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

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

3 1. Approval of Minutes for the July 14, 2014 Special Meeting
11 2. Approval of Minutes for the July 21, 2014 Regular Meeting

PUBLIC HEARINGS

37 3. **BZ-376 – Joseph Guy Donohue for J.C. & Lila Morgan.** Public Hearing, Discussion, and consideration of a rezoning request from IL Industrial Light District to CH Commercial High Intensity District for approximately 1 acre in part of the NE/4 NW/4 of Section 23, T17N, R13E.
Property located: 6636 E. 151st St. S. (to be re-addressed 7108 and 7110 E. 151st St. S.)

PLATS

51 4. **Final Plat – "Brisbane Office Park" – JR Donelson, Inc. (PUD 60).** Discussion and consideration of a Final 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.

66 5. (Continued from 07/21/2014)
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.

OTHER BUSINESS

71 6. (Continued from 07/21/2014)
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.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyart

Date: 07/30/2014

Time: 3:25 PM

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MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
July 14, 2014 6:00 PM

SPECIAL-CALLED MEETING

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

STAFF PRESENT:
Erik Enyart, AICP, City Planner
Patrick Boulden, Esq., City Attorney

OTHERS ATTENDING:
See attached Sign-In Sheet

(See City Council Minutes for additional attendance information)

CALL TO ORDER:

Acting Chair/Vice-Chair Lance Whisman called the meeting to order at 6:08 PM.

ROLL CALL:

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

1. Introductions and opening statements regarding concurrent City Council meeting

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(This was mentioned during the corresponding item on the City Council agenda, whose meeting was called to order prior to the Planning Commission meeting being called to order. See the City Council Minutes for their meeting on this date for additional information on discussions held during the Planning Commission meeting.)

CONSENT AGENDA:

No items; No action taken.

PUBLIC HEARINGS

2. **BCPA-11 – City of Bixby.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan Text regarding policy on land uses within areas designated Corridor on the Comprehensive Plan Map.

Acting Chair/Vice-Chair Lance Whisman introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To:	*Bixby City Council*
	and
	Bixby Planning Commission
From:	*Erik Enyart, AICP, City Planner*
Date:	*Monday, July 07, 2014*
RE:	*Report and Recommendations for:* *BCPA-11 – City of Bixby*

PLANNING COMMISSION AGENDA ITEM:
BCPA-11 – City of Bixby. *Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan Text regarding policy on land uses within areas designated Corridor on the Comprehensive Plan Map.*
CITY COUNCIL AGENDA ITEM TITLE:

- *Discussion and consideration of an ordinance to amend the Comprehensive Plan Text regarding policy on land uses within areas designated Corridor on the Comprehensive Plan Map (BCPA-11).*
- *Discussion and consideration to attach an Emergency Clause to the previous item ordinance.*

INITIATOR: Erik Enyart, AICP, City Planner
STAFF INFORMATION SOURCE: Erik Enyart, AICP, City Planner
BACKGROUND / ANALYSIS:

At a Worksession meeting held May 27, 2014, the City Council and City Staff discussed the Bixby Comprehensive Plan and an apparent recent trend in which commercial property in Bixby is being converted to residential and other non-retail land uses. Pursuant to discussion there and discussions with City Staff afterward, a City Staff consensus emerged in support of a strategic amendment to the Comprehensive Plan Text pertaining to retail land uses in areas designated Corridor on the Plan Map. The City Manager directed the City Planner to prepare this strategic amendment.

BCPA-11 is a proposed amendment to the Comprehensive Plan Text that would, in concept, specify that it is the Council's policy to prefer, with certain exceptions for flexibility, retail land use within areas designated Corridor on the Comprehensive Plan Map, and to prefer a PUD when properties are rezoned within Corridor districts, to allow the City Council to have discretion over the types of land uses allowed (e.g. retail in commercial districts).

Staff has found the section of the Comprehensive Plan Text where the clarified / specified policy language should be most appropriate:

Page 36, Commercial Area Policies:

Replace Item # 3 with the following: "Due to the critical need for retail development to support capital improvements and municipal services, within areas designated "Corridor" and "Commercial Area" or "Vacant, Agricultural, Rural Residences, and Open Land" on the Land Use Map, it is City policy to (1) prefer retail development over all other land use types where appropriate in context and (2)

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prefer that a Planned Unit Development (PUD) application be processed along with any application for rezoning to commercial."

The clause, "where appropriate in context," preserves flexibility and gives more control to surrounding zoning and land use patterns, infrastructure considerations, and current development trends.

The text on page 36, Commercial Area Policies # 3 currently calls for setbacks in the CG districts from Residential districts, which change appears to have already been made to the Zoning Code. Thus, it is superfluous, and its order (3rd out of 6 policy items) appears appropriate in relation to the others for the proposed replacement text.

Staff looked at other parts of the Text but did not find any other areas which would be enhanced by duplicating the above policy language.

The second part, a preference for PUDs when rezoning to commercial, would only be made mandatory if the Zoning Code were also amended to require it. Zoning Code Section 11-5-2 "Policy on Zoning Map Amendments" was amended in 2009 to require consistency with the Comprehensive Plan and to require a PUD when amending the Comprehensive Plan. This section would be an appropriate place within the Zoning Code to additionally require a PUD for all commercial rezonings within the Corridor, consistent with the new policy language. See related part of the Zoning Code Text Amendment case, also on this agenda for consideration.

There is already language within the Corridor section of the Plan Text (Policies for Corridors Section 5.a on page 12) which recommends PUDs for rezonings to intensive zoning districts, starting with CG. Extending this policy to the CS district would further bolster the City's ability to prefer retail uses in new commercial districts established. Thus, this section on Page 12 will also be amended to remove CS from the fourth (4th) sentence and add it to the second (2nd).

EXHIBITS: Draft Ordinance

PLANNING COMMISSION KEY ISSUES: (1) Hold Public Hearing, and (2) Recommend Approval, Denial, or Approval with Modifications

CITY COUNCIL KEY ISSUE: Approve, Deny, or Approve with Modifications

RECOMMENDATION:

The proposed amendments are the product of City Staff consensus, and are thus recommended for Approval. The Planning Commission will hold a Public Hearing and give a recommendation to the City Council at its concurrent meeting.

Erik Enyart noted that this item stemmed from a City Council Worksession held in late May, 2014, in which the Council and Staff discussed the Comprehensive Plan and also what appeared to be an emerging trend wherein commercial properties were being put to non-retail uses, such as housing additions. Mr. Enyart stated that this amendment would state that it was the City Council's policy to prefer retail uses within areas designated Corridor and "Commercial Area" or with no land use designation, whenever appropriate within context. Mr. Enyart stated that this would be some clear policy language that the Public, especially real estate development interests or investors, could see what the City Council's preference is toward these commercial corridors within the City of Bixby. Mr. Enyart noted that this would give some clarity and certainty to the private sector so they know, when going into [a property development and/or development property acquisition], what to expect. Mr. Enyart noted that this was a Public Hearing and anyone in attendance could speak on the item.

Jay Mauldin of 7341 E. 119th Pl. S. stated that he did not oppose and was supportive of the Staff's recommendations, discussed the need for the Comprehensive Plan, indicated preference for high quality commercial businesses versus suburban sprawl, and suggested preference for citywide City Council elections, rather than Ward-specific elections.

Acting Chair/Vice-Chair Lance Whisman referred to a map, projected on the screen, of the Tulsa area with major shopping centered highlighted, and discussed the need for retail sales for the City,

including at 121st St. S. and Memorial Dr. Mr. Whisman expressed concern, with this new policy, for long-term property owners being able to sell their properties to whomever they want.

Councilor Dennis Loudermilk noted that the City of Bixby, through the ICSC conventions and additional outreach efforts, had brought Target, Costco, and Warren Theatres to Bixby, but those businesses ended up picking other locations just outside of Bixby.

Councilor Ritchie Stewart noted that sales taxes are the "lifeblood of the City."

Acting Chair/Vice-Chair Lance Whisman asked if the Planning Commission had any more comments. There were none.

Acting Chair/Vice-Chair Lance Whisman asked if the Public had any further comments. Jerry Perez of 17216 S. 92nd E. Ave. expressed concern that there were not enough jobs available in [Bixby and/or the Tulsa Metropolitan Area], such as manufacturing, such that would keep the kids here, rather than them going to Dallas.

Councilor Dennis Loudermilk and City Manager Doug Enevoldsen indicated that the City also pursues other types of businesses but, due to the way municipal governmental finance is structured in Oklahoma, retail sales taxes take precedence.

There being no further discussion, Steve Sutton made a MOTION to RECOMMEND APPROVAL of the proposed Comprehensive Plan Text Amendment per BCPA-11 as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

(The City Council then considered and approved the related ordinance approval items on the City Council agenda. See the City Council Minutes for further information.)

3. **Zoning Code Text Amendment.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Zoning Code of the City of Bixby, Oklahoma, pursuant to Oklahoma Statutes Title 11 Section 43-101 et seq. and Bixby Zoning Code/City Code Title 11 Section 11-5-3, to allow modifications, upon City Council approval of a site plan, to certain development standards for nonresidential redevelopments on an existing lot of record, and other related amendments.

Acting Chair/Vice-Chair Lance Whisman introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: *Bixby City Council*

and

Bixby Planning Commission

From: *Erik Enyart, AICP, City Planner*

Date: *Monday, July 07, 2014*

RE: *Report and Recommendations for:*
Zoning Code Text Amendments – Nonresidential Redevelopments and Expansions

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PLANNING COMMISSION AGENDA ITEM:
Zoning Code Text Amendment. *Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Zoning Code of the City of Bixby, Oklahoma, pursuant to Oklahoma Statutes Title 11 Section 43-101 et seq. and Bixby Zoning Code/City Code Title 11 Section 11-5-3, to allow modifications, upon City Council approval of a site plan, to certain development standards for nonresidential redevelopments on an existing lot of record, and other related amendments.*
CITY COUNCIL AGENDA ITEM TITLE:

- *Discussion and consideration of an ordinance to amend the Zoning Code to allow modifications, upon City Council approval of a site plan, to certain development standards for nonresidential redevelopments on an existing lot of record, and other related amendments.*
- *Discussion and consideration to attach an Emergency Clause to the previous item ordinance.*

INITIATOR: Erik Enyart, AICP, City Planner
STAFF INFORMATION SOURCE: Erik Enyart, AICP, City Planner
BACKGROUND / ANALYSIS:

In City Staff discussions on June 23, 2014, several pending commercial redevelopments and expansions were discussed. These discussions focused on the difficulties encountered when working with existing lots of records and developed sites as far as constraints on meeting modern Zoning Code development standards (e.g. parking lot setbacks/landscaped strips, parking lot design, etc.). A City Staff consensus emerged in support of this amendment which, in concept, would allow the City Council to modify, upon its approval of a Site Plan, minimum development standards for existing nonresidential developments which are redeveloped or expanded. The City Manager directed the City Planner to prepare the amendment.

Staff has found the part of the Zoning Code where this new should be most appropriate:
"11-9-0.F

For redevelopments or expansions of existing nonresidentially-developed lots of record, the City Council may authorize modifications to the minimum development standards of this title upon its approval of an application for site plan prepared as provided in Section 11-9-0.E."

Consistent with the proposed Comprehensive Plan Text Amendment per BCPA-11, also on this agenda for consideration, Staff has prepared language which would require a PUD when rezoning to commercial within appropriate areas designated Corridor on the Comprehensive Plan Map. See the report for that item, which precedes this one on the agendas, for narrative and reasoning. The language has a provision allowing the City Council to Waive this requirement. However, if the Council does not want to require, at all, a PUD in such cases, and is satisfied instead with the Plan's language to "prefer" them, Section 2 of the attached ordinance may be struck.
EXHIBITS: Draft Ordinance
PLANNING COMMISSION KEY ISSUES: (1) Hold Public Hearing, and (2) Recommend Approval, Denial, or Approval with Modifications
CITY COUNCIL KEY ISSUE: Approve, Deny, or Approve with Modifications
RECOMMENDATION:
The proposed amendments are the product of City Staff consensus, and are thus recommended for Approval. The Planning Commission will hold a Public Hearing and give a recommendation to the City Council at its concurrent meeting.

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Erik Enyart noted that this matter stemmed from City Staff discussions. Mr. Enyart noted that, at this time, he had about 10 site plan applications, some of which were redevelopments or expansions involving established business that may have been built in the 70s or 80s, which want to expand or take down their old building and build a new one. Mr. Enyart noted that, in cases like this, the owners are constrained by existing geography and can only deal with the parcels they have, and in a lot of cases they would like to keep the parking lots they have built. Mr. Enyart stated that likely development standard modifications would be reducing the parking lot setbacks and landscaped strip widths. Mr. Enyart stated that, in order to accommodate Bixby's existing business that want to expand or redevelop, this would be an additional tool of flexibility where existing developed parcels, through the site plan approval process at the City Council level, can have modifications made to the developmental standards. Mr. Enyart noted that the City Staff was bringing this policy change for consideration. Mr. Enyart noted that there was a separate element to the ordinance that would implement the policy the Council just passed, whereby the City would ask for a PUD whenever rezoning to commercial [in qualifying Corridor designations], and that those were the two (2) things the proposed ordinance would do.

Mayor John Easton asked Erik Enyart how much time he thought this change could save a developer. Mr. Enyart estimated that, if they didn't have to put together an application to the Board of Adjustment and/or Planning Commission for landscaping alternative compliance, it could save about a month and a half on average.

Jay Mauldin confirmed with Patrick Boulden that the language used in the amendment would allow the City Council to modify the development standards to be more than the minimum required, in addition to less than required.

Steve Sutton and Vice Mayor Brian Guthrie discussed the potential for negative impacts on commercial development if the PUD requirement was implemented. Mr. Guthrie, in turn, asked Erik Enyart what impacts this change may have. Mr. Enyart responded that he would anticipate there could be circumstances where the City Council would want to set aside that requirement to make it easier for the developer to rezone the parcel to commercial, especially if it was a smaller parcel and it would be a burden to do a PUD, to engage the experts to put it together, and so the language in the ordinance would allow them to come to the Council, ahead of time, to say that 'this would be a hardship to me and we would like you to waive the requirement.' Mr. Enyart stated that, with that [Waiver option,] he did not think the City would be placing an undue burden on potential commercial development.

Acting Chair/Vice-Chair Lance Whisman asked to entertain a Motion. Steve Sutton made a MOTION to Recommend Approval of the proposed Zoning Code Text Amendment as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

<u>ROLL CALL:</u>

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

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(The City Council then considered and approved the related ordinance approval items on the City Council agenda. See the City Council Minutes for further information.)

PLATS

No items; No action taken.

OTHER BUSINESS

No items; No action taken.

OLD BUSINESS:

No items; No action taken.

NEW BUSINESS:

No items; No action taken.

ADJOURNMENT:

There being no further business, Acting Chair/Vice-Chair Lance Whisman declared the meeting Adjourned at 7:14 PM.

(The City Council then continued with its agenda.)

APPROVED BY:

_____ _____

Chair Date

_____

City Planner/Recording Secretary

Bixby City Council
Sign-In Sheet
Date: 1-14-14

Name	Address/Phone	Item # or Topic
1 JERRY PARR	17216 S 92nd E AVE	NEW BISNESS
2 JAY MAULDIN	7341 E 19 PL S	PC #2&3
3		
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MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
July 21, 2014 6:00 PM

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

STAFF PRESENT:
Erik Enyart, AICP, City Planner

OTHERS ATTENDING:
See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:05 PM.

ROLL CALL:

Members Present: Larry Whiteley, Jerod Hicks, Steve Sutton, Lance Whisman, and Thomas Holland.
Members Absent: None.

CONSENT AGENDA:

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

Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. Lance Whisman made a MOTION to APPROVE the Minutes of the June 16, 2014 Regular Meeting as presented by Staff. Larry Whiteley SECONDED the Motion.

Steve Sutton stated that he was not at the meeting in question and discussed with Chair Thomas Holland the Minutes and whether anyone wished to make any amendments to them to reflect discussion during that meeting. Mr. Sutton stated that he had received a couple phonecalls on the matter. Discussion ensued regarding the discussion at that meeting pertaining to histories and the roles of the City Council and Planning Commission.

Jerod Hicks in at 6:06 PM.

Steve Sutton asked Erik Enyart if he was satisfied with the Minutes and their completeness as far as whether anything "material" was missing. Mr. Enyart responded that, unlike many of his

colleagues in other communities, he did his best to prepare fairly comprehensive and detailed Minutes of meetings. Mr. Enyart stated that he believed the Minutes he had prepared were done to the best of his ability and confirmed he believed that nothing "critical" or "material" was missing. Mr. Enyart noted that, while detailed, he often uses generalities to reduce [extended and complicated] discussions to their "essential essence." Mr. Enyart noted that there was a City Councilor in attendance at that meeting, so [the Council was aware of what had been said].

Roll was called:

ROLL CALL:

AYE:	Holland, Sutton, Whiteley, Hicks, and Whisman
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	5:0:0

PUBLIC HEARINGS

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

Chair Thomas Holland introduced related Agenda Item #s 2 and 3 and confirmed with Erik Enyart that the Applicant had Withdrawn both applications.

Lance Whisman asked Erik Enyart about the connection between this development and the other next to it. Mr. Enyart stated that, in the Preliminary Plat of "Somerset," the roadway connection required by the PUD was shown between "Somerset" and this property. Mr. Whisman confirmed with Mr. Enyart that this access was being retained.

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.

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

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

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,

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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 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.

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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.

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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.

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.*

Chair Thomas Holland recognized that no one had signed the Sign-In Sheet to speak on the item.

After further discussion, Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to RECOMMEND APPROVAL of CS zoning per BZ-375 and APPROVAL of a

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Waiver of the PUD requirement as recommended by Staff. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Sutton, Whiteley, Hicks, and Whisman
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	5:0:0

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

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.

Chair Thomas Holland introduced related Agenda Item #s 5 and 6 and confirmed with Erik Enyart that the Applicant had requested a Continuance to the next meeting.

Steve Sutton made a MOTION to CONTINUE PUD 31-A Minor Amendment # 1 and the Preliminary Plat of "Bricktown Square' to the August 18, 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

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.

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*

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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.*

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

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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.

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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.*
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.*

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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 wall[1] 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.*
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.*

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[1] *Commonly known as a "demising wall."*

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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 curbline geometries, which are apparently not always consistent with the former.*
33. *Points of tangent/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).*
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).*

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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-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.*

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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 Sect. 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 <u>and</u> 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 <u>of</u> 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 & 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).*

Chair Thomas Holland recognized JR Donelson of 8410 E. 111th St. S., from the Sign-In Sheet. Mr. Donelson discussed the application with the Commissioners. Mr. Donelson requested the Commissioners put the plat on the August 11, 2014 City Council agenda, rather than the next one, to allow the City Staff more time to review it.

Lance Whisman asked Erik Enyart what happens when changes are made to plans after the Planning Commission has given its recommendations. Mr. Enyart stated that, if any changes are "substantive

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or material, I'll take your recommendation to the City Council but will list [the substantive or material] changes [specifically]" for the Council's consideration.

Chair Thomas Holland recognized Janet Dyer of 12630 S. Mingo Rd., from the Sign-In Sheet. Ms. Dyer expressed concerns about drainage and noted that there was a lawsuit in 1995 between her and others over this issue in Memorial Square.

Upon questioning, Erik Enyart stated that Bill Smith, a hydrologist, had prepared the development designs for stormwater drainage and detention and Compensatory Storage for the [100-year Regulatory] Floodplain. Mr. Enyart stated that, conceptually, part of the property was being excavated for these purposes and to elevate the streets and the balance of the developable site out of the Floodplain, the bridge under 121st St. S. was being replaced with a larger one, and some additional modifications were being made to the drainage channel to make sure the property was properly engineered. Mr. Enyart stated that all of this would have to be reviewed and approved by the City Engineer. Mr. Enyart confirmed with JR Donelson that this was essentially correct.

JR Donelson stated that the water [Janet Dyer was referring to] comes from the Town & Country shopping center, and asserted that the drainageways were not being maintained.

Discussion ensued regarding the concrete trickle-channel along the north side of *Memorial Square*.

Upon questioning, Erik Enyart stated that he did not know the history of who constructed the trickle-channel or under what circumstances, other than what he had heard at this meeting. Mr. Enyart stated that the drainage on the developer's property would be the developer's responsibility, and it would be the developer's responsibility to maintain and make any modifications to the trickle-channel if and as required by the City Engineer.

Janet Dyer asserted that the City of Bixby put in the trickle-channel.

Steve Sutton asked JR Donelson if this development would be enhancing the stormwater issues, and Mr. Donelson responded affirmatively, "Big time."

Chair Thomas Holland asked about the trickle-channel. Discussion ensued. Erik Enyart stated that the whole system had to be modeled, the trickle-channel "must be shown to work, and if not, it would have to be enhanced, but I do not foresee any circumstances where they could remove it."

Lance Whisman asked Erik Enyart about a passage in the body of the Staff Report stating that commercial would not be consistent with the Comprehensive Plan. Mr. Enyart stated that that passage, pertaining to excluding commercial use from the PUD, "points back to the PUD," which was "still open until finalized and approved by ordinance." Mr. Enyart explained that the PUD Major Amendment # 1 was approved as an application by the City Council, but the ordinance effecting the approval was waiting until the City received the final version of the PUD package incorporating all of the corrections, modifications, and Conditions of Approval.

The Commissioners discussed with JR Donelson and Erik Enyart the timing of the placement of this application on the City Council agenda. Mr. Enyart stated that he had heard Mr. Donelson's request earlier, and interpreted that as his request to Mr. Enyart to place the application on the August 11, 2014 City Council agenda, which he planned to do.

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Steve Sutton made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat of "Memorial Square Amended" subject to all of the corrections, modifications, and Conditions of Approval as recommended by Staff, and to have the application placed on the August 11, 2014 City Council agenda. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Sutton, Whiteley, Hicks, and Whisman
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	5:0:0

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.

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

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

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.

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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.

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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.*

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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 Broandband parcel. It may be better that all arrows point out the extends 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.*
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.*

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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).*

JR Donelson discussed the project with the Planning Commission. Mr. Donelson noted that the Preliminary Plat approval gave the authority to prepare plans for water, sewer, and stormwater detention. Mr. Donelson stated that there would be a small stormwater detention pond on Lot 1. Mr. Donelson stated that the water came from the church south across 111th St. S. and onto Ms.

Daniels' property. Mr. Donelson stated that [he and his client were] negotiating with her on an overland drainage easement. Mr. Donelson stated that the plan was to take the water to the stormwater detention facility in The Park at Southwood. Mr. Donelson stated that the development would have private waterlines, which would be looped.

Jerod Hicks discussed drainage plans with JR Donelson. Mr. Donelson noted that he had talked to *BTC* [*Broadband*] about working with them on drainage for their respective properties.

Chair Thomas Holland recognized Carl Snow of 11227 S. Mingo Rd., from the Sign-In Sheet. Mr. Snow expressed concerns for the development, including the plans to have the developer hire a lighting professional to certify compliance with the lighting restrictions. Matt Means of 10865 S. 94th E. Ave. stated that the professional must be certified and licensed with the State, and it would be a violation of ethics and code if they forged the report. Mr. Snow demurred. Discussion ensued between Mr. Snow, Mr. Means, and Chair Thomas Holland.

Chair Thomas Holland asked Erik Enyart if the Commission could defer to the City Attorney, and Mr. Enyart responded affirmatively.

Matt Means noted that the ministorage area would be that part which abutted Carl Snow's property. Mr. Means stated that this area would have an 8'-high fence, and the ministorage buildings would be 8' 6" in height to the eaves. Mr. Means described lighting plans to the Commissioners and Mr. Snow.

Carl Snow asked what would happen if his lighting professional's measurements were different than those of Matt Means. Erik Enyart stated that this outcome would be something he had not seen before, and was yet to be determined. Mr. Enyart speculated that, if the developer put together the lighting plan as a part of the Detailed Site Plan, and the Detailed Site Plan was presented to the Planning Commission and City Council as required, and if Mr. Snow's lighting plans were also presented but differed, then the City Attorney would have to advise how they should be reconciled. (At this time or later in the meeting, Mr. Snow noted that his plan was to have a lighting expert come to his property after the development was built and measure the lighting.)

Carl Snow referenced recommended Condition of Approval # 23 from the Staff Report and asked if the developer would be allowed to build up to the property line. Erik Enyart responded, "No," and said there would be "setbacks and easements."

Carl Snow stated that, at the City Council meeting, he had sat next to [the City Engineer], who agreed to meet with him on site to discuss the bridge on Mingo Rd., but that this had not yet occurred.

JR Donelson presented a copy of the Applicant's Architect's site plan and viewed and discussed it together with Carl Snow. Mr. Donelson stated that the preliminary site plan was required so that the easements could be placed on the Preliminary Plat.

Carl Snow referenced recommended Condition of Approval # 24 from the Staff Report and asserted that the box culvert was "blocked, 7/8 full with sediment." Mr. Snow stated that [this section of

Mingo Rd.] was old Highway 64, put in in the 1940s. Mr. Snow described it as a "dam" that "floods."

Carl Snow referenced recommended Condition of Approval # 25 from the Staff Report and asked if the PUD included the 8'-high fence. Erik Enyart responded that it was "in there" [already or otherwise] "it has to be." Mr. Enyart stated that the fence was required to satisfy the screening requirement of the Zoning Code.

Steve Sutton discussed with JR Donelson the drainage and bridge conditions of the area around the subject property. Mr. Donelson stated that the bridge culverts recently installed were done so by Tulsa County. Mr. Donelson described the drainage patterns from the north to south and west to east, due to the ridgeline. Mr. Donelson stated, "I cannot say 100% will go to the east, but it should with the 8' masonry fence." Steve Sutton confirmed with JR Donelson that the fence would have no holes.

Steve Sutton exhorted Carl Snow to "get your lighting consultant to meet with [Matt Means'] engineer and see if the math could be agreed upon on the front side." Mr. Snow indicated agreement, and stated "I wanted to head it off myself."

There being no further discussion, Steve Sutton made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat of "Brisbane Office Park" subject to all of the corrections, modifications, and Conditions of Approval as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:	
AYE:	Holland, Sutton, Whiteley, Hicks, and Whisman
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	5:0:0

OTHER BUSINESS

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.

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

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

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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.

Lance Whisman discussed the location with Erik Enyart.

There being no further discussion, Larry Whiteley made a MOTION to APPROVE BL-392. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Sutton, Whiteley, Hicks, and Whisman
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	5:0:0

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.

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

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

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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.

There being no further discussion, Larry Whiteley made a MOTION to APPROVE BL-393 with the Conditions of Approval as recommended by Staff. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Sutton, Whiteley, Hicks, and Whisman
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	5:0:0

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 7:17 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

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

NAME	ADDRESS	ITEM
1. JR Donelson		7 & 8
2. J Dyer	12630 S. Mingo Rd	7 & 8.
3. Carl Snow	11227 S. Mingo	8.
4. Matt Morris	10865 S. 94th E. Pl.	8
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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, August 13, 2014

RE: Report and Recommendations for:
BZ-376 – Joseph Guy Donohue for J.C. & Lila Morgan

LOCATION:
- 6636 E. 151st St. S. (to be re-addressed 7108 and 7110 E. 151st St. S.)
- Part of the NE/4 NW/4 of Section 23, T17N, R13E

LOT SIZE: 1 acre, more or less

EXISTING ZONING: IL Industrial Light District

EXISTING USE: Single family house

REQUESTED ZONING: CH Commercial High Intensity District

SUPPLEMENTAL ZONING: Corridor Appearance District

SURROUNDING ZONING AND LAND USE:

North: (Across 151st St. S.) AG; Vacant/wooded and agricultural land.

South: CH & RMH; The "Spectrum Plaza" trade center zoned CH and the Shadow Valley Mobile Home Park zoned RMH.

East: CH, RMH, and AG; The "Spectrum Plaza" trade center zoned CH, the Shadow Valley Mobile Home Park zoned RMH, and the former Conrad Farms' farmland further to the east and southeast.

West: CS, AG, & RS-1; The Applicant's property containing the *Bethesda Girls Home* at 7106 E. 151st St. S. and another nonresidential building (former location of the *Living Water Family Church*) at 7102 E. 151st St. S., *Bixby Chiropractic* at 7100 E.

151st St. S., and vacant/wooded and agricultural land at the southeast corner of 151st St. S. and Sheridan Rd. Across 151st St. S. to the northwest is rural residential along 68th E. Ave. and 149th / 148th St. S. in an unplatted subdivision possibly known as "Abbett Acres" zoned AG, the *Leonard & Marker Funeral Home* zoned CS and AG, a house on a 0.81-acre tract zoned RS-1 at 15015 S. Sheridan Rd., a church campus on a 1-acre tract zoned RS-1 (the new location of *Living Water Family Church*) at 15025 S. Sheridan Rd., and agricultural land zoned AG.

COMPREHENSIVE PLAN: Corridor + Industrial Area + Development Sensitive + Regional Trail + Community Trail

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

BZ-81 – Jerry Green – Request for rezoning from RMH to IL for approximately 4.8 acres, which included subject property and the (now) 3.4-acre "Spectrum Plaza" property abutting subject property to the south – PC Recommended Approval 03/31/1980 and City Council Approved 04/21/1980 (Ord. # 395).

BL-107 – Jerry Green – Request for Lot-Split approval to separate the subject property and the (now) 3.4-acre "Spectrum Plaza" property abutting subject property to the south – PC Approved 10/28/1985 and City Council Approved 11/12/1985 per case notes.

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

BBOA-70 – Luther Metcalf for Melvin Skaggs – Request for Special Exception to allow a single family dwelling (site built) in an RMH district for property of approximately 3 ¾ acres abutting subject property to the west and now addressed 7100, 7102, and 7106 E. 151st St. S. – BOA Approved 01/08/1980.

BBOA-137 – Lee Fox – Request for Special Exception to allow a mobile home on a previously 10.3-acre tract located to the northwest of subject property at 15015 S. Sheridan Rd. – BOA Denied 12/10/1984.

BBOA-230 – Twilah A. Fox, M.D. – Request for Special Exception per Zoning Code Section 310 to allow a Use Unit 5 church (now known as the *Living Water Family Church* at 15025 S. Sheridan Rd.) on the Southwest approximately 1.16 acres of a previously 10.3-acre tract located to the northwest of subject property at 15015 S. Sheridan Rd. – BOA Approved 09/04/1990.

BZ-199 – Dan Stilwell – Request for rezoning from RMH to CG for approximately 3 ¾ acres abutting subject property to the west and now addressed 7100, 7102, and 7106 E. 151st St. S. – PC recommended Approval 05/18/1992 and City Council Approved 05/25/1992 (Ord. # 667). However, the legal description used may not have closed and the ordinance did not contain the approved Zoning District. The official Zoning Map reflects CS instead of CG. Any interested property owner may petition the City of Bixby to reconsider a CG designation as an amendment to Ordinance # 667 per BZ-199, subject to the recommendations and instructions of the City Attorney.

BBOA-252 – Dan Stilwell – Request for Special Exception to allow horses as a Use Unit 20 use in the (then requested) CG district for property of approximately 3 ¾ acres abutting subject property to the west and now addressed 7100, 7102, and 7106 E. 151st St. S. – BOA Approved 06/01/1992.

BBOA-293 – Lee & Twila[h] Fox – Request for Variance from the minimum size and width bulk and areas standards of the AG district, to allow a Lot-Split (BL-184) on a

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previously 10.3-acre tract located to the northwest of subject property at 15015 S. Sheridan Rd. – BOA Approved 04/17/1995.

BL-184 – Joe Donelson for Lee & Twilah A. Fox – Request for Lot-Split approval to separate a 1-acre tract at 6668 E. 148th St. S. from an original tract of 10.3 acres located to the northwest of subject property at 15015 S. Sheridan Rd. – PC Approved 04/17/1995.

BBOA-345 – Twilah Fox – Request for "Special Exception" from Zoning Code Section 310 to allow a Use Unit 9 mobile home to be temporarily placed in the AG district for a formerly 9-acre tract located to the northwest of subject property at 15015 S. Sheridan Rd. – BOA Conditionally Approved 07/06/1999.

BZ-283 – Mike Marker – Request for rezoning from AG to CS for a 1.3-acre tract to the west of subject property and containing the *Leonard & Marker Funeral Home* main building at 6521 E. 151st St. S. – PC Recommended Approval 02/19/2002 and City Council Approved 03/11/2002 (Ord. # 848).

BBOA-381 – Mike Marker – Request for Variance from the parking standards of Zoning Code Chapter 10 Section 1011.4 for a 1.3-acre tract to the west of subject property and containing the *Leonard & Marker Funeral Home* main building at 6521 E. 151st St. S. – BOA Approved Variance, to include requiring 62 parking spaces, 05/06/2002.

BBOA-389 – Joe Donelson for Mike & Pam Marker – Request for Variance from the sign setback requirement of Zoning Code Chapter 2 Section 240.2(e) for a 1.3-acre tract to the west of subject property and containing the *Leonard & Marker Funeral Home* main building at 6521 E. 151st St. S. – BOA Approved 08/05/2002.

BZ-287 – Randy King – Request for rezoning from AG to CG for a 4-acre tract to the northwest of subject property at 6825 E. 151st St. S. – PC (09/16/2002) Recommended Denial and suggested that the item be brought back as a PUD; denial recommendation evidently not appealed to City Council.

AC-05-01-01 – Commercial buildings for the 3.4-acre "Spectrum Plaza" property abutting subject property to the south approved by the Architectural Committee on 01/27/2005.

BZ-325 – The Porter Companies, Inc. for Claxton/Clayton Broach Trust – Request for rezoning from AG to CS for a 150-acre tract located to the north of subject property in the 6900 : 7700-block of E. 151st St. S. – PC Recommended Approval 01/16/2007. Withdrawn by Applicant by letter dated 02/05/2007 (letter requested the application be "postponed… until such time that the Porter Companies take title to the property)."

AC-07-08-06 – Architectural Committee (08/20/2007) reviewed the building plans for a proposed new building for the 3.4-acre "Spectrum Plaza" property abutting subject property to the south and Continued the case pending the resolution of Zoning issues. AC took no action on 09/17/2007 due to discovery of lack of jurisdiction (building not within 300' Corridor Appearance District).

BBOA-460 – JR Donelson for Oman Guthrie – Request for Special Exception per Zoning Code Section 11-11-8 for an alternative compliance plan to parking and screening requirements in the CH Commercial High Intensity District for the 3.4-acre "Spectrum Plaza" property abutting subject property to the south – BOA Approved 10/01/2007.

BZ-335 – JR Donelson for Oman Guthrie – request for rezoning from IL to CH for the 3.4-acre "Spectrum Plaza" property abutting subject property to the south – PC Recommended Approval 10/15/2007 and City Council Approved 11/12/2007 (Ord. # 982).

BLPAC-1 – JR Donelson for Oman Guthrie – Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D for the 3.4-acre "Spectrum Plaza" property abutting subject property to the south – PC Conditionally Approved 11/19/2007.

BZ-356 – K.S. Collins for Lee & Twilah A. Fox – Request for rezoning from AG to RS-1 for a 0.81-acre tract section of a former 9-acre tract located to the northwest of subject property at 15015 S. Sheridan Rd. which 0.81-acre tract was then created per BL-384 – PC Recommended Approval 05/21/2012 and City Council Approved 06/11/2012 (Ord. # 2084).

BL-384 – K.S. Collins for Lee & Twilah A. Fox – Request for Lot-Split approval to separate a 0.81-acre tract from a then 9-acre tract located to the northwest of subject property at 15015 S. Sheridan Rd. – PC Conditionally Approved 05/21/2012.

BZ-369 – Lee & Twilah A. Fox – Request for rezoning from AG to RS-1 for a proposed 1-acre tract (containing a church campus at 15025 S. Sheridan Rd., which church is now known as the *Living Water Family Church*) section of a former 9-acre tract located to the northwest of subject property at 15015 S. Sheridan Rd. – PC Recommended Approval 12/16/2013 and City Council Approved 01/13/2014 (Ord. # 2125).

BL-389 – Lee & Twilah A. Fox – Request for Lot-Split to separate a 1-acre tract (containing a church campus, which church is now known as the *Living Water Family Church* at 15025 S. Sheridan Rd.) proposed for rezoning to RS-1 per BZ-369 – PC consideration pending 12/16/2013.

BACKGROUND INFORMATION:

The Applicant has expressed to Staff that the property would be used as an expansion of, or otherwise a use similar to the *Bethesda Girls Home* at 7106 E. 151st St. S. (abutting on the Applicant's property to the west). During the review of Site Plan and Building Permit applications for a building expansion on that property, Staff determined the *Bethesda Girls Home* was a Use Unit 5 "Residential Treatment Center" group home, permitted by right in the CS district per Zoning Code Section 11-7D-2 Table 1. A Residential Treatment Center is defined in Bixby Zoning Code Section 11-2-1 thus:

"RESIDENTIAL TREATMENT CENTER: A community based residential facility providing diagnostic or therapeutic services and long term room and board in a highly structured environment for its residents for alcoholism and drug abuse, mental illness or behavioral disorders."

The purpose of the application is to allow the proposed Use Unit (UU) 5 use of the subject property. UU 5 is not permitted by right in the existing IL district, but would be permitted by right in the requested CH district.

The Applicant, on the application form, stated that the use would be "home for youth addition to house," but specified Use Unit 2. This does not appear to be apt, since the closest potentially-matching Use Unit 2 uses[1] are housed in institutional buildings, not residential structures, and their residency and treatment are compulsory and invariably or typically imposed by the justice system.

[1] Such uses include "Adult detention center," "Convict prerelease center," "Correctional community treatment center," "Jail," "Juvenile delinquency center," and "Prison."

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The application is styled "BZ-376 – Joseph Guy Donohue for J.C. & Lila Morgan" because the Applicant was not yet in title to the property at the time of application. Per Tulsa County Assessor's records, the Applicant acquired the property by deed recorded July 30, 2014.

The current address is 6636 E. 151st St. S., but this address is inappropriate, as it suggests the property is immediately east of Sheridan Rd., but it is in fact located about 1/3 of a mile east of Sheridan Rd. and a few blocks east of 68th E. Ave. Prior to coming into title to the property, the Applicant expressed interest in having the buildings on the property re-addressed 7108 and 7110 E. 151st St. S. The first building number will be associated with the house, and the latter with the storage building on the property. Staff will perform the address reassignment shortly.

ANALYSIS:

Subject Property Conditions. The subject property is an unplatted tract of land zoned IL and contains a single family dwelling. The subject property is a rectangular lot with approximately 188' of frontage on 151st St. S. and 211.25' of depth, and so contains approximately 1 acre.

The subject property is relatively flat and appears to drain to the east and/or south, ultimately to Bixby Creek.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor (2) Industrial Area, (3) Development Sensitive, (4) Regional Trail, and (5) Community Trail.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the requested CH district *May Be Found In Accordance* with the Corridor and Development Sensitive designations 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.

The site is developed, and so this test does not appear to apply. Staff notes that the requested CH district and commercial use should not be considered substantially inconsistent with the Industrial Area land use designation of the Comprehensive Plan Land Use map, recognizing that the Zoning Code commonly permits commercial uses in industrial districts.

The Comprehensive Plan Land Use Map designates a Regional Trail along 151st St. S. between Memorial Dr. and Harvard Ave. It is shown on the north side of 151st St. S. until it crosses to the south side approximately where the subject property is located, and continuing on this south side to Harvard Ave. The Land Use Map also designates a Community Trail more or less along paralleling Bixby Creek from the old Railroad line south of 141st St. S. to its former (pre-channelized) confluence with the Arkansas River. This trail appears to cross 151st St. S. at or near the northeast corner of the subject property. The Matrix only includes, and the Zoning Code only requires consistency with the land use elements for rezoning purposes, not the Public Facilities / Urban Design Elements such as trails.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily CS, CH, RMH, AG, and RS-1, as depicted on the case map and as described in further detail in the paragraphs that follow.

Across 151st St. S. to the north is vacant/wooded and agricultural land zoned AG.

The 3.4-acre "Spectrum Plaza" trade center property, zoned CH, abuts to the south and east. Further south and east is the Shadow Valley Mobile Home Park zoned RMH. Beyond this to the east and southeast is the former Conrad Farms' farmland.

Abutting to the west is approximately 3 ¾ acres of CS zoning consisting of the Applicant's property containing the *Bethesda Girls Home* at 7106 E. 151st St. S. and another nonresidential building (former location of the *Living Water Family Church*) at 7102 E. 151st St. S. and the *Bixby Chiropractic* at 7100 E. 151st St. S.. A large vacant/wooded and agricultural acreage is located further west at the southeast corner of 151st St. S. and Sheridan Rd.

Across 151st St. S. to the northwest is rural residential along 68th E. Ave. and 149th / 148th St. S. in an unplatted subdivision possibly known as "Abbett Acres" zoned AG, the *Leonard & Marker Funeral Home* zoned CS and AG, a house on a 0.81-acre tract zoned RS-1 at 15015 S. Sheridan Rd., a church campus on a 1-acre tract zoned RS-1 (the new location of *Living Water Family Church*) at 15025 S. Sheridan Rd., and agricultural land zoned AG.

The requested CH zoning would be a logical extension of the established 3.4-acre CH district ("Spectrum Plaza" property) abutting subject property to the south. This CH district was relatively-recently approved, in 2007. Further, the requested CH zoning would be consistent with the approximately 3 ¾-acre CS district (possibly approved or intended for approval for CG) abutting subject property to the west and now addressed 7100, 7102, and 7106 E. 151st St. S.

In Staff's opinion, the subject property of 1 acre is not used for industrial, is not an industrial property in fact, and is too small and inappropriately located for industrial use. The area is not conducive to industrial development or use. CH zoning is somewhat similar to IL zoning, but

permits more commercial uses by right and requires, for example, Special Exception approval for a Use Unit 25 Light Manufacturing and Industry uses. Therefore, the requested zoning would be considered a 'downzoning,' as it would further restrict the intensity of land uses permitted.

The surrounding zoning and land use patterns appear to support the requested rezoning to CH.

Staff Recommendation. For the reasons outlined above, Staff is supportive of CH zoning, but with a PUD if determined necessary by the City Council upon Planning Commission recommendation.

Amended Zoning Code Section 11-5-2, per Ordinance # 2137 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 subject property is designated Corridor, but not "Commercial Area" or "Vacant, Agricultural, Rural Residences, and Open Land." Therefore, neither the land use policy amendment to the Comprehensive Plan nor the requirement for a PUD per Zoning Code Section 11-5-2 apply to the subject property. However, it would still be appropriate to request the rezoning be done with a PUD per the City's longstanding practice to request PUDs for intensive rezonings, in order to allow the City to control the land uses, land use intensities, and development and land use standards, for the sake of compatibility.

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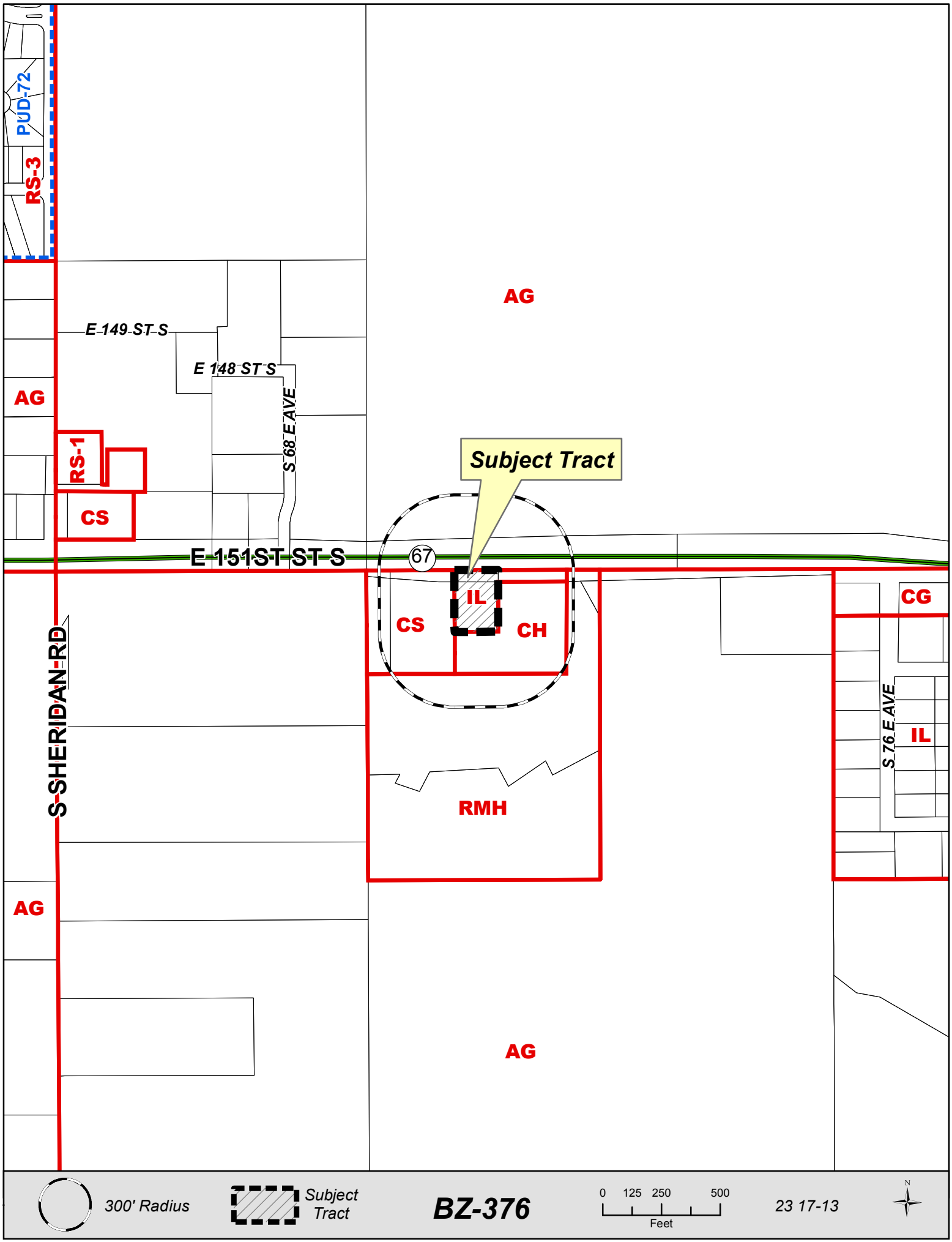
PUD-72
RS-3
AG
E 149 ST S
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S 68 E AVE
AG
RS-1
CS
Subject Tract
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67
IL
CS
CH
CG
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S 76 E AVE
IL
RMH
AG
AG
300' Radius
Subject Tract
BZ-376
0 125 250 500
Feet
23 17-13
N

City of Bixby
Application for Rezoning

Applicant: Joseph Guy DONOHUE
Address: 6809 East 115th St. South Bixby OK 74008
Telephone: 918 296 3640 Cell Phone: 918 629 1010 Email: gdonohue@sbcglobal.net

Property Owner: JC MORGAN TRUST If different from Applicant, does owner consent? YES
Property Address: 6636 E. 151 ST Bixby OK
Existing Zoning: _____ Requested Zoning: CH Existing Use: Home For children
Proposed Use: Home For youth Addition To House Use Unit #: 2

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

See ATTACHMENT A. & B

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

If Applicant is other than Owner, indicate interest: I AM purchasing PROPERTY

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

BILL ADVERTISING CHARGES TO: Joseph Guy DONOHUE (NAME)
6809 E. 115 ST South Bixby (ADDRESS) (CITY) 918 629 1010 (PHONE)

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

Signature: Joseph Guy Donohue Date: 7/17/2014

APPLICANT – DO NOT WRITE BELOW THIS LINE

BZ-376 Date Received 07/17/2014 Received By Enyart Receipt # _____
Planning Commission Date 08/18/2014 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	CH	<5	$100.00	50.00	$150.00

PC Action _____ City Council Action _____
DATE / VOTE _____ DATE / VOTE _____
STAFF REC. _____ ORD. NO. _____
Building Permit # _____ Case Reference # _____

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Attachment A

TULSA COUNTY CLERK

THIS INDENTURE, Made this 11th day of APRIL A. D., 1991

between KENNITH LEON JAMES, AKA LEON JAMES

of TULSA County, State of OKLAHOMA, of the first part, and J.C. MORGAN, AND LILA FAYE MORGAN, HUSBAND AND WIFE

of the second part.

WITNESSETH, That said part Y of the first part, in consideration of the sum of TEN DOLLARS and other good and valuable considerations to be duly paid, the receipt whereof is hereby acknowledged, do es hereby quit-claim, grant, bargain, sell and convey unto the said part ies of the second part, and to their heirs and assigns forever, all his right, title, interest and estate, both at law and in equity of, in and to the following described real estate situated in the County of TULSA, and State of Oklahoma, to-wit:

THE NORTH 261 FEET OF THE WEST 188 FEET OF THE TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER(NE/4 NW/4) OF SECTION TWENTY THREE(23) ,TOWNSHIP SEVENTEEN(17) NORTH, RANGE THIRTEEN(13) EAST, IN TULSA COUNTY,OKLAHOMA,BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE 372.45 FEET EAST OF THE NORTHWEST CORNER OF THE NE/4 OF THE NW/4; THENCE S 00 01' 26" EAST A DISTANCE OF 440' THENCE SOUTH 89 56' EAST A DISTANCE OF 477.67 FEET; THENCE N 00 00' 43" W, A DISTANCE OF 440 FEET, THENCE N 89 56' W, ALONG THE NORTH LINE OF THE NE/4 A DISTANCE OF 477.90 FEET TO THE POINT OF BEGINNING

CANCELLED
JOAN HASTINGS
Tulsa County Clerk
By

OKLAHOMA Documentary Tax
Commission
JUN 4 91
82.50

Together with all and singular the hereditaments and appurtenances hereunto belonging.

To have and to hold the above granted premises unto the said part ies of the second part their heirs and assigns forever.

IN WITNESS WHEREOF, The said part Y of the first part has hereunto set his hand the day and year first above written.

STATE OF OKLAHOMA)

KENNITH LEON JAMES

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Agreement to Sell Real Estate ATT. B

This Agreement is made on May 7, 2014 between Mark A. Morgan, Successor Trustee of the Revocable Trust of JC and Lila Faye Morgan U/A/D 05/18/2005, of 5420 So. Marion Place, City of Tulsa, State of Oklahoma, and Joseph Guy Donohue, Buyer, of 6809. E. 115 St South, City of Bixby, State of Oklahoma.

The Seller now owns the following described real estate, Located at 6636 E. 151st St South City of Bixby, State of Oklahoma:

See Attachment A for a full Legal description

For valuable consideration, the Seller agrees to sell and the Buyer agrees to buy this property for the following price and on the following terms: $207,000.

1. The Seller will sell this property to the Buyer free from all claims, liabilities, and indebtedness, unless noted in this agreement. AS IS unless otherwise specified in this agreement.

2. The following personal property is also included in this sale: N/A.

3. The Buyer agrees to pay the Seller the Sum of $207,000, which the Seller agrees to accept as full payment. This Agreement, however, is conditional upon the Buyer being able to arrange suitable financing on the following terms at least thirty (30) days prior to the closing date for this Agreement: a mortgage in the amount of 160,000.00, payable in 1100.00 monthly payments, with an annual interest rate of 5.5 percent.

4. The purchase price will be paid as follows:

Earnest deposit (upon signing this agreement)	$ 2,000
Other deposit: N. A.	$
Cash or certified check on closing (subject to any adjustments or pro-rations on closing)	$ 205,000
Total Purchase Price	$ 207,000

5. The Seller acknowledges receiving the earnest money deposit of $ 2,000 from the Buyer. If Buyer fails to perform this Agreement, the Seller shall retain this money. If Seller fails to perform this Agreement, this money shall be returned to the Buyer or the Buyer may have the right to specific performance. If Buyer is unable to obtain suitable financing at least thirty (30) days prior to closing, then this money will be returned to the Buyer without penalty or interest. If for any other reason the Buyer decides to cancel this contract, other than pursuant to Section 15 below, without prior agreement by both parties, the earnest money will be retained by the Seller. MM 6/20/14

JULY 30, 2014

6. The closing date for this transaction is scheduled on or about ~~June 20th, 2014~~, at 10 AM o'clock, at Guaranty Abstract Company located at 5992 S. Yale, City of Tulsa, State of Oklahoma. 6/20/14

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Agreement to Sell Real Estate

This Agreement is made on May 7, 2014 between Mark A. Morgan, Successor Trustee of the Revocable Trust of JC and Lila Faye Morgan U/A/D 05/18/2005, of 5420 So. Marion Place, City of Tulsa, State of Oklahoma, and Joseph Guy Donohue, Buyer, of 6809. E. 115 St South, City of Bixby, State of Oklahoma.

The Seller now owns the following described real estate, Located at 6636 E. 151st St South City of Bixby, State of Oklahoma:

See Attachment A for a full Legal description

For valuable consideration, the Seller agrees to sell and the Buyer agrees to buy this property for the following price and on the following terms: $207,000.

1. The Seller will sell this property to the Buyer free from all claims, liabilities, and indebtedness, unless noted in this agreement. AS IS unless otherwise specified in this agreement.

2. The following personal property is also included in this sale: N/A.

3. The Buyer agrees to pay the Seller the Sum of $207,000, which the Seller agrees to accept as full payment. This Agreement, however, is conditional upon the Buyer being able to arrange suitable financing on the following terms at least thirty (30) days prior to the closing date for this Agreement: a mortgage in the amount of 170,000.00, payable in 1100.00 monthly payments, with an annual interest rate of 5.5 percent.

4. The purchase price will be paid as follows:

Earnest deposit (upon signing this agreement)	$ 2,000
Other deposit: N. A.	$
Cash or certified check on closing (subject to any adjustments or pro-rations on closing)	$ 205,000
Total Purchase Price	$ 207,000

5. The Seller acknowledges receiving the earnest money deposit of $ 2,000 from the Buyer. If Buyer fails to perform this Agreement, the Seller shall retain this money. If Seller fails to perform this Agreement, this money shall be returned to the Buyer or the Buyer may have the right to specific performance. If Buyer is unable to obtain suitable financing at least thirty (30) days prior to closing, then this money will be returned to the Buyer without penalty or interest. If for any other reason the Buyer decides to cancel this contract, other than pursuant to Section 15 below, without prior agreement by both parties, the earnest money will be retained by the Seller.

MM 6/20/14

JULY 30, 2014

6. The closing date for this transaction is scheduled on or about ~~June 20th, 2014~~, at 10 AM o'clock, at Guaranty Abstract Company located at 5992 S. Yale, City of Tulsa, State of Oklahoma.

6/20/14

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14. Seller agrees to provide Buyer with a Real Estate Disclosure Statement (or its equivalent that is acceptable in the State in which the property is located) within five (5) days of signing of this Agreement. **(See Attachment B)** Upon receipt of the Real Estate Disclosure Statement from Seller, the Buyer shall have five (5) business days within which to rescind this Agreement by providing Seller with a written and signed statement rescinding this Agreement. The disclosures in the Real Estate Disclosure Statement are made by the seller concerning the condition of the property and are provided on the basis of the seller's actual knowledge of the property on the date of this disclosure. These disclosures are not the representations of any real estate agent or other party. The disclosures themselves are not intended to be a part of any written agreement between the buyer and seller. In addition, the disclosure shall not, in any way, be construed to be warranty of any kind by the seller. *California Additional Disclosure Requirements* for sales of residential property: Seller shall provide any required disclosures under applicable California law within 15 days after the signing of this Agreement, including California Real Estate Transfer Disclosure Statement, California Natural Hazard Disclosure Statement, and any additional require disclosures, including (a) local or county disclosures, (b) industrial use disclosures, (c) military ordinance disclosures, or (d) Mello-Roos Community Facilities Act disclosures. Buyer has the right to cancel this Agreement within three (3) days after receipt of each of such disclosures, and have all earnest money or deposits returned. *California Additional Required Notice for sale of residential property*: The California Department of Justice, sheriff's departments, and police departments serving jurisdictions of 200,000 or more and many other local law enforcement authorities maintain for public assess a data base of the locations of persons required to register pursuant to paragraph (1) of subdivision (a) of Section 290.4 of the California Penal Code. The data base is updated on a quarterly basis and a source of information about the presence of these individuals in any neighborhood. The Department of Justice also maintains a Sex Offender Identification Line through which inquiries about individuals may be made. This is a "900" telephone service. Callers must have specific information about individuals they are checking. Information regarding neighborhoods is not available through the "900" service.

15. The parties also agree to the following additional terms:

1. The roof is to be inspected by the Seller's insurer and repaired if there is damage found that is covered by said insurer. A report stating the condition of the roof will be provided to the Buyer within ___10___ business days of the signing of this Agreement. The Seller shall not be responsible for repairs in excess of the Insurance Check amount, if any.
2. This property is sold AS IS, unless otherwise specifically provided in this Agreement..
3. The cost of any inspections including EMP, HVAC, Structural, are the sole responsibility the Buyer.
4. The cost of a Termite inspection is the responsibility the Buyer.
5. At least thirty (30) days prior to Closing, Buyer shall have the right, at Buyer's own expense, to obtain a written report from a licensed termite inspector in regard to possible termite infestation or damage to the property, or the absence thereof, and to inspect all heating, air conditioning, electrical and mechanical systems of the property, the roof and all structural components of the property, and any personal property included in this Agreement. Seller shall not be responsible for any costs of any such repair. If, as a result of timely inspections, the total of such costs relating to termite infestation and/or damage and the costs to restore heating, air conditioning, electrical and mechanical systems of the property to working order, based on valid estimates from licensed and/or professional inspectors/service providers, collectively exceeds two percent (2%) of the purchase price, then Buyer shall have the option to rescind this Agreement and receive a refund of Buyer's earnest money deposit.

The above terms are understood and agreed to by: Seller MM Buyer

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16. No modification of this Agreement will be effective unless it is in writing and is signed by both the Buyer and Seller. This Agreement binds and benefits both the Buyer and Seller and any successors and assigns. Time is of the essence of this Agreement. The acceptance of a deed by the Buyer shall be considered full performance of every obligation of the Seller under this Agreement. This document, including any attachments, is the entire agreement between the Buyer and Seller. This Agreement is governed by the laws of the State of Oklahoma.

Signature of Seller

Signature of Witness for Seller

Mark Morgan
Printed Name of Seller

Signature of Witness for Seller

Signature of Buyer

Signature of Witness for Buyer

Joseph Guy Donohue
Printed Name of Buyer

Signature of Witness for Buyer

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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

Date: Wednesday, August 13, 2014

RE: Report and Recommendations for:
Final 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 "Brisbane Office Park"

EXISTING USE: A house and vacant/wooded land

REQUEST: Final 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*.

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 and Approved by ordinance with Emergency Clause 08/11/2014 (Ord. # 2140).

Preliminary Plat of Brisbane Office Park – Request for approval of a Preliminary Plat and Modification/Waiver to allow Lot 2, Block 1, to have no frontage on a private or public street for subject property – PC recommended Conditional Approval 07/21/2014 and City Council Conditionally Approved plat and Modification/Waiver 08/11/2014.

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BACKGROUND INFORMATION:

For the sake of efficiency, Staff has replaced the Deed of Dedication and Restrictive Covenants filed with the Final Plat application, received July 21, 2014, with those attached to the latest Preliminary Plat, received August 11, 2014. There still remain corrections to be made to these, as listed in the recommendations below.

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, apparently roughly coterminous with the property's westerly line. This ridgeline forms a watershed (drainage divide) separating the Fry Creek Ditch # 1 and the Haikey Creek drainage basins. Per the elevation contours on the Preliminary Plat, all or almost all of the subject property naturally drains to the east and south to the Haikey Creek drainage basin. Upon completion of grading, paving, stormwater drainage and detention, and masonry screening wall improvements, all of the property will drain to the east and south.

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 and PUD 60 Major Amendment # 1 were both approved by ordinances of the City Council, PUD 60 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 Final Plat appears to conform to the Zoning Code, Subdivision Regulations, and PUD 60 as amended by Major Amendment # 1.

The Technical Advisory Committee (TAC) reviewed this application on August 06, 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.

With the Preliminary Plat, on August 11, 2014, the City Council approved 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 was requested by letter received August

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11, 2014, and was described as being justified by citing the configuration of the subject property and the Approved PUD 60 and PUD 60 Major Amendment # 1, which specifically designed the development in this manner and provided that the frontage requirement was set aside.

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 Final Plat with the following corrections, modifications, and Conditions of Approval:

1. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
2. Limits of No Access (LNA) and Access Openings subject to City Engineer and Fire Marshal approval.
3. 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.
4. Please identify "right-of-way dedicated by this plat" to 26.9' of right-of-way to be dedicated.
5. Please restore 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.
6. 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 Broandband* parcel. It may be better that all arrows point out the extents of the U/Es, and not point to them. A line with double-arrows can sometimes be more spatially efficient.
7. 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)
8. Please add missing underlying zoning district boundaries as required by SRs Section 12-4-2.B.3.

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9. Please add proposed addresses to Lot 2 and Reserve A. 10422 E. 111th St. S. should not be retained for Lot 1, as it is over 1,000' west of 103rd E. Ave. A more accurate address would be in the 9900-block of E. 111th St. S.
10. Plat missing notes pertaining to monumentation (reference SRs Section 12-1-8).
11. Please restore solid black line around the northeast corner of the subject property indicating plat boundaries.
12. Subdivision statistics: Claims two (2) Reserve Areas but only one (1) observed.
13. Please resolve text/linework conflicts at the 51.90' proposed lot line.
14. 15' U/E abutting to the south in *Southwood East* – please label width and citation ("per Plat # _____") if/as may be the case.
15. Please add different linetypes to the Legend for the sake of clarity and/or consider using shading or hatching to differentiate areas currently congested with multiple linetypes. In any event, please use different linetypes for different features if/where presently shared.
16. Please supplement Legend with any missing linetypes, abbreviations, and symbols used (e.g. CenterLine, "WL ESMT," B/L linetype, etc.).
17. DoD/RCs: DoD/RCs Section 5 now provides 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. Consider updating DoD/RCs 3.A.2 to assign perpetual maintenance responsibility to the POA, if/as appropriate, rather than StoreTulsa.com. 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.
18. 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.
19. DoD/RCs: Consider updating to incorporate language requested by AEP-PSO by email on August 06, 2014, regarding overhead electrical lines along 111th St. S.
20. DoD/RCs Preamble: Owner, StoreTulsa.com, LLC, must be in title to the subject property prior to Final Plat recording.
21. 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."
22. DoD/RCs Section 2: Please update with final PUD language upon City Council approval by ordinance.
23. DoD/RCs Section 3.A.3: 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. This section was removed, and needs to be restored and then reconciled with the item as written.

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24. DoD/RCs Section 4.[B]: Since the DoD/RCs were renumbered, please add to list of sections requiring City of Bixby concurrence "all of Section 4." Section 3 may be removed as it was originally intended.
25. DoD/RCs Section 3.[C]: May have a redundancy – please check and address if/as needed.
26. DoD/RCs Section 4.[C]: Final paragraph should be restored and should likely have a subsection number. i.e. "Any successor(s) in title to the lots within…"
27. DoD/RCs Section 1.D.3: Reference to Reserve B added, which Reserve B is not represented on the plat.
28. DoD/RCs Section 3.B converted to Section 4. However, subsection "[A]" retained, and titles should be reconciled. Subsections 1 through 4, inclusive, should be renumbered consistent with the balance of the DoD/RCs, i.e. A, B, C, and D.
29. DoD/RCs Section 5.A provides "StoreTulsa.com, LLC has formed the "BRISBANE OFFICE PARK PROPERTY OWNERS ASSOCIATION, Inc…" 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…" Please also reconcile balance of section.
30. DoD/RCs Section 5.C: Please check Oklahoma law to see if delinquent assessment liens can be made a "personal obligation."
31. DoD/RCs Section 5.D: Please check Oklahoma law to see if delinquent assessment liens can be made a "personal obligation" which "shall not pass through to successors-in-title."
32. Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
33. 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).
34. Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

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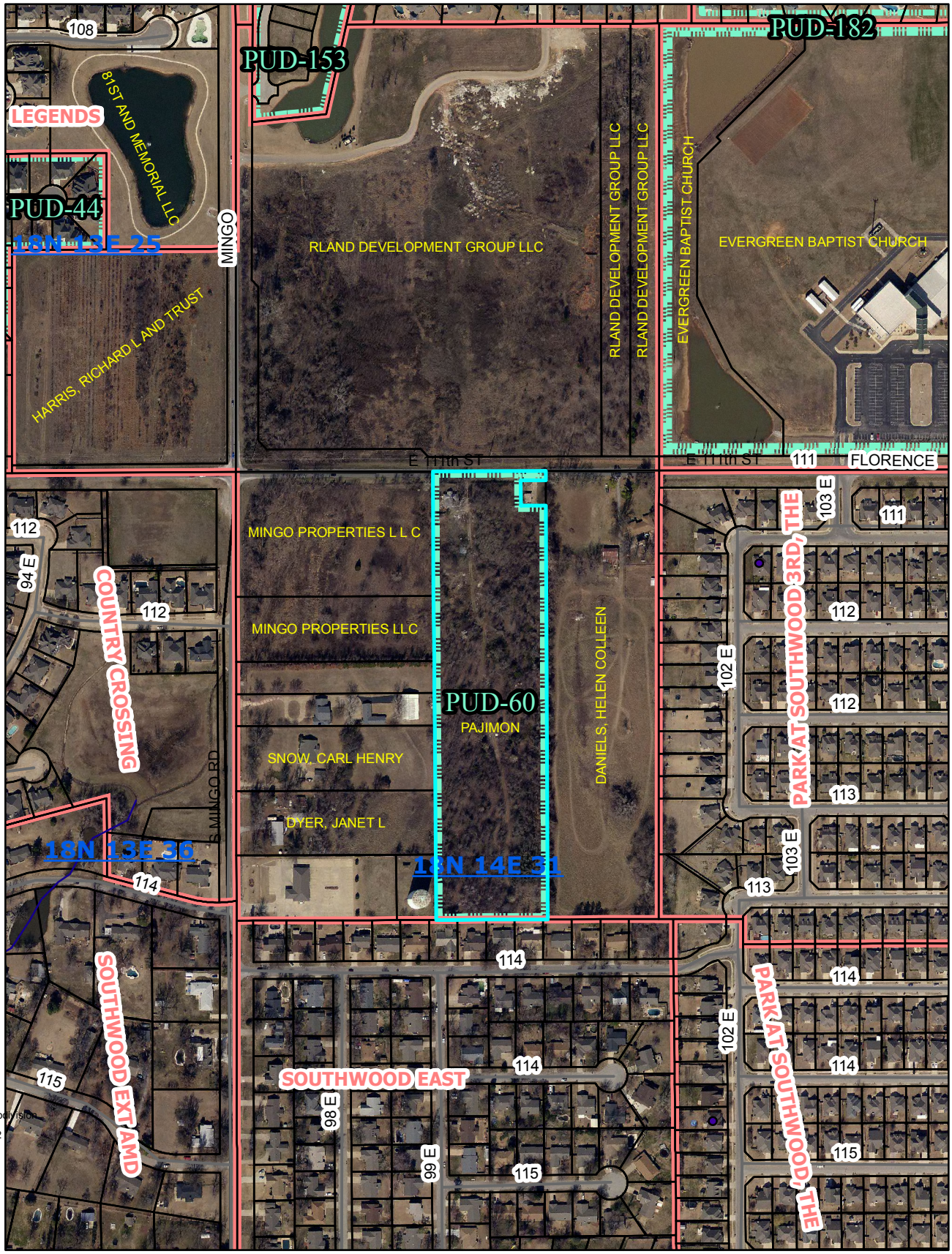
Final Plat of "Brisbane Office Park"



0 220 440 880 1,320 1,760 Feet

City of Bixby ~ Planning
Printed 07/30/2014

Bixby
Fire Marshal's Site Plan Review Worksheet

Date of Review: 7-24-2014 Permit Number: _____
Business/Bldg Name: Brisbane Office Park Address of Project: 111th
Designer Name: JR Donelson, Inc. Designer's Phone: (918) 394-3030

The numbers that follow worksheet statements represent a IFC code section unless otherwise stated. Appendix D and the references noted below are not mandatory unless the AHJ has incorporated the Appendix as a regulatory requirement.

Worksheet Legend: X or OK = no problem, **N** = need to provide, **NA** = not applicable

Access:

1. X Drawings are provided.
2. X The required fire department access roads is a minimum unobstructed 20 ft. in width and 13 ft. 6 in. clear height, IFC 503.2.1. Check with local or state requirements that may have street planning regulations that supercede the IFC requirements.
3. N "No Parking Fire Lane" signs are provided at AHJ prescribed locations, IFC 503.3.
4. X Required fire department access roads are designed to support an apparatus with a gross axle weight of 75,000 lb, engineering specifications are provided, IFC App D102.1.
5. X Required fire department access roads are an all-weather driving surface such as asphalt, concrete, chip seal (oil matting), or similar materials, IFC 503.2.3.
6. X The proposed building does have an emergency vehicle access road within 150 ft. of any exterior portion of the structure, if not, a fire department access road must be provided, IFC 503.1.1.
7. X The grade for required fire department access road does not exceed 10 percent unless approved by the Chief, Appendix D103.2.
8. NA A local jurisdiction alternative to the 10 percent grade restriction could be the following: If the grade exceeds 10 percent, the first portion of the grade shall be limited to 15 percent for a length of 200 ft. and then 15 percent to 20 percent for a maximum of 200 ft., repeat the cycle as necessary unless the building is sprinklered.
9. X No access drive grades are greater than 10 percent if Appendix D is applicable at the local level, Appendix D 103.
10. X The access road design for a maximum grade conforms to specifications established by the fire code official, IFC 503.2.7.
11. NA The dead-end fire department access roads (s) in excess of 150 ft. is provided with a turn-around, IFC 503.2.5.
12. NA The turn-around cul-de-sac has an approved inside and an outside radius, e.g. 30 ft. 50 ft. respectively, a hammerhead design is a minimum 70 ft. L x 20 ft. W, or another approved design may be used, IFC 503.2.4.
13. X The turning radius for emergency apparatus roads is 30 ft. inside and 50 ft. outside radius or as approved by the code official.
14. X Fire department access roads shall be constructed and maintained for all construction sites, IFC 1410.1.
15. NA Dead-end streets in excess of 150 ft. resulting from a phased project are provided an approved temporary turnaround, IFC 503.2.5.

Water Flow and Hydrants: An in-depth plan review for private hydrants and private water mains will occur during the project plan review phase.

16. N A fire flow test and report is provided to verify that the fire flow requirement is available. Also, refer to the note at the bottom of the page.
17. N Water mains and pipe sizes are detailed on the site plan, IFC 508.1.
18. X All water mains and hydrants shall be installed and operate as soon as combustible materials arrive on a construction site, IFC 1412.1.

19. N The nearest hydrant(s) to the project structure and/or property road frontage are shown on the plan.

20. NA Prior to the installation of private water main systems, plans shall be submitted for a permit, review and approval.

21. N Hydrant spacing 300 feet maximum within a commercial district.

Note: When a hydrant water flow report is required, the test should be performed by the local water purveyor or a company approved by the water purveyor. The report shall provide the water pressures measured and provide the available GPM at 20 PSI residual pressure. Existing reports may be used if not dated more than 3 years ago or as approved by the code official.

Additional Comments:

Item 3- Will be field addressed.
Item 16- Will need a fire flow report of nearest fire hydrant.
Item 17- Need water line sizes and hydrant locations.
- Fire Hydrant spacing no further than 300 feet.
- Brand AVK or Mueller Chrome Yellow.
- Fire line supporting hydrants shall be looped.

All Gates Shall meet IFC 2009 Chapter 5 and Appendix D.

PUD 60 "Brisbane Office Park" is approved by this office with above conditions being met.

Review Date: 7-24-2014	Approved or Disapproved	FD Reviewer:
Review Date:	Approved or Disapproved	FD Reviewer:
Review Date:	Approved or Disapproved	FD Reviewer:

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MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
August 04, 2014 – 10:00 AM

MEMBERS PRESENT
Jim Peterson, *BTC Broadband*

STAFF PRESENT
Erik Enyart, AICP, City Planner, City of Bixby

OTHERS PRESENT
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 10:06 AM.

2. **Final Plat – "Brisbane Office Park" – JR Donelson, Inc. (PUD 60).** Discussion and comment on a Final 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 noted that, prior to the start of the meeting, he had discussed the stormwater drainage and detention status with Jim Peterson of *BTC Broadband*, and asked JR Donelson if there was now supposed to be a stormwater detention pond or facility within Lot 1. Mr. Donelson stated that he had contacted the City Engineer and hoped to hear back that day on what would be required. Mr. Donelson described plans for an overland drainage easement on the Daniels property to the east, to go to [the stormwater detention pond in The Park at Southwood subdivision], and stated that, if that "Reserve Area B" was not ultimately required, it would still flow to the Daniels property but that area would be greenspace due to existing, natural drainage. Mr. Enyart clarified with Mr. Donelson that the area would drain some portion of the office buildings to be constructed on Lot 1. Mr. Donelson stated that he expected to have the revised Preliminary Plat in that day for the Monday, August 11, 2014 City Council meeting.

Erik Enyart asked Matt Means when he could expect to receive the PUD 60 Major Amendment # 1 package. Mr. Means stated that he was waiting for a photometric plan to be amended, but hoped to have it to Mr. Enyart that day, as it was originally expected the day before. Mr. Enyart stated that, if he got it that day, he should have enough time to review it and get it to the City Council for their Monday, August 11, 2014 meeting. Mr. Means stated that the photometric plan was being modified

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to show the screening wall and to show the footcandles reduced to 0 at the property lines. Mr. Means stated that he was going to give the plan to [neighbor Carl Snow].

JR Donelson stated that parking was being added to the north 20' of Reserve A, since the PUD language required parking for the ministorage. Mr. Donelson read the relevant part of the parking requirements language in the PUD text. Mr. Donelson later clarified that the plan was to reduce the size of Reserve Area A by 20' and give that to Lot 2. Erik Enyart noted that this would necessitate new legal descriptions, and Mr. Donelson indicated agreement. Mr. Enyart confirmed with Mr. Donelson that this would cause the review to take longer. Mr. Enyart stated that one would expect to see the parking in front of the ministorage entrance, not behind it. Mr. Enyart suggested that there may be enough parking in the office park area to share with the ministorage, and then suggested that, while the PUD was open, the Applicant could rewrite the parking language to say "no parking required; we'll build what we build." Mr. Donelson advised Matt Means to have Weldon [Bowman of W Design, LLC] put that in the PUD for Development Area B. Mr. Enyart stated that he had not yet received the [PUD Detailed] Site Plan, and advised Mr. Means to have W Design count the parking spaces they are presently showing [in Development Area A] and compare to the parking standards in the PUD, as too much or too little parking would be a problem. Mr. Enyart then recommended that the parking language throughout the PUD simply state that minimum and maximum parking will be established upon PUD Detailed Site Plan approval, and to also put in the PUD language that there will be a mutual parking privileges covenant with the plat providing that excess parking spaces on one [Development Area/Lot] can be shared by the other and vice-versa. Mr. Enyart stated that this may already be listed in the recommendations. Mr. Means indicated agreement. Mr. Donelson stated that, in that case, no changes to the plats or PUD would be required.

Jim Peterson of *BTC Broadband* discussed communications needs with Matt Means for the office buildings and the two (2) gates to the ministorage development. Mr. Peterson asked about the leasing office for the ministorage business, and Mr. Means stated that he would likely use one of the office spaces in [the office park development] as the leasing office and not construct a separate leasing office building.

Discussion ensued regarding drainage patterns as related to the *BTC Broadband* property. Erik Enyart confirmed with JR Donelson that drainage does not go to the borrow ditch along 111th St. S., but rather goes to the south.

Jim Peterson confirmed with JR Donelson and Matt Means that the 8'-high masonry fence would be erected around the *BTC Broadband* property. Mr. Peterson asked how drainage would be handled to ensure it did not back up onto the *BTC Broadband* property, and Mr. Donelson stated that they would install "pipes to allow it to come onto us."

Discussion ensued regarding 111th St. S. and Mingo Rd. bridges, drainage patterns, planned area development which could affect drainage patterns, and former lawsuit(s) between the City of Bixby and the City of Broken Arrow over drainage in this area.

JR Donelson, Matt Means, and Jim Peterson discussed potential measures of cooperation on costs for design elements which would have mutual benefits such as the screening wall, planned

landscaping around the *BTC* site which would improve both properties, and access to the *BTC* site through the office park development, rather than the existing and the dangerous access off of 111th St. S. (which would require a retrofit to improve the safety of access). Mr. Peterson agreed to give Mr. Means' phone number to Kim Hood to discuss such possibilities.

JR Donelson and Matt Means asked Erik Enyart about the City's property with the old watertower on it. Mr. Donelson asked Mr. Enyart if the way to get the City to declare the property surplus was not to write a letter to the City Attorney. Mr. Enyart agreed that this would work, as it would initiate action and the letter would prompt the City to respond. Mr. Enyart confirmed with Mr. Donelson that[, if declared surplus,] the City would likely go with the highest bid.

Erik Enyart stated that he had not yet begun his review, but it would follow closely the recommendations made for the Preliminary Plat. Mr. Enyart stated that he did not expect to find anything that would be a surprise. Mr. Donelson indicated agreement and stated that he had incorporated the Preliminary Plat review comments into the Final Plat.

Jim Peterson left around this time.

Erik Enyart confirmed stated that he had no further comments and confirmed with JR Donelson and Matt Means that they had none either.

3. Old Business

4. New Business

5. Meeting was adjourned at 10:36 AM.

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BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, August 06, 2014

NAME	COMPANY	PHONE
1. Jim Peterson	BTC Broadband	918-366-0253
2. MATT MEANS	SMREMSA.COM	918.381.9655
3. JR Danielson		918-394-3030
4. Erik Enyart	C o Bixby	366 4430
5.		
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Erik Enyart

From: Steve Williams [stwilliams1@aep.com]
Sent: Wednesday, August 06, 2014 2:38 PM
To: JR Donelson
Cc: Erik Enyart; Lonny Hicks
Subject: Bixby TAC - Brisbane Office Park Final Plat

Gentlemen,

PSO would like to have the covenant language changed to allow overhead lines in the easement on the northside of the subdivision. Currently there is no overhead on the southside of 111th, but there may be a need in the future and this allows PSO to put overhead in easement and not in road rights of way.

The covenants need to be changed to:
B. Underground Electric and Communication Service

1. Overhead pole lines for the supply of electric and communication service may be located in easement along the North boundary of the addition.

This is standard language that should be on any plat that is adjacent to a section line road.

Thank you

Steve Williams

Project Coordinator
Distribution Engineering
Office (918) 599-6506
Cellular (918) 344-8964
Fax (866) 947-0875
stwilliams1@AEP.com
AEP/Public Service Company of Oklahoma
5524 E. 15th Street
Tulsa, OK 74112

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FINAL PLAT

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

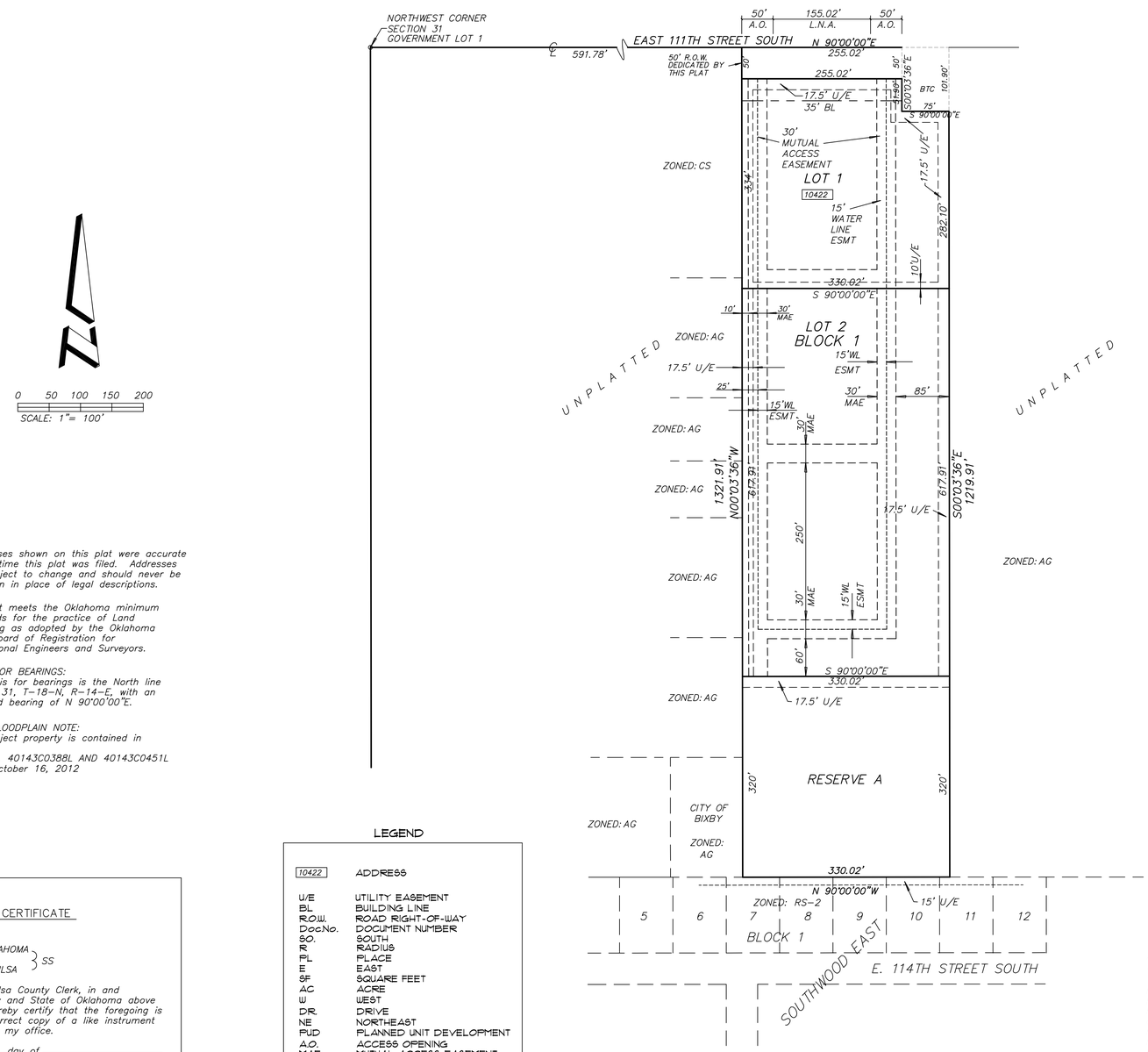
CONTACT: MATT MEANS
PHONE: 918-381-9655
EMAIL: MATT@STORETULSA.COM

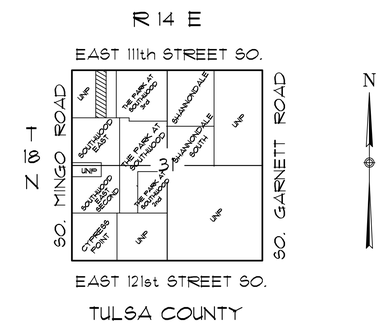
FINAL PLAT
CERTIFICATE OF APPROVAL

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





TULSA COUNTY

LOCATION MAP

SCALE: 1"= 2000'

SUBDIVISION CONTAINS:
AREA = 9.87 ACRES 429,963 SF
NO. LOTS 2 BLOCKS 1
RESERVE AREAS: 2

JULY 15, 2014
C:\MATTMEANS\MEANSFP071814.DWG

"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

10422	ADDRESS
U/E	UTILITY EASEMENT
BL	BUILDING LINE
R.O.W.	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
MAE	MUTUAL ACCESS EASEMENT
L.N.A.	LIMITS OF NO ACCESS
℄	CENTER LINE

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

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.

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 StoreTulsa.com, LLC has caused the above–described land to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided into lots, blocks, a reserve area, streets, platted and subdivided into lots, blocks and a reserve area 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 and subject to the City of Bixby approval.

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 and sanitary sewer facilities.

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

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

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

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

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

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

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

5. The owner of each lot in the Subdivision shall be responsible for the protection of the underground electric facilities located on his 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" and "B" 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. 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 properly permitted 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" , STORMWATER DRAINAGE AND DETENTION.

1. The Stormwater Drainage and Detention 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 and Detention system. Perpetual maintenance responsibility will be the Property Owners Assocation.

2. The stormwater drainage and detention facilities shall be designed and constructed in accordance with City of Bixby adopted standards.

SECTION 2. PLANNED UNIT DEVELOPMENT RESTRICTIONS

A. DEVELOPMENT AREA A (OFFICE USE)

LAND AREA:

Gross:	2.77 acres	120,960 square feet
Net:	2.49 acres	108,494 square feet

*The Land Area includes one–half the designated primary arterial road right–of–way per Section 11–7I–5.A.2 of the Bixby Zoning Code.

PERMITED USES (to be allowed by right):
Office use, specified as an "included use" in Use Unit 11 and which is allowed by right in the OL Zoning District pursuant to Section 11–7C–3 of the City of Bixby Zoning Code, and the accessory sign uses permitted by right in the OL Zoning District.

MINIMUM FRONTAGE: 75 feet

MAXIMUM BUILDING FLOOR AREA: 37,817 square feet*
Office Use (Maximum total floor area):

(.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 11–7I–5.A.2 of the Code)

*A Portion of the allowable 0.40 maximum FAR is being donated to Development Area B as specified in the Development Standards for Development Area B.

MAXIMUM BUILDING HEIGHT:

MINIMUM BUILDING SETBACKS*

From the west boundary	10.0 feet
From the south boundary	N/A
From the north boundary	
In addition to the right–of–way designated on the Major Street and Highway Plan for East 111th Street.	50.0 feet
From the east boundary**	10.0 feet

* The Conceptual Site Plan on Exhibit A depicts setbacks which exceed the minimum building setbacks identified above.
** 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:	4.681 acres	203,922.65 square feet
Net:	4.681 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. (upon the original approval of the rezoning 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 (per lot): N/A

MAXIMUM BUILDING FLOOR AREA (using .50 FAR): 102,300 square feet*

*Part of the maximum allowable FAR of 0.40 from Development Area A is donated to Development Area B by this PUD Major Amendment #1 resulting in a new FAR of 0.48

MAXIMUM BUILDING HEIGHT: 8.5 feet
(One story height may vary depending on type of finish)

MAXIMUM BUILDING SETBACKS*

Pursuant to Section 11–7C–4 of the City of Bixby Zoning Code:

From the west boundary	10.0 feet
From the south boundary (Reserve Area A North Line)	N/A
From the north boundary (Development Area A South Line)	N/A
From the east boundary	10.0 feet

* The Conceptual Site Plan on Exhibit A depicts setbacks which exceed the minimum building setbacks identified above.

USE UNIT 16 STANDARDS – DETAILED SITE PLAN

Development of Area B for Mini–Storage use shall be subject to the Use Conditions identified in Section 11–19–16, Subsections C, D and E of the City of Bixby Zoning Code.

C. RESERVE AREA A

LAND AREA:

Gross:	2.424 acres	105,606 square feet
Net:	2.424 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 LOTS

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

1. LANDSCAPED AREA AND SCREENING

a. All development and construction in Developement 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–I), 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–I), 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. Light, as measured in footcandles, shall not exceed 0.0 footcandles at all PUD boundaries shared with a residential property. A lighting plan shall include a photometric plan demonstrating compliance with the foregoing lighting requirements.

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 C 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.

c. 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.

A mutual parking agreement is provided for Development Areas A and B. Minimum and maximum parking requirements for Office Use will be reviewed by the City of Bixby Planning Commission and approved by the City Council.

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 superseded 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.

SECTION 4. ENFORCEMENT, AMENDMENT, ETC.

A. Duration, Amendment and Severability.

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

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

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

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

SECTION 5. PROPERTY OWNERS ASSOCIATION

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

B. Membership: At any time any building constructed on a Lot and that Lot and building has been sold and occupied, the Owner thereof shall become a member of the BRISBANE OFFICE PARK PROPERTY OWNERS ASSOCIATION, INC. and membership shall be appurtenant to and may not be separated from the ownership of a lot or portion thereof. The owner of vacant lots will not be members of the Association, unless through the written consent of the owner. The acceptance of a deed to a lot by the property owner shall constitute acceptance of membership in the Association as of the date of incorporation, or as of the date of the recording of the deed, whichever occurs last.

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

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

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

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

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: _____

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, August 13, 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. On July 21, 2014, as requested and as recommended by Staff, the Planning Commission CONTINUED the Public Hearing and consideration of both items to the August 18, 2014 Regular Meeting.

By email dated August 13, 2014, the Applicant has requested both this and the PUD 31-A Minor Amendment # 1 applications again be CONTINUED to the next meeting. Staff recommends the Public Hearing and consideration of both items be CONTINUED to the September 15, 2014 Regular Meeting as requested.

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Erik Enyart

From: Erik Enyart
Sent: Wednesday, August 13, 2014 11:31 AM
To: 'Mark Capron'
Subject: RE: Staff Report - Preliminary Plat of Bricktown Square - DRAFT report drafted 07-03-14

Received. I will recommend the PC Continue Both to 09/15/2014 as requested.

Erik Enyart

From: Mark Capron [mailto:mcapron@sw-assoc.com]
Sent: Wednesday, August 13, 2014 11:30 AM
To: Erik Enyart
Subject: RE: Staff Report - Preliminary Plat of Bricktown Square - DRAFT report drafted 07-03-14

Erik, unfortunately this project is not currently progressing. We would like to request another continuance for both the amendment and the preliminary plat.

Mark B. Capron, LLA
SW&A 918.665.3600

From: Erik Enyart [mailto:eenyart@bixby.com]
Sent: Wednesday, July 16, 2014 4:28 PM
To: Mark Capron
Cc: Greg Weisz
Subject: RE: Staff Report - Preliminary Plat of Bricktown Square - DRAFT report drafted 07-03-14

To be clear – I recognize this as your request for Continuance also of PUD 31-A Minor Amendment # 1 to the 08/18/2014 PC agenda. Please advise if otherwise – thanks,

Erik

From: Erik Enyart
Sent: Tuesday, July 15, 2014 4:06 PM
To: 'Mark Capron'
Cc: Greg Weisz
Subject: RE: Staff Report - Preliminary Plat of Bricktown Square - DRAFT report drafted 07-03-14

Received – understood – will recommend they Continue to 08/18/2014 as you requested.

Erik

From: Mark Capron [mailto:mcapron@sw-assoc.com]
Sent: Tuesday, July 15, 2014 4:05 PM
To: Erik Enyart
Cc: Greg Weisz
Subject: RE: Staff Report - Preliminary Plat of Bricktown Square - DRAFT report drafted 07-03-14

Erik,

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We have decided to request a continuance to the next planning commission meeting. This will give us a little more time to work out some engineering design.

Thanks,

Mark B. Capron, LLA
SW&A 918.665.3600

From: Erik Enyart [mailto:eenyart@bixby.com]
Sent: Friday, July 11, 2014 8:41 AM
To: Mark Capron
Cc: Greg Weisz
Subject: RE: Staff Report - Preliminary Plat of Bricktown Square - DRAFT report drafted 07-03-14

Hi Mark:

I've re-read what you have and see the critical elements are in place – mandatory membership in HOA, purpose (to maintain ODE), notification of assessments, etc. I observed a lot of customary details are missing (liens upon non-payment of assessment, right to foreclose lien, 1 lot = 1 vote, etc.), which I likely recognized as missing only when I saw the language in the plat alerting me to the fact that something was being withheld. Upon further reflection, I suppose it may inspire a similar concern upon a prospective homebuilder or homeowner, and that may be a good thing. You can defeat this review comment with a response, or showing a few more details that are customarily included in these things. I also question whether ODE maintenance is all the HOA should be doing – you may want to write additional flexibility by acknowledging other potential future common areas or common improvements, but that's just a suggestion.

Hope it helps – thanks!

Erik

From: Mark Capron [mailto:mcapron@sw-assoc.com]
Sent: Thursday, July 10, 2014 4:58 PM
To: Erik Enyart
Cc: Greg Weisz
Subject: RE: Staff Report - Preliminary Plat of Bricktown Square - DRAFT report drafted 07-03-14

Sorry to be slow on the up take. I have looked for verbiage on other plats. Do you mind sending an example?

Mark B. Capron, LLA
SW&A 918.665.3600

From: Erik Enyart [mailto:eenyart@bixby.com]
Sent: Thursday, July 10, 2014 8:06 AM
To: Mark Capron
Cc: Greg Weisz
Subject: RE: Staff Report - Preliminary Plat of Bricktown Square - DRAFT report drafted 07-03-14

Hi Mark:

I think you're referring to item # 23,

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"DoD/RCs Section III.A: For the benefit of future potential Bixby residents, the "details of association membership, including assessments" should be provided with the DoD/RCs, as customary, to allow for City review for potential conflicts with City Codes, and to ensure these critical details are not obscured, neglected during due diligence, or forgotten."

The quote within the item is from the DoD/RCs as provided, and essentially states they are not provided there, but will be in some future, separate document. The item takes exception to this because including them in the DoD/RCs of the plat is customary, is needed to allow for City review for potential conflicts with City Codes, and is needed to ensure these critical details are not obscured, neglected during due diligence, or forgotten.

Feel free to send what you have and I'll update the draft report and send back to you.

Thanks!

Erik Enyart

From: Mark Capron [mailto:mcapron@sw-assoc.com]
Sent: Wednesday, July 09, 2014 5:38 PM
To: Erik Enyart
Cc: Greg Weisz
Subject: RE: Staff Report - Preliminary Plat of Bricktown Square - DRAFT report drafted 07-03-14

We are in the process or revised the preliminary plat documents. We have taken a shot at addresses. However, there seems to be allot of room differences of opinion.

You mentioned in your staff report that we needed to include assessments, enforcement, and amendment. However, I believe that was included in the DoD/RCs. Am I missing something.

Mark B. Capron, LLA
SW&A 918.665.3600

From: Erik Enyart [mailto:eenyart@bixby.com]
Sent: Tuesday, July 08, 2014 8:14 AM
To: Mark Capron
Subject: RE: Staff Report - Preliminary Plat of Bricktown Square - DRAFT report drafted 07-03-14

Hi Mark:

It is up to the developer's design team to produce a proposed schedule of addresses, and the City will review and approve them.

Hope it helps,

Erik

From: Mark Capron [mailto:mcapron@sw-assoc.com]
Sent: Tuesday, July 08, 2014 8:03 AM
To: Erik Enyart
Subject: RE: Staff Report - Preliminary Plat of Bricktown Square - DRAFT report drafted 07-03-14

Erik, whom should we contact regarding the street address for the lots?

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Mark B. Capron, LLA
SW&A 918.665.3600

From: Erik Enyart [mailto:eenyart@bixby.com]
Sent: Thursday, July 03, 2014 3:16 PM
To: Mark Capron
Cc: Jared Cottle; Bea Aamodt; Fire Marshal; Patrick Boulden
Subject: Staff Report - Preliminary Plat of Bricktown Square - DRAFT report drafted 07-03-14

Hi Mark:

Draft report attached. Please review and contact me with any questions or if you need additional information.

Thanks, and have a great Independence Day weekend!

Erik Enyart, AICP, City Planner
City of Bixby, PO Box 70
Bixby, OK 74008
Ph. (918) 366-0427
Fax (918) 366-4416
eenyart@bixby.com
www.bixby.com

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

STAFF REPORT

To: Bixby Planning Commission

From: Erik Enyart, AICP, City Planner

Date: Wednesday, August 13, 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. On July 21, 2014, as requested and as recommended by Staff, the Planning Commission CONTINUED the Public Hearing and consideration of both items to the August 18, 2014 Regular Meeting.

By email dated August 13, 2014, the Applicant has requested both this and the Preliminary Plat applications again be CONTINUED to the next meeting. Staff recommends the Public Hearing and consideration of both items be CONTINUED to the September 15, 2014 Regular Meeting as requested.

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