

AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
February 17, 2015 **6:00 PM**

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- ③ 1. Approval of Minutes for the January 20, 2015 Regular Meeting

PUBLIC HEARINGS

- ③ 2. **Subdivision Regulations Text Amendment.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Bixby Subdivision Regulations, pursuant to Oklahoma Statutes Title 11 Section 45-104 et seq., to remove the requirement for application fees to be adopted by Ordinance and allow for adoption by Resolution, and make other related amendments.

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3. **Zoning Code Text Amendment.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Zoning Code of the City of Bixby, Oklahoma, pursuant to Oklahoma Statutes Title 11 Section 43-101 et seq. and Bixby Zoning Code/City Code Title 11 Section 11-5-3, to remove the requirement for application fees to be adopted by Ordinance and allow for adoption by Resolution, and make other related amendments.

PLATS

- ④ 4. **Sketch Plat – Conrad Farms – Crafton Tull & Associates, Inc.** Discussion and consideration of a Sketch Plat for “Conrad Farms” for approximately 82.98 acres in part of the SE/4 of Section 23, T17N, R13E.
Property Located: North and west of the intersection of 161st St. S. and Memorial Dr.

OTHER BUSINESS

- 61
5. **PUD 85 – Conrad Farms – Minor Amendment # 1.** Discussion and possible action to approve Minor Amendment # 1 to PUD 85 for approximately 136.48 acres in Section 23, T17N, R13E, with underlying zoning RS-3 Residential Single Family District, which amendment proposes to amend specific standards for Collector Street design, and making certain other amendments.
Property Located: 7400 E. 151st St. S.

- 69
6. (Continued from January 20, 2015)
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.

- 78
7. (Continued from January 20, 2015)
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: Enyart

Date: 01/21/2015

Time: 2:20 PM

2

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

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

STAFF PRESENT:

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

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

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

ROLL CALL:

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

CONSENT AGENDA:

1. Approval of Minutes for the December 15, 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 December 15, 2014 Regular Meeting as presented by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

PUBLIC HEARINGS

PLATS

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.
-

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, 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 None

ZONING:

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 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

5

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).

Pertaining to recommendation # 3, Erik Enyart stated that he was confident that the design issue could be worked out before the City Council meeting. Ricky Jones stated that he would call the City Engineer to discuss this, and Mr. Enyart indicated agreement. An exhibit showing the area in question with elevation contours was reviewed.

Jerod Hicks asked about the lots listed in the Staff Report which were smaller than the typical lots in the subdivision. Ricky Jones stated that they still met the minimum lot size [in RS-4 zoning].

The Commissioners asked about recommendation # 6, pertaining to sidewalks. Mr. Enyart described the reasoning for making this recommendation and asked the Applicant how they would propose to address this recommendation. Justin Morgan indicated that the construction plans would not normally contain sidewalk plans, but offered to provide a separate exhibit and attach it to the plans. Lance Whisman clarified with Erik Enyart that the Commission should keep # 6 until it was satisfied.

7

Chair Thomas Holland clarified recommendation # 7 with Erik Enyart.

There being no further discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the Final Plat of "Seven Lakes V" subject to all the recommendations in the Staff Report. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

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.
-

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, 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 None

ZONING:

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.

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.

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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.

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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 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).*

Erik Enyart noted that the recommendations for this subdivision were similar to those recommended for "Seven Lakes V," but this one was not complicated by the drainage channel design issue.

After some discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of the Final Plat of "Seven Lakes VI" subject to all the recommendations in the Staff Report. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

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.

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, 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 PUD 76

ZONING:

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 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" 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).*

Lance Whisman asked about the minimum lot sizes. Ricky Jones stated that the minimum required width was 65' per the PUD, but "the developer is shooting for 70 [feet for most of the lots]." It was noted that some lots are in the 68'-width range to allow for the addition of an access Reserve to the future planned trail along Fry Creek # 2.

Jerod Hicks asked if the lot sizes would be similar to those in Seven Lakes, and Justin Morgan stated that they would be [more similar to] those in Legends, which this developer also developed.

Chair Thomas Holland expressed concern about the lot widths as per his copy of the plat included in the agenda packet. Justin Morgan stated that the font used did not print correctly when the paper was sized 11" X 17", as there was a white spot that makes it look like 55'. Erik Enyart stated that he had checked the plat and all the lots met the 65' width requirement. Ricky Jones stated that this was "okay on the full size" prints of the plat, which would be the ones to be signed and recorded. Mr. Enyart stated that it also shows up correctly on the electronic version of the plat.

A Commissioner asked about the lot width of proposed Block 2, Lot 4. The Applicant noted that, because it was on a curve, the two dimensions must be added together.

Chair Thomas Holland asked about recommendation # 15 in the Staff Report. Erik Enyart noted that, for all the subdivision entitlements reviewed in the past few months, the City has been talking to the developers about minimum standards for home construction, including minimum house sizes and minimum masonry standards. Mr. Enyart stated that, within plats, the City has been asking for certain changes to the Deed of Dedication and Restrictive Covenants as they pertain to these minimum standards. Mr. Enyart stated that the Bixby Subdivision Regulation require that plats contain land use restrictions, which is why the City was asking about these things. Mr. Enyart stated that, in the case of the last two (2) Seven Lakes plats, the Restrictive Covenant sections pertaining to these standards were relocated to another section which required City Council approval for any amendments, and language was removed that that would have allowed for the subdivision's Architectural Committee, which was essentially the developer, to waive these standards. Mr. Enyart noted that this language was customary, and that that this was a different development and a different developer [than Seven Lakes], but this [recommendation # 15] is something the City needed to talk to the developer about.

Chair Thomas Holland asked how this language related to the City's former Architectural Committee. Erik Enyart acknowledged that this "Architectural Committee" term was confusing because the City of Bixby used to have an "Architectural Committee," but it was standard to have

this language in plats to form an "Architectural Committee" specific to that subdivision which would approve plans for homes to be constructed. Mr. Holland asked if the City of Bixby would have a representative on the Architectural Committee, and Mr. Enyart and Ricky Jones responded "No."

Lance Whisman, Patrick Boulden, and Ricky Jones discussed typical timelines for the transfer of the subdivision's Architectural Committee to its Homeowners Association. Mr. Jones asked Mr. Boulden if this language was not customary, and Mr. Boulden stated that these are private so he didn't normally pay attention.

The Commissioners discussed a concern raised about the developer policing itself.

Lance Whisman asked about Restrictive Covenants, and Erik Enyart responded that Bixby was unique, and was one of the only communities, or maybe the only community in the area with Subdivision Regulations that required land use restrictions accompany the plat. Mr. Enyart stated that this was why the City had recommended that the language in the recent Seven Lakes subdivisions be amended as pertained to minimum house standards. Mr. Enyart reiterated that this was a different development and a different developer, and stated that he did not know what the City Council may say about these land use restrictions or how this developer will respond.

A statement was made regarding whether the PUD contained minimum house standards. Erik Enyart stated that this development was part of a PUD approved in early 2013, and back then, the City did not discuss minimum house standards, so he did not think these were included in the PUD. Ricky Jones indicated agreement. It was noted that this may be the first and only time this issue had cropped up for this development. Patrick Boulden stated that this development appeared to have been caught in the middle of a transition. Mr. Jones indicated agreement.

Steve Sutton declined to comment on the minimum house standards matter at this time.

There being no further discussion, Steve Sutton made a MOTION to RECOMMEND APPROVAL of the Final Plat of "Quail Creek of Bixby" as recommended in the Staff Report, including the subsequent notes discussed during the meeting. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Whiteley, Hicks, Sutton, and Whisman
NAY:	None.
ABSTAIN:	Holland.
MOTION PASSED:	4:0:1

OTHER BUSINESS

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.

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

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, 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 PUD 76

ZONING:

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 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 do-able 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.

Jerod Hicks asked the Applicant if the main reason the developer wanted to go overhead was the cost. Ricky Jones indicated agreement and stated that, when the line hit the residential area, the developer wanted it underground, but was okay with it in the commercial/office area. Mr. Jones noted that the initial estimate [for the entire, looped system] was \$1 Million. Mr. Jones or Justin Morgan stated that AEP-PSO used to help share the costs for underground, but didn't anymore. Mr. Jones or Mr. Morgan stated that the loss of power would be most damaging to the residential development area, so the developer pulled back on it to the residential line. Mr. Jones or Mr. Morgan stated that the new estimate was \$200,000 for underground. Mr. Jones or Mr. Morgan stated that underground in the commercial area would require wider easements and pedestals and other things. Lance Whisman asked why a power loss in the commercial area wouldn't damage the residential area, and Mr. Jones stated that it would be a looped system, so if it was cut off on one end, it could still be fed by the other. Mr. Jones and Justin Morgan approached the dais and discussed the locations of planned electrical lines as represented on page 74 of the agenda packet.

Lance Whisman asked why the City Council had allowed overhead electric [along the east side of "Quail Creek Office Park"], and Erik Enyart responded, "Because they offered [the General Utility Easement] and we accepted it." Mr. Enyart stated, "We knew as late as December, 2013 that this was to be an overhead system, but some at the City were not aware of that, and when they became aware, [City Staff] began discussing it as a policy issue."

Justin Morgan stated that it was "usually up to the developer to determine the best way to serve—this doesn't usually come before you." Mr. Morgan asked if this was not another issue "caught in between policies before and now." Discussion ensued. Ricky Jones provided a copy of the U/E.

Erik Enyart and the Commissioners asked Justin Morgan if the \$200,000 price was the total cost of the underground line or the price difference between underground and overhead. Mr. Morgan stated that he did not get that information from *AEP-PSO*.

Jerod Hicks expressed concern for the aesthetic effect along the 121st St. S. corridor if overhead electric was approved.

Steve Sutton asked who put the [General Utility Easement] on the City Council agenda. Erik Enyart stated, "All of us Staff [reviewed it], I took it to the Council, I knew it was overhead, and I know others did too, whether they'll admit it [now] or not."

A Commissioner stated, "If this sets policy or precedent, I think it's a bad move."

Ricky Jones stated, "I understand your concern for setting a policy/precedent," but urged the Commission, if it became policy, to "put it on the next [development]."

Jerod Hicks expressed concern for aesthetics along 121st St. S. and the difficulty to get lines buried in the future if this was approved.

Erik Enyart asked the Applicant how long ago *AEP-PSO* made the change and stopped cost sharing for underground lines. Justin Morgan stated, "It hasn't been that long ago; since housing came back. They're getting more and more aggressive on each one."

Lance Whisman expressed concern for future reliability, stating "We don't know what will be [developed on the commercial lots]. We have landscaping" requirements, so there would be trees along the same line in the future. Ricky Jones or Justin Morgan stated "They're very restrictive now [on what can be planted] and cut them down without asking."

There being no further discussion, Chair Thomas Holland asked to entertain a Motion.

Larry Whiteley made a MOTION to DENY the Plat Amendment. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

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

- 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.
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23

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

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

24

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.thegalleyssink.com).

25

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 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.

- 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.

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.

Jerod Hicks asked if there would be any trees or shrubs to help screen, and whether the developer would be keeping the wrought-iron fence. Applicant Malek Elkhoury, PE, of 1435 E. 41st St. S., Tulsa, indicated the fence would remain and stated that there was a 20'-wide landscaped buffer on the *Encore [on Memorial]* side and another 20'-wide landscaped buffer on "this side," for a total 40'-wide buffer. Mr. Elkhoury described the landscaping trees within the landscaped strips. Mr. Elkhoury stated that, even if the fence was a screening fence, [people] on the second floors would still be able to see over it.

Discussion ensued between the Commissioners, Malek Elkhoury, PE, Dr. Ron Hooley, DVM, of Your Pet Hospital / River Trail Animal Hospital, and Erik Enyart regarding details of the different site plans. Erik Enyart answered questions pertaining to the proposed ground sign with LED lighting as described in the Staff Report. Lance Whisman noted that the plans showed a chain-link fence for the dog runs on the south side of the River Trail Animal Hospital.

There being no further discussion, Jerod Hicks made a MOTION to APPROVE PUD 83 Minor Amendment # 1 as recommended in the Staff Report, including the amendment to the lighting standard. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

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

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.

Chair Thomas Holland introduced the item and asked Erik Enyart and confirmed with him that this, and the next item on the agenda, were to be Continued to the next meeting. Erik Enyart stated that the same action, to Continue, to the same date, could be handled with a singular Motion and vote.

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.

Chair Thomas Holland introduced the item.

There being no further discussion, Lance Whisman made a MOTION to CONTINUE both BL-396 and BL-397 to the February 17, 2015 Regular Meeting. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

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

OLD BUSINESS:

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

NEW BUSINESS:

Chair Thomas Holland asked if there was 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 7:28 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary



CITY OF BIXBY
JAN 20 2015
RECEIVED
By Enyart

32



GENERAL UTILITY EASEMENT

RETURN TO:
CITY OF BIXBY
P.O. BOX 70
BIXBY, OK 74008

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

I, Richard Dodson, Manager of 121st & Memorial, L.L.C., an Oklahoma Limited Liability Company, the undersigned, being the sole owner(s) of all interests, both legal and equitable, in the following described property, to-wit:

A part of Government Lot Two (2), Section Two (2), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, Oklahoma;

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the special benefits to the remainder of the above described property, accruing thereto upon this dedication, do hereby dedicate to the Public, a perpetual general utility easement for the purpose of providing public utility providers with the option to go upon, construct, build, and at all times maintain public utility lines and appurtenances thereon, through, over, under, and across the following described portion thereof, to-wit:

See Attached Exhibits "A.1" & "A.2"

To have and to hold said described premises as easement unto the Public forever for uses described herein.

Signed and delivered this 13th day of Sept, 2014.

[Signature] G. MGR.

ATTEST:

STATE OF OKLAHOMA)
) SS: LIMITED LIABILITY ACKNOWLEDGEMENT
COUNTY OF TULSA)

This instrument was acknowledged before me, the undersigned Notary Public in and for said County and State on this 23 day of Sept, 2014, by RICK DODSON, as Manager of 121st & Memorial. L. L. C., an Oklahoma Limited Liability Company, to me known to be the identical person who executed the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the purposes therein set forth.

My Commission Expires: 10/15/2016 Candice Ledbetter
Notary Public



CITY OF BIXBY
JAN 20 2015
RECEIVED
By [Signature]

33

ACCEPTANCE OF DEDICATION BY THE CITY OF BIXBY

The foregoing dedication is hereby accepted by the City Council of the City of Bixby, Oklahoma, this 22nd day of September, 2014.

ATTEST:

Yvonne Scott
Yvonne Scott, City Clerk

CITY OF BIXBY

John E. ...
, Mayor

Patrick V. Ball
City Attorney

Case Reference # _____

34

Exhibit "A.1"
Quall Creek of Bixby
General Utility Easement
Description

Description

A 17.50 FOOT WIDE TRACT OF LAND THAT IS A PART OF GOVERNMENT LOT TWO (2), 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:

BEGINNING AT A POINT ON THE EAST LINE OF SAID GOVERNMENT LOT 2, SAID POINT BEING THE SOUTHEAST CORNER OF LOT ONE (1), BLOCK THREE (3), "SCENIC VILLAGE PARK", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6477); THENCE SOUTH 0°59'21" EAST ALONG SAID EAST LINE, FOR A DISTANCE OF 567.51 FEET; THENCE SOUTH 88°46'02" WEST FOR A DISTANCE OF 471.72 FEET TO A POINT OF CURVATURE; THENCE ALONG A NON-TANGENT 460.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 2°10'49", WITH A CHORD BEARING AND DISTANCE OF NORTH 2°19'22" WEST FOR 17.50 FEET, FOR AN ARC DISTANCE OF 17.50 FEET; THENCE NORTH 88°46'02" EAST FOR A DISTANCE OF 454.63 FEET; THENCE NORTH 0°59'21" WEST AND PARALLEL WITH SAID EAST LINE, FOR A DISTANCE OF 550.01 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1, BLOCK 3; THENCE NORTH 88°46'02" EAST ALONG SAID SOUTH LINE, FOR A DISTANCE OF 17.50 FEET TO THE POINT OF BEGINNING.

Basis of Bearing

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83).

Real Property Certification

I, DAN E. TANNER, OF TANNER CONSULTING, LLC, CERTIFY THAT THE ATTACHED DESCRIPTION CLOSES IN ACCORD WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE EASEMENT AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

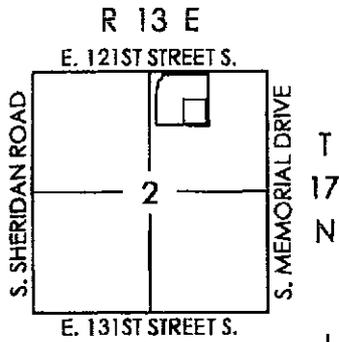


DAN E. TANNER, P.L.S.
OKLAHOMA P.L.S. #1435
OKLAHOMA CA #2661
EXPIRATION DATE: 6/30/15

7.2.2014

DATE

35

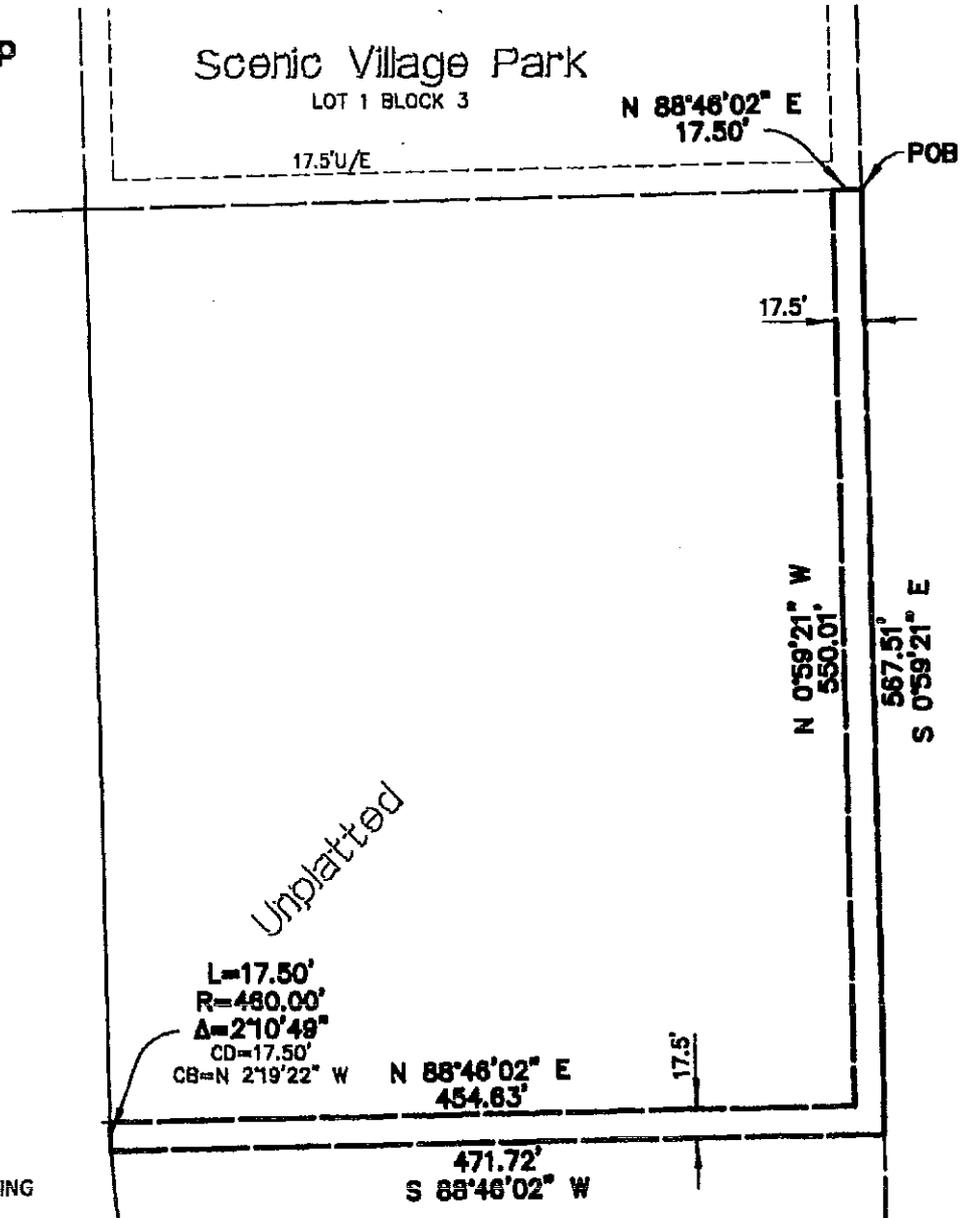


Location Map

Exhibit "A.2"
Quail Creek of Bixby
General Utility Easement
Exhibit



Scenic Village Park
 LOT 1 BLOCK 3



LEGEND

- CB CHORD BEARING
- CD CHORD DISTANCE
- L ARC LENGTH
- POB POINT OF BEGINNING
- R RADIUS
- Δ CENTRAL ANGLE

Tanner Consulting, LLC

5323 SOUTH LEWIS AVENUE • TULSA, OKLAHOMA 74105 • (918)745-9629

7/07/2014 1306EX_OFFSITE UE

36

BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: January 20, 2015

NAME	ADDRESS	ITEM
1. _____	_____	_____
2. _____	_____	_____
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17. _____	_____	_____
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19. _____	_____	_____
20. _____	_____	_____



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

STAFF REPORT

To: Bixby Planning Commission

From: Erik Enyart, AICP, City Planner *EE*

Date: Tuesday, February 10, 2015

RE: Report and Recommendations for:
Zoning Code Text Amendment – Application Fees Adoption by Resolution
and
Subdivision Regulations Text Amendment – Application Fees Adoption by Resolution

AGENDA ITEM(S):

Subdivision Regulations Text Amendment. Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Bixby Subdivision Regulations, pursuant to Oklahoma Statutes Title 11 Section 45-104 et seq., to remove the requirement for application fees to be adopted by Ordinance and allow for adoption by Resolution, and make other related amendments.

Zoning Code Text Amendment. Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Zoning Code of the City of Bixby, Oklahoma, pursuant to Oklahoma Statutes Title 11 Section 43-101 et seq. and Bixby Zoning Code/City Code Title 11 Section 11-5-3, to remove the requirement for application fees to be adopted by Ordinance and allow for adoption by Resolution, and make other related amendments.

ANALYSIS:

Bixby's primary fee schedule was adopted by Ordinance # 599 in 1988, and fees adopted thereby have not kept pace with inflation, more modern development review practices, or all planning services presently provided.

City Staff has conducted a fee schedule analysis, including a survey of several Tulsa Metropolitan Area communities to compare their fees to those presently charged by the City of Bixby. Surveyed communities include Broken Arrow, Glenpool, Jenks, Sand Springs, Tulsa, and Tulsa County. Using the policy guidance provided by the City Council, City Staff will propose new fees at the City Council meeting February 23, 2015.

All, or almost all fees charged by the City of Bixby are established by Resolution, not Ordinance. The City of Bixby did a comprehensive fee and preset fine analysis in 2013, and compiled all of the fees into a singular Resolution 2013-09. This Resolution was designed to be a singular resource for all existing fees and fines charged by the City for the conduct of City business. It was also designed to allow for future updates with any new fees or fines established by the City Council.

Since most of the Zoning and development-related fees were adopted by an Ordinance, they cannot be updated by a Resolution, and so an Ordinance must repeal Ordinance # 599 and allow for fees to be established by Resolution.

Additionally, certain provisions of the Zoning Code and Subdivision Regulations specify that fees are to be established by Ordinance. The City Attorney has stated that State Statutes do not require these fees be adopted by Ordinance. The amendments proposed by the attached draft Ordinance would remove the Ordinance adoption requirement of these provisions.

RECOMMENDATION:

Staff recommends Approval of both amendments.

39

(Published in the Tulsa Business & Legal News
City of Bixby, Tulsa County, Oklahoma
_____, 2015)

ORDINANCE No. _____

CITY OF BIXBY, OKLAHOMA

AN ORDINANCE PROVIDING FOR THE ADOPTION OF CERTAIN FEES BY SEPARATE RESOLUTION, REPEALING ORDINANCE # 599 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AMENDING ORDINANCE NO. 272 AND THE ZONING CODE OF THE CITY OF BIXBY, OKLAHOMA, CITY CODE TITLE 11, AMENDING ORDINANCE NO. 854 AND THE SUBDIVISION REGULATIONS OF THE CITY OF BIXBY, OKLAHOMA, CITY CODE TITLE 12, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bixby incurs certain expenses related to the processing and administration of Zoning, Board of Adjustment, land division, and other development application requests and for providing other planning services for properties within the City of Bixby, Oklahoma; and,

WHEREAS, the existing schedule of fees was adopted in 1988 by Ordinance # 599 and the fees adopted thereby have not kept pace with inflation, more modern development review practices, or all planning services presently provided; and

WHEREAS, the existing schedule of fees was adopted by an Ordinance, and certain provisions of the Bixby Zoning Code and Bixby Subdivision Regulations require fees be adopted by Ordinance, rather than by Resolution; and

WHEREAS, after due study and deliberation, the City Council deems it advisable and in keeping with the purpose of this Council to adopt a new schedule of fees, and to adopt same by Resolution; and

WHEREAS, the Council of the City of Bixby, Oklahoma finds that this amendment should be adopted in the interest of the health, safety, and general welfare of the Public and that the same are necessary and expedient;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bixby, Oklahoma:

SECTION 1. That Ordinance # 599 be, and the same is hereby repealed.

SECTION 2. That the Zoning Code of the City of Bixby, Oklahoma, City Code Title 11, shall be amended as follows:

Section 11-5-4.A.1 shall be amended as follows:

“1. Any person, corporation, partnership, association or combination thereof, having a legal or equitable interest in or to real property, may file an application for a change in the zoning

classification of such property by amendment of the Zoning Map. An application shall be filed with the Planning Commission, shall be in such form and content as the Planning Commission may establish, and shall be accompanied by payment of a fee according to the adopted fee schedule. The applicant shall pay all public notice fees and costs as per the adopted fee schedule.”

SECTION 3. That the Subdivision Regulations of the City of Bixby, Oklahoma, City Code Title 12, shall be amended as follows:

Subdivision Regulations / City Code Section 12-2-5.D shall be amended as follows:

“Fees: Upon filing an application, the owner shall pay all fees to the City as according to the adopted fee schedule.”

Subdivision Regulations / City Code Section 12-7-9 shall be amended as follows:

“Before any permit shall be issued, the applicant shall pay to the City a fee according to the adopted fee schedule for each application permit reviewed and issued.”

Subdivision Regulations / City Code Section 12-13-3 shall be amended as follows:

“For all applications filed pursuant to these Subdivision Regulations, applicants shall pay fees, in amounts as established by the City Council, at the time of application submission.”

SECTION 4. That all other Ordinances or parts of Ordinances in conflict herewith be, and the same are hereby repealed, to the extent of the conflict. However, nothing in this Ordinance shall be construed to prevent the enforcement of other ordinances, laws, or regulations which prescribe higher fees.

SECTION 5. That if any one or more of the sections, sentences, clauses or parts of this Ordinance shall for any reason be held invalid, the invalidity of such section, sentence, clause or part shall not affect or prejudice in any way the applicability and validity of any other section, sentence, clause or part of this Ordinance.

SECTION 6. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is hereby declared to exist for the preservation of the Public Peace, Health and Safety, by reason whereof this Ordinance shall take effect and be in force immediately upon its passage and publication.

Adopted by a _____ vote of the City Council of the City of Bixby, Oklahoma, this 23rd day of February, 2015, with Emergency Clause voted upon separately.

Mayor

41

Adopted as an Emergency Measure by a _____ vote of the City Council of the City of Bixby, Oklahoma, this 23rd day of February, 2015.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

412



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, February 12, 2015
RE: Report and Recommendations for:
Sketch Plat of "Conrad Farms"

LOCATION:

- 7400 E. 151st St. S. (parent tracts aggregate address)
- North and west of the intersection of 161st St. S. and Memorial Dr. (PUD 85 area)
- Part of Section 23, T17N, R13E

SIZE:

- 200.6 acres, more or less (parent tracts aggregate)
- 136 ½ acres, more or less (PUD 85 area)
- 82.98 acres, more or less (Sketch Plat area)

EXISTING ZONING:

- RS-3/PUD 85, AG Agricultural District, and some CS zoning at the northwest corner of 161st St. S. and Memorial Dr. (parent tracts aggregate)
- RS-3/PUD 85 (PUD 85 and Sketch Plat area)

SUPPLEMENTAL ZONING: PUD 85; there is Corridor Appearance District supplemental zoning on two (2) parent tract parcels which front on 151st St. S. and Memorial Dr., but not within the area concerned by the Sketch Plat or PUD 85 Minor Amendment # 1 applications

EXISTING USE: Former Conrad Farms agricultural land; there is a communications tower on a parent tract parcel, but not within the area concerned by the Sketch Plat or PUD 85 Minor Amendment # 1 applications

43

REQUEST:

Sketch Plat approval for 242-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

North: (Across 151st St. S.) AG; An approximately 150-acre tract of agricultural land.

South: (Across 161st St. S.) AG; Agricultural land.

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

West: (to Sheridan Rd) RMH, CH, IL, CS, and AG; The Shadow Valley Mobile Home Park zoned RMH, the "Spectrum Plaza" trade center zoned CH, a single-family house on 1-acre zoned IL, and a CS district containing the *Bethesda Girls Home* at 7106 E. 151st St. S., another nonresidential building (former location of the *Living Water Family Church*) at 7102 E. 151st St. S., and the *Bixby Chiropractic* at 7100 E. 151st St. S. Farther west along the east side of Sheridan Rd. are several vacant/wooded, agricultural, and rural residential tracts of land zoned AG.

COMPREHENSIVE PLAN: Development Sensitive + Vacant, Agricultural, Rural Residences, and Open Land + Community Trails (Special District # 4 designation removed from RS-3/PUD 85-zoned area per BCPA-12 but remains on small part of parent tracts aggregate along 161st St. S. at communications tower site)

PREVIOUS/RELATED CASES:

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

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

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

BCPA-12, PUD 85, & BZ-377 – Conrad Farms Holdings, LLC – Request to amend the Comprehensive Plan to remove the Special District # 4 designation, rezone from AG to RS-3, and approve PUD 85 for a single-family residential development on 136 ½ acres of the subject property parent tract aggregate – PC recommended Conditional Approval 09/15/2014. City Council Conditionally Approved 11/10/2014 (Ord. # 2143).

PUD 85 – Conrad Farms – Minor Amendment # 1 – Request for approval of a Minor Amendment to PUD 85 for subject property RS-3/PUD 85-zoned area – PC consideration pending 02/17/2015.

44

BACKGROUND INFORMATION:

Sketch Plats are to be encouraged, in order to get the City's, TAC's, and Planning Commission's early and constructive input, and to gain approval of the conceptual subdivision layout, without significant developer investments in a singular plan, which can be expensive to modify once it has reached the Preliminary Plat and Preliminary Engineering Plans stage.

Ordinance # 2026, adopted October 12, 2009, introduced a Sketch Plat application process, by which this Sketch Plat is being reviewed. In addition to reviewing for basic Zoning Code and Subdivision Regulations compliance and subdivision design, this report focuses more on correcting provided information, and not listing items missing from the Sketch Plat in order for it to meet a standard for a Preliminary or Final Plat. The Applicant should review the Subdivision Regulations for informational requirements for those plat applications when they are being prepared.

ANALYSIS:

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

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

Altogether, the subject property parent tracts total approximately 200.6 acres, and the area approved for RS-3 and PUD 85 zoning total 136 ½ acres. The RS-3/PUD 85 area excludes (A) that part located in the N/2 of the N/2 of this Section (along 151st St. S.), (B) that part located east of the tributary to Bixby Creek (along Memorial Dr.), and (3) those parts lying east of the westerly Bixby Creek right-of-way line "per Corps of Engineers Right-Of-Way Plans."

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

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

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Development Sensitive, (2) Vacant, Agricultural, Rural Residences, and Open Land, (3) Special District # 4, and (4) Community Trails. The 136 ½ acres zoned RS-3/PUD 85 is no longer subject to the Special District # 4 designation per BCPA-12, which removed same to allow the 136 ½ acres to be rezoned to RS-3 and be developed with a housing addition. The Special District # 4 designation remains on small part of parent tracts aggregate along 161st St. S. at communications tower site.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the RS-3 zoning *May Be Found In Accordance* with the Development Sensitive designation of the Comprehensive Plan Land Use Map. As it was approved per BZ-377, it was found to be *In Accordance*.

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

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

85 *May Be Found In Accordance* with the Comprehensive Plan as a zoning district. Since PUD 85 was approved, it was found to be *In Accordance*.

Therefore, the single family housing development anticipated by the approved RS-3 zoning, the approved PUD 85, and this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 82.98 acres, more or less, proposes 242 lots (only 241 reported in summary statistics), roughly 17 Blocks, and several potential Reserve Areas (“Amenities Area” / “Pond,” Phase II “Pond,” traffic roundabout, Collector Street medians, etc.).

The plat divides the subdivision into seven (7) Phases. Phase I proposes 25 lots and will include the Collector Street connection to 161st St. S. and the traffic roundabout. Phase I will also include a 24’-wide temporary access road (corresponding to future Phase VII Parcel 11), which will provide a secondary means of ingress/egress until other permanent street connections are constructed with future phases. Phase I will also include a stormwater detention pond located within an “Amenities Area,” which stormwater detention pond has been described by the Applicant as being sized to accommodate the development of the Conrad family’s remaining commercial frontage at the northwest corner of 161st St. S. and Memorial Dr.

Phase II proposes 44 lots and will extend the Collector Street north from the traffic roundabout. Phase II will also include a new Collector Street extension from the traffic roundabout east to Memorial Dr. Phase II will also include the second stormwater detention pond, which should drain directly into Bixby Creek.

Phase III proposes 41 lots and will extend the north-south Collector Street up to the Half-Sectionline.

Phases IV, V, VI, and VII will be west of the north-south Collector Street and together propose 132 lots.

Areas within PUD 85 lying north of the Half-Sectionline are not represented on this Sketch Plat. The Applicant has described the timing of the development of that area as being too far into the future to expend resources to plan at this time. Per the conceptual site plan included with PUD 85, and by method of subtracting the 242 lots now proposed from the 453 total lots as represented on that site plan, this area may yield an additional approximately 200 lots.

This plat represents a conventional but attractive design, with a mix of rectangular-grid blocks and other blocks with larger lots along curvilinear streets and potential Reserve Areas for the neighborhood amenities and stormwater detention/water features. Typical lots range from 65’ X 110’ (7,150 square feet, 0.16 acres; primarily Phases IV, V, VI, and VII) to 75’ X 125’ (9,375 square feet, 0.22 acres; primarily Phases I, II, and III). For the most part, all lots appear to meet RS-3 and PUD 85 zoning standards.

One “Amenities Area” is indicated, and two (2) large stormwater detention ponds are proposed to occupy a southeasterly acreage of the development site, corresponding to the area just upstream of the confluence of Bixby Creek and its tributary here.

47

The Technical Advisory Committee (TAC) reviewed this Sketch Plat on February 04, 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. Plans for access and internal circulation are described in the "Access and Circulation" Section 4.0 of PUD 85 and the Planning Commission Staff Report for BCPA-12, PUD 85, and BZ-377. Some elements of the planned access have changed upon the receipt of this Sketch Plat. This analysis focuses on the most important aspects of the proposed access and on what has changed. See also the General section of this report for information on access as concerned by plans for phasing the development.

The existing PUD Text presently specifies that at least one (1) Collector Street, for which Subdivision Regulations Section 9.2.2 requires a minimum of 60' of right-of-way and 36' of paving width, will serve the development and connect 161st St. S. to at least one other arterial street. Per PUD 85 Minor Amendment # 1, as specifically recommended by Emergency Response City Staff for the sake of response times, the language is proposed to be changed to require the Collector Street connect specifically to 151st St. S. A Master Street Plan has also been added as a supplement to this Sketch Plat, as recommended by City Staff, to show where a potential bridge across Bixby Creek should be located, allowing for the Collector Street extension to 151st St. S. as will be required with the amended PUD language. This connection will be required prior to developing the northerly development area of PUD 85, or upon reaching the threshold number of lots, as per PUD 85. This connection will have consequences for the development of the commercial frontage land along 151st St. S. The owners, the Conrad family, and the buyers (Applicant) continue to negotiate these details as of the date of this report. The language in the proposed PUD 85 Minor Amendment # 1 specifying that the owners of the commercial development area (located outside the PUD) will share the costs of constructing the bridge and Collector Street connection is subject to the concurrence of the owner of that commercial property.

Also per PUD 85 Minor Amendment # 1, the Applicant is seeking to change the language requiring the Collector Street to have 36' of paving, to allow for the addition of center medians as represented on the Sketch Plat. The City of Bixby has received this design change favorably, as it should help with traffic calming on the Collector Street, which should ultimately connect 151st St. S. and 161st St. S. During the review of PUD 85 and subsequently, the City Council has expressed concern for speeding and consequent traffic and pedestrian safety, and expressed favor for traffic calming measures.

The Comprehensive Plan designates Community Trails along Bixby Creek and westerly toward Sheridan Rd. As recommended by Staff, PUD 85 incorporated pedestrian / trail elements within the development consistent with the intent of the Comprehensive Plan, including a trail connection to the future planned trail along Bixby Creek. If they are known at this time, this Sketch Plat should be updated to restore the trails along the amenities / Pond areas as was represented on the PUD 85 site plan.

48

PUD 85 acknowledged that sidewalks would be required to be constructed by the subdivision developer along 161st St. S., and by homebuilders along internal streets as each lot is constructed upon. This Sketch Plat should be updated to restore the sidewalk along 161st St. S. as was represented on the PUD 85 site plan. Alternatively, a note could be added.

The Sketch Plat should label the proposed 50' dedication for 161st St. S. as required for this Secondary Arterial street.

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

1. With the Preliminary Plat, the Applicant will need to request a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as several lots appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F.
2. With the Preliminary Plat, the Applicant will need to request a Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for those lots whose rear lines abut the proposed Collector Street.
3. With the Preliminary Plat, the Applicant will need to request a Modification/Waiver from Subdivision Regulations Section 12-3-2.O, to allow the platting Reserve Areas within the 100-year (1% Annual Chance) Floodplain, provided their use is passive and use restrictions prohibit building construction. This section prohibits the approval of building lots within the 100-year Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby's Floodplain Regulations by ordinance.
4. With the Preliminary Plat, the Applicant will need to request a Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to the unplatted tracts abutting to the east. The Modification/Waiver may be justified as these tracts are Bixby Creek right-of-way parcels owned by the City of Bixby, which has access roads and is not expected to develop.
5. The total lots are 242, but the summary statistics only report 241. There are 19 lots within Phase VII but only 18 are reported. These numbers should be corrected.
6. Phase I: All lots are within "Block 5." Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the three (3) areas separated by streets need to be separate blocks. This issue may also be present in other Phases as shown. For Preliminary Plat preparation purposes, please note that subdivision plat boundaries (for multiple phases) generally require sequential block numbers restart at "1," and separate numbers for areas separated by streets, rights-of-way, and Reserve Areas.
7. Phases II and III: Similar to *Seven Lakes II*, "Seven Lakes V," and "Quail Creek of Bixby," consider adding a pedestrian access Reserve Areas to connect the neighborhoods to the Bixby Creek right-of-way, which may ultimately have a trail as per the Comprehensive Plan. Please update Block numbers when separated by Reserve Areas.
8. Phase VI: Parcel numbers appear to have enumeration errors. "Lot" numbers within each block should begin with "1."
9. "Parcel" numbers are conventionally enumerated as "Lot" numbers.

49

10. Please add subdivision boundary angles/bearings and distances (reference SRs Section 12-2-4.A.3.b).
11. Please add widths of streets adjacent to the subject property (reference SRs Section 12-2-4.A.3.c).
12. Please label proposed 50' half-street dedication proposed for 161st St. S.
13. Collector Streets should be labeled as such.
14. Please label right-of-way and roadway widths of Collector Streets and local, minor streets (latter may be qualified as "typical" to reduce number of labels).
15. With the Preliminary Plat, Limits of No Access (LNA) and Access Openings should be labeled along 161st St. S.
16. If they are known at this time, this Sketch Plat should be updated to restore the trails along the amenities / Pond areas as was represented on the PUD 85 site plan.
17. This Sketch Plat should be updated to restore the sidewalk along 161st St. S. as was represented on the PUD 85 site plan. Alternatively, a note could be added.
18. Please add existing utilities on or adjacent to the property showing type, location, and size (reference SRs Section 12-2-4.A.3.d). This may be on a separate exhibit if needed.
19. Please label Bixby Creek (reference SRs Section 12-2-4.A.3.e).
20. The 100-year (1% Annual Chance) Regulatory Floodplain appears to be represented, but needs to be labeled as such (reference SRs Section 12-2-4.A.3.e). Please also label Floodway, as it was designated in the PUD Site Plan.
21. Please add elevation contours at a minimum of 2' intervals (reference SRs Section 12-2-4.A.3.f).
22. Please add the legal description and point of beginning, if available (reference SRs Section 12-2-4.A.3.g).
23. Rear yard lot dimensions are missing throughout (reference SRs Section 12-2-4.A.3.j). Parcels 5, 6, and 7 in Block 4 of Phase III, for example, need rear yard lot dimensions to demonstrate that the lot width (average of front and rear yard lines) meets the 65' minimum width required.
24. Parcels 2, 3, 4, and 5, Block 9, of Phase V report 65.45' frontages, but are not rectangular and appear to have narrower rear yard lines, so may not meet the 65' minimum lot width standard. Please revise.
25. Consider the size and configuration of Parcel 9, Block 9, of Phase V for possible enhancement. The intent of the 55.80' dimension is not clear. Depending on the curvature of the street, it may not meet the 65' minimum lot width standard.
26. Parcel 8, Block 9, Phase V has 64.9' of frontage, and so may not meet the 65' minimum lot width standard. Please revise.
27. Lots at the south end of Phase VII are missing front line dimensions.
28. As noted and requested by the TAC, please add proposed U/Es.
29. Please label the communications tower site as it was labeled in the PUD site plan.
30. In the Title Block area (or another area as appropriate), please add PUD 85.
31. Copies of the Sketch Plat including all corrections, modifications, and Conditions of Approval shall be submitted for placement in the permanent file: 1 full size folded to 8.5" X 11", 1 11" X 17", and 1 electronic (PDF preferred).

50

CITY OF BIXBY

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BIXBY, OK 74008
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(918) 366-6373 (fax)

Engineering Department Memo

To: Erik Enyart
From: Jared Cottle *JWC*
CC: Bea Aamodt
File
Date: 02/02/15
Re: Conrad Farms PUD 85 Comments

General Comments:

1. No conceptual utility or drainage plans have been provided. Therefore, the comments provided below are general in nature. Additional comments should be expected when specific infrastructure submittals are provided.
2. Future roadway connections and access points must be shown with the initial submittal to ensure an orderly progression of roadway construction and to guide expectations for access to future phases of the project.
3. The Phases shown must include stand-alone utility installations – i.e.,
 - Off-site sanitary sewer must be provided
 - No dead-end water lines will be approved for any phase – loops are required for individual phase of construction
 - The full storm water management plan for all phases must be provided with the first phase. The Plan may be executed in phases, provided fully functional facilities sufficient for each phase are provided sequentially. The full plan may be modified by updating the plan with City approval.
4. Excess capacity fees for connection to the Bixby Creek Interceptor Sewer system will be required unless off-site extensions of the Bixby Creek Interceptor can be identified for inclusion in the project in lieu of the fees.
5. External water loop line connections to City mains will be required for the project. The closest water mains are located along Memorial and along 151st Street.
6. The depth of the Bixby Creek floodplain (hydraulic grade line and subsequent back water impacts) must be considered in storm sewer and detention facility designs.
7. Conveyance of storm water discharges from areas south of 161st Street must be considered in the storm sewer and detention facility designs.

52

MINUTES
TECHNICAL ADVISORY COMMITTEE
DAWES BUILDING CITY OFFICES
113 W. DAWES AVE.
BIXBY, OK 74008
February 04, 2015 – 10:00 AM

MEMBERS PRESENT

Tim Dobrinski, *OG+E*
Jim Peterson, *BTC Broadband*

STAFF PRESENT

Erik Enyart, AICP, City Planner, City of Bixby
Jared Cottle, PE, City Engineer/Assistant City Manager, City of Bixby
Joey Wiedel, Fire Marshal, City of Bixby

OTHERS PRESENT

Stephen Lieux, PE, *Rausch Coleman Development Group*
Daniel Ellis, PE, LEED AP, *Crafton Tull & Associates, Inc.*
K.S. (Stewart) Collins, LS, *Collins Land Surveying, Inc.*
Mike Ward, *QuikTrip Corporation*

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

Erik Enyart stated that he had just called the Fire Marshal, who reported he was on his way.

2. **PUD 85 – Conrad Farms – Minor Amendment # 1.** Discussion and comment on Minor Amendment # 1 to PUD 85 for approximately 136.48 acres in Section 23, T17N, R13E, with underlying zoning RS-3 Residential Single Family District, which amendment proposes to amend specific standards for Collector Street design, and making certain other amendments.
Property Located: 7400 E. 151st St. S.
3. **Sketch Plat – Conrad Farms – Crafton Tull & Associates, Inc.** Discussion and comment on a Sketch Plat for “Conrad Farms” for approximately 82.98 acres in part of the SE/4 of Section 23, T17N, R13E.
Property Located: North and west of the intersection of 161st St. S. and Memorial Dr.

Erik Enyart introduced related items # 2 and # 3 and summarized the location and the situation. Mr. Enyart rolled out a large printout of the Sketch Plat provided by Daniel Ellis. Mr. Enyart stated that the PUD Minor Amendment # 1 was intended to change the language in the PUD to allow for a center median for the Collector Streets. Mr. Enyart stated that the current PUD required the Collector Streets meet current Code requirements, which included 36’ of paving. Mr. Enyart stated that the City had reviewed the conceptual plans previously and was favorable to the change. Mr. Enyart stated that previous discussion had included the design of the center medians, the turnaround

53

and its operation, and curb designs. Mr. Enyart stated that the Fire Marshal could discuss these matters more when he arrived.

Erik Enyart stated that the PUD Minor Amendment text also presently contained language that would allow for the first phase to have only one (1) means of ingress/egress. Mr. Enyart stated that the Fire Marshal was not present yet, but he was certain that the Fire Marshal would require two (2), as he did not recall seeing a development be permitted only one (1) means of access during the years he was in Bixby. Jared Cottle indicated agreement. Mr. Enyart noted that he had discussed with Daniel Ellis the possibility of constructing a temporary, emergency-access drive with the first phase, which may also be used as a construction entrance, similar to how this was done with the "Seven Lakes" subdivisions. Mr. Ellis and Stephen Lieux indicated agreement to the suggestion to change the language in the PUD Minor Amendment text.

Joey Wiedel arrived around this time.

Erik Enyart noted that the Sketch Plat did not include the northerly acreage that was entitled with the PUD 85 and rezoning, and stated that he understood that the developer considered its development to be so far in the future, 10 years or so, it was not worthwhile to spend time and energy planning it, but noted that the City had met with the developer to discuss the need for the Collector Street to connect to 151st St. S., despite the language in the PUD. Mr. Enyart noted that the REALTOR for the Conrad family had expressed some concern about where the Collector Street may go through the balance of the Conrad family property fronting on 151st St. S., to determine where it would be, what it would look like, and how much land it would take. Mr. Enyart confirmed with Stephen Lieux that he had not yet closed on the land and was still discussing this access issue with the Conrad family. Jared Cottle discussed the need for the developer to provide a plan on where they would expect to bridge Bixby Creek. Discussion ensued. Mr. Enyart confirmed the PUD presently had language requiring extension of the Collector Street from 161st St. S. to another Arterial Street after meeting one or the other of two (2) thresholds: development north of the Half-Sectionline or exceeding a certain threshold number of lots. After further discussion, the Stephen Lieux and Daniel Ellis indicated agreement that the Collector Street would need to connect to 151st St. S. somewhere. Mr. Enyart confirmed with Mr. Lieux and Daniel Ellis that they would be willing to replace the language in the PUD that stated the Collector Street must connect to some other Arterial Street to specify 151st St. S. Mr. Enyart stated that this change, and the fact that the developer was still discussing the project with the owner, may be enough to move forward, but the developer should plan to provide plans showing a connection to 151st St. S. Discussion ensued regarding the necessity for the developer to provide plans for a 151st St. S. connection, considering the current PUD language and the recommendations from Bixby's public protection officials [for the sake of response times], in order to move forward. Mr. Cottle and Mr. Enyart counseled Mr. Lieux and Mr. Ellis that they would be ahead to provide as many alternative connections as they would propose. Mr. Enyart noted that this may allow for this issue between the buyer and seller to "get off high-center," as the seller may be waiting for the buyer to provide plans for a connection so that they would have something to respond to. Mr. Enyart advised the developer that they would "be ahead to plan ahead" and show the direction the street should go.

Erik Enyart asked Joey Wiedel if he had anything additional to say on this, and Mr. Wiedel indicated concurrence with what had been said.

Jared Cottle and Stephen Lieux discussed having two (2) to three (3) different alternative routes to 151st St. S., or as many as Mr. Lieux would propose. Erik Enyart suggested that the Sketch Plat would not need to be rescaled, but rather the exhibit could be an attachment. Daniel Ellis confirmed with Mr. Enyart that the exhibit would not need to show lots on the northern section of the property. Mr. Ellis indicated agreement, and stated that this could be considered a “master street plan sketch.”

Erik Enyart noted the “massive” scale of the development and that the City was glad to see this growth. Mr. Enyart stated that it had generated a lot of excitement in the business community, and that the City was very interested in commercial development. Mr. Enyart stated that the City was very interested in the development of the commercial frontage, and was looking out for the entire City, which is another reason why [City Staff] was so interested in the 151st St. S. connection.

Erik Enyart asked the utility companies if they had any questions or comments.

Tim Dobrinski with *OG+E* and Jim Peterson with *BTC Broadband* noted that the development would need 7’ minimum-width side yard Utility Easements (U/Es) [where determined necessary] and 17.5’ perimeter U/Es. Mr. Peterson clarified that this Sketch Plat represented seven (7) phases. It was discussed that the lines on the lots were Zoning setback lines / “building envelopes,” and not U/Es. Mr. Enyart stated that he had not yet had a chance to review the Sketch Plat in detail. Mr. Enyart stated that the Sketch Plat application process was only made available in Bixby’s Subdivision Regulations a few years ago, and that he would have to consult the provisions to see what they required for a Sketch Plat. Mr. Enyart stated that he expected that, at a minimum, the Sketch Plat would likely need to represent lot widths and U/Es. Daniel Ellis confirmed that all lots were 65’ to 70’ in width, and the ones around curves were larger. Mr. Ellis indicated the dimensions would be added.

Erik Enyart asked the Applicant and Tim Dobrinski to confirm all the electrical lines would be underground, and Mr. Dobrinski responded, “They almost don’t let us do overhead anymore.” Mr. Dobrinski asked if there would be the need for any sewer pumps. Jared Cottle discussed the matter with Mr. Dobrinski. It was noted that the entire site should gravity flow to the east toward Bixby Creek.

Erik Enyart asked Jim Peterson if this development would have fiber [optic cable], and 1 Gigabit per second internet speeds, and Mr. Peterson indicated agreement.

Jim Peterson discussed with Stephen Lieux, Daniel Ellis, and Erik Enyart the likely timeline for development, phasing, and number of lots. Mr. Enyart confirmed with Mr. Ellis and Mr. Lieux that he was correctly interpreting the phasing on the plans, that the first phase would include the Collector Street starting at 161st St. S. and include the turnaround, and the second phase would include the Collector Street connecting to Memorial Dr. regardless of whether the Collector Street would ultimately also have to extend to 151st St. S. Mr. Enyart clarified with Mr. Ellis, Mr. Lieux, and Mr. Peterson that the stormwater detention facilities shown would serve the Conrad family’s remaining commercial development property and was revised to not include the church property. Mr. Enyart noted that the PUD entitled 500 lots, but the site plans with the PUD showed

55

approximately 453 lots. Mr. Ellis estimated the number of lots in this Sketch Plat versus the balance that was previously represented on the northern acreage.

Erik Enyart confirmed with Stephen Lieux and Daniel Ellis that the PUD language would be changed to require the Collector Street connect to 151st St. S.

Jared Cottle discussed with Stephen Lieux and Daniel Ellis the need for looping utilities along the Collector Street extending to Memorial Dr.

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

Erik Enyart stated that, hearing none, the meeting would proceed to the next item on the agenda. Mr. Enyart thanked Stephen Lieux and Daniel Ellis for their attendance.

Stephen Lieux and Daniel Ellis left at this time at 10:30 AM.

4. **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.
-

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart stated that the property contained approximately 139 acres, and that the Lot-Split proposed to separate slightly over two (2) acres with an existing house addressed 15400 S. Yale Ave. Mr. Enyart stated that the house was existing, and so the utility companies would probably not be too excited about the Lot-Split. Stuart Collins stated that the tract was 2.088 acres, and that the owner did not want to rezone the property. Mr. Collins and Mr. Enyart discussed the informational needs of the Lot-Split survey, and whether or not the house should be represented and dimensioned on the smaller tract. Mr. Enyart indicated that the survey should show this information. Mr. Enyart noted that, on Monday, the Board of Adjustment had approved a Variance allowing the smaller tract to have slightly less land area than required in the AG district.

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

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. **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 the item and summarized the location and the situation. Mr. Enyart stated that the plan was to take down the old *Drug Warehouse* tenant space at the end of the shopping center and build a brand-new, Generation 3 *QuikTrip* store. Discussion ensued between Mr. Enyart, Mike Ward, Jared Cottle, and others in attendance regarding the Lot-Split application and the site plans. Mr. Enyart reviewed a printout of a draft Staff Report for BSP 2015-02, which the City Council was scheduled to consider February 09, 2015. Mr. Enyart asked Mr. Cottle if the parking

56

paving, trash screening enclosure, and/or sign at the southeast corner, each encroaching some parts of the U/Es, would be problematic. Mr. Cottle confirmed with Mr. Ward, Joey Wiedel, and Jim Peterson that these areas were already paved for the most part. Upon reviewing the plans, Mr. Cottle indicated the paving and trash screening enclosure should not present any problems, but the sign was located close to a water serviceline. Mr. Cottle expressed concern about the proximity for when the line would have to be excavated. Mr. Enyart suggested moving the serviceline to the west, but was informed it was the serviceline for the entire shopping center. Mr. Enyart stated that he would keep this as a review comment and something to be resolved between the Applicant and City Engineer. Mr. Enyart stated that he would remove the review comments for the other two (2) encroachment types.

Mike Ward noted that *AutoZone* had a protected parking agreement [with the shopping center owner], and so *QuikTrip* had agreed to put up a sign for them.

Erik Enyart noted that there was only approximately 13 “and some change” feet between the ATM machine and the new *AutoZone* sign’s overhang, but that he had received the response that there would be 22’ of ground clearance. Mr. Enyart noted that the pole would have more separation than the sign overhang. Mr. Enyart asked, and Joey Wiedel stated that he was “good with” this plan.

Erik Enyart asked if any of the utility companies had any questions or comments. Jim Peterson noted the location of existing *BTC Broadband* lines along the east side of the property and confirmed with Mike Ward the plans would not cause any problems for *BTC Broadband*.

Erik Enyart noted that site plans do not go to the Planning Commission anymore, unless within a PUD requiring it, and were now reviewed and approved administratively by City Staff. Mr. Enyart stated that he had stopped putting the site plans on the TAC agenda, presuming the developers would work directly with the utility providers. Mr. Enyart stated that, if the utility companies wanted to, and the Applicants requested to it, he would be willing to start putting them back on the TAC agendas.

Erik Enyart noted that the U/E along the east side of the subject property, per his reading of the plat of *Southern Memorial Acres Extended*, appeared to be 25’. Mr. Enyart stated that the relative width was similar to the 20’-wide U/Es along the south and parts of the west side, but the width label most certainly did not appear to be “20” but rather appeared to be 25’. Mr. Enyart stated that this could be resolved if the surveyor states, ‘I’ve seen the recorded plat in the County Courthouse and it is 20’,’ or something along those lines. Mr. Enyart noted that the 20’-wide U/E along the west side of the property did not extend as far north as it was represented. Mr. Enyart noted that the utility poles were still represented within the 20’-wide U/E along the south line, but the existing overhead electric line had been removed with this version. Mr. Enyart asked if it was being buried, and Mr. Ward stated that it was not, but was likely removed to de-clutter the plans. Mr. Ward indicated this would be restored. Mr. Enyart clarified with Mr. Ward that the linetype north of the curblin along the north side of the building was the edge of the sloped curb. Mr. Enyart agreed to remove this review comment from the Staff Report.

Erik Enyart discussed other details of the plans with Mike Ward, including the identified areas where the Applicant was seeking flexibility from the Zoning Code as follows:

57

1. Exceed the maximum number of parking spaces per Zoning Code Section 11-10-2.H.
2. Regular handicapped-accessible parking spaces meet ADA guidelines but do not meet City of Bixby additional design standards.
3. Less than the 15' minimum-width parking lot setback proposed along Memorial Dr.
4. Less than the 10' minimum-width parking lot setback proposed along part of the east line, abutting residential in *Memorial Square*.
5. Proposed *QuikTrip* sign along Memorial Dr. is proposed to be 35' in height, exceeding the 30' height restriction in the CS district.

Erik Enyart advised Mike Ward to review the draft Staff Report and let him know if the responses to any of the open questions would result in any other areas where flexibility was needed.

Erik Enyart stated that he had observed the notes added to the site plan confirming that the sidewalks would be built by the City of Bixby using *QuikTrip* money. Mr. Enyart confirmed with Mr. Ward and Jared Cottle that this was still planned. Mr. Enyart observed that Mr. Cottle's idea was excellent. Mr. Cottle explained to Mr. Ward the City's design, bidding, and processes, and how these would relate to *QuikTrip*'s plans and construction timeline.

Erik Enyart discussed with Mike Ward and Jared Cottle the 100-year Floodplain on the easterly edge of the subject property. Mr. Ward stated that *QuikTrip* would get a Floodplain Development Permit, and would avoid the 100-year Floodplain area. Mr. Cottle asked, and Mr. Ward stated that this would not need to go through FEMA for a LOMR, and that *QuikTrip* was okay with the floodplain maps showing part of the east side within the 100-year Floodplain. Mr. Cottle discussed with Mr. Ward whether there would be any grade elevations in the Floodplain. Mr. Cottle advised Mr. Ward to have Alan Betchan provide cut and fill plans if there would be grade changes, showing Compensatory Storage requirements have been met. Mr. Ward indicated agreement.

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

Mike Ward was asked, and responded that *QuikTrip* hoped to have the store open by November, 2015.

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

6. Old Business – None.
7. New Business – None.
8. Meeting was adjourned at 10:51 AM.

58

CITY OF BIXBY

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BIXBY, OK 74008
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(918) 366-6373 (fax)

Engineering Department Memo

To: Erik Enyart
From: Jared Cottle *JWC*
CC: Bea Aamodt
File
Date: 02/02/15
Re: Conrad Farms PUD 85 Comments

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 - Off-site sanitary sewer must be provided
 - No dead-end water lines will be approved for any phase – loops are required for individual phase of construction
 - The full storm water management plan for all phases must be provided with the first phase. The Plan may be executed in phases, provided fully functional facilities sufficient for each phase are provided sequentially. The full plan may be modified by updating the plan with City approval.
4. Excess capacity fees for connection to the Bixby Creek Interceptor Sewer system will be required unless off-site extensions of the Bixby Creek Interceptor can be identified for inclusion in the project in lieu of the fees.
5. External water loop line connections to City mains will be required for the project. The closest water mains are located along Memorial and along 151st Street.
6. The depth of the Bixby Creek floodplain (hydraulic grade line and subsequent back water impacts) must be considered in storm sewer and detention facility designs.
7. Conveyance of storm water discharges from areas south of 161st Street must be considered in the storm sewer and detention facility designs.

59

BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, February 04, 2015

NAME	COMPANY	PHONE
1. <u>Jim Peterson</u>	<u>BTC Broadband</u>	<u>918-366-0253</u>
2. <u>Mike Ward</u>	<u>Quik Trip</u>	<u>918-615-7254</u>
3. <u>STEWART COLLINS</u>	<u>COLLINS LAND SURVEY</u>	<u>918/321-9400</u>
4. <u>Stephen Lrenz</u>	<u>Conrad Holdings, LLC</u>	<u>479-249-7622</u>
5. <u>DANIEL ELLIS</u>	<u>CRAFTON TULL</u>	<u>479-878-2463</u>
6. <u>Tim Dobrinski</u>	<u>OG&E</u>	<u>918-227-6203</u>
7. <u>Eric Fuyart</u>	<u>City of Bixby</u>	<u>918 366 0427</u>
8. <u>JAREN COTTLE</u>	<u>CITY OF BIXBY</u>	<u>918-366-0437</u>
9. <u>Joey Wiedel</u>	<u>COB FM</u>	<u>918-366-0436</u>
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____
16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EVE*
Date: Thursday, February 12, 2015
RE: Report and Recommendations for:
PUD 85 – “Conrad Farms” – Minor Amendment # 1

LOCATION:

- 7400 E. 151st St. S. (parent tracts aggregate address)
- North and west of the intersection of 161st St. S. and Memorial Dr. (PUD 85 area)
- Part of Section 23, T17N, R13E

SIZE:

- 200.6 acres, more or less (parent tracts aggregate)
- 136 ½ acres, more or less (PUD 85 area)

EXISTING ZONING:

- RS-3/PUD 85, AG Agricultural District, and some CS zoning at the northwest corner of 161st St. S. and Memorial Dr. (parent tracts aggregate)
- RS-3/PUD 85 (PUD 85 area)

SUPPLEMENTAL ZONING: PUD 85; there is Corridor Appearance District supplemental zoning on two (2) parent tract parcels which front on 151st St. S. and Memorial Dr., but not within the area concerned by this PUD 85 Minor Amendment # 1 application

EXISTING USE: Former Conrad Farms agricultural land; there is a communications tower on a parent tract parcel, but not within the area concerned by this PUD 85 Minor Amendment # 1 application

REQUEST:

Approval of Minor Amendment # 1 to Planned Unit Development (PUD) # 85 ("Conrad Farms"), with underlying zoning RS-3 Residential Single-Family District, which amendment proposes to amend specific standards for Collector Street design, and making certain other amendments.

SURROUNDING ZONING AND LAND USE:

North: (Across 151st St. S.) AG; An approximately 150-acre tract of agricultural land.

South: (Across 161st St. S.) AG; Agricultural land.

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

West: (to Sheridan Rd) RMH, CH, IL, CS, and AG; The Shadow Valley Mobile Home Park zoned RMH, the "Spectrum Plaza" trade center zoned CH, a single-family house on 1-acre zoned IL, and a CS district containing the *Bethesda Girls Home* at 7106 E. 151st St. S., another nonresidential building (former location of the *Living Water Family Church*) at 7102 E. 151st St. S., and the *Bixby Chiropractic* at 7100 E. 151st St. S. Farther west along the east side of Sheridan Rd. are several vacant/wooded, agricultural, and rural residential tracts of land zoned AG.

COMPREHENSIVE PLAN: Development Sensitive + Vacant, Agricultural, Rural Residences, and Open Land + Community Trails (Special District # 4 designation removed from RS-3/PUD 85-zoned area per BCPA-12 but remains on small part of parent tracts aggregate along 161st St. S. at communications tower site)

PREVIOUS/RELATED CASES:

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

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

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

BCPA-12, PUD 85, & BZ-377 – Conrad Farms Holdings, LLC – Request to amend the Comprehensive Plan to remove the Special District # 4 designation, rezone from AG to RS-3, and approve PUD 85 for a single-family residential development on 136 ½ acres of the subject property parent tract aggregate – PC recommended Conditional Approval 09/15/2014. City Council Conditionally Approved 11/10/2014 (Ord. # 2143).

Sketch Plat of "Conrad Farms" – Request for approval of a Sketch Plat for subject property RS-3/PUD 85-zoned area – PC consideration pending 02/17/2015.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

Also on this agenda, the Applicant is requesting approval of the Sketch Plat of "Conrad Farms." This subdivision of 82.98 acres, more or less, proposes 242 lots (only 241 reported in summary statistics), roughly 17 Blocks, and several potential Reserve Areas ("Amenities Area" / "Pond," Phase II "Pond," traffic roundabout, Collector Street medians, etc.).

The plat divides the subdivision into seven (7) Phases. Phase I proposes 25 lots and will include the Collector Street connection to 161st St. S. and the traffic roundabout. Phase I will also include a 24'-wide temporary access road (corresponding to future Phase VII Parcel 11), which will provide a secondary means of ingress/egress until other permanent street connections are constructed with future phases. Phase I will also include a stormwater detention pond located within an "Amenities Area," which stormwater detention pond has been described by the Applicant as being sized to accommodate the development of the Conrad family's remaining commercial frontage at the northwest corner of 161st St. S. and Memorial Dr.

Phase II proposes 44 lots and will extend the Collector Street north from the traffic roundabout. Phase II will also include a new Collector Street extension from the traffic roundabout east to Memorial Dr. Phase II will also include the second stormwater detention pond, which should drain directly into Bixby Creek.

Phase III proposes 41 lots and will extend the north-south Collector Street up to the Half-Sectionline.

Phases IV, V, VI, and VII will be west of the north-south Collector Street and together propose 132 lots.

Areas within PUD 85 lying north of the Half-Sectionline are not represented on the Sketch Plat. The Applicant has described the timing of the development of that area as being too far into the future to expend resources to plan at this time. Per the conceptual site plan included with PUD 85, and by method of subtracting the 242 lots now proposed from the 453 total lots as represented on that site plan, this area may yield an additional approximately 200 lots.

ANALYSIS:

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

1. The SE/4 of the NW/4 and the NW/4 of the SE/4 and the W/2 of the SW/4 of the NE/4 and part of the N/2 of the N/2: The largest tract, approximately 125.5 acres, contains the former Conrad Farms retail facility (partially damaged by the July 23:24, 2013

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

Altogether, the subject property parent tracts total approximately 200.6 acres, and the area approved for RS-3 and PUD 85 zoning total 136 ½ acres. The RS-3/PUD 85 area excludes (A) that part located in the N/2 of the N/2 of this Section (along 151st St. S.), (B) that part located east of the tributary to Bixby Creek (along Memorial Dr.), and (3) those parts lying east of the westerly Bixby Creek right-of-way line “per Corps of Engineers Right-Of-Way Plans.”

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

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

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Development Sensitive, (2) Vacant, Agricultural, Rural Residences, and Open Land, (3) Special District # 4, and (4) Community Trails. The 136 ½ acres zoned RS-3/PUD 85 is no longer subject to the Special District # 4 designation per BCPA-12, which removed same to allow the 136 ½ acres to be rezoned to RS-3 and be developed with a housing addition. The Special District # 4 designation remains on small part of parent tracts aggregate along 161st St. S. at communications tower site.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the RS-3 zoning *May Be Found In Accordance* with the Development Sensitive designation of the Comprehensive Plan Land Use Map. As it was approved per BZ-377, it was found to be *In Accordance*.

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

64

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

Per the Matrix, PUDs (as a zoning district) *May Be Found In Accordance* with the Development Sensitive designation of the Comprehensive Plan Land Use Map, and thus PUD 85 *May Be Found In Accordance* with the Comprehensive Plan as a zoning district. Since PUD 85 was approved, it was found to be *In Accordance*.

Due to the relatively limited scope of proposed changes, the proposed PUD 85 Minor Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.

General. The Applicant is requesting a Minor Amendment to PUD 85 “Conrad Farms,” which amendment proposes to amend specific standards for Collector Street design, and making certain other amendments.

The existing PUD Text presently specifies that at least one (1) Collector Street, for which Subdivision Regulations Section 9.2.2 requires a minimum of 60’ of right-of-way and 36’ of paving width, will serve the development and connect 161st St. S. to at least one other Arterial Street. Per this PUD 85 Minor Amendment # 1, as specifically recommended by Emergency Response City Staff for the sake of response times, the language is proposed to be changed to require the Collector Street connect specifically to 151st St. S. A Master Street Plan has also been added as a supplement to this Sketch Plat, as recommended by City Staff, to show where a potential bridge across Bixby Creek should be located, allowing for the Collector Street extension to 151st St. S. as will be required with the amended PUD language. This connection will be required prior to developing the northerly development area of PUD 85, or upon reaching the threshold number of lots, as per PUD 85. This connection will have consequences for the development of the commercial frontage land along 151st St. S. The owners (Conrad family) and the buyers (Applicant) continue to negotiate these details as of the date of this report. The language in the proposed PUD 85 Minor Amendment # 1 specifying that the

65

owners of the commercial development area (located outside the PUD) will share the costs of constructing the bridge and Collector Street connection is subject to the concurrence of the owner of that commercial property. See recommendations below.

Also per this PUD 85 Minor Amendment # 1, the Applicant is seeking to change the language requiring the Collector Street to have 36' of paving, to allow for the addition of center medians as represented on the Sketch Plat. The City of Bixby has received this design change favorably, as it should help with traffic calming on the Collector Street, which should ultimately connect 151st St. S. and 161st St. S. During the review of PUD 85 and subsequently, the City Council has expressed concern for speeding and consequent traffic and pedestrian safety, and expressed favor for traffic calming measures.

Finally, this PUD 85 Minor Amendment # 1 specifies that the first phase will have two (2) means of ingress / egress, as will be required by the City. It will be a temporary point of access, to be removed upon the establishment of a second, permanent street with future phases.

The Technical Advisory Committee (TAC) reviewed this Sketch Plat on February 04, 2015. The Minutes of the meeting are attached to this report.

Access & Circulation. The aspects of access and circulation pertaining to this PUD Minor Amendment are described in the Background Information and General sections of this report. See also the Staff Report for the Sketch Plat of "Conrad Farms" for additional details.

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. First bulleted point of proposed new text: Please replace "A second access" with "A Collector Street" consistent with the Sketch Plat as proposed.
2. Second bulleted point of proposed new text: Please add the following sentence to the end: "This collector street will be constructed with the initial phase up to the point necessary to provide access to the initial phase."
3. Second bulleted point of proposed new text: Please remove the parenthetical text citing Subdivision Regulations Section 9.2.2, which was originally intended to refer to the 36' paving standard.
4. Second bulleted point of proposed new text: Please revise text describing the center median to remove the term "grass" as per the City Engineer. This may be added to the end of the sentence or paragraph with qualification that grass may be permitted upon the approval of the City Engineer and Public Works Director.
5. Third bulleted point of proposed new text: Please replace "A third access will be constructed to 151st street" with "The Collector Street connected to 161st St. S. shall be extended to 151st St. S...."
6. Third bulleted point of proposed new text: Please remove final sentence suggesting financially obligating third party owners of property located outside PUD 85 unless concurrence from the owners is secured in writing.

February 9, 2015

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

RE: Conrad Farms – Minor Amendment #1 to PUD-85

Dear Mr. Enyart

We are requesting a minor amendment to the original Conrad Farms PUD-85. A complete application and fee is attached to support our request. The PUD minor amendment includes the following:

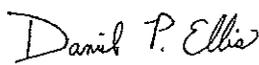
1. Access and Circulation – Add the following:
 - Two access points on 161st Street will be constructed in the initial phase. Once access point will be temporary in nature and removed once a second point of access has been constructed. A second access onto South Memorial Drive will be constructed as a part of the second phase.
 - At least one (1) collector street having 2 driving lanes each with 12' of paving and a center grass median with trees, and a minimum 60' right-of-way will serve the development and connect 161st St. S. to at least one other arterial street (per Subdivision Regulations Section 9.2.2).
 - A third access will be constructed to 151st street once 254 lots has been constructed or lots are constructed above the half section line, noted as the north phase on the attached master street plan. As a part of this a bridge will need to be constructed with property owners developing the commercial phase and property owners developing the north phase sharing in the cost.

2. Access and Circulation – Delete the following:
 - Two access points on 161st Street will be constructed in the initial phase.
 - At least one (1) collector street having 36' of paving width and a minimum 60' right-of-way will serve the development and connect 161st St. S. to at least one other arterial street (per Subdivision Regulations Section 9.2.2).

We appreciate the Cities consideration and support of the above PUD amendment request. We will be pleased to provide additional information related to the application if requested.

Please review the attached document and contact me at (479) 878-2463 if you have any questions.

Crafton Tull


Daniel P. Ellis
Vice President

68



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

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Friday, February 13, 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

COMPREHENSIVE PLAN: Corridor + Development Sensitive + Water + Community Trail + Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES:

BZ-162 – J.C. Biggers – Request for rezoning from AG to CS for the NE/4 NE/4 NE/4 of this section, consisting of the northeast approximately 10 acres of subject property – PC recommended Approval 04/29/1985 and City Council Approved 05/14/1985 (Ord. # 528).

BBOA-597 – Rebecca Coffee for Dorothy L. Biggers Trust – Request for Variance from certain bulk and area requirements in the AG Agricultural District to allow for a Lot-Split for subject property – BOA Conditionally Approved 02/02/2015.

Staff Report – BL-396 – Rebecca Coffee for Dorothy L. Biggers Living Trust
February 17, 2015

69

BACKGROUND INFORMATION:

This application was Continued from the January 20, 2015 Planning Commission Regular Meeting to this February 17, 2015 Regular Meeting to allow for the Board of Adjustment's disposition of BBOA-597 on February 02, 2015. The Board of Adjustment Conditionally Approved the application. See details in the following analysis.

ANALYSIS:

Subject Property Conditions. The subject property consists of the NE/4 of Section 21, T17N, R13E, Less & Except right-of-way and other tracts sold. It contains 139 acres, more or less, and is zoned AG Agricultural District, except for the NE/4 NE/4 NE/4, approximately 10 acres, which is zoned CS Commercial Shopping Center District. It contains a house addressed 15400 S. Yale Ave. It contains branches of an upstream tributary to Posey Creek along its westerly side, and generally slopes downward and drains to the west toward same. It also contains a few farm ponds, an *AEP-PSO* overhead electric transmission line, fences, and miscellaneous farm and oil extraction structures.

General. The owner is seeking Lot-Split approval to separate approximately 2.88 acres with the existing dwelling addressed 15400 S. Yale Ave. from the balance of the agricultural tract. This proposed 2.88-acre tract with the existing dwelling is intended for sale, which the application states will be used for "AG / residence." Per the submitted drawing and the legal description provided by the surveyor, the proposed 2.88-acre tract would not meet the 2.2-acre minimum land area requirement of the 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 Applicant, therefore, applied for a Variance per BBOA-597 to allow for the reduction of the bulk and area standards to allow for this Lot-Split. On February 02, 2015, the Board of Adjustment Conditionally Approved BBOA-597, subject to the Lot-Split application resulting in not more than two (2) tracts, the smaller of which shall be not less than 2.05 acres upon the findings of the final survey. As of the date of this report, Staff has not yet received the final survey.

Per the submitted drawing and the legal description provided by the surveyor, the proposed 2.88-acre tract would meet the minimum lot area and minimum lot width standards in the AG district. Although the final survey has not been received, it appears, based on aerial and GIS data, that the existing house will meet the AG district's minimum setback requirements from the proposed new lot lines.

The Technical Advisory Committee (TAC) reviewed this Lot-Split on February 04, 2015. The Minutes of the meeting are attached to this report.

Staff Recommendation. Based on the approved Variance, Staff recommends Approval, subject to the receipt of the final survey and subject to the final survey determining that the proposed smaller tract contains no less than the 2.05 acres per the approved for Variance.

15400 S. Yale Ave.

Bixby, OK 74008

Seller: Dorothy L. Biggers Living Trust

Trustee: Rebecca Coffee

Phone: 918-249-8150

Cell: 918-200-2687

Buyer: James H. Redyke and Donna M. Redyke

Phone: ?

Cell: ?

Legal Description:

From the SE Cor of the N/2 SE/4 NE/4 Th S132 to POB:

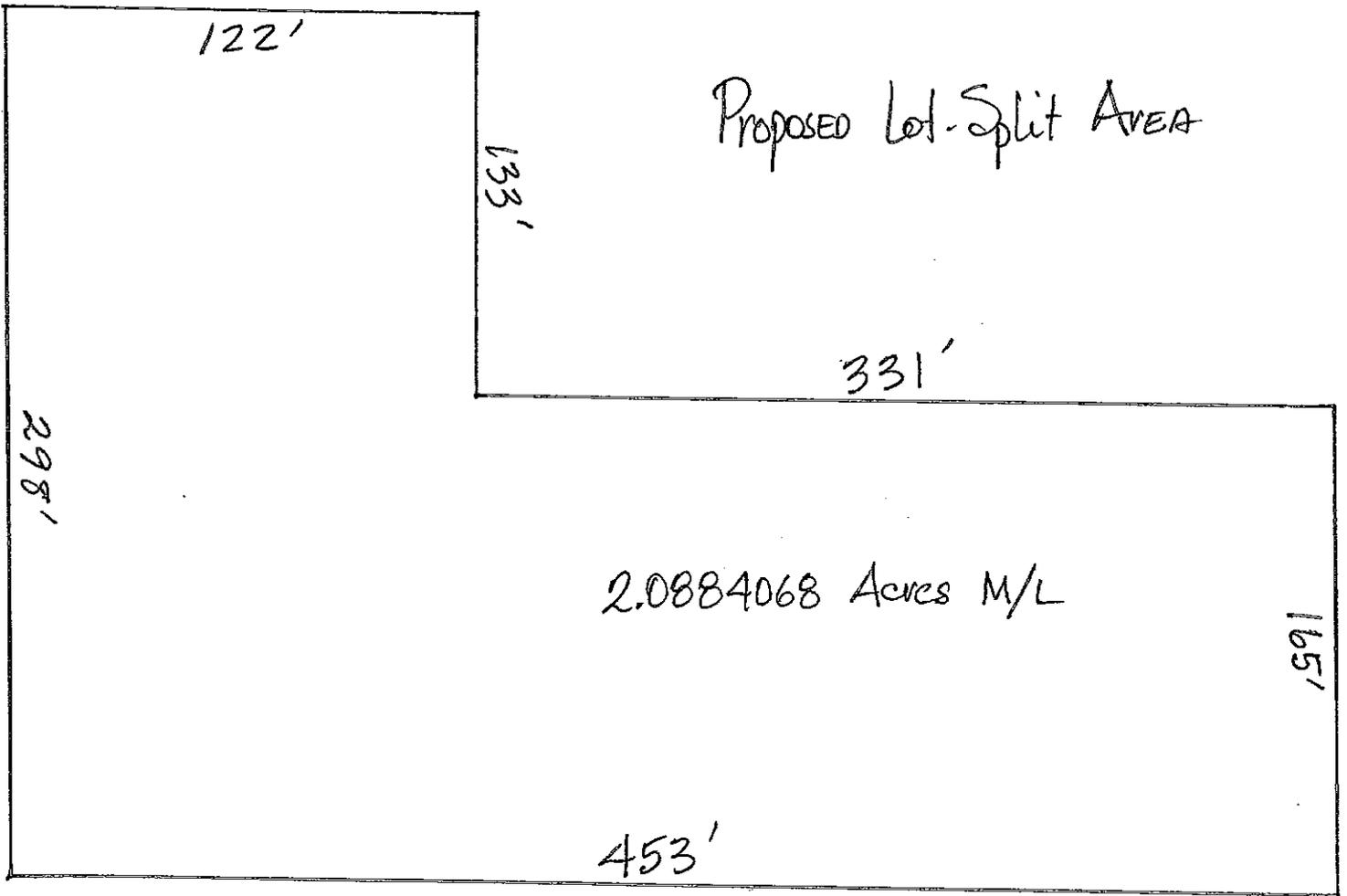
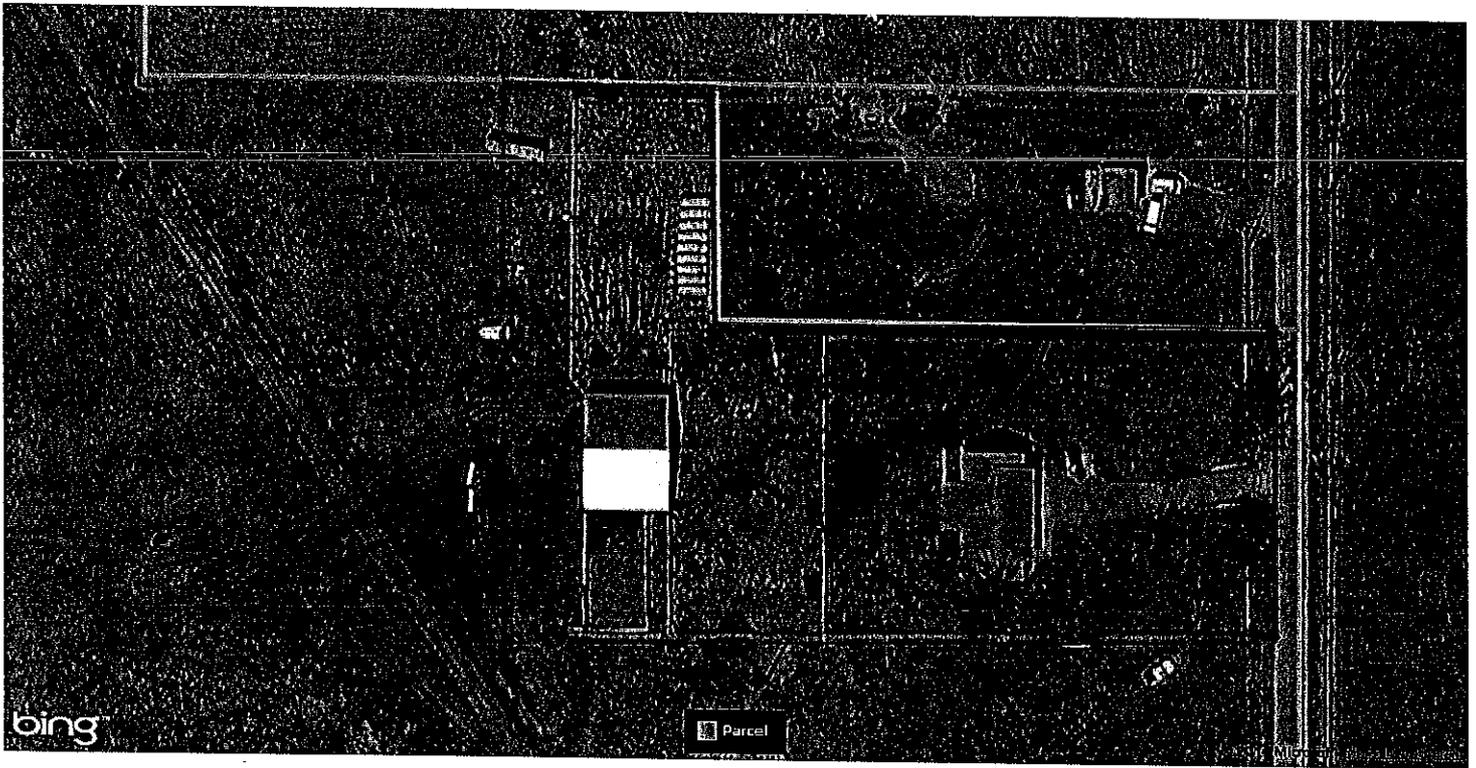
Th S165 W453 N298 E122 S133 E331 to POB,

Containing 2.0884068 Acres M/L.

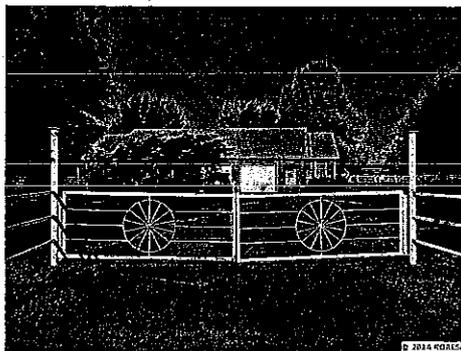
*This will change with the
surveyor's final legal description.*

Fred Keas Real Estate

918-853-2244



Multiple Building Property Summary



3	4,724	5,994,727	\$279,900
MLS Beds	Bldg Sq Ft	Lot Sq Ft	MLS List Price
2	1991	SFR	09/03/2014
MLS Baths	Yr Built	Type	MLS List Date

Active Listing

Owner Information

Owner Name:	Biggers John A (Te)	Tax Billing City & State:	Bixby, OK
Owner Name 2:	Biggers Dorothy	Tax Billing Zip:	74008
Tax Billing Address:	9999 E 121st St S	Tax Billing Zip+4:	2551

Location Information

School District Name:	Bixby	Carrier Route:	R004
Township:	Bixby	Zoning:	AG
Census Tract:	78.02	Township Range Sect:	17N-13-21

Tax Information

Tax Parcel:	97321-73-21-00010	Tax Area:	BI-4B
Exemption(s):	Homestead,Agricultural	Tax Appraisal Area:	BI-4B
% Improved:	80%		
Legal Description:	NE LESS N/2 SE NE NE & LESS N/2 S/2 SE NE NE & LESS N132 E/2 S/2 S/2 SE NE NE & LESS BEG NWC NE TH E2648.59 TO NEC NE S500 W50 N304.01 W2359.79 W238.99 N248.78 POB FOR HWY SEC 21 17 13 137.62ACS		

Assessment & Tax

Assessment Year	2014	2013	2012
Taxable Assessment - Total	\$14,397	\$14,398	\$14,398
Taxable Assessment- Land	\$2,902	\$2,903	\$2,903
Taxable Assessment - Improved	\$11,495	\$11,495	\$11,495
YOY Assessed Change (\$)	-\$1	\$0	
YOY Assessed Change (%)	-0.01%	0%	
Total Assessment	\$130,883	\$130,890	\$130,890
Land Assessment	\$26,383	\$26,390	\$26,390
Improved Assessment	\$104,500	\$104,500	\$104,500

Tax Year	Total Tax	Change (\$)	Change (%)
2011	\$1,496		
2012	\$1,485	-\$11	-0.74%
2013	\$1,464	-\$21	-1.41%

Characteristics

Land Use - County:	Agricultural	Condition:	Average
Land Use - Universal:	SFR	Basement Type:	MLS: Crawl Space
Lot Acres:	137.62	Interior Wall:	Drywall
Lot Area:	5,994,727	Cooling Type:	Central
# of Buildings:	2	Quality:	Fair
Building Type:	Single Family	Exterior:	Frame/Masonry
Foundation:	Crawl Space	Bedrooms:	MLS: 3

Courtesy of Fred Keas, Northeast Oklahoma Real Estate Services

The data within this report is compiled by CoreLogic from public and private sources. If desired, the accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

Property Detail

Generated on 12/04/2014

Page 1 of 3

74

Building Sq Ft:	4,724	Total Baths:	2
Parking Type:	Attached Garage	Full Baths:	Tax: 1 MLS: 2
Garage Type:	Attached Garage	Half Baths:	1
Garage Capacity:	MLS: 2	Floor Cover:	Type Unknown
Garage Sq Ft:	550	Porch:	Slab
Roof Type:	Gable	Porch Type:	Slab
Roof Material:	Composition Shingle	Porch 1 Area:	144
Roof Shape:	Gable	Year Built:	1991
Stories:	1	Style:	Ranch

Estimated Value

RealAVM™ (1):	\$253,632	Confidence Score (2):	69
RealAVM™ Range:	\$205,442 - \$301,822	Forecast Standard Deviation (3):	19
Value As Of:	11/21/2014		

(1) RealAVM™ is a CoreLogic® derived value and should not be used in lieu of an appraisal.

(2) The Confidence Score is a measure of the extent to which sales data, property information, and comparable sales support the property valuation analysis process. The confidence score range is 60 - 100. Clear and consistent quality and quantity of data drive higher confidence scores while lower confidence scores indicate diversity in data, lower quality and quantity of data, and/or limited similarity of the subject property to comparable sales.

(3) The FSD denotes confidence in an AVM estimate and uses a consistent scale and meaning to generate a standardized confidence metric. The FSD is a statistic that measures the likely range or dispersion an AVM estimate will fall within, based on the consistency of the information available to the AVM at the time of estimation. The FSD can be used to create confidence that the true value has a statistical degree of certainty.

Listing Information

MLS Listing Number:	1427254	MLS Current List Price:	\$279,900
MLS Status:	Active	MLS Orig. List Price:	\$279,900
MLS Status Change Date:	09/06/2014	Listing Agent Name:	7729-Fred D Keas Jr.
MLS Listing Date:	09/03/2014	Listing Broker Name:	FRED KEAS REAL ESTATE

Last Market Sale & Sales History

Recording Date:	10/19/1988	Owner Name 2:	Biggers Dorothy
Closing Date:	10/19/1988	Document Number:	5135-118
Owner Name:	Biggers John A (Te)	Deed Type:	Deed (Reg)
Recording Date	01/03/1997	10/19/1988	
Closing Date		10/19/1988	
Nominal	Y		
Buyer Name	Biggers Dorothypt		
Seller Name	Biggers Dorothy L		
Document Number	5874-1193	5135-118	
Document Type	Quit Claim Deed	Deed (Reg)	

75

Courtesy of Fred Keas, Northeast Oklahoma Real Estate Services

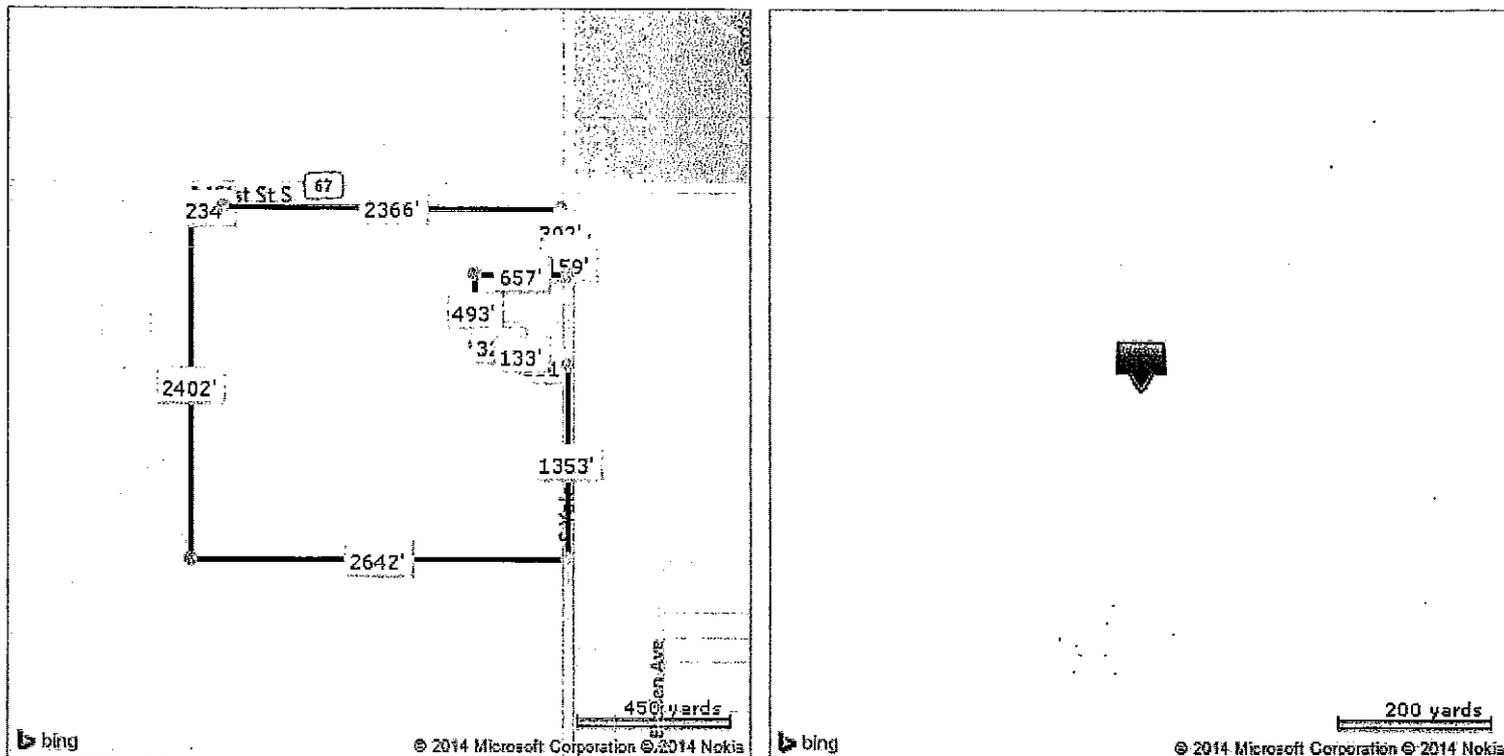
The data within this report is compiled by CoreLogic from public and private sources. If desired, the accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

Property Detail

Generated on 12/04/2014

Page 2 of 3

Property Map



(1) *Lot Dimensions are Estimated

Building 1 of 2

Characteristics

Land Use - County:	Agricultural	Stories:	1
Land Use - Universal:	SFR	Condition:	Average
Lot Acres:	137.62	Interior Wall:	Drywall
Lot Area:	5,994,727	Cooling Type:	Central
# of Buildings:	2	Quality:	Fair
Building Type:	Single Family	Exterior:	Frame/Masonry
Foundation:	Crawl Space	Full Baths:	1
Building Sq Ft:	1,844	Half Baths:	1
Parking Type:	Attached Garage	Floor Cover:	Type Unknown
Garage Type:	Attached Garage	Porch:	Slab
Garage Sq Ft:	550	Porch Type:	Slab
Roof Type:	Gable	Porch 1 Area:	144
Roof Material:	Composition Shingle	Year Built:	1991
Roof Shape:	Gable	Style:	Ranch

Building 2 of 2

Characteristics

Land Use - County:	Agricultural	Roof Type:	Gable
Land Use - Universal:	SFR	Roof Shape:	Gable
Lot Acres:	137.62	Stories:	1
Lot Area:	5,994,727	Condition:	Average
# of Buildings:	2	Quality:	Poor
Building Type:	Barn	Year Built:	1997
Building Sq Ft:	2,880		

76

Courtesy of Fred Keas, Northeast Oklahoma Real Estate Services

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Property Detail

Generated on 12/04/2014

Page 3 of 3

COLLINS LAND SURVEYING, INC.
3340 West 151st Street South
P.O. Box 250
Kiefer, Ok 74041
Ph. 918-321-9400 Fax 321-9404

REF. NO. 14-12-059

LEGAL DESCRIPTION

A tract of land within the Northeast Quarter (NE/4) of Section Twenty-one (21), Township Seventeen North (17N), Range Thirteen East (13E) of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described by metes and bounds as follows, to wit: BEGINNING at the Southeast corner of the North 132 feet of the East Half of the South Half of the South Half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (E/2 S/2 S/2 SE/4 NE/4 NE/4) of said Section 21; thence S 00°00'00" W along the East line thereof a distance of 168.80 feet; thence S 89°32'03" W a distance of 443.97 feet; thence N 0°22'03" W a distance of 307.24 feet to a point on the North line of the South Half of the South Half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (S/2 S/2 SE/4 NE/4 NE/4) of said Section 21; thence S 89°37'57" E along said North line thereof a distance of 110.83 feet to the Northwest corner of said North 132 feet; thence S 00°00'41" E along the West line thereof a distance of 132.00 feet to the Southwest corner of said North 132 feet; thence S 89°38'14" E along the South line thereof a distance of 331.19 feet to the POINT OF BEGINNING, containing 2.088 acres of land, more or less.

CITY OF BIXBY

FEB 02 2015

RECEIVED

By Enyak

cf. BL-396

BB0A-597

77



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

COMPREHENSIVE PLAN: Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES:

BBOA-11 – Richard Ketchum for Tri-Kay Developers, Inc. – Request for [Variance] from bulk and area standards for subject property (“amended application” received 12/26/1972 deleted the additional request for a Variance from the off street parking requirements).

Staff Report – BL-397 – Michael Ward on behalf of QuikTrip Corporation for T C 94, LP
February 17, 2015

Page 1 of 3

78

Bulk and area standards requested for Variance appear to have been from Zoning Ordinance Section 6.3A "Waive the 2 acre maximum" lot area standard and Section 6.4 "Change the Floor area ratio from (1 to 4) to (1 to 3 ½)" in the C-1 District – BOA Approved 01/16/1973 "to change the floor area from (1 to 4) to (1 to 3 ½)" per case notes and a draft letter found in the case file (Minutes not found for any BOA meetings in 1973).

AC-02-08-01 – Request for approval of wall signs for "HV&M Factory Direct" for the Applicant's tenant space at 12003 S. Memorial Dr. on subject property – Architectural Committee Approved 08/27/2002.

AC-02-08-02 – Request for approval of a ground sign for *May's Drug Warehouse* for the tenant space at 12037 S. Memorial Dr. on subject property – Architectural Committee Conditionally Approved 08/27/2002.

AC-10-02-05 – AKiN's Natural Foods – Request for approval of a Detailed Site Plan pursuant to Zoning Code Sections 11-7G-4 and 11-7G-6 for an exterior remodel for a Use Unit 13 grocery store for the tenant space at 12003 S. Memorial Dr. on subject property – Planning Commission Conditionally Approved 02/16/2010.

BSP 2015-02 – QuikTrip No. 0098 – Request for approval of a Site Plan and modifications to certain development standards per Zoning Code Section 11-9-0.F for subject property – City Council Conditionally Approved 02/09/2015.

BACKGROUND INFORMATION:

By email on January 05, 2015, the Applicant requested this application be Continued from the January 20, 2015 Planning Commission Regular Meeting to this February 17, 2015 Regular Meeting to allow additional time to resolve site plan matters. The Planning Commission Continued the application as requested. On February 09, 2015, the City Council Conditionally Approved BSP 2015-02, a request for approval of a Site Plan and modifications to certain development standards per Zoning Code Section 11-9-0.F for subject property.

On February 06, 2015, the Applicant provided a revised Lot-Split survey which reduced, by 4', the north-south lot dimension of the proposed *QuikTrip* redevelopment tract in order to allow additional separation between the reconstructed *Kelly-Moore Paints* southern wall and the common property line. This helped resolve a number of technical complications identified during the site plan application review, and perhaps others identified by the Applicant and shopping center owner.

ANALYSIS:

Subject Property Conditions. The subject property of approximately 7 1/3 acres, more or less, consists of Block 18, *Southern Memorial Acres Extended*, Less and Except right-of-way of record. It is developed with the *Town & Country Center* shopping center and is zoned CS. This approved Site Plan application proposed to allow for the replacement of the southernmost tenant space in the shopping center, the former *May's/Drug Warehouse* store site addressed 12037 S. Memorial Dr., with a new Use Unit 14 *QuikTrip* convenience store / gasoline service station. That tenant space will be removed and the exposed party wall between it and the *Kelly-Moore Paints* store to the north will become the new southerly exterior wall for *Kelly-Moore Paints* and the balance of the multitenant shopping center building.

79

The subject property is relatively flat and appears to drain to the east, ultimately to an un-named upstream tributary of Fry Creek Ditch # 1.

A part of the easterly side of the subject property is located within the Zone AE 100-year (1% Annual Chance) Regulatory Floodplain. See the Floodplain analysis section of the BSP 2015-02 Site Plan report for details.

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

General. The Applicant is seeking Lot-Split approval to separate the southerly approximately 2.012 acres (now, approximately 2 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.

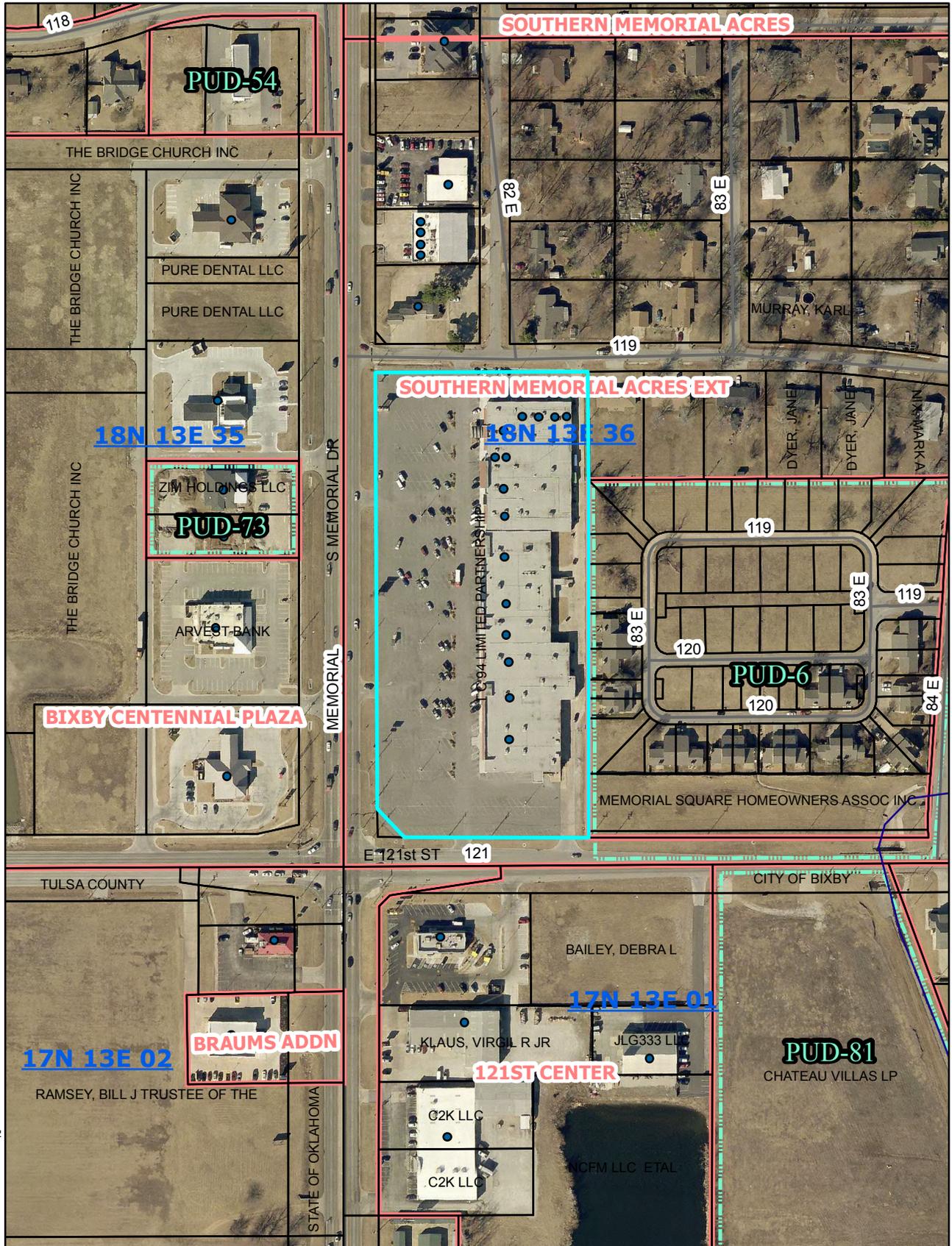
The proposed tract complies with all the bulk and area standards of the CS district. For the new, standalone store building and for the reconstructed southern wall of the *Kelly-Moore Paints* tenant space, which will have an approximate 4' setback from the proposed common line, the CS district requires no setbacks. The Applicant has informed Staff that they are working with the shopping center owner on private agreements necessary to facilitate the reconstruction of the shopping center's new south wall and other arrangements necessary to allow the shopping center to continue to function upon the separation of the proposed *QuikTrip* redevelopment tract. All existing and proposed buildings appear to comply with the zoning setback requirements of the CS district upon the approval of this Lot-Split.

The Technical Advisory Committee (TAC) reviewed this Lot-Split on February 04, 2015. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval.



BL-397 – Michael Ward on behalf of QuikTrip Corporation for T C 94, LP



TRACT A LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF BLOCK EIGHTEEN (18), SOUTHERN MEMORIAL ACRES EXTENDED, AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID BLOCK 18; THENCE NORTH 01°00'19" WEST ALONG THE WESTERLY LINE OF SAID BLOCK 18 FOR 50.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING NORTH 01°00'19" WEST ALONG SAID WESTERLY LINE FOR 181.04 FEET; THENCE NORTH 88°59'46" EAST FOR 379.94 FEET TO A POINT ON THE EASTERLY LINE OF SAID BLOCK 18; THENCE SOUTH 01°01'09" EAST ALONG SAID EASTERLY LINE FOR 228.86 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 18; THENCE SOUTH 88°40'05" WEST ALONG THE SOUTHERLY LINE OF SAID BLOCK 18 FOR 330.00 FEET TO A POINT THAT IS 50.00 FEET NORTH 88°40'05" EAST FROM THE SOUTHWEST CORNER OF SAID BLOCK 18; THENCE NORTH 46°10'14" WEST FOR 70.51 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 86,124 SQUARE FEET OR 1.977 ACRES, MORE OR LESS.

82

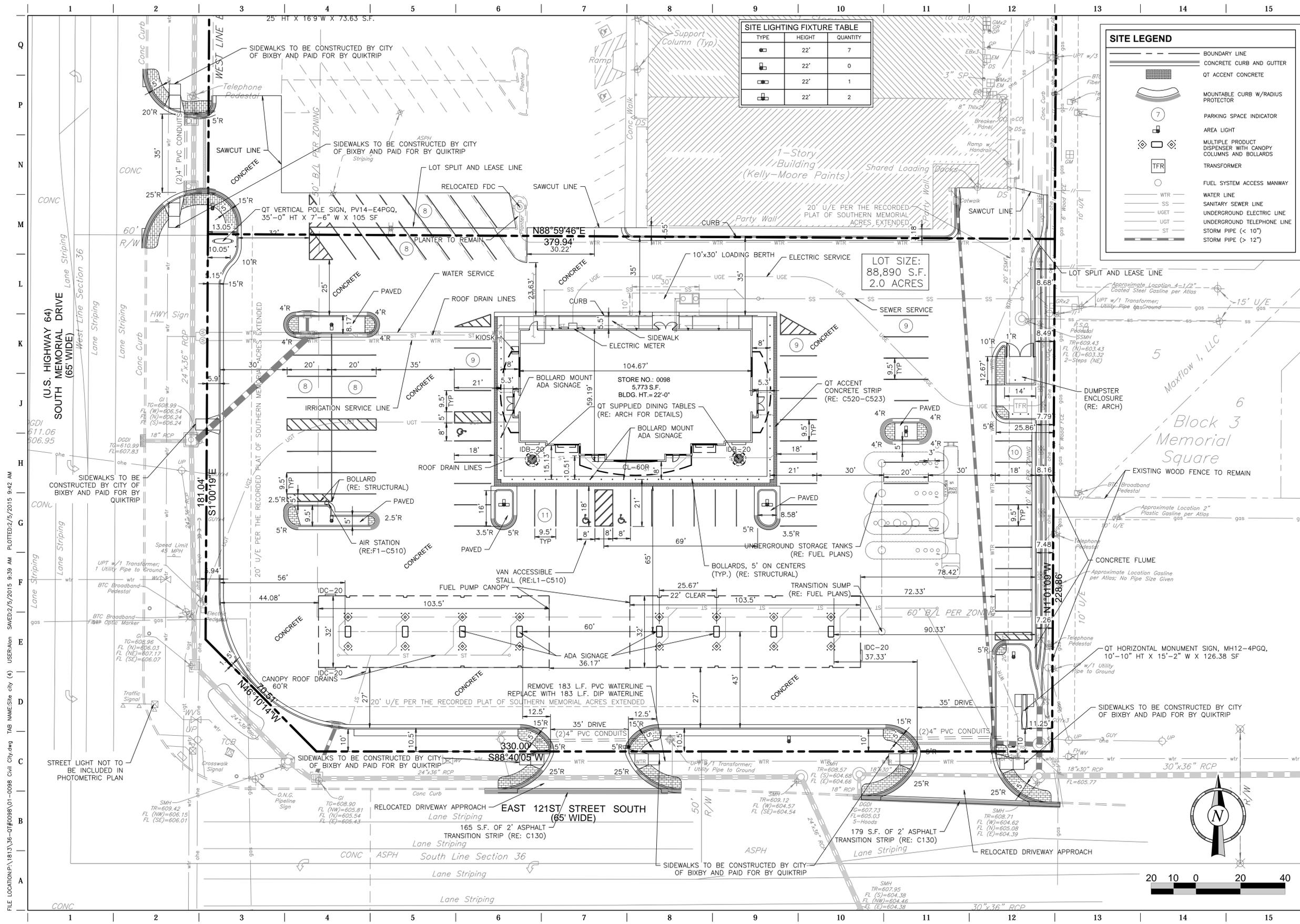
TRACT B LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF BLOCK EIGHTEEN (18), SOUTHERN MEMORIAL ACRES EXTENDED, AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID BLOCK 18; THENCE NORTH 01°00'19" WEST ALONG THE WESTERLY LINE OF SAID BLOCK 18 FOR 231.04 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING NORTH 01°00'19" WEST ALONG SAID WESTERLY LINE FOR 618.96 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 18; THENCE NORTH 89°00'10" EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 18 FOR 379.79 FEET (FIELD MEASURED, PLAT DISTANCE OF 380.00 FEET) TO THE NORTHEAST CORNER OF SAID BLOCK 18; THENCE SOUTH 01°01'09" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 18 FOR 618.92 FEET; THENCE SOUTH 88°59'46" WEST FOR 379.94 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 235,112 SQUARE FEET OR 5.398 ACRES, MORE OR LESS.

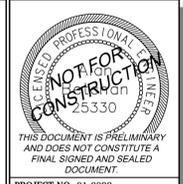
83



TYPE	HEIGHT	QUANTITY
[Symbol]	22'	7
[Symbol]	22'	0
[Symbol]	22'	1
[Symbol]	22'	2

SITE LEGEND

- BOUNDARY LINE
- CONCRETE CURB AND GUTTER
- QT ACCENT CONCRETE
- MOUNTABLE CURB W/RADIUS PROTECTOR
- PARKING SPACE INDICATOR
- AREA LIGHT
- MULTIPLE PRODUCT DISPENSER WITH CANOPY COLUMNS AND BOLLARDS
- TRANSFORMER
- FUEL SYSTEM ACCESS MANWAY
- WATER LINE
- SANITARY SEWER LINE
- UGET UNDERGROUND ELECTRIC LINE
- UGT UNDERGROUND TELEPHONE LINE
- ST STORM PIPE (< 10")
- ST STORM PIPE (> 12")



AAB Engineering, LLC
AAB
 Engineering • Surveying
 P.O. Box 2136 • 17 E 2nd St
 Sallis Springs, OK 74063
 OK CARS 19 Exp. June 30, 2016
 Office: (918) 514-4283
 Fax: (918) 514-4288

QuikTrip No. 0098
 121ST & MEMORIAL
 BIXBY, OK



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 WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

PROTOTYPE: P-81 (11/01/14)
 DIVISION:
 VERSION: 001
 DESIGNED BY: TK
 DRAWN BY: DED
 REVIEWED BY: CW

REV	DATE	DESCRIPTION

SHEET TITLE:
 SITE PLAN

SHEET NUMBER:
C101

FILE LOCATION: P:\1813_36-07\0098\01-0098 Civil City.dwg USER: Alan SAWE2/15/2015 9:39 AM PLOTTED: 2/5/2015 9:42 AM

ORIGINAL ISSUE DATE: 12-12-14