

**AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
November 17, 2014 6:00 PM**

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

②
④⑧

1. Approval of Minutes for the October 20, 2014 Regular Meeting
2. Approval of schedule of meetings and application cutoff dates for 2015

PUBLIC HEARINGS

④⑨

3. PUD 53-B – WoodMere – Major Amendment # 2 – Sack & Associates, Inc. Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 2 to Planned Unit Development (PUD) # 53 for Lot 11, Block 1 and Lot 1, Block 4, *WoodMere*, to be known and designated on the official Zoning Map as “PUD 53-B” with underlying zoning CS Commercial and RS-2 Residential.
Property Located: 6810 E. 121st St. S. and 12155 S. 68th E. Ave.

PLATS

⑥⑧

4. Preliminary Plat – “Seven Lakes V” – Tanner Consulting, LLC. Discussion and consideration of a Preliminary Plat for and certain Modifications/Waivers for “Seven Lakes V” for approximately 13.787 acres in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.

⑦⑦

5. Preliminary Plat – “Seven Lakes VI” – Tanner Consulting, LLC. Discussion and consideration of a Preliminary Plat for and certain Modifications/Waivers for “Seven Lakes VI” for approximately 8.263 acres in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.

OTHER BUSINESS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Emyart Date: 10/22/2014 Time: 10:45AM

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MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
October 20, 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 6:11 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 September 15, 2014 Regular Meeting

Vice/Acting Chair Lance Whisman introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the September 15, 2014 Regular Meeting as presented by Staff. 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

PUBLIC HEARINGS

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.
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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: 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 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.

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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 curblin 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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Erik Enyart noted that, prior to the meeting, he had distributed copies of the revised PUD which he had received earlier that day. Mr. Enyart stated that he had not had adequate time to give the revised PUD a full review, but noted that several of the recommended corrections have been made. Mr. Enyart revised his recommendation to: Approval subject to the corrections, modifications, and Conditions of Approval as listed in the Staff Report, to the extent they remain outstanding upon review on the revised PUD.

Larry Whiteley asked if the building [would employ a sprinkler system], and Erik Enyart responded that he did not know, but the Fire Marshal's review memo noted that "sprinklers may be required."

Erik Enyart noted that, per aerial data, City Staff observed that, in the past couple of years, certain modifications had been made to the access drives around the building, including the addition of fences and gates and certain changes to the concrete, which reduced accessibility from an emergency response standpoint. Mr. Enyart stated that, in this latest PUD, the Applicant acknowledged the changes and agreed to restore the site to the satisfaction of the Fire Marshal.

Vice/Acting Chair Lance Whisman recognized Applicant Robert Anquoe of HRAOK, Inc., 1913 W. Tacoma St., Suite A, Broken Arrow, Oklahoma 74012, from the Sign-In Sheet. Mr. Anquoe offered to answer any questions.

Larry Whiteley made a MOTION to RECOMMEND APPROVAL of PUD 86 subject to the corrections, modifications, and Conditions of Approval as listed in the Staff Report. 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

PLATS

- 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.

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: 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
 - 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).

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 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

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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, Sitrin 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.).

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:

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9. 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

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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.

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 (mislabeled)*
- 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.*
- 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).

Erik Enyart stated that this was a straightforward subdivision with midscale-sized lots, except for a strip along the north side along *Springtree*, which had deeper lots per the PUD.

Larry Whiteley asked how the streets would handle the additional traffic. Erik Enyart stated that Harvard Ave. was a County road and noted that this issue had been raised and discussed in detail at the PUD Major Amendment development review stage. Mr. Enyart stated that the PUD entitled this development area for single-family development.

A Planning Commissioner asked about the Condition of Approval pertaining to trails. Erik Enyart stated that the PUD provided that there would be trails within the PUD, but did not differentiate between what parts of the owner’s property would host the trails. Mr. Enyart stated that this item called for discussion.

Vice/Acting Chair Lance Whisman recognized Justin Morgan, PE, of Tanner Consulting, LLC, 5323 S. Lewis Ave., Tulsa, from the Sign-In Sheet. Mr. Morgan discussed the subject property and the development briefly.

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Discussion ensued between Larry Whiteley, Erik Enyart, Jerod Hicks, and others regarding the relationships and similarities between the proposed development and neighboring subdivisions, including Springtree, Dutchers Crossing [Jenks], Harvard Ponds, and Providence Hills [Jenks]. Discussion included what types of houses would be built in the subdivision.

Brian Beam of Owasso Land Trust, 12150 E. 96th St. N., Owasso, responded to a question that Section [IV.]20 of the proposed Deed of Dedication and Restrictive Covenants provided that the first floor would be full masonry. Steve Sutton asked how many houses would be two (2) stories, and Mr. Beam responded that it “[d]epends on demand.” Mr. Beam stated that the developer was “Stonehorse” and the user was Simmons Homes, and that this development “will replace Providence Hills” [in Jenks]. Mr. Beam stated, “That’s what you’ll be looking at.”

Lance Whisman expressed concern that part of the Restrictive Covenants stated the minimum house size would be 1,400 square feet. Justin Morgan stated that that section would allow them if the lot width was 52’, but all lots will be wider than that. Erik Enyart stated that the minimum lot width was 65’. Mr. Morgan stated that that language would “come out.” Mr. Morgan stated that, at one time, the developer was considering smaller lots, but since then decided to keep all lots at 65’ in width. Mr. Morgan stated that he would simply “strike that line out of the Final [Plat].”

A Commissioner expressed concern about the number of entrances to the development. Erik Enyart stated that the [main section of the] development would have three (3) points of ingress/egress. Mr. Enyart stated that, in 2008, the “Willow Creek” development at 131st St. S. and Mingo Rd. was proposed, and included a large number of lots, but the Subdivision Regulations did not have a standard as to the minimum number of points of access in proportion to the number of lots proposed. Mr. Enyart stated that, therefore, the Fire Marshal, the City Planner, and the Police Chief discussed the matter and determined that three (3) points of access, including a collector street, would be adequate. Mr. Enyart stated that this had set a precedent which had been used since. Mr. Enyart stated that this was determined to be an issue in subdivisions proposed since when there were 250 lots proposed, or 260 lots proposed, or 291 lots proposed. Mr. Enyart stated that this development proposed 151 lots. A Commissioner asked Mr. Enyart how many homes were in Springtree, and Mr. Enyart stated that he did not know, but estimated approximately 100.¹ Mr. Enyart and Justin Morgan described access to the development, including the main section, which had a street connection to Harvard Ave., two (2) connections to Springtree, and a cul-de-sac designed to allow for further extension, and the smaller section with nine (9) lots which had a cul-de-sac street connecting to Harvard Ave. Mr. Enyart stated that Springtree itself had at least two (2), but perhaps three (3) connections.²

Jerod Hicks noted the need for street improvements but also noted “we want more developments.” Larry Whiteley described the difficulty in getting County roads improved.

Justin Morgan stated that it was a “chicken-or-eggs” matter, and that [a community] needed the houses to justify the need to widen the streets.

¹ There are 83 platted lots in *Springtree*.

² *Springtree* connects to Harvard Ave. via 143rd St. S. and to 141st St. S. via Indianapolis Ave.; its New Haven Ave. street is dedicated and built to 141st St. S., which is also dedicated, but not built east of Indianapolis Ave.

Larry Whiteley observed that the traffic matter may have been discussed when the PUD Amendment was brought forward.

A question was raised regarding the Modifications/Waivers requested. Erik Enyart noted that the Applicant had submitted a letter, copies of which were provided to the Commissioners prior to the meeting, which letter formally requested them and the arguments included were similar to previous justifications used for similar developments.

Jerod Hicks asked if the development would have a clubhouse or pool. Justin Morgan stated that the developer would “probably drop one (1) lot out later” for such a purpose. Mr. Morgan stated that the development was planned to be done in three (3) phases: south, north, and [a possible future expansion south of the southerly phase].

Vice/Acting Chair Lance Whisman recognized Brian Beam of Owasso Land Trust, 12150 E. 96th St. N., Owasso, from the Sign-In Sheet. Mr. Beam offered to answer any questions.

There being no further discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat of “Pine Valley Addition” subject to all of the corrections, modifications, and Conditions of Approval as recommended by Staff.

Erik Enyart asked Justin Morgan if there were any recommendations which “gave you pause,” and Mr. Morgan indicated he agreed with the Staff recommendations.

A Commissioner asked Larry Whiteley if he would accept an amendment to his Motion to acknowledge statements the developer had made in the meeting pertaining to minimum standards for homes to be constructed in the addition, and Mr. Whiteley agreed.

Jerod Hicks asked the Applicant what the type of masonry would be used for new homes, and Justin Morgan and Brian Beam stated that they did not know at this time. Mr. Hicks noted that wood was affordable but, in a few years in the weather, it requires a full wood replacement, and the homeowners cannot afford that. Mr. Hicks suggested using “James Hardie siding.” Discussion ensued.

Steve Sutton noted that the developer had pointed to Providence Hills as being similar to what was being proposed here. Mr. Sutton confirmed with Brian Beam that the homes would be in the same price range. Mr. Beam stated that this would be an “exact replacement” for Providence Hills. Mr. Sutton asked what the price range was, and Mr. Beam stated that entry-level models were originally listed at \$160,000 but now they were selling for at least \$170,000 to \$180,000.

Erik Enyart repeated the Motion as follows: MOTION by Larry Whiteley to RECOMMEND APPROVAL of the Preliminary Plat of “Pine Valley Addition” subject to all of the corrections, modifications, and Conditions of Approval as recommended by Staff and to acknowledge statements made by the Applicant in the meeting as to the minimum development standards for new houses as listed in the Deed of Dedication and Restrictive Covenants.

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

4. **Preliminary & Final Plat – “Tri-State Retail” – Khoury Engineering, Inc. for Quail Flats Properties, LP.** 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.

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: 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.

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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.
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).

Larry Whiteley asked about the privately-owned properties to the east, which used to have commercial buildings on them. Erik Enyart stated that the City of Bixby had acquired these properties for the 151st St. S. widening project, and then sold back to the private sector the parts that were not needed for [final] right-of-way.

A Commissioner asked what siding the building would have, and Dan Arck stated it would be masonry, EIFS, and stone.

Vice/Acting Chair Lance Whisman recognized Malek Elkhoury, PE, of Khoury Engineering, Inc., PO Box 52231, Tulsa, from the Sign-In Sheet. Mr. Elkhoury expressed concern for the City Engineer's recommendation to maintain mutual access between the subject property and the carwash lot to the north. Mr. Elkhoury stated that he had prepared an updated plat showing a Mutual Access Easement (MAE), but that the MAE would be granted to the owner of the carwash property, with language in the Deed of Dedication granting access to the carwash owner, but the carwash owner could not be made responsible for maintenance. Mr. Elkhoury stated that the MAE would need to be shown on the plat, and this [whole situation] was "problematic." Erik Enyart read from the City Engineer's memo and noted that the recommendation to maintain "mutual access" did not necessarily mean by easement to be dedicated. Mr. Enyart stated that he believed the intent was to recognize that there is mutual access between the lots currently, de facto cross access, and the City's primary concern was that existing cross access be preserved, and not be removed unless agreed to by all. Mr. Enyart stated that the City Engineer's recommendation was covered by the recommendation in the Staff Report [# 1] requiring compliance with City Engineer, Fire Marshal, and City Attorney recommendations. Mr. Enyart noted that these matters could be resolved during the future site plan review.

Discussion ensued.

Jerod Hicks noted that the shopping center at the northeast corner of 101st St. S. and Memorial Dr. [in Tulsa] appeared to have been planned without good cross access, as one cannot freely cross between lots due to curbs. Mr. Hicks indicated that cross-access would be beneficial. Discussion ensued regarding who built what parts of that shopping center and when.

Patrick Boulden in around this time.

Erik Enyart stated that his recommendation was to support the City Engineer's recommendation, which he did not read as necessarily requiring a Mutual Access Easement be shown on the plat, but rather, the preservation of existing, de factor cross-access, unless all agreed otherwise. Mr. Enyart stated that he did not believe this could be resolved at this time, since the City Engineer could not answer questions [regarding the interpretation of his recommendation].

Malek Elkhoury asked Patrick Boulden if the recommended cross access should be done by MAE, and whether the City could require this between private properties. Mr. Boulden asked, and Mr. Elkhoury stated that he was not asking about "easements by necessity." Mr. Boulden indicated favor for an MAE, if cross-access was required, but questioned whether the City could require this.

Mr. Enyart reiterated his statement that he did not believe this issue could be resolved at this time, since the City Engineer could not answer questions regarding the interpretation of his recommendation.

Malek Elkhoury stated that his client agreed to dedicate the additional 7' of right-of-way, provided that the landscaped area here would still count toward the requirement during the site plan review.

Erik Enyart indicated agreement with the proposal, subject to the approval of the City Engineer and Public Works Director for the maintenance of private landscaping in the newly-dedicated public right-of-way. Mr. Enyart stated that the City would review the site plan as Staff and would "line item any items that don't meet" Zoning Code requirements. Mr. Enyart stated that, then, the developer could take it one (1) step further and get the site plan approved by the City Council, which now had the authority to modify or Waive any development standards of the Zoning Code with which the project would conflict.

There being no further discussion, Vice/Acting Chair Lance Whisman asked to entertain a Motion.

Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat and Final Plat of "Tri-State Retail" subject to all of the corrections, modifications, and Conditions of Approval as recommended in the Staff Report. 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

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)

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 ["temporarily suspended" their applications]. Mr. Enyart stated that Staff would 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.

Jerod Hicks made a MOTION to APPROVE the terms recommended by Staff as to the Applicant's temporary suspension of the two (2) applications. 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

Vice/Acting Chair Lance Whisman recognized Bixby Metro Chamber of Commerce's Leadership Bixby XIII intern Julie Lovelace, who introduced herself and her position at Manhattan Construction. The Planning Commissioners and Staff welcomed Ms. Lovelace.

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 and the Commissioners continued a discussion started prior to the meeting regarding the "excessive number of review comments" it has observed on several cases, including on this agenda. Erik Enyart stated that the City of Bixby was "developer friendly," and "we Staff are a resource and it's our job to review" development applications. A threshold number was discussed. Mr. Enyart stated that it would be difficult to quantify a threshold for what would be "excessive," as a PUD of 500 acres would likely have more review comments than a PUD of ¼ of an acre. Discussion ensued. No action was taken.

Vice/Acting Chair Lance Whisman asked if there was any further New 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 7:21 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

Erik Enyart

From: Justin Morgan [justin@tannerbaitshop.com]
Sent: Monday, October 20, 2014 4:55 PM
To: Erik Enyart
Subject: [SPAM] RE: [SPAM] Pine Valley Addition - Request for waiver of Subdivision Regulations

Yes, we will not as for waiver of this one. We will provide the 17.5'.

Justin P. Morgan, PE | Principal

918.745.9929 Office
www.tannerbaitshop.com

From: Erik Enyart [mailto:eenyart@bixby.com]
Sent: Monday, October 20, 2014 4:46 PM
To: Justin Morgan
Subject: RE: [SPAM] Pine Valley Addition - Request for waiver of Subdivision Regulations

Received – thanks. I will provide copies to the PC members for the meeting tonight.

Item # 9 in the report is

- 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.

It is not addressed in the letter. The City Engineer's review memo specifically discusses the matter. Is it your intent to resolve by one or some combination of (1) widening the U/E, (2) compensating the difference in width with separate instrument U/Es outside the boundaries, (3) dedicating Reserve Areas as U/Es, or (4) some other method?

Erik Enyart

From: Justin Morgan [mailto:justin@tannerbaitshop.com]
Sent: Monday, October 20, 2014 4:04 PM
To: Erik Enyart
Subject: [SPAM] Pine Valley Addition - Request for waiver of Subdivision Regulations

Erik,
Attached is our request for a waiver of the subdivision regulations as required in your staff report for the Pine Valley Addition. Let me know if you need anything else.

Justin P. Morgan, PE | Principal

918.745.9929 Office
www.tannerbaitshop.com



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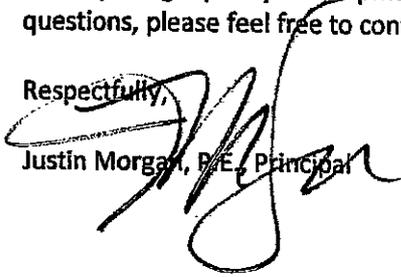
12. Modification/Waiver to permit platting Reserve Areas in a 100-year Regulatory Floodplain Section 12-3-2.

Within Pine Valley Addition, there are no habitable lots designed in the 100-year floodplain. The Reserve Areas proposed to be platted and intended for passive recreation. No building will be constructed without proper approval by FEMA and the City of Bixby.

It is our hope that these waiver items be considered and approved. In each instance, it was our intent to develop a high quality development and try to meet the City of Bixby design criteria. If you have any questions, please feel free to contact me.

Respectfully,

Justin Morgan, P.E., Principal



SOUTH PARK SELF STORAGE, LLC

Bixby, Oklahoma

PLANNED UNIT DEVELOPMENT NO. 86

September 17, 2014
Revision date: October 20, 2014

Prepared for:
South Park Self Storage LLC.
ATTN: Tom Sherrill
10901 South Memorial Drive
Bixby, OK 74008

CITY OF BIXBY

OCT 20 2014

RECEIVED

By *Ernest*

HRAOK, INC

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1913 WEST TACOMA-SUITE A
BROKEN ARROW, OKLAHOMA 74012
CA3643EXP.DATE:6-30-2015

VOICE: (918) 258-3737
FAX: (918) 258-2554
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SOUTH PARK SELF STORAGE, LLC

Planned Unit Development No. 86

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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. 86

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 area, known as Development Area 2, is shown on Exhibit "A" and specific site area, known as Development Area 1, which also includes the proposed PUD is shown on Exhibit A1.

South Park Self Storage, LLC seeks to transition the specific site area Development Area 1 (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 site area Development Area 2 (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, Development Area 1 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. Use Unit 16, "CG" General Commercial District, Section 11-7D-2 (Table 1), City of Bixby Zoning Code.

Summary of Development Area 1 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 an existing commercial retail shopping center and mini storage facility. Development area 1 is a portion of the existing multitenant shopping center building which will be converted to Use Unit 16 ministorage use under this PUD proposal. The majority of the existing building is eighteen (18) feet in height including projections to shield roof top mechanical equipment with a stucco type finish exterior. Moreover, the existing parking area is asphalt, barrier curbs with wall mount flood lamps spaced adequately throughout the parking area providing proper lighting coverage. A wooden, eight (6) foot high screen fence is located along the east boundary separating Development Area 1 and 2 from the adjacent residential properties to the east and north. An eight foot masonry concrete screen wall separates the storage area to the north. Existing access to Development Area 1 will remain from Memorial Drive, and north from East 109th Street and the mutual access from the adjacent shopping area to the south.

SOUTH PARK SELF STORAGE, LLC

Planned Unit Development No. 86

DEVELOPMENT STANDARDS

LAND AREA:

Development Area 1: 0.12 acres / 5169.50 square feet

Development Area 2: 7.05 acres / 307,243 square feet

PERMITTED USES:

Existing Underlying Zoning District: "CG" commercial general and "CS" commercial shopping. Uses are to include all Use Units of the City of Bixby Zoning Code permitted by right within the existing "CS" district, "CG" district. Any development standards, excluding all sexually oriented business (SOB's), not specifically outlined in this PUD text are subject to the standard requirements of the Zoning Code.

MAXIMUM BUILDING HEIGHT:

The building height shall be limited to thirty five (35) feet.

MINIMUM FRONTAGE:

One hundred (100) feet, Arterial Street.

FLOOR AREA RATIO (maximum):

75 percent

SET BACK FROM ABUTTING ARTERIAL ROADWAY:

Fifty (50) feet

MINIMUM BUILDING SETBACKS (from R District Boundaries):

Ten (10) feet (*plus 2 feet setback for each 1 foot of building height exceeding 15 feet abutting property is within RE, RS, or RD district).

SOUTH PARK SELF STORAGE, LLC

Planned Unit Development No. 86

LANDSCAPED AREA & VISUAL SCREENING:

Landscaping and visual screening are existing within the Development Area 1. Refer to Exhibit "A" (Site Plan) and Exhibit "D" (Aerial). As part of the PUD proposal, two (2) new landscape islands will be added as conceptually represented on exhibit ().

SIGNS:

All signs shall comply with the setback, height, size and other requirements of the City of Bixby Zoning Code.

STANDARD REQUIREMENTS:

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

ACCESS & CIRCULATION:

The existing South Park Center shopping center, including the South Park Self Storage and the proposed additional mini storage development area, will maintain the existing points of access to Memorial Drive and 109th Street South. Existing internal drives will also be maintained. Existing obstructions that may prohibit the Fire lane access around Development area 1 will be removed such that the access will be established pursuant of the Fire marshal recommendations.

UTILITIES & DRAINAGE:

Site utilities are existing within the site development area 1 and 2.

SCHEDULE OF DEVELOPMENT:

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. 86

ENVIRONMENTAL ANALYSIS:

TOPOGRAPHY:

The site development area 1 and 2 consists of existing grades that drain to developed site drains which generally flow to the south east. No grade changes will be made upon approval of this PUD.

DRAINAGE:

The site development area 1 and 2 consists of existing grades that drain to developed site drains which generally flow to the south east to an existing storm water detention pond in Reserve B of South Country Estates and no grade changes will be made upon approval of this PUD.

SOIL TYPE:

Per the National Resources Conservation Service Web Soil Survey, the soil type for the development area 1 and 2 has two types, Kamie loamy fine sand, (3 to 8 percent slopes) and Okay loam, (1 to 3 percent slopes).

UTILITIES:

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

Exhibit "A" & "A1"

"A" – Overall Development Area 2(Existing Features)

"A1" – Proposed Development Area 1 (PUD)

HRAOK, INC

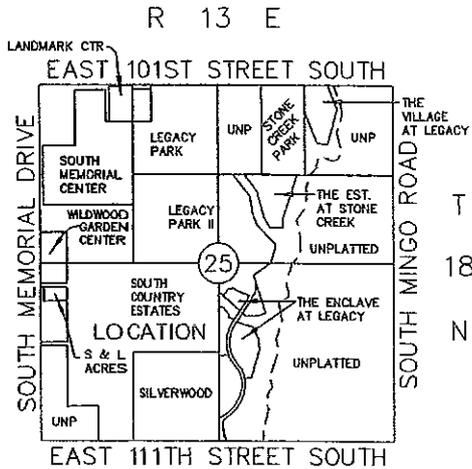
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BROKEN ARROW, OKLAHOMA 74012
CA3643 EXP. DATE: 6-30-2015

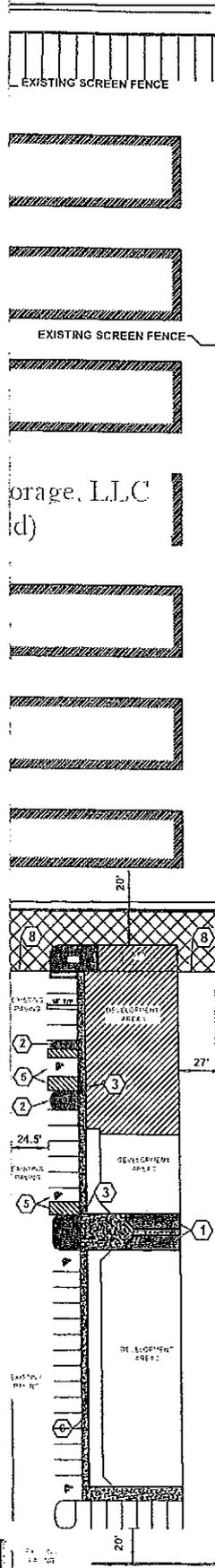
VOICE: (918) 258-3737
FAX: (918) 258-2554
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Exhibit A Overall Site Area Development Area 2 Southpark Self Storage



Location Map
SCALE: 1"=2000'



SOUTH COUNTRY
ESTATES

RESERVE B
DETENTION POND

HRAOK, I

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

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Exhibit A1 Development Area 1 Southpark Self Storage



SCALE: 1" = 30'

HRAOK, INC

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1913 WEST TACOMA • SUITE A VOICE: (918) 258-3737
BROKEN ARROW, OKLAHOMA 74012 FAX: (918) 258-2554
C#4 3643 EXP. DATE: 6-30-2015

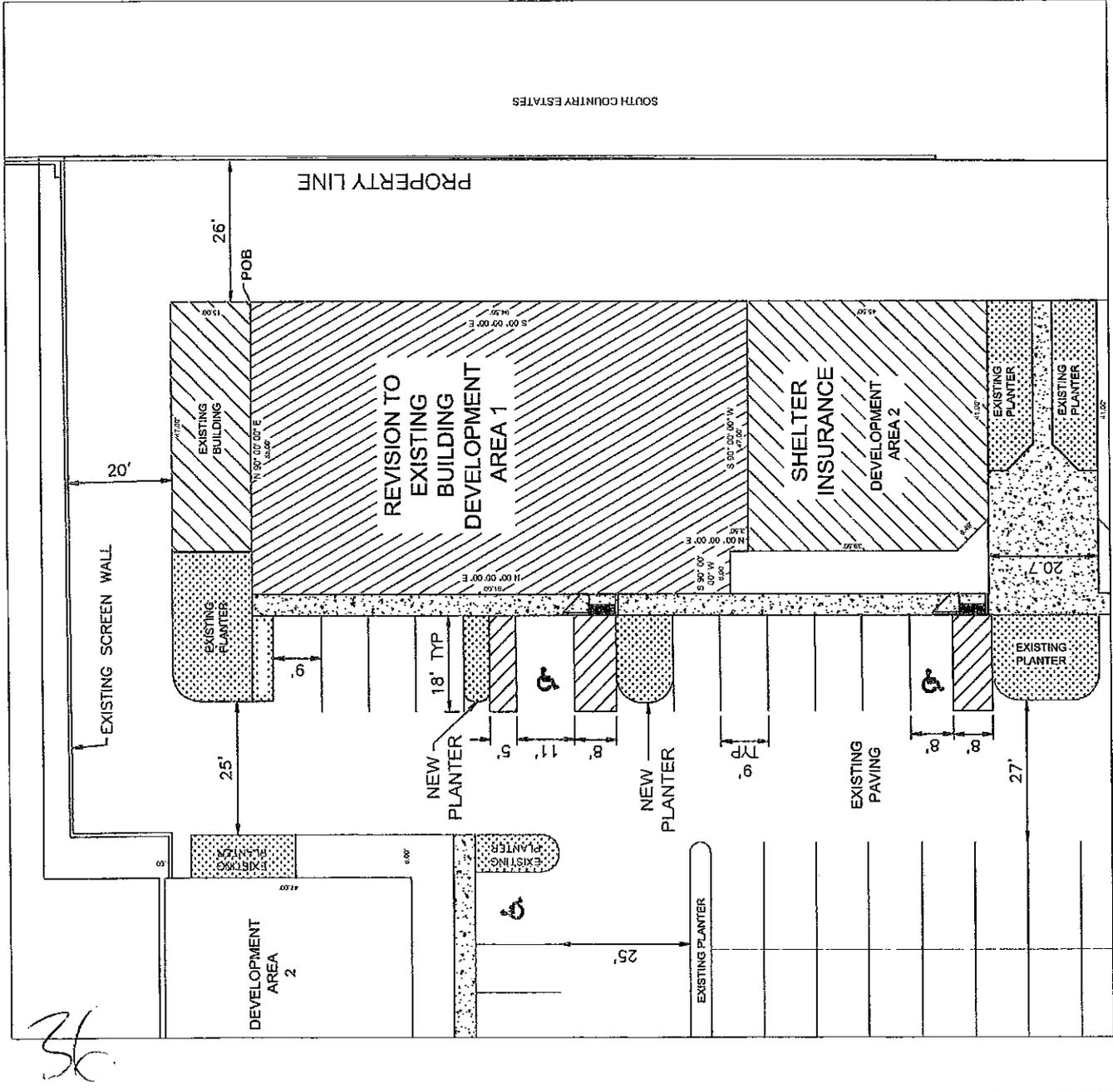


Exhibit "B" & "B1"

"B" – Legal Description of PUD

"B1" – Overall Site Area Ownership Deed

HRAOK, INC

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

VOICE: (918) 258-3737
FAX: (918) 258-2554
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Exhibit B

Development Area 1 – (PUD)

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)

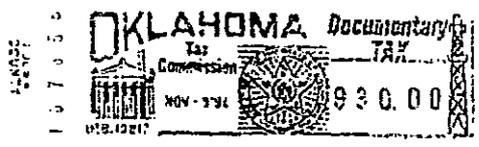
THIS INDENTURE Made this 10 day of OCT, 1994

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. 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 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 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 conveyance was approved by the Public Trustee 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, she, hereunto set their hand 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 notary seal the day and year last above written.

My commission expires 11-2-97 Margaret Newgache Notary Public

Danell Jenkins 9701 E. 55th Pl.
Tulsa, OK. 74146

39

5670 1348

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.

40

Exhibit "C"

"C" – Zoning Map

HRAOK, INC

ENGINEERS • SURVEYORS • PLANNERS

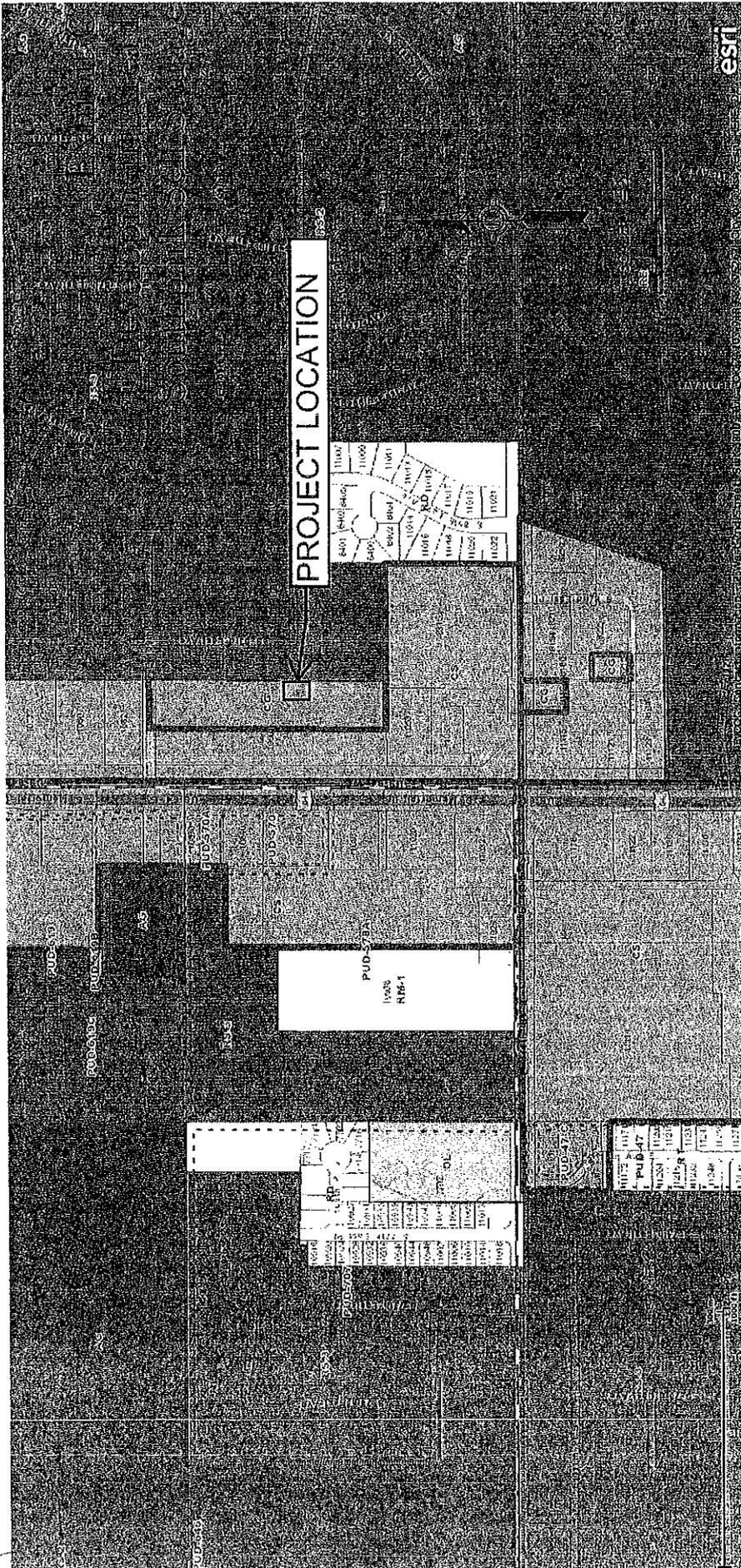
1913 WEST TACOMA-SUITE A
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CA3643EXP.DATE:6-30-2015

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Zoning Map

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Fri Sep 12 2014 12:58:35 PM SOURCE: INCOG ZONING MAP www.incog.org

HR&OK, Inc

ENGINEERS - SURVEYORS - PLANNERS
1813 WEST TACOMA, SUITE 2000
BROOKLYN, WA 98148
CASA 360 EXP. DATE 6-30-2016

Exhibit "D"

"D" – Aerial Map

HRAOK, INC

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

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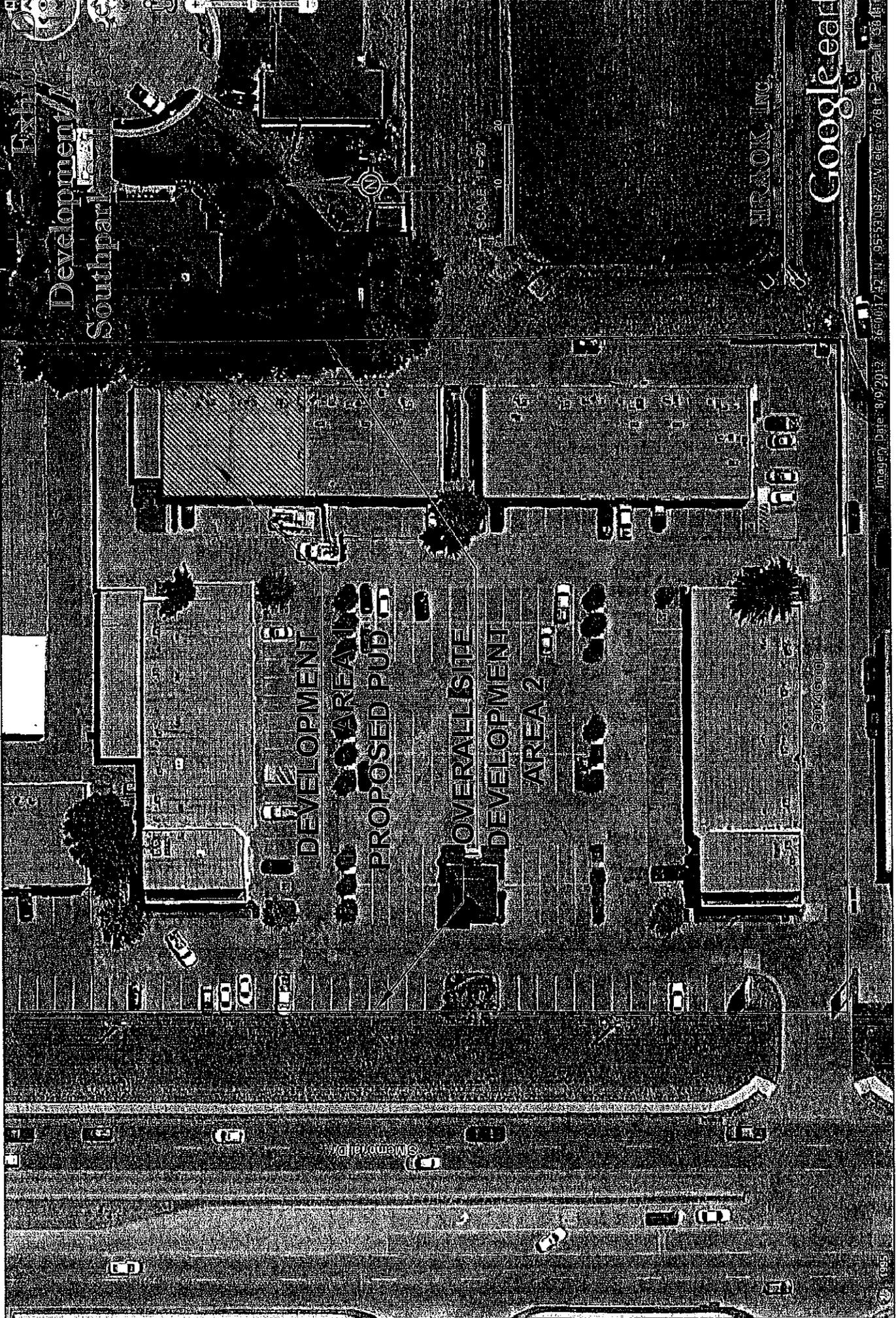


Exhibit "E"

"E" – F.I.R.M. Map

HRAOK, INC

ENGINEERS • SURVEYORS • PLANNERS

1913 WEST TACOMA-SUITE A
BROKEN ARROW, OKLAHOMA 74012
CA3643EXP.DATE:6-30-2015

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

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BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: October 20, 2014

NAME	ADDRESS	ITEM
1. Malek ElKhoury	P.O. Box 52231 Tulsa	4
2. JUSTIN Morgan	5323 S. Lewis, Tulsa	3
3. Robert Anquoz	1919 N. Tacoma	2
4. BRIAN BEAM	12150 E. 96 th STN ^{AWASSO}	3
5. Robert Render	1919 N. Tacoma	2
6.		
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19.		
20.		



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

MEMORANDUM

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Thursday, November 13, 2014
RE: Planning Commission meeting schedule and application deadlines for 2015

Staff proposes the following schedule for the Planning Commission:

<u>DATE</u>	<u>TIME</u>	<u>PLACE OF MEETING</u>
January 20, 2015 (Tues)	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
February 17, 2015 (Tues)	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
March 16, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
April 20, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
May 18, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
June 15, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
July 20, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
August 17, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
September 21, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
October 19, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
November 16, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
December 21, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby

APPLICATION DEADLINES

Four (4) weeks prior to the Planning Commission meeting, or the Tulsa Business & Legal News' Public Notice publication deadline plus one (1) working day, whichever is sooner. The City Manager shall have the authority to make an exception to the deadline in cases of hardship or unusual circumstances.



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner 
Date: Wednesday, November 12, 2014
RE: Report and Recommendations for:
PUD 53-B – “WoodMere” – Major Amendment # 2 – Sack & Associates, Inc.

LOCATION: – 6810 E. 121st St. S. and 12155 S. 68th E. Ave.
– Lot 11, Block 1 and Lot 1, Block 4, *WoodMere*

SIZE: 32,958 square feet, 0.76 acres, more or less, in two (2) lots

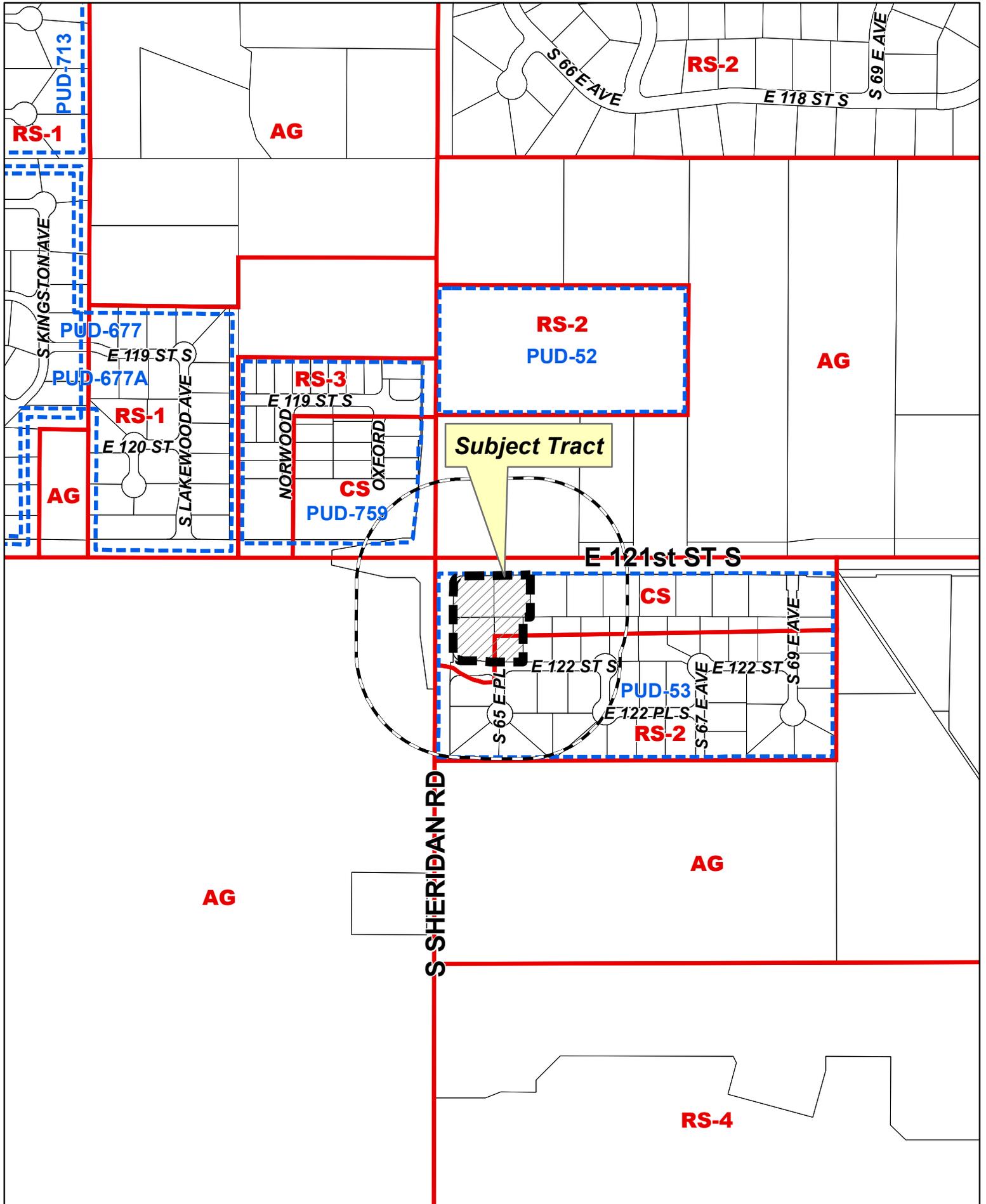
EXISTING ZONING: CS Commercial Shopping Center District, RS-2 Residential Single-Family District, & PUD 53

EXISTING USE: A two-story office building and a vacant/wooded residential lot

REQUEST: Approval of Major Amendment # 2 to Planned Unit Development (PUD) # 53 (“WoodMere”), to be known and designated on the official Zoning Map as “PUD 53-B” with underlying zoning CS Commercial and RS-2 Residential

ANALYSIS:

During the review of this application, Staff observed that Zoning Code Sections 11-7B-2 Table 1 and 11-7B-5.H specifically restrict Use Unit 10 parking lots / parking lots accessory to an adjacent nonresidential use to certain RM districts only. The Lot 1, Block 4, *WoodMere* subject property lot, zoned RS-2, is ineligible for the proposed parking lot use. Also, as was the case in PUD 53-A / Major Amendment # 1, the proposed commercial expansion onto Lot 1, Block 2, *WoodMere* was required to be rezoned to OL to allow for non-residential use in accordance with Zoning Code Section 11-7I-5.A.2.b. Staff recommends this application be Tabled indefinitely or Denied due to the proposed land use’s conflict with the Zoning Code.

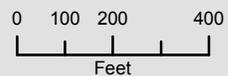


300' Radius



Subject Tract

PUD-53-1



02 17-13

Memo

To: Erik Enyart, AICP, City Planner

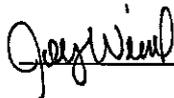
From: Joey Wiedel

Date: 10-28-2014

Re: PUD 53-B "Woodmeere" Major Amendment #1

PUD 53-B "Woodmeere" Major Amendment #1 are approved by this office with the following conditions:

1. 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)
2. Fire Lanes and signage shall be installed per 2009 IFC Appendix D.
3. Dead end roads shall not be any further than 150 feet without an approved turn-around.
 - Exception- When the building or buildings are sprinkled the AHJ can approve a further distance. This office will approve the proposed drawing with the existing building sprinkler system being operational and green tagged.



Joey Wiedel

10/28/2014

Date

CITY OF BIXBY

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

Engineering Department Memo

To: Erik Enyart, City Planner
From: Jared Cottle, PE *JWC*
CC: Bea Aamodt, PE
File
Date: 10/24/14
Re: WoodMere
PUD Major Amendment #1

General Comments:

1. Utility, Grading, and Drainage Plans have been previously reviewed, approved, and constructed. Items that will need to be addressed during design include:
 - a. Update to Drainage Report verifying that the capacity of the downstream storm sewer system is sufficient to convey the additional runoff from the increase in impervious area (if any) for the parking lot versus the originally proposed residential construction.
 - b. The proposed storm sewer facilities should be designated as private since they serve only the proposed parking lot. However, since they cross City easements and utility lines, they must be constructed to City standards.
 - c. Maintenance and protection provisions for the concrete wall and footing shown to be located over existing sanitary sewer and water lines.
2. The fire hydrant location and driveway access/circulation must be reviewed and approved by the Fire Marshall.
3. The remaining fire hydrant coverage and access for the residential areas located behind the wall must be reviewed and approved by the Fire Marshall.

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PETITION

NOV 07 2014

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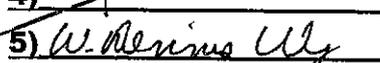
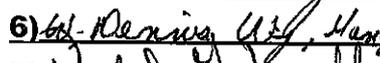
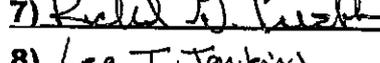
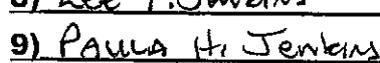
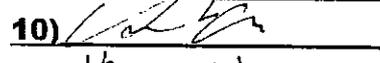
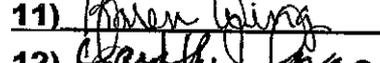
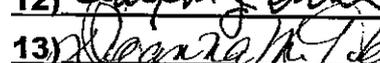
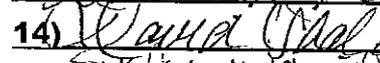
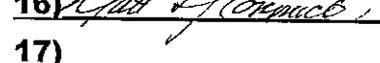
By Enyart

File Number: PUD 53-B

Property: 6810 E. 121st St. S. and 12155 S. 68th E. Ave.

To: Bixby Planning Commission, Technical Advisory Committee, and City of Bixby

We, the undersigned owners of property affected by the requested zoning change described in the referenced PUD, do hereby protest against the proposed Major Amendment #2 to Planned Unit Development (PUD) 53 which would change the zoning of 12155 S. 68th E. Ave. away from RS-2 Residential. Further, we protest the attempt to build a parking lot on the subject residential property or permit any commercial activity within the Woodmere subdivision not previously approved and established.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
1) 	DANIEL RULH	
2) 	DANIEL RULH	
3) 	DANIEL RULH	
4) 	DANIEL RULH	
5) 	William Dennis Wing	12204 S. 68 th East Ave
6) 	Wing Family Real Estate, LLC	2 lots
7) 	RICHARD G. Luebke	12244 S. 68 th E. Ave
8) 	Lee T. Jenkins	12205 S. 68 E. Ave
9) 	Paula H. Jenkins	12205 S. 68 E. Ave
10) 	Albert Carrillo	6761 E. 122nd St
11) 	Karen Wing	12204 S. 68 E. Ave-
12) 	DARYL B. SCHUSTER	12227 S. 127 th E. Ave
13) 	Deanna M. Heritage	4682 E. 122nd
14) 	DAVID SHALES	4682 E. 122nd Pl.
15) 	Skular McBurnick	12225 S. 68th EAVE
16) 	M.H. McBurnick	12225 S. 68th EAVE
17)		

PUD MAJOR AMENDMENT

Woodmere

121st Street and South Sheridan Road
City of Bixby, Tulsa County, Oklahoma

Planned Unit Development Number 53-B

Owner: J. Brian Frere
4745 E. 91st. Street, South
Tulsa, Oklahoma 74137



SACK AND ASSOCIATES, INC.

3530 East 31st Street South, Suite A, Tulsa, Oklahoma 74135-1519
Ph: 918.592.4111 Fax: 918.592.4229 E-mail: sai@sackandassociates.com
CA Number 1783 (PE/LS)

Project: WOODMERE B1 L11, B4 L1-A Drawing: PUDD01A
Drawn: LWR Order: G159A File: 1713.02 Drawer: C

XREFs: COPYRITE S-811X
Plotted: 16 OCT 2014

October 2014

CITY OF BIXBY

OCT 17 2014

RECEIVED

By Emyork

54

PUD MAJOR AMENDMENT

Woodmere

*121st Street and South Sheridan Road
City of Bixby, Tulsa County, Oklahoma*

Planned Unit Development Number 53-B

*Owner: J. Brian Frere
4745 E. 91st. Street, South
Tulsa, Oklahoma 74137*



SACK AND ASSOCIATES, INC.

3530 East 31st Street South, Suite A, Tulsa, Oklahoma 74135-1519
Ph: 918.592.4111 Fax: 918.592.4229 E-mail: sai@sackandassociates.com
CA Number 1783 (PE/LS)

Project: WOODMERE B1 L11, B4 L1-A Drawing: PUD01A
Drawn: LWR Order: G159A File: 1713.02 Drawer: C

XREFs: COPYRITE S-811X
Plotted: 16 OCT 2014

October 2014

WoodMere
Planned Unit Development No. 53-B

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Legal Description - PUD 53-B	6
Legal Description – Development Area A (CS Zoning)	7
Legal Description - Development Area B-1 (RS-2 Zoning)	8
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Google Aerial

WoodMere
Planned Unit Development No. 53-B

DEVELOPMENT CONCEPT

WoodMere, Planned Unit Development 53 is currently platted and provides CS zoned lots called WoodMere Park that front East 121st Avenue South and South Sheridan Road. Also, within WoodMere is WoodMere Estates, a single family, gated, private street, residential neighborhood with the zoning restrictions of RS-2 that is served by a private street. The subdivision was platted in January of 2008 and a few of the lots have been developed.

WoodMere Office proposes to combine the developed platted lot at the southeast corner of East 121st Street South and South 68th East Avenue of WoodMere Park, Lot 11 in Block 1, and the adjacent single family residential lot to the south of WoodMere Estates, Lot 1 in Block 4. Said residential lot is currently in Development Area B and is to be in its own Development area designated as B-1 with a permitted use of parking as an accessory use to the office building constructed on Lot 11 in Block 1.

This application is for approval of Major Amendment to PUD 53, to be known and designated on the official zoning map as "PUD 53-B", and concerns Lot 11, Block 1 and Lot 1, Block 4 of Woodmere, in accordance with Bixby Zoning Code Section 11-7I-8-G for all other areas within PUD 53, no changes are made by this amendment.

A new development area, Development Area B-1, is proposed for the lot that was formerly part of WoodMere Estates to allow a proposed parking lot. The area of Lot 11, Block 1 that was formerly of WoodMere Park will remain in the same development area, Development Area A and subject to those conditions.

WoodMere Office will be accessed from East 121st Street South through South 68th East Avenue or Reserve 'A' and limits of no access will remain as established by the WoodMere plat. No Access will be permitted from Reserve 'B' to any part of Development Area B-1 that is being used for a parking lot.

The existing cyclopean wall and other entry features of WoodMere will remain. The precast concrete fence, known by its brand name CedarCrete, that is within WoodMere will be relocated to the south along the Restricted Waterline easement to a point that is at least 30' north of the north line of Lot 2, Block 4 then southeasterly at a 45 degree angle to the north line of said Lot 2 to screen the parking lot from the adjacent residential properties. Woodmere Estates will retain its private streets and controlled access.

SITE PLAN REVIEW (Woodmere Square only)

As part of this PUD, a detailed site plan shall be submitted to the Bixby Planning Commission or Staff and approved as being in compliance with the development concept and the development standards before a building permit will be issued. The Owner acknowledges that the standards for the Site Plans, Landscape Plans and Signage Plans as applied through the Detail Site Plan processes may exceed the minimum standards established by the current zoning code.

LANDSCAPE PLAN REVIEW (Woodmere Square only)

Woodmere Office will meet or exceed the landscape requirements of the Bixby Zoning Code regulations and guidelines set. Plant materials chosen will utilize evergreen, flowering or deciduous plant materials that are appropriate for a sustainable landscape that will create year around interest.

An alternative plan may be approved by the Bixby Planning Commission if the Commission determines that the submitted plan is better than the required landscaping.

A Detailed Landscape Plan for Woodmere Office shall be approved by the Bixby Planning Commission or Staff prior to issuance of a building permit. In addition to meeting the City of Bixby Zoning Code, in the Plan, the owner acknowledges that the standards for landscape may exceed minimum standards established by the current zoning code, and shall be determined at the time of the Detailed Landscape Plan. A Landscape Architect, Architect or Civil Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping has been installed in accordance with the approved landscape plan, prior to issuance of an occupancy permit.

PARKING

Minimum parking for Woodmere Office will be as required by the applicable use unit of the City of Bixby Zoning Code. A waiver of the maximum limit of 15% over the parking space standard per Zoning Code Section 11-10-2.H is requested per this PUD major amendment. The maximum parking spaces allowed is to be deferred until approval of Detail Site Plan.

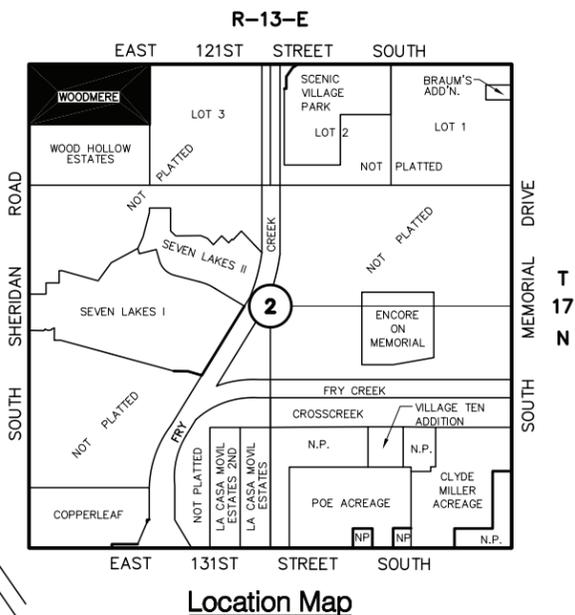
SOUTH SHERIDAN ROAD

Woodmere Office

Woodmere Square

Woodmere Park

Woodmere Estates



NOT PLATTED

NOT PLATTED

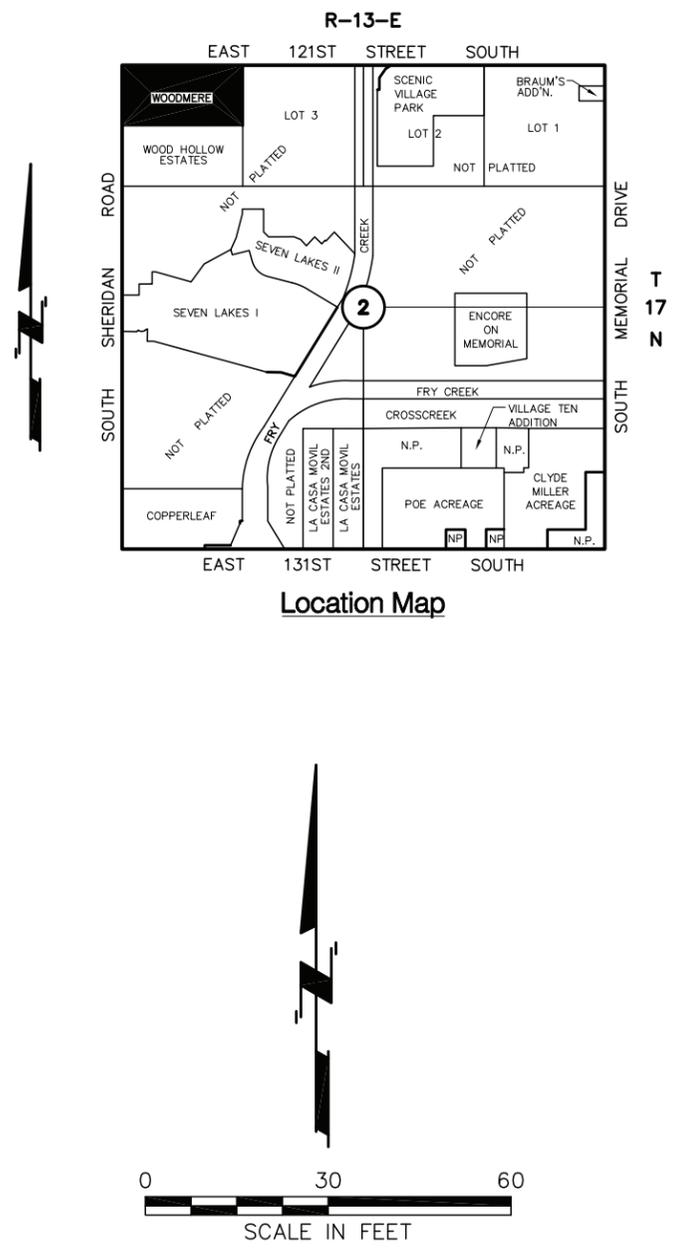
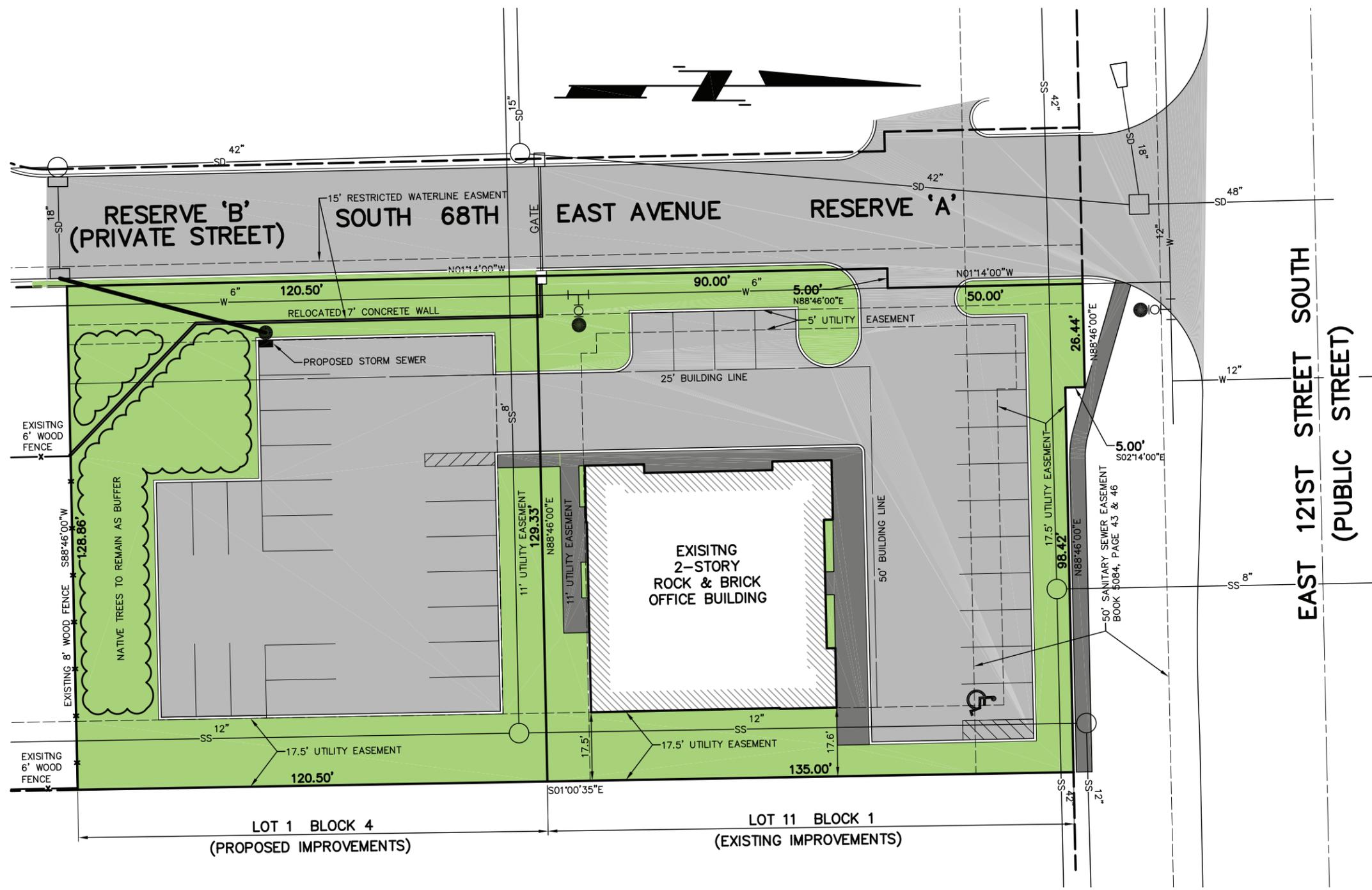
PUD MAJOR AMENDMENT

Woodmere

121st Street and South Sheridan Road

CONCEPT ILLUSTRATION
EXHIBIT 'B'

Planned Unit Development Number 53-B



PUD MAJOR AMENDMENT

Woodmere

121st Street and South Sheridan Road

UTILITY SITE PLAN ILLUSTRATION

EXHIBIT 'D'

Planned Unit Development Number 53-B

DEVELOPMENT STANDARDS

DEVELOPMENT AREA A (CS ZONING)

Lot 11, Block 1 will remain in and subject to the Development Area 'A' Standards which standards remain the same and unchanged from the original PUD.

DEVELOPMENT AREA B-1 (R-2 ZONING)

If Lot 1, Block 4 or any part of said lot is not used for a parking lot for the existing office building then it will remain in and subject to the Development Area 'B' Standards which standards remain the same and unchanged from the original PUD.

AREA:

Net:	0.3571 acres	15,556 SF
------	--------------	-----------

PERMITTED USES:

Parking Lot as an accessory use to the existing Office Building or those uses included as a matter of right in the RS-2 Zoning District. The parking lot tract will be required to file a Declaration combining it to Lot 11, Block 1 (the Office Tract) and if the south part of Lot 1, Block 4 is to be a residential use then that tract will be required to file a Declaration combining it to Lot 2, Block 4. If no parking lot is to be built on Development Area B-1 then Lot 1, Block 4 will go back to WoodMere Estates and subject to the original Development Area B standards.

OFF-STREET PARKING:

As required by the applicable use unit of the City of Bixby Zoning Code.

LIGHTING:

Light standards shall not exceed 12 feet in height. All lighting shall be hooded and directed downward and away from the property lines in common with the residential area.

Parking Lot Set Back from the Residential Property to the South – Minimum 20 feet

DEVELOPMENT AREA B (RS-2 ZONING)

Development Area 'B' Standards remain the same and unchanged from the original PUD.

Legal Description

(WOODMERE PUD)

A TRACT OF LAND THAT IS THE N/2 OF GOVERNMENT LOT 4 IN SECTION 2,
T-17-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, CITY OF BIXBY, TULSA
COUNTY, OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

Legal Description

PUD 53-B

LOT 11, BLOCK 1 AND LOT 1, BLOCK 4, "WOODMERE", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

Legal Description
DEVELOPMENT AREA A (CS ZONING)

ALL OF BLOCK 1, "WOODMERE", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, INCLUDING THE PRIVATE STREETS THEREIN.

Legal Description
DEVELOPMENT AREA B-1 (RS-2 ZONING)

LOT 1, BLOCK 4, "WOODMERE", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, INCLUDING THE PRIVATE STREETS THEREIN.

Legal Description
DEVELOPMENT AREA B (RS-2 ZONING)

LOTS 2-13, BLOCK 2 AND ALL OF BLOCK 3 AND LOTS 2-10, BLOCK 4,
"WOODMERE", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA,
ACCORDING TO THE RECORDED PLAT THEREOF, INCLUDING THE PRIVATE STREETS
THEREIN.



1995

Imagery Date: 8/9/2012 35°59'15.81" N 95°54'00.48" W elev 613 ft eye alt 1332 ft

Google earth



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Wednesday, November 12, 2014
RE: Report and Recommendations for:
Preliminary Plat of "Seven Lakes V"

LOCATION: – South and east of the intersection of 121st St. S. and Sheridan Rd.
– North of *Seven Lakes I, II, III, and IV*
– Part of the W/2 of Section 02, T17N, R13E.

SIZE: – 23 acres, more or less (parent tract parcel)
– 13.787 acres, more or less (plat area)

EXISTING ZONING: RS-4 Residential Single Family District

SUPPLEMENTAL ZONING: None

EXISTING USE: Vacant

REQUEST:

- Preliminary Plat approval for 55-lot residential subdivision
- 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
- Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to the unplatted tracts abutting to the northeast and east
- 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

SURROUNDING ZONING AND LAND USE:

- North: RS-3/PUD 80 & AG; 20-acre unplatted vacant/wooded area recently platted as *Wood Hollow Estates*, now under construction, and to the northeast, an unplatted 12-acre vacant tract owned by Tulsa County (“wetland mitigation area”) and zoned AG and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby (“hardwood mitigation area”) and zoned AG.
- South: RS-4; Single family residential homes and vacant lots in *Seven Lakes I*, *Seven Lakes II*, *Seven Lakes III*, and *Seven Lakes IV*.
- East: AG & CG/PUD 76; The Fry Creek Ditch # 2 right-of-way with 92-acres of former agricultural land to the east of that zoned CG with PUD 76 proposed for development with multiple uses.
- West: (across Sheridan Rd.) AG; Unplatted agricultural and vacant land, including 64 acres recently acquired by the Bixby School District, and the City of Tulsa’s lift station facility to the northwest, all in the City of Tulsa.

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

PREVIOUS/RELATED CASES:

- BZ-309 – Wynona Brooks, Trustee of Mildred A. Kienlen A Revocable Living Trust – Request for rezoning from AG to RS-4 for area including all of the existing and planned “Seven Lakes” subdivisions and some vacant land to the south of *Seven Lakes I* – PC recommended Approval 01/18/2005 and City Council Approved 02/14/2005 (Ord. # 901).
- Preliminary Plat of Seven Lakes I – Request for Preliminary Plat approval for *Seven Lakes I* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Approval 06/20/2005 and City Council Approved 06/27/2005.
- Final Plat of Seven Lakes I – Request for Final Plat approval for *Seven Lakes I* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Approval 10/16/2006 and City Council Approved 10/23/2006 (Plat # 6113 recorded 04/26/2007).
- Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for “Seven Lakes II” for *Seven Lakes II* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.
- Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for *Seven Lakes II* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 09/21/2011 and City Council Conditionally Approved 09/26/2011 (Approval recognized as expired 09/26/2012).
- Preliminary Plat of Seven Lakes II (Resubmitted) – Request for Preliminary Plat approval for *Seven Lakes II* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012.
- Final Plat of Seven Lakes II – Request for Final Plat approval for *Seven Lakes II* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012 (Plat # 6457 recorded 01/16/2013).

Sketch Plat of Seven Lakes III – Request for Sketch Plat approval for “Seven Lakes III” for 40.64 acres, including subject property parent tract and areas later platted as *Seven Lakes III* and *Seven Lakes IV* – PC Conditionally Approved 05/20/2013.

Preliminary Plat of Seven Lakes III – Request for approval of a Preliminary Plat and certain Modifications/Waivers for *Seven Lakes III* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Preliminary Plat of Seven Lakes IV – Request for approval of a Preliminary Plat and certain Modifications/Waivers for *Seven Lakes IV* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Final Plat of Seven Lakes III – Request for Final Plat approval for *Seven Lakes III* for to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014 (Plat # 6545 recorded 06/13/2014; surveyor of record changed prior to reprinting, signatures, and recording).

Final Plat of Seven Lakes IV – Request for Final Plat approval for *Seven Lakes IV* for to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014 (Plat # 6544 recorded 06/13/2014; surveyor of record changed prior to reprinting, signatures, and recording).

Preliminary Plat of Seven Lakes VI – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Seven Lakes VI” for subject property parent tract to the west of subject property plat area – PC consideration pending 11/17/2014.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The parent tract parcel contains approximately 23 acres and is vacant and zoned RS-4. “Seven Lakes V,” as per this Preliminary Plat, contains 13.787 acres. As with previous and other phases of “Seven Lakes,” this development will be designed to collect stormwater and drain it to the east to Fry Creek Ditch # 2. The “lakes” were platted in previous phases of the “Seven Lakes” development.

Based on GIS aerial and parcel data, it appears that northeastern-most area of the parent tract parcel includes the access road, and possibly even the concrete trickle-channel otherwise owned by Tulsa County and the City of Bixby (possibly known as a ‘wetland remediation’ or ‘wetland compensatory mitigation’ area). Per the Preliminary Plat of “Seven Lakes V,” there are two (2) easements in favor of Tulsa County in this area, affecting proposed Lots 16 and 17, Block 2. However, it is not clear that the easements contain all of the drainage features as designed or as necessary for the system to function. There appears to be a “drop off” area toward the back sides of these two (2) lots, along the drainage channel, as represented on the Sketch Plat of this area. Elevation contours and drainage channels, both of which are required for a Preliminary Plat, and such as would help elucidate the area, are not represented. This area should undergo careful study, the designs for this area must be approved by the City Engineer, and any remedial actions determined necessary should be taken (additional easement or right-of-way dedication

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to fully contain the drainageway system, recognition of any prescriptive easements or rights-of-way, imposing setbacks from any unstable areas along the drainageway, etc.).

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

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

General. This subdivision of 13.787, more or less, proposes 55 Lots, four (4) Blocks (a fifth is recommended), and one (1) Reserve Area.

The Seven Lakes development, and this plat, represents a conventional but attractive design, with uniquely crisscrossed curvilinear streets and no true cul-de-sacs, interspersed with Reserves for water amenities. Proposed "Seven Lakes V" and "Seven Lakes VI" are similar to *Seven Lakes I, II, III, and IV* to south, with relatively similar-sized and configured lots. Typical lots range from 65' X 120' (7,800 square feet, 0.18 acres) to 70' X 120' (8,400 square feet, 0.19 acres). As afforded by RS-4 zoning, however, a few lots are smaller than the typical lots, such as proposed Lot 17, Block 1, "Seven Lakes VI": 62.76' X ~123.29' (7,738 square feet, 0.18 acres), Lot 1, Block 1, "Seven Lakes V": 60' X 120' (7,200 square feet, 0.17 acres), and Lot 18, Block 3/4: 55' X 120' (6,600 square feet, 0.15 acres). However, all lots appear to meet RS-4 zoning standards.

Deed of Dedication and Restrictive Covenants (DoD/RCs) Section IV.B allows for incorporation of HOAs of different phases as previously recommended by Staff.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on November 05, 2014. The Minutes of the meeting are attached to this report.

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

Access and Internal Circulation. Primary access to the subdivision would be via internal streets which ultimately connect all of the "Seven Lakes" subdivisions to Sheridan Rd. via 125th and 126th Streets South. South 68th and S. 71st E. Avenues will be extended north into the subject property from *Seven Lakes IV* and *II*, respectively. Further, 124th St. S. will be extended westerly in the proposed "Seven Lakes VI," also on this agenda for consideration.

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

1. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lots 11:14, Block 2 and Lot 18, Block 3/4 (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F.
2. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to the unplatted tracts abutting to the northeast and east. The

Modification/Waiver was described as justified as it abuts the 'wetland mitigation' area owned by Tulsa County and the Fry Creek Ditch # 2 right-of-way owned by the City of Bixby, neither of which are expected to develop.

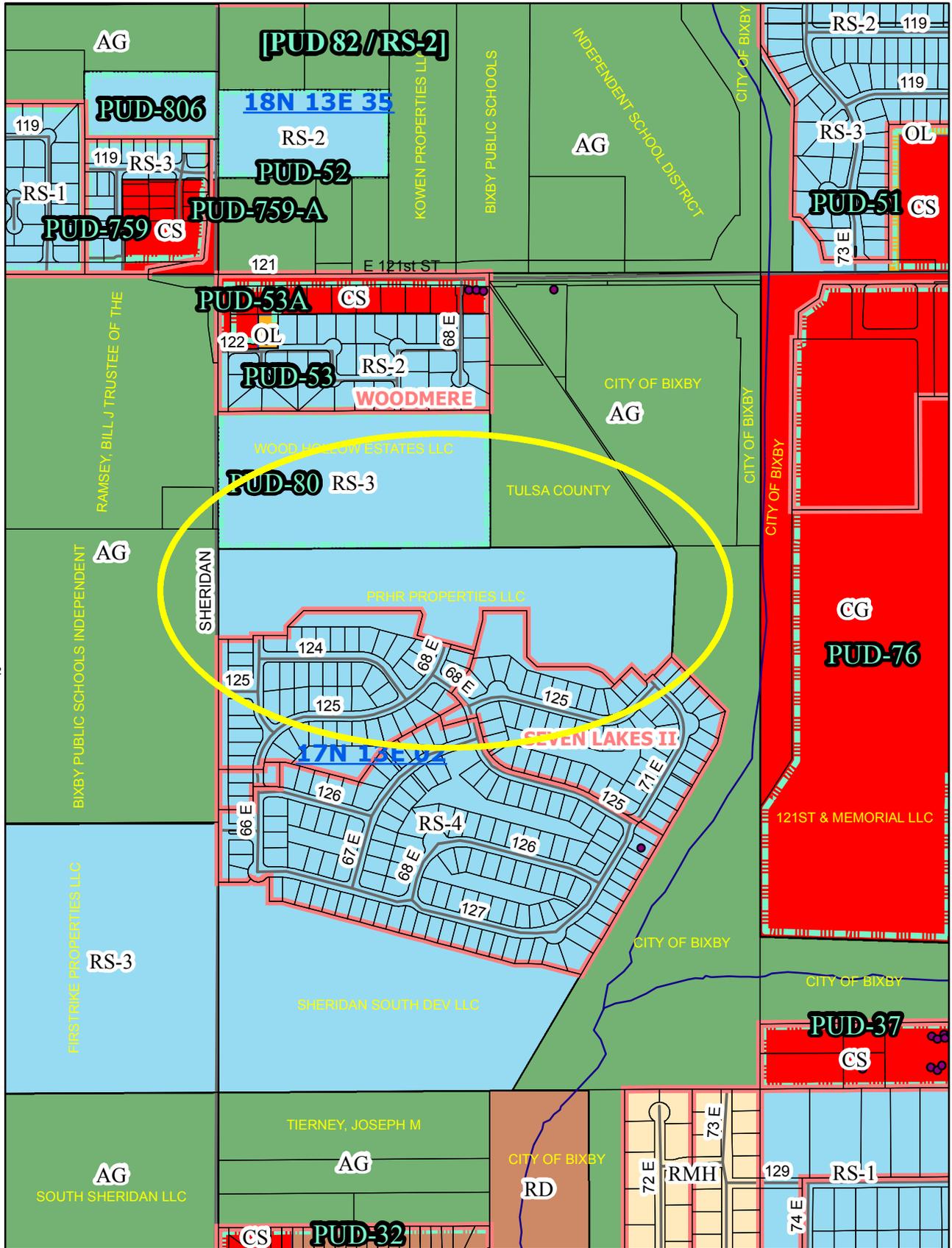
3. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-3.A for utility easements along the perimeters which would not achieve the 17.5' minimum width standards. Such request may be justified by observing most of the instances are mid-block and do not require U/Es, and otherwise by demonstrating where an 11' U/E will be back to back with another 11' in abutting subdivision, resulting in a 22'-wide U/E corridor between the subdivisions. Other justifications may be offered and deemed
4. All Modification/Waiver requests must be submitted in writing.
5. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
6. It appears that the Reserve Areas are assigned unique letters A through H in the four (4) subdivisions. This may be for purposes of having a singular HOA responsible for maintenance of the Reserve Areas. *Seven Lakes I* has Reserve Areas D, E, F (part), G, and H. *Seven Lakes II* has Reserve Areas A, B, and C. *Seven Lakes IV* has Reserve Areas B (part), F (part), and I. Reserve Area B is a 20'-wide "handle" access Reserve Area which connects to Reserve Area B in *Seven Lakes II*. Also in *Seven Lakes IV*, Reserve Area "F" is one of the "lakes" which connects to the "handle" Reserve "F" in *Seven Lakes I*. Thus, in two (2) cases so far, uniquely named, singular Reserve Areas have been platted in two (2) parts. To ensure this is carried through for the balance of the Seven Lakes development, the 20'-wide "handle" access Reserve Area "B" connecting to Reserve Area B in *Seven Lakes II* should be renamed Reserve Area "B."
7. Lot 1, Block 3 is completely separated from the balance of Block 3 by a Reserve Area. Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
8. Subdivision Contains statistics: Please update the number of blocks to incorporate new block as recommended hereinabove.
9. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - *Wood Hollow Estates* (missing)
 - *River Trail II* (missing)
 - *Seven Lakes I* (misspelled)
 - *Poe Acreage* (misrepresented as to configuration)
 - Please identify project location in Location Map.
10. Please discuss design plans as pertain to proposed Lots 16 and 17, Block 2, containing easements and drainage infrastructure as described in the analysis above.
11. Please add angle/bearing and distance survey notation to the two (2) easements within Lots 16 and 17, Block 2, so that scaling the plat would not be required to determine the their location and extents. A detail diagram may be used to avoid unnecessary text/linework congestion.
12. Please add elevation contours (with labels) at one (1) foot maximum intervals as required per SRs Section 12-4-2.B.6.
13. The "Unplatted" label to the north should state "Wood Hollow Estates."
14. Consider replacing the "Unplatted" label to the west with "Seven Lakes VI (Proposed)," or something similar.

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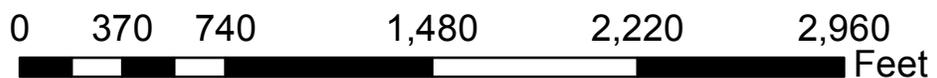
15. Please add proposed addresses to the lots. A table may be used if needed for map clarity.
16. Angle/bearing appears to be missing from north line of Lot 22, Block 2.
17. The Subdivision Regulations requires sidewalks along interior streets and Sheridan Rd. To ensure this requirement is not inadvertently overlooked for the sidewalks along Sheridan Rd. 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.
18. Please consider adding lot areas either in a table as was done with *Seven Lakes II* or within each lot as was done with *Seven Lakes III* and *Seven Lakes IV*.
19. DoD/RCs: Language used is almost precisely the same between *Seven Lakes III*, *Seven Lakes IV*, and proposed "Seven Lakes V" and "Seven Lakes VI." Please ensure that recycled use of previous text does not cause internal conflicts, inaccurate self-references, etc. The subsections of DoD/RCs Section II pertaining to the Reserve Area(s) may benefit from specific attention.
20. DoD/RCs: Spacing appears to be off between pages 2 and 3.
21. DoD/RCs Section I.F.1: Please amend as follows: "...repair of damage to properly-permitted landscaping and paving occasioned..."
22. DoD/RCs Section II.B: Please rename "Reserve A" → "Reserve B" as recommended elsewhere herein.
23. DoD/RCs Section III.B.4 and III.E.2: Please discuss the appropriateness of allowing the minimum house size and minimum masonry standards to be waived by the Architectural Committee.
24. DoD/RCs Section V.B: Reference to "Seven Lakes IV" instead of "Seven Lakes V," as presumed intended.
25. DoD/RCs Section V.B: Please consider specifying that amendments to DoD/RCs Sections III.B and III.E also require the approval of the Bixby City Council; alternatively, please relocate these subsections to DoD/RCs Section II Land Use Restrictions.
26. DoD/RCs Section V.D: Please confirm intended use of date October 20, 2014.
27. DoD/RCs Signature Blocks: Specification of 2014 presumes plat will be recorded within this calendar year. Advisory.
28. Final Plat: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
29. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

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Preliminary Plat – “Seven Lakes V” – Tanner Consulting, LLC and Preliminary Plat – “Seven Lakes VI” – Tanner Consulting, LLC



- Businesses
- bixby_streams
- Tulsa Parcels 08/14
- TulSubdivision
- WagRoads_Aug2012
- E911Streets
- PUD
- TulsaZoning**
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- bixby_s-t-r
- county



CITY OF BIXBY

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

Engineering Department Memo

To: Erik Enyart, City Planner

From: Jared Cottle, PE *JWC*

CC: Bea Aamodt, PE
File

Date: 10/24/14

Re: Seven Lakes V
Preliminary Plat

General Comments:

1. Utility, Grading, and Drainage Plans have been reviewed and approved. Provided that the Plat incorporates all of the requirements of the construction plans, no additional comments.

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Memo

To: Erik Enyart, AICP, City Planner

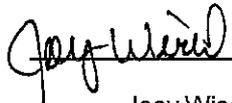
From: Joey Wiedel

Date: 10-27-2014

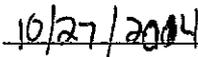
Re: Preliminary Plat of "Seven Lakes V"

Preliminary plat of "Seven Lakes V" are approved by this office with the following conditions:

1. Fire Hydrants shall be installed on lot lines. All hydrants shall be operable before construction begins.
 - Brand- AVK or Mueller , Color- Chrome Yellow
 - Ground clearance of no less than 18 inches from center of caps.
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)



Joey Wiedel



Date

**MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
November 05, 2014 – 10:00 AM**

MEMBERS PRESENT

STAFF PRESENT

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

OTHERS PRESENT

Matthew Steensen, *Tanner Consulting, LLC*
Justin Morgan, PE, *Tanner Consulting, LLC*
Ted Sack, RPLS, *Sack & Associates, Inc.*
W. Dennis Wing
Lee T. Jenkins

1. Erik Enyart called the meeting to order at 10:00 AM.

Erik Enyart noted that the Fire Marshal had stated he was on his way and would be here momentarily, and that Ted Sack had called, approximately 20 minutes prior, to say he was just leaving and was going to be delayed. Mr. Enyart suggested that the agenda items would be taken out of order and the Seven Lakes items heard at this time. Those in attendance indicated agreement.

3. **Preliminary Plat – “Seven Lakes V” – Tanner Consulting, LLC.** Discussion and comment on a Preliminary Plat for and certain Modifications/Waivers for “Seven Lakes V” for approximately 13.787 acres in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.
4. **Preliminary Plat – “Seven Lakes VI” – Tanner Consulting, LLC.** Discussion and comment on a Preliminary Plat for and certain Modifications/Waivers for “Seven Lakes VI” for approximately 8.263 acres in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.

Erik Enyart introduced related items # 3 and # 4 and summarized the location and the situation. Mr. Enyart stated that these last two (2) subdivisions would complete the “Seven Lakes” development. Mr. Enyart stated that, if the Fire Marshal were present, he would likely discuss the locations of the fire hydrants on the construction plans. Justin Morgan stated that these had already been provided and the Fire Marshal had approved them. Mr. Morgan stated that “Seven Lakes V” would likely be built first, and would tie into the existing two (2) stub-out streets, and then “Seven Lakes VI” would fill out the rest of the land. Mr. Enyart noted that the streets all had names, and asked if these were

the same as had been recommended previously, and Mr. Morgan indicated he believed this to be the case. Mr. Morgan stated that he had proposed addresses planned out as well and would turn that layer on with the next version. Mr. Enyart indicated agreement. Mr. Enyart noted that, at the northeast corner of the development, a couple of easements were represented corresponding to the drainage ditch. Mr. Morgan stated that his client was considering using that Lot 16[, Block 2] or both of them [Lots 16 and 17, Block 2] for a Reserve Area, as the residents were wanting another pool or other amenity. Mr. Morgan stated that this area could also be used for another connection to the Fry Creek Trail, and Mr. Enyart indicated a second one would be welcome. Mr. Enyart noted that there was an access handle to Reserve B in *Seven Lakes II* which was labeled as "Reserve A." Mr. Enyart stated that, in previous phases where connecting handle and pond Reserve Areas platted in different phases, they were all given the same names when they were recognized as different parts of the same Reserve Area. Mr. Morgan indicated agreement.

Ted Sack arrived around this time around 10:10 AM.

Erik Enyart advised Justin Morgan that, based on the particular issues the City was dealing with at this time, he may expect to see a review comment asking that the Restrictive Covenants pertaining to minimum standards for houses to be constructed be made subject to City Council approval for amendments. Mr. Enyart and Mr. Morgan acknowledged the discussion at the previous City Council meeting pertaining to "Pine Valley Addition." Mr. Enyart stated that, recently, he checked the Subdivision Regulations and found that they do require land use restrictions be included in the Deed of Dedication and Restrictive Covenants (DoD/RCs) for all Final Plats. Mr. Morgan stated that several developers are starting to remove the private covenants and filing them separately for this very reason. Mr. Enyart stated that he recalled Ricky[Jones'] statement to that effect and that, if they were removed, he would have to ask that they be put back in, due to the requirement of the Subdivision Regulations. Mr. Enyart stated that he would expect the Amendments section of the DoD/RCs would state, as they normally do, 'Section I Public Streets[, Easements] and Utilities may be amended by the developer or a majority of lot owners and the City of Bixby, Section [III] Private [...] Restrictions may be amended by the developer or a majority of the lot owners...' but would then need to "line-item"-include the subsections pertaining to minimum standards for houses and make amending those be subject to City Council approval as well. Discussion ensued.

Joey Wiedel arrived around this time around 10:13 AM.

Erik Enyart asked Joey Wiedel if he had any questions or comments on these two (2) plat items. Mr. Wiedel commented briefly on his assessment of the development.

Erik Enyart stated that he had not yet begun his review, and hoped to get it done by his unofficial deadline at the end of the week, but it more likely would be done the first part of the following week.

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

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

Justin Morgan and Matthew Steensen left at this time around 10:15 AM.

2. **PUD 53-B – WoodMere – Major Amendment # 2 – Sack & Associates, Inc.** Discussion and comment on a rezoning request for approval of Major Amendment # 2 to Planned Unit Development (PUD) # 53 for Lot 11, Block 1 and Lot 1, Block 4, *WoodMere*, to be known and designated on the official Zoning Map as “PUD 53-B” with underlying zoning CS Commercial and RS-2 Residential.

Property Located: 6810 E. 121st St. S. and 12155 S. 68th E. Ave.

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart stated that the subject property consisted of the office building at the southeast corner of 121st St. S. and 68th E. Ave. and the vacant residential lot behind it. Mr. Enyart stated that the general concept was to allow for the construction of a parking lot on the vacant lot, and relocating the existing masonry fence to be along 68th E. Ave. Mr. Enyart asked Ted Sack if he cared to describe the project further. Mr. Sack stated that the office building had inadequate parking and described plans for relocating the masonry wall, keeping the security gate in place, and preserving trees. Mr. Enyart asked if the Applicant had reached out to the neighborhood to discuss the plans as he had recommended. Mr. Sack asked W. Dennis Wing and Lee T. Jenkins if Brian [Frere] had discussed this with them, and Mr. Jenkins responded, “No.” Mr. Jenkins stated that he had become aware of this when he received the notice in the mail. Mr. Jenkins stated that he owned the house immediately to the south and was strongly opposed to the proposal, and to the plan to use his fence for screening. Mr. Jenkins stated that he had just paid \$1 Million for his house, and knew others in his neighborhood would be similarly opposed.

W. Dennis Wing stated that he owned the house [diagonally southwest across the intersection from the vacant lot] and had also purchased the vacant lots to his west and south so that they could be maintained as a park-like setting for the neighborhood and so he could preserve the large trees. Mr. Wing stated that Brian [Frere] did reach out to him Friday afternoon and they had discussed this. Mr. Wing stated that he sympathized with [Brian Frere], but that did not change the fact that this would allow the commercial to come into the neighborhood after-the-fact and when all the homes had been completed. Mr. Wing estimated that all the residential lots had homes already or were otherwise being built on now, except for this one lot. Mr. Wing stated that he has been in this business and would not do this to other people, so did not believe it would be right to allow this to be done here.

Ted Sack stated that the proposal would keep this as a gated community and the parking lot would have screening. Mr. Sack stated that the parking lot would be hidden behind the fences and trees and one would not know it was there. Mr. Sack stated that his clients had talked about keeping the lighting low, such as 6’ in height.

Lee T. Jenkins stated that he would rather there be a house and a family there than a commercial use. Ted Sack stated that the parking lot would only have access from the office use, and the parking would not be a commercial use, but rather a passive-type use.

W. Dennis Wing speculated that this was only proposed because the owners of the land on either side of the office building would not sell their land. Mr. Wing stated that there was an auxiliary

parking lot on the other side of the street which could be [sought for permission to use]. Mr. Wing speculated that, if this proposal was approved, the owners would work out a deal. Mr. Wing stated that he has been in the business for a while. Mr. Wing stated that no one in the neighborhood he talked to had indicated that this would be acceptable, even if the proposal were modified to make it better. Mr. Wing stated their response was an "absolute no." Mr. Wing stated there were approximately 16 to 17 houses in the subdivision now. Mr. Wing expressed objection that the aerial map used did not show all the new houses, which left the impression there was no one this would affect. Ted Sack stated that the map was what was available from Google. Mr. Wing stated that he had no complaint about the strip of commercial along 121st St. S. since that was there when he bought his property. Mr. Wing stated that the first PUD Major Amendment was done before there were houses, when there was only the developer.

Lee T. Jenkins indicated that he would circulate a petition in the neighborhood to oppose this. Erik Enyart stated that, if there was a petition, if he could get it by Friday, he could include it in the agenda packet that is mailed to the Planning Commission. Mr. Enyart stated that, in addition to the petition, anyone interested in the application, for or against, could attend the Public Hearing and say what they will

Erik Enyart asked Joey Wiedel if he had any questions or comments. Mr. Wiedel stated that the proposal met the requirements. Mr. Enyart clarified that the first matter was the Zoning and land use question, and only if that were approved, then the Fire Marshal would review the plans for compliance to applicable codes.

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

5. Old Business

6. New Business

7. Meeting was adjourned at 10:34 AM.

BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, November 05, 2014

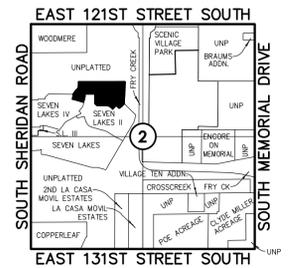
NAME	COMPANY	PHONE
1. <u>W. Dennis Witz</u>	<u>Individual</u>	<u>918-630-1405</u>
2. <u>Lee T. Jenkins</u>	<u>Individual</u>	<u>918-599-1838</u>
3. <u>JUSTIN Morgan</u>	<u>Tanner Consulting</u>	<u>918-745-9929</u>
4. <u>Matthew Steenson</u>	<u>Tanner Consulting</u>	<u>918-745-9929</u>
5. <u>TED SACK</u>	<u>SACK & Assoc. Inc.</u>	<u>918-592-4111</u>
6. <u>Erk Emyak</u>	<u>COB</u>	<u>918 366 4430</u>
7. <u>Geary Woodell</u>	<u>SM COB</u>	<u>(918) 366-0458</u>
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
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16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____

PRELIMINARY PLAT

Seven Lakes V

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION TWO (2),
TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

R 13 E



Location Map

Scale: 1"= 2000'

SUBDIVISION CONTAINS
FIFTY-FIVE (55) LOTS IN FOUR (4) BLOCKS
AND ONE (1) RESERVE AREA
GROSS SUBDIVISION AREA: 13.787 ACRES

OWNER:
PRHR Properties, L.L.C.
CONTACT: DANIEL RUHL
11029 South Memorial Drive
Tulsa, Oklahoma 74133
Phone: (918)508-2134

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



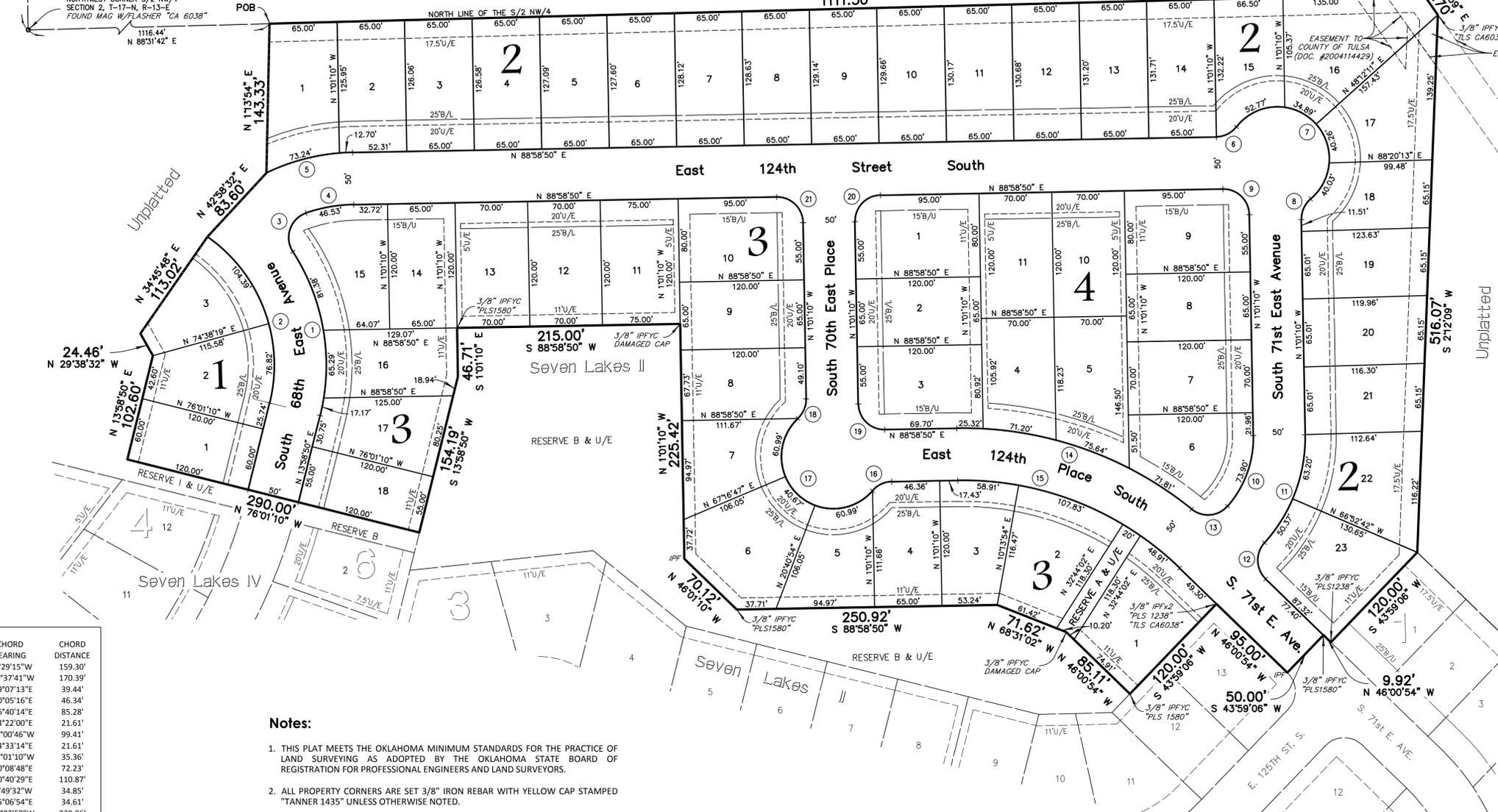
Scale: 1"= 60'
Tanner Consulting

B/L = BUILDING LINE
B/U = BUILDING LINE & UTILITY EASEMENT
BK PG = BOOK & PAGE
CB = CHORD BEARING
CD = CHORD DISTANCE
DOC = DOCUMENT
ESMT = EASEMENT
IPF = IRON PIN FOUND
IPFYC = IRON PIN FOUND WITH YELLOW CAP
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
U/E = UTILITY EASEMENT

NORTHWEST CORNER
SECTION 2, T-17-N, R-13-E
FOUND BRASS CAP STEM

South Sheridan Road

POC
NORTHWEST CORNER S/2 NW/4
SECTION 2, T-17-N, R-13-E
FOUND MAG W/FLASHER "CA 6038"



Curve	Length(L)	Radius(R)	Delta(Δ)	Chord	Chord Distance
1	163.84'	200.00'	46°56'17"	N9°29'15"W	159.30'
2	181.21'	150.00'	69°13'03"	N20°37'41"W	170.39'
3	45.45'	25.00'	104°09'43"	N19°07'13"E	39.44'
4	46.53'	150.00'	17°46'17"	N80°05'16"E	46.34'
5	85.94'	200.00'	24°37'12"	N76°40'14"E	85.28'
6	22.34'	25.00'	51°12'26"	N63°22'00"E	21.61'
7	167.95'	50.00'	192°27'30"	N46°00'46"W	99.41'
8	22.35'	25.00'	51°13'29"	N24°33'14"E	21.61'
9	39.27'	25.00'	90°00'00"	N46°01'10"W	35.36'
10	73.90'	100.00'	42°20'34"	N20°08'48"E	72.23'
11	113.57'	150.00'	43°22'44"	N20°40'29"E	110.87'
12	38.56'	25.00'	88°22'44"	N1°49'32"W	34.85'
13	38.23'	25.00'	87°36'55"	N85°06'54"E	34.61'
14	243.97'	350.00'	39°56'18"	N71°02'58"W	239.06'
15	235.65'	300.00'	45°00'22"	N68°31'02"W	229.64'
16	21.03'	25.00'	48°12'21"	N64°52'16"E	20.42'
17	162.65'	50.00'	186°22'54"	N46°00'50"W	99.85'
18	21.03'	25.00'	48°11'19"	N23°04'48"E	20.41'
19	39.28'	25.00'	90°01'42"	N46°00'36"W	35.36'
20	39.27'	25.00'	90°00'00"	N43°58'50"E	35.36'
21	39.27'	25.00'	90°00'30"	N46°00'45"W	35.36'

- 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 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 WERE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED UPON IN PLACE OF THE LEGAL DESCRIPTION.
 - ACCESS AT THE TIME OF PLAT WAS PROVIDED BY ADJACENT PUBLIC STREETS WITHIN "SEVEN LAKES II" AND "SEVEN LAKES IV", ADDITIONS IN THE CITY OF BIXBY, OKLAHOMA.

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

DATE OF PREPARATION: OCTOBER 20, 2014

Seven Lakes V
SHEET 1 OF 3

PRELIMINARY PLAT

Seven Lakes V

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

SEVEN LAKES V

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

PRHR PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "OWNER/DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA:

A TRACT OF LAND THAT IS PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION TWO (2), THENCE N 83°31'42" E AND ALONG THE NORTH LINE OF SAID S/2 NW/4 A DISTANCE OF 1116.44 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N 88°31'42" E AND ALONG SAID LINE OF SECTION TWO (2) A DISTANCE OF 1111.50 FEET; THENCE S 35°41'39" E A DISTANCE OF 24.70 FEET; THENCE S 2°12'09" W A DISTANCE OF 516.07 FEET TO A POINT AT THE NORTHWESTERLY CORNER OF LOT 1 BLOCK 1 OF "SEVEN LAKES II", A SUBDIVISION IN THE CITY OF BIXBY, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THERE OF, PLAT NO. 6457; THENCE ALONG THE NORTH LINE OF SAID "SEVEN LAKES II" FOR THE FOLLOWING THIRTEEN COURSES, S 43°59'06" W A DISTANCE OF 120.00 FEET; THENCE N 46°00'54" W A DISTANCE OF 9.92 FEET; THENCE S 43°59'06" W A DISTANCE OF 50.00 FEET; THENCE N 46°00'54" W A DISTANCE OF 95.00 FEET; THENCE S 43°59'06" W A DISTANCE OF 120.00 FEET; THENCE N 46°00'54" W A DISTANCE OF 85.11 FEET; THENCE N 68°31'02" W A DISTANCE OF 71.62 FEET; THENCE S 88°58'50" W A DISTANCE OF 250.92 FEET; THENCE N 46°01'10" W A DISTANCE OF 70.12 FEET; THENCE N 1°01'10" W A DISTANCE OF 225.42 FEET; THENCE S 88°58'50" W A DISTANCE OF 215.00 FEET; THENCE S 1°01'10" E A DISTANCE OF 46.71 FEET; THENCE S 13°58'50" W A DISTANCE OF 154.19 FEET TO A POINT BEING THE NORTHEAST CORNER OF RESERVE B OF "SEVEN LAKES IV", A SUBDIVISION IN THE CITY OF BIXBY, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THERE OF, PLAT NO. 6544; THENCE ALONG THE NORTH LINE OF SAID "SEVEN LAKES IV" FOR THE FOLLOWING THREE COURSES, N 76°01'10" W A DISTANCE OF 290.00 FEET; THENCE N 13°58'50" E A DISTANCE OF 102.60 FEET; THENCE N 29°38'32" W A DISTANCE OF 24.46 FEET TO A POINT; THENCE DEPARTING THE NORTH LINE OF "SEVEN LAKES IV" N 34°45'48" E A DISTANCE OF 113.02 FEET; THENCE N 42°58'32" E A DISTANCE OF 83.60 FEET; THENCE N 1°13'54" E A DISTANCE OF 143.33 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 600.543 SQUARE FEET, OR 13.787 ACRES.

THE BASIS OF BEARINGS FOR SAID TRACT ARE BASED ON PLATTED BEARINGS OF N 01°01'10" W ALONG THE WEST LINE OF NORTHWEST CORNER OF SEVEN LAKES I, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6113), FILED IN THE OFFICES OF THE TULSA COUNTY CLERK.

PRHR PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED, GRANTED, DONATED, CONVEYED, DEDICATED, ACCESS RIGHTS RESERVED, AND SUBDIVIDED INTO BLOCKS, LOTS, RESERVE AREAS AND STREETS AND HAS DESIGNATED THE SAME AS "SEVEN LAKES V", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (THE "SUBDIVISION").

SECTION I-PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS. THE OWNER/DEVELOPER HEREBY GRANTS, DONATES, CONVEYS AND DEDICATES FOR PUBLIC USE THE STREETS AS DEPICTED ON THE ACCOMPANYING PLAT AND FURTHER DEDICATES FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "UE" OR "UTILITY EASEMENT", FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO, OVER AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, OWNER/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. OWNER/DEVELOPER HEREBY 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 STREETS AND 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 A STREET OR 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.

B. UNDERGROUND SERVICE

- 1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED ALONG THE WEST BOUNDARY OF THE SUBDIVISION IF LOCATED WITHIN THE PUBLIC STREET AND UTILITY EASEMENTS HEREIN ESTABLISHED. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINES OR UNDERGROUND CABLE BUT 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 EASEMENT WAYS.
- 2. UNDERGROUND SERVICE CABLES TO ALL STRUCTURES LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE, PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.
- 3. THE SUPPLIERS OF ELECTRIC, TELEPHONE, CABLE TELEVISION, COMMUNICATIONS AND GAS SERVICES, THROUGH THEIR AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE 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 EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UTILITY SERVICE FACILITIES LOCATED ON SUCH OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION, COMMUNICATION OR GAS FACILITIES. 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 COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE SUPPLIERS OF WATER, SEWER, ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF EACH LOT WITHIN THE SUBDIVISION AGREES TO BE BOUND HEREBY.

C. GAS SERVICE

- 1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON THE LOT.
- 2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY, WHICH MAY INTERFERE WITH THE UNDERGROUND GAS FACILITIES, SHALL BE REPORTED TO GAS SERVICE PROVIDER.
- 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 STRUCTURES 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 SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE GAS FACILITIES BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE LOT, HIS AGENTS OR CONTRACTORS.
- 5. THE SUPPLIER OF GAS OR ITS SUCCESSORS AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT-WAYS DEPICTED ON THE PLAT OR OTHERWISE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND GAS FACILITIES.
- 6. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. WATER AND SANITARY SEWER SERVICE

- 1. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS AND PUBLIC SANITARY SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID PUBLIC WATER MAIN OR PUBLIC SANITARY SEWER. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN OR SANITARY SEWER, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER AND SANITARY SEWER, SHALL BE PROHIBITED.
- 2. THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS OR PUBLIC SANITARY SEWER MAINS, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR SUCH OWNER'S AGENTS OR CONTRACTORS.
- 3. THE CITY OF BIXBY OR ITS SUCCESSORS THROUGH ITS PROPER AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL SUCH EASEMENT WAYS SHOWN ON SAID PLAT OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF SAID UNDERGROUND WATER AND SEWER FACILITIES.
- 4. ALL WATER AND SANITARY SEWER LINES SHALL BE MAINTAINED IN GOOD REPAIR BY THE UTILITY CONTRACTOR FOR THE TERM OF AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE MAINTENANCE BOND OF WHICH THE CITY OF BIXBY IS THE BENEFICIARY. IF ANY REPAIR ISSUES ARISE, THE DEVELOPER SHALL ASSIST THE CITY OF BIXBY IN COORDINATION AND FACILITATION WITH THE APPROPRIATE CONTRACTOR.
- 5. THE FOREGOING COVENANTS CONCERNING WATER AND SEWER FACILITIES SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

E. SURFACE DRAINAGE

- 1. EACH LOT WITHIN THE SUBDIVISION SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM PUBLIC STREETS AND EASEMENTS. NO 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 HIS LOT. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER, THE HOMEOWNERS' ASSOCIATION DEFINED HEREINAFTER IN SECTION IV (THE "ASSOCIATION") AND BY THE CITY OF BIXBY, OKLAHOMA.

F. PAVING AND LANDSCAPING WITHIN EASEMENTS

- 1. THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY 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. STORM SEWER

- 1. THE CITY OF BIXBY, OR ITS SUCCESSORS, THROUGH ITS PROPER AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL UTILITY EASEMENTS SHOWN ON THE ACCOMPANYING PLAT FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND STORM SEWER SYSTEM.
- 2. NO PERMANENT FENCE, PERMANENT WALL, PERMANENT BUILDING, OR PERMANENT STRUCTURE WHICH WOULD CAUSE AN OBSTRUCTION SHALL BE PLACED OR MAINTAINED IN THE UTILITY EASEMENT AREAS, AND ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE STORM SEWER SYSTEM IS PROHIBITED.
- 3. THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE PUBLIC STORM SEWER SYSTEM, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH SYSTEM CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF EACH LOT OR ITS AGENTS OR CONTRACTORS.
- 4. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE STORM SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID STORM SEWER FACILITIES. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF STORM SEWER FACILITIES, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH SUCH STORM SEWER FACILITIES, IS PROHIBITED WITHOUT THE CONSENT OF THE CITY OF BIXBY.

- 5. THE FOREGOING COVENANTS CONCERNING UTILITY EASEMENTS AND THE PUBLIC STORM SEWER SYSTEM SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OR ITS SUCCESSOR, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

SECTION II - LAND USE RESTRICTIONS

A. USE OF LAND:

ALL LOTS WITHIN THE SUBDIVISION SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS AND SHALL BE USED SOLELY FOR SINGLE FAMILY RESIDENCES, SINGLE FAMILY PURPOSES AND ONE (1) COMMUNITY SWIMMING POOL. ALL ELSE HEREIN NOTWITHSTANDING, ANY LOT OWNED OR DESIGNATED BY OWNER/DEVELOPER MAY BE USED FOR MODEL HOMES OR REAL ESTATE OFFICES UNTIL RESIDENCES HAVE BEEN CONSTRUCTED ON ALL LOTS.

B. RESERVE "A"

- 1. FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF LOTS WITHIN THE SUBDIVISION AND FOR THE BENEFIT OF THE CITY OF BIXBY, STORM SEWER AND DRAINAGE FACILITIES ARE TO BE CONSTRUCTED IN RESERVE AREA "A" FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE AND DISCHARGE OF STORM WATER RUNOFF FROM THE VARIOUS LOTS WITHIN THE SUBDIVISION AND FROM PROPERTIES OUTSIDE THE SUBDIVISION.

- 2. RESERVE "A" IS HEREBY ESTABLISHED FOR GREEN BELT ACCESS FOR SUBSEQUENT CONVEYANCE TO THE ASSOCIATION. RESERVE "A" IS ALSO DEDICATED AS A GENERAL UTILITY EASEMENT.

- 3. STORM SEWER AND DRAINAGE FACILITIES CONSTRUCTED IN RESERVE EASEMENTS SHALL BE IN ACCORDANCE WITH ADOPTED STANDARDS OF THE CITY OF BIXBY AND PLANS AND SPECIFICATIONS APPROVED BY THE CITY ENGINEER OF THE CITY OF BIXBY.

- 4. NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN THE RESERVE EASEMENT AREAS, NOR SHALL THERE BY ANY ALTERATION OF THE GRADES OR CONTOURS IN SUCH EASEMENT AREAS UNLESS APPROVED BY THE CITY ENGINEER OF THE CITY OF BIXBY; PROVIDED, HOWEVER, THAT THE PLANTING OF TURF OR SINGLE TRUNK TREES HAVING A CALIPER OF NOT MORE THAN TWO AND ONE-HALF (2-1/2) INCHES SHALL NOT REQUIRE THE APPROVAL OF THE CITY ENGINEER OF BIXBY.

- 5. THE DRAINAGE FACILITIES LOCATED IN RESERVES SHALL BE MAINTAINED BY THE ASSOCIATION IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

- 1. THE RESERVE AREAS SHALL BE KEPT FREE OF SILT, OBSTRUCTION AND DEBRIS;
- 2. THE RESERVE AREAS SHALL BE MOWED DURING THE GROWING SEASON AT INTERVALS NOT EXCEEDING TWO (2) WEEKS;
- 3. CONCRETE APPURTENANCES, IF ANY, SHALL BE MAINTAINED IN GOOD AND WORKING CONDITION;

AND IN THE EVENT THE ASSOCIATION SHOULD FAIL TO PROPERLY MAINTAIN THE RESERVE AREAS AND FACILITIES THERE SITUATED THE CITY OF BIXBY, OR ITS DESIGNATED CONTRACTOR, MAY ENTER THE RESERVE AREAS AND PERFORM MAINTENANCE NECESSARY TO THE ACHIEVEMENT OF THE INTENDED DRAINAGE FUNCTIONS, AND THE COST THEREOF SHALL BE PAID BY THE ASSOCIATION. AT LEAST 15 DAYS PRIOR TO ITS ENTRY TO PERFORM SUCH MAINTENANCE, THE CITY OF BIXBY SHALL PROVIDE NOTICE ADDRESSED TO THE REGISTERED AGENT OF THAT ASSOCIATION OF ITS INTENTION TO PERFORM SUCH MAINTENANCE.

- 6. IN THE EVENT THE ASSOCIATION FAILS TO PAY THE COST OF LAND MAINTENANCE PERFORMED BY THE CITY OF BIXBY AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COST, THE CITY OF BIXBY MAY FILE OF RECORD A COPY OF THE STATEMENT OF COST, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH OF THE LOTS WITHIN THE SUBDIVISION; PROVIDED, HOWEVER, THE LIEN AGAINST EACH LOT SHALL NOT EXCEED ITS PROPORTIONATE SHARE, BASED ON THE TOTAL NUMBER OF LOTS IN THE ASSOCIATION, OF THE ASSOCIATION'S COST OF MAINTENANCE.

C. SETBACKS

- 1. STREET SETBACK. NO BUILDING OR ACCESSORY STRUCTURE SHALL BE ERECTED NEARER TO A PUBLIC STREET THAN THE BUILDING SETBACK LINES DEPICTED ON THE ACCOMPANYING PLAT.
- 2. SIDE YARD. EACH LOT SHALL MAINTAIN SIDE YARDS WHICH IN THE AGGREGATE ARE NOT LESS THAN 10 FEET IN WIDTH AND NO SIDE YARD SHALL BE LESS THAN FIVE (5) FEET IN WIDTH. SIDE YARDS ABUTTING A STREET SHALL NOT BE LESS THAN 15 FEET, UNLESS THE GARAGE ENTRY IS LOCATED ON SUCH SIDE, WHERE IT WILL BE NO LESS THAN 20 FEET.
- 3. REAR YARD. THE MINIMUM REAR YARD SETBACK SHALL BE 20 FEET. CUSTOMARY ACCESSORY STRUCTURES MAY BE LOCATED WITHIN THE REQUIRED REAR YARD SET BACK AREA, BUT NO BUILDING SHALL BE ERECTED NEARER THAN 5 FEET TO ANY LOT LINE.
- 4. EASEMENT SETBACKS. NO BUILDING, WHETHER PRINCIPAL OR ACCESSORY, SHALL ENCROACH UPON ANY UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT.

D. BUILDING HEIGHT

NO BUILDING SHALL EXCEED 3 STORIES OR 48 FEET IN HEIGHT

SECTION III-PRIVATE BUILDING AND USE RESTRICTIONS

WHEREAS, THE OWNER/DEVELOPER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND FOR THE CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN.

THEREFORE, THE OWNER/ DEVELOPER HEREBY IMPOSES THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND, AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, EACH LOT OWNER AND THEIR SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. ARCHITECTURAL COMMITTEE-PLAN REVIEW

- 1. AN ARCHITECTURAL COMMITTEE IS HEREBY FORMED AND SHALL APPROVE ALL PLANS FOR ANY STRUCTURE TO BE BUILT ON ANY LOT AND SHALL ALSO BE RESPONSIBLE FOR INTERPRETING THE DEVELOPMENT AND CONSTRUCTION STANDARDS CONTAINED IN THIS SUBSECTION. THE ARCHITECTURAL COMMITTEE SHALL CONSIST OF NOT LESS THAN ONE (1) NOR MORE THAN THREE (3) MEMBERS TO BE APPOINTED BY OWNER/ DEVELOPER UNTIL RESIDENCES HAVE BEEN CONSTRUCTED ON ALL LOTS IN THE SUBDIVISION; AND, THEREAFTER, THE MEMBERS OF THE ARCHITECTURAL COMMITTEE SHALL BE APPOINTED BY THE ASSOCIATION, PROVIDED, HOWEVER, THAT OWNER/DEVELOPER MAY AT ANY TIME, IN ITS SOLE DISCRETION, ASSIGN AND TRANSFER THE RESPONSIBILITY FOR THE APPOINTMENT OF THE ARCHITECTURAL COMMITTEE TO THE ASSOCIATION.

- 2. NO BUILDING, FENCE, WALL OR FREE STANDING MAILBOX SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT IN THE SUBDIVISION UNTIL THE PLANS AND SPECIFICATIONS THEREFORE HAVE BEEN APPROVED IN WRITING BY THE ARCHITECTURAL COMMITTEE. FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND SHALL INCLUDE A SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE OF SUCH PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN 20 DAYS AFTER SUBMISSION, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.

- 3. THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITHIN THE SUBDIVISION AND IN ITS REVIEW OF PLANS OR DETERMINATION OF ANY WAIVER AS HEREINAFTER AUTHORIZED MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING, STRUCTURE OR ALTERATION, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HEREUNDER AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR RECOMMENDATION OF BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR BUILDING CODE COMPLIANCE. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION.

B. FLOOR AREA OF DWELLING

- 1. SINGLE STORY
A SINGLE STORY DWELLING SHALL HAVE AT LEAST 2,200 SQUARE FEET OF FINISHED HEATED LIVING AREAS.
- 2. TWO STORY AND THREE STORY
IF A DWELLING HAS TWO LEVELS OR STORIES IMMEDIATELY ABOVE AND BELOW EACH OTHER MEASURED VERTICALLY AND ALL SUCH LEVELS OR STORIES ARE ABOVE THE FINISHED EXTERIOR GRADE OF SUCH DWELLING, THEN SUCH DWELLING SHALL HAVE AT LEAST 1,800 SQUARE FEET OF FINISHED HEATED LIVING AREA ON THE FIRST STORY OR LEVEL AND SHALL HAVE A TOTAL OF THE VARIOUS LEVELS OR STORIES OF AT LEAST 2,400 SQUARE FEET OF FINISHED HEATED LIVING AREA.
- 3. COMPUTATION OF LIVING AREA. THE COMPUTATION OF LIVING AREA SHALL NOT INCLUDE ANY BASEMENT, GARAGE, OR ATTIC AREA USED FOR STORAGE. ALL LIVING AREA MEASUREMENTS SHALL BE TAKEN HORIZONTALLY AT THE TOP PLATE LEVEL TO THE FACE OF THE OUTSIDE WALL. REQUIRED LIVING AREA MUST AVERAGE AT LEAST SEVEN (7) FEET SIX (6) INCHES IN HEIGHT, EXCEPT THAT IN THE COMPUTATION OF SECOND OR UPPER STORY LIVING AREA, THE HEIGHT SHALL BE SEVEN (7) FEET SIX (6) INCHES FOR AT LEAST ONE HALF (1/2) OF THE REQUIRED LIVING AREA, AND ANY AREA OF LESS THAN FIVE (5) FEET IN HEIGHT SHALL BE EXCLUDED.
- 4. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FLOOR AREA REQUIREMENTS SETOUT IN PARAGRAPH 1 AND 2 OF THIS SUBSECTION B.

C. GARAGES

EACH DWELLING SHALL HAVE AN ATTACHED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES ON EACH LOT. GARAGES SHALL BE ENCLOSED AND CARPORTS ARE PROHIBITED. GLASS IN GARAGE DOORS IS PROHIBITED.

D. FOUNDATIONS

ANY EXPOSED FOUNDATION SHALL BE OF BRICK, STONE OR STUCCO. NO STEM WALL SHALL BE EXPOSED.

E. MASONRY

- 1. THE FIRST STORY EXTERIOR WALLS OF THE DWELLING ERECTED ON ANY LOT SHALL BE 100% BRICK, STONE, OR STUCCO (EXCLUDING WINDOWS AND DOORS). AT THE DISCRETION OF THE ARCHITECTURAL COMMITTEE, THE 100% REQUIRED MASONRY MAY BE WAIVED FOR PORCHES AND PATIOS.
- 2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE REQUIREMENTS SET OUT IN PARAGRAPHS 1 OF THIS SUBSECTION E.

F. TRAFFIC CALMING DEVICES

IF THE CITY OF BIXBY REQUIRES THE APPROVAL OF THE SEVEN LAKES V SUBDIVISION BEFORE IT DETERMINES IT WILL INSTALL SPEED BUMPS WITHIN THE SUBDIVISION, APPROVAL OF THE SUBDIVISION SHALL NOT BE PROVIDED UNLESS APPROVED BY 75 OF THE LOT OWNERS.

G. SEASONAL DECORATIONS

ALL SEASONAL DECORATIONS SHALL BE REMOVED NO LATER THAN THIRTY (30) CALENDAR DAYS FROM THE DAY OF THE ACTUAL HOLIDAY.

H. GARAGE SALES/YARD SALES

GARAGE SALES/YARD SALES WILL BE ALLOWED TWICE EACH CALENDAR YEAR. THE DATES THEREOF SHALL BE SET BY THE BOARD OF DIRECTORS OF THE ASSOCIATION.

I. WINDOWS

ALUMINUM WINDOWS HAVING A MILL FINISH ARE PROHIBITED.

J. ROOF PITCH

- 1. NO DWELLING SHALL HAVE A ROOF PITCH OF LESS THAN 6/12 OVER 75% OF THE HORIZONTAL AREA COVERED BY ROOF AND NO ROOF SHALL HAVE A PITCH OF LESS THAN 3/12.
- 2. WAIVER: THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTIONS TO PERMIT A DWELLING HAVING A FLAT ROOF OVER MORE THAN 25 % OF THE HORIZONTAL AREA COVERED BY ROOF.

K. ROOFING MATERIALS

ROOFING SHALL BE SELF-SEALING COMPOSITION ROOFING SHINGLES (NOT LESS THAN 230-LB 30 YEAR AND WEATHERED WOOD IN COLOR), PROVIDED HOWEVER, IN THE EVENT THAT SUCH ROOFING SHOULD HEREINAFTER NOT BE REASONABLY AVAILABLE, ALTERNATIVE ROOFING OF COMPARABLE QUALITY SHALL BE PERMITTED UPON THE DETERMINATION OF THE ARCHITECTURAL COMMITTEE THAT THE PROPOSED ALTERNATIVE IS OF COMPARABLE OR BETTER QUALITY AND OF A DESIGN AND COLOR WHICH IS COMPATIBLE WITH THE ROOFING FIRST ABOVE DESCRIBED.



CITY OF BIXBY
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(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EKE*
Date: Wednesday, November 12, 2014
RE: Report and Recommendations for:
Preliminary Plat of "Seven Lakes VI"

LOCATION: – South and east of the intersection of 121st St. S. and Sheridan Rd.
– North of *Seven Lakes I, II, III, and IV*
– Part of the W/2 of Section 02, T17N, R13E.

SIZE: – 23 acres, more or less (parent tract parcel)
– 8.263 acres, more or less (plat area)

EXISTING ZONING: RS-4 Residential Single Family District

SUPPLEMENTAL ZONING: None

EXISTING USE: Vacant

REQUEST:

- Preliminary Plat approval for 32-lot residential subdivision
- 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
- 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 Sheridan Rd.

SURROUNDING ZONING AND LAND USE:

- North: RS-3/PUD 80 & AG; 20-acre unplatted vacant/wooded area recently platted as *Wood Hollow Estates*, now under construction, and to the northeast, an unplatted 12-acre vacant tract owned by Tulsa County (“wetland mitigation area”) and zoned AG and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby (“hardwood mitigation area”) and zoned AG.
- South: RS-4; Single family residential homes and vacant lots in *Seven Lakes I, Seven Lakes II, Seven Lakes III, and Seven Lakes IV.*
- East: AG & CG/PUD 76; The Fry Creek Ditch # 2 right-of-way with 92-acres of former agricultural land to the east of that zoned CG with PUD 76 proposed for development with multiple uses.
- West: (across Sheridan Rd.) AG; Unplatted agricultural and vacant land, including 64 acres recently acquired by the Bixby School District, and the City of Tulsa’s lift station facility to the northwest, all in the City of Tulsa.

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

PREVIOUS/RELATED CASES:

- BZ-309 – Wynona Brooks, Trustee of Mildred A. Kienlen A Revocable Living Trust – Request for rezoning from AG to RS-4 for area including all of the existing and planned “Seven Lakes” subdivisions and some vacant land to the south of *Seven Lakes I* – PC recommended Approval 01/18/2005 and City Council Approved 02/14/2005 (Ord. # 901).
- Preliminary Plat of Seven Lakes I – Request for Preliminary Plat approval for *Seven Lakes I* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Approval 06/20/2005 and City Council Approved 06/27/2005.
- Final Plat of Seven Lakes I – Request for Final Plat approval for *Seven Lakes I* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Approval 10/16/2006 and City Council Approved 10/23/2006 (Plat # 6113 recorded 04/26/2007).
- Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for “Seven Lakes II” for *Seven Lakes II* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.
- Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for *Seven Lakes II* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 09/21/2011 and City Council Conditionally Approved 09/26/2011 (Approval recognized as expired 09/26/2012).
- Preliminary Plat of Seven Lakes II (Resubmitted) – Request for Preliminary Plat approval for *Seven Lakes II* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012.
- Final Plat of Seven Lakes II – Request for Final Plat approval for *Seven Lakes II* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012 (Plat # 6457 recorded 01/16/2013).

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Sketch Plat of Seven Lakes III – Request for Sketch Plat approval for “Seven Lakes III” for 40.64 acres, including subject property parent tract and areas later platted as *Seven Lakes III* and *Seven Lakes IV* – PC Conditionally Approved 05/20/2013.

Preliminary Plat of Seven Lakes III – Request for approval of a Preliminary Plat and certain Modifications/Waivers for *Seven Lakes III* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Preliminary Plat of Seven Lakes IV – Request for approval of a Preliminary Plat and certain Modifications/Waivers for *Seven Lakes IV* to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 11/18/2013 and City Council Conditionally Approved 11/25/2013.

Final Plat of Seven Lakes III – Request for Final Plat approval for *Seven Lakes III* for to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014 (Plat # 6545 recorded 06/13/2014; surveyor of record changed prior to reprinting, signatures, and recording).

Final Plat of Seven Lakes IV – Request for Final Plat approval for *Seven Lakes IV* for to the south of subject property plat area, likely separating from subject property parent tract – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014 (Plat # 6544 recorded 06/13/2014; surveyor of record changed prior to reprinting, signatures, and recording).

Preliminary Plat of Seven Lakes V – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Seven Lakes V” for subject property parent tract to the east of subject property plat area – PC consideration pending 11/17/2014.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The parent tract parcel contains approximately 23 acres and is vacant and zoned RS-4. “Seven Lakes VI,” as per this Preliminary Plat, contains 8.263 acres. As with previous and other phases of “Seven Lakes,” this development will be designed to collect stormwater and drain it to the east to Fry Creek Ditch # 2. The “lakes” were platted in previous phases of the “Seven Lakes” development.

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

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

General. This subdivision of 8.263, more or less, proposes 32 Lots, two (2) Blocks, and no (0) Reserve Areas.

The Seven Lakes development, and this plat, represents a conventional but attractive design, with uniquely crisscrossed curvilinear streets and no true cul-de-sacs, interspersed with Reserves for water amenities. Proposed “Seven Lakes V” and “Seven Lakes VI” are similar to

Seven Lakes I, II, III, and IV to south, with relatively similar-sized and configured lots. Typical lots range from 65' X 120' (7,800 square feet, 0.18 acres) to 70' X 120' (8,400 square feet, 0.19 acres). As afforded by RS-4 zoning, however, a few lots are smaller than the typical lots, such as proposed Lot 17, Block 1, "Seven Lakes VI": 62.76' X ~123.29' (7,738 square feet, 0.18 acres), Lot 1, Block 1, "Seven Lakes V": 60' X 120' (7,200 square feet, 0.17 acres), and Lot 18, Block 3/4: 55' X 120' (6,600 square feet, 0.15 acres). However, all lots appear to meet RS-4 zoning standards.

Deed of Dedication and Restrictive Covenants (DoD/RCs) Section IV.B allows for incorporation of HOAs of different phases as previously recommended by Staff.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on November 05, 2014. The Minutes of the meeting are attached to this report.

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

Access and Internal Circulation. Primary access to the subdivision would be via internal streets which ultimately connect all of the "Seven Lakes" subdivisions to Sheridan Rd. via 125th and 126th Streets South. South 66th E. Ave. will be extended north into the subject property from *Seven Lakes IV*, and 124th St. S. will be extended westerly into the subject property from the proposed "Seven Lakes V," also on this agenda for consideration. "Seven Lakes VI" will need to be platted and built simultaneously with or subsequent to "Seven Lakes V" to ensure it has two (2) means of ingress/egress as required.

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

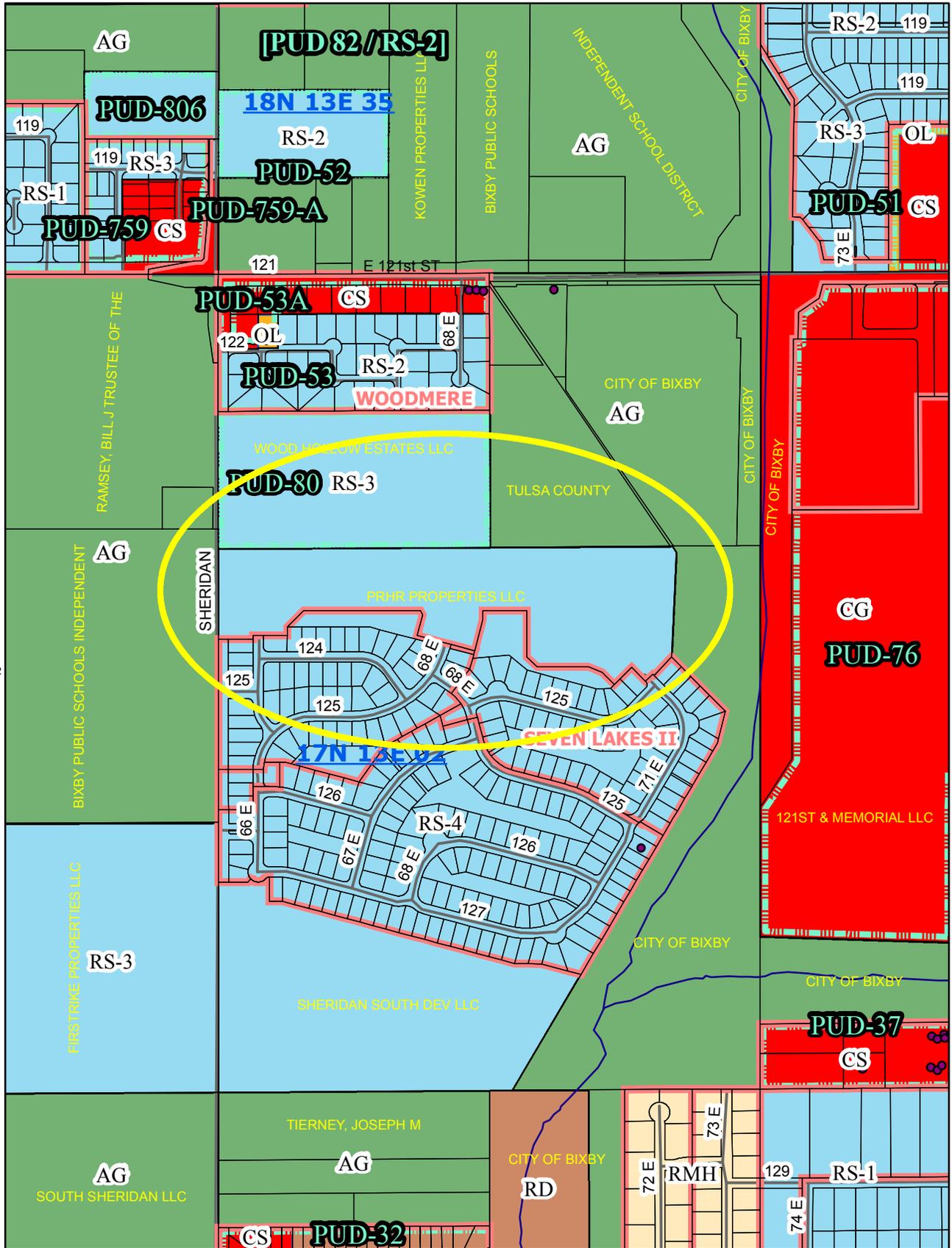
1. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lots 11:14, Block 2 and Lot 18, Block 3/4 (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F.
2. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-3.A for utility easements along the perimeters which would not achieve the 17.5' minimum width standards. Such request may be justified by observing most of the instances are mid-block and do not require U/Es, and otherwise by demonstrating where an 11' U/E will be back to back with another 11' in abutting subdivision, resulting in a 22'-wide U/E corridor between the subdivisions. Other justifications may be offered and deemed adequate.
3. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for those lots whose rear lines abut Sheridan Rd. Provided Limits of No Access (LNA) are placed along the Sheridan Rd. frontage, City Staff is supportive of this design, which is incidental and unavoidable due to existing geometries.
4. All Modification/Waiver requests must be submitted in writing.
5. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.

6. 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:
 - *Wood Hollow Estates* (missing)
 - *River Trail II* (missing)
 - *Seven Lakes I* (misspelled)
 - *Poe Acreage* (misrepresented as to configuration)
 - Please identify project location in Location Map.
7. Please add elevation contours (with labels) at one (1) foot maximum intervals as required per SRs Section 12-4-2.B.6.
8. The “Unplatted” label to the north should state “Wood Hollow Estates.”
9. Please add proposed addresses to the lots. A table may be used if needed for map clarity.
10. The Subdivision Regulations requires sidewalks along interior streets and Sheridan Rd. To ensure this requirement is not inadvertently overlooked for the sidewalks along Sheridan Rd. 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.
11. Please consider adding lot areas either in a table as was done with *Seven Lakes II* or within each lot as was done with *Seven Lakes III* and *Seven Lakes IV*.
12. DoD/RCs: Language used is almost precisely the same between *Seven Lakes III*, *Seven Lakes IV*, and proposed “Seven Lakes V” and “Seven Lakes VI.” Please ensure that recycled use of previous text does not cause internal conflicts, inaccurate self-references, etc. The subsections of DoD/RCs Section II pertaining to the Reserve Area(s) may benefit from specific attention.
13. DoD/RCs: Spacing appears to be off between pages 2 and 3.
14. DoD/RCs Section I.F.1: Please amend as follows: “...repair of damage to properly-permitted landscaping and paving occasioned...”
15. DoD/RCs Section I.G.4: indentation (on both ends) appears to have been compromised where paragraph is split between columns – advisory.
16. DoD/RCs Section III.B.2: indentation (on both ends) appears to have been compromised where paragraph is split between columns – advisory.
17. DoD/RCs Section III.B.4 and III.E.2: Please discuss the appropriateness of allowing the minimum house size and minimum masonry standards to be waived by the Architectural Committee.
18. DoD/RCs Section V.B: Reference to “Seven Lakes IV” instead of “Seven Lakes V,” as presumed intended.
19. DoD/RCs Section V.B: Please consider specifying that amendments to DoD/RCs Sections III.B and III.E also require the approval of the Bixby City Council; alternatively, please relocate these subsections to DoD/RCs Section II Land Use Restrictions.
20. DoD/RCs Section V.D: Please confirm intended use of date October 20, 2014.
21. DoD/RCs Signature Blocks: Specification of 2014 presumes plat will be recorded within this calendar year. Advisory.
22. Final Plat: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.

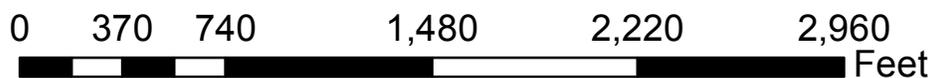
23. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

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Preliminary Plat – “Seven Lakes V” – Tanner Consulting, LLC and Preliminary Plat – “Seven Lakes VI” – Tanner Consulting, LLC



- Businesses
- bixby_streams
- Tulsa Parcels 08/14
- TulSubdivision
- WagRoads_Aug2012
- E911Streets
- PUD
- TulsaZoning**
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- bixby_s-t-r
- county



CITY OF BIXBY

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

Engineering Department Memo

To: Erik Enyart, City Planner

From: Jared Cottle, PE *JWC*

CC: Bea Aamodt, PE
File

Date: 10/24/14

Re: Seven Lakes VI
Preliminary Plat

General Comments:

1. Utility, Grading, and Drainage Plans have been reviewed and approved. Provided that the Plat incorporates all of the requirements of the construction plans, no additional comments.

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Memo

To: Erik Enyart, AICP, City Planner

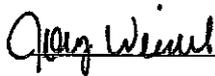
From: Joey Wiedel

Date: 10-27-2014

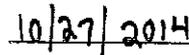
Re: Preliminary Plat of "Seven Lakes VI"

Preliminary plat of "Seven Lakes VI" are approved by this office with the following conditions:

1. Fire Hydrants shall be installed on lot lines. All hydrants shall be operable before construction begins.
 - Brand- AVK or Mueller , Color- Chrome Yellow
 - Ground clearance of no less than 18 inches from center of caps.
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)



Joey Wiedel



Date

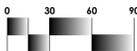
PRELIMINARY PLAT

Seven Lakes VI

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION TWO (2),
TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA



NORTH

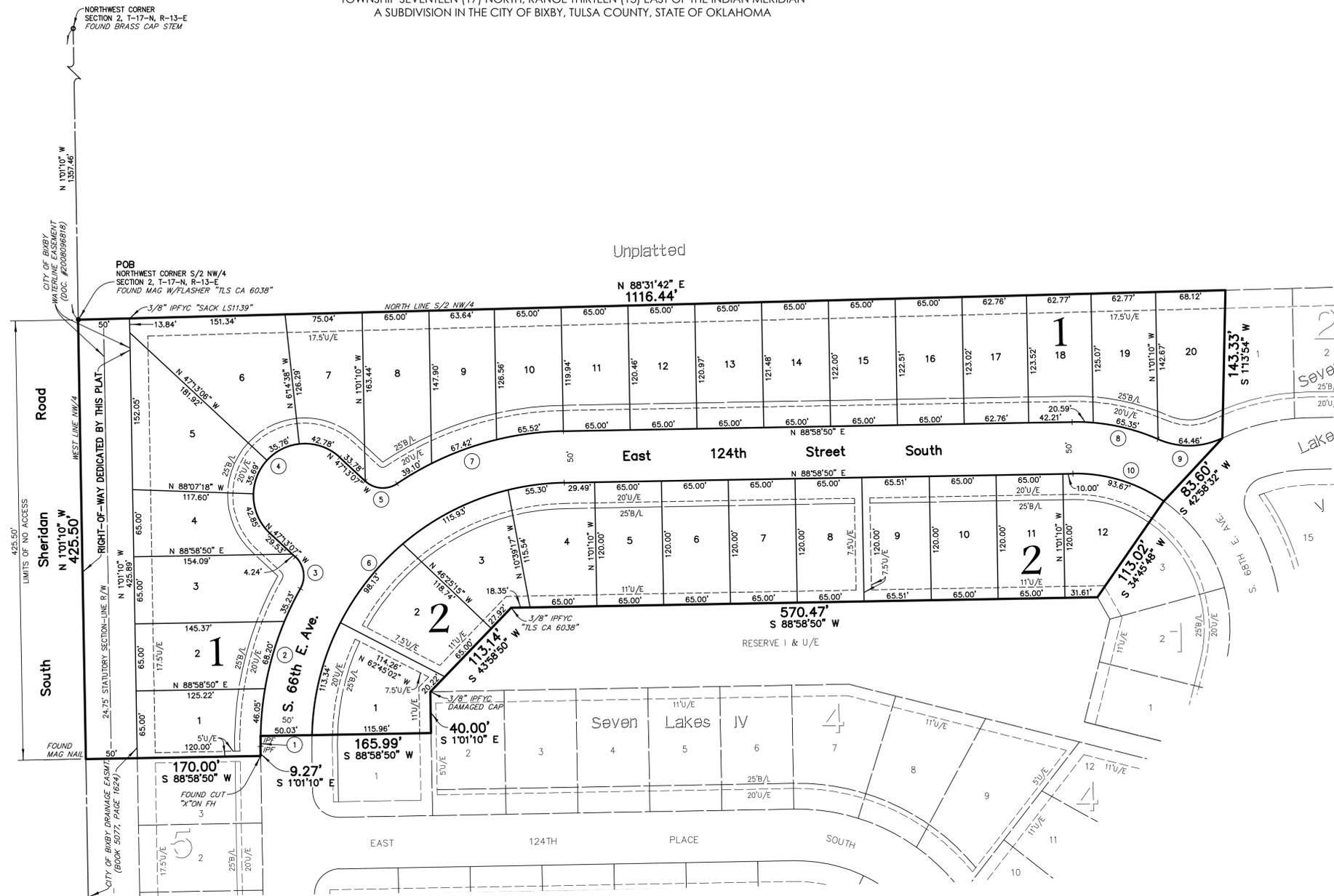


Scale: 1" = 60'
Tanner Consulting

- B/L = BUILDING LINE
- BK PG = BOOK & PAGE
- CB = CHORD BEARING
- CD = CHORD DISTANCE
- DOC = DOCUMENT
- ESMT = EASEMENT
- FH = FIRE HYDRANT
- IPF = IRON PIN FOUND
- IPFYC = IRON PIN FOUND WITH YELLOW CAP
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- R/W = RIGHT-OF-WAY
- U/E = UTILITY EASEMENT

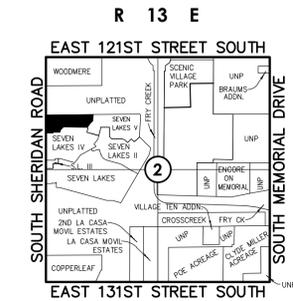
Notes:

- 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 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 WERE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED UPON IN PLACE OF THE LEGAL DESCRIPTION.
- ACCESS AT THE TIME OF PLAT WAS PROVIDED BY ADJACENT PUBLIC STREETS WITHIN "SEVEN LAKES IV" AND "SEVEN LAKES V", ADDITIONS IN THE CITY OF BIXBY, OKLAHOMA.



Curve Table

CURVE	LENGTH(L)	RADIUS(R)	DELTA(Δ)	CHORD BEARING	CHORD DISTANCE
1	10.00'	300.00'	1°54'37"	N0°03'52"W	10.00'
2	149.48'	300.00'	28°32'55"	N15°09'54"E	147.94'
3	33.45'	25.00'	76°39'29"	N8°53'23"W	31.01'
4	157.08'	50.00'	180°00'00"	N42°46'53"E	100.00'
5	33.45'	25.00'	76°39'11"	N85°32'08"W	31.01'
6	382.70'	250.00'	87°42'34"	N45°07'45"E	346.42'
7	172.04'	300.00'	32°51'25"	N72°33'09"E	169.69'
8	85.94'	200.00'	24°37'08"	N78°43'14"W	85.28'
9	64.46'	75.00'	49°14'24"	N88°59'21"E	62.49'
10	93.67'	150.00'	35°46'44"	N73°07'34"W	92.15'



Location Map

Scale: 1" = 2000'
SUBDIVISION CONTAINS THIRTY-TWO (32) LOTS IN TWO (2) BLOCKS
GROSS SUBDIVISION AREA: 8.263 ACRES

OWNER:
PRHR Properties, L.L.C.
CONTACT: DANIEL RUHL
11029 South Memorial Drive
Tulsa, Oklahoma 74133
Phone: (918)508-2134

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

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

Seven Lakes VI

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH,
RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN
A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

SEVEN LAKES VI

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

PRHR PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "OWNER/DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA:

A TRACT OF LAND THAT IS PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) OF SAID SECTION TWO (2); THENCE N 88°31'42" E AND ALONG THE NORTH LINE OF SAID S/2 NW/4 A DISTANCE OF 1116.44 FEET; THENCE S 1°13'54" W A DISTANCE OF 143.33 FEET; THENCE S 42°58'32" W A DISTANCE OF 83.60 FEET; THENCE S 34°45'48" W A DISTANCE OF 113.02 FEET TO A POINT ON THE NORTH BOUNDARY OF "RESERVE I & UE" TO "SEVEN LAKES IV" A SUBDIVISION IN THE CITY OF BIXBY, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THERE OF, PLAT NO. 6544; THENCE ALONG THE NORTH LINE OF SAID ADDITION FOR THE FOLLOWING SEVEN COURSES, S 88°58'50" W A DISTANCE OF 570.47 FEET; THENCE S 43°58'50" W A DISTANCE OF 113.14 FEET; THENCE S 1°01'10" E A DISTANCE OF 40.00 FEET; THENCE S 88°58'50" W A DISTANCE OF 165.99 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF S 0°53'27" W, WITH A RADIUS OF 300.00 FEET, HAVING A CENTRAL ANGLE OF 1°54'37", A CHORD BEARING AND DISTANCE OF SOUTH 0°03'52" EAST FOR 10.00 FEET, FOR AN ARC DISTANCE OF 10.00 FEET TO A POINT OF TANGENCY; THENCE S 1°01'10" E A DISTANCE OF 9.27 FEET; THENCE S 88°58'50" W A DISTANCE OF 170.00 FEET; THENCE N 1°01'10" W A DISTANCE OF 425.50 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 359,928 SQUARE FEET, OR 8.263 ACRES.

THE BASIS OF BEARINGS FOR SAID TRACT ARE BASED ON PLATTED BEARINGS OF N 01°01'10" W ALONG THE WEST LINE OF NORTHWEST CORNER OF SEVEN LAKES I, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6113), FILED IN THE OFFICES OF THE TULSA COUNTY CLERK.

PRHR PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED, GRANTED, DONATED, CONVEYED, DEDICATED, ACCESS RIGHTS RESERVED, AND SUBDIVIDED INTO BLOCKS, LOTS, RESERVE AREAS AND STREETS AND HAS DESIGNATED THE SAME AS "SEVEN LAKES VI", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (THE "SUBDIVISION").

SECTION I-PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS. THE OWNER/DEVELOPER HEREBY GRANTS, DONATES, CONVEYS AND DEDICATES FOR PUBLIC USE THE STREETS AS DEPICTED ON THE ACCOMPANYING PLAT AND FURTHER DEDICATES FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "UE" OR "UTILITY EASEMENT", FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO, OVER AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, OWNER/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. OWNER/DEVELOPER HEREBY 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 STREETS AND 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 A STREET OR EASEMENT SHALL BE PLACED, ERRECTED, 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.

B. UNDERGROUND SERVICE

- OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED ALONG THE WEST BOUNDARY OF THE SUBDIVISION IF LOCATED WITHIN THE PUBLIC STREET AND UTILITY EASEMENTS HEREIN ESTABLISHED. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINES OR UNDERGROUND CABLE BUT ELSEWHERE THROUGHOUT THE SUBDIVISION ALL SUPPLY LINES, INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES, SHALL BE LOCATED UNDERGROUND IN THE MOST APPROPRIATE 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 EASEMENT WAYS.
- UNDERGROUND SERVICE CABLES TO ALL STRUCTURES LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE, PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.
- THE SUPPLIERS OF ELECTRIC, TELEPHONE, CABLE TELEVISION, COMMUNICATIONS AND GAS SERVICES, THROUGH THEIR AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE 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.
- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UTILITY SERVICE FACILITIES LOCATED ON SUCH OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION, COMMUNICATION OR GAS FACILITIES. THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.
- THE COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE SUPPLIERS OF WATER, SEWER, ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF EACH LOT WITHIN THE SUBDIVISION AGREES TO BE BOUND HEREBY.

C. GAS SERVICE

- THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON THE LOT.
- WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY, WHICH MAY INTERFERE WITH THE UNDERGROUND GAS FACILITIES, SHALL BE REPORTED TO GAS SERVICE PROVIDER.
- 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 STRUCTURES 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.
- THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE GAS FACILITIES BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE LOT, HIS AGENTS OR CONTRACTORS.
- THE SUPPLIER OF GAS OR ITS SUCCESSORS AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT-WAYS DEPICTED ON THE PLAT OR OTHERWISE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND GAS FACILITIES.
- THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. WATER AND SANITARY SEWER SERVICE

- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS AND PUBLIC SANITARY SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID PUBLIC WATER MAIN OR PUBLIC SANITARY SEWER. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN OR SANITARY SEWER, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER AND SANITARY SEWER, SHALL BE PROHIBITED.
- THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, OR PUBLIC SANITARY SEWER MAINS, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR SUCH OWNER'S AGENTS OR CONTRACTORS.
- THE CITY OF BIXBY OR ITS SUCCESSORS THROUGH ITS PROPER AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL SUCH EASEMENT WAYS SHOWN ON SAID PLAT OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF SAID UNDERGROUND WATER AND SEWER FACILITIES.
- ALL WATER AND SANITARY SEWER LINES SHALL BE MAINTAINED IN GOOD REPAIR BY THE UTILITY CONTRACTOR FOR THE TERM OF AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE MAINTENANCE BOND OF WHICH THE CITY OF BIXBY IS THE BENEFICIARY. IF ANY REPAIR ISSUES ARISE, THE DEVELOPER SHALL ASSIST THE CITY OF BIXBY IN COORDINATION AND FACILITATION WITH THE APPROPRIATE CONTRACTOR.
- THE FOREGOING COVENANTS CONCERNING WATER AND SEWER FACILITIES SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

E. SURFACE DRAINAGE

- EACH LOT WITHIN THE SUBDIVISION SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM PUBLIC STREETS AND EASEMENTS. NO 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 HIS LOT. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER, THE HOMEOWNERS' ASSOCIATION DEFINED HEREINAFTER IN SECTION IV (THE "ASSOCIATION") AND BY THE CITY OF BIXBY, OKLAHOMA.

F. PAVING AND LANDSCAPING WITHIN EASEMENTS

- THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY 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. STORM SEWER

- THE CITY OF BIXBY, OR ITS SUCCESSORS, THROUGH ITS PROPER AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL UTILITY EASEMENTS SHOWN ON THE ACCOMPANYING PLAT FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND STORM SEWER SYSTEM.
- NO PERMANENT FENCE, PERMANENT WALL, PERMANENT BUILDING, OR PERMANENT STRUCTURE WHICH WOULD CAUSE AN OBSTRUCTION SHALL BE PLACED OR MAINTAINED IN THE UTILITY EASEMENT AREAS, AND ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE STORM SEWER SYSTEM IS PROHIBITED.
- THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE PUBLIC STORM SEWER SYSTEM, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH SYSTEM CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF EACH LOT OR ITS AGENTS OR CONTRACTORS.
- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE STORM SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID STORM SEWER FACILITIES. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM

THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF STORM SEWER FACILITIES, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH SUCH STORM SEWER FACILITIES, IS PROHIBITED WITHOUT THE CONSENT OF THE CITY OF BIXBY.

- THE FOREGOING COVENANTS CONCERNING UTILITY EASEMENTS AND THE PUBLIC STORM SEWER SYSTEM SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OR ITS SUCCESSOR, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

SECTION II - LAND USE RESTRICTIONS

A. USE OF LAND:

ALL LOTS WITHIN THE SUBDIVISION SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS AND SHALL BE USED SOLELY FOR SINGLE FAMILY RESIDENCES, SINGLE FAMILY PURPOSES AND ONE (1) COMMUNITY SWIMMING POOL. ALL ELSE HEREIN NOTWITHSTANDING, ANY LOT OWNED OR DESIGNATED BY OWNER/DEVELOPER MAY BE USED FOR MODEL HOMES OR REAL ESTATE OFFICES UNTIL RESIDENCES HAVE BEEN CONSTRUCTED ON ALL LOTS.

B. SETBACKS

- STREET SETBACK. NO BUILDING OR ACCESSORY STRUCTURE SHALL BE ERECTED NEARER TO A PUBLIC STREET THAN THE BUILDING SETBACK LINES DEPICTED ON THE ACCOMPANYING PLAT.
- SIDE YARD. EACH LOT SHALL MAINTAIN SIDE YARDS WHICH IN THE AGGREGATE ARE NOT LESS THAN 10 FEET IN WIDTH AND NO SIDE YARD SHALL BE LESS THAN FIVE (5) FEET IN WIDTH. SIDE YARDS ABUTTING A STREET SHALL NOT BE LESS THAN 15 FEET, UNLESS THE GARAGE ENTRY IS LOCATED ON SUCH SIDE, WHERE IT WILL BE NO LESS THAN 20 FEET.
- REAR YARD. THE MINIMUM REAR YARD SETBACK SHALL BE 20 FEET. CUSTOMARY ACCESSORY STRUCTURES MAY BE LOCATED WITHIN THE REQUIRED REAR YARD SET BACK AREA, BUT NO BUILDING SHALL BE ERECTED NEARER THAN 5 FEET TO ANY LOT LINE.
- EASEMENT SETBACKS. NO BUILDING, WHETHER PRINCIPAL OR ACCESSORY, SHALL ENCROACH UPON ANY UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT.

C. BUILDING HEIGHT

NO BUILDING SHALL EXCEED 3 STORIES OR 48 FEET IN HEIGHT

SECTION III-PRIVATE BUILDING AND USE RESTRICTIONS

WHEREAS, THE OWNER/DEVELOPER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND FOR THE CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN.

THEREFORE, THE OWNER/ DEVELOPER HEREBY IMPOSES THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND, AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, EACH LOT OWNER AND THEIR SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. ARCHITECTURAL COMMITTEE-PLAN REVIEW

- AN ARCHITECTURAL COMMITTEE IS HEREBY FORMED AND SHALL APPROVE ALL PLANS FOR ANY STRUCTURE TO BE BUILT ON ANY LOT AND SHALL ALSO BE RESPONSIBLE FOR INTERPRETING THE DEVELOPMENT AND CONSTRUCTION STANDARDS CONTAINED IN THIS SUBSECTION. THE ARCHITECTURAL COMMITTEE SHALL CONSIST OF NOT LESS THAN ONE (1) NOR MORE THAN THREE (3) MEMBERS TO BE APPOINTED BY OWNER/ DEVELOPER UNTIL RESIDENCES HAVE BEEN CONSTRUCTED ON ALL LOTS IN THE SUBDIVISION; AND, THEREAFTER, THE MEMBERS OF THE ARCHITECTURAL COMMITTEE SHALL BE APPOINTED BY THE ASSOCIATION, PROVIDED, HOWEVER, THAT OWNER/DEVELOPER MAY AT ANY TIME, IN ITS SOLE DISCRETION, ASSIGN AND TRANSFER THE RESPONSIBILITY FOR THE APPOINTMENT OF THE ARCHITECTURAL COMMITTEE TO THE ASSOCIATION.
- NO BUILDING, FENCE, WALL OR FREE STANDING MAILBOX SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT IN THE SUBDIVISION UNTIL THE PLANS AND SPECIFICATIONS THEREFORE HAVE BEEN APPROVED IN WRITING BY THE ARCHITECTURAL COMMITTEE. FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND SHALL INCLUDE A SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE OF SUCH PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN 20 DAYS AFTER SUBMISSION, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.
- THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITHIN THE SUBDIVISION AND IN ITS REVIEW OF PLANS OR DETERMINATION OF ANY WAIVER AS HEREINAFTER AUTHORIZED MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING, STRUCTURE OR ALTERATION, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HEREUNDER AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR RECOMMENDATION OF BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR BUILDING CODE COMPLIANCE. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION.

B. FLOOR AREA OF DWELLING

- SINGLE STORY
A SINGLE STORY DWELLING SHALL HAVE AT LEAST 2,200 SQUARE FEET OF FINISHED HEATED LIVING AREAS.
- TWO STORY AND THREE STORY
IF A DWELLING HAS TWO LEVELS OR STORIES IMMEDIATELY ABOVE AND BELOW EACH OTHER MEASURED VERTICALLY AND ALL SUCH LEVELS OR STORIES ARE ABOVE THE FINISHED EXTERIOR GRADE OF SUCH

DWELLING, THEN SUCH DWELLING SHALL HAVE AT LEAST 1,800 SQUARE FEET OF FINISHED HEATED LIVING AREA ON THE FIRST STORY OR LEVEL AND SHALL HAVE A TOTAL OF THE VARIOUS LEVELS OR STORIES OF AT LEAST 2,400 SQUARE FEET OF FINISHED HEATED LIVING AREA.

- COMPUTATION OF LIVING AREA. THE COMPUTATION OF LIVING AREA SHALL NOT INCLUDE ANY BASEMENT, GARAGE, OR ATTIC AREA USED FOR STORAGE. ALL LIVING AREA MEASUREMENTS SHALL BE TAKEN HORIZONTALLY AT THE TOP PLATE LEVEL TO THE FACE OF THE OUTSIDE WALL. REQUIRED LIVING AREA MUST AVERAGE AT LEAST SEVEN (7) FEET SIX (6) INCHES IN HEIGHT, EXCEPT THAT IN THE COMPUTATION OF SECOND OR UPPER STORY LIVING AREA, THE HEIGHT SHALL BE SEVEN (7) FEET SIX (6) INCHES FOR AT LEAST ONE HALF (1/2) OF THE REQUIRED LIVING AREA, AND ANY AREA OF LESS THAN FIVE (5) FEET IN HEIGHT SHALL BE EXCLUDED.
- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FLOOR AREA REQUIREMENTS SETOUT IN PARAGRAPH 1 AND 2 OF THIS SUBSECTION B.

C. GARAGES

EACH DWELLING SHALL HAVE AN ATTACHED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES ON EACH LOT. GARAGES SHALL BE ENCLOSED AND CARPORTS ARE PROHIBITED. GLASS IN GARAGE DOORS IS PROHIBITED.

D. FOUNDATIONS

ANY EXPOSED FOUNDATION SHALL BE OF BRICK, STONE OR STUCCO. NO STEM WALL SHALL BE EXPOSED.

E. MASONRY

- THE FIRST STORY EXTERIOR WALLS OF THE DWELLING ERECTED ON ANY LOT SHALL BE 100% BRICK, STONE, OR STUCCO (EXCLUDING WINDOWS AND DOORS). AT THE DISCRETION OF THE ARCHITECTURAL COMMITTEE, THE 100% REQUIRED MASONRY MAY BE WAIVED FOR PORCHES AND PATIOS.
- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE REQUIREMENTS SET OUT IN PARAGRAPHS 1 OF THIS SUBSECTION E.

F. TRAFFIC CALMING DEVICES

IF THE CITY OF BIXBY REQUIRES THE APPROVAL OF THE SEVEN LAKES VI SUBDIVISION BEFORE IT DETERMINES IT WILL INSTALL SPEED BUMPS WITHIN THE SUBDIVISION, APPROVAL OF THE SUBDIVISION SHALL NOT BE PROVIDED UNLESS APPROVED BY 75 OF THE LOT OWNERS.

G. SEASONAL DECORATIONS

ALL SEASONAL DECORATIONS SHALL BE REMOVED NO LATER THAN THIRTY (30) CALENDAR DAYS FROM THE DAY OF THE ACTUAL HOLIDAY.

H. GARAGE SALES/YARD SALES

GARAGE SALES/YARD SALES WILL BE ALLOWED TWICE EACH CALENDAR YEAR. THE DATES THEREOF SHALL BE SET BY THE BOARD OF DIRECTORS OF THE ASSOCIATION.

I. WINDOWS

ALUMINUM WINDOWS HAVING A MILL FINISH ARE PROHIBITED.

J. ROOF PITCH

- NO DWELLING SHALL HAVE A ROOF PITCH OF LESS THAN 6/12 OVER 75% OF THE HORIZONTAL AREA COVERED BY ROOF AND NO ROOF SHALL HAVE A PITCH OF LESS THAN 3/12.
- WAIVER: THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTIONS TO PERMIT A DWELLING HAVING A FLAT ROOF OVER MORE THAN 25 % OF THE HORIZONTAL AREA COVERED BY ROOF.

K. ROOFING MATERIALS

ROOFING SHALL BE SELF-SEALING COMPOSITION ROOFING SHINGLES (NOT LESS THAN 230-LB 30 YEAR AND WEATHERED WOOD IN COLOR), PROVIDED HOWEVER, IN THE EVENT THAT SUCH ROOFING SHOULD HEREINAFTER NOT BE REASONABLY AVAILABLE, ALTERNATIVE ROOFING OF COMPARABLE QUALITY SHALL BE PERMITTED UPON THE DETERMINATION OF THE ARCHITECTURAL COMMITTEE THAT THE PROPOSED ALTERNATIVE IS OF COMPARABLE OR BETTER QUALITY AND OF A DESIGN AND COLOR WHICH IS COMPATIBLE WITH THE ROOFING FIRST ABOVE DESCRIBED.

PRELIMINARY PLAT

Seven Lakes VI

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

- L. ROOFTOP PROTRUSIONS
METAL ROOFTOP PROTRUSIONS ON THE RESIDENCE SHALL BE PAINTED TO MATCH THE ROOF COLOR SELECTIONS(WEATHEREDWOOD).
- M. ON-SITECONSTRUCTION
NO EXISTING OR OFF-SITE BUILT STRUCTURE SHALL BE MOVED ONTO OR PLACED ON ANY LOT.
- N. OUTBUILDINGS
 - 1. OUTBUILDINGS ARE PROHIBITED.
 - 2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.
- O. SWIMMING POOLS
ABOVE GROUND SWIMMING POOLS ARE PROHIBITED.
- P. FENCING
 - 1. ALL FENCING SHALL BE IN ACCORDANCE WITH THE CITY OF BIXBY ZONING CODE. INTERIOR FENCING OR WALLS SHALL NOT EXTEND BEYOND THE BUILDING LINES OF THE LOT AND, IF A DWELLING IS BUILT BEHIND THE FRONT BUILDING LINE OF A LOT, NO FENCE MAY EXTEND BEYOND THE POINT NEAREST THE STREET AT EACH END CORNER OF THE DWELLING, PROVIDED HOWEVER, ON CORNER LOTS FENCING MAY EXTEND TO THE SIDE YARD LOT LINE. EXCEPT AS SPECIFIED IN SECTION III, SUBSECTION P.2 IMMEDIATELY BELOW (I) ALL FENCING SHALL BE 6" PRIVACY CONSTRUCTED OF STANDARD WOOD, AND (II) CHAIN LINK, BARBED WIRE, MESH AND OTHER METAL FENCING SHALL BE PROHIBITED. NO FENCE SHALL EXCEED 6 FEET IN HEIGHT. FENCES FACING THE STREET AND INSTALLED IN SIDE YARDS BETWEEN DWELLINGS SHALL BE ALIGNED WITH EXISTING FENCES ON ADJOINING LOTS WHERE POSSIBLE. THE GOOD SIDE OF EVERY FENCE SHALL FACE THE STREET. OTHER TYPES OF FENCING CONSTRUCTED OF WROUGHT IRON, BRICK, OR STONE MAY BE PERMITTED IF PRE-APPROVED BY THE ARCHITECTURAL COMMITTEE. VINYL COATED CHAIN LINK FENCE, WITH WOODEN POST AND TOP RAIL IS RESTRICTED TO RESERVE AREAS ONLY.
 - 2. WITH RESPECT TO LOTS WHICH ARE CONTIGUOUS WITH LAKES OR PONDS IN RESERVE AREAS, THE SIDE YARD FENCES SHALL BE TAPERED IN HEIGHT TO FOUR FEET (4') WITHIN THIRTY FEET (30') OF THE PERIMETER FENCING FACING THE LAKE AREA AND WITHIN SAID 30' AREA SHALL BE OF THE SAME SPECIFICATIONS AS THE PERIMETER FENCING DESCRIBED BELOW. PERIMETER FENCING SHALL BE REQUIRED ALONG AND PARALLEL TO THE COMMON BOUNDARY OF ALL LOTS WITH THE RESERVE AREAS WITH LAKES. SAID PERIMETER FENCING SHALL BE CONSTRUCTED OF VINYL COATED CHAIN LINK RESIDENTIAL GRADE MATERIAL WITH WOODEN TOP RAILS AND POSTS. SUCH PERIMETER FENCING SHALL BE FOUR FEET (4') IN HEIGHT AND UNIFORM IN HEIGHT, DESIGN AND MATERIAL.
- Q. ANTENNAS
 - 1. EXTERIOR TELEVISION, "CB" RADIO OR OTHER ANTENNA INCLUDING SATELLITE DISHES SHALL BE PROHIBITED WITH THE FOLLOWING EXCEPTION. SMALL SATELLITE DISHES WHICH DO NOT EXCEED 20" IN DIAMETER SHALL BE ALLOWED SO LONG AS THE DISH IS INSTALLED ON THE BACK OF THE DWELLING AND IS NOT VISIBLE FROM ANY STREET WITHIN THE SUBDIVISION.
 - 2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.
- R. LANDSCAPING AND LOT MAINTENANCE
 - 1. EACH LOT OWNER SHALL SOD THE YARD OF A LOT AT THE TIME OF CONSTRUCTION OF A RESIDENCE THEREON. AT THE TIME OF SUCH CONSTRUCTION, THE LOT OWNER SHALL INSTALL A MINIMUM EQUIVALENT WORTH OF \$500.0 OF LANDSCAPING MATERIALS (TREES, SHRUBS, GROUNDCOVER, ETC.) EXCLUSIVE OF SODDING.
 - 2. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION FREE OF RUBBISH, TRASH AND OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOWED TO PREVENT GROWTH OF WEEDS OR TALL GRASS.
 - 3. NO LUMBER, METALS, BULK MATERIALS, REFUSE OR TRASH SHALL BE KEPT, STORED OR ALLOWED TO ACCUMULATE ON ANY LOT OR ON THE RESERVE AREA, EXCEPT THAT BUILDING MATERIALS MAY BE STORED ON A LOT DURING THE COURSE OF CONSTRUCTION OF ANY APPROVED STRUCTURE. IF TRASH OR OTHER REFUSE IS TO BE DISPOSED OF BY BEING PICKED UP AND CARRIED AWAY ON A REGULAR AND RECURRING BASIS, CONTAINERS MAY BE PLACED IN THE OPEN ON ANY DAY THAT A PICKUP IS TO BE MADE, AT SUCH PLACE ON THE LOT SO AS TO PROVIDE ACCESS TO PERSONS MAKING SUCH PICKUP. AT ALL OTHER TIMES, SUCH CONTAINERS SHALL BE STORED IN SUCH A MANNER SO THAT THEY CANNOT BE SEEN FROM ADJACENT AND SURROUNDING PROPERTY. THE ARCHITECTURAL COMMITTEE, IN ITS DISCRETION, MAY ADOPT AND PROMULGATE REASONABLE RULES AND REGULATIONS RELATING TO THE SIZE, SHAPE, COLOR AND TYPE OF CONTAINERS PERMITTED AND THE MANNER OF STORAGE OF THE SAME.
- S. RECREATIONAL VEHICLES AND BOATS
BOATS, TRAILERS, CAMPERS, MOTOR HOMES AND SIMILAR RECREATIONAL VEHICLES AND EQUIPMENT SHALL NOT BE STORED ON ANY LOT FOR A PERIOD OF IN EXCESS OF 48 HOURS PER WEEK IF IT IS WITHIN VIEW FROM ADJOINING PROPERTY OWNERS OR THE STREET.
- T. INOPERATIVE VEHICLES
NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT EXCEPT WITHIN AN ENCLOSED GARAGE. NO MAINTENANCE OR REPAIRS TO VEHICLES, BOATS, MOTOR HOMES OR RECREATIONAL VEHICLES SHALL BE PERFORMED, EXCEPT IN AN ENCLOSED GARAGE.
- U. CLOTHESLINES
EXPOSED CLOTHESLINE POLES OR OTHER OUTSIDE DRYING APPARATUS ARE PROHIBITED.
- V. TRASH CONTAINERS
TRASH CONTAINERS, EXCEPT DURING PERIODS OF COLLECTION, AND WITHIN TWELVE (12) HOURS OF COLLECTION, SHALL BE STORED OUT OF VIEW FROM ABUTTING STREETS. NO EXPOSED GARBAGE CANS, TRASH CAN OR ANY TRASH BURNING APPARATUS OR STRUCTURE SHALL BE PLACED ON ANY LOT.
- W. MAILBOXES
AS LONG AS A RURAL TYPE MAILBOX IS IN USE THE SUBDIVISION FOR UNITED STATES POSTAL SERVICE, ALL MAILBOX PEDESTALS SHALL CONFORM IN DESIGN TO SPECIFICATIONS FOR THE SUBDIVISION TO BE ESTABLISHED BY THE ARCHITECTURAL COMMITTEE. ALL MAILBOXES SHALL BE POSITIONED SO THAT THE FRONT FACE IS APPROXIMATELY 6 INCHES IN FROM THE BASE OF THE CURB AND 6 FEET FROM THE "INSIDE EDGE" OF THE DRIVEWAY. "INSIDE EDGE" SHALL MEAN THE EDGE OF THE DRIVEWAY WHICH BORDERS THE LARGEST CONTINUOUS LOT AREA. THE TOP OF THE MAILBOX SHALL BE 42 INCHES FROM STREET LEVEL.

- X. ANIMALS
NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED, BRED, SOLD OR KEPT IN THE SUBDIVISION, EXCEPT THAT TWO DOGS, TWO CATS OR OTHER HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT USED FOR COMMERCIAL PURPOSES.
- Y. NOXIOUS ACTIVITY
NO ACTIVITY OF A NOXIOUS OR OFFENSIVE NATURE SHALL BE CARRIED OUT OR ALLOWED BY ANY RESIDENT FOR ANY PURPOSE UPON ANY LOT, NOR SHALL ANY COMMERCIAL OR TRADE ACTIVITY TAKE PLACE OR BE ALLOWED THEREON THAT MIGHT BE OR MIGHT BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
- Z. SIGNAGE
NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE SIGN OF NOT MORE THAN 6 SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT OR SIGNS USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD: EXCEPT, HOWEVER, OWNER/DEVELOPER MAY MAINTAIN SIGNS OF ANY SIZE ON RESERVE AREAS AND ON LOTS OWNED BY IT SO LONG AS IT OWNS A LOT IN THE SUBDIVISION.
- AA. MATERIALS AND STORAGE
NO LOT SHALL BE USED FOR THE STORAGE OF MATERIALS FOR A PERIOD OF GREATER THAN 30 DAYS PRIOR TO THE START OF CONSTRUCTION AND ALL CONSTRUCTION SHALL BE COMPLETED WITHIN 9 MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION. READY MIX CONCRETE TRUCKS SHALL WASH OUT ONLY ON THE PROPERTY ON WHICH THE CONCRETE IS BEING DELIVERED. PROPERTY OWNERS SHALL BE RESPONSIBLE FOR ASSURING THAT CONCRETE DELIVERED TO THEIR LOT STAYS ON THEIR LOT AND SHALL BE RESPONSIBLE FOR CLEANUP IF CONCRETE DELIVERED TO A LOT IS SPILLED OR WASHED ONTO STREETS OR OTHER LOTS.
- BB. TEMPORARY TRASH RECEPTACLE
A TEMPORARY TRASH RECEPTACLE IS REQUIRED ON EACH LOT DURING THE CONSTRUCTION OF ANY DWELLING IN THE SUBDIVISION. THE TEMPORARY TRASH RECEPTACLE SHALL BE MAINTAINED BY THE LOT OWNER AND SHALL BE EMPTIED ON A REGULAR BASIS OR AS NEEDED.
- CC. BASKETBALL GOAL
NO BASKETBALL GOAL OR STRUCTURES ARE ALLOWED IN THE STREETS RIGHTS OF WAY.

SECTION IV - HOMEOWNERS' ASSOCIATION

- A. FORMATION OF HOMEOWNERS' ASSOCIATION.
THE OWNER/DEVELOPER HAS FORMED OR SHALL CAUSE THE SEVEN LAKES HOMEOWNERS' ASSOCIATION, INC. (THE "ASSOCIATION"), A NON-PROFIT CORPORATE ENTITY TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA. THE ASSOCIATION SHALL BE FORMED FOR THE GENERAL PURPOSES OF MAINTAINING THE COMMON AREAS, RESERVE AREAS, LANDSCAPING, FENCING AND FOR THE PURPOSE OF ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF THE SUBDIVISION.
- B. MEMBERSHIP
EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST IN A LOT IN THE SUBDIVISION SHALL BE A MEMBER OF THE ASSOCIATION AND MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. THE ACCEPTANCE OF A DEED TO A LOT SHALL CONSTITUTE ACCEPTANCE OF MEMBERSHIP TO THE ASSOCIATION AS OF THE DATE OF INCORPORATION, OR AS OF THE DATE OF RECORDING OF THE DEED, WHICHEVER OCCURS LAST. THE ASSOCIATION SHALL ALSO INCLUDE THE RECORD OWNERS OF LOTS IN THE OTHER PHASES OF SEVEN LAKES TO BE CONTIGUOUS TO THE SUBDIVISION. OWNER/DEVELOPER OR ITS AFFILIATE MAY, BY DESIGNATION OF THE ASSOCIATION IN THE PLATS, DEEDS OF DEDICATION AND COVENANTS OF OTHER PHASES OF SEVEN LAKES AS THE OPERATIVE HOMEOWNERS ASSOCIATION FOR SUCH ADDITIONS, EFFECT THE INCLUSION OF ALL OF THE LOT OWNERS IN SUCH ADDITIONS AS MEMBERS OF THE ASSOCIATION.
- C. COVENANT FOR ASSESSMENTS
THE OWNER/DEVELOPER AND EACH SUBSEQUENT OWNER OF A LOT, BY ACCEPTANCE OF A DEED THEREOF, COVENANTS AND AGREES TO PAY TO THE ASSOCIATION ASSESSMENTS TO BE ESTABLISHED BY THE ASSOCIATION IN ACCORDANCE WITH A DECLARATION TO BE EXECUTED AND RECORDED BY THE OWNER/DEVELOPER PRIOR TO THE CONVEYANCE OF A LOT WITHIN THE SUBDIVISION. ALL ASSESSMENTS SHALL BE A LIEN UPON THE LOT(S) AGAINST WHICH IT IS MADE, BUT THE LIEN SHALL BE SUBORDINATE TO THE LIEN OF ANY FIRST MORTGAGE.
- D. ENFORCEMENT RIGHTS OF THE ASSOCIATION
WITHOUT LIMITATION OF SUCH OTHER POWERS AND RIGHTS AS THE ASSOCIATION MAY HAVE, THE ASSOCIATION SHALL BE A BENEFICIARY, TO THE SAME EXTENT AS A LOT OWNER, OF THE VARIOUS COVENANTS SET FORTH WITHIN THIS DEED OF DEDICATION AND SHALL HAVE THE RIGHT TO ENFORCE THE COVENANTS TO THE SAME EXTENT AS A LOT OWNER.

SECTION V - ENFORCEMENT, DURATION, AMENDMENT & SEVERABILITY

- A. ENFORCEMENT AND DURATION
THE RESTRICTIONS HEREIN SET FORTH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS GRANTEEES, TRANSFEREES, SUCCESSORS AND ASSIGNS AND ALL PARTIES CLAIMING UNDER IT FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE OF RECORDING OF THIS DEED OF DEDICATION, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS AMENDED OR TERMINATED AS HEREAFTER PROVIDED. IF ANY LOT OWNER SHALL VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR THE CITY OF BIXBY OR ANY PERSONS OWNING A LOT WITHIN THE SUBDIVISION TO MAINTAIN AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT(S) TO PREVENT HIM/HER OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT(S) OR TO RECOVER DAMAGES FOR SUCH VIOLATION(S).
- B. AMENDMENT
THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LOT OR LOTS TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS WITH THE APPROVAL OF THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION II, LAND USE RESTRICTIONS MAY BE AMENDED

OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, AND BY THE OWNERS OF MORE THAN 75% OF THE LOTS WITHIN THE SUBDIVISION. THE COVENANTS WITHIN SECTION III, PRIVATE BUILDING AND USE RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER/ DEVELOPER DURING SUCH PERIOD THAT THE OWNER/DEVELOPER IS THE RECORD OWNER OF AT LEAST ONE (1) LOT WITHIN SEVEN LAKES IV OR ALTERNATIVELY, THE COVENANTS WITHIN SECTION III, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF MORE THAN 75% OF THE LOTS WITHIN THE SUBDIVISION, PROVIDED HOWEVER IN THE EVENT OF A CONFLICT OF AMENDING OR TERMINATING INSTRUMENTS, THE INSTRUMENT EXECUTED BY THE OWNER/DEVELOPER SHALL GOVERN. THE PROVISIONS OF ANY SUCH INSTRUMENT AMENDING OR TERMINATING COVENANTS SHALL BE EFFECTIVE FROM AND AFTER THE DATE THE INSTRUMENT IS PROPERLY RECORDED.

C. SEVERABILITY
THESE RESTRICTIVE COVENANTS, TOGETHER WITH THE OTHER DOCUMENTS INCORPORATED HEREIN BY REFERENCE, SHALL BE CONSTRUED AS AN ENTITY AND THE PERTINENT SECTIONS OF ALL INSTRUMENTS AS A WHOLE. THE INVALIDITY OF ANY PHASE, CLAUSE OR PROVISIONS HEREIN CONTAINED SHALL NOT RENDER THE BALANCE OF THIS INSTRUMENT VOID, OR UNENFORCEABLE, AND THE SAME SHALL BE THEREAFTER CONSTRUED AS IF SUCH PHRASE, CLAUSE OR PROVISION WERE NOT HEREIN CONTAINED, OR TO OTHERWISE GIVE MAXIMUM EFFECT TO THE INTENT OF THE OWNER/DEVELOPER. THE FAILURE OF THE OWNER/DEVELOPER OR ANY SUCCESSOR IN TITLE, TO ENFORCE ANY RESTRICTION, COVENANT, OR CONDITION AT ANY TIME, OR FROM TIME TO TIME, SHALL NOT BE DEEMED TO BE A WAIVER OR RELINQUISHMENT OF ANY RIGHT OR REMEDY NOR A MODIFICATION OF THESE RESTRICTIONS, COVENANTS OR CONDITIONS.

D. DEFINITIONS
IN THE EVENT OF AMBIGUITY OF ANY WORD OR TERM SET FORTH HEREIN, THE MEANING THEREOF SHALL BE DEEMED TO BE DEFINED AS SET FORTH WITHIN THE CITY OF BIXBY ZONING CODE AS THE SAME EXISTED ON OCTOBER 20, 2014, OR AS SUBSEQUENTLY AMENDED.

IN WITNESS WHEREOF, OWNER/DEVELOPER HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF ____, 2014.

PRHR PROPERTIES, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____
KEVIN HERN, MANAGER

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, ON THIS ____ DAY OF ____, 2014, PERSONALLY APPEARED KEVIN HERN, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT AS ITS MANAGER AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID LIMITED LIABILITY COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THE DAY AND YEAR ABOVE WRITTEN.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

CERTIFICATE OF SURVEY

I, DAN E. TANNER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "SEVEN LAKES VI", 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.

WITNESS MY HAND AND SEAL THIS 20TH DAY OF OCTOBER, 2014.



BY: _____
DAN E. TANNER,
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1435

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, ON THIS ____ DAY OF ____, 2014, PERSONALLY APPEARED DAN E. TANNER, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS REGISTERED LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC