

AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
October 20, 2014 **6:00 PM**

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- (3) 1. Approval of Minutes for the September 15, 2014 Regular Meeting

PUBLIC HEARINGS

- (32) 2. **PUD 86 – “South Park Self Storage, LLC” – South Park Self Storage, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 7 acres in Section 25, T18N, R13E.
Property Located: 10901 S. Memorial Dr.

PLATS

- (75) 3. **Preliminary Plat of “Pine Valley Addition” – Tanner Consulting, LLC (PUD 12-D).** Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for “Pine Valley Addition” for 51.577 acres in part of the NW/4 of Section 16, T17N, R13E.
Property Located: South of the Southeast corner of 141st St. S. & Harvard Ave.
- (89) 4. **Preliminary & Final Plat – “Tri-State Retail” – Khoury Engineering, Inc. for Quail Flats Properties, L.P.** Discussion and consideration of a Preliminary Plat and a Final Plat and certain Modifications/Waivers for “Tri-State Retail” for approximately 1/2 acre in part of the SW/4 SW/4 SW/4 of Section 13, T17N, R13E.
Property Located: 15035 S. Memorial Dr.
- (96) 5. (Continued from 07/21/2014, 08/18/2014, and 09/15/2014)
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

6. (Continued from 07/21/2014, 08/18/2014, and 09/15/2014)

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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: Enyark

Date: 09/23/2014

Time: 10:25 AM

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**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
September 15, 2014 6:00 PM**

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Vice/Acting Chair Lance Whisman called the meeting to order at 6:05 PM.

ROLL CALL:

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

CONSENT AGENDA:

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

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

ROLL CALL:

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

PUBLIC HEARINGS

2. **BCPA-12 – Conrad Farms Holdings, LLC** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan of the City of Bixby, Oklahoma, specifically to modify or remove the “Special District # 4” designation.
Property Located: 7400 E. 151st St. S.
3. **PUD 85 – “Conrad Farms” – Conrad Farms Holdings, LLC** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 136.48 acres in Section 23, T17N, R13E.
Property Located: 7400 E. 151st St. S.
4. **BZ-377 – Conrad Farms Holdings, LLC** Public Hearing, discussion, and consideration of a rezoning request from AG Agricultural District to RS-3 Residential Single-Family District for approximately 136.48 acres in Section 23, T17N, R13E.
Property Located: 7400 E. 151st St. S.

Upon clarification with Erik Enyart, who recommended all three (3) items be introduced and discussed together, as they were all covered by the same Staff Report, but voted upon separately, Vice/Acting Chair Lance Whisman introduced related Agenda Item #s 2, 3, and 4 and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, September 11, 2014
RE: Report and Recommendations for:
PUD 12 – Conrad Farms Holdings, LLC &
PUD 85 – “Conrad Farms” – Conrad Farms Holdings, LLC &
BZ-377 – Conrad Farms Holdings, LLC

LOCATION: – 7400 E. 151st St. S.
– Part of Section 23, T17N, R13E

SIZE: – 200.6 acres, more or less (parent tracts aggregate)
– 136.48 acres, more or less (applications area)

EXISTING ZONING: AG Agricultural District; there is some CS zoning on a parent tract parcel at the northwest corner of 161st St. S. and Memorial Dr., but not within the area concerned by the applications

EXISTING USE: Former Conrad Farms agricultural land; there is a communications tower on a parent tract parcel, but not within the area concerned by the applications

REQUESTED ZONING: RS-3 Single-Family Dwelling District & PUD 85

SUPPLEMENTAL ZONING: None; there is Corridor Appearance District supplemental zoning on two (2) parent tract parcels which front on 151st St. S. and Memorial Dr., but not within the area concerned by the applications

SURROUNDING ZONING AND LAND USE:
North: (Across 151st St. S.) AG; An approximately 150-acre tract of agricultural land.
South: (Across 161st St. S.) AG; Agricultural land.
East: (to Memorial Dr.) AG, CG, IL, RS-2, RD, CS, and RM-2; A 3.7-acre rural residential and agricultural tract belonging to the Conrad family, commercial and industrial uses in Bixby

Industrial Park zoned CG and IL, and Bixby Creek and its attendant easements and rights-of-way primarily zoned AG; further east are single-family residential homes and one (1) duplex in and around the Jim King Addition neighborhood zoned AG, RS-2, and RD and several businesses, churches, homes, agricultural areas, and vacant areas along the west side of Memorial Dr. zoned AG, CG, CS, and RM-2.

West: (to Sheridan Rd) RMH, CH, IL, CS, and AG; The Shadow Valley Mobile Home Park zoned RMH, the "Spectrum Plaza" trade center zoned CH, a single-family house on 1-acre zoned IL, and a CS district containing the Bethesda Girls Home at 7106 E. 151st St. S., 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. Further west along the east side of Sheridan Rd. are several vacant/wooded, agricultural, and rural residential tracts of land zoned AG.

COMPREHENSIVE PLAN: Development Sensitive + Vacant, Agricultural, Rural Residences, and Open Land + Special District # 4 + Community Trails (BCPA-12 requests removal or amendment of Special District # 4 designation)

PREVIOUS/RELATED CASES:

BZ-41 – Chester Conrad – Request for rezoning from AG to CS for the E/2 SE/4 SE/4 of this Section (20 acres), including part of a subject property parent tract – PC Recommended Approval on 11/24/1975 and City Council Approved 01/20/1976 (Ord. # 305).

BBOA-112 – Chester Conrad – Request for Special Exception to allow oil well drilling for the SE/4 of this Section (40 acres), including part of subject property parent tracts – BOA Conditionally Approved 12/13/1982.

BBOA-368 – Sprint PCS/Wireless – Request for Special Exception to allow up to 150' in aggregate height as measured at grade for an antenna supporting structure (communications tower) on a 0.229-acre lease site within a subject property parent tract at approximately the 7600-block of E. 161st St. S. (perhaps, inappropriately, addressed 7997 E. 161st St. S.) – BOA Approved 07/01/2001.

RELEVANT AREA CASE HISTORY: (not a complete list; cases east of Bixby Creek and Memorial Dr. not included here)

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 ¼ acres to the west of subject property and now addressed 7100, 7102, and 7106 E. 151st St. S. – BOA Approved 01/08/1980.

BZ-81 – Jerry Green – Request for rezoning from RMH to IL for approximately 4.8 acres, which included a house on 1 acre and the (now) 3.4-acre "Spectrum Plaza" property to the west of subject property at 7220/7222/7224 E. 151st St. S. – PC Recommended Approval 03/31/1980 and City Council Approved 04/21/1980 (Ord. # 395).

BZ-120 – Calvin Tinney – Request for rezoning from AG to RS-3 for the E/2 of the SW/4 of this Section (80 acres) to the west of subject property – PC Recommended Approval 08/30/1982 and City Council Approved 09/07/1982 (Ord. # 460).

BZ-126 – Georgina Landman and/or W.S. Atherton – Request for rezoning from RS-3 to RS-1 for approximately 80 acres (E/2 SW/4 Section 22, T17N, R13E) to the west of subject property – Applicant did not own the property requested for downzoning – PC Recommended Approval 12/27/1982 and City Council Denied 01/03/1983 upon recommendation of City Planner and City Attorney.

BBOA-133 – Lendell Hall – Request for Special Exception to allow a mobile home on the NE/4 of the NW/4 of Section 26, T17N, R13E (40 acres) abutting subject property to the southwest – BOA Conditionally Approved 10/09/1984.

BBOA-145 – J. S. Peerson – Request for Special Exception to allow oil and gas well drilling for the NE/4 of Section 26, T17N, R13E (160 acres) abutting subject property to the south – BOA Conditionally Approved 06/10/1985.

BBOA-151 – Joe Peerson – Request for Special Exception to allow oil and gas well drilling for the N/2 of the SE/4 of Section 26, T17N, R13E (80 acres) to the south of subject property – BOA Conditionally Approved 10/09/1985.

BZ-181 – W.S. Atherton – Request for rezoning from AG & RS-3 to CG, RM-3, and RE for approximately 240 acres located to the west of subject property, the SE/4 and the E/2 of the SW/4 of

Section 22, T17N, R13E, for an "Atherton Farms Equestrian Estates" residential subdivision (never built) – Approved by City Council 06/23/1987 (Ord. # 562).

BBOA-190 – W.S. Atherton – Request for "Use Variance" to allow the keeping of horses on individual lots as an accessory use for approximately 240 acres located to the west of subject property, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, for an "Atherton Farms Equestrian Estates" residential subdivision (never built) – Approved by BOA 07/13/1987.

BBOA-218 – Marthell Laster – Request for Variance from the bulk and area requirements in the AG district for a former 5-acre tract to the southwest of subject property at 6800/6802 E. 161st St. S. to allow for a Lot-Split – BOA Approved 11/19/1989.

BZ-199 – Dan Stilwell – Request for rezoning from RMH to CG for approximately 3 ¼ acres to the west of subject property 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 ¼ acres to the west of subject property and now addressed 7100, 7102, and 7106 E. 151st St. S. – BOA Approved 06/01/1992.

BBOA-307 – Bobby & Karrie Applegarth – Request for Special Exception to allow a mobile home on a 6.4-acre tract to the southwest of subject property at 6710 E. 161st St. S. – BOA Conditionally Approved 11/16/1995.

PUD 20 – Atherton Farms Equestrian Estates – Phillip Faubert – Request for rezoning from AG & RS-3 to CG, RM-3, and RE for approximately 240 acres located to the west of subject property, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, for an "Atherton Farms Equestrian Estates" residential subdivision (never built) – Recommended for Approval by PC 01/20/1998. However, this case was evidently never presented to the City Council, as it did not appear on any agenda from January 26, 1998 to April 27, 1998, no Ordinance was found relating to it, and there are no notes in the case file suggesting it ever went to City Council. Further, PUD 20 does not exist on the official Zoning Map. An undated application signed by Phillip Faubert from circa March, 2001 was found in the case file requesting to "rescind PUD 20," but no records or notes were found to determine the eventual disposition of this request, if any.

BZ-238 – W.S. Atherton – Request for rezoning from AG to RE for approximately 10 acres located to the west of subject property for part of an "Atherton Farms Equestrian Estates" residential subdivision (never built), part of 240 acres located to the west of subject property, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E – Approved by City Council 02/23/1998 (Ord. # 768).

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.

BBOA-423 – Karen Johnson – Request for Floodplain variance "to allow fill in the floodplain without providing compensatory storage (Engineering Design Standards Section E)" for property to the northeast of subject property at 7580 E. 151st St. S., a former NAPA auto parts store that had been destroyed by fire – BOA Denied 07/13/2004.

AC-05-01-01 – Commercial buildings for the 3.4-acre "Spectrum Plaza" property to the west of subject property at 7220/7222/7224 E. 151st St. S. – Architectural Committee Approved 01/27/2005.

PUD 48 – "Pecan Meadows" – Tanner Consulting – Request for rezoning from AG to RS-2 and PUD approval for approximately 40 acres to the southwest of subject property, the SW/4 of the NW/4 of Section 26, T17N, R13E for a residential subdivision (never built) – PC Recommended Approval 11/21/2005 and City Council Approved 12/12/2005 (Ord. # 927).

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 to the west of subject property at

7220/7222/7224 E. 151st St. S. 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).

BZ-334 – Jack Byers – Request for rezoning from AG to RE for approximately 3.5 acres tract to the southwest of subject property at 16101 S. Sheridan Rd. to facilitate a Lot-Split application (BL-349) – Withdrawn by Applicant prior to PC meeting 09/17/2007.

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 to the west of subject property at 7220/7222/7224 E. 151st St. S. – 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 to the west of subject property at 7220/7222/7224 E. 151st St. S. – 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 to the west of subject property at 7220/7222/7224 E. 151st St. S. – PC Conditionally Approved 11/19/2007.

Plat Waiver for Downtown Bixby Church of Christ – Request for Waiver of the platting requirement per Zoning Code Section 11-8-13 (formerly 260) for a church on approximately 6 acres to the east of subject property at 15802 S. Memorial Dr. – City Council Conditionally Approved 11/26/2007.

AC-07-12-01 – Downtown Bixby Church of Christ – Request for Architectural Committee Detailed Site Plan approval for a church on approximately 6 acres to the east of subject property at 15802 S. Memorial Dr. – Architectural Committee Conditionally Approved 12/17/2007 and Conditionally Approved Minor Amendments thereto 02/17/2009.

BBOA-485 – Phillip Faubert – Request for Special Exception per Zoning Code Section 11-7D-2 Table 1 to allow a Use Unit 6 single-family dwelling and customary accessory structures in the CG district for a 2.7-acre tract located to the west of subject property located within 240 acres, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, previously proposed to be the “Atherton Farms Equestrian Estates” residential subdivision (never built) – BOA Approved 08/04/2008.

BBOA-486 – Phillip Faubert – Request for Variance from certain bulk and area requirements of Zoning Code Section 11-7D-4 Table 2, including, but not necessarily limited to: The setback from an abutting R district and the 100-foot minimum street frontage requirement, to allow a Use Unit 6 single-family dwelling and customary accessory structures in the CG district for a 2.7-acre tract located to the west of subject property located within 240 acres, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, previously proposed to be the “Atherton Farms Equestrian Estates” residential subdivision (never built) – BOA Approved 08/04/2008.

BBOA-503 – Brandon & Elisha Long – Request for (1) A Variance from the Zoning Code to allow a garage accessory structure as a principal use prior to the construction and occupancy of the principal dwelling, and (2) A Variance from the Zoning Code to allow said accessory structure to be used as a residence, including after such time as the primary residence is constructed and occupied, all in the AG Agricultural District, for a 6.4-acre tract to the southwest of subject property at 6710 E. 161st St. S. – BOA Conditionally Approved 04/06/2009.

BBOA-514 – Jerry & Mary Ezell – Request for (1) A Variance from the minimum public street frontage standard of Zoning Code Section 11-8-4, and (2) a Variance from certain other bulk and area standards of the AG Zoning District as per Zoning Code Section 11-7A-4 Table 3, all to allow for the construction of a house on an existing lot of record in the AG Agricultural District for approximately 2.04 acres to the southwest of subject property at 16315 S. Sheridan Rd. – BOA Approved 12/07/2009.

BCPA-8, PUD 75 “LeAnn Acres.” & BZ-359 – JR Donelson, Inc. / Roger & LeAnn Metcalf – request to (1) amend the Comprehensive Plan Land Use Map to redesignate those parts of the property presently designated “Low Intensity” and/or “Special District # 4” to “Medium Intensity” and remove the “Special District # 4” designation, (2) rezone from AG to RM-2, and (3) approve PUD 75 for a multifamily development on approximately 25 acres abutting the subject property to the west at 15329 S. Sheridan Rd. – PC Recommended Conditional Approval 01/21/2013 and City Council Conditionally Approved 01/28/2013. However, ordinance not approved because the PUD package presented was not in its final form / did not incorporate the required Conditions of Approval. To

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date, the final PUD package has not been received. All applications were recognized as "inactive" and filed away on 04/29/2014.

BZ-376 – Joseph Guy Donohue for J.C. & Lila Morgan – request for rezoning from IL to CH for a 1-acre tract to the west of subject property at 6636 E. 151st St. S. (to be re-addressed 7108 and 7110 E. 151st St. S.) – PC Recommended Denial absent a PUD 08/18/2014. Not appealed to City Council.

BACKGROUND INFORMATION:

The Nature and Value of the Comprehensive Plan. Comprehensive Plans are the result of intensive study, broadly garnered and comprehensive information, professional analysis and coordination, public input, and general consensus of the City's staff, Planning Commission, and City Council. They bring together all planning functions (e.g., housing, land use, transportation, physical environment, energy, infrastructure and community facilities, demographics, etc.), analyze and compare them all on the community-wide scale, relate them to specific geographical areas within the community (i.e. the Land Use Map), and consider all this with a long-range time perspective (e.g., 15-20 years into the future).

The Comprehensive Plan is a thorough, complete, and well researched policy document used to inform the Planning Commission, City Council, and the Public at large how land can best be developed and used (among other things), and so how rezoning applications should be accepted or rejected. Comprehensive Plans, when followed, prevent arbitrary, unreasonable, or capricious exercise of the legislative power resulting in haphazard or piecemeal rezonings (read: rezoning decisions legally indefensible in a court of law).

Comprehensive Plans can be highly prescriptive, prescribing specific land uses and land use intensities to specific parcels of land, or can be highly generalized, merely mapping out large swaths of land which may be suitable for certain intensities of development, and including a broad range of zoning districts which may be authorized therein. Bixby's Comprehensive Plan falls somewhere in between, specifically designating certain areas with specific land uses, and others more generally (e.g. the "Corridor" designation).

Zoning Code Section 11-5-2 prohibits rezonings which would conflict with the Comprehensive Plan, and requires that such rezonings "must be processed along with a request to amend the land use map and a PUD in order to be accepted and considered." The Applicant has requested PUD 85 in support of BCPA-12 and the rezoning application.

Procedure for Comprehensive Plan Amendments. Certain passages in the Comprehensive Plan text (page 30, 55, etc.) suggest the anticipation of amendments to the Plan. However, the Comprehensive Plan does not provide, nor do State Statutes, a definite procedure or method for the City or property owners to request to amend the Comprehensive Plan. The City of Broken Arrow regularly (quarterly, etc.) considers applications to amend their Comprehensive Plan, for cases where a rezoning application would not be consistent with the Plan, but the plan amendment and rezoning application may be appropriate.

After receiving the first two (2) requests in mid-2008 (BCPA-1 and BCPA-2), Staff consulted the City of Broken Arrow to determine how that community goes about facilitating applications for Comprehensive Plan amendments, and followed the same method, which was supported by the Applicant's attorney in those cases, which was to advertise the public hearing in the same manner used for a rezoning application: By sign posting on the property, newspaper publication, and mailing a notice to all property owners within a 300' radius of the subject property. This method was used in applications BCPA-3 and BCPA-4 in 2009, BCPA-5 and BCPA-6 in 2011, BCPA-7 and BCPA-8 in 2012, and BCPA-9 and BCPA-10 in 2013/2014, and all of these have been done in this amendment case as well. BCPA-11 was an amendment to the Comprehensive Plan text, approved by Ordinance # 2136 on July 14, 2014.

Scale of Development. With up to 500 lots legally entitled, as proposed by this PUD, the "Conrad Farms" development may be the largest purely single-family residential development in Bixby. As of now, the largest exclusively single-family residential subdivision is South Country Estates, with 260 lots, platted in 1979. "Willow Creek" (PUD 78) has been approved for up to 291 lots, which will likely be platted and developed in phases. Platted between 1997 and 2001, all of the "The Park at Southwood" subdivisions (The Park at Southwood, The Park at Southwood 2nd, and The Park at Southwood 3rd) together total 438 lots. Platted between 1999 and 2004, all of the "Twin Creeks" subdivisions (Twin Creeks, Twin Creeks II, Twin Creeks III, Twin Creeks III Extended, and Twin Creeks Villas) together total 406 lots. Several subdivisions have used the "Southwood" and "Southern Memorial Acres" names, but these were often separated by time period and location (sometimes in different Sections of land), they often contained significantly different design patterns (including lot sizes), and they may also have been developed by different developers, even when using these keywords. Developed with single-family homes,

downtown "storefront" commercial buildings, and other uses, often covering multiple lots per structure, the Midland Addition was platted in 1911 with 660 typically 25' X 130' lots and a railroad. A multifamily development, The Links at Bixby, platted in 1996, contains 504 apartment dwelling units and a 9-hole golf course.

ANALYSIS:

Subject Property Conditions. The subject property parent tracts are composed of four (4) parcels of land:

1. The SE/4 of the NW/4 and the NW/4 of the SE/4 and the W/2 of the SW/4 of the NE/4 and part of the N/2 of the N/2: The largest tract, approximately 125.5 acres, contains the former Conrad Farms retail facility (partially damaged by the July 23:24, 2013 "derecho" / "bow echo" event; greenhouses since removed) and a house, perhaps both addressed 7400 E. 151st St. S., and approximately seven (7) on-site labor houses east of the southeast corner of the Shadow Valley Mobile Home Park, Tulsa County Assessor's Parcel # 97323732315260,
2. The SW/4 of the SE/4: Approximately 40 acres, contains a communications tower on a 0.229-acre lease site at approximately the 7600-block of E. 161st St. S. (perhaps, inappropriately, addressed 7997 E. 161st St. S.), Tulsa County Assessor's Parcel # 97323732354360,
3. The SW/4 of the NE/4 of the SE/4, less that part sold to Downtown Bixby Church of Christ: Approximately 8.8 acres, contains the confluence of Bixby Creek and an unnamed, upstream tributary thereof, Tulsa County Assessor's Parcel # 97323732353160,
4. The SE/4 of the SE/4, less those parts owned by Downtown Bixby Church of Christ, City of Bixby, and ODOT: Approximately 26.3 acres located at the northwest corner of the intersection of 161st St. S. and Memorial Dr., zoned AG and CS, Tulsa County Assessor's Parcel # 97323732358360.

Altogether, the subject property parent tracts total approximately 200.6 acres, and the area contained by the three (3) applications total 136.48 acres. The applications area excludes (A) that part located in the N/2 of the N/2 of this Section (along 151st St. S.), (B) that part located east of the tributary to Bixby Creek (along Memorial Dr.), and (3) those parts lying east of the westerly Bixby Creek right-of-way / easement line "per Corps of Engineers Right-Of-Way Plans." The site plan and/or survey should be updated to specify whether the area to the east of the line is right-of-way (fee simple ownership) or a "right-of-way easement," and should cite Book/Page or Document # reference where the instrument conveying right-of-way or easement interest is recorded with the Tulsa County Clerk.

The subject property is relatively flat but appears to slope downward to the east and south, ultimately draining to Bixby Creek.

The subject property is presently served by the critical utilities (water, sewer, electric, etc.), or otherwise will be served by line extensions as required.

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Development Sensitive, (2) Vacant, Agricultural, Rural Residences, and Open Land, (3) Special District # 4, and (4) Community Trails. BCPA-12 requests amendment or removal of the Special District # 4 designation, to allow the subject property to be rezoned to RS-3 and be developed with a housing addition.

The Bixby Comprehensive Plan provides, on Pages 20 and 21, the following pertaining to Special District # 4:

- "d. Special District 4 is that area previously designated In the 1991 Bixby Comprehensive Plan in which a majority of the land is located within the 100 year flood plain. This development sensitive area is located approximately from one-quarter mile south of S. H. 67, west of S. Memorial Drive, north of 171st Street South, and east of the upland area along S. Sheridan Road. The majority of this land is used for agricultural purposes. This [is] prime farm land and contributes strongly to the "green theme" characteristic of Bixby. Preservation of those Special District areas should continue with AG zoning the primary designation. Certain select areas adjacent to major roadway intersections may be appropriate for different zoning designations in accordance with the other Urban Design Development Guidelines. Any change in use in this area should be designed to integrate continuing agribusiness uses, provide onsite drainage control solutions, it should provide appropriate buffers between adjoining land uses on the upland area along S. Sheridan Road, south of 171st Street South, and along S. Memorial Drive." (emphasis added)

Special District # 4 calls for areas within to "continue with AG zoning the primary designation," but that "[c]ertain select areas adjacent to major roadway intersections may be appropriate for different zoning designations..." The intent appears to be that the subject property (application area), to the extent located within Special District # 4, "should continue with AG zoning," as it is not within a reasonable distance of a major street intersection. The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the only residential districts which May Be Found In Accordance with Special District # 4 are the RE, RM-1, and RM-2 districts; none of the RS districts can be found in accordance.

At the time Conrad Farms announced, in mid-2013, that it would close and put the property up for sale in late 2013, it was widely reported that developers were interested in the Conrad Farms land. In a July 23, 2013 Tulsa World article entitled "Farming in Oklahoma must be a labor of love," owner Vernon Conrad was quoted as saying "I don't think you could buy us out and make a living [by farming]." It stands to reason that the land value, the likely price upon sale, would make continued farming economically untenable. Further, when the Comprehensive Plan first designated the Conrad Farms land as "Special District # 4," or similarly, with the intent of it remaining farmland, more of the subject property was in the 100-year Regulatory Floodplain. Indeed, much of the balance of the land to the south of the subject property remains in the 100-year Regulatory Floodplain. However, since then, more recent mapping has shown the subject property applications area as primarily out of the 100-year Regulatory Floodplain. Thus, current events and improved floodplain conditions have changed the likely land use outcomes for the subject property.

BCPA-12 proposes to amend or remove the "Special District #4" designation. The Special District # 4 was Conditionally Approved for removal from a southerly portion of the 25-acre development property abutting to the west per BCPA-8/PUD 75 "LeAnn Acres" in January, 2013. Rather than amending the PUD Text that pertains to Special District # 4, which should still be applicable to the balance of the special district, Staff recommends that any approval take the form of simple removal of the subject property application area from the Land Use Map. This would leave Special District # 4 in place for the low-lying, agricultural areas south of 161st St. S. to the 17300-block of S. Memorial Dr., the two (2) agricultural/rural residential tracts at the 15400-block of S. Sheridan Rd., parts of the SW/4 of this Section, being 160 acres of vacant/wooded and agricultural land under different ownership, and certain areas along Bixby Creek north of 161st St. S.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that RS-3 zoning May Be Found In Accordance with the Development Sensitive 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.

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

Per the Matrix, PUDs (as a zoning district) May Be Found In Accordance with the Development Sensitive designation of the Comprehensive Plan Land Use Map, and thus PUD 85 May Be Found In Accordance with the Comprehensive Plan as a zoning district.

Due to all of the factors listed and described above, Staff believes that the proposed RS-3 zoning and residential development proposed per PUD 85 should be found In Accordance with the Comprehensive

Plan, provided they are approved together and along with BCPA-12 and the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below.

General. The PUD proposes a single-family residential subdivision development with a maximum of 500 lots, per PUD Development Standards. However, the PUD Concept Development Plan (herein, sometimes referred to as "Site Plan" or "site plan") shows 452 lots and the PUD text specifies 480 lots. The Development Standards are the controlling figure. At this scale, it should be expected to see a variance between the conceptual site plan and the Development Standards, but the number specified in the PUD Text should be reconciled with that in the Development Standards.

The submitted site plan exhibits a suburban-style subdivision design, but with a relatively urban, grid street pattern, but with several long blocks. Only one (1) cul-de-sac street is indicated. Based on relative proportions, what appears to be a collector street would extend from 161st St. S. northerly toward the northern end of the subject property applications area. What appear to be alleys bisect certain blocks, all oriented east-west. One "Proposed Common Area" is indicated, and a large "Proposed [Stormwater] Detention Pond" occupies an easterly acreage of the site plan, corresponding to the area just upstream of the confluence of Bixby Creek and its tributary here. Other miscellaneous odd pieces are mostly found along the irregular geometries formed by the southwesterly line of the Bixby Creek right-of-way/easement.

Per the PUD Development Standards, the minimum lot width would be 65', and minimum lot area would be 6,900 square feet. The Site Plan notes that 289 (64%) of the lots shown will be (typically) 65' X 110' (7,150 square feet), and the balance are (typically) 75' X 125' (9,375 square feet). Based on dimensions provided and proportions observed, Staff's findings upon inspection are roughly consistent with the figures provided.

The density/intensity proposed, 500 lots, is consistent with the Zoning Code, which would yield more than this number with straight RS-3 zoning on 136.48 acres, and the PUD provisions of the Zoning Code would enable even more.

Because the review methodology is similar, and all three (3) applications are essentially rezoning-related and propose to prepare the subject property for the same single-family residential subdivision development, this review will, for the most part, include all three (3) applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

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

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

The Technical Advisory Committee (TAC) discussed BCPA-12 and PUD 85 at its regular meeting held September 03, 2014. Minutes of that meeting are attached to this report.

Access and Internal Circulation. Plans for access and internal circulation are described in the "Access and Circulation" Section 4.0 of the PUD Text as follows:

"Vehicular access to the development will be provided from 161st Street. The required 161st R/W (50' half street) will be dedicated with the plat. Internal streets will be 26' wide and located within 50' R/W's per City of Bixby Engineering Design Criteria Manual."

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

By review memo and per the discussion at the September 03, 2014 TAC meeting, the Fire Marshal has observed that the Fire Code requires a minimum separation between access roads based on a formula using the diagonal width of the development tract. The Fire Marshal has stated that, due to existing geometries, the required separation cannot be achieved solely on 161st St. S. as proposed. The Fire Marshal's memo recommends the additional access come from 151st St. S. This route would appear to be more easily attainable, as the property owner owns land through which such a connection could be made. A connection to Sheridan Rd. would require acquiring easement or right-of-way from a different property owner. Unless allowed to utilize the private drive serving the Shadow Valley Mobile Home Park (which is in the 100-year Floodplain), connecting to 151st St. S. or Memorial Dr. would require bridging Bixby Creek or its tributary. The additional accessway, as may be required, should be out of the 100-year Floodplain.

Due to the scale of this development (see Background Information), Staff has recognized a need to consider the number and formats of points of access in proportion to the number of dwelling units served. This ratio matter was discussed for the "Willow Creek" and "The Trails at White Hawk" developments

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proposed and approved most recently in 2013 and 2014. The Subdivision Regulations do not contain a ratio schedule for the number of required points of access to a subdivision based on the number of lots within it. Recommendations as to adequacy of the three (3) means of ingress and egress in ratio to the number of lots proposed should and have previously come from the City Planner, Fire Marshal, and Police Chief. In the case of "Willow Creek" in 2008, when 254 lots were proposed, all considered and expressed that the three (3) points of access should be considered adequate, two (2) of which points of access consisted of a Collector Street connecting 131st St. S. to Mingo Rd. All three (3) verbally indicated that the three (3) were still adequate when that number was increased to 276 lots in 2009. Once more, all three (3) indicated that the three (3) were still adequate when that number was increased to 291 lots in 2013. In the case of "The Trails at White Hawk," City Staff concurred that three (3) points of access would be acceptable for the 261 residential lots planned behind a commercial frontage development area, including a Collector Street connecting 151st St. S. to Lakewood Ave. in The Ridge at South County, which in turn connects to 141st St. S. The third access serving "The Trails at White Hawk" is an emergency access drive connection to Kingston Ave.

In this case, City Staff is considering whether three (3) points of access will be acceptable for the proposed 500 lots, which recommendation will likely ultimately include that at least one (1) Collector Street connecting two (2) arterial streets. The City Planner and Fire Marshal have called for a third point of access, and the Police Chief has been consulted for recommendation, which will be provided at the Planning Commission meeting if available at that time.

The existing PUD Text should be enhanced to specify that at least one (1) collector street, for which Subdivision Regulations Section 9.2.2 requires a minimum of 60' of right-of-way and 36' of paving width, will serve the development and connect 161st St. S. to at least one other arterial street.

It may be possible to structure the language in the PUD flexibly, providing that the two (2) points of access now proposed will allow development only up to a certain development area boundary (consistent with the Fire Code formula) and maximum number of lots, until the Collector Street is extended to the second arterial street. This formula for staging would be subject to City Staff recommendation and City Council approval.

The site plan should be updated to reflect street configuration changes pursuant to the connectivity recommendations provided elsewhere herein.

The City of Bixby has the responsibility to ensure that development properties are not hampered by lack of planning and access provision when abutting properties are developed. Avoiding the stub-out requirement would require a Waiver of the Subdivision Regulations. The PUD site plan indicates stub-out streets will be provided to three (3) of the four (4) tracts abutting to the west and having frontage on Sheridan Rd. The Subdivision Regulations require stub-out street provision to all adjoining unplatted tracts. This could be achieved for the fourth by relocating the stub-out street to center at the southeast corner of the N/2 of the N/2 of the SW/4 of this section, allowing two (2) tracts to be served. Stub-out streets are also technically required to the unplatted properties including and along Bixby Creek, and to the excluded portions of the Applicant's property fronting on 151st St. S. and Memorial Dr. In the case of the former, the PUD Text should note that a Modification/Waiver from this requirement will be requested with the Preliminary Plat application for those areas which correspond to Bixby Creek (unless a Collector Street bridge to another arterial street will be planned). In the latter case, the PUD Text should be amended to state, alternatively as the case may be, that a collector street will be extended through the excluded area to connect 161st St. S. to another arterial street, or otherwise a Modification/Waiver will be requested to not connect this residential development to a likely future nonresidential development. In that case, the Text may observe that these area(s) are designated Corridor on the Comprehensive Plan, and so may not be appropriate to provide access to if developed non-residentially.

Recognizing the Comprehensive Plan designates Community Trails along Bixby Creek and westerly toward Sheridan Rd., Staff requests the developer consider (1) improving or otherwise describing plans to utilize existing access drives along the southwesterly side of Bixby Creek as a walking trail amenity for the development, and (2) incorporating pedestrian / trail elements within the development consistent with the intent of the Comprehensive Plan. If the developer would be willing to make such improvement(s), appropriate language should also be added to the PUD Text Section 4.0 "Access and Circulation" and the PUD site plan should be updated accordingly.

The PUD Text should specify that required sidewalks shall be constructed by the subdivision developer along 161st St. S., and contain customary language regarding homebuilder construction of sidewalks along internal streets.

The Text and Exhibits indicate a proposed 50' dedication for 161st St. S. as required for this Secondary Arterial street.

The Site Plan reflects what may be considered a greater share of streets in proportion to number of lots served. A redesign may result in a more efficient street network pattern and a reduction in instances of double-frontage.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, CS, CG, CH, IL, RS-2, RD, RMH, and RM-2. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

North across 151st St. S. and south across 161st St. S. are agricultural areas zoned AG.

To the east (up to Memorial Dr.), clockwise, include a 3.7-acre rural residential and agricultural tract belonging to the Conrad family, commercial and industrial uses in Bixby Industrial Park zoned CG and IL, and Bixby Creek and its attendant easements and rights-of-way primarily zoned AG. Further east are single-family residential homes and one (1) duplex in and around the Jim King Addition neighborhood zoned AG, RS-2, and RD and several businesses, churches, homes, agricultural areas, and vacant areas along the west side of Memorial Dr. zoned AG, CG, CS, and RM-2.

Counterclockwise to the west (up to Sheridan Rd) are the Shadow Valley Mobile Home Park zoned RMH, the "Spectrum Plaza" trade center zoned CH, a single-family house on 1-acre zoned IL, and a CS district containing the Bethesda Girls Home at 7106 E. 151st St. S., 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. Further west along the east side of Sheridan Rd. are several vacant/wooded, agricultural, and rural residential tracts of land zoned AG.

Since the Comprehensive Plan did not specify "highest and best" land uses for the subject property, which was to remain agricultural in zoning [and land use], BCPA-12 provides the opportunity to so specify. Throughout Bixby, developable areas that are interior to Sections of land and areas along non-commercial arterial streets, single-family residential use predominates. Thus, it is logical to expect single-family use on the subject property. It is not necessary, however, to specify a land use upon the removal of Special District # 4, if approved. The Development Sensitive and Vacant, Agricultural, Rural Residences, and Open Land designations would allow for RS-3 zoning and PUD 85 as proposed. To keep the matter simple and flexible, if approved, Staff recommends that the Special District # 4 designation simply be removed. This would also be consistent with the removal of the Special District # 4 as Conditionally Approved for the 25-acre development tract abutting to the west per BCPA-8/PUD 75 "LeAnn Acres."

For all the reasons outlined above, Staff believes that RS-3 zoning, PUD 84, and BCPA-12 would not be inconsistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

PUD 85 does not propose reducing lot widths, lot size, or setbacks as required in the RS-3 district. PUD 85 was requested as required in order to amend the Comprehensive Plan.

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

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

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

- A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;

B. Permit flexibility within the development to best utilize the unique physical features of the particular site;

C. Provide and preserve meaningful open space; and

D. Achieve a continuity of function and design within the development.

Subject to certain design issues being resolved as recommended herein, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C are met in this application.

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of all three (3) requests generally. Therefore, Staff recommends Approval of all three (3) requests, subject to the following corrections, modifications, and Conditions of Approval:

1. The approval of RS-3 zoning, PUD 85, and BCPA-12 are each and all subject to the final approval of all others.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item will be addressed by PUD Text Section 8.0 entitled "Standard Requirements."
3. Subject to City Engineer curb cut approval for street intersections with 161st St. S. and/or Sheridan Rd., and ODOT curb cut / driveway permit for any street intersections with State Hwy 67 (151st St. S.) and/or U.S. Hwy 64 (Memorial Dr.), and the Fire Marshal's approval of locations, spacing, widths, and curb return radii. This item will be adequately addressed by the section in the PUD Text entitled "Standard Requirements."
4. Regarding Bixby Creek, the site plan and/or survey should be updated to specify whether the area to the east of the line is right-of-way (fee simple ownership) or a "right-of-way easement," and should cite Book/Page or Document # reference where the instrument conveying right-of-way or easement interest is recorded with the Tulsa County Clerk.
5. PUD Text Section 1.0 Introduction: Please specify that the rezoning change corresponds to application BZ-377 and acknowledge that a change to the Comprehensive Plan is proposed per BCPA-12.
6. PUD Text Section 1.0 Introduction: Please clarify that the PUD contains one (1) Development Area (DA), as shown on Exhibit A, label the one (1) DA on Exhibit A, and list in the Development Standards (e.g. "Development Area A"). If necessary and allowed, per other recommendations herein, to define a smaller developable area to be served by the two (2) points of access now proposed, and before the third connection is established, such area may be identified in the Text and on the Site Plan as Development Area A-1, with the balance to be defined as Development Area A-2, or similarly.
7. PUD Text Section 1.0 Introduction: Please reconcile the number of lots specified here with that in the Development Standards.
8. PUD Text Section 3.0 Development Standards: Permitted Uses: Consider whether a UU 5 neighborhood amenity will be planned, such as is common in such large developments (e.g. pool/clubhouse/etc.). If so, it should be specified as such, with language that its approval will attach only to the Reserve Areas, lot, or lots on which such is/are built, and the same is/are subject to Planning Commission site plan approval. The location(s) should be indicated on the conceptual site plan, if planned and if known.
9. PUD Text Section 3.0 Development Standards: Minimum Lot Width: Please remove the 30' lot width line item and add an asterisk to the 65' line item with asterisk text such as "Cul-de-sac or irregular lots must have a minimum of 20' of frontage and 30' of lot width at the front building line, in addition to 65' average lot width."
10. PUD Text Section 3.0 Development Standards: Please specify "Minimum Livability Space..."
11. PUD Text Section 3.0 Development Standards: Please specify "A Minimum Two (2) Off Street Parking..."
12. PUD Text Section 4.0 / Site Plan: Please update to reflect City Staff recommendations as to the minimum number and formats of points of access to the development.
13. PUD Text Section 4.0 / Site Plan: The existing PUD Text should be enhanced to specify that at least one (1) collector street, for which Subdivision Regulations Section 9.2.2 requires a minimum of 60' of right-of-way and 36' of paving width, will serve the development and connect 161st St. S. to at least one other arterial street.

14. PUD Text Section 4.0 / Site Plan: Please note that a Modification/Waiver from the stub-out street requirement will be requested with the Preliminary Plat application for those areas which correspond to Bixby Creek (unless a Collector Street bridge to another arterial street will be planned). In the latter case, the PUD Text should be amended to state, alternatively as the case may be, that a collector street will be extended through the excluded area to connect 161st St. S. to another arterial street, or otherwise a Modification/Waiver will be requested to not connect this residential development to a likely future commercial development. In that case, the Text may observe that these area(s) are designated Corridor on the Comprehensive Plan, and so may not be appropriate to provide access to if developed non-residentially.
15. PUD Text Section 4.0 / Site Plan: If the developer would be willing to make improvement(s) or otherwise utilize Bixby Creek access drives as a walking trail amenity, appropriate language should be added here and the PUD site plan should be updated accordingly.
16. PUD Text Section 4.0: The PUD Text should specify that required sidewalks shall be constructed by the subdivision developer along 161st St. S., such as follows, "Sidewalks shall be constructed by the developer along 161st St. S. and by the builder upon each lot along internal streets in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer."
17. PUD Text Section 4.0: Please specify that Limits of No Access (LNA) will be imposed by the future plat(s) along the 161st St. S. frontage, except at street intersections.
18. PUD Text Section 5.0 Signs: Such text should describe if Reserve Area or easement would be employed for subdivision identification sign(s) and other such common features. Such signage location(s) should be identified on the site plan if known.
19. PUD Text Section 5.0 Signs: Please change "Ordinance" to "Code."
20. PUD Text Section 7.0 / Exhibits: PUD does not describe plans for utilities or drainage in any great detail. Please enhance appropriately.
21. PUD Text Section 10.0 / Exhibits: Please reconcile names of exhibits listed here with names on the exhibits themselves for Exhibits B ("Topographic Survey" / "Boundary Map") and E ("Soil Analysis" / "Soil Map").
22. PUD Text: Please add customary section pertaining to the requirement for the approval of a subdivision plat prior to the issuance of a Building Permit for any lot.
23. PUD Text / Exhibits: Zoning Code Section 11-7I-8.B.1.e requires "Proposed screening and landscaping." Please describe in an appropriate section of the text and represent on the site plan any fences, entry features, signage, and/or landscaping proposed along 161st St. S., if known at this time, and whether the same will be contained within a Reserve Area or an easement reserved for this purpose.
24. Exhibit A: Please amend to remove the lots or parts of lots presently shown to include 100-year Regulatory Floodplain at the northeast and southeast corners of the development.
25. Exhibit A: Please label areas resembling alleys as to proposed use (e.g. "alley," "greenway," "drainageway," "pedestrainway," etc.).
26. Exhibit A: Zoning Code Section 11-7I-8.B.1.g requires "Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed." At a minimum, please represent parcel lines and names of owners of abutting properties.
27. Exhibits D and F: Please identify subject property applications area boundaries on these exhibits.
28. For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.
29. A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).

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Erik Enyart noted that the most significant design issue pertained to access. Mr. Enyart summarized from the Staff Report the history of the precedent for City Staff recommendations on the number of points of access in proportion to the scale of development in terms of lot numbers. Mr. Enyart stated that the City Planner, Fire Marshal, and Police Chief were all in agreement that the development needed at least a third point of access for the 500 lots proposed for entitlement, and that the City Planner recommended that the third point of access take the form of an extension of the collector street to connect 161st St. S. to one (1) other arterial street.

Steve Sutton clarified with Erik Enyart that all of the recommendations pertaining to access were adequately covered in the listed recommended Conditions of Approval.

Vice/Acting Chair Lance Whisman recognized Applicant Blaine Nice of 100 N. Broadway, Oklahoma City, from the Sign-In Sheet. Mr. Nice discussed the project and stated, "We intend to comply with the Code."

Larry Whiteley asked what size the lots would be. Erik Enyart responded that they would have a minimum 65' lot width, and minimum size of 6,900 square feet, and there would be no reductions from the requested RS-3 districts so, mathematically, that would work out to be a minimum of 107' to 110' deep. Mr. Whiteley asked what square footage of the houses would be constructed on the lots. Mr. Enyart deferred to the Applicant, who stated this was "conceptual at this point." Jerod Hicks asked if there would be different price points, and the Applicant responded, "Yes, we envision there will be."

Vice/Acting Chair Lance Whisman recognized Jason Mohler of Crafton Tull & Associates, 220 W. 8th St. S., Tulsa, from the Sign-In Sheet. Mr. Mohler stated that the boundary (of the subject property applications area) did not include the 151st St. S. frontage, and that the land bordered the south and southwest sides of Bixby Creek.

A Planning Commissioner asked how far off 151st St. S. the property was located, and Erik Enyart estimated it started approximately ¼ mile to the south.

Patrick Boulden stated that the recommended Conditions of Approval in the Staff Report pertaining to the access matter were numbered 12, 13, and 14. Steve Sutton confirmed with Erik Enyart that the wording in the recommendations adequately covered the access issue. Mr. Enyart noted that recommendation # 12 pointed back to the City Staff recommendations which were outlined in the analysis.

After further discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of BCPA-12. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

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

Patrick Boulden recommended the vote on the rezoning precede the vote on the PUD.

Steve Sutton made a MOTION to RECOMMEND APPROVAL of RS-3 zoning per BZ-377. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

Steve Sutton made a MOTION to RECOMMEND APPROVAL of PUD 85 subject to the corrections, modifications, and Conditions of Approval as listed in the Staff Report. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

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

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.

Vice/Acting Chair Lance Whisman 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 October 20, 2014 Regular Meeting as requested by the Applicant. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

7. BSP 2014-03 – “Brisbane Office Park” – Matt Means of StoreTulsa.com (PUD 60).

Discussion and possible action to approve a PUD Detailed Site Plan and building plans for “Brisbane Office Park,” a Use Unit 11 office park and Use Unit 16 ministorage development 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: 9910, 9920, & 9930 E. 111th St. S.

Vice/Acting 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 Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, September 12, 2014
RE: Report and Recommendations for:
BSP 2014-03 – “Brisbane Office Park” – Matt Means of StoreTulsa.com (PUD 60)

LOCATION: – 10422 E. 111th St. S. (existing parcel address)
– 9910, 9920, & 9930 E. 111th St. S. (addresses as proposed)
– Part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E
– All of proposed “Brisbane Office Park” subdivision

SIZE: 9.87 acres, more or less

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

SUPPLEMENTAL PUD 60 for “Brisbane Office Park”

ZONING:

EXISTING USE: A house and vacant/wooded land

DEVELOPMENT TYPE: Approval of Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to PUD 60 for a Use Unit 11 office park and Use Unit 16 ministorage development

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: (Not necessarily a complete list)

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” / “Brisbane Office Park” – Matt Means of Landmark Constructive Solutions – Request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 60 for subject property – changed the name of the PUD to “Brisbane Office Park” – 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.

Final Plat of Brisbane Office Park – Request for approval of a Final Plat and partial Modification/Waiver from 17.5' perimeter U/E requirement for subject property – PC recommended Conditional Approval 08/18/2014. City Council consideration pending 09/22/2014.

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 elevation contours represented on the site plan, 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.).

General. The draft Final Plat of “Brisbane Office Park” 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 Use Unit 11 office park, and Lot 2, Block 1, is proposed to be the Use Unit 16 ministorage business. Reserve A will serve as the development's stormwater detention facility.

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The Detailed Site Plan represents a suburban-style design and indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking. The subject property conforms to PUD 60 and, per the plans generally, the office park and ministorage developments would conform to the applicable bulk and area standards for PUD 60 and the underlying OL and AG districts, except as outlined in this report.

Compared to the Exhibit A site plan of the approved PUD 60 Major Amendment # 1, a few changes have been made, including, but not necessarily limited to:

- Building D/E is 44' deep, compared to 45' per the original site plan.
- The separation between office and ministorage buildings appears to have been reduced from 30' (15' on either side of the shared property line) to 27'. This must be approved by the Fire Marshal.
- The stormwater detention pond within Reserve A appears to be larger in size.

The Detailed Site Plan was prepared by W Design, LLC of Tulsa. The submitted plan-view Site Plan drawing consists of "Architectural Site Plan" drawing AS100 (sometimes, "Site Plan" or "site plan"). The landscape plan consists of a "Landscape Plan" drawing AS101. Appearance and height information has not been provided. A letter submitted with the application states that "Building Elevations...will be forthcoming at least one week prior to the Planning Commission meeting schedule for September 15, 2014." Fence/screening information is provided on "Screening Site Plan" drawing AS102 and "Screen Wall Details" drawing AS103 and by the representation of such information on other plan drawings. The Lighting Plan consists of "Site Lighting Plan" drawing AS104. The Sign Plan consists of "Monument Sign Site, Plan, and Details" drawing AS105 and by the representation of signage information on other plan drawings.

Fire Marshal's and City Engineer'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.

The Technical Advisory Committee (TAC) reviewed this application on September 03, 2014. The Minutes of the meeting are attached to this report.

Access & Circulation. The subject property has approximately 330' of frontage on 111th St. S., and the site plan proposes two (2) driveway connections thereto. Per the latest version of the Final Plat, 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 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 site plans.

The (now-proposed) 27'-wide separation between office and ministorage buildings includes the southerly 15' 1" of Lot 1 and the northerly 12' 11" of Lot 2. Due to the proposed location of the security fence serving the ministorage development area, this 15' 1" of Lot 1 will be physically inaccessible to the owners of Lot 1. Further, the owner of Lot 2 will appear to have the use of this area. It appears the Final Plat, prior to recording, should extend the Mutual Access Easement to include this area, ensuring both lot owners ultimately have legal access to the fenced-in area.

Sidewalks are required along 111th St. S., but are not indicated. This must be added, along with the proposed width. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.

The latest version of the Final Plat proposes Limits of No Access (LNA) along 111th St. S. except for access point(s), which must be approved by the City Engineer and Fire Marshal. The site plan represents these accurately, and the proposed driveway connections correspond appropriately to Access Openings.

The proposed driveway/street intersections require City Engineer and/or County Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii. Internal drives also require Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.

Internal pedestrian accessibility will be afforded via what appear to be internal sidewalks, connecting pedestrians between parking areas and buildings entrances within the development (reference Zoning Code Section 11-10-4.C). These concrete paving areas should be labeled as "sidewalk" and widths should be dimensioned (can be qualified as "typical" to reduce the number of labels, provided they are representative of all unique elements/areas). The widths of these sidewalks should be adequate to meet ADA standards.

Dimensions for drives and parking areas, as required by the Site Plan and as needed for full review, are missing throughout the site plan. See recommendations below for details.

Parking & Loading Standards. The site plan reports, and Staff counted 109 off-street parking spaces to serve both development areas.

The Zoning Code has specific formulae for required parking spaces based on Use Units, and sometimes specific types of uses within Use Unit categories. If the office park element of the development was fully occupied with Use Unit 11 uses, the Zoning Code's requirement for number of parking spaces would still depend on the types of Use Unit 11 businesses occupying the complex. If, for the sake of example and simplicity, all future tenants at all times would fall under the "Other uses" subcategory of Section 11-9-11.D, parking would be required as follows: 1 space / 300 square feet of floor area. The site plans shows Buildings A, B, C, and D/E would contain, in aggregate, 30,640 square feet. The example formula would require 102 parking spaces. Per the site plan, the seven (7) ministorage buildings, in aggregate, would contain 97,300 square feet of building floor area. Zoning Code Section 11-9-16.D requires 1 parking space per 5,000 square feet plus two (2) for an accessory dwelling. The plans do not indicate an accessory dwelling is planned in Development Area B / Lot 2, where such would be permitted. At 97,300 square feet, 19 parking spaces would be required. Together, the site would normally be required 121 parking spaces. Thus, the site proposes 12 parking spaces fewer than what the Zoning Code would otherwise require.

PUD 60 provides the following development standards for parking for the subject property:

"Minimum and maximum parking requirements for Development Areas [A] and B shall be determined upon City of Bixby Planning Commission recommendation and City Council PUD Detailed Site Plan approval."

The City Council, upon approval of this PUD Detailed Site Plan, may modify the minimum parking space standard as allowed by PUD 60. Staff presumes the developer is in a better position to estimate the parking needs for the development site, and does not object to the slight reduction (12 parking spaces) in overall parking required.

With 109 parking spaces on site, the six (6) handicapped-accessible parking spaces appears to comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces) and Zoning Code Section 11-10-4.D Table 2.

ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The Site Plan provides that one (1) of the six (6) accessible spaces presently proposed will be of van-accessible design. However, its location is not identified on the plans.

The regular and van-accessible handicapped-accessible parking spaces and access aisles are not dimensioned, so compliance with the standards of ADA and Zoning Code Section 11-10-4.C Figure 3 cannot be determined. The Applicant should make use of a handicapped-accessible parking space/access aisle/accessible route/parking signage detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards.

It is not clear if the handicapped-accessible parking spaces along the south side of the northernmost building (Building A) are adequately located to serve the next building to the south (Building B). It does not appear that any handicapped-accessible parking spaces would serve Building C. The Applicant's design professionals should provide changes as needed to comply with ADA standards as to the location of handicapped-accessible parking spaces to the buildings they serve, or otherwise confirm in writing that ADA standards are met.

The Applicant's design professionals should also determine whether the entire development will be considered as a singular parking lot for ADA compliance purposes, or whether the plainly-evident divisions between the parking areas (i.e. parking lots separated by buildings) will require each section have its own accessible space(s), and if such space(s) should or should not have at least one (1) van-accessible space per parking area.

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Perhaps a separate matter from the preceding paragraph, the Applicant's design professionals should determine whether a van / handicapped-accessible parking space should be located at the south end of the parking lot strip in front of building D/E, where the leasing office and/or public entrance to the ministorage development are presumed to be located.

An accessible path appears to be represented, but not labeled, which would connect the handicapped-accessible parking spaces in the northernmost parking lot to the northernmost building (Building A). Another appears to connect the handicapped-accessible parking spaces along the south side of the northernmost building to the next building to the south (Building B). An accessible route does not appear to connect Buildings C or D/E to 111th St. S. nor to any other building. The accessible routes do not pass along the sides of the east-west-oriented buildings. It is not known if ADA standards permit accessible routes to require passage through buildings, or whether the buildings are presently designed to allow this. The Applicant's design professionals should provide changes as needed to comply with ADA standards as to accessible routes, or otherwise confirm ADA standards are met. Finally, the accessible path first mentioned should likely be extended to the public sidewalk (which must be represented and constructed) along 111th St. S.

During the design of the ADA parking features, the designer should consult with the Building Inspector to confirm the plans will comply with ADA standards (locations, proximity to primary entrance, maximum slopes, transition areas, level landing areas, pavement coloring, etc.).

The individual parking space dimensions have not been provided and so cannot be compared with standards for the same Zoning Code Section 11-10-4.A.

The parking lot is subject to a 10' minimum setback from 111th St. S. per Zoning Code Section 11-10-3.B Table 1. The proposed parking lot setback does not appear to be provided. The Applicant should add this dimension and increase the setback to 10' if not already in compliance.

The parking lot is subject to a 10' minimum setback from an R district per Zoning Code Section 11-10-3.B Table 1. There are no R districts abutting, so this standard is not applicable.

The Site Plan shows parking area and driveway paving would encroach on the 17.5' U/Es along the north and west sides of the development lots. Paving and site improvements on public Utility Easements is subject to City Engineer and Public Works Director approval.

For Use Unit 11 office buildings, Zoning Code Section 11-9-11.D requires one (1) loading berth per 10,000 to 100,000 square feet, plus 1 per each additional 100,000 square feet of floor area. No loading berths are required for any other office building, due as none of them meet the threshold for requiring same, and the Zoning Code has no loading berth requirement for Use Unit 16 ministorage. No loading berths are indicated as proposed.

Screening/Fencing. Per the Conditions of approval of PUD 60 and PUD 60 Major Amendment # 1, the required screening is to take the form of an "8ft wall, and stucco or masonry finish." This is depicted on the Exhibit A Conceptual Site Plan to PUD 60 Major Amendment # 1. However, during the Planning Commission hearing and recommendation of the Final Plat on August 18, 2014, the Applicant verbally amended the development to relocate the required 8'-high masonry wall along the north side of Reserve A to the south side, and to extend the 8'-high masonry wall along the entire east side of Reserve A and along the west side of Reserve A to the northeast corner of the City of Bixby's water tower property. The balance of the west line of Reserve A is to keep the City of Bixby's fence in place. A security fence will be installed along the north side of Reserve A, with a gate to allow for access to Reserve A and the detention pond within. These changes need to be made to "Screening Site Plan" drawing AS102.

"Screening Site Plan" drawing AS102 does not represent existing or proposed fences along the property lines shared with the BTC Broadband property. This needs to be provided.

The "Screen Wall Details" drawing AS103 indicates some sections of the screening wall would be 6' in height, rather than 8'. It is not clear from the plans where such 6' height walls would be proposed. All wall sections indicated require the 8' height. The Applicant should reconcile appropriately or advise.

"Screening Site Plan" drawing AS102 needs to clarify the extent of the "iron picket fence" separating the office park and ministorage areas.

PUD 60 requires the following for "TRASH, MECHANICAL AND EQUIPMENT AREAS":

"(1) 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."

The site plan does not appear to identify any area(s) for solid waste disposal or mechanical and equipment storage, if the latter are necessary. Such area(s) need to be identified, and plans need to be

provided demonstrating compliance with this PUD requirement (enclosure screening height and composition details). Staff respectfully requests a profile view/elevation exhibit be submitted for the Planning Commission's and City Council's review and approval as a part of this Detailed Site Plan. Landscaping Plan. PUD 60 requires compliance with the landscaping standards of the Zoning Code and provides no special standards for landscaping.

The proposed landscaping is compared to the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of the Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 50' along 111th St. S., on which the subject property has 255.02' of frontage. PUD 60 does not increase the 50' setback required by the OL district. The Street Yard thus contains (255.02' X 50' =) 12,751 square feet, 15% of which would be 1,913 square feet. The Street Yard calculation provided on the plan is incorrect. The proposed parking lot setback / landscaped strip width dimension has not been provided, allowing for calculation and comparison to the minimum required. **Compliance with this standard cannot be determined.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 7.5', 10', or 15' along abutting street rights-of-way. A 10' minimum width strip is required along 111th St. S. The proposed parking lot setback / landscaped strip width dimension has not been provided, allowing for calculation and comparison to the minimum required. **Compliance with this standard cannot be determined.**
3. 10' Buffer Strip Standard (Section 11-12-3.A.3): Standard requires a minimum 10' landscaped strip between a parking area and an R Residential Zoning District. No R districts abut the subject property. **This standard is not applicable.**
4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Excluding the building line setback along 111th St. S. (which is a Street Yard), both Development Areas A and B have 10' setbacks along the east and west PUD boundaries per the OL district and PUD 60. Within Development Area A, however, PUD 60 requires an additional foot of setback for each foot of building height exceeding 18'.

607.91' West Boundary Setback Tree Requirements: West line @ 607.91' • 10' = 6,079.1 square feet / 1,000 = 6.1 = 7 trees (1/10 of a tree is not possible, and minimum numbers of required trees are not rounded-down). No (0) trees are proposed in the landscaped area containing the setback along this line. **This standard is not met.**

334' West Boundary Setback Tree Requirements: Setback along this boundary of Development Area A / Lot 1 cannot be determined as it depends on the proposed building height, which information has not been provided. No (0) trees are proposed in the landscaped area containing the setback along this line. **This standard is not met.**

607.91' Easterly Boundary Setback Tree Requirements: East line @ 607.91' • 10' = 6,079.1 square feet / 1,000 = 6.1 = 7 trees (1/10 of a tree is not possible, and minimum numbers of required trees are not rounded-down). No (0) trees are proposed in the landscaped area containing the setback along this line. **This standard is not met.**

282.1', 75', and 51.90' Easterly Boundary Setback Tree Requirements: Easterly line @

$$\begin{aligned}
 &282.1' \cdot 10' = 2,821 \text{ square feet} \\
 &+ \\
 &(75' - 10' \text{ setback}) \cdot 10' = 650 \text{ square feet} \\
 &+ \\
 &[(\frac{1}{4} \cdot [\pi \cdot r^2 ; r @ 10'] =) 31.416] =] 8 \text{ square feet} \\
 &+ \\
 &(51.9' - 50' \text{ Street Yard Setback}) \cdot 10' = 19 \text{ square feet} \\
 &=
 \end{aligned}$$

3,498 square feet / 1,000 = 3.5 = 4 trees required. However, the setback along this boundary of Development Area A / Lot 1 cannot be determined as it depends on the proposed building height, which information has not been provided. Two (2) trees are proposed in the landscaped area containing the setback along this line. **This standard is not met.**

5. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 50' or 75' from a Landscaped Area, which Landscaped Area must contain at least 30, 100, or 200 square feet and one (1) or two (2) trees. For Lots 1 and 2, both exceeding 2.5 acres, the standard calls for a maximum of 75' of spacing, with one (2) trees required within the Landscaped Area not less than 100 or 200 square feet in area. Per the Site Plan, Buildings A, B, and C will each be 170' deep. It is not clear, based on the dimensions provided, whether the parking lot strips attending Buildings B and C can be met by the landscaped strips that "bookend" each on their west and east sides, and whether these landscaped areas, apparently as deep but wider than a parking space, relatively speaking, contain at least 200 square feet. In either case, these landscaped strips are only proposed to contain one (1) landscaping tree, which does not meet this standard. It appears unlikely, based on provided dimensions, that the parking lot strip attending the south side of the northernmost building (Building A) will meet this standard from available landscaped areas regardless of numbers of trees in each. **This standard is not met.**
6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of Street Yard. The Street Yard is the Zoning setback along an abutting street.

111th St. S. Street Yard Tree Requirements: The subject property has frontage on one street, 111th St. S., measuring 255.02'. PUD 60 does not increase the 50' setback required by the OL district. The Street Yard thus contains (255.02' X 50' =) 12,751 square feet / 1,000 = 12.7 = 13 trees required in the 111th St. S. Street Yard. 10 trees are proposed in the Street Yard. **This standard is not met.**

7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. Presuming no additional parking will be required, 109 parking spaces proposed / 10 = 11 trees required. Excluding the Street Yard and Building Setback trees reported above, six (6) trees proposed. **This standard is not met.**
8. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard would be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
9. Irrigation Standards (Section 11-12-3.D.2): Zoning Code Section 11-12-4.A.7 requires the submission of plans for irrigation. Notes on the landscape plan indicate an irrigation system will be employed. However, no irrigation plan was provided. **This standard is not met.**
10. Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.): The reported heights and calipers of the proposed trees, tree planting diagram(s), the notes on the drawings, and other information indicate compliance with other miscellaneous standards, with the following exceptions:
 - a. Aerial data and a site inspection suggest there may be several mature trees (6" caliper or greater) within that part of the 50'-wide Street Yard which will be occupied by the parking lot in front of the northernmost building (Building A). Zoning Code Section 11-12-3.C.1.b requires their replacement at a 2:1 ratio. Please provide documentation showing how this standard will be achieved, and identify on the landscape plan where within the development site the replacement trees will be located.
 - b. The landscaping analysis in the "Landscape Ordinance Summary" is inconsistent with the interpretations rendered in this analysis, and should be reconciled therewith or removed.
 - c. The list of utility companies listed at the bottom left-hand corner of the landscape plan should be updated to include any missing utility providers serving the area, to include, at a minimum, BTC Broadband and City of Bixby.
 - d. Impervious surface calculations provided will need to be updated if / as required in order to add sidewalks or ADA-compliance accessible paths.

Until the above are resolved, this standard is not met.

11. Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard is 15% of an office lot and 10% of a commercial lot within a PUD must be landscaped open space. Neither dimensions nor areas nor percentages have been provided, such as would allow for the demonstration of compliance with this standard. Such information will need to be provided for each lot, as the ministorage lot will be considered a commercial use. **Compliance with this standard cannot be determined.**

Exterior Materials and Colors. A letter submitted with the application states that "Building Elevations...will be forthcoming at least one week prior to the Planning Commission meeting schedule for September 15, 2014." However, appearance and height information has not been provided.

The PUD has a 25' maximum building height in Development Area A / Lot 1 and an 8.5' maximum building height in Development Area B / Lot 2.

Zoning Code Section 11-9-16.C.3.a requires masonry exteriors for all ministorage building walls "along all property lines adjoining or visible from an adjoining public street or any R or O district." This would appear to apply to the north-facing exteriors (facing the office park lot).

Height and building elevations / exterior materials information is required by the site plan application and to demonstrate compliance with the Zoning Code and PUD n requirements.

Outdoor Lighting. The lighting plans consists of "Site Lighting Plan" drawing AS104, which includes a photometric plan and a legend describing the different light fixtures proposed and certain other particulars. There do not appear to be any pole-mounted lights; all are building-mounted and appear typical for an office park and ministorage application.

PUD 60 provides for lighting:

"(1) Lighting used to illuminate the development area shall be so arranged as to shield and direct 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 be a required element of the PUD Detailed Site Plan and shall include a photometric plan demonstrating compliance with the foregoing lighting requirements."

Per the photometric plan, it appears that the footcandle effects of the proposed lighting will be reduced to 0.0 at all points on the PUD boundaries.

The photometric plan element of the lighting plan appears to be severely congested, making reading difficult. This should be re-scaled or other adjustments should be made to improve legibility.

The lighting plan will need to be sealed, signed, and dated by a proper professional for such plans.

Signage. PUD 60 requires compliance with the signage standards of the Zoning Code and provides no special standards for signage.

The Sign Plan consists of "Monument Sign Site, Plan, and Details" drawing AS105 and by the representation of signage information on other plan drawings.

The site plans represent the locations of the one (1) proposed ground sign at the northwest lot corner. The sign complies with all standards of the Zoning Code for location in the OL district with a PUD. It is proposed, however, to be located within the 17.5' Perimeter U/E proposed by the plat of "Brisbane Office Park," and so would be subject to the specific approval of the City Engineer and Public Works Director.

The ground sign would advertise both the "Brisbane Office Park" and "Brisbane Mini-Storage" business. The Zoning Code (Section 11-2-1, etc.) would recognize the signage element advertising the ministorage business, located on the office park lot, as a "billboard," prohibited by the Zoning Code. However, signage advertising the ministorage business along 111th St. S. was to be expected by the specific allowance of the "back" ministorage development area / lot per the PUD. This is a common situation and relief from this restriction has commonly been done within PUDs either at the time of their initial approval or by amendment (PUD 65 Major Amendment # 1, PUD 73, PUD 76, PUD 47-C, PUD 81, etc.). This minor matter may be relieved by a Minor Amendment to PUD 60.

Wall signs are expected, but are not indicated on any of the plans. If proposed, they need to be represented, dimensioned, and must comply with applicable standards for same. If known at this time, should be identified on the Sign Plan, the elevations drawings, or another drawing. Alternatively, the Applicant may respond that wall signs are not known at this time and that future wall signs will be reviewed in the context of a future sign permit application.

Directional signs, although not indicated, are limited to a maximum of three (3) square feet in display surface area per Zoning Code Section 11-9-21.C.3.k.

Signs reserving the ADA accessible parking spaces and directional signage painted to the pavement of the driveways (not visible from adjoining public streets) should conform to applicable standards or are otherwise exempt per Federal standards.

Staff Recommendation. The Detailed Site Plan adequately demonstrates compliance with the Zoning Code and is in order for approval, subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.
2. Compared to the Exhibit A site plan of PUD 60 Major Amendment # 1, the separation between office and ministorage buildings appears to have been reduced from 30' (15' on either side of the shared property line) to 27'. This must be approved by the Fire Marshal.
3. The proposed driveway/street intersections require City Engineer and/or County Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.
4. The (now-proposed) 27'-wide separation between office and ministorage buildings includes the southerly 15' 1" of Lot 1 and the northerly 12' 11" of Lot 2. Due to the proposed location of the security fence serving the ministorage development area, this 15' 1" of Lot 1 will be physically inaccessible to the owners of Lot 1. Further, the owner of Lot 2 will appear to have the use of this area. It appears the Final Plat, prior to recording, should extend the Mutual Access Easement to include this area, ensuring both lot owners ultimately have legal access to the fenced-in area.
5. Please add sidewalks as required along 111th St. S., along with the proposed width. Sidewalks are part of complete streets, providing a safe and convenient passageway for pedestrians, separate from driving lanes for automobile traffic.
6. Internal pedestrian accessibility will be afforded via what appear to be internal sidewalks, connecting pedestrians between parking areas and buildings entrances within the development (reference Zoning Code Section 11-10-4.C). These concrete paving areas should be labeled as "sidewalk" and widths should be dimensioned (can be qualified as "typical" to reduce the number of labels, provided they are representative of all unique elements/areas). The widths of these sidewalks should be adequate to meet ADA standards.
7. Please label the widths of the following internal drives (curb face to building or curb face):
 - a. Westernmost north-south drive (portion within Development Area A / Lot 1).
 - b. Westernmost north-south drive (portion within Development Area B / Lot 2).
 - c. Easternmost north-south drive (portion within Development Area A / Lot 1).
 - d. Easternmost north-south drive (portion within Development Area B / Lot 2).
 - e. Northernmost east-west drive.
8. Please provide abutting street centerline and roadway width.
9. Please update the easements and utility lines according to the recorded, the "Final As Approved," or otherwise latest version of the Final Plat of "Brisbane Office Park."
10. Please remove the inaccurate 35' Building Line on the site plan.
11. Please add proposed interior drive curb return radii.
12. Internal drives require Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.
13. Please dimension proposed setback from south property line of Lot 2.
14. Please clarify the extents, and label all parts of all easements as per the latest, "Final As Approved," or recorded Final Plat. See, especially, north-south MAEs, 17.5' U/E around the BTC area, etc.
15. The list of utility companies listed at the "Call OKIE" note on the Screening Site Plan and sign plan (and any others) should be updated to include any missing utility providers serving the area, to include, at a minimum, BTC Broadband and City of Bixby.
16. City Council approval of this PUD Detailed Site Plan will constitute a modification of the minimum parking space standard as allowed by PUD 60.
17. Please identify the location of all proposed van-accessible handicapped-accessible spaces.
18. The regular and van-accessible handicapped-accessible parking spaces and access aisles are not dimensioned, so compliance with the standards of ADA and Zoning Code Section 11-10-4.C Figure 3 cannot be determined. The Applicant should make use of a handicapped-accessible

parking space/access aisle/accessible route/parking signage detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards.

19. *It is not clear if the handicapped-accessible parking spaces along the south side of the northernmost building (Building A) are adequately located to serve the next building to the south (Building B). It does not appear that any handicapped-accessible parking spaces would serve Building C. The Applicant's design professionals should provide changes as needed to comply with ADA standards as to the location of handicapped-accessible parking spaces to the buildings they serve, or otherwise confirm in writing that ADA standards are met.*
20. *The Applicant's design professionals should also determine whether the entire development will be considered as a singular parking lot for ADA compliance purposes, or whether the plainly-evident divisions between the parking areas (i.e. parking lots separated by buildings) will require each section have its own accessible space(s), and if such space(s) should or should not have at least one (1) van-accessible space per parking area.*
21. *Perhaps a separate matter from the preceding paragraph, the Applicant's design professionals should determine whether a van / handicapped-accessible parking space should be located at the south end of the parking lot strip in front of building D/E, where the leasing office and/or public entrance to the ministorage development are presumed to be located.*
22. *An accessible path appears to be represented, but not labeled, which would connect the handicapped-accessible parking spaces in the northernmost parking lot to the northernmost building (Building A). Another appears to connect the handicapped-accessible parking spaces along the south side of the northernmost building to the next building to the south (Building B). An accessible route does not appear to connect Buildings C or D/E to 111th St. S. nor to any other building. The accessible routes do not pass along the sides of the east-west-oriented buildings. It is not known if ADA standards permit accessible routes to require passage through buildings, or whether the buildings are presently designed to allow this. The Applicant's design professionals should provide changes as needed to comply with ADA standards as to accessible routes, or otherwise confirm ADA standards are met. Finally, the accessible path first mentioned should likely be extended to the public sidewalk (which must be represented and constructed) along 111th St. S.*
23. *During the design of the ADA parking features, the designer should consult with the Building Inspector to confirm the plans will comply with ADA standards (locations, proximity to primary entrance, maximum slopes, transition areas, level landing areas, pavement coloring, etc.).*
24. *The individual parking space dimensions have not been provided and so cannot be compared with standards for the same Zoning Code Section 11-10-4.A.*
25. *The parking lot is subject to a 10' minimum setback from 111th St. S. per Zoning Code Section 11-10-3.B Table 1. The proposed parking lot setback does not appear to be provided. The Applicant should add this dimension and increase the setback to 10' if not already in compliance.*
26. *The Site Plan shows parking area and driveway paving would encroach on the 17.5' U/Es along the north and west sides of the development lots. Paving and site improvements on public Utility Easements is subject to City Engineer and Public Works Director approval.*
27. *"Screening Site Plan" drawing AS102 needs to be updated to reflect changes to screening plans as amended by the Applicant during the Planning Commission hearing and recommendation of the Final Plat on August 18, 2014 as described in detail in the analysis above.*
28. *Please represent and label the existing security fence along the boundary shared with the City of Bixby's water tower property, which will remain, on "Screening Site Plan" drawing AS102.*
29. *"Screening Site Plan" drawing AS102 does not represent existing or proposed fences along the property lines shared with the BTC Broadband property. This needs to be provided.*
30. *"Screening Site Plan" drawing AS102 needs to clarify the extent of the "iron picket fence" separating the office park and ministorage areas.*
31. *The site plan does not appear to identify any area(s) for solid waste disposal or mechanical and equipment storage, if the latter are necessary. Such area(s) need to be identified, and plans need to be provided demonstrating compliance with the PUD requirement (enclosure screening height and composition details). Staff respectfully requests a profile view/elevation exhibit be submitted for the Planning Commission's and City Council's review and approval as a part of this Detailed Site Plan.*

32. The "Screen Wall Details" drawing ASI03 indicates some sections of the screening wall would be 6' in height, rather than 8'. It is not clear from the plans where such 6' height walls would be proposed. All wall sections indicated require the 8' height. Please reconcile appropriately or please advise.
33. Please resolve the 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1) matter as described in the Landscape Plan analysis above.
34. Please resolve the Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7) matter as described in the Landscape Plan analysis above.
35. Please resolve the Building Line Setback Tree Requirements (Section 11-12-3.A.4) matter as described in the Landscape Plan analysis above.
36. Please resolve the Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2) matter as described in the Landscape Plan analysis above.
37. Please resolve the Street Yard Tree Requirements (Section 11-12-3.C.1.a) matter as described in the Landscape Plan analysis above.
38. Please resolve the Tree to Parking Space Ratio Standard (Section 11-12-3.C.2) matter as described in the Landscape Plan analysis above.
39. Please resolve the Irrigation Standards (Section 11-12-3.D.2) matter as described in the Landscape Plan analysis above.
40. Please resolve the Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.) matter as described in the Landscape Plan analysis above.
41. Zoning Code Section 11-9-16.C.3.a requires masonry exteriors for all ministorage building walls "along all property lines adjoining or visible from an adjoining public street or any R or O district." This would appear to apply to the north-facing exteriors (facing the office park lot).
42. Height and building elevations / exterior materials information is required by the site plan application and to demonstrate compliance with the Zoning Code and PUD n requirements.
43. The photometric plan element of the lighting plan appears to be severely congested, making reading difficult. This should be re-scaled or other adjustments should be made to improve legibility.
44. The lighting plan will need to be sealed, signed, and dated by a proper professional for such plans.
45. The one (1) proposed ground sign is proposed to be located within the 17.5' Perimeter U/E proposed by the plat of "Brisbane Office Park," and so would be subject to the specific approval of the City Engineer and Public Works Director.
46. The Zoning Code (Section 11-2-1, etc.) would recognize the signage element advertising the ministorage business, located on the office park lot, as a "billboard," prohibited by the Zoning Code. This minor matter may be relieved by a Minor Amendment to PUD 60 as noted in further detail in the analysis above.
47. Wall signs are expected, but are not indicated on any of the plans. If proposed, they need to be represented, dimensioned, and must comply with applicable standards for same. If known at this time, should be identified on the Sign Plan, the elevations drawings, or another drawing. Alternatively, the Applicant may respond that wall signs are not known at this time and that future wall signs will be reviewed in the context of a future sign permit application.
48. Please submit complete, corrected copies of the Detailed Site Plan incorporating all of the corrections, modifications, and conditions of approval as follows: Two (2) full-size hard copies, one (1) 11" X 17" hard copy, and one (1) electronic copy (PDF preferred).
49. Minor changes in the placement / locating individual trees or parking spaces, or other such minor site details, are approved as a part of this Detailed Site Plan, subject to administrative review and approval by the City Planner. The City Planner shall determine that the same are minor in scope and that such changes are an alternative means for compliance and do not compromise the original intent, purposes, and standards underlying the original placement as approved on this Detailed Site Plan, as amended. An appeal from the City Planner's determination that a change is not sufficiently minor in scope shall be made to the Board of Adjustment in accordance with Zoning Code Section 11-4-2.

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Steve Sutton asked Carl Snow of 11227 S. Mingo Rd. if he was “still on the same page with the lighting issues” with the Applicant. After some discussion, Mr. Snow approached the podium and asked questions about the Staff Report. Mr. Snow expressed concern for the items in the landscaping plan analysis which stated “Compliance [with this standard] cannot be determined” and for the recommended Condition of Approval # 32, which pertained to screening walls. Erik Enyart explained the deficiencies to the Commissioners and Mr. Snow and stated that most of such issues could be resolved by adding missing information, such as dimensions. Mr. Snow stated that a plan cannot “demonstrate compliance,” and only provided a “projection.” Mr. Snow expressed objection to the use of the terms “appears” and “proposed” in the Staff Report. Mr. Snow stated that he had an agreement to measure the lighting at 10:00 PM during a [new] Moon, and would take measurements before and after construction. After further discussion, Steve Sutton asked Erik Enyart to clarify the lighting matter. Mr. Enyart stated that the PUD required that the direct, measurable effect of the lighting not exceed 0.0 footcandles at all property lines shared with residential properties. Mr. Enyart stated that this did not include “ambient light fluctuations, which I think [Mr. Snow] is referring to.” Mr. Sutton confirmed with Mr. Enyart that there were no such [ambient light] standards in effect for the subject property. Mr. Sutton asked Mr. Enyart if all of the requirements would be met. Mr. Enyart stated that all of the Zoning Code and PUD requirements would have to be met before the City would permit construction. Mr. Enyart stated that this PUD Detailed Site Plan was an exercise to review the “application of their particular plans to the set of codes in place.”

The Commissioners discussed the number of recommended corrections, modifications, and Conditions of Approval, 49. Steve Sutton asked Erik Enyart if this was not commonplace, and Mr. Enyart agreed, stating this was “very much expected.” Discussion ensued regarding previous other developments and the numbers of review comments some had garnered.

Carl Snow expressed concern that he would not see what changes were made to the plans after this meeting, and that all the corrections might not be made. Erik Enyart stated that he would check the revised plans to be sure everything was corrected and in order, and there would be a final product that he would recognize as being in compliance with the 49 approval conditions. Mr. Enyart stated that he would make this “Final As Approved” version available to Mr. Snow so he could see how the requirements would be found to be met.

Vice/Acting Chair Lance Whisman recognized Janet Dyer of 11305 S. Mingo Rd. from the Sign-In Sheet. Ms. Dyer stated that she was attending to find out if anything had changed to the drainage or fences. Erik Enyart stated that no changes had been made to the drainage or fence plans since the last meeting. Mr. Enyart stated that, per the recommended approval condition(s) in the Staff Report, the plans would need to be updated to reflect the changes made to the fence plans at the last Planning Commission meeting. Mr. Enyart stated that this was all “still required and still planned.”

Vice/Acting Chair Lance Whisman recognized Joe Daniels of 10234 E. 111th Pl. S. from the Sign-In Sheet. Mr. Daniels stated that he was attending to see about the easement across his property. Discussion ensued. Mr. Daniels stated that he and the developer would agree on the easement or otherwise he would be at the City Council meeting about the matter.

Vice/Acting Chair Lance Whisman recognized Matt Means of 10865 S. 94th E. Ave. from the Sign-In Sheet. Mr. Means stated that he had no further comment.

There being no further discussion, Steve Sutton made a MOTION to RECOMMEND APPROVAL of BSP 2014-03 subject to all of the corrections, modifications, and Conditions of Approval as recommended by Staff. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

Vice/Acting Chair Lance Whisman asked if there was any Old Business to consider. Erik Enyart stated that he had none. No action taken.

NEW BUSINESS:

Vice/Acting Chair Lance Whisman 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, Vice/Acting Chair Lance Whisman declared the meeting Adjourned at 6:55 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

BIXBY PLANNING COMMISSION

SIGN UP SHEET

DATE: ~~6-2~~ 6-2-2014

| NAME | ADDRESS | ITEM |
|------------------|---------------------------------|------|
| 1. Carl Snow | 11227 S. Mingo | 7 |
| 2. Janet Dyer | 11305 S Mingo | 7 |
| 3. JOE DANIELS | 10234 E. 111 th Pls | 7 |
| 4. MAT MEANS | 10865 S. 9 th Pl | 7 |
| 5. Blaine Nice | 100 N Broadway OKC | 1-3 |
| 6. Jason Mohler | 220 E. 8 th Tulsa | 1-3 |
| 7. Stephen Lewis | 107 Devonshire Fayetteville, AR | 1-3 |
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CITY OF BIXBY
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(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EKE*
Date: Thursday, October 02, 2014
RE: Report and Recommendations for:
PUD 86 – “South Park Self Storage, LLC” – South Park Self Storage, LLC

LOCATION: – 10901 S. Memorial Dr.
– The *South Park Center* shopping center
– Part of the W/2 of the SW/4 Section 25, T18N, R13E

SIZE: 7 acres, more or less

EXISTING ZONING: CS Commercial Shopping Center District & CG General Commercial District

EXISTING USE: The *South Park Center* shopping center including the Use Unit 16 *South Park Self Storage* ministorage business

REQUESTED ZONING: CS & CG & PUD 86

SUPPLEMENTAL ZONING: Corridor Appearance District

SURROUNDING ZONING AND LAND USE:
North: (North of 109th St. S.) CS; Three (3) multitenant commercial strip shopping center buildings at 10777, 10807, and 10827 S. Memorial Dr.
South: CS; Three (3) multitenant commercial strip shopping center buildings and the *Starbucks*, and to the southeast is the “Market Place” and/or “Market Pointe South” retail strip center and trade center (name is not certain/not distinguishable from trade center at the southeast corner of the intersection of 111th St. S. and 82nd E. Pl.).

East: RS-3; Single family residential and a stormwater detention pond facility in *South Country Estates*.

West: (Across Memorial Dr. in Tulsa) CS/PUD 570/570A, CS/RM-1/RS-3/PUD 578A, & CS/AG/RS-3/PUD; The *Arvest Bank*, the *Wal-Mart Supercenter*, and other commercial businesses in the “Southern Crossing Shopping Center” and possibly also “South/Memorial Plaza” shopping center zoned CS, RM-1, and RS-3 with PUDs 570, 570A, & 578A, and to the northwest is the “The Vinyard on Memorial” and/or “Memorial Commons” shopping centers, the *LifeTime Fitness / Life Time Fitness*, the *First Priority Bank*, and other commercial development areas zoned CS, AG, and RS-3 with PUDs 619, 619B, and 619C, all located in the City of Tulsa.

COMPREHENSIVE PLAN: Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES:

BZ-64 – Louis Levy for Robert Kramer – Request for rezoning from AG to CG and RM-2 for shopping center, apartments, and residential development for approximately 120 acres including all of *South Country Estates* and all of the commercial property to the west to Memorial Dr. (including subject property) – PC recommended Denial 07/10/1978 (apparently not appealed to City Council – see BZ-70).

BZ-70 – Louis Levy for Tommy Woods, et al. – Request for rezoning from AG to CS, OM, RD, & RS-3 for shopping center, offices, church, duplexes, and single-family residential development for approximately 120 acres including all of *South Country Estates* and all of the commercial property to the west to Memorial Dr. – subject property included in that area rezoned CS – PC recommended Approval of CS, RD, and RS-2 zoning 10/30/1978 and City Council Approved CS, RD, & RS-3 zoning 12/18/1978 (Ord. # 368).

BBOA-232 – Daily YMCA – Request for Special Exception approval to allow a Use Unit 1 circus for one (1) day in the CS district on approximately 18 acres, including subject property, lying south of 109th St. S. and west of *South Country Estates* to Memorial Dr. – BOA Conditionally Approved 10/01/1990.

BBOA-281 – Darrell Jenkins for L.C. Neel – Request for Special Exception approval to allow a (then Use Unit 22) self storage use in a (pending) CG district for subject property – BOA Approved 07/12/1994.

BZ-210 – Darrell Jenkins for L.C. Neel – Request for rezoning from AG to CS for a 4.4-acre area of subject property – PC recommended Approval of east half only 07/18/1994 and City Council Approved the easterly 212’ of subject property 09/12/1994 (Ord. # 710).

BL-178 – L.C. Neel – Request for Lot-Split approval for subject property – PC Approved 08/15/1994.

Plat Waiver for L.C. Neel – Request to Waive the platting requirement of the Zoning Code (then Section 260) for subject property to allow for the construction of the shopping center and ministorage – City Council Approved 09/12/1994 per case notes.

BBOA-325 – Lee Ann Fager for South Park Self Storage, LLC – Request for Special Exception approval to allow a 100’-high monopole communications tower in the CG district for subject property – BOA Denied 05/05/1997.

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

BBOA-122 – L.C. Neel – Request for Special Exception approval to allow Use Unit 17 automobile sales in the CS district on approximately 4 acres to the north of subject property and then addressed 10633 S. Memorial Dr. – BOA Conditionally Approved 11/14/1983.

BBOA-347 – Brian Ward – Request for rezoning from CS to CG and a Special Exception approval to allow a dual-pole ground sign, presumably (based on the Sherwin Williams sign and other case file notation) for an approximately 1.24-acre tract abutting subject property to the south at 11053/11055/11059 S. Memorial Dr. – BOA Approved 06/07/1999.

BBOA-396 – Leilani Armstrong & Ibrahim (Abraham) ElAbdallah – Request for Special Exception approval to allow Use Unit 17 automotive indoor storage, sales, and routine maintenance in the CS district for the “Market Place” and/or “Market Pointe South” (name is not certain/not distinguishable from trade center at the southeast corner of the intersection of 111th St. S. and 82nd E. Pl.) retail strip center and trade center approximately 5 ½ acres abutting subject property to the southeast at 8303/8307/8311/8315 E. 111th St. S. – BOA Conditionally Approved 02/03/2003.

PUD 43 – “Trinity Restoration” – Randall Pickard – Request to approve PUD 43 for a Use Unit 17 auto-body repair business use for approximately 1.14 acres to the south of subject property at approximately 11073 & 11081:11089 S. Memorial Dr. – PC recommended Denial 07/18/2005, voted to Reconsider 08/15/2005, and recommended Approval 09/22/2005. City Council Denied 10/24/2005.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property of approximately 7 acres is zoned CS and CG and contains the *South Park Center* shopping center including the Use Unit 16 *South Park Self Storage* ministorage business. It has approximately 903.68’ of frontage on Memorial Dr. and 340’ of frontage on 109th St. S.

The subject property slopes moderately downward to the southeast toward the stormwater detention pond facility in Reserve B in *South Country Estates*.

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

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity 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 existing CS zoning is *In Accordance*, and the existing CG zoning *May Be Found In Accordance* with the Medium Intensity 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 subject property is developed, it should be recognized that the existing commercial shopping center and ministorage uses should be found *In Accordance* with the Commercial Area land use designation.

Per the Matrix, PUDs (as a zoning district) are *In Accordance* with the Medium Intensity designation of the Comprehensive Plan Land Use Map, and thus PUD 86 is *In Accordance* with the Comprehensive Plan as a zoning district.

Due to all of the factors listed and described above, Staff believes that the proposed PUD 86 should be found *In Accordance* with the Comprehensive Plan subject to the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below.

General. The PUD proposes to allow the conversion of part of a retail building at the back side of the shopping center for ministorage use. The plan is to renovate the interior of the existing structure, without significant exterior modifications. It appears this would include the tenant spaces addressed 11017, 11019, and 11021 S. Memorial Dr. The other two (2), 11023 and 11025 S. Memorial Dr., would remain as individual shopping center tenant spaces.

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

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

The Technical Advisory Committee (TAC) discussed PUD 86 at its regular meeting held October 01, 2014. Minutes of that meeting are attached to this report.

Access and Internal Circulation. The subject property has approximately 903.68’ of frontage on Memorial Dr. and 340’ of frontage on 109th St. S. There appear to be three (3) driveway connections to Memorial Dr. and one (1) driveway connection to 109th St. S. The subject

property is also connected via existing internal drives to the commercial strip shopping center property abutting to the south. No changes to existing access or circulation networks is proposed by this PUD.

Plans for access can be inferred from the site plans.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of CS, CS/PUD 570/570A, CS/RM-1/RS-3/PUD 578A, CS/AG/RS-3/PUD, and RS-3. See the case map for illustration and the Surrounding Zoning and Land Use section of this report for a description of existing zoning patterns

The existing and proposed land uses appear to be consistent with surrounding commercial zoning and land use patterns.

For all the reasons outlined above, Staff believes that PUD 86 would be consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

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

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

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

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

Subject to certain design issues being resolved as recommended herein, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C are met in this application.

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested PUD and rezoning applications generally. Therefore, Staff recommends Approval of PUD 86, subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item will be addressed by the section in the PUD Text entitled "Standard Requirements."
2. Please update all PUD number blanks with number 86.
3. PUD Text: Please revise all areas which refer to one (1) development area. The proposed ministorage conversion development area should be one (1), and the balance of the property should be the second, if the ministorage and shopping center are not split into second and third development areas.
4. PUD Text: Development Concept: Site Description and Location: First paragraph: Occurrence of "an" in lieu of "on," as presumed intended.
5. PUD Text: Development Concept: Existing Site Zoning: Please remove the irrelevant text, "...as provided as "use by right" within Use Unit 16, "CG" General Commercial District, Tulsa County Zoning Code, and..."
6. PUD Text: Development Concept: Existing Site Zoning: Please correct citation "...Section 11-7D-2 Table 1, City of Bixby Zoning Code."
7. PUD Text: Development Concept: Features of Site Area: Please clarify text such as "The property is an existing commercial retail shopping center and ministorage facility. Development Area ___ is a portion of an existing multitenant shopping center building which will be converted to Use Unit 16 ministorage use under this PUD proposal."
8. PUD Text: Please clarify all instances of "specific site development," "overall site development area," "PUD site area," "site development area," "existing building site development area," "project location," and the like with more precise terminology, such as specifically-described and discretely-enumerated Development Area(s).
9. PUD Text: Please describe existing building height, lighting, screening, and/or signage conditions as being in compliance with the Zoning Code or otherwise advise and provide measures of flexibility in appropriate sections of this PUD.
10. PUD Text: Soil Analysis: Please relocate text used here to the second occurrence of this section, which is more appropriately placed.
11. PUD Text: Development Standards: Gross Land Area: Please clarify by re-titling "Land Area" and replacing "Net (specific site development)" with text such as "Development Area ___ Net Area."
12. PUD Text: Development Standards: Permitted Uses: Please add language here or in the Development Concept section that specifies that any development standards not specifically outlined in this PUD Text are subject to the standards requirements of the Zoning Code.
13. PUD Text: Development Standards: Permitted Uses: Please replace term "Proposed" with "Existing."
14. PUD Text: Development Standards: Permitted Uses: Please include the existing CS district in both instances.

15. PUD Text: Development Standards: Permitted Uses: Please add language excluding all sexually-oriented businesses (SOBs), as was done with PUD 76, the commercial development areas in PUD 81, PUD 83, etc.
16. PUD Text: Development Standards: Max Building Stories: Please re-title "Maximum Building Height."
17. PUD Text: Development Standards: [Maximum Building Height]: Please remove ambiguous term "N/A."
18. PUD Text: Development Standards: Frontage: Please re-title "Minimum Frontage."
19. PUD Text: Development Standards: Floor Area Ratio: Should be expressed as a decimal or percentage.
20. PUD Text: Development Standards: Floor Area Ratio: Please calibrate according to proportional share of CG and CS zoning as modified by the PUD provisions of the Zoning Code.
21. PUD Text: Development Standards: Minimum Building Setbacks: Please add asterisk text as per Zoning Code Section 11-7D.4 Table 2: "*Plus 2 feet setback for each 1 foot of building height exceeding 15 feet if the abutting property is within an RE, RS or RD district."
22. PUD Text: Development Standards: . It is likely there is a variance between minimum or maximum parking spaces according to the relative mix and respective leased floor areas of the varying Use Units which may occupy the lot of record. If parking areas are not counted and found reconciled with parking standards required, the PUD should specify a minimum and maximum number of parking spaces to serve the various DAs. Defaulting to the underlying Zoning Code may prove problematic if not calculated and determined of no issue at this time.
23. PUD Text: Landscaped Area & Visual Screening: Please replace "overall site development area" with more precise terminology as recommended elsewhere herein.
24. PUD Text: Landscaped Area & Visual Screening: Please replace final sentence with less-ambiguous text such as: "As a part of this PUD proposal, two (2) new landscaped islands will be added as conceptually represented on Exhibit ___."
25. PUD Text: Signs: Please remove the second subsection due to incompatibility: Tulsa Planning Commission and "detail site plan," neither of which are appropriate in the context of this PUD.
26. PUD Text: Topography: Please use text more appropriate to the subject matter as titled, such as describing that the existing, developed site drains generally to the southeast and that no grade changes will be made upon approval of this PUD.
27. PUD Text: Drainage: Per Zoning Code Section 11-7I-8.B.2, please use text more appropriate to the subject matter as titled, such as describing that the existing, developed site drains generally to the southeast to the existing stormwater detention pond in Reserve B of *South Country Estates*, and that no grade changes will be made upon approval of this PUD.
28. PUD Text: Soil Type: At a minimum, in satisfaction of the PUD requirements of the Zoning Code, please note the underlying soil type per any of the Federal soil data sources.
29. PUD Text: Standard Requirements (second occurrence): Please remove as the initial occurrence of this section is more appropriately placed and worded.
30. PUD Text: Access & Circulation: Please clarify such as "The existing *South Park Center* shopping center, including the *South Park Self Storage* and the proposed

30

additional ministorage development area, will maintain the existing points of access to Memorial Drive and 109th Street South. Existing internal drives will also be maintained.”

31. PUD Text: Access & Circulation: Please describe site development amendments as may be proposed pursuant to Fire Marshal recommendations.
32. PUD Exhibit A: Missing – please add.
33. PUD Exhibit A: Please be sure to include entire lot of record.
34. PUD Exhibit A/A1 (the first): Please identify existing fence, gate, and concrete elevation conditions as they exist per Fire Marshal recommendations.
35. PUD Exhibit A1 (the first): Please show proposed fence and/or gate changes proposed as recommended by the Fire Marshal.
36. PUD Exhibit A1 (the first): Please reconcile with title as used in Table of Contents and as used in Exhibit A1 (the second).
37. PUD Exhibit A1 (the first): 16’ parking stall depths are not consistent with Bixby Zoning Code standards. Please provide for flexibility in this PUD, propose to restripe (at least the ministorage conversion development area) and revise site plan, or otherwise advise.
38. PUD Exhibit A1 (the first): One (1) ADA-designed parking space may not meet stall depth or access aisle standards of ADA. Please revise in accordance with ADA requirements.
39. PUD Exhibit A1 (the first): One (1) ADA-designed parking space should be of van-accessible design, or universal design, due to width as represented. Van- and universal-design accessible spaces are not subject to the design standards of the Zoning Code.
40. PUD Exhibit A1 (the first): Please reconcile terminology used, “existing building site development area,” with development area terminology recommendations herein.
41. PUD Exhibit A1 (the first): 25’ dimension to some unidentified feature to the west should label the western feature at the 25’ dimension terminus.
42. PUD Exhibit A1 (the first): Sidewalk should be labeled as such and dimensioned as to width.
43. PUD Exhibit A1 (the first): Sidewalk vs. arcade areas should be clarified as to width.
44. PUD Exhibit B: Legal description should match that used on the PUD application form (lot of record).
45. PUD Exhibit C, D, and E: Should be scaled, demarcated, and labeled according to the lot of record.
46. PUD Exhibit D: Please replace “Proposed PUD” with Development Area __ as appropriate.
47. PUD Exhibit A1 (the first) / PUD Exhibit A1 (the second):
48. PUD Exhibit A1 (the second): Duplicative Exhibit name – please reconcile with Exhibit A1 (the first) and Exhibit A (currently missing).
49. PUD Exhibit A1 (the second): Appears to be missing all dimensions – please add.
50. PUD Exhibit A1 (the second): Please update Location Map with all plats filed of record, labeled and represented accurately, or remove specificity to the extent of obliterating incorrect citations.
51. PUD Exhibit A1 (the second): Please update Location Map to accurately represent lot of record.
52. PUD Exhibit A1 (the second): Please advise whether lot of record complies with ADA parking standards, does not but will be modified in order to comply, or does not and is

not required to be modified to comply due to the scope of the project as defined by Development Areas.

53. PUD Exhibit A1 (the second): the boundaries as indicated do not have labels and do not appear to correspond to propertylines – please revise appropriately.
54. PUD Exhibit A1 (the second): dimensions appear to be missing throughout – please revise.
55. PUD Exhibit A1 (the second): Memorial Dr. label and dimensions to Seconline, centerline, and/or curblineline are all missing.
56. The designer should consult with the Building Inspector to confirm the plans will comply with ADA standards. Any required changes pursuant to the above known at this time, in addition to adding the third accessible space, should be made at this time.
57. For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.
58. A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).

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Memo

To: Erik Enyart, AICP, City Planner

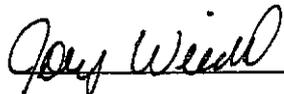
From: Joey Wiedel

Date: 09-30-2014

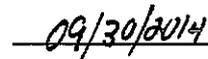
Re: PUD 86 "South Park Self Storage, llc"

General Comments:

1. Submitted site plan does not appear to match the present layout of Southpark.
2. Dead ends shall be no further than 150 feet with an approved turnaround per 2009 IFC 503.2.5.
3. Fire lanes shall be addressed.
4. Firewalls and/or sprinklers may be required.
5. Provide current fire flows for nearest fire hydrant.
6. No further comments until detail plans are submitted.



Joey Wiedel



Date

CITY OF BIXBY

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

Engineering Department Memo

To: Erik Enyart, City Planner

From: Jared Cottle, City Engineer *JWC*

CC: Bea Aamodt, Public Works Director
File

Date: 09/25/14

Re: South Park Self Storage, LLC
PUD Review

General Comments:

1. The PUD indicates that there will be no modifications to Paving, Grading, Drainage, or Utilities. Therefore, no additional comments unless site changes are proposed.
2. The emergency access and circulation must be reviewed and approved by the Fire Marshall, particularly in light of limited access and fencing in the vicinity of the PUD.



City of Bixby Application for PUD

Applicant: South Park Self Storage LLC
Address: 10901 S MEMORIAL TULSA, OK 74133
Telephone: 918-369-1414 Cell Phone: 918-312-9688 Email: TomWSherrell@gmail.com

Property Owner: _____ If different from Applicant, does owner consent? _____
Property Address: 11021 S MEMORIAL TULSA, OK 74133
Existing Zoning: CG Requested Zoning: CG Existing Use: RETAIL
Proposed Use: CLIMATE CONTROLLED SELF STORAGE Use Unit #: 16

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

(See Attached)

Does Record Owner consent to the filing of this application? YES NO
If Applicant is other than Owner, indicate interest: _____
Is subject tract located in the 100 year floodplain? YES NO
Are 5 copies of the PUD text and exhibits package attached? YES NO

Application for: PUD Major Amendment Minor Amendment Abandonment

BILL ADVERTISING CHARGES TO: SOUTH PARK SELF STORAGE LLC
10901 S. MEMORIAL TULSA, OK (NAME) 918-369-1414
(ADDRESS) (CITY) (PHONE)

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

Signature: [Signature] Date: 09/18/14

APPLICANT - DO NOT WRITE BELOW THIS LINE

PUD 36 Date Received 09/18/2014 Received By Enyart Receipt # 01192019
Planning Commission Date 10/20/2014 City Council Date _____

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

| FEES: | PUD TYPE | ACREAGE | BASE FEE | ADD. | TOTAL |
|-------|----------|------------|-----------------|----------------|-----------------|
| | | <u>≈ 7</u> | <u>\$200.00</u> | <u>\$50.00</u> | <u>\$250.00</u> |

PC Action _____ City Council Action _____

DATE / VOTE _____ DATE / VOTE _____
STAFF REC. _____ ORD. NO. _____

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5670 1347 General Warranty Deed

(OKLAHOMA STATUTORY FORM)

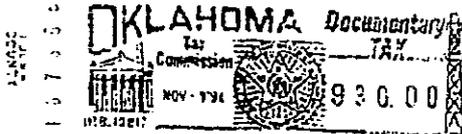
THIS INDENTURE Made this 10 day of Oct, 1994

between L. C. Neel and Nelle Ellen Neel, husband and wife

of Tulsa County, in the State of Oklahoma, part 1es of the first part, hereinafter called party grantor (whether one or more) and South Park Self Storage L L C party of the second part, party grantee.

WITNESSETH: That in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, receipt of which is hereby acknowledged, said party grantor does, by these presents, grant, bargain, sell and convey unto said party grantee, its Tulsa State of Oklahoma, to-wit:

See Addendum A attached



TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining forever.

And said party grantor L. C. Neel and Nelle Ellen Neel, husband and wife heirs, executors and administrators does hereby covenant, promise and agree to and with said party grantee, at the delivery of these presents that they lawfully seized in their own right of an absolute and indefeasible estate of inheritance in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, and discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances of whatever nature and kind, EXCEPT Easements and building restrictions of record and special assessments not yet due.

CERTIFICATE OF APPROVAL
I hereby certify that this instrument was approved by the Tulsa County Clerk on 11/9/94

and that party grantor with WARRANTY AND FOREVER DEFEND the same unto the said party grantee, its heirs and assigns, against said party grantor, their heirs or assigns and all and every person or persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said party grantor, ha ve hereunto set their hand s the day and year above written.

Nelle Ellen Neel L. C. Neel
Nelle Ellen Neel L. C. Neel

STATE OF OKLAHOMA,

County of Tulsa

(Individual Acknowledgment)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 10 day of Oct, 1994, personally appeared L. C. Neel and Nelle Ellen Neel, husband and wife

to me known to be the identical person s who executed the within and foregoing instrument, and acknowledged to me that they executed the same of their own free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial seal the day and year last above written.

My commission expires 11-2-97

Margaret Neel Jenkins Notary Public

Danell Jenkins 9709 E 55th Pl
Tulsa, OK 74146

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ADDENDUM A

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS, TO-WIT:

STARTING AT THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE DUE NORTH ALONG THE WESTERLY LINE OF SECTION 25 FOR ~~1,033.68~~ 1383.68 FEET; THENCE NORTH 89° 37' 20" EAST FOR 60.00 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING NORTH 89° 37' 20" EAST AND ALONG THE SOUTHERLY RIGHT OF WAY LINE OF EAST 109TH STREET SOUTH FOR 340.00 FEET TO THE NORTHWEST CORNER OF LOT ONE (1) IN BLOCK FIFTEEN (15) OF "SOUTH COUNTRY ESTATES" AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA; THENCE DUE SOUTH ALONG THE WESTERLY LINE OF SAID BLOCK 15 AND ALONG THE WESTERLY LINE OF RESERVE B OF SAID "SOUTH COUNTRY ESTATES" FOR 903.68 FEET; THENCE SOUTH 89° 37' 20" WEST FOR 340.00 FEET; THENCE DUE NORTH, PARALLEL WITH AND 60 FEET EASTERLY OF THE WESTERLY LINE OF SECTION 25, FOR 903.68 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, CONTAINING 307.243 SQUARE FEET OR 7.0533 ACRES.

Erik Enyart

From: Erik Enyart
Sent: Tuesday, October 07, 2014 10:29 AM
To: Ron McGill
Cc: Jared Cottle; Bea Aamodt; 'Joey Wiedel (firemarshal@bixby.com)'; Patrick Boulden
Subject: RE: [SPAM] RE: Staff ReportPUD 86 - "South Park Self Storage, LLC" - South Park Self Storage, LLC

Ron:

Per our conversation, I understand there is a possibility your client will want to proceed. As mentioned earlier this morning, I am publishing the agenda packet today, and so need to know ASAP if your client intends to proceed with or withdraw the application. To ensure maximum flexibility, I will publish the agenda packet with the PUD included, and advise the Planning Commission at a later date if your client indeed withdraws the application.

Thanks in advance,

Erik Enyart

-----Original Message-----

From: Erik Enyart
Sent: Friday, October 03, 2014 8:57 AM
To: Ron McGill
Subject: RE: [SPAM] RE: Staff ReportPUD 86 - "South Park Self Storage, LLC" - South Park Self Storage, LLC

Understood - thank you.

Erik

From: Ron McGill [rmcgill@hraok.com]
Sent: Friday, October 03, 2014 8:10 AM
To: Erik Enyart
Subject: [SPAM] RE: Staff ReportPUD 86 - "South Park Self Storage, LLC" - South Park Self Storage, LLC

Erik,
Due to the Fire Marshall's comments, last night our client requested that this PUD be pulled from consideration as the project will not be cost effective for him.
Thank you,
Ron

From: Erik Enyart [mailto:eenyart@bixby.com]
Sent: Thursday, October 02, 2014 11:45 PM
To: rmcgill@hraok.com; ranquoe@hraok.com
Cc: Jared Cottle; Bea Aamodt; Fire Marshal; Patrick Boulden
Subject: Staff ReportPUD 86 - "South Park Self Storage, LLC" - South Park Self Storage, LLC

Ron / Robert:

Please find the attached draft staff report. I had hoped to get this to you (as mentioned at the TAC meeting yesterday) by the end-of-day yesterday, but time commitments (including my attendance at the OKAPA Annual Conference in Norman today) have limited me to completing this draft as of this time.

Please contact me if you have any questions or need additional information.

Other City Staff copied here for edits as may be appropriate and/or necessary.

Thanks,

Erik Enyart

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SOUTH PARK SELF STORAGE, LLC

Bixby, Oklahoma

PLANNED UNIT DEVELOPMENT NO. _____

September 17, 2014

Prepared for:

South Park Self Storage LLC.

ATTN: Tom Sherrill

10901 South Memorial Drive

Bixby, OK 74008

CITY OF BIXBY

SEP 18 2014

RECEIVED

By

Ernest

HRAOK, INC

ENGINEERS • SURVEYORS • PLANNERS

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BROKEN ARROW, OKLAHOMA 74012
CA3643EXP.DATE:6-30-2015

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FAX: (918) 258-2554
www.hraok.com

i.

57

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SOUTH PARK SELF STORAGE, LLC

Planned Unit Development No. __

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| I. Development Concept | 1 |
| II. Development Standards | 2 |
| III. Landscaped Area & Visual Screening | 3 |
| IV. Signs | 3 |
| V. Standard Requirements | 3 |
| VI. Access & Circulation | 3 |
| VII. Utilities & Drainage | 3 |
| VIII. Schedule of Development | 3 |
| IX. Site Environmental Analysis | 4 |
| Exhibit A: Overall Concept Site Plan (Existing Features). | |
| Exhibit A1: Proposed Site Development Area. | |
| Exhibit B: Legal Description (Site Development Area). | |
| Exhibit B1: Ownership Deed | |
| Exhibit C: Zoning Map. | |
| Exhibit D: Aerial Map. | |
| Exhibit E: F.I.R.M. MAP. | |

SOUTH PARK SELF STORAGE, LLC

Planned Unit Development No. __

DEVELOPMENT CONCEPT

Site Description and Location:

South Park Self Storage, LLC developed the site located at 10901 South Memorial Drive in 1995. This site was at that time developed as a mixed use commercial project, including both commercial units and self storage units. The project concept utilized the visible site road frontage along South Memorial Drive to incorporate an attractive commercial storefront image, while screening the storage unit features in the rear. The existing site development is shown on Exhibit "A" and specific site development is shown on Exhibit A1.

South Park Self Storage, LLC seeks to transition the specific site (see Exhibit A1) from store front commercial development into enclosed store front storage facilities without disrupting the exterior store front image. The remainder of the existing development (see Exhibit A) will not be changed in any way.

Existing Site Zoning: The entire development is currently zoned both "CS" Commercial Shopping District and "CG" General Commercial District. However, the specific site development area is zoned "CG" General Commercial District only (see Exhibit "C").

The development requests the following action:

1. Approval for development of existing commercial facility into enclosed mini storage facility, as provided as "use by right" within Use Unit 16, "CG" General Commercial District, Tulsa County Zoning Code, and "use by PUD", Use Unit 16, "CG" General Commercial District, Section 11-7D-2, City of Bixby Comprehensive Plan.

Summary of the Development Area in the proposed PUD: The development consists of one development area. The legal description is provided as Exhibit B.

Features of the Site Area: The property is located within an existing commercial retail and storage facilities.

Soil Analysis: Site development area includes a fully developed tract with existing paving, curb islands, buildings, landscaping, etc. Soils analysis is not applicable.

SOUTH PARK SELF STORAGE, LLC

Planned Unit Development No. __

DEVELOPMENT STANDARDS

GROSS LAND AREA:

Gross: 7.05 acres / 307,243 square feet

Net (specific site development): 0.12 acres / 5169.50 square feet

PERMITTED USES:

Proposed Underlying Zoning District: "CG"

Uses are to include all Use Units of the City of Bixby Zoning Code permitted by right within the "CG" zoning district.

MAX BUILDING STORIES:

N/A (Per zoning code)

FRONTAGE (min. ft.) 100 (Arterial Street)

FLOOR AREA RATIO (maximum) 75

SET BACK FROM ABUTTING ARTERIAL ROADWAY 50 feet

MINIMUM BUILDING SETBACKS (from R District Boundaries): 10 feet

SOUTH PARK SELF STORAGE, LLC

Planned Unit Development No. __

LANDSCAPED AREA & VISUAL SCREENING:

- (1) Landscaping and visual screening are existing within the overall site development area. Refer to Exhibit "A" (Site Plan) and Exhibit "D" (Aerial). The addition of two new landscaped islands as shown on Exhibit "A" and "A1" will be completed under a separate permit.

SIGNS:

- (1) All signs shall comply with the setback, height, size and other requirements of the Bixby Zoning Ordinance.
- (2) Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs with movement shall be prohibited, except as may be permitted by the Tulsa Planning Commission as part of the approved detail sign plan.

STANDARD REQUIREMENTS:

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

ACCESS & CIRCULATION:

- (1) Streets do not exist within this PUD. Access points to existing South Park Self Storage parking areas are in place along South Memorial Drive along with paved drive access to PUD site area.

UTILITIES & DRAINAGE:

- (1) Site utilities are existing within the site development area.

SCHEDULE OF DEVELOPMENT:

- (1) Development of the project is expected to commence immediately following approval of Building Permit and to be completed within a timely manner.

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

SOUTH PARK SELF STORAGE, LLC

Planned Unit Development No. __

ENVIRONMENTAL ANALYSIS:

TOPOGRAPHY:

The site development area consists of existing improvements, paving, and drainage, which will not be altered by the acceptance of this PUD as site development will occur within an existing building.

DRAINAGE:

The site development area consists of existing improvements, paving, and drainage, which will not be altered by the acceptance of this PUD as site development will occur within an existing building.

SOIL TYPE:

N/A

UTILITIES:

South Park Self Storage is currently serviced by franchise utilities and no exterior utility projects will be necessary.

STANDARD REQUIREMENTS:

The Standard Requirements of the City of Bixby Fire Marshall and Building Department shall be met as a condition of approval.

Exhibit “A” & “A1”

“A” – Overall Concept Site Plan (Existing Features)

“A1” – Proposed Site Development Area (PUD)

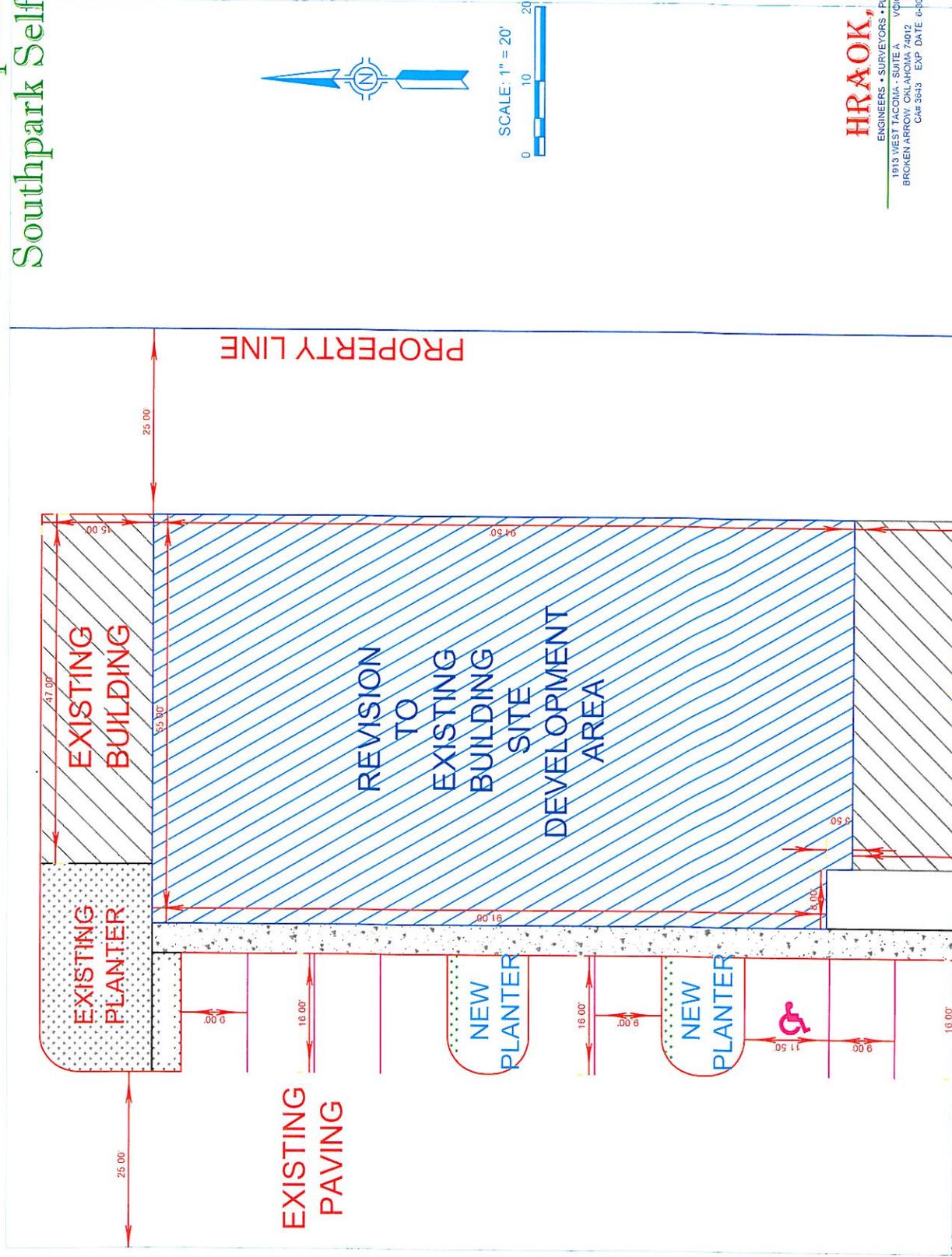
HRAOK, INC

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CA3643 EXP. DATE: 6-30-2015

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FAX: (918) 258-2554
www.hraok.com

Exhibit A1 Site Development Area Southpark Self Storage



HR AOK, INC.
ENGINEERS • SURVEYORS • PLANNERS
1913 WEST TACOMA • SUITE A
BROKEN ARROW, OKLAHOMA 74012
CA# 3643 EXP. DATE 6-30-2015
VOICE (918) 258-3737
FAX (918) 258-2554

Exhibit “B” & “B1”

“B” – Legal Description of PUD

“B1” – Overall Site Area Ownership Deed

HRAOK, INC

ENGINEERS • SURVEYORS • PLANNERS

1913 WEST TACOMA-SUITE A
BROKEN ARROW, OKLAHOMA 74012
CA3643 EXP. DATE: 6-30-2015

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Exhibit B

Legal Description

A tract of land located within the Southwest Quarter (SW/4) of Section Twenty Five (25), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, City of Bixby, County of Tulsa, State of Oklahoma. Said tract being a portion of the that tract of land described in Book 5670 at Page 1348 of the Tulsa County Records and being more particularly described as follows:

Commencing at the Northwest corner of Lot One (1), Block Fifteen (15), South Country Estates, an Addition to the City of Bixby, County of Tulsa, State of Oklahoma; thence, S 00°00'00" E, along the West line of said Block 15 a distance of 519.01 feet; thence, S 90°00'00" W, departing said West line, a distance of 25.00 feet to the Point of Beginning of this description; thence,

S 00°00'00" E, parallel to the West line of Block 15, South Country Estates, a distance of 94.50 feet; thence,

S 90°00'00" W a distance of 47.00 feet; thence,

N 00°00'00" E a distance of 3.5 feet; thence,

S 90°00'00" W a distance of 8.00 feet; thence,

N 00°00'00" E a distance of 91.00 feet; thence,

N 90°00'00" E a distance of 55.00 feet to the Point of Beginning of this description.

Said Parcel contains 5,169.50 sq./ft. or 0.12 acres.

5670 1347 General Warranty Deed

(OKLAHOMA STATUTORY FORM)

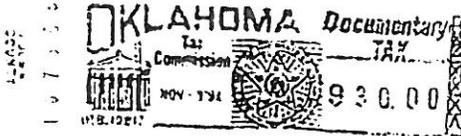
THIS INDENTURE Made this 10 day of OCT, 1994

between L. C. Neel and Nelle Ellen Neel, husband and wife

of Tulsa County in the State of Oklahoma, parties of the first part, hereinafter called party grantor (whether one or more) and South Park Self Storage L L C

WITNESSETH: That in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, receipt of which is hereby acknowledged, said party grantor does, by these presents, grant, bargain, sell and convey unto said party grantee, its heirs and assigns, all of the following described real estate, situated in the County of Tulsa State of Oklahoma, to-wit

See Addendum A attached



TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining forever.

And said party grantor L. C. Neel and Nelle Ellen Neel, husband and wife heirs, executors and administrators does hereby covenant, promise and agree to and with said party grantee, at the delivery of these presents that they lawfully seized in their own right of an absolute and indefeasible estate of inheritance in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that same are free, clear, and discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances of whatever nature and kind, EXCEPT Easements and building restrictions of record and special assessments not yet due.

CERTIFICATE OF APPROVAL
I hereby certify that this conveyance was approved by the Tulsa County Commission on August 15, 1994

and that party grantor with WARRANTY AND FOREVER DEFEND the same unto the said party grantee, its heirs and assigns, against said party grantor, their heirs or assigns and all and every person or persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF the said party grantor, he VE hereunto set their hand S the day and year above written.

Nelle Ellen Neel
Nelle Ellen Neel

L. C. Neel

STATE OF OKLAHOMA,

County of Tulsa

(Individual Acknowledgment)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 10 day of OCT, 1994, personally appeared L. C. Neel and Nelle Ellen Neel, husband and wife

to me known to be the identical person/s who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial seal the day and year last above written.

My commission expires 11-2-97

Margitta Neel Jackson
Notary Public

Danell Jenkins 9703 E. 55th Pl.
Tulsa, OK 74146

ADDENDUM A

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS, TO-WIT:

STARTING AT THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE DUE NORTH ALONG THE WESTERLY LINE OF SECTION 25 FOR ~~1,433.68~~ 1383.68 FEET; THENCE NORTH 89° 37' 20" EAST FOR 60.00 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING NORTH 89° 37' 20" EAST AND ALONG THE SOUTHERLY RIGHT OF WAY LINE OF EAST 109TH STREET SOUTH FOR 340.00 FEET TO THE NORTHWEST CORNER OF LOT ONE (1) IN BLOCK FIFTEEN (15) OF "SOUTH COUNTRY ESTATES" AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA; THENCE DUE SOUTH ALONG THE WESTERLY LINE OF SAID BLOCK 15 AND ALONG THE WESTERLY LINE OF RESERVE B OF SAID "SOUTH COUNTRY ESTATES" FOR 903.68 FEET; THENCE SOUTH 89° 37' 20" WEST FOR 340.00 FEET; THENCE DUE NORTH, PARALLEL WITH AND 60 FEET EASTERLY OF THE WESTERLY LINE OF SECTION 25, FOR 903.68 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, CONTAINING 307.243 SQUARE FEET OR 7.0533 ACRES.

Exhibit “C”

“C” – Zoning Map

HRAOK, INC

ENGINEERS • SURVEYORS • PLANNERS

1913 WEST TACOMA-SUITE A
BROKEN ARROW, OKLAHOMA 74012
CA3643 EXP. DATE: 6-30-2015

VOICE: (918) 258-3737
FAX: (918) 258-2554
www.hraok.com

Exhibit “D”

“D” – Aerial Map

HRAOK, INC

ENGINEERS • SURVEYORS • PLANNERS

1913 WEST TACOMA-SUITE A
BROKEN ARROW, OKLAHOMA 74012
CA3643 EXP. DATE: 6-30-2015

VOICE: (918) 258-3737
FAX: (918) 258-2554
www.hraok.com

EXHIBIT "D"



PROPOSED PUD

OVERALL SITE

Exhibit “E”

“E” – F.I.R.M. Map

HRAOK, INC

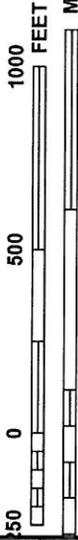
ENGINEERS • SURVEYORS • PLANNERS

1913 WEST TACOMA-SUITE A
BROKEN ARROW, OKLAHOMA 74012
CA3643 EXP. DATE: 6-30-2015

VOICE: (918) 258-3737
FAX: (918) 258-2554
www.hraok.com



MAP SCALE 1" = 500'



NFIP NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0369L

FIRM
FLOOD INSURANCE RATE MAP
TULSA COUNTY,
OKLAHOMA
AND INCORPORATED AREAS

PANEL 369 OF 530
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY: BIRBY, CITY OF TULSA, CITY OF
BLUMBERG PANEL: SUEDEX
400207 0369 L L
405381 0369 L L

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community



MAP NUMBER
40143C0369L

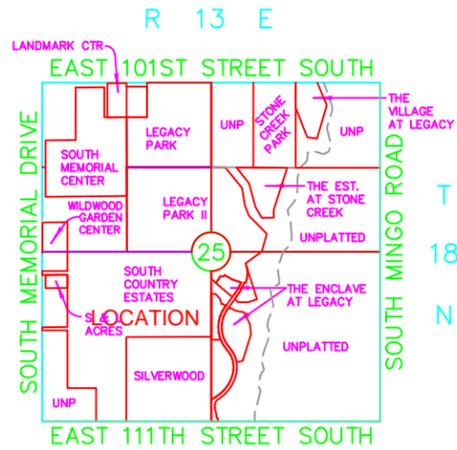
MAP REVISED
OCTOBER 16, 2012

Federal Emergency Management Agency



This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Exhibit A1 Site Development Area Southpark Self Storage



Location Map
SCALE: 1"=2000'

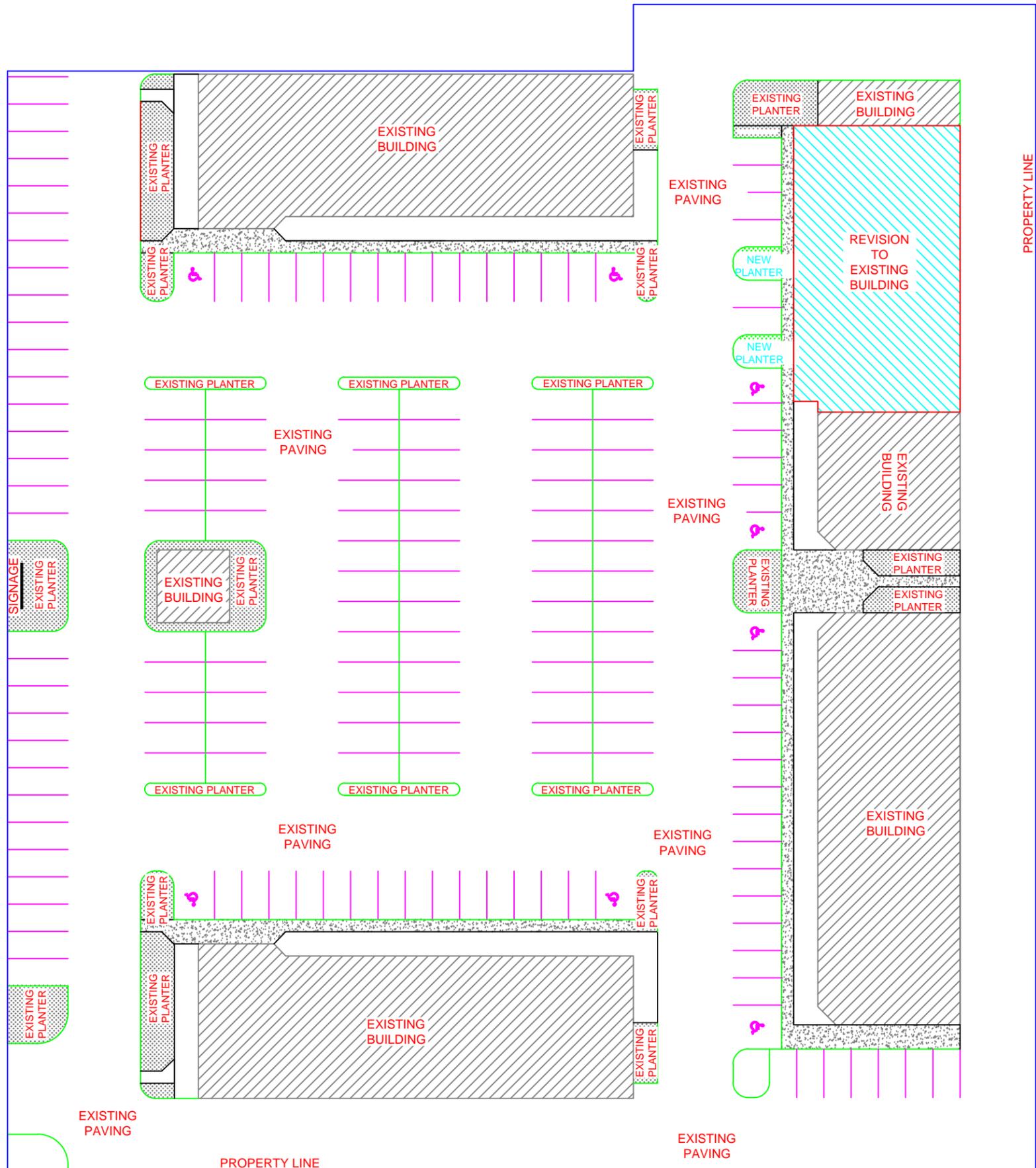


HRAOK, Inc

ENGINEERS • SURVEYORS • PLANNERS

1913 WEST TACOMA - SUITE A
BROKEN ARROW, OKLAHOMA 74012
CA# 3643 EXP. DATE: 6-30-2015

VOICE: (918) 258-3737
FAX: (918) 258-2554
www.hraok.com



MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
October 01, 2014 – 10:00 AM

MEMBERS PRESENT

Tim Dobrinski, *OG+E*

STAFF PRESENT

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

OTHERS PRESENT

Danny Arck, *Tri-State Building & Supply Co.*
Ricky Jones, AICP, *Tanner Consulting, LLC*
Justin Morgan, PE, *Tanner Consulting, LLC*
Ron McGill, PLS, *HRAOK, Inc.*
Robert Render, *HRAOK, Inc.*
Malek Elkhoury, PE, *Khoury Engineering, Inc.*

1. Erik Enyart called the meeting to order at 10:01 AM.
2. **PUD 86 – “South Park Self Storage, LLC” – South Park Self Storage, LLC.** Discussion and comment on a rezoning request for approval of a Planned Unit Development (PUD) for approximately 7 acres in Section 25, T18N, R13E.
Property Located: 10901 S. Memorial Dr.

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart noted that the property contained the *South Park Center* shopping center along the front of the property, and behind it was the *South Park Self Storage*. Mr. Enyart stated that the reason for the PUD was to allow one of the retail buildings at the back end of the shopping center, next to the ministorage area, to be redone on the interior to allow additional ministorage use. Mr. Enyart stated that, a few years ago, there was a Zoning Code Text Amendment pertaining to Use Unit 16 ministorage, and these now required a PUD [except in industrial districts]. Mr. Enyart stated that the existing ministorage was grandfathered, but the new ministorage use in the retail building would require PUD approval. Mr. Enyart asked the Applicant if they cared to summarize the project further.

Ron McGill of *HRAOK, Inc.* discussed the project briefly, and noted that the ministorage was only going into two (2) spaces. Erik Enyart clarified with Mr. McGill that he meant [three (3)] tenant spaces of a singular retail building. Mr. Enyart noted that, when he first spoke to [Tom Sherrill], he understood the whole building was going to be converted, but that the PUD indicated only part of the building would be done this way. Mr. McGill indicated agreement, and stated that the south end

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was not included. Mr. Enyart stated that he had been to the property and noticed there were a couple tenants that appeared to still be occupying this area. Mr. McGill indicated agreement.

Erik Enyart noted that he had not gotten into the PUD yet, and asked Ron McGill if it was positioned to allow any other buildings to be used for ministorage in the future, and Mr. McGill stated it was not. Mr. Enyart stated that the PUD application included the entire site, which was approximately seven (7) acres in size, but noted that the PUD site plans only appeared to include the area in question. Mr. Enyart asked if it was intended that the PUD cover the whole site, or some portion of it. Mr. McGill showed Mr. Enyart the site plan and stated that the PUD was only to cover the area shown (the building or part thereof included). Mr. Enyart stated that he had not seen this done before, and asked Mr. McGill if he anticipated needing flexibility on parking or other site design matters. Mr. Enyart suggested that it may be more flexible to use the open PUD to take care of parking or other design issues by including the entire site. Mr. McGill indicated agreement. Mr. Enyart stated that he would review the PUD and get a more comprehensive list of recommendations to Mr. McGill so these issues could be addressed.

Erik Enyart stated that he had reviewed the application as far as researching the case history, and found that the developer of the shopping center, in the 1994 : 1995 timeframe, did get a Plat Waiver approved. Mr. Enyart stated that this was a PUD, but he would check with the City Attorney to see if the Plat Waiver would still apply. Mr. Enyart confirmed with Ron McGill that there was no plan to plat the property. Mr. Enyart stated that this had not been discussed due to the limited scale of the project.

Erik Enyart stated that he had discussed the project with the Fire Marshal the previous day, and had discussed access and fence and gate issues. Mr. Enyart stated that he had been to the property and saw the fences, but assumed they had always been this way, but that he had reviewed past aerial photos and observed that the fence had been moved at some point between 2012 and the present day, which changes he was "not up[-to-date] on."

Joey Wiedel stated that it appears that the previous [U-shaped drive around the northernmost retail building in question] turnaround had been blocked. Mr. Wiedel expressed concerns for the locations and formats of the fences and gates. Mr. Wiedel stated that the project would need an approved-type turnaround for proper circulation. Mr. Wiedel stated that the site modifications had not been permitted through the City.

Joey Wiedel discussed with Ron McGill the possibility of employing a sprinkler system in the new building. Mr. McGill asked if it would be acceptable to not make the recommended access changes if the building had a sprinkler system, and Mr. Wiedel stated that he would have to discuss this with the [Fire and Assistant Fire] Chiefs. Mr. Wiedel noted that there had also been concrete work and [grade] elevation changes made, and that these were the modifications he was referring to with his comment on the plans not matching the present state. Mr. Wiedel discussed fire wall matters.

Ron McGill stated that he would tell his client that the site needed to be modified back to what it was or will need to plan to have a fire wall and sprinkler system.

Erik Enyart confirmed with Tim Dobrinski of *OG+E* that this area was served by *AEP-PSO*.

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Erik Enyart stated that he had begun his review, and hoped to get at least a draft version of it done by the end of the day.

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

Erik Enyart stated that, hearing none, the meeting would proceed to the next item on the agenda. Mr. Enyart thanked Ron McGill and Robert Render for their attendance.

Ron McGill and Robert Render left at this time around 10:15 AM.

3. **Preliminary Plat of "Pine Valley Addition" – Tanner Consulting, LLC (PUD 12-D).**
Discussion and comment on a Preliminary Plat and certain Modifications/Waivers for "Pine Valley Addition" for 51.577 acres in part of the NW/4 of Section 16, T17N, R13E.
Property Located: South of the Southeast corner of 141st St. S. & Harvard Ave.
-

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart stated that the property was located south of the southeast corner of 141st St. S. and Harvard Ave. Mr. Enyart noted that this was in PUD 12-D, which PUD had been recently amended in the past couple years. Mr. Enyart stated that the subdivision was located north of Posey Creek, in a development area planned for single-family residential development. Mr. Enyart asked the Applicant if they cared to summarize the project further.

Justin Morgan stated that this was a regular single-family subdivision. Mr. Morgan described the subdivision design, and noted the points of access. Mr. Morgan stated that the subdivision would likely be developed in phases, and that the first phase would likely be along Harvard Ave. and connect to the stub-out street in the "Springtree" neighborhood, and later phases would be south of that. Mr. Morgan stated that the subdivision would be completely clear of the 100-year Floodplain, since it was just easier than doing anything about the Floodplain at this time. Mr. Morgan stated that the cul-de-sac was designed with an opening to allow extension to the area to the south, in the event future phases would work out the Floodplain mitigation issues.

Joey Wiedel confirmed with Justin Morgan that the streets would not be gated.

Erik Enyart asked about the length of the cul-de-sac streets from the centers of the intersection to the center of the cul-de-sac [turnaround]. Joey Wiedel noted that the maximum was 300'. Justin Morgan stated that the easterly one was about 320'. Ricky Jones asked, and Erik Enyart confirmed that they could request a Waiver. Mr. Enyart stated that, when received, he will look in the area for precedents. Mr. Jones and Mr. Morgan noted that the easterly cul-de-sac led to a stormwater detention pond and did not have many houses on it. Mr. Wiedel estimated the westerly cul-de-sac off Harvard Ave. appeared to be about 400' based on measuring the lots. Mr. Wiedel stated that this was less of an issue here since the street did not exceed the 30-house-threshold. Mr. Wiedel confirmed with Mr. Morgan that the streets would be 26' in width. Mr. Morgan stated that another possible way to address this would be to widen the paving. Mr. Morgan discussed the locations for fire hydrants, including the entrances to the cul-de-sac streets and, based on lengths, likely also the

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ends of the cul-de-sac streets. Mr. Enyart noted that the Waiver request letter could cite the fact that the easterly one would allow for future connection and the westerly one was due to the site configurations. Mr. Jones indicated agreement and noted also that the westerly one only had a few houses on it.

Erik Enyart noted that the Conceptual Utility Plan did not have shading indicating paving of the stub-out street at the east end of the addition, and asked if it was planned for paving. Justin Morgan stated that the plan was to dedicate this and allow it to be built in the future if and when needed. Mr. Enyart stated that he would have to check the Subdivision Regulations, but was not sure this was acceptable. Ricky Jones asked if it could be put into a Reserve for future dedication. Discussion ensued regarding issues when these are built, such as dumping and parking RVs. After further discussion, Mr. Morgan stated that it could be paved if required.

Erik Enyart asked the Applicant if their client had a preferred timeline. Justin Morgan stated that developers do not seem to stop during the holidays anymore, and this client may want to start as soon as November, but had not closed on the property yet, waiting for Preliminary Plat approval.

Erik Enyart asked Tim Dobrinski with *OG+E* if he had any questions or comments. Mr. Dobrinski stated that *East Central Oklahoma Electric Cooperative* served "Springtree" neighborhood and had service along the east side of Harvard Ave. down to a point just north of the entrance as shown. Mr. Dobrinski noted that, in Bixby, all electrical providers can serve. Mr. Dobrinski stated that *OG+E* was along the west side of Harvard Ave. Mr. Enyart confirmed with Mr. Dobrinski that *OG+E* served the "Harvard Ponds" neighborhoods. Mr. Enyart asked Mr. Dobrinski that the Utility Easements as shown were adequate if *OG+E* were to serve the addition. Justin Morgan noted that the 10' label on the Conceptual Utility Plan was supposed to be 11'. Mr. Enyart asked if there was any reason the 10' or 11' U/E was not the 17.5' width required by the Subdivision Regulations. Justin Morgan stated that there would be an additional separate instrument dedication on the outside of the subdivision, and that there was not more in the addition due to the lots being so short. Mr. Enyart noted that the Bixby Subdivision Regulations do not allow for a reduction from the 17.5' width even when abutting another subdivision with an existing perimeter U/E, and so these things have to be done by requesting a Modification/Waiver. Ricky Jones confirmed with Mr. Enyart that he should add this to the Waiver request letter. Mr. Enyart suggested Mr. Jones should have the letter ready to go but hold off on submitting it until Mr. Enyart had had a chance to review the plat and see if there were any other Waivers to request, so that the singular letter could include all of them.

Joey Wiedel asked about the sizes of the homes. Ricky Jones consulted the Deed of Dedication and Restrictive Covenants of the plat and stated that it said 1,400 square feet but that he expected them to actually be in the range of 2,200 to 3,200 square feet. Mr. Jones or Justin Morgan noted that it was going to be built out by the same builders as in the "Providence Hills" neighborhoods in Jenks.

Erik Enyart noted that the City had been discussing the matter of house sizes and masonry standards in PUDs, and compared what had been done so far with what was commonly done in Jenks. Mr. Enyart stated that there should be more to come on this.

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Ricky Jones stated that he had reviewed the PUD but did not see that any modifications would be necessary, but asked Erik Enyart to let him know if he noticed any amendments needed. Mr. Enyart confirmed with Mr. Jones that the Deed of Dedication and Restrictive Covenants used the latest version of the PUD, PUD 12-D.

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

Erik Enyart stated that, hearing none, the meeting would proceed to the next item on the agenda. Mr. Enyart thanked Ricky Jones and Justin Morgan for their attendance.

Ricky Jones and Justin Morgan left at this time around 10:34 AM.

4. **Preliminary & Final Plat – “Tri-State Retail” – Khoury Engineering, Inc. for Quail Flats Properties, L.P.** Discussion and comment on a Preliminary Plat and a Final Plat and certain Modifications/Waivers for “Tri-State Retail” for approximately 1/2 acre in part of the SW/4 SW/4 of Section 13, T17N, R13E.
Property Located: 15035 S. Memorial Dr.
-

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart noted that this was the former *AT&T* store at the northeast corner of the intersection of 151st St. S. and Memorial Dr., and that the plan was to remove the building and build a new one. Mr. Enyart stated that the Bixby Zoning Code required, prior to issuing a Building Permit, that properties be platted when they have been rezoned by owner application, as was the case here. Mr. Enyart stated that this was a straightforward, 1-lot, 1-block subdivision, and so the City was reviewing both the Preliminary and Final Plats simultaneously. Mr. Enyart stated that he expected there were some drainage issues to work out, but that the utilities were primarily in place. Malek Elkhoury indicated agreement. Mr. Elkhoury provided an updated copy of the site plan and discussed same.

In no particular order, discussion ensued regarding the site plan and site development particulars such as in the paragraph that follows.

Parking lot will be removed, completely or almost completely, and repaved. Parking lot will have an approximately 7.5'-wide parking lot setback / landscaped strip along 151st St. S. and one approximately 10' in width along Memorial Dr., which are less than the 10' and 15' minimums required for each, respectively. Erik Enyart noted that a recent amendment to the Zoning Code, pertaining to existing [nonresidential] developed properties, would allow for such reductions, or any other development standard of the Zoning Code, to be set aside upon City Council approval of the Site Plan. Mr. Enyart stated that the process would be to submit the site plan application, City Staff will review, all details are to be corrected, and then the outstanding development standard issues can be listed for the City Council's consideration. Concrete in the right-of-way will also be removed and replaced with grass/sod. One or both driveway connections to 151st St. S. will be widened from 21' to 24'. Driveway connection to Memorial Dr. is approximately 36' wide and will remain. Trash will be in the back corner of the property. Screening fence is not required. Existing, old wooden fence, located slightly on the carwash property, will be removed and replaced with a chain-link fence for the purpose of security and establishing property boundaries. Trees will likely have to be removed. Building will be rebuilt larger, and closer to Memorial Dr. Internal east-west drive

will be 24' in width. Setback from north property line will be 11' 1" per Fire Marshal and related ordinance pertaining to fire wall ratings. Fire wall will be required at 1' hour rating in this case, since it is within 30' of the propertyline. Eastern parking lot drive is a dead-end, but is only a parking lot, and building is within allowable limits. De facto cross access with carwash lot to the north will be cut off due to the placement of the building and the location of the ground sign, which is to remain or be replaced in the same location. Area between the building and sign will be parking. Erik Enyart noted that the draft [Memorial Drive Corridor Traffic and Signalization Plan] emphasizes the need to reduce curb cuts and encourage cross access between lots. Mr. Enyart suggested a new sign would be consistent with a new and improved building. Mr. Enyart suggested the sign might be relocated to the southwest lot corner, in order to preserve existing cross access. However, *OG+E*'s powerline is in this area and there is a separation requirement, which could be met if moving it further east from the lot corner. Further, building's location on the lot would not allow enough clearance from the drive. If cross-access was needed, developer would prefer it be from the north end of the easterly parking lot. Mr. Enyart agreed to discuss the matter with City Engineer Jared Cottle and report back any recommendations on this or other site plan matters. Sidewalks are existing except for along the north end of the west frontage, and will be required up to a line perpendicular to the west line at the northwest lot corner. Tim Dobrinski with *OG+E* discussed with Danny Arck 1-phase versus 3-phase electric service. Line connecting to pole with transformer likely to be relocated and sleeved. Mr. Enyart informed Mr. Dobrinski the manufacturing facility just to the east had met with the City about expansion plans. Mr. Dobrinski stated that that facility was adequately served. Nearest fire hydrant not indicated on plans and may be across 151st St. S. at *Walgreens*, which is not accessible since it requires laying a hose across several lanes of traffic. If one is not found within 300', one will need to be added. Mr. Elkhoury identified the likely location just outside southwest lot corner. Joey Wiedel stated that the City required AVK or Mueller type hydrants. Mr. Elkhoury estimated the cost range for such hydrants. Mr. Enyart asked about drainage, and Malek Elkhoury stated that it would go to the east to the City's drainage area along the old Railroad right-of-way per his discussions with City Engineer Jared Cottle. Mr. Enyart confirmed with Mr. Elkhoury that on-site stormwater detention would not be required due to the credit from the extra paving being removed. Mr. Elkhoury stated that he had not yet run the numbers, but expected them to come out even or otherwise there would be a slight reduction in the impervious surface on the property. Mr. Enyart asked if the store would again be an *AT&T* store, and if it would have any other tenants, and who was going to develop and own the property. Mr. Arck responded that it would be another *AT&T* store, have no other tenants, and would be developed and owned by the current owner, Quail Flats Properties, LP out of Texas. Mr. Wiedel and Mr. Enyart confirmed with Mr. Arck that this would be a franchise store. Mr. Elkhoury confirmed with Mr. Arck that the developer did not necessarily prefer concrete or asphalt. Mr. Elkhoury stated that concrete would allow for flatter slopes [from a drainage design standpoint]. Mr. Enyart confirmed with Mr. Elkhoury that the 10' U/Es shown on the site plan were the same as shown on the draft underlying plats. Mr. Enyart noted that it appeared all the utilities were in the right-of-ways, but the Subdivision Regulations would require requesting a Modification/Waiver from the 17.5' minimum width Perimeter U/E standard. Mr. Enyart stated that it would be "just a perfunctory thing." Mr. Enyart confirmed with Mr. Elkhoury that the plat included a Deed of Dedication and Restrictive Covenants. Mr. Elkhoury stated that this was not in a PUD, so there were no PUD covenants, and they primarily consisted of easement dedications and dedications for specific utilities. All dimensions need to be added to the site plan in order to reduce the number of review comments. Mr. Arck discussed natural gas versus total electric service with Mr. Dobrinski.

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

5. Old Business

6. New Business

7. Meeting was adjourned at 11:08 AM.

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BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, October 01, 2014

| NAME | COMPANY | PHONE |
|--------------------------|--------------------------|-----------------------|
| 1. <u>Tim Dobrinski</u> | <u>OG&E</u> | <u>918-227-6203</u> |
| 2. <u>DANNY ARCK</u> | <u>TRI-STATE BLDG</u> | <u>620-231-5260</u> |
| 3. <u>RICKY JONES</u> | <u>Tanner Consulting</u> | <u>918 745-9929</u> |
| 4. <u>JUSTIN MORGAN</u> | <u>" "</u> | <u>" "</u> |
| 5. <u>Don McGill</u> | <u>HRA</u> | <u>918-258-3737</u> |
| 6. <u>Robert Rende</u> | <u>HRA</u> | <u>918-258-3737</u> |
| 7. <u>Jay Wiedel</u> | <u>COB FM</u> | <u>(918) 366-0436</u> |
| 8. <u>Eric Enyart</u> | <u>COB</u> | <u>918 366 0427</u> |
| 9. <u>Malek ElKhoury</u> | <u>Khoury Eng</u> | <u>918 712-8768</u> |
| 10. _____ | _____ | _____ |
| 11. _____ | _____ | _____ |
| 12. _____ | _____ | _____ |
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| 16. _____ | _____ | _____ |
| 17. _____ | _____ | _____ |
| 18. _____ | _____ | _____ |
| 19. _____ | _____ | _____ |
| 20. _____ | _____ | _____ |



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Tuesday, October 07, 2014
RE: Report and Recommendations for:
Preliminary Plat of "Pine Valley Addition" (PUD 12-D)

LOCATION:

- Northeast corner of 151st St. S. and Harvard Ave. (parent tract)
- South of the Southeast corner of 141st St. S. & Harvard Ave. (plat area)
- Part of the W/2 of Section 16, T17N, R13E (parent tract)
- Part of the NW/4 of Section 16, T17N, R13E (plat area)

SIZE:

- 219/223 acres, more or less (parent tract)
- 51.577 acres, more or less (plat area)

EXISTING ZONING: RS-1 and RS-3 Residential Single-Family Districts with PUD 12-D (plat area)

SUPPLEMENTAL ZONING: PUD 12-D "Geiler Park" (parent tract, including all of plat area)

EXISTING USE: Vacant and mostly wooded (plat area)

REQUEST:

- Preliminary Plat & Final Plat approval
- Modification/Waiver from the 300' maximum length standard of Subdivision Regulations Section 3.2.20
- Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the width of the Perimeter U/E from 17.5' along certain perimeters

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- 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
- Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage along Harvard Ave.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.O to allow parts of Reserve Areas A and C to be platted within the 100-year Regulatory Floodplain

SURROUNDING ZONING AND LAND USE:

North: RS-1; Single-family residential in *Springtree*.

South: IL/CS/OL/RM-2/RM-1/RD/RS-3/PUD 12-D; The unplatted balance of subject property parent tract and the City of Bixby's unplatted property of 21.5 acres, all of which property is presently agricultural and vacant/wooded.

East: AG & IL/PUD 12-A; The 300'-wide AEP-PSO overland transmission powerline right-of-way zoned AG and farther east is vacant/wooded land in the *Sitrin Center Addition* zoned IL with PUD 12-A.

West: (Across Harvard Ave.) AG & RS-3; Single-family residential and vacant lots in *The Reserve at Harvard Ponds*, agricultural, vacant, and rural residential along Harvard Ave. to the west and northwest, and single-family residential homes and vacant lots in *The Enclave at Harvard Ponds* and additional agricultural and rural residential along Harvard Ave. to the southwest.

COMPREHENSIVE PLAN: Special District 2 + High Intensity/ Development Sensitive + Vacant, Agricultural, Rural Residences, and Open Land + Community Trails

PREVIOUS/RELATED CASES: (Not necessarily a complete list and does not include cases in unincorporated Tulsa County)

BZ-11 – Louis Levy for Tom Sitrin – Request for I-1, C-1, and R-1 zoning for approximately 660 acres (all of *Sitrin Center Addition*) – the Lot 6, Block 1, *Sitrin Center Addition* part of parent tract subject property included in that 360-acre area requested for R-1 zoning – believed to have been rezoned with modifications, per case notes and correspondence found in case file (Ordinance not found) by City Council on 02/06/1973.

BZ-57 – Joe Donelson/J-B Engineering Co. for Frank & Maria Sweetin/Jody Sweetin – Request for rezoning from AG to RS-1 for approximately 142 acres (all of the NW/4 Less & Except the E. 300' thereof) (included subject property) – PC Recommended Approval 07/25/1977 and City Council Approved 09/12/1977 (Ord. # 337).

BZ-58 – Joe Donelson/J-B Engineering Co. for Frank & Maria Sweetin/Jody Sweetin – Request for rezoning from AG to RS-2 for approximately 142 acres (all of the NW/4 Less & Except the E. 300' thereof) (included subject property) – Withdrawn 10/03/1977.

Final Plat of Springtree – Jody L. Sweetin – City Council approved the Final Plat of *Springtree* 04/03/1978 and plat recorded 04/28/1978 (appears to have been a part of a parent tract which also includes subject property).

BZ-66 – Jody L. Sweetin – Request for rezoning from RS-1 to RS-2 for approximately 100.53 acres (all of the NW/4 lying south of *Springtree*, Less & Except the E. 300' thereof) (included subject property) – PC Recommended Approval 07/31/1978 and City Council Approved 10/16/1978 (Ord. # 364).

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Final Plat of "Springtree South" – Jody Sweetin – Request for Final Plat for "Springtree South," including 189 lots, for approximately 101 acres (all of the NW/4 lying south of *Springtree*, Less & Except the E. 300' thereof) – included subject property – PC Recommended Conditional Approval 07/30/1979 (not ever platted).

BZ-86 – Louis Levy – Request for RS-3, RD, RM-2, OL, OM, and CS zoning for approximately 602 acres (*Sitrin Center Addition* Less & Except Lot 1, Block 1, and Less & Except the E. 300' of Lot 6, Block 1) – Lot 6, Block 1 section of subject property parent tract included in that area approved for RS-3 zoning – PC Recommended Modified Approval 04/28/1980 and City Council Approved 06/16/1980 (Ord. # 402).

PUD 1 – Royal Park Estates – Louis Levy – Request for PUD approval for approximately 602 acres (*Sitrin Center Addition* Less & Except Lot 1, Block 1, and Less & Except the E. 300' of Lot 6, Block 1) – included that part of subject property parent tract within Lot 6, Block 1 – PC Recommended Approval 04/28/1980 and City Council Approved 06/16/1980 (Ord. # 403).

PUD 3 – Celebrity Country – Replaced PUD 1 but retained underlying zoning (included subject property) – PC Recommended Approval 09/27/1982 and City Council Approved 10/04/1982 (Ord. # 465).

BZ-186 – Gary L. Sulander for Preferred Investments Corp. – Request for CS, OL, RM-1, and RD zoning for approximately 30 acres (S/2 SW/4 SW/4 and NE/4 SW/4 SW/4 of this Section) – included subject property parent tract – PC Recommended Approval 05/02/1988 and City Council Approved 05/24/1988 (Ord. # 586).

BZ-197 – Stephen D. Carr / George Suppes – Request for rezoning to RS-3, RM-2, CS, and IL for approximately 399.49 acres (Lots 2, 3, and 5, Block 1, *Sitrin Center Addition*, Less & Except that part lying E. of the Centerline of Kimberly-Clark Pl., and Lot 6, Block 1, *Sitrin Center Addition*, Less & Except the E. 300' thereof, and the NW/4 of this Section lying south of *Springtree*, Less & Except the E. 300' thereof) – included subject property – PC Recommended Modified Approval 03/21/1991 and City Council Approved with modifications, including IL, CS, RM-2, RS-3, and RS-1, on 04/13/1991 (Ord. # 652).

BPUD (PUD) 12 – George Suppes / Stephen D. Carr & Associates – Request for PUD approval for approximately 399.49 acres (Lots 2, 3, and 5, Block 1, *Sitrin Center Addition*, Less & Except that part lying E. of the Centerline of Kimberly-Clark Pl., and Lot 6, Block 1, *Sitrin Center Addition*, Less & Except the E. 300' thereof, and the NW/4 of this Section lying south of *Springtree*, Less & Except the E. 300' thereof) – replaced PUD 3 for the concerned part thereof – included subject property – PC Recommended Approval 03/21/1991 and City Council Approved 04/13/1991 (Ord. # 653; ordinance appears to have excluded the W/2 of the SW/4 of Section 16, T17N, R13E).

PUD 12 Major Amendment – "Amendment A" – Stephen D. Carr & Associates – Request for Major Amendment to PUD 12 – redesignated BPUD 12 as "PUD 12-A" – included subject property – PC recommended Conditional Approval 11/21/1994 and City Council Approved 01/09/1995 (Ord. # 713; ordinance appears to have used a legal description that does not properly close. The part with the deficient legal description corresponded to the subject property acreage lying outside *Sitrin Center Addition*. Because of the legal description error, INCOG did not change the official Zoning Map to reflect "PUD 12-A." Since superseded by PUD 12-D).

PUD 12-A Major Amendment – "Amendment B" – Stephen D. Carr & Associates – Request for Major Amendment to PUD 12 – included subject property – PC recommended Conditional Approval 11/21/1994 and City Council Approved 03/23/1998. However, it was

not approved by ordinance, as required (reference Zoning Code Sections 11-7I-8.G, 11-7I-8.D, and 11-5-4.E.3). Rather, it was approved by majority vote of the City Council per the approved Minutes of the March 23, 1998 City Council meeting.

PUD 12-A Major Amendment – “Amendment C” – “Amendment C” to PUD 12 was received from attorney George Suppes on 10/17/2007. It was not formally submitted for consideration, was not approved, and so has no effect. It is listed here for accounting purposes. The 2012/2013 Major Amendment was designated Amendment # D “Geiler Park” to account for all versions known to have existed.

PUD 12-A – Major Amendment # D “Geiler Park” – Request for approval of Major Amendment # D to PUD 12-A, to be known as “PUD 12-D” for Geiler Park, which amendment proposed the extension of the business/industrial park areas, the inclusion of additional permitted uses within the business/industrial park areas, and the modification of bulk and area limitations – PC Recommended Conditional Approval 07/16/2012 and City Council Conditionally Approved the application only, and not the ordinance effecting the zoning change, 08/13/2012 (Ord. # 2088 executed in error). City Council repealed the spurious Ord. # 2088 and approved a revised Major Amendment # D by new ordinance 02/11/2013 (Ord. # 2114).

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The subject property parent tract of 219/223 acres, more or less, consists of the W/2 of Section 16, T17N, R13E lying South of *Springtree*, Less & Except the East 300’ thereof, and Less & Except the City’s 21.5-acre tract also contained within PUD 12-D. The subject property parent tract includes Lot 6, Block 1, *Sitirin Center Addition*, Less & Except the E. 300’ thereof. The East 300’ of the W/2 of this Section belongs to AEP-PSO and is used as right-of-way for overland transmission powerlines. This 300’ strip separates the subject property parent tract from PUD 12-A, which is under separate ownership.

The subject property contains Posey Creek, and the plat area thereof is primarily that part lying north of Posey Creek. The subject property (plat area) is moderately sloped and drains to the south and east to Posey Creek, which itself is generally flowing northeasterly toward its confluence with the Arkansas River just east of the *Kimberly-Clark* plant. The property (plat area) is presently vacant and mostly wooded. The balance of the subject property parent tract is also vacant and mostly wooded, but has agriculturally-used, cleared areas.

The subject property parent tract’s current underlying zoning pattern includes IL, CS, OL, RM-2, RM-1, RD, RS-3, and RS-1. This pattern is the result of several rezonings which started in the 1970s, but primarily per BZ-186 and BZ-197 in the late 1980s and early 1990s, respectively. The subject property plat area includes RS-1 and RS-3 underlying zoning, and is located in (primarily residential) Development Areas A, B, and C.

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

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Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Special District 2, (2) High Intensity, (3) Development Sensitive/Vacant, Agricultural, Rural Residences, and Open Land, and (4) Community Trails.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the existing RS-1 and RS-3 zoning *May Be Found In Accordance* with the Special District # 2, High Intensity, and Development Sensitive designations of the Comprehensive Plan Land Use Map.

Pages 18 and 20 of the Comprehensive Plan describe Special District 2 (all of this Section except *Springtree*) thus:

- b. The area generally depicted in the Special District 2 exhibit is recommended as an Industrial-Business Park Special District. The district is located in Section 16, Township 17 North, Range 13 East of the Indian Base and Meridian. This area has been planned and zoned consistent with the following standards. These standards of the approved PUD should be considered for other business and/or industrial parks which develop in the Bixby area. The development guidelines for the Special District 2 and any business and/or industrial park are as follows:
- (1) The tract of land should be assembled under one continuing control.
 - (2) The park should be a comprehensive planned development with specific development guidelines, restrictions and controls that ensure compatibility of uses and activities and provision of necessary infrastructure.
 - (3) A set of physical development and operational requirements and standards should be developed for the park applicable to all land owners within the park which will ensure a high standard of design and development.
 - (4) The purpose of Special District 2 and other business and/or industrial parks is to create a physical environment that will achieve the following: consistency with the Bixby Comprehensive Plan goals; efficient business and industrial operations; human scale and values; compatibility with natural and man-made environment; achieving and sustaining highest land values; and foster economic development.
 - (5) ST, IR, and IL zoning classifications are appropriate for such special districts once a comprehensive special district plan has been approved by the City. Such special district plans are recommended to be prepared by the property owner/developer by means of Planned Unit Development overlay district zoning.

The CS is appropriate and CG zoning classifications may be found to be appropriate in this special district. The IM zoning classification may or may not be appropriate within this special district. IH zoning is most likely inappropriate for this special district and special planning and development concerns associated with strictly IH uses must be satisfactorily resolved prior to any approval of this zoning in this special district.

It appears that Special District 2 was written in specific recognition of PUD 12, as was in effect when the Plan was last updated (circa 2002). The single-family residential development is consistent with the RS-1 and RS-3 underlying zoning and with the residential Development Areas in which located, and so does not appear to be inconsistent with Special District 2.

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

Per the Matrix, PUDs (as a zoning district) are *In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map, and thus PUD 12-D is *In Accordance* with the Comprehensive Plan as a zoning district. The proposed subdivision plat is consistent with PUD 12-D.

The Comprehensive Plan Land Use Map designates a Community Trail more or less along a line south of and paralleling the southerly line of *Springtree* through the subject property's (plat area) entire east-west length. It is indicated as crossing Harvard Ave. and then crossing back to the east side, where it 'dovetails' the upstream tributary to Posey Creek. No trails are indicated as proposed in the development at this time.

PUD 12-D did not show planned trail routes, but did include plans to provide trails under PUD 12-D Section II.C:

"It is proposed that a trail system be provided that is meaningful and provides reasonable pedestrian opportunities extending from Harvard Avenue through the Posey Creek flood plain and continuing to the East boundary of Geiler Park. Prior to the issuance of occupancy permits for development which in the aggregate comprises 20% of the land area of Geiler Park, a trail system plan, including a construction phasing schedule, shall be submitted to and approved by the Bixby Planning Commission."

Even if it did not provide for trails, an amendment to the Comprehensive Plan would not have been required to approve Major Amendment # D, because the Zoning Code requires only consistency with the land use elements for rezoning purposes, not the Public Facilities / Urban Design Elements such as trails.

The division of trail construction responsibility between the residential and non-residential development areas was not addressed in PUD 12-D. The Applicant should consult with the current property owner and advise how the trail provisions will be addressed.

For all the reasons outlined above, the Trail designation notwithstanding, Staff believes that the single-family residential subdivision anticipated by this plat would be not inconsistent with the Comprehensive Plan.

General. This commercial subdivision of 51.577 acres, more or less, proposes 151 lots in seven (7) to nine (9) blocks (see recommendations), three (3) Reserve Areas.

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This plat represents a conventional, suburban design, and appears similar to *The Reserve at Harvard Ponds* and *The Enclave at Harvard Ponds* to the southwest, with relatively similarly-sized and configured lots. Typical lots range from 65' X 125' (8,125 square feet, 0.19 acres) to 70' X 142' (9,940 square feet, 0.23 acres). All lots appear to meet PUD 12-D zoning standards.

With the exception(s) as outlined elsewhere herein, the Preliminary Plat appears to conform to the Zoning Code, PUD 12-D, and the Subdivision Regulations.

The Technical Advisory Committee (TAC) reviewed this application on October 01, 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. Access to the residential subdivision would be via two (2) proposed street connections to Harvard Ave. and two (2) proposed connections to existing stub-out streets in *Springtree*: Jamestown Ave. and New Haven Ave. It proposes a stub-out street to the balance of the unplatted parent tract approximately at the New Haven Ave. alignment, and the south-pointing cul-de-sac street is designed with an opening along its easterly side to allow for future connection as well.

The Subdivision Regulations requires sidewalks along interior streets and Harvard Ave. To ensure this requirement is not inadvertently overlooked for the sidewalks along Harvard Ave. and Reserve Area frontages (developer's responsibility prior to the construction of any homes), the engineering construction plans should show locations, widths, and design details, which are subject to the Engineering Design Criteria Manual and City Engineer approval.

Limits of No Access (LNA) are proposed along Harvard Ave. except for access points corresponding to proposed street intersections, which must be approved by the City Engineer and Fire Marshal. County Engineer approval may also be required.

As noted above, no trails are indicated as proposed in the development at this time.

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

1. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
2. Limits of No Access (LNA) and Access Openings subject to City Engineer and Fire Marshal approval. County Engineer approval may also be required.
3. Please advise (or represent on Preliminary Plat) where the southerly street would intersect Harvard Ave. as relates to the 145th Pl. S. entrance to *The Reserve at Harvard Ponds*. Please discuss with City Engineer and Fire Marshal if an offset would be considered appropriate or discouraged here, and if appropriate, how much of an offset should be achieved.

4. Will a median be employed at northerly entrance street? Please discuss.
5. The Subdivision Regulations requires sidewalks along interior streets and Harvard Ave. To ensure this requirement is not inadvertently overlooked for the sidewalks along Harvard Ave. and Reserve Area frontages (developer's responsibility prior to the construction of any homes), the engineering construction plans should show locations, widths, and design details, which are subject to the Engineering Design Criteria Manual and City Engineer approval.
6. The division of trail construction responsibility between the residential and non-residential development areas was not addressed in PUD 12-D. The Applicant should consult with the current property owner and advise how the trail provisions will be addressed.
7. Block 3 and other areas are exceedingly long; discuss the possibility of a pedestrian corridor of some sort for the ease of pedestrian accessibility throughout the neighborhood.
8. Subject to a Modification/Waiver from the 300' maximum street length standard of Subdivision Regulations Section 3.2.20. Cul-de-sac streets in *The Reserve at Harvard Ponds* and *The Enclave at Harvard Ponds* to the southwest appear to be at or less than the 300' maximum. The existing dead-end / stub-out street 146th Pl. S. in *The Enclave at Harvard Ponds*, however, appears to be roughly 470' in length. Although it should have a temporary turnaround, it does not, and so is not technically a cul-de-sac street. Also, when and if extended, it may no longer be a dead-end street. The nearest Bixby precedents for cul-de-sac streets in excess of 300' are found in *Falcon Ridge Estates* and *Celebrity Country*. The Applicant should describe, in the Modification/Waiver request letter, how the extra length may be justified.
9. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the width of the Perimeter U/E from 17.5' along certain perimeters.
10. 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.
11. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage along Harvard Ave. Recognizing the Limits of No Access (LNA) placed along the Harvard Ave. frontage, City Staff is supportive of this design, which is incidental and unavoidable due to existing geometries.
12. Subdivision Regulations Section 12-3-2.O prohibits the approval of building lots within the 100-year Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby's Floodplain Regulations by ordinance; by Modification/Waiver, platting Reserve Areas may be permitted, provided their use is passive and use restrictions prohibit building construction. Parts of Reserve Areas A and C are in the 100-year Floodplain.
13. All Modification/Waiver requests must be submitted in writing.
14. Title Block area – please add PUD 12-D where appropriate.
15. Preliminary Plat: Elevation contours at one (1) foot maximum intervals not represented as required per SRs Section 12-4-2.B.6.
16. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - a. Please correct name of street: S. Sandusky Ave. → S. Kimberly-Clark Pl.
 - b. *Falcon Ridge Estates Community Pool* (missing)
 - c. *The Auberge* (mislabeled)

d. *The Auberge' Village* (mis-labeled)

e. Please identify project location in Location Map.

17. Please correct the number of Reserve Areas reported in Subdivision Contains statistics.
18. Please resolve text/linework conflicts and/or congestion in Lot 8, Block 4, Lot 1, Block 6, Lot 7, Block 6, Lot 2, Block 3, and elsewhere throughout the plat as needed.
19. Please label 143rd St. S. for that portion thereof represented in *Springtree*.
20. 20' Bixby Drainage Easement along Harvard Ave.: arrows do not clearly point to 20' of width – please revise or advise.
21. 15' ONG Easement along Harvard Ave.: arrows do not appear to correspond to relative width – please revise or advise.
22. 50' R/W dedicated by Book 4598, Page 296: If not dedicated as fee-simple right-of-way (i.e. only easement), it should be re-dedicated by this plat or otherwise.
23. 204.82' distance call along Harvard Ave.: Southerly terminus of indicated distance not identified (i.e. is this a point 50' easterly of the west Quarter Corner?).
24. The Sectionline linetype corresponding to Harvard Ave. has a straight break symbol, suggesting the intent to provide a dimension to some survey point farther south – please identify or clarify as appropriate.
25. Please identify linework along Harvard Ave. west of and parallel to the 20' B/L (i.e. 15' U/E?).
26. Please identify blue linetype (exterior extent of 100-year Floodplain presumed).
27. Please identify the linetype, presumably a 25' B/L, located along the rear yard lines of Lots 4, 5, and 6, Block 1, which appears to correspond to the area located in Development Area A, which has a 25' rear yard setback.
28. Please identify the linetype, presumably a 25' B/L, located along the rear yard lines of Lots 17, 18, 19, and 20, Block 20, which appears to correspond to the area located in Development Area A, which has a 25' rear yard setback.
29. Please clarify the relative extents of the 10' U/E along the south line of *Springtree*; 5' and 5' respective proportions are assumed, but this is not known.
30. Linework represented within and along the south side of *Springtree* (probably intended to be the "15' [Utility] Easement" per the plat of same) needs to be identified.
31. Southerly distance indication arrow appears to be missing within Reserve B.
32. Please add proposed street names. Street names known at this time are Jamestown Ave. and New Haven Ave. as the continuations of these existing streets from *Springtree* to the north. In order to make the street names "fit" and be compatible with the 144th Pl. S. intersection with Harvard Ave. in The Reserve at Harvard Ponds, the east-west streets should be, from north to south: 143rd Place South, 143rd Court South, and 144th Street South.
33. Please add proposed addresses to the lots. A table may be used if needed for map clarity.
34. Please consider using a different symbol to indicate the curve on the cul-de-sac turnaround just easterly of the Reserve Area C frontage, to avoid ambiguity with curve # 1 as shown in the Curve Table.
35. Lots 8, 9, and 10, Block 6, are completely separated from the balance of Block 6 by Reserve Area A. Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.

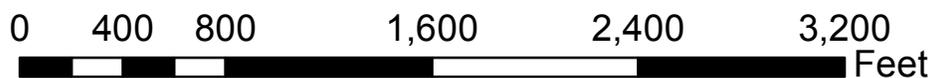
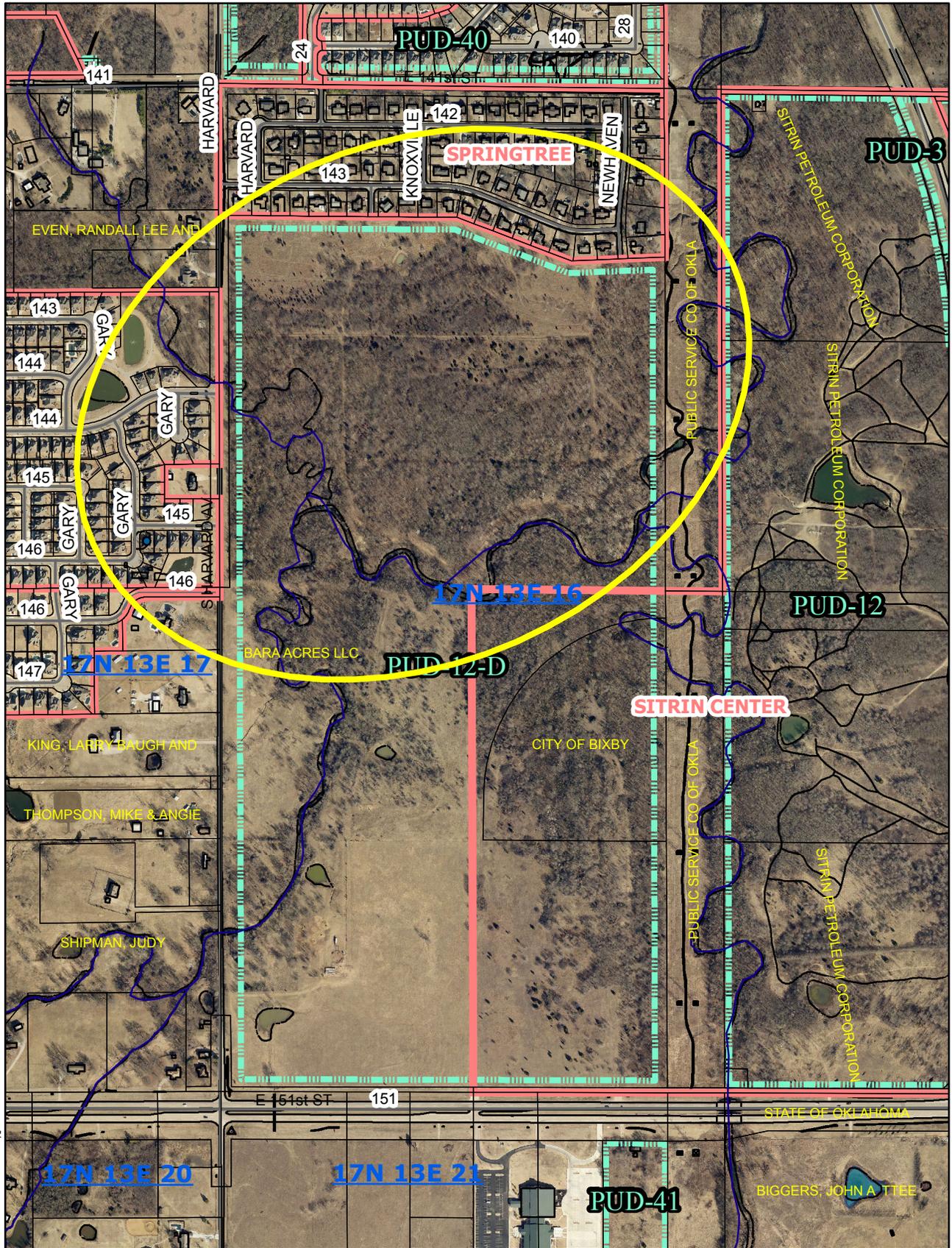
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36. Lots 5 through 9, inclusive, are completely separated from the balance of Block 6 by a street. Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
37. Subdivision Contains statistics: Please update the number of blocks to incorporate new blocks as recommended hereinabove.
38. DoD/RCs Preamble: Please update the number of blocks to incorporate new blocks as recommended hereinabove.
39. DoD/RCs Preamble: Reports 133 lots in error.
40. DoD/RCs: Does not appear to provide for the dedication, use, or maintenance responsibility of the Reserve Areas.
41. DoD/RCs: For the recommended provisions dedicating and describing the use and maintenance responsibility of the Reserve Areas, please consider whether the Reserve Areas will also be U/Es. Otherwise, U/Es must be specifically dedicated through necessary utility corridors, and where required to be 17.5' in width along the subdivision perimeters.
42. Several side-yard U/Es missing dimensions throughout – please add.
43. Current Lots 8, 9, and 10, Block 6: Please label 25' B/L.
44. Please clarify the geometries of the U/E at the northeast corner of Lot 11, Block 4, and the one at Lot 49, Block 3 (and anywhere else similarly configured), so that it can be precisely located on the lot without scaling.
45. Title Block / DoD/RCs Preamble: Title Blocks (3 pages) describe as "An Addition to the City of Bixby," while DoD/RCs Preamble describes as "A Subdivision in the City of Bixby." Please reconcile all instances.
46. DoD/RCs Section I.F: Provides for the dedication and use of a Fence and Landscape Easement, but the same was not found on the face of the plat. Please reconcile appropriately.
47. DoD/RCs: Section II omitted, and relevant parts of PUD 12-D missing (likely one and the same issue) – please update.
48. DoD/RCs Section III.A: Provides "The Owner/Developer has formed or shall cause to be formed" an HOA. 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.
49. DoD/RCs Section III.A: Inaccurate reference to "Quail Creek Villas of Bixby."
50. DoD/RCs Section III.B: Please replace term "may" with "shall" to ensure HOA membership is unambiguously mandatory.
51. DoD/RCs Section IV: Numbering convention at variance with that used elsewhere throughout the plat (Roman numeral → Capitalized letter vs. Arabic Numeral). Advisory.
52. DoD/RCs Section IV.22: No lots are less than 52' in lot width, so dwelling square footage below this point appears to be moot. Language on this theme customarily has different square footage standards for one (1) versus two (2) stories. Please clarify appropriately.
53. DoD/RCs Section IV.24: Auxiliary verb appears missing: "...and no garbage can...or structure shall be placed..."
54. DoD/RCs Section IV.26: Inaccurate self-reference to "Providence Hills."
55. DoD/RCs Section V.C: Inaccurate self-reference to PUD 76.

56. Final Plat: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
57. 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).

A handwritten signature in black ink, appearing to be the initials 'JL' or similar, located in the bottom left corner of the page.

Preliminary Plat of "Pine Valley Addition" – Tanner Consulting, LLC (PUD 12-D)



Memo

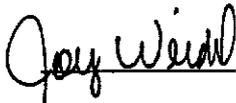
To: Erik Enyart, AICP, City Planner

From: Joey Wiedel

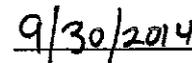
Date: 09-30-2014

Re: Preliminary Plat of "Pine Valley Addition"

1. Fire Hydrants shall be installed at all entrances placed no further than 600 feet and shall be located on property lines. Fire hydrants shall be placed at the beginning of all cul-de-sacs.
 - All hydrants shall be operable before construction begins.
 - Brand- AVK or Mueller , Color- Chrome Yellow
2. Fire line supporting the fire hydrants shall be looped.
3. All roads and Second means of access capable of supporting an imposed load of 75,000 pounds shall be in place before construction of homes. (IFC 2009 Appendix D)
4. Second access road should remain open without any type of security gate/barricade.
5. Cul-de-sacs shall be limited to 300 feet, and shall be provided at the closed end with a turnaround having an outside right away radius of at least 50 feet and paved radius of not less than 40 feet per City of Bixby Subdivision Regulations Ordinance.



Joey Wiedel



Date



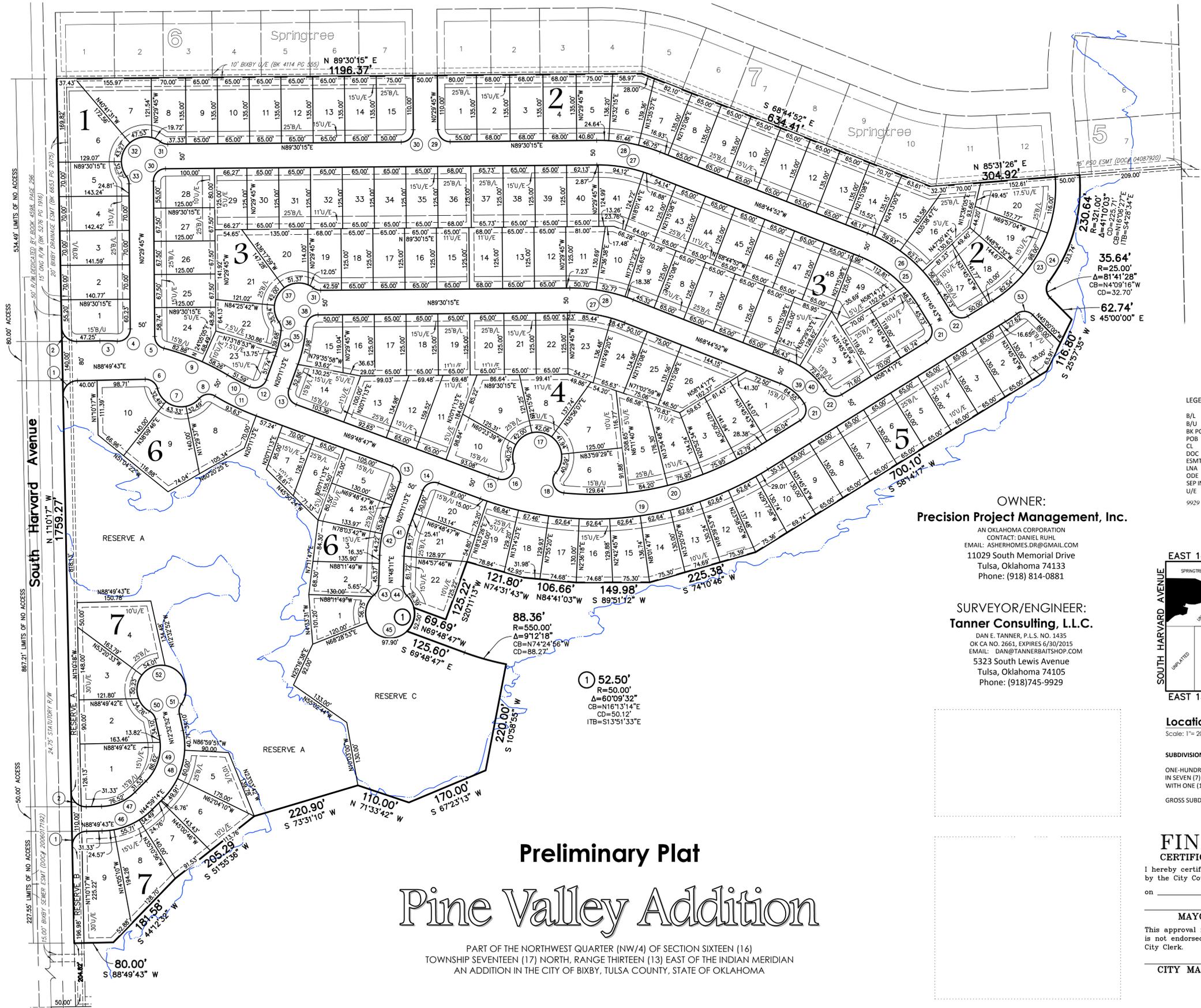
Curve Table

| CURVE | LENGTH(L) | RADIUS(R) | DELTA(A) | CHORD(BRG) | CHORD(DS) |
|-------|-----------|-----------|------------|-------------|-----------|
| 1 | 47.12' | 30.00' | 90°00'00" | N43°49'43"E | 42.43' |
| 2 | 47.12' | 30.00' | 90°00'00" | N46°10'17"W | 42.43' |
| 3 | 35.99' | 488.65' | 4°13'12" | N89°03'41"W | 35.98' |
| 4 | 40.82' | 25.00' | 93°32'40" | N46°16'35"E | 36.43' |
| 5 | 32.78' | 25.00' | 75°08'13" | N38°03'52"W | 30.49' |
| 6 | 33.41' | 25.00' | 76°33'35" | N52°53'30"W | 30.98' |
| 7 | 108.30' | 50.00' | 124°06'26" | N76°39'55"W | 88.34' |
| 8 | 34.75' | 25.00' | 79°38'07" | N81°05'55"E | 32.02' |
| 9 | 141.14' | 488.65' | 16°32'57" | N67°21'30"W | 140.65' |
| 10 | 51.59' | 450.00' | 6°34'05" | N62°22'04"W | 51.56' |
| 11 | 93.63' | 500.00' | 10°43'46" | N64°26'54"W | 93.50' |
| 12 | 41.09' | 25.00' | 90°00'00" | N67°16'03"E | 36.62' |
| 13 | 39.27' | 25.00' | 90°00'00" | N24°48'47"W | 35.36' |
| 14 | 39.27' | 25.00' | 90°00'00" | N65°11'13"E | 35.36' |
| 15 | 20.56' | 625.00' | 1°53'05" | N70°45'19"W | 20.56' |
| 16 | 54.46' | 25.00' | 124°49'02" | N45°53'37"E | 44.31' |
| 17 | 206.84' | 50.00' | 237°01'21" | N78°00'14"W | 87.87' |
| 18 | 54.46' | 25.00' | 124°49'02" | N21°54'05"W | 44.31' |
| 19 | 612.01' | 675.00' | 51°56'56" | N84°12'45"E | 591.26' |
| 20 | 408.54' | 625.00' | 37°27'07" | N76°57'51"E | 401.30' |
| 21 | 39.27' | 25.00' | 90°00'00" | N13°14'17"E | 35.36' |
| 22 | 39.27' | 25.00' | 90°00'00" | N76°45'43"W | 35.36' |
| 23 | 296.63' | 271.00' | 62°42'51" | N26°52'51"E | 282.04' |
| 24 | 351.36' | 321.00' | 62°42'51" | N26°52'51"E | 334.08' |
| 25 | 161.38' | 250.00' | 36°59'09" | N50°15'18"W | 158.59' |
| 26 | 193.66' | 300.00' | 36°59'09" | N50°15'18"W | 190.31' |
| 27 | 113.87' | 300.00' | 21°44'53" | N79°37'19"W | 113.19' |
| 28 | 132.85' | 350.00' | 21°44'53" | N79°37'19"W | 132.06' |
| 29 | 39.27' | 25.00' | 90°00'00" | N45°29'45"W | 35.36' |
| 30 | 39.27' | 25.00' | 90°00'00" | N44°30'15"E | 35.36' |
| 31 | 16.09' | 25.00' | 36°52'12" | N72°03'39"W | 15.81' |
| 32 | 142.89' | 50.00' | 163°44'23" | N44°30'15"E | 98.99' |
| 33 | 16.09' | 25.00' | 36°52'12" | N18°55'51"W | 15.81' |
| 34 | 53.43' | 225.00' | 13°36'18" | N13°23'04"E | 53.30' |
| 35 | 79.31' | 275.00' | 16°31'30" | N11°55'28"E | 79.04' |
| 36 | 18.31' | 25.00' | 41°57'39" | N14°23'55"W | 17.90' |
| 37 | 141.16' | 50.00' | 161°45'11" | N45°29'51"E | 98.73' |
| 38 | 37.46' | 25.00' | 85°50'32" | N46°34'59"E | 34.05' |
| 39 | 64.55' | 100.00' | 36°59'10" | N50°15'18"W | 63.44' |
| 40 | 96.83' | 150.00' | 36°59'09" | N50°15'18"W | 95.16' |
| 41 | 64.17' | 200.00' | 18°23'02" | N10°59'42"E | 63.90' |
| 42 | 80.21' | 250.00' | 18°23'02" | N10°59'42"E | 79.87' |
| 43 | 21.03' | 25.00' | 48°11'23" | N25°53'52"E | 20.41' |
| 44 | 21.03' | 25.00' | 48°11'23" | N22°17'30"W | 20.41' |
| 45 | 241.19' | 50.00' | 276°22'46" | N88°11'49"W | 66.67' |
| 46 | 114.78' | 150.00' | 43°50'29" | N66°54'28"E | 112.00' |
| 47 | 76.52' | 100.00' | 43°50'29" | N66°54'28"E | 74.66' |
| 48 | 150.63' | 150.00' | 57°32'06" | N16°13'11"E | 144.38' |
| 49 | 100.42' | 100.00' | 57°32'06" | N16°13'11"E | 96.25' |
| 50 | 21.03' | 25.00' | 48°11'23" | N36°38'34"W | 20.41' |
| 51 | 21.03' | 25.00' | 48°11'23" | N11°32'49"E | 20.41' |
| 52 | 241.19' | 50.00' | 276°22'46" | N77°27'08"E | 66.67' |

Notes:

- 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 LAND SURVEYORS.
- ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER RLS 1435" UNLESS OTHERWISE NOTED.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM (NAD 83).
- ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.
- ACCESS AT THE TIME OF PLAT WAS PROVIDED BY SOUTH HARVARD AVENUE BY VIRTUE OF PUBLIC HIGHWAY DEDICATION DEED TO TULSA COUNTY, DATED MARCH 15, 1982, RECORDED IN BOOK 4598 PAGE 296 OF THE TULSA COUNTY RECORDS.

DATE OF PREPARATION: SEPTEMBER 22, 2014

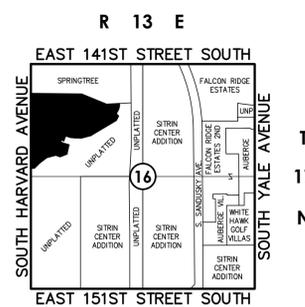


Preliminary Plat Pine Valley Addition

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16)
TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
AN ADDITION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

OWNER:
Precision Project Management, Inc.
AN OKLAHOMA CORPORATION
CONTACT: DANIEL RUHL
EMAIL: ASHERHOMES.DR@GMAIL.COM
11029 South Memorial Drive
Tulsa, Oklahoma 74133
Phone: (918) 814-0881

SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
DAN E. TANNER, P.L.S. NO. 1435
OK CA NO. 2661, EXPIRES 6/30/2015
EMAIL: DAN@TANNERBAITSHOP.COM
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918)745-9929



Location Map
Scale: 1"= 2000'

SUBDIVISION CONTAINS:
ONE HUNDRED FIFTY-ONE (151) LOTS
IN SEVEN (7) BLOCKS
WITH ONE (1) RESERVE
GROSS SUBDIVISION AREA: 51.577 ACRES

FINAL PLAT CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the City Council of the City of Bixby, on _____

MAYOR-VICE MAYOR

This approval is void if the above signature is not endorsed by the City Manager or City Clerk.

CITY MANAGER-CITY CLERK

Preliminary Plat

Pine Valley Addition

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16)
TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
AN ADDITION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION AND RESTRICTIVE COVENANTS FOR PINE VALLEY ADDITION

KNOW ALL MEN BY THESE PRESENTS:

THAT PRECISION PROJECT MANAGEMENT INC, AN OKLAHOMA CORPORATION, HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING REAL PROPERTY SITUATED IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NW/4; THENCE NORTH 89°20'43" EAST AND ALONG THE SOUTH LINE OF THE NW/4, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE PRESENT EAST RIGHT-OF-WAY LINE OF SOUTH HARVARD AVENUE; THENCE NORTH 1°10'17" WEST AND ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 204.82 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 1°10'17" WEST AND ALONG THE EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1759.27 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF BLOCK SIX (6) OF "SPRINGTREE", AN ADDITION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3794); THENCE NORTH 89°30'15" EAST AND ALONG THE SOUTH LINE OF SAID ADDITION, FOR A DISTANCE OF 1196.37 FEET TO A POINT; THENCE SOUTH 68°44'52" EAST AND CONTINUING ALONG SAID SOUTH LINE OF THE ADDITION, FOR A DISTANCE OF 634.41 FEET TO A POINT; THENCE NORTH 85°31'26" EAST AND CONTINUING ALONG THE SOUTH LINE OF THE ADDITION, FOR A DISTANCE OF 304.92 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF LOT SEVEN (7), BLOCK FIVE (5) OF THE ADDITION;

THENCE SOUTHERLY ALONG A 321.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 4°28'34" EAST, A CENTRAL ANGLE OF 41°10'02", A CHORD BEARING AND DISTANCE OF SOUTH 16°06'27" WEST FOR 225.71 FEET, FOR AN ARC DISTANCE OF 230.64 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 25.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 81°40'51", A CHORD BEARING AND DISTANCE OF SOUTH 4°08'57" EAST FOR 32.70 FEET, FOR AN ARC DISTANCE OF 35.64 FEET TO A POINT OF TANGENCY; THENCE SOUTH 45°00'00" EAST FOR A DISTANCE OF 62.74 FEET TO A POINT; THENCE SOUTH 25°57'35" WEST FOR A DISTANCE OF 116.80 FEET TO A POINT; THENCE SOUTH 58°14'17" WEST FOR A DISTANCE OF 700.10 FEET TO A POINT; THENCE SOUTH 74°10'46" WEST FOR A DISTANCE OF 225.38 FEET TO A POINT; THENCE SOUTH 89°51'12" WEST FOR A DISTANCE OF 149.98 FEET TO A POINT; THENCE NORTH 84°41'03" WEST FOR A DISTANCE OF 106.66 FEET TO A POINT; THENCE NORTH 74°31'43" WEST FOR A DISTANCE OF 121.80 FEET TO A POINT; THENCE SOUTH 20°11'13" WEST FOR A DISTANCE OF 125.22 FEET TO A POINT; THENCE NORTH 69°48'47" WEST FOR A DISTANCE OF 69.69 FEET TO A POINT;

THENCE SOUTHERLY ALONG A 50.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 13°51'33" EAST, A CENTRAL ANGLE OF 60°09'38", A CHORD BEARING AND DISTANCE OF SOUTH 16°13'16" WEST FOR 50.12 FEET, FOR AN ARC DISTANCE OF 52.50 FEET TO A POINT; THENCE SOUTH 69°48'47" EAST FOR A DISTANCE OF 125.60 FEET TO A POINT OF CURVATURE; THENCE ALONG A 550.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 9°12'17", A CHORD BEARING AND DISTANCE OF SOUTH 74°24'56" EAST FOR 88.27 FEET, FOR AN ARC DISTANCE OF 88.36 FEET TO A POINT; THENCE SOUTH 10°58'55" WEST FOR A DISTANCE OF 220.00 FEET TO A POINT; THENCE SOUTH 67°23'13" WEST FOR A DISTANCE OF 170.00 FEET TO A POINT; THENCE NORTH 71°33'42" WEST FOR A DISTANCE OF 110.00 FEET TO A POINT; THENCE SOUTH 73°31'10" WEST FOR A DISTANCE OF 220.90 FEET TO A POINT; THENCE SOUTH 51°55'36" WEST FOR A DISTANCE OF 205.29 FEET TO A POINT; THENCE SOUTH 44°12'32" WEST FOR A DISTANCE OF 181.58 FEET TO A POINT; THENCE SOUTH 88°49'43" WEST FOR A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 2,246,684 SQUARE FEET, OR 51.577 ACRES.

AND THE OWNER HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED STAKED, PLATTED, GRANTED, DONATED, CONVEYED, DEDICATED, ACCESS RIGHTS RESERVED AND SUBDIVIDED INTO ONE-HUNDRED THIRTY-THREE (133) LOTS IN EIGHT (8) BLOCKS AND ONE (1) RESERVE, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT"), AND HAS DESIGNATED THE SUBDIVISION AS "PINE VALLEY ADDITION", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "PINE VALLEY ADDITION"). THE LOTS DEPICTED UPON THE PLAT SHALL HEREINAFTER BE REFERRED TO COLLECTIVELY AS THE "LOTS" AND INDIVIDUALLY AS A "LOT".

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND UTILITY EASEMENTS.

THE OWNER DOES HEREBY GRANT, DONATE, CONVEY, AND DEDICATE FOR PUBLIC USE THE STREET RIGHTS-OF-WAY DEPICTED ON THE ACCOMPANYING PLAT AND DOES FURTHER DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT", FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES, AND CABLE TELEVISION LINES, TOGETHER WITH ALL VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, TOGETHER WITH SIMILAR EASEMENT RIGHTS IN THE PUBLIC STREETS, PROVIDED HOWEVER, THAT THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WATER LINES AND SEWER LINES WITHIN THE UTILITY EASEMENTS FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICE TO AREAS WITHIN OR OUTSIDE THE PLAT AND THE OWNER FURTHER RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WITHIN THE UTILITY EASEMENTS PROPERLY PERMITTED PARKING AREAS, LANDSCAPING, SCREENING FENCES AND WALLS AND OTHER NONOBSTRUCTING IMPROVEMENTS.

B. WATER SANITARY SEWER AND STORM SEWER SERVICE.

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER, SANITARY SEWER MAINS AND STORM SEWER MAINS LOCATED ON THE LOT.

2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH PUBLIC WATER, SANITARY SEWER MAIN OR STORM SEWER MAINS, SHALL BE PROHIBITED. WITHIN THE UTILITY EASEMENTS, IF THE GROUND ELEVATIONS ARE ALTERED FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER, SANITARY SEWER MAIN OR STORM SEWER MAIN, ALL GROUND LEVEL APPURTENANCES, INCLUDING VALVE BOXES, FIRE HYDRANTS AND MANHOLES SHALL BE ADJUSTED TO THE ALTERED GROUND ELEVATIONS BY THE OWNER OF THE LOT OR AT ITS ELECTION, THE CITY OF BIXBY, OKLAHOMA MAY MAKE SUCH ADJUSTMENT AT THE LOT OWNER'S EXPENSE.

3. THE CITY OF BIXBY OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER, SANITARY SEWER MAIN AND STORM SEWER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.

4. THE CITY OF BIXBY OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.

5. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

C. UNDERGROUND SERVICE.

1. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE EASEMENT WAYS.

2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT. PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL EASEMENT WAYS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

4. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON HIS LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.

5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH C SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. PAVING AND LANDSCAPING WITHIN EASEMENTS.

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

E. LIMITS OF NO ACCESS

THE OWNER HEREBY RELINQUISHES RIGHT OF INGRESS AND EGRESS TO THE ABOVE DESCRIBED PROPERTY WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" ("LNA") EXCEPT AS MAY HEREAFTER BE RELEASED, ALTERED, OR AMENDED BY THE OWNER AND BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA, PERTAINING THERETO.

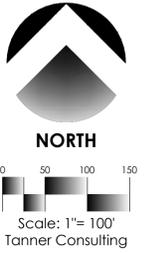
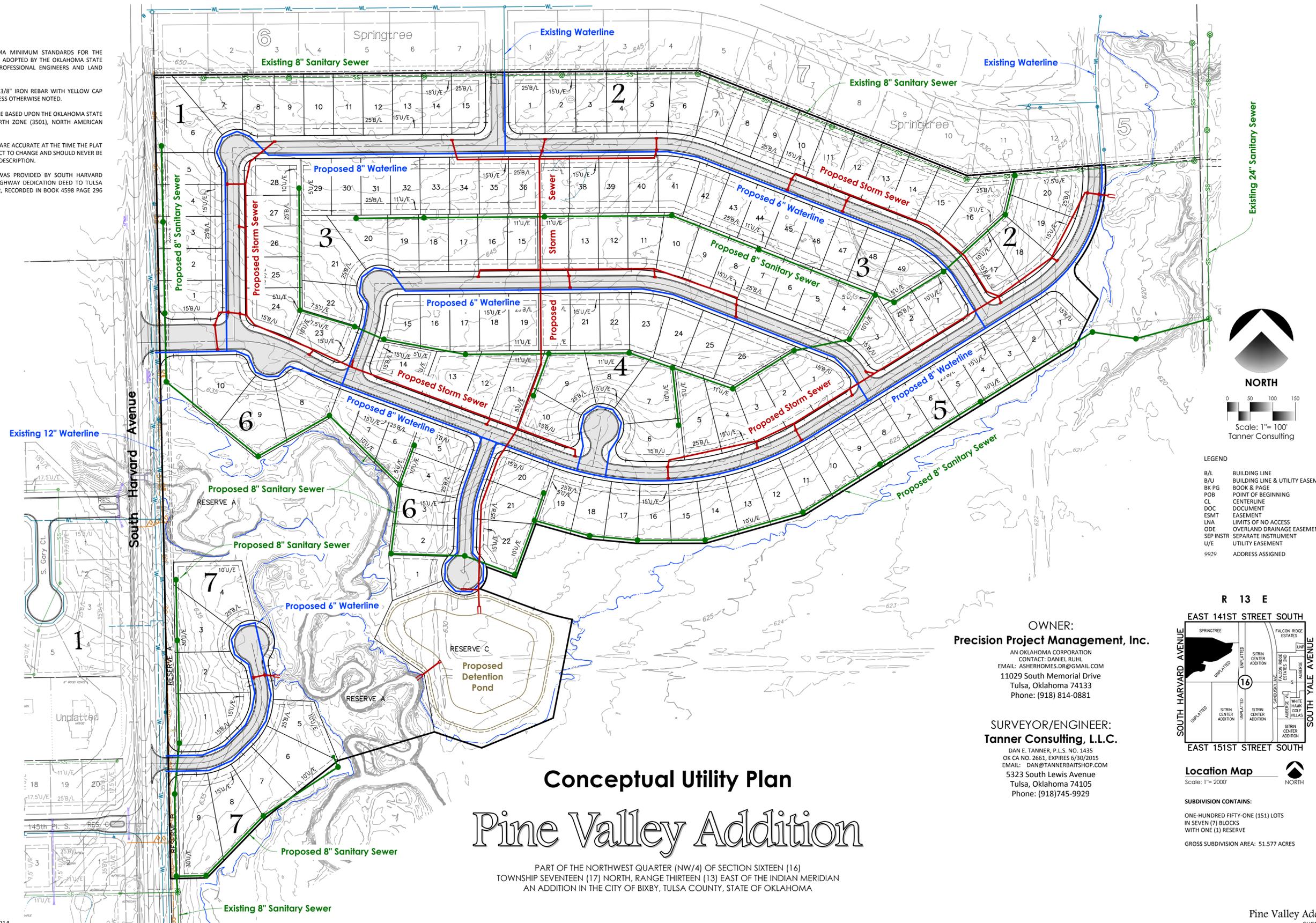
THE FOREGOING COVENANT CONCERNING "LIMITS OF NO ACCESS" ("LNA") SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

F. FENCE EASEMENT

THE OWNER DOES HEREBY ESTABLISH AND GRANT FENCE AND LANDSCAPE EASEMENTS OVER AND UPON THE AREAS DESIGNATED AS "F/L" AND SHOWN ON THE ACCOMPANYING PLAT FOR THE USE AND BENEFIT OF PINE VALLEY ADDITION. THE FENCE AND LANDSCAPE EASEMENT ARE FOR THE LIMITED PURPOSE OF CONSTRUCTING AND MAINTAINING PERIMETER DECORATIVE FENCES AND ENTRY FEATURES INCLUDING BUT NOT LIMITED TO FENCES, WALLS, SPRINKLER SYSTEM, AND LANDSCAPING, AND FOR THE PURPOSE OF MAINTAINING AND REPAIR THEREOF, TOGETHER WITH THE RIGHT OF ACCESS OVER, ACROSS AND ALONG SUCH EASEMENTS AND OVER, ACROSS AND ALONG LOTS IN "PINE VALLEY ADDITION", WHICH CONTAIN SUCH EASEMENTS.

Notes:

1. 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 LAND SURVEYORS.
2. ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER RLS 1435" UNLESS OTHERWISE NOTED.
3. THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM (NAD 83).
4. ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.
5. ACCESS AT THE TIME OF PLAT WAS PROVIDED BY SOUTH HARVARD AVENUE BY VIRTUE OF PUBLIC HIGHWAY DEDICATION DEED TO TULSA COUNTY, DATED MARCH 1ST, 1982, RECORDED IN BOOK 4598 PAGE 296 OF THE TULSA COUNTY RECORDS.

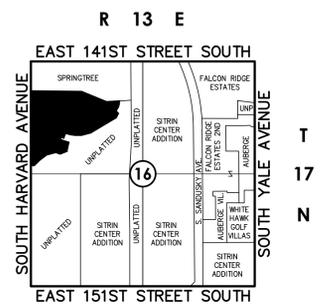


LEGEND

| | |
|-----------|----------------------------------|
| B/L | BUILDING LINE |
| B/U | BUILDING LINE & UTILITY EASEMENT |
| BK PG | BOOK & PAGE |
| POB | POINT OF BEGINNING |
| CL | CENTERLINE |
| DOC | DOCUMENT |
| ESMT | EASEMENT |
| LNA | LIMITS OF NO ACCESS |
| ODE | OVERLAND DRAINAGE EASEMENT |
| SEP INSTR | SEPARATE INSTRUMENT |
| U/E | UTILITY EASEMENT |
| 9929 | ADDRESS ASSIGNED |

OWNER:
Precision Project Management, Inc.
 AN OKLAHOMA CORPORATION
 CONTACT: DANIEL RUHL
 EMAIL: ASHERHOMES.DR@GMAIL.COM
 11029 South Memorial Drive
 Tulsa, Oklahoma 74133
 Phone: (918) 814-0881

SURVEYOR/ENGINEER:
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 DAN E. TANNER, P.L.S. NO. 1435
 OK CA NO. 2661, EXPIRES 6/30/2015
 EMAIL: DAN@TANNERBAITSHOP.COM
 5323 South Lewis Avenue
 Tulsa, Oklahoma 74105
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Location Map
 Scale: 1"= 2000'

SUBDIVISION CONTAINS:
 ONE-HUNDRED FIFTY-ONE (151) LOTS
 IN SEVEN (7) BLOCKS
 WITH ONE (1) RESERVE
 GROSS SUBDIVISION AREA: 51.577 ACRES

Conceptual Utility Plan

Pine Valley Addition

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16)
 TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
 AN ADDITION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner 
Date: Monday, October 06, 2014
RE: Report and Recommendations for:
Preliminary Plat & Final Plat of "Tri-State Retail"

LOCATION:

- 15035 S. Memorial Dr.
- Northeast corner of the intersection of 151st St. S. and Memorial Dr.
- Part of the SW/4 SW/4 SW/4 of Section 13, T17N, R13E

SIZE: ½ acre, more or less

EXISTING ZONING: CH Commercial High Intensity District

SUPPLEMENTAL ZONING: Corridor Appearance District

EXISTING USE: An unoccupied commercial building (previously occupied by *AT&T Cellular World*)

REQUEST:

- Preliminary Plat & Final Plat approval
- Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the width of the Perimeter U/E from 17.5' to 10' along certain perimeters

SURROUNDING ZONING AND LAND USE:

North: CH, CG, & IL; The *Bixby Car Wash* zoned CH and CG, vacant land including abandoned Railroad right-of-way zoned CG, and an approximately 14-acre agricultural tract zoned IL.

South: (Across 151st St. S.) CG & CH; The *Walgreens* pharmacy in Lot 1, Block 1, *Memorial Commercial Center* and, further south, vacant land, commercial businesses, and a house zoned CH and CG.

East: CG & IL; Vacant land, a de facto stormwater detention area owned by the City of Bixby, and the *NMB Manufacturing, LLC* manufacturing campus zoned IL.

West: (Across Memorial Dr.) CS; The *Sonic Drive-In* restaurant, the *O'Reilly Auto Parts* store, and other businesses along Memorial Dr.

COMPREHENSIVE PLAN: Corridor (partial) + Development Sensitive + Commercial Area

PREVIOUS/RELATED CASES:

BL-40 – B & R Automotive, Inc. – Request for Lot-Split to pertaining to lot line adjustment(s) between adjacent tracts including part of the (now) *Bixby Car Wash* property abutting to the north/west – PC Recommended Approval 06/26/1978. Disposition by Town Board of Trustees not researched.

BL-41 – B & R Automotive, Inc. – Request for Lot-Split to pertaining to lot line adjustment(s) between adjacent tracts including part of the (now) *Bixby Car Wash* property abutting to the north/west – PC Recommended Approval 06/26/1978. Disposition by Town Board of Trustees not researched.

BZ-51 – Tri-Kay Development, Inc. – Subject property included in that area requested for rezoning from CG to CH – Approved 08/17/1976 (Ord. # 317) and 08/07/1978 (Ord. # 358).

BL-146 – Michael D. Smith – Subject property requested for Lot-Split approval – PC Approved 05/15/1989.

AC-08-05-03 – Subject property requested for Architectural Committee approval to remodel building – AC Approved 04/18/2005.

AC-07-05-04, AC-07-05-05, & AC-07-05-06 – Subject property requested for Architectural Committee approval of (-04) Replace signage facing on the existing ground/pole sign on the Memorial Dr. frontage, (-05) New ground/pole sign on the 151st St. S. frontage, and (-06) Wall signage with the following result: (-04) Approved, (-05) Denied, and (-06) Approved, all on 07/18/2005.

AC-08-05-03 – Subject property requested for Architectural Committee approval of a new ground/pole sign (same as AC-07-05-05 but possibly located slightly differently) – Denied 09/22/2005.

BBOA-469 – Mark Leggitt for Quail Flats Properties, LP – Request for Variance from the Zoning Code Section 11-9-21.E.2 to be permitted to exceed maximum display surface area standards for a Use Unit 21 wall/canopy sign for subject property in the CH Commercial High Intensity District – BOA Conditionally Approved 02/04/2008.

BACKGROUND INFORMATION:

Per meetings with design professionals, the owner of the commercial subject property would like to replace the existing, unoccupied commercial building, last occupied by *AT&T Cellular World*, with a new, larger commercial building for an *AT&T* store franchise. Zoning Code Section 11-8-13 requires that all properties having been rezoned by owner application must be platted prior to Building Permit issuance. Since the subject property was rezoned by owner application BZ-51 – Tri-Kay Development, Inc. in 1976/1978, the platting requirement applies.

ANALYSIS:

Subject Property Conditions. The subject property parent tracts are composed of three (3) unplatted parcels of land:

1. A somewhat-rectangularly-shaped tract beginning at the northeast corner of the intersection and having approximately 82' of frontage on Memorial Dr. and 74' of frontage on 151st St. S., and containing part of the front of the commercial building, Tulsa County Assessor's Parcel # 97313731301160,
2. A flag-shaped lot wrapping around the first-mentioned parcel and having approximately 18' of frontage on Memorial Dr. and 39' of frontage on 151st St. S., and containing the balance of the existing commercial building, Tulsa County Assessor's Parcel # 97313731301120,
3. A deep and narrow parcel having approximately 49' of frontage on 151st St. S., vacant with gravel areas for drives and informal parking, and a few trees along the fenceline common with the *Bixby Car Wash* property, Tulsa County Assessor's Parcel # 97313731301123,

Altogether, the subject property parcels total approximately ½ acre. Prior to right-of-way acquisition for the 151st St. S. widening project a few years ago, the subject properties together contained approximately 0.64 acres.

The subject property is relatively flat and appears to drain to the east to a de facto detention area on property owned by the City of Bixby lying south of the centerline of the abandoned Railroad right-of-way. From that point, the ultimate drainage basin is not immediately apparent.

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) Corridor (partial), (2) Development Sensitive, and (3) Commercial Area. Staff believes that the commercial redevelopment anticipated by this plat would not be inconsistent with the Comprehensive Plan.

General. This commercial subdivision of ½ acre, more or less, proposes one (1) lot, one (1) block, and no (0) reserve areas.

With the exception(s) as outlined elsewhere herein, the Preliminary Plat and Final Plat appear to conform to the Zoning Code and Subdivision Regulations.

The Technical Advisory Committee (TAC) reviewed this application on October 01, 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. Altogether considered, the subject property has approximately 100' of frontage on Memorial Dr. and 170' of frontage on 151st St. S., and driveway connections exist on both frontages. One or both of the two (2) existing driveway connections to 151st St. S. may be widened as a part of this development. Some additional right-of-way dedication is required, as described in the recommendations section below. No new streets, public or private, would be constructed.

The Subdivision Regulations requires sidewalks along both frontage streets. The sidewalk is existing except for the area north of the Memorial Dr. driveway connection; construction of this portion of the sidewalk will be required.

Limits of No Access (LNA) are proposed along both Memorial Dr. and 151st 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 and Final Plat with the following corrections, modifications, and Conditions of Approval:

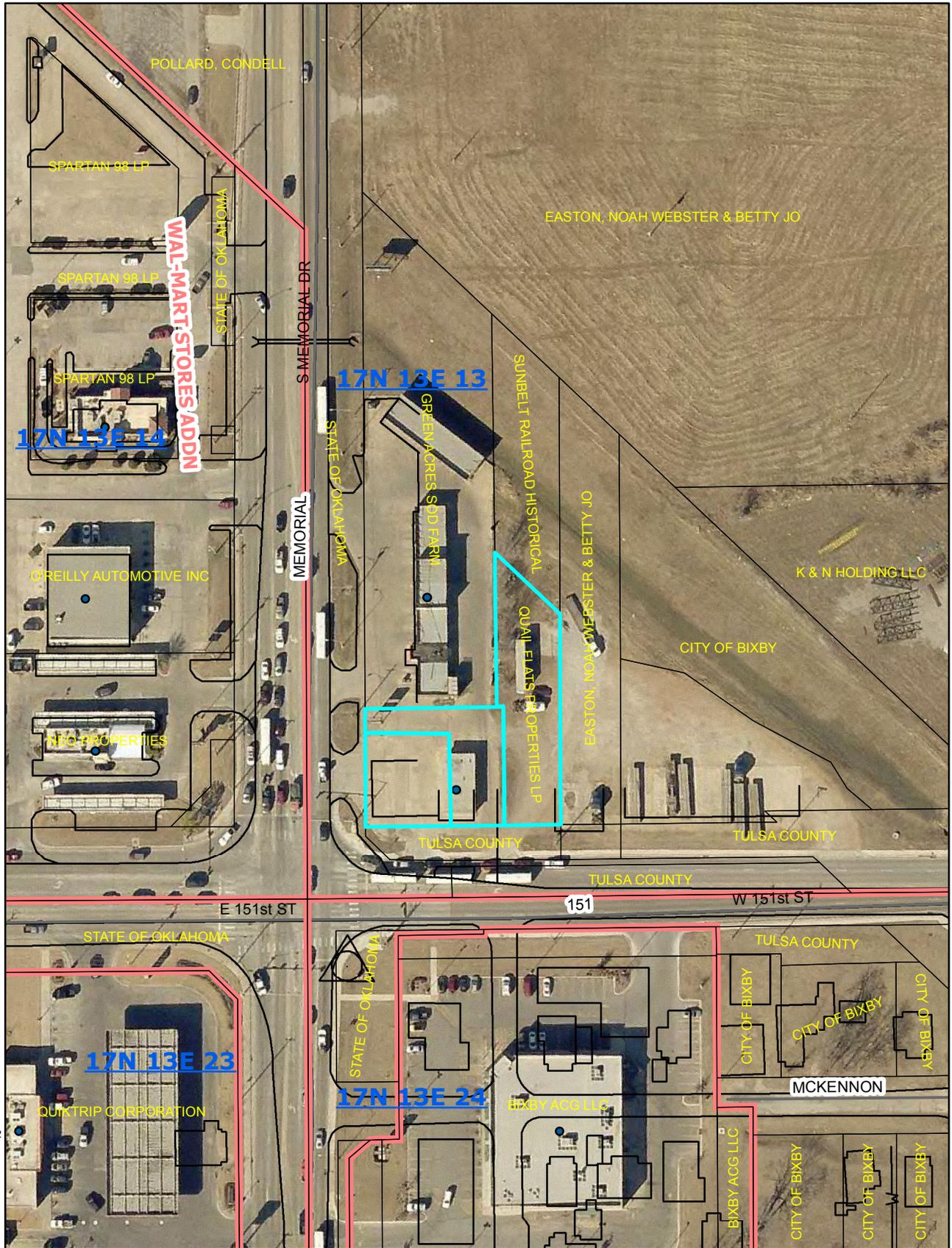
1. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
2. Limits of No Access (LNA) and Access Openings subject to City Engineer and Fire Marshal approval.
3. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the width of the Perimeter U/E from 17.5' to 10' along certain perimeters.
4. All Modification/Waiver requests must be submitted in writing.
5. Per Assessor's parcel data, the existing right-of-way for a certain northerly portion of the subject property's Memorial Dr. frontage is approximately 113' wide. The TMAPC Major Street and Highway Plan and the Comprehensive Plan both designate this section of Memorial Dr. a Major Arterial, for which 120' of right-of-way is required. Per Assessor's parcel data and the Plans, approximately 7' of additional right-of-way dedication is required for this area.
6. On the Preliminary Plat, please represent the existing building and dimension to nearest property lines as required by SRs Section 12-4-2.A.8. Such details may be removed on Final Plat by standard Modification/Waiver written into Staff Report as a Condition of Approval.
7. DoD/RCs Section I.D.2: Paragraph missing period at end of sentence.
8. DoD/RCs Section I.G: Please replace 126th St. S. with 151st St. S.
9. DoD/RCs Section I.G: Please remove final sentence which appears to pertain to a different project.
10. Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
11. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.

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12. 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).
13. Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).



Preliminary Plat & Final Plat of "Tri-State Retail" – Khoury Engineering, Inc.



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



Memo

To: Erik Enyart, AICP, City Planner

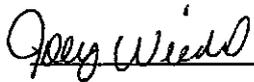
From: Joey Wiedel

Date: 09-29-2014

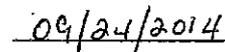
Re: Preliminary Plat & Final Plat of "Tri-State Retail"

General Comments:

1. No utility plans have been provided.
2. Fire line and fire hydrants shall meet 2009 IFC and City of Bixby Standards.
3. All roads and Second means of access capable of supporting an imposed load of 75,000 pounds shall be in place before construction of homes. (IFC 2009 Appendix D)
4. No additional comments until additional plans are provided.



Joey Wiedel



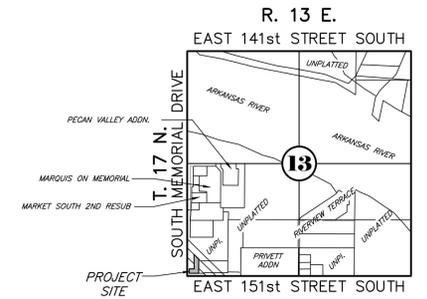
Date

PRELIMINARY PLAT Tri-State Retail

A tract of land situated in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4 SW/4) of Section Thirteen (13), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, City of Bixby, Tulsa County, State of Oklahoma

Subdivision has 1 Lot in 1 Block
and contains 0.527 acres, more or less.

| LOT # | SQ. FT. | ACRES |
|-------|-----------|-------|
| 1 | 22,970.20 | 0.527 |



LOCATION MAP
SCALE: 1" = 2,000'

OWNER
QUAIL FLATS PROPERTIES, LP
3000 ALTAMESA BLVD., SUITE 300
FORTH WORTH, TX 76133
Contact: DAN ARK
(620) 231-5260
E-Mail: DAN@TRISTATEBUILDING.NET

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

SURVEYOR
Harden & Associates
Surveying & Mapping, Pc.
2001 South 114th East Avenue
Tulsa, Oklahoma 74128
(918) 234-4859
C.A. No. 4656, Renewal: 6/30/2015

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

MONUMENTATION
ALL LOT CORNERS ARE TO BE MONUMENTED WITH A 5/8" or 3/8" IRON PIN WITH PLASTIC CAP UPON COMPLETION OF THE INFRASTRUCTURE CONSTRUCTION.

LEGEND
B/L = BUILDING LINE
U/E = UTILITY EASEMENT
M.A.E = MUTUAL ACCESS EASEMENT
L.N.A. = LIMITS OF NO ACCESS
T/E = TRAIL EASEMENT
(15035) = PROPOSED STREET ADDRESS

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4 SW/4) OF SECTION THIRTEEN (13), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

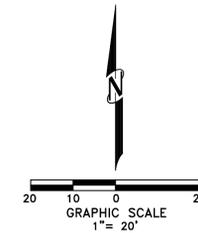
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION THIRTEEN (13); THENCE N 88°22'05" E AND ALONG THE SOUTH LINE OF SAID SECTION THIRTEEN (13), A DISTANCE OF 50.00 FEET; THENCE N 01°15'25" W A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

THENCE N 01°15'25" W A DISTANCE OF 100.00 FEET; THENCE N 88°22'05" E A DISTANCE OF 115.00; THENCE N 01°15'25" W A DISTANCE OF 134.47 FEET; THENCE S 48°09'55" E A DISTANCE OF 75.31 FEET; THENCE S 01°15'25" E A DISTANCE OF 182.66 FEET; THENCE S 88°22'05" W A DISTANCE OF 170.00 TO THE POINT OF BEGINNING.

ADDRESSES

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

FINAL PLAT
CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT THIS
PLAT WAS APPROVED BY THE
CITY OF BIXBY:
ON: _____
BY: _____
MAYOR - VICE MAYOR
THIS APPROVAL IS VOID IF THE
ABOVE SIGNATURE IS NOT
ENDORSED BY THE CITY
MANAGER OR CITY CLERK.
BY: _____
CITY MANAGER - CITY CLERK

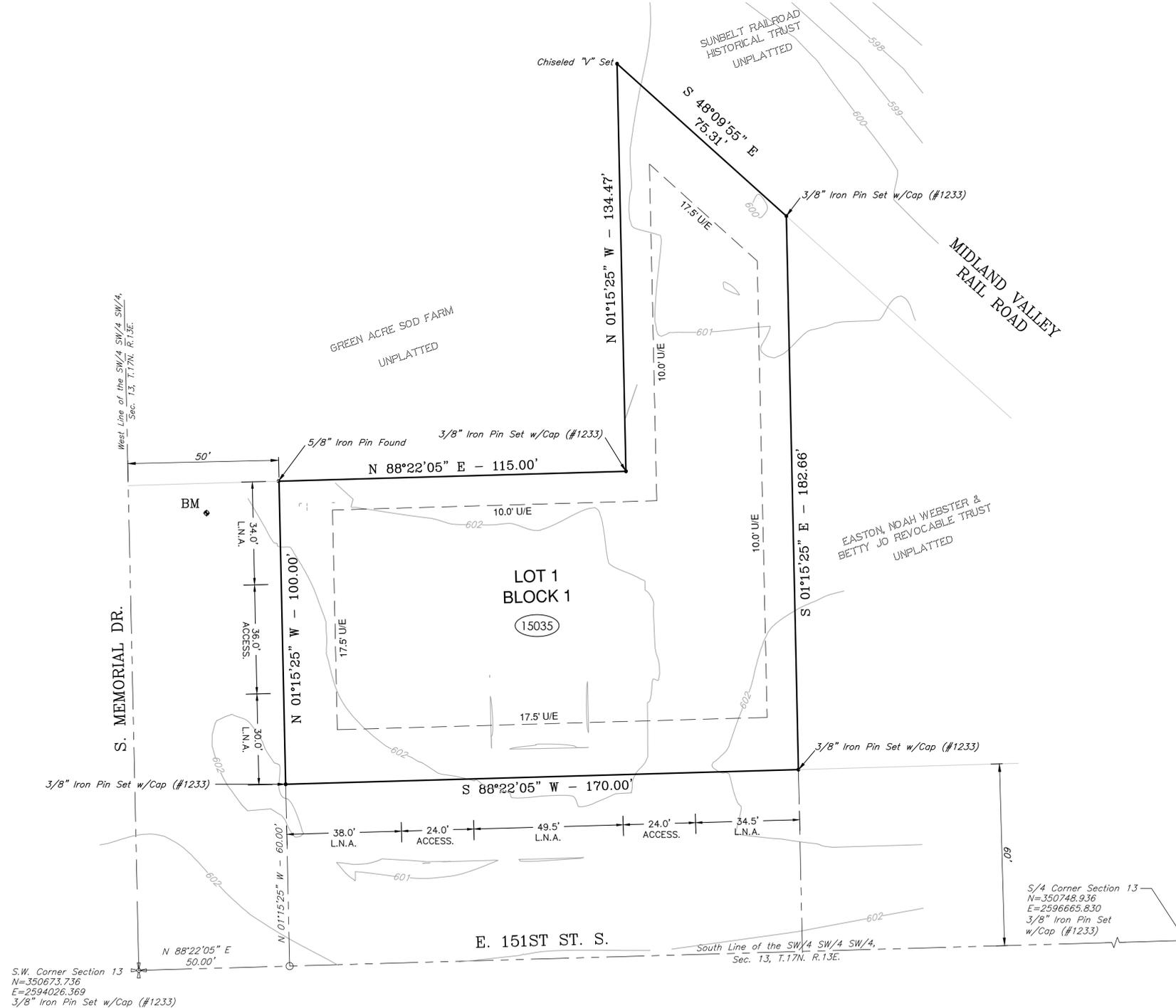


BENCHMARK

CHISELED "X" ON TOP OF CURB.
N=350824.603
E=2594048.790
EL=601.91

DATUM

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



S.W. Corner Section 13
N=350673.736
E=2594026.369
3/8" Iron Pin Set w/Cap (#1233)

S/4 Corner Section 13
N=350748.936
E=2596665.830
3/8" Iron Pin Set w/Cap (#1233)

Deed of Dedication and Restrictive Covenants

KNOW ALL MEN BY THESE PRESENTS:

QUAIL FLATS PROPERTIES, LP, HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4 SW/4) OF SECTION THIRTEEN (13), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION THIRTEEN (13); THENCE N 88°22'05" E AND ALONG THE SOUTH LINE OF SAID SECTION THIRTEEN (13), A DISTANCE OF 50.00 FEET; THENCE N 01°15'25" W A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

THENCE N 01°15'25" W A DISTANCE OF 100.00 FEET; THENCE N 88°22'05" E A DISTANCE OF 115.00; THENCE N 01°15'25" W A DISTANCE OF 134.47 FEET; THENCE S48°09'55" E A DISTANCE OF 75.31 FEET; THENCE S 01°15'25" E A DISTANCE OF 182.66 FEET; THENCE S 88°22'05" W A DISTANCE OF 170.00 TO THE POINT OF BEGINNING.

AND HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED, GRANTED, DONATED, CONVEYED, AND DEDICATED, ACCESS RIGHTS RESERVED, AND SUBDIVIDED INTO ONE (1) LOT AND ONE (1) BLOCK, IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "TRI-STATE RETAIL" A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (HEREINAFTER REFERRED TO AS "TRI-STATE RETAIL" OR THE "SUBDIVISION").

SECTION I. EASEMENTS AND UTILITIES

A. GENERAL UTILITY EASEMENTS

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

B. UNDERGROUND SERVICE

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

C. WATER, SANITARY SEWER AND STORM SEWER SERVICES

- 1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS LOCATED ON HIS LOT.
2. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS OR STORM SEWERS SHALL BE PROHIBITED.
3. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF PUBLIC WATER AND SEWER MAINS AND STORM SEWERS, BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF HIS LOT, HIS AGENTS OR CONTRACTORS.
4. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER OR SEWER FACILITIES.
5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH C SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. GAS SERVICE

- 1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OR AS PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.
2. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED IN THEIR LOT AND SHALL PREVENT THE ALTERATION, GRADE, OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD

INTERFERE WITH THE GAS SERVICE. THE SUPPLIER OF THE GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF SAID FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR ITS AGENTS OR CONTRACTORS

- 3. UNDERGROUND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT, PROVIDED THAT UPON THE INSTALLATION OF A SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE LINE, EXTENDING FROM THE GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE.
4. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

E. SURFACE AND UNDERGROUND DRAINAGE

- 1. EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM STREETS AND EASEMENTS FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE AND DISCHARGE OF STORM WATER RUNOFF FROM PROPERTIES WITHIN THE SUBDIVISION. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS ANY LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BIXBY, OKLAHOMA.
2. DRAINAGE FACILITIES OR OTHER IMPROVEMENTS CONSTRUCTED IN THE SUBDIVISION SHALL BE IN ACCORDANCE WITH THE ADOPTED STANDARDS OF THE CITY OF BIXBY, OKLAHOMA.

F. PAVING AND LANDSCAPING WITHIN EASEMENTS

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

G. LIMITS OF NO ACCESS

THE OWNERS HEREBY RELINQUISH RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO E. 126TH STREET SOUTH AND S. MEMORIAL DRIVE WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (L.N.A.) ON THE ACCOMPANYING PLAT, WHICH "LIMITS OF NO ACCESS" MAY BE AMENDED OR RELEASED BY THE CITY OF BIXBY PLANNING COMMISSION, OR ITS SUCCESSOR, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO, AND THE LIMITS OF NO ACCESS ABOVE ESTABLISHED SHALL BE ENFORCEABLE BY THE CITY OF BIXBY. THE EMERGENCY RESPONSE VEHICLES OR VEHICLES USED IN CONJUNCTION WITH FRY CREEK MAINTENANCE ARE EXCLUDED FROM THE LIMITS OF NO ACCESS ALONG MEMORIAL DRIVE FRONTAGE.

H. MAINTENANCE OF LOT

THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR MAINTAINING ALL PORTIONS OF ITS LOT AND ANY STRUCTURE CONSTRUCTED ON THAT LOT, INCLUDING WITHOUT LIMITATION, ALL IMPROVEMENTS, UTILITIES, DRAINAGE, PAVING, LANDSCAPING, AND BUILDINGS. THE OWNER IS REQUIRED TO UPKEEP ITS LOT FREE OF TRASH, DEBRIS, AND LITTER.

SECTION II. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNERS AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. EASEMENTS AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I. WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA.

B. DURATION

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

C. AMENDMENT

THE RESTRICTIONS AND COVENANTS CONTAINED WITHIN SECTION I. EASEMENTS, AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE CITY OF BIXBY, OR ITS SUCCESSORS.

D. SEVERABILITY

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

IN WITNESS WHEREOF, QUAIL FLATS PROPERTES, LP, HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF _____, 2014 .

QUAIL FLATS PROPERTIES, LP
AN OKLAHOMA LIMITED PARTNERSHIP

BY: _____

STATE OF OKLAHOMA)
) S.S.
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2014, BY _____

MY COMMISSION EXPIRES

NOTARY PUBLIC

CERTIFICATE OF SURVEY

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

EXECUTED THIS ____ DAY OF _____, 2014.

LICENSED PROFESSIONAL LAND SURVEYOR OKLAHOMA NO. ____

STATE OF OKLAHOMA)
) S.S.
COUNTY OF TULSA)

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

MY COMMISSION EXPIRES NOTARY PUBLIC

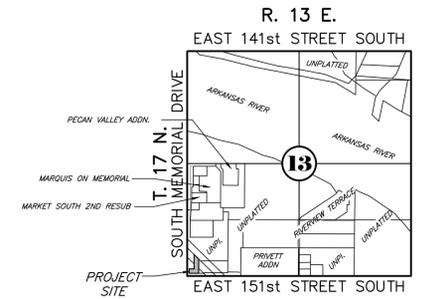
FINAL PLAT

Tri-State Retail

A tract of land situated in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4 SW/4) of Section Thirteen (13), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, City of Bixby, Tulsa County, State of Oklahoma

Subdivision has 1 Lot in 1 Block
and contains 0.527 acres, more or less.

| LOT # | SQ. FT. | ACRES |
|-------|-----------|-------|
| 1 | 22,970.20 | 0.527 |



LOCATION MAP
SCALE: 1" = 2,000'

OWNER

QUAIL FLATS PROPERTIES, LP
3000 ALTAMESA BLVD., SUITE 300
FORTH WORTH, TX 76133
Contact: DAN ARK
(620) 231-5260
E-Mail: DAN@TRISTATEBUILDING.NET

ENGINEER

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

SURVEYOR

Harden & Associates
Surveying & Mapping, Pc.
2001 South 114th East Avenue
Tulsa, Oklahoma 74128
(918) 234-4859
C.A. No. 4656, Renewal: 6/30/2015

BASIS OF BEARING

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

MONUMENTATION

ALL LOT CORNERS ARE TO BE MONUMENTED WITH A 5/8" or 3/8" IRON PIN WITH PLASTIC CAP UPON COMPLETION OF THE INFRASTRUCTURE CONSTRUCTION.

LEGEND

- B/L = BUILDING LINE
- U/E = UTILITY EASEMENT
- M.A.E = MUTUAL ACCESS EASEMENT
- L.N.A. = LIMITS OF NO ACCESS
- T/E = TRAIL EASEMENT
- (15035) = PROPOSED STREET ADDRESS

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4 SW/4) OF SECTION THIRTEEN (13), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

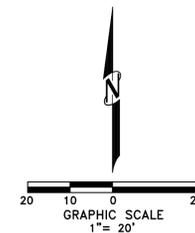
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION THIRTEEN (13); THENCE N 88°22'05" E AND ALONG THE SOUTH LINE OF SAID SECTION THIRTEEN (13), A DISTANCE OF 50.00 FEET; THENCE N 01°15'25" W A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

THENCE N 01°15'25" W A DISTANCE OF 100.00 FEET; THENCE N 88°22'05" E A DISTANCE OF 115.00; THENCE N 01°15'25" W A DISTANCE OF 134.47 FEET; THENCE S 48°09'55" E A DISTANCE OF 75.31 FEET; THENCE S 01°15'25" E A DISTANCE OF 182.66 FEET; THENCE S 88°22'05" W A DISTANCE OF 170.00 TO THE POINT OF BEGINNING.

ADDRESSES

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

FINAL PLAT
CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT THIS
PLAT WAS APPROVED BY THE
CITY OF BIXBY:
ON: _____
BY: _____
MAYOR - VICE MAYOR
THIS APPROVAL IS VOID IF THE
ABOVE SIGNATURE IS NOT
ENDORSED BY THE CITY
MANAGER OR CITY CLERK.
BY: _____
CITY MANAGER - CITY CLERK

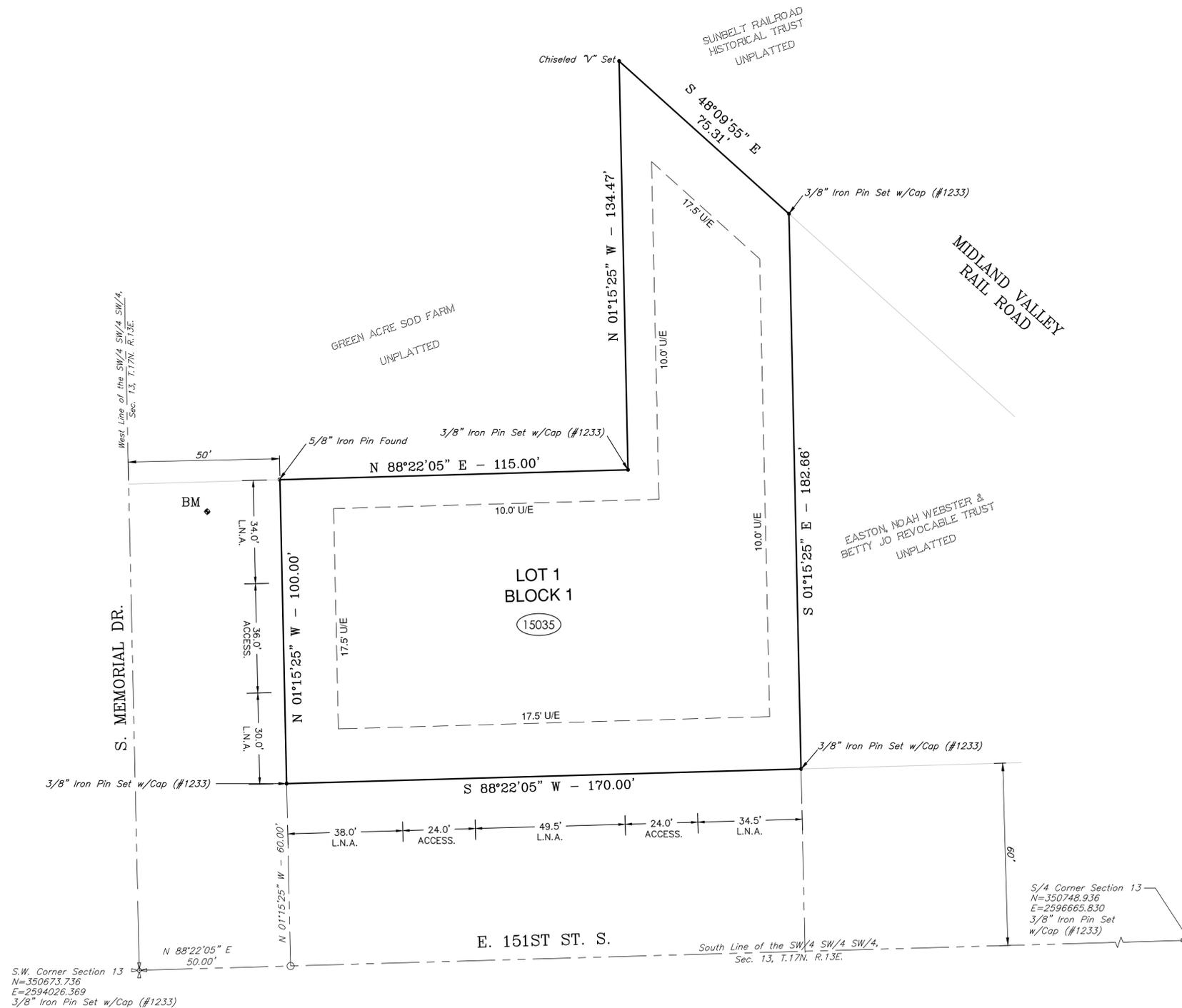


BENCHMARK

CHISELED "X" ON TOP OF CURB.
N=350824.603
E=2594048.790
EL=601.91

DATUM

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



Deed of Dedication and Restrictive Covenants

KNOW ALL MEN BY THESE PRESENTS:

QUAIL FLATS PROPERTIES, LP, HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4 SW/4) OF SECTION THIRTEEN (13), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION THIRTEEN (13); THENCE N 88°22'05" E AND ALONG THE SOUTH LINE OF SAID SECTION THIRTEEN (13), A DISTANCE OF 50.00 FEET; THENCE N 01°15'25" W A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

THENCE N 01°15'25" W A DISTANCE OF 100.00 FEET; THENCE N 88°22'05" E A DISTANCE OF 115.00; THENCE N 01°15'25" W A DISTANCE OF 134.47 FEET; THENCE S48°09'55" E A DISTANCE OF 75.31 FEET; THENCE S 01°15'25" E A DISTANCE OF 182.66 FEET; THENCE S 88°22'05" W A DISTANCE OF 170.00 TO THE POINT OF BEGINNING.

AND HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED, GRANTED, DONATED, CONVEYED, AND DEDICATED, ACCESS RIGHTS RESERVED, AND SUBDIVIDED INTO ONE (1) LOT AND ONE (1) BLOCK, IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "TRI-STATE RETAIL" A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (HEREINAFTER REFERRED TO AS "TRI-STATE RETAIL" OR THE "SUBDIVISION").

SECTION I. EASEMENTS AND UTILITIES

A. GENERAL UTILITY EASEMENTS

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

B. UNDERGROUND SERVICE

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

C. WATER, SANITARY SEWER AND STORM SEWER SERVICES

- 1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS LOCATED ON HIS LOT.
2. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS OR STORM SEWERS SHALL BE PROHIBITED.
3. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF PUBLIC WATER AND SEWER MAINS AND STORM SEWERS, BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF HIS LOT, HIS AGENTS OR CONTRACTORS.
4. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER OR SEWER FACILITIES.
5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH C SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. GAS SERVICE

- 1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OR AS PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.
2. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED IN THEIR LOT AND SHALL PREVENT THE ALTERATION, GRADE, OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD

INTERFERE WITH THE GAS SERVICE. THE SUPPLIER OF THE GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF SAID FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR ITS AGENTS OR CONTRACTORS

- 3. UNDERGROUND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT, PROVIDED THAT UPON THE INSTALLATION OF A SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE LINE, EXTENDING FROM THE GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE.
4. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

E. SURFACE AND UNDERGROUND DRAINAGE

- 1. EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM STREETS AND EASEMENTS FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE AND DISCHARGE OF STORM WATER RUNOFF FROM PROPERTIES WITHIN THE SUBDIVISION. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS ANY LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BIXBY, OKLAHOMA.
2. DRAINAGE FACILITIES OR OTHER IMPROVEMENTS CONSTRUCTED IN THE SUBDIVISION SHALL BE IN ACCORDANCE WITH THE ADOPTED STANDARDS OF THE CITY OF BIXBY, OKLAHOMA.

F. PAVING AND LANDSCAPING WITHIN EASEMENTS

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

G. LIMITS OF NO ACCESS

THE OWNERS HEREBY RELINQUISH RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO E. 126TH STREET SOUTH AND S. MEMORIAL DRIVE WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (L.N.A.) ON THE ACCOMPANYING PLAT, WHICH "LIMITS OF NO ACCESS" MAY BE AMENDED OR RELEASED BY THE CITY OF BIXBY PLANNING COMMISSION, OR ITS SUCCESSOR, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO, AND THE LIMITS OF NO ACCESS ABOVE ESTABLISHED SHALL BE ENFORCEABLE BY THE CITY OF BIXBY. THE EMERGENCY RESPONSE VEHICLES OR VEHICLES USED IN CONJUNCTION WITH FRY CREEK MAINTENANCE ARE EXCLUDED FROM THE LIMITS OF NO ACCESS ALONG MEMORIAL DRIVE FRONTAGE.

H. MAINTENANCE OF LOT

THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR MAINTAINING ALL PORTIONS OF ITS LOT AND ANY STRUCTURE CONSTRUCTED ON THAT LOT, INCLUDING WITHOUT LIMITATION, ALL IMPROVEMENTS, UTILITIES, DRAINAGE, PAVING, LANDSCAPING, AND BUILDINGS. THE OWNER IS REQUIRED TO UPKEEP ITS LOT FREE OF TRASH, DEBRIS, AND LITTER.

SECTION II. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNERS AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. EASEMENTS AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I. WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA.

B. DURATION

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

C. AMENDMENT

THE RESTRICTIONS AND COVENANTS CONTAINED WITHIN SECTION I. EASEMENTS, AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE CITY OF BIXBY, OR ITS SUCCESSORS.

D. SEVERABILITY

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

IN WITNESS WHEREOF, QUAIL FLATS PROPERTES, LP, HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF _____, 2014 .

QUAIL FLATS PROPERTIES, LP
AN OKLAHOMA LIMITED PARTNERSHIP

BY: _____

STATE OF OKLAHOMA)
) S.S.
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2014, BY _____

MY COMMISSION EXPIRES

NOTARY PUBLIC

CERTIFICATE OF SURVEY

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

EXECUTED THIS ____ DAY OF _____, 2014.

LICENSED PROFESSIONAL LAND SURVEYOR OKLAHOMA NO. ____

STATE OF OKLAHOMA)
) S.S.
COUNTY OF TULSA)

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

MY COMMISSION EXPIRES NOTARY PUBLIC



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Tuesday, October 07, 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 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 requested both this and the PUD 31-A Minor Amendment # 1 applications again be CONTINUED to the next meeting. Staff recommended,

and the Planning Commission CONTINUED the Public Hearing and consideration of both items to the September 15, 2014 Regular Meeting as requested.

By email dated September 09, 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 October 20, 2014 Regular Meeting as requested.

By email dated October 07, 2014, the Applicant has requested to “temporarily suspend” this and the PUD 31-A Minor Amendment # 1 applications. Staff will allow these applications to be returned to the Planning Commission agenda no later than one (1) year after the date the application was submitted and with at least three (3) weeks notice prior to the requested agenda date. No action required.

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Erik Enyart

From: Erik Enyart
Sent: Tuesday, October 07, 2014 10:06 AM
To: 'Mark Capron'; Patrick Boulden
Cc: Greg Weisz
Subject: RE: NE/C 121st and Memorial

Received – thank you – Erik

From: Mark Capron [mailto:mcapron@sw-assoc.com]
Sent: Tuesday, October 07, 2014 9:56 AM
To: Erik Enyart; Patrick Boulden
Cc: Greg Weisz
Subject: RE: NE/C 121st and Memorial

Erik, We request to temporarily suspend the preliminary plat and PUD amendment applications as per below.

Thanks,
Mark

Mark B. Capron, LLA
SW&A 918.665.3600

From: Erik Enyart [mailto:eenyart@bixby.com]
Sent: Tuesday, October 07, 2014 9:52 AM
To: Patrick Boulden
Cc: Mark Capron
Subject: RE: NE/C 121st and Memorial
Importance: High

Hi Mark:

Please confirm intent to have continued to 11/17/2014 or to “temporarily suspend” as per below. I am publishing the agenda packet this morning – thanks,

Erik

From: Patrick Boulden
Sent: Monday, October 06, 2014 3:17 PM
To: Erik Enyart
Cc: Mark Capron
Subject: RE: NE/C 121st and Memorial

I'm good with what Erik has advised.

Patrick

Patrick Boulden | Bixby City Attorney
City of Bixby, City Attorney's Office
116 West Needles Avenue, Post Office Box 70, Bixby, OK 74008
T: 918-366-0417
F: 918-366-6373
E: pboulden@bixbyok.gov

From: Erik Enyart
Sent: Monday, October 06, 2014 1:49 PM
To: Mark Capron
Cc: Patrick Boulden
Subject: RE: NE/C 121st and Memorial

I understand. Continuing requires that we Continue to a date certain. We can Continue them again to 11/17/2014. Alternatively, you may 'temporarily suspend' the applications and reserve the right to ask them to be returned to a future PC agenda, within reason. I think reasonable parameters would be not later than 1-year after the initial application submittal, and with at least 3 weeks notice prior to the requested PC meeting date. City Attorney Patrick Boulden copied here for concurrence or other direction, as required.

Please advise and thanks,

Erik

From: Mark Capron [<mailto:mcapron@sw-assoc.com>]
Sent: Monday, October 06, 2014 1:42 PM
To: Erik Enyart
Subject: RE: NE/C 121st and Memorial

Erik,

After reviewing the plat, minor amendment, and comments I have decided that we cannot move forward with the minor amendment until we get the drainage easement vs. reserve issue resolved. As discussed before, Greg Weisz, the project engineer for this project, feels that the easement option is more appropriate. I would like to have the engineering further along to make our arguments to that end.

Therefore, I would like to postpone the Planning Commission hearing the amendment and preliminary plat until that issue is worked out. I don't know when that will happen.

For the time being, we request a continuance of the amendment and the preliminary plat.

Please call to discuss the options to avoid repeated continuances.

Mark

Mark B. Capron, LLA
SW&A 918.665.3600

From: Erik Enyart [<mailto:eenyart@bixby.com>]
Sent: Friday, October 03, 2014 3:01 PM
To: Mark Capron
Subject: RE: NE/C 121st and Memorial
Importance: High

Also – please advise status of Bricktown Square. I have family vacation starting Wednesday of next week, so I have to publish my 10/20 PC agenda packet by end-of-day Tuesday. Unless I hear otherwise, I would plan to send out the original staff report/recommendations for approval of the PUD Minor Amendment and conditional approval of the plat.

Thanks,

Erik

From: Erik Enyart
Sent: Friday, October 03, 2014 2:57 PM
To: 'Mark Capron'
Subject: RE: NE/C 121st and Memorial

Hi Mark:

Sorry for the delayed response – I've been at the OKAPA Annual Conference in Norman and just got back in the office (left early so I can get some work done).

I understand you're talking about the Town and Country shopping center (only one that matches description given).

Here are some quick answers – property to the east is primarily zoned R and is in a residential PUD.

R/W is from Subdivision Regulations, City Code Title 12, available at www.bixby.com. However, the particular section in question may not be in the online version. The SRs / ordinance form is attached. The R/W required for both Memorial Dr. and 121st St. S. (primary arterials, if I recall correctly) is 120' total width, so 60' is half-street dedication. Turn lane dedication is not a requirement of the SRs as best I can recall, but if a new development is being platted, that could be part of the design.

I'm not sure what would be required for a Building Permit – what's the scope of the project?

If it would be increasing the floor area of the lot of record, it would trigger bringing the site up to code in many respects, including landscaping. There are other considerations as well.

Feel free to email back or call me on my direct line 366-0427 to discuss the project – thanks!

Erik

From: Mark Capron [<mailto:mcapron@sw-assoc.com>]
Sent: Thursday, October 02, 2014 11:21 AM
To: Erik Enyart
Subject: NE/C 121st and Memorial

Erik,

I am gathering information for a ALTA survey for a unplatted piece of property at the North East Corner of 121st and Memorial. The site is an existing shopping center. I have a few questions for you.

The property to the east is a residential PUD. I assume that a residential PUD is considered an 'R district' despite the underlying zoning in regards to building setbacks. Is that correct?

I can't seem to find in the Bixby regulations the ROW requirements. Is it the same as TMAPC? I believe that a dedication is required on 121st for the full 60' plus the 10' for the turn lane. However, I need to verify if the Bixby requirements are different. Will a building permit trigger a dedication requirement, or just a plat or lot split?

WDD

I appears that there is no landscape area adjacent to the Right of Ways. Would a new development of part of the property be subject to the landscape edge requirements?

Thank you for your time. Please feel free to call to discuss.

Mark B. Capron, LLA
Sisemore Weisz & Associates, Inc.
6111 East 32nd Place, Tulsa, OK 74135
918.665.3600



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STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Tuesday, October 07, 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:

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WZ Staff Report – PUD 31-A – Bricktown Square – Minor Amendment # 1
October 20, 2014

By email dated September 09, 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 October 20, 2014 Regular Meeting as requested.

By email dated October 07, 2014, the Applicant has requested to "temporarily suspend" this and the Preliminary Plat applications. Staff will allow these applications to be returned to the Planning Commission agenda no later than one (1) year after the date the application was submitted and with at least three (3) weeks notice prior to the requested agenda date. No action required.