needed. Mr. Sack stated that he had spent a lot of time to make this work. Mr. Sack stated that the City Engineer was not recommending removing the Utility Easements, due to setting a precedent, and so he would do a PUD Minor Amendment for this. Mr. Sack stated that this would be a "beautiful addition" and would be nice for the City of Bixby.

John Benjamin made a MOTION to RECOMMEND APPROVAL of the Final Plat of "Wood Hollow Estates" with 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 Benjamin
 NAY: None.
 ABSTAIN: None.
 MOTION PASSED: 4:0:0

4. **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.

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, 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.

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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 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.

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.

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

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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.
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, 1/2 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:
 - c. Encore on Memorial (missing)
 - d. Seven Lakes II (missing)
 - e. 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 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).*
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).*

Larry Whiteley clarified with Erik Enyart that the sign that the Commission had seen the previous month was for the *Encore on Memorial* apartment development behind the subject property. Mr. Whiteley asked where the signs would be located for these commercial lots, and Mr. Enyart stated that the PUD provided that each lot would be permitted its own ground sign along Memorial Dr. Mr. Whiteley clarified with Mr. Enyart that the businesses would also be permitted wall signs.

Chair Thomas Holland recognized Malek Elkhoury of Khoury Engineering, Inc., 1435 E. 41st St. S., Tulsa, from the Sign-In Sheet. Mr. Elkhoury had nothing to add to the Staff's recommendations.

Lance Whisman made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat and Final Plat of "River Trail II" subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

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

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

To: Bixby Planning Commission

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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)
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).

Erik Enyart observed that the Applicant was not present.

~~John Benjamin made a MOTION to RECOMMEND APPROVAL of the Final Plat of "Seven Lakes III" 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 Benjamin
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

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.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, 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 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.

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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.*
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.*

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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).*

A Commissioner clarified with Erik Enyart that there was additional land to the north which was unplatted, and that future phases of "Seven Lakes" were still anticipated.

Chair Thomas Holland clarified with Erik Enyart that 66th E. Ave. would be a stub-out street to the north. Mr. Enyart noted that the developers were providing the stub-out street to their own future phases.

John Benjamin made a MOTION to RECOMMEND APPROVAL of the Final Plat of "Seven Lakes IV" 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 Benjamin
 NAY: None.
 ABSTAIN: None.
 MOTION PASSED: 4:0:0

OTHER BUSINESS

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.

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

*To: Bixby Planning Commission
 From: Erik Enyart, AICP, City Planner
 Date: [Thursday, March 06, 2014]
 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 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]

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*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.*

John Benjamin clarified with JR Donelson that the neighbor had agreed to buy the westerly portion of the lot. Mr. Donelson stated, "The neighbors don't want a house there."

Lance Whisman asked if notice had been given, and Erik Enyart responded that Bixby was unique, in that most cities do not require Public Notice for a Lot-Split. Mr. Enyart stated that if Lot-Splits in other communities meet the requirements, they are approved. Mr. Enyart stated that, in Bixby, Lot-Splits require sign postings and newspaper publication of the Public Notice, and that these had been done in this case.

Larry Whiteley made a MOTION to APPROVE BL-390 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

8. **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.

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, 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):

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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 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.

Erik Enyart stated that, just prior to the meeting, he had discussed the recommendation with attorney Jim Ferris and agreed that, for title purposes, the 15' Utility Easement along the westerly side should be closed and then rededicated by the plat of "Byrnes Mini-Storages." Mr. Enyart stated that they had also agreed that the scope should be limited to the Utility Easements within Development Area B as represented on the plat of *The Boardwalk on Memorial*.

JR Donelson stated that [Jim] Ferris and [Patrick Boulden] said that the [State] Statutes require vacating the old easements even if platting over them.

Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the easement closing request per V-46 with the recommendations as to scope as recommended by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: 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 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

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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 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.

Erik Enyart described the PUD 82 case history and the City Council's Conditional Approval Motion, and stated that it was somewhat unorthodox to receive a request for Modification/Waiver outside the context of a plat application, but the request was made and accepted and put on the Planning Commission agenda for consideration. Mr. Enyart stated that, if approved, it would attach to the Preliminary Plat application when received. Mr. Enyart stated that the Subdivision Regulations require providing a "stub-out" street to all adjoining unplatted tracts, so that they have adequate access to develop in turn. Mr. Enyart stated that the City was responsible for looking out for all of its property owners, not just the individual ones that come in from time to time to develop. Mr. Enyart stated that, when the PUD came in the previous month, it was discovered that the site plan included did not indicate providing a stub-out street to the adjoining 8-acre development tract, which had a demonstrated need for access. Mr. Enyart stated that, at that time, Staff advised the developer that this was needed, but the developer and Staff were not in agreement on this. Mr. Enyart stated that, for reasons of Public safety, efficient traffic circulation, [appropriate] development patterns, and as the Subdivision Regulations place on the Applicant the burden of proof for justifying the Modification/Waiver, and as City Staff does not believe the arguments presented were sufficient in this case, City Staff was not supportive of the request. Mr. Enyart stated that City Staff was also concerned for setting precedent. Mr. Enyart stated, "The two (2) owners really need to talk and coordinate locations for utilities and access." Mr. Enyart stated that it was important that the City get a recommendation on the Commission's part that access be provided somewhere on the shared boundary, not so much where it must be or what form it must take.

Chair Thomas Holland recognized JR Donelson from the Sign-In Sheet. Mr. Donelson read from the request letter included in the agenda packet.

Patrick Boulden stated that, for granting the Modification/Waiver, the Subdivision Regulations required showing that the hardship was due to topographic or physical conditions. JR Donelson described the additional expense to the Applicant. Mr. Boulden stated that a hardship must be "physical," not "fiscal," and that financial considerations were not addressed in the ordinance. Mr. Donelson stated that he had been informed the [8-acre tract] owner offered to buy a lot to accommodate the access, which would seem to eliminate the "fiscal" argument.

JR Donelson asked, rhetorically, why the [*The Estates of*] *Graystone* subdivision did not provide stub-out streets [to the subject property]. Erik Enyart stated that the [*The Estates of*] *Graystone* [subdivision] was platted in 1994, about 20 years ago, and that "no one here now was present back

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then.” Mr. Enyart stated that he could not confirm the “stub-out” street requirement was in place at that time.

Chair Thomas Holland recognized Tim Terral of Tulsa Engineering & Planning, Inc., 9820 E. 41st St. S., Ste. 102, Tulsa, OK 74146. Mr. Terral stated that his firm was doing the engineering and planning for the property to the south. Mr. Terral stated, in regard to the access connection, “We need it.” Mr. Terral stated that the former PUD was approved at the Planning Commission but not voted on at the City Council; when it could have it didn’t. Mr. Terral stated that access was a problem at that time. Mr. Terral stated that [he and his client] had submitted a new PUD, with a design very similar to “Somerset,” and noted that the Commission would see the PUD the following month. Mr. Terral described the need for two (2) points of access and where it was planned to connect to “Somerset.” Mr. Terral stated that it had been suggested that his client’s property could have two (2) points of access on Sheridan Rd. Mr. Terral stated that this would create four (4) tiers of lots along a “horseshoe” configuration, which would yield: lot, street, lot, lot, street, lot. Mr. Terral stated that the two (2) streets would leave about 365’ for the four (4) tiers of lots, so they would be about 91’ deep, which was [inadequate for this market]. Mr. Terral responded to an earlier statement about his client’s offer to buy lots, stating, “Haynes [Reynolds] tried to talk to [Tom Wenrick],” but [there was resistance to working with his client]. Mr. Terral stated, “I’m not sure if buying a lot is still on the table,” and that, in his opinion, it shouldn’t be, since the [Subdivision Regulations] require providing access [to provide for adjacent development].

Larry Whiteley asked why this was needed since the streets were private. Chair Thomas Holland indicated agreement. Erik Enyart stated that, regardless of Public or private, all subdivisions still need adequate access for Public safety. Patrick Boulden indicated agreement.

A Commissioner asked about the easement suggested previously. Erik Enyart stated that, as an accommodation to the developer, to reduce his expenses, City Staff had offered to support a partial Modification/Waiver, to allow, in lieu of an actual street that the developer would build, a 20’-wide Emergency Access Easement, in which the other developer would be responsible for building the drive, and which would be defeasible and could be closed and vacated if not needed in the future. Mr. Enyart noted that this was suggested before Staff knew that the 8-acre tract was going to be proposed for development again.

Tim Terral stated that [he and his client] would be happy with a 25’ Easement, and would pay for [connections]. Mr. Terral stated that the easement would not reduce lot sizes, and that the remaining lots would actually become like corner lots with additional width. Mr. Terral stated that this would not be a major burden on “Somerset.”

Tom Wenrick of 2930 E. 51st St. S., Tulsa, expressed objections to providing access, and stated that the 8-acre tract was “still in the [100-Year] floodplain.” Tim Terral stated that was not true. Mr. Wenrick stated that the Fire Marshal had not asked for additional access. Erik Enyart stated that he had had extensive discussions with the Fire Marshal, and that the Fire Marshal did not ask the “Somerset” development for additional access because the “Somerset” didn’t need it, but had already stated that the 8-acre tract needed additional access. Mr. Enyart stated that the Fire Marshal was very much concerned for the adequacy of access here.

Larry Whiteley asked if the City had Waived this in the past, and Erik Enyart responded, "We regularly Waive it where it doesn't make sense to provide" stub-out streets. Mr. Enyart stated that, adjoining the subject property on the east side was the Bixby Public Schools' North 5th and 6th Grade Center, which was already developed and didn't need additional access. Mr. Enyart stated, [when the Preliminary Plat application is filed], "We will Waive that one." Discussion ensued. JR Donelson indicated that, if the City Waives it in one instance, [he and his client] could say that they should Waive it here too. Mr. Enyart responded that the City will Waive the requirement where it doesn't make sense to provide access, but the 8-acre development tract had a demonstrated need for additional access, so it should not be Waived here. Mr. Donelson indicated that Waiving the requirement for one opens it up for Waiving it in other places too, and asked where the line would be drawn. Mr. Enyart responded, "At the point at which it does or doesn't make sense."

At 7:20 PM, Chair Thomas Holland recognized the Commission would be in recess for approximately five (5) minutes for an "informal break."

At 7:23 PM, Chair Thomas Holland called the meeting back to order.

Tim Terral stated that his client's subdivision needed the access because (1) the cul-de-sac would otherwise be too long, and confirmed with Erik Enyart that the maximum length for same was 300' per the Subdivision Regulations, and (2) it needed a second point of access for emergency purposes.

Larry Whiteley expressed concern that [the Commission was being asked to disadvantage one property owner or the other]. Erik Enyart stated, "The City would restate this as we are concerned for all our citizens, not just the individual ones as they come in," and the City was trying to find for the most efficient way to put properties together. Mr. Enyart stated that the City Engineer had observed that, north of the [Arkansas] River, Bixby was almost built out, and what was left is "pieces and parts." Mr. Enyart stated that it was the City's responsibility for ensuring, like puzzle pieces, they are put together in the most efficient way possible for the benefit of the Public. Mr. Enyart indicated that the access provision should not be seen as disadvantaging the Applicant.

JR Donelson and Tom Wenrick addressed Chair Thomas Holland and stated that they had an idea in light of the information that the other development's streets would be private and that the other developer would be responsible for building the 20' emergency access drive. Mr. Donelson provided Chair Thomas Holland a marked-up copy of the "Somerset" plat plan showing the 20' drive connecting southward into the northeast corner of the 8-acre tract. Tim Terral observed the location, but stated that it was not an appropriate connection point. Mr. Terral suggested another location.

Discussion ensued.

Erik Enyart stated, "It sounds like they are agreeable to working together. It is important to recommend that access be provided, not so much where it goes or what it looks like—that can be done privately."

After further discussion, John Benjamin made a MOTION to RECOMMEND APPROVAL of the Modification/Waiver as recommended by Staff, to the extent of reducing the street requirement to

an access road easement, and that the access road must meet Fire Marshal requirements including the gate with Knox switch, and with no designated location for the access road. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

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

NEW BUSINESS:

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

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:50 PM.

APPROVED BY:

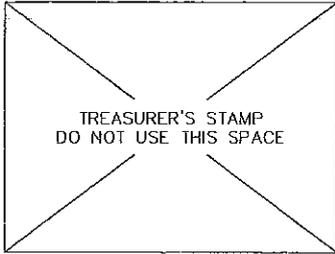
Chair

Date

City Planner/Recording Secretary

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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

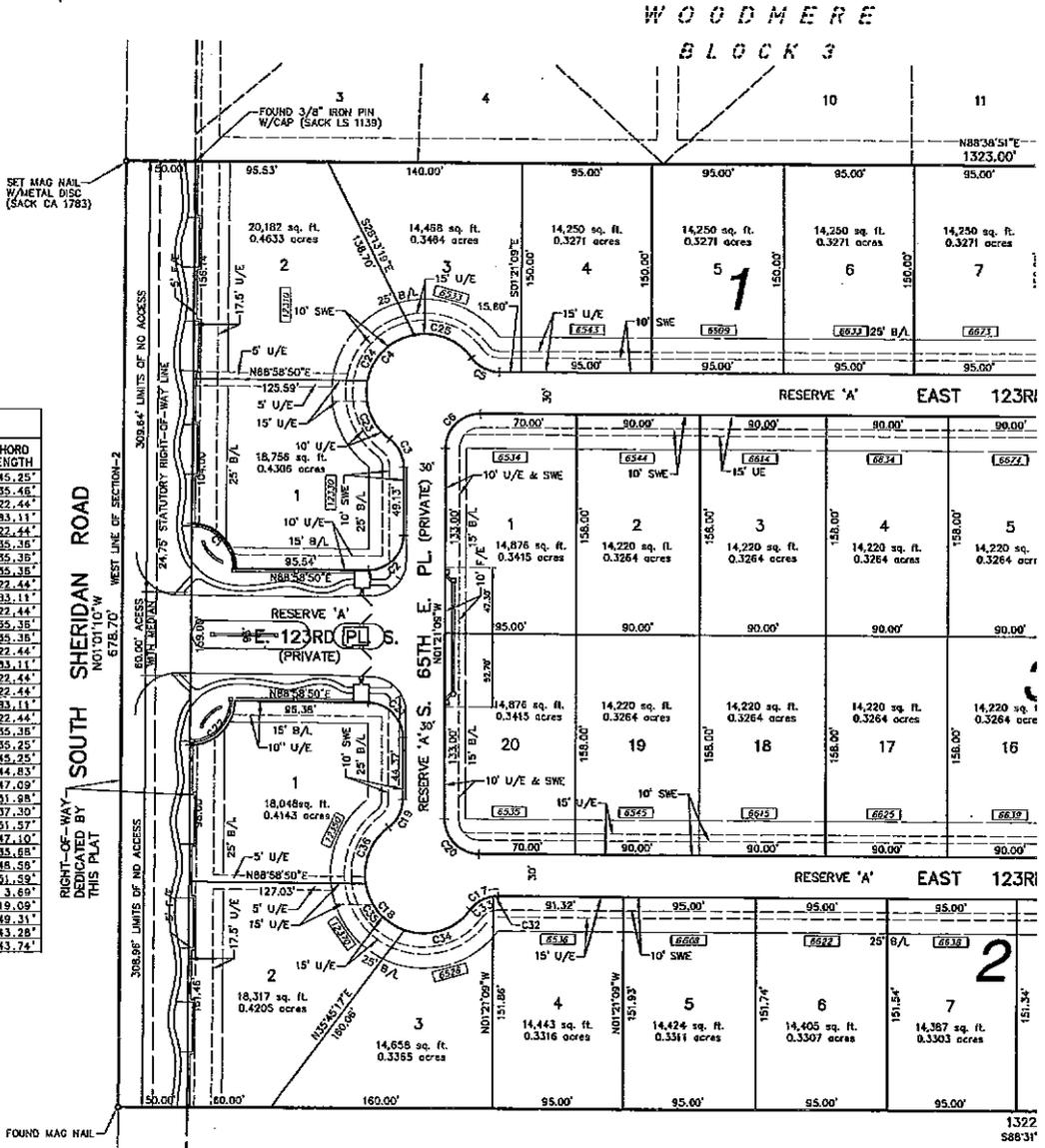
Excerpt

Wood Hol

A SUBDIVISION
S/2 OF GOVERNMENT LOT 4
CITY OF BIXBY, TUL
Planned Unit De



CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	89.27'	34.00'	89°00'00"	S46°01'10"E	45.25'
C2	39.42'	25.00'	89°18'59"	N43°48'59"E	35.46'
C3	23.28'	25.00'	53°20'37"	N28°01'28"W	22.44'
C4	144.18'	42.00'	186°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'	186°41'14"	N46°21'09"W	83.11'
C11	23.28'	25.00'	53°20'36"	S25°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'	186°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'	186°41'14"	S46°21'09"E	83.11'
C19	23.28'	25.00'	53°20'37"	N25°18'09"E	22.44'
C20	39.27'	25.00'	90°00'00"	S46°21'09"E	35.36'
C21	39.12'	25.00'	89°49'01"	N46°11'10"W	35.25'
C22	89.27'	34.00'	90°00'00"	N43°58'50"E	45.25'
C23	47.28'	42.00'	64°30'15"	N22°26'38"W	44.63'
C24	46.98'	42.00'	68°11'18"	N43°54'07"W	47.09'
C25	46.91'	42.00'	63°58'42"	S70°08'28"E	51.98'
C26	38.55'	42.00'	52°43'54"	S61°40'11"W	37.30'
C27	55.52'	42.00'	75°44'46"	S64°05'29"W	51.57'
C28	89.00'	42.00'	68°12'33"	N17°53'11"E	47.10'
C29	38.65'	42.00'	50°16'18"	N20°33'37"W	35.68'
C30	51.77'	42.00'	70°32'43"	N30°53'23"E	46.56'
C31	55.55'	42.00'	75°47'13"	S75°54'09"E	51.59'
C32	3.69'	25.00'	8°27'24"	S84°23'09"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°47'13"W	43.28'
C36	48.01'	42.00'	82°45'51"	N20°36'32"W	43.74'



PROPOSED SET

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BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: March 17, 2014

NAME	ADDRESS	ITEM
1. <u>TED SACK</u>	<u>3035 E 31st</u>	<u>#3 Wood Hollow</u>
2. <u>Malek Elkhoury</u>	<u>1435 E. 41st Tulsa</u>	<u>#4 River Trail II</u>
3. <u>JR DONELSON</u>	<u>12820 S. Mem #100</u>	<u>#2, 7, 8, 9</u>
4. <u>TIM TERRELL</u>	<u>9820 E. 41st #20 ^{102 Bixby Mesa}</u>	<u>#9</u>
5. <u>Tom Wenwick</u>	<u>2930 E. 51st</u>	<u>#9</u>
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
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11. _____	_____	_____
12. _____	_____	_____
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16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____



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, April 11, 2014
RE: Report and Recommendations for:
BZ-372 – Ronnie L. Davis

LOCATION: – 211 & 215 E. Breckenridge Ave.
– Lots 19, 20, 21, and 22, Block 30, *Midland Addition*

LOT SIZE: 13,000 square feet; 0.30 acres, more or less

EXISTING ZONING: RS-3 Residential Single-Family District

EXISTING USE: Two (2) single-family dwellings

REQUESTED ZONING: RM-1 Residential Multi-Family District

SUPPLEMENTAL ZONING: Central Business District

SURROUNDING ZONING AND LAND USE:

North: RS-3 & RM-1; Vacant land belonging to the First Assembly of God church zoned RS-3, duplexes fronting on Dawes Ave. and Parker St. to the northeast, and the First Assembly of God church, two (2) houses, and vacant land along the north side of Dawes Ave. all zoned RS-3.

South: RS-3 & RD; Single-family residential zoned RS-3 along Breckenridge Ave. and two (2) duplexes zoned RD in *Marilyn Courtyard* to the southwest.

East: RT, RM-1, & RS-3; Duplexes fronting on Breckenridge Ave. and Parker St. zoned RT and RM-1, with single-family residential zoned RS-3 further east along Breckenridge Ave.

West: RS-3 & CH; Single-family residential along the Breckenridge Ave. to Stanley St., with church property and single-family residential at the intersection of Breckenridge Ave. and Stanley St. further west zoned RS-3 and CH.

COMPREHENSIVE PLAN: Low Intensity + Residential Area

PREVIOUS/RELATED CASES: None found.

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

BZ-290 – Donald Raper – Request for rezoning from RS-3 to RD for what was later platted as *Marilyn Courtyard* to the southwest of subject property – PC recommended Approval 05/19/2003 and City Council Approved 06/09/2003 (Ord. # 869 corrected by Ord. # 2009 on 01/28/2009).

BZ-296 – Mike Flippin for Verline McClatchey Trust – Request for rezoning from RS-3 to RS-4 for single-family home construction property abutting subject property to the east at 219 E. Breckenridge Ave., Lots 23 and 24, Block 30, *Midland Addition* (since combined with lots 25 & 26, Lot-Split per BL-341, and constructed upon as a duplexes at 221 & 223 E. Breckenridge Ave. and 26 & 28 N. Parker St.) – PC Recommended Approval 09/15/2003 and City Council Approved 10/13/2003 (Ord. # 873).

BZ-302 – Betty Davis – Request for rezoning from RS-3 to RM-1 for duplex development on property abutting subject property to the northeast at 222 & 226 E. Dawes Ave. and 54 & 56 N. Parker St. – PC Recommended Approval 02/17/2004 and City Council Approved 03/08/2004 (Ord. # 885).

BL-318 – Betty Davis – Request for Lot-Split approval for duplex development on property abutting subject property to the northeast at 222 & 226 E. Dawes Ave. and 54 & 56 N. Parker St. – PC Approved 02/22/2005.

BZ-318 – Betty Davis – Request for rezoning from RS-3 [and RS-4] to RT for duplex development on property abutting subject property to the east at 221 & 223 E. Breckenridge Ave. and 26 & 28 N. Parker St. – PC Recommended Approval 10/16/2006 and City Council Approved 11/13/2006 (Ord. # 954).

BL-341 – Betty Davis – Request for Lot-Split approval for duplex development on property abutting subject property to the east at 221 & 223 E. Breckenridge Ave. and 26 & 28 N. Parker St. – PC Approved 10/16/2006.

BBOA-456 – Carl & Betty Davis – Request for Variance to reduce front and rear yard building setbacks for a duplex building in the RT Residential Townhouse District, Zoning Code Section 11-7B-4.A.1, Table 3 on property abutting subject property to the east at 221 & 223 E. Breckenridge Ave. (S. 66' of Lots 23:26, Block 30, *Midland Addition*) – BOA Denied 10/01/2007.

BBOA-464 – Carl & Betty Davis – Request for (1) Variance from the Zoning Code Section 11-8-1 to allow for the construction of a duplex on a nonconforming lot and (2) Variance to reduce front and rear yard building setbacks for a duplex building in the RT Residential Townhouse District, Zoning Code Section 11-7B-4.A.1, Table 3 on property abutting subject property to the east at 221 & 223 E. Breckenridge Ave. (S. 66' of Lots 23:26, Block 30, *Midland Addition*) – BOA Approved (1) 11/05/2007 and Approved (2) 02/04/2008.

Preliminary Plat of Marilyn Courtyard – Request for Preliminary Plat approval for *Marilyn Courtyard* to the southwest of subject property – PC recommended Conditional Approval 04/20/2009 and City Council Conditionally Approved 04/27/2009.

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Final Plat of Marilyn Courtyard – Request for Final Plat approval for *Marilyn Courtyard* to the southwest of subject property – PC recommended Conditional Approval 06/15/2009 and City Council Conditionally Approved 06/22/2009 (Plat # 6293 recorded 07/07/2009).

BACKGROUND INFORMATION:

The Applicant initially approached Staff with the concept of constructing a triplex on the subject property. Staff advised the Applicant that RT zoning could be used if the existing platted lots and the individual unit arrangements were such that each unit fit precisely on a 25'-wide lot, with the party walls¹ coinciding with the lot lines, or otherwise replatting would be required. At the time of application submission, the only zoning district which appeared to accommodate the triplex (a multifamily structure) was the RM-1 district, and so RM-1 zoning was requested. Since filing the application, the Applicant approached Staff with a duplex concept, with each unit having an attached garage. A proposed floor plan has been submitted and was accepted as a supplement to the application, and a copy is attached to this report. As the proposed structure is now a duplex, RM-1 zoning is no longer necessary.

ANALYSIS:

Subject Property Conditions. The subject property consists of four (4) platted lots within *Midland Addition*, each measuring 25' X 130'. Together, the four (4) platted lots contain 13,000 square feet (0.30 acres), more or less. Per the Tulsa County Assessor's parcel records and Zoning Code Section 11-8-8.D, Lots 19 and 20 are recognized as a singular parcel, and Lots 21 and 22 are recognized as another parcel. Each parcel contains one (1) single-family dwelling, addressed 211 & 215 E. Breckenridge Ave.

The subject property appears to drain to the north and/or east, roughly perpendicular to the bed of the abandoned Railroad. Drainage within this area has historically been recognized as inadequate due to lack of adequate drainage infrastructure. However, using CDBG grants and local match funds from stormwater fees collected, the City of Bixby has extended a stormsewerline in Dawes Ave. between Parker St. and the new stormsewer along Riverview Rd. Using the same sources, this system is also being extended north and south along Parker St. between Breckenridge and McKennon Aves. When completed, the stormsewer system should improve the drainage of the area, including the subject property. The subject property is entirely located within Shaded Zone X, the 500-year (0.2% Annual Chance) Floodplain.

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

Although RM-1 has been requested, Staff is supportive of RT zoning as detailed elsewhere in this analysis.

RT zoning was adopted (Ord. # 845) after the Comprehensive Plan in or around 2002 so it is not included in the "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan. However, based on

¹ Commonly known as "demising walls."

the Matrix's treatment of similar districts, including RD, RT zoning should be recognized as *May Be Found In Accordance* with the Low Intensity designation of the Comprehensive Plan.

Page 7, item numbered 1 of the Comprehensive Plan states:

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

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

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

Staff believes that the RT zoning and proposed duplex residential use is consistent with the Residential Area land use designation of the Comprehensive Plan Land Use map.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily RS-3, but RT, RM-1, RD, and CH are also in the immediate area as described in further detail in the paragraphs that follow.

To the north is vacant land belonging to the First Assembly of God church zoned RS-3, and north of Dawes Ave. is the First Assembly of God church, two (2) houses, and vacant land all zoned RS-3. Abutting the subject property to the northeast are duplexes at 222 & 226 E. Dawes Ave. and 54 & 56 N. Parker St. zoned RM-1.

Abutting the subject property to the east are duplexes at 221 & 223 E. Breckenridge Ave. and 26 & 28 N. Parker St. zoned RT, with single-family residential zoned RS-3 further east along Breckenridge Ave.

To the south, single-family residential homes are zoned RS-3 along Breckenridge Ave. Across Breckenridge Ave. to the southwest are two (2) duplexes zoned RD in *Marilyn Courtyard*.

Two (2) single-family dwellings are located in the balance of this block to the west to Stanley St., zoned RS-3. Vacant land and surface parking church property is west of Stanley St. zoned CH, and west of Main St. zoned RS-3. To the southwest, single-family residential zoned RS-3 is located at the southeast corner of Breckenridge Ave. and Main St.

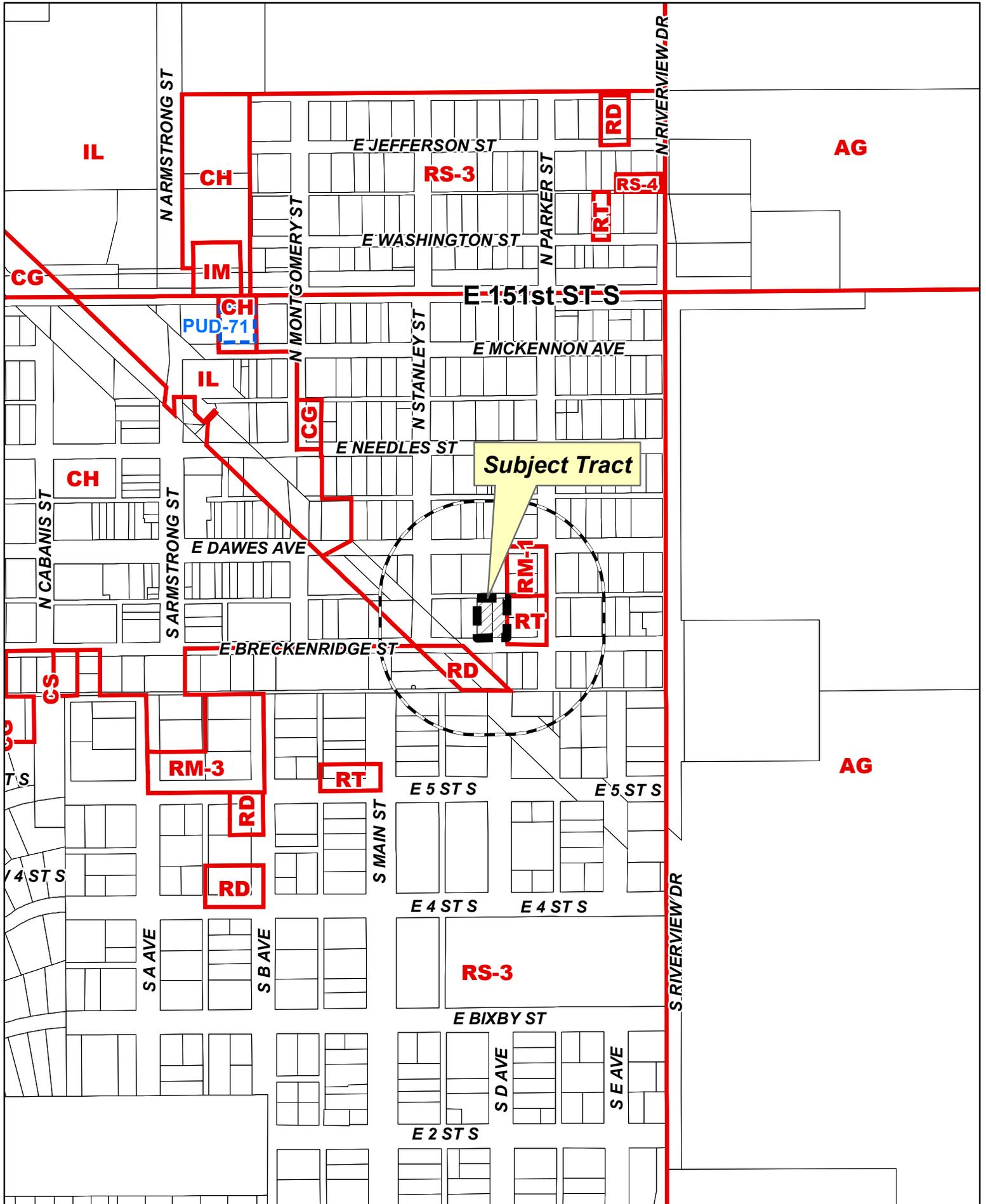
Although there is immediate area precedent for RM-1 zoning, where it abuts to the northeast, an RM-1 district here would not be the most appropriate Zoning or land use pattern, and would not be in accordance with the Comprehensive Plan. However, RT zoning would allow for the proposed duplex, and RT zoning would be a logical extension of the established RT district abutting to the east and would be compatible with the surrounding RM-1 and RD Zoning districts and duplex land use patterns and further *May Be Found In Accordance* with the Comprehensive Plan.

Zoning Code Section 11-5-4.B.1.a provides:

“Notice of a proposed RM-2 rezoning shall confer jurisdiction on the planning commission and city council to consider and act upon RM-2, RM-1, RD, RS-3, RS-2, RS-1 and RE, or combinations thereof, in the disposition of the application, and in like manner, notice of any R district, including RMH, shall confer jurisdiction to consider any less dense R district, except RMH.” (emphasis added)

RT zoning is a lesser-density district than the requested RM-1 district.

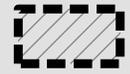
Staff Recommendation. Using the flexibility afforded in Zoning Code Section 11-5-4.B.1.a, Staff recommends approval of RT zoning.



Subject Tract

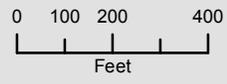


300' Radius



Subject Tract

BZ-372



24 17-13



Ronnie Daves

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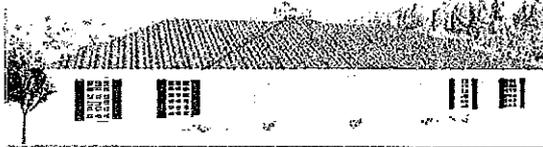
View Cart

Duplex plan J1313d
Garage per unit

(Areas below are per unit)

2 bedrooms / 1.5

Order this plan



Front view

Scroll down for floor plan and enlarged front view.

Living area= 1029 sq. ft.
Other= 284 sq. ft.
Total= 1313 sq. ft.

Features:

- *Washer/Dryer
- *Garage per unit
- *Large kitchen/dining area
- *Shallow depth for problem lots

Plan: • 5 Sets - \$525.00
 options 5 Sets with material list - \$600.00
 - \$625.00
 \$150.00

Width: 77'-4"
Depth: 35'-11"

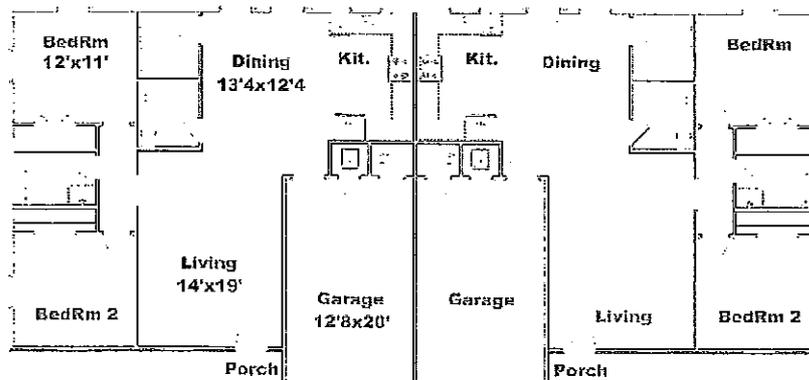
Cost-to-build

State: Select state v

Estimated cost: \$ 0

for more information.

Floor plan

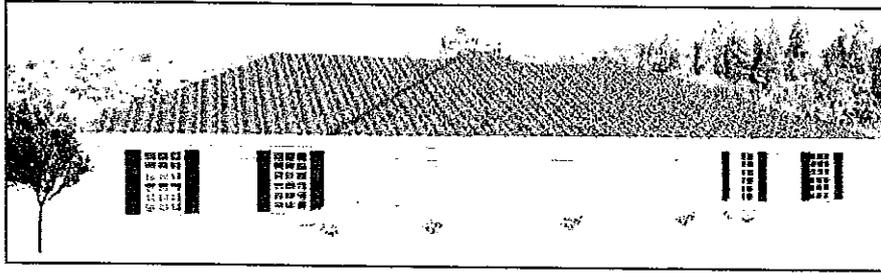


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Front view

40

48



Rear elevation

49



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, April 16, 2014
RE: Report and Recommendations for:
PUD 84 – “Sheridan Cottages” – Haynes Reynolds for 118th & Sheridan, LLC &
BZ-373 – Haynes Reynolds for 118th & Sheridan, LLC

LOCATION:
– 11909 and/or 11919 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: 8 acres, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Vacant/wooded

REQUESTED ZONING: RS-2 Single-Family Dwelling District & PUD 84

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: RS-2 & RS-2/PUD 82; Rural residential on unplatted tracts to the north and northeast recently rezoned to RS-2 with PUD 82 (“Somerset”) for a future single-family housing addition development, and further north, single family residential in *The Estates of Graystone* and other Graystone subdivisions zoned RS-2.

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: RS-2/PUD 82 & AG; Rural residential 10-acre unplatted tract recently rezoned to RS-2 with PUD 82 (“Somerset”) for a future single-family housing addition development, and further east, AG zoning including 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: (Across Sheridan Rd. in Tulsa) AG, RS-1, & RS-3/CS/PUD 759; Unplatted residential estate acreages zoned AG and RS-1, and 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: Medium/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES:

BZ-67 – Charles Cousins – Request for rezoning from AG to CS for a 4.4-acre area of subject property – 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 subject property– 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 subject property – BOA Approved for 6 months 12/09/1985.

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 for subject property – 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.

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

BBOA-147 – J.L. Shimp – Request for Special Exception approval to allow a mobile home in an AG District on approximately 8 acres abutting subject property to the north at 11803 and 11809 S. Sheridan Rd. – 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 approximately 8 acres abutting subject property to the north at 11803 and 11809 S. Sheridan Rd. – BOA Conditionally Approved 03/10/1986.

BZ-208 – D. Lindsay Perkins/Graystone Development, LLC – Request for rezoning from AG to RS-2 for approximately 120 acres to the north of subject property (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* to the north of subject property – 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 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 south of subject property across 121st St. S. – PC Recommended Approval 04/18/2011 and City Council Approved 05/09/2011 (Ord. # 2056).

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 for 18 acres abutting subject property to the north and east – PC recommended Conditional Approval 02/18/2014, with the exception of abutting access provision recommendations from Staff. City Council Conditionally Approved the applications with Staff's recommendations on abutting access provision, "subject to a[n] application for waiver of subdivision regulations," on 02/24/2014 and Tabled ordinance approval items. Upon receipt of final version of PUD as Conditionally Approved the previous month, City Council Approved ordinance items approving both applications 03/24/2014 (Ord. # 2128).

Modification/Waiver (PUD 82) – JR Donelson, Inc. for Kowen Properties, LLC – 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 the approximately 18-acre "Somerset" development property abutting subject property to the north and east – PC recommended Partial Approval to allow the proposed 20' Emergency Access Drive Easement to the subject property, with the location to be determined by the involved private parties 03/17/2014 and City Council Partially Approved as recommended 03/24/2014.

BACKGROUND INFORMATION:

The subject property 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 owner has also acknowledged 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 did the owner consent 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 adjoining 18-acre "Somerset" development property are related.

ANALYSIS:

Subject Property Conditions. The subject property of approximately 8 acres is zoned AG and is vacant and heavily wooded. It has approximately 425' of frontage on Sheridan Rd.

The subject property slopes moderately downward to the south. The development is proposed to ultimately drain to the Tulsa County "wetland mitigation" area located a few blocks to the southeast across 121st St. S. As previously noted by the City Engineer in regard to PUD 82, Tulsa County approval must be secured. It may drain through stormsewers to be constructed in the "Somerset" development property abutting to the north and east.

The subject property is presently served by the critical utilities (water, sewer, electric, etc.), or otherwise will be served by line extensions through the "Somerset" development property abutting to the north and east.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium/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 both the Medium Intensity and Low Intensity designations 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 Medium Intensity and Low 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 26 lots. The submitted site plan exhibits a suburban-style subdivision design, with 23 single-family residential lots. Minimum lot widths would be 65'. Per the site plan, the typical (non-cul-de-sac) lots would measure 68' X 125' (8,500 square feet; 0.20 acres) and there are 12 relatively large lots arranged around two (2) cul-de-sac streets[, 67th and 68th E. Aves.]

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

In the interest of efficiency and avoiding redundancy, regarding PUD particulars for needed corrections and site development considerations, please refer to 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 84 at its regular meeting held April 02, 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:

"Primary access into the Sheridan Cottages development will be provided from South Sheridan Road, via a gated entry - no other vehicular access will be allowed into the site from South Sheridan Road. Vehicular circulation inside Sheridan Cottages will be by means of a gated, private street system. Internal pedestrian circulation will be provided by an internal sidewalk system. Sidewalks are not being proposed for the South Sheridan Road frontage, due to the fact that no sidewalks exist, or are planned, for this area to tie into. In addition, it is not anticipated that there will be any sidewalks along this section of South Sheridan Road for the foreseeable future. An Emergency Access Easement is to be provided in the east central portion of the project site and will abut the Somerset residential subdivision."

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

The City has received, for Planning Commission consideration on May 19, 2014, an application for Preliminary Plat approval for "Somerset" abutting the subject property to the east. The draft plat proposes a 20'-wide "Reserve A" roughly corresponding to the 25'-wide "Emergency

Access Easement” point of connection proposed by this PUD 84. This new subdivision layout should be incorporated into the site plans for this PUD 84. The “Somerset” side is consistent with PUD 82 and the Modification/Waiver requested and Partially Approved in March, 2014. The “Sheridan Cottages” side will need to be addressed within the PUD, such as by stating that the development’s proposed 25’-wide “Emergency Access Easement” is subject to the approval of a future request for Modification/Waiver of the stub-out street requirement of the Subdivision Regulations, and that representation of this easement arrangement at this time will not prejudice the outcome of such future request. This would cover the possibility that “Sheridan Cottages” is platted prior to the “Somerset” development as presently designed. The details of the connection between the two (2) developments will need to be coordinated.

PUD 84 does not indicate proposed access to the three (3) unplatted parcels abutting to the south. 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. The PUD Text should state, and Exhibits indicate (if/where known), that stub-out street(s) or other acceptable forms of access will be provided to the three (3) unplatted parcels abutting to the south if and as required by the City of Bixby during the platting of the subject property. The Text may observe that these parcels are designated, almost entirely, Medium Intensity on the Comprehensive Plan, and so may not be appropriate to provide access to if developed non-residentially.

The PUD Text expresses intent to not provide the required sidewalk along Sheridan Rd. This would require a Modification/Waiver of the Subdivision Regulations, which Staff would not be able to support. The sidewalk-related language should be changed to specify that this sidewalk shall be constructed by the subdivision developer, or otherwise will be subject to a request for Modification/Waiver, which Staff would only support if it were adequately mitigated, such as by payment of a fee-in-lieu of sidewalk construction along Sheridan Rd., such that monies in proportion to sidewalk construction along Sheridan Rd. are collected and placed in escrow for sidewalk construction in other locations within Bixby, to be determined as prioritized by capital improvements planning.

The exhibits indicate a proposed 50’ dedication for Sheridan Rd. as required.

Development Quality / Requested Flexibility. Certain flexibility is requested by this PUD from RS-2 bulk and area standards, including 65’ minimum lot widths (vs. 75’), 8,250 square feet minimum lot areas (vs. 9,000 s.f.), and reductions in certain setbacks. As suggested by Staff, in exchange for these special benefits conferred upon the development by this PUD, the PUD should propose minimum standards pertaining to quality.

Similar to PUD 82 “Somerset,” this PUD proposes a 75% minimum masonry requirement for houses, excluding doors and windows, but allows the development’s “Architectural Review Committee” to Waive this requirement, provided it “perceives that the materials being proposed to be of equal or greater value than an equivalent masonry product.” This private entity Waiver option is in apparent conflict with the City of Bixby’s responsibility to enforce PUD standards.

Recognizing the recentness, adjacency, and similarity of the two (2) developments, at a minimum, standards for quality should be consistent with what was proposed and approved in PUD 82 "Somerset." This would mean the removal of the ability for the development's "Architectural Review Committee" to waive PUD standards.

To aid the City in enforcement of the 75% masonry standard, it should be qualified as to how it is measured (compared to grade, stemwall, first floor top plate, and/or top plate of uppermost story, etc.).

The PUD also provides, "There are a large number of mature trees located on the project site and realizing the amenity and aesthetic value of these trees, it is intended that these trees will be retained wherever possible. The goal will be the maintenance of trees with a minimum caliper of 8 inches or greater, that are not located in the following areas – building envelopes, roadways, driveways and utility easements." This expresses intent to enhance the development quality by mature tree preservation and provides a measureable standard. This does not make tree preservation mandatory or subject to City of Bixby enforcement, but these additional measures were not proposed or approved with PUD 82.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, RS-2, RS-3, RS-1, and CS. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

Rural residential land occupies unplatted tracts to the north and northeast, which tracts were recently rezoned to RS-2 with PUD 82 ("Somerset") for a future single-family housing addition development. Further north is single family residential in *The Estates of Graystone* zoned RS-2. The RS-2 district there is approximately 150 acres and contains the proposed "Somerset," all of the "Graystone" subdivisions, and part of the Fry Creek Ditch # 2 right-of-way to the east of them.

Across Sheridan Rd. to the west are vacant/wooded and unplatted residential estate acreages zoned AG and RS-1 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. The typical residential lot in *Crestwood Village* appears to measure 60' X 120' (7,200 square feet / 0.165 acres).

Abutting the subject property to the south are three (3) smaller unplatted parcels zoned AG. The westernmost parcel contains a large pond.

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 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.

To the east is a rural residential 10-acre unplatted tract recently rezoned to RS-2 with PUD 82 ("Somerset") for a future single-family housing addition development. Further east is AG

zoning including 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.

RS-2 zoning would be consistent with surrounding RS-2 zoning patterns and recent and immediate-area precedent: 18-acre "Somerset" development abutting to the north and east, the 142-acres of "Graystone" subdivisions and adjacent Fry Creek # 2 right-of-way to the north, and *WoodMere* to the south. RS-2 would also allow for the density proposed by this development, at least 32 lots, far more than the 26 proposed and 23 indicated on the site plans.

For all the reasons outlined above, Staff believes that RS-2 zoning and PUD 84 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

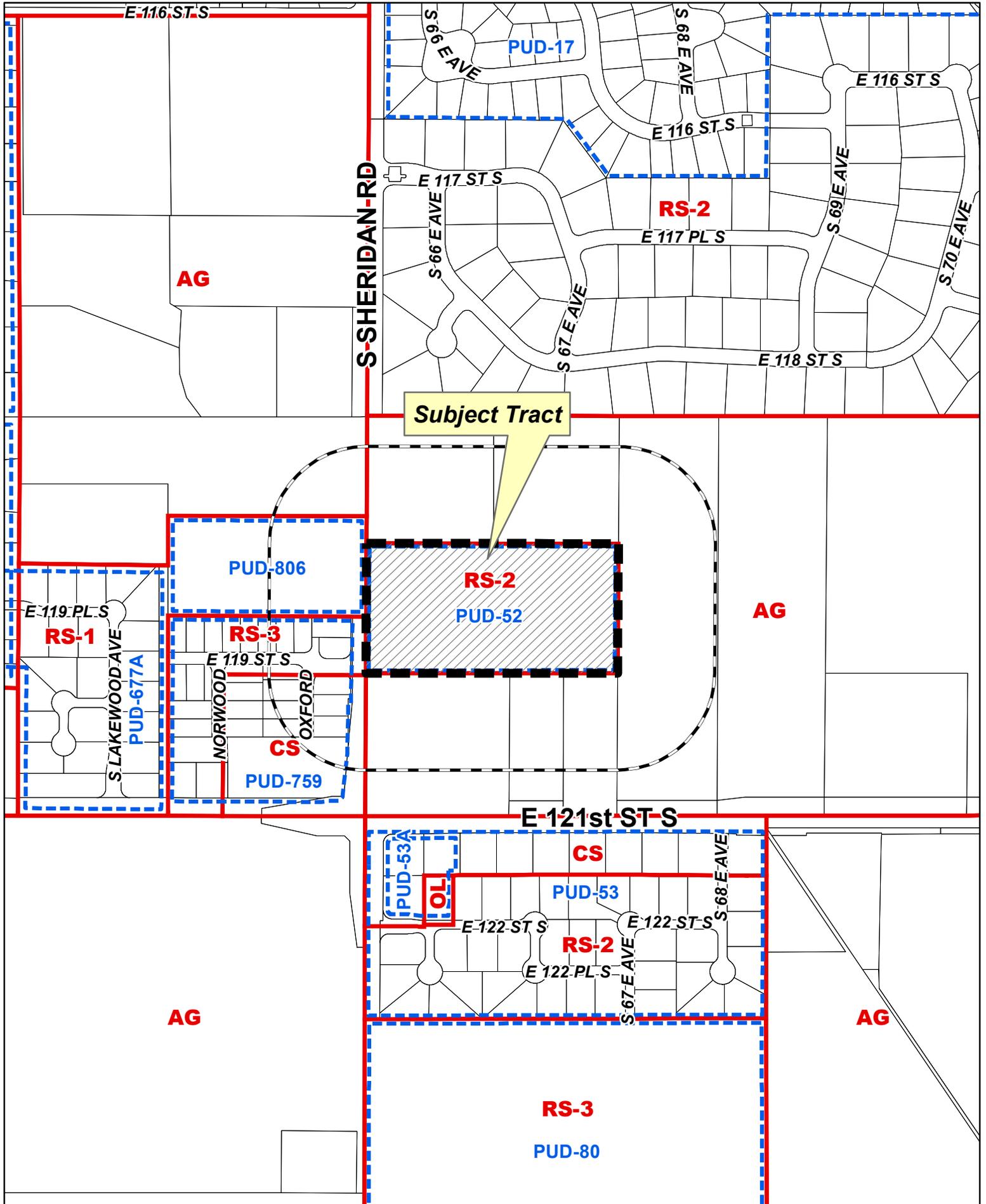
rezoning applications generally. Therefore, Staff recommends Approval of both requests, subject to the following corrections, modifications, and Conditions of Approval:

1. The approval of RS-2 zoning is subject to the final approval of PUD 84 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 intersection with Sheridan Rd., 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. Section I Development Concept; Third Paragraph: Please clarify and provide flexibility such as, "...An Emergency Access drive, not less than 20' in paving width, will be constructed within an Easement is to be provided in the east central portion of the project site and will abut connect to the Somerset residential subdivision. Alternatively, a private street may be constructed connecting the two additions."
5. Section I Development Concept; First Paragraph: The subject property's legal description is essentially 425' X 825' (350,625 square feet), but it is reported here to be 7.5137 acres. Please correct or advise.
6. Section I Development Concept; Third Paragraph: Text should state that the development's proposed 25'-wide "Emergency Access Easement" is subject to the approval of a future request for Modification/Waiver of the stub-out street requirement of the Subdivision Regulations, and that representation of this easement arrangement at this time will not prejudice the outcome of such future request.
7. Section I Development Concept; Third Paragraph: Text should state that stub-out street(s) or other acceptable forms of access will be provided to the three (3) unplatted parcels abutting to the south if and as required by the City of Bixby during the platting of the subject property.
8. Section I Development Concept; Third Paragraph: Staff cannot support a future unmitigated Modification/Waiver of the Subdivision Regulations requirement to provide a sidewalk along Sheridan Rd. Please replace related text with acknowledgement of sidewalk construction requirement or otherwise with the mitigation that will be offered, with Staff concurrence, in support of a request for Modification/Waiver when the plat application is filed. See related analysis in this report.
9. Section I Development Concept; Third Paragraph: Occurrence of "undo" in lieu of "undue," as presumed intended.
10. Section II Statistical Summary: The subject property's legal description is essentially 425' X 825' (350,625 square feet), but it is reported here to be 7.5137 acres. Please correct or advise.
11. Section II Statistical Summary / Section III Development Standards: Exhibit A represents only 23 lots. Consider reducing maximum proposed lots from 26 to 23 and density to 2.875 units per acre.
12. Section III Development Standards: One-Asterisk (*) text: Please specify Lot 13 requires only 30' of frontage on the private street, and the lot width is measured recognizing the north line as the front lot line.
13. Section III Development Standards: Recognizing the recentness, adjacency, and similarity of the two (2) developments, in exchange for these special benefits conferred

upon the development by this PUD, at a minimum, standards for quality should be consistent with what was proposed and approved in PUD 82 "Somerset." This would mean the removal of the ability for the development's "Architectural Review Committee" to waive PUD standards.

14. Section III Development Standards: The 75% minimum masonry standard should be qualified as to how it is measured (compared to grade, stemwall, first floor top plate, and/or top plate of uppermost story, etc.).
15. Landscaping and Screening: Since screening is not required, consider retitling appropriately in consideration of scope of text.
16. PUD Text: Missing legal description.
17. Section V Signage: Signage may be expected for the development entrance. Consider discussing here if known and if dimensional qualities would exceed Zoning Code standards for same. Such text should describe if Reserve Area or easement would be employed for common features. Such signage location(s) should be identified on Exhibit A.
18. PUD Text / Exhibits: PUD does not describe plans for utilities in any great detail. Please enhance appropriately.
19. PUD Text / Exhibits: PUD does not describe access or internal circulation in any great detail. Please enhance appropriately. At a minimum, relevant text should specify that Limits of No Access (LNA) will be imposed along the Sheridan Rd. frontage, and the same should be represented on Exhibit A.
20. Zoning Code Section 11-7I-8.B.2 requires soils and slope analyses. This is a minimum requirement for PUDs per the Zoning Code. Slope analysis provided on Exhibit C as required, and existing text discusses soil drainage and development suitability, but does not specify soil types.
21. PUD Exhibits: Does not show stub-out street or otherwise access provisions to the three (3) unplatted properties abutting to the south. See related analysis in this report.
22. PUD Exhibits: Planned fence and/or Fence/Landscape Easement should be represented on the site plans. The same can be further qualified as "conceptual" or "typical" if/as needed.
23. PUD Exhibits: Missing customary aerial map.
24. Exhibit A: Proposed gate(s) not represented. The same can be further qualified as "conceptual" or "typical" if/as needed.
25. Exhibit A: Please dimension east lines of Lots 5 and 18, and north lines of Lots 4 and 10.
26. Exhibit A: 175' dimension on Lot 13 does not appear to correspond mathematically with 125' lot depth + 30' private street "ROW." Please resolve or advise.
27. Exhibit A: Please qualify as "proposed" the "Somerset" label as represented.
28. Exhibit A: Please update with latest version of "Somerset" as represented, to include the proposed access point from that side.
29. Exhibit A: Does not represent sidewalks along Sheridan Rd. or internally. Due to 30' rights-of-way, sidewalk easements or widened rights-of-way will be necessary internally. Please address here and/or in Text.
30. Exhibit A: Street alignments would line up nearly precisely with 120th Street South and 66th and 67th East Avenues. The latter two (2) are represented on the draft Preliminary Plat of "Somerset," and they align nearly exactly in the two (2) developments. These can be added if agreeable to all.

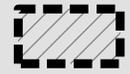
31. Exhibit A Location Map: Cites 23 lots. This is acceptable as long as 23 lots is made the maximum lot yield in Development Standards.
32. Exhibits B, C, and D Location Map: Cite 16 lots in error.
33. Exhibit D: Please update with current zoning for area represented, including PUDs.
34. Exhibit D: Zoning Code Section 11-7I-8.B.1. g requires "Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed." Exhibit D "Surrounding Zoning and Land Use" does not represent surrounding land uses – please address appropriately.
35. 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.
36. A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).



Subject Tract

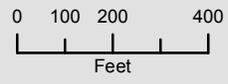


300' Radius



Subject Tract

PUD-84



35 18-13



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 *JJC*
CC: Bea Aamodt, PE
File
Date: 03/19/14
Re: Sheridan Cottages
PUD Review

General Comments:

1. No utility layouts or storm water management facilities have been provided with the PUD.
2. Previous comments provided via email still apply. See below:
 - *The water line serving this project will need to be connected (looped) to the water lines serving Somerset*
 - *The sanitary sewer line serving this project will need to be connected to the lines serving Somerset*
 - *The Storm Sewer system must be connected to the Fry Creek Channel if on-site detention is to be avoided. This may be accomplished through a connection to Tulsa County's 121st Street RCB (with their review and approval) or a connection to the Somerset storm sewer system.*
 - *Joint utility participation on off-site sanitary sewer and storm sewer infrastructure by both parties could help resolve the emergency access issue.*
3. Potential connection arrangements and elevations for sanitary sewer laterals between Sheridan Cottages and Somerset have been provided.

Memo

To: Erik Enyart, AICP, City Planner

From: Joey Wiedel

Date: 03-17-2014

Re: PUD 84 "Sheridan Cottages"

PUD 84 "Sheridan Cottages" are approved by this office with the following conditions:

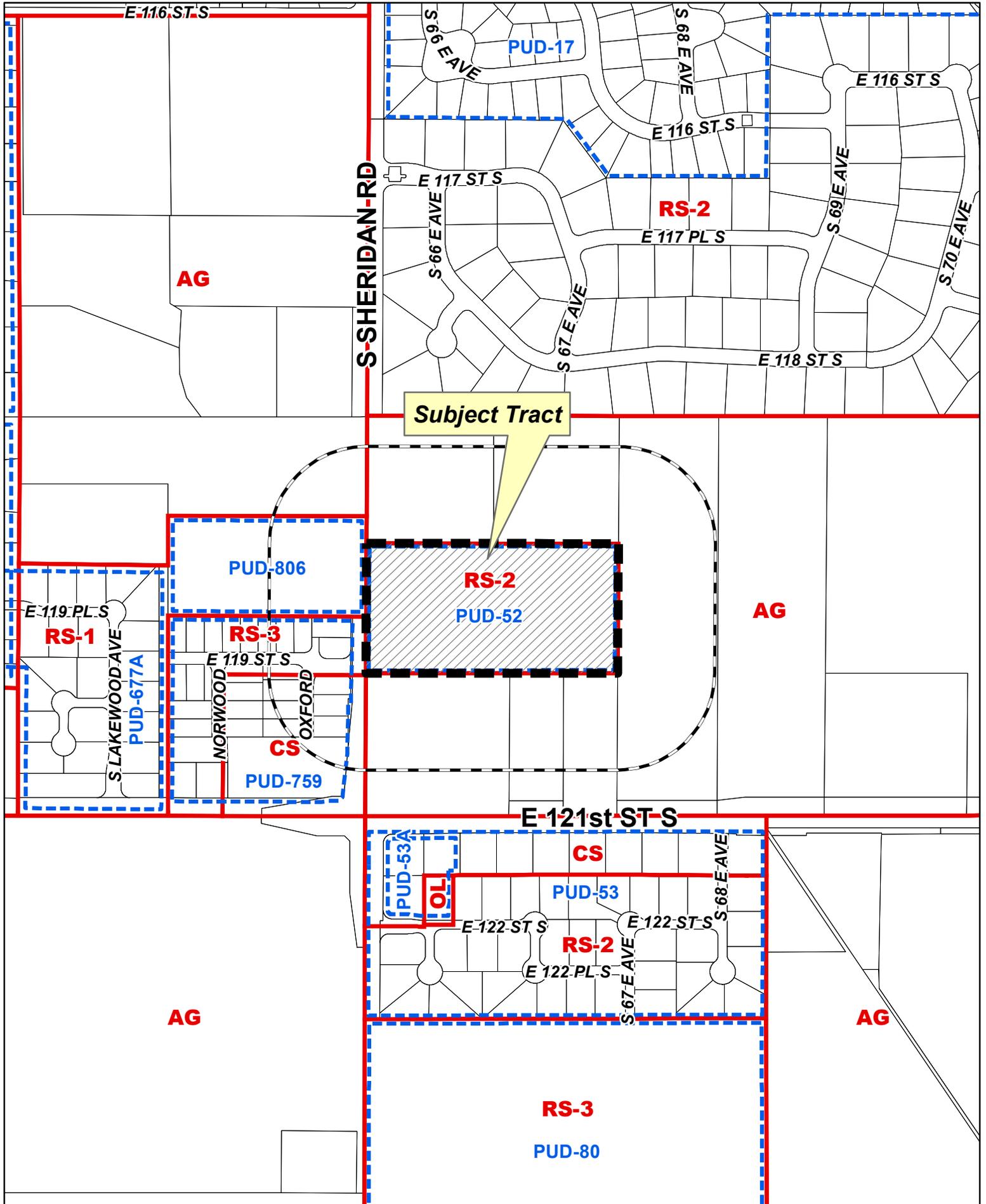
1. Fire Hydrants shall be installed at the main entrance and property line of 15 and 16. All hydrants shall be operable before construction begins.
 - Brand- AVK or Mueller , Color- Chrome Yellow
2. Fire line supporting the fire hydrants shall be looped.
3. All roads and Second means of access capable of supporting an imposed load of 75,000 pounds shall be in place before construction of homes. (IFC 2009 Appendix D)
4. Emergency access road should remain open without any type of security gate/barricade.
5. If security gate/barricade will be used to separate Sheridan Cottages and Somerset Developments, then the following will apply.
 - Security gate/barricade construction submittals shall be submitted to this office for approval.
 - Approved access gate shall be installed utilizing a Knox Rapid Entry System.
 - Signage and fire lane signage shall be installed.
 - Security gate/barricade shall be in compliance with 2009 IFC section 503.5-503.6 and Appendix D.
6. Stub out streets may be required for the Unplatted land abutting the South of Sheridan Cottages.



Joey Wiedel



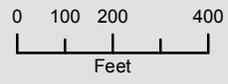
Date



Subject Tract



BZ-373



35 18-13



Sheridan Cottages

Planned Unit Development No. 84

Bixby, Oklahoma

CITY OF BIXBY

MAR 13 2014

RECEIVED

By Enyart

PUD PREPARED BY:

Tulsa Engineering & Planning Associates

6737 South 85th East Avenue

Tulsa, Oklahoma 74133

918.252.9621 Fax 918.250.4566

tep

March 10, 2014

65

Sheridan Cottages

Planned Unit Development No. 84

Bixby, Oklahoma

PUD PREPARED BY:



Tulsa Engineering & Planning Associates

6737 South 85th East Avenue

Tulsa, Oklahoma 74133

918.252.9621 Fax 918.250.4566

March 10, 2014

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I. DEVELOPMENT CONCEPT:

Sheridan Cottages is a proposed single-family planned unit development (PUD), comprised of 7.5137 acres located at approximately East 120th Street South, on the east side of South Sheridan Road. The site has tree cover over approximately two thirds of the property and is characterized by flat to gently rolling terrain that is bounded on the north and east by the recently approved Somerset residential subdivision, the south by undeveloped AG zoned land, and on the west by South Sheridan Road. The majority of the on-site slopes are in the 0-5% range, with small portions of 5-10% slopes located along the northeast and northwest portions of the property, with a very small section of 10-15% slopes located along a small drainageway in the northwestern portion of the site. All City and franchise utilities are either available at the project site boundaries or will be provided by typical utility extension. The development has approximately 425 feet of frontage on South Sheridan Road.

The soil types found on site are typical for the area, well drained, moderately to moderately rapid permeable soils, and will create no unusual developmental problems. Overall, this site has excellent development possibilities.

Sheridan Cottages has a rezoning application for RS-2 (Single-Family Detached Residential) being processed simultaneously with this PUD application. The proposed planned unit development would allow for a maximum of 26 single-family detached homes on an average lot size of 68' x 125'. Primary access into the Sheridan Cottages development will be provided from South Sheridan Road, via a gated entry - no other vehicular access will be allowed into the site from South Sheridan Road. Vehicular circulation inside Sheridan Cottages will be by means of a gated, private street system. Internal pedestrian circulation will be provided by an internal sidewalk system. Sidewalks are not being proposed for the South Sheridan Road frontage, due to the fact that no sidewalks exist, or are planned, for this area to tie into. In addition, it is not anticipated that there will be any sidewalks along this section of South Sheridan Road for the foreseeable future. An Emergency Access Easement is to be provided in the east central portion of the project site and will abut the Somerset residential subdivision. With the area having a history of difficulty with sanitary and storm sewer service, due to the location of existing services and topographic issues, it is proposed that sanitary and storm sewer connections be provided in either the east central or south east corner of the project site, which coincides with one of the site's lowest points in elevation. This will allow drainage and sanitary sewer flows to be routed in this direction without undo hardship on the property owner. Sanitary service and storm sewer service are available by means of the proposed Somerset development, which abuts the site's north and east boundaries.

A Homeowners' Association is to be established at Sheridan Cottages, whose responsibilities will include the maintenance of the landscaped entries, private streets, perimeter fencing, and any common areas.

II. STATISTICAL SUMMARY:

TOTAL PROJECT AREA	7.5137 Acres
MAXIMUM ALLOWABLE NUMBER OF DWELLING UNITS -	26 DUs
MAXIMUM ALLOWABLE PROJECT DENSITY -	3.46 DU/Acres

III. DEVELOPMENT STANDARDS SINGLE-FAMILY RESIDENTIAL:

The intended use is for single family detached dwellings which shall be governed by the use and development regulations of the RS-2 District except as hereinafter modified:

Permitted uses:	Single-Family Detached Dwellings and customary accessory uses.
Proposed Number of Lots	26
Minimum Lot Size	8,250 sq. ft.
Minimum Lot Frontage	65 ft.*
Minimum Livability Space	2,000 sq. ft.
Minimum Building Setbacks:	
- Front Yard	35 ft.
- Corner Lot Side Yard	25 ft.
- Rear Yard	20 ft.
- Side Yard	5 ft. /5 ft.
Masonry Requirement	75% of elevation surfaces, excluding doors and windows**

* Measured as the lot width at the midpoint between the front and rear lot lines. Lot 13, as shown on the Conceptual Development Plan, may have less than the required lot frontage on the private street, but shall maintain a minimum average lot width and lot area of 65 ft. and 8,250 sq. ft., respectively. Access to Lot 13 shall be from the abutting private street and the 20' Emergency Access Drive. At no time shall any vehicular parking be allowed on the Emergency Access Drive.

** Masonry requirement may be waived by the Architectural Review Committee, provided the Architectural Review Committee perceives that the materials being proposed to be of equal or greater value than an equivalent masonry product.

IV. LANDSCAPING AND SCREENING:

There are a large number of mature trees located on the project site and realizing the amenity and aesthetic value of these trees, it is intended that these trees will be retained

wherever possible. The goal will be the maintenance of trees with a minimum caliper of 8 inches or greater, that are not located in the following areas – building envelopes, roadways, driveways and utility easements.

A 6 foot wood and masonry screening fence is proposed along the South Sheridan Road frontage. In addition, 12-3 inch caliper trees are also proposed along this frontage. The screening fence and trees are to be located within a “Fence and Landscape Easement”. All Landscaping shall be provided in accordance with Chapter 12, Landscape Requirements, of the Bixby Zoning Ordinance. Any landscape material which fails shall be replaced in accordance with the criteria contained in Chapter 12, Landscape Requirements, of the Bixby Zoning Ordinance.

V. SIGNAGE:

All site signage shall be provided in accordance with the City of Bixby Zoning Code.

VI. ARCHITECTURAL REVIEW COMMITTEE:

There will be an Architectural Review Committee established to aid in ensuring that the residences built under this PUD are built to the appropriate standards to create a harmonious development that has architectural continuity. The Architectural Review Committee will be responsible for the review and approval of all residential architectural plans as well as the selection of the style of the building materials and color schemes. The Architectural Review Committee will also be responsible for approving residential landscape plans.

VII. HOMEOWNERS’ ASSOCIATION:

The Homeowners’ Association, to be established at Sheridan Cottages, will have as its main objective, the maintenance of the private street system, landscaped entryways, and reserve areas. Membership in the Sheridan Cottages Homeowners’ Association will be mandatory for all home and/or lot owners.

VIII. STANDARDS REQUIREMENTS:

The Standard Requirements of the City of Bixby Fire Marshal, City Engineer, and the City Attorney shall be met as a condition of approval.

IX. SITE PLAN REVIEW:

The final subdivision plat of Sheridan Cottages shall serve as the required detailed site plan, necessitating review and approval by both the Bixby Planning Commission and the Bixby City Council.

X. PLATTING:

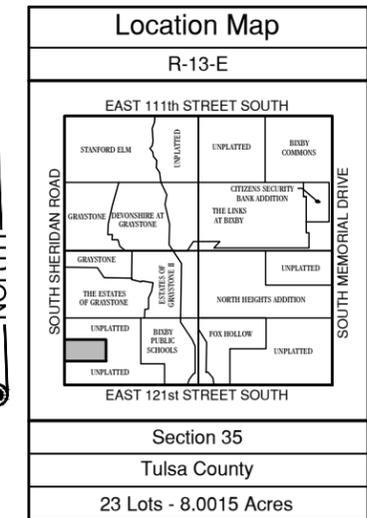
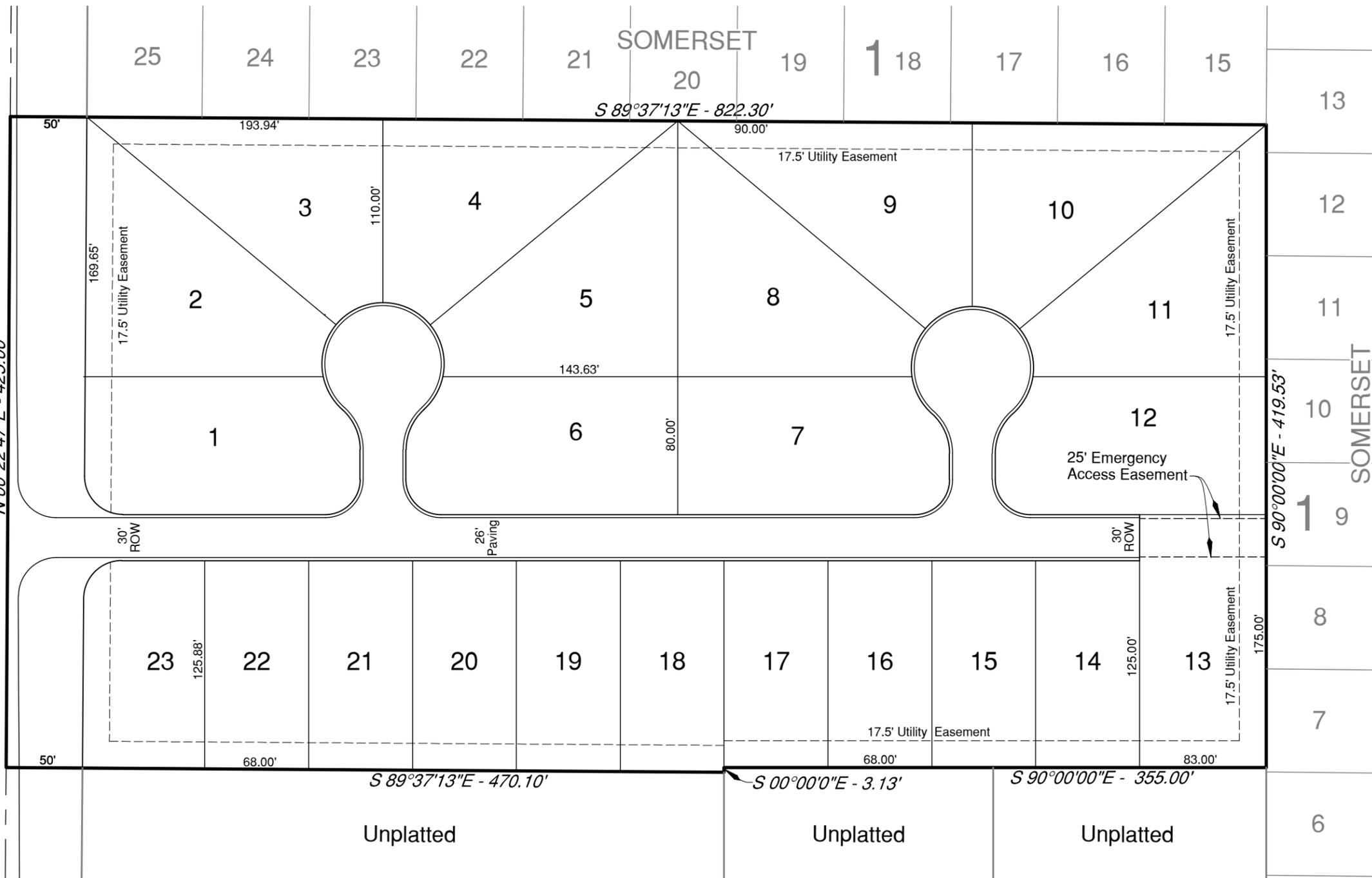
No building permit shall be issued until the planned unit development project area has been included within a subdivision plat, submitted to and approved by the Bixby Planning Commission and the Bixby City Council, and duly filed of record. The deed of dedication of the required subdivision plat shall include covenants of record, enforceable by the City of Bixby, setting forth the development standards of the planned unit development.

XI. EXPECTED SCHEDULE OFF DEVELOPMENT:

Development of this project is expected to commence within 6 months after City of Bixby approval of this PUD, or as market conditions permit.

South Sheridan Road

N 00°22'47"E - 425.00'

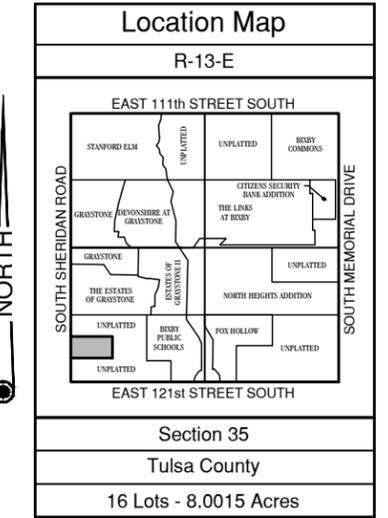
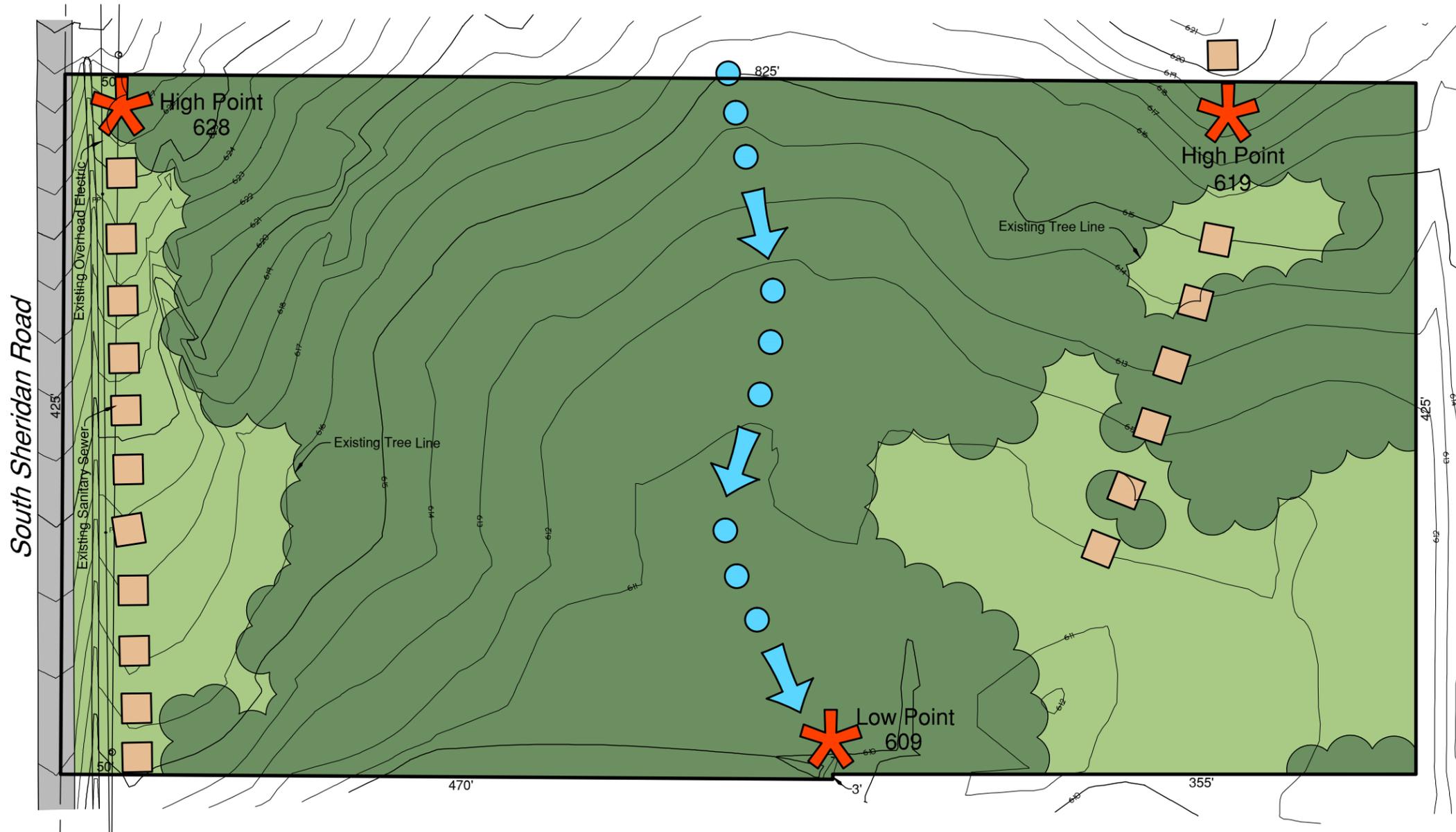


Not To Scale

Sheridan Cottages

Conceptual Development Plan
EXHIBIT 'A'

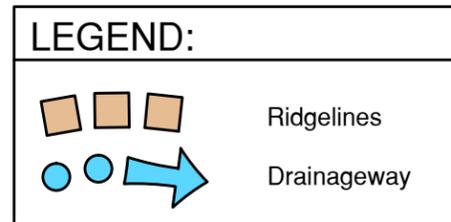




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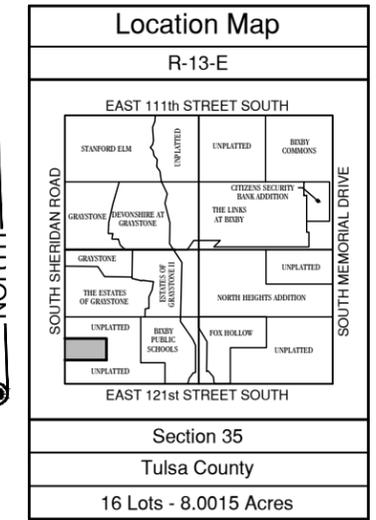
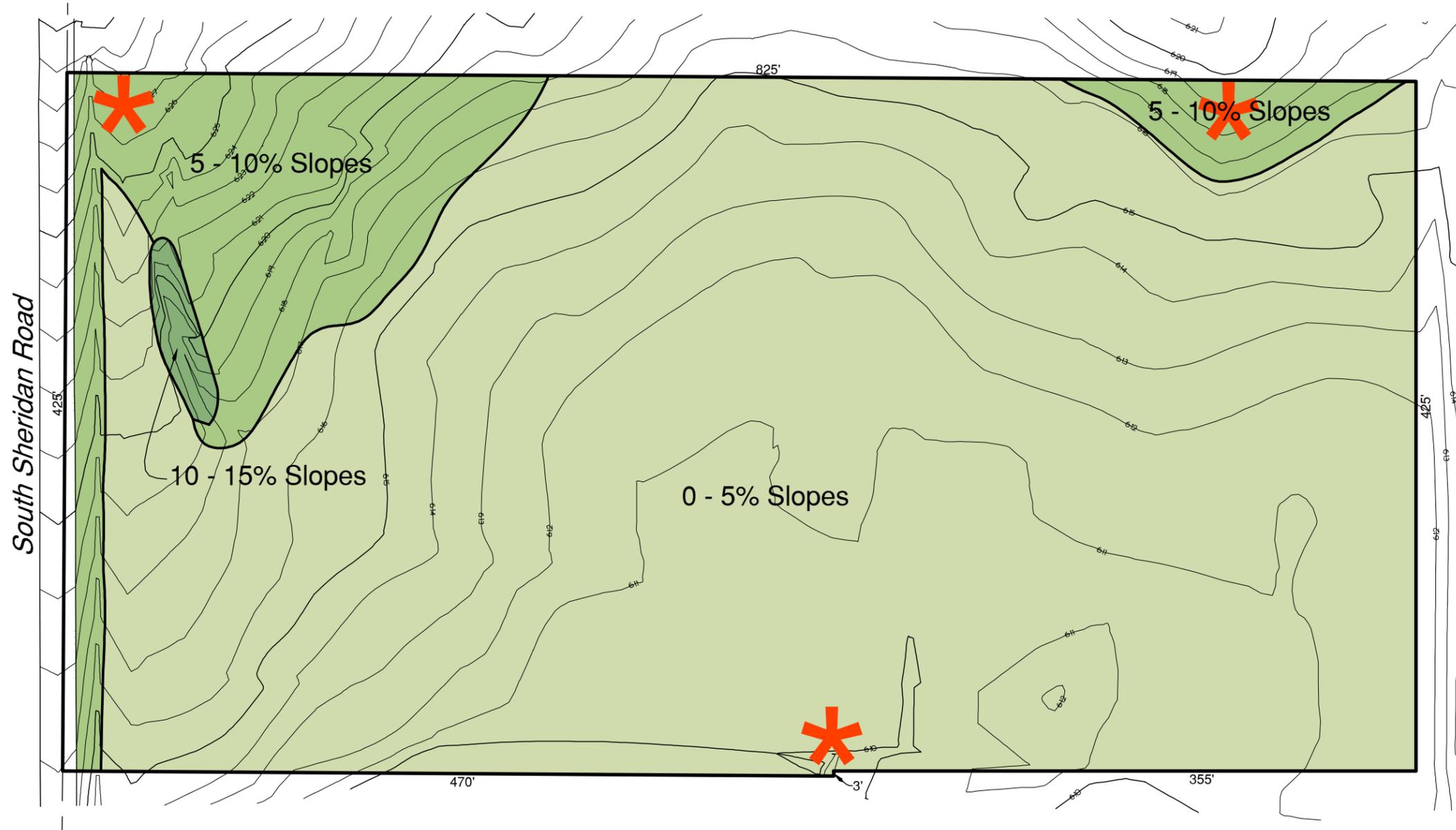


Sheridan Cottages

Existing Conditions

EXHIBIT 'B'





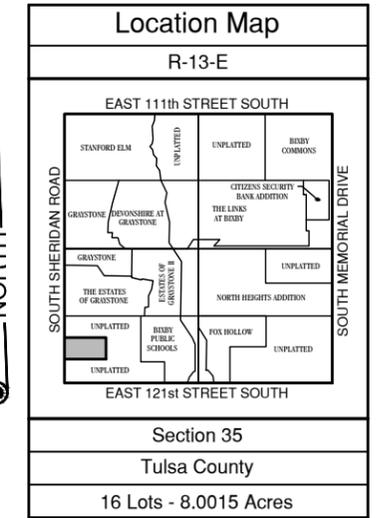
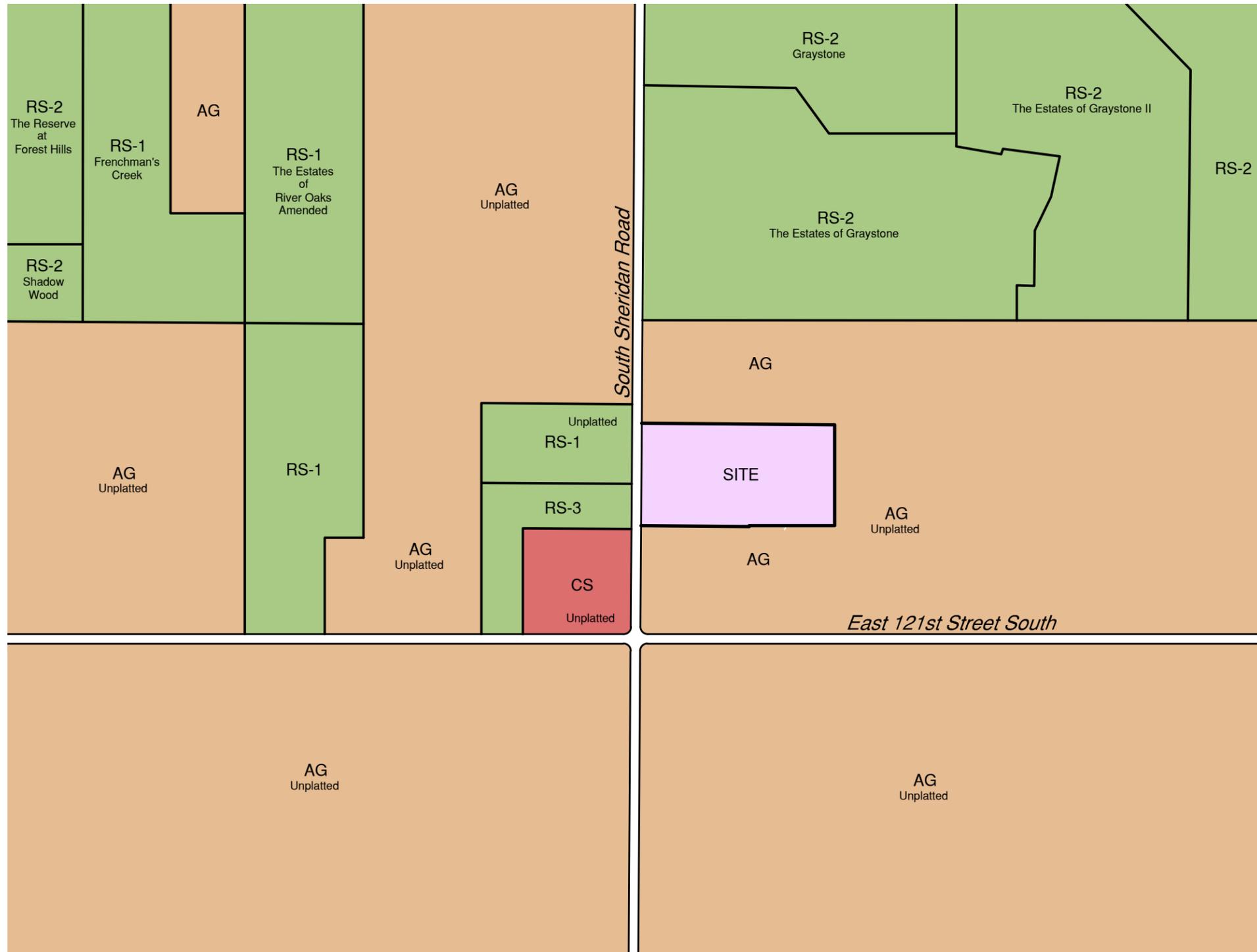
Not To Scale

Sheridan Cottages

Slope Analysis

EXHIBIT 'C'





Sheridan Cottages

Surrounding Zoning and Land Use
EXHIBIT 'D'



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

MEMBERS PRESENT

Gary Hamilton, *Cox Communications*

STAFF PRESENT

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

OTHERS PRESENT

Ted Sack, RPLS, *Sack & Associates, Inc.*
Barrick Rosenbaum, PE, *Rosenbaum Consulting, LLC*
Haynes Reynolds, *118th & Sheridan, LLC*

1. Erik Enyart called the meeting to order at 10:02 AM.
2. **PUD 84 – “Sheridan Cottages” – Haynes Reynolds for 118th & Sheridan, LLC.**
Discussion and review of a rezoning request for approval of a Planned Unit Development (PUD) for “Sheridan Cottages” for approximately 8 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.
Property Located: 11909 and/or 11919 S. Sheridan Rd.

Erik Enyart confirmed with Haynes Reynolds that he was representing his application and no one from [*Tulsa Engineering & Planning, Inc.*] was expected to attend.

Erik Enyart introduced the item and described the location and the situation. Mr. Enyart noted that the “Somerset” development had been approved with the requirement to provide an additional access connection to the subject property, with the location [and type] to be determined. Mr. Enyart stated that, since then, it appeared that Haynes Reynolds and “Somerset” developer [Tom Wenrick] were coordinating on utilities and access. Mr. Reynolds indicated agreement but stated that communication had been [delayed as of late]. Mr. Reynolds confirmed with Mr. Enyart that this would likely be worked out by the time of the Preliminary Plat [of “Somerset”], and that the application had not yet been submitted. Mr. Enyart stated that he anticipated it to be submitted in time for the May agenda cycle.

Haynes Reynolds provided a copy of the PUD site plan and noted the location of the proposed Emergency Access Drive connection to “Somerset.” Mr. Reynolds stated asked if it would be acceptable for the utilities to go within the 20’ Emergency Access Drive roadway. Erik Enyart stated he did not know the answer and that the City Engineer was not present to answer this

question. Mr. Enyart stated that he had seen correspondence between the City Engineer and Mr. Reynolds' engineer on this topic, and that they seemed to be on top of this issue. Mr. Enyart stated that he was not sure the communication he had seen was for this point of connection or another. Mr. Enyart stated, "I'll leave it in their capable hands."

Erik Enyart addressed Haynes Reynolds and confirmed with him that the streets in this development would be private and gated as well [as those in "Somerset"]. Mr. Enyart confirmed with Mr. Reynolds that the entrance gate would be on Sheridan Rd. Mr. Enyart stated that this would mean that there would be one (1) entrance gate here, and "Somerset" would have entrance gates on Sheridan Rd. and 121st St. S., and so, if the two (2) additions were connected by some roadway or another, they would be completely "sealed off" from the outside. Mr. Enyart asked, in this case, who would be interested in constructing the gate between the additions. Mr. Reynolds stated that [Tom Wenrick] may be interested in having a gate. Mr. Enyart stated that, from the City's perspective, the gate was "part and parcel with the access drive, so that expense would fall on you as we see it." Mr. Reynolds indicated agreement. Mr. Enyart stated, "From our perspective, if the two (2) parties decided they didn't want the gate, since it would be sealed off from the outside, we would prefer it not be there." Joey Wiedel indicated agreement, and noted that, when gated, people tend to park their trucks and boats in places like these, treating them like dead-end streets. Mr. Enyart noted that, if opened between them, neighbors in one addition could visit neighbors in the other, and vice-versa [without having to go outside their front gates and through the gates of the other addition]. Mr. Reynolds agreed that he did not need a gate there, but would work with Mr. Wenrick if Mr. Wenrick wanted one. Discussion ensued regarding the benefits of having open access, including neighborliness, ability for kids to walk to school [through each addition], and walking and riding bicycles [through the connected neighborhoods]. Regarding the Emergency Access Drive, Mr. Reynolds discussed surfacing options with Mr. Wiedel, and confirmed it would need to sustain the imposed load of 75,000 pounds. Mr. Wiedel stated that permeable paving with grass cover was not permitted by Bixby, and that it would need to be pavement. Mr. Reynolds indicated agreement.

Erik Enyart asked Haynes Reynolds if there had been any new developments on his plans. Mr. Reynolds responded that there had been some changes made to the PUD pursuant to Mr. Enyart's previous comments, and asked if it would be the proper time to discuss them. Mr. Enyart responded, "If they're significant and of use to all here, it would be good to call them out now, but if minor and" consistent with previous Staff comments, they could be worked out later. Mr. Reynolds discussed some minor changes and agreed with Mr. Enyart to work them out later. Mr. Reynolds noted that the most significant changes would pertain to the Access Drive. Mr. Reynolds agreed to send a copy of the update PUD to Mr. Enyart by email.

Erik Enyart asked if there were any questions or comments from the Fire Marshal or utility company.

Gary Hamilton with *Cox Communications* stated that it appeared Lots 6 and 7 did not have easement access for cable or other utilities, and suggested a rear-yard U/E corridor of 15' to 20' (7.5' to 10' on either side of the common lot lines), and that it continue south along side yard lines to the south PUD boundary. Haynes Reynolds indicated agreement. Mr. Hamilton suggested utilities may use the east-west street corridor, noting the "30' ROW" designation on the site plan.

Erik Enyart stated that the site plan may say "right-of-way," but he suspected that it would show up as a Reserve for private streets, and if not also specifically dedicated as a U/E, it would not be a U/E. Mr. Reynolds acknowledged with Mr. Hamilton the potential need for an east-west U/E corridor along the streets, and that the 30' [Reserve/Private Street R/W] would only allow for about 1.5' on either side of the curbs on the 26'-wide roadway. Mr. Hamilton stated that he could not speak for AEP-PSO, but he expected they may want to be located in the fronts of the lots and would likely need additional U/E coverage due to separation requirements from certain other utility lines. Mr. Reynolds agreed to work on the issue.

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. Mr. Enyart thanked Haynes Reynolds for his attendance.

Haynes Reynolds left at this time.

3. **PUD 80 – Wood Hollow Estates – Minor Amendment # 1.** Discussion and review of Minor Amendment # 1 to PUD 80 for approximately 20 acres, the S/2 of Government Lot 4 (NW/4 NW/4) of Section 02, T17N, R13E, which amendment proposes making certain subdivision design modifications pertaining to Utility Easements and making certain other amendments.
Property Located: 12307 S. Sheridan Rd.
4. **Modification/Waiver – “Wood Hollow Estates” – Sack & Associates, Inc. (PUD 80).** Discussion and review of a request for Modification/Waiver to reduce and/or remove certain portions of the 17.5' Perimeter Utility Easement as required by Subdivision Regulations Section 12-3-3.A pursuant to Subdivision Regulations Section 12-3-5.B 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 two (2) related items and summarized the location and the situation. Mr. Enyart stated that the City Council, at its last meeting, approved the Final Plat with the City Staff's recommendation that the 17.5' Perimeter U/E be restored, or otherwise that the Applicant come back with a request, with proper justifications, for Modification/Waiver pursuant to the Subdivision Regulation, and request a PUD Minor Amendment. Mr. Enyart stated that the Modification/Waiver was not specifically deliberated or recommended upon by the Planning Commission, and the Subdivision Regulations require finding hardship and unusual circumstances, such as topography or physical features, in order to grant the Modification/Waiver, which were not provided by the Applicant or Staff. Mr. Enyart stated that the PUD Minor Amendment was anticipated to require both Planning Commission and City Council approval. Mr. Enyart stated that the City Staff was concerned that this could set a precedent for future cases requesting to Waive the Perimeter U/E standard. Mr. Enyart stated that the City had suggested the PUD Amendment be used since PUDs provide a more flexible environment for design, and so the City could make the argument that this was a special case, with unique circumstances, and this arrangement would be isolated to this case, never to be done again.

Erik Enyart asked Ted Sack if he had any further comments on the applications. Mr. Sack noted the release letters received and stated that he had attempted but had not been successful in making contact with Jared [Cottle]. Mr. Sack stated that he hoped to meet with him this or next week, before the Planning Commission meeting. Mr. Enyart clarified with Mr. Sack that the meeting was on April 21, 2014. Mr. Sack acknowledged the comments from [Jim Peterson of] *BTC Broadband* provided by Mr. Enyart, and stated that his client was satisfied with *Cox Communications* and did not need *BTC* if he could not get cooperation with them. Mr. Enyart noted that *BTC* had communicated to him concern for the width of the 15' U/E along the internal streets, and for the additional cost for this arrangement, and that the loss of the Perimeter U/Es seemed to be less of a concern [to Mr. Peterson] than the other two (2).

Erik Enyart asked if there were any questions or comments from the Fire Marshal. Joey Wiedel noted that the flow test was failed with zero (0) flow, and discussed the matter with Ted Sack. It was observed that a valve had been shut off, and has since been turned on. Mr. Sack and Mr. Wiedel agreed to resolve the issue with the City Engineer.

Erik Enyart stated that he had not yet prepared the Staff Report, but that he expected it to be short, due to the issue being relatively narrow. Mr. Enyart stated that the recommendations from the City Engineer and Public Works Director would be the "most weighty."

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. Mr. Enyart thanked Ted Sack for his attendance.

Ted Sack asked Erik Enyart to tell Jared Cottle that he would be at a State Board meeting Thursday and Friday, but that it may not last all of Friday, so he would try to set something up perhaps Friday afternoon. Mr. Enyart agreed to communicate this to Mr. Cottle.

Ted Sack left at this time.

5. **Final Plat of "Willow Creek I" – Rosenbaum Consulting, LLC (PUD 78).** Discussion and review of a Final Plat and certain Modifications/Waivers for "Willow Creek I" for 43.964 acres in part of the NE/4 of Section 12, T17N, R13E.

Property Located: South and west of the intersection of 131st St. S. and Mingo Rd.

Erik Enyart introduced the item and summarized the location and the project. Mr. Enyart confirmed with Barrick Rosenbaum that the Preliminary Plat had been approved in the Spring of the year prior. Mr. Enyart asked Mr. Rosenbaum if the land was not purchased by the *Owasso Land Trust*, and Mr. Rosenbaum stated that it actually belonged to *Willow Creek Development, LLC*, but confirmed with Mr. Enyart that they were related. Mr. Enyart asked Mr. Rosenbaum if it would be accurate to call this a "*Simmons Homes*" development, and explained that, from time to time, people called him wanting to know what was going on there, and he had to answer that *Simmons Homes* developed *Southbridge* right next to it, and it belonged to the same company that owned or was related to *Simmons Homes*, and so he believed it may be a *Simmons Homes* development. Mr. Rosenbaum indicated agreement, but offered to check and confirm regarding Mr. Enyart's question. Mr. Enyart

stated that it would be helpful if he could use the shorthand "*Simmons Homes*," since most people would then know what that meant. Mr. Rosenbaum agreed to check.

Erik Enyart asked Barrick Rosenbaum if there were any significant changes from what was submitted last year, or if this was "just the first chunk off of what we saw last year," and Mr. Rosenbaum confirmed it was simply the "first chunk."

Erik Enyart asked if there were any questions or comments. Gary Hamilton asked for a copy of the plat in PDF format, and Barrick Rosenbaum agreed to send this to him. Mr. Hamilton stated that, when he received the PDF, he would be asking for additional U/Es, and Mr. Rosenbaum indicated agreement.

Erik Enyart stated that he did not believe he ever received the "Final As Approved" version of the Preliminary Plat. Barrick Rosenbaum agreed to send this to him. Mr. Enyart stated that it was used to compare the Final Plat, and that it should, ideally, match the "Final As Approved" Preliminary Plat, except for stating "Final Plat" at the top, and reflecting only the part of the area to be platted. Mr. Enyart stated that he hoped to have the Staff Report published by the end of the following week, and that it would be similar to that of the Preliminary Plat, unless it had been updated to incorporate the required Conditions of Approval. Mr. Enyart suggested Mr. Rosenbaum could update both the Preliminary and Final Plats simultaneously, but that this would be [limited by the extent of the Final Plat boundaries]. Mr. Rosenbaum agreed to provide the corrected Preliminary Plat.

Erik Enyart asked if there were any further questions or comments. Joey Wiedel asked for a copy of the fire hydrant location plans. Barrick Rosenbaum stated that he had provided all the plans to Jared [Cottle] and that they had already been approved, but then he also saw a comment [from Jared Cottle] to submit hydrant plans to the Fire Marshal for approval. Mr. Enyart noted that Bixby was like a lot of other cities and had several departments, and that submitting a set of plans to one department normally means that it is for that specific department. Mr. Enyart stated that, when he receives the five (5) full-size copies of the plat [with the application], he distributes them internally, but if they did not include hydrant plans then Joey did not get them from him. Mr. Enyart stated that, if Mr. Rosenbaum submitted waterline plans to Jared [Cottle], that would be the Engineering Department's copy, and so Mr. Wiedel would still need plans submitted to him. Mr. Rosenbaum indicated agreement and asked if Mr. Wiedel needed all the waterline plans or just a copy of the plat with hydrant locations marked, and Mr. Wiedel indicated the latter would be acceptable. Mr. Rosenbaum indicated that Jim Sweeden had approved the plans the previous year, but agreed with Mr. Wiedel to submit the plans with this Final Plat. Mr. Wiedel stated that he would look in the file and see what had been done before [in order to compare that with the new plans].

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

6. Old Business

7. New Business

8. Meeting was adjourned at 10:37 AM.

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Erik Enyart

From: Erik Enyart
Sent: Monday, March 31, 2014 4:46 PM
To: 'Jim Peterson'
Subject: RE: TAC meeting

Received – thank you. Erik

From: Jim Peterson [<mailto:jpeterson@olp.net>]
Sent: Monday, March 31, 2014 4:46 PM
To: Erik Enyart
Subject: TAC meeting

Eric,
I will out of town and unable to attend this weeks TAC meeting.
Here are my comments for Wood Hollow Estates Modification/Wavier.

1. I would be more comfortable with the rear easements that typically are granted (11ft. because it borders other developments). It also increases my construction costs.
2. However if the final decision is to go in the front, then I think more easement should be granted (15' is not enough for everyone to do there own trenching).

I will get with Barrick on Willow Creek Final Plat when I get back in the office on Friday.

Thank you,
Jim Peterson
OSP Engineering Supvr.
BTC Broadband

BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, April 02, 2014

NAME	COMPANY	PHONE
1. <u>GARY HERRINGTON</u>	<u>Cox</u>	<u>918-286-4666</u>
2. <u>BORIS ROSENBERG</u>	<u>Rosenberg Consulting</u>	<u>918-980-0210</u>
3. <u>TED SACK</u>	<u>SACK & Assoc.</u>	<u>918-592-4111</u>
4. <u>Haynes Reynolds</u>	<u>118th + Sheridan, LLC</u>	<u>918-260-6014</u>
5. <u>Erik Emyart</u>	<u>City of Bixby</u>	<u>918 366 0427</u>
6. <u>Jay Wiedel</u>	<u>City of Bixby</u>	<u>918-366-0436</u>
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
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20. _____	_____	_____



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, April 15, 2014
RE: Report and Recommendations for:
Final Plat of Willow Creek I (PUD 78)

LOCATION: – South and west of the intersection of 131st St. S. and Mingo Rd.
– Part of the NE/4 of Section 12, T17N, R13E

LOT SIZE: – 104.78 acres, more or less (parent tracts)
– 43.964 acres, more or less (plat area)

EXISTING ZONING: – RS-3 Residential Single Family District
– RM-2 Residential Multifamily District

SUPPLEMENTAL ZONING: – Corridor Appearance District (300' south from centerline of 131st St. S.)
– PUD 78

EXISTING USE: Agricultural

REQUEST: Final Plat approval for a 111-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

North: CS & AG; The *Faith Temple Assembly* church, agricultural land, and a house on a 3-acre tract zoned CS, and agricultural land to the north of 131st St. S.

South: RS-3 & RE; Single family residential in *Blue Ridge Estates*, *Blue Ridge II*, *Southbridge*, and *Southwood South Addition*.

East: CS & AG; The *Faith Temple Assembly* church, agricultural land zoned CS, and, across Mingo Rd.: *AAA Landscaping*, the former *Four Seasons Lawn Care* business

(now owned by the City of Bixby for Haikey Creek Flood Improvement Project channel right-of-way), agricultural land, and a cell tower, all in unincorporated Tulsa County.

West: RS-3, CG, & CS; Single family residential in *Blue Ridge II* and *Sun Burst* and, along 131st St. S.: a house on a 3-acre tract zoned CS, the *WW Sprinkler Repair* business, and the *Broken Arrow Hitch & Trailer*, and miscellaneous other uses, all zoned CS and CG.

COMPREHENSIVE PLAN:

- (1) Medium Intensity + Residential
- (2) Development Sensitive/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land
- (3) Medium Intensity + Commercial Area

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

BZ-23 – Robert Leikam – Request for rezoning from AG to OL, CS, RM-2, & RS-2 for approximately 117 acres, including parent tract subject property – Modified approval as per Staff granted in 1974 (Ord. # 282).

BZ-31 – Robert Weir – Request for rezoning from AG to RS-2 for 8.0 acres of the parent tract subject property at about the 13400-block of S. Mingo Rd. – Approved together with BZ-23 November 19, 1974 (Ord. # 282).

BZ-236 – Faith Temple Assembly, Inc. – Request for rezoning from RM-1 to CS for area of parent tract subject property currently zoned RM-2 for future church parking lot – Recommended/Approved for RM-2 zoning in November 1997/January 1998 (Ord. # 765).

BZ-338 – Cardinal Industries, Inc. c/o Bob Lemons – Request for rezoning from RM-2, RM-1, CS, OL, RD, and RS-2 to RS-3 for approximately 104.74 acres (includes parent tract subject property) for a future “Willow Creek” residential subdivision – PC recommended Approval 05/19/2008 and City Council Approved 06/09/2008 (Ord. # 1000).

Preliminary Plat of Willow Creek – Cardinal Industries, Inc. c/o Bob Lemons – Request for Preliminary Plat and Modification/Waiver (maximum cul-de-sac length) approval for 104.74 acres (includes parent tract subject property) – PC recommended Conditional Approval on 05/19/2008 and City Council Conditionally Approved 05/27/2008.

BL-353 – Faith Temple Assembly, Inc. c/o Tony Genoff – Request for Lot-Split approval for 13 acres abutting to the north and east (but including approximately 2 acres of parent tract subject property currently zoned RM-2) to separate the church property from its surrounding acreage – PC Approved 05/19/2008.

BL-364 – HRAOK, Inc. for Prestige Trading Company – Request for Lot-Split approval for 104.74 acres (includes parent tract subject property) to allow for the conveyance of approximately 2.3 acres on the east side of the Old Fry Creek Ditch to adjoining property owner (Genoff) to the north (part of a land trade along with BL-365) – PC Approved 12/15/2008.

BL-365 – HRAOK, Inc. for Tony Genoff – Request for Lot-Split approval for 9 acres abutting to the north and east, to allow for the conveyance of the approximately 2 acres of parent tract subject property currently zoned RM-2 for attachment to the subject property (part of a land trade along with BL-364) – PC Conditionally Approved 12/15/2008.

Revised Preliminary Plat of Willow Creek – HRAOK, Inc. – Request for revised Preliminary Plat and Modification/Waiver (to exceed the 2:1 maximum lot depth to lot

width ratio of SRs Section 12-3-4.F) approval for parent tract subject property – PC recommended Conditional Approval on 06/15/2009 and City Council probably Conditionally Approved 06/22/2009.

BBOA-562 – Hank Spieker for Cardinal Industries, LLC – Request for Special Exception per Zoning Code Section 11-7B-2 Table 1 to allow a Use Unit 5 church and Use Unit 5 private elementary school in the RS-3 and RM-2 Residential districts for parent tract subject property – Withdrawn by Applicant 07/03/2012.

PUD 78 – Willow Creek – Rosenbaum Consulting, LLC – Request for PUD approval for parent tract subject property – PC Recommended Conditional Approval 05/02/2013 and City Council Conditionally Approved 05/13/2013 (Ord. # 2120 approving PUD approved 09/23/2013 upon receipt of the “Final As Approved” PUD on 09/11/2013).

Preliminary Plat of Willow Creek – Rosenbaum Consulting, LLC – Request for Preliminary Plat approval for a 291-lot residential subdivision for parent tract subject property – PC Recommended Conditional Approval 05/02/2013 and City Council Conditionally Approved 05/13/2013.

RELEVANT AREA CASE HISTORY: (not necessarily a complete list and does not include cases located in unincorporated Tulsa County)

BZ-342 – JR Donelson for Cardinal Industries – Request for rezoning from RS-3 to CS for southerly approximately 2.3 acres of the planned plat of “Willow Creek Plaza” abutting parent tract subject property to the east – PC recommended Approval 04/20/2009 and City Council Conditionally Approved 05/11/2009 (Ord. # 2015).

Preliminary Plat of Willow Creek Plaza – Request for Preliminary Plat approval for approximately 9 acres abutting parent tract subject property to the east – PC recommended Conditional Approval on 04/20/2009 and City Council Conditionally Approved 04/27/2009.

BACKGROUND INFORMATION:

The parent tract subject property was approved for a Preliminary Plat (and Modification/Waiver of the 300’ maximum cul-de-sac/dead end street standard, to allow cul-de-sacs in the 350’ range based on local precedent) for a 254-lot development in 2008. The Planning Commission recommended Conditional Approval of the Preliminary Plat on 05/19/2008 and City Council Conditionally Approved it 05/27/2009.

As part of a series of Lot-Splits reallocating ownership patterns, the parent tract subject property acquired approximately two (2) acres on the west side of the “Twin Hills Creek” / “Old Fry Creek” in exchange for approximately 2.33 acres on the east side of the same. Per an older rezoning case, (BZ-236 – Faith Temple Assembly, Inc., 1998), the approximately two (2) acres retains RM-2 zoning.

The parent tract subject property was redesigned for a 276-lot development with more stormwater drainage/detention Reserve areas in 2009. The Planning Commission recommended Conditional Approval of the Preliminary Plat on 06/15/2009 and City Council probably Conditionally Approved it 06/22/2009 (electronic copy of Minutes appears to have been overwritten by a later meeting date’s Minutes), along with a Modification/Waiver to exceed the 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F.

The property ownership has since changed. The new owner has proposed was approved for PUD 78 and a new Preliminary Plat for a 291-lot development in May, 2013. PUD 78 provides for the RS-3 65' minimum lot widths to be reduced to 60', which allows for the increase in the number of lots as compared to the previous plat proposal.

With the Preliminary Plat approval in 2013, the City Council re/approved the following Modifications/Waivers:

- Modification/Waiver from 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F, including an additional number of such lots exceeding this ratio due to lot narrowing per PUD 78.
- Modification/Waiver from the 300' maximum length standard of Subdivision Regulations Section 3.2.20, which the City Council first approved with Planning Commission's favorable recommendation when the Preliminary Plat was first approved in 2008. This Modification/Waiver applied to "Street Alignment C," at approximately 320' in length, and "Street Alignment J," at approximately 348' in length, based on the local precedent for streets in the 350' range in *Blue Ridge II*. These street alignments are now/should be known as 91st E. Ave. and 134th St. S., respectively. As of the 2009 redesign, all of the streets are in compliance with the approved Modification/Waiver, which was recognized (with the 2013 approval) as still in effect for that marginally-revised Preliminary Plat. 134th St. S. was shortened to 348' and 91st E. Ave. has been shortened to less than 300'.

This Final Plat is for the first phase of the "Willow Creek" subdivision, to be known as "Willow Creek I." This first phase appears nearly identical to the 291-lot layout conditionally approved in 2013, but has realigned the 93rd E. Ave. collector road where it intersects 131st St. S., and has conversions between lots and Reserve Areas at Reserve A at the 93rd E. Ave. collector road and Reserve D "Community Pool and Clubhouse." This is a new feature not indicated with the 2013 redesign, but PUD 78 provides for this Use Unit 5 use.

ANALYSIS:

Subject Property Conditions. The parent tract subject property is agriculturally-used and contains 104.78 acres, more or less. It is zoned RS-3, with the exception of approximately two (2) acres zoned RM-2. It has approximately 1,470 feet of frontage on 131st St. S. and approximately 1,505 feet of frontage on Mingo Rd. It is bounded on the east by Mingo Rd., on the south and west by residential subdivisions *Southwood South Addition*, *Southbridge*, *Blue Ridge Estates / Blue Ridge II*, and *Sun Burst*, on the west by the *Broken Arrow Hitch & Trailer* business on a 4-acre tract zoned CG and a house on a 3-acre tract zoned CS, on the north by 131st St. S., and on the northeast by "Twin Hills Creek" / "Old Fry Creek." Per the EPA My WATERS Mapper, "Twin Hills Creek" was that drainageway that, since the Fry Ditch project was constructed, is now known as Fry Creek # 2 from its northernmost extent to its confluence with Fry Creek # 1. The drainageway was also previously rerouted southwest of the intersection of 141st St. S. and Mingo Rd. to discharge directly to the Arkansas River. The portion of this drainageway abutting/within the subject property is being incorporated into a drainage channel, located in Reserve B, and is being coordinated with the Haikey Creek Flood Improvement project.

The land is relatively flat and appears to slope slightly to the southeast along a trajectory paralleling "Twin Hills Creek" / "Old Fry Creek," which then drains more or less due south after it crosses to the east side of Mingo Rd.

Although the Haikey Creek Flood Improvement project may affect the floodplain situation, the subject property currently contains substantial areas of 100-year (1% Annual Chance) Regulatory Floodplain. Per the City Engineer, any development of the subject property must coordinate with the Haikey Creek engineering design plans.

Development of the property at this time, and prior to the completion of the Haikey Creek drainage improvement project will result in the requirement to (1) Submit and receive FEMA approval of a Conditional Letter Of Map Revision based on Fill (CLOMR-F), (2) Fill / elevate the property to above the current 100-year Base Flood Elevation (BFE), (3) Provide compensatory storage for the fill / elevation, (6) Submit and receive FEMA approval of a LOMR-F, and (5) provide on-site stormwater detention. Elevating the subject property out of the 100-year floodplain would avoid conflict with the restriction from platting lots within the 100-year floodplain per SRs § 12-3-2.O. The subject property was approved for a CLOMR-F (Case No. 10-06-2013C) per letter from FEMA dated September 09, 2010. The other actions are in progress or otherwise remain to be done.

General. This subdivision of 43.964 acres, more or less, proposes 111 lots, four (4) blocks (however, due to Reserve "C" completely separating parts of Block 3, a fifth block number must be generated per the City Council's Conditions of Approval of the Preliminary Plat), and five (5) Reserve areas. Typical lots in this first phase appear to be 60' X 125' (7,500 square feet), to 60' X 130' (7,800 square feet), and 70' X 150' (10,500 square feet).

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) reviewed this Final Plat on April 02, 2014. The Minutes of the meeting are attached to this report.

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

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity + Residential, (2) Development Sensitive/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land, and (3) Medium Intensity + Commercial Area.

The existing RS-3 and RM-2 districts both allow the single-family development as proposed. Per the Matrix, the existing RS-3 and RM-2 districts are *In Accordance* or *May Be Found In Accordance* with all the Comprehensive Plan designations.

Per the Matrix, PUDs (as a zoning district) are *In Accordance* or *May Be Found In Accordance* with all designations of the Comprehensive Plan Land Use Map, and thus PUD 78 would be *In Accordance* with the Comprehensive Plan as a zoning district.

Therefore, Staff believes that the proposed Preliminary Plat for a single-family residential development should be recognized as being consistent with the Comprehensive Plan.

Access. Primary access to the subdivision would be via one (1) entrance from 131st St. S. and the third via 133rd St. S. through *Sun Burst*. When the balance of “Willow Creek” is fully developed, the third will be from Mingo Road. There are no other stub-out streets abutting the subject property to connect to. The development will provide stub-out streets to the balance of parent tract subject property (future phases). Otherwise, there are no abutting undeveloped residential parcels to provide new stub-out streets to.

The Subdivision Regulations do not contain a ratio schedule for the number of required points of access to a subdivision based on the number of lots within it. Recommendations as to adequacy of the three (3) means of ingress and egress in ratio to the number of lots proposed should come from the City Planner, Fire Marshal, and Police Chief, all of whom have expressed that the three (3) should be considered adequate when 254 lots were proposed. All three (3) verbally indicated that the three (3) were still adequate when that number was increased to 276 lots in 2009. Once more, all three (3) indicated that the three (3) were still adequate when that number was increased to 291 lots in 2013.

A Residential Collector Street, at 60' in right-of-way width and 36' in roadway width per Subdivision Regulations standards, is planned to connect 131st St. S. to Mingo Rd.

Subdivision Regulations Section 3.2.20 (Section 12-3-2.T of the codified City Code) has a maximum 300' street length standard, but provides that “longer cul-de-sac designs than stipulated in the engineering design manual may be approved upon the consent of the city staff, including city engineer, fire marshal, police chief, public works director and city planner.” For the previous Preliminary Plat, the Fire Marshal, City Planner, City Engineer, and Public Works Director previously agreed that all cul-de-sacs in the 500' range must be connected, but that the two (2) that were in the 350' length range may be allowed based on local precedent. The City Council approved the Modification/Waiver for the cul-de-sacs in the 350' length range as supported by Staff. With the Staff's and Planning Commission's favorable recommendation, when the Preliminary Plat was first approved in 2008, the City Council approved a Modification/Waiver from this standard to allow one (1) certain street to marginally exceed this distance. This Modification/Waiver applied to “Street Alignment C,” at approximately 320' in length, and “Street Alignment J,” at approximately 348' in length, based on the local precedent for streets in the 350' range in *Blue Ridge II*. These street alignments are now/should be known as 91st E. Ave. and 134th St. S., respectively. As of the 2013 redesign, all of the streets are in compliance with the approved Modification/Waiver, which was recognized in 2013 as being still in effect. 134th St. S. was shortened to 348' and it appears that 91st E. Ave. has been shortened to 300' or less.

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

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

1. Per the City Engineer, any development of the subject property must coordinate with the Haikey Creek engineering design plans.
2. Development of the property at this time, and prior to the completion of the Haikey Creek drainage improvement project will result in the requirement to (1) Submit and receive FEMA approval of a Conditional Letter Of Map Revision based on Fill (CLOMR-F), (2) Fill / elevate the property to above the current 100-year Base Flood Elevation (BFE), (3) Provide compensatory storage for the fill / elevation, (6) Submit and receive FEMA approval of a LOMR-F, and (5) provide on-site stormwater detention. Elevating the subject property out of the 100-year floodplain would avoid conflict with the restriction from platting lots within the 100-year floodplain per SRs § 12-3-2.O. The subject property was approved for a CLOMR-F (Case No. 10-06-2013C) per letter from FEMA dated September 09, 2010. The balance of the actions remains to be done.
3. With the revised plat received 05/02/2013, a table was added which reports the length of the cul-de-sac street centerlines from intersection with centerline(s) of connecting streets to the center of the cul-de-sac turnaround, so that street lengths could be determined. As noted at that time, the length reported for 134th Pl. S. is inaccurate and appears to be the product of that part of the street located west of the intersection with 96th E. Ave. Please correct.
4. Lots 1 through 5, inclusive, Block 3, are completely separated from the balance of Block 3 by Reserve Area 'C.' Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
5. Update Lot, Block, and Reserve number statistics on the first and second pages to add the new block number.
6. Please add proposed addresses to the lots.
7. Per SRs Section 12-4-2.A.5, the Location Map ("Vicinity Map") must include:
 - Plat location and configuration (misrepresented as to configuration)
 - All platted additions represented with the Section:
 - *Henry Fergeson Addition* (mislabeled)
 - *Knight Industrial Park* (mislabeled)
 - *Southwood South Addition* (mislabeled)
 - *Bixby North Mobile Home Park* (mislabeled)
 - *Gardenview Addition* (mislabeled)
8. Plat missing notes pertaining to monumentation (reference SRs Section 12-1-8).
9. The previous plat's graphic scale did not appear to correspond to map features. The numeric scale was not checked as its native paper size is not known. With the revised plat received 05/02/2013, the scale was replaced with note "Not To Scale." The Subdivision Regulations require a scale, and the City Council's approval conditions required it be restored and corrected. Please restore and correct.
10. Easements represented on the 2009 plat along 131st St. S., "15' City of Bixby Easement (Book 5428, Page 2167)" and "Report of Commissioners (Case No. 74808)" missing from this plat.

11. All easements of record affecting the subject property must be represented on the plat (SRs Section 12-4-2.B.2, etc.). Please confirm all have been represented.
12. Survey data missing for Reserve E: width of Reserve Area. See details diagram on the 2009 example.
13. Distance missing from south line of Reserve C.
14. Distance of northernmost east-west lot line in Reserve C (shown on 2009 PP as 7.7'); angle/bearing may also be missing.
15. Angle/bearing apparently missing from 15' U/E in Lot 11, Block 3.
16. Angle/bearing missing from Lot 17, Block 3.
17. Angle/bearing/distance information appears to be missing from several areas throughout the plat. Please review for accuracy.
18. 134th St. S. in *Blue Ridge II* mislabeled as represented.
19. Please correct name of subdivision abutting to the west to *Sun Burst* as represented.
20. Text and linework conflicts throughout the plat make reading difficult (e.g. Lots 8, 15, 22, and 23, Block 1, etc.).
21. Three (3) separate instrument U/Es indicated suggest public U/Es will be dedicated. Please submit at your convenience for City Council acceptance of the public easement dedication(s).
22. Three (3) separate instrument U/Es indicated: Cite Document # recording reference where instruments are recorded with the Tulsa County Clerk.
23. DoD/RCs Section I.E: Does not appear to provide for passive recreational uses (such as walking trails) in Reserve Areas, if the Developer is willing to incorporate this design suggestion.
24. DoD/RCs Section I.I: Does not appear to provide for passive recreational uses (such as walking trails) in Reserve Areas, if the Developer is willing to incorporate this design suggestion.
25. DoD/RCs Section I.I & I.J: Will these Reserve Areas also be designated Utility Easement?
26. DoD/RCs Section II.C and II.D: Uses permitted text is in conflict with PUD 78 as approved. Please reconcile.
27. DoD/RCs Section II.D: As observed with the revised plat received 05/02/2013, lot width qualifying language describes "measured at the building line," whereas the Zoning Code (Section 11-2-1) recognizes lot width as "the average horizontal distance between the side lot lines." Please reconcile with text of PUD 78 as approved.
28. DoD/RCs Section II.D: Missing minimum house size and percent masonry standards of PUD 78 as approved. Please restore.
29. Copies of the Preliminary Plat including all corrections, modifications, and Conditions of Approval shall be submitted for placement in the permanent file: 1 full size folded to 8.5" X 11", 1 11" X 17", and 1 electronic (PDF preferred).

Compared to the Preliminary Plat as approved, a significant amount of information has been removed or altered. Please restore, correct, or explain:

30. Street names as per street name system recommended/approved in 2013 (provided to Applicant 04/03/2013).
31. 5' Fence and Landscape Easement ("FL/E") missing from along 131st St. S. frontage. Language pertaining to same found in DoD/RCs.

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32. 24.75' Statutory R/W linework and label along 131st St. S.
33. "15' City of Bixby Easement (Book 5428, Page 2167)" along 131st St. S. linework.
34. 24.75' Statutory R/W linework and label along Mingo Rd.
35. 15' U/E along Mingo Rd. linework.
36. 17.5' U/E through the west end of Reserve A linework.
37. Lot size information for purposes of reviewing for Zoning Code compliance. As noted in 2013, a schedule may be used in order not to clutter the lots with more text.
38. Width of 93rd E. Ave. right-of-way at intersection with 131st St. S.
39. Width of 93rd E. Ave. right-of-way south of intersection with 131st Pl. S.
40. 10' front-lot U/E label between 92nd and 93rd E. Aves. (text obscures linework between, so this is needed to avoid ambiguity).
41. Please restore all removed 10' front-lot U/E labels that have been removed for same reason as item above.
42. *Southwood South Addition* label for part of subdivision as represented.
43. *Southbridge* label for part of subdivision as represented.
44. Northeast Section corner symbol and survey/monumentation information.
45. East Quarter Section symbol and survey/monumentation information.
46. 130'-wide AEP/PSO R/W easement (Book 3600 Page 16) label.
47. E. 133rd St. S. and S. 87th E. Ave. street names in *Sun Burst* as represented.
48. 17.5'-wide U/E within abutting *Sun Burst* as represented.

Conditions of Approval of this Final Plat:

49. Subject to the satisfaction of any outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
50. "Owner / Developer" block on face of plat, DoD/RCs Preamble, and Owner Signature Block: "Owner / Developer" block on the face of the plat (both), the DoD/RCs preamble, and the Owner Signature Block at the end of the DoD/RCs states "Willow Creek Development, LLC." According to the Tulsa County Assessor's parcel records, most of this phase one ("Willow Creek P") would correspond with a parcel of land belonging to Willow Creek Development, LLC. However, parts of it fall on a parcel the Assessor's Office reflects belongs to K & S Developments, Inc.

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

Alternatively, all of this would appear to be reconcilable by conveying that part of the subject property plat area (or the entire balance of the parent tract lying within the NE/4) from "K & S Developments, Inc." to "Willow Creek Development, LLC."

51. Duplication of angle/bearing between lots in which there is no angle/bearing change causes unnecessary congestion. These redundancies can be removed in accordance with customary platting conventions.
52. Lot 34, Block 1 has been extended, but the lot depth dimension has not been updated.
53. "Tick marks" identifying points of tangent and points of curvature are missing.
54. Angle/bearing apparently missing from 27.70' call for U/E in Reserve C.

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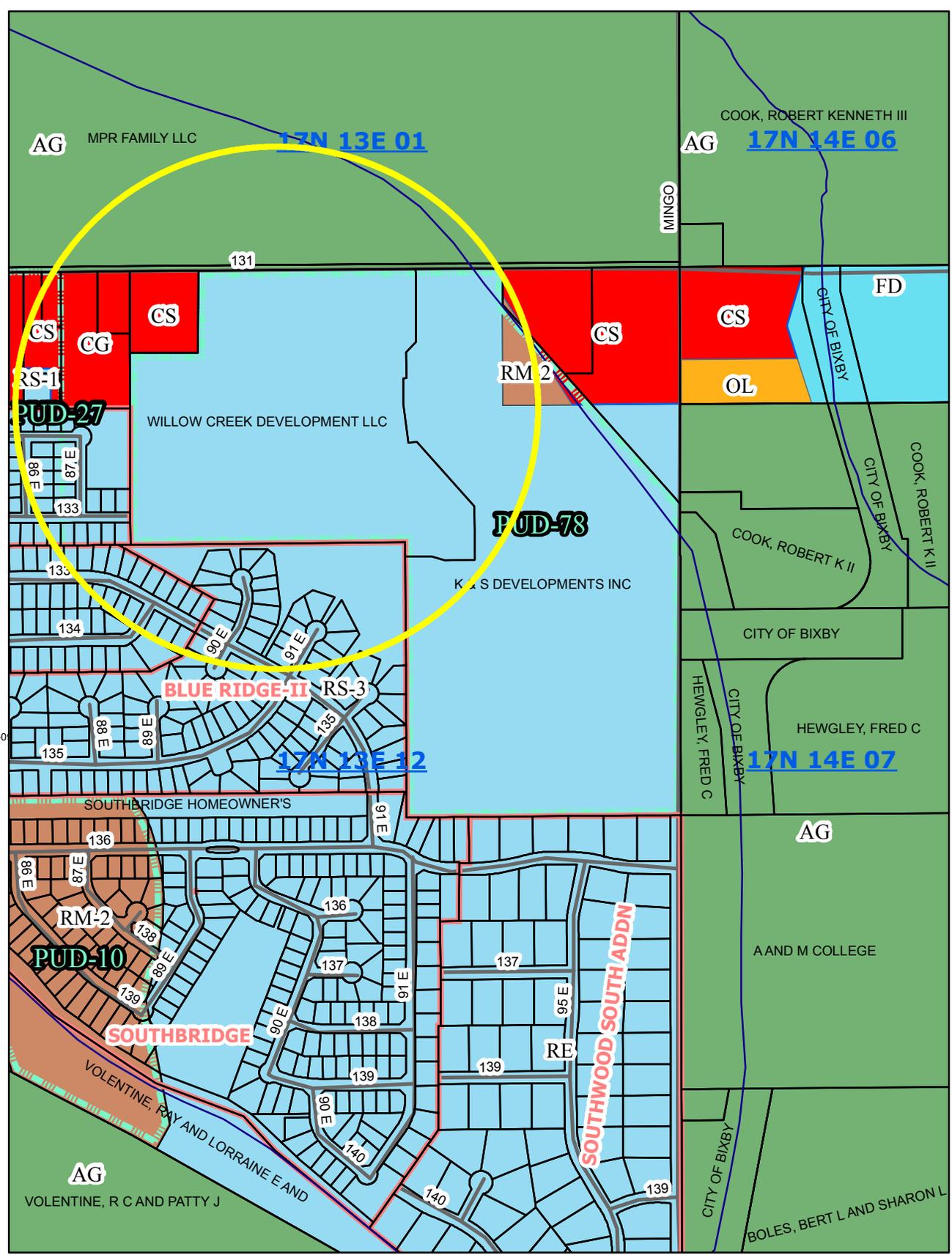
55. Angle/bearing apparently missing from 38.92' call for along south dead-end of 93rd E. Ave.
56. SRs Section 12-3-2.C requires provision for temporary turnarounds at dead-end streets. A temporary cul-de-sac easement is not represented at the south dead-end of 93rd E. Ave., and provisions for same are not found in the DoD/RCs (e.g. providing for their public access, maintenance, defeasibility upon future extension of the street, etc.).
57. Consider making the common lot line between Lots 4 and 5, Block 1, coterminous with the south/westerly endpoint of C4 in order to eliminate the 2.35' variance between the south/westerly endpoint of C4 and the common lot corner. It is not clear on which side of the common lot corner the 2.35' variance is located, due to its exceptionally small size and the scale of the plat.
58. Consider making the common lot line between Lots 1 and 2, Block 2, coterminous with the north/easterly endpoint of C30 in order to eliminate the 1.5' variance between the north/easterly endpoint of C30 and the common lot corner. It is not clear on which side of the common lot corner the 1.5' variance is located, due to its exceptionally small size and the scale of the plat.
59. Please add 131st Pl. S., 132nd Pl. S., and 134th St. S. street name labels to stub-streets as represented.
60. Please relocate the Mingo Rd. label more appropriately to within R/W dedication area.
61. Please identify intent of 5.92' call along 93rd E. Ave. between C66 and C68.
62. Please label and dimension linework along/within south/westerly line of Reserve B.
63. Right-of-way dedication for Mingo Rd. frontage of Reserve B needs to be a full 50' width per Subdivision Regulations. Please remember to reconcile with legal description if/as needed.
64. Please label right-of-way dedication for Ming Rd. as "Right-of-way Dedicated by This Plat," or similarly as appropriate.
65. Please label muted future phases as "planned future phase(s)," or similarly as appropriate.
66. Please remove ambiguity at southwesterly corner area of Reserve D, which has incoming 17.5'- and 15'-wide U/Es, but north-south segment is not labeled as to width.
67. Reserve D has a 20' B/L label but no linework. B/L may have been an artifact from when these were to be platted building lots. If B/L is not intended, it may be removed.
68. Lot 30, Block 2 was widened, and lots 29 through 25, inclusive, were shifted easterly, but the lot width dimension of Lot 30 was not also updated. Please fix this and confirm all others have been corrected as well.
69. Page 2 of the plat is another copy of the plat face at a different scale (sans part of Reserve B). Staff has not compared the two for internal inconsistencies – please check and confirm none exist and reconcile if/as needed.
70. C126 was re-used for a significantly different curve on the boundary of a modified Reserve E after the intersection was reconfigured. However, in the Curve Data Table, the curve data for C126 did not change as should be expected. Further, C67 existed with the 2013 plat, but was not found on this plat, but it is still listed in the Table. Please update and reconcile Curve Data Table for any other inconsistencies.
71. Deed of Dedication / Restrictive Covenants (DoD/RCs) Preamble: Legal description not reviewed by Staff – other recommendations herein may cause this to need to be amended (e.g. 50' R/W dedication for Mingo Rd.).
72. DoD/RCs Preamble: End colon missing after "...(hereinafter the 'Plat')..."



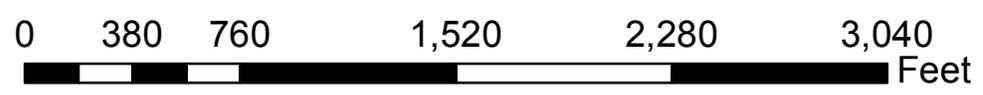
73. DoD/RCs: Several instances of reference to formation of HOA in DoD/RCs Section IV. This is now provided in DoD/RCs Section III. Please correct all instances.
74. DoD/RCs Owner's Signatory Block & Notary Block: Please update from "March, 2014."
75. DoD/RCs Surveyor's Notary Block: Please update from "March, 2014."
76. Due to the number of minor errors, Staff advises the Applicant to re-review the plat and Deed of Dedication and Restrictive Covenants and satisfy themselves as to its correctness.
77. 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.
78. Copies of the Final Plat including all corrections, modifications, and Conditions of Approval shall be submitted for placement in the permanent file: 1 full size folded to 8.5" X 11", 1 11" X 17", and 1 electronic (PDF preferred).

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Final Plat of "Willow Creek I" – Rosenbaum Consulting, LLC (PUD 78)



- Tulsa Parcels 02/14
 - PUD
 - Subdivisions
 - E911 Streets
 - Wag. Co. PUD
 - WagParcels-Clip 01-01
 - <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
 - bixby_streams



Memo

To: Erik Enyart, AICP, City Planner

From: Joey Wiedel

Date: 03-28-2014

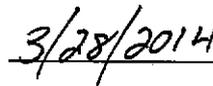
Re: "Willow Creek I"

"Willow Creek I" are approved by this office with the following conditions:

1. Fire Hydrants are not indicated on the Plans. All hydrants shall be operable before construction begins.
 - Brand- AVK or Mueller , Color- Chrome Yellow
2. Fire line supporting the fire hydrants shall be looped.
3. All roads and Second means of access capable of supporting an imposed load of 75,000 pounds shall be in place before construction of homes. (IFC 2009 Appendix D)
4. Fire hydrants shall be spaced no further than 600 feet apart.
5. Fire hydrants shall be placed at the beginning of all cul-de-sacs.



Joey Wiedel



Date

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: 03/19/14

Re: Willow Creek -- Phase 1
Final Plat Review

General Comments:

1. Water, sanitary sewer, and storm water drainage plans have been approved. Provided that the plat incorporates all of the previously approved infrastructure, no exceptions taken.

92

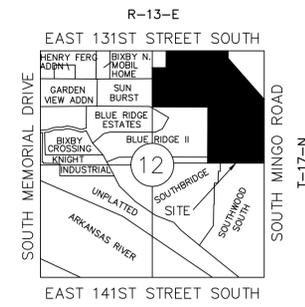
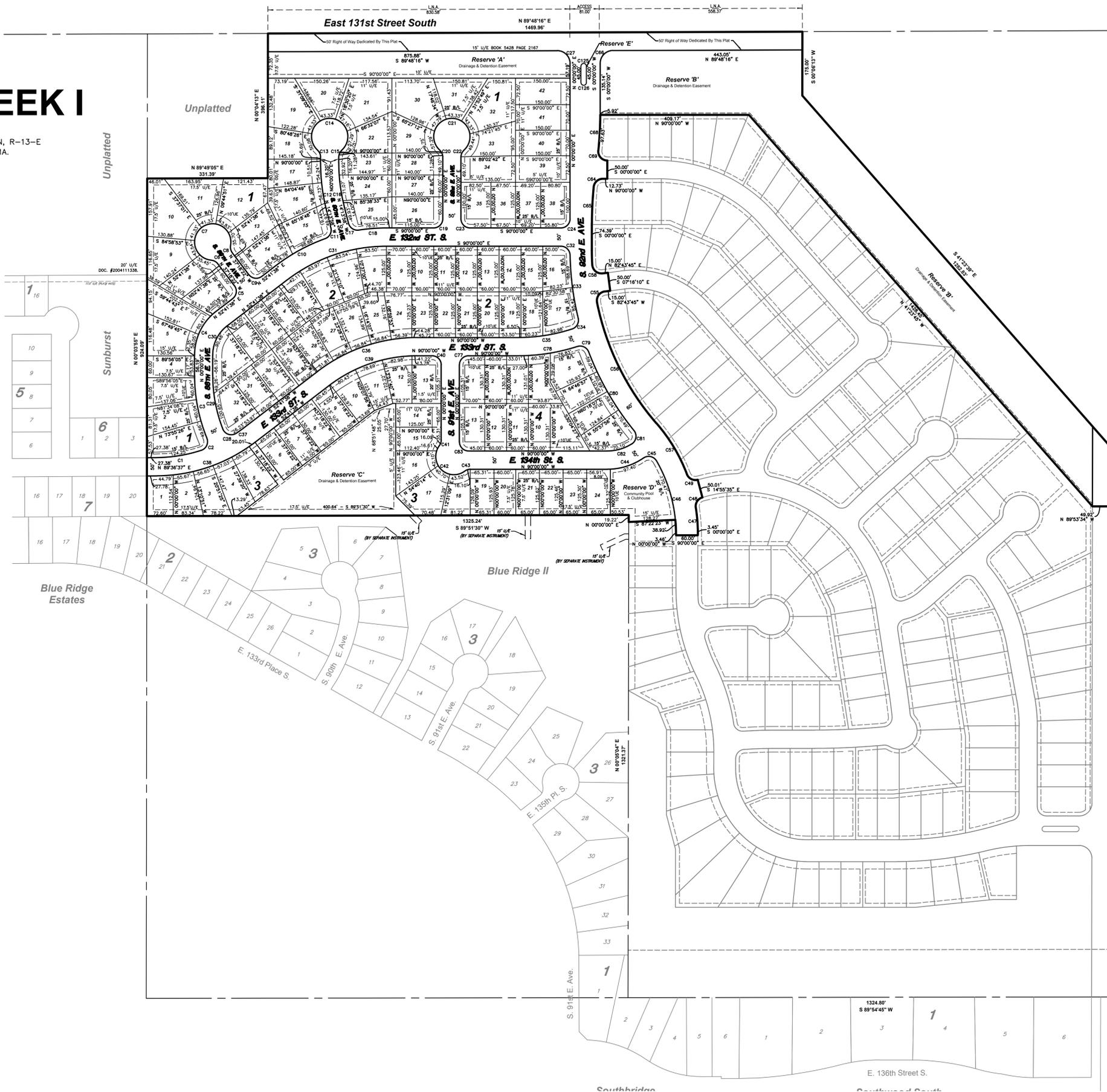
WILLOW CREEK I

A PART OF THE NE/4, SECTION 12, T-17-N, R-13-E
TULSA COUNTY, STATE OF OKLAHOMA.

PLAT No.

LEGEND

B/L	BUILDING LINE
D/E	DRAINAGE EASEMENT
L/E	LANDSCAPE EASEMENT
LNA	LIMITS OF NO ACCESS
MAE	MUTUAL ACCESS EASEMENT
U/E	UTILITY EASEMENT



VICINITY MAP
TULSA COUNTY
1" = 2000'

SUBDIVISION CONTAINS 111 LOTS IN 4 BLOCKS AND 5 RESERVES
TOTAL AREA: 43.964 ACRES
BASIS OF BEARING:
EASTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 12
BEING SOUTH 00°06'13" WEST
ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT
WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE
RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.

Owner:

Willow Creek Development, LLC
12150 EAST 96th STREET NORTH SUITE 200
OWASSO, OK 74055

Engineer:

Rosenbaum Consulting, LLC
Certificate of Authorization No. 6470, Exp. June 30, 2015
2608 W. Kenosha St., #304
Broken Arrow, OK 74012
PHONE: (918) 895-0669

Surveyor:

Tulsa Land Surveying LLC
Certificate of Authorization No. 6038, Exp. June 30, 2015
1903 S. Boston Ave.
Tulsa, OK 74119
PHONE: (539) 664-5539

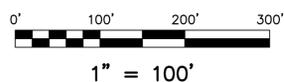


NOT TO SCALE

PLAT No.

LEGEND

- B/L BUILDING LINE
- D/E DRAINAGE EASEMENT
- L/E LANDSCAPE EASEMENT
- LNA LIMITS OF NO ACCESS
- MAE MUTUAL ACCESS EASEMENT
- U/E UTILITY EASEMENT



Owner:

Willow Creek Development, LLC
12150 EAST 96TH STREET NORTH SUITE 200
OWASSO, OK 74055

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WILLOW CREEK I

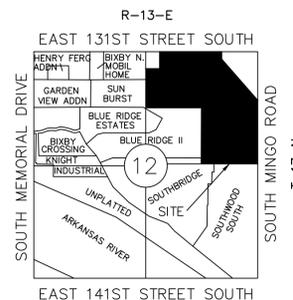
A PART OF THE NE/4, SECTION 12, T-17-N, R-13-E
TULSA COUNTY, STATE OF OKLAHOMA.

SUBDIVISION CONTAINS 111 LOTS IN 4 BLOCKS AND 5 RESERVES

TOTAL AREA: 43.964 ACRES

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VICINITY MAP
TULSA COUNTY
1" = 2000'

CUL-DE-SAC STREET CENTERLINE DATA	
STREET	LENGTH
S. 90TH E. AVE.	181.59'
S. 91ST E. AVE.	293.85'
S. 92ND E. AVE.	275.00'
E. 134TH ST. S.	348.00'
E. 134TH PL. S.	469.39'
E. 134TH PL. S.	220.33'

CURVE DATA TABLE					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	400.00'	124.25'	17°47'53"	123.76'	N 80°42'41" E
C2	25.00'	41.11'	94°12'39"	36.63'	N 24°42'24" E
C3	450.00'	175.92'	22°23'55"	174.80'	S 11°11'58" E
C4	150.00'	137.95'	52°41'38"	133.14'	S 26°20'49" W
C5	25.00'	39.27'	90°00'00"	35.36'	N 07°41'38" E
C6	25.00'	21.03'	48°11'23"	20.41'	N 61°24'03" W
C7	50.00'	241.19'	27°22'46"	66.67'	S 52°41'38" W
C8	25.00'	21.03'	48°11'23"	20.41'	S 13°12'40" E
C9	25.00'	39.27'	90°00'00"	35.36'	S 82°18'22" E
C10	500.00'	153.66'	17°36'30"	153.06'	S 61°29'53" W
C11	25.00'	36.89'	84°32'06"	33.63'	N 28°02'05" E
C12	525.00'	130.42'	141°13'58"	130.08'	S 07°06'59" E
C13	25.00'	21.03'	48°11'23"	20.41'	N 24°05'41" W
C14	50.00'	241.19'	27°22'46"	66.67'	N 90°00'00" W
C15	25.00'	21.03'	48°11'23"	20.41'	S 24°05'41" W
C16	475.00'	117.99'	141°13'58"	117.69'	S 07°06'59" E
C17	25.00'	36.89'	84°32'06"	33.63'	S 56°30'01" E
C18	500.00'	76.51'	8°46'04"	75.44'	S 85°36'58" W
C19	25.00'	39.27'	90°00'00"	35.36'	N 45°00'00" E
C20	25.00'	21.03'	48°11'23"	20.41'	N 24°05'41" W
C21	50.00'	241.19'	27°22'46"	66.67'	N 90°00'00" W
C22	25.00'	21.03'	48°11'23"	20.41'	S 24°05'41" W
C23	25.00'	39.27'	90°00'00"	35.36'	S 45°00'00" E
C24	25.00'	39.27'	90°00'00"	35.36'	N 45°00'00" E
C25	812.00'	215.17'	15°10'58"	214.54'	S 12°41'53" W
C26	7.50'	23.56'	180°00'00"	15.00'	N 89°59'59" E
C27	7.50'	23.56'	180°00'00"	15.00'	S 89°59'59" W
C28	25.00'	44.54'	102°04'33"	38.88'	S 72°30'56" E
C29	400.00'	149.90'	21°28'19"	149.03'	S 10°44'29" E
C30	100.00'	91.97'	52°41'38"	88.76'	S 26°20'49" W
C31	450.00'	293.00'	37°18'22"	287.85'	S 71°20'49" W
C32	25.00'	36.89'	89°01'51"	35.06'	N 49°29'04" W
C33	780.00'	174.11'	12°47'22"	173.75'	N 07°21'50" W
C34	25.00'	37.39'	85°42'07"	34.00'	N 29°05'33" E
C35	475.00'	149.69'	18°03'23"	149.08'	N 80°58'18" E
C36	450.00'	293.00'	37°18'22"	287.85'	N 71°20'49" E
C37	400.00'	26.23'	3°45'28"	26.23'	N 54°34'22" E
C38	450.00'	289.94'	36°54'59"	284.95'	N 71°09'08" E
C39	400.00'	260.45'	37°18'22"	255.87'	N 71°20'49" E
C40	25.00'	39.27'	90°00'00"	35.36'	N 45°00'00" E
C41	25.00'	16.09'	36°52'18"	15.81'	N 18°26'09" E
C42	50.00'	142.89'	16°34'36"	99.00'	S 45°00'00" E
C43	25.00'	16.09'	36°52'18"	15.81'	S 71°33'51" W
C44	175.00'	105.29'	34°28'25"	103.71'	N 72°45'47" E
C45	25.00'	41.25'	94°32'38"	36.73'	N 77°15'55" W
C46	400.00'	209.22'	29°58'08"	206.85'	N 14°59'04" W
C47	460.00'	72.35'	9°00'41"	72.27'	N 04°30'20" W
C48	25.00'	36.89'	84°04'58"	33.48'	S 33°01'48" W
C49	25.00'	36.89'	84°04'58"	33.48'	N 62°53'14" W
C50	425.00'	98.81'	13°19'15"	98.59'	S 81°43'55" W
C51	25.00'	33.70'	77°14'10"	31.21'	S 49°46'28" W
C52	225.00'	147.06'	37°26'52"	144.45'	S 29°52'49" W
C53	25.00'	39.27'	90°00'00"	35.36'	S 03°36'15" W
C54	225.00'	219.42'	55°52'30"	210.83'	S 69°20'00" E
C55	25.00'	39.27'	90°00'00"	35.36'	N 35°39'59" E
C56	720.00'	373.87'	29°45'07"	369.68'	N 26°16'19" W
C57	460.00'	162.99'	20°18'06"	162.14'	N 30°59'48" W
C58	25.00'	41.07'	94°07'32"	36.60'	S 50°12'29" E
C59	275.00'	268.18'	55°52'30"	257.68'	S 69°20'00" E
C60	25.00'	39.27'	90°00'00"	35.36'	S 86°23'45" E
C61	25.00'	39.27'	90°00'00"	35.36'	N 03°36'15" E
C62	375.00'	318.11'	48°36'15"	308.66'	N 65°41'52" W
C63	225.00'	69.55'	17°48'48"	69.67'	N 81°05'36" W
C64	25.00'	36.76'	84°14'51"	33.54'	S 47°52'35" W
C65	988.00'	99.20'	5°45'09"	99.15'	S 02°52'35" W

CURVE DATA TABLE					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C66	35.00'	55.10'	90°11'44"	49.58'	N 45°05'52" W
C67	150.00'	30.56'	11°40'18"	30.50'	N 05°50'09" E
C68	1012.00'	103.55'	5°51'44"	103.50'	S 02°55'52" W
C69	25.00'	41.83'	95°51'44"	37.12'	S 42°04'08" E
C70	175.00'	46.12'	15°05'55"	45.98'	S 82°27'02" E
C71	425.00'	360.53'	48°36'15"	349.82'	N 65°41'52" W
C72	25.00'	39.27'	90°00'00"	35.36'	S 45°00'00" W
C73	50.00'	142.89'	16°34'36"	98.99'	N 03°36'15" E
C74	25.00'	16.09'	36°52'12"	15.81'	S 67°02'21" W
C75	175.00'	101.39'	33°11'48"	99.98'	S 32°00'21" W
C76	25.00'	41.07'	94°07'29"	36.60'	S 51°39'18" E
C77	25.00'	39.27'	90°00'00"	35.36'	S 45°00'00" W
C78	525.00'	164.22'	17°55'21"	163.55'	S 81°02'19" W
C79	25.00'	37.98'	87°02'29"	34.43'	N 64°24'07" W
C80	780.00'	249.56'	18°19'54"	248.50'	N 30°02'49" W
C81	25.00'	42.36'	97°04'50"	37.47'	N 09°19'39" E
C82	125.00'	70.10'	32°07'56"	69.19'	N 73°56'02" E
C83	25.00'	39.27'	90°00'00"	35.36'	S 45°00'00" E
C84	530.00'	243.92'	26°22'08"	241.77'	S 13°11'04" E
C85	470.00'	217.00'	26°27'12"	215.08'	N 13°08'32" W
C86	255.00'	400.93'	90°05'04"	360.89'	S 44°57'28" E
C87	1030.00'	248.60'	13°49'43"	247.89'	N 83°05'08" E
C88	488.00'	117.78'	13°49'43"	117.80'	S 83°05'08" W
C89	35.00'	55.04'	90°06'13"	49.54'	N 44°56'54" W
C90	35.00'	54.91'	89°53'47"	49.45'	N 45°03'06" E
C91	25.00'	39.27'	90°00'00"	35.36'	S 45°00'00" E
C92	450.00'	80.97'	10°18'36"	80.86'	N 05°09'18" W
C93	450.00'	234.67'	29°52'47"	232.02'	N 25°14'59" W
C94	25.00'	38.74'	88°47'37"	34.98'	S 04°12'26" W
C95	25.00'	21.03'	48°11'23"	20.41'	S 72°41'56" W
C96	50.00'	241.19'	27°22'46"	66.67'	N 41°23'45" W
C97	25.00'	21.03'	48°11'23"	20.41'	N 24°30'34" E
C98	125.00'	51.82'	23°45'02"	51.45'	N 60°28'46" E
C99	25.00'	41.31'	94°40'37"	36.77'	S 60°18'25" E
C100	425.00'	195.74'	26°23'20"	194.02'	N 26°09'46" W
C101	25.00'	36.92'	84°37'05"	33.66'	S 02°57'07" W
C102	1975.00'	115.24'	3°20'38"	115.23'	S 46°55'57" W
C103	25.00'	21.03'	48°11'23"	20.41'	S 72°41'56" W
C104	50.00'	241.19'	27°22'46"	66.67'	N 41°23'45" W
C105	25.00'	21.03'	48°11'23"	20.41'	N 24°30'34" E
C106	2025.00'	119.88'	3°23'31"	119.86'	S 46°54'30" W
C107	25.00'	36.07'	82°40'12"	33.02'	N 86°32'50" E
C108	425.00'	197.31'	25°35'59"	195.54'	N 65°25'03" W
C109	375.00'	628.92'	96°05'30"	557.76'	S 05°58'58" W
C110	1975.00'	87.62'	2°32'31"	87.61'	N 07°33'57" W
C111	25.00'	39.91'	39°28'09"	35.81'	N 39°28'09" E
C112	1975.00'	166.34'	4°49'33"	166.29'	N 87°35'14" E
C113	1025.00'	58.42'	5°15'56"	58.41'	S 88°22'02" W
C114	25.00'	37.01'	84°40'52"	33.73'	S 50°51'00" E
C115	530.00'	165.90'	17°56'04"	165.22'	N 17°24'06" W
C116	470.00'	78.72'	9°35'47"	78.63'	S 21°34'15" E
C117	25.00'	43.15'	98°54'09"	37.99'	S 32°40'43" W
C118	475.00'	65.25'	7°52'12"	65.19'	S 86°03'54" W
C119	25.00'	21.03'	48°11'23"	20.41'	N 65°54'19" W
C120	50.00'	241.19'	27°22'46"	66.67'	N 00°00'00" W
C121	25.00'	21.03'	48°11'23"	20.41'	N 65°54'19" E
C122	525.00'	76.19'	81°28'54"	76.12'	S 85°50'33" W
C123	25.00'	41.21'	94°27'18"	36.70'	S 51°05'15" E
C124	470.00'	31.66'	3°51'36"	31.66'	S 01°58'48" E
C125	7.50'	23.56'	180°00'00"	15.00'	N 00°00'00" E
C126	507.50'	168.15'	18°58'60"	167.77'	S 07°18'55" W
C127	7.50'	23.56'	180°00'00"	15.00'	N 71°01'00" W
C128	492.50'	163.18'	18°58'60"	162.43'	N 09°29'30" E
C129	7.50'	23.56'	180°00'00"	15.00'	S 00°00'00" W
C130	7.50'	23.56'	180°00'00"	15.00'	N 00°00'00" E

WILLOW CREEK I

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

WILLOW CREEK DEVELOPMENT, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER TOGETHER REFERRED TO AS THE "OWNER/DEVELOPER" IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO WIT:

A TRACT OF LAND THAT IS PART OF THE NORTHEAST QUARTER (NE¼) OF SECTION TWELVE (12), 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 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE¼ SECTION 12; THENCE SOUTH 89°48'16" WEST ALONG THE NORTH LINE OF SAID NE¼ SECTION 12, FOR A DISTANCE OF 850.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°06'13" WEST FOR A DISTANCE OF 175.00 FEET; THENCE SOUTH 41°23'39" EAST FOR A DISTANCE OF 1282.72 FEET; THENCE SOUTH 00°08'28" WEST FOR A DISTANCE OF 162.22 FEET; THENCE NORTH 89°53'34" WEST FOR A DISTANCE OF 49.92 FEET; THENCE NORTH 41°23'45" WEST FOR A DISTANCE OF 1428.45 FEET; THENCE NORTH 90°00'00" WEST FOR A DISTANCE OF 409.17 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1012.00 FEET, A DELTA ANGLE OF 5°31'38", A CHORD LENGTH OF 97.59 FEET, A CHORD BEARING OF SOUTH 03°05'55" WEST, FOR AN ARC DISTANCE OF 97.63 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 95°51'44", A CHORD LENGTH OF 37.12, A CHORD BEARING OF SOUTH 42°04'08" EAST, FOR AN ARC DISTANCE OF 41.83 FEET; THENCE SOUTH 00°00'00" EAST FOR A DISTANCE OF 50.00 FEET; THENCE NORTH 90°00'00" WEST FOR A DISTANCE OF 12.73 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 84°14'51", A CHORD LENGTH OF 33.54 FEET, A CHORD BEARING OF SOUTH 47°52'35" WEST, FOR AN ARC DISTANCE OF 36.76 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 988.00 FEET, A DELTA ANGLE OF 5°45'09", A CHORD LENGTH OF 99.15 FEET, A CHORD BEARING OF SOUTH 02°52'35" WEST, FOR AN ARC DISTANCE OF 99.20 FEET; THENCE SOUTH 00°00'00" EAST FOR A DISTANCE OF 74.39 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 94°07'34", A CHORD BEARING OF SOUTH 50°12'28" EAST; FOR AN ARC DISTANCE OF 41.07 FEET; THENCE NORTH 82°43'45" EAST FOR A DISTANCE OF 15.00 FEET; THENCE SOUTH 07°16'10" EAST FOR A DISTANCE OF 50.00 FEET; THENCE SOUTH 82°43'45" WEST FOR A DISTANCE OF 15.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 94°07'30", A CHORD LENGTH OF 36.60 FEET, A CHORD BEARING OF SOUTH 35°40'00" WEST, FOR AN ARC DISTANCE OF 41.07 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 720.00 FEET, A DELTA ANGLE OF 29°45'07", A CHORD LENGTH OF 369.68 FEET, A CHORD BEARING OF SOUTH 28°16'19" EAST, FOR AN ARC DISTANCE OF 373.87 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 460.00 FEET, A DELTA ANGLE OF 20°18'06", A CHORD LENGTH OF 62.14 FEET, A CHORD BEARING OF SOUTH 04°30'20" EAST, FOR AN ARC DISTANCE OF 162.99 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 94°04'58", A CHORD LENGTH OF 33.48 FEET, A CHORD BEARING OF SOUTH 62°53'14" EAST, FOR AN ARC DISTANCE OF 36.69 FEET; THENCE SOUTH 14°55'35" EAST FOR A DISTANCE OF 50.01 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 84°04'58", A CHORD LENGTH OF 33.48 FEET, A CHORD BEARING OF SOUTH 03°01'48" WEST, FOR AN ARC DISTANCE OF 36.69 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 460.00 FEET, A DELTA ANGLE OF 20°18'06", A CHORD LENGTH OF 62.14 FEET, A CHORD BEARING OF SOUTH 04°30'20" EAST, FOR AN ARC DISTANCE OF 162.99 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET, THENCE NORTH 00°00'00" WEST FOR A DISTANCE OF 3.46 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 399.65 FEET, A DELTA ANGLE OF 05°34'47", A CHORD LENGTH OF 38.90 FEET, A CHORD BEARING OF NORTH 02°47'19" WEST, FOR AN ARC DISTANCE OF 38.92 FEET; THENCE SOUTH 87°22'23" WEST FOR A DISTANCE OF 128.27 FEET; THENCE NORTH 00°05'04" EAST FOR A DISTANCE OF 19.22 FEET; THENCE SOUTH 89°51'30" WEST FOR A DISTANCE OF 1325.24 FEET; THENCE NORTH 00°03'56" EAST FOR A DISTANCE OF 924.09 FEET; THENCE NORTH 89°49'05" EAST FOR A DISTANCE OF 331.39 FEET; THENCE NORTH 00°04'13" EAST FOR A DISTANCE OF 396.11 FEET; THENCE NORTH 89°48'16" EAST FOR A DISTANCE OF 1469.96 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 1,915.065 SQUARE FEET OR 43.964 ACRES, MORE OR LESS.

BASIS OF BEARING OF PROPERTY DESCRIPTION IS THE NORTH LINE OF SECTION 13, T-17-N-R-13-E, BEING S 89°48'16" W.

AND HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED, GRANTED, DONATED, CONVEYED, DEDICATED, ACCESS RIGHTS RESERVED AND SUBDIVIDED INTO LOTS, BLOCKS, RESERVE AREAS AND STREETS, IN CONFORMITY WITH THE ACCOMPANYING PLAN AND SURVEY (HEREINAFTER THE "PLAN" AND HAS ENTITLED AND DESIGNATED THE SUBDIVISION AS "WILLOW CREEK I", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (HEREINAFTER "WILLOW CREEK I" OR THE "SUBDIVISION").

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS

THE OWNER/DEVELOPER DOES HEREBY DEDICATE FOR PUBLIC USE THE STREETS DEPICTED ON THE ACCOMPANYING PLAN AND DOES FURTHER DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAN 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 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 RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAN, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAN. 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 PLAN NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT PROPERLY PERMITTED DRIVES, PARKING AREAS, CURBING, LANDSCAPING, CUSTOMARY SCREENING FENCES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION.

B. UNDERGROUND SERVICE

- 1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED ALONG THE SOUTH SIDE PERIMETER BOUNDARY OF THE SUBDIVISION, IF LOCATED WITHIN A GENERAL UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAN. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE AND ELSEWHERE THROUGHOUT THE SUBDIVISION ALL SUCH LINES SHALL BE LOCATED UNDERGROUND IN THE GENERAL UTILITY EASEMENTS. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE GENERAL UTILITY EASEMENTS.
- 2. UNDERGROUND SERVICE CABLES TO ALL STRUCTURES WHICH MAY BE 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 AS MAY BE LOCATED UPON THE LOT, 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 AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.
- 3. THE SUPPLIER OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL GENERAL UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAN 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 OR CABLE TELEVISION FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.
- 4. LOT OWNERS SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THEIR RESPECTIVE LOTS AND EACH SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY THAT WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE OR CABLE TELEVISION 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 OR HIS AGENTS OR CONTRACTORS.
- 5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH B SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE ELECTRIC, TELEPHONE OR CABLE TELEVISION SERVICE AND LOT OWNERS AGREE TO BE BOUND HEREBY.

C. WATER, SANITARY SEWER AND STORM SEWER SERVICE

- 1. LOT OWNERS SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS LOCATED ON THEIR RESPECTIVE LOTS AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID PUBLIC WATER MAIN, PUBLIC SANITARY SEWER MAIN OR STORM SEWER.
- 2. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAN, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET 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 AND STORM SEWERS SHALL BE PROHIBITED.
- 3. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER AND SEWER MAINS, BUT LOT OWNERS SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY THEIR ACTS AND/OR THE ACTS OF THEIR 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 PLAN, 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 LOT OWNERS AGREE TO BE BOUND HEREBY.

D. GAS SERVICE

- 1. LOT OWNERS SHALL BE RESPONSIBLE FOR THE PROTECTION OF GAS FACILITIES LOCATED ON THEIR RESPECTIVE LOTS.
- 2. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAN, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A GAS MAIN OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH A GAS MAIN SHALL BE PROHIBITED.
- 3. THE SUPPLIER OF GAS SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF GAS MAINS, BUT LOT OWNERS SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY THEIR ACTS AND/OR THE ACTS OF THEIR AGENTS OR CONTRACTORS.
- 4. THE SUPPLIER OF GAS SERVICE SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTS DEPICTED ON THE ACCOMPANYING PLAN, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF GAS FACILITIES.
- 5. 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.
- 6. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH D SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE AND LOT OWNERS AGREE TO BE BOUND HEREBY.

E. OVERLAND DRAINAGE EASEMENT

- 1. THE OWNER/DEVELOPER DOES HEREBY GRANT AND ESTABLISH A PERPETUAL EASEMENT ON, OVER AND ACROSS RESERVE AREA A, B, AND C (HEREINAFTER REFERRED TO AS THE "OVERLAND DRAINAGE EASEMENT AREAS") FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, DETENTION AND DISCHARGE OF STORMWATER RUNOFF FROM THE VARIOUS LOTS WITHIN THE SUBDIVISION.
- 2. DETENTION AND OTHER DRAINAGE FACILITIES CONSTRUCTED WITHIN THE OVERLAND DRAINAGE EASEMENT AREAS SHALL BE IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF BIXBY, OKLAHOMA.
- 3. DRAINAGE FACILITIES SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION (TO BE FORMED PURSUANT TO SECTION IV) TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE AND DETENTION FUNCTIONS INCLUDING REPAIR OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION. THE HOMEOWNERS' ASSOCIATION SHALL PROVIDE ROUTINE AND CUSTOMARY GROUNDS MAINTENANCE WITHIN THE OVERLAND DRAINAGE EASEMENT AREAS WHICH SHALL BE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - a. THE OVERLAND DRAINAGE EASEMENT AREAS SHALL BE KEPT FREE OF LITTER.
 - b. THE OVERLAND DRAINAGE EASEMENT AREAS SHALL BE MOWED DURING THE GROWING SEASON AT INTERVALS NOT EXCEEDING 4 WEEKS.
 - c. IN THE EVENT THE HOMEOWNERS' ASSOCIATION SHOULD FAIL TO PROPERLY MAINTAIN THE OVERLAND DRAINAGE EASEMENT AREAS AS ABOVE PROVIDED, THE CITY OF BIXBY, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER THE OVERLAND DRAINAGE EASEMENT AREAS AND PERFORM SUCH MAINTENANCE, AND THE COST THEREOF SHALL BE PAID BY THE HOMEOWNERS' ASSOCIATION.
 - d. IN THE EVENT THE HOMEOWNERS' ASSOCIATION, AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, FAILS TO PAY THE COST OF MAINTENANCE AS ABOVE SET FORTH, THE CITY OF BIXBY, OKLAHOMA MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH RESIDENTIAL LOT WITHIN THE SUBDIVISION, PROVIDED HOWEVER, THE LIEN AGAINST EACH RESIDENTIAL LOT SHALL NOT EXCEED 1/11TH OF THE COSTS.
 - e. A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA.

F. SURFACE DRAINAGE AND LOT GRADING RESTRICTION

EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS, DRAINAGE AREAS OF HIGHER ELEVATION, AND 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/OR SURFACE WATERS OVER AND ACROSS HIS LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH F SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BIXBY, OKLAHOMA.

G. LIMITS OF NO ACCESS

THE UNDERSIGNED OWNER/DEVELOPER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO SOUTH MINGO ROAD AND EAST 131ST STREET SIGNIFIED AS "LIMITS OF NO ACCESS" (L.N.A.) ON THE ACCOMPANYING PLAN. THE LNA MAY BE AMENDED OR RELEASED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSOR, WITH THE APPROVAL OF THE CITY OF BIXBY, OKLAHOMA, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA. THE LNA ESTABLISHED SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA.

H. PAVING AND LANDSCAPING WITHIN EASEMENTS

LOT OWNERS AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING, WHEN PERMITTED BY THE CITY OF BIXBY, OCCASIONED BY NECESSARY INSTALLATION OR MAINTENANCE OF UNDERGROUND WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAN. 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. RESERVE AREA A, B, AND C

THE USE OF RESERVE AREAS A, B, AND C SHALL BE LIMITED TO USE AS STORMWATER CONVEYANCE, MAINTENANCE ACCESS, OPEN SPACE, LANDSCAPING AND IS RESERVED FOR SUBSEQUENT CONVEYANCE TO A HOMEOWNERS' ASSOCIATION, AS SET FORTH WITHIN SECTION IV, TO BE FORMED FOR THE PURPOSES OF THE ADMINISTRATION AND MAINTENANCE OF THE COMMON AREAS OF THE SUBDIVISION.

J. RESERVE AREA D

THE USE OF RESERVE AREA D SHALL BE LIMITED TO USE AS OPEN SPACE, LANDSCAPING, POOL, & CLUBHOUSE FACILITIES FOR THE HOMEOWNERS AND GUESTS OF WILLOW CREEK I AND IS RESERVED FOR SUBSEQUENT CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION, AS SET FORTH WITHIN SECTION IV, TO BE FORMED FOR THE PURPOSES OF THE ADMINISTRATION AND MAINTENANCE OF THE COMMON AREAS OF THE SUBDIVISION.

K. RESERVE AREA E

THE USE OF RESERVE AREA E SHALL BE LIMITED TO USE AS OPEN SPACE AND LANDSCAPING AND IS RESERVED FOR SUBSEQUENT CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION, AS SET FORTH WITHIN SECTION IV, TO BE FORMED FOR THE PURPOSES OF THE ADMINISTRATION AND MAINTENANCE OF THE COMMON AREAS OF THE SUBDIVISION.

L. FENCING AND LANDSCAPING EASEMENT

THE OWNER/DEVELOPER HEREIN RESERVES FOR SUBSEQUENT CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION TO BE FORMED PURSUANT TO SECTION IV A PERPETUAL EASEMENT TO ERECT AND MAINTAIN FENCING, WALLS AND LANDSCAPING ALONG THE BOUNDARIES OF THE SUBDIVISION WITHIN THE EASEMENTS DEPICTED ON THE PLAN AS "FENCE AND LANDSCAPE EASEMENT" OR "FLE".

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, WILLOW CREEK I WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT (DESIGNATED AS PUD NO. 78) AS PROVIDED WITHIN THE PROVISIONS OF THE BIXBY ZONING CODE PERTAINING TO PLANNED UNIT DEVELOPMENTS (PUDS), AND

WHEREAS, PUD NO. 78 WAS AFFIRMATIVELY RECOMMENDED BY THE BIXBY PLANNING COMMISSION ON MAY 2, 2013 AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA, ON MAY 13, 2013 THE IMPLEMENTING ORDINANCE NO. 2120 & 272 BEING ADOPTED AND PUBLISHED ON SEPTEMBER 23, 2013, AND

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

WHEREAS, THE OWNER/DEVELOPER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF BIXBY, OKLAHOMA.

THEREFORE, THE OWNER/DEVELOPER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. DEVELOPMENT IN ACCORDANCE WITH PUD

WILLOW CREEK I SHALL BE DEVELOPED AND USED IN SUBSTANTIAL ACCORDANCE WITH THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD NO. 78 APPROVED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA, OR IN SUBSTANTIAL ACCORDANCE WITH SUCH MODIFICATIONS OR AMENDMENTS OF THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD NO. 78 AS MAY BE SUBSEQUENTLY APPROVED.

B. APPLICABLE ORDINANCE

THE DEVELOPMENT OF WILLOW CREEK I SHALL BE SUBJECT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE, AS SUCH PROVISIONS EXISTED ON MAY 13, 2013.

C. USE

ALL USES ALLOWED BY RIGHT IN THE RS-3 ZONING DISTRICT AND SPECIFICALLY SINGLE-FAMILY RESIDENTIAL HOMES.

D. DEVELOPMENT STANDARDS

DEVELOPMENT AREA – SINGLE FAMILY LOTS

PERMITTED USES SINGLE FAMILY RESIDENCES AND CUSTOMARY ACCESSORY USES.

MINIMUM LOT WIDTH: 60 FEET, MEASURED AT THE BUILDING LINE IF THE LOT FRONTS A CUL-DE-SAC

OTHER BULK AND AREA REQUIREMENTS AS SET FORTH WITHIN AN RS-3 DISTRICT

SIDEWALKS: SIDEWALKS SHALL BE CONSTRUCTED BY THE DEVELOPER OR INDIVIDUAL LOT OWNERS ALONG PERIMETER AND INTERNAL STREETS IN ACCORDANCE WITH THE BIXBY SUBDIVISION REGULATIONS. SIDEWALKS SHALL BE A MINIMUM OF FOUR (4) FEET IN WIDTH, SHALL BE ADA COMPLIANT, AND SHALL BE APPROVED BY THE CITY ENGINEER.

SIGNS AND LANDSCAPING: IDENTIFICATION SIGNAGE, IF TO BE INSTALLED FOR THIS DEVELOPMENT, SHALL COMPLY WITH BIXBY ZONING CODE SECTION 11-7B-3.B.4.B. LANDSCAPING OF RESERVES AND OPEN SPACES, IF ANY, SHALL MEET THE CITY OF BIXBY REQUIREMENTS.

E. SITE PLAN REVIEW AND COMPLIANCE WITH APPROVED PLANS

THE APPROVED FINAL PLAN OF THE SUBDIVISION SHALL CONSTITUTE THE DETAILED SITE PLAN REQUIRED BY THE BIXBY ZONING CODE. THE DEVELOPMENT AND USE OF WILLOW CREEK I SHALL BE IN COMPLIANCE WITH THE APPROVED BUILDING PLANS AND SIGN PLANS, AS MAY BE LATER APPROVED BY THE BIXBY PLANNING COMMISSION OR ITS SUCCESSOR.

F. DEFINITIONS

IN THE EVENT OF AMBIGUITY OF ANY WORD OR TERM SET FORTH IN THIS SECTION II., THE MEANING THEREOF SHALL BE DEEMED TO BE DEFINED AS SET FORTH WITHIN THE BIXBY ZONING CODE AS THE SAME EXISTED ON MAY 13, 2013.

SECTION III. HOMEOWNERS' ASSOCIATION

A. FORMATION OF HOMEOWNERS' ASSOCIATION

THE OWNER/DEVELOPER HAS FORMED OR SHALL CAUSE TO BE FORMED AN ASSOCIATION OF THE OWNERS OF THE LOTS WITHIN WILLOW CREEK I (HEREINAFTER REFERRED TO AS THE "HOMEOWNERS' ASSOCIATION") TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AND TO BE FORMED FOR THE GENERAL PURPOSES OF MAINTAINING THE COMMON AREAS, INCLUDING BUT WITHOUT LIMITATION THE STORM WATER DETENTION FACILITIES AND RESERVE AREAS, AND ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF WILLOW CREEK I.

B. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A LOT 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 SHALL BE SUBJECT TO ASSESSMENT BY THE HOMEOWNERS' ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE STORM WATER DETENTION FACILITIES, RESERVE AREAS AND OTHER COMMON AREAS, ALL AS MORE PARTICULARLY PROVIDED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF WILLOW CREEK I AND THE BYLAWS OF THE ASSOCIATION.

SECTION IV. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS. 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 TWENTY (20) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION, AND SHALL AUTOMATICALLY RENEW OR EXTEND THEREAFTER, UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

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 TWENTY (20) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION, AND SHALL AUTOMATICALLY RENEW OR EXTEND THEREAFTER, UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

C. 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 LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS. THE COVENANTS CONTAINED 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 LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS. THE COVENANTS CONTAINED WITHIN SECTION III, HOMEOWNERS' ASSOCIATION MAY BE AMENDED OR TERMINATED AT ANY TIME BY A MAJORITY VOTE OF THE MEMBERS OF THE HOMEOWNER' ASSOCIATION AS EVIDENCED BY WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE PRESIDENT OF THE HOMEOWNERS' ASSOCIATION. IN THE EVENT OF ANY CONFLICT BETWEEN AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNER/DEVELOPER DURING ITS OWNERSHIP OF AT LEAST ONE (1) LOT AND ANY AMENDMENT OR TERMINATION EVIDENCED BY AN INSTRUMENT PROPERLY EXECUTED BY THE PRESIDENT OF THE HOMEOWNERS' ASSOCIATION, THE INSTRUMENT EXECUTED BY THE OWNER/DEVELOPER SHALL PREVAIL DURING ITS OWNERSHIP OF AT LEAST ONE (1) LOT. 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. NO AMENDMENT OR TERMINATION OF A COVENANT OR RESTRICTION SHALL BE DRAFTED AS TO AFFECT A SPECIFIC LOT(S) EXCEPT AS PROVIDED HEREIN UNDER SECTION II (B), USE.

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, K&S DEVELOPMENTS, INC., AN OKLAHOMA CORPORATION, HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF MARCH, 2014.

WILLOW CREEK DEVELOPMENT, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____ PETE KOURTIS, MANAGER

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, ON THIS ____ DAY OF MARCH, 2014, PERSONALLY APPEARED PETE KOURTIS, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO EXECUTED THE FOREGOING DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AS MANAGER OF WILLOW CREEK DEVELOPMENT, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, 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 OF SAID COMPANY, FOR THE USES AND PURPOSES THEREIN SET FORTH.

WITNESS MY HAND AND SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

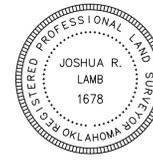
MY COMMISSION EXPIRES:

MY COMMISSION NUMBER IS:

CERTIFICATE OF SURVEY

I, JOSHUA R. LAMB, 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 "WILLOW CREEK I", 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.

JOSHUA R. LAMB
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1678



STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF MARCH, 2014, BY JOSHUA R. LAMB, AS A REGISTERED PROFESSIONAL LAND SURVEYOR.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

MY COMMISSION NUMBER IS:



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, April 16, 2014
RE: Report and Recommendations for:
PUD 80 – Wood Hollow Estates – Minor Amendment # 1

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: Minor Amendment to PUD 80, which amendment proposes making certain subdivision design modifications pertaining to Utility Easements and making certain other amendments

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.

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: Corridor + 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 final version of PUD incorporating Staff and PC recommendations 10/28/2013 (Ord. # 2124).

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.

Final Plat of “Wood Hollow Estates” – Sack & Associates, Inc. – Request for approval of a Final Plat and certain Modifications/Waivers for subject property – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014. One of the Conditions of Approval was consistent with the Staff’s recommendation to restore the 17.5’ Perimeter U/E or otherwise request, justify, and receive approval of a Modification/Waiver and a PUD Minor Amendment for same.

Modification/Waiver – “Wood Hollow Estates” – Sack & Associates, Inc. (PUD 80) – Request for Modification/Waiver to reduce and/or remove certain portions of the 17.5’ Perimeter Utility Easement as required by Subdivision Regulations Section 12-3-3.A pursuant to Subdivision Regulations Section 12-3-5.B for subject property – Pending PC consideration 04/21/2014.

BACKGROUND INFORMATION:

On March 17, 2014, the Planning Commission recommended Conditional Approval of the Final Plat of “Wood Hollow Estates.” Condition of Approval # 3 as listed in the Staff Report was as follows:

“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.”

The Modification/Waiver was not requested until March 21, 2014, and the Planning Commission did not specifically deliberate on or give specific recommendation on the matter on March 17, 2014.

For numerous reasons, the City Staff, the City Engineer and Public Works Director in particular, were not supportive of completely removing the 17.5' Perimeter U/E, as was proposed at the time. Reasons included, but were not necessarily limited to: (1) proposed sewerline along the south side of this development would be located outside of a U/E, (2) proposed sewerline along the east side of this development would not have adequate room for access or maneuverability, (3) sewerline (and possibly other utilities) along the south side of *WoodMere* would not have adequate room for access or maneuverability, (4) the utility plans for the development had not been approved and could result in the need for additional U/Es, (5) the Modification/Waiver had not gone through the process outlined by the Subdivision Regulations, including the showing of hardship and other prerequisites, had not been deliberated upon or specifically recommended upon by the Planning Commission, and (6) concern for setting a potentially regrettable precedent. For the final reason, City Staff recommended that, if it was to be requested at all, it should also be requested in the form of an amendment to PUD 80, because PUDs provide an environment of greater design flexibility, and each are inherently unique and so do not easily lend themselves to setting potentially regrettable precedents.

At the City Council meeting on March 24, 2014, City Staff recommended, and the City Council Conditionally Approved the Final Plat including the recommended Condition of Approval # 3, with emphasis on the requirement to restore the U/E, unless the Applicant went back through the formal process outlined in the Subdivision Regulations, with showing of hardship and the other prerequisites for granting Modification/Waiver, and with the Planning Commission specifically deliberating and giving a specific recommendation to the City Council on the matter. That has now occurred and the request is being placed on this Planning Commission agenda for consideration, along with this PUD 80 Minor Amendment # 1.

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.

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.

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

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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 the existing RS-3 zoning. Thus, the single-family residential subdivision anticipated by the plat of "Wood Hollow Estates" should be consistent with the Comprehensive Plan.

Due to the relatively limited scope of proposed changes, the proposed PUD 80 Minor Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

General. Wood Hollow Estates proposes a single-family residential subdivision development with 51 lots, three (3) Blocks, and one (1) Reserve Area: Reserve Area A, the private street system. The subdivision is of conventional design but with exceptionally large lots and private, gated streets and enhanced landscaping and entry features.

The Bixby Subdivision Regulations require providing a 17.5' minimum-width Utility Easement around the perimeters of all subdivisions. This helps ensure the provision of predictably-located, adequately-sized utility corridors that can accommodate most, if not all utilities which may serve the development, including any minimum required separations between utility line types (e.g. electrical lines from natural gaslines from waterlines from sanitary sewerlines, etc., for public safety and sanitary conditions purposes). Further, it helps ensure there is adequate area in which to gain access and to maneuver digging, trenching, and other heavy machinery required to efficiently and economically install, repair, and replace utility lines. Additionally, it ensures abutting developments will not be "landlocked" from utility extensions when they are developed in turn. There are other reasons for this standard as well.

Subdivision Regulations / City Code Section 12-3-2.C provides:

"A. Utility Easements: Easements of a minimum width of seventeen and one-half feet (17 $\frac{1}{2}$) shall be provided around the perimeter of the subdivision. Easements of a minimum width of eleven feet (11') shall be provided on each side of all rear lot lines and along certain interior lot lines, or width as specified by utility companies." (emphasis added)

With the Final Plat of "Wood Hollow Estates," the 17.5' Perimeter U/E was removed from the north and south sides, and reduced to 11' in width along the east side, which was inconsistent with the cited SRs Section 12-3-2.C.

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)”

This request for Modification/Waiver was submitted within the text of PUD 80 Minor Amendment # 1. The request is described and argued for as follows:

“Wood Hollow Estates is approximately 20 acres of heavily wooded tribal land with hundreds of large native trees. With the approval of the preliminary plat and the required clearing for the proposed street area, it totally changed the nature of this development (not for the better). This clearing made a lasting scar on the property that changed the nature of the development. We need to avoid this from happening throughout the development. The utility companies agree to help with this issue by allowing all of the service to be in and adjacent to the private street. This is made possible because the development to the north (WoodMere) exists with utilities in place. Seven Lakes to the south has been engineered and in the process of phase development. For Wood Hollow Estates, the only service in the rear will be the sanitary sewer along the east boundary which will be in an 11' wide easement. The property to the east is a Tulsa County Mitigation Site that will never be developed. The county has a maintenance road abutting Wood Hollow Estates what could provide access if needed.

This waiver would reduce the normally required easements to the ones that are shown on the provided exhibit. Easements will be provided for the required utilities and save the native trees.”

In other words, the development is designed to have all the utility lines located within and along the sides of the private streets, and so no “rear yard” service provision is planned. The argument appears to be that the utilities will all be in the “fronts” of the lots, and dedicating

“rear yard” U/Es will potentially cause such areas to be used in the future, at a loss of the existing native trees and the value they provide.

On April 07, 2014, the Applicant met with the City Engineer and Public Works Director to discuss plans for utilities and U/E needs for the development, and consensus was reached as follows: 7.5’ on the north, 15’ on the east, and 11’ on the south. This would allow for acceptable widths for maneuverability to serve the existing sewerlines (and any other utilities) along the south side of *WoodMere*, the proposed new sewerlines along the south and east lines of this development, and the 11’ will correspond to the 11’ which will be required from the future phase of “Seven Lakes” when that land is developed. Thus, the requested Modification/Waiver has been amended per email from Ted Sack on April 08, 2014, which specifies these new widths proposed.

The Technical Advisory Committee (TAC) discussed this request at its regular meeting held April 02, 2014. Minutes of that meeting are attached to this report. No non-City of Bixby utility company objections were raised at that time. Outside of the meeting, however, *BTC Broadband* expressed concern for lack of any Perimeter U/Es (the original request), due to the added expense to serve from the “fronts” of the lots, but in the alternative, requested that the 15’-wide U/Es proposed along the “fronts” be wider, in light of all of the utilities which would be located there. The matter of front-lot easement widths is not covered by this application, and will be addressed through the normal Release Letter process of the Subdivision Regulations.

By email on April 11, 2014, this Minor Amendment # 1 was modified to:

- (1) Increase the alternate side yard setback from 5’ to 10’, and
- (2) Require a three-car garage and three (3) additional off-street parking spaces per dwelling unit.

Since these were added after the TAC meeting, the TAC did not specifically see or make recommendations on them. However, such changes are minor and are unlikely to elicit objections from the TAC utility company providers. Approving these changes will allow the PUD covenants of the Final Plat to be amended to incorporate the changes the developer wants to make, prior to the Final Plat being recorded.

Recognizing matters of preventing precedent, City Staff recommendations, and City Council approval circumstances, Staff recommends this Minor Amendment must also be approved by the City Council.

Access & Circulation. See Staff Report for the Final Plat of Wood Hollow Estates.

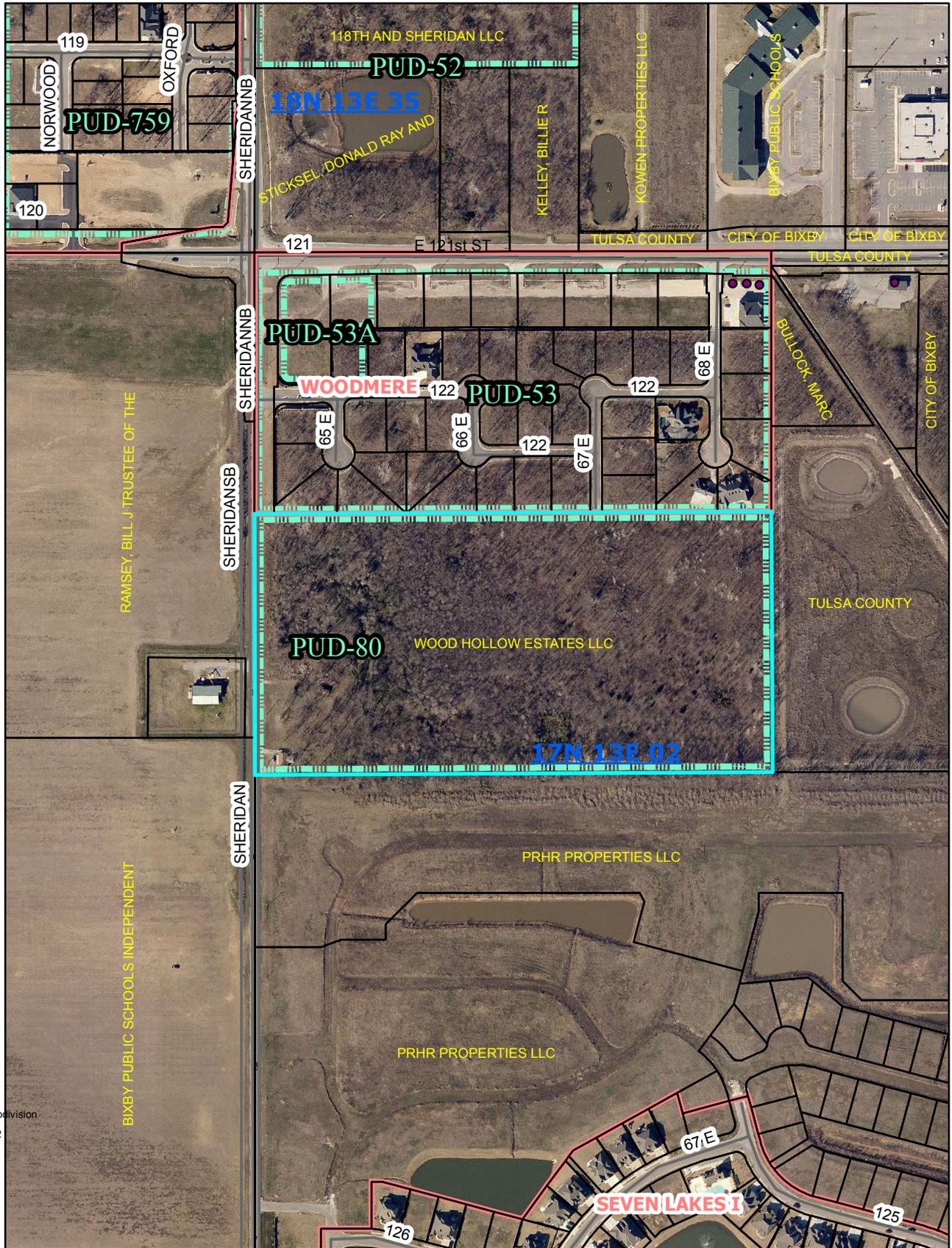
Surrounding Zoning and Land Use. See summary hereinabove.

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

1. Reduced Perimeter U/E widths as follows: 7.5’ on the north, 15’ on the east, 11’ on the south, and (as has been proposed all along) 17.5’ on the west

2. Amendment document Section C must cite the date of the final version of the Final Plat incorporating the new U/E width arrangements as specified above.
3. Amendment document Section D.2 should be clarified as follows: “Modify enclosed off-street parking...”
4. Recognizing matters of preventing precedent, City Staff recommendations, and City Council approval circumstances, this Minor Amendment must also be approved by the City Council.

PUD 80 – Wood Hollow Estates – Minor Amendment # 1 & Modification/Waiver – “Wood Hollow Estates” – Sack & Associates, Inc.



Wood Hollow Estates
Planned Unit Development No. 80

REVISED MINOR AMENDMENT NO. 1

A. INTRODUCTION

The Bixby City Council approved PUD 80 on October 29, 2013 for Wood Hollow Estates. The property is being platted as Wood Hollow Estates, an addition to the City of Bixby, Tulsa County, State of Oklahoma, and on March 24, 2014, the conditional final plat was approved by the Bixby City Council.

B. WAIVERS REQUESTED BY THE AMENDMENT

Wood Hollow Estates is approximately 20 acres of heavily wooded tribal land with hundreds of large native trees. With the approval of the preliminary plat and the required clearing for the proposed street area, it totally changed the nature of this development (not for the better). This clearing made a lasting scar on the property that changed the nature of the development. We need to avoid this from happening throughout the development. The utility companies agree to help with this issue by allowing all of the service to be in and adjacent to the private street. This is made possible because the development to the north (WoodMere) exists with utilities in place. Seven Lakes to the south has been engineered and in the process of phase development. For Wood Hollow Estates, the only service in the rear will be the sanitary sewer along the east boundary which will be in an 11' wide easement. The property to the east is a Tulsa County Mitigation Site that will never be developed. The county has a maintenance road abutting Wood Hollow Estates what could provide access if needed.

This waiver would reduce the normally required easements to the ones that are shown on the provided exhibit. Easements will be provided for the required utilities and save the native trees.

C. EXHIBIT SHOWING EASEMENTS

Final Plat of Wood Hollow Estates prepared: March 26, 2014, Sheet 1 of 2.

D. MODIFY DEVELOPMENT STANDARDS

1. Modify development standards from other side yard from 5 feet to 10 feet.
2. Modify off-street parking from two to three parking spaces per dwelling unit and two to three additional off-street parking spaces per dwelling unit.

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Erik Enyart

From: Erik Enyart
Sent: Tuesday, April 08, 2014 2:21 PM
To: 'Ted Sack'
Cc: Bea Aamodt; Jared Cottle; Stuart Nyander; Patrick Boulden
Subject: RE: Wood Hollow Estates Final Plat

Understood – and thank you for the kind words.

As discussed, we are on schedule for PC consideration of PUD 80 Minor Amendment # 1 and the Modification/Waiver request on 04/21/2014, and City Council consideration on 04/28/2014. I understand the revised Final Plat showing the new easement arrangements is in process.

Thanks in advance~

Erik

From: Ted Sack [<mailto:ted.sack@sackandassociates.com>]
Sent: Tuesday, April 08, 2014 8:20 AM
To: Erik Enyart
Cc: Bea Aamodt; Jared Cottle; Stuart Nyander; Patrick Boulden
Subject: Wood Hollow Estates Final Plat

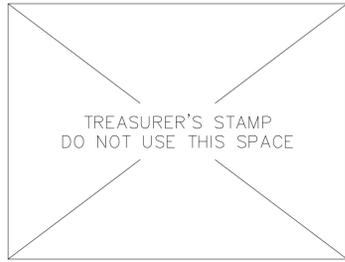
Erik, Welcome back and congratulations on your race in St. Louis. We met with Bea and Jared yesterday and came to an agreement on the easement widths - 7.5' on the north, 15' on the east, and 11' on the south. With this agreement we would like to ask the City Council to reconsider their motion and approve the final plat with the easements as agreed too.

Please let me know.....thanks, Ted

Ted Sack Cellular [918.633.9194](tel:918.633.9194)
Sack and Associates, Inc.
Engineering - Surveying - Planning
[3530 East 31st Street, Suite A Tulsa, OK 74135](https://www.google.com/maps/place/3530+East+31st+Street,+Suite+A,+Tulsa,+OK+74135)
[PO Box 50070 Tulsa, OK 74150](https://www.google.com/maps/place/PO+Box+50070,+Tulsa,+OK+74150)
Phone: [918-592-4111](tel:918-592-4111) Fax: [918-592-4229](tel:918-592-4229)
TSack@sackandassociates.com

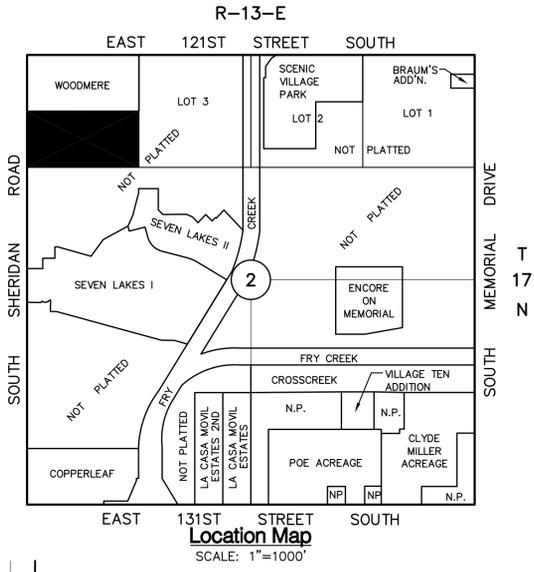
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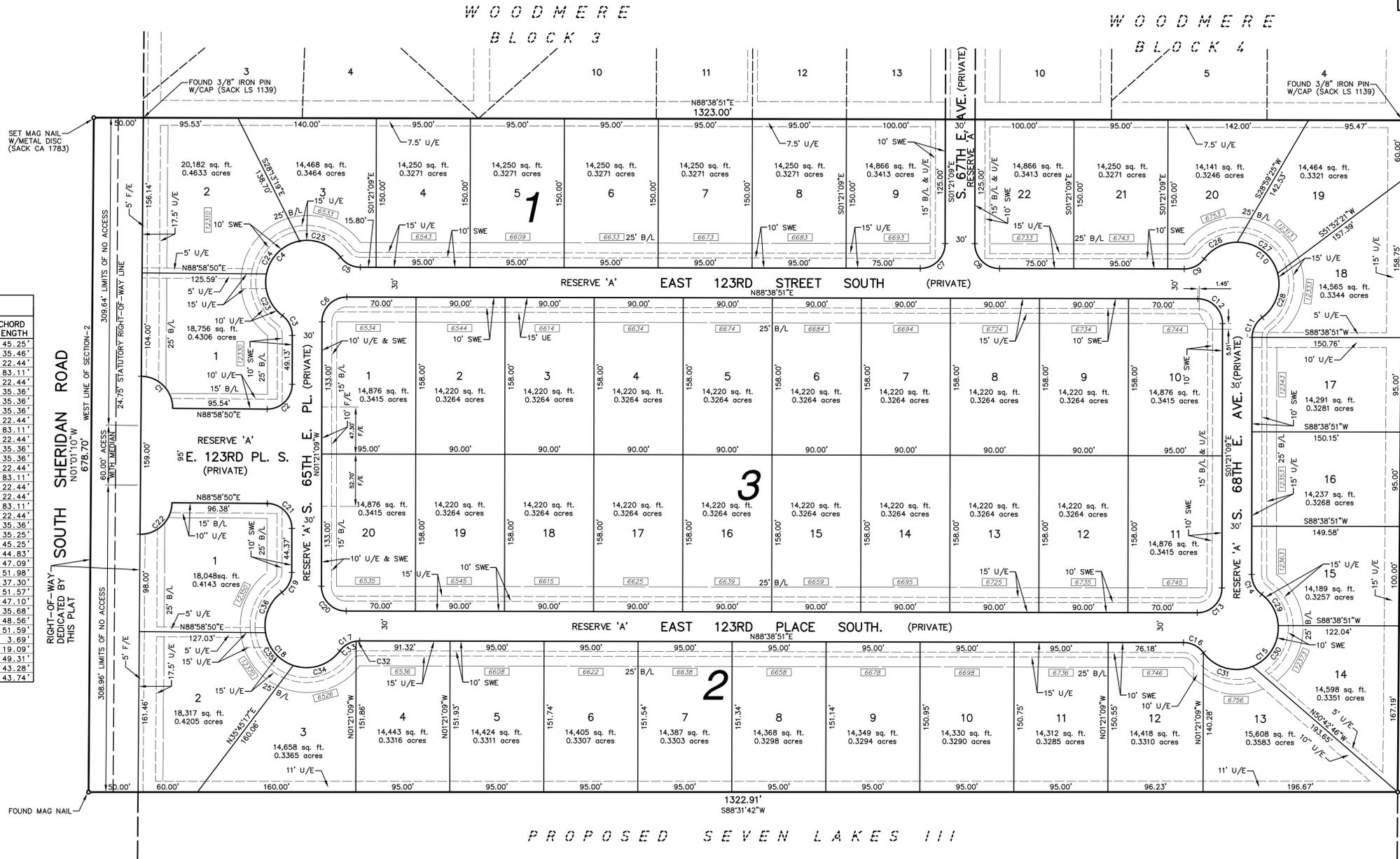


PLAT No.
FINAL PLAT CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE CITY OF BIXBY:

'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



Curve Table with columns: CURVE, LENGTH, RADIUS, DELTA, CHORD BEARING, CHORD LENGTH. Lists curves C1 through C36 with their respective measurements.



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 74133
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
B/L = BUILDING LINE
F/E = FENCE EASEMENT
SWE = SIDEWALK EASEMENT
U/E = UTILITY EASEMENT
S/A = STREET ADDRESS

Subdivision Statistics
SUBDIVISION CONTAINS 51 LOTS IN 3 BLOCKS AND RESERVE 'A'
BLOCK 1 CONTAINS 3.2030 ACRES (139,523 S.F.)
BLOCK 2 CONTAINS 7.4763 ACRES (325,668 S.F.)
BLOCK 3 CONTAINS 6.5892 ACRES (287,024 S.F.)
RESERVE 'A' CONTAINS 2.5231 ACRES (109,906 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.



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, April 16, 2014
RE: Report and Recommendations for:
Modification/Waiver – “Wood Hollow Estates”– Sack & Associates, Inc. (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: Modification/Waiver to reduce and/or remove certain portions of the 17.5’ Perimeter Utility Easement as required by Subdivision Regulations Section 12-3-3.A pursuant to Subdivision Regulations Section 12-3-5.B for “Wood Hollow Estates” (PUD 80)

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.

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 final version of PUD incorporating Staff and PC recommendations 10/28/2013 (Ord. # 2124).

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.

Final Plat of “Wood Hollow Estates” – Sack & Associates, Inc. – Request for approval of a Final Plat and certain Modifications/Waivers for subject property – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014. One of the Conditions of Approval was consistent with the Staff’s recommendation to restore the 17.5’ Perimeter U/E or otherwise request, justify, and receive approval of a Modification/Waiver and a PUD Minor Amendment for same.

PUD 80 – Wood Hollow Estates – Minor Amendment # 1 – Request for approval of Minor Amendment # 1 to PUD 80 for subject property, which amendment proposes making certain subdivision design modifications pertaining to Utility Easements and making certain other amendments – PC consideration pending 04/21/2014.

BACKGROUND INFORMATION:

On March 17, 2014, the Planning Commission recommended Conditional Approval of the Final Plat of “Wood Hollow Estates.” Condition of Approval # 3 as listed in the Staff Report was as follows:

“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.”

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The Modification/Waiver was not requested until March 21, 2014, and the Planning Commission did not specifically deliberate on or give specific recommendation on the matter on March 17, 2014.

For numerous reasons, the City Staff, the City Engineer and Public Works Director in particular, were not supportive of completely removing the 17.5' Perimeter U/E, as was proposed at the time. Reasons included, but were not necessarily limited to: (1) proposed sewerline along the south side of this development would be located outside of a U/E, (2) proposed sewerline along the east side of this development would not have adequate room for access or maneuverability, (3) sewerline (and possibly other utilities) along the south side of *WoodMere* would not have adequate room for access or maneuverability, (4) the utility plans for the development had not been approved and could result in the need for additional U/Es, (5) the Modification/Waiver had not gone through the process outlined by the Subdivision Regulations, including the showing of hardship and other prerequisites, had not been deliberated upon or specifically recommended upon by the Planning Commission, and (6) concern for setting a potentially regrettable precedent. For the final reason, City Staff recommended that, if it was to be requested at all, it should also be requested in the form of an amendment to PUD 80, because PUDs provide an environment of greater design flexibility, and each are inherently unique and so do not easily lend themselves to setting potentially regrettable precedents.

At the City Council meeting on March 24, 2014, City Staff recommended, and the City Council Conditionally Approved the Final Plat including the recommended Condition of Approval # 3, with emphasis on the requirement to restore the U/E, unless the Applicant went back through the formal process outlined in the Subdivision Regulations, with showing of hardship and the other prerequisites for granting Modification/Waiver, and with the Planning Commission specifically deliberating and giving a specific recommendation to the City Council on the matter. That has now occurred and the request is being placed on this Planning Commission agenda for consideration, along with PUD 80 Minor Amendment # 1.

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.

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.

General. Wood Hollow Estates proposes a single-family residential subdivision development with 51 lots, three (3) Blocks, and one (1) Reserve Area: Reserve Area A, the private street system. The subdivision is of conventional design but with exceptionally large lots and private, gated streets and enhanced landscaping and entry features.

The Bixby Subdivision Regulations require providing a 17.5' minimum-width Utility Easement around the perimeters of all subdivisions. This helps ensure the provision of predictably-located, adequately-sized utility corridors that can accommodate most, if not all utilities which may serve the development, including any minimum required separations between utility line types (e.g. electrical lines from natural gaslines from waterlines from sanitary sewerlines, etc., for public safety and sanitary conditions purposes). Further, it helps ensure there is adequate area in which to gain access and to maneuver digging, trenching, and other heavy machinery required to efficiently and economically install, repair, and replace utility lines. Additionally, it ensures abutting developments will not be "landlocked" from utility extensions when they are developed in turn. There are other reasons for this standard as well.

Subdivision Regulations / City Code Section 12-3-2.C provides:

"A. Utility Easements: Easements of a minimum width of seventeen and one-half feet (17¹/₂) shall be provided around the perimeter of the subdivision. Easements of a minimum width of eleven feet (11') shall be provided on each side of all rear lot lines and along certain interior lot lines, or width as specified by utility companies." (emphasis added)

With the Final Plat of "Wood Hollow Estates," the 17.5' Perimeter U/E was removed from the north and south sides, and reduced to 11' in width along the east side, which was inconsistent with the cited SRs Section 12-3-2.C.

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)"

This request for Modification/Waiver was submitted within the text of PUD 80 Minor Amendment # 1, also on this agenda for consideration. The request is described and argued for as follows:

"Wood Hollow Estates is approximately 20 acres of heavily wooded tribal land with hundreds of large native trees. With the approval of the preliminary plat and the required clearing for the proposed street area, it totally changed the nature of this development (not for the better). This clearing made a lasting scar on the property that changed the nature of the development. We need to avoid this from happening throughout the development. The utility companies agree to help with this issue by allowing all of the service to be in and adjacent to the private street. This is made possible because the development to the north (WoodMere) exists with utilities in place. Seven Lakes to the south has been engineered and in the process of phase development. For Wood Hollow Estates, the only service in the rear will be the sanitary sewer along the east boundary which will be in an 11' wide easement. The property to the east is a Tulsa County Mitigation Site that will never be developed. The county has a maintenance road abutting Wood Hollow Estates what could provide access if needed.

This waiver would reduce the normally required easements to the ones that are shown on the provided exhibit. Easements will be provided for the required utilities and save the native trees."

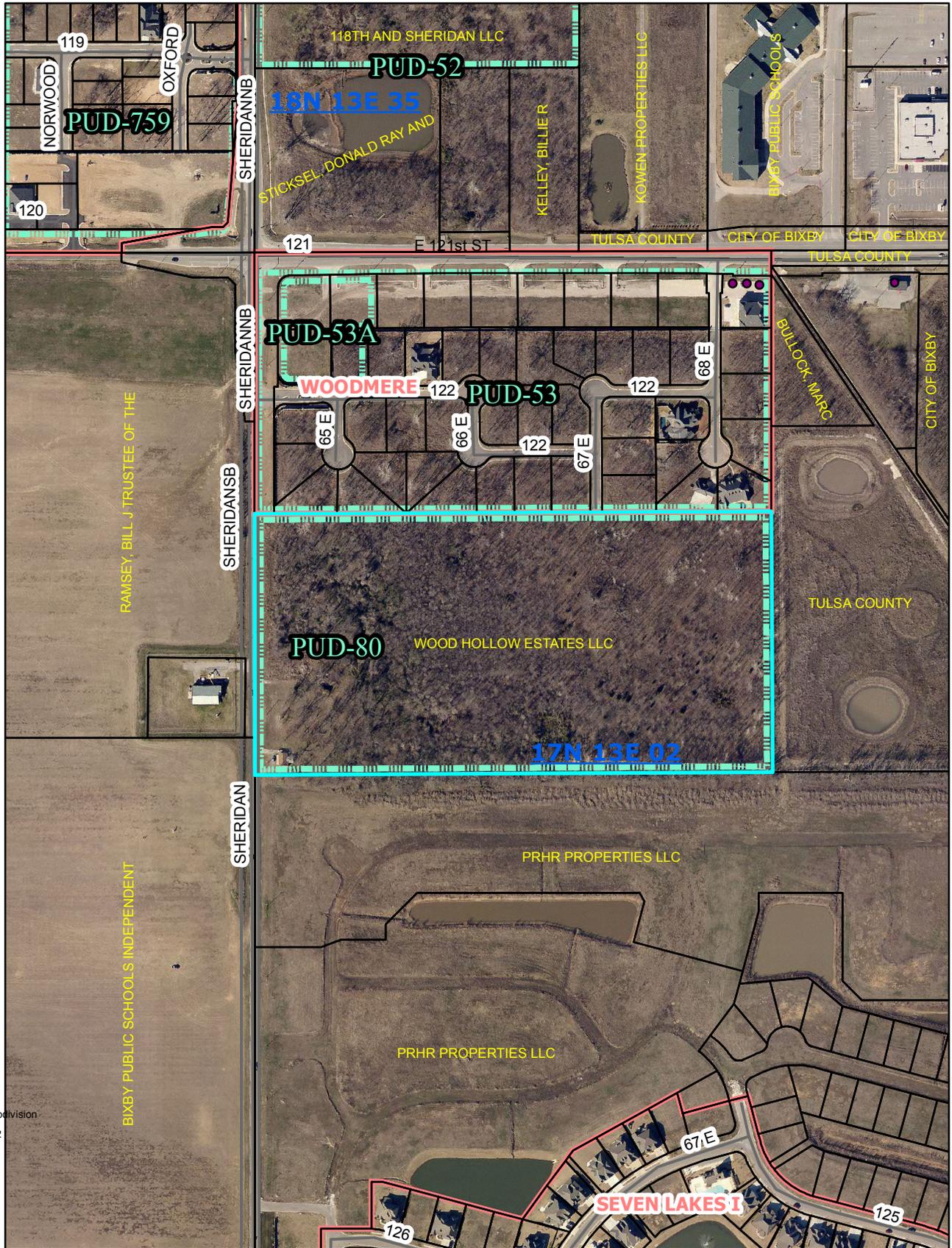
In other words, the development is designed to have all the utility lines located within and along the sides of the private streets, and so no "rear yard" service provision is planned. The argument appears to be that the utilities will all be in the "fronts" of the lots, and dedicating "rear yard" U/Es will potentially cause such areas to be used in the future, at a loss of the existing native trees and the value they provide.

On April 07, 2014, the Applicant met with the City Engineer and Public Works Director to discuss plans for utilities and U/E needs for the development, and consensus was reached as follows: 7.5' on the north, 15' on the east, and 11' on the south. This would allow for acceptable widths for maneuverability to serve the existing sewerlines (and any other utilities) along the south side of *WoodMere*, the proposed new sewerlines along the south and east lines of this development, and the 11' will correspond to the 11' which will be required from the future phase of "Seven Lakes" when that land is developed. Thus, the requested Modification/Waiver has been amended per email from Ted Sack on April 08, 2014, which specifies these new widths proposed.

The Technical Advisory Committee (TAC) discussed this request at its regular meeting held April 02, 2014. Minutes of that meeting are attached to this report. No non-City of Bixby utility company objections were raised at that time. Outside of the meeting, however, *BTC Broadband* expressed concern for lack of any Perimeter U/Es (the original request), due to the added expense to serve from the "fronts" of the lots, but in the alternative, requested that the 15'-wide U/Es proposed along the "fronts" be wider, in light of all of the utilities which would be located there. The matter of front-lot easement widths is not covered by this application, and will be addressed through the normal Release Letter process of the Subdivision Regulations.

Staff Recommendation. For all the reasons outlined above, Staff can support the amended request for Modification/Waiver as follows: 7.5' on the north, 15' on the east, 11' on the south, and (as has been proposed all along) 17.5' on the west.

PUD 80 – Wood Hollow Estates – Minor Amendment # 1 & Modification/Waiver – “Wood Hollow Estates” – Sack & Associates, Inc.



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



Wood Hollow Estates
Planned Unit Development No. 80

REVISED MINOR AMENDMENT NO. 1

A. INTRODUCTION

The Bixby City Council approved PUD 80 on October 29, 2013 for Wood Hollow Estates. The property is being platted as Wood Hollow Estates, an addition to the City of Bixby, Tulsa County, State of Oklahoma, and on March 24, 2014, the conditional final plat was approved by the Bixby City Council.

B. WAIVERS REQUESTED BY THE AMENDMENT

Wood Hollow Estates is approximately 20 acres of heavily wooded tribal land with hundreds of large native trees. With the approval of the preliminary plat and the required clearing for the proposed street area, it totally changed the nature of this development (not for the better). This clearing made a lasting scar on the property that changed the nature of the development. We need to avoid this from happening throughout the development. The utility companies agree to help with this issue by allowing all of the service to be in and adjacent to the private street. This is made possible because the development to the north (WoodMere) exists with utilities in place. Seven Lakes to the south has been engineered and in the process of phase development. For Wood Hollow Estates, the only service in the rear will be the sanitary sewer along the east boundary which will be in an 11' wide easement. The property to the east is a Tulsa County Mitigation Site that will never be developed. The county has a maintenance road abutting Wood Hollow Estates what could provide access if needed.

This waiver would reduce the normally required easements to the ones that are shown on the provided exhibit. Easements will be provided for the required utilities and save the native trees.

C. EXHIBIT SHOWING EASEMENTS

Final Plat of Wood Hollow Estates prepared: March 26, 2014, Sheet 1 of 2.

D. MODIFY DEVELOPMENT STANDARDS

1. Modify development standards from other side yard from 5 feet to 10 feet.
2. Modify off-street parking from two to three parking spaces per dwelling unit and two to three additional off-street parking spaces per dwelling unit.

Erik Enyart

From: Erik Enyart
Sent: Tuesday, April 08, 2014 2:21 PM
To: 'Ted Sack'
Cc: Bea Aamodt; Jared Cottle; Stuart Nyander; Patrick Boulden
Subject: RE: Wood Hollow Estates Final Plat

Understood – and thank you for the kind words.

As discussed, we are on schedule for PC consideration of PUD 80 Minor Amendment # 1 and the Modification/Waiver request on 04/21/2014, and City Council consideration on 04/28/2014. I understand the revised Final Plat showing the new easement arrangements is in process.

Thanks in advance~

Erik

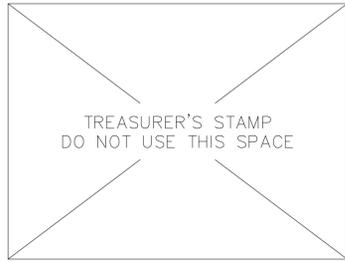
From: Ted Sack [<mailto:ted.sack@sackandassociates.com>]
Sent: Tuesday, April 08, 2014 8:20 AM
To: Erik Enyart
Cc: Bea Aamodt; Jared Cottle; Stuart Nyander; Patrick Boulden
Subject: Wood Hollow Estates Final Plat

Erik, Welcome back and congratulations on your race in St. Louis. We met with Bea and Jared yesterday and came to an agreement on the easement widths - 7.5' on the north, 15' on the east, and 11' on the south. With this agreement we would like to ask the City Council to reconsider their motion and approve the final plat with the easements as agreed too.

Please let me know.....thanks, Ted

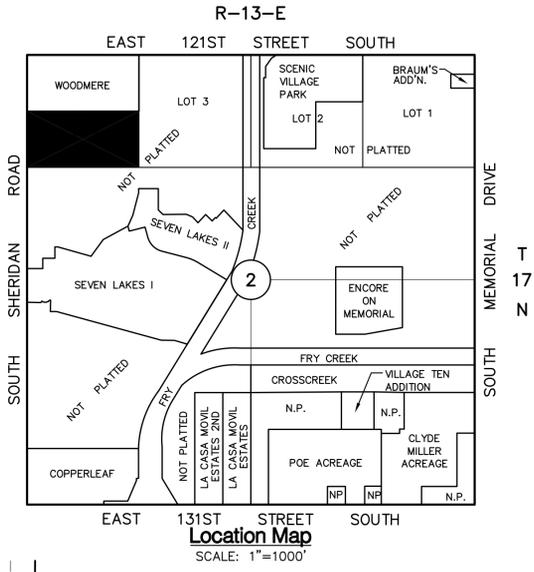
Ted Sack Cellular [918.633.9194](tel:918.633.9194)
Sack and Associates, Inc.
Engineering - Surveying - Planning
[3530 East 31st Street, Suite A Tulsa, OK 74135](mailto:3530East31stStreetSuiteATulsaOK74135)
[PO Box 50070 Tulsa, OK 74150](mailto:POBox50070TulsaOK74150)
Phone: [918-592-4111](tel:918-592-4111) Fax: [918-592-4229](tel:918-592-4229)
TSack@sackandassociates.com

Sent from my iPad

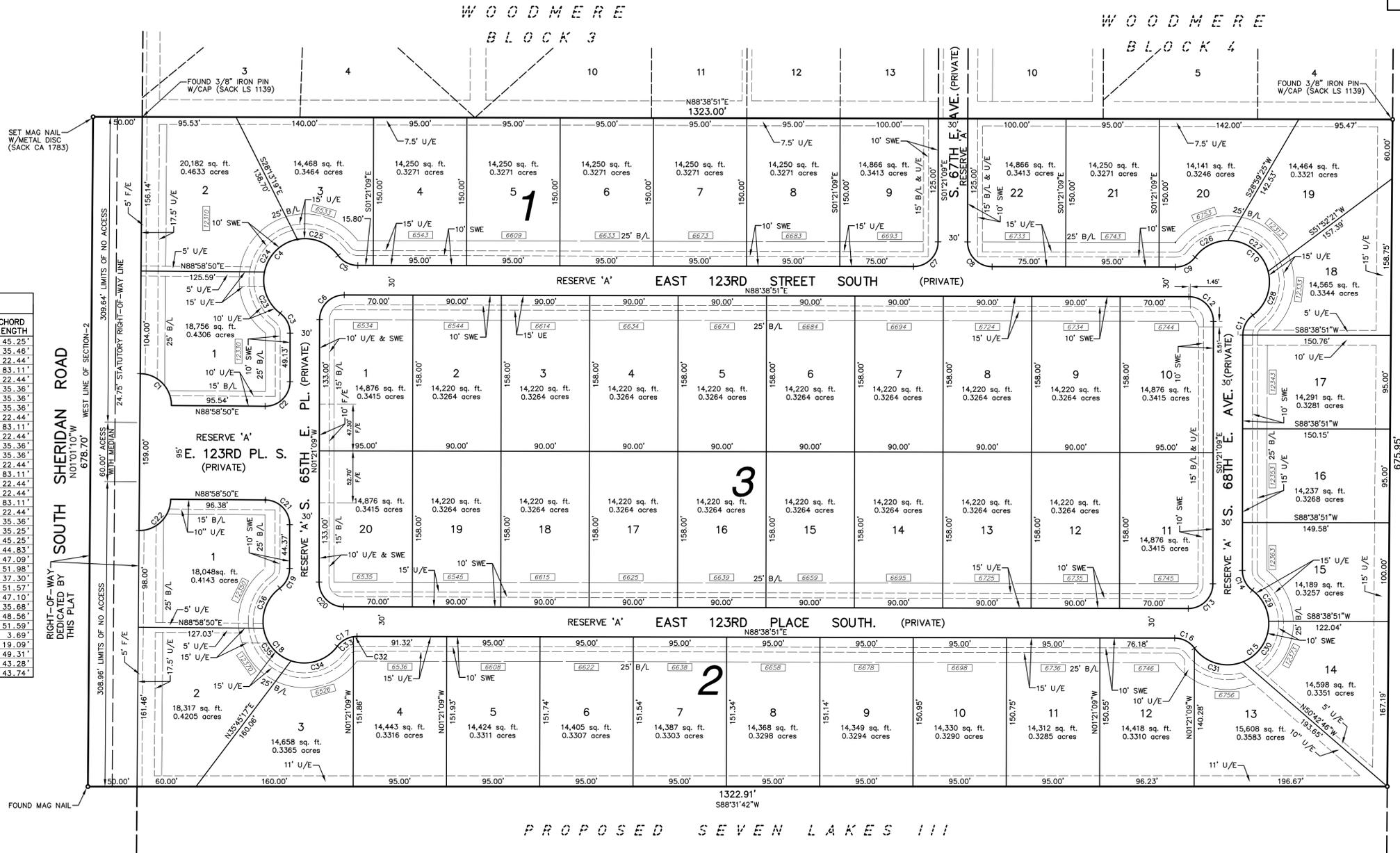


PLAT No.
FINAL PLAT CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE CITY OF BIXBY:

'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



Curve Table with columns: CURVE, LENGTH, RADIUS, DELTA, CHORD BEARING, CHORD LENGTH. Lists 36 curves (C1-C36) with their respective measurements.



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 74133
PHONE: (918) 592-4111
E-MAIL: SA@SACKANDASSOCIATES.COM
C.A. No. 1783

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

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

Legend
B/L = BUILDING LINE
F/E = FENCE EASEMENT
SWE = SIDEWALK EASEMENT
U/E = UTILITY EASEMENT
S = STREET ADDRESS

Subdivision Statistics
SUBDIVISION CONTAINS 51 LOTS IN 3 BLOCKS AND RESERVE 'A'
BLOCK 1 CONTAINS 3.2030 ACRES (139,523 S.F.)
BLOCK 2 CONTAINS 7.4763 ACRES (325,668 S.F.)
BLOCK 3 CONTAINS 6.5892 ACRES (287,024 S.F.)
RESERVE 'A' CONTAINS 2.5231 ACRES (109,906 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.