

AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
May 19, 2014 **6:00 PM**

CALL TO ORDER

ROLL CALL

1. Annual nominations and elections for Chairperson, Vice-Chairperson, and Secretary (City Code Section 10-1-3).

CONSENT AGENDA

- ③ 2. Approval of Minutes for the April 21, 2014 Regular Meeting

PUBLIC HEARINGS

3. (Continued from 04/21/2014)

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. (Continued from 04/21/2014)

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.

- ⑤ 5. **PUD 31-A – Bricktown Square – Sisemore Weisz & Associates, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 31 for part of the SW/4 NW/4 of Section 01, T17N, R13E, with underlying zoning CS Commercial, OL Office, and RS-1 Residential.
Property Located: 12409 S. Memorial Dr.

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6. **PUD 6 – Major Amendment # 1 “Memorial Square” – JR Donelson, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 6 (“South Memorial Duplexes”), to be renamed “Memorial Square,” with underlying zoning CS Commercial, RM-1 Residential-Multifamily, and RT Residential Townhouse.

Property Located: All of *Memorial Square*; Northwest corner of 121st St. S. and 84th E. Ave.

7. **BZ-374 – JR Donelson, Inc.** Public Hearing, Discussion, and consideration of a rezoning request from CS Commercial Shopping Center District and RM-1 Residential Multi-Family District to CS Commercial Shopping Center District and RM-1 Residential Multi-Family District and RT Residential Townhouse District for All of *Memorial Square*.

Property located: Northwest corner of 121st St. S. and 84th E. Ave.

PLATS

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8. **Preliminary Plat – “Somerset” – JR Donelson, Inc. (PUD 82).** Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for “Somerset” for 18 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.

Property Located: 6905 E. 121st St. S. & 11803 and 11809 S. Sheridan Rd.

OTHER BUSINESS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Ernyant

Date: 04/30/2014

Time: 10:45 AM

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
April 21, 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

OTHERS ATTENDING:
See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:06 PM.

ROLL CALL:

Members Present: Jeff Baldwin, John Benjamin,¹ Lance Whisman, and Thomas Holland.
Members Absent: Larry Whiteley.

CONSENT AGENDA:

1. Approval of Minutes for the March 17, 2014 Regular Meeting
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Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. Lance Whisman made a MOTION to APPROVE the Minutes of the March 17, 2014 Regular Meeting as presented by Staff. Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Baldwin, and Whisman
NAY: None.
ABSTAIN: None.
MOTION PASSED: 3:0:0

PUBLIC HEARINGS

¹ In at 6:15 PM.

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.

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, 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.

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 walls² 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 the Matrix's treatment of similar

² Commonly known as "demising walls."

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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.

Chair Thomas Holland clarified with Erik Enyart his recommendation for RT zoning versus the RM-1 zoning requested. Mr. Enyart stated that the Zoning Code provides that, [within the district type category,] anything less intense than the district requested may be considered. Mr. Enyart stated that RT zoning was less intense, would still allow for the duplex, and was preferable [from a zoning policy standpoint].

Chair Thomas Holland noted that the duplexes to the east and those across Breckenridge Ave. were 100% brick, and expressed concern that there was nothing spelled out in the application as far as what would be built.

Applicant Ronnie Davis arrived around this time at 6:13 PM.

Chair Thomas Holland asked Ronnie Davis if the duplex would be 100% brick, and Mr. Davis confirmed it would be.

Chair Thomas Holland asked if this was in a Corridor Appearance District, and Erik Enyart stated it was in the Central Business District, and that masonry was already required on the front and all elevations facing a Public street. Mr. Holland asked if it would be possible to require 100% masonry, and Mr. Enyart responded that this could only be done with a PUD. Ronnie Davis stated, "I'm a bricklayer," and stated that it would be easy for him to do 100% brick.

There being no further discussion, Lance Whisman made a MOTION to RECOMMEND APPROVAL of RT zoning as recommended by Staff. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Baldwin, and Whisman
NAY: None.
ABSTAIN: None.
MOTION PASSED: 3:0:0

John Benjamin in around this time at 6:15 PM. Mr. Benjamin arrived too late to be included in the Roll Call for the previous item.

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.

Chair Thomas Holland introduced Agenda Item #s 3 and 4 and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

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

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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."

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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 11-71-8.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.).

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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.*

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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).*

Chair Thomas Holland recognized Applicant Haynes Reynolds of 1805 N. York St., Muskogee, from the Sign-In Sheet. Mr. Reynolds asked about the rationale for certain Staff recommendations, such as access provision to the lots along 121st St. S., those pertaining to a masonry standard, etc. Haynes Reynolds described a scenario under which he would like to have an “architectural review board” have authority to Waive the masonry requirement. Erik Enyart noted that the “architectural review board” was essentially the developer, and stated that it was awkward to have a 75% masonry standard in the PUD, which was the City of Bixby’s responsibility to enforce, but yet allow a third-party private entity have the authority to Waive PUD standards. Mr. Enyart stated that this was a conflict.

Discussion ensued regarding masonry requirements in Bixby. Erik Enyart noted that this was fairly new territory, and gave a historical context, stating that, in one particular residential PUD in 2012, the City Council essentially said, “in return for the flexibility” to reduce the lot widths, it wanted certain standards for quality added to the PUD: a minimum house size and 100% masonry up to the top plate. Mr. Enyart stated that, in a couple of PUDs since also asking for bulk and area flexibility, the developers proposed their own versions of these standards, which were found acceptable [for them in their contexts].

Haynes Reynolds referred to recommendations # 13 and 14, and asked Erik Enyart to tell him what Mr. Enyart wanted for # 14

[“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.)”].

Erik Enyart responded that this item asked that the Applicant should clarify how this was to be measured, for purposes of City of Bixby permitting review.

Discussion ensued regarding architectural elements, how defined and measured, how addressed for two (2) story houses, etc.

Jeff Baldwin confirmed with Erik Enyart that recommendation # 21 covered the requirement to provide access to the properties abutting to the south. Mr. Enyart noted that # 21 dealt with the PUD Exhibits and # 7 dealt with the PUD Text.

Upon a question, Erik Enyart stated that recommendation # 1 “resolves itself” when the rezoning and PUD are approved together.

Haynes Reynolds stated that, due to the number of issues to be resolved, he would recommend his applications be Continued to the next Regular Meeting.

John Benjamin made a MOTION to CONTINUE PUD 84 and BZ-373 to the May 19, 2014 Regular Meeting. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

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.

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, 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)

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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

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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:

1. 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.
2. 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.

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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.
 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.

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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 I") 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.*
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).*

Erik Enyart noted that, of the recommendations, there were “no substantive or design issues.”

Chair Thomas Holland recognized Applicant Barrick Rosenbaum. Mr. Rosenbaum stated that he was “in agreement” with the Staff recommendations, and that all the corrections were “paperwork” issues.

A concern was raised regarding recommendation # 2

[“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.”].

Erik Enyart stated that the City would withhold signatures from the Final Plat until it was resolved.

Barrick Rosenbaum stated, “Most of the dirtwork is done,” and stated that there would be As-Built surveying done, it would be taken to FEMA, [and then it would be finalized].

Lance Whisman made a MOTION to RECOMMEND APPROVAL of the Final Plat of "Willow Creek I" subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Jeff Baldwin SECONDED the Motion. Roll was called:

ROLL CALL:

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

Chair Thomas Holland announced that, pursuant to his discussion with Erik Enyart before the meeting, the Agenda Items would be taken out of order and Agenda Item # 7 would be taken before # 6.

OTHER BUSINESS

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.

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, 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

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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."

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 (17 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

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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.

Chair Thomas Holland clarified with Erik Enyart that the Applicant had gotten together with City Engineering Staff to work out the issues, and all were now in agreement.

Chair Thomas Holland recognized Applicant Ted Sack of Sack & Associates, Inc., Tulsa. Mr. Sack stated that the adjacent subdivisions also [had utilities primarily located in the fronts of the lots], which presented a unique situation that allowed all of the utilities to be brought to the front [in this

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development]. Mr. Sack stated that the developer spent time with the builders and [potential lot buyers] and discussed [the front-lot arrangement option], and all agreed it would be preferable to have the [electrical] transformers in the fronts and save the trees, rather than clear them. Mr. Sack stated that this unique situation doesn't apply to most cases. Mr. Sack also noted that this was in a PUD.

Erik Enyart recognized the arguments outlined in the application materials, and added that he would think the preserved trees would provide additional value, and "it could also be said that" more Utility Easement areas on the lots could result in a loss of value.

Ted Sack noted that these are "heavily wooded lots." Mr. Sack reiterated that the developer had taken a poll of potential buyers, [both] homebuilders and residents, and they responded that they very much would prefer the transformers and pedestals in the fronts than lose the trees.

Recognizing the discussion that the Planning Commission had leading up to the vote, Lance Whisman made a MOTION to RECOMMEND APPROVAL of the Partial Modification/Waiver as recommended by Staff 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. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

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

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.

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, 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

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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.

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:

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"A. Utility Easements: Easements of a minimum width of seventeen and one-half feet (17 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.

Ted Sack described the minor changes being made to the minimum standards for homes, including going to a 3-car garage and 3 outside parking spaces and requiring 5' and 10' side yard setbacks.

John Benjamin made a MOTION to RECOMMEND APPROVAL of PUD 80 Minor Amendment # 1 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, Baldwin, 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 and the other Commissioners recognized John Benjamin, at his last Planning Commission meeting, for his years of service. Pleasantries were exchanged.

No action taken.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:15 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: April 21, 2014

NAME	ADDRESS	ITEM
1. <u>Haynes Reynolds</u>	<u>1805 W York Muskogee</u>	<u>324</u>
2. <u>MIKE DANIELS</u>	<u>13620 N LEE AVE</u>	<u>2 BZ-372</u>
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
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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, May 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

ANALYSIS:

By email dated May 13, 2014, the Applicant has requested both applications be CONTINUED to the next meeting. Staff recommends the Public Hearing and consideration of both items be CONTINUED to the June 16, 2014 Regular Meeting as requested.

Erik Enyart

From: Erik Enyart
Sent: Tuesday, May 13, 2014 11:23 AM
To: 'Haynes Reynolds'
Subject: RE: PUD 84

Received – I will recommend the Planning Commission Continue both PUD 84 and BZ-373 to the June 16, 2014 meeting as requested.

Erik Enyart

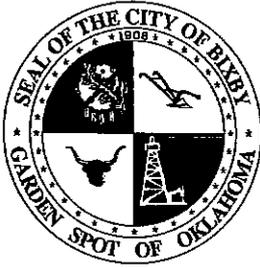
From: Haynes Reynolds [<mailto:haynesreyn@gmail.com>]
Sent: Tuesday, May 13, 2014 11:22 AM
To: Erik Enyart
Subject: PUD 84

Erik,

We are scheduled for Monday night however would request a continuance due to some potential design changes. Please move us to the June meeting.

Thanks Haynes

Haynes Reynolds
1805 N York Street
Suite B
Muskogee, OK 74403
918-683-7784 office
918-682-4503 fax
918-260-6014 cell
haynesreyn@gmail.com



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner 
Date: Thursday, May 15, 2014
RE: Report and Recommendations for:
PUD 31-A – Bricktown Square – Major Amendment # 1

LOCATION:
– 12409 S. Memorial Dr.
– Part of the SW/4 NW/4 of Section 01, T17N, R13E

SIZE: 4 ½ acres, more or less

EXISTING ZONING: CS Commercial Shopping Center District, OL Office Low Intensity District, RS-1 Residential Single-Family District, & PUD 31

EXISTING USE: Vacant

REQUEST: Major Amendment # 1 to PUD 31

SURROUNDING ZONING AND LAND USE:

North: RS-1, CS/PUD 29-A, & OL/PUD 77; Single-family residential in *Gre-Mac Acres* and *The Boardwalk on Memorial* shopping center, and to the northeast, underdeveloped land zoned OL with PUD 77 for “Bynes Mini-Storages.”

South: CS, RS-1, & AG; *The Mazzio's Italian Eatery* restaurant, the *126 Center* shopping center and the *Korean Church of Tulsa* both in *Southern Memorial Acres No. 2*, agricultural land zoned AG, and the Fry Creek Ditch # 1 right-of-way.

East: RS-1; Single-family residential in *Southern Memorial Acres No. 2* and to the northeast in *Gre-Mac Acres*.

West: (Across Memorial Dr.) AG, CG, CG/PUD 83, RM-3/PUD 70, CG/PUD 76, RS-3, OL, CS, & CS/PUD 37; Agricultural land zoned CG and AG, approximately five (5)

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acres of agricultural land zoned CG/PUD 83, the 14-acre *Encore on Memorial* upscale apartment development zoned RM-3/PUD 70, further west is the 92-acre PUD 76, proposed for development with multiple uses, to the northwest is the *Easton Sod* sales lot zoned RS-3, OL, & CS, to the southwest is the *Crosscreek* "office/warehouse" heavy commercial / trade center and retail strip center zoned CS with PUD 37.

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

PREVIOUS/RELATED CASES:

BBOA-19 – Leroy Orcutt for Dr. John Mount – Request for Special Exception "under Section 1480.1b of the Zoning Code to allow continuation of the non-conforming use of a home as a residence while establishing a sign shop on the property...also an Interpretation of the Zoning Text, Appendix B, to determine what use unit a plastic magnetic sign shop would be placed in" for 0.81-acre tract portion of subject property – BOA Approved Special Exception and voted to put the proposed use in Use Unit 11 06/17/1975.

BZ-38 – Leroy Orcutt for Dr. John Mount – Request for rezoning from RS-1 to CG for the 0.81-acre tract portion of subject property – PC Recommended Approval of OL zoning and to waive the platting requirement and not require dedication 05/19/1975 and Board of Trustees Approved OL zoning and waived the platting requirement (per case notes) 07/01/1975 (Ord. # 298).

BL-43 – Jim Ketchum – Request for Lot-Split approval to separate approximately 3 ½ acres to the east from approximately 1 1/3 acres on west, which Lot-Split application involved the 0.33-acre tract and the 3.4-acre tract portions of subject property and also what later became the *Mazzio's* lot (but approved lot lines do not correspond with lot lines as they currently exist) – PC Recommended Approval 08/28/1978 and Board of Trustees Approved in or around 09/11/1978 per case notes.

BZ-107 – John LaPlant for LaPco Investments, Ltd. – Request for rezoning from RS-1 to CG for approximately 5 acres including the 0.33-acre tract and the 3.4-acre tract portions of subject property and also what later became the *Mazzio's* lot – PC Recommended Approval of CS zoning for the W. approximately 2 ½ acres 05/26/1981 and City Council Approved CS zoning for the 2 ½ acres 06/01/1981 (Ord. # 429).

BL-237 – Michael Parrish – Request for Lot-Split approval to what later became the *Mazzio's* lot from parts of the subject property – PC Approved 06/21/1999 and City Council Approved in or around 06/28/1999 per case notes.

PUD 31 – Bricktown Square – Subject property requested for rezoning and PUD approval for a commercial development, including redistributing underlying CS, OL, and RS-1 boundaries – PC Recommended Approval 10/20/2003 and City Council Approved 11/10/2003 (Ord. # 915).

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

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

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

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

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

BBOA-237 – Midwest Agape Chapel – Request for (1) Variance from setback from S. 84th E. Ave., 40' to 35', and (2) Variance from paved parking requirement for what is now the *Korean Church of Tulsa* to the south of subject property in *Southern Memorial Acres No. 2* – BOA Approved 04/01/1991 per case notes.

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

BBOA-319 – Midwest Agape Chapel – Request for “Special Exception” to allow a “mobile home” to be used as a classroom for what is now the *Korean Church of Tulsa* to the south of subject property in *Southern Memorial Acres No. 2* – BOA Denied 05/03/1996 per case notes.

BBOA-328 – Korean Presbyterian Church – Request for Special Exception to allow the continued use as a Use Unit 5 church for what is now the *Korean Church of Tulsa* to the south of subject property in *Southern Memorial Acres No. 2* – BOA Approved 04/07/1997.

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 to the west of subject property – BOA Conditionally Approved 04/02/2001 (not since built).

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*) requested for rezoning and PUD approval for property to the northeast of subject property – 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 (Ord. # 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 (Ord. # 867).

“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.

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 to the west of subject property. Approval of

BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

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

“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.”

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

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

PUD 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.

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

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

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

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

BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove in part the Residential Area specific land use designation, rezone in part from AG to OL, and approve PUD 77 for a ministorage development to the northeast of 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 02/24/2014 (Ord. # 2127).

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 5 acres to the southwest of subject property – PC recommended Approval 02/18/2014. City Council Conditionally Approved the applications 02/24/2014. City Council Approved ordinance effecting the rezoning and PUD approval 03/24/2014 (Ord. # 2129).

PUD 70 – Encore on Memorial – Major Amendment # 1 – Request for approval of Major Amendment # 1 for PUD 70 to the west of subject property, to allow a Use Unit 21 sign within the Development Area B right-of-way for 126th St. S., provide development standards for same, and make certain other amendments – PC Recommended Approval 02/18/2014 and City Council Approved 02/24/2014 (Ord. # 2130).

BACKGROUND INFORMATION:

Per PUD 31 “Bricktown Square,” the subject property was Subject property was granted rezoning and PUD approval for a commercial development, which application additionally redistributed the underlying CS, OL, and RS-1 boundaries. During the review of this application, Staff discovered that the Zoning Map was not updated according to the redistribution specified in effecting Ordinance # 915, and referred the matter to INCOG on May 14, 2014 for updating.

Per Zoning Code Sections 11-7I-5.A, 11-7I-5.A.1, and 11-7I-5.A.2.b, the number of dwelling units (DUs) is restricted to the amount of available residential zoning. The available gross area within the RS-1 district would only produce approximately one (1) DU using the 1 DU / 16,000 square feet GLA standard provided in this PUD section, but the PUD proposes 10 (and 9 are represented on the site plans). Use Unit (UU) 6 single-family (SF) dwellings are permitted in the underlying OL and CS districts by Special Exception or PUD. However, citations *ibidem* do not provide for SF DUs to be produced by Office and Commercial districts, so the PUD itself must provide for this. By allowing UU 6 as a principal use by Special Exception / PUD in the Office and Commercial districts,¹ the Zoning Code contemplates bulk and area formulae

¹ See Zoning Code Sections 11-7C-2 Table 1, 11-7D-2 Table 1, and 11-7I-4.A.

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must be generated, but does not provide same,² and so is interpreted to allow their generation by the individual PUD. As recommended to the Applicant, a formula has been added to Section II.B of the PUD Text. However, due to the recent revelation of the Zoning Map discrepancy as noted above, the formula will need to be amended accordingly.

Zoning Code Section 11-7I-5.A.1.b implicitly suggests [for PUDs within nonresidential districts or within residential + nonresidential districts] the allowance of using the “least restrictive” GLA/DU standard available in the RS Bulk and Area matrix (Section 11-7B-4.A.1 Table 3 for this PUD). The 16,000 square feet standard proposed may be reduced as low as 6,750 square feet / DU. Depending on RS-1 and OL GLA as precisely measured, if only 10 DUs are actually proposed, the standard for the available OL GLA may be synched at some number between 16,000 and 6,750 square feet. Alternatively, the PUD could specify that there is approximately _____ square feet of GLA within the OL district, for which this PUD will establish an applicable standard of 16,000 SF / DU (and keep the RS-1 at the same 16,000 SF / DU). The RS-1 and OL districts would thus produce the 10 DUs proposed. If this formula would produce more than the 10 lots proposed, it may be qualified as being subordinate to the 10 lot yield standard. Whichever way this is resolved, the PUD needs to be amended accordingly, in this section and/or somewhere else as appropriate.

ANALYSIS:

Subject Property Conditions. The subject property consists of three (3) parcels: One (1) approximately 0.81 acre tract zoned OL and addressed 12409 S. Memorial Dr., which appears to have previously had a single-family dwelling but is now vacant, and two (2) parcels of approximately 0.33 acres zoned CS and approximately 3.4-acres zoned CS and RS-1. The latter two (2) are both vacant. All parcels are included in PUD 31 “Bricktown Square.” The subject property is fairly flat; drainage patterns are not immediately recognizable. The development drains to the south to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.) and has access to the stormwater drainage capacity in Fry Creek Ditch # 1 to the south via stormsewerlines, per the City Engineer’s review correspondence.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium/Low Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land/Residential Area. The Medium Intensity designation corresponds to proposed commercial Development Area A, and the Low Intensity designation corresponds to proposed residential Development Area B.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the existing CS district is *In Accordance* with the Medium Intensity designation, the existing RS-1 district is *In Accordance*

² The Bixby Zoning Code does synch multifamily bulk and area standards with specific Office and Commercial Districts, but does not specifically synch UU 6 SF bulk and area standards, as the Tulsa Zoning Code does (e.g. OL = RT, OM and OMH = RM-2, and OH = RM-3).

with the Low Intensity designation, and the existing OL district *May Be Found In Accordance* with the Low Intensity designation of the Comprehensive Plan Land Use Map.

As noted in the Background Information section of this report, PUD 31 additionally redistributed the underlying CS, OL, and RS-1 boundaries, which are not currently reflected on the Zoning Map (but INCOG has been requested to update same). The redistribution placed the CS district along the west side of the property, up to a line lying 240' westerly of the easterly property line. The easterly 25' was retained as RS-1, and the "middle" 215' was designated OL. The CS district now exceeds the Medium Intensity strip. However, although the Zoning District boundaries do not currently align with the Low/Medium intensity divide, this PUD would establish, by Development Areas, a dividing line consistent with the divide by means of distributing Zoning districts and land uses. The GIS version of the divide appears to be offset somewhat, as the divide is recognized as corresponding to the east line of the *The Boardwalk on Memorial*, corresponding former Lots 1 and 2, Block 1 *Gre-Mac Acres*, to Lots 1 and 2, Block 2 of *Gre-Mac Acres*, and to the easterly line of the 0.81-acre and 0.33-acre tract portions of the subject property. Thus, this Major Amendment will mitigate the underlying zoning inconsistency and so restore consistency with the Comprehensive Plan.

The Matrix does not indicate whether or not the existing CS 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.

Although the underlying CS and OL zoning districts are not consistent, the proposed single-family residential use of Development Area B will be consistent with the Residential Area Land Use Designation of the Plan Map.

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

Due to the fact that the proposed PUD 31 Major Amendment # 1 will restore consistency with the Comprehensive Plan, it should be recognized as being consistent with the Comprehensive Plan.

General. The Applicant is requesting a Major Amendment to an approved PUD, introduce single-family residential use to the development, provide development standards for same, and make certain other amendments. The majority of the subject property will become a large-lot, single-family residential subdivision with nine (9) lots indicated on the site plans, and 10 allowed by the PUD Development 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 application at its regular meeting held May 07, 2014. Minutes of that meeting are attached to this report.

Access & Circulation. Section III "Access and Circulation" of the proposed PUD 31-A Text adequately describes access and circulation as follows:

"The commercial property of Development Area A will have direct vehicular access to South Memorial Drive. In addition, a public sidewalk will be constructed along the South Memorial Drive frontage within the right-of-way at the time that Development Area 'A' is developed.

The sidewalks will be installed in Development Area 'B' within the lots fronting East 126th Street South, South 84th East Avenue and East 125 Street South. A sidewalk easement will be platted to accommodate the new sidewalks within Development Area 'B'.

Sidewalks shall be constructed 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.

In the residential property of Development Area B, many of the proposed lots will have access to the existing public streets of South 84th East Avenue and East 126th Street South. Public access to the proposed cul-de-sac lots will be provide[d] by the extension of 12[5]th Street South as a new public street.

Vehicular Paving used for circulation within the dedicated right-of-way will be approved by the City Engineer. The proposed access points to South Memorial Drive will require the City Engineer and ODOT approval.

All commercial development will require the Fire Marshal's approval of drive locations, spacing, widths and curb return radii.

Limits of no access will be platted along South Memorial Drive except for access points."

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of RS-1, CG, CS, OL, RS-3, AG, CS/PUD 29-A, OL/PUD 77, CG/PUD 83, RM-3/PUD 70, CG/PUD 76, & CS/PUD 37. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

To the north are single-family residential homes in *Gre-Mac Acres* and *The Boardwalk on Memorial* shopping center zoned CS/PUD 29A. To the northeast, behind the *Boardwalk* shopping center is underdeveloped land zoned OL with PUD 77 for the proposed "Byrnes Mini-Storages."

Abutting to the south is the *Mazzio's Italian Eatery* restaurant zoned CS, the *126 Center* shopping center zoned CS and the *Korean Church of Tulsa* zoned RS-1, both in *Southern Memorial Acres No. 2*. Further south is agricultural land and the Fry Creek Ditch # 1 right-of-way, all zoned AG.

Single-family residential zoned RS-1 adjoins to the east in *Southern Memorial Acres No. 2* and to the northeast in *Gre-Mac Acres*.

Across Memorial Dr. to the west is agricultural land zoned CG and AG, approximately five (5) acres of agricultural land zoned CG/PUD 83, the 14-acre *Encore on Memorial* upscale apartment development zoned RM-3/PUD 70; further west is the 92-acre PUD 76, proposed for development with multiple uses; to the northwest is the *Easton Sod* sales lot zoned RS-3, OL, and CS; to the southwest is the *Crosscreek* "office/warehouse" heavy commercial / trade center and retail strip center zoned CS with PUD 37.

Staff believes that the existing underlying zoning and the original PUD 31 and its proposed Major Amendment # 1 are all consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

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

1. Whether the PUD is consistent with the comprehensive plan;
2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;
3. Whether the PUD is a unified treatment of the development possibilities of the project site; and
4. Whether the PUD is consistent with the stated purposes and standards of this article.

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

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

Since this Major Amendment will mitigate the underlying zoning inconsistency and so restore consistency with the Comprehensive Plan, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this application.

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

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item will be addressed by language in the PUD to this effect.
2. Table of Contents: Certain exhibit names do not match names used on respective Exhibits (Exhibits E and F observed).
3. Section II.A Development Standards for DA A: Please remove the words "...and the Trades" from the title of Use Unit 14.
4. Appendix A: Please separate items "Carpeting" and "Decorating."
5. Section II.B Development Standards for DA B: Please revise proposed DU production formula according to the underlying zoning districts as approved with PUD 31 (see Background Information section of this report for details).
6. Section IV: Please clarify that the tree planting requirements for the Street Yard and Setback Areas will be as required by the underlying zoning districts pursuant to Zoning Code Section 11-7I-5.E, and not as they were reduced by the original PUD 31 and/or PUD 31-A.
7. Section V: Sentence appears to be missing word(s) and/or inflection: "However, existing utilities directly east of the inlet conflict with any possible underground storm sewer extension be used to collect storm sewer water."
8. Section V: Missing explanatory language found in original PUD 31 pertaining to location and use of stormsewer system in lieu of providing onsite stormwater detention. If this is still accurate, please restore text, with update modifications as appropriate.
9. Section VIII: First sentence currently written should probably be clarified to reflect that there are residential and nonresidential areas, which may be expected to be platted separately, if that is indeed the case.
10. Section IX: Please remove final sentence.
11. PUD Text: Consider specifying that the Deed of Dedication/Restrictive Covenants of the plat will contain a Mutual Parking Privileges covenant in DA A, so that all lots may allow their excess spaces to be used by patrons of other lots, which is common in multi-lot developments when developed as a unit by a singular developer. Examples may be provided upon request.
12. PUD Text: Consider specifying that the Deed of Dedication/Restrictive Covenants of the plat will contain "Maintenance Covenant" provisions for DA A pertaining to maintenance and upkeep of properties free of trash, debris, and litter.
13. Exhibits: Corrections or enhancements should be made to applicable Exhibits as follows:
 - a. Consider qualifying site plan elements as "typical" or "conceptual" as needed.
 - b. Drive widths and particulars must be approved by the Fire Marshal and City Engineer. Please adjust if/as required.
 - c. The 15' B/L required in Text is not currently indicated along entire east side of DA A.
 - d. It does not appear the 17.5' minimum width Perimeter U/E is represented along all PUD boundaries. Please represent or discuss if not currently planned to be at 17.5' in width.

- e. The plans indicate parking lot paving will encroach the U/Es along the westerly and possibly northerly lines of DA A. Paving over easements requires the specific approval of the City Engineer and Public Works Director. Please adjust if/as required.
 - f. Please dimension abutting streets right-of-way and paving widths and identify centerlines.
 - g. Please relieve text and linework congestion along the west line of DA A.
 - h. Please incorporate any changes to site plans as called for elsewhere in this report.
14. Exhibit G: Please update with current zoning for area represented, including PUDs.
 15. 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.
 16. 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).

Memo

To: Erik Enyart, AICP, City Planner

From: Joey Wiedel

Date: 04-22-2014

Re: PUD 31 "Bricktown Square"

PUD 31 "Bricktown Square" are approved by this office with the following conditions:

Development Area A:

1. Fire Hydrants shall be installed at the main entrance. All hydrants shall be operable before construction begins.
2. Brand- AVK or Mueller , Color- Chrome Yellow
3. Fire line supporting the fire hydrants shall be looped.
4. All roads shall be capable of supporting an imposed load of 75,000 pounds and shall be in place before construction of structures in development area A and area B. (IFC 2009 Appendix D)
5. Entrances shall be 30 feet wide.

Development Area B:

1. Roadway shall conform to 2009 IFC appendix D and Chapter 5.
2. All roads shall be capable of supporting an imposed load of 75,000 pounds and shall be in place before construction of structures in development area A and area B. (IFC 2009 Appendix D)



Joey Wiedel

4/22/2014

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, City Engineer *JWC*
CC: Bea Aamodt, Public Works Director
File
Date: 05/12/14
Re: Bricktown Square, PUD 31
Major Amendment #1 Review

General Comments:

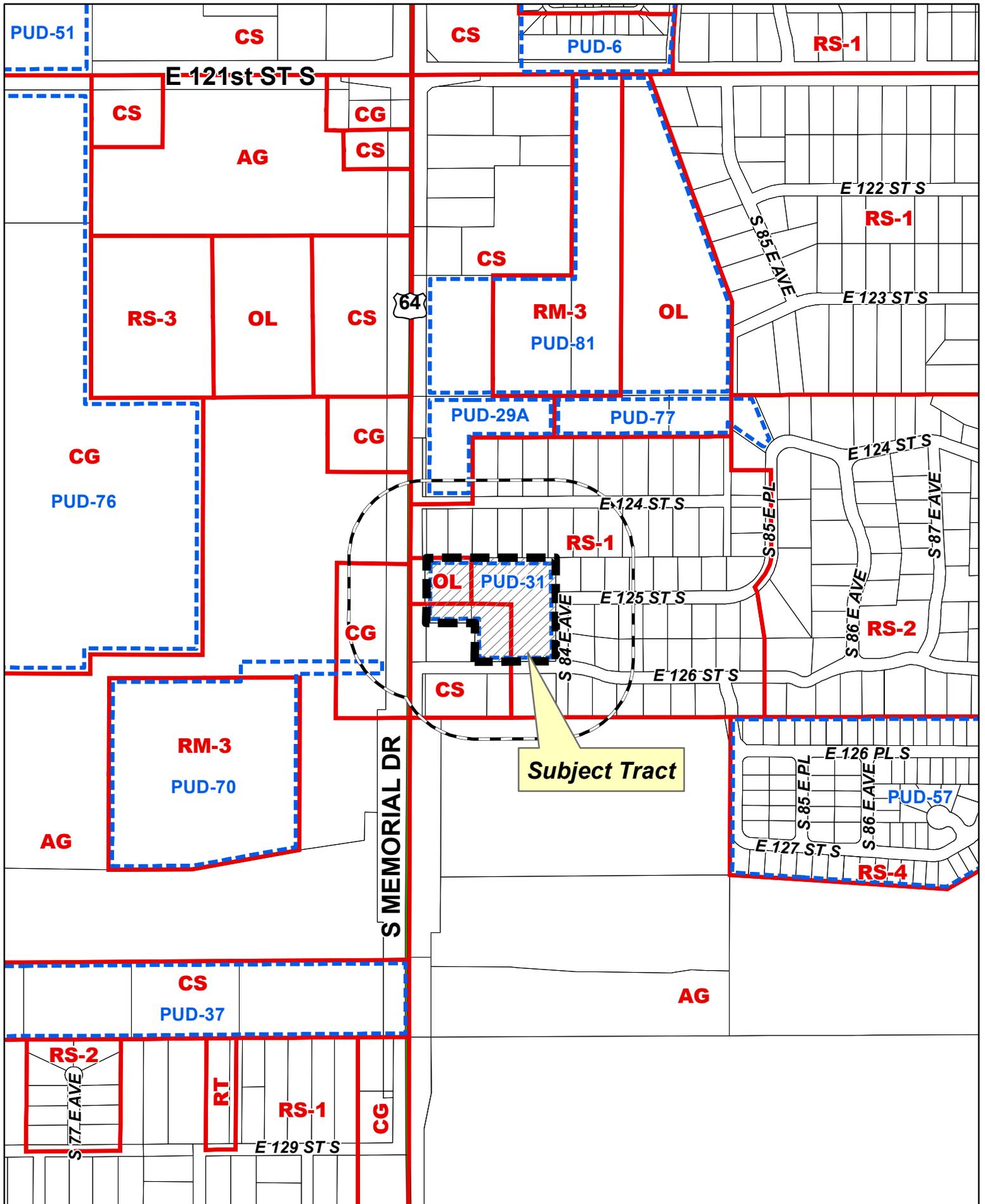
1. Reserve Areas should be utilized to encapsulate the overland drainage systems (grass and swales and concrete swales) with overland drainage rights and maintenance responsibilities allocated to the Property Owners association, or individual lot owners.
2. Previous projects have provided sufficient storm sewer capacity to provide off-site drainage. However, fee-in-lieu charges for discharge to Fry Creek will still apply.

Utility Comments

3. Inspection of existing sewer line may be required for the segments to be utilized by the proposed development. Any required rehabilitation of existing sanitary sewer facilities resulting from inspection must be included in the project scope of work.
4. The oblique water crossing of 125th Street should be revised to a perpendicular crossing on the eastern side of Lot 10, Block 3, Southern Memorial Acres.

Grading & Drainage Comments

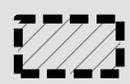
5. Bridging structures will be required at all sidewalk crossing locations. The 100-year runoff rate shall be conveyed under the sidewalks. Storm water shall not be conveyed over sidewalks.



Subject Tract

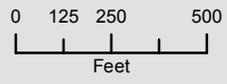


300' Radius



Subject Tract

PUD-31-1



01 17-13



MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
May 07, 2014 – 10:00 AM

MEMBERS PRESENT

Gary Hamilton, *Cox Communications*
Jim Peterson, *BTC Broadband*

STAFF PRESENT

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

OTHERS PRESENT

JR Donelson, *JR Donelson, Inc.*
Tom Wenrick, *Wenrick Development Co.*
Greg Weisz, PE, *Sisemore Weisz & Associates, Inc.*
Mark Capron, LLA, *Sisemore Weisz & Associates, Inc.*

1. Erik Enyart called the meeting to order at 10:00 AM.
2. **PUD 31-A – Bricktown Square – Sisemore Weisz & Associates, Inc.** Public Hearing, discussion, and review of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 31 for part of the SW/4 NW/4 of Section 01, T17N, R13E, with underlying zoning CS Commercial, OL Office, and RS-1 Residential.
Property Located: 12409 S. Memorial Dr.

Erik Enyart introduced the item and described the location and the situation. Mr. Enyart asked if the Applicant cared to describe the project further. Greg Weisz with *Sisemore Weisz & Associates, Inc.* described the project further and discussed a couple of matters he needed to resolve with the City Engineer:

1. Having difficulty getting a manhole cover off, which is needed to prepare construction plans. Bolts have been stripped, and so must be torched. City field staff needed to assist.

Erik Enyart agreed to communicate this to the City Engineer.

2. City Engineer has a review comment stating drainage trickle channels should be in Reserve areas, not easements. Client would prefer these be lot areas, allowing entire yards to be fenced.

Erik Enyart asked, if this was done, if there would be adequate clearance under fences to allow free conveyance of stormwater, or if they would need flap gates at bottoms. Mr. Weisz indicated they should have adequate clearance, but that he would check on this. Mr. Weisz stated that a grate would likely be used to keep animals in yards.

Erik Enyart noted that the Applicant had provided a courtesy draft copy of the PUD application, which City Staff reviewed and provided preliminary comments on. Mr. Enyart stated that his review would be forthcoming, and would mostly follow the preliminary comments previously provided.

Mark Capron noted that, from a design standpoint, a decision was made to keep the commercial lot in the front as a singular lot. Mr. Enyart noted that he had anticipated it could become at least two (2) lots, so some of his review comments were based on that, but these would mostly go away based on there being only a single lot.

Erik Enyart stated that he hoped to have the Staff Report done by the end of the week or the first of the next.

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 Greg Weisz and Mark Capron for their attendance.

Greg Weisz and Mark Capron left at this time.

3. **PUD 6 – Major Amendment # 1 “Memorial Square” – JR Donelson, Inc.** Public Hearing, discussion, and review of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 6 (“South Memorial Duplexes”), to be renamed “Memorial Square,” with underlying zoning CS Commercial, RM-1 Residential-Multifamily, and RT Residential Townhouse.

Property Located: All of *Memorial Square*; Northwest corner of 121st St. S. and 84th E. Ave.

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart noted that the original PUD had a different name, but this PUD Major Amendment would use the name “Memorial Square,” which was used for the plat. Mr. Enyart noted that the development consisted of duplex-style units constructed in the 1980s and vacant lots, and that the plan was to build out most of the rest of the vacant lots with townhouse-style units. Mr. Enyart stated that there were floodplain and drainage issues to be engineered. Mr. Enyart asked JR Donelson if he cared to describe the development further. Mr. Donelson stated that he was working with [hydrologist] Bill Smith[, PE, of Hydropower International Services Inter-National Consultancy (HISINC), L.L.C.] on the development. Mr. Donelson stated that the streets would be cored, and would be used as the base for the new streets, and the developer would replace the driveways for the existing units.

JR Donelson stated that the City should expect a letter from the developer proposing, at his own risk, to proceed with building the lots at the north end of the development, which were out of the 100-year Floodplain. Erik Enyart noted that the development had a singular entrance street, and

asked JR Donelson the extent of the street flooding issue. Mr. Donelson stated that the entrance street was out of the Floodplain (but a later check found the entrance street to be on the FEMA map as being in the 100-year Floodplain). Mr. Enyart discussed with Mr. Donelson issues of the adequacy of utilities. Mr. Enyart noted that this proposal would have to be discussed by City Staff. Mr. Donelson stated that, per Bill Smith, at a minimum before anything would be built, the existing detention pond would need to be "finished" and two (2) more constructed, the "box" under 121st St. S. must be widened, the drainage system must be finished, the streets elevated, and utilities updated. Mr. Enyart and Mr. Donelson discussed the details of the timeline Mr. Donelson was describing. Mr. Enyart confirmed with Mr. Donelson that all of the required City of Bixby drainage and stormwater detention review, Earth Change Permitting, utility and infrastructure improvements, and Preliminary Plat approval would be done first. Mr. Enyart confirmed with Mr. Donelson that the only things that would not be completed prior to constructing on the lots at the north end that were already out of the 100-year Floodplain were (1) FEMA approval of the C/LOMR and (2) recording of the Final Plat. Mr. Enyart reiterated that this would be subject to agreement by City Staff, but if this was permitted, the units could be constructed based on the proposed lot arrangements, regardless of existing lot lines, due to a provision in the Zoning Code that allows for lot lines to be constructed upon if all the concerned lots were under common ownership. Mr. Enyart stated that, when this is done, however, the [new] existing buildings must be surveyed and represented on the plat.

Erik Enyart stated that he had not yet prepared the Staff Report, but hoped to have this done toward the first of the next week.

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.

4. **Preliminary Plat – "Somerset" – JR Donelson, Inc. (PUD 82).** Discussion and review of a Preliminary Plat and certain Modifications/Waivers for "Somerset" for 18 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.
Property Located: 6905 E. 121st St. S. & 11803 and 11809 S. Sheridan Rd.

Erik Enyart introduced the item and summarized the location and the project. Mr. Enyart noted that the TAC had seen this development, and the one proposed for the 8-acre development tract to the south and west, in the previous months. Mr. Enyart noted that both developments show a connection to each other, as recommended. JR Donelson stated that, per the City Engineer, since it would also be used for utilities, the drive needed to use "brick pavers," so that the utilities could be dug up easily. Mr. Enyart asked if they would be capable of supporting a fire apparatus, and Mr. Donelson responded, "Yes."

Erik Enyart asked if the Fire Marshal had any questions or comments. Joey Wiedel and JR Donelson discussed the required width of the entrance drives and gates. Mr. Donelson stated that the design was prepared by Jim Crosby[, ASLA, of Planning Design Group], and it showed a 14'-wide lane, a 9'-wide median, and then another 14'-wide lane. Mr. Donelson noted that the Fire Marshal was requesting the dimensions be 20', 9', and 13' at one or the other entrance. Mr. Wiedel stated that the 20' width has always been required in Bixby, and cited the Fire Code provisions

pertaining to same. Mr. Donelson and Mr. Wiedel discussed the provisions and their interpretation. Mr. Donelson stated that drive lanes are only 13' in width, including those on Memorial Dr., and Fire Engines are able to drive down them. Erik Enyart noted that a drive lane width is a little different than a driveway intersection because of turning movements. Discussion ensued, including a discussion on how the depth between the street curb and the gate affects lane width requirements.

Erik Enyart asked if there were any questions or comments from the utility companies. There were none. Mr. Enyart asked if the utility companies were okay with the Utility Easement arrangements as shown for their [respective] purposes. Gary Hamilton asked for a certain U/E to be added in Block 2 between Lots 12 and 13. Mr. Hamilton and Mr. Donelson agreed to get together on utility line and easement locations.

Erik Enyart stated that he had not yet prepared the Staff Report, but would get it to the Applicant as soon as it could be completed.

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

5. Old Business
6. New Business
7. Meeting was adjourned at 10:45 AM.

BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, May 07, 2014

NAME	COMPANY	PHONE
1. <u>Jim Peterson</u>	<u>BTC Broadband</u>	<u>918-366-0253</u>
2. <u>Mark B. Carron</u>	<u>SWA</u>	<u>918-665-3600</u>
3. <u>Greg Kleisz</u>	<u>SW & A</u>	<u>918.665.3600</u>
4. <u>Tom Wamnest</u>	<u>Wamnest & Co</u>	<u>918-749-7781</u>
5. <u>JR DONELSON</u>		<u>918-394-3030</u>
6. <u>Garth Hamilton</u>	<u>Cox</u>	<u>918-226-4666</u>
7. <u>Joey Wiedel</u>	<u>COB FM</u>	<u>(918) 366-0436</u>
8. <u>Eric Engard</u>	<u>COB</u>	<u>918 366 0427</u>
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____
16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____

BRICKTOWN SQUARE

Planned Unit Development

Major Amendment 31-A

April 16, 2014

Submitted to:

The City of Bixby, Oklahoma

for:

RYDER BRICK, INC.

14801 South Memorial Drive

Bixby, OK 74008

Prepared by:

SISEMORE WEISZ & ASSOCIATES, INC.



6111 East 32nd Place

Tulsa, OK 74135

Phone: (918) 665-3600

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PUD EXHIBITS:

Exhibit "A": Conceptual Site Plan Illustration

Exhibit "B": Development Area Plan

Exhibit "C": Conceptual Access and Circulation Plan

Exhibit "D": Landscape Requirement Illustration

Exhibit "E": Existing Topography Utilities, and Vegetation Analysis

Exhibit "F": Conceptual Utilities and Drainage Design

Exhibit "G": Area Zoning

Exhibit "H": Aerial Exhibit

I. Development Concept

In 2003 the original PUD of Bricktown Square was submitted and approved to be developed entirely for commercial use. Currently the revised PUD is proposing to split the property into two development areas. The development area adjacent to South Memorial Drive will maintain commercial use. However, the eastern portion of the site has been changed to a development for residential single family.

This alteration provides for a development that will be more compatible with the surrounding neighborhood and also still allows for the commercial development on South Memorial Drive. Buffer requirements and screening are utilized within the PUD standards to mitigate the impact of the commercial development.

This application is for approval of Major Amendment #1 to PUD 31, to be known and represented on the official Zoning Map as "PUD 31-A," and entirely replaces PUD 31 as originally approved.

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II. Development Standards

A. Development Area A - Commercial

Gross Land Area:	1.64 acres	71,379 square feet
Net Land Area:	1.23 acres	53,743 square feet

Permitted Uses: The permitted uses shall be limited to the uses included within:
 Use Unit 11; Offices and Studios,
 Use Unit 13; Convenience Goods and Services,
 Use Unit 14; Shopping Goods and Services, and the Trades,
 The Trade and Service establishments from Use Unit 15; Other
 Services, as listed in Appendix A
 Neither outside sales nor storage will be permitted.
 Restaurant building and tenant spaces are not permitted within
 50' the north boundary of Development Area "A".

Prohibited Use: Sexually-Oriented Businesses

Maximum Floor Area: 16,123 sq. ft. (0.30 FAR)

Maximum Building Height: 1 story/25 feet

Minimum Building Setbacks:

From Memorial Drive right-of-way	50 feet
From North Boundary of Development Area 'A'	15 feet
From East Boundary of Development Area 'A'	15 feet
From South Boundary of Development Area 'A'	15 feet

Maximum Number of Lots 1

Parking Ratio: Off street parking shall be provided as specified in the applicable use units and in conformance with the requirements of chapter 9 of the zoning code. Maximum parking spaces for Development Area A to be determined at the time of Detail Site Plan approval.

Minimum Landscaped Area: 15% of the net land area of the Development Area

Landscape Buffer (East and North Boundaries of Development Area 'A')
 In addition to standard landscape code requirements a landscape buffer shall be established as follows:

North Boundary (199 Linear Feet)	
Minimum Width	10 feet
Minimum Landscaping	
1 Tree Per 20 Linear Feet Of Northern Boundary* (10 Trees Total)	

East Boundary (270 Linear Feet)	
Minimum Width	8 feet
Minimum Landscaping	
1 Tree Per 20 Linear Feet Of Eastern Boundary* (14 Trees Total)	

*Minimum of 75% of required buffer trees shall be evergreen.

Development Area A - Commercial continued

Building Design Standards:

The buildings shall be constructed in substantial accordance with the Corridor Appearance District. The developer anticipates the use of masonry exterior walls consistent with the development standards of the Zoning Code Section 11-7G-5. Parapet walls will screen mechanical units on the top of the building from neighboring residences to the east and north.

Lighting:

Parking area lighting shall be a maximum height of 18 feet and limited to shielded fixtures designed to direct light downward and away from residential properties. At the time of Detail Site Plan Submittal, a photometric plan prepared by a lighting professional shall be submitted. The Lighting Plan shall demonstrate that lighting from the Development Area "A" shall be reduced to 0.0 along all property lines shared with an R district or residential development area as measured in foot-candles.

Signs:

Two aggregates signs, in accordance with the Bixby Zoning Code, for the proposed center will be constructed as shown on the Concept Site Plan. Each sign shall be limited to 25 feet in height and 150 square feet of surface area per side, according to Code. Wall signs may be used on the west-facing wall based on the 2 squared feet per lineal foot of wall. Wall signs will be uniform and consistent in size and configuration throughout the project and an integral part of the architectural design.

II. Development Standards

B. Development Area B - Residential

Gross Land Area:	3.68 acres	160,357 square feet
Net Land Area:	3.31 acres	144,281 square feet

Permitted Uses: Those uses included as a matter of right in the RS-1 Zoning District, including Use Unit 6, Single Family Dwellings, including customary accessory uses.

Maximum Number of Dwelling Units / Lots: 10*

Minimum Land Area per Dwelling Unit: 16,000 square feet

Minimum Lot Area: 12,300 Square Feet

Minimum Lot Width (measured at Building Setback Line for cul-de-sac lots):

Cul-de-sac Lot	40 feet
Other Lots	75 feet

Maximum Building Height: 2 Stories, 40 Feet

Minimum Livability Space per Dwelling Unit: 7,000 Square Feet

Minimum Yards

Front Yard	25 Feet
One Side Yard	10 Feet
Other Side Yard	5 Feet
Rear Yard	20 Feet

**Maximum single-family dwelling units / lots are derived as follows:*

1. The existing "RS-1" zoned land area within PUD is 123,526 SF, and the minimum land area required for "RS-1" zoned lots per the Bixby zoning code is 16,000 SF. Thus, a total of 7.72 dwelling units / lots are allowed for the "RS-1" zoned portion of the PUD ($123,526 \text{ SF} / 16,000 \text{ SF} = 7.72$).
2. To gain additional single-family dwelling units within Development Area "B", the 51,239 SF "OL" zoned land area portion of the PUD may be converted / allotted to "RS-1" single-family use. Thus, a total additional allowance of 3.20 dwelling units / lots are allowed for the "RS-1" zoned portion of the PUD ($51,239 \text{ SF} / 16,000 \text{ SF} = 3.20$).
3. In combining the resulting number of single-family dwelling units / lots, as described above, a total of 10.92 dwelling unit / lots are allowed under Development Area "B".

III. ACCESS AND CIRCULATION

The commercial property of Development Area A will have direct vehicular access to South Memorial Drive. In addition, a public sidewalk will be constructed along the South Memorial Drive frontage within the right-of-way at the time that Development Area 'A' is developed.

The sidewalks will be installed in Development Area 'B' within the lots fronting East 126th Street South, South 84th East Avenue and East 125 Street South. A sidewalk easement will be platted to accommodate the new sidewalks within Development Area 'B'.

Sidewalks shall be constructed 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.

In the residential property of Development Area B, many of the proposed lots will have access to the existing public streets of South 84th East Avenue and East 126th Street South. Public access to the proposed cul-de-sac lots will be provided by the extension of 12th Street South as a new public street.

Vehicular Paving used for circulation within the dedicated right-of-way will be approved by the City Engineer. The proposed access points to South Memorial Drive will require the City Engineer and ODOT approval.

All commercial development will require the Fire Marshal's approval of drive locations, spacing, widths and curb return radii.

Limits of no access will be platted along South Memorial Drive except for access points.

IV. LANDSCAPE, SCREENING AND OPEN SPACE

In addition to meeting or exceeding the minimum landscape requirements of the zoning code such as the tree planting requirements of the Street Yard and Setback Areas, and as established under the PUD Major Amendment, a landscape buffer will be developed on the north and east boundaries of Development Area A. This buffer will protect against adverse impact between the uses of abutting residential and non residential development areas.

In addition to the additional landscape buffer, a 6' opaque screen fence shall be constructed on the north and east boundaries of Development Area 'A'.

V. TOPOGRAPHY, UTILITIES AND PUBLIC SERVICE

The property is relatively flat with a very gentle slope to the east. South Memorial Drive is 3 feet higher than the site.

Most of the subject property is designated as Zone X shaded according to the FEMA Insurance Rate Map. This means the property is within the 500 year flood and there are no development restrictions in regard to flood plain.

There is an existing public storm inlet adjacent to South Memorial Drive. It is necessary that all storm water possible be directed to that inlet. However, existing utilities directly east of the inlet conflict with any possible underground storm sewer extension be used to collect storm sewer water. Therefore, storm water will be directed to the inlet via over land flow including the use of grassed and paved swales. It will be necessary to raise the level of the property significantly to accomplish positive drainage flow to the west. Overland drainage easements will be platted as necessary. Fees will be paid in lieu of detention. All storm water design will be approved by the city engineer.

There is a 12" water line on the east side of South Memorial Drive that will serve the commercial property of Development Area A. The residential Development Area B has the 6" water line on the south side of East 126th Street South. There is also an existing 6" water line on the east side of South 84th East Avenue. These lines shall serve the proposed residential lots that front those right-of-ways. In addition, a

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water main line extension will be constructed adjacent to the proposed public street within Development Area B.

There are existing sanitary service lines to the north of the development. In addition there is a north south line that exists roughly at the west boundary line of Development Area B. These existing lines will serve Development Area A and the adjacent residential lots of Development Area B. A sanitary sewer line extension will be necessary to serve the residential lots not adjacent to the existing lines.

VI. SOILS ANALYSIS

The existing soils on site are designated as Wynona silty clay loam according to Tulsa County Soil Survey by the Soil Conservation Service. This soil type is poorly drained and has a low permeability. The soil has a moderate shrink-potential and is in the hydrologic group C.

VII. APPLICABLE STANDARDS

The development on the site shall be in accordance with the standards as set forth in this PUD. If such a standard is not stated in this PUD document, the development will meet applicable standards of the underlying zoning district and the ordinances of the City of Bixby.

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

VIII. PLATTING REQUIREMENTS

As part of the PUD, no building permit shall be issued until the PUD site has been included within a subdivision plat submitted to and approved by the Bixby Planning Commission and the Council of the City of Bixby, and duly filed of record in the Tulsa County Clerk's office.. The required subdivision plat shall included covenants of record implementing the development standards of the approved PUD as amended, and the City of Bixby shall be a beneficiary thereof.

IX. PUD DETAIL PLANS REVIEW

Prior to construction of any new building structure within the planned unit development area, a PUD Detail Site Plan shall be submitted to and approved by the City of Bixby. Prior to the issuance of a certificate of occupancy for any new buildings within the planned unit development, a PUD Detail Landscape Plan shall be submitted to and approved by the city. Additionally, prior to the issuance of such certificate of occupancy, written certification must be submitted to the city from an architect, landscape architect, or engineer authorized to do business in the State of Oklahoma, or the owner of the property, stating that landscaping has been installed in accordance with the approved landscaping plan. Prior to or within one hundred twenty (120) days following the issuance of a certificate of occupancy permit, written certification must be submitted to the city from an architect, landscape architect, or engineer authorized to do business in the State of Oklahoma, or the owner of the property, stating that all trees have been installed, in accordance with the approved landscaping plan.

X. ANTICIPATED DEVELOPMENT SCHEDULE

The final zoning, platting, and construction plan approvals and permits are anticipated to be complete by Fall 2014. Construction of necessary public utilities are expected to be concluded by approximately December 2015.

XI. PUD 31-A MAJOR AMENDMENT LEGAL DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4) OF SECTION ONE (1), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT 235 FEET NORTH AND 64.45 FEET EAST OF THE SOUTHWEST CORNER OF SAID SW/4 NW/4; THENCE EAST 535.55 FEET; THENCE NORTH 425 FEET; THENCE WEST 351 FEET; THENCE SOUTH 186 FEET; THENCE WEST 184.55 FEET; THENCE SOUTH 239 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4) OF SECTION ONE (1), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT 235 FEET NORTH AND 64.45 FEET EAST OF THE SOUTHWEST CORNER OF SAID SW/4 NW/4; THENCE EAST 200 FEET; THENCE NORTH 160 FEET; THENCE WEST 200 FEET; THENCE SOUTH 160 FEET TO THE POINT OF BEGINNING.

AND

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (S/2 SW/4 NW/4) OF SECTION ONE (1), 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; THENCE EAST TWO HUNDRED FORTY-NINE (249) FEET; THENCE SOUTH ONE HUNDRED EIGHTY-SIX (186) FEET; THENCE WEST TWO HUNDRED FORTY-NINE (249) FEET; THENCE NORTH ONE HUNDRED EIGHTY-SIX (186) FEET TO THE POINT OF BEGINNING.

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Appendix A

11-9-15: USE UNIT 15 OTHER TRADES AND SERVICES - Possible Uses

Trade Establishments, including incidental fabricating an installation

- Carpeting Decorating
- General Merchandising Establishment
- Glass
- Green house, retail sales
- Heating Equipment
- Monument, excluding shaping
- Plastic Materials
- Plumbing Shop, parts
- Printing and Publishing
- Reproduction Services
- Vending Machine, sales and services

Service Establishments - Office/Warehouse/Showroom

- Building Services
- Disinfecting and exterminating services
- Janitorial service
- Window cleaning

Other Services:

- Dry Cleaning /Laundry

Personal Service:

- Bindery
- Cabinet Maker
- Drapery Service
- Linen Supply
- Packing and Crating of Household and other similar goods
- Rug Cleaning

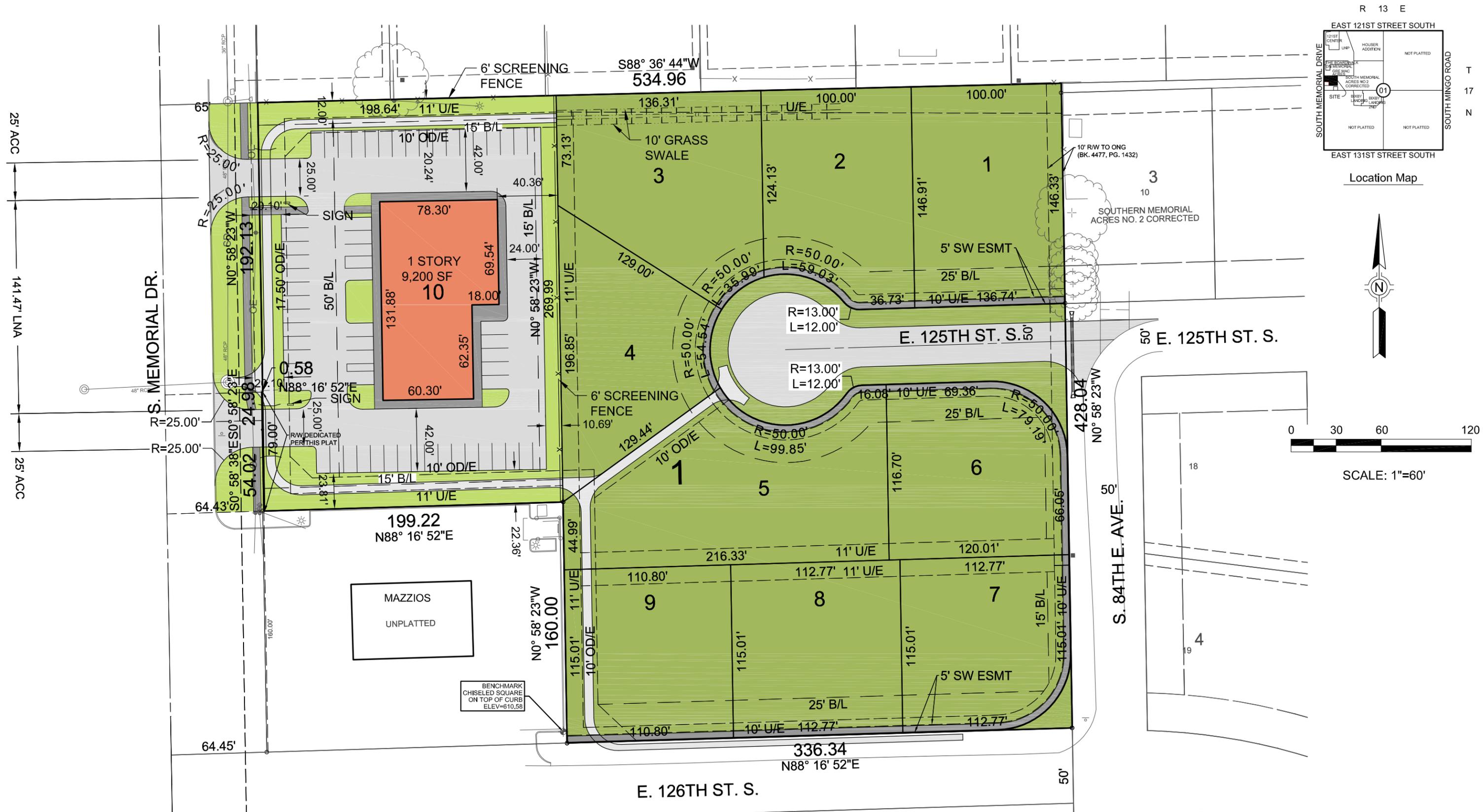
Repair Service:

- Armature Rewinding Service
- Business Machine Repair
- Computer Repair
- Data Processing Machine Repair
- Electrical Repair Service
- Furniture
- Household Appliances
- Mattress and Pillow
- Reupholster
- Rug Repair

Schools:

- Barber
- Beauty
- Trade

K:\14922.06\PUDEXHIBIT A.dwg Exhibit A Apr 15, 2014 - 2:04:02pm SISEMORE WEISZ & ASSOCIATES, INC., 2014



NOTE: COMMERCIAL BUILDING SITE DESIGN IS CONCEPTUAL IN NATURE AND SUBJECT TO REVISIONS AND CITY APPROVALS.

Bricktown Square

PUD Major Amendment 31-A Conceptual Site Plan Illustration EXHIBIT 'A'

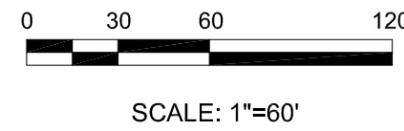
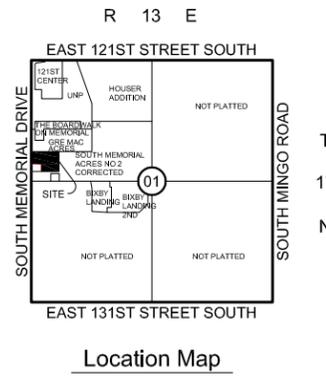
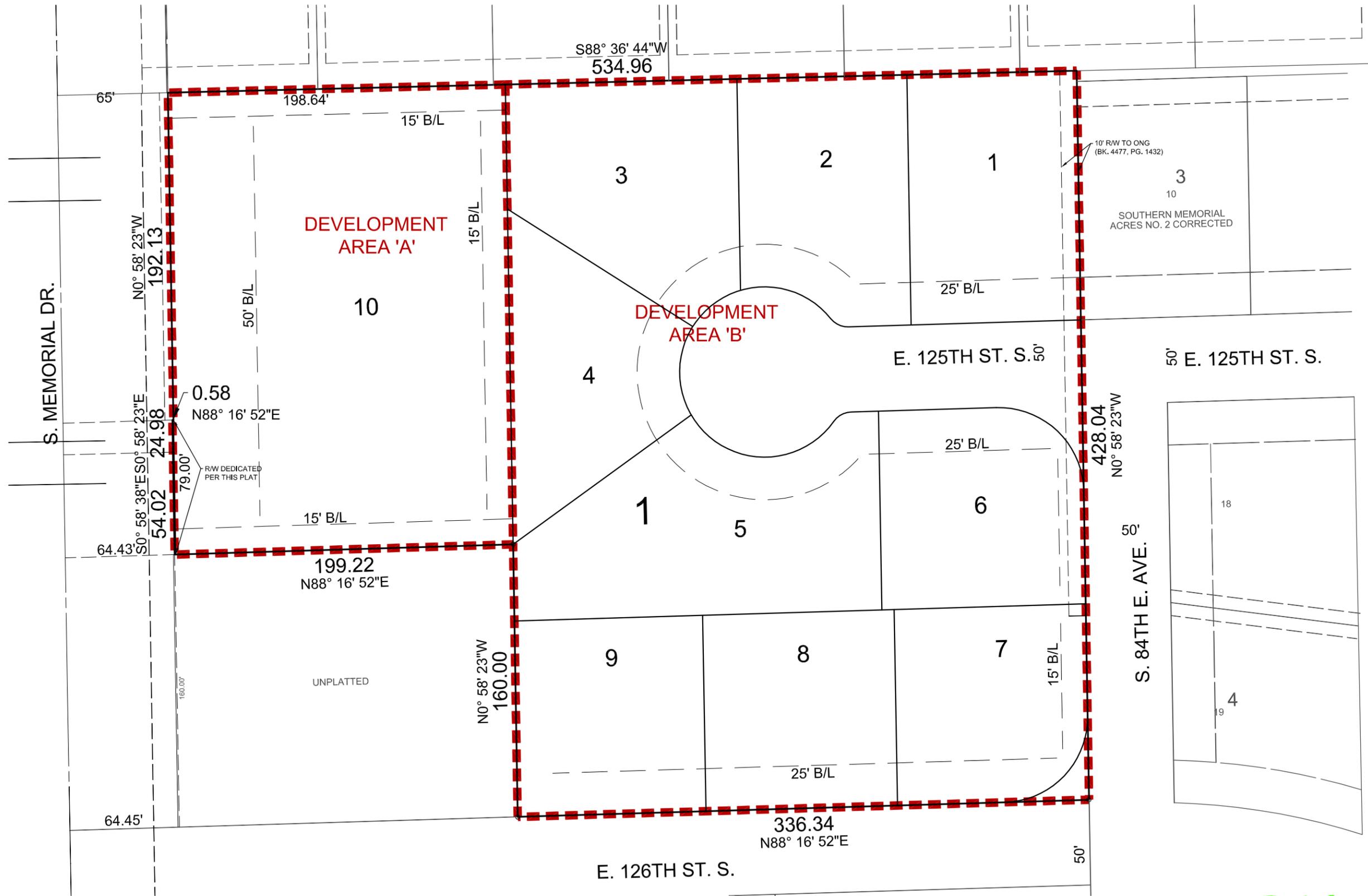


Sisemore Weisz & Associates, Inc.

6111 EAST 32nd PLACE
TULSA, OKLAHOMA 74135
C.A. NO. 2421

PHONE: (918) 665-3600
FAX: (918) 665-8668
EXP. DATE 6/30/15

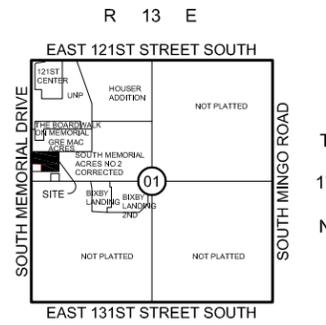
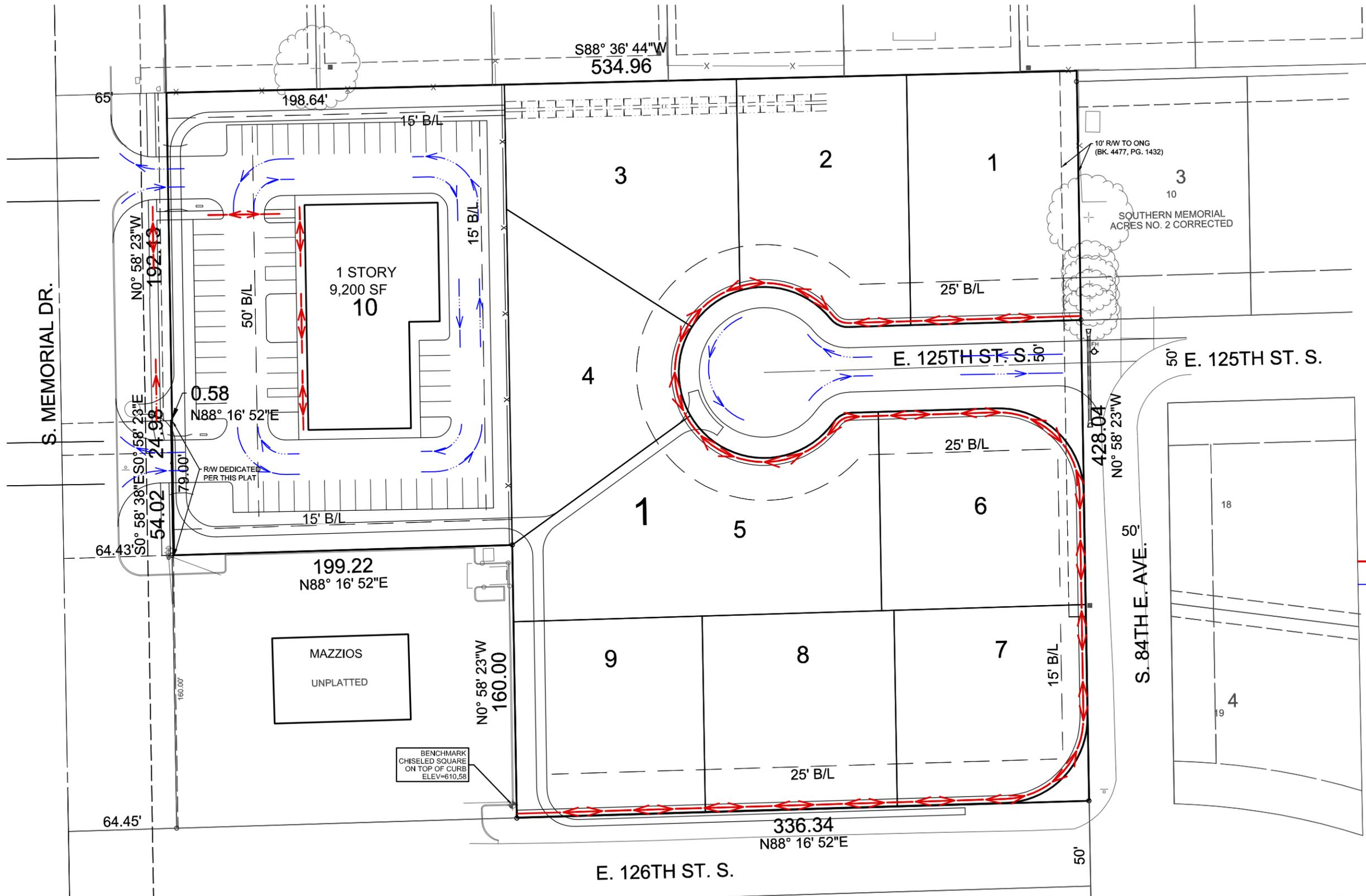
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Bricktown Square

PUD Major Amendment 31-A
Development Area Plan
EXHIBIT 'B'

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Location Map



SCALE: 1"=60'

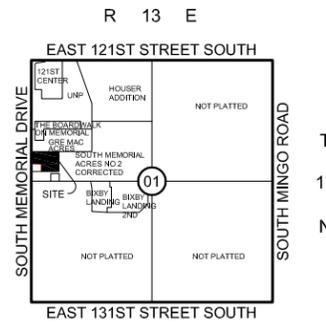
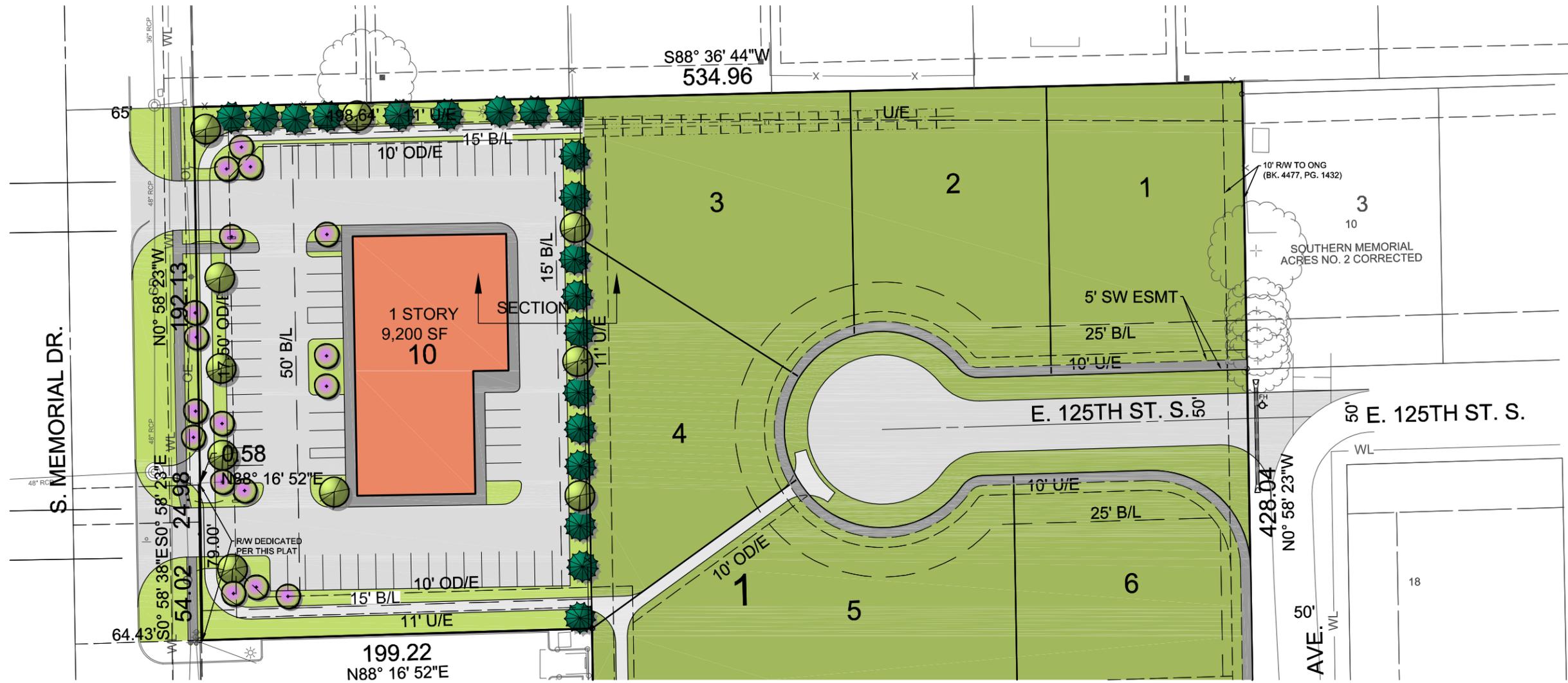
LEGEND

- SIDEWALK CIRCULATION
- VEHICULAR CIRCULATION

Bricktown Square

PUD Major Amendment 31-A Conceptual Access and Circulation Plan EXHIBIT 'C'

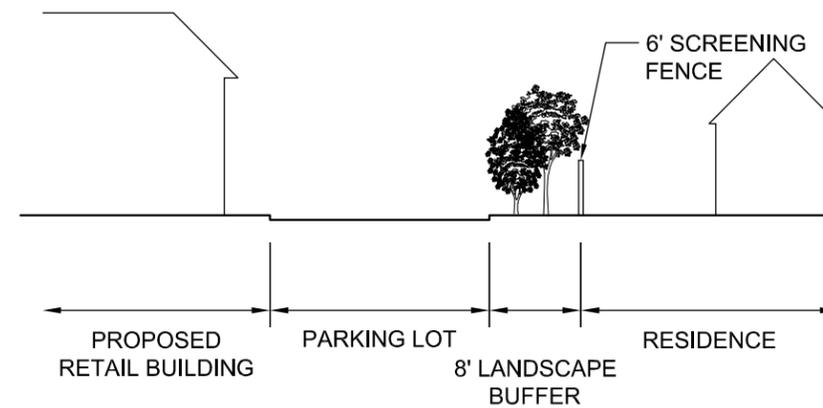
K:\14922.06\PUDEXHIBIT D.dwg Exhibit D Apr 15, 2014 - 2:21:46pm SISEMORE WEISZ & ASSOCIATES, INC., 2013



Location Map



SCALE: 1"=60'



Typical Section



Sisemore Weisz & Associates, Inc.

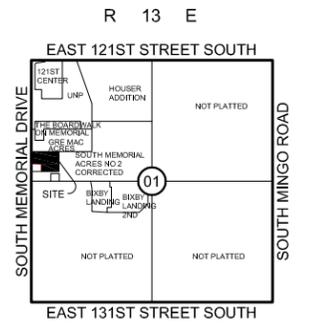
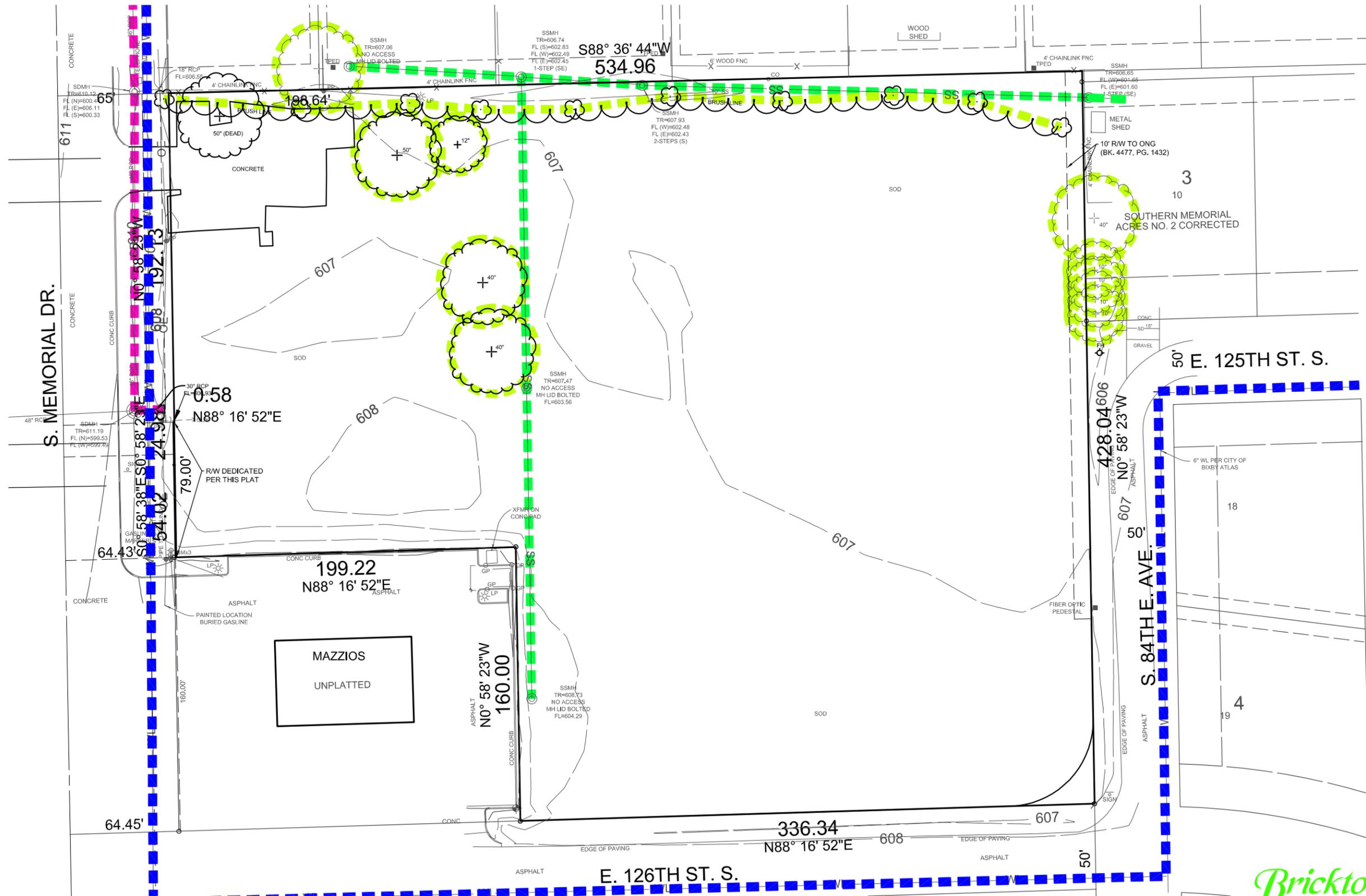
6111 EAST 32nd PLACE
TULSA, OKLAHOMA 74135
C.A. NO. 2421

PHONE: (918) 665-3600
FAX: (918) 665-8668
EXP. DATE 6/30/15

Bricktown Square

PUD Major Amendment 31-A
Landscape Requirement Illustration
EXHIBIT 'D'

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Location Map



SCALE: 1"=60'

LEGEND

- SANITARY SEWER
- STORM SEWER
- WATER LINE
- TREE / VEGETATION

Bricktown Square

PUD Major Amendment 31-A
 Existing Topo, Utilities
 and Vegetation Analysis
EXHIBIT 'E'

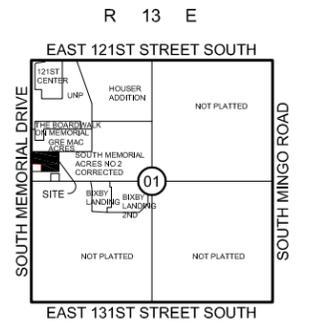
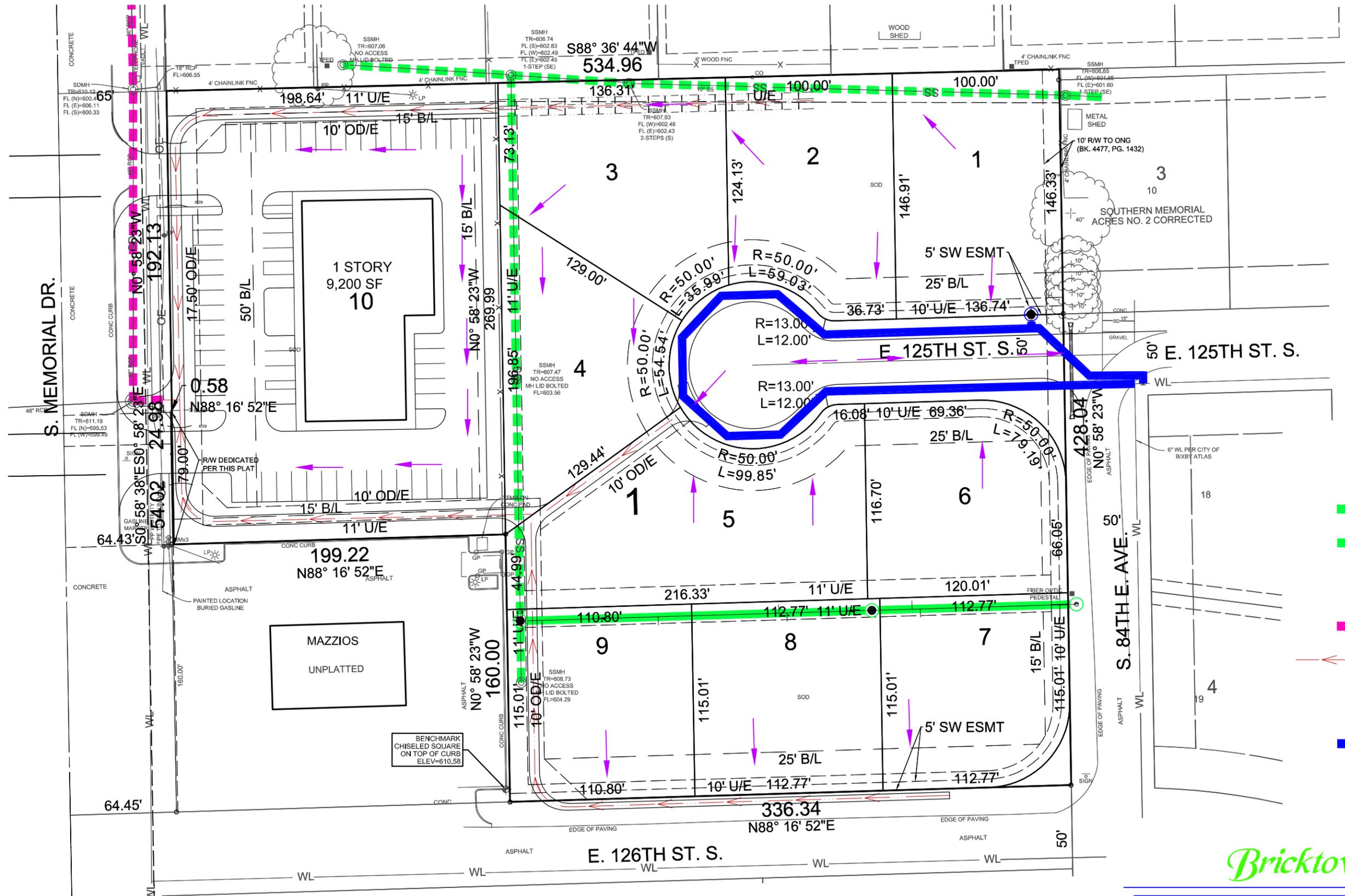


Sisemore Weisz & Associates, Inc.

6111 EAST 32nd PLACE
 TULSA, OKLAHOMA 74135
 C.A. NO. 2421

PHONE: (918) 665-3600
 FAX: (918) 665-8668
 EXP. DATE 6/30/15

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Location Map



SCALE: 1"=60'

LEGEND

- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- PROPOSED SANITARY SEWER MANHOLE
- EXISTING STORM SEWER
- PROPOSED STORM SEWER / SWALES
- EXISTING WATER
- PROPOSED WATER
- PROPOSED FIRE HYDRANT
- OVERLAND FLOW DRAINAGE

Bricktown Square

PUD Major Amendment 31-A
 Conceptual Proposed Utilities
 and Drainage Design
 EXHIBIT 'F'

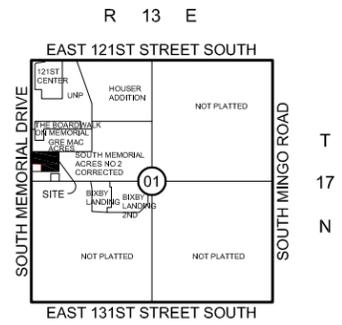
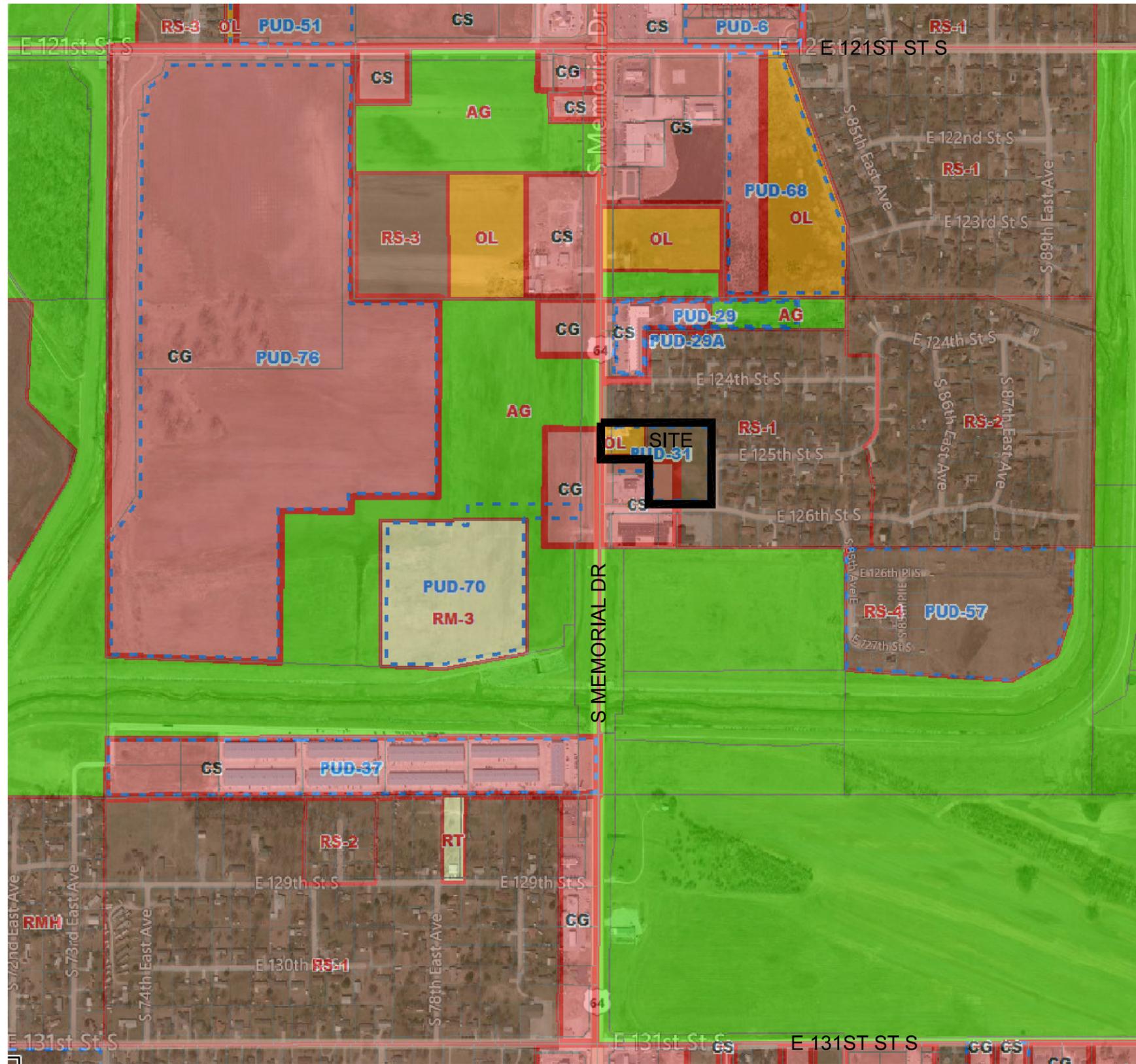


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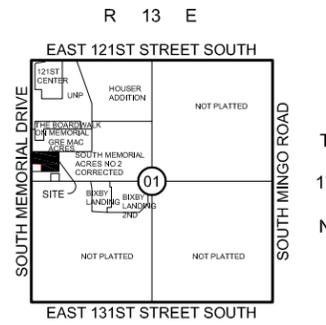
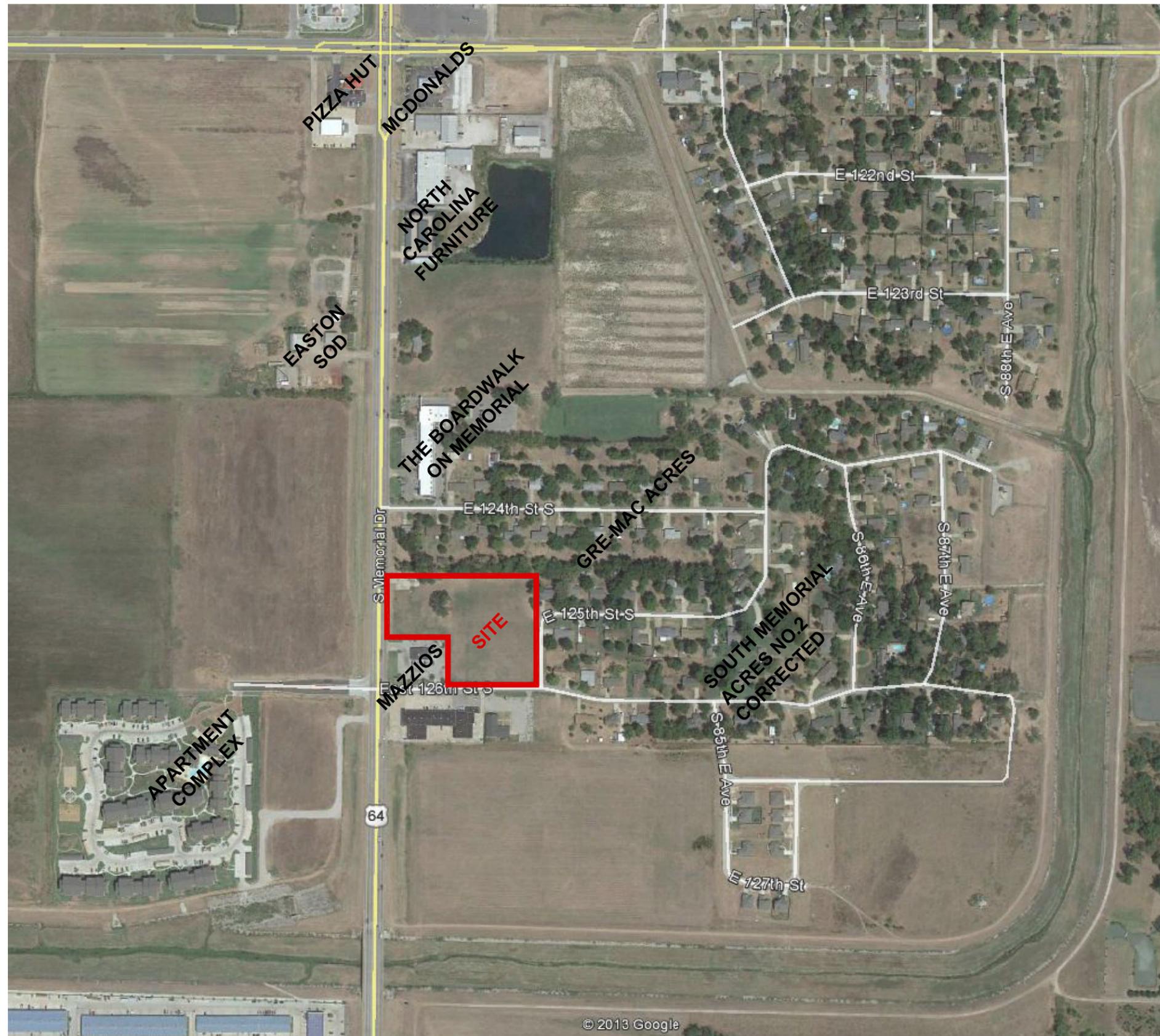


Location Map

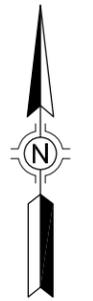
Bricktown Square

PUD Major Amendment 31-A Area Zoning EXHIBIT 'G'

K:\14922.06\PUDEXHIBIT H.dwg Exhibit H Apr 15, 2014 - 7:27:55am SISEMORE WEISZ & ASSOCIATES, INC., 2014



Location Map



Bricktown Square

PUD Major Amendment 31-A
Aerial Exhibit
EXHIBIT 'H'



Sisemore Weisz & Associates, Inc.

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CITY OF BIXBY
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STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Thursday, May 15, 2014
RE: Report and Recommendations for:
PUD 6 Major Amendment # 1 – “Memorial Square” – JR Donelson, Inc. &
BZ-374 – JR Donelson, Inc.

LOCATION: – Northwest corner of 121st St. S. and 84th E. Ave.
– All of *Memorial Square*

SIZE: 9.43 acres, more or less

EXISTING ZONING: CS Commercial Shopping Center District, RM-1 Residential Multi-Family District, & PUD 6

EXISTING USE: Duplexes and vacant lots in *Memorial Square*

REQUEST: Approval of Major Amendment # 1 to Planned Unit Development (PUD) # 6 (“South Memorial Duplexes”), to be renamed “Memorial Square,” with underlying zoning CS Commercial Shopping Center District, RM-1 Residential Multi-Family District, and RT Residential Townhouse District

SURROUNDING ZONING AND LAND USE:
North: RD & RS-1; Duplexes along 119th St. S. and single-family residential houses, all in *Southern Memorial Acres Extended*.
South: (Across 121st St. S.) CS, RS-1, & CS/RM-3/OL/PUD 81; 23 acres of vacant land recently approved for rezoning and PUD 81 “Chateau Villas PUD” for a “luxury apartments” and commercial development, commercial businesses and vacant land

to the southwest in *121st Center*, and the Bixby Fire Station #2 and single-family residential in the *Houser Addition* to the southeast.

East: RS-1; Single-family residential in *Southern Memorial Acres Extended*.

West: CS; *The Town and Country Shopping Center* in *Southern Memorial Acres Extended*.

COMPREHENSIVE PLAN: Low Intensity + Residential Area

PREVIOUS/RELATED CASES:

BZ-140 – Patrick L. Murray – Request for rezoning from RM-1 to CS for approximately 1.6 acres consisting of Lots 7 through 12, inclusive, Block 17, *Southern Memorial Acres Extended* (later replatted as part of *Memorial Square* subject property) – PC Recommended Denial 05/31/1983 and City Council Approved 06/13/1983 (Ord. # 486).

B/PUD 6 – “South Memorial Duplexes” – Richard Hall & Associates for George E. Day – Request for PUD approval for a duplex development for subject property – PC Recommended Approval 11/28/1983 and City Council Approved 12/05/1983 (Ord. # 498).

Final Plat of Memorial Square – Request for Final Plat approval for *Memorial Square* for subject property – City Council Approved 02/1984 (per the plat approval certificate) (Plat # 4511 recorded 08/03/1984) (Preliminary Plat and PC approvals not researched).

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

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

BZ-30 – Frank Moskowitz – Request for rezoning from AG to CS for the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E (including *121st Center* to the southwest of subject property) – PC on 01/27/1975 recommended CS for N. approx. 12.5 acres, OL for the S. approx. 5 acres of the N. approx. 17.5 acres, and AG zoning to remain for the balance of the 20 acres. City Council approved as PC recommended 03/18/1975 (Ord. # 270).

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

BZ-68 – Joyce E. Maxwell/Icenogle – Request for rezoning from RS-1 to CG for a “sandwich shop” for Lot 6, Block 6, *Southern Memorial Acres Extended*, located approximately 1 block to the northwest of subject property at 11843 S. 82nd E. Ave. – Withdrawn by Applicant 09/19/1978.

BZ-99 – Joyce Icenogle – Request for rezoning from RS-1 to CS for a “flower & gift shop” for Lot 6, Block 6, *Southern Memorial Acres Extended*, located approximately 1 block to the northwest of subject property at 11843 S. 82nd E. Ave. – Withdrawn by Applicant 02/23/1981.

BZ-164 – Kenny Gibson for C.W. James – Request for rezoning from RS-1 to RD for duplexes on Lot 1, Block 15, Southern Memorial Acres Extended, located to the east of subject property at 11912 S. 85th E. Ave. – Planning Commission hearing advertised for 05/29/1985. No information found in case file to indicate disposition. PC Minutes for calendar year 1985 not found. Assumed Withdrawn, Denied by City Council, or recommended for Denial by PC and not appealed to City Council due to lack of approval ordinance and lack of representation on the Zoning Map.

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for 121st Center (to the southwest of subject property) – PC Conditionally Approved 12/28/1987 (Council action not researched).

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

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

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

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

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

PUD 81 & BZ-368 – Chateau Villas PUD – AAB Engineering, LLC – Request to rezone from CS, OL, AG, and PUD 68 to CS, RM-3, OL, and PUD 81 for a “luxury apartment” and commercial development on 23 acres to the south of subject property – PC Recommended Approval 11/13/2013 and City Council Conditionally Approved the applications, by 3:2:0 vote, on 11/25/2013. City Council heard Ordinance First Reading 01/27/2014. City Council heard Ordinance Second Reading and Approved same 02/24/2014 (Ord. # 2126).

BACKGROUND INFORMATION:

The subject property was partially rezoned to CS and approved for PUD 6 “South Memorial Duplexes” in 1983, and was subsequently platted as *Memorial Square* on August 03, 1984. Twenty (20) duplexes were constructed around the southerly end of the development. County Assessor’s parcel data reflects the duplexes were constructed in 1984, after which point further development halted. Present City Staff has not supported further construction due to Floodplain and stormwater drainage issues. Critically, it has been reported that historical street flooding heights have rendered the existing dwellings and vacant lots inaccessible for emergency egress and response purposes.

Over the past seven (7) years, and likely extending long past the tenure of present City Staff, property owners, investors, real estate professionals, development design consultants, and other interested parties have met and had conversations with City Staff regarding the possibility of “building out” the undeveloped portion of *Memorial Square*. Time spent on such meetings, conversations, and preparing related correspondence likely sum to dozens, if not hundreds of City Staff hours during this period. An investor has submitted applications for PUD Major Amendment and rezoning, and has engaged design professionals, including a hydrologist, in order to design methods to resolve Floodplain and stormwater drainage issues. Preliminary plans for floodplain mitigation, stormwater drainage and detention, and infrastructure improvements have been prepared, and further such efforts continue.

This PUD Major Amendment #1 proposes 62 dwelling units (DUs). Per Zoning Code Sections 11-7I-5.A, 11-7I-5.A.1, and 11-7I-5.A.2.b, the number of DUs is restricted to the amount of available residential zoning. The available gross area within the RM-1 and proposed RT districts (approximately 6.7 acres) would produce approximately 43 DUs using the 1 DU / 6,750 square feet GLA standard allowed by the Zoning Code, but fewer if using the GLA/DU standards proposed by the various DAs in this PUD. Thus, it will require using available CS zoning to generate the balance of DUs proposed. Use Unit (UU) 7a single-family (SF) townhouse dwellings are permitted in the underlying CS district by Special Exception or PUD. However, citations *ibidem* do not provide for SF DUs to be produced by Office and Commercial districts, so the PUD itself must provide for this. By allowing UU 7a townhouses as a principal use by Special Exception / PUD in the Office and Commercial districts,¹ the Zoning Code contemplates bulk and area formulae must be generated, but does not provide same,² and so is interpreted to allow their generation by the individual PUD. As recommended to the Applicant, a formula has been added to the Development Area A section of the PUD Text, but it is not clear. The formula will need to be amended according to the Zoning Code provisions for DU generation in Office and Commercial districts as outlined herein.

Zoning Code Section 11-7I-5.A.1.b implicitly suggests [for PUDs within nonresidential districts or within residential + nonresidential districts] the allowance of using the “least restrictive” GLA/DU standard available in the RS Bulk and Area matrix (Section 11-7B-4.A.1

¹ See Zoning Code Sections 11-7C-2 Table 1, 11-7D-2 Table 1, and 11-7I-4.A.

² The Bixby Zoning Code does synch multifamily bulk and area standards with specific Office and Commercial Districts, but does not specifically synch UU 6 SF bulk and area standards, as the Tulsa Zoning Code does (e.g. OL = RT, OM and OMH = RM-2, and OH = RM-3).

Table 3 for this PUD). The minimum GLA square foot standards proposed for the various DAs may be reduced as low as 6,750 square feet / DU. The requested RT district allows 6,750 square feet / DU already. Depending on RM-1, RT, and CS GLAs as precisely measured, based on the 62 DUs actually proposed, the standard for the available RM-1, RT, and CS GLAs may be synched at some number between what are presently proposed and 6,750 square feet (per GIS, the estimated total GLA would allow up to approximately 66 DUs). Alternatively, the PUD could specify that there is approximately _____ square feet of GLA within the CS, RT, and RM-1 districts combined, for which this PUD will establish a singular applicable standard of 6,750 SF / DU. If this formula would produce more than the 62 lots proposed (likely), it may be qualified as being subordinate to the 62 lot yield standard. Whichever way this is resolved, the PUD needs to be amended as appropriate.

ANALYSIS:

Subject Property Conditions. The subject property consists of all of *Memorial Square*, and is composed of duplexes and vacant lots. The subject property is fairly flat, and appears to drain south through the Reserve A stormwater pond to the southeast to an un-named upstream tributary of Fry Creek Ditch # 1. The subject property is primarily in the 100-year (1% Annual Chance) Regulatory Floodplain, so floodplain mitigation (building lot elevation, street elevation, and compensatory storage) will be required for development. Further, additional mitigation will be required in order to adequately address stormwater drainage and detention, and is expected to consist of upgrading the stormwater detention pond in Reserve A, creating new stormwater detention facilities in new Reserve Areas to be platted, and certain offsite improvements.

Per case research, including the case map for BZ-68 in 1978, the RM-1 zoning on the subject property appears to have been conferred by the original Zoning Ordinance. Per BZ-140 – Patrick L. Murray in 1983, the southerly approximately 1.6 acres of the subject property, consisting of Lots 7 through 12, inclusive, Block 17, *Southern Memorial Acres Extended* was rezoned from its original RM-1 zoning to CS. B/PUD 6 – “South Memorial Duplexes” – Richard Hall & Associates for George E. Day was approved December 05, 1983 (Ord. # 498), and proposed a duplex development for subject property.

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

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

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the existing CS and RM-1 districts are *Not In Accordance* with the Low Intensity designation of the Comprehensive Plan Land Use Map.

RT zoning was adopted (Ord. # 845) after the Comprehensive Plan in or around 2002 so it is not included in the “Matrix.” However, based on 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 RM-1 and RT zoning, the existing duplex residential use, and the proposed townhouse residential use are all consistent with the Residential Area land use designation of the Comprehensive Plan Land Use map.

Unless the Applicant desires to seek an amendment to the Comprehensive Plan, the proposed commercial use of the Development Area corresponding to existing CS zoning is inconsistent with both the Low Intensity and Residential Area designations of the Comprehensive plan, and should be removed in favor of language restricting use to stormwater drainage and detention, streets and common areas, and duplex and townhouse residential uses.

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

The existing and proposed land uses per PUD 6 Major Amendment # 1 are consistent with the Comprehensive Plan.

General. The Applicant is requesting a Major Amendment to an approved PUD, allow for the redevelopment of most of the vacant parts of *Memorial Square* with townhouses, provide development standards for same, and make certain other amendments. The original PUD was named “South Memorial Duplexes,” but it will be renamed “Memorial Square,” consistent with the name of the subdivision as platted. The original PUD 6 was approved for 60 dwelling units. There are 10 duplexes in existence, which will remain, and an additional 52 townhouses proposed. The extra two (2) units appear to come from the 12 units permitted in Development Area A, in which there are presently only 10 existing units. However, DA B includes existing

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Lots 3 and 4, Block 5, *Memorial Square*, and the Text and Exhibits do not indicate whether these would be buildable lots, an omitted part of the proposed "Reserve C" stormwater detention facility, a common area amenity for the neighborhood, or vacant land. This should be addressed in the Text and Exhibits.

Due to the technical definitions of "duplex" and "townhouse" in the Zoning Code, in the few instances where only two (2) townhouses will be constructed adjoining, the PUD Text should clarify that they are still "townhouses" consistent with the balance of the redevelopment pursuant to the definition of "townhouse development."

Per Tulsa County Assessor's parcel records, the existing duplex units each have typically 1,242 and 1,476 square feet, excluding two (2) car attached garages with each unit. A majority appear to have two (2) stories. They do not have masonry, but were recently repainted, and renovations have been made. Proposed minimum townhouse units square footage information has not been provided, and no standard has been proposed. The original PUD 6 provided that each unit would have an attached 2-car garage, and further, "There are some fairly large trees on the site which will be preserved, if at all possible." Per a site inspection, it appears there remain several large trees in the area where new townhouses are proposed. To ensure the adequacy of the quality of proposed townhouses and contextual compatibility, the PUD should specify proposed minimum dwelling unit sizes, minimum masonry, minimum attached garage off-street parking, and tree preservation and/or planting standards such as the Planning Commission and City Council will find suitable.

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

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

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

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held May 07, 2014. Minutes of that meeting are attached to this report.

Access & Circulation. The subject property has a private street network consisting of Lot 1, Block 1, *Memorial Square*, which connects to 84th E. Ave. at 119th Ct. S. (also private). Streets are proposed to remain private, but will be elevated to achieve required minimum street flooding requirements. Although the subject property has frontage on 121st St. S., the frontage all belongs to Reserve A, *Memorial Square*, which is presently, and is proposed to remain a stormwater detention facility.

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

Sidewalks are not presently shown, but are required by the Subdivision Regulations. See related recommendations in this report.

Limits of No Access (LNA) are currently proposed along 84th E. Ave., and should also be required along 121st St. S. except for access point(s) as approved by the City Engineer and Fire Marshal.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of RS-1, RD, CS, and CS/RM-3/OL/PUD 81. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

To the north and east are single family houses zoned RS-1, and abutting immediately to the north are duplexes along 119th St. S. zoned RD, all in *Southern Memorial Acres Extended*.

Across 121st St. S. to the south are 23 acres of vacant land recently approved for rezoning to CS, RM-3, and OL and PUD 81 "Chateau Villas PUD" for a "luxury apartments" and commercial development. To the southwest are commercial businesses and vacant land zoned CS in *121st Center*. The Bixby Fire Station #2 and single-family residential houses are zoned RS-1 to the southeast in the *Houser Addition*.

Finally, the *Town and Country Shopping Center*, zoned CS, abuts to the west in *Southern Memorial Acres Extended*.

Staff believes that the existing underlying zoning, the original PUD 6 and its proposed Major Amendment # 1, and the existing duplexes and proposed townhouses are all consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

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

1. Whether the PUD is consistent with the comprehensive plan;
2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;
3. Whether the PUD is a unified treatment of the development possibilities of the project site; and
4. Whether the PUD is consistent with the stated purposes and standards of this article.

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

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

Subject to meeting the recommendations below, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this application.

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

1. The approval of RT rezoning is subject to the final approval of PUD 6 Major Amendment # 1 and vice-versa.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item will be satisfied by the "Standard Requirements" section of the PUD Text.
3. Site Description and Location: Please add clarifying text that, in instances where there will be only two (2) townhouse units adjoining, these will be recognized as townhouses and duplexes as defined in the Zoning Code pursuant to the definition of "townhouse development."
4. To ensure the adequacy of the quality of proposed townhouses and contextual compatibility, the PUD should specify proposed minimum dwelling unit sizes, minimum masonry, minimum attached garage off-street parking, and tree preservation and/or planting standards such as the Planning Commission and City Council will find suitable.
5. PUD Text: Missing information on existing and any proposed new signs per Zoning Code Section 11-7I-8.B.1.f. Text should describe if Reserve Area or easement would be employed for common features.
6. Development Standards for DA A: Including existing duplexes, the existing Reserve A stormwater detention facility, and proposed Reserves B and C in a singular DA is problematic from the standpoint of preparing development standards. Consider consolidating all existing duplexes from DAs A and B into a singular DA, and consolidating existing and proposed Reserve Areas into another.
7. Development Standards for DA A: Bulk and area standards as presently written are unworkable for existing duplexes and existing and proposed Reserve areas. After segregating the two (2) per other recommendations in this report, please update and synch duplex standards to actual As-Built conditions.
8. Development Standards for DA A: Masonry requirement: Please clarify as to intent (existing duplexes currently in DA A, or future buildings if permitted in Reserve Areas).
9. Development Standards for DA B: Minimum lot width of 34' in conflict with Lot 3, Block 1, *Memorial Square* at 30' in width.

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10. Development Standards: Needs to provide development standards for Block 1, *Memorial Square*, which appears to consist of Lot 1 (private streets and alley), Lot 2 (“Common Greens” per original PUD), and Lots 3 through 7, inclusive (purpose uncertain). A separate Development Area for Block would be in order to prevent conflict with other development standards for other areas and uses.
11. “Summary of the Development Areas in the Major Amendment to the PUD,” Development Standards for DAs A, B, and C, and Exhibit B are internally inconsistent – please reconcile.
12. For purposes of this analysis, DAs A, B, and C will be recognized based on their respective descriptions in the Development Standards for each, not according to Exhibit B or other Text in this document.
13. Development Standards for DAs A, B, and C: Where referring to minimum frontage required, please replace qualifier “public” with “private” as streets in *Memorial Square* are private.
14. Development Standards for DA A: Please clarify Residential density standard proposed. See Background Information section of this report for details.
15. Development Standards for DA C: Minimum Land Area per D.U.: Standard provided is smaller than the smallest GLA/DU permitted by PUDs per Zoning Code Sections 11-7I-5.A, 11-7I-5.A.1, 11-7I-5.A.1.b, 11-7I-5.A.2.b, and 11-7B-4.A.1 Table 3 (6,750 square feet). See Background Information section of this report for details.
16. Development Standards for DA A: Permitted Uses: Unless the Applicant desires to seek an amendment to the Comprehensive Plan, the proposed commercial use of the Development Area corresponding to existing CS zoning is inconsistent with both the Low Intensity and Residential Area designations of the Comprehensive plan, and should be removed in favor of language restricting use to stormwater drainage and detention, streets and common areas, and duplex and townhouse residential uses.
17. Development Standards for DA A: Permitted Uses: Uses permitted by right in CS do not allow for the existing Use Unit 7 duplexes – please add specifically. Consider adding also Use Unit 7A townhouses, for purposes of future redevelopment consistent with the balance of this PUD.
18. Development Standards for DA A: Minimum lot width should be defined to allow for the four (4) existing “flag lots,” which have debatable widths due to irregular geometries.
19. Development Standards for DA B: Please synch minimum lot area to the smallest lot actually located in DA A (excluding Block 1), with a small 10% to 15% buffer for any future lot-line adjustments, to ensure no changes are made absent changing the PUD.
20. Development Standards for DAs A and B: Please add a minimum Land Area standard such that existing lots will be consistent. Land Area is not interpreted to allow for use of ½ of adjoining Lot 1, Block 1, *Memorial Square*, as the same is not clearly recognizable as “right-of-way.”
21. Development Standards for DA C: Please add a proposed minimum Land Area standard for new townhouse lots.
22. Development Standards for DA C: “Flag lots” Lots 3 and 18, Block 2, would not meet proposed 30’ minimum lot width standard. These should be excepted or otherwise addressed.
23. Development Standards for DA B: Please confirm all existing duplexes will comply with proposed setback standards.

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24. Please address (where appropriate in Text & Exhibits) what is intended for Lots 3 and 4, Block 5, *Memorial Square*.
25. Development Standards for DA A: Gross area reported at 2.9 acres, but GIS indicates approximately 3.7 acres ("gross area" includes ½ of adjoining right-of-way, excluding Lot 1, Block 1, *Memorial Square* in this instance as it is not clearly "right-of-way" per se). Please reconcile.
26. Development Standards for DAs A, B, and C: Calculating total Gross Land Areas reported results in 9.43 acres, which appears to be the Net Land Area, reported as 9.38 acres per the plat of *Memorial Square*. Please reconcile Gross and Net Land Areas throughout the document.
27. Development Standards for DA C: Please specify legal description of DA consistent with other DAs.
28. "Landscaped Area and Visual Screening": Not expected within a SF Residential PUD. However, this would be an appropriate place to discuss Developer's plans regarding existing tree preservation and/or planting, as may be proposed.
29. "Landscaped Area and Visual Screening": Please note that there is an existing fence along the west line screening the *Town and Country Shopping Center*.
30. "Access and Circulation": Please modify text pertaining to streets to acknowledge that all or which streets will be elevated to meet maximum street flooding standards.
31. "Access and Circulation": Please acknowledge sidewalk construction requirements such as "Sidewalks shall be constructed by the developer or individual lot owners along all 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." Should also state if sidewalk easements will need to be employed due to reduced private street widths.
32. "Access and Circulation": Please note that Limits of No Access (LNA) will be imposed along the 121st St. S. and 84th E. Ave. frontages except for approved access point(s).
33. "Access and Circulation": Please document here that the private street network consists of Lot 1, Block 1, *Memorial Square*, and specify the existing roadway widths (curb face to curb face and curb widths) and the 25' private street "right-of-way" widths per *Memorial Square*.
34. "Utilities and Drainage": States that utilities are shown on Exhibit C in error.
35. "Utilities and Drainage": Please describe plans for floodplain, stormwater drainage and detention, street, and utility engineering and improvements.
36. "Utilities and Drainage": Please describe site utilities in greater detail, noting where certain pedestals and appurtenances are elevated due to the Floodplain.
37. "Utilities and Drainage": Please describe plans for adding streetlights and traffic signs as required for new subdivisions in Bixby.
38. "Platting Requirement": Does not state that platting is required before Building Permit issuance.
39. PUD Exhibits: Missing "Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed." per Zoning Code Section 11-7I-8.B.1.g. At minimum, please represent the commercial access drive, back side of the *Town and Country Shopping Center* building complex, and common line fence, and the lot lines for abutting duplex lots to the north, with "duplexes" label.

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40. PUD Exhibits: Missing “existing topographic character of the land including identification of floodplain areas, treed areas, slope analysis and soil analysis” per Zoning Code Section 11-7I-8.B.2.
41. PUD Exhibits: Missing customary area zoning exhibit.
42. PUD Exhibits: Missing customary aerial map.
43. PUD Exhibits: Missing customary utilities plan map.
44. PUD Exhibits: Consider qualifying site plan elements as “typical” or “conceptual” as needed.
45. Exhibit A: Please dimension frontages of “flag lots” 3, 17, and 18, Block 2.
46. Exhibit A: Please dimension rear lot line of Lot 3, Block 2.
47. Exhibit B: DA boundaries do not reflect parts of the “handles” of flag-lots 5, 6, 15, and 16, Block 3, Memorial Square. Please confirm intent.
48. Exhibits A and B: Please clarify meaning of “150’ ESMT” and “Temporary Easement.” If there are existing City of Bixby or other easements, please cite relevant Book and Page or Document #.
49. Exhibits A and B: Please resolve text and linework congestion throughout.
50. Exhibits A and B: Please add a Drainage Easement or widen the U/E such that it fully contains the concrete flume shown in Block 2.
51. Exhibits A and B: It does not appear the 17.5’ minimum width Perimeter U/E is represented along all PUD boundaries. Please represent or discuss if not currently planned to be at 17.5’ in width.
52. Exhibits A and B: 50’ vacated street along 120th Pl. S. does not correspond with location of former 120th St. S. per the plat of *Southern Memorial Acres Extended*. Please revise or advise.
53. Exhibits A and B: LNA label and distance missing from frontage of Block 3.
54. Exhibits A and B: Please place a note stating that dimensions between existing buildings and property lines are not provided here but will be for the Preliminary Plat in satisfaction of Subdivision Regulations requirements.
55. Exhibits A and B: Please label all lots within Block 1, *Memorial Square*.
56. Exhibits A and B: Please label Lot 2, Block 1 as “Common Greens” as per original PUD, or otherwise with currently proposed use.
57. Exhibits A and B: Please label existing and proposed fences per Zoning Code Section 11-7I-8.B.1.e. There is an existing fence to the west.
58. Exhibits A and B: Please add “South,” “So.,” or “S.” to street names.
59. Exhibits A and B: Please identify existing sign at entrance with height and display surface area, and whether “to remain” or “to be replaced” per Zoning Code Section 11-7I-8.B.1.f.
60. Exhibits A and B: Please add a Legend to clarify linetypes, abbreviations, and symbols used.
61. Exhibits A and B: Please add LNA along 121st St. S. except for locations as specified by the City Engineer and Fire Marshal.
62. Exhibits A and B: Please dimension abutting streets right-of-way and paving widths. It appears half-street rights-of-way are identified, but apostrophes used to indicate “feet” and dimensional arrows are missing.
63. Exhibits A and B: Please represent and label as to width all required sidewalks.
64. Please identify or advise what the corner cut areas mean as represented in the symbols used for proposed new townhouse units (e.g. “covered porch,” etc.).

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65. 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.
66. A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).

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Memo

To: Erik Enyart, AICP, City Planner

From: Joey Wiedel

Date: 04-21-2014

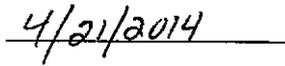
Re: PUD 6 "Memorial Square"

PUD 6 "Memorial Square", are approved by this office with the following conditions:

1. Fire Hydrants shall be installed a maximum of 300 ft. spacing. 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 capable of supporting an imposed load of 75,000 pounds shall be in place before construction of homes. (IFC 2009 Appendix D)
4. Roadways shall have enough elevation to prevent any roadway flooding.



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, City Engineer 

CC: Bea Aamodt, Public Works Director
File

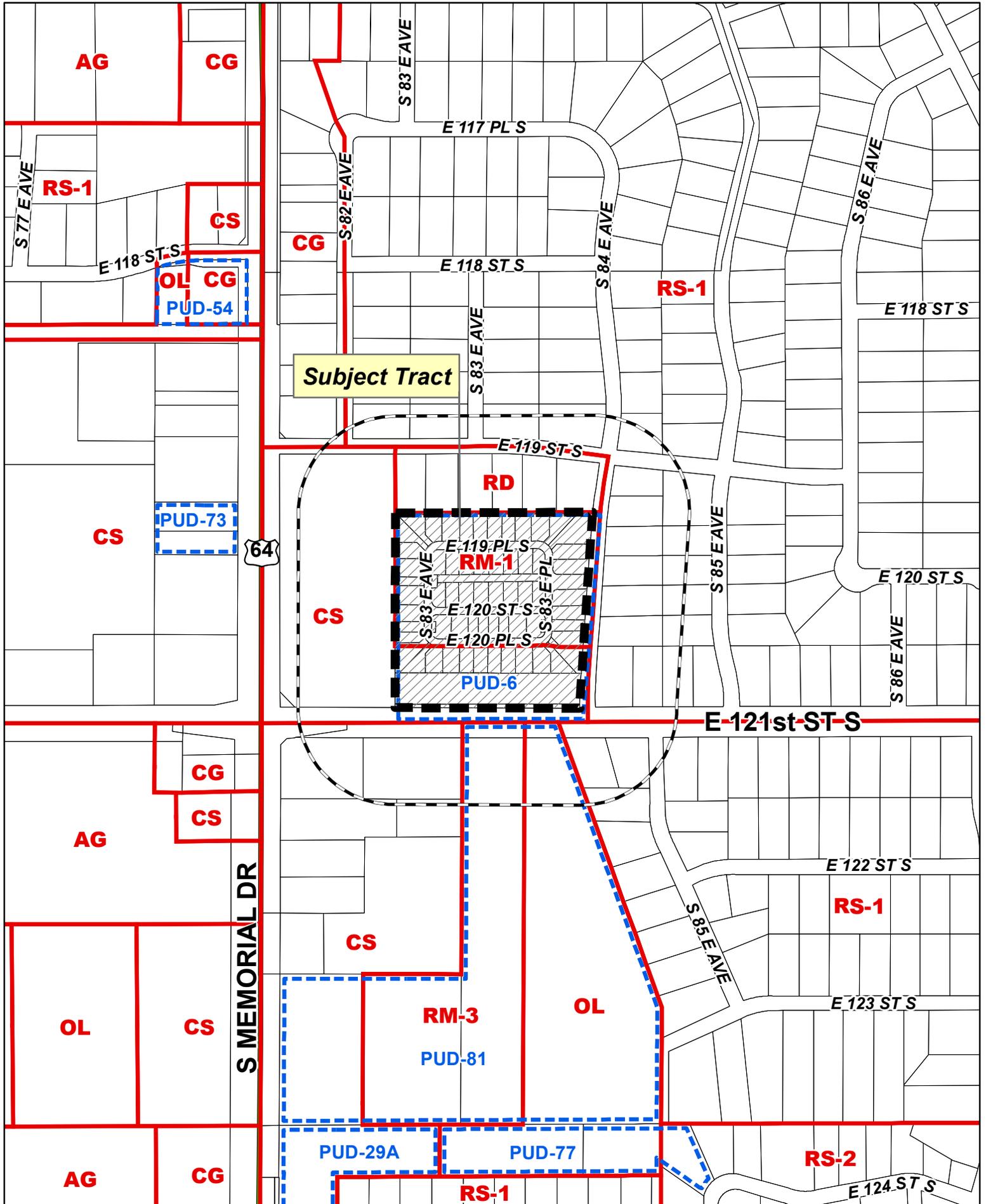
Date: 05/05/14

Re: Memorial Square, PUD 6
Major Amendment #1 Review

General Comments:

1. Language within the PUD indicates that existing utilities installed within the development will serve the new development areas. Testing and inspection of existing utility lines and appurtenances (i.e. fire hydrants, valves on water mains and manholes on sewer laterals) will be required prior to permitting any structures.
2. If utility line extensions or reconstruction are required, detailed design plans will be required.
3. No drainage information is provided in the PUD. The proposed amendment will require a detailed Drainage Report, Design Plans, and CLOMR/LOMR submittals.
4. A Geotechnical Report with pavement design recommendations for the reconstructed street sections per City Engineering Design Manual is required. Lime modification of sandy soils will not be approved.





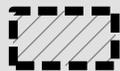
Subject Tract

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S MEMORIAL DR

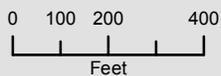


300' Radius



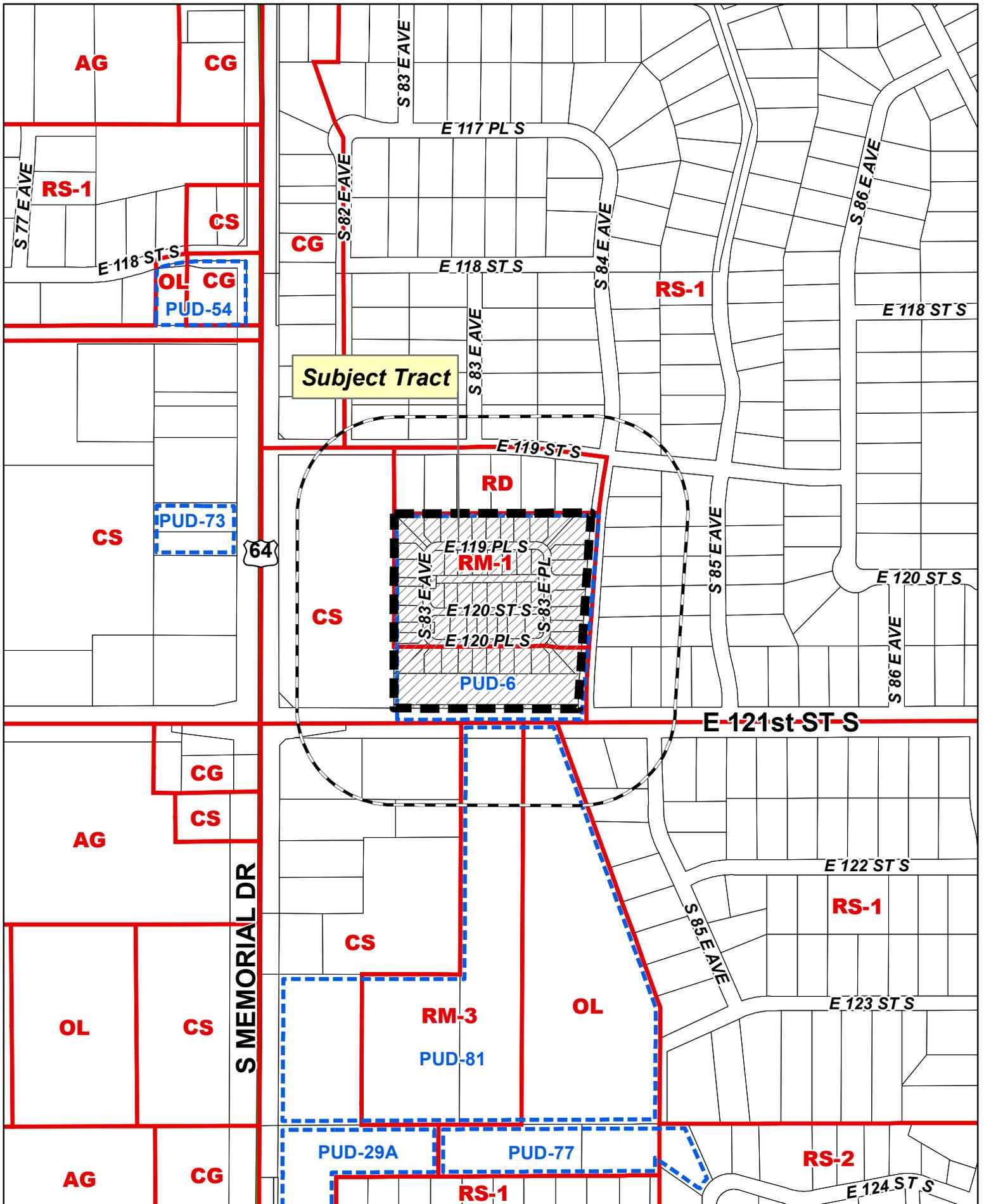
Subject Tract

PUD-6-1

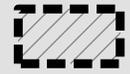


36 18-13



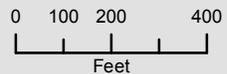


300' Radius



Subject Tract

BZ-374



36 18-13



MEMORIAL SQUARE
Bixby, Oklahoma
PLANNED UNIT DEVELOPMENT NO. 6
MAJOR AMENDMENT NO. 1

April 11, 2014

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

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MEMORIAL SQUARE
Planned Unit Development No. 6
DEVELOPMENT CONCEPT

Site Description and Location. Memorial Square , PUD 6 was approved by the Bixby Planning Commission in 1983. The project is located east and north of the intersection of East 121st Street South and South Memorial Drive. The original PUD No. 6 consisted of 5 blocks and had 60 units proposed on the 9.43 acres. Twenty units were constructed in the platted subdivision Memorial Square, an addition to the City of Bixby, according to plat number 4511.

The Major Amendment is planned as residential townhouse development. The amendment will create 40 additional single residential townhouse dwellings. The area included in this planned unit development (PUD) is located in the SW/4 of Section 36, T-18-N, R-13-E, Tulsa County, State of Oklahoma. Memorial Square will be re-platted, reflecting the new lot configuration of Development Area C. Exhibit "A", is a Concept Illustration of the Site, including a Location Map insert.

Existing site zoning. Memorial Square is presently zoned "RM-1" and "CS".

Summary of the Development Areas in the Major Amendment to the PUD. This Major Amendment to Memorial Square will create three development areas. Block 3 and Lots 1 and 2, Block 5 will be Development Area "B", Reserve A will be Development Area A and Block 1, 2, 4 and lots 3 thru 8 Block 5 will be Development Area C. The zoning will remain the same for Development Areas A and B. Development Area C will be re-zoned to "RT", Residential Townhouse District and will be referred to as "The Gardens at Memorial Square". The legal descriptions for each development area are provided in Exhibit C.

Features of the Site Area. The existing units located in Block 3, and Lots 1 and 2, Block 5, Memorial Square have been remodeled and will remain in place. There is a retail shopping center located west of this site and duplexes to the north of this site in Southern Memorial Acres Extended. There are single family residences east of South 84th E. Ave.

Soil Analysis

The soil type for the project is: Osage silty clay.

Memorial Square
Planned Unit Development No. 6

DEVELOPMENT STANDARDS

DEVELOPMENT AREA A. Area platted in Memorial Square as Reserve "A"
and Lots 5 thru 16, Block 3.

GROSS LAND AREA:

Gross:	2.9 acres	126,324 sf
Maximum Intensity of Use:		12 dwelling units
Existing number of units:		10 dwelling units

Residential density in "CS" district 14,140 sf, 11%

PERMITTED USES:

Proposed Underlying Zoning District: "CS"
Uses to include all Use Units of the City of Bixby Zoning Code permitted by right within the "CS" zoning district.

MAX BUILDING STORIES	2
LOT WIDTH (min.ft.)	PER BULK AND AREA REQ'D

MINIMUM BUILDING SETBACKS (YARD REQUIREMENTS):

Front yard abutting a public street	50 feet
Side yard	PER BULK AND AREA REQ'D.
Rear Yards (min.ft.)	PER BULK AND AREA REQ'D.
Side yards (min.ft.)	PER BULK AND AREA REQ'D.
MAXIMUM BUILDING HEIGHT	40 feet
Other Bulk and Area Requirements	As provided within an CS District
MASONRY requirement (min.sq.ft.)	100% of the building elevation surface facing 121 st Street South excluding elevation doors and windows.

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Memorial Square
Planned Unit Development No. 6

DEVELOPMENT AREA B Area platted in Memorial Square Lots
1,2,3,4,17,18,19,20, Block 3 and all of Block 5

GROSS LAND AREA:

Gross:	2.53 acres	110,189 sf
Intensity of Use:		10 Units

PERMITTED USES:

Proposed Underlying Zoning District: "RM-1"
Uses to include all Use Units of the City of Bixby Zoning Code permitted by right within the "RM-1" zoning district.

MAX BUILDING STORIES	2
LOT WIDTH (min.ft.)	34 feet
LOT AREA (min.sq.ft.)	2,754 s.f
LAND AREA PER D.U. (min.sq.ft.)	11,018 s.f.
LIVABILITY PER D.U. (min.sq.ft.)	1,000 s.f.

MINIMUM BUILDING SETBACKS (YARD REQUIREMENTS):

Front yard abutting a public street	17 feet
Side yard abutting a public street	5 feet
Rear Yards (min.ft.)	10 feet
Side yards (min.ft.)	0 feet one side 5 feet one side
MAXIMUM BUILDING HEIGHT	40 feet
Other Bulk and Area Requirements	As provided within an RM-1 District
Off-Street parking	Within each lot a minimum of 1 Space shall be provided.

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Memorial Square
Planned Unit Development No. 6

DEVELOPMENT AREA C

GROSS LAND AREA:

Gross:	4.00 acres	174,240 sf
Intensity of Use:		40 Lots

PERMITTED USES:

Proposed Underlying Zoning District: "RT"
Uses to include all Use Units of the City of Bixby Zoning Code permitted by right within the "RT" zoning district.

MAX BUILDING STORIES	2
LOT WIDTH (min.ft.)	30 feet
LOT AREA (min.sq.ft.)	2,600 s.f
LAND AREA PER D.U. (min.sq.ft.)	4,356 s.f.
LIVABILITY PER D.U. (min.sq.ft.)	1,000 s.f.

MINIMUM BUILDING SETBACKS (YARD REQUIREMENTS):

Front yard abutting a public street	17 feet
Side yard abutting a public street	5 feet
Rear Yards (min.ft.)	10 feet
Side yards (min.ft.)	0 feet each side

MAXIMUM BUILDING HEIGHT	40 feet
Other Bulk and Area Requirements	As provided within an RT District
Off-Street parking	Within each lot a minimum of 1 Space shall be provided.



Memorial Square
Planned Unit Development No. 6

LANDSCAPED AREA AND VISUAL SCREENING:

- (1) An existing wooden privacy fence exists along the south side of Block 3 and will remain in place. A six foot wooden privacy fence will be installed along the north and east property lines.

STANDARD REQUIREMENTS:

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

ACCESS AND CIRCULATION:

- (1) The paved streets in this PUD will be private and are presently in place.

UTILITIES and DRAINAGE:

- (1) Site utilities are installed and available. Exhibit C shows the existing site utilities.

PLATTING REQUIREMENT:

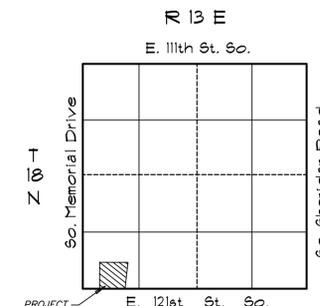
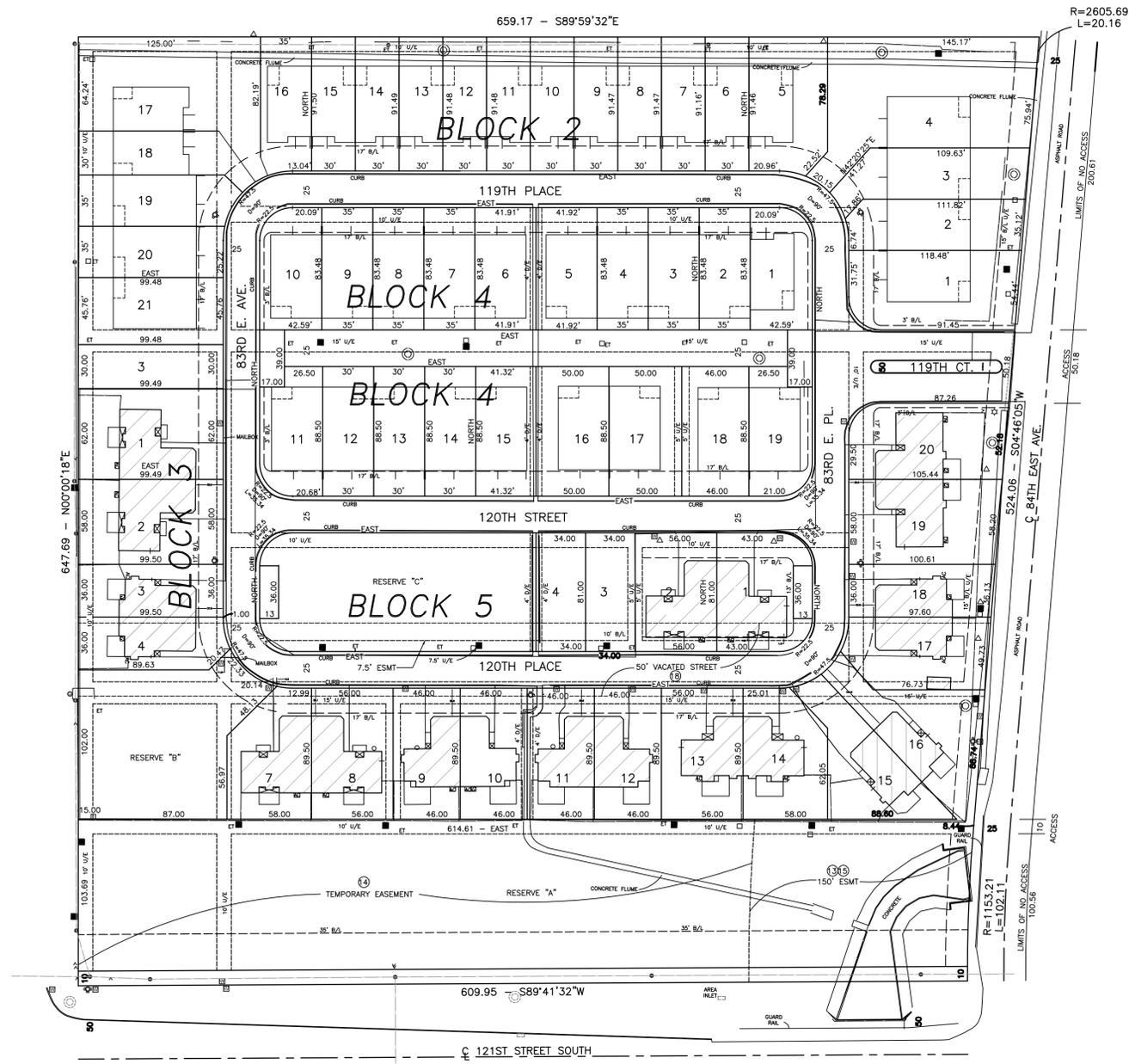
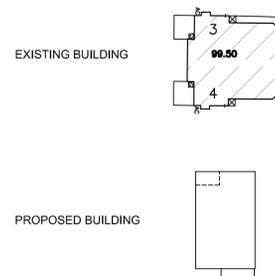
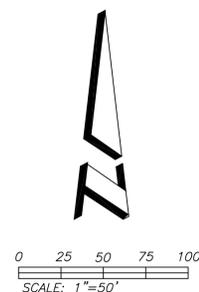
- (1) Memorial Square, plat no.4511 will be re-platted. The subdivision plat will be presented before the Bixby Planning Commission and Bixby City Council for approval.

SCHEDULE OF DEVELOPMENT:

- (1) Development of the project is expected to commence within 3 months and to be completed as market conditions permit.

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

CONCEPT SITE PLAN MAJOR AMENDMENT PUD 6



SECTION 36
LOCATION MAP
SCALE: 1"= 2000'

EXHIBIT A
CONCEPT SITE PLAN

DEVELOPMENT AREAS MAJOR AMENDMENT PUD 6

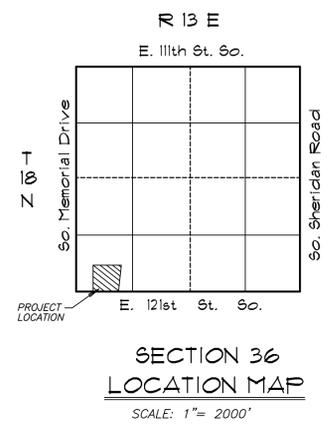
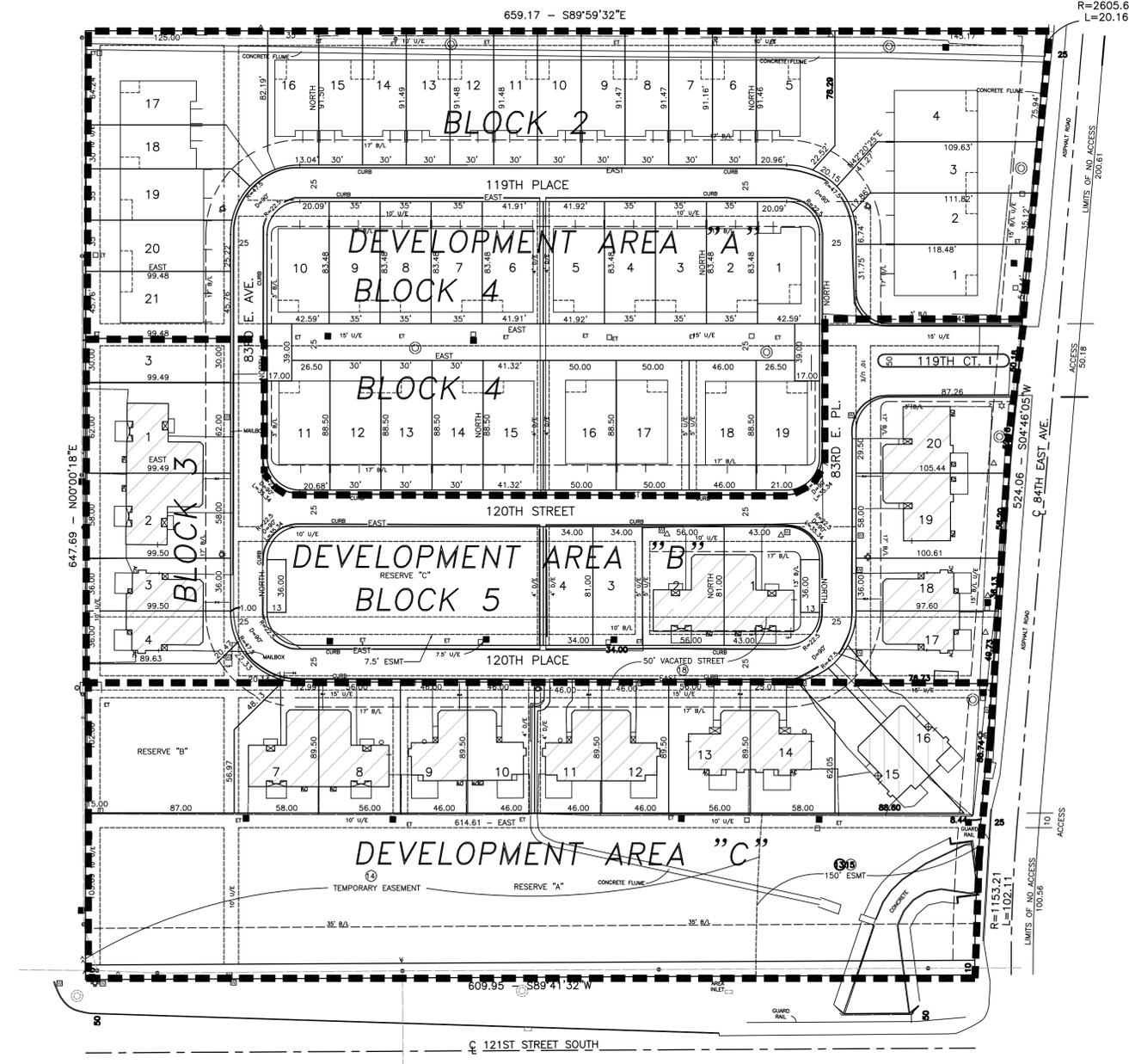
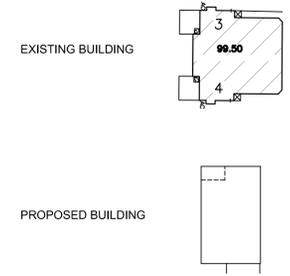
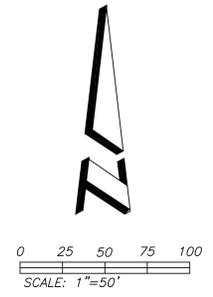


EXHIBIT B
DEVELOPMENT AREAS

Memorial Square
Legal Descriptions
Exhibit C

Development Area A

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, Block 3 and Reserve A in Memorial Square, an addition to the City of Bixby, Tulsa County, State of Oklahoma, according to the recorded plat no. 4511.

Development Area B

Lots 1, 2, 3, 4, 17, 18, 19, 20, Block 3, all of Block 5, private streets, 120th Place South, 120th Street South, 119th Court.....and.... 83rd E. Ave south of the north lot line of Lot 3, Block 3 and 83th E. Place south of the southwest corner of Lot 1, Block 4, Memorial Square, an addition to the City of Bixby, Tulsa County, State of Oklahoma, according to the recorded plat no. 4511.

Development Area C

Lot 1 thru 16, Block 2, Block 4, and.....83rd E. Ave north of the southeast corner of Lot 16, Block 2 and.....83rd E. Place north of the southeast corner of Lot 1, Block 4, Memorial Square, an addition to the City of Bixby, Tulsa County, State of Oklahoma, according to the recorded plat no. 4511.

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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Friday, May 16, 2014
RE: Report and Recommendations for:
Preliminary Plat of "Somerset" (PUD 82)

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: RS-2 Residential Single-Family District and PUD 82

SUPPLEMENTAL ZONING: PUD 82 "Somerset"

EXISTING USE: Rural residential and agricultural

REQUEST: Preliminary Plat approval

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 10/1985 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 Staff’s abutting access provision recommendations. City Council 02-24-2014 Conditionally Approved with Staff’s abutting access recommendations, “subject to a[n] application for waiver of subdivision regulations.” City Council Approved ordinance effecting rezoning and PUD approval upon receipt of the “Final As Approved” copy of the PUD with all of the Conditions of Approval incorporated 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 subject property – PC Recommended Partial Approval 03/17/2014 to allow the proposed 20’ Emergency Access Drive Easement to the 8-acre development property abutting to the south/west, with the location to be determined by the involved private parties and City Council Partially Approved as recommended 03/24/2014.

BACKGROUND INFORMATION:

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,

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

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

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

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

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the existing RS-2 zoning is *In Accordance* with the Low Intensity designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the RS-2 zoning district would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Per the Matrix, PUDs (as a zoning district) are *In Accordance* with the Corridor and Medium Intensity designations of the Comprehensive Plan Land Use Map, and thus the existing PUD 82 is *In Accordance* with the Comprehensive Plan as a zoning district.

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

General. The plat proposes a single-family residential subdivision development with 54 lots. The plat exhibits a suburban-style subdivision design, with 54 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 140' of depth (9,100 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, 66th and 67th E. Aves., and 11 non-cul-de-sac lots front on the south side of 119th St. S. The latter are typically 70' X 125' (8,750 square feet; 0.20 acres). At the northern end of the existing 10-acre tract portion of the subject property, proposed Lot 17, Block 2 would contain the existing house, which will remain. The existing rural residential houses at the west end of the westernmost 4-acre tract will be removed by this development.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on May 07, 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 would be from 121st St. S. (Primary Arterial) via the proposed 68th E. Ave., and from Sheridan Rd. via the proposed 119th St. S. Two (2) short cul-de-sac streets, 66th and 67th E. Aves., are proposed to extend north from 119th St. S. The streets are proposed to be gated and private, and are represented on the plat as Reserve B.

Abutting the subject property to the west and south is an unplatted 8-acre development tract, the subject of PUD 84 "Sheridan Cottages." This plat proposes, pursuant to PUD 82 as approved, a 20'-wide Reserve A, to allow the "Sheridan Cottages" property to construct an access between the two (2) additions in the future at the "Sheridan Cottages" property owner's expense. It is proposed to connect to the "Sheridan Cottages" property where the draft PUD's site plan indicates the connection.

Per the approved PUD 82, in lieu of sidewalk construction along Sheridan Rd., the developer will propose to extend the sidewalk offsite through the Bixby 5th & 6th Grade Center parcel to connect to the west line of *LifeChurch.tv*. This will require a Waiver of the Subdivision Regulations with this Preliminary Plat application, which the PUD Text acknowledges. Staff noted that the distances may not equal out, but adding the ramp treatments on both sides of the School's drive may bring parity to the cost versus the Sheridan Rd. location.

The plat proposes a 50' right-of-way dedication for Sheridan Rd. and 60' for 121st St. S. (Primary Arterial) as required.

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

1. Subject to a Partial Modification/Waiver from the sidewalk construction requirement of SRs Section 12-3-2.N, as outlined in PUD 82, to allow sidewalk construction along 121st St. S. to the west line of *LifeChurch.tv* in lieu of along the Sheridan Rd. frontage.
2. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
3. Per SRs Section 12-4-2.A.5, please correct Location Map as follows:
 - a. *The Links at Bixby* (misrepresented as to configuration)
 - b. *Resubdivision of Lots 3 and 4 of Bixby Commons* (missing)
 - c. *Woodcreek Village Amended* (mislabeled)
 - d. *The Estates of Graystone* (mislabeled)
 - e. *North Heights Addition* (mislabeled)
 - f. *Amended Plat of Block 7, North Heights Addition* (missing)
 - g. *Bixby Centennial Plaza II* (missing)
 - h. *Bixby Jiffy Lube* (inappropriately highlighted)

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4. Please provide Limits of No Access (LNA) restrictions along the 121st St. S. and Sheridan Rd. frontages except at approved access points.
5. Please resolve text and linework (contour lines) congestion in Title Block area.
6. Please resolve text conflict at north line of Lot 26, Block 2.
7. Please resolve text and linework conflicts along the 121st St. S. area.
8. Plat missing notes pertaining to monumentation (reference SRs Section 12-1-8).
9. Subdivision statistics: Please add number of Reserve areas.
10. Please correct proposed addresses per the provided address schedule recommendations.
11. Lots 1 through 8, inclusive, Block 1, are completely separated from the balance of Block 1 by Reserve A. Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
12. Update Lot, Block, and Reserve number statistics to add the new block number.
13. Please add missing dimensions from frontward lines of cul-de-sac lots.
14. Lot 16, Block 2: Please represent existing buildings and dimension to nearest property lines, such as shown PUD 82 site plans, 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.
15. "UE" as sometimes used on face of plat does not match "U/E" in Legend.
16. DoD/RCs Section I Preamble, final paragraph: Should probably "...by the lots owners within SOMERSET."
17. DoD/RCs Section I: Please cite/describe Reserve B as pertains to streets appropriate.
18. DoD/RCs Section I.A.4: Please invert with current Section A.5 for logical flow.
19. DoD/RCs Section I.C: Please correct "The streets and storm sewer are private..."
20. DoD/RCs Section II.A: Please append setbacks with "...a public or private street."
21. DoD/RCs Section III.A.1: First sentence has a comma instead of period.
22. DoD/RCs Section III.A.4: Occurrence of misplaced "\".
23. DoD/RCs Section III.C: Word "are" is misspelled.
24. DoD/RCs Section III.E: 50% masonry does not qualify as being subject to 75% standard of PUD / DoD/RCs Section II.
25. DoD/RCs Section III.G.2: Word "more" is misspelled.
26. DoD/RCs Section III.N: Should also specify signage.
27. DoD/RCs Section III.N: Does not mention purpose of Fence & Landscape Easement shown along the south line of Lot 16, Block 1.
28. DoD/RCs Section III.N: Should reference the full title, "Fence & Landscape Easement or 'F/L'" as shown on the face of the plat.
29. DoD/RCs Section III.O: Word "prohibited" misspelled.
30. DoD/RCs Section III.R: Word "an" misspelled.
31. DoD/RCs Section III.Z.3: Word "are" misspelled.
32. DoD/RCs Section III.Z.3: Word "Committee" omitted, and period missing.
33. DoD/RCs Section III.CC: Please clarify ambiguity in final sentence, such as "Also excepted are any changes..."
34. DoD/RCs Section VI: Please replace "or allow" with "and shall prevent."
35. DoD/RCs Section 1.E: Discusses stormwater easements which are not represented on face of plat.
36. 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).

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, City Engineer *JWC*
CC: Bea Aamodt, Public Works Director
File
Date: 05/05/14
Re: Somerset
Preliminary Plat Review

General Comments:

1. Conceptual Utility Plans were not provided with the Preliminary Plat.
2. Reserve "A" has been provided to presumably provide emergency access and possible utility connections access to the Haynes Reynolds property. However, until additional information is provided, previous comments remain applicable.

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Memo

To: Erik Enyart, AICP, City Planner

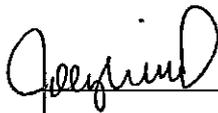
From: Joey Wiedel

Date: 04-30-2014

Re: Preliminary Plat of "Somerset"

"Somerset" is approved by this office with the following conditions:

1. All roads second means of access shall be capable of supporting an imposed load of 75,000 pounds. All roadways shall be in place before construction of homes.(IFC 2009 Appendix D)
2. Water line and fire hydrant plans shall be submitted to this office before approval of the Final Plat.
 - Fire Hydrant Brand- AVK or Mueller, Color- Chrome Yellow
 - 600 feet spacing maximum
3. Emergency access road should remain open without any type of security gate/barricade.
4. Gate Entrances shall meet 2009 IFC Appendix D requirements. Plans of the gates shall be submitted to this office for approval.

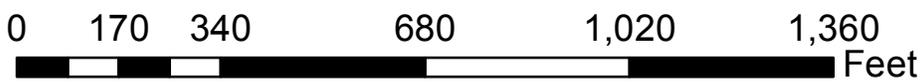
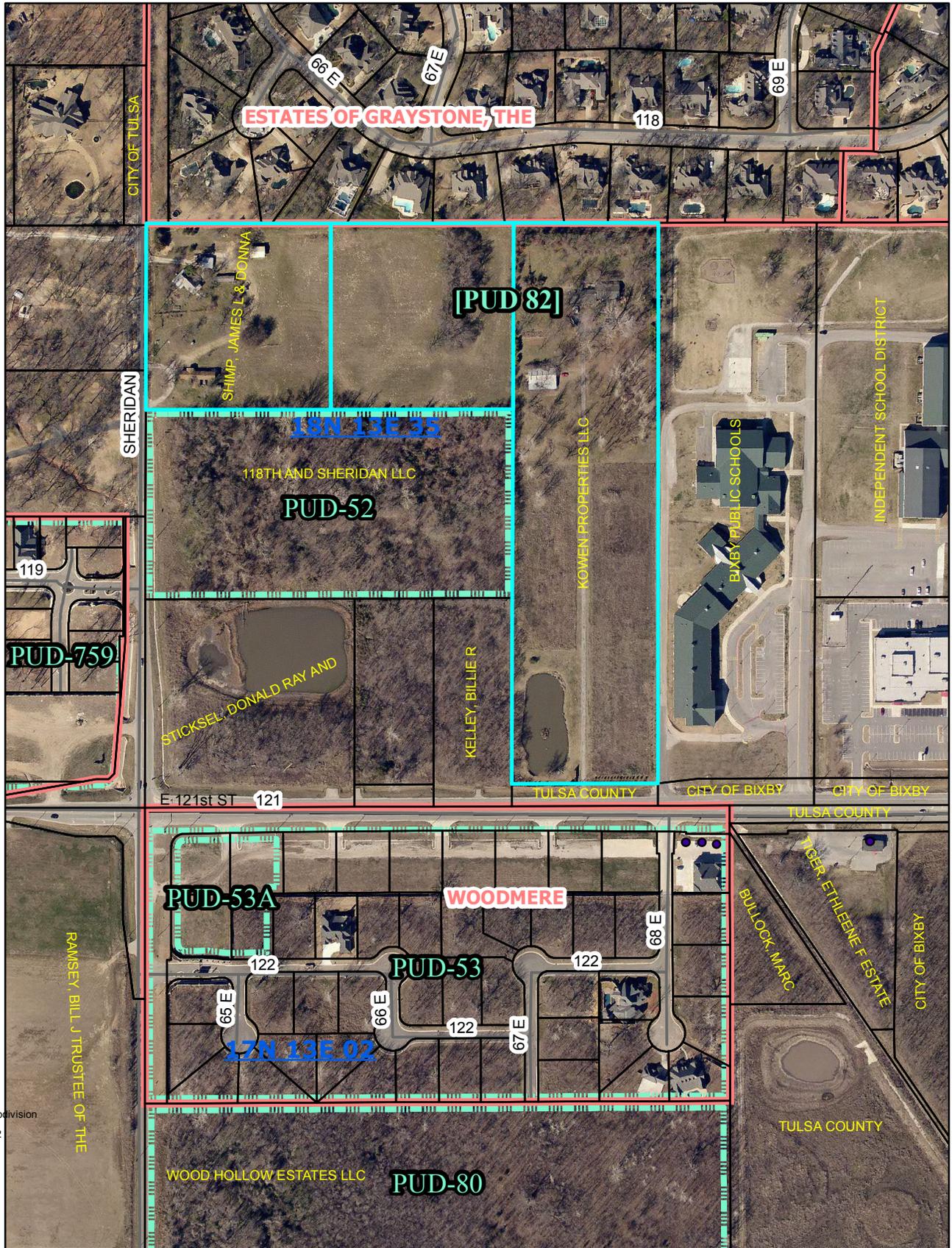


Joey Wiedel

4/30/2014

Date

Preliminary Plat – “Somerset” – JR Donelson, Inc. (PUD 82)



PLAT No.

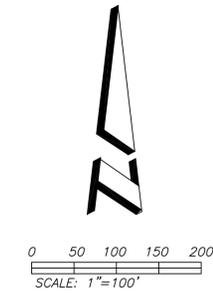
ENGINEER/SURVEYOR:
JR DONELSON, INC.
12820 SO. MEMORIAL DR.
OFFICE 100
BIXBY, OKLAHOMA 74008
PHONE: 918-394-3030
C.A. NO. 5611 EXP. 6-30-15

OWNER:
KOWEN PROPERTIES, L.L.C.
2930 E. 51ST STREET SO.
TULSA, OKLAHOMA 74105
CONTACT: TOM WENRICK
PHONE: 918-625-1155
EMAIL: TOM@WENRICK.COM

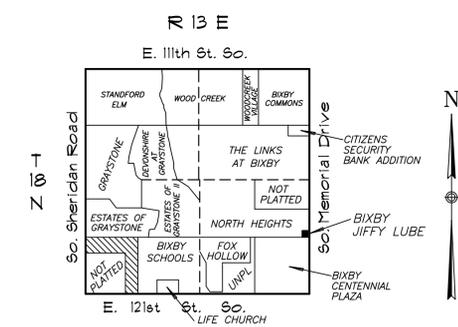
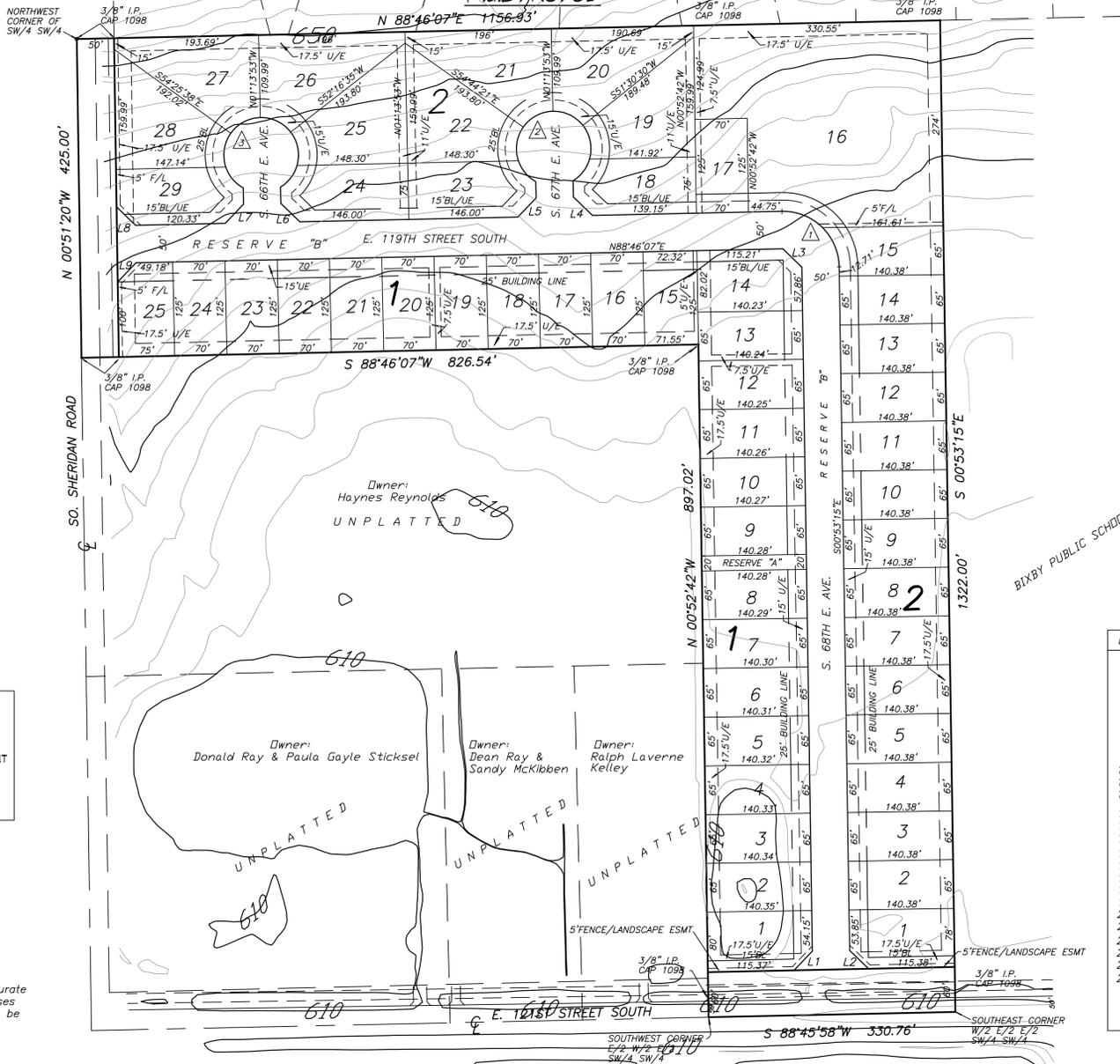
PRELIMINARY PLAT

660 SOMERSET
AN ADDITION TO THE CITY OF BIXBY SITUATED IN
THE SW/4 OF THE SW/4 OF SECTION 35, T-18-N, R-13-E,
TULSA COUNTY, OKLAHOMA

P.U.D. No. 82



FINAL PLAT
CERTIFICATE OF APPROVAL
I hereby certify that this plat was approved
by the City Council of the City of Bixby
on _____
By: _____
Mayor - Vice Mayor
This approval is void if the above signature
is not endorsed by the City Manager or
City Clerk.
By: _____
City Manager - City Clerk



SECTION 35
LOCATION MAP
SCALE: 1"=2000'

SUBDIVISION CONTAINS:
Area: 185,822 sf or 4.24 ACRES
NO. LOTS: 54 BLOCKS: 2
BLOCK: 1 LOTS: 25
BLOCK: 2 LOTS: 29
Preparation date: MARCH 21, 2014
C: WENRICK\SOMERSE2.DWG

LEGEND

U/E	UTILITY EASEMENT
BL	BUILDING LINE
ROW	ROAD RIGHT-OF-WAY
DOCNO.	DOCUMENT NUMBER
F/L	FENCE & LANDSCAPE EASEMENT
I.P.	IRON PIN

CERTIFICATE

STATE OF OKLAHOMA }
COUNTY OF TULSA } SS

I, Pat Key, Tulsa County Clerk, in and for the County and State of Oklahoma above named, do hereby certify that the foregoing is a true and correct copy of a like instrument now on file in my office.

Dated the _____ day of _____
Pat Key, Tulsa County Clerk

Deputy

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

This plat meets the Oklahoma minimum standards for the practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Surveyors.

BENCHMARK:
Top North Rim SSMH, 67 ft south center line of 121st Street and 117.71 feet east of the East property line.
Elevation: 610.31 NGVD88

BASIS FOR BEARINGS:
The basis for bearings is the West line of the SW/4 of the SW/4 of Section 35, T-18-N, R-13-E, with an assumed bearing of N 00°51'20"W.

LINE DATA			CURVE DATA			
No.	DELTA	LENGTH	No.	RADIUS	DELTA	LENGTH
L1	S43°56'21"W	35.46'	1	75'	90°20'38"	118.26'
L2	S46°03'38"E	35.25'	2	50'	300'	261.80'
L3	N46°03'34"W	35.25'	3	50'	300'	261.80'
L4	N46°13'53"W	35.36'				
L5	S43°46'07"W	35.36'				
L6	S46°13'53"E	35.36'				
L7	S43°46'07"W	35.36'				
L8	N46°02'36"W	35.24'				
L9	S43°57'24"W	35.47'				

PROPERTY DESCRIPTION

A tract of land situated in a part of the SW/4 of the SW/4, Section 35, T-18-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described by Charles K. Howard, LS 297, as follows, to-wit:

Beginning at the Northwest Corner of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4), thence with an assumed bearing of N 88°46'07"E and along the north line of the SW/4 of the SW/4 and the South line of "The Estates of Graystone" for a distance of 1156.93 feet; thence S 00°53'15"E a distance of 1322.00 feet to the Southeast Corner of the W/2 of the E/2 of the E/2 of the SW/4 of the SW/4; thence S 88°45'58"W and along the south line of Section 35 a distance of 330.76 feet; thence N 00°52'42"W a distance of 897.02 feet; thence S 88°46'07"W a distance of 826.54 feet to a point on the west line of said Section 35; thence N 00°51'20"W and along the West line of said Section 35 a distance of 425.00 feet to the Point of Beginning and containing 18.04 acres, more or less.

LOT ADDRESSES							
LOT	BLOCK	ADDRESS	AREA	LOT	BLOCK	ADDRESS	AREA
1	1	12017 S. 68TH E. AVE.	10,857sf	1	2	12014 S. 68TH E. AVE.	10,696sf
2	1	12009 S. 68TH E. AVE.	9,123sf	2	2	12006 S. 68TH E. AVE.	9,124sf
3	1	12001 S. 68TH E. AVE.	9,122sf	3	2	11998 S. 68TH E. AVE.	9,124sf
4	1	11993 S. 68TH E. AVE.	9,121sf	4	2	11990 S. 68TH E. AVE.	9,124sf
5	1	11985 S. 68TH E. AVE.	9,121sf	5	2	11982 S. 68TH E. AVE.	9,124sf
6	1	11977 S. 68TH E. AVE.	9,120sf	6	2	11974 S. 68TH E. AVE.	9,124sf
7	1	11969 S. 68TH E. AVE.	9,119sf	7	2	11966 S. 68TH E. AVE.	9,124sf
8	1	11961 S. 68TH E. AVE.	9,119sf	8	2	11958 S. 68TH E. AVE.	9,124sf
9	1	11953 S. 68TH E. AVE.	9,118sf	9	2	11950 S. 68TH E. AVE.	9,124sf
10	1	11945 S. 68TH E. AVE.	9,117sf	10	2	11942 S. 68TH E. AVE.	9,124sf
11	1	11937 S. 68TH E. AVE.	9,116sf	11	2	11934 S. 68TH E. AVE.	9,124sf
12	1	11929 S. 68TH E. AVE.	9,116sf	12	2	11926 S. 68TH E. AVE.	9,124sf
13	1	11921 S. 68TH E. AVE.	9,115sf	13	2	11918 S. 68TH E. AVE.	9,124sf
14	1	11913 S. 68TH E. AVE.	11,247sf	14	2	11910 S. 68TH E. AVE.	9,124sf
15	1	6780 E. 119th St. So.	11,247sf	15	2	11902 S. 68TH E. AVE.	9,474sf
16	1	6750 E. 119th ST. SO.	8,992sf	16	2	6905 E. 119th St. So.	78,080sf
17	1	6730 E. 119th ST. SO.	8,750sf	17	2	6769 E. 119th St. So.	8,750sf
18	1	6710 E. 119th ST. SO.	8,750sf	18	2	11809 S. 67th E. Ave.	11,615sf
19	1	6690 E. 119th ST. SO.	8,750sf	19	2	11803 S. 67th E. Ave.	15,048sf
20	1	6670 E. 119th ST. SO.	8,750sf	20	2	11797 S. 67th E. Ave.	15,570sf
21	1	6650 E. 119th ST. SO.	8,750sf	21	2	11794 S. 67th E. Ave.	15,983sf
22	1	6630 E. 119th ST. SO.	8,750sf	22	2	11800 S. 66th E. Ave.	15,616sf
23	1	6610 E. 119th ST. SO.	8,750sf	23	2	11806 S. 67th E. Ave.	12,110sf
24	1	6678 E. 119th ST. SO.	8,750sf	24	2	11809 S. 66th E. Ave.	12,110sf
25	1	6646 E. 119th ST. SO.	8,750sf	25	2	11803 S. 66th E. Ave.	15,616sf
26	2	11797 S. 66th E. Ave.	15,983sf	26	2	11797 S. 66th E. Ave.	15,983sf
27	2	11794 S. 66th E. Ave.	15,795sf	27	2	11794 S. 66th E. Ave.	15,795sf
28	2	11800 S. 66th E. Ave.	15,500sf	28	2	11800 S. 66th E. Ave.	15,500sf
29	2	11806 S. 66th E. Ave.	11,728sf	29	2	11806 S. 66th E. Ave.	11,728sf

SOMERSET
Preparation date: MARCH 21, 2014
SHEET 1 OF 3

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

SOMERSET (PUD 82)

KNOW ALL MEN BY THESE PRESENTS:

NOW THEREFORE, the Undersigned, Kowen Properties, LLC, an Oklahoma Limited Liability Company, being the owner in fee simple of the real estate and being situated in the City of Bixby, Tulsa County, State of Oklahoma, and described as follows:

A tract of land situated in a part of the SW/4 of the SW/4, Section 35, T-18-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described by Charles K. Howard, LS 297, as follows, to-wit:

Beginning at the Northwest Corner of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4), thence with an assumed bearing of N 88°46'07" E and along the North line of the SW/4 of the SW/4 and the South line of "The Estates of Graystone" for a distance of 1156.93 feet; thence S00°53'15" E a distance of 1322.00 feet to the Southeast Corner of the W/2 of the E/2 of the E/2 of the SW/4 of the SW/4; thence S 88°45'58" W and along the south line of Section 35 a distance of 330.76 feet; thence N 00°52'42" W a distance of 897.02 feet; thence S 88°46'07" W a distance of 826.54 feet to a point on the West line of said Section 35; thence N 00°51'20" W and along the West line of said Section 35 a distance of 425.00 feet to the point of beginning and containing 18.04 acres, more or less.

and the Undersigned Owner has caused the described realty to be surveyed, staked, platted and subdivided into lots, blocks and streets in conformity with the accompanying plat and have designated the same as "SOMERSET", an Addition to the City of Bixby, Tulsa County, State of Oklahoma. The Undersigned Owner dedicates, grants, donates, and conveys to the public the streets as shown on this plat and do hereby guarantee clear title to all land that is dedicated for the purpose of providing an orderly development of the entire tract.

KOWEN PROPERTIES, L.L.C. shall be referred to in this Deed of Dedication as Owner\Developer

SECTION I. PUBLIC COVENANTS

Now, therefore, the Undersigned Owner\Developer hereby dedicates, grants, donates and conveys to the public the streets rights-of-way depicted on the accompanying plat and do hereby guarantee clear title to all land that is so dedicated. The Owner\Developer does further dedicate for the public use the easements and rights of way as shown for the several purposes of constructing, maintaining, operating, repairing, and removing or replacing any and all public utilities, including storm and sanitary sewers, telephone lines, power lines and transformers, gas lines and water lines, and cable television lines, together with all fittings and equipment for each of such facilities, including the poles, wires, conduits, pipes, valves, meters and any other such appurtenances thereto with the right of ingress and egress to and upon such easements and rights of way for the uses and purposes aforesaid; provided, however that 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 over, across and along all of the utility easement areas as shown on the plat for the purpose of furnishing services to the area included within the plat.

The Undersigned Owner\Developer does hereby relinquish the rights of ingress and egress to the above described property within the bounds designated as "Limits of No Access" (LNA), and shown on the plat, except as may be hereafter released, altered, or amended by the City of Bixby and approved by the Bixby Planning Commission or its successors, or as otherwise provided by the Statutes and Laws of the State of Oklahoma pertaining thereto. The foregoing covenant shall be enforceable by the City of Bixby, Oklahoma or its successors, and the owners of each lot agrees to be bound thereby.

FURTHER, the Owner\Developer, for the purpose of providing and orderly development of the property above-described, (hereinafter referred to as SOMERSET), and for the purpose of insuring adequate restrictions for the mutual benefit of the undersigned Owner\Developer, its successors, grantees and assigns, does hereby impose the following restrictions and covenants, which shall be enforceable by the lots within SOMERSET.

A. Water and Sewer Service In connection with the provisions for water and sanitary sewer services, all of the Lots in SOMERSET are subject to the following covenants and restrictions, to-wit:

1. The owner of each lot shall be responsible for the protection of the public water mains and of the public sanitary sewer facilities located in their lot 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 water. Within the utility easement areas depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of a public water main or sewer main, or any construction activity which would interfere with public water and sewer mains, shall be prohibited.

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

3. The City of Bixby or its successors through its proper agents and employees shall at all times have right of access through their equipment to all such easement-ways shown on said plat, or provided for in this deed of dedication for the purpose of installing, maintaining, removing, or replacing any portion of said underground water and sewer facilities.

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

5. All water and sanitary sewer lines shall be maintained in good repair by the utility contractor in accordance with the terms and conditions of the Maintenance Bond of which the City of Bixby is the beneficiary. If any repair issues arise, the Developer shall assist the City of Bixby in coordination and facilitation with the appropriate contractor.

6. Waterlines less than 4" in diameter and sanitary sewer lines less than 8" in diameter are private service lines and the ownership, maintenance, repair, removal and/or replacement shall be the responsibility of the property owners served by said service lines.

B. Electric, Telephone, Cable Television and Natural Gas Service.

In connection with the installation of underground electric, telephone, cable television and natural gas services, all lots are subject to the following:

1. Overhead pole lines for the supply of electric service, telephone and cable television service may be located along the North, East and South lines of the subdivision. Street light poles or standards may be served by underground cables and elsewhere throughout said addition, all supply lines including electric, telephone, cable television and gas lines, shall be located underground, in the easement ways dedicated for the general utility services and in the rights-of-way of the public streets as depicted on the accompanying plat. Service pedestals and transformers, as sources of supply of secondary voltages, may be located in such easement ways.

2. Except to houses on lots described in paragraph "A" above, which may be served from overhead electric service lines, telephone lines and cable television cables, underground service cables and gas service lines may be run from the nearest service pedestal, transformer or 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 such service cable or gas service line to a particular structure, the supplier of electric service, telephone service, cable television service, or gas service line to a particular structure, the supplier of the service shall thereafter be deemed to have a definitive, permanent, effective and non-exclusive right-of-way easement on each lot covering a five foot strip extending 2.5 feet on each side of such service cable or line extending from the gas main, service pedestal or transformer to the service entrance on the structure.

3. The supplier of electric, telephone, cable television and natural gas services, through their proper agents and employees, shall at all times have the right of access to all easement ways shown on the plat, or provided for in this deed of dedication for the purposes of installing, maintaining, removing, or replacing any portion of said underground electric, telephone, cable television or gas facilities installed by the supplier of the utility service.

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

5. The foregoing covenants concerning underground electric, telephone, cable television and natural gas facilities shall be enforceable by the supplier of electric, telephone, cable television or gas service, and the owner of each lot agrees to be bound hereby.

C. The Undersigned Owner\Developer will do the following: All streets shall be private, graded, base material applied and surface paved in accordance with the current Engineering Design Standards of the City of Bixby to include curbs and gutters, street name signs in place, visual screens established, utilities and street lights installed, drainage structures constructed in accordance with the approved plans on file in the office of the City Engineer by the Owner\Developer, at his expense, and in compliance with the Engineering Design Standards of the City of Bixby. Interior sidewalks shall be constructed at the time of the construction of the lot improvements. The streets and storm sewer area private and shall be maintained in good repair by the Owner\Developer or Property Owners Association after the City's written acceptance of the construction, and all other improvements shall be maintained in good repair by the Owner\Developer for a period of One (1) year after the City's written acceptance of the construction.

D. Paving and Landscaping Within Easements.

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

E. Storm Sewer

1. The City of Bixby, or its successors, through its proper agents and employees, shall at all times have right of access with their equipment to all storm sewer easements for the purpose of installing, maintaining, removing or replacing any portion of the underground storm sewer system.

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

3. The Owner\Developer or its successors, shall be responsible for ordinary maintenance of the public storm sewer system, but the owner of each lot will pay for damage or relocation of such system caused or necessitated by acts of the owner of each lot or its agents or contractors.

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

5. The foregoing covenants concerning the storm sewer system shall be enforceable by the City of Bixby, or its successor, and the owner of each lot agrees to be bound hereby.

F. Reserve Area

Reserve area designated "A" on the attached plat is an area that will be deeded to the SOMERSET Property Owners Association for their use and benefit. This area shall be transferred to SOMERSET PROPERTY Owners Association, Inc. on or before the completion of the last home constructed in SOMERSET. Maintenance of this reserve area will be the responsible of the SOMERSET Property Owners Association, Inc. Reserve "A" will be used for streets and access to the subdivision.

SECTION II. PUD DEVELOPMENT STANDARDS

A. SOMERSET

Gross / Net Lot Area: 18.04 acres 785,822 sq ft
Maximum Intensity of Use: 60 Lots

Permitted Uses:

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

Max Building Stories 2
Lot Width (min.ft.) 65 feet
A flag lot can have a width of 35 feet at the building line.

Lot Area (min. sq.ft.) 8,500 sf

Land Area per D.U. (min. sq.ft.) 10,988 sf

Livability per D.U. (min.sq.ft.) 2,000 sf

Minimum Building Setbacks (Yard Requirements)

Front yard abutting a public street 25 feet

Side yard abutting a public street 15 feet

Rear Yards (min.ft.) 20 feet

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

MAXIMUM BUILDING HEIGHT 40 feet

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

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

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

B. LANDSCAPED AREA AND VISUAL SCREENING:

1. A preliminary landscape and screening Plan is depicted on Exhibit "A" of the PUD. There are presently many mature trees on the site. The preservation of the mature trees will be a priority during the construction of utilities and homes. Masonry fencing with security gates will be constructed along both 121st Street and South Sheridan Road arterial street frontages. A 5' fence/landscape easement will be shown along the south and the west property line of the addition. The fencing along the property line along 121st Street South and South Sheridan Road will be 6'-0" wooden, capped with stone columns accented with brick. The entrances will be metal gates with stone columns accented with brick.

C. SIGNS:

1. All signs shall comply with the setback, height, size and other requirements of the Bixby Zoning Ordinance. The subdivision identification sign will be incorporated into the entrance gates/fencing.

2. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs with movement shall be prohibited, except as may be permitted by the Bixby Planning Commission as part of the approved detail sign plan.

STANDARD REQUIREMENTS:

1. The standard requirements of the City of Bixby Fire Marshall, City Engineer, and City Attorney shall be met as a condition of approval.

ACCESS AND CIRCULATION:

1. The Streets in this PUD will be private and constructed to the City of Bixby standards, with sufficient right-of-way provided to allow construction and maintenance of the roadway. Access and circulation areas are shown on the PUD Exhibit A site Plan. The streets in Somerset will be a minimum of 26'-0" wide face of curb to face of curb. The right-of-way will be a minimum of 50'-0" in width. The access to the site will be 121st Street South and South Sheridan. Sidewalks will be constructed along E. 121st Street and the public streets within Somerset. Communication with Bixby Public Schools will be made to discuss the construction along E. 121st Street South of the Bixby 5th and 6th Grade facility. A modification/waiver will be requested to permit no sidewalk construction along So. Sheridan Road. Private Street entrance gates will be constructed for the entries from 121st Street and South Sheridan Road. Limits of No Access and Access openings will be shown along the arterial street frontages of the subdivision plat. A 20 foot emergency access drive easement will be provided to the 8 acre site to the west.

UTILITIES and DRAINAGE:

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

PLATTING REQUIREMENTS:

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

SECTION III. PRIVATE BUILDING AND USE RESTRICTIONS

WHEREAS, the Owner/Developer desires to establish restrictions for the purposes of providing for the orderly development of the subdivision and conformity and compatibility of improvements therein.

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. Architectural Design Committee - Plan Review

1. No building, improvements, concrete driveway, fence, wall or free standing mailbox shall be erected, placed or altered on any lot in the subdivision until the plans and specifications have been approved in writing by KOWEN PROPERTIES, L.L.C., an Oklahoma limited liability company, or its successors, which are hereinafter referred to as the "Architectural Design Committee". For each building, the required plans and specifications shall be submitted in duplicate and include a site plan with drainage concept, floor plan, exterior elevations, exterior materials. In the event the Architectural Design Committee fails to approve or disapprove plans and specifications submitted to it as herein required within 14 days after submission, or in the event no suit to enjoin the erection of the building or structure or the making of an alteration has been commenced prior to the 30th day following completion thereof, approval of the Architectural Design Committee shall not be required and this covenant shall be deemed to have been fully complied with.

2. The Architectural Design Committee's purpose is to promote good design and compatibility within the subdivision and in its review of plans or determination of any waiver as hereinafter authorized may take into consideration the nature and character of the proposed building or structure, the materials of which it is to be built, the availability of alternative materials, the site upon which it is proposed to be erected and the harmony thereof with the surrounding area. The Architectural Design Committee shall not be liable for any approval, disapproval or failure to approve hereunder and its approval of building plans shall not constitute a warranty of responsibility for building methods, materials, procedures, structural design, grading or drainage or code violations. The approval or failure to approve building plans shall not be deemed a waiver of any restriction. Nothing herein contained shall be deemed to prevent any lot owner in the subdivision from prosecuting any legal action relating to improvements within the subdivision which they would otherwise be entitled to prosecute.

3. The Architectural Design Committee's objective is to advance the harmonious use of landscaping, fencing, hardscaping, landscape lighting and other landscape design items to promote compatibility and conformity within the Subdivision. The Architectural Design Committee reserves the authority to review, approve, modify or reject the type of landscaping or landscape design items which may be placed in public view by any lot owner and determined in the discretion of the Architectural Design Committee to be incompatible with the overall landscape design standards of Somerset.

4. The powers and duties of the Architectural Design Committee shall, on the 1st day of January, 2018, be deemed transferred to the homeowners' association provided for in Section IV., or upon written assignment to the homeowners' association by the Architectural Design Committee, whichever event first occurs, and thereafter the foregoing powers and duties shall be exercised by the board of directors of the homeowners' association.

5. The Architectural Design Committee reserves the right in their sole discretion and without joinder of any owner at any time so long as KOWEN PROPERTIES, L.L.C., is the owner of any lot or part thereof to amend, revise or abolish any one or more of the above covenants and restrictions by instrument duly executed and acknowledged by them as Architectural Design Committee and filed in the County Clerk's office in the Courthouse of Tulsa County, Oklahoma.

B. Floor Area of Dwelling

1. Single Story. A single story dwelling shall have at least 2,200 square feet of finished heated living area.
2. Two Story and Story-and-a-half. If a dwelling has two levels or stories immediately above and below each other measured vertically and all such levels or stories are above the finished exterior grade of such dwelling, then such dwelling shall have at least 1,500 square feet of finished heated living area on the first story or level and shall have a total of the various levels or stories of at least 2,600 square feet of finished heated living areas.
3. Computation of Living Area. The computation of living area shall not include any basement, garage, or attic area used for storage. All living area measurements shall be taken to outside of frame line.

C. Garages / Driveways

Each dwelling shall have an attached garage providing space for a minimum of two (2) automobiles and a maximum of three (3) automobiles for (3) three car garages. Garages shall be enclosed and carports are prohibited. Glass in garage doors is prohibited. Concrete driveways shall not exceed the overall width of the garage. Driveways extensions wider than the overall width of the garage are not permitted.

D. Foundations

Any exposed foundation shall be of brick, stone or stucco. No stem wall shall be exposed.

E. Masonry

The first story exterior walls of the dwelling erected on any lot shall be 50% brick, stone, or stucco (for calculation of masonry area required windows and doors are excluded).

F. Windows

Aluminum windows with a mill finish are not permitted.

G. Roof Pitch

1. No dwelling shall have a roof pitch of less than 9/12 over 75% of the horizontal area covered by roof and no roof shall have a pitch of less than 4/12.
2. Waiver. The Architectural Design Committee may waive, in the particular instance, upon written request, the foregoing restrictions to permit a dwelling having a flat roof over more than 25% of the horizontal area covered by roof; PROVIDED the waiver, to be effective, must be in writing, dated, and executed by the committee.

H. Roofing Materials

Roofing shall be "TAMPCO" Heritage II (color - Oxford Gray), self-sealing composition roofing shingles. Provided however, in the event that such roofing should hereinafter not be reasonably available, alternative roofing of comparable quality shall be permitted upon the determination of the Architectural Design Committee that the proposed alternative is of comparable or better quality and of a design and color which is compatible with the roofing first above described.

I. Vents & Chimney Caps

1. All exposed sheet metal flashings, vent pipes and chimney caps shall be painted.
2. All non-masonry fireplaces shall use the uniform terminator cap design designated by the owner/developer of SOMERSET.

J. On-site Construction

No existing or off-site built structure shall be moved onto or placed on any lot.

K. Outbuildings

Outbuildings are prohibited.

L. Swimming Pools

Above ground Swimming Pools are prohibited.

M. Fencing

1. Fencing shall be in accordance with the City of Bixby Zoning Code. Interior fencing or walls shall not extend beyond the building lines of the lot and, if a residence is built behind the front building line of a lot, fencing may not extend in front of the residence, provided however, on corner lots fencing may extend to the side yard lot line. Plastic fences and ornamental picket fences are prohibited: chain link, barbed wire mesh and other metal fencing are prohibited. No fence shall exceed six feet in height. Fence facing the street and installed in side yards between homes shall be aligned with existing fences on adjoining lots where possible. The good side shall face the street. Other types of fencing constructed of wrought iron, brick, or stone may be permitted if pre-approved by the Architectural Design Committee.
2. Standard privacy fences constructed of wood post, rails and pickets with "dog ear" top design shall be permitted in Somerset. Fences shall not exceed six feet in height.

N. Perimeter Fencing

The Owner/Developer herein establishes and reserves for subsequent conveyance to the homeowners' association to be formed pursuant to Section IV, a perpetual exclusive easement to erect and maintain fencing, walls and landscaping along the boundaries of the subdivision adjacent to East 121st Street South and South Sheridan Road within the fence easements depicted on the accompanying plat.

O. Antennas

Exterior television, "CB Radio or other type of antenna including satellite dishes shall be prohibited with the following exception. Small satellite dishes which do not exceed 18 inches in diameter shall be allowed so long as the dish is installed on the back or side of the dwelling and out of public view as much as possible from any street within the subdivision.

P. Retaining Walls

Retaining walls shall not be constructed on any lot until a site plan has been approved by the Architectural Committee. Site Plan must show the house, drainage concept, and the proposed location and height of retaining walls. Retaining walls may be constructed of brick, stone, or concrete. Concrete retaining walls must be faced with brick, stone, or stucco. Exposed concrete retaining walls are not permitted.

Q. Lot Maintenance

Each lot shall be maintained in a neat and orderly manner free of clutter, trash, and other debris. Grass and landscaping shall be maintained on a regular basis.

R. Recreational Vehicles/Trailers

Boats, trailers, campers, motor homes and similar recreational vehicles and equipment shall not be stored on any lot except within and enclosed garage.

S. Inoperative Vehicles/Machinery/Landscape Equipment

No inoperative vehicles or equipment of any kind shall be stored on any lot except within an enclosed garage.

T. Trash Containers

Trash containers, except during periods of collection, shall be stored out of view from the public and from the adjoining property owners. No exposed garbage cans, trash can or any trash burning apparatus or structure shall be placed on any lot.

U. Mailboxes

Mailboxes shall conform in design to that specific design as designated by the SOMERSET Architectural Design Committee. NO EXCEPTIONS.

V. Animals

No animals, livestock or poultry of any kind may be maintained, bred, sold or kept except that two dogs, two cats or other household pets may be kept provided that they are not used for commercial purposes.

W. Noxious Activity

No noxious or offensive trade or activity shall be carried out upon any lot nor shall anything be done thereon that may be or my become an annoyance or nuisance to the neighborhood.

X. Signage

No sign of any kind shall be displayed to the public view on any lot except one sign of not more than 6 square feet advertising the property for sale or real estate signs used by a builder to advertise the property during the construction and sales period.

Y. Outside Storage and Materials

No lot shall be used for the storage of construction materials for a period of greater than 30 days prior to the start of construction and all construction shall be completed within 9 months thereafter. Each lot shall be maintained in a neat and orderly manner. Once construction and landscaping is completed, no outside storage is permitted.

Z. Landscaping

1. All open lot areas shall be sodded and the front of each residence professionally landscaped within 30 days of completion of home. Plant material shall be sufficient in size, quantity and spacing to achieve a full foundation planting across the entire front elevation of the home.
2. The owner of each lot shall be required to install a minimum of two (2) trees in the front yard (minimum size 2" diameter). If trees are existing then this does not apply.
3. The use of artificial or manmade plant material is prohibited. Without the approval of the Architectural Design Committee, ornamental landscape design items or prohibited, other than one bench located upon the front porch attached to the residence. Seasonal and holiday exterior decorations may be used if timely and seasonally displayed. Other types of ornamental landscape design items may be permitted with pre-approval of the Architectural Design

AA. Section III, Private Building & Use Restrictions: The following items in Section III, do not apply to Lot 16, Block 1: A thru P, R, S, V, W, X, Y, Z.

BB. Obstructions: No object, including vegetation, shall be permitted on any corner lot which obstructs reasonably safe and clear visibility of pedestrian or vehicular traffic through site lines parallel to the ground surface at elevations between Two (2) feet and Six (6) feet above the roadways.

CC. Lot division: No lot shall be split or further subdivided so as to reduce the area thereof, except as necessitated by correction of encroachments or other boundary deficiencies caused by errors in the platting, re-platting or surveying of the subdivision. This shall also include any changes necessary pursuant to any municipal direction.

DD. The owner\developers of SOMERSET reserve the right in their sole discretion and without joinder of any owner at any time so long as it is the owner of any lot or part thereof to amend, revise or abolish any one or more of the above Section III covenants and restrictions by instrument duly executed and acknowledged by them as developers and filed in the County Clerk's office in the Court House of Tulsa County, Oklahoma.

EE. Enforcement: Enforcement to restrain violation of the covenants or to recover damages shall be by proceedings at law in a court of competent jurisdiction or in equity against any person or persons violating or attempting to violate and covenant herein, and may be brought by the Owner or Owners of any lot or having any interest therein, whether acting jointly or severally. The owner\developer or SOMERSET Property Owners Association, Inc. shall not be obligated to enforce any covenant or restriction through legal proceedings.

SECTION IV. PROPERTY OWNERS ASSOCIATION

A. Property Owners Association: Kowen Properties, L.L.C., has formed the SOMERSET PROPERTY OWNERS ASSOCIATION, INC. (hereinafter referred to as the "Association") a non-profit entity established pursuant to the Business Corporation Act of the State of Oklahoma and formed for the general purposes of maintaining the common open areas and for enhancing the value, desirability and attractiveness of SOMERSET. The creation of this Association shall be completed at the sole discretion of the Kowen Properties, L.L.C. However, the same shall be no later than the last day of construction of the last home in SOMERSET.

B. Membership: At any time any house constructed on a Lot and that Lot and house has been sold and occupied, the Owner therefore becomes a member of the SOMERSET PROPERTY OWNERS ASSOCIATION, INC. and membership shall be appurtenant to and may not be separated from the ownership of a lot or portion thereof. The acceptance of a deed to a lot by the home owner shall constitute acceptance of the Association as of the date of incorporation, or as of the date of the recording of the deed, whichever occurs last.

C. Covenant for assessments: The homeowner, and each subsequent owner of a lot or portion thereof, by acceptance of a deed therefor, is deemed to covenant and agree to pay the Association an annual assessment as established by the board of directors. No vacant lot will be assessed, unless through a written consent of the owner. Annual assessment rates shall be established each year by the assent of 51% of the Lot owners within the subdivision. Annual assessments together with 10% interest, costs and reasonable attorney's fees shall be continuing lien on the lot and the personal obligation of the ownership of the lot at the time of assessment.

D. Payment of Assessments. Each lot owner by acceptance of a deed to a lot or lots, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay the Association, Except for the Owner\Developer: (a) initial assessments; (b) monthly, quarterly or annual maintenance assessments; and (c) special assessments for capital improvements. Such assessments shall be established and collected as determined by the Association. The annual and special assessments, together with interest, costs and reasonable attorneys' fees, should be charged on each lot and shall be a continuing lien upon the lot against which the assessment is made. Each assessment, together with interest, cost and reasonable attorneys' fees, shall be the personal obligation of the owners of the lot at the time when the assessment became due. The personal obligation for delinquent assessments shall not pass through the successors-in-title unless expressly assumed by them. The Association shall fix the regular monthly, quarterly or annual assessments according to the provisions of the By-Laws and Certificate of Incorporation of the Association. In addition to the regular monthly, quarterly or annual assessments, authorized above, the Association may levy, in any assessment period, a special assessment applicable to the period only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, maintenance, repairs or replacement of a capital improvement.

E. Delinquent Assessments. Any assessment which is not paid when due shall be delinquent and shall constitute a lien on the lot against which the assessment is made. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of interest per annum as set by the Board Directors from time to time, but not to exceed the maximum rate of interest allowed by law, and the Association may bring an action at law against the owner personally obligated to pay the same or foreclose its lien against the lot, or both, and interest, costs and reasonable attorneys' fees for any such action shall be added to the amount of the assessment. No owner may waive or otherwise escape liability for the assessments provided for herein by non-use or abandonment of such owner's lot.

F. Lien. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any lot shall not affect the assessment lien; provided, however, the sale or transfer of any lot pursuant to mortgage foreclosure or any proceeding in lieu thereof, shall extinguish the lien of such assessment as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve the lot from the lien for assessments thereafter becoming due.

SECTION V. ENFORCEMENT, AMENDMENT, ETC.

A. Duration, Amendment and Severability.

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

2. Amendment or Termination. The private covenants and restrictions contained in this Deed of Dedication may be amended, modified, changed or canceled by a written instrument signed and acknowledged by the owners of two-thirds (2/3) of the lots in SOMERSET. Provided, however, so long as the Owner\Developer, or any or any equity majority owned by a current shareholder of Owner, owns a lot in SOMERSET, the Owner retains the right, IN ITS SOLE DISCRETION, to: (i) veto any proposed amendments and (ii) amend, in its discretion, any covenant or term contained herein (other than all of Sections I, including "F", all of Sections II, III,DD and III,Q, which may be altered only with the written consent of the City of Bixby).

3. Severability. Invalidation of any restriction set forth herein, or any part thereof, by an order, judgement or decree of any court or otherwise, shall not invalidate or affect any of the other restrictions of any part thereof as set forth herein, which shall remain in full force and effect. Any successor(s) in title to the lots within SOMERSET, to enforce any given restriction or covenant or condition at any time, or from time to time, shall not be deemed to be a waiver or relinquishment of any right or remedy, nor a modification of these restrictions and protective covenants.

SECTION VI. SURFACE DRAINAGE

Surface Drainage. Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation and from public streets and easements. No property owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across his lot. No property owner shall modify or change the direction of drainage of surface stormwater from the original approved construction plans on file at the City of Bixby. The property owner shall prevent the alteration of grade within all easement areas from the original contours (finish grade) or allow any construction activity which may interfere with such public water mains, valves, storm sewers, and or public sanitary sewer facilities. The covenants set forth in this paragraph shall be enforceable by any affected property owner and by the City of Bixby, Oklahoma.

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

In witness whereof the Owner\Developer have executed this Deed of Dedication on this _____ day of _____, 20_____.

Kowen Properties, LLC,
an Oklahoma Limited Liability Company

Member Manager

STATE OF OKLAHOMA)
COUNTY OF TULSA)SS

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

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

Notary Public

My commission expires:_____

SURVEYORS CERTIFICATE

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

WITNESS my hand and seal this _____ day of _____, 2014.

Charles K. Howard, RLS #297
CA 5611 Exp. 6-30-15

STATE OF OKLAHOMA)
COUNTY OF TULSA)SS

Before me, the undersigned, a Notary Public in and for said County and State, on this _____ day of _____, 2014, personally appeared Charles K. Howard, to me known to be the identical person who executed the foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

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

Notary Public

My Commission expires:_____

