

AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
January 20, 2015 **6:00 PM**

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

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

PUBLIC HEARINGS

PLATS

- (29) 2. **Final Plat – “Seven Lakes V” – Tanner Consulting, LLC.** Discussion and consideration of a Final 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.
- (44) 3. **Final Plat – “Seven Lakes VI” – Tanner Consulting, LLC.** Discussion and consideration of a Final 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.
- (52) 4. **Final Plat – “Quail Creek of Bixby” – Tanner Consulting, LLC (PUD 76).** Discussion and consideration of a Final Plat for “Quail Creek of Bixby” for approximately 41 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

OTHER BUSINESS

- (62) 5. **Amendment of Plat of Scenic Village Park – Tanner Consulting, LLC.** Discussion and consideration of a request to amend the plat of *Scenic Village Park* as pertains to Utility Easement dedication provisions affecting Lot 1, Block 3, *Scenic Village Park*.
Property Located: 7450 E. 121st St. S.

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- 6. **PUD 83 – River Trail II – Minor Amendment # 1.** Discussion and possible action to approve Minor Amendment # 1 to PUD 83 for all of *River Trail II*, with underlying zoning CG Commercial General District, which amendment proposes changes to landscaping, screening, signage, and loading standards, and making certain other amendments.

Property Located: 12606, 12620, 2626, and 12630 S. Memorial Dr.

91

- 7. **BL-396 – Rebecca Coffee for Dorothy L. Biggers Living Trust.** Discussion and possible action to approve a Lot-Split for property in the NE/4 of Section 21, T17N, R13E.

Property located: 15400 S. Yale Ave.

92

- 8. **BL-397 – Michael Ward on behalf of QuikTrip Corporation for T C 94, LP.** Discussion and possible action to approve a Lot-Split for All of Block 18, *Southern Memorial Acres Extended*.

Property located: 12037 S. Memorial Dr.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyamb

Date: 12/26/2014

Time: 2:40 PM

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

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Prior to the meeting, the Commissioners recognized Bixby Metro Chamber of Commerce's Leadership Bixby XIII intern Julie Lovelace. (Bixby Metro Chamber of Commerce's Leadership Bixby XIII intern Valerie Watson was not able to attend).

Chair Thomas Holland called the meeting to order at 6:07 PM.

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the November 17, 2014 Regular Meeting

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

ROLL CALL:

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

PUBLIC HEARINGS

2. (Continued from 11/17/2014)

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.

Chair Thomas Holland introduced the item and confirmed with Erik Enyart that the application had been Withdrawn. Mr. Enyart stated, “As of this afternoon, Ted Sack Withdrew his application, so it is no longer in contention.” A Commissioner asked whether something should be done to document the Withdrawal, and Mr. Enyart responded, “The Minutes will so reflect.”

No action taken.

3. **BZ-378 – Bridle Creek Ranch, LLC, care of AAB Engineering, LLC.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RS-3 Residential Single-Family District for approximately 50.76 acres in part of the N/2 of the N/2 of Section 25, T17N, R13E.
Property located: 9040 E. 161st St. S.

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

To: *Bixby Planning Commission*
From: *Erik Enyart, AICP, City Planner*
Date: *Tuesday, December 02, 2014 (Redacted version 12/15/2014)*
RE: *Report and Recommendations for:
BZ-378 – Bridle Creek Ranch, LLC, care of AAB Engineering, LLC*

LOCATION: – 9040 E. 161st St. S.
– Part of the N/2 of the N/2 of Section 25, T17N, R13E
LOT SIZE: 50.76 acres, more or less
EXISTING ZONING: AG Agricultural District
EXISTING USE: Agricultural
REQUESTED ZONING: RS-3 Residential Single-Family District
SUPPLEMENTAL ZONING: None
SURROUNDING ZONING AND LAND USE:

North: (Across 161st St. S.) AG, CS, RS-3/PUD 39; The Bixby Public Schools’ landholding and school facilities located between Riverview Rd. and Mingo Rd. zoned AG and CS, Bixby Creek, and a 2.6-acre rural residential tract at 703 S. Riverview Rd. zoned AG; the Bixby

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Central Intermediate campus is located immediately across the street at 9401 E. 161st St. S. To the north/northwest are single-family homes in The Territory zoned RS-3 with PUD 39 and Bixby Creek and its right-of-way further north zoned AG.

South: AG; Agricultural land.

East: AG, OL, CS, RM-1, RS-2, & RS-3; Rural residential along 161st St. S. and agricultural land; Farther southeast across Mingo Rd. is additional agricultural land and single-family residential homes and vacant lots in Johns Park Addition and Johns Park Addition Revised zoned RS-3; Other than the Johns Park Addition area and Bixby Creek, all other areas to the east of Mingo Rd. are in unincorporated Tulsa County.

West: AG, RMH, & CS; Agricultural land, and to the southwest: the Pecan Park manufactured home park at 164th St. S. and Memorial Dr. zoned RMH, additional agricultural land, and the Southside Mobile Village manufactured home park at 16601/16609/16613/16619 S. Memorial Dr. zoned RMH and CS.

COMPREHENSIVE PLAN: Low Intensity/Development Sensitive + Vacant, Agricultural, Rural Residences, and Open Land + Community Trail

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

BBOA-303 – J.C. Devine – Request for Variance from certain bulk and area requirements to allow a Lot-Split (BL-199) to separate from the subject property a 4-acre tract, now abutting subject property to the east and north at 8710 E. 161st St. S. – BOA Conditionally Approved 10/02/1995.

BL-199 – J.C. Devine, Trustee for the J.E. Devine Trust – Request for Lot-Split approval to separate from the subject property a 4-acre tract, now abutting subject property to the east and north at 8710 E. 161st St. S. – PC Conditionally Approved 10/16/1995 subject to the dedication of 50' of R/W along 161st St. S. from the 4.09-acre tract.

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

BZ-20 – Chester Cue – Request for rezoning from R-1 to C-1 and R-3 for commercial and multifamily development for 5 acres to the north of subject property at the southwest corner of Stadium Rd. and Riverview Rd. – PC recommended Denial of C-1 zoning and Approval of R-3 zoning 10/06/1973 and Board of Trustees Denied C-1 zoning and Approved R-3 zoning 01/08/1974 (Ord. # 269 dated 02/05/1974).

BZ-22 – Robert Leikam – request for rezoning from AG to CS, OL, RM-2, and RS-2 for approximately 75 acres abutting subject property to the east, the E/2 NE/4 Less & Except the W/2 NW/4 NE/4 of this Section – PC Recommended Approval, to include amending the RM-2 part to RM-1, on 05/07/1974 and City Council Approved with the amendment on 06/18/1974 (Ord. # 274).

BZ-95 – Morgan Jones for Sam Fryer, Jr. – request for rezoning “RS-2” to “AG” for approximately 75 acres abutting subject property parent tract to the south, the N/2 SE/4 of this Section Less & Except approximately 5 acres at 16590 and 16600 S. Mingo Rd. –Withdrawn 10/27/1980 per case notes. Circumstances were not found in the record, but contemporary case maps show the property was already zoned AG. See BBOA-79.

BBOA-79 – Morgan Jones for Sam Fryer, Jr. – request for approval of a Special Exception for oil well drilling in the AG district for approximately 75 acres abutting subject property parent tract to the south, the N/2 SE/4 of this Section Less & Except approximately 5 acres at 16590 and 16600 S. Mingo Rd. – BOA Approved 11/10/1980.

BBOA-92 – Triple “S” Drilling Company for Clifton W. Brown – Request for Special Exception to allow oil well drilling on the SE/4 SE/4 of Section 24, T17N, R13E located to the northeast of subject property at 9013/9017 E. 161st St. S. – BOA Conditionally Approved 11/09/1981.

BZ-117 – Frank Watkins for Watkins Sand Co. – request for rezoning from AG to RMH for approximately 20 acres abutting subject property parent tract to the southwest (now the Pecan Park manufactured home park at 164th St. S. and Memorial Dr.) – PC recommended Approval 03/29/1982 and City Council Approved 04/05/1982 (Ord. # 455).

BBOA-106 – William P. Pittman – Request for Special Exception to allow mobile homes in the AG district for a part of the Southside Mobile Village manufactured home park to the southwest of subject property parent tract at 16601/16609/16613/16619 S. Memorial Dr. – BOA Approved 06/14/1982.

BZ-192 – Deborah Andrews – request for rezoning from RMH to CG for an RV park for approximately 2½ acres of the 20-acre Pecan Park manufactured home park at 164th St. S. and Memorial Dr. abutting subject property parent tract to the southwest – PC recommended Denial 10/16/1989 and Board of Trustees Denied 11/13/1989 upon appeal.

BBOA-217 – [Deborah Andrews] – request for Special Exception to allow an RV park in the CG district for approximately 2½ acres of the 20-acre Pecan Park manufactured home park at 164th St. S. and Memorial Dr. abutting subject property parent tract to the southwest – Per case notes: No action taken since BZ-192 was Denied.

BBOA-198 – Bixby Public Schools – request for Variance from the 26' height restriction to allow up to 30' in height, to permit an addition to an existing school for the formerly 8- or 10-acre school property tract located to the north of subject property at 501/515/601 S. Riverview Rd. – BOA Approved 01/11/1988 per case notes.

BBOA-228 – Lisa Graves for Violet D. Young – Request for Variance from certain bulk and area requirements to allow a Lot-Split (BL-154) for approximately 5 acres to the north of subject property, including the tracts at 703/707 and 711 S. Riverview Rd. and an approximately 0.8-acre tract located just south of 711 S. Riverview Rd. – BOA Conditionally Approved 08/06/1990.

BBOA-282 – Bixby Public Schools – Request for Special Exception to allow a Use Unit 5 school on part of the SW/4 SE/4 of Section 24, T17N, R13E (appears to include all of the school-owned tracts in the SW/4 SE/4 lying south of Bixby Creek) across 161st St. S. to the north of subject property – BOA Approved 08/01/1994.

BBOA-294 – Carlene Hall for Mary V. Moore – request for Variance from bulk and area requirements of the AG district to allow for a Lot-Split (BL-185) separating approximately 2.7 acres at 8899 and 8899½ E. 171st St. S. from an approximately 71-acre tract abutting subject property parent tract to the south – BOA Approved 04/17/1995.

BBOA-299 – Carolyn Wagnon – request for (1) a Special Exception to permit Use Unit 15 in a CS district, and (2) a Variance of certain bulk and area requirements in the AG district to permit a Lot-Split for property located to the north of subject property at 711 S. Riverview Rd. – BOA Approved 06/05/1995.

BL-192 – Wagnon Construction – request for Lot-Split for an approximately 0.8-acre tract to the north of subject property located just south of 711 S. Riverview Rd. – PC Approved 06/19/1995.

BZ-213 – Carolyn Wagnon – request for rezoning from AG to CS for an approximately 0.8-acre tract to the north of subject property located just south of 711 S. Riverview Rd. – PC Recommended Approval 06/19/1995 and City Council Approved 07/24/1995 (Ord. # 720).

BZ-224 – Carolyn Wagnon – request to rezone from AG to CG approximately 1 acre to the north of subject property from AG to CG at about 703/707 S. Riverview Rd. – Withdrawn in 1996.

BBOA-314 – Guy & Wendy McCoy – Request for Special Exception to allow a Use Unit 9 mobile home in the AG district for an approximately 20-acre tract (now 16-acres after the acquisition of Bixby Creek right-of-way) to the northeast of subject property at 9013/9017 E. 161st St. S. – BOA Conditionally Approved 03/04/1996.

BBOA-321 – Carolyn Wagnon – request for Special Exception to allow Use Unit 23 in the CS district for land to the north of subject property at about 703/707 S. Riverview Rd. – Withdrawn in 1996.

BBOA-340 – Bixby Public Schools – request for Special Exception for a Use Unit 5 school on approximately the west half of the Bixby Public Schools property to the north of subject property at 9401 E. 161st St. S. (now the Central Intermediate campus) – BOA Approved 08/03/1998.

BBOA-338 – James H. Powell – request for Variance to allow a Use Unit 9 mobile home on a former approximately 1.15-acre tract (now school property) to the northeast of subject property approximately at the 15700-block of S. Mingo Rd. – Denied 08/03/1998.

BZ-245 – James H. Powell – Request for rezoning from AG to RMH for a former, approximately 1.15-acre tract to the northeast of subject property approximately at the 15700-block of S. Mingo Rd. (now school property) for a mobile home site – Approved in November, 1998 (Ord. # 783).

Plat Waiver for Bixby Public Schools – Request for Waiver of the platting requirement per Zoning Code Section 11-8-13 for 32 acres of the school property to the northeast of subject property – City Council Approved 03/08/2010 after accepting right-of-way and U/E dedications at the same meeting.

BBOA-519 – JR Donelson for Bixby Public Schools – request for Special Exception per Zoning Code Section 11-7A-2 Table 1 to allow a Use Unit 5 school facility in an AG Agricultural District on 32 acres of the school property to the northeast of subject property at the 15600/15700-block of S. Mingo Rd. – BOA Approved 04/05/2010.

BLPAC-6 – JR Donelson, Inc. for Bixby Public Schools – request for approval of a Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D for a Vocational-Agriculture

building for Bixby Public Schools on 32 acres of the school property to the northeast of subject property at the 15600/15700-block of S. Mingo Rd.– PC Conditionally Approved 04/19/2010.

BZ-348 – JR Donelson, Inc. for Bixby Public Schools – request for rezoning approximately 20 acres at approximately 15600 S. Mingo Rd. and the former approximately 1.15-acre tract to the northeast of subject property at the approximately 15800-block of S. Mingo Rd. from RMH to AG for school land use and development purposes – PC recommended Approval 04/19/2010 and City Council Approved 05/10/2010 (Ord. # 2037).

BBOA-579 – Paul & Jimme Beth Hefner for Mary Elizabeth Brown – request for Special Exception per Zoning Code Section 11-8-5 to allow an Accessory Dwelling Unit in an AG Agricultural District on a 16-acre tract to the northeast at 9013/9017 E. 161st St. S. – BOA Conditionally Approved 07/01/2013.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property of approximately 50.76 acres is zoned AG and is agricultural in use. It has approximately 1,443.64' of frontage on 161st St. S.

The subject property parent tracts consist of three (3) existing parcels:

- (1) An approximately 40-acre tract, the NE/4 of the NW/4 of this Section, Assessor's Parcel Account # 97325732517190; the subject property includes the east 20 acres of this parcel,
- (2) An approximately 20-acre tract, the W/2, NW/4, NE/4, Assessor's Parcel Account # 97325732509690; Until earlier this year, it had a house, addressed 9040 E. 161st St. S., and various agricultural/accessory buildings. Until it was acquired by Bridle Creek Ranch, LLC by deed dated June 04, 2014, this 20-acre tract was a part of a larger parcel also containing the SE/4 of the NW/4 and the S/2 of the SW/4 of the NW/4 (80 acres total),
- (3) An approximately 51-acre tract with a "flag-lot" configuration, having a 60'-wide "handle" extending to 161st St. S., Assessor's Parcel Account # 97325732511690. It is, essentially, the SW/4 of the NE/4 and the SE/4 of the NW/4 of the NE/4 and the Westerly 60' of the W/2 of the NE/4 of the NW/4 of the NE/4. The subject property area, the northerly approximately 11 acres, excludes the SW/4 of the NE/4 of the parent tract. It contains an existing barn/storage building toward the northern end of the 60'-wide "handle." Per BL-199, the 60'-wide "handle" was intended to allow a future collector street to provide access to the back acreage when the 4-acre tract with the house was separated from the subject property parent tract.

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

The subject property is relatively flat. Easterly portions of the property appear to drain to the south and southeast, ultimately to Little Snake Creek, and westerly portions appear to drain to the southwest toward Memorial Dr., which would ultimately drain to Little Snake Creek or Bixby Creek (this is not clear).

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Low Intensity/Development Sensitive (2) Vacant, Agricultural, Rural Residences, and Open Land, and (3) Community Trail.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the requested RS-3 district is In Accordance with the Low Intensity and May Be Found In Accordance with the Development Sensitive designations of the Comprehensive Plan Land Use Map.

Page 7, item numbered 1 of the Comprehensive Plan states:

"The Bixby Comprehensive Plan map depicts desired land uses, intensities and use and development patterns to the year 2020. Intensities depicted for undeveloped lands are intended to develop as shown. Land uses depicted for undeveloped lands are recommendations which may vary in accordance with the Intensities depicted for those lands." (emphasis added)

This language is also found on page 30, item numbered 5.

This text introduces a test to the interpretation of the Comprehensive Plan Land Use Map, in addition to the Matrix: (1) If a parcel is within an area designated with a specific "Land Use" (other than "vacant, agricultural, rural residences, and open land," which cannot be interpreted as permanently-planned land uses), and (2) if said parcel is undeveloped, the "Land Use" designation on the Map should be interpreted to "recommend" how the parcel should be zoned and developed. Therefore, the "Land

Use" designation of the Comprehensive Plan Land Use Map should also inform/provide direction on how rezoning applications should be considered by the Planning Commission and City Council.

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

The Comprehensive Plan Land Use Map designates a Community Trail more or less east of and paralleling the north-south Half-Sectionline from 161st St. S. to 171st St. S. The Matrix only includes, and the Zoning Code only requires consistency with the land use elements for rezoning purposes, not the Public Facilities / Urban Design Elements such as trails. It remains to be seen whether future development plans will include any private or public trail elements.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily AG, RMH, RS-2, and RS-3/PUD 39, but there are also CS, OL, RM-1, and RS-3 districts in the area, all as depicted on the case map and as described in further detail in the paragraphs that follow.

Across 161st St. S. to the north is the Bixby Public Schools' landholding and school facilities located between Riverview Rd. and Mingo Rd. zoned AG and CS, Bixby Creek, and a 2.6-acre rural residential tract at 703 S. Riverview Rd. zoned AG. The Bixby Central Intermediate campus is located immediately across the street at 9401 E. 161st St. S. To the north/northwest are single-family homes in The Territory zoned RS-3 with PUD 39 and Bixby Creek and its right-of-way further north zoned AG. The Territory has six (6) Reserve Areas which are used for stormwater detention and/or private recreation, including a playground and sports field/court, a unified screening fence along 161st St. S. and Riverview Rd., and enhanced entrance features including signage and landscaping.

South of the subject property is primarily agricultural land zoned AG. Agricultural land in the SE/4 of this Section is primarily tree farmland, and is mostly in the 100-year (1% Annual Chance) Regulatory Floodplain.

To the east along 161st St. S. is rural residential and agricultural land zoned AG, OL, CS, RM-1, and RS-2. Further southeast across Mingo Rd. is additional agricultural land zoned AG and single-family residential homes and vacant lots in Johns Park Addition and Johns Park Addition Revised zoned RS-3. Other than the Johns Park Addition area and Bixby Creek, all other areas to the east of Mingo Rd. are zoned AG in unincorporated Tulsa County.

The approximately 50-acre RS-2 district abutting to the east and the approximately 33-acre RS-3/PUD 39 district across 161st St. S. to the north are the nearest RS precedents. While The Territory has typically 52' X 112.5' lots (5,850 square feet; as afforded by PUD 39), the RS-2 requires a 75' minimum lot width and 9,000 square foot minimum lot area, compared to the 65' and 6,900 square foot minimums, respectively, in the requested RS-3 district. Beyond the approximately 50-acre RS-2 district abutting to the east, there is an approximately 20-acre RS-3 district containing Johns Park Addition and Johns Park Addition Revised. The former contains typically 115' X 122' (12,880 square feet) lots and the latter contains typically 80' X 122' (9,760 square feet) and 90' X 124' (11,160 square feet) lots.

Immediately to the west is agricultural land zoned AG. The Pecan Park manufactured home park, zoned RMH, is located to the southwest at 164th St. S. and Memorial Dr. Further southwest is additional agricultural land zoned AG and the Southside Mobile Village manufactured home park at 16601/16609/16613/16619 S. Memorial Dr. zoned RMH and CS.

The surrounding zoning and land use patterns appear to support the requested rezoning to RS-3, but care should be taken to ensure compatibility, consistency, and overall development quality.

Whether residential or nonresidential, the City of Bixby has observed that better development outcomes result when properties develop by either PUD or through the use of minimum building standards. These methodologies typically secure better planning and site design and afford the community the ability to provide more input into the design, minimum construction standards, and development amenities.

Conceptual plans for the development have not been provided. The application does not specify what minimum construction standards may be proposed for houses, or whether any neighborhood amenities are planned (Reserve areas for passive or active private recreation such as pools, clubhouses, playgrounds, water features, walking trails, etc., or Reserve Areas or easements along 161st St. S. to contain enhanced subdivision walls/fences, common landscaping, entrance features, etc.), or whether the development planned to include a trail such as is designated on the Comprehensive Plan. A PUD or strict minimum

construction standards would provide what is planned in this regard, and would give the City a better understanding of what it is being asked to approve.

Please note, "Contract/conditional rezoning" is not allowed by law, and so offers and promises made by the Applicant are not enforceable and can only be made part of the Zoning entitlement if included in a PUD.

Staff Recommendation. For the reasons outlined above, Staff is supportive of RS-3 zoning, but with a PUD or through the adoption of strict minimum construction standards if determined necessary by the City Council upon Planning Commission recommendation.

Erik Enyart stated that the redacted version of the Staff Report was the result of further City Staff discussion after the original report had been published on Thursday. Mr. Enyart stated that the primary change to the report was to state that, in addition to rezoning along with PUDs to secure higher-quality development outcomes, when granting zoning entitlement for new housing additions, City Staff would also support minimum building standards included in the Restrictive Covenants of the subdivision plats. Mr. Enyart noted that this was what the City did when it considered the Preliminary Plats of "Seven Lakes V" and "Seven Lakes VI" the previous month. Mr. Enyart stated that the Subdivision Regulations specifically required that plats include "land use restrictions," which are included in the Deed of Dedication and Restrictive Covenants.

Chair Thomas Holland recognized Applicant Alan Betchan from the Sign-In Sheet. Mr. Betchan stated that [he and his clients] would prefer [the option of] Restrictive Covenants in the plat. Mr. Betchan stated the lots would be 65'- and 70'-wide, and 120'- and 125'-deep, and so would exceed RS-3 standards. Mr. Betchan stated that his clients were intentionally trying to meet the [Zoning] Code so that they would not have to do a PUD. Mr. Betchan stated that the request would fit in with the surrounding/abutting zoning. Mr. Betchan stated that the covenants would include that homes would be 1,600 square feet minimum for one-story, and 2,000 square feet minimum for two-story houses, and would be full masonry to the top plate. Mr. Betchan stated that all of this would be brought forward in the [Deed of Dedication and Restrictive Covenants] of the Preliminary Plat.

Alan Betchan provided a printout of conceptual plans for the development and described same.¹

Chair Thomas Holland asked if there was an acreage [threshold] for requiring a PUD, and Erik Enyart responded that a PUD was not required. Mr. Enyart noted that "Most have come to us as PUDs" in recent years, and that it had been a "long time since one was done with straight zoning. But most have needed flexibility—they want to reduce lot widths or do other things." Mr. Enyart indicated that this was not the case here, and that all lots would meet requested RS-3 district standards.

Alan Betchan stated that, for marketing purposes, they would be advertised as a \$200,000 and up product. Mr. Betchan stated that the market was "underserved" for this "middle ground" [price point]. Mr. Betchan stated that [he and his clients] did not need to change anything here. Mr. Betchan stated that there would be "more to come...more details, such as where the [presently-planned] basketball courts go," and that there would be "more because it was brought up with the zoning case." Mr. Betchan noted that this would "come back as a Preliminary Plat to the Planning Commission and City Council." Erik Enyart noted that the Preliminary Plat could be seen as "reinforcing what they are saying now."

¹ Mr. Betchan did not leave a copy for the Minutes.

Patrick Boulden asked Alan Betchan whether [the Restrictive Covenants would provide that,] if the Restrictive Covenants “ever come up for amendment, they would come back to us.” Mr. Betchan responded, “Yes, and they will be enforceable by the City.”

Alan Betchan stated that this would be a 170-plus lot development.

Steve Sutton clarified with Erik Enyart that he was okay with the recommendation as provided in the redacted version of the Staff Report.

There being no further discussion, Steve Sutton made a MOTION to RECOMMEND APPROVAL of RS-3 zoning as recommended in the Staff Report, including through the use of minimum development standards. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

OTHER BUSINESS

4. **PUD 60 – Brisbane Office Park – Minor Amendment # 1.** Discussion and possible action to approve Minor Amendment # 1 to PUD 60 for approximately 10 acres in part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E, with underlying zoning OL Office and AG Agricultural, which amendment proposes relaxing certain signage and building height restrictions and making certain other amendments.
Property Located: 9900-block of E. 111th St. S.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, December 10, 2014
RE: Report and Recommendations for:
PUD 60 – “Brisbane Office Park” – Minor Amendment # 1

LOCATION: – 10422 E. 111th St. S. (existing parcel address)
– 9900-block of E. 111th St. S.
– Part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E
– All of proposed “Brisbane Office Park” subdivision
SIZE: 9.87 acres, more or less
EXISTING ZONING: OL Office Low Intensity District, AG Agricultural District, & PUD 60
EXISTING USE: A house and vacant/wooded land

REQUEST: Approval of Minor Amendment # 1 to Planned Unit Development (PUD) # 60 ("Brisbane Office Park"), with underlying zoning OL Office Low Intensity District and AG Agricultural District, which amendment proposes relaxing certain signage and building height restrictions and making certain other amendments.

SURROUNDING ZONING AND LAND USE:

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

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

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

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

COMPREHENSIVE PLAN: Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land
PREVIOUS/RELATED CASES:

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

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

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

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

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

PUD 60 Major Amendment # 1 "Riverside Group" / "Brisbane Office Park" – Matt Means of Landmark Constructive Solutions – Request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 60 for subject property – changed the name of the PUD to "Brisbane Office Park" – PC recommended Conditional Approval 06/16/2014 and City Council Conditionally Approved application 06/23/2014 and Approved by ordinance with Emergency Clause 08/11/2014 (Ord. # 2140).

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

Final Plat of Brisbane Office Park – Request for approval of a Final Plat and partial Modification/Waiver from 17.5' perimeter U/E requirement for subject property – PC recommended Conditional Approval 08/18/2014. City Council consideration pending 01/12/2015.

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BSP 2014-03 – “Brisbane Office Park” – Matt Means of StoreTulsa.com (PUD 60) – Request for approval of a PUD Detailed Site Plan for subject property – PC recommended Conditional Approval 09/15/2014. City Council consideration pending 01/12/2015.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of the West 10 Acres of the East 20 Acres of Government Lot 1 (NW/4 NW/4) of Section 31, T18N, R14E, Less and Except a 75' X 75' tract from its northeast corner which belongs to BTC Broadband and contains a fenced communications building. The subject property contains an old house and accessory building(s) toward its northwestern lot corner, and is otherwise vacant and wooded. The subject property is moderately sloped and, per the elevation contours represented on the site plan, contains a ridgeline oriented north-south along the west side of the tract, apparently roughly coterminous with the property's westerly line. This ridgeline forms a watershed (drainage divide) separating the Fry Creek Ditch # 1 and the Haikey Creek drainage basins. Per the elevation contours on the Preliminary Plat, all or almost all of the subject property naturally drains to the east and south to the Haikey Creek drainage basin. Upon completion of grading, paving, stormwater drainage and detention, and masonry screening wall improvements, all of the property will drain to the east and south.

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

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

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the existing AG district is In Accordance and the existing OL district May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since OL zoning was approved by ordinance of the City Council, it has been recognized as being In Accordance with the Low Intensity designation of the Comprehensive Plan.

Page 7, item numbered 1 of the Comprehensive Plan states:

“The Bixby Comprehensive Plan map depicts desired land uses, intensities and use and development patterns to the year 2020. Intensities depicted for undeveloped lands are intended to develop as shown. Land uses depicted for undeveloped lands are recommendations which may vary in accordance with the Intensities depicted for those lands.” (emphasis added)

This language is also found on page 30, item numbered 5.

This text introduces a test to the interpretation of the Comprehensive Plan Land Use Map, in addition to the Matrix: (1) If a parcel is within an area designated with a specific “Land Use” (other than “Vacant, Agricultural, Rural Residences, and Open Land,” which cannot be interpreted as permanently-planned land uses), and (2) if said parcel is undeveloped, the “Land Use” designation on the Map should be interpreted to “recommend” how the parcel should be zoned and developed. Therefore, the “Land Use” designation of the Comprehensive Plan Land Use Map should also inform/provide direction on how rezoning applications should be considered by the Planning Commission and City Council.

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

Per the Matrix, PUDs (as a zoning district) May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since PUD 60 and PUD 60 Major Amendment # 1 were both approved by ordinances of the City Council, PUD 60 has been recognized as being In Accordance with the Comprehensive Plan as a zoning district.

Due to the relatively limited scope of proposed changes, the proposed PUD 60 Minor Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

General. The Applicant is requesting a Minor Amendment to PUD 60 “Brisbane Office Park,” which amendment proposes relaxing certain signage and building height restrictions and making certain other amendments. This Minor Amendment would do two (2) things:

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1. Replace with "One Story" the 8.5' building height restriction in Development Area B (ministorage element), and
2. Allow a ground sign located within Development Area A (office element) to advertise the ministorage business in Development Area B (ministorage element), which relaxes the "billboard" prohibition of the Zoning Code in this instance.

The underlying zoning is OL and Zoning Code Section 11-7C-4 Table 3 does not provide any height restriction in the Office districts (however, another City Code provision may provide a citywide height restriction). The original PUD 60, as approved, included "One Story" here, and this Minor Amendment proposes to restore this language. It was the Major Amendment # 1 which restricted the height to 8.5', and that specific number was based on the conceptual building height listed on the site plan exhibit during Major Amendment # 1. The plans were refined during the preparation of the PUD Detailed Site Plan per BSP 2014-03. The plans show the buildings at 8.5' in height, but they will have a pitched roof shown at 10' 1" +/- in total height. Any further plan changes would have to be approved by the Planning Commission and City Council per the requirement for same in the PUD. Since the Zoning Code would allow the additional height by right, and the original PUD allowed "One Story" of height, the relaxation of the self-imposed 8.5' height restriction appears to be a reasonable accommodation by Minor Amendment, as requested here.

The BSP 2014-03 site plans represent the locations of the one (1) proposed ground sign at the northwest lot corner. The ground sign would advertise both the "Brisbane Office Park" and "Brisbane Mini-Storage" business. The Zoning Code (Section 11-2-1, etc.) would recognize the signage element advertising the ministorage business, located on the office park lot, as a "billboard," prohibited by the Zoning Code. However, signage advertising the ministorage business along 111th St. S. was to be expected by the specific allowance of the "back" ministorage development area / lot per the PUD. This is a common situation and relief from this restriction has commonly been done within PUDs either at the time of their initial approval or by amendment (PUD 65 Major Amendment # 1, PUD 73, PUD 76, PUD 47-C, PUD 81, etc.). This minor matter is proposed to be relieved by this Minor Amendment # 1.

The Technical Advisory Committee (TAC) was sent a comment response form seeking comments on this PUD Minor Amendment application and other items by December 03, 2014. Of the responses received, there were no objections to or relevant comments upon this application.

Access & Circulation. See Staff Reports for the Final Plat of "Brisbane Office Park" and the PUD Detailed Site Plan per BSP 2014-03.

Surrounding Zoning and Land Use. See summary hereinabove.

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

1. Title Page: Please update to reflect this Minor Amendment # 1 is being proposed, or otherwise replace PUD document with a smaller document more narrowly tailored to the parts of the PUD that are actually affected.
2. PUD Text: Please update to reflect this Minor Amendment # 1 is being proposed, or otherwise replace PUD document with a smaller document more narrowly tailored to the parts of the PUD that are actually affected.
3. PUD Text: Development Concept: Introduction: Whether using the entire PUD document or a smaller document more narrowly tailored to the parts of the PUD that are actually affected, please provide the proposed scope of this Minor Amendment # 1 that specifies the number and nature of the changes proposed and provides that no changes are made to PUD 60 except as specifically amended in this document. In the event a smaller document is used, this will ensure no ambiguity that the omitted informational elements are not superseded but remain in effect except as specifically modified.
4. PUD Text: Development Standards for All Lots: Signs: Please restore item # 1, but integrate the new relaxation provision here, by suffix appended to the sentence, by asterisk text, by adding a subsequent subsection, or by other method as appropriate.
5. PUD Text: Development Standards for All Lots: Signs: Please clarify wording of new relaxation provision here, such as "signage advertising uses located within Development Area B shall be permitted to be located within Development Area A."
6. Exhibit A: Please update with latest site plan or otherwise remove.

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Erik Enyart noted that the Applicant had submitted a revised PUD amendment document, copies of which he had provided to the Commissioners prior to the meeting. Mr. Enyart noted that it satisfied the recommendations in the Staff Report. Steve Sutton confirmed with Mr. Enyart that he was okay with the revised document. Mr. Enyart stated that the new document "replaces what was in the agenda packet."

Chair Thomas Holland expressed concern about the continued intent to use masonry siding for the ministorage buildings. Erik Enyart responded that there were "several details in the Site Plan yet to be addressed," but for "any sides of the building subject to the masonry requirement, I'm certain I covered that."

There being no further discussion, Steve Sutton made a MOTION to APPROVE the revised PUD 60 Minor Amendment # 1 as per the Staff recommendations. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

5. **BL-394 – Allen Locke.** Discussion and possible action to approve a Lot-Split for Lot 24, Block 3, *Amended Deer Run Estates*.
Property located: 13200-block of E. 183rd Cir. S.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Monday, December 08, 2014
RE: Report and Recommendations for:
BL-394 – Allen Locke

LOCATION: – 13200-block of E. 183rd Cir. S.
– Lot 24, Block 3, Amended Deer Run Estates
LOT SIZE: 0.9 acres, more or less
ZONING: RS-1 Residential Single-Family District
SUPPLEMENTAL ZONING: None
EXISTING USE: Vacant
REQUEST: Lot-Split approval
COMPREHENSIVE PLAN: Low Intensity + Residential Area
PREVIOUS/RELATED CASES: (Not necessarily a complete list)

BZ-133 – Clinton Miller for M & M Development – Request for rezoning from AG to RS-1 and CS for approximately 90 acres, more or less, which became Amended Deer Run Estates (includes subject property) – PC Recommended Approval of RS-1 only 02/28/1983 and City Council Approved RS-1 only 03/07/1983 (Ord. # 476) (that portion of the future subdivision lying northwesterly of the centerline of 129th E. Ave., requested for CS zoning, was completely omitted from legal description in Ordinance).

BZ-143 – Clinton Miller for M & M Development – Request for rezoning from AG to RS-1 for approximately 90 acres, more or less, which became Amended Deer Run Estates (includes subject property) – same as BZ-133 but the initial annexation (reportedly January, 1983) was deemed invalid and the property had to be re-annexed (reportedly 06/06/1983) and rezoned – PC Recommended Approval 06/27/1983 and City Council Approved 07/05/1983 (Ord. # 488) (that portion of the future subdivision lying northwesterly of the centerline of 129th E. Ave. included).

Final Plat of Amended Deer Run Estates – Request for Final Plat approval for Amended Deer Run Estates (includes subject property) – City Council Approved 07/05/1983 (per the plat approval certificate) (Plat # 4366 recorded 07/06/1983) (Preliminary Plat and PC approvals not researched) (existence of a subdivision name prior to the “Amended” plat not known).

BL-214 – Allen Locke – Request for Lot-Split approval to split a part of Lot 25, Block 3, (13222 E. 183rd Cir. S.) abutting subject property to the south, to provide for access to part of Reserve B abutting subject property to the east, all in Amended Deer Run Estates (southerly portion of subject property proposed to be attached to this property) – Record of PC consideration not found; property does not appear to have been split pursuant to sketch and description found in case file.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of Lot 24, Block 3, Amended Deer Run Estates, and is zoned RS-1. It has over 55’ of frontage on the cul-de-sac turnaround of 183rd Cir. S. and is vacant and wooded. The property has a moderate downward slope to the east to a creek along its rear yard line.

General. The Applicant owns the property abutting the subject property to the south, Lot 25, Block 3, Amended Deer Run Estates (13222 E. 183rd Cir. S.), and adjacent land to the east and south. The Applicant and another property owner to the north/west, Nielsen, who owns Lot 22 (13219 E. 183rd Cir. S.) and the vacant Lot 23, have agreed to acquire the subject property. They intend to split it, with the Applicant retaining the southerly portion and Nielsen acquiring the northerly portion. The RS-1 district requires a minimum of 100’ of lot width and a minimum lot area of 13,500 square feet. The southerly proposed tract would not meet all the requirements for the RS-1 district or the 30’ minimum street frontage requirement of Zoning Code Section 11-8-4, and so it must be legally combined with the adopting Lot 25, Block 3 to the south. Provided this is done, all resulting lots would comply with the minimum bulk and area and other requirements of the Zoning Code.

The Technical Advisory Committee (TAC) was sent a comment response form seeking comments on this Lot-Split application and other items by December 03, 2014. Of the responses received, there were no objections to or relevant comments upon this application.

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

[INSERT THE LEGAL DESCRIPTION OF THE NEW TRACT] .

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

[INSERT THE LEGAL DESCRIPTION OF ADOPTING LOT 25 or 27]

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

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

Chair Thomas Holland recognized Applicant Allen Locke from the Sign-In Sheet. Mr. Locke described the situation and agreement with his neighbor to acquire and divide the property.

There being no further discussion, Larry Whiteley made a MOTION to APPROVE the Lot-Split per BL-394 subject to all the attachments as recommended in the Staff Report. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

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

6. **BL-395 – SpiritBank care of AAB Engineering, LLC.** Discussion and possible action to approve a Lot-Split for part of Lot 4, Block 1, *Regal Plaza*.
Property located: 10423 S. Memorial Dr., 10424 S. 82nd E. Ave., and 10438 S. 82nd E. Ave.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, December 10, 2014
RE: Report and Recommendations for:
BL-395 – SpiritBank care of AAB Engineering, LLC

LOCATION: – 10423 S. Memorial Dr. and 10424 and 10438 S. 82nd E. Ave.
– Lot 4, Block 1, Regal Plaza

LOT SIZE: 1.4 acres, more or less

ZONING: CS Commercial Shopping Center District / PUD 40

SUPPLEMENTAL ZONING: PUD 40 and Corridor Appearance District

EXISTING USE: Multitenant strip shopping center buildings at 10424 and 10438 S. 82nd E. Ave. and a parking lot formerly containing a small retail building addressed 10423 S. Memorial Dr.

REQUEST: Lot-Split approval

COMPREHENSIVE PLAN: Medium Intensity + Commercial Area + Corridor

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

BZ-92 – Allen G. Oliphant – Request for rezoning from AG to CS for an area platted as Wildwood Garden Center, since vacated in favor of Regal Plaza (includes subject property) – Recommended for Approval by PC 08/25/1980 and Approved by City Council 09/02/1980 (Ord. # 411).

Final Plat of Wildwood Garden Center – Request for Final Plat approval for part of what was latter platted as Regal Plaza (includes subject property) – Approved by PC 09/29/1980, subsequently approved by City Council, and recorded 11/07/1980 (since vacated in favor of Regal Plaza).

BZ-244 – Gertrude Oliphant et al. – Request for rezoning from AG to CS for part of what later was platted as Regal Plaza (includes subject property) (related to PUD 24) – City Council Approved 02/22/1999 (Ord. # 787).

PUD 24 – Oliphant Center – Request for PUD approval for part of what later was platted as Regal Plaza (includes subject property) (related to BZ-244) – City Council Approved 02/22/1999 (Ord. # 788).

PUD 40 – Regal Plaza – Request for PUD approval for all of what later was platted as Regal Plaza (includes subject property) – Recommended for Approval by PC 05/16/2005 and Approved by the City Council 06/13/2005 (ordinance approved but not executed; approved ordinance document signed, sealed, assigned Ord. # 981, and recorded 11/21/2007) (Replaced PUD 24).

PUD 40 Minor Amendment # 1 – Request for approval of a Minor Amendment to PUD 40 for what later was platted as Regal Plaza (includes subject property) – PC Approved 12/19/2005.

Preliminary Plat of Regal Plaza – Request for Preliminary Plat approval for Regal Plaza (includes subject property) – PC Approved 08/15/2005 (older version of the plat, apparently) and then a revised, final version was approved by PC 02/21/2006 and by the City Council 02/27/2006.

Final Plat of Regal Plaza – Request for Final Plat approval for Regal Plaza (includes subject property) – PC Approved 06/19/2006 and City Council Approved 07/10/2006 (Plat # 6019 recorded 07/18/2006).

PUD 40 Minor Amendment # 2 – Request for approval of a Minor Amendment to PUD 40 for what later was platted as Regal Plaza (includes subject property) – PC Approved 05/21/2007.

BL-355 – Home Ventures, Inc. – Request for Lot-Split to create (1) an approximately 0.27-acre tract from Lot 4 to be attached to Lot 3 for the development of a Chick-fil-a restaurant and (2) the subject property – PC Approved 06/23/2008.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. Per BL-355, the original 1.67-acre Lot 4, Block 1, Regal Plaza was approved to be split, allowing the separation of the South 57.32 Memorial Dr. frontage-feet of the Westerly 210 feet of said Lot 4. That approximately 0.27-acre tract was added to the north side of Lot 3, Block 1, Regal Plaza, which combined lot was conveyed by a singular deed to Chick-fil-a, Inc., and it was subsequently developed as a Chick-fil-a restaurant. The remaining approximately 1.4-acre subject property contains multitenant strip shopping center buildings at 10424 and 10438 S. 82nd E. Ave. and a parking lot formerly containing a small retail building addressed 10423 S. Memorial Dr. The building, since removed, was originally the Coppertown coffee business and subsequently an Elmer's BBQ Express satellite/pickup store. The ground sign advertising the former Elmer's store remains in place. This area is now used as a parking lot and contains an east-west internal driveway connecting Memorial Dr. and the private 82nd E. Ave.

General. This Lot-Split is intended to allow for the separation of a 38' X 199.3' strip of land, containing the angled parking lot strip and north-south internal drive immediately east of the Chick-fil-a restaurant property, from the balance of Lot 4. The Chick-fil-a restaurant property is composed of Lot 3 and a part of Lot 4, Block 1, Regal Plaza. Staff understands that the strip is to be conveyed to the owner of the Chick-fil-a restaurant property. The The Shoppes at Regal Plaza shopping center building at 10438 S. 82nd E. Ave. continues to be served by the parking lot strip along the east side of the building, there are other parking spaces elsewhere on the lot, and there may be mutual parking privileges agreement(s) between various lots within the Regal Plaza plat area. This parking arrangement is evident already at the shopping center building at 10424 S. 82nd E. Ave., where approximately five (5) of the eight (8) parking spaces in front of that building are located on the Popeyes restaurant lot.

Lot 4 is in part of PUD 40 Development Areas A and B. Development Area A requires a minimum of 150' of street frontage (same as required by the underlying CS district). Development Area B has no frontage requirement.

At the time BL-355 was approved, it was noted that Lot 4 was originally platted with less than 150' of frontage on Memorial Dr., and was only being left with 68.06 frontage-feet upon the Lot-Split. However, it was also noted that it would continue to maintain approximately 600 frontage-feet along 82nd E. Ave. and Regal Place (perhaps, at that time or still, also known as 105th St. S.).

However, the "streets" within Regal Plaza consist of a parcel of land mutually exclusive from the development lots, which was dedicated as the "Mutual Access Easement" by the plat. The plat did not give names to the "Mutual Access Easement." The "Regal Place," "Regal Boulevard," "Regal Court," and "S. 82nd E. Ave." names became associated with the main four (4) such "street" segments at some point. The addresses used within the "back" areas only having frontage on these private ways are all addressed using these [street] names. Although not dedicated as "streets" per se, they were obviously intended as either streets or private mutual access drives. If they are not "streets," the subject property could be interpreted as having a frontage deficiency. Lot 4 was not platted with 150' of frontage on Memorial Dr., and has less since BL-355. However, since the lot exists simultaneously in two (2) Development Areas, and since the preponderance of the lot area and all existing buildings are located within Development Area B, the fact that the lot extends into Development Area A and has less than 150' of frontage for that westerly part is inconsequential. Staff believes that the intent was for commercial lots exclusively within Development Area A, the "outparcel" or "pad site" lots, to have 150' of frontage. In cases of ambiguity, deference should be given to that interpretation affording the landowner the most property rights.

If the proposed 38' X 199.3' strip of land became a discrete lot of record, it would have 38' of "frontage" on Regal Place. It is not required to have any frontage as it is within Development Area B.

However, if it is being conveyed to the Chick-fil-a property owner, it could be attached thereto by deed restriction language such as recommended below.

For all the reasons outlined above, Staff believes that both lots would conform to the frontage requirements of PUD 40.

Per the Lot-Split exhibits, as the subject property is proposed to be divided, the The Shoppes at Regal Plaza shopping center building at 10438 S. 82nd E. Ave. would fall below the 10' setback, from the new westerly property line, required within Development Area B of PUD 40. Also, it is not known whether the minimum required parking would be compromised, or compromised further, upon the separation and conveyance of the parking lot strip. Since the underlying CS zoning has no setback required between CS-zoned lots, since the shopping center is built and no parking spaces are expected to be added or lost within the shopping center, and presuming there are mutual parking privileges in place, these matters may be addressed by a PUD Minor Amendment.

The Technical Advisory Committee (TAC) was sent a comment response form seeking comments on this Lot-Split application and other items by December 03, 2014. Of the responses received, there were no objections to or relevant comments upon this application.

Staff Recommendation. Staff recommends Approval, subject to a PUD Minor Amendment resolving setback, parking, and any other minor deficiencies to be caused by the Lot-Split.

If the buyer and seller choose to do so, the proposed 38'-wide tract could be attached to the Chick-fil-a adopting lot by deed restriction language such as:

[INSERT THE LEGAL DESCRIPTION OF THE NEW 38'-WIDE TRACT] .

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

[INSERT THE LEGAL DESCRIPTION OF ADOPTING CHICK-FIL-A LOT]

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

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

Chair Thomas Holland recognized Applicant Alan Betchan from the Sign-In Sheet. Mr. Betchan stated that there was an agreement [between the original developer and] *Chick-fil-a* to sell [this tract to *Chick-fil-a*], the date [for the sale] had not [yet come], and it "doesn't discuss intent." Mr. Betchan described the situation as being an "awkward dance as we went through the title." Mr. Betchan stated that this would resolve and clean up the title issue. Mr. Betchan stated that the sale was already guaranteed.

There being no further discussion, Larry Whiteley made a MOTION to APPROVE the Lot-Split per BL-395 subject to the Minor Amendment as recommended in the Staff Report. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, Hicks, and Whisman
NAY:	None.
ABSTAIN:	Sutton.
MOTION PASSED:	3:0:1

OLD BUSINESS:

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

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NEW BUSINESS:

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

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 6:37 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

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Brisbane Office Park

CITY OF BIXBY

PUD 60

DEC 15 2014

Proposed Minor Amendment #1

RECEIVED
By Enyat

A. INTRODUCTION

The Bixby City Council approved Major Amendment #1 to PUD 60 on August 11, 2014 for Brisbane Office Park. The property is being platted as Brisbane Office Park, a 9.87 acre mixed-use development including office and mini-storage uses. The site is approximately 550 feet east of South Mingo Road on the south side of 111th Street South.

This Minor Amendment #1 is submitted to request two revisions to PUD 60 and represents the full scope of revisions. No other changes are being made to PUD 60 except as specifically amended in this document.

1. Building Restriction Height for Development Area B (Mini-Storage Use)

The original approved PUD 60 specified a Maximum Building Height for Development Area B of One-Story. During the process of making changes for the Major Amendment #1 to the PUD 60, the maximum building height was erroneously changed from One-Story to 8.5 feet. The mini storage plans show an eave height of 8.5 feet and this was mistakenly listed as maximum building height. This request is to change maximum building height back to One-Story per original approved PUD 60

2. One proposed ground sign to advertise both Development Areas A and B

1. Signage shall comply with the PUD Chapter (Chapter &7I), as well as the signage requirements of the Use unit 21 (Business Signs and Outdoor Advertising) of the City of Bixby Zoning Code, with the exception that signage advertising uses located within Development Area B shall be permitted to be located with Development Area A.



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: Tuesday, December 02, 2014 (Redacted version 12/15/2014)
RE: Report and Recommendations for:
BZ-378 – Bridle Creek Ranch, LLC, care of AAB Engineering, LLC

LOCATION: – 9040 E. 161st St. S.
– Part of the N/2 of the N/2 of Section 25, T17N, R13E

LOT SIZE: 50.76 acres, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Agricultural

REQUESTED ZONING: RS-3 Residential Single-Family District

SUPPLEMENTAL ZONING: None

SURROUNDING ZONING AND LAND USE:

North: (Across 161st St. S.) AG, CS, RS-3/PUD 39; The Bixby Public Schools' landholding and school facilities located between Riverview Rd. and Mingo Rd. zoned AG and CS, Bixby Creek, and a 2.6-acre rural residential tract at 703 S. Riverview Rd. zoned AG; the Bixby Central Intermediate campus is located immediately across the street at 9401 E. 161st St. S. To the north/northwest are single-family homes in *The Territory* zoned RS-3 with PUD 39 and Bixby Creek and its right-of-way further north zoned AG.

South: AG; Agricultural land.

East: AG, OL, CS, RM-1, RS-2, & RS-3; Rural residential along 161st St. S. and agricultural land; Farther southeast across Mingo Rd. is additional agricultural land

and single-family residential homes and vacant lots in *Johns Park Addition* and *Johns Park Addition Revised* zoned RS-3; Other than the *Johns Park Addition* area and Bixby Creek, all other areas to the east of Mingo Rd. are in unincorporated Tulsa County.

West: AG, RMH, & CS; Agricultural land, and to the southwest: the *Pecan Park* manufactured home park at 164th St. S. and Memorial Dr. zoned RMH, additional agricultural land, and the *Southside Mobile Village* manufactured home park at 16601/16609/16613/16619 S. Memorial Dr. zoned RMH and CS.

COMPREHENSIVE PLAN: Low Intensity/Development Sensitive + Vacant, Agricultural, Rural Residences, and Open Land + Community Trail

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

BBOA-303 – J.C. Devine – Request for Variance from certain bulk and area requirements to allow a Lot-Split (BL-199) to separate from the subject property a 4-acre tract, now abutting subject property to the east and north at 8710 E. 161st St. S. – BOA Conditionally Approved 10/02/1995.

BL-199 – J.C. Devine, Trustee for the J.E. Devine Trust – Request for Lot-Split approval to separate from the subject property a 4-acre tract, now abutting subject property to the east and north at 8710 E. 161st St. S. – PC Conditionally Approved 10/16/1995 subject to the dedication of 50' of R/W along 161st St. S. from the 4.09-acre tract.

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

BZ-20 – Chester Cue – Request for rezoning from R-1 to C-1 and R-3 for commercial and multifamily development for 5 acres to the north of subject property at the southwest corner of Stadium Rd. and Riverview Rd. – PC recommended Denial of C-1 zoning and Approval of R-3 zoning 10/06/1973 and Board of Trustees Denied C-1 zoning and Approved R-3 zoning 01/08/1974 (Ord. # 269 dated 02/05/1974).

BZ-22 – Robert Leikam – request for rezoning from AG to CS, OL, RM-2, and RS-2 for approximately 75 acres abutting subject property to the east, the E/2 NE/4 Less & Except the W/2 NW/4 NE/4 NE/4 of this Section – PC Recommended Approval, to include amending the RM-2 part to RM-1, on 05/07/1974 and City Council Approved with the amendment on 06/18/1974 (Ord. # 274).

BZ-95 – Morgan Jones for Sam Fryer, Jr. – request for rezoning “RS-2” to “AG” for approximately 75 acres abutting subject property parent tract to the south, the N/2 SE/4 of this Section Less & Except approximately 5 acres at 16590 and 16600 S. Mingo Rd. – Withdrawn 10/27/1980 per case notes. Circumstances were not found in the record, but contemporary case maps show the property was already zoned AG. See BBOA-79.

BBOA-79 – Morgan Jones for Sam Fryer, Jr. – request for approval of a Special Exception for oil well drilling in the AG district for approximately 75 acres abutting subject property parent tract to the south, the N/2 SE/4 of this Section Less & Except approximately 5 acres at 16590 and 16600 S. Mingo Rd. – BOA Approved 11/10/1980.

BBOA-92 – Triple “S” Drilling Company for Clifton W. Brown – Request for Special Exception to allow oil well drilling on the SE/4 SE/4 of Section 24, T17N, R13E located to the northeast of subject property at 9013/9017 E. 161st St. S. – BOA Conditionally Approved 11/09/1981.

BZ-117 – Frank Watkins for Watkins Sand Co. – request for rezoning from AG to RMH for approximately 20 acres abutting subject property parent tract to the southwest (now the *Pecan Park* manufactured home park at 164th St. S. and Memorial Dr.) – PC recommended Approval 03/29/1982 and City Council Approved 04/05/1982 (Ord. # 455).

BBOA-106 – William P. Pittman – Request for Special Exception to allow mobile homes in the AG district for a part of the *Southside Mobile Village* manufactured home park to the southwest of subject property parent tract at 16601/16609/16613/16619 S. Memorial Dr. – BOA Approved 06/14/1982.

BZ-192 – Deborah Andrews – request for rezoning from RMH to CG for an RV park for approximately 2½ acres of the 20-acre *Pecan Park* manufactured home park at 164th St. S. and Memorial Dr. abutting subject property parent tract to the southwest – PC recommended Denial 10/16/1989 and Board of Trustees Denied 11/13/1989 upon appeal.

BBOA-217 – [Deborah Andrews] – request for Special Exception to allow an RV park in the CG district for approximately 2½ acres of the 20-acre *Pecan Park* manufactured home park at 164th St. S. and Memorial Dr. abutting subject property parent tract to the southwest – Per case notes: No action taken since BZ-192 was Denied.

BBOA-198 – Bixby Public Schools – request for Variance from the 26' height restriction to allow up to 30' in height, to permit an addition to an existing school for the formerly 8- or 10-acre school property tract located to the north of subject property at 501/515/601 S. Riverview Rd. – BOA Approved 01/11/1988 per case notes.

BBOA-228 – Lisa Graves for Violet D. Young – Request for Variance from certain bulk and area requirements to allow a Lot-Split (BL-154) for approximately 5 acres to the north of subject property, including the tracts at 703/707 and 711 S. Riverview Rd. and an approximately 0.8-acre tract located just south of 711 S. Riverview Rd. – BOA Conditionally Approved 08/06/1990.

BBOA-282 – Bixby Public Schools – Request for Special Exception to allow a Use Unit 5 school on part of the SW/4 SE/4 of Section 24, T17N, R13E (appears to include all of the school-owned tracts in the SW/4 SE/4 lying south of Bixby Creek) across 161st St. S. to the north of subject property – BOA Approved 08/01/1994.

BBOA-294 – Carlene Hall for Mary V. Moore – request for Variance from bulk and area requirements of the AG district to allow for a Lot-Split (BL-185) separating approximately 2.7 acres at 8899 and 8899½ E. 171st St. S. from an approximately 71-acre tract abutting subject property parent tract to the south – BOA Approved 04/17/1995.

BBOA-299 – Carolyn Wagnon – request for (1) a Special Exception to permit Use Unit 15 in a CS district, and (2) a Variance of certain bulk and area requirements in the AG district to permit a Lot-Split for property located to the north of subject property at 711 S. Riverview Rd. – BOA Approved 06/05/1995.

BL-192 – Wagnon Construction – request for Lot-Split for an approximately 0.8-acre tract to the north of subject property located just south of 711 S. Riverview Rd. – PC Approved 06/19/1995.

BZ-213 – Carolyn Wagnon – request for rezoning from AG to CS for an approximately 0.8-acre tract to the north of subject property located just south of 711 S. Riverview Rd. – PC Recommended Approval 06/19/1995 and City Council Approved 07/24/1995 (Ord. # 720).

BZ-224 – Carolyn Wagnon – request to rezone from AG to CG approximately 1 acre to the north of subject property from AG to CG at about 703/707 S. Riverview Rd. – Withdrawn in 1996.

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BBOA-314 – Guy & Wendy McCoy – Request for Special Exception to allow a Use Unit 9 mobile home in the AG district for an approximately 20-acre tract (now 16-acres after the acquisition of Bixby Creek right-of-way) to the northeast of subject property at 9013/9017 E. 161st St. S. – BOA Conditionally Approved 03/04/1996.

BBOA-321 – Carolyn Wagnon – request for Special Exception to allow Use Unit 23 in the CS district for land to the north of subject property at about 703/707 S. Riverview Rd. – Withdrawn in 1996.

BBOA-340 – Bixby Public Schools – request for Special Exception for a Use Unit 5 school on approximately the west half of the Bixby Public Schools property to the north of subject property at 9401 E. 161st St. S. (now the Central Intermediate campus) – BOA Approved 08/03/1998.

BBOA-338 – James H. Powell – request for Variance to allow a Use Unit 9 mobile home on a former approximately 1.15-acre tract (now school property) to the northeast of subject property approximately at the 15700-block of S. Mingo Rd. – Denied 08/03/1998.

BZ-245 – James H. Powell – Request for rezoning from AG to RMH for a former, approximately 1.15-acre tract to the northeast of subject property approximately at the 15700-block of S. Mingo Rd. (now school property) for a mobile home site – Approved in November, 1998 (Ord. # 783).

Plat Waiver for Bixby Public Schools – Request for Waiver of the platting requirement per Zoning Code Section 11-8-13 for 32 acres of the school property to the northeast of subject property – City Council Approved 03/08/2010 after accepting right-of-way and U/E dedications at the same meeting.

BBOA-519 – JR Donelson for Bixby Public Schools – request for Special Exception per Zoning Code Section 11-7A-2 Table 1 to allow a Use Unit 5 school facility in an AG Agricultural District on 32 acres of the school property to the northeast of subject property at the 15600/15700-block of S. Mingo Rd. – BOA Approved 04/05/2010.

BLPAC-6 – JR Donelson, Inc. for Bixby Public Schools – request for approval of a Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D for a Vocational-Agriculture building for Bixby Public Schools on 32 acres of the school property to the northeast of subject property at the 15600/15700-block of S. Mingo Rd. – PC Conditionally Approved 04/19/2010.

BZ-348 – JR Donelson, Inc. for Bixby Public Schools – request for rezoning approximately 20 acres at approximately 15600 S. Mingo Rd. and the former approximately 1.15-acre tract to the northeast of subject property at the approximately 15800-block of S. Mingo Rd. from RMH to AG for school land use and development purposes – PC recommended Approval 04/19/2010 and City Council Approved 05/10/2010 (Ord. # 2037).

BBOA-579 – Paul & Jimme Beth Hefner for Mary Elizabeth Brown – request for Special Exception per Zoning Code Section 11-8-5 to allow an Accessory Dwelling Unit in an AG Agricultural District on a 16-acre tract to the northeast at 9013/9017 E. 161st St. S. – BOA Conditionally Approved 07/01/2013.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property of approximately 50.76 acres is zoned AG and is agricultural in use. It has approximately 1,443.64' of frontage on 161st St. S.

The subject property parent tracts consist of three (3) existing parcels:

- (1) An approximately 40-acre tract, the NE/4 of the NW/4 of this Section, Assessor's Parcel Account # 97325732517190; the subject property includes the east 20 acres of this parcel,
- (2) An approximately 20-acre tract, the W/2, NW/4, NE/4, Assessor's Parcel Account # 97325732509690; Until earlier this year, it had a house, addressed 9040 E. 161st St. S., and various agricultural/accessory buildings. Until it was acquired by Bridle Creek Ranch, LLC by deed dated June 04, 2014, this 20-acre tract was a part of a larger parcel also containing the SE/4 of the NW/4 and the S/2 of the SW/4 of the NW/4 (80 acres total),
- (3) An approximately 51-acre tract with a "flag-lot" configuration, having a 60'-wide "handle" extending to 161st St. S., Assessor's Parcel Account # 97325732511690. It is, essentially, the SW/4 of the NE/4 and the SE/4 of the NW/4 of the NE/4 and the Westerly 60' of the W/2 of the NE/4 of the NW/4 of the NE/4. The subject property area, the northerly approximately 11 acres, excludes the SW/4 of the NE/4 of the parent tract. It contains an existing barn/storage building toward the northern end of the 60'-wide "handle." Per BL-199, the 60'-wide "handle" was intended to allow a future collector street to provide access to the back acreage when the 4-acre tract with the house was separated from the subject property parent tract.

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

The subject property is relatively flat. Easterly portions of the property appear to drain to the south and southeast, ultimately to Little Snake Creek, and westerly portions appear to drain to the southwest toward Memorial Dr., which would ultimately drain to Little Snake Creek or Bixby Creek (this is not clear).

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Low Intensity/Development Sensitive (2) Vacant, Agricultural, Rural Residences, and Open Land, and (3) Community Trail.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the requested RS-3 district is *In Accordance* with the Low Intensity and *May Be Found In Accordance* with the Development Sensitive designations of the Comprehensive Plan Land Use Map.

Page 7, item numbered 1 of the Comprehensive Plan states:

"The Bixby Comprehensive Plan map depicts desired land uses, intensities and use and development patterns to the year 2020. Intensities depicted for undeveloped lands are intended to develop as shown. Land uses depicted for undeveloped lands are recommendations which may vary in accordance with the Intensities depicted for those lands." (emphasis added)

This language is also found on page 30, item numbered 5.

This text introduces a test to the interpretation of the Comprehensive Plan Land Use Map, in addition to the Matrix: (1) If a parcel is within an area designated with a specific "Land Use" (other than "vacant, agricultural, rural residences, and open land," which cannot be interpreted as permanently-planned land uses), and (2) if said parcel is undeveloped, the "Land Use" designation on the Map should be interpreted to "recommend" how the parcel should be zoned and developed. Therefore, the "Land Use" designation of the Comprehensive Plan Land Use Map should also inform/provide direction on how rezoning applications should be considered by the Planning Commission and City Council.

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

The Comprehensive Plan Land Use Map designates a Community Trail more or less east of and paralleling the north-south Half-Sectionline from 161st St. S. to 171st St. S. The Matrix only includes, and the Zoning Code only requires consistency with the land use elements for rezoning purposes, not the Public Facilities / Urban Design Elements such as trails. It remains to be seen whether future development plans will include any private or public trail elements.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily AG, RMH, RS-2, and RS-3/PUD 39, but there are also CS, OL, RM-1, and RS-3 districts in the area, all as depicted on the case map and as described in further detail in the paragraphs that follow.

Across 161st St. S. to the north is the Bixby Public Schools' landholding and school facilities located between Riverview Rd. and Mingo Rd. zoned AG and CS, Bixby Creek, and a 2.6-acre rural residential tract at 703 S. Riverview Rd. zoned AG. The Bixby Central Intermediate campus is located immediately across the street at 9401 E. 161st St. S. To the north/northwest are single-family homes in *The Territory* zoned RS-3 with PUD 39 and Bixby Creek and its right-of-way further north zoned AG. *The Territory* has six (6) Reserve Areas which are used for stormwater detention and/or private recreation, including a playground and sports field/court, a unified screening fence along 161st St. S. and Riverview Rd., and enhanced entrance features including signage and landscaping.

South of the subject property is primarily agricultural land zoned AG. Agricultural land in the SE/4 of this Section is primarily tree farmland, and is mostly in the 100-year (1% Annual Chance) Regulatory Floodplain.

To the east along 161st St. S. is rural residential and agricultural land zoned AG, OL, CS, RM-1, and RS-2. Further southeast across Mingo Rd. is additional agricultural land zoned AG and single-family residential homes and vacant lots in *Johns Park Addition* and *Johns Park Addition Revised* zoned RS-3. Other than the *Johns Park Addition* area and Bixby Creek, all other areas to the east of Mingo Rd. are zoned AG in unincorporated Tulsa County.

The approximately 50-acre RS-2 district abutting to the east and the approximately 33-acre RS-3/PUD 39 district across 161st St. S. to the north are the nearest RS precedents. While *The Territory* has typically 52' X 112.5' lots (5,850 square feet; as afforded by PUD 39), the RS-2 requires a 75' minimum lot width and 9,000 square foot minimum lot area, compared to the 65' and 6,900 square foot minimums, respectively, in the requested RS-3 district. Beyond the approximately 50-acre RS-2 district abutting to the east, there is an approximately 20-acre RS-3 district containing *Johns Park Addition* and *Johns Park Addition Revised*. The former contains typically 115' X 122' (12,880 square feet) lots and the latter contains typically 80' X 122' (9,760 square feet) and 90' X 124' (11,160 square feet) lots.

Immediately to the west is agricultural land zoned AG. The *Pecan Park* manufactured home park, zoned RMH, is located to the southwest at 164th St. S. and Memorial Dr. Further southwest is additional agricultural land zoned AG and the *Southside Mobile Village* manufactured home park at 16601/16609/16613/16619 S. Memorial Dr. zoned RMH and CS.

The surrounding zoning and land use patterns appear to support the requested rezoning to RS-3, but care should be taken to ensure compatibility, consistency, and overall development quality.

Whether residential or nonresidential, the City of Bixby has observed that better development outcomes result when properties develop by either PUD or through the use of minimum building standards. These methodologies typically secure better planning and site design and afford the community the ability to provide more input into the design, minimum construction standards, and development amenities.

Conceptual plans for the development have not been provided. The application does not specify what minimum construction standards may be proposed for houses, or whether any neighborhood amenities are planned (Reserve areas for passive or active private recreation such as pools, clubhouses, playgrounds, water features, walking trails, etc., or Reserve Areas or easements along 161st St. S. to contain enhanced subdivision walls/fences, common landscaping, entrance features, etc.), or whether the development planned to include a trail such as is designated on the Comprehensive Plan. A PUD or strict minimum construction standards would provide what is planned in this regard, and would give the City a better understanding of what it is being asked to approve.

Please note, "Contract/conditional rezoning" is not allowed by law, and so offers and promises made by the Applicant are not enforceable and can only be made part of the Zoning entitlement if included in a PUD.

Staff Recommendation. For the reasons outlined above, Staff is supportive of RS-3 zoning, but with a PUD or through the adoption of strict minimum construction standards if determined necessary by the City Council upon Planning Commission recommendation.

BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: December 15, 2014

NAME	ADDRESS	ITEM
✓ 1. STEVE LINN	2106 E 132 ND PL SO - BIXBY	#2 WOODMERE PUD 53-B
2. Allen Locke	19722 E 118 TH Circle	BL-394
3. Ala B. L. L.	17 E 7 TH SARA ST	#3 & #6
4. MAT MEALS	10865 S. 94 TH E. PL	#4
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CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner 
Date: Thursday, January 08, 2015
RE: Report and Recommendations for:
Final 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: Final Plat approval for 54-lot residential subdivision

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

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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 plat area – PC recommended Conditional Approval 11/17/2014 and City Council Conditionally Approved 11/24/2014.

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 recommended Conditional Approval 11/17/2014 and City Council Conditionally Approved 11/24/2014.

Final Plat of Seven Lakes VI – Request for approval of a Final Plat for “Seven Lakes VI” for subject property parent tract to the west of subject property plat area – Pending PC consideration 01/20/2015.

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 Final 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 Final Plat of “Seven Lakes V,” there are two (2) easements in favor of Tulsa County in this area, affecting proposed Lot 16, Block 2, and Reserve J. 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 proposed-parcels, 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, were 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 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 54 Lots, four (4) Blocks (a fifth is recommended), and two (2) Reserve Areas. Reserve Area J was added to this Final Plat, occupying (more or less) the area previously proposed to be "Lot 17, Block 2." The subdivision now has 54 lots instead of the 55 proposed by the previous version.

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 similarly-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, "Seven Lakes V": 55' X 120' (6,600 square feet, 0.15 acres). However, all lots appear to meet RS-4 zoning standards.

With the Preliminary Plat, on the City Council also approved the following Modifications/Waivers:

- 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 which would not achieve the 17.5' minimum width standards. The Modification/Waiver was described as justified by observing that 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 upon the completion of the Preliminary Plat.
- 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.
- 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. Justification(s) have not yet been provided, but may be offered and deemed adequate upon the completion of the Preliminary Plat. Previous phases of "Seven Lakes" were described as being justified by citing their necessity as a product of an attractive subdivision design defined by the

crisscrossing, curvilinear street network with no true cul-de-sacs, interspersed with Reserves for water amenities.

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 plat on January 07, 2015. 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.

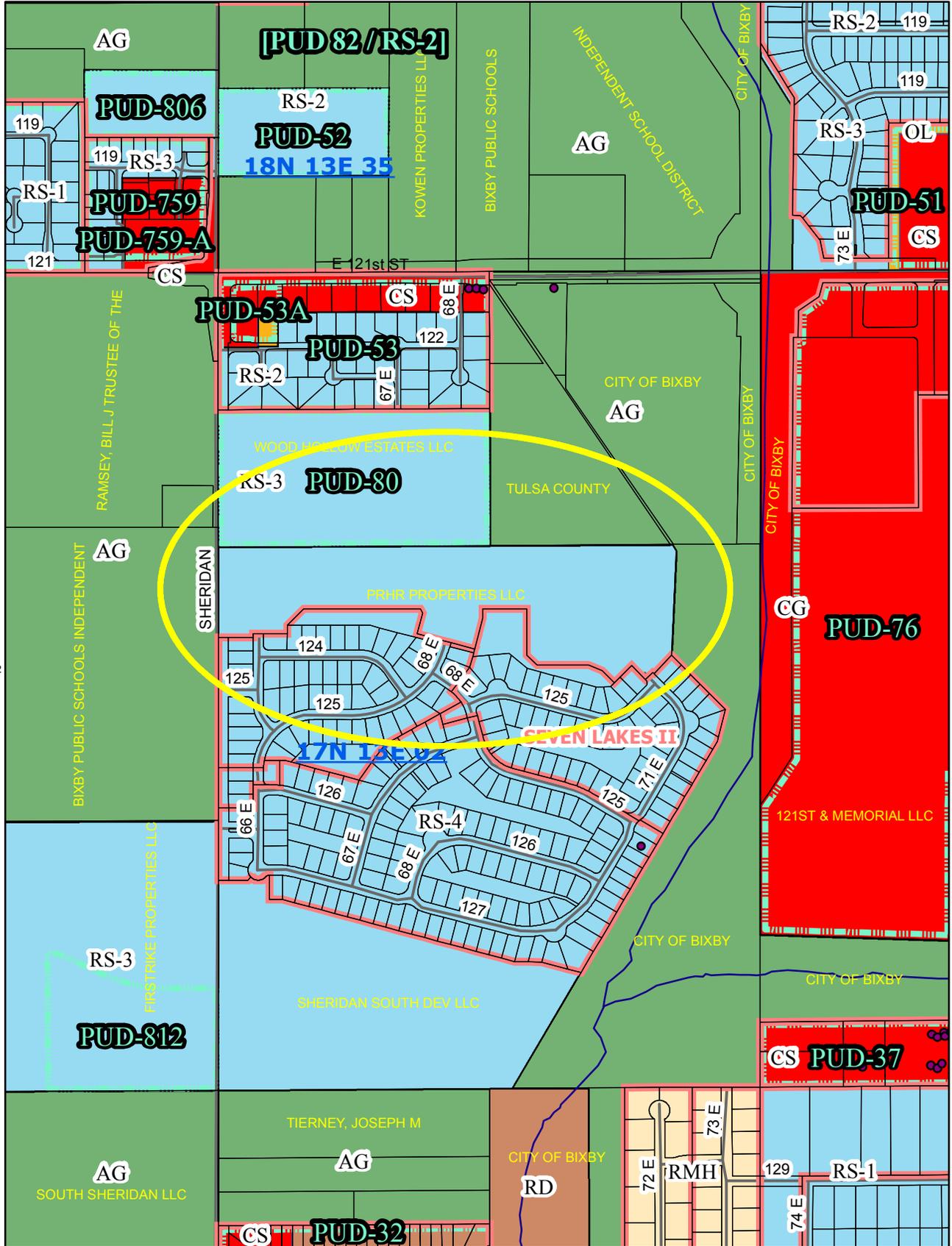
Staff Recommendation. Staff recommends Approval of the Final Plat with the following corrections, modifications, and Conditions of Approval:

1. All Modification/Waiver requests must be submitted in writing.
2. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
3. 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.
4. Please correct proposed easternmost north-south street name to "71st East Avenue" per the Address Schedule Recommendations provided to the Applicant on January 02, 2015.
5. Please correct proposed addresses per the Address Schedule Recommendations provided to the Applicant on January 02, 2015.
6. 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.
7. DoD/RCs Section II: Language pertaining to the Reserve Area(s): Some changes to Section II observed. Part previously pertaining to "drainage facilities" appears acceptable to remove. However, the second paragraph of former subsection 5 and the former subsection 6 were more general and appeared to apply to all Reserve Areas throughout the "Seven Lakes" subdivisions. Please restore or discuss.
8. DoD/RCs Section II: Language pertaining to the Reserve Area(s): This plat contains Reserve J but does not include the "community swimming pool [and clubhouse?]" language found in VI – advisory.
9. DoD/RCs: Spacing appears to be off between pages 2 and 3.
10. DoD/RCs Section V.D: Please confirm intended use of date December 5, 2014.

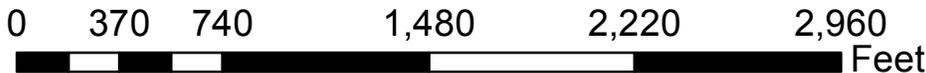
11. Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
12. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 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).

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



Memo

To: Erik Enyart, AICP, City Planner

From: Joey Wiedel

Date: 12-30-2014

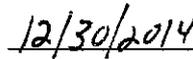
Re: Final Plat "Seven Lakes V"

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

1. Fire Hydrants shall be installed on lot lines with a maximum 600 feet separation. 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

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: 12/30/14

Re: Seven Lakes V
Final 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.

MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
January 07, 2015 – 10:00 AM

MEMBERS PRESENT

Gary Hamilton, *Cox Communications*

STAFF PRESENT

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

OTHERS PRESENT

Ricky Jones, AICP, *Tanner Consulting, LLC*

1. Erik Enyart called the meeting to order at 10:03 AM.

Acknowledging only Ricky Jones and Gary Hamilton in attendance, Erik Enyart noted that he expected a light attendance, since the [first three items were] not exciting, as they were Final Plats and the TAC had already seen the Preliminary Plats, and since the two (2) Lot-Split cases would be Tabled to the next meeting agenda for different reasons. Mr. Enyart stated that the Fire Marshal was not expected as he was inspecting a site in the field, and had expressed he had no major comments on the items.

2. **Final Plat – “Seven Lakes V” – Tanner Consulting, LLC.** Discussion and comment on a Final 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.
3. **Final Plat – “Seven Lakes VI” – Tanner Consulting, LLC.** Discussion and comment on a Final 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 # 2 and # 3 and summarized the location and the situation. Mr. Enyart noted to Ricky Jones that he had recently provided a review of the revised Preliminary Plats of these two subdivisions, and that, while intervening priorities prevented him from completing the reviews of the Final Plats, he had observed that the Final Plats matched the revised Preliminary Plats precisely, so the handful of remaining review comments on the Preliminary Plats will be the same as for the Final Plats. Mr. Enyart noted that one of the comments was the need for Modification/Waiver requests to be in writing, per the Subdivision Regulations, and stated that this could be done with a simple email.

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Gary Hamilton stated that *Cox Communications* was considering installing Fiber To The Home (FTTH) here, as it was doing in [Wood Hollow Estates] to the north and [The Trails at White Hawk]. Mr. Hamilton stated that these were the first subdivisions to receive this service in this area. Mr. Hamilton recognized *BTC [Broadband's]* work in this area as well. Erik Enyart noted that Mr. Hamilton had shared this plan with him recently, and asked Mr. Hamilton if this FTTH would require any special accommodations in the Utility Easements [U/Es] or the plat. Mr. Hamilton responded it would not. Mr. Hamilton stated that it would require more vaults and less pedestals, and that these [appurtenances] would be located in the fronts of the yards. Mr. Enyart confirmed the spelling of "vaults" with Mr. Hamilton. Mr. Enyart noted that the "Seven Lakes" subdivisions had 20' front-yard U/Es, and that Wood Hollow Estates also had front-yard utility locations. Mr. Hamilton indicated agreement. Ricky Jones asked about the sizes of the vaults, and Mr. Hamilton reported that they would be approximately 2' X 1 ½'. Mr. Hamilton clarified with Mr. Jones that they would be located below ground.

Joey Wiedel arrived around this time around 10:05 AM.

Erik Enyart noted to Joey Wiedel that Gary Hamilton had just reported that "Seven Lakes V" and "Seven Lakes VI" may get FTTH.

Ricky Jones discussed with Gary Hamilton the locations of the [fiber optic cables], and the potential placement within the street rights-of-way if needed. Mr. Jones gestured question to Erik Enyart regarding whether the City would find this acceptable, and Mr. Enyart stated that he hadn't seen this done in a long time. Mr. Jones noted that most utility companies do not want to place their lines in the street rights-of-way and prefer [the protection of] U/Es. Mr. Enyart stated that there may be spacing requirements from waterlines and sewerlines, and if to be placed in the rights-of-way, Mr. Hamilton should check with the City Engineer. Mr. Hamilton indicated that the U/Es would likely be adequate.

Erik Enyart stated that *BTC [Broadband]* had recently announced, and allowed the City of Bixby to share in the glory, that it would be the first company in Oklahoma to offer Gigabit Internet speeds, and so would be making the City of Bixby the first Gigabit City in Oklahoma. Mr. Enyart noted that this would only apply to the subdivisions that [*BTC Broadband* had already or would be wiring with fiber optic cable]. Mr. Enyart stated that the City saw this as a very good thing for its economic development efforts.

Erik Enyart asked Gary Hamilton if he had any other questions or comments on these two (2) plat items, and Mr. Hamilton indicated he did not.

Erik Enyart stated that the most substantive design issue would be the extreme, northeast corner of the "Seven Lakes V" plat. Mr. Enyart stated that, based on the topo[graphic contours] represented on the Sketch Plat prepared by another firm, it appeared that the drainage easements may not entirely cover the area needed for drainage functionality. Mr. Enyart asked Ricky Jones what he would "propose to cover that." Mr. Jones indicated that he would address whatever needed to be done, but did not think there was an issue. Mr. Enyart stated that, if the topo was overlaid on the lots, it would show the issue. Mr. Jones indicated agreement.

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

Erik Enyart reviewed a printout of his response email regarding the revised Preliminary Plats, and noted that some of the open items may be satisfied by a simple response, such as the one asking that the sidewalks be included in the engineering construction plans to ensure they are not inadvertently overlooked. Mr. Enyart stated that a response could be a simple acknowledgement by email. Mr. Enyart noted that the same would go for comment regarding the "pool, and clubhouse, were it to have one," which requires a Special Exception. Mr. Enyart stated that, in that case, a response could be, 'We acknowledge and we'll do that after platting.' Ricky Jones indicated agreement.

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

Erik Enyart stated that, hearing none, the meeting would proceed to the next item on the agenda.

4. **Final Plat – "Quail Creek of Bixby" – Tanner Consulting, LLC (PUD 76).** Discussion and comment on a Final Plat for "Quail Creek of Bixby" for approximately 41 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.
-

Erik Enyart introduced the item and summarized the location and the situation.

Gary Hamilton asked how quickly the subdivision would be built, and Ricky Jones responded, "Soon." Mr. Hamilton noted that he had observed for a while now that the [collector] streets had not yet been completed, and clarified with Mr. Jones that it would likely begin construction within two (2) to three (3) months. Mr. Hamilton stated that this one may have FTTH also.

Erik Enyart asked Joey Wiedel if he had any questions or comments. Mr. Wiedel stated that one of his review comments was that the 126th St. S. and [74th] E. Ave. [collector] streets must be in place prior to the release of houses for construction. Ricky Jones stated that this would be done and described the status. Erik Enyart stated that the plat itself contained the right-of-way for the street extension, and Mr. Jones indicated agreement, and noted that the street must first be dedicated by the plat, then constructed, prior to houses being built.

Gary Hamilton asked if this subdivision would also have front [Utility] Easements. Erik Enyart inspected the copy of the plat in the agenda packet and stated that it appeared there were U/Es there, but they may not be 20' in width [such as in the "Seven Lakes" subdivisions]. Ricky Jones indicated he would work with the utilities on locations.

Erik Enyart reviewed a printout of the latest Staff Report for the Preliminary Plat. Mr. Enyart noted that the City had last seen this in December of 2013, and it went to the City Council on January 13, 2014. Mr. Enyart noted that one of the more significant design issues appeared to have been addressed: The [collector] street intersection at the south end now had a detail diagram showing the area, and indicated a median.

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

Erik Enyart noted that, when the City last saw this project, it was paired with “Quail Creek Villas of Bixby” on the other side [of the Collector street]. Mr. Enyart asked, out of curiosity, when that may come forward. Ricky Jones responded that it was in process but may take a couple months.

Erik Enyart stated that, there being no further questions or comments on this item, the meeting would proceed to the next item on the agenda.

5. **Amendment of Plat of Scenic Village Park – Tanner Consulting, LLC.** Discussion and comment on a request to amend the plat of *Scenic Village Park* as pertains to Utility Easement dedication provisions affecting Lot 1, Block 3, *Scenic Village Park*.
Property Located: 7450 E. 121st St. S.
-

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart stated that this was in the same area as the “Quail Creeks” subdivisions. Mr. Enyart stated that, in early 2013, the plat of *Scenic Village Park* was recorded. Mr. Enyart stated that the thing being constructed there now is the *Covenant Place of Tulsa* assisted living community. Mr. Enyart stated that, [within *Scenic Village Park*] on the east side of the 74th E. Ave. collector street is a commercial lot. Mr. Enyart stated that, when the plat was recorded, the language did not expressly provide for overhead electric service, which is [now] being requested by the electric service provider. Mr. Enyart stated that he did not understand why the electric service provider would not accept a new easement on top of the original one, since the intent of an easement is to grant a right that was not there before, so one would not need to look at the old easement, which would be moot. Mr. Enyart stated that he had raised this matter at the [Tulsa Home Builders Association’s] Developers Council in December, and asked the [AEP-]PSO representative about this. Mr. Enyart stated that the representative referred him to Steve Williams, but that he had not yet had a chance to follow up with Mr. Williams to discuss this. Ricky Jones indicated agreement and confirmed Mr. Williams would be the one to speak to. Mr. Jones stated that it appeared that someone had been “burned” on this before. Mr. Jones stated that the document provided used the same form as one used in Broken Arrow for this situation. Mr. Jones stated that he understood Pat Boulden had not yet reviewed it, but if he had any issues with it Mr. Jones would make those changes. Mr. Jones stated that [AEP-]PSO was good with the form. Mr. Enyart stated that, if he received any responses from Mr. Boulden that were not sent directly to Mr. Jones, he would forward them to him. Mr. Enyart stated that he had looked over the form briefly and did not have any comments, but that he would review it in more detail and would provide any comments to Mr. Jones that he may have.

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(s) on the agenda.

6. **BL-396 – Rebecca Coffee for Dorothy L. Biggers Living Trust.** Discussion and comment on a Lot-Split for property in the NE/4 of Section 21, T17N, R13E.
Property located: 15400 S. Yale Ave.

7. **BL-397 – Michael Ward on behalf of QuikTrip Corporation for T C 94, LP.** Discussion and comment on a Lot-Split for All of Block 18, *Southern Memorial Acres Extended*.
Property located: 12037 S. Memorial Dr.
-

Erik Enyart introduced Lot-Split items # 6 and # 7 and stated that they would be Tabled to the next meeting for different reasons.

8. Old Business
 9. New Business
-

Erik Enyart asked if there was any further business to consider. There was none.

10. Meeting was adjourned at 10:30 AM.

42

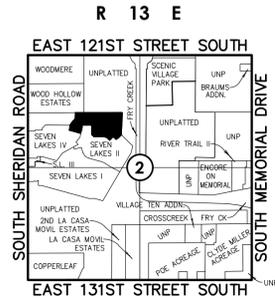
BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, January 07, 2015

NAME	COMPANY	PHONE
1. <u>RICKY JONES</u>	<u>Tanner Consulting</u>	<u>(918) 407-5987</u>
2. <u>GARY HAMILTON</u>	<u>COX</u>	<u>(918) 286-4666</u>
3. <u>Erik Foyert</u>	<u>city of Bixby</u>	<u>(918) 366 4430</u>
4. <u>Joey Wiedel</u>	<u>IN COB</u>	<u>(918) 366-0436</u>
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____
16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____

DRAFT FINAL 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



Location Map
Scale: 1" = 2000'
SUBDIVISION CONTAINS
FIFTY-FOUR (54) LOTS IN SIX (6) BLOCKS
AND TWO (2) RESERVE AREAS
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

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



NORTH
Scale: 1" = 60'
Tanner Consulting

AC = ACRES
B/L = BUILDING LINE
B/U = BUILDING LINE & UTILITY EASEMENT
BK PG = BOOK & PAGE
CB = CHORD BEARING
CD = CHORD DISTANCE
DOC = DOCUMENT
ESMT = EASEMENT
IPFYC = 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

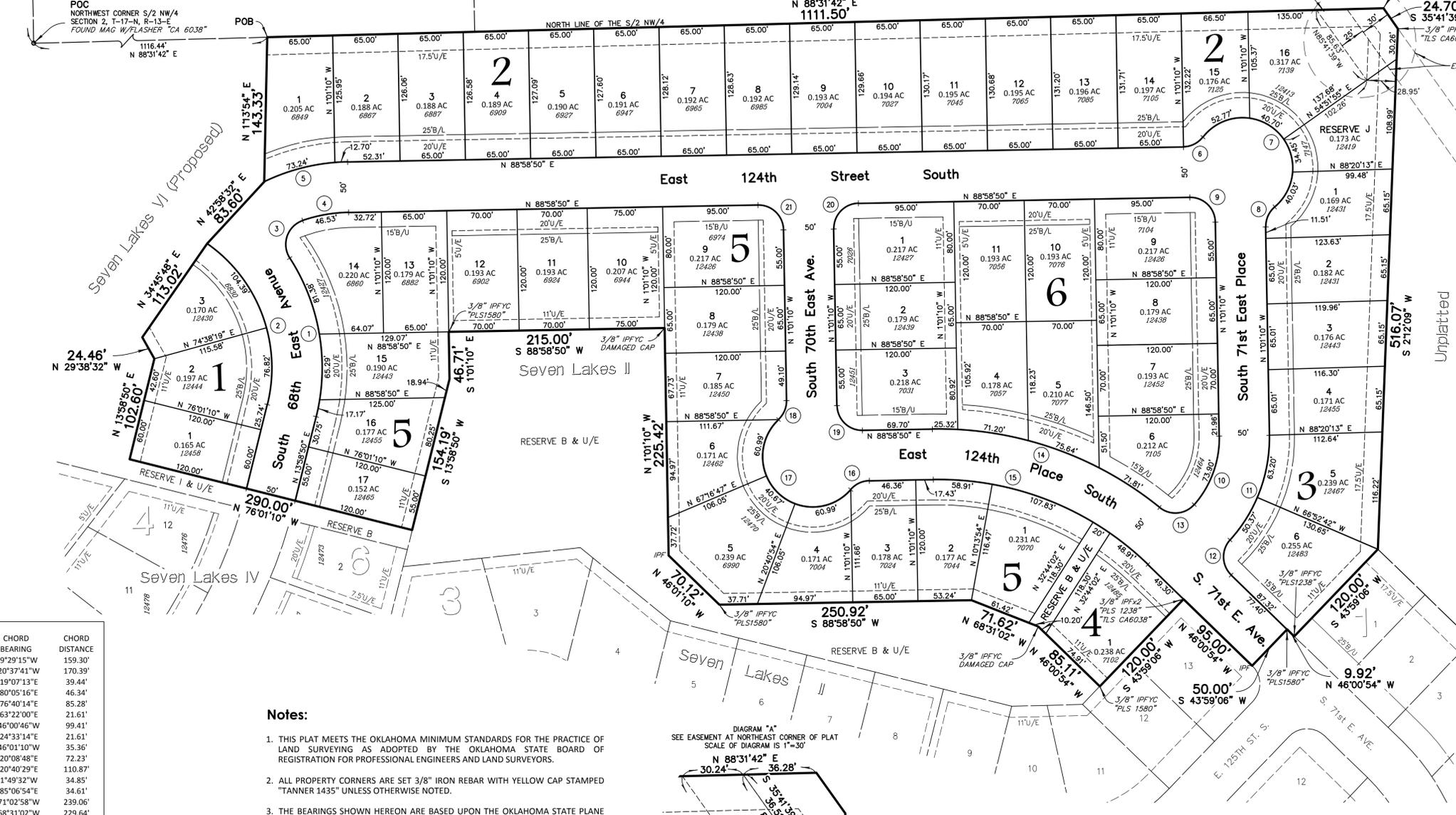
South Sheridan Road
N 1°01'10" W
1,357.46'

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

1116.44'
N 88°31'42" E

Wood Hollow Estates

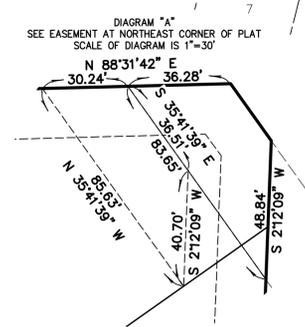
Unplatted



Curve Table

CURVE	LENGTH(L)	RADIUS(R)	DELTA(Δ)	CHORD BEARING	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.



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

- STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE. 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.
- 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 PROPERLY-PERMITTED 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. 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. RESERVES "B", AND "J"

- 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 "B" 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.
- RESERVE "B" IS HEREBY ESTABLISHED FOR GREEN BELT ACCESS FOR SUBSEQUENT CONVEYANCE TO THE ASSOCIATION. RESERVE "B" IS ALSO DEDICATED AS A GENERAL UTILITY EASEMENT.
- RESERVE "J" IS HEREBY ESTABLISHED FOR GREEN BELT ACCESS, OPEN SPACE, PARK, AND RECREATIONAL USES FOR SUBSEQUENT CONVEYANCE TO THE ASSOCIATION.
- 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.
- NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN THE RESERVE EASEMENT AREAS, NOR SHALL THERE BE 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.

C. 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.

D. BUILDING HEIGHT

NO BUILDING SHALL EXCEED 3 STORIES OR 48 FEET IN HEIGHT.

E. 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.

F. 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.

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. 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.

C. FOUNDATIONS

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

D. 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.

E. SEASONAL DECORATIONS

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

F. 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.

G. WINDOWS

ALUMINUM WINDOWS HAVING A MILL FINISH ARE PROHIBITED.

H. 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.

I. 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.

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

- J. ROOFTOP PROTRUSIONS
METAL ROOFTOP PROTRUSIONS ON THE RESIDENCE SHALL BE PAINTED TO MATCH THE ROOF COLOR SELECTIONS(WEATHEREDWOOD).
- K. ON-SITECONSTRUCTION
NO EXISTING OR OFF-SITE BUILT STRUCTURE SHALL BE MOVED ONTO OR PLACED ON ANY LOT.
- L. OUTBUILDINGS
1. OUTBUILDINGS ARE PROHIBITED.
2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.
- M. SWIMMING POOLS
ABOVE GROUND SWIMMING POOLS ARE PROHIBITED.
- N. 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.
- O. 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.
- P. 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.
- Q. 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.
- R. 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.
- S. CLOTHESLINES
EXPOSED CLOTHESLINE POLES OR OTHER OUTSIDE DRYING APPARATUS ARE PROHIBITED.
- T. 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.
- U. 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.

- V. 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.
- W. 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.
- X. SIGNAGE
NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE SIGN OF NOT MORE THAN 6 SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR 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.
- Y. 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.
- Z. 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.
- AA. 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 THEREFOR, 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 V 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 THEREAFTER 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 DECEMBER 5, 2014, OR AS SUBSEQUENTLY AMENDED.

IN WITNESS WHEREOF, OWNER/DEVELOPER HAS EXECUTED THIS INSTRUMENT THIS ___ DAY OF ___, 2015.

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 ___, 2015, 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 V", 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 ___ TH DAY OF ___, 2015.



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 ___, 2015, 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



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner 
Date: Thursday, January 08, 2015
RE: Report and Recommendations for:
Final 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: Final Plat approval for 32-lot residential subdivision

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.*

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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

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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 plat area – PC recommended Conditional Approval 11/17/2014 and City Council Conditionally Approved 11/24/2014.

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 recommended Conditional Approval 11/17/2014 and City Council Conditionally Approved 11/24/2014.

Final Plat of Seven Lakes V – Request for approval of a Final Plat for “Seven Lakes V” for subject property parent tract to the east of subject property plat area – Pending PC consideration 01/20/2015.

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

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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, "Seven Lakes V": 55' X 120' (6,600 square feet, 0.15 acres). However, all lots appear to meet RS-4 zoning standards.

With the Preliminary Plat, on the City Council also approved the following Modifications/Waivers:

- 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 which would not achieve the 17.5' minimum width standards. The Modification/Waiver was described as justified by observing that 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 upon the completion of the Preliminary Plat.
- Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for those lots whose rear lines abut Sheridan Rd. Recognizing Limits of No Access (LNA) were placed along the Sheridan Rd. frontage, City Staff was supportive of this design, which is incidental and unavoidable due to existing geometries.
- Modification/Waiver from Subdivision Regulations Section 12-3-4.F, 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. Justification(s) have not yet been provided, but may be offered and deemed adequate upon the completion of the Preliminary Plat. Previous phases of "Seven Lakes" were described as being justified by citing their necessity as a product of an attractive subdivision design defined by the crisscrossing, curvilinear street network with no true cul-de-sacs, interspersed with Reserves for water amenities.

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 plat on January 07, 2015. 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

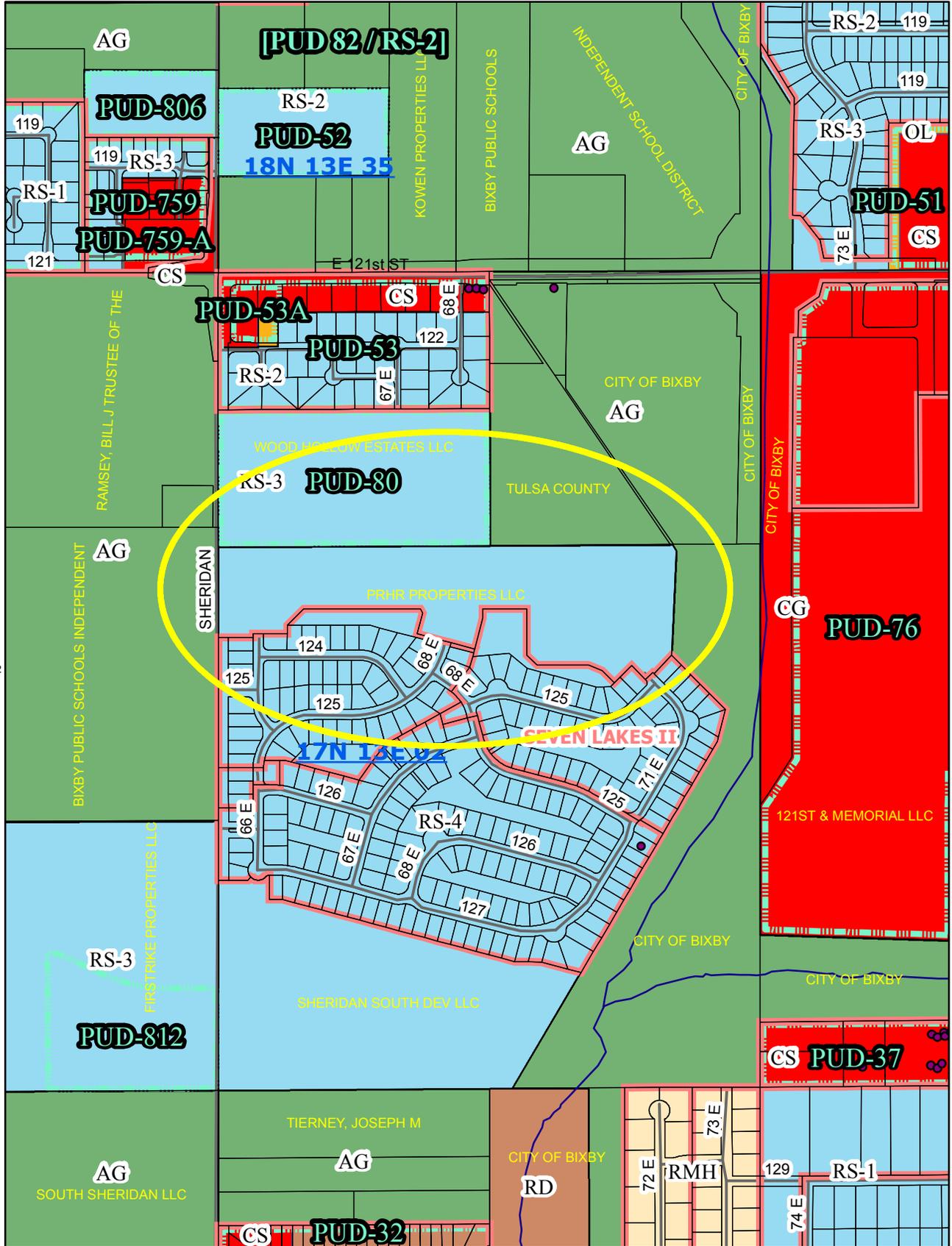
to be platted and built simultaneously with or subsequent to "Seven Lakes V" to ensure it has two (2) means of ingress/egress as required.

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

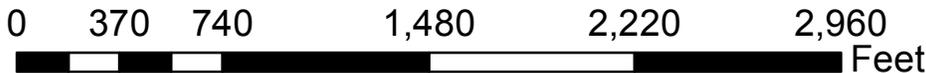
1. All Modification/Waiver requests must be submitted in writing.
2. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
3. Please correct proposed addresses per the Address Schedule Recommendations provided to the Applicant on January 02, 2015.
4. 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.
5. DoD/RCs Section II: Language pertaining to the Reserve Area(s): A Use Unit 5 "community swimming pool [and clubhouse?]" will require a Special Exception in the RS-4 district – advisory. Also, Reserve J is located in V and not VI – also advisory.
6. DoD/RCs: Spacing appears to be off between pages 2 and 3.
7. DoD/RCs Section V.D: Please confirm intended use of date December 5, 2014.
8. Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
9. 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).
10. Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

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



Memo

To: Erik Enyart, AICP, City Planner

From: Joey Wiedel

Date: 12-30-2014

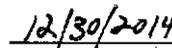
Re: Final Plat "Seven Lakes VI"

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

1. Fire Hydrants shall be installed on lot lines with a maximum 600 feet separation. 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

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 *Jue*

CC: Bea Aamodt, PE
File

Date: 12/30/14

Re: Seven Lakes VI
Final Plat

General Comments:

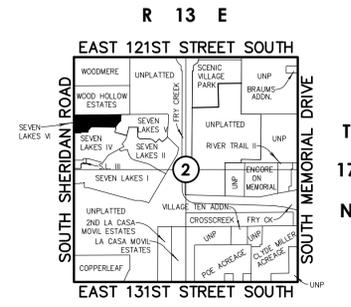
1. Utility, Grading, and Drainage Plans have been reviewed and approved. Provided that the Plat incorporates all of the requirements of the construction plans, no additional comments.

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DRAFT FINAL 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



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

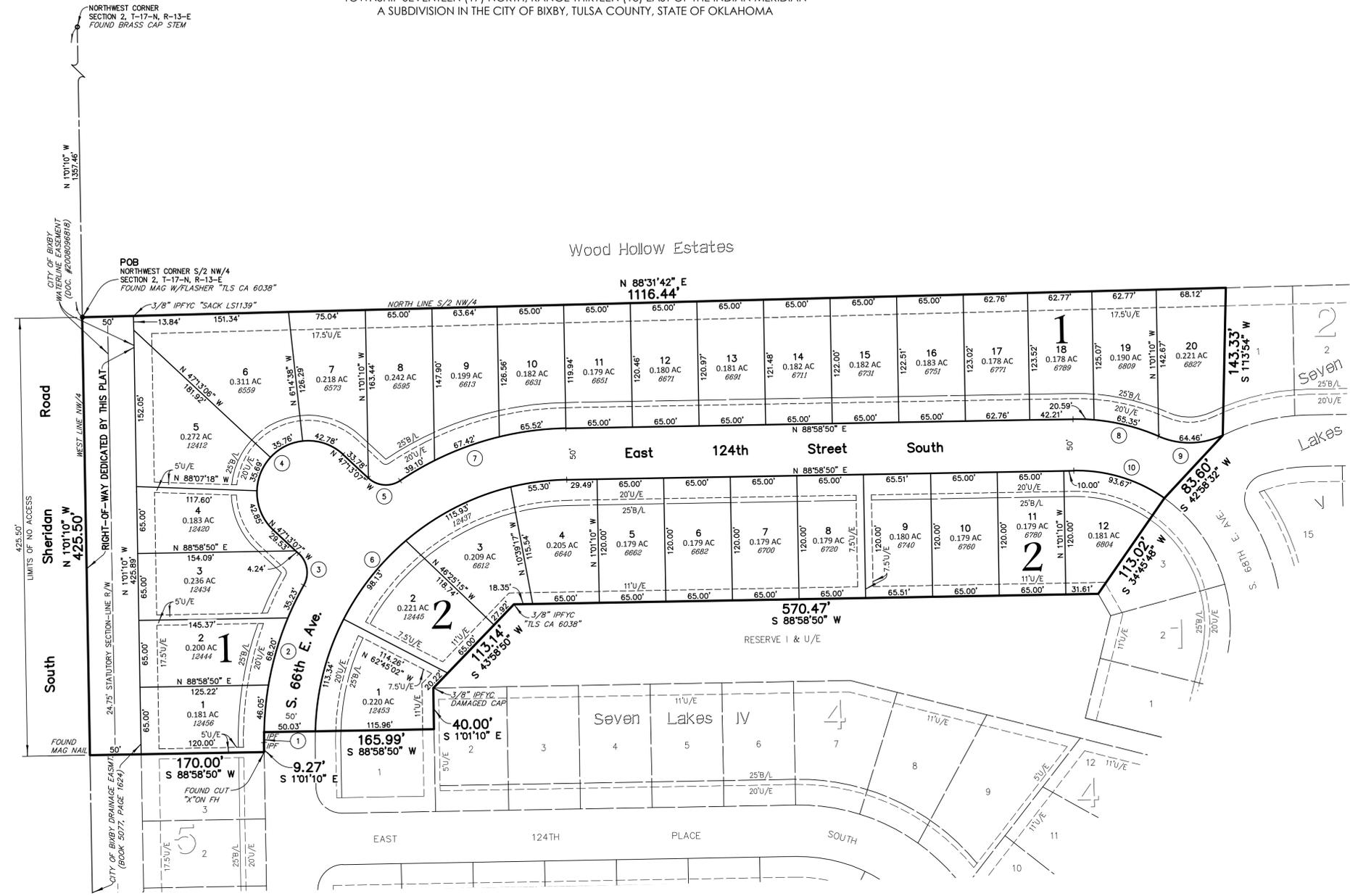


NORTH
Scale: 1" = 60'
Tanner Consulting

AC = ACRES
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'

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



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: Tuesday, January 13, 2015
RE: Report and Recommendations for:
Final Plat of "Quail Creek of Bixby" (PUD 76)

LOCATION:

- The 12300-block of S. 74th E. Ave.
- South and west of the intersection of 121st St. S. and Memorial Dr.
- Part of the E/2 of Section 02, T17N, R13E

SIZE:

- 41.168 acres, more or less (plat area)
- 70 acres, more or less (parent tract)

EXISTING ZONING: CG General Commercial District with PUD 76

SUPPLEMENTAL ZONING: PUD 76

EXISTING USE: Agricultural

REQUEST: Final Plat approval for a 133-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

North: CG/PUD 76; The Covenant Place of Tulsa assisted living community (under construction) and vacant lots in *Scenic Village Park*.

South: AG & CS/PUD 37; Fry Creek Ditch # 1 to the south zoned AG and the *Crosscreek* "office/warehouse" heavy commercial / trade center and retail strip center zoned CS with PUD 37.

East: AG, CG, RS-3, OL, CS, & RM-3/PUD 70; Agricultural land, the *Easton Sod* sales lot zoned RS-3, OL, & CS, the *Encore on Memorial* upscale apartment complex

zoned RM-3/PUD 70, a *Pizza Hut* zoned CG, and a *My Dentist Dental Clinic* zoned CS; Memorial Dr. is farther to the east.

West: AG & RS-4; Fry Creek Ditch #2; beyond this to the west is vacant/wooded land owned by the City of Bixby, and an RS-4 district containing the "Seven Lakes" residential subdivisions.

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

PREVIOUS/RELATED CASES:

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 "golf teaching and practice facility" on part of the subject property parent tract – BOA Conditionally Approved 04/02/2001 (not since built).

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on part of the subject property parent tract. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

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

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of subject property parent tract – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting "for more research and information," based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

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

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

Preliminary Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and a Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2 for former subject property parent tract of 92 acres – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

Final Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres (PUD 76 Development Areas A, B, and E) of the former subject property parent tract of 92 acres – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

PUD 76 "Scenic Village Park" Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for former subject property parent tract of 92 acres – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013. The Emergency Clause to approving Ordinance # 2123, having been on various City Council agendas in various forms since 10/14/2013, the City Council approved on 11/12/2013.

PUD 76 "Scenic Village Park" Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for former subject property parent tract of 92 acres – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant's letter dated 10/18/2013.

Preliminary Plat of "Quail Creek of Bixby" – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for "Quail Creek of Bixby" for subject property plat area – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

Preliminary Plat of "Quail Creek Villas of Bixby" – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for "Quail Creek Villas of Bixby" for part of former subject property parent tract of 92 acres – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The subject property parent tract is presently agricultural and is zoned CG and PUD 76 for "Scenic Village Park," which name became attached to the plat of 22 acres to the north of the subject property, recorded June 20, 2013. The subject property parent tract appears to be the original 92-acre parent tract, less that part platted as *Scenic Village Park*, and so contains approximately 70 acres. Except for the easternmost approximately 11 acres, the subject property parent tract is proposed for single-family residential developments including "Quail Creek of Bixby" and "Quail Creek Villas of Bixby," and a commercial/office development being platted under the name "Quail Creek Office Park."

The subject property is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the south and west to the Fry Creek Ditch # 2 and # 1, respectively, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention.

The subject property appears to be able to be served by the critical utilities (water, sewer, electric, etc.) by existing lines and/or planned street and utility extensions and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the west and south.

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 41.168 acres proposes 133 lots, eight (8) to nine (9) blocks (see recommendations), and three (3) Reserve Areas. This plat represents a conventional, suburban design, with typical lots being 68' to 70' in width and 123' to 130' in depth. Typical lot sizes range between 8,487 and 9,100 square feet (0.19 to 0.21 acres, respectively). All lots appear to meet PUD 76 Development Areas C and D standards.

With the exceptions outlined in this report, the Final Plat appears to conform to the Zoning Code and Subdivision Regulations.

At the Technical Advisory Committee (TAC) meeting held December 04, 2013, regarding the Preliminary Plats of "Quail Creek of Bixby" and "Quail Creek Villas of Bixby," Staff noted that the PUD allows for a "common area facility such as club house, swimming pool, [or] recreational open space." Observing that the conversion of building lots to neighborhood facilities have proven problematic in other subdivisions, Staff asked the Applicant if such would be included in "Quail Creek of Bixby" or "Quail Creek Villas of Bixby," and the Applicant responded that none were planned at this time. If any become planned in either addition before plat recording, they should be modified appropriately to plan for and address design issues.

With the Preliminary Plat, on the City Council also approved the following Modifications/Waivers:

- Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lots 1 through 10, inclusive, Block 2 (and potentially others) appeared to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F. The Modification/Waiver was described as justified by citing its necessity to create additional lot depth along 74th E. Ave. collector road.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the west, south, and east. The Modification/Waiver was described as justified by the fact that the abutting tracts to the west and south are Fry Creek Ditch rights-of-way and will not develop conventionally, and that the tract to the east will have adequate access available from an extended 126th St. S.
- Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for those lots in Blocks 1 and 2 whose rear lines abut 74th E. Ave. Provided Limits of No Access (LNA) were placed along the 74th E. Ave. frontage (which they

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have been with this Final Plat), City Staff was supportive of this design, which was incidental and unavoidable due to existing geometries.

Deed of Dedication and Restrictive Covenants (DoD/RCs) Section III.A provides for the combination of both "Quail Creek of Bixby" and "Quail Creek Villas of Bixby" into a singular Homeowners Association.

The Technical Advisory Committee (TAC) reviewed this Final Plat on January 07, 2015. 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 development would be via a proposed collector street connecting 121st St. S. to Memorial Dr. via the existing 126th St. S. constructed in the past couple years. By this collector road, all the Development Areas within PUD 76 would have access. On November 25, 2013, the City Council accepted a dedication of right-of-way from the Knopp family, allowing the extension of 126th St. S. from its current westerly terminus to the east line of the subject property plat area. This plat area will dedicate the connection between this newly-dedicated right-of-way and the 74th E. Ave. stub-street platted and built with *Scenic Village Park*, thus completing the collector system. However, due to the language used, per the City Attorney, the dedication is only "easement." To ensure it is right-of-way consistent with the balance of the street, it will need to be re-dedicated as fee simple right-of-way, as the first section of 126th St. S. was rededicated and accepted by the City Council on May 12, 2014.

With the Preliminary Plat of "Scenic Village Park," on March 25, 2013, the City Council Approved a Modification/Waiver of the Commercial Collector 42' paving width requirement of Subdivision Regulations Ordinance # 854 Section 9.2.2, to allow a 38'-wide roadway width as proposed. Per the City Engineer's review memo at that time, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify the Modification/Waiver.

73rd E. Ave., which serves *Fox Hollow* and the *North Heights Addition*, has been extended south of 121st St. S. and continues with the 73rd E. Ave. name. South 73rd and South 74th East Avenues are connected via 121st Pl. S. Minor streets 73rd E. Ave. and 121st Pl. S. will incidentally serve the commercial lots in Development Area (DA) A, but would primarily serve an assisted living community in DA B. Their geometries (50' in right-of-way width and 26' of roadway paving width, versus the required 60' and 36', respectively) also received City Council approval of a Modification/Waiver with the Preliminary Plat on March 25, 2013.

Per the approved PUD 76 Major Amendment # 1, the 74th E. Ave. portion of the 74th E. Ave. / 126th St. S. collector road was shifted easterly, to accommodate more room for the single-family detached residential area west of the collector road system. No significant changes to access and circulation patterns were proposed, except to the extent necessary to allow conventional housing addition(s) to be developed in certain areas. The "Quail Creek of Bixby"

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and “Quail Creek Villas of Bixby” subdivisions will tie into the realigned collector street system.

Per this Final Plat, Reserve Area B has been added reflecting that a median will be employed at southerly entrance street, 126th St. S. The same is detailed within Detail A as previously recommended.

The Fry Creek maintenance access drives on this east/north side of the two channels, may at some point in time be upgraded for trail use, as was done with the drive on the west side of Fry Creek # 2. This trail is being started within the “River Trail II” development along Memorial Dr. to the south of 126th St. S. The subdivision layout has been changed since the Preliminary Plat, and now provides Reserve Area C, which is designed to allow access to the future trail per Deed of Dedication and Restrictive Covenants Section IV.X.

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

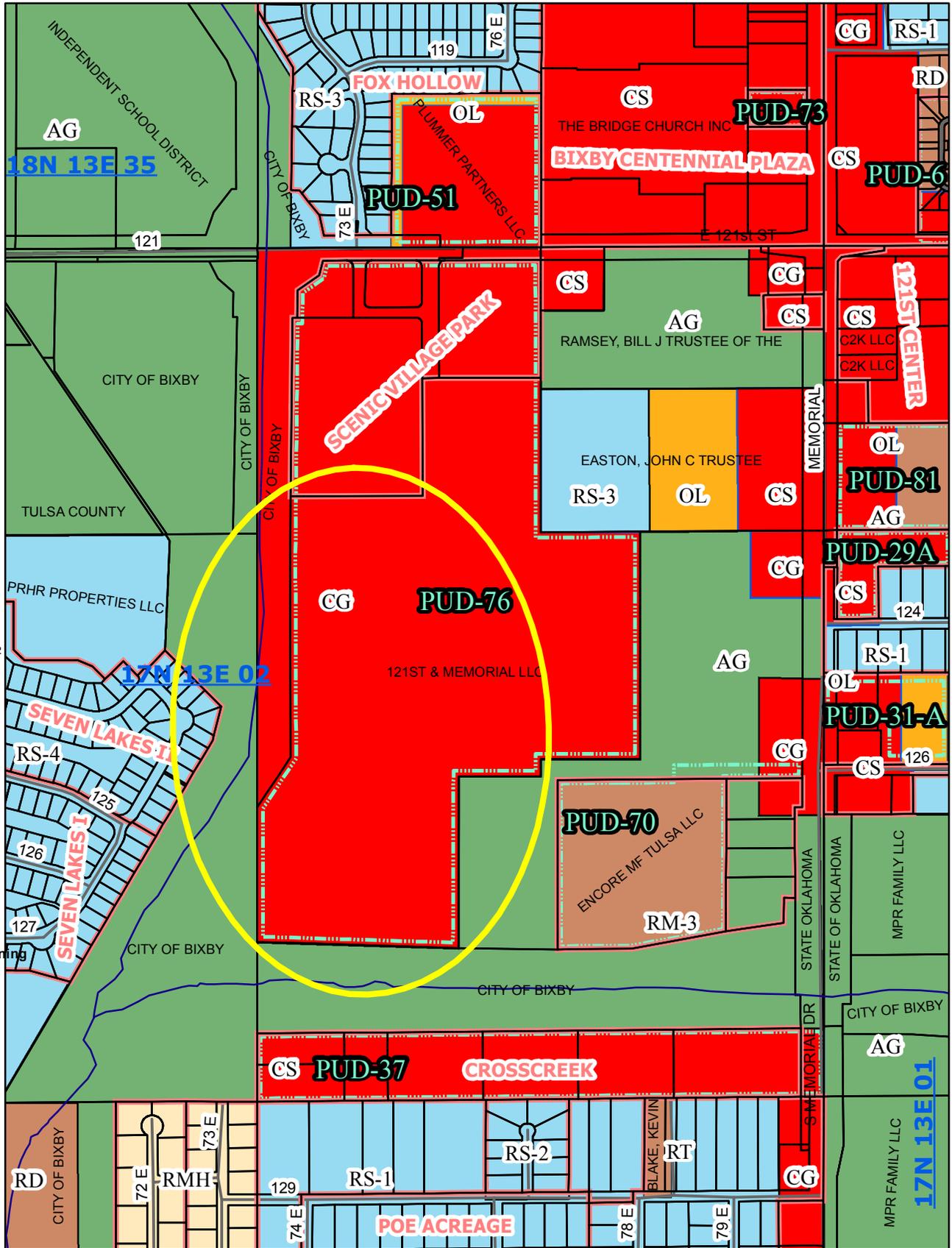
1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
2. Lots 1 through 18 (inclusive), Block 1, are completely separated from the balance of Block 1 by Reserve Area C. Per the definition of “Block” in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
3. Subdivision Contains statistics: Please update the number of blocks to incorporate new block(s) as recommended hereinabove.
4. Title Block area – the “-1” text qualifying PUD 76 is inaccurate and should be removed. The approved Major Amendment # 1 did not change the designation on the official Zoning Map.
5. 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:
 - Subject property plat area (misrepresented as to configuration; appears to be missing westernmost part extending to W. Line NE/4)
 - *Poe Acreage* (misrepresented as to configuration)
 - *Seven Lakes II* (misrepresented as to configuration)
 - *Seven Lakes III* (missing)
 - *Seven Lakes IV* (missing)
 - *Wood Hollow Estates* (missing)
 - *River Trail II* (missing)
 - “Seven Lakes V,” “Seven Lakes VI,” “Quail Creek Villas of Bixby,” and “Quail Creek Office Park” (missing if/as may be recorded prior to the recording of this plat)
6. Please correct proposed addresses per the Address Schedule Recommendations provided to the Applicant on January 07, 2015.
7. The Subdivision Regulations requires sidewalks along interior streets and Sheridan Rd. To ensure this requirement is not inadvertently overlooked for the sidewalks along 74th E. 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.

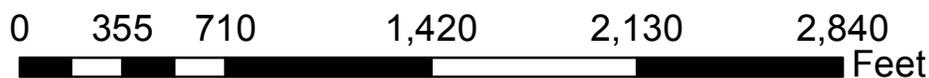
8. Please label the Document # citation where the extended 126th St. S. right-of-way dedication has been/is being recorded. The original one from the Knopp family, which the City Council accepted on November 25, 2013, was only an "easement" per the City Attorney, and so will need to be rededicated as fee simple right-of-way. See email thread August 08, 2014. The blank represented on the plat can be completed with Document # upon the receipt of the rededication deed, City Council acceptance, and recording.
9. 15'-wide U/E along the east side of Block 2 was reduced from 20' with the Preliminary Plat. However, based on the relative width as represented, the same does not appear to have been actually reduced. This would need to be corrected within Detail A as well.
10. DoD/RCs Preamble: Please update the number of blocks to incorporate new block(s) as recommended hereinabove.
11. DoD/RCs Preamble: Please correct the number of Reserve Areas.
12. DoD/RCs Section II.A: Please update the number of blocks to incorporate new block(s) as recommended hereinabove.
13. DoD/RCs Sections II.B.5: Final paragraph from "Access and Circulation" section of PUD Text missing. Please check to confirm use of final version as approved.
14. DoD/RCs Section IV.A.3: Confirm intent to use date January 1, 2015.
15. DoD/RCs Section IV.E: Please discuss the appropriateness of allowing the minimum masonry standards to be waived by the Architectural Committee.
16. A copy 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).
17. Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

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Final Plat of "Quail Creek of Bixby" – Tanner Consulting, LLC



- bixby_streams
- TulCo_Parcels
- TulsaSubdivisions
- WagRoads_Aug2012
- E911Streets
- PUD
- Tulsa_Zoning**
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- WagonerCounty_Zoning**
- <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 *Jue*
CC: Bea Aamodt, PE
File
Date: 12/30/14
Re: Quail Creek of Bixby
Final 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.

60

Memo

To: Erik Enyart, AICP, City Planner

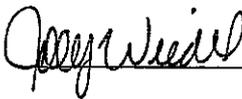
From: Joey Wiedel

Date: 12-30-2014

Re: Final Plat "Quail Creek"

Final Plat "Quail Creek" are approved by this office with the following conditions:

1. Fire Hydrants shall be installed maximum 600 feet separation starting at entrances. All hydrants shall be operable before construction begins.
 - Brand- AVK or Mueller , Color- Chrome Yellow
2. Fire line supporting the fire hydrants shall be looped.
3. All roads and Second means of access capable of supporting an imposed load of 75,000 pounds shall be in place before construction of homes. (IFC 2009 Appendix D)
 - This will include entrances into Quail Creek, 74th East Avenue and 126th Street South.
4. Islands shall have mountable curbs.



Joey Wiedel

12/30/2014

Date

Draft Final Plat

PUD 76 - 1

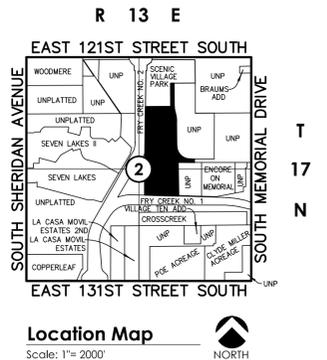
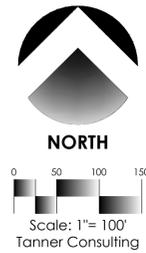
Quail Creek

OF BIXBY

PART OF THE EAST HALF (E/2) 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

OWNER/DEVELOPER:
121st & Memorial LLC
CONTACT: RICK DODSON
6528 East 101st Street South
D-1, Suite 409
Tulsa, Oklahoma 74133
Phone: (918)638-3003

SURVEYOR/ENGINEER:
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



LEGEND

- B/L BUILDING LINE
- B/U BUILDING LINE & UTILITY EASEMENT
- BK PG BOOK & PAGE
- CL CENTERLINE
- DOC DOCUMENT
- ESMT EASEMENT
- F/L FENCE & LANDSCAPE EASEMENT
- RES RESERVE AREA
- SEP INSTR SEPARATE INSTRUMENT
- U/E UTILITY EASEMENT
- 7300 ASSIGNED ADDRESS

Location Map
Scale: 1"= 2000'

SUBDIVISION CONTAINS:
ONE HUNDRED THIRTY THREE (133) LOTS
IN EIGHT (8) BLOCKS
WITH THREE (3) RESERVES

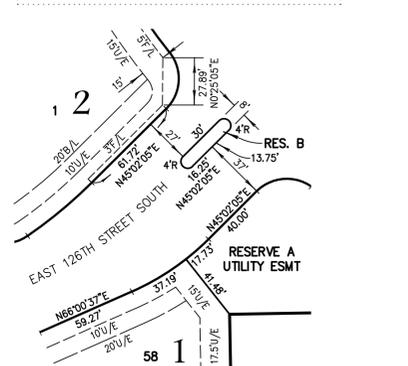
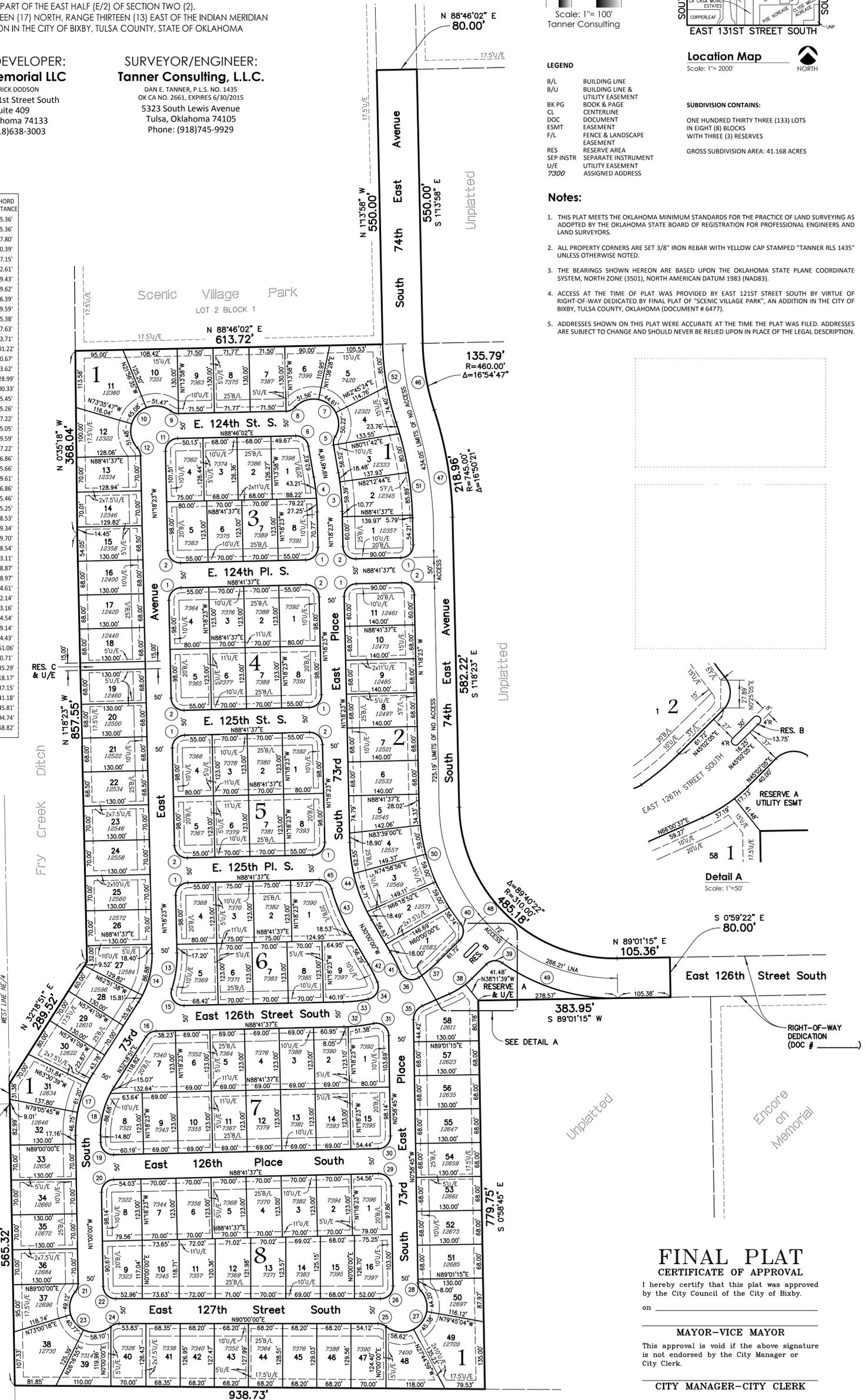
GROSS SUBDIVISION AREA: 41.168 ACRES

Notes:

- THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER RLS 1435" UNLESS OTHERWISE NOTED.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83).
- ACCESS AT THE TIME OF PLAT WAS PROVIDED BY EAST 121ST STREET SOUTH BY VIRTUE OF RIGHT-OF-WAY DEDICATED BY FINAL PLAT OF "SCENIC VILLAGE PARK", AN ADDITION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (DOCUMENT # 6477).
- 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.

Curve Table

CURVE	LENGTH(L)	RADIUS(R)	DELTA(A)	CHORD BEARING	CHORD DISTANCE
1	39.27	25.00	90°00'00"	N 43°41'37" E	35.36'
2	39.27	25.00	90°00'00"	N 46°18'23" W	35.36'
3	77.87	525.00	8°29'55"	N 05°33'20" W	77.80'
4	70.46	475.00	8°29'55"	N 05°33'20" W	70.39'
5	17.50	25.00	40°06'29"	N 10°14'57" E	17.15'
6	35.53	25.00	81°25'40"	N 50°31'08" W	32.61'
7	146.39	50.00	167°44'42"	N 53°34'10" W	99.43'
8	20.16	25.00	46°12'32"	N 65°39'46" E	19.62'
9	16.70	25.00	38°16'28"	N 72°05'44" W	16.39'
10	148.03	50.00	169°37'49"	N 42°13'36" E	99.59'
11	39.30	25.00	90°04'25"	N 43°43'50" E	35.38'
12	18.01	25.00	41°16'56"	N 21°56'51" W	17.63'
13	74.05	225.00	18°51'22"	N 08°07'18" E	73.71'
14	102.69	175.00	33°37'14"	N 15°30'14" E	101.22'
15	47.50	25.00	108°51'22"	N 36°52'42" W	40.67'
16	24.60	25.00	56°22'46"	N 60°30'14" E	23.62'
17	130.82	225.00	33°18'51"	N 15°39'26" E	128.99'
18	101.75	175.00	33°18'51"	N 15°39'26" E	100.33'
19	39.40	25.00	89°04'22"	N 46°09'11" W	35.45'
20	39.14	25.00	89°41'37"	N 43°50'49" E	35.26'
21	17.58	25.00	40°17'39"	N 19°08'50" E	17.22'
22	38.83	25.00	89°00'00"	N 45°30'00" W	35.05'
23	147.99	50.00	169°35'19"	N 45°30'00" W	99.59'
24	17.58	25.00	40°17'39"	N 69°51'10" E	17.22'
25	17.20	25.00	39°25'15"	N 70°17'22" W	16.86'
26	39.70	25.00	90°58'45"	N 44°30'38" E	35.66'
27	148.20	50.00	169°49'15"	N 44°30'38" E	99.61'
28	17.20	25.00	39°25'15"	N 20°41'23" W	16.86'
29	39.41	25.00	90°19'38"	N 46°08'34" W	35.46'
30	39.13	25.00	89°40'22"	N 43°51'26" E	35.25'
31	43.98	25.00	100°48'12"	N 51°22'51" W	38.53'
32	59.42	325.00	10°28'34"	N 83°27'20" E	59.34'
33	49.77	275.00	10°22'06"	N 83°30'34" E	49.70'
34	44.00	25.00	100°50'37"	N 27°54'12" E	38.54'
35	35.08	30.00	66°59'22"	N 32°30'56" E	33.11'
36	44.53	25.00	102°02'47"	N 73°43'37" W	38.87'
37	49.03	275.00	10°12'55"	N 50°08'32" E	48.97'
38	54.91	150.00	20°58'32"	N 55°31'21" E	54.61'
39	34.91	25.00	80°00'32"	N 85°02'21" E	32.14'
40	36.25	25.00	83°04'48"	N 03°29'41" E	33.16'
41	44.57	350.00	7°17'47"	N 26°21'06" W	44.54'
42	39.17	300.00	7°28'53"	N 26°15'33" W	39.14'
43	94.69	375.00	14°28'01"	N 22°45'59" W	94.43'
44	162.76	325.00	28°41'37"	N 15°39'11" W	161.06'
45	33.06	25.00	75°46'24"	N 53°25'11" W	30.71'
46	135.79	460.00	16°54'47"	S 09°41'21" E	135.29'
47	218.96	745.00	16°50'21"	S 09°43'33" E	218.17'
48	485.18	310.00	89°40'22"	S 46°08'34" E	437.15'
49	245.20	390.00	36°01'22"	N 72°58'4" W	241.18'
50	250.07	390.00	36°44'20"	N 19°40'33" W	245.81'
51	195.44	665.00	16°50'21"	N 09°43'34" W	194.74'
52	159.40	540.00	16°54'47"	N 09°41'21" W	158.82'



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

Draft Final Plat
PUD 76 - 1
Quail Creek
OF BIXBY

PART OF THE EAST HALF (E/2) 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

**DEED OF DEDICATION AND RESTRICTIVE COVENANTS
FOR QUAIL CREEK OF BIXBY**

KNOW ALL MEN BY THESE PRESENTS:

THAT 121ST & MEMORIAL LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING REAL PROPERTY SITUATED IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND BEING PART OF THE EAST HALF (E/2) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SAID SECTION 2; THENCE NORTH 1°00'00" WEST AND ALONG THE WEST LINE OF SAID NE/4, FOR A DISTANCE OF 40.39 FEET TO A POINT; THENCE NORTH 32°18'51" EAST FOR A DISTANCE OF 289.52 FEET TO A POINT; THENCE NORTH 1°18'23" WEST FOR A DISTANCE OF 857.55 FEET TO A POINT; THENCE NORTH 0°35'18" WEST FOR A DISTANCE OF 368.04 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF LOT TWO (2), BLOCK ONE (1), "SCENIC VILLAGE PARK", AN ADDITION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6477); THENCE NORTH 88°46'02" EAST AND ALONG THE SOUTH LINE OF SAID LOT 2, FOR A DISTANCE OF 613.72 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER THEREOF; THENCE NORTH 1°13'58" WEST AND ALONG THE EAST LINE OF LOT 2, FOR A DISTANCE OF 550.00 FEET TO A POINT; THENCE NORTH 88°46'02" EAST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 80.00 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF LOT ONE (1), BLOCK THREE (3) OF "SCENIC VILLAGE PARK"; THENCE SOUTH 1°13'58" EAST AND PARALLEL WITH THE EAST LINE OF LOT 2, FOR A DISTANCE OF 550.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A 460.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 16°54'47", A CHORD BEARING AND DISTANCE OF SOUTH 9°41'21" EAST FOR 135.29 FEET, FOR AN ARC DISTANCE OF 135.79 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 745.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 16°50'21", A CHORD BEARING AND DISTANCE OF SOUTH 9°43'33" EAST FOR 218.17 FEET, FOR AN ARC DISTANCE OF 218.96 FEET TO A POINT OF TANGENCY; THENCE SOUTH 1°18'23" EAST FOR A DISTANCE OF 582.22 FEET TO A POINT OF CURVATURE; THENCE ALONG A 310.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 89°40'22", A CHORD BEARING AND DISTANCE OF SOUTH 46°08'34" EAST FOR 437.15 FEET, FOR AN ARC DISTANCE OF 485.18 FEET TO A POINT OF TANGENCY; THENCE NORTH 89°01'15" EAST FOR A DISTANCE OF 105.36 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NE/4 (SW/4 NE/4); THENCE SOUTH 0°59'22" EAST AND ALONG SAID EAST LINE OF THE SW/4 NE/4, FOR A DISTANCE OF 80.00 FEET TO A POINT; THENCE SOUTH 89°01'15" WEST FOR A DISTANCE OF 383.95 FEET TO A POINT; THENCE SOUTH 0°58'45" EAST FOR A DISTANCE OF 779.75 FEET TO A POINT; THENCE NORTH 89°33'45" WEST FOR A DISTANCE OF 938.73 FEET TO A POINT ON THE WEST LINE OF THE NE/4; THENCE NORTH 1°00'00" WEST AND ALONG SAID WEST LINE OF THE NE/4, FOR A DISTANCE OF 565.32 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 1,793,292 SQUARE FEET OR 41.168 ACRES.

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

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND UTILITY EASEMENTS.

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

B. WATER SANITARY SEWER AND STORM SEWER SERVICE.

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

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

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

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

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

C. UNDERGROUND SERVICE.

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

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

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

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

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

D. PAVING AND LANDSCAPING WITHIN EASEMENTS.

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

E. LIMITS OF NO ACCESS

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

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

F. FENCE EASEMENT

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

SECTION II. PLANNED UNIT DEVELOPMENT

WHEREAS, QUAIL CREEK OF BIXBY WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT (DESIGNATED AS PUD NO. 76) AS PROVIDED WITHIN TITLE 11 OF THE BIXBY, OKLAHOMA CITY CODE (BIXBY ZONING CODE), AND

WHEREAS PUD NO. 76 WAS AFFIRMATIVELY RECOMMENDED BY THE CITY OF BIXBY PLANNING COMMISSION ON FEBRUARY 27, 2013, AND APPROVED BY THE BIXBY CITY COUNCIL ON MARCH 25, 2013, AND

WHEREAS, PUD NO. 76 MAJOR AMENDMENT NO. 1 WAS SUBMITTED AND WAS AFFIRMATIVELY RECOMMENDED FOR APPROVAL BY THE CITY OF BIXBY PLANNING COMMISSION ON SEPTEMBER 30, 2013, AND WAS APPROVED BY THE BIXBY CITY COUNCIL ON OCTOBER 14, 2013, AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD INURING TO AND ENFORCEABLE BY THE CITY OF BIXBY, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND ANY AMENDMENTS THERETO, AND

WHEREAS, THE OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF BIXBY, OKLAHOMA.

THEREFORE, THE OWNER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. DEVELOPMENT STANDARDS (STANDARDS SET FORTH BELOW ARE A PORTION OF PUD NO. 76)

DEVELOPMENT AREA 'C' AND 'D' (BLOCKS 1 - 8 QUAIL CREEK OF BIXBY)

PERMITTED USES: DETACHED RESIDENTIAL DWELLING UNITS INCLUDING SINGLE-FAMILY, PATIO HOME, AND CUSTOMARY ACCESSORY USES, INCLUDING COMMON AREA FACILITIES SUCH AS CLUB HOUSE, SWIMMING POOL AND RECREATIONAL OPEN SPACE.

MAXIMUM DWELLING UNITS: 170

MAXIMUM BUILDING HEIGHT: 35 FT.

MAXIMUM STORIES: 2
MINIMUM LOT WIDTH: 65 FT
MINIMUM LOT SIZE: 6,900 SF

MINIMUM YARDS AND BUILDING SETBACKS:
FROM STREET RIGHT-OF-WAY: 20 FT.
FROM REAR LOT LINE: 20 FT.
FROM SIDE LOT LINE: 5 FT.
BETWEEN DETACHED DWELLING UNITS: 10 FT.

MINIMUM OFF-STREET PARKING: AS REQUIRED WITHIN THE APPLICABLE USE UNIT

OTHER BULK AND AREA REQUIREMENTS:
DETACHED SINGLE FAMILY DWELLINGS: AS REQUIRED WITHIN A RS-3 DISTRICT

B. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

1. RESTRICTED USES

ALL USES CLASSIFIED AS "SEXUALLY ORIENTED" WITHIN THE CITY OF BIXBY ZONING CODE (SECTION 11-7D-6) ARE HEREBY EXCLUDED FROM ANY DEVELOPMENT AREA WITHIN PUD 76.

2. LANDSCAPING AND SCREENING

LANDSCAPING SHALL MEET THE REQUIREMENTS OF CHAPTER 12 LANDSCAPE REQUIREMENTS OF THE BIXBY ZONING CODE, EXCEPT AS HEREINAFTER MODIFIED. WITHIN DEVELOPMENT AREAS PERMITTING RETAIL USE, THE LANDSCAPING FOR A MIXED USE BUILDING WHICH CONTAINS BOTH RETAIL AND OFFICE TENANTS SHALL BE 10% IN ADDITION TO THE REQUIREMENTS OF CHAPTER 12 OF THE BIXBY ZONING CODE. PERIMETER LANDSCAPING SHALL INCLUDE PLANT MATERIALS DESIGNED TO ACHIEVE AN ATTRACTIVE STREET VIEW. REASONABLE EFFORTS SHALL BE MADE TO PRESERVE EXISTING MATURE TREES. EACH MATURE TREE WHICH IS IN A REQUIRED STREET YARD AND WHICH IS REMOVED FOR THE PURPOSE OF PROVIDING PARKING FOR MULTIFAMILY DWELLINGS OR COMMERCIAL ESTABLISHMENTS SHALL BE REPLACED WITHIN THE AFFECTED LOT OR LOTS AT A TWO TO ONE (2:1) RATIO IN ACCORDANCE WITH CHAPTER 12 OF THE BIXBY ZONING CODE. A SCREENING FENCE NOT LESS THAN 6 FEET IN HEIGHT AND A LANDSCAPED AREA OF NOT LESS THAN 10 FEET IN WIDTH SHALL BE MAINTAINED ALONG THE BOUNDARIES OF COMMERCIAL AREAS ADJOINING RESIDENTIAL DEVELOPMENT OR A RESIDENTIAL ZONING DISTRICT, PROVIDED HOWEVER, IF AN ADJOINING RESIDENTIAL DISTRICT IS UNDEVELOPED OR USED FOR NONRESIDENTIAL PURPOSES, REQUIRED SCREENING MAY BE DEFERRED UNTIL RESIDENTIAL DEVELOPMENT OCCURS.

3. LIGHTING

EXTERIOR LIGHTING SHALL BE LIMITED TO SHIELDED FIXTURES DESIGNED TO DIRECT LIGHT DOWNWARD. LIGHTING SHALL BE DESIGNED SO THAT THE LIGHT PRODUCING ELEMENT OF THE SHIELDED FIXTURE SHALL NOT BE VISIBLE TO A PERSON STANDING WITHIN AN ADJACENT RESIDENTIAL DISTRICT OR RESIDENTIAL DEVELOPMENT AREA.

4. OFF STREET PARKING

THE LIMITATION ESTABLISHING A MAXIMUM NUMBER OF PARKING SPACES AS SET FORTH WITHIN PARAGRAPH H, SECTION 11-10-2 MAY BE MODIFIED BY THE BIXBY PLANNING COMMISSION PURSUANT TO ITS REVIEW AND APPROVAL OF A PUD DETAIL SITE PLAN.

5. ACCESS AND CIRCULATION

THE PRINCIPAL ACCESS IS TO BE DERIVED FROM EAST 121ST SOUTH AND SOUTH MEMORIAL DRIVE AND AN INTERIOR PUBLIC COLLECTOR STREET TO BE CONSTRUCTED THAT CONNECTS TO THE TWO ARTERIAL STREETS. THE CONNECTION OF THE TWO ARTERIALS IS A REQUIREMENT. THERE IS AN AREA OUTSIDE THE AREA OF PUD NO.76 WHICH IS PROPOSED FOR A SEGMENT OF THE COLLECTOR STREET BUT WITHIN WHICH, REQUIRED RIGHT OF WAY DOES NOT PRESENTLY EXIST. THE OWNER OF THE AREA REQUIRED FOR RIGHT OF WAY IS UNDER CONTRACT THAT THE REQUIRED RIGHT OF WAY WILL BE DEDICATED. THE COLLECTOR STREET WILL REQUIRE A RIGHT OF WAY WIDTH OF 80 FEET AND A PAVING WIDTH OF 38 FEET, PROVIDED HOWEVER A PAVING WIDTH OF 38 FEET SHALL REQUIRE A WAIVER BY THE BIXBY CITY COUNCIL OF THE BIXBY SUBDIVISION REGULATIONS. INTERIOR PUBLIC AND/OR PRIVATE MINOR STREET SYSTEMS AND MUTUAL ACCESS EASEMENTS WILL BE ESTABLISHED AS NEEDED. NEW PUBLIC STREET CONSTRUCTION SHALL COMPLY WITH THE APPLICABLE GEOMETRIC STREET STANDARDS OF THE CITY OF BIXBY.

SIDEWALKS ALONG THE INTERIOR STREETS AND ALONG 121ST STREET SHALL BE CONSTRUCTED BY THE DEVELOPER IN ACCORDANCE WITH THE BIXBY SUBDIVISION REGULATIONS INCLUDING A MINIMUM WIDTH OF FOUR FEET AND ADA COMPLIANCE. WITHIN DEVELOPMENT AREAS B AND C, PEDESTRIAN ACCESS FROM RESIDENTIAL AREAS MAY BE PROVIDED TO THE ADJOINING FRY DITCH.

6. SIGNS

SIGNS SHALL COMPLY WITH THE APPLICABLE PROVISIONS OF THE BIXBY ZONING CODE; PROVIDED HOWEVER, PRIOR TO INSTALLATION, A DETAILED SIGN PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION. SIGNS IDENTIFYING AN INTERIOR PROPERTY MAY BE LOCATED OFF SITE WITHIN A PARCEL LOCATED WITHIN PUD 76 "SCENIC VILLAGE PARK", BUT SHALL REQUIRE A DETAILED SIGN PLAN SUBMITTED TO AN APPROVED BY THE BIXBY PLANNING COMMISSION.

BUSINESS SIGNS SHALL BE LIMITED AS FOLLOWS:

1. WALL OR CANOPY SIGNS SHALL NOT EXCEED 1.5 SQUARE FEET OF DISPLAY SURFACE AREA PER LINEAL FOOT OF THE BUILDING WALL OR CANOPY TO WHICH AFFIXED.

2. A PROJECT IDENTIFICATION SIGN MAY BE LOCATED ALONG 121ST STREET, BUT SHALL NOT EXCEED 35 FEET IN HEIGHT AND 230 SQUARE FEET OF DISPLAY SURFACE AREA.

3. WITHIN EACH LOT, A GROUND SIGN MAY BE LOCATED, BUT SHALL NOT EXCEED 20 FEET IN HEIGHT AND 75 SQUARE FEET OF DISPLAY SURFACE AREA.

7. UTILITIES AND DRAINAGE

UTILITIES ARE AT THE SITE OR ACCESSIBLE BY CUSTOMARY EXTENSION. FEE-IN-LIEU OF STORM WATER DETENTION FACILITIES WILL BE PROVIDED.

8. PARCELIZATION

AFTER INITIAL PLATTING SETTING FORTH PERMITTED USES AND THE ALLOCATION OF COMMERCIAL FLOOR AREA OR RESIDENTIAL DENSITY, DIVISION OF PLATTED LOTS MAY OCCUR BY APPROVED LOT SPLIT APPLICATION AND SUBJECT TO THE APPROVAL BY THE BIXBY PLANNING COMMISSION OF PROPOSED FLOOR AREA OR RESIDENTIAL DENSITY ALLOCATIONS AND CONFIRMATION OF THE EXISTENCE OF ANY NECESSARY CROSS PARKING AND MUTUAL ACCESS EASEMENTS.

9. TRANSFER OF ALLOCATED FLOOR AREA

AN INITIAL TRANSFER OF 65 DWELLING UNITS FROM DEVELOPMENT AREA C TO DEVELOPMENT AREA H IS HEREIN ESTABLISHED. ALLOCATED COMMERCIAL OR RESIDENTIAL DENSITY MAY BE TRANSFERRED TO ANOTHER LOT OR LOTS BY WRITTEN INSTRUMENT EXECUTED BY THE OWNER OF THE LOT FROM WHICH THE FLOOR AREA OR RESIDENTIAL DENSITY IS TO BE ALLOCATED, PROVIDED HOWEVER, THE ALLOCATION SHALL NOT EXCEED 15% OF THE INITIAL ALLOCATION TO THE LOT TO WHICH THE TRANSFER OF FLOOR AREA OR RESIDENTIAL DENSITY IS TO BE MADE. ALLOCATION EXCEEDING 15% SHALL REQUIRE AN APPLICATION FOR MINOR AMENDMENT TO BE REVIEWED AND APPROVED BY THE BIXBY PLANNING COMMISSION.

10. DETAILED SITE PLAN REVIEW

DEVELOPMENT AREAS MAY BE DEVELOPED IN PHASES. WITHIN DEVELOPMENT AREAS INTENDED FOR MULTIFAMILY DWELLINGS NO BUILDING PERMIT SHALL ISSUE UNTIL A DETAILED SITE PLAN (INCLUDING LANDSCAPING) OF THE PROPOSED IMPROVEMENTS HAS BEEN SUBMITTED TO THE BIXBY PLANNING COMMISSION FOR RECOMMENDATION AND SUBMITTED TO AND APPROVED BY THE BIXBY CITY COUNCIL AS BEING IN COMPLIANCE WITH THE DEVELOPMENT CONCEPT AND THE DEVELOPMENT STANDARDS. WITHIN DEVELOPMENT AREAS THAT DO NOT INCLUDE MULTIFAMILY DWELLINGS, NO BUILDING PERMIT SHALL ISSUE UNTIL A DETAILED SITE PLAN (INCLUDING LANDSCAPING) OF THE PROPOSED IMPROVEMENTS HAS BEEN SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION AS BEING IN COMPLIANCE WITH THE DEVELOPMENT CONCEPT AND THE DEVELOPMENT STANDARDS. NO CERTIFICATE OF OCCUPANCY SHALL ISSUE FOR A BUILDING UNTIL THE LANDSCAPING OF THE APPLICABLE PHASE OF DEVELOPMENT HAS BEEN INSTALLED IN ACCORDANCE WITH A LANDSCAPING PLAN AND PHASING SCHEDULE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

11. PLATTING REQUIREMENT

DEVELOPMENT AREAS MAY BE DEVELOPED IN PHASES, AND NO BUILDING PERMIT SHALL ISSUE UNTIL THE DEVELOPMENT PHASE FOR WHICH A PERMIT IS SOUGHT HAS BEEN INCLUDED WITHIN A SUBDIVISION PLAT SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION AND THE COUNCIL OF THE CITY OF BIXBY, AND DULY FILED OF RECORD. THE REQUIRED SUBDIVISION PLAT SHALL INCLUDE COVENANTS OF RECORD IMPLEMENTING THE DEVELOPMENT STANDARDS OF THE APPROVED PLANNED UNIT DEVELOPMENT AND THE CITY OF BIXBY SHALL BE A BENEFICIARY THEREOF.

12. CITY DEPARTMENT REQUIREMENTS

STANDARD REQUIREMENTS OF THE CITY OF BIXBY FIRE MARSHALL, CITY ENGINEER AND CITY ATTORNEY SHALL BE MET.

SECTION III. HOMEOWNERS' ASSOCIATION

A. FORMATION OF HOMEOWNERS' ASSOCIATION

THE OWNER/DEVELOPER HAS FORMED OR SHALL CAUSE TO BE FORMED AN ASSOCIATION OF THE OWNERS OF THE LOTS WITHIN QUAIL CREEK OF BIXBY, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (THE "HOMEOWNERS' ASSOCIATION") TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, FOR THE GENERAL PURPOSE OF MAINTAINING THE COMMON AREAS, INCLUDING RESERVE AREAS, AND ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF QUAIL CREEK OF BIXBY AND OF ANY RESIDENTIAL SUBDIVISION WHICH MAY SUBSEQUENTLY ANNEX TO THE GEOGRAPHIC JURISDICTION OF THE HOMEOWNERS' ASSOCIATION. QUAIL CREEK VILLAS OF BIXBY ADJOINS QUAIL CREEK OF BIXBY AND SHALL BE ANNEXED TO THE GEOGRAPHIC JURISDICTION OF THE HOMEOWNERS' ASSOCIATION.

B. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A LOT IN QUAIL CREEK OF BIXBY SHALL BE A MEMBER OF THE HOMEOWNERS' ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT.

C. ASSESSMENT

EACH RECORD OWNER OF A LOT IN QUAIL CREEK OF BIXBY SHALL BE SUBJECT TO ASSESSMENT BY THE HOMEOWNERS' ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE COMMON AREAS.

Draft Final Plat
PUD 76 - 1
Quail Creek
OF BIXBY

PART OF THE EAST HALF (E/2) 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

SECTION IV. PRIVATE RESTRICTIONS

THE OWNER/DEVELOPER HEREBY IMPOSES THE FOLLOWING RESTRICTIONS AND COVENANTS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN, WHICH SHALL BE APPLICABLE TO THE LOTS AND SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. ARCHITECTURAL COMMITTEE - PLAN REVIEW

1. PLAN REVIEW. NO BUILDING, STRUCTURE, FENCE, WALL, PAVING, SWIMMING POOL, EXTERIOR LIGHTING, EXTERIOR ANTENNAE, OR FREE STANDING MAILBOX SHALL BE ERCTED, PLACED OR ALTERED (INCLUDING EXTERIOR PAINTING) ON ANY LOT, AND NO SIDEWALK SHALL BE CONSTRUCTED UPON OR ADJACENT TO ANY LOT, UNTIL THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED IN WRITING BY THE OWNER/DEVELOPER OR ITS AUTHORIZED REPRESENTATIVES OR SUCCESSORS, WHICH ARE HEREINAFTER REFERRED TO AS THE "ARCHITECTURAL COMMITTEE". FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND INCLUDE A SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, SIDEWALK LOCATION AND DESIGN PLAN, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN TWENTY (20) DAYS AFTER SUBMISSION, THE PLANS SO SUBMITTED SHALL BE DEEMED APPROVED. THE DEVELOPMENT AND USE OF THE SUBJECT LOT SHALL THEREAFTER BE IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED PLANS OR APPROVED AMENDMENTS THERETO. IN THE EVENT NO SUIT TO ENJOIN THE ERECTION OF THE BUILDING OR STRUCTURE OR THE MAKING OF AN ALTERATION HAS BEEN COMMENCED PRIOR TO THE 30TH DAY FOLLOWING COMPLETION THEREOF, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.

2. COMMITTEE PURPOSE. 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 OR STRUCTURE, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE SITE UPON WHICH IT IS PROPOSED TO BE ERCTED 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 RESPONSIBILITY FOR BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR CODE VIOLATIONS. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION. NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT ANY LOT OWNER IN THE SUBDIVISION FROM PROSECUTING ANY LEGAL ACTION RELATING TO IMPROVEMENTS WITHIN THE SUBDIVISION WHICH THEY WOULD OTHERWISE BE ENTITLED TO PROSECUTE.

3. THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE SHALL, ON THE 1ST DAY OF JANUARY, 2015, BE DEEMED TRANSFERRED TO THE HOMEOWNERS' ASSOCIATION, OR UPON WRITTEN ASSIGNMENT TO THE APPLICABLE HOMEOWNERS' ASSOCIATION BY THE OWNER/DEVELOPER, WHICHEVER EVENT FIRST OCCURS, AND THEREAFTER THE FOREGOING POWERS AND DUTIES SHALL BE EXERCISED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS' ASSOCIATION.

B. FLOOR AREA

SINGLE STORY DWELLINGS SHALL HAVE A MINIMUM OF 2,200 SQUARE FEET OF FINISHED HEATED LIVING AREA. ONE AND ONE-HALF (1-1/2) OR TWO (2) STORY DWELLINGS SHALL HAVE A MINIMUM OF 2,600 SQUARE FEET OF FINISHED HEATED LIVING AREA; PROVIDED HOWEVER, THE FIRST FLOOR SHALL HAVE A MINIMUM OF 1,800 SQUARE FEET OF FINISHED HEATED LIVING AREA. THE COMPUTATION OF SQUARE FEET OF LIVING AREA SHALL EXCLUDE GARAGES, OPEN SPACES AND BREEZEWAYS.

C. GARAGES

EACH DWELLING SHALL HAVE AN ATTACHED ENCLOSED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES. CARPORTS ARE PROHIBITED. GLASS IN VEHICULAR ENTRY DOORS IS PROHIBITED.

D. FOUNDATIONS

THE EXTERIOR SURFACE OF ANY EXPOSED FOUNDATION, INCLUDING STEM WALLS, SHALL BE OF BRICK, STONE OR STUCCO.

E. MASONRY

A MINIMUM OF 75% OF THE EXTERIOR SURFACE OF EXTERIOR WALLS (EXCLUDING WINDOWS AND DOORS) SHALL BE OF BRICK, NATURAL ROCK OR STUCCO. VINYL SIDING OF ANY EXTERIOR WALL IS PROHIBITED. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE RESTRICTIONS SET FORTH IN THIS SUBSECTION.

F. WINDOWS

WINDOWS SHALL BE VINYL METAL WINDOWS ARE RESTRICTED, HOWEVER, THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST APPROVE A WAIVER OF THE METAL WINDOW RESTRICTION SET FORTH IN THIS SUBSECTION.

G. ROOF FLASHING

EXPOSED ROOF FLASHING, VENT PIPES AND CHIMNEY COVERS SHALL BE PAINTED.

H. ROOF PITCH

NO DWELLING SHALL HAVE A ROOF PITCH OF LESS THAN 6/12; PROVIDED HOWEVER, THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THIS RESTRICTION TO PERMIT A DWELLING HAVING A FLAT ROOF AREA EQUAL TO NO MORE THAN TWENTY PERCENT (20%) OF THE AREA COVERED BY ALL ROOF SURFACES.

I. ROOFING MATERIALS

ROOFS SHALL BE COMPOSITION SHINGLE ROOF - LANDMARK WEATHERED WOOD OR EQUAL; PROVIDED HOWEVER, IF FEDERAL, STATE, OR LOCAL LAWS PROHIBIT SUCH ROOFING OR SUBSTANTIALLY IMPAIR THE ENFORCEMENT OF THIS RESTRICTION OR IF LANDMARK WEATHERED WOOD ROOFING IS NOT REASONABLY AVAILABLE, THE ARCHITECTURAL COMMITTEE MAY APPROVE FOR THE SUBDIVISION, SPECIFICATIONS FOR ALTERNATIVE ROOFING THAT IS HEAVY DUTY ORGANIC OR INORGANIC COMPOSITION SHINGLE AND WHICH SIMULATES A "WEATHERED WOOD" LOOK.

J. ON-SITE CONSTRUCTION

NO EXISTING OR OFF-SITE BUILT DWELLING MAY BE MOVED ONTO OR PLACED ON ANY LOT.

K. OUTBUILDINGS

OUTBUILDINGS ARE PROHIBITED; PROVIDED HOWEVER, THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST APPROVE A WAIVER OF THE RESTRICTIONS SET FORTH IN THIS SUBSECTION.

L. SWIMMING POOLS

ABOVE GROUND SWIMMING POOLS ARE PROHIBITED.

M. FENCING OR WALLS WITHIN THE LOT

FENCING OR WALLS WITHIN THE LOT SHALL NOT EXTEND BEYOND THE FRONT BUILDING LINE OF THE LOT, AND IF A DWELLING IS BUILT BEHIND THE FRONT BUILDING LINE OF A LOT, NO FENCE OR WALL MAY EXTEND BEYOND THAT POINT NEAREST THE STREET AT EACH END CORNER OF THE DWELLING. WITHIN CORNER LOTS, FENCING OR WALLS IN THE SIDE YARD ADJOINING THE STREET SHALL BE SET BACK A MINIMUM OF 15 FT. FROM THE SIDE LOT LINE. FENCING WITHIN YARDS THAT ABUT SOUTH 74TH EAST AVENUE SHALL BE CONSTRUCTED OF MASONRY AND SHALL NOT EXCEED 8 FEET IN HEIGHT. ELSEWHERE, FENCES OR WALLS WITHIN THE LOT SHALL BE OF WOOD, BRICK, STUCCO, NATURAL STONE OR WROUGHT IRON. CHAIN LINK, BARBED WIRE, MESHED OR OTHER METAL FENCING IS SPECIFICALLY PROHIBITED. NO FENCE OR WALL WITHIN THE LOT SHALL EXCEED 7 FEET IN HEIGHT. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE FOREGOING RESTRICTIONS. NOTWITHSTANDING THE ABOVE, NOTHING WITHIN THIS PARAGRAPH M SHALL BE DEEMED A RESTRICTION UPON FENCING OR WALLS CONSTRUCTED WITHIN THE AREAS DEPICTED UPON THE ACCOMPANYING PLAT AS "FENCE & LANDSCAPE EASEMENT " OR "F/L".

N. ANTENNAS

EXTERIOR TELEVISION, "CB" RADIO OR OTHER TYPES OF ANTENNA SHALL BE PROHIBITED; PROVIDED HOWEVER, SATELLITE DISHES OR SIMILAR OUTSIDE ELECTRONIC RECEPTION DEVICES NOT EXCEEDING 20 INCHES IN DIAMETER MAY BE AFFIXED TO A REAR BUILDING WALL OR DORMER IF BELOW THE EAVE AND NOT VISIBLE FROM THE STREET VIEW OF THE DWELLING, AND THE SPECIFIC LOCATION OF THE SAME IS APPROVED BY THE ARCHITECTURAL COMMITTEE. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE FOREGOING RESTRICTIONS.

O. LOT MAINTENANCE

NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT, AND EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION FREE OF RUBBISH, TRASH, OR OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOWED TO PREVENT UNSIGHTLY GROWTH OF WEEDS OR TALL GRASS.

P. RECREATIONAL VEHICLES AND EQUIPMENT

NO BOATS, RECREATIONAL TRAILERS, PERSONAL WATER CRAFT, CAMPERS, MOTOR HOMES OR OTHER RECREATIONAL VEHICULAR EQUIPMENT, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE.

Q. TRAILERS, MACHINERY AND EQUIPMENT; COMMERCIAL VEHICLES

NO TRAILERS, MACHINERY OR EQUIPMENT, OR COMMERCIAL VEHICLES, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE; PROVIDED HOWEVER, NOTHING HEREIN SHALL PROHIBIT THE PARKING OF VEHICLES, TRAILERS, MACHINERY OR EQUIPMENT WHEN BEING UTILIZED IN CONNECTION WITH SERVICES PERTAINING TO A RESIDENCE IN THE SUBDIVISION; FURTHER PROVIDED THAT NOTHING HEREIN SHALL PROHIBIT THE PARKING OF LIGHT TRUCKS WITHOUT COMMERCIAL SIGNAGE (MAXIMUM 3/4 TON).

R. CLOTHESLINES AND TRASH RECEPTACLES

EXTERIOR CLOTHESLINE POLES OR OTHER OUTDOOR DRYING APPARATUS ARE PROHIBITED. GARBAGE CANS AND OTHER TRASH RECEPTACLES SHALL BE OUT OF VIEW FROM ANY ADJOINING STREET OR FROM ANY ADJOINING LOT EXCEPT DURING REASONABLE TIMES NECESSARY TO PERMIT CURBSIDE PICKUP.

S. MAILBOXES

AS LONG AS A RURAL TYPE MAILBOX IS IN USE IN THE SUBDIVISION FOR U.S. POSTAL SERVICE, ALL MAILBOX PEDESTALS SHALL CONFORM IN DESIGN TO SPECIFICATIONS ESTABLISHED BY THE ARCHITECTURAL COMMITTEE. THE MAILBOX SHALL BE POSITIONED SO THAT THE FRONT FACE IS APPROXIMATELY SIX (6) INCHES IN FROM THE BASE OF THE CURB AND SIX (6) FEET FROM THE "INSIDE EDGE" OF THE DRIVEWAY. "INSIDE EDGE" SHALL MEAN THE EDGE OF THE DRIVEWAY WHICH BORDERS THE LARGEST CONTIGUOUS LOT AREA. THE TOP OF THE MAILBOX SHALL BE FORTY-TWO (42) INCHES FROM STREET LEVEL.

T. ANIMALS

NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED, BRED, SOLD OR KEPT EXCEPT THAT TWO DOGS, TWO CATS, OR OTHER CUSTOMARY HOUSEHOLD PETS MAY BE KEPT PROVIDED THEY ARE NOT USED FOR COMMERCIAL PURPOSES.

U. NOXIOUS ACTIVITY

NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED OUT UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON THAT MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

V. SIGNAGE

NO SIGN OTHER THAN CUSTOMARY NAME PLATE AND ADDRESS SHALL BE LOCATED ON ANY LOT IN PUBLIC VIEW, EXCEPT ONE SIGN OF NOT MORE THAN FIVE (5) SQUARE FEET ADVERTISING THE PROPERTY FOR SALE, OR SIGNS USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING CONSTRUCTION AND SALES PERIOD. NO RENT OR LEASE SIGNS ARE ALLOWED.

W. MATERIALS AND STORAGE

NO LOT SHALL BE USED FOR THE STORAGE OF MATERIALS FOR A PERIOD OF GREATER THAN THIRTY (30) DAYS PRIOR TO THE START OF CONSTRUCTION AND THE CONSTRUCTION SHALL BE COMPLETED WITHIN NINE (9) MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION.

X. RESERVE AREA "A" "B" AND "C"

RESERVE AREAS "A" AND "B" SHALL BE FOR THE COMMON USE AND ENJOYMENT OF THE HOMEOWNERS' ASSOCIATION AND SHALL BE LIMITED IN USE FOR LANDSCAPE ENTRY FEATURE AND SIGNAGE. RESERVE AREAS "A" AND "B" SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.

RESERVE AREA "C" SHALL BE FOR THE COMMON USE AND ENJOYMENT OF THE HOMEOWNERS' ASSOCIATION AND THE PUBLIC FOR THE INTENDED PURPOSE OF PROVIDING PEDESTRIAN ACCESS FROM THE PUBLIC STREETS WITHIN THE DEVELOPMENT TO THE FRY DITCH TRAIL SYSTEM.

SECTION V. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I. WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED IN SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS ARE ESTABLISHED PURSUANT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE AND SHALL INURE TO THE BENEFIT OF THE CITY OF BIXBY, OKLAHOMA, ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF THE UNDERSIGNED OWNER/DEVELOPER OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION II., IT SHALL BE LAWFUL FOR THE CITY OF BIXBY, ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT. THE COVENANTS CONTAINED IN SECTION III. HOMEOWNERS' ASSOCIATION AND SECTION IV. PRIVATE RESTRICTIONS SHALL INURE TO THE BENEFIT OF ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF THE UNDERSIGNED OWNER/DEVELOPER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION III. OR IV., IT SHALL BE LAWFUL FOR ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION, THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW, IS HEREBY WAIVED. IN ANY JUDICIAL ACTION BROUGHT BY ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION, WHICH ACTION SEEKS TO ENFORCE THE COVENANTS CONTAINED IN SECTIONS II., IV. OR V. AND/OR TO RECOVER DAMAGES FOR THE BREACH THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

B. DURATION

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

C. 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 LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS AND THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS; NOTWITHSTANDING THE FOREGOING THE COVENANTS CONTAINED WITHIN SECTION II. SHALL BE DEEMED AMENDED (WITHOUT NECESSITY OF EXECUTION OF AN AMENDING DOCUMENT) UPON APPROVAL OF A MINOR AMENDMENT TO PUD 76 BY THE BIXBY PLANNING COMMISSION AND RECORDING OF A CERTIFIED COPY OF THE MINUTES OF THE BIXBY PLANNING COMMISSION WITH THE TULSA COUNTY CLERK. THE COVENANTS CONTAINED WITHIN ANY OTHER SECTION OF THIS DEED OF DEDICATION 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 1 LOT OR ALTERNATIVELY, THE COVENANTS AND RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF AT LEAST 60% OF THE LOTS WITHIN THE SUBDIVISION. IN THE EVENT OF ANY CONFLICT BETWEEN AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNER/DEVELOPER (DURING ITS OWNERSHIP OF AT LEAST 1 LOT) AND ANY AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNERS OF AT LEAST 60% OF THE LOTS, THE INSTRUMENT EXECUTED BY THE OWNER/DEVELOPER SHALL PREVAIL. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

D. SEVERABILITY

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

IN WITNESS WHEREOF, 121ST & MEMORIAL LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY HAS EXECUTED THIS INSTRUMENT THE ____ DAY OF _____, 2015.

121ST & MEMORIAL LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____
RICHARD L. DODSON, MANAGER

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

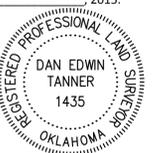
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS ____ DAY OF _____, 2015, PERSONALLY APPEARED RICHARD L. DODSON, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT, AS ITS MANAGER AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SUCH COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH. THE DAY AND YEAR LAST 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 HEREIN DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT IS A TRUE REPRESENTATION OF A 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 ____ DAY OF _____, 2015.



BY: _____
DAN E. TANNER
REGISTERED 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 THE ____ DAY OF _____, 2015, PERSONALLY APPEARED TO ME DAN E. TANNER KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS REGISTERED PROFESSIONAL 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



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Thursday, January 15, 2015
RE: Report and Recommendations for:
Amendment of Plat of Scenic Village Park

LOCATION:

- 7450 E. 121st St. S.
- South and west of the intersection of 121st St. S. and Memorial Dr.
- Lot 1, Block 3, *Scenic Village Park*
- Part of the E/2 of Section 02, T17N, R13E

SIZE:

- 21.965 acres, more or less (plat area)
- 6 acres, more or less (Lot 1, Block 3, *Scenic Village Park*)

EXISTING ZONING: CG General Commercial District with PUD 76

SUPPLEMENTAL ZONING: PUD 76

EXISTING USE: Agricultural

REQUEST: Amendment of the plat of *Scenic Village Park* as pertains to Utility Easement dedication provisions affecting Lot 1, Block 3 thereof

SURROUNDING ZONING AND LAND USE:

North: (Across 121st St. S.) RS-3, RS-1, AG, OL/CS/PUD 51, CS, & OL; The *Fox Hollow* and *North Heights Addition* residential subdivisions zoned RS-3 and agricultural land to zoned OL/CS/PUD 51, RS-2, and RS-1; to the northwest are the Fry Creek Ditch # 2 and the North Elementary and North 5th & 6th Grade Center school campuses to the zoned AG; to the northeast are vacant commercial lots and

businesses fronting on Memorial Dr., all zoned CS and OL in *Bixby Centennial Plaza*.

South: CS/PUD 76; Agricultural/vacant land planned for multiple-use development including commercial/office in “Quail Creek Office Park” and single-family residential in “Quail Creek of Bixby” and “Quail Creek Villas of Bixby.”

East: AG, CG, RS-3, OL, CS, RM-3/PUD 70, & CG/PUD 83; A 1.6-acre tract recently rezoned to CS at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.), agricultural land zoned AG, a *Pizza Hut* zoned CG, and a *My Dentist Dental Clinic* zoned CS; to the southeast are the *Easton Sod* sales lot zoned RS-3, OL, & CS, agricultural land zoned AG, the *Encore on Memorial* upscale apartment complex zoned RM-3/PUD 70, and the River Trail II commercial development under construction zoned CG/PUD 83; Memorial Dr. is farther to the east.

West: AG & RS-4; West of the Lot 1, Block 3 subject property is *The Covenant Place of Tulsa* assisted living community (under construction) and vacant lots in the balance of *Scenic Village Park*. West of the *Scenic Village Park* subject property is the Fry Creek Ditch #2, an unplatted vacant and wooded 20-acre tract owned by the City of Bixby (“hardwood mitigation area”), another drainage channel, and the former *Three Oaks Smoke Shop* (recently removed) located on a 2-acre tract at 7060 E. 121st St. S., and an unplatted 12-acre vacant tract owned by Tulsa County (“wetland mitigation area”), and a 1-acre, vacant, triangularly-shaped parcel under private ownership, all zoned AG. Farther to the west is the 20-acre *WoodMere* development zoned RS-2/CS/OL/PUD 83, a 20-acre unplatted vacant/wooded area zoned RS-3/PUD 80 and recently platted as *Wood Hollow Estates*, now under construction, and farther to the southwest are the “Seven Lakes” residential subdivisions zoned RS-4, also under construction.

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

PREVIOUS/RELATED CASES:

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 “golf teaching and practice facility” on part of the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – BOA Conditionally Approved 04/02/2001 (not since built).

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on part of the large 140-acre acreage tracts previously owned by Knopp, which includes subject property. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

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

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a

multifamily development on part of the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – PC Continued the application on 12/21/2009 at the Applicant’s request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting “for more research and information,” based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

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

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for a 92-acre development tract acquired from Knopp, which 92 acres included subject property – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting (Ord. # 2116). Preliminary Plat of “Scenic Village Park” – Tanner Consulting, LLC (PUD 76) – Request for approval of a Preliminary Plat and a Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2 for a 92-acre development tract acquired from Knopp, which 92 acres included subject property – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

Final Plat of “Scenic Village Park” – Tanner Consulting, LLC (PUD 76) – Request for approval of a Final Plat for a northerly approximately 22 acres (PUD 76 Development Areas A, B, and E) of the former 92-acre development tract acquired from Knopp, which became subject property – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

PUD 76 “Scenic Village Park” Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for former 92-acre development tract acquired from Knopp, which included subject property – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013. The Emergency Clause to approving Ordinance # 2123, having been on various City Council agendas in various forms since 10/14/2013, the City Council approved on 11/12/2013.

PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for former for a 92-acre development tract acquired from Knopp, which included subject property – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant’s letter dated 10/18/2013.

BSP 2013-06 – “Covenant Place of Tulsa” – Tanner Consulting, LLC (PUD 76) – Request for approval of a PUD Detailed Site Plan for the *Covenant Place of Tulsa* assisted living

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community on Lot 2, Block 1, *Scenic Village Park* part of subject property – PC Conditionally Approved at a Special/Called Meeting 01/23/2014.

PUD 76 “Scenic Village Park” Minor Amendment # 1 – Tanner Consulting, LLC – Request for approval of Minor Amendment # 1 to PUD 76, which amendment proposed making certain changes to development standards pertaining to signage and parking, and making certain other amendments in support of the *Covenant Place of Tulsa* assisted living community on Lot 2, Block 1, *Scenic Village Park* part of subject property – PC Conditionally Approved 02/18/2014.

RELEVANT AREA CASE HISTORY: (not a complete list; includes only cases located outside of subject property but related to former 92-acre development tract)

Preliminary Plat of “Quail Creek of Bixby” – Tanner Consulting, LLC (PUD 76) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek of Bixby” for land to the southwest of subject property – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

Preliminary Plat of “Quail Creek Villas of Bixby” – Tanner Consulting, LLC (PUD 76) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek Villas of Bixby” for part of former subject property parent tract of 92 acres – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

Accept Right-of-Way Dedication for 126th St. S. Extension – Request for acceptance of a Deed of Dedication for right-of-way to extend 126th St. S. from its current terminus to the east end of the 126th St. S. right-of-way proposed for dedication upon the platting of “Quail Creek of Bixby” – City Council accepted 11/25/2013. However, due to the language used, per the City Attorney, the dedication is only “easement.” To ensure it is right-of-way consistent with the balance of the street, it will need to be re-dedicated as fee simple right-of-way, as the first section of 126th St. S. was rededicated and accepted by the City Council on May 12, 2014.

Preliminary Plat of “Quail Creek Office Park” – Tanner Consulting, LLC (PUD 76) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek Office Park” for approximately 5.976 acres abutting subject property to the south – PC recommended Conditional Approval at a Special/Called Meeting 01/23/2014 and City Council Conditionally Approved 01/27/2014.

Accept General Utility Easement for Quail Creek Developments – Request for acceptance of a 17.5’-wide General U/E along the easterly and southerly perimeters of the proposed “Quail Creek Office Park” development site (PUD 76 Development Area F) to allow for AEP-PSO electric service provision to the “Quail Creek” developments south of subject property – City Council accepted 09/22/2014.

Final Plat of “Quail Creek of Bixby” – Tanner Consulting, LLC (PUD 76) – Request for approval of a Final Plat for “Quail Creek of Bixby” for land to the southwest of subject property – PC consideration pending 01/20/2015.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The subject property consists of the 22-acre development platted as *Scenic Village Park* in 2013. It is zoned CG and is located within Development Areas A, B, and E of PUD 76 "Scenic Village Park." It is served by 121st St. S., on which it has 1,016.79' of frontage, and the newly-constructed streets platted by *Scenic Village Park*, including the 74th E. Ave. Collector road stub street and the 73rd E. Ave. and 121st Pl. S. minor streets. The *Covenant Place of Tulsa* assisted living community is under construction on Lot 2, Block 1, *Scenic Village Park* part of subject property.

The subject property is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the west to the Fry Creek Ditch # 2 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned CG and PUD 76 for "Scenic Village Park," which name became attached to the plat of 22 acres recorded June 20, 2013. The southerly 70-acre balance of PUD 76 is being proposed for other development under different names. Except for the easternmost approximately 11 acres, the 70-acre remainder of the original 92-acre development tract is proposed for single-family residential developments including "Quail Creek of Bixby" and "Quail Creek Villas of Bixby," and a commercial/office development being platted under the name "Quail Creek Office Park."

The subject property appears to be able to be served by the critical utilities (water, sewer, electric, etc.) by existing lines and/or planned street and utility extensions and has immediate access to the stormwater drainage capacity in Fry Creek Ditch # 2 abutting to the west.

General. At the Technical Advisory Committee (TAC) meeting held December 04, 2013, regarding the Preliminary Plats of "Quail Creek of Bixby" and "Quail Creek Villas of Bixby," the developer, represented by Justin Morgan, PE, of Tanner Consulting, LLC, and a representative of *AEP-PSO* described plans for installing an overhead electric line to serve the "Quail Creek" developments as follows:

"Mr. Morgan noted that a certain conduit would cost \$1 Million, which was doable for the developer when the project was more commercial with higher densities, but not so much now that it was primarily [single-family] residential..."

Lonny Hicks of *AEP-PSO* and Justin Morgan with *Tanner Consulting, LLC* described plans to provide electrical service, summarized as follows: Overhead electric along the east line of *Scenic Village Park*, through the unplatted area (PUD 76 Development Area F), along the east side of "Quail Creek Villas," crossing 126th St. S. and extending to the east to "loop" [...] along 126th St. S. [to] *Encore on Memorial*. From this overhead line, lines will extend westward underground through "Quail Creek Villas" to serve "Quail Creek of Bixby" with an additional loop around the west and south sides of same or within the Fry Creek Ditch # 2 right-of-way...

Erik Enyart clarified with Lonny Hicks and Justin Morgan that the 17.5' Perimeter U/E along the east line of *Scenic Village Park* would need to be modified to expressly allow overhead lines, that the easement along the east line

of the unplatted area (PUD 76 Development Area F) would need to be dedicated, and that the 17.5' Perimeter U/E proposed along the east side of "Quail Creek Villas" will need to have its dedication language amended to allow for the overhead lines. Mr. Hicks stated that the U/E needed to be a "General Utility Easement," as the communications companies will always follow along after the electric company on the same poles, and an exclusive PSO easement would not allow for this. Mr. Enyart stated that he would send Mr. Morgan a copy of the General U/E dedication form, which would allow for the City Council to accept it, and that it could be used for both the unplatted tract area (PUD 76 Development Area F) and the rededication of the 17.5' U/E in *Scenic Village Park*."

The "loop" described at the TAC meeting is understood to terminate at *Encore on Memorial*, where electric service is believed to be underground to its connection at Memorial Dr.

However, based on plans provided by Tanner Consulting, LLC on the date of this report, the "loop" is now planned to be entirely underground, save for the first approximately 1,100' extending south from 121st St. S. This 1,100' includes (1) Lot 1, Block 3, *Scenic Village Park* and (2) the proposed Lot 1, Block 1, "Quail Creek Office Park." A copy of the exhibit received on this date is attached to this report.

By letter dated August 26, 2014, the developer requested acceptance of a 17.5'-wide General U/E along the easterly and southerly perimeters of the proposed "Quail Creek Office Park" development site (PUD 76 Development Area F) to allow for AEP-PSO electric service provision to the "Quail Creek" developments south of subject property. The City Council accepted the U/E on September 22, 2014.

The second part, rededicating a new U/E over the top of the original, platted U/E within Lot 1, Block 3, *Scenic Village Park*, has been determined unacceptable by AEP-PSO for the provision of overhead electric lines. Staff understands, per AEP-PSO's attorney, that the original language restricting the lines to underground cannot be superseded by a new easement granting a right that was not there before; evidently that opinion rests, at least in part, on the circumstances, along the lines of: platted U/E is dedicated by the original owner, and when lots get sold, the new owners may not agree to releasing a restriction of the plat they bought into. Thus, such restrictions are supposedly to be done by an amendment to the plat following the process outlined for plat amendments in the Deed of Dedication/Restrictive Covenants.

These circumstances do appear to be the case here: Dedication language appears to restrict to underground, and there are now multiple owners within the subdivision.

There would be a substantial cost differential between underground and overhead electric service. Now that the scope is only the first approximately 1,100' extending south from 121st St. S., the cost differential is likely less now than it would have been for the entire "loop" between 121st St. S. and *Encore on Memorial* as described at the TAC meeting in December of 2013. The Applicant may be able to specify the current estimated difference at the Planning Commission meeting, if requested.

The developer, through their engineer Tanner Consulting, LLC, has provided a proposed Plat Amendment document, which requires (for such owner-proposed amendments to Section I of the Deed of Dedication and Restrictive Covenants, per the terms of the recorded plat): (1) the approval of the Planning Commission and (2) the approval of the City of Bixby by its City Council.

City Staff has considered the document and whether approving it and allowing for overhead electric service is appropriate. The Planning Commission and the City Council may approve or decline the change.

Reasons to decline the change may include: (1) aesthetics, (2) service reliability, and (3) potential future public and/or private cost to bury the lines. The City of Bixby rarely sees new overhead electric services installed. Such typically pre-exist along major Sectionline Arterial streets before development occurs, and are extended underground into the new developments. In this case, a new Collector Street is being constructed, providing access to and allowing the development of an interior acreage not presently accessible from 121st St. S. or Memorial Dr.

Reasons to approve the amendment may include (1) the cost differential may otherwise be used for other enhancements to the development and/or may be passed on to the consumer, which may have its own consequences, and (2) the developer currently has the right to install overhead along the southerly 550' of the approximately 1,100' span currently as planned.

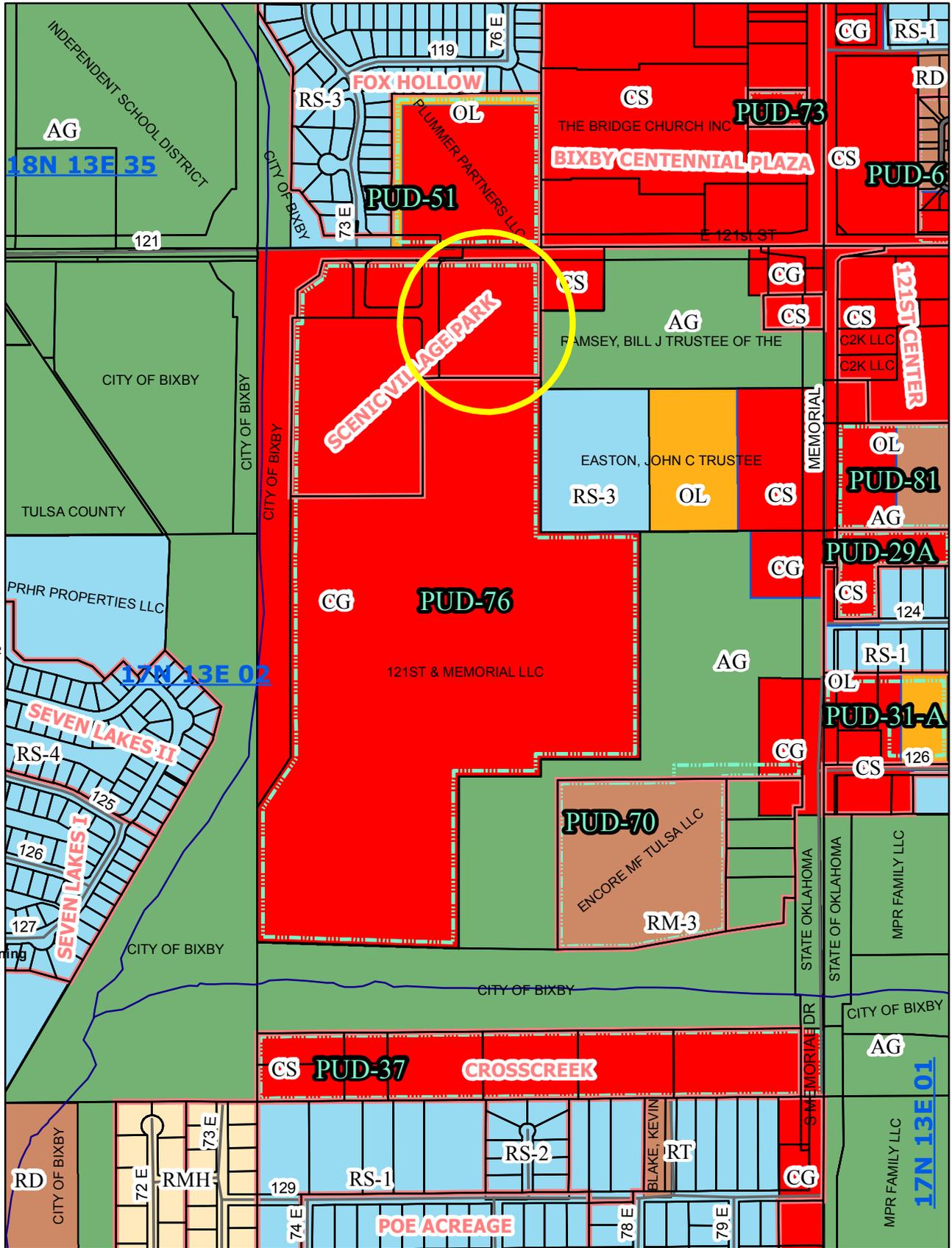
There may be other pros and cons to consider.

The Technical Advisory Committee (TAC) reviewed this proposed Amendment to the Final Plat of *Scenic Village Park* on January 07, 2015. The Minutes of the meeting are attached to this report.

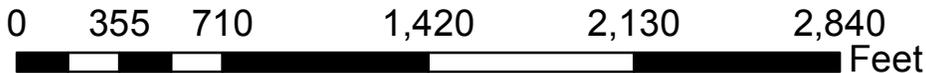
Staff Recommendation. Ultimately, the amendment, and the allowance of overhead electric service versus underground, is a policy matter. The Planning Commission and City Council should weigh carefully the pros and cons of the decision before making a decision.



Amendment of Plat of Scenic Village Park – Tanner Consulting, LLC



- bixby_streams
- TulCo_Parcels
- TulsaSubdivisions
- WagRoads_Aug2012
- E911Streets
- PUD
- Tulsa_Zoning**
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- WagonerCounty_Zoning**
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- bixby_s-t-r
- county





Tanner Consulting LLC
LAND PLANNING | LAND SURVEYING | CIVIL ENGINEERING

5323 SOUTH LEWIS AVENUE
TULSA OKLAHOMA 74105-6539
OFFICE: 918.745.9929

Monday, December 8, 2014

Erik Enyart
City Planner
City of Bixby

116 W. Needles
Bixby, OK 74008
Phone: (918)366-0427
Fax: (918)366-4416

Re: 13098 - Dodson - Quail Creek of Bixby: Bidding & Construction Administration - Plat Amendment - Scenic Village Park

One (1) - Plat Amendment Document

Erik,
On behalf of Rick Dodson, the Scenic Village Park and Quail Creek developer, we ask that the attached plat amendment to Lot 1, Block 3, Scenic Village Park be added to the next available Planning Commission and City Council meeting agendas. I will deliver the signed original to you after receiving any comments from Patrick Boulden.

Justin Morgan

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AMENDMENT OF PLAT OF SCENIC VILLAGE PARK

THIS AMENDMENT OF PLAT OF SCENIC VILLAGE PARK (the "Amendment") is entered into and is effective this 4th day of December, 2014.

WHEREAS, 121st & Memorial, L.L.C ("Owner"), is the owner of that certain real property known as Lot 1, Block 3, Scenic Village Park, a subdivision in the City of Bixby, Tulsa County, Oklahoma (the "Subdivision") recorded in the office of the Tulsa County Clerk as Document No. 6477 on June 20, 2013 in accordance with Planned Unit Development 76 approved by the Bixby Planning Commission on February 27, 2013 and the Bixby City Council on March 25, 2013; and

WHEREAS, Section I. Easement and Utilities, Subsection C. Underground Service, Paragraph 1, does not expressly provide for the supply of electric, telephone or cable television services by way of overhead lines within the Subdivision; and

WHEREAS, Section III. Enforcement, Duration, Amendment and Severability, Paragraph C., Amendment, provides that the covenants contained within Section I, Easements and Utilities, may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of land to which the amendment or termination is to be applicable and approved by the Bixby Planning Commission or its successors and the City of Bixby; and

WHEREAS, 121st & Memorial, L.L.C. owns Lot 1, Block 3 in the Subdivision as evidenced by the Ownership Report attached as Exhibit "A" and Richard Dodson is the Manager of the 121st & Memorial, L.L.C.; and

WHEREAS, it is in the best interest of the owner of Lot 1, Block 3 in the Subdivision to amend the Plat and Deed of Dedication and Restrictive Covenants for the Subdivision to allow for the supply of electric, telephone or cable television services by way of overhead lines as follows:

NOW, THEREFORE, the undersigned, being the owner of Lot 1, Block 3 in the subdivision, agrees as follows:

SECTION I. Easements and Utilities, Subsection C. Underground Service, Paragraph 1 is hereby deleted in its entirety and replaced with the following:

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE PUBLIC STREET RIGHT-OF-WAY ALONG EAST 121ST STREET SOUTH AND THE 17.5' UTILITY EASEMENT ALONG THE EAST LINE OF LOT 1, BLOCK 3. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE EASEMENT WAYS.

On this ____ day of _____, 201__, the Bixby Planning Commission expressly acknowledges, consents and approves of the foregoing Amendment of Plat of SCENIC VILLAGE PARK and its corresponding Deed of Dedication and Restrictive Covenants.

Bixby Planning Commission

By: Thomas Holland
Its Chairman

On this ____ day of _____, 201__, the Bixby City Council expressly acknowledges, consents and approves of the foregoing Amendment of Plat of SCENIC VILLAGE PARK and its corresponding Deed of Dedication and Restrictive Covenants.

Bixby City Council

By: John Easton
Its Mayor

(Seal)

ATTEST:

City Clerk

APPROVED:

City Attorney

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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Thursday, January 15, 2015
RE: Report and Recommendations for:
PUD 83 – “River Trail II” – Minor Amendment # 1

LOCATION:

- 12606, 12620, 12626, and 12630 S. Memorial Dr.
- Southwest corner of the intersection of 126th St. S. and Memorial Dr.
- Part of the E/2 of Section 02, T17N, R13E
- All of *River Trail II*

SIZE: 5.025 acres, more or less

EXISTING ZONING: CG General Commercial District and PUD 83

SUPPLEMENTAL ZONING: Corridor Appearance District and PUD 83 “River Trail II”

EXISTING USE: River Trail Animal Hospital (under construction) and vacant commercial lots

REQUEST: Approval of Minor Amendment # 1 to PUD 83 for all of *River Trail II*, with underlying zoning CG General Commercial District, which amendment proposes changes to landscaping, screening, signage, and loading standards, and making certain other amendments

SURROUNDING ZONING AND LAND USE:

- North: AG, CG, RS-3, OL, CS, & AG/CG/PUD 70; Development Area B of PUD 70 (right-of-way for 126th St. S.), agricultural land zoned AG and CG, and the *Easton Sod* sales lot zoned RS-3, OL, & CS.
- South: AG & CS/PUD 37; Fry Creek Ditch # 1 right-of-way zoned AG and the *Crosscreek* “office/warehouse” heavy commercial / trade center and retail strip center zoned CS with PUD 37.
- East: (Across Memorial Dr.) AG, CS, OL, RS-1, & PUD 31-A; The *126 Center* shopping center, the *Mazzio’s Italian Eatery* restaurant, agricultural land, vacant land in PUD 31-A, and single-family residential zoned RS-1 further to the northeast in *Gre-Mac Acres* and behind (east of) the *126 Center* in *Southern Memorial Acres No. 2*; the Fry Creek Ditch # 1 right-of-way, zoned AG, continues upstream to the southeast.
- West: RM-3/PUD 70, AG, & CG/PUD 76; The 14-acre *Encore on Memorial* multifamily development, farther west is approximately 8:10 acres of agricultural land zoned AG, and farther west and to the northwest is agricultural land within the 92-acre PUD 76, with CG underlying zoning, proposed for development with multiple uses.

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

PREVIOUS/RELATED CASES:

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area at approximately the 12600-block of S. Memorial Dr., including part of the 126th St. S. right-of-way and part of the northeast corner of the subject property – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 “golf teaching and practice facility” on the large 140-acre acreage tracts previously owned by Knopp, which included subject property – BOA Conditionally Approved 04/02/2001 (not since built).

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on the large 140-acre acreage tracts previously owned by Knopp, which included subject property. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

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

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on the large 140-acre acreage tracts previously owned by Knopp, which included subject property – PC Continued the application on 12/21/2009 at the Applicant’s request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the

02/22/2010 regular meeting “for more research and information,” based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

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

Final Plat of Encore on Memorial (PUD 70) – Request for Final Plat approval for 14 acres abutting subject property to the west (caused separation of that 14 acres from subject property parent tract) – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (Plat # 6380 recorded 04/12/2011).

Accept Right-of-Way & U/E Dedication for Encore on Memorial – Request for acceptance of a Deed of Dedication for right-of-way to extend 126th St. S. west of Memorial Dr. and a U/E, both to serve the Encore on Memorial development abutting subject property to the west – provided 126th St. S. access and U/E along north line of subject property – City Council accepted 02/28/2011. However, due to the language used, per the City Attorney, the R/W dedication was only “easement.” To ensure it was right-of-way consistent with the most public streets in Bixby, it needed to be re-dedicated as fee simple right-of-way. See related item below.

PUD 83 & BZ-371 – River Trail II – Khoury Engineering, Inc. – Request to rezone from AG and CG to CG and approve PUD 83 for a commercial development on subject property – PC recommended Approval 02/18/2014. On 02/24/2014, the City Council Approved BZ-371 and Conditionally Approved PUD 83. City Council approved ordinance effecting the rezoning and PUD approval 03/24/2014 (Ord. # 2129).

Preliminary & Final Plat of River Trail II (PUD 83) – Request for approval of a Preliminary Plat and Final Plat for subject property – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved Preliminary Plat 03/24/2014 and Conditionally Approved Final Plat 04/28/2014 (Plat # 6541 recorded 05/23/2014).

Accept Right-of-Way Dedication for 126th St. S. – Request for acceptance of a new Deed of Dedication for 126th St. S., originally accepted 02/28/2011, but this time using adequate language (i.e. “grant, donate, and convey”) to result in fee simple right-of-way – City Council accepted 05/12/2014.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

City Staff reviewed and approved the PUD Detailed Site Plan for “River Trail Animal Hospital” in August and September, 2014. That project was then permitted and is now under construction.

City Staff reviewed the PUD Detailed Site Plan for “Anderson Office Building” in December, 2014. The plans revision and final approval process is nearing completion. The “Anderson Office Building” project will contain what is understood to be a multi-use building including the general business offices of *The Galley* (see www.thegalleysink.com).

The infrastructure required to support the *River Trail II* commercial development is under construction at the same time as the River Trail Animal Hospital is under construction.

During the reviews of “River Trail Animal Hospital” and “Anderson Office Building,” Staff observed several instances where the actual development plans now proposed, and likely also those that will be proposed for the other two (2) commercial lots, conflict with provisions of PUD 83. This PUD 83 Minor Amendment # 1 is intended to relax certain PUD provisions allowing for the reasonable development of the commercial subdivision.

ANALYSIS:

Subject Property Conditions. The subject property of 5.025 acres is zoned CG with PUD 83 and consists of all of *River Trail II*. It contains the River Trail Animal Hospital (under construction) and three (3) vacant commercial lots. It has approximately 546’ of frontage on Memorial Dr. and 355’ of frontage on 126th St. S. (PUD 83 Text reports 662’ and 355’, respectively). The City of Bixby’s maintenance access drive for the Fry Creek Ditch system is being replaced as a part of the development of the subject property consistent with the plans outlined in PUD 83.

The 5.025-acre subject property is relatively flat and appears to drain, if only slightly, to the south. The development will drain to the south to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention.

The subject property is presently served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the south.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor/Medium Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land. The Community Trails designation is abutting to the south within the Fry Creek # 1 right-of-way, located on north side of water centerline.

The existing CG zoning, commercial PUD 83, and commercial development anticipated by PUD 83 and the plat of *River Trail II* would not be inconsistent with the Comprehensive Plan.

Due to the relatively limited scope of proposed changes, the proposed PUD 83 Minor Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

General. The Applicant is requesting a Minor Amendment to PUD 83 “River Trail II,” which amendment proposes changes to landscaping, screening, signage, and loading standards, and making certain other amendments. By application and Minor Amendment outline letter both

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received December 22, 2014, this Minor Amendment proposes the following changes, and upon which Staff has the following comments:

1) **LANDSCAPE AND SCREENING** - Add the following:

- The trail paving areas shall be accepted as landscape areas for landscape compliance purposes. Therefore, the areas occupied by the trail shall not count against any landscape requirement for the lots in this PUD.

Staff Comment: The original PUD, in an effort to support the option to construct the 10'-wide public trail, versus an isolated 4' or 5' sidewalk along the Memorial Dr. curb and across the drainage ditch, specifically exempted the 10' of paving from the minimum required landscaped strip standard. The intent was to exempt the trail area from being counted against any landscape standard, but the language was specific only to the landscaped strip width. The proposed language will be consistent with the original intent and provide the development sites the needed flexibility.

- Screening fences are not required along the west side of the PUD abutting the RM-3 zoning.

Staff Comment: The Zoning Code requires a sight-proof screening fence for the west line of subject property, as it abuts an R (RM-3) district. The original PUD 83 did not remove or add to this requirement. There is an existing wrought-iron fence surrounding the *Encore on Memorial* multifamily development, constructed with that development, and belonging to *Encore on Memorial*. When PUD 83 was written, the intent was to allow that fence to remain and no new screening fence be erected in its place or to the east of the existing fence. Due to existing and proposed setbacks, lighting and landscaping plans, existing and proposed geometries, and the general context of the areas involved, Staff does not believe a screening fence is warranted between the commercial and multifamily developments. This amendment will remove the requirement for a screening fence from all of the four (4) commercial lots in *River Trail II*.

2) **SIGNS & SITE LIGHTING** – Add the following:

- It is permitted to install LED lighting on the proposed signs.

Staff Comment: Here is the relevant commentary from the review of the River Trail Animal Hospital:

“The LED/Electronic Message Board element of the larger ground sign would conflict with Zoning Code Section 11-7I-B.2.a:

- a. No roof, projecting, flashing (does not include time and temperature signs), animated or revolving signs are permitted. (emphasis added)

Bixby's Zoning Code used to have language that, although it may not have anticipated LED/Electronic signage technology, appeared to have been written broadly enough to proscribe it. It used to read (11-9-21.C.2):

“2. All signs shall be of a constant light. No flashing or intermittent type of lighted signs are allowed.”

Staff considered that LED/Electronic signs were in fact not of constant light, by necessary function of the technology which relies on turning individual or clusters of Light Emitting Diodes on and off in order to change the imagery and message. Staff observed also that such LED signs may be programmed to flash or be turned on/off, in whole or in part, intermittently. Staff did not consider LED signs to comply with the Zoning Code restriction cited immediately above.

Staff proposed to “legalize” LED/Electronic signs in 2008, but to reserve a requirement for Special Exception. This proposition ultimately resulted in the City Council removing that restriction altogether by ordinance around June 2008. The ordinance, however, did not remove the residual “constant light / no flashing or intermittent” provisions found elsewhere throughout the Zoning Code, such as in the Special District Regulations and here in the PUD provisions. Thus, it appears that, while legal in most other instances, when in PUDs that do not specifically allow them, LED/Electronic signs are not permitted. Recognizing the Council’s deliberate intent to legalize such signage, the proposed sign’s LED element should be considered a minor matter that may be relieved by Minor Amendment to PUD 83, which Minor Amendment should apply to all of the lots in the PUD’s singular Development Area A, as this would otherwise likely have to be done on each lot.”

This Amendment is consistent with Staff’s direction and would bring parity between this commercial development and all others which are not subject to this restriction.

- No ground sign shall be located within 50 feet from the westerly property line.

Staff Comment: Here is the relevant commentary from the review of the River Trail Animal Hospital:

“The site plans represent the locations of the two (2) proposed ground signs: A larger one in the front and a secondary one along the Mutual Access Easement (MAE). The larger sign complies with locational requirements and is not located within any easements.

The secondary ground sign along the MAE, at roughly 50’ from the westerly property line, is located outside easements but would conflict with Zoning Code Section 11-7I-B.2.b:

- b. No ground sign shall be located within one hundred fifty feet (150’) of any residential area, either within or abutting the PUD, unless separated by an arterial street.

The location was to be expected by the specific allowance of the secondary sign along the MAE per the PUD. This minor matter may be relieved by Minor Amendment to PUD 83, which Minor Amendment should apply to all of the lots in the PUD’s singular Development Area A, as this would otherwise likely have to be done on each lot.”

This amendment would resolve the setback issue consistent with the original intent of PUD 83.

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- The maximum aggregate display area of the ground signs within each lot is three (3) square feet per linear foot of street frontage.

Staff Comment: Here is the relevant commentary from the review of the River Trail Animal Hospital:

“Since there will be two (2) ground signs on the property, Zoning Code Section 11-9-21.E.1 restricts aggregate display surface area to two (2) square feet per linear foot of street frontage. Per dimensions on Exhibit A of PUD 83 compared to the plat of *River Trail II*, the subject property has one (1) section of street frontage, (72.61' + 12' =) 84.61' on Memorial Dr. This allows 169.22 square feet of aggregate display surface area. Based on rough calculations, the larger proposed ground sign with LED/Electronic Message Board will have (71.875 + 57.75 =) 129.625 square feet of display surface area, leaving 39.595 square feet allowable for the secondary ground sign along the MAE.”

This amendment would resolve the potential signage display surface area issue consistent with the original intent of PUD 83, which specifically planned for secondary ground signs to be located behind the buildings along the MAE.

- 3) **DETAIL SITE PLAN REVIEW** - Add the following: The minimum and maximum loading berth requirement may be modified during the detailed site plan review.

Staff Comment: Similar to the flexibility afforded parking, Staff supports the PUD being amended to allow the developer of each building project to determine how many loading berths they may need for the operation of their business. In the case of the Anderson Office Building, which may currently be required two (2), the owner has determined need for only one (1), which Staff supports. This may or may not become an issue for the remaining two (2) commercial lots, so the amendment would cover all of them.

Although not presently included in this Minor Amendment, Staff identified the following PUD 83 restriction which presented a problem for both developments reviewed thus far, as described in the relevant commentary from the review of the Anderson Office Building:

“While residential properties are commonly protected, it is uncommon to restrict light spillage onto adjacent commercial properties. The “light spillage” restriction per PUD 83 may be relaxed by Minor Amendment to reserve the restriction for adjacent residentially-zoned and residentially-used properties.”

The Applicant should consider adding the following amendment to Minor Amendment # 1:

- “4) **SIGNS & SITE LIGHTING** - Amend the final paragraph to be as follows:

“All outdoor lighting fixtures shall be shielded to avoid light spillage onto adjacent residentially zoned and/or used properties. A photometric plan will be submitted to the City of Bixby for approval during the design phase of the project.” (emphasis added)

Plans relevant to the matters concerned by this application are attached to this report for illustration.

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Since the proposed changes are minor and are unlikely to elicit objections from the TAC utility company providers, Staff did not place this application on the January 07, 2015 TAC agenda.

Access & Circulation. While a denial of the application would probably affect the likelihood of trail construction, the proposed amendments would not affect plans for access or circulation. See Staff Reports for the Preliminary and Final Plat of *River Trail II* for a description of the systems.

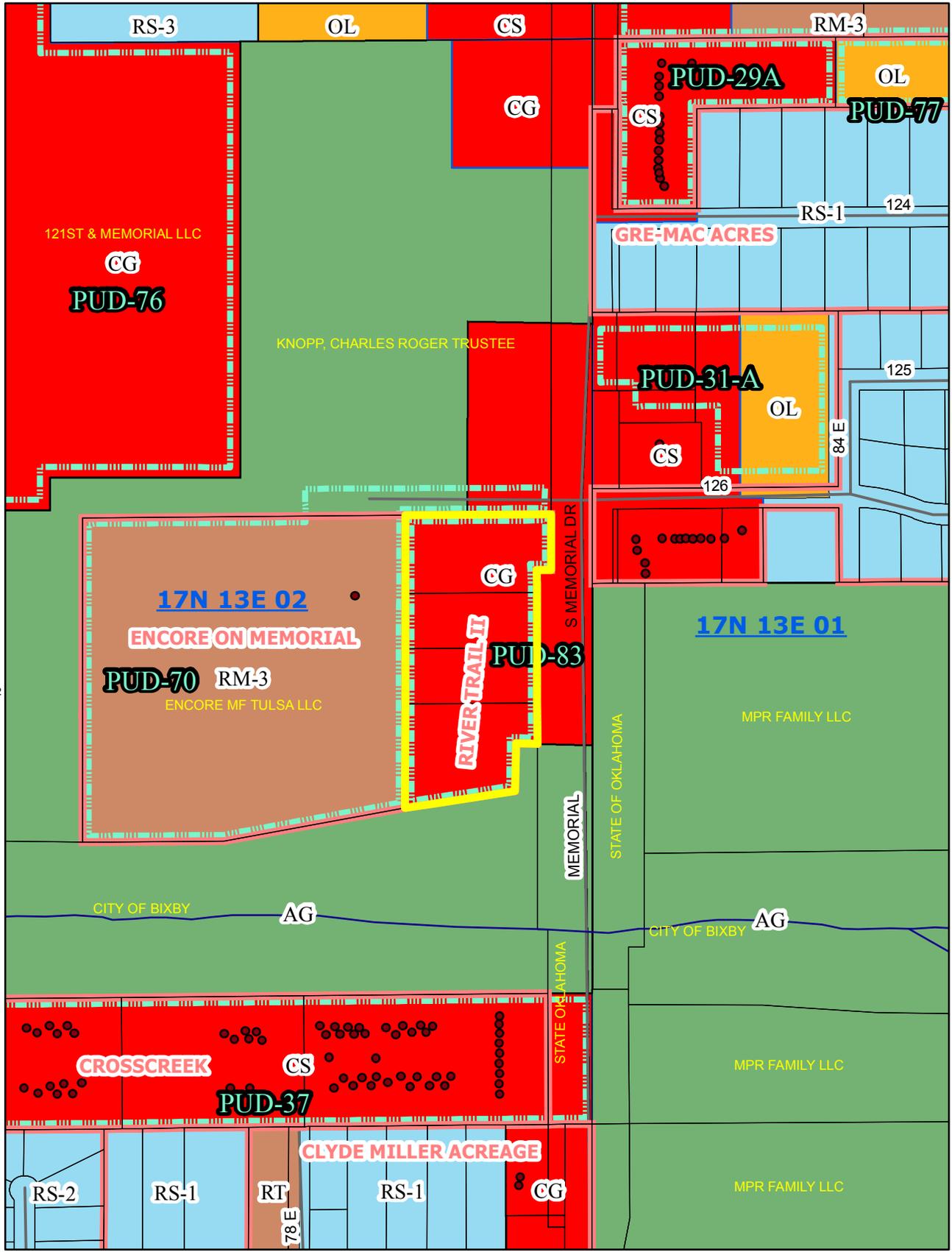
Surrounding Zoning and Land Use. See summary hereinabove.

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

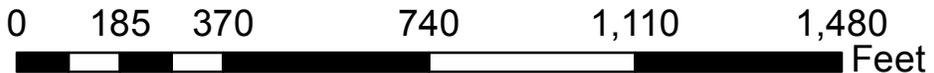
1. Amendment pertaining to LED signage should be amended to include “electronic,” as outdoor electronic signage systems are not limited to LED technology.
2. Consider adding an amendment pertaining to lighting as recommended in the analysis above.

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PUD 83 – “River Trail II” – Minor Amendment # 1



- Businesses
- bixby_streams
- ▭ Tulsa Parcels 01/15
- ▭ WagParcels 01/15
- ▭ TulsaSubdivisions
- ▭ WagSubdivision
- WagRoads_Aug2012
- E911Streets
- ▭ PUD
- ▭ <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 Application for PUD

Minor Amendment #1

Applicant: Khoury Engineering, Inc.
Address: 1435 E. 41st Street, Tulsa, OK 74105
Telephone: 918 712-8768 Cell Phone: 918 712-1069 Email: kenginc@khouryeng.com

Property Owner: Encore II, LLC If different from Applicant, does owner consent? Yes
Property Address: _____
Existing Zoning: PUD-83 Requested Zoning: _____ Existing Use: _____
Proposed Use: _____ Use Unit #: _____

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

Lots 1,2,3, & 4 Block 1 River Trail II, an addition to the City of Bixby, Tulsa, County, Oklahoma

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

Application for: PUD Major Amendment Minor Amendment Abandonment

BILL ADVERTISING CHARGES TO: _____ (NAME)

(ADDRESS) (CITY) (PHONE)

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

Signature: [Handwritten Signature] Date: 12-22-14

Minor Amnd #1
APPLICANT - DO NOT WRITE BELOW THIS LINE

PUD 83 Date Received 12/22/2014 Received By Emyork Receipt # 01215055
Planning Commission Date 01/20/2014 City Council Date _____

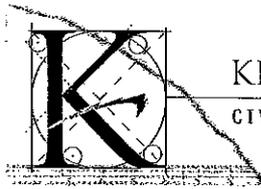
____ Sign(s) at \$ 50.00 each = \$ _____; Postage \$ _____; Total Sign + postage \$ _____

FEES:	PUD TYPE	ACREAGE	BASE FEE	ADD.	TOTAL
_____	_____	_____	_____	_____	<u>\$35.00</u>

PC Action _____ City Council Action _____

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

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December 22, 2014

Mr. Erik Enyart, AICP
City Planner- City of Bixby
P.O. Box 70
Bixby, OK 74008

Re: River Trail II - Minor Amendment #1 to PUD-83
SWC of E. 126th Street South & Memorial, Bixby, OK 74008

Dear Mr. Enyart

We are requesting a minor amendment to the original River Trail II PUD-83. A complete application and fee is attached to support our request. The PUD minor amendment includes the following:

- 1) **LANDSCAPE AND SCREENING** - Add the following:
 - The trail paving areas shall be accepted as landscape areas for landscape compliance purposes. Therefore, the areas occupied by the trail shall not count against any landscape requirement for the lots in this PUD.
 - Screening fences are not required along the west side of the PUD abutting the RM-3 zoning.
- 2) **SIGNS & SITE LIGHTING** - Add the following:
 - It is permitted to install LED lighting on the proposed signs.
 - No ground sign shall be located within 50 feet from the westerly property line.
 - The maximum aggregate display area of the ground signs within each lot is three (3) square feet per linear foot of street frontage.
- 3) **DETAIL SITE PLAN REVIEW** - Add the following: The minimum and maximum loading berth requirement may be modified during the detailed site plan review.

We appreciate the City consideration and support of the above PUD amendment request. We'll pleased to provide additional information related to this application if requested.

Please review the attached document and contact me at (918) 712-8768 if you have any questions.

Sincerely,

Malek Elkhoury, PE
Civil Engineer

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FINAL PLAT River Trail II PUD-83

A tract of land located in the East Half (E/2) of Section Two (2), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, City of Bixby, Tulsa County, State of Oklahoma

Subdivision has 4 Lots in 1 Block
 and contains 5.025 acres, more or less.

LOT #	SQ. FT.	ACRES
1	65399.8123	1.50
2	43914.1345	1.01
3	43915.1436	1.01
4	65645.5237	1.51

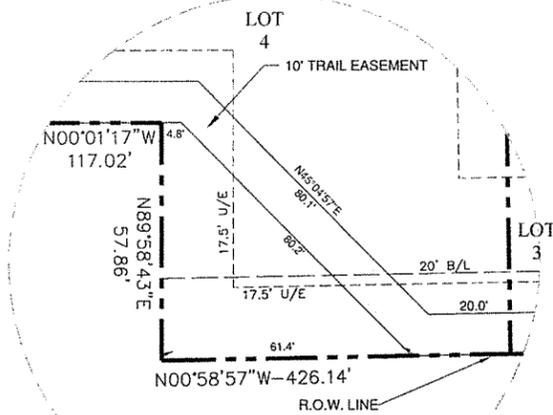


BENCHMARK

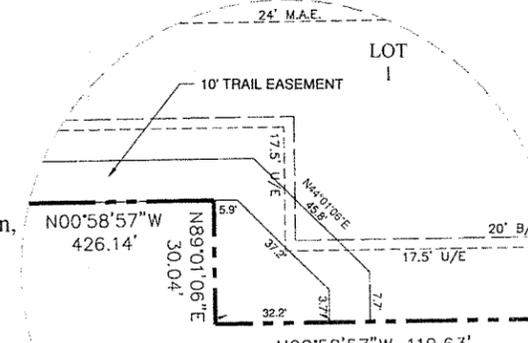
5/8" rebar w/yellow cap (LS1253) set being the East Quarter corner of Section 2. EL=609.14, NAVD 1988

DATUM

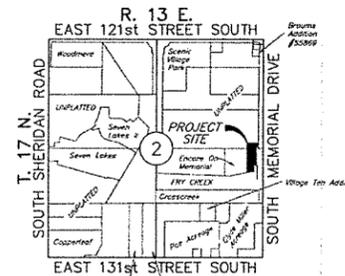
Horizontal: NAD83(1993) Oklahoma State Plane - HARN Adjustment
 Zone: 3501 Oklahoma North
 Vertical: NAVD 1988 Datum.



DETAIL 1
 NO SCALE



DETAIL 2
 NO SCALE



LOCATION MAP
 SCALE: 1" = 2,000'

OWNER

ENCORE II, LLC
 13131 South Yorktown Ave. Bixby, OK 74008
 Contact: Troy Gudge, Managing Member
 (918) 740-7293
 E-Mail: tgudge@outlook.com

SURVEYOR

Geodeca, LLC
 Land Surveying Company
 6028 South 66th East Avenue Suite 101
 Tulsa, Oklahoma 74133
 (918) 949-4064
 E-MAIL: info@geodeca.com

ENGINEER

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

BASIS OF BEARING

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

MONUMENTATION

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

LEGEND

- B/L = BUILDING LINE
- U/E = UTILITY EASEMENT
- M.A.E. = MUTUAL ACCESS EASEMENT
- L.N.A. = LIMITS OF NO ACCESS
- T/E = TRAIL EASEMENT
- (12600) = PROPOSED STREET ADDRESS

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE EAST HALF (E/2) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

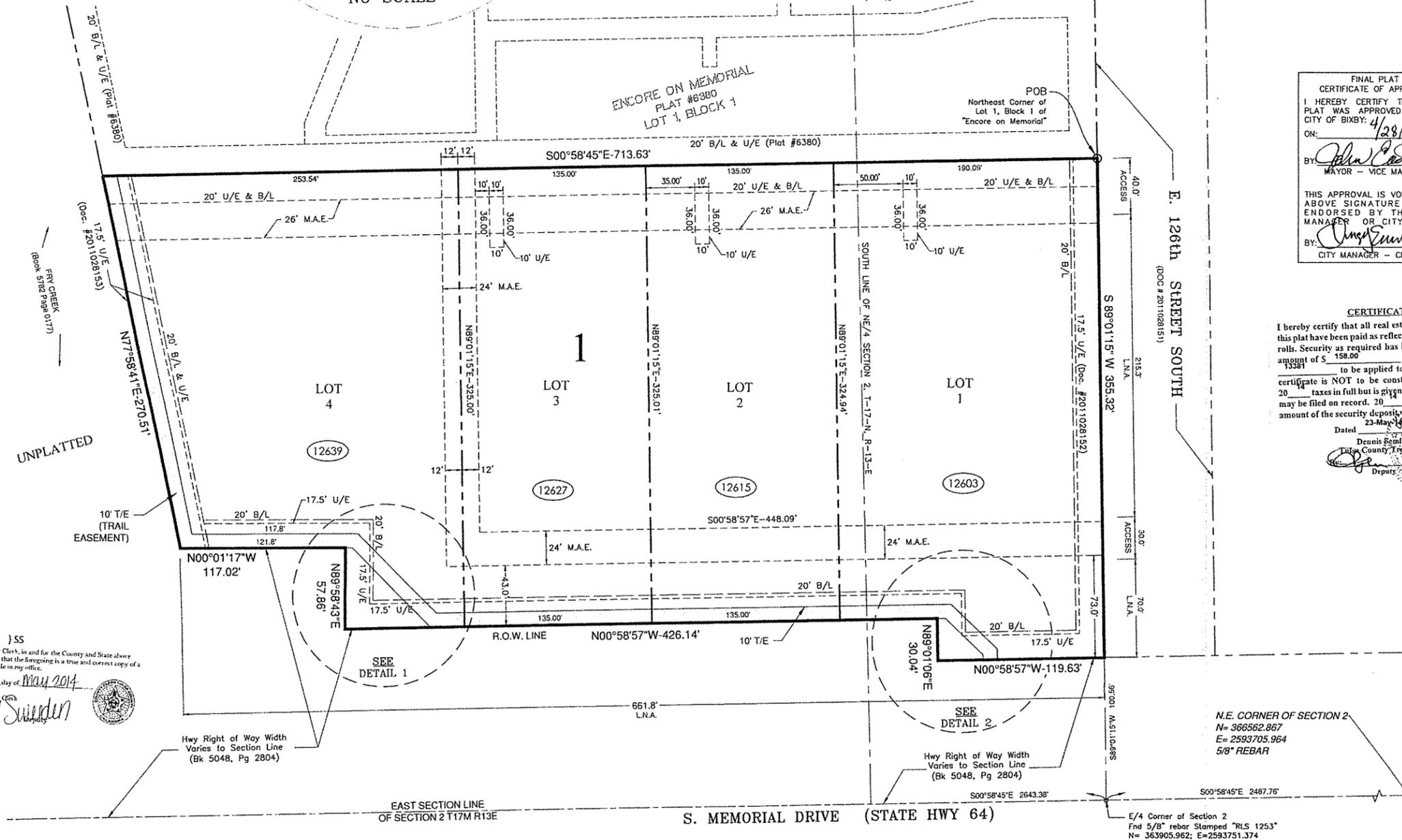
POINT OF BEGINNING BEING THE NORTHEAST CORNER OF LOT ONE (1), OF BLOCK ONE (1) OF 'ENCORE ON MEMORIAL', FILED AS PLAT NUMBER 6380 AT THE OFFICE OF THE TULSA COUNTY CLERK; THENCE S00°58'45"E A DISTANCE OF 713.63 FEET TO THE SOUTHEAST CORNER OF SAID LOT ONE (1), OF BLOCK ONE (1); THENCE N00°01'17"W A DISTANCE OF 117.02 FEET; THENCE N77°58'41"E A DISTANCE OF 270.51 FEET; THENCE N89°58'43"E A DISTANCE OF 57.86 FEET TO THE RIGHT OF WAY OF STATE HIGHWAY 64; THENCE ALONG THE RIGHT OF WAY OF STATE HIGHWAY 64, N00°58'57"W A DISTANCE OF 426.14 FEET; THENCE N89°01'06"E A DISTANCE OF 30.04 FEET; THENCE N00°58'57"W A DISTANCE OF 119.63 FEET; THENCE DEPARTING THE RIGHT OF WAY OF STATE HIGHWAY 64, S89°01'15"W A DISTANCE OF 355.32 FEET TO THE POINT OF BEGINNING, HAVING AN AREA OF 218901 SQUARE FEET OR 5.025 ACRES. BEARINGS BASED ON THE PLATTED LINES OF 'ENCORE ON MEMORIAL'.

ADDRESSES

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

FINAL PLAT
 CERTIFICATE OF APPROVAL
 I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE CITY OF BIXBY: 4/28/2014
 ON: _____
 BY: *John Carter*
 MAYOR - VICE MAYOR
 THIS APPROVAL IS VOID IF THE ABOVE SIGNATURE IS NOT ENDORSED BY THE CITY MANAGER OR CITY CLERK.
 BY: *Angie Smith*
 CITY MANAGER - CITY CLERK

CERTIFICATE
 I hereby certify that all real estate taxes involved in this plat have been paid as reflected by the current tax rolls. Security as required has been provided in the amount of \$ 158.00 per trust receipt no. 13381 to be applied to 20 14 taxes. This certificate is NOT to be construed as payment of 20 14 taxes in full but is given in order that this plat may be filed on record. 20 14 taxes may exceed the amount of the security deposit.
 Dated: 23-May-14
 Dennis Sembrich
 Tulsa County Treasurer
 Deputy

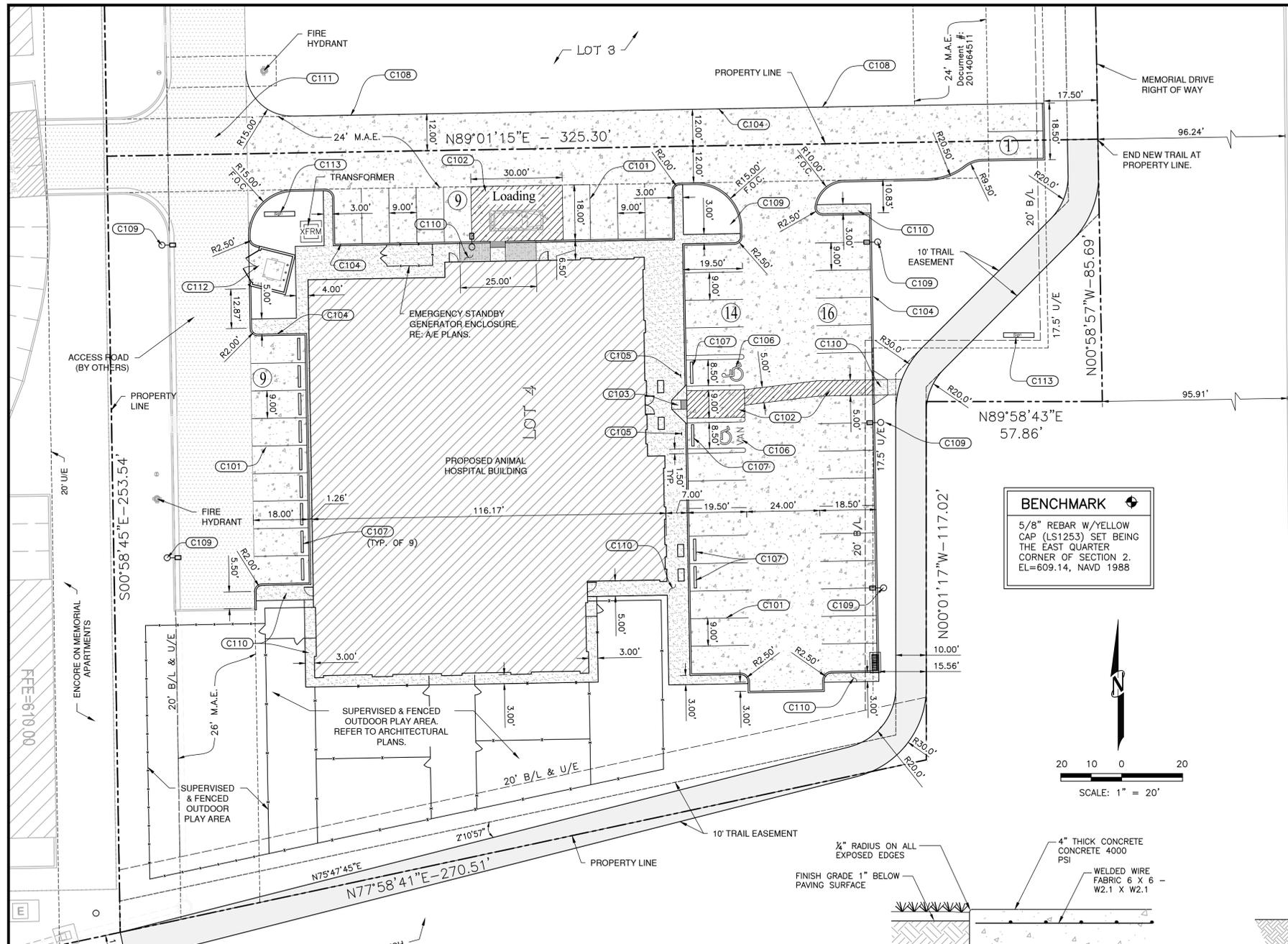


STATE OF OKLAHOMA
 COUNTY OF TULSA
 I, Pat Key, Tulsa County Clerk, in and for the County and State aforesaid, do hereby certify that the foregoing is a true and correct copy of the instrument now on file in my office.
 Dated the 23rd day of May 2014
 PAT KEY, Tulsa County Clerk
Shelley Swindler

Hwy Right of Way Width Varies to Section Line (Bk 5048, Pg 2804)

Hwy Right of Way Width Varies to Section Line (Bk 5048, Pg 2804)

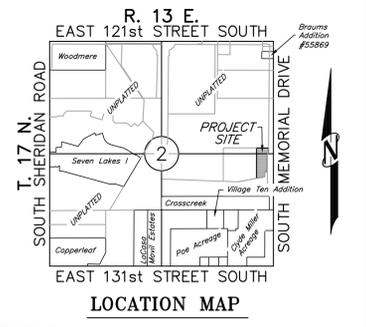
N.E. CORNER OF SECTION 2
 N= 366562.867
 E= 2593705.964
 5/8" REBAR



1 SITE & HORIZONTAL CONTROL PLAN
SCALE: 1"=20'

2 SITE DATA
RE: THIS SHEET

PARKING SPACES REQUIRED		
	REQUIRED	PROVIDED
KENNEL PARKING 1/400 (OF BUILDING FLOOR AREA)		
TOTAL REGULAR PARKING (14,134 SF / 400)	36	47
ACCESSIBLE PARKING	2	2
LAND USE ZONING		
SHOPPING GOODS AND SERVICES	CG (PUD-83)	
SETBACK		
BUILDING SETBACK	FRONT 20'	REAR N/A
		SIDE N/A
SITE AREA (POST-DEVELOPMENT)		
BUILDING AREA	SQ. FT.	ACRES
PAVING- IMPERVIOUS SURFACE	14,134	0.33
TOTAL IMPERVIOUS SURFACE	24,085	0.55
GRASS- PERVIOUS SURFACE	38,219	0.88
TOTAL SITE AREA	27,427	0.63
	65,646	1.51
PROPOSED BUILDING HEIGHT	(SEE ARCHITECTURAL PLANS)	



LEGEND
SCALE: NTS

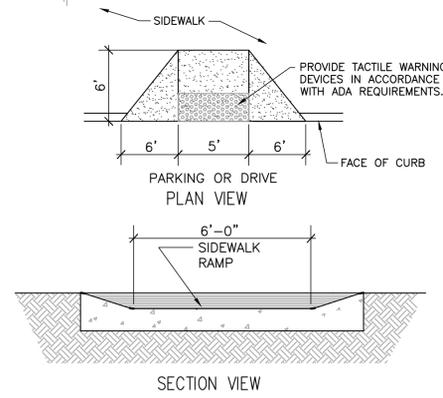
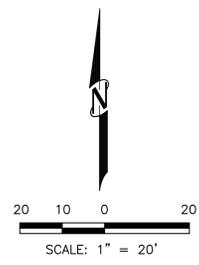
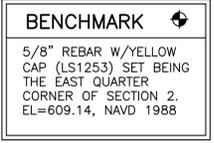
- ACCESS ROAD PAVEMENT
 - SIDEWALK PAVEMENT
 - CONCRETE PAVEMENT
 - BUILDING/CANOPY
- F.O.C. FACE OF CURB

3 KEYED NOTES

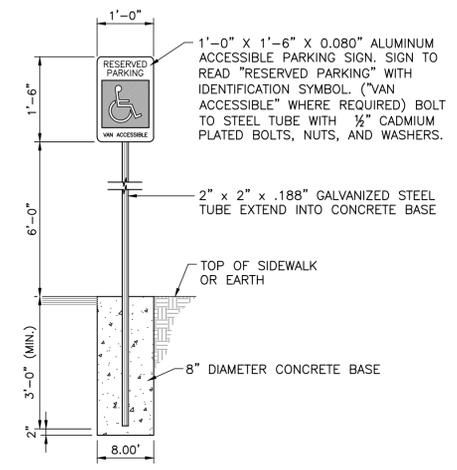
- ALL ITEMS ARE NEW CONSTRUCTION UNLESS NOTED OTHERWISE
- C101 PARKING STRIPES PAINTED WITH (2) COATS TRAFFIC YELLOW IN SINGLE 4" WIDE STRIPES, UNLESS NOTED OTHERWISE.
 - C102 4" WIDE PAINT STRIPE 45' AT 2' O/C. USE 2 COATS YELLOW TRAFFIC PAINT.
 - C103 CONCRETE ACCESSIBLE RAMP. RE: DETAIL 9 THIS SHEET
 - C104 STANDARD CONCRETE CURB & GUTTER. RE: DETAIL 2 THIS SHEET.
 - C105 ACCESSIBLE PARKING SIGN ON POST. RE: DETAIL 11 THIS SHEET
 - C106 PAINTED ACCESSIBLE SYMBOL. RE: DETAIL 10 THIS SHEET.
 - C107 CONCRETE WHEEL STOP. RE: DETAIL 8 THIS SHEET.
 - C108 EDGE OF NEW PAVING.
 - C109 PARKING LOT LIGHTING. RE: ELECTRICAL PLANS FOR DETAILS. INSTALL POLE A MINIMUM OF 30" BEHIND FACE OF CURB UNLESS NOTED OTHERWISE.
 - C110 CONCRETE SIDEWALK. 4" THICK P.C. CONCRETE ON 2" OF SAND BASE. PROVIDE EXPANSION JOINTS AT 25' O/C AND CONTROL JOINTS AT 4'-0" O/C. RE: DETAIL 7 THIS SHEET.
 - C111 PROPOSED PAVEMENT BY OTHERS. CONTRACTOR TO COORDINATE THE INSTALLATION OF SLEEVES FOR UTILITY CROSSINGS.
 - C112 TRASH ENCLOSURE. REFER TO ARCHITECTURAL PLANS FOR DETAILS
 - C113 FREE STANDING MONUMENT SIGN. REFER TO SIGNAGE PLAN FOR DETAILS.

4 GENERAL NOTES
RE: THIS SHEET

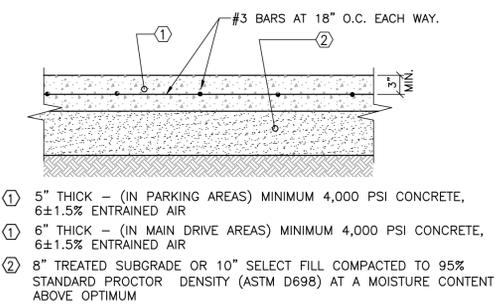
1. THE CONTRACTOR SHALL CALL THE UNDERGROUND UTILITY LOCATING SERVICE "OKIE" AND HAVE THEM MARK THE LOCATION OF EXISTING UTILITIES AT LEAST TWO WORKING DAYS PRIOR TO BEGINNING OF WORK.
2. EQUIPMENT AND MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.
3. ALL DIMENSIONS ARE TO THE CENTERLINE OF PAINT STRIPES AND/OR TO THE BACK OF CURB, AND ALL BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF WALL FINISH, UNLESS OTHERWISE NOTED.
4. EXPANSION JOINTS SHALL BE PLACED IN ACCORDANCE WITH THE SPECIFICATIONS.
5. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS. ANY DISCREPANCY FOUND SHALL BE DISCUSSED WITH THE ENGINEER OF RECORD PRIOR TO ANY CONSTRUCTION WORK.
6. BEARINGS ARE BASED ON OKLAHOMA STATE PLANE COORDINATE SYSTEM, NAD 1983 (1993), AS PROVIDED ON AN ALTA SURVEY BY HARDEN & ASSOCIATES SURVEYING AND MAPPING DATED JUNE 13, 2008.
7. THE PROPERTY DESCRIBED HEREON IS IN FLOOD ZONE 'X'-SHADED, X-UNSHADED & AE', AS PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 400209 0494H, EFFECTIVE DATE: SEPTEMBER 22, 1999.



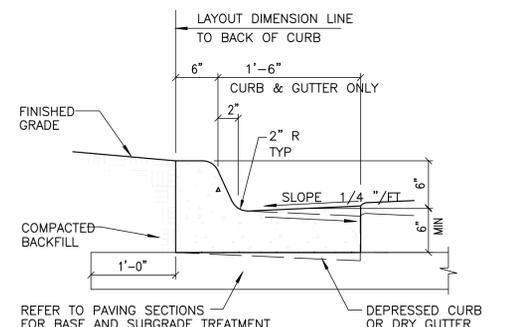
9 CONCRETE ACCESSIBLE RAMP
NOT TO SCALE



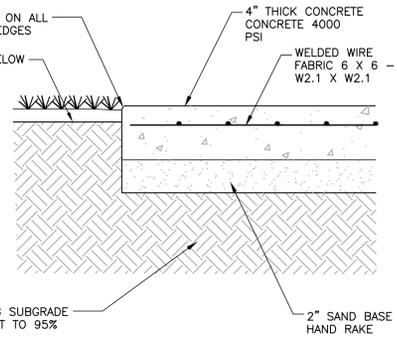
11 ACCESSIBLE PARKING SIGN ON POST
NOT TO SCALE



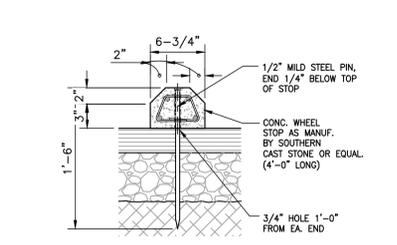
- 5 CONCRETE PAVING SECTION**
NOT TO SCALE
1. THE SUBGRADE SHOULD BE UNIFORMLY COMPACTED TO A MINIMUM OF 95 PERCENT OF ASTM D698 AT/OR ABOVE THE SOIL'S OPTIMUM MOISTURE CONTENT DETERMINED BY THAT TEST. ANY SOFT OR PUMPING AREAS SHOULD BE EXCAVATED TO A FIRM SUBGRADE AND PROPERLY BACKFILLED PRIOR TO COMPACTING. PAVING, SUBBASE AND SUBBASE PREPARATION SHALL CONFORM TO DEPARTMENT OF TRANSPORTATION STANDARDS AND THE RECOMMENDATIONS OF THE GEOTECHNICAL REPORT
 2. ALL REBAR SHALL BE INSTALLED WITH CHAIR SPACERS TO ENSURE PROPER PLACEMENT.



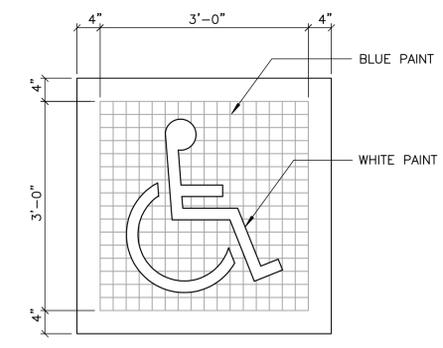
- 6 STANDARD CURB AND GUTTER**
NOT TO SCALE
- DETAIL NOTES:
1. THIS TYPICAL CONCRETE CURB DETAIL APPLIES TO TWO TYPES OF CURB CONSTRUCTION
 - A) CURB AND GUTTER
 - B) MONOLITH POURED
 2. PROVIDE TRANSVERSE JOINTS, AS FOLLOWS:
 - A) EXPANSION JOINTS AT 45' ON CENTER AND ADJACENT TO STRUCTURES.
 - B) SAW CUT CONTROL JOINTS AT 15' ON CENTER.



7 CONCRETE SIDEWALK
NOT TO SCALE



8 CONCRETE WHEEL STOP
NOT TO SCALE



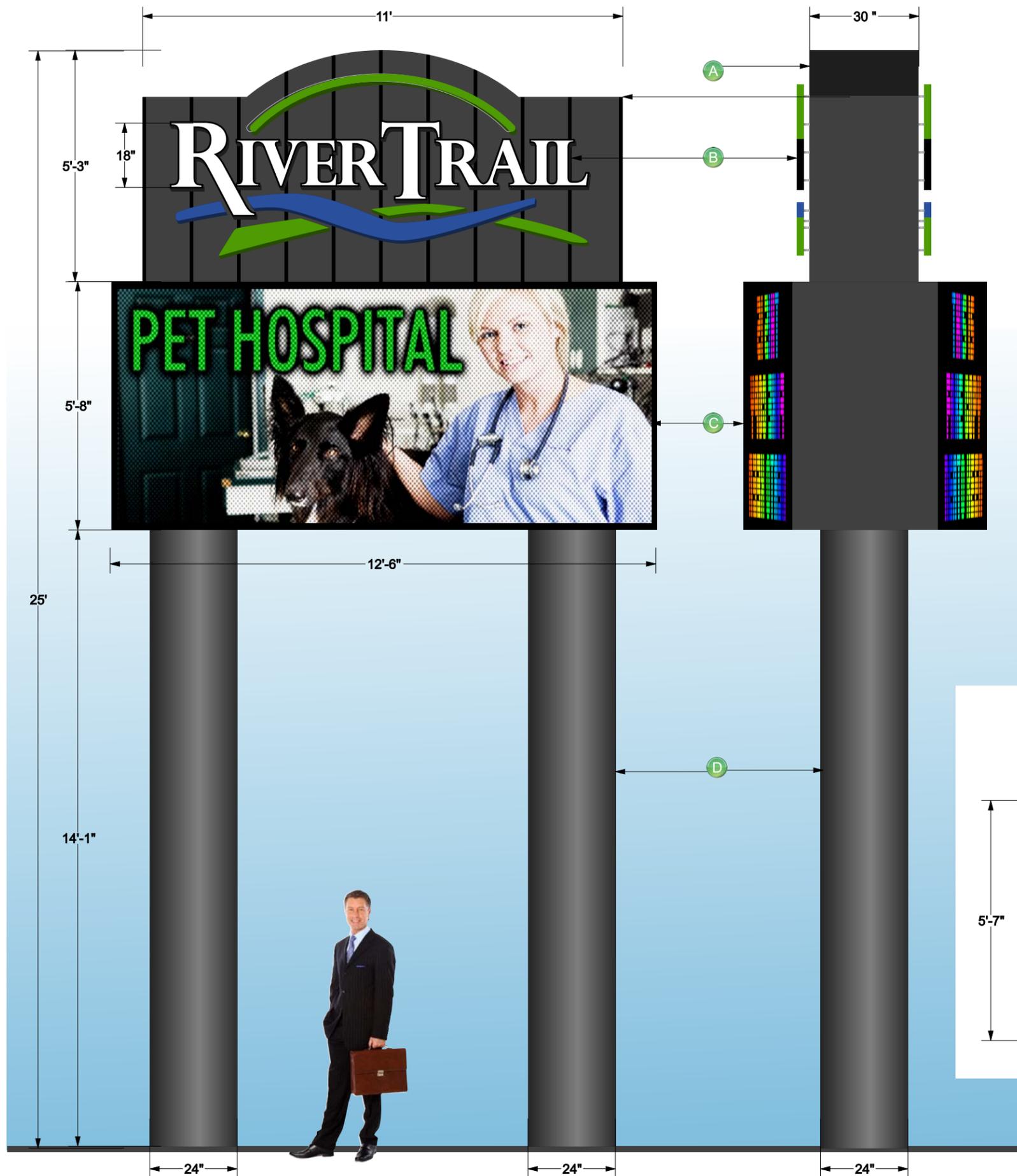
10 INTERNATIONAL ACCESSIBILITY SYMBOL
NOT TO SCALE

30312	3	4	5
Eng' Job #:	MEE	MEE	MEE
Design by:			
Checked by:			
Issued Date:	9-10-2014		

Khoury Engineering, Inc.
 Civil Engineering - Land Development
 1435 East 51st Street
 Tulsa, OK 74105
 CA #3751, Renewal 06-30-15
 MALEK E. ELKHOURY
 1753B
 09/10/14

RIVER TRAIL ANIMAL HOSPITAL
 12639 SOUTH MEMORIAL DRIVE
 CITY OF BIXBY - TULSA COUNTY - OKLAHOMA
SITE & HORIZONTAL CONTROL PLAN

SHEET No. **C-1**
 BEFORE YOU DIG... CALL OKIE
 1-800-522-6543



D/F MONUMENT SIGN W/LED MESSAGE CENTER

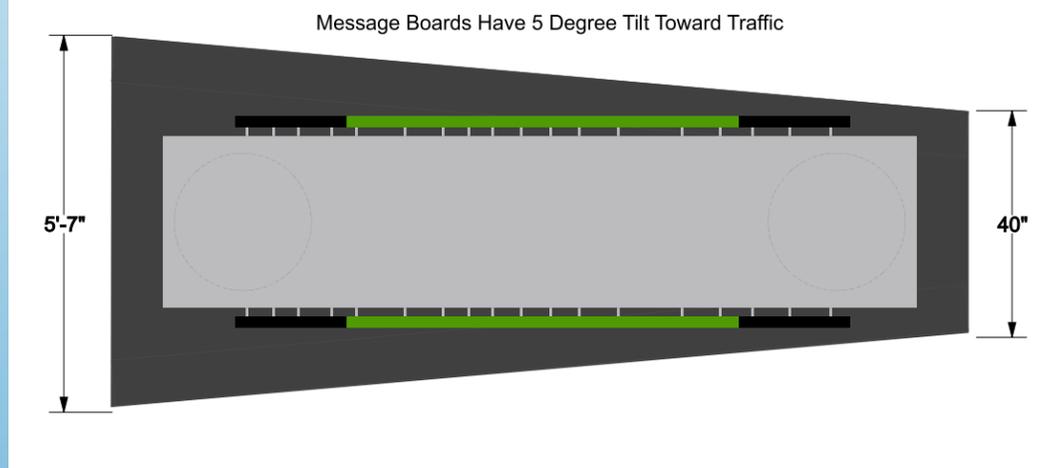
SCALE: 3/8" = 1'

A.1

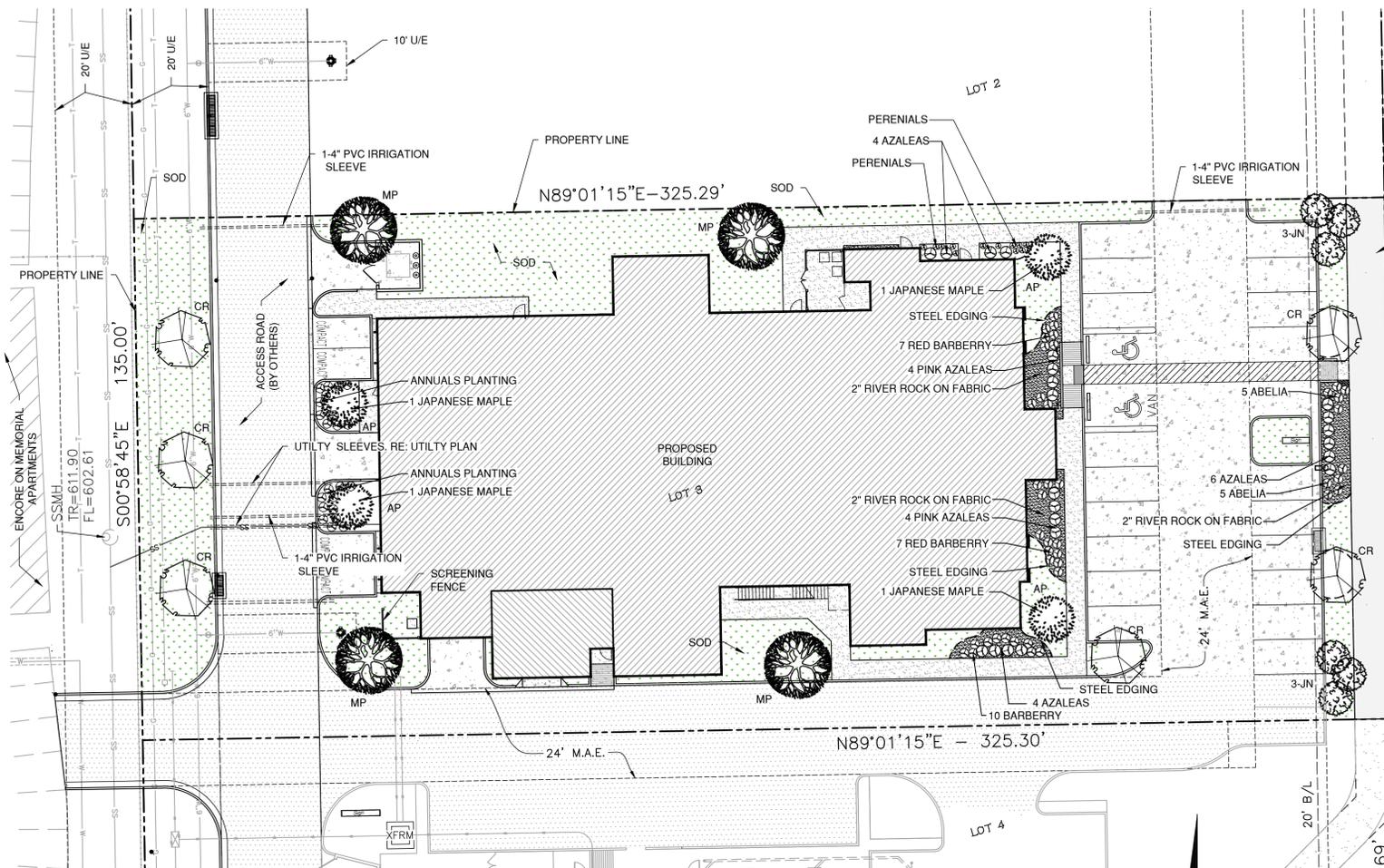
- A** Fabricated Sign Cabinet, Corogated Metal Look
- B** Fabricated Channel Logo & Lettering. Painted Black W/ Vinyl Inlays On Face Of Logo & Letters. 2" Deep • 1 1/2" Stand-Off. White Led Halo Glow Illumination on Letters. Blue/Green on logo
- C** Watchfire 16mm Color Led Display: 8" Deep. 90 X 216 Matrix. With Black Filler Panels. Mounted at 5 Degree Angle Toward Traffic.
- D** Round Pole Covers

• Dimensions subject to minor changes due to detailed design considerations.
• A-Max Sign Company will endeavor to closely match colors, including PMS colors where specified. We cannot guarantee exact matches due to varying compatibility of surface materials, vinyl and paints used.
• A-Max Sign Company is not responsible for typographical errors.

TOP VIEW DETAIL



Message Boards Have 5 Degree Tilt Toward Traffic



1 LANDSCAPE PLAN
SCALE: 1"=20'

LANDSCAPE CONTRACTOR SHALL COORDINATE SPECIES TYPE, COLOR, AND ARRANGEMENT OF PLANTS & SHRUBS WITH THE OWNER.

LEGEND - SYMBOLS
SCALE: NTS

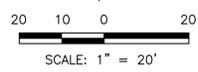
- M.A.E. MUTUAL ACCESS EASEMENT
- U/E UTILITY EASEMENT
- B/L BUILDING LINE SETBACK
- SS SANITARY SEWER
- 6"W 6" WATER LINE
- G GAS LINE
- UE UNDERGROUND ELECTRIC LINE
- T TELEPHONE LINE

TAG	SYMBOL	QTY	BOTANICAL NAME / COMMON NAME	MIN SIZE
AP		4	ACER PALMATUM / JAPANESE MAPLE	2" CAL. 6' HEIGHT
JN		6	JUNIPERUS VIRGINIANA / OKLA. SILVER JUNIPER	2" CAL. 6' HEIGHT
CR		6	CERCIS RENIFORMIS / OKLAHOMA REDBUD	3" CALIPER, 7-8' HEIGHT
MP		4	ACER FREEMANII 'JEFFSRED' / AUTUMN BLAZE MAPLE	3" CALIPER, 8' HEIGHT

BENCHMARK
5/8" REBAR W/YELLOW CAP (LS1253) SET BEING THE EAST QUARTER CORNER OF SECTION 2. EL=609.14, NAVD 1988

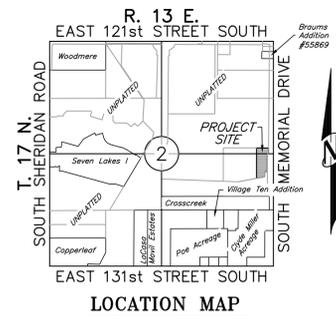
IRRIGATION NOTE
ALL REQUIRED LANDSCAPED AND PLANTED AREAS SHALL BE IRRIGATED BY AN AUTOMATIC IRRIGATION SYSTEM. SODDED AREAS SHALL BE IRRIGATED BY AN AUTOMATIC IRRIGATION SYSTEM.

TO THE BEST OF MY KNOWLEDGE, THIS LANDSCAPE PLAN MEETS THE SPECIAL DISTRICT REQUIREMENTS AND GENERAL ZONING CODE REQUIREMENTS OF PUD #83
Malek Elkhoury
Malek Elkhoury, P.E.

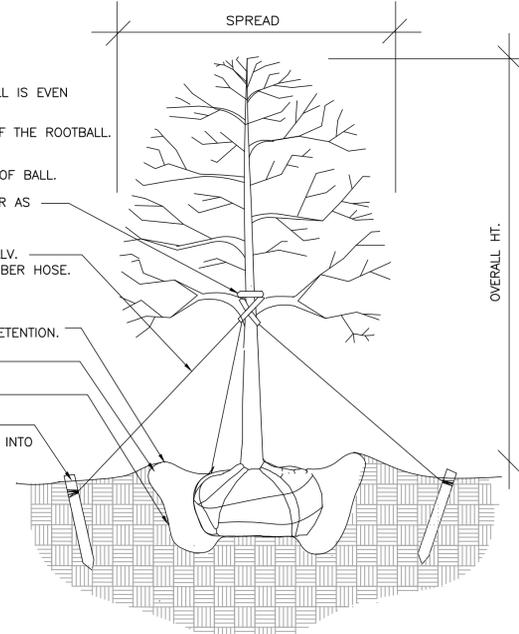


LEGEND

- SOD (BERMUDA GRASS)
- CONCRETE SIDEWALK
- CONCRETE PAVEMENT



PLANT SO THAT TOP OF ROOTBALL IS EVEN WITH THE FINISHED GRADE.
HOLE TO BE TWICE THE SIZE OF THE ROOTBALL.
LOOSEN BURLAP AND WIRE TOP OF BALL.
STAKE ABOVE FIRST BRANCHES OR AS NECESSARY FOR FIRM SUPPORT.
2 STRAND TWISTED 12 GAUGE GALV. WIRE ENCLOSED IN 1" DIAM. RUBBER HOSE.
FORM 4" SAUCER FOR WATER RETENTION.
PLANTING MIX.
REMOVE AIR POCKETS.
HARDWOOD STAKES
3 STAKES, 2" X 2", DRIVEN FIRMLY INTO SUBGRADE PRIOR TO BACKFILLING



2 TREE STAKING/PLANTING DETAIL
NOT TO SCALE

LANDSCAPE NOTES

- CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL UNDERGROUND UTILITIES PRIOR TO DIGGING. CONTACT OKIE TO LOCATE EXISTING UTILITIES.
- THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANTS INSTALLED FOR ONE FULL YEAR FROM DATE OF ACCEPTANCE BY THE OWNER. ALL PLANTS SHALL BE ALIVE AND AT A VIGOROUS RATE OF GROWTH AT THE END OF THE GUARANTEE PERIOD. THE LANDSCAPE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR ACTS OF GOD.
- ANY PLANT THAT IS DETERMINED DEAD, IN AN UNHEALTHY OR UNSIGHTLY CONDITION, LOST ITS SHAPE DUE TO DEAD BRANCHES OR OTHER SYMPTOMS OF POOR, NON-VIGOROUS GROWTH SHALL BE REPLACED BY THE LANDSCAPE CONTRACTOR WITH THE COST OF REPLACEMENT INCLUDED IN THE BID OR PROPOSAL PRICE.
- PRIOR TO INSTALLATION, THE LANDSCAPE CONTRACTOR SHALL INSPECT THE SUBGRADE, GENERAL SITE CONDITIONS, VERIFY ELEVATIONS, UTILITY LOCATIONS, IRRIGATION, APPROVE TOPSOIL PROVIDED BY GENERAL CONTRACTOR AND OBSERVE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE DONE. NOTIFY GENERAL CONTRACTOR OF ANY UNSATISFACTORY CONDITIONS, AND WORK SHALL NOT PROCEED UNTIL SUCH CONDITIONS HAVE BEEN CORRECTED AND ARE ACCEPTABLE TO THE LANDSCAPE CONTRACTOR.
- ALL PLANTING AREAS WITH COLOR BEDS AND GROUNDCOVER TO BE MULCHED WITH CLEAN SHREDDED HARDWOOD MULCH AT A 3" MINIMUM DEPTH.
- ALL ANNUAL AND PERENNIAL BEDS TO BE TILLED TO A MINIMUM DEPTH OF 15 INCHES AND AMENDED WITH 4 INCHES OF ORGANIC MATERIAL. MULCH COLOR BEDS WITH 3" DEPTH OF CLEAN SHREDDED HARDWOOD MULCH.
- PLANTING HOLES TO BE DUG A MINIMUM OF TWICE THE WIDTH OF THE ROOT BALL OF BOTH SHRUB AND TREE AND TO BE AMENDED WITH PREPARED BACKFILL SOIL MIXTURE (SEE NOTE BELOW). STAKE ALL EVERGREEN AND DECIDUOUS TREES. SEE TREE STAKING/PLANTING DETAIL L1.2/1
- PREPARED BACKFILL SOIL MIXTURES SHALL BE MIXED ON SITE IN ONE PART TOPSOIL, ONE PART ORGANIC MATERIAL (I.E., NATURE'S HELPER OR PRO MIX) AND ONE PART SOIL FROM EXCAVATED HOLE. WATER THOROUGHLY TWICE IN FIRST 24 HOURS AND APPLY MULCH IMMEDIATELY.
- EXISTING GRASS TO BE REMOVED, IF PRESENT, AND TOPSOIL TO BE SPREAD SMOOTH AND HAND RAKED TO REMOVE ALL ROCKS AND DEBRIS LARGER THAN 1 INCH IN DIAMETER PRIOR TO LAYING SOD.
- SOIL TO BE TESTED TO DETERMINE FERTILIZER AND LIME REQUIREMENTS AND DISTRIBUTED PRIOR TO LAYING SOD.
- SOD TO BE DELIVERED FRESH (CUT LESS THAN 24 HOURS PRIOR TO ARRIVING ON SITE), LAID IMMEDIATELY, ROLLED AND WATERED THOROUGHLY WITHIN ONE HOUR OF INSTALLATION.
- ALL CHANGES TO DESIGN OR PLANT SUBSTITUTIONS ARE TO BE AUTHORIZED BY THE OWNER'S CONSTRUCTION MANAGER.
- TOPSOIL USED FOR BERMING AND BACKFILLING OF PLANTING AREAS TO BE SCREENED, CLEAN TOPSOIL.
- NO TREES, OTHER THAN THOSE SPECIES LISTED AS SMALL TREES IN THE ZONING ORDINANCE, ARE LOCATED WITHIN 20 FEET OF ANY OVERHEAD UTILITY WIRE, OR WITHIN 5 FEET OF ANY UNDERGROUND PUBLIC UTILITY LINE.

BUFFER STRIP REQUIREMENTS

	REQUIRED	PROVIDED
WEST, ABUTTING RM-3 (10')	1,350 SF	2,340 SF
MEMORIAL DRIVE (15')	2,025 SF	1,229 SF +(1,350 SF Trail)

TREE REQUIREMENTS

	REQUIRED	PROVIDED
MEMORIAL DRIVE STREET YARD (1/1000 SF) (135.00x50'=6,750 SF /1000)	7	7
WEST BOUNDARY SETBACK (135.00x20'=2,700 SF /1000)	3	3
TREE TO PARKING RATIO (1/10 SPACES) (27 SPACES /10)	3	3

MAX. DISTANCE FROM PARK. SPACE TO LANDSCAPE AREA: 50' = OK

Engr. Job #:	30338	Design by:	HS	Checked by:	MEE	Issued Date:	12-22-2014
Revisions	No	Date					
<p>Anderson Office Building 12626 SOUTH MEMORIAL DRIVE CITY OF BIXBY - TULSA COUNTY - OKLAHOMA</p> <p>LANDSCAPE PLAN</p>							
<p>Khoury Engineering, Inc. Civil Engineering - Land Development 1435 East 51st Street Tulsa, OK 74105 Tel 918.712.8769 Fax 918.712.1069 CA #3751, Renewal 06-30-15</p> <p>Malek E. Elkhoury 17538 Professional Engineer 12/22/14</p>							
<p>SHEET No. L-1</p>							





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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Thursday, January 15, 2015
RE: Report and Recommendations for:
BL-396 – Rebecca Coffee for Dorothy L. Biggers Living Trust

LOCATION: – 15400 S. Yale Ave.
– Part of the NE/4 of Section 21, T17N, R13E

LOT SIZE: 139 acres, more or less

ZONING: AG Agricultural District

SUPPLEMENTAL ZONING: Corridor Appearance District (partial)

EXISTING USE: Agricultural land and a single-family dwelling

REQUEST: Lot-Split approval

ANALYSIS: The owner is seeking Lot-Split approval to separate approximately 2.09 acres with the existing dwelling addressed 15400 S. Yale Ave. from the balance of the agricultural tract. The proposed tract does not meet the minimum land area requirements, and potentially other bulk and area standards of the existing AG district. The buyer of the smaller tract does not want the zoning changed, such as to a Residential district that would allow for the Lot-Split to be approvable. The buyer and seller are seeking a Variance from the bulk and area standards in the AG district to allow the Lot-Split to be approved. The Board of Adjustment will consider the Variance per BBOA-597 on February 02, 2015. Staff recommends this application be Continued to the February 17, 2015 regular meeting pending the disposition of BBOA-597.

91



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Thursday, January 15, 2015
RE: Report and Recommendations for:
BL-397 – Michael Ward on behalf of QuikTrip Corporation for T C 94, LP

LOCATION:

- The 11900 : 12100-block of S. Memorial Dr.
- Block 18, *Southern Memorial Acres Extended*, Less & Except right-of-way of record
- The *Town & Country Center* shopping center, including the
- Former *May's/Drug Warehouse* store site addressed 12037 S. Memorial Dr.

LOT SIZE: 7 1/3 acres, more or less

EXISTING ZONING: CS Commercial Shopping Center District

SUPPLEMENTAL ZONING: Corridor Appearance District

EXISTING USE: The *Town & Country Center* shopping center

REQUEST: Lot-Split approval

ANALYSIS: The Applicant is seeking Lot-Split approval to separate the southerly approximately 2.012 acres, containing the southernmost tenant space in the shopping center, the former *May's/Drug Warehouse* store site addressed 12037 S. Memorial Dr., to allow for its replacement with a new Use Unit 14 *QuikTrip* convenience store / gasoline service station. By email on January 05, 2015, the Applicant requested this application be Continued to the February 17, 2015 Regular Meeting to allow additional time to resolve site plan matters. Staff recommends this application be Continued to the February 17, 2015 Regular Meeting as requested.