

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

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- (3) 1. Approval of Minutes for the March 25, 2015 Special Meeting

PUBLIC HEARINGS

- (35) 2. **BZ-379 – JR Donelson for Bill J. Ramsey Trust.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District and CG General Commercial District to CS Commercial Shopping Center District for approximately 14 acres in part of the N/2 of Government Lot 1 (NE/4 NE/4) of Section 02, T17N, R13E.  
Property located: 12200-block of S. Memorial Dr.
- (55) 3. **BZ-380 – JR Donelson for John C. Easton Trust & Easton Family, LP.** Public Hearing, Discussion, and consideration of a rezoning request from CS Commercial Shopping Center District, OL Office Low Intensity District, and RS-3 Residential Single-Family District to CS Commercial Shopping Center District for approximately 19 acres in part of the S/2 of Government Lot 1 (NE/4 NE/4) of Section 02, T17N, R13E.  
Property located: 12300 S. Memorial Dr.
- (75) 4. **PUD 87 – “Shadow Valley” – Khoury Engineering, Inc.** Public Hearing, Discussion, and consideration of a rezoning request for approval of Planned Unit Development (PUD) # 87 for approximately 21.1 acres consisting of all of *Shadow Valley Mobile Home Park* and part of the W/2 of the NE/4 of the NW/4 and part of the W/2 of the E/2 of the NE/4 of the NW/4, with proposed underlying zoning RM-3 Residential Multi-Family District.  
Property Located: 7500 E. 151<sup>st</sup> St. S.
5. **BZ-381 – Khoury Engineering, Inc.** Public Hearing, Discussion, and consideration of a rezoning request from RMH Residential Manufactured Home Park to RM-3 Residential Multi-Family District for approximately 21.1 acres consisting of all of *Shadow Valley Mobile Home Park* and part of the W/2 of the NE/4 of the NW/4 and part of the W/2 of the E/2 of the NE/4 of the NW/4, with proposed underlying zoning RM-3 Residential Multi-Family District.  
Property Located: 7500 E. 151<sup>st</sup> St. S.

- 131
6. **PUD 49-A – Bixby Crossing – Ted Sack of Sack & Associates, Inc. for J & S Acquisitions, LLC.** Public Hearing, Discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 49 for approximately 12.6 acres consisting of Lots 1 and 3, Block 1, *Bixby Crossing*, with underlying zoning CS Commercial, OM Office, RM-2 Residential Multi-Family, RD Residential Duplex, which amendment proposes to allow additional Use Unit 16 ministorage use and make certain other amendments.  
Property Located: 13455 S. Memorial Dr. & the 13500-block of S. Memorial Dr.

PLATS

- 147
7. **Preliminary Plat & Final Plat – “Bixby Memory Care” – Cedar Creek Consulting (PUD 45).** Discussion and consideration of a Preliminary Plat, a Final Plat, and certain Modifications/Waivers for “Bixby Memory Care,” approximately 8.6512 acres in part of the NE/4 of the NE/4 of Section 25, T18N, R13E.  
Property Located: Southwest corner of 101<sup>st</sup> St. S. and Mingo Rd.

OTHER BUSINESS

- 159
8. **PUD 40 – Regal Plaza – Minor Amendment # 3.** Discussion and possible action to approve Minor Amendment # 3 to PUD 40 for all of *Regal Plaza*, approximately 25 acres in part of the SW/4 NW/4 of Section 25, T18N, R13E, with underlying zoning CS Commercial, which amendment proposes amending development standards pertaining to the existing development entrance ground sign and its replacement, modifying PUD-imposed setbacks, modifying parking standards, and making certain other amendments.  
Property Located: Intersection of E. Regal Pl. / E. 105<sup>th</sup> St. S. and Memorial Dr.
- 177
9. **BSP 2015-04 – “Chateau Villas” – Larry Kester of Architects Collective (PUD 81).** Discussion and possible action to approve a PUD Detailed Site Plan and building plans for “Chateau Villas,” a Use Unit 8 multifamily residential and commercial development for approximately 23 in part of the NW/4 NW/4 of Section 01, T17N, R13E.  
Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121<sup>st</sup> St. S.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Enyark

Date: 03/26/2015

Time: 10:10 AM

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
March 25, 2015 6:00 PM**

***SPECIAL-CALLED MEETING***

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

**STAFF PRESENT:**

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

**OTHERS ATTENDING:**

See attached Sign-In Sheet

**CALL TO ORDER:**

Chair Thomas Holland called the meeting to order at 6:09 PM.

**ROLL CALL:**

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

**CONSENT AGENDA:**

1. Approval of Minutes for the February 17, 2015 Regular Meeting

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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 February 17, 2015 Regular Meeting as presented by Staff. Steve Sutton SECONDED the Motion. Roll was called:

**ROLL CALL:**

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

PUBLIC HEARINGS

2. **PUD 81 – Chateau Villas PUD – Major Amendment # 1 – Larry Kester of Architects Collective.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 81 for approximately 23 acres in part of the NW/4 NW/4 of Section 01, T17N, R13E with underlying zoning CS Commercial Shopping Center District, RM-3 Residential Multi-Family District, and OL Office Low Intensity District, which amendment proposes to increase the maximum building height, amend the 75% minimum masonry standard, and make certain other amendments.  
**Property Located:** 12303 S. Memorial Dr. and the 8300-block of E. 121<sup>st</sup> St. S.
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Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

**To:** Bixby City Council  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Tuesday, March 24, 2015  
**RE:** Report and Recommendations for:  
PUD 81 Major Amendment # 1 – “Chateau Villas PUD” – Larry Kester of Architects Collective

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**LOCATION:**

**16-Acre Tract:** 8300-block of E. 121<sup>st</sup> St. S.

**7-Acre Tract:** 12303 S. Memorial Dr.

**SIZE:** 23 acres, more or less, in two (2) tracts

**EXISTING ZONING:** CS Commercial Shopping Center District, RM-3 Residential Multi-Family District, and OL Office Low Intensity District, & PUD 81

**EXISTING USE:**

**16-Acre Tract:** Vacant

**7-Acre Tract:** Single-family house

**SUPPLEMENTAL ZONING:** PUD 81 “Chateau Villas PUD” and Corridor Appearance District (partial)

**REQUEST:** Approval of Major Amendment # 1 to Planned Unit Development (PUD) # 81 (“Chateau Villas PUD”), with underlying zoning CS Commercial Shopping Center District, RM-3 Residential Multi-Family District, and OL Office Low Intensity District, which amendment proposes to increase the maximum building height, amend the 75% minimum masonry standard, and make certain other amendments.

**SURROUNDING ZONING AND LAND USE:**

**North:** CS & RM-1/PUD-6, RD, and RS-1; The Memorial Square duplex-style condo/apartments and vacant lots, and single-family residential to the northeast, commercial in the Town and Country Shopping Center to the northwest, and farther north, duplexes along 119<sup>th</sup> St. S., all in Southern Memorial Acres Extended.

**South:** CS/PUD 29A, OL/RS-1/PUD 77, RS-1, and RS-2; The Boardwalk on Memorial commercial strip shopping center with vacant land behind zoned CS/PUD 29A, vacant land and a single-family dwelling zoned OL/RS-1/PUD 77 planned for a ministorage development, and single-family residential in Gre-Mac Acres and Southern Memorial Acres No. 2 zoned RS-1 and RS-2.

**East:** RS-1; Single-family residential in the Houser Addition and the Bixby Fire Station #2.

**West:** CG, CS, OL, RS-3, & AG; Commercial development in 121st Center, the Spartan Self Storage ministorage business on an unplatted 1-acre tract zoned CS at 12113 S. Memorial

Dr., and (west of Memorial Dr.) agricultural land and the Easton Sod sales lot zoned RS-3, OL, & CS.

COMPREHENSIVE PLAN:

16-Acre Tract: Low/Medium Intensity + Vacant, Agricultural, Rural Residences, and Open Land

7-Acre Tract: Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES:

BZ-30 – Frank Moskowitz – Request for rezoning from AG to CS for the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E (including 7-acre tract subject property) – PC on 01/27/1975 recommended CS for N. approx. 12.5 acres, OL for the S. approx. 5 acres of the N. approx. 17.5 acres, and AG zoning to remain for the balance of the 20 acres. City Council approved as PC recommended 03/18/1975 (Ord. # 270).

BCPA-3, PUD 68, & BZ-341 – North Bixby Commerce Park – Lou Reynolds for Alvis Houser – Request to amend the Comprehensive Plan to redesignate property (in part) “Medium Intensity,” rezone from AG to CS and OL, and approve PUD 68 for a ministorage, “trade center / office-warehouse,” and retail development on 16-acre tract subject property – PC voted 2 in favor and 3 opposed on a Motion to approve the development on 04/20/2009. On 04/27/2009, on appeal, the City Council reversed the Planning Commission’s action. On 06/08/2009, the City Council denied the ordinance which would have approved the rezoning, PUD, and Comprehensive Plan amendment, on the City Attorney’s advice regarding certain language in the ordinance, and called for the developer to proceed “under existing ordinances.” On 06/22/2009, the City Council Approved, by Ordinance # 2030, all three (3) applications as submitted, and with no Conditions of Approval. The legal descriptions in the ordinance reflected the underlying CS/OL zoning pattern as recommended by Staff, rather than per the “Exhibit 1” to the PUD.

Preliminary Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on 16-acre tract subject property – PC recommended Conditional Approval 03/15/2010 and City Council Conditionally Approved 03/22/2010.

Final Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Final Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on 16-acre tract subject property – PC recommended Conditional Approval 05/17/2010 and City Council Conditionally Approved 05/24/2010. City Council approved a revised Final Plat 09/13/2010.

BSP 2010-01 – North Bixby Commerce Park – RK & Associates, PLC / McCool and Associates, P.C. (PUD 68) – Request for approval of a PUD Detailed Site Plan for a ministorage, “trade center / office-warehouse,” and retail development on 16-acre tract subject property – PC Conditionally Approved 07/19/2010.

PUD 81 & BZ-368 – Chateau Villas PUD – AAB Engineering, LLC – Request for rezoning from CS, OL, and AG to CS and RM-3 and to approve PUD 81 for a Use Unit 8 multifamily residential and commercial development for subject property – PC recommended Conditional Approval, with a modified zoning schedule including OL zoning, 11/18/2013 and City Council Conditionally Approved, as modified, the applications 11/25/2013 and Conditionally Approved same by ordinance (Ord. # 2126) 02/24/2014.

BSP 2015-04 – “Chateau Villas” – Larry Kester of Architects Collective (PUD 81) – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for subject property – Pending PC consideration 04/20/2015.

RELEVANT AREA CASE HISTORY:

BBOA-11 – Richard Ketchum for Tri-Kay Developers, Inc. – Request for [Variance] from bulk and area standards for the Town and Country Shopping Center on All of Block 18, Southern Memorial Acres Extended to the northwest of subject property – (“amended application” received 12/26/1972 deleted the additional request for a Variance from the off street parking requirements). 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).

BBOA-20 – City of Bixby – Request for Special Exception to allow a Use Unit 5 use in an RS-1 district, the original Bixby Fire Station # 2, on Lot 2, Block 4, Houser Addition abutting subject property to the east at 8300 E. 121<sup>st</sup> St. S. – BOA Conditionally Approved 06/09/1975.

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

BL-45 – Milton Berry – Request for Lot-Split approval to separate the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E (now the Spartan Self Storage) from the balance of the property, which balance was later platted as 121st Center – both resultant tracts abut subject property to west and north – PC Motion to Approve died for lack of a Second 02/26/1979; City Council Conditional Approval is suggested by case notes. Deeds recorded evidently without approval certificate stamps 05/23/1978, which would have preceded the Lot-Split application.

BZ-135 – Eddie McLearan – Request for rezoning from AG to CS for an approximately 19-acre tract at 12300 S. Memorial Dr. to the west of subject property (now the Easton Sod business) – Withdrawn by Applicant 03/21/1983.

BZ-139 – Eddie McLearan – Request for rezoning from AG to RM-2, OL, & CS for an approximately 19-acre tract at 12300 S. Memorial Dr. to the west of subject property (now the Easton Sod business) – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. # 482).

BZ-140 – Patrick L. Murray – Request for rezoning from RM-1 to CS for approximately 1.6 acres consisting of Lots 7 through 12, inclusive, Block 17, Southern Memorial Acres Extended (later replatted as part of Memorial Square) across 121<sup>st</sup> St. S. to the north of subject property – PC Recommended Denial 05/31/1983 and City Council Approved 06/13/1983 (Ord. # 486).

B/PUD 6 – “South Memorial Duplexes” – Richard Hall & Associates for George E. Day – Request for PUD approval for a duplex development for approximately 9.4 acres consisting of Lots 7 through 12, inclusive, Block 16, and all of Block 17, Southern Memorial Acres Extended (later replatted as Memorial Square) across 121<sup>st</sup> St. S. to the north of subject property – PC Recommended Approval 11/28/1983 and City Council Approved 12/05/1983 (Ordinance # 498).

Final Plat of Memorial Square – Request for Final Plat approval for Memorial Square for approximately 9.4 acres, a resubdivision of Lots 7 through 12, inclusive, Block 16, and all of Block 17, Southern Memorial Acres Extended across 121<sup>st</sup> St. S. to the north of subject property – City Council Approved 02/1984 (per the plat approval certificate) (Plat # 4511 recorded 08/03/1984) (Preliminary Plat and PC approvals not researched).

Final Plat of Memorial Square – Request for Final Plat approval for Memorial Square for property across 121<sup>st</sup> St. S. to the north of subject property – City Council Approved 02/1984 (per the plat approval certificate) (Plat # 4511 recorded 08/03/1984) (Preliminary Plat and PC approvals not researched).

BBOA-135 – Alan Hall of A. C. Hall & Associates, Surveying for Milton H. Berry – Request for Special Exception to allow a Use Unit 17 carwash development in the CS district for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – BOA Approved 11/13/1984 subject to platting (not developed as a carwash; ultimately developed as the Spartan Self Storage).

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for 121st Center (abutting subject property to west and north) – PC Conditionally Approved 12/28/1987 (Council action not researched).

BBOA-199 – Spradling & Associates for Arkansas Valley Development Corporation – Request for Variance to reduce the minimum lot width/frontage in CS from 150' to 125' to permit platting the subject tract as 121st Center (abutting subject property to west and north) – BOA Approved 01/11/1988.

Final Plat of 121st Center – Request for Final Plat approval for 121st Center (abutting subject property to west and north) – PC Conditionally Approved 02/29/1988 and City Council Approved 07/11/1988 (per the plat approval certificate) (Plat # 4728 recorded 08/05/1988).

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area to the southwest of subject property in the 12300-block of S. Memorial Dr. (perhaps then

addressed 12340 S. Memorial Dr.) – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

BBOA-261 – Jack Spradling for Arkansas Valley Development Corporation – Request for Variance for Lot 5, Block 1, 121st Center (abutting subject property to west and north), to reduce the minimum lot width/frontage in CS from 150' to 0' to permit a Lot-Split creating the E. 215' of the S. 125' of Lot 5, which tract is now the Atlas General Contractors office – BOA Conditionally Approved 02/01/1993 (Mutual Access Easement created to give access to 121<sup>st</sup> St. S.).

BBOA-300 – Tom Christopoulos – Request for Variance to the setback; an increase of the allowed maximum density; and a reduction of the parking standards of the RM-3 district (requested per BZ-212) for a multifamily development for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – BOA Conditionally Approved 07/03/1995 (not developed as multifamily; ultimately developed as the Spartan Self Storage).

BZ-212 – Tom Christopoulos – Request for rezoning from CS to RM-3 for a multifamily development for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – PC Recommended Approval 06/05/1995 and City Council Denied 07/10/1995 (not developed as multifamily; ultimately developed as the Spartan Self Storage).

BBOA-335 – Tom Christopoulos – Request for Special Exception to allow a ministorage development in the CS district for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – BOA Approved 12/01/1997 (now the Spartan Self Storage).

PUD 29 – The Boardwalk on Memorial – Part of future Lot 1, Block 1, The Boardwalk on Memorial (abutting subject property to south) and Lots 1 and 2, Block 1, Gre-Mac Acres requested for rezoning and PUD approval – PC Recommended Approval 05/20/2002 and City Council Approved PUD 29 and CS zoning for Gre-Mac Acres Lot 1 and OL zoning for Lot 2 06/10/2002 (Ordinance # 850, evidently dated 06/11/2001 in error).

PUD 29A – The Boardwalk on Memorial – Request for Major Amendment to PUD 29 (abutting subject property to south), known as PUD 29A, which expanded the original PUD and underlying CS zoning to an unplatted area to the north of Lots 1 and 2, Block 1, Gre-Mac Acres, and rezoned Development Area B to AG for “open space” – PC Recommended Approval 03/17/2003 and City Council Approved 04/28/2003 (Ordinance # 867).

Preliminary Plat of The Boardwalk on Memorial – Request for Preliminary Plat approval for property abutting subject property to south – Recommended for Approval by PC 04/21/2003 and Approved by City Council 04/28/2003.

Final Plat of The Boardwalk on Memorial – Request for Final Plat approval for property abutting subject property to south – Recommended for Approval by PC 05/19/2003 and Approved by City Council 05/27/2003 (Plat # 5717 recorded 08/19/2003).

“Minor Amendment PUD 29b to PUD 29, 29a” – Request for Planning Commission approval of the first Minor Amendment to PUD 29A (could have been called “Minor Amendment # 1) for property abutting subject property to south to approve a drive through bank window on the south side of the building for Grand Bank – PC Approved 02/22/2005.

BBOA-444 – City of Bixby – Request for Special Exception to allow a Use Unit 5 use in an RS-1 district, allowing the expansion of Bixby Fire Station # 2 onto Lot 1, Block 4, Houser Addition located to east of subject property at 8300 E. 121<sup>st</sup> St. S. – BOA Approved 06/05/2006.

“PUD 29A Minor Amendment # 1 [2]” – Second request for Minor Amendment to PUD 29A to (1) Remove restrictions from east-facing signs and (2) Increase maximum display surface area for wall signs from 2 square feet per lineal foot of building wall to 3 square feet per lineal foot of building wall as permitted by the Zoning Code for property abutting subject property to south – Planning Commission Conditionally Approved 11/19/2007. Should have been called “Minor Amendment # 2.”

PUD 29A Minor Amendment # 3 – Request for Minor Amendments to PUD 29A to remove Development Area B from the PUD – Planning Commission Continued the application from the January 19, 2010 meeting to the February 16, 2010 meeting. The submission of PUD 29A Major Amendment # 1 in lieu of this application was recognized as the Withdrawal of this application.

BL-373 – William Wilson for Boardwalk on Memorial I, LP – Request for Lot-Split approval to separate the east approximately 472' from the balance of the property abutting subject property to south – PC Approved 02/16/2010.

PUD 29A Major Amendment # 1 – Request for Major Amendments to PUD 29A to relax Zoning Code bulk and area requirements for Development Area B to allow for Lot-Split per BL-373, which Development Area B was required to be legally attached to lots having the minimum required amount of public street frontage – PC Recommended Approval 02/16/2010 and City Council Approved 03/08/2010 (Ord. # 2033).

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 Knopp family property of approximately 140 acres to the southwest of 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.

BSP 2010-03 – Encore on Memorial – Khoury Engineering, Inc. (PUD 70) – Request for Detailed Site Plan approval for a multifamily development on 14 acres to the southwest of subject property – PC Conditionally Approved 07/19/2010.

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the southwest of subject property – PC recommended Conditional Approval 07/19/2010 and City Council Conditionally Approved 07/26/2010.

Final Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the southwest of subject property – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (Plat # 6380 recorded 04/12/2011).

PUD 76 "Scenic Village Park" & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 92 acres acquired from the Knopp family acreage to the west of subject property – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting.

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 92 acres acquired from the Knopp family acreage to the west of subject property – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove in part the Residential Area specific land use designation, rezone in part from AG to OL, and approve PUD 77 for a ministorage development on property abutting subject property to the south – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. Ordinance First Reading held 06/24/2013. Ordinance Second Reading and consideration pending receipt of final PUD Text & Exhibits as Conditionally Approved.

Final Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres of a 92-acre PUD west of 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 a 92-acre PUD west of subject property – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013 and approved the Emergency Clause attachment 11/12/2014 (Ord. # 2123).

PUD 76 "Scenic Village Park" Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for southerly 70 acres of PUD 76 to the west of subject property – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant's letter dated 10/18/2013.

PUD 70 "Encore on Memorial" Major Amendment # 1 – Khoury Engineering, Inc. – Request for approval of Major Amendment # 1 to PUD 70 for 15 acres abutting to the west and north, to allow a Use Unit 21 sign within the Development Area B right-of-way for 126<sup>th</sup> St. S., provide development standards for same, and make certain other amendments – PC consideration pending 02/18/2014.

Preliminary Plat of "Byrnes Mini-Storages" – JR Donelson, Inc. – Request for approval of a Preliminary Plat for property abutting subject property to the south – PC (03/17/2014) recommended Conditional Approval by 2:1:1 vote. Per the City Attorney, the Abstention vote does not count, so the vote was recognized as 2:1 and the Motion passed with a simple majority. City Council Conditionally Approved 05/12/2014.

PUD 6 Major Amendment # 1 "Memorial Square" & BZ-374 – JR Donelson, Inc. – Request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 6 and rezoning from CS and RM-1 to CS, RM-1, and RT for property across 121<sup>st</sup> St. S. to the north of subject property – PC recommended Conditional Approval 05/19/2014 and City Council Conditionally Approved applications 06/09/2014. Ordinance approval pending receipt of PUD Amendment Text & Exhibits reflecting all the required corrections, modifications, and Conditions of Approval.

Preliminary Plat of "Memorial Square Amended" – Request for Preliminary Plat approval for "Memorial Square Amended" for property across 121<sup>st</sup> St. S. to the north of subject property – PC recommended Conditional Approval 07/21/2014. Not placed on City Council agenda per Applicant 08/07/2014.

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 property across 121<sup>st</sup> St. S. to the northwest of subject property at 12037 S. Memorial Dr. – City Council Conditionally Approved 02/09/2015.

BL-397 – Mike Ward on behalf of QuikTrip Corporation for T C 94, LP – Request for Lot-Split approval for property across 121<sup>st</sup> St. S. to the northwest of subject property at 12037 S. Memorial Dr. – Planning Commission Approved 02/17/2015.

PUD Requirement Waiver for Ramsey & Easton Properties – JR Donelson of JR Donelson, Inc. – Request for a Temporary Waiver of the PUD requirement of Zoning Code Section 11-5-2 for the Ramsey and Easton properties located to the west of subject property at the southwest corner of 121<sup>st</sup> St. S. and Memorial Dr. – City Council Approved 02/23/2015 subject to (1) requirement shall be restored prior to the development of the concerned property and (2) that (A) the temporarily suspended requirement, and (B) the requirement's design in furtherance of the City Council's express policy preferring retail uses, shall be disclosed to prospective buyers.

BZ-379 – JR Donelson for Bill J. Ramsey Trust – Request for rezoning from AG and CG to CS for commercial use for 14 acres to the west of subject property at the 12200-block of S. Memorial Dr. – PC consideration pending 04/20/2015.

BZ-380 – JR Donelson for John C. Easton Trust & Easton Family, LP – Request for rezoning from AG and CG to CS for commercial use for 19 acres to the west of subject property at 12300 S. Memorial Dr. – PC consideration pending 04/20/2015.

Staff searched for but did not find any Zoning or site plan approval records related to the Spartan Self Storage, a 1-acre ministorage development at 12113 S. Memorial Dr. which appears to have 0' setbacks along the north/side, east/rear, and south/side property lines. The Tulsa County Assessor's records indicate the facility was constructed in 1998.

**BACKGROUND INFORMATION:**

No applications were received for the March 16, 2015 Planning Commission Regular Meeting. This application form was received February 26, 2015, and was completed with the receipt of the required

electronic versions of certain application materials on March 19, 2015. On behalf of the Applicant's special development review timeline needs and as requested by Staff, Chair Thomas Holland agreed to cancel the March Regular Meeting and call a Special Meeting for March 25, 2015. The "Chateau Villas" development will ultimately need to be approved for Preliminary Plat, Final Plat, and PUD Detailed Site Plan. The Applicant is working with AAB Engineering, LLC to prepare the plats. The PUD Detailed Site Plan application was received March 24, 2015, and is scheduled for the April 20, 2015 Regular Meeting.

The original PUD 81 Major Amendment # 1 application included the following elements:

- Application form and review fee
- Exhibit G legal description (note: Staff did not use as it did not correspond to existing parcel legal descriptions as used with the original PUD ordinance)
- PUD Amendment text / letter dated 2/26/15
- Photo attachment cited in letter depicting existing multifamily development The Reserve at Elm in Jenks
- "Site Plan" drawing P1
- "Access Gate" drawing P2
- "Trash Enclosure" drawing P5
- "Fence Details" drawing P6.1
- "Fence Details" drawing P6.2
- "Exterior View" elevation rendering

Since the original submittal, different versions of different drawings have been provided in different formats and in different combinations. Staff has attempted to update the PUD Major Amendment # 1 documents with the latest versions of each, and the same are attached to this report. On March 19, 2015, the "Exterior View" elevation rendering was replaced with seven (7) different elevation rendering drawings bearing no unique drawing names or drawing numbers and no date, differentiated only by key codes such as "A1/A2 3/4."

For the sake of comparison, the "Final As Approved" version of PUD 81 is attached to this report.

ANALYSIS:

Subject Property Conditions. The subject property of approximately 23 acres in two (2) tracts:

1. An approximately 16-acre vacant tract at the 8300-block of E. 121<sup>st</sup> St. S., and
2. An approximately 7-acre tract at 12303 S. Memorial Dr. with what appears to be an unoccupied split-level house on it.

The subject property is zoned CS, RM-3, and OL with PUD 81 "Chateau Villas PUD."

The subject property is moderately sloped and primarily drains to the southeast to an unnamed tributary of Fry Creek # 1, and presently contains an area of 100-year floodplain, attendant to an improved drainage channel along and within the eastern boundary of the 16-acre tract. Per a letter dated September 21, 2009, the previous owner/developer was approved by FEMA for a CLOMR-F to widen the channel and increase its capacity to a level providing for the 100-year flow and use the borrow material as fill to elevate the development land above the 100-year Floodplain. Widening the channel, under the approved CLOMR-F, would remove the need for onsite stormwater detention for the 16-acre tract. As originally conceived, the channel was only going to be widened enough to drain the 16-acre tract, and no other properties in the area. The area downstream of the southeast corner of the property may have already been widened. Per PUD 81 Applicant Alan Betchan of AAB Engineering, LLC on November 11, 2013, the new development plans may not require widening of the channel located on the subject property, or perhaps not as much widening, due to the creation of less impervious surface compared to the previous development plan. However, it is not clear if the channel on the subject property has already been widened or not. The plans may be modified and resubmitted to the City and FEMA in order to incorporate the 7-acre tract that is now a part of this development proposal. Pursuant to the original, approved CLOMR-F, the previous owner/developer proceeded with the grading; however, Staff has been informed that the grading has not been completed in accordance with the CLOMR-F as of this time. The floodplain issue must be resolved through the City and FEMA approval process before the subject property can be developed. The development will pay a fee-in-lieu of providing onsite stormwater detention. This situation is described in the "Drainage" section of the original PUD Text.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has access to the stormwater drainage in the unnamed tributary to Fry Creek # 1 to the east.

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Plans for utilities were adequately described in the original PUD's Text and represented on the original Exhibit F, and is discussed further in the City Engineer's memo.

Comprehensive Plan. The Comprehensive Plan designates the 16-acre tract subject property as (1) Low/Medium Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land. The Medium Intensity designation covers the west 6.26 acres of the 16-acre tract, pursuant to BCPA-3 approved by Ordinance # 2030 in 2010. The 7-acre tract is designated (1) Medium Intensity and (2) Commercial Area.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that CS zoning is In Accordance, RM-3 zoning May Be Found In Accordance with the Medium Intensity designation, and OL zoning May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since RM-3 and OL zoning districts were approved by ordinance of the City Council, these districts have been recognized as being In Accordance with the Comprehensive Plan in the context of PUD 81.

During the review and approval of PUD 81, Staff worked with the Applicant to adjust relative proportions of CS, RM-3, and OL zoning and relative proportions of commercial floor area and numbers and types of multifamily dwelling units to conform to the Comprehensive Plan designations as amended by BCPA-3.

Per the Matrix, PUDs (as a zoning district) May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since PUD 81 was approved by ordinance of the City Council, it has been recognized as being In Accordance with the Comprehensive Plan as a zoning district.

PUD 81 Major Amendment # 1 proposes making certain changes to design features of the development, but no significant changes to the proposed schedule of land uses compared to the original PUD 81.

Therefore, Staff believes that the existing underlying zoning patterns and PUD 81, and the proposed land uses per PUD 81 Major Amendment # 1, are all consistent with the Comprehensive Plan.

General. The Applicant is requesting approval of Major Amendment # 1 to PUD 81. As submitted, this PUD Major Amendment proposes:

- (1) to increase the maximum building height from 48' to 54' and four (4) stories, and
- (2) to amend the 75% minimum masonry standard, which applies to all buildings, to define masonry to include "concrete or clay brick of any size, natural stone of any size, manufactured stone of any size, cement based stucco, manufactured cement fiber based stucco panels and manufactured cement fiber horizontal siding."

Since the application was submitted, City Staff has had several meetings and other communication with the Applicant to refine the intent of the two (2) amendments, and suggest other amendments be made to facilitate the most appropriate development of the property.

Per the original PUD 81 Exhibit B Conceptual Site Plan, the multifamily element of the development included 12 multifamily buildings and one (1) clubhouse/leasing office. All multifamily buildings were understood to be three (3) stories in height with clay tile rooves and a "Tuscan" theme. The clubhouse was to be between 7,500 and 8,000 square feet, and was to cost \$1 Million. The artist's/architect's perspective renderings of the original designs were included in a PUD Text & Exhibits package received November 25, 2013, and these and certain other drawings were presented at certain meetings including the City Council meeting held on that date. One of the drawings was published in a November 14, 2013 Tulsa World article entitled "High-end apartment complex likely coming to Bixby." Per these exhibits, the buildings appeared to be five-tone, box-like structures with flat elevations except for protruding exterior stairwells. The elevations, considering their description as "masonry," appeared to be traditional stucco or otherwise another cementitious product resembling stucco. The original intent was not clear. Copies of the three (3) perspective drawings are attached to this report for reference.

Since the original November, 2013 PUD approval, the developer has engaged an architect and the designs have changed. The new plans call for a 3,950 square foot "clubhouse" (and an additional detached structure, potentially a poolhouse and/or maintenance and/or mailroom and/or laundryroom building of undisclosed size) and [21] multifamily buildings with a mix of 2-, 3-, and 4-story buildings with variegated elevations and certain percentage of "concrete stone masonry material" and "brick veneer masonry," with the balance of the elevations to be composed of "cement fiberboard masonry material siding." Staff recommends the Applicant bring examples of these products to the Planning Commission and City Council meetings for clarification of the intended materials. The relative percentages of masonry and masonry-alternative types has not been provided. The rooves, apparently of

a similar pitch but now more variegated than the originals, are now proposed to be composed of "architectural asphalt shingles." The open stairwells are now brought within the building footprints. Staff has received several versions of several architectural plans, but no instructions on what drawings are now intended to be used as exhibits to the PUD Major Amendment # 1 and which are to be recognized as part of the BSP 2015-04 PUD Detailed Site Plan pending Planning Commission consideration April 20, 2015. Un-numbered, undated exhibits have been received showing certain interior and exterior building materials, and appliances, but there are no keys to explain what the codes mean. Per discussions with the developer and architect, the 4-story buildings are not planned to include elevators at this time, but rather would be 2-story units accessed from the open stairwells, with an additional stairwell interior to the units providing access to the 4<sup>th</sup> floor bedroom(s).

PUD 81 allows, for DA B, 375 units total with a minimum of 75 1-bedroom and 300 maximum "Two+" bedroom. Per the "Unit Mix" table on "Site Plan" drawing P1, the PUD restrictions will be met. Interior floorplans, such as would allow for verification of unit schedule and such as were included with the Encore on Memorial development, have not been provided. These should be included with the PUD Detailed Site Plan.

The traditional definition of masonry includes brick, stone, and stucco. Other masonry-like materials, such as cementitious fiber, are generally categorized as "masonry alternatives." The Applicant should specify the proposed overall percentages of masonry, including "concrete stone masonry material" and "brick veneer masonry," and the proposed balance of the elevations, understood to be composed of "cement fiberboard masonry material siding." Staff is not supportive of the current proposed approach to define masonry as including cementitious fiber. Staff has found no record that the City Council has ever officially recognized masonry to include cementitious fiber or other masonry-like products; such products have always been categorized as "masonry alternatives." The architect should clarify or explain the intent of the term "concrete or clay brick of any size," to avoid the possibility of any interpretation allowing cinder block, CMU, or patterned concrete stained to resemble traditional brick. The architect should clarify or explicitly describe the term "cement based stucco" (e.g. application of stucco to a traditional concrete masonry base or to a wire mesh, number of coats, and proscription of EIFS or synthetic stucco). Alternatively, if stucco is not actually planned, as suggested by the latest building elevations, it does not need to be listed. Currently, the 75% masonry requirement applies to every building, and individually and equally. The PUD Text should include language providing for additional flexibility, to explain the proportions of exterior materials are calculated when each building elevation type may vary the relative proportions. For example, building "B1/B2 3" may have A% brick, B% stone, and C% cementitious fiber, while building "B1/B2 3/4" may have X% brick, Y% stone, and Z% cementitious fiber. If the 75% masonry standard is to be modified to some smaller percentage, with the balance being a masonry alternative, Staff has recommended the developer propose the exterior-facing elevations of all buildings, especially those facing Memorial Dr. and 121<sup>st</sup> St. S., honor the spirit and intent of the masonry requirement by having 75% masonry, with the other, more interior-facing elevations having a smaller percentage. However proposed, this language change to the PUD Text must be clear.

See the attached correspondence from the Fire Marshal regarding the proposed building height increase.

The Applicant originally hoped to have the PUD Detailed Site Plan application also on this March 25, 2014 Planning Commission Special Meeting agenda, and on the March 30, 2015 City Council Special Meeting agenda. However, the application was not completely submitted until March 24, 2015 (which requires a Waiver of the application submission deadline), and in Staff's estimation, was not in order for consideration as a PUD Detailed Site Plan, which is the final step in the development review process before Building Permits are issued. The developer has not yet had the Preliminary or Final Plats prepared, or the engineering grading, paving, stormwater drainage, utilities, etc. construction plans prepared, which will invariably significantly alter the site plans. Therefore, as recommended by Staff, the Applicant agreed to forestall the PUD Detailed Site Plan review and allow its placement on the April 01, 2015 TAC and April 20, 2015 Planning Commission Regular Meeting agendas. Per discussions with the Applicant, Staff understands that the Applicant desires that the site plan and building elevations be included as exhibits to this PUD Major Amendment # 1, thus to allow the City Council to approve them conceptually and allow for financing to be secured. The financing will depend on whether the numbers and sizes of buildings, including some with four (4) stories, whether the water features may constructed within the development, and whether all other major features of site design will ultimately be approved. To integrate the site plans and building elevations into the PUD Text and Exhibits framework,

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- (1) the "Site Plan" drawing P1 should be renamed "Conceptual Site Plan for Chateau Villas" Exhibit B,
- (2) the elevations drawings should have distinct drawing names and numbers,
- (3) the PUD Text under section "Building Façade" should be amended to
  - (A) specifically reference them by name and Exhibit/drawing number and
  - (B) revise the text stating that the elevations will be submitted for Council review at the time of detailed site plan to provide that "final elevations, including every building side, but only one (1) per each unique building type, ...", and
- (4) the PUD amendment letter / text must
  - (A) describe all changes being made (scope of amendment),
  - (B) specify that the site plans are all conceptual in nature and are subject to change,
  - (C) specifically explain that there are now discrepancies between the new Exhibit B and the other exhibits included with the original PUD, and
  - (D) provide that the City of Bixby has the exclusive authority to resolve any design requirement discrepancies between the original and replacement Exhibits B and the other exhibits included with the original PUD.

As they are incompatible with the PUD Text and Exhibits framework, Staff has not reviewed "Access Gate" drawing P2, "Trash Enclosure" drawing P5, "Fence Details" drawing P6.1, or "Fence Details" drawing P6.2 for accuracy or appropriateness. These will be reviewed as a part of the PUD Detailed Site Plan. However, if required for financing purposes, these and/or other site plan drawings may be included, and in such case should also be labeled "Conceptual Site Plan for Chateau Villas" with distinct drawing numbers B.1, B.2, etc. Each such drawing must have a large disclaimer note specifying that they are conceptual and subject to change.

The unidentified detached structure, potentially a poolhouse and/or maintenance and/or mailroom and/or laundryroom, should have building elevations provided and be factored into the overall masonry calculations.

Nonresidential Development Area (DA) A appears to have parking lots overlapping into multifamily DA B. To ensure the creation of no imbalances in the proportional shares of multifamily and nonresidential uses carefully calculated with the original PUD, the DA boundary should be reconfigured around the proposed use areas to avoid this overlap, while retaining the relative proportions of land area. The PUD Text should be amended to explain the change. The DA labels and certain DA boundary lines are missing from site plan, and need to be added. Another linetype, lacking dimensions, resembling a DA boundary is shown separating DA B into northerly and southerly parts – this should be explained. If Staff determines it is not useful for PUD and public development review purposes, it may be removed. The westerly DA D line appears to be represented but is not labeled or dimensioned as to its width (confirm 45'). Another line appears to cut through all the 2-story buildings. Due to relative placement and resemblance, it appears to have been an original parking lot curblin that was not removed when buildings were superimposed. Commercial DA C should include labels on either side of the proposed private street/drive stating "future commercial/office," as per the original Exhibit B and as indicated for DA A. This all needs to be clarified.

The site plan now indicates the addition of water features within the development, identified as "ponds." An apparent, narrow "landbridge" separates the largest proposed new pond from the stormwater retention pond located within Reserve Area A of 121st Center. The width dimension should be added. Reserve Area A should be labeled. The label "detention pond" needs to be replaced with the correct terminology "retention pond." The interfaces between all these features are not clear. Plans for safety around the water features has not been provided. Water depths, existing and proposed, have not been provided. The [new] "pond(s)" have been described as including fountains, but the site plans do not show same and no plans have been provided.

The key codes used on the building elevations (e.g. "A1/A2 3/4") do not match those used on the site plan (e.g. "A1/A2.3"). The "Building Footprints" legend on the site plan does not explain why some portions of certain buildings are shaded (likely indicative of building parts extending to the fourth story). This should be labeled to remove the necessity of guesswork. Certain building types may be missing, and should be added in that case.

The building elevations provided show only the building fronts; side and rear elevations have not been provided. This will be a requirement for the PUD Detailed Site Plan as per PUD 81 and as per the replacement language recommended herein.

In the interest of efficiency and avoiding redundancy, regarding PUD particulars for minor needed corrections and site development considerations, please review the recommended Conditions of Approval as listed at the end of this report. For the same reason, the more substantial review comments described in this analysis are not individually repeated in the recommendations, but are covered by a review comment referring back here.

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

Since the building height and masonry and other siding materials matters do not necessarily require technical or engineering input, since the PUD Detailed Site Plan will be reviewed by the Technical Advisory Committee (TAC) in the April agenda cycle, due to the lateness of the submission of all required documents, and due to the irregular scheduling of this application, Staff did not schedule, and the TAC did not meet to discuss this PUD Major Amendment.

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

"The attached Exhibit E depicts the vehicular and pedestrian access points and circulation anticipated to accommodate the conceptual site plan. Access to the parcels of development area A and B will be provided by a privately maintained street. This street will be maintained by the property owners association created for the development. The Multi-Family portion of the development will restrict access to the general public using gates, the specific location of which will be determined at detailed site plan submittal. All such gates will be subject to approval of the City of Bixby Fire Marshall and Engineering. Access to the lots within Development Area C will be derived by privately maintained streets and shall not be permitted more than one (1) direct connections to 121<sup>st</sup> Street South per lot. All driveway and/or street connections shall be reviewed and approved by all jurisdictions having authority, including but not limited to City of Bixby Engineering and Fire Marshall and the Oklahoma Department of Transportation.

Pedestrian connectivity will be provided by new sidewalks along all private streets as well as internal sidewalk circulation within the Multi-Family development. This sidewalk system will be designed to not only serve the immediate access issues to each building but also to serve as a walking trail system that will circulate throughout the property."

Plans for access can be further inferred from the site plans. Primary access to the development would be via one (1) boulevard-style private street connecting to Memorial Dr. and serving DAs A and B, and a secondary private street connecting to 121<sup>st</sup> St. S. The multifamily development will be gated.

Sidewalks internal to the multifamily development are indicated, but not labeled as such or as to width. The Exhibit B Conceptual Site Plan does not indicate sidewalks along Memorial Dr. or 121<sup>st</sup> St. S., as required, nor along the private streets/drives connecting to both arterials, as should be expected. Sidewalks connecting the multifamily and commercial development areas appear to be indicated, but they are not labeled as such or as to width. Accessible paths between public streets and building entrances, as may be required by ADA standards, should be represented on the "Site Plan" drawing PI or detailed on same when reviewed in the context of BSP 2015-04 in April.

In Staff's opinion, the current site plan indicates inadequate sidewalk connectivity to meet the PUD Text's plans to "not only serve the immediate access issues to each building but also to serve as a walking trail system that will circulate throughout the property." This PUD language was added in response to Staff's suggestion to enhance the development quality by adding a walking trail amenity along the Fry Creek tributary, a standard recommendation for multifamily developments. Alternatively, a walking trail amenity could be added as originally recommended. Water features are normally ringed by pedestrian pathways, but none is indicated on the site plan. Most parking lots do not show sidewalks connecting to the apartment buildings. In Staff's estimation, the existing Exhibit B conceptual site plan shows a much superior sidewalk connectivity plan than is now proposed. Enhancements appear to be in order.

Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, RS-1, RS-2, RS-3, RD, CS/RM-1/PUD 6, OL, CS, CG, CS/PUD 29A, and OL/RS-1/PUD 77. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

Across 121<sup>st</sup> St. S. to the north is the Memorial Square duplex-style condo/apartments and vacant lots zoned CS & RM-1/PUD-6, and single-family residential to the northeast zoned RS-1, commercial in the

Town and Country Shopping Center to the northwest zoned CS, and further north, duplexes along 119<sup>th</sup> St. S. zoned RD, all in Southern Memorial Acres Extended.

South of the subject property is The Boardwalk on Memorial commercial strip shopping center zoned CS/PUD 29A, vacant land and a single-family house behind it zoned OL/RS-1 and PUD 77 zoning for a ministorage development. Farther south is single-family residential in Gre-Mac Acres and Southern Memorial Acres No. 2 zoned RS-1 and RS-2.

Abutting to the east is single-family residential and the Bixby Fire Station #2, all in the Houser Addition and zoned RS-1.

Abutting to the west is commercial development in 121st Center and the Spartan Self Storage ministorage business on an unplatted 1-acre tract zoned at 12113 S. Memorial Dr., all zoned CS. Across Memorial Dr. to the west is Rd. is agricultural land zoned AG and CG and the Easton Sod sales lot zoned RS-3, OL, and CS.

Duplex residential uses in Memorial Square are fairly well buffered by the 121<sup>st</sup> St. S. primary arterial and its stormwater detention facility to the north of the street. Residential uses to the northeast in Southern Memorial Acres Extended are buffered by Bixby Fire Station # 2 and the large stormwater drainage and detention facility on Lots 8 and 9, Block 15, Southern Memorial Acres Extended. Residential uses to the south in Gre-Mac Acres are buffered by the 170'-wide vacant tract of OL-zoned land behind The Boardwalk on Memorial shopping center, which has received some development entitlements for the "Byrnes Mini-Storages" Use Unit 16 ministorage development pursuant to PUD 77, which zoning districts and ministorage use are appropriate buffers between residential and more intensive uses.

Staff believes that, in its final form, the existing underlying zoning patterns and the original PUD 81 are consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area. The multifamily use of the majority of the acreage, and the OL district which remains on the easterly approximately 10 acres of the 16-acre tract, should provide an appropriate transition zone between the large commercial area and CS district to the west and the single-family residential uses to the east and southeast in Houser Addition and Southern Memorial Acres No. 2.

Maintenance of Original Minimum Buffering Standards. As expressed in the review of PUD 81, Staff has some concerns that the plans for screening, landscaping, and buffering as now proposed would not compare favorably to the minimum standards of PUD 68, which it replaced.

For PUD 68, the "Screening" Development Standards for Development Areas C (ministorage on Lot 3) and D (drainage channel, etc.) provided:

"[The east boundary of] Development Area ["C" / "D"] shall be [permanently] screened from the [adjoining] residential district [to the east and south] by an opaque wall or fence which shall be:

1. Designed, constructed and arranged to provide a visible separation of uses, irrespective of vegetation;

2. A minimum height of 6 FT placed inside the [D]evelopment [A]rea boundary line;  
and

3. Constructed with all braces and supports on the interior.

The visual screening shall be maintained by the owner of the lot or lots comprising Development Area "C."

Per the Conditionally Approved revised plat of "North Bixby Commerce Park," the easterly 55' to 85' of the 16-acre tract was to be platted as Reserve A. The 85'-wide section had an additional 30' to accommodate the private commercial street, and the 55' balance was to contain the widened drainage channel. When the Planning Commission Conditionally Approved the Detailed Site Plan (BSP 2010-01) for PUD 68 on July 19, 2010, it approved a low masonry wall for not less than the northerly 100' of the easterly property line, and for the balance, a 6'-high wood screening fence along the east, south, and west borders of the 16-acre tract, the west border to the extent it abutted the 7-acre subject property. For the masonry wall section, it was allowed to be a low-slung wall, matching the height and masonry style used in front of the Fire Station # 2. Ultimately, that developer proposed to provide 125' of this masonry wall, corresponding to the southerly line of Fire Station # 2 (but stopping short of the northeast lot corner due to drainage infrastructure). The PUD requirements for DAs C and D were interpreted at that time as

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requiring only one (1) screening wall/fence, provided that there was adequate overlap toward the southerly end of the easterly line, where the drainage channel exited the east property line. The PUD 68 exhibit indicated 25 landscaping trees along the easterly property line, and BSP 2010-01 as approved included 32 along this boundary. For the most part of the easterly line, the trees were on the top of the west bank of the widened channel, providing additional screening. The original PUD 81 Exhibit B conceptual site plan indicated the replacement or addition of existing chain-link and wood fence sections along the easterly line of DA D with a "wood fence," and the addition of a "combination wood and ornamental fence" along the westerly line of DA D. The current site plan indicates a singular "wood fence" some unspecified distance west of and parallel to the westerly line of DA D, with no plans for the easterly line of DA A. Although not a part of this PUD 81 Major Amendment # 1, the current landscape plan, received March 24, 2015, indicates approximately 28 trees along the east side of the multifamily DA B, which is fewer than the 32 trees originally approved for the PUD 68 "North Bixby Commerce Park" development. Recognizing that the most critical areas in need of buffering are to the east and southeast, Staff recommends, for this PUD 81 Major Amendment # 1, that the commercial and multifamily uses be screened by no less a standard than was last approved for the subject property. Any changes to plans pursuant to this recommendation should be specified in the relevant section of the PUD text and be represented on an appropriate exhibit. The exception to this recommendation is the masonry wall element, as that was likely in response to the need to screen "trade center" / "office-warehouse" buildings from view on 121<sup>st</sup> St. S., which buildings would likely have been metal. In this PUD, the uses would consist of multifamily buildings and conventional retail along the street frontage.

The easternmost buildings now planned have been reduced to 2 stories, to the benefit of the privacy of the single-family residential uses in Houser Addition. The buildings now are indicated farther westerly than the 75' minimum setback recommended and included in the original PUD 81. However, Staff continues to recommend the Applicant should consider window-facing restrictions or window-screening measures, etc. Clerestory lighting/windows would appear to be a method to address privacy concerns while allowing natural light from easterly/northeasterly-facing 2-story buildings.

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

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

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

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

Subject to meeting the recommendations below, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this application.

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

1. As acknowledged in the original PUD 81 Text, subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations.

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2. *As acknowledged in the original PUD 81 Text, Subject to City Engineer curb cut and/or ODOT driveway permit approval for the proposed access points to Memorial Dr. (US Hwy 64) and 121<sup>st</sup> St. S., and the Fire Marshal's approval of locations, spacing, widths, and curb return radii.*
3. *As acknowledged in the original PUD 81 Text, the subject property presently contains an area of 100-year floodplain, attendant to an improved drainage channel along and within the eastern boundary of the 16-acre tract. Per a letter dated September 21, 2009, the previous owner/developer was approved by FEMA for a CLOMR-F to widen the channel and increase its capacity to a level providing for the 100-year flow and use the borrow material as fill to elevate the development land above the 100-year Floodplain. The floodplain issue must be resolved through the City and FEMA approval process before the subject property can be developed.*
4. *In the interest of efficiency and avoiding redundancy, regarding PUD particulars for major needed corrections and site development considerations, please see Analysis above.*
5. *The "drivelane" term used on the site plan is imprecise – please replace with more appropriate terminology. PUD 81 describes the accessways as "private streets." Please amend the relevant PUD Text if any part or all of former "private streets" are now proposed to be private driveways.*
6. *The Location Map used on the site plans does not include all of the subject property – please revise.*
7. *Please remove inaccurate information "West Jasper Street" from the Location Map.*
8. *Dimensions are lacking along DA C and elsewhere throughout the site plan – please revise.*
9. *Please identify linetypes within and just east of the southeast corner of the 16-acre tract.*
10. *Please explain "RIP RAP" within and just east of the southeast corner of the 16-acre tract.*
11. *Please reconcile the discrepancy between building type keycodes used on P1 and on the elevations drawings.*
12. *The "Building Footprints" legend on "Site Plan" drawing P1 includes symbols customarily associated with exterior light fixtures, which would appear to be wall-mounted lights in this case. These are appropriate on BSP 2015-04 "Site Lighting Plan" drawing P1-1 (or perhaps, "P1-L"), but should be removed from P1.*
13. *Please identify areas proposed for landscaping consistent with the original Exhibit B (e.g. "landscaping," "sod," "grass," etc.).*
14. *The original "Site Plan" drawing P1 showed "Combination Ornamental Metal and Wood Fence," but the version received 03/24/2015 now shows these fence sections as simply "wood fence." The original Exhibit B showed these fence sections as "Combination Wood and Ornamental Iron Fence." Please reconcile the fence plans shown on P1 with the original Exhibit B, or explain discrepancies. Upgrade substitutions will be acceptable, but downgrade substitutions and removals will not.*
15. *All proposed fences need to be labeled as to height and composition.*
16. *All existing fences need to be labeled "existing" or similar and described as to height and composition, to allow them to be differentiated from new fences proposed. Please also explain if any will be removed or if new fences will be installed parallel to same, along with details on offsets.*
17. *A fence is now indicated as proposed along the southerly propertyline. Please explain plans for coordination with the "Byrnes Mini-Storages" development. Reference relevant analysis in original PUD 81 Staff Report.*
18. *A fence, likely required for the sake of safety, is not indicated around the pool – please revise or advise.*
19. *Street right-of-way width dimensions included on Exhibit B, for both Memorial Dr. and 121<sup>st</sup> St. S., are not included on proposed replacement P1 Exhibit B. Please add.*
20. *Extreme text and linework congestion at the northeast corner needs resolved.*
21. *Please compare P1 to the original Exhibit B and restore all missing information.*
22. *Text and linework along the top of P1 appears to be cut off – please restore.*
23. *The private street, from the circular drive west to the intersection with Memorial Dr., is missing width dimensions and radii.*
24. *Please identify the "cell-like" polygons around the northerly and easterly sides, which resemble parking spaces. If they are parking spaces, please label as such, provide dimensions and, if the*

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*same would not comply with the parking design standards of the Zoning Code, please provide for design flexibility within the text of the PUD amendment.*

- 25. Please add the number of parking spaces in each parking lot strip, as customary, to allow for verification of parking number counts cited.*
- 26. Southeastern-most 2-story building missing proposed setback from easterly propertyline. Please add this and all others missing.*
- 27. The southeastern-most 2-story building does not appear to comply with the 75' setback from Houser Addition – please revise.*
- 28. Please correct the representation of the 75' building setback line from Houser Addition.*
- 29. Please resolve text/linework congestion along the 130' PUD boundary shared with Houser Addition and elsewhere throughout the "Site Plan" drawing P1.*
- 30. Linetypes, abbreviations, and symbols used throughout P1 are not included in a Legend – please add a Legend with all such elements or identify each in situ.*
- 31. Project Data Form summary: Please explain terminology "Grandview Heights."*
- 32. Project Data Form summary: Other than the minimum number of parking spaces required for the schedule of unit types listed, Staff has not verified the numbers or calculations provided – please double check for accuracy and make any corrections necessary.*
- 33. Staff has not yet reviewed the PUD Detailed Site Plan for compliance with the Zoning Code or PUD 81. It is highly likely that additional PUD amendments may be required upon a full review. The Applicant is advised to review their site plans and compare same to the Zoning Code and PUD 81 and propose any additional PUD amendments as may be found necessary.*
- 34. For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.*
- 35. A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).*

Jerod Hicks asked for clarification of the height matter. Erik Enyart stated that he had spoken with the Fire Chief and Fire Marshal about their recommendations on the maximum building height, and they confirmed that 50' was the highest they could support, based on available fire apparatus capabilities. Mr. Enyart stated that the building elevations showed one type of 4-story buildings at 50' in height and another type at 51' in height. Mr. Enyart stated that, in his conversation with the Fire Chief, he understood that the height concern included factors such as the distance between the curb and the building, the height of the ladder, and the angles needed to be able to fight fires from up above the roof.

Chair Thomas Holland stated that he had spoken with the Fire Marshal, and that the Fire Marshal was recommending additional gyp[sum] board / sheet rock and had other recommended modifications to augment fire protection. Discussion ensued regarding correspondence with the Fire Marshal on Page 40 of the Agenda Packet. It was noted that the Fire Marshal was recommending the building height not exceed 50' and that there be additional recommendations met regarding additional building modifications to augment fire protection.

Erik Enyart noted that, for financing purposes, the developer was asking to replace the Exhibit B conceptual site plan in the PUD with the new site plan, but, due to the high level of detail, there

were a lot of review comments. A Planning Commissioner expressed concerns about changes to the plans after Planning Commission recommendation. Mr. Enyart stated that the documents in the Agenda Packet would be the record of what the Commission would be voting on. Lance Whisman expressed concern that, due to the rushed nature of the application and compressed review timeline, that something would be missed. Mr. Enyart stated that there was a chance that he missed some things during his review, but estimated that he caught at least 95% of everything he would have had he had more time to review the application, and he would have “tightened up the language” in the Staff Report. Mr. Enyart stated that he was confident that he found all of the “glaring issues,” and that the 5% he may have missed would consist of typos and cosmetic matters.

Chair Thomas Holland noted that the Fire Marshal was recommending that all open stairways [be equipped with sprinkler systems].

Discussion ensued regarding the definition of masonry. A Planning Commissioner asked for clarification about the Staff recommendation pertaining to stucco. Erik Enyart stated that the Applicant’s amendment request letter included “stucco,” but he did not see it used on any of the building elevations, so he was recommending it be clarified or removed.

A Planning Commissioner asked about the timeline for constructing the commercial development areas. Erik Enyart stated that the Applicant could correct him if he was wrong, but he thought that the first phase would be the multifamily development area that [the developer] would build and own, and the developer would be either owning or selling the commercial development areas for others to develop.

Kevin Jordan of Black Gold Group, LLC confirmed that he would be selling the commercial development areas. Mr. Jordan described the project and adjacent properties in *121st Center* and their owners, financing considerations, and the timeline of his acquisition of the subject property. Mr. Jordan stated that he closed on the 16-acre tract around April/May of 2014, but due to a family dispute and title problems, he was not able to secure the 7-acre tract until just before the new year. Mr. Jordan stated that there ultimately had to be a quiet title suit / Sheriff’s sale before he could acquire that piece, and that he was not sure at one point that he would get it and thought he might have to “be in the ministorage business” [per PUD 68].

Kevin Jordan stated that multifamily was “exploding in the region,” and required qualified contractors. Mr. Jordan indicated that [this application was an exercise to quantify] final numbers before [the specialized multifamily contractors] move on down the road [to another multifamily project]. Mr. Jordan estimated that[, if he missed this window of availability,] he would experience another six (6) months lag in contractor availability. Mr. Jordan stated that he could make the 50’ [maximum building height] work, but would prefer 51’, as it affected the roof pitch and appearance of the buildings. Mr. Jordan stated that this development would be second to none and compared it to *The Enclave [at Brookside]*, but stated that no one had done something like this in the suburbs. Mr. Jordan stated that the units would have higher-end finishes and looks, including faucets, granite tile, and hardwood beams. Mr. Jordan stated that he planned to add water features, and he needed the dirt, and it was cheaper than [buying and hauling in] dirt from offsite. Mr. Jordan stated that he was exploring using a well to keep the water levels topped off and may or may not work out a deal with the owners of the existing [stormwater retention pond in Reserve Area A of *121st Center*], and

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whether or not he would own it, he would work with the owners to work on the pond to allow it to be a feature for viewing. Mr. Jordan reiterated that there would be commercial development later, and that the first part would be the apartments. Mr. Jordan stated that they would be unlike anything [else] in town. Mr. Jordan stated that he would like to start on the clubhouse first and one (1) four-story building to have a model home for leasing. Mr. Jordan stated that the first designs for the multifamily buildings included "stucco-appearing" materials, and were "90% stucco and 10% split-faced block," and were "not very attractive." Mr. Jordan stated that, at the City Council Worksession meeting [held March 09, 2015], he proposed "30% brick and rock and 70% cement boards," but that, after he heard from the Council, he amended them to an average of 40% brick and rock. Mr. Jordan stated that some of the buildings would have 65% on some elevations, and 20% on others, but "we will average 40%." Mr. Jordan stated, "I understand you don't want to set a precedent" by recognizing [James] Hardie [cementitious fiber] as masonry. Mr. Jordan stated that it was basically concrete siding, and he understood that there were problems in the past, but those materials were probably old "Masonite" products. Mr. Jordan discussed steel, plastic, and "OSB" [Oriented Strand Board] materials, with metal and plastic connectors in other applications.

Jerod Hicks confirmed with Kevin Jordan that he was planning to use "Hardie Board" and not "Dryvit." Mr. Jordan stated that the wording would be modified to state that 60% would be "Hardie Board" type materials and 40% would be brick and stone.

Lance Whisman expressed concern about the terminology used in the amendment request letter, and noted that the terms "manufactured stone" and "vener" could essentially allow concrete. Discussion ensued. Erik Enyart stated that he had recommended the Applicant bring samples of the products to be used to both the Planning Commission and City Council meeting, but that he knew when writing that the previous day that it was not likely they would be able to bring it to this meeting, but it was his hope that they could bring them to the City Council meeting. Mr. Enyart stated that he was also recommending that the Applicant further specify the percentages of each building material within each category, the percentage of brick and percentage of stone within the category of traditional masonry and [the percentages of types of] masonry alternatives. Kevin Jordan indicated he would rather not [specify each individual material's percentage].

Chair Thomas Holland clarified with Kevin Jordan that the shading system represented on the site plan was indicative of the buildings or parts of buildings which would have four (4) stories.

Larry Kester of Architects Collective stated that he was considering a special type of stone from Arkansas that could be used in the lower levels of the buildings.

Larry Whiteley asked if the buildings would be wheelchair-accessible. Larry Kester stated that only the clubhouse building would be, but that all groundfloor units must be handicapped-accessible. Mr. Whiteley asked if the fourth floors would not be wheelchair accessible, and Mr. Kester responded that Federal law only covered the first floor. Mr. Whiteley asked if there would be elevators. Kevin Jordan stated that elevators were \$3/4 Million apiece.

Discussion ensued regarding siding materials. Larry Kester stated that, when they first came out, James Hardie products came with a 40-year warranty, but that this was now a 30-year warranty, but they are "still very good." Jerod Hicks asked if the developer would be using lap siding or 4 X 8

sheets, and Kevin Jordan responded 4 X 12 [boards]. It was noted that contractors sometimes use nail guns with the pressure too high, which cracks the boards. Mr. Hicks stated that the *Marquis [on Memorial]* had some [panels] that “wind got behind,” and that he had advised them to have them reattached before the next big wind. It was asserted that the panels should use screws, rather than nails, and that the [James Hardie cementitious fiber product] was better than stucco with the freeze/thaw cycles around here.

Chair Thomas Holland asked the Applicant if they were not also proposing to modify the rooves. Kevin Jordan stated that the original plans were for clay tile rooves and some asphalt shingles, but that clay tile rooves [do not perform as well as in] Dallas or Houston. Mr. Jordan stated that [there would be a significant increase in rates for] insurance if the clay tile rooves were [put on buildings with] more than two (2) stories, and stated that the tiles [could fatally injure] someone if they were to fall on their heads. Mr. Jordan stated that the proposed shingles would have a shadowed look [resembling clay tile rooves] [from the perspective of] “three (3) stories down or 50’ away.” Mr. Jordan stated that he planned to have actual tile on the clubhouse.

Jerod Hicks clarified with Larry Kester the brand name and specific product proposed for the shingles. Mr. Hicks then stated that these would be an “expensive, high-end product. They didn’t cut corners on that aspect of it.”

Indicating ongoing storms during the meeting, Larry Whiteley asked if the development would have facilit(ies) to go to if there were storms. Kevin Jordan stated, “Not for 500 people” but that they would be “well built, like a single-family home.” Larry Kester stated that they must be designed to withstand a 90 mile-per-hour, 3-second gust, and so would have fasteners and hold-downs. Mr. Kester stated that [such multifamily buildings] must be designed for 130 MPH at the [Atlantic] Coast.

Chair Thomas Holland recognized Debbie Bailey of Florida and 222 L St., Eufaula, from the Sign-In Sheet. Ms. Bailey stated that she owned the property between the *McDonald’s* and the commercial property [Development Area C of subject property] on 121<sup>st</sup> St. S. Ms. Bailey stated that she had a few concerns. Ms. Bailey stated, “He will build commercial next to mine.” Ms. Bailey stated that she had sold a small piece of property to *McDonald’s*, which helped because they had had employees walking across the street [due to inadequate onsite parking]. Ms. Bailey stated that her concern was that the access not be blocked off and for “the easement.” Ms. Bailey stated that, in Florida, “Hardie is considered CBS.” Ms. Bailey stated that she was “for progress with the four stories,” which she would consider “luxury.” Ms. Bailey stated that Chris [Johnson] was present representing *North Carolina Furniture Mart*. Ms. Bailey stated, “We’re all percentage owners” [of the Reserve Area A stormwater retention pond facility]. Ms. Bailey stated that she had been talking to the City of Bixby “[for] at least 10 years.” Ms. Bailey stated, “It’s ugly, and someone died in it.” Ms. Bailey stated that she had talked to [City Engineer] Jared [Cottle] and asked him to “please consider allowing us to do something with it.” Ms. Bailey stated that she “used to own it with my Carpet Center husband.” Ms. Bailey stated, “I don’t think it was ever proven it actually works.” Ms. Bailey stated that the original design was from [the property developer,] from whom she bought the property.

Chair Thomas Holland stated that, if and when that development would come before the Planning Commission, it would talk about it then. Mr. Holland asked Erik Enyart for confirmation. Mr. Enyart indicated agreement and stated, "At this time, their plan doesn't include the retention pond at all." Debbie Bailey stated, "I haven't talked to Mike at *Atlas [General Contractors]* yet or met him." Mr. Enyart stated, "If they come to us with a plan to do something with the retention pond, the City of Bixby would talk to them and help with information, but we wouldn't be involved in a private transaction."

Jerod Hicks asked if the [multifamily] development would be gated, and the Applicant responded affirmatively. Discussion ensued regarding the use of wrought iron and/or privacy fences and other site plan details. Patrick Boulden advised that the discussion should focus on the "only real issues," being the [maximum building height] and cementitious [fiber and related siding content].

Chair Thomas Holland recognized Jim Asbury of 11950 S. 73<sup>rd</sup> E. Ave. from the Sign-In Sheet. Mr. Asbury stated that he was a resident of [the] Fox Hollow [subdivision] and was on the Board of the Homeowners Association. Mr. Asbury stated, "As the Board, we are opposed to four (4) stories." Mr. Asbury expressed concern for the height of the buildings, and noted that the *SpiritBank Event Center* was much higher, but the height was still a concern. Mr. Asbury stated that he was "not against development." Mr. Asbury thanked the Commission and returned to his seat. Erik Enyart addressed Mr. Asbury and stated, "Thank you for your comments and I understand your concern and appreciate your perspective. Not to belittle your concerns, but they are already legally entitled to 48 feet." Mr. Enyart stated that the development was "not restricted to three (3) stories."

Chair Thomas Holland recognized Jay Mauldin of 7341 E. 119<sup>th</sup> Pl. S. from the Sign-In Sheet. Mr. Mauldin provided handouts consisting of certain pages from the Planning Commission meeting of November 18, 2013, at which the Planning Commission first considered PUD 81. Mr. Mauldin stated that, as it concerned apartments, in 2010, PUD 70 [Encore on Memorial] originally proposed three (3) story apartments directly across from Fox Hollow. Mr. Mauldin stated that he and his neighbors strongly opposed it, it was amended, [and ultimately relocated and built where it is now]. Mr. Mauldin stated that PUD 76 was then proposed for 92 acres and included an apartment complex due north of Encore, and with three (3) stories. Mr. Mauldin stated that it was opposed, [the multifamily element] was Withdrawn, and there was peace in the Universe. Mr. Mauldin stated that, then in mid-2013, Major Amendment [# 2] to PUD 76 was proposed [to reintroduce multifamily to the PUD], and it was Tabled indefinitely. Mr. Mauldin stated that PUD 81 was proposed the next month. Mr. Mauldin referred to page 40 of the Minutes of the November 18, 2013 Planning Commission meeting, where he was quoted as saying that he would "reserve comment at this time." Mr. Mauldin stated that this was "the sum total of my involvement in PUD 81." Mr. Mauldin stated that he had spoken on PUDs 70 and 76 and gave recommendations about them. Mr. Mauldin stated, "I don't want it said that I am 'anti-apartments.' I'm not and never have been." Mr. Mauldin stated that, given the presentation given [when PUD 81 was first proposed], he thought it would be a good thing. Mr. Mauldin stated that the Commissioners would recall that he had long called for an "elegant retail environment" for the 121<sup>st</sup> St. S. and Memorial Dr. area. Mr. Mauldin stated that he thought [the subject property] was unlikely to be retail. Mr. Mauldin stated that the qualitative attributes, such as the clay tile rooves, could serve as a new benchmark for the rest of the area, on the west side of Memorial Dr. Mr. Mauldin stated that he thought this would

raise the standards [for the area]. Mr. Mauldin quoted the highlighted text on page 39 of the Minutes of the November 18, 2013 Planning Commission meeting,

“ Kevin Jordan provided perspective elevation renderings of the apartment buildings and clubhouse, and observed that they would have clay tile roofs. Mr. Jordan stated that he was the owner of Black Gold Group, and this would not be a speculative project— ‘what you see is what you get’ ”

Jay Mauldin stated that no one opposed this development “as it was originally proposed, except two (2) City Councilmen.” Mr. Mauldin referred to [page # 11 of the Staff Report on] page 22 of the Agenda Packet, and stated that, per the last sentence there, it “seems we’re peeling away from what was originally presented.” Mr. Mauldin reiterated that the original proposal was not opposed except by “two (2) City Councilors.” Mr. Mauldin stated that there were reasons to oppose the application. Mr. Mauldin referenced page # 12 of the Staff Report found on page 23 of the Agenda Packet, and quoted the sentence fragment including “Staff is not supportive...,” referring to the original approach to define masonry to include masonry alternatives. Mr. Mauldin expressed concern for the proposal to allow “Hardie board horizontal siding,” as per the final paragraph in the original request letter on page 35 of the Agenda Packet. Discussion ensued pertaining to the type of siding materials proposed. Erik Enyart noted that the immediately preceding paragraph of that letter described plans for “manufactured cement fiber based stucco panels,” which appeared to be distinguished from “horizontal siding.” Mr. Mauldin expressed preference, “To the extent we can pin this down,” to “not have any more surprises.” Mr. Mauldin expressed concern for the fourth story. Discussion ensued regarding the 48’ versus 50’ height matter. Mr. Enyart stated, “The PUD doesn’t restrict to three (3) stories.” Mr. Mauldin asked if the Zoning Code did not restrict to three (3) stories. Mr. Enyart consulted the Zoning Code and confirmed, “It does say three stories across the board” [in Residential districts]. Mr. Mauldin stated, “The architect was aware of the three (3) story limit and the City Planner read it in the [Zoning] Code.” Mr. Mauldin stated that [the Encore on Memorial and new commercial buildings in PUD 83/River Trail II] helped to obscure the “industrial buildings on the south side of Fry Creek [# 1],” and “as the rest develops, Encore’s visibility will diminish.” Mr. Mauldin stated that, “behind the furniture store, four (4) stories will be very visible,” and until the *McDonald’s* and other buildings were razed and replaced with taller buildings, this would be “the dominant feature at this intersection for a long time, or perpetuity.” Mr. Mauldin stated that this would make it harder to do “elegant retail” here, and “we need retail at that intersection.” Mr. Mauldin expressed concern for the precedent of allowing a fourth story for residential. Mr. Mauldin stated that the City had four (4) story hotels, but no four (4) story residential [structures]. Mr. Mauldin stated, “We don’t have it and don’t need it.” Mr. Mauldin stated, “If you let this happen, it will happen again,” when some “aggressive developer” would come. Mr. Mauldin stated that there was some “unplatted land to the west of Encore,” and it was “plausible that Encore would develop it into” [additional apartments], and they may “want to go to four (4) stories.”

Chair Thomas Holland expressed objection to using such hypotheticals.

Jay Mauldin asked if the City would change the [Zoning] Code to allow four (4) stories. Mr. Mauldin stated that there was “no compelling reason” to allow this, and he would “rather ministorage” be built there, as his personal preference.

Chair Thomas Holland stated that ministorage was not on the agenda. Jay Mauldin stated that [Kevin Jordan] had talked about ministorage earlier in the meeting. Erik Enyart stated that he believed that [Mr. Jordan's statement] was "made in reference to the old, old PUD [68] with the ministorage [featured element]," and that it was an "offhand comment, not a proposal."

Jerod Hicks addressed Jay Mauldin and stated, "I can see your interest and agreed that the decisions we are making now can impact" the City 30 years down the road.

Chair Thomas Holland asked, rhetorically, what difference the 48' versus 50' height made, and why three (3) stories would be okay but four (4) would not. Mr. Holland stated that the PUD was approved previously, and now the City was deciding whether to allow them to make amendments. Mr. Holland discussed the changes proposed. Mr. Holland stated, "I share concerns about a lot of what you said." Mr. Holland stated that, whether 48' or four (4) stories, one would probably not be able to tell, from Memorial Dr., two (2) feet of difference.

Larry Whiteley addressed Jay Mauldin and stated that this was just the first step of the process, and advised him that he could "always go to the City Council and see what they do."

Upon a question, Erik Enyart confirmed that the fourth story matter defaulted to the Zoning Code.

Kevin Jordan noted that [a barrel of] oil was "now \$50, not \$100," and indicated this could affect the development. Mr. Jordan stated that he had visited the Encore on Memorial and was surprised to see so many tenants "like me," in their 50s and 60s. Mr. Jordan stated that, for Mr. Mauldin's benefit, he could try to squeeze in another [commercial] pad site. Mr. Jordan stated that the building height was an "early dispute," and he was now proposing to change the three (3) story buildings [along the east side near *Houser Addition*] with two (2) story buildings, and that the fourth stories would be "more than 500' from Memorial" Dr., and further back than [a] hotel [would be].

Lance Whisman and Chair Thomas Holland discussed with Erik Enyart the nature of PUDs and what they can and cannot do. In reference to PUD amendments, Mr. Enyart noted that, "Once they're opened up, we can make changes to make them operate the way we need them to. Mr. Enyart stated that the PUD did not restrict the development to three (3) stories, but as this was restricted by the underlying Zoning Code, Staff was inclined to interpret this situation as defaulting to the underlying Zoning Code unless the PUD contained positive language allowing the fourth story.

Chair Thomas Holland discussed with the Applicant how the height change would affect the development. The Applicant stated that the units would have 9'-high ceilings, and 9' plates, and the change would alter the look of the buildings. It was expressed that a 4:12 or 5:12 roof pitch would not be as good a look as a higher-pitched roof, and higher pitches are better at shedding water.

Steve Sutton asked Kevin Jordan, "Would it be a deal-killer if we say only three (3) stories?" Mr. Jordan responded, "Can't say. It messes with my economics," and suggested that he would not be able to have the water features, and would have to put three (3) stories back along the east side, and there would be no elevators. Mr. Jordan stated that it would "change the target market." Mr.

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Jordan stated that he wished he had had the forethought a year ago. Mr. Jordan stated that he was hoping to see a *Los Cabos*-type restaurant looking over the pond, and elevators would be seen as progress. Jerod Hicks asked Mr. Jordan, "If we say okay to four (4) stories, can you guarantee elevators?" Mr. Jordan responded, "No." Mr. Hicks noted that the City wanted more residents and that this would bring more residents. Mr. Hicks stated that the City wanted more fire and police and to maintain a high quality of life. Mr. Hicks noted that the Zoning Code was written [in or around the early 1970s], and that there had been a lot of changes since then. Mr. Hicks expressed his desire for progress, more population, and more business, competing against Jenks and Broken Arrow, and attracting the right sort of people.

Kevin Jordan stated that the average rent would be 20% to 30% more costly than the average home in Bixby. Mr. Jordan stated that [these apartments would attract tenants with high levels of] disposable income. Mr. Jordan estimated that the type of restaurant he was trying to attract could do \$3½ to \$4 Million in sales annually.

It was noted that elevators would raise the quality of the development. Kevin Jordan stated, "If you say I must do one (1) [elevator], okay. I like townhouses, and don't want to do elevators." Jerod Hicks discussed the relationship between higher rental rates and the sort of people that would be able to afford them. Mr. Jordan noted that this development had six (6) acres of [potential] retail land available, and that there were other commercial properties adjacent.

Lance Whisman stated that he initially had serious concerns that the changes, and not doing the tile rooves, and that this might be backtracking. Mr. Whisman discussed an apartment development at 91<sup>st</sup> St. S. and Delaware Ave. where apartments were constructed looking over single-family homes.

Jerod Hicks and Lance Whisman discussed the fourth story and 48' versus 50' height matter.

Jerod Hicks noted that the younger generations are not as interested [as previous ones] to buy a house and get into debt, and would rather rent and not have to paint or take care of the house, mow the yard, and not be locked if they were to take another job, and to be free to take a vacation. Mr. Hicks stated that they would rather lose a deposit than lose a house or face bankruptcy.

Erik Enyart stated that Lance Whisman had expressed concern for the building height in proximity to single-family homes, and that Jay Mauldin had earlier expressed concern for setting a precedent. Mr. Enyart suggested that the PUD impose a minimum setback between the fourth story and the nearest propertyline of a single-family home, which would correspond to the actual setback proposed. Mr. Enyart stated that the nearest fourth story was several hundred feet from the nearest single-family propertyline, which was proportionally much more than the existing 75' setback for a three (3) story building.

Discussion ensued regarding clay tile rooves, which were described as "nice," and the concern for higher insurance and the freeze/thaw cycle.

The Commissioners discussed with Kevin Jordan the addition of one (1) elevator that he had agreed to. Erik Enyart confirmed with Mr. Jordan that he was now proposing all four (4) story units to be of the townhouse/walkup style except for one (1) elevator. Lance Whisman discussed other four (4)

story apartment developments in the Tulsa area which had elevators, such as at 91<sup>st</sup> St. S. and Delaware Ave., which at one point had a large sign advertising their elevators. Erik Enyart indicated agreement.

The Planning Commissioners discussed with Kevin Jordan other recommendations, including the 50' height restriction and sprinkler system and other recommendations per the Fire Chief and Fire Marshal, the setback between the fourth stories and single-family residential, and absolute and average percentages of masonry. It was stated that the "end-caps" of the buildings, where facing each other, would have less masonry. Patrick Boulden suggested that a Motion specify an average of 40% masonry across the development, with specific percentages per building subject to approval at the Detailed Site Plan. Erik Enyart stated that, at that time, the Applicant would show the percentages of masonry on every elevation of every face of every building, or every [unique] building type. The Applicant stated that those sides of the buildings facing outward/Memorial Dr. would have more masonry, such as 65% and 45%, and the inward-facing ones would be in the range of 35% to 45%.

A Planning Commissioner asked if the Fire Department's recommendations were covered. Erik Enyart stated that recommendation # 1 included whatever the Fire Marshal recommended, so it was covered. Discussion ensued regarding the relationship between the roof pitch, such as 7:12, and the original request to allow up to 54' in building height. A Planning Commissioner stated that he was impressed that the Fire Chief would go to 50', as that was the Commissioner's number one concern.

Chair Thomas Holland asked if there were any further questions or comments.

There being none, Chair Thomas Holland asked to entertain a Motion. Upon clarification of the wording of the Motion with Erik Enyart, Patrick Boulden, and the other Commissioners, Steve Sutton made a MOTION to RECOMMEND APPROVAL of PUD 81 Major Amendment # 1 as follows:

1. Subject to all Staff recommendations,
2. Modifying Staff's recommendation # 1 to include all the Fire Marshal and Fire Chief's recommendations,
3. The PUD must add a requirement for at least one (1) elevator,
4. The PUD must add a minimum setback standard between the 4<sup>th</sup> story and the nearest single-family residential propertyline per Staff's wording,
5. The PUD must add a development standard with siding materials (A) to consist of a minimum of 40% traditional masonry on average, (B) with the balance being approved masonry alternatives, and (C) with final percentages of each to be determined for each building with the PUD Detailed Site Plan.

Steve Sutton noted that the masonry requirement currently applied to every building, individually and equally, and stated that he wanted a visual of each building at the Detailed Site Plan, with each building coming back to the Commission for specific percentages.

Erik Enyart asked the Applicant if they would be able to bring samples to the City Council meeting Monday, and the Applicant agreed.

Lance Whisman expressed concern for the ultimate product using the term "manufactured stone." Erik Enyart stated that his recommendation did not put so fine a point as to determine whether the stone would be natural or manufactured.

Steve Sutton confirmed Jerod Hicks was good with the Motion.

Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

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

PLATS

No items; No action taken.

OTHER BUSINESS

No items; No action taken.

OLD BUSINESS:

No items; No action taken.

NEW BUSINESS:

No items; No action taken.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 8:19 PM.

APPROVED BY:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Planner/Recording Secretary

27

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA**

**November 18, 2013**

**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 6:04 PM.

**ROLL CALL:**

Members Present: Larry Whiteley, Lance Whisman, John Benjamin, and Thomas Holland.  
Members Absent: Jeff Baldwin.

**CONSENT AGENDA:**

1. Approval of Minutes for the October 21, 2013 Regular Meeting
- 

Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. John Benjamin made a MOTION to APPROVE the Minutes of the October 21, 2013 Meeting as presented by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Holland, Whisman, Benjamin, and Whiteley  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

2. Approval of schedule of meetings and application cutoff dates for 2014
- 

Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. After the Commissioners confirmed with Erik Enyart that all meeting dates would be on the customary

*[INSERT THE LEGAL DESCRIPTION OF THE 100-FOOT-WIDE TRACT].*

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

*[INSERT THE LEGAL DESCRIPTION OF THE BALANCE OF LOT 5 ADOPTING LOT]*

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

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

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE BL-388 subject to the Staff recommendation. John Benjamin SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Holland, Whisman, Benjamin, and Whiteley  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

During the Roll Call, John Benjamin confirmed that there was no one protesting the application. No one spoke at this time.

**PUBLIC HEARINGS**

3. **PUD 81 – “Chateau Villas PUD” – AAB Engineering, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 23 acres in part of the NW/4 NW/4 of Section 01, T17N, R13E.  
**Property Located:** 12303 S. Memorial Dr. and the 8300-block of E. 121<sup>st</sup> St. S.
4. **BZ-368 – AAB Engineering, LLC.** Public Hearing, discussion, and consideration of a rezoning request from CS Commercial Shopping Center District, OL Office Low Intensity District, and AG Agricultural District to CS Commercial Shopping Center District and RM-3 Residential Multi-Family District for approximately 23 acres in part of the NW/4 NW/4 of Section 01, T17N, R13E.  
**Property Located:** 12303 S. Memorial Dr. and the 8300-block of E. 121<sup>st</sup> St. S.

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Chair Thomas Holland introduced related items 3. (PUD 81 – “Chateau Villas PUD” – AAB Engineering, LLC) and 4. (BZ-368 – AAB Engineering, LLC) 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, November 14, 2013  
**RE:** Report and Recommendations for:  
PUD 81 – “Chateau Villas PUD” – AAB Engineering, LLC, and  
BZ-368 – AAB Engineering, LLC

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**LOCATION:**

16-Acre Tract: 8300-block of E. 121<sup>st</sup> St. S.

7-Acre Tract: 12303 S. Memorial Dr.

42. *A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).*

Erik Enyart noted that he had received a revised PUD [Text] prior to the meeting but had not had opportunity to review it or update the Staff Report, but expected it addressed most of the review comments.

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant Alan Betchan began to describe the project.

Larry Whiteley asked about the landscaping to be used along the east side of the development. Alan Betchan responded, "Extensive," and stated that the project would have "more green than you normally have." Mr. Betchan stated that the "vast majority of problems [outlined in the Staff Report] have been addressed." Mr. Betchan stated that there would be a screening fence on the east side of the channel which would be the same as was approved for the last PUD, and it would conform to the Zoning Code [standards]. Mr. Betchan stated that there would also be an on-site fence providing security and maintenance for the multifamily use, and that [the screening fence] would be wood with masonry and [the security fence would be] wrought iron with columns. Mr. Betchan stated that there would not be screening between the commercial and multifamily areas [in an effort to promote an aesthetic of] "openness and [inviting] along the commercial." Mr. Betchan stated that the wood screening would be between this development and the residential to the east, and the project would be coordinated with the ministorage to the south.

Larry Whiteley noted that screening would not be a problem with the ministorage to the south.

Alan Betchan stated that there would be a 75% minimum masonry requirement for the apartment development, and that there were "none that I know of in the Tulsa metro" which had this. Mr. Betchan stated that these would be "upper end, luxury apartments," and that the project would have "so much masonry" and be "so open," and would be "high masonry apartments." Mr. Betchan stated that the apartments would have lots of amenities and would be three (3) stories in height.

Larry Whiteley asked if the apartments would have elevators. Alan Betchan stated that they would not but would be three (3) stories with a mix of units, including two (2) and three (3) bedrooms.

Larry Whiteley asked if the clubhouse would be located south of 121<sup>st</sup> St. S., and Alan Betchan referred to the site plan and described the location for the clubhouse in front of the apartments near Memorial Dr.

Kevin Jordan provided perspective elevation renderings of the apartment buildings and clubhouse, and observed that they would have clay tile roofs. Mr. Jordan stated that he was the owner of Black Gold Group, and this would not be a speculative project—"what you see is what you get"—as he and his partners planned to be owners and operators of the project. Mr. Jordan stated that this would be a "high-end product," and it would "have to be to make a return to build it like this." Mr. Jordan stated that he had "never seen one like this in the metro," and it would be "par excellence for the metro."

Larry Whiteley expressed favor for this arrangement, rather than other apartment developments that the developers would build and then “sell off.”

Alan Betchan noted that the [16-acre tract] was zoned now for ministorage, and the new plan would be for “high-end, luxury apartments,” which would bring in “sales tax spenders” that would benefit the City. Mr. Betchan stated that this would “turn a net loss,” or no-net-benefit, “into something that will add to the City of Bixby as a whole.”

Larry Whiteley stated that he had tried to get [the previous 16-acre tract developer] to buy the [7-acre tract with the] [split-level] house. Alan Betchan stated that he had screamed to the original developer to do this, as it makes it viable. Mr. Betchan stated that his clients were ready to move today. Mr. Betchan stated, rhetorically, that he “will have to fight with this [precedent of quality] whenever I ask for multifamily zoning again.”

John Benjamin stated that this was the “largest clubhouse I’ve seen.” Kevin Jordan estimated the clubhouse at 7,500 square feet and Nick Goedereis of Tri Star Contractors estimated it at 8,000 square feet.

Chair Thomas Holland asked if more multifamily would be allowed on the front of the development, and Alan Betchan stated responded in the negative, and stated that it would be zoned CS for commercial, office, retail use and would follow along the commercial guidelines. Mr. Betchan stated that there is pent-up demand for single office buildings on individual lots. Mr. Holland and Mr. Betchan discussed how the existing OL zoning and PUD would work together to achieve the number of dwelling units needed for the project. Mr. Holland noted that this “looks like an excellent project,” but expressed concern for land use changes. Mr. Betchan and Erik Enyart confirmed that all uses must comply with this PUD. Mr. Betchan stated that any changes would have to go back through the process and would be before this Commission before they could be approved.

Alan Betchan stated that the channel would serve as a buffer and would be platted with a drainage easement, would have FEMA Floodplain, etc., and so would have multiple layers “to make sure it is never developed.”

Chair Thomas Holland recognized Jay Mauldin of 7341 E. 119<sup>th</sup> Pl. S. from the Sign-In Sheet. Mr. Mauldin stated that he would “reserve comment at this time.”

Lance Whisman stated, “Of all [the multifamily projects] we’ve seen, this is very” [good].

Larry Whiteley stated, “This beats what we’ve had before.”

Alan Betchan stated that this PUD would have at least as much [buffering along the east PUD boundary] as the original PUD, plus a redundant fence on the west side [of the channel]. Mr. Betchan stated that the “only exception” [to the Staff recommendations] was relocating the [Memorial Dr. entrance] drive. Mr. Betchan stated that this “doesn’t fit,” and observed that the developers would be grading the site to drain to the east, and so it would be impractical to save the trees.

Kevin Jordan stated, "We have an interest in a nursery so we will put a lot of mature trees in here."

A Commissioner asked about the different-looking building shown at the southwest corner of the multifamily area on the site plan. Alan Betchan stated that, in site designing, there is sometimes a corner that doesn't fit with everything else, and so this was designated for a special type of multifamily building. Crystal Goedereis with Tri Star Contractors stated that it would have units with three (3) bedrooms, the "deluxe" apartments, with 1,400 square feet.

Alan Betchan stated that the development would have walking amenities within the development itself, as the sidewalks would be located to allow for this.

A Commissioner asked if the [multifamily development] would be gated, and Alan Betchan responded that it would, with controlled access.

Kevin Jordan stated that [he and his associates] had studied the *Encore on Memorial* project, and found that there were a lot of people like him, 50-somethings without kids that would prefer this lifestyle. Mr. Jordan stated that the apartments would have a "family feel," and would attract "young professionals and more mature people." Mr. Jordan stated that the clubhouse would have a kid pool and another pool. Mr. Jordan stated that [he and his associates] were "making a bet" that people would be willing to pay more for [apartments with these amenities]. Mr. Jordan stated that they expected it to pay off, as it works in Dallas. Mr. Jordan stated, "We believe this will be, to-date, the nicest in Oklahoma," and would be a successful project such as are built in Dallas and Kansas City.

Patrick Boulden stated that, procedurally, he would ask the Commission to approve the rezoning first, and then the PUD, as the PUD depended on the underlying zoning.

Chair Thomas Holland asked to entertain a Motion. John Benjamin made a MOTION to RECOMMEND APPROVAL of BZ-368 as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whisman, Benjamin, and Whiteley
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	4:0:0

Larry Whiteley made a MOTION to RECOMMEND APPROVAL of PUD 81 with the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whisman, Benjamin, and Whiteley  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 4:0:0

Chair Thomas Holland clarified with Alan Betchan that all the [apartment buildings] would be served with fire sprinklers.

OLD BUSINESS:

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

NEW BUSINESS:

Chair Thomas Holland asked if there was any 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 7:12 PM.

APPROVED BY:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Planner/Recording Secretary

BIXBY PLANNING COMMISSION

SIGN IN SHEET

DATE: March 25, 2015

	NAME	ADDRESS	ITEM
✓	Debbie Bailey <del>Debbie Bailey</del>	2224 S. St. Elizabeth (14432)	Apto - Retention Plan
	2.		
✓	Jim L ASBURY	11950 S 73 <sup>rd</sup> E Ave	Z. PUD 81
	4.		
✓	Jay MAULDIN	7341 E 119 <sup>th</sup> S	Z. PUD 81
	6.		
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	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   
**Date:** Wednesday, April 08, 2015  
**RE:** Report and Recommendations for:  
BZ-379 – JR Donelson for Bill J. Ramsey Trust

**LOCATION:**

- 12200-block of S. Memorial Dr.
- Southwest corner of the intersection of 121<sup>st</sup> St. S. and Memorial Dr.
- Part of the N/2 of Government Lot 1 (NE/4 NE/4) of Section 02, T17N, R13E

**LOT SIZE:** 14 acres, more or less

**EXISTING ZONING:** AG Agricultural District and CG General Commercial District

**EXISTING USE:** Agricultural

**REQUESTED ZONING:** CS Commercial Shopping Center District

**SUPPLEMENTAL ZONING:** Corridor Appearance District (partial)

**SURROUNDING ZONING AND LAND USE:**

North: CS & CG and (across 121<sup>st</sup> St. S.) CS, CS/PUD 73, & CS/OL/PUD 51; A 1.6-acre agricultural tract zoned CS, the *My Dentist Dental Clinic* zoned CS in Lot 1, Block 1, *Braums Addition*, and the *Pizza Hut* on unplatted land zoned CG, all separate parts of the subject property from 121<sup>st</sup> St. S. Farther north across 121<sup>st</sup> St. S. are commercial businesses and vacant platted lots in *Bixby Centennial Plaza* and the *Nowlin Orthodontics* and *The Eye Center South Tulsa* businesses zoned CS/PUD 73

in *Bixby Centennial Plaza II*, and to the northwest is an 11-acre agricultural/vacant tract zoned CS/OL/PUD 51.

South: CS, OL, RS-3, CG, AG, & CG/PUD 76; A 19-acre tract containing the *Easton Sod* sales lot and agricultural land zoned CS, OL, & RS-3; farther south is agricultural land zoned CG and AG; to the southwest is a 92-acre CG district with PUD 76 "Scenic Village Park" containing multiple land uses under various stages of development.

East: CG & CS and (across Memorial Dr.) CS, CS/RM-3/OL/PUD 81, & CS/RM-1/PUD 6; The *My Dentist Dental Clinic* zoned CS in Lot 1, Block 1, *Braums Addition* and the *Pizza Hut* zoned CG separate parts of the subject property from Memorial Dr. Across Memorial Dr. to the east is a roughly 12 ¾-acre CS district containing commercial development in *121st Center* and the *Spartan Self Storage* ministorage business on an unplatted 1-acre tract at 12113 S. Memorial Dr.; farther east and to the southeast are 23 acres containing a vacant, split-level house and vacant land zoned CS/RM-3/OL/PUD 81 "Chateau Villas PUD." To the northeast, north of 121<sup>st</sup> St. S. is commercial in the *Town and Country Shopping Center*, including a planned *QuikTrip* store, and farther northeast is the duplex-style condo/apartments and vacant lots zoned CS/RM-1/PUD 6 in *Memorial Square*.

West: CS & CG/PUD 76; A 1.6-acre agricultural tract zoned CS and a 92-acre CG district with PUD 76 "Scenic Village Park" containing multiple land uses under various stages of development.

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

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

BZ-130 – J. F. Langley, Jr. for Billy Joe Ramsey – Request for rezoning from AG to CS for that part of the subject property later platted as *Braums Addition* – PC Recommended Approval 01/31/1983 and City Council Approved 02/07/1983 (Ord. # 473).

BL-79 – J. F. Langley, Jr. for Billy Joe Ramsey – Request for Lot-Split to separate the future *Braums Addition* land from the subject property – PC Recommended Approval subject to BZ-130 01/31/1983 and City Council presumably Approved in February, 1983.

Preliminary and Conditional Final Plat of Braums Addition – Request for Preliminary and Conditional Final Plat approval for *Braums Addition*, which may have separated same from subject property per ownership as listed on the plat – PC Conditionally Approved 02/28/1983 and City Council presumably Approved (Plat # 4351 recorded 05/26/1983).

PUD Requirement Waiver for Ramsey & Easton Properties – JR Donelson of JR Donelson, Inc. – Request for a Temporary Waiver of the PUD requirement of Zoning Code Section 11-5-2 for the subject property and the Easton property abutting to the south at 12300 S. Memorial Dr. – City Council Approved 02/23/2015 subject to (1) requirement shall be restored prior to the development of the concerned property and (2) that (A) the temporarily suspended requirement, and (B) the requirement's design in furtherance of the City Council's express policy preferring retail uses, shall be disclosed to prospective buyers.

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

BBOA-11 – Richard Ketchum for Tri-Kay Developers, Inc. – Request for [Variance] from bulk and area standards for the *Town and Country Shopping Center* on All of Block 18,

*Southern Memorial Acres Extended* to the northeast of subject property – (“amended application” received 12/26/1972 deleted the additional request for a Variance from the off street parking requirements). 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).

BZ-30 – Frank Moskowitz – Request for rezoning from AG to CS for the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E across Memorial Dr. to the east of subject property – PC on 01/27/1975 recommended CS for N. approx. 12.5 acres, OL for the S. approx. 5 acres of the N. approx. 17.5 acres, and AG zoning to remain for the balance of the 20 acres. City Council approved as PC recommended 03/18/1975 (Ord. # 270).

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

BL-42 – William C. Kelley – Request for Lot-Split approval to approve the separation of the N. 224.75’ of the E. 260.75’ of this Section 02, T17N, R13E, abutting subject property to the east, into two (2) tracts as conveyed to *Pizza Hut* – PC Recommended Approval 06/26/1978, subject to deed restriction requiring their combined future conveyance, and City Council Conditionally Approved as per PC recommendation 07/11/1978.

BL-44 – J.W. “Rocky” Lewis for Pizza Hut, Inc. – Request for Lot-Split approval to approve the separation of the N. 224.75’ of the E. 260.75’ of this Section 02, T17N, R13E, abutting subject property to the east, into two (2) tracts as conveyed to *Pizza Hut* – Per 02/26/1979 PC Minutes it was Continued to the next meeting; per case notes, PC “Tabled indefinitely due to existing building being located on proposed split line” on 02/26/1979.

BL-45 – Milton Berry – Request for Lot-Split approval to separate the S. 200’ of the W. 210’ of the N. 825’ of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E (now the *Spartan Self Storage*) from the balance of the property, which balance was later platted as *121st Center*, all for 20 acres across Memorial Dr. to the east of subject property – PC Motion to Approve died for lack of a Second 02/26/1979; City Council Conditional Approval is suggested by case notes. Deeds recorded evidently without approval certificate stamps 05/23/1978, which would have preceded the Lot-Split application.

BBOA-75 – Jack Spradling for Pizza Hut of Oklahoma, Inc. – Request for Variance from bulk and area requirements in the CG district, regarding the N. 224.75’ of the E. 260.75’ of this Section 02, T17N, R13E abutting subject property to the east (related to Lot-Split) – BOA Denied 07/08/1980.

BL-78 – Christopher L. Coyle for Pizza Hut of Oklahoma, Inc. – Request for Lot-Split approval to separate into two (2) tracts the N. 224.75’ of the E. 260.75’ of this Section 02, T17N, R13E, abutting subject property to the east – PC Denied 11/29/1982.

BBOA-111 – Christopher L. Coyle for Pizza Hut of Oklahoma, Inc. – Request for Variance from bulk and area requirements in the CG district, regarding the N. 224.75’ of the E. 260.75’ of this Section 02, T17N, R13E abutting subject property to the east, pursuant to Lot-Split application BL-78 – BOA Denied 12/13/1982.

BZ-135 – Eddie McLearn – Request for rezoning from AG to CS for an approximately 19-acre tract at 12300 S. Memorial Dr. abutting subject property to the south (now the *Easton Sod* store and agricultural land) – Withdrawn by Applicant 03/21/1983.

BZ-139 – Eddie McLearn – Request for rezoning from AG to RM-2, OL, & CS for an approximately 19-acre tract at 12300 S. Memorial Dr. abutting subject property to the south (now the *Easton Sod* store and agricultural land) – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. # 482).

BZ-140 – Patrick L. Murray – Request for rezoning from RM-1 to CS for approximately 1.6 acres consisting of Lots 7 through 12, inclusive, Block 17, *Southern Memorial Acres Extended* (later replatted as part of *Memorial Square*) to the northeast of subject property – PC Recommended Denial 05/31/1983 and City Council Approved 06/13/1983 (Ord. # 486).

B/PUD 6 – “South Memorial Duplexes” – Richard Hall & Associates for George E. Day – Request for PUD approval for a duplex development for approximately 9.4 acres consisting of Lots 7 through 12, inclusive, Block 16, and all of Block 17, *Southern Memorial Acres Extended* (later replatted as *Memorial Square*) to the northeast of subject property – PC Recommended Approval 11/28/1983 and City Council Approved 12/05/1983 (Ord. # 498).

Final Plat of Memorial Square – Request for Final Plat approval for *Memorial Square* for approximately 9.4 acres, a resubdivision of Lots 7 through 12, inclusive, Block 16, and all of Block 17, *Southern Memorial Acres Extended* to the northeast of subject property – City Council Approved 02/1984 (per the plat approval certificate) (Plat # 4511 recorded 08/03/1984) (Preliminary Plat and PC approvals not researched).

BBOA-135 – Alan Hall of A. C. Hall & Associates, Surveying for Milton H. Berry – Request for Special Exception to allow a Use Unit 17 carwash development in the CS district for the S. 200’ of the W. 210’ of the N. 825’ of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E located to the southeast of subject property at 12113 S. Memorial Dr. – BOA Approved 11/13/1984 subject to platting (not developed as a carwash; ultimately developed as the *Spartan Self Storage*).

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for *121st Center* (across Memorial Dr. to the east of subject property) – PC Conditionally Approved 12/28/1987 (Council action not researched).

BBOA-199 – Spradling & Associates for Arkansas Valley Development Corporation – Request for Variance to reduce the minimum lot width/frontage in CS from 150’ to 125’ to permit platting the subject tract as *121st Center* (across Memorial Dr. to the east of subject property) – BOA Approved 01/11/1988.

Final Plat of 121st Center – Request for Final Plat approval for *121st Center* (across Memorial Dr. to the east of subject property) – PC Conditionally Approved 02/29/1988 and City Council Approved 07/11/1988 (per the plat approval certificate) (Plat # 4728 recorded 08/05/1988).

BZ-196 – Donna Saunders for Nuel/Noel Burns – Request for rezoning from AG to CG for an approximately 1.6-acre agricultural tract abutting subject property to the north and west at the 7700-block of E. 121<sup>st</sup> St. S. (then possibly addressed 7600 E. 121<sup>st</sup> St. S.) – PC Recommended Denial 01/21/1991 per notes on the application form. Lack of ordinance and other notes in the case file indicate it was either withdrawn, not appealed, or not finally approved by the City Council.

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area to the south of subject property in the 12300-block of S.

30

Memorial Dr. (perhaps then addressed 12340 S. Memorial Dr.) – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

BBOA-261 – Jack Spradling for Arkansas Valley Development Corporation – Request for Variance for Lot 5, Block 1, *121st Center* (across Memorial Dr. to the east of subject property), to reduce the minimum lot width/frontage in CS from 150' to 0' to permit a Lot-Split creating the E. 215' of the S. 125' of Lot 5, which tract is now the *Atlas General Contractors* office – BOA Conditionally Approved 02/01/1993 (Mutual Access Easement created to give access to 121<sup>st</sup> St. S.).

BBOA-300 – Tom Christopoulos – Request for Variance to the setback; an increase of the allowed maximum density; and a reduction of the parking standards of the RM-3 district (requested per BZ-212) for a multifamily development for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E across Memorial Dr. to the southeast of subject property at 12113 S. Memorial Dr. – BOA Conditionally Approved 07/03/1995 (not developed as multifamily; ultimately developed as the *Spartan Self Storage*).

BZ-212 – Tom Christopoulos – Request for rezoning from CS to RM-3 for a multifamily development for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E across Memorial Dr. to the southeast of subject property at 12113 S. Memorial Dr. – PC Recommended Approval 06/05/1995 and City Council Denied 07/10/1995 (not developed as multifamily; ultimately developed as the *Spartan Self Storage*).

BBOA-335 – Tom Christopoulos – Request for Special Exception to allow a ministorage development in the CS district for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E to the southeast of subject property at 12113 S. Memorial Dr. – BOA Approved 12/01/1997 (now the *Spartan Self Storage*).

BBOA-364 – AT&T (Curtis Branch) – Request for Special Exception to allow a 120' monopole communications tower on a 19-acre tract of land abutting to the south (contains the *Easton Sod* business and agricultural land) – BOA Approved 02/05/2001.

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 abutting subject property to the west – BOA Conditionally Approved 04/02/2001 (not since built).

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, located across 121<sup>st</sup> St. S. to the north of the subject property, which 73 acres became *Bixby Centennial Plaza* and *Fox Hollow* and an unplatted 11-acre tract later approved for PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on November 19, 2001 and Approved by City Council December 10, 2001 (Ord. # 842).

PUD 29 – The Boardwalk on Memorial – Part of future Lot 1, Block 1, *The Boardwalk on Memorial* and Lots 1 and 2, Block 1, *Gre-Mac Acres* requested for rezoning and PUD approval – for property to the southeast of subject property at 12345 S. Memorial Dr.– PC Recommended Approval 05/20/2002 and City Council Approved PUD 29 and CS zoning for *Gre-Mac Acres* Lot 1 and OL zoning for Lot 2 06/10/2002 (Ordinance # 850, evidently dated 06/11/2001 in error).

PUD 29A – The Boardwalk on Memorial – Request for Major Amendment to PUD 29 (abutting subject property to south), known as PUD 29A, which expanded the original PUD and underlying CS zoning to an unplatted area to the north of Lots 1 and 2, Block 1, *Gre-*

*Mac Acres*, and rezoned Development Area B to AG for “open space” – PC Recommended Approval 03/17/2003 and City Council Approved 04/28/2003 (Ordinance # 867).

Preliminary Plat of The Boardwalk on Memorial – Request for Preliminary Plat approval for property to the southeast of subject property at 12345 S. Memorial Dr. – Recommended for Approval by PC 04/21/2003 and Approved by City Council 04/28/2003.

Final Plat of The Boardwalk on Memorial – Request for Final Plat approval for property to the southeast of subject property at 12345 S. Memorial Dr. – Recommended for Approval by PC 05/19/2003 and Approved by City Council 05/27/2003 (Plat # 5717 recorded 08/19/2003).

“Minor Amendment PUD 29b to PUD 29, 29a” – Request for Planning Commission approval of the first Minor Amendment to PUD 29A (could have been called “Minor Amendment # 1) for property to the southeast of subject property at 12345 S. Memorial Dr. to south to approve a drive through bank window on the south side of the building for *Grand Bank* – PC Approved 02/22/2005.

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 abutting subject property to the west. 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 abutting subject property to the west – 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.

Preliminary Plat of Bixby Centennial Plaza – Request for Preliminary Plat approval for the 40-acre *Bixby Centennial Plaza* to the north of subject property across 121<sup>st</sup> St. S. – PC Approved 07/17/2006 and City Council Approved 07/24/2006.

BZ-317 – Sack & Associates, Inc. for Martha Roberts et al. – Request for rezoning from OL to CS for part of an unplatted 11-acre tract located across 121<sup>st</sup> St. S. to the northwest of the subject property – PC Action 08/21/2006: Motion to Approve failed for lack of a Second, and Chair declared the item “denied by virtue of there being no second to the motion.” See PUD 51.

PUD 51 – [No Name] – [Sack & Associates, Inc.] – Request to approve PUD 51 and a partial rezoning from OL to CS for an unplatted 11-acre tract located across 121<sup>st</sup> St. S. to the northwest of the subject property – No application submitted, but prepared by Sack & Associates, Inc. in support of the CS and OL zoning proposed per BZ-317 – PC recommended Approval 10/02/2006 and City Council Approved 10/23/2006 (Ord. # 951/951A).

Final Plat of Bixby Centennial Plaza – Request for Final Plat approval for the 40-acre *Bixby Centennial Plaza* to the north of subject property across 121<sup>st</sup> St. S. – PC Approved 10/16/2006 and City Council Approved 10/23/2006 (plat recorded 04/04/2007).

“PUD 29A Minor Amendment # 1 [2]” – Second request for Minor Amendment to PUD 29A to (1) Remove restrictions from east-facing signs and (2) Increase maximum display surface area for wall signs from 2 square feet per lineal foot of building wall to 3 square feet per lineal foot of building wall as permitted by the Zoning Code for property to the southeast of subject property at 12345 S. Memorial Dr. – Planning Commission Conditionally Approved 11/19/2007. Should have been called “Minor Amendment # 2.”

BCPA-3, PUD 68, & BZ-341 – North Bixby Commerce Park – Lou Reynolds for Alvis Houser – Request to amend the Comprehensive Plan to redesignate property (in part) “Medium Intensity,” rezone from AG to CS and OL, and approve PUD 68 for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121<sup>st</sup> St. S. – PC voted 2 in favor and 3 opposed on a Motion to approve the development on 04/20/2009. On 04/27/2009, on appeal, the City Council reversed the Planning Commission’s action. On 06/08/2009, the City Council denied the ordinance which would have approved the rezoning, PUD, and Comprehensive Plan amendment, on the City Attorney’s advice regarding certain language in the ordinance, and called for the developer to proceed “under existing ordinances.” On 06/22/2009, the City Council Approved, by Ordinance # 2030, all three (3) applications as submitted, and with no Conditions of Approval.

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 Knopp family property of approximately 140 acres abutting subject property to the west – 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 29A Minor Amendment # 3 – Request for Minor Amendments to PUD 29A to remove Development Area B from the PUD – Planning Commission Continued the application from the January 19, 2010 meeting to the February 16, 2010 meeting. The submission of PUD 29A Major Amendment # 1 in lieu of this application was recognized as the Withdrawal of this application.

BL-373 – William Wilson for Boardwalk on Memorial I., LP – Request for Lot-Split approval to separate the east approximately 472’ from the balance of the property, located to the southeast of subject property at 12345 S. Memorial Dr. – PC Approved 02/16/2010.

PUD 29A Major Amendment # 1 – Request for Major Amendments to PUD 29A to relax Zoning Code bulk and area requirements for Development Area B to allow for Lot-Split per BL-373, which Development Area B was required to be legally attached to lots having the minimum required amount of public street frontage – PC Recommended Approval 02/16/2010 and City Council Approved 03/08/2010 (Ord. # 2033).

Preliminary Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121<sup>st</sup> St. S. – PC recommended Conditional Approval 03/15/2010 and City Council Conditionally Approved 03/22/2010.

Final Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Final Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121<sup>st</sup> St. S. – PC recommended Conditional Approval 05/17/2010 and City Council Conditionally Approved 05/24/2010. City Council approved a revised Final Plat 09/13/2010.

BSP 2010-01 – North Bixby Commerce Park – RK & Associates, PLC / McCool and Associates, P.C. (PUD 68) – Request for approval of a PUD Detailed Site Plan for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121<sup>st</sup> St. S. – PC Conditionally Approved 07/19/2010.

BSP 2010-03 – Encore on Memorial – Khoury Engineering, Inc. (PUD 70) – Request for Detailed Site Plan approval for a multifamily development on 14 acres to the south of subject property – PC Conditionally Approved 07/19/2010.

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the south of subject property – PC recommended Conditional Approval 07/19/2010 and City Council Conditionally Approved 07/26/2010.

Final Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the south of subject property – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (Plat # 6380 recorded 04/12/2011).

BBOA-529 – Khoury Engineering, Inc. – Request for Special Exception per Zoning Code Section 11-7D-2 Table 1 to allow a Use Unit 17 automotive repair and sales business use in the CS Commercial Shopping Center District for Lot 6, Block 1, *Bixby Centennial Plaza* (north of subject property) – BOA Approved 12/06/2010.

AC-11-01-01 – “My Dentist Dental Clinic” – Sam Gresham Architect – Request for approval of a Detailed Site Plan for “My Dentist Dental Clinic” for Lot 1, Block 1, *Braums Addition* abutting subject property to the north and east – PC Conditionally Approved 01/25/2011.

BBOA-535 – Khoury Engineering, Inc. – Request for Variance from (1) the 150’ minimum lot-width / minimum ground sign spacing standard of Zoning Code Section 11-9-21.C.[8].a, (2) from the maximum display surface area restrictions of Zoning Code Section 11-9-21.D.3, and (3) any other Zoning Code restriction preventing the erection of two (2) freestanding ground signs at three (3) square feet in display surface area [each], all for Lot 6 (north of subject property) – BOA Approved 01/03/2011.

BBOA-536 – Khoury Engineering, Inc. – Request for Variance from the 150’ minimum lot-width / minimum ground sign spacing standard of Zoning Code Section 11-9-21.C.[8].a for the North 154.5’ of Lot 6, and the S. 46.08’ of Lot 5, Block 1, *Bixby Centennial Plaza* (north of subject property) – BOA Approved 02/07/2011.

BBOA-544 – Khoury Engineering, Inc. – Request for Variance (A) from the 150’ minimum lot-width / minimum ground sign spacing standard of Zoning Code Section 11-9-21.C.[9].a,

(B) from the maximum display surface area restrictions of Zoning Code Section 11-9-21.D.3 to allow three (3) square feet of display surface area per ground sign, and (C) from any other Zoning Code restriction preventing the erection of three (3) freestanding ground signs at three (3) square feet in display area each for Lot 6, and the South 46.08' of Lot 5, Block 1, *Bixby Centennial Plaza* (north of subject property) – BOA Approved 10/03/2011.

BZ-355 – Town & Country Real Estate Co. – Request for rezoning from AG to CS for an approximately 1.6-acre agricultural tract abutting subject property to the north and west at the 7700-block of E. 121<sup>st</sup> St. S. – PC Recommended Denial 03/19/2012 and City Council Approved 03/26/2012 (Ord. # 2077).

PUD 73 – Eagle SPE Multi I, Inc. – Rosenbaum Consulting, LLC – Request for approval of PUD 73 supplemental zoning for what was later platted as *Bixby Centennial Plaza II* to the north of subject property across 121<sup>st</sup> St. S. – PC recommended Approval 11/19/2012 and City Council approved 11/26/2012 (Ord. # 2105).

Preliminary & Final Plat of Bixby Centennial Plaza II – Request for Preliminary Plat and Final Plat approval for what was later platted as *Bixby Centennial Plaza II* to the north of subject property across 121<sup>st</sup> St. S. – PC recommended Approval 02/19/2013 and City Council Approved 02/25/2013 (Plat # 6478 recorded 06/28/2013).

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 92 acres acquired from the Knopp family acreage abutting subject property to the west – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting.

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 92 acres acquired from the Knopp family acreage abutting subject property to the west – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove in part the Residential Area specific land use designation, rezone in part from AG to OL, and approve PUD 77 for a ministorage development on property to the southeast of subject property at 12355 & 12365 S. Memorial Dr. and 12404 S. 85<sup>th</sup> E. Pl. – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. City Council approved ordinance effecting approval of all three (3) 02/24/2014 (Ord. # 2127).

Final Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres of the 92-acre PUD 76 abutting subject property to the west – 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 abutting subject property to the west – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013. The Ordinance Second Reading and Approval and Emergency Clause attachment items, having been on various City Council agendas in various forms since 10/14/2013, the City Council approved on 11/12/2013 (Ord. # 2123).

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PUD 76 "Scenic Village Park" Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for southerly 70 acres of PUD 76 abutting subject property to the west – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant's letter dated 10/18/2013.

PUD 81 & BZ-368 – Chateau Villas PUD – AAB Engineering, LLC – Request for rezoning from CS, OL, and AG to CS and RM-3 and to approve PUD 81 for a Use Unit 8 multifamily residential and commercial development for 23 acres to the east of subject property at 12303 S. Memorial Dr. and the 8300-block of E. 121<sup>st</sup> St. S. – PC recommended Conditional Approval, with a modified zoning schedule including OL zoning, 11/18/2013 and City Council Conditionally Approved, as modified, the applications 11/25/2013 and Conditionally Approved same by ordinance (Ord. # 2126) 02/24/2014.

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 land to the southwest of subject property – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

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* to the west of subject property – PC Conditionally Approved at a Special/Called Meeting 01/23/2014.

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 west – PC recommended Conditional Approval at a Special/Called Meeting 01/23/2014 and City Council Conditionally Approved 01/27/2014.

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* to the west of subject property – PC Conditionally Approved 02/18/2014.

PUD 70 "Encore on Memorial" Major Amendment # 1 – Khoury Engineering, Inc. – Request for approval of Major Amendment # 1 to PUD 70 for 15 acres to the south of subject property to allow a Use Unit 21 sign within the Development Area B right-of-way for 126<sup>th</sup> St. S., provide development standards for same, and make certain other amendments – PC recommended Approval 02/18/2014 and City Council Approved 02/24/2014 (Ord. # 2130).

Preliminary Plat of "Byrnes Mini-Storages" – JR Donelson, Inc. – Request for approval of a Preliminary Plat for property to the southeast of subject property at 12355 & 12365 S. Memorial Dr. and 12404 S. 85<sup>th</sup> E. Pl. – PC (03/17/2014) recommended Conditional Approval by 2:1:1 vote. Per the City Attorney, the Abstention vote does not count, so the vote was recognized as 2:1 and the Motion passed with a simple majority. City Council Conditionally Approved 05/12/2014.

PUD 6 Major Amendment # 1 "Memorial Square" & BZ-374 – JR Donelson, Inc. – Request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 6 and rezoning from CS and RM-1 to CS, RM-1, and RT for property to the northeast of subject property – PC recommended Conditional Approval 05/19/2014 and City Council Conditionally Approved applications 06/09/2014. Ordinance approval pending receipt of PUD Amendment Text & Exhibits reflecting all the required corrections, modifications, and Conditions of Approval.

Preliminary Plat of "Memorial Square Amended" – Request for Preliminary Plat approval for "Memorial Square Amended" for property to the northeast of subject property – PC recommended Conditional Approval 07/21/2014. Not placed on City Council agenda per Applicant 08/07/2014.

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; abutting subject property to the west) to allow for AEP-PSO electric service provision to the "Quail Creek" developments – City Council accepted 09/22/2014.

Amendment of Plat of Scenic Village Park – Request for approval of an Amendment of the plat of *Scenic Village Park* as pertains to Utility Easement dedication provisions affecting Lot 1, Block 3 thereof abutting subject property to the west – PC unanimously Denied 01/20/2015.

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 property to the northeast of subject property at 12037 S. Memorial Dr. – City Council Conditionally Approved 02/09/2015.

BL-397 – Mike Ward on behalf of QuikTrip Corporation for T C 94, LP – Request for Lot-Split approval for property to the northeast of subject property at 12037 S. Memorial Dr. – Planning Commission Approved 02/17/2015.

PUD 81 – "Chateau Villas PUD" – Major Amendment # 1 – Larry Kester of Architects Collective – Request for approval of Major Amendment # 1 to PUD 81 for a Use Unit 8 multifamily residential and commercial development for 23 acres to the east of subject property at 12303 S. Memorial Dr. and the 8300-block of E. 121<sup>st</sup> St. S. – PC recommended Conditional Approval 03/25/2015; Pending City Council consideration in April and/or May, 2015.

BSP 2015-04 – "Chateau Villas" – Larry Kester of Architects Collective (PUD 81) – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for 23 acres to the east of subject property at 12303 S. Memorial Dr. and the 8300-block of E. 121<sup>st</sup> St. S. – Pending PC consideration 04/20/2015.

BZ-380 – JR Donelson for John C. Easton Trust & Easton Family, LP – Request for rezoning from AG and CG to CS for commercial use for 19 acres abutting subject property to the south at 12300 S. Memorial Dr. – PC consideration pending 04/20/2015.

#### BACKGROUND INFORMATION:

#### ANALYSIS:

Subject Property Conditions. The subject property of approximately 14 acres is zoned AG and CG and is agricultural in use. Staff found no Bixby rezoning application to account for the CG

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zoning in part of the northeast corner of the subject property, which CG district primarily contains the *Pizza Hut* restaurant. However, case maps from the 1970s show it as being in existence at that time, and show Bixby City Limits as including it and not areas surrounding it. In the Minutes of the Planning Commission meeting of June 26, 1978, pertaining to Lot-Split application BL-42 – William C. Kelley, it was noted that the property was zoned CG at that time. Staff speculates that it may have been zoned CG prior to or upon annexation.

The subject property has approximately 768' of frontage on 121<sup>st</sup> St. S. and 284.01' of frontage on Memorial Dr.

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

The subject property is relatively flat, and appears to drain to the south and southeast to Memorial Dr. However, with the recent installation of the stormsewerline along 121<sup>st</sup> St. S., the property will be one of those eligible, upon development, to “pipe” part of its stormwater to the west to Fry Creek Ditch # 2 with payment of fee-in-lieu, and not be subject to a requirement to construct onsite stormwater detention for that part so conveyed.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity (2) Commercial Area/Vacant, Agricultural, Rural Residences, and Open Land, and (3) Corridor.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the requested CS district is *In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map. Also per the Matrix, for that part of the subject property along Memorial Dr. so designated, the requested CS district is *In Accordance* with the Medium Intensity designation of the Land Use Map.

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

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

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

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

For that part of the subject property along Memorial Dr. so designated, the requested CS district should be found *In Accordance* with the Commercial Area designation of the Land Use Map.

The Matrix does not indicate whether or not the requested CS 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.

Therefore, Staff believes that the requested CS district is *In Accordance* with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily CS, CG, OL, RM-3, RM-1, RS-3, and AG, all as depicted on the case map and as described in further detail in the paragraphs that follow.

Abutting to the north and east is the *My Dentist Dental Clinic* zoned CS in Lot 1, Block 1, *Braums Addition* and the *Pizza Hut* on unplatted land zoned CG. These properties separate parts of the subject property from 121<sup>st</sup> St. S. Farther north across 121<sup>st</sup> St. S. are commercial businesses and vacant platted lots in *Bixby Centennial Plaza* and the *Nowlin Orthodontics* and *The Eye Center South Tulsa* businesses zoned CS/PUD 73 in *Bixby Centennial Plaza II*, and to the northwest is an 11-acre agricultural/vacant tract zoned CS/OL/PUD 51.

To the south is the 19-acre tract containing *Easton Sod* sales lot and agricultural land zoned CS, OL, and RS-3. However, this property is subject to rezoning to CS pursuant to BZ-380. Farther south is agricultural land zoned CG and AG. To the southwest is a 92-acre CG district with PUD 76 "Scenic Village Park" containing multiple land uses under various stages of development.

Abutting the subject property on the north and west is an approximately 1.6-acre agricultural tract zoned CS. Also abutting to the west are 92 acres of former agricultural land now zoned CG with PUD 76 "Scenic Village Park," containing multiple land uses under various stages of development.

Finally, across Memorial Dr. to the east is a roughly 12 ¾-acre CS district containing commercial development in *121st Center* and the *Spartan Self Storage* ministorage business on an unplatted 1-acre tract at 12113 S. Memorial Dr. Farther east and to the southeast are 23 acres containing a vacant, split-level house and vacant land zoned CS/RM-3/OL/PUD 81 "Chateau Villas PUD." To the northeast, north of 121<sup>st</sup> St. S. is commercial in the *Town and Country Shopping Center*, including a planned *QuikTrip* store, and farther northeast is the duplex-style condo/apartments and vacant lots zoned CS/RM-1/PUD 6 in *Memorial Square*.

The subject property and the 19-acre tract requested for rezoning to CS per BZ-380 are surrounded on nearly all sides by CS and CG zoning. Seen from the proper scale, the two (2) properties appear as a "hole" in the expansive commercial district centered at the increasingly

busy intersection of 121<sup>st</sup> St. S. and Memorial Dr. The requested CS zoning would be a logical extension, even completion, of the existing, established CS zoning district abutting to the northwest, north, northeast, east, and southeast, and would be compatible with the CS and CG zoning to the west and south and existing use and future uses anticipated by surrounding zoning patterns.

Per the Comprehensive Plan, all the land between Fry Creek Ditch # 1 and # 2 and 121<sup>st</sup> St. S. and Memorial Dr., including the subject property, approximately 180 acres in all, is planned for Corridor-intensity development, which provides that all of the available Zoning districts are either *In Accordance* or *May Be Found In Accordance* with the Comprehensive Plan. This 180-acre area is anticipated to be developed intensively, as it is in a prime location, is one of the last, exceptionally large undeveloped acreages in all of South Tulsa County north of the Arkansas River, has all the necessary utilities, has Memorial Dr. frontage and improved access by the widened 121<sup>st</sup> St. S., and is out of the 100-year Floodplain. Indeed, intensive development is occurring, as described more fully in the paragraphs that follow.

Circa 2005, 121<sup>st</sup> St. S. between Sheridan Rd. and Memorial Dr. was widened to a 4-lane major street with a 5<sup>th</sup>, dedicated turning lane in the center, consistent with its designation on the Tulsa City-County Major Street and Highway Plan (MHSP) and Bixby Comprehensive Plan as a Primary Arterial. This infrastructure improvement has further enabled the intensive development of this 1-mile major street corridor.

It appears that, with the exception of the approximately 320' of frontage on 121<sup>st</sup> St. S. belonging to *Fox Hollow*, and the 330' of frontage on 121<sup>st</sup> St. S. belonging to the pending PUD 82 "Somerset" housing addition development, all of the private land along 121<sup>st</sup> St. S. between Sheridan Rd. and Memorial Dr. has, or is planned or expected to develop/redevelop with intense uses.

In a trend accelerating since the street widening, the 121<sup>st</sup> St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The Bixby North Elementary school is located on a 23-acre campus at 7101 E. 121<sup>st</sup> St. S., and west of that is the Bixby North 5<sup>th</sup> and 6<sup>th</sup> Grade Center on a 10-acre campus and the *LifeChurch* 4.4-acre facility. The recently demolished *Three Oaks Smoke Shop* was located on a 2-acre tract at 7060 E. 121<sup>st</sup> St. S. (its future use is not known), and most of the balance of the land to the west along the south side of 121<sup>st</sup> St. S. has been zoned CS with PUD 53 and platted in *WoodMere* for commercial use and office buildings. Per discussions with its owner, triangularly-shaped parcel between the former *Smoke Shop* and commercial lots in *WoodMere* should be expected to develop nonresidentially. An 11-acre Plummer Partners, LLC tract at the 7500-block of E. 121<sup>st</sup> St. S. was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre *Bixby Centennial Plaza* at the northwest corner of 121<sup>st</sup> St. S. and Memorial Dr. was approved for CS zoning, in 2001, and for commercial development by the plat of *Bixby Centennial Plaza* in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121<sup>st</sup> St. S. (possibly previously addressed 7600 E. 121<sup>st</sup> St. S.) was rezoned to CS in March of 2012. The 92-acre PUD 76 "Scenic Village Park" was approved with CG zoning in 2013, and the features the 80-unit "Covenant Place of Tulsa" assisted living facility under construction now at 7300 E. 121<sup>st</sup> Pl. S., with 38 units in a future expansion already planned. That 92-acre PUD also contains commercial frontage lots platted with *Scenic Village Park* in

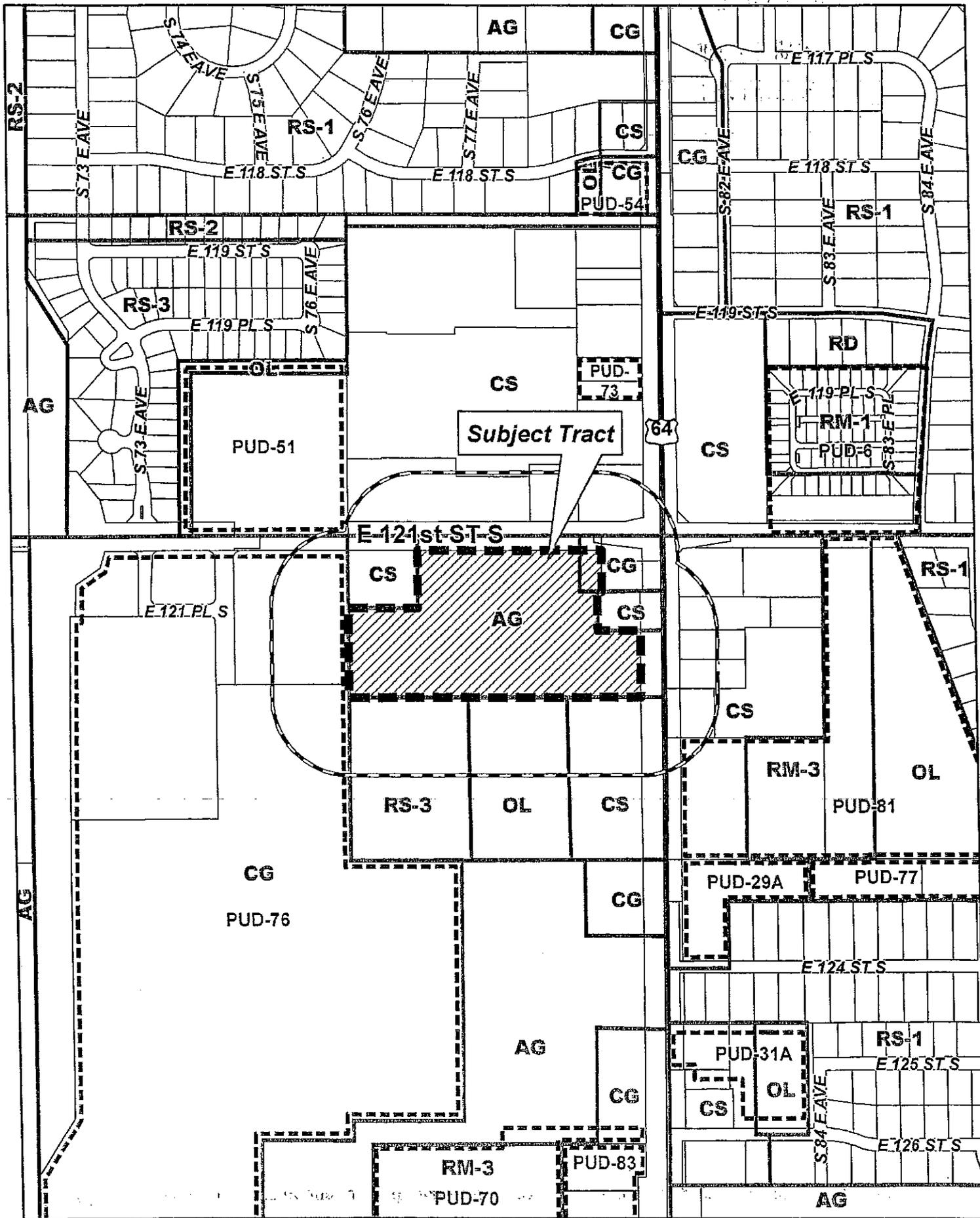
2013, and will contain future commercial use(s) pursuant to the Preliminary Plat of "Quail Creek Office Park" Conditionally Approved in 2014 and the commercially-oriented Development Area H. Finally, commercial uses are now under development in the 5-acre PUD 83 *River Trail II* development approved in 2014 at the southwest corner of 126<sup>th</sup> St. S. and Memorial Dr.

Further enhancing the development potential of this 180-acre area will be the construction of the 74<sup>th</sup> E. Ave. / 126<sup>th</sup> St. S. Collector Street system developed as a part of PUD 76. In addition to serving the proposed "Quail Creek of Bixby" and "Quail Creek Villas of Bixby" housing additions interior to the 180 acres, it will additionally serve more commercially-oriented development areas closer to Memorial Dr. and 121<sup>st</sup> St. S. Further enhancing still will be the recent installation of the stormsewerline along 121<sup>st</sup> St. S., which will enable eligible properties along 121<sup>st</sup> St. S., upon development, to "pipe" stormwater to the west to Fry Creek Ditch # 2 with payment of fee-in-lieu, and not be subject to a requirement to construct onsite stormwater detention for that part so conveyed.

The surrounding zoning and land use patterns, recent rezoning and development trends, and the available infrastructure and other physical facts of the area all appear to support the requested rezoning to CS, but care should be taken to ensure compatibility, consistency, and overall development quality.

Whether residential or nonresidential, the City of Bixby has observed that better development outcomes result when properties develop by PUD. PUDs typically secure better planning and site design and afford the community the ability to provide more input into the design, minimum construction standards, and development amenities. Importantly, PUDs help the City achieve its goals and objectives as outlined in the Comprehensive Plan. As recommended by Staff, on February 23, 2015, the City Council temporarily Waived the PUD requirement Zoning Code Section 11-5-2 for Ramsey and Easton properties concerned by BZ-379 and BZ-380, subject to (1) requirement shall be restored prior to the development of the concerned property and (2) that (A) the temporarily suspended requirement, and (B) the requirement's design in furtherance of the City Council's express policy preferring retail uses, shall be disclosed to prospective buyers. Therefore, ultimately, the City will receive PUD application(s) for these properties, designed by the then developers who will be in the position to make specific design changes as the City may request.

Staff Recommendation. For the reasons outlined above, Staff recommends Approval.

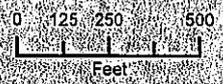


300' Radius



Subject Tract

**BZ-379**



02-17-13



APPLICATION FOR ZONING

CITY OF BIXBY

Bz-379 CZM

02-17-13

STR Atlas

PD

GENERAL LOCATION 121ST & MEMORIAL - SWL CORNER
REQUESTED ZONING CS PROPOSED USE COMMERCIAL
RECORD OWNER BILL J. RAMSEY TRUST PRESENT USE AG

LEGAL DESCRIPTION OF TRACT (ATTACH PLAT OF SURVEY IF METES AND BOUNDS):

SEE ATTACHED

Does Record Owner consent to the filing of this application? [X] YES [ ] NO
If Applicant is other than Owner, indicate interest: AGENT
Is subject tract located in 100 year floodplain? [ ] YES [X] NO

BILL ADVERTISING CHARGES TO: BILL RAMSEY TRUST
P.O. Box 40 Bixby, OK 74008
(Address) (City) (Name) (Phone)

I do hereby certify that the information submitted herein is complete, true and accurate:
Signature [Signature] Date: 3/19/2015
Address: 12820 S. MEMORIAL #100, Bixby, OK 74008 Phone: 918-394-3030

APPLICANT - DO NOT WRITE BELOW THIS LINE

P.H. Date 04/20/2015 Date Received 03/19/2015 Received By Enyart
PRESENT ZONING AG + CG RECEIPT NOS. 01237253

Table with columns: FEES, TYPE, ZONING, ACREAGE, BASE FEE, ADD., TOTAL. Includes handwritten values for sign/postage fees totaling \$250.00.

PC ACTION CITY ACTION
PROVISIONS
DATE/VOTE
STAFF REC.
ORD. NO. 57
PLAT NAME



Bill J. Ramsey Trust

The north half (N/2) of U.S. Government Lot 1, less the north 60 feet thereof, and less the South 235.5 of the West 295.5 feet.....and .....less the following: beginning 60 feet south of the northeast corner of Section 2; thence South 606.41 feet, thence West 100.31 feet; thence North 281.87 feet; thence West 180 feet; thence North 160 feet; thence East 19.3 feet; thence North 130.89 feet; thence East to the point of beginning in Section 2, T-17-N, R-13-East, Tulsa County, Oklahoma and containing 14.188 acres more or less.

No  
Image  
Available



Ken Yazel  
Tulsa County Assessor

Server Date 06-10-2008

Account Number 97302-73-02-00940

Inspection Date

Mailing Addr. RAMSEY, BILL J TRUSTEE OF THE  
BILL J RAMSEY TRUST  
PO BOX 40  
BIXBY OK 74008

Book/Page 05655-01766 GWD

Deed Date 09-08-94

Property Addr.

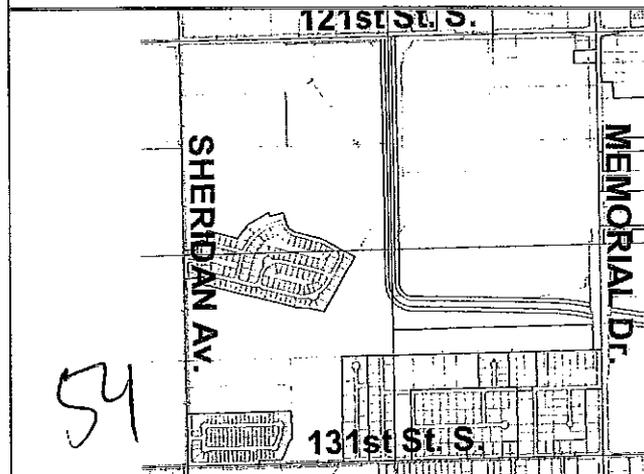
Subdivision

Legal Description

N/2 GOV LT 1 LESS N60 THEREOF & LESS S235.5 W295.5  
& LESS BEG 60S NEC NETH S606.41 W100.31 N281.87 W  
180 N160 E19.3 N130.89 E TO POB SEC 2 17 13 14.188  
ACS

No Sketch

Class Code	XV	Nbrhd	9006
Zone	AG	School Dist	BI-4B
Constr. Quality		Year Built	0
Living Area		Story Height	0
1st Floor		Exterior Wall	
2nd Floor		Air Cond	
3rd Floor		Roof Material	
Finished Bsmt		Fireplace	0
Balcony		Full Bath	0
Physical Cond		Half Bath	0
Porch 1			
Porch 2			
Garage 1			
Garage 2			
Pool			
Site Addn 1			
Site Addn 2			
Site Addn 3			
Site Addn 4			
Land Area	618116.40 Sq. Ft.		
Snd Land	\$ 2,990		
Snd Impr.	\$		
Total Snd	\$ 2,990		
Taxb Land	\$ 2,990		
Taxb Impr.	\$		
Total Taxb	\$ 2,990		
Asd Land	\$ 329		
Asd Impr.	\$		
Total Asd	\$ 329		
Homestead	0		
Dbl Homestead	0		
Freeze	N		





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

## STAFF REPORT

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner   
**Date:** Thursday, April 09, 2015  
**RE:** Report and Recommendations for:  
BZ-380 – JR Donelson for John C. Easton Trust & Easton Family, LP

**LOCATION:**

- 12300 S. Memorial Dr.
- Southwest corner of the intersection of 121<sup>st</sup> St. S. and Memorial Dr.
- Part of the S/2 of Government Lot 1 (NE/4 NE/4) of Section 02, T17N, R13E

**LOT SIZE:** 19 acres, more or less

**EXISTING ZONING:** CS Commercial Shopping Center District, OL Office Low Intensity District, & RS-3 Residential Single-Family District

**EXISTING USE:** The *Easton Sod* sales business and agricultural land

**REQUESTED ZONING:** CS Commercial Shopping Center District

**SUPPLEMENTAL ZONING:** Corridor Appearance District (partial)

**SURROUNDING ZONING AND LAND USE:**

**North:** AG, CS, & CG and (Across 121<sup>st</sup> St. S.) CS, CS/PUD 73, & CS/OL/PUD 51; The 14-acre agricultural Ramsey property zoned AG and CG, a 1.6-acre agricultural tract zoned CS, the *My Dentist Dental Clinic* zoned CS in Lot 1, Block 1, *Braums Addition*, and the *Pizza Hut* on unplatted land zoned CG. Farther north across 121<sup>st</sup> St. S. are commercial businesses and vacant platted lots in *Bixby Centennial Plaza*, the *Nowlin Orthodontics* and *The Eye Center South Tulsa* businesses zoned CS/PUD

73 in *Bixby Centennial Plaza II*, and to the northwest is an 11-acre agricultural/vacant tract zoned CS/OL/PUD 51.

South: CG, AG, CG/PUD 76, CG/PUD 83, & RM-3/PUD 70; Agricultural land zoned CG and AG; to the southwest is a 92-acre CG district with PUD 76 "Scenic Village Park" containing multiple land uses under various stages of development; farther south, across 126<sup>th</sup> St. S., is the 5-acre "River Trail II" commercial development zoned CG/PUD 83 and the 14-acre Encore on Memorial upscale multifamily development zoned RM-3/PUD 70.

East: (Across Memorial Dr.) CS, CS/RM-3/OL/PUD 81, CS/PUD 29A, OL/PUD 77, & RS-1; Across Memorial Dr. to the east is a roughly 12 ¼-acre CS district containing commercial development in *121st Center* and the *Spartan Self Storage* ministorage business on an unplatted 1-acre tract at 12113 S. Memorial Dr. and 23 acres containing a vacant, split-level house and vacant land zoned CS/RM-3/OL/PUD 81 "Chateau Villas PUD;" to the northeast is commercial in the *Town and Country Shopping Center*, including a planned *QuikTrip* store, all zoned CS; to the southeast are *The Boardwalk on Memorial* shopping center zoned CS/PUD 29A, behind which is underdeveloped land zoned OL with PUD 77 for "Byrnes Mini-Storages;" farther southeast is single-family residential zoned RS-1 in *Gre-Mac Acres*.

West: CS & CG/PUD 76; Agricultural land within the 92-acre CG district with PUD 76 "Scenic Village Park" containing multiple land uses under various stages of development.

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

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

BZ-135 – Eddie McLearn – Request for rezoning from AG to CS for subject property – Withdrawn by Applicant 03/21/1983.

BZ-139 – Eddie McLearn – Request for rezoning from AG to RM-2, OL, & CS for subject property – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. # 482).

BBOA-364 – AT&T (Curtis Branch) – Request for Special Exception to allow a 120' monopole communications tower on subject property – BOA Approved 02/05/2001.

PUD Requirement Waiver for Ramsey & Easton Properties – JR Donelson of JR Donelson, Inc. – Request for a Temporary Waiver of the PUD requirement of Zoning Code Section 11-5-2 for the subject property and the Ramsey property abutting to the north at the 12200-block of S. Memorial Dr. – City Council Approved 02/23/2015 subject to (1) requirement shall be restored prior to the development of the concerned property and (2) that (A) the temporarily suspended requirement, and (B) the requirement's design in furtherance of the City Council's express policy preferring retail uses, shall be disclosed to prospective buyers.

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

BZ-30 – Frank Moskowitz – Request for rezoning from AG to CS for the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E across Memorial Dr. to the northeast of subject property – PC on 01/27/1975 recommended CS for N. approx. 12.5 acres, OL for the S.

approx. 5 acres of the N. approx. 17.5 acres, and AG zoning to remain for the balance of the 20 acres. City Council approved as PC recommended 03/18/1975 (Ord. # 270).

BBOA-19 – Leroy Orcutt for Dr. John Mount – Request for Special Exception “under Section 1480.1b of the Zoning Code to allow continuation of the non-conforming use of a home as a residence while establishing a sign shop on the property...also an Interpretation of the Zoning Text, Appendix B, to determine what use unit a plastic magnetic sign shop would be placed in” for a 0.81-acre tract to the southeast of subject property at the 12400:12500-block of S. Memorial Dr. – BOA Approved Special Exception and voted to put the proposed use in Use Unit 11 06/17/1975.

BZ-38 – Leroy Orcutt for Dr. John Mount – Request for rezoning from RS-1 to CG for a 0.81-acre tract to the southeast of subject property at the 12400:12500-block of S. Memorial Dr. – PC Recommended Approval of OL zoning and to waive the platting requirement and not require dedication 05/19/1975 and Board of Trustees Approved OL zoning and waived the platting requirement (per case notes) 07/01/1975 (Ord. # 298).

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

BL-42 – William C. Kelley – Request for Lot-Split approval to approve the separation of the N. 224.75’ of the E. 260.75’ of this Section 02, T17N, R13E, to the north of subject property, into two (2) tracts as conveyed to *Pizza Hut* – PC Recommended Approval 06/26/1978, subject to deed restriction requiring their combined future conveyance, and City Council Conditionally Approved as per PC recommendation 07/11/1978.

BL-44 – J.W. “Rocky” Lewis for Pizza Hut, Inc. – Request for Lot-Split approval to approve the separation of the N. 224.75’ of the E. 260.75’ of this Section 02, T17N, R13E, to the north of subject property, into two (2) tracts as conveyed to *Pizza Hut* – Per 02/26/1979 PC Minutes it was Continued to the next meeting; per case notes, PC “Tabled indefinitely due to existing building being located on proposed split line” on 02/26/1979.

BL-45 – Milton Berry – Request for Lot-Split approval to separate the S. 200’ of the W. 210’ of the N. 825’ of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E (now the *Spartan Self Storage*) from the balance of the property, which balance was later platted as *121st Center*, all for 20 acres across Memorial Dr. to the northeast of subject property – PC Motion to Approve died for lack of a Second 02/26/1979; City Council Conditional Approval is suggested by case notes. Deeds recorded evidently without approval certificate stamps 05/23/1978, which would have preceded the Lot-Split application.

BBOA-75 – Jack Spradling for Pizza Hut of Oklahoma, Inc. – Request for Variance from bulk and area requirements in the CG district, regarding the N. 224.75’ of the E. 260.75’ of this Section 02, T17N, R13E to the north of subject property (related to Lot-Split) – BOA Denied 07/08/1980.

BZ-107 – John LaPlant for LaPco Investments, Ltd. – Request for rezoning from RS-1 to CG for approximately 5 acres to the southeast of subject property at the 12400:12500-block of S. Memorial Dr. and including what later became the *Mazzio’s* lot at 12505 S. Memorial Dr. – PC Recommended Approval of CS zoning for the W. approximately 2 ½ acres 05/26/1981 and City Council Approved CS zoning for the 2 ½ acres 06/01/1981 (Ord. # 429).

BL-78 – Christopher L. Coyle for Pizza Hut of Oklahoma, Inc. – Request for Lot-Split approval to separate into two (2) tracts the N. 224.75' of the E. 260.75' of this Section 02, T17N, R13E to the north of subject property – PC Denied 11/29/1982.

BBOA-111 – Christopher L. Coyle for Pizza Hut of Oklahoma, Inc. – Request for Variance from bulk and area requirements in the CG district, regarding the N. 224.75' of the E. 260.75' of this Section 02, T17N, R13E to the north of subject property, pursuant to Lot-Split application BL-78 – BOA Denied 12/13/1982.

BZ-130 – J. F. Langley, Jr. for Billy Joe Ramsey – Request for rezoning from AG to CS for that property later platted as *Braums Addition* to the north of subject property at 12106 S. Memorial Dr. – PC Recommended Approval 01/31/1983 and City Council Approved 02/07/1983 (Ord. # 473).

BL-79 – J. F. Langley, Jr. for Billy Joe Ramsey – Request for Lot-Split to separate the future *Braums Addition* land from the (now) 14-acre tract abutting subject property to the north – PC Recommended Approval subject to BZ-130 01/31/1983 and City Council presumably Approved in February, 1983.

Preliminary and Conditional Final Plat of Braums Addition – Request for Preliminary and Conditional Final Plat approval for *Braums Addition*, which may have separated same from the (now) 14-acre tract abutting subject property to the north, per ownership as listed on the plat – PC Conditionally Approved 02/28/1983 and City Council presumably Approved (Plat # 4351 recorded 05/26/1983).

BBOA-135 – Alan Hall of A. C. Hall & Associates, Surveying for Milton H. Berry – Request for Special Exception to allow a Use Unit 17 carwash development in the CS district for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E located to the east of subject property at 12113 S. Memorial Dr. – BOA Approved 11/13/1984 subject to platting (not developed as a carwash; ultimately developed as the *Spartan Self Storage*).

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for *121st Center* (across Memorial Dr. to the northeast of subject property) – PC Conditionally Approved 12/28/1987 (Council action not researched).

BBOA-199 – Spradling & Associates for Arkansas Valley Development Corporation – Request for Variance to reduce the minimum lot width/frontage in CS from 150' to 125' to permit platting the subject tract as *121st Center* (across Memorial Dr. to the northeast of subject property) – BOA Approved 01/11/1988.

Final Plat of 121st Center – Request for Final Plat approval for *121st Center* (across Memorial Dr. to the northeast of subject property) – PC Conditionally Approved 02/29/1988 and City Council Approved 07/11/1988 (per the plat approval certificate) (Plat # 4728 recorded 08/05/1988).

BZ-196 – Donna Saunders for Nuel/Noel Burns – Request for rezoning from AG to CG for an approximately 1.6-acre agricultural tract to the north of subject property at the 7700-block of E. 121<sup>st</sup> St. S. (then possibly addressed 7600 E. 121<sup>st</sup> St. S.) – PC Recommended Denial 01/21/1991 per notes on the application form. Lack of ordinance and other notes in the case file indicate it was either withdrawn, not appealed, or not finally approved by the City Council.

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area abutting subject property to the south in the 12300-block of S. Memorial Dr. (perhaps then addressed 12340 S. Memorial Dr.) – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

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BBOA-261 – Jack Spradling for Arkansas Valley Development Corporation – Request for Variance for Lot 5, Block 1, *121st Center* (across Memorial Dr. to the northeast of subject property), to reduce the minimum lot width/frontage in CS from 150’ to 0’ to permit a Lot-Split creating the E. 215’ of the S. 125’ of Lot 5, which tract is now the *Atlas General Contractors* office – BOA Conditionally Approved 02/01/1993 (Mutual Access Easement created to give access to 121<sup>st</sup> St. S.).

BBOA-300 – Tom Christopoulos – Request for Variance to the setback; an increase of the allowed maximum density; and a reduction of the parking standards of the RM-3 district (requested per BZ-212) for a multifamily development for the S. 200’ of the W. 210’ of the N. 825’ of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E across Memorial Dr. to the east of subject property at 12113 S. Memorial Dr. – BOA Conditionally Approved 07/03/1995 (not developed as multifamily; ultimately developed as the *Spartan Self Storage*).

BZ-212 – Tom Christopoulos – Request for rezoning from CS to RM-3 for a multifamily development for the S. 200’ of the W. 210’ of the N. 825’ of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E across Memorial Dr. to the east of subject property at 12113 S. Memorial Dr. – PC Recommended Approval 06/05/1995 and City Council Denied 07/10/1995 (not developed as multifamily; ultimately developed as the *Spartan Self Storage*).

BBOA-335 – Tom Christopoulos – Request for Special Exception to allow a ministorage development in the CS district for the S. 200’ of the W. 210’ of the N. 825’ of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E to the east of subject property at 12113 S. Memorial Dr. – BOA Approved 12/01/1997 (now the *Spartan Self Storage*).

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 abutting subject property to the west and south – BOA Conditionally Approved 04/02/2001 (not since built).

PUD 31 – Bricktown Square – Request for rezoning and PUD approval for a commercial development, including redistributing underlying CS, OL, and RS-1 boundaries, for approximately 4 ½ acres to the southeast of subject property at 12409 S. Memorial Dr. – PC Recommended Approval 10/20/2003 and City Council Approved 11/10/2003 (Ord. # 915).

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, located across 121<sup>st</sup> St. S. to the north of the subject property, which 73 acres became *Bixby Centennial Plaza* and *Fox Hollow* and an unplatted 11-acre tract later approved for PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on November 19, 2001 and Approved by City Council December 10, 2001 (Ord. # 842).

PUD 29 – The Boardwalk on Memorial – Part of future Lot 1, Block 1, *The Boardwalk on Memorial* and Lots 1 and 2, Block 1, *Gre-Mac Acres* requested for rezoning and PUD approval – for property to the southeast of subject property at 12345 S. Memorial Dr.– PC Recommended Approval 05/20/2002 and City Council Approved PUD 29 and CS zoning for *Gre-Mac Acres* Lot 1 and OL zoning for Lot 2 06/10/2002 (Ordinance # 850, evidently dated 06/11/2001 in error).

PUD 29A – The Boardwalk on Memorial – Request for Major Amendment to PUD 29 (abutting subject property to south), known as PUD 29A, which expanded the original PUD and underlying CS zoning to an unplatted area to the north of Lots 1 and 2, Block 1, *Gre-*

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*Mac Acres*, and rezoned Development Area B to AG for "open space" – PC Recommended Approval 03/17/2003 and City Council Approved 04/28/2003 (Ordinance # 867).

Preliminary Plat of The Boardwalk on Memorial – Request for Preliminary Plat approval for property to the southeast of subject property at 12345 S. Memorial Dr. – Recommended for Approval by PC 04/21/2003 and Approved by City Council 04/28/2003.

Final Plat of The Boardwalk on Memorial – Request for Final Plat approval for property to the southeast of subject property at 12345 S. Memorial Dr. – Recommended for Approval by PC 05/19/2003 and Approved by City Council 05/27/2003 (Plat # 5717 recorded 08/19/2003).

"Minor Amendment PUD 29b to PUD 29, 29a" – Request for Planning Commission approval of the first Minor Amendment to PUD 29A (could have been called "Minor Amendment # 1) for property to the southeast of subject property at 12345 S. Memorial Dr. to south to approve a drive through bank window on the south side of the building for *Grand Bank* – PC Approved 02/22/2005.

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 abutting subject property to the west and south. 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 abutting subject property to the west and south – 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.

Preliminary Plat of Bixby Centennial Plaza – Request for Preliminary Plat approval for the 40-acre *Bixby Centennial Plaza* to the north of subject property across 121<sup>st</sup> St. S. – PC Approved 07/17/2006 and City Council Approved 07/24/2006.

BZ-317 – Sack & Associates, Inc. for Martha Roberts et al. – Request for rezoning from OL to CS for part of an unplatted 11-acre tract located across 121<sup>st</sup> St. S. to the northwest of the subject property – PC Action 08/21/2006: Motion to Approve failed for lack of a Second, and Chair declared the item "denied by virtue of there being no second to the motion." See PUD 51.

PUD 51 – [No Name] – [Sack & Associates, Inc.] – Request to approve PUD 51 and a partial rezoning from OL to CS for an unplatted 11-acre tract located across 121<sup>st</sup> St. S. to the northwest of the subject property – No application submitted, but prepared by Sack & Associates, Inc. in support of the CS and OL zoning proposed per BZ-317 – PC recommended Approval 10/02/2006 and City Council Approved 10/23/2006 (Ord. # 951/951A).

Final Plat of Bixby Centennial Plaza – Request for Final Plat approval for the 40-acre *Bixby Centennial Plaza* to the north of subject property across 121<sup>st</sup> St. S. – PC Approved 10/16/2006 and City Council Approved 10/23/2006 (plat recorded 04/04/2007).

"PUD 29A Minor Amendment # 1 [2]" – Second request for Minor Amendment to PUD 29A to (1) Remove restrictions from east-facing signs and (2) Increase maximum display surface area for wall signs from 2 square feet per lineal foot of building wall to 3 square feet per lineal foot of building wall as permitted by the Zoning Code for property to the southeast of subject property at 12345 S. Memorial Dr. – Planning Commission Conditionally Approved 11/19/2007. Should have been called "Minor Amendment # 2."

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BCPA-3, PUD 68, & BZ-341 – North Bixby Commerce Park – Lou Reynolds for Alvis Houser – Request to amend the Comprehensive Plan to redesignate property (in part) “Medium Intensity,” rezone from AG to CS and OL, and approve PUD 68 for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121<sup>st</sup> St. S. – PC voted 2 in favor and 3 opposed on a Motion to approve the development on 04/20/2009. On 04/27/2009, on appeal, the City Council reversed the Planning Commission’s action. On 06/08/2009, the City Council denied the ordinance which would have approved the rezoning, PUD, and Comprehensive Plan amendment, on the City Attorney’s advice regarding certain language in the ordinance, and called for the developer to proceed “under existing ordinances.” On 06/22/2009, the City Council Approved, by Ordinance # 2030, all three (3) applications as submitted, and with no Conditions of Approval.

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 Knopp family property of approximately 140 acres abutting subject property to the west and south – 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 29A Minor Amendment # 3 – Request for Minor Amendments to PUD 29A to remove Development Area B from the PUD – Planning Commission Continued the application from the January 19, 2010 meeting to the February 16, 2010 meeting. The submission of PUD 29A Major Amendment # 1 in lieu of this application was recognized as the Withdrawal of this application.

BL-373 – William Wilson for Boardwalk on Memorial I., LP – Request for Lot-Split approval to separate the east approximately 472’ from the balance of the property, located to the southeast of subject property at 12345 S. Memorial Dr. – PC Approved 02/16/2010.

PUD 29A Major Amendment # 1 – Request for Major Amendments to PUD 29A to relax Zoning Code bulk and area requirements for Development Area B to allow for Lot-Split per BL-373, which Development Area B was required to be legally attached to lots having the minimum required amount of public street frontage – PC Recommended Approval 02/16/2010 and City Council Approved 03/08/2010 (Ord. # 2033).

Preliminary Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121<sup>st</sup> St. S. – PC recommended Conditional Approval 03/15/2010 and City Council Conditionally Approved 03/22/2010.

Final Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Final Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121<sup>st</sup> St. S. – PC recommended Conditional Approval 05/17/2010 and City Council Conditionally Approved 05/24/2010. City Council approved a revised Final Plat 09/13/2010.

BSP 2010-01 – North Bixby Commerce Park – RK & Associates, PLC / McCool and Associates, P.C. (PUD 68) – Request for approval of a PUD Detailed Site Plan for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121<sup>st</sup> St. S. – PC Conditionally Approved 07/19/2010.

BSP 2010-03 – Encore on Memorial – Khoury Engineering, Inc. (PUD 70) – Request for Detailed Site Plan approval for a multifamily development on 14 acres to the south of subject property – PC Conditionally Approved 07/19/2010.

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the south of subject property – PC recommended Conditional Approval 07/19/2010 and City Council Conditionally Approved 07/26/2010.

Final Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the south of subject property – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (Plat # 6380 recorded 04/12/2011).

AC-11-01-01 – “My Dentist Dental Clinic” – Sam Gresham Architect – Request for approval of a Detailed Site Plan for “My Dentist Dental Clinic” for Lot 1, Block 1, *Braums Addition* to the north of subject property at 12106 S. Memorial Dr. – PC Conditionally Approved 01/25/2011.

BZ-355 – Town & Country Real Estate Co. – Request for rezoning from AG to CS for an approximately 1.6-acre agricultural tract to the north of subject property at the 7700-block of E. 121<sup>st</sup> St. S. – PC Recommended Denial 03/19/2012 and City Council Approved 03/26/2012 (Ord. # 2077).

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 92 acres acquired from the Knopp family acreage abutting subject property to the west and south – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting.

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 92 acres acquired from the Knopp family acreage abutting subject property to the west and south – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove in part the Residential Area specific land use

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designation, rezone in part from AG to OL, and approve PUD 77 for a ministorage development on property to the southeast of subject property at 12355 & 12365 S. Memorial Dr. and 12404 S. 85<sup>th</sup> E. Pl. – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. City Council approved ordinance effecting approval of all three (3) 02/24/2014 (Ord. # 2127).

Final Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres of the 92-acre PUD 76 abutting subject property to the west and south – 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 abutting subject property to the west and south – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013. The Ordinance Second Reading and Approval and Emergency Clause attachment items, having been on various City Council agendas in various forms since 10/14/2013, the City Council approved on 11/12/2013 (Ord. # 2123).

PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for southerly 70 acres of PUD 76 abutting subject property to the west and south – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant’s letter dated 10/18/2013.

PUD 81 & BZ-368 – Chateau Villas PUD – AAB Engineering, LLC – Request for rezoning from CS, OL, and AG to CS and RM-3 and to approve PUD 81 for a Use Unit 8 multifamily residential and commercial development for 23 acres to the east of subject property at 12303 S. Memorial Dr. and the 8300-block of E. 121<sup>st</sup> St. S. – PC recommended Conditional Approval, with a modified zoning schedule including OL zoning, 11/18/2013 and City Council Conditionally Approved, as modified, the applications 11/25/2013 and Conditionally Approved same by ordinance (Ord. # 2126) 02/24/2014.

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 land abutting subject property to the west – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

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* to the west of subject property – PC Conditionally Approved at a Special/Called Meeting 01/23/2014.

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 west – PC recommended Conditional Approval at a Special/Called Meeting 01/23/2014 and City Council Conditionally Approved 01/27/2014.

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* to the west of subject property – PC Conditionally Approved 02/18/2014.

PUD 70 "Encore on Memorial" Major Amendment # 1 – Khoury Engineering, Inc. – Request for approval of Major Amendment # 1 to PUD 70 for 15 acres to the south of subject property to allow a Use Unit 21 sign within the Development Area B right-of-way for 126<sup>th</sup> St. S., provide development standards for same, and make certain other amendments – PC recommended Approval 02/18/2014 and City Council Approved 02/24/2014 (Ord. # 2130).

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 for approximately 5 acres located to the south of 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 approximately 5 acres located to the south of 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).

Preliminary Plat of "Byrnes Mini-Storages" – JR Donelson, Inc. – Request for approval of a Preliminary Plat for property to the southeast of subject property at 12355 & 12365 S. Memorial Dr. and 12404 S. 85<sup>th</sup> E. Pl. – PC (03/17/2014) recommended Conditional Approval by 2:1:1 vote. Per the City Attorney, the Abstention vote does not count, so the vote was recognized as 2:1 and the Motion passed with a simple majority. City Council Conditionally Approved 05/12/2014.

PUD 31-A – "Bricktown Square" – Major Amendment # 1 – Request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 31 for approximately 4 ½ acres to the southeast of subject property at 12409 S. Memorial Dr. – PC recommended Conditional Approval 05/19/2014 and City Council Conditionally Approved as recommended by PC 05/27/2014 (Ord. # 2134)

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; abutting subject property to the west) to allow for *AEP-PSO* electric service provision to the "Quail Creek" developments – City Council accepted 09/22/2014.

Preliminary Plat of "Bricktown Square" – Sisemore Weisz & Associates, Inc. (PUD 31-A) – Request for approval of a Preliminary Plat of "Bricktown Square" for approximately 4 ½ acres to the southeast of subject property at 12409 S. Memorial Dr. – Applicant "temporarily suspended" application 10/07/2014; applications allowed to be returned to the Planning Commission agenda no later than one (1) year after the date the application was submitted and with at least three (3) weeks notice prior to the requested agenda date.

PUD 31-A – "Bricktown Square" – Minor Amendment # 1 – Request for approval of Minor Amendment # 1 to PUD 31-A for approximately 4 ½ acres to the southeast of subject

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property at 12409 S. Memorial Dr. – Applicant “temporarily suspended” application 10/07/2014; applications allowed to be returned to the Planning Commission agenda no later than one (1) year after the date the application was submitted and with at least three (3) weeks notice prior to the requested agenda date.

Amendment of Plat of Scenic Village Park – Request for approval of an Amendment of the plat of *Scenic Village Park* as pertains to Utility Easement dedication provisions affecting Lot 1, Block 3 thereof to the northwest of subject property – PC unanimously Denied 01/20/2015.

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 property to the northeast of subject property at 12037 S. Memorial Dr. – City Council Conditionally Approved 02/09/2015.

BL-397 – Mike Ward on behalf of QuikTrip Corporation for T C 94, LP – Request for Lot-Split approval for property to the northeast of subject property at 12037 S. Memorial Dr. – Planning Commission Approved 02/17/2015.

PUD 81 – “Chateau Villas PUD” – Major Amendment # 1 – Larry Kester of Architects Collective – Request for approval of Major Amendment # 1 to PUD 81 for a Use Unit 8 multifamily residential and commercial development for 23 acres to the east of subject property at 12303 S. Memorial Dr. and the 8300-block of E. 121<sup>st</sup> St. S. – PC recommended Conditional Approval 03/25/2015; Pending City Council consideration in April and/or May, 2015.

BSP 2015-04 – “Chateau Villas” – Larry Kester of Architects Collective (PUD 81) – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for 23 acres to the east of subject property at 12303 S. Memorial Dr. and the 8300-block of E. 121<sup>st</sup> St. S. – Pending PC consideration 04/20/2015.

BZ-379 – JR Donelson for Bill J. Ramsey Trust – Request for rezoning from AG and CG to CS for commercial use for 14 acres abutting subject property to the north at the 12200-block of S. Memorial Dr. – PC consideration pending 04/20/2015.

#### BACKGROUND INFORMATION:

#### ANALYSIS:

Subject Property Conditions. The subject property of approximately 19 acres is zoned CS, OL, and RS-3. The front/easterly portion of the subject property contains the *Easton Sod* sales lot and the balance is agricultural in use. It has approximately 668.67’ of frontage on Memorial Dr.

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

The subject property is relatively flat, and appears to drain to the southwest and east to Memorial Dr. However, with the recent installation of the stormsewerline along 121<sup>st</sup> St. S., the property will be one of those eligible, upon development, to “pipe” part of its stormwater to the west to Fry Creek Ditch # 2 with payment of fee-in-lieu, and not be subject to a requirement to construct onsite stormwater detention for that part so conveyed.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity (2) Commercial Area/Vacant, Agricultural, Rural Residences, and Open Land, and (3) Corridor.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the requested CS district is *In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map. Also per the Matrix, for that part of the subject property along Memorial Dr. so designated, the requested CS district is *In Accordance* with the Medium Intensity designation of the Land Use Map.

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

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

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

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

For that part of the subject property along Memorial Dr. so designated, the requested CS district should be found *In Accordance* with the Commercial Area designation of the Land Use Map.

The Matrix does not indicate whether or not the requested CS 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.

Therefore, Staff believes that the requested CS district is *In Accordance* with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily CS, CG, OL, RM-3, RM-1, RS-3, RS-1, and AG, all as depicted on the case map and as described in further detail in the paragraphs that follow.

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Abutting to the north is the 14-acre agricultural Ramsey property zoned AG and CG. However, this property is subject to rezoning to CS pursuant to BZ-379. Beyond this property are an approximately 1.6-acre agricultural tract zoned CS, the *My Dentist Dental Clinic* zoned CS in Lot 1, Block 1, *Braums Addition*, and the *Pizza Hut* on unplatted land zoned CG. Farther north across 121<sup>st</sup> St. S. are commercial businesses and vacant platted lots in *Bixby Centennial Plaza* and the *Nowlin Orthodontics* and *The Eye Center South Tulsa* businesses zoned CS/PUD 73 in *Bixby Centennial Plaza II*, and to the northwest is an 11-acre agricultural/vacant tract zoned CS/OL/PUD 51.

To the south is agricultural land zoned AG and CG. However, this property is subject to rezoning to CS pursuant to BZ-380. To the southwest is a 92-acre CG district with PUD 76 "Scenic Village Park" containing multiple land uses under various stages of development. Farther south, across 126<sup>th</sup> St. S., is the 5-acre "River Trail II" commercial development zoned CG/PUD 83 and the 14-acre Encore on Memorial upscale multifamily development zoned RM-3/PUD 70.

Abutting to the west are 92 acres of former agricultural land now zoned CG with PUD 76 "Scenic Village Park," containing multiple land uses under various stages of development.

Finally, across Memorial Dr. to the east is a roughly 12 ¾-acre CS district containing commercial development in *121st Center* and the *Spartan Self Storage* ministorage business on an unplatted 1-acre tract at 12113 S. Memorial Dr. and 23 acres containing a vacant, split-level house and vacant land zoned CS/RM-3/OL/PUD 81 "Chateau Villas PUD." To the northeast is commercial in the *Town and Country Shopping Center*, including a planned *QuikTrip* store, all zoned CS. To the southeast are *The Boardwalk on Memorial* shopping center zoned CS/PUD 29A, behind which is underdeveloped land zoned OL with PUD 77 for "Byrnes Mini-Storages." Farther southeast is single-family residential zoned RS-1 in *Gre-Mac Acres*.

The subject property and the 14-acre tract requested for rezoning to CS per BZ-379 are surrounded on nearly all sides by CS and CG zoning. Seen from the proper scale, the two (2) properties appear as a "hole" in the expansive commercial district centered at the increasingly busy intersection of 121<sup>st</sup> St. S. and Memorial Dr. The requested CS zoning would be a logical extension, even completion, of the existing, established CS zoning district abutting to the northwest, north, northeast, east, and southeast, and would be compatible with the CS and CG zoning to the west and south and existing use and future uses anticipated by surrounding zoning patterns.

Per the Comprehensive Plan, all the land between Fry Creek Ditch # 1 and # 2 and 121<sup>st</sup> St. S. and Memorial Dr., including the subject property, approximately 180 acres in all, is planned for Corridor-intensity development, which provides that all of the available Zoning districts are either *In Accordance* or *May Be Found In Accordance* with the Comprehensive Plan. This 180-acre area is anticipated to be developed intensively, as it is in a prime location, is one of the last, exceptionally large undeveloped acreages in all of South Tulsa County north of the Arkansas River, has all the necessary utilities, has Memorial Dr. frontage and improved access by the widened 121<sup>st</sup> St. S., and is out of the 100-year Floodplain. Indeed, intensive development is occurring, as described more fully in the paragraphs that follow.

Circa 2005, 121<sup>st</sup> St. S. between Sheridan Rd. and Memorial Dr. was widened to a 4-lane major street with a 5<sup>th</sup>, dedicated turning lane in the center, consistent with its designation on the Tulsa City-County Major Street and Highway Plan (MHSP) and Bixby Comprehensive Plan as a Primary Arterial. This infrastructure improvement has further enabled the intensive development of this 1-mile major street corridor.

It appears that, with the exception of the approximately 320' of frontage on 121<sup>st</sup> St. S. belonging to *Fox Hollow*, and the 330' of frontage on 121<sup>st</sup> St. S. belonging to the pending PUD 82 "Somerset" housing addition development, all of the private land along 121<sup>st</sup> St. S. between Sheridan Rd. and Memorial Dr. has, or is planned or expected to develop/redevelop with intense uses.

In a trend accelerating since the street widening, the 121<sup>st</sup> St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The Bixby North Elementary school is located on a 23-acre campus at 7101 E. 121<sup>st</sup> St. S., and west of that is the Bixby North 5<sup>th</sup> and 6<sup>th</sup> Grade Center on a 10-acre campus and the *LifeChurch* 4.4-acre facility. The recently demolished *Three Oaks Smoke Shop* was located on a 2-acre tract at 7060 E. 121<sup>st</sup> St. S. (its future use is not known), and most of the balance of the land to the west along the south side of 121<sup>st</sup> St. S. has been zoned CS with PUD 53 and platted in *WoodMere* for commercial use and office buildings. Per discussions with its owner, triangularly-shaped parcel between the former *Smoke Shop* and commercial lots in *WoodMere* should be expected to develop nonresidentially. An 11-acre Plummer Partners, LLC tract at the 7500-block of E. 121<sup>st</sup> St. S. was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre *Bixby Centennial Plaza* at the northwest corner of 121<sup>st</sup> St. S. and Memorial Dr. was approved for CS zoning, in 2001, and for commercial development by the plat of *Bixby Centennial Plaza* in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121<sup>st</sup> St. S. (possibly previously addressed 7600 E. 121<sup>st</sup> St. S.) was rezoned to CS in March of 2012. The 92-acre PUD 76 "Scenic Village Park" was approved with CG zoning in 2013, and the features the 80-unit "Covenant Place of Tulsa" assisted living facility under construction now at 7300 E. 121<sup>st</sup> Pl. S., with 38 units in a future expansion already planned. That 92-acre PUD also contains commercial frontage lots platted with *Scenic Village Park* in 2013, and will contain future commercial use(s) pursuant to the Preliminary Plat of "Quail Creek Office Park" Conditionally Approved in 2014 and the commercially-oriented Development Area H. Finally, commercial uses are now under development in the 5-acre PUD 83 *River Trail II* development approved in 2014 at the southwest corner of 126<sup>th</sup> St. S. and Memorial Dr.

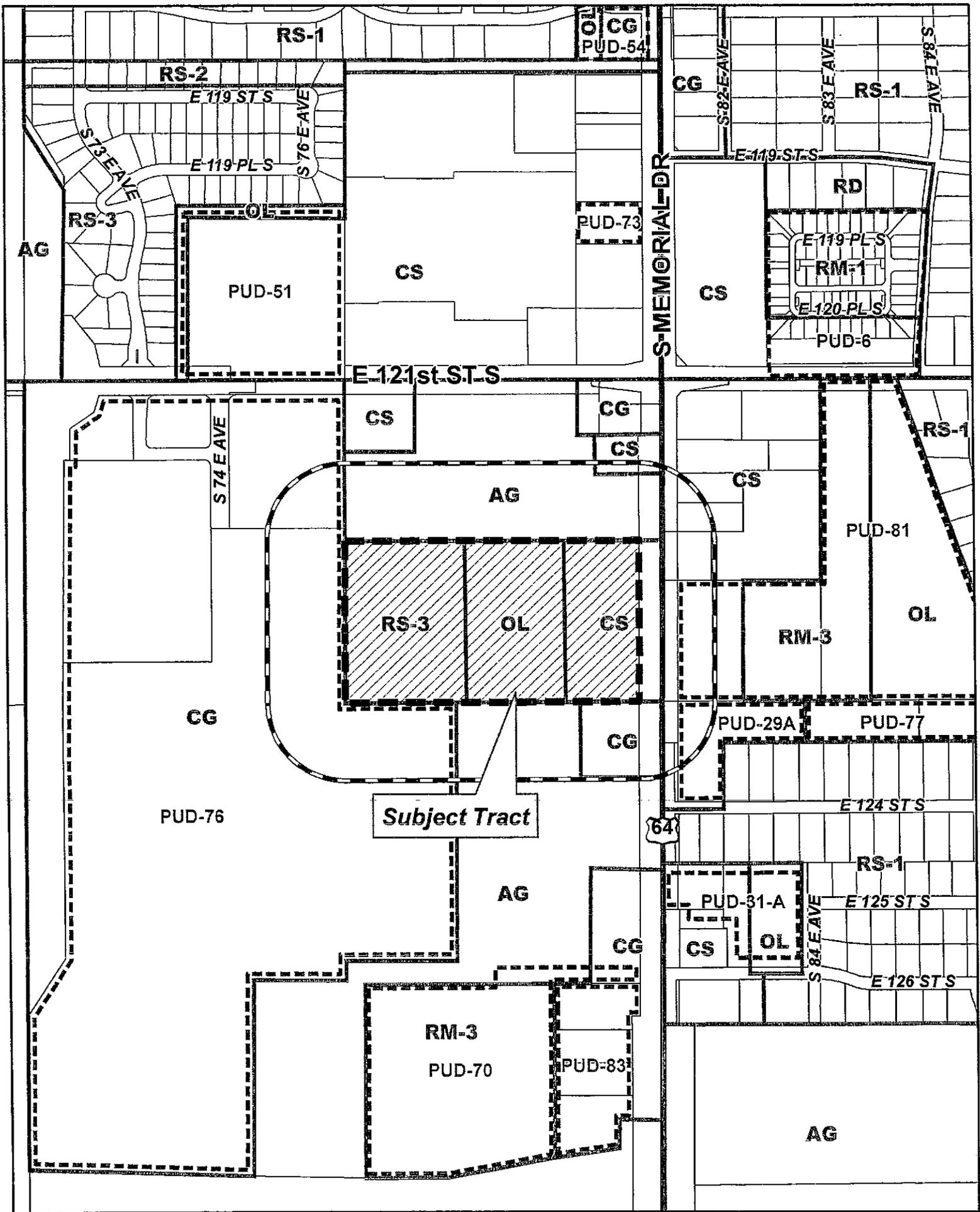
Further enhancing the development potential of this 180-acre area will be the construction of the 74<sup>th</sup> E. Ave. / 126<sup>th</sup> St. S. Collector Street system developed as a part of PUD 76. In addition to serving the proposed "Quail Creek of Bixby" and "Quail Creek Villas of Bixby" housing additions interior to the 180 acres, it will additionally serve more commercially-oriented development areas closer to Memorial Dr. and 121<sup>st</sup> St. S. Further enhancing still will be the recent installation of the stormsewerline along 121<sup>st</sup> St. S., which will enable eligible properties along 121<sup>st</sup> St. S., upon development, to "pipe" stormwater to the west to Fry Creek Ditch # 2 with payment of fee-in-lieu, and not be subject to a requirement to construct onsite stormwater detention for that part so conveyed.

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The surrounding zoning and land use patterns, recent rezoning and development trends, and the available infrastructure and other physical facts of the area all appear to support the requested rezoning to CS, but care should be taken to ensure compatibility, consistency, and overall development quality.

Whether residential or nonresidential, the City of Bixby has observed that better development outcomes result when properties develop by PUD. PUDs typically secure better planning and site design and afford the community the ability to provide more input into the design, minimum construction standards, and development amenities. Importantly, PUDs help the City achieve its goals and objectives as outlined in the Comprehensive Plan. As recommended by Staff, on February 23, 2015, the City Council temporarily Waived the PUD requirement Zoning Code Section 11-5-2 for Ramsey and Easton properties concerned by BZ-379 and BZ-380, subject to (1) requirement shall be restored prior to the development of the concerned property and (2) that (A) the temporarily suspended requirement, and (B) the requirement's design in furtherance of the City Council's express policy preferring retail uses, shall be disclosed to prospective buyers. Therefore, ultimately, the City will receive PUD application(s) for these properties, designed by the then developers who will be in the position to make specific design changes as the City may request.

Staff Recommendation. For the reasons outlined above, Staff recommends Approval.



300' Radius



Subject Tract

**BZ-380**



02-17-13



# APPLICATION FOR ZONING

CITY OF BIXBY

BZ. 380 CZM. \_\_\_\_\_

02-17-13

STR. \_\_\_\_\_ Atlas \_\_\_\_\_

PD \_\_\_\_\_

GENERAL LOCATION 121st MEMORIAL - SW CORNER

REQUESTED ZONING CS

RECORD OWNER John C. EASTON TRUST & EASTON FAMILY LP PROPOSED USE COMMERCIAL

PRESENT USE AG

LEGAL DESCRIPTION OF TRACT (ATTACH PLAT OF SURVEY IF METES AND BOUNDS):

SEE ATTACHED

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

If Applicant is other than Owner, indicate interest: AGENT

Is subject tract located in 100 year floodplain?  YES  NO

BILL ADVERTISING CHARGES TO: JOHN EASTON

P.O. Box 1041, Bixby, OK 74008 (Name) \_\_\_\_\_  
(Address) \_\_\_\_\_ (City) \_\_\_\_\_ (Phone) \_\_\_\_\_

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

Signature [Signature] Date: 3/19/2015

Address: 12820 S. MEMORIAL DR, #100 Bixby, OK Phone: 918-394-3030

APPLICANT - DO NOT WRITE BELOW THIS LINE

P.H. Date 04/20/2015 Date Received 03/14/2015 Received By Enya

PRESENT ZONING CS, OL, RS-3 RECEIPT NOS. 01237751

FEE TYPE	ZONING	ACREAGE	BASE FEE	ADD.	TOTAL
L M H MP					\$240.00

1 Sign(s) at \$50.00 each = \$50.00 Postage \_\_\_\_\_ \$50.00 Total Sign/postage \$290.00

PC ACTION \_\_\_\_\_  
PROVISIONS \_\_\_\_\_  
DATE/VOTE \_\_\_\_\_  
STAFF REC. \_\_\_\_\_

CITY ACTION \_\_\_\_\_  
PROVISIONS \_\_\_\_\_  
DATE/VOTE \_\_\_\_\_  
ORD. NO. \_\_\_\_\_  
PLAT NAME \_\_\_\_\_

71

**No  
Image  
Available**



**Ken Yazel  
Tulsa County Assessor**

**Server Date 06-10-2008**

Account Number 97302-73-02-02840

Inspection Date

Mailing Addr. EASTON, JOHN C TRUSTEE  
JOHN C EASTON TR &  
EASTON FAMILY LP  
PO BOX 1041  
BIXBY OK 74008

Book/Page 07136-00703 GWD Deed Date 09-22-03

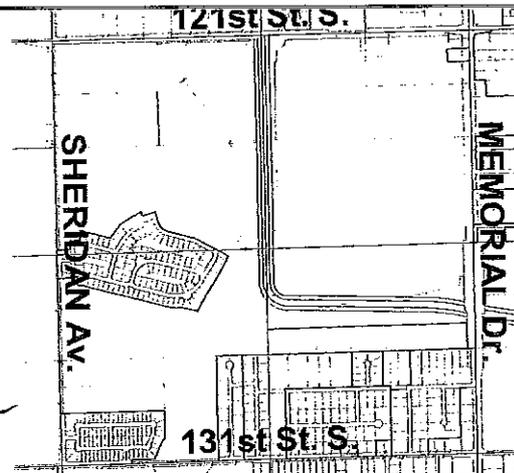
Property Addr.

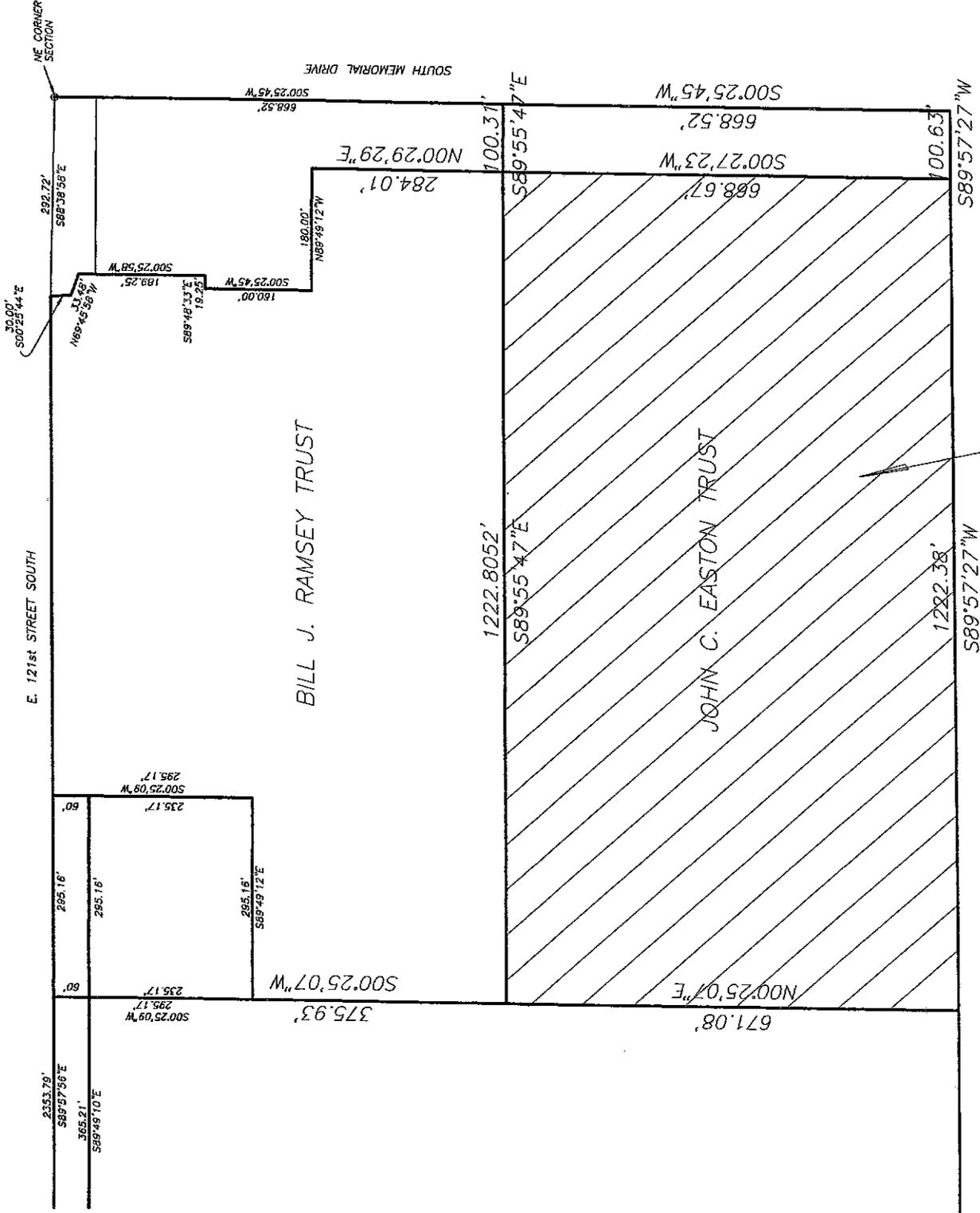
Subdivision

Legal Description  
S/2 GOV LT 1 LESS BEG SECR GOV LT 1 TH W100.63 N66  
2.62 E100.31 S666.49 POB SEC 2 17 13 18.716AC

No Sketch

Class Code	XL	Nbrhd	9006
Zone	AG	School Dist	BI-4B
Constr. Quality		Year Built	0
Living Area		Story Height	0
1st Floor		Exterior Wall	
2nd Floor		Air Cond	
3rd Floor		Roof Material	
Finished Bsmt		Fireplace	0
Balcony		Full Bath	0
Physical Cond		Half Bath	0
Porch 1			
Porch 2			
Garage 1			
Garage 2			
Pool			
Site Addn 1			
Site Addn 2			
Site Addn 3			
Site Addn 4			
Land Area	815007.60 Sq. Ft.		
Snd Land	\$ 6,000		
Snd Impr.	\$ 25,700		
Total Snd	\$ 31,700		
Taxb Land	\$ 6,000		
Taxb Impr.	\$ 25,700		
Total Taxb	\$ 31,700		
Asd Land	\$ 660		
Asd Impr.	\$ 2,827		
Total Asd	\$ 3,487		
Homestead	0		
Dbf Homestead	0		
Freeze	N		





JR DONELSON, INC.  
 12820 SO. MEMORIAL DR., OFFICE 100  
 BIXBY, OKLAHOMA 74008  
 918-394-3030  
 EMAIL: JRDON@TULSACOMMAIL.COM

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John C Easton Trust & Easton Family LP  
Property Description

The South Half (S/2) of Government Lot 1, less the following: Beginning at the Southeast Corner of Government Lot 1, thence West 100.63 feet; thence North 662.62 feet; thence East 100.31 feet; thence 666.49 feet to the point of beginning in Section 2, T-17-N, R-13-E, Tulsa County, Oklahoma and containing 18.716 acres more or less.



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

## STAFF REPORT

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner   
**Date:** Tuesday, April 14, 2015  
**RE:** Report and Recommendations for:  
PUD 87 – “Shadow Valley” – Khoury Engineering, Inc. &  
BZ-381 – Khoury Engineering, Inc.

**LOCATION:** – 7500 E. 151<sup>st</sup> St. S.  
– All of *Shadow Valley Mobile Home Park* and part of the W/2 of the NE/4 of the NW/4 and part of the W/2 of the E/2 of the NE/4 of the NW/4 of Section 23, T17N, R13E

**SIZE:** 21.1 acres, more or less

**EXISTING ZONING:** RMH Residential Manufactured Home Park District

**EXISTING USE:** *Shadow Valley Manufactured Home Community*

**REQUESTED ZONING:** RM-3 Residential Multi-Family District & PUD 87

**SUPPLEMENTAL ZONING:** Corridor Appearance District (partial)

**SURROUNDING ZONING AND LAND USE:**

**North:** (Across 151<sup>st</sup> St. S.) AG; An approximately 150-acre tract of vacant/wooded and agricultural land. Across 151<sup>st</sup> St. S. to the northwest is rural residential along 68<sup>th</sup> E. Ave. and 149<sup>th</sup> / 148<sup>th</sup> St. S. in an unplatted subdivision possibly known as “Abbett Acres” zoned AG.

**South:** AG & RS-3/PUD 85; 136.48 acres of agricultural and vacant/wooded land zoned RS-3/PUD 85 “Conrad Farms” and agricultural land to the southwest along Sheridan Rd. zoned AG.

East: AG, CG, & IL; The northerly, AG-zoned portion of an approximately 125.5-acre parcel of land containing 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. 151<sup>st</sup> St. S., and approximately seven (7) on-site labor houses, and a 3.7-acre rural residential and agricultural tract belonging to the Conrad family zoned AG. East and southeast is Bixby Creek and its attendant easements and rights-of-way primarily zoned AG. Farther east are commercial and industrial uses in *Bixby Industrial Park* zoned CG and IL.

West: CH, IL, CS, and AG; 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. 151<sup>st</sup> St. S., another nonresidential building (former location of the *Living Water Family Church*) at 7102 E. 151<sup>st</sup> St. S., and the *Bixby Chiropractic* at 7100 E. 151<sup>st</sup> 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 + Residential Area + Corridor + Community Trails

PREVIOUS/RELATED CASES:

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

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

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

BL-107 – Jerry Green – Request for Lot-Split approval to separate approximately 4.8 acres into (1) a 1 acre tract with a house and (2) the (now) 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151<sup>st</sup> St. S. – PC Approved 10/28/1985 and City Council Approved 11/12/1985 per case notes.

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

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

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

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

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

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

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

AC-05-01-01 – Commercial buildings for the 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151<sup>st</sup> St. S. – Architectural Committee Approved 01/27/2005.

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

AC-07-08-06 – Architectural Committee (08/20/2007) reviewed the building plans for a proposed new building for the 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151<sup>st</sup> St. S. and Continued the case pending the resolution of Zoning issues. AC took no action on 09/17/2007 due to discovery of lack of jurisdiction (building not within 300’ Corridor Appearance District).

BBOA-460 – JR Donelson for Oman Guthrie – Request for Special Exception per Zoning Code Section 11-11-8 for an alternative compliance plan to parking and screening requirements in the CH Commercial High Intensity District for the 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151<sup>st</sup> St. S. – BOA Approved 10/01/2007.

BZ-335 – JR Donelson for Oman Guthrie – request for rezoning from IL to CH for the 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151<sup>st</sup> St. S. – PC Recommended Approval 10/15/2007 and City Council Approved 11/12/2007 (Ord. # 982).

BLPAC-1 – JR Donelson for Oman Guthrie – Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D for the 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151<sup>st</sup> St. S. – PC Conditionally Approved 11/19/2007.

BCPA-8, PUD 75 "LeAnn Acres," & BZ-359 – JR Donelson, Inc. / Roger & LeAnn Metcalf – request to (1) amend the Comprehensive Plan Land Use Map to redesignate those parts of the property presently designated "Low Intensity" and/or "Special District # 4" to "Medium Intensity" and remove the "Special District # 4" designation, (2) rezone from AG to RM-2, and (3) approve PUD 75 for a multifamily development on approximately 25 acres abutting the subject property to the west at 15329 S. Sheridan Rd. – PC Recommended Conditional Approval 01/21/2013 and City Council Conditionally Approved 01/28/2013. However, ordinance not approved because the PUD package presented was not in its final form / did not incorporate the required Conditions of Approval. To date, the final PUD package has not been received. All applications were recognized as "inactive" and filed away on 04/29/2014.

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

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 abutting subject property to the south – 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 Minor Amendment # 1 to PUD 85 for a single-family residential development on 136 ½ acres abutting subject property to the south – On 02/17/2015, as requested by Applicant, PC Tabled and provided that the Applicant may return the applications to any Planning Commission agenda within one (1) year, provided the Applicant gives the City at least one (1) month's advance notice of the next agenda placement.

Sketch Plat of "Conrad Farms" – Request for approval of a Sketch Plat for a single-family residential development on 136 ½ acres abutting subject property to the south – On 02/17/2015, as requested by Applicant, PC Tabled and provided that the Applicant may return the applications to any Planning Commission agenda within one (1) year, provided the Applicant gives the City at least one (1) month's advance notice of the next agenda placement.

#### BACKGROUND INFORMATION:

The Public Notice for these two (2) applications has elicited a number of phone calls and office visits from current residents of the *Shadow Valley Manufactured Home Community* asking whether the approval of the applications would result in their relocation. Staff has responded that this appears to be the case and directed them to contact the property owner for further information.

During the TAC meeting held April 01, 2015, the Applicant advised Staff that, due to the fact that the outcome of the zoning changes was not known, the owners were not in the position to tell the residents [about something that may not happen], that the owners would be allowing an extended relocation timeline for the residents, that the law required 30 days, but the owners would plan to give "in excess of six (6) months notice," that the owners were in communication

with other [mobile home] parks in the area to discuss potential relocation, and that some of the units were not in adequate condition to be moved and would have to be demolished.

#### ANALYSIS:

Subject Property Conditions. The subject property of 21.1 acres, more or less, is zoned RMH Residential Manufactured Home Park District and is composed of two (2) parcels of land:

1. All of Shadow Valley Mobile Home Park: Approximately 10.39 acres, contains the southerly portion of the *Shadow Valley Manufactured Home Community*, Tulsa County Assessor's Parcel # 58030732325860, and
2. Part of the W/2 of the NE/4 of the NW/4 and part of the W/2 of the E/2 of the NE/4 of the NW/4 of Section 23, T17N, R13E: Approximately 10.6 acres, contains the northerly portion of the *Shadow Valley Manufactured Home Community*, Tulsa County Assessor's Parcel # 97323732325260.

The subject property is relatively flat and appears to primarily drain to the east to Bixby Creek; southerly parts appear to drain south toward a wooded drainageway and drainage basin located on the Conrad Farms property abutting to the south.

The northeast corner of the subject property, including the singular private drive access to 151<sup>st</sup> St. S., presently contains an area of 100-year floodplain attendant to Bixby Creek. As this PUD acknowledges, the proposed redevelopment of the subject property will require additional access out of the 100-year Floodplain as will be recommended by City Staff upon receipt of actual development plans.

The subject property is presently served by the critical utilities (water, sewer, electric, etc.). Plans for utilities are adequately described in the text and represented on Exhibit C, and are discussed further in the City Engineer's memo.

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Development Sensitive, (2) Residential Area, (3) Corridor, and (4) Community Trails.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the requested RM-3 district is *In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map. Also per the Matrix, the requested RM-3 district *May Be Found In Accordance* with the Development Sensitive designation of the Comprehensive Plan Land Use Map.

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

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

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

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

The site is developed, and so this test does not appear to apply. Staff notes, however, that the requested RM-3 district and residential use should be considered substantially consistent with the Residential Area land use designation of the Comprehensive Plan Land Use map.

Per the Matrix, PUDs (as a zoning district) and the requested RM-3 district are both *In Accordance* with the Corridor designation of the Comprehensive Plan Land Use Map and *May Be Found In Accordance* with the Development Sensitive designation of the Comprehensive Plan Land Use Map. Provided it is approved with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below, Staff believes that PUD 87 should be found *In Accordance* with the Comprehensive Plan as a zoning district.

Due to all of the factors listed and described above, Staff believes that the proposed RM-3 zoning and residential development proposed per PUD 87 should be found *In Accordance* with the Comprehensive Plan, provided they are approved together and with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below.

The Comprehensive Plan Land Use Map designates a Community Trail more or less paralleling the west side of Bixby Creek from the old Railroad line south of 141<sup>st</sup> St. S. to its former (pre-channelized) confluence with the Arkansas River. This trail appears to cross 151<sup>st</sup> St. S. through the northeast corner of the subject property. The Matrix only includes, and the Zoning Code only requires consistency with the land use elements for rezoning purposes, not the Public Facilities / Urban Design Elements such as trails. However, please reference related PUD recommendations for design enhancements to support the overall multifamily development quality.

General. The PUD proposes a multifamily residential redevelopment of the existing *Shadow Valley Manufactured Home Community* with a maximum of 527 dwelling units, per PUD Development Standards and the proposed underlying RM-3 zoning. The PUD provisions of the Zoning Code would enable slightly more, as it allows for the use of ½ of the abutting 151<sup>st</sup> St. S. right-of-way in the multifamily dwelling units per land area formula, which option this PUD does not exercise.

The submitted site plan does not include any specific development designs. Per discussions with the Applicant, Staff understands that this is because, if approved for rezoning and PUD,

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the property would be sold to a third-party developer, and so the future PUD Detailed Site Plan will be prepared by the then developers who will be in the position to make specific design changes as the City may request. Therefore, the Applicant has not represented proposed location of uses, off-street parking, open spaces, public and private vehicular and pedestrian circulation, or signage. The PUD chapter of the Zoning Code may anticipate such generalized PUDs, as it includes in Sections 11-7I-8.B.1.b and .d requirements that are conventionally expressed in the PUD Text, and not on the site plan itself.

To satisfy the spirit and intent of the specific informational elements of the PUD conceptual site plan, (1) the connection of required elements between the Text and the site plan Exhibits is established by the provision of development standards for the singular Development Area A and the representation of the singular Development Area A on the Exhibit B PUD Plan and (2) Staff recommends that the required PUD Detailed Site Plan be reviewed and recommended upon by the Planning Commission and Approved by the City Council.

The proposed development standards are nearly identical to those of PUD 70 Encore on Memorial, except that it allows the generation of 25 dwelling units per acre, versus 20 per acre with Encore, and requires 20' setbacks around the entire development, versus 10' setbacks except for a 20' front yard setback.

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

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

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

The Technical Advisory Committee (TAC) discussed PUD 87 at its regular meeting held April 01, 2015. Minutes of that meeting are attached to this report.

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

"The main Ingress and egress to *Shadow Valley* will be from 151<sup>st</sup> Street South. The existing driveway along the east side will be improved and removed from the 100 yr flood plain by installing drainage structure under the access road. A second access road will eventually be installed to provide a secondary means of access to 151<sup>st</sup> Street. The location of the secondary access will be determined upon acquiring additional property between this development and 151<sup>st</sup> Street. Sidewalks, minimum 4 feet in width, will be installed by the developer along all street frontages in accordance with the Subdivision Regulations. The sidewalks will be ADA

compliant to be approved by the City Engineer. The minimum width of the internal drives will be 26 feet and the minimum gate width will be 14 feet. A Knox rapid entry system will be installed. Internal sidewalks will be provided to enhance the quality of the development and to provide a convenient and safe passageway for pedestrians.”

Plans for access can be further inferred from the site plans. The site plans indicate a “Potential Second/ary Access” via an approximately 2.5-acre tract of land at 7102/7106 E. 151<sup>st</sup> St. S. Per the discussion at the April 01, 2015 TAC meeting, Staff understands that the Applicant has been in discussions with the owner of this property about such access. If this is not secured prior to PUD approval, the designations on the site plans should be removed and other appropriate adjustments made to require secondary access.

Per the discussion at the April 01, 2015 TAC meeting, the Fire Marshal has expressed some concern regarding compliance with the Fire Code requirement for a minimum separation between access roads based on a formula using the diagonal width of the development tract. PUD approval should be subject to all Fire Marshal recommendations as to access, as listed as recommendations # 2 and # 3 below.

Due to the scale of this development, 527 apartment units, Staff has recognized a need to consider the number and formats of points of access in proportion to the number of dwelling units served. This ratio matter was discussed for the single-family housing additions “Willow Creek,” “The Trails at White Hawk,” and “Conrad Farms” developments proposed and approved most recently in 2013 and 2014.

For single-family housing addition developments, the Subdivision Regulations do not contain a ratio schedule for the number of required points of access to a subdivision based on the number of lots within it. Recommendations as to adequacy of the three (3) means of ingress and egress in ratio to the number of lots proposed should and have previously come from the City Planner, Fire Marshal, and Police Chief. In the case of “Willow Creek” in 2008, when 254 lots were proposed, all considered and expressed that the three (3) points of access should be considered adequate, two (2) of which points of access consisted of a Collector Street connecting 131<sup>st</sup> St. S. to Mingo Rd. All three (3) verbally indicated that the three (3) were still adequate when that number was increased to 276 lots in 2009. Once more, all three (3) indicated that the three (3) were still adequate when that number was increased to 291 lots in 2013. In the case of “The Trails at White Hawk,” City Staff concurred that three (3) points of access would be acceptable for the 261 residential lots planned behind a commercial frontage development area, including a Collector Street connecting 151<sup>st</sup> St. S. to Lakewood Ave. in *The Ridge at South County*, which in turn connects to 141<sup>st</sup> St. S. The third access serving “The Trails at White Hawk” is an emergency access drive connection to Kingston Ave. In the case of “Conrad Farms,” City Staff concurred that three (3) points of access would be acceptable for the 500 residential lots legally entitled by PUD 85 be served by not less than three (3) points of access, two (2) of which shall consist of a Collector Street connecting 161<sup>st</sup> St. S. to one (1) other Arterial Street.

For multifamily developments, neither the Zoning Code nor the Subdivision Regulations contains a ratio schedule for the number of required points of access to a multifamily development based on the number of dwelling units served. PUD 61 “Marquis on Memorial” developed 132 apartment units and has two (2) points of access, being the reduced-width 82<sup>nd</sup>

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E. Ave. residential Collector Street connecting 146<sup>th</sup> St. S. and 148<sup>th</sup> St. S. PUD 70 "Encore on Memorial" developed 248 apartment units and has two (2) points of access, being the 126<sup>th</sup> St. S. Collector Street and an emergency-access drive along the former Fry Creek maintenance road connecting to Memorial Dr. Proposed PUD 81 "Chateau Villas" proposes 375 apartment units and two (2) points of access.

This PUD 87 would legally entitle up to 527 apartment units, and proposes two (2) points of access. City Staff has considered what measure of access will be acceptable. The Fire Marshal, Fire Chief, Police Chief,<sup>1</sup> and City Planner recommend two (2) points of access, consisting of at least one (1) Collector Street connecting to 151<sup>st</sup> St. S. and a secondary regular access drive or emergency-access only drive. If the secondary access is designed and approved as an emergency-access only drive, the Collector Street should be designed with not less than two (2) driveway connections thereto, of adequate width and separation. The latter design would likely require the Collector Street be extended throughout the north-south depth of the subject property.

The existing PUD Text should be enhanced to specify that at least one (1) Collector Street, for which Subdivision Regulations Section 9.2.2 requires a minimum of 60' of right-of-way and 36' of paving width, will serve the development and connect to 151<sup>st</sup> St. S. The PUD site plans should be updated to reflect street configuration changes pursuant to these connectivity recommendations.

The City of Bixby has the responsibility to ensure that development properties are not hampered by lack of planning and access provision when abutting properties are developed. The Subdivision Regulations require stub-out street provision to all adjoining unplatted tracts. Abutting the subject property to the south is the 136½ -acre PUD 85 "Conrad Farms" housing addition development property. During the approval of PUD 85, City Staff recommended, and the PUD included a requirement that the 500 single-family lots legally entitled by the PUD be served by not less than three (3) means of ingress/egress, two (2) of which shall consist of a Collector Street connecting 161<sup>st</sup> St. S. to one (1) other Arterial Street. During the review of the "Conrad Farms" Sketch Plat and PUD 85 Minor Amendment # 1 applications, City Staff recommended that the Collector Street connect 161<sup>st</sup> St. S. to 151<sup>st</sup> St. S., as opposed to Sheridan Rd. or Memorial Dr. City Staff recognizes that the improvement of the existing access to the subject property and/or the provision of a secondary means of ingress/egress, as proposed to be required by this PUD, may additionally serve to provide, whether it be by the Collector Street or something less, the additional recommended access to 151<sup>st</sup> St. S. for the PUD 85 development property. City Staff has discussed this matter with the Applicant, and the Applicant has not expressed objection to this concept. Staff recommends the PUD Text provide language specifying the potential for through access to the PUD 85 development property to the south during the platting and site plan approval stages. Through access provisions may ultimately take the form of platted Public right-of-way allowing for future connection by third parties.

INCOG regional trails plans and the Bixby Comprehensive Plan show a trail as planned along west side of Bixby Creek; the latter designates the same a "Community Trail." Staff requests

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<sup>1</sup> The Police Chief has stated that he is not in favor of an additional apartment complex, but if it is to be approved, minimum required access should be as recommended herein.

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the developer consider (1) constructing a walking trail within or along the abutting Bixby Creek right-of-way as an amenity for the multifamily development, or otherwise describe plans provide for future connections to same during the platting of the development, and (2) incorporating pedestrian / trail elements within the development consistent with the intent of the Comprehensive Plan. These enhancements would help the PUD provide a “unified treatment of the development possibilities of the project site” and “achieve a continuity of function and design within the development.” If the developer would be willing to make such improvement(s), appropriate language should also be added to the PUD Text Section “Access and Circulation” and the PUD site plan should be updated accordingly.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily CS, CH, CG, IL, AG, and RS-3/PUD 85. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

Across 151<sup>st</sup> St. S. to the north is vacant/wooded and agricultural land zoned AG, and to the northwest is rural residential along 68<sup>th</sup> E. Ave. and 149<sup>th</sup> / 148<sup>th</sup> St. S. in an unplatted subdivision possibly known as “Abbett Acres,” zoned AG.

To the east is the part of the former Conrad Farms’ farmland on a tract of land containing approximately 125.5 acres (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. This parcel 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. 151<sup>st</sup> St. S., and approximately seven (7) on-site labor houses east of the southeast corner of the subject property. Farther to the east is a 3.7-acre rural residential and agricultural tract at 7402 E. 151<sup>st</sup> St. S., also belonging to the Conrad family and commercial and industrial uses in *Bixby Industrial Park* zoned CG and IL. Cutting through these areas diagonally downstream to the southeast is Bixby Creek and its attendant easements and rights-of-way primarily zoned AG.

Abutting to the west and north is the approximately 3.4-acre “Spectrum Plaza” trade center property zoned CH. Immediately west of that is a single-family house on 1-acre zoned IL. Abutting to the north is approximately 3 ¾ acres of CS zoning containing the *Bethesda Girls Home* at 7106 E. 151<sup>st</sup> St. S. and another nonresidential building (former location of the *Living Water Family Church*) at 7102 E. 151<sup>st</sup> St. S. and the *Bixby Chiropractic* at 7100 E. 151<sup>st</sup> St. S. Farther west along the east side of Sheridan Rd. are several vacant/wooded, agricultural, and rural residential tracts of land zoned AG.

Abutting the subject property to the south is the 136½-acre PUD 85 “Conrad Farms” housing addition development property. Staff believes that, if properly enhanced as recommended herein, the proposed RM-3 zoning and multifamily PUD would serve as an appropriate buffer between single-family residential development land to the south and more intensive IL, CH, and CS zoning and commercial uses fronting on 151<sup>st</sup> St. S.

As required by Zoning Code Section 11-7I-8.B.1.e., the PUD proposes to buffer the proposed multifamily development from the future single-family residential to the south with a 6’-tall screening fence and “a twenty (20) foot wide landscaped buffer. This landscape buffer will be planted with at least one (1) tree per 1000 square feet of buffer area and at least one half of the

trees shall be evergreen.” Staff believes that additional buffering measures should be required, such as massing (height, especially) restrictions for such buildings, a specific height limitation based on a formula factoring the distance to the nearest single-family residential property line, building placement and/or orientation, window-facing or window-screening restrictions, etc.

PUD 81 “Chateau Villas PUD,” for which the City Council Conditionally Approved an application for Major Amendment # 1 on March 30, 2015, contained specific minimum standards oriented toward buffering that PUD’s multifamily development area from the established single-family residential neighborhood in *Houser Addition* abutting to the east. These included:

- Enhanced screening fences/walls and landscaping pursuant to previous PUD 68,
- A 75’ minimum setback from the single-family residential areas for the three (3) story buildings as initially approved, and then a 75’ minimum setback when the buildings were reduced to two (2) stories,
- A 200’ (or potentially more) minimum setback from the single-family residential areas for the fourth-story portions of multifamily buildings at 50’ in height,
- Restriction of windows from east-facing 2-story buildings, with potential allowances for clerestory or faux windows.

The proposed RM-3 zoning and multifamily PUD would likely result in an increased intensity of land use. Per Staff’s estimation of GIS and aerial data, the existing manufactured home park contained roughly 163 individual manufactured home spaces. Per 2014 aerial data, Staff estimated there were roughly 83 actual manufactured homes in the park at that time. The Corridor designation of the Comprehensive Plan Land Use Map, however, contemplates intensive redevelopment for the subject property.

The proposed RM-3 zoning and multifamily PUD would also be consistent with the RM-2 zoning and PUD Conditionally Approved for the 25-acre development tract abutting to the west per BCPA-8/PUD 75 “LeAnn Acres.” However, since the final PUD Text and Exhibits were never submitted, the City of Bixby never effected the approval of the applications by ordinance, and the official Zoning Map continues to reflect AG zoning.

For all the reasons outlined above, Staff believes that RM-3 zoning and PUD 87 would not be inconsistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

Development Quality / Multifamily Use PUD Element. Not including assisted living facilities, Bixby has four (4) apartment complexes. Parkwood Apartments was constructed in or around 1973. The Links at Bixby was developed in or around 1996, and was done with PUD 16. Marquis on Memorial was developed in 2008/2009, and was done with PUD 61. Encore on Memorial was developed in 2011 and was done with PUD 70. PUD 75 “LeAnn Acres” and PUD 76 “Scenic Village Park” were conditionally approved in 2012/2013, and PUD 81 “Chateau Villas PUD” was approved in 2013/2014 and Conditionally Approved for Major Amendment # 1 on March 30, 2015. Since 1973, no apartment development has been developed in Bixby absent a PUD, and the PUDs arguably contribute to the improvement of the value and quality of such projects.

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To ensure the highest value and quality for any multifamily development that may occur on the subject property, consistent with the City Council's recent Conditional Approvals of multifamily PUDs 70, 75, PUD 76 (which originally included limited multifamily use elements), 81 "Chateau Villas PUD," and to a certain extent multifamily PUD 61 ("Marquis on Memorial"), Staff recommends multifamily PUDs incorporate an appropriate variation of the following, which should help ensure the development product is of adequate quality and is adequately invested for the long term:

1. Consistent with PUDs 61, 70, 75, 76, and 81, the adequacy of multifamily construction quality shall be determined by means of a PUD Detailed Site Plan, which is hereby recommended to be reviewed and recommended upon by the Planning Commission and approved by the City Council.
2. Consistent with PUDs 70, 75, 76, and 81, multifamily PUDs should propose a specific masonry requirement for all buildings or otherwise each multifamily development building type (Encore on Memorial included a 25% masonry requirement for the standard 3-story apartment buildings ["Type I"], a 35% masonry requirement for the modified-type 2/3-story apartment buildings ["Type III"], and a 40% masonry requirement for the leasing office. The garages and carport buildings had no masonry requirement). The non-masonry balance of the buildings consisted of a cementitious fiber masonry alternative. This PUD proposes the same proportions, sans the 35%/Type III. PUD 81, as originally approved, included "not less than 75% masonry materials from the ground to the top floor top plate." It is now Conditionally Approved to have, on average throughout the development, not less than 40% traditional masonry (brick and stone), with not less than 20% on any building, and the balance of all structures being cementitious fiber "with a stucco appearance" masonry alternative. As such, PUD 81 would have the highest masonry standards of any multifamily PUD proposed in Bixby to date. The Applicant should consider increasing the traditional masonry standard consistent with PUD 81, as may be specifically modified by the City Council in recognition of circumstantial and contextual factors, and consider proposing a masonry alternative for the balance of the buildings or a certain percentage of the balance of the buildings.
3. Consistent with PUDs 70, 75, 76, and 81, multifamily PUDs should describe in the PUD what will be done with existing natural features. In this case, such elements could include the hillside to the west, Bixby Creek to the northeast, and mature trees along the property perimeters (including within the proposed 20' landscaped buffers) and throughout the redevelopment site.
4. Consistent with similar recommendations for PUDs 70, 76, and 81, and in recognition of INCOG regional trails plans and the Bixby Comprehensive Plan, consider whether the property perimeters and/or the concerned portion of the west bank of Bixby Creek within the adjacent Bixby Creek right-of-way could be improved as a walking trail amenity for the development. Internal sidewalks could link to the perimeter trails / public trail on the perimeter. If the developer would be willing to make such improvements, appropriate language should also be added to the PUD Text section entitled "Access and Circulation" and the same should be represented on the appropriate site plans.
5. Describe additional measurable minimum standards for land use buffering and compatibility needs. See the analysis above describing (1) the minimum screening,

buffering, and landscaping standards, and (2) measures to mitigate land use interface issues between multifamily use and parking lots and single-family residential uses planned to the south per PUD 85 "Conrad Farms."

6. Consistent with PUDs 70, 75, and 81, consider proposing more than 15% minimum lot area landscaping for the multifamily DA. PUD 70 was approved with 15%, PUD 75 was Conditionally Approved with 16.8%, and PUD 81 "Chateau Villas PUD" was approved with 15% but was most recently Conditionally Approved at 30%.

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

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

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

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

For the sake of development and land use compatibility, as described more fully above, Staff would be supportive of the Zoning approvals supporting the development proposal if it (1) offers quality-enabling standards such as outlined above, (2) provides for land use buffering and compatibility needs, and (3) provides for adequate access as recommended by City Staff. If these were satisfactorily provided for, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will have been met.

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

1. The approval of RM-3 zoning shall be subject to the final approval of PUD 87 and vice-versa.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item may be addressed by adding a "Standard City Requirements" section to the PUD Text, with language such as "Standard requirements of the City of Bixby Fire Marshal, City Engineer and City Attorney shall be met."
3. Subject to City Engineer curb cut ODOT curb cut / driveway permit approval for modifications to the existing entrance drive, and any new driveway connections to with State Hwy 67 (151<sup>st</sup> St. S.), and the Fire Marshal's approval of locations, spacing, widths, and curb return radii. This item may be addressed by adding to "Access & Circulation" section of PUD Text appropriate language such as "All driveway and/or street connections shall be reviewed and approved by all jurisdictions having authority including, but not limited to: City of Bixby Engineering and Fire Marshal and the Oklahoma Department of Transportation."
4. Please address within the Text and Exhibits, or otherwise by letter to the Planning Commission, the six (6) numbered recommendations listed above pertaining to development quality and multifamily developments.
5. Please update all PUD number blanks with number 87.
6. Development Concept & Character: Please specify that the RM-3 zoning is being requested per BZ-381.
7. Detail Site Plan Review: Please add appropriate language incorporating recommendation herein that the required PUD Detailed Site Plan shall be reviewed and recommended upon by the Planning Commission and approved by the City Council.
8. Landscaping and Screening: Please clarify the text such as "...at least one (1) tree per 500 square feet of street yard (using the 35' minimum setback pursuant to Zoning Code Section 11-7I-5.E) and..."
9. Landscaping and Screening: Please clarify that the Street Yard tree planting requirements attending any new public or private streets constructed within or adjacent to the development will be Street Yards as would otherwise be required by the RM-3 district pursuant to Zoning Code Section 11-7I-5.E.
10. Landscaping and Screening: Regarding the 6' fence, please replace cardinal directions references with "around all property perimeters," or with more specifics if that is not the intent.
11. Landscaping and Screening: Because the PUD lacks sufficient details for landscaping and screening, please add language such as "To mitigate the visual effects which commonly attend intense uses such as multifamily, and in recognition of Zoning Code Section 11-7I-6, the owner acknowledges that the ultimate landscaping and perimeter requirements may be more than that described in this PUD, in exchange for the special benefits conferred upon the developer by this PUD."
12. Grading and Utility Plans: Regarding the extent of the 100-year Floodplain, please replace the description with "Northeast portions of the subject property, including the singular existing entrance drive, are located within..."
13. Grading and Utility Plans: Please update as appropriate to reflect new sanitary sewer infrastructure as per the City Engineer's review memo.
14. Grading & Utility Plans: The plat of *Shadow Valley Mobile Home Park* indicates [Utility] Easements cut through the central parts of the platted area, which will likely

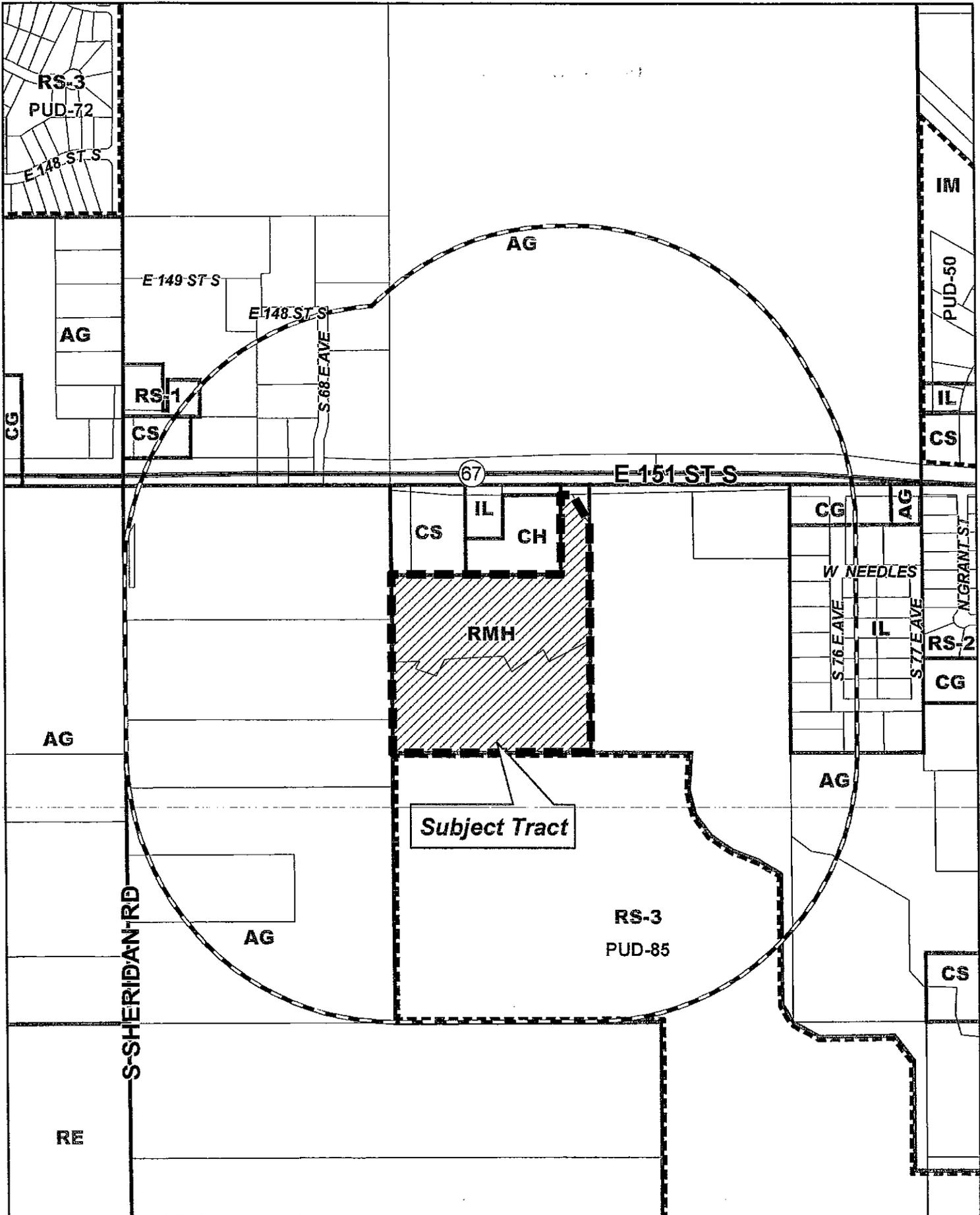
ultimately frustrate reasonable multifamily site development plans. Although easement information for the northerly part of the manufactured home park was not provided to the City, it is reasonable to expect some measure of U/Es or other easements may affect the northerly part. The PUD Text should explain here whether the plat of *Shadow Valley Mobile Home Park* or otherwise its internal U/Es, and if any other inconvenient easements affecting either lot of record will be vacated prior to replatting for the redevelopment.

15. Access and Circulation: Please modify language to incorporate City Staff recommendations pertaining to ultimate access serving the multifamily redevelopment on the subject property. All references to private Residential Collector Streets (for primary access) or Low Density Residential Minor Streets (for secondary access) should specify that the same will be designed and constructed to City of Bixby minimum standards for corresponding public streets per Subdivision Regulations Section 9.2.2 and the Bixby Engineering Design Criteria Manual.
16. Access and Circulation: Please provide language specifying the potential for through access to the PUD 85 development property to the south during the platting and site plan approval stages. Through access provisions may ultimately take the form of platted Public right-of-way allowing for future connection by third parties.
17. Access and Circulation: Please modify language, “The existing driveway along the east side shall be improved as a public or private street and/or private drive and removed from the 100 Year...”
18. Access and Circulation: Please modify language, “A second public or private access road...”
19. Access and Circulation: Please remove term “eventually” and add language providing that no Building Permits shall be issued for any building within PUD 87 until both required means of ingress/egress have been constructed and/or reconstructed and approved by the City Engineer.
20. Access and Circulation: Please add language acknowledging the existing sidewalk along 151<sup>st</sup> St. S. and specifying its width.
21. Access and Circulation: Please acknowledge the sidewalk construction requirement with language such as “In accordance with the Bixby Subdivision Regulations, sidewalks shall be constructed by the developer along all public or private streets and/or private drives and shall connect the internal sidewalk network to the existing sidewalk along 151<sup>st</sup> St. S. New sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer.”
22. Access and Circulation: Please address trail matters as discussed above in the analysis section of this report.
23. Access and Circulation: Please update language, “A Knox rapid entry system will be installed” with current recommendations / practice such as “A rapid entry system with radio transmitters, approved by the Fire Marshal, shall be installed,” in order to allow access to all emergency responders.
24. Signs & Site Lighting: Consider whether the 32 square feet of maximum display surface area for the multifamily development’s identification sign will be adequate; if not, please specify development standards for same. Sign(s) should be identified on the site plans if known at this time.

25. Signs & Site Lighting: In light of the preceding item, consider qualifying the following sentence as follows: "All signage shall comply with the Bixby Zoning Code except as otherwise specifically provided herein."
26. Signs & Site Lighting: The specific lighting fixtures proposed are identical to those used in the 2010 PUD for Encore on Memorial. If this is not yet known, the language should be written less specifically.
27. Signs & Site Lighting: Please add a standard that the photometric plan demonstrate 0.0 footcandles at all property boundaries shared with all properties in an RS district and/or actually used for single-family residential.
28. Scheduled Development: Please remove ambiguity by restating such as "late 2016" or "early 2017."
29. Legal Description: Please consider whether the legal description should include reference to the fact that it contains all of *Shadow Valley Mobile Home Park*, as Staff used in the legal description for the Public Notice.
30. Exhibits: A conceptual landscape plan, or otherwise a site plan conceptually reflecting proposed landscaping, is a required PUD element per Zoning Code / City Code Section 11-7I-8.B.1.e, and is respectfully requested.
31. Exhibits A, B, and C: The site plans indicate a "Potential Second/ary Access" via an approximately 2.5-acre tract of land at 7102/7106 E. 151<sup>st</sup> St. S. Per the discussion at the April 01, 2015 TAC meeting, Staff understands that the Applicant has been in discussions with the owner of this property about a such access. If this is not secured prior to PUD approval, the designations on the site plans should be removed and other appropriate adjustments made to require secondary access.
32. Exhibits B and C: Please represent the [Utility] Easements as per the recorded plat of *Shadow Valley Mobile Home Park*, any other easements of record affecting the subject property, and a minimum 17.5' perimeter Utility Easement along with description "to be dedicated by plat."
33. Exhibits B and C: The following corrections or enhancements should be made to Exhibits B and/or C if/as appropriate:
  - a. Please represent and label the width of the existing sidewalk along 151<sup>st</sup> St. S.
  - b. Please indicate the centerline and dimension the widths of 151<sup>st</sup> St. S. and dimension the distance between the subject property and the curb line or centerline.
  - c. Please represent curb return radii for the existing driveway intersection with 151<sup>st</sup> St. S. as represented.
34. Exhibit C: Please correct typos in Exhibit's title, "Existing Contours & Utilities."
35. Exhibit C: Please update as appropriate to reflect new sanitary sewer infrastructure as per the City Engineer's review memo.
36. For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.

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37. A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).



300' Radius



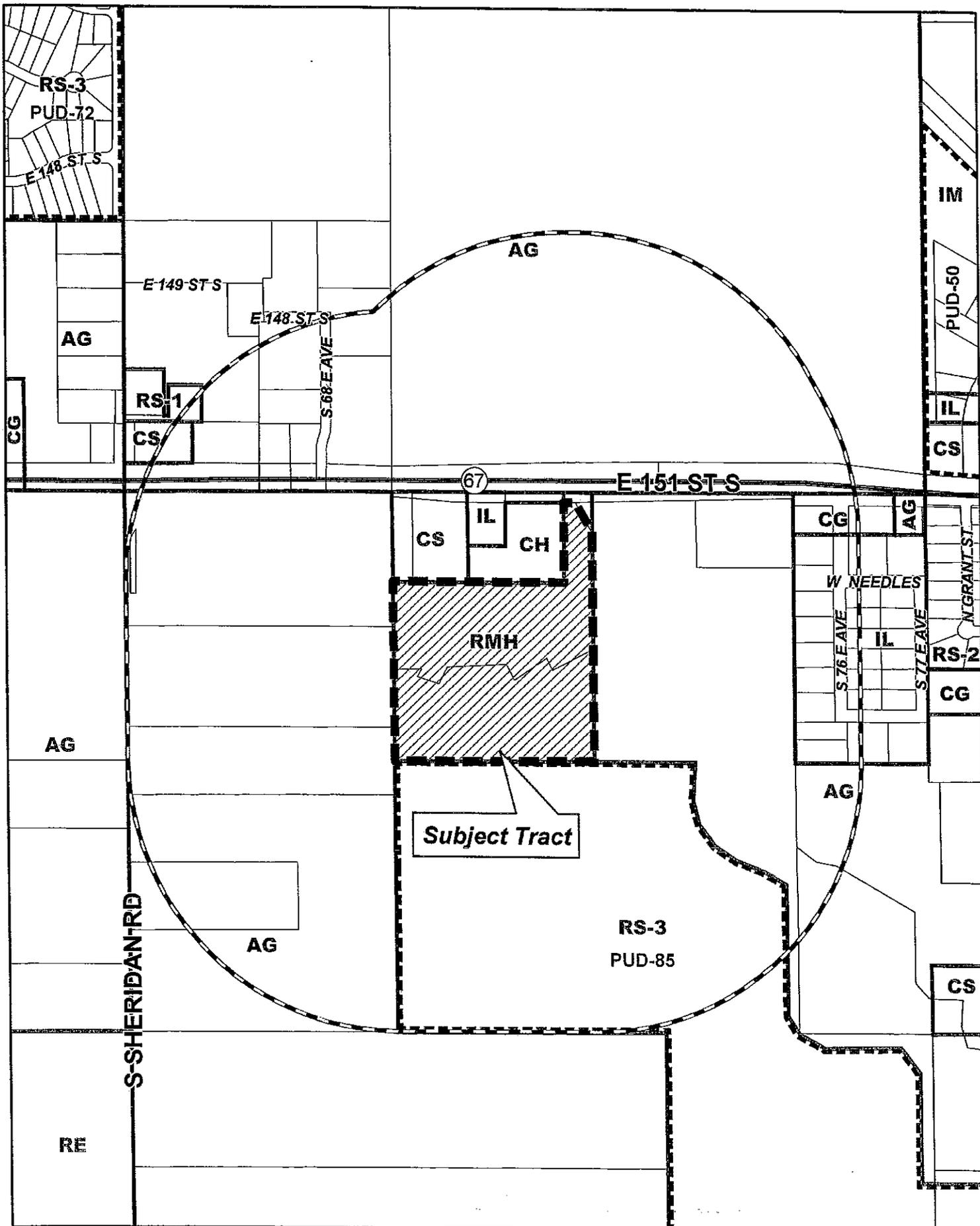
Subject Tract

PUD 87



23 17-13





Subject Tract



300' Radius



Subject Tract

**BZ-381**



23 17-13

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# Memo

To: Erik Enyart

From: JOEY WIEDEL

Date: 2/28/2014

Re: PUD 87 "Shadow Valley"

- 
- Fire Hydrants shall be spaced no further than 300 feet in commercial district.
  - Fire Hydrant shall be within 150 feet of any sprinkled building.
  - Hydrants shall be Mueller or AVK brand, chrome yellow per city standards.
  - Two means of egress/ingress shall be established before construction begins.
  - Fire Apparatus access to be discussed in Tac Meeting.
  - ICC codes 2009, except electrical IEC 2011.
  - No further comment until more details are provided.



Joey Wiedel, Fire Marshal



Date:

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# CITY OF BIXBY

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

## Engineering Department Memo

**To:** Erik Enyart, City Planner

**From:** Jared Cottle, PE *Juc*

**CC:** Bea Aamodt, PE  
File

**Date:** 03/31/15

**Re:** Shadow Valley  
PUD 87 Review

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### General Comments:

1. The PUD contains no information on Utilities, Paving, Grading, or Drainage information. No additional comments can be provided until Paving, Grading, Drainage, and Utility information has been submitted.
2. The property is located in the Bixby Creek Drainage basin. Storm water detention will be required.
3. The current site access is partially located within a floodplain.
4. Site access and circulation must be approved by the Fire Marshall.
5. The existing utility information does not reflect current conditions. The lift station shown is no longer in service nor is the 4" force main. A gravity sewer line has been constructed that connects the Shadow Valley property to the Bixby Creek Interceptor located on the east side of Bixby Creek.
6. Excess capacity charges for connection to the Bixby Creek Interceptor will be applicable.

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MINUTES  
TECHNICAL ADVISORY COMMITTEE  
DAWES BUILDING CITY OFFICES  
113 W. DAWES AVE.  
BIXBY, OK 74008  
April 01, 2015 – 10:00 AM

MEMBERS PRESENT

Gary Hamilton, *Cox Communications*

Jim Peterson, *BTC Broadband*

STAFF PRESENT

Erik Enyart, AICP, City Planner, City of Bixby

Joey Wiedel, Fire Marshal, City of Bixby

OTHERS PRESENT

Ted Sack, RPLS, *Sack & Associates, Inc.*

Malek Elkhoury, PE, *Khoury Engineering, Inc.*

Larry Kester, AIA, *Architects Collective*

Luke Strawn, *McGraw Realtors*

Neil Dailey, *McGraw Realtors*

Alan Betchan, PE, CFM, *AAB Engineering, LLC*

Kevin Jordan, *Black Gold Group, LLC / Chateau Villas, LP*

Jason Mohler, PE, *Cedar Creek Consulting, Inc.*

1. Around 10:00 AM, Erik Enyart provided copies of the City Engineer's review memos to Malek Elkhoury and Ted Sack for the PUD 87 and PUD 49-A, applications, respectively. Mr. Sack asked if the City Engineer would be able to attend, and Mr. Enyart stated that Jared was in a meeting and was about to go into another meeting, so would not be able to attend.

Erik Enyart called the meeting to order at 10:07 AM.

Erik Enyart observed that all cases appeared to have representation and asked if there were any objections to taking the items in the order of their placement on the agenda. There were no objections.

2. **PUD 87 – “Shadow Valley” – Khoury Engineering, Inc.** Discussion and comment on a rezoning request for approval of Planned Unit Development (PUD) # 87 for approximately 21.1 acres consisting of all of *Shadow Valley Mobile Home Park* and part of the W/2 of the NE/4 of the NW/4 and part of the W/2 of the E/2 of the NE/4 of the NW/4, with proposed underlying zoning RM-3 Residential Multi-Family District.  
Property Located: 7500 E. 151<sup>st</sup> St. S.
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Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart stated that the property was the Shadow Valley Mobile Home Park at 7500 E. 151<sup>st</sup> St. S., and the PUD was accompanied by an application for rezoning from RMH to RM-3, to enable the property to be redeveloped as a multifamily product. Mr. Enyart stated that the PUD lacked specificity because plans had not, to his knowledge, yet been drawn up yet. Luke Strawn indicated agreement. Mr. Enyart asked Malek Elkhoury if he cared to summarize the project further.

Malek Elkhoury stated that the PUD conceptual site plan was blank because it was not yet known how many buildings there would be or the type of amenities. Mr. Elkhoury noted that he had just received the City Engineer's review memo and commented briefly on the contents, including that the sanitary sewer exhibit he had prepared was not valid because sanitary sewer was already in place per the City Engineer's memo, and that there would need to be onsite stormwater detention and payment of excess capacity fees. Mr. Elkhoury stated that he would need to find out what those fees would be.

Erik Enyart stated that he observed on the PUD conceptual site plan that the "primary access" was proposed to be from the existing driveway connection to 151<sup>st</sup> St. S., and that a "potential secondary access" label was indicated [on a parcel of land at 7102/7106 E. 151<sup>st</sup> St. S.]. Malek Elkhoury and Luke Strawn discussed a couple of current negotiations between various property owners that would have implications for ultimate access plans for the subject property. Mr. Strawn stated that more information should be available by the Planning Commission meeting on April 20, 2015. Mr. Enyart indicated agreement.

Joey Wiedel asked about whether the secondary access as shown would meet the minimum separation standard for secondary access, ½ of the diagonal of the widest property width. Mr. Wiedel referenced how this standard had come into play with the previous Conrad Farms development plans. Mr. Wiedel discussed the matter with Malek Elkhoury, and confirmed with him that the diagonal measurement should be taken from the southwest and northeast corners of the subject property. Mr. Elkhoury suggested the secondary accessway may need to be from the westerly side of that frontage parcel, and asked if a "variance" would be needed if the standard could not be met. Mr. Wiedel stated that that would need to be discussed internally, including the Fire Chief, Police Chief, and City Staff. Mr. Wiedel discussed previous access issues identified [with the previous Conrad Farms development plans], including the [Bixby] Creek and floodplain areas. Mr. Wiedel noted that previous discussions included the possibility of an access to 151<sup>st</sup> St. S. [west of the westernmost line of the Shadow Valley Mobile Home Park] and the need for Collector Streets. Mr. Elkhoury asked if a Collector Street would be required. Erik Enyart stated that he believed the [Bixby] Comprehensive Plan and/or the [Tulsa Metropolitan Area] called for mid-mile Collector Streets connecting 151<sup>st</sup> St. S. to 161<sup>st</sup> St. S. and Sheridan Rd. to Memorial Dr., and if not here specifically, that pattern was well established that there should be mid-mile Collector Streets. Mr. Elkhoury asked if the City would be building the Collector Streets. Mr. Enyart stated that the Plans do not specify what entity would be responsible for constructing the streets. Mr. Enyart stated that the property being developed at 121<sup>st</sup> St. S. and Memorial Dr. was having a Collector Street constructed by the developed. Mr. Enyart confirmed with Mr. Elkhoury that the first leg of that Collector Street system, the 126<sup>th</sup> St. S. extension west of Memorial Dr., was constructed by the Encore on Memorial developer, with some [public-private partnership] participation by the City of Bixby. Mr. Enyart stated that[, generally speaking,] streets could be

constructed by the developer, the City, or some hybrid. Luke Strawn discussed ongoing real estate negotiations, which also pertained to access. Mr. Enyart indicated agreement.

Erik Enyart stated that, from a planning/zoning standpoint, multifamily was not a universally popular landuse. Mr. Enyart stated that this was a unique situation, however, in that the proposal was to redevelop a trailer park with a modern, multifamily product. Luke Strawn stated that the product being contemplated would be similar in design and quality to the apartments constructed next to *Reasor's* in Jenks. Mr. Enyart confirmed with Mr. Strawn that he was referring to The Reserve on Elm. Neil Dailey stated that this should be seen as an improvement, and Mr. Enyart stated that he was "inclined to agree." Mr. Enyart stated that, for multifamily development entitlements by PUD in Bixby, the City had a "track record" of recommendations and Conditions of Approval designed to ensure the highest possible development quality outcomes. Mr. Enyart stated that these standards included, among other things, minimum masonry, and City Council approval of the PUD Detailed Site Plan, and preservation of natural features. Mr. Enyart agreed with Mr. Strawn and Malek Elkhoury to send them the current list of such multifamily standards.

Malek Elkhoury or one of his clients asked if there had been any opposition to the application received so far. Erik Enyart stated that, as soon as he posted the Public Notice sign the day prior, he was visited by a gentleman who claimed to be a resident of the park and claimed he had not been informed of the potential change. Mr. Enyart noted that he had also received a voicemail from another person claiming to be a resident that he had not had an opportunity to call back yet. Luke Strawn stated that, due to the fact that the outcome of the zoning changes was not known, the owners were not in the position to tell the residents [about something that may not happen]. Mr. Strawn stated that the owners would be allowing an extended relocation timeline for the residents. Mr. Strawn stated that the law required 30 days, but the owners would plan to give "in excess of six (6) months notice." Mr. Strawn stated that the owners were in communication with other [mobile home] parks in the area to discuss potential relocation. Mr. Strawn stated that some of the units were not in adequate condition to be moved and would have to be demolished. Mr. Enyart stated that [these additional relocation efforts] were appreciated.

Discussion ensued regarding what minimum masonry standard which should be proposed. Malek Elkhoury stated that the PUD included a 25% masonry standard [and 40% for the leasing office]. Erik Enyart stated that he could not answer how much would ultimately be required, as it was context-sensitive, but the last one was proposing 40%. Neil Dailey asked where that one was located, and Mr. Enyart stated that it was the "Chateau Villas" development that was going to be discussed later on this agenda. Mr. Dailey noted that the "Chateau Villas" development was in a different location. Mr. Enyart stated that each new multifamily development entitlement has raised the bar as far as standards, and that this would be the Applicant's argument to make that this was a different area, but a comparison to "Chateau Villas" would be made in any event. Mr. Enyart acknowledged that this would be redeveloping a trailer park into a modern, multifamily product. Mr. Elkhoury stated that the Encore on Memorial included a 25% masonry standard<sup>1</sup> with the balance being "[James] Hardie" [cementitious fiber] or stucco.

<sup>1</sup> For the standard 3-story apartment buildings ("Type I"), with a 35% masonry requirement for the modified-type 2/3-story apartment buildings ("Type III") and a 40% masonry requirement for the leasing office

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

Jim Peterson of *BTC Broadband* stated that the existing facilities would either have to be removed or abandoned and replaced, probably with fiber [optic cable].

Malek Elkhoury clarified with Erik Enyart that the PUD Detailed Site Plan would not be approved by only the Planning Commission as the Encore on Memorial multifamily development was. Erik Enyart stated that one such PUD required both the Planning Commission and City Council approve the PUD Detailed Site Plan, but he believed that it should be required to be reviewed and recommended by the Planning Commission and approved by the City Council. Mr. Enyart stated that this allowed the City Council, from a policy standpoint, to see the final plans for construction and say, "Yes, that's the quality I expected when I voted for the PUD." Mr. Enyart observed the language in the PUD calling for Planning Commission approval, and stated that it would be a review comment to change this to the City Council.

Gary Hamilton of *Cox Communications* stated that, "As soon as the last trailer is out," *Cox* would disconnect and/or remove their facilities.

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 Luke Strawn, Neil Dailey, and Malek Elkhoury for their attendance.

Luke Strawn, Neil Dailey, and Malek Elkhoury left at this time at 10:37 AM.

3. **PUD 49-A – Bixby Crossing – Ted Sack of Sack & Associates, Inc. for J & S Acquisitions, LLC.** Discussion and comment on a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 49 for approximately 12.6 acres consisting of Lots 1 and 3, Block 1, *Bixby Crossing*, with underlying zoning CS Commercial, OM Office, RM-2 Residential Multi-Family, RD Residential Duplex, which amendment proposes to allow additional Use Unit 16 ministorage use and make certain other amendments.  
Property Located: 13455 S. Memorial Dr. & the 13500-block of S. Memorial Dr.

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Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart clarified with Ted Sack that the "Bixby Crossing" PUD and development first came to the City approximately nine (9) years ago. Mr. Enyart noted that this was "before my time." Mr. Enyart stated that the development included the *Self Storage Depot* ministorage business and *TTCU [Tulsa Teachers Credit Union]*, and a vacant commercial lot at the corner of the intersection of 136<sup>th</sup> St. S. and Memorial Dr. Mr. Enyart stated that the main purpose of the PUD Major Amendment was to enable the vacant commercial lot to be developed with more ministorage use. Mr. Enyart stated that Bixby had a unique situation, in that, in mid-2014, the City Council approved a policy that expressly preferred retail uses for its commercial properties in its commercial corridors, to the exclusion of non-retail uses. Mr. Enyart stated that this was because cities rely and thrive on retail sales taxes, but yet Bixby has experienced much of its available commercial land being put to non-retail uses. Mr. Enyart stated that, as he has previously related to Ted Sack during their previous meetings, the City Staff is obligated to follow the express policy and not recommend the change

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converting the commercial lot into ministorage. Mr. Enyart stated that, "That being said, this is a technical meeting to inform the design, should it pass."

Ted Sack described the application and noted the quality of the *Self Storage Depot*. Mr. Sack stated that his client had owned the vacant lot for nine (9) years and it had not been sold for retail development.

Joey Wiedel stated that the northerly access was not approved. Mr. Wiedel stated that he believed it was intended as some sort of temporary access, but did not meet standards. Mr. Wiedel stated that he believed the access was also gated off. Erik Enyart stated that he had recent experience with this, when he went to post the Public Notice signs the day prior. Mr. Enyart stated that he was [turning south onto Memorial Dr. from 134<sup>th</sup> St. S.] and intended to turn left onto the drive, but found it curbed off with a "stand-up curb," and there was no center turn lane [but rather narrow pavement striping]. Mr. Enyart stated that he found it hazardous to sit in the middle of traffic until he could enter using the shared center access drive. Mr. Enyart stated that he found that the northerly access was gated with a padlock, which appeared to require a key. Mr. Wiedel suggested that the northerly access would need to be "finished," but he was not sure if it would be approved by ODOT. Mr. Enyart observed that it was "pretty close to [134<sup>th</sup> St. S.]. Mr. Sack stated that he / his firm designed the development, but was not involved in the design of the actual buildings, so he would contact the owners to see what design and approval documents they might have.

Erik Enyart confirmed with Ted Sack that the same owners owned the unplatted strip of land to the north of the development. Mr. Enyart observed that it appeared to essentially consist of a drainageway. Mr. Sack stated that it was not included in the subject property, and that the owners had an opportunity to acquire the property after they platted "Bixby Crossing." Mr. Enyart suggested that, if additional northerly access had to be secured, it might connect through that parcel to 134<sup>th</sup> St. S. Mr. Sack observed that this would require a bridge, and Mr. Enyart indicated agreement.

Erik Enyart noted that, since the ministorage was first built, the City of Bixby had adopted new standards for Use Unit 16 ministorage. Mr. Enyart noted that these standards included screening and masonry requirements for the building elevations which faced public streets. Mr. Enyart stated that he had not yet had a chance to look into the PUD for the details, and asked Ted Sack if the PUD was written to incorporate these standards. Mr. Sack stated that it did provide for masonry [alternatives]<sup>2</sup> on the Memorial Dr.- and 136<sup>th</sup> St. S.-facing walls, but would allow for the ornamental fence[, similar to the existing serving the *Self Storage Depot*,] to be used. Mr. Enyart stated that this would be considered an exception to the minimum standard, and the PUD would need to call it out as such.

Erik Enyart noted, at this time or another, that, in all of "Bixby Crossing," there was no sales taxes being generated, since the credit union and ministorage generate no sales taxes, and now the proposal was to turn the last commercial lot into ministorage.

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<sup>2</sup> After the meeting, Staff found that the PUD document called for "fiber cement brick panels as manufactured by the Nichiha Company as used on the existing self storage office," which the City of Bixby would recognize as a "masonry alternative" product.

Erik Enyart asked if there were any questions or comments from the utility companies. It was observed that there were existing communications facilities.

Erik Enyart stated that, since the recommendation would not be for approval, he would not be reviewing it for recommended corrections. Mr. Enyart stated that, if the Planning Commission were to indicate favor for the concept, it could then send it back to Staff for review and recommendation the following month. Ted Sack indicated objection, and noted that this would cost a month. Mr. Enyart stated that, in a case similar, he was specifically instructed not to bifurcate the review, stating, "No, this should not be approved," and then stating, "but if you approve, this is how you can make it better." Mr. Enyart stated that he would be reviewing the application and providing a Staff Report, but that it would likely not be issued until just before the April 20, 2015 Planning Commission meeting. Mr. Sack noted that Roy Johnsen would be presenting the application at the meeting. Mr. Enyart indicated agreement and stated that he had met with Mr. Johnsen on this matter.

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. Mr. Enyart thanked Ted Sack for his attendance.

Ted Sack left at this time.

4. **Preliminary Plat & Final Plat – "Bixby Memory Care" – Cedar Creek Consulting (PUD 45).** Discussion and review of a Preliminary Plat, a Final Plat, and certain Modifications/Waivers for "Bixby Memory Care," approximately 8.6512 acres in part of the NE/4 of the NE/4 of Section 25, T18N, R13E.  
Property Located: Southwest corner of 101<sup>st</sup> St. S. and Mingo Rd.
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Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart stated that the property was located at the southwest corner of 101<sup>st</sup> St. S. and Mingo Rd. Mr. Enyart stated that, if anyone had been to the area recently, they would not be able to miss the new *Firststar Bank* on the corner. Mr. Enyart stated that the subject property consisted of all of the undeveloped land from the bank west to the creek, and to the south to the *Spicewood Villas* subdivision. Mr. Enyart stated that the larger, back portion of the acreage would be developed with a memory care assisted living facility, and the two (2) outparcels between it and the bank would be for commercial / office use as per the original PUD. Mr. Enyart observed that the PUD was written quite broadly and flexibly to allow a number of different uses. Mr. Enyart stated that the applications were represented by Jason Mohler of Cedar Creek Consulting[, Inc.]. Mr. Enyart asked Mr. Mohler if he cared to summarize the project further.

Jason Mohler discussed the development plans and outparcel lots. Gary Hamilton of *Cox Communications* provided Mr. Mohler a business card for the contact at *Cox Communications* with whom Mr. Mohler or his client should speak. Mr. Hamilton indicated he thought contact had already been made. Erik Enyart clarified with Mr. Mohler that there was another Jason at Cedar Creek Consulting, Jason Emmett. Mr. Mohler noted that Mr. Emmett was out of the Oklahoma City office and had been the first one working on the plans.

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Erik Enyart observed that the Preliminary Plat appeared to have site plan elements superimposed. Jason Mohler stated that he / his clients had hoped to get everything done at one time, including the site plan, and they had put the site plan on the Preliminary Plat to differentiate between it and the Final Plat, as otherwise the only difference would be the title at the top. Mr. Enyart stated that the site plan elements were not customary, but that the Preliminary Plats normally contain elevation contours and preexisting buildings as the only distinguishing features. Mr. Mohler confirmed with Mr. Enyart that he would put the contours on the Preliminary Plat. Mr. Enyart stated that the underlying zoning districts should also be represented on both plats. Mr. Mohler indicated agreement. Mr. Mohler stated that he was coordinating with the architect and expected to turn in the Site Plan by Friday.

Erik Enyart asked Joey Wiedel if he had any questions or concerns from a fire standpoint. Mr. Wiedel noted that he had met with the engineer after he had issued his review comments and had discussed changing the configuration of the drive connection to Mingo Rd. Jason Mohler and Mr. Wiedel discussed that the multiple, right-angle turns were [mitigated] including with better curves and radii. Mr. Mohler noted that this had resulted in the loss of some [parking spaces], but the site was "over-parked" anyway. Mr. Wiedel asked for clarification on whether there would be gates on either the Mingo Rd. access drive or 101<sup>st</sup> St. S. access drive. Mr. Mohler stated that there would be no gate on the 101<sup>st</sup> St. S. access drive but, due to the location of the bank, the developer planned a "crash gate" on the Mingo Rd. access drive. Mr. Wiedel discussed the use of the term "crash gate" as compared to a remote access gate, and stated that the allowance of the gate would have to be discussed internally. Mr. Wiedel stated that he would prefer there not be a gate, as the Fire Department would most likely consider the Mingo Rd. access to be the primary access to the assisted living facility, due to the location of Fire Station # 2, since the Mingo Rd. route to it would be better. Mr. Wiedel and Mr. Mohler discussed likely further drive reconfigurations as the outparcel lots developed.

Gary Hamilton stepped out of the meeting briefly for a phone call around this time.

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Joey Wiedel discussed fire hydrant locations, Fire Department Connections, and stand pipes with Jason Mohler.

Erik Enyart asked Jim Peterson if *BTC Broadband* served this area. Mr. Peterson stated that it was not in its service area but could be served, as *BTC Broadband* served the Spicewood Pond and Spicewood Villas subdivisions on either side of it. Mr. Peterson asked about the number of units. Jason Mohler stated that he would have to check, and Joey Wiedel provided estimates.

Observing that Gary Hamilton had not yet returned to the meeting, Erik Enyart stated that *Cox Communications* had provided Jason Mohler the proper contact information needed for the project.

Erik Enyart advised Jason Mohler that he would review the plats as soon as he could get to them, but that it would likely be close to the April 20, 2015 Planning Commission date. Mr. Enyart discussed the Site Plan application process with Mr. Mohler. Mr. Enyart noted that there was no Planning Commission approval required, and so no application submission deadlines. Mr. Enyart stated that, as soon as the application was submitted, the City's "clock starts ticking," and the City

would review it as soon as it was able to. Mr. Enyart agreed to send a Site Plan application form to Mr. Mohler.

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. **BSP 2015-04 – “Chateau Villas” – Larry Kester of Architects Collective (PUD 81).**  
Discussion and possible action to approve a PUD Detailed Site Plan and building plans for “Chateau Villas,” a Use Unit 8 multifamily residential and commercial development for approximately 23 in part of the NW/4 NW/4 of Section 01, T17N, R13E.  
Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121<sup>st</sup> St. S.
- 

Erik Enyart introduced the item and summarized the location and the situation. Mr. Enyart stated that the “Chateau Villas” multifamily and commercial development was approved in late 2013 for approval of applications for PUD 81 “Chateau Villas PUD” and an underlying zoning change, and was reapproved by ordinance in early 2014. Mr. Enyart stated that the owner acquired one (1) of the two (2) parcels of land in mid-2014 and the second one in late 2014, and was now proposing to start developing the property. Mr. Enyart stated that the PUD required that the property be platted—approved for Preliminary and Final Plat—and be approved by the Planning Commission and City Council for PUD Detailed Site Plan. Mr. Enyart stated that, on the Monday prior, the City Council Conditionally approved an application for approval of Major Amendment # 1 to PUD 81, which amendment would, among other things, allow some of the buildings to go to four (4) stories and 50’ in height, and make a change to the masonry requirements. Mr. Enyart stated that the original PUD 81 required 75% masonry, but didn’t define what that meant. Mr. Enyart stated that the amendment proposed 40% traditional masonry, brick and stone, and the balance to be masonry alternatives, consisting of cementitious fiber. Mr. Enyart stated that this was an application for PUD Detailed Site Plan approval, and that the plats would be presented at a later date. Mr. Enyart asked if the Applicant would like to summarize the project further.

Gary Hamilton returned to the meeting around this time.

Applicant Kevin Jordan described the project further. Mr. Jordan noted that the new plans would include some buildings with four (4) stories, and there would be at least one (1) elevator, which was “indicia of high-end, luxury apartments.” Mr. Jordan stated that there would be some “townhouse[-style]” walk-up, third/fourth floor units. Mr. Jordan described the plans for water features and potential plans for the existing stormwater retention pond in Reserve Area A of *121st Center*. Mr. Jordan discussed with Alan Betchan the status of conversations with the developer of the [Memorial Square Amended townhouse development containing the] “duplexes” north of 121<sup>st</sup> St. S., regarding the potential widening of the “Fry Creek Trib[utary]” channel, and noted that he was “in negotiations now.”

Kevin Jordan asked about an east-west “easement” between the *North Carolina Furniture Mart* and the [*Spartan Self Storage*] ministorage business extending between Memorial Dr. and the stormwater retention pond. Mr. Jordan stated that one of the owners was asking if this could be

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abandoned. Erik Enyart clarified with Mr. Jordan that he was describing an "access easement" of some sort. Mr. Enyart stated that he was not aware of such an easement and, unless it was shown on the plat of *121st Center*, it would be a separate instrument easement of some sort.<sup>3</sup>

Joey Wiedel discussed access with the Applicant. Responding to a comment that the emergency access drive may be moved when the commercial area was developed, Erik Enyart stated that, on an earlier site plan, he had remarked that the northerly connection to 121<sup>st</sup> St. S. should not be shown as "future," as the development would need a second means of ingress/egress, as the Fire Department would likely want to be able to enter the complex from 121<sup>st</sup> St. S., and as a large number of the tenants of the apartments would want to be able to use 121<sup>st</sup> St. S. to go north on Memorial Dr. Mr. Enyart noted that, at the City Council meeting, the City Engineer had referred to the drive as an emergency-access-only drive, but that he was likely recalling the initial design. Mr. Enyart asked if this northerly drive would be more of a temporary drive with paving width adequate only for emergency access, or if it would be a full, 26'-wide street [as shown on the site plan], such as would be built throughout the apartment complex, with curbs and gutters, etc. Discussion ensued. Alan Betchan discussed the City's new gated entrance requirements, including the 80' approach, and radio transmitters [allowing the Fire Department automatic, rapid entry]. Erik Enyart stated that, for the sake of discussion, it appeared to him that, wherever the northerly road was put in, it would "cut up the commercial pad sites." Mr. Enyart noted that the previous development had the driveway connection to 121<sup>st</sup> St. S. either at the same place, the existing curb cut, or to the east thereof, but then it "swung back to the east," opening up larger "building blocks" of land for commercial development to the west. Mr. Enyart suggested that, if the drive were moved to the east, it could connect to the easterly north-south drive. Larry Kester stated, and indicated on the site plan where he had left an opening in the parking lot at the north end to allow for such a design change. Mr. Wiedel discussed with Mr. Betchan, Mr. Enyart, and others the likelihood that the existing curb cuts were likely to be the only locations which could be approved. Mr. Betchan and Mr. Enyart speculated, with reference to the *QuikTrip* redevelopment to the northwest, as to whether the concerned sections of right-of-way were acquired by ODOT or using ODOT money, as that would determine whether ODOT would also have to approve, or simply the City of Bixby. Mr. Enyart noted that the curb cut may not be able to be moved farther east, due to the bridge approaches, and that the curb cut location may be affected if the bridge were replaced for the channel widening. Kevin Jordan, while the conversation was "free flowing," discussed some other access ideas involving commercial properties to the west in *121st Center*. Discussion on this theme ensued. Mr. Kester stated that such a design may be allowed as long as the Fire Department was okay with the turn radii on the curves and there was no more than a 10% drop to allow adequate maneuverability. Mr. Betchan stated that the new gated access drive standards read more like something intended for [housing addition] subdivisions accessing Arterial Streets as opposed to a commercial, or multifamily development. After further discussion, Mr. Enyart summarized the conversation as reflecting that [the parties involved were] "still discussing options as to the northerly access."

Erik Enyart asked Joey Wiedel if he had any other questions or concerns from a fire standpoint. Mr. Wiedel stated that the architect's letter, describing the extra sprinklers in the open air corridors and firewalls, had given [him and the Fire Chief] good arguments and allowed them to say that they

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<sup>3</sup> After the meeting, Staff found that there is a 40' Mutual Access Easement along the south side of Lot 4, Block 1, *121st Center*.

would be okay [with the additional building height to 50'], allowing the City Council to give its approval.

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

Jim Peterson asked about platting. Alan Betchan stated that [the plat] was not done yet.

Larry Kester asked, and Jim Peterson of *BTC Broadband* and Gary Hamilton of *Cox Communications* both confirmed that both service providers would be able to serve the development with fiber [optic cable]. Mr. Peterson stated that *BTC* served the Encore on Memorial, and offered 1 Gigabit per second internet speeds. Mr. Hamilton stated that *Cox* was increasing speeds to 1 Gigabit in the newest housing additions also, and could provide this to this development. Erik Enyart asked, and Mr. Hamilton confirmed that *Cox* served Encore also. Mr. Enyart confirmed with Messrs. Hamilton and Peterson that it was possible for both companies to run parallel services to the same multifamily units. Mr. Peterson asked Mr. Hamilton if *Cox* ran fiber to the insides of the units, and Mr. Hamilton affirmed. Mr. Enyart asked both Mr. Hamilton and Mr. Peterson if there was an expense to the developer to install fiber services, and both stated that this was something that needed to be discussed by the [client sales/relations personnel at each firm]. Mr. Kester stated that, compared to a typical 1" chase walls, these buildings would have 8" of separation, which would allow for easy installation of conduits. Mr. Kester stated that there would be firestops at each wall and stops at each floor. Alan Betchan indicated agreement. Mr. Kester confirmed with Mr. Hamilton that *Cox* would install fiber [optic cable], Cat[egory] 6 [cable], and coaxial cable. Mr. Peterson stated that [*BTC Broadband*] may [install parallel systems] too. Mr. Enyart observed that communications services appeared to be well covered.

Joey Wiedel discussed fire caulking and recommended that the developer follow one (1) of three (3) options in this regard: (1) have third-party inspections, (2) have third party installers, or (3) provide [training] education for the trades. Mr. Wiedel stated that he recommended the first two (2). Mr. Wiedel described significant problems and delays caused by improper installation. Erik Enyart confirmed with Mr. Wiedel that he was referring to another project that was similar to the multifamily project proposed here. Mr. Wiedel stated that some of the larger proprietors [of these specialized products] can provide training, such as Hilti does. Larry Kester indicated agreement and stated that the developer was already planning to go with third-parties for the post-tension foundations.

Someone asked if the electric company was present. It was noted that this was in *AEP-PSO's* service area. Erik Enyart noted that he had had difficulty getting attendance from all of the utility providers, which was compounded by turnover in the representatives for the Bixby area. Alan Betchan noted that this phenomenon was not limited to Bixby, and noted how difficult it was to chase down release letters for Final Plats.

Jim Peterson asked when [the TAC] would see the Preliminary Plat, and Kevin Jordan stated that he would have to get back to him on that.

Erik Enyart offered to review the current list of recommendations for the site plan. Larry Kester stated that he and his client would be discussing the recommendations and would get back to Mr.

Enyart after having a chance to look at them all comprehensively and have responses to everything prepared. Mr. Enyart indicated agreement.

Erik Enyart offered to discuss options for timelines on PUD 81 Major Amendment # 1 ordinance approval.

Gary Hamilton noted that he had to leave for another meeting. Mr. Hamilton and Jim Peterson left about this time.

Erik Enyart, Kevin Jordan, Alan Betchan, Larry Kester, and others discussed matters pertaining to the timeline for ordinance approval, including Mr. Enyart's email the previous evening, Ordinance First and Second readings, City Charter requirements, 10-day newspaper publication of Ordinances without Emergency Clauses, the four (4) vote requirement for Emergency Clause attachment, and related matters. Mr. Betchan stated that he was informed that the City Council would only have three (3) Councilors present at the April 13, 2015 meeting. Mr. Enyart stated that he had asked the City Clerk to publish the notice of the ordinance consideration in the event it was not approved the previous Monday, but that he had not had a chance to follow up and confirm this was done. Mr. Enyart noted that, due to the high level of detail, the site plan proposed to replace the Conceptual Site Plan in the PUD had a lot of review comments. Mr. Enyart noted that a lot of this was due to there being informational elements on a site plan that he could not explain to the City Council, and that certain other elements were represented, and so he was responsible for confirming they were accurate. Discussion ensued.

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

6. Old Business – None.
7. New Business – None.
8. Meeting was adjourned at 12:10 PM.

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BIXBY TAC MEETING  
SIGN IN SHEET  
Wednesday, April 01, 2015

NAME	COMPANY	PHONE
1. Malek Elkhoury	Khoury Engineering	918 712-8768
2. Neil Danley	McGrawCP	918-853-7337
3. Luke Strawn	McGraw	918-859-2629
4. Joey Wiedel	JM CVB	918-366-0436
5. Ted Sack	SACK & Assoc	918-592-4111
6. Jim Peterson	BTC Broadband	918-366-0253
7. Gary Hamilton	Cox Cable	918-286-4666
8. Erik Enyart	City of Bixby	918 366 0427
9. Alan Betchen	AAB Engineering	918-514-4283
10. Jason Mohler	Cedar Creek	918-619-2113
11. Larry Cedar	Architects Collective	918-492-2987
12. Kevin Jordan	Black Gold	918-605-5600
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

# Shadow Valley

## Planned Unit Development

PUD No. -

Submitted to:

City of Bixby, Tulsa County, Oklahoma

March 20, 2015

*Property Owner:*

*Shadow Valley Bixby, LLC  
4105 S. Rockford Avenue  
Tulsa, OK 74105*

*Prepared By:*



***Khoury Engineering, Inc.***

*1435 East 41<sup>st</sup> Street, Tulsa, OK 74105  
Tel (918) 712-8768 • Fax (918) 712-1069*

CITY OF BIXBY

MAR 20 2015

RECEIVED

By *[Signature]*

108

# Shadow Valley

## Planned Unit Development

PUD No. -

Submitted to:

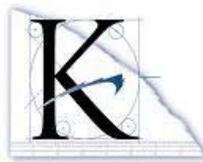
City of Bixby, Tulsa County, Oklahoma

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**DEVELOPMENT CONCEPT & CHARACTER**

*Shadow Valley* is a proposed multifamily residential use, submitted as a Planned Unit Development pursuant to the provisions of the City of Bixby Zoning Code. The PUD consists of one Development Area. Development Area “A”, being the multifamily site, contains 21.10 acres of land. The project consists of residential dwelling units in the form of low-rise apartments contained in multiple buildings, and encompasses approximately 21.1 acres of land. In addition to the apartment buildings a leasing office and clubhouse will be constructed on this site. This project is located approximately 3,200 feet west of Memorial drive, and 500 feet south of E. 151<sup>st</sup> Street South. This site is currently used as a Mobile home park. The subject property is currently zoned RMH. However, RM-3 zoning is being requested. The North side of the subject tract abuts lands zoned CS, IL and CH. The property abuts AG to the east and west. The adjacent property to the south is zoned RS-3 (PUD-85).

The purpose of a PUD is to permit flexibility within the development to best utilize the unique physical features of this particular site and provide and preserve meaningful open space. The proposed PUD meets and exceeds this requirement and the stated purposes of the Bixby Zoning Code.

**DEVELOPMENT STANDARDS**

This PUD shall be governed by the use and development regulations of Bixby Zoning Code except where provided otherwise as follows:

***Development Area A***

Permitted Use.....	As permitted in RM-3, Multi-Family apartments and customary accessory uses, such as clubhouses, pools, tennis courts, and the like.
Net Development Area.....	21.1 Acres (919,116 S.F.)
Maximum Density/Intensity of Use.....	25 units/ acre
Maximum Floor Area Ratio Per Lot.....	0.50
Minimum Livability Space.....	20% of the total site area
Minimum Building Setback:	
From Easterly side lines.....	20 feet
From Front/ North line .....	20 feet
From Rear/South line .....	20 feet
From Westerly side lines.....	20 feet
Maximum Building Height.....	50 feet (Not to exceed three stories)
Minimum Landscape Buffer .....	20 feet from E. 151st Street South 20 feet from Easterly side Lines 20 feet from Westerly side Lines 20 feet from South Property Line
Minimum Dwelling Unit size .....	600.00 Square feet
Percent of masonry .....	25% Buildings 40% Leasing Office

	0% Carports & Garages
Parking Ratio.....	1.5 space per 1 bedroom unit
	2.0 space per 2 & 3 bedroom units

**PLATTING**

No building permit within *Shadow Valley* shall be issued until a subdivision plat has been approved by the City of Bixby as being in compliance with the planned unit development concept and development standards. A subdivision plat will be submitted to the City of Bixby after approval of the PUD by the City Council. The platted area will establish private covenants which set forth criteria which will establish and maintain a very high quality of development.

**DETAIL SITE PLAN REVIEW**

A Detailed Site Plan shall be submitted to and approved by the City of Bixby prior to the issuance of a Building Permit. The applicant shall submit the Site Plan to the City and supply all information required.

**LANDSCAPING AND SCREENING**

*Shadow Valley* landscaping plan will be submitted to the City of Bixby during the Detailed Site Plan phase. The plan will be designed to enhance the E. 151<sup>st</sup> Street South frontage and to create an attractive view from said street and adjacent properties. The planting theme will highlight the site entries and buildings, and will utilize plant selections indigenous to North East Oklahoma that are durable and require low maintenance. All landscaping shall be provided in accordance with the City of Bixby Zoning Code except as noted herein.

A minimum of fifteen percent (15%) of the land area shall be improved as internal landscape open space.

The frontage along S. 151<sup>st</sup> Street South will have a twenty (20) foot wide landscaped strip along the street right-of-way. This landscape strip will be planted with at least one (1) tree per 500 square feet of street yard and at least one half of the trees shall be evergreen. Shrubs will also be installed to exceed the requirements of the Bixby Zoning Code.

Along the south, east and west sides of the PUD there will be a twenty (20) foot wide landscaped buffer. This landscape buffer will be planted with at least one (1) tree per 1000 square feet of buffer area and at least one half of the trees shall be evergreen.

All trees required by code will be planted at a minimum size of 2” caliper. Shrubs required by code will be planted with a minimum 3 gallon container size. All landscape areas will be irrigated with an underground sprinkler system, and maintained per requirements of the Bixby Zoning Code.

In order to screen the facility from the adjacent properties, we are proposing a 6-foot tall fence along the Eastern, southern, Northern and Western property lines. Details of the type of fence and screening will be provided during the detailed site plan phase.

**GRADING & UTILITY PLANS**

During the design phase, a Site Grading & Utility Plan will be submitted to the City of Bixby for review and approval. All utilities are available to serve this development including water and Sanitary Sewer.

Drainage and Utility plans will be prepared in accordance with the City of Bixby engineering requirements.

The site is fairly flat. Existing topography ranges from elevation 604 at the west side to elevation 600.00 at the east side of the property. A portion of the existing driveway near 151<sup>st</sup> is located within the FEMA 100 year floodplain.

There is a 12-inch water lines located on the north side of E. 151<sup>st</sup> Street, and a 6" water line along the east side of this property.

There is an existing 8" Sanitary Sewer line along the east side of this property. This line is flowing into an existing on-site lift station. A 4" forcemain is conveying waste water from this development into a manhole located within the Bixby Industrial Park located east of this project site. All other utilities and communication services are available along 151<sup>st</sup> street and accessible to serve this project. Fire Hydrant spacing within this development will be 300 feet apart. A fire hydrant layout plan will be submitted to the Fire Marshal for approval. All water mains will be looped outside of paved areas. Laterals sanitary sewer mains will be extended to locations within the development, with manholes located outside of paved areas.

## **ACCESS AND CIRCULATION**

The main Ingress and egress to *Shadow Valley* will be from 151<sup>st</sup> Street South. The existing driveway along the east side will be improved and removed from the 100 yr flood plain by installing drainage structure under the access road. A second access road will eventually be installed to provide a secondary means of access to 151<sup>st</sup> Street. The location of the secondary access will be determined upon acquiring additional property between this development and 151<sup>st</sup> Street. Sidewalks, minimum 4 feet in width, will be installed by the developer along all street frontages in accordance with the Subdivision Regulations. The sidewalks will be ADA compliant to be approved by the City Engineer. The minimum width of the internal drives will be 26 feet and the minimum gate width will be 14 feet. A Knox rapid entry system will be installed. Internal sidewalks will be provided to enhance the quality of the development and to provide a convenient and safe passageway for pedestrians.

## **TRASH ENCLOSURE**

Outside trash enclosures will be located within the development. There will be screened from the view from the residential area and roadways.

## **SIGNS & SITE LIGHTING**

One free standing sign will be installed along the frontage of E. 151<sup>st</sup> Street South. Additional signs will be installed on the buildings. All Signage shall comply with the Bixby Zoning Code.

The site lighting consists of 400 watt metal halide fixtures, aluminum housing, type 3 distribution on 20 feet tall poles. Each building will have wall packs with high pressure sodium bulbs at the end of each building. Additional security lighting will be provided for the safety of the tenants. All outdoor lighting fixtures will be shielded to avoid light spillage onto adjacent properties. A photometric plan will be submitted to the City of Bixby for approval during the design phase of the project.

## **SOIL ANALYSIS**

A complete soil investigation study will be provided by a qualified geotechnical engineering firm during the design phase of the project. For the purpose of this PUD, we have attached in Exhibit D a soil analysis from Tulsa County Soil Conservation services.

## **SCHEDULED DEVELOPMENT**

Construction of *Shadow Valley* project will commence in late winter of 2016.

## **LEGAL DESCRIPTION**

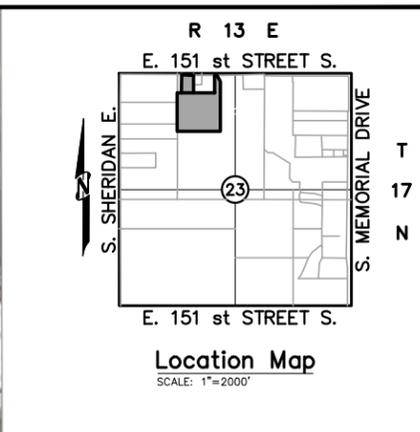
A tract of land located in the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-three (23), Township Seventeen (17) North, Range Thirteen (13) East, Tulsa County, State of Oklahoma, being more particularly described as follows:

Beginning at the Northeast corner of the Northwest quarter (NW/4) of section Twenty-three (23), thence N 89° 56' 0" W, a distance of 330.62 feet, thence S 0° 04' 40" W, a distance of 1319.96 feet to the Point of Beginning; thence N 89° 57' 0" W, a distance of 990.44 feet, thence N 0° 11' 40" E, a distance of 880 feet, thence S 89° 56' 0" E, a distance of 850.35 feet, thence N 0° 04' 40" E, a distance of 390.25 feet, thence S 89° 56' 00" E, a distance of 59', thence S 28° 29' 32" E, a distance of 165.81 feet, thence S 0° 04' 40" W, a distance of 1124.32 to the Point of Beginning;

Having an area of 21.10 acres more or less.

**EXHIBIT A**

**AERIAL PLAN**



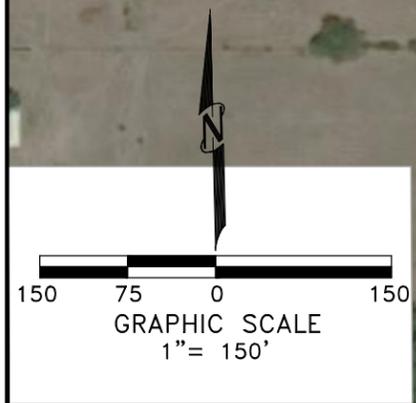
**Khoury Engineering, Inc.**  
Civil Engineering - Land Development  
1435 East 41st Street  
Tulsa, OK 74105  
CA #3751, Renewal 06-30-15  
Tel: 918.712.8768  
Fax: 918.712.1069

**SHADOW VALLEY MOBILE HOME**  
**7500 E. 151st STREET S**  
**CITY OF BIXBY, OKLAHOMA**

**AERIAL PLAN**

DATE: 03/20/15

**EXHIBIT A**

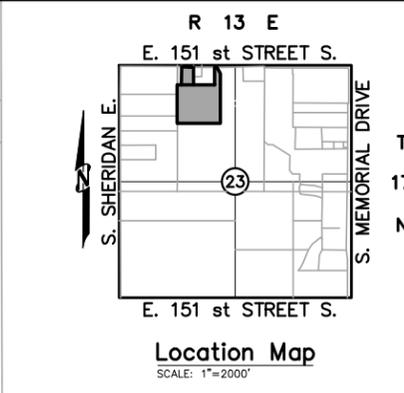
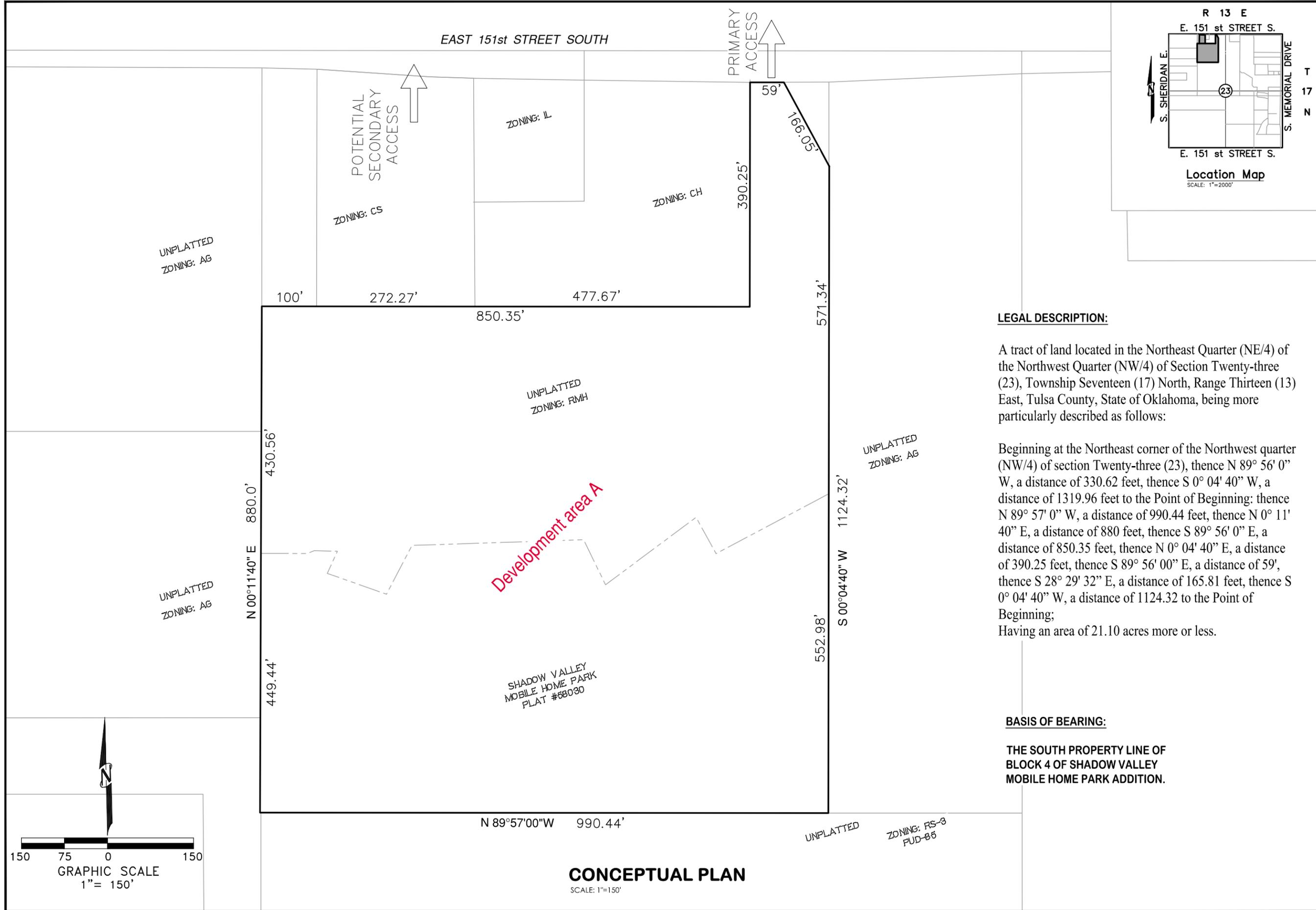


UNPLATTED  
ZONING: RS-8  
PUD-85

**AERIAL PLAN**  
SCALE: 1"=150'

**EXHIBIT B**

**PUD PLAN**



**LEGAL DESCRIPTION:**

A tract of land located in the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-three (23), Township Seventeen (17) North, Range Thirteen (13) East, Tulsa County, State of Oklahoma, being more particularly described as follows:

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 Having an area of 21.10 acres more or less.

**BASIS OF BEARING:**

THE SOUTH PROPERTY LINE OF BLOCK 4 OF SHADOW VALLEY MOBILE HOME PARK ADDITION.

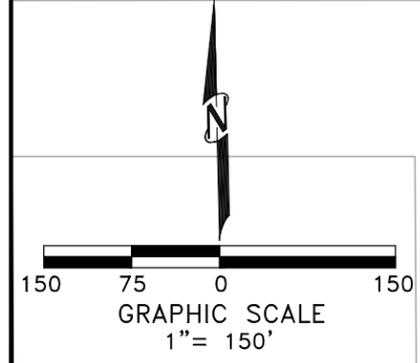
**Khoury Engineering, Inc.**  
 Civil Engineering - Land Development  
 1435 East 41st Street  
 Tulsa, OK 74105  
 CA #3751, Renewal 06-30-15  
 Tel: 918.712.8768  
 Fax: 918.712.1069

**SHADOW VALLEY MOBILE HOME  
 7500 E. 151ST STREET S  
 CITY OF BIXBY, OKLAHOMA**

**PUD PLAN**

DATE: 03/20/15

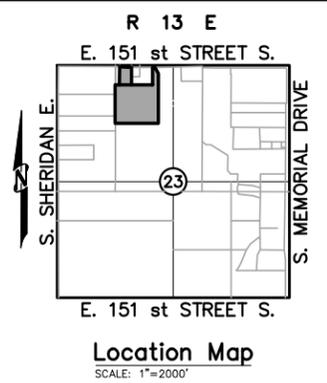
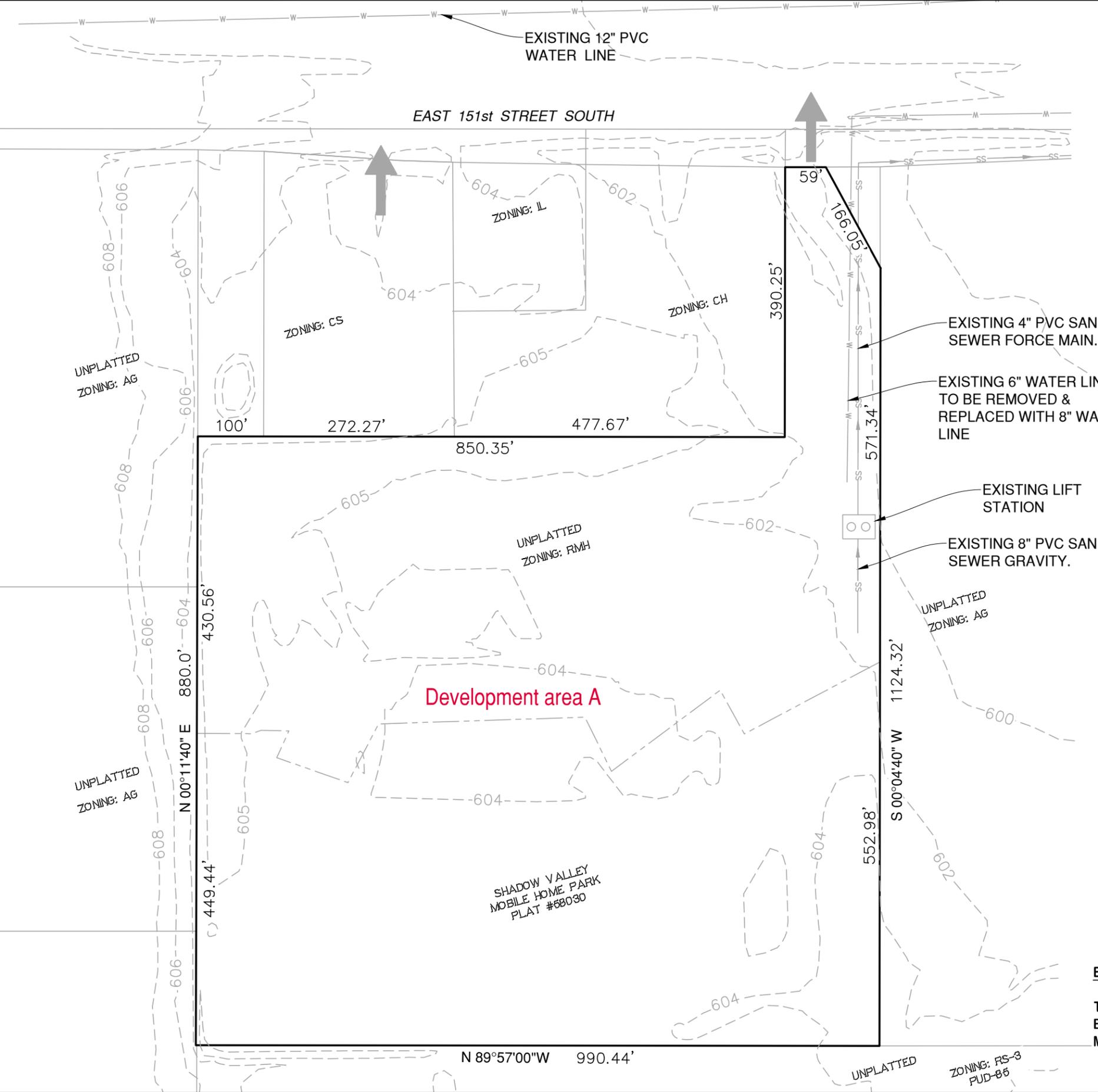
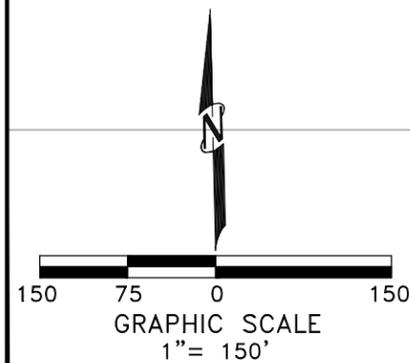
**EXHIBIT  
 B**



**CONCEPTUAL PLAN**  
 SCALE: 1"=150'

**EXHIBIT C**

**EXISTING CONTOURS & UTILITIES**



**BASIS OF BEARING:**  
 THE SOUTH PROPERTY LINE OF  
 BLOCK 4 OF SHADOW VALLEY  
 MOBILE HOME PARK ADDITION.

**Khoury Engineering, Inc.**  
 Civil Engineering - Land Development  
 1435 East 41st Street  
 Tulsa, OK 74105  
 CA #3751, Renewal 06-30-15  
 Tel: 918.712.8768  
 Fax: 918.712.1069

**EXISTING CONTOUR AND UTILITIES**  
**SHADOW VALLEY MOBILE HOME**  
**7500 E. 151st STREET S**  
**CITY OF BIXBY, OKLAHOMA**

**DATE:** 03/20/15  
**EXHIBIT**  
**C**

**EXHIBIT D**

**SOIL ANALYSIS**



United States  
Department of  
Agriculture

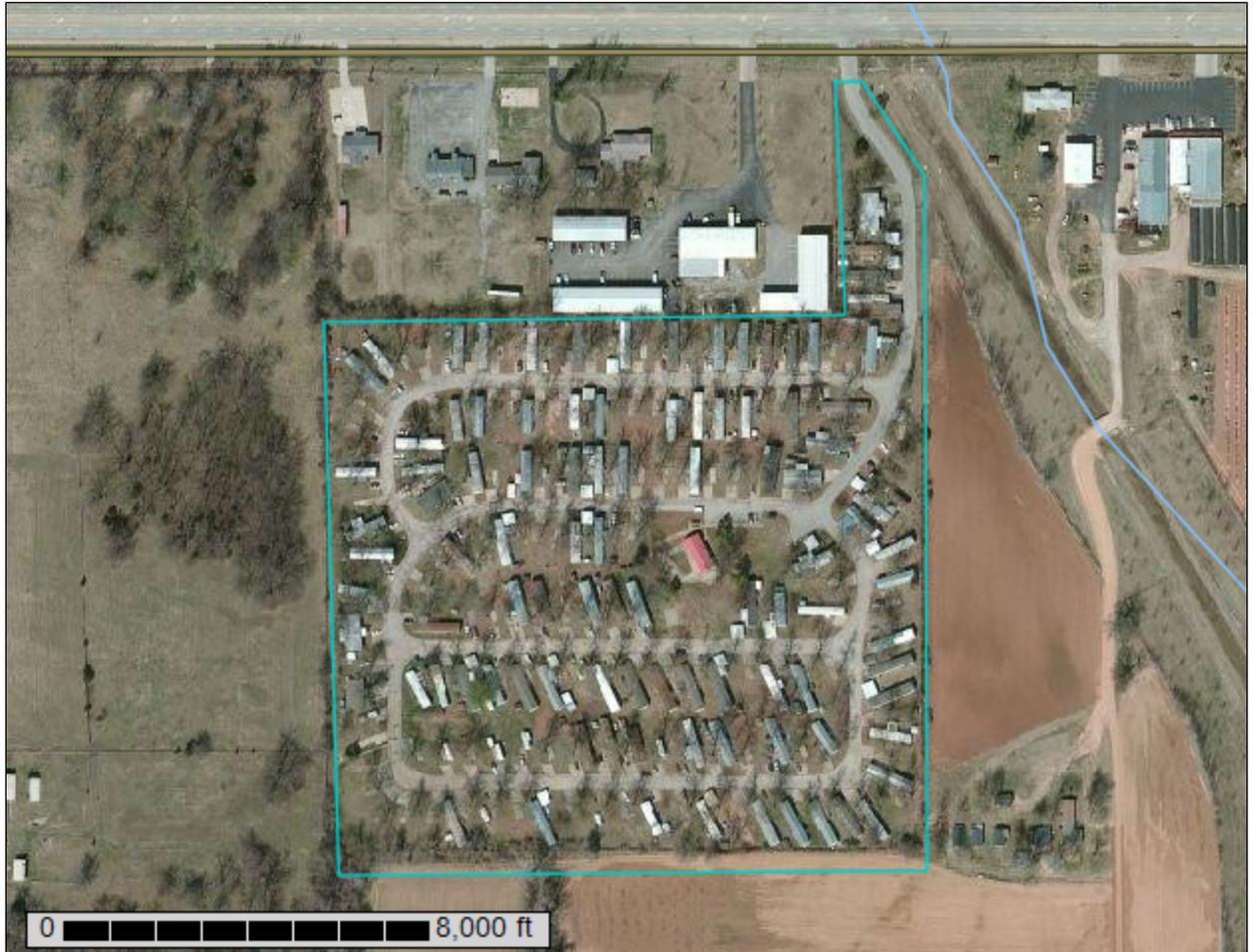
**NRCS**

Natural  
Resources  
Conservation  
Service

A product of the National  
Cooperative Soil Survey,  
a joint effort of the United  
States Department of  
Agriculture and other  
Federal agencies, State  
agencies including the  
Agricultural Experiment  
Stations, and local  
participants

# Custom Soil Resource Report for Tulsa County, Oklahoma

## Shadow Valley



# Preface

---

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<http://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means

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# Contents

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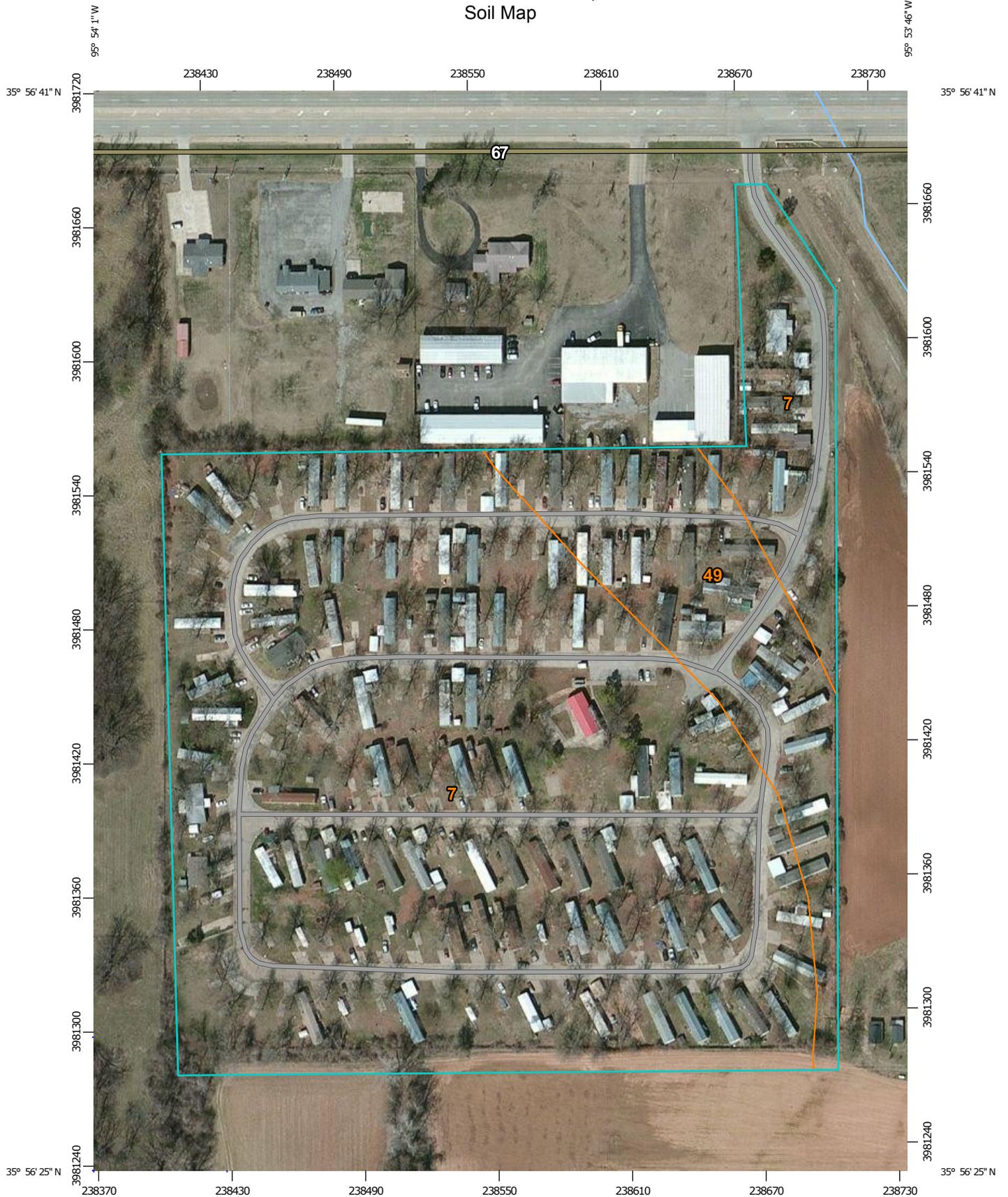
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Tulsa County, Oklahoma.....	10
7—Choska very fine sandy loam, 0 to 1 percent slopes, rarely flooded.....	10
49—Severn very fine sandy loam, 0 to 3 percent slopes, rarely flooded....	11

# Soil Map

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The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

# Custom Soil Resource Report Soil Map



Map Scale: 1:2,360 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84

### MAP LEGEND

**Area of Interest (AOI)**

 Area of Interest (AOI)

**Soils**

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

**Special Point Features**

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

**Water Features**

 Streams and Canals

**Transportation**

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

**Background**

 Aerial Photography

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Tulsa County, Oklahoma  
 Survey Area Data: Version 9, Sep 18, 2014

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 23, 2010—Jun 13, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Tulsa County, Oklahoma (OK143)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
7	Choska very fine sandy loam, 0 to 1 percent slopes, rarely flooded	18.7	85.7%
49	Severn very fine sandy loam, 0 to 3 percent slopes, rarely flooded	3.1	14.3%
<b>Totals for Area of Interest</b>		<b>21.8</b>	<b>100.0%</b>

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments

## Custom Soil Resource Report

on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## Tulsa County, Oklahoma

### 7—Choska very fine sandy loam, 0 to 1 percent slopes, rarely flooded

#### Map Unit Setting

*National map unit symbol:* 3I27  
*Elevation:* 10 to 1,000 feet  
*Mean annual precipitation:* 36 to 60 inches  
*Mean annual air temperature:* 50 to 70 degrees F  
*Frost-free period:* 200 to 300 days  
*Farmland classification:* All areas are prime farmland

#### Map Unit Composition

*Choska and similar soils:* 85 percent  
*Minor components:* 15 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Choska

##### Setting

*Landform:* Stream terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Convex

##### Typical profile

*A - 0 to 14 inches:* very fine sandy loam  
*C - 14 to 35 inches:* very fine sandy loam  
*2C - 35 to 48 inches:* silt loam  
*3C - 48 to 80 inches:* stratified loamy fine sand to silt loam

##### Properties and qualities

*Slope:* 0 to 1 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Well drained  
*Runoff class:* Low  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.60 to 2.00 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* Rare  
*Frequency of ponding:* None  
*Available water storage in profile:* High (about 10.5 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 1  
*Hydrologic Soil Group:* B  
*Ecological site:* Loamy bottomland pe 62-80 (R112XY050OK)  
*Other vegetative classification:* Unnamed (G112XY020OK)

#### Minor Components

##### Severn

*Percent of map unit:* 10 percent  
*Landform:* Flood plains  
*Down-slope shape:* Linear

## Custom Soil Resource Report

*Across-slope shape:* Linear  
*Other vegetative classification:* Unnamed (G118BY034OK)

### **Latanier**

*Percent of map unit:* 5 percent  
*Landform:* Plains on paleoterraces  
*Landform position (three-dimensional):* Talf  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Other vegetative classification:* Unnamed (G118AY126OK)

## **49—Severn very fine sandy loam, 0 to 3 percent slopes, rarely flooded**

### **Map Unit Setting**

*National map unit symbol:* 311z  
*Elevation:* 10 to 1,000 feet  
*Mean annual precipitation:* 36 to 60 inches  
*Mean annual air temperature:* 50 to 70 degrees F  
*Frost-free period:* 200 to 300 days  
*Farmland classification:* All areas are prime farmland

### **Map Unit Composition**

*Severn and similar soils:* 85 percent  
*Minor components:* 15 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### **Description of Severn**

#### **Setting**

*Landform:* Flood plains  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Calcareous loamy and silty alluvium

#### **Typical profile**

*Ap - 0 to 8 inches:* very fine sandy loam  
*C1 - 8 to 28 inches:* stratified loamy very fine sand to silty clay loam  
*C2 - 28 to 48 inches:* very fine sandy loam  
*C3 - 48 to 80 inches:* stratified loamy very fine sand to silty clay loam

#### **Properties and qualities**

*Slope:* 0 to 3 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Well drained  
*Runoff class:* Very low  
*Capacity of the most limiting layer to transmit water (Ksat):* High (2.00 to 6.00 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* Rare  
*Frequency of ponding:* None  
*Calcium carbonate, maximum in profile:* 2 percent  
*Available water storage in profile:* High (about 10.4 inches)

## Custom Soil Resource Report

### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 3e  
*Hydrologic Soil Group:* B  
*Ecological site:* Loamy bottomland pe 62-80 (R112XY050OK)  
*Other vegetative classification:* Unnamed (G118BY034OK)

### Minor Components

#### Choska

*Percent of map unit:* 10 percent  
*Landform:* Flood plains  
*Down-slope shape:* Linear  
*Across-slope shape:* Convex  
*Ecological site:* Loamy bottomland pe 62-80 (R112XY050OK)  
*Other vegetative classification:* Unnamed (G112XY020OK)

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*Percent of map unit:* 5 percent  
*Landform:* Plains on paleoterraces  
*Landform position (three-dimensional):* Talf  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Other vegetative classification:* Unnamed (G118AY126OK)

**END OF PUD**



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

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## STAFF REPORT

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**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner   
**Date:** Thursday, April 09, 2015  
**RE:** Report and Recommendations for:  
PUD 49-A – “Bixby Crossing” – Major Amendment # 1 – Ted Sack of Sack & Associates, Inc. for J & S Acquisitions, LLC

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**LOCATION:** – 13455 S. Memorial Dr. and the 13500-block of S. Memorial Dr.  
– Lots 1 and 3, Block 1, *Bixby Crossing*

**SIZE:** Approximately 12.6 acres, more or less, in two (2) lots

**EXISTING ZONING:** CS Commercial, OM Office, RM-2 Residential Multi-Family, RD Residential Duplex, & PUD 49

**SUPPLEMENTAL ZONING:** PUD 49 “Bixby Crossing” and Corridor Appearance District (partial)

**EXISTING USE:** The *Self Storage Depot* ministorage business and a vacant commercial lot

**REQUEST:** Approval of Major Amendment # 1 to Planned Unit Development (PUD) # 49 (“Bixby Crossing”), to be known and designated on the official Zoning Map as “PUD 49-A” with underlying zoning CS Commercial, OM Office, RM-2 Residential Multi-Family, RD Residential Duplex, which amendment proposes to allow additional Use Unit 16 ministorage use and make certain other amendments

SURROUNDING ZONING AND LAND USE:

- North: CG, RM-3, & RS-1; Unplatted vacant/wooded land zoned CG and (across 134<sup>th</sup> St. S.) vacant land zoned CG and RM-3, the *Autumn Park* assisted living facility zoned RM-3, the *RiverCrest Event Center* and the *Bixby Funeral Service* zoned CG and RM-3, and the *Riverview Missionary Baptist Church* on unplatted property zoned CG and in part of *Gardenview Addition* zoned RS-1.
- South: (Across 136<sup>th</sup> St. S.) IL, CS, OM, RM-2/PUD 10, & AG; Agricultural and vacant/wooded land in *Knight Industrial Park* zoned IL and agricultural and vacant/wooded land and the *Advance Sod Sales* aka *Tulsa Grass & Sod Farms, Inc.* business zoned CS, OM, RM-2/PUD 10, and AG. To the southeast on the north side of 136<sup>th</sup> St. S. is the Southbridge neighborhood park with splash pad and playground zoned IL in *Knight Industrial Park*.
- East: RS-3 & RM-2/PUD 10; Single-family residential in *Blue Ridge Estates* and *Blue Ridge II* zoned RS-3 and single-family residential to the southeast in *Southbridge* zoned RM-2/PUD 10.
- West: (Across Memorial Dr.) CG & CS/PUD 13a; V vacant/wooded land zoned CS/PUD 13a and office-type businesses to the northwest including *Apollo's Martial Arts*, the *Daily Family YMCA of Bixby*, the *Family Eye Care*, and the *Baker Small Animal Clinic* all zoned CG.

COMPREHENSIVE PLAN: Medium Intensity + Corridor + Commercial Area

PREVIOUS/RELATED CASES: (Not researched)

RELEVANT AREA CASE HISTORY: (Not researched)

BACKGROUND INFORMATION:

Pursuant to a discussion with the City Council at a Worksession meeting held May 27, 2014, City Staff prepared an amendment to the Comprehensive Plan and an amendment to the Zoning Code (1) to establish policy preferring (A) retail land uses and (B) PUDs within Bixby's commercial corridors, and (2) to require PUDs when granting commercial rezoning entitlements in same. On July 14, 2014, perhaps without precedent, the Planning Commission held a Special Meeting concurrent with the City Council's Regular Meeting to consider certain changes to the Bixby Comprehensive Plan (BCPA-11) and Zoning Code, all in an effort to encourage retail commercial uses within the City of Bixby. The Planning Commission recommended, and the City Council subsequently approved (Ords. # 2136 and 2137) all changes. BCPA-11 provided specific policy language preferring retail commercial uses and PUDs within commercial corridors, which in turn supported an amendment to Zoning Code Section 11-5-2 requiring PUDs in these corridors when rezoning to commercial.

Ordinance # 2136, approved July 14, 2014, amended the Bixby Comprehensive Plan per BCPA-11. Per that amendment, "Commercial Area Policies" item # 3 on page 36 now provides:

" Due to the critical need for retail development to support capital improvements and municipal services, within areas designated "Corridor" and "Commercial

Area” or “Vacant, Agricultural, Rural Residences, and Open Land” on the Land Use Map, it is City policy to (1) prefer retail development over all other land use types where appropriate in context and (2) prefer that a Planned Unit Development (PUD) application be processed along with any application for rezoning to commercial.”

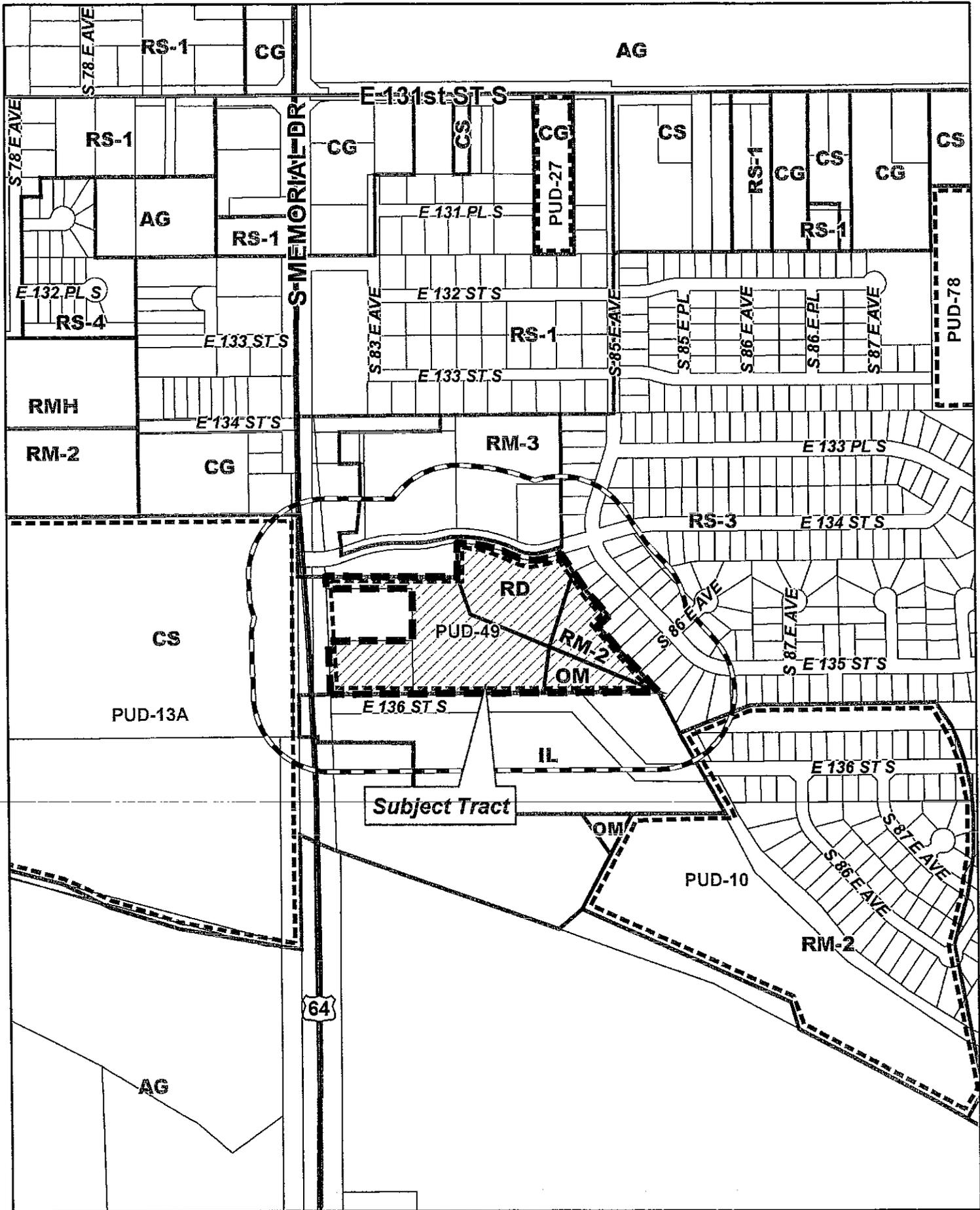
ANALYSIS:

This PUD 49-A proposes to allow for Use Unit 16 ministorage development of vacant commercial Lot 3, Block 1, *Bixby Crossing*, which the Bixby Comprehensive Plan designates as Corridor + Commercial Area. The lot in question is at the northeast corner of the intersection of 136<sup>th</sup> St. S., a mid-mile Collector Street connecting to Mingo Rd., and Memorial Dr. ODOT is currently scheduled, within the next couple years, to widen Memorial Dr. north of this intersection in order to install a turning lane into 136<sup>th</sup> St. S. Based on its location and the physical facts of the area, Staff believes the retail use preference was intended for properties such as Lot 3, Block 1, *Bixby Crossing*.

As Staff has expressed to the Applicant and owner’s attorney Roy Johnsen in several meetings, phone conversations, and emails, the proposal to convert the vacant commercial lot into Use Unit 16 ministorage is in direct conflict with the Bixby Comprehensive Plan policy preferring retail use over all other land use types.

Staff recommends this application be Denied due to the proposed land use’s conflict with the Comprehensive Plan.

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300' Radius



Subject Tract

**PUD 49-A**



12-17-13



# CITY OF BIXBY

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

## Engineering Department Memo

**To:** Erik Enyart, City Planner

**From:** Jared Cottle, PE *JWC*

**CC:** Bea Aamodt, PE  
File

**Date:** 03/31/15

**Re:** Bixby Crossing  
PUD 49-A Review

---

### General Comments:

1. This site is located in the Memorial Corridor Appearance district. The Applicant should be aware of:
  - Council's specified preference for commercial development in this corridor
  - Council's recent actions regarding building appearance and masonry requirements

### Grading/Drainage/Paving Comments:

2. Site runoff must be directed to either Memorial or to the detention facility as approved in the original Drainage Report. The PUD Exhibit shows general drainage patterns. However, conformance to the original drainage design must be substantiated in the form of a Drainage Report for this project.
3. Site access and circulation must be approved by the Fire Marshall.

### Utility Comments:

4. No additional utility work appears to be required based upon the Exhibit C. All utility lines are shown as existing. If utility work is required, additional comments will be provided.
5. Fire hydrant locations must be approved by the Fire Marshall.

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**Bixby**  
**Fire Marshal's Site Plan Review Worksheet**

Date of Review: 3-30-2015 Permit Number: \_\_\_\_\_  
Business/Bldg Name: Bixby Crossing PUD 49-A Address of Project: 136<sup>th</sup> st. S. and Memorial  
Designer Name: Sack & Associates Designer's Phone: (918) 592-4111

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

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

**Access:**

1.  Drawings are provided.
  2.  The required fire department access roads is a minimum unobstructed 20 ft. in width and 13 ft. 6 in. clear height, IFC 503.2.1. Check with local or state requirements that may have street planning regulations that supercede the IFC requirements.
  3.  "No Parking Fire Lane" signs are provided at AHJ prescribed locations, IFC 503.3.
  4.  Required fire department access roads are designed to support an apparatus with a gross axle weight of 75,000 lb, engineering specifications are provided, IFC App D102.1.
  5.  Required fire department access roads are an all weather driving surface such as asphalt, concrete, chip seal (oil matting), or similar materials, IFC 503.2.3.
  6.  The proposed building does have an emergency vehicle access road within 150 ft. of any exterior portion of the structure, if not, a fire department access road must be provided, IFC 503.1.1.
  7.  The grade for required fire department access road does not exceed 10 percent unless approved by the Chief, Appendix D103.2.
  8.  A local jurisdiction alternative to the 10 percent grade restriction could be the following: If the grade exceeds 10 percent, the first portion of the grade shall be limited to 15 percent for a length of 200 ft. and then 15 percent to 20 percent for a maximum of 200 ft., repeat the cycle as necessary unless the building is sprinklered.
  9.  No access drive grades are greater than 10 percent if Appendix D is applicable at the local level, Appendix D 103.
  10.  The access road design for a maximum grade conforms to specifications established by the fire code official, IFC 503.2.7.
  11.  The dead-end fire department access roads (s) in excess of 150 ft. is provided with a turn-around, IFC 503.2.5.
  12.  The turn-around cul-de-sac has an an approved inside and a outside radius, e.g. 30 ft. 50 ft. respectively, a hammerhead design is a minimum 70 ft. L x 20 ft. W, or another approved design may be used, IFC 503.2.4.
  13.  The turning radius for emergency apparatus roads is 30 ft. inside and 50 ft. outside radius or as approved by the code official.
  14.  Fire department access roads shall be constructed and maintained for all construction sites, IFC 1410.1.
  15.  Dead-end streets in excess of 150 ft. resulting from a phased project are provided an approved temporary turnaround, IFC 503.2.5.
- Water Flow and Hydrants:** An in-depth plan review for private hydrants and private water mains will occur during the project plan review phase.
16.  A fire flow test and report is provided to verify that the fire flow requirement is available. Also, refer to the note at the bottom of the page.
  17.  Water mains and pipe sizes are detailed on the site plan, IFC 508.1.
  18.  All water mains and hydrants shall be installed and operate as soon as combustible materials arrive on a construction site, IFC 1412.1.

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

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

21. X A hydrant is required within 300 ft. of any exterior portion of a commercial development per City of Bixby Ordinance #854.

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

**Additional Comments:**

- Item #11- North dead end access road, north of TTCU is not approved.**
- Item #16- Fire flow test shall be performed. Provide this office with test results.**
- Buildings within 30 feet of a property line shall have a fire wall per City of Bixby 9-7-2.**
- Buildings in excess of 12,000 sq. feet shall be sprinkled.**
- Gates plans shall be submitted for approval.**

Review Date: 3-30-2015  
 Review Date: \_\_\_\_\_  
 Review Date: \_\_\_\_\_

Approved or Disapproved  
 Approved or Disapproved  
 Approved or Disapproved

FD Reviewer: *Joey Wood*  
 FD Reviewer: \_\_\_\_\_  
 FD Reviewer: \_\_\_\_\_

137

# Bixby Crossing

City of Bixby, Tulsa County, Oklahoma  
Planned Unit Development Number 49-A

CITY OF BIXBY  
MAR 20 2015  
RECEIVED  
BY Fryer

March, 2015

# *Bixby Crossing*

*City of Bixby, Tulsa County, Oklahoma  
Planned Unit Development Number 49-A*

*March, 2015*

Bixby Crossing  
City of Bixby  
Planned Unit Development No. 49-A

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Bixby Crossing  
City of Bixby  
Planned Unit Development No. 49-A

Development Concept

Bixby Crossing was submitted as Planned Unit Development No. 49 and was recommended by the Bixby Planning Commission on March 20, 2006 and approved by the Bixby City Council on April 10, 2006.

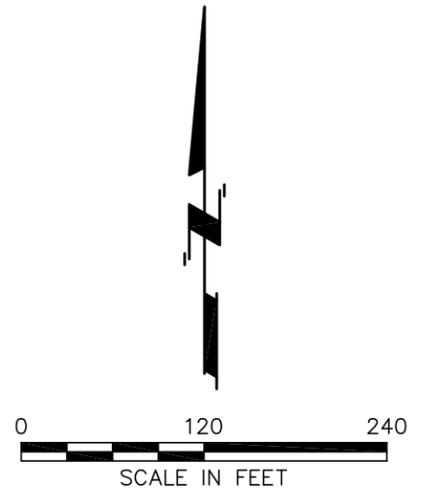
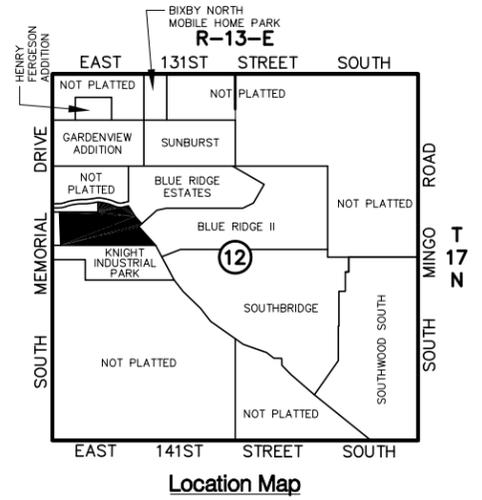
Approximately 8.4 acres is within the CS Commercial Shopping District which would permit a maximum of approximately 183,500 square feet of building floor area. Development Standards applicable to PUD No. 49 were approved for 150,000 square feet of commercial, office or mini-storage use.

Bixby Crossing, as set forth within PUD No. 49, was platted by Plat Number 6089 filed on February 22, 2007 and construction to this point is comprised of approximately 5,000 square feet of commercial office use and 90,000 square feet of mini-storage use.

Within Bixby Crossing there is an existing vacant lot (76,647 square feet) fronting Memorial Drive which the Developer has endeavored for nine years to sell for retail commercial use, but has been unsuccessful and has a waiting list for mini-storage units.

This amendment, Planned Unit Development No. 49-A, in substance, is a request by the Developer to use the vacant lot for the extension of the existing mini-storage from 90,000 square feet to 120,000 square feet.

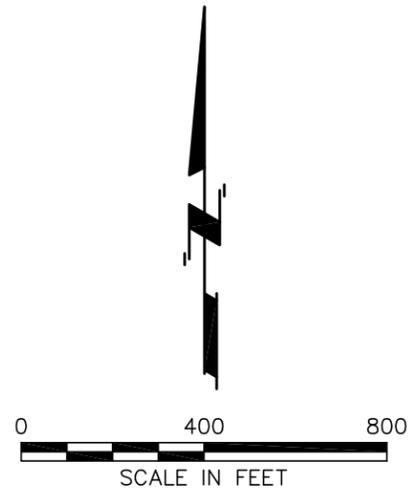
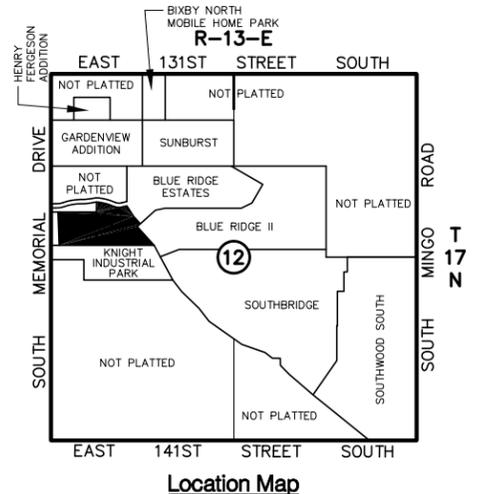
SOUTH MEMORIAL DRIVE



# Bixby Crossing

Concept Illustration  
**EXHIBIT 'A'**

Planned Unit Development Number 49-A



# *Bixby Crossing*

Aerial Photo - Land Uses  
**EXHIBIT 'B'**  
 Planned Unit Development Number 49-A

Bixby Crossing  
City of Bixby  
Planned Unit Development No. 49-A

Development Standards

LAND AREA: 14.34 Acres 624,843 SF

PERMITTED USES:

Those uses permitted as a matter of right in the CS–Commercial Shopping district and use Unit 16, mini-storage only, and uses customarily accessory to permitted uses.

MAXIMUM BUILDING FLOOR AREA:

Commercial/Office	30,000 SF
Mini-Storage	120,000 SF

MINIMUM LOT FRONTAGE:

Mini-Storage lot frontage on South Memorial Drive	50 FT
Other lots	150 FT

MAXIMUM BUILDING HEIGHT:

Commercial/Office	42 FT
Mini-Storage Buildings	15 FT
Mini-Storage Office	35 FT

Architectural elements and business logos may exceed the maximum building height with detail site plan approval.

OFF-STREET PARKING:

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

**MINIMUM BUILDING SETBACKS:**

From the South Memorial Drive Right-of-Way	50 FT
From the East 136th Street Right-of-Way	25 FT
From the north boundary	15 FT
From the east boundary	250 FT
Internal setbacks to be established at Detail Site Plan Review.	

**LANDSCAPED AREA:**

A minimum of 15% of the net land area shall be improved as internal landscaped open space in accord with the Landscape Chapter of the Zoning Code of the City of Bixby. At least 10% of the net land area of each lot shall be improved as internal landscaped open space.

**SIGNAGE:**

- 1) One center identification ground sign not exceeding 25 feet in height and 250 square feet in display surface area shall be permitted along the South Memorial Drive frontage.
- 2) One ground sign shall be permitted for each lot with frontage on South Memorial Drive or East 136<sup>th</sup> Street with a maximum of 160 square feet of display surface area and 25 feet in height.
- 3) Wall signs shall be permitted to exceed 2.0 square feet of display surface area per lineal foot of building wall to which attached. The length of a tenant wall sign shall not exceed seventy-five percent of the frontage of the tenant space.

**LIGHTING:**

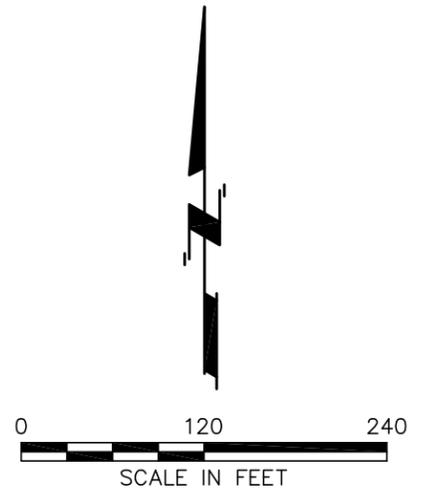
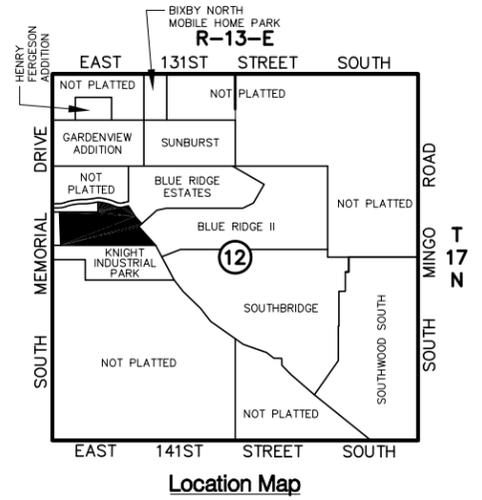
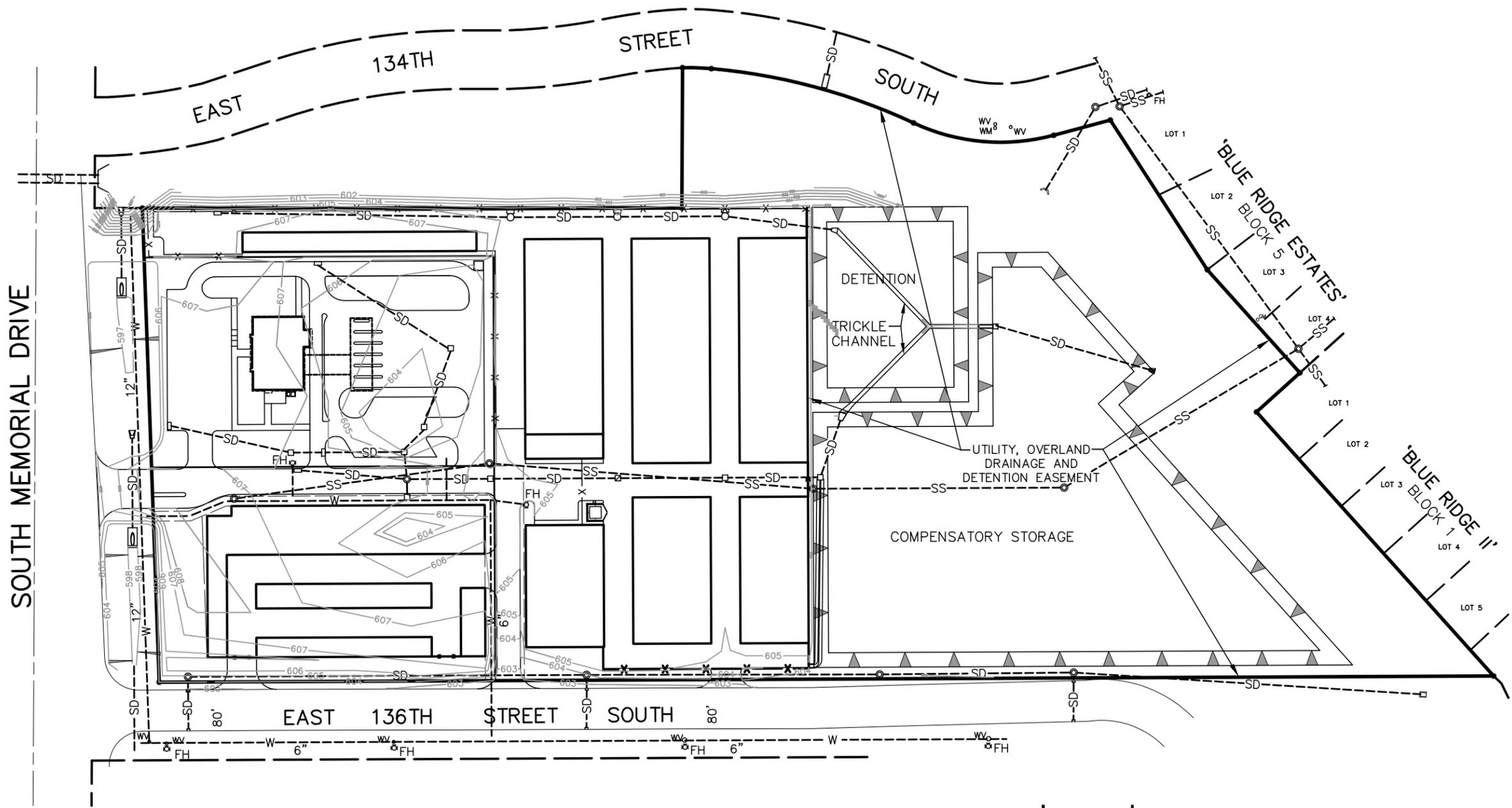
Light standards within Bixby Crossing shall not exceed 35 feet in height and shall be hooded and directed downward and away from the east and south boundaries.

**FENCING:**

6' Ornamental fencing shall be permitted along south and west side of buildings.

WALLS:

Exterior building walls adjacent to South Memorial and East 136th Street South shall be fiber cement brick panels as manufactured by the Nichiha Company as used on the existing self storage office. Metal or standard (smooth) concrete block exterior walls are not permitted on such exterior walls.



**Legend**

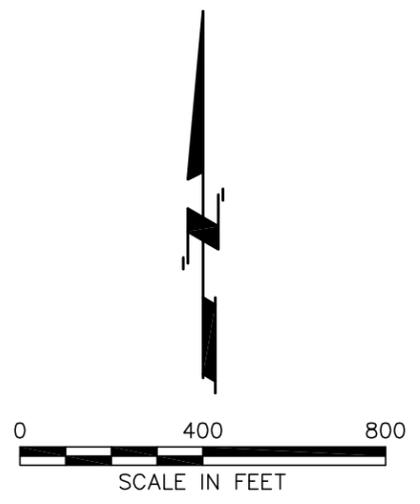
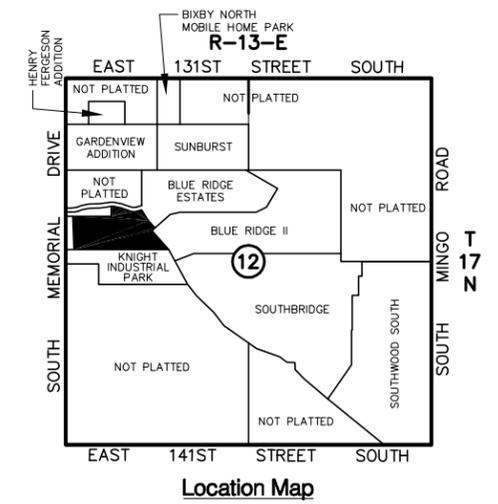
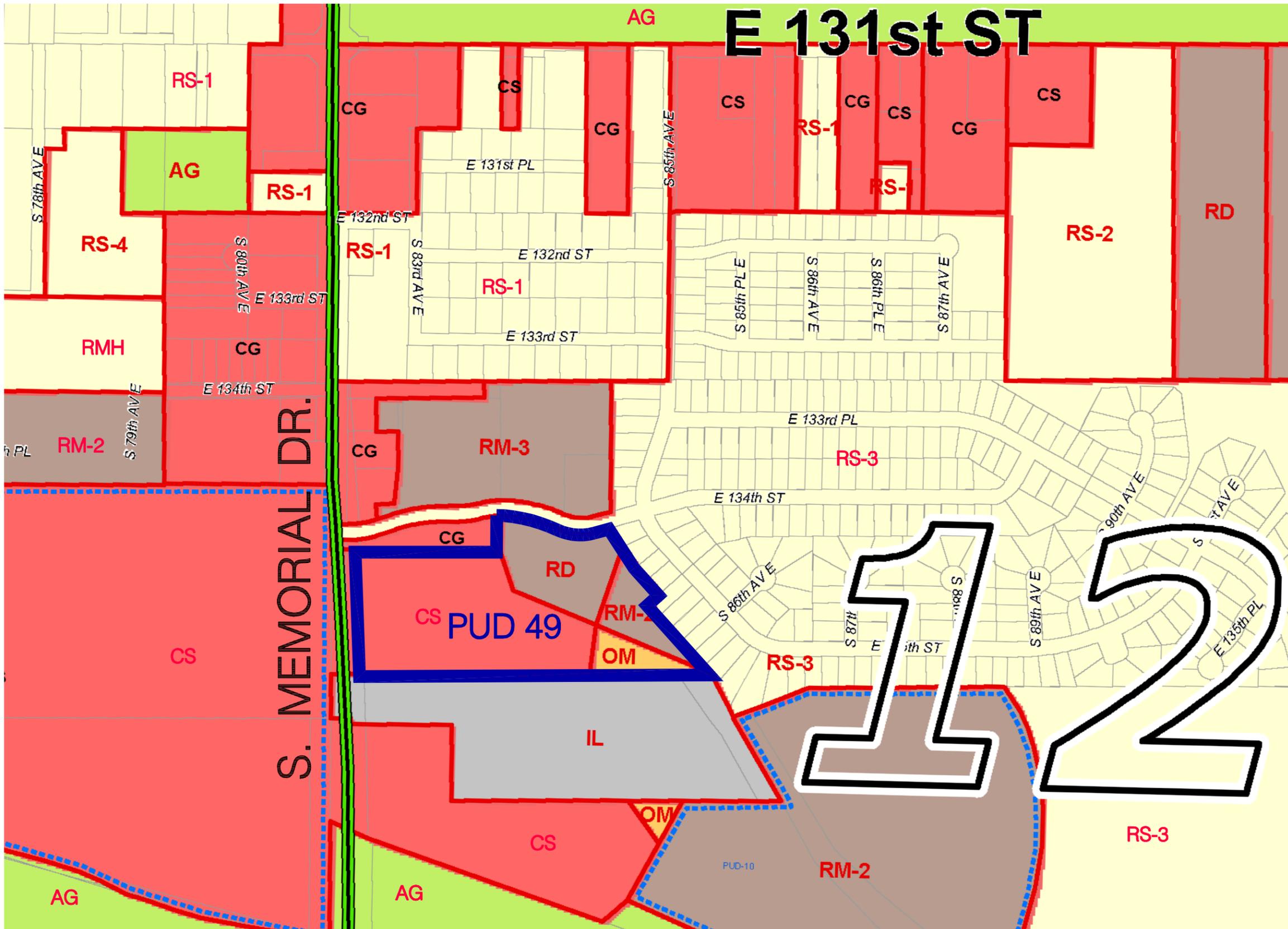
- RWE = RESTRICTED WATERLINE EASEMENT
- UE = UTILITY EASEMENT
- DE = DRAINAGE EASEMENT
- BL = BUILDING LINE
- FH = FIRE HYDRANT
- W--- EXISTING WATERLINE
- SS--- EXISTING SANITARY SEWER
- SD--- EXISTING STORM SEWER

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

Project: CLIFTON INDUSTRIAL PARK-A Drawing: PUD01C XREFS: COPYRITE S-1117X T-SAI3  
 Drawn: GHJ Order: F119A File: 1713.12 Drawer: PUD Plotted: 25 FEB 2015

*Bixby Crossing*  
 Site Map, Topography and Utilities  
**EXHIBIT 'C'**  
 Planned Unit Development Number 49-A





*Bixby Crossing*

Area Zoning Map  
**EXHIBIT 'E'**  
 Planned Unit Development Number 49-A

Bixby Crossing  
City of Bixby  
Planned Unit Development No. 49-A

Environmental Analysis

The 14.3 acre Bixby Crossing site is located on the east side of South Memorial Drive between East 134<sup>th</sup> Street and East 136<sup>th</sup> Street. The project Site Map, Topography, Existing and Proposed Utilities and FEMA Floodplain Map are shown on Exhibit C.

**TOPOGRAPHY:**

The highest point on the site is at an elevation of approximately 603 feet above MSL (Mean Sea Level) along South Memorial Drive at the northwest corner; the lowest point is at an elevation of approximately 594 feet above MSL at the southeast corner of the property. The FEMA mapped 100-year floodplain currently covers the entire property; however, at a very shallow elevation.

**DRAINAGE:**

In order to make the site suitable for development, fill will be placed on the western portion of the site to raise the area above the FEMA floodplain elevation (as denoted on Firm Map Number 40143C0434 L revised October 16, 2012.) Compensatory storage will be provided in the Utility, Overland Drainage, and Detention Easement, as shown on Exhibit D, Drainage Concept.

The Army Corp of Engineers has submitted a LOMR (Letter of Map Revision) for the Tulsa Corridor Study to FEMA for review and approval. The LOMR shows the western portion of the site being mapped out of the floodplain. A CLOMR-F (Conditional Letter of Map Revision based on Fill) will be submitted to FEMA for approval of the fill being placed within the floodplain on this property. After grading is completed and the Tulsa Corridor LOMR is approved a LOMR-F will be submitted to FEMA to remove the filled property out of the FEMA 100-year floodplain.

Most of Bixby Crossing drains to a creek that runs along the north and east property boundaries. The creek acts as a buffer between Bixby Crossing and the abutting residential properties and will be left in a natural condition. A small portion of the site drains to the bar ditch along South Memorial Drive. A detention facility will be constructed in the Utility, Overland Drainage, and Detention Easement, as shown on Exhibit D, to store the increase in stormwater runoff from the development. An

onsite storm sewer system will convey runoff to the detention pond. The Drainage Concept is shown on Exhibit D.

#### UTILITIES:

A 12 inch waterline extends along the east side of South Memorial Drive. A 6 inch waterline is located on the south side of East 136<sup>th</sup> Street South and a 10 inch waterline is located on the north side of East 134<sup>th</sup> Street South. A 6 inch waterline connects to a 6 inch line along East 136<sup>th</sup> Street South and extends north between the office and the mini-storage lot, then west between the two commercial lots to connect to the 12 inch line along South Memorial Drive.

An 8 inch sanitary sewer main flows southeasterly along the southwest boundary of Blue Ridge Estates and Blue Ridge Estates II and will be extended from the southwest corner of Blue Ridge Estates to serve Bixby Crossing. The water, sanitary sewer, and storm sewer lines to serve the development are shown on Exhibit C.

Other utilities such as natural gas, electric, telephone and cable television are available in the area and will be extended to serve Bixby Crossing.

Area land uses are shown by Exhibit B, Aerial Photo – Land Uses.

The Area Zoning Map is shown on Exhibit E.

Bixby Crossing  
City of Bixby  
Planned Unit Development No. 49-A

Site Plan Review

No building permit shall be issued for any building within Bixby Crossing until a planned unit development detail site plan and detail landscape plan for each lot has been submitted to the Bixby Planning Commission and approved as being in compliance with the Bixby Crossing planned unit development standards and the Bixby Corridor Appearance District Guidelines, provided partial detail site and landscape plans for a lot may be submitted. Construction of buildings may proceed separately within a lot after approval of a partial detail site and landscape plan.

No signage shall be constructed within Bixby Crossing until a planned unit development detail sign plan has been submitted to the Bixby Planning Commission and approved as being in compliance with the Bixby Crossing signage standards.

Schedule of Development

The new mini-storage development within Bixby Crossing will begin in the summer of 2015.



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

## STAFF REPORT

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner   
**Date:** Friday, April 10, 2015  
**RE:** Report and Recommendations for:  
Preliminary Plat & Final Plat of "Bixby Memory Care" (PUD 45)

**LOCATION:** – Part of the NE/4 of the NE/4 of Section 25, T18N, R13E  
– Southwest corner of the intersection of 101<sup>st</sup> St. S. and Mingo Rd.

**SIZE:** 8.6512 acres, more or less

**EXISTING ZONING:** OL Office Low Intensity District and CS Commercial Shopping Center District and PUD 45

**SUPPLEMENTAL ZONING:** PUD 45 Spicewood Neighborhood Center

**EXISTING USE:** Vacant/Agricultural

**REQUEST:** – Preliminary Plat approval  
– Final Plat approval  
– A Partial Modification/Waiver from the standard 17.5' Perimeter Utility Easement per Subdivision Regulations/City Code Section 12-3-3.A

**SURROUNDING ZONING AND LAND USE:**

**North:** CS/PUD 45 and (across 101<sup>st</sup> St. S.) CS, RM-0, & CS/PUD 364; The *Firststar Bank* in Lot 1, Block 1, *First National*, and across 101<sup>st</sup> St. S., a former *Kum & Go* gas station and the "Cedar Ridge Village" shopping center in *Cedar Ridge Village* to the

147

north, single-family residential in *Cedar Ridge Village* to the northwest, and new *Kum & Go* gas station and the *Plaza del Sol* shopping center in PUD 364 across Mingo Rd. to the northeast, all in the City of Tulsa.

South: RT/PUD 35 & RT/PUD 36; Townhouse-style single-family homes in *Spicewood Park* and detached single-family residential homes and lots in *Spicewood Villas*.

East: CS/PUD 45 and (across Mingo Rd.) R-2; The *Firststar Bank* in Lot 1, Block 1, *First National*, and across Mingo Rd., single family residential *The Greens at Cedar Ridge* in the City of Broken Arrow.

West: AG & RD/PUD 30; Upstream reaches of the Oliphant drainage and detention system, itself a part of the Fry Creek Ditch # 1, surrounding the townhouse-style single-family homes in *Spicewood Park*.

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

PREVIOUS/RELATED CASES:

BZ-165 – Pittman-Poe & Associates, Inc. for Allen G. Oliphant – Request to rezone approximately 383 acres from AG to RS-3, RD, RM-2, & CS for a residential and commercial development for parts of the NW/4, NE/4, and SE/4 of this Section – Included subject property – PC recommended Approval of an amended request (including RS-2 instead of RS-3) 05/28/1985 and the City Council Approved the amended request 06/11/1985 (Ord. # 530).

PUD 11 – Edgewood Farm – Pittman-Poe & Associates, Inc. for Allen G. Oliphant – Request to approve PUD 11 for approximately 383 acres for a residential and commercial for parts of the NW/4, NE/4, and SE/4 of this Section – Included subject property – PC recommended Approval 05/28/1985 and the City Council Approved 06/11/1985 (Ord. # 531).

BZ-202 – W. Douglas Jones for Tercero Corporation – Request to rezone 382 acres, more or less, from RS-3, RD, RM-2, & CS to AG (includes subject property) – PC recommended Approval 10/19/1992 and City Council Approved 10/26/1992 (Ord. # 673).

PUD 11 Abandonment – W. Douglas Jones for Tercero Corporation – Request to abandon PUD 11 – PC recommended Approval 10/19/1992 and City Council Approved 10/26/1992 (Ord. # 674).

BZ-282 – Tanner Consulting, LLC – Request to rezone 10 acres, more or less, from AG to CS & OL for commercial and office use, including subject property – PC recommended Approval 01/22/2002 and City Council Approved 02/11/2002 (Ord. # 847).

PUD 45 – Spicewood Neighborhood Center – Tanner Consulting, LLC – Request to approve a PUD for 10 acres, more or less, including subject property – PC recommended Approval 09/22/2005 and City Council Approved 10/10/2005 (Ord. # 920).

BL-379 – Tanner Consulting, LLC – Request for Lot-Split approval for to separate the land being platted as *First National* from the balance of the original 10-acre tract, being the subject property – PC Approved 06/20/2011.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property is vacant and zoned OL and CS with PUD 45. The land appears to slope gently to the south and west and drains to a stormwater detention facility on City of Bixby-owned property immediately west of *Spicewood Pond*. This is part of the Oliphant drainage and detention system located between 101<sup>st</sup> St. S. and 111<sup>th</sup> St. S., which is itself an upstream part of Fry Creek Ditch # 1.

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

The memory care assisted living facility and commercial development anticipated by this plat would not be inconsistent with the Comprehensive Plan.

General. This subdivision of 8.6512 acres, more or less, proposes three (3) lots, one (1) block, and no (0) reserve areas.

Subdivision Regulations Section 12-3-3.A requires a 17.5' Perimeter U/E. The plat proposes the required width, except for the line shared with the westerly line of *First National* and along the south line of proposed Lot 3, Block 1, which propose 11' U/Es. This will require a Modification/Waiver of Section 12-3-3.A, and must be requested by the Applicant. Staff does not object to this Modification/Waiver adjacent to *First National*, recognizing the existing and planned locations of utility lines primarily along 101<sup>st</sup> St. S. and Mingo Rd., that the TAC did not express objection, and recognizing the Applicant's proposed 11' U/Es correspond with existing 11' U/Es along both areas of concern. However, the south side of the property contains City utilities (sanitary sewer and storm water), and City Staff recommends that the preexisting 11' U/E be supplemented with 6.5' to achieve the 17.5' minimum width required by the Subdivision Regulations and as needed for the maintenance of City utilities and any others which may locate in this utility corridor.

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

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on April 01, 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. The subject property has approximately 549.64' of frontage on 101<sup>st</sup> St. S. and 341.46' of frontage on Mingo Rd.

The plat does not currently propose Limits of No Access (LNA) or access openings corresponding to existing and proposed curb cut locations. Staff recommends that these be

added, and all proposed curb cut locations should be subject to County Engineer, City Engineer, and Fire Marshal concurrence.

Per the superimposed site plan elements shown on the Preliminary Plat, part of the driveway connection to Mingo Rd., via the existing Mutual Access Easement (MAE) straddling the south line of *First National*, will fall on proposed Lot 2, and would not be covered by any MAE. This will need to be addressed appropriately.

At the TAC Meeting held April 01, 2015, the Fire Marshal had certain recommendations pertaining to the design of the Mingo Rd. access drive and that there not be a gate on such drive. These details will be covered during the review of the site plan for the memory care assisted living facility. To the extent covered in the Fire Marshal's review correspondence and concerned by the plat, the Fire Marshals' recommendations will be covered under the related Condition of Approval recommended herein.

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

1. Subject to City Council approval of a Partial Modification/Waiver of the 17.5' Perimeter U/E standard per Subdivision Regulations Section 12-3-3.A, as described more fully in the analysis above, for that part adjacent to *First National*.
2. The south side of the property contains City utilities (sanitary sewer and storm water), and City Staff recommends that the preexisting 11' U/E be supplemented with 6.5' to achieve the 17.5' minimum width required by the Subdivision Regulations and as needed for the maintenance of City utilities and any others which may locate in this utility corridor.
3. All Modification/Waiver requests must be submitted in writing.
4. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
5. Please add Limits of No Access (LNA) and access openings corresponding to existing and proposed curb cut locations. LNA language appears to be adequately provided in the DoD/RCs.
6. Subject to County Engineer approval of proposed curb cut locations on 101<sup>st</sup> St. S. and Mingo Rd.
7. Per the superimposed site plan elements shown on the Preliminary Plat, part of the driveway connection to Mingo Rd., via the existing Mutual Access Easement (MAE) straddling the south line of *First National*, will fall on proposed Lot 2, and would not be covered by any MAE. If this design is still planned, this matter will need to be addressed appropriately, with necessary dedication, use, and maintenance language provided in the DoD/RCs if dedicated via this plat.
8. Title Block area – please add PUD 45 where appropriate.
9. Per SRs Section 12-4-2.A.5, a Location Map (Vicinity Map) is required and must include all platted additions within the Section; the following need to be corrected as follows:
  - a. *Block 2 Lots 8-13 The Enclave at Legacy* (missing)
  - b. *Trinity Presbyterian Church USA* (misspelled)
  - c. Scale at 1" = 2,000'.

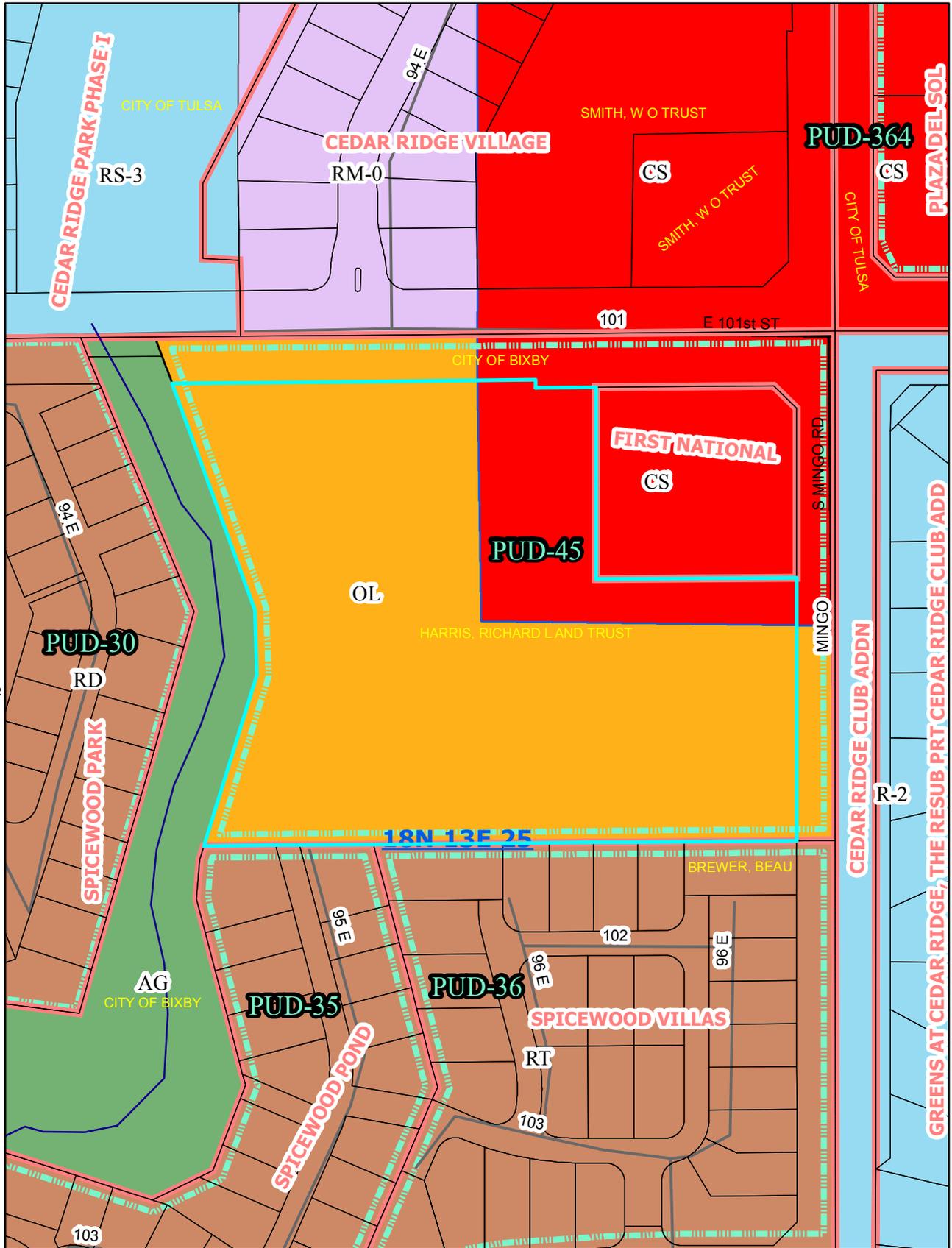
10. Preliminary Plat & Final Plat: Underlying Zoning district boundary lines not represented as required per SRs Section 12-4-2.B.3.
11. Preliminary Plat: Elevation contours at one (1) foot maximum intervals not represented as required per SRs Section 12-4-2.B.6.
12. Based on existing addresses and street names, measured dimensions, and/or Tulsa regional E-911 block numbering conventions, please adjust addresses such as follows:
  1. Lot 3, Block 1: 9400 → 9494 E. 101<sup>st</sup> St. S. (RE: drive appears to be aligned with 94<sup>th</sup> E. Ave. to north in Tulsa; facility will be westerly of north-south drive)
  2. Lot 1, Block 1: 9600 → 9550 E. 101<sup>st</sup> St. S. (RE: Need for spacing between lots/addresses to west and east and representation of 9500-block)
  3. Lot 2, Block 1: 10200 → 10174 S. Mingo Rd. (RE: S. line of plat corresponds to 10200-block; recommended building number corresponds to precise measurement to the center of Mingo Rd. frontage)
13. The Preliminary Plat appears to include a superimposed image of the site plan for the assisted living facility and other site area elements, which is not appropriate for a Preliminary Plat. Please resolve.
14. The Preliminary Plat does not include critical surveying information as represented on the Final Plat. Please reconcile.
15. The southerly stub-in 15'-wide U/E within proposed Lot 3 has a 97.85' call which is ambiguous. Please clarify if it corresponds to the U/Es centerline or that part projecting south of the 17.5'-wide U/E along the south line of proposed Lot 1.
16. Face of Plat and DoD/RCs: The perimeter requirements for PUD 45 would fall on separate lots. Further, the two (2) lots now proposed may be divided further or differently as time passes. Please consider adding easements corresponding to the measurable perimeter buffering standards (e.g. masonry fence easement, landscape easements, etc.). Language providing for the dedication, use, and share of maintenance responsibilities for same would be necessary. Otherwise, please propose a plan to address this issue.
17. If an easement is added corresponding to the 25'-wide strip along Development Area C for mature tree protection, consider relocating the 17.5'-wide U/E east of and parallel to such 25'-wide easement.
18. Face of Plat and DoD/RCs: Includes term "Addition" in Title Blocks, "Subdivision" in the development statistics summary, as both "Subdivision" and "Addition" in the DoD/RCs Preamble, and as "Addition" in the Certificate of Survey signature block. Please reconcile all instances.
19. DoD/RCs Preamble: Please replace "Broken Arrow" with "Bixby."
20. DoD/RCs Preamble: Per the Tulsa County Assessor's parcel records and the DoD/RCs preamble, there are now two (2) tracts being platted, which belong to two (2) different owners (Tulsa Senior Realty, LLC and AGO Trust). The legal description of the land being platted does not differentiate between what part of the underlying land is owned by which property owner. For clear title and tax purposes, Staff believes that each dedicating owner should have their respective legal description specified in the DoD/RCs. Reference how this was done with the plats of *101 South Memorial Plaza* and *Bixby Centennial Plaza II*.
21. DoD/RCs Preamble: Missing critical wording such as "and have caused the above described tract of land to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided ..." as per customary platting

conventions and the City Attorney's recommendations regarding fee simple ownership of rights-of-ways. The first four (4) underlined terms may be omitted in this instance, if no right-of-way would be dedicated by this plat, but the access rights reservation would need to be included at a minimum.

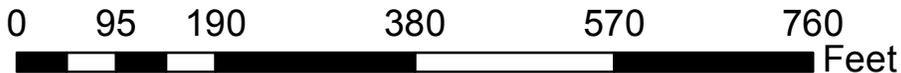
22. DoD/RCS: Consider whether other private restrictions are desired. For commercial/nonresidential developments, private restrictions in Bixby customarily include:
  - a. A "Maintenance Covenant" pertaining to maintenance and upkeep of properties free of trash, debris, and litter. Examples may be provided upon request.
  - b. A "Mutual Parking Privileges" covenant, so that all lots may allow their excess spaces to be used by patrons of other lots, which is common in developments such as this, especially when developed as a unit by a singular developer. Examples may be provided upon request.
  - c. Covenants pertaining to the dedication, use, and share of maintenance responsibility for any common elements (cf. PUD perimeter buffering standards and missing MAE per other recommendations herein).
23. DoD/RCS Section I.A.1: Please correct possible typo and qualify this section as follows: "...construct and maintain within the Utility Easements: properly-permitted parking areas, landscaping, ..."
24. DoD/RCS Section I.B.2: Please correct possible typo: "...apertures..."
25. DoD/RCS Section I.C.1: Please restrict
26. DoD/RCS Section I.E.1: Please qualify this section as follows: "...repair of damage to properly-permitted landscaping and paving occasioned ..."
27. DoD/RCS Section II: Missing Development Standards for DA A (proposed Lot 1 contains all of DA B but also the westerly 10' of DA A; cf. plat of *First National*). Note that DA A has no additional floor area to contribute to proposed Lot 1, as it was fully allocated to Lot 1, Block 1, *First National* by the plat of same. Please ensure to use amended text allowing 25' ground sign height within DA A as per PUD 45 Minor Amendment # 1.
28. DoD/RCS Section II DA A: Please correct typo "Lot" 1.
29. DoD/RCS Section II DA A: Please correct typo "home."
30. DoD/RCS Section II DA A: Please add double asterisk (\*\*) to the double asterisk text following double asterisk, or remove double asterisk.
31. DoD/RCS Section II DA A: Please correct typo "square" in text following double asterisk.
32. DoD/RCS Section II DA A: Please correct "Minimum" → "Maximum" building height.
33. DoD/RCS Section II DA A: Please correct term "Outdoor" → "Outside."
34. DoD/RCS Section II DA B: Please correct typo "home."
35. DoD/RCS Section II DA B: Double asterisk (\*\*) used in place of PUD's triple asterisk (\*\*\*).
36. DoD/RCS Section II DA B: Please add triple asterisk (\*\*\*) to the triple asterisk text following triple asterisk, or remove triple asterisk.
37. DoD/RCS Section II DA B: Please correct typo "square" in text following triple asterisk.
38. DoD/RCS Section II DA B: Please correct "Minimum" → "Maximum" building height.
39. DoD/RCS Section II DA B: Please correct typo inherited from PUD "shall not to exceed" → "not to exceed."

40. DoD/RCs Section II DA B: Please correct term "Outdoor" → "Outside."
41. DoD/RCs Section III.B.1: This "Duration" section of DoD/RCs customarily provides language allowing for the automatic renewal of the DoD/RCs for successive periods unless voided by an adequate majority of the then owners. Please incorporate or advise.
42. Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
43. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.
44. 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).
45. Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

# Preliminary Plat & Final Plat – “Bixby Memory Care” Cedar Creek Consulting (PUD 45)



- Businesses
- bixby\_streams
- ▭ Tulsa Parcels 01/15
- ▭ WagParcels 01/15
- ▭ TulsaSubdivisions
- ▭ WagSubdivision
- WagRoads\_Aug2012
- E911Streets
- ▭ PUD
- ▭ <all other values>
- ZONE\_TYPE**
- ▭ Agricultural
- ▭ Commercial
- ▭ Flood
- ▭ Industrial
- ▭ Office
- ▭ Residential SF
- ▭ Residential Multi
- ▭ Residential Manuf.
- ▭ <all other values>
- ZONE\_TYPE**
- ▭ Agricultural
- ▭ Commercial
- ▭ Flood
- ▭ Industrial
- ▭ Office
- ▭ Residential SF
- ▭ Residential Multi
- ▭ Residential Manuf.
- ▭ bixby\_s-t-r
- ▭ county



# CITY OF BIXBY

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

## Engineering Department Memo

**To:** Mr. Jason Mohler, PE  
Cedar Creek  
P.O. Box 702525  
Tulsa, OK 74170-2525

**From:** Jared Cottle, PE *JWC*

**CC:** Bea Aarnodt, PE  
Erik Enyart, City Planner  
File

**Date:** 03/27/15

**Re:** Bixby Memory Care  
Plat and Plan Review

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### General Comments:

1. A comment response letter addressing each item listed below must be provided with the next submittal.
2. A Geotechnical Report with pavement design recommendations per City Engineering Design Manual is required.
3. A completed Engineering Checklist for this project is required as per the City Engineering Design Manual.
4. ODEQ Report forms and fees will be required for submittal to the State.
5. An Earth Change Permit Application must be filed with the Community Development Coordinator.
6. A Storm Water Pollution Prevention Plan, including Erosion Control Plans, and NOI filing with the State must be provided for this project.

### Plat Comments:

7. See individual Plan review comments below for additional easement commentary.

### Drainage Report:

8. A Drainage Report in accordance with the City Engineering Design Manual is required for this project. The Report should include verification that the proposed Drainage Plan conforms to the conditions established with the First National project. The Report must include Drainage Area Maps, Inlet Summaries, Pipe Design, and Tables for all storm water management systems.
9. The Report must address both on-site and off-site drainage design information. A conceptual drainage plan, including future connection points for Lot 2 and Lot 1 must be clearly shown. In the interim, the Report and grading plan must indicate how inlets are to receive flows and function with both the existing drainage and the Lot 3 drainage.

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## **Grading/Drainage/Paving Comments:**

10. Profiles and drainage information must be included for all storm sewers shown. All storm profiles must include HGL/EGL data, along with the basis or source of the downstream HGL data.
11. All storm sewer components crossing City property or easements must be designed in accordance with City design standards.
12. Due to the incomplete nature of the submittal, additional comments may result with future submittals.

## **Sanitary Sewer Comments:**

13. Water and storm sewer crossings clearances must be labeled on the Profiles. In the event that 2' of clearance between the sanitary sewer and water line cannot be obtained, C900 pipe should be used for the sanitary sewer rather than concrete encasement. If C900 is required, it should be installed for the entire pipe run between manholes. If 2' of clearance can be maintained, special treatment is not required.

## **Water Comments:**

14. The 12" main on 101<sup>st</sup> must be extended to the west to connect to the existing water main on 101<sup>st</sup> to complete the section line loop in accordance with City design requirements. This work was initiated with the First National Plat with the understanding that the work would be completed when the balance of the property was platted.
15. The 8" line within the development, if needed, should be a private line. All lots have access to water main facilities on street frontage, and the City has no interest in a line internal to the development and on which there are no public streets. Utility Easements allocated for this line should be eliminated from the Plat and Plans.
16. Three valve clusters should be included for all branches constructed on City mains. All private lines must be metered and shown as such on the Plans. Meters must be based on City Standard Infrastructure Specifications.
17. Fire hydrant locations must be approved by the Fire Marshall.
18. Pipe specifications, i.e. size and type, must be included in the Profiles.
19. Sanitary and storm sewer crossings must be shown on the Profiles with clearance distances labeled for each individually.
20. City Standard Details should be referenced and used for this project. Only special details should be included in the Plans.
21. Due to the changes required, additional comments may result with future submittals.



**Bixby**  
**Fire Marshal's Site Plan Review Worksheet**

Date of Review: 03-20-2015 Permit Number: \_\_\_\_\_  
Business/Bldg Name: Bixby Memo Care Address of Project: 9500 e. 101<sup>ST</sup>. S  
Designer Name: Jason Mohler Designer's Phone: (918)619-2113

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

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

**Access:**

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

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

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



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

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

21. X Fire hydrants shall be spaced no further than 300 feet apart for commercial developments.

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

**Additional Comments:**

Item 3- Fire lane stripping & signs both sides of road. (IFC Appendix D 103.6.1)

Item 6- Building is allowed to be no further than 250 feet from hard surface due to sprinkled building.

Item 13- Fire apparatus access road design does not allow for access to building C. See this office for further details.

Item 2- Access roads with fire hydrants shall have a minimum 26 feet width exclusive of shoulders per (IFC Appendix D 103.1)

Item 4 & 19- Roads and fire hydrants shall be operational before construction.

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Review Date: 3-20-2015  
Review Date: \_\_\_\_\_  
Review Date: \_\_\_\_\_

Approved or Disapproved  
Approved or Disapproved  
Approved or Disapproved

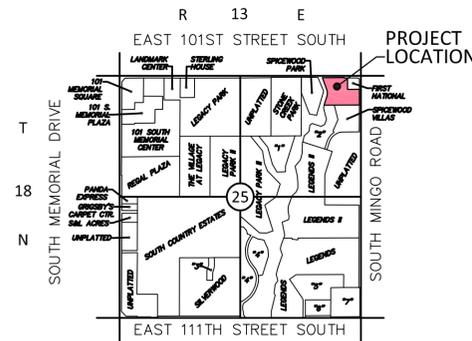
FD Reviewer: *Greg Wind*  
FD Reviewer: \_\_\_\_\_  
FD Reviewer: \_\_\_\_\_

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# PRELIMINARY PLAT BIXBY MEMORY CARE

A PART OF THE NE/4 OF THE NE/4 OF  
SECTION 25, TOWNSHIP 18 NORTH, RANGE 13 EAST OF THE I.M.,  
AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA



**LOCATION MAP**  
NOT TO SCALE

1. THE ESTATES AT STONE CREEK
2. SPICEWOOD POND
3. SILVERWOOD AMENDED
4. THE ENCLAVE AT LEGACY
5. VILLAGES AT THE LEGENDS
6. TRINITY PRESBYTERIAN CHURCH
7. UNPLATTED

SUBDIVISION CONTAINS  
THREE (3) LOTS IN ONE (1) BLOCK

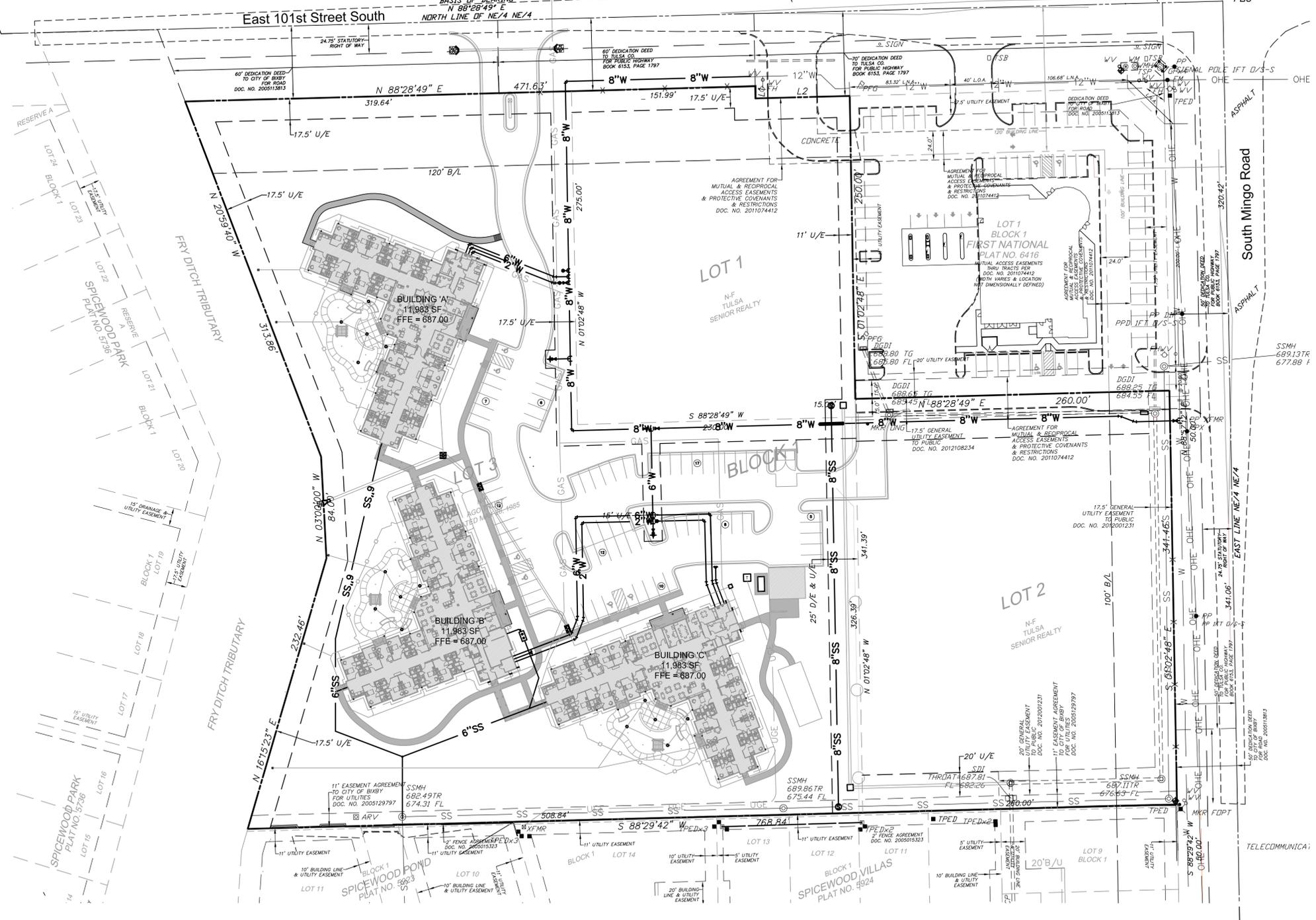
AREAS		
	SQ. FT.	ACRES
GROSS	376,846	8.6512
LOT 1	62,468	1.4341
LOT 2	88,768	2.0378
LOT 3	225,610	5.1793

**ADDRESSES**

LOT 1 9600 EAST 101ST STREET SOUTH  
 LOT 2 10200 SOUTH MINGO ROAD  
 LOT 3 9500 EAST 101ST STREET SOUTH  
 ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE  
 AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE  
 SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED  
 ON IN PLACE OF A LEGAL DESCRIPTION.

N.W. CORNER, N.E. QUARTER  
SECTION 25, T. 18 N., R. 13 E., I.M.  
FND. 5/8" I.P.  
PER OCCR BY RANDY L. MARQUARDT, PLS 1432  
DATED: DECEMBER 12, 2005  
N 88°28'49" E  
2640.67'

N.E. CORNER, N.E. QUARTER  
SECTION 25, T. 18 N., R. 13 E., I.M.  
END. 5/8" I.P. W/ YELLOW CAP  
PER OCCR BY RANDY L. MARQUARDT, PLS 1432  
DATED: DECEMBER 12, 2005



VERTICAL DATUM: NAVD 88

BENCHMARK - BM 1	
ELEVATION	694.26
MONUMENT	CUT SQUARE
LOCATION	S.W. COR. OF WATER VAULT APPROX. 25.5' W. OF EASTERLY COR. OF TRAFFIC CONTROL BOX

BENCHMARK - BM 2	
ELEVATION	689.48
MONUMENT	TOP NUT OF FIRE HYDRANT
LOCATION	2.8' N. OF N. EDGE OF CONC. STUCCO WALL & 47.6' W. OF C.L. OF S. MINGO ROAD

**OWNERS**  
LOTS 1 & 2  
AGO TRUST, DATED MAY 28, 1985  
RICHARD L. HARRIS, CO-TRUSTEE  
ALLEN G. OLIPHANT, CO-TRUSTEE  
1924 SOUTH UTICA, SUITE 100  
TULSA, OKLAHOMA 74114  
CONTACT: RICHARD L. HARRIS  
RLH@JONESCTY.COM

LOT 3  
TULSA SENIOR REALTY LLC  
15050 ANTIOCH ROAD, SUITE 101  
OVERLAND PARK, KANSAS 66221  
CONTACT: KIP PAMMENTER  
KPAMMENTER@SRILIVINGSERVICES.COM

**LEGEND**

P.O.B.	- POINT OF BEGINNING
R.O.W.	- RIGHT OF WAY
I.P.	- IRON PIN
U/E	- UTILITY EASEMENT
D/E	- DRAINAGE EASEMENT
B/L	- BUILDING LINE SETBACK
~ ??? ~	- ADDRESS

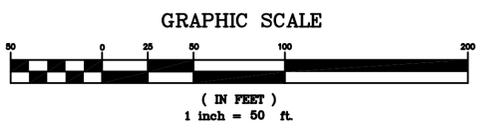
**Line Table**

Line #	Direction	Length
L1	S 01°02'48" E	10.00
L2	N 88°28'49" E	78.01

**BASIS OF BEARING:**  
The bearing of North 88°28'49" East, along the north line of the Northeast Quarter of Section 25, Township 18 North, Range 13 East of the Indian Meridian, Tulsa County, Oklahoma and as shown on the plat of FIRST NATIONAL recorded as Plat No. 6416 was used as the basis of bearing for this survey.

**NOTES:**  
1. Easements shown hereon by specific recording information are shown for information purposes only and are not dedicated as a part of the is plat.

**MONUMENTATION NOTE**  
FND. 3/8" I.P. W/PLS 1435 CAP  
AT ALL PROPERTY CORNERS  
UNLESS OTHERWISE NOTED.



S.E. CORNER, N.E. QUARTER  
SECTION 25, T. 18 N., R. 13 E., I.M.  
FND. 5/8" I.P.  
PER OCCR BY CHARLES W. CHASTAIN, PLS 1356  
DATED: OCTOBER 10, 2007

DATE OF PREPARATION: MARCH 9, 2015

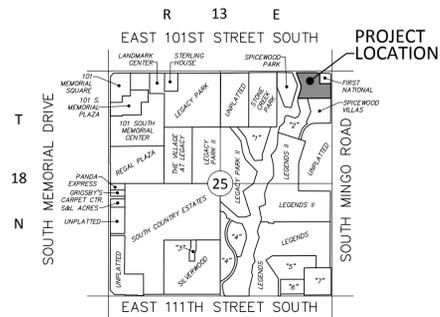
**CEDAR CREEK**  
ENGINEERING • PLANNING • CONSULTING  
P.O. Box 702525 Tulsa, OK 74170-2525  
918-619-2113  
www.cedarcreekinc.com  
CERTIFICATE OF AUTHORIZATION NO. 5864  
EXPIRES: JUNE 30, 2016  
ENGINEER: JASON MOHLER, P.E.

**DODSON - THOMPSON - MANSFIELD, PLLC**  
20 NE 38th Street Phone: 405-801-7402 email: randym@dtm-ok.com  
Oklahoma City, OK 73105 Fax: 405-801-7421  
Surveying - Engineering - Planning  
CERTIFICATE OF AUTHORIZATION NO. 6391 EXPIRES JUNE 30, 2016



# FINAL PLAT BIXBY MEMORY CARE

A PART OF THE NE/4 OF THE NE/4 OF  
SECTION 25, TOWNSHIP 18 NORTH, RANGE 13 EAST OF THE I.M.,  
AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA



**LOCATION MAP**  
NOT TO SCALE

1. THE ESTATES AT STONE CREEK
2. SPICEWOOD POND
3. SUEVERWOOD AMENDED
4. THE ENCLAVE AT LEGACY
5. VILLAGES AT THE LEGENDS
6. TRINITY PRESBYTERIAN CHURCH
7. UNPLATTED

SUBDIVISION CONTAINS  
THREE (3) LOTS IN ONE (1) BLOCK

AREAS	SQ. FT.	ACRES
GROSS	376,846	8.6512
LOT 1	62,468	1.4341
LOT 2	88,768	2.0378
LOT 3	225,610	5.1793

**ADDRESSES**

LOT 1 9600 EAST 101ST STREET SOUTH  
LOT 2 10200 SOUTH MINGO ROAD  
LOT 3 9500 EAST 101ST STREET SOUTH  
ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF A LEGAL DESCRIPTION.

N.W. CORNER, N.E. QUARTER  
SECTION 25, T. 18 N., R. 13 E., I.M.  
FND. 5/8" I.P.  
PER OCCR BY RANDY L. MARIQUARDT, PLS 1432  
DATED: DECEMBER 12, 2009  
N 88°28'49" E  
2640.67'

**VERTICAL DATUM: NAVD 88**

BENCHMARK - BM 1	
ELEVATION	694.26
MONUMENT	CUT SQUARE
LOCATION	S.W. COR. OF WATER VAULT, APPROX. 25.5' W. OF EASTERLY COR. OF TRAFFIC CONTROL BOX

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RICHARD L. HARRIS, CO-TRUSTEE  
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1924 SOUTH UTICA, SUITE 100  
TULSA, OKLAHOMA 74114  
CONTACT: RICHARD L. HARRIS  
RLH@JONESCTY.COM

LOT 3  
TULSA SENIOR REALTY LLC  
15050 ANTOICH ROAD, SUITE 101  
OVERLAND PARK, KANSAS 66221  
CONTACT: KIP PAMMENTER  
KPAMMENTER@SRILVINGSERVICES.COM

**LEGEND**

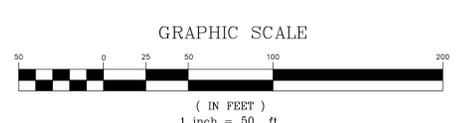
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The bearing of North 88°28'49" East, along the north line of the Northeast Quarter of Section 25, Township 18 North, Range 13 East of the Indian Meridian, Tulsa County, Oklahoma and as shown on the plat of FIRST NATIONAL recorded as Plat No. 6416 was used as the basis of bearing for this survey.

**NOTES:**  
1. Easements shown hereon by specific recording information are shown for information purposes only and are not dedicated as a part of the is plat.

**MONUMENTATION NOTE**  
FND. 3/8" I.P. W/PLS 1435 CAP  
AT ALL PROPERTY CORNERS  
UNLESS OTHERWISE NOTED.



DATE OF PREPARATION: MARCH 4, 2015

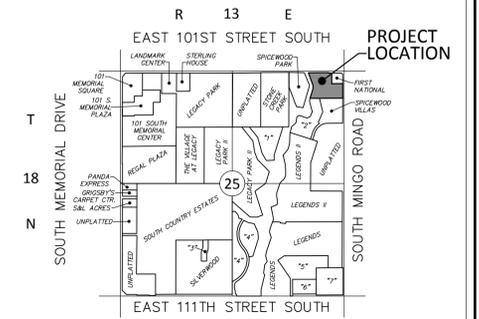
**CEDAR CREEK**  
CIVIL ENGINEERING • PLANNING • CONSULTING  
P.O. Box 1454 Oklahoma City, OK 73113  
jennett@cedarcreekinc.com Phone 405-466-4622  
certificates@cedarcreekinc.com  
CERTIFICATE OF AUTHORIZATION NO. 3864  
EXPIRES: JUNE 30, 2016  
ENGINEER: JASON A. EMMETT, P.E.

**SURVEYOR: RANDALL A. MANSFIELD, P.L.S.**

**DODSON - THOMPSON - MANSFIELD, PLLC**  
20 NE 36th Street Phone: 405-601-7402 email: randym@dtm-ok.com  
Oklahoma City, OK 73105 Fax: 405-601-7421  
Surveying - Engineering - Planning  
CERTIFICATE OF AUTHORIZATION NO: 6391 EXPIRES JUNE 30, 2016



**FINAL PLAT**  
**BIXBY MEMORY CARE**  
 A PART OF THE NE/4 OF THE NE/4 OF  
 SECTION 25, TOWNSHIP 18 NORTH, RANGE 13 EAST OF THE I.M.,  
 AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA



**LOCATION MAP**  
 NOT TO SCALE

1. THE ESTATES AT STONE CREEK
2. SPICEWOOD POND
3. SUIPERWOOD AMENDED
4. THE ENCLAVE AT LEGACY VILLAGES AT THE LEGENDS
5. TRINITY PRESBYTERIAN CHURCH
6. UNPLATTED

**DEED OF DEDICATION AND RESTRICTIVE COVENANTS**

KNOW ALL MEN BY THESE PRESENTS:

THAT TULSA SENIOR REALTY LLC, AND AGO TRUST, DATED MAY 28, 1985 HEREINAFTER COLLECTIVELY REFERRED TO AS THE "OWNER/DEVELOPER", ARE THE OWNERS OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT IS PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT ONE (1), BLOCK ONE (1), "FIRST NATIONAL" AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6416);

THENCE SOUTH 01°02'48" EAST AND PARALLEL WITH THE EAST LINE OF SAID NE/4 NE/4, FOR A DISTANCE OF 341.46 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF BLOCK ONE (1) "SPICEWOOD VILLAS", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORD PLAT THEREOF (PLAT NO. 5924);

THENCE SOUTH 88°28'42" WEST, AND ALONG THE NORTH LINE OF SAID BLOCK ONE (1) "SPICEWOOD VILLAS", AND THE NORTH LINE OF BLOCK ONE (1) "SPICEWOOD POND", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORD PLAT THEREOF (PLAT NO. 5923), FOR A DISTANCE OF 768.84 FEET TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF SAID "SPICEWOOD POND";

THENCE NORTH 16°15'23" EAST FOR A DISTANCE OF 232.47 FEET TO A POINT;

THENCE NORTH 03°00'00" WEST FOR A DISTANCE OF 84.00 FEET TO A POINT;

THENCE NORTH 20°59'40" WEST FOR A DISTANCE OF 313.86 FEET TO A POINT ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF EAST 101ST STREET SOUTH;

THENCE NORTH 88°28'49" EAST AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 471.63 FEET TO A POINT;

THENCE SOUTH 01°02'48" EAST AND CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE NORTH 88°28'49" EAST CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 78.01 FEET TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 1, "FIRST NATIONAL";

THENCE SOUTH 01°02'48" EAST AND ALONG THE WEST LINE OF SAID LOT 1, FOR A DISTANCE OF 250.00 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER THEREOF;

THENCE NORTH 88°28'49" EAST AND ALONG THE SOUTH LINE OF SAID LOT 1, FOR A DISTANCE OF 260.00 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED TRACT OF LAND CONTAINS AN AREA OF 376,846 SQUARE FEET OR 8.6512 ACRES, MORE OR LESS.

THE OWNER/DEVELOPER HAS CAUSED THE ABOVE DESCRIBED LANDS TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO THREE (3) LOTS IN ONE (1) BLOCK IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT") AND HAS ENTITLED AND DESIGNATED THE SUBDIVISION AS "BIXBY MEMORY CARE", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "BIXBY MEMORY CARE").

**SECTION I: EASEMENTS AND UTILITIES**

**A. PUBLIC UTILITY EASEMENTS**

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

**B. WATER AND SEWER SERVICE**

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER AND SEWER MAINS LOCATED ON THE LOT.
2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN OR SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH PUBLIC WATER AND SEWER MAINS, SHALL BE PROHIBITED. WITHIN THE UTILITY EASEMENTS, IF THE GROUND ELEVATIONS ARE ALTERED FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER OR SEWER MAIN, ALL GROUND LEVEL APERTURE, INCLUDING VALVE BOXES, FIRE HYDRANTS AND MANHOLES SHALL BE ADJUSTED TO THE ALTERED GROUND ELEVATIONS BY THE OWNER OF THE LOT OR AT ITS ELECTION, THE CITY OF BIXBY, OKLAHOMA MAY MAKE SUCH ADJUSTMENT AT THE LOT OWNER'S EXPENSE.
3. THE CITY OF BIXBY OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER AND SEWER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
4. THE CITY OF BIXBY OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER OR SEWER FACILITIES.
5. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

**C. UNDERGROUND SERVICE:**

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

**D. GAS SERVICE:**

1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OR AS PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE ON INSTALLING, MAINTAINING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.
2. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED IN THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE, OR ANY OTHER CONSTRUCTION ACTIVITY, WHICH WOULD INTERFERE WITH THE GAS SERVICE. THE SUPPLIER OF GAS SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF SAID FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
3. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH D SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

**E. PAVING AND LANDSCAPING WITHIN EASEMENTS**

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

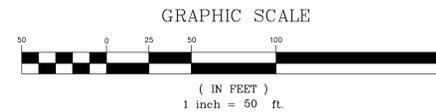
**F. RIGHTS OF INGRESS AND EGRESS**

1. THE OWNER HEREBY RELINQUISHES RIGHTS OF INGRESS AND EGRESS TO AND FROM THE ABOVE-DESCRIBED PROPERTY TO AND FROM EAST 101ST STREET SOUTH AND SOUTH MINGO ROAD WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" OR "L.N.A." ON THE PLAT, EXCEPT AS MAY HEREAFTER BE RELEASED, ALTERED OR AMENDED BY THE CITY OF BIXBY, OKLAHOMA OR ITS SUCCESSORS, OR AS IS OTHERWISE PROVIDED BY THE STATUTES OR LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO.

**OWNERS**  
 LOTS 1 & 2  
 AGO TRUST, DATED MAY 28, 1985  
 RICHARD L. HARRIS, CO-TRUSTEE  
 ALLEN G. OLIPHANT, CO-TRUSTEE  
 1924 SOUTH UTICA, SUITE 100  
 TULSA, OKLAHOMA 74114  
 CONTACT: RICHARD L. HARRIS  
 RLH@JONESCTY.COM

**LOT 3**  
 TULSA SENIOR REALTY LLC  
 15050 ANTIOCH ROAD, SUITE 101  
 OVERLAND PARK, KANSAS 66221  
 CONTACT: KIP PAMMENTER  
 KPAMMENTER@SRILVINGSERVICES.COM

DATE OF PREPARATION: MARCH 4, 2015



CIVIL ENGINEERING • PLANNING • CONSULTING  
 P.O. Box 1454 Oklahoma City, OK 73113  
 jemmatt@cedarcreekinc.com  
 Phone 405-406-4622

CERTIFICATE OF AUTHORIZATION NO. 3864  
 EXPIRES: JUNE 30, 2016  
 ENGINEER: JASON A. EMMETT, P.E.

SURVEYOR: RANDALL A. MANSFIELD, P.L.S.



**DODSON - THOMPSON - MANSFIELD, PLLC**

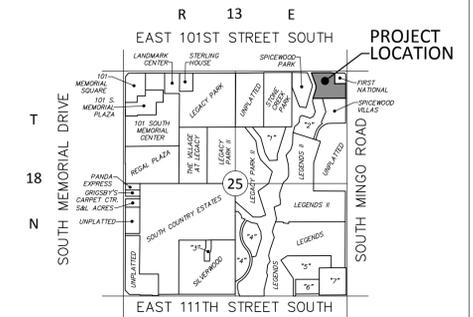
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Surveying - Engineering - Planning  
 CERTIFICATE OF AUTHORIZATION NO: 6391 EXPIRES JUNE 30, 2016



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A PART OF THE NE/4 OF THE NE/4 OF  
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AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA



**LOCATION MAP  
NOT TO SCALE**

1. THE ESTATES AT STONE CREEK
2. SPICWOOD POND
3. SPICWOOD AMENDED
4. THE ENCLAVE AT LEGACY
5. VILLAGES AT THE LEGENDS
6. TRINITY PRESBYTERIAN CHURCH
7. UNPLATTED

**SECTION II. PLANNED UNIT DEVELOPMENT**

"BIXBY MEMORY CARE" IS SUBJECT TO PLANNED UNIT DEVELOPMENT (PUD NO. 45) WHICH WAS APPROVED BY THE CITY OF BIXBY PLANNING COMMISSION ON SEPTEMBER 22, 2005, AND BY THE BIXBY CITY COUNCIL ON OCTOBER 10, 2005.

THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE CITY OF BIXBY ZONING CODE, REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD INURING TO AND ENFORCEABLE BY THE CITY OF BIXBY, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE PUD, AND ANY AMENDMENTS THERETO. THE OWNER/DEVELOPER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF BIXBY, OKLAHOMA.

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

DEVELOPMENT STANDARDS

DEVELOPMENT AREA 'B' (LOTS 1)

LAND AREA (GROSS): APPROXIMATELY 70,400 SQUARE FEET

PERMITTED USES:

USES PERMITTED AS A MATTER OF RIGHT OR EXCEPTION IN THE CS, COMMERCIAL SHOPPING, ZONING DISTRICT, EXCLUDING THE FOLLOWING USES: AUTOMOBILE SALES, BOAT SALES (OUTDOOR), CAMPER SALES, DANCE HALL, FUEL OIL, FUNERAL HOME, ICE PLANT, KENNEL (WITH OUTDOOR RUNS), MOBILE HOME SALES, SEXUALLY-ORIENTED BUSINESSES, AND TAVERN

MINIMUM LOT WIDTH: 100 FEET

MAXIMUM FLOOR AREA\*\*: 20,000 SQUARE FEET

FLOOR AREA MAY CONSIST OF 20,000 SQUAR FEET OF COMMERCIAL OR OFFICE USE OR COMBINATION THEREOF. UNUSED COMMERCIAL FLOOR AREA MAY BE TRANSFERRED TO OTHER DEVELOPMENT AREAS.

MINIMUM BUILDING HEIGHT: 50 FEET

OFF-STREET PARKING:

OFF-STREET PARKING SHALL MEET THE REQUIREMENTS OF THE CITY OF BIXBY ZONING CODE AS EXISTED ON THE DATE OF APPROVAL BY THE BIXBY CITY COUNCIL OF THE PLANNED UNIT DEVELOPMENT.

MINIMUM SETBACKS:

FROM CENTERLINE OF 101st STREET 120 FEET

SIGNS:

WITHIN DEVELOPMENT AREA 'B', EACH LOT SHALL BE PERMITTED ONE FREE-STANDING MONUMENT TYPE SIGN NOT TO EXCEED 20 FEET IN HEIGHT AND 150 SQUARE FEET OF DISPLAY SURFACE AREA.

BUILDING SIGNAGE SHALL BE LIMITED TO A MAXIMUM OF TWO (2) SQUARE FEET OF DISPLAY SURFACE AREA PER EACH LINEAR FOOT OF THE BUILDING WALL TO WHICH THE SIGN IS AFFIXED.

OUTDOOR STORAGE:

NO OUTDOOR STORAGE SHALL BE PERMITTED WITHIN THE DEVELOPMENT AREA.

OUTSIDE LIGHTING:

LIGHTING STANDARDS SHALL NOT EXCEED 20 FEET IN HEIGHT AND ALL POLE MOUNTED LIGHTS SHALL BE SHIELDED AND DIRECTED DOWNWARDS AWAY FROM RESIDENTIAL USES.

DEVELOPMENT AREA 'C' (LOTS 2 AND 3)

LAND AREA (GROSS): APPROXIMATELY 348,482 SQUARE FEET

PERMITTED USES:

USES PERMITTED AS A MATTER OF RIGHT OR EXCEPTION IN THE CS, COMMERCIAL SHOPPING, ZONING DISTRICT, EXCLUDING THE FOLLOWING USES: AUTOMOBILE SALES, BOAT SALES (OUTDOOR), CAMPER SALES, DANCE HALL, FUEL OIL, FUNERAL HOOME, ICE PLANT, KENNEL (WITH OUTDOOR RUNS), MOBILE HOME SALES, SEXUALLY-ORIENTED BUSINESSES, AND TAVERN.

MINIMUM LOT WIDTH: 100 FEET

MAXIMUM FLOOR AREA\*\*: 75,000 SQUARE FEET

FLOOR AREA MAY CONSIST OF 75,000 SQUAR FEET OF COMMERCIAL OR OFFICE USE OR COMBINATION THEREOF. UNUSED COMMERCIAL FLOOR AREA MAY BE TRANSFERRED TO OTHER DEVELOPMENT AREAS.

MINIMUM BUILDING HEIGHT: 50 FEET

OFF-STREET PARKING:

OFF-STREET PARKING SHALL MEET THE REQUIREMENTS OF THE CITY OF BIXBY ZONING CODE AS EXISTED ON THE DATE OF APPROVAL BY THE BIXBY CITY COUNCIL OF THE PLANNED UNIT DEVELOPMENT.

MINIMUM SETBACKS:

FROM CENTERLINE OF 101st STREET 120 FEET  
FROM CENTERLINE OF SOUTH MINGO ROAD 100 FEET

SIGNS:

WITHIN DEVELOPMENT AREA 'C', EACH LOT SHALL BE PERMITTED ONE FREE-STANDING MONUMENT TYPE SIGN PER STREET FRONTAGE. MONUMENT SIGN SHALL NOT TO EXCEED 20 FEET IN HEIGHT AND 150 SQUARE FEET OF DISPLAY SURFACE AREA.

BUILDING SIGNAGE SHALL BE LIMITED TO A MAXIMUM OF TWO (2) SQUARE FEET OF DISPLAY SURFACE AREA PER EACH LINEAR FOOT OF THE BUILDING WALL TO WHICH THE SIGN IS AFFIXED.

OUTDOOR STORAGE:

NO OUTDOOR STORAGE SHALL BE PERMITTED WITHIN THE DEVELOPMENT AREA.

OUTSIDE LIGHTING:

LIGHTING STANDARDS SHALL NOT EXCEED 20 FEET IN HEIGHT AND ALL POLE MOUNTED LIGHTS SHALL BE SHIELDED AND DIRECTED DOWNWARDS AWAY FROM RESIDENTIAL USES.

PERIMETER REQUIREMENTS:

ALONG THE SOUTH BOUNDARY OF DEVELOPMENT AREA 'C', A SIX FEET TALL MASONRY FENCE SHALL BE CONSTRUCTED. WITHIN THE SOUTH FIFTEEN FEET OF DEVELOPMENT AREA 'C' A LANDSCAPE BUFFER SHALL BE ESTABLISHED AND MAINTAINED. THE LANDSCAPE BUFFER SHALL BE PLANTED WITH A MINIMUM OF 2" CALIPER NON DECIDUOUS TREES ON 20' CENTERS.

ALONG THE WEST BOUNDARY OF DEVELOPMENT AREA 'C' MATURE TREES WITHIN THE 25 FEET OF THE DRAINAGE CHANNEL SHALL BE PROTECTED. IN THE EVENT THAT MATURE TREES ARE DISTURBED AS A RESULT OF UTILITY INSTALLATION, THE DEVELOPER SHALL SCREEN THE AREA DISTURBED WITH A COMBINATION OF DECIDUOUS AND NON-DECIDUOUS TREES A MINIMUM OF 2" CALIPER IN SIZE.

**SECTION III: ENFORCEMENT, DURATION, AMENDMENT & SEVERABILITY**

**A. ENFORCEMENT:**

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

**B. DURATION**

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

**C. AMENDMENT**

1. THE COVENANTS CONTAINED WITHIN SECTION I: EASEMENTS AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS AND THE CITY OF BIXBY, OKLAHOMA. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AS ABOVE SET FORTH SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

**D. SEVERABILITY**

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

IN WITNESS WHEREOF, THE UNDERSIGNED HAVING CAUSED THIS INSTRUMENT TO BE EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

TULSA SENIOR REALTY LLC

BY: \_\_\_\_\_  
KIP PAMMENTER, MANAGER

STATE OF \_\_\_\_\_ )  
  ) SS)  
COUNTY OF \_\_\_\_\_ )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY KIP PAMMENTER, AS MANAGER OF TULSA SENIOR REALTY LLC.

NOTARY PUBLIC: \_\_\_\_\_  
MY COMMISSION NUMBER: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

IN WITNESS WHEREOF THE UNDERSIGNED HAVING CAUSED THIS INSTRUMENT TO BE EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

AGO TRUST, DATED MAY 28, 1985

BY: \_\_\_\_\_  
RICHARD L. HARRIS, CO-TRUSTEE

STATE OF \_\_\_\_\_ )  
  ) SS)  
COUNTY OF \_\_\_\_\_ )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY RICHARD L. HARRIS, AS CO-TRUSTEE OF AGO TRUST, DATED MAY 28, 1985.

NOTARY PUBLIC: \_\_\_\_\_  
MY COMMISSION NUMBER: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

IN WITNESS WHEREOF THE UNDERSIGNED HAVING CAUSED THIS INSTRUMENT TO BE EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

AGO TRUST, DATED MAY 28, 1985

BY: \_\_\_\_\_  
ALLEN G. OLIPHANT, CO-TRUSTEE

STATE OF \_\_\_\_\_ )  
  ) SS)  
COUNTY OF \_\_\_\_\_ )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY ALLEN G. OLIPHANT, AS CO-TRUSTEE OF AGO TRUST, DATED MAY 28, 1985.

NOTARY PUBLIC: \_\_\_\_\_  
MY COMMISSION NUMBER: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATE OF SURVEY:**

I, RANDALL A. MANSFIELD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "BIXBY MEMORY CARE", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

BY: \_\_\_\_\_  
RANDALL A. MANSFIELD, PROFESSIONAL LAND SURVEYOR  
OKLAHOMA NO. 1613

STATE OF \_\_\_\_\_ )  
  ) SS)  
COUNTY OF \_\_\_\_\_ )

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ PERSONALLY APPEARED TO ME RANDALL A. MANSFIELD KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

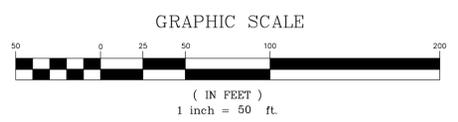
GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC: \_\_\_\_\_  
MY COMMISSION NUMBER: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

**OWNERS**  
LOTS 1 & 2  
AGO TRUST, DATED MAY 28, 1985  
RICHARD L. HARRIS, CO-TRUSTEE  
ALLEN G. OLIPHANT, CO-TRUSTEE  
1924 SOUTH UTICA, SUITE 100  
TULSA, OKLAHOMA 74114  
CONTACT: RICHARD L. HARRIS  
RLH@JONESCTY.COM

LOT 3  
TULSA SENIOR REALTY LLC  
15050 ANTOCH ROAD, SUITE 101  
OVERLAND PARK, KANSAS 66221  
CONTACT: KIP PAMMENTER  
KPAMMENTER@SRILVINGSERVICES.COM

DATE OF PREPARATION: MARCH 4, 2015





**CEDAR CREEK**  
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P.O. Box 1454 Oklahoma City, OK 73113  
jennett@cedarcreekinc.com Phone 405-406-4622  
EXPIRES: JUNE 30, 2016

ENGINEER: JASON A. EMMETT, P.E.

SURVEYOR: RANDALL A. MANSFIELD, P.L.S.



**DODSON - THOMPSON - MANSFIELD, PLLC**  
20 NE 36th Street Phone: 405-601-7402 email: randym@dtm-ok.com  
Oklahoma City, OK 73105 Fax: 405-601-7421

Surveying - Engineering - Planning  
CERTIFICATE OF AUTHORIZATION NO: 6391 EXPIRES JUNE 30, 2016



CITY OF BIXBY  
P.O. Box 70  
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Bixby, OK 74008  
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(918) 366-6373 (fax)

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## STAFF REPORT

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**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner *EKE*  
**Date:** Tuesday, April 07, 2015  
**RE:** Report and Recommendations for:  
PUD 40 – “Regal Plaza” – Minor Amendment # 3

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**LOCATION:** – Intersection of E. Regal Pl./E. 105<sup>th</sup> St. S. and Memorial Dr.  
– All of *Regal Plaza*

**SIZE:** 25 acres, more or less

**EXISTING ZONING:** CS/PUD 40

**SUPPLEMENTAL ZONING:** PUD 40; there is Corridor Appearance District supplemental zoning along Memorial Dr.

**EXISTING USE:** Multiple use commercial center featuring the *PostRock Plaza*, the *SpiritBank Event Center*, the *Hampton Inn & Suites Tulsa South-Bixby*, and several outparcel/pad site commercial businesses fronting on Memorial Dr.

**REQUEST:** Approval of Minor Amendment # 3 to Planned Unit Development (PUD) # 40 (“Regal Plaza”), with underlying zoning CS Commercial Shopping Center District, which amendment proposes amending development standards pertaining to the existing development entrance ground sign and its replacement, modifying PUD-imposed setbacks, modifying parking standards, and making certain other amendments.

SURROUNDING ZONING AND LAND USE:

North: CS & CS/CG/PUD 63; The *Starworld 20* movie theater, the *The Palazzo* shopping center, and other businesses and vacant commercial lots in *101 South Memorial Center* and *101 South Memorial Plaza*.

South: CS, CS/PUD 67, & RS-3; The *Panda Express* restaurant zoned CS & PUD 67 in Lot 1, Block 1, *Panda Express*, the *Home Hardware / Builder's Center / JWI Supply / CWC Interiors* hardware, interiors, and supply store in the *Grigsby's Carpet Center* subdivision zoned CS, and single-family residential in *South Country Estates* zoned RS-3.

East: RS-3/PUD 27; Single-family residential in *The Village at Legacy*.

West: (Across Memorial Dr.) CS/PUD 815, CS, AG, CS/PUD 370 and CS/PUD 619; The new *Costco* under construction to the northwest in PUD 815, the new *Warren Clinic*, the *Avalon Park* commercial/office development in PUD 370, the *First Priority Bank* zoned CS, and to the southwest are the *Life Time Fitness* and other businesses being developed in *Memorial Commons* and/or *The Vineyard on Memorial*, all in the City of Tulsa.

COMPREHENSIVE PLAN: Medium Intensity + Commercial Area + Corridor

PREVIOUS/RELATED CASES: (Not necessarily a complete list; minor signage and Architectural Committee approvals omitted)

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

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

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

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

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

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

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

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

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

AC-06-08-01 – Hampton Inn & Suites – Request for Architectural Committee approval of [a Detailed Site Plan and Building Plans] for *Hampton Inn & Suites Tulsa South-Bixby* on Lot 10, Block 1, *Regal Plaza* – AC Approved 08/21/2006.

AC-06-10-02 – Popeye’s Chicken – Request for Architectural Committee approval of [a Detailed Site Plan and Building Plans] for *Popeye’s* on Lot 5, Block 1, *Regal Plaza* – AC Approved 10/16/2006.

AC-07-06-03 – Monument Signage for Regal Plaza – Request for Architectural Committee approval of a combined development entrance ground sign for *Regal Plaza*, to be located at the northeast corner of the intersection of E. Regal Pl./105<sup>th</sup> St. S. and Memorial Dr. within the Mutual Access Easement as platted with *Regal Plaza* – AC Approved 06/18/2007.

AC-07-07-01 – Tom Christopoulos – Request for Architectural Committee approval of a 26’ high ground sign for *Hampton Inn & Suites Tulsa South-Bixby* on Lot 10, Block 1, *Regal Plaza* – Denied by Architectural Committee 07/16/2007 due to excessive height.

AC-07-08-03 – Tom Christopoulos – Request for Architectural Committee approval of a 10’ high ground sign for *Hampton Inn & Suites Tulsa South-Bixby* on Lot 10, Block 1, *Regal Plaza* – Approved by Architectural Committee 08/20/2007.

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

BBOA-479 – Ben Holliday – Request for Variance from the 150’ minimum spacing standard of Zoning Code Section 11-9-21.C.9.a to allow the installation of (A) a 119.41 square foot, 30-foot tall freestanding ground sign, (B) a 21.83 square foot freestanding menu board, (C) a 8.33 square foot freestanding pre-sale menu board, and (D) a flag pole of undetermined square feet, in the CS Shopping Center District with PUD 40 for *Chick-fil-a* on Lot 3 and part of Lot 4, Block 1, *Regal Plaza* – BOA Approved 07/07/2008.

BSP 2008-03 / AC-08-07-02 – Chick-fil-a – Request for Planning Commission and Architectural Committee approval of a Detailed Site Plan for Lot 3 and part of Lot 4, Block 1, *Regal Plaza* for *Chick-fil-a* restaurant – PC and AC Conditionally Approved 07/21/2008.

BBOA-509 – Elias Thompson for Apple Eight Hospitality Ownership, Inc. – Request for Variance from the 20-foot-high height restriction for pole-mounted exterior lighting of the Zoning Code and PUD 40, to allow the existing 30-foot-high lights to remain for *Hampton Inn & Suites Tulsa South-Bixby* on Lot 10, Block 1, *Regal Plaza* – BOA Denied 08/03/2009.

BBOA-510 – Phyliss Guthrie of Acura Neon, Inc. for Home Ventures, Inc. – Request for Variance from Zoning Code Section 11-9-21 and PUD 40, to allow multiple ground signs holding individual letters and without arterial street frontage, for Lot 9, Block 1, *Regal Plaza* – BOA Conditionally Approved 08/03/2009.

BL-395 – SpiritBank care of AAB Engineering, LLC – Request for Lot-Split to allow for the separation of a 38’ X 199.3’ strip of land, containing the angled parking lot strip and north-south internal drive immediately east of the *Chick-fil-a* restaurant property, from the balance of Lot 4, for its conveyance to the owner of the *Chick-fil-a* restaurant property – PC Conditionally Approved 12/15/2014 subject to the approval of a PUD Minor Amendment.

## RELEVANT AREA CASE HISTORY:

### BACKGROUND INFORMATION:

Around the end of 2014 and first part of 2015, the former *The Shoppes at Regal Plaza* commercial center was acquired and rebranded as "PostRock Plaza" (see [www.postrockplaza.com](http://www.postrockplaza.com)). As a part of the acquisition of the commercial center, the former SpiritBank owner sought and was Conditionally Approved for a Lot-Split, BL-395, to separate part of Lot 4, Block 1, Regal Plaza from the rest of the shopping center ownership, in order to convey the strip of land to the owner of the *Chick-fil-a* to the west. The Condition of Approval of BL-395 was "subject to a PUD Minor Amendment resolving setback, parking, and any other minor deficiencies to be caused by the Lot-Split." This PUD 40 Minor Amendment # 3 would resolve this issue.

Secondly, as a part of the rebranding to "PostRock Plaza," the large combined development entrance sign at the northeast corner of E. Regal Pl./105<sup>th</sup> St. S. and Memorial Dr. is being replaced with new signage bearing the name "PostRock Plaza." The existing sign, permitted pursuant to Architectural Committee approval per case # AC-07-06-03 in 2007, does not comply with certain requirements of the Zoning Code and PUD 40. This PUD 40 Minor Amendment # 3 would also resolve these signage issues. Per the AC-07-06-03 case file, the existing sign is slightly more than 40' in height, due to a crown moulding cornice above the main identification sign element, and contained roughly 660 square feet of display surface area, roughly 78 square feet of which was the "OPTEC" red monochrome LED/Electronic signage element. The proposed new sign will be precisely 40' in height and have less than 500 square feet of display surface area, and so will be shorter and have less display surface area than the existing sign. The new, full-color "Daktronics GP4 Galaxy Pro" LED/Electronic signage element is proposed to be 14' 11" X 7' 9" (116 square feet).

### ANALYSIS:

Subject Property Conditions. The subject property consists of all of *Regal Plaza*, according to the recorded Plat # 6019 thereof. Altogether, the subject property contains approximately 25 acres. The Applicant, under the name Moab Holdings Regal Plaza, LLC, is understood to own most of Lot 4 and all of Lots 7, 8, and 9, which consists of all of the shopping center buildings. The Applicant's property includes parts or all of PUD 40 Development Areas A, B, C, and D. PUD 40 Development Area E consists of the *SpiritBank Event Center* and the structured parking garage to the south, Lots 12 and 11 of *Regal Plaza*, respectively.

The subject property is moderately sloped and is designed to drain to an onsite stormwater detention facility underneath the structured parking garage on Lot 11 of *Regal Plaza*. From this point, it drains southeasterly through Quail Creek Park to the Oliphant drainage and detention system located between 101<sup>st</sup> St. S. and 111<sup>th</sup> St. S., which is itself an upstream part of Fry Creek Ditch # 1.

The existing shopping center is presently served by the critical utilities (water, sewer, electric, etc.).

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Medium Intensity, (2) Commercial Area, and (3) Corridor.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the existing CS zoning is *In Accordance* with the Medium Intensity and Corridor designations of the Comprehensive Plan Land Use Map.

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

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

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

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

At the time it was approved, that vacant land was *In Accordance* with the Commercial Area designation of the Comprehensive Plan, and as it is now developed commercially, it is consistent with this designation.

Per the Matrix, PUDs (as a zoning district) are *In Accordance* with the Medium Intensity and Corridor designations of the Comprehensive Plan Land Use Map, and thus PUD 40 is *In Accordance* with the Comprehensive Plan as a zoning district.

Due to the relatively limited scope of proposed changes, the proposed PUD 40 Minor Amendment # 3 should be recognized as being not inconsistent with the Comprehensive Plan.

General. The Applicant is requesting a Minor Amendment to PUD 40 “Regal Plaza,” which amendment proposes amending development standards pertaining to the existing development entrance ground sign and its replacement, modifying PUD-imposed setbacks, modifying parking standards, and making certain other amendments.

For the Lot-Split-related amendments, the relevant part of the Staff Report for BL-395 provided:

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

PUD 40 Minor Amendment # 3 proposes modifying certain setbacks within Development Area B. However, the proposed language would not resolve the requirement to maintain a 10’ setback within Development Area B, whose boundaries do not move with the parcel boundary changes. The underlying CS zoning requires no setbacks between abutting commercially-zoned lots. Further, the plat of *Regal Plaza* provides Mutual Access Easements, lined by U/Es, which serve as effective Building Lines / setbacks. Unless there is a compelling reason to maintain some setbacks, Staff recommends the amendatory language simply remove all the language under “MINIMUM BUILDING SETBACKS:” be replaced with “From all boundaries...0.0 feet.”

To address the parking questions, as recommended by Staff, the Applicant proposes to remove the parking-related language from the affected Development Areas A, B, C. and D, and add a new standard under “Development Standards for All Development Area Lots” pertaining to parking, which recognizes the existing, developed condition of the business center and provides for Planning Commission review and approval of parking standards for any new buildings or building modifications.

Since the proposed changes are minor and are unlikely to elicit objections from the Technical Advisory Committee (TAC) utility company providers, Staff did not place this application on the April 01, 2015 TAC agenda.

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Access & Circulation. The Plat # 6019 *Regal Plaza* subject property has access as follows:

- Memorial Dr. via the E. Regal Pl./105<sup>th</sup> St. S. Mutual Access Easement private drive,
- Memorial Dr. via the E. Regal Ct. Mutual Access Easement private drive,
- Memorial Dr. via an un-named east-west internal driveway connecting to the 82<sup>nd</sup> E. Ave. private drive, located north of *Chick-fil-a* within Lot 4,
- an 82<sup>nd</sup> E. Ave. connection to an un-named, north-south private drive connecting to 103<sup>rd</sup> St. S. and all points of access afforded through *101 South Memorial Center*, *101 South Memorial Plaza*, and *101 Memorial Square* to the north, and
- by two (2) driveway connections to *Panda Express* to the south, which has cross-access to 106<sup>th</sup> St. S. through the *Home Hardware / Builder's Center / JWI Supply / CWC Interiors* hardware, interiors, and supply store in the *Grigsby's Carpet Center* subdivision to the south.

Providing internal access for the development, the “streets” within *Regal Plaza* consist of a parcel of land mutually exclusive from the development lots, which was dedicated as the

“Mutual Access Easement” by the plat. The plat did not give names to the “Mutual Access Easement.” The “Regal Place,” “Regal Boulevard,” “Regal Court,” and “S. 82<sup>nd</sup> E. Ave.” names became associated with the main four (4) such “street” segments at some point. The addresses used within the “back” areas only having frontage on these private ways are all addressed using these [street] names. Although not dedicated as “streets” per se, they were obviously intended as either streets or private mutual access drives. These Mutual Access Easement private drives provide access to parking areas and parking lot drives.

Sidewalks exist along S. Memorial Dr., and were constructed as each outparcel/pad site was constructed.

PUD 40 Minor Amendment # 3 proposes no changes to existing access.

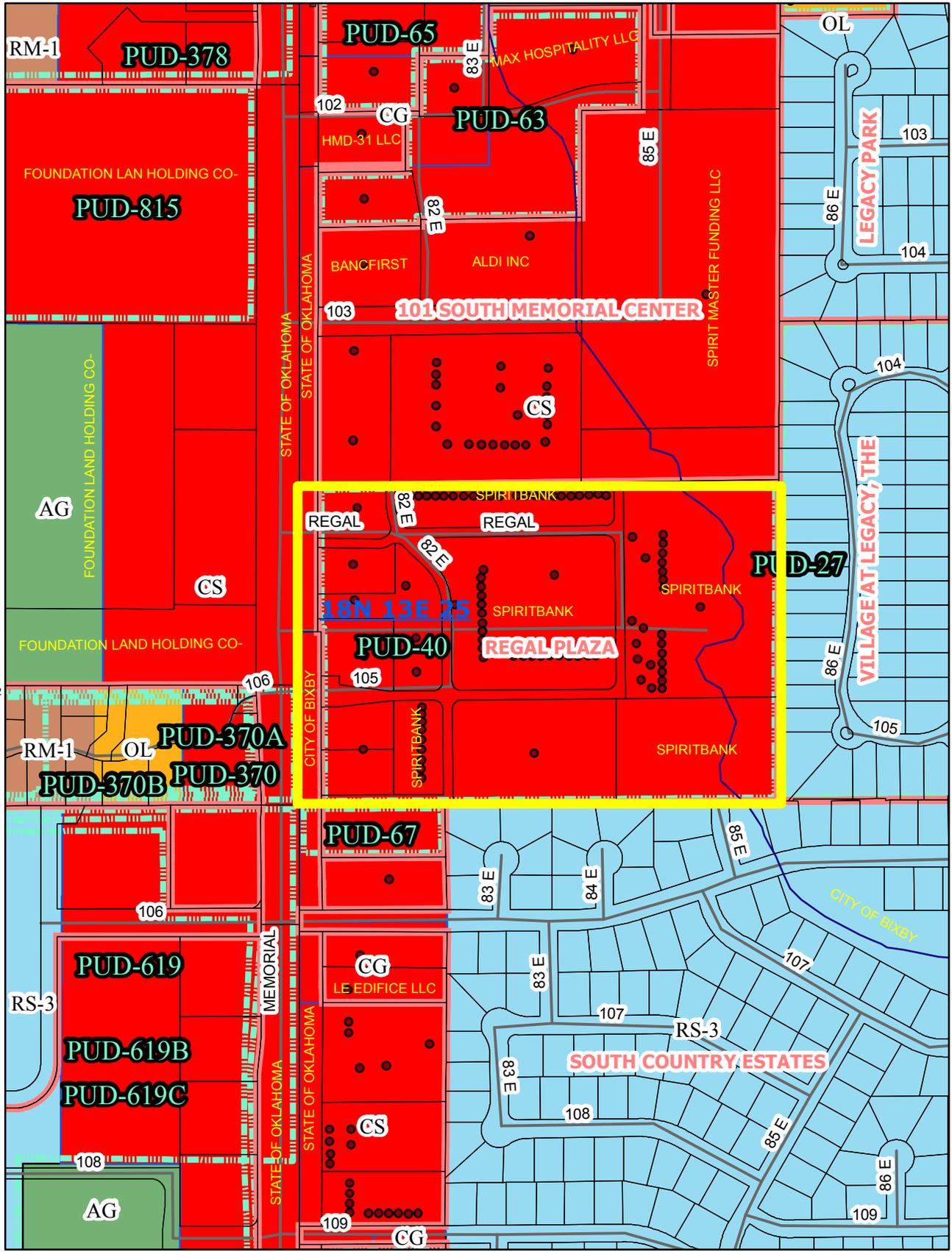
Surrounding Zoning and Land Use. See summary hereinabove.

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

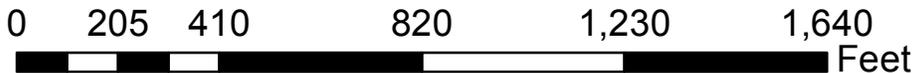
1. Document Section B.b: Please preface the entry with “Amend MINIMUM BUILDING SETBACKS to be as follows:”
2. Document Section B.b: Unless there is a compelling reason to maintain some setbacks, Staff recommends the amendatory language simply remove all the language under “MINIMUM BUILDING SETBACKS:” be replaced with “From all boundaries...0.0 feet.”
3. Document Section B.a: Please preface this section with “Prior to the final sentence under ACCESS, CIRCULATION AND PARKING, add the following:”
4. Document Section B.a.a: Please amend the first section to read as follows: “The entire development, with the associated parking, has been constructed and no parking changes are currently proposed at the time of this Minor Amendment # 3. All such parking is deemed by the owner of Development Areas B, C, and D to be adequate and sufficient for the current uses.”
5. Document Section B.a.b: Please revise the first sentence of the amendatory text to be such as follows: “For any new Building Permits to be issued for new construction or reconstruction of any building, minimum and maximum parking requirements may be amended upon Planning Commission approval of the Detailed Site Plan.”
6. Document Section B.b: Please preface this section with “Amend SIGNS to be as follows:”
7. Document Sections B.b.a and B.b.b: Please use quotations containing the numbering system used within the exiting PUD Text framework such as “1) One (1) ground sign...” and “2) All other signage...” Subsections can remain lowercase Roman numerals or be changed to bullet points as used elsewhere within the existing PUD Text.
8. Document Section B.b.a.ii: Please replace “700” with “700 square feet.”
9. Consider whether the existing ground sign, advertising the former *Elmer’s BBQ Express* satellite/pickup store, will be replaced and whether such would need additional PUD text amendatory language to accommodate same. Please address appropriately.

165

# PUD 40 – Regal Plaza – Minor Amendment # 3



- Businesses
- bixby\_streams
- ▭ Tulsa Parcels 01/15
- ▭ WagParcels 01/15
- ▭ TulsaSubdivisions
- ▭ WagSubdivision
- WagRoads\_Aug2012
- E911Streets
- ▭ PUD
- ▭ <all other values>
- ZONE\_TYPE**
- ▭ Agricultural
- ▭ Commercial
- ▭ Flood
- ▭ Industrial
- ▭ Office
- ▭ Residential SF
- ▭ Residential Multi
- ▭ Residential Manuf.
- ▭ <all other values>
- ZONE\_TYPE**
- ▭ Agricultural
- ▭ Commercial
- ▭ Flood
- ▭ Industrial
- ▭ Office
- ▭ Residential SF
- ▭ Residential Multi
- ▭ Residential Manuf.
- ▭ bixby\_s-t-r
- ▭ county



# REGAL PLAZA

Planned Unit Development Number 40

## MINOR AMENDMENT NO. 3

### A. INTRODUCTION

The Bixby City Council approved Regal Plaza as PUD No. 40 on June 13, 2005 and memorialized by Plat No. 6019 Regal Plaza. The City of Bixby Planning Commission subsequently approved Minor Amendments No. 1 & 2 to the development standards set out within PUD No. 40. The current owner of a portion of Lot 4, and all of Lots 7, 8, & 9, all in Block 1, which is contained within Development Areas A, B, C, & D, wishes to amend the development standards as set out below.

### B. AMENDED DEVELOPMENT STANDARDS

#### Development Area B

- a. Remove entire Section labeled "OFF-STREET PARKING".
- b. Minimum Building Setbacks

From the boundaries with Development Area A  
or lots contained therein: 0.0 Feet

From all other boundaries \*10.0 Feet

\*Plus 2 feet setback for each 1 foot building height exceeds 15 feet if the abutting property is within a Residential Zoning District.

#### Development Areas A, C, & D

- a. Remove entire Section labeled "OFF-STREET PARKING".

#### Development Standards for All Development Area Lots

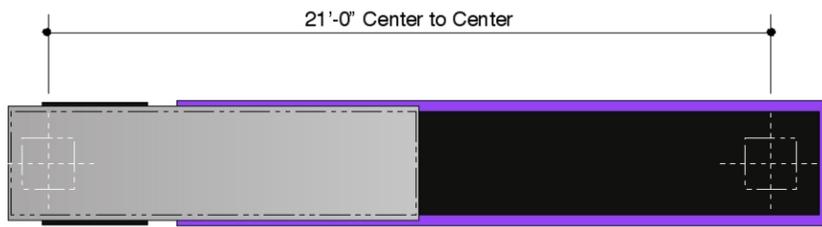
##### a. OFF-STREET PARKING

- a. The entire development, with the associated parking, has been constructed and no parking changes are currently proposed at the time of this Amendment. All such parking is deemed adequate and sufficient for the current uses.
- b. Any building permits issued for construction or reconstruction of any building may amend the minimum and/or maximum parking requirements upon Planning Commission approval of the Detailed Site Plan. Such amendment may be made by documenting what parking additions or deletions are proposed on the Detail Site Plan.

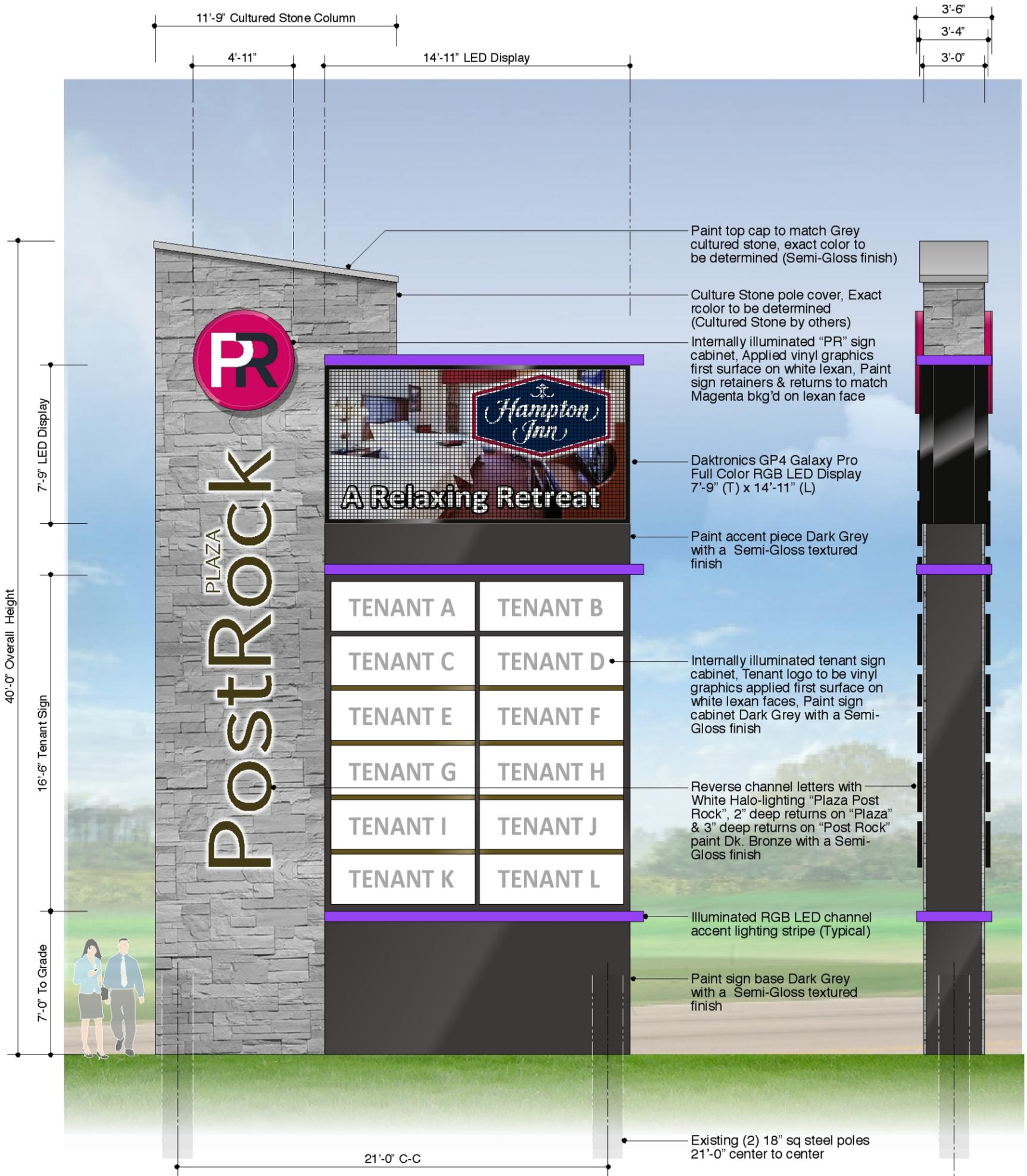
##### b. SIGNS

- a. One (1) ground sign is permitted within the Mutual Access Easement as designated on the plat of Regal Plaza, provided such sign conforms with the following:
  - i. Maximum sign height of 40 feet.

- ii. Maximum display surface area of 700' (excluding architectural elements of such sign not displaying logos or lettering)
  - iii. An LED/Electronic Message Board not exceeding 15 feet in width or 15 feet in height shall be allowed.
  - iv. This sign is permitted to advertise uses located within any development area.
- b. All other signage shall comply with the City of Bixby Zoning Code.



**3** Top View



**1** Front View Scale: 3/16" = 1'-0"

- Daktronics Full Color RGB LED Display
- Internally illuminated tenant sign cabinet
- Reverse channel letters with White Halo-lighting

**2** End View



**ACURANEON INC.**  
 WE PUT YOUR NAME IN LIGHTS!  
 1801 N. WILLOW AVE. BROKEN ARROW, OK 74012  
 PHONE : (918) 252-2258 FAX : 918.252.3738  
 www.acuraneon.com

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Client: *Post Rock Plaza*

Job Location: *106th St & Memorial - Tulsa, OK*

Rep: *Yoko Lam*

Dwg No: *031015-01*

Dwn: *J. Harley*

Scale: *Noted*

Approved By:

Date:

File: *POSTROCK-06*

Date: *3-10-2015*

MINUTES OF MEETING  
OF  
ARCHITECTURAL COMMITTEE  
June 18, 2007

Meeting was called to order by Chairman Jim Powell at 6:05 p.m.

Members present: Beverly Savage, Jim Powell, Richard Altmann, David Skaggs and Tim Remy.

Upon motion by Richard Altmann, seconded by Tim Remy, minutes of the May meeting were waived.

**Case No. 07-06-01 - Cross Creek signage** - This agenda item is for the signage for this commercial center. Tim Remy abstained from this matter. Jim Coffey was present for the developer. He advised that the ordinance does allow for additional height. Since this sign is down slope it is 40' high. It is 10' below the street and meets the 90' set back requirement. Mr. Coffey advised that the sign has to be high enough to see. It is within the ordinance. Motion to approve the sign was made by Beverly Savage, and seconded by Richard Altmann. Upon a vote, the motion was approved by a majority vote, with Tim Remy abstaining from the vote.

**Case No. 07-06-02 - Wall signage - Spirit Bank Event Center** - Tim Remy again abstained from the matter. The committee was advised that these will be interior or back lit letters, which will be nicely visible. There will be no signage toward the homeowners. Motion to approve the sign was made by Richard Altmann, and seconded by Beverly Savage. Upon a vote, the motion was approved by a majority vote, with Tim Remy abstaining from the vote.

**Case No. 07-06-03 - Monument signage for Regal Plaza** - Tim Remy abstained from this matter. The committee was advised that this sign meets the setback requirements. It has an OPTEC display panel (message board). This board can easily be turned down at night. It is a "gray scale" sign so you can do shading. Motion to approve the signage was made by David Skaggs and seconded by Richard Altmann. Upon a vote, the motion was approved by a majority vote, with Tim Remy abstaining from the vote.

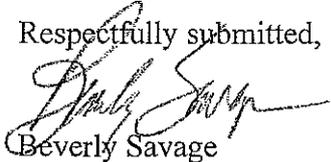
**OLD BUSINESS:** From last month, Donna wanted input from the committee regarding the Express Lane outbuilding. The committee stated that the owner had agreed to bring down the building and he withdrew from presenting to the committee. It was stated that the committee outlined a plan for the owner - basically starting over with new plans.

**NEW BUSINESS:** The committee welcomed new City Planner Eric Enyart. There was no other new business.

**Discussion with Mayor Bowen:** Discussion was had with Mayor Bowen regarding the committee's lack of enforcement provisions. Possibilities discussed included pulling a water meter or fines. After discussion it was determined the committee would make recommendations to the City Council.

There being no further business presented to the meeting, upon motion by David Skaggs, seconded by Tim Remy, and unanimously approved, the meeting was adjourned at 6:50 p.m.

Respectfully submitted,



Beverly Savage  
Secretary/Committee Member

**ARCHITECTURAL COMMITTEE  
CITY COUNCIL CHAMBERS  
116 WEST NEEDLES  
MONDAY  
JUNE 18, 2007  
6:00 PM**

**STAFF REPORT**

**Case 07-06-01 Discussion and possible action to approve a monument sign for Cross Creek.**

The sign for Cross Creek is a monument sign with places for advertisement by tenants. The sign is set back 90 feet from the right of way. There is a big slope down into this area. For that reason it is suggest the sign be 40 feet tall. This is within the ordinance in two ways. First the height of the sign is calculated from curb level. Since this sign is below curb level at least 10 feet it is within the ordinance. Second, a sign can be one additional foot in height for each foot set back. Sign is set back 90 feet. Because of the exit immediately after a bridge for traffic traveling south it is advisable to place the sign so it can be clearly visible.

**Case #07-06-02 Discussion and possible action to approve a wall sign for the Spirit Bank Event Center**

The wall sign is in accordance with the ordinance. Staff recommends approval

**Case # 07-06-03 Discussion and possible action to approve a monument sign for Regal Plaza.**

Sign will advertise for the tenants of Regal Plaza. Sign is within ordinance as to height because of the additional set back from the road right of way.(1 ft for each additional foot of set back) Sign will enhance the center. It does have an optec display panel. This is a first for the City of Bixby. We do not have an ordinance that bans optec display panels. It is the opinion of staff that the panel is no more distracting than a LED panel.

**OLD BUSINESS**

**NEW BUSINESS**

**ADJOURNMENT**

**ARCHITECTURAL COMMITTEE  
CITY COUNCIL CHAMBERS  
116 WEST NEEDLES  
MONDAY  
JUNE 18, 2007  
6:00 PM**

**STAFF REPORT**

**Case 07-06-01 Discussion and possible action to approve a monument sign for Cross Creek.**

**Case #07-06-02 Discussion and possible action to approve a wall sign for the Spirit Bank Event Center**

**Case # 07-06-03 Discussion and possible action to approve a monument sign for Regal Plaza**

**Discussion with Mayor Bowen on Ordinance Changes and the Comprehensive Plan.**

**OLD BUSINESS**

**NEW BUSINESS**

**ADJOURNMENT**

# SIGN PERMIT

CITY OF BIXBY

STREET ADDRESS

PROPERTY OWNER <i>Regal Plaza Shoppes</i>		LOT <i>3</i>		BLOCK <i>1</i>	ADDITION <i>Regal Plaza</i>		DATE	No.	
CONTRACTOR <i>Global Sign Solutions</i>		LEGAL DESCRIPTION <i>incubated area N of m.a.e.</i>						OWNER PHONE <i>261-5400</i>	
ADDRESS <i>1889 N 105 E Ave Tulsa OK 74106</i>		SECTION	TWP	RANGE				CONTRACTOR PHONE <i>344-0413</i>	
ELECTRICAL CONTRACTOR								SIGN	
								INSP	
								TOTAL	\$

INSURANCE CO. \_\_\_\_\_ INSURANCE POLICY NO. \_\_\_\_\_

PRINCIPAL STRUCTURE  
 ACCESSORY STRUCTURE

ZONING DISTRICT	DISTRICT	SUP. DIST.	BOARD OF ADJUSTMENT NO.	USE UNIT NO.	USE BY RIGHT <input type="checkbox"/>	INTERPRETATION <input type="checkbox"/>	SPECIAL VARIANCE <input type="checkbox"/>	SPECIAL EXCEPTION <input type="checkbox"/>
LOT INFORMATION	FRONTAGE <i>141</i>	AVERAGE DEPTH <i>200</i>	LOT AREA <i>28,200</i>	LAND AREA				

USE CONDITIONS *Sign For Shopping Center & Event Center & Hotel* ESTIMATED COST \$ *105,000.00*

STRUCTURE SET BACK FRONT (FROM CENTER LINE STREET) *165'* Feet STREET NAME *So memorid. Dr.* SIDE (FROM CENTER LINE CORNER LOT) \_\_\_\_\_ STREET NAME \_\_\_\_\_

SIGN INFORMATION

HEIGHT *40'* ABOVE  GRADE  ROOF WIDTH *20'* LENGTH *23.5'* AREA *470* *Average 15' plaza Area*

FACE MATERIAL *vinyl & acrylic* POLE MATERIAL *Steel* FOUNDATION *Concrete*

TYPE OF SIGN  PORTABLE SIGN  WALL SIGN  GROUND SIGN  ROOF SIGN  FLAG OR BANNER

TYPE OF WORK TO BE DONE  NEW SIGN  ENLARGE SIGN  REPAIR NO EXPANSION  OTHER EXPLAIN \_\_\_\_\_

OFFICER *[Signature]* APPLICANT'S SIGNATURE *[Signature]* INSPECTOR \_\_\_\_\_

NO. OF BUSINESS ESTABLISHMENTS ON LOT *9* HEIGHT OF BUILDING (FOR WALL SIGN) \_\_\_\_\_ Feet WIDTH OF ESTABLISHMENT TO WHICH SIGN RELATES \_\_\_\_\_

OTHER or PROPOSED EXISTING SIGNS	LOCATION	TYPE	TOTAL SQ. FEET
	<i>None</i>		
	<i>None for this Center.</i>		

NOTE: If additional space required, attach separate sheet.

**RECEIVED**  
**MAY 23 2007**  
BY *[Signature]*



28'-0"

20'-0"

18'-0"

12'-0"

ORACAL 8500  
SERIES - #016 CRIMSON

The Shoppes at **Regal Plaza**

**SpiritBank**  
Member FDIC  
**EVENT CENTER**



**Hampton Inn & Suites**

44 1/2" x 69 1/2"  
VISIBLE  
OPENING

FUTURE  
TENANT

FUTURE  
TENANT

FUTURE  
TENANT

FUTURE  
TENANT

FUTURE  
TENANT

8'-0"

7'-2"

40'-0"

62"

6'-0"

8'-0"

MANUFACTURE & INSTALL AN INTERNALLY ILLUMINATED D/F POLE SIGN.  
(X1) D/F L.E.D. CHANGEABLE MARQUE 256 SERIES - 62" X 13'-10" 17mm - 80 x 240 MATRIX  
INTERNALLY ILLUMINATED TENANT PANEL SIGN.



1899 N. 105th East Ave.  
Tulsa, OK 74116  
Phone: (918) 836-5597  
Fax: (918) 836-5614

Global Sign Solutions

"Where Art and Technology Meet"

This Design is submitted confidentially and is not to be shown or described to others nor reproduced in whole or part without our written permission.

CUSTOMER: **REGAL PLAZA**

CITY & STATE: **BIXBY, OK.**

SALESMAN: **R. CRAIG**

DRAWING NO. **2K70516-06**

DRAWN BY: **GARY "PWE" WARD**

SCALE: **1/4" = 1'-0"**

APPROVED BY:

DATE: **MAY 16, 2007**



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

## STAFF REPORT

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner *EE*  
**Date:** Wednesday, April 15, 2015  
**RE:** Report and Recommendations for:  
BSP 2015-04 – “Chateau Villas” – Larry Kester of Architects Collective (PUD 81)

LOCATION:

16-Acre Tract: 8300-block of E. 121<sup>st</sup> St. S.  
7-Acre Tract: 12303 S. Memorial Dr.

SIZE:

23 acres, more or less, in two (2) tracts

EXISTING ZONING:

CS Commercial Shopping Center District, RM-3 Residential Multi-Family District, and OL Office Low Intensity District, & PUD 81

SUPPLEMENTAL ZONING:

PUD 81 “Chateau Villas PUD” and Corridor Appearance District (partial)

EXISTING USE:

16-Acre Tract: Vacant  
7-Acre Tract: Single-family house

DEVELOPMENT TYPE:

Approval of a PUD Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations pursuant to PUD 81 for a

Use Unit 8 multifamily residential and commercial development

ANALYSIS:

By phone conversation on April 14, 2015, Applicant Larry Kester asked that this application be placed on hold. The ordinance effecting the approval of PUD 81 Major Amendment # 1 has not yet been considered by the City Council.

At its March 30, 2015 Special Meeting, the City Council Conditionally Approved the application for PUD 81 Major Amendment # 1 by vote of three (3) in favor, one (1) opposed, and one (1) abstention.

Because the PUD Major Amendment was not ready for approval on at that time, and perhaps also because of the Council's 4:1:1 vote on the application item, (1) the ordinance First Reading and/or approval item and (2) the Emergency Clause attachment items were Tabled or Passed or similar, to be brought back at a later date when the PUD was ready. This matter was to have been on the April 13, 2015 Regular Meeting agenda for an Ordinance First Reading (no action). However, that City Council meeting was Cancelled due to a lack of quorum. Therefore, the Ordinance First Reading is now tentatively scheduled to be placed on the April 27, 2015 Regular Meeting agenda, and then the May 11, 2015 Regular Meeting agenda for an Ordinance Second Reading and possible approval. There is thus no need for an Emergency Clause, and it is not planned to be returned to the agenda unless warranted. The draft Ordinance has been rewritten to remove the Emergency Clause elements and is being advertised in the newspaper for the May 11, 2015 City Council meeting.

If the ordinance effecting the approval of PUD 81 Major Amendment # 1 is approved by the City Council on May 11, 2015, this PUD Detailed Site Plan will be in order for Planning Commission consideration at the May 18, 2015 Regular Meeting.

~~As requested by the Applicant and as recommended by Staff, this item should be Continued to the May 18, 2015 Regular Meeting.~~

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