

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

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- ③ 1. Approval of Minutes for the June 16, 2014 Regular Meeting

PUBLIC HEARINGS

2. (Continued from 04/21/2014, 05/19/2014, and 06/16/2014)
①⑨ **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.

3. (Continued from 04/21/2014, 05/19/2014, and 06/16/2014)
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.

- ②④ 4. **BZ-375 – Lou Reynolds for Warren Clinic, Inc.** Public Hearing, Discussion, and consideration of a rezoning request from OL Office Low Intensity District to CS Commercial Shopping Center District for approximately 3.25 acres, Lot 1, Block 1, *Landmark Center*.
Property located: 8414 E. 101st St. S.

- ③⑥ 5. **PUD 31-A – Bricktown Square – Minor Amendment # 1.** Discussion and possible action to approve Minor Amendment # 1 to PUD 31-A for 4.547 acres in part of the SW/4 NW/4 of Section 01, T17N, R13E, with underlying zoning CS Commercial, OL Office, and RS-1 Residential, which amendment proposes reducing the minimum Land Area per Dwelling Unit standard and making certain other amendments.
Property Located: 12409 S. Memorial Dr.

PLATS

- 37 6. **Preliminary Plat of "Bricktown Square" – Sisemore Weisz & Associates, Inc. (PUD 31-A).** Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for "Bricktown Square" for 4.547 acres in part of the SW/4 NW/4 of Section 01, T17N, R13E.
Property Located: 12409 S. Memorial Dr.
- 38 7. **Preliminary Plat – "Memorial Square Amended" – JR Donelson, Inc. (PUD 6).** Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for "Memorial Square Amended" for 9.43 acres, a replat of all of *Memorial Square*, Plat # 4511.
Property Located: Northwest corner of 121st St. S. and 84th E. Ave.
- 60 8. **Preliminary Plat – "Brisbane Office Park" – JR Donelson, Inc. (PUD 60).** Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for "Brisbane Office Park" for approximately 10 acres in part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E.
Property Located: 10422 E. 111th St. S.

OTHER BUSINESS

- 69 9. **BL-392 – Randy Shoefstall of White Surveying, Inc. for Lowe's Home Center, Inc.** Discussion and possible action to approve a Lot-Split for Lot 2, Block 1, *Bixby Commons*.
Property located: 11114 S. Memorial Dr.
- 75 10. **BL-393 – Steven W. Hodges.** Discussion and possible action to approve a Lot-Split for Lot 2, Block 1, *Hickory Creek Estates*.
Property located: 12900-block of E. 181st St. S.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyark
Date: 06/24/2014
Time: 10:10 AM

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
June 16, 2014 6:00 PM**

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

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

ROLL CALL:

Members Present: Larry Whiteley, Jerod Hicks, Lance Whisman, and Thomas Holland.
Members Absent: Steve Sutton.

CONSENT AGENDA:

1. Approval of Minutes for the May 19, 2014 Regular Meeting
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Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the May 19, 2014 Regular Meeting as presented by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

- 2. (Continued from 04/21/2014 and 05/19/2014)
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.

- 3. (Continued from 04/21/2014 and 05/19/2014)
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.

Chair Thomas Holland introduced related Agenda Item #s 3 and 4 and confirmed with Erik Enyart that the Applicant had requested a Continuance to the next meeting.

Larry Whiteley made a MOTION to CONTINUE PUD 84 and BZ-373 to the July 21, 2014 Regular Meeting as requested by the Applicant. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

- 4. **PUD 60 – Major Amendment # 1 “Riverside Group” – Matt Means of Landmark Constructive Solutions.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 60 (“Riverside Group”) with underlying zoning OL Office Low Intensity District and AG Agricultural District.
Property Located: Part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E; 10422 E. 111th St. S.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, June 11, 2014
RE: Report and Recommendations for:
PUD 60 Major Amendment # 1 – “Riverside Group” – Matt Means of Landmark Constructive Solutions

LOCATION: - 10422 E. 111th St. S.

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– Part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E

SIZE: 9.87 acres, more or less
EXISTING ZONING: OL Office Low Intensity District, AG Agricultural District, & PUD 60
EXISTING USE: A house and vacant/wooded land
REQUEST: Approval of Major Amendment # 1 to Planned Unit Development (PUD) # 60 (“Riverside Group”), with underlying zoning OL Office Low Intensity District and AG Agricultural District

SURROUNDING ZONING AND LAND USE:

North: (Across 111th St. S.) CG & R-2; Vacant/wooded land zoned R-2 and CG (perhaps pending residential development), and to the northeast, the Evergreen Baptist Church on a 40-acre campus at 6000 W. Florence St. in Broken Arrow (perhaps also addressed 10301 E. 111th St. S., “Bixby” per its website, www.evergreenbc.org), all in the City of Broken Arrow.

South: RS-2; Single-family residential in Southwood East.

East: AG & RS-3; An agricultural/rural residential 10-acre tract and single-family residential in The Park at Southwood 3rd.

West: AG & CS; Unplatted vacant and rural residential tracts fronting along S. Mingo Rd., the Cedar Ridge Kingdom Hall of Jehovah’s Witnesses at 11355 S. Mingo Rd., and the City’s water tower.

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

PREVIOUS/RELATED CASES:

BBOA-38 – Kenny Gibson – Request for Special Exception to allow Use Unit 4 utility building (Bixby Telephone) in the AG District on a 75’ X 75’ tract from and within the northeast corner of the subject property – BOA Approved with Conditions 01/14/1985.

BL-98 – Kenny Gibson – Request for Lot-Split to separate a 75’ X 75’ tract from and within the northeast corner of the subject property for a utility building (Bixby Telephone) – PC Approved with Conditions 01/28/1985.

PUD 60 – Riverside Group – Randy Pickard – Request to rezone from AG to CS and OL and approve PUD 60 for a ministorage and office development for subject property – replaced by an amended application for PUD 60 and rezoning application BZ-337.

Zoning Code Text Amendment – Applicant in PUD 60 proposed to the City Council that it amend the Zoning Code to allow ministorage in OL and OM office zoning districts by Special Exception / PUD. City Council directed Staff to prepare amendment 10/22/2007. PC reviewed 12/17/2007, 01/21/2008, 01/28/2008, 02/11/2008, 02/18/2008, and 03/06/2008, and recommended Approval of specific amendment on 03/17/2008. City Council Approved amendment 04/14/2008 (Ord. # 994). PC recommended City Council make changes to amendment 05/19/2008 but City Council struck from agenda 07/14/2008 per City Attorney.

PUD 60 & BZ-337 – Riverside Group – Randy Pickard (Amended Application) – Request to rezone from AG to OL and AG and to approve an amended application for PUD 60 for a ministorage and office development for subject property – PC Continued from 12/17/2007 to 01/21/2008 to 02/18/2008 to 05/19/2008. On 05/19/2008, PC voted 3:2:0 on a Motion to recommend approval of OL zoning per BZ-337, and failed to pass a Motion to recommend Conditional Approval of PUD 60 (Amended Application) by 2:3:0 vote. PC chose not to take a subsequent vote on the possible denial recommendation, choosing instead to allow the case to be taken to the City Council absent a recommendation. City Council Conditionally Approved by 3:2:0 vote 06/23/2008 (Ord. # 1001). Additional Condition of Approval by City Council was “8ft wall, and stucco or masonry finish.”

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of the West 10 Acres of the East 20 Acres of Government Lot 1 (NW/4 NW/4) of Section 31, T18N, R14E, Less and Except a 75’ X 75’ tract from its northeast corner which belongs to BTC Broadband and contains a communications building. The subject property contains an old house and storage building toward its northwestern lot corner, and is otherwise vacant and wooded. The subject property is moderately sloped and, per PUD 60 Exhibit E, contains a ridgeline oriented north-south along the west side of the tract. Thus, it appears to drain primarily to the

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east, but has a small amount of land that naturally drains west of the watershed (drainage divide) separating the Fry Creek Ditch # 1 and the Haikey Creek drainage basins.

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) Vacant, Agricultural, Rural Residences, and Open Land/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 AG district is In Accordance and the existing OL district May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since OL zoning was approved by ordinance of the City Council, it has been recognized as being In Accordance with the Low Intensity designation of the Comprehensive Plan.

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

Per the Matrix, PUDs (as a zoning district) May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since PUD 60 was approved by ordinance of the City Council, it has been recognized as being In Accordance with the Comprehensive Plan as a zoning district.

Therefore, Staff believes that the existing zoning and existing and proposed land uses per PUD 60 Major Amendment # 1 are consistent with the Comprehensive Plan.

General. The Applicant is requesting a Major Amendment to an approved PUD, to essentially allow for the relocation of Development Area C (1 of 2 office elements) to the north, closer to 111th St. S., and thus moving the Development Area B (ministorage element) further to the south, and would make certain other amendments. Alternatively stated (and as per the PUD amendment as written), the amendment would increase the size of Development Area (DA) A and remove DA C.

Per the new Exhibit A, the PUD proposes a maximum floor area of 133,240 square feet, of office and ministorage buildings combined. Per the GLAs of DAs A, B, and C as provided in the Development Standards for the original PUD, there is 324,390 square feet (7.45 acres) of OL zoning in PUD 60, the balance of the property being zoned AG for the stormwater detention pond/Reserve Area A. Thus, the 133,240 square feet proposed would be an effective FAR of 0.41 for the total site. The maximum allowable FAR in the OL district is 0.30, but it may be increased to 0.40 by Special Exception (or PUD, in this case). Zoning Code Section 11-7I-5.A.2 provides that the AG-zoned portion of the subject property may not be used to allow for floor area for OL-zoning-dependent uses. Therefore, the total site must be reduced to not exceed 0.40 FAR, and the "office" DA(s) must "donate" unused floor area to the ministorage DA, since that is the one exceeding its proportionate share of OL zoning among the DAs. Alternatively, the Applicant may propose to rezone part of or the entire balance of the site to OL and then "donate" the new available OL-zoned area to the "ministorage" DA.

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 June 04, 2014. Minutes of that meeting are attached to this report.

Access & Circulation. The subject property has approximately 330' of frontage on 111th St. S., and the site plan proposes two (2) driveway connections thereto. Mutual Access Easement (MAE) drives would provide a connection and legal access to the street for the "back" lots.

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

A sidewalk is not presently shown on the Exhibit A site plan, but is required by the Subdivision Regulations. See related recommendations in this report.

Limits of No Access (LNA) should be required along 111th 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 CG, CS, RS-2, R-2, RS-3, and AG. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

Across 111th St. S. to the north is vacant/wooded land zoned R-2 and CG (perhaps pending residential development), and to the northeast, the Evergreen Baptist Church on a 40-acre campus at 6000 W. Florence St. in Broken Arrow (perhaps also addressed 10301 E. 111th St. S., "Bixby" per its website, www.evergreenbc.org), all in the City of Broken Arrow.

To the south are single family houses zoned RS-2 in Southwood East.

Abutting to the east of the subject property is an agricultural/rural residential 10-acre tract, and single-family residential is further to the east in The Park at Southwood 3rd.

Finally, unplatted vacant and rural residential tracts fronting along S. Mingo Rd., abut to the west, and include the Cedar Ridge Kingdom Hall of Jehovah's Witnesses at 11355 S. Mingo Rd. and the City's water tower.

Staff believes that the existing underlying zoning, the original PUD 60 and its proposed Major Amendment # 1, and the proposed ministorage and office developments 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. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item can be satisfied by adding provisions to the PUD Amendment Text such as follows:*

"STANDARD REQUIREMENTS

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

2. *Per the new Exhibit A, the PUD proposes a maximum floor area of 133,240 square feet, of office and ministorage buildings combined. Per the GLAs of DAs A, B, and C as provided in the Development Standards for the original PUD, there is 324,390 square feet (7.45 acres) of OL zoning in PUD 60, the balance of the property being zoned AG for the stormwater detention pond/Reserve Area A. Thus, the 133,240 square feet proposed would be an effective FAR of 0.41 for the total site. The maximum allowable FAR in the OL district is 0.30, but it may be increased to 0.40 by Special Exception (or PUD, in this case). Zoning Code Section 11-7I-5.A.2 provides that the AG-zoned portion of the subject property may not be used to allow for floor area for OL-zoning-dependent uses. Therefore, the total site must be reduced to not exceed 0.40 FAR, and the "office" DA(s) must "donate" unused floor area to the ministorage DA, since that is the one exceeding its proportionate share of OL zoning among the DAs. Alternatively, the Applicant may propose to rezone part of or the entire balance of the site to OL and then "donate" the new available OL-zoned area to the "ministorage" DA.*
3. *Amendment Text: Consider whether it would be more appropriate to relocate DAs B and C in relation to each other, rather than remove DA C and increase the size of DA A.*
4. *Amendment Text: Please provide replacement Development Standards pages reflecting the relocation or reconfiguration/removal of DAs as may be proposed (e.g. GLA, maximum FAR, FAR transfers between DAs, minimum setbacks, etc.).*
5. *Amendment Text: Please correct Development Standards for DA C to reflect that it is not permitted 0.50 FAR, as the 0.50 FAR restriction in Use Unit 16 was intended as and is an additional, "not-to-exceed" restriction which does not undermine the formula provided in Zoning Code Section 11-7I-5.A.2.*
6. *Amendment Text: Please add language referencing replacement Exhibits A and Exhibits B, B-1, B-2, B-3, B-4, and B-5 as being attached, and specifying the same replace their original counterparts.*
7. *PUD Exhibits: Please provide replacement Exhibits B, B-1, B-2, B-3, B-4, and B-5, along with legal descriptions for each DA.*
8. *Exhibit A: Please restore all critical features as represented on original Exhibit A, including all gates, fences, MAEs, and driveway pavement areas, along with all dimensions. Utility information may be omitted, as the same is represented on Exhibits E and F.*
9. *Exhibit A: Please restore the 50' MAE, 32'-wide MAE drive along the westerly side of the PUD as per the approved PUD 60, or please explain. If approved by the Fire Marshal to reduce these widths, a description of the change must be outlined in the PUD Amendment Text.*
10. *Exhibit A: Please add a note indicating that conceptual landscaping as shown for DA A is intended to replace that shown conceptually for the same area on Exhibit H.*
11. *Exhibit A: All required screening fences must be labeled "8ft wall, and stucco or masonry finish," as per the City Council's PUD 60 approval condition.*
12. *Exhibit A: Please label Mutual Access Easements where MAE drives are intended.*
13. *Exhibit A: Please represent and label as to width the sidewalk required along 111th St. S., or a note providing that a sidewalk will be constructed here as required by the Bixby Subdivision Regulations.*
14. *Exhibit A: Please add LNA along 111th St. S. except for locations as specified by the City and/or County Engineer and Fire Marshal, or a note providing that LNA will be added during the platting process as may be required by the proper authorities.*
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).*

Chair Thomas Holland recognized Applicant Matt Means. Mr. Means noted the plan was to redesign the site and make some buildings smaller.

Chair Thomas Holland recognized Kurt Preston of 9955 E. 114th St. S. and PO Box 471163, Tulsa, OK 74147-1163. Mr. Preston stated that he only happened to get his Public Notice when his neighbor gave it to him due to some issue with the U.S. Postal Service. Mr. Preston expressed concern for drainage, and complained about how *The Park at Southwood* subdivision was developed. Mr. Preston provided historic USGS quadrangle maps of the area.

Chair Thomas Holland invited Kurt Preston to the dais and they reviewed the case map and USGS maps to determine where Mr. Preston's property was in relation to the subject property.

Kurt Preston asserted that all of the water from the development would go through his property. Erik Enyart responded to a question from the Commissioners and Mr. Preston's statement and asserted that there was a ridgeline running north-south along the length of the subject property, which divided it into two (2) "watersheds." Mr. Preston and Mr. Enyart discussed the matter, and Mr. Enyart directed the Commissioners to the topographic map on page 72 of the Agenda Packet, and showed the same to Mr. Preston. Mr. Enyart noted that this may change, as the development would be subject to the City Engineer's review and approval of stormwater drainage and detention. Mr. Enyart stated that the Reserve Area planned on the south end of the subject property must be designed by the developer's engineer such that the developed conditions do not exceed the pre-developed runoff rate. Mr. Preston stated that the water tower to the west of the subject property established that this was high ground, and expressed objections to "past problems with [development] design."

Patrick Boulden stated that the Commission was considering the land use question, and not stormwater drainage. Mr. Boulden noted that the existing topographic [character of the land and any regarding,] stormwater detention, and Earth Change Permitting were all a separate process.

Kurt Preston discussed past developments in the area, historic neighborhood, City Council, and Planning Commission political relations, and the soil conditions of the area, which he described as "very fine; loves to erode."

Kurt Preston expressed concern that he did not receive the notice of the original case in 2008. After further discussion, Erik Enyart stated that the original PUD started in the middle of 2007, and took almost a year to be approved. Mr. Enyart stated that Public Notice was given in mid-2007, and there was a roomful of people who attended the first couple meetings, so they received the notice. Mr. Enyart stated that, after the first couple meetings, people stopped attending.

Kurt Preston further discussed concerns in the area. Chair Thomas Holland admonished Mr. Preston that stormwater and other outside concerns should be directed to the City Council, and to keep his comments to the land use question. Mr. Preston expressed doubt that his comments would do any good. Erik Enyart advised Mr. Preston that, if he had any "constructive input," such as his

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comment about the soil being "very fine; loves to drain," he should get that input to him to give to the City Engineer to inform his review of the development engineering plans.

Chair Thomas Holland recognized Richard Newman of 9907 E. 114th St. S. from the Sign-In Sheet. Mr. Newman stated that he and his wife moved into their house 32 years ago, and he still lived there. Mr. Newman asked about how the property would be accessed and where it would drain after development. Erik Enyart offered to Chair Thomas Holland to field these questions. Mr. Enyart showed Mr. Newman the proposed new site plan on Page 50 of the Agenda Packet and stated that the site would have two (2) points of access to 111th St. S. and that it would likely drain from the same locations as it drains naturally after development, but that the developed rate of flow could not exceed the pre-developed rates. Mr. Newman indicated he had attended the meeting(s) in 2007 and that he had thought the original PUD was turned down.

Matt Means stated that JR Donelson would do the drainage design, and that Mr. Donelson also did the drainage design for [*The Park at Southwood*] subdivision. Mr. Means stated that the south 2.4 acres Reserve Area would be for stormwater detention, and that it would drain to an inlet in [*The Park at Southwood*] subdivision. Mr. Means stated that he had been in construction for 11 years and would like to "finish out" this development. Mr. Means stated that, in his experience, the drainage after development is "better than before." Mr. Means stated that the site drainage would be all contained with curb and guttering, and would be piped out [through the stormwater drainage and detention system].

Chair Thomas Holland recognized Janet Dyer of 12630 S. Mingo Rd. Ms. Dyer stated that she also owned the property at 11305 S. Mingo Rd. Ms. Dyer stated that she did not receive the Public Notice [by mail] when this property was first approved, or she would have attended at that time. Ms. Dyer complained that she "got a lot of water" when the [church abutting to the south] was put in, and that it now "wash[es] Mingo [Rd.] out." Ms. Dyer stated that the land [on Mingo Rd.] had been terraced to flow slowly, but that there was "already too much from the church." Ms. Dyer stated that she was "concerned for where the water's going." Ms. Dyer expressed concern for how the subject property's drainage would be designed, and noted that the stormwater detention pond at "126th [St. S. and Mingo Rd.]" "doesn't hold water," and allows it to "shoot across the street." Erik Enyart and the Commissioners explained to Ms. Dyer the engineering review and approval process for drainage. Ms. Dyer expressed objection that her questions were not answered and stated that she would attend all the future meetings until they were.

Chair Thomas Holland recognized James Ernst of 10404 E. 113th Pl. S. Mr. Ernst asked, if the zoning was approved "forever," and Erik Enyart responded that it was. Mr. Enyart agreed with Mr. Holland to get Mr. Ernst's contact information to the Neighborhood Coordinator.

Chair Thomas Holland recognized Carl Snow of 11227 S. Mingo Rd. Mr. Snow asked the Commissioners if they were [on the Planning Commission] when the [church to the south of his property on Mingo Rd.] was constructed, and the Commissioners indicated they were not. Mr. Snow complained about how the church property was designed when it was developed, and stated that its lighting was "overdone." Mr. Snow expressed concern about the proposed development. Mr. Snow asserted that "thieves are attracted to ministorage," and so there would be a "lot of light." The Commissioners discussed with Mr. Snow his concerns about lighting. Erik Enyart stated that,

for most of the more modern commercial developments when abutting residential, the City asks for a photometric plan, which must demonstrate that the measured footcandles are reduced to zero (0) at all property lines shared with residential. The Commissioners indicated favor for this concept. Mr. Enyart stated that, if the Commissioners should recommend approval of this application, they may additionally recommend that the lighting provisions of the PUD Text be amended to incorporate this measurable lighting standard.

Discussion between Carl Snow, the Planning Commission, Erik Enyart, and others ensured for a time. Mr. Snow indicated that he had not received [the mailed Public Notice] when the PUD was originally approved. Kurt Preston expressed concern that there were several people at this meeting that [evidently] did not receive the Public Notice [by mail] in [2007 or 2008]. Mr. Snow expressed objection that the Planning Commission had the site plans but he only received a map in the mail. Erik Enyart noted that the entire agenda packet that the Commissioners had, including the site plans, was posted on the City's website, and had been since the week prior. Mr. Enyart gave instructions on how to get the agenda packet from the City's website, www.bixby.com. Mr. Preston asked for confirmation on the website, and Patrick Boulden confirmed the website and stated that the City also maintained www.bixbyok.gov. Mr. Snow objected that the directions to the plans on the website were not included in the notice. Mr. Snow concluded his comments by stating, "We're against it."

Erik Enyart addressed Chair Thomas Holland and offered to respond to several comments which all expressed that they had not received the Public Notice when the subject property was originally approved for rezoning and PUD. Mr. Enyart stated that the PUD and rezoning was originally submitted in mid-2007, but the review process lasted almost a year, and was approved, along with an amendment to the Zoning Code allowing ministorage in Office zoning districts, in mid-2008. Mr. Enyart stated that, when the application was first received, he had an assistant who mailed the Public Notices, but that that position was lost after the Great Recession. Mr. Enyart stated that he had documentation in the original case file that showed that the City mailed the notices as required. Mr. Enyart stated that he personally posted the sign on the property in 2007, next to the *BTC* building, and had a photograph of it in the case file. Mr. Enyart stated that he had sent the Public Notice for publication in what was then called the *Bixby Bulletin* in 2007. Mr. Enyart stated that, in addition, he posted the agendas in the lobby in City Hall and had them posted online. Mr. Enyart stated that, during the first couple hearings, the meeting room was packed with people, so the notice certainly got out, but the Public Hearings were Continued from meeting to meeting, and the people stopped attending after the first couple meetings. Mr. Enyart summarized by month/year all the meetings at which the original zoning matters were heard from the Staff Report and his memory as follows: [September, 2007 application submitted], October 2007, November 2007, December 2007, January 2008, January 2008, February 2008, March 2008, March 2008, April 2008, May 2008, [May 2008, June 2008,] and June 2008. Mr. Enyart stated that, for this new application, he had personally mailed all the Public Notices that those in attendance had received, he had posted the sign on the property in the same location as it was in 2007, published it in the newspaper, etc. all again as it was done in 2007. Mr. Enyart stated that the plans were in the agenda packet he posted to the City's website, and there is a phone number in the Public Notice that people can use to call him to get this kind of information. Mr. Enyart addressed those in attendance and asked them to use the phone number included in the notices to call him if they had questions for any future cases.

Discussion ensued regarding the fence for the ministorage development element of the application. It was noted that the fence must be 8' in height for all areas where it is required, and must be finished with masonry. Someone in attendance expressed concern that the lighting would be allowed higher than the fences. Chair Thomas Holland and Erik Enyart described how the lighting must be shielded downward and cut off from abutting residential properties. The proposed new requirement of 0 footcandles at property lines in common with residential was discussed.

Matt Means stated that the ministorage would be fenced, have cameras, and would be a "secure facility."

There being no further discussion, Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to RECOMMEND APPROVAL of PUD 60 Major Amendment # 1 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff.

Jerod Hicks asked Larry Whiteley if his Motion included the recommendation regarding a lighting plan with footcandles.

Discussion ensued. It was noted that the development must be approved for Earth Change Permit for drainage.

Erik Enyart addressed Larry Whiteley and asked if he would be willing to Amend his Motion to include the recommendation on lighting, and Mr. Whiteley agreed. Mr. Enyart offered the following wording for this additional Condition of Approval: "The lighting provisions of the PUD Text shall be amended to additionally require that the measured footcandles not exceed 0.0 at all property boundaries shared with a residential property." Mr. Whiteley Amended his Motion to include this.

Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

Erik Enyart advised those in attendance that the City Council would consider approving this application as soon as Monday[, June 23, 2014]. Someone in attendance asked what the Planning Commission had just done, and Mr. Enyart and the Commissioners explained that they had held a Public Hearing and made a recommendation to the City Council, which had the final authority to approve the application. Someone in attendance expressed objection that the Public Notice did not state the City Council's meeting date. Mr. Enyart recommended to those in attendance that they check the City's website for the City Council agenda or call him using the phone number on the Public Notice if they wanted to confirm that the application would be on the upcoming Monday agenda or if it would be on a later one.

Most of those in attendance left at this time.

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PLATS

None – no action taken.

OTHER BUSINESS

- 5. **BL-391 – Brian Guthrie for Stephen Jones.** Discussion and possible action to approve a Lot-Split for Lot 24, Block 26, *Midland Addition*.
Property located: 8 N. Armstrong St.

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, June 11, 2014
RE: Report and Recommendations for:
 BL-391 – Brian Guthrie for Stephen Jones

LOCATION: – 8 N. Armstrong St.
 – Lot 24, Block 26, Midland Addition
LOT SIZE: 3,125 square feet (0.07 acres, more or less)
ZONING: CH Commercial High Intensity District
SUPPLEMENTAL ZONING: Central Business District
EXISTING USE: Downtown commercial storefront building
REQUEST: Lot-Split approval
COMPREHENSIVE PLAN: Development Sensitive + Commercial Area + Special District # 1
PREVIOUS/RELATED CASES: None found
BACKGROUND INFORMATION:
ANALYSIS:

Subject Property Conditions. The subject property consists of Lot 24, Block 26, Midland Addition, and contains a downtown commercial storefront building addressed 8 N. Armstrong St. It is zoned CH Commercial High Intensity District and is located in the Central Business District overlay district. It is relatively flat and appears to drain to the west/southwest to Charley Young Park, which drains through the downtown drainage system installed a few years ago.

General. The Applicant also owns the adjoining Lot 23, Block 26 to the north, which contains another downtown commercial storefront building addressed 12 N. Armstrong St. That property/building is for sale, and the Applicant is seeking to reconcile property lines based on the surveyed location of common party wall,¹ which encroaches 1.5' onto the subject property, per the survey.

The proposed two (2) tracts would comply with the Zoning Code, which has no bulk and area requirements in the CH district. However, it would be preferable that the "sliver" tract be legally attached to the adopting lot, to ensure a 1.5'-wide tract does not become "forgotten" or otherwise conveyed separately at some point in time, absent further municipal review and approval.

The TAC did not object to the Lot-Split or provide any special recommendations at its regular meeting held June 04, 2014, after inquiring TAC members were informed that all of the utilities serving the buildings should be existing and located in street and/or alley rights-of-way.

Staff Recommendation. Staff recommends Approval, subject to resultant "sliver" tract being attached to the adopting lot by deed restriction language such as:

[INSERT THE LEGAL DESCRIPTION OF THE 1.5'-WIDE SLIVER TRACT].

¹ Commonly known as a "demising wall."

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The foregoing is restricted from being transferred or conveyed as described above without including:

[INSERT THE LEGAL DESCRIPTION OF THE ADOPTING LOT]

unless otherwise approved by the Bixby Planning Commission, or its successors, and/or the Bixby City Council as provided by applicable State Law,

Or other language provided by the Applicant for this purpose subject to City Attorney approval.

Deeding the sliver tract from the owner back to the owner can be done as an intermediate step, prior to selling the combined result to the buyer. Alternatively, the deed conveying both parts to the buyer may be prepared, which deed mutually restricts both parts from being sold one without the other.

Erik Enyart noted that the CH district does not require it, so his recommendation to have the “sliver tract” legally attached to the adopting lot was to ensure that it was not inadvertently “lost” during some future conveyance, and as it was a more appropriate way of doing this thing.

Larry Whiteley made a MOTION to APPROVE BL-391. A Commissioner asked Mr. Whiteley if his Motion included the Staff’s recommendations. Erik Enyart stated that he had sent the Staff Report to the Applicant but had not confirmed with him is willingness to have the “sliver tract” combined with the adopting lot. Mr. Enyart asked Brian Guthrie if he had any objection to this. Mr. Guthrie stated that he had not read the recommendation but considered it appropriate, and stated “I’m okay [with it].”

Chair Thomas Holland recognized Ross Hoyle of 7136 S. Yale Ave, Ste. 100, Tulsa, from the Sign-In Sheet. Mr. Hoyle had no further comments.

Larry Whiteley Amended his Motion as follows: MOTION to APPROVE BL-391 as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

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

NEW BUSINESS:

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

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:24 PM.

APPROVED BY:

Chair

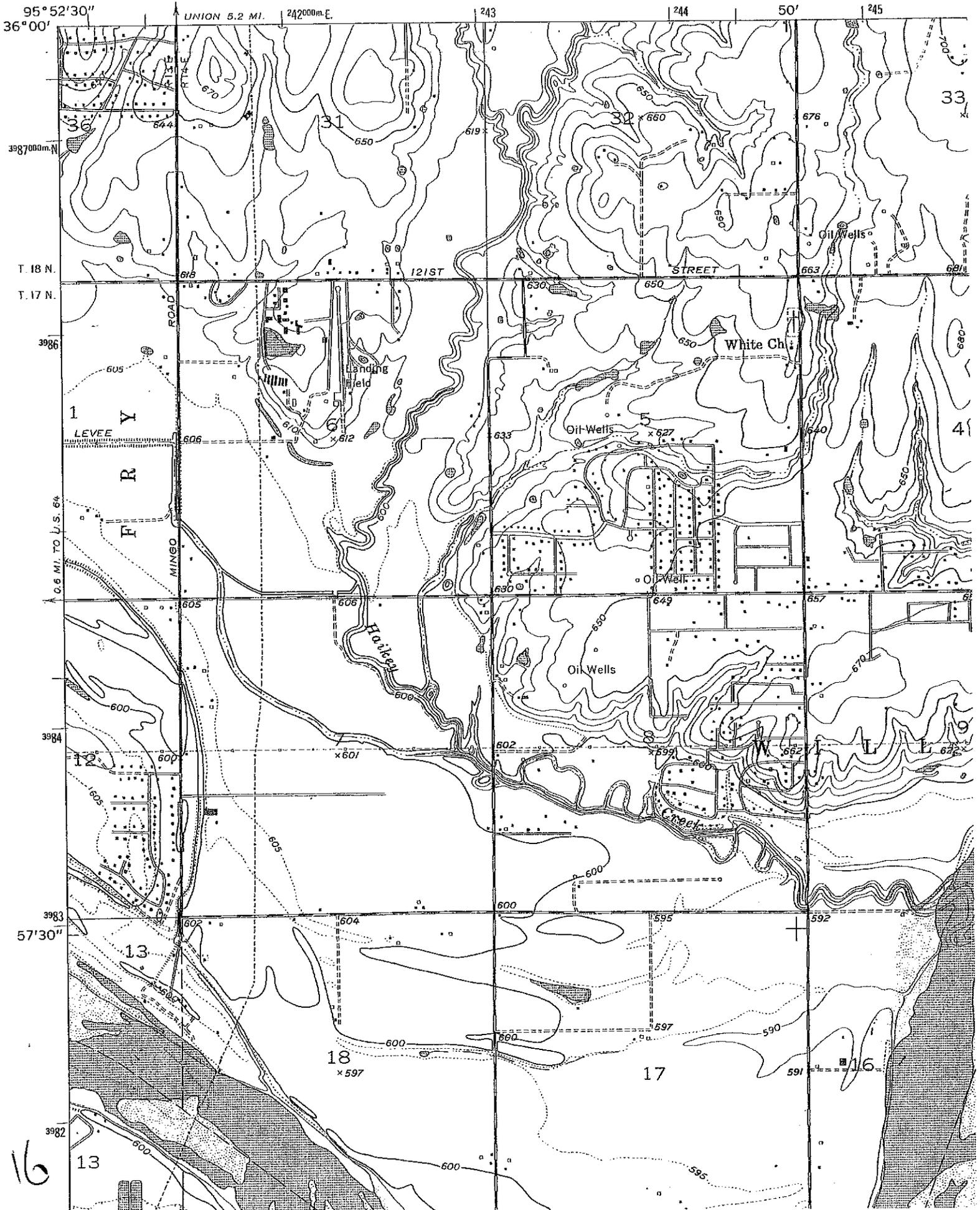
Date

City Planner/Recording Secretary

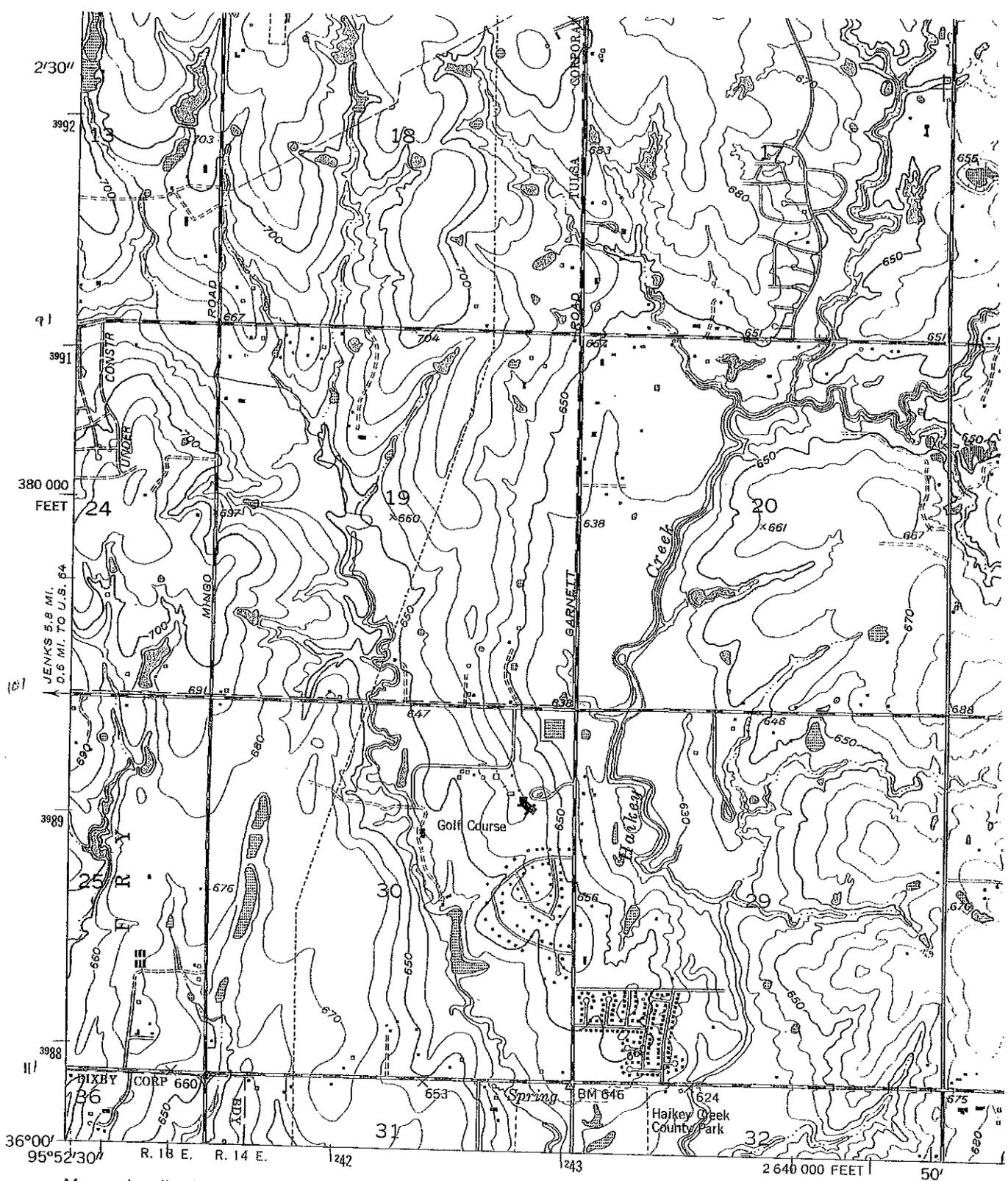
15

11 SW
14 SE

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



16



(BIXBY)
6835 IV NW

Mapped, edited, and published by the Geological Survey

Control by USGS, USC&GS, and Oklahoma Geological Survey

Topography from aerial photographs by Kelsh plotter

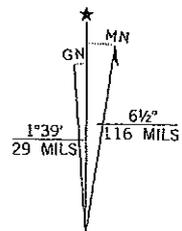
Aerial photographs taken 1954. Field check 1955

Polyconic projection. 1927 North American datum
10,000-foot grid based on Oklahoma coordinate system,
north zone

Red tint indicates area in which only
landmark buildings are shown

1000-meter Universal Transverse Mercator grid ticks,
zone 15, shown in blue

To place on the predicted North American Datum 1983
move the projection lines 4 meters south and
23 meters east as shown by dashed corner ticks



UTM GRID AND 1982 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: June 16, 2014

NAME	ADDRESS	ITEM
1. <u>KURT A. PRESTON</u>	<u>P.O. BOX 471163 TULSA, OK 74147-1163</u> <u>(RESIDENCE: 9955 E. 114TH STR. S. BIXBY 74008)</u>	<u>4</u>
2. <u>RICHARD E. NEWMAN</u>	<u>9907 E 114TH Bixby 74008</u>	<u>4</u>
3. <u>Travis Hoyle</u>	<u>7136 S. York St. Ste. 10 Tulsa Steve James</u>	<u>5</u>
4. <u>Janet Dyer</u>	<u>12630 S Mingo</u>	<u>4</u>
5. <u>Carl Snow</u>	<u>11227 S Mingo</u>	<u>4</u>
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
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14. _____	_____	_____
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16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Friday, July 18, 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 July 18, 2014, the Applicant has Withdrawn both applications. The Applicant may seek a new PUD and rezoning at any future date, with the submission of new applications and payment of then-applicable fees.

No action required.

Erik Enyart

From: Jared Cottle
Sent: Friday, July 18, 2014 10:23 AM
To: Haynes Reynolds
Cc: Erik Enyart
Subject: RE: PUD 84

This works for the easements, but I'll also need to see the anticipated water, sewer, and storm line locations within the development.

Jared Cottle, City Engineer
City of Bixby
Ph: 918/366-4430
Fax: 918/366-4416

From: Haynes Reynolds [<mailto:haynesreyn@gmail.com>]
Sent: Friday, July 18, 2014 10:15 AM
To: Jared Cottle
Cc: Erik Enyart
Subject: Re: PUD 84

Will this drawing work?

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2013.0.3485 / Virus Database: 3955/7866 - Release Date: 07/16/14

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Erik Enyart

From: Jared Cottle
Sent: Friday, July 18, 2014 10:09 AM
To: Erik Enyart; Haynes Reynolds
Subject: RE: PUD 84

I will make sure that the easements provided will allow for off-site connection. However, I will need a final utility concept drawing for PUD 84 to be sure that the easements are located in the proper location to provide for off-site connections.

Jared Cottle, City Engineer
City of Bixby
Ph: 918/366-4430
Fax: 918/366-4416

From: Erik Enyart
Sent: Friday, July 18, 2014 9:59 AM
To: Haynes Reynolds
Cc: Jared Cottle
Subject: RE: PUD 84

Hi Haynes:

We will recognize this as your withdrawal of PUD 84 and BZ-373 applications. You may seek a new PUD and rezoning at any future date, with the submission of new applications and payment of then-applicable fees.

City Engineer Jared Cottle, copied here, is in a better position to respond to your question on the design of water, sewer, and stormsewer infrastructure.

Thanks, and please call or email if you have any questions or need additional information.

Erik Enyart

From: Haynes Reynolds [<mailto:haynesreyn@gmail.com>]
Sent: Friday, July 18, 2014 9:54 AM
To: Erik Enyart
Subject: Re: PUD 84

Hey Erik

I did get your voice mail — sorry I have not returned the call yet. However our decision is to pull the project for a little while. With as many lots coming on the market as there is combined with the national news we have decided to sit tight for a little bit. However I do need to be in a position to extend the water, sewer, and storm sewer from Tom's development across the property line to us. Is there anything I need to do to make sure I that happens?

Thanks — Haynes

Haynes Reynolds
1805 N York Street

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Suite B
Muskogee, OK 74403
918-683-7784 office
918-682-4503 fax
918-260-6014 cell
haynesreyn@gmail.com

On Jul 18, 2014, at 8:54 AM, Erik Enyart <eenyart@bixby.com> wrote:

Hi Haynes:

I left a voicemail for you yesterday afternoon. I am mailing out the agenda packet for Monday's PC meeting. I have not heard from you on your application. Please advise if you will be seeking conditional approval as recommended by Staff, or what else you would like done with your applications at Monday's PC meeting.

Thanks in advance,

Erik Enyart

From: Erik Enyart
Sent: Wednesday, June 11, 2014 4:03 PM
To: 'Haynes Reynolds'
Subject: RE: PUD 84

Received, and I understand per our phone conversation.

I will recommend the Planning Commission Continue both PUD 84 and BZ-373 to the July 21, 2014 meeting as requested.

Erik Enyart

From: Haynes Reynolds [<mailto:haynesreyn@gmail.com>]
Sent: Wednesday, June 11, 2014 4:02 PM
To: Erik Enyart
Subject: Re: PUD 84

Sorry I've had a personal issue pop up and I will not be available for Monday night. Please postpone for 30 days.

Haynes Reynolds
918-260-6014

Sent from my iPhone

On Jun 11, 2014, at 3:53 PM, Erik Enyart <eenyart@bixby.com> wrote:

Hi Haynes:



Your cell phone's voicemailbox is full, and I have left a voicemail at the work/office number I have for you.

I am mailing out the agenda packet for Monday's PC meeting. I have not heard from you on your application. Please advise if you will be seeking conditional approval as recommended by Staff, or what else you would like done with your applications at Monday's PC meeting.

Thanks in advance,

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.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner 
Date: Wednesday, July 16, 2014
RE: Report and Recommendations for:
BZ-375 – Lou Reynolds for Warren Clinic, Inc.

LOCATION: – 8414 E. 101st St. S.
– Lot 1, Block 1, *Landmark Center*

LOT SIZE: 3.25 acres, more or less

EXISTING ZONING: OL Office Low Intensity District

EXISTING USE: *Warren Clinic* medical offices

REQUESTED ZONING: CS Commercial Shopping Center District

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: (across 101st St. S.) CO (Corridor)/PUD-411C; To the northwest is the “South Town Market” commercial development, including *Super Target*, in the *South Town Market* subdivision, directly to the north is a stormwater detention pond in Reserve E of *Ridge Pointe Villas*, and further north and to the northeast are single-family residential homes in *Ridge Pointe Villas* and *Ridge Pointe*, all in the City of Tulsa.

South: CS; Vacant Tract D and the *Dickinson Starworld 20* movie theater in *101 South Memorial Center*.

East: OL/PUD 23 & RS-3; The *Park Place Office Suites* multitenant office park in Lot 1, Block 1, *Sterling House* zoned OL with PUD 23 and single-family residential homes in *Legacy Park*.

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West: (Across 85th E. Ave.) CS, CG, CS/PUD 63, & CS/CG/PUD 65; The vacant north balance of Tract C in *101 South Memorial Center*, the *Holiday Inn Express & Suites Tulsa South/Bixby* and the *Andy's Frozen Custard* frozen custard restaurant in *101 South Memorial Plaza*, the new *Sprouts Farmers Market* specialty grocery store, the new *Grand Bank* and *J. David Jewelry* businesses, *CVS/Pharmacy*, and the new *Whataburger* fast-food restaurant, all in *101 Memorial Square*, and further west and southwest are a vacant commercial lot and other businesses.

COMPREHENSIVE PLAN: Corridor + Commercial Area

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

BZ-137 – Roy D. Johnsen – Request for rezoning from AG to CS, OM, and RM-2 for approximately 16 acres, which included subject property – PC Recommended Approval of CS, RM-2, and OL 04/25/1983 and City Council Approved 05/02/1983 (Ord. # 481) – subject property rezoned to OL by this application.

Final Plat of Landmark Center – Request for Final Plat approval for *Landmark Center* for subject property – City Council Approved 07/06/1983 per City Council approval certificate (Plat # 4370 recorded 07/13/1983; Preliminary Plat and PC approval history not researched).

RELEVANT AREA CASE HISTORY: (not necessarily a complete list and does not included cases in the City of Tulsa)

BZ-89 – Ron Koepp – Request for rezoning from AG to CG for 3.6 acres to the west of subject property along what later became 102nd St. S. at Memorial Dr. – PC Recommended Approval 04/28/1980 and City Council Approved 05/19/1980 (Ord. # 401).

BZ-165 – Pittman-Poe & Associates, Inc. for Allen G. Oliphant – Request to rezone approximately 383 acres from AG to RS-3, RD, RM-2, & CS for a residential and commercial development for parts of the NW/4, NE/4, and SE/4 of this Section (abutting subject property to the east) – PC recommended Approval of an amended request (including RS-2 instead of RS-3) 05/28/1985 and the City Council Approved the amended request 06/11/1985 (Ord. # 530).

PUD 11 – Edgewood Farm – Pittman-Poe & Associates, Inc. for Allen G. Oliphant – Request to approve PUD 11 for approximately 383 acres for a residential and commercial for parts of the NW/4, NE/4, and SE/4 of this Section (abutting subject property to the east) – PC recommended Approval 05/28/1985 and the City Council Approved 06/11/1985 (Ord. # 531).

BZ-202 – W. Douglas Jones for Tercero Corporation – Request to rezone 382 acres, more or less, from RS-3, RD, RM-2, & CS to AG (abutting subject property to the east) – PC recommended Approval 10/19/1992 and City Council Approved 10/26/1992 (Ord. # 673).

PUD 11 Abandonment – W. Douglas Jones for Tercero Corporation – Request to abandon PUD 11 – PC recommended Approval 10/19/1992 and City Council Approved 10/26/1992 (Ord. # 674).

BZ-231 – American Southwest Properties, Inc. & Memorial Drive, LLC – Request for rezoning from RM-2 to CS for approximately 6 acres to the west of subject property – PC Recommended Approval 05/17/1997 and City Council Approved 12/08/1997 (Ord. # 761)

BZ-248 – Tanner Consulting, LLC – Request to rezone what later became Lot 1, Block 1, *Sterling House* (abutting subject property to the east) from “CS” [AG] to RM-2 for a

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Sterling House residential care facility (not actually built) – PC recommended Approval 10/19/1998 and City Council Approved 11/23/1998 (Ord. # 785).

PUD 23 – Sterling House Clare Bridge – Tanner Consulting, LLC – Request to approve a PUD for what later became Lot 1, Block 1, *Sterling House* (abutting subject property to the east) for a Sterling House residential care facility (not actually built) – PC recommended Approval 11/16/1998 and City Council Approved 05/10/1999 (Ord. # 792).

Preliminary Plat of Sterling House – Request for Preliminary Plat approval for *Sterling House* (abutting subject property to the east) – Recommended for Approval by PC 11/16/1998.

Final Plat of Sterling House – Request for Final Plat approval for *Sterling House* (abutting subject property to the east) – Recommended for Approval by PC 06/21/1999 and Approved by City Council sometime afterward (Plat # 5382 recorded 08/23/1999 and bears a signed, but undated City Council approval certificate).

BZ-271 – L.C. Neel for Alterra Healthcare Corporation – Request to rezone *Sterling House* (abutting subject property to the east) from RM-2 to CS in order to market the property for sale for commercial development – PC recommended Denial 04/16/2001. Applicant Appealed and City Council Denied 04/23/2001.

BZ-284 – Tim Remy for Home Ventures, Inc. – Request to rezone *Sterling House* (abutting subject property to the east) from RM-2 to OL for the *Park Place Office Suites* multitenant office park – PC recommended Approval 05/20/2002 and City Council Approved 06/10/2002 (Ord. # 851).

AC-03-04-04 – Request for Architectural Committee approval for a 30-foot-tall ground sign for *Sterling House / Park Place Office Suites* (abutting subject property to the east) – AC Approved 04/21/2003.

BBOA-420 – Todd Mathis – Request for Special Exception for *Sterling House / Park Place Office Suites* (abutting subject property to the east) to allow a Use Unit 5 “day spa,” to include hairstyling and massage services – Withdrawn in 2004.

BL-352 – American Southwest Properties, Inc. – Request for Lot-Split to separate northern part of Tract C of *101 South Memorial Center* from balance of property, included in PUD 63, which became the *Holiday Inn Express & Suites Tulsa South/Bixby* in *101 South Memorial Plaza* (to the west of subject property across 85th E. Ave.) – PC Conditionally Approved by 04/21/2008.

PUD 63 – 101 South Memorial Plaza – American Southwest Properties, Inc. – Request for PUD approval for what became *101 South Memorial Plaza* (to the west of subject property across 85th E. Ave.) – Conditionally approved by PC and City Council in April/May of 2008 (Ord. # 1004).

Preliminary Plat of 101 South Memorial Plaza – Request for Preliminary Plat approval for *101 South Memorial Plaza* (to the west of subject property across 85th E. Ave.) – Conditionally approved by PC and City Council in April of 2008. The City Council also approved a Modification/Waiver from the street right-of-way widths to allow the 30’ to 40’ right-of-way widths as proposed.

Final Plat of 101 South Memorial Plaza – Request for Final Plat approval for *101 South Memorial Plaza* (to the west of subject property across 85th E. Ave.) – PC recommended Conditional Approval on 10/20/2008 and City Council Conditionally Approved 10/27/2008.

BSP 2009-03 / AC-09-12-05 – Holiday Inn Express – ArcTech Incorporated, PC – Request for PUD Detailed Site Plan approval for the *Holiday Inn Express & Suites Tulsa*

South/Bixby in *101 South Memorial Plaza* (to the west of subject property across 85th E. Ave.) – PC Conditionally Approved 12/21/2009.

Revised Final Plat of 101 South Memorial Plaza – Request for Revised Final Plat approval for *101 South Memorial Plaza* (to the west of subject property across 85th E. Ave.) – PC recommended Conditional Approval on 04/19/2010 and City Council Conditionally Approved 04/26/2010 (Plat # 6355 recorded 07/30/2010).

BBOA-551 – Currington Mortgage for Park Place Office Suites, LLC – Request for Variance from the one (1) sign limitation and maximum display surface area standards of Zoning Code Section 11-7C-3.B.4 and any other Zoning Code regulation preventing the erection of a second ground sign at approximately nine (9) feet in height and 75 square feet in display surface area for property in the OL district with PUD 23 for *Sterling House / Park Place Office Suites* (abutting subject property to the east) – BOA Approved 12/05/2011.

BACKGROUND INFORMATION:

Warren Clinic is constructing a new medical office facility on the west side of Memorial Dr. around its intersection with 103rd St. S. in Tulsa and will be marketing the subject property for sale.

ANALYSIS:

Subject Property Conditions. The subject property is zoned OL and consists of Lot 1, Block 1, *Landmark Center*, and contains the *Warren Clinic* medical offices. The subject property is a rectangular lot with 300' of frontage on 101st St. S. and approximately 471' of frontage on 85th E. Ave. It contains approximately 3.25 acres. Per the Tulsa County Assessor's parcel records

The subject property is moderately sloped and drains in a southwesterly direction. It utilizes an underground stormsewer system which drains to a stormwater detention facility in Tract F in *101 South Memorial Center*, located immediately south of the *Dickinson Starworld 20* movie theater. This facility has been enlarged, and the stormsewer pipe systems have been extended and enlarged, to accommodate the additional stormwater detention and drainage capacity necessary to serve the new commercial developments in *101 South Memorial Plaza* and *101 Memorial Square*.

This drainage system is in the drainage basin of an upstream tributary of Fry Creek # 1, which tributary flows to the southeast through *101 South Memorial Center*, *Regal Plaza*, *South Country Estates*, and the *Legacy* additions before its confluence with Fry Creek No. 1 near 107th St. S. and 91st E. Ave.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor and (2) Commercial Area.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the requested CS district is *In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map.

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.

Although the site is developed, the requested CS district and commercial use is consistent with the Commercial Area land use designation of the Comprehensive Plan Land Use map.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily CS, CG, CO (Corridor), OL, and RS-3, as described in further detail in the paragraphs that follow.

To the north (across 101st St. S.) is CO (Corridor) zoning under PUD-411C. This area includes: (1) to the northwest is the “South Town Market” commercial development, including *Super Target*, in the *South Town Market* subdivision, (2) directly to the north is a stormwater detention pond in Reserve E of *Ridge Pointe Villas*, and (3) further north and to the northeast are single-family residential homes in *Ridge Pointe Villas* and *Ridge Pointe*, all in the City of Tulsa.

The vacant Tract D abuts to the south, and further south is the *Dickinson Starworld 20* movie theater, both zoned CS in *101 South Memorial Center*.

East of the subject property is the *Park Place Office Suites* multitenant office park in Lot 1, Block 1, *Sterling House* zoned OL with PUD 23. Further east and to the southeast are single-family residential homes in *Legacy Park* zoned RS-3.

Across 85th E. Ave. to the west is the vacant north balance of Tract C in *101 South Memorial Center* zoned CS, the *Holiday Inn Express & Suites Tulsa South/Bixby* and the *Andy's Frozen Custard* frozen custard restaurant in *101 South Memorial Plaza* zoned CS with PUD 63, the new *Sprouts Farmers Market* specialty grocery store, the new *Grand Bank* and *J. David Jewelry* businesses, *CVS/Pharmacy*, and the new *Whataburger* fast-food restaurant, all in *101 Memorial Square* zoned CS and CG with PUD 65, and further west and southwest are a vacant commercial lot and other businesses zoned CS and CG.

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Staff Recommendation. For the reasons outlined above, Staff recommends Approval of CS zoning.

The rezoning should be done with a PUD, per the City's longstanding practice to request PUDs for intensive rezonings, per the new policy in the Comprehensive Plan preferring commercial rezonings within areas designated Corridor be done by PUD, and per the requirement to do so per the amended Zoning Code Section 11-5-2.

The amended Zoning Code Section 11-5-2, per the ordinance approved July 14, 2014, includes a new paragraph as follows:

"Within areas designated "Corridor" and "Commercial Area" or "Vacant, Agricultural, Rural Residences, and Open Land" on the Comprehensive Plan Land Use Map, it is City policy to require that a Planned Unit Development (PUD) application be processed along with any application for rezoning to commercial, provided, however, that the City Council may Waive this requirement upon finding of sufficient good cause."

The Applicant has addressed the PUD requirement matter by letter dated July 15, 2014, which provides as follows:

"Although likely not procedurally necessary as BZ-375 was filed prior to this week's Comprehensive Plan Amendment (BCPA-11), to avoid the possibility of any delay with the marketing of the property, this letter supplements the Application for Rezoning and respectfully requests that any requirement for a planned unit development in connection with the requested CS - Commercial Shopping Center District zoning be waived as provided in the now amended Comprehensive Plan."

By email on July 13, 2014, the Applicant addressed the matter of the Comprehensive Plan's new policy preferring retail use within areas designated Corridor as follows:

"With respect to this Application, the property is being sold subject to the following restriction:

- A. No Medical. The Property or any part thereof shall not be used for medical and related purposes, including without limitation, medical offices, clinics, laboratories and related research facilities, medical supply offices, pharmacies, dental offices and clinics, chiropractor offices and clinics, alternative medicine offices and clinics and the like.

This restriction has been placed on all of the Warren-entity property sold to third parties for some time. While the restriction does not address general office use in the CS District, with this restriction in place, most of the issues we discussed would be addressed without the need for a PUD. Let me know what you think. Best regards, Lou Reynolds"

If the City Attorney determines it is required for this application filed June 16, 2014, it is the City Council's prerogative to determine that there is sufficient good cause that the PUD requirement be Waived. If required, Staff would be supportive of this Waiver recognizing:

1. The application predated the new policy language in the Comprehensive Plan and new requirement in the Zoning Code.
2. The primary purpose and intent of the PUD requirement was to ensure that new developments being rezoned for retail commercial actually be developed for retail use. This is not a new development. Rather, the subject property was zoned OL office per BZ-137 in 1983 and has been used for medical offices since about that time.
3. Rezoning to CS would only increase the likelihood that the subject property may become used for commercial retail.

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City of Bixby Application for Rezoning

Applicant: Lou Reynolds
Address: 2727 East 21st Street, Suite 200, Tulsa, OK, 74114
Telephone: 918/747-8900 Cell Phone: 918/855-3541 Email: rlreynolds@ellerdetrich.com

Property Owner: Warren Clinic, Inc. If different from Applicant, does owner consent? Yes
Property Address: 8414 East 104th Street South, Bixby, Oklahoma
Existing Zoning: OL Requested Zoning: CS Existing Use: Medical Clinic
Proposed Use: Retail Center Use Unit #: 14

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

Lot 1, Block 1, LANDMARK CENTER, an Addition to the City of Bixby, Tulsa County, State of Oklahoma, according to the recorded Plat thereof

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

If Applicant is other than Owner, indicate interest: Lawyer for Owner

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

BILL ADVERTISING CHARGES TO: Lou Reynolds
2727 East 21st Street, Suite 200, Tulsa, OK, 74114 (NAME) 918/747-8900
(ADDRESS) (CITY) (PHONE)

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

Signature: [Signature] Date: June 16, 2014

APPLICANT - DO NOT WRITE BELOW THIS LINE

BZ- 375 Date Received 06/19/2014 Received By Enya Receipt # _____
Planning Commission Date 07/21/2014 City Council Date _____

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

FEES:	TYPE	ZONING	ACREAGE	BASE FEE	ADD.	TOTAL
	L M H MP	_____	_____	<u>\$100.00</u>	<u>\$50.00</u>	<u>\$150.00</u>

PC Action _____ City Council Action _____

DATE / VOTE _____ DATE / VOTE _____

STAFF REC. _____ ORD. NO. _____

Building Permit # _____ Case Reference # _____

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Erik Enyart

From: Erik Enyart
Sent: Tuesday, July 15, 2014 11:17 AM
To: 'Rebecca Armstrong'
Cc: resmith@saintfrancis.com; tcooper@saintfrancis.com; R. Louis Reynolds
Subject: RE: Application for Rezoning, 8414 East 101st Street South, Case No. BZ-375

Received this email and the letter – thank you. I will add this to the application.

Erik Enyart

From: Rebecca Armstrong [mailto:RArmstrong@ellerdetrich.com]
Sent: Tuesday, July 15, 2014 11:15 AM
To: Erik Enyart
Cc: resmith@saintfrancis.com; tcooper@saintfrancis.com; R. Louis Reynolds
Subject: Application for Rezoning, 8414 East 101st Street South, Case No. BZ-375

Dear Commissioner Enyart:

Please find attached correspondence from Mr. Reynolds relative to the above referenced matter. If you have any questions and or comments in this regard, please so advise.

Best regards,

Rebecca Armstrong

Administrative Assistant

Eller Detrich

2727 E. 21st Street, Ste. 200
Tulsa, Oklahoma 74114-3533

☎ (918) 392-9438 direct line
☎ (866) 547-8900 toll free
📠 (918) 392-9439 e-fax
✉ RArmstrong@EllerDetrich.com

 www.EllerDetrich.com

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A Professional Corporation

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Of Counsel

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Katherine Saunders, PLC
Jerry M. Snider
John H. Lieber

Writer's E-Mail
rlreynolds@ellerdetrich.com

July 15, 2014

VIA EMAIL: eenyart@bixby.com

Bixby Planning Commission
Attention: Mr. Eric Enyart
c/o City of Bixby
116 West Needles Avenue
Post Office Box 70
Bixby, Oklahoma 74008

Re: Application for Rezoning
8414 East 101st Street South
Case No. BZ-375

Dear Commissioner Enyart:

Although likely not procedurally necessary as BZ-375 was filed prior to this week's Comprehensive Plan Amendment (BCPA-11), to avoid the possibility of any delay with the marketing of the property, this letter supplements the Application for Rezoning and respectfully requests that any requirement for a planned unit development in connection with the requested CS – Commercial Shopping Center District zoning be waived as provided in the now amended Comprehensive Plan.

Should you have any questions, please do not hesitate to call.

Yours very truly,
ELLER & DETRICH
A Professional Corporation


R. Louis Reynolds

RLR:rea

cc: Mr. Eli Smith
Mr. Thomas E. Cooper

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www.EllerDetrich.com

2727 East 21st Street, Suite 200, Tulsa, Oklahoma 74114-3533

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Erik Enyart

From: Erik Enyart
Sent: Monday, July 14, 2014 10:25 AM
To: 'R. Louis Reynolds'
Subject: RE: 8414 East 101st St BZ-375

Hi Lou:

I received this and will place a copy with your application, pending Planning Commission hearing and consideration Monday, 07/21/2014.

Thanks~

Erik Enyart

From: R. Louis Reynolds [<mailto:LReynolds@ellerdetrich.com>]
Sent: Sunday, July 13, 2014 10:13 AM
To: Erik Enyart
Subject: 8414 East 101st St BZ-375

Dear Erik: With respect to this Application, the property is being sold subject to the following restriction:

- A. No Medical. The Property or any part thereof shall not be used for medical and related purposes, including without limitation, medical offices, clinics, laboratories and related research facilities, medical supply offices, pharmacies, dental offices and clinics, chiropractor offices and clinics, alternative medicine offices and clinics and the like.

This restriction has been placed on all of the Warren-entity property sold to third parties for some time. While the restriction does not address general office use in the CS District, with this restriction in place, most of the issues we discussed would be addressed without the need for a PUD. Let me know what you think. Best regards, Lou Reynolds

R. Louis Reynolds

Eller & Detrich

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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: Wednesday, July 16, 2014
RE: Report and Recommendations for:
PUD 31-A–Bricktown Square–Minor 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-A

EXISTING USE: Vacant

REQUEST: Minor Amendment # 1 to PUD 31-A

ANALYSIS:

By email dated July 15, 2014, the Applicant has requested both this and the Preliminary Plat applications be CONTINUED to the next meeting. Staff recommends the Public Hearing and consideration of both items be CONTINUED to the August 18, 2014 Regular Meeting as requested.



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116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Wednesday, July 16, 2014
RE: Report and Recommendations for:
Preliminary Plat of "Bricktown Square" (PUD 31-A)

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, and PUD 31-A

SUPPLEMENTAL ZONING: Corridor Appearance District + PUD 31-A

EXISTING USE: Vacant

REQUEST: Preliminary Plat approval

ANALYSIS:

By email dated July 15, 2014, the Applicant has requested both this and the PUD 31-A Minor Amendment # 1 applications be CONTINUED to the next meeting. Staff recommends the Public Hearing and consideration of both items be CONTINUED to the August 18, 2014 Regular Meeting as requested.



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 *EFE*
Date: Thursday, July 10, 2014
RE: Report and Recommendations for:
Preliminary Plat of "Memorial Square Amended" (PUD 6)

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

SUPPLEMENTAL ZONING: Corridor Appearance District (partial) + PUD 6 "South Memorial Duplexes" / "Memorial Square"

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

REQUEST: Preliminary Plat approval

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*.

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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).

PUD 6 Major Amendment # 1 “Memorial Square” & BZ-374 – JR Donelson, Inc. – Request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 6 and rezoning from CS and RM-1 to CS, RM-1, and RT for subject property – PC recommended Conditional Approval 05/19/2014 and City Council Conditionally Approved applications 05/27/2014. Ordinance approval pending receipt of PUD Amendment Text & Exhibits reflecting all the required corrections, modifications, and Conditions of Approval.

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. Ten (10) duplexes (20 duplex units) 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 sums to dozens, if not hundreds of City Staff hours during this period. An investor has submitted applications for PUD Major Amendment and rezoning, and now platting, 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.

ANALYSIS:

Subject Property Conditions. The subject property consists of all of *Memorial Square*, and is composed of duplexes and vacant lots. 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. Reserve Area A, *Memorial Square*, is presently used for stormwater drainage and detention. The balance of the existing lots not occupied by duplex units are vacant. Per a site inspection, it appears there remain several large trees in the area where new townhouses are proposed.

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.). Some of the utilities may have been installed in previous decades, and may need to be tested for adequacy as a part of the replatting and redevelopment.

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 has been and 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) *May Be Found In Accordance* with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since the application for PUD 6 Major Amendment # 1 was Conditionally Approved by the City Council, it has been recognized as being *In Accordance* with the Comprehensive Plan as a zoning district.

Due to the fact that PUD 6, as recommended and Conditionally Approved, will maintain consistency with the Comprehensive Plan, it should be recognized as being consistent with the Comprehensive Plan.

The existing and proposed residential development anticipated by this plat would not be inconsistent with the Comprehensive Plan.

General. This subdivision of 9.43 acres, more or less, is a proposed amended/replat of *Memorial Square* pursuant to PUD 6 Major Amendment # 1. It proposes 67 or 68 lots, five (5) blocks, and three (3) reserve areas. Lot 1, Block 1, is proposed to equal Lot 1, Block 1, *Memorial Square*, which composes the private street system. The other lots in Block 1 are proposed to equal their existing counterparts as well. Reserve Area A and the Block numbers as proposed will remain the same as they are currently platted. Lots 5 and 6 of Block 3, *Memorial Square*, are proposed to become Reserve Area B, and Lots 5, 6, 7, and 8, and possibly also Lots 3 and 4, of Block 5, *Memorial Square*, are proposed to become Reserve Area

C. All three (3) reserve areas are intended to be used for floodplain Compensatory Storage and stormwater drainage and detention. The lots proposed in Blocks 2 and 4, *Memorial Square*, will be amended to allow for 40 townhouses.

The subdivision reflects an urban design with creative features, primarily owing to its original design as platted. Narrow streets are laid out in a modified grid pattern, and are accessed via the singular, boulevard-style entrance street, 119th Ct. S. Excluding Lot 1, Block 1, *Memorial Square*, which composes the private street system, the balance of Block 1 contains six (6) lots, which are not for development but their original purposes are not clear. Lot 2, Block 1 was to be "Common Greens" per the original PUD, and Lot 3, Block 1 is now proposed to be "Common Greens" by this plat. These identities may change upon the final approval of Major Amendment # 1 by ordinance pursuant to the required Conditions of Approval.

The "duplex" lots are highly variegated and a "typical" lot cannot be clearly quantified. Typical, interior "townhouse" lots range from 30' X 88.5' (2,655 square feet, 0.06 acres) to 35' X 83.48' (2,922 square feet, 0.07 acres). Corner lots, "flag lots," and lots around street curves are typically significantly larger, but lot areas have not yet been provided for these. With the exception(s) as outlined elsewhere herein, the Preliminary Plat appears to conform to the Zoning Code, Subdivision Regulations, and PUD 6 as Conditionally Approved for amendment per Major Amendment # 1.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on July 02, 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 & 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 certain of them 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 drainage and detention facility.

Plans for access can be further inferred from the proposed plat and the site plans for PUD 6 Major Amendment # 1.

Sidewalks are required by the Subdivision Regulations.

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

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

1. Subject to the final approval of PUD 6 Major Amendment # 1 by ordinance.

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2. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
3. Limits of No Access (LNA) and Access Openings subject to City Engineer and Fire Marshal approval.
4. Subject to a Partial Modification/Waiver from the Minimum 17.5' Perimeter Utility Easement as required by Subdivision Regulations Section 12-3-3.A for those plat boundaries where the full 17.5' of U/E width is not proposed. Justification for Modification/Waiver will likely include, inter alia, As-Built and as-platted geometries and abutting existing U/Es in *Southern Memorial Acres Extended*.
5. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard. The Modification/Waiver may be justified by citing existing geometries and the nature of townhouse developments.
6. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for Lots 1 and 2 of Block 5 and certain lots in Blocks 2 and 3 whose rear lines abut 84th E. Ave. City Staff is supportive of this design, which is incidental and unavoidable due to existing geometries.
7. All requests for Modification/Waiver must be submitted in writing.
8. Additional U/E width may be required within Lot 2, Block 1, based on the location of the sanitary sewer manholes and discussion at the TAC meeting.
9. Front lot line dimension appears to be missing from Lot 2, Block 3.
10. Recognizing that duplex lots may be sold independently (subject to party wall¹ real estate laws), consider adjusting lot lines to correspond to built geometries (e.g. existing fences, driveways, mailboxes, etc.), and adjust PUD if additional flexibility is needed for this purpose.
11. Per SRs Section 12-4-2.A.5, please correct Location Map as follows:
 - a. *Southern Memorial Acres Extended* (mislabeled)
 - b. 111th St. S. (mislabeled)
12. Please identify intent of certain numbers which appear in front of certain duplex buildings (e.g. 38.0, 36.5, etc.).
13. Please add lowest permit-able Finished Floor elevation (BFE + 1') per SRs Section 12-4-2.B.5.
14. Elevation contours at one (1) foot maximum intervals are required per SRs Section 12-4-2.B.6. Contours appear to be represented but are not labeled, and intervals cannot be verified.
15. Please add missing underlying zoning district boundaries as required by SRs Section 12-4-2.B.3.
16. Please correct title of abutting subdivision (missing "Acres") at all three (3) instances.
17. Please add proposed addresses to the lots.
18. Plat missing notes pertaining to monumentation (reference SRs Section 12-1-8).
19. Subdivision Statistics: Please correct the number of lots (67 or 68 lots as per the analysis above).
20. Subdivision statistics: Please add number of Reserve areas.
21. Please add lot areas to allow for review for compliance with minimum lot area standards of PUD 6. A table/schedule may be used if space constraints do not allow within the lot boundaries.

¹ Commonly known as a "demising wall."

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22. The "L5B1" abbreviations need to be explained, in the Legend or elsewhere, to avoid ambiguity/confusion with other abbreviations used (e.g. "L" = "Length").
23. "L.N.A." and "A.O." as used on the plat do not match "LNA" or "AO" as used in the Legend – please reconcile.
24. 25'-wide U/E as represented along the rear line of the shopping center to the west – please clarify as being "per Plat # 2600" or cite Book/Page or Document # where recorded.
25. There appears to be a 7.5'-wide U/E along the south side of the duplex lots abutting to the north – please confirm and add, along with "per Plat # 2600" if/as may be the case.
26. Please supplement Legend with any missing linetypes, abbreviations, and symbols used (e.g. CenterLine, "AC," [certain utility type] box symbols, B/L linetype, etc.).
27. Please dimension curb face to curb face and curb widths as represented, and differentiate with 25' label as appears to indicate private street "right-of-way" width. May be qualified as "typical" if/as needed.
28. Missing sidewalk easements as may be necessary due to reduced private "street" widths, as noted during the PUD.
29. Please resolve text/linework conflict for reported frontage of "flag lot" "Lot 18," Block 2.
30. Please resolve text/linework conflicts throughout the plat, especially noted at "flag lot" and floodplain boundary areas.
31. Survey data appears to be missing along several curves. A curve data table may be used to ease text/linework congestion.
32. Curve data does not clearly point to street "right-of-way" geometries, and may be confused with As-Built curblines geometries, which are apparently not always consistent with the former.
33. Points of tangency/curvature not consistently indicated with "tick-marks."
34. Median in 119th Ct. S. should be labeled and/or have curblines indicated so that the solid black linetype used here is not mistaken for a propertyline.
35. Please dimension rear lot line of Lot 3, Block 2.
36. Please clarify meaning of "Temporary Easement."
37. Please add a Drainage Easement or widen the U/E such that it fully contains the concrete flume shown in Block 2.
38. LNA distance missing from frontage of Block 3.
39. Please represent existing buildings and dimension to nearest property lines as required by SRs Section 12-4-2.A.8. As noted during the PUD Major Amendment # 1 review, if any existing buildings do not meet proposed setbacks, the setbacks may be amended at this time to resolve such issue(s). Setbacks and other such details may be removed on Final Plat by standard Modification/Waiver written into Staff Report as a Condition of Approval.
40. Block 5 label may be more appropriately placed in surviving part of Block 5 (Lots 1 and 2).
41. Lot 1, Block 5: 3' B/L as per *Memorial Square* appears to have inappropriate label placement.
42. Please label south Sectionline and dimension from 121st St. S. Centerline if/as at variance.
43. Please dimension abutting 121st St. S. right-of-way and paving widths (can dimension to Centerline for the latter).

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44. Please correct southerly 84th E. Ave. R/W label to 50' (total width), label 50' R/W as to Centerline of 121st St. S., and label additional 10' R/W for 121st St. S. R/W as per the plat of *Memorial Square*.
45. Street frontages of existing Lots 5 and 6, Block 3 should be consolidated or a common lot corner point should be added and dimensions indicated to respective frontages.
46. Apostrophes used to indicate "feet" and dimensional arrows missing throughout.
47. Certain side yard lot line dimensions missing in Block 2.
48. Angle/bearing appears to be missing from certain lines at the "handles" of "flag" lots.
49. Angle/bearing appears to be missing from east-west lines for lots fronting 84th E. Ave.
50. Angle/bearing appears to be missing from north-south lines between Reserve B and lots 7 through 14, Block 3.
51. Redundant angle/bearing labels between lots in which there is no angle/bearing change can be removed in accordance with customary platting conventions. Please place the angle/bearing on the "bookends" when this method is employed.
52. Front lot line dimension missing from Lot 4, Block 3.
53. Westerly north-south lot line dimensions missing from Lots 10 and 11, Block 4 and easterly ones of Lots 1 and 19, Block 4.
54. Rear lot line missing from Lots 5 through 15, inclusive, Block 2.
55. Westerly side yard lot line dimension missing from Lot 2, Block 5.
56. Side yard lot line dimensions missing from the "handles" of "flag" lots 15 and 16, Block 3.
57. Property lines appear to be missing from southeast corners of Lots 15 and 16, Block 3.
58. Please clarify several unidentified linetypes along and somewhat paralleling the easterly sides of lots fronting on 84th E. Ave., one of which is identified as an "Existing 6' Wooden Privacy Fence to Remain."
59. Common lot line between Lots 3 and 4, Block 3 appears to have a 1' variance to the point of tangent/curvature. Please clarify, such as by detail diagram, on which side of the common lot corner the 1' variance is located, due to its exceptionally small size and the scale of the plat. Alternatively, the common lot corner may be made coterminous with the point of tangent/curvature by moving the angle/bearing of the easternmost portion of the common lot line (such as that part easterly of the 17' B/L).
60. DoD/RCs: Certain exclusions and/or separate CC&Rs need to be created for lots in Block 1 consistent with PUD 6 as amended by Major Amendment # 1. Please review all DoD/RCs for changes as may be needed.
61. DoD/RCs: Consider re-adopting, with any necessary amendments, DoD/RCs Sections III, IV, and V of *Memorial Square* as pertains to the "Common Area" Lot 2, Block 1, the "Emergency Access Area" of Lot 3, Block 1, and the "Parking Areas" of Lots 4, 5, 6, and 7, Block 1.
62. DoD/RCs Preamble: Owner must be in title to all of *Memorial Square* prior to Final Plat recording.
63. DoD/RCs Preamble: Confirm appropriateness of metes and bounds legal in addition to all of *Memorial Square*.
64. DoD/RCs Preamble: 20.16', 102.11', and 609.95' calls do not cite "along the [easterly/southerly] line of *Memorial Square*" as expected, creating somewhat of an ambiguity.
65. DoD/RCs Preamble: Metes and bounds portion of legal description includes 10' right-of-way for 121st St. S. already dedicated to the Public. This is acceptable for the re-

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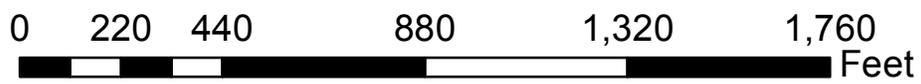
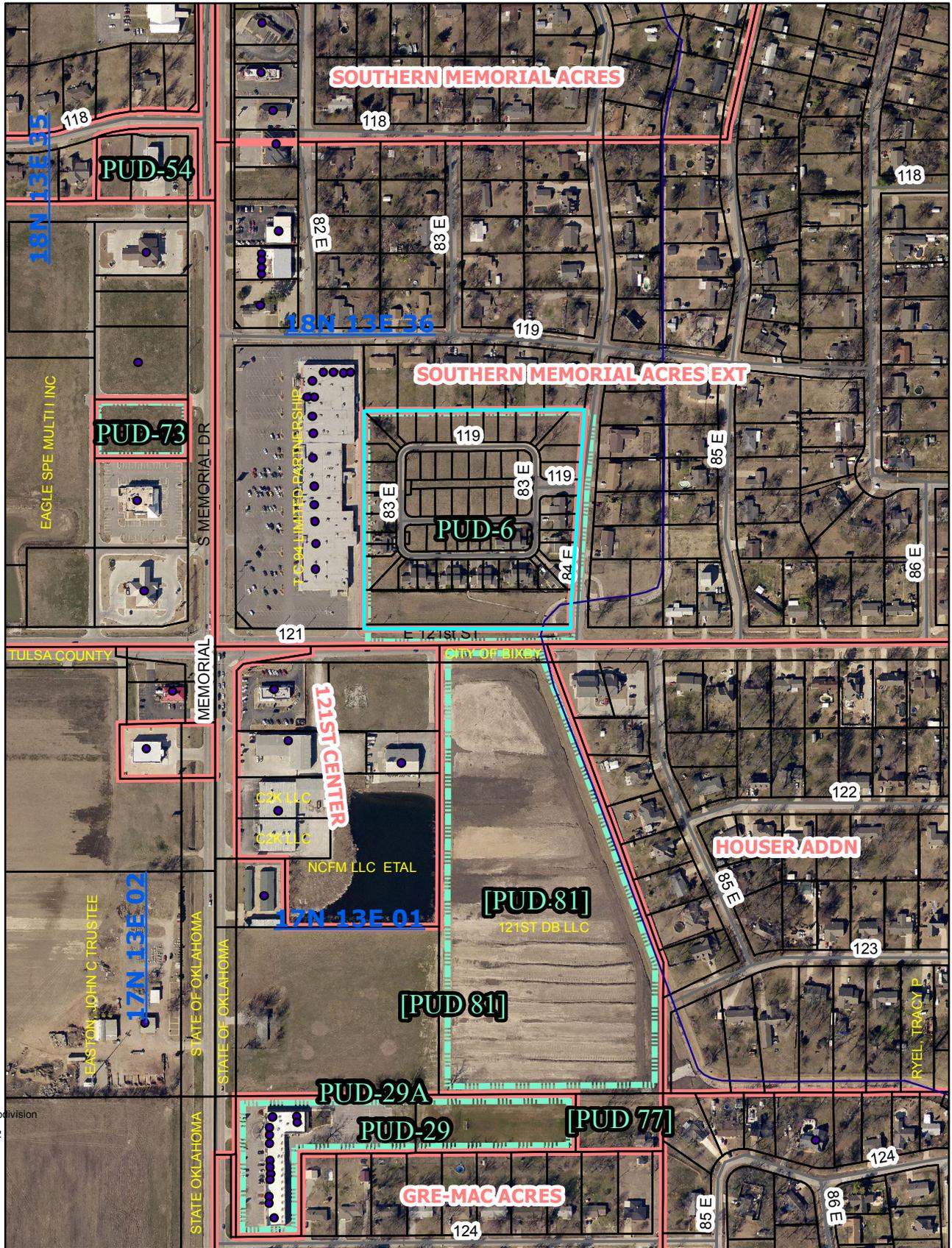
- dedication as fee simple right-of-way, if the City Attorney determines it was not done as such per the plat of Memorial Square (and in this case, see following item).
66. DoD/RCs Preamble: Missing critical wording such as “and has caused the above described tract of land to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided ...” as per customary platting conventions and the City Attorney’s recommendations regarding fee simple ownership of rights-of-ways.
 67. DoD/RCs Preamble: Should probably cite that this “Addition to the City of Bixby” is a replat of *Memorial Square*.
 68. DoD/RCs Preamble: Title attorney or other qualified real estate expert should confirm that the language is appropriate for this replat of *Memorial Square*.
 69. DoD/RCs Preamble: Use of person “I” is unconventional and inconsistent with balance of DoD/RCs which uses “Owner/Developer” in the third person. Owner/Developer “Woodard Homes, Inc.” appears to be a corporate entity which may itself be owned by multiple individuals or other entities.
 70. DoD/RCs Preamble: Please supplement as follows “...and do hereby guarantee clear title to all of the land that is dedicated, granted, donated, and/or conveyed...” as per City Attorney’s recommendations regarding fee simple ownership of rights-of-ways.
 71. DoD/RCs Section 1.A: Please correct : “The owner hereby dedicates...”
 72. DoD/RCs Section 1.A: Please qualify this section as follows: “...nothing herein shall be deemed to prohibit properly-permitted drives, parking areas, ...”
 73. DoD/RCs Section 1.C: Please qualify this section as follows: “...repair of damage to properly-permitted landscaping and paving occasioned ...”
 74. DoD/RCs Sections 1.D and 1.E: Language in these sections is unexpected and may or may not be consistent with City of Bixby infrastructure and permitting requirements. Wording in this section is subject to the positive concurrence of the City Engineer, Public Works Director, and City Attorney.
 75. DoD/RCs Section 1.E: Should probably mention that the “streets” refers to Lot 1, Block 1. See treatment of Lot 1, Block 1 in the DoD/RCs of Memorial Square for inspiration as needed (e.g. “private mutual access easements (shown on Plat as Lot One...)”).
 76. DoD/RCs Section 1.E: Refers to Section “I” (Roman numeral) instead of “1” (Arabic numeral).
 77. DoD/RCs Section 1.K: Appears to have skipped subsection “J.”
 78. DoD/RCs Section 1.[J]: Consider specifying “...Storm Water drainage and Detention.”
 79. DoD/RCs Section 1.[J]: Does not appear to provide for passive recreational uses (such as walking trails) in Reserve Areas.
 80. DoD/RCs Section 2: Subsections “(1)” do not appear necessary and are inconsistent with the numbering system used elsewhere throughout the DoD/RCs.
 81. DoD/RCs Section 2: Please update with final PUD language upon City Council approval by ordinance.
 82. DoD/RCs Section 3: Consider whether exclusions or separate CC&Rs should be applied to the existing duplex lots.
 83. DoD/RCs Section 3 Preamble: “superseded” is misspelled.
 84. DoD/RCs Section 3: Numbering system is inconsistent with that used in Sections 1, 4, and 5. Please reconcile all.

85. DoD/RCs Section 3.1.A or 3.A: Numbering system appears to be off.
86. DoD/RCs Section 3.1.A or 3.A: Title "Private Covenants and Restrictions Applicable to All Lots" appears out of place or otherwise may be an unintended artifact, as it is inconsistent with the following text.
87. DoD/RCs Section 3.[A./6]: Final sentence appears to have a grammatical deficiency.
88. DoD/RCs Section 3.[A./8]: This appears to be more appropriately located within DoD/RCs Section 5.C. Please reconcile appropriately.
89. DoD/RCs Section 3.[A./10]: This appears to be more appropriately located within DoD/RCs Section 5.C. Please reconcile appropriately.
90. DoD/RCs Section 3.[A./11]: Appears duplicative of DoD/RCs Section 1.[J].
91. DoD/RCs Section 3.[A./12]: Should be combined with DoD/RCs Section 1.[J].
92. DoD/RCs Section 3.[A./14]: Appears duplicative of DoD/RCs Section 1 and may conflict therewith – please remove or incorporate new elements into appropriate subsections of Section 1.
93. DoD/RCs Section 3.[A./18]: The State of Oklahoma does not do auto inspections.
94. DoD/RCs Section 3.[A./21]: Would logically precede DoD/RCs Section 3.[A./2].
95. DoD/RCs Section 3.[A./23]: Cannot conflict with PUD 6 as ultimately amended by Major Amendment # 1. This section must also acknowledge the PUD's/City's superiority of authority for masonry standards.
96. DoD/RCs Section 3.[A./24]: Please change to "...City and the Architectural Committee."
97. DoD/RCs Section 4.A: Provides "...Owner/Developer has formed the 'MEMORIAL SQUARE', Property Owners Association..." Please use the actual name of the intended corporate entity, to allow for differentiation with "Memorial Square Homeowners Association, Inc.," a current or former owner of part of the subject property.
98. DoD/RCs Section 4.A: Provides "...Owner/Developer has formed the 'MEMORIAL SQUARE', Property Owners Association..." If this has occurred or will have occurred prior to plat recording, please submit a copy of the Secretary of State incorporation documents for placement in the permanent file and for notification to the Bixby Neighborhood Coordinator. If otherwise, the wording may more appropriately be tensed "...shall form or cause to be formed..."
99. DoD/RCs Section 4.B: Please clarify such as "...membership in the Association as of the date..."
100. DoD/RCs Section 4.B: Should probably be amended to exclude lots in Block 1, which should be owned by the HOA, to avoid legal questions as to membership, rights, and responsibilities of the HOA as appurtenant to lot ownership.
101. DoD/RCs Section 4.E: Space missing between words "is made."
102. DoD/RCs Section 4.E: Check Oklahoma law to see if delinquent assessment liens can be made a "personal obligation" which "shall not pass through the successors-in-title..."
103. DoD/RCs Section 4.F: Occurrence of "bare" in lieu of "bear," as presumed intended.
104. DoD/RCs Section 5.A: Please add the City of Bixby as beneficiary of DoD/RCs Sections 1 and 2.
105. Prior to Final Plat approval, please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.

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

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Preliminary Plat of "Memorial Square Amended"



Memo

To: Erik Eryart, AICP, City Planner

From: Joey Wiedel

Date: 06-27-2014

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 300 feet spacing. All hydrants shall be operable before construction.
 - Brand- AVK or Mueller , Color- Chrome Yellow
2. Fire line supporting the fire hydrants shall be looped.
3. All roads and Second means of access capable of supporting an imposed load of 75,000 pounds shall be in place before construction of homes. (IFC 2009 Appendix D)
4. Roadways shall have enough elevation to prevent roadway flooding.



Joey Wiedel

6/27/2014

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: 06/24/14
Re: Memorial Square Amended
Preliminary Plat Review

General Comments:

1. Comments from May 5, 2014 PUD review letter remain applicable:
 - No Conceptual Utility Plans have been provided.
 - No Grading/Paving/Drainage information has been provided.
2. A Drainage Report and documentation supporting a CLOMR submittal to FEMA will be required.
3. No additional comments can be provided until additional design information is provided.

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

MEMBERS PRESENT

Lonny Hicks, *AEP-PSO*
Jim Peterson, *BTC Broadband*

STAFF PRESENT

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

OTHERS PRESENT

Gerald Oney, Owner/President, *G. Oney & Associates, Inc.*
Mark Capron, LLA, *Sisemore Weisz & Associates, Inc.*
JR Donelson, *JR Donelson, Inc.*
Matt Means, CGB, CGP, *Landmark Resources, LLC / Landmark Constructive Solutions, LLC*

1. Erik Enyart called the meeting to order at 10:05 AM.

Erik Enyart noted that the Fire Marshal was en route and may take some time to arrive, and proposed taking the agenda items out of order and considering Lot-Split Agenda Items # 5 and # 6 at this time, since they were not likely to elicit much if any comment from the Fire Marshal. This idea was agreed to by acclamation.

5. **BL-392 – Randy Shoefstall of White Surveying, Inc. for Lowe’s Home Center, Inc.**
Discussion and comment on a Lot-Split for Lot 2, Block 1, *Bixby Commons*.
Property located: 11114 S. Memorial Dr.

Erik Enyart introduced the item and described the location and the situation. Mr. Enyart confirmed with Gerald Oney of *G. Oney & Associates, Inc.* that the name of the proposed development was “open and public.” Mr. Enyart stated that the lot would be for a *Taco Bell*, and would be behind the *Walgreen’s*, and the lot would be taken from the northeast corner of the *Lowe’s* parking lot. Mr. Enyart stated that, from a planning standpoint, the lot would meet the frontage/width requirement of the CS district and would meet the zoning requirements. Mr. Enyart asked Mr. Oney if he cared to summarize the project further.

Gerald Oney stated that he was working with *Lowe’s* on a [storm or sanitary] sewer easement, that the electric company reported they could serve from either Memorial Dr. or 111th St. S., and that the gas company had reported they would be okay, they had right-of-way they needed, and could make

it work. Mr. Oney stated that there were approximately 60 days left to finalize the property sale, after which time he would be ready to issue plans for a Building Permit.

Erik Enyart asked if there were any questions or comments from the utility providers. Lonny Hicks of AEP-PSO asked Gerald Oney who he had talked to at PSO. Mr. Oney stated that his associate had made the contacts. Mr. Hicks stated that Kathy Blevins would be the contact for this area. Mr. Oney stated that he was the engineer of record for the project. Mr. Hicks stated that there was a transformer at the southwest corner of the *Walgreen's* lot. Mr. Oney and Mr. Hicks discussed electrical service needs and the possibility of bringing electric from the north side under 111th St. S.

Jim Peterson of *BTC Broadband* and Gerald Oney discussed telecommunications services and plans for connection. Mr. Oney stated that, for telephone service, his associate had talked to J. Benway of "olp.net," which Mr. Peterson stated should be Jackie Benway, who had been transferred to another position. Mr. Peterson stated that he was the construction engineer for *BTC* and offered to work with Mr. Oney when the plans are put together.

Gerald Oney stated that he had already sent plans to all the utility companies, including the City of Bixby, for comment. Erik Enyart stated that the site plan application could be turned in at any time, and that, after the Lot-Split, there were no City of Bixby deadlines, so the City would begin reviewing the plans as soon as received. Mr. Oney stated that he would begin the [site plans] as soon as his client [acquired] the property.

Joey Wiedel in at 10:18 AM.

Erik Enyart briefed Joey Wiedel on the previous discussions and asked if he had any questions or comments. Mr. Wiedel had none at this time.

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 Gerald Oney for his attendance.

Gerald Oney left at this time at 10:19 AM.

Erik Enyart noted that the Applicant for BL-393 was not present and declared that the meeting would return to the agenda items in the order as numbered.

2. **Preliminary Plat of "Bricktown Square" – Sisemore Weisz & Associates, Inc. (PUD 31-A).** Discussion and comment on a Preliminary Plat and certain Modifications/Waivers for "Bricktown Square" for 4.547 acres in part of the SW/4 NW/4 of Section 01, T17N, R13E.
Property Located: 12409 S. Memorial Dr.

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart stated that the application was represented by Mark Capron of *Sisemore Weisz & Associates, Inc.* Mr. Enyart noted that the TAC had seen this development a couple months prior as a PUD Major Amendment. Mr. Enyart stated that the development had 10 lots, the easterly acreage having nine

(9) large lots for single-family homes, and the westerly part along Memorial Dr. would be one (1) big commercial lot. Mr. Enyart asked Mark Capron if he cared to summarize the project further.

Mark Capron stated that the development was originally all commercial, but was now residential and commercial.

Erik Enyart noted that, at the TAC meeting where the PUD amendment was discussed, [Greg] Weisz had asked some questions which he had forwarded to the City Engineer, including the difference between a Reserve Area and an easement for stormwater drainage, and asked Mr. Capron if this had been resolved. Mr. Capron stated that they had not yet, and agreed that the two (2) engineers needed to meet to talk about the issue, as the engineering design work has stalled. Mr. Capron stated that the preference was that they be yard areas. Mr. Enyart confirmed with Mr. Capron that the drainageways would be concrete-lined channels, open-air. Mr. Capron stated that this was correct for the southerly ones but the one along the north line would be a drainage swale. Mr. Enyart asked Mr. Capron if the drainage would be public or private, and Mr. Capron stated it would be public but the covenants would provide that the HOA would maintain them. Mr. Enyart stated that he had not had a chance to talk to the City Engineer specifically on this but suspected the recommendation may have something to do with the appropriateness of having a specifically-defined area which the HOA is responsible for maintaining, versus an easement which crosses property lines and[, potentially,] fences.

Erik Enyart stated that he had started the review of this application that morning, and hopefully would complete it and send it to Mr. Capron by the following day or Monday, as Friday was the 4th [of July] holiday.

Erik Enyart asked if the Fire Marshal had any questions or comments. Joey Wiedel noted his review comments during the PUD amendment review. Mr. Enyart noted that 125th St. S. would be extended into the subject property in the form of a short cul-de-sac street.

Erik Enyart asked if the utility companies had any questions or comments. Lonny Hicks discussed electrical service with Mark Capron. Mr. Hicks noted that he had lines along the north line of the addition and along the north side of 126th St. S., and planned to serve the cul-de-sac lots underground. Jim Peterson, Mr. Capron, and Mr. Hicks discussed the location of *Mazzio's* and the fact that the lots along 126th St. S. would also be single-family residential. Mr. Hicks then indicated favor for coming down the back sides of the southerly two (2) tiers of residential lots, and serving the northern tier from the existing line along the north side.

Erik Enyart asked if there were any further questions or comments.

Mark Capron noted that, if a Reserve Area was required for the drainage, that would further subtract from the land area in each lot, and would affect the PUD Minor Amendment. Mr. Enyart agreed and stated that the PUD Minor Amendment could be written more flexibly in this case.

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

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Erik Enyart stated that, hearing none, the meeting would proceed to the next item on the agenda. Mr. Enyart thanked Mark Capron for his attendance.

Mark Capron left at this time.

3. **Preliminary Plat – “Memorial Square Amended” – JR Donelson, Inc. (PUD 6).**
Discussion and comment on a Preliminary Plat and certain Modifications/Waivers for “Memorial Square Amended” for 9.43 acres, a replat of all of *Memorial Square*, Plat # 4511.
Property Located: 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 TAC had last seen this as a PUD Major Amendment a few months ago. Mr. Enyart stated that the City Council had approved the application, but that there were still some details to be resolved so that the PUD amendment could be approved by ordinance. Mr. Enyart stated that the plan was to keep the 10 duplexes that were out there, and build an additional 40 townhouses, using the land left after taking care of the floodplain and drainage issues. Mr. Enyart asked JR Donelson if he cared to summarize the project further.

JR Donelson stated that all the utilities were already in place, and that this project would involve raising [some of] the streets and driveways for the existing duplexes. Mr. Donelson stated that the new lots would be for individually-sold units, and so they would not be all built at once. Mr. Donelson stated that the pedestals and boxes would stay where they are.

Jim Peterson stated that the boxes may move with the lot lines. Mr. Donelson indicated that they would still be in the rear yards regardless of the side yard lot lines. Mr. Peterson and Mr. Donelson discussed the age of the lines in place. Mr. Peterson suggested the possibility of upgrading the lines with fiber. Lonny Hicks stated that there were “no transformers out there anymore,” and that they would only “be set as you build.”

JR Donelson stated that Lot 2, Block 1 was all a greenspace, and would be available to the utility companies today if they wanted to upgrade their services. Mr. Donelson discussed the width of Lot 2, Block 1 with Jim Peterson and Lonny Hicks. Erik Enyart clarified with Mr. Donelson that all of Lot 2, Block 1 was not presently also designated a Utility Easement, but that there was one dedicated within a part of it. Mr. Enyart confirmed with Mr. Donelson that he would be willing to give additional U/E width over part or all of it if needed. Mr. Donelson stated that the U/E was 15’ in width, leaving 10’ for greenspace.

JR Donelson discussed the width of the entrance street with Joey Wiedel, and noted that it was an existing street that did not meet the requirements for a new street if it were gated. Discussion ensued.

JR Donelson noted that the 10’-wide U/Es and roadways were already in place and were already all the widths they were going to be.

Erik Enyart asked if there were any further questions or comments.

Lonny Hicks asked JR Donelson how soon until they started building. Mr. Donelson responded that construction could not start until after the plat was approved, [City Earth Change Permit approved,] the streets and driveways modified, the CLOMR submitted, the detention ponds built, the new box culvert put in under 121st St. S., the drainage ditch modified to Fry Creek, and then the developer would only start on about four (4) units at the northeast corner of the development which were already out of the [100-year] Floodplain. Mr. Donelson stated that the development would use the utilities that were already in place. Mr. Donelson stated that the waterlines have been there, but [City Engineer] Jared [Cottle] had asked that they be pressure tested, and that the sanitary sewers have been there, but "he ask[ed] that we camera it."

JR Donelson stated that he would submit the PUD package on the following Monday. Erik Enyart asked Mr. Donelson if it was his intent that it be placed on the July 14, 2014 City Council agenda or the one on July 28, 2014, when it could be heard at the same time as the Preliminary Plat. Mr. Donelson stated he would prefer the latter.

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 – "Brisbane Office Park" – JR Donelson, Inc. (PUD 60).** Discussion and comment on a Preliminary Plat and certain Modifications/Waivers for "Brisbane Office Park" for approximately 10 acres in part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E.
Property Located: 10422 E. 111th St. S.

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart stated that the TAC had last seen this about a month prior in the form of a PUD Major Amendment. Mr. Enyart noted that the Council had Conditionally Approved the amendment application, but that there remained some details to work out and corrections to be made before it would be returned to the City Council for approval by ordinance. Mr. Enyart stated that the property had been approved for the original PUD and rezoning in 2008, and that the concept with this new plan was to relocate a "landlocked" office Development Area to the north to join another office Development Area along 111th St. S. Mr. Enyart asked Matt Means and JR Donelson if they cared to summarize the project further.

JR Donelson discussed the development briefly and asked Jim Peterson if *BTC Broadband* would be willing to give an easement to allow a concrete channel to be put in to drain to the borrow ditch along 111th St. S. Mr. Peterson and Mr. Donelson reviewed the site plan. Mr. Peterson stated that he would ask Kim about this. Mr. Donelson clarified with Mr. Peterson that the easement would be oriented north-south along the side of the *BTC* building site. Mr. Peterson confirmed with JR Donelson that it may help the drainage on the *BTC* property as well.

Matt Means confirmed with Erik Enyart that Mr. Enyart had received the site plan he had sent. Mr. Enyart stated that he had and was able to forward it to the Fire Marshal the first thing that morning. Mr. Enyart confirmed with JR Donelson and Mr. Means that the site plan was somewhat different than the one provided in the PUD Amendment application.

Discussion ensued, including Fire Marshal Joey Wiedel, regarding the development design. It was noted that the access to the ministorage site would be 26', but then there would be 30' between the ministorage buildings, and a little extra width at certain points to allow turning movements.

Erik Enyart asked if the southernmost ministorage building would need access behind it. Joey Wiedel asked the dimensions of the building. Matt Means responded it was 40' X 250', and Mr. Wiedel stated it would not [require access behind the building]. Mr. Means stated that the building would only [open to the north].

JR Donelson asked Erik Enyart about the City's property with the old watertower on it, and asked if it would be possible to use it to disperse some amount of drainage. Mr. Enyart advised Mr. Donelson [to direct his question to the City Engineer]. Mr. Enyart observed the contour lines shown on the plat and noted that he had originally considered that most of the drainage would normally go to the east, and not the west. Mr. Donelson indicated the location of the highest point just to the south of the subject property. Mr. Donelson stated that he believed it would be easier to drain to the west, rather than to try to drain to the east and affect the property owner at that discharge point. Mr. Enyart noted that the location of the ridgeline may provide additional flexibility for drainage design. Discussion ensued regarding creative ways to use the watertower and watertower property. Mr. Enyart suggested, rhetorically, that the site may be designed in accordance with LEED principles, and Matt Means noted that he had already considered using geothermal for airconditioning the ministorage buildings, and would look into using it for the office development area element.

Discussion ensued regarding development review timelines. Matt Means stated that the revised PUD plans would be submitted the following Monday. Erik Enyart asked if it was Mr. Means' and Mr. Donelson's intent that the PUD ordinance approval item be placed on the City Council agenda for July 14, 2014, or at the same time as the Preliminary Plat on July 28, 2014, and the Applicants indicated favor for the latter. Mr. Enyart noted that the application submission deadline for the PUD Detailed Site Plan and/or the Final Plat for the August 18, 2014 Planning Commission was July 21, 2014. Mr. Donelson noted the possibility that the plans and Final Plat may be submitted before the City Council approved the Preliminary Plat, and the problem of showing drainage easements before the drainage design concept was approved. Mr. Means indicated favor for a faster review timeline, and expressed concern that all may not be approved until September. Mr. Donelson noted design difficulties for a similar ministorage development, and noted that the site plans and Final Plats are not normally submitted until after the Preliminary Plat is approved. Mr. Enyart stated that, by [the Subdivision Regulations Title of City] Code, the City was not supposed to even accept a Final Plat application until at least the preliminary construction engineering plans were submitted.

Erik Enyart asked if the utility companies had any questions or comments. JR Donelson stated that the sanitary sewer would be located along the east side of the development, leaving the west side free for other utilities. Mr. Donelson stated that the development would use a private waterline since it would be located underneath paving.

Erik Enyart confirmed with Mr. Means and Mr. Donelson that they still intended the PUD ordinance approval items to be on the July 28, 2014 City Council agenda along with the Preliminary Plat.

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.

6. **BL-393 – Steven W. Hodges.** Discussion and comment on a Lot-Split for Lot 2, Block 1, *Hickory Creek Estates*.
Property located: 12900-block of E. 181st St. S.
-

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart noted that a few months ago this property was part of another Lot-Split application, and it was later discovered that the retaining wall was located on the lot that was sold, and the [seller] wanted it back. Mr. Enyart stated that the new lots would not meet the minimum lot width requirement, so it would be necessary that the sold piece be legally combined with the adopting lot by deed restriction. Mr. Enyart stated that he did not anticipate any development to occur as a consequence of this Lot-Split.

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

7. Old Business
8. New Business
9. Meeting was adjourned at 10:55 AM.

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

NAME	COMPANY	PHONE
1. <u>MARK B. CAPREN</u>	<u>Shia</u>	<u>918-665-3600</u>
2. <u>LONNY HICKS</u>	<u>PSO</u>	<u>918-250-6211</u>
3. <u>Jim Peterson</u>	<u>BTC</u>	<u>918-366-0253</u>
4. <u>JR DONELSON</u>	<u>JR DONELSON</u>	<u>918-394-3030</u>
5. <u>Erik Enyart</u>	<u>City of Bixby</u>	<u>918 366 0427</u>
6. <u>MATT MEANS</u>	<u>STORE.TWA.COM</u>	<u>918.381.9655</u>
7. <u>Joey Wines</u>	<u>JM COB</u>	<u>918 366-0436</u>
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____
16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____

PRELIMINARY PLAT MEMORIAL SQUARE AMENDED

A RE-PLAT OF MEMORIAL SQUARE, PLAT NO. 4511
AN ADDITION SITUATED IN THE SW/4 OF SECTION 36,
T-18-N, R-13-E OF THE INDIAN BASE AND MERIDIAN,
TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA.

PUD 6

**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

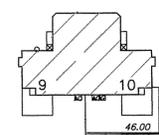
FLAT No.

OWNER:
WOODARD HOMES, INC.
P.O. BOX 950
FORTERVILLE, CA. 93258
CONTACT: GREG WOODARD
PHONE: 559-333-2108
EMAIL: GREG@WOODARDHOMES.COM

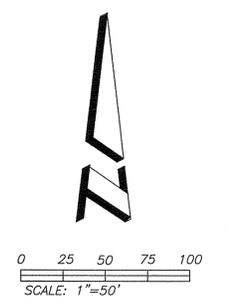
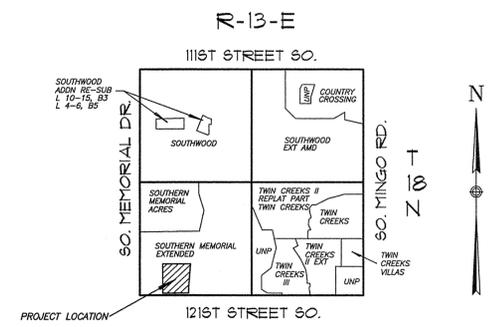
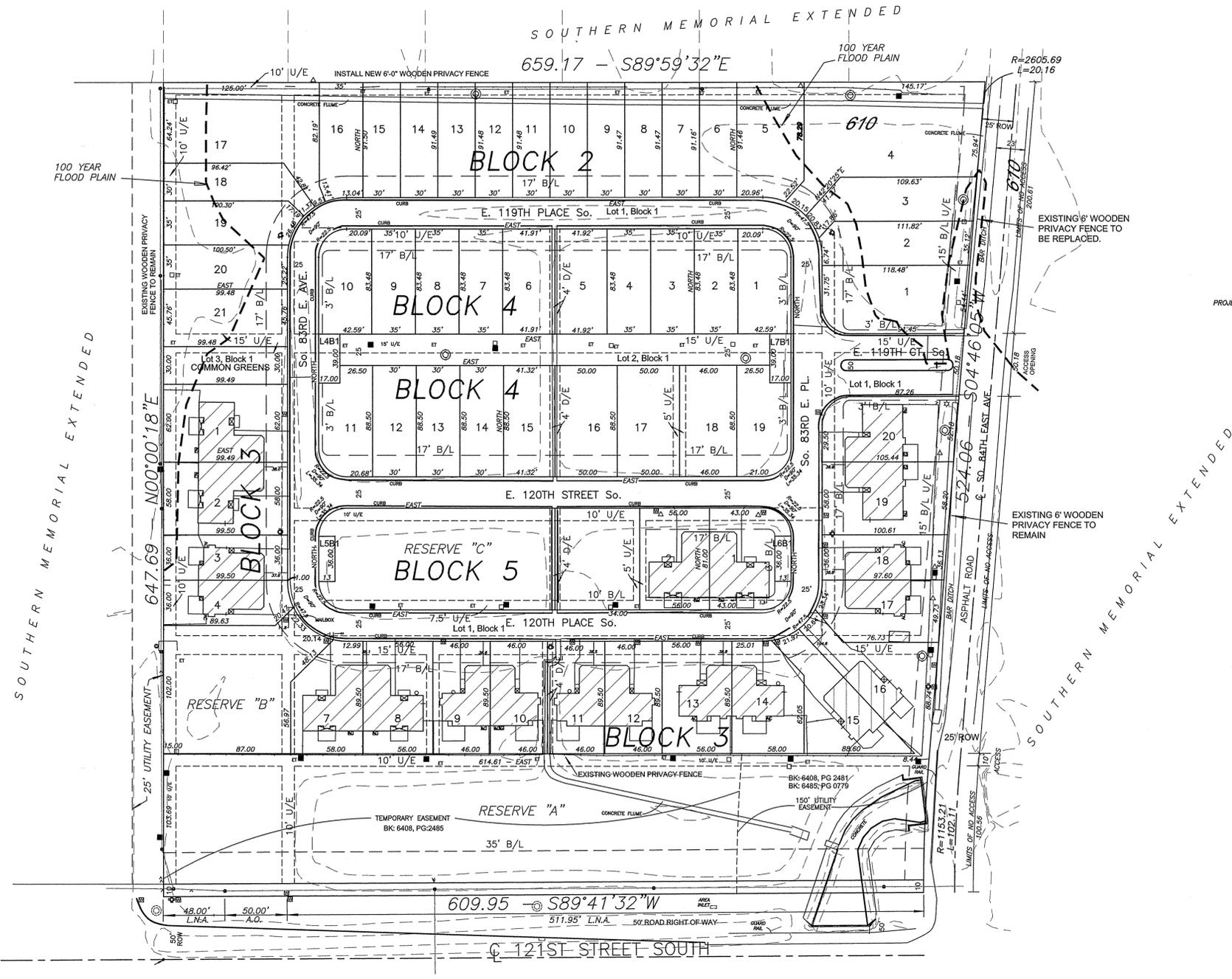
ENGINEER/SURVEYOR:
JR DONELSON, INC.
12820 SO. MEMORIAL DR.
OFFICE 100
BIXBY, OKLAHOMA 74008
PHONE: 918-394-3030
C.A. NO. 5611 EXP. 6-30-15
EMAIL: JRDON@TULSACOXMAIL.COM

LEGEND

U/E	UTILITY EASEMENT
B/L	BUILDING LINE
ROW	ROAD RIGHT-OF-WAY
D/E	DRAINAGE EASEMENT
S.O.	SOUTH
R	RADIUS
P	PLACE
L	RADIUS
A	LENGTH
B	BOOK
F	PAGE
A	DRIVE
O	ACCESS OPENING
F	PLANNED UNIT DEVELOPMENT
N	NUMBER
M.A.E.	MUTUAL ACCESS EASEMENT
L.N.A.	LIMITS OF NO ACCESS
	FIRE HYDRANT
	WATER LINE
	ELECTRICAL TRANSFORMER
	OVERHEAD ELECTRIC
	SANITARY SEWER MANHOLE



EXISTING DUPLEX UNITS



"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.

BASIS FOR BEARINGS:
The basis for bearings is the West line "Memorial Square", with an assumed bearing of N 00°00'18"E.

FEMA FLOODPLAIN NOTE:
The subject property is contained in Zone Unshaded "X" and "AE"
Map No. 40143C0432L
Date: October 16, 2012

MEMORIAL SQUARE AMENDED
PUD 6
Preparation date: JUNE 15, 2014
SHEET 1 OF 3

DEED OF DEDICATION AND STATEMENT OF RESTRICTIVE COVENANTS
MEMORIAL SQUARE AMENDED
PUD-6

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, WOODARD HOMES, INC., is the owner in fee simple to the following described property in the City of Bixby, Tulsa County, Oklahoma,

Being a re-plot of Memorial Square, an addition to the City of Bixby, Tulsa County, State of Oklahoma according to the recorded plat number 4511, being more particularly described as follows:

Beginning at the Northwest Corner of said Memorial Square, thence on an assumed bearing of S 89°59'32"E being the north line of said Memorial Square a distance of 659.17 feet to the Northeast corner of said Memorial Square; thence along a curve to the left with a radius of 2605.69 feet, a chord distance of 20.16 feet for a distance of 20.16 feet to a point; thence S 04°46'05"W and along the east line of Memorial Square a distance of 524.06 feet; thence along a curve to the left with a radius of 1153.21 feet, a chord distance of 102.11 feet for a distance of 102.11 feet; thence S 89°41'32"W for 609.95 feet to a point on the west line thence S 89°41'32"W for a distance of 609.95 feet to a point on the west line of Memorial Square; thence N 00°00'18"E and along the west line of Memorial Square a distance of 647.69 feet to the point of beginning.

WOODARD HOMES, INC. shall be referred to in the Deed of Dedication as the OWNER/DEVELOPER and has caused the above described land to be surveyed, staked, platted, and subdivided into lots, blocks, and streets, and has designated the same as "MEMORIAL SQUARE AMENDED", an Addition to the City of Bixby, Tulsa County, Oklahoma (hereinafter sometimes referred to as the "Subdivision"). I hereby dedicate to the City of Bixby, its successors and assigns all easements 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 of land.

Owner/Developer may be referred to as, "Owner".
Memorial Square Amended may be referred to as, "Subdivision".

SECTION 1. PUBLIC COVENANTS

A. EASEMENTS AND UTILITIES

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

B. WATER, SANITARY SEWER, AND STORM SEWER SERVICE

- The owners of any lot shall be responsible for the protection of the public water mains, sanitary sewer mains, and storm sewers located on the Owners lot.
- Within utility easements, restricted waterline, sanitary sewer and drainage easements depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of a public water main, sanitary sewer main, or any construction activity which, in the judgment of the City of Bixby, would interfere with public water mains, sanitary sewer mains, shall be prohibited.
- The City of Bixby, Oklahoma, or its successors, shall be responsible for ordinary maintenance of public water systems, sanitary sewer mains, but the owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the Owners, or the Owners agents and/or contractors. Storm sewers will be privately maintained.
- The City of Bixby, Oklahoma, or its successors, shall at all times have right of access to all utility easements, restricted waterline, sanitary sewer and drainage easements depicted on the accompanying plat, or otherwise provided for in this deed of dedication, for the purpose of installing, maintaining, removing or replacing any portion of underground water, sanitary sewer facilities.
- The covenants set forth in this subsection shall be enforceable by the Owner, or its successors, and the owners of each lot agrees to be bound by these covenants.

C. PAVING AND LANDSCAPING WITHIN EASEMENTS

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

D. CERTIFICATE OF OCCUPANCY RESTRICTIONS

No Certificate of Occupancy for a building within the Subdivision shall be issued by the City until construction of the required infrastructure (streets, water, sanitary sewer and storm sewer systems) serving the Subdivision has been completed and accepted by the City. Notwithstanding the foregoing, the City may authorize the phasing of the construction of infrastructure within the Subdivision. A Certificate of Occupancy, or a Temporary Certificate of Occupancy, for a building within an authorized phase may be issued upon the completion and acceptance of the infrastructure serving the particular phase. The City's acceptance shall be evidenced by a document executed by the Mayor of the City of Bixby (the "City's Acceptance of Infrastructure") and filed in the records of the Tulsa County Clerk. Building construction occurring prior to recording of the City's Acceptance of Infrastructure shall be at the risk of the owner of the lot, notwithstanding the issuance of a building permit.

E. STREET AND EASEMENT DEDICATIONS

Memorial Square Amended's streets will be private. The dedication of utility easements, other easements to the public, contained in this Section 1, shall not take effect until a separate instrument titled "Formal Acceptance" or a similar instrument, formally accepting the dedications and infrastructure is recorded by the City of Bixby on behalf of public in the land records of the Tulsa County Clerk's office. However, the rights and uses outlined herein, necessary for the installation by private utilities of their facilities, i.e. electric, gas, telephone and communication, etc., exclusive of those dedicated to the City of Bixby or the public, shall be in effect to allow access for surveying, excavating, construction, operating, and maintaining such facilities until the city files its formal acceptance and these rights and uses are subsumed by dedication to the public and acceptance by the city.

F. UTILITY SERVICE

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

G. GAS SERVICE

- The supplier of gas service through its agents and employees shall at all times have the right of access to all utility easements shown on the plat or otherwise provided for in this deed of dedication for the purpose of installing, removing, repairing, or replacing any portion of the facilities installed by the supplier of gas service.
- The Owners of any lot shall be responsible for the protection of the underground gas facilities located within the lot and shall prevent the alteration of grade or any other construction activity which would interfere with gas service. The supplier of gas service shall be responsible for the ordinary maintenance of its facilities, but the owners shall pay for damage or relocation of facilities caused or necessitated by acts of the owner of the lot or its agents or contractors.
- The covenants set forth in this subsection shall be enforceable by the supplier of the gas service and the owner of the lot agrees to be bound by these covenants.

H. SURFACE DRAINAGE

Each lot shall receive and drain, in an unobstructed manner, the stormwater from lots and drainage areas of higher elevation. No lot owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across the owners lot. The covenants set forth in this subsection shall be enforceable by any affected lot owner and by the City of Bixby, Oklahoma.

I. ROOF DRAIN REQUIREMENTS

The Owner hereby imposes a restrictive covenant, which covenant shall be binding on each affected lot owner and shall be enforceable by the Owner/Developer, that buildings constructed on all lots, shall each have roof drains designed and constructed to discharge stormwater runoff to the adjacent street.

K. RESERVES "A and B and C"

Reserves A, B and C will be used for Storm Water Detention. Said detention ponds will be maintained by the property owners association.

SECTION 2. PLANNED UNIT DEVELOPMENT (PUD-6)

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

The Planned Unit Development Restrictions are established for the mutual benefit of the Lot Owners, their successors and assigns, for the purpose of providing an orderly development of the Subdivision and for maintaining conformity of the improvements therein, the following covenants and restrictions hereby are imposed upon the use and occupancy of the lots within the Subdivision.

DEVELOPMENT STANDARDS

DEVELOPMENT AREA A. Area platted in Memorial Square as Reserve "A" and Lots 5 and 6, Block 3...and Lots 3 thru 10, Block 5 and Lot 5, Block 1.

LAND AREA:
Gross: 3.00 acres 130,680 sf
Net: 2.31 acres 100,748 sf

Zoning: "CS" district, Memorial Square as Reserve "A", Lots 5 and 6, Block 3.
"RM-1" district, Memorial Square Lots 3 thru 8, Block 5.
"RM-1" district, Memorial Square Lot 5, Block 1.

PERMITTED USES:

The proposed use for Development Area A is storm water drainage and detention.

DEVELOPMENT AREA B. Area platted in Memorial Square as Lots 1 thru 4, Block 3, Lots 7 thru 20, Block 3 and Lots 1 and 2, Block 5.

LAND AREA:
Gross: 1.99 acres 86,712 sf
Net: 1.99 acres 86,712 sf

EXISTING NUMBER OF UNITS: 20 dwelling units
LAND AREA PER DWELLING UNIT: 4,200 sf per development unit min.

PERMITTED USES:

The existing Underlying Zoning District for Lots 7 thru 16, Block 3 is "CS". The existing underlying Zoning District for Lots 1 thru 4 and Lots 17 thru 20, Block 3 and Lots 1 and 2, Block 5 is "RM-1". Use Unit 7, duplexes, and Use Unit 7A, townhouses are allowed in the Development Area B.

LOT WIDTH (min.ft.) 20 feet
THE MINIMUM LOT WIDTH FOR FLAG LOTS 12 feet
At the private street

MINIMUM LOT AREA: 1600 sf
MINIMUM LIVABILITY SPACE 1000 sf

THE BUILDING SETBACKS (YARD REQUIREMENTS):

Front yard abutting a private street 10 feet
Rear yards (min.ft.) 5 feet
Side yards (min.ft.) 0 feet

THE MAXIMUM BUILDING HEIGHT 40 feet or 2 stories
whichever is less

Other Bulk and Area Requirements As provided within a CS and/or RM-1 District as per existing respective zoning district boundaries

MASONRY requirement (min.sq.ft.) 0% of the existing building elevation surface.

OFF STREET PARKING 1 SPACE

DEVELOPMENT AREA C. Area platted in as Blocks 2 and 4, Memorial Square,

LAND AREA:
Gross: 3.66 acres 159,740 sf
Net: 3.66 acres 159,740 sf

INTENSITY OF USE: 40 LOTS
LAND AREA PER DWELLING UNIT: 4,200 sf per development unit min.

PERMITTED USES:

The existing zoning is "RM-1".
The 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.

LOT WIDTH (min.ft.) 20 feet
THE MINIMUM LOT WIDTH FOR FLAG LOTS 12 feet
At the private street

LANDSCAPED AREA AND VISUAL SCREENING:

- 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. The existing fence along the west property line screening Town and Country Shopping Center will remain in place. Trees along the entrance and existing duplexes will remain. The trees along 119th Place will be kept, if possible, during the construction process.

SIGNAGE:

- Any proposed new subdivision signage will be applied for with a sign application.

STANDARD REQUIREMENTS:

- 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:

- The paved streets are shown as Lot 1, Block 1, Memorial Square and in this PUD are private and in place. These streets are 25 feet wide face of curb to face of curb. The City Engineer will confirm East 120th, East 120th Place, and 83rd E Ave. and 83rd E. Place, south of E. 120th Street will be elevated to meet the City of Bixby street flooding standards. Sidewalks, 4 feet in width, will be constructed by the owner/developer along the internal private streets and approved by the City Engineer. Sidewalk easements will be determined during the platting process. Limits of No Access and an Access Opening will be shown along So. 84th E. Ave. The right of way road width shown on the recorded plat no. 4511 of Memorial Square will remain in place. Limits of No Access will be imposed along the E. 121st Street frontage, except for approved access openings.

UTILITIES AND DRAINAGE:

- Site utilities are existing for Memorial Square, Plat No. 4511 and presently used by the duplexes in Development Area B. Development Area A, will be used for on-site storm water detention. The elevation of rims for sanitary sewer manholes and fire hydrant base elevations will be determined by the City Engineer. The City Engineer will approve storm water detention, streets and any other required improvements. Street light locations will be determined by AEP/PSO. Traffic signs will be approved by the Bixby Police Department. Utilities are shown on Exhibit D of the PUD.

PLATTING REQUIREMENT:

- 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. Platting will be required before Building Permit issuance. Additional Drainage Easements and/or Utility Easements may be required during the platting process to contain the existing drainage or utility infrastructure which will remain.

PLATTING REQUIREMENT:

- 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.

SECTION 3. PRIVATE COVENANTS AND RESTRICTIONS

The following standards shall apply to all lots of the Subdivision unless specifically modified or superceded by more specific provisions adopted by the Owners as hereinafter provided.

- Architectural Committee. The Owner may form an Architectural Committee (referred to in this document as the "Architectural Committee" or "Committee") for the Subdivision. If an Architectural Committee is not formed, WOODARD HOMES, INC. shall perform all functions of the Architectural Committee. The Architectural Committee will:
 - Review and approve all structures to be built on the lots in the Subdivision, and approve the site plan.
 - Be responsible for interpreting all development and construction standards contained in this Deed of Dedication as applicable to the lots in the Subdivision.

A. Private Covenants and Restrictions Applicable to all Lots. The Committee shall consist of not less than one (1) nor more than three (3) members to be appointed by the Owner, until the Owner, in its sole discretion, assigns and transfers the responsibility for the appointment of the Committee to any Property Owners Association formed. No new building or improvements may be commenced on any lot in the Subdivision without the written approval of the Committee.

2. Required Plans. The architectural plans to be submitted and approved by the Committee shall include, at a minimum, the following with regard to each improvement to be constructed on any Lot in the Subdivision, prior to submittal to the City of Bixby.

- An accurate site plan;
- An accurate floor plan;
- All exterior elevations;
- A landscaping plan, including, but not limited to, the composition, location and height of fencing for trash receptacles;
- Any other plans or information requiring approval of the City of Bixby or any of its commissions or committees; and
- Details regarding the composition of all roofing and external building materials.

3. Building materials. Building designs, elevations and materials shall comply with minimum standards set forth in all applicable City of Bixby ordinances and regulations. Building designs, elevations and materials also shall be approved by the Architectural Committee. Any deviation of the exterior construction materials shall be permitted only with the written consent of the Architectural Committee.

4. Nuisance prohibited. No noxious or offensive trade or activity shall be carried on upon any lot in the Subdivision, nor shall anything be done thereon that may be or may become an annoyance or nuisance to the neighborhood. Each lot shall be maintained in a neat and orderly condition, free of rubbish, trash, and other debris and should be mowed to prevent growth of weeds and tall grass.

5. Permitted uses will be in accordance with existing Zoning Codes and PUD 6.

6. Developmental phasing, Lot division, single-use Lots. Developmental phasing shall be allowed. A lot in the Subdivision may be split or further subdivided with approval by the City of Bixby. Lot splitting may also correct encroachments or other boundary deficiencies caused by errors in the platting, re-platting or surveying of the Subdivision or parts thereof and as directed by the City of Bixby, the Owners or except as otherwise provided in the Covenants.

7. Compliance. The development and use of the Subdivision shall be in compliance with the Plat and other plans approved by the City of Bixby regarding the Subdivision.

8. Minor Amendments. The Covenants shall be deemed amended (without necessity of execution of an amending document) to conform to amendments to bulk and area requirements and other minor amendments that subsequently may be approved by the City of Bixby Planning Commission or other agency of the City pursuant to its review of a minor amendment processed in accordance with the provisions of the City of Bixby Zoning Code, and the filing of a certified copy of the minutes of the Bixby Planning Commission with the Tulsa County Clerk.

9. Conflicts. If there is any conflict between these general standards and specific standards described herein for particular lots in the Subdivision, the specific standards shall control.

10. Owner/Developer Reservation of Right. The Owner/Developer reserves the right, in its sole discretion and without joinder or approval of any other owners of a particular lot in the Subdivision, so long as the Owner/Developer is the owner of any lot in any block in the Subdivision, to amend, revise or abolish any one or more of the above covenants and restrictions in Section 3, "Private Covenants and Restrictions" by instrument duly executed and acknowledged by Owner/Developer and filed in the Office of the Tulsa County Clerk.

11. RESERVE 'A, B and C'. RESERVES 'A, B and C', as depicted on the plat will be utilized for storm water drainage and detention.

12. RESERVE Maintenance. The Property Owners Association will be responsible for the maintenance of RESERVES 'A, B AND C'.

13. No fence or wall shall be erected or placed on any Lot without the consent of the Architectural Committee. The Architectural Committee will review the material and location of all fencing.

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

15. No structure or vehicle such as a trailer, basement, tent, shack, garage, barn, camper, mobile home or other outbuilding shall be used on any Lot any time as residence. Trailers may be used temporarily during the process of constructing a permanent building on a Lot.

16. All signs are prohibited on these Lots and buildings thereon except:
- Signs that meet the current City of Bixby Codes regulating the location, design and quality of maintenance;
 - Signs erected by the City of Bixby or County of Tulsa for identification of streets, traffic control and directional purposes;
 - Signs of a temporary nature advertising property for sale and construction signs, which signs shall not exceed 30 square feet in area unless approved by the Owner/Developer;
 - Signs erected by the Owner advertising the name and entrance of the sold properties;
 - Promotional banners may be displayed, if Bixby City Zoning Codes allow, for a maximum of 14 days;
 - All site specific signs must be approved by the Architectural Committee.

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

18. All automobiles and other motorized vehicles on the Lots must be state licensed, state inspected and in running order at all times. All vehicles are to be parked at all times on the Lot hard surface.

19. No antenna, aerial, or other device except a roof mounted 18" satellite dish shall be permitted on any structure where some form of TV cable is available, including pay satellite furnished by others. Where TV cable or pay satellite is not available, Owner is permitted one (1) antenna which will be allowed for the sole purpose of television broadcast only, and such antenna shall be raised to a height necessary for the TV reception in the area. No CB, ham radio, satellite dish, or other antennas shall be permitted. The Architectural Committee or Woodard Homes, Inc., or its assigns may waive any item of this paragraph.

20. In the event that any lot is sold and no structure is immediately erected, at all times, the owner or owners of such lot or lots shall keep sold property mowed and in a sanitary condition at all times.

21. No building, fence, wall or other structure shall be commenced, erected or maintained upon the properties, nor shall any exterior addition to or change or alteration herein be made until the plans and specifications showing the nature, size, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing by the Architectural Committee. In the event said Committee fails to approve or disapprove, in writing, such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this paragraph will be deemed to be fully complied with.

22. In the event a building on any Lot in said Subdivision is destroyed by fire or otherwise destroyed, the owner of said Lot shall raze the structure and clean off the tract or start to rebuild the structure within 120 days from the time the building was destroyed.

23. The exterior walls of the buildings that face a private street shall have a minimum of 25% masonry covering the structure unless approved otherwise by the Architectural Committee. Masonry to be either: concrete, brick, stone or stucco.

24. Sidewalks shall be 4 feet wide and be constructed behind the curb unless approved otherwise by the City or the Architectural Committee.

25. No materials, supplies, equipment, finished or semi-finished products or articles of any nature shall be stored or permitted to remain on any building site outside of the building unless the same shall otherwise be screened by such walls, fences, and landscaping to attractively conceal areas visible from outside of the building site boundaries.

SECTION 4. PROPERTY OWNERS ASSOCIATION

A. WOODARD HOMES, INC., the Owner/Developer has formed the "MEMORIAL SQUARE", Property Owners Association, an Oklahoma not-for-profit corporation, (the "Association"). The purpose of the Association is to operate, manage, repair, replace and maintain the common areas serving or benefitting MEMORIAL SQUARE AMENDED including, without limitation, signage, landscaping, storm drainage, storm sewer facilities, utility systems, sprinkler systems, easement areas and other amenities, traffic control equipment, streets, fences, line painting, sanitary control, removal of snow, trash, rubbish, garbage and other refuse, depreciation on or rentals of machinery and equipment, personnel to implement such services, direct pedestrian traffic and parking in the common areas, any other activities necessary to keep such common areas in a good state of repair and enhance the value, security, desirability and attractiveness of MEMORIAL SQUARE AMENDED.

B. Membership. Every lot owner or parcel owner in MEMORIAL SQUARE AMENDED shall be a member of the Association. Membership shall be appurtenant to and may not be separated from the ownership of any lot or parcel in the Subdivision. The acceptance of a deed to one (1) or more lots or parcels shall constitute acceptance and membership in the Association as the date of recording of such deed.

C. Assessment by Association. Each lot or parcel owner within the Subdivision shall be subject to assessment by the Association for the purposes of operating, managing, repairing, replacing and maintaining the common areas serving or benefitting MEMORIAL SQUARE AMENDED including, without limitation, signage, landscaping, storm drainage, utility systems, sprinkler systems, easement areas and other amenities, the detention pond, traffic control equipment, streets, fences, line painting, sanitary control, removal of snow, trash, rubbish, garbage and other refuse, depreciation on or rentals of machinery and equipment, personnel to implement such services, direct pedestrian traffic and parking in the common areas, any other activities necessary to keep the common areas in a good state of repair and enhance the value, security, desirability and attractiveness of MEMORIAL SQUARE AMENDED and such other purposes as the Board of Directors of the Association may, from time to time, determine pursuant to the By-Laws and Certificate of Incorporation of the Association.

D. Association Beneficiary of Covenants. Without limitation of such powers and rights as the Association may have, the Association shall be deemed a beneficiary of the various covenants contained in this Deed of Dedication to the same extent as all other beneficiaries thereof, including each lot or parcel owner, and the supplier of any utility or other service within the Subdivision, and shall have the right to enforce these covenants and agreements.

E. Payment of Assessments. Owners hereby covenant and each lot or parcel owner by acceptance of a deed to a lot or parcel, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay the Association: (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, shall be charged on each lot or parcel and shall be a continuing lien upon the lot or parcel 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 or parcel 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.

F. Delinquent Assessments. Any assessment which is not paid when due shall be delinquent and shall constitute a lien on the lot or parcel 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/parcel, 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 or parcel.

G. 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 or parcel shall not affect the assessment lien; provided, however, the sale or transfer of any lot or parcel 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 or parcel from the lien for assessments thereafter becoming due.

SECTION 5. ENFORCEMENT, AMENDMENT, ETC.

A. Enforcement. The restrictions herein set forth are covenants to run with the land and shall be binding upon the Owner of each lot, its successors and assigns. Covenants within Section 1, whether or not specifically therein so stated, shall injure to the benefit of and shall be enforceable by the Property Owner's Association. Section 2, Planned Unit Development PUD 6 and provisions of the Bixby Zoning Code and shall injure to the benefit of and shall be enforceable by the any of the Owners and their respective successors and assigns in title. The covenants contained in Section 3, Private Covenants and Restrictions, may be enforced by any owner of a lot and/or the Property Owners Association. Section 4, Property Owners Association, shall injure only to the benefit of and shall be enforceable by any owner of a lot and/or the Property Owners Association. If the undersigned Owners, or its successors or assigns, any owner of a lot, or any other person, shall violate any of the covenants or restrictions contained herein, it shall be lawful for any owner of a lot, or the Property Owners Association, as appropriate in accordance with their respective interests identified herein, to maintain any action at law or in equity against the person or persons violating or attempting to violate any such covenant, to prevent it, him, her or them from so doing or to compel compliance or to recover damages. In any judicial action to enforce the provisions of this Section, the prevailing party may recover reasonable costs and attorney fees. In any judicial action brought by any owner to enforce the provisions of this Deed of Dedication, the prevailing party may recover reasonable costs and attorney fees.

B. Duration. These restrictions, to the extent permitted by applicable law, shall be perpetual but in any event shall be in force and effect for a term of not less than thirty (30) years from the date of the recording of this Deed of Dedication unless terminated or amended as hereinafter provided. Provided, if the 30 year limitation at any time shall be deemed to apply, then, at the expiration of such 30 year term, the restrictions shall be deemed to automatically renew for successive periods of seven (7) years, unless terminated or amended as provided herein or as allowed by law.

C. Amendment. The covenants contained within Section 1, Public Covenants, may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the land to which the amendment or termination is to be applicable and approved by the City of Bixby Planning Commission, or its successors, and the City of Bixby, Oklahoma. The covenants contained within Section 2, Planned Unit Development 6, may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the land to which the amendment or termination is to be applicable and approved by the City of Bixby Planning Commission, or its successors. The covenants contained within Section 3 Private Covenants and Restrictions, may be amended or terminated at any time by a written instrument signed and acknowledged by the owners of two-thirds (2/3) of the lots, parcels or land to which the amendment or termination is to be applicable.

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

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

IN WITNESS WHEREOF, WOODARD HOMES, INC. has executed this instrument this _____ day of _____, 20____.

WOODARD HOMES, INC.

By: _____

STATE OF OKLAHOMA)
COUNTY OF) ss.

This instrument was acknowledged before me on this _____ day of _____, 20____, by _____ as Owner of MEMORIAL SQUARE AMENDED.

Notary Public

My commission expires: _____

CERTIFICATE OF SURVEY

I, Charles K. Howard, a Registered Land Surveyor, in the State of Oklahoma, do hereby certify that I have carefully and accurately surveyed, subdivided, and platted the tract of land described above, and that the accompanying plat designated herein as "MEMORIAL SQUARE AMENDED", a subdivision in the City of Bixby, Tulsa County, State of Oklahoma, is a representation of the survey made on the ground using generally accepted practices and meets or exceeds the Oklahoma Minimum Standards for the Practice of Land Surveying.

Charles K. Howard, RLS 297
CA NO. 5611 EXP. DATE: 6/30/2015

STATE OF OKLAHOMA)
COUNTY OF TULSA) ss.

The foregoing Certificate of Survey was acknowledged before me on this _____ day of _____, 2014, by Charles K. Howard, RLS No. 297.

Notary Public

My commission expires: _____



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Tuesday, July 15, 2014
RE: Report and Recommendations for:
Preliminary Plat of "Brisbane Office Park" (PUD 60)

LOCATION: – 10422 E. 111th St. S.
– Part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1,
Section 31, T18N, R14E

SIZE: 9.87 acres, more or less

EXISTING ZONING: OL Office Low Intensity District, AG Agricultural District, & PUD
60

SUPPLEMENTAL
ZONING: PUD 60 "Riverside Group"

EXISTING USE: A house and vacant/wooded land

REQUEST: Preliminary Plat approval

SURROUNDING ZONING AND LAND USE:

North: (Across 111th St. S.) CG & R-2; Vacant/wooded land zoned R-2 and CG (perhaps pending residential development), and to the northeast, the *Evergreen Baptist Church* on a 40-acre campus at 6000 W. Florence St. in Broken Arrow (perhaps also addressed 10301 E. 111th St. S., "Bixby" per its website, www.evergreenbc.org), all in the City of Broken Arrow.

South: RS-2; Single-family residential in *Southwood East*.

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East: AG & RS-3; An agricultural/rural residential 10-acre tract and single-family residential in *The Park at Southwood 3rd*.

West: AG & CS; Unplatted vacant and rural residential tracts fronting along S. Mingo Rd., the *Cedar Ridge* Kingdom Hall of Jehovah's Witnesses at 11355 S. Mingo Rd., and the City's water tower.

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

PREVIOUS/RELATED CASES:

BBOA-38 – Kenny Gibson – Request for Special Exception to allow Use Unit 4 utility building (Bixby Telephone) in the AG District on a 75' X 75' tract from and within the northeast corner of the subject property – BOA Approved with Conditions 01/14/1985.

BL-98 – Kenny Gibson – Request for Lot-Split to separate a 75' X 75' tract from and within the northeast corner of the subject property for a utility building (Bixby Telephone) – PC Approved with Conditions 01/28/1985.

PUD 60 – Riverside Group – Randy Pickard – Request to rezone from AG to CS and OL and approve PUD 60 for a ministorage and office development for subject property – replaced by an amended application for PUD 60 and rezoning application BZ-337.

Zoning Code Text Amendment – Applicant in PUD 60 proposed to the City Council that it amend the Zoning Code to allow ministorage in OL and OM office zoning districts by Special Exception / PUD. City Council directed Staff to prepare amendment 10/22/2007. PC reviewed 12/17/2007, 01/21/2008, 01/28/2008, 02/11/2008, 02/18/2008, and 03/06/2008, and recommended Approval of specific amendment on 03/17/2008. City Council Approved amendment 04/14/2008 (Ord. # 994). PC recommended City Council make changes to amendment 05/19/2008 but City Council struck from agenda 07/14/2008 per City Attorney.

PUD 60 & BZ-337 – Riverside Group – Randy Pickard (Amended Application) – Request to rezone from AG to OL and AG and to approve an amended application for PUD 60 for a ministorage and office development for subject property – PC Continued from 12/17/2007 to 01/21/2008 to 02/18/2008 to 05/19/2008. On 05/19/2008, PC voted 3:2:0 on a Motion to recommend approval of OL zoning per BZ-337, and failed to pass a Motion to recommend Conditional Approval of PUD 60 (Amended Application) by 2:3:0 vote. PC chose not to take a subsequent vote on the possible denial recommendation, choosing instead to allow the case to be taken to the City Council absent a recommendation. City Council Conditionally Approved by 3:2:0 vote 06/23/2008 (Ord. # 1001). Additional Condition of Approval by City Council was “8ft wall, and stucco or masonry finish.”

PUD 60 Major Amendment # 1 “Riverside Group” – Matt Means of Landmark Constructive Solutions – Request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 60 for subject property – PC recommended Conditional Approval 06/16/2014 and City Council Conditionally Approved application 06/23/2014. Ordinance approval pending receipt of PUD Amendment Text & Exhibits reflecting all the required corrections, modifications, and Conditions of Approval.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of the West 10 Acres of the East 20 Acres of Government Lot 1 (NW/4 NW/4) of Section 31, T18N, R14E, Less and Except a 75' X 75' tract from its northeast corner which belongs to *BTC Broadband* and contains a fenced communications building. The subject property contains an old house and accessory building(s) toward its northwestern lot corner, and is otherwise vacant and wooded. The subject property is moderately sloped and, per the Preliminary Plat and, contains a ridgeline oriented north-south along the west side of the tract. Thus, it appears to drain primarily to the east, but has a small amount of land that naturally drains west of the watershed (drainage divide) separating the Fry Creek Ditch # 1 and the Haikey Creek drainage basins, per PUD 60 Exhibit E (but not per this Preliminary Plat).

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) Vacant, Agricultural, Rural Residences, and Open Land/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 AG district is *In Accordance* and the existing OL district *May Be Found In Accordance* with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since OL zoning was approved by ordinance of the City Council, it has been recognized as being *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.

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

Per the Matrix, PUDs (as a zoning district) *May Be Found In Accordance* with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since PUD 60 was approved by ordinance of the City Council, it has been recognized as being *In Accordance* with the Comprehensive Plan as a zoning district.

Therefore, Staff believes that the office park and ministorage development anticipated by this plat would not be inconsistent with the Comprehensive Plan.

General. This subdivision of 9.87 acres, more or less, proposes two (2) lots, one (1) block, and one (1) reserve area, to be known as "Reserve A." Lot 1, Block 1, is proposed to be for the office park, and Lot 2, Block 1, is proposed to be the ministorage business. Reserve A will serve as the development's stormwater detention facility.

With the exception(s) as outlined elsewhere herein, the Preliminary Plat appears to conform to the Zoning Code, Subdivision Regulations, and PUD 60 as Conditionally Approved for amendment per Major Amendment # 1.

The Technical Advisory Committee (TAC) reviewed this application on July 02, 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 & Circulation. The subject property has approximately 330' of frontage on 111th St. S., and the site plan proposes two (2) driveway connections thereto. Mutual Access Easement (MAE) drives would provide a connection and legal access to the street for the "back" Lot 2 and Reserve A.

No new streets, public or private, would be constructed. Thus, the stub-out street requirements of SRs Section 12-3-2.C is not applicable.

Plans for access can be further inferred from the proposed plat and the site plans for PUD 60 Major Amendment # 1.

Sidewalks are required along 111th St. S. by the Subdivision Regulations.

Limits of No Access (LNA) are currently proposed along 111th St. S. except for access point(s), which must be approved by the City Engineer and Fire Marshal.

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

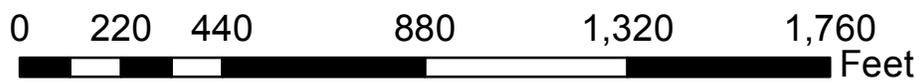
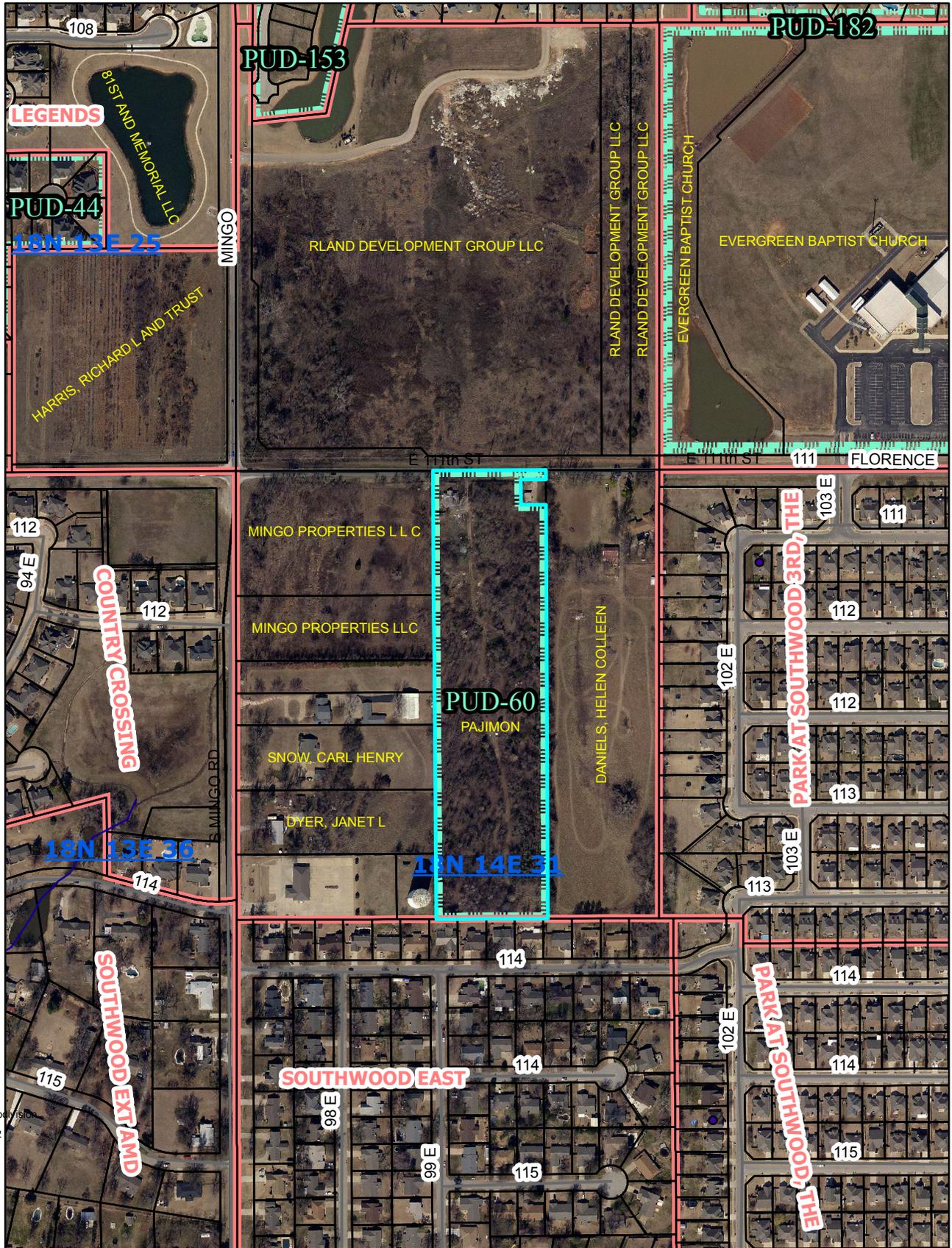
1. Subject to the final approval of PUD 60 Major Amendment # 1 by ordinance.
2. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
3. Limits of No Access (LNA) and Access Openings subject to City Engineer and Fire Marshal approval.
4. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.B to allow Lot 2, Block 1, to have no frontage on a private or public street. This may be justified by citing the configuration of the subject property and the Approved PUD 60 and Conditionally Approved PUD 60 Major Amendment # 1 which specifically designed the development in this manner and provided that the frontage requirement was set aside.
5. All requests for Modification/Waiver must be submitted in writing.
6. The Minimum 17.5' Perimeter Utility Easement, as required by Subdivision Regulations Section 12-3-3.A, appears to be missing from Reserve A, which does not appear to also be dedicated as a U/E.
7. Please identify the east line of the "BTC" parcel with the muted and dashed linetype as used elsewhere on the plat to avoid confusion with the plat boundaries.
8. Please identify "right-of-way dedicated by this plat."
9. Please remove the line separating the 50' R/W to be dedicated from the 26.9' of right-of-way to be dedicated from in front of the *BTC Broadband* parcel, or otherwise identify if the latter has already been dedicated, along with Book/Page or Document # citation.
10. Please clarify the arrows pointing to (rather than the extents of) the Minimum 17.5' Perimeter Utility Easement, as required by Subdivision Regulations Section 12-3-3.A, especially in areas of significant linework congestion and where missing around the *BTC Broadband* parcel. It may be better that all arrows point out the extents of the U/Es, and not pointing to them. A line with double-arrows can sometimes be more spatially efficient.
11. Per SRs Section 12-4-2.A.5, please correct Location Map as follows:
 - a. *Cypress Pointe* (missing)
 - b. *Southwood East, Southwood East Second, The Park at Southwood, The Park at Southwood 2nd, The Park at Southwood 3rd, Shannondale, and Shannondale South* (misrepresented as to configuration)
 - c. *Southwood East Second* (misspelled)
12. 2' elevation contours provided, but SRs Section 12-4-2.B.6 requires 1' elevation contours (with labels).
13. Please add missing underlying zoning district boundaries as required by SRs Section 12-4-2.B.3.
14. Please add proposed addresses to the lots.
15. Plat missing notes pertaining to monumentation (reference SRs Section 12-1-8).
16. Subdivision statistics: Please add number of Reserve areas.
17. Angle/bearing data appears missing from common lines with BTC parcel and between Lot 2 and Reserve A.

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18. Please extend MAE to Reserve A for emergency response purposes and maintenance access by owners/contractors of Lots 1 and 2. Otherwise, please explain.
19. "L.N.A." and "BL" as used on the plat do not match "LNA" or "B/L" as used in the Legend – please reconcile.
20. There appears to be a U/E abutting to the south in *Southwood East* – please label width and citation ("per Plat # _____") if/as may be the case.
21. Please add different linetypes to the Legend for the sake of clarity and/or consider using shading or hatching to differentiate areas currently congested with multiple linetypes. In any event, please use different linetypes for different features if/where presently shared.
22. Please supplement Legend with any missing linetypes, abbreviations, and symbols used (e.g. CenterLine, [certain manhole] circle symbols, B/L linetype, etc.).
23. Please represent existing building(s) and dimension to nearest property lines as required by SRs Section 12-4-2.A.8. Setbacks and other such details may be removed on Final Plat by standard Modification/Waiver written into Staff Report as a Condition of Approval.
24. DoD/RCs: Does not provide for the formation of a property owners' association (POA), such as would be made responsible for the stormwater detention pond in Reserve A, the MAEs, and any other common features developed within the addition, such as the balance of the stormwater drainage system. At a minimum, please update DoD/RCs Section 1.H and 3.A.2 to assign perpetual maintenance responsibility. Staff recommends a formula for the respective maintenance responsibilities of Reserve Area A and the MAEs (the latter, e.g.: only responsible for that part located within lot boundaries, or an equal share between the two (2) lot owners, or a proportional share based on lot areas or planned impervious surface, etc.). Please add clear and immutable formula language on the face of the plat in addition to the appropriate section(s) of the DoD/RCs (which may be fairly easily amended and commonly without City approval). DoD/RCs Section 1.D.4, regarding stormsewerlines, is explicit in this matter, but consistency should be used if forming a POA or using a formula for other common elements.
25. DoD/RCs: Please advise if landscaping, screening fences, or other potentially-common-elements will be owned/maintained commonly. If so, please amend appropriate part(s) of DoD/RCs accordingly.
26. DoD/RCs Preamble: Owner, StoreTulsa.com, LLC, must be in title to the subject property prior to Final Plat recording.
27. DoD/RCs Preamble: Missing critical wording such as "and have caused the above-described land to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided ..." as per customary platting conventions and the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
28. DoD/RCs Section 1.B: Language providing for the regrading R/W and U/Es must specify that such actions are ultimately subject to City of Bixby approval.
29. DoD/RCs Section 1.B: Needs to specify that the City of Bixby shall have access to U/Es for sanitary sewer purposes; may mirror language provided specifying access for waterline purposes.

30. DoD/RCs Section 1.D.5: Please remove. In the unlikely future event that the City of Bixby assumes maintenance of the stormsewers, appropriate language can be used in the instrument(s) effecting the change, and the language would likely then be different.
31. DoD/RCs Section 1.F: Please qualify this section as follows: "...repair and replacement of any properly-permitted landscaping and paving within the utility easements ..."
32. DoD/RCs Section 1.H: Consider specifying "Stormwater Drainage and Detention" in title and throughout the subsections.
33. DoD/RCs Section 1.H: Does not appear to provide for passive recreational uses (such as walking trails or simply "open space") in Reserve Area A. PUD 60 suggested this possibility by use of term "open space."
34. DoD/RCs Section 2: Please update with final PUD language upon City Council approval by ordinance.
35. DoD/RCs Section 3.A: "superseded" is misspelled.
36. DoD/RCs Section 3.A.1: Does not contain mutual parking privileges as per PUD language under Access, Circulation and Parking. Please add.
37. DoD/RCs Section 3.A.3: Any unique elements of this section should be integrated with Section 1 for the sake of logical flow and to avoid conflict therewith.
38. DoD/RCs Section 3.A.3: Appears to be describing U/Es but does not specify them by name, leaving some ambiguity. Please clarify language.
39. DoD/RCs Section 3.A.3: Language would appear to prohibit landscaping within U/Es, but landscaping is normally expected within them and appears to be planned there per PUD site plans.
40. DoD/RCs Section 3.A.3: Please remove or modify appropriately the language suggesting that a "public authority or utility company" may be responsible for replacement of damaged parking lot paving.
41. DoD/RCs Section 3.A.4: Appears to correspond to the required "Maintenance Covenant" of PUD 60, but is not titled as such and does not appear to correspond entirely to the language used in the PUD for the "Maintenance Covenant." Please title appropriately and reconcile language.
42. DoD/RCs Section 3.B.2: Please add to list of sections requiring City of Bixby concurrence the balance of Section 1 (1.F, 1.G, and 1.H), preferably by replacing all subsection citations with "all of Section 1," and the balance of 3.A.
43. Section 3.B.4: May have a redundancy – please check and address if/as needed.
44. Section 3.B: Final paragraph should likely have a subsection number.
45. Prior to Final Plat approval, please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
46. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

Preliminary Plat of "Brisbane Office Park"



CITY OF BIXBY

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

Engineering Department Memo

To: Erik Enyart, City Planner
From: Jared Cottle, PE *JWC*
CC: Bea Aamodt, PE
File
Date: 06/24/14
Re: Brisbane Office Park – (Riverside Group, PUD 60)
Preliminary Plat

General Comments:

1. The Conceptual Utility Plans do not include the location of buildings, parking, and driveways. Therefore, all of the comments from the Major Amendment #1 letter dated June 13, 2014 remain applicable.
2. The Conceptual Utility Plans do not include either on-site or off-site storm water facilities. As per Council direction, this information is required prior to additional review or consideration.

Grading, Paving, & Drainage Comments:

3. A detailed Drainage Report as per the Engineering Design Manual is required for this project, including a full analysis of:
 - All items identified in the June 13, 2014 comment letter
 - Overall watershed identification – i.e. Haikey vs. Fry
 - On-site storm sewers and detention design
 - Off-site discharges and capacity of downstream conveyance systems
 - Conveyance of runoff from 111th Street onto the site
4. Concentrated discharges onto adjacent properties will not be approved.
5. Drives and access must be approved by City Fire Marshall.

DEED OF DEDICATION AND STATEMENT OF RESTRICTIVE COVENANTS

BRISBANE OFFICE PARK
PUD NO. 60

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, StoreTulsa.com, LLC is the owner in fee simple to the following described property in the City of Bixby, Tulsa County, Oklahoma, to-wit:

An Addition being more particularly described by metes and bounds, by Charles K. Howard, L.S. 297, as follows, to-wit:

Part of the west 10 acres of the east 20 acres of Government Lot 1, in Section 31, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof less a tract of land beginning 846.8 feet east and 26.9 feet south of the northwest corner of Government Lot 1; thence south 75 feet; thence east 75 feet; thence north 75 feet; thence west 75 feet to the point of beginning.

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

SECTION 1. PUBLIC COVENANTS

A. UTILITY EASEMENTS

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

B. WATER AND SANITARY SEWER SERVICE

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

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

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

The City of Bixby or its successors through its agents and employees shall at all times have the right of access with their equipment to all such easement ways shown on said plat, including the "15' Restricted Water Line Easement", (to be used only for water lines) or provided for in this deed of dedication for the purpose of installing, maintaining, removing or replacing any portion of underground water facilities.

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

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

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

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

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

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

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

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

D. STORM SEWER

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

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

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

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

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

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

E. SURFACE DRAINAGE

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

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

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

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

F. OWNER RESPONSIBILITY WITHIN EASEMENTS.

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

G. LAND USE

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

H. "RESERVE A", DETENTION POND.

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

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

SECTION 2. PLANNED UNIT DEVELOPMENT RESTRICTIONS

A. DEVELOPMENT AREA A (OFFICE USE)

LAND AREA:

Gross:	2.49 acres	108,494 square feet
Net:	2.49 acres	108,494 square feet

PERMITTED USES (to be allowed by right):

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

MINIMUM FRONTAGE	75'
MAXIMUM BUILDING FLOOR AREA	12,375 sf
MAXIMUM BUILDING HEIGHT (mini-storage buildings)	25 sf
MAXIMUM BUILDING HEIGHT (office building)	25 sf

(.30 Floor Area Ratio is specified in Section 11-7C-4 of the City of Bixby Zoning Code for the OL Zoning District and is incorporated into Section 11-71-5A-2 of the Code.)

MINIMUM BUILDING SETBACKS

West boundary	10.0 feet
South boundary	0 feet
North boundary	0 feet

In addition to the right of way designated on the Major Street and Highway Plan for E. 111th St.

Major Street and Highway Plan for E. 111th St.	50.0 feet
East boundary	10.0 feet

To the distance add 1 foot for each 1 foot of building height exceeding 18 feet.

B. DEVELOPMENT AREA B (MINI-STORAGE USE)

LAND AREA:

Gross:	4.68 acres	203,922.65 square feet
Net:	4.68 acres	203,922.65 square feet

PERMITTED USES

Mini-storage use, specified as an "included use" in Use Unit 16 office use, and all accessory uses permitted in the OL Zoning District. (Provided, upon approval of the rezoning of Development Area A to the OL Zoning District and upon approval of the PUD by the City Council, no special exception shall be required for mini-storage use in Development Area B.

MINIMUM FRONTAGE

N/A

MAXIMUM BUILDING FLOOR AREA (using .50 FAR)

(.50 Floor Area Ratio per new Section 11-9-16-C of the City of Bixby Zoning Code for the OL Zoning District and is incorporated into Section 11-71-5A-2 of the Code.)

101,961.33 square feet

MAXIMUM BUILDING HEIGHT (mini-storage buildings)

One Story

(One story height may vary depending on type of finish)

MINIMUM BUILDING SETBACKS

West boundary	10.0 feet
South boundary	N/A
North boundary	N/A
East boundary	10.0 feet

C. DEVELOPMENT AREA C

LAND AREA:

Gross:	2.42 acres	105,606 square feet
Net:	2.42 acres	105,606 square feet

PERMITTED USES:

Storm water detention and open space buffer, as conceptually depicted on Exhibit A of the PUD.

D. DEVELOPMENT STANDARDS FOR ALL DEVELOPMENT AREAS

1. LANDSCAPED AREA AND SCREENING

a. All development and construction in Development Areas A and B shall comply with all applicable codes and regulations of the City of Bixby.

b. A Preliminary Landscape and Screening Plan is depicted on Exhibit H. Owner/Developer shall submit a detailed landscape and screening plan as required by the City of Bixby pursuant to the Planned Unit Development and Landscape Requirements chapters of the Bixby Zoning Code.

c. All landscaping and screening shall meet or exceed the requirements of the PUD Chapter (Chapter 7-1), the Landscape Requirements Chapter (Chapter 12), or an alternative plan may be approved by the Bixby Planning Commission if it determines that, although not meeting the technical requirements of the foregoing chapters, the plan is equivalent to or better than the requirements of the foregoing chapters.

d. A detail landscape plan for the development areas shall be approved by the Bixby Planning Commission prior to issuance of a building permit. A landscape architect registered or civil engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping has been installed in accordance with the approved landscape plan, prior to issuance of an occupancy permit. The landscape materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.

2. SIGNS

a. Signage shall comply with the PUD Chapter (7-1), as well as the signage requirements of the Use Unit 21 (Business Signs and Outdoor Advertising) of the City of Bixby Zoning Code.

b. No sign permits shall be issued for erection of a sign within the PUD until a detail sign plan for that lot has been submitted to the Bixby Planning Commission and approved as being in compliance with the approved PUD development standards.

c. 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.

3. LIGHTING

a. Lighting used to illuminate the development area shall be so arranged as to shield and direct the light away from adjacent residential areas and residential uses within the PUD. No light standard or building-mounted light shall exceed 14 feet.

4. TRASH, MECHANICAL AND EQUIPMENT AREAS

a. There shall be no storage of recyclable materials, trash or similar material outside a screened receptacle. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

5. TOPOGRAPHY, DRAINAGE AND UTILITIES

a. Topography. Existing topography of the Site is depicted in Exhibit E of the PUD.

b. Drainage. Stormwater shall drain and be connected to the onsite storm water detention area depicted on Exhibit E of the PUD. All stormwater drainage structures shall be installed and maintained in accordance with all applicable City of Bixby Ordinances and regulations, and as shall be more particularly described in Restrictive Covenants included in the Plat of the Site.

A Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required storm water drainage structures serving the Site have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.

During construction on the property, the owners of the development areas, and any platted lots within the development areas, will provide adequate and reasonable erosion control, and after construction, they will provide and maintain vegetative, landscaped ground cover so that soil does not erode on or from the property.

Utilities. Existing utilities are depicted on Exhibit E of the PUD. Proposed detention and utilities are depicted on Exhibit F of the PUD.

6. ACCESS, CIRCULATION AND PARKING

Access, traffic circulation and parking is depicted on Exhibit G of the PUD. All drives and parking areas within the PUD shall be privately owned and maintained. Mutual access between and across individual lots and mutual parking privileges shall be provided by a mutual access agreement to be recorded in the office of the Tulsa County Clerk by the Owner/Developer or by provisions in the Deed of Dedication and Restrictive Covenants that will be filed along with the plat of the property.

Pedestrian access and circulation shall be depicted on any detailed site plan drawing and/or landscape plan required by the City of Bixby. As stated above, all mutual access drives in the Development Area lots shall be private drives, which shall be constructed in accordance with all applicable City of Bixby codes, regulations and standards.

Parking for Development Area B shall contain a minimum of one space per 5,000 square feet of mini-storage building floor area per Section 11-9-16D of the Zoning Code. Parking for Development Areas A and C shall contain a minimum of one space per 300 square feet of floor area, unless (1) of the office space shall include a studio or school, in which event there shall be one space per 150 feet of floor area, or (2) the office space shall contain a medical or dental facility, in which event there shall be one space per 250 feet of floor area.

(Note: Section 11-9-11D of the City of Bixby Zoning Code incorporated erroneous parking space requirements that existing in Section 1011.4 of the repealed zoning code. The minimum parking requirements set forth herein for Development Areas A and C are taken from the City of Tulsa Zoning Code.

7. RESTRICTIVE COVENANTS ENFORCEMENT

Restrictive covenants will be adopted and recorded for the PUD as platted. Owners of the respective platted lots and or buildings in the PUD will be required by the covenants to keep and maintain the lots and improvements in a clean and professional manner (the "Maintenance Covenant"). The Maintenance Covenant will be enforced by the owner or the owners' association for each platted lot or building in the PUD.

The hours of daily operation will be from 5:00 am to 10:00 pm. There will be no space used as a residential dwelling. A security system will be installed for the project to monitor client movement within the facility and serve as a deterrent for non clients.

8. PERMIT PREREQUISITES

No zoning clearance permit shall be issued until a detail site plan, including all buildings, parking, drives, walkways, and landscape areas, has been submitted to the Bixby Planning Commission and approved as being in compliance with the PUD development standards and all other applicable standards of the City of Bixby.

SECTION 3. PRIVATE COVENANTS AND RESTRICTIONS.

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

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

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

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

2. Mutual Access Easement Maintenance. StoreTulsa.com, LLC, will be responsible for the maintenance of the Mutual Access Easement and any and all improvements situated in the Mutual Access Easement.

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

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

B. Duration, Amendment and Severability.

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

2. Amendment or Termination. The private covenants and restrictions contained in this Deed of Dedication may be amended, modified, changed or canceled by a written instrument signed and acknowledged by the StoreTulsa.com, LLC, except Sections 1.A., 1.B., 1.C., 1.D., 1.E., 3.A.3., 3.B.2. and 3.B.4. and all of Sections 2 (PUD restrictions), which may be altered only with the written consent of the City of Bixby.

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

4. Enforcement. The restrictions herein set forth are covenants to run with the land shall be binding upon the Owner, its successors and assigns and all parties claiming under it, and otherwise shall be enforceable as set forth and shall be binding upon the Owner, its successors and assigns and all parties claiming under it. If the Owner, or its successors or assigns, shall violate any of the covenants herein, it shall be lawful for the City of Bixby, Oklahoma (as to the violation of the Covenants contained in Section 1), to maintain any action at law or in equity against the Owner to prevent the Owner from so doing, to compel compliance with the covenants, or to recover damages for such compliance with the covenant.

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

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

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

StoreTulsa.com, LLC

By: Member/Manager

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

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

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

Notary Public

My commission expires: _____

SURVEYORS CERTIFICATE

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

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

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

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

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

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

Notary Public

My Commission expires: _____

CONCEPTUAL UTILITY PLAN BRISBANE OFFICE PARK

AN ADDITION SITUATED IN THE GOVERNMENT LOT 1 OF
SECTION 31, T-18-N, R-14-E OF THE INDIAN BASE AND
MERIDIAN, TO THE CITY OF BIXBY, TULSA COUNTY,
STATE OF OKLAHOMA.

PUD NO. 60

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
EMAIL: JRDON@TULSACOXMAIL.COM

OWNER:
STORETULSA.COM, LLC

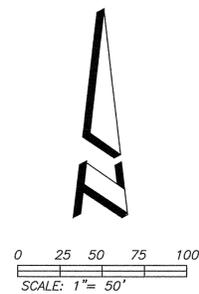
CONTACT: MATT MEANS
PHONE: 918-381-9655
EMAIL: MATT@STORETULSA.COM

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



"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.

BASIS FOR BEARINGS:
The basis for bearings is the North line Section 31, T-18-N, R-14-E, with an assumed bearing of N 90°00'00"E.

FEMA FLOODPLAIN NOTE:
The subject property is contained in Zone X
Map No. 40143C0388L AND 40143C0451L
Date: October 16, 2012

LEGEND

U/E	UTILITY EASEMENT
B/L	BUILDING LINE
ROW	ROAD RIGHT-OF-WAY
DocNo.	DOCUMENT NUMBER
SO.	SOUTH
R	RADIUS
PL	PLACE
E	EAST
SF	SQUARE FEET
AC	ACRE
W	WEST
DR	DRIVE
NE	NORTHEAST
PUD	PLANNED UNIT DEVELOPMENT
A.O.	ACCESS OPENING
M.A.E.	MUTUAL ACCESS EASEMENT
LNA	LIMITS OF NO ACCESS

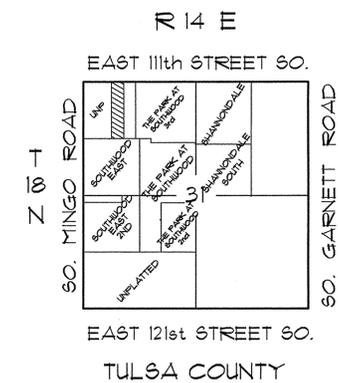
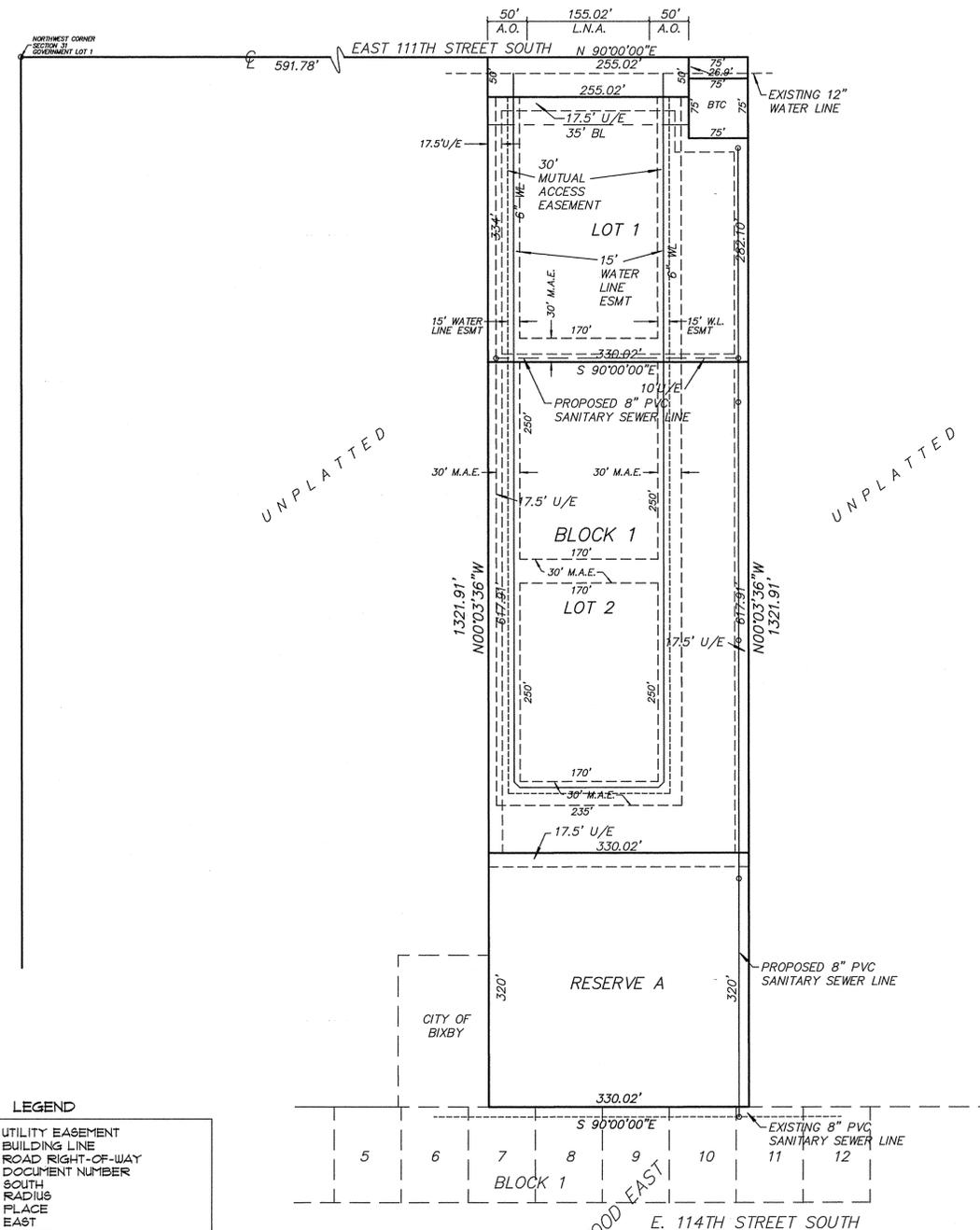
CERTIFICATE

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



LOCATION MAP

SCALE: 1" = 2000'

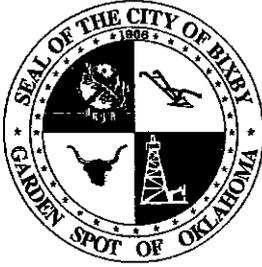
SUBDIVISION CONTAINS:
AREA = 9.21 ACRES 429,963 SF
NO. LOTS 2 BLOCKS 1
JUNE 15, 2014
C:\MATTMEANS\MEANS\PRELIM\2014\B14

PROPERTY DESCRIPTION

An Addition being more particularly described by metes and bounds, by Charles K. Howard, L.S. 297, as follows, to-wit:

Part of the west 10 acres of the east 20 acres of Government Lot 1, in Section 31, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof less a tract of land beginning 846.8 feet east and 26.9 feet south of the northwest corner of Government Lot 1; thence south 75 feet; thence east 75 feet; thence north 75 feet; thence west 75 feet to the point of beginning.

BRISBANE OFFICE PARK
PUD 60
Preparation date: June 15, 2014
SHEET 1 OF 3



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner 
Date: Thursday, July 17, 2014
RE: Report and Recommendations for:
BL-392 – Randy Shoefstall of White Surveying, Inc. for Lowe’s Home Center, Inc.

LOCATION: – 11114 S. Memorial Dr.
– Lot 2, Block 1, *Bixby Commons*

LOT SIZE: 15.14 acres, more or less

ZONING: CS Commercial Shopping Center District

SUPPLEMENTAL ZONING: Corridor Appearance District (partial)

EXISTING USE: *Lowe’s* home improvement store

REQUEST: Lot-Split approval

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

PREVIOUS/RELATED CASES: (not necessarily a comprehensive list)
BZ-269 – The Desco Group – Request for rezoning from AG to CS for the NE/4 NE/4 of this Section (including subject property), later platted as *Bixby Commons* – PC Recommended Approval 01/16/2001 and City Council Approved 02/12/2001 (Ord. # 821).
Preliminary Plat of Bixby Commons – Information not found.

Final Plat of Bixby Commons – Request for Final Plat approval for the NE/4 NE/4 of this Section (including subject property) – Possibly Approved by City Council by the development agreement on 06/11/2001 (as indicated by the plat approval date on the plat). Record of Planning Commission approval not found.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of Lot 2, Block 1, *Bixby Commons*, and contains a *Lowe's* home improvement store addressed 11114 S. Memorial Dr. It is zoned CS Commercial Shopping Center District and is partially located in the Corridor Appearance District overlay district. It appears to slope moderately downward to the west/southwest. The “Bixby Commons” shopping center utilizes an underground stormsewer system which drains to a stormwater detention facility in the “Reserved Area” in *Bixby Commons*, abutting the subject property to the south. This drainage system is in the drainage basin of Fry Creek # 2.

General. The Applicant is proposing to separate a 0.624-acre tract from the northeast corner of the subject property for sale for a *Taco Bell* development. The new, smaller lot would have 185' of frontage on 111th St. S. and 147' of frontage on Bixby Commons Dr. The area of the new, smaller lot is presently primarily extra parking lot area.

Both proposed lots would comply with the minimum bulk and area and other requirements of the Zoning Code.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application on July 02, 2014. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval.

70



City of Bixby Application for Lot-Split

Applicant: RANDY SHOEFSTALL
 Address: 9936 E 55TH PL TULSA, OK 74146
 Telephone: 918 663 6924 Cell Phone: _____ Email: RANDY@WHITESURVEY.COM
 Property Owner: LOWES HOME CENTER Property Address: 11114 SO MEMORIAL
 Existing Zoning: CS Existing Use: COMMERCIAL Use Unit #: _____

Attach four (4) copies of a survey drawing including existing and proposed lot lines, buildings and improvements dimensioned to existing and proposed lot lines, adjacent street and other rights-of-ways, street widths, easements of record, existing access limitations, north arrow, scale, and date.

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

LOT 2, BIXBY COMMONS			
FIRST TRACT TO BE CREATED	Legal Description of Proposed Tract	Source of Water supply for this Tract	
	SEE ATTACHED TRACT 1	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER	
		Type of Sewage Disposal to be Available for this Tract	
		<input checked="" type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER Street or Streets Tract will face <u>E 111TH ST & BIXBY COMMONS DRIVE</u>	
Proposed Use of this Tract		Average Lot Width	Street frontage
COMMERCIAL		147	147
SECOND TRACT TO BE CREATED	Legal Description of Proposed Tract	Source of Water supply for this Tract	
	SEE ATTACHED TRACT 2	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER	
		Type of Sewage Disposal to be Available for this Tract	
		<input checked="" type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER Street or Streets Tract will face <u>E 111TH ST & BIXBY COMMONS DRIVE</u>	
Proposed Use of this Tract		Average Lot Width	Street frontage
COMMERCIAL		822.5'	715'
THIRD TRACT TO BE CREATED	Legal Description of Proposed Tract	Source of Water supply for this Tract	
		<input type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER	
		Type of Sewage Disposal to be Available for this Tract	
		<input type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER Street or Streets Tract will face	
Proposed Use of this Tract		Average Lot Width	Street frontage
FOURTH TRACT TO BE CREATED	Legal Description of Proposed Tract	Source of Water supply for this Tract	
		<input type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER	
		Type of Sewage Disposal to be Available for this Tract	
		<input type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER Street or Streets Tract will face	
Proposed Use of this Tract		Average Lot Width	Street frontage

72

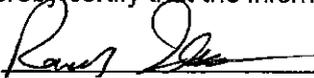
BL-392

City of Bixby Application for Lot-Split

Does Record Owner consent to the filing of this application? YES NO
If Applicant is other than Owner, indicate interest: AGENT
Is subject tract located in the 100 year floodplain? YES NO
Has \$50.00 application review fee been paid at City Hall? YES NO

BILL ADVERTISING CHARGES TO: GERALD ONEY
295 WOLF ROAD, WALNUT SHADE, MO (NAME)
417-561-2200
(ADDRESS) (CITY) 65771 (PHONE)

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

Signature:  Date: 6/18/2014

APPLICANT - DO NOT WRITE BELOW THIS LINE

BL-392 Date Received 06/18/2014 Received By Enyart Receipt # 0168128

PC Action: _____ Conditions: _____

Date: _____ Roll Call: _____

Staff Rec. _____



WHITE SURVEYING COMPANY

providing land surveying services since 1940

9936 E. 55th Place • Tulsa, OK 74146 • 800.262.0682 • 918.663.6924 • 918.664.8366 fax

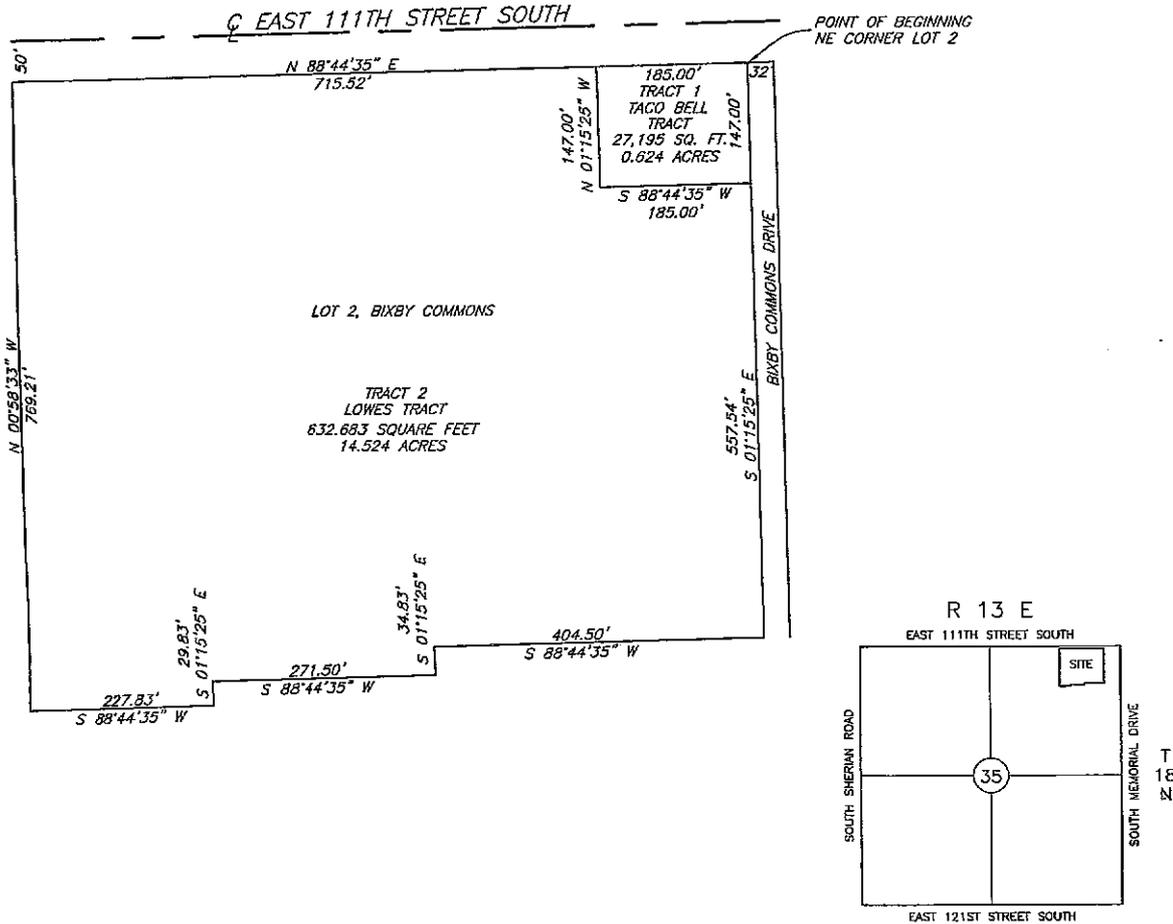
LEGEND

- FENCE
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- M/P METERING POINT
- C.B. CHORD BEARING
- B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)

INVOICE NO.: STK 14-72410
CLIENT: G. ONEY & ASSOCIATES, INC.

LOT SPLIT EXHIBIT

LOT 2, BIXBY COMMONS,
BIXBY, OKLAHOMA



LEGAL DESCRIPTION:

TRACT 1 Taco Bell:

A tract of land being a part of Lot Two (2), Bixby Commons, an addition to the City of Bixby, Tulsa County, State of Oklahoma, according to the recorded plat No. 5536; Said tract of land being described as follows: Beginning at the Northeast corner of said Lot 2; Thence South 01°15'25" East along the East line of said Lot 2 for 147.00 feet; Thence South 88°44'35" West for 185.00 feet; Thence North 01°15'25" West for 147.00 feet to a Point on the North line of said Lot 2; Thence North 88°44'35" East along the North line of said Lot 2 for 185.00 feet to the Point of Beginning of said tract of land.

TRACT 2 Lowes (Remainder):

Lot Two (2), Bixby Commons, an addition to the City of Bixby, Tulsa County, State of Oklahoma, according to the recorded plat No. 5536; Less and Except the following described tract of land: Beginning at the Northeast corner of said Lot 2; Thence South 01°15'25" East along the East line of said Lot 2 for 147.00 feet; Thence South 88°44'35" West for 185.00 feet; Thence North 01°15'25" West for 147.00 feet to a Point on the North line of said Lot 2; Thence North 88°44'35" East along the North line of said Lot 2 for 185.00 feet to the Point of Beginning of said tract of land.

LOCATION MAP

74



WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION NO.
CA1098 (RENEWAL 6/30/2015)

BY: *[Signature]* DATE: 6/18/2014
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1676



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Thursday, July 17, 2014
RE: Report and Recommendations for:
BL-393 – Jon Ward

LOCATION: – 12900-block of E. 181st St. S.
– Lots 2, Block 1, *Hickory Creek Estates*

LOT SIZE: ½ acre, more or less

ZONING: RS-1 Residential Single-Family District

SUPPLEMENTAL ZONING: None

EXISTING USE: Vacant

REQUEST: Lot-Split approval

COMPREHENSIVE PLAN: Low Intensity/Rural/Development Sensitive

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

BZ-184 – Timothy Keim for Hickory Creek Estates – Request for rezoning from AG to RS-1 for 10 acres, more or less, which became *Hickory Creek Estates* (includes subject property) – PC Recommended Approval 01/25/1988 and City Council Approved 02/23/1988 (Ord. # 577) (that portion of the future subdivision lying within the SE/4 SE/4 of Section 32, T17N, R14E requested but omitted from legal description in Ordinance).

Final Plat of Hickory Creek Estates – Request for Final Plat approval for *Hickory Creek Estates* (includes subject property) – City Council Approved 06/27/1988 (per the plat

approval certificate) (Plat # 4726 recorded 07/12/1988) (Preliminary Plat and PC approvals not researched).

BL-142 – Tim Keim – Request for Lot-Split approval to separate the east 100' of Lot 5 and add to Lot 1 of *Hickory Creek Estates* (which itself later included subject property) – Staff recommended Approval subject to attachment by inclusion of 100'-wide tract in the Warranty Deed to Lot [1] and PC [Conditionally] Approved as recommended 08/15/1988.

BL-388 – Jon Ward – Request for Lot-Split approval to separate, from Lot 1, Block 1, *Hickory Creek Estates*: the subject property (Lot 2; to sell to the Applicant) and the east 100' of Lot 5 (to sell to the owner of the balance of Lot 5) – PC Conditionally Approved 11/18/2014.

BACKGROUND INFORMATION:

Per the BZ-184 Staff Report, the land which became the Hickory Creek Estates subdivision was annexed December 08, 1987.

Per BL-388, on November 18, 2014, the Planning Commission approved a Lot-Split to separate a formerly combined tract (Lots 1 and 2 and the E. 100' of Lot 5, Block 1, *Hickory Creek Estates*) into three (3) parts: Lot 1, Lot 2, and the 100'-wide tract. Lot 2 was sold to the Applicant in this application. The 100'-wide tract was sold to the owner of the balance of Lot 5, on which a house was recently constructed. Per the approval condition, that 100'-wide tract was legally attached to the adopting lot by deed restriction. The subject property met the requirements of the Zoning Code and so was deeded without deed restriction.

Further surveying revealed the subject property lot contains a retaining wall and retained yard area associated with the house to the east at 13001 E. 181st St. S. The owner of the house is re-purchasing a "sliver tract" containing the retaining wall and retained yard area, along with some additional yard area.

ANALYSIS:

Subject Property Conditions. The subject property consists of Lot 2, Block 1, *Hickory Creek Estates*, and is zoned RS-1. It has 100' of frontage on 181st St. S. and is vacant and wooded. It contains a retaining wall and approximately 6.1' of retained yard area associated with Lot 1, Block 1, *Hickory Creek Estates*.

General. See the Background Information section of this report for details. The Applicant is proposing to split the subject property to sell the easterly 20' to the owner to the east, 13001 E. 181st St. S. The RS-1 district requires a minimum of 100' of frontage and a minimum lot area of 13,500 square feet. Neither proposed tract would meet all the requirements for the RS-1 district, and so both must be legally combined with their respective adopting lots. Provided this is done, all resulting lots would comply with the minimum bulk and area and other requirements of the Zoning Code.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application on July 02, 2014. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval, subject to both resulting tracts being attached to their respective adopting lots by deed restriction language such as:

[INSERT THE LEGAL DESCRIPTION OF THE NEW TRACT] .

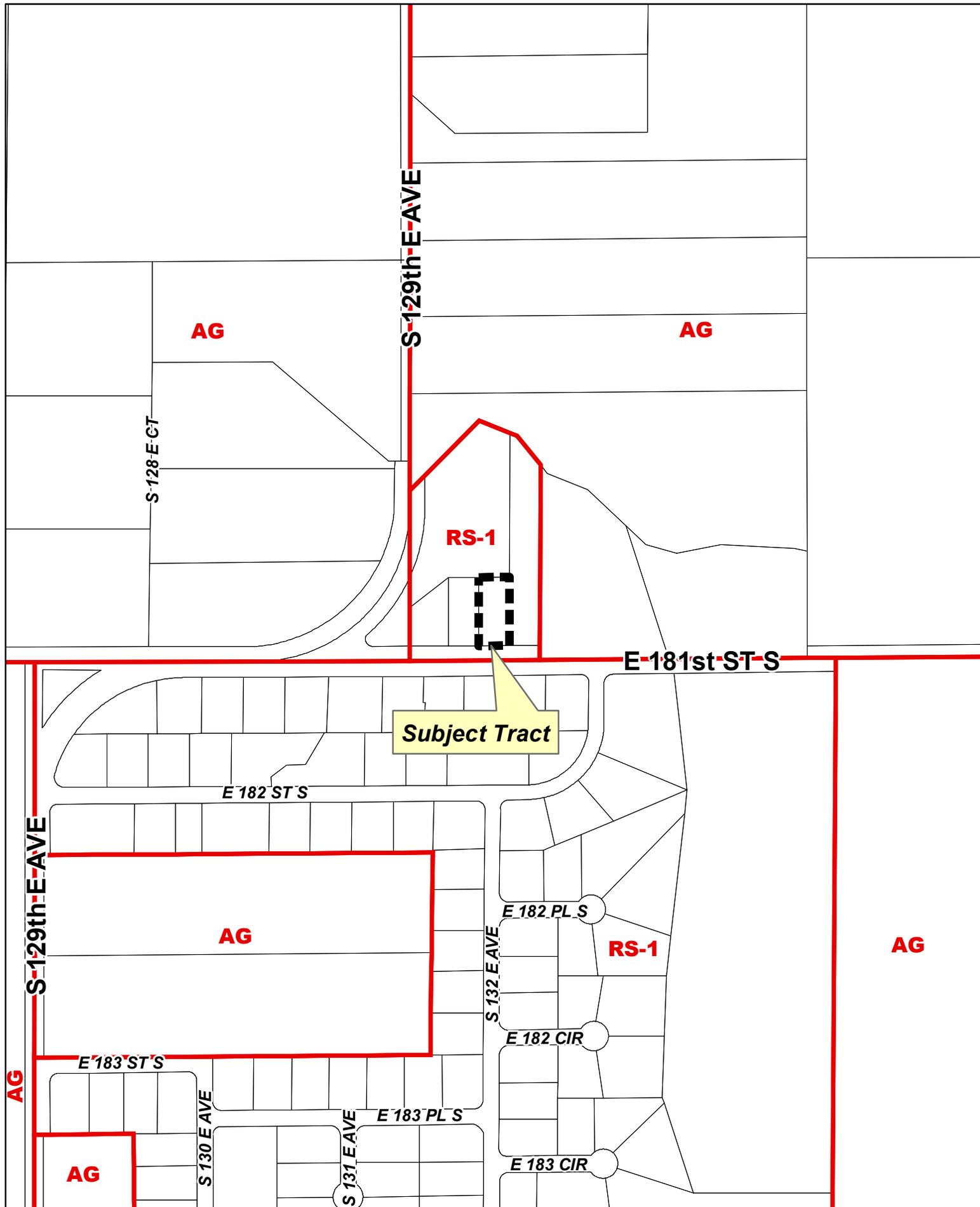
The foregoing is restricted from being transferred or conveyed as described above without including:

[INSERT THE LEGAL DESCRIPTION OF ADOPTING LOT 1 or 3]

unless otherwise approved by the Bixby Planning Commission, or its successors, and/or the Bixby City Council as provided by applicable State Law,

Or other language provided by the Applicant for this purpose subject to City Attorney approval.

77

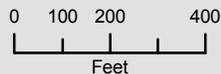


300' Radius



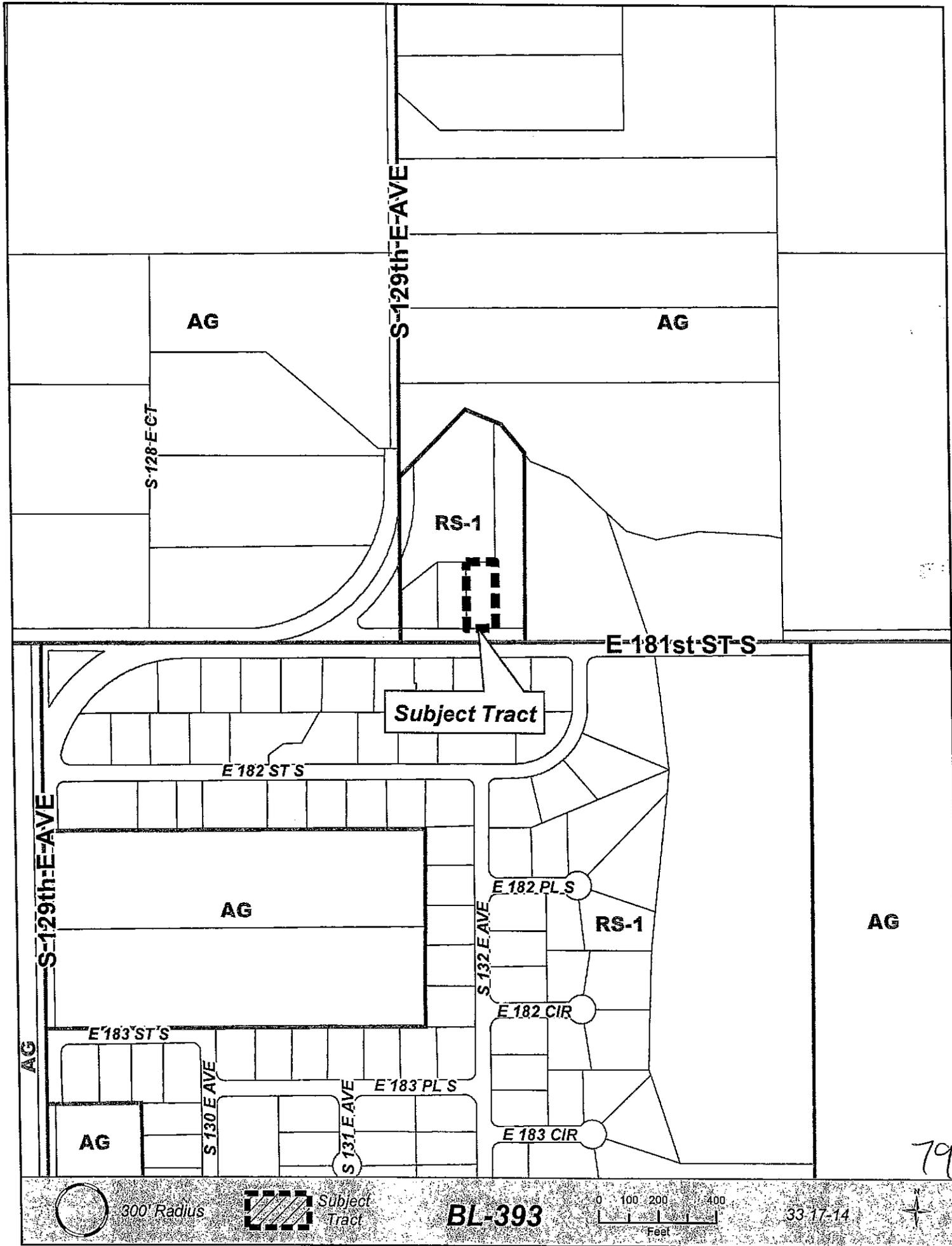
Subject Tract

BL-393



33 17-14





AG

AG

S-128-E-CT

S-129th-E-AVE

RS-1

E-181st-ST-S

Subject Tract

E 182 ST S

S-129th-E-AVE

AG

E 182 PL S

RS-1

AG

S-132-E-AVE

E 182 CIR

AG

E 183 ST S

S-130-E-AVE

AG

E 183 PL S

S-131-E-AVE

E 183 CIR

79



300' Radius



Subject Tract

BL-393



33-17-14





City of Bixby

Application for Lot-Split

Applicant: STEVEN W. HODGES
 Address: 12957 E. 181ST ST. S.
 Telephone: 918-695-6835 Cell Phone: SAME Email: STEVEN.HODGES@COX.COM
 Property Owner: STEVEN & MONICA HODGES Property Address: 12957 E 181ST ST S.
 Existing Zoning: RES. Existing Use: RES Use Unit #: _____

Attach four (4) copies of a survey drawing including existing and proposed lot lines, buildings and improvements dimensioned to existing and proposed lot lines, adjacent street and other rights-of-ways, street widths, easements of record, existing access limitations, north arrow, scale, and date.

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

FIRST TRACT TO BE CREATED	Legal Description of Proposed Tract <u>LOT 2, BLK 1 HICKORY CREEK ESTATES, EAST SIDE 20FT.</u>	Source of Water supply for this Tract <input checked="" type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER		
		Type of Sewage Disposal to be Available for this Tract <input type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER		
		Street or Streets Tract will face <u>E 181ST ST S</u>		
		Proposed Use of this Tract	Average Lot Width	Street frontage
		<u>RESIDENTIAL</u>	<u>20FT</u>	<u>20 FT</u>
SECOND TRACT TO BE CREATED	Legal Description of Proposed Tract	Source of Water supply for this Tract <input type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER		
		Type of Sewage Disposal to be Available for this Tract <input type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER		
		Street or Streets Tract will face		
		Proposed Use of this Tract	Average Lot Width	Street frontage
THIRD TRACT TO BE CREATED	Legal Description of Proposed Tract	Source of Water supply for this Tract <input type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER		
		Type of Sewage Disposal to be Available for this Tract <input type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER		
		Street or Streets Tract will face		
		Proposed Use of this Tract	Average Lot Width	Street frontage
FOURTH TRACT TO BE CREATED	Legal Description of Proposed Tract	Source of Water supply for this Tract <input type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER		
		Type of Sewage Disposal to be Available for this Tract <input type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER		
		Street or Streets Tract will face		
		Proposed Use of this Tract	Average Lot Width	Street frontage

80

City of Bixby Application for Lot-Split

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

If Applicant is other than Owner, indicate interest: _____

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

Has \$50.00 application review fee been paid at City Hall? YES NO

BILL ADVERTISING CHARGES TO: STEVEN W. HODGES

12957 E 181ST ST S BIXBY, OK (NAME) 918-695-6335
(ADDRESS) (CITY) 74068 (PHONE)

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

Signature: Steven W. Hodges Date: 6-18-2014

APPLICANT - DO NOT WRITE BELOW THIS LINE

BL-393 Date Received 06/19/2014 Received By Enjart Receipt # 01168/41

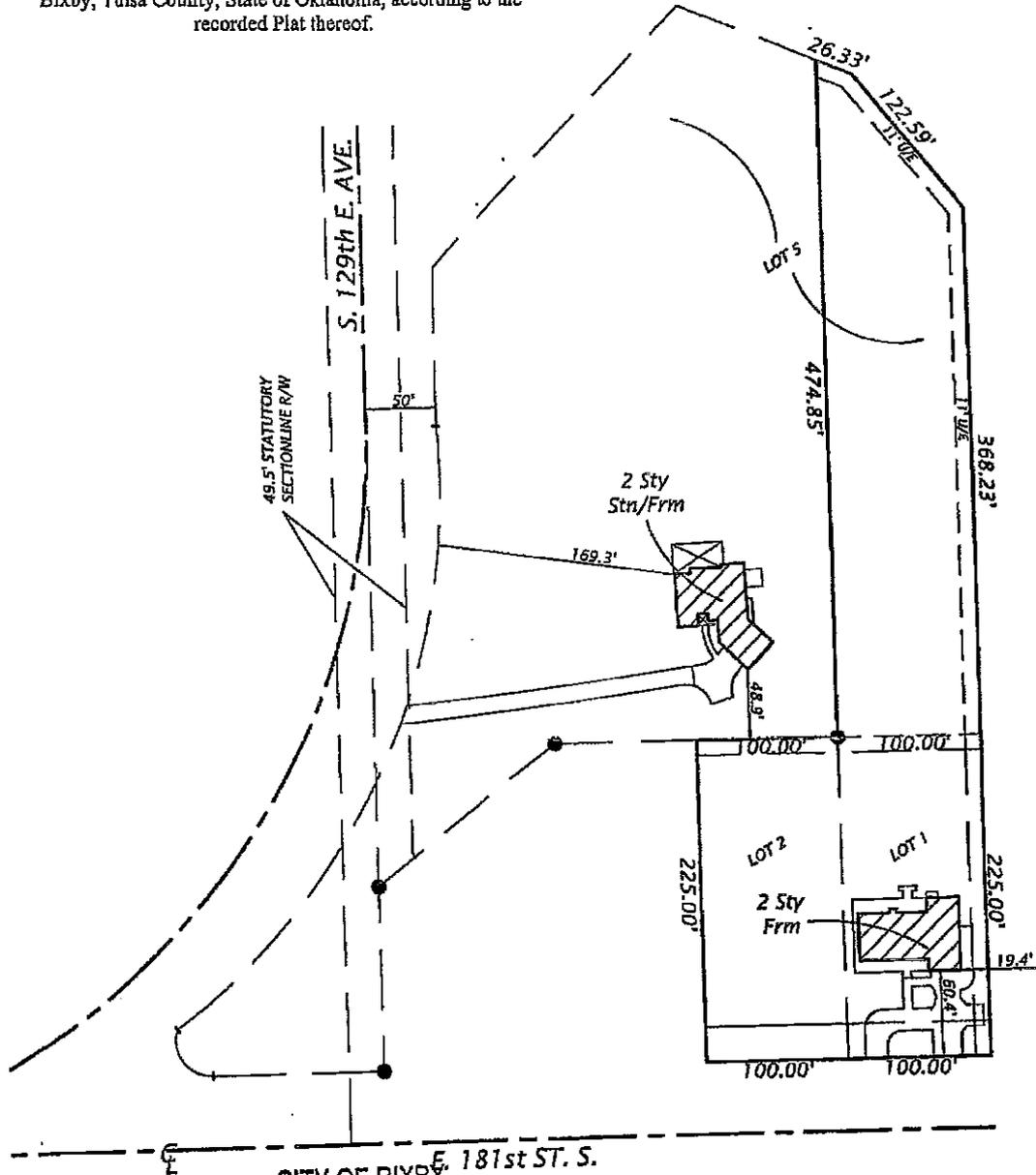
PC Action: _____ Conditions: _____
Date: _____ Roll Call: _____
Staff Rec. _____

SCALE: 1"=80'



LEGAL DESCRIPTION

The East (100) One-hundred feet of Lot Five (5), in Block One (1), HICKORY CREEK ESTATES, a subdivision in the City of Bixby, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.



CITY OF BIXBY E. 181st ST. S.

NOV 04 2013
RECEIVED
By *Emmett of B.L.386*

THIS PLAT IS MADE FOR AND AT THE REQUEST OF:
Jacob Younger

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

CERTIFICATE

I K.S. COLLINS, REGISTERED LAND SURVEYOR #1259 IN AND FOR THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT THE ABOVE PLAT AND LEGAL DESCRIPTION REPRESENTS A BOUNDARY SURVEY PERFORMED UNDER MY DIRECT SUPERVISION. THE ABOVE PLAT MAY BE SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAYS OF RECORD. NO RESEARCH OF ABSTRACT OR RECORD OFFICES HAS BEEN CONDUCTED.

- LEGEND**
- = VD. IRON PIN
 - = SET IRON PIN
 - ⊙ = SET P.K. NAIL
 - LP. = IRON PIN
 - X = CHECKED X IN CONC.
 - - - = FENCE
 - F.M. = FIELD MEASUREMENT

Revised; 10/22/2013; Hse placement

COLLINS LAND SURVEYING, INC.
 3340 W. 151st ST. E. - P.O. Box 250
 MEYER, OK. 74041
 OFFICE (918)321-9400 FAX (918)321-9404
 CA#2866 EXPIRES: 06/30/2014

Improvement Survey
 Part of Lot 5, HICKORY CREEK ESTATES

J.O. NO. 18-10-000 DATE: 10/17/2013

K.S. Collins
K.S. COLLINS
OKLAHOMA REGISTERED
LAND SURVEYOR NO. 1259



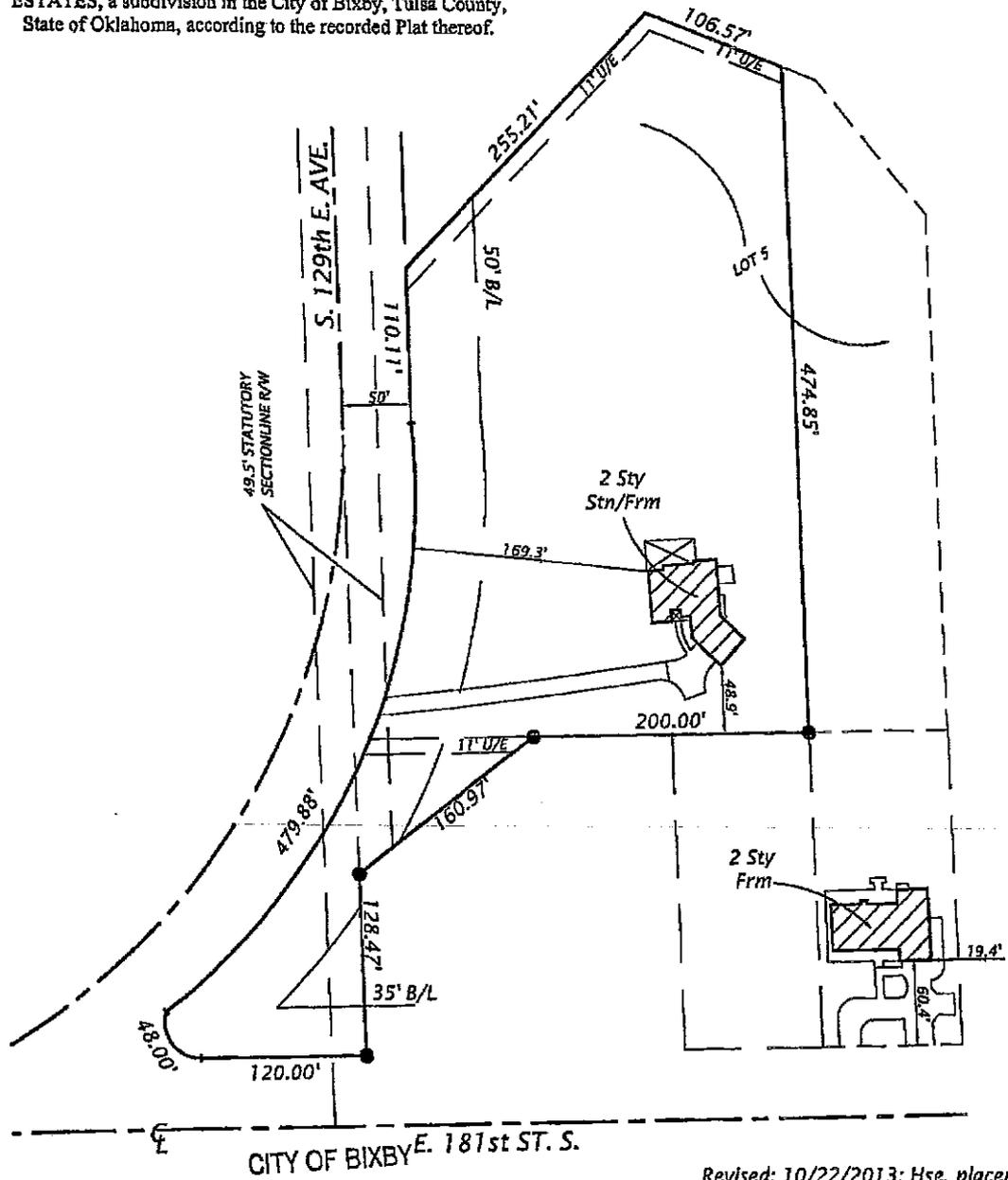
02

SCALE: 1"=80'



LEGAL DESCRIPTION

Lot Five (5), LESS and EXCEPT the East (100) One-hundred feet of Lot Five (5), in Block One (1), HICKORY CRBEK ESTATES, a subdivision in the City of Bixby, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.



CITY OF BIXBY E. 181st ST. S.

NOV 04 2013

RECEIVED

By Ernest S. Bl-388

THIS PLAT IS MADE FOR AND AT THE REQUEST OF:

Jacob Younger

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

CERTIFICATE

I K.S. COLLINS, REGISTERED LAND SURVEYOR #1259 IN AND FOR THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT THE ABOVE PLAT AND LEGAL DESCRIPTION REPRESENTS A BOUNDARY SURVEY PERFORMED UNDER MY DIRECT SUPERVISION. THE ABOVE PLAT MAY BE SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAYS OF RECORD. NO RESEARCH OF ABSTRACT OR RECORD OFFICES HAS BEEN CONDUCTED.

LEGEND

- = FD. IRON PIN
- = SET IRON PIN
- ⊙ = SET P.K. NAIL
- I.P. = IRON PIN
- X = CHISELED X IN CONC.
- = FENCE
- P.M. = FIELD MEASUREMENT

Revised: 10/22/2013: Hse. placement

COLLINS LAND SURVEYING, INC.
 3840 W. 161st ST. E. - P.O. Box 880
 KIEFER, OK. 74641
 OFFICE (918)321-9400 FAX (918)321-9404
 CAP2666 EXPIRES: 08/30/2014

Improvement Survey

Part of Lot 5, HICKORY CREEK ESTATES

I.O. NO. 13-10-080

DATE 10/17/2013

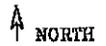
(Signature)
 K.S. COLLINS
 OKLAHOMA REGISTERED
 LAND SURVEYOR NO. 1259



SEAL

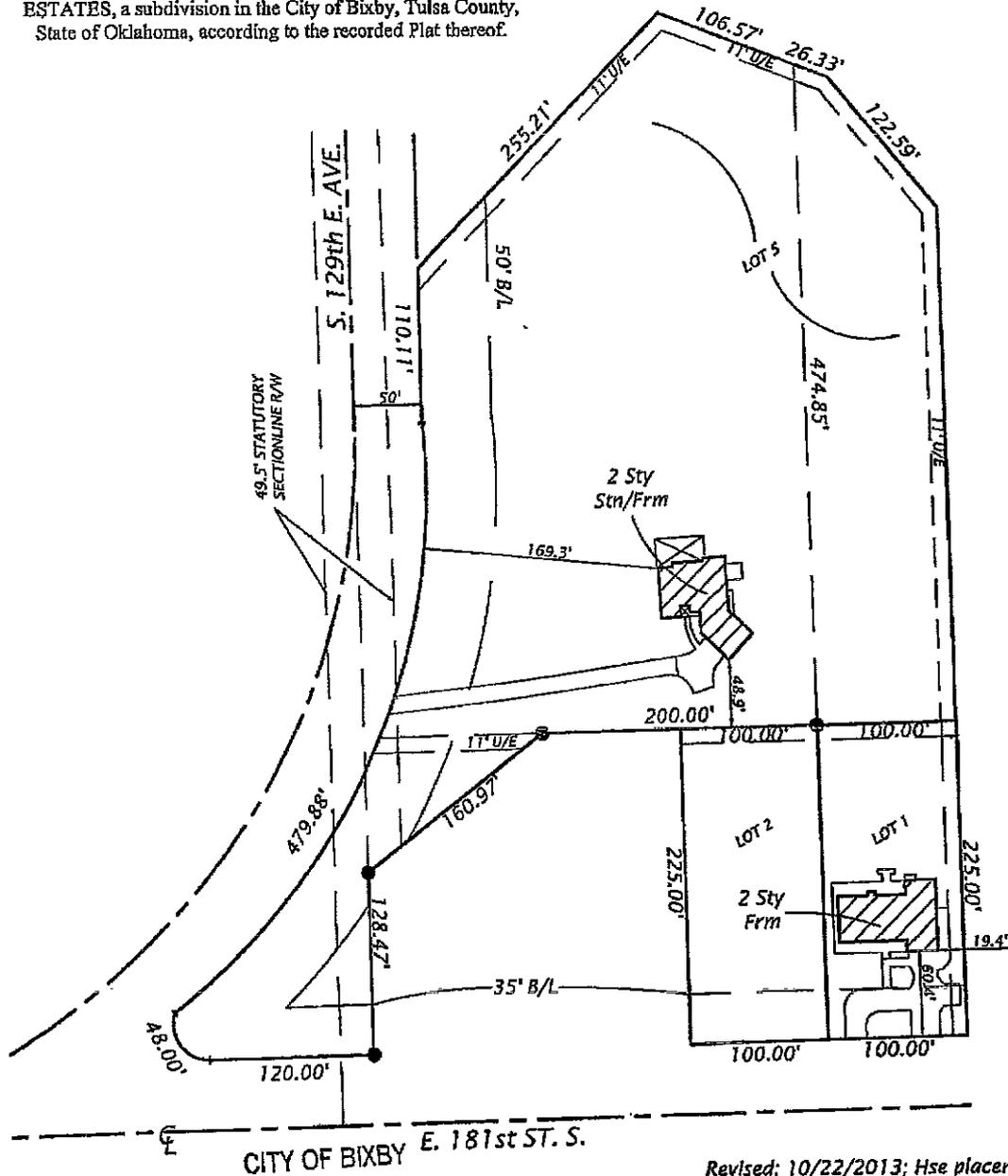
83

SCALE: 1"=80'



LEGAL DESCRIPTION

Lot Five (5), LESS and EXCEPT the East (100) One-hundred feet of Lot Five (5), in Block One (1), HICKORY CREEK ESTATES, a subdivision in the City of Bixby, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.



CITY OF BIXBY E. 181st ST. S.

NOV 04 2013

RECEIVED

By Ernest C. Bl-398

THIS PLAT IS MADE FOR AND AT THE REQUEST OF:

Jacob Younger

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

CERTIFICATE

I K.S. COLLINS, REGISTERED LAND SURVEYOR #1259 IN AND FOR THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT THE ABOVE PLAT AND LEGAL DESCRIPTION REPRESENTS A BOUNDARY SURVEY PERFORMED UNDER MY DIRECT SUPERVISION. THE ABOVE PLAT MAY BE SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAYS OF RECORD. NO RESEARCH OF ABSTRACT OR RECORD OFFICES HAS BEEN CONDUCTED.

LEGEND

- = FD. IRON PIN
- = SET IRON PIN
- ⊙ = SET P.K. NAIL
- IP. = IRON PIN
- X = CHISELED X IN CONC.
- = FENCE
- F.M. = FIELD MEASUREMENT

Revised; 10/22/2013; Hse placement

COLLINS LAND SURVEYING, INC.

2340 N. 161st ST. S. - P.O. Box 250
 KIEFER, OK 74041
 OFFICE (918)321-9400 FAX (918)321-9404
 CA#2888 EXPIRES: 06/30/2014

Improvement Survey

Part of Lot 5, HICKORY CREEK ESTATES

I.O. NO. 13-10-060

DATE: 10/17/2013

[Signature]
 K.S. COLLINS
 OKLAHOMA REGISTERED
 LAND SURVEYOR NO. 1259



84 ~~1111~~

ERIK,

MR WARD, SAID HIS SURVEY
COMPANY WILL SUBMIT THE
CORRECT DIMENSION PAPER WORK
YOU NEED, BY THIS FRIDAY
6-20-14.

THANKS,

STEVEN W HODGES
918-695-6335

